

Helping the Offender with Developmental Disabilities Overcome Disadvantages in the Criminal Justice System:

## What is a Personalized Justice Plan?

In an effort to make linkages between the criminal justice and human services systems, The Criminal Justice Advocacy Program creates a Personalized Justice Plan (PJP).

1. The PJP emphasizes the use of the least restrictive community-based alternatives as early as possible in the criminal justice process while holding individuals accountable for their behavior.
2. When presented as a special condition of probation or parole, the PJP can help stabilize the individual by identifying, coordinating, and monitoring supports in the community.
3. Once a client is placed on probation or parole, the Program monitors the PJP until the client completes the sentence. Monitoring can be weekly, bi-weekly, monthly, or annually, depending on the needs of the individual.
4. Every PJP increases the individual's accountability and responsibility in the community. Our goal in every case is to help the client successfully remain in the community.

## The Criminal Justice Advocacy Program

1. A clearinghouse of information about offenders with developmental disabilities.
2. Bridging the gap between the criminal justice system and the human services system.
3. Developing Personalized Justice Plans (PJPs) and providing alternatives to incarceration at critical stages in the criminal justice system for criminal defendants with developmental disabilities.
4. Training, education, and consultation for criminal justice and human services professionals.

### Contact Us!

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*The Criminal Justice Advocacy Program Presents:*

## Critical Stages:

*Information About Criminal Offenders With Developmental Disabilities*



## Developmental Disabilities

Developmental disabilities occur in 3% of the general population, yet between 4% and 9% of the criminally offending population is estimated to have developmental disabilities.

People with Developmental Disabilities Face Distinct Disadvantage at Each Stage of the Criminal Justice System.

The Criminal Justice Advocacy Program can help overcome these disadvantages through intervention, technical assistance, and advocacy skills.

By providing consultation and arranging stage-specific program interventions, The Criminal Justice Advocacy Program seeks to provide less restrictive alternatives within the criminal justice system which ensure that responsibility and accountability remain with the individual.

The Criminal Justice Advocacy Program can help you identify individualized stage-specific program interventions at critical stages of the criminal justice system:

- Initial Appearance
- Trial
- Arraignment
- Sentencing
- Pre-Trial Conference
- Correctional Facility

## At the Time of Criminal Charge

### Arrested Individuals with Developmental Disabilities:

1. Often mask their disability.
2. Often do not understand the ramifications of their actions or statements.
3. Often seek to please authority figures.

### CJAP Can Help by:

1. Initiating development of the Personalized Justice Plan (PJP) to identify resources the defendant has within the community.
2. Advocating that the defendant's developmental disability be considered when reaching critical decisions in the criminal matters.
3. Advocating for the defendant to be released with supports into the custody of their parent or guardian or the community as an alternative to incarceration.
4. Contacting the appropriate jail social service staff about the individual's unique needs.

*If you believe that an individual with whom you are working may have an intellectual or other developmental disability and you would like assistance, please call The Criminal Justice Advocacy Program at 732-246-2525 Ext. 36.*

## Upon Arraignment, Pre-Trial, and Trial

Professionals involved in the criminal justice system may not recognize disabilities.

### Defendants with Disabilities:

1. Plead guilty earlier in the process than defendants without intellectual disabilities.
2. Are more often convicted of original charge.
3. Reap benefits of plea agreements less frequently.
4. Are less likely to have pre-trial psychological exams requested on their behalf.

### CJAP Can Help by:

1. Providing critical technical assistance to attorneys, judges, and court staff about defendants with intellectual disabilities.
2. Advocating, when appropriate, that the defendant be considered for Pre-trial Intervention, Drug Court, or other alternative dispositions.
3. Develop a PJP which emphasizes client responsibility and accountability in the community as well as providing alternatives for least restrictive placements in final dispositions.

**At the Pre-Trial and Trial, CJAP advocates that the PJP be used as an effective tool by being:**

1. Considered as an alternative to incarceration and incorporated into a probationary service.
2. Incorporated into the defendant's jail term when facing a mandatory sentence.
3. Used as a mitigating factor to reduce the defendant's prison exposure.

## Upon Sentencing

1. Probation and other diversionary non-institutional programs are used less frequently because defendants with intellectual disabilities are often not considered as able to successfully complete such programs.
2. Appeals of conviction are sought less frequently.
3. Post-Conviction Relief is requested less frequently.

### CJAP Can Help by:

Presenting advocacy letters to the Court for the purpose of :

1. Addressing the challenges of the client.
2. Identifying potential community service providers.
3. Giving the Court the option to allow the client to live in the community, while allowing accountability and responsibility to remain with the client.
4. Assisting with supervision of the client in compliance with conditions.

**People with intellectual and other developmental disabilities face certain disadvantages at various stages of the Criminal Justice System.**



## At the Correctional Facility

### Inmates with developmental disabilities:

1. Are slower to adjust to routine.
2. Have more difficulty in learning regulations, which results in more accumulated rule infractions.
3. Rarely take part in "rehabilitation" programs, resulting in much free time being spent in meaningless activities.
4. Are denied parole more frequently, serving on average, two to three years longer than other inmates for the same offense.
5. Are often bullied and sexually harassed by other inmates.

### CJAP Can Help by:

Monitoring the inmate to ensure:

1. Correctional and social service staff are aware of the inmate's unique needs with respect to proper orientation, housing and job assignment, hygiene, and appropriate discipline consideration.
2. Habilitative needs are identified and addressed.
3. Appropriate pre-release plans are developed, coordinated, and presented to the state parole board.

**Visit The Criminal Justice Advocacy Program website at [www.cjapnj.org](http://www.cjapnj.org)**