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Research in Developmental Disabilities
24 (2003) 210–230

Research
in
Developmental
Disabilities

Recidivism among offenders with developmental disabilities participating in a case management program

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Received 8 October 2002; received in revised form 20 November 2002; accepted 30 January 2003

Abstract

This study examined recidivism, defined as arrests, among 252 clients who were accepted into a case management program for offenders with developmental disabilities. Overall, 40% of clients were arrested while participating in the program, and 34% were arrested within 6 months after case closure. The crimes for which clients were arrested tended to be minor: 21% were for probation or parole violations not associated with new criminal acts, 39% were for misdemeanors, 27% were nonviolent felonies, and 12% were for felonies against persons. Clients who completed the program ($N = 115$) were less likely to be arrested after case closure than those who dropped out of the program ($N = 112$), 25 and 43%, respectively. Other factors associated with arrests after case closure included having a developmental disability other than mental retardation, living in an urban area, being referred to the program by a criminal justice agency or through a private referral rather than a social service agency, and being arrested while in the program. Implications are discussed for service provision and evaluation of programs that work with offenders with developmental disabilities.

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Keywords: developmental disabilities; mental retardation; offenders; recidivism; arrests; case management

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Persons with mental retardation and other developmental disabilities who enter the criminal justice system face considerable adversity. If arrested, they may not understand their Miranda rights; therefore they may confess quickly whether or not they actually committed the crime, reacting to friendly suggestions or intimidation and saying only what they think a person wants to hear (Biklen, 1977; Ellis & Luckasson, 1985; Petersilia, 1997; Santamour, 1989). They may have difficulty communicating with their attorneys, which lessens the effectiveness of their defense (Ellis & Luckasson, 1985; Santamour, 1989). They are less likely to receive a reduced charge through plea bargaining, and, if convicted, they are more likely to be incarcerated because judges and prosecutors often view them as poor candidates for probation (Petersilia, 1997; Santamour, 1989). While in prison they are unlikely to receive treatment or rehabilitation services (Biklen, 1977; Ellis & Luckasson, 1985; Petersilia, 1997; Santamour, 1989). They have greater difficulty adjusting to prison life and are likely to be exploited by other inmates (Biklen, 1977; Ellis & Luckasson, 1985; Petersilia, 1997; Santamour, 1989). They are less likely to be paroled because of rule infractions incurred due to their inability to grasp the routine and rules and regulations of prison life (Biklen, 1977; Ellis & Luckasson, 1985; Petersilia, 1997; Santamour, 1989). Finally, once released into the community, they have a high rate of arrest and reconviction (Day, 1993).

In light of these circumstances, communities have developed a range of programs to assist offenders with developmental disabilities at the pretrial and post-conviction phases of the criminal justice process (Association for Retarded Citizens, 2001; Conley, Luckasson, & Bouthilet, 1992). We reviewed those programs dedicated to working with offenders with developmental disabilities who have been convicted of a crime and reside in the community, typically on probation or parole. The following examples illustrate the variation in how these programs are funded and administered.

Pima County, Arizona, operated a special probation program for offenders with developmental disabilities that included three probation officers with degrees in both special education and corrections who were assigned small caseloads to increase the amount of contact time with probationers (DeSilva, 1980; Walters, 1982). The Developmental Disability Offenders Program, sponsored by the Association of Retarded Citizens (The Arc) of New Jersey, provided, among other things, case management services to offenders residing in the community (Lustig, 1998; Petersilia, 1997). Nebraska's Planning Council on Developmental Disabilities created a case management program for this population (DeMoll, 1992; Morton, Hughes, & Evans, 1986). A collaborative effort between a private nonprofit agency, a community social service agency, and the Massachusetts Parole Board created the MassCAPP Project, a residential program for offenders with mental retardation who are on parole (Gardner & Krauss, 1982). Probably the best-known program for this population is the Lancaster County Mentally Retarded Offenders Program, located in Lancaster, PA (White & Wood, 1986; Wood & White, 1992). A team of specially trained probation and parole officers and case managers worked together to assist offenders with mental retardation in completing probation and parole.

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