

A Survey of the Level of Learning Disability among the Prison Population in Ireland

**Completed for the Department of Justice, Equality and Law
Reform**

Research Team:

**Michael Murphy, Dr. Mark Harrold, Dr. Seán Carey, Mark
Mulrooney**

Final Report, 2000

Note: The final version of the Study was presented, in September 2002, by the author to the Irish Prison Service. This 'text only' retype of the final version does not reproduce the various appendices and tabular statements, graphs etc. contained in the Study.

Table of Contents

Abstract

Background to Study

Introduction

Method

Measures

Assessment Procedures

Data Analysis

Subjects

Test Results

Summary

Recommendations

Discussion

A Survey of the Level of Learning Disability among the Prison Population in Ireland

by

Sean Carey, Mark Harrold, Mark Mulrooney, Michael Murphy

ABSTRACT

This study reports the results of a survey on the level of learning disability in Irish prisons commissioned by the Department of Justice, Equality and Law Reform of the Irish Government commissioned in 1999. The authors completed psychological assessment on 264 prisoners, which represented 10% of the total prisoner population in Ireland at the time of the study. In each of the fourteen prisons ten percent of inmates were randomly selected for inclusion in the study. Assessments included the Kaufman Brief Intelligence Test (KBIT), the Wide Range Achievement Test (WRAT), the Vocabulary sub test from the Weschler Adult Intelligence Scale-Revised (WAIS-R), and the National Adult Prisoner Survey (NAPS). Results showed that 28.8% of the sample population scored below 70 on the KBIT, which is suggestive of a significant degree of intellectual disability/mental handicap. Results from other tests were consistent with those of the KBIT. The implications of these findings are discussed.

Background to the Study

The Prison Service has responsibility for the provision and maintenance of a secure, efficient and progressive system of containment and rehabilitation for offenders committed to custody. The service aims to treat offenders while in custody with care, justice, dignity and respect with particular emphasis on health, education, training and offender welfare.

In this context, the Department of Justice, Equality and Law Reform sought to establish the prevalence of Learning Disabilities among prisoners in Ireland. To this end, the authors of this Report contracted to carry out a research project which included:

- The development of an effective and efficient methodology for assessing Learning Disabilities in prisoners.
- Administration of the assessment to a comprehensive and representative sample of prisoners.
- Collation, interpretation, summary and statistical analysis of data from the assessments.
- Writing a report describing the methodology, results and conclusions of the study.
- Making recommendations for appropriate services for people with Learning Disabilities in Irish prisons.

It is anticipated that this Report will be used to inform policy and set targets in relation to offender welfare, especially in the context of the establishment of a Prison Service independent of the Department of Justice, Equality and Law Reform.

Introduction

The relationship between criminality and intellectual impairment has been of interest since the 19th century (Lund, 1990). Early theories suggested “the greatest single cause of delinquency and crime is low grade mentality, much of it within the limits of feeble-mindedness” (Goddard, 1920). With advances in the provision of services to people who have intellectual impairment, and in our understanding of the etiology of criminal behaviour, such oversimplified theories have been discarded. Nevertheless, more recently, concerns have been expressed regarding the legal and human rights of people with intellectual disabilities who come in contact with the criminal justice system. In particular, studies carried out in Europe, Australia and the USA have suggested that people with intellectual disabilities are over-represented in the prison population (Hayes, 1997).

To date, little research has been conducted in Ireland concerning the relationship between criminal behaviour and intellectual disability. The present study was carried out in order to estimate the prevalence of Learning Disabilities among prisoners in Irish jails. One of the difficulties in addressing this issue involves the ongoing debate over the appropriate terminology for, and definition of, intellectual disability and learning disability.

Terminology and Definition: Learning Disability, Intellectual Disability, Mental Handicap

Considerable confusion exists over the appropriate use of terms such as mental handicap, mental retardation, intellectual disability and learning disability. For example, in Australia, the term “intellectual disability” is used as a diagnostic label for people who would be considered to have a “mental handicap” in Ireland. In the USA, the most common current term is “mental retardation”, although “intellectual disability” is also used. Typically, “learning disability” in the USA refers to specific learning difficulties such as dyslexia.

In Ireland and the United Kingdom, the term “learning disability” is now most frequently used as a replacement for the term “mental handicap”. An Irish Government report (1990) suggested the use of the term “intellectual disability” for persons with a moderate or more severe mental handicap and “learning difficulty” for people formerly described as mildly mentally handicapped.

In this report, the term “Learning Disability” will be used, based on the American Association on Mental Retardation (AAMR, 1992) definition of mental retardation: “...(it) refers to substantial limitations in present functioning. It is characterised by significantly sub-average intellectual functioning, existing concurrently with related limitations in two or more of the following applicable skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work. Mental retardation manifests itself before the age of 18” (page 1).

Based on established standards for psychological practice in Ireland, a diagnosis of Learning Disability typically is made if an individual meets all of the following criteria:

1. A score below 2 standard deviations from the mean on a validated test of intelligence i.e., below 70 on most standardised tests which have a mean of 100 and standard deviation of 15.
2. Reliable evidence of significant impairments in adaptive functioning relative to same-age peers e.g., tests/reports of academic, work or social skills.
3. Developmental history suggesting onset of difficulties before the age of 18.

Prevalence of Learning Disability in Prison Populations

Several surveys of prison populations have suggested that individuals with learning disability are over-represented in the criminal justice systems of many of the developed democracies of the West (Hayes & Craddock, 1992). However, close examination of these studies reveals numerous methodological problems that make it difficult to determine precisely the extent of learning disability within prison populations. Examples of such studies include:

- Brown & Courtless (1971) sampled over 80% of the penal and correctional institutions in the USA, including more than 90,000 prisoners. They reported that, on average, 9.5% of reported IQ scores fell below 70, the criterion typically used

to indicate learning disability in the US; and in some states the proportion of prisoners with learning disability was as high as 24%. Unfortunately, most of their data was derived from surveys completed by prison governors and not from examination of psychological test reports. In addition, the criteria used to determine learning disability varied considerably between states.

- A much quoted Danish study found a prevalence rate of 10% in the general prison population (Hayes 1997). However, inspection of the original study reveals that this data was actually collected in the 1920's. More recent studies reveal that in fact most prisoners with learning disabilities are removed into specialised services prior to sentencing (Svendsen & Warner, 1977).
- Denkowski & Denkowski (1985) reviewed a number of studies in which the prevalence of learning disability in US prisons was measured by means of group IQ tests. They reported a range of estimates, from 1.5% to 19.1%, with an average of 6.2%. Again, significant differences in the methodology and criteria for diagnosis were evident, for example, individual versus group tests, non validated psychometric tests and administration of psychometric tests by unqualified personnel.
- In the Australian State of New South Wales, a survey found that 2% of prisoners had IQs below 70. However, analysis of the adaptive behaviours of those in the borderline IQ range of 70 to 79, increased the percentage of those considered to have an intellectual disability to a figure of 12.5% (Hayes & McIlwain, 1988).
- Studies conducted in Britain suggest that the numbers of prisoners with learning disabilities may be relatively low, i.e., less than 2% (Murphy, Harnett & Holland, 1995).

However, the majority of British offenders with learning disabilities are incarcerated in secure hospitals rather than in prisons, cf. Lowe (1998).

In general, studies which have involved more individualised assessment, have identified an increasing prevalence of individuals with a learning disability in the criminal justice system. Most notably, Hayes (1988) found that the prevalence in New South Wales prisons was 12% whereas this figure had risen to 22% in 1999 (Hayes, 1999). The proportion of people with a learning disability involved in the criminal justice system but not actually in custody was even greater - 37% of those appearing before New South Wales local courts (Hayes, 1996), and 27% of those

presenting to Legal Aid offices (Hayes, 1999). Hayes (1999) has suggested that studies in which validated psychometric testing has been carried out at the point of entry to the criminal justice system have yielded higher rates of learning disability among prison populations.

Previous studies that have attempted to estimate the prevalence of learning disabilities in prisoner populations in other countries have been beset by difficulties such as varying definitions, inadequate assessment methodologies, non-representative samples (McAfee & Gural 1988). At the time of writing, the authors are unaware of any study which has sampled the prisoner population of an entire country. In addition, systems for identification and diversion of offenders with learning disabilities from prison vary widely from country to country (Hayes, 1997) and thus make international comparisons even more problematic.

Estimating the incidence of Learning Disabilities in the Irish Prisoner Population

To date, there has been no large-scale survey that examined the prevalence of learning disabilities among the Irish prisoner population. An extensive review of previous international research on this topic and consultations with experts in this field suggested the following considerations in carrying out such a survey:

- To ensure that the results are representative of the total population, all prisons should be sampled. There may be considerable variation between prisons in the proportions of certain types of offenders (e.g., those convicted of sex offences, politically-motivated crimes, violent offences, “white collar” crimes) and thus in the prevalence of learning disabilities.
- Individually-administered rather than group testing should be used. Individual tests, although they take more time, typically yield data that are more reliable and therefore give a more accurate assessment.
- Intelligence tests should be supplemented with data from other important areas of functioning, e.g., basic academic skills, educational attainment, and work history. These data would contribute to a more valid assessment of learning disability than an intelligence test alone, and to developing a more comprehensive understanding of prisoners with learning disabilities.
- To ensure maximum co-operation from prisoners, individual assessments should be completed in a timely manner, i.e., one hour or less.

- In addition, prisoners should be assured that their participation is voluntary and that all information will be treated as confidential.

In summary, this report described the first comprehensive survey to estimate the prevalence of learning disabilities in the Irish prison population.

Method

Participant Selection

Participants were drawn from the fourteen prisons under the jurisdiction of the Department of Justice, Equality and Law Reform during February - May 1999. Ten percent of the prisoners in each facility were randomly selected for inclusion.

At least two weeks before visiting each prison, the research team contacted the Governor in order to outline the purposes of the study and to arrange for carrying out the assessments. In addition, the Governor was sent a letter for distribution to all prisoners. The letter explained the purposes and procedures of the study, and emphasised that their participation in the study was both voluntary and confidential. Governors were asked to ensure that every prisoner received a copy of this letter before the researchers arrived to conduct the assessments. In addition, before each assessment, the researcher briefed each prisoner to ensure that they understood the testing procedure.

When the researchers visited each prison, the Governor provided an alphabetical list of current inmates. Using this list, the researchers picked every tenth name (e.g., second, twelfth, twenty-second etc.) in order to generate a random list of potential participants. If a prisoner selected was unavailable (e.g., temporary release, on home leave, sick, in hospital or was unwilling to participate), the next name on the list was nominated until the agreed proportion of prisoners was obtained. In all, a total of 23 prisoners were unavailable for the study for the reasons outlined above. The selected prisoner was then invited to take part in the study. The majority of prisoners who were invited agreed to cooperate with the assessments.

In two prisons, the Governor decided that it was inappropriate for the researchers to assess particular individuals/subgroups or a particular section of a prison:

- (a) In Portlaoise Prison, the Governor informed the researchers that prisoners in Political wing were unwilling to cooperate.
- (b) In Mountjoy Prison, the Governor decided that it would be unsafe to carry out the survey with prisoners from D wing which housed patients with psychiatric difficulties.

Measures

Two widely used, norm-referenced psychological tests, a subtest from another standardised test, and a questionnaire developed specifically for the aims of the study, were used for data collection. The tests were selected for the following reasons:

- they have been used in previous international studies of learning disability in prisons.
- they satisfy accepted technical standards for psychometric reliability and validity.
- they provide data on both current intellectual functioning and academic skills, i.e., reading, spelling, mathematics.

Kaufman Brief Intelligence Test (K-BIT)

The K-BIT is an individually administered assessment of verbal and non-verbal intelligence that is suitable for children, adolescents and adults. This test is designed as a brief measure of intelligence which may be used for "... estimating the intelligence of large numbers of prisoners ... or juveniles awaiting court hearings, where administering long tests may be impractical ..." (Kaufman & Kaufman, 1990, p. 1). The K-BIT is composed of two subtests:

Vocabulary (including Expressive Vocabulary and Definitions) and Matrices.

Vocabulary measures verbal skills (*crystallised* thinking) by assessing a person's word knowledge and verbal concept formation.

Matrices measures non-verbal skills and the ability to solve new problems (*fluid* thinking) by assessing a person's ability to perceive relationships and to complete analogies. All Matrices items involve pictures or abstract designs rather than words. Thus, the Matrices subtest is particularly useful for assessing the cognitive abilities of people with poor literacy skills.

The K-BIT yields age-based standard scores having a mean of 100 and a standard deviation of 15 for Vocabulary and Matrices along with an overall score, the K-BIT Composite IQ. The bands of error for Standard Scores at the 95% confidence level is +/- 6 scale points for the age range 20 - 54 and +/- 8 scale points for the age range 17 - 19 yrs.

Wide Range Achievement Test 3 (WRAT3)

The WRAT3 is an individually administered test designed to assess the basic skills that underlie literacy in reading, spelling and arithmetic. It comprises three subtests:

- Reading: recognising and naming letters and reading aloud words out of context;
- Spelling: writing your name, writing letters and words to dictation;
- Arithmetic: counting, reading numbers, solving oral arithmetic problems, and performing written computations.

Results for all subjects on the WRAT are expressed in standard scores. Standard scores (Mean = 100; Standard Deviation = 15) for each subtest allow comparison of one person's score to his/her peers. When used "... in conjunction with a test measuring general intelligence, the WRAT 3 can be a valuable tool ... in the determination of learning ability or learning disability" (Wilkinson, 1993).

Vocabulary subtest from the Wechsler Adult Intelligence Scale-Revised (WAIS-R)

The WAIS-R is an individually administered, comprehensive test of intellectual ability, which comprises eleven subtests in all. Full administration of the test with a typical adult is estimated to take 75-90 minutes. A test of this duration was considered excessively demanding in a study, which relied on the voluntary cooperation of prisoner participants. However, scores on the Vocabulary subtest

typically correlate strongly with Full Scale IQ scores on this test ($r=.8$). Thus, the Vocabulary subtest was used to provide a relatively brief, secondary index of intellectual functioning.

National Adult Prison Survey (NAPS)

The National Adult Prison Survey (NAPS) was developed specifically for this study. The NAPS is an individually administered questionnaire designed to elicit social functioning indicators from respondents regarding their:

- demographic status e.g., age, marital status;
- educational history e.g., school-leaving age, examinations completed, suspension /expulsion from school;
- work skills and training e.g., trade, relevant qualifications, job training;
- employment record e.g., most recent job;
- prison record e.g., length of sentence, previous incarcerations;
- current involvement in training/education;
- leisure activities, involvement in clubs and sports.

A prototype version of the NAPS was piloted initially with a small group of prisoner volunteers. Based on their responses and feedback, the final, revised version of the NAPS was developed and used throughout the study.

Assessment Procedures

All assessments were administered and scored by qualified clinical or educational psychologists with extensive experience in psychometric testing and learning disability. Prisoners were assessed individually, usually in a classroom setting. At the beginning of each assessment, the psychologist explained the purpose and general procedures of the study. In addition, prisoners were assured that their results would be confidential and that no specific feedback on their performance would be provided. Assessments lasted 40-80 minutes per participant and averaged approximately 60 minutes. In keeping with the voluntary nature of the study, prisoners were not offered incentives or rewards for participating.

Confidentiality

Each prisoner was assigned an identification number that was used on his/her test protocols and NAPS questionnaire. The identification numbers were necessary for collating and analysing data from the total group of participants. However, prisoners' names were not connected to their identification numbers at any stage in the study. Thus, participants' responses were recorded and compiled in a confidential manner.

Data Analysis

Participants' test results and NAPS responses were entered into a computer database and analysed using SPSS for Windows.

Subjects

The subjects for the research were 264 prisoners, which represented 10% of the total prisoners population at the time of the study. All were incarcerated in one of the 14 prisons then under the jurisdiction of the Department of Justice, Equality and Law Reform. There were 255 men and 9 women in the study. They ranged in age from 16 to 64 years. One subject was dropped from the study as it became apparent during testing that English was not the person's first language.

Test Results

The following section details the results from the various psychological tests completed on the prisoner sample. They will be presented in the following order:

1. Kaufman Brief Intelligence Test, (K-BIT) Composite Scores
Table 1/Figure 1
2. K-BIT Vocabulary Scores
Table 2/Figure 2
3. K-BIT Matrices Scores
Table 3/Figure 3
4. Wide Range Achievement Test Reading (WRAT) scores
Table 4 Figure 4

5.	WRAT Arithmetic scores	Table 5/Figure 5
6.	WRAT Spelling Scores	Table 6/Figure 6
7.	Wechsler Adult Intelligence Scale Revised (WAIS-R)	Table 7/Figure 7 Vocabulary Subtest

Note: The ‘Test Results’ section of the Study, which largely consists of the above tables and graphs, has been omitted from this ‘text only’ version.

Summary

The incidence of Learning Disability in the Irish prison population was estimated from a randomly selected sample of 264 prisoners. Approximately 10% of the inmates in each prison under the jurisdiction of the Department of Justice, Equality and Law Reform completed psychometric tests and a questionnaire. The main findings for the total sample include:

- Using the British Psychological Association 1991 and consistent with the DSM4 1994, a criteria of IQ of below 70 is used to describe the classification of significant impairment of intelligence. However, confidence limits should be taken into consideration, c.f. page 10 above. In the study 28.8% of the sample scored below 70 on the Kaufman Brief Intelligence Test which represents one of the necessary indicators of Learning Disability.
- 18.3% of the sample population demonstrated a significant deficit (below 70) on the Reading sub-test from the Wide Range Achievement Test.
- 37.6% of the sample population demonstrated a significant deficit (below 70) on the Spelling sub-test from the Wide Range Achievement Test.
- 44.5% of the sample population demonstrated a significant deficit (below 70) on the Arithmetic subtest from the Wide Range Achievement Test.
- Information supplied by the subjects during assessment:
 1. 21.6% had no job prior to coming into prison.
 2. 38.3% described themselves as unskilled.
 3. 2.7% reported working at a management level.
 4. 2.3% worked at a professional level.
- The average school leaving age was 14.67 years according to the survey.

- 80% had never seen a school counsellor or psychologist while at school.
- 65.5% of the sample population had been suspended from school at some point.
- 40.2% of the sample population had been expelled from school.
- 56.4% have never sat any formal examinations, e.g., Inter Cert, Group Cert at school.
- 10.6% sat the Leaving Certificate.

Characteristics of prisoners who scored below 70 on the K-Bit

By comparison with those who scored above 70 on the K-BIT Composite Score those who scored below 70 were:

- younger
- less likely to have ever had a job, a trade or a profession
- less likely to have been working prior to entering prison
- on lower incomes
- less likely to have ever attended secondary school
- less likely to have sat any formal exam
- less likely to be involved in a current educational programme
- more likely to have left school at a young age (average school leaving age was 13.7 years compared to 15 years for the group scoring above 70)
- found to score poorly on the Reading, Spelling and Arithmetic subtests from the WRAT.

Interestingly, no statistical differences were noted between the two groups on:

- suspensions from school
- expulsion from school
- repeating a year while at school
- length of prison sentence or number of years in prison.

Discussion

This study represents the first comprehensive estimate of the prevalence of learning disability within the prison population of Ireland. At the time of writing, a review of the international literature revealed no comparable study of an entire country's prison population. The cooperation of the Department of Justice, Equality and Law Reform has facilitated the application of rigorous empirical procedures in the conduct of this study.

The main finding of the study (indicating 28.8% of the sample scoring in a range suggestive of a learning disability) requires further explanation.

It is suggested by Hayes (1998) that the dearth of appropriate community supports is the primary contributor to the prevalence of people with learning disability in the criminal justice system. The most telling reason why this is the case is the fact that the only agencies that cannot engage in a "gate-keeping" exercise are the corrective services and the juvenile justice system. Most social service agencies use a variety of assessment procedures to determine the suitability of candidates for their service. However the Irish Prison System receives all people remanded/sentenced by the courts. In particular, no system or procedure exists to identify any prisoner with a learning disability.

The chances of any group receiving services further decreases if individuals classified in such a group have a tendency towards challenging behaviour. Currently organisations that provide support and services to people with a learning disability are generally not resourced to meet the complex needs of those relatively more able learning disabled clients with challenging behaviour. However, the prison services are not in a position to exercise a "gate-keeping" option. They must accept all persons who come their way.

Another reason for the apparently high representation of people with a learning disability in Irish prisons is highlighted by the reported educational history of subjects in this study. For example their average school drop out age was 13.7 years in contrast to 14.7 years for the non learning disabled group. The learning disabled

group were less likely to ever have attended secondary school, to have sat any formal exam, to be currently involved in an educational programme and less likely to have been working prior to entering prison. A recent report by the Department of Education in Ireland (1999), indicated that while there were 4,013 special class places at the primary school level, this shrinks to 933 special class places at the secondary level. This is a potential contributing factor to learning disabled pupils dropping out of the school system at an early age. Additionally 45% of participants scoring in the learning disabled range reported to researchers that they had received remedial education while at school. This implies that more than half of participants scoring in the learning disabled range may not have received remedial services while at school. Hayes (1998) similarly reports that many people with learning disabilities receive little or no support in the form of special classes or remedial teaching. Two studies (White, Moffitt & Silva, 1989; and Babinski, Hartsough & Lambert, 1999) indicate that there is a strong link between low IQ and later delinquency. In the absence of appropriate educational services the likelihood is increased that some people with learning disability will end up in the prison system. The need for significant development in special education at post primary level for this vulnerable group is evident.

At present no specialised service exists to identify individuals who come in contact with the criminal justice system. For example, Gardaí have no specialised training in working with or identifying offenders with learning disability. Another area of concern is the point of contact between the offender with a learning disability and the Gardaí. The level of specialised knowledge in the area of learning disability among members of the police force has been highlighted by Hayes (1998). She identifies a need among police forces to become more acquainted with the nuances of the offender with a learning disability. Indeed, this lack of specialisation could be extended to the legal profession also. Two studies (Bean & Nemitz, 1995, and Palmer and Hart, 1996) found that both police and defence lawyers were making determinations of learning disability on inappropriate grounds. They found that these determinations were being made on the basis of factors such as shouting or screaming, the person being on medication, attendance at a special school, general demeanour and behaviour. These types of behavioural indicators are inadequate when determining the presence of a learning disability. Only a qualified psychologist can

ascertain the diagnosis of a learning disability following a full psychological assessment.

Limitations of this study include the lack of a measure of adaptive functioning which [would provide] even more reliable information on this group. The use of such a procedure would require meetings with an immediate family member. Secondly, a larger sample size may have allowed a more detailed analysis of the prison population. Thirdly, a full psychological assessment would have provided more discrete indicators of specific deficits of cognitive functioning among prisoners with a learning disability.

Finally the methodological strengths of this study lend validity to the overall result indicating 28.8% of the sample falling in a range suggestive of a learning disability. These include the following factors: this was a nation-wide study which included every prison in the State; prisoners were randomly selected and individualised assessment were carried out by psychologists with specific expertise in the area of learning disability. Indeed McAfee & Gural (1988) have identified that studies which use larger sample size populations and more comprehensive psychometric assessments procedures have shown higher prevalence rates of learning disability among offenders.

Recommendations

The result of this study suggest that a significant proportion of offenders within the Irish prisons system have a learning disability. As is the case with their non-disabled peers, most of these individuals have quite predictable histories of delinquency, and they are at high risk for recidivism. As a group, they are likely to have been exposed to the same risk factors as most of their non-disabled peers, e.g., a childhood characterised by chronic financial disadvantage and instability (Richardson, Katz & Koller, 1985). However, the nature of their disability presents additional challenges to services for the prevention and management of criminal behaviour. In order to address the problems of this particular group, therefore, specialised support services, which take into account the unique needs of people with learning disabilities, are required within the criminal justice (and education) systems (Clare & Murphy, 1999).

A number of recommendations for improving and developing services are presented below.

1. Early Identification and Support

Many children with learning disabilities who are at high-risk for later delinquency are not being provided with appropriate supports in school. To address this issue, we recommend the following:

- Streamline services for identifying children with learning disability, particularly those with behavioural difficulties, as early as possible and provide special education throughout their school careers.
- Provide intensive support to these children in their early secondary school years, when they are most likely to drop-out of school.
- Provide extra support in both academic and non-academic areas, e.g., social skills, problem-solving, work-preparation.
- Develop community-based case-management services because their families are also likely to need supports.

2. Development of Diversion Services

Currently, the prison system does not have the resource or facilities to provide for the specialised needs of prisoners with learning disabilities. Many offenders with learning disabilities would be better served by diversion from incarceration.

Therefore, we recommend:

- Development of an “early-warning” screening system to identify individuals with learning disability when they first come in contact with the adult criminal justice system, e.g., brief screening assessment to be administered by Gardaí.
- Systematic referral for full psychological assessment of all individuals who are identified through the screening process.
- Specialised probation services aimed at maintaining individuals in their local community with an emphasis on developing supports and training critical adaptive skills.
- Partnership agreements between the Probation Service and existing learning disability agencies to develop and deliver relevant supports to offenders with learning disabilities.

- Extensive training programmes for Gardaí and Probation Officers (and possibly Judges and Solicitors) to equip them to work with offenders who have learning disabilities.

3. Specialised Prison Programmes

Some individuals with learning disabilities will still need to be imprisoned, because of the nature and/or seriousness of their crimes. For these prisoners, modifications to the current prison regime may improve the rehabilitative effects of imprisonment. At this point, the need to identify and provide relevant supports for prisoners with learning disability (without stigmatising them) seems obvious. We recommend:

- Systematic screening of all prisoners for learning disability, e.g., brief assessment administered by Gardaí or prison officers.
- Comprehensive psychological assessment for all prisoners identified by the screening procedure.
- Education programmes designed to meet the specific needs and learning characteristics of these prisoners (Clare & Murphy, 1999).
- Intensive training for prison staff in dealing with prisoners with learning disability; with back-up support from specialists, e.g., psychologists, special educators.
- The development of specialised supports to monitor and safeguard the welfare of this group while in prison.

4. Post-release Support Services

Following release, ex-prisoners with learning disability are likely to experience even more difficulties than their peers in re-integrating to their communities. Their poor problem-solving skills and limitations in adaptive behaviour are likely to contribute to increased recidivism rates (Clare & Murphy, 1999). To address these issues, specialised post-release support services are needed. We recommend:

- Case-manager with specialised training in learning disability issues.
- Development of partnership arrangements with existing learning disability agencies to provide training, work opportunities and accommodation for ex-offenders.

- Intensive training for Probation Officers who work with these individuals.

5. Priorities

Many of the recommendations above will require extensive work to plan, develop and fund. However, the prevalence of learning disabilities in the prisoner population and the dearth of relevant services suggest that some immediate actions be taken. The authors would like to highlight the following for immediate consideration:

- Screening system for all offenders when they first contact the criminal justice system to identify those who potentially have learning disability.
- Comprehensive psychological assessment for all offenders identified as potentially having a learning disability.
- Training for Gardaí, Probation Officers and Wardens regarding the needs and appropriate supports for people with learning disability.
- Development of education programmes in prisons specifically designed to address the needs and learning characteristics of individuals with learning disability.

Appendices

The following appendices have not been reproduced in this ‘text only’ version of the Study:

Appendix 1 (detailed breakdown of prisoner demographics):

Table 14	Number of male and female subjects who participated in the study.
Table 15	Gender breakdown by prison.
Table 16	Length of prison term.
Figure 8	Length prison term served by the sample population.
Table 17	Marital Status of the sample population.
Figure 9	Marital status of the sample population.
Table 18	Place of birth of the sample population.
Table 19	Average school leaving age breakdown by prison of the sample population.
Table 20	Examinations taken by sample population.
Figure 10	Examinations taken by sample population.
Table 21	Number and percentage from the sample population who were suspended from school.
Figure 11	Percentage of the sample population who were suspended from school.
Table 22	Number and percentage of subjects in the sample population who were expelled from school.
Figure 12	Percentage of subjects from the sample population who were expelled from school.

- Table 23 Number and percentage of subjects from the sample population who received help from a remedial teacher while in school.
- Figure 13 Percentage of subjects from the sample population who had access to a remedial teacher while at school.
- Table 24 Number and percentage of subjects in the sample population who had to repeat a year while at school.
- Figure 14 Percentage of subjects in the sample that repeated a school year.

Appendix 2 (location map of the prisons/places of detention in the Irish Prison System).

Appendix 3 (graph of 'comparison of the K-BIT Composite Scores for the sample prison population compared to the normal distribution').

References

American Association on Mental Retardation (1992). *Mental Retardation. Definition, Classification, and Systems of Support*. Washington DC: AAMR.

Babinski, L.M., Hartsough, C.S. & Lambert, N.M. (1999). Childhood conduct problems, hyperactivity-impulsivity, and inattention as predictors of adult criminal activity, *Journal of Child psychology and Psychiatry and Allied Disciplines*, 40(3) : 347-355

Bean, P. & Nemitz, T. (1995). *Out of depth and out of sight*. Midland Centre for Criminology, University of Loughborough: Mencap Report.

Brown, B. S. & Courtless, T.F. (1971). *The Mentally Retarded Offender*. Washington DC: US Government Printing Office, Department of Health, Education and Welfare. Publication No. (HSM) 72-90-39.

Clare, I.C. & Murphy, G.H. (1999). Working with offenders or alleged offenders with intellectual disabilities. In *Clinical Psychology and people with Intellectual Disabilities* (ed. E. Emerson, C. Hatton, J. Bromely & A. Caine). Wiley: Chichester.

Day, K. 1988, *British Journal of Psychiatry* 153, 635-644 1990. Principles of practice in forensic psychiatry pp 339 - 418.

Denkowski, G.C. & Denkowski, K. M. (1985). The mentally retarded offender in the state prison system: identification, prevalence, adjustment, and rehabilitation. *Criminal Justice and Behaviour*, 12 (1), 53-70.

Department of Education (1999). Report Study of Remedial Education. Government Publications.

Department of Health (1990). Needs and Abilities - A Policy for the Intellectually Disabled. Report of a Review Group on Mentally Handicap Services. Dublin: Stationery Office.

Gibbens and Roberston 1983. A survey of the criminal careers of restriction order patients. *British Journal of Psychiatry* 143 p 375.

Hayes, S. (1998). People with an intellectual disability in the criminal justice system Submission to the standing committee on law and justice, Department of Behavioural Sciences in Medicine, University of Sydney.

Hayes, SC. & Craddock, G. (1992). *Simply Criminal* (2nd edition). Sydney: Federation Press.

Hayes, S. & McIlwain, D. (1988). *The Prevalence of Intellectual Disability in the New South Wales Prison Population: An Empirical Study*. Canberra: Criminology Research Council.

Hayes, SC. (1993). *People with an intellectual disability and the criminal justice system: appearances before local courts*. Sydney: NSW Law Reform Commission Research Report 4.

Hayes, S.C. (1996). *People with an intellectual disability and the criminal justice system: Two rural courts*. Sydney: NSW Law Reform Commission Research Report 5.

Hayes, S.C. (1999). *Good behaviour? - a comparison of cognitive and adaptive behaviour impairments in offender populations*. Sydney: Australian Society for the Study of Intellectual Disability 35th Annual National Conference.

Hayes, S.C. (1996). Recent research on offenders with learning disabilities. *Tizard Learning Disability Review*, Vol. 1, No.3, pp. 7-15.

Hayes, S.C. (1997). Prevalence of intellectual disability in local courts. *Journal of Intellectual & Developmental Disabilities*, Vol. 22, No. 2, pp. 71-85.

Holland, K. (1999, November 11). Urgent prison service meeting called after two suicides within one week. *The Irish Times*.

Kaufman, A. S. & Kaufman, N. L. (1990). *Kaufman Brief Intelligence Test Manual*. American Guidance Service, Inc.

Lowe, K., Felce, D., Perry, J., Baxter, H. & Jones, E., (1998). The characteristics and residential situations of people with severe intellectual disability and the most severe challenging behaviour in Wales, *Journal of Intellectual Disability Research*, 42 (Pt 5): 375-398.

McAfee, J. & Gural, M. (1988). Individuals with mental retardation and the criminal justice system: the view from the State Attorneys-General, *Mental Retardation*, 6, 5-12.

Murphy, G.H., Harnett, H. & Holland, A.J. (1995). A survey of intellectual disabilities amongst men on remand in prison. *Mental Handicap Research*, 8 (2), 81-98.

Palmer, C. & Hart, M. (1996). *A PACE in the right direction?* Institute for the Study of the Legal Profession, Faculty of Law, University of Sheffield: Mental Health Foundation.

Richardson, S.A., Koller H., & Katz, M. (1985). Continuities and change behaviour disturbance: a follow-up study of mildly retarded young people. *American Journal of Orthopsychiatry*, 55, 220-229.

Simpson and Hogg 1999. Patterns of offending among people with intellectual disabilities.

Svendsin, B.B. & Werner, J. (1997) Offenders within ordinary services for the mentally retarded in Denmark. In: P. Mittler (Ed.) *Research to Practice in Mental Retardation, Volume 1*, Care and Intervention, 419-424, Baltimore: University Park Press.

White, J.L., Moffitt, T.E. & Silva, P.A. (1989). A prospective replication of the protective effects of IQ in subjects at high risk for juvenile delinquency. *Journal of Consulting and Clinical Psychology*, 57(6): 719-724.

Wilkinson, G.S. (1993). *Wide Range Achievement Test Revision 3 Manual*. Jastak Associates, USA.