

Through the cracks

**Youth with intellectual developmental disorders
in the criminal legal system**

**Recent examples from Cumberland County's
Mental Health docket**

Baby boy Three: from victim to perpetrator

Ages 8 to 11: victim of alleged assaults, sexual and emotional abuse by family;

Removed to the care of grandparents.

13 yo (year-old): victim of alleged assault by cohort member at mental hospital.

Shifts to also a perpetrator (with mental capabilities ~10 yo)

13 yo -18: Serious JV (juvenile) felonies plus misdemeanors (burglary; aggravated assault, thefts);

Moves out of county, conduct continues (numerous cases), returns as an adult.

3 current adult criminal cases (firearm by a prohibited person; unauth use of a MV (motor vehicle), etc.)

BY THE #s: 4 DHHS; 8 JV matters; many adult matters; 3 still pending. All IST/NR (incompetent to stand trial/non restorable).

Baby boy Three

Victims of these cases are largely family (grandparents, etc.) and neighbors.

Family situation: grandmother recently passed away. Elderly grandfather states that he can no longer manage Three, who elopes regularly. Grandfather was V (victim) in an agg assault by Three as a Juvenile; recently took grandfather's truck out of state, albeit with no license; very suggestible, very eager for peer approval.

Three recently lost eligibility for Section 21, as a letter to him went unanswered. Yet he is incompetent, unable to comprehend complexity, no formal guardian.

Baby boy Three - but broadly applicable!

What could keep him out of the criminal legal system?

Prosocial supports and connections.

Housing.

Transportation - no license, likely should not have a license.

Guardian.

System supports?

Section 21 restored.

ACT (assertive community treatment)-type support?

Baby boy Three

Things that challenge Three's long term care:

High risk of becoming homeless.

Absolutely will continue to revolve through the system.

As with some other IDD kiddos, low frustration tolerance, propensity towards violence.

Quite tall and imposing at 6 feet & a bit over 200 lbs.

This combination bodes ill for law enforcement interactions.

Boy Twenty-four

3 JV matters - Burglary, etc.

Family situation: appear to be parents with higher than average financial and educational capacity;

18 yo - first assault, indication of some sexual aggression.

19 - DVA (domestic violence assault) on mom; damage to the home; parents “desperate to get him out of the home” as they cannot control his conduct; No evaluation, deferred disposition, successful result; Twenty-four is described as ASD and having the mental capabilities of a 10 yo.

At some point, relocated to a group home; however, continues to elope and engage in serious, dangerous conduct - Burglaries; DVA on romantic partner; Stolen MVs; Eluding

Result of elopements: fathered a child with another group home member in another county.

BY THE #s: 3 JV matters; 31 adult cases. Will be - always - IST/NR.

Boy Twenty-four

Challenges for this IDD young man:

Criminal court cases will be dismissed every time;

Criminal court is the one place where every involved entity must respond;

Criminal cases focus attention to address the inadequacies of his supervision;

Maine does not have a secure facility for someone determined to commit new criminal acts, but will send someone out of state and away from family and supports.

Boy Twenty-one

DHHS referral as a perpetrator of sexual/aggressive conduct involving multiple other children; when interviewed, describes having been victimized similarly.

2 JV Criminal Mischief matters - both no complained;

Family situation: placed in a group home ~16 yo, now lives with grandparent/guardian.

Multiple SFS (state forensic service) evaluations: "ASD/ violent tendencies. IST/NR"

By the #s: 2 JV; 10 Adult cases; 1 Weapons Restriction Order.

Boy Twenty-one

Concerns for the future:

Grandparent is unable to prevent continuing criminal conduct;

Biological father is a direct influence in criminality;

At some point, he will need housing, pro social engagement; fewer bad influences.

Current plan is very little social contact - how long can that last?

At over 6 feet, just under 200 lbs, law enforcement interaction is tricky.

Overall problems to solve (outside perspective):

We know these young people are coming through the system early on.

It seems that supports drop at adulthood.

Could there be a threshold of capability below which guardianship should be automatic?

Should kids without capacity be able to lose Section 21 services?

Why is a criminal court setting - where cases will ultimately be dismissed for many IDD kids - the place where problem-solving and resourcing occurs?

Where is the bridge from JV to adulthood?

Be informed by harm prevention and be proactive!

These kids are themselves also victims much of the time.

The events that occur create trauma for the kids themselves: interactions with law enforcement and the actual events.

The assaults, burglaries, criminal mischiefs, stolen MVs, chases and crashes cause real harm to victims of these crimes, which I have not even tried to enumerate.

We are waiting until real and repeated harm has occurred to resource the needs of these young people, their families, and their communities - as if waiting helps.

A more humane, compassionate approach seems achievable and less costly.

Abbreviations Key & Definitions:

yo = year-old

JV = Juvenile

ASD = Autism spectrum disorder

MV = Motor vehicle

IST/NR = Incompetent to stand trial/non restorable

lbs = pounds

DVA = Domestic violence assault

SFS = State forensic service

Deferred Disposition: A suspended sentence. On your plea of guilty or no contest, the court will defer a finding of guilt and order that you comply with certain conditions. If you successfully comply with the terms, your case will be dismissed.

No complained: Prosecutor is not proceeding with charges.