

Disability and Barriers

The Mass Incarceration of People With Disabilities in America's Jails and Prisons

By Rebecca Vallas July 2016





1 L, d g , a d t a,

5 P c, f

8 C t,

10 Ja a d ,

14 R ,

17 R c , da ,

24 C , ct ,

25 Ab t t a t ,

26 E d ,

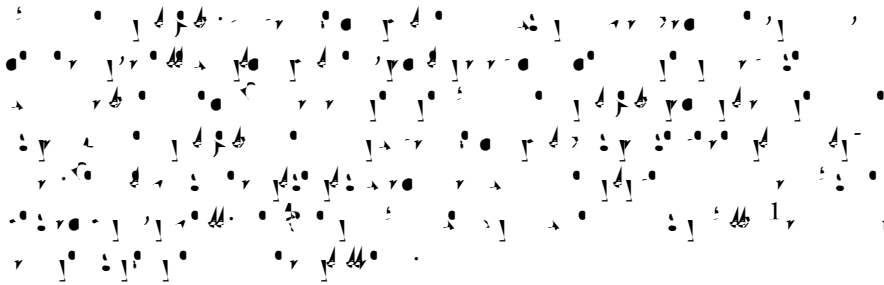
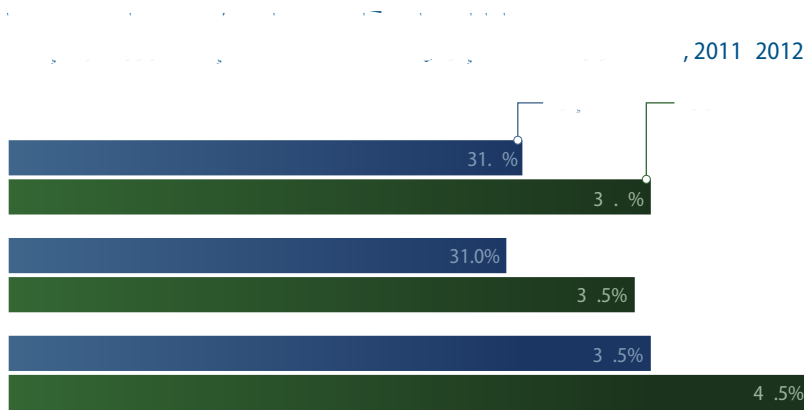


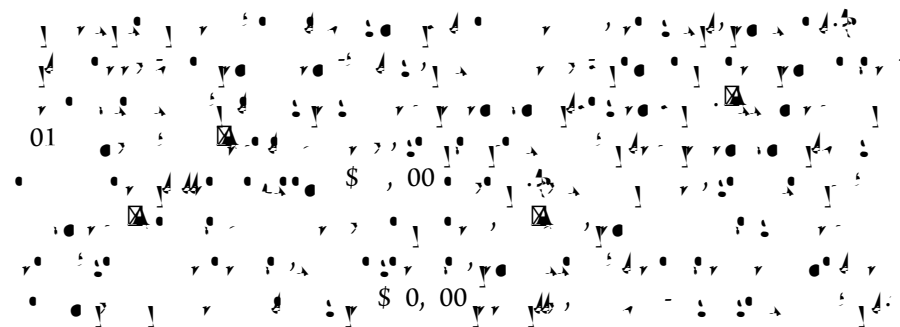
FIGURE 1



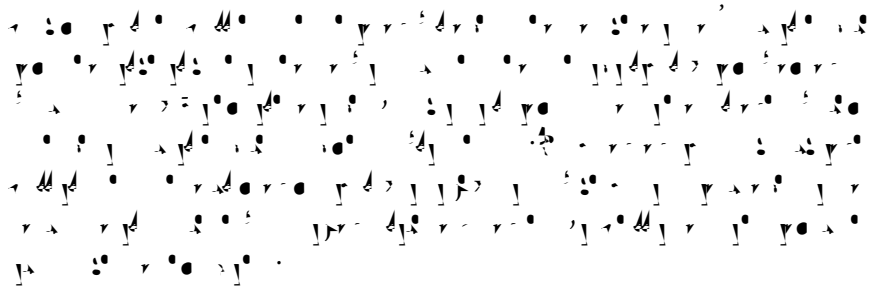
Not: Disability status is based on self-report, so, it is a self-reported disability. Source: Bureau of the Census, Statistical Tables, *Disabilities Among Prison and Jail Inmates, 2011-2012* (U.S. Department of Justice, 2015), table 4a-5, available at <http://nces.ed.gov/ipeds/data/ipedspublic/1112>.

Jails are locally-operated facilities that hold individuals awaiting trial or sentencing as well as those serving sentences of one year or less, generally for misdemeanor convictions.

Prisons are state- or federal-run facilities, generally for individuals with felony convictions or serving sentences of longer than one year.

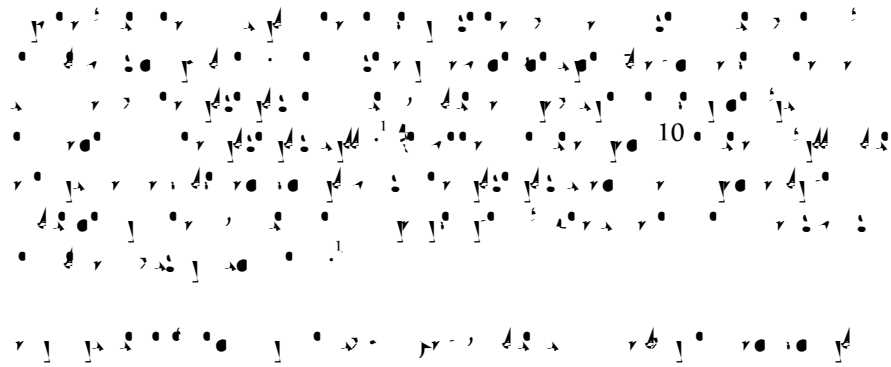


Handwritten musical notation on a staff, including notes, rests, and a treble clef.



Handwritten musical notation and symbols, including a treble clef, notes, and rests, possibly representing a musical exercise or a specific piece of music.

P. C.

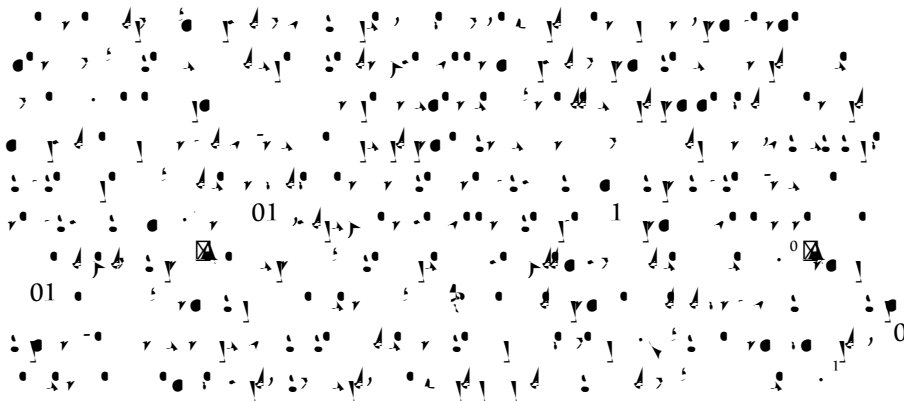


Fa . . . d . . . acc . . . da . . . ca . . . a . . . c . . . d . . . d a

Abreham Zemedagegehu, a deaf Ethiopian immigrant who was raised using Ethiopian Sign Language, came to the United States in 2001.²³ He eventually secured a home and a job at FedEx in Washington, D.C.—both of which he lost in 2009 after he suffered a serious back injury on the job.²⁴ In December 2012, *T N Y*’s Neediest Cases Fund bought Zemedagegehu an iPad to communicate with him for an article featuring his story.²⁵

In February 2014, he was arrested at Reagan National Airport on suspicion that he had stolen the iPad.²⁶ He was denied a sign language interpreter and brought to an Arlington, Virginia, jail where he waited another two days for any sort of accommodations that could help him communicate with his jailers. The jail eventually provided a teletypewriter, or TTY, a device created in the mid-1990s to allow individuals who are deaf or hard of hearing to communicate via telephone. However, Zemedagegehu, like most deaf individuals who use sign language as a first or only language, was unable to use it because it only allows for communication in English text. The jail also refused to provide access to a videophone, which today is viewed as the functional equivalent of a telephone for deaf and hard-of-hearing detainees behind bars.²⁷

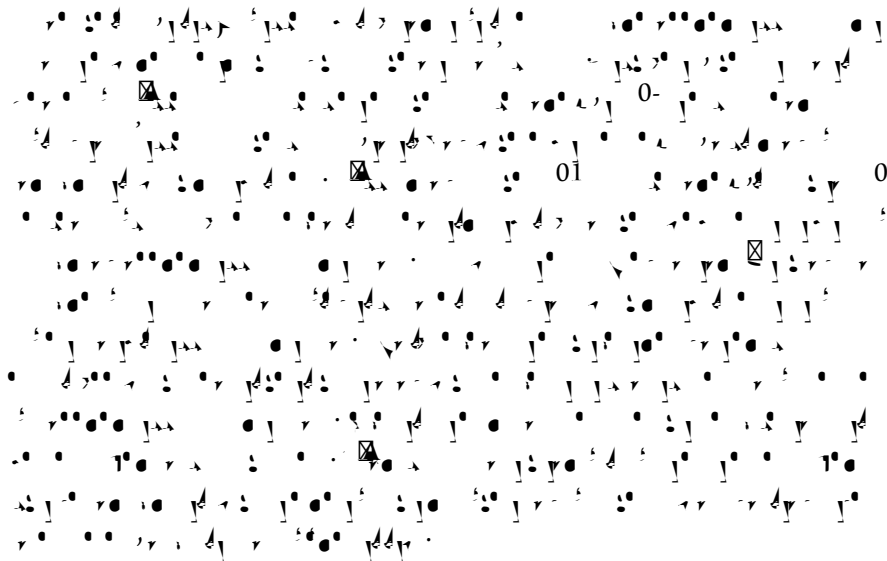
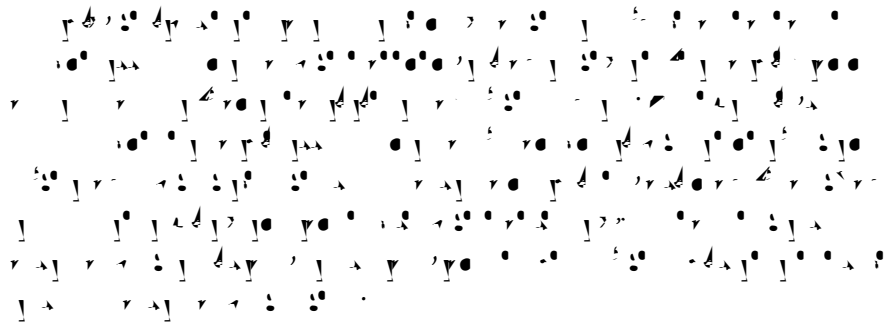
Zemedagegehu was held in jail for six weeks before finally being released in March 2014. According to an account he gave to *T Wa t P t*, “he missed two or three meals a week because he could not hear the announcement that it was time to eat.”²⁸

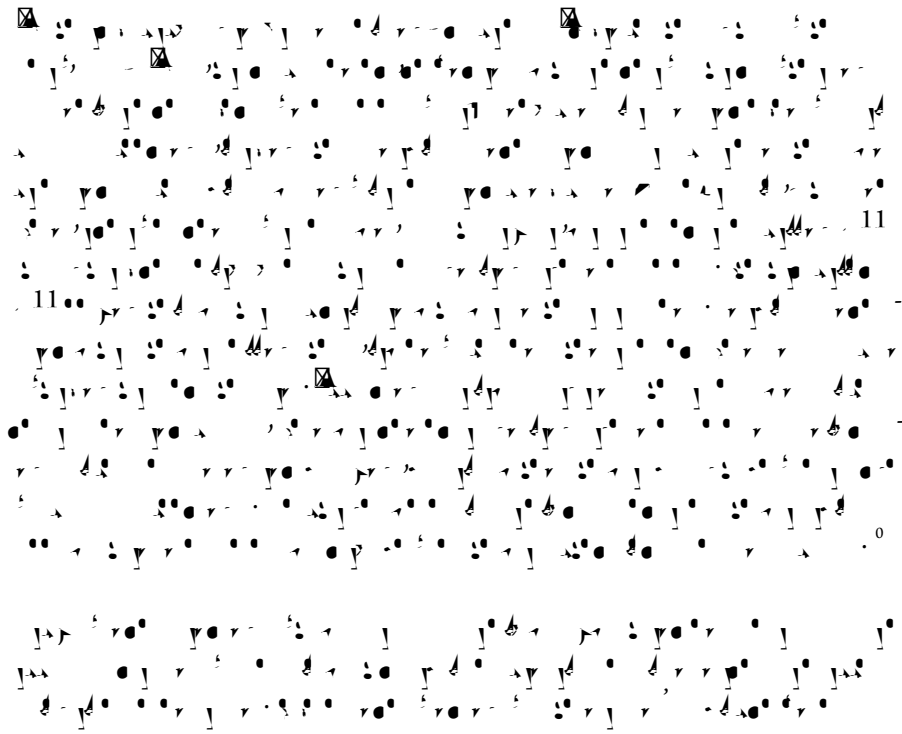


Socially Responsible Policing

A growing number of police departments have begun partnering with local health departments and social service providers in their communities to develop pre-arrest and pre-booking diversion programs.³² In

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Public Health, 100(1):1-10, February 2010

101

Handwritten musical notation on a staff, consisting of various notes, rests, and clefs.

Handwritten musical notation on a staff, including notes, rests, and clefs. A small square symbol with the number '01' is visible within the notation.

Pre-arrest diversion

At 9 percent of the county's population, Miami-Dade County, Florida, has the highest percentage of residents with serious mental illness of all urban communities in the United States. Of those residents, just 1 in 10 are able to access care through the community mental health system. Many more end up behind bars in the county jail, which serves as the largest mental health facility in the entire state, housing 1,200 individuals with serious mental illness on any given day, at a cost of more than \$50 million each year.⁷⁴

The 11th Judicial Circuit Criminal Mental Health Project, or CMHP, was launched in 2000 to get individuals with serious mental health conditions out of Miami's jails and into community-based treatment.⁷⁵ In addition to pre-arrest diversion, CMHP utilizes post-arrest diversion for individuals in jail awaiting trial.⁷⁶ Individuals are each offered transition planning tailored to their unique needs, including links to community-based treatment and support services.⁷⁷ Participants would typically have spent months in the Pre-Trial Detention Center awaiting hearings—four to eight times longer on average than defendants without mental health conditions.⁷⁸ Instead they are typically diverted within 48 hours of being booked.⁷⁹ In 2014, the county was able to close one of its five jail facilities as a result of the program's success.⁸⁰

Successful reentry

Some states and localities have adopted promising approaches to smooth reentry for returning citizens with disabilities.

Pre-release applications

Pre-release applications for critical benefits such as Medicaid; nutrition assistance; Social Security Disability Insurance, or SSDI; and Supplemental Security Income, or SSI—through collaboration across corrections agencies, mental health and substance abuse agencies, the agencies that administer benefits, and state or local government—enable returning citizens to reenter their communities with the basics they need for successful reentry.⁹⁶

SSDI/SSI Outreach, Access, and Recovery, or SOAR, is an innovative program supported by the Substance Abuse and Mental Health Services Administration that helps people who are homeless or at risk of homelessness to access Social Security disability benefits.⁹⁷ SOAR has collaborated with and provided technical assistance to several jails and prisons through pilot projects designed to connect individuals with disability benefits prior to release.⁹⁸

One example of a SOAR pilot program that has yielded highly promising results is CMHP, mentioned above, in Miami-Dade County. Between July 2008 and November 2012, 91 percent of 181 individuals were approved for Social Security disability benefits, with an average processing time of just 45 days. Participants are also connected with treatment and medications upon release, and temporary housing

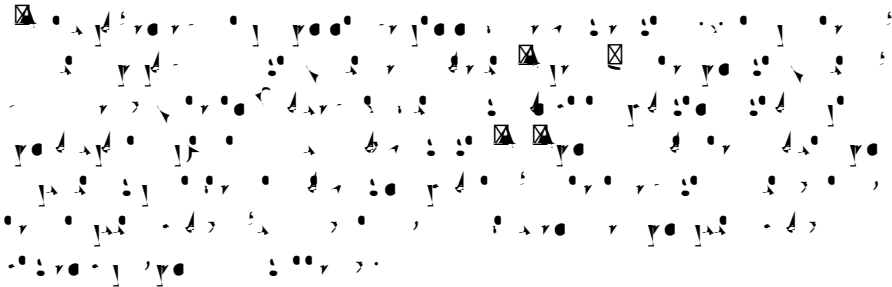
R

da

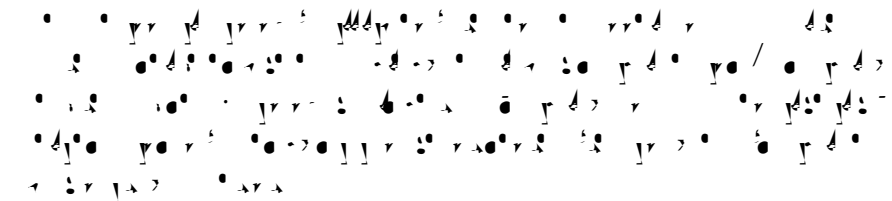
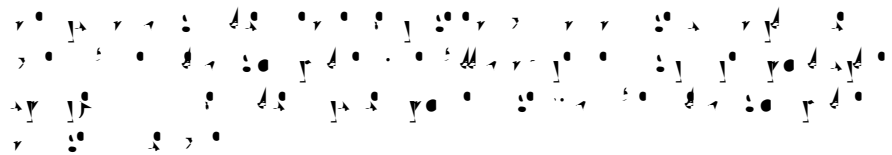
da



E, ab, a, O, c, D, ab, U.S. D, a, a, d, a, d, a, l, a, d, C, c, C, a, a, d, D, ab, l



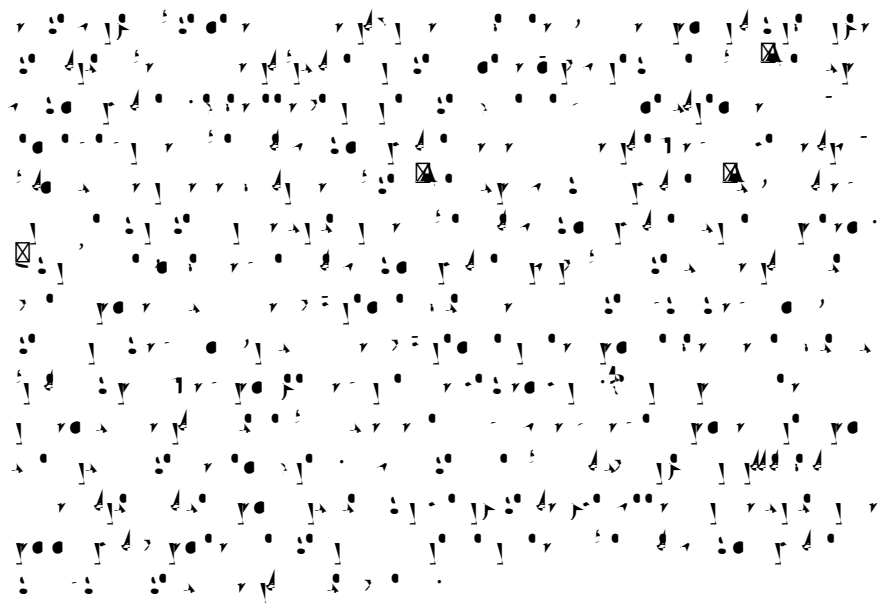
l, c, a, c, a, d, a, d, a, a, a



Handwritten musical notation on a staff. The notation includes various note values (quarter, eighth, and sixteenth notes), rests, and symbols such as 'x' and 'y'. The notation is arranged in several lines, with some notes beamed together. The overall appearance is that of a musical score or a set of musical exercises.

Handwritten musical notation on a staff. The notation includes various note values (quarter, eighth, and sixteenth notes), rests, and symbols such as stems, beams, and slurs. The piece concludes with a double bar line and a fermata over the final note.

C. c. . . .



Ab r a

Rebecca Vallas

Musical score for Rebecca Vallas, featuring a piano accompaniment and a vocal line. The score includes a key signature of one flat (B-flat) and a common time signature (C). The piano part is marked *Forbes* and includes a dynamic marking of *z 0*. The vocal line is marked with a dynamic of *0*. The score consists of several staves of music, including a vocal line and a piano accompaniment.

Ac d

Musical score for Ac, featuring a piano accompaniment and a vocal line. The score includes a key signature of one flat (B-flat) and a common time signature (C). The piano part is marked *Forbes* and includes a dynamic marking of *z 0*. The vocal line is marked with a dynamic of *0*. The score consists of several staves of music, including a vocal line and a piano accompaniment.

1 T
A D A
1)
2)
3)

C -S 12102:D
://

2 H.F. J. L.G. J. A.P.
T C R T S P H
H at A a 28 (3) (2009): 676 684, ://
/28/3/676.

3 E.F. D L.B. Tac t
I :C tca T & Ab tS cal (P ,ME:
J. ,1994).

4 D A M I A J
P :T P S /P H M
H A B A 1,2014, ://
/2014/04/01/

5 J F C C : F A
I M D SJ P
(N :H R ,2015),
:// /2015/05/12/

6 T B J S
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7 I .N :I B J S
T

100 F G S S M D E //
 C H M 25,2004, -CHIP-P //
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 -L /D /E -C -H -
 -SMD-L F M
 C S G J C M
 F H C I
 C J S (2013), //
 / - / /2013/12/ACA-
 M -E -P -B -

101 C S G J C M
 F H C I I
 C J S

102 *Wald* d.T. 177 F.3 1160, 1164 (9 C. 1999);
 J D L.B C
 M H L F P S M
 I :F L K S T F
 J P C

103 *B ad H.* Ct N Y & 185 M. 2 420, 431 (N. S. C. 2000),
 J D L.B C M
 H L F P S M I

104 F F I
 R C C S G
 J C F I R C //
 (J 2016). T R C
 A 2016.S
 T H P M P -
 I R I P A 29, 2016,
 //
 /2016/04/29/

105 S M L.P. AP ct D t:
 R t & C a J t c a d M ta D ab t (N :A ,2013). T

106 T S.S C R Ba &
 P L R A

107 S D O S O
 R B O -
 P C R T
 C :AT -G A (:
 C A P ,2015),
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 /2015/12/10/126902/

108 T H F S :L D -D -
 J I :D C I
 P J 30, 2016, //
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