

Providing Services to Incarcerated Survivors with Physical Disabilities

November 30, 2023



Presenters



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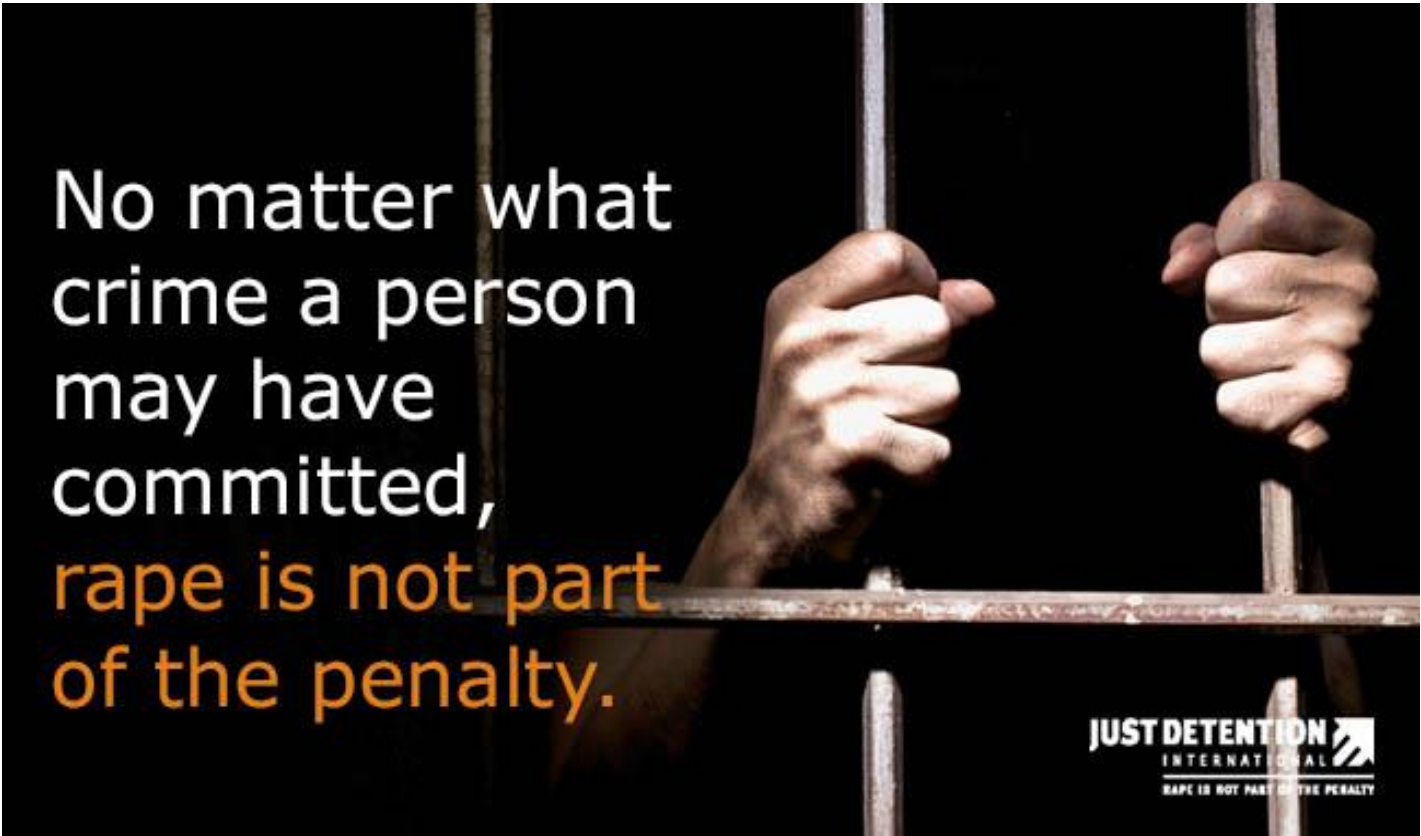
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JDI's Core Principle



No matter what
crime a person
may have
committed,
rape is not part
of the penalty.

JUST DETENTION
INTERNATIONAL
RAPE IS NOT PART OF THE PENALTY

JDI's Work

JDI is a health and human rights organization that seeks to end sexual violence in all forms of detention.

JDI's Core Goals:

1. To hold government officials accountable
2. To change public attitudes about sexual violence behind bars
3. To ensure survivors get the help they need



Underserved Survivors Series

If you're not already on our mailing list, send us your name and email in the chat and we'll add you so you don't miss announcements on future webinars!



Objectives

- Review key concepts and dynamics around disability, including the overrepresentation of people with disabilities in detention.
- Examine how incarceration creates challenges to the health, safety, and dignity of people with disabilities.
- Identify strategies for providing accessible services to people with physical disabilities.

Person-First Language



Preferred Terms:

- People who are incarcerated
- Survivor
- Incarcerated person with a disability
- Person who uses a wheelchair

Thanks to OVW

JDI's work to help survivors of sexual abuse in detention is possible because of generous support from the Office on Violence Against Women.

This project is supported by Grant No. 15JOVW-22-GK-03999-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this training are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.



Temperature Check!

How comfortable do you feel about providing support services to incarcerated survivors with physical disabilities?

Understanding Disability



Prevalence

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

That is **27% (1 in 4)** of the total U.S. population.



Centers for Disease Control and Prevention. *Disability Impacts All of Us, Disability and Health Infographics*. May 15, 2023.

Types of Disability

Disabilities can be...

- Physical
- Cognitive
- Intellectual
- Psychiatric
- Sensory

Disabilities can be...

- Invisible or visible
- Acquired or congenital
- Temporary, recurring or chronic
- Multiple

Physical Disabilities

- Physical disabilities affect a person's mobility, movement, strength, or coordination.
- Physical disabilities include Cerebral Palsy, Spina Bifida, paralysis, and arthritis.



Accommodations & Accessibility

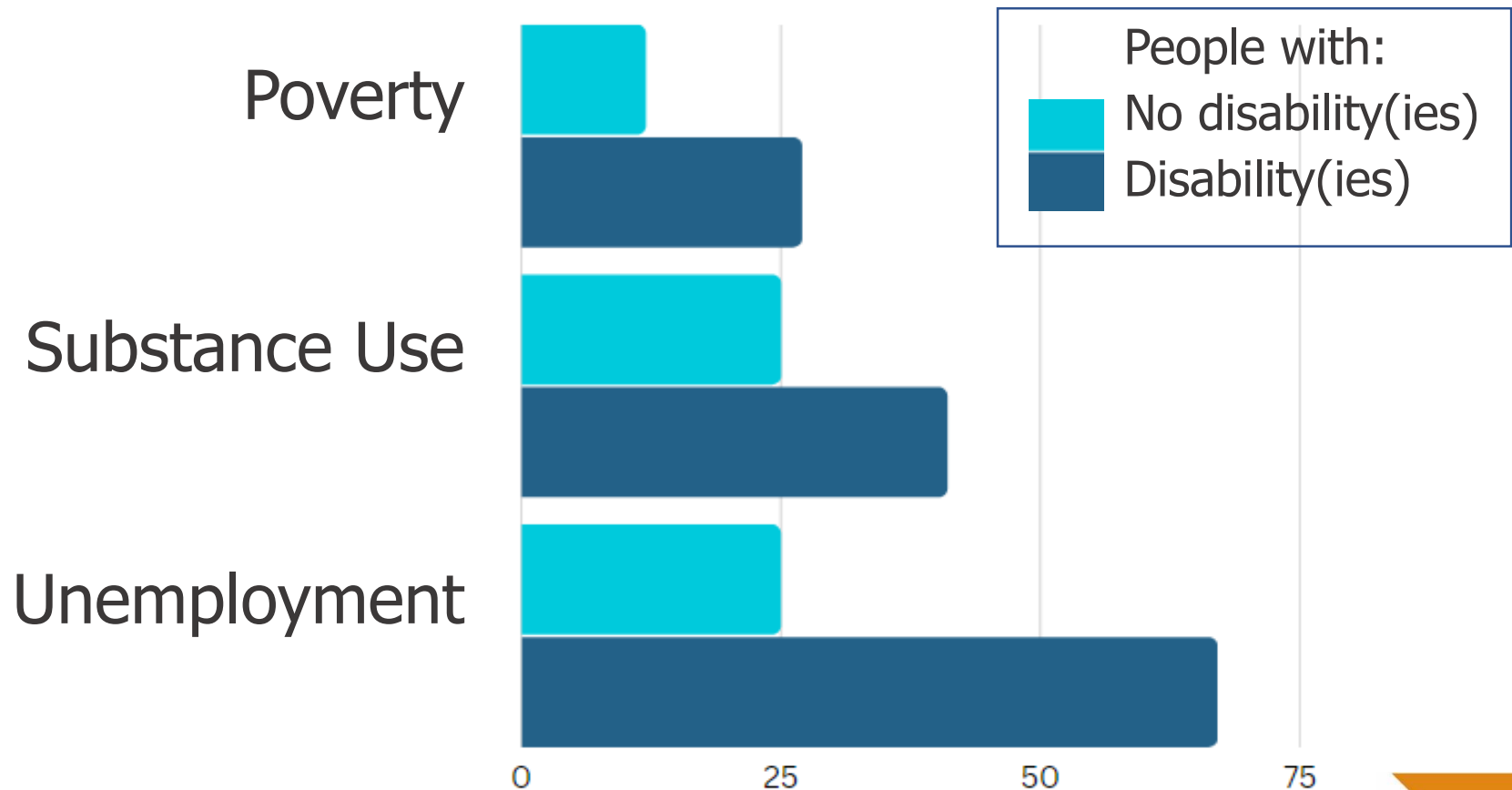
- An accommodation is a modification to the way things are usually done, to make things more equitable.
- Ensuring accessibility includes eliminating barriers to participation and engagement.



Ableism

- Prejudice, bias, and discrimination directed towards people with disabilities.
- The result of considering people with disabilities to be inferior to people without disabilities.
- Physical disabilities are often more visible, increasing the likelihood of prejudice.

Impacts of Ableism



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.

Trauma Histories

People with disabilities experience higher rates of sexual abuse and other trauma:



3X

the rate of serious violent crime (rape or sexual assault, robbery, and aggravated assault).

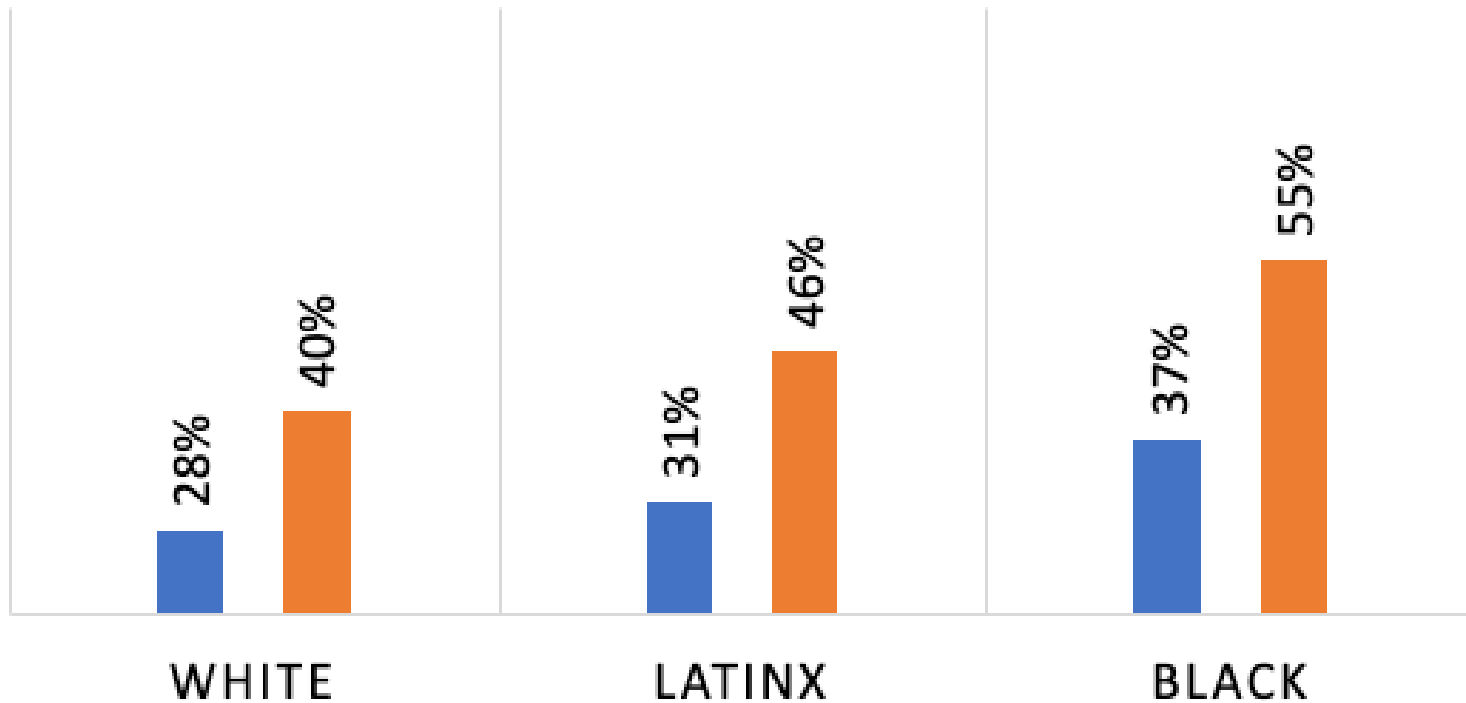
Thomas C. Weiss. (2012, November 20). People with Disabilities and Sexual Assault. *Disabled World*.
www.disabled-world.com/disability/sexuality/assaults.php

Disparities in Arrest and Detention



Likelihood of Arrest by Age 28

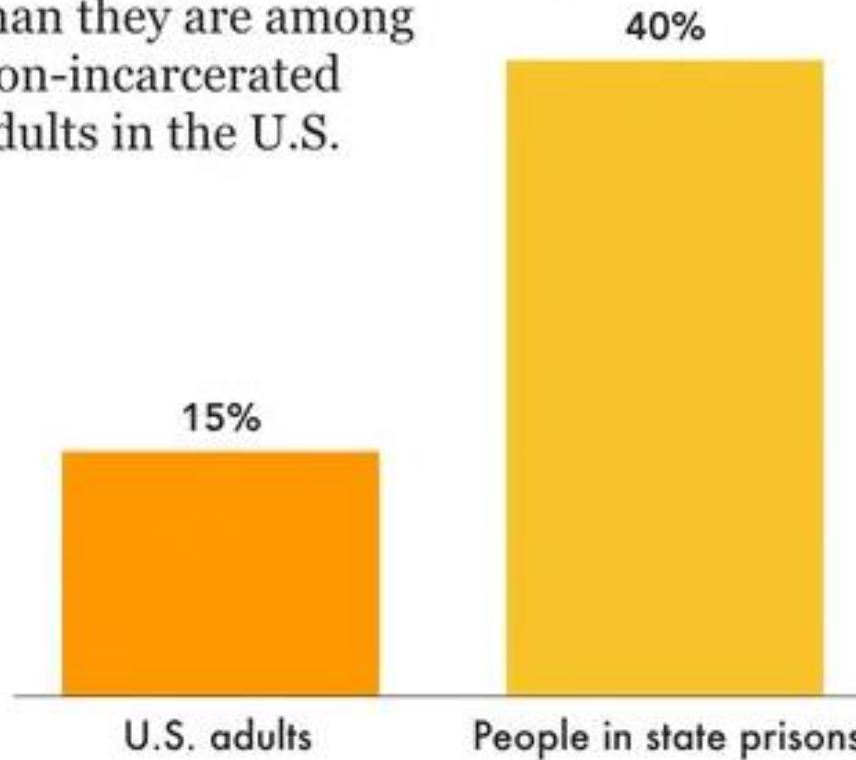
■ Without disabilities ■ With disabilities



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.

Disability Disparities in Prison

Disabilities are much more common among people in state prisons than they are among non-incarcerated adults in the U.S.

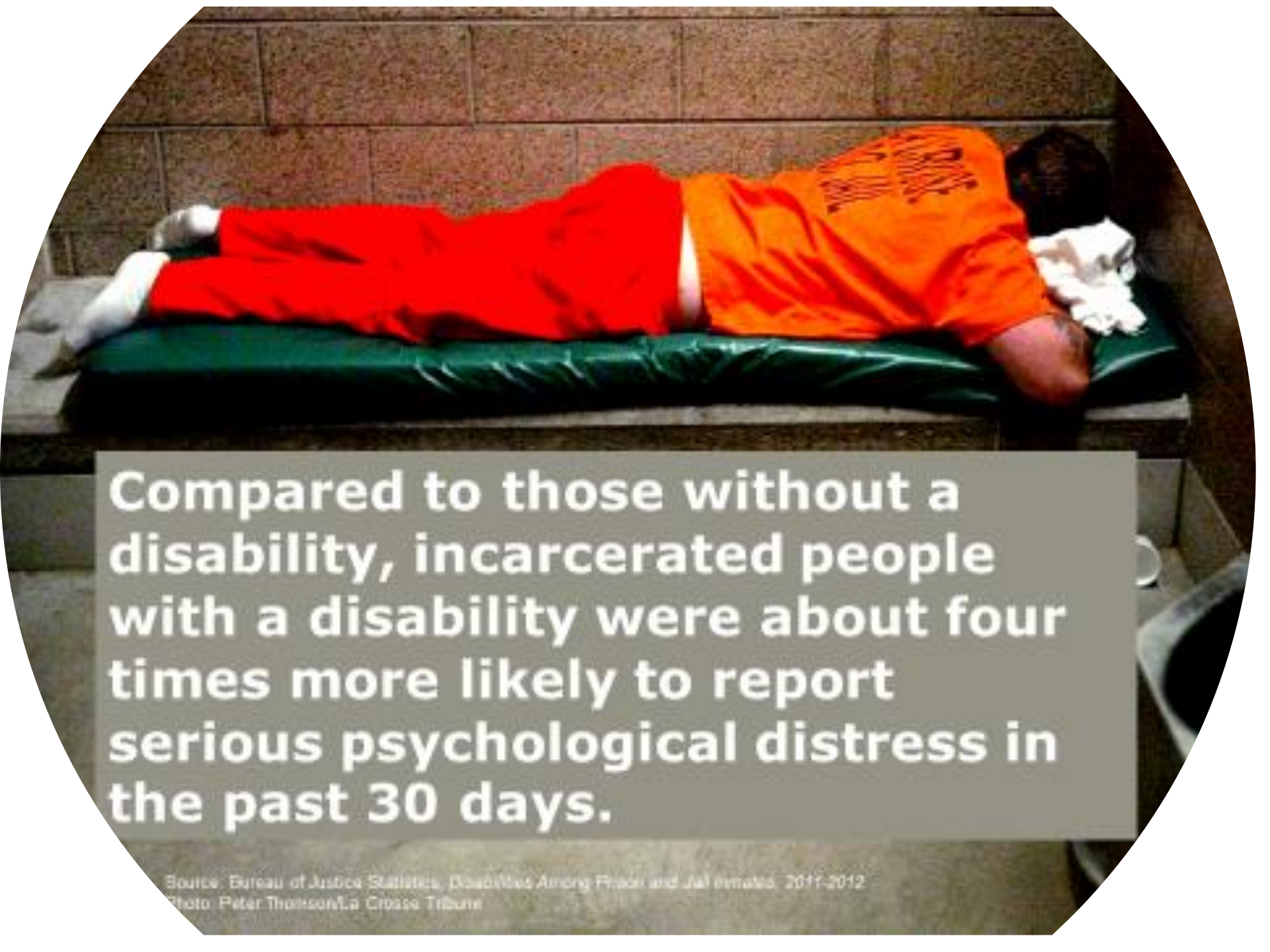


Sources: Bureau of Justice Statistics' *Disabilities Reported by Prisoners* Table 2 and the Census Bureau, American Community Survey, 2016

Having a Disability In Detention



Photo credit: Podtoppen.se

A photograph of a person wearing an orange jumpsuit lying face down on a green mat on the floor of a prison cell. The person's head is resting on a white pillow. The background shows a brick wall and a sink area.

Compared to those without a disability, incarcerated people with a disability were about four times more likely to report serious psychological distress in the past 30 days.

Source: Bureau of Justice Statistics, *Disabilities Among Prison and Jail Inmates, 2011-2012*
Photo: Peter Thomson/La Croix Tribune

Discrimination & Inequity

Incarcerated people with disabilities face substantial barriers:

- Denial of access to disability-related devices and medical services.
- Inaccessible facility activities and programs.
- Lack of effective communication and access to information for those who are Deaf, hard of hearing, blind, or who have low vision.

Discrimination & Abuse

- Relying on staff and other incarcerated people to get daily needs met, including:
 - Mobility
 - Access to assistive devices
- Frequent violations of privacy and personal space



Discrimination & Abuse

- Misperceptions about disability put people at risk for abuse.
- People with disabilities often do not report abuse because they think they won't be believed.



Barriers to Reporting & Services

Incarcerated survivors with disabilities may:

- Not recognize sexual abuse.
- Internalize shame.
- Lack access to reporting options.

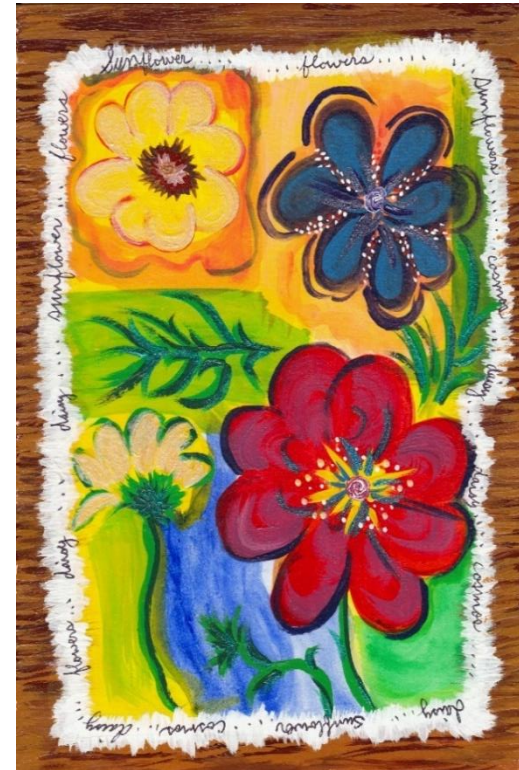


In Their Own Words

"I was born without fingers or toes. I have to rely on staff for my daily needs more so than does the average prisoner.

I served as the prison facility clerk and worked directly for the chief administrative staff.

I was regularly sexually abused by the facility's assistant superintendent.



Art by Scott, survivor of sexual abuse in detention

In Their Own Words, cont.

This went on for a while and I was afraid to say anything for I was afraid of being transferred to a prison where I would be further abused and my disability needs would be ignored.”



A housing unit inside a rural jail.

Jerry, an incarcerated survivor of abuse with physical disabilities

Detained Youth with Disabilities

More than **1 in 5** youth who have serious difficulty walking and climbing stairs



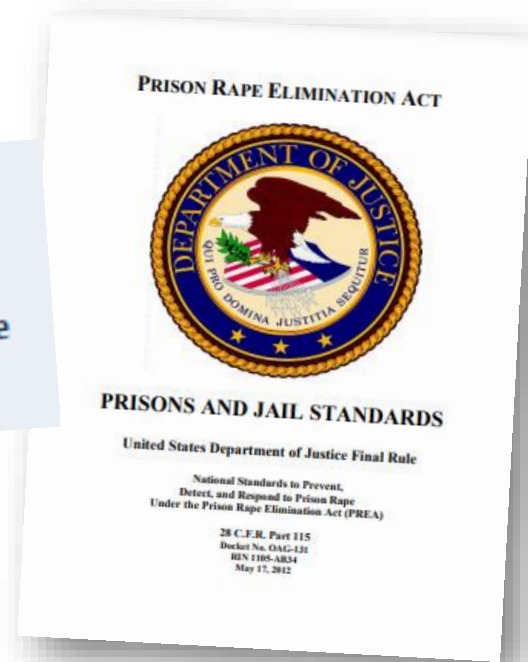
were sexually abused by staff

Youth with a disability* are **2X** as likely to be sexually abused by other youth

*includes physical and mental disabilities

Source: Bureau of Justice Statistics, *Victim, Perpetrator, and Incident Characteristics of Sexual Victimization of Youth in Juvenile Facilities, 2018 – Statistical Tables, 2018* (November 2020). © Just Detention International

Legal Protections for Incarcerated People with Disabilities



Americans with Disabilities Act (ADA)

Requires corrections facilities to:

- Make reasonable modifications to policies, practices, and procedures to ensure accessibility for people with disabilities.
- Provide auxiliary aids and services to ensure access to information services.

Basic ADA Protections

- Must be offered the meaningful access to programming and education.
- Must be given cognitive, communication, and physical access to spaces, programming, and information.
- Reasonable modifications must be made to ensure access.

Key PREA Standards

- **Prevention:** Ensure that incarcerated people with disabilities are able to benefit from policies, programs, and protocols
- **Screening:** Take disabilities into account when making determinations about risk for sexual victimization or abusiveness
- **Education** Provide education in formats accessible to all incarcerated people, including those who are Deaf, visually impaired, or otherwise disabled, and those with limited reading skills.

In Their Own Words

“I was shaken down and asked inappropriate questions about my sexuality, my disability. I wrote an informal grievance. I’m a visually impaired inmate, and staff took away my assistant as retaliation.”

— Edward, a gay survivor of abuse in detention who has a visual disability

Working with Incarcerated Survivors with Physical Disabilities



LA County Sherriff

Disability Etiquette

- Keep comments about a person's disability to yourself.
- Ask questions about a person's disability if you are trying to determine whether the person needs an accommodation, NOT to satisfy your curiosity.
- DO NOT try to help without asking first.
- Communicate with the person as you would anyone else; DON'T talk down to them.

Words Matter

- **Emphasize abilities**, not limitations
 - Ex: *Person who uses a wheelchair* vs. wheelchair-bound
- **Refer to the person first** and the disability second
 - Ex: *Person with paraplegia* vs. paraplegic man
- **Use neutral language**
 - Ex: *Person who had a stroke* vs. stroke victim

Words Matter

Use language that emphasizes the need for accessibility rather than the presence of a disability

- Ex: *Accessible parking* vs. handicap parking



Share Out!

What might be a trigger
for someone with a
physical disability?

Practicing Accessibility

- Talk to the survivors about their needs; they are the experts in their own lives.
- Know what accommodations are available to people and where they can go to access additional support.
- Prioritize pre-planning and follow through.
- Discuss confidentiality (including for people assisting) and utilize ROI as needed.

Best Practices for Written Communication

- Use a sans serif font, size of 14pt or larger.
- Choose a font color that has a high contrast to the paper color.
- Align text to the left of the document.
- Limit the amount of text on the page.
- Use upper and lowercase letters.



Best Practices for In-Person Services

- Ensure meeting space and route is accessible.
- Think about physical layout of space and how you and client will sit.



Best Practices for Coping Skills and Safety Planning

- Make sure coping skills offered are applicable.
- Think creatively and be prepared to be flexible.
- Ensure any safety plans take into account assistive devices and accessibility.



Engaging with Facilities

People with disabilities may have little faith in the system based on past experiences.

- Collaborate with corrections partners about how they offer support and access to people with disabilities.
- Include language about working with people with disabilities in MOUs.

Questions



Up Next in the Underserved Groups Webinar Series:

- Dec. 13: *Working with Survivors of Sexual Abuse Perpetrated by Women*
- February 2024: *Supporting Incarcerated Survivors who are Transgender Men*
- March 2024: *Supporting Incarcerated Survivors who are Transgender Women*

For More Information

For additional information, please visit JDI's Advocate Resource page: www.justdetention.org/advocate-resources

Direct questions to: advocate@justdetention.org

For more information about **Just Detention International**, visit www.justdetention.org.

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