

Prisoners with intellectual and developmental disabilities - America's criminal justice system

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Presentation Plan

- Overview of American criminal justice system
- Overview of disparities in policing and incarceration
 - Disability & mental health
 - Race
- My recent research
 - Prison project
 - Interview project
 - Jail project

The American Criminal Justice System

- Policing, Courts, Incarcerated settings
- County, State, Federal levels
- Rights: trial, representation (sometimes), appeal (sometimes)
 - Healthcare, *Estelle v Gumbel*
 - Americans with Disabilities Act (ADA)
- Prison v jail

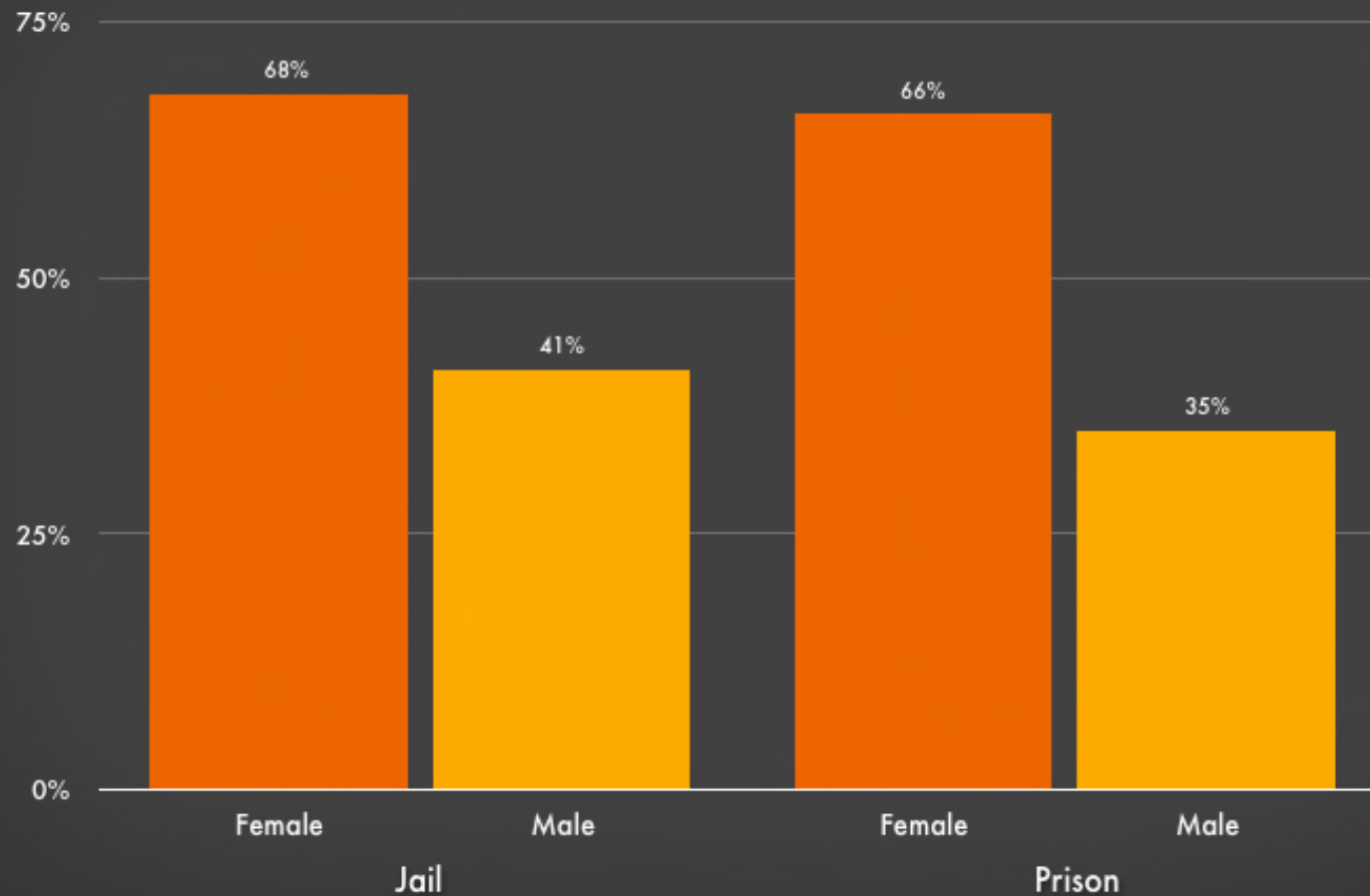
Incarceration is just one piece of the much larger system of correctional control

The U.S. justice system controls almost 7 million people, more than half of whom are on probation.



Women in prisons and jails are more likely than men to have a history of mental health problems

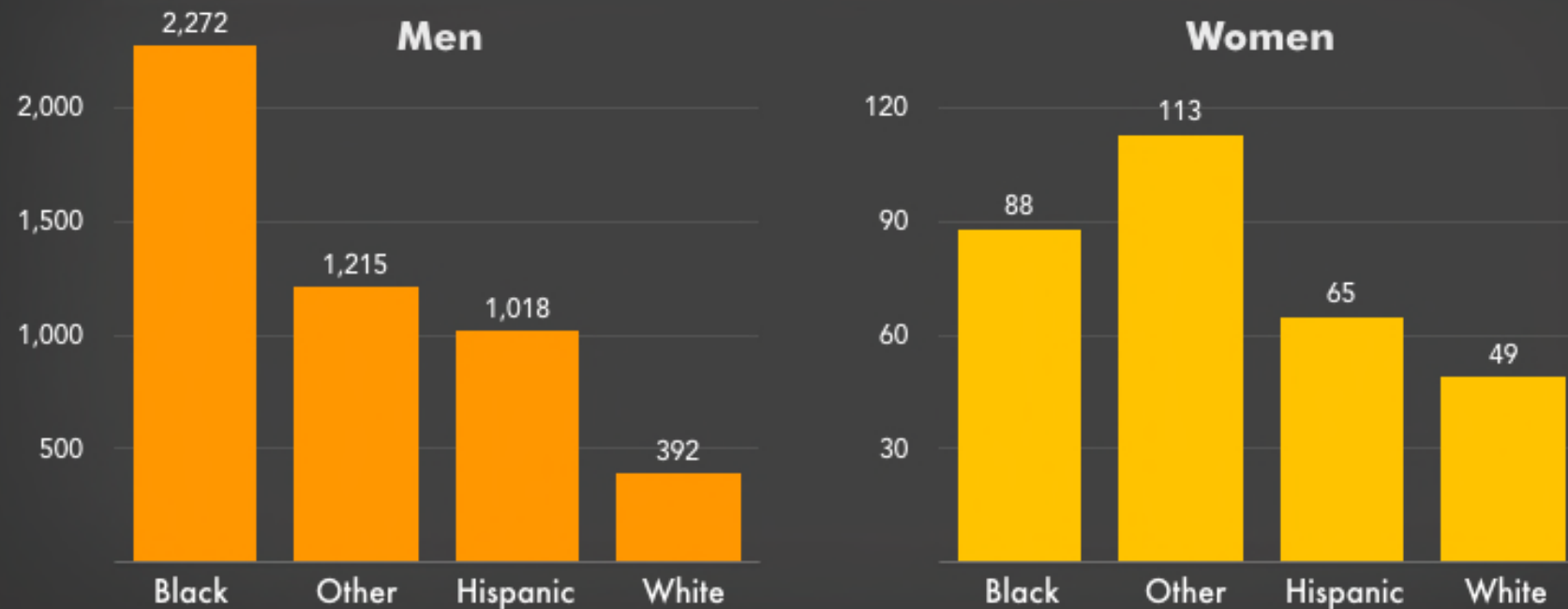
Percentage of incarcerated men and women reporting any history of mental health problems



Women's drug arrests have continued to grow
even as men's returned to early 1990s levels

Racial disparities in prison incarceration rates, by sex, 2018

Number of men and women incarcerated in state and federal prisons per 100,000 population in each category



Prison Record Project 1

Method

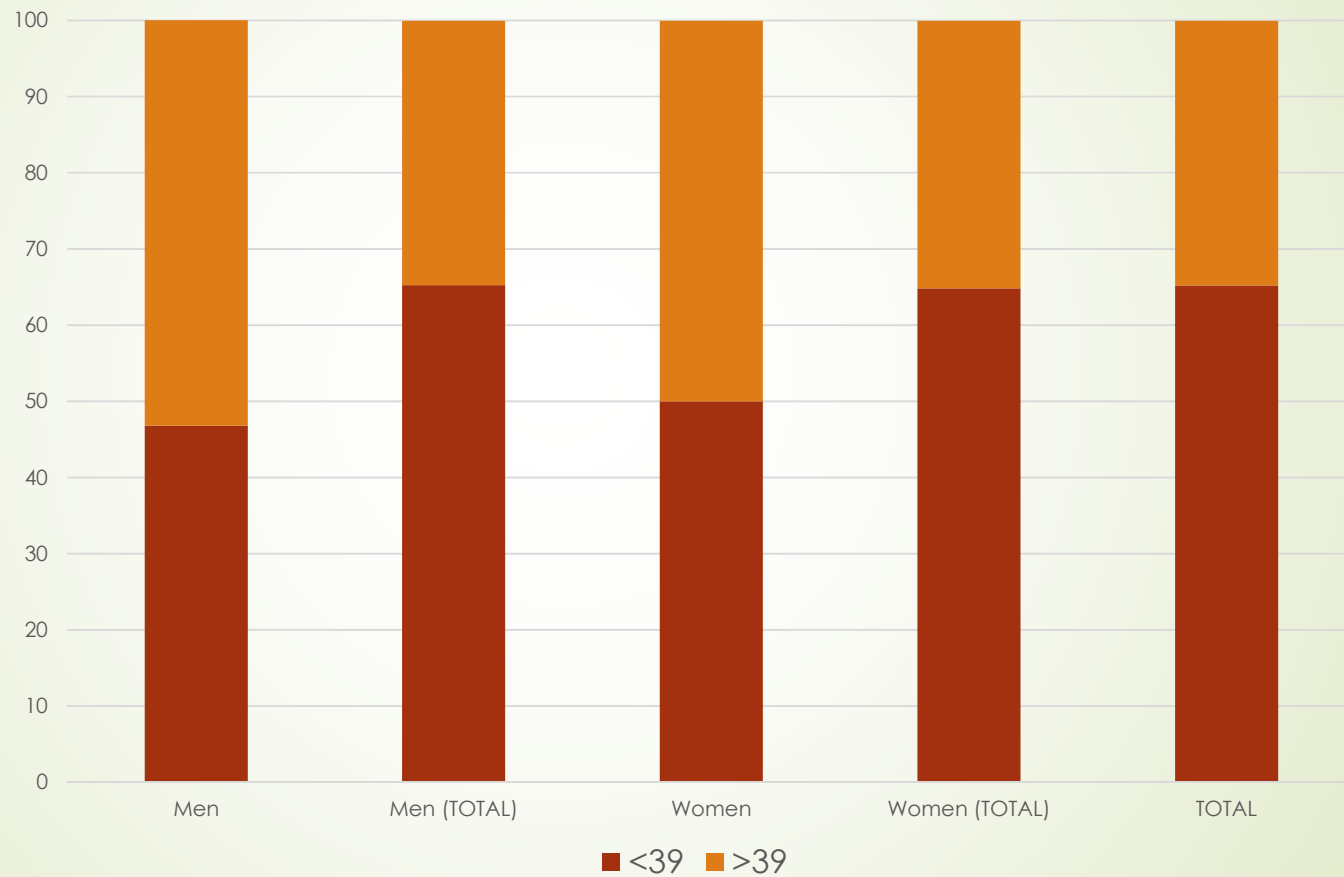
- Intake records indicating I/DD, 2 time points

Findings

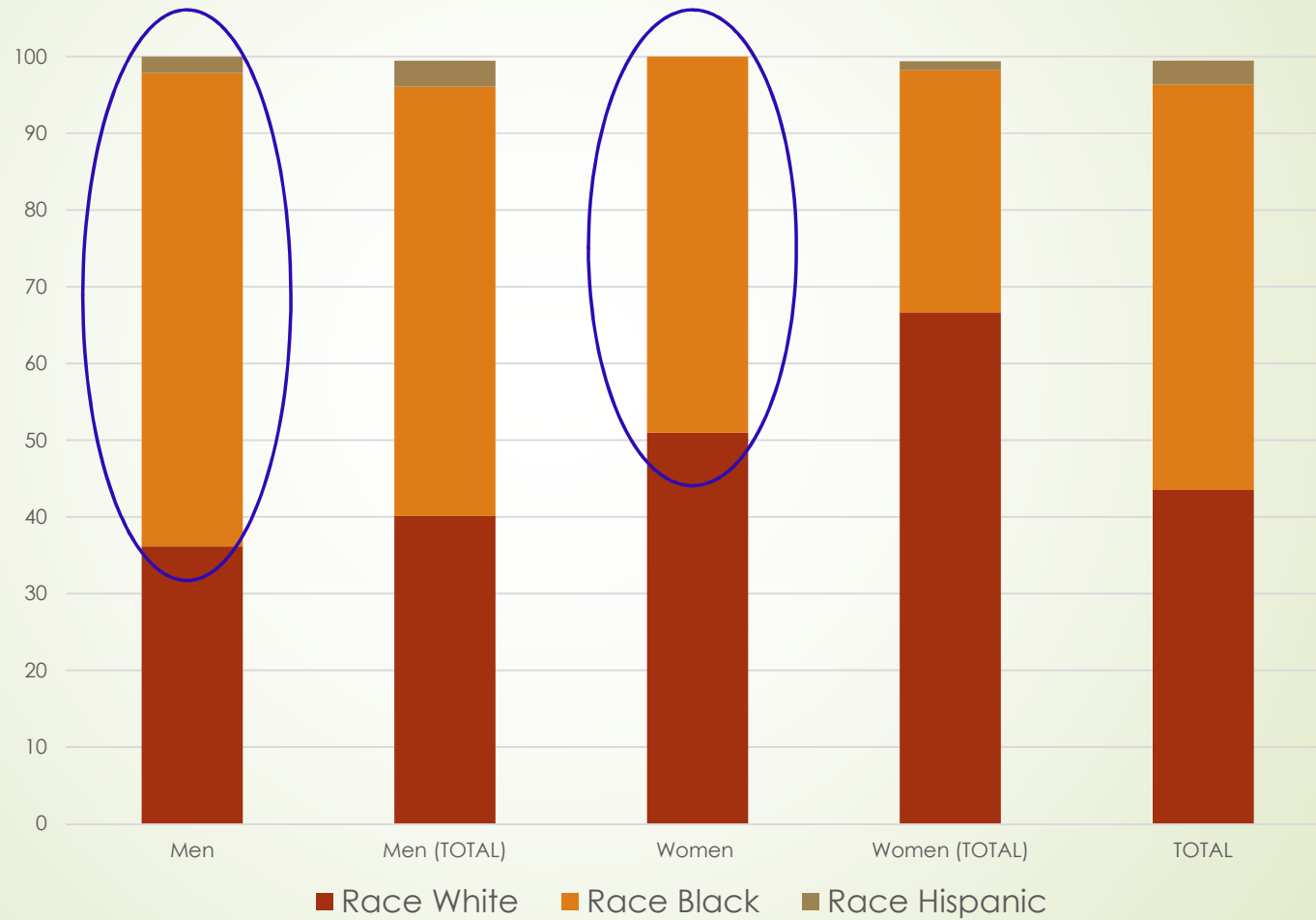
- Race and ID factor for men
- Lower education attainment
- Perhaps older
- Women – more reported psych treatment

- Increased mental health concerns
- More than general population & ID free population
- Men – diabetes
- Men & Women – high blood pressure
- High rates of abuse □ trauma

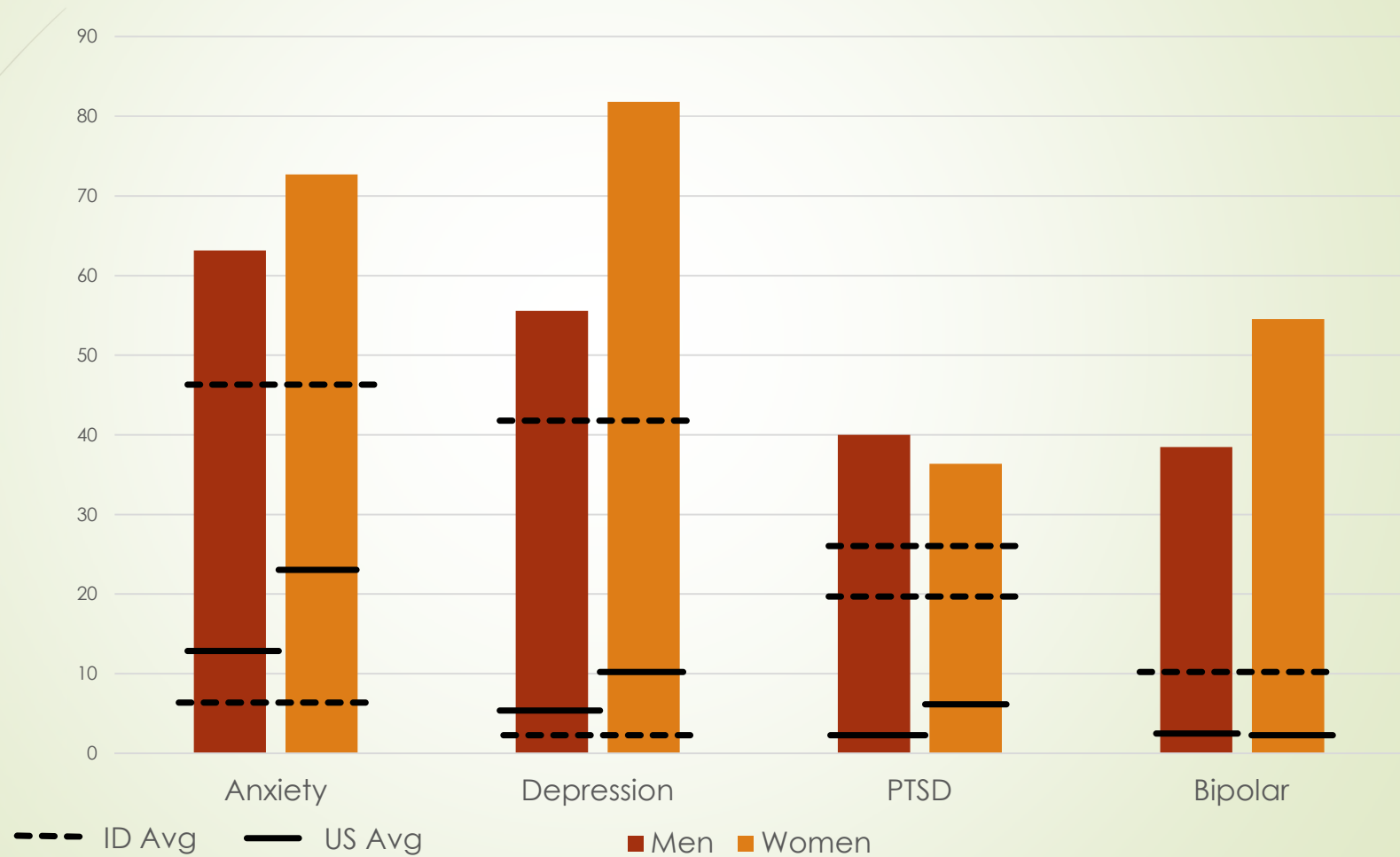
Age—Older?



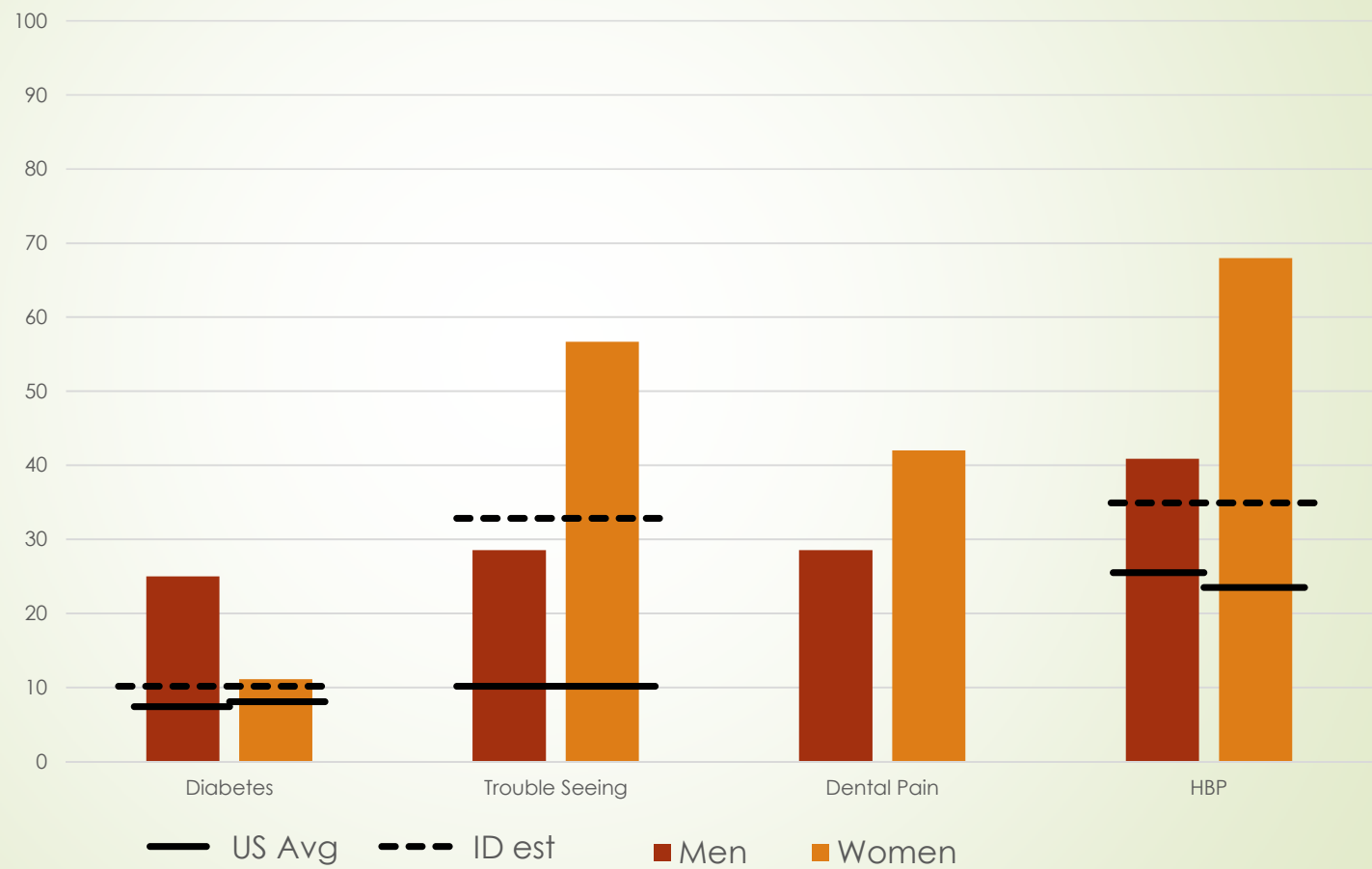
Basic Demographics – Race, %



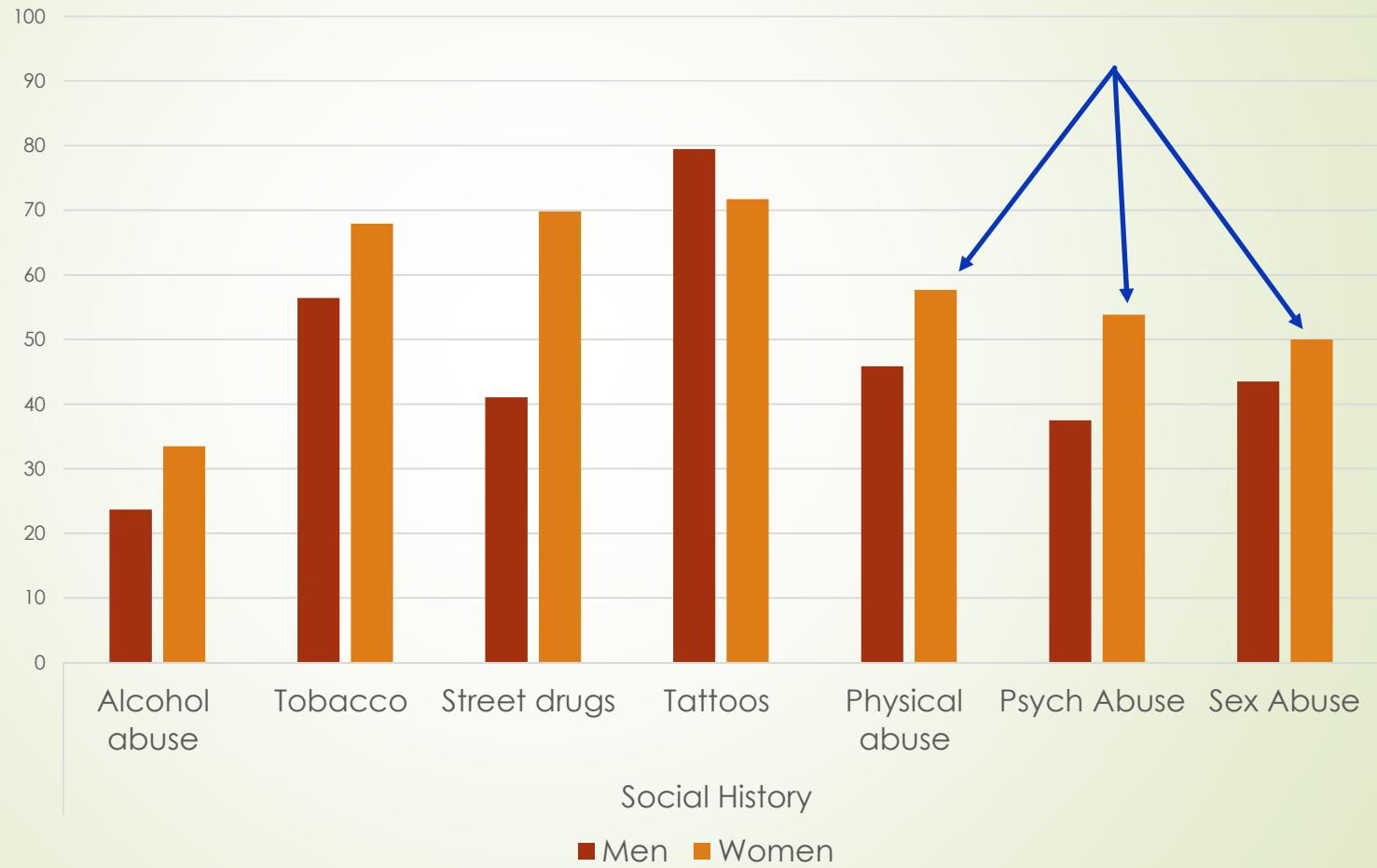
Mental Health, Diagnosed, % assessed



Physical Health, %



Social History, %



Prison Record Project 2

Method

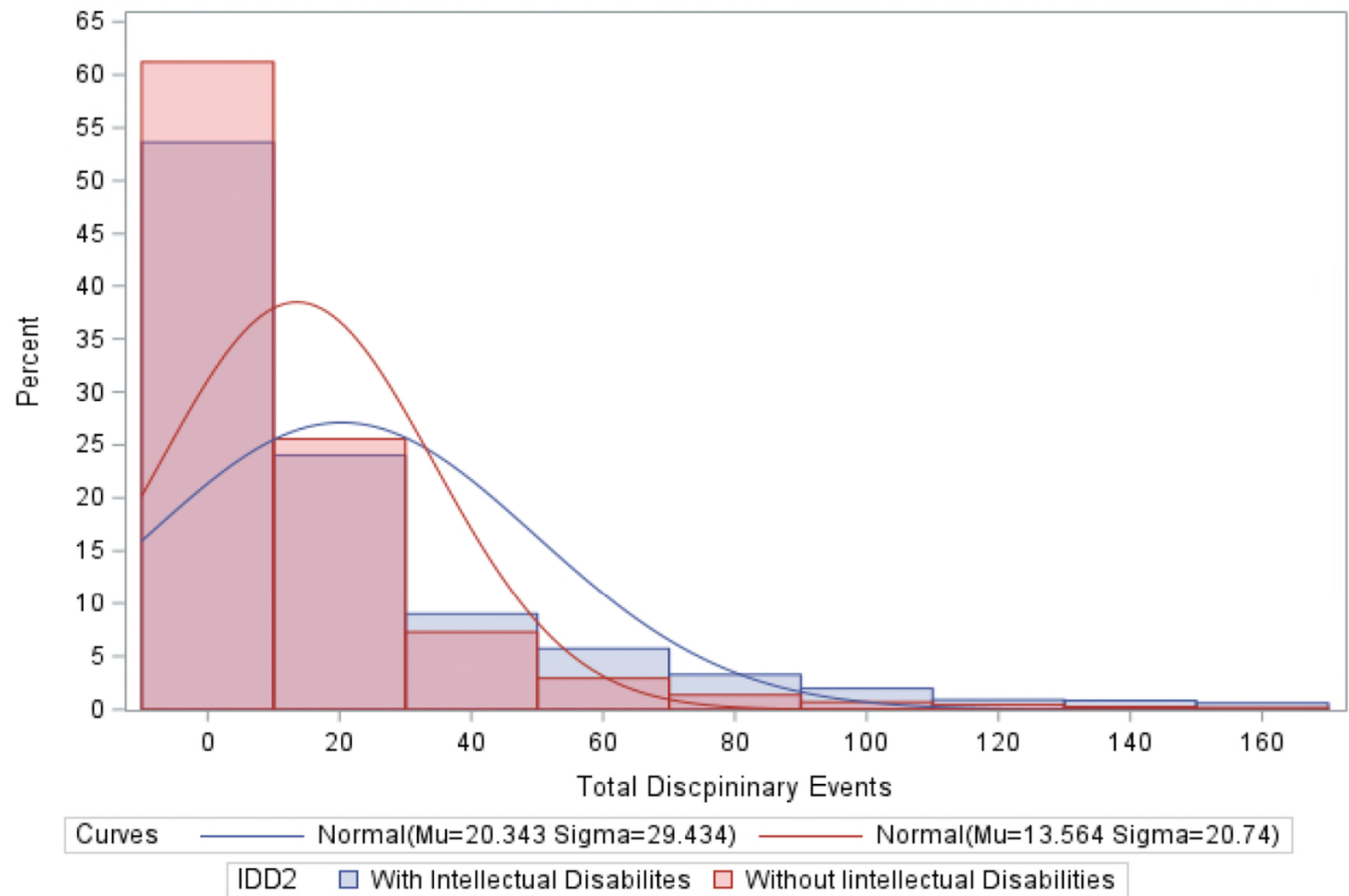
- Time point data for entire system

Findings

- More females
- Older
- Higher recidivism
- Higher behavioral health usage

- Similar charges as rest of population
- More often in public institution
- More often in medium security
- More disciplinary reports

Total Disciplinary Events for Those Living in a Southeastern US Prison System. 2017



Rates of Prior Incarcerations of Those Living in a Southeastern US Prison System with IDD and having high utilization of Behavioral Health Services in 2017

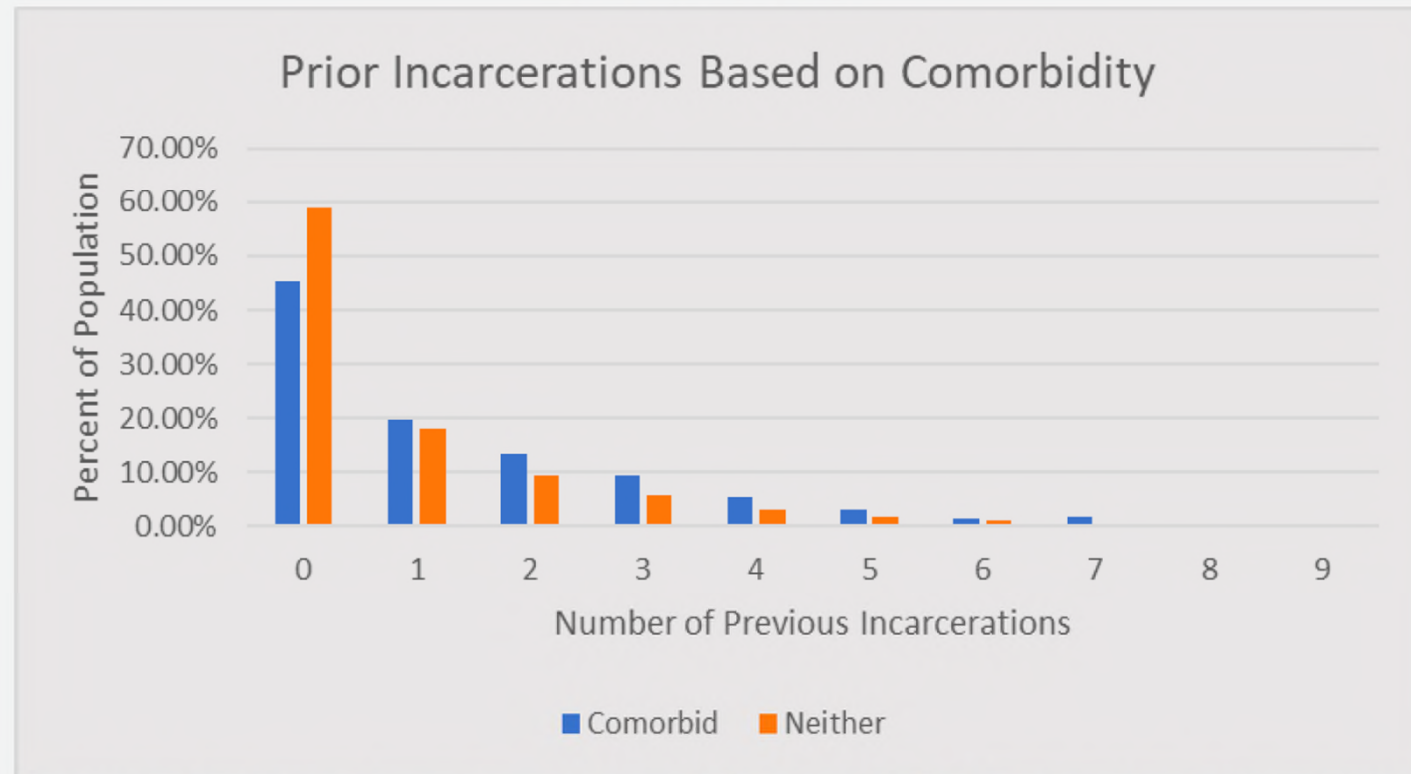


Figure 1. Comparative percentages of those with/without prior incarcerations. Compares those with comorbidity for IDD and high involvement with behavioral health services to those without IDD and low involvement with behavioral health services.

Top Criminal Charges	With IDD	Without ID
Murder	17.02%	11.84%
Armed Robbery	12.14%	11.77%
Aggravated Assault	9.22%	10.58%
Rape	6.37%	3.33%
Child Molestation	6.15%	5.05%
Burglary 1st	6.67%	9.38%
Facility Type	With ID	Without ID
State Prison	81.11%	69.92%
Private Prison	11.39%	15.71%
County CI	4.27%	9.83%
Transitional Center	3.22%	4.53%
Security Level	With ID	Without ID
High	24.84%	26.06%
Medium	68.14%	65.05%
Minimum	6.93%	8.84%
Trusty	0.09%	0.05%

Interview Project: Methods

- 27 adults with I/DDs: autism (6), cerebral palsy (1), ADD/ADHD (6), Down syndrome (3), fetal alcohol syndrome (1), and various learning disabilities (5)
- Semi-structured interviews
- Accommodations:
 - Communication liaison
 - Time and place
 - Body language

Interview Project: Findings

Intersectional Trends:

- I/DD & Person of Color: more likely to be the accused & more likely to have negative assessment of law enforcement
- I/DD & Women: more likely to be victims
- Higher support needs: more positive assessment of law enforcement

Interview Project: Main Findings

- Confusion throughout the system

“Some of the words and things that they was saying, I didn’t understand what them meant. So I had to keep asking – they appointed me a lawyer, I guess, or whatever. So I’m like, at first, ‘What does that mean?’ Because I didn’t want to say the wrong thing and end up it being worse than what it was.”

“Scared, shaking, and nervous, and crying.”

Told to “Freeze. Don’t move”, informant pointed out as redundant. Then told to get on his knees. Informant told himself, “But they just told me not to move.”

Interview Project: Findings

- Disability specific discrimination

“[w]hen they find out that you’re not capable of understanding what’s going on, it’s a free for all. They can say and do what they want to do. If they don’t want to read you the rights and if you’re not knowledgeable about the law, you’re just going to jail. There’s no rhyme or reason [...] A lot of police officers, and a lot of judges, and a lot of people up in higher standards, they look down on people with disabilities like we’re the dumbest things in the world and there is nowhere on God’s green Earth you should be this old and not know how to do this, that, and the other.”

Interview Project: Findings

- Need for respect
 - “just be themselves,” not “judge how people act,” “understand more,” be calm, “be patient”, and let people “know they’re there if we need any help”
 - “I’d just say the tone of voice. [...] Don’t raise it too high. Just leave it the same. Monotone [...] Because when someone starts raising their voice, I start to get a little, you know, antsy. I don’t know why”
 - “if we have any questions, we can let them know”
 - Appreciated being spoken directly to
 - Asking about presence of disability early on

Jail Project

Why a jail?

Methods

- Intake data on all entering jail for 72 hours
- Data: demographics, criminal charge, immediate/chronic health concerns
 - Disability: attended special education, nurse assessment of intellectual functioning
- TBD



Thank you!!

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