

Protect the Rights of People with Disabilities Involved with the Criminal Justice System – The Need for a Criminal Justice P&A

The Needs of People with Disabilities in the Criminal Justice System

People with disabilities often encounter discrimination throughout the criminal justice system. Right from the start, people with disabilities have actions or behaviors that are related to their disability misunderstood by untrained law enforcement personnel, prosecutors, and judges leading to arrest and conviction. When in prison, many people with disabilities are segregated from other prisoners and routinely face physical barriers and accessibility issues while others are denied necessary prescription medication and life-saving medical treatment. Finally, prisoners with disabilities are often excluded from critical re-entry planning in order to reduce the risk of recidivism,

According to the 2016 Survey of Prison Inmates conducted by the Bureau of Justice Statistics of the U.S. Department of Justice, nearly 2 in 5 (38%) state and federal prisoners had at least one disability. The same survey also found that state and federal prisoners were about two and a half times more likely to report a disability than adults in the general population. Many incarcerated individuals with disabilities continue to be confined to dangerous and inaccessible facilities, which places their health and lives at risk.

There is a clear need to advocate for safe and humane conditions of confinement and the elimination of dangerous practices are desperately needed in America's prison system. Additionally, advocacy around expanded support services and community supervision is also needed in order to avoid incarceration for actions or behaviors that are related to the person's disability and ensure a successful re-entry for those individuals that have been convicted.

What Is The Protection and Advocacy System?

The Protection and Advocacy (P&A) system is a nationwide network of congressionally mandated, cross-disability rights agencies operating in every state and territory. The P&A Network has the authority to provide legally based advocacy services and legal representation to all people with disabilities. P&As pursue legal, administrative, and other appropriate remedies under all applicable federal and state laws to protect and advocate for the rights of individuals with disabilities. Collectively, these programs make the P&A Network the largest provider of legally based advocacy services to people with disabilities in the United States.

The Work of the P&As in the Criminal Justice System

People with disabilities in the criminal justice system are protected under a number of state and federal statutes. Because of the unique authority granted to the P&As, they have access to county jails, state, and federal prisons to ensure the rights of individuals with disabilities are protected. P&A advocates and attorneys work with various correctional facilities to protect individuals from abuse and neglect, advocate for adequate healthcare, improve the physical conditions of facilities, and work to move individuals out of solitary confinement and other inappropriate settings for people with disabilities.

Many P&As are involved in all stages of an individual's involvement in the criminal justice system. P&As make sure people with disabilities are not inappropriately placed in the criminal justice system, represent and advocate for persons with disabilities who are held in detention, and help ensure adequate community supports, services, and re-entry planning are available for successful reintegration back into the community after incarceration. The demand for assistance is high and the P&As collectively work on thousands of individual cases and systemic work in the prison system.

Grants to Establish a National Criminal Justice Protection and Advocacy Program

A bill to provide grants to establish a national criminal justice protection and advocacy program would provide dedicated funding for every P&A agency to protect and advocate for the rights of people with disabilities in the criminal justice system. The bill would address the growing and unmet need to make sure people with disabilities are not inappropriately placed in state and federal criminal institutions, advocate for the protection of state and federal rights, and ensure adequate re-entry planning is done for successful reintegration back into the community. These goals require a dedicated source of funding and support for the P&A Network. This dedicated source of funding would allow each P&A to have an absolute priority and dedicated staff focused solely on addressing the needs of people with disabilities in the criminal justice system.

This is a cost-effective and efficient way to achieve positive outcomes for people in the criminal justice system. Because the P&A system already exists, new funding would be directed towards the hiring of advocates and staff to provide this needed advocacy rather than the establishment of a new administrative structure, computers or rent. Additionally, the work of the P&As, through early and effective advocacy will undoubtedly result in better protections for people with disabilities involved in the criminal justice system.

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