

Institutionalization 2.0 - Transcript

00:00:21:05 - 00:00:49:09

Kristy

Hello and welcome everyone. My name is Kristy Trautmann. I am Executive Director of the FISA Foundation. I am a white woman with short, grayish hair. I use she/her pronouns. Today, I am wearing a blue colored shirt and blue glasses. If you access notes as we get started. Captions are available in Zoom or by using the StreamText link in the chat.

00:00:49:11 - 00:01:16:08

Kristy

If you have any access challenges during this program, please reach out to Adriana in the chat. We will pause to troubleshoot any access issues if they come up. Today, we will use the chat to primarily share resources with you. We will reserve some time later in the agenda for questions. At that point, please use the Q&A function in Zoom for questions.

00:01:16:10 - 00:01:47:07

Kristy

As I said, I am the Executive Director of the FISA Foundation. FISA is a charitable grantmaking foundation in Pittsburgh, Pennsylvania. With the mission to champion equity, justice, safety and inclusion for women and girls and people with disabilities. And to address the intersection of systemic racism in our world. We are proud to produce this Race and Disability Series in partnership and collaboration with our colleagues at the Heinz Endowments and the Pittsburgh Foundation.

00:01:47:09 - 00:02:19:12

Kristy

We have jointly been co-sponsoring webinars since early 2021, and we have recently added some in person programming for grantees and partners in southwestern Pennsylvania. So welcome back, to so many of you who have been on this journey with us. And a special welcome to any new folks joining us for the first time. If you're curious, uh, if you're new to us and are curious, we will drop a link in the chat so you can learn more about the Race and Disability Series.

00:02:19:14 - 00:02:49:12

Kristy

This webinar series has certainly been a learning journey. We started it because there were big gaps and omissions in how we as funders and how you, our grantees and partners, were thinking about racism's intersection with disability, and disability's intersection with racial justice and equity. Systemic oppression works in part by teaching us with privilege to not see patterns that are playing out right in front of us.

00:02:49:14 - 00:03:32:08

Kristy

Over the years, we've had several sessions to try to draw a light on these patterns, exploring national and local patterns of how children of color and children with disabilities are over-policed in school, which is called the School to Prison Pipeline. Today, we're extending that conversation and to looking at patterns of policing and criminalization of adults with disabilities. We called today's webinar institutionalization 2.0 because while tenacious advocacy has led to the closing of state hospitals and large institutions, these have been replaced with jails, prisons and nursing homes.

00:03:32:10 - 00:04:04:06

Kristy

Institutions that house disproportionately large numbers of people of color with disabilities. We know that people with disabilities are overrepresented at every stage of the criminal legal system. This is particularly true for neurodivergent people of color and people of color with cognitive and intellectual disabilities or mental health disabilities. Today, we're joined by a panel of some of the premier experts in the field who will help us to see the bigger patterns,

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Kristy

connect the dots, understand the issues, and share resources to learn more. Can I ask our presenters to please turn their cameras on and we'll get down to it?

00:04:23:01 - 00:04:39:11

Kristy

Perfect. I think Adriana is going to catch us up with the, spotlighting, and then we can get started with introductions.

00:04:39:13 - 00:05:02:19

Kristy

Perfect. That looks great. So we, did share the, full bios of all of our panelists, In the original Eventbrite. And we'll drop a link to the chat, but I'm not going to read them all. Instead, I'll ask each of our panelists to introduce themselves briefly. Jamelia, do you want to go first?

00:05:02:21 - 00:05:37:00

Jamelia

Sure. Thank you. Kristy. Hello, everyone. It's really a delight to be here. My name is Jamelia Morgan. I use she/her pronouns. I'm a Black woman. I have white glasses and I'm wearing a, orange colored blazer, if you can see that. And I currently work for Northwestern Pritzker School of Law in Chicago, and I am the Faculty Director of the Center for Racial and Disability Justice.

00:05:37:02 - 00:06:05:02

Jamelia

And in many ways, it's a delight to be speaking to this crowd, because many of my ideas and developments around, thinking about race and disability came from the people on this panel. Shout out to Lydia and also from, so many of you all working in Pittsburgh, Allegheny County. I

was an attorney with the Abolitionist Law Center, and that was transformative as well, in my thinking.

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Jamelia

At the center for Racial and Disability Justice, we aim to highlight the intersections of racial and disability justice concerns. For the purposes of solidarity, building bridges, thinking critically about how to change the conversation on issues like health equity, policing, punishment systems, education equity, and the like. So thank you all for the opportunity to be here.

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Kristy

We're so delighted to have you with us today. Thanks so much, Jamelia. Roxanne, do you want to introduce yourself next?

00:06:39:13 - 00:07:04:21

Roxanne

So here I am. Hi, I'm Roxanne Zech. I use they/them pronouns. I'm a white person with brown hair pulled up in a ponytail. I have some clear glasses with the tortoise shell inner lining, and I'm wearing some silver earrings with overlapping hoops. My background is gray. Very gray today. I'm an advocate and an organizer and sometimes even an attorney

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Roxanne

at HEARD. HEARD is a cross disability abolitionist organization that supports deaf and disabled, currently and formerly incarcerated people. So I've been supporting disabled people in prisons and jails and other carceral facilities, as an advocate at HEARD for a little over six years. And I'm looking forward to sharing stories about what we've learned directly from currently and formerly incarcerated people-- currently and formerly incarcerated disabled people with everyone today.

00:07:33:08 - 00:07:37:11

Roxanne

And I'm really excited to be a part of this panel.

00:07:37:13 - 00:07:44:00

Kristy

--So much, Roxanne. Lydia, will you go next?

00:07:44:02 - 00:08:22:11

Lydia

Hi everyone, this is Lydia X.Z. Brown, pronouns they/them. I am a young, early 30s, transmasculine East Asian person with short black hair and glasses. I am wearing a dark blue shirt that has a design of a dead fish on it, because I think that's funny. Wearing a large

handmade watermelon pin and a necklace with a silver star of David. And behind me there is a fake background that I apologize if it's flickering a little bit and turning me into a ghostly figure, but it is, wall to wall, floor to ceiling bookcases.

00:08:22:13 - 00:08:51:21

Lydia

And because all of my fake backgrounds are massive library rooms, I desire in my dreams to just live in a library, but of my own curation. I am the Director of Public Policy at National Disability Institute. We are the nation's leading disability advocacy organization that is focused exclusively on advancing inclusive and empowering economic and financial policies and research for people with disabilities.

00:08:51:23 - 00:09:15:05

Lydia

And as a disabled person myself, I come from a tradition of many decades of disabled organizing. I've been working as an advocate and as an organizer for over 15 years on a wide range of issues within the disability community, in particular attention to the intersections of disability, race, and gender.

00:09:15:07 - 00:09:24:22

Kristy

Thank you so much, Lydia. And living in a library sounds like a pretty good fantasy to me. Tamara, how about you?

00:09:24:24 - 00:09:48:01

Tamara

Good afternoon everyone. I'm Tamari Siegert. I use she/her pronouns. I am a white woman with blondish gray hair. I'm currently wearing a black shirt and a purple checked blazer, and have a very boring background. Kind of blurry, except I have a cat clock on the wall. With one of those long dangling tails. For a little bit of fun.

00:09:48:03 - 00:10:17:14

Tamara

I am with the Allegheny County Office of Developmental Supports, which is a program office within the Department of Human Services. And about five years ago, I met with our Director, Brenda Bulkoski, and created a team here that combines my unique history of working with individuals with disabilities as a direct support professional, as a case manager, as a community advocate, and as an attorney.

00:10:17:16 - 00:10:32:11

Tamara

And kind of translating between the two service systems, human services and the legal system. So thrilled to be here, thrilled to be in this community and honored to hear what everyone has to say.

00:10:32:13 - 00:11:08:17

Kristy

Thank you very much. This is going to be a really important conversation today. So where we want to start is by setting the table. I think many of the folks who are joining us today are coming to this conversation with very different background understanding. Some beginners, some with deeper expertise. And so we want to spend our first few minutes really talking about what's the foundational information, that our panelists feel like we all should have before we dive into other aspects of this conversation today.

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Kristy

So, Jamelia, I'm going to turn to you first. Mass incarceration has been widely discussed as a racial injustice, which it absolutely is. But disability is often left out of the conversation. In your article, which we'll be sharing a little later, "Disability, Policing, and Punishment: an Intersectional Approach", you write that disabled people of color are uniquely vulnerable to policing and punishment.

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Kristy

So I wonder if you could talk about that a little bit. When we talk about the high rates of disability among people who are incarcerated, what do you think is most important for us to understand?

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Jamelia

Thank you. Kristy. I think that the disproportionate representation of people with disabilities, inclusive of people of color with disabilities, reflects a deeper, pernicious, structural issue with our legal system. In my work, I have studied how criminal laws contribute to the punishment of people with disabilities by specifically targeting what disability studies and critical disability theory refers to as "non-normative behaviors", or behaviors outside the norm.

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Jamelia

So when we talk about the issue of disparities in prisons, I know many of us on this panel have done work in that area. We are talking about a segment of a larger problem, and that's a process that I'll refer to as the criminalization of disability. Now, what do I mean by that? That criminal laws often punish disability related behaviors.

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Jamelia

For the last several years, I've been studying what are called quality of life offenses. It's a term that we use to refer to offenses that are targeted at, reportedly, I should say, maintaining order and promoting the general welfare of communities. If that sounds subjective to you, it is

because indeed it is subjective. And in my studies, I've identified that that subjectivity reinforces racist, ableist, and gendered norms for how to appear in public, how to behave and how to look.

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Jamelia

There's a number of quality of life offenses that I could reference, whether we're talking about the quality of life offenses targeting unsheltered communities, anti sleeping ordinances, anti camping ordinances, and a particular category of offenses that I study known as "disorderly conduct". So disorderly conduct laws punish individuals in many cases who are experiencing crisis or labeled as experiencing crisis in public spaces. By crisis-

00:14:10:17 - 00:14:54:18

Jamelia

-I include mental health, so-called mental health crises, broader behavioral health crises. These laws literally facilitate the removal of people with disabilities from public spaces. They enforce a kind of relocation, forcible relocation, and oftentimes they can be a pathway into police violence and into detention, arrest, and, in some cases, even prosecution. Now, in talking this broadly about policing, as racial justice advocates will know, we know that at the intersection of race and disability, the concerns around policing and criminalization are heightened.

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Jamelia

The perceptions around, crisis. I'm thinking in many ways about Jordan Neely and his story, the perceptions of people of color, people labeled or experiencing crisis are raced and gendered and in many ways ableist. And so, in my studies, I've found that there has been an effort, in recent years in response to the homelessness, so-called homelessness crisis, to use disorderly conduct laws as a way of removing disfavored groups from public spaces, including people with disabilities.

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Jamelia

In one case, for example, 45 year old Randall McCreary, a Black man experiencing a mental health crisis, was forcibly removed. He was arrested. He was in an Atlanta gas station. He was covered in his own excrement, and he was arrested for disorderly conduct, even though there were indications that he was indeed in a mental health crisis, right?

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Jamelia

So a cop car showed up as opposed to a supportive service provider, care worker. I'm thinking of the alternative response programs that we see proliferating around the country. So these categories of crime fit within our larger criminalization of disability frame. The last kind that I want us to think about, particularly in this area. But the point is, is that these laws, when they target non-normative behaviors, can extend far beyond just these two classes of offenses. Here in the city of Chicago,

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Jamelia

last year, the city council enacted a particular criminal offense targeting individuals who assault EMT workers. I am here to protect EMT workers like anyone else. They do good work. We already, however, have an assault statute in Illinois. So one wonders, what was the purpose of the particular offense targeting EMTs in particular, or concerning EMTs in particular? And it was because an individual experienced a crisis and unfortunately assaulted an EMT worker.

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Jamelia

And so the city council decided to criminalize that punishment right? That action, using the punishment system, again, as opposed to providing supportive care and services to individuals experiencing it. That was the way of responding to that quote unquote "problem". It's a broader pattern, and I can say more, but I'll start there with how we can think about this particular issue in today's day and age.

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Kristy

Thank you for starting us out, with such clarity. Already I'm seeing the connections of what you have shared, Jamelia, with some conversations we have had before with this group, when we talk about the school to prison pipeline. Here in southwestern Pennsylvania, Pittsburgh Public schools refer more kids into the juvenile justice system than 95% of other cities.

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Kristy

And we know that the vast majority of them are children of color, students of color, and many with disabilities. And that the number one offense is disorderly conduct, which in a children and youth kind of situation is often kids behaving in some of the disruptive ways that teenagers behave, but are judged very differently depending on their race, their gender, their disability status, as well as, the punishment of, disability.

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Kristy

Rather than responding to the needs of the crisis. I think Tamara is going to talk some more a little later about some of the efforts Allegheny County has made. And I'm sure other panelists will as well. Roxanne, let's turn to you next in your work at HEARD. You interface with, listen to, and support so many incarcerated people.

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Kristy

What would you like to add to this dialog?

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Roxanne

Yeah, this is Roxanne. So I think continuing on, Jamelia talked a lot about pathways to criminalization and pathways into carceral facilities. A lot of my work is, after people have already entered prison or different carceral facilities. And the targeting doesn't end once people are in prisons and jails. And so in my work, I'm in conversation with disabled, incarcerated people across the nation.

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Roxanne

And, at HEARD, we see that overwhelmingly, disabled people, deaf and disabled people in prison experience higher amounts of abuse and punishment. And so that can look like disciplinary tickets for things that are directly related to someone's disability. The number of times I've seen that people receive disciplinary tickets, deaf people receive disciplinary tickets for not hearing count, not responding to an auditory order, or when we see the use of solitary confinement under false pretenses of security for the disabled incarcerated person.

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Roxanne

We also see various levels of medical neglect. This may look like in my work all the time, people, deaf incarcerated people will request medical care, that medical care will get delayed repeatedly because the prison doesn't provide an interpreter, and then they show up. There's no interpreter, but it's already been so long that the medical need has been delayed or neglected that they proceed anyway, with abysmal medical care and not the access they need to actually, receive the care that they need.

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Roxanne

We also see prisons completely blocking disabled people's access to programming or different services because they're not providing access. This may look like not being able to take a class because an interpreter isn't there, not being able to take a class or attend a program because the physical structure is inaccessible to you as a wheelchair user. There's so many ways in which people are blocked from accessing the very little services that prisons and jails provide in the first place.

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Roxanne

We also see this as, like, not being able to use the phone. There's many, many disabled people in prison who are unable to access telephones or telecommunications to communicate with people on the outside. And so all of these things together create an environment where disabled people are incarcerated for longer and are having worse outcomes if they ever do return back into their communities.

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Roxanne

So how can I get parole if I'm not allowed to take classes? Because the prison is blocking me because they're not accessible to me? And in some cases, we've even seen that people don't return to our communities. There's relationships between prisons and nursing homes, prisons and psychiatric centers, prisons and civil commitment, in which people enter prisons and then never return back to our communities.

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Roxanne

And so, because it's really important to hear stories directly from currently incarcerated people, I've brought with me today some excerpts from a recent conversation I had with someone named Dontã. Dontã is an African American poet who's currently incarcerated in Pennsylvania Department of Corrections. Dontã has been disabled for over 20 years, and in this conversation, I've asked Dontã to share about his experience as a black disabled person in Pennsylvania Department of Corrections.

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Roxanne

And in this clip, one of these clips, you'll hear Dontã refer to an injury. The injury that he's referring to is while he was in prison, he, experienced an injury of his foot and then experienced such severe medical neglect that the prison then amputated his leg. And so, just in context for understanding what he's talking about in that clip.

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Kristy

Great. Thank you. Adriana is gonna share, the audio clip. We'll also drop the link to the transcript in the chat. If you're not already looking at the captions, you may want to either turn the captions on or link to the transcript. It can be a little bit difficult to understand all of Dontã's words, and that could be helpful.

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Kristy

We don't want to miss them. Thank you.

00:23:18:17 - 00:23:44:05

Dontã

Like, okay- Being disabled creates a whole 'nother level of disrespect towards you. And you can see it with guys that's not, but... The majority of the ones that are, as with myself, we get it, like, full blast, constant, and it was aggressive and it's like I can't use that language, but "We don't- We don't care what you're going through."

00:23:44:07 - 00:24:11:04

Dontã

"We don't care about your disability. We don't care about your life." Like I've heard that. I've experienced it too many times to count. It depresses you, stresses you. It makes you believe

you're alone or there is no one. There is no one there for you, there's no one there to help, there's no one- like... It happens if people turn their back or turn away, or even like just staff that should be in charge

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Dontã

-of these people and allow it to happen, and it just- and they just keep pressing on. In the beginning it made me angry because I didn't have somebody to, like, speak for me since you don't hear my voice, you don't hear what I'm saying, you don't hear my pain. There nobody there to speak for me, so I actually ended up by getting defending myself in any way. Whether it was verbal or physical.

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Dontã

I defended myself. And It's still that way. I've come a long way from, like, knowing that I would lose fighting for my disability. I would lose. And I know also that I've said we're gone. Can I see you there? In the face of what it is, is and will instead a few times, which is scary. Honestly, nobody was held accountable for it.

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Dontã

Like, basically how they defend it is, "Well, we didn't know." It's their favorite line. Or "I didn't do anything," or "It was all the inmate's fault," which, even color, even with disability or not- it's always our fault. We don't have no right to be any other way, but the way they want us to be.

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Dontã

When I broke my foot, there was a white guy.. He broke his foot too. We had the same exact breaks. He got his whole ankle reconstructed. I was denied that treatment because they said it cost too much. He was upset. He was like, "Oh, wow, they're just gonna leave you like that, then." I'm like "Yeah, it's different for me like this." I fought that with grievances, I fought that like "What's the difference between me and him?" And they would just look at you with like the blank face, like, "You don't know?" Like, you can't figure it out? To be pressed like that, because of you being disabled in any way-

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Dontã

-and African-American, it's hard. Like, it's just truly hard.

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Kristy

That was so powerful. Thank you very much, Roxanne. And thanks to Dontã for being willing to share. I think his words really bring to life some of what we've been talking about already. It is so

important that we listen as we learn. I also want to acknowledge that for a lot of folks who are here today as part of this community, this is hitting very close to home.

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Kristy

It can be really evocative, really triggering to hear some of this. And so we really want you to take care of yourself. Know that this is being recorded. And so if it gets to a point where that's enough for today, that's okay. We'll make sure the recording is available later, so that you can pick it up.

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Kristy

We encourage you to support yourself, and to use whatever kind of coping works best for you. So, Lydia, let's continue the the conversation. I know that the patterns we have been talking about today are not things that happen accidentally, right? It's not accidental that prisons and jails are really over represented with people with disabilities, especially people of color with disabilities.

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Kristy

So, Jamelia really started with connecting the dots in terms of kind of offenses in the legal, context for this. Can you pick up there and add a little bit more about how you think this happens?

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Lydia

This is Lydia speaking.

00:28:17:18 - 00:28:54:04

Lydia

Disability is actually more prevalent in every marginalized community than it is in every analogously privileged community. And there are a variety of systemic and structural reasons, some of which arguably are caused deliberately and others of which occur without specific malicious intent, but that are nonetheless the product of structural and systemic inequality of widespread exploitative practices of deprivation that is attendant with different forms of marginalization and with injustice.

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Lydia

So, for example, disability is more prevalent in communities of color than it is in the white community. There are higher rates of disability where it is possible to measure among communities of color. There are higher rates of disability among low income communities than there are in communities that are middle and higher income. There are higher rates in disability, in areas that are particularly devastated by ecological or climate catastrophe and natural

disaster, as well as by the impact of war, for example, or the impact of genocide, which are disabling events.

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Lydia

And so whether within the United States context or in a global context, disability often comes about not just because of accident or because of genetics, but is also the result of interpersonal violence. Disability can be caused by domestic or inter-partner violence--interpersonal violence, excuse me. For example, the leading cause of concussions is theorized to be domestic partner violence or intimate partner violence of some kind.

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Lydia

And while we ordinarily tend to discuss concussions within the context of sports related injuries, they are much more likely to be caused by physical abuse of a family member or a romantic or a sexual partner. Concussions can also be caused because of police misconduct and police violence, that can incur a concussion if a person is subjected to police brutality.

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Lydia

We know that people who belong to other marginalized and vulnerable communities are more likely to experience intimate partner violence, as well as to experience police violence and so those statistics indicate that, again, just for that one example, that the experience of concussions, post concussive syndrome and traumatic brain injuries that can be traceable to a concussive related injury are likely also more common in communities that are marginalized, including the trans community.

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Lydia

People who might be profiled and criminalized because they engage in criminalized work - particularly sex workers, for example, or people that might be profiled as sex workers even if they are not actually engaging in sex work. And that's just one example. Other examples are that disability can be caused because of policy that leads to neglect and to the exposure to contaminants environmentally.

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Lydia

So, for example, people that are living in areas where buildings or infrastructure, municipal or county, for example, are not adequate for preventing the presence of toxins in water or soil or air because of pollution, whether that is the higher rates of lead poisoning, whether that is exposure to pesticides, or to chemical runoff from facilities that are not currently being regulated,

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Lydia

-in perhaps the ways that they could potentially be regulated. That people who are living in those communities are much more likely to acquire autoimmune conditions or other chronic conditions, including asthma, and even cancers, because of exposure to such contaminants. And so that has resulted in, for instance, communities like the almost predominantly black community of Flint, Michigan, which has long been in the news because of lead based contamination leading to developmental disabilities, because of exposure to lead contaminants, within the water system.

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Lydia

For examples like Winona LaDuke famously noting that Diné, or Navajo youth in the southwest United States, have one of the highest rates of juvenile cancer in the in the country, because of exposure to U.S. military nuclear waste dumping, on land that is adjacent to reservation land. And these are just a handful of examples from within the United States. Globally,-

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Lydia

-rates of exposure to disability also reflect global political and economic conditions. And so the experience of marginalization often is co-attendant and co-occurring with higher rates of disabilities, that can also be caused by trauma, which is a disabling experience. Disabilities that can be caused because the systemic effects of poverty, leading to lack of access to adequate or safer accessible housing, adequate, safe, accessible transportation, or to safe and just working conditions, when on the job. Or to the ability to even access health care that is accessible, supportive, and culturally responsive for any particular person.

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Lydia

Because lack of preventative health care can also lead to the development of chronic conditions that become disabling, in and of themselves. And so all of those realities around where disability is prevalent and what the causes and factors are around disability, and how different types of disabilities tend to be acquired or developed, and where those effects fall disproportionately on marginalized communities, contribute to and underline the experiences that both-

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Lydia

-Roxane and Jamelia have already discussed. That people who are, for instance, already subjected to greater bias and discrimination in society may experience profiling that is then reinforced, because of continued lack of access to safety and stability. So, for example, laws that criminalize homeless people for sleeping outside will have a disproportionate impact on people with psychosocial and other disabilities, both because people with disabilities are more likely to experience poverty and homelessness, and because a person who is homeless or perceived as being homeless and a person with a disability will already face potential likelihood of profiling and biased perceptions that can become compounded when a person is both experiencing homelessness and is or is perceived as having-

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Lydia

-a disability. But of course, these realities can affect people regardless of whether someone is actually homeless or not, or whether someone is actually engaging in criminalized labor or not, or whether someone actually has any specific disability diagnosis, but is merely perceived as it. For example, I've heard recounted many times a story about a person in Washington, DC who I believe was a white professional, who's blind, and this person was dressed in business professional clothing in Washington, DC, standing on the platform of the Metro during rush hour for their regular daily commute.

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Lydia

And as she was standing there, she was holding her cup of coffee for her morning commute. And despite the visible exterior appearance of this person being a working professional who was probably not homeless, at least not visibly poor, this person is participating in rush, hour getting on Metro along with everybody else in the morning commute. A stranger walked by, saw that she was blind, and dropped a quarter into her coffee cup, and then was suddenly surprised when realizing that the person was holding a cup of hot coffee to drink rather than panhandling.

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Lydia

And so whether or not a person is actually poor, a person may be subjected to those biases and to profiling. If a person is actually impoverished, if a person actually has a disability, in addition to inhabiting a body that is already experiencing racial marginalization or oppression and marginalization because they are transgender or gender nonconforming, then the effects of that profiling will be amplified.

00:36:19:02 - 00:36:47:02

Lydia

And if a person is at higher likelihood to be encountered or profiled by police because of negative assumptions, that could lead to a higher likelihood of actually potentially facing a potential prosecution for a charge. If a person has less access to resources to access legal support and counseling, to access community support, if they don't have stable housing or employment, then their ability to successfully defend themselves against that charge will be further diminished.

00:36:47:03 - 00:37:17:08

Lydia

And so there are compounding effects that affect who is then impacted by the effects of bias, and therefore mass criminalization and incarceration, as well as who is then affected on the other end, when people become incarcerated as well as returning home to their communities after incarceration, facing all of these further compounded barriers to a safe return, and as well

as to ever being able to attain any level of economic security, which we'll talk more about a little bit later.

00:37:17:10 - 00:37:18:02

Kristy

Great.

00:37:18:04 - 00:37:47:23

Kristy

Thank you so much, Lydia. You pack in so much into those comments. I really appreciate the zooming out to really talk about ways oppression plays out, in groups that are marginalized and the links with disability, and then zoomed in, to talk about bias and perceptions. This is so helpful, I think, in creating the right context for what comes. Tamara, I'll turn to you.

00:37:48:00 - 00:37:58:11

Kristy

You're working on the ground here in Pittsburgh, Allegheny County. What would you like to add as foundational knowledge for this conversation?

00:37:58:13 - 00:38:22:23

Tamara

So I, you just mentioned zooming out and zooming in. I think I'm going to zoom into a little microcosm here, because we are engaged actively right now in this work with individuals with intellectual disability and/or autism. And so often when we hear conversation about disability in the criminal justice system, I think the automatic thought is either a physical disability or a mental health disability or a mental health diagnosis.

00:38:22:23 - 00:39:03:19

Tamara

And very rarely is the automatic thought intellectual disability or autism. And I think that's because people don't believe that they're- individuals with these invisible disabilities are entering the legal system, but it's just not true. So I first want to bring out the, just keeping in mind individuals with intellectual disability and autism. But when I say that, I also want to mention that this is also a group of people that tend to be infantilized, and tend to be either not held accountable for things, because they're- it's assumed that they don't know any better.

00:39:03:21 - 00:39:26:04

Tamara

Or they are held overly accountable, because they assume there's no way to help that person. So what I would like to stress is that individuals with intellectual disability and/or autism, they learn, they grow, they mature. They just might do it differently than what we're used to seeing. And so, we'll talk about restorative justice a little bit later when we talk about our program directly.

00:39:26:04 - 00:40:00:04

Tamara

But, you know, knowing that the criminal legal system is not conducive to a neurodivergent person, it is not - something that is meaningful for you or for me is not going to be meaningful in the same way as someone whose brain thinks a little differently than mine does. So we're often over penalizing people because of their inability to contort their brains into a way that works with everyone else, or that, you know, kind of mimics everyone else's.

00:40:00:06 - 00:40:28:11

Tamara

And the last thing I want to mention with this population, along with not infantilizing folks, but understanding the difference between capacity and competency. I know we'll talk more about competence to stand trial, but competency to stand trial is not capacity to make your own decisions. And the two get conflated so often that the bleeding across cases...

00:40:28:13 - 00:40:56:06

Tamara

I'll tell a quick story of an individual that we were supporting, who- she was a codefendant in an attempted homicide case. And she was also, because of that case, involved in family court and had a dependency case. She was trying to win her child back and battle this homicide case. Her first attorney was reluctant to have her evaluated for competency to stand trial, because she was concerned it might affect her family court case.

00:40:56:08 - 00:41:23:03

Tamara

That was just a lack of understanding, cross-system, of how these different determinations affect different court cases in different ways, and different legal standards can apply. So, the thing that I always stress is assume capacity, assume the person you're talking to has capacity. They may not have competency to stand trial. Don't ever assume that, but assume that the person across from you has capacity.

00:41:23:05 - 00:41:25:18

Lydia

00:41:25:20 - 00:41:53:11

Kristy

Hugely important point. Thank you so much, Tamara. So we're going to shift gears a little bit and talk about different aspects of the sort of process of incarceration, starting with understanding the pipeline of how is it that people of color with disability, people with disabilities, people of color, people of color with disabilities are all, disproportionately, caught up in jail.

00:41:53:13 - 00:42:11:07

Kristy

So, Roxanne, I'm going to circle back to you. When you introduced yourself, you talked about HEARD and the work with people who are already incarcerated, but I'm sure that many of them have talked about kind of what got them there. What have you learned from that process?

00:42:11:09 - 00:42:31:24

Roxanne

This is Roxanne. Yeah, I really appreciated a lot of the information that Jamelia set up on this, about the criminalization of non-normative behaviors, but I think for me, the simplest answer for why disabled people are being arrested and funneled into carceral facilities is because we've designed a system of policing in prisons that depends on it.

00:42:32:01 - 00:42:55:19

Roxanne

And so I see a lot of- what I see a lot of at HEARD is disabled people being caged for their response to trying to survive for the world that we have built for disabled people. So I have- I think I mostly have stories for this question. But I see a lot of people who are trying to survive and then are being punished for their acts of survival - "acts of survival" being really broad here.

00:42:55:21 - 00:43:18:07

Roxanne

So some stories of just things that I've seen over the years. You have a formerly incarcerated person who's disabled and struggling to get a job because they're both disabled and formerly incarcerated. And they are using self-checkout at a store, and they start to skip some of the items in the self-checkout, trying to save some money, trying to get the food that they need.

00:43:18:09 - 00:43:42:21

Roxanne

Because they're also expected to survive on \$600 worth of SSI for the month and food stamps are low. The company at the store that they're shopping at waits until they've reached a felony amount of recorded items being taken. So now they're facing charges for felony theft, and they're on pretrial with a GPS monitor. But they now have to pay a fee to maintain the GPS monitor until they go to trial.

00:43:43:01 - 00:44:05:17

Roxanne

Right? And so that's just the beginning of someone who's already formerly incarcerated. Now, like, it just cascades. And that's like a really common story that we see all the time at HEARD, is people just trying to survive and then being criminalized for their acts of survival. I think something else that I see really often is probation, parole, and sex offender registry violations.

00:44:05:19 - 00:44:34:18

Roxanne

People being re-incarcerated for rules, they have either no way of understanding, and I think HEARD sees a lot of people who are... who ASL is their first language, and they are given rules

that, whether it be pretrial, probation, parole, sex offender registry rules, that they are being asked to sign without any interpretation into a language that they know, ASL, and then they end up being caught up for violating a rule that was actually never conveyed to them in a language they could understand.

00:44:34:20 - 00:44:58:03

Roxanne

So, I think this goes off of some of the things that Lydia was saying about the criminalization of unhoused people. But another story that I see all the time - deaf/disabled persons on the sex offender registry. That means for them, they can't live within 1000ft of a school, a park, a church, a pool, a shelter, a playground, a hiking trail, the list goes on.

00:44:58:05 - 00:45:23:06

Roxanne

They're also unable to find work because they're both disabled and formerly incarcerated. The SSI office is backed up 6 to 18 months, getting claims through. And this person was just released. So they're unhoused, they're living outside, but their city also just established an urban camping ban. And this person is required to notify the sheriff's office every time they move because of the rules of the sex offender registry.

00:45:23:06 - 00:45:46:14

Roxanne

So they actually have to call the cops and tell them I'm living outside. All their family members have died while they've been in prison, and many services in their area exclude people who are on the sex offender registry. What is that person supposed to do? And so that's a story that we see really often all the time, where it's not just one system against someone, it's actually compounding ones all the time.

00:45:46:16 - 00:46:06:02

Roxanne

And I think the last two things I'll say is, those are- those are all things that I see in my work at HEARD all the time, but I think in the- zooming out a little bit, we have people like Eric Adams in New York City giving the NYPD carte blanche to arrest anyone or incarcerate anyone that they deem unable to take care of themselves or look like they can't take care of themselves on the subway.

00:46:06:04 - 00:46:29:12

Roxanne

I'm also thinking of Tyron McAlpin, who's a black, deaf, disabled man with cerebral palsy who was just arrested and brutalized by the Maricopa County Police in Arizona. And they attacked Tyron after a white man in a gas station nearby said that he stole his phone. After that, Tyron was charged with two counts of aggravated assault and one count of resisting arrest.

00:46:29:14 - 00:46:44:12

Roxanne

All of those charges have been dropped as of a few days ago. But for so many people, they're not. So many people don't have the public outcry and have their charges dropped, don't have the recording and have their charges dropped. And so that story is is a really common one that we see very often.

00:46:44:14 - 00:47:18:02

Kristy

The stories that you're sharing really help to ground a lot of this sort of broader, intellectual way of framing and understanding what's happening. And then we see how it plays out in people's lives. So another zoom in, zoom out. In our local community, as more and more people are starting to be in the conversation around, "What are we going to do?" around incarceration of so many people with disabilities.

00:47:18:04 - 00:47:43:14

Kristy

Tamara's been part of a group building programs and responses to that. I wonder if you want to talk next about the pipelines into jail. And I think one of the conversations that's come up fairly frequently is like, should part of interrupting that system be about screening people so that we know who has a disability, as they're being arrested and booked into jail?

00:47:43:20 - 00:47:47:23

Kristy

And so I wonder if you could talk about some of those things.

00:47:48:00 - 00:48:18:07

Tamara

Sure. This is Tamara. So the pipelines in, I will say that the disorderly conduct that Jamelia brought up, far and away, I think 90% of the arrests that we see with the individuals we support are disorderly conduct. But that being said, we also see much more serious - and serious meaning legal consequence - we see much more serious charges.

00:48:18:07 - 00:48:44:22

Tamara

And I think that it's important to remember a couple of things that happen with intellectual disability, as an example. Communication is different. All behavior is a form of communication, right? But, the way that someone with ID communicates might be different. And so it's very quickly labeled non-normative. It's quickly labeled criminal. That's one pipeline.

00:48:44:24 - 00:49:10:22

Tamara

But along with intellectual disability comes an easier- Let me rephrase that. Comes a higher rate of victimization. And so we often see, individuals who have taken the fall for a loved one, who

have been pressured by a friend into saying things that made them look cooler or made them fit in a little bit more with someone they were trying to impress.

00:49:10:24 - 00:49:38:05

Tamara

And then we see what's called the "Cloak of Competence", which is a masking. And that's also quite competent- err, common with autism as well. But masking so as not to appear non-normative, right? And unfortunately what that mask often does is make the person seem capable of understanding things that they're not, and so... Or things that they're not understanding, not that they're not capable of it, but they're not in this moment understanding it.

00:49:38:07 - 00:50:09:24

Tamara

And so a reaction to that has been screening. We need to screen people because screening is necessary for identification so that we can provide necessary accommodations, right? The problem there is this is a really delicate balance. Screening is necessary for accommodation, but privacy and safety is paramount. An individual's agency and autonomy is paramount. An individual's right to choose to disclose their protected health information is sacred.

00:50:10:01 - 00:50:38:16

Tamara

An individual's right not to label themselves as a target for victimization. It's so important that we recognize that individuals, despite a disability, have the right to agency and autonomy. And so, while I think that screening is very important because, like I said, you can't get accommodations if you don't know, if you haven't identified someone. I think we have to be really careful about how we do it.

00:50:38:22 - 00:51:17:19

Tamara

Who is conducting the screening? Do they have proper training for it? Are we asking too much of corrections officers? Are we asking too much of police officers? You know, who is best situated to actually conduct the screening in a way that would be safe for an individual? Particularly recognizing the fact that intellectual disability and autism, again, leaning on what we're working with, are so highly stigmatized that some individuals have never been evaluated or have never been tested. Some do not know. Their families have hidden it from them or have denied it.

00:51:17:21 - 00:51:50:00

Tamara

So we're asking people to disclose things that they might not even know. And then one other caveat that I want to add to that is working in the human services system, identification is great. Misidentification is, I don't want to say fatal, but terrible. I mean, it's if someone is mislabeled, they carry that label through court documentation for the duration of not just that case, but any later cases.

00:51:50:02 - 00:52:23:01

Tamara

And if they've been misidentified at some point, then that label can impede access to proper care, proper accommodation or necessary treatment, because someone has been, mislabeled, they can they can never actually have access to what they need. So all of that, a very long winded way of saying the balance here is really protecting someone's privacy and right not to be victimized and dignity, along with their right to accommodation.

00:52:23:06 - 00:52:30:24

Tamara

I'm not sure exactly how to how to make that balance, so I think the conversation has to keep going.

00:52:31:01 - 00:52:43:08

Kristy

Thank you so much for holding the complexity of some of these issues. Jamelia, I'll turn to you next. What would you weigh in on this conversation we're having right now about pipelines into jail?

00:52:43:10 - 00:53:05:07

Jamelia

Yeah, I just wanted to echo what Tamara just said. You know, the importance of, like, thinking about stigma and make a specific point. You know, those of us working in community, in court systems, as social service providers, you know, through our advocacy, we similarly have an obligation not to enforce stigma, right? By the language, by the advocacy choices.

00:53:05:13 - 00:53:39:03

Jamelia

We should be steeped in an understanding, critically, of disability, so as not to reinforce these hierarchies that so many of us have been documenting. I'll just add a couple things. We started, at the Center for Racial and Disability Justice, a mapping project of the criminalization that's happening around disability. And it's sobering because, as I said earlier, there's a lot of different crimes that clearly, you know, to Lydia's earlier point, there might be intentional crimes, in the sense of, the legislator enacted them specifically for the purposes of targeting disabled people.

00:53:39:03 - 00:54:05:10

Jamelia

I can think of the ugly laws of an earlier era, and some of the vagrancy laws in a more earlier regimes, or unintentional, right? Collapse them together. They're harmful in a variety of ways. I want to highlight one other class, the mandatory arrest statute. They were developed in response to law enforcement not responding adequately, we would say, to intimate partner violence.

00:54:05:12 - 00:54:29:01

Jamelia

And so the policy, the enforcement policy is if you're dealing with a so-called domestic disturbance, there must be an arrest. Well, in some jurisdictions today, they are applying that particular policy, which, again, was a reaction to lack of enforcement around gender violence, right? For those that wanted that particular approach, they're applying that to individuals in crisis.

00:54:29:01 - 00:54:56:07

Jamelia

And so you're reading stories again where family members are calling law enforcement or calling 911, more specifically. Even in jurisdictions where they're calling 988 under the presumption that a non-police response would be dispatched, and encouraging, pleading, begging officers not to arrest family members. These particular statutes apparently take away that discretion or the views of the family members are not listened to at all.

00:54:56:07 - 00:55:28:04

Jamelia

And so these are another kind of disability criminalization that's in response to our failure to invest in robust behavioral health, mental health, not just on the crisis side, but an entire continuum of care. Community based services, things that disability rights movements have been advocating for many, many years. And I think that in this particular moment, in the state of our world and country, I, you know, just wanted to highlight what Roxanne said, the criminalization of acts of survival.

00:55:28:04 - 00:56:02:19

Jamelia

I think studying these laws, the advocacy communities that I was raised in and the communities and my clients and the people that I worked with, that is what we see. And I think to really understand this pipeline, we really need to rethink criminal law and the so-called criminal justice system, because we are, as a society, in our name, funding these efforts, right? To respond to failures of governance, failures to invest in care and to provide for human flourishing.

00:56:02:19 - 00:56:14:14

Jamelia

We are responding to needs that are created by the failure to invest in those systems using criminal law, and it's hurting disabled communities.

00:56:14:16 - 00:56:37:06

Kristy

So incredibly powerful. I can see that the hour and a half we planned for this webinar is even less of a scratch of the surface than I thought it was going to be. Lydia, I know you haven't had a chance yet on this question, but, in looking ahead with our time, I'd like to move on to the next question, and you can go first.

00:56:37:08 - 00:56:57:13

Kristy

And then if there's anything you really wanted to say on the pipelines in, you can do that. But what I want to move on to is people who are incarcerated now. Right? We have a number of folks who chimed in in the chat about being pretty new to this conversation. I think a lot of times when people think about, like, who is in our jail?

00:56:57:15 - 00:57:31:05

Kristy

They think about people who are convicted of crimes, who are serving time. And that is a misunderstanding of who is really being incarcerated in our communities. I know that we have people who are held in jail awaiting trial, awaiting arraignment. Sometimes they are remanded back to jail because of infractions while they're on probation. Sometimes people are in jail for things that probably should never have been criminal to begin with.

00:57:31:08 - 00:57:57:16

Kristy

There's a lot of reasons that people are in the jail. And so I know, Lydia, that you have really strong thoughts, that you wanted to talk about, about who is incarcerated and about the economic issues that really impact reentry and returning to community after release. So can you start us there?

00:57:57:18 - 00:58:28:02

Lydia

This is Lydia speaking. Right. Okay. I agree that we could easily spend a probably several hours in this conversation, but we don't have several hours. But a few things that I'd like to address on this question. And also just threading back to some of the earlier conversation - When we name incarceration, we are naming a really large number of very varied types of institutions and types of incarceration.

00:58:28:04 - 00:59:22:10

Lydia

And at the outset, Kristy, you helped set some of this stage, right? Incarceration includes disability-specific institutions, which are carceral settings. And that's why the disability rights and disability justice movements have worked for many, many decades to end institutionalization as a form of disability incarceration. And then there is incarceration in our immigration detention system. There's incarceration of youth and incarceration of adults, including elders. And incarceration of adults and youth that is in the criminal legal system, includes people who are detained for as little as just one day, to people that are detained for other shorter periods of time in jails and detention centers, and people that are incarcerated for longer periods of time in a wide-

00:59:22:10 - 00:59:47:01

Lydia

-range of different types of prisons, and, again, other carceral settings. So there's a really large number of types of people that are incarcerated, as well as what brings someone to be incarcerated. And we've touched on some of those issues and the different forms of prejudices and structural and systemic characteristics that lead to and drive disproportionate rates of incarceration for people with disabilities.

00:59:47:03 - 01:00:10:18

Lydia

But I find it really important, as well as necessary, to frame clearly that the population of people who is incarcerated includes people who have actually engaged in the conduct that they were charged and convicted of, whether that is conduct that is actually causing harm. For example, one of the stories that Roxanne shared is someone that was on the sex offenders list.

01:00:10:20 - 01:00:34:22

Lydia

If that person had actually caused that conduct, that is conduct that actually causes harm. Or conduct that does not necessarily cause harm, but can be subject to criminal penalties, such as sleeping on a bench in public, or somebody that is possessing marijuana, which is not causing harm per se. But the person may have engaged in that conduct and then faced prosecution and conviction because of it.

01:00:34:24 - 01:01:13:16

Lydia

But there are also people who, for a wide range of criminal offenses, are not necessarily responsible for the conduct for which they are charged, whether or not the content for which they are charged should be the topic of reform in the criminal legal system. And so the population of people who are incarcerated includes a really wide range of people, whether or not they've engaged in particular in actual criminalized conduct, whether or not they've engaged in actual harmful conduct, and whether or not they are currently serving a sentence post-conviction or they're not serving a sentence at all.

01:01:13:18 - 01:01:38:12

Lydia

Excuse me. [Cough] I'm at the tail end of, like, day 15, recovering from a very bad cold. An awful cough is the only lingering symptom I have. So my apologies for, um, interrupting myself and us. And so then there are also people who are incarcerated because they were found to be in violation of probation or parole conditions.

01:01:38:14 - 01:02:07:09

Lydia

Again, whether or not they actually engaged in the conduct that led to the revocation of parole or probationary status, that led, again, to incarceration. So there's a really large variety of people who are incarcerated, the types of places they're incarcerated, the reason that they're

incarcerated, and the legal status surrounding their incarceration. And people with disabilities are overrepresented in all of these categories, among people who are incarcerated.

01:02:07:11 - 01:02:50:08

Lydia

Now, when a person becomes incarcerated, this has been written about by many activists and scholars within our community, as incarceration is itself an experience of trauma, it causes trauma. And people who have survived trauma, which is a disabling experience, are more likely to become incarcerated. And so if a person is incarcerated, you lose access to any continuity of care, even if you did receive adequate, helpful, and culturally responsive healthcare on the outside. You experience a major disruption in all of your personal relationships and connections to your community, and you experience a major disruption in your economic status.

01:02:50:10 - 01:03:13:18

Lydia

You will lose your job while you are incarcerated, and even if you are one of the very, very privileged few people whose employer promises to hold their job until they return from incarceration, you lose your income while you are incarcerated, and the only exception to that are incredibly generationally wealthy people who have passive sources of income on the outside while they're incarcerated.

01:03:13:20 - 01:03:45:15

Lydia

But the vast majority of people that are incarcerated do not fall into that category. And so people with disabilities who already face particularly noted discrepancies and disparities in economic status and economic outcomes face further compounded and exacerbated economic disparities during and after incarceration. Incarceration will lead to job loss. It will lead to a resumé gap. And you are- you know, most people are not willing to put all their resume.

01:03:45:18 - 01:04:17:10

Lydia

"For the last five years, I was incarcerated as an inmate in this prison, and that was my position. It explains my five year resume gap," because firstly, most people experience and shame around having been incarcerated and our society stigmatizes the experience of incarceration, even though in the most benevolent possible interpretation of incarceration, simply serving the sentence was supposed to be the punishment and not this experience lingering afterward.

01:04:17:10 - 01:04:44:03

Lydia

Although the reality is that collateral and post-conviction consequences will follow a person, so a person will come out of incarceration. They're not going to list this on their resume. If they did decide to be cheeky and list on the resume that they had served a prison sentence, they're not likely to be called back for an interview by most employers because of widespread discrimination against people who have a record, particularly if you've served time in a prison.

01:04:44:05 - 01:05:05:08

Lydia

And this will lead to and further exacerbate issues in access to credit, issues with access to any savings, issues with access to any amount of income, especially if you are in the position that Roxanne shared about some of these stories of you are waiting for months or even over a year in some cases to be deemed eligible for and to receive benefits.

01:05:05:08 - 01:05:32:19

Lydia

And although if you were found to be eligible for Social Security administered benefits, you will receive back pay for periods in which you were supposed to have been receiving those benefits. You're not receiving any income in the meantime, you're not receiving employment income. You were not eligible to be housed in public housing. And so you are stuck having to deal with landlords who will likely not rent to you, both because of your record and your lack of a credit report and a credit history and a rental history.

01:05:32:21 - 01:05:52:20

Lydia

You were stuck, unable to obtain a job because you may not pass a background check, but you also may not pass a background check that is, considering not just your criminal record, but also your financial trustworthiness or your record of employment. And again, past supervisors who can vouch for you. And of course, there are compounded added effects to this.

01:05:53:01 - 01:06:15:08

Lydia

If you are a person who is not fluent in English, whether that's because you're from the deaf community and English is not a language that you had reliable or consistent access or education in, or it's because you are from an immigrant or refugee community. You are not fluent in English. You're going to have great difficulty in navigating, attempting to find employment or receiving employment services.

01:06:15:10 - 01:06:43:18

Lydia

And you're also going to have difficulty accessing information about how to seek support for housing. And you were left- You were left in a lurch. And then the experience of incarceration itself means that even people who may have been financially stable prior to beginning of term of incarceration can lose all of their financial stability immediately. Your student loans don't automatically put you into a forbearance simply because you were incarcerated.

01:06:43:20 - 01:07:22:00

Lydia

Your student loans are still payable and accruing interest, and you're going to have those 90 plus day defaults on your credit report, when you come out. If you can't repair that credit report,

you're going to have great difficulty with access to housing and employment, let alone any attempt to rebuild finances. Your only option might be very predatory loan products in order to pay for anything, and that assumes that even the most predatory lenders may still decide to lend to you when you have absolutely no credit or completely devastated credit, and no ability to access other earned income.

01:07:22:02 - 01:07:45:13

Lydia

And again, the compounded effects of language, of race, of disability. ET cetera, that cause and exacerbate experiences of discrimination, not just prejudice and bias, but outright discrimination, are going to lead to further economic harm and that will then reinforce, um... Yes.

01:07:45:15 - 01:08:15:22

Kristy

This is an incredibly compelling, detailed account connecting the dots between stories and cycles and the economic impact. We're so grateful, for laying that out. A number of people have been, really responding to different things that you're saying in the chat. Thanks also, we had a question about language access, and you addressed that beautifully. I appreciate that, paying attention to the time I want to make sure that we get to what can people do about it.

01:08:15:24 - 01:08:32:17

Kristy

But before we jump to that, Roxanne and Jamelia, I want to give you a chance. Is there anything else you want to add to what Lydia has already said about sort of what's keeping people with disabilities trapped in jail? Roxanne

01:08:32:19 - 01:08:53:23

Roxanne

I don't have too much more to add. I think Lydia hit so much of it. But I think the one thing I will add is we're still seeing the repercussions of incredibly long sentences handed out in the 80s, in the 90s. Like people are in prison for 40, 50 years. Definitely like a huge number of people are in prison for over 25 years.

01:08:54:00 - 01:09:15:04

Roxanne

And so I think what's keeping people- disabled people in prison is like incredibly long sentences, whether someone's disabled when they go in or becomes disabled by nature of being in prison for that long. And so we're going to talk a little bit about what can be done, but I just want to uplift the work of an organization called Releasing Aging People in Prison.

01:09:15:06 - 01:09:29:19

Roxanne

And people that are doing work at the intersections of, they may not even use the word disability, but their work is all about disabled people. So it's something else I want to uplift.

01:09:29:21 - 01:09:37:17

Kristy

Thank you for that. And we'll look that up and put that in the chat. Jamelia.

01:09:37:19 - 01:09:42:06

Jamelia

I don't have anything to add. I think Lydia and Roxanne covered it very well. Thank you both.

01:09:42:08 - 01:10:09:21

Kristy

Okay, perfect. Where we want to shift is, we have a lot of different folks who are in our audience today who are in human services, disability services, working on justice issues. Folks who are in Pennsylvania, folks who are otherwise, lots of ideas already in the chat about how people are interfacing with these really important issues.

01:10:09:23 - 01:10:27:05

Kristy

So we don't want to just lay out what some of the problems and challenges are, but also what is it that people are doing? And so, Tamara, I want to give you the floor on this to talk a little bit more about the START program and the LeCSI program that you started to talk about before.

01:10:27:07 - 01:10:31:20

Kristy

And then we'll ask everybody else to add thoughts as well.

01:10:31:22 - 01:10:59:19

Tamara

Thanks, Kristy. This is Tamara again. So we have kind of two- a continuum of services here in Allegheny County, kind of a front end and then a front through the back end program. The first program, START, which stands for Systemic Therapeutic Assessment Resources and Treatment. It is a national crisis response model. It's started out of the University of New Hampshire, and I think it's in about 20 states now.

01:10:59:21 - 01:11:28:21

Tamara

But Allegheny County was the first to pilot it, in Pennsylvania. And what it is, it is a clinician led, evidence based crisis response unit that relies heavily on support, training, and connection - supporting not only the individual but their staff, their family, providing training, learning what the individual needs in a crisis, and how to actually provide that to them.

01:11:28:23 - 01:11:55:09

Tamara

What to do if the crisis escalates? What kind of connections can we make both before and after? And my favorite thing about START is the relationships that they build with the individuals they're supporting. It is, I think, the only crisis response unit that is specifically designed for individuals with intellectual disability and autism. And so when a family or an individual or a staff person calls START, they're getting the same response team.

01:11:55:14 - 01:12:20:08

Tamara

It's not just whoever's on call, but it's a person that the individual already knows and has already developed a relationship with. And from that we have seen, although START was not created to be a diversionary program from the legal system, it has actually had that effect. It has de-escalated crisis situations, thus diverting people before an arrest even happens.

01:12:20:09 - 01:12:49:14

Tamara

And building off of that relationship idea, the other program, the one I'm involved with, LeCSI - Legal Connection Support and Intervention - is a support for any individual who is eligible for services through the Office of Developmental Supports. Who has any contact with the legal system, any division, any role. But to focus specifically on the criminal division, we have people with summary disorderly conduct charges.

01:12:49:14 - 01:13:14:15

Tamara

We have people with homicide charges. We have- the only thing that really unites everyone is the fact that race and disability means that they're more likely to need us. So, we support anybody who is eligible for our services. And what we do is we make sure that they have a voice. We make sure it's not a roomful of lawyers talking over and above and about them, but instead, "Do you understand?"

01:13:14:15 - 01:13:37:12

Tamara

"What do you want? Do you know what this court order means? And what happens if you don't follow it?" Or we are often a resource for the courts and explaining things like "This is not what a human services system can do." I heard a district attorney and assistant district attorney say a couple of weeks ago, "Can't we confine him in a group home?"

01:13:37:14 - 01:14:03:17

Tamara

That's the face, Lydia! It was really a, looking at how do we deal with individuals with disabilities that we cannot jail, that we cannot institutionalize? Can we turn group homes into an institution of some sort? So it's- LeCSI is here to to explain why that's not appropriate, why that's not something our system can or ever would do.

01:14:03:23 - 01:14:29:00

Tamara

Why we're not here to institutionalize people no matter what they've been accused of. And how we can assist an individual through their own situation, both dealing with the trauma of the legal system, and any incarceration that may or may not happen, but also processing that afterwards. That's I think the most unique thing about our program is we don't stop after the case is over.

01:14:29:02 - 01:14:47:07

Tamara

Because, you know, you've just gone through the most traumatic experience of your life, and now you're losing all these supports that saw you through it. We stick around for as long as the person wants us, so that they have kind of that continuity throughout. I could go on and on, and I think we're going to provide some one pagers on everything that LeCSI does.

01:14:47:07 - 01:15:07:00

Tamara

But, we've seen a dramatic improvement in, um, individuals not being held unfairly accountable for expressions of disability or non-normative behavior, as well as just a, I think, a decrease in the trauma, knowing that they have someone with them.

01:15:07:02 - 01:15:08:05

Lydia

01:15:08:07 - 01:15:31:20

Kristy

Thank you so much. Adriana is going to post in the chat some resources that we've assembled. Each of our panelists has spoken about some resources in our community - the Abolitionist Law Center, the PA Prison Society, in addition to the START program, the LeCSI program, Autism Connection in our community has been doing a lot of individual advocacy about this.

01:15:31:22 - 01:15:56:02

Kristy

Thanks so much, Roxanne, for lifting up Releasing Aging People in Prison. And so we're going to post in the chat the links to some national resources and some local resources. We're not going to be able to really remotely talk about any of them. But knowing that that's coming, Jamelia, is there more you would want to add about what people can do?

01:15:56:04 - 01:16:22:08

Jamelia

Yes. I think there are a lot of different entry points. And, given my positionality at a law school and the incredible team that I work with at the Center for Racial and Disability Justice, we've focused on research and policy with respect to legal institutions and legal actors. And so I mentioned the mapping criminalization policy, which we hope that will be a resource for practitioners, from litigators to social workers, community, and self-advocates.

01:16:22:08 - 01:16:48:10

Jamelia

It would literally go state by state and it's a massive project. But we're trying to document what we mean when we say "the criminalization of disability". How do these particular laws, what are the elements of the offenses? And then specific stories of individuals that have been punished under these statutes and how their disabilities were criminalized. So in addition to that kind of survey mapping project, we're also working on research and policy briefs.

01:16:48:12 - 01:17:10:12

Jamelia

How can we leverage laws? I know the courts are somewhat unfriendly, if you will, to disability issues today, but there's a lot of activity that is encouraging; at least if we don't look to the Supreme Court, I'll say. So how can we bring legal claims and challenges to policies and practices that contribute to the criminalization of disability?

01:17:10:17 - 01:17:43:21

Jamelia

My current project is looking at how to reinvigorate what are called status offenses and status crimes. How can we develop broader protections against the criminalization of status? Whether it is framed as homelessness or disability, to protect and limit, the ability of states to punish on the basis of disability. And then, importantly, our communication, where we're working with journalists and journalism students to make sure that they're clear as to how to talk about disability and disability histories.

01:17:43:23 - 01:18:14:21

Jamelia

And, I will say that many of the conversations happening around the country still have that punitive and carceral and ableist bent to them. Mayor Adams has been lifted. I'll also bring in Gavin Newsom, and the terrible efforts out of California under the CARE court's formulation and model to target, again, what are the failures of the state of California to respond to the issue of unsheltered communities and to provide, as is a duty of governance, shelter for human beings in their, cities.

01:18:14:21 - 01:18:35:01

Jamelia

They're suggesting alternative pathways into the court system and the CARE court. I encourage people to look at. So we're trying to reframe the discussion and to target some of these efforts, with public education and messaging and support.

01:18:35:03 - 01:19:03:22

Kristy

Thank you so much. This conversation is so rich. There's been a lot of comments and some questions in the chat, as well as in the Q&A. We'll do our best, but we're probably not going to

get to everything. One of the questions, though, is about specialty units in jails and prisons. And so, here in Pennsylvania, there's a new autism unit at Albion that somebody asked about.

01:19:03:24 - 01:19:26:14

Kristy

How do you think about, and this is a general conversation- err, a general question. So I don't know who wants to chime in on this. Within jails and prisons, carving out units that have particular needs for people with disabilities? What do you think about that? Who would like to answer?

01:19:26:16 - 01:19:58:04

Roxanne

This is Roxanne. I can start, It scares me, honestly. I think that two things come to mind. If they build it, they will fill it. If they create a unit, that has to be- that is like specialized for a population, there's incentive to fill that unit with people who meet that criteria. And then two, disability-disabled people historically and disability movements have worked so hard against the segregation and isolation of disabled people.

01:19:58:10 - 01:20:21:22

Roxanne

And so the idea that... we're going to segregate, separate, isolate, disabled people in special units very much is reminiscent of something that disability rights movements worked very hard to dismantle. And the last thing is, I have conversations with disabled people inside about this all the time. And there's not consensus. Disabled people don't all want the same thing.

01:20:22:00 - 01:20:39:03

Roxanne

Sometimes it's "I want to be, like, with people like me, and I want the prison to have better things for me." And some people are like, "Actually, my community has a ton of drama. I don't want to be around everyone like me. I like being in general pop, around lots of different kinds of people. Or I want to be closer to my family."

01:20:39:03 - 01:21:04:15

Roxanne

"I don't want to be in the special prison that's hundreds of miles away from my family." So there's not consensus among disabled people about that also. And that's who I think I'm most interested in hearing from. So those are some of the things that come up for me, around those kinds of units. And I guess the last thing is we also see that when people are segregated and isolated by disability, it also becomes a lot easier to target them on the basis of that disability.

01:21:04:17 - 01:21:12:20

Roxanne

And use those exact traits that are supposed to be specially designed against- the facility's supposed to be specially designed for against them.

01:21:12:22 - 01:21:39:10

Kristy

Thank you for that. We have one other question, and then I want to make sure each of our panelists has a chance to say final comments. So somebody asked a good question, I think that relates to non carceral crisis response. You know, something happened within their organization. Staff were concerned about safety. It was being proposed to call the police, and like what to do instead?

01:21:39:12 - 01:22:12:12

Kristy

And I think that's a much longer conversation than we're going to be able to address now. It's not so much about, I think, the safety concerns and what you do in that moment of crisis. It's about how do we build other supports in a longer term way? In advance, I want to acknowledge that in the to PDF resource guides that Adriana posted in the chat are links to some really solid training and consultation about how do you build in supports in a better way, so that it doesn't-

01:22:12:12 - 01:22:35:24

Kristy

-People don't necessarily get to that level of crisis, as well as some of the non carceral crisis responses that Tamara was talking about. So with the few minutes we have left, I want to give everybody a chance to make final comments. Roxanne, I know you started us with some recordings. I know that you have one more that you would really like to share.

01:22:36:03 - 01:22:40:03

Kristy

Is there anything you would like to say and framing it up?

01:22:40:05 - 01:23:03:17

Lydia

This is Roxanne. Yeah. I think closing statements from Dontã. I asked Dontã, what's one of the most important things that he thinks people should know on the outside about disabled people of color inside prisons? And so he shared these thoughts. And I think that's all.

01:23:03:19 - 01:23:30:09

Kristy

Just a minute to get that all shared out. When we come back after the clip, I'll give it to you, Tamara. And then Lydia and then Jamelia, you can close this out.

01:23:30:11 - 01:23:36:02

Kristy

Thanks so much for managing the tech, Adriana. We really appreciate it.

01:23:36:04 - 01:23:39:00

Adriana

Sorry about that. Just trying to play the audio clip.

01:23:39:00 - 01:24:02:21

Lydia

01:24:02:23 - 01:24:13:06

Adriana

Unfortunately, I'm not able to show the slide, but I'll go ahead and play the audio clip.

01:24:13:08 - 01:24:42:01

Dontã

Three words: WE NEED HELP. [Laughter] But it's a challenge. It's a challenge for people on the outside, also, to even attempt to help. Because I had two scenarios where the prison society, I had contacted them. And somebody else I had contacted. And they would come in to visit. And they would get harassed. And they would say I didn't have a visit. And this was going on for years.

01:24:42:01 - 01:25:22:01

Dontã

Like they have a file on me from the abuse, that dates back maybe to 2000, 2001 at least, from me contacting these people. Like listen, this is what's happening, this is what's going on in my disability, this, that. They don't—they won't allow the outside to— like they have have immunity from anything or anybody that can help. Like, I wrote the US State department of disabilities down in DC. I wrote the governor, I wrote.... I mean, I was writing because I was a human being, like stepped on. And I didn't know what to do, like it was hard.

01:25:22:03 - 01:25:48:17

Dontã

But for people out there to know like that we need that voice. Even if it's phone calls. Even if it's letters. Even if, you know, something like that we can't do, which is contact. We don't have internet. We, you know, maybe state reps or just having the resources to prevent it, because it can help in a way. In a sense it can help because they know you're not alone and you do have somebody-

01:25:48:17 - 01:26:27:10

Dontã

-fighting for you, which is a challenge in itself. Finding somebody that actually cares, that wanna fight to help you in any way that you know with the means in here. That is hard. Like that is super hard. It's hard to win against the DOC, period. Like definitely to this day, we still need a voice. People outside can understand that we are human too. You know, we are not without error, but...

01:26:27:12 - 01:26:57:14

Dontã

Behind these walls we become a target. So, it's like walking around with a bull's eye. Like a deer in hunting season. You just don't have a chance. And you want the help. We need the help. But the help is just not there. It's really not there. Like we have certain organizations, but they refuse your—like they used to come around into the prison.

01:26:57:14 - 01:27:19:11

Dontã

They stopped them. They used to let them in and they used to you know, see where we live, how we live, what's going on, talk to us directly. They just ceased it because the truth was coming out and now they just don't allow them to tour no more.

01:27:19:13 - 01:27:20:15

Lydia

01:27:20:17 - 01:27:26:23

Kristy

These conversations, we're not talking about abstract things. I'm sorry. Was there something you wanted to add?

01:27:27:00 - 01:27:43:16

Roxanne

Yeah, I think I just wanted to end that clip with something that I think about often, which is a quote from the poet Diane di Prima, which is "No one way works. It will take all of us shoving at the thing from all sides to bring it down." And I think that that is what Dontã is asking us to do.

01:27:43:18 - 01:27:49:06

Kristy

Thank you so much. Laser round of closing comments. Tamara, what do you have?

01:27:49:08 - 01:28:06:06

Tamara

I just want to repeat something that Dontã just said, which was "we need help, but it's just not there." So I want to thank everybody for coming today and for participating in this conversation and kind of provide a little bit of a call to action. And let's not stop with just talking. Let's talk about building resources.

01:28:06:06 - 01:28:20:01

Tamara

Let's build the resources. Let's keep looking about what do we do. Not just "We know there's a problem." We know there's a problem. But now what can we do about it? And how can we work together to provide some of that help? That's just not there?

01:28:20:03 - 01:28:20:19

Kristy
Perfect.

01:28:20:21 - 01:28:24:16

Kristy
Lydia?

01:28:24:18 - 01:28:48:11

Lydia

This is Lydia. I am always informed and inspired by the words of Ruth Wilson Gilmore, abolitionist scholar, who says that “Abolition is not a project of absence, but of presence.” And I think that builds very, very well on what Tamara was just saying, which is that our focus needs to be on what we can do, both in the short term and in the long term.

01:28:48:13 - 01:29:22:01

Lydia

And in the short term, we need to be building programs, and advocating for policies that can at least reduce the harm and the impact caused by incarceration on people with disabilities, both during and after incarceration, and we need to be doing that in partnership with disabled-led organizations and groups. Groups like HEARD, for example, NDI is a disabled-led organization. I am joining this call, this conversation, as I mentioned, as a disabled advocate. I've been involved in advocacy for a very long time.

01:29:22:03 - 01:29:56:13

Lydia

I come from a tradition of the autistic self-advocacy movement, and our voices need to be up front and leading and shaping what our policy and programmatic responses will be in creating the types of resources and programs and support systems that our community knows how to build, so that our people can receive access to the support that they need, and be best positioned to have access to economic and overall- [Microphone cuts off]

01:29:56:15 - 01:30:01:00

Kristy
Thank you very much. Jamelia, you have the last word.

01:30:01:02 - 01:30:31:06

Jamelia

I think just right in line with my colleagues and what Dontã said, there is another way. We don't have to respond with police and surveillance systems and punishment systems. We can build housing and alternative response programs and really invest in our communities. And I think, just optimistically, I'm in a fight too, in a radical tradition. And my goal is to work towards ending the criminalization of disability, like so many of my colleagues on this panel.

01:30:31:06 - 01:30:54:10

Jamelia

And that requires rethinking how we do this thing called society, and how we respond to harms and mediate conflicts outside of the traditional punitive surveillance and carceral structures. So thank you all for being a part of that struggle and for your interest and to the FISA Foundation for convening us.

01:30:54:12 - 01:31:19:03

Kristy

Thank you so much, Jamelia, Lydia, Roxanne, Tamara. So many thanks to Hope, who provided captioning today, Cameron and Johnny, who are our ASL interpreters, Adriana for the tech. We appreciate all of you for being here with us today, for being in this conversation, for looking at what you can do next. And we appreciate your feedback.

01:31:19:03 - 01:31:48:00

Kristy

And so, there'll be a link in the chat, you should also have one in your email. When you give us feedback about what you heard, what you need next, what other topics are urgent for us to be addressing. We use that information to shape next steps and next year's programs. If you haven't already, it's a reminder to please access the resource guides that were posted in the chat before you leave the meeting, but we'll also send them as a follow up.

01:31:48:02 - 01:32:10:02

Kristy

The webinar has been recorded. We need to get it captioned before it is posted. Thank you so much for spending the afternoon with us today. And thanks again for this work in creating an equitable- a more equitable, more fair, more just world for everyone. Thanks, everybody. Bye bye.