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OSERS

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Richard W. Riley Joins Department as Secretary of Education

On December 21, 1992, President Bill Clinton nominated Richard Wilson Riley for the post of U.S. Secretary of Education. After confirmation hearings, during which many Senate committee members expressed their unequivocal support of his nomination, Riley was confirmed by unanimous consent on January 21, 1993. Riley was sworn in as the sixth Secretary of Education on January 22, 1993.

Dick Riley was born in Greenville County, South Carolina on January 2, 1933. He received a bachelor's degree cum laude in political science from Furman University in 1954. He served for two years as an officer on a mine-sweeper in the United States Navy. In 1959, Riley received his law degree from the University of South Carolina School of Law. He served as legal counsel to the Judiciary Committee of the United States Senate until he joined his family's law firm in 1960. Before becoming governor in 1978, Riley served as a South Carolina state representative from 1963 to 1967, and from 1967 to 1977 as state senator.

In 1980, the people of South Carolina voted to amend the state constitution, which enabled Riley to be the first person in modern South Carolina history to run for a second term as governor. In 1982, he was re-elected to a second four-year term.

As governor of South Carolina, Riley made an indelible mark on public education and gained a national reputation as a leader in the area of quality education reform. He initiated and led the fight for the Education Improvement

Act (1984), which, according to a Rand Corporation study, was the most comprehensive education reform measure in the country. He was a nationally recognized leader in the areas of public education reform, nuclear waste disposal, and preventive health care. His administration was marked by conservative fiscal management of government and remarkable progress in job development, quality education, aggressive protection of the environment, and improved health care for all people. In a 1986 *Newsweek* poll of the nation's governors, Governor Riley was ranked the third most effective governor by his colleagues.

Dick Riley has received a number of state and national awards including, three times, the South Carolina Education Association's Friend of Education Award, the 1983 Government Responsibility Award from the Martin Luther King, Jr. Center, and the 1981 Connie Award for special conservation achievement by the National Wildlife Federation. Riley has also served on numerous boards and commissions, including the National Assessment Governing Board, the Carnegie Foundation Task Force on Meeting the Needs of Young Children, and the Duke Endowment. In 1990, Riley served as an Institute Fellow at the John F. Kennedy School of Government at Harvard University.

Before joining the Clinton Administration, Riley was a senior partner with the South Carolina law firm of Nelson, Mullins, Riley & Scarborough. He is married to the former Ann Osteen Yarborough. They have four children. ♣

**Innovations
in Special Education and
Rehabilitation**

*Volume V, Number 3
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United States Department of
Education

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Training Criminal Justice Personnel to Recognize Offenders with Disabilities



Courtesy Ken Curry

Keith L. Curry, Ph.D.

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The Research Foundation of
The State University of New York
and Exceptional Education
Department, State University
College at Buffalo

Introduction

One needs only to read the daily newspaper to see that the growth in the rate of individuals who have been arrested and sentenced is climbing at a higher rate than the available cells in local, county, state, or federal correctional facilities. Most correctional facilities at all levels are at or above capacity, with occupancy rates ranging from 100 to 150 percent. The numbers in Table 1¹ reflect *adult* prison population growth over the past twenty years and are also indicative of the recent surge in jail and prison construction.

Number Incarcerated in Federal and State Facilities

1970	196,429
1980	315,974
1988	581,609

As of December, 1991

• State facilities	751,806
• Federal facilities	71,608
• Local, city, and county facilities	422,609

Current Total	1,246,023
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These figures reflect a 28 percent increase in adult facilities since December 1988. Equally alarming is documentation that in 1987, the latest year for which there are figures, there were 91,646 individuals held in public and private *juvenile* facilities. This figure is undoubtedly approaching 100,000 at this date, with the percentage increase in juvenile facilities paralleling that in adult facilities.

According to 1990 figures from the U.S. Department of Justice, more than 79 percent of all new admissions to prisons in the United States are under 35 years of age; 37.5 percent are 24 years and under; and the median age of all admissions is 27 years. (*Sourcebook of Criminal Justice Statistics*, 1990, K. Maguire and T. Flanagan, Eds.). There is a growing trend to incarcerate in adult prison facilities youth under 18 years of age who have committed serious crimes. There has also been a significant increase in the number of females incarcerated. In addition to the 1,236,023 incarcerated, there are 2,670,234 individuals on probation and parole.

Jail and prison overcrowding is of prime concern in most states, both from a humane and from an economic standpoint. Overcrowded conditions coupled with the severe budget cutbacks in most states frequently result in a warehousing atmosphere, with a decrease in educational programming and an increase in facility violence. It has become clear to professionals, both in special education and in corrections, that thousands of individuals with disabilities reside within the local, state, and federal prisons and jails.

The Problem

Prevalence figures on incarcerated adults with retardation have ranged from 3.6 percent to 30 percent (Brown and Courtless, 1971; Smykla and Willis, 1981; Santamour and West, 1979; and Rockowitz, 1985). If individuals with learning disabilities were included in those studies, the preva-

lence of incarcerated individuals with disabilities would be much higher. The prevalence of incarcerated *youth* with disabilities ranges from 12 percent to 70 percent according to Hockenberry (1980) and Murphy (1986). Rutherford, Nelson, and Wolford (1985) estimated that the average number of offenders with disabilities in state juvenile correctional programs was 28 percent, with 10 percent the average in state adult correctional facilities. According to the Criminal Justice Sourcebook cited above, more than 62 percent of admissions to prisons are African American or Hispanic.

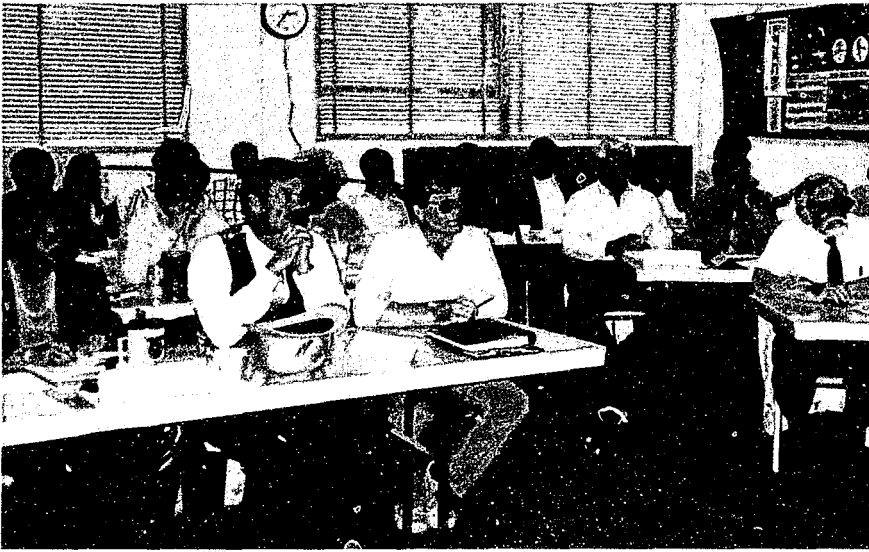
From 1985 to 1987 the authors screened 1,716 individuals in local jails in Erie and Niagara counties in New York (Development Disabilities/Criminal Justice Project) and found, conservatively, that 5.3 percent were mildly retarded, with very strong evidence of at least another 5 percent being learning disabled. Of those diagnosed as having disabilities, 98.9 percent were school dropouts. More than 66 percent were reading at or below the second grade level. The individuals identified with disabilities in the DD/CJ Project had arrest records ranging from 1 to 30 priors. Without intervention, they were destined to continue to pass through the revolving door of the jail and prison system again and again.

Using a conservative prevalence figure of 10 percent and extrapolating it to the national adult prison population, one could estimate that nationwide approximately 120,000 incarcerated individuals have disabilities and that approximately 45,000 of them are 24 years of age or younger. The primary disabling conditions included in this number are mild retardation and learning disabilities, which are often "hidden" disabilities. Using the same 10 percent figure, one would expect to find another 260,000 individuals with disabilities on probation and parole. Additionally, there are probably another 28,000 youth with disabilities in juvenile facilities. Excluded from these

disability figures are those whose primary problem is some form of serious emotional disturbance.

From our experience, we know the following about offenders who are mildly retarded or learning disabled when they encounter the criminal justice system.

- They are unrecognized at first contact because the offender with mild retardation or learning disabilities has no physical anomaly and often is verbal enough to give the impression of being nondisabled.
- They often have a desire to please authority figures or peers, resulting in a vulnerability to suggestion. They are often talked into committing a crime; are still on the crime scene when authorities arrive; confess whether guilty or not, saying what they think a person wants to hear. While incarcerated, they are prone to be victims—socially, sexually, and economically.
- They are most often arrested for petty "nuisance" crimes over and over again, clogging up an already overcrowded system.
- They have limited ability to assist in their defense. There is little plea bargaining to reduce charges; therefore, they are convicted of the offense for which they were arrested, unlike most other detainees.
- Lack of response is often misconstrued as defiance or noncompliance, thus they are often given longer sentences than nondisabled peers for the same crime.
- Appeals are sought less frequently, and post conviction relief is requested in very few cases.
- They are considered poor prospects for probation and other alternatives to incarceration, despite evidence that this type of sentence is more effective for them in reducing recidivism.



Courtesy Ken Cherry

- While incarcerated, they have difficulty adjusting to routine and learning regulations, thereby accumulating rule infractions and write ups. This lessens their chances for extra canteen, extra free time, a choice job, a good cell, or time off for good behavior while in the institution, and lessens their chance for parole.
- They rarely take part in rehabilitative work or education programs, often because programs offered are not appropriate for those individuals who are learning disabled or mildly retarded, and also because of their desire to "pass" as normal. As a result, most of their time in prison is spent in menial tasks or meaningless activity.

It is obvious from the sheer numbers of those with disabilities who are in the criminal justice system that education is needed to help professionals recognize mildly retarded and learning disabled individuals, to interact effectively with them, and to deal with them more appropriately when they are incarcerated. In fact, many criminal justice system professionals are actively seeking assistance in managing a population for which they have had no training. There is also a need to begin to formulate transition plans to the agencies before

release and to prepare criminal justice personnel to refer individuals to community agencies upon release.

Project Design

In 1987-90, with funding from the U.S. Department of Education's Office of Special Education and Rehabilitative Services, the authors developed materials that were designed for pre-service and in-service education for corrections, law enforcement, sheriffs' departments, youth counselors, probation officers, and others in the criminal justice system. The Effectively Communicating with Handicapped Offenders (ECHO) training materials consist of eight videotapes, each with a supporting manual.

Subsequent to the development of the ECHO materials in 1990, funding was received from the Office of Special Education and Rehabilitative Services to disseminate the materials to train criminal justice personnel in 15 states over a three-year period. ECHO is a train-the-trainer program consisting of four days of training³ on mild retardation and learning disabilities, and a specific type of serious mental illness. State leadership personnel in criminal justice fields arrange for and facilitate ECHO training, and choose key trainers in corrections, youth facil-

ities, sheriffs' departments, and law enforcement to participate. The ECHO Project provides each central office professional and each trainer completing the program with a set of the training materials for his or her facility or agency. In return, these trainers make a commitment to use the materials to train rank and file personnel in their unit. The number of all individuals trained, along with evaluative data, is entered into a data base.

Figure 1 shows the states where training has taken place in the first two years and the number of professionals trained in each state. With the assistance of the New Mexico Developmental Disabilities Planning Council, training was conducted in an eleventh state in the second year. The map also shows the states that have committed to training in the third and final year of the project. Training has already occurred in Iowa. Because of the size of the state, two trainings will be held in California.

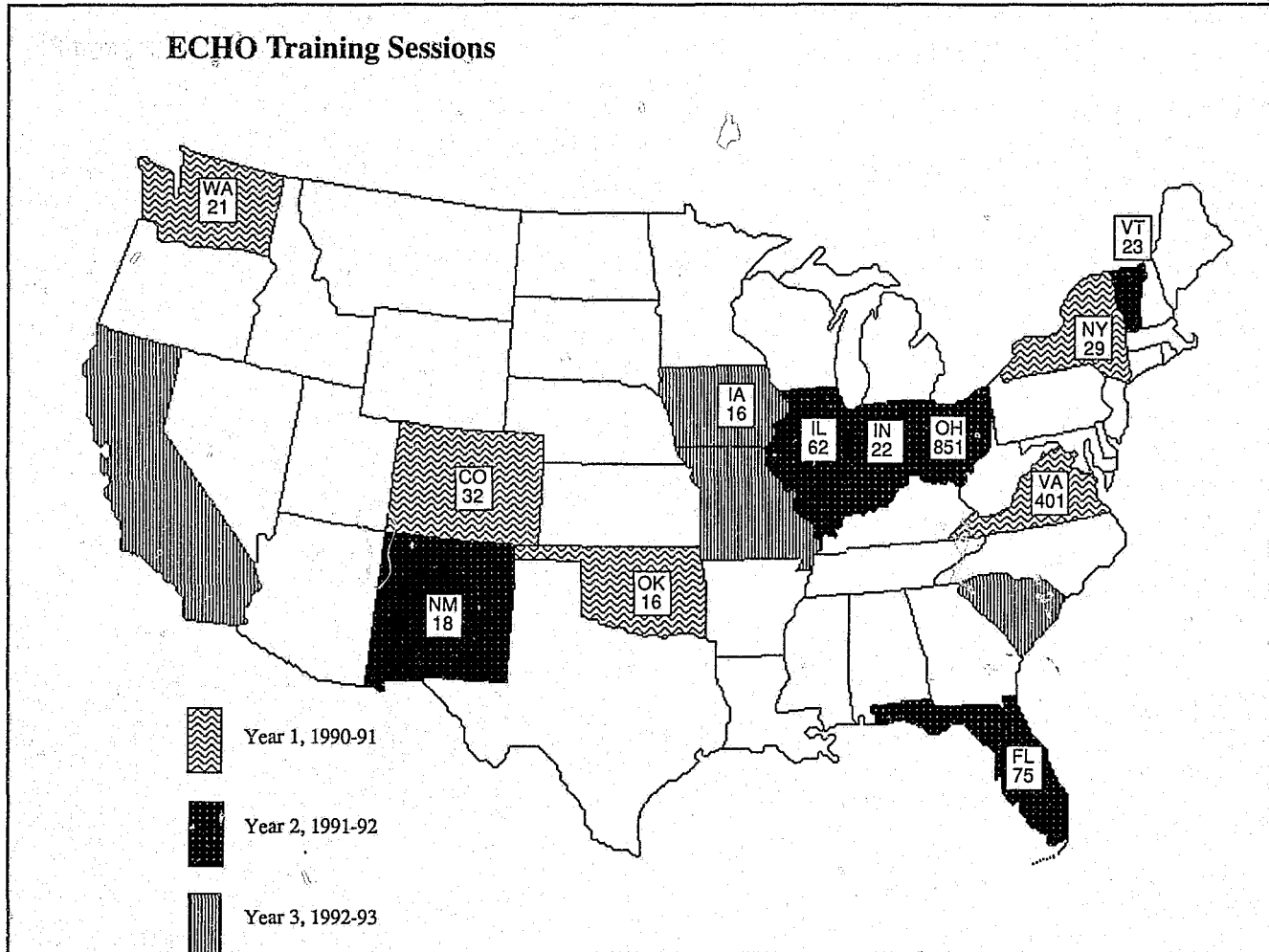
The purposes of the ECHO training and dissemination are to:

- increase the ability of criminal justice personnel to recognize the characteristics of individuals with mild retardation or learning disabilities;
- increase the ability of criminal justice personnel to differentiate between individuals with mild retardation, those with learning disabilities, and those with serious mental illnesses;
- improve the ability of rank and file criminal justice personnel to interact effectively with and manage individuals with disabilities; and
- increase the referrals of those with suspected disabilities to programs within the corrections system and to community agencies upon release.

Findings

The evaluation questions upon which ECHO Project data are being gathered are:

ECHO Training Sessions

**Evaluation Question 1:**

Did the activities occur as proposed?

Evaluation Question 2:

How many central office/leadership personnel were trained by the project staff each year?

Evaluation Question 3:

How many trainers were trained in the use of ECHO training modules during each year of the project in each participating site?

Evaluation Question 4:

How many criminal justice personnel were trained by the trainers each year at each participating site?

Evaluation Question 5:

Was the training provided to the site central office/administrative personnel effective?

Evaluation Question 6:

How effective was the training provided to the trainers at each site?

Evaluation Question 7

To what extent did the training provided to criminal justice personnel at each site affect the identification of individuals with disabilities?

Evaluation Question 8:

To what extent did the training provided to criminal justice personnel affect their interactions with individuals with disabilities?

At each training session held by the authors, all participants are asked to evaluate the materials and the presentations. To put evaluation of the sessions and the materials in better perspective, it should be noted that the evaluators

are, for the most part, from paramilitary organizations, have no background in disabilities, are resistive, sometimes almost hostile, at the beginning of the training sessions, but are enthusiastic supporters by the end of the fourth day. While attitudes are always difficult to change, preliminary data indicate the training sessions have been effective.

The training has been very successful and very productive from an education standpoint. An additional benefit is that the training has also been instrumental in initiating and fostering networking between the criminal justice agencies and community agencies serving those with disabilities. The ECHO training sessions have been attended by individuals from a wide variety of disciplines in criminal jus-

tice, all of whom are eager to interact with other professionals to alleviate common areas of concern. Professions represented at sessions held to date have included the following:

- corrections officers
- correctional educators
- law enforcement officers
- correctional counselors
- sheriffs' deputies
- social workers
- probation officers
- psychologists
- youth counselors
- corrections nurses
- police psychologists
- hostage negotiators
- case managers
- criminal justice

This networking has given rise to the beginning of programs to transition individuals with disabilities successfully from prison to communities.

Evaluation questions 7 and 8 ask whether line staff trained have actually improved their interactions with offenders with disabilities and whether they have begun to identify and refer. Questionnaires developed by the project relating to evaluation questions 7 and 8 have been shared with those already trained. Because it takes from six to twelve months' advance notice for the trainers to schedule their sessions in the training academies, no data on these critical questions have yet been received, but data are expected sometime this year.

One comment voiced by professionals in the developmental disabilities field is that the materials sometimes deviate from currently used "person first" terminology. This is valid, since the materials were developed prior to the adoption of person first terminology as the standard.

Conclusions and Recommendations

Leadership personnel in law enforcement, corrections, divisions for youth, and probation are very receptive

and even anxious to receive information on how to identify offenders with mild retardation and learning disabilities. The Effectively Communicating with Handicapped Offenders (ECHO) materials and training have been very well received in the eleven states in which training has taken place. It remains to be seen to what degree line staff will act on their training and increase their identification and referral of those offenders suspected of having disabilities. It is clear that prior to the ECHO training in the 11 states, there was little or no identification of people who are mildly retarded or learning disabled in corrections, law enforcement (including the courts), or probation and parole. Thus, appropriate education programs were minimal or nonexistent. There was little transitional planning for post release to the communities, and few community service agencies were involved with the offender after release.

These situations can improve only if the offender with disabilities is identified early and at every stage in the criminal justice system. The ECHO training and dissemination project will have made this possible in 15 states by the end of 1993. More education on mild retardation and learning disabilities is needed at every level of the criminal justice system. Human service agencies must be encouraged to provide service to this population and to assist corrections, the courts, probation, and parole in transitioning individuals into meaningful community education and vocational pursuits. Appropriate educational and vocational training programs must be established in correctional settings. Of course, targeting youth with disabilities who are at risk of becoming offenders while they are still in school could deter many from entering the criminal justice system in the first place. At \$25,000 to \$30,000 per year to support a person in incarceration, and \$100,000 to build a cell, it would seem fiscally and socially sound to expand these pursuits. †

NOTES

¹From the U.S. Department of Justice, collected from a National Jail Inmate Survey and the National Prisoner Statistic Reporting System, in cooperation with the Federal Bureau of Prisons.

²Two terms commonly used in criminal justice systems are "training," to describe education, and "management," to describe interactions with inmates.

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