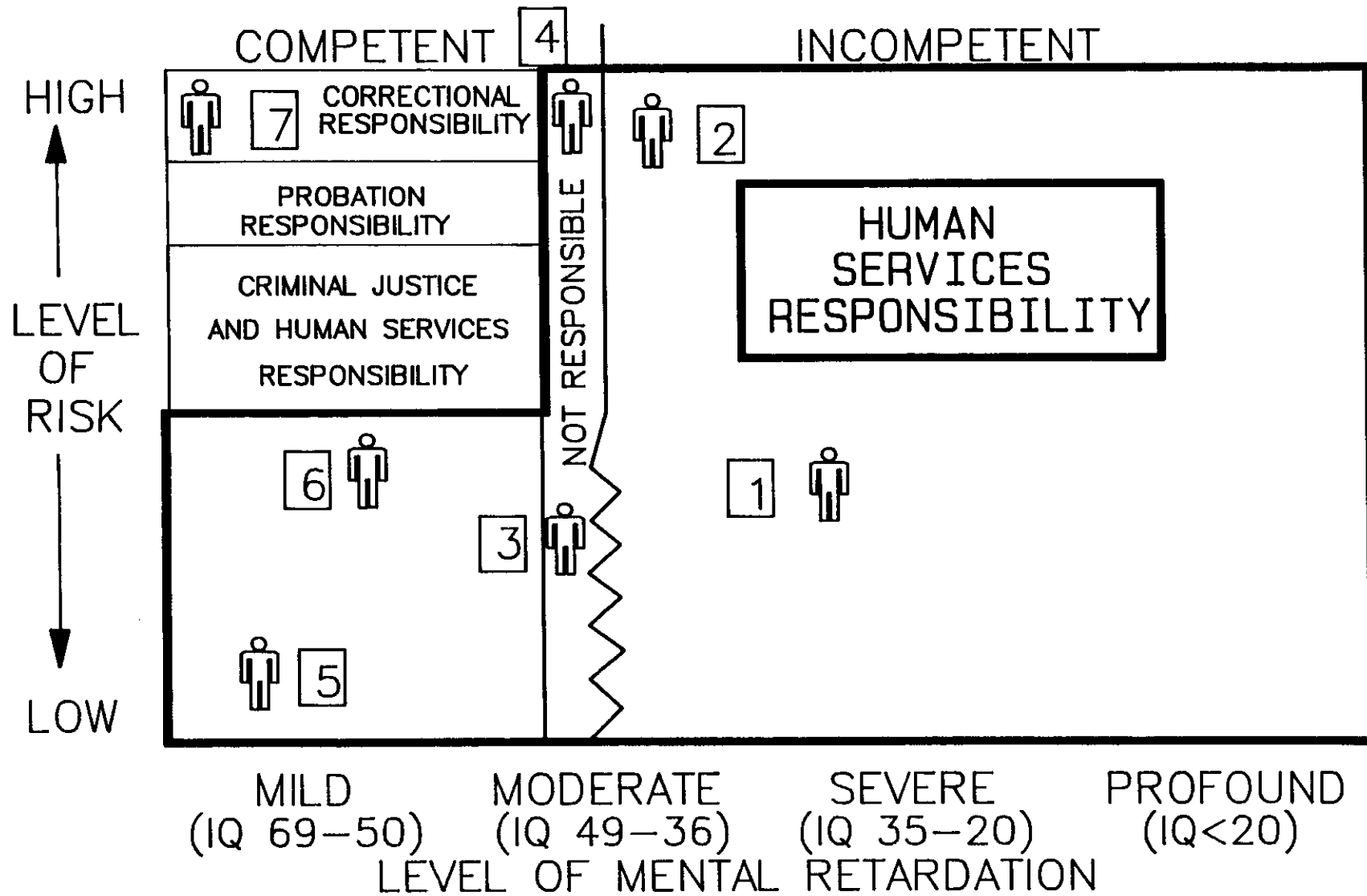


CRIMINAL JUSTICE AND HUMAN SERVICES SYSTEMS RESPONSIBILITY PARADIGM



MENTALLY RETARDED PERSONS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM:

MEET THE CLIENTS

#1 THE EASY INCOMPETENT CLIENT

- 19 years old.
- Black male.
- Charged with Sexual Abuse for allegedly touching the genitals of a 10 year old boy.
- IQ 50.
- Found Unfit to Stand Trial via CPL 730.
- Committed to OMRDD via Temporary Order of Observation (730.40).
- Developmental Center designated to provide care and treatment.
- After 90 days Temporary Order expired; client placed into appropriate community based program.

#2 THE TOUGH INCOMPETENT CLIENT

- 24 years old.
- Hispanic male.
- Charged with Murder and Arson for allegedly setting fire to his roommate's bed while the roommate was asleep in the bed and thereby killing the roommate.
- IQ 69.
- Found Unfit to Stand Trial via CPL 730.
- Committed to OMRDD via Order of Commitment (730.50).
- Designated Secure Unit due to public safety concerns.
- After 90 days OMRDD certified him to be Fit to Stand Trial and returned him to Court.
- Court again evaluated client and again found him Unfit to Stand Trial and returned him to OMRDD custody.
- Client remains in Designated Secure Unit with very little likelihood of movement to a less restrictive setting in the foreseeable future.

MEET THE CLIENTS

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#3 THE EASY NOT RESPONSIBLE CLIENT

- 28 years old.
- White male.
- Charged with Burglary after being the only one of a five person gang found at the scene of a liquor store holdup.
- IQ 62.
- Found Fit to Stand Trial.
- Pled Not Criminally Responsible via CPL 330.20.
- Committed to OMRDD for evaluation.
- Indicated client was mentally retarded but not dangerously mentally disordered.
- Client was committed to regular Developmental Center via the Mental Hygiene Law.
- After three months the client was placed into a Community Residence appropriate to his clinical needs.

#4 THE TOUGH NOT RESPONSIBLE CLIENT

- 37 years old.
- White male.
- Charged with Rape, Sodomy, Sexual Abuse in an incident involving the violent rape of a six year old boy. Client was 22 years old at the time.
- IQ 59.
- Found Fit to Stand Trial.
- Asserted the Defense of Insanity under the former Section 333.20 CPL.
- Committed to Secure Psychiatric Center.
- Transferred from Secure Psychiatric Center to Designated Secure Unit in 1981 as not psychotic, mentally retarded with sociopathic personality.
- Will continue to require a long term secure setting for foreseeable future.

MEET THE CLIENTS

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#5 THE EASY COMPETENT CLIENT

- 17 years old.
- Hispanic male.
- Charged with Petit Larceny for shoplifting \$100 worth of sporting equipment.
- Charges Adjourned in Contemplation of Dismissal (ACD) based upon input from the Developmental Disabilities Services Office (DDSO) that the client would receive continued day programming and additional case management services.

#6 THE TOUGHER COMPETENT CLIENT

- 21 years old.
- White male.
- Charged with Sexual Abuse following an incident of inappropriate consensual sexual touching with a 14 year old girl.
- Client not well motivated to participate in programming either at his workshop or at his residence.
- Found Fit to Stand Trial and Criminally Responsible.
- Based in part on testimony from the DDSO, Court imposed a probationary term with a Condition of Probation that the client participate in the Plan of Care developed for him by the human services agencies.
- DDSO Case Manager accompanies client to probation supervision meeting and provides information on client's participation in Plan.

MEET THE CLIENTS

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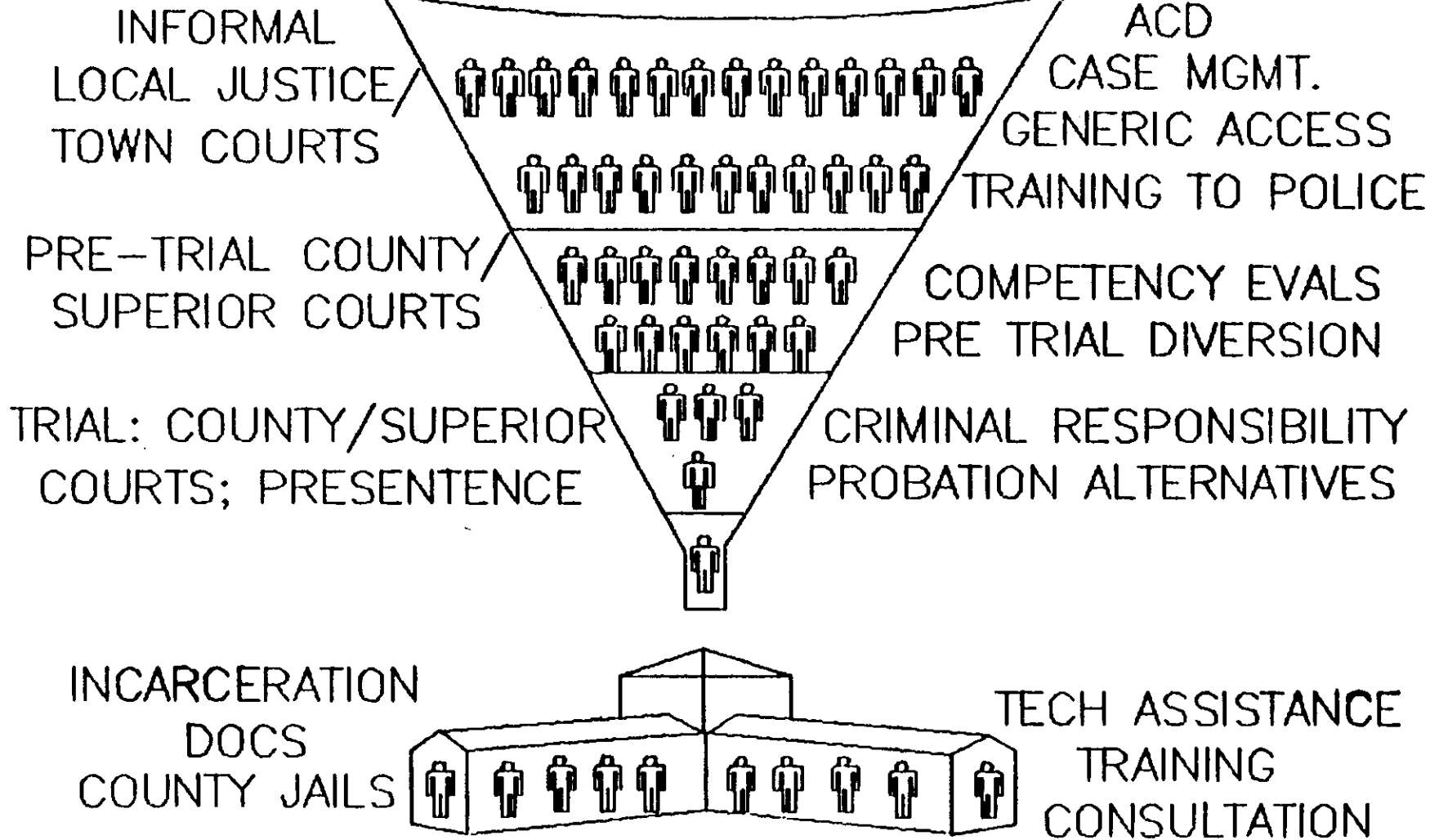
#7 THE COMPETENT CLIENT BOUND FOR INCARCERATION

- 26 years old.
- White male.
- Charged with Arson as a result of setting fire in the Community Residence in which he was residing along with seven other mentally retarded clients.
- IQ 66.
- Client had history of service in every level of OMRDD program including Developmental Center, Community Residences and Secure Unit.
- Efforts by OMRDD to involuntarily retain client in a Secure or Developmental Center setting had been overruled by the Courts on several occasions.
- Found Competent to Stand Trial and Criminally Responsible on Arson charges.
- Found Guilty of Arson and sentenced to five to eight years in State Prison.
- Department of Correctional Services (DOCS) placed him in a Special Needs Unit for mentally retarded inmates.

THE CRIMINAL JUSTICE FUNNEL

CJS STAGES

OMRDD ROLE



**CHARACTERISTICS OF A
MENTALLY RETARDED OFFENDER**

MAY NOT COMMUNICATE AT AGE LEVEL

Limited vocabulary; may have speech defect.
Difficulty understanding or answering questions.
Inability to read or write.
Mimics responses or answers.

MAY NOT BEHAVE AT AGE LEVEL

Prefers younger persons (children) for friends.
Inappropriate interactions with peers or
opposite sex.
Easily influenced by and anxious to please
others.
Difficulty making change, using telephone,
telling time, etc.
Low frustration tolerance.

**MAY NOT UNDERSTAND CONSEQUENCES
OF SITUATIONS**

Doesn't appreciate seriousness of situations.
May not reflect on actions; acts impulsively.
May try to please others and disregard legality of
actions.
A follower, not initiator of criminal activity.

**MAY NOT BEHAVE APPROPRIATELY IN
CRIMINAL JUSTICE SITUATIONS**

May not understand rights.
May be overly willing to confess.
Difficulty recalling facts or details of offense.
Tendency to be overwhelmed by police authority.
May not want disability to be noticed.
Says what he thinks others want to hear.

FOR INFORMATION OR HELP CONTACT:

New York State OMRDD
Bureau of Forensic Services
44 Holland Avenue
Albany, New York 12229
Telephone: (518) 474-6309

**HELPFUL HINTS ON HOW TO DEAL
WITH A MENTALLY RETARDED
SUSPECT, VICTIM, OR WITNESS**

Use simple language: speak slowly and
clearly.

Use concrete terms and ideas.

Avoid questions that tell the person the answer
you expect.

Phrase questions to avoid "yes" or
"no" answers.

When giving Miranda warnings, ask the person
to explain rather than give "yes" or "no"
answers.

Repeat questions from a slightly different
perspective.

Ask for concrete descriptions, colors,
clothing, etc.

Proceed slowly and give praise and
encouragement.

Avoid frustrating questions about time,
complex sequences, or reasons for behavior.

Never make fun of the person; they will sense
it and become less cooperative.

*If you think you are dealing with a mentally
retarded person, free consultation is available
by contacting the New York State OMRDD
Bureau of Forensic Services or the local
Forensic Liaison listed below.*