

CENTERING PEOPLE WITH DISABILITIES AND DEAF PEOPLE IN JAIL REFORM

Opportunities and challenges from the field

May 4, 2023



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Activating Change's mission

**To end victimization,
criminalization,
incarceration, and
institutionalization of
people with disabilities and
Deaf people**

Activating Change's goals

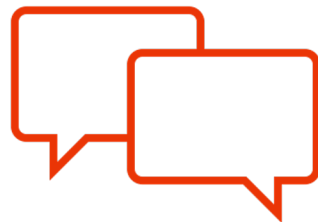
**Safety and freedom – not
harm and punishment – for
people with disabilities and
Deaf people**

Today's agenda

1. A cross-disability approach
2. Disability & Deaf over-representation in local criminal legal systems
3. Drivers of disparities
4. Listening to the field – key themes
5. Getting started

A CROSS-DISABILITY APPROACH

People-first language



- **Emphasize abilities, not limitations**
 - *Person who uses a wheelchair vs. wheelchair-bound*
- **Refer to the person first and the disability second**
 - *Person with paraplegia vs. paraplegic man*
- **Use neutral language**
 - *Person who had a stroke vs. stroke victim*
- **Use language that emphasizes the need for accessibility rather than the presence of a disability**
 - *Accessible parking vs. handicap parking*

Disability is common

According to the CDC, 61 million Americans have some type of disability

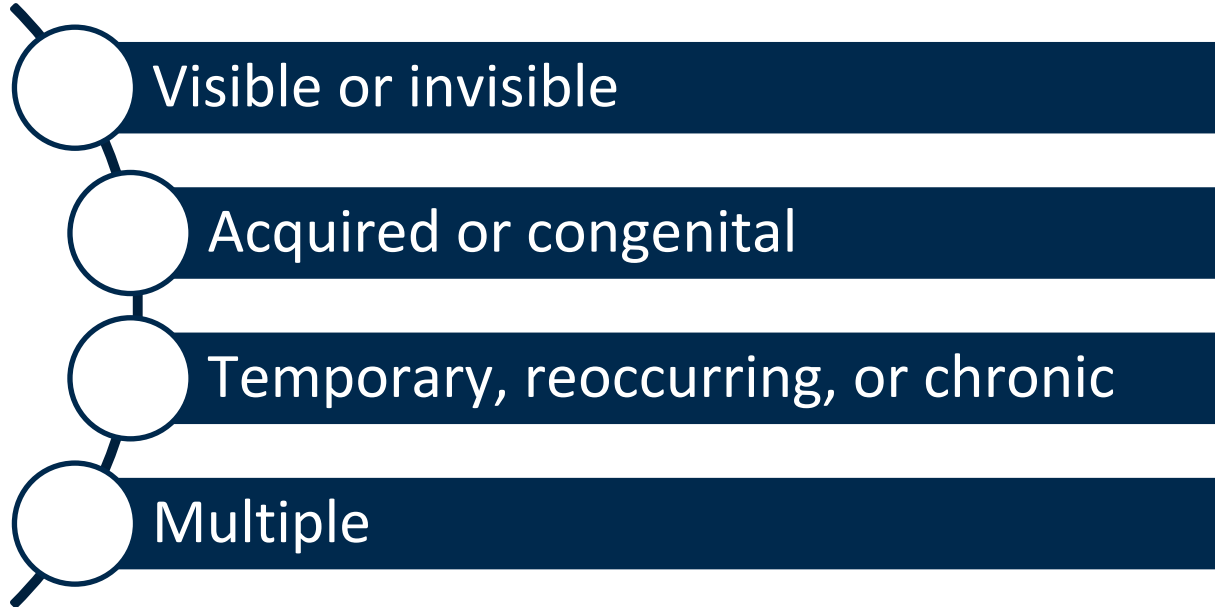
- **26% (1 in 4)** of the total US population, and growing



Disability is a broad category

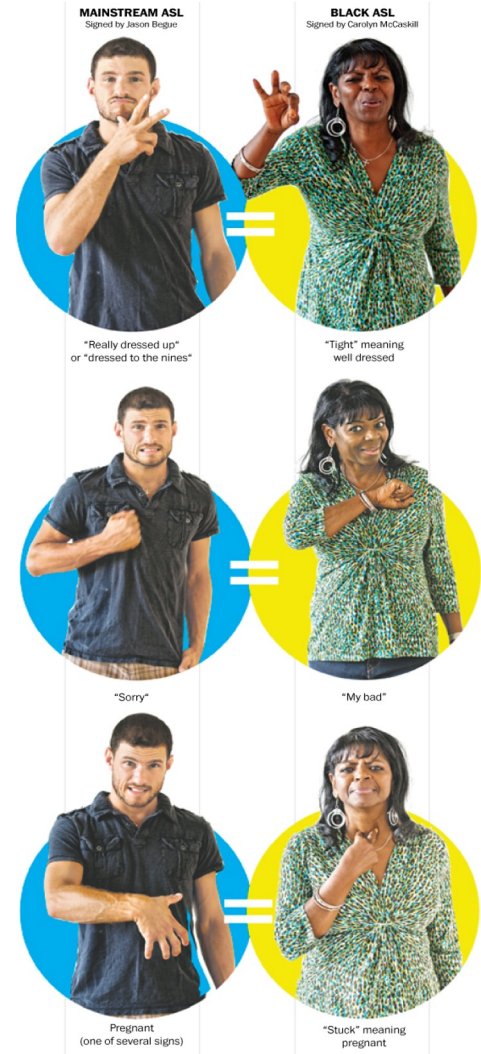


Disabilities can be...

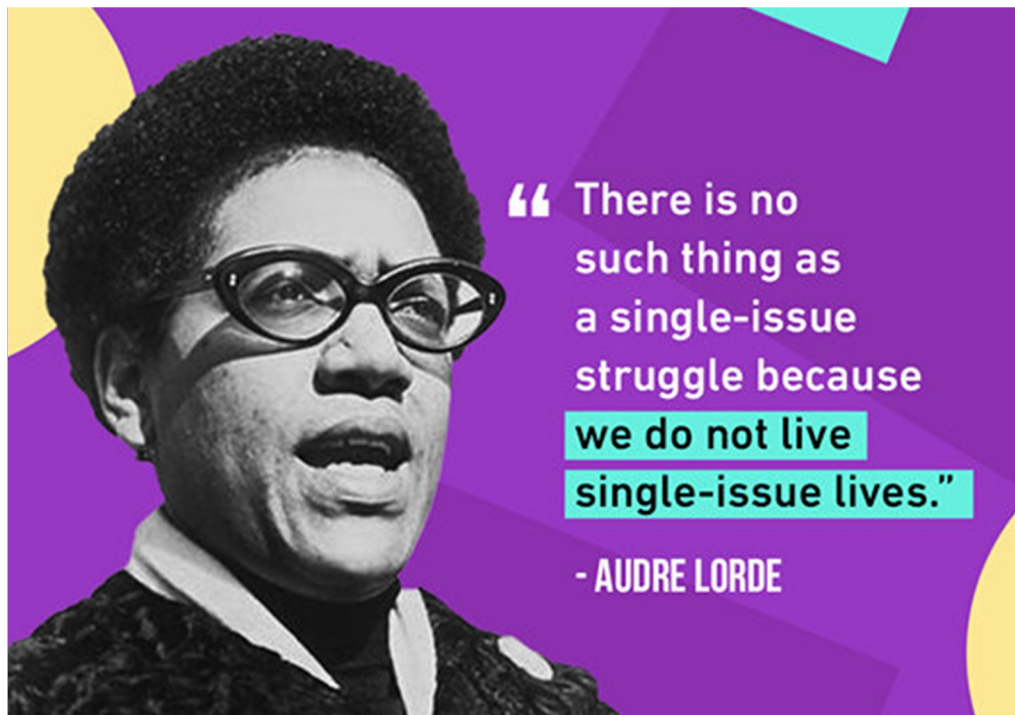


Deaf communities

- Distinct cultural group(s)
- Languages
 - American Sign Language (ASL)
 - Black American Sign Language (BASL)
 - Pro-tactile



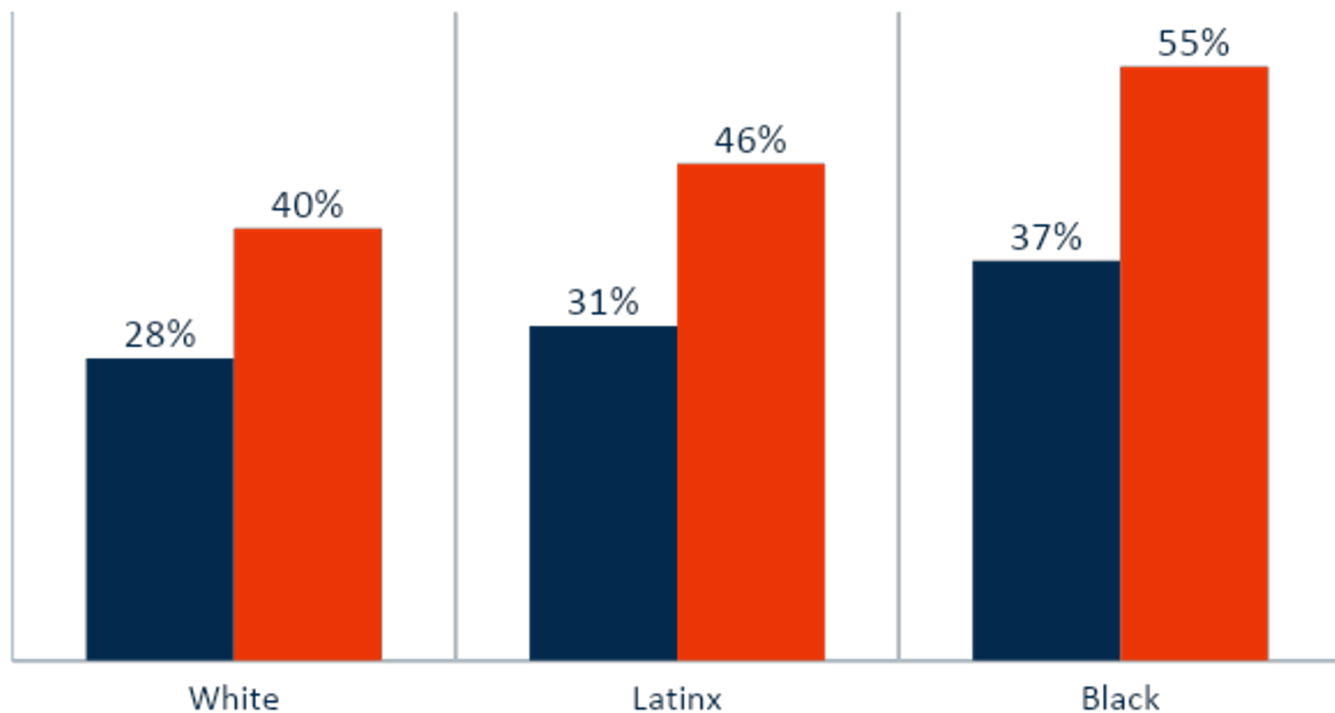
Disability + intersectionality



DISABILITY & DEAF OVER- REPRESENTATION IN LOCAL CRIMINAL LEGAL SYSTEMS

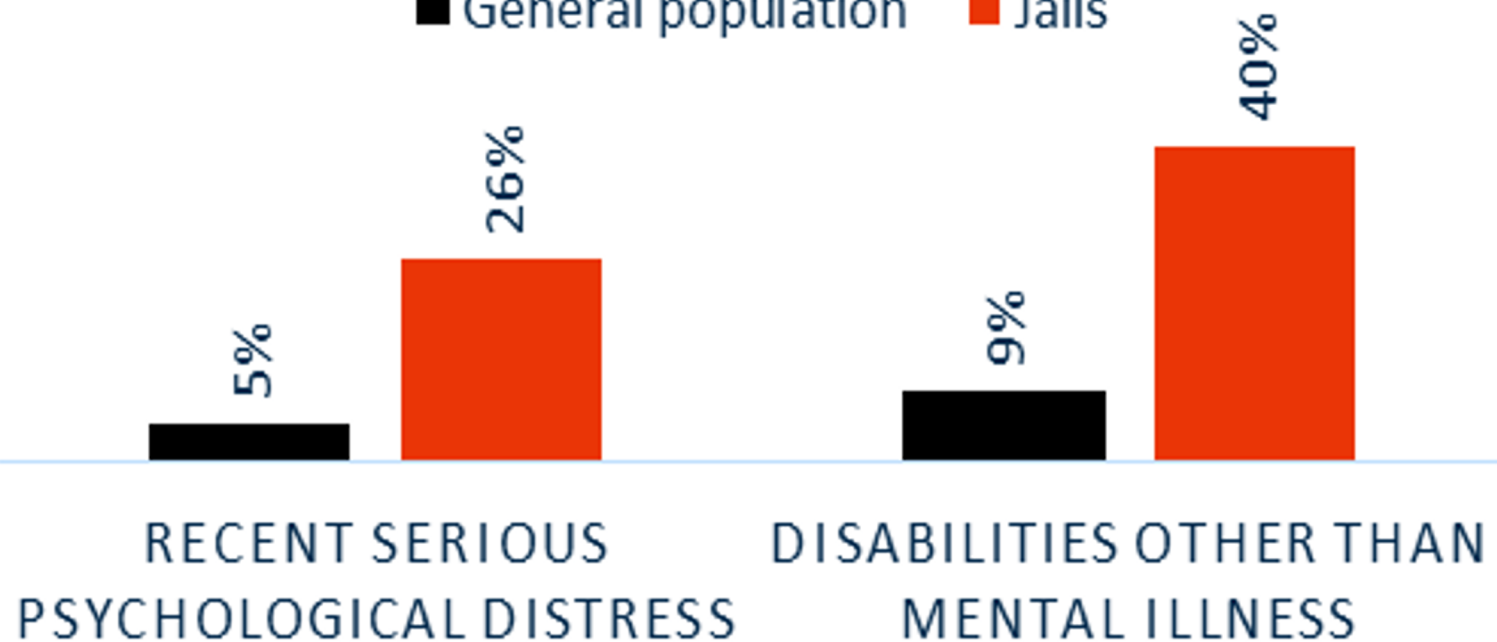
DISABILITY DISPARITIES IN ARREST RATES - Before Age 28

■ Without disabilities ■ With disabilities



DISABILITY DISPARITIES IN JAILS

■ General population ■ Jails



Disability disparities in community supervision

Disability categories significantly over-represented in probation and parole populations:

- Vision
- Cognitive
- Mobility
- Others impacting daily living activities
- Chronic health conditions such as diabetes and HIV

DRIVERS OF DISPARITIES

Higher rates of 'traditional' drivers of jail incarceration

Lack of housing

- **43%** in homeless shelters have a disability

Substance use (in last 30 days)

- No disability: **25%**
- Disability: **41%**

Poverty

- No disability: **12%**
- Disability: **27%**

Unemployment

- No disability: **25%**
- Disability: **67%**

Criminalization of disability

- Manifestations of disability can be perceived as non-compliant and/or hostile
- Lack of understanding and ability to communicate
- Implicit biases and presumptions

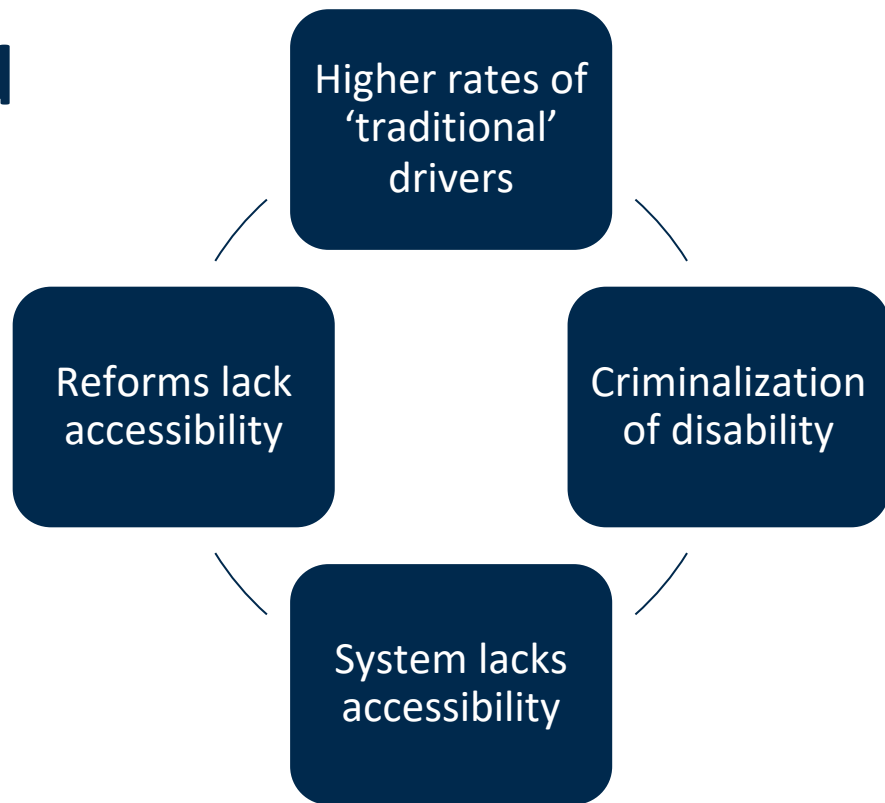
Lack of accessibility within the system

- Delayed, denied, and/or inadequate accommodations
 - Half of state court websites do not have information for the public about requesting accommodations
 - *Cobb v. Georgia Department of Community Supervision*
- Community barriers (inaccessible transportation, behavioral health services, etc.)
 - SAMHSA survey: 73% of opioid treatment facilities do not offer interpretation for Deaf clients

Lack of accessibility of reforms, system off-ramps

- Diversions, off-ramps and other reforms designed without accessibility in mind
 - Eligibility criteria and processes
 - Programming and other mandates
 - Referral partners

Inequities compound



LISTENING TO THE FIELD

Training and policies

- Most practitioners report having never received training about working with people with disabilities & Deaf people
- Most agencies don't have written policies or protocols
- Allied service providers also not equipped
- In your professional capacity, have you received training? If yes, was it helpful?
- Does your agency have clear policies about working with disability & Deaf communities and providing accommodations?

Invisible disabilities

- People with invisible disabilities slip through the cracks, particularly salient in community supervision settings
- Lack of information-sharing across systems
- Thinking about the point of the system in which you work, are there specific barriers faced by people with cognitive and intellectual disabilities?
- How does your system communicate when someone has a disability or access need?

Language access & systemic delays

- Some have policies for securing real-time interpretation, but often with inequitable delays
- Others rely on less sufficient methods to communicate with Deaf people and others
- Does your agency have systems in place for securing language access?
- At what point is it typically identified that someone requires interpretation? Are there delays in this process?

Lack of partnerships with disability & Deaf orgs and communities

- Disability & Deaf orgs traditionally not included in:
 - Resource & referral lists for clients
 - Diversion-related service provision
 - Reentry collaboratives
 - Community engagement efforts
- Have disability/Deaf orgs and communities been involved in your SJC efforts?
- What questions or concerns come to mind before forming partnerships with disability & Deaf orgs?

What assistance do you need to get started?

- Forming partnerships with disability & Deaf orgs
- Increasing accessibility of community engagement activities
- Talking points: language for engaging others in these discussions & making sure language is respectful
- Data/research to demonstrate disparities
- Asking about and providing accommodations

- What comes to mind for you?



GETTING STARTED

Getting started

Learn what's
happening in your
system

Form partnerships
with disability &
Deaf orgs

Conduct access
reviews of your
agency

Expand equity
analyses and
frameworks to
include disability

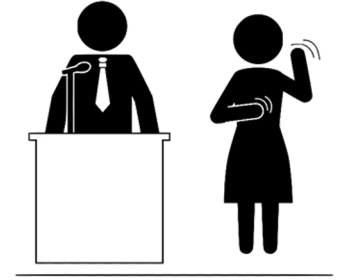
Enhance capacity
to provide
accommodations

Preparing to provide accommodations

- Budget for accommodations that require a cost
- Build up resources and ability to meet requests through partnerships
- Train staff on available accommodation services and how to utilize them
- Build accommodation requests into intake procedures; reinforce that new or different accommodations can be provided as needed
- Have multiple formats and means of communication established

Considerations for sign language interpretation

- Access to sign language interpreters is critical
- There are many different sign languages
- Video technology can be useful but has limitations
- Using Deaf Interpreters is highly recommended due to linguistic diversity



How to ask about accommodations

Adopt a mindset of screening for accommodations rather than for a diagnosis.

- Is there anything I can do to make it easier for you to participate in this process?
- Are there any additional supports you need to fill out paperwork?
- Is there anything we can do to help you keep track of important dates and requirements of this program?
- We have some written materials about our rules; I can read these aloud if that would be helpful.
- Do you need any additional accommodations to participate?

How Activating Change can support your work

- Assistance with forming partnerships with disability & Deaf organizations
- Support in making events, meetings, and spaces accessible
- Facilitation of cross-agency planning
- Training and technical assistance tailored towards your agency and work

Get in touch:

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Thank you!

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SafetyAndJusticeChallenge.org

Citations

Slide 7:

Catherine A. Okoro and others. “Prevalence of Disabilities and Health Care Access by Disability Status and Type Among Adults – United States, 2016,” *Morbidity and Mortality Weekly Report*, U.S. Department of Health and Human Services, August 17, 2018.

Slide 13:

Erin J. McCauley. “The Cumulative Probability of Arrest by Age 28 in the United States by Disability Status, Race/Ethnicity, and Gender.” *American Journal of Public Health*, December 2017.

Slide 14:

Jennifer Bronson and Marcus Berzofsky. *Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12*. Washington, DC: BJS, June 2017; and Jennifer Bronson and Marcus Berzofsky. *Disabilities Among Prison and Jail Inmates, 2011-12*. Washington, DC: BJS, December 2015.

Citations (2)

Slide 15:

Tyler N. A. Winkelman and others. “Physical Health and Disability Among U.S. Adults and Recently on Community Supervision.” *Journal of Correctional Health Care*: Vol. 26, No. 2, April 1, 2020.

Slide 17:

Office of Community Planning and Development, U.S. Department of Housing and Urban Development. *The 2008 Annual Homeless Assessment Report to Congress*. July 2009; and

Mark E. Czeisler and others. *Mental Health and Substance Use Among Adults with Disabilities During the COVID-19 Pandemic – United States, February-March 2021*. Center for Disease Control and Prevention Morbidity and Mortality Weekly Report, August, 27, 2021; and

Nanette Goodman and others. *Financial Inequality: Disability, Race, and Poverty in America*. National Disability Institute.

Citations (3)

Slide 19:

National Center for Access to Justice, *Disability Access Justice Index*, 2020; and
American Civil Liberties Union, *Court Cases: Cobb. V. Georgia Department of Community Supervision*, June 5, 2020; and
Substance Abuse and Mental Health Services Administration (SAMHSA). *In Brief: Substance Use Disorders In People with Physical and Sensory Disabilities*. Volume 6, Issue 1, August 2011.