
JAIL BULLETIN

NUMBER 5

MAY 1985

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THE MENTALLY RETARDED INMATE

Occasionally, jail staff have to deal with an incident where an inmate's behavior is out of control (or a threat) or is non-violent but nonetheless abnormal and disruptive. While the sources of such anti-social behavior are various--including drug use, mental illness, stress, and alcoholism--these conditions should not be confused with mental retardation. The mentally retarded offender should be sized-up, carefully evaluated at admission, and classified in a manner that recognizes and allows for their intellectual limitations.

While approximately 3 percent of the general population is mentally retarded, it is estimated that about 10 percent of legal offenders are mentally retarded. Several reasons can be given for this statistical imbalance:

- It may be due to persons with retardation lacking understanding of the criminal justice system, which increases the probability that they will be arrested and placed in custody.
- Many inmates with mental retardation are provided minimal or no legal representation. A survey reported that 7.7 percent of all inmates with mental retardation are not represented by legal counsel in court.
- The cognitive limitations of the mentally retarded make it more likely that they will incriminate themselves unknowingly and not understand the implications.

Mental retardation is defined by the American Association on Mental Deficiency (AAMD), a professional organization dedicated to helping understand and treat mental retardation, as follows:

Mental retardation refers to significantly sub-average general functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period.

Therefore, mental retardation refers to an inability to learn and perform well in social circumstances. This condition usually surfaces as a problem before an individual is 18 years old. Individuals with mental retardation are characterized as having deficient problem-solving skills and immature behavior patterns. This may be evident by difficulty in solving basic everyday problems such as handling money. Also evident may be an overzealous desire to please and be liked which usually leads to being easily manipulated by others. They may become overly-involved in hugging and touching and seeking affection.

CHARACTERISTICS OF MENTAL RETARDATION

Although different types of people with mental retardation commit crimes, a general profile of the typical mentally retarded offender would describe a male in his late 20's or early-30's, a dropout with educational skills at the second or third grade level, usually from a low-skilled occupation, and assessed as mildly retarded. Two factors about mentally retarded (MR) offenders emerge as meaningful when we try to gain a better understanding of the characteristics of the MR offender.

SOCIAL: The MR offender is usually classified as mildly retarded or of borderline intelligence. MR offenders are usually several years older than non-retarded inmates which make up their peer group. They are usually high school drop-outs who did attend special education classes and their educational skill level was that of second or third grade level. Economically, they are often at the poverty level since employment tends to be in the unskilled areas.

PERSONALITY: The personality traits of mentally retarded offenders may include the following:

- A tendency to look to others for approval of their behavior due to low self-esteem;
- An inability to tolerate frustration or delayed gratification;
- A tendency to be easily persuaded and can, on occasion, become demanding in order to secure personal attention; and
- A low level of motivation, coupled with a difficulty in developing meaningful relations with others.

CAUSE OF MENTAL RETARDATION

While it is not possible to determine one specific cause for mental retardation it can be noted that there are more than 200 different reasons which have been identified for this condition. They range from poor embryo development to disease contracted by the mother during gestation. Examples are brain injury, malnutritic accidental exposure to toxic materials, and drug/alcohol addiction. There is currently no known cure for mental retardation. However, most MR people can benefit from educational programs.

MENTAL RETARDATION VS. MENTAL ILLNESS

It is important that mental retardation not be confused with mental illness. Mental retardation refers to sub-average intellectual functioning with impairments in social adaptation. The social skills of the mentally retarded are related to their intellectual ability and maturational level. In other words, they display behaviors that are rational, but are similar to younger non-retarded persons. In contrast, the mentally ill may or may not demonstrate sub-average intellectual functioning. Their behavior patterns often vary between normal and irrational. This range of varying behavior stems from the emotional instability of the mentally ill. For instance; an MR individual generally does not engage in violent behavior except in those situations that provoke violence in non-retarded persons. On the other hand, the mentally ill persons, reacting to their distorted perception of situation, may become violent at unpredictable times.

CEREBRAL PALSY

Cerebral palsy is another developmental disorder. It is a persistent, but changing, disorder of muscular control and sensory functions caused by a dysfunction of the brain that occurs in its developmental period. Cerebral palsy is characterized by motor malfunctions as awkwardness in walking, involuntary and uncontrolled movements, seizures, or poor balance and may be accompanied by impairments in sight, hearing, and speech. People who have cerebral palsy often have normal intelligence and are sometimes quite gifted. Some, however, do suffer from mental retardation. The important point to stress is that motor control and sensory problems are often mistaken for indications of mental retardation.

WHAT TO LOOK FOR AT BOOK-IN

The specific diagnosis of mental retardation is very difficult in a jail environment. The new inmate is usually evaluated very quickly and the course of action taken can result in the improper identification and disposition of the detained individual.

Chances of an accurate determination being made are enhanced by an alert examination during the book-in process. Specific attention must be given to the following four areas:

- o APPEARANCE: Signs of lower functional ability center around the following:
 - Poor coordination
 - Improper seasonal dress
 - Dressed inappropriately for their age
- o COMMUNICATION: In considering the possibility of retardation, look and listen for the following clues;
 - Speech impediment
 - Response lag while talking
 - Inappropriate answers
 - Unable to respond to "rapid-fire" questioning (such as questioning on medical Screening Form)
 - Difficulty answering "open ended" questions where a response other than "yes" or "no" is appropriate

- o ADAPTIVE BEHAVIOR: The tip-off to the retardation of an individual is a lack of adaptive behavior skills, these indicators may include:
 - Inappropriate displays of physical affection
 - Inappropriate actions relative to chronological age
 - Association with others whose age is inappropriate
 - An exaggerated desire to please

- o EDUCATION BACKGROUND: The educational level of the individual is important to the interviewing officer. Indications that the individual is retarded include the following:
 - Individual attends special classes
 - Cannot find their name in the phone book
 - Works in a sheltered workshop
 - Does not know their street address
 - Cannot make change
 - Cannot name or spell the days of the week or the months of the year

(NOTE: Some mentally retarded individuals have excellent "splinter" skills or are "street wise" and may be able to perform some of the above tasks and responses better than the average person. A careful analysis of all four areas (appearance, communication, adaptive behavior, educational background) will be necessary for an accurate determination of the person's functional abilities.)

Interviewing a retarded person may be a difficult task and will require patience to overcome the communications barrier and to alleviate the person's exaggerated fears. Rapid-fire questioning may cause confusion and withdrawal, and, if the person withdraws, they may not respond to any questions. An objective, patient, understanding manner is the best approach to gain cooperation from the MR person. Officers must be sensitive to and respect the basic legal as well as human rights of the retarded person.

THE MENTALLY RETARDED INMATE IN YOUR JAIL

An inmate with mental retardation is generally more susceptible to physical, sexual, and mental abuse by other inmates. There are steps you can take to prevent this. Keep in mind that every case is different and options vary depending on classification possibilities available in your jail, services available in your community, staff limitations, etc. If a person with mental retardation cannot be released from your jail, consider the following:

- INITIAL ISOLATION, until an accurate assessment can be made concerning the inmate's ability to function with other inmates.
- INCREASED SUPERVISION, especially if the MR inmate must be placed with other inmates.

STAFF AWARENESS, all staff should be informed of the situation.

The following agencies may be able to help with a mentally retarded inmate to provide information, assistance, or referral services. It is suggested that contact be made with these agencies prior to having an MR inmate in your jail so you know what services they offer.

HOTLINE FOR THE HANDICAPPED - 1-800-742-7594

NEBRASKA ADVOCACY SERVICES - (402)472-2544

REGIONAL MENTAL RETARDATION PROGRAMS

ASSOCIATION OF RETARDED CITIZENS (If there is one in your area)

--Adapted from material provided by:
Jay Kucera, Correctional Training Office
Lancaster County Department of Correction

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of inservice training each year. The Jail Bulletin may be used to supplement inservice training if an officer studies the bulletin, completes the quiz, and this process is documented by the jail administrator for review during annual jail inspections.

SUBJECT: MENTALLY RETARDED OFFENDERS, #5 NAME: _____

DATE: _____

- 1) Most retarded inmates can be classified as:
 - a) Severely retarded
 - b) Mildly retarded
 - c) Profoundly retarded
 - d) Moderately retarded

2. The four areas used to evaluate an individual are:
 - 1) _____
 - 2) _____
 - 3) _____
 - 4) _____

- 3) Cerebral Palsy is a developmental disability but differs from mental retardat because the individual often has normal intelligence.
 - a) True
 - b) False

- 4) List two causes of mental retardation:
 - 1) _____
 - 2) _____

- 5) Mentally retarded individuals can benefit from educational programs.
 - a) True
 - b) False

- 6) Mentally retarded offenders are almost always mentally ill.
 - a) True
 - b) False

- 7) Two procedures that can be taken with mentally retarded inmates are:
_____ and _____

CREDIT: 1/2 hour credit for Jail Inservice Training requirement

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ANSWER SHEET SHOULD BE RETAINED BY JAIL ADMINISTRATOR OR TRAINING OFFICER

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