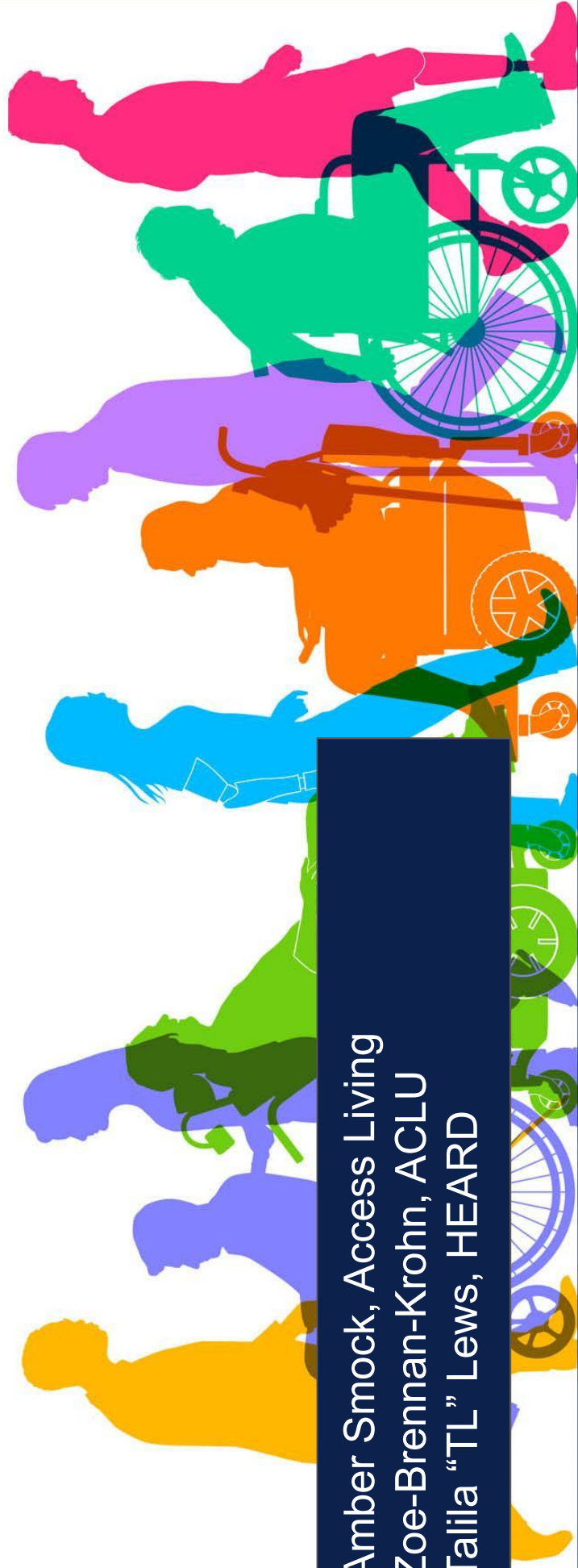


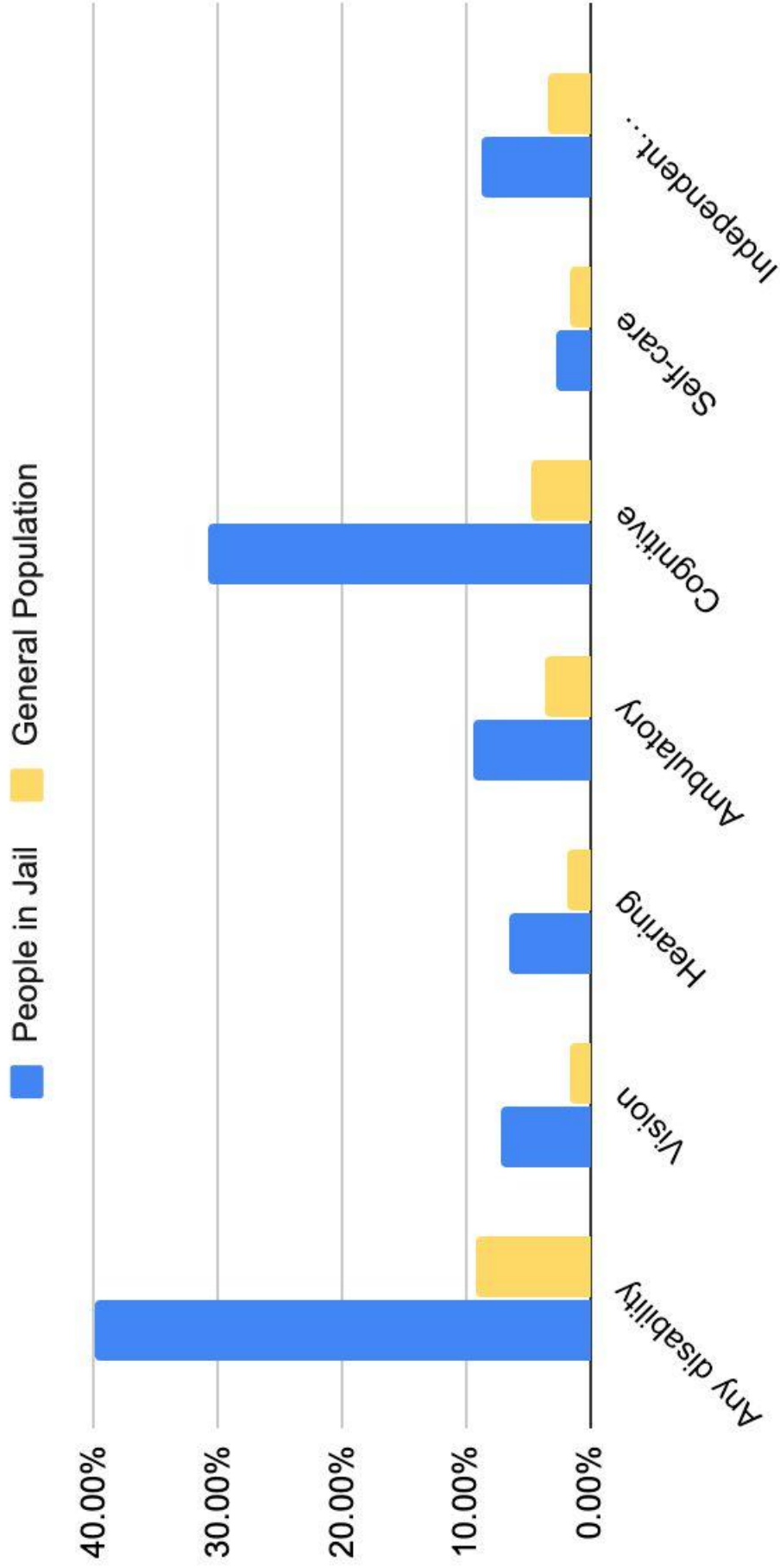
First Friday Forum Disability Rights x Pretrial Justice

Amber Smock, Access Living
Zoe-Brennan-Krohn, ACLU
Talila "TL" Lews, HEARD



People with Disabilities in Jail and General Population

Bureau of Justice Statistics, 2011-2012



People with Serious Mental Illnesses in the Criminal Justice System

- Overall, approximately 20% of inmates in jails and 15% of inmates in state prisons are now estimated to have a serious mental illness.
- In 44 states, a jail or prison holds more individuals with mental illnesses than the largest remaining state psychiatric hospital.
- In every county in the United States with both a county jail and a county psychiatric facility, more seriously mentally ill individuals are incarcerated than hospitalized.

From: Treatment Advocacy Center, Serious Mental Illness Prevalence in Jails and Prisons (2016)

Deadly Consequences

The Ruderman Family Foundation estimates that one-third to one-half of police killings involved a person with a disability.

Multiple studies have shown that approximately half of all suicides in jails and prisons involve people with serious mental illnesses.

Disability Justice in the Age of Mass Incarceration

ABLEISM

a·ble·ism \ äbə-, i-zəm \
noun

A system that places value on people's bodies and minds based on societally constructed ideas of normalcy, intelligence, excellence and productivity.

These constructed ideas are deeply rooted in anti-Blackness, eugenics, colonialism and capitalism.

This form of systemic oppression leads to people and society determining who is valuable and worthy based on a person's appearance and/or their ability to satisfactorily [re]produce, excel and "behave."

You do not have to be disabled
to experience ableism.

a working definition by Tallia "TL" Lewis in conversation with Disabled Black and other negatively racialized folk, especially Dustin Gibson; updated January 2020

Disability is expansive & fluid.

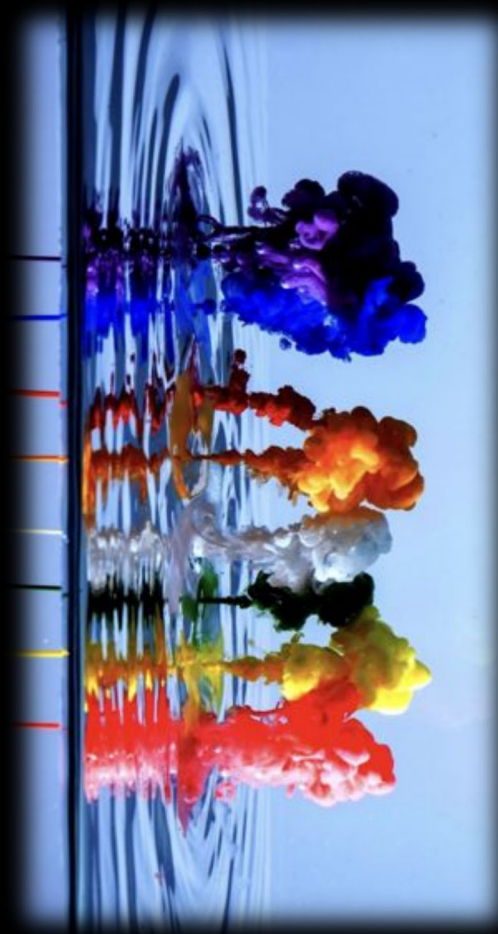
Disability is a natural part of the
human experience.

Ableism forms & informs every
systemic oppression that exists.

A fundamental flaw in the framing of disability is that disability is static when it is one of the most fluid and complex identities--responding to the body, mind, family, community it inhabits and the attention it receives.

WHAT IS DISABILITY?

| DISABILITY IS



| “I appear this evening as a thief
and a robber. I stole this head,
these limbs, this body from my
master, and ran off with them.”

- Frederick Douglass



drapetomania

(n.) an overwhelming urge to run away.

Coined in 1851 by the eugenicist Samuel A. Cartwright as a mental illness that caused black “slaves” to flee captivity.



HOW IS DISABILITY CREATED?

- Violence
- Trauma
- Deprivation
- Society/Norms
- Law
- etc.

| UNITED STATES CENSUS

- 1840
- 1880 (defective, delinquent, dependent)

BLACK CODES

- On February 16, 1847, the legislature of Missouri passed an act that prohibited “Negroes and mulattoes” from learning to read and write and assembling freely for worship services.

VIRGINIA CENTRAL LUNATIC ASYLUM FOR COLORED INSANE - 1870

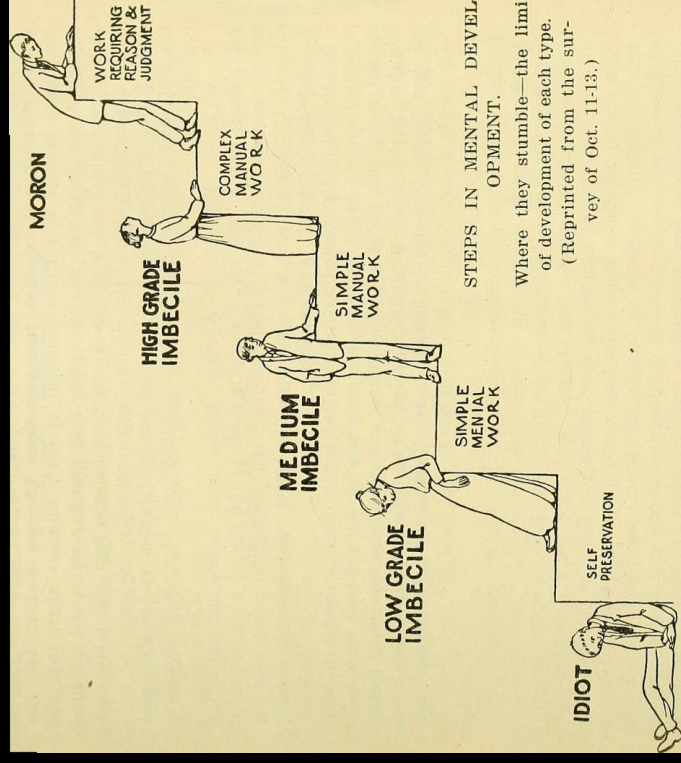
- Doctors describe Patient Georgiana Page as a “useless old harlot.”
- Patient Rose Warren “will not work now free.”
- Patient Godfrey Goffney “attempts to kill every white man.” The supposed cause of his “psychosis,” along with that of several patients, is listed as “FREEDOM.”
- Patient Caleb Burton thinks he is “on a mission to free the world.” Doctors alleged that he suffered from “delusional insanity” stemming from “freedom-result of war.”

Disability History – State Action

- Ugly Laws
- Eugenics
 - Marriage Bans
 - Institutionalization
 - Sterilization
- Asylums

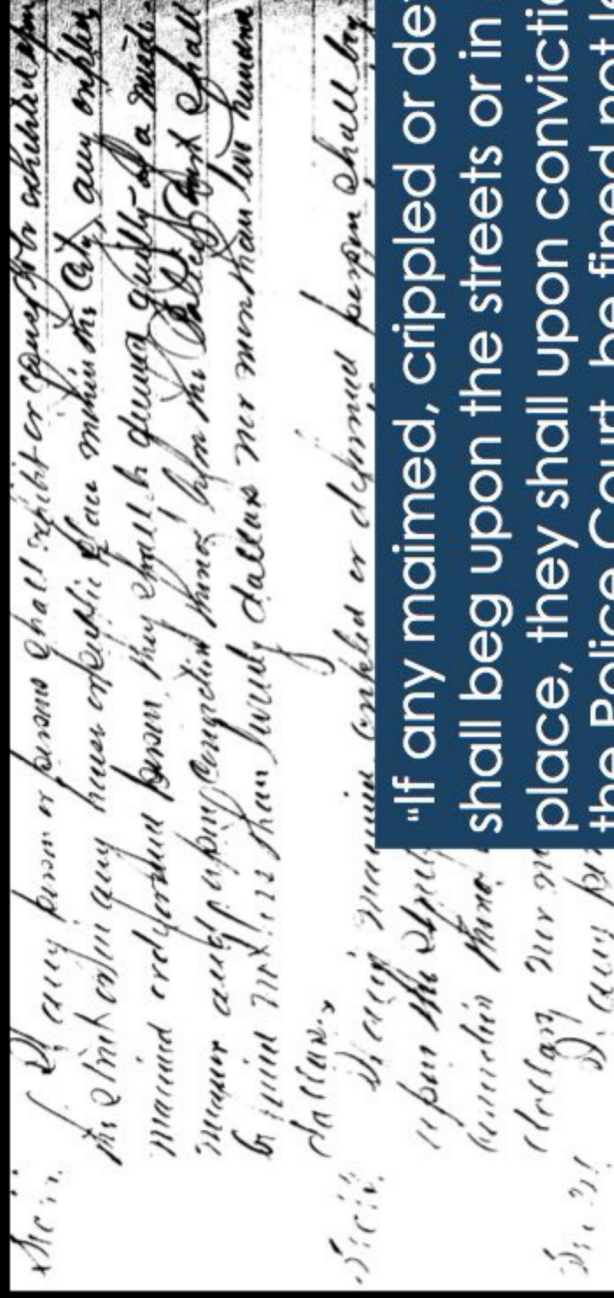
SCIENTIFIC RACISM-ABLEISM

- Intelligence
- Education
- Literacy
- Language
- “Achievement Gap”



Taken from a special report by the VA State board of charities and corrections in 1916.

Portland Ordinance No. 2959 §23 (enacted 1880)



Section 23. If any person or persons shall exhibit or cause to be exhibited upon the streets or in any public place within the City, any crippled or maimed or deformed person, they shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than twenty dollars nor more than one hundred dollars.

"If any maimed, crippled or deformed person shall beg upon the streets or in any public place, they shall upon conviction thereof before the Police Court, be fined not less than five dollars nor more than one hundred dollars."

WHO DO WE FIND IN “ASYLUMS”?



“Three generations of imbeciles are enough...”

Justice Oliver Wendell Holmes

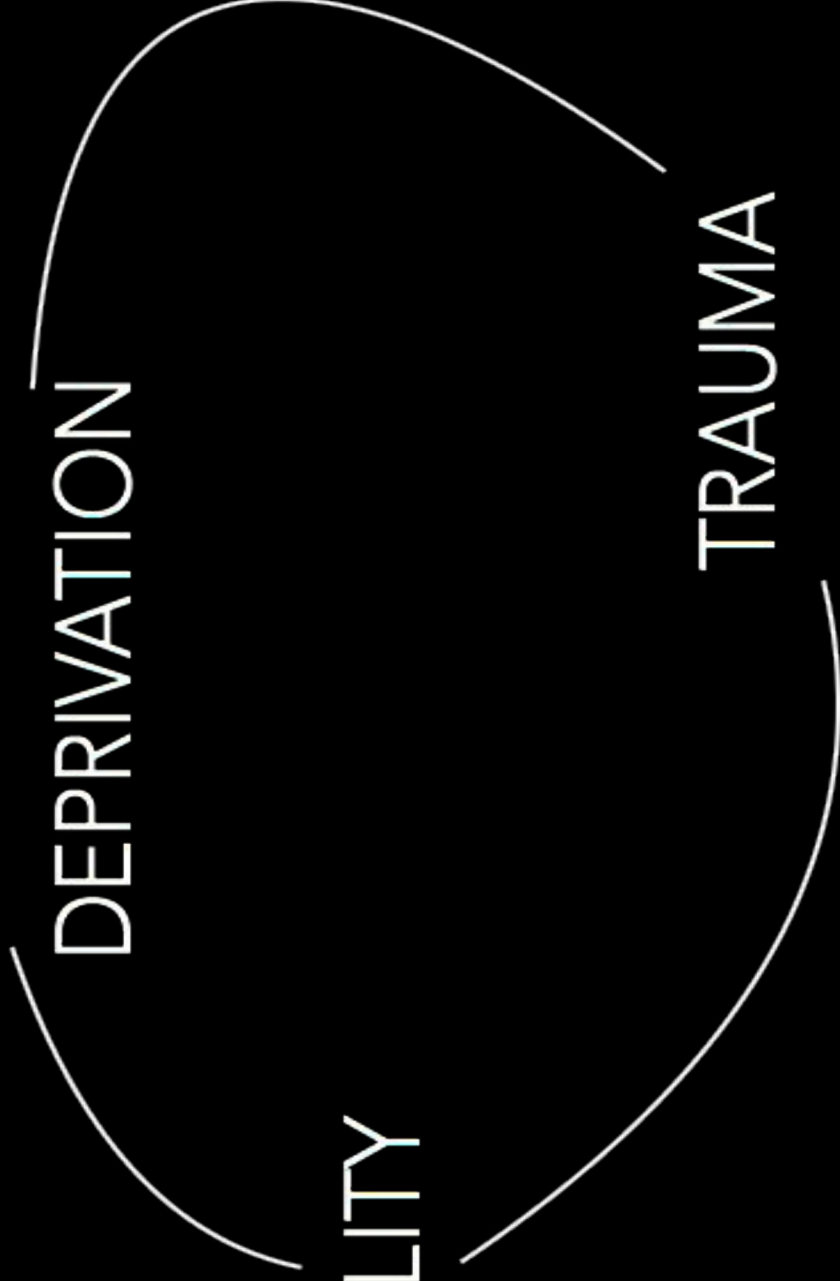
Buck v. Bell, 274 U.S. 200 (1927)

VIOLENCE/
DEPRIVATION

TRAUMA

DISABILITY

|



STOLEN BODIES, CRIMINALIZED MINDS & DIAGNOSED DISSENT

-DRAPETOMANIA

-DYSAESTHESIA AETHIOPICA
("RASCALITY")

-EXCITED DELIRIUM

-RESISTING ARREST

DEHUMANIZATION & COMMODIFICATION



The Face of Pure Evil \$54

Explore NYS's legal history of criminal insanity and how our criminal justice system deals with the new insanity laws. With over 30 years of experience working in numerous correctional facilities, instructor Max Szemplinski provides insight gained from his "face to face" encounters from those described as "pure evil." **This seminar concludes with a tour of the Wende Correctional Facility in Alden, which houses inmates who are blind, deaf, have lower IQ's, S.M.I. (seriously mentally ill) and general population status. Participants will learn exactly how S.M.I. inmates are taken care of and the specialized programs and dedicated staff who make these programs successful.**

Batavia Campus
Thursday, November 13
6:30 p.m. - 9:00 p.m.

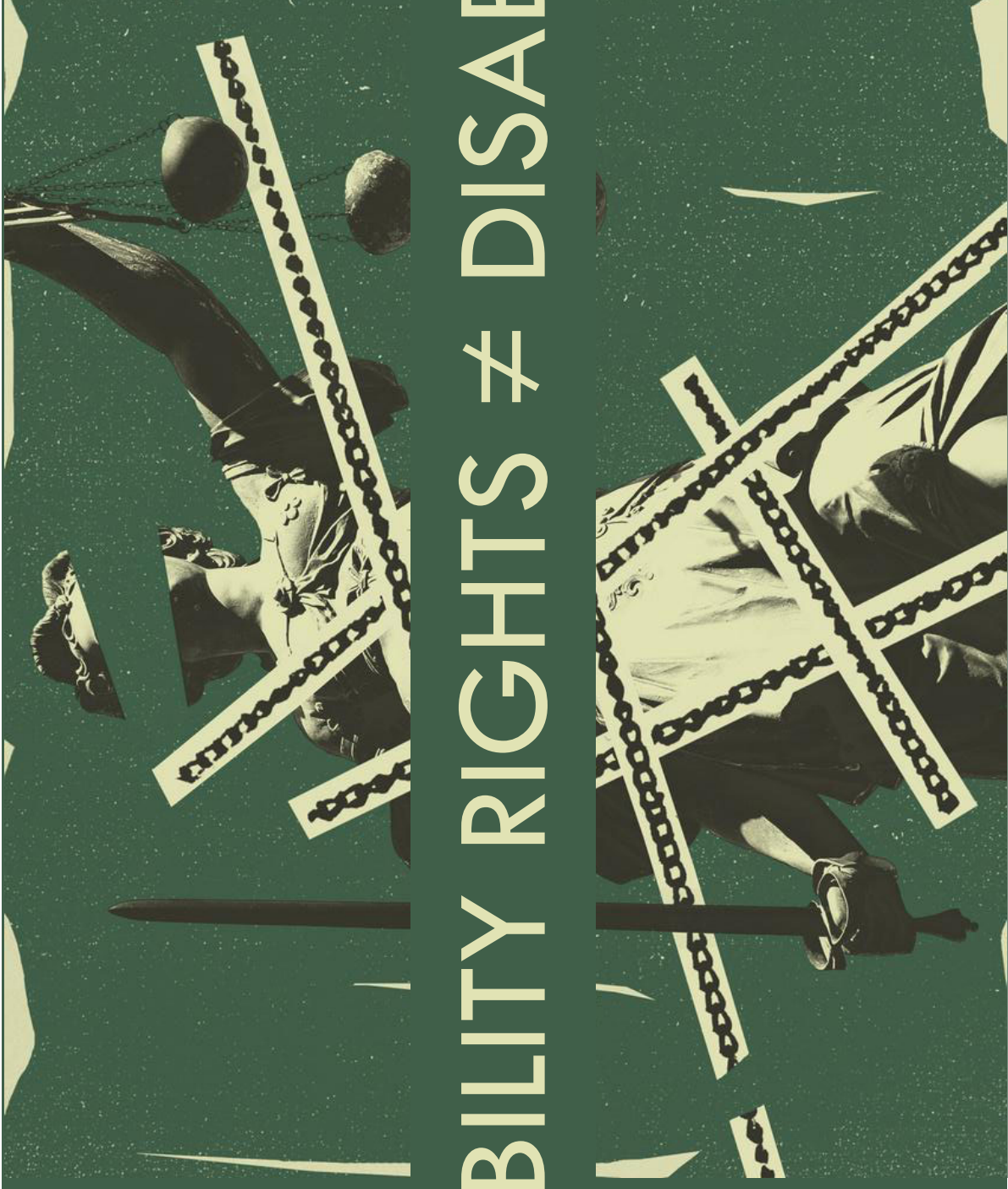


Left: George & Willie Muse w/one of their captors
Al G. Barnes

Right: Promotional flyer for tour of prisons

“The Negro criminals are mostly ignorant, poor and friendless. Possessing neither money to employ lawyers nor influential friends, they are sentenced in large numbers to long terms of imprisonment for petty crimes...It is an astounding fact that 90 percent of the state’s [Georgia] convicts are colored.”

FREDERICK DOUGLASS, 1893



DISABILITY RIGHTS ≠ DISABILITY

Joan Wong

INTERDEPENDENCE



No one is actually independent.

We are all interdependent.

The difference between the needs that many disabled people have & the needs of people who are not labeled as disabled is that non-disabled people have had their dependencies normalized.

-Ki'tay D. Davidson

Bringing the Disability Lens to Your Work

AMBER SMOCK

DIRECTOR OF ADVOCACY, ACCESS LIVING





Disability is Not the Great Unknown

- ▶ At least one in five people has a disability
- ▶ In the criminal justice system, people with disabilities are over-represented by at least twice that number
- ▶ The average person has much more contact with disability than they generally know
- ▶ Disability is often thought of as “ADA compliance,” but as we have discussed in this presentation, it is much more than that



By People with Disabilities for People with Disabilities

- ▶ Access Living is the federally designated Center for Independent Living (CIL) for the city of Chicago, in Cook County
- ▶ A CIL's staff and board must be comprised of at least 50% people with self-identified disabilities
- ▶ We provide independent living services, advocacy, and also legal services to people with disabilities
- ▶ Being disability-led, including a range of people with many kinds of disabilities, is a major driver of our workplace structure and culture



Racial Justice Driving Change: AYLP

- ▶ Advance Your Leadership Power (AYLP) is Access Living's grassroots organizing group that focuses on racial justice
- ▶ Over the last few years, they have focused on ways to reduce harm caused by contact between people with disabilities and the criminal justice system
- ▶ Their efforts led us to expand our policy work in this space through a one-year planning grant from MacArthur to better understand why people with disabilities are overrepresented in jails, and how to reduce jail use



What Have We Observed So Far?

- ▶ Nonprofits serving people at risk of criminal justice system contact need to be accountable for disability competency, inclusion and providing accommodations
- ▶ Police, courts, jails need to go much farther than basic ADA compliance in working individually with people with disabilities
- ▶ Both community groups and systems agencies need to better recognize what disability is, and empower people to advocate for themselves
- ▶ There is a need for collaborative discussions to identify ways to educate people about disability, and improve community and systems practitioners' capacity to serve folks with disabilities



Core Concept: Nothing About Us Without Us

- ▶ In Access Living's view, lasting systems change must include the voices of people with disabilities most directly impacted by systemic problems
- ▶ Critical to foster the storytelling and empowerment of people with disabilities experiencing multiple marginalization
- ▶ Challenge: how will you ensure that people with disabilities are part of the community or systems change that you are working on?



Core Question: Are Your “Solutions” Real Solutions for People with Disabilities?

- ▶ In our field, we see a lot of ideas for how to reform the criminal justice system or keep people out of the system altogether
- ▶ However, some solutions may instead reproduce harmful practices. Are we actually just repeating what failed people in the past?
 - ▶ Example: more facilities housing people with mental health issues
 - ▶ Example: use of electronic monitoring
 - ▶ Example: courts for people with mental health issues, that may not be accessible for people with additional disabilities



Access Living's Work Going Forward

- ▶ Top priority: creating spaces to discuss better solutions
- ▶ Supporting a new Cook County area working group focused on disability and strategically reducing jail incarceration
- ▶ Also, supporting a new national working group focused on disability and strategically reducing jail incarceration
- ▶ This work will be supported by Access Living's new Disability and Incarceration Policy Analyst (hire pending)