

# People with Intellectual & Psychosocial Disabilities in the Criminal Justice System: A Research Update

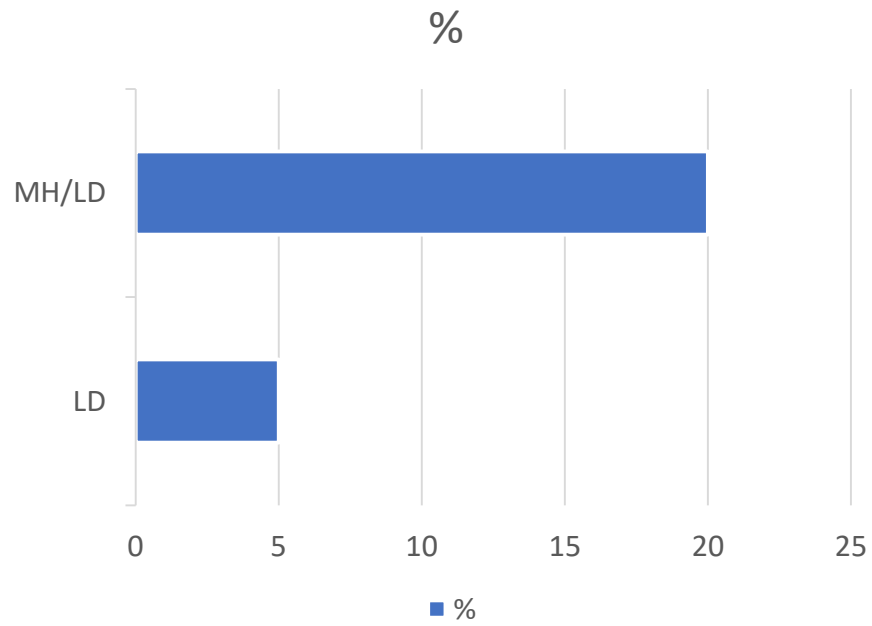
Professor Gautam Gulati MD PhD

Justice for All EU Workshop

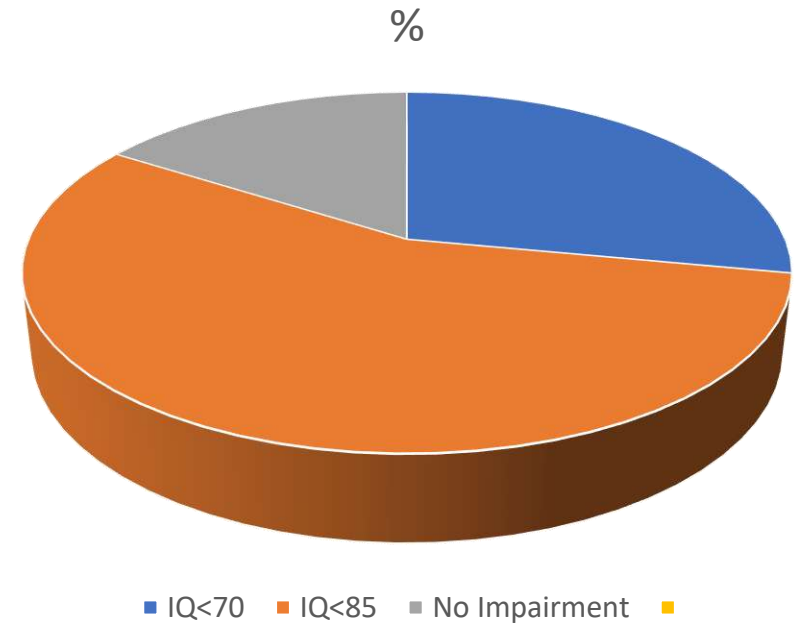
25 October 2022



# Police Custody



Garda Siochana Inspectorate, 2021



Geijsen et. Al, 2018

# Prisons in Ireland

*Irish Journal of Psychological Medicine*, page 1 of 11. © College of Psychiatrists of Ireland 2018  
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REVIEW ARTICLE

## The prevalence of major mental illness, substance misuse and homelessness in Irish prisoners: systematic review and meta-analyses

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**Aims.** To systematically review studies from Irish prisons that estimate the prevalence of major mental illness, alcohol and substance misuse, and homelessness at the time of committal.

**Methods.** Healthcare databases were searched for studies quantifying the point prevalence for each outcome of interest. Searches were augmented by scanning of bibliographies and searches of governmental and non-governmental websites. Proportional meta-analyses were completed for each outcome.

**Results.** We found eight, six and five studies quantifying the point prevalence of major mental illness, substance misuse, and homelessness respectively. Considerable heterogeneity was found for each subgroup (except psychosis where substantial heterogeneity was observed) and random effects models were used to calculate pooled percentages. The pooled percentage for psychotic disorder was 3.6% [95% confidence interval (CI) 3.0–4.2%], for affective disorder 4.3% (95% CI 2.1–7.1%), for alcohol use disorder 28.3% (95% CI 19.9–37.4%), for substance use disorder 50.9% (95% CI 37.6–64.2%) and for those who were homeless on committal 17.4% (95% CI 8.7–28.4%).

**Conclusions.** Estimates for the prevalence of psychotic illness and substance abuse amongst Irish prisoners are in keeping with international estimates of morbidity in prisons, whilst those for affective disorders are lower. The prevalence of homelessness in committal to Irish prisons is higher than some international estimates. Rates for psychoses, alcohol and substance misuse as well as homelessness in Irish prisons are significantly higher than the general population prevalence of these vulnerabilities. A need for service development is discussed.

## Intellectual disability in Irish prisoners: systematic review of prevalence

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### Abstract

**Purpose** While individuals with an intellectual disability form a significant minority in the worldwide prison population, their healthcare needs require specialist attention. In Ireland, services for prisoners with intellectual disabilities need development. However, there is little substantive data estimating the prevalence of intellectual disabilities within the Irish prison system. The paper aims to discuss these issues. **Design/methodology/approach** The authors systematically review published data relating to the prevalence of intellectual disabilities in prisons in the Republic of Ireland. The authors searched four databases, governmental websites and corresponded with experts. **Findings** Little published data were elicited from searches except for one nationwide cross-sectional survey which reflected a higher prevalence than reported in international studies. Studies from forensic mental health populations are narrated to contextualise findings. **Originality/value** This study found that there is little data to accurately estimate the prevalence of intellectual disabilities in the Irish prison system and the limited data available suggests that this is likely to be higher than international estimates. The authors highlight the need for further research



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AUGUST 12, 2021

## Trans-institutionalisation in Ireland: New and Emerging Congregated Settings for People with Disabilities

*Gautam Gulati, Alan Cusack, Brendan D. Kelly, Valerie E. Murphy, Shane Kilcommins, and Colum P. Dunne*



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DECEMBER 5, 2021

## Human Rights, Public Health, and Disability Awareness Training of Police

*Gautam Gulati, Brendan D. Kelly, Alan Cusack, Shane Kilcommins, and Colum P. Dunne*



## Experiences of people with intellectual disabilities encountering law enforcement officials as the suspects of crime – A narrative systematic review

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### ARTICLE INFO

#### Keywords:

Intellectual disabilities  
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United Nations' convention on the rights of persons with disabilities

### ABSTRACT

It is well established internationally police custody. Some people with adopted by police at the pre-trial s mitigated through appropriate pro criminal investigations and minim role which pre-trial procedures ex people with ID during their initi research lacuna, we reviewed six Seven studies with a total of 1199 lenges in police custody, experien They report a paucity of appropri procedural and emotional suppor consistent availability of accessibl system.



## Challenges for people with intellectual disabilities in law enforcement interactions in Ireland; thematic analysis informed by 1537 person-years' experience

Gautam Gulati<sup>a,b,\*</sup>, Alan Cusack<sup>a</sup>, John Bogue<sup>c</sup>, Anne O'Connor<sup>c</sup>, Valerie Murphy<sup>d</sup>, Darius Whelan<sup>e</sup>, Walter Cullen<sup>f</sup>, Cliona McGovern<sup>g</sup>, Brendan D. Kelly<sup>h</sup>, Elizabeth Fistein<sup>i</sup>, Shane Kilcommins<sup>a</sup>, Colum P. Dunne<sup>b</sup>

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Garda  
Barrister  
Solicitor  
Mental health  
Ireland

### ABSTRACT

**Background:** People with intellectual disabilities (PWID) are over-represented in criminal justice systems globally. This over-representation reveals itself at once in the demographic make-up of prison populations, as well as those detained in police settings as suspects of crime. While it is well-established in international literature that individuals who find themselves in the latter scenario face particular challenges in negotiating the forensic formalities routinely followed by the police at the pre-trial stage of criminal proceedings on account of their impairments, the specific difficulties experienced by PWID as suspects within Ireland's criminal justice system has yet to be explained, or indeed, understood. In seeking to address this research lacuna, this paper yields an account of a qualitative study which was aimed at identifying the unique challenges which PWID face in their interactions with Law Enforcement Officials (LEOs) in Ireland.

**Aims:** This study aimed to elicit perspectives across a range of disciplines with regard to barriers for PWID interacting with LEOs in Ireland, and sought viewpoints on the content of a proposed awareness programme. **Methods:** A survey using purposive sampling was used to elicit viewpoints from people from representative organisations for PWID, people working with voluntary organisations for PWID, healthcare professionals working with PWID and professionals from the criminal justice system (including members of An Garda Síochána, lawyers, members of the Irish judiciary and officials within the Airport Police). Data were anonymised at the point of collection. Qualitative thematic analysis was conducted to extract themes based on the data retrieved through the survey.

**Results:** Ninety-five (n = 95) responses were received from individuals reporting a cumulative experience of 1537 person-years. Respondents identified themselves as members of one of three groups: people working in a voluntary or representative organisation for PWID (n = 42, 44.23%); people working in healthcare (n = 31, 32.63%); and people working in law enforcement (n = 22, 23.13%). Three themes were identified from the qualitative thematic analysis. The first theme, "Barriers to Communication", identified challenges which PWID and LEO experience in their mutual interactions and communications with one another. The second theme, "Building Awareness and Skills", identified elements of an ID awareness programme for LEOs. The third theme, "Institutional and System Change", identified possible lines of innovation with respect to contemporary police practice and the availability of supports for both PWID and the LEOs who work with them.





**Easy to Read Notice of Rights (Ireland)**

**Garda in Charge**

My name is ...

I am the Garda who is in charge of this station.  
It is my job to make sure that you are treated fairly while you are here.

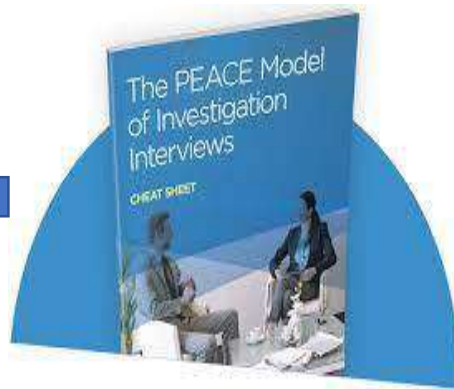
I will tell you what the law says about your rights.  
I will tell you what the law says about how you should be treated while you are here.

I will visit you very regularly to check that you are OK. You can let me know if you need anything.

You should let me know if you think that you are not being treated the way the law says.

**The reason you were arrested**

The Garda must tell you why you were arrested, and why they are keeping you in the Garda station.  
This should be explained clearly to you in a way that you can understand.



## Short Report

## The evaluation of a training course to enhance intellectual disability awareness amongst law enforcement officers: a pilot study

Gautam Gulati<sup>1,2</sup>, Alan Cusack<sup>1</sup>, Valerie Murphy<sup>3</sup>, Brendan D. Kelly<sup>4</sup>, Shane Kilcommins<sup>5</sup> and Colum P. Dunne<sup>6</sup><sup>1</sup>School of Law, University of Limerick, Limerick, Ireland; <sup>2</sup>School of Medicine, University of Limerick, Limerick, Ireland; <sup>3</sup>Department of Psychiatry, University College Cork, Cork, Ireland and <sup>4</sup>Department of Psychiatry, Trinity College, Dublin, Ireland

## Abstract

**Objectives:** Disability awareness training is mandated by the United Nations Convention on People with Disabilities (UNCRPD), but there is a paucity of evidence regarding the systematic evaluation of the effectiveness of such training. This study describes the evaluation of a pilot intellectual disability awareness programme for law enforcement officers (LEOs) in Ireland.**Methods:** Pre- and post-training Likert scales and a semi-structured survey were used to evaluate the effectiveness of an intellectual disabilities awareness programme delivered to LEOs. Quantitative differences in Likert scores and thematic analysis of practice-based responses were used in evaluation.**Results:** Twenty-two LEOs participated in the training and 11 completed the evaluation cycle. Statistically significant improvements were found in participants' self-rated knowledge of intellectual disability, their understanding of the challenges faced by people with intellectual disabilities in law enforcement interactions, their communication skills and their knowledge of how to approach a person with a disability in crisis. Thematic analysis excavated potential practical application of learning around pre-arrest considerations, recognition of disability, communication skills and need for procedural safeguards.**Conclusions:** An approach grounded in the views of people with intellectual disabilities and with emphasis on recognition of disability, communication, accessibility of information and providing appropriate support in custody, appears to promote improvement in self-reported knowledge and prospective application in LEOs. The findings of this study are potentially applicable to countries that have ratified the UNCRPD.**Keywords:** Autism; criminal justice; intellectual disability; policing; training

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## The collaborative development through multidisciplinary and advocate consensus of an accessible notice of rights for people with intellectual disabilities in police custody

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## What is the role of doctors in respect of suspects with mental health and intellectual disabilities in police custody?

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People with severe mental illness and intellectual disabilities are overrepresented in the criminal justice system worldwide and this is also the case in Ireland. Following Ireland's ratification of the United Nations' Convention on the Rights of People with Disabilities in 2018, there has been an increasing emphasis on ensuring access to justice for people with disabilities as in Article 13. For people with mental health and intellectual disabilities, this requires a multi-agency approach and a useful point of intervention may be at the police custody stage. Medicine has a key role to play both in advocacy and in practice. We suggest a functional approach to assessment, in practice, and list key considerations for doctors attending police custody suites. Improved training opportunities and greater resources are needed for general practitioners and psychiatrists who attend police custody suites to help fulfill this role.

(Received 28 November 2020; Revised 27 February 2021; Accepted 09 March 2021)

**Key words:** Forensic, intellectual disabilities, mental illness, police, Garda.

## Letter to the Editor

## The evaluation of a training course to enhance intellectual disabilities and mental health awareness amongst General Practitioners attending police stations

Gautam Gulati<sup>1,2</sup>, Valerie Murphy<sup>3</sup>, Gurjot Brar<sup>1</sup>, Shane Kilcommins<sup>2</sup>, Alan Cusack<sup>2</sup>, Colum P. Dunne<sup>1</sup>, Liam Glynn<sup>1</sup> and Brendan D. Kelly<sup>4</sup>Towards inclusionary policing:  
a critical inquiry into the pre-trial  
treatment of suspects with  
intellectual disabilities in IrelandTowards  
inclusionary  
policingAlan Cusack  
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*Abstract:* This paper outlines international obligations and domestic safeguards that shape the treatment of suspects with intellectual disabilities in Ireland. In recognising that the meaningful operationalisation of these safeguards, and, by extension, the realisation of Ireland's international human rights obligations, is often contingent upon securing a correct, and early, identification of a suspect's disability, the paper places an emphasis on the unmet need for dialogue, training and enculturation at all frontiers of the Irish criminal process. Against a backdrop of heightening political, media and legal debate concerning the focus, content and reach of the terms of the draft *An Garda Síochána (Powers) Bill*, insights are raised to offer policymakers a blueprint for legislative and procedural reform that promises to align Irish criminal procedure with the human rights exigencies mandated under international conventions.

## Diversion of Mentally Ill Offenders from the Criminal Justice System in Ireland: Comparison with England and Wales.

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## Mental healthcare interfaces in a regional Irish prison

Gautam Gulati, Kizito Otuokpaikhian, Maeve Crowley, Vishnu Pradeep, David Meagher and Colum P. Dunne

### Abstract

**Purpose** – The purpose of this paper is to study the demographic, clinical characteristics and outcomes for those prisoners referred to secondary mental healthcare in a regional Irish prison and the proportion of individuals diverted subsequently from prison to psychiatric settings.

**Design/methodology/approach** – The authors conducted a retrospective review of 130 successive psychiatric assessment case records at a regional mixed gender prison serving six southern Irish counties. The authors analysed demographics, clinical characteristics and outcomes. Where diversion out of prison was undertaken, Dangerousness, Understanding, Recovery and Urgency Manual (DUNDRUM) scores were retrospectively completed to assess security need.

**Findings** – In total, 8.6 per cent of all committals from liberty were referred by a general practitioner and 8.1 per cent subsequently assessed by the visiting psychiatrist. Predominantly, these were young males charged with a violent offence. In all, 42.2 per cent of those assessed by secondary care were diagnosed with a substance misuse disorder and 21.1 per cent with a personality disorder. In total, 20.3 per cent suffered from a psychotic disorder and 10.6 per cent with an affective disorder. Of those seen by psychiatric services, 51.2 per cent required psychotropic medication, 29.2 per cent required psychological input and 59.3 per cent required addiction counselling. In all, 10.6 per cent of those assessed were diverted from prison, the majority to approved centres. Mean DUNDRUM-1 scores suggested that those referred to high and medium secure hospitals were appropriately placed, whereas those diverted to open wards would have benefited from a low secure/intensive care setting.

**Originality/value** – The multifaceted need set of those referred strengthens the argument for the provision of multidisciplinary mental healthcare into prisons. The analysis of security needs for those diverted from prisons supports the need for Intensive Care Regional Units in Ireland.

**Keywords** Mental illness, Prisons, Diversion, Psychiatric, Psychosocial

**Paper type** Research paper

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### Introduction