



**OPSIDIANET**

OFFENDERS WITH PSYCHO-SOCIAL AND INTELLECTUAL DISABILITIES: IDENTIFICATION, ASSESSMENT OF NEEDS AND EQUAL TREATMENT



**SUSPECTS AND ACCUSED WITH  
PSYCHOSOCIAL OR INTELLECTUAL  
DISABILITIES  
LIBRARY OF RESOURCES**



# **RIGHTS OF SUSPECTS AND ACCUSED WITH PSYCHOSOCIAL OR INTELLECTUAL DISABILITIES**

## **LIBRARY OF RESOURCES**

**March 2019**



Country code	Source type	Reference	Key words	Abstract
INT	Website Non-legal	'International', Australian Human Rights Commission. Available at <a href="http://www.humanrights.gov.au/our-work/disability-rights/international">www.humanrights.gov.au/our-work/disability-rights/international</a>	Disabilities; rights; international; UN; CRPD; human rights; equality; United Kingdom; United States; Canada; Europe; Asia-pacific	This website is presented by the Australian Human Rights Commission, and it provides information of human rights and equality standards for persons with disabilities in various key countries and world regions.
INT/EU	Factsheet Legal	'Detention and mental health' (2018) European Court of Human Rights. Available at <a href="http://www.echr.coe.int/Documents/FS_Detention_mental_health_ENG.pdf">www.echr.coe.int/Documents/FS_Detention_mental_health_ENG.pdf</a>	Mental health; detention; human rights; European Convention on Human Rights	"The [European] Court [of Human Rights] has held on many occasions that the detention of a person who is ill may raise issues under Article 3 of the [European] Convention [on Human Rights, which prohibits inhuman or degrading treatment] ... and that the lack of appropriate medical care may amount to treatment contrary to that provision ... In particular, the assessment of whether the particular conditions of detention are incompatible with the standards of Article 3 has, in the case of mentally ill persons, to take into consideration their vulnerability and their inability, in some cases, to complain coherently or at all about how they are being affected by any particular treatment ... [T]here are three particular elements to be considered in relation to the compatibility of an applicant's health with his stay in detention: (a) the medical condition of the prisoner, (b) the adequacy of the medical assistance and care provided in detention, and (c) the advisability of maintaining the detention measure in view of the state of health of an applicant ..." (Sławomir Musiał v. Poland, judgment of 20 January 2009, §§ 87-88).
INT/EU	Factsheet Legal	'Persons with disabilities and the European Convention on Human Rights' (2018) European Court of Human Rights. Available at <a href="http://www.echr.coe.int/Documents/FS_Disabled_ENG.pdf">www.echr.coe.int/Documents/FS_Disabled_ENG.pdf</a>	European Convention on Human Rights; human rights; disabilities; right	This factsheet of the ECtHR focuses on the overall obligation to respect human right, and is applied to persons with disabilities while emphasizing various aspects as key elements in the respect for human rights.



			to life; inhuman or degrading treatment; detention	
<b>INT/EU</b>	Guide Legal	'Guide to Article 5 of the European Convention on Human Rights: Right to liberty and security' (2018) European Court of Human Rights. Available at <a href="http://www.echr.coe.int/Documents/Guide_Art_5_ENG.pdf">www.echr.coe.int/Documents/Guide_Art_5_ENG.pdf</a>	Human rights; European Convention on Human Rights; liberty; security	Guide by the European Court of Human Rights on the key principles relating to the right to liberty and security.
<b>INT</b>	Article Legal	Anna Arstein-Kerslake et al, 'Human Rights and Unfitness to Plead: The Demands of the Convention on the Rights of Persons with Disabilities' (2017) 17 Human Rights Law Review. Available at <a href="https://academic.oup.com/hrlr/article/17/3/399/3979540">https://academic.oup.com/hrlr/article/17/3/399/3979540</a>	Human rights; criminal justice; unfitness to plead; cognitive disabilities; Convention on the Rights of Persons with Disabilities	Findings of unfitness to plead can result in individuals with cognitive disabilities losing access to procedural safeguards in the criminal justice system. They can also lead to long periods of detention and, in some cases, indefinite detention of persons with cognitive disabilities in prisons and other secure facilities. This raises significant concerns with human rights breaches, including the rights to legal capacity, a fair trial and liberty. This article provides a critical analysis of unfitness to plead regimes in common law and civil law countries in the light of key rights set out in the United Nations Convention of the Rights of Persons with Disabilities. It then examines how unfitness to plead regimes might be reformed to ensure that the rights of persons with cognitive disabilities are protected.
<b>INT</b>	Report Legal	Julinda Beqiraj et al, 'Access to justice for persons with disabilities: From international principles to practice' (2017) International Bar Association. Available at <a href="http://www.ibanet.org/PPID/Constituent/AccessToJustice_LegalAid/disabilitiesreport-pressrelease.aspx">www.ibanet.org/PPID/Constituent/AccessToJustice_LegalAid/disabilitiesreport-pressrelease.aspx</a>	Access to justice; barriers; disabilities; international principles; discrimination	Approximately one billion people, or 15 per cent of the global population, experience some form of disability. Persons with disabilities face disproportionate socio-economic marginalisation, resulting in poorer health and medical treatment, lower quality of education, limited employment prospects and generally broad-ranging restrictions on their community participation. These negative outcomes are exacerbated by barriers to access to justice specifically experienced by persons with disabilities.  Disability is both a cause and consequence of poverty, and effective access to justice is among the essential ingredients of sustainable development and eradication of poverty. Access to justice, as a fundamental right in itself and as a precondition of the enjoyment of all other rights, is especially crucial for this category of vulnerable



				persons, and provides a unique tool to counter the discrimination (and often disrespect, lack of dignity or even violence) that they face. Paradoxically, however, those who need effective access to justice most are the ones most frequently encountering barriers to it.
INT	Report Legal	'Global Study on Legal Aid: Global Report' (2016) United Nations Office on Drugs and Crime. Available at <a href="http://www.unodc.org/unodc/en/justice-and-prison-reform/tools.html?ref=menuaside">www.unodc.org/unodc/en/justice-and-prison-reform/tools.html?ref=menuaside</a>	Legal aid; right; legal framework; administration	<p>The 2030 Agenda for Sustainable Development recognizes “the need to build peaceful, just, and inclusive societies which provide equal access to justice and are based on respect for human rights.” Goal 16, and its target 3 in particular, highlight the importance of ensuring “access to justice for all” in achieving sustainable development.</p> <p>The United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) undertook the Global Study on Legal Aid in order to collect data systematically on legal aid, examine how the right to legal aid is being defined worldwide and how it is being addressed through laws and IV Global Study on Legal Aid — Global Report policies by states, and understand better the reality of what access and delivery of legal aid looks like across countries and regions in diverse development contexts. This global study is the first time the UN system has endeavoured to provide an overview of the current state of legal aid around the world. It increases the knowledge and evidence base on how legal aid is being provided. Drawing on survey responses from UN Member States and independent national experts, the study presents various recommendations on how to address common challenges which Member States across all regions and in different development contexts face in delivering legal aid.</p>
INT	Report Legal	'Global Study on Legal Aid: Country Profiles' (2016) United Nations Office on Drugs and Crime. Available at <a href="http://www.unodc.org/unodc/en/justice-and-prison-reform/tools.html?ref=menuaside">www.unodc.org/unodc/en/justice-and-prison-reform/tools.html?ref=menuaside</a>	Legal aid; Asia-Pacific; Sub-Saharan Africa; Latin America; Caribbean; Eastern Europe; Central Asia; Western Europe	<p>This publication was developed as part of the Global Study on Legal Aid undertaken by UNDP and UNODC, and aims to provide a snapshot of the current state of legal aid in 49 countries around the world. Country Profiles were developed for countries where both Member States and independent national experts completed the survey on legal aid conducted as part of the Global Study. This publication also includes a Table of Legislation which provides information about the legislation that guarantees the right to legal aid in 125 countries.</p>



<b>INT/EU</b>	Report Legal	'Rights of suspected and accused persons across the EU: translation, interpretation and information' (2016) European Union Agency for Fundamental Rights. Available at <a href="http://fra.europa.eu/en/publication/2016/rights-suspected-and-accused-persons-across-eu-translation-interpretation-and">http://fra.europa.eu/en/publication/2016/rights-suspected-and-accused-persons-across-eu-translation-interpretation-and</a>	Human rights; suspected; accused; disabilities; translation; interpretation; vulnerable persons	<p>Protecting the human rights of individuals subject to criminal proceedings is an essential element of the rule of law. Persons who are suspected or accused of crimes in countries other than their own are particularly vulnerable, making appropriate procedural safeguards crucial. In addition, people with disabilities and children may have specific needs that may place them at further disadvantage.</p> <p>Proper protection of rights is also vital to strengthen trust among European Union (EU) Member States – an important prerequisite for fostering effective cooperation in matters relating to the EU’s area of freedom, security and justice. The EU has introduced various initiatives to strengthen such trust, including Directive 2010/64/EU on the right to interpretation and translation and Directive 2012/13/EU on the right to information. These instruments aim to ensure that all suspects and accused persons promptly receive information about their rights, and that they receive translation and interpretation services where necessary to fully exercise their right of defence.</p> <p>This report outlines EU Member States’ legal frameworks and policies regarding these rights. It also identifies promising practices. Topics covered include assessing the need for translation and/or interpretation, as well as the quality of any such services provided; ensuring effective communication with counsel; providing information on rights in an accessible manner; permitting practical access to case materials; and, remedies available for individuals seeking to challenge interferences with their rights. The final chapter focuses on the needs of vulnerable persons.</p>
<b>EUROPE/BE, CZ, E&amp;W, FI, DE, NL, ES, CH</b>	Article Legal	Marie Fallon-Kund & Jerome Bickenbach, 'Strengthening the Voice of Persons with Mental Health Problems in Legal Capacity Proceedings' (2016) 5(3) Laws. Available at <a href="http://www.mdpi.com/2075-471X/5/3/29/html">www.mdpi.com/2075-471X/5/3/29/html</a>	Mental health; legal capacity proceedings; right to be heard	<p>Despite the standards set out by the United Nations Convention on the Rights of Persons with Disabilities (CRPD), states are reluctant to put an end to substitute decision-making regimes all at once. Persons with mental health problems are particularly affected by such regimes that are instituted by independent authorities through legal capacity proceedings. In order to allow the person to express their will and preferences throughout the proceedings, the right to be heard is of primary importance for the person concerned. The objective of this paper is to review the essential support mechanisms as well as procedural accommodations for the</p>



				implementation of an equal and effective right to be heard for persons with mental health problems. Fulfilling the right to be heard in legal capacity proceedings is a step towards more individualized regimes that promote the autonomy of the person.
INT	Guideline Legal	'Guidelines on article 14 of the Convention on the Rights of Persons with Disabilities: The right to liberty and security of persons with disabilities' (2015) Session 14, Committee on the Rights of Persons with Disabilities. Available at <a href="http://www.ohchr.org/EN/HRBodies/CRPD/Pages/GC.aspx">www.ohchr.org/EN/HRBodies/CRPD/Pages/GC.aspx</a>	Convention on the Rights of Persons with Disabilities; article 14; liberty; security; detention	This Guideline represents an elaboration and development of the Committee on the Rights of Persons with Disabilities' understanding of article 14 of the CRPD on the right to liberty and security of persons with disabilities.
INT	Report Legal	'Implementing the UN CRPD: An overview of legal reforms in EU Member States' (2015) European Union Agency for Fundamental Rights. Available at <a href="http://fra.europa.eu/en/publication/2015/implementing-un-crpd-overview-legal-reforms-eu-member-states">http://fra.europa.eu/en/publication/2015/implementing-un-crpd-overview-legal-reforms-eu-member-states</a>	UN CRPD; disabilities; rights; implementation	Many people with disabilities often face legal and societal barriers that prevent them from taking an active and full part in society. The UN Convention on the Rights of Persons with Disabilities (CRPD) has helped galvanise efforts to advance the rights of people with disabilities across the EU since it entered into force in 2008. This paper outlines how Member States across the EU have reformed their laws and policies to meet their obligations under the CRPD. By bringing together examples of such reforms, it also highlights how the adoption of international commitments can drive wide-ranging processes of change at the national level.
INT	Book Non-legal	Duncan Chappell, <i>Policing and the Mentally Ill: International Perspectives</i> (CRC Press 2013). Available at <a href="https://books.google.bg/books?id=yLHMBQAQBAJ&amp;printsec=frontcover&amp;source=gbs_ge_summary_r&amp;cad=0#v=onepage&amp;q&amp;f=false">https://books.google.bg/books?id=yLHMBQAQBAJ&amp;printsec=frontcover&amp;source=gbs_ge_summary_r&amp;cad=0#v=onepage&amp;q&amp;f=false</a>	Policing; mentally ill; interactions; international jurisdictions	In countries with democratic traditions, police interactions with the mentally ill are usually guided by legislative mandates giving police discretion and possibly resulting in referrals for assistance and treatment. But all too frequently, the outcome of these interactions is far less therapeutic and leads to a cycle of arrests and ultimately incarceration. Stemming from an initiative in Memphis, Tennessee two decades ago, police departments in many parts of the world have set up specific programs with crisis intervention teams to facilitate police contact with the mentally ill. This book examines how these types of programs have fared in jurisdictions across the world. The book begins with developments in North America and Europe—traditionally the locus of much of the innovation and change in



policing and related areas. It demonstrates how a number of jurisdictions in Europe have only recently begun to recognize therapeutic intervention with the mentally ill as a priority issue, and still frequently suffer from a lack of significant resources. The largest section of the book focuses on Australia, where local law enforcement agencies have displayed a remarkable enthusiasm for and commitment to change in their management of interactions with citizens with mental illness. Finally, the book examines the particular challenges of providing humane and effective policing for persons with mental illnesses in parts of the developing world. These challenges often involve dealing with entrenched cultural beliefs and practices based on superstition, fear, and prejudice regarding persons thought to be mentally ill.

Interactions between police and persons with mental illnesses comprise an important and sensitive aspect of everyday policing. The 16 chapters in this book offer a wide range of cross-cultural perspectives on this essential aspect of policing, enabling police practitioners to develop a best practices approach to managing their interactions with this vulnerable segment of the community.

<b>INT/EUROPE</b>	Handbook Legal	Jim Murdoch & Ralph Roche, 'The European Convention on Human Rights and Policing' (2013) Council of Europe. Available at <a href="https://www.echr.coe.int/Documents/Handbook_European_Convention_Police_ENG.pdf">https://www.echr.coe.int/Documents/Handbook_European_Convention_Police_ENG.pdf</a>	European Convention on Human Rights; policing; use of force; deprivation of liberty;	As a response to the actual abuses of human rights by the police, which have taken place in the past and, unfortunately, continue to occur at present and in different countries, one of the key underlying principles of the Council of Europe in regard to policing is that it should have as its fundamental objective the protection of human rights. There is no conflict between effective policing and human rights protection. On the contrary, the road to one passes through the other. Considering that police activities to a large extent are performed in close contact with the public, police efficiency is dependent on public support. At the same time, public confidence in the police and its support are closely related to the attitude and behaviour of members of the police towards the public, in particular their respect for the human dignity and fundamental rights and freedoms of the individual.
				The handbook was drawn up bearing in mind the European Convention on Human Rights, in the light of the relevant case law of



the European Court of Human Rights, as well as the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and other relevant standards established within the framework of the Council of Europe. Therefore, it shall become a useful tool in the hands of police and other state authorities in order to prevent and fight police misconduct or impunity and uphold the human rights.

**INT/EUROPE**

Issue  
Paper  
Legal

'Who gets to decide? Right to legal capacity for persons with intellectual and psychosocial disabilities' (2012) Council of Europe Commissioner for Human Rights. Available at [www.coe.int/t/commissioner/source/prems/1P\\_LegalCapacity\\_GBR.pdf](http://www.coe.int/t/commissioner/source/prems/1P_LegalCapacity_GBR.pdf)

Intellectual disabilities; psychosocial disabilities; legal capacity; rights

Having legal capacity enables us to choose where and with whom we want to live, to vote for the political party we prefer and to have access to cinemas and other leisure activities. Without it we are non-persons in the eyes of the law and our decisions have no legal force. This is still the reality for hundreds of thousands, if not a million, Europeans with intellectual and/or psychosocial disabilities put under guardianship regimes.

The UN Convention on the Rights of Persons with Disabilities offers a response to these concerns through its Article 12 on the equal recognition before the law. In fact, this Article provides a paradigm shift in policies towards persons with disabilities; it signals a deeper understanding of equality.

The bulk of European legal capacity systems are out-dated and in urgent need of law reform. The assumption of legal capacity, which all adults of majority age should enjoy, has to be extended to persons with disabilities. It redirects our focus away from personal deficiencies towards putting into place supports that enable individuals to make decisions for themselves and expand their capacities to do so.

This Issue Paper describes the challenges faced by Council of Europe member states in dealing with the issue. These include the flaws of current guardianship systems and procedures, the automatic loss of human rights of those placed under guardianship regimes and the pressing need to develop support alternatives giving persons with disabilities equal opportunities to shape their life paths. The paper outlines the applicable international human rights framework, including the relevant case-law from the European Court of Human Rights. It concludes with examples of good practice to show the way forward.



INT	Handbook Non-legal	'Handbook on Prisoners with special needs' (2009) United Nations Office on Drugs and Crime. Available at <a href="http://www.unodc.org/unodc/en/justice-and-prison-reform/tools.html?ref=menuaside">www.unodc.org/unodc/en/justice-and-prison-reform/tools.html?ref=menuaside</a>	Special needs; prisoners; prison; mental health care; disabilities; minorities	<p>This handbook covers the special needs of eight groups of prisoners, which have a particularly vulnerable status in prisons. They are: Prisoners with mental health care needs; Prisoners with disabilities; Ethnic and racial minorities and indigenous peoples; Foreign national prisoners; Lesbian, gay, bisexual, and transgender (LGBT) prisoners; Older prisoners; Prisoners with terminal illness and Prisoners under sentence of death.</p> <p>The focus of the handbook is prisoners. However, it must be emphasized that the social reintegration of most offenders with special needs is much better served in the community, rather than in prisons, where their requirements can rarely be met and where their situation is likely to deteriorate. Due to their vulnerability in prisons, in many cases, the imprisonment of members of groups covered in this handbook comprises a disproportionately harsh punishment. Therefore, the handbook includes suggestions relating to possible legislative reforms and the use of community sanctions and measures, throughout, to reduce the imprisonment of vulnerable prisoners, when they do not pose a threat to public safety.</p>
INT	Article Non-legal	Jessica Jones, 'Persons with Intellectual Disabilities in the Criminal Justice System' (2007) 51(6) International Journal of Offender Therapy and Comparative Criminology. Available at <a href="http://journals.sagepub.com/doi/10.1177/0306624X07299343">http://journals.sagepub.com/doi/10.1177/0306624X07299343</a>	Offenders; intellectual disabilities; learning disabilities; mental retardation; forensic; review	<p>Although the vast majority of individuals with intellectual disabilities (ID) are law-abiding citizens, there is a small percentage with offending behaviour that is considered antisocial, socially inappropriate, or defined as illegal. It has long been recognised that individuals with ID or mental-health needs who break the law should be dealt with differently from the general population. There have been an increasing number of empirical studies in this area; however, these have been plagued by various definitional and methodological issues. Prevalence estimates of offenders with ID are complicated by diagnostic variations and inconsistencies in the criminal justice process. International studies have shown a large range, from 2% to 40%, depending on methodological approaches. The following review will highlight the salient issues including prevalence of offending, characteristics of offenders, vulnerabilities within the legal system, assessment, and a brief overview of intervention and treatment approaches.</p>



INT	Book Non-legal	William Lindsay et al, <i>Offenders with Developmental Disabilities</i> (John Wiley & Sons 2004). Available at <a href="https://books.google.bg/books?id=CDUjoeMdJQwC&amp;source=gbs_navlinks_s">https://books.google.bg/books?id=CDUjoeMdJQwC&amp;source=gbs_navlinks_s</a>	Offenders; developmental disabilities; crime	<p>For over a century, developmental disabilities have been associated with crime in prejudicial and pejorative contexts.</p> <p><i>Offenders with Developmental Disabilities</i> provides a balanced, comprehensive review of the prevalence, nature and development of offending by those with intellectual disabilities. Not only does this volume include coverage of evidence-based assessment and treatment ideas, strategies and plans, but also places the field in a historical, legal and ethical context.</p> <p>William Lindsay, John Taylor and Peter Sturmey have brought together a wealth of contributors from differing backgrounds to share new material and knowledge of assessments, treatment, and service issues in a single volume. Divided into five parts, Part I opens with theoretical issues; Part II deals with legal and services contexts including ethical concerns; Part III considers risk assessment, general assessment and approaches to evaluation; Part IV addresses specific issues of sexual offending, anger and aggression, fire raising, dual diagnosis, female offenders and personality disorder; Part V concludes with service development, professional and research issues.</p> <p>Forensic practitioners and students from psychology and psychiatry, lawyers and advocates, nurses and social workers will all find this comprehensive and practical book an inspiration in taking this field forward.</p>
INT/ EUROPE	Report Legal	'White Paper on the Protection of the Human Rights and Dignity of People Suffering from Mental Disorder, Especially Those Placed as Involuntary Patients in a Psychiatric Establishment' (2000) Council of Europe DIR/JUR (2000) 2. Available at <a href="http://www.coe.int/t/dg3/healthbioethic/Activities/08_Psychiatry_and_human_rights_en/DIR-JUR(2000)2WhitePaper.pdf">www.coe.int/t/dg3/healthbioethic/Activities/08_Psychiatry_and_human_rights_en/DIR-JUR(2000)2WhitePaper.pdf</a>	Human rights; mental disorder; psychiatric establishment; involuntary	<p>The White Paper defines the roles and certain standards regarding the various agencies involved in the placement and treatment of mentally ill offenders, such as the police, courts, prisons and medical experts. In doing so, it assesses the criteria for the involuntary placement in psychiatric establishments for involuntary treatment, the procedures for making such decisions, discrimination against individuals suffering from mental disorders, and questions of lawfulness of such involuntary placement, among other aspects.</p>
INT/UK, AU	Article Non-legal	Eileen Baldry et al, "Cruel and unusual punishment": an inter-jurisdictional study of the criminalisation of young people with	Cognitive disabilities; comparative	<p>Although several criminologists and social scientists have drawn attention to the high rates of mental and cognitive disability amongst populations of young people embroiled in youth justice systems, less</p>



		<p>complex support needs’ (2018) 21(5) Journal of Youth Studies. Download from <a href="https://childdetentionnt.royalcommission.gov.au/NT-public-hearings/Documents/evidence-2017/evidence8may/Exh-338-004.pdf">https://childdetentionnt.royalcommission.gov.au/NT-public-hearings/Documents/evidence-2017/evidence8may/Exh-338-004.pdf</a></p> <p>Available at <a href="http://www.tandfonline.com/doi/full/10.1080/13676261.2017.1406072?scroll=top&amp;needAccess=true">www.tandfonline.com/doi/full/10.1080/13676261.2017.1406072?scroll=top&amp;needAccess=true</a></p>	<p>analysis; complex support needs; criminalisation; mental health disorders; youth justice</p>	<p>attention has been paid to the ways in which young people with disability are disproportionately exposed to processes of criminalisation and how the same processes serve to further disable them. In this paper, we aim to make a contribution towards filling this gap by drawing upon qualitative findings from the Comparative Youth Penalty Project – an empirical interjurisdictional study of youth justice and penalty in England and Wales and in four Australian states. We build on, integrate and extend theoretical perspectives from critical disability studies and from critical criminology to examine the presence of, and responses to, socio-economically disadvantaged young people with multiple disabilities (complex support needs) in youth justice systems in our selected jurisdictions. Four key findings emerge from our research pertaining to: (i) the criminalisation of disability and disadvantage; (ii) the management of children and young people with disabilities by youth justice agencies; (iii) the significance of early and holistic responses for children and young people with complex support needs; and (iv) the inadequate nature of community-based support.</p>
<p><b>INT/BG, FI, FR, HU, IE</b></p>	<p>Report Legal</p>	<p>‘Comparison of legal systems in access to justice for persons with intellectual disabilities in the following countries: Bulgaria, Finland, France, Hungary, Ireland’ (2015) Access to Justice for Persons with Intellectual Disabilities, and co-funded by the Civil Justice Programme of the EU. Available at <a href="http://www.firah.org/centre-ressources/upload/notices3/2015/ajupid-final-research-report-may-2015.pdf">www.firah.org/centre-ressources/upload/notices3/2015/ajupid-final-research-report-may-2015.pdf</a></p>	<p>Access to justice; intellectual disabilities; Bulgaria; Finland; France; Hungary; Ireland</p>	<p>‘Access to Justice for Persons with Intellectual Disabilities’ (AJuPID) is a project aiming to improve knowledge about and foster access to justice for adults with intellectual disabilities in five participating countries; Bulgaria, Finland, France, Hungary and Ireland. The project seeks to address the fact that many adults with intellectual disabilities are placed under guardianship-type measures, and there is a lack of information about how current legal systems provide adults with intellectual disabilities with the right to effective access to justice with appropriate accommodations. There is also a dearth of information on how to implement the UN Convention on the Rights of Persons with Disabilities (CRPD) and on the implications of the rights to legal capacity and access to justice of persons with intellectual disabilities for legal guardians, support persons and judicial staff.</p> <p>This report aims to address this gap. This report analyses the extent to which adults with intellectual disabilities have access to the justice system and what role the guardians and support persons have in the proceedings. A key element of this analysis is comparing the theory and practice collected from the five countries with the provisions of</p>



the CRPD including its authoritative interpretation by the UN treaty bodies, such as the CRPD Committee.				
<b>INT/BG, DE, GR, FR, HU, LV, RO, SE, UK</b>	Report Legal	'Legal capacity of persons with intellectual disabilities and persons with mental health problems' (2013) European Union Agency for Fundamental Rights. Available at <a href="http://fra.europa.eu/en/publication/2013/legal-capacity-persons-intellectual-disabilities-and-persons-mental-health-problems">http://fra.europa.eu/en/publication/2013/legal-capacity-persons-intellectual-disabilities-and-persons-mental-health-problems</a>	Intellectual disabilities; legal capacity; mental health; CRPD	<p>Equal recognition of persons before the law is a long-established human rights principle. Nevertheless, legal frameworks in many European Union (EU) Member States allow for the legal capacity of persons with intellectual disabilities and persons with mental health problems to be restricted or removed under certain conditions. These legal frameworks are now undergoing a transformation as the entry into force of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) drives rapid and significant change across those states that have ratified the convention, including 24 EU Member States and Croatia as well as the EU itself.</p> <p>Based on a rights-based approach to disability, which puts individuals at the centre of all decisions affecting them, the issue of legal capacity is being reframed in terms of the support that persons with disabilities may need to make decisions. This report by the EU Agency for Fundamental Rights (FRA) analyses the current legal standards on legal capacity across the EU, set against the backdrop of the experiences of interviewees who have had their legal capacity removed or restricted. The FRA report reveals the gap between the promise of the CRPD and the reality those with disabilities face in the EU every day, and, by so doing, hopes to contribute to closing it.</p>
<b>INT/AT, BG, CZ, LT, SI</b>	Report Legal	Ludwig Boltzmann Institute of Human Rights and partners, <i>Dignity at Trial: Enhancing Procedural Safeguards for Suspects with Intellectual and Psychosocial Disabilities: Handbook</i> (2018), EU funded interdisciplinary research project, Available at <a href="https://bim.lbg.ac.at/en/publication/current-publications/handbook-dignity-trial">https://bim.lbg.ac.at/en/publication/current-publications/handbook-dignity-trial</a>	Procedural safeguards; suspects; intellectual disabilities; psychosocial disabilities	<p>Criminal proceedings against persons with intellectual and/or psychosocial disabilities pose a range of challenges for all involved stakeholders and bear a particularly high risk of human rights violations for a suspect with disabilities due to two facts:</p> <p>First, the suspect's vulnerability due to his/her intellectual and/or psychosocial disability is frequently not identified. The person is therefore not granted the necessary support, in particular medical assistance, accessible information and legal support, and may undergo a criminal procedure without being able to effectively participate in the proceedings.</p> <p>Second, even if the vulnerability is identified criminal law often does not adequately respond to the needs of a vulnerable suspect. It has traditionally approached disabilities, especially psychosocial ones,</p>



				from a risk prevention perspective and not from a human rights perspective that aims to ensure equality and non-discrimination. National laws often provide a “one fits all” approach which does not take account of the individual situation of the suspect. Timely identification by independent experts and adequate procedural safeguards which allow for active participation, are therefore essential to ensure a fair trial for persons with intellectual and/or psychosocial disabilities.
<b>INT/UK, USA, CA, NO</b>	Book Non-legal	Gisli Gudjonsson, <i>The Psychology of Interrogations and Confessions: A Handbook</i> (John Wiley & Sons, 2003) Available at <a href="http://www.ai-edu.com/wp-content/uploads/2014/05/Gudjonsson-The-Psychology-of-Interrogations-and-Confessions.pdf">www.ai-edu.com/wp-content/uploads/2014/05/Gudjonsson-The-Psychology-of-Interrogations-and-Confessions.pdf</a>	Interrogations; confessions; police; persons at risk; false confessions; miscarriages of justice; legal; psychological	This book is divided into four sections. Part I summarizes much research and theory on interrogation and confession and notably in a chapter co-authored with John Pearse, an experienced police officer, illustrates how far the British police have come in their recognition of the impact of oppressive interviewing practices on false and misleading confessions. Part II summarizes much work on the GSS, which has been widely taken up by researchers in several countries, and summarizes the legal position on the admissibility of confession evidence in Britain and the United States. Part III covers appeal court cases in the United Kingdom and reveals an impressive readiness on the part of the courts in recent years to listen to new psychological evidence and to attempt to redress in part the grievances of the falsely convicted. Part IV follows the judicial trail to the United States, Canada and Norway and uncovers striking parallels between the interrogation processes leading to false confessions in the UK and those perpetrated elsewhere. However, there appears to be a disturbing lack of readiness on the part of many of these judiciaries to address these issues and provide legal remedies.
<b>AU</b>	Website Legal	‘The Rights of People with Disabilities: Areas of Need for Increased Protection – Chapter 5: Criminal Justice System’, Australian Human Rights Commission. Available at <a href="https://www.humanrights.gov.au/publications/rights-people-disabilities-areas-need-increased-protection-chapter-5-criminal-justice#activity">https://www.humanrights.gov.au/publications/rights-people-disabilities-areas-need-increased-protection-chapter-5-criminal-justice#activity</a>	Criminal justice system; rights; disabilities; denial of rights; police; criminal activity	This chapter on the criminal justice system takes the form of a general discussion of the situation, in which details of specific State or Territory practices are provided where possible. Considerable use has been made of New South Wales examples, due to the detailed contribution received from that State.  Many of the issues identified in this chapter do not appear to constitute a problem for people with a physical disability. This is perhaps attributable to two factors. Firstly, people with a physical disability seem to be under-represented in the criminal justice system



rather than over-represented as is the case for people with intellectual disabilities. People with physical disabilities seem to be less likely to offend, and less likely to receive custodial sentences. It has not been possible to find any data on this.

It may be that the physical disability itself is prohibitive of criminal activity. The lack of data could also of course be indicative of a hidden problem. The second factor is simply that of understanding. Many of the issues arise primarily because of the low level of understanding of people with an intellectual disability. Where the comprehension of a person with a physical disability is unaffected, he or she may not face such difficulties. For these reasons, and the simple lack of information on the subject, this chapter relates almost entirely to people with intellectual disabilities.

**AU** Report Legal Bernadette McSherry et al, 'Unfitness to Plead and Indefinite Detention of Persons with Cognitive Disabilities: Addressing the Legal Barriers and Creating Appropriate Alternative Supports in the Community' (2017) Melbourne Social Equity Institute. Available at [https://socialequity.unimelb.edu.au/\\_data/assets/pdf\\_file/0009/2598507/Unfitness-to-Plead.pdf](https://socialequity.unimelb.edu.au/_data/assets/pdf_file/0009/2598507/Unfitness-to-Plead.pdf)

Unfitness to plead; cognitive disabilities; detention; barriers

Multiple law reform initiatives, media reports and international human rights agencies have raised concerns about unfitness to plead laws that lead to the indefinite detention of persons with cognitive disabilities, and particularly Indigenous people with cognitive disabilities, in Australia.<sup>2</sup> Unfitness to plead laws raise serious concerns about persons with cognitive disabilities potentially being denied equal access to justice. While such laws are meant to protect accused persons from unfair trials, if an accused person is found unfit to plead or stand trial, he or she may be subject to indefinite detention or state intervention for a longer period than would have been possible if the individual was permitted to proceed through a trial.

This project is concerned with two major research gaps in relation to unfitness to plead laws. The first relates to unfitness to plead and the United Nations Convention on the Rights of Persons with Disabilities (CRPD), while the second major research gap concerns what makes for effective support for accused persons with cognitive disabilities to participate in criminal proceedings.

**AU** Website Legal Office of the Director of Public Prosecutions, 'Mental impairment/fitness to stand trial' (2016) Government of South Australia. Factsheet and information links available at

Mental impairment; fitness to stand trial; legislation

The legal process relating to Mental Competence and Fitness to Stand Trial is both involved and complex. Unfortunately there is no short or simple way to explain the many issues and steps a court must consider. As such, the (non-exhaustive) information presented is



		<a href="https://www.dpp.sa.gov.au/was/prosecuting-crimes/mental-impairment-fitness-to-stand-trial/">https://www.dpp.sa.gov.au/was/prosecuting-crimes/mental-impairment-fitness-to-stand-trial/</a>		organized into a series of questions most commonly asked by victims and their families and gives an overview of the Mental Impairment and Fitness to Stand Trial legal process, including the steps involved and terminology used.
<b>AU</b>	Article Non-legal	Billy Fogden et al, 'Crime and victimisation in people with intellectual disability: a case linkage study' (2016) 16 BMC Psychiatry. Available at <a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4884349/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4884349/</a>	Crime; victimisation; intellectual disability; offending; mental disorder	<p>Background: Studies have suggested that people with intellectual disability are disproportionately involved in crime both as perpetrators and victims.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<b>AU</b>	Report Legal	'Equal before the law: Towards disability justice strategies' (2014) Australian Human Rights Commission. Available at <a href="https://www.humanrights.gov.au/our-work/disability-rights/publications/equal-law">https://www.humanrights.gov.au/our-work/disability-rights/publications/equal-law</a>	Access to justice; criminal justice system; rights; disabilities; equality; strategies	<p>Access to justice in the criminal justice system for people with disabilities who need communication supports or who have complex and multiple support needs (people with disabilities) is a significant problem in every jurisdiction in Australia. Whether a person with disability is the victim of a crime, accused of a crime or a witness, they are at increased risk of being disrespected and disbelieved and of not enjoying equality before the law.</p> <p>This report provides a snapshot of where equality for persons with disabilities does not exist, highlights services and programs that</p>



improve equality before the law for people with disabilities, and sets some directions by which change may occur.				
AU	Report Legal	‘Access to justice in the criminal justice system for people with disability’ (April 2013) Australian Human Rights Commission. Available at <a href="http://www.humanrights.gov.au/our-work/disability-rights/publications/access-justice-criminal-justice-system-people-disability">www.humanrights.gov.au/our-work/disability-rights/publications/access-justice-criminal-justice-system-people-disability</a>	Access to justice; criminal justice system; disabilities; rights; barriers	<p>This Issues Paper outlines five key barriers to justice experienced by people with disability who need communication supports or who have complex and multiple support needs. It summarises the main issues under each barrier and includes some real stories as examples. It also includes some questions about the criminal justice system and your experiences.</p> <ul style="list-style-type: none"> <li>- BARRIER 1. Community support, programs and assistance to prevent violence and disadvantage and address a range of health and social risk factors may not be available to some people with disability. This means that people with disability are left without protection and face ongoing violence, or have repeated contact with the criminal justice system because appropriate programs and community support are not available.</li> <li>- BARRIER 2. People with disability do not receive the support, adjustments or aids they need to access protections, to begin or defend criminal matters, or to participate in criminal justice processes.</li> <li>- BARRIER 3. Negative attitudes and assumptions about people with disability often result in people with disability being viewed as unreliable, not credible or not capable of giving evidence, making legal decisions or participating in legal proceedings.</li> <li>- BARRIER 4. Specialist support, accommodation and programs may not be provided to people with disability when they are considered unable to understand or respond to criminal charges made against them (‘unfit to plead’). Instead, they are often indefinitely detained in prisons or psychiatric facilities without being convicted of a crime. This situation mainly happens to people with intellectual disability, cognitive impairment and people with psychosocial disability.</li> <li>- BARRIER 5. Support, adjustments and aids may not be provided to prisoners with disability so that they can meet basic human needs and participate in prison life. They often face inhuman and</li> </ul>



				degrading treatment, torture and harmful prison management practices.
<b>AU / CA, NO, SA, UK</b>	Report Legal	'Background Paper on Access to Justice for People with Disability in the Criminal Justice System' (Dec 2013) Australian Human Rights Commission. Available at <a href="http://www.humanrights.gov.au/our-work/disability-rights/publications/background-paper-access-justice-people-disability-criminal">www.humanrights.gov.au/our-work/disability-rights/publications/background-paper-access-justice-people-disability-criminal</a>	Access to justice; disabilities; criminal justice system; rights	<p>In April 2013, the Australian Human Rights Commission (AHRC) released an Issues Paper concerning access to justice in the criminal justice system for people with disability who need communication supports or have complex and multiple support needs. This report responds to some of the issues raised in the paper and also looks at the systems and mental health courts of other countries.</p> <p>Global business law firm DLA Piper has worked in partnership with the Australian Human Rights Commission to address issues facing people with disabilities wanting better access to Australia's criminal justice system.</p> <p>The Commission led an investigation into the barriers people who need communications support, or have multiple or complex support needs, face in the criminal justice system. The investigation included individuals who are encountering the law as victims of crime, witnesses or offenders.</p> <p>The report includes:</p> <ul style="list-style-type: none"> <li>- An analysis of evidence laws, policies and guidelines;</li> <li>- Information on diversion programs;</li> <li>- An assessment of capacity in the criminal justice system; and</li> <li>- An analysis of violence against people with disability in residential care settings.</li> </ul>
<b>AU</b>	Article Non-legal	Benjamin Spivak & Stuart Thomas, 'Police contact with people with an intellectual disability: the Independent Third Person perspective' (2013) 57(7) Journal of Intellectual Disability Research. Available at <a href="https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1365-2788.2012.01571.x">https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1365-2788.2012.01571.x</a>	Police contact; intellectual disability; Independent Third Person; police identification	<p>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).</p> <p>Methods: All registered Independent Third Person volunteers across the State of Victoria in Australia were identified and sent a postal</p>



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 at 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.

AU	Report Legal	'People with cognitive and mental health impairments in the criminal justice system: Criminal responsibility and consequences' (2013) Report 138, NSW Law Reform Commission. Available at <a href="http://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_completed_projects/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem.aspx">www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_completed_projects/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem.aspx</a>	Cognitive impairment; mental health; criminal justice system; diversion; criminal responsibility	The focus of this report is on the law relating to people with mental health and/or cognitive impairments who have committed serious offences. It considers fitness to plead, the defence of mental illness, substantial impairment, and infanticide. It also examines the procedures that follow a finding of unfitness or not guilty by reason of mental illness (NGMI), and the management of people who become forensic patients. Further, it considers issues relating to apprehended violence orders against people who have cognitive and/or mental health impairments, as well as dealing with the retention and destruction of forensic samples taken from people who are diverted, who are found NGMI, or who are unfit and not acquitted at a special hearing (UNA).
AU	Article Non-legal	Isabelle Bartkowiak-Théron & Nicole Asquith, 'The Extraordinary Intricacies of Policing Vulnerability' (2012) Australasian Policing: A Journal of Professional Practice and Research. Available at	Vulnerable people; policing; interactions; police practices	Vulnerable people have become a key focus of policy over the past few decades. As a result, police organisations have had to adapt to ongoing requests for specialised attention and protocol development to mediate the interactions between frontline officers and members of a variety of vulnerable groups. This article examines the various



		<a href="http://www.researchgate.net/publication/28280919">www.researchgate.net/publication/28280919</a> <a href="#">2 The Extraordinary Intracacies of Policing Vulnerability</a>		socio-political developments that have led to contemporary policing practices in relation to vulnerable people, and untangles a series of problems in our current approach to vulnerability. Additionally, we propose an alternative operationalisation of vulnerability, which shifts the focus from siloed cultural competency to integrated critical diversity, and in doing so, attempts to relieve some of the institutional, political and operational pressure faced by policing services.
AU	Report Legal	'People with cognitive and mental health impairments in the criminal justice system: Diversion' (2012) Report 135, NSW Law Reform Commission. Available at <a href="http://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_completed_projects/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem.aspx">www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_completed_projects/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem/lrc_peoplewithcognitiveandmentalhealthimpairmentsinthecriminaljusticesystem.aspx</a>	Cognitive impairment; mental health; criminal justice system; diversion	This report is a comprehensive look at the opportunities to enhance diversion at all stages of the criminal justice system for people with cognitive and mental health impairments.
AU	Article Non-legal	Marie Henshaw & Stuart Thomas, 'Police encounters with people with intellectual disability: prevalence, characteristics and challenges' (2012) 56(6) Journal of Intellectual Disability Research. Available at <a href="https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1365-2788.2011.01502.x">https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1365-2788.2011.01502.x</a>	Collaboration; criminal justice; intellectual disability; police contact	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.
AU	Book Non-legal	Isabelle Bartkowiak-Théron & Nicole Asquith (eds), <i>Policing Vulnerability</i> (The Federation Press 2012). Available at <a href="http://www.federationpress.com.au/bookstore/book.asp?isbn=9781862878976">http://www.federationpress.com.au/bookstore/book.asp?isbn=9781862878976</a>	Vulnerability; police; policing; custody; sentencing; punishment	This edited collection provides analytical, theoretical and empirical insights on vulnerable people policing, and reflects on critical issues in a domain that is increasingly subject to speedy conversion from policy to practice, and heightened media and political scrutiny. It breaks down policing practices, operations and procedures that have vulnerable populations as a focus, bringing together original and innovative academic research and literature, practitioner experience and discussion of policy implications (from local and international perspectives).



<p>The particular nature of this collection highlights the multi-disciplinary nature of police work, sheds light on how specific, mandatory policies guide police officers' steps in their interaction with vulnerable populations, and discusses the practicalities of police decision making at key points in this process.</p> <p>Each chapter features a single step of the policing process: from police recruit education through to custody, and the final transfer of vulnerable people to courts and sentencing.</p>				
<b>AU</b>	Conference Background Paper Non-legal	Eileen Baldry et al, 'People with mental and cognitive disabilities: pathways into prison' (Background Paper for Outlaws to Inclusion Conference, February 2012). Available at <a href="http://www.mhdcd.unsw.edu.au/sites/www.mhdcd.unsw.edu.au/files/u18/pdf/MHDCDbackgroundOutlaws%20Conf1.pdf">www.mhdcd.unsw.edu.au/sites/www.mhdcd.unsw.edu.au/files/u18/pdf/MHDCDbackgroundOutlaws%20Conf1.pdf</a>	Mental health and cognitive disability (MHCD); criminal justice system; reducing offending; approaches	Persons with mental health disorders and cognitive disability (MHDCD) are over-represented in the criminal justice system (CJS) as both offenders and victims. Indigenous persons with these disabilities are significantly more over-represented than non-Indigenous persons with MHDCD in the CJS and especially in prisons. How is it that such vulnerable persons are so concentrated in a system primarily for punishment when Australian society has such sophisticated health and support systems? This paper reports on ARC funded research on a cohort of 2,731 prisoners in NSW with MHDCD that examines pathways into the CJS and individuals' interactions with human services and justice agencies. It focuses on the synergistic effects of multiple disadvantage and agency interventions across the lifecourse and reflects on institutional interventions post release in the light of findings such as the very high rate of dual diagnosis and co-morbidity (complex needs) amongst this group and the group's early initial and ongoing contact with police. Popular reintegrative/reducing reoffending theories and approaches like desistance and throughcare, do not hold explanatory or predictive power for this group's experiences in the criminal justice system and the community but new ways of conceptualizing disability in the CJS hold promise of leading to approaches that assist in reducing offending and ongoing CJS contact.
<b>AU</b>	Article Non-legal	Jim Simpson & Mindy Sotiri, 'Indigenous People and Cognitive Disability: An Introduction to Issues in Police Stations' (2006) 17(3) Current Issues in Criminal Justice. Available at <a href="http://www.indigenousjustice.gov.au/resources/indi">www.indigenousjustice.gov.au/resources/indi</a>	Criminal law; indigenous peoples; mental retardation; cognition disorders; police	The major themes of the study commissioned by the Aboriginal and Torres Strait Islander Services related to the issues facing Indigenous people who have a cognitive disability and come into contact with police stations, courts and prisons as victims and offenders are presented. This study highlights that the issues and procedures



		<a href="#">genous-people-and-cognitive-disability-an-introduction-to-issues-in-police-stations/</a>	services for the mentally ill	relating to Indigenous people need prompt and serious reconsideration.
AU	Report Legal	‘People with Intellectual Disabilities at Risk: A Legal Framework for Compulsory Care’ (2003) Victorian Law Reform Commission. Available at <a href="http://www.lawreform.vic.gov.au/sites/default/files/Report_People_with_intellectual_disabilities_at_risk.pdf">www.lawreform.vic.gov.au/sites/default/files/Report_People_with_intellectual_disabilities_at_risk.pdf</a>	Intellectual disabilities; reform; legal framework; criminal justice	<p>This Report deals with two types of decisions that affect people who have an intellectual disability or a cognitive impairment. First, it deals with decisions to detain people without their consent in a prescribed facility, so that they can be provided with services and programs in order to reduce a significant risk that they may seriously harm others. Secondly, it deals with decisions about restrictive care practices that affect the freedom of people who have an intellectual disability. The practices that are considered in the Report include ‘mechanical restraint’, ‘chemical restraint’, and ‘seclusion’.</p> <p>The recommendations in the Report are intended to provide a transparent and accountable system that protects rights and liberties but also to safeguard people with a disability, and the community, against the risk of serious harm.</p>
AU	Report Legal	‘People with an Intellectual Disability and the Criminal Justice System’ (1996) Report 80, NSW Law Reform Commission. Available at <a href="http://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_completed_projects/lrc_completedprojects1990_1999/lrc_peoplewithanintellectualdisabilityandthecriminaljusticesystem.aspx">www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_completed_projects/lrc_completedprojects1990_1999/lrc_peoplewithanintellectualdisabilityandthecriminaljusticesystem.aspx</a>	Intellectual disabilities; criminal justice; police; over-representation	<p>People with an intellectual disability have the potential to be either the victims, perpetrators or witnesses of crimes. The criminal justice system must be able to provide for the fair treatment of all people appearing before it. For this group of people, however, equal treatment alone will not ensure that they are able to exercise their legal rights. More needs to be done to redress the imbalance caused by their lower intellectual abilities, likely communication and other difficulties, the lack of understanding of their disabilities and the discrimination to which they are often subjected. This Report represents the culmination of five years’ investigation by the Commission into the difficulties faced by people with an intellectual disability involved in the criminal justice system. The Commission’s inquiry into this particularly vulnerable group of people arose from concerns about their overrepresentation and unfair treatment in the criminal justice system. In submissions and consultations there was general acceptance by criminal justice system personnel and disability representatives that people with an intellectual disability were disadvantaged in the criminal justice system and that their appropriate treatment raised dilemmas for the system as a whole.</p>



<b>BE</b>	Article Legal	Wittouck, C. (2019). Persons with mental illness who offended and procedural justice: giving voice to persons subjected to an internment measure about their interactions with power holders. Ghent University. Faculty of Law and Criminology, Ghent, Belgium. Available at <a href="https://biblio.ugent.be/publication/8605569/file/8605570.pdf">https://biblio.ugent.be/publication/8605569/file/8605570.pdf</a>		The main objective of this doctoral dissertation is gaining insight into the experiences of persons with mental illness who offended (PMIO) regarding their interactions with power holders from the criminal justice system and the mental health system involved in court-mandated treatment. By gaining insight into these experiences, the insider's perspective on interactions between PMIO and power holders is compared with theoretical dimensions of procedural justice theory, and in this way the added value of experiencing procedural justice during court-mandated treatment processes is explored.
<b>BE</b>	Article Non-legal	Jeandarme I., Saloppé X., Habets P. & Pham T. H. (2018), Not guilty by reason of insanity: clinical and judicial profile of medium and high security patients in Belgium, The Journal of Forensic Psychiatry & Psychology, 1-15	Forensic psychiatry; NGRI; interneees; clinical profile	Under Belgian law, offenders deemed to lack criminal responsibility because of insanity receive mandated treatment under the internment law. Population profiles of these forensic patients ('internees') are, however, very scarce. In this study, we analysed the demographic, clinical and judicial profile of a large sample of Belgian interneees admitted to a secure setting. In addition, differences between interneees admitted to a medium versus a high security setting were investigated. Belgian interneees were characterised by a large number of personality disorders and a low number of first offenders. Comparative analyses showed substantial differences between the high and medium security settings, with a marked proportion of the forensic patients in high security having committed a sexual offence. Contrary to expectations, more predictors for length of stay were found in the medium security subsample, while admission periods were significantly longer in the high security subsample.
<b>BE</b>	Article Legal	Jaspis P. (2018). 'L'internement en prison. Malade et en prison, double peine?', Cahier Sc No 83, June 2018. Available at <a href="http://www.maisonmedicale.org/L-internement-en-prison.html">www.maisonmedicale.org/L-internement-en-prison.html</a>	Prison; mental health; medical secret; medial files; coordination	The article explores the situation of prisoners with mental health problems in Belgium, the reform strategy endorsed by the government in 2016 and the persisting unsolved issues of mental health in prison.
<b>BE</b>	Article Legal	Colette-Basecqz N., Nederlandt O. (2018). 'L'arrêt pilote W.D. c. Belgique sonne-t-il le glas de la détention des internés dans les annexes psychiatriques des prisons?', Revue	European Court of Human Rights; psychiatric	The pilot judgment W.D. against Belgium of 6 September 2016 deals with the situation of persons interned in the psychiatric annexes of prisons. The European Court of Human Rights opted for this procedure because of the number of repeated convictions of Belgium



		trimestrielle des droits de l'homme, Vol. 2018, no.113, p. 213-239	annexes of prisons; legislative amendments	causing it to note a gap in the effective implementation of its judgments. The Court noted the existence of a structural problem at the root of the violations of the Convention and gave some indications as to the appropriate measures to be taken to bring the detention system into conformity with the Convention. The amendments made by the law of 5 May 2014 on internment, which came into force on 1 October 2016, as well as the measures taken by the Belgian government to increase the capacity of internees and the development of care have been taken into account.
<b>BE</b>	Article Legal	Seynnaeve K., & Beeuwsaert H. (2017). Getting mentally ill offenders out of prison in Belgium: Innovative and patient-oriented treatment in a specialized environment. <i>Advancing Corrections Journal</i> , 3, 8-20	Psychiatric problems; prison; mentally ill offenders; care	Several studies show that in Europe psychiatric problems are far more prevalent in prison than in free society. They are especially common amongst those offenders who have been found by a court of law to be of unfit/unsound mind. It is this specific group of the prison population that this article will focus on and who will be referred to as mentally ill offenders from now on. It is clear that in Belgium, the number of mentally ill offenders accommodated in prison has risen progressively. However, recently a decrease in those numbers is noticeable. This drop can be attributed to a new structural approach developed by the Belgian government. The topic of internment has been placed more prominently on the policy agenda and the government committed to a drastic limitation in the time which mentally ill offenders would spend in detention and to the creation of a broader and more differentiated range of care outside the prison walls. The ultimate goal is to take care of mentally ill offenders as much as possible outside prison, offering them the necessary care and achieving a smooth progression within the care circuit (network of different care options) even in crisis or problematic situations. In order to achieve that goal, a total package is currently being worked out that focuses on necessary and suitable care capacity and a clear legislative framework. A critical factor in this new direction is a partnership which is diverse and goes beyond the scope of a network both at the policy level and on the work floor, depending on the care trajectories to be developed for mentally ill offenders. This article will give a detailed overview of the change in Belgian policy and will, as a case study, address the choices of the Belgian government that have



				contributed to a decrease in the number of mentally ill offenders in prison.
BE	Article Legal	'Mesures d'internement: Le droit à la présence d'un avocat lors des expertises psychiatriques médico-légales contesté par l'Ordre des médecins', OIPbelgique, 6 June 2017. Available at <a href="http://oipbelgique.be/fr/?p=429">http://oipbelgique.be/fr/?p=429</a>	Mental disorder; criminal offence; forensic psychiatric expertise; legal assistance	When there is reason to believe that a person, suspected of having or having committed a criminal offense, is suffering from a mental disorder at the time of the offence, it is possible to resort to his/her internment. In order to assess the appropriateness of such a measure, the courts have recourse to a forensic psychiatric expertise, which is generally decisive in the decision-making process. Article 7 of the Act of 5 May 2014 on internment provides that any person who is the subject of a psychiatric examination is entitled to the assistance of a lawyer. The article explores the ongoing debate between medical doctors and lawyers on the need and role of such assistance.
BE	Report Legal	Health care in Belgian prisons: current situation and scenarios for the future, Belgian Health Care Knowledge Centre, KCE REPORT 293Cs (Short report) 2017	Healthcare; prisons; reform	Health care in Belgian prisons has received a lot of attention in past years. The Minister of Justice is responsible for the organization and delivery of health care in prisons, but following the recommendations of the World Health Organization (WHO) it is the political intention to shift this responsibility to the Minister of Social Affairs and Public Health. The Belgian Health Care Knowledge Centre (KCE) was asked to carry out a study on Belgian health care services in prisons. The aim of the study is to prepare an actionable reform by means of recommendations to policy makers with regard to the transfer of responsibility to the Minister of Social Affairs and Public Health and the reorganization of penitentiary health care. In order to develop the recommendations, an analysis of the medical, organizational, financial, sociological, ethical, and quality aspects of the health care services in Belgian prisons, was performed.
BE	Article Legal	Cartuyvels Y., & Cliquennois G. (2015). 'The Punishment of Mentally Ill Offenders in Belgium: Care as Legitimacy for Control'. Champ Pénal/Penal Field, Vol. XII, 27, p. 203-215. Available at <a href="https://journals.openedition.org/champpenal/9204">https://journals.openedition.org/champpenal/9204</a> (in French) and	Care; criminal insanity; dangerousness; expertise; protection of society	Since 1930, Belgium has a law for the protection of society aimed at guarding society against the dangerously insane. That law responded to one of the prevailing issues in late 19th century Europe: the question of "abnormal individuals", a category that included insane offenders perceived as dangerous. The 1930 Social Defence Act prescribed a special regime for insane offenders and immediately demonstrated deep-seated ambivalence. We propose to analyse the origin of this law, its content and its evolutions over time by adopting



<https://journals.openedition.org/champpenal/9307?lang=en> (in English)

an approach taking into account long duration. This approach allows us to highlight continuities and discontinuities in the treatment of criminal insanity and dangerousness over the last century. We also rely on several recent empirical inquiries dedicated to the regime of insane offenders oscillating between care and safety, the assessment of dangerousness and the role held by expertise, insane offender's trajectory and their release increasingly characterized by risk management approach and techniques.

BE

Study  
Legal

Vander Laenen, F., Vanderplasschen, W., Smet, V., De Maeyer, J., Buckinx, M., Van Audenhove, S., Anseau, M., De Ruyver, B., Analysis and Optimization of Substitution Treatment in Belgium (SUBANOP), Gent, Academia Press, 2015

Opioid substitution treatment; drug policy

Since the Belgian Federal Drug policy note in 2001, a legal framework has been developed for the prescription and administration of opioid substitution treatment (OST). However, until today policymakers and fieldworkers point at various gaps in the knowledge on substitution treatment in Belgium, in particular regarding substitution treatment in settings outside specialized centres, on the characteristics of clients receiving substitution therapy and on challenges and obstacles in the provision of this type of treatment. This research tries to answer these questions by providing an extensive and up-to-date overview of key elements of substitution treatment in Belgium. How is the provision of OST organized in Belgium (availability, types of providers, spread, referral and psychosocial support)? How do the clients receiving OST experience substitution treatment? Which obstacles can be identified and which recommendations can be made to overcome these obstacles? The answers to these questions can be found in this book.

BE

Book  
Non-legal

Verbit Y. (2015). 'Paroles en défense sociale/Paroles de défense sociale: ce qui fait soin dans un parcours en défense sociale? Le point de vue des personnes sous statut interné', Recherche-action de l'ASBL Psytoyens, 2015

Social defence; care; internees

Social defence is a world at the crossroads of justice and care. This article aims to contribute to the reflection on what is care in social defence from the point of view of people "interned" in social defence. The article explores what experiences do these people have of "care", who cared for them in their journey, what did they rely on, how can everyone be restored to their humanity? The stories of those who experienced the social defence testify of very different perceptions and experiences between the internees and the professionals. These differences deserve attention in order to improve the support of internees.



<b>BE</b>	Book chapter Legal	Schipaanboord A.E. and Vander Beken T. (2015). 'De interneringswet van 2014', in C. Wittouck, K. Audenaert and F. Vander Laenen (ed.), Handboek forensische gedragswetenschappen, Antwerpen-Apeldoorn: Maklu, pp. 53- 80. Available at <a href="http://www.researchgate.net/publication/275537353_De_interneringswet_van_2014">www.researchgate.net/publication/275537353 De interneringswet van 2014</a>	Internment; mental health problems; offenders; law	The internment of offenders with mental problems is not a punishment but a security measure that serves to protect society and to treat the interned person. This measure was based on a law of 9 April 1930 on the protection of society against abnormalities, habitual offenders and perpetrators of certain criminal offenses, which was completely replaced by the law of 1 July 1964 on the protection of society against abnormal and habitual criminals. On 9 July 2014, the Law of 5 May 2014 on the internment of persons was published in the Belgian Official Gazette. This Act, which according to Article 136 will enter into force on January 1, 2016, and will abolish and replace the previous laws. This chapter deals with the legal implications of this new internment law and offers a brief sketch of the legal and historical context regarding internment and an analysis of the new law.
<b>BE</b>	Article Legal	Verbeke P., Vermeulen G., Meysman M., Vander Beken T., 'Protecting the fair trial rights of mentally disordered defendants in criminal proceedings: Exploring the need for further EU action', in International Journal of Law and Psychiatry 41, April 2015	European Union; mutual recognition; minimum standards; mental disorder; effective participation	Using the new legal basis provided by the Lisbon Treaty, the Council of the European Union has endorsed the 2009 Procedural Roadmap for strengthening the procedural rights of suspected or accused persons in criminal proceedings. This Roadmap has so far resulted in six measures from which specific procedural minimum standards have been and will be adopted or negotiated. So far, only Measure E directly touches on the specific issue of vulnerable persons. This Measure has recently produced a tentative result through a Commission Recommendation on procedural safeguards for vulnerable persons in criminal proceedings. This contribution aims to discuss the need for the introduction of binding minimum standards throughout Europe to provide additional protection for mentally disordered defendants. The paper will examine whether or not the member states adhere to existing fundamental norms and standards in this context, and whether the application of these norms and standards should be made more uniform. For this purpose, the procedural situation of mentally disordered defendants in Belgium and England and Wales will be thoroughly explored. The research establishes that Belgian law is unsatisfactory in the light of the Strasbourg case law, and that the situation in practice in England and Wales indicates not only that there is justifiable doubt about whether fundamental principles are always adhered to, but also that these



<p>principles should become more anchored in everyday practice. It will therefore be argued that there is a need for putting Measure E into practice. The Commission Recommendation, though only suggestive, may serve as a necessary and inspirational vehicle to improve the procedural rights of mentally disordered defendants and to ensure that member states are able to cooperate within the mutual recognition framework without being challenged on the grounds that they are collaborating with peers who do not respect defendants' fundamental fair trial rights. Throughout this contribution, the term 'defendant' will be used, and no difference will be made in terminology between suspected and accused persons. This contribution only covers the situation of mentally disordered adult defendants.</p>				
BE	Article Legal	Dheedene J., Seynnaeve K., and Van der Auwera A. (2015). De geïnterneerdenpopulatie in Vlaamse gevangenissen: Enkele cijfergegevens, in: Fatik, 32(145), 4-9. Available at <a href="http://www.mensenrechten.be/bestanden/uploads/tijdschriften/FATIK2015nr145(2).pdf">www.mensenrechten.be/bestanden/uploads/tijdschriften/FATIK2015nr145(2).pdf</a>	Internees; prison; prison population; care; statistics	At the end of December 2013, there were 11,614 people in penitentiary environment in Belgium (accused, convicted and internees). Of them, 1,087 were interned, which is almost 10 %. In the same period, there were 3,820 internees in Belgium, both inside and outside prison walls. As a result, fewer than 1/3 of all internees were in penitentiary environments. The population of internees is a very heterogeneous group, both in terms of psychopathology and personality, the nature and seriousness of the criminal offenses committed by them, as well as needs. The care offered must therefore be equally diverse, adapted to the individual needs and the risk profile of the internee. Because of the heterogeneity mentioned and the lack of figures, the international coordinators were asked by the government to map some data from the interned population. This search was to take place at the level of each Court of Appeal and then, at a national level, through a bundling of all data from the Courts of Appeal.
BE	Book Legal	Warlet F.J. (2014). La capacité protégée, Collections Lois actuelles, Kluwer	Disability schemes; protection status; law	The book presents a first approach to the law of 17 March 2013 reforming disability schemes and introducing a new protection status consistent with human dignity. This law finally came into effect on September 1, 2014. It repeals the old protection regimes to establish extrajudicial protection of property and functioning through a



				mandate-based representation system and judicial protection covering both the persons and their property.
<b>BE</b>	Article Legal	Mary P., Kaminski D., Mae, E. and Vanhamme F., 'Le traitement de la "dangerosité" en Belgique: internement et mise à la disposition du gouvernement' ( <i>The treatment of "dangerousness" in Belgium: internment and placing at the government's disposal</i> ), Champ pénal/Penal field, Vol. VIII, 2011. Available at <a href="https://journals.openedition.org/champpenal/8188">https://journals.openedition.org/champpenal/8188</a> (in French) and <a href="https://journals.openedition.org/champpenal/8359">https://journals.openedition.org/champpenal/8359</a> (in English)	Dangerousness; habitual offenders; mentally disordered offenders; risk	Ever since 1930, two mechanisms have existed in Belgium which permit either the prolongation of certain kinds of punishment, or of imposing punishment without any date for its expiry. On the one hand these concern the confinement of mentally disordered offenders and, on the other hand, placing recidivists and habitual offenders under the control of the Executive ( <i>la mise à la disposition du gouvernement</i> ). As a complement to the other national presentations to the GERN seminar 'Long-term punishments and punishments of indeterminate length – punishing dangerousness' the purpose of the present contribution is twofold: to set out the normative framework of these mechanisms, underlining what is seriously at stake, as has been shown in the debates between jurists and the medical profession; and to estimate the efficacy of these mechanisms by examining, so far as is possible, the use that has been made of them.
<b>BE</b>	Article Legal	Vandevelde S., Soye, V., Vander Beken T., De Smet S., Boers A., and Broekaert, E., 'Mentally Ill Offenders in Prison: The Belgian Case', International Journal of Law and Psychiatry, 2011, 34(1): 71-78	Mental disorder; prison; screening; treatment	According to the EUPRIS-study on mental health in prisons (2007), available data on mental disorders in prison are scarce. Therefore, this study aims at summarizing and discussing the available knowledge on incarcerated mentally ill offenders concerning: (1) the screening and assessment for detecting mental health; (2) the psychiatric expertise in order to evaluate the mental status; and (3) the development and provision of forensic psychiatric treatment and care. These findings will be applied to the current situation in Belgium, which is a particularly interesting case. Belgium is currently facing difficulties concerning a large population of interned mentally ill offenders residing in correctional establishments. Implications with regard to the penal code, general or mental health legislation, screening, assessment, and treatment could deliver interesting viewpoints on how this problem could be tackled more effectively. Therefore, the findings will be discussed with reference to the international scientific and policy debate, focusing on ethical implications.
<b>BE</b>	Article Legal	Cartuyvels, Y. (2010), 'La défense sociale en Belgique, entre soin et sécurité. Une	Social defence law; psychiatric	Under the Belgian law of social defense, offenders found unfit to stand a trial are transferred to the psychiatric wards of prisons, to



		<p>approche empirique', in: <i>Déviance et Société</i> 2010/4 (Vol. 34), pp. 615-645. Available at <a href="http://www.cairn.info/article.php?ID_ARTICLE=DS_344_0615">www.cairn.info/article.php?ID_ARTICLE=DS_344_0615</a></p>	<p>wards of prisons; mental health care; security</p>	<p>special high-security psychiatric hospitals, or to normal psychiatric hospitals. Belgian law sees this confinement as a way to ensure security and to give the offender access to mental health care. In reality, however, in the psychiatric wards of Belgian prisons and in the high-security psychiatric hospitals, the space given to mental health care is very problematic: services are underfunded, drug treatment is systematic, and overcrowding is often a problem. The separation between evaluation tasks and caring tasks, which has been recently enforced in some places of confinement, is a very important issue.</p>
BE	Article Legal	<p>De Smet S., Vandeveldel S., Verté D. and Broekaert E., 'What is currently known about older mentally ill offenders in forensic contexts: results from a literature review', <i>International Journal of Social Sciences and Humanity studies</i>, Vol 2, No 1, 2010.</p>	<p>Older; elderly; mentally ill offenders; forensic</p>	<p>As in most Western countries, Belgium is confronted with a growth of the older offender population. There is currently a dearth in research on the living conditions and needs of older offenders being judged as irresponsible for their offences because of mental illness. Therefore, from a gerontological perspective an explorative literature review has been carried out to investigate which features characterize the subpopulation of older mentally ill offenders. This paper presents and discusses the findings about following themes: definition of an age threshold in forensic contexts, the nature of offences committed by older mentally ill offenders, psychopathology, physical health and victimization and vulnerability.</p>
BE	Article Legal	<p>Colette-Basecqz N. (2007). 'Le statut juridique du déficient mental auteur de dommages confronté à plusieurs droits fondamentaux', in: <i>Etude de droit comparé anglais, belge et français 1</i>, <i>Annales de Droit de Louvain</i>, vol. 68, 2008, no 3, pp.</p>	<p>Comparative law; offenders with mental disorders; criminal justice</p>	<p>The subject of the article is the comparison, in English, Belgian and French law, of the legal status of the mentally retarded perpetrators. At the heart of this comparison is the following paradox: people suffering from mental disorders, delinquent or otherwise, who are imposed psychiatric supervision "for their good" in fact suffer various forms of violations of their fundamental rights, in particular, their right to physical and mental integrity, to privacy and to a fair trial. The article offers a historical and psychopathological overview of the elaboration of the legal status of the mentally ill persons and analyses their rights according to the Belgian, French and English law. Each of these jurisdictions regulates differently the relations between justice and psychiatry. While the Belgian system is purely judicial, the French system is the opposite purely administrative, judicial control being provided only posteriori. English law, on the other hand, constitutes a mixed system, associating judicial and administrative authorities at</p>



the level of decisions. Since Belgian law is the only one to provide for internment as a specific social protection measure for mentally deficient persons who commit crimes or offenses, the penal framework of internment is distinguished from the civil framework of forced placement of the mentally ill. On the other hand, for English and French rights, forced hospitalization is sometimes a "juridico-medico-social" measure, sometimes a "medico-administrative" one, which can be applied to offenders but also to all persons who, without falling within the criminal justice system, are so dangerous as to warrant deprivation of liberty for the purposes of medical care for mental disorders.

BE

Article  
Non-legal

Pham T.H., Saloppe X., Bongaerts X., Hoebanx J. (2007). 'L'expertise dans le cadre de la loi de Défense Sociale en Belgique: repères diagnostiques et recommandations' (*Expertise within the framework of the Social Defense Law of Belgium: Diagnosis benchmarks and recommendations*), in Annales Médico-psychologiques revue psychiatrique 165(1):49-55, January 2007. Available at [www.researchgate.net/publication/246564616 L'expertise dans le cadre de la loi de D efense Sociale en Belgique reperes diagno stiques et recommandations](http://www.researchgate.net/publication/246564616_L'expertise_dans_le_cadre_de_la_loi_de_Defense_Sociale_en_Belgique_reperes_diagnostiques_et_recommandations)

Clinical syndromes; expert; personality disorders; psychopathy; Social Defence Law

Under the Belgian Social Defence Law (1964), mentally disordered offenders who are deemed to lack criminal responsibility have to be interned in an 'Institution of Social Defence' rather than in a prison. There, they are supposed to receive specialised treatment before their rehabilitation and re-insertion into the community. This paper discusses expertise practice in relation to the Social Defence Law. The paper first gives a description of the requirements of the law. The paper then presents the prevalence of clinical syndromes (axis 1) and of personality disorders (axis 2) among a sample of internees (N=98). The sample presents a high co-morbidity (2.6) of axis I syndromes, and of axis 2 personality disorders (1.7), the majority of them (64%) present both axis diagnoses. The paper also discusses the prevalence of a high psychopathy as measured by the PCL-R among internees (5-8%) as compared to prison inmates given the aim of the law of protecting the society against dangerous individuals. The paper shows that the Social Defence Law embraces a very large spectrum of psychiatric diagnoses including personality disorders and psychopathy. The following recommendations could improve expertise practices: (a) the consideration of earlier propositions relating to the improvement of the Social Defence Law; (b) a comparative research between psychiatric diagnoses of internees and of inmates; (c) a better definition of clinical criteria relating to the application of the law; (d) the implementation of a specialised observation unit before the decision to intern; (e) the need to go beyond a dichotomous conception of the ability to control; (f) the



				consideration of contextual factor of dangerousness; (g) encouraging the use of validated risk and clinical assessment instruments; (h) a better financing for expert work.
BE	Report Legal	De Hert M., Demarsin M. and Peuskens J. (2002). Compulsory admission and involuntary treatment of mentally ill patients – legislation and practice in Belgium, UC St. Jozef, Kortenberg. Available at <a href="https://core.ac.uk/download/pdf/34410420.pdf">https://core.ac.uk/download/pdf/34410420.pdf</a>	Involuntary admission; mentally ill criminal offenders; rules and procedures	The report reviews the history and evolution of the legislation on involuntary admission and treatment in Belgium starting with the first laws adopted in 1850 and 1873. It then examines the law of 26 June 1990 concerning the protection of a person with mental illness and its rules and procedures (normal and urgency) on compulsory admission with a special focus on the situation of mentally ill criminal offenders. The report also describes the practice of involuntary admission (observation period, prolongation of stay, end of admission procedures, special cases) and patient rights.
BE	Book Non-legal	Korn M., Les psychiatres experts en justice pénale. Guide méthodologique et pratique, Liège, éd. de l'Université de Liège, 2001	Psychiatric expertise; penal law, forensic psychiatry	The author, a clinical psychiatrist and teacher, shares his experience in psychiatric expertise. The book explains the role of the judicial expertise, outlines its framework determined by medical references and gives many concrete examples. The book reflects a rather new and invigorating transdisciplinary perspective in the sometimes disputed field of forensic psychiatry. Although the book deals with the subject of penal law, the author asserts a fully humanistic vision of the human sciences and respect to the dignity of individuals.
BG	Website Non-legal	'International Conference on Legal Capacity and Access to Justice of Persons with Intellectual Disabilities' (14-15 June 2018, Varna, Bulgaria). Information available at <a href="https://naso.bg/en/17-news-naso-en/2026-international-conference-on-legal-capacity-and-access-to-justice-of-persons-with-intellectual-disabilities">https://naso.bg/en/17-news-naso-en/2026-international-conference-on-legal-capacity-and-access-to-justice-of-persons-with-intellectual-disabilities</a>	Conference; access to justice; intellectual disabilities	On 10 and 11 March 2016 in Sofia the International Conference entitled "Legal capacity and access to justice for people with intellectual disabilities" was held, where the topic of access to justice by such individuals and the needs for cooperation and action between experts and institutions were discussed.
BG	Report Legal	'Alternative Report about the Rights of Persons with Disabilities in Bulgaria under the UN Convention on the Rights of Persons with Disabilities' (2017) Bulgarian Helsinki Committee. Available at	Disabilities; rights; UN CRPD	This comprehensive report makes a detailed and critical analysis of the Bulgarian legislation and practice concerning persons with disabilities and their compliance with the UN Convention on the Rights of Persons with Disabilities, ratified by Bulgaria in January 2012. The report mainly covers the period 2012-2016 but also reflects some tendencies in policy making and implementation of existing policies



		<a href="http://www.bghelsinki.org/en/publications/bhc-reports/special-reports/">www.bghelsinki.org/en/publications/bhc-reports/special-reports/</a>		from earlier period (2005-2012) when some of the major changes in social, educational and labour spheres took place.  Although some efforts had been made the Bulgarian disability legislation is still far from the philosophy of the UN Convention as it mainly considers persons with disabilities as non-able and object of social assistance schemes/benefits. Far more radical and holistic approach needs to be applied in elaboration of legislation and policies especially in the field of personal and social assistance, independent living, support in decision making, education, and employment of persons with disabilities.
<b>BG</b>	Article Legal	Stavru, St, Legal Issues Related to Mental Health ( <i>Правни въпроси на психично здраве</i> ), available in Bulgarian at <a href="http://ebox.nbu.bg/med13/ne8/04.%20Psihichno%20zdave.pdf">ebox.nbu.bg/med13/ne8/04.%20Psihichno%20zdave.pdf</a>	Mental health; medical care; labour therapy, temporary physical restriction	The author looks at how the law regulates the various forms of care people with mental disabilities should get, among those being emergency psychiatric care, labour therapy, temporary physical restrictions, temporary placement for psychiatric treatment.
<b>BG</b>	Report Legal	Kukova, SI, Strengthening the procedural rights of persons with intellectual and/or psychosocial disabilities in the criminal proceedings: needs assessment for action ( <i>Укрепване на процесуалните права на лицата с интелектуални и/или психосоциални увреждания в наказателното производство: Проучване на необходимостта от действия</i> ) (2017) National Report, Bulgaria	Intellectual disabilities, psychosocial disabilities, expert opinions, detention, special conditions	The report looks at whether people with intellectual and psychosocial disabilities get any specialized treatment throughout the criminal procedure and whether tools exist for their proper information about their rights, as well as for their treatment by law enforcement and the judiciary. Safeguards throughout the investigation and trial procedure are reviewed in detail.
<b>BG</b>	Report Legal	BCNL, Equality of people with disabilities in exercising fundamental human rights in accordance with the Convention on the Rights of Persons with Disabilities: Analysis of Bulgarian Legislation ( <i>Равенство на хората с увреждания при упражняване на основни човешки права съгласно Конвенцията на ООН за правата на хората с увреждания</i> :	Equality, people with disabilities, CRPD, legislation, fundamental rights	The report looks at the application of the CRPD towards Bulgaria and makes an analysis of Bulgarian legislation from the point of view of the Convention's main requirements: equality before the law, legal capacity, assisted decision making, putting under legal guardianship, right to marriage, participation in political and social life, access to justice, right to independent living and inclusion in community, inclusive education.



		<p><i>Анализ на българското законодателство</i> (2011) Available at <a href="http://bcnl.org/analyses/ravenstvo-na-horata-s-uvrezhdaniya-pri-uprazhnyavane-na-osnovni-choveshki-prava-saglasno-kphu-na-oon-analiz-na-balgarskoto-zakonodatelstvo-2011.html">http://bcnl.org/analyses/ravenstvo-na-horata-s-uvrezhdaniya-pri-uprazhnyavane-na-osnovni-choveshki-prava-saglasno-kphu-na-oon-analiz-na-balgarskoto-zakonodatelstvo-2011.html</a></p>		
<b>BG</b>	Report Legal	MDAC, Guardianship and Human Rights in Bulgaria: Analysis of legislation, policy and practice ( <i>Запрещението и правата на човека в България: Анализ на законодателството, политиката и практиката</i> ) (2007) Available at <a href="http://www.mdac.info/sites/mdac.info/files/Bulgarian%20Guardianship%20and%20Human%20Rights%20in%20Bulgaria.pdf">www.mdac.info/sites/mdac.info/files/Bulgarian Guardianship and Human Rights in Bulgaria.pdf</a>	Guardianship, human rights, legislation, policy, practice	The report presents a detailed view on the legislation and practice on legal guardianship in Bulgaria. It finds there is a lot of work to be done on harmonizing the legislation with international human rights standards. It reviews the legal and moral obligations of Bulgaria to amend its guardianship legislation, especially in view of the CRPD. Bulgaria's legislation is scattered throughout a number of legislative acts and the report offers a view as to whether those acts present appropriate safeguards for the rights of persons.
<b>BG</b>	Article Legal	Bakalova, D., Abolition of Guardianship and its Reflection on Criminal Law ( <i>Премахването на запрещението и отражението му в наказателното право</i> ) (2017) Available at <a href="http://www.law.uni-sofia.bg/Students/SN/knp/layouts/mobile/di-spform.aspx?List=766c4e5c%2Dfeb8%2D40e8%2D9f32%2Ded8de872e65c&amp;View=558c3ad2%2D7889%2D47b4%2Db2bc%2D179ca8815066&amp;ID=37">www.law.uni-sofia.bg/Students/SN/knp/layouts/mobile/di-spform.aspx?List=766c4e5c%2Dfeb8%2D40e8%2D9f32%2Ded8de872e65c&amp;View=558c3ad2%2D7889%2D47b4%2Db2bc%2D179ca8815066&amp;ID=37</a>	Guardianship, criminal law, abuse, people with mental disabilities	The article looks critically at the future adoption of the legislation on physical persons and support measures (assisted decision making) and its possible implications on abuse of the people with mental disabilities' right to vote, property rights and those people's possible use for commission of crimes by proxy.
<b>CA</b>	Article Legal	James Livingston et al, 'What Influences Perceptions of Procedural Justice Among People with Mental Illness Regarding their Interactions with the Police?' (2014) 50(3) Community Mental Health Journal. Available at <a href="http://www.researchgate.net/publication/234070006_What_Influences_Perceptions_of_Procedural_Justice_Among_People_with_Mental_Illne">www.researchgate.net/publication/234070006_What_Influences_Perceptions_of_Procedural Justice Among People with Mental Illne</a>	Police interactions; perceived procedural justice; mental illness	According to procedural justice theory, a central factor shaping perceptions about authority figures and dispute resolution processes is whether an individual believes they were treated justly and fairly during personal encounters with agents of authority. This paper describes findings from a community-based participatory research study examining perceptions of procedural justice among sixty people with mental illness regarding their interactions with police. The degree to which these perceptions were associated with selected individual (e.g., socio-demographic characteristics), contextual (e.g.,



[ss Regarding their Interactions with the Police](#)

neighbourhood, past experiences), and interactional (e.g., actions of the officer) factors was explored. The results of regression analyses indicate that the behaviour of police officers during the interactions appears to be the key to whether or not these interactions are perceived by people with mental illness as being procedurally just. Implications of these findings for improving interactions between the police and people with mental illness are discussed.

CA

Article  
Non-legal

Alison MacPhail and Simon Verdun Jones, 'Mental Illness and the Criminal Justice System' (2013) International Centre for Criminal Law Reform and Criminal Justice Policy. Available at <https://icclr.law.ubc.ca/>

Mental illness;  
criminal justice;  
criminal  
behaviour;  
criminality;  
police;  
recidivism

People with various forms of mental illness<sup>1</sup> are highly over-represented in the criminal justice system. What is not as clear is the exact relationship between mental illness and criminal behaviour, including violence, and how best to reduce offending in people with a mental illness who have come into contact with the criminal justice system.

While many studies have identified an apparent link between mental illness and both violence and recidivism, other research has found that serious mental illness (primarily schizophrenia and other psychoses) alone is not significantly predictive of criminal behaviour. The more important factors are antisocial personality, psychopathy, neuro-cognitive brain impairments and substance abuse, as well as having antisocial associates and living in a chaotic and antisocial environment with few positive social supports. It is important to treat the mental illness, but the other factors that are more directly responsible for the criminal behaviour, including the individual's environment and social supports, must also be addressed.

CA

Report  
Non-legal

Terry Coleman & Dorothy Cotton, 'Police Interactions with Persons with a Mental Illness: Police Learning in the Environment of Contemporary Policing' (2010) Mental Health Commission of Canada. Available at [www.mentalhealthcommission.ca/English/document/431/police-interactions-persons-mental-illness-police-learning-environment-contemporary-pol](http://www.mentalhealthcommission.ca/English/document/431/police-interactions-persons-mental-illness-police-learning-environment-contemporary-pol)

Police; policing;  
mental illness;

Starting in 2007, the Mental Health Commission of Canada (MHCC), through its Mental Health and the Law Advisory Committee (MHLAC), undertook a series of projects related to police interactions with people with mental illnesses (PMI). There has been a significant increase in the number of such interactions over recent years and, concomitantly, increased concerns about some of the outcomes. While most interactions between police and PMI are uneventful, a few have resulted in negative outcomes, including the death of the person with the mental illness. The overall goal of the MHCC projects is to identify ways to increase the likelihood of these interactions having positive outcomes – that is, better outcomes for all involved.



				<p>When an incident does end badly, there has typically been a coronial inquest/fatality inquiry, which results in recommendations intended to improve the outcome of similar situations in the future. The most common recommendation is to increase the ‘training’ of police officers in order that they are better prepared. Indeed, it is inarguable that good education and training – learning, knowledge acquisition – in this regard is necessary. The primary purpose of this study has, therefore, been to delineate a model for the in-service education and training of police personnel, including police officers, concerning their work with people who appear to be experiencing mental health problems.</p>
CA	Study Non-legal	<p>Johann Brink et al, ‘A Study of How People with Mental Illness Perceive and Interact with the Police’ (2011) Mental Health Commission. Available at <a href="http://www.mentalhealthcommission.ca/sites/default/files/Law_How_People_with_Mental_Illness_Perceive_Interact_Police_Study_ENG_1_0_1.pdf">www.mentalhealthcommission.ca/sites/default/files/Law_How_People_with_Mental_Illness_Perceive_Interact_Police_Study_ENG_1_0_1.pdf</a></p>	<p>Mental illness; police; bipolar; schizophrenia; effects; interaction</p>	<p>Contact between the police and the population of people with mental illness is common. The reasons for this are complex, but are generally attributed to clinical risk factors, such as co-occurring substance use problems and treatment non-compliance, as well as social and systemic factors, such as improperly implemented deinstitutionalization policies, homelessness and poverty, community disorganization, poorly funded and fragmented community-based mental health and social services, hospital emergency room bed pressures, overly restrictive civil commitment criteria, intolerance of social disorder, and criminal law reforms.</p> <p>As a result of their broader mandate to maintain social order and enhance public safety by responding to a range of publicly-displayed aberrant behaviours, including that which results from mental illness, police have a significant influence on the lives of people with mental illness.</p> <p>The present study focused on the lived experiences of Canadians with severe mental illnesses, including schizophrenia, schizoaffective disorder, other psychotic disorders, and bipolar disorder and sought to understand the perspectives and lived experiences of people with severe mental illness in relation to their involvement with the police.</p>
CA	Report Non-legal	<p>Orville Endicott, ‘Persons With Intellectual Disability Who Are Incarcerated For Criminal Offences: A Literature Review’ (1991) N° R-14 Correctional Service Canada. Available at</p>	<p>Intellectual disabilities; incarceration; criminality</p>	<p>This review of the legal and criminological literature from the 1960's to 1990 pertaining to the incarceration of criminal offenders who are intellectually disabled, is essentially an overview of the history of discriminatory treatment of a class of persons who are as poorly</p>



[www.csc-scc.gc.ca/research/r14e-eng.shtml#RELATIONSHIPS](http://www.csc-scc.gc.ca/research/r14e-eng.shtml#RELATIONSHIPS)

equipped to cope with the correctional system as that system is ill equipped to deal with them.

The employment of labels to categorize "mentally retarded offenders" creates negative expectations and stigmatizing perceptions which stand in the way of understanding the particular needs of individuals who make up this population.

Because persons identified as intellectually disabled actually cover a broader range of functional abilities than is found in the rest of society, there can be no single habilitation "program" which will adequately prepare them for adjustment to the community.

During the latter half of the period covered in this review, there has been an increasing focus on the human rights of persons with mental handicaps, prompting some consideration of disabled persons' entitlement to services appropriate to their special needs.

The human rights movement has been accompanied by the "community living" movement, which is resulting in fewer persons with intellectual disability being institutionalized on account of their disability alone.

There is some concern, but little evidence, that many individuals who are returned to the community from non-penal institutions have a high probability of becoming involved in criminal activity, and consequently ending up institutionalized once again, but this time in correctional facilities.

DE

Report  
Legal

Hans Joachim Salize & Harald Dreßing, 'Placement and Treatment of Mentally Ill Offenders – Legislation and Practice in EU Member States' (2005) Central Institute of Mental Health. Available at [www.krim.dk/undersider/straffuldbyrdelse/orvaring/psykisk-afvigende-indsatte-placering-europa-eu2006.pdf](http://www.krim.dk/undersider/straffuldbyrdelse/orvaring/psykisk-afvigende-indsatte-placering-europa-eu2006.pdf)

Mentally ill;  
offenders;  
Placement;  
treatment; EU  
Member States

The placement and treatment of mentally disordered offenders is a controversial issue within the criminal justice systems of western societies. The handling of mentally ill offenders by a criminal justice systems is an indicator of the ability of a society to balance public safety interests with the achievements of modern psychiatry and of its ability to incorporate basic human rights principles into penal and mental health practice. Central societal or human values are involved in judicial and detention procedures concerning persons who have committed a crime and been found to suffer from a mental disorder. Many of these values are to a certain degree contradictory, rather than complementary. In order to address and regulate these complex



problems on a legal level, a detailed body of rules and regulations is required.

To provide such legal frameworks for regulating the numerous aspects of detaining and treating mentally ill offenders is a major and constant challenge for all European Union Member States, as it is for any other country. Moreover, acts and codes need to be updated regularly to take account of new achievements in forensic psychiatry and the constant evolution of mental

healthcare systems. In recognising this gap, the European Commission has recently increased its efforts to provide a basic overview of the current situation in the European Union Member States. This study which has been funded by the Health and Consumer Protection Directorate General of the European Commission is part of this effort.

GR

Factsheet  
Legal/  
Medical

S. Martinaki, Ch. Asimopoulos, A. Papaioannou, P. Antonakaki, E. Magiropoulou, 'The current situation in Greece concerning mental health patients who are unfit to plead according to article 69 of the Greek penal code', Archives of Hellenic Medicine, 35(5):671-679, 2018. Available at [www.mednet.gr/archives/2018-5/671abs.html](http://www.mednet.gr/archives/2018-5/671abs.html)

Mental health,  
criminal  
process,  
psychiatric  
facilities,  
statistics

For decades, and even up to the middle of the 20th century, basic psychiatric practice in Greece resulted in the incarceration and repression of people with mental health problems who manifested suicidal behavior or violence towards others. A special category is that of mental health patients who have committed a serious criminal offense (homicide, attempted homicide, destruction of the property of others, theft, etc.). It is necessary in these cases to make an initial assessment of their mental state and diagnose their mental disorder, in order to judge their ability to stand trial, facing criminal charges or examination of their responsibility in the eyes of the law. The lack of the capacity to participate in or understand the judicial proceedings identifies certain patients as "unfit to plead", and in Greece they are "kept" in one of three psychiatric hospitals: "Dafni" Psychiatric Hospital of Attica, "Dromokaitio" Psychiatric Hospital of Attica, and the Psychiatric Hospital of Thessaloniki. This paper presents in aggregate for the first time the data regarding the psychiatric patients who are unfit to plead according to article 69 of the Greek penal code. This special status quo is discussed under the question of whether compulsory custody is for the benefit of the patient, or an excuse for "public security". The present shortcomings and gaps in the legal/psychiatric management system are identified, and the expected



				changes of the new draft legislation are outlined, which is under consideration to make better provision for these patients.
GR	Study Legal	Study on Article 12 (equal recognition before the law) and Article 13 (Access to Justice) and other Articles of the Convention on the Rights of Persons with Disabilities”, Centre for European Constitutional Law, Athens, 2012	Intellectual Disabilities, Human Rights CRPD, Greek legal framework, access to justice	Legal study conducted by CECL that examines the legal framework of the Convention on the Rights of Persons with Disabilities, in particular Articles 12 & 13, as well as other international legal documents and their application in Greece.
GR	Factsheet Legal	A. Douzenis, E. Lykouras, ‘Issues of Law and Psychiatry’, in GN Papadimitriou, IA. Liapas, E. Lykouras (ed) ‘Modern Psychiatry’, BHTA Publications, Athens, pp. 944-950, 2013.	Criminal imputability, ability to charge, mental health offenders, psychiatry, mental facilities	Book that examines the crossing of Legal practices and Psychiatry in the cases involving offenders and accused with mental and intellectual disorders, including aspects on the charges, their mental state and of their subsequent detention in Mental Health facilities in Greece.
GR	Report/Manual Non-legal	Nikos Papachristopoulos, ‘Health, Welfare, and Disability’, National Association of Persons with Disabilities (Ε.Σ.Α.μ.Ε.Α.), Athens, 2013. Available at <a href="http://www.esamea.gr/multimedia/must-see/39-publications/books-studies/2175-ekpaideytiko-egxeiridio-ygeia-pronoia-kai-anapiria-no-5-toy-nikoy-papaxristopoyloy-2013">www.esamea.gr/multimedia/must-see/39-publications/books-studies/2175-ekpaideytiko-egxeiridio-ygeia-pronoia-kai-anapiria-no-5-toy-nikoy-papaxristopoyloy-2013</a>	Mental health, criminal process, psychiatric facilities, statistics	A guidelines report produced by the National Association of Persons with Disabilities that details the legal and practical framework, and rights of individuals with mental disabilities in the Greek mental health system.
GR	Book Legal	P.D. Dagtoglou, ‘Civil Rights’, Ant. N. Sakkoula Publications, 2011	Legal Rights, Civil Rights, Mental Disabilities, Disabilities	A hardcopy publication concerning the civil rights of issues with disabilities, including individuals with mental and intellectual disabilities in Greece, the legal framework for their protection.



GR	Book Legal	K. Chrysogonos, 'Civil and Social Rights', Legal Library 2006	Legal rights, civil rights, mental disabilities, disabilities	A hardcopy publication concerning the civil rights of issues with disabilities, including individuals with mental and intellectual disabilities in Greece, the legal framework for their protection.
GR	Article/Manual Legal	Maria Mousmouti, 'Mental Illness and the ability to take decisions', in 'The Age of Autonomy: A guide to Rights in Mental Health', National Confederation of Persons with Disabilities, 2016. Available at <a href="http://psy-dikaionmata.gr/wp-content/uploads/2016/05/egxeiridio_teliko_en.pdf">http://psy-dikaionmata.gr/wp-content/uploads/2016/05/egxeiridio_teliko_en.pdf</a>	Mental illness, mental health, legal capacity, civil rights	Article published as part of a Manual on Rights of Persons with psychosocial disabilities detailing their rights and issues of legal capacity, advocacy and guardianship in Greece.
GR	Article/Manual Legal	Maria Anagnostaki, 'The detainment of criminally unimputable offenders in public psychiatric hospitals', in 'The Age of Autonomy: A guide to Rights in Mental Health', National Confederation of Persons with Disabilities, 2016. Available at <a href="http://psydikaionmata.gr/wpcontent/uploads/2016/05/egxeiridio_teliko_en.pdf">http://psydikaionmata.gr/wpcontent/uploads/2016/05/egxeiridio_teliko_en.pdf</a>	Mental illness, mental health, criminal law, ability to charge	Article published as part of a Manual on Rights of Persons with psychosocial disabilities detailing their rights and issues of criminal process, ability to charge, criminal imputability and treatment measures.
GR	Article Legal	N. Paraskevolpoulos, Confinement to a psychiatric clinic as a preventive measure in the Criminal Code, Tetradia Psychiatrikis, vol. 60, 1997	Mental patients, criminal process, safety measures	Article detailing the applicable framework and practice in Greece for psychiatric clinics and facilities that accommodate offenders with mental disabilities as criminally imputed.
GR	Book Legal	Kosmatos, The Length of Detention in a Psychiatric Establishment according to Article 70 of the Criminal Code, Sakkoulas Publishers, Athens – Komotini 1998	Mental patients, criminal offenders, psychiatric detention	Publication describing the safety measures and their duration according to Art. 70 of the Criminal Code prior to its amendment.
GR	Report/Article Legal	Police Report 'Police & Involuntary Admission: Legislation and ECHR', September-October 2013. Available at <a href="http://www.hellenicpolice.gr/images/stories">www.hellenicpolice.gr/images/stories</a>	Police conduct; involuntary admission; legal practice	A report published as part of a research of the police on the legal framework regarding involuntary treatment and the European case law.



GR	Article Legal	G. Nikolopoulos, 'Critical View and objections on the notion of dangerousness: from the positive example to the theories of peril' in Edition of A. Giotopoylou-Phytraki, 'From the dangerous to the prudent man: mythology and empiricism in criminal law', 2007	Criminal law; mental health offenders; dangerousness; treatment	Publication providing a critical overview of the Greek legal framework regarding the issue of offenders with mental or intellectual disorders and their perception and treatment by the legal system as a prospective danger to society.
GR	Article Legal	E. Phytraki, 'Prosecutorial jurisdiction and judicial safeguards in psychiatric admissions', Journal of Criminal Times NZ, 2007	Mental facilities; prosecutor; criminal process	An article critically reviewing the legal framework in Greece and the role of the prosecutor in the process of admission of patients and offenders in psychiatric facilities, and the role of the prosecutor in ensuring their rights.
GR	Report Legal	Special Report of the Ombudsman for involuntary treatment of mentally ill, 2007. Available at <a href="http://www.synigoros.gr/resources/docs/206391.pdf">www.synigoros.gr/resources/docs/206391.pdf</a>	Involuntary treatment; practice; psychiatric facilities	A Report of the Ombudsman in Greece detailing the practical issues that patients admitted in psychiatric facilities as part of an involuntary treatment face, including conditions of the facilities.
GR	Policy Paper/Report Legal	Paper on the Legislative Reform Regarding Involuntary Admission, Greek Association of Nurses, 16 January 2018. Available (in Greek) at <a href="http://enne.gr/12565?fbclid=IwAR17cYwkbzjiZoUGYGOHNDHkriSlIoULY77H32Tqa2leHywCzx_bBEd-Rk">http://enne.gr/12565?fbclid=IwAR17cYwkbzjiZoUGYGOHNDHkriSlIoULY77H32Tqa2leHywCzx_bBEd-Rk</a>	Involuntary treatment; mental facilities; inefficiencies	A policy paper submitted by the Greek Association of Nurses describing the legal framework in Greece for involuntary admission, the practical aspect of admission and hospitalization and the gaps and challenges of the Greek mental health and criminal law system.
GR	Report Legal	Report of the Emergent Inspection of the Special Committee for the Protection of the Rights of Persons with Mental Disorders at the Private Psychiatric Facility D. Samellas A.E., 29 June 2018. Available (in Greek) at <a href="http://www.moh.gov.gr/articles/citizen/dikaiwmata-lhptwn-yphresiwn-ygeias/eidikh-epitroph-elegxoy-prostasias-twn-dikaiwmatwn-twn-atomwn-me-psyxikes-diataraxes/5868-ektheseis-porismata?fdl=14149">www.moh.gov.gr/articles/citizen/dikaiwmata-lhptwn-yphresiwn-ygeias/eidikh-epitroph-elegxoy-prostasias-twn-dikaiwmatwn-twn-atomwn-me-psyxikes-diataraxes/5868-ektheseis-porismata?fdl=14149</a>	Involuntary treatment; mental facilities; inefficiencies; private psychiatric facilities	A legal report submitted by the Committee for the Protection of the Rights of Persons with Mental Disorders after an emergent inspection of a Private Psychiatric Facility, detailing the conditions of hospitalization and denouncing the practice of transferring mental patients from public to private institutions.



IL	Information Booklet Legal	Sharon Primor & Na'ama Lerner, 'The Right of Persons with Intellectual, Psychosocial and Communication Disabilities to Access to Justice in the Criminal Process', Bizchut: The Israel Human Rights Center for People with Disabilities. Available at <a href="http://bizchut.org.il/he/wp-content/uploads/2015/01/Booklet-The-right-of-persons-with-disabilities-to-access-to-justice.pdf">http://bizchut.org.il/he/wp-content/uploads/2015/01/Booklet-The-right-of-persons-with-disabilities-to-access-to-justice.pdf</a>	Intellectual disabilities; psychosocial disabilities; communication disabilities; access to justice	<p>Individuals with intellectual disabilities, psychosocial disabilities or communication disabilities may become involved in criminal proceedings, whether as victims and witnesses or suspects and defendants. The likelihood that persons with one of these disabilities will come into contact with the criminal system is higher than that among the general population. The inability of a criminal justice system to meet the needs of persons with disabilities substantially jeopardizes their right to equal treatment, inclusion and fairness. It also undermines society's greater interest and objectives in conducting criminal procedures. Therefore, making criminal proceedings accessible in the widest possible sense to persons with disabilities requires utilizing professional tools, methods, know-how and approaches that can be combined to assist people with disabilities to fully realize their rights in the criminal system.</p> <p>The purpose of this booklet is to address the fundamental principles for any law, policy and legal practice that seek to make the criminal process accessible to persons with disabilities. It is based on the Israeli 'Investigation and Testimony Procedural Act (Accommodations for Persons with Mental or Intellectual Disabilities 5766-2005)' initiated by Bizchut, The Israel Human Rights Center for People with Disabilities.</p>
IT	Report Legal	Associazione Antigone (2018), La riforma della sanità penitenziaria compie 10 anni: più ombre che luci. Available at <a href="http://www.antigone.it/quattordicesimo-rapporto-sulle-condizioni-di-detenzione/wp-content/uploads/2018/06/XIVrapporto-sulle-condizioni-di-detenzione-riforma-sanità-penitenziaria.pdf">www.antigone.it/quattordicesimo-rapporto-sulle-condizioni-di-detenzione/wp-content/uploads/2018/06/XIVrapporto-sulle-condizioni-di-detenzione-riforma-sanità-penitenziaria.pdf</a>	Prisoners; prison conditions; overcrowding; health	Legal reform since 1975 until now has affected the situation of prisoners. The report explores how life conditions of prisoners, overcrowding, foreigners, gender issues, job opportunities, learning and education, health, suicides and relationship with the outside world have changed during this period and what is the situation at present.
IT	Website	Mental Health Information System: <a href="http://www.salute.gov.it/portale/temi/p2_5.jsp?lingua=italiano&amp;area=sistemainformativo&amp;menu=mentale">www.salute.gov.it/portale/temi/p2_5.jsp?lingua=italiano&amp;area=sistemainformativo&amp;menu=mentale</a>  The Ministerial decree of 15 October 2010 on the implementation of the Mental Health		The Mental Health Information System is an online portal of the Italian Ministry of Health collecting and disseminating data and information about mental health issues, including prevention and safety. The Mental Health Information System was introduced in 2010 by a ministerial decree as a tool to support the operation of mental health departments, in particular by facilitating the monitoring of



		Information System is available at <a href="http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2010-10-29&amp;atto.codiceRedazionale=10A13028&amp;elenco30giorni=false">www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2010-10-29&amp;atto.codiceRedazionale=10A13028&amp;elenco30giorni=false</a>		healthcare services, the analysis of the epidemiological risks and the assessment of the efficiency and use of resources at regional and national level.
IT	Paper Legal	Polichetti, G.B.I. (2018), Il problema dell'imputabilità nei disturbi di personalità (Issues of chargeability in case of personality disorders), <i>Psicologia &amp; Giustizia</i> , Anno XIX, Issue 1, January-June 2018. Available at <a href="http://www.psicologiagiuridica.com/pub/docs/anno%20XIX,%20n%201/6%20Polichetti%20-%20Il%20problema%20dell%27imputabilità%20nei%20disturbi%20di%20personalità.pdf">www.psicologiagiuridica.com/pub/docs/anno%20XIX,%20n%201/6%20Polichetti%20-%20Il%20problema%20dell%27imputabilità%20nei%20disturbi%20di%20personalità.pdf</a>	Personality disorders; criminal justice; sentences	The paper starts from the concept of identity, standard and pathological identity, from the origins of recognition, through the concept of gravity, to the relations with the legal doctrine. It analyses in details the legal literature regarding the sentences on the question of imputability and its contemporary meaning. The paper then evaluates the cohesion of knowledge gained and the coherence of the concepts, for ending with critical suggestions as regards the modern practices.
IT	Paper Legal	Pelissero, M. 'Il doppio binario del sistema penale italiano' ('The Italian criminal justice two track system'). Available at <a href="http://www.law.unc.edu/documents/faculty/adversaryconference/doppiobinario-italiano-pelissero.pdf">www.law.unc.edu/documents/faculty/adversaryconference/doppiobinario-italiano-pelissero.pdf</a>	Double track criminal justice; penalty; prevention	The double track system has been tested for the first time in Italy. It involves penalty for the perpetrator and safeguards for the identification of dangerous subjects (potential perpetrators). The aim this paper is to explain how the system works, particularly during a crisis, and assess its compatibility with constitutional law principles, in particular after the position of CorEDU in the regulation of security in Germany, also with the guaranty of CEDU.
IT	Paper Legal	Di Giada, L. (2018), Imputabilità, vizio di mente e monomania, in <i>De Iustitia Rivista Giuridica</i> , N. 1/2018, pp. 134-148. Available at <a href="http://www.deiustitia.it/cms/cms_files/20180228063350_xmpl.pdf">www.deiustitia.it/cms/cms_files/20180228063350_xmpl.pdf</a>	Mental insanity; criminal justice; assessment	The legal dimension of the state of mental insanity in certain crimes is linked to Art. 88 of the Italian Penal Code, which states that: "It is not chargeable by the law who, during the act, was, due to insanity, in a mental state excluding his/her competency".  The norm is clear in theory and links the issue of mental insanity with imputability. This notion, however, has changed in terms of definition, not only in the legal literature, but also, and in particular, as a result of medical progress, mainly in the field of psychology.  The Italian Penal Code has a section about the protection of those suffering from mental insanity, which focuses on the perpetrator's conduct at the time of the crime. Mental insanity remains an important issue for both legal doctrine and case law due to its



				<p>uncertain definition. A clear legislative reference for such a definition does not exist, which in fact expands the judge's discretion. The issue of the role of the judge in making such decisions is in the focus of a debate in the literature and in the jurisprudence.</p> <p>This paper, after a brief introduction of the concept of imputability, focuses on the identification and assessment of competency, including in some bordering cases such as drugs or alcohol abuse.</p>
IT	Article Legal	Iannucci, M. and Brandi, G. (2018), 'Il reo folle e le modifiche dell'ordinamento penitenziario', in Diritto Penale Contemporaneo 2/2018. Available at <a href="http://www.penalecontemporaneo.it/upload/7529-iannuccibrandi218.pdf">www.penalecontemporaneo.it/upload/7529-iannuccibrandi218.pdf</a>	Prison reform; penitentiary healthcare; draft legislation	<p>The Government, after the Judicial and Budget Commissions of the Chambers have expressed their favourable opinion, could approve in the coming days the draft legislative decree implementing the law 103 of 2017, containing "modifications to the prison system". It is not the intention here to consider the scheme as a whole, but primarily the rules laid down in Chapter I: "Provisions for the reform of penitentiary healthcare". We will try to understand the way in which we have come to propose such a scheme and to understand whether, along this road, it is possible to trace certain factors among those that have influenced the substance of the proposed regulatory changes. We will then go on to examine this substance, in an attempt to assess the real viability of the provisions and the effects they would be intended to produce, if they were approved by the government.</p>
NIR	Article Non-Legal	Andrew Bailey et al, 'Police attitudes toward people with intellectual disability: an evaluation of awareness training' (2001) 45(4) Journal of Intellectual Disability Research. Available at <a href="https://onlinelibrary.wiley.com/doi/full/10.1046/j.1365-2788.2001.00339.x">https://onlinelibrary.wiley.com/doi/full/10.1046/j.1365-2788.2001.00339.x</a>	Police attitudes; intellectual disability; awareness; training	<p>It is argued that more favourable police attitudes to people with intellectual disability (ID) are essential in meeting the police code of ethics, which stresses impartiality and respect for human dignity. The need to acknowledge and investigate the extent of support for eugenic attitudes in other key professionals who have a significant role in the successful inclusion of people with ID in community settings is discussed. The present paper reports on the evaluation of an awareness training event conducted by the Royal Ulster Constabulary in terms of the impact on attitudes towards people with ID held by police officers. The quasi-experimental design involved the measurement of participants' attitudes prior to and following awareness training, and the comparison of these data with a control group of participants who did not undertake awareness exercises. The Attitudes toward Mental Retardation and Eugenics (AMRE) scale was the instrument used to measure attitudes. Analysis identified the</p>



				<p>presence of varying degrees of support for the application of eugenic principles to people with ID. Furthermore, the results indicate that participation in the awareness exercise and subsequent discussions is associated with a significant reduction in support for eugenic-based attitudes towards people with ID by the police officers involved. Investment in training events which target attitudes towards people with ID can bring about a shift in reported attitudes. The importance of evaluating such awareness-raising exercises and their impact on police behaviour is highlighted.</p>
NL	Article Non-legal	<p>Koen Geijsen et al, 'Identifying psychological vulnerabilities: Studies on police suspects' mental health issues and police officers' views' (2018) 5(1) Cogent Psychology. Available at <a href="http://www.tandfonline.com/doi/full/10.1080/23311908.2018.1462133?scroll=top&amp;needAccess=true">www.tandfonline.com/doi/full/10.1080/23311908.2018.1462133?scroll=top&amp;needAccess=true</a></p>	<p>Police suspects; police custody; psychological vulnerabilities; vulnerable suspects; police</p>	<p>Psychological vulnerabilities in police suspects may interfere with the demands of police interrogations, and thereby increase the risk of an unreliable statement, or even a false confession. This study examined: (1) the prevalence of a number of psychological vulnerabilities in police arrestees, and (2) the views of police officers on identifying vulnerable suspects. Both have not been studied previously in the Dutch context. Psychological assessments of a sample of police suspects (N = 149) showed that about 60% rated positive on a mental health screen, and, compared to the general Dutch population, levels of psychopathology, depression, anxiety, stress and interrogative suggestibility were significantly higher. In a second study in police detectives (N = 103), 55% stated that they had not interrogated a vulnerable suspect within the previous 12-month period, and again 55% mentioned that they did not take any special precautions when interrogating vulnerable suspects. Forty-two per cent of police detectives took precautions when interrogating vulnerable suspects, such as consulting their supervisor, a police psychologist, the public prosecutor or a specialised police interrogator. The two studies together indicate that police officers seriously underestimate the base rate of psychological vulnerabilities among suspects. Implications for police interrogation training and supervision are provided.</p>
NL	Article Non-legal	<p>Koen Geijsen et al, 'Screening for intellectual disability in Dutch police suspects' (2018) 15(2) Journal of Investigative Psychology and Offender Profiling. Available at</p>	<p>Intellectual disabilities; police suspects; police custody; SCIL</p>	<p>The screener for mild intellectual disability (SCIL) was developed to screen for mild intellectual disability (IQ below 85). The aims of this study were (a) to examine the predictive validity of the SCIL in screening for intellectual disability among police suspects and (b) to explore the prevalence of cognitive intellectual disability among</p>



<https://onlinelibrary.wiley.com/doi/full/10.1002/jip.1502>

suspects in police custody in the Netherlands. An unselected sample of police suspects (N = 178) charged with a variety of offences was assessed with the SCIL, a Wechsler Adult Intelligence Scale (WAIS)-III-NL short form, and a malingering measure. The SCIL screened 50.0% of the sample as having mild intellectual disabilities, whereas the short WAIS classified 84.3% of the sample with an IQ below 85. A principal component analysis of the SCIL showed ambiguous results. Furthermore, the short WAIS classified 55.6% of our sample with a borderline IQ (IQ = 70–84), 84.3% with an IQ below 85 and 28.7% with an IQ below 70. The prevalence of intellectual disability in this sample of Dutch (police) suspects appears to be higher than prevalence rates found in previous international studies. More exhaustive research is needed to examine the prevalence of intellectual disabilities in police suspects, and the utility of the SCIL to screen for these disabilities.

UK

Newspaper  
Non-legal

Sarah Marsh, 'Police used stun guns on mentally ill patients 96 times in a year' (1 October 2018) The Guardian. Available at [www.theguardian.com/world/2018/oct/01/police-stun-guns-mentally-ill-patients-health-uk?CMP=fb\\_gu](http://www.theguardian.com/world/2018/oct/01/police-stun-guns-mentally-ill-patients-health-uk?CMP=fb_gu)

Stun guns;  
mentally ill;  
police; UK

Data shows that police officers in the UK were called to hospitals and other mental healthcare facilities where a stun gun was used 96 times since 1 April 2017, the date when forces were required to keep data on this.

The government has said stun guns should be used only as a last resort, but campaigns argue vehemently against their use in such a setting.

This article highlights the use of stun guns in hospitals against mentally ill patients, and provides statistical data for the previous year.

UK

Handbook  
chapter  
Non-legal

William Lindsay et al, 'Offenders with Intellectual and Developmental Disabilities' in Jane Ireland et al (eds), *The Routledge International Handbook of Forensic Psychology in Secure Settings* (Routledge Taylor & Francis Group 2017). Chapter available at [www.routledgehandbooks.com/doi/10.4324/9781315673073.ch3](http://www.routledgehandbooks.com/doi/10.4324/9781315673073.ch3). Book preview available at [https://books.google.bg/books/about/The\\_R](https://books.google.bg/books/about/The_R)

Offenders;  
intellectual  
disabilities;  
developmental  
disabilities

In the authors' experience, there is some confusion on the definition of offenders with intellectual and developmental disability (IDD) and who is included in this category. A variety of terms are used for the individuals to whom we will refer in the current chapter. In the UK and Ireland, we tend to use the term 'learning disability' while in the United States and many English-speaking countries the term 'mental retardation' was used for decades until recently when it was replaced by intellectual and developmental disability. In the UK we occasionally refer to 'learning difficulty', which can also be synonymous with IDs. In a somewhat confusing categorisation, in some secure settings such as prison systems, the distinction between general or mainstream



[outledge International Handbook of.html?id=ajwIDwAAQBAJ&printsec=frontcover&source=kp\\_read\\_button&redir\\_esc=y#v=onepage&q&f=false](https://www.outledge.com/International-Handbook-of-Learning-Disabilities-in-Police-Custody/9781851969411)

offenders and offenders with IDD has been different from the various diagnostic guidelines across the world. For example, in the English prison system offenders with lower intellectual functioning are defined by an IQ less than 80 and these individuals are often referred to as having ‘learning disability’ but, as we shall explain, this does not conform to international classifications. This is an important distinction because the international definition of IDD includes psychometrically assessed cognitive function indicating an IQ less than 70 and this alteration in the definition makes a significant difference to both prevalence and individuals concerned. In this chapter, we will use the term IDD since it has gained international recognition.

UK

Recommendations  
Non-legal

Jenny Holmes & Iain McKinnon, ‘Assessment of people with learning difficulties and disabilities in police custody’ (2017) Faculty of Forensic & Legal Medicine of the Royal College of Physicians. Available at <https://fflm.ac.uk/publications/recommendations-assessment-of-persons-with-learning-difficulties-and-disabilities-in-police-custody/>

Learning difficulties;  
learning disabilities;  
police custody;  
guidelines

Learning Disability is defined by WHO ICD-10 as ‘a condition of arrested or incomplete development of the mind, which is especially characterised by impairment of skills manifested during the developmental period, skills which contribute to the overall level of intelligence, i.e. cognitive, language, motor and social abilities’. Estimates of learning disability in the UK adult prison population range from 1-10%. Another significant proportion have learning ‘difficulties’ of a lower than average IQ and associated issues such as dyslexia which causes problems for them in the criminal justice system.

People with learning disabilities come into contact with the Police in many ways. Police may be called to behavioural disturbances in family homes or crises in care placements. Acquiescence and suggestibility renders individuals vulnerable to be drawn into offending behaviours. Challenging behaviours associated with the learning disability may lead to offences such as assault and damage to property. Poor awareness of societal norms and boundaries can lead to offending of all types.

As such, the Faculty of Forensic & Legal Medicine of the Royal College of Physicians has published medico-legal guidelines and recommendations on the matter of assessing learning difficulties and disabilities of people in police custody.

UK

Article  
Non-legal

HMI Probation, HMI Constabulary, HM Crown Prosecution Inspectorate, & the Care Quality Commission, ‘A joint inspection of offenders

Inspection;  
treatment;  
offenders;

People with learning disabilities have contact with criminal justice services at every point of the criminal justice system - police, prosecution, courts, probation and prison; this report deals with the



		with learning disabilities within the criminal justice system – <i>phase 1</i> from arrest to sentence’ (2014) Criminal Justice Joint Inspection. Available at <a href="http://www.justiceinspectors.gov.uk/ciji/wp-content/uploads/sites/2/2014/04/LearningDisabilities_Jan14_thm_rpt.pdf">www.justiceinspectors.gov.uk/ciji/wp-content/uploads/sites/2/2014/04/LearningDisabilities_Jan14_thm_rpt.pdf</a>	learning disabilities; criminal justice system; arrest; sentence	first phase of contact, focusing specifically on the period from arrest to conviction and sentence.  If offender engagement is to have any real meaning it has to start with an understanding of the offender’s learning ability and style based on an effective screening of all offenders. For those with a learning disability this is even more important as failure to identify and address their needs denies them their right to access services both inside and outside the criminal justice system. This report aims both to draw attention to the current situation and to highlight best practice so it may be shared throughout those agencies working with this group of offenders.
<b>UK</b>	Newspaper Non-legal	‘Offenders with learning disabilities ‘not supported’’ (30 January 2014) BBC. Available at <a href="http://www.bbc.com/news/uk-25953970">www.bbc.com/news/uk-25953970</a>	Offenders; learning disabilities; support; discrimination	An inspection has found that offenders with learning disabilities are not getting the support they need from police, probation and prosecution services.
<b>UK</b>	Newspaper Non-legal	‘Met Police ‘must review handling of mentally ill suspects’’ (10 May 2013) BBC. Available at <a href="http://www.bbc.com/news/uk-england-london-22480666">www.bbc.com/news/uk-england-london-22480666</a>	Police; mentally ill; suspects	A review of the way the Metropolitan Police deals with mentally ill suspects has identified a series of failings, with the Independent Commission on Mental Health and Policing urging officers to improve procedures for using force, dealing with calls and keeping records.
<b>UK</b>	Newspaper Non-legal	‘Nurses on police patrols to deal with mental health cases’ (27 June 2013) BBC. Available at <a href="https://www.bbc.com/news/uk-england-23074602">https://www.bbc.com/news/uk-england-23074602</a>	Mental health; police; nurses; detention	Nurses are to go on patrol with four police forces across England to improve responses to mental health emergencies.
<b>UK</b>	Article Non-legal	Susan Young et al, ‘The effectiveness of police custody assessments in identifying suspects with intellectual disabilities and attention deficit hyperactivity disorder’ (2013) 11 BMC Medicine. Available at <a href="https://bmcmmedicine.biomedcentral.com/articles/10.1186/1741-7015-11-248">https://bmcmmedicine.biomedcentral.com/articles/10.1186/1741-7015-11-248</a>	Intellectual disabilities; ADHD; conduct disorder; IQ; risk assessment; police	Intellectual Disabilities (ID) and Attention Deficit Hyperactivity Disorder (ADHD) are recognized psychological vulnerabilities in police interviews and court proceedings in England and Wales. The aims of this study were to investigate: (a) the prevalence of ID and/or ADHD among suspects detained at a large London metropolitan police station and their relationship with conduct disorder (CD), (b) the impact of their condition on police staff resources, (c) the effectiveness of current custody assessment tools in identifying psychological vulnerabilities, and (d) the use of ‘Appropriate Adults’ in interviews.



				The current findings suggest that in spite of reforms recently made in custodial settings, procedures may not have had the anticipated impact of improving safeguards for vulnerable suspects. Detainees with ID and ADHD require an Appropriate Adult during police interviews and other formal custody procedures, which they commonly do not currently receive. The findings of the current study suggest this may be due, in large part, to the ineffective use of risk assessment tools and healthcare professionals, which represent missed opportunities to identify such vulnerabilities.
UK	Article Non-legal	Victoria Herrington & Karl Roberts, 'Addressing the Psychological Vulnerability in the Police Suspect Interview' (2012) 6(2) Policing. Available at <a href="http://www.researchgate.net/publication/274167724_Addressing_Psychological_Vulnerability_in_the_Police_Suspect_Interview">www.researchgate.net/publication/274167724_Addressing_Psychological_Vulnerability_in_the_Police_Suspect_Interview</a>	Psychological vulnerability; police; suspect; interview; criminal justice system	Psychological vulnerability (PV) is a term used to describe problems facing individuals with a mental illness or intellectual disability. PV poses considerable ethical and procedural problems for the criminal justice system. It is often difficult for law enforcement officers to identify PV individuals; PV individuals may have difficulties in understanding the legal process, and are especially vulnerable during police suspect interviews. This article reviews the characteristics, information processing, and communication difficulties facing individuals with a PV, and how these interact in the suspect interview context to challenge the collection of full and reliable accounts. We consider how police may mitigate some of these risks, through the identification of individuals with a PV in the first place, and through careful management of the interview, ensuring that as accurate account as possible can be obtained.
UK	Report Legal	Jessica Jacobson with Jenny Talbot, 'Vulnerable Defendants in the Criminal Courts: a review of provision for adults and children' (2009) Prison Reform Trust. Available at <a href="http://www.prisonreformtrust.org.uk/Publications/AZ">www.prisonreformtrust.org.uk/Publications/AZ</a>	Vulnerable defendants; learning disabilities criminal court; adults; children	Court proceedings are often complicated for anyone who is relatively unfamiliar with the criminal justice system. Many children and some adults, for example people with learning disabilities and difficulties, face particular problems, such as understanding the language used in court and knowing what is expected of them. This is especially pertinent when people are required to give evidence in court or – as is the focus of this report, are the accused. High numbers of children who come before the youth courts are vulnerable, not only due to their young age and developmental immaturity, but because many also experience mental health and emotional problems, learning disabilities and communication difficulties. All defendants have the



right to a fair trial, fundamental to which is their ability to participate effectively in the criminal proceedings to which they are subject.

There are a range of provisions, both legislative and practice guidance, that encourage the effective participation of vulnerable defendants. However, these are often predicated on court staff knowing about the particular needs that a defendant may have. It is of considerable concern that many vulnerable defendants, children and adults alike, do not understand either the court proceedings or the language of the court and are left feeling confused and alienated – as highlighted in this report.

This report examines the extent to which criminal justice policy and practice relating to the criminal courts effectively addresses the particular support needs of vulnerable defendants. It is hoped that the recommendations based on this review of provision will contribute to efforts to create a criminal justice system within which all defendants, whatever their level of need, receive fair and equitable treatment.

<b>UK/USA</b>	Article Legal	Tim Rogers et al, 'Fitness to plead and competence to stand trial: A systematic review of the constructs and their application' (2008) 19(4) Journal of Forensic Psychiatry and Psychology. Available at <a href="http://www.researchgate.net/publication/236197014_Fitness_to_plead_and_competence_to_stand_trial_A_systematic_review_of_the_constructs_and_their_application">www.researchgate.net/publication/236197014 Fitness to plead and competence to stand trial A systematic review of the constructs and their application</a>	Fitness to plead and stand trial; adjudicative competence; competence to stand trial; instrument; tool; mental health legislation	Fitness to plead is a fundamental legal concept. Its determination in England and Wales rests on professional interpretation of the 'Pritchard' criteria (1836). In the United States, the determination of the analogous concept of competence to stand trial rests on professional interpretation of the 'Dusky' criteria (1960). Numerous assessment instruments have been developed in North America to help guide professional determinations of competence to stand trial, but such assessments are not routinely employed in British settings. The evidence reviewed calls into question the utility of the fitness to plead construct as currently formulated and highlights the inadequacy of the procedures employed in its determination. We argue that both conceptual and procedural changes are required.
<b>UK</b>	Book Non-legal	Keith Soothil et al (eds), <i>Handbook of Forensic Mental Health</i> (Willan Publishing 2008). Available at <a href="https://books.google.bg/books/about/Handbook_of_Forensic_Mental_Health.html?id=RmKhAQAAAMAJ&amp;redir_esc=y">https://books.google.bg/books/about/Handbook of Forensic Mental Health.html?id=RmKhAQAAAMAJ&amp;redir_esc=y</a>	Forensic mental health	This is a comprehensive reference book on the subject of forensic mental health, looking at what forensic mental health is and its assessment, management and treatment. It focuses on key topics and the issues underpinning them in contemporary society.  The book includes:



				<ul style="list-style-type: none"> <li>• an account of the historical development of forensic mental health, along with a description of the three mental health systems operating in the UK</li> <li>• an in-depth analysis of the forensic mental health process and system, including an analysis of the different systems applied for juveniles and adults</li> <li>• an examination of the main issues in forensic mental health including sex offending, personality disorders and addiction</li> <li>• a breakdown of the key skills needed for forensic mental health practice.</li> </ul>
UK	Report Non-legal	Nancy Loucks with Jenny Talbot, No One Knows report on 'Identifying and supporting prisoners with learning difficulties and learning disabilities: the views of prison staff in Northern Ireland (2008) Prison Reform Trust. Available at <a href="http://www.prisonreformtrust.org.uk/Publications/AZ">www.prisonreformtrust.org.uk/Publications/AZ</a>	Prisoners; learning disabilities; learning difficulties; prison staff	Supporting prisoners with learning difficulties and learning disabilities is often seen as a responsibility for staff in health care or education. However, the day-to-day living experiences of prisoners, including those with learning difficulties and learning disabilities, take place in a number of different locations across a prison. This brief study aimed to identify how prison staff in Northern Ireland believed prisoners with learning difficulties or learning disabilities were identified and supported.
UK	Report Non-legal	Jessica Jacobson, No One Knows report on 'Police responses to suspects learning disabilities and learning difficulties: a review of policy and practice' (2008) Prison Reform Trust. Available at <a href="http://www.prisonreformtrust.org.uk/Publications/AZ">www.prisonreformtrust.org.uk/Publications/AZ</a>	Police custody; suspects; learning disabilities; learning difficulties; criminal justice system	<p>Research undertaken by the <i>No One Knows</i> programme demonstrates that between 20% and 30% of offenders have learning difficulties or learning disabilities that interfere with their ability to cope within the criminal justice system; of this group 7% will have very low IQs of less than 70. By implication this means that many more people with learning disabilities or difficulties pass through police custody.</p> <p>In recent years support for victims and witnesses with learning disabilities has been the subject of much needed attention and some good progress has been made. However, the same cannot be said for people with learning disabilities who come into contact with the police as suspects.</p> <p>This paper is a welcome review of police policy and practice in regard to suspects who are thought or known to have learning disabilities and, to a lesser extent, learning difficulties. A number of important topics are explored, including the identification of vulnerable suspects by police officers; the availability of appropriate adults to attend police interviews; learning disability awareness training for police</p>



				officers; and diversion from the criminal justice system into treatment and support.
UK	Report Non-legal	Jenny Talbot, No One Knows report on 'Prisoners' voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties' (2008) Prison Reform Trust. Available at <a href="http://www.prisonreformtrust.org.uk/Publications/AZ">www.prisonreformtrust.org.uk/Publications/AZ</a>	Prisoners; learning disabilities; learning difficulties;	This report presents the findings of a major survey of prisoners with learning disabilities and learning difficulties, which explored their experiences of the criminal justice system. It is divided into four parts. The first describes the overall aim, which was to document the experiences prisoners with learning disabilities or learning difficulties have throughout the criminal justice system in order to highlight areas for improvement. The second tells of prisoners' experiences of the criminal justice system, their lives immediately before they were arrested and aspirations for the future. It also includes a section on prisoners' ideas for change. The third presents and discusses five overarching themes such as: disability discrimination and possible human rights abuses; knowing who has learning disabilities or difficulties; implications for the criminal justice system; a needs-led approach of collaborative multi-agency working; and workforce development. Finally, the fourth part draws on the full three year <i>No One Knows</i> programme and makes recommendations for change.
UK	Report Non-legal	Nancy Loucks, No One Knows Briefing paper on 'The prevalence and associated needs of offenders with learning difficulties and learning disabilities' (2007) Prison Reform Trust. Available at <a href="http://www.prisonreformtrust.org.uk/Publications/AZ">www.prisonreformtrust.org.uk/Publications/AZ</a>	Offenders; learning disabilities; learning difficulties; criminal justice system	Even within strict definitions of learning difficulties and learning disabilities, no agreed levels of prevalence are evident. While the Department of Health in England and Wales (1998) estimates that 2% of people in the general population have a learning disability, researchers disagree whether this rate is any higher in populations of offenders. Estimates of prevalence amongst offenders range from 0% - 85%, depending on the assessment tools used, the stage in the criminal justice process at which learning disability is assessed, whether assessments are conducted individually or in groups, the level of training of the people administering the assessments, and variations in policies for diversion. Average estimates of prevalence of learning disability amongst offenders in the UK range from 1 – 10%.  Research was conducted within the UK on this matter, and presented the vast hidden problem of high numbers of men, women and children with learning difficulties and learning disabilities trapped within the criminal justice system.



UK	Report Non-legal	Jenny Talbot, No One Knows report on 'Identifying and supporting prisoners with learning difficulties and learning disabilities: the views of prison staff in England and Wales' (2007) Prison Reform Trust. Available at <a href="http://www.prisonreformtrust.org.uk/Publications/AZ">www.prisonreformtrust.org.uk/Publications/AZ</a>	Prisoners; learning disabilities; learning difficulties; prison staff	Unlike mental health, comparatively little is known about the numbers and needs of people with learning difficulties and learning disabilities caught up in the criminal justice system. It is a matter which has long troubled those who manage criminal justice services.  This report is the first in a series of reports and briefing papers from <i>No One Knows</i> , which covers preliminary findings on research undertaken into the views of prison staff on how prisoners with learning difficulties and learning disabilities are identified and supported. The views of prisoners with learning difficulties and learning disabilities will be gathered during 2007.  This report focuses on prisons in England and Wales.
UK	Report Non-legal	Nancy Loucks, No One Knows report on 'Identifying and supporting prisoners with learning difficulties and learning disabilities: the views of prison staff in Scotland' (2007) Prison Reform Trust. Available at <a href="http://www.prisonreformtrust.org.uk/Publications/AZ">www.prisonreformtrust.org.uk/Publications/AZ</a>	Prisoners; learning disabilities; learning difficulties; prison staff	Supporting prisoners with learning difficulties and learning disabilities is often seen as a responsibility of staff in health care or education. However, the day-to-day living experiences of prisoners, including those with learning difficulties and learning disabilities, take place in a number of different locations across a prison. This brief study aimed to identify how prison staff in Scotland believed prisoners with learning difficulties or learning disabilities were identified and supported, focusing on good practice as well as identifying gaps in provision.
UK	Article Non-legal	Richard Cant & Penny Standen, 'What professionals think about offenders with learning disabilities in the criminal justice system' (2007) 35(3) British Journal of Learning Disabilities. Available at <a href="https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1468-3156.2007.00459.x">https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1468-3156.2007.00459.x</a>	Attitudes; criminal justice; intellectual disability; offenders; professionals	There is evidence that people with learning disabilities who offend are treated differently within the criminal justice system compared to non-disabled offenders. As their treatment depends on decisions made by professionals within the criminal justice system, this study set out to explore the attitudes of these professionals. Semi-structured interviews were carried out with 28 professionals who included custody sergeants, appropriate adults, community psychiatric/forensic liaison nurses, magistrates and judges. The transcribed recordings were analysed using grounded theory.  Many responses concerned the fear that people with learning disabilities may not be recognized within the system, thus negating the effect of any plans to adapt the system to take account of them. Other responses could be characterized by two themes: the first focused on the nature of learning disabilities and why the system



				<p>should be changed to take this into account, and the second concerned a belief that by its very nature the criminal justice system could not be adapted. In conclusion, the implications of professionals' attitudes towards people with learning disabilities in the criminal justice system are discussed in relation to recent legislative changes and policy guidance, to review how the justice system and other services can respond better to the needs of this potentially vulnerable group and how they can ensure that their rights are upheld.</p>
UK	Article Non-legal	Judith McBrien & Glynis Murphy, 'Police and carers' views on reporting alleged offences by people with intellectual disabilities' (2006) 12(2) Psychology, Crime & Law. Available at <a href="http://www.tandfonline.com/doi/figure/10.1080/10683160512331316262?scroll=top&amp;needAccess=true">www.tandfonline.com/doi/figure/10.1080/10683160512331316262?scroll=top&amp;needAccess=true</a>	Intellectual disability; offending; police; care staff	<p>Evidence suggests that care staff have difficulty recognizing offending behaviour in adults with intellectual disabilities (ID) and that they are reluctant to report such behaviour to the police. Whilst there has been speculation as to why there may be such reluctance, there are no empirical studies. In this study, questionnaires using vignettes of fictitious crimes were completed by 80 care staff in residential homes and 65 police officers. The fictitious perpetrators in the vignettes were described either as non-disabled or as having ID. Care staff and police ratings of causal attributions and affect were compared, and the effect of perpetrator status (with or without ID) was also examined.</p> <p>The findings confirmed that care staff are still reluctant to report incidents by people with ID to the police. Carer and police views were generally in accord concerning perpetrators without ID but there were significant differences between groups rating perpetrators with ID.</p>
UK	Article Non-legal	Kate Gendle & Jessica Woodhams, 'Suspects who have a learning disability: Police perceptions toward the client group and their knowledge about learning disabilities' (2005) 9(1) Journal of Intellectual Disabilities. Available at <a href="http://journals.sagepub.com/doi/abs/10.1177/1744629505050923?url_ver=Z39.88-2003&amp;rft_id=ori:rid:crossref.org&amp;rft_dat=crpub%3dpubmed">http://journals.sagepub.com/doi/abs/10.1177/1744629505050923?url_ver=Z39.88-2003&amp;rft_id=ori:rid:crossref.org&amp;rft_dat=crpub%3dpubmed</a>	Learning disability; perceptions; police; suspects	<p>More than a million people in the UK have a learning disability. A small but significant proportion of these people will come into contact with the criminal justice system because they have offended or have been accused of an offence. This article reports on the perceptions of police officers toward this potentially vulnerable group and their knowledge of issues related to learning disabilities. Interview data were collected from eight police sergeants employed by Humberside Police and analysed using qualitative techniques. The article concludes that further training in the subject area is required. This is likely to be successful in the force under study due to their promotion of positive perceptions toward people with learning disabilities.</p>



UK	Article Non-legal	Philip Barron et al, 'Offenders with intellectual disability: a prospective comparative study' (2004) 48(1) Journal of Intellectual Disability Research. Downloaded from <a href="http://www.researchgate.net/publication/5636152">www.researchgate.net/publication/5636152</a> <a href="http://www.researchgate.net/publication/5636152">Offenders with intellectual disability A prospective comparative study</a> Available at <a href="https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1365-2788.2004.00581.x">https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1365-2788.2004.00581.x</a>	Criminal justice system; intellectual disability; interventions; offenders	<p>Background: Intellectually disabled offenders (IDO) are a poorly served and under-recognized group, who are likely to require long-term specialist treatments and interventions.</p> <p>Method: This prospective study investigated the characteristics and factors that influence outcome in this group, with particular reference to therapeutic interventions. Sixty-one individuals were identified from contact with either ( ) specialist health and social services for people with intellectual disability (ID) or ( ) nonspecialist services in the criminal justice or (forensic) mental health/social service systems. The participants were assessed at baseline and after a mean of months in order to compare recidivism rates and the impact of therapeutic interventions.</p> <p>Results: The findings suggest that IDO start offending at an early age, that they frequently have a history of multiple offences, and that sex offending and arson are over-represented offence types. Those participants recruited from nonspecialist ID services had significantly higher IQs and were less likely to have had contact with community social and health support agencies. Despite the high rates of psychopathology, there was little evidence for efficacy of therapeutic interventions, which, where offered, appeared to be of a nonspecific nature. At second interview, approximately half of the sample had re-offended.</p>
UK	Article Non-legal	Philip Barron et al, 'Offenders with intellectual disability: the size of the problem and therapeutic outcomes' (2002) 46(6) Journal of Intellectual Disability Research. Available at <a href="https://onlinelibrary.wiley.com/doi/pdf/10.1046/j.1365-2788.2002.00432.x">https://onlinelibrary.wiley.com/doi/pdf/10.1046/j.1365-2788.2002.00432.x</a>	Offenders; intellectual disabilities; therapeutic; treatment	<p>Background: People with intellectual disability (ID) who offend may be subject to a variety of disposals within the criminal justice system, or via diversion to health and social services in inpatient units or in community ID teams. Offenders with ID are a group with complex needs who may pose a recurrent risk to the public. Despite the significant number of offenders with ID, there is limited evidence on treatment effectiveness and outcomes.</p> <p>Methods: A literature search of all electronic databases was undertaken, and journals were hand-searched for clinical trials or case studies of interventions for offenders with ID. The main outcome was recidivism rates.</p>



				<p>Results There were no published clinical trials of offenders with ID. A series of small-scale group cognitive-behavioural treatments for sex offenders offers the most persuasive evidence of success in reducing recidivism.</p> <p>Conclusion: Offenders with ID often receive inadequate services as a result of poor identification through the criminal justice system and research into effective treatments is rudimentary. Further studies are necessary in order to improve treatment efficacy and service provision for a complex group of individuals.</p>
UK	Article Non-legal	<p>Tony Holland et al, 'Prevalence of 'criminal offending' by men and women with intellectual disability and the characteristics of 'offenders': implications for research and service development' (2002) 46 Journal of Intellectual Disability Research. Available at <a href="http://www.researchgate.net/publication/11313716_Prevalence_of_'criminal_offending'_by_men_and_women_with_intellectual_disability_and_the_characteristics_of_'offenders'_implications_for_research_and_service_development">www.researchgate.net/publication/11313716_Prevalence_of_'criminal_offending'_by_men_and_women_with_intellectual_disability_and_the_characteristics_of_'offenders'_implications_for_research_and_service_development</a></p>	<p>Criminal justice system; forensic services; intellectual disability; learning disability; offenders</p>	<p>The investigation of the relationship between criminal offending and the presence of an intellectual disability (ID) is problematic for two main reasons. First, because of problems associated with the definition of 'ID' and secondly, because much criminal offending goes undetected or unreported, and studies can only investigate those already involved with the criminal justice process.</p> <p>Studies using IQ as a continuous variable indicate that significantly below-average intellectual ability is an independent predictor of future offending. Whilst people with ID may be over-represented in parts of the criminal justice system, given the intellectual and other psychosocial disadvantages which they experience, the level of offending behaviour in this particularly vulnerable group is strikingly low.</p> <p>The present authors propose that two broad groups of people can be identified. The first, broader, group is one of people for whom social disadvantage and mental ill health (particularly substance abuse), coupled with a significant intellectual impairment, are the main characteristics. Secondly, there is a smaller group of people, usually already known to ID services as service users, but for whom the process whereby what might have been conceptualized as 'challenging behaviour' becomes 'offending' is far from clear. The distinction the present authors make between challenging behaviour and offending is important for understanding how 'difficult' behaviour becomes identified as 'antisocial/criminal behaviour'. They argue that research needs to move from prevalence and descriptive studies to investigating the processes which determine movement in and out</p>



				<p>the criminal justice system. The present political emphasis on public protection and proposals for significantly broader mental health legislation raise the danger of a re-expansion of institutional models of care, rather than the development of multi-agency support networks. The present paper underscores a note of caution, particularly where choices have to be made between expanding institutional models on the one hand and providing more integrated services on the other. Over and above policy decisions, these are social and political choices.</p>
UK	Article Non-legal	<p>Glynis Murphy &amp; Isabel Clare, 'People with learning disabilities as offenders or alleged offenders in the UK criminal justice system' (1998) 91 Journal of the Royal Society of Medicine. Available at <a href="http://europepmc.org/backend/ptpmcrender.fcgi?accid=PMC1296635&amp;blobtype=pdf">http://europepmc.org/backend/ptpmcrender.fcgi?accid=PMC1296635&amp;blobtype=pdf</a></p>	<p>Learning disabilities; offenders; alleged offenders; criminal justice system; UK</p>	<p>The past twenty years have witnessed a sea change in services for people with learning disabilities, attributable at least in part to an increasing recognition that such individuals have a right to participate as full citizens in the life of the community. With this move towards 'ordinary life'<sup>2</sup> we need to ensure that people with learning disabilities are treated properly in the criminal justice system, both as victims of crime<sup>3</sup> and as suspects. Here we review the way suspects with learning disabilities are dealt with in the UK.</p>
UK	Article Non-legal	<p>Isabel Clare &amp; Gisli Gudjonsson, 'The Vulnerability of Suspects with Intellectual Disabilities during Police Interview: A Review and Experimental Study of Decision-Making' (1995) 8(2) Journal of Applied Research in Intellectual Disabilities. Available at <a href="http://www.researchgate.net/publication/229558817_The_vulnerability_of_suspects_with_intellectual_disabilities_during_police_interviews_A_review_and_experimental_study_of_decision-making">www.researchgate.net/publication/229558817_The_vulnerability_of_suspects_with_intellectual_disabilities_during_police_interviews_A_review_and_experimental_study_of_decision-making</a></p>	<p>Vulnerable suspects; Intellectual disability; police interviews; decision-making</p>	<p>The Police and Criminal Evidence Act 1984 (England and Wales) recognised that suspects with intellectual disabilities were 'vulnerable' during interviews with the police. However, no attempt was made to specify the disadvantages which might contribute to this vulnerability. This paper reviews the experimental evidence relating to two possible areas of disadvantage-impaired understanding of the caution and legal rights, and susceptibility to acquiescence, suggestibility, compliance and confabulation. A pilot study relevant to a third area, that of decision-making, is presented. A fictional film was made of a police interrogation, depicting a male suspect making a true and a false confession. At scheduled pauses during, and just after, the film, items from a semi-structured interview schedule were presented. Compared with their average intellectual ability counterparts, the participants with intellectual disabilities (Full Scale IQ: 60-75) were less likely to think that a police interview and false confession might have serious consequences for the suspect. Their views reflected the importance they placed on the suspect's actual, rather than professed, guilt or innocence. Moreover, they believed that an innocent suspect might be protected because his or her innocence</p>



				would be evident to others. The possible impact of these views on the decision-making in police interviews of suspects with intellectual disabilities is discussed.
USA	Article Legal	Andrew Reisner & Jennifer Piel, 'Mental Condition Requirement in Competency to Stand Trial Assessments' (2018) 46(1) Journal of the American Academy of Psychiatry and the Law. Available at <a href="http://jaapl.org/content/46/1/86">http://jaapl.org/content/46/1/86</a>	Criminal defendant; incompetent to stand trial; competency; trial; assessment; mental condition	In Ohio, a criminal defendant is incompetent to stand trial only if "a present mental condition" renders him unable to understand the nature and objectives of the proceedings against him or to assist in his defense. Some forensic mental health evaluators have treated the mental-condition requirement as synonymous with, or similar to, the psychiatric condition required in the state's insanity criteria, which requires a "severe mental disease or defect." Yet the term mental condition does not appear in other areas of the state's criminal code or in the state's definition of a mental illness for purposes of civil commitment. Moreover, Ohio's adjudicative competency statute does not explain what conditions or symptoms constitute a mental condition sufficient to render a defendant incompetent. This article is a review of the mental condition requirement in competence to stand trial laws, using Ohio as an example, and how this term has been interpreted (or misinterpreted) by mental health evaluators and the legal system. Suggestions for practicing forensic evaluators are offered.
USA	Article Legal	Samson Schatz, 'Interrogated with Intellectual Disabilities: The Risk of False Confession' (2018) 70 Stanford Law Review. Available at <a href="https://pdfs.semanticscholar.org/1438/ed8bcffc2fcaec8e509379edecd88f41a08c.pdf">https://pdfs.semanticscholar.org/1438/ed8bcffc2fcaec8e509379edecd88f41a08c.pdf</a>	Intellectual disability; interrogation; false confession; criminal justice system; <i>Miranda</i>	False confessions happen. At least 245 people have been exonerated from convictions in cases featuring confessions that were simply not true. Confessions offer a narrative that allows law enforcement, and society in general, to neatly resolve cases with apparent clarity and closure. And yet the pressures officers place on suspects to provide that closure weigh disproportionately on the vulnerable, including individuals with intellectual disabilities. These individuals are disadvantaged at every step of the custodial interrogation, and they face heightened risks of falsely confessing. Moreover, the principal judicial safeguards against false confessions—assessing a suspect's <i>Miranda</i> waiver and determining whether a confession was voluntarily given within the bounds of the Fourteenth Amendment's Due Process Clause—provide little protection for the innocent with intellectual disabilities.



Few pieces of scholarship focus specifically on the heightened risks faced by individuals with intellectual disabilities throughout the process of police interrogation. This Note describes the various ways these individuals are disadvantaged. And it offers an additional data point illustrating the vulnerability of people with intellectual disabilities. This Note analyzes the 245 individuals (as of June 2, 2017) on the National Registry of Exonerations who have falsely confessed. Over one-quarter of them display indicia of intellectual disability. This percentage dwarfs the prevalence of people with intellectual disabilities in the general population and even exceeds most estimates of the proportion of the prison population suffering from intellectual disabilities. This Note concludes with several policy and doctrinal suggestions to better protect individuals with intellectual disabilities from the risks of false confession.

USA

Article  
Legal

Lauren Rogal, 'Protecting Persons with Mental Disabilities from Making False Confessions: The Americans with Disabilities Act as a Safeguard' (2017) 47 New Mexico Law Review. Available at <https://digitalrepository.unm.edu/nmlr/vol47/iss1/4/>

Mental disabilities; false confessions; police interrogation; Disabilities Act

Individuals with mental disabilities are uniquely vulnerable to making false confessions under police interrogation, prompting a cavalcade of devastating consequences for both the individual confessors and the cause of justice. A growing body of evidence shows that mental disabilities impair the ability of sufferers to withstand the pressures of interrogation, as well as understand and invoke their Constitutional rights during questioning. Most current reform efforts focus on piecemeal legislation on the State level, such as mandatory electronic recording of interrogations.

This article argues that Title II of the Americans with Disabilities Act provides an existing, nationwide framework for meaningful protection. Title II requires all public entities, including law enforcement agencies, to reasonably modify their activities in order to prevent discrimination against persons with disabilities. This article establishes that Title II generally applies to interrogation of the mentally disabled and proposes evidence-based options for reasonable modification of interrogation practices to reduce the risk of false confessions. Finally, it explores the limitations of the Title II framework and suggests regulatory measures to ensure strong protection for individuals with mental disabilities during police questioning.



USA	Report Legal	'Competency of Individuals with Intellectual and Developmental Disabilities in the Criminal Justice System: A Call to Action for the Criminal Justice Community' (2017) The Arc National Center on Criminal Justice and Disability. Available at <a href="http://www.chhs.ca.gov/IST%20Workgroup/Competency%20White%20Paper%202017.pdf">www.chhs.ca.gov/IST%20Workgroup/Competency%20White%20Paper%202017.pdf</a>	Intellectual disability; developmental disability; competency; criminal justice	People with intellectual and developmental disabilities (I/DD) interact with the criminal justice system at a disproportionately higher rate compared to those without I/DD. In cases where a person has I/DD, competence is raised as an issue and the criminal court is required to make determinations as to a person's ability to make legal decisions based on his or her physical and mental capacity. These determinations are called 'competency determinations' and attempt to measure a person's ability to make knowing, informed decisions at a variety of points in the legal process. This white paper aims to demystify the questions surrounding competency issues in the criminal justice system with respect to individuals with I/DD. It works to reconcile the ideal response of the criminal justice system when interacting with someone with I/DD with the reality of adjudicating criminal cases day-to-day.
USA	Article Legal	Jillian Peterson & Kevin Heinz, 'Understanding Offenders with Serious Mental Illness in the Criminal Justice System' (2016) 42(2) Mitchell Hamline Law Review. Available at <a href="https://open.mitchellhamline.edu/mhrlr/vol42/iss2/3/?utm_source=open.mitchellhamline.edu%2Fmhlr%2Fvol42%2Fiss2%2F3&amp;utm_medium=PDF&amp;utm_campaign=PDFCoverPages">https://open.mitchellhamline.edu/mhrlr/vol42/iss2/3/?utm_source=open.mitchellhamline.edu%2Fmhlr%2Fvol42%2Fiss2%2F3&amp;utm_medium=PDF&amp;utm_campaign=PDFCoverPages</a>	Mental illness; criminal justice system; offenders; overrepresentation; crime	<p>Individuals with serious mental illnesses such as schizophrenia, bipolar disorder, and depression are overrepresented in the criminal justice system. This overrepresentation has become a growing concern nationally among mental health workers, corrections departments, lawyers, public policy makers, and human rights advocates. Although estimates vary widely, approximately 14 to 16% of people in the criminal justice system have a serious or persistent mental illness. This translates to over one million people.</p> <p>Due to the lack of consistent mental health resources, minimal mental health treatment staff, and the stressful nature of a corrections setting, people with serious mental illness rarely receive the treatment that they need in jail and prison. Instead, they often end up getting punished for breaking the rules, which can result in longer prison stays and even solitary confinement. In addition to having trouble in prison, offenders with serious mental illness have a difficult time when they are released back into the community. In fact, people with mental illness are significantly more likely to fail the terms of their probation and parole.</p> <p>This article examines why people with serious mental illness are overrepresented in jails and prisons, and what can be done to prevent criminal justice involvement among this high-risk population. In order</p>



				to develop effective and efficient prevention and intervention strategies, it is critical to understand the role of mental health symptoms in causing and perpetuating criminal activity.
USA	Handbook Legal	'Mental Illness, your Client and the Criminal Law' (2015) Texas Appleseed. Available at <a href="http://www.texasappleseed.org/publications?field_type_value=All&amp;field_featured_value=yes&amp;field_status_value=All&amp;field_project_association_target_id_entityreference_filter=All&amp;page=5">www.texasappleseed.org/publications?field_type_value=All&amp;field_featured_value=yes&amp;field_status_value=All&amp;field_project_association_target_id_entityreference_filter=All&amp;page=5</a>	Mental illness; criminal law	This handbook was developed to improve legal representation for criminal defendants with mental illness. It was drafted and reviewed by both mental health professionals and attorneys experienced in criminal and mental health law. However, it is not a comprehensive guide on mental health law or on how to represent a mentally ill defendant. It does not address the law as it relates to juvenile defendants with mental illness. It is designed to give attorneys a starting point for their work with their adult clients who have a mental illness, to alert them to some basic legal options they may want to consider, and to give them some ideas about where to go for assistance.
USA	Article/ Legal	Caroline Everington, 'Challenges of Conveying Intellectual Disabilities to Judge and Jury' (2014) 23(2) William & Mary Bill of Rights Journal. Available at <a href="https://core.ac.uk/download/pdf/73973729.pdf">https://core.ac.uk/download/pdf/73973729.pdf</a>	Intellectual disabilities; challenges; jury; judge; criminal justice system	<p>The issue of defendants with intellectual disabilities (mental retardation) and the criminal justice system is not new. The difficulties encountered by individuals with intellectual disabilities (ID) in the criminal justice system was brought to the attention of the forensic and disability communities over thirty years ago. Broad issues facing defendants with ID entailed difficulties at every stage of the process, from arrest to parole. Defendants with ID served longer sentences and had difficulty attaining parole. Issues regarding defendants' understanding of and participation in trial proceedings (competence to stand trial) were raised. Lack of identification of the disability by criminal justice personnel and clinicians was cited as a primary concern, and a call was made for more accurate ID diagnosis and better training of criminal justice personnel on the characteristics and needs of defendants with ID.</p> <p>The specific issues around capital cases and ID were brought to the attention of the disability and forensic communities 25 years ago in <i>Penry v. Lynaugh</i>. While the Court declined to find an exemption from the death penalty for ID, it continued to be a mitigating factor in post-conviction sentencing hearings. In the intervening years before <i>Atkins</i>, disability professionals called for more accuracy in forensic evaluations for capital cases involving defendants with ID. However,</p>



the topic received little attention in the forensic community until *Atkins*.

While *Atkins* gave the necessary procedural protections for defendants with ID, it also introduced an area of mental health for which the psychological and legal communities were unprepared. This Article approaches the *Atkins* hearing primarily through the role of the expert, as the clinical evidence presented is a significant determinant of accurate judge and jury findings. It begins with an overview of the type of evidence needed to prove a claim of ID followed by a discussion of the difficulties in presenting this claim. The issues include (a) court reliance on experts who use diagnostic approaches that are inconsistent with clinical standards for defining and diagnosing ID, (b) legislative and court procedures for *Atkins* cases that are based on stereotypes and inaccurate information about ID, and (c) unique evaluation challenges posed by the *Atkins* claimant and the challenges in presenting that claim to judges and juries.

USA

Article  
Non-legal

Saul Kassin, 'False Confessions: Causes, Consequences, and Implications for Reform' (2014) 1(1) Policy Insights from the Behavioural and Brain Sciences. Available at <http://journals.sagepub.com/doi/full/10.1177/2372732214548678>

Police interrogation; false confessions; social pressure; wrongful convictions; confirmation biases

In recent years, DNA exoneration cases have shed light on the problem of false confessions and the wrongful convictions that result. Drawing on basic psychological principles and methods, an extensive body of research has focused on the psychology of confessions. This article describes the processes of interrogation by which police assess whether a suspect is lying or telling the truth and the techniques used to elicit confessions from those deemed deceptive. The problem of false confessions emphasizes personal and situational factors that put innocent people at risk in the interrogation room. Turning from the causes of false confessions to their consequences, research shows that confession evidence can bias juries, judges, lay witnesses, and forensic examiners. Finally, empirically based proposals for the reform of policy and practice include a call for the mandatory video recording of interrogations, blind testing in forensic crime labs, and use of confession experts in court.

USA

Article  
Legal

Joseph Chien & Susan Parke, 'Special Considerations and Disposition for Persons With Intellectual Disabilities in the Criminal Justice System' (2013) 41(1) Journal of the

Intellectual disability; police; confessions;

This article presents a brief case summary and description of a case involving an intellectually disabled individual and his confession to sexual acts with a minor made at the eliciting of information by a



		American Academy of Psychiatry and the Law. Available at <a href="http://jaapl.org/content/41/1/132">http://jaapl.org/content/41/1/132</a>	trial; court; caselaw	police officer. The confession was deemed admissible and the individual charged.
USA	Article Legal	Natalie Cheung, 'Defining Intellectual Disability and Establishing a Standard of Proof: Suggestions for a National Model Standard' (2013) 23(1) Health Matrix: The Journal of Law-Medicine. Available at <a href="https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1066&amp;context=healthmatrix">https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1066&amp;context=healthmatrix</a>	Intellectual disability; standard of proof; definition	<p>Following the <i>Atkins</i> case, the US Supreme Court made a precedent-changing decision in which it held that the execution of intellectually disabled persons is unconstitutional as a violation of the Eighth Amendment's restriction on "cruel and unusual punishments." The Court left to the states the task of developing appropriate ways to enforce this constitutional restriction. Consequently, the states have varying definitions of intellectual disability and diverse procedures for proving a defendant's mental capacity. This variation creates disparity amongst the states whereby a defendant executed in one state could have been considered intellectually disabled and thus ineligible for execution in another.</p> <p>This paper suggests a new model definition and standard of proof that all states should apply for determining intellectual disability. In doing so, it analyses the varying standards currently in force in several states and identify those that fail to adequately protect the intellectually disabled and those that best promote the underlying goal of <i>Atkins</i>. In demonstrating why a new standard for defining and establishing a defendant's intellectual disability is needed, it uses cases from various jurisdictions to show how a defendant's outcome would be different in one state compared to another with different standards. Part I discusses the varying definitions of intellectual disability and the symptoms and characteristics associated with the disorder. It also considers the proposed changes the APA and the AAIDD are making to their definitions of intellectual disability and the impact of these changes. Part II describes several states' varying standards for defining and establishing intellectual disability. Part II also analyzes statutes and cases that apply various Intelligence Quotient (IQ) cutoff scores, differing standards for demonstrating adaptive functioning, and fluctuations regarding the age-of-onset requirement, including evidentiary differences. Part III examines the procedural and burden of proof variations between the states. This includes differences in whether a judge or a jury makes the determination of a defendant's mental capacity, the varying qualifications for testifying experts, and</p>



				the divergent standards for the burden of proof. Part IV explains the urgent need for change in several states' current intellectual disability laws. Part V proposes a new optimal standard for defining intellectual disability, including evidentiary and procedural standards that all states should adopt.
USA	Article Legal	Stephen Morse, 'Mental Disorder and Criminal Law' (2011) 101(3) The Journal of Criminal Law and Criminology. Available at <a href="http://www.jstor.org/stable/23074026?seq=1#page_scan_tab_contents">www.jstor.org/stable/23074026?seq=1#page_scan_tab_contents</a>	Defendants; mental illness; criminal justice; sentencing; trials; insanity defense; mens rea; medications	<p>Mental disorder among criminal defendants affects every stage of the criminal justice process, from investigational issues to competence to be executed. The underlying thesis of this article is that people with mental disorder should, as far as is practicable and consistent with justice, be treated just like everyone else. In some areas, the law is relatively sensible and just. In others, too often the opposite is true and the laws sweep too broadly.</p> <p>This Article focuses mainly on United States Supreme Court cases to review the current state of the law, with special attention to the many criminal mental health law contexts in which preventive detention is an issue. Part II provides an analysis of the concept of mental disorder, both in the fields of mental health, primarily psychiatry and psychology, and in law. Part III begins with pretrial issues, including competence to waive constitutional rights during pretrial investigation, the right to a court-appointed mental health expert, competence to stand trial, commitment to restore trial competence, the right of the state to involuntarily medicate an incompetent defendant to restore competence, and competence to plead guilty. Part IV considers trial-related procedural issues, including the right to represent oneself, and culpability issues, including negation of <i>mens rea</i> (so-called diminished capacity), partial responsibility mitigations, such as the Model Penal Code's "extreme mental or emotional disturbance" doctrine, the defense of legal insanity, the "guilty but mentally ill" verdict, and the potential for adopting a generic mitigating doctrine of partial responsibility. Part V next addresses post-trial issues, including competence to be sentenced, the role of mental disorder in setting sentences, including the imposition of capital punishment, involuntary medication of prisoners, transfer of prisoners to mental hospitals, competence to be executed, and the right of the state to involuntarily medicate an incompetent prisoner to restore competence to be executed. Part VI considers two forms of</p>



				involuntary civil commitment that are used primarily for preventive detention, commitment of so-called mentally abnormal sexually violent predators and commitment after a defendant is found not guilty by reason of insanity. The last substantive section, Part VII, briefly considers the challenge to criminal law from the new neuroscience, a challenge that threatens the very foundation of criminal responsibility for all defendants and not just for those who suffer from severe mental disorder.
USA	Article Non-legal	Oren Gur, 'Persons with Mental Illness in the Criminal Justice System: Police Interventions to Prevent Violence and Criminalization' (2010) 10(1-2) Journal of Police Crisis Negotiations. Available at <a href="http://www.researchgate.net/publication/233262475_Persons_with_Mental_Illness_in_the_Criminal_Justice_System_Police_Interventions_to_Prevent_Violence_and_Criminalization">www.researchgate.net/publication/233262475_Persons_with_Mental_Illness_in_the_Criminal_Justice_System_Police_Interventions_to_Prevent_Violence_and_Criminalization</a>	Criminalisation of mental illness; police; violence; victimisation; procedural justice; Crisis Intervention Teams; spectrum of prevention	Studies of contacts between persons with mental illness and police officers generally focus on outcomes for officers, with limited research on the experiences of persons with mental illness. Direct and indirect violence against persons with mental illness, which is perpetrated by the police, adversely affects the criminal justice system and society. Understanding the ramifications of interactions between police and persons with mental illness can highlight the potential for targeted improvements to reduce violent victimization. Incorporating information from successful programs, this article presents recommendations for improving procedural justice for persons with mental illness at different contact points with the criminal justice system.
USA	Article Non-legal	Amy Watson et al, 'Measuring perceived procedural justice and coercion among persons with mental illness in police encounters: the Police Contact Experience Scale' (2010) 38(2) Journal of Community Psychology. Available at <a href="https://onlinelibrary.wiley.com/doi/pdf/10.1002/jcop.20360">https://onlinelibrary.wiley.com/doi/pdf/10.1002/jcop.20360</a>	Procedural justice; coercion; mental illness; police; Police Contact Experience Scale	Despite increased recent attention to improving the quality of encounters between police officers and people with serious mental illness, there are no measures available for assessing how consumers perceive their interactions with police officers. Drawing upon conceptual frameworks developed within social psychology, this study reports the development and testing of a new measure, the Police Contact Experience Scale (PCES), which yields indicators of procedural justice and coercion as evaluated by persons with mental illness in relation to specific encounters with the police. The PCES was administered to 154 individuals with mental illness that had police contact within the prior 12 months. Rasch rating scale analysis supported construct validity of a 10-item procedural justice and a 5-item coercion scale. Correlational analysis supported convergent validity for both scales.



USA	Article Non-legal	Saul Kassin et al, 'Police-Induced Confessions: Risk Factors and Recommendations' (2010) 34(1) Law and Human Behaviour. Available at <a href="http://www.researchgate.net/publication/26671828_Police-Induced_Confessions_Risk_Factors_and_Recommendations">www.researchgate.net/publication/26671828_Police-Induced Confessions Risk Factors and Recommendations</a>	Admission of guilt; interrogations; police; criminal justice; human behaviour; criminal psychology; intellectual disability	Recent DNA exonerations have shed light on the problem that people sometimes confess to crimes they did not commit. Drawing on police practices, laws concerning the admissibility of confession evidence, core principles of psychology, and forensic studies involving multiple methodologies, this White Paper summarizes what is known about police-induced confessions. In this review, we identify suspect characteristics (e.g., adolescence; intellectual disability; mental illness; and certain personality traits), interrogation tactics (e.g., excessive interrogation time; presentations of false evidence; and minimization), and the phenomenology of innocence (e.g., the tendency to waive <i>Miranda</i> rights) that influence confessions as well as their effects on judges and juries. This article concludes with a strong recommendation for the mandatory electronic recording of interrogations and considers other possibilities for the reform of interrogation practices and the protection of vulnerable suspect populations.
USA	Article Non-legal	Amy Kerr et al, 'Police Encounters, Mental Illness and Injury: An Exploratory Investigation' (2010) 10 National Institute of Health. Available at <a href="http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2991059/">www.ncbi.nlm.nih.gov/pmc/articles/PMC2991059/</a>	Police; mental illness; injury	Police encounters are believed to be particularly dangerous for people with mental illness and police officers. Despite widespread concern among advocates, researchers and police professionals, little is known about the details of these interactions including the occurrence of injuries. In the current study, we explore injuries to people with mental illness and officers to determine the extent to which situational and individual factors predict injuries. Findings suggest that injuries during police calls involving persons with mental illness are infrequent and rarely require medical attention. Predictors of injuries in these calls are similar to those in police encounters with the general population.
USA	Article Non-legal	Karen Salekin et al, 'Offender With Intellectual Disability: Characteristics, Prevalence, and Issues in Forensic Assessment' (2010) 3(2) Journal of Mental Health Research in Intellectual Disabilities. Available at <a href="http://www.concept-ce.com/wp-content/uploads/2013/10/Salekin-Olley-Hedge-2010.pdf">www.concept-ce.com/wp-content/uploads/2013/10/Salekin-Olley-Hedge-2010.pdf</a>	Intellectual disability; offender; prevalence; forensic assessment; mental retardation	Although the problem of people with disabilities as victims of crime has been well recognized, the known characteristics of people with intellectual disabilities (ID) also make them vulnerable to becoming perpetrators of crimes. Most such crimes are minor, but the 2002 <i>Atkins v. Virginia</i> decision called national attention to people with ID and people with dual diagnoses who commit capital crimes. This article reviews the data on offenders with intellectual and dual disabilities and the challenges related to their diagnoses and their



				<p>roles in the criminal justice system. Offenders with ID are overwhelmingly individuals with mild intellectual disability, and their characteristics largely resemble those of offenders who do not have an ID diagnosis. They do not engage predominantly in any one form of criminal behavior, and their readily identifiable characteristics do not set them apart from offenders without a disability. However, their intellectual limitations make it more difficult for them to understand their Miranda rights; to work effectively with their attorneys; or for those found incompetent to stand trial, to profit from formal programs to restore them to competency. Assessment methods, particularly assessment of malingering of ID, have many limitations when applied in the criminal justice setting.</p>
USA	Factsheet Legal	Leigh Ann Davis, 'People with Intellectual Disability in the Criminal Justice System: Victims & Suspects' (2009) The Arc. Available at <a href="http://www.thearc.org/what-we-do/resources/fact-sheets/criminal-justice">www.thearc.org/what-we-do/resources/fact-sheets/criminal-justice</a>	Intellectual disability; criminal justice; victim; suspect; disadvantages	<p>People with intellectual, cognitive or developmental disabilities get involved as both victims and suspects/offenders more often than individuals without disabilities.</p> <p>This factsheet provides a brief assessment on how such individuals become victims of crimes, what crimes they may commit themselves, the disadvantages they face in the criminal justice system, and how their rights may be protected.</p>
USA	Book Non-legal	Thomas Joseph Jurkanin et al (eds), <i>Improving Police Responses to Persons with Mental Illness: A Progressive Approach</i> (Charles C Thomas Publisher 2007). Available at <a href="https://books.google.bg/books?id=8brE9GebUxsC&amp;printsec=frontcover&amp;source=gbs_ge_summary_r&amp;cad=0#v=onepage&amp;q&amp;f=false">https://books.google.bg/books?id=8brE9GebUxsC&amp;printsec=frontcover&amp;source=gbs_ge_summary_r&amp;cad=0#v=onepage&amp;q&amp;f=false</a>	Police; mental illness; behaviour; consequences; best practices	<p>The Ghostbusters refrain "Who you gonna call?" typically connotes a lighthearted response to an unusual problem, but in the context of a human being suffering a mental health crisis, the refrain is anything but lighthearted. In an ideal world, "who you gonna call" would be a trained mental health professional. In the real world, the cry for help is usually received by the police. Police respond because there is no one else to assist. Police officers rank mental health crisis situations as far more stressful than crimes in progress. A person, suffering from mental illness is, by definition, not fully rational. Although they are likewise not fully irrational, behaviour is unpredictable, and unpredictable behaviour for the police is potentially dangerous behaviour. As a consequence, outcomes of engagement between law enforcement and mental health consumers are too often tragic. No organization is more concerned about inadequate response than the police themselves. Improving Police Response to Mental Illness provides best practices guidance. A national pool of experts provides</p>



				both insight and recommendations, ranging from the conceptual, Atypical Situations-Atypical Responses, to the pragmatic, Law Enforcement Training Models. Written specifically for the book, each chapter addresses a given critical component, including social policy, police response alternatives, training, legal constraints, and cooperative agreements with mental health service providers. This is an indispensable volume on the subject of police and mental health and is designed for police practitioners, mental health professionals, and scholars of social policy.
USA	Report Non-legal	'Ill-Equipped: U.S. Prisons and Offenders with Mental Illness' (2003) Human Rights Watch. Available at <a href="http://www.opensocietyfoundations.org/reports/ill-equipped-us-prisons-and-offenders-mental-illness">www.opensocietyfoundations.org/reports/ill-equipped-us-prisons-and-offenders-mental-illness</a>	Prison; offenders; mental illness; treatment; abuse	Ill-Equipped: U.S. Prisons and Offenders with Mental Illness documents the growing problem of mentally ill inmates in U.S. prisons. The report highlights the inadequate treatment and abuse of the mentally ill in what have become the country's de facto mental institutions.
USA	Article Non-legal	Morgan Cloud et al, 'Words Without Meaning: The Constitution, Confession, and Mentally Retarded Suspects (2002) 69(2) The University of Chicago Law Review. Available at <a href="https://chicagounbound.uchicago.edu/uclrev/vol69/iss2/2/">https://chicagounbound.uchicago.edu/uclrev/vol69/iss2/2/</a>	Mental retardation; suspects; false confessions; Miranda rights; United States of America	The Supreme Court's Miranda decision rested upon the unverified assumptions that suspects who received the now-famous warnings not only would possess information ensuring that subsequent waivers were "knowing and intelligent," but also would possess the tools necessary to resist the pressures inherent in custodial interrogation, thus ensuring that confessions were "voluntary." The flaws in these assumptions are exposed when they are applied to mentally retarded people. The authors of this Article tested a sample of mentally retarded individuals to determine if they could understand the Miranda warnings, then compared these results to those obtained for a control group of nondisabled people. The results show that, in contrast to the non-disabled controls, mentally retarded people simply do not understand the warnings. They do not understand the context in which interrogation occurs, the legal consequences of confessing, the meaning of the sentences comprising the warnings, or even the warnings' individual words. For mentally retarded people, the Miranda warnings are words without meaning.
USA	Guide Non-legal	National Criminal Justice Reference Service (NCJRS), <i>The Police Response to People with Mental Retardation</i> (Police Executive	Police; mental retardation; response;	With the passage of the Americans with Disabilities Act (ADA), and the implementation of Title II governing state and local government services, law enforcement personnel, like other public servants, need



Research Forum 1998). Available at  
[www.ncjrs.gov/pdffiles1/Digitization/204210  
NCJRS.pdf](http://www.ncjrs.gov/pdffiles1/Digitization/204210NCJRS.pdf)

training;  
interaction

to improve their knowledge, skills and understanding in interacting with people with disabilities. The ADA gives people with disabilities the right to have access to mainstream American life in employment, public services, consumer goods and services, transportation, leisure activities, educational activities, and telecommunications on the same basis as anyone else. As doors continue to open for people with disabilities and they participate more fully in community life, it is likely that the frequency with which they have contact with the police will also increase.

The following training curriculum on responding to people with mental retardation is one in a series of products that address the police response to people with disabilities. While this curriculum is aimed at improving services to citizens with mental retardation, many of these suggestions for a proper police response may also apply to the 72 million Americans who are functionally illiterate, and to those people who have difficulty understanding complex social situations. Complying with Title II of the ADA will improve the quality of police service to a large number of citizens--a goal shared by police professionals across the nation.