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Activating Change

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Remote CART Captioning

[Recording in progress announcement]

>> SANDRA HARRELL: Good afternoon, everyone. This is Sandra Harrell with Activating Change. Just to let you know we're opening up the webinar now and we will be getting started soon. If you have a question or need any assistance, please send us a message in the Q&A pod. And again, as soon as everyone gets in, we will get started. Got one or two more minutes. This is Sandra. Thank you, again, everyone. Good afternoon. We are thrilled to have you joining our webinar today. As mentioned, I am Sandra Harrell. I'm with Activating Change and I'm excited to welcome you to today's webinar, which is being brought to you as part of our overrepresented and overlooked webinar series. I'm a middle-aged white woman wearing glasses. I have dark blonde hair or light brown hair, depending how you look at it. And in my background is a checkered curtain. A dark gray love seat with a couple of pillows and a faux Stonewall. Before we get started today, I wanted to provide some information about the accessibility features of our Zoom webinar platform. As well as just some information on how you can interact with us throughout the session today. Right now, you are in listen only/view only mode. That means that you can see and hear us, but we cannot see and hear you. So, if you have a question, we encourage you to put your questions in the Q&A pod. If you are having technical issues, you can chat directly with the panelists in the chat box. If you would like to turn the captioning on today, please go to the close captioning symbol which is at bottom of your screen and select the arrow to the right of that icon. The words underneath the icon should say something like live transcript. You can either select show subtitle or view full transcript. But if you have choose the subtitle, you are going to see the words below my video. If you choose the full transcript, you are going to see the words to the right of your Zoom window. But the full transcript view can obstruct your view of the chat. Just keep that in mind. Also, keep in mind that today we have a multi-lingual space. We have American Sign Language interpretation available as well as Spanish language interpretation available. If you requested spoken language interpretation, please note that my colleagues have posted instructions about how to access interpretation in the chat box. And if you need any help, please type in the Q&A box to let us know. We will be pausing every 15 minutes for an interpreter switch. This will ensure the highest quality of interpreting. If you have any issues with the interpreters or captioning during this webinar today, please let us know in the chat

box. And then, of course, we wanted to just let everyone know that our commitment to access is absolute. So, if we have a technical problem that causes accessibility issues or barriers, we will pause to address that. And for whatever reason is system based and we are not able to address it, and this is very unlikely. Hasn't happened in a long time but we like to let people know there's a possibility that if there's an access issue that cannot be resolved, we may have to cancel this session. And in that case, we would send you information about the future rescheduling of the session. Just again, a note about the chat pod. You cannot save the chat or copy and paste from the chat. This is a security measure. If we share links in the chat, we will make sure to include them in the participants material for this session. But you definitely can't copy and paste from the chat. And if you do copy or if you try to do that, it is just going to paste what is currently on your clipboard. That is just a note. Right now, you should be seeing all -- well, at the point that we start the webinar, you will see everyone in a gallery view. If you are having any trouble with your view, please let us know in the chat. We have team members standing by to help with technical issues. We are recording today's webinar. And the Safety and Justice challenge team will be able to share with you that recording once this web that are is completed. That usually takes a couple of weeks. With that, I'm excited to invite our executive director of Activating Change, Nancy Smith, to get us started for our webinar today.

>> NANCY SMITH: Thank you so much, Sandra. And hello and welcome to part 1 of this three-part webinar series, overrepresented and overlooked people with disabilities and Deaf people. I am the executive director of Activating Change. My pronouns are she/her and also as Sandra modeled, we provide visual descriptions of ourselves and our surroundings to ensure this information is accessible to everyone attending this webinar, including people with low vision, people who are blind, people who may be joining by the phone and many more. I am a white gendered non-conforming woman with brown hair and a Mohawk. I'm wearing a black blazer and black shirt. There's a white wall with photos of my pets on my left and behind me there's a cabinet and shelves above it with plant and photos. Jim joined by my colleagues at Activating Change, Supreet Minhas, Liam Esposito, Olga Trujillo, Kaitlin Kall. You have an opportunity to meet and get to know each of them throughout the webinar. We are incredibly excited to be hosting this webinar series. Activating Change is a national non-profit. Our work addresses two of the most prevalent and overlooked injustices in the lives of people with disabilities and Deaf people. The alarmingly high rates of victimization of people with disabilities and Deaf people, and second, our folks today, the criminalization, overpolicing and mass incarceration of people with disabilities and Deaf people. In addition to these injustices, we see that people with disabilities and Deaf people are often left out of justice policy and practice. Activating Change is filling this gap by raising awareness, supporting the leadership of people with disabilities and Deaf people with lived experience, improving accessibility and building capacity in reform efforts and organizations and fostering partnerships between those organizations and those organizations that advocate with people with disabilities and Deaf people. We began our work in 2004 as a project of the Vera Institute of Justice. And with Vera's support earlier this year, we launched as a stand-alone independent non-profit to create greater visibility and systemic change as we work towards freedom and not harm or punishment. We are going to start off today by providing some basic information on disability

and Deaf communities in the United States so we have the same context and understanding as we move through this presentation. We will then provide information on the mass incarceration of people with disabilities and Deaf people and discuss the drivers of these disability disparities. We will also discuss the ways in which these disparities deepen and the outcomes worsen as people move through the criminal legal system. We will also be discussing the ways in which ableism, audism and racism conspire to create these disparities and injustices. We will save time at the end for questions and answers. Please feel free to include those using the Q&A pod that is located at the bottom of your screen.

>> SUPREET MINHAS: Thank you and hello everyone. My name is Supreet Minhas and my pronouns are she/her. I am an Indian woman with long black hair. Today I am wearing glasses, a yellow sweater and gold earrings. Behind me is my office which a blue couch and gray cushions and framed to photographs. To my right is a white piano with more art above it. To my left are some plants and shelves with more art pieces. I'm a Senior Program Associate at Activating Change, working in the ending criminalization and incarceration of people with disabilities program area. Now we know that most of you have a shared understanding and vocabulary of the criminal legal system. But that you may be much less familiar with disability and Deaf communities. So, we are going to start with a bit of a primer on disabilities so that everybody is on the same page. Before we get started, I wanted to make a note on language. If we could move to the next slide. So, people with disabilities have been subjected to devaluation, marginalization, prejudice and more. The first ways that you can devalue somebody is through language. By using words or labels to identify a person or a group as less than or the other or not like us. Once a person or a group has been identified this way, it makes it much easier to justify prejudice and discrimination. Our language is so important in shaping our attitudes and our attitudes shape our language. Together they drive our actions. By using people first language, which means putting the person before the disability, you can help eliminate old prejudicial and hurtful descriptors and move us in a new direction. People-first language is not about political Cal correctness, it is demonstrating good manners, respect and the golden rule. It could change the way we see a person and it could change the way a person sees herself. Some ways you could use people-first language is emphasize abilities over limitations. By saying person who uses a wheelchair rather than wheelchair bound. Another key way is to refer to the person first and the disability second. So, saying person with paraplegia or woman with bipolar disorder rather than saying paraplegic man or bipolar woman. Finally, your language should be neutral. Instead of saying stroke victim, you would say person who had a stroke and emphasize accessibility over disability. Saying accessible parking versus handicap parking. Next slide, please. Now I would wager that everybody on this call has a friend, a family member or a colleague with a disability. If people were -- with disability would be considered a minority group, they would be the largest. 1-4 or 26% of Americans has at least one type of disability. And that number is growing. With the pandemic and the effects of long COVID, the total number of Americans with disabilities is increasing at a greater rate. Next slide, please. So, what does disability actually mean? There are a number of different definitions and you can go with the legal definition, which is used in the application of the Americans with Disabilities or ADA. And you could have medical

definitions that are based on specific diagnoses and symptoms. But essentially, disability is a broad umbrella term and it can encompass any of the categories on this slide. So, cognitive disabilities would include learning disabilities like ADHD or trauma brain injury, which can cause trouble with memory or concentration. And there can be some overlap within these categories. Such as cognitive and intellectual disabilities overlapping. Intellectual disability would include something like Down syndrome, physical disabilities can affect parts of the body or the entire body and some examples are cerebral palsy or multiple sclerosis. Psychiatric disabilities can cover anything from anxiety disorders to Post-Traumatic Stress Disorder or eating disorders. Sensory disabilities cover low vision, blindness, hearing loss, sensory processing disorders and others. Next slide. So, in addition to the broadness of all the previous categories, disabilities can also have any of these qualities. An invisible disability is hidden or not immediately apparent. If you are a pretrial officer supervising somebody you may not know that person has a sleep disorder or chronic pain and that is impacting their ability to show up for all of their check-ins. A disability could be present at birth like in the case of Down syndrome but it could be acquired at any point in life. A common condition like diabetes could lead to vision loss, nerve damage or loss of a limb. It's really important to keep this in mind because somebody could potentially enter the legal system with no disability and then acquire one during their incarceration, for example. So, disabilities can be related to chronic conditions but they don't have to be static. Somebody with Lupus or multiple sclerosis can be in remission or have a flare-up or episode at the later time. Just because somebody presents one way during one court appearance doesn't mean they may not need an accommodation for a future court date. Lastly, I want to underscore somebody could have multiple and compounding disabilities across the categories discussed. A person with low vision might also have PTSD meaning their disability experience includes the categories for sensory, psychiatric, visible and invisible disabilities. So, because disability is such a very broad category, the needs of people with disabilities are just as diverse and broad. Even two people with the same type of disability can be affected in very different ways and have very different needs. So, this means that there cannot be a one size fits all approach that will apply to everyone with a disability and all conditions. Relating it back to the work of the Safety and Justice Challenge members, let's say you want to make sure an important written document is accessible to everyone. So, this can mean having it available in a format that is suitable for screen readers and that in itself includes certain formatting guidelines. But then you would also have to have a printed copy in large font available and the content of the writing itself would have to be written in plain language so that -- and that plain language has its own guidelines on what constitutes plain language. So, finally, disability cuts across class, gender, race, ethnicity, sexual orientation and other identities. People with disabilities and Deaf people are not a distinct demographic from which you already know are in our jails. This is not a, quote/unquote, new population we are asking you to think about. It is a lens in which to approach your work. People with disabilities include folks from all segments of our society and disability needs to be intentionally included when we are thinking about the impact and equity of our reforms and strategies. I'm going to now turn it over to my colleague, Liam, to discuss deaf culture, communities and languages.

>> Hello, beautiful humans. My name is Liam Esposito. I identify as a white deaf autistic trans man. I use he/him. I have red hair, I'm wearing glasses, blue shirt with a tie and brown corduroy jacket. There's a desk behind me with old school typewriter. So, I would love to chat with you today a little bit about Deaf culture, community and language. The Deaf community is so beautiful. So, distinct as a cultural group and I want to share what that means, how it is a distinct cultural group. There are so many parts to our Deaf culture and community. For example, language. I will talk more about that in a minute. Our values. An example of that is that in the Deaf community, our values are focused on clear communication. We have a value of beautiful art. We value our deaf schools. What are deaf schools? They are residential K-12 program. Around the U.S. we have those residential schools that for deaf students to learn in American Sign Language. Get direct access to our language and communication. And education can happen in this sacred special place for our deaf youth as they're growing. We have a peer exchange community in these residential schools that we deeply value. We also have deaf clubs in our community and I want to share about what that is. In the pre-tech days when we didn't have Zoom, we didn't have FaceTime, we didn't have this capacity to connect with each other through technical -- technology, we would create a space. We could come together and play cards and chat and joke and talk about the news that was happening in our community, sharing information. As Deaf people, we experience audism and ableism in ways that we will talk more about later in this webinar. But they result in language deprivation. Where Deaf folks can navigate the world, go into the store, shopping for food and where hearing people have access to information, they overhear conversations. Somebody talking about something that happened. Another person chatting about how they purchased a vehicle at the dealership for a good price and talk to this guy named Joe and he will give you a good deal. Deaf people miss that opportunity to get that incidental information and Deaf clubs become a place where we could do that. Where we could say hey, this is where you get the good deal on a good car or how you get mortgage. Other parts of our Deaf culture include identity. Identity is a huge part of our Deaf culture where there's a lot of deaf pride. We take a lot of pride in being deaf and we celebrate that as an identity. The medical system and medical approaches, white supremacy and those systems view us as deficient. That there's a deficit. We're missing something. And that framing has to be challenged. We need to reframe that perspective and see Deaf people as vibrant, beautiful, resilient people with a beautiful language, culture and community. Other parts of our culture include traditions. And for us, that can mean, for example, that we have a tradition around storytelling and deaf jokes and there's a way that we do that. And we pass those through generations and share lived experience through storytelling. And that tradition allows us to share our experiences as Deaf folks with each other. Another part of culture is norms that people share and we have that in the Deaf community. Society views people's behavior, in particular, hearing people viewing Deaf folks doing things considered misbehaving or not behaving in the way that is norm for the hearing culture but it is our norm. An example is when a hearing person says something, all the hearing people turn and look to that person who is speaking. In Deaf communities we can't do that. We have other ways of getting your attention. We might wave. We might make a noise on the table. We may touch someone on the shoulder. We have different norms around how to

get someone's attention in conversation. There are a lot of things around our community and culture. Language, values, traditions. These are all encompassed in a way that makes us a distinct group. And when I talk about the term community, it is really communities. There are varieties of people in Deaf communities. And one example is that we have Black Deaf communities. We have LGBTQIA communities. Immigrant Deaf communities. There are many different parts that make up Deaf communities. Language is a vital part of that. There are different aspects to language. And primarily three are used in the United States. First is American Sign Language. Next is Black ASL and third is protactile. And I will talk about that in the language category because it has a unique grammar and structure and it's critical to communication within our community. And so, I am including protactile. But you will see in this image a white man standing next to a Black woman. And they are both showing signs. An example of a sign and how a white person might sign that particular word and then next to it how Black and Brown folks might use Black ASL for the same word that looks different. And I will not sign those myself as a white person and using black ASL is not my right. I don't have the right to access Black ASL and that would be considered appropriation. Rather than demonstrating those myself, I will allow you to take a moment to look at the PowerPoint and see some examples of how those signs are different, depending on the community you're from. We also have parts of the community with deaf-blind folks. And those vary greatly. You have folks who might have usher syndrome or other reasons that they have some level of vision loss and that happens in a variety of ways. Ultimately, what that means is that sign language is a visual language might not be accessible to them. So, we would use protactile forms of communication that rely on touch. Touch on your arm, on your leg, on your back. Between each other's hands. So, in a situation where you would have communication happening, you might use two or three protactile interpreters. One might be expressing the sign language into the person's hand. Another would be expressing environmental information. How many people are in the room. They might use physical touch on somebody's back to indicate where people are in the room. For example, a person is raising their hand in the room. You would indicate that on their back or somebody is eating. Somebody is laughing. This is a form of communication where you can indicate all of that on the person's body, on their back. And they would know the person is to the left of the room or there's a lot of people in this room. And so, these interpreters, these protactile interpreters would take turns in these roles to make sure all the information is communicated. This is a brief summary of the variety of ways in which Deaf community and community is expressed. I will turn it back to my colleague.

>> KAITLIN KALL: Hi, everyone. I'm Kaitlin Kall and my pronouns are she/her. I am a white woman with brown hair. I am wearing a black turtle neck sweater. I'm sitting in my home office, which has beige walls and some black and white photographs behind me. And there are several lamps. I am coming today from California and as you might know, there have been some terrible storms and it has been a really tough couple of days and couple of weeks. So, I just want to say if you are from California or any part of the world that has been experiencing this extreme weather, I am really grateful you are here. And if you're watching this recording later, I hope you and your families have stayed safe. So, for those of you who don't know me, before I was with Activating Change, I was with the Vera Institute of Justice for a decade. And I

have been assisting counties to reduce number of people in their jails. And about halfway through my time in this role, I started working with a team of colleagues whose work centered on disability and deaf access. So, for a while, I was doing my jail reform work as usual. While being exposed to a team steeped in this topic. And as time passed, I became more and more aware of the ways in which my work, shaping reform initiatives, holding community engagement events and so forth was not really accounting for people with disabilities and Deaf people. I started to see the gaps and also the opportunities to make sure that what we are building and implementing be adapted so that these communities can equally benefit from our reforms. I now think of this more than just an opportunity. It is an imperative. The majority of people in jails have a disability. And we are not going to meet our aims of significantly reducing the number of people in jails, certainly not equitably if we do not start centering disability and Deaf communities in our work. So, I am so excited that Activating Change has joined SJC as a strategic ally. In this section, I'm going to spend some time discussing the data we do and do not have about people with disabilities and Deaf people in jails. So, data demonstrate that people with disabilities are arrested at significantly higher rates than people who do not have disabilities as shown here on the left. On the right, you will see that these disparities are much worse for people of color. There are gender differences as well. Men in both categories are more likely to be arrested than women. And when accounting for disability, gender and race, Black men with disabilities are arrested at the highest rates. A full 2/3 of Black men with disabilities will be arrested before their 20th birthdays. Next slide, please. Supreet explained that disability is a broad and diverse category. And although many disabilities have been left out of our collective reform work, one area that has long been a folk is psychiatric disabilities, also known as mental illnesses. And for good reason. I think that everyone in this audience knows that people with mental illness are vastly overrepresented in America's jails. Although this data is older, the Bureau of Justice statistics, BJS, reports that 64% of people in jail had been in serious psychological distress and/or told by a clinician in the past that they had a mental illness. In addition to the prevalence of psychiatric disabilities, in the same year, BJS published separate data on other types of disabilities in jail. And note that this study explicitly excludes psychiatric disabilities but it found that 40% of men and half of women in jails have non-psychiatric disabilities such as sensory and physical disabilities. When applying the methodology of this study, the prevalence of the disability is about 9%. This means people who met the study criteria for disability, these folks are four times more likely to be put in jail than those who did not meet their definitions. Again, pointing to vast overrepresentation. Although we could look at these data and take them to mean that about half of people in jails have a disability, we are confident that this is an undercount. Because of stigma and ableism, some incarcerated people are hesitant to report having a disability. Especially in a survey that goes to the government. People from marginalized backgrounds may not have access to professionals who could perform a diagnosis. And again, these studies separate out psychiatric disabilities from other disabilities which doesn't allow us to get a comprehensive count because of course, a person can have more than one disability. The BJS data is incomplete. It is also very old. Over a decade old. But I will briefly turn to prison data which I think offers us a fuller understanding. Some researchers looked at data from a

2016 BJS survey of prison inmates. In this survey, participants were asked about psychiatric disabilities as well as other types of disabilities. And the researchers found when we take a more inclusive look, 80% of women and 65% of men in prisons have a disability. This, again, to me, suggests that saying half of people in jails have a disability is a vast under count. So, now I am going to invite my colleague, Olga, in, to provide us with an overview of what some of the factors driving these disparities.

>> OLGA TRUJILLO: Thanks, cat Lynn. Hi, everyone. My name is Olga Trujillo. And my pronouns are they/she. I'm a Latinx person with olive complex. I have very short gray hair. I wear round wire rim glasses. And I'm wearing a black turtle neck with a brown and black sweater. And I am working in my home office where you will see to my left a dog and part of another dog and dog bed, file cabinet, plant. On my right, you will see another dog bed, a white bifold door and some pictures hanging on the wall. And I am the director of leadership development, visibility, and collective healing at Activating Change. As Kaitlin has very eloquently presented, people with disabilities are significantly overrepresented in jails and prisons. And the statistic that she just gave us is really startling. If you consider that people with disabilities make up 27% of the U.S. population, but 80% of women and 65% of men have a disability. That's a huge disparity. So, what's behind this? Could you advance the slide, Allison. Criminalization is what's behind this. These statistic are part of a larger pattern. People with disabilities are overrepresented in all interactions with the criminal legal system and at all points that system is failing them. This is happening because we have criminalized homelessness. We have criminalized addiction. We have criminalized poverty. And if you look at who those people are, you will see that those are high rates of people with disabilities. And as a result, we have criminalized having a disability in the U.S. People with disabilities are targeted by and failed by the criminal legal system from policing to courts to incarceration. We know that poor people and people of color are disproportionately impacted by mass incarceration. And what we are not connecting is that a large number of the poor, people of color, that have been impacted by mass incarceration are people with disabilities. And people with disabilities are more likely to experience victimization, arrest, charged with a crime and they end up serving longer prison sentences once convicted than people without disabilities. And these trends are even more profound for disabled people with intersecting marginalized identities. Such as BIPOC people with disabilities, women, poor and those identifying as LGBTQ. Let's advance the slide, Allison. Thanks. And so, the way that things have been criminalized is that we are overpolicing disability. So, let's look at little closer at how our society is doing that. People with disabilities represent a disproportionate number of those stopped, arrested and murdered by police. Consider that disabled people make up 27% of the U.S. population. I keep coming back to that. And -- but 50% of the people killed by the police are people with disabilities. And those examples, high profile examples are Freddie Gray, Eric Gardner and Sandra Bland. They are all people with disabilities. Second thing is the war on drugs and other mass incarceration positions criminalize behaviors related to disability. So, mostly non-violent and minor infractions are what we're policing. And so, substance use is a way that a lot of people with disabilities medicate the pain and other symptoms related to disability. Homelessness is also a huge population of people with disabilities. In 2015, H.U.D.

did a study and found that 78% of the homeless population in their shelters were people with disabilities. 78%. We also miss interpret atypical reactions to social cues as disorderly conduct. And our societal attitudes towards disabled people and the intersectionals of disability, race, class contribute to the criminalization of disabled people -- intersection. We have seen this in the way that police and media have blamed police use of violence, incidents on people with disabilities, describing them as threatening and refusing to comply with instructions. And now we have a situation where the mayor of New York, just as an example, as instructed the New York police department to involuntarily institutionalize homeless people with mental health evaluation. You could see the impact that this could have. Where we have people with disabilities that are being rounded up by the police. These are people who have not asked to be assessed and who may not tolerate being touched or may not be able to process quickly enough to follow commands. People who -- and this is compounded by the fact that the police lack the knowledge or training to understand disabilities. And that they misinterpret aspects of disability and that risk of bad outcomes for these folks becomes much higher for system involvement, for violence by the state. For incarceration. And it's not just New York City. It is other jurisdictions around the country are considering similar actions. So, you can see how these types of policies can lead to more arrests, more convictions and more people in prison with disabilities. We've criminalized -- sorry. Can you go ahead and advance the slide, Allison. Thanks. [Laughing]. We have criminalized the manifestations of disability and once in the system, folks experience worse ands were outcomes. So, some of the manifestations of disability is slurred speech or someone might be thought to be drunk or high. Difficulty walking or unusual gait.

Slow processing of questions or commands or unable to respond because they are deaf. Or because they are unable to process fast enough. And we have criminalized self-medication with substances. And after an interaction with law enforcement, disabled people face barriers in court systems. Lack of access and accommodations is widespread in the court system. Disabled people struggle with accommodations to make the process intelligible to them. Consider what Kaitlin has covered. 70% of states do not provide funding or training for judges, court staff and about legally required equal access for people with disabilities. And prisons and jails are also ill equipped to meet the diverse needs of disabled people. Let's advance the slide, Allison. And we're also criminalizing Deaf people being unable to respond to commands given without ASL interpreters can result in arrest. Movement involved in communication is misinterpreted as danger, can result in state violence against the person. And unable to understand what is happening or clarify misconceptions can result in a Deaf people being jailed for no reason. I will give you an example. In 2019 -- and there's lots of examples like these. In 2019, a deaf man was stopped at a laundromat and was suddenly surrounded by flashing lights. Two Idaho springs police officers shouted commands at him. One officer threw him on the ground. The other stunned him with a taser. The officers claimed the 24-year-old deaf man resisted arrest but it was that he couldn't hear their commands. He didn't know why they were stopping him. He uses American Sign Language to communicate. They handcuffed him and in the process they broke his leg and he spent four months in jail only to have the charges against him dropped eventually. And there's lots and lots of cases that are like that.

Go ahead and advance the slide, Allison. And this all started young. It doesn't just kind of happen to people as they're adults. We're seeing this in our schools. Instead of supporting and accommodating people, we have punitive responses. And so, because schools are designed by and for people without disabilities, many children with disabilities are not identified. And many children with disabilities are not supported and accommodated and unmet needs mean children with disabilities are having difficulty learning and frustration mounts. The lack of engagement and frustration shows up in behaviors in schools. Go ahead and advance, Allison. So, now think about all that and what we found is a Columbia law school journal shows how white students in wealthy schools who have disabilities are viewed as having medical conditions and treated with care and resources. The same journal points out, though, that bias combines -- racism combines with ableism and for students of color, the construction of disability, if it exists, if they have been identified as someone who has a disability, becomes criminalized. And they are treated as warranting punishment and segregated classrooms. And schools are contributing then to the construction and criminalization of disability. So, for students of color, instead of a designation that attracts more resources, disability is one of the mechanisms through which they are criminalized. And that happens through zero tolerance policies. And that happens with school security criminalizing BIPOC people with disabilities. They are labeled young as problematic. And they suffer school suspensions and expulsion. We also know that disability -- people with disabilities are impoverished in our country. So historical people with disabilities are pushed into the economic margins of society. They have much higher rates of poverty than people without disabilities. And they have much higher rates of unemployment. And the cause of that oftentimes is a lack of accommodations, despite the fact that we have the ADA and also that disability benefit programs disincentivize working. They have caps on how much someone can make while on those benefit programs. And there's a lack of affordable housing, which leads to very high rates of homelessness. And we are talking affordable accessible house. So 43% of the homeless people of our homeless population have disabilities. And those are the ones we have been able to identify. Okay. Yeah. I'm going to turn it back over to my colleague, Kaitlin.

>> KAITLIN KALL: Hello. This is Kaitlin again. So, we've talked about the high rates of people with disabilities and Deaf people in the system. And the systemic and societal barriers that drive this overrepresentation. And now you would like to talk more specifically about how these discriminations manifest in the criminal legal system. Leading to unfair treatment and worse legal outcomes for these communities. I will highlight some major themes and then under each one, discuss one or two points in the system that demonstrate how this challenge manifests for people with disabilities and Deaf people. However, be thinking about how this theme shows up in your own day-to-day work and in the area of the system your work focuses on. Because disability and Deaf communities broadly have been overlooked by the criminal legal field, system actors often lack training and understanding. This results in worse and even deadly outcomes when we consider the point of contact with law enforcement. Remember the data that I shared that people with disabilities are arrested at much higher rates and a full 2/3 of Black men with disabilities will be arrested before they turn 28. Here are a few examples of how lack of understanding and training around disability come into play at the point of arrest.

Olga alluded to this earlier. Certain physical motions such as someone signing in ASL or jerky gait could be perceived as a physical threat by an officer. For instance, researchers have found that people with cerebral palsy have been interpreted as being drunk and/or threatening because of their physicality. These false perceptions increase the odds someone been arrested during an encounter with law enforcement. Some people with disabilities are unable to quickly respond to law enforcement, including their demands. They may freeze or be non-verbal. This could be particularly true for people with intellectual and developmental disabilities and their lack of verbal or physical response could be perceived as noncompliant behavior. Law enforcement are required to provide accommodations and able effective communication with deaf and hard of hearing people but they don't have training on how to utility identified qualified interpreters or CART services which provide real-time captioning. Next slide, please. Although the Americans with Disabilities Act mandates our institutions offer equal services to people with disabilities and Deaf people, accommodations in the criminal legal system are often inadequate and/or difficult to secure by the people who need them. To illustrate, I will briefly talk about the courts. In 2020, The National Center For Access to Justice surveyed states about their court practices and found that 70% of states do not provide funding or training for judges and court staff about legally required equal access for people with disabilities. Half of state courts do not have information for the public about requesting accommodations. 16 states' courts charge people for accommodations such as large print documents. And without proper accommodation, it could be I felt the for impossible for defendants to participate in their defense. My high period of time sis -- hypothesis that if people can't understand court processes they may be put through the competency process unnecessarily which means further institutionalization. Inadequate accommodations result in delayed case processing times, denying people their fundamental right to speedy trials. Although we know that most criminal cases are deposed before trial, we do have a national value and constitutional requirement that juries be representative of our peers. However, less than half states of laws prohibit exclusion of people with disabilities solely because they have a disability from serving on a jury. Denial of accommodations for people with disabilities and Deaf people is also a huge concern in community supervision. As one example, I will briefly mention one active federal class action lawsuit. It was filed by the ACLU, the National Association of the Deaf and others against the Georgia Department of Community Supervision. They are seeking an order requiring the agency to immediately provide American Sign Language interpreter, auxiliary aides and reasonable modifications for deaf and hard of hearing people. The leading plaintiff is a deaf man named Brandon Cobb. He was on parole in Georgia and his fluency is in American Sign Language. During in-person meetings, his parole officer would use a remote have an interpreter on a cell phone screen to accommodate. The screen was small and the connection was so poor he couldn't follow along. Brandon repeatedly asked for both an in-person ASL interpreter and deaf interpreter which is a linguistic specialist for his parole meetings and his requests were denied. Brandon was accused of failing to meet the conditions of his parole, including missing a drug testing appointment and not paying \$140 in victims compensation. But because he didn't have a quality interpreter he didn't understand the accusations against him. He could not aid in his own defense or even ask clarifying

questions. And he was arrested. Then at the jail, his parole officer used the same cell phone and same interpreter to try to communicate with him. And that day, Brandon signed a legal document provided by the officer that he never fully understood. He didn't learn that he unintentionally waived his right to preliminary hearing with the parole board until his attorney explained it to him a month later. In October of 2022, Brandon was sent back to prison for parole violations. We know that the front end of the criminal legal system is complex. Once someone has been arrested, they must interact with many different agencies as part of the system, all of which have separate policies and rules. Even with diversion and other programs that offer alternatives to jail, people are often required to travel to different offices to attend programming, check in with a pretrial officer, submit to drug testing. Et cetera. Inequities in the community such as lack of accessible transportation can make any of these requirements even more difficult for people with disabilities. And, of course, failure to comply often leads to more incarceration. In our current criminal legal framework, people that might criteria such as lack of conviction history and critically to those who are perceived as or who are predicted to be able to meet all of the programs' requirements. Ableism, audism and other biases can creep into decision-making. If a person with a disability is presumed to be able to not comply with the program's mandates or if the program is not set up in a way that can accommodate them, they may be rejected from this non-carceral alternative. And this brings up the structure of diversion. In most cases, diversion requires some sort of program participation whether it is a class or meeting with prosecutor. I ask you to think about programs where you live and work. Would your state mandate a drug class for somebody who is blind? Consider the education materials and workbooks. Are the classrooms and bathrooms accessible to someone who uses a wheelchair? There have been many lawsuits for people with disabilities who are not able to participate in programming that will either shorten their sentence or grant them opportunity for parole because the facilitates doesn't meet their accommodations. Which means they are barred from participating in these necessary programs. And although there's been a lot less attention paid to programs at the front end of the system, we see these same dynamics come into play. Lack of access can both prevent someone with a disability from being admitted into a diversion program and for those given that option, make it less likely they will have a successful outcome. I am now going to hand it over to my colleague, Liam, who will expand on some of the particular harms faced by Deaf people.

>> LIAM ESPOSITO: Deaf people are dehumanized in the criminal legal system here in America. I want to share with you a story from Jeremy Jay Woody. I will let you read this PowerPoint slide. It was a quote. I will sign it as well and voice it through the interpreter. While I was in prison, they had no American Sign Language interpreters. None of the staff new sign language. Not the doctors or nurses, the mental health department, the administration, the chairman Ian, the mail room. Nobody. In the barbershop, in the chow hall I couldn't accommodate with the other inmates. When I was assaulted I couldn't use the phone to call the prison rape elimination act hotline to report what happened. And when they finally sent an interviewer, there was no interpreter -- interviewer, there was no interpreter. Pretty much everywhere I went there was no access to ASL. Really it was deprivation. And Jeremy Jay Woody was a formerly incarcerated Deaf man. And through his story, we hear the story of

many Deaf people who are incarcerated. We are not seen. We are not considered in the system throughout the entire process. And I want to share with you an example through a one-minute video. A Black Deaf woman named Keisha and I will show that video now. The story Keisha shared includes many examples of the barriers faced in the criminal legal system. They are taking away basic rights to communication and language, which is extremely dehumanizing and as I introduced myself earlier, I identified as autistic. And in the beginning of the pandemic, I had a meltdown. A friend who meant well called the police to try to address it. It got worse. In the end, they arrested me and they put my hands behind my back in the process of the arrest. How could I sign? How could I accommodate when my hands were behind my back and bound? I couldn't sign. And if you could only imagine that experience, someone in law enforcement maybe putting duct tape across your mouth. If that happened to a hearing person who had just been arrested, have we seen that happen? Is that an occurrence that happens in the community? This is the equivalent of what is happening to Deaf people. That their voice, their ability to communicate is completely stopped. And there's so many layers and aspects of why this is happening. Ableism, audism, racism. I would like to ask my colleague, Olga, to join me here and we can talk a bit about ableism and audism. Olga, would you like to start by talking about ableism?

>> OLGA TRUJILLO: Thank you, Leah. Yes. Absolutely. It's funny because when you mention in your section how people are being dehumanized, that's exactly what's happening. Through ableism -- it's a discrimination of social prejudice against people with disabilities based on the belief that the typical abilities is superior. And it's a big risk factor for system involvement. What we value in our society is promoted through our institutions, our traditions, our systems. And the belief in the superiority of one group results in defining the group as the norm. They are the standard bearers. And this is across the board. For instance, if we measure the success of women by comparing them to men, if women can't meet the standards established by men, they are not deemed worthy. People with disabilities are measured against those without the ability to be valuable. They must be independent, intelligent, active, physically fit, et cetera. Because they can't always meet these standards, they are excluded from society and opportunity. And I will also give an example. I was dived with dissociative identity disorder when I was 31 years old. If you haven't heard of DID, it used to be known as multiple personality disorder. I like to call it a dissociative identity adaptation because it enabled me to survive awful abuse I was growing up in. At the time, I was a young lawyer at a large law firm. And I was terrified that people were going to find out that I had it because it was different, it was stigmatized. The ways in which our society treats people who have something that's different, their brains work a little different or their bodies work a little different really provides this way of kind of shutting everything down. If you're not a certain way, then you have barriers and challenges. And BIPOC people with disabilities are at the intersections of oppressions and are at most at risk by our systems. From the child welfare systems to school systems and our police, courts, jails, prisons, all of it. I wonder if you, Liam, could talk a little bit more about audism.

>> LIAM ESPOSITO: Yes. Thank you, Olga. This is Liam signing. So, talking about the definition of audism, really the basic concept is when you imagine people who can hear or

speaking, there's a belief that those people are superior. There's an attitude and a thinking that leads to a negative perception. Still against people who can't hear or speak. It is in isms, ableism and audism is another example of that. I want to really emphasize that what happens is when hearing people meet a deaf person and they say can you read my lips, that is a form of audism. When you try to expect a deaf person to speak, you expect deaf folks to make adjustments that's a form of audism. Don't ask if you can lip read. Don't expect us to use our voice. We really want to emphasize the key here, which is with ableism, audism, we are going to talk more about racism as well in the next part, these three forms of oppression have something in common. There's a thread, a through line through each of these about power and power disparities.

And it is not about people's feelings or intentions or what you're trying to do. It is ultimately about a white person holds more power than a Black person. Hearing person holds more power than a Deaf person. A person without disabilities holds more power than one with disabilities. These are examples and we are going to talk more about how audism comes up as we continue this webinar. I will give some examples now. -- examples now. As I just mentioned, asking someone to read lips, a Deaf person to read lips or to write or having this assumption that somebody can't do something. We can. It just might look different. And that's part of what making a system accessible for us is. And we do that through technology, through Zoom or FaceTime or other forms of technology like TTY which is a much older system. It is still out there but not very accessible. One of the reasons TTY is not accessible, it is a device you would put a land line telephone on to. And it would have a small screen that shows English. That having an accommodation based on commission is inaccessible when we use American Sign Language or a different form of sign language that is a different -- sign language that is different. These are audism where Deaf folks are varied. There's varied levels of ability and ways that speech is used, ways that sign language is used. One person who -- a Deaf people who can speak would immediately be considered better than somebody who doesn't use speech. Or another example of this is telling a Deaf person to tone down their facial expressions or their physical expressions. And that's a form of audism. And we will see this intersection of racism and audism happening in another -- additional examples. Folks are -- will criticize deaf Black people for the way they sign and say you should sign in a less Black way. You should sign in a, quote/unquote, way that is the norm. This happens in the Deaf community and it is minimizing the value and importance of Black ASL. And so, we see this as an example of how racism and audism intersect. Olga, do you have additional examples you would like to share?

>> OLGA TRUJILLO: No. I did want to add about racism. Right. So, I was just taking some notes down about racism because I was trying to think of a better way to describe it. Prejudice plus social institutional powers, racism, system of advantage to one race over another. And it is a system of white supremacy. Right. So, I was thinking about this and how to explain this just a little bit more clear. I'm not sure if this is going to make it more clear or not. But as a society we have built into every aspect of our society, institutions, all aspects of our society that being white is preferred. Is better. It's more supreme. And if you are a white man who is heterosexual who is without a disability and on and on, then you can access everything. And

so, then everything from that is an oppression, right. But in particular what we have done in our society to justify the horrors that we have done in the past is what we call anti-Blackness. And that is holding that white people and white supremacy, the way we do things in mainstream in the white world is at one end of the spectrum, which is good and successful. And if you are like this, you will do well. And on the other end of that are Black people. And if you are like this and then it is everyone in between. So, everything is measured by the fact that being Black is the worse thing you can be. And that has served our society in thinking about slavery. It has served our society in the ways in which we have destroyed Indigenous communities. And so, it's this big thing that is baked into everything we do. And one of the issues that comes up in systems is this issue of neutrality. And neutrality is actually keeping things in the status quo. Keeping things baked in. Racism baked in. So racism is when the power elite of one group, the white group has the power to carry out systemic discrimination through the institutional policies and practices of the society while shaping the cultural beliefs and the values that support those racist policies and practices. And we see that throughout our society. Thanks, Liam. I think we are turning this back over to Kaitlin.

>> KAITLIN KALL: This is kale Lynn. I think we are turning it back to Nancy. Let me know if I am wrong about that.

>> NANCY SMITH: This is Nancy. Thank you so much Kaitlin and thank you to Liam and Olga and also Supreet. Especially for sharing your own experiences, many of which were painful and very vulnerable in your sharing. The harms that people with disabilities and Deaf people face in the legal system are severe. And they take place at every point. From policing to pretrial stage to incarceration, to re-entry. And because half of incarcerated people have a disability, we cannot end local mass incarceration or the racial disparities endemic in our system without centering people with disabilities and Deaf people in our reform efforts. We are so grateful that you joined us today. Because all of us have a responsibility to make sure that the innovations and reforms being put in place to reverse mass incarceration are being designed or implemented in ways that people with disabilities and Deaf people can equally benefit from. If all of our work instituting deflection point, system offramps and alternatives to incarceration, programs that promote stability and healing, community-based investments are not made fully accessible to people with disabilities and Deaf people, we will have created two tiers of justice. As a strategic ally in the safety justice challenge, Activating Change offers you our partnership in making sure these communities are no longer overlooked. That they are included in our reform strategies, our data collection, our community engagement activities and equity analyses. We will continue training and network know you don't need to wait. We are in this work with you and we are eager to support your efforts. At this time, we have about 15 minutes left. So, we are going to open it up for questions and answers. And I would like to invite the panelists to join me on camera. If you have a question, please put it in the Q&A box and we will begin answers questions. And I see we do have a question from Robert. And the question is, is there a reason for separating the naming convention? People with disabilities and that for Deaf people? Liam, I am wondering if you want to start off answering that question?

>> LIAM ESPOSITO: This is Liam signing. Thank you so much for that question. Absolutely. It's a very interesting and complex history and I think a lot of it is related to identity. A lot of it is cultural. And so, the linguistic and cultural aspect play a key. There are people within the Deaf community who don't identify as being disabled and there are those that do. There are a variety of people within the Deaf community with differing perspectives. And the reason that we separate those two groups, people with disabilities and Deaf people is that although both groups experience power differentials and oppression, as I mentioned earlier, the Deaf community has their own language. They have their own culture. And so, there are particular values that the Deaf community holds. They have their unique language that is separate than English. It has its own structure, syntax, grammar. So, it is important for that reason to recognize that Deaf community in its own right. And although both communities experience oppression from ableism and audist institutions, I think for example, they may have differing experiences. People with disabilities, although they may hear, they may have different access to different institutions or different information. Deaf people, those who are not deaf-blind, deaf-sighted people are more able than deaf and blind person. So, people are differing identities have different experiences. And I think that's what it comes down to.

>> NANCY SMITH: Thank you so much, Liam. Again, if you have questions, please drop those in the Q&A pod. While we are waiting for your questions, I would like to ask a question to the panelists for anyone who would like to answer. We have a few minutes, maybe, two get responses from a few of you. But I am wondering what is one suggestion that you have for the audience? Just something that they can do to begin to address the myriad of issues that we've shared today. Supreet, I am wondering if you want to take that first.

>> SUPREET MINHAS: Hi. Sure. This is Supreet. So, one of the things that Kaitlin actually touched on was the lack of up to date and comprehensive data on the number of people with disabilities in jails. We do have some data. But we believe that there's a lot of underreporting. And one of the ways that we can start to reduce these disability disparities is to have accurate data to begin with. This is complex though because you have to consider the unintended consequences of collecting this data. Especially how disclosing disability could be used against a person. One thing that you can start is thinking about the data collection in your own jurisdiction. Do you even ask people about their disability status? If so at what point? Is it at the point of arrest or for example not until the first appearance hearing? How you ask is also so important. Is the data being kept anonymized so you are not perpetuating stigma or bias? These are questions you could start thinking about within your jurisdiction and Activating Change can help you think it through. But I would say for me, one of the things to start with is looking at the data you do have, how it is collected and how you can improve that data collection.

>> NANCY SMITH: This is Nancy. Thank you so much for Supreet. I do see we have had a few more questions come in to the Q&A pod. I am wondering -- let's take the first one. If we are not already centering people with disabilities and Deaf people in our work, how do we start as an organization and within our projects? What should inclusion look like within an organization's policies and procedures beyond the standard or minimum? Liam.

>> This is Liam signing. For me the first thing that come to mind. I have a lot of thoughts. The first thing that comes to mind is being interventional. Being intention -- intentional. Being intentional and developing relationships in the community. Looking at the community and if we work with communities, that will liberate us all. What I mean by that is being careful. Really not to tokenize. But to be authentic in developing these relationships with people with disabilities and with Deaf people. And through that process that is a more long-term commitment. But when you invest in building community, you will find people willing to support your projects and your work. That can offer guidance and advice on how to form that project and those policies as you move forward. One thing I would say don't assume what we need. Involve us. Ask us and we can work together to develop that work.

>> NANCY SMITH: This is Nancy. Thank you so much, Liam. We have time to have a panelist answer one more question. And we're going to go to the next question which is under the ADA, are jails, prisons and psychiatric hospitals required to provide accommodations for programing, evaluations, et cetera? Olga, I see your head nodding. Do you want to take that?

>> OLGA TRUJILLO: Yes. The answer is yes. The ADA does require accommodations. And really, across the board the ADA requires accommodations and they are consider reasonable accommodations. But reasonable accommodations means access. You don't have to do what someone is asking for. But you have to make sure that what you're providing means that that person has meaningful access to whatever services, whatever information other folks are being provided. That doesn't mean that people will follow it, either, which is in large part why we are seeing the numbers that we're seeing.

>> NANCY SMITH: This is Nancy. Thank you so much, Olga. And you know, I think we might have time to answer the last question posed by Evelyn. As a researcher I would be interested in hearing what type of research would be helpful to equip advocates with the information they need to support people with disabilities in the criminal legal system? Kaitlin, I am wondering if you have any responses to that question?

>> KAITLIN KALL: This is Kaitlin. Sure. I think my first thought goes to some of the issues I attempted to unpack with the BJS data. So, researchers do not take a cross-disability approach and account for multiple forms of disability. Accounting for the fact that people can have multiple disabilities and/or be deaf. And I think with any data, being intentional to accurately capture data around gender and race so we have a much fuller picture. Evelyn, you work in this field. We are constantly scrambling and try to pull together data to take a picture. And we're really missing that. I think that is my biggest -- that comes to mind. For me really taking a comprehensive definition of disability and being thoughtful in the ways that questions are asked so it captures both people who have a formal diagnosis and maybe people who do not. The data I have seen by BJS does one or the other and I am guessing that people are falling through the gaps.

>> NANCY SMITH: This is Nancy. Thank you so much, Kaitlin. We are just about at time. So, in closing, a big thank you to our panelists, our team members who worked behind the scenes to produce and support this webinar. Our interpreting team and captionist and finally, thank you all for coming. As a reminder, this is the first of a three-part webinar series. On January 31st, Olga will facilitate a conversation to dig deeper about how the intersection of

racism and ableism has impacted their lives. And then on February 23rd, we will reconvene to start to address the now what, and to discuss practical ways in which you can begin to apply this lens and to center people with disabilities and Deaf people in your work. We are posting a link that will bring you to our registration pages and you will have to register for each part separately. And while you are at it, please follow Activating Change on social media. Thank you so much everyone. Have a great rest of your day.

[Event concluded] [Recording stopped]