

Criminal Justice and Persons with Cognitive Disabilities

Mary U. Eberle, J.D.

Katie Heffernan, LCSW



Criminal Justice and Persons with Cognitive Disabilities

• Goals for Today:

- Enable you to better protect and serve a vulnerable population in your communities
- Provide better understanding of persons with cognitive disabilities
- Provide you with tools to help assess and work with people who have cognitive disabilities
- Provide you with resources
- Answer your questions



Criminal Justice and Persons with Cognitive Disabilities

- **Cognitive Disabilities-**
 - Those that prevent a person from:
 - **Understanding**
 - **Processing**
 - **Remembering**
 - **Communicating**

Criminal Justice and Persons with Cognitive Disabilities

- **Common Causes of Cognitive Disabilities**
 - **Intellectual disability/mental retardation**
 - **Caused by genetic defect, birth injury, or injury/disease during childhood**
 - **Cerebral Palsy**
 - **Can be accompanied by intellectual disability**
 - **Muscle spasms may make communication or compliance with police requests difficult**
 - **Epilepsy**
 - **Characterized by seizures caused by disruption of electrical activity in the brain**
 - **Aftereffects of seizure can mimic drunkenness and/or impair ability to communicate or comply**

Criminal Justice and Persons with Cognitive Disabilities

- **Common Causes of Cognitive Disabilities**
 - **Autism**
 - Various forms characterized by inability to relate to others
 - Can include intellectual disabilities (not always)
 - Poor social interaction and communication skills
 - **Traumatic or Acquired Brain Injury**
 - Can affect different parts of the brain
 - Can result in different impairments
 - **Stroke**
- **All are conditions which require accommodation under the Americans with Disabilities Act (ADA)**



Criminal Justice and Persons with Cognitive Disabilities

- **Characteristics of Persons with Cognitive Disabilities**
 - **Slow mental functioning**
 - **Difficulty in communicating**
 - **Limited vocabulary**
 - **Limited ability to read and/or comprehend written material**
 - **Literal understanding of words used**



Criminal Justice and Persons with Cognitive Disabilities

- **Characteristics of Persons with Cognitive Disabilities**
 - **Poor short term memory**
 - **Difficulty with abstract concepts (money, time or motive)**
 - **Perseveration (getting stuck on something)**
 - **Lack of social skills**

Criminal Justice and Persons with Cognitive Disabilities

- **Characteristics of Persons with Cognitive Disabilities**
 - **Easily manipulated by others**
 - **Desire to please, particularly those in authority**
 - **Limited understanding of effects of actions and consequences**

Criminal Justice and Persons with Cognitive Disabilities

• Tools for a Quick Assessment

- Ask for identification**
 - Lack of driver's license or possession of DMV non-driver ID may indicate disabling condition

- Ask if person has a disability**
 - But, many people with cognitive disabilities will deny this
 - Due to stigma, vulnerability, desire to "fit in"

- Ask person to read paragraph from newspaper**
 - Then have them tell you what it said in their own words

Criminal Justice and Persons with Cognitive Disabilities

• Tools for a Quick Assessment

- Ask person to count handful of coins**
 - Then ask them to tell you how much is there
 - Ask them to add or subtract an odd amount

- Ask person to tell time on an analog clock**
 - Or ask them to add or subtract a certain number of minutes from the current time

Criminal Justice and Persons with Cognitive Disabilities

- **Tools for communicating with persons with cognitive disabilities**
 - **Try to calm them down**
 - Stay calm yourself
 - **Use simple sentences and basic words**
 - Be aware of words having more than one meaning
 - **Give one idea or command at a time**

Criminal Justice and Persons with Cognitive Disabilities

- **Tools for communicating with persons with cognitive disabilities**
 - **Use “what” or “who” related questions as much as possible**
 - **Avoid “why” or “when” related questions**
 - Relate an event to another known event to determine time
 - **Avoid questions with “yes” or “no” answers**

Criminal Justice and Persons with Cognitive Disabilities

- **Tools for communicating with persons with cognitive disabilities**
 - **Break complicated questions into smaller pieces**

 - **Ask important questions in different ways to verify understanding**
 - **Their understanding of your question**
 - **Your understanding of their answer**

 - **Provide plenty of time for them to answer**
 - **Some disabilities make quick communication impossible**