



# Interventions for Persons with Intellectual/Developmental Disabilities Involved with the Criminal Justice System: a Scoping Review

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Accepted: 3 November 2022 / Published online: 19 November 2022  
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## Abstract

**Purpose of Review** Persons with intellectual/developmental disabilities (IDD) experience barriers in the criminal justice system. It is important that appropriate accommodations are available and justice professionals receive training to ensure these accommodations occur. This scoping review summarizes recent peer-reviewed publications investigating models of accommodation and support for persons with IDD in the criminal justice system.

**Recent Findings** A total of 22 studies met all the eligibility criteria. Research showed that most peer-reviewed literature focused on earlier phases in the criminal justice system, namely police contact and court proceedings. Most interventions focused on screening for IDD and providing appropriate accommodations.

**Summary** Currently evaluated interventions for persons with IDD involved in the criminal justice system include screening tools for identification, diversion to specialized courts, third-person intermediaries, and modifications to existing programs and materials. Independent assessments of training for justice professionals indicate that they can be trained to recognize and accommodate persons with IDD and use screening tools and modified materials.

**Keywords** Developmental disabilities · Criminal justice system · Accommodations · Rights · Scoping review

## Introduction

The criminal justice system in most Western countries plays an important role in public safety, enforcing laws, and protecting people's rights. This complex system is comprised of separate but interrelated phases of involvement, including contact with police services, court, correctional facilities, and community re-entry services (e.g., probation/parole supervision) [1]. In addition, each phase of the criminal justice system has different professionals, each with different roles and responsibilities [1]. To ensure that justice is served,

professionals in the criminal justice system must balance the need to sanction those who commit crimes (i.e., crime control) with ensuring that this process is fair and protects individual rights (i.e., due process) [2].

International research has established that persons with intellectual/developmental disabilities (IDD) experience barriers throughout the criminal justice system that may compromise justice in their cases. For example, these individuals experience limited understanding of legal terms and processes [3], barriers to communicating with their legal representation [4], and are more likely to self-incriminate without understanding the implications of their actions [5]. Justice professionals may also experience difficulties recognizing persons with IDD and providing appropriate accommodations to participate in justice processes when needed [6]. Combined, these results suggest that persons with IDD face a higher risk of criminalization and poorer outcomes in the criminal justice system than those without IDD [7].

Article 13 of the *Convention on the Rights of Persons with Disabilities* (CRPD) seeks to address these risks by outlining the responsibilities of countries to ensure that people with disabilities (including IDD) have equal access to justice as those without disabilities [8]. This includes providing

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This article is part of the Topical Collection on *Intellectual Disability*

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accommodations for persons with disabilities involved in the justice system that facilitate participation in processes and training for justice professionals regarding how to provide appropriate accommodations for disabilities [8]. Many countries have developed policies, programs, and interventions that ensure persons with disabilities are provided accommodations at various points within the criminal justice system; however, a formal review of the peer-reviewed literature describing these policies, programs, and interventions has yet to be conducted.

This scoping review aims to fill a gap in the literature by summarizing the availability of evaluated programs and interventions for providing accommodations to all persons with IDD and training to justice professionals regarding IDD at each phase of the criminal justice system, namely, during police interactions, court involvement, incarceration, and community re-entry (e.g., probation/parole). Previous scoping reviews have examined interventions for persons with IDD involved with the criminal justice system. These studies examined the interactions between persons with specific disorders (e.g., autism spectrum disorder) and the criminal justice system [9•] or the interventions for persons with IDD at one point in the criminal justice system (e.g., police contact) [10•]. One literature review provided an overview of issues facing persons with IDD in the criminal justice system, including assessment and intervention and treatment approaches; however, it did not report using a formal knowledge synthesis method [11•]. This scoping review builds on previous knowledge syntheses [9•, 10•, 11•] about the justice involvement of persons with IDD by (i) focusing solely on the programs intended to improve the ability of persons with IDD to participate in the criminal justice system and (ii) focusing on peer-reviewed articles that describe these programs for all persons with IDD (rather than one subgroup of persons with a specific diagnosis). This scoping review was informed by three questions:

- 1) For each key phase of the criminal justice system, what programs and interventions to provide accommodations to persons with IDD or training to justice professionals regarding IDD have been described in the peer-reviewed literature?
- 2) What are the characteristics of the research being conducted on the programs and interventions for persons with IDD in the criminal justice system?
- 3) What are potential future avenues of research and intervention for persons with IDD involved in the criminal justice system as per the main findings of this review?

## Methods

Scoping reviews are conducted for numerous reasons: to examine the characteristics (e.g., extent and range) of research activity about a given topic, to summarize recent

research findings about a particular topic, and to identify gaps in existing literature [12, 13]. For this review, Arskey and O'Malley's methodological framework for conducting scoping reviews was used, including the following stages: (1) develop a research question, (2) develop a search strategy for identifying relevant studies, (3) search for studies in relevant databases, (4) select studies according to inclusion/exclusion criteria, (4) chart the data thematically, and (5) summarize the results [12].

### Search Strategy and Inclusion/Exclusion Criteria

A broad search strategy was developed by combining search terms related to intellectual and developmental disabilities, labels ascribed to persons involved in the criminal justice system (e.g., “witness” and “offender”), and each of the key phases of the criminal justice system (e.g., “law enforcement” and “court”). These search terms were combined during the search using Boolean operators (e.g., AND, OR) and database search tools. The following databases were searched in May 2022: PsycINFO, Proquest, Social Sciences Citation Index, and Criminal Justice Abstracts. The terms used for the search strategy and results for each database can be found in Appendix A.

Search results were limited to peer-reviewed publications: (a) written in English, (b) published between January 2008 and search date (May 2022), (c) clearly described their methodology (e.g., quantitative, qualitative, and mixed methods), and (d) focused on a program or intervention for persons with IDD or justice professionals at one of the key phases in the criminal justice system. This timeframe was selected to capture articles published since Jones' literature review about intellectual disabilities and the criminal justice system in 2007 [11•]. The term *learning disability* was included in the initial search of databases, given that this label may be used to describe developmental disabilities in the UK. Articles that referred to learning disabilities were screened for location in later stages, and articles conducted outside of the UK that described learning disabilities were removed. Table 1 outlines the inclusion/exclusion criteria used to evaluate articles at each review stage.

Covidence is a web-based collaboration software platform designed to structure and streamline the processes associated with knowledge synthesis [14]. This software was used to help remove duplicate results, screen titles and abstracts, complete full-text reviews, and perform data extraction. As illustrated in Fig. 1, all database search results were imported into the platform, and 5675 duplicates were removed by the Covidence program.

In the initial screening phase, 15 randomly selected articles were reviewed by the first three authors together using the inclusion/exclusion criteria in Table 1 and an agreement of 93.3% between these authors was achieved. The

**Table 1** Inclusion/exclusion criteria

Inclusion	Exclusion
Language <ul style="list-style-type: none"> <li>• Written in English</li> </ul>	<ul style="list-style-type: none"> <li>• Written in any other language</li> </ul>
Publication type <ul style="list-style-type: none"> <li>• Quantitative methods</li> <li>• Qualitative methods</li> <li>• Mixed methods</li> <li>• Single subject case design</li> </ul>	<ul style="list-style-type: none"> <li>• Knowledge synthesis articles and literature reviews</li> <li>• Editorials, letters to the editor, opinion pieces, commentaries</li> <li>• Legal summaries</li> <li>• Case law</li> <li>• Dissertations</li> </ul>
Population <ul style="list-style-type: none"> <li>• Intellectual disabilities</li> <li>• Developmental disabilities</li> <li>• Learning disabilities (+ study conducted in the UK)</li> <li>• Mental retardation</li> <li>• FASD</li> <li>• ASD</li> <li>• Neurodevelopmental disabilities (&gt; 80% of population is composed of persons with IDD)</li> <li>• Borderline intellectual disabilities (IQ &lt; 80)</li> </ul>	<ul style="list-style-type: none"> <li>• Learning disabilities in any country other than UK</li> <li>• ADHD</li> <li>• Acquired brain injury</li> <li>• Dementia-related disorders (e.g., Alzheimer's)</li> <li>• Cognitive impairments (too broad)</li> <li>• Physical disabilities</li> </ul>
Topic <ul style="list-style-type: none"> <li>• Strategies that provide accommodations and address the individual need of persons with IDD at any of the following points in the criminal justice system: <ul style="list-style-type: none"> <li>o Police contact (e.g., Appropriate adult schemes)</li> <li>o Courts (e.g., diversion courts, case management, modifications to the justice process)</li> <li>o Incarceration, prisons, correctional facilities (modifications to treatment)</li> <li>o Community re-entry (e.g., probation/parole)</li> </ul> </li> <li>• Strategies provided to witnesses and accused persons/offenders</li> <li>• Strategies that improve the ability of legal professionals to work with persons with IDD <ul style="list-style-type: none"> <li>o Education and training</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Forensic inpatient settings</li> <li>• Community settings not related to the criminal justice system (e.g., group homes)</li> <li>• Forensic learning disability services that are not explicitly part of probation/parole or that are in a hospital</li> <li>• Hospital settings (e.g., ER)</li> <li>• Described justice professional's experience (e.g., found it hard to support persons with IDD)</li> <li>• Described limitations for persons with IDD (e.g., memory impairment)</li> </ul>

remaining 8490 articles were divided evenly among the first three authors, and each article's title and abstract were reviewed independently using the same inclusion/exclusion criteria. This initial screening phase resulted in 288 articles.

The first three authors then completed a full-text review of the remaining 288 articles, which were reassessed using the same inclusion/exclusion criteria used in the initial phase. In addition, a quality assessment was also completed to ensure that the article included (a) research objectives and/or questions, (b) a complete method section (e.g., described participants, description of the intervention, data analysis), and (c) results. For articles that described individuals with *learning disabilities*, the authors also ensured that the research was conducted in the UK and articles describing learning disabilities in other countries were excluded. Each article was independently reviewed by two members of the team. For the articles with reported conflicts regarding inclusion ( $n = 12$ ), the team met to review the articles together using the inclusion/exclusion criteria and to determine whether they should be included. Following this full-text examination, 22 articles remained.

## Analysis

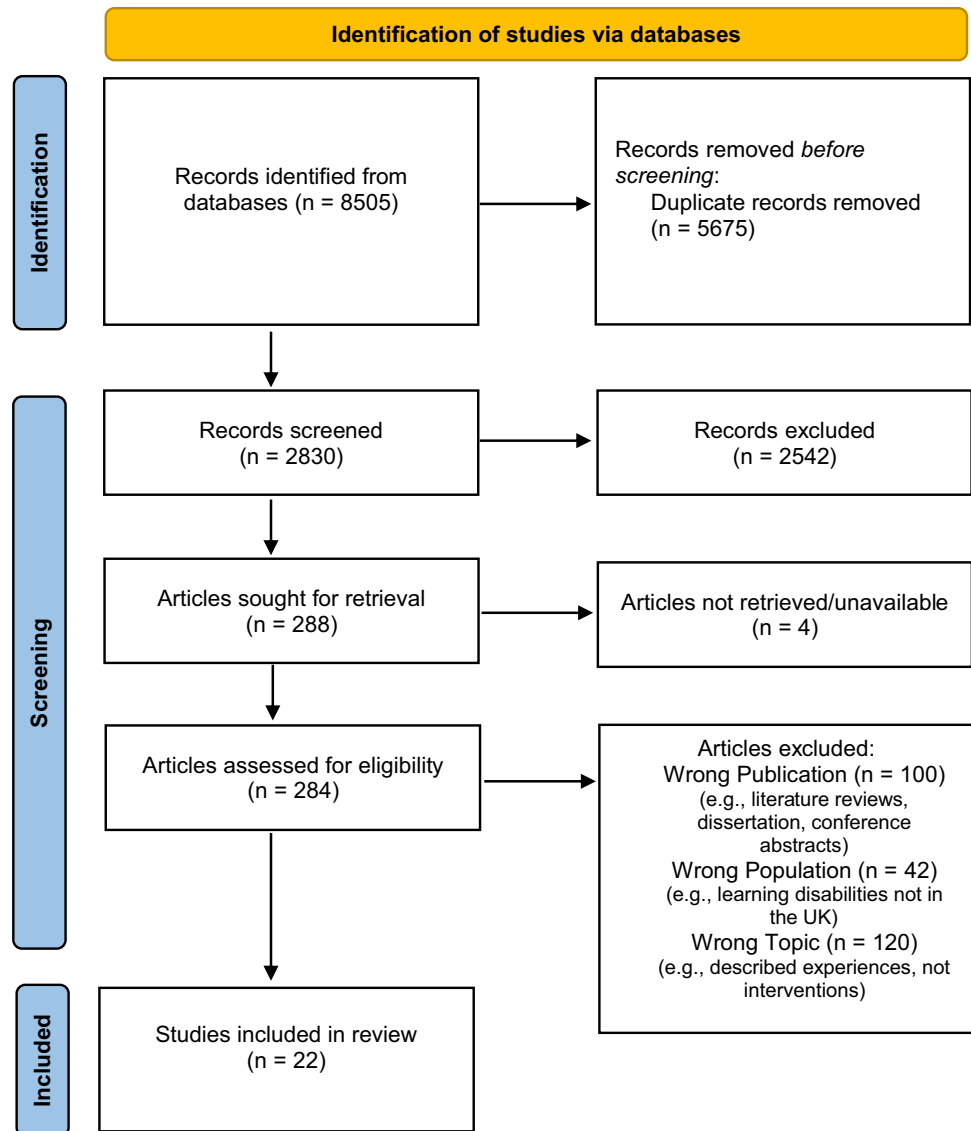
Information from each study was extracted in Covidence using a form that guided the reviewers to identify specific items from the articles. These items became the columns in the table used for analysis and summary. Studies were organized in rows according to which phase in the criminal justice system they addressed. There were some studies that addressed multiple phases of the criminal justice system (e.g., interviewing in police custody and court) and these articles were put in the earliest phase that the intervention might be used. Table 2 presents the information for the 22 included articles.

## Results

### Characteristics of Studies

With regard to the research methodology and design used in the studies included in the analysis, eleven (50%) of the

Fig. 1 PRISMA flow diagram



22 studies were quantitative, six (27%) studies were qualitative, four (18%) studies combined quantitative and qualitative methods, and one (5%) study used a single-case design. Most studies were conducted in the UK and Australia.

For the studies that included qualitative assessments (i.e., qualitative studies and combined methods studies), most studies [15, 16, 18, 19, 23, 24, 26, 34] focused on the perspectives of the professionals involved in the programs. Only three studies [18, 22, 23] included the perspectives of persons with IDD involved in the criminal justice system. One study [29] used a case study approach to explore the cost–benefit of different court outcomes for one individual. For the combined methods’ studies, the data was collected using questionnaires and surveys that included both Likert scales and free-text responses. Four quantitative studies

used secondary analysis of administrative data [25–27, 30]; three studies used a descriptive design; two studies used an experimental design with a comparison group [21]; and one study used a pre-post design [31]. One study used a single-case multiple baseline design to evaluate the effect of performance-based instruction.

### Study Findings

Most studies focused on earlier stages in the criminal justice system, namely police contact and court proceedings. The number of studies examining accommodations for persons with IDD or training for justice professionals decreased in later phases of the criminal justice system (e.g., eleven studies for police contact v. one for community re-entry). Nineteen (86%)

**Table 2** Description of articles included in scoping review (2008–2022)

Study	Objectives	Participants	Design and methods	CJS intervention/target group	Results
<b>Police contact</b>					
Gulati et al. (2021) [15] Ireland	To evaluate a pilot intellectual disability awareness programme for law enforcement officers	22 law enforcement officers completed the training, 11 participated in the study	Combined methods: Pre-post-Likert scale and semi-structured survey questions were used. Quantitative differences were identified in pre-post scores, and thematic analysis was conducted on semi-structured survey results	Law enforcement training program Research-developed training for law enforcement officers to understand the legal and policy issues in the field, recognise when a suspect might have an intellectual disability, improve communication skills including crisis situations, and support the person with an intellectual disability in custody Law professionals	Improvements were found in the self-rated knowledge about persons with IDD. Thematic analysis provided additional recommendations for how to recognize disability, the establishment of necessary safety protocols, and improvements surrounding communication skills
Henshaw et al. (2018) [16] Australia	To identify how police officers view the use of an independent support person, and their preferences for support persons during interview situations	229 police officers attending an Operational Safety Tactics Training	Combined methods; Questionnaire—Likert scale and free-text responses Thematic analysis of free-text responses	Independent support person A third person is present during police interviews to assist in comprehension, communication, and emotional support (as needed) Accused/offender	Police reported using a third person for assistance; volunteers tended to be more impartial during interviews; family members provided more emotional support
Hinkle & Lerman (2021) [17] USA	To evaluate the outcomes of performance-based instruction on strategies to promote compliance when LEOs respond to calls involving individuals with ASD	3 law enforcement officers, and 24 cadets	Single subject multiple baseline across participants, and between-groups design with a comparison of baseline and post-training performance of per-determined tasks	Behavioural skills training (BST) A presentation about the characteristics of ASD, different steps to take when supporting someone with ASD, and recommendations for how to interact with caregivers. Followed by a written and verbal description of the steps to take when encountering someone with ASD, a video demonstration of the steps, and opportunities for role-play, feedback, and practice Law professional	Results suggest BST as an effective method for teaching law enforcement officers the skills required for encountering and interacting with a person with ASD

Table 2 (continued)

Study	Objectives	Participants	Design and methods	CJS intervention/target group	Results
Jessiman & Cameron (2017) [18] UK	To examine what stakeholders would expect from an effective AA service in police custody	25 professionals from appropriate adult programs; 13 service users with LD(UK) and experience of the criminal justice system	Qualitative Interviews with professionals; focus groups with service users Thematic analysis	Appropriate adult An advocate is provided to vulnerable persons (including persons with LD(UK)) to assist with communication, comprehension, and advocacy/protection Accused/offender	Professionals prioritized quick responses from appropriate adult when needed. Service users were more concerned with the characteristics of the appropriate adult. Mixed reviews as to whether it should be a familiar person or not Service user voices were missing from every aspect of AA service provision For an effective criminal justice service for disabled people in custody, service user voices must be incorporated to develop a service that protects the rights of disabled people The HELP-PC was more sensitive in detecting persons with IDD in police custody compared to the current practice. This result did not translate into more people being supported by an appropriate adult. The HELP-PC showed good sensitivity and specificity
Macdonald et al. (2021) [19] UK	To evaluate the extent and involvement of disabled adults who are or have been in police custody	43 members of the National Appropriate Adult Network and other appropriate adult schemes in England and Wales	Combined methods — survey collected both quantitative and qualitative information. Descriptive statistics used for quantitative responses, thematic analysis of qualitative data	Appropriate adult Advocates for the person with LD(UK) while detained and ensures that the individual comprehends the information and questions being asked Accused/offender	Service user voices were missing from every aspect of AA service provision For an effective criminal justice service for disabled people in custody, service user voices must be incorporated to develop a service that protects the rights of disabled people The HELP-PC was more sensitive in detecting persons with IDD in police custody compared to the current practice. This result did not translate into more people being supported by an appropriate adult. The HELP-PC showed good sensitivity and specificity
McKinnon et al. (2015) [20] UK	To ascertain the efficacy of current police reception screening to detect detainees with ID and to assess the validity of a short, targeted screen for ID among detainees	Phase 1: 248 detainees from 2 locations over 53 days Phase 2: 351 detainees from 2 locations over 3 months Phase 3: 158 persons; 109 persons from a forensic ID service and 49 from a forensic psychiatry service	Quantitative; quasi-experimental design Comparison between clinical evaluation and police screening of ID using two different screening tools	HELP-PC screening tool A custody screening tool to improve the detection of intellectual disability during police custody Accused/offender	The HELP-PC was more sensitive in detecting persons with IDD in police custody compared to the current practice. This result did not translate into more people being supported by an appropriate adult. The HELP-PC showed good sensitivity and specificity
Norris et al. (2020) [21] UK	To evaluate the effectiveness of two novel supportive questioning techniques—Semantic prompting and visual-verbal prompting—against standard open questioning in facilitating recall in autistic persons. To evaluate the effect of providing an opportunity to review questions and prepare in advance	60 total participants; 30 autistic participants and 30 neurotypical participants	Quantitative; experimental design 2X3X3 mixed factorial design Conditions administered in fixed order autobiographical memory (ABM) interview task with questions about specific instances of potential witness scenarios in the criminal justice system and physical/mental health	Interview adaptations Semantic prompting: a general prompt before asking for a specific instance Visual-verbal prompting: asking participants to recall when it happened, who was there, the actions that occurred, the setting, and any objects. Receiving information in advance of the interview Accused/offender	Responses from autistic participants were less specific overall and tended to contain more irrelevant details. The visual-verbal prompting improved the amount of relevant, specific details recalled by the autistic participants

**Table 2** (continued)

Study	Objectives	Participants	Design and methods	CJS intervention/target group	Results
Parsons & Sherwood (2015) [22] UK	To assess the feasibility and acceptability of using more accessible information in symbol format to convey information to persons with LD (UK)	41 participants — 14 custody personnel, 27 relevant stakeholders 29 individual interviews, 12 small focus groups	Qualitative; semi-structured individual interviews and focus groups Comparative analysis across groups	Widgit symbol information sheets Easy-to-read information sheets about being in police custody (e.g., rights, processes) and other helpful information (e.g., waiting). Information sheets are given in the booking stage of custody Accused/offender	Positive experiences were reported in response to the WIDGIT symbol custody sheets from custody personnel and relevant stakeholders. Determined to be a helpful tool to support detain persons with the understanding of their rights and could be integrated into the standardized procedures
Parsons & Sherwood (2016) [23] UK	To pilot a more accessible version of the rights and entitlements notice in custody to explore the communication practices with vulnerable detained persons from the perspectives of professionals within the Criminal Justice System	29 participants with direct experience of the criminal justice system, including professionals and detained persons	Qualitative; interviews and focus groups Inductive analysis	Widgit symbol rights and entitlements notice The notice provided to detained persons is provided in an accessible form using Widgit symbols and simple language Accused/offender	How information is shared impact procedural justice; expose challenges with time needed during detainment; disempowerment from lack of knowledge; the stressful nature of custody; and the potential impact of text as a tool for all detained persons
Rendall et al. (2021) [24] UK	To determine whether the application of listenability techniques of instructions, listing, and explanations increase comprehension amongst people with ID	30 participants; 15 received standard caution; 15 received modified caution	Quantitative; experimental design Scales: Amended Hospital Anxiety and Depression Scale; WASI-II; Digit Span Subset of WAIS-IV	Modified police caution A modified version of the police caution was developed that took into account listenability techniques (e.g., instructions, listing, and explanation). The caution is provided in the article Accused/offender	Poor performance was found which can be attributed to the increased number of words in the modified caution. The listenability technique may not have had the intended impact as comprehension was still low, indicating a problem with communicating this information verbally
Richards & Milne (2020) [24] UK	To explore whether appropriate adults understand ASD and how ASD can impact the suspect interview process	55 participants working as appropriate adults	Combined methods; questionnaire including closed questions, open-ended questions, and Likert scale questions. Inductive content analysis	Appropriate adult A third-party person who supports vulnerable suspects during the interview process to ensure it is conducted fairly (e.g., facilitate communication, advocate on behalf of the detained person) Accused/offender	Appropriate adult representatives were less aware of how the traits associated with ASD can impact interviews. Self-report data suggested that they were able to respond effectively when traits were exhibited. AA training should include information about the impact of ASD on interviews

Table 2 (continued)

Study	Objectives	Participants	Design and methods	CJS intervention/target group	Results
Burke et al. (2012) [25] USA	To identify the prevalence of ID in a mental health court and to compare the demographic, psychiatric, and outcome characteristics of persons with dual diagnosis to those without	93 defendants with ID and 131 defendants without ID	Quantitative; secondary analysis of court data	Mental health court Diversion from the criminal justice system to community-based services to address factors contributing to justice involvement Accused/offender	11% of defendants in the mental health court had a dual diagnosis (ID and psychiatric diagnosis). Persons with ID were more likely to receive rehabilitative services (e.g., vocational, and behavioural) than those without ID
Chadwick & Wessen (2020) [26] UK	To identify the professional perspectives of the challenges associated with including persons with dual diagnosis in the process of the specially designed targeted services court (TSC)	46 professionals supporting persons with dual diagnosis within the TSC	Qualitative; secondary analysis of data Semi-structured interviews Thematic network analysis	Targeted services court TSC (also referred to as mental health court) places a focus on providing offenders with a dual diagnosis the appropriate support and treatment for rehabilitation Accused/offender	Study identified challenges associated with including those with a dual diagnosis in the TSC process, including concerns regarding the awareness of multiple stakeholders, inconsistencies to the adaptations for support persons with a dual diagnosis, and challenges associated with transferring information from having multiple organizations involved
Chaplin et al. (2021) [27] UK	To evaluate the effectiveness of a diversion (combination of CMH and NDD supports), on the health and disposal outcome of defendants with neurodevelopmental disorders (NDD)	122 participants with dual diagnosis; 43 participants in the MHC service group, 79 in the MHC + NDD group	Quantitative; secondary data analysis—type of NDD diagnosis, rates of psychiatric diagnosis, and referral process Comparison between pre-liaison service and after introduction of liaison service	NDD specialist services in mental health court A team of professionals (e.g., nurse, psychiatrist, psychologist) provide support to a mental health court. Help with assessments, support to defendants, and referrals to services Accused/offender	Demonstrated that integrating practitioners with experience of NDD into existing mental health courts increased detection of comorbid psychiatric diagnoses and reduced custodial demands for persons with NDD
Linhorst et al. (2018) [28] USA	To compare characteristics and outcomes of defendants with and without IDD participating in a mental health court	1,192 cases; 140 individuals without IDD and 70 individuals with IDD	Quantitative; quasi-experimental design Data derived from administrative database Bi-variate analyses and multiple logistic regression analysis	Mental health court A problem-solving court that seeks to address the underlying issues that contribute to the commission of an offence, namely mental illness Accused/offender	Persons referred to mental health court were more likely to be younger and African American, living with family, and not have a severe mental health history than those without IDD Having an IDD was not associated with being discharged early and reduced the odds of rearrest within a year after completing the program



**Table 2** (continued)

Study	Objectives	Participants	Design and methods	CJS intervention/target group	Results
McCausland et al. (2019) [29] Australia	To provide a cost-benefit analysis of providing a disability justice support worker to an individual with IDD by comparing it with pursuing an unfit to stand trial outcome and guilty plea outcome	One young man living in a supported residential facility in Victoria	Case study of the potential pathways Retrospective cost-benefit analysis based on quantification of likely outcomes and administrative information	Disability Justice Support Program Strategic support in assisting persons to participate in proceedings and exercise their legal capacity Accused/offender	A tailored programme intervention at a critical point can provide savings in police, courts, and custody costs in addition to improving the timelines and quality of outcomes for people with cognitive disabilities
Seck et al. (2017) [30] USA	To examine the mental health diagnoses of persons with DD and to evaluate the outcomes of the mental health and developmental disabilities court	160 participants; 120 were evaluated by court clinic	Quantitative; descriptive design Secondary analysis of court administrative data Variables included: demographic characteristics, psychiatric characteristics, categories of offence, and court outcomes	Mental health and developmental disabilities court A court that specializes in sentencing individuals with DD. Court staff have developed their knowledge regarding DD through training and experience Accused/offender	Mental health court judges have different understanding of the special needs of offenders with developmental disabilities than non-mental health court judges who rely on more corrective actions and are more likely to suggest incarceration over community control sentences
<b>Correctional facilities</b>					
Hutchison et al. (2013) [32] USA	To explore the programs, training, and treatments offered to persons with IDD in jails and under community supervision	136 participants; 69 county administrators at jails; 67 administrators at probation/parole. All in Pennsylvania	Quantitative; descriptive design Two separate survey instruments (one for county jails and one for county adult probation and parole departments)	Specialized programming and services within jails and probation/parole Screening for IDD, the provision of special education and specialized interventions offered by correctional services to persons with IDD (e.g., therapy, treatment) Training offered to staff regarding persons with IDD Accused/offender Law professionals	Limited screening practices used by both jails and probation/parole Approximately 1/2 of responding county jails reported offering specialized treatment and education Probation/parole more likely to refer to community services County jails were more likely to offer training to staff regarding IDD
Keeling et al. (2007) [31] Australia	To compare treatment changes in victim empathy and socio-affective functioning between mainstream sexual offenders and sexual offenders with ID	22 participants; 11 sexual offenders with IDD and 11 sexual offenders without IDD Matched for risk category, sex of victim, offender type, and age	Quantitative; experimental pre-post design Scales included: Victim Empathy Distortion Scale, Relationship Scales Questionnaire, Social Intimacy Scale, UCLA Loneliness Scale, Paulhus Deception Scale	Sexual offender treatment program An adapted version of a CBT program for sexual offenders with ID Accused/offender	An adapted treatment program for sexual offenders with IDD secures similar outcomes to the one provided to sexual offenders without IDD. Differences reported in relationship styles pre- and post-treatment. 16-month follow up data indicated no further offences

Table 2 (continued)

Study	Objectives	Participants	Design and methods	CJS intervention/target group	Results
Kelly et al. (2012) [32] UK	To report on a 3-year contract to provide learning disability in-reach to young offenders serving a sentence of Imprisonment for Public Protection (IPP)	Whole population sample of 75 detained persons in HMYOI Aylesbury between December 2009 and July 2011	Quantitative; descriptive design Scale: Kaufman Brief Intelligence Test v. 2 (KBIT-2) — indicates the need for more thorough assessment	Learning disability (UK) in-reach team A specialized team of learning disability professionals provide support to young offenders serving a public protection sentence in a prison Accused/offender	The KBIT-2 provides adequate screening and provides limited specificity regarding disability Need to consider the prison environment during assessment of social functioning The members of the In-reach team had necessary expertise to make clinically useful observations and referrals 7% of persons being admitted to the prisons were screened as potentially having an intellectual disability and were provided reasonable adjustments (e.g., referrals to external and internal resources) for identified individuals
Murphy et al. (2017) [33] UK	To assess the feasibility and utility of screening for intellectual disability in new admissions by prison staff	2825 new prisoners; 1169 from prison A, 1041 from prison B, and 219 from prison C	Quantitative; descriptive design Used the Learning Disability Screening Questionnaire (LDSQ)	Learning Disability Screening Questionnaire (LDSQ) Prison staff were trained to administer the LDSQ to persons being admitted to the prison within the first 72 h to determine if the person had an ID Accused/Offender	
Community re-entry Watkin & Leonard (2019) [34] UK	To examine stakeholders' perceptions about a collaborative model of care that enabled service-user integration and support upon release from prison	5 custodial partnership group members from different involved services	Qualitative; 1 focus group; thematic analysis	Custodial partnership group A case conference mechanism that identifies and plans community support for incarcerated individuals six months before release from prison Accused/offender	CPG had the benefits of information-sharing, supporting service users, and building relationships. It had the challenges of meeting attendance and following up on concerns

of the studies focused on providing accommodations to individuals with IDD involved in the justice system [16, 18–34], whereas 2 (9%) focused on training justice professionals about developmental disabilities [15, 17]. One study focused on both accommodations for persons with IDD involved in the criminal justice system and training for law professionals.

Eleven (50%) of the 22 studies focused on providing accommodations to persons with IDD or training to justice professionals during police contact. One study identified that a screening tool successfully identified persons with IDD in police custody [20]. Two studies identified that training could improve police officers' interactions with persons with IDD [15, 17]. Four studies found that using a third-party support person during police interviews provided good support with communication and advocacy, though the voice of persons with IDD largely remained absent [16, 18, 19, 24]. Four studies found that modifications to police processes (e.g., interviews and cautions) could successfully be used to improve communication with persons with IDD [21–23].

Six (27%) of the studies focused on providing accommodations to persons with IDD or training to justice professionals during court proceedings. Five of these studies focused on the benefits of diverting persons with IDD to mental health courts that provide trained staff and that seek to address the underlying issues contributing to the commission of an offence [25–28, 30]. One study found that adding a team of clinicians that specialized in neurodevelopmental disorders helped detect diagnoses and reduce custodial remands for persons with IDD [27]. Finally, one unique study identified the cost benefits of using a Disability Justice Support Program over finding a person with IDD unfit to stand trial or a guilty plea [29].

Four (18%) studies focused on providing accommodations to persons with IDD or training to justice professionals in correctional facilities. Three of these studies focused on developing adequate screening protocols that could inform referrals to specialized interventions if they were available [32, 33]. One of these studies found that providing a team of specialized clinicians helped to make clinically useful observations and referrals [32]. One study identified that providing an adapted sexual offender treatment program in a correctional facility for persons with IDD had the same outcomes on measures of victim empathy and social intimacy as the one provided to persons without IDD and positively impacted recidivism 16 months after release [31].

One (5%) study focused on accommodations for persons with IDD during community re-entry (e.g., probation/parole). This study reported on the benefits and challenges of

a Custodial Partnership Group that planned for community support post-incarceration [34].

## Discussion

Article 13 of the CRPD seeks to ensure that persons with disabilities (including IDD) have equal access to justice as those without disabilities. It suggests that this is accomplished by providing accommodations for persons with disabilities involved in the justice system that facilitate participation in processes and training for justice professionals regarding how to provide appropriate accommodations for disabilities [8]. This scoping review aimed to examine the peer-reviewed literature describing accommodations for persons with IDD and training to justice professionals regarding IDD at key phases of the criminal justice system.

Overall, this review indicated that there are several innovative programs intended to improve the ability of persons with IDD to participate in the criminal justice system and to assist justice professionals in recognizing and providing accommodations. Most of the peer-reviewed literature included in this scoping review focused on screening and intervention in earlier phases (e.g., police contact and court proceedings), which suggests that efforts are being made earlier in the criminal justice system to identify and divert persons with IDD to more appropriate services and opportunities [15–30]. This is consistent with the Sequential Intercept Model (SIM), which identifies that recognition and intervention in earlier phases of the criminal justice system can play an important role in reducing the disparity experienced by overrepresented groups, such as persons with IDD [35].

The peer-reviewed literature in this scoping review focused on four common areas: screening, third-person assistance, communication assistance, and diversion. The first area of peer-reviewed articles focused on developing reliable and valid tools to detect persons with IDD [20, 32, 33]. Screening provides an important opportunity to identify persons with IDD at all the key phases of the criminal justice system and subsequently provide accommodations or necessary referrals for support and services. The benefits of using screening tools are that they can be administered by justice professionals with minimal training and can be used to triage persons with IDD to other programs and services, including a more thorough assessment of cognitive and adaptive abilities [33]. One of the limitations identified with screening was that it did not always translate into appropriate accommodations being provided to persons with IDD

[20]; therefore, it may be helpful to develop tools that provide clear direction for justice professionals about the next steps after screening. Finally, given that many of the services (e.g., appropriate adult, mental health courts) are “opt-in” and the individual needs to be known as having an IDD to qualify [16, 26], it is important to recognize that screening plays an important role in ensuring that persons with IDD have access to the other resources intended to ensure equal access to justice.

The second area that peer-reviewed articles focused on was providing third-party assistance to persons with IDD and criminal justice professionals. These programs provide an intermediary person who assists the person with IDD by advocating on their behalf and ensuring that appropriate accommodations are being provided and that assists justice professionals by providing information about IDD and ensuring comprehension [16, 18, 19, 24]. While justice professionals and persons with IDD reported valuing assistance from the intermediaries, there was debate about whether the person should be a familiar person (e.g., a family member) or an impartial volunteer or professional [16, 18]. The peer-reviewed literature also described the inclusion of interdisciplinary teams specialized in IDD that provide assessments, interventions, and/or referrals [27, 32]. The results from these studies suggested that having the support of an interdisciplinary team provided a more nuanced approach to ensuring justice by being able to recognize the presence of dual diagnosis [27]; however, it is also important for these professionals to be familiar with the criminal justice system to be able to recognize the impact of the environment on the individual [32]. Therefore, considerations for training should not only focus on increasing the knowledge and abilities of both justice professionals about IDD but also on increasing the knowledge of experts in IDD about the criminal justice system.

The third area that peer-reviewed articles focused on was adapting existing processes or developing new processes that assisted justice professionals in communicating during and about the complex processes of the criminal justice system [21–23]. As Parsons and Sherwood [23] identified, how information is shared can result in disempowerment from lack of knowledge and increase the stressful nature of custody. The peer-reviewed articles in this scoping review indicated that adapting the interview processes and how information was provided could improve the recollection of relevant information [21] and be integrated into the standardized processes [22]. In addition, some research identified that psychological interventions and education provided in correctional facilities

could be adapted to address the needs of persons with IDD [31, 34]. Ideally, persons with IDD are diverted from the criminal justice system before incarceration; however, for those who are incarcerated, it is important for them to have access to programs and interventions that may improve community re-entry and recidivism both directly (e.g., employment) and indirectly (e.g., housing) [36, 37]. Case conferencing mechanisms, such as the Custodial Partnership Group [34], may provide a collaborative opportunity to engage with the incarcerated person with IDD and community agencies during incarceration to plan and prepare for community re-entry.

The final area that peer-reviewed articles focused on was finding opportunities to divert persons with IDD away from the criminal justice system [20, 32, 33]. The international proliferation of problem-solving courts has resulted in the opportunity to divert groups of individuals away from the criminal justice system to community-based services that can address the underlying issues contributing to the commission of an offence [25, 26, 28, 30]. These courts are staffed with knowledgeable professionals that have a different understanding of the unique needs of these individuals and are more likely to suggest sentences that do not include incarceration [30]. Persons with IDD typically are diverted to mental health courts (a type of problem-solving court); however, as Chaplin and colleagues identified, these courts may still struggle with supporting persons with IDD and providing specialized services for persons with IDD within the mental health court setting may provide further benefits beyond what is typically experienced [27].

Finally, several studies identified the importance of providing formal training for justice professionals to ensure they can recognize persons with IDD and engage in responses accordingly. While none of the peer-reviewed articles in this review described a formal training program, these studies highlighted the importance of ensuring that justice professionals can understand how different disabilities (e.g., autism, fetal alcohol spectrum disorder) may result in different patterns of impairments that will affect these individuals in different ways [24] and should provide an opportunity for justice professionals to rehearse with feedback [17].

## Gaps in Literature

In this scoping review, we identified several gaps in the literature on the accommodations to persons with IDD or training to justice professionals regarding IDD. One of the most significant gaps in the peer-reviewed literature was the

near absent voice and perspectives of persons with IDD. Only three peer-reviewed articles solicited the perspectives and insights of persons with IDD about the accommodations being provided [18, 22, 23]. Article 3 of the CPRD provides the foundation in which the other articles, including Article 13 — Equal Access to Justice — should be exercised, namely, through equal opportunity, non-discrimination, and “full and effective participation and inclusion in society” [8]. Therefore, it is important that the perspectives of persons with IDD are included in the development and evaluation of programs intended to provide accommodations and ensure equal access to justice. Future research regarding accommodations should incorporate the perspectives of persons with IDD. In addition, as has been identified elsewhere [38], training for justice professionals should include persons with IDD as trainers.

The second identified gap in the peer-reviewed literature was the apparent lack of continuity in communication about persons with IDD between the key phases of the criminal justice system and ensuring that information follows them to promote consistent support in later phases of the criminal justice system. It may be helpful for future interventions and research to focus on how information about persons with IDD is communicated between the stages of the criminal justice system or the impact of having a consistent intermediary person who can help advocate and communicate information about persons with IDD at each phase of the criminal justice system. In addition, research comparing training to justice professionals about IDD to providing third-party assistance (e.g., appropriate adult, neurodevelopmental disability specialist services) may also help to identify the strengths and limitations of each approach. As McCausland and colleagues [29] identified, providing strategic support that enables persons with IDD to participate in court proceedings provided cost savings and improved the timelines and quality of outcomes for persons with IDD.

The final identified gap in the peer review literature was the lack of studies focusing on providing accommodations during community re-entry. In this scoping review, only two studies examined the accommodations for persons with IDD and training provided to probation and parole officers about IDD during community re-entry [34]. Given that discharge without disability support services has been linked to recidivism, administrative offences resulting from breaching probation or parole, and frequent use of hospital resources [39–41], it is important to consider what accommodations are needed for persons with IDD and training for probation and parole officers to increase the success of community re-entry for persons with IDD.

## Limitations

While this study provided a rigorous evaluation of the accommodations provided to persons with IDD in the criminal justice system and training to justice professionals about IDD, some limitations were noted. The first limitation of this review is that a search of the grey literature and non-English publications was not included. As a result, there may be programs being offered within the criminal justice system for persons with IDD or training provided to justice professionals that were not captured in this review. Similarly, this study focused on the formal programs to provide accommodations for persons with IDD in the criminal justice system. It is possible that there are informal accommodations being provided by justice professionals that are being captured in the literature describing their experiences of supporting persons with IDD in the criminal justice system. Finally, the literature in the scoping review focused on the criminal justice system and did not include studies conducted in forensic services. Persons with IDD may be diverted from court proceedings to the forensic system due to questions of fitness to stand trial, competency, or criminal responsibility [42]. Furthermore, in jurisdictions like the UK, persons with IDD may be referred to community-based forensic intellectual disability services rather than incarcerated [42]. A future scoping review that includes forensic programs and services may provide a more complete picture of support and accommodations for persons with IDD involved in the criminal justice system.

## Conclusion

This knowledge synthesis examined the interventions for persons with IDD at multiple stages in the criminal justice system. Results indicated that most of the peer-reviewed literature regarding these interventions focused on screening and intervention in earlier phases (e.g., police contact and court proceedings) and aimed to divert persons with IDD to more appropriate services and opportunities. Fewer interventions were found later in the criminal justice system. Intervention in later stages (e.g., correctional facilities and probation) of the criminal justice system is also important, given that it may influence future justice involvement and successful community re-entry. While the studies included in this scoping review indicate that a good effort is being made to ensure that persons with IDD are accommodated in the criminal justice system, more research is required to align efforts with the articles in the CRPD.

## Appendix 1:

Table 3

Table 3 Search History and Search Results

Date	Database	Search Parameters	Year Limit	Results
08-May-22	PsychInfo	Intellectual Disabilit* AND criminal justice	2008—2022	252
08-May-22	PsychInfo	Developmental Disabilit* AND criminal justice	2008—2022	168
08-May-22	PsychInfo	Learning Disabilit* AND criminal justice	2008—2022	193
08-May-22	PsychInfo	Mental retardation AND criminal justice	2008—2022	118
08-May-22	PsychInfo	Learning Disabilit* AND law enforcement	2008—2022	38
08-May-22	PsychInfo	Learning Disabilit* AND police	2008—2022	85
08-May-22	PsychInfo	Developmental Disabilit* AND police	2008—2022	77
08-May-22	PsychInfo	Intellectual Disabilit* AND police	2008—2022	111
08-May-22	PsychInfo	Intellectual Disabilit* AND law enforcement	2008—2022	29
08-May-22	PsychInfo	Developmental Disabilit* AND law enforcement	2008—2022	31
08-May-22	PsychInfo	Mental retardation AND law enforcement OR police	2008—2022	71
08-May-22	PsychInfo	Developmental Disabilit* AND court	2008—2022	159
08-May-22	PsychInfo	Intellectual Disabilit* AND court	2008—2022	228
08-May-22	PsychInfo	Learning Disabilit* AND court	2008—2022	142
08-May-22	PsychInfo	Mental retardation AND court	2008—2022	188
08-May-22	PsychInfo	Developmental Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	59
08-May-22	PsychInfo	Intellectual Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	92
08-May-22	PsychInfo	Learning Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	68
08-May-22	PsychInfo	Mental retardation AND Incarceration OR prisons OR correctional facilities	2008—2022	51
08-May-22	PsychInfo	Developmental Disabilit* AND Probation OR parole	2008—2022	20
08-May-22	PsychInfo	Intellectual Disabilit* AND Probation OR parole	2008—2022	23
08-May-22	PsychInfo	Learning Disabilit* AND Probation OR parole	2008—2022	22
08-May-22	PsychInfo	Mental retardation AND Probation OR parole	2008—2022	13
08-May-22	PsychInfo	Developmental Disabilit* AND witness OR offender	2008—2022	55
08-May-22	PsychInfo	Intellectual Disabilit* AND witness OR offender	2008—2022	117
08-May-22	PsychInfo	Learning Disabilit* AND witness OR offender	2008—2022	59
08-May-22	PsychInfo	Mental retardation AND witness OR offender	2008—2022	69
12-May-22	Proquest	Intellectual Disabilit* AND criminal justice	2008—2022	160
12-May-22	Proquest	Developmental Disabilit* AND criminal justice	2008—2022	47
12-May-22	Proquest	Learning Disabilit* AND criminal justice	2008—2022	191
12-May-22	Proquest	Mental retardation AND criminal justice	2008—2022	7
12-May-22	Proquest	Learning Disabilit* AND law enforcement OR police	2008—2022	113
12-May-22	Proquest	Developmental Disabilit* AND law enforcement OR police	2008—2022	34
12-May-22	Proquest	Intellectual Disabilit* AND law enforcement OR police	2008—2022	105
12-May-22	Proquest	Mental retardation AND law enforcement OR police	2008—2022	13
12-May-22	Proquest	Developmental Disabilit* AND court	2008—2022	52
12-May-22	Proquest	Intellectual Disabilit* AND court	2008—2022	137
12-May-22	Proquest	Learning Disabilit* AND court	2008—2022	153
12-May-22	Proquest	Mental retardation AND court	2008—2022	28
12-May-22	Proquest	Developmental Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	35
12-May-22	Proquest	Intellectual Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	138
12-May-22	Proquest	Learning Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	170
12-May-22	Proquest	Mental retardation AND Incarceration OR prisons OR correctional facilities	2008—2022	17
12-May-22	Proquest	Developmental Disabilit* AND Probation OR parole	2008—2022	6
12-May-22	Proquest	Intellectual Disabilit* AND Probation OR parole	2008—2022	25
12-May-22	Proquest	Learning Disabilit* AND Probation OR parole	2008—2022	30
12-May-22	Proquest	Mental retardation AND Probation OR parole	2008—2022	3

**Table 3** (continued)

Date	Database	Search Parameters	Year Limit	Results
12-May-22	Proquest	Developmental Disabilit* AND witness OR offender	2008—2022	102
12-May-22	Proquest	Intellectual Disabilit* AND witness OR offender	2008—2022	338
12-May-22	Proquest	Learning Disabilit* AND witness OR offender	2008—2022	340
12-May-22	Proquest	Mental retardation AND witness OR offender	2008—2022	34
12-May-22	SSCI	Intellectual Disabilit* AND criminal justice	2008—2022	192
12-May-22	SSCI	Developmental Disabilit* AND criminal justice	2008—2022	101
12-May-22	SSCI	Learning Disabilit* AND criminal justice	2008—2022	269
12-May-22	SSCI	Mental retardation AND criminal justice	2008—2022	84
12-May-22	SSCI	Learning Disabilit* AND law enforcement	2008—2022	28
12-May-22	SSCI	Learning Disabilit* AND police	2008—2022	66
12-May-22	SSCI	Developmental Disabilit* AND police	2008—2022	73
12-May-22	SSCI	Intellectual Disabilit* AND police	2008—2022	136
12-May-22	SSCI	Intellectual Disabilit* AND law enforcement	2008—2022	25
12-May-22	SSCI	Developmental Disabilit* AND law enforcement	2008—2022	117
12-May-22	SSCI	Mental retardation AND law enforcement OR police	2008—2022	238
12-May-22	SSCI	Developmental Disabilit* AND court	2008—2022	126
12-May-22	SSCI	Intellectual Disabilit* AND court	2008—2022	66
12-May-22	SSCI	Learning Disabilit* AND court	2008—2022	136
12-May-22	SSCI	Mental retardation AND court	2008—2022	135
12-May-22	SSCI	Developmental Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	74
12-May-22	SSCI	Intellectual Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	17
12-May-22	SSCI	Learning Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	13
12-May-22	SSCI	Mental retardation AND Incarceration OR prisons OR correctional facilities	2008—2022	16
12-May-22	SSCI	Developmental Disabilit* AND Probation OR parole	2008—2022	12
12-May-22	SSCI	Intellectual Disabilit* AND Probation OR parole	2008—2022	2
12-May-22	SSCI	Learning Disabilit* AND Probation OR parole	2008—2022	195
12-May-22	SSCI	Mental retardation AND Probation OR parole	2008—2022	518
12-May-22	SSCI	Developmental Disabilit* AND witness OR offender	2008—2022	219
12-May-22	SSCI	Intellectual Disabilit* AND witness OR offender	2008—2022	100
12-May-22	SSCI	Learning Disabilit* AND witness OR offender	2008—2022	149
12-May-22	SSCI	Mental retardation AND witness OR offender	2008—2022	100
12-May-22	CJA	Intellectual Disabilit* AND criminal justice	2008—2022	154
12-May-22	CJA	Developmental Disabilit* AND criminal justice	2008—2022	28
12-May-22	CJA	Learning Disabilit* AND criminal justice	2008—2022	42
12-May-22	CJA	Mental retardation AND criminal justice	2008—2022	51
12-May-22	CJA	Learning Disabilit* AND law enforcement OR police	2008—2022	24
12-May-22	CJA	Developmental Disabilit* AND law enforcement OR police	2008—2022	13
12-May-22	CJA	Intellectual Disabilit* AND law enforcement OR police	2008—2022	81
12-May-22	CJA	Mental retardation AND law enforcement OR police	2008—2022	22
12-May-22	CJA	Developmental Disabilit* AND court	2008—2022	33
12-May-22	CJA	Intellectual Disabilit* AND court	2008—2022	244
12-May-22	CJA	Learning Disabilit* AND court	2008—2022	67
12-May-22	CJA	Mental retardation AND court	2008—2022	119
12-May-22	CJA	Developmental Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	19
12-May-22	CJA	Intellectual Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	108
12-May-22	CJA	Learning Disabilit* AND Incarceration OR prisons OR correctional facilities	2008—2022	61
12-May-22	CJA	Mental retardation AND Incarceration OR prisons OR correctional facilities	2008—2022	54
12-May-22	CJA	Developmental Disabilit* AND Probation OR parole	2008—2022	7
12-May-22	CJA	Intellectual Disabilit* AND Probation OR parole	2008—2022	20
12-May-22	CJA	Learning Disabilit* AND Probation OR parole	2008—2022	12

**Table 3** (continued)

Date	Database	Search Parameters	Year Limit	Results
12-May-22	CJA	Mental retardation AND Probation OR parole	2008—2022	8
12-May-22	CJA	Developmental Disabilit* AND witness OR offender	2008—2022	35
12-May-22	CJA	Intellectual Disabilit* AND witness OR offender	2008—2022	262
12-May-22	CJA	Learning Disabilit* AND witness OR offender	2008—2022	110
12-May-22	CJA	Mental retardation AND witness OR offender	2008—2022	97

**Acknowledgements** The authors would like to acknowledge the support of Dr. Voula Marinou, Brock University; Dr. Jessica Jones, Queen's University; and Colleen MacKinnon, Brock University.

**Funding** Lisa Whittingham and Courtney Bishop are supported in part by funding from the Social Sciences and Humanities Research Council (SSHRC).

### Declarations

**Ethics Approval** This article is a scoping review; therefore, ethics approval was not sought.

**Conflict of Interest** The authors declare no competing interests.

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