

# Understanding and Reaching Formerly Incarcerated Survivors with Disabilities

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# Introductions

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# Agenda

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- National picture of incarceration, including the impact of incarceration on people with disabilities
- Victimization experiences of people who have a history of incarceration
- Barriers to services for formerly incarcerated survivors
- Compounded barriers for survivors with disabilities
- Promising strategies

# Incarceration in the United States

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# Did you know?

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People with disabilities are over-represented in U.S. jails and prisons.

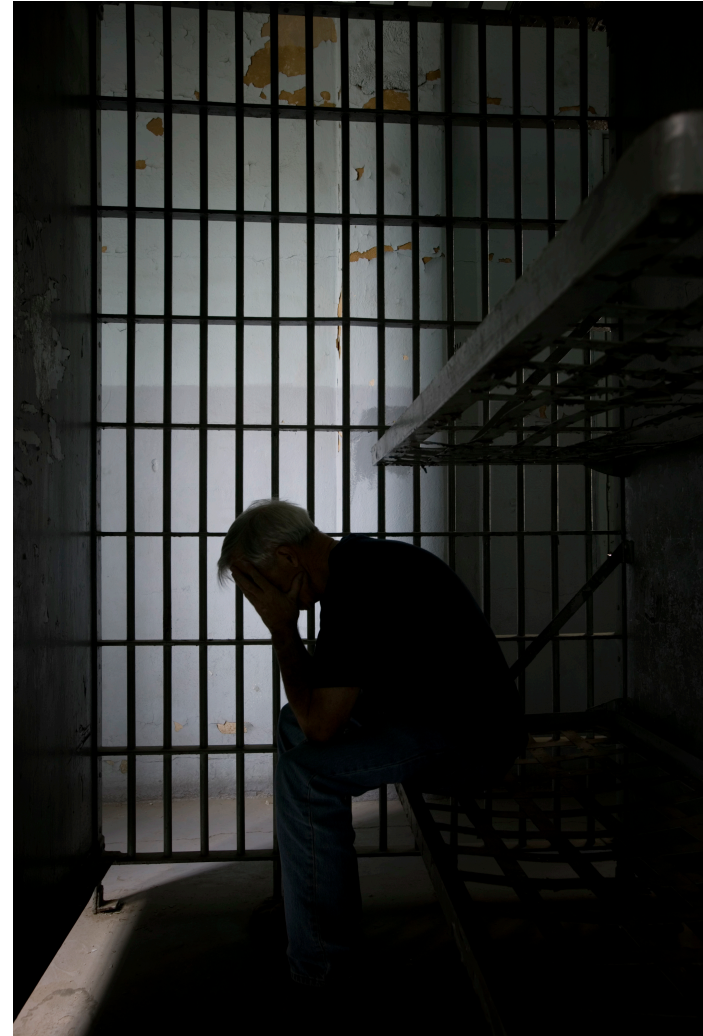


Photo Source: Los Angeles Times

# And. . .

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People who have an incarceration history have higher rates of victimization and abuse than people who have never experienced incarceration.



# Incarceration touches many lives in the U.S.

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## Every day:

- State prisons: 1,291,000 people
- Federal prisons: 226,000 people
- Local jails: 631,000 people
- Other (immigration, youth, etc.): 152,000 people

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= 2.3 million incarcerated people

# How are jails and prisons different?

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## Jails

- County, regional, private.  
Approx. 3,300 jails in the U.S.
- People can serve time in jails while awaiting trial (pre-trial) or post-conviction
- Post-conviction sentences are typically <1 year
- Increasingly used to hold ICE detainees
- Locations can be urban, suburban, or rural

## Prisons

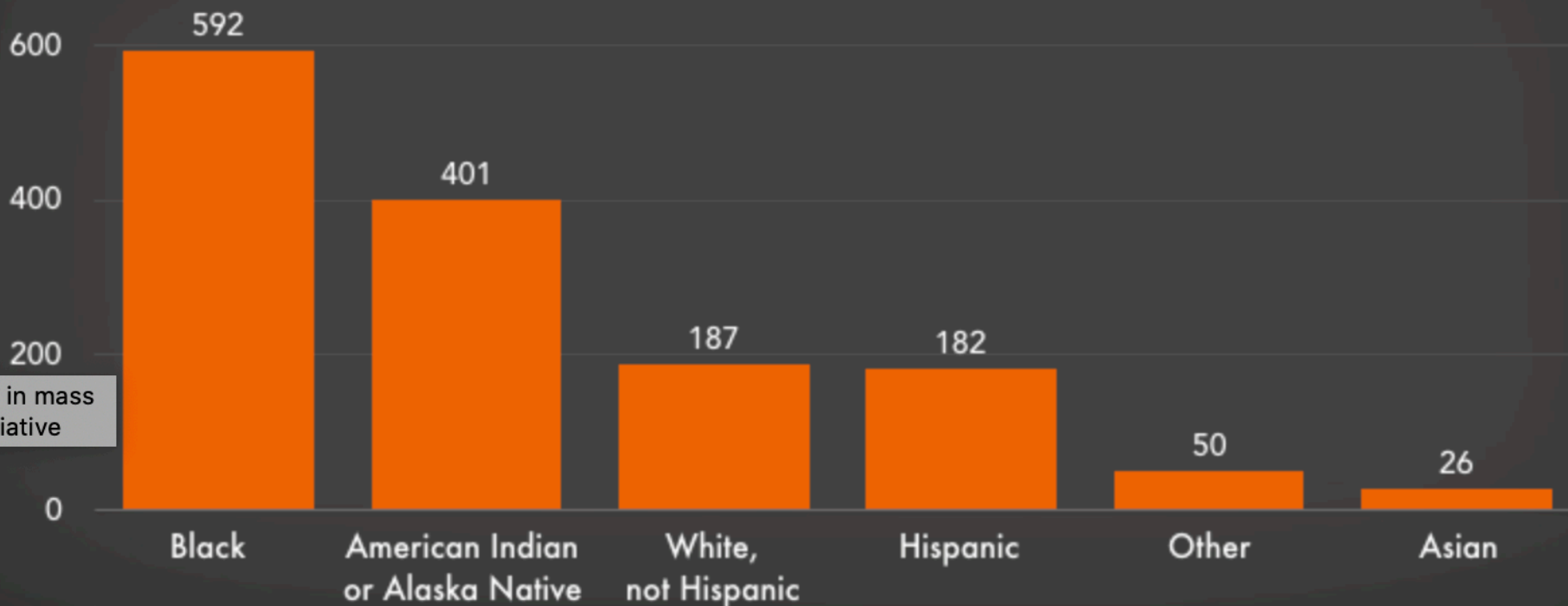
- State, federal, private (<2,000 prisons)
- Typically hold people found who have plead or have been found guilty of felony charges
- Sentences typically 1+ years
- Locations can vary, but prisons are often located at a distance from metropolitan areas or in rural locations



# Jail incarceration disproportionately impacts people of color

## Racial disparities in local jail incarceration rates, 2018

Number of people incarcerated in local jails per 100,000 people in each racial or ethnic category

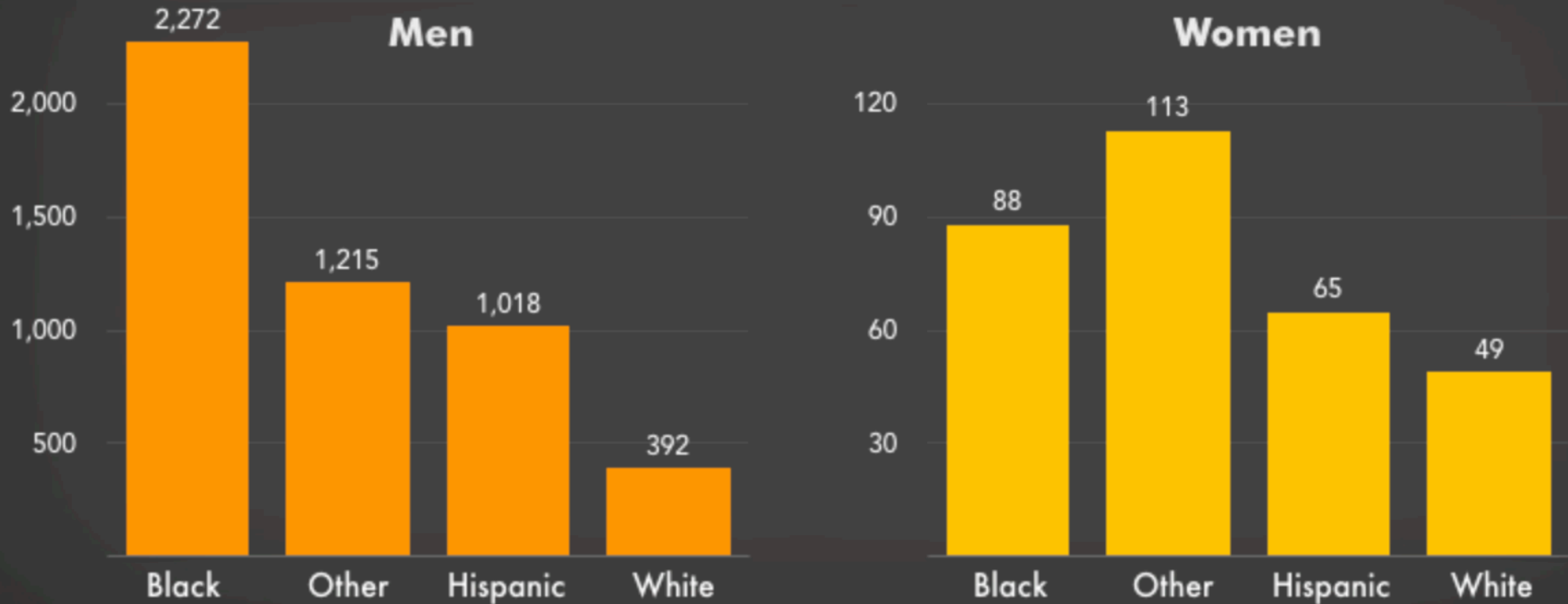


Disparities in mass  
incarceration  
Policy Initiative

# Prison incarceration disproportionately impacts people of color

## 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



# How many people with disabilities are inside our nation's jails and prisons?

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- 32% of people in state and federal prisons report having at least one disability
- 40% of people in jail report having at least one disability



Source: Bureau of Justice Statistics, *Disabilities Among Prison and Jail Inmates, 2011-12* (2015).

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# Mental illness and incarceration

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- 73% of women and half of men in prison have a mental health issue
- People in jail have serious mental illnesses at a rate 4-6x higher than the general population
- 75% of people in prison with a mental illness also have a substance abuse issue

*Serious mental illness in jail population vs. general population*



Serious mental illnesses

Sources: Bureau of Justice Statistics, *Mental Health Problems of Prisoners and Jail Inmates* (2006); Vera Institute of Justice, *Incarceration's Front Door: The Misuse of Jails in America* (2015).

# Victimization Experiences of People who Have a History of Incarceration

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# Most people in jail or prison were victims first

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In his study of 122 (107 men and 15 women) people who returned to the Boston area post-incarceration, Bruce Western found that **prior to incarceration:**

- 40% had witnessed someone being killed
- Nearly half were beaten by their parents
- 1/3 grew up with family violence
- 16% reported being sexually abused
- Half were seriously injured while growing up

Source: Bruce Western, *Homeward: Life in the Year After Prison* (New York: Russell Sage Foundation, 2018).

# Most women in jail have experienced sexual and/or domestic violence

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Histories of victimization are nearly universal for women in jail

- 86% have experienced sexual violence
- 77% have survived intimate partner violence



Source: Shannon Lynch and others. *Women's Pathways to Jail: The Roles and Intersections of Serious Mental Illness and Trauma* (Washington, DC: Bureau of Justice Assistance, 2012).

Adults with disabilities are **2.5 times** more likely to experience violent victimization than their counterparts without disabilities.

Therefore, people with disabilities who end up in jail or prison were likely victims first.

Source: Bureau of Justice Statistics. *Crime Against Persons with Disabilities, 2009-2015 - Statistical Tables* (July 2017).



# Many people behind bars experience sexual abuse during their incarceration

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Courtesy of Just Detention International

Source: Bureau of Justice Statistics, *Sexual Victimization Reported By Former State Prisoners, 2008* (May 2012).

Incarcerated people with disabilities likely experience high rates of sexual abuse and violence.

# What happens when people return home?

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Of the 122 participants  
Bruce Western's  
Boston Reentry Study,  
1/4 had been  
threatened or attacked  
since returning home.

"As victims, the respondents were shot, stabbed, beaten, raped, and molested. But even beyond the familiar roles of victim and offender, nearly all respondents reported witnessing serious violence, and all reported fighting in which the roles of victim and offender were difficult to distinguish."

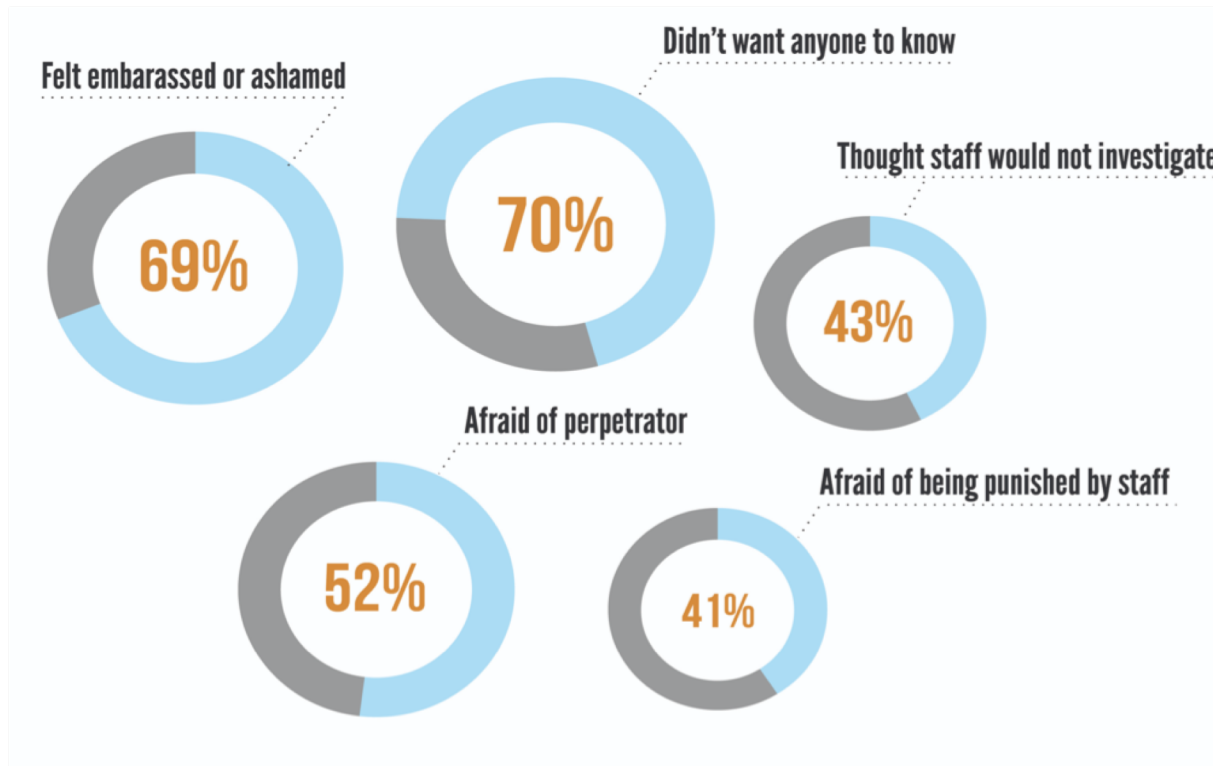
-Bruce Western, *Homeward* (p. 80)

# Barriers to Services for Formerly Incarcerated Survivors

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# Barriers to reporting and services during incarceration

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Courtesy of Just Detention International

Source: Bureau of Justice Statistics, *Sexual Victimization Reported by Former State Prisoner*, 2008 (May 2012).

Even during reentry and after they have returned home, many victims do not get the services they need to heal.

# Barriers to accessing victim services during reentry

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- The language we use is not always the language formerly incarcerated survivors use
- False dichotomy of “victim” and “perpetrator”
- Stigma
- Reentry services and victim services are siloed
- Few trauma-informed service programs for victims/survivors who have an incarceration history

# Compounded Barriers for Formerly Incarcerated Survivors with Disabilities

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# Barriers to reentry for formerly incarcerated people with disabilities

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- **Reentry services** are often not accessible and/or people with disabilities.
- **Stable housing** that is affordable, accessible, and open to people with conviction histories is very limited.
- **Benefits** such as social security & supplemental security income are often terminated during incarceration.

“When a person is disabled and has a criminal record their discrimination is compounded by ever-shrinking options. . .”

-Access Living (p. 64)

Source: Access Living of Metropolitan Chicago, *Access to Justice: A Cross-Disability Perspective on Reducing Jail Incarceration* (November 2019).

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# Barriers to victim services for formerly incarcerated survivors with disabilities

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- Services and materials related to victim services may not be in plain language
- Forms and intake policies may not be accessible to people with disabilities
- Communication barriers may be present (e.g., service providers lack understanding of Deaf culture or access to American Sign Language interpreters)
- Stigma around disability
- Victim services, disability services, and reentry services are often siloed

# Barriers to disability services for formerly incarcerated survivors with disabilities

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- Disability programs often draw a bright line between “victims” and “perpetrators”
- People who’ve been incarcerated are less likely to have formal diagnoses, which are often required to receive state disability services
- Stigma of incarceration may be especially challenging for disability organizations because of longstanding concerns about protecting the safety of people with disabilities

# Promising Strategies

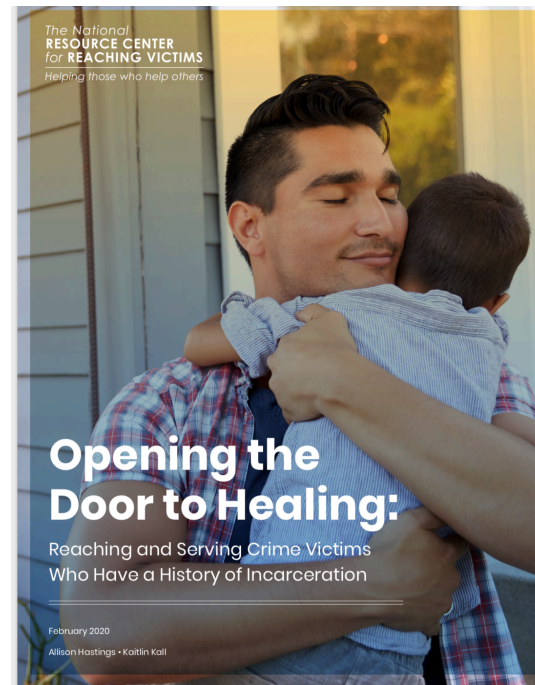
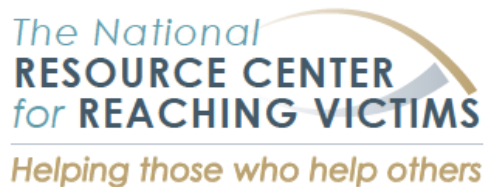
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# Opening the Door to Healing

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Available on the [National Resource Center for Reaching Victims](https://reachingvictims.org/) website at:

<http://reachingvictims.org/resource/opening-the-door/>



# How can we open the door to healing?

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- Hire victim service providers who are professionally trained, trauma-informed, and comfortable working with people who have been incarcerated—and train current staff to develop related knowledge and skills.
- Develop and nurture partnerships between victim service providers and reentry programs.
- Adopt broader definitions and terms for victimization. Discussing victimization in terms of “people harmed by violence,” “anyone affected by violence,” or “survivors of trauma or harm” may resonate more with people who have been incarcerated, especially with men.

# How can we ensure greater access to healing and reentry services?

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- Increase communication access
  - Plain Language
  - Access to interpreters
- Broaden thinking about people with disabilities who have experienced incarceration and violence
  - Rethink automatic disqualifications
  - Strive for holistic service provision
- Increase capacity to serve formerly incarcerated survivors with disabilities
  - Train staff
  - Form partnerships with disability organizations

# Access to Justice: A Cross-Disability Perspective

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## **Access to Justice: A Cross-Disability Perspective on Reducing Jail Incarceration**

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**Access Living of Metropolitan Chicago**

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November 2019

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# Recommendations

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- Increase storytelling and advocacy opportunities for people with disabilities who have been in the criminal legal system.
- Train staff working in the system on a cross-disability framework so that they can identify and support people with disabilities.
- Collect and share data related to people with disabilities in the system.
- Invest in housing options that are affordable and accessible for people with a range of disabilities **and** to people who have a conviction history.
- Expand Medicaid enrollment in jails.

# Questions?

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# Thank you!

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<https://www.surveymonkey.com/r/97QYKKW>

Webinar materials are available at:

<https://vera.egnyte.com/fl/twxexDXYqW>