



# POLICING COMPLEXITY: POLICE INVOLVEMENT WITH PEOPLE WITH INTELLECTUAL DISABILITY

Prof Stuart DM Thomas, RMIT University, Melbourne, AUS  
LEPH2019, Edinburgh

# CONTEXT

- Focus on police-mental health interface + evidence-based policing practice
- Advisory Group recommendations
- Fortuitous timing, Australian Research Council funding
- Program of research

## What the police say:

- Regular basis, wide range of reasons
- Rely on behavioural and physical cues
- Learn through on-the-job exposure
- Key challenges: communication and gaining cooperation from service providers
- Most confident when person offender, least when witness
- While capable, consider themselves ill-equipped to respond appropriately

## Police encounters with people with intellectual disability: prevalence, characteristics and challenges

M. Henshaw & S. Thomas

School of Psychology & Psychiatry, Monash University, Melbourne, Victoria, Australia

### Abstract

**Background:** This study investigated the experiences and perceptions of operational members of Victoria Police in relation to their contacts with people with intellectual disability (ID). Key interests for exploration included how frequently and in what context police reported coming into contact with people with ID, how they made this identification, and the challenges they experienced at this interface.

**Methods:** Participants comprised 229 operational police members who attended mandatory firearms training sessions over a 2-week period in Melbourne, Australia.

**Results:** Police reported coming into contact with people they believed to have an ID on a regular basis and for a wide variety of reasons. They were most likely to base their knowledge on job-related experiences and were most likely to identify individuals on the basis of physical and behavioural cues. The most common challenges were communication, and gaining access to assistance and co-operation from other service providers. While many considered themselves capable in their interactions with those with ID, those who identified

that they were most in need of training reported lower confidence in how to respond in these encounters.

**Conclusion:** Future training needs to focus on differentiating between mental illness and ID, techniques for enhancing identification and communication, and the inclusion of hands-on scenario-based sessions involving an interdisciplinary approach.

**Keywords:** collaboration, criminal justice, intellectual disability, interagency, police contact

### Introduction

Policing in modern-day society is a complex, multifaceted, and sometimes dangerous occupation. While police were traditionally regarded as the crime-fighters and law-enforcers of society, the role of the contemporary officer has grown to include community-welfare aspects focussed around public safety (Stenning & Shearing 2005; Onwadiwe 2009). Traditionally operating under the 'classical policing' model, policing organisations were conceptually isolated from the society which they were intended to protect, resulting in a police response that was overly generic, and that neglected the specific needs of those, especially more vulnerable groups, seeking their services (e.g. Tilley 2005). In response to the call for an overhaul of the

Correspondence: Dr Stuart Thomas, School of Psychology & Psychiatry, Centre for Forensic Behavioural Science, Monash University, 315 Hoddle Street, Clifton Hill, Melbourne, Vic. 3068, Australia (e-mail: stuart.thomas@monash.edu).

## What the ITPs say:

- ITP has several roles – facilitate discussions, provide emotional support, ensure person understands their rights
- Police reliance on prior contact, communication difficulties and family reports to identify need for ITP
- Confident that police can identify those with cognitive deficits
- Challenges with geography – cant always attend
- What about when not called / cant attend? Who is being missed?

## Police contact with people with an intellectual disability: the Independent Third Person perspective

B. L. Spivak & S. D. M. Thomas

Centre for Forensic Behavioural Science, School of Psychology & Psychiatry, Monash University, Melbourne, Victoria, Australia

### Abstract

**Background** A number of jurisdictions have instituted legislation requiring an independent person to be present during police interviews with vulnerable people. In Victoria, Australia, a group of volunteers known as Independent Third Persons help to fulfil this role with people who present with cognitive impairment arising from their mental illness or disability. This study sought to explore the perspectives of the Independent Third Person volunteers on police identification of and responses to people with intellectual disability (ID).

**Methods** All registered Independent Third Person volunteers across the State of Victoria in Australia were identified and sent a postal survey on their experiences and confidence in performing their role, their perceptions of police competency, and the challenges they faced working at this interface.

**Results** Of the 207 Independent Third Persons identified, 94 (45%) completed and returned the survey. Participants reported that despite being overly reliant on previous police contacts and cues relating to communication difficulties, they viewed police as generally competent in their ability to

identify people with ID. They also considered themselves confident in performing their own roles at this interface, albeit more so with the perfunctory aspects of the role and less so with the emotional aspects of supporting the person being interviewed. **Conclusions** Police are seen as competent at identifying those with cognitive deficits and seeking appropriate supports for the person with ID in the interview context. More specialised training for police members is recommended in communicating with people with IDs. Volunteers working at this interface require additional support and training in helping to meet the emotional needs of those being interviewed.

**Keywords** crime, identification, Independent Third Person, police

### Introduction

Deinstitutionalisation, and the associated significant healthcare reforms witnessed over the last 20–30 years in many countries, has led to the focus of treatment for people with mental health and intellectual disabilities (IDs) being primarily in the community. There are mixed views as to whether this has led to better or worse outcomes for those individuals involved (Nøttestad & Linaker 1999; Maniglio 2009). Because of these wide sweeping reforms, police have found that they are increasingly encountering people with a diverse array of

Correspondence: Dr Stuart Thomas, Centre for Forensic Behavioural Science, School of Psychology & Psychiatry, Monash University, 245 Hoddle Street, Clifton Hill, Melbourne, Vic. 3068, Australia (e-mail: stuart.thomas@monash.edu).  
Conflicts of interest: None.



## The need for balance with supports (police perspective):

- Competing demands and skillsets required
- Some concern about confidence to intervene?
- Volunteers more impartial
- Family/friends more emotional support
- Different roles and functions but equally valuable
- Need tailored training and ongoing supports

### Striking the Right Balance: Police Experience, Perceptions and Use of Independent Support Persons During Interviews Involving People with Intellectual Disability

Marie Henshaw\*, Benjamin Spivak\* and Stuart D. M. Thomas<sup>†,‡,§</sup>

\*Centre for Forensic Behavioural Science, Swinburne University of Technology, Melbourne, Vic., Australia; †Legal Intersections Research Centre, University of Wollongong, Wollongong, NSW, Australia; ‡Southern Clinical School, Monash University, Melbourne, Vic., Australia; §Centre for Applied Social Research, School of Global, Urban and Social Studies, RMIT University, Melbourne, Vic., Australia

Accepted for publication 26 September 2016

**Background** Several jurisdictions mandate the presence of an independent support person during police interviews with vulnerable people. The current study investigated police officers' experiences and perceptions of these volunteers during interviews with people with intellectual disability (ID).

**Methods** The sample comprised 229 police officers who attended a mandatory firearms training course in Melbourne, Australia, in 2010.

**Results** Participants commonly reported utilizing independent support persons and displayed a fair understanding of their role. Overall, volunteers were engaged more frequently than family/friends; police

considered the volunteers to be more impartial during interviews, whereas family/friends provided a greater level of emotional support to interviewees.

**Conclusions** Independent support persons need to demonstrate two quite different types of support to people with intellectual disability during police interviews; these require quite different skill sets and suggest the need for more tailored training and support for these volunteers. Implications for future research and policy are discussed.

**Keywords:** appropriate adult, Australia, independent support person, police, police interviews

#### Introduction

Despite a relatively low prevalence in the general population, people with intellectual disability (ID) appear to be over-represented at all levels of the criminal justice system, both as victims and offenders (Sobsey & Doe 1991; Hodgins 1992; Wilson & Brewer 1992; Hayes 1993, 1996; Heenan & Murray 2007; Vanny *et al.* 2009). While over-representation of any grouping within the criminal justice system is a social problem, the case of people with intellectual disability is particularly concerning given that the criminal justice process can impose significant cognitive demands on participants. Adversarial criminal trials, for example, are premised on the notion that the accused is able to understand the legal process and respond to charges; a

notion that has been questioned with individuals with intellectual disability (Clare & Gudjonsson 1993; Clare *et al.* 1998; Murphy & Clare 1998). A growing body of research indicates that intellectual disability is associated with a number of systemic disadvantages, starting from the system's first point of contact; the police.

#### The police interview

A key aspect of policing procedure and investigation is the interview process. The police interview is typically conducted to obtain information about an alleged offence from complainants, witnesses or suspects. However, the interview functions as more than an information-gathering exercise, as the decision of

## What if we look at service data?

- Reviewed incident reports – serious threats + serious incidents (violence, sexual, absconding, property)
- Reluctant to report both minor and major incidents due to consequences to them and perpetrator
- Inconsistent even with central directives rec. report to police (1/2 sexual assault, 1 in 6 violent)
- Perp, victim, location
- Victorian Parliament Family and Community Development Committee report (2016) noted “*systematic normalisation of abuse within disability services*”
- Knowledge, attitudes, prior experience?

### Frequency and characteristics of police involvement in potentially criminal behaviour in disability services

Fiona Addicott<sup>a</sup>, Stuart D.M. Thomas<sup>b,c,d</sup>, James R.P. Ogloff<sup>e,f</sup> and Michael D. Daffern<sup>e,f</sup>

<sup>a</sup>Department of Health and Human Services, Melbourne, Australia; <sup>b</sup>School of Global, Urban and Social Studies, RMIT University, Melbourne, Australia; <sup>c</sup>Legal Intersections Research Centre, University of Wollongong, Wollongong, Australia; <sup>d</sup>Southern Clinical School, Monash University, Melbourne, Australia; <sup>e</sup>Centre for Forensic Behavioural Science, Swinburne University of Technology, Melbourne, Australia; <sup>f</sup>Victorian Institute of Forensic Mental Health, Melbourne, Victoria, Australia

#### ABSTRACT

Some reluctance exists among disability staff to report to police potentially criminal behaviour by people with intellectual disabilities. Both the nature and frequency of these behaviours and decision-making processes of staff concerning police involvement remain poorly understood. This study sought to explore potentially criminal behaviour by people living in disability services and the frequency of police involvement. A broad spectrum of potentially criminal behaviours was reported, most frequently involving acts of physical aggression. Police were contacted in 101/370 (27%) of the incidents reported; two-thirds involved acts where there was an identifiable victim; incidents reported to police were most likely to occur outside the disability service. A more detailed understanding of disability staff decision-making as it relates to initiating contact with the police, and the immediate and long-term issues and benefits concerning police contact and intervention, is required so as to more effectively prevent and manage potentially criminal behaviour.

#### ARTICLE HISTORY

Accepted 19 November 2016

#### KEYWORDS

criminal behaviour; police; decision-making; intellectual disabilities

Intellectual disability support staff are regularly faced with aggression and other problem behaviours that require immediate decisions to be made regarding intervention to prevent harm to the individual, fellow clients, staff, and others. Decision-making regarding whether police should be involved is often fraught with complexity and contention. Research has found that disability support staff are typically reluctant to report potentially criminal behaviour to the police (Holland, Clare, & Mukhopadhyay, 2002; Lyall, Holland, & Collins, 1995b). Some researchers have suggested that this may be a well-intentioned means of protecting the person from legal consequences and involvement with the criminal justice system (Lyall, Holland, Collins, & Styles, 1995a, 1995b). Anecdotally, the decision not to report a potentially criminal behaviour to the police may also be due to previous experiences where police have been reluctant to charge the person, or, despite conviction, the disposal at court has had no significant impact on the client perpetrator. However, reasons for not reporting are not well understood and have rarely been studied.



## Data linkage 1 (with control group n=5000 AEC):

- RIDS data – received 1+ restrictive interventions
- Sig less likely to have recorded history victimization and offending, but
- Violent victimization **RR=2.24**
- Sexual victimization **RR=5.95**
- Violent offending **RR=3.00**
- Sexual offending **RR=7.87**

Context: **15%**, **6%**, **7%**, **3%**

RESEARCH ARTICLE

Open Access



# Crime and victimisation in people with intellectual disability: a case linkage study

Billy C. Fogden<sup>1</sup>, Stuart D. M. Thomas<sup>1,2,4\*</sup>, Michael Daffern<sup>3</sup> and James R. P. Ogloff<sup>3,4</sup>

## Abstract

**Background:** Studies have suggested that people with intellectual disability are disproportionately involved in crime both as perpetrators and victims.

**Method:** A case linkage design used three Australian contact-level databases, from disability services, public mental health services and police records. Rates of contact, and official records of victimisation and criminal charges were compared to those in a community sample without intellectual disability.

**Results:** Although people with intellectual disability were significantly less likely to have an official record of victimisation and offending overall, their rates of violent and sexual victimisation and offending were significantly higher. The presence of comorbid mental illness considerably increased the likelihood of victimisation and offending; several sex differences were also noted.

**Conclusions:** People with intellectual disability are at increased risk for both violent and sexual victimisation and offending. The presence of comorbid mental illness aggravates the risk of offending and victimisation. Future research should focus on a more nuanced exploration of the risks associated with intellectual disability and specific mental disorders and related indices of complexity.

**Keywords:** Intellectual disability, Victimisation, Offending, Mental disorder

## Background

People with an intellectual disability (ID) are a marginalised and vulnerable group. The available research suggests an association between ID and criminal offending [1–3]; this has served to propel public fear and reinforce perceptions of the need for social distance. However, the evidence from which these conclusions have been drawn remains far from definitive, with significant methodological limitations marring what are arguably tentative conclusions [1, 2, 4]. A related area that has received much less scientific attention is criminal victimisation, despite a compelling argument that specific deficits in interpersonal functioning and cognitive capability potentially increase exposure to dangerous situations, therefore contributing to the likelihood of criminal victimisation [5–14].

## Intellectual disability and criminal victimisation

Intellectual Disability is characterised by significant impairments in intellectual functioning alongside difficulties in daily tasks, personal responsibility and communication [15, 16]. From a theoretical standpoint, Routine Activities Theory [17] conceptualises victimisation in relation to an interaction between an available victim, the absence of a capable guardian, and a motivated offender. It reasons that people with similar lifestyles or routine activities face similar victimisation risks as they are exposed to risky places and potential offenders [5]. Some research has suggested that people with ID are most commonly victimised by their carers [5]. Routine Activities Theory would argue that victims are easily accessible in their home / living environment (availability) and there is less protection of the victim if the perpetrator is the guardian (absence of a capable guardian); the carer/offender may be motivated to offend due to carer stress, a provocative or frustrating incident, in this context offending may be facilitated by increased potential to evade prosecution (motivated offender). A study by Sobsey [18] supports this proposition

\* Correspondence: [stuart@uhoomegpi.net.au](mailto:stuart@uhoomegpi.net.au)

<sup>1</sup>Faculty of Social Sciences, University of Wollongong, New South Wales 2522, Australia

<sup>2</sup>School of Global, Urban and Social Studies, RMIT University, Building 37,

Level 4, Swanston Street, Melbourne, Victoria 3001, Australia

Full list of author information is available at the end of the article




## Data linkage 2:

- N=2220 people eligible to receive services
- Any offending RR=1.8
- Violent offending RR=3.2
- Sexual offending RR=15.7
- Any victimization RR=0.7
- Violent victimization RR=2.5
- Sexual victimization RR=5.4

ORIGINAL PAPER

### Estimating the risk of crime and victimisation in people with intellectual disability: a data-linkage study

Margaret Nixon<sup>1,2</sup>  · Stuart D. M. Thomas<sup>2,3</sup> · Michael Daffern<sup>1,4</sup> · James R. P. Ogloff<sup>1,4</sup>

Received: 2 November 2016 / Accepted: 26 February 2017 / Published online: 13 March 2017  
© Springer-Verlag Berlin Heidelberg 2017

#### Abstract

**Purpose** People with intellectual disability (PWID) appear more likely to be victims and perpetrators of crime. However, extant evidence pertaining to these risks is limited by methodological weaknesses and the absence of consistent operational definitions. This research aimed to estimate the prevalence of criminal histories and victimisation using a large, well-defined sample of PWID.

**Methods** A case-linkage study was conducted comprising 2220 PWID registered with disability services in Victoria, Australia, whose personal details were linked with a state-wide police database. Criminal charges and reports of victimisation were compared to a non-disabled community comparison sample ( $n=2085$ ).

**Results** PWID were at increased risk of having a history of criminal charges, particularly for violent and sexual offences. Although the non-disabled comparison group had a greater risk of criminal victimisation overall, PWID had a greatly increased risk of sexual and violent crime victimisation.

**Conclusions** PWID are at increased risk of victimisation and perpetration of violent and sexual crimes. Risk of sex

offending and victimisation is particularly elevated, and signalling the need for specialised interventions to prevent offending and to ensure victims is assisted with access to justice, support, and treatment.


**Keywords** Intellectual disability · Crime · Victimisation · Violence · Sexual assault

#### Introduction

Evidence suggests that people with intellectual disability (PWID) are at increased risk of offending and imprisonment when compared to the general population [1, 2]. There is also concern, despite limited evidence, that PWID are more likely to be victims of crime and that victimisation experiences are underreported [3, 4]. To date, research has not quantified the risk of both offending and victimisation for PWID and compared these risks to non-disabled community samples. Moreover, the research has been limited due to inconsistent definitions of key terms, including intellectual disability (ID), offending, and victimisation [5].

#### Offending and ID

The prevalence of offending behaviour in PWID has typically been estimated using either the rates of offending in a known population of PWID or the rates of ID present in a known offending population [6, 7]. Court-based studies have report rates of ID around 10% [8, 9], while rates of ID identified in prison settings vary from as low as 0% [10] to 10% [6, 11]. A review of prison studies by Fazel et al. [12] found that offending rates varied between 0 and 2.8%.

 Margaret Nixon  
mnixon@swin.edu.au

<sup>1</sup> Centre for Forensic Behavioural Science, Swinburne University of Technology, 505 Hoddle Street, Clifton Hill, Melbourne, VIC 3068, Australia

<sup>2</sup> Southern Clinical School, Monash University, Melbourne, Australia

<sup>3</sup> Centre for Applied Social Research, School of Global, Urban and Social Studies, RMIT University, Melbourne, Australia

<sup>4</sup> Victorian Institute of Forensic Mental Health (Forensicare), Fairfield, Melbourne, Australia



## Data linkage 3: complexity

- 8.2% of n=2220 had comorbid MI\*\*
- Between 2.97 and 3.22 times more likely to have a history of criminal charges
- Between 2.76 and 2.97 times more likely to have been a victim of crime
- Highest odds for offending and victimization for person-based offences

\*\*Noting challenges with diagnostic overshadowing

## Crime and victimization among people with intellectual disability with and without comorbid mental illness

Stuart D. M. Thomas<sup>1,2</sup> | Margaret Nixon<sup>3</sup> | James R. P. Ogloff<sup>3,4</sup> | Michael Daffern<sup>3,4</sup>

<sup>1</sup>Social and Global Studies Centre, RMIT University, Melbourne, Victoria, Australia  
<sup>2</sup>Southern Clinical School, Monash University, Melbourne, Victoria, Australia  
<sup>3</sup>Centre for Forensic Behavioural Science, Swinburne University of Technology, Melbourne, Victoria, Australia  
<sup>4</sup>Victorian Institute of Forensic Mental Health, Melbourne, Victoria, Australia

**Correspondence:**  
Stuart D. M. Thomas, School of Global, Urban and Social Studies, RMIT University, Melbourne, Victoria, Australia.  
Email: stuartdm.thomas@rmit.edu.au

**Funding information:**  
Australian Research Council; Australian Research Council

### Abstract

**Background:** Accumulating evidence internationally points to an increased risk of crime perpetration and victimization among people with an intellectual disability (ID). This study aimed to examine the impact that comorbid mental illness had on the association between intellectual disability, crime perpetration and criminal victimization.

**Method:** A case linkage methodology involving 2,220 individuals with an intellectual disability from an Australian State.

**Results:** One in four (27%) had contacts with public mental health services; 8.2% had a comorbid mental illness. This "dual disability" group was between 2.97 and 3.22 times more likely than those with intellectual disability alone to have a history of criminal charges, and between 2.76 and 2.97 times more likely to have been a victim of crime.

**Conclusions:** The extent of criminality and victimization found among people with dual disability indicates a potentially multiply stigmatized group for whom the need for a coordinated cross-agency service response remains paramount.

### KEYWORDS

comorbid mental illness, crime, dual disability, learning disability, stigma, victimization

## 1 | INTRODUCTION

Research concerning the frequency and nature of contacts between people with an intellectual disability (ID) and the criminal justice system has begun to inform policy and practice. The initial focus of this research concerned the incidence and type of offences perpetrated by people with intellectual disability, although more recently there has been mounting recognition of the need for investigation into the risk of victimization for people with intellectual disability, and considerations of comorbid conditions that might exacerbate or mitigate risks for both crime perpetration and victimization. As much of the available literature indicates high rates of comorbid mental illness among people with intellectual disability who are in contact with the criminal justice system, this study sought to explore crime victimization and perpetration in people with intellectual disability with and

without mental illness. For the remainder of this paper, individuals who have a recognized mental illness in addition to an intellectual disability are referred to as having a "dual disability."

Historically, much of the research into both perpetration and victimization of crime by people with an intellectual disability has been compromised by various methodological limitations, thus leading to spurious results and weak generalizability. Some more recent studies, using more sophisticated research designs, have begun to build a complex and challenging narrative about the nature of some of these interactions. Researchers have considered this interface from several perspectives, most prominently, rates of intellectual disability found in various parts of the criminal justice system (e.g., in prisons or at court services), and rates of contact between people with an intellectual disability and the police. These issues are outlined in the sections below.

# TAKE HOME POINTS

- People with ID especially vulnerable to sexual and violent victimization and offending\*\*
- There are a small but significant group of people with dual disability who are at heightened risk of committing, and being the victim of, person and property-based crimes
- Lower rates victimization overall suggest significant under-reporting and/or systemic obstacles to reporting
- Add “victim”, to what Simpson et al (2001) described as triply stigmatized via the labels of “criminal”, “psychiatric” and “disabled”
- Challenging for police and service providers, marginalized from treatment / rehab opps.
- Need to better understand thresholds for decision-making regarding at what point and on what basis challenging behaviour becomes offending behaviour

\*\*Statistical association but low base rates

# CONTACT

Prof Stuart Thomas  
Professor of Forensic Mental Health  
RMIT University  
Melbourne  
AUSTRALIA  
E: [stuartdm.thomas@rmit.edu.au](mailto:stuartdm.thomas@rmit.edu.au)