



Disabled Prisoners

The overall number of disabled offenders housed in prisons or jails, and the types of disabilities they possess, is not known. We know more about the extent and nature of mental disabilities than we do about physical disabilities among the incarcerated population. Most recent estimates indicate that among state prisoners 16.2% are mentally ill, of which 6.4% to 8% evidence severe mental disorders such as schizophrenia, manic-depressive illness, and major depression; 4% to 10% are mentally retarded; and 10% are learning disabled.

POPULATION CHARACTERISTICS

As in the general community, proportionally more women in prison appear to have mental disabilities than men. Recent estimates indicate that 31.0% ($n = 326,256$) of state inmates and 23.4% ($n = 20,734$) of federal inmates had a physical impairment or mental condition, and 21% of federal and state prison inmates reported that the disability limited their ability to work. Rates of vision and speech impairments are higher among the prison population than the free population. Across type of disabilities, a greater percentage of male inmates than female inmates reported learning and speech impairments, whereas a greater percentage of female inmates than male inmates reported hearing, vision, and physical impairments and mental conditions.

In comparison, a recent survey of sentenced and remanded prisoners (pretrial detainees) in England and Wales found prevalence rates of psychoses of 7% for sentenced male offenders, 10% for remanded male offenders, and 14% for female prisoners. The reported disability rate among Canadian prisoners is 4.1%, with the largest percentage being physical disabled due to disease or illness.

AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (**ADA**), enacted in 1990 and effective in 1992, defines persons as disabled if they have a physical or mental impairment that substantially limits one or more major life activities such as walking, speaking, seeing, hearing, learning, caring for oneself, performing manual tasks, or working. Mental impairments include mental retardation, organic brain syndrome, mental illness, or learning disabilities. Physical impairments include blindness, deafness, and chronic medical conditions brought on by disease or aging. Examples of such medical conditions include seizure disorders, tuberculosis, AIDS, end-stage renal disease, cardiovascular conditions, and respiratory conditions. Inmates under 21 years of age with an educational disability have a right to special education under the Individual with Disabilities Education Act.

The **ADA** requires correctional agencies to screen offenders for the presence of disabilities and to establish services/programs to address their needs. However, two separate surveys conducted by the U.S. Department of Justice found that only 70% of state prisons screened inmates for mental health problems at intake, 82.3 % of state inmates reported they were asked about their health history upon admission to prison, and 85% reported they received a medical exam since prison admission.

ACCOMMODATING DISABLED OFFENDERS

Inmates with disabilities present major challenges to the correctional system. The U.S. Department of Justice requires that all public agencies, including prisons, assess their compliance with the **ADA** and create plans to eliminate barriers to access of services and programs for eligible inmates with disabilities. This often includes

modifying rules, policies, or practices so that the disabled are not deemed ineligible based solely on their disability. Correctional facilities must provide physical access for its inmates, visitors, staff, and volunteers with disabilities. Services and activities may be relocated to an area that provides access for the disabled rather than having to engage in renovations or new construction. Many prison systems have separate housing units available for the disabled. For example, mentally ill inmates in the federal prison system and in over half of state correctional systems offer separate housing units in one or more institutions. Eight states and the Correctional Service of Canada operate specialized facilities for the mentally ill.

Inmates and their families or visitors are entitled to effective means of communicating, and auxiliary aids such as assisted listening devices, telecommunications devices for the deaf, taped texts, and qualified readers may be necessary for this communication to occur. Because correctional facilities are responsible for medical care of their inmate population, inmates with disabilities are provided wheel-chairs, prescription eyeglasses or hearing aids, readers for personal use or study, and assistance in eating, toileting, and dressing as needed.

CONCLUSION

Prisons and jails are stressful environments and were not designed with the disabled in mind. These two factors combine to make the adjustment of the disabled more difficult. Incarceration can often exacerbate preexisting disabilities, especially those related to mental health. In addition, inmates may develop disabilities while incarcerated through injuries or through aging. In the wake of recent federal recognition of the rights of the disabled, correctional systems will have to be more responsive to inmates who possess qualifying disabilities and costs of incarceration are likely to increase.

—Mary A. Finn

Further Reading

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