

Supporting Successful Reentry for People with Disabilities

Disability-Specific Supports

November 2016

By

Cherie Takemoto, PhD
New Editions Consulting Inc.



This resource was prepared with funding from the U.S. Department of Education, Office of Career, Technical, and Adult Education, under contract no. ED-ESE-15-A-0011/0001. The opinions expressed herein do not necessarily reflect the opinions or policies of the U.S. Department of Education. This document is in the public domain and may be reproduced without permission.

Supporting Successful Reentry for People with Disabilities

Disability-Specific Supports

Introduction

This guide is to help reentry professionals, and others serving individuals involved in the criminal justice system, better understand how to support individuals with some of the common disabilities they are likely to encounter. It is intended to be a companion resource for *Supporting Successful Reentry for People with Disabilities: A Brief Guide to Issues and Resources*.

The guide is arranged by specific disability. Each section contains a brief overview with basic definitions and information about the selected disability as it relates to the criminal justice system. The brief overview serves as a starting point for understanding the specific disability with links to source documents for further information. Each topic also includes general and criminal justice-related resources for further information.

Below are the specific disabilities described in this guide:

- [Mental Illness](#)
- [Substance Use Disorder](#)
- [Traumatic Brain Injury](#)
- [Intellectual and Developmental Disabilities](#)
- [Autism](#)
- [Learning Disabilities](#)
- [Deaf and Hard of Hearing](#)

Mental Illness

Definitions

The National Institute of Mental Health defines mental illness as a mental, behavioral, or emotional disorder (excluding developmental and substance use disorders) diagnosable currently or within the past year, and of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders (DSM-5). In 2014, an estimated 18.1 percent of adults in the United States had a mental disorder, and 4.2 percent of all adults had a disorder that resulted in serious functional impairment that substantially interfered with or limited one or more major life activities (Source: [National Institute of Mental Health Prevalence Data](#)).

A mental disorder should be diagnosed by a professional. Below are descriptions of some of the major types of mental disorders with links for finding out more:

- [Anxiety Disorders](#)—Persistent anxiety that does not go away over time and that can interfere with daily activities.
- [Bipolar Disorders](#)—Also known as manic-depressive illness, this brain disorder causes unusual shifts in mood, energy, activity levels, and the ability to carry out daily activities. Individuals experience periods of unusually intense emotion, changes in sleep patterns and activity levels, and unusual behaviors. Mood episodes may be manic (high energy, agitated, racing thoughts), depressive (sad, worried, empty), or mixed (manic and depressive symptoms).
- [Borderline Personality Disorders](#)—Ongoing instability in behavior, moods, self-image, and functioning, with intense moods of anger, depression, and anxiety that may last from a few hours to days. This disorder often is co-occurring with other mental disorders.
- [Depression](#)—A serious mood disorder with severe symptoms including persistent sad, anxious, or “empty” mood; feelings of hopelessness, guilt, helplessness; irritability; decreased energy; difficulty sleeping, concentrating, remembering, or making decisions; thoughts of death or suicide; and pain, headaches, cramps, or digestive problems without a clear physical cause. Not everyone experiences every symptom, and symptoms may vary depending on the stage of the illness.
- [Schizophrenia](#)—A chronic and severe mental disorder affecting thinking, feeling, and behavior. Behavioral symptoms include hallucinations, delusions, unusual or dysfunctional ways of thinking, and agitated body movements. Disruptions to normal emotions and behaviors include reduced facial expression or voice tone, difficulty beginning and sustaining activities, and reduced speaking. Some

individuals may exhibit changes in memory, including the ability to understand information and use it to make decisions.

- **Obsessive-Compulsive Disorder**—A common, chronic disorder associated with uncontrollable, reoccurring thoughts and behaviors.
- **Post-Traumatic Stress Disorder**—An ongoing or short-term disorder that occurs in some people who have been through a shocking, scary, or dangerous event. PTSD can occur within three months of the traumatic incident, but sometimes not for years afterward. Symptoms include a re-experience of symptoms such as flashbacks, bad dreams, or frightening thoughts; avoidance of places, events, objects, thoughts, or feelings that are reminders of the traumatic experience; stress or angry feelings that make daily tasks difficult; and negative thoughts.

Criminal Justice and Mental Illness

The U.S. Department of Justice Survey of Inmates in State and Federal Correctional Facilities (2004) and the Survey of Inmates in Local Jails (2002) identified differences in prevalence by the type of correctional facility. A mental health problem was defined as receiving a clinical diagnosis or treatment by a mental health professional. Local jails had the highest prevalence (64.2 percent). (See figure below.)

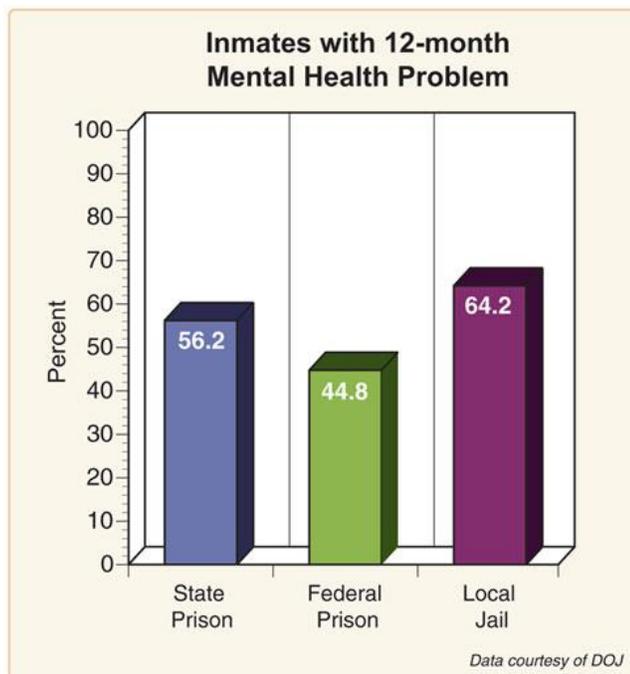


Figure 1. Inmates with 12-Month Mental Health Problem from: <https://www.nimh.nih.gov/health/statistics/prevalence/inmate-mental-health.shtml>

According to Human Rights Watch, probationers with mental health challenges require complex treatment, services, and supervision strategies with an intertwined system (justice, mental health, hospitals, clinics, and the welfare system). The primary reason for reincarceration for those with mental health challenges is due to noncompliance with their probation requirements (not reoffending). About 52 to 62 percent of parolees with mental health issues return to prison in less than one year vs. 30 percent without mental illness (Skeem 2011). (Source: Human Rights Watch, [*Callous and Cruel: Use of Force against Inmates with Mental Disabilities in US Jails and Prisons*](#))

Reentry practices that can prevent recidivism include:

- Prerelease efforts and model agreements to speedily reinstate or enroll released individuals in federal health insurance and income support programs for which they are eligible;
- Temporary health care coverage and income support while receipt of federal benefits is pending; and
- Mental health services, including case management, medications, and substance use disorder services.

(Source: Bazelon Center, [*Building Bridges: An Act to Reduce Recidivism by Improving Access to Benefits for Individuals with Psychiatric Disabilities upon Release from Incarceration*](#))

General Resources

- [**The National Institute of Mental Health**](#) is the lead federal agency for research on mental disorders and has information on specific mental health conditions and treatment.
- [**The Mental Health Block Grants to States**](#) program provides funds and technical assistance to provide comprehensive, community-based mental health services to adults and children with serious emotional disturbances.
- [**The National Alliance on Mental Illness**](#) is the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness. NAMI has state and local chapters that can also serve as a resource.
- [**The National Association of Mental Health Planning and Advisory Councils**](#) supports local mental health planning and advisory councils in every state. A criminal justice representative is required on these councils.
- [**Behavioral Health Treatment Services Locator**](#) is a confidential and anonymous source of information for persons seeking treatment facilities for substance use disorder / addiction and/or mental health problems, by state, city, or address.

Criminal Justice Resources

- [The Bazelon Center for Mental Health Law](#) has a number of reports, publications, and information related to mental health and reentry and incarceration alternatives. Including [Finding the Key to Successful Transitions from Jail or Prison to the Community](#)
- [Stepping Up](#) is a national initiative to reduce the number of people with mental illnesses in jails led by the [National Association of Counties](#), the [Council of State Governments Justice Center](#), and the [American Psychiatric Foundation](#). A national call to action kicked off in May 2015 to encourage counties and jails to work with state and local agencies and stakeholders on an actionable plan that includes the following six steps:
 - Convene or draw on a diverse team
 - Collect and review prevalence numbers and assess individuals' needs
 - Examine treatment and service capacity
 - Develop a plan with measurable outcomes
 - Implement research-based approaches
 - Create ways to track progress

With support from the [U.S. Department of Justice's Bureau of Justice Assistance](#), the initiative offers tools, resources, webinars, access to experts, and other assistance to individuals and teams engaged in the initiative.

- [Substance Abuse and Mental Health Services Administration Efforts in Criminal and Juvenile Justice Issues](#) include early intervention and treatment as an alternative to detention for people with behavioral health issues in the criminal justice issues. Links to SAMHSA programs (including reentry) are included in the above link.
- [Amplifying Voices of Inmates with Disabilities Prison Project](#) produced *On the Outs: Reentry for Inmates with Disabilities*, a short documentary following three inmates with various disabilities, including vision impairment, brain injury, and mental illness, through all stages of the reentry process. The documentary depicts each person's experience at three points: in prison prior to release, on their release date, and after release. The film is intended to raise awareness about people with disabilities in prison, inspire communication about much-needed reentry reform, and encourage collaborative relationships among inmates, prison systems, advocates, and other interested stakeholders to address this issue.

Substance Use Disorder

Definition

Substance use disorder is the recurrent use of alcohol and/or drugs causing clinically and functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home. Since 2013, the DSM-5 no longer uses the terms “substance abuse” or “substance dependence.” Some of the most common disorders include alcohol, tobacco, cannabis, stimulant, hallucinogen, and opioid use.

The [National Survey on Drug Use and Health](#) report from 2014 found the following prevalence of substance use disorder for Americans age 12 and older.

- Of 176.6 million alcohol users, 17 million have an alcohol use disorder.
- An estimated 66.9 million people use tobacco.
- Of 22.2 million people who reported using marijuana, 4.2 million have substance use disorder based on marijuana.
- An estimated 913,000 had a stimulant use disorder because of cocaine use, and an estimated 476,000 people had a stimulant use disorder because of using other stimulants besides methamphetamines.
- Approximately 246,000 Americans had a hallucinogen use disorder.
- An estimated 1.9 million people had an opioid use disorder related to prescription pain relievers, and an estimated 586,000 had an opioid use disorder related to heroin use.

(Source: SAMHSA, [Substance Use Disorders](#).)

Criminal Justice and Substance Use Disorder

Use of alcohol and drugs is a major factor in domestic violence, driving while intoxicated, property offenses, drug offenses, and public-order offenses.

- 80 percent of offenders abuse drugs or alcohol.
- Nearly 50 percent of jail and prison inmates are clinically addicted.
- Approximately 60 percent of individuals arrested for most types of crimes test positive for illegal drugs at arrest.

About one-half of state and federal prisoners have substance use disorder, yet only about 20 percent receive treatment for it. Preventing crime and re-arrest depends on successful addiction treatment.

- Approximately 95 percent of former inmates return to alcohol or drug abuse after release.
- 60 to 80 percent of drug users commit a crime after release. These crimes are typically drug related.

(Source: National Council on Alcoholism and Drug Dependency, "[Alcohol, Drugs and Crime](#).”)

[SAMHSA](#) estimates that 42 percent of prisoners and 49 percent of jail inmates have co-occurring mental health and substance use disorders.

General Resources

- [The National Council on Alcoholism and Drug Dependence Inc.](#) is a voluntary health organization dedicated to fighting alcoholism, drug addiction, and the consequences of alcohol and other drugs on individuals, families, and communities. The site contains resources to locate help for an individual or family member with substance use disorder, including self-assessments and treatment locator services.
- [The National Institute on Drug Abuse](#) advances science on the causes and consequences of drug use and addiction, and applies that knowledge to improve individual and public health.

Criminal Justice Resources

- [GAINS Center for Behavioral Health and Justice Transformation](#) focuses on expanding access to services for people with mental and/or substance use disorders involved in the criminal justice system.
- [Principles of Drug Abuse Treatment for Criminal Justice Populations—A Research-Based Guide](#) describes treatment principles and research findings of relevance to the criminal justice community and to treatment professionals working with offenders. The guide also includes a number of helpful resources.
- [The SAMHSA Offender Reentry Program](#) offers grants to expand and/or enhance substance use disorder treatment and related reentry services to adult offenders and individuals with substance use disorders who are returning to the community after incarceration in state and local prisons, jails, or detention centers.
- [The Office of Justice Programs](#) supports grants and programs addressing the link between substance use disorder and crime.

Traumatic Brain Injury

Definition

A traumatic brain injury (TBI) is a sudden injury from an external force such as a bump or blow to the head (closed head injury), or by an object penetrating the skull (penetrating injury) that affects brain functioning. Depending on where the injury to the brain occurred, problems associated with TBI include:

- **Cognition**—difficulty learning, remembering, making decisions, and reasoning.
- **Senses**—double vision, a consistent bitter taste in the mouth or a loss of the sense of taste, ringing in the ears, and tingling or pain.
- **Communication**—trouble talking, reading, writing, and explaining feelings or thoughts.
- **Behavior**—including difficulty with social situations, relationships, and self-control or aggression.
- **Emotions**—including depression, anxiety, mood swings, and irritability.

Having one or more TBIs may increase the risk of diseases that cause the degeneration or breakdown of brain cells. Some evidence indicates that TBI is associated with:

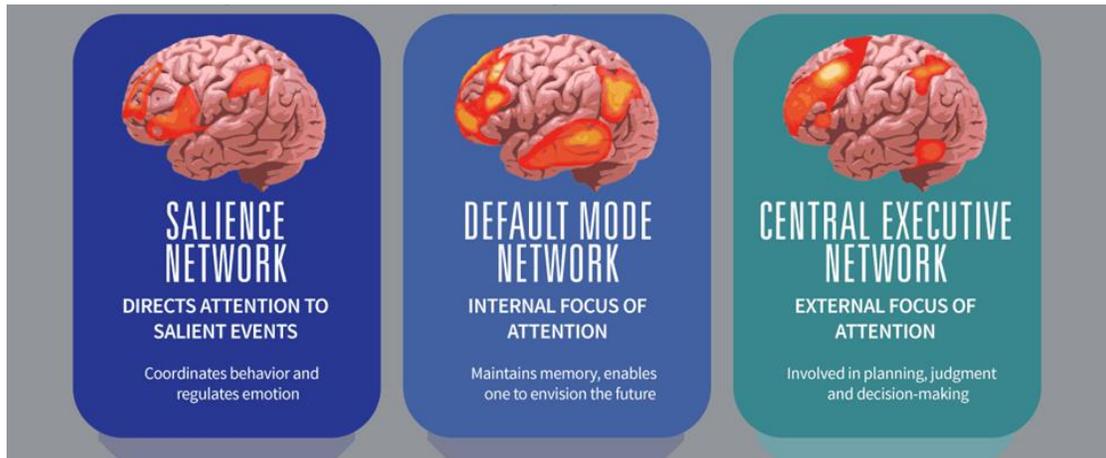
- **Alzheimer’s disease**, which impairs memory, emotions, and thinking skills.
- **Parkinson’s disease**, which causes the loss of motor skills and control over motor skills.
- **Chronic traumatic encephalopathy**, which causes problems in memory, thinking, and motor skills, and often affects athletes involved in sports with head impacts.

(Source: [The Eunice Kennedy Shriver National Institute of Child Health and Human Development](#))

The location of the injury also affects functioning:

- **Salience network injury** reduces awareness and impairs ability to focus and/or shift attention.
- **Default mode network injury** impairs episodic memory, including orientation and memory loss.
- **Central executive network injury** impairs planning, judgment, and decision making.

The injury may be to multiple areas of the brain and an individual may have multiple brain injuries. Secondary conditions can include substance use disorder or mental health issues such as severe depression, anxiety, and difficulty controlling anger. The illustration below shows the areas of the brain that control these networks.



(Source: [University of Illinois at Urbana Champaign.](#))

Criminal Justice and TBI

A study by the Centers for Disease Control and Prevention (CDC) found the following highlights about prison and jail inmates with TBI:

- 25 to 87 percent report having experienced a head injury or TBI compared to 8.5 percent in a general population.
- Inmates who reported head injuries are more likely to have disciplinary problems during incarceration.
- Inmates with head injuries may have seizures or mental health problems such as anxiety or suicidal thoughts and/or attempts.
- Inmates with one or more head injuries had significantly higher levels of alcohol and/or drug use during the year preceding their current incarceration.

Lack of treatment and rehabilitation for inmates with co-occurring TBI, mental health, and substance use disorder problems while incarcerated increases the probability that they will again abuse alcohol and/or drugs when released. Persistent substance use disorder can lead to homelessness, return to illegal drug activities, re-arrest, and increased risk of death after release.

Criminal justice professionals and TBI experts have suggested the following:

- Community reentry staff should be trained to identify a history of TBI and have access to appropriate consultation with other professionals with expertise in TBI.
- Transition services should accommodate the effects of an inmate's TBI upon their release and returning to the community.
- Released inmates with mental health and/or substance use disorder problems should receive case management services and assistance with placement into community treatment programs.
- CDC supports new research to develop better methods for identifying inmates with a history of TBI and related problems, and for determining how many inmates are living with such an injury.

(Source: [*Traumatic Brain Injury Among Prisoners*](#))

General Resources

- [MedlinePlus](#) links to information and resources related to TBI from the National Institutes of Health and other federal resources.
- [Brainline.org](#) is a national multimedia project offering information and resources about preventing, treating, and living with a TBI. Brainline includes a series of webcasts, an electronic newsletter, and an extensive outreach campaign in partnership with national organizations concerned about TBIs.
- [The Brain Injury Association of America](#) advances awareness, research, treatment, and education to improve the quality of life for all people affected by brain injury. They have a network of [state affiliates](#), local chapters, and support groups, and strive to be the voice of brain injury.
- [The Neurobehavioral Symptom Inventory](#) is a self-assessment developed by the U.S. Department of Defense to identify and track changes in symptoms.
- [The TBI Grant Program](#) funds the development and implementation of statewide systems to ensure access to TBI-related services, including transitional services, rehabilitation, education and employment, and long-term community support.

Criminal Justice Resources

- [***Traumatic Brain Injury in Prisons and Jails: An Unrecognized Problem***](#) (CDC publication) is an issue brief containing information about TBI in prisons and implications for policy and treatment. It also contains links to other resources related to this issue.
- [***Traumatic Brain Injury: A Guide for Criminal Justice Professionals***](#) (CDC publication) highlights conditions related to a brain injury while incarcerated and after release.

Intellectual and Developmental Disabilities

Definition

An **intellectual disability** is characterized by significant limitations in intellectual functioning and adaptive behavior that manifests before the age of 18.

- **Intellectual functioning** refers to general mental capacity in areas such as learning, reasoning, and problem solving that can be measured by an IQ test below 70.
- **Adaptive behaviors** learned and performed by people in their everyday lives include:
 - Conceptual skills—language and literacy; money, time, and number concepts; and self-direction.
 - Social skills—interpersonal skills, social responsibility, self-esteem, gullibility, naiveté, social problem solving, and the ability to follow rules / obey laws and avoid being victimized.
 - Practical skills—activities of daily living (personal care, occupational skills, health care, travel/transportation, schedules/routines, safety, use of money, use of the telephone).

(Source: [American Association of Intellectual and Developmental Disabilities](#))

Developmental disabilities are severe chronic disabilities that occur at birth or before age 22, and are expected to continue indefinitely and substantially restrict an individual's functioning in three or more major life activities including self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency. Developmental disabilities can include intellectual disabilities, physical disabilities, or both. Many of these conditions affect multiple body parts or systems. For example:

- **Nervous system disorders** affect functioning in the brain, spinal cord, and nervous system that influence intelligence, behavior, speech, language, seizures, and movement.
- **Sensory system disorders** affect sight, hearing, touch, taste, and smell, or how the brain processes or interprets information from the senses.
- **Metabolic disorders** affect how the body uses food and other nutrition for energy and growth. Problems with metabolism can upset overall body and brain functioning.

- **Degenerative disorders** may not be detected until a person who appeared to be functioning normally begins to lose functioning. These disorders often result from other conditions, such as untreated metabolic problems.

“**Intellectual and developmental disability (IDD)**” is often used to describe situations when an intellectual disability and other disabilities are present.

(Source: [National Institute of Child Health and Human Development](#))

Criminal Justice and IDD

The American Association on Intellectual and Developmental Disabilities and the [Arc of the United States](#) issued a joint position statement on the [criminal justice system](#) that highlights issues related to IDDs:

- **Unrecognized disability**—failing to have their disability correctly identified (especially when the disability is denied or somewhat hidden).
- **Incriminating statements made or false confessions**—due to manipulation, coercion, confusion, or desire to please the questioner.
- **High rate of victimization**—at least twice as likely to be victimized for violent crimes and 4 to 10 times as likely to be a victim of abuse and other crimes. Their victimization comes in many forms, including violence, oppression, financial exploitation, sexual exploitation, and human trafficking.
- **Denied redress**—routine denial of opportunities for legal redress because of how others view their credibility, competence to testify, or need for advocacy, supports, and accommodations.
- **Denied due process**—lack of effective, knowledgeable advocacy and legal representation can lead an individual to waive rights (such as Miranda), misunderstand the criminal justice proceedings, or inadequately assist the lawyer in preparing a defense.
- **Discrimination in sentencing, confinement, and release**, including abuse and exploitation when incarcerated and denial of alternatives to incarceration. Individuals with IDD often serve extended time because they do not understand or cannot meet steps to reduce time and secure an earlier release. Appropriate habilitation programs for people with intellectual disabilities and/or behavioral issues are often not available for their safe return to the community.

General Resources

- [The Arc](#) is the largest national community-based organization advocating for and serving people with IDD and their families. They encompass all ages and more than 100 different diagnoses including autism, Down syndrome, fragile X syndrome, and various other developmental disabilities. The Arc has state and local chapters.
- [State Councils on Developmental Disabilities](#) are funded by the Administration on Intellectual and Developmental Disabilities to identify and address the most pressing needs of people with developmental disabilities.
- [Think College](#) is a national organization dedicated to developing, expanding, and improving inclusive higher education options for people with IDD. This site provides information on college programs, grants for education, how to get accommodations, and other supports specifically related to the higher education interests of this population.
- [Accommodation and Compliance Series: Employees with Intellectual or Cognitive Disabilities](#) provides practical solutions that benefit both employer and employees. Developed by [The Job Accommodation Network](#).

Criminal Justice Resources

- [The National Center on Criminal Justice & Disability](#) is a national clearinghouse for information and training on the topic of people with IDD as victims, witnesses, suspects, or offenders in crime. NCCJD's goal is to build the capacity of the criminal justice system to respond to gaps in existing services for people with disabilities, focusing on people with IDD who remain a hidden population within the criminal justice system with little or no access to advocacy supports or services.
- [Pathways to Justice](#) is a video and [conversation guide](#) developed by NCCJD to highlight challenges faced by people with IDD in the criminal justice system. Only four minutes long, it is a conversation starter to introduce the topic and explain the need for effective, ongoing training.
- "[Perske's List: False Confessions from 75 Persons with Intellectual Disability](#)"— Robert Perske, a champion for people with intellectual disabilities falsely accused and convicted of crimes they did not commit, chronicled their cases in this list offering insight into how this population may receive inadequate defense in the criminal justice system.

Autism

Definition

Autism, also known as autism spectrum disorder (ASD), is a neurological and developmental disorder that affects how a person acts and interacts with others, communicates, and learns. People with ASD have problems with communication and interaction with other people. They may have restricted interests and repetitive behaviors. In 2013, DSM-5 merged the classifications of people with less and more severe autism characteristics into a single disorder: ASD. This disorder includes what was formerly diagnosed as “classic” autism, Asperger syndrome, childhood disintegrative disorder, and pervasive developmental disorder not otherwise specified.

(Source: [The Eunice Kennedy Shriver National Institute of Child Health and Human Development](#))

Criminal Justice and Autism

According to Michna and Trestman (2016), the prevalence of autism in incarcerated populations is much higher than in the general population, especially for individuals with higher-functioning autism whose strengths can mask significant social and communication deficits. Some issues related to autism include:

- Inadequate identification, assessment, and treatment.
- Misreading other’s intentions or behavior that can lead to confusion or aggressive behavior.
- Focusing uncontrollably on obsessive and repetitive behavior that may lead to repeating problematic behavior or becoming subject to victimization.

(Source: "[Correctional Management and Treatment of Autism Spectrum Disorder](#)," in the *Journal of the American Academy of Psychiatry and the Law*.)

General Resources

- [Interactive Autism Network](#) facilitates research that will lead to advancements in understanding and treating ASD. IAN is a partnership of the Kennedy Krieger Institute and the Simons Foundation, with partial funding through a Patient-Centered Outcomes Research Institute grant. IAN brings individuals with ASD, their families, and friends together with researchers, therapists, educators, and other professionals in the autism field. The goal is to expand understanding of this complex disorder through research and collaboration, and to develop effective strategies that will improve the lives of people on the spectrum.

- [Autism Speaks](#) is dedicated to promoting solutions—across the spectrum and for all ages—for the needs of individuals with autism and their families through advocacy and support; increasing understanding and acceptance of ASD; and advancing research into causes and better interventions for ASD and related conditions. The site has links to [postsecondary education resources](#) and [employment tools](#).
- [Accommodation and Compliance Series: Employees with Executive Functioning Deficits](#) was developed by [The Job Accommodation Network](#) to highlight practical solutions that benefit both employer and employee.

Criminal Justice Resources

- [The National Autistic Society](#) compiled information about autism relevant to criminal justice professionals, including links for further information.
- [Autism: a guide to autism for criminal justice professionals](#) includes lay descriptions of autistic characteristics that may lead to initial and repeat criminal offenses.

Learning Disabilities

Definition

A learning disability is a difficulty learning to read, write, speak, and/or calculate numbers stemming from differences in the brain structure that affect the way a person processes information. People can have more than one learning disability and such disabilities are often identified when a child has difficulties in one or more subjects that do not improve over time. Though learning disabilities can last into adulthood, they can be alleviated with the right supports. Types of learning disabilities include:

- **Aphasia**—difficulty understanding spoken language, poor reading comprehension, trouble writing, and difficulty finding words to express thoughts and feelings. Aphasia results from damage to the language area of the brain including stroke, a brain tumor, head injury, or brain infection.
- **Apraxia of speech**—consistently having trouble saying what one wants to say correctly and consistently.
- **Central auditory processing disorder**—difficulty understanding, remembering, or explaining things; understanding jokes; following directions; and being easily distracted.
- **Dysgraphia**—difficulty with handwriting, including forming letters and writing down thoughts.
- **Dyslexia**—difficulty with language and reading skills including spelling, understanding sentences, and recognizing words.
- **Dyspraxia**—difficulties with sensory integration and motor coordination resulting in poor balance and clumsiness, and poor eye-hand coordination.
- **Nonverbal learning disorder**—strong verbal skills, but difficulty generalizing and following multistep directions or understanding facial expressions and body language.
- **Visual perceptual/motor deficit**—mixing up letters such as “m” and “w” or “d” and b”, copying inaccurately, writing messily, and losing place when reading.

(Source: [The National Institute of Child Health and Human Development](#))

Learning Disabilities and Criminal Justice

A 2003 study by the Bureau of Justice Statistics on [education and correctional populations](#) estimated that about 40 percent of state prison inmates did not have a high school diploma or GED. Of this group, 66 percent had a learning disability. Lack of educational success due to a disability is part of what the National Council on Disability calls the “[School-to-Prison Pipeline](#).”

General Resources

- [LD OnLine](#) is a leading website on learning disabilities, learning disorders, and differences offering authoritative guidance on attention deficit disorder / attention deficit hyperactivity disorder, dyslexia, dysgraphia, dyscalculia, dysnomia, reading difficulties, and speech and related disorders. The site also contains information about [college](#) options, scholarships, and accommodations.
- [Accommodation ideas for learning disabilities](#) are practical solutions that benefit both employer and employees, developed by [The Job Accommodation Network](#).
- [“Online Colleges, Scholarships, and Degree Programs”](#) contains a list of [colleges with programs for students with learning disabilities](#) with contact information.

Criminal Justice Resources

- [Criminal Justice Pathway for People with Learning Disabilities: Challenges and Opportunities for Change](#) was developed by Supporting Offenders with Learning Disabilities and includes recommendations for support for people with learning disabilities to help end the cycle of reoffending.

Deaf and Hard of Hearing

Definitions

Childhood illnesses, pregnancy-related illnesses, injury, heredity, age, or excessive or prolonged exposure to noise can cause hearing loss. The two primary types of hearing loss are:

- **Deaf**—does not hear well enough to rely on their hearing to process speech. Most people who identify as deaf use American Sign Language (ASL) to communicate.
- **Hard of hearing**—mild-to-moderate hearing loss. These individuals differ from deaf individuals because they use their hearing to assist in communication with others.

(Source: U.S. Equal Employment Opportunity Commission: "[Questions and Answers about Deafness and Hearing Impairments in the Workplace and Americans with Disabilities Act](#)")

The U.S. Census Bureau estimates that about 3.1 percent of the population experience a hearing difficulty and 0.5 percent have a severe difficulty hearing (Source: [U.S. Census Bureau](#)).

Not all people with hearing loss are classified as deaf. In addition, it is important to note that some people who are deaf define themselves as culturally "Deaf" (uppercase "D") because they share a language (ASL) and a culture, and consider the term "deaf" to be the audiological condition of not hearing.

Deafness, Hearing Loss, and Criminal Justice

[The National Association of the Deaf](#) is concerned that Deaf and hard-of-hearing individuals are unnecessarily detained and inadequately defended because many lawyers, courts, and police do not recognize their communication needs. Additionally, incarcerated individuals may not have access to communication, notification and telephone systems, and education, medical, and other programs and services. They are concerned about preventing trauma, mental health conditions, and health/safety issues that can occur when an individual is denied access to communication.

No recent statistics are available for the number of incarcerated deaf and hard-of-hearing individuals. However, a 1989 study on [hearing loss in prison inmates](#) tested the hearing of 34 state penitentiary prison inmates and found that 29.4 percent had some degree of hearing impairment, and 11.8 percent had a functional hearing loss.

General Resources

- [The National Association of the Deaf](#) is a civil rights organization of, by, and for deaf and hard-of-hearing individuals in the United States.
- [The National Association of State Agencies of the Deaf and Hard of Hearing](#) is comprised of administrators of the [state agencies](#) serving deaf and hard-of-hearing individuals. There are approximately 38 state agencies of the deaf and hard of hearing. If there is no state agency in your state, you can contact the state vocational rehabilitation agency.
- [Financial Aid](#), maintained by the Clerc Center, this list identifies sources of financial assistance for deaf and hard of hearing students, and for hearing students whose career goals include service to people who are deaf or hard of hearing.
- [State-by-State Resources](#), maintained by the Clerc Center, provides information and referral or direct services to deaf and hard-of-hearing individuals and their families.
- [Registry of Interpreters for the Deaf Inc.](#) is a resource for [hiring certified deaf interpreters](#).
- [Accommodation ideas for people with deafness and hearing loss](#) are practical solutions that benefit both employer and employees; developed by [The Job Accommodation Network](#).

Criminal Justice Resources

- [Helping Educate to Advance the Rights of the Deaf](#) is an all-volunteer nonprofit organization that promotes equal access to the legal system for individuals who are deaf and for people with disabilities. HEARD primarily focuses on correcting and preventing deaf wrongful convictions, ending deaf prisoner abuse, decreasing recidivism rates for deaf returned citizens, and increasing representation of the deaf in the justice, legal, and corrections professions. HEARD created and maintains the only national database of deaf, hard-of-hearing, and deaf-blind detainees and prisoners.