Disability and Criminal Justice Reform: Keys to Success
Why Criminal Justice Reform?

❖ The U.S. is home to five percent of the world’s population, but 25 percent of the world’s prison population. 2.2 million people are currently in our nation’s prisons or jails – a 500 percent increase during the past 30 years.

❖ The federal prison population increased from approximately 25,000 to 219,000 individuals over the last two decades:
  ▪ 790 percent increase
  ▪ 60 percent of those currently incarcerated in federal prisons are non-violent offenders
  ▪ Prisons cost taxpayers $80 billion a year

❖ More than 60 percent of the people in prison are now racial and ethnic minorities.
Why Criminal Justice Reform? (cont.)

❖ At the local level, jails process nearly 12 million people per year, and have a disproportionate impact on communities of color. Nationally, African Americans are jailed at almost four times the rate of white Americans.

❖ Between 70 million and 100 million — or 1-in-3 of all American adults — now have a criminal record, which carries lifelong barriers that can block successful re-entry and participation in society because of restrictions on employment, housing and voting. Over-incarceration contributes to a cycle of poverty that traps individuals, families and entire communities for generations.

❖ Approximately 10 million children have experienced parental incarceration at some point in their lives.
Yet three-quarters of people who leave incarceration will be re-arrested within five years, and two-thirds will return to incarceration.

The current system is not working.

What facts do we need to know, and questions do we need to raise, to get criminal justice reform right?
“It ain't what you don't know that gets you into trouble. It's what you know for sure that just ain't so.”

- Mark Twain (as paraphrased in The Big Short)

Like in the housing crisis, there are some people who can see through the data, including our co-author Philip Pauli. See: [http://unsolvedmysteries.wikia.com/wiki/Philip_Pauli](http://unsolvedmysteries.wikia.com/wiki/Philip_Pauli).
Necessary vs. Sufficient

\[ A + B + C = D \]

Steam Engine

Water of any other temp. **VS.** Water at 212°F
Why a Theory of Change?

- Blueprint describing how an organization/policy changes some domain of the world for the better
- Articulates a TESTABLE hypothesis of how change will occur
- Sieve through which to make decisions and trade-offs
- MUST HAVE DATA
A Good TOC Will Answer Key Strategic Questions

- **Are we doing the right things to get the outcomes we want?**
  - Do we need to improve activities?
  - Do we have the right mix of activities?
  - Do we have extraneous activities?

- **How should we increase our impact?**
  - Do we deepen our current activities?
  - Do we extend activities to new areas?
  - Do we aim to influence new beneficiaries and/or audiences?
  - Do we expand our geographic reach?

- **What do we need to learn and measure?**
  - How will we answer our open questions?
  - What do we need to track internally and externally?

**Test question:** If criminal justice system faced a sudden 25 percent budget cut or 25 percent budget growth, could your TOC help you decide what to do and articulate the rationale behind your decisions to your stakeholders?
Cycle of Justice Involvement
(graphic by The Arc)

Pathways to Justice Model (by the Arc)

STEPS:
- identification
- accommodations
- support

Multiple offenses

Violation

Probation/Parole

Community

First Contact

Investigation

Jail

Trial/Plea Agreement

Transition

Community

This model is based on The Sequential Intercept Model. SAMHSA's CAINS Center for Behavioral Health and Justice Transformation. (2013). Developing a comprehensive plan for behavioral health and criminal justice collaboration: The Sequential Intercept Model. Delmar, NY. Author.
750,000+ Inmates with Disabilities

- **32 percent** of federal prisoners report having at least one disability
- **40 percent** of jail inmates report having at least one disability

Source: http://www.bjs.gov/
How Many are Incarcerated?

❖ There are 2.3 million incarcerated in the U.S. in total; 1.35m in state prison, 646k in jail and 211k in federal prison.
❖ Of those, how many have disabilities?

<table>
<thead>
<tr>
<th>Disability</th>
<th>Jail %</th>
<th>Prison%</th>
<th>Estimated Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Disability</td>
<td>39.9%</td>
<td>31.6%</td>
<td>751,000</td>
</tr>
<tr>
<td>Vision</td>
<td>7.3</td>
<td>6.2</td>
<td>146,000</td>
</tr>
<tr>
<td>Hearing</td>
<td>6.5</td>
<td>7.1</td>
<td>152,000</td>
</tr>
<tr>
<td>Ambulatory</td>
<td>9.5</td>
<td>10.1</td>
<td>219,000</td>
</tr>
<tr>
<td>Cognitive</td>
<td>30.9</td>
<td>19.5</td>
<td>504,000</td>
</tr>
<tr>
<td>Self-care</td>
<td>2.8</td>
<td>2.1</td>
<td>50,000</td>
</tr>
<tr>
<td>Independent living</td>
<td>8.7</td>
<td>7.5</td>
<td>192,000</td>
</tr>
</tbody>
</table>

Source: Prison Policy Initiative
Respect Ability
Forget 6 Degrees

51 percent of Americans report having a family member or close friend with a disability

- 52 percent of Democrats report that they or a loved one have a disability
- 44 percent of Republicans have a disability or a loved one with a disability
- Independents have the largest number of voters who say they have a disability or a loved one with a disability: 58 percent

Who Has a Disability?

1-in-5 Americans have a disability

56.7 million Americans have a disability
8.1 million difficulty seeing, 7.6 million difficulty hearing

Not All Disabilities Can Be Seen

Disabilities present and affect people differently:

Temporary and Permanent

Invisible and Visible
“Before Freddie Gray was injured in police custody...his life was defined by failures in the classroom, run-ins with the law and an inability to focus on anything for very long.”

Can’t/Won’t and Executive Function Disorder (EFD)

Source: Washington Post
Executive Function Disorders (EFD) involves a pattern of chronic difficulty executing daily tasks. Some with executive function issues may struggle with analyzing, planning, organizing and completing tasks on time, or at all.
Key Terms: Disability

❖ **Disability** can be physical (i.e. vision, hearing, mobility), cognitive, intellectual, mental, sensory, developmental or some combination of these that substantially limits one or more major life activity.

❖ **Accommodation** is any change in the work environment or in the way things are done that enables an individual with a disability to enjoy equal access and treatment.

❖ **The Americans with Disabilities Act of 1990 (ADA)** prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation.

❖ **Ableism** is discrimination in favor of able-bodied people; the belief that people who have disabilities are somehow less human, less valuable, and less capable than others.
Key Terms: Incarceration

❖ **Returning Citizen** is a person who has been found guilty of a crime by a court, and has completed their sentence.

❖ **Recidivism** is the rearrest, reconviction, or reincarceration of an ex-offender within a given time frame.

❖ **Intersectionality** refers to the interconnected nature of social categorizations such as race, class and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.
Disability & Criminal Justice Reform: Keys to Success

95 percent of people imprisoned in the states will eventually be released and return home.

32 percent of federal prisoners and 40 percent of people in jail self-report that they have at least one disability.

Within five years, three out of four ex-offenders will be re-arrested and reenter the criminal justice system.
Children with disabilities are three times more likely to be victims of rape or sexual assault than children without disabilities.

Children with cognitive disabilities are four times more likely than those without disabilities to be sexually abused.

Source: http://disabilityjustice.org/justice-denied/abuse-and-exploitation/
Key Fact: Abuse leads to crime &...

Every nine minutes an adult with a disability is sexually assaulted or raped.

Source: http://disabilityjustice.org/justice-denied/abuse-and-exploitation/
People with disabilities are twice as likely to be victims of crime than people without disabilities.

People with disabilities between the ages of 12-15 and 35-49 were three times more likely to be victims of violent crimes.

Source: http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5280
Disability and Police Shootings

A third to a half of all use-of-force incidents involve a disabled civilian

67 percent of those incarcerated in state prisons failed to complete high school and 69 percent of local jail populations are made up of high school dropouts.

Source: The National Guard Foundation - http://www.ngyf.org/
Who Hasn’t Completed HS in Prison?

❖ 68 percent of state prison inmates did not receive a high school diploma.
❖ The groups of prison inmates who had not completed a high school diploma or GED included:
  ❖ 59% with a speech disability
  ❖ 66% with a learning disability
  ❖ 37% without a reported disability
High School Graduation

Public high school four-year adjusted cohort graduation rate (ACGR), by race/ethnicity and selected demographics for the United States, the 50 states, the District of Columbia, and other jurisdictions, school year 2011–12

Source: National Center for Education Statistics
Key Fact: Jobs Without Literacy??

Only 61 percent of young people with disabilities achieve a high school diploma, compared to 81 percent of people without disabilities -- a 20-point gap.

Source: Public High School Four-Year On-Time Graduation Rates and Event Dropout Rates - [http://1.usa.gov/1R6n9rs](http://1.usa.gov/1R6n9rs)
School Suspensions Lead to Dropping Out

Youth with Disabilities are suspended at much higher rates than the average.

**Elementary and Secondary Out-of-School Suspension Rates by Subgroup, 2011-12**

- **Elementary**:
  - All: 2.6%
  - American Indian: 2.9%
  - Hawaiian/Pac. Isl.: 1.2%
  - Asian: 0.5%
  - Black: 7.6%
  - Latino: 2.1%
  - White: 1.6%
  - English Learner: 1.5%
  - With Disabilities: 5.4%

- **Secondary**:
  - All: 10.1%
  - American Indian: 11.9%
  - Hawaiian/Pac. Isl.: 7.3%
  - Asian: 2.5%
  - Black: 23.2%
  - Latino: 10.8%
  - White: 6.7%
  - English Learner: 11.0%
  - With Disabilities: 18.1%

Source: The Civil Rights Project
Boys of color are diagnosed with conduct and behavioral disorders while white kids get diagnosed with autism.

-- Eric Jacobson, the Executive Director of the Georgia Developmental Disabilities Council

Minority Disability Suspension

Minority youth with disabilities are suspended at the highest rates of all.

Suspension Rates of Students with Disabilities at Both Elementary and Secondary Levels, Further Disaggregated by Race/Ethnicity and Gender

- **Latino**
  - Female Secondary: 6.6%
  - Male Secondary: 12.1%
  - Female Elementary: 1.9%
  - Male Elementary: 5.6%

- **White**
  - Female Secondary: 7.3%
  - Male Secondary: 16.2%
  - Female Elementary: 1.1%
  - Male Elementary: 4.8%

- **Black**
  - Female Secondary: 22.5%
  - Male Secondary: 33.8%
  - Female Elementary: 5.6%
  - Male Elementary: 13.7%

- **All**
  - Female Secondary: 11.7%
  - Male Secondary: 21.4%
  - Female Elementary: 2.2%
  - Male Elementary: 6.8%

Source: [The Civil Rights Project](https://www.civilrights.org)
## Ages 6 to 21 IEPs by Category US

<table>
<thead>
<tr>
<th>Disability Category</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Disabilities</td>
<td>5,670,680</td>
<td>5,693,441</td>
</tr>
<tr>
<td>Specific Learning Disability</td>
<td>2,293,861</td>
<td>2,268,098</td>
</tr>
<tr>
<td>Speech or Language Impairment</td>
<td>1,043,781</td>
<td>1,032,729</td>
</tr>
<tr>
<td>Intellectual Disability</td>
<td>422,401</td>
<td>415,697</td>
</tr>
<tr>
<td>Emotional Disturbance</td>
<td>370,049</td>
<td>359,389</td>
</tr>
<tr>
<td>Multiple Disability</td>
<td>123,762</td>
<td>124,722</td>
</tr>
<tr>
<td>Hearing Impairment</td>
<td>68,494</td>
<td>68,069</td>
</tr>
<tr>
<td>Orthopedic Impairment</td>
<td>53,939</td>
<td>52,052</td>
</tr>
<tr>
<td>Other Health Impairment</td>
<td>722,993</td>
<td>757,904</td>
</tr>
<tr>
<td>Visual Impairment</td>
<td>24,811</td>
<td>24,987</td>
</tr>
<tr>
<td>Autism</td>
<td>404,544</td>
<td>440,592</td>
</tr>
<tr>
<td>Deaf Blindness</td>
<td>1,294</td>
<td>1,281</td>
</tr>
<tr>
<td>Traumatic Brain Injury</td>
<td>24,224</td>
<td>25,020</td>
</tr>
<tr>
<td>Developmental Delay</td>
<td>115,454</td>
<td>122,901</td>
</tr>
</tbody>
</table>

Source: [Annual Disability Statistics Compendium](#)
Affluence and IEPs

Affluent students are more likely to get help than low income children.

Accommodations are free but the tests to prove you have a learning disorder are not.

Source: University of Iowa study
Prevalence of Disability Among Non-Institutionalized People Ages 16 to 20 in U.S. in 2013

<table>
<thead>
<tr>
<th>Disability Type</th>
<th>Prevalence Rate (%)</th>
<th>Number of Individuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Disability</td>
<td>5.6</td>
<td>1,221,000*</td>
</tr>
<tr>
<td>Visual</td>
<td>1</td>
<td>212,500*</td>
</tr>
<tr>
<td>Hearing</td>
<td>0.6</td>
<td>140,000*</td>
</tr>
<tr>
<td>Ambulatory</td>
<td>0.8</td>
<td>171,300*</td>
</tr>
<tr>
<td>Cognitive**</td>
<td>3.9</td>
<td>850,700*</td>
</tr>
<tr>
<td>Self-Care</td>
<td>0.7</td>
<td>152,900*</td>
</tr>
<tr>
<td>Independent Living</td>
<td>2</td>
<td>432,100*</td>
</tr>
</tbody>
</table>

*Total numbers reported
**Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?
Source: Cornell University
Stigma: Post-College Employment Gap

For graduates of four-year colleges, the employment rate, both men and women; has been 89.9 percent. For college graduates with disabilities, the employment rate is 50.6 percent.

Successful Transition is Necessary

300,000 young people with disabilities age into what should be the workforce each year

*1.3 million young Americans ages 16-20 with disabilities

Source: http://disabilitystatistics.org/sources.cfm?n=3#acs

www.RespectAbilityUSA.org
Only 1-in-3 people with disabilities has a job. Despite this, 70 percent of people with disabilities are striving for work.

PwDs are the Poorest of the Poor

Poverty rate by race, ethnicity, gender and disability, 2014

- Whites
- Women
- African-Americans
- Hispanic Americans
- People with Disabilities
Vast Majority Outside the Workforce

70 percent of the 21-million working-age people with disabilities are outside of the workforce.

For people without disabilities, this is less than 22 percent.

In recent years, while things have improved for African Americans, Hispanics and women, sadly the labor force participation rate (LFPR) for people with disabilities has decreased significantly.
National Employment Rates by Disability

Employment Percentage by Type of Disability, Ages 18-64, by State, 2014

- Hearing: 50.7%
- Vision: 40.2%
- Cognitive: 24.2%
- Ambulatory: 24.2%
- Self-Care: 15.4%
- Independent Living: 15.9%
State Disability and Employment Statistics

❖ Alabama: Download the PDF here. Download the PPT here.
❖ Alaska: Download the PDF here. Download the PPT here.
❖ Arizona: Download the PDF here. Download the PPT here.
❖ Arkansas: Download the PDF here. Download the PPT here.
❖ California: Download the PDF here. Download the PPT here.
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❖ Oregon: Download the PDF here. Download the PPT here.
❖ Pennsylvanina: Download the PDF here. Download the PPT here.
❖ Rhode Island: Download the PDF here. Download the PPT here.
❖ South Carolina: Download the PDF here. Download the PPT here.
❖ South Dakota: Download the PDF here. Download the PPT here.
❖ Tennessee: Download the PDF here. Download the PPT here.
❖ Texas: Download the PDF here. Download the PPT here.
❖ Utah: Download the PDF here. Download the PPT here.
❖ Vermont: Download the PDF here. Download the PPT here.
❖ Virginia: Download the PDF here. Download the PPT here.
❖ Washington: Download the PDF here. Download the PPT here.
❖ West Virginia: Download the PDF here. Download the PPT here.
❖ Wisconsin: Download the PDF here. Download the PPT here.
❖ Wyoming: Download the PDF here. Download the PPT here.
“Disconnected Youth”

Among young adults with disabilities (ages 18-24), only 42 percent were either employed or in school, compared to 81 percent of young adults without disabilities.

www.RespectAbilityUSA.org
## Best and Worst States on Jobs for People with Disabilities

### Top 10 States with the Lowest Employment Rate Gaps for PWDs

<table>
<thead>
<tr>
<th>#</th>
<th>State</th>
<th>Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>N. Dakota</td>
<td>32.1</td>
</tr>
<tr>
<td>2</td>
<td>Nevada</td>
<td>33.4</td>
</tr>
<tr>
<td>3</td>
<td>Utah</td>
<td>33.5</td>
</tr>
<tr>
<td>4</td>
<td>S. Dakota</td>
<td>33.6</td>
</tr>
<tr>
<td>5</td>
<td>Hawaii</td>
<td>34.2</td>
</tr>
<tr>
<td>6</td>
<td>Alaska</td>
<td>35.3</td>
</tr>
<tr>
<td>7</td>
<td>Iowa</td>
<td>35.7</td>
</tr>
<tr>
<td>8</td>
<td>Wyoming</td>
<td>35.9</td>
</tr>
<tr>
<td>9</td>
<td>Idaho</td>
<td>37.0</td>
</tr>
<tr>
<td>10</td>
<td>Montana</td>
<td>37.3</td>
</tr>
</tbody>
</table>

### 10 States with the Highest Employment Rate Gap for PWDs

<table>
<thead>
<tr>
<th>#</th>
<th>State</th>
<th>Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>41</td>
<td>Alabama</td>
<td>44.1</td>
</tr>
<tr>
<td>42</td>
<td>Vermont</td>
<td>44.2</td>
</tr>
<tr>
<td>43</td>
<td>Missouri</td>
<td>44.4</td>
</tr>
<tr>
<td>44</td>
<td>Tennessee</td>
<td>44.5</td>
</tr>
<tr>
<td>45</td>
<td>Arkansas</td>
<td>44.6</td>
</tr>
<tr>
<td>46</td>
<td>West Virginia</td>
<td>44.9</td>
</tr>
<tr>
<td>47</td>
<td>Michigan</td>
<td>45.0</td>
</tr>
<tr>
<td>48</td>
<td>South Carolina</td>
<td>45.0</td>
</tr>
<tr>
<td>49</td>
<td>Kentucky</td>
<td>47.1</td>
</tr>
<tr>
<td>50</td>
<td>Maine</td>
<td>47.4</td>
</tr>
</tbody>
</table>

Read our full report here: [The Best-and-Worst-States for Workers with Disabilities](#)

Employment rate percentage point gap given by (Non-Disability Employment Rate – Disability Employment rate)
Transition Programs Work

70 percent of youth with disabilities who go through school to work transition programs like Bridges from School to Work and Project Search find employment. With the right supports, they can find great jobs in health care, elder care, hospitality industry and accommodation.

Prison Population Breakdown

How many people are locked up in the United States?

The United States locks up more people, per capita, than any other nation. But grappling with why requires us to first consider the many types of correctional facilities and the reasons that 2.3 million people are confined there.

Sources and data notes: See http://www.prisonpolicy.org/reports/pie2016.html
Demographics of Incarcerated Population, 2002-2004

- Grew up in Foster Care: 13%
- Ever Received Public Assistance: 37%
- Family Member Ever Incarcerated: 46%
- Parental Substance Abuse: 32%
- Regular Alcohol Use: 65%
- Regular Drug Use: 69%
- Past Physical or Sexual Abuse: 19%
- Homelessness in the Past Year: 11%
- Mental Health Problem: 58%
## Prevalence of Disability: Prisons

<table>
<thead>
<tr>
<th></th>
<th>State and Federal Prisoners</th>
<th>General Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Disability</td>
<td>31.6%</td>
<td>10.9%</td>
</tr>
<tr>
<td>Vision</td>
<td>7.1</td>
<td>2.1</td>
</tr>
<tr>
<td>Hearing</td>
<td>6.2</td>
<td>2.6</td>
</tr>
<tr>
<td>Ambulatory</td>
<td>10.1</td>
<td>5.1</td>
</tr>
<tr>
<td>Cognitive</td>
<td>19.5</td>
<td>4.8</td>
</tr>
<tr>
<td>Self-care</td>
<td>2.1</td>
<td>2.1</td>
</tr>
<tr>
<td>Independent living</td>
<td>7.5</td>
<td>4.0</td>
</tr>
</tbody>
</table>

Source: [Bureau of Justice Statistics](https://www.bjs.gov)
## Specific Types of Disabilities: Prison

<table>
<thead>
<tr>
<th>Demographic characteristic</th>
<th>Any</th>
<th>Hearing</th>
<th>Vision</th>
<th>Ambulatory</th>
<th>Cognitive</th>
<th>Self-care</th>
<th>Independent living</th>
</tr>
</thead>
<tbody>
<tr>
<td>All prisoners</td>
<td>31.6%</td>
<td>6.2%</td>
<td>7.1%</td>
<td>10.1%</td>
<td>19.5%</td>
<td>2.1%</td>
<td>7.5%</td>
</tr>
<tr>
<td><strong>Sex</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male*</td>
<td>31.0%</td>
<td>6.2%</td>
<td>7.1%</td>
<td>9.9%</td>
<td>18.7%</td>
<td>2.0%</td>
<td>7.3%</td>
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<tr>
<td>Female</td>
<td>39.5**</td>
<td>5.3</td>
<td>6.4</td>
<td>12.1</td>
<td>30.3**</td>
<td>3.4</td>
<td>10.1</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18–24*</td>
<td>26.9%</td>
<td>2.0%</td>
<td>3.7%</td>
<td>1.7%</td>
<td>22.1%</td>
<td>0.8%</td>
<td>4.9</td>
</tr>
<tr>
<td>25–34</td>
<td>25.1</td>
<td>2.5</td>
<td>4.6</td>
<td>3.9**</td>
<td>18.8</td>
<td>1.0</td>
<td>5.9</td>
</tr>
<tr>
<td>35–49</td>
<td>32.8</td>
<td>7.9**</td>
<td>6.6**</td>
<td>10.3**</td>
<td>18.9</td>
<td>2.6**</td>
<td>7.6</td>
</tr>
<tr>
<td>50 or older</td>
<td>44.2**</td>
<td>12.1**</td>
<td>15.3**</td>
<td>26.8**</td>
<td>20.3</td>
<td>4.1**</td>
<td>11.9**</td>
</tr>
<tr>
<td><strong>Race/Hispanic origin</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>White*</td>
<td>37.3%**</td>
<td>8.0%**</td>
<td>6.2%</td>
<td>12.0%**</td>
<td>22.8%**</td>
<td>2.4%</td>
<td>10.5%**</td>
</tr>
<tr>
<td>Black/African American*</td>
<td>25.7</td>
<td>3.1</td>
<td>6.2</td>
<td>7.7</td>
<td>17.1</td>
<td>1.7</td>
<td>5.5</td>
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<tr>
<td>Hispanic/Latino</td>
<td>27.8</td>
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<td>8.8</td>
<td>8.8</td>
<td>15.1</td>
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<td>Two or more races*</td>
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<td>9.5**</td>
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<td>Others*</td>
<td>37.0</td>
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<td>7.5</td>
<td>23.0</td>
<td>1.5</td>
<td>15.4**</td>
</tr>
</tbody>
</table>

Note: See Methodology for definitions of disabilities. See appendix table 5 for standard errors.

* Comparison group.

** Difference with the comparison group is significant at the 95% confidence level.

* Excludes persons of Hispanic or Latino origin.

* Includes American Indian and Alaska Natives and Asian, Native Hawaiian, and other Pacific Islanders.

## Prevalence of Disability: Jails

<table>
<thead>
<tr>
<th>Jail Inmates</th>
<th>General Population</th>
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<tbody>
<tr>
<td>Any Disability – 39.9%</td>
<td>Any Disability – 9.3%</td>
</tr>
<tr>
<td>Vision – 7.3</td>
<td>Vision – 1.7</td>
</tr>
<tr>
<td>Hearing – 6.5</td>
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<tr>
<td>Ambulatory – 9.5</td>
<td>Ambulatory – 3.7</td>
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<tr>
<td>Cognitive – 30.9</td>
<td>Cognitive – 4.7</td>
</tr>
<tr>
<td>Self-care – 2.8</td>
<td>Self-care – 1.7</td>
</tr>
<tr>
<td>Independent Living – 8.7</td>
<td>Independent living – 3.4</td>
</tr>
</tbody>
</table>

Source: [Bureau of Justice Statistics](https://www.bjs.gov)
### Prevalence of disabilities among jail inmates, by demographic characteristics, 2011–12

<table>
<thead>
<tr>
<th>Demographic characteristic</th>
<th>Any</th>
<th>Hearing</th>
<th>Vision</th>
<th>Ambulatory</th>
<th>Cognitive</th>
<th>Self-care</th>
<th>Independent living</th>
</tr>
</thead>
<tbody>
<tr>
<td>All inmates</td>
<td>39.9%</td>
<td>6.5%</td>
<td>7.3%</td>
<td>9.5%</td>
<td>30.9%</td>
<td>2.8%</td>
<td>8.7%</td>
</tr>
<tr>
<td><strong>Sex</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Male*</td>
<td>38.5%</td>
<td>6.6%</td>
<td>7.6%</td>
<td>8.9%</td>
<td>29.4%</td>
<td>2.7%</td>
<td>8.5%</td>
</tr>
<tr>
<td>Female</td>
<td>49.5**</td>
<td>6.0%</td>
<td>5.1**</td>
<td>13.5**</td>
<td>41.2**</td>
<td>3.6%</td>
<td>9.7%</td>
</tr>
<tr>
<td><strong>Age</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18–24*</td>
<td>33.8%</td>
<td>3.2%</td>
<td>3.7%</td>
<td>2.4%</td>
<td>29.4%</td>
<td>1.0%</td>
<td>6.0%</td>
</tr>
<tr>
<td>25–34</td>
<td>36.8</td>
<td>3.9</td>
<td>5.5</td>
<td>5.6**</td>
<td>30.3</td>
<td>1.2%</td>
<td>7.8%</td>
</tr>
<tr>
<td>35–49</td>
<td>43.1**</td>
<td>8.6**</td>
<td>8.9**</td>
<td>14.0**</td>
<td>32.1</td>
<td>4.1**</td>
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<tr>
<td>50 or older</td>
<td>59.7**</td>
<td>19.9**</td>
<td>19.4**</td>
<td>30.8**</td>
<td>33.5</td>
<td>10.1**</td>
<td>14.3**</td>
</tr>
<tr>
<td><strong>Race/Hispanic origin</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White*</td>
<td>40.5**</td>
<td>6.6%</td>
<td>5.5%</td>
<td>9.8%</td>
<td>30.4%</td>
<td>2.4%</td>
<td>8.7%</td>
</tr>
<tr>
<td>Black/African American**</td>
<td>35.1</td>
<td>5.1</td>
<td>7.4</td>
<td>9.4</td>
<td>26.5</td>
<td>2.6%</td>
<td>7.5%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>38.4</td>
<td>6.9</td>
<td>8.6</td>
<td>8.5</td>
<td>29.5</td>
<td>3.2%</td>
<td>7.8%</td>
</tr>
<tr>
<td>Two or more races**</td>
<td>55.3**</td>
<td>8.3</td>
<td>9.9</td>
<td>10.2</td>
<td>48.4**</td>
<td>3.5%</td>
<td>13.7**</td>
</tr>
<tr>
<td>Other**</td>
<td>51.4**</td>
<td>13.6**</td>
<td>11.8</td>
<td>13.9</td>
<td>43.0**</td>
<td>2.5%</td>
<td>11.5%</td>
</tr>
</tbody>
</table>

**Note:** See Methodology for definitions of disabilities. See appendix table 6 for standard errors.

*Comparison group.

**Difference with the comparison group is significant at the 95% confidence level.

*Excludes persons of Hispanic or Latino origin.

†Includes American Indian and Alaska Natives and Asian, Native Hawaiian, and other Pacific Islanders.

Disability Prevalence, by Sex

Prevalence of disabilities among state and federal prisoners and jail inmates, by sex, 2011–12

Note: Disability types include hearing, vision, cognitive, ambulatory, self-care, and independent living. See Methodology for definitions of disabilities. See appendix table 1 for estimated percentages and standard errors.

*Comparison group.

**Difference with comparison group is significant at the 95% confidence level.

Number of disabilities reported by state and federal prisoners and jail inmates, 2011–12

<table>
<thead>
<tr>
<th>Number of disabilities</th>
<th>State and federal prisoners</th>
<th>Jail inmates*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percent</td>
<td>Standard error</td>
</tr>
<tr>
<td>0</td>
<td>68.4**</td>
<td>1.4%</td>
</tr>
<tr>
<td>1</td>
<td>18.8**</td>
<td>0.9</td>
</tr>
<tr>
<td>2</td>
<td>7.9**</td>
<td>0.7</td>
</tr>
<tr>
<td>3</td>
<td>2.5</td>
<td>0.3</td>
</tr>
<tr>
<td>4 or more</td>
<td>2.4</td>
<td>0.4</td>
</tr>
</tbody>
</table>

Note: Disability types include hearing, vision, cognitive, ambulatory, self-care, and independent living. See Methodology for definitions of disabilities.

*Comparison group.

**Difference with the comparison group is significant at the 95% confidence level.

Human Rights Violated in Prison

People with disabilities in the corrections system routinely have their rights violated.

Report: Blind, Deaf, Disabled Inmates Abused in Prison

The Invisible Punishment of Prisoners With Disabilities
www.thenation.com/article/invisible-punishment-prisoners-disabilities/

Cruel Confinement: Abuse, Discrimination and Death Within Alabama’s Prisons

Execution of Warren Hill “Shakes the Foundation of our Legal System for People with Intellectual Disabilities”
blog.thearc.org/2015/01/27/execution-warren-hill-shakes-foundation-legal-system-people-intellectual-disabilities/

U.S. jury orders D.C. Corrections to pay $70,000 to deaf inmate in ADA claim

Wrongfully Imprisoned D.C. Disabled Man Settles Suit For $1.74 Million

www.RespectAbilityUSA.org
“He wrote notes to nurses and doctors in the jail’s mental health unit where he stayed in a solitary cell. He said they ignored him and would throw his letters away.”

Lives of PwDs Lost in Prison

Arthur Johnson
Intellectual disabilities
At appeal, claimed to have been beaten into confessing.
Locked in solitary since 1979.

Paul Schlosser  - Bipolar Disorder
Denied medical treatment and was pepper sprayed while restrained.

Christopher Lopez  - Schizoaffective disorder
Died in police custody in 2013.
“For many years, I allowed Dyslexia to control my life and rob me of my God given potential.”

“At age 23, I entered into a prison correctional facility reading at a 3rd grade level. I didn't feel so bad because many of the men there were just like me. We all read poorly.”

“A GED teacher noticed that I struggled with phonics and had me tested. After testing me, he said I had a reading disability and it could be corrected if I was willing to work hard.”

“Ameer is now a successful actor and is a series regular on American Horror Story.”

Read his Testimony to the Senate HELP Committee here: http://www.help.senate.gov/imo/media/doc/Baraka1.pdf
Psychological Distress and Disability

Prevalence of past-30-day serious psychological distress among state and federal prisoners and jail inmates, by type of disability, 2011–12

Percent

- **Prisoners**
- **Jail inmates**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>With a cognitive disability</td>
<td><strong>45</strong></td>
</tr>
<tr>
<td>Without a disability*</td>
<td>5</td>
</tr>
<tr>
<td>With a disability other than a cognitive disability</td>
<td><strong>30</strong></td>
</tr>
</tbody>
</table>

Note: As measured by the past 30-day K6 Psychological Distress Scale with a score of 13 or higher. See Methodology for further detail on the K6 scale and for definitions of disabilities. Disability types other than cognitive include hearing, vision, ambulatory, self-care, and independent living. See appendix table 7 for estimated percentages and standard errors.

*Comparison group.

**Difference with the comparison group is significant at the 95% confidence level.

Key Fact: 95% Are Coming Home

95 percent of the prison population will eventually be released and each year 600,000 people leave incarceration. Within five years, three quarters of people who leave incarceration will be re-arrested and two-thirds will ultimately return to incarceration.

Source: Offender Reentry - Congressional Research Service 7-5700 - http://bit.ly/1smMrNt
Criminal Justice Reform will not succeed unless and until disability is addressed in all three stages:

1. **Early Intervention** to keep people with disabilities from entering the school to prison pipeline in the first place.
2. **Adequate accommodations** throughout the criminal justice system, which includes proper training and accountability for police, judicial officials, corrections officers and educators or others working to educate, train and appropriately serve people who are incarcerated.
3. **Re-entry process that understands** the unique dimensions of what it means to be a person with varying kinds of disabilities.

Only when the system not only identifies but also addresses disability through proper diagnosis, accommodations and supports will criminal justice reform succeed.
“I remember having my first seizure in Youngstown Ohio in 1997 after being jumped on by some correctional officers, and from that time until I was released, I was never given any medication or tested to see what was happening to me.”
Combat Stigma

- **Combat stigmas around disability** through focused, culturally competent communications campaigns that will empower parents in vulnerable communities to enable their children with disabilities to succeed:
  - National Disability Employment Awareness Month raises awareness about disability employment issues and celebrates the contributions of America's workers with disabilities, past and present.
  - The Campaign for Disability Employment promotes positive employment outcomes for people with disabilities by encouraging employers and others to recognize the value and talent they bring to the workplace.
  - The National Mental Health Consumers’ Self-Help Clearinghouse’s report “How to Use the Media to Fight Stigma and Discrimination.”
Empower parents, families and other social supports with resources which will combat stigma and safeguard youth with disabilities from falling through the cracks. Parenting a child with a disability can be deeply rewarding. It also can be challenging regardless of economic means but the obstacles only grow more complex for low-income families or single-parent households:

- Free resources on learning disabilities from understood.org
- Free parenting toolkit from the Autism Society
- The Office of Disability Employment Policy (ODEP) has free and practical information that can help any parent of a child with a disability.
- The Georgia Appleseed Center for Law and Justice has a toolkit aimed at building a “school to opportunity” pipeline.
- Parents of children with disabilities need culturally competent training that will empower them to support their children.
Reduce Sexual Assault and Abuse

❖ Take steps to address sexual assaults and sexual abuse of people with disabilities by ensuring that youth with disabilities, their parents, and special educators understand the risks, their rights, and have access to the right resources.

  o Estimates show that around 59,000 adults with disabilities will be raped or sexually assaulted each year.

  o Partnerships should be developed with organizations that have specialized expertise and resources such as RAINN (Rape, Abuse & Incest National Network).

  o Their website, which is screen reader accessible, provides background information on state law, information on ways to access help including if a victim is deaf, referrals to local sources of support and anonymous online avenues for connecting victims to specialists.
Reform educational policies, such as physical restraint and school suspensions, which have disparate, negative impacts on students of color and students with disabilities. This can be accomplished by ending zero-tolerance policies, ensuring school staff understand the difference between visible/invisible disabilities, helping students overcome bullying and decreasing calls to School Resource Officers (SROs):

- SRO programs should be scaled back, and federal funds re-directed to programs such as Restorative Justice and Communities in Schools.
- The Responsive Classroom approach
- South Carolina’s school policy forbidding the use of SROs to discipline students for behavioral issues, limiting their involvement to suspected criminal activity.
Improve Effective Youth Programs

- Improve mentorship programs and expand early work experiences to empower youth with disabilities. Increasing the number of youth who successfully transition from school to work will require solutions beyond government such as mentorship and internship programs, as well as summer jobs and apprenticeships that can help students gain skills, develop contacts and have high expectations for success:
  - The National Mentoring Partnership’s Detailed Report: [Referring Youth in Juvenile Justice Settings to Mentoring Programs](#)
  - The Division of Youth Services in Indiana, which has a multi-tiered approach to serving youth
  - The National Youth Leadership Network and the National Consortium on Leadership and Disability for Youth
End Criminalization of Homelessness

❖ Instead of criminalizing homelessness, community resources and supportive settings are better alternatives to incarceration. Too many people with mental health disabilities and addiction issues end up on the street or are arrested by police instead of having access to community supports and other resources:

- **Stepping Up initiative** launched by the National Association of Counties, the Council of State Governments and the American Psychiatric Association Foundation
- **In San Antonio**, a series of linked programs is saving around 10 million dollars a year by offering comprehensive services to the homeless, free mental health care, training to local law enforcement and more.
Reform policing practices and use-of-force policies that have disparate impacts on people with disabilities. In 2015, more than a third of the people killed by police were people with disabilities. This means that there is a clear need for police to be trained in non-lethal interventions and to understand how to interact with people who have non-apparent disabilities:

- Programs such as the Crisis Intervention Team (CIT) model
- Maryland’s Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities
Provide better resources to the juvenile justice system so that justice-involved youth are not trapped in the school-to-prison pipeline. Youth with disabilities who are on probation, particularly those with cognitive disorders, might not understand all of the requirements, and therefore be at a higher risk of violating them:

- The Tools for Success Curriculum developed by the Substance Abuse and Mental Health Services Administration (SAMSHA), focused exclusively on helping juvenile justice professionals address fetal-alcohol syndrome issues.
Expand Alternative Sentencing

Expanding alternative sentencing programs are critical to decreasing juvenile incarceration and ensuring youth with disabilities are no longer trapped by a pipeline into the justice system. Innovative models that prioritize getting youth with disabilities supports rather than jail time need to be closely studied and widely expanded:

- **Project SEARCH** provides skill training and work experiences for youth with disabilities before the end of high school.
- Annie E. Casey Foundation’s [Juvenile Detention Alternatives Initiative](#)
- [Court Employment Project (CEP) from the Vera Institute of Justice](#)
- “Civil Citation” program being instituted by the Miami-Dade Juvenile Services Department
Reform the Courts

Reforming the court system requires looking at the ways that wrongful convictions, false confessions and the death penalty disproportionately impact people with a range of disabilities. People with disabilities interact with the entire justice system from being victims, witnesses and as alleged perpetrators. Accommodations are needed at each step of the way:

- Washington State Access to Justice Board’s guide [Ensuring Equal Access for People with Disabilities](#)
- The Center for Legal and Court Technology’s and the American Foundation for the Blind’s [Accessible Courts Initiative launched in 2007](#)
- California Department of Corrections and Rehabilitation’s [Developmental Disabilities Program](#) regarding access to informed and supportive counsel
The use of solitary confinement and chemical restraint needs to be dramatically reduced so that people are not traumatized unnecessarily and new disabilities are not created. Solitary can be particularly traumatic for prisoners with disabilities and can exacerbate physiological disorders:

- Solitary confinement can cause mental health deterioration for those with a previous condition, or can cause an onset of new disorders (such as psychosis and depression).
- Organizations such as the VERA Institute of Justice through their Safe Alternatives to Segregation Resource Center (SASRC) are working to identify practical alternatives to solitary confinement in the prison system.
The corrections system needs structures in place that will diagnose and accommodate people with a range of disabilities upon entering incarceration. Up to one-third of all inmates have some level of deafness; they must be able to communicate and corrections officers need disability training:

- National Center on Criminal Justice and Disability has compiled training resources for law enforcement and corrections officers.
- The protection and advocacy system has a profound role in helping the system fully respect the rights and meet the needs of inmates with disabilities.
- Prisoners themselves need to understand their rights under Title II of the ADA and be able to self-advocate as needed.
Release Begins on Day One

- People who are incarcerated need to receive assessments, begin appropriate education in correctional facilities and start job training on day one in the system. The first step in building a justice system that respects the rights of prisoners with disabilities is having a better data system, replicating best practices and combating stigma:
  - Every Student Succeeds Act (ESSA): Among the most important elements are new requirements related to transition services for youth in correctional facilities. State agencies must now collaborate with correctional facilities to assess justice-involved youth both for educational needs and disability status. However, there are no such requirements around collaboration and transition on the adult side of the justice system.
Utilize Existing Educational Supports

❖ Corrections education programs funded under Title II of the Workforce Innovation and Opportunity Act (WIOA) need to better serve prisoners with disabilities. From the beginning of incarceration, people behind bars need training in skills to successful reintegrate into society. Time served should become time for preparation:

  o Khan Academy, Massive Open Online Courses (MOOCs), TEDtalks and other learning options are particularly well suited to diverse learning needs, but are kept off-limits.

  o Hawaii coordinates efforts between its corrections department and the Department of Education to provide highly qualified teachers and counselors so that returning citizens can be prepared to succeed.

  o The North Dakota Department of Corrections and Rehabilitation includes teachers with professional development and/or special education experience in their adult and juvenile corrections personnel.
Capacity Building: Our Part to Play

❖ Extend and expand capacity through non-governmental supports focused on providing reentry solutions for returning citizens. Volunteers, nonprofits, philanthropists and faith-based organizations must play a meaningful role in helping returning citizens with disabilities find and keep jobs or start a business:

- The Philanthropy Roundtable’s Clearing Obstacles to Work compiles proven programs for successful reentry for returning citizens.
- The Center for Employment Opportunities works with parole and probation officers to support reentry for people who have been released and are seeking employment.
- The Ridge Project offers training classes to inmates before and after release, working on social and employment skills at the same time. These efforts build greater capacity to successfully reintegrate inmates into society.
Use better performance metrics to ensure the success of people with disabilities and returning citizens. Use Labor Force Participation Rates instead of unemployment data to understand the challenges facing people with barriers to work:

- **South Dakota** has high employment outcomes for people with disabilities partly due to heavy investment in training, mentorship, and support services and an emphasis on performance metrics.
- **Michigan, California, Oregon, Wyoming**, and other states are using their Labor Force Participation Rate as a performance metric for people with disabilities.
Engage Employers

- Recruit employers that will hire returning citizens with disabilities for business reasons, not charity. Employment opportunities with willing employers are critical to successful reintegration for returning citizens as are Section 503 requirements for federal contractors to hire people with disabilities. Banning the Box is necessary but only part of the re-entry process:
  - Criminal records should be disclosed to employers later in the hiring process so that returning citizens will be considered for employment and can take advantage of policies like the Federal Bonding Program.
  - An example of the type of innovative reentry program we would like to see widely replicated is the Prisoner Entrepreneurship Program (PEP).
  - Another example is the Renaissance Center in California’s Bay Area.
Expand the use of innovative funding sources such as Pay-For-Performance Contracting or Social Impact Bonds to reduce recidivism rates. Leverage WIOA funding to address recidivism, channel the power of social entrepreneurship programs and build on the promising practice of social impact bonds:

- Utilize innovative “Pay for Performance” (PfP) contracting, as documented by Social Finance
- The Center for Employment Opportunities’ Pay-For-Success project in New York State is achieving incredible results.
- Growing power of social enterprise to combat recidivism through public-private partnerships such as the Second Chance Act Comprehensive Statewide Recidivism Reduction (SRR) Program.
- Adolescent Behavioral Learning Experience (ABLE) program in NY and the Juvenile Justice Pay for Success Initiative in Massachusetts.
“Second Chances,” not “Three Strikes”

- Change the narrative from “three strikes” to “second chances” by focusing outreach on business leaders, HR professionals and returning citizens themselves. Attitudinal barriers and stigmas facing returning citizens and people with disabilities need to be overcome through target messaging and communications efforts.
  - The best way to fight stigma is to let employers see the facts from other employers who already are succeeding by hiring people with disabilities, whether they were in the corrections system or not.
Contact Us!

We have many resources for policy makers and leaders on our website and are ready to help!

RespectAbilityUSA

11333 Woodglen Drive, #102
Rockville, MD 20852

http://www.RespectAbilityUSA.org

Cell: (202) 365 0787

Jennifer Laszlo Mizrahi
President

JenniferM@RespectAbilityUSA.org
Meet the Report’s Authors

❖ **Jennifer Laszlo Mizrahi is President and CEO of RespectAbility**, a nonprofit organization working to empower people with disabilities to achieve the American dream. She works regularly with national, state and local policy leaders, workforce development professionals, media and employers, as well as with disability and faith-based organizations in order to expand opportunities for people with disabilities. She already has met with teams from all 50 states, including 40 governors, on WIOA implementation. She has published dozens of op-eds on disability issues, including in USA Today, Huffington Post, The Hill and other publications. Dyslexic herself, she also knows what it means to parent a child with multiple disabilities.

❖ **Janie L. Jeffers is founder and president of Jeffers and Associates, LLC.** President Bill Clinton appointed her a Commissioner on the United States Parole Commission in 1999. She has had a distinguished career in public policy, education, management, health care, and criminal justice at the federal and local levels. Ms. Jeffers served as Executive Deputy Director for the Federal DC Interagency Task Force at the White House Office of Management and Budget, where she coordinated technical assistance to the District of Columbia government on economic development, education, childcare and public/private partnerships. She also served as Policy Advisor for the President’s Crime Prevention Council, chaired by Vice President Gore. From 1992-1996, she was Chief of the National Office of Citizen Participation for the Federal Bureau of Prisons at the Department of Justice and, from 1985-1991, she was Deputy Commissioner for the New York City Department of Correction, rising through the ranks to become the first civilian to achieve that position.
Meet the Report’s Authors

❖ **Eddie B. Ellis Jr., Criminal Justice Associate.** Ellis created Oneby1, an organization that works with communities and partners to provide youth development workshops and mentoring services to keep youth out of the corrections system and help those exiting the system stay out. A champion for change, Eddie’s own experience as a former convict provides an insight and depth into his work that allows him to connect with and engage audiences. Mr. Ellis professional experience, certifications and training allow him to serve as a resource to the community. He also has written and published several resource guides offering service referrals, practical tips and inspiration to former offenders and parolees returning into the Washington, D.C., metropolitan area.

❖ **Philip Pauli is the Policy and Practices Director of RespectAbility.** His role with RespectAbility includes communicating with state leaders and workforce agencies on best practices for employing people with disabilities under WIOA and addressing issues related to competitive integrated employment. Raised by a single mother with serious chronic health issues, he is deeply committed to helping build a better future for people with disabilities. You can reach him at PhilipP@RespectAbilityUSA.org.
Meet the Report’s Editors


❖ Lauren Appelbaum, Communications Director of RespectAbility. Her role includes managing the presidential outreach and #RespectTheAbility stigma and social media campaigns. Coordinating outreach, she and her team have talked with all of the presidential candidates about the importance of engaging the disability community, reporting all interviews in The RespectAbility Report. She has a lifelong commitment to equality for people with disabilities. You can reach her at LaurenA@RespectAbilityUSA.org.