

The Retarded Offender

JONAS ROBITSCHER

RETARDATION IS A CONDITION which affects children more than adults. The attrition rate is high for those low in intelligence, and a figure of three percent, which represents the portion of the newborn which will be diagnosed at some time during life as having mental retardation, drops to a figure of only slightly more than one percent for the population as a whole.¹ The drop results from a significantly higher mortality rate in the more profoundly retarded and also because many in the group labeled mildly retarded during school years disappear from the category in later life by being reabsorbed into the general population.

Retardation has both criminal and civil law ramifications. While retardation in itself does not excuse from criminal responsibility, the degree of retardation is an important consideration in any determination that a retarded defendant is not responsible. In Scotland for more than a century and in England since 1957, when a mental defective is the defendant in a homicide case the court can instruct the jury that it is within its discretion to return a verdict of culpable homicide rather than murder.² No United States jurisdiction grants such special diminished responsibility by law to the retarded, but since intention has always been recognized as a factor in criminal actions and since ability to control one's actions has also increasingly been taken into account by the courts, retardation may—but does not always—lead to a lesser charge being brought or a lesser sentence being imposed for a criminal offense.

Retardation is more important in civil law than in criminal law. Comparatively few retarded are involved in the criminal court process, but many are involved in the complicated areas of special institutions, therapeutic commitment, and limitation of civil rights.

In the past, the classification of the retarded was considered to be scientific. The retarded have been seen as suffering from organic or hereditary disorders affecting intellectual development. The degree of retardation was determined by intelligence test performance. Recently we have come to the conclusion that our classification has not always been scientific, that environmental factors are often responsible for the diagnosis of retardation, and that I.Q. by itself is not a reliable criterion for making the diagnosis. Some of the original questioning of the

¹ G. Tarjan, *Psychiat. Spectator*, 4 (2), 18 (1967).

² J. Robitscher, *Pursuit of Agreement: Psychiatry and the Law*, (Lippincott, Philadelphia, 1966).

Rehabilitation And The Retarded Offender

Robert H. Bruininks



Rehabilitation And The Retarded Offender:

Rehabilitation and the Retarded Offender Philip L. Browning, 1976 Outgrowth of a conference sponsored by the Rehabilitation Research and Training Center in Mental Retardation and the President's Committee on Mental Retardation

The Mentally Retarded Offender and Corrections Miles Santamour, Bernadette West, 1977 Retardation, Corrections, and Retarded Offenders Miles Santamour, Bernadette West, 1978 *The Mentally Retarded Offender* Bertram S. Brown, Thomas F. Courtless, 1967 This report provides an historical overview of the management and treatment of retarded offenders definitions of defective delinquency and survey of the institutionalized retarded offender The authors surveyed approximately 200 000 inmates of penal institutions in December 1963 It was found that 9 5 percent of the inmates could be classified as mentally retarded It was found that the most frequent crime committed by the retarded inmate was first degree murder accounting for slightly less than 21 percent of all the retardates Other criminal homicides accounted for 17 6 percent of the sample and breaking and entering accounted for an equal percentage Other sections of the document deal with legal considerations affecting the retarded offender current state planning for retarded offenders and recommendations for action and research Cumulated Index Medicus , 1976 The Mentally Retarded Offender and Corrections Miles Santamour, Bernadette West, 1977 **Programs for the Handicapped** , 1984 **Current Catalog** National Library of Medicine (U.S.), First multi year cumulation covers six years 1965 70 **Developmental Disabilities Abstracts** , 1977 *Library Book Catalog* National Institute of Law Enforcement and Criminal Justice. Office of Technology Transfer, 1976 *The Wiley Handbook on Offenders with Intellectual and Developmental Disabilities* William R. Lindsay, John L. Taylor, 2018-08-10 The essential resource to the most recent research and practice on offenders with intellectual and developmental disabilities The Wiley Handbook on Offenders with Intellectual and Developmental Disabilities is a comprehensive compendium to the research and evidence supporting clinical work with people with intellectual and developmental disabilities who offend or are at risk of offending With contributions from an international panel of experts the text reviews the most recent developments in the assessment treatment and management of various types of offenders with intellectual disabilities including violent offenders sexual offenders and firesetters The text also explores the developments in research on risk assessment and management of people with intellectual disabilities who offend or are at risk of offending In addition the handbook also contains information on developments in research into the epidemiology of offending in this population pathways into services and the trajectories of the criminal careers of those who will later go on to offend This important resource Includes contributions from expert international researchers and practitioners in the field Describes a range of theoretical conceptual and ethical assessments as well as treatment and service development issues that are relevant practitioners in clinical practice Presents the ethical legal considerations that offer a conceptual framework for the handbook Sets out a variety of the most current evidence based interventions Written for psychologists psychiatrists nurses

and other mental health professionals and those in education and training The Wiley Handbook on Offenders with Intellectual and Developmental Disabilities offers a much needed resource on the latest developments in the field **Library Book**

Catalog United States. Law Enforcement Assistance Administration,1976 *Library Book Catalog* United States.

Department of Justice,1976 *Mental Retardation and Developmental Disabilities Abstracts* ,1977 **Quick Reference**

Guide to Polygraph Admissibility Norman Ansley,1978 *Practicing Social Justice* Ellen Burkemper,William J

Hutchison,Jan Wilson,John J Stretch,2013-04-15 Examine new research and innovative programs targeted to serve vulnerable populations This collection highlights innovative programs and interventions targeted toward underserved vulnerable and marginalized populations including the homeless immigrants refugees female ex offenders people with developmental disabilities who are entering the criminal justice system homicidal youth and children whose parents are involved in high conflict custody disputes In addition Practicing Social Justice raises critical questions on how society should justly provide for the economic well being of our most valuable human assetour childrenwith an incisive look at the Temporary Aid for Needy Families legislation and its long term impact on disadvantaged children This book also evaluates the Bridges Across Racial Polarization Programs and explores a wide selection of important social justice issues that the social workers of today and tomorrow need to understand Specifically this well referenced book details the mission and guiding principles of the Emmet and Mary Doerr Center for Social Justice at the Saint Louis University School of Social Service with a focus on the Center s innovative partnered approach examines nine models theories of justice with varying philosophical sectarian and nonsectarian orientations illustrates innovative approaches to community economic development for previously neglected poor communities including an inclusive community plan structured to bring about home ownership macro enterprises and the accumulation of capital through savings documents the rise of homelessness in the state of Missouri in spite of an unprecedented period of economic growth and general prosperity explores social justice concerns for immigrants and refugees entering the United States with a focus on providing positive community commitment and response describes an empowering strengths based program that can help female ex offenders to find and develop support from the community champions the social rights of people with developmental disabilities who are entering the criminal justice system proposes systemic reform for homicidal youth in terms of prevention intervention and remediation describes a program designed to provide a safe environment for the supervised visitation of children in high conflict custody disputes providing security for both parents and children advocates for innovative inpatient staff participatory decision making in mental health hospitals offering an approach designed to increase patient control over decisions directly affecting their well being and more A *Compendium of Selected Criminal Justice Projects* United States. Law Enforcement Assistance Administration,1975

Deinstitutionalization and Community Adjustment of Mentally Retarded People Robert H. Bruininks,1981 Ce document a t labor afin de soutenir la d marche d int gration sociale des personnes ayant une d ficiance intellectuelle et les

services qui leur sont offerts La d institutionnalisation ayant pris de l expansion aux tats Unis il s agit maintenant d valuer les syst mes de services r sidentiels The President's Panel on Mental Retardation United States President of the United States,1964 *Hearings* United States. Congress. House,1965

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