

WHAT'S IN A NAME?

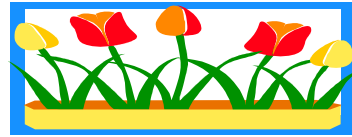
We have been told that taking the name (mental retardation) out of things will not hurt persons with mental retardation; that is a fallacy. Take a look at the 2008 National Health Observances calendar, published through the National Health Information Center, Office of Disease Prevention and Health Promotion, U.S. Department of Health and Human Services, Washington D.C. They have National Autism Awareness Month, Mental Health Month, Helen Keller Deaf-Blind Awareness Week, National Spina Bifida Awareness Month, National Down Syndrome Awareness Month, as well as any other kind of disability awareness month listed. But what happened to: National Mental Retardation Awareness Month; low and behold it no longer exists. Political correctness is just eradicating the condition by shoving it under the rug, never to be heard from again. (This was corrected on 4/09/2008 as the National Health Information Center agreed to place a National Mental Retardation Month back onto their National Health Observances calendar.)

The National ARC changed its name and took out the words mental retardation. Mental Retardation was their original mission. That is how National was born. Now they also agree that they are not going to support a National Mental Retardation Awareness Month. They tell their local member units awareness should be done on a daily basis. If the National ARC really wants to do away with the stigma of mental retardation, then why don't they change their name again and get rid of their acronyms "ARC." Everyone knows what the "R" stands for, dare I say it, retardation. If they don't want to recognize mental retardation and its condition, then move over and let another group advocate for them. Give up their copyrighted name, and let someone who is not ashamed of the condition mental retardation take on the challenge.

The American Association on Mental Retardation changed its name to the American Association on Intellectual and Developmental Disabilities. Again, the condition of mental retardation has been erased.

Many special interest groups are just interested in furthering their beliefs, such as People First of Missouri. If they are truly an interest group for all persons with developmental disabilities in Missouri, then persons with mental retardation would be preserved in their equation. You just can't advocate for one side of the issue if you are supposed to be about advocating for all persons with developmental disabilities, including those who have the condition of mental retardation, who are not ashamed of their condition, and wish it to be a recognized condition.

Regional Councils for Developmental Disabilities for years have only advocated for part of the spectrum of per-



**From the MRC of Missouri
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2007-2008 LEGISLATIVE PRIORITIES

- Minority status for workshops
- Habilitation centers
- State Schools
- Medicaid waiver slots—more need to be opened
- Dental health services
- DMH Leadership
- Case management guidelines
- Prioritization of need guidelines

(continued from previous column)

sons with mental retardation. They continue to advocate only for the services they think that person should have: Example: Supported Employment – Yes, Sheltered Employment – No; Community ISL – Yes, Institutions – No; Mainstreaming – Yes, State Schools – No. If the Regional Councils, which receive federal and state dollars, represent all persons with Mental Retardation and Developmental Disabilities, then they should have to advocate for all options available for persons with Mental Retardation and Developmental Disabilities.

Oh what a tangled web we weave when we practice to deceive.

I would call to all of the Missouri Senators and The Missouri House of Representatives to look above the so-called "political correctness" arena and do what is right for all persons with mental retardation. They want the same rights as persons with autism, persons with cerebral palsy, persons with mental illness, persons with blindness, and persons with Down Syndrome. Leave the condition alone; let it stand for what it is. The other conditions are recognized for what they are.

Group blames layoffs for injuries at state-run care center

By Carolyn Tuft
ST. LOUIS POST-DISPATCH
Thursday, Mar. 06 2008

BELLEFONTAINE NEIGHBORS — Several mentally disabled residents have been rushed to the hospital for injuries they suffered while living at a state-run center.

The center's parents association blames staff shortages caused by layoff notices that went out last month from the Missouri Department of Mental Health, which runs the Bellefontaine Habilitation Center, located at Bellefontaine Road and Interstate 270.

"We're worried," said Betty Coll, a long-time member of the group.

The department's director, Keith Schafer, said the layoffs have nothing to do with injuries at the center in the past few weeks.

"If we felt there was a breakdown in the system for the safety of the clients, we would have to act," he said.

The recent injuries at Bellefontaine include:

— A resident had to get three stitches to his ear after being attacked by another resident on Feb. 27.

— A resident was rushed to the hospital after he shoved a paper clip into his penis on Feb. 21. Doctors removed the paper clip.

— A resident on Feb. 18 cracked her head on the floor when the seat of a mechanical lift broke. She received nine staples to close the wound.

— A resident of one of the center's apartments on Feb. 13 was found to have swelling and bruising to his right hand. The injury occurred when a staff member held the arm of the resident, who was fighting a phlebotomist trying to take his blood.

Schafer said notices went out last month for layoffs that won't take effect until the end of this month. The department is eliminating 125 full-time positions at the center after nearly half of the residents left the center in the past four years to live elsewhere.

Of the 125, however, just 34 workers got layoff notices, Schafer said, because positions were already open from earlier staff departures, workers were transferred to other state-run facilities and some retired.

Schafer said that after the layoffs, the center will still have a higher resident-to-staff ratio than any of

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the state's other residential centers for mentally disabled people.

The department has kept the center open despite Gov. Matt Blunt's call three years ago to close it after hearing that workers had abused residents there. Through four years of controversy surrounding the center, Schafer said the staff has continued to do an admirable job.

"The reality is that our staff has hung in there quite well," he said.

Coll said the layoffs have everything to do with the injuries at the center and that the layoff notices have led to competent staff leaving the center.

"Man often becomes what he believes himself to be. If I keep on saying to myself that I cannot do a certain thing, it is possible that I may end by really becoming incapable of doing it. On the contrary, if I have the belief that I can do it, I shall surely acquire the capacity to do it even if I may not have it at the beginning."

Mahatma Gandhi



The MRC of Missouri would like to thank the following Senators for being leaders in their field and for protecting the rights of persons with mental retardation. They took a hard line on legislation that would have taken the name of mental retardation out of The Division of Mental Retardation and Developmental Disabilities, regardless of what their counterparts were doing. You are true champions for protecting and advocating for persons with all disabilities, not just the ones that are considered politically correct.

- 1) Senator Jason Crowell
- 2) Senator Tim Green
- 3) Senator Rob Mayer
- 4) Senator Bill Stouffer

Vaccine may have led to autism-like symptoms

By Marilynn Marchione
THE ASSOCIATED PRESS
Thursday, Mar. 06 2008

Government health officials have conceded that childhood vaccines worsened a rare, underlying disorder that ultimately led to autism-like symptoms in a Georgia girl, and that she should be paid from a federal vaccine-injury fund.

Medical and legal experts say the narrow wording and circumstances probably make the case an exception — not a precedent for thousands of other pending claims.

The government "has not conceded that vaccines cause autism," said Linda Renzi, the lawyer representing federal officials, who have consistently maintained that childhood shots are safe.

However, parents and advocates for autistic children see the case as a victory that may help certain others. Although the science on this is very limited, the girl's disorder may be more common in autistic children than in healthy ones.

"It's a beginning," said Kevin Conway, a Boston lawyer representing more than 1,200 families with vaccine injury claims. "Each case is going to have to be proved on its individual merits. But it shows to me that the government has conceded that it's biologically plausible for a vaccine to cause these injuries. They've never done it before."

A lawyer for the 9-year-old girl has scheduled a news conference today in Atlanta. Her parents have declined to comment in the meantime because the case isn't final and the payment amount hasn't been set.

Nearly 5,000 families are seeking compensation for autism or other developmental disabilities they blame on vaccines and a mercury-based preservative, thimerosal. It once was commonly used to prevent bacterial contamination but since 2001 has been used only in certain flu shots. Some cases contend that the cumulative effect of many shots given at once may have caused injuries.

The cases are before a special "vaccine court" that doles out cash from a fund Congress set up to pay people injured by vaccines and to protect makers from damages as a way to help ensure an adequate vaccine supply. The burden of proof is lighter than in a traditional court, and is based on a preponderance of evidence. Since the fund started in 1988, it has paid roughly 950 claims — none for autism.

Studies repeatedly have discounted any link between thimerosal and autism, but legal challenges continue.

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The girl has a disorder involving her mitochondria, the energy factories of cells. The disorder — which can be present at birth from an inherited gene or acquired later in life — impairs cells' ability to use nutrients, and often causes problems in brain functioning. It can lead to delays in walking and talking.

Federal officials say the law bars them from discussing the case or releasing documents without the family's permission. However, the Associated Press obtained a copy of the concession by U.S. Department of Health and Human Services officials.

According to the document, five vaccines the girl received on one day in 2000 aggravated her mitochondrial condition, predisposing her to metabolic problems that manifested as worsening brain function "with features of autism spectrum disorder." In the 1990s, the definition of autism was expanded to take in a group of milder, related conditions, which are known as autism spectrum disorders.

40,000 affected by scandal over needles

By Kathleen Hennessey
THE ASSOCIATED PRESS
Thursday, Mar. 06 2008

LAS VEGAS — Nearly 40,000 people learned this week that a trip to the doctor may have made them sick.

In a type of scandal more often associated with Third World countries, a clinic in Las Vegas was found to have been reusing syringes and vials of medication for nearly four years. The shoddy practices may have led to an outbreak of the potentially fatal hepatitis C virus and exposed patients to HIV, too.

The discovery led to the biggest public health notification operation in U.S. history, brought demands for investigations and caused scores of lawyers to seek out patients at risk for infections.

Thousands of patients are being urged to be tested for the viruses. Six acute cases of hepatitis C have been confirmed. The surgical center and five affiliated clinics have been closed.

"I find it baffling, frankly, that in this day and age anyone would think it was safe to reuse a syringe," said Michael Bell, associate director for infection control at the national Centers for Disease Control and Prevention.

One of the infected patients is retired airplane mechanic Michael Washington, 67, who was the first to report his infection. He received a routine colon exam in July at the Endoscopy Center of Southern Nevada. In September, he started to get sick. He was losing weight fast. His urine turned dark. His stomach hurt.

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By January, it was clear what had happened.

Washington describes his virus as a "creeping death sentence."

In letters that began arriving this week, patients who received injected anesthesia at the endoscopy center from March 2004 to mid-January were urged to get tested for hepatitis B and C, and HIV.

Because all three viruses are transmitted by blood, they could have been passed from one patient to the next by the unsafe practices at the clinic.

The mass notification is the result of a health district investigation that began in January when officials linked an uptick of unusual hepatitis C cases to the clinic.

Health officials say they are most worried about the spread of hepatitis C, which targets the liver but shows no symptoms in as many as 80 percent of infections.

In Las Vegas, clinic staff told inspectors they had been ordered by management to reuse the vials and syringes. Brian Labus, senior epidemiologist at the Southern Nevada Health District, described the practice as an unwritten but long-practiced policy.

Investigators were told the practice was an attempt to cut costs, according to a letter of complaint from the city.

Parents second-guess helping save school for disabled

They say secretly recorded audio documents neglect at state-run facility

By Christine Byers
ST. LOUIS POST-DISPATCH
Friday, Mar. 07 2008

MAPAVILLE, Mo. — Parents who once rallied to save the Mapaville State School from possible state closure recently sent their children there armed with hidden tape recorders to prove suspicions of abuse and neglect.

Several parents, including Sheila Scott of Festus, have pulled children from the school, which serves the severely disabled.

"If I knew then what I know now, I would not have fought for the school the way I did," said Scott, the first parent to send in a recorder. "We put our blood sweat and tears into saving that school, and to be ignored like this, there are no excuses."

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Executive Director Clark Powell was unavailable for comment Thursday.

Jefferson County detectives are investigating 40-plus hours of audio footage secretly recorded on devices hidden in backpacks, said Lt. David Marshak.

"As of right now, there is no conclusive evidence of physical abuse, but it is an ongoing investigation," Marshak said.

In October 2006, state officials launched a study to determine whether schools for the severely disabled provided the best use of state resources.

Parents such as Scott lobbied to save the school then, and now they wonder if they have the power to change it. They want cameras installed and staff that neglect or harm children fired.

Scott worked as a substitute from May to January and saw enough to remove her son, Chandler, 11, who has cerebral palsy.

"Kids were left in wheelchairs for hours," Scott said. "I wouldn't say they were being beaten up, but I saw manhandling of children."

Melissa Conner, of Pevely, said at first, her 8-year-old son, Colten, made progress at school, even learning to sit alone in a playground swing despite cerebral palsy. But he grew quiet and withdrawn in recent months.

"He fears that if he vocalizes, he'll get yelled at, too," she said.

She hid a tape recorder in his backpack twice, once in January and again in February. She said the tapes include inappropriate language during gossip sessions among staff members about each other and parents, slapping noises, shouting at children and comments from staffers about how pointless it is to work with the students.

"He cannot come home and tell me what's happening to him at school," Conner said. "I was thinking, 'It's better to be safe than sorry.' I'm absolutely shocked and appalled at what I heard."

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If you learn from your suffering, and really come to understand the lesson you were taught, you might be able to help someone else who's now in the phase you may have just completed.

Maybe that's what it's all about after all...

Anonymous
Wall Street Journal Examines How Federal

Government Use Of Contract Workers Contributes To Number Of Uninsured U.S. Residents

26 Mar 2008

The use of contract workers by the federal government is "quietly" contributing to the number of uninsured U.S. residents because some of the contractors do not offer employee health benefits, the Wall Street Journal reports. Under federal law, contractors with service contracts of more than \$2,500 are required to provide locally prevailing wages as well as fringe benefits or the cash equivalent. The cash equivalent for benefits this year is \$3.16 per hour, which totals \$5,587 per year for a full-time worker in a 15% tax bracket, according to Department of Labor calculations. Contractors do not have to comply with the law if they are in an industry that typically does not offer health insurance.

According to the Journal, "Outsourcing of federal government jobs reflects the same cost-cutting imperatives that drive private businesses to outsource." Paul Light, a political scientist at New York University's Wagner School of Public Service and specialist on government employees, said that from 1990 to 2005, the number of federal contract employees doubled to 5.4 million. Light said that about 80% of contract workers are lower-wage workers who are less likely to be offered health insurance or purchase it on their own. Some workers use the extra money for rent, food and other expenses, rather than health coverage. In addition, some contract workers who are paid the cash equivalent cannot obtain health coverage because they have pre-existing health conditions, and private market coverage is usually more costly than the subsidized plan offered to regular government workers.

According to Al Corvigno, a consultant who trains contractors and DOL employees on the service-contract law, about 40% of service contractors might not be providing required benefits or paying the cash equivalent. Lawyers and consultants who work in the field say that some contractors do not comply with the service-contract law because they do not understand it or they do not think they will get caught, the Journal reports.

Under the law, contract employees cannot sue their employers over alleged violations, but they can file a complaint with the DOL. The department last year conducted more than 650 investigations, of which about 80% revealed that the contractor was not providing proper wages or benefits. However, Alex Passantino, acting administrator at the DOL's Wage and Hour Division, said the department has not heard about growing concerns about violations of the service-contract law (Zhang, Wall Street Journal, 3/25).

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Vital or vanity?

THE ASSOCIATED PRESS
Wednesday, Apr. 02 2008

SAN FRANCISCO — For the price of a well-tailored men's suit, a batch of new services will scan your genes and spot potential health risks, from cancer to lower back pain.

It's the business world's answer to a deluge of new genetic discoveries pouring forth from scientists' labs.

To take the test, customers get simple kits for taking saliva samples that the companies then analyze. After a few weeks, customers can log into secure websites to view possible health risks embedded in their genes.

With that information in hand, patients have a powerful tool for homing in on potential medical problems before they show up, said Mari Baker, president and chief executive of Redwood Shores, Calif.-based Navigenics Inc.

"Our goal as a company is to improve health outcomes," said Baker. "This isn't about genetic curiosity."

Navigenics has secured more than \$25 million from several funders, including marquee Silicon Valley venture capital firm Kleiner Perkins Caufield & Byers — Genentech's founding investor in the 1970s.

To earn returns for their investors, the companies are counting on health-conscious consumers with the disposable income to cover the cost of tests, because insurers are not likely reimburse them.

The Navigenics service costs \$2,500 for the initial scan along with a year's worth of counseling and updates on the latest research. After the first year, customers can pay a \$250 annual subscription fee for updates on new discoveries related to their own genes.

But some analysts and investors wonder if consumers are ready to trust these startups when their own

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fine print warns against using their information to make serious medical decisions.

"I am a bit skeptical that many people are going to pay for information that's not very useful, just for entertainment value," said Douglas M. Fambrough, a biotech venture capitalist with Oxford Bioscience Partners in Boston.

"I would say that getting your whole genome sequenced is really at this point just a vanity exercise."

A disclaimer on Navigenics' website emphasizes that the company doesn't give medical advice. It warns customers not to make any health care decisions based on their genetic information without consulting a doctor.

In recent months, debate has swirled over whether patients will heed that caution. Even if they do, most physicians lack training in how to interpret unverified results from these almost wholly unregulated businesses.

A recent editorial published in the New England Journal of Medicine urged doctors to advise skepticism about the companies' tests.

Research into genetic risk is still in its earliest stages, wrote the editorial's three authors — a prominent Harvard cancer prevention researcher, the head of genomic public health at the Centers for Disease Control and Prevention and the journal's editor in chief.

"For the patient asking whether these services provide information that is useful for disease avoidance," the authors wrote, "the prudent answer is 'Not now — ask again in a few years.'"

Nevertheless, the biggest names in Silicon Valley are betting serious money on these startups. They're expecting these businesses to give them a jump on the consumer side of the personalized medicine revolution widely predicted by genetics researchers.

Last year, Google Inc. invested \$3.9 million in 23andMe Inc., co-founded by Anne Wojcicki, wife of Google co-founder Sergey Brin. Biotech pioneer Genentech Inc. is another major backer.

Along with health-risk information, the Mountain View-based 23andMe offers gene-based ancestry tools. Users can share and compare DNA with friends and family in an online genetic social network.

The company also provides ample just-for-fun data, such as whether a person is genetically likely to avoid Brussels sprouts or turn red when drinking alcohol.

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But 23andMe's more serious long-term ambition is to gather enough DNA so that researchers can conduct new genetic research using the company's own data.

"People feeling empowered that they can really be a part of active research is a compelling reason that they want to sign up," Wojcicki said.



Autistic adult: Cracks in walls and holes in the system

By Bill McClellan
ST. LOUIS POST-DISPATCH
Wednesday, Apr. 02 2008

Richard and Donna Schnurman and their 23-year-old son, Brent, live in a modest home in Manchester. It is generally well-kept, but there are fractures in some of the walls. They were put there by Brent. He has autism. He is intelligent but disconnected. He sometimes uses words — "Juice," he might say when he is thirsty — but he is essentially nonverbal. Most often, he paces. Back and forth in the small kitchen he goes. Occasionally he bangs his hand against the wall.

The occasional slapping of the wall is not a big problem. The Schnurmans have a bigger concern. In the parlance of the mental health business, Brent is an "eloper." That means he is a runner. Sometimes he just takes off.

The running began when he was 5. He was attending a Special School District school near Clayton and Ballas roads. The principal called home. "Brent left school grounds today," the principal said. Fortunately, nothing bad had happened. A good Samaritan saw Brent standing on a street corner, and because she knew about the nearby school, she took the little boy by the hand and walked him back to school.

He ran away from another school a couple of years later. The principal called. "Brent has left the campus," the principal said. "We have the police looking for him." Richard left work and raced to the school. By the time he got there, Brent had been

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found. He had wandered blocks away, across busy streets, until he finally discovered a trampoline in somebody's backyard. Some high school kids had called the police.

Then for a long time the running stopped. But not the worries. For the most part, the Schnurmans liked the Special School District. "We've met a number of heroes," Richard said. But they worried, what happens next? The Special School District provides services until a student turns 21. Then what? The Schnurmans do not have a lot of money. They cannot afford to hire caregivers.

Fortunately, society does not leave people like the Schnurmans entirely in the lurch. Brent has a case-worker from the Department of Mental Health. She helped with the transition plans. So did the Special School District. By the time Brent was ready to leave the district in May of 2006, the Schnurmans had decided on a new program for adults with disabilities. Medicaid covered the cost at about \$70 a day, or \$17,500 a year.

The program was close to the Schnurmans' house, and Brent seemed happy there. Of course, that is hard to gauge when you're dealing with a nonverbal person. But it turned out — and everybody agrees on this point — that the program was not a good fit for Brent. He needed more attention than the program could provide. What's more, he started running again. He ran away from his father and raced across a busy street. We cannot guarantee his safety, a staffer from the program said. There was some back and forth, but in the end, Brent was dropped from the program.

He has been home since early December. Donna has become a full-time caregiver. All day, every day. It is exhausting work. "I'm stressed out," she told me when I visited the Schnurmans on Sunday.

One of the most frustrating aspects of the situation is the Schnurmans discovered and then visited a program that seems perfect for Brent. Secure, too. He would not be able to run. It's the Community Integration Program run by St. Louis Arc. "You should have seen the way the staff interacted with the people," said Richard. Perhaps that's because a staff of 17 serves a patient population of 26. Not surprisingly, CIP is more expensive than the program Brent used to attend.

"For one-on-one services, it's \$26,000 a year," said Sharon Spurlock, the program director.

Well, if Medicaid is paying \$17,500 to the other program, that would leave a shortfall of only \$8,500. That might seem doable, except ... "We don't take Medicaid," said Spurlock.

Instead, the Department of Mental Health purchases services from CIP and is reimbursed by the

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feds through the Medicaid Waiver program. But the feds reimburse only 60 percent of the state's costs, so the state limits the number of waivers. At the moment, there are none available.

The Schnurmans are not without allies. They read a story about state Rep. Dwight Scharnhorst's interest in autism, and they wrote him a letter. They do not live in his district, but the Republican legislator promised to help. "I am going to try to help them get some kind of funding," he said. He has visited their home. Why the interest? "Autism found me," Scharnhorst said. He had an autistic grandson who died of an epileptic seizure at the age of 6.

Scharnhorst is the majority deputy whip, so if funding is available, he should be able to find it. In the meantime, Brent paces in the kitchen and Donna is exhausted.

Happy are those who dream dreams and are ready to pay the price to make them come true.

Leon J. Suenes

**From The Times
April 17, 2008
Police charged Down's syndrome boy with mental age of five**

Melanie Reid

When two police officers came to interview Jamie Bauld, a polite, friendly Down's syndrome boy with a mental age of about 5, he welcomed them with a big smile and a handshake. As the officers read him his rights and charged him with assault and racial abuse, he agreed with everything they said, then thanked them for coming to see him.

Yesterday Jamie's parents told The Times that they had been through a seven-month ordeal with the Scottish legal system over what they described as a minor fracas between two youngsters with learning difficulties.

Jamie, 18, cannot tie his shoelaces or leave home on his own, nor can he understand simple verbal concepts such as whether a door is open or shut. But his parents said that he was charged with attacking a fellow student, an Asian girl who also had special needs.

Jamie's parents described as "utterly ridiculous" the actions of the authorities in bringing adult charges against their son, who they said was not only innocent, but unable to comprehend why he had been in trouble.

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They believe that he was a victim of the zero-tolerance policy on racism under which police have to respond to any complaint, however minor.

Experts in Down's syndrome say that the case shows insensitivity and is an example of bureaucracy gone mad.

The incident in question took place last September at the special needs department of Motherwell College, in Lanarkshire, where Jamie is a student. Fiona Bauld, Jamie's mother and full-time carer, claimed that the Asian student, who is only slightly older than Jamie, had been following her son and staring at him. Jamie had earlier complained to his parents that her behaviour scared him, and they had advised him just to walk away.

But one day, his mother said, the girl came close up to Jamie as he was eating lunch. He pushed her with one hand and told her to go away.

"It was," Mrs. Bauld said, "like two five-year-olds having an argument." It was, therefore, no surprise when she received a phone call from the college to say that Jamie had been told off for pushing the girl, and that the girl had been reprimanded as well.

Soon after, however, the Baulds heard that a notice had been placed in a Motherwell newspaper asking for witnesses to a "racial assault" at the college on the day in question. It is not known who placed the advert but afterwards two police officers came to Jamie's house in Condorrat, Lanarkshire, and interviewed him.

Jim Bauld, Jamie's father, who was present at the interview, said: "They asked Jamie if he had slapped the girl on the face and he said yes, because he thought that was what they wanted him to say – because Down's syndrome [people] always try to please.

"I asked them if they had any experience of Down's syndrome. I had no idea they were going to charge him. I sat and listened in absolute disbelief when they read him his rights and charged him.

"I said it was ridiculous, he didn't even understand simple things, like inside and out, upstairs and downstairs, whether a door is open or shut, and they were reading him his rights and he was saying, yes, he understood. Then he shook their hand and thanked them."

The officers, Mr. Bauld said, were very pleasant and told him not to worry "because the case would come to nothing". They told him they would explain to the Procurator Fiscal that Jamie had Down's syndrome, and that the Asian girl had admitted that she had scratched her own face to mark it and referred to herself as "blackface".

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Shortly after the visit came a letter from the Procurator Fiscal in Hamilton saying that the authorities now had enough evidence to charge Jamie. Mrs. Bauld phoned the Procurator's office and asked them if they knew Jamie had Down's syndrome. She claimed officials refused to discuss the case with her. The Procurator Fiscal's office denied this and said that the family were kept informed throughout the process.

In December, Mr. and Mrs. Bauld asked their lawyer to write to the Procurator Fiscal to explain the situation. They did not receive a reply.

It was 7½ months after the initial incident when they received a brief letter from the Procurator Fiscal to say he would not be proceeding with the prosecution. There was no apology.

Mrs. Bauld said: "The incident was blown out of all proportion. I can't believe that two special needs people should be dealt with like this. The whole thing was handled so badly."

A spokeswoman from Down's Syndrome Scotland said: "I have never met any Down's syndrome [people] who are racist. This incident should have been contained within the college. It has been very badly handled."

Annabel Irvine, the former head of Glencryan special needs school, who taught Jamie, said: "They have been through absolute agonies. Jamie is the most polite, well-mannered boy."

A spokesman for the Crown Office said: "There were a number of further inquiries which required to be made by the Procurator Fiscal before a final decision could be taken in this sensitive case. We were fully aware of the family's anxieties about this matter, and the Procurator Fiscal kept the family informed throughout."

A spokeswoman for Strathclyde Police said: "All we can say is that on September 4, 2007, an 18-year-old was reported to the Procurator Fiscal in connection with an alleged incident of assault and breach of the peace at Motherwell College."

The spokeswoman said the force recognized that special care and understanding were required when dealing with "mentally disordered persons".

The condition

— Down's syndrome is a disorder of the chromosomes, named after John Langdon Down, the British doctor who identified it in 1866

— The condition affects cognitive ability and physical growth as well as facial and physical appearance

— It can be identified during pregnancy. People

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can have mild to moderate learning disabilities. A small number have severe to profound mental disability

— The incidence is estimated at 1 per 800-1,000 births; the age of the mother is a major influence

— Screening for problems, medical treatment, a conducive family environment and vocational training can improve development

— 18 per cent of adults aged 18-60 with the condition are in paid work

Source: Times database

From The Times
April 17, 2008

Up to 30 per cent of offenders have some learning difficulties

David Congdon, Commentary

It is absurd to think that a person with Down's syndrome or any other learning disability is incapable of doing anything bad. People with learning disabilities are individuals with opinions who are just as capable as the next person of being racist or committing a crime.

And there is no doubt that, if a person with a learning disability commits a crime and knows that it is wrong, he or she should be punished just like anyone else. However, provisions do need to be put in place to ensure that people with learning disabilities are treated fairly and with respect throughout the judicial process.

Being questioned or arrested can be extremely frightening and confusing for someone with a learning disability, especially if the person doesn't understand why it is happening. In addition, a tendency to be more suggestible and to want to please means that many suspects with a learning disability falsely incriminate themselves. That is a major cause of concern.

Research shows that between 20 per cent and 30 per cent of offenders have learning difficulties or a learning disability that interferes with their ability to cope within the criminal justice system. In light of this, it is both surprising and concerning that more attention has not been given to the support needed by suspects with learning disabilities while in police custody.

The Prison Reform Trust looked at current policy and how the police respond in practice for a report published this year. It found that, although there are safeguards in the criminal justice system and policing policy to protect vulnerable suspects, practice on the ground is not always ensuring fair treatment.

(continued from previous column)
Assessing the vulnerability of a suspect is the first role of the police and often the first stumbling block. A lack of routine screening - sometimes as simple as asking a suspect whether he or she has a learning disability - makes identification and assessment harder.

The guidelines state that, if a decision is taken to make an arrest, an "appropriate adult" should be called to the police station. Their role is to "observe whether the police are acting properly, fairly and with respect for the rights of the detained person" and to provide support and assistance, particularly when the suspect is being questioned. However, there are questions about whether this safeguard is followed - especially with a lack of "appropriate adults" and a lack of awareness on the part of the police that it is required.

Although officers do receive training on dealing with people with a learning disability, to date there has been little consistent and comprehensive training specifically for custody officers on the identification of learning disabilities in suspects. Better training about the needs of people with a learning disability would equip police officers when dealing with suspects. Simple changes to procedures, such as avoiding leading questions in an interview and keeping questioning clear and jargon-free, would be a good start.

It would be foolish to take the easy way out in an effort to prevent people with a learning disability from facing serious consequences for any crime, and it would never be Mencap's approach. But the present system, with inadequate support and lack of suitable safeguards, has gone too far the other way. The relevant organizations must start working together to find the approach that really will secure justice for all.

David Congdon is head of campaigns and policy at Mencap

Edward R. Murrow: "The obscure we see eventually. The completely obvious, it seems, takes longer."



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Posted on Tue, May. 06, 2008

Sexual abuse alleged at mental health facility

By CHRISTINE VENDEL

The Kansas City Star

Kansas City police are investigating allegations that an employee at the Western Missouri Mental Health Center sexually assaulted at least four teenage girls who were patients.

The 30-year-old employee passed a background check and had worked at the center since December 2004, according to a statement released Tuesday by the center. The statement said the employee had been fired.

No charges have been filed because police still were doing interviews and gathering evidence. The employee's name was not released.

The allegations initially were reported Feb. 27 by a former patient who was at the Kansas City facility in 2005.

(continued from previous column)

Another patient, a 14-year-old girl, reported sexual assaults that occurred in November and December. Police learned of a third victim Monday, but had not yet interviewed her. A fourth victim was hesitant to cooperate, police said.

Police asked anyone with information to call 816-234-5150.

Keith Schafer, director of the Missouri Department of Mental Health, said, "We are thoroughly and aggressively investigating and will cooperate with law enforcement in pursuing criminal charges."

Mark Miller, the center's chief operating officer, said precautionary steps have been added to bolster patient safety.

To reach Christine Vendel, call 816-234-4438 or send e-mail to cvendel@kcstar.com.

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Daryl Ryman: "Your mind is your best camera . . . Go out and take some beautiful pictures."

"Discovery consists of looking at the same thing as everyone else and thinking something different."

- Albert Szent-Gyorgyi, Winner of the 1937 Nobel Prize in Physiology and Medicine

