One-quarter of adults in the United States live with some type of disability (Centers for Disease Control and Prevention, 2023). Disability refers to any physical, intellectual, or developmental condition that must be accommodated to ensure it does not limit what and how much a person can do every day (Centers for Disease Control and Prevention, 2020b). Among adults with disabilities, 12 percent experience mobility challenges, 13 percent live with

**KEY FINDINGS**

We conducted 32 interviews with professionals and individuals with lived experience to understand what it is like to interact with the civil or criminal legal system while having a disability.

- Disability is a complex experience. Many disabilities occur on a spectrum, with fluctuations in the short and long term. Disabilities co-occur with other disabilities or with other chronic health issues. Interviewees said the conflation of mental illness with intellectual and developmental disabilities was a problem.

- Participants spoke mostly about experiences in the criminal legal system, identifying challenges and opportunities for improvement across settings. Challenges related to hearing impairments and intellectual and developmental disabilities were predominantly about communication support. This was true in both civil and criminal legal settings.

- Across disabilities, interviewees said ableism (or prejudice) underpinned many of the disadvantages that they described. Although many participants agreed that physical disabilities were better accommodated than other types of disabilities, our interviews revealed many ways in which accessibility was incomplete.

- An important finding that aligns with prior evidence was the perceived uneven implementation of the Americans with Disabilities Act across and within states, as well as across and within legal system settings.

- Future research should use community-based participatory research from design to dissemination.
cognitive disabilities, 6 percent are deaf or hard of hearing, and almost 5 percent live with blindness or diminished vision (Centers for Disease Control and Prevention, 2023). In addition, many who live with one or several disabilities experience other health conditions that may complicate their range of functioning, including obesity and heart disease (Centers for Disease Control and Prevention, 2020a; Pinals et al., 2022).

Managing life with a disability requires complex support, and research shows that people with disabilities face greater barriers to medical, social, and other forms of assistance than people without disabilities (Okoro et al., 2018). Poverty and disability are part of a vicious cycle, in which each can be a cause or a consequence of the other (Pearce, 2011; U.S. Senate Committee on Health, Education, Labor, and Pensions, 2014; Woolf et al., 2015). Adults with disabilities tend to have lower levels of educational attainment than adults without disabilities, which is consequential for gainful employment and income stability (Goodman, Morris, and Boston, 2017). Poverty rates for adults with disabilities are more than twice as high as for adults without disabilities, and poverty rates are highest for people with disabilities among Black/African American people and Hispanic/Latino people (Goodman, Morris, and Boston, 2017). Another source of difficulty comes from structural prejudice and discrimination against disabled individuals, also known as ableism, which is described as embedded in many institutional settings (Belt, 2022).

Disability is a complex phenomenon that is defined in law to safeguard civil rights but also in other contexts, such as government entitlement programs (Goodman, Morris, and Boston, 2017). Numerous federal statutes and acts were passed in the past 50 years to govern disability rights in the United States (U.S. Department of Justice Civil Rights Division, 2020). Two notable laws for accessibility are (1) Section 504 of the Rehabilitation Act of 1973, which stipulates nondiscrimination requirements for any entity that receives federal funding and (2) the 1990 Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of disability in numerous contexts (U.S. Department of Health and Human Services Office for Civil Rights, 2006; U.S. Department of Justice Civil Rights Division, 2020). However, enforcement has been especially problematic because it is complaints-based: That is, the ADA is enforced through lawsuits and settlement agreements (U.S. Department of Justice Civil Rights Division, undated). In practice, this means that an individual must first know that their rights have been violated and then have the wherewithal to follow the complaint procedures.

Challenges are compounded when people with disabilities interact with the civil or criminal legal system in any given role, including when they are suspected of a crime, facing criminal charges, incarcerated, or navigating the civil legal system (Ortoleva, 2011). For example, a 2023 evaluation in the civil system found that, in the vast majority of states, parents with disabilities “are at risk of having their parental rights terminated because they are disabled” (Powell, forthcoming). Perceived deficits in general awareness of and professional training on the ADA, as well as variations in how agencies draft and implement ADA-related policies and procedures, have been described as barriers to consistent compliance (Powell and Albert, 2021). Also, while the U.S. Constitution does not grant a categorical right to counsel in civil cases, some jurisdictions, such as California or the City of New York, have established provisions for civil legal representation for low-income residents (Brito, 2019).
When it comes to the criminal legal system, a different set of challenges has been documented. Providing accommodations during police interrogations, court hearings, or while an individual is in prison may require additional specialist, licensed, or accredited expertise: for example, interpretation of nuanced legal issues using American Sign Language (ASL), adequate communication assistance for individuals with intellectual or developmental disabilities, or mobility accommodations in high-security settings. Evidence suggests that there can be dramatic variations across jurisdictions in resources or willingness to provide such accommodations, as well as the collaborative infrastructure to facilitate them (National Council on Disability, 2019; Wang, 2022). More specifically, law enforcement officers, for instance, require significant training on disabilities in general and on managing complex situations that balance safety, compassion, and adequate communications skills (Bezyak et al., 2019). However, prior research points to variations in training across states and misalignment with prevailing training guidelines, especially relating to interactions with individuals with autism (Laan, Ingram, and Glidden, 2013).

According to 2016 data, almost 40 percent of people incarcerated in state and federal prisons reported at least one disability, including impairments of cognition (23 percent), mobility (12 percent), and vision (11 percent; Maruschak, Bronson, and Alper, 2021). About one-quarter of people on probation or parole have a disability (Winkelman et al., 2020). Furthermore, 46 percent of correctional institutions do not offer any special education classes (Wang, 2022). Prior work also shows that imprisoned individuals with disabilities face barriers when seeking to obtain federal and state disability benefits (Grodensky et al., 2018; Sajadi, 2021) and placement in wheelchair-accessible cells (Kanbergs and Durfey, 2019).

A significant gap in the literature to date is the lack of understanding of what it is like to interact with the civil or criminal legal system while having a disability. Much of the work has focused on issues related to psychiatric disabilities, including guidelines for legal practitioners and comprehensive reviews of issues pertaining to forensic mental health assessments and community-based treatment options (Griffin et al., 2015; Heilbrun et al., 2014; Perlin and Fivush, 2021). Specific topics related to psychiatric disabilities, such as crisis intervention teams (Taheri, 2016), mental health courts (Loong et al., 2019), and prison reentry (Hopkin et al., 2018), have also received relatively more attention in literature reviews. Moreover, one of the predominant frameworks used in legal settings, the Sequential Intercept Model (Munetz and Griffin, 2006), originally was designed around considerations for identifying people with mental health disorders and connecting them to support services. Also, only a small number of studies have used qualitative data (e.g., in-depth interviews) to understand the experiences of people with disabilities in the legal system and processes that might help improve these experiences (Ciccarello and Henry, 2014; Conly, 2007; Davis, Petty, and Sick, 2015). However, this work has not covered individual experiences across the full spectrum of civil and criminal legal system settings or distinct aspects of various disabilities.

This report summarizes findings from in-depth interviews with 32 people with relevant experience, including professionals ($n = 22$), family members ($n = 4$), and individuals with disabilities and firsthand experience ($n = 6$) with the legal system. We note that representation of disability type and expertise was not equivalent across categories; for instance, hearing impairments and intellectual and development disabilities were overrepresented. Professionals included researchers, legal practitioners, advocates, ADA coordinators, and other disability consultants, who collectively offered expertise across the civil and criminal legal systems, a broad variety of disabilities, and the various settings of the criminal legal system (e.g., law enforcement, courts, jails, and prisons). Sev-
eral of the professional interviewees had lived experience with one or several disabilities and commented on how accessibility issues had affected them in their professional endeavors. We included a few participants from Canada ($n = 2$), the United Kingdom ($n = 1$), and Australia ($n = 1$) who had knowledge and experience of the U.S. legal system. The methodology is described in detail in the appendix. Below, we present the findings in eight sections. First, we review challenges that are common across all disabilities, followed by challenges common to all legal system settings. Next, we review experiences unique to the civil courts, and (where applicable) we describe findings that emerged by type of disability. We then present results pertaining to law enforcement; criminal courts; and jails, prisons, and other correctional settings. Where applicable, we review findings by type of disability. Then, we describe perceptions related to equity. We conclude the findings with a summary of interviewee recommendations for future research. This qualitative report was designed to complement findings from the literature review we conducted to identify methodological and knowledge gaps in the literature (Brooks Holliday et al., 2023).

## Findings

### Challenges

Table 1 summarizes the accommodations that interviewees said were typically requested, by disability type. For the purposes of this report, where applicable, we present results by the following categories, which are grounded in how participants described themselves and/or their disability focus: D/deaf/HH (people who identify as Culturally Deaf, people who experience complete hearing loss, and people who are hard of hearing [i.e., have mild to moderate hearing loss]), blind/low vision (people who are legally or totally blind and people who have other visual impairments), intellectual and developmental disabilities (including individuals with intellectual dysfunction and developmental disabilities [such as autism]), and physical disabilities (such as mobility limitations).

### TABLE 1

<table>
<thead>
<tr>
<th>Disability Type</th>
<th>Law Enforcement</th>
<th>Courts</th>
<th>Jails, Prisons</th>
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<tbody>
<tr>
<td>D/deaf/HH</td>
<td>Sign language interpreter</td>
<td>Sign language interpreter</td>
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<td>Certified Deaf Interpreter</td>
<td>Certified Deaf Interpreter</td>
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<td></td>
<td>Video remote interpreting</td>
<td>Communication Access Realtime Translation (CART) services</td>
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<td></td>
<td>Hearing amplifier devices</td>
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<tr>
<td>Blind/low vision</td>
<td>Large-print documents</td>
<td>Large-print documents</td>
<td>Portable closed-circuit television</td>
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<tr>
<td></td>
<td>Braille signage</td>
<td>Braille signage</td>
<td>Frequency modulation (FM) systems</td>
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<tr>
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<td></td>
<td></td>
<td>Job Access With Speech (JAWS)</td>
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<td></td>
<td>NonVisual Desktop Access (NVDA)</td>
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<td>ZoomText</td>
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<td></td>
<td></td>
<td></td>
<td>Scanning pens</td>
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<td></td>
<td></td>
<td></td>
<td>Pool noodle (in lieu of walking stick)</td>
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<tr>
<td>Intellectual and developmental disability</td>
<td>“Comfort kits” for sensory triggers</td>
<td>Virtual hearings</td>
<td>Virtual hearings</td>
</tr>
<tr>
<td></td>
<td>Appropriate adult, McKenzie friend (a lay person who can support a litigant in person in court; Assy, 2015, Chapter 6), or intermediary</td>
<td>Diversion program</td>
<td>Personalized justice plans</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Appropriate adult, McKenzie friend, or intermediary</td>
<td>Additional time on earned time classes</td>
</tr>
<tr>
<td>Physical disability</td>
<td>Wide doorways</td>
<td>Virtual hearings</td>
<td>Walking frame</td>
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<tr>
<td></td>
<td>Ramps</td>
<td>Wide doorways</td>
<td>Wheelchairs</td>
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<tr>
<td></td>
<td>Wide elevators</td>
<td>Ramps</td>
<td>“Assistant” to push individuals in wheelchairs</td>
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<tr>
<td></td>
<td>Accessible bathrooms with push buttons</td>
<td>Wide elevators</td>
<td>Accessible buildings that are one story high</td>
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<td></td>
<td></td>
<td>Accessible bathrooms with push buttons</td>
<td>Bottom bunk pass</td>
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<td>Fan</td>
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<td></td>
<td></td>
<td></td>
<td>Medication</td>
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or other chronic health problems that limit physical functioning).

**Ableism**

A dominant theme across all interviews was ableism (i.e., prejudice against people with disabilities). About one-quarter of interviewees suggested that ableism may be a factor in individual choice to report a disability or to seek accommodations. Many interviewees said ableism was fueled by a lack of awareness about disability in general among relevant groups and about how disability should be considered and accommodated in buildings and processes across legal systems. For example, lack of awareness was perceived to diminish the quality of communication with first responders (e.g., a 911 operator thought a caller described himself as “artistic” when he said he was autistic). Lack of awareness was also seen as a factor in whether buildings are fully accessible, whether first responders identify an individual with a disability and tailor their actions accordingly, and whether attorneys know how to represent a client with a disability (“I don’t know that they knew how to really push the fact that [my son] didn’t understand what the heck was going on”; Family member 17) or in judges’ decisions to allow ASL interpreters in the courtroom who may not be competent for that setting. Several interviewees recounted conversations with judges and prosecutors that included discriminatory remarks about people with disabilities, such as “Someone only had autism when it was convenient” (Professional 1) or “You know what I would have done if you had brought that case before me? I would have taken that son-of-a-bitch behind the courthouse and had him shot” (Professional 20). One interviewee summed up the stigma as follows:

> We generalize about “they’re all like that.” How many times have you heard that in your life? They’re all like that. And we can’t, everybody is different. We need judges to understand, and we as lawyers and we as citizens need to understand. (Professional 20)

This deficit was often attributed to generational divides, whereby older professionals were perceived to have matured in a time of normalized ignorance and stigma toward people with disabilities, a lack of mandatory training in professional programs (such as police academies and schools of law), and a lack of or inadequate on-the-job training.

> We are still working through lots of issues, especially with judges and attorneys and older police officers who were not raised in an era of understanding people with disabilities. (Professional 1)

**Disability Is a Complex Experience**

Another important theme centered on the fact that disability is not a binary experience. More than half of participants illustrated this notion in four distinct ways.

First, many disabilities can occur on a spectrum, with fluctuations. For instance, autism is a spectrum disorder, which means that symptoms range from mild to more severe, including aspects such as hyper-verbal, semi-verbal, or non-verbal. Some mobility impairments may fluctuate from one day to another (or sometimes within the same day), which means that someone may be able to walk a short distance in the morning but may require a walking frame or a wheelchair later in the day. Among D/deaf/HH individuals, linguistic ability may occur on a spectrum, with linguistic deprivation at the severe end, which has serious implications for selecting adequate communication support.

Second, interviewees suggested that many individuals can experience any combination of disabilities: for instance, hearing and visual impairments or mobility and developmental disabilities. In such instances, a significant challenge pertains to which disability is perceived first and which disability takes precedence when considering accommodations. The next two quotes explain the issue for when deafness co-occurs with other disabilities (1) in the context of courts and (2) in the context of prisons, where what is available outside (i.e., in the community) is contrasted with what is available inside (i.e., in prison):

> Deaf-blindness is a large issue. I’d say the access for persons who are deaf, and that’s their only identified disabling condition, is bad to horrible. If you are deaf and blind and then have another disability, it’s from abysmal to nothing at all. But often, a person who’s deaf
“It’s very hard to coordinate and collaborate amongst various agencies, amongst various systems. They don’t work together at all.”

and has a mental illness or a cognitive impairment, the deafness overshadows, whether it’s being on the spectrum for autism or a developmental disability or a mental illness. All they’re going to see is the deafness, and just not think about, “Oh, there could have been other things that factored into that setting.” (Professional 3)

I think one of the biggest barriers is for those who are Deaf-Blind. Currently on the outside there is a lot of different technology that would be my first go-to for access. But on the inside, there is nothing. For example, one person was hard of hearing and then lost all their sight, the other was low vision and then lost their hearing. I don’t think the prison or correctional system has any means of sufficiently providing accommodations for this population of individuals with unique accommodation needs, and each varies from person to person how they experience the vision or hearing loss. Basically, one of the ADA coordinators said that they couldn’t give a blind Braille user the slate and stylus because the stylus could be used as a weapon. (Professional 4)

Third, participants described how people can live with co-occurring health problems (especially mental health issues) in addition to multiple disabilities. In such cases, considering the interaction between these comorbidities is important, such as when interpreting an individual’s choice regarding their medication regimen. Failure to do so can bring about serious consequences for individuals. The following quote describes the issue of assumptions made by a judge in one case:

So when a person has dual diagnoses, we’ve seen in court when we’ve attended that, let’s say a person refuses to take an antipsychotic. The judge is basically making a blanket statement: “This person decided not to take their medication; therefore they’re being noncompliant; therefore we’re holding them until a later point.” But on our side, we say, I understand that the antipsychotic could be helpful for one aspect of the person’s disability, but the generalization that an antipsychotic could be and is end-all be-all to the person’s symptoms, that’s a problem. (Professional 2)

The following excerpt illustrates how co-occurring disabilities and mental health issues complicate provision of care in the carceral setting:

If a person has dual diagnosis and they’re in jail or prison, the social workers are at a loss. If they see schizophrenia and they see autism, they’re reaching out to us, “Where do we go from here?” It’s very hard to coordinate and collaborate amongst various agencies, amongst various systems. They don’t work together at all. (Professional 2)

A related concern for individuals with co-occurring diagnoses is the conflation of mental illness with intellectual and developmental disabilities. In the literature and in our interviews, the term mental disability was often used as an umbrella term for mental illness, serious mental illness, and intellectual and developmental disabilities (Brooks Holliday et al., 2023). However, in practice, a mental health provider may not necessarily be trained to deal with someone who is on the autism spectrum. One individual with firsthand experience described how this conflation played out during their court hearing:

There’s a great level of confusion. That was one of the questions that the prosecutors had when they were talking with my lawyer. “How is this different? You’re trying to make his case seem different. We have people who come in with mental illness all the time, and we prosecute defendants with mental illness. What makes his case so special?” And my lawyer had to say, “Well, it’s actually not a mental illness, per se,
it’s a developmental disability. He was born with it.” (Person with lived experience 4)

Finally, more than half of participants perceived a tension between visible disabilities (i.e., those that can be noticed by looking at a person, such as mobility) and invisible disabilities (i.e., those that are not obvious, such as deafness, intellectual and developmental disabilities, and other cognitive disabilities). Many participants said that visible disabilities are better and more easily accommodated than other disabilities because they may be easier to understand and that the accommodations are more tangible, such as wheelchair ramps, wide doorframes, and large bathrooms. As a result, many interviewees said that people with invisible disabilities suffered more than those with physical disabilities. Among individuals with invisible disabilities, another key challenge was the burden of legitimizing their disability or having to explain it to others, as the following two examples suggest:

People always questioning, “Do you really have a disability? Okay, maybe you do have a disability, but still, why can’t you do this thing?” There’s always a constant needing to explain myself. Sometimes I do. (Person with lived experience 6)

That’s what I find important with my role, is to be able to educate the local ADA coordinators, because I think sometimes there is this reticence where they can’t see the disability, that they question whether or not the individual has a disability. I know that’s not up to us to make that determination. We have to address them in the same way that we would with a visible disability. (Professional 23)

An underlying point expressed in most of the interviews is that, for any legal system setting, it is important to understand that disability is a complex experience and then to know how this complexity plays out relative to each setting’s distinct requirements (e.g., the uncertainty of first encounters with police officers, court and procedural accessibility, prison safety). To achieve such understanding, some interviewees suggested a tailored, dialogue-based accommodations process, and the following quote is representative of this sentiment, in the context of courts:

Accommodation is necessarily individual. It requires, per best practices, engaging in some sort of interactive process to understand what the disability is and limitations are from that person’s perspective, and then working with that person to determine whether there’s something that can be accommodated. I feel like people move far too quickly, and it’s not through a fault of their own, but just because structurally courts are overloaded and people don’t understand that the ADA requires that of them. (Professional 10)

Common Challenges Across All Legal System Settings

Uneven ADA Enforcement Across a Fragmented System

Although the ADA became law more than 30 years ago, most interviewees said that its implementation was uneven across the United States and across legal settings. Discussions suggested two reasons for these inconsistencies.

First, some interviewees pointed to the fragmented nature of the system in which the law is meant to be implemented: states, counties, law enforcement agencies, courts, jails, and prisons. Each of these jurisdictions varies in terms of funding, staffing, training, infrastructure, and oversight, as well as in terms of organizational culture and mission. Further variation may occur more broadly across the settings in the legal system (e.g., the punitive mindset of the prison system versus the fair-resolution goals of civil courts) and even within one type of setting: for example, from one courtroom to another, where judges can exercise significant discretion over day-to-day accommodation decisions. However, many interviewees said that legal practitioners themselves were not all fully trained in the ADA, and the following quotes from two legal practitioners capture the gist of such narratives:

Most lawyers and judges have very limited to no understanding of disability, the ADA, or any other disability laws. I think that makes the legal system largely inaccessible to people with disabilities. I just think that disabled people who are involved in the system are
more than likely to be represented by people who have no idea about their disability and to encounter judges who have no idea about their disability or the ways that disability law impacts the case that the judge is dealing with. (Professional 11)

I don’t know whether the judges who perform those roles have any background necessarily in what the ADA is, and so I think there’s a competence question. . . . We don’t expect that that person have a certain level of training, you just get to do it by virtue of your function in the system. So, I’m not sure if those potential inconsistencies ever get ironed out, and that’s another problem. Because you don’t have best practices, so courts, again, are left scrambling to do what they think is right—but might not be right. (Professional 10)

Second, ADA enforcement occurs primarily through litigation. Interviewees indicated several issues with this approach: (1) It assumes that individuals are sufficiently familiar with the law to identify when a violation occurs, and (2) it places the burden on individuals to file complaints and follow procedures. The following quote illustrates some of the negative aspects of this form of regulatory enforcement, including the lengthy duration of these procedures:

I have spoken to the Department of Justice’s civil rights attorney that handles a lot of the ADA cases nationally. The lawyer in charge of that nationally said, “I get thousands of these every single day. . . . I’m not going to be able to handle all. But if you send them to me, one of the things we see is a pattern, and we start seeing a pattern, that’s when we really start investigating.” (Family member 5)

Interviews with individuals who interacted with the legal system suggest that awareness about the ADA in general or about how the ADA might apply in a case should not be assumed. For example,

I didn’t even consider [the ADA] because I didn’t know I was entitled to it. I learned all this after the fact. I don’t even think my dad even thought of asking for it. (Person with lived experience 4)

However, it is important to note that not every ADA lawsuit may result in institutional changes that benefit other individuals. Some interviewees described instances in which an organization’s leadership used an ADA lawsuit to effect long-term positive change (see the first quote below), while others offered examples for which this was not the case (see second quote):

More than a decade ago, they were sued by the Department of Justice Civil Rights Division over failures to accommodate people who were deaf and hard of hearing in the jail. [County name] said, “We want to be a nationwide leader in making jail accommodations.” So they hired someone on their permanent staff who works on disability and accommodation issues full time. They gave him a captain’s rank. So, he has tremendous power to force accommodations to happen within the jail system. They let him go to conferences. He sits on work groups with me. He speaks on panels. So, he’s constantly getting new information. He is continuing to learn and evolve and taking that back. (Professional 1)

I represented a deaf woman in a sister county of ours, before I was a judge, who was the victim of a domestic violence episode and wanted to participate in all the court proceedings, not just when she was going to take the stand, but to understand what was happening, and they wouldn’t give her an interpreter. So, I represented her, we sued, we got injunctive relief. A little money was paid, she got her interpreter, but did this particular county undertake comprehensive reform? I don’t think so. I think it was probably just responding to litigation. (Professional 10)

Mixed Helpfulness of ADA Coordinators

ADA coordinators are essential to ensuring effective implementation of the ADA and equal access to services. The ADA mandates that every public entity with 50 or more employees designate at least one employee to coordinate its compliance efforts. Several ADA coordinators with local, state, and national portfolios participated in our study and described the list of tasks that fall within the purview of this
role. These tasks include responding to and fulfilling accommodation requests, developing and coordinating compliance efforts, monitoring physical barrier assessments, monitoring communication accessibility, informing organizational accessibility policies, training others within the organization about ADA compliance, and investigating any ADA complaints within the organization. Given the expectations of the role, several interviewees said that a recommended practice for larger organizations is to appoint multiple ADA coordinators, who can focus on specific areas. However, the interviewees added that this practice may not always occur, as the following quote explains:

“Cities usually, depending how big they are, they’ll have one ADA coordinator for serving in the public, which is Title II, and then they have to have an ADA coordinator within their employment part. So sometimes cities go, “Hey, you know what? You’re going to have one ADA coordinator for both employment and services to the public.” Not the best practice. Obligations under Title I employment and obligations under Title II are extensive, and when I train, I don’t recommend it as a best practice. Then in a county, depending where in the nation, you’ll probably find just one ADA coordinator.” (Professional 14)

In addition to expressing concerns about appointing ADA coordinators with unfeasibly large portfolios, a few participants noted that some organizations may not have even filled the position:

“[Our local Civil Rights Enforcement Division of the Department of Justice] sent out a “Dear Colleague” letter about a year ago, trying to gently remind our local police entities, you need to have an ADA coordinator and we are going to be looking to make sure that you do. How intensely they’ve done that looking, I don’t know, but they recognize that this is a big issue, too.” (Professional 1)

Another perceived problem is ensuring that ADA coordinators are adequately trained. While some of the participants described ongoing efforts to attend national and state conferences, pursue relevant training and certification opportunities, and join information-sharing and problem-solving email lists, a few shared concerns about instances in which they felt ADA coordinators were not prepared for the role:

“Our courthouse is housed inside of City Hall, and the City Hall has just designated someone else as the ADA coordinator. She has absolutely, at the time that they designated her, she has no training. She had no training. And so, to me, that was concerning as a person with a disability background.” (Professional 19)

Important Factors in State-Level Variations

Approximately half of the participants said they observed variations from state to state in how individuals may experience the legal system. Several factors emerged as drivers of this variation.

First, advocacy by organizations was perceived to have an important role in raising awareness and effecting positive change in organizations or legal settings. However, participants suggested that the strength and effectiveness of advocacy may vary by disability. For instance, advocacy for D/deaf/HH or autistic individuals appeared to be stronger and more effective than for individuals with other disabilities.

Second, states vary in terms of the policies they enact to enhance provision of accommodations beyond what may be safeguarded at the federal level. For instance, one interviewee pointed out that only 17 states have specific licensure requirements for ASL interpreters. In addition, within this specific type of provision, states can vary in what, if any, type of criteria they specify for courtroom interpreters:

“[There are federal and state accessibility laws, but those are not followed, by and large. In some states, there’s a very specific set of criteria to be a court interpreter. In some states, there are not. In many places, even though there are]”
“I think accessibility can get lost in the shuffle of so many needs and so little resources.”

the criteria, courts sometimes will get somebody who knows somebody. (Professional 3)

Texas has the BEI [Board for Evaluation of Interpreters]. They rank those people who’ve taken the BEI according to their qualifications. So, at that state level, for the licensure for Texas, if you have a BEI-1, you can do X, Y, and Z. If you have a BEI-6, basically you might be able to interpret at a church function just for communication access or community function for communication access. So, it lists the levels and the skill level that should match. (Professional 4)

Other state characteristics, such as size, building inventory, availability of resources (e.g., funding, workforce), or high proportion of rural areas, were also noted as factors in a state’s capacity to comply with the ADA. For example, a large state with dozens of prisons may have only one individual appointed to draft accessibility transition plans for each prison. Likewise, access to in-person ASL interpreters for prisons (where virtual sessions may not be permitted) can be difficult in rural areas, where the nearest interpreter might be several hours away. The following quote summarizes these rural challenges relative to funds:

If we go to a rural community with little money, they have so many needs in such a small budget that it’s really hard to make the case for a lot of things in courts, and accessibility is right up there. . . . I think accessibility can get lost in the shuffle of so many needs and so little resources that it can be challenging. (Professional 6)

Several interviewees challenged the narratives related to funding shortfalls, suggesting that lack of funding is a convenient excuse that precludes a more concerted effort to integrate accessibility considerations into mainstream processes:

There’s an assumption that it’s an issue of funding, but I don’t think it is actually an issue of funding. Vast amounts of accommodations are inexpensive. I feel like we need to stop having those conversations. It’s just the right thing to do. We need to provide an equitable justice system, and that means meeting everyone where they are. (Professional 11)

In the following sections, we report findings by legal context (organized by disability category), as grounded in the data.

Experiences Within the Civil Courts

D/deaf/HH

Adequate communication support, such as competent sign language interpreters, was noted as a frequent request, but some interviewees suggested that this request may not always be adequately fulfilled:

Typically, courts will get somebody who can sign. Sometimes they’re not well-qualified. Sometimes they’re not quite up to the task. (Professional 3)

Intellectual and Developmental Disabilities

By far the dominant issue that emerged from discussions about the civil legal system is the limited availability of counsel when requested by a civil litigant with an intellectual or developmental disability or other cognitive disability, such as dementia. This was flagged as an issue in individual civil commitment cases as well. Although some interviewees recognized that this could be deemed a reasonable accommodation, insufficient funding and workforce were offered as two reasons why some courts might not fulfill this obligation. The first quote that follows illustrates the funding challenge, and the second points to the availability of willing attorneys:

A big issue that we have had historically is to determine under which circumstances to appoint counsel to a civil litigant who has a disability, say some sort of learning or developmental or cognitive disability, that just doesn’t
allow him or her to either understand what’s going on, communicate her viewpoint, organize whatever documents might need to get organized. To appoint counsel to somebody is costly. (Professional 10)

There just aren’t very many lawyers available because often the pay is relatively little. And when I say very little, I mean maybe 75 dollars an hour, whereas many lawyers in the community, at least in the family law bar for example, are charging 300 or more dollars per hour. . . . And civil legal aid providers are a scarce resource. (Professional 13)

Interviewees from outside the United States described an alternative option available in some English-speaking countries, such as England and Wales, Ireland, Canada, New Zealand, and Australia: a McKenzie friend, or a lay person who can support a litigant in person in court by organizing materials, taking notes, and quietly offering advice. A McKenzie friend does not need to have a legal background or other professional qualifications (Assy, 2015, Chapter 6).

[A McKenzie friend] is hugely significant, particularly when it comes to individuals with disability. Trying to process what’s happening in a courtroom is difficult. If you have a cognitive disability piled on top of that, forget about it. Putting people in court settings that are able to assist those who come in with disability is a resource question, but for those individuals who are coming into court as self-represented litigants and with a disability, having someone there that is in their corner without necessarily being a legal representative would be the next best thing to a legal representative. (Professional 18)

Physical Disabilities

A few problems were raised with regard to accommodations for people with mobility impairments. Although many interviewees said that physical disabilities were generally better accommodated than less visible disabilities, participants noted that such accommodations could be incomplete, as illustrated by the following comments. Other issues relate to how accommodations are provided: for example, installing ramps at the backs of buildings, which is perceived to be demeaning.

One thing though about physical disability is that people sometimes just reduce it to a ramp. Well, you got into the courthouse, so you’re fine. But I have encountered courthouses where I couldn’t get to the counsel table. Even though I’m in, the way that they’ve arrayed the benches or whatever, because it’s an old courthouse . . . . Are there automatic door openers on the bathrooms and things like that? [If] you can’t get in or you can’t navigate the space once you’re in, then that’s a problem. I’m pretty confident that no one’s looking at things comprehensively to remove those barriers. (Professional 10)

Even though physical accessibility overwhelmingly is doing well, it takes one tiny error for people to be really disenfranchised. We’re dealing with a lot of these issues in modern office buildings, where people go to meet with their attorneys. Private attorneys don’t always come into compliance with the ADA. (Professional 1)

An important consideration in courthouse accessibility is trauma-informed design. Although some may consider courthouse design to be applicable only to individuals with physical disabilities, trauma-informed design was described by some participants as an all-encompassing approach meant to improve accessibility for individuals with a variety of disabilities for which sensory and other triggers may be an issue:

For trauma-informed design principles, there’s simple things that you can ask the different justice providers to provide. And those are, is it well lit, but not harsh lighting, softer furnishings and less hard surfaces and maybe a little more carpet to make this sound not so bad. Making sure that people can, when they’re in the building, see the outside—having a view to the exterior gives people a grounding of where they are. And there’s a lot of courthouses I’ve been to where you go inside and you’re going down in lit hallways all the way around. And it’s not a very settling, calming feeling. (Professional 6)
Experiences with Law Enforcement

In the context of law enforcement, accommodating disabilities involves distinct challenges because of the nature of police encounters, which typically happen at times of crisis or other high-stress events and without responders necessarily having prior knowledge about an individual’s background and accommodation needs. However, there are opportunities to mitigate these circumstances, and participants suggested that the landscape of experiences is mixed.

D/deaf/HH

For D/deaf/HH individuals, although competent interpreter availability in person may not be feasible around the clock, video remote interpretation can be a viable option. However, about one-fifth of participants talked about instances during first response or subsequently during police interrogation in which individuals experienced inadequate support with communication: Either no interpreter was available (first quote) or officers relied on an incompetent or unethical interpreter (second quote).

I was called in to be an expert witness in a case where police officers interrogated an individual who was deaf and had no sign language interpreters present. She would use some speech, but the officer could not understand her speech and kept saying, “What did you say?” Yet the interrogation continued on two different occasions. I found the manual for that police department, which clearly talked about it—sign language interpreters will be provided, you will ask these kinds of specific questions. So, training had clearly been provided, but yet it wasn’t being followed through. (Professional 7)

“One NAD [National Association of the Deaf]-certified police interpreter, she didn’t have the training to know to have the camera on. She didn’t have the training to know how to sign the Miranda rights. There were a lot of times where the interpreter would turn and talk to the cop or detective, and I had no idea what they were talking about. Turns out that the detective didn’t understand what I was saying. So, the interpreter told him what she thought I was saying. But afterwards, I got the [transcript] and I thought, “Hmm, I never said that. I said this and this, but not that, that, that.” I never had an opportunity to say, “No, this didn’t happen.” They relied 100 percent on what the interpreter said, and the interpreter signed a form saying, “This is accurate, and this is exactly what [interviewee name] said.”” (Person with lived experience 2)

Another frequently mentioned challenge for encounters between police officers and D/deaf/HH individuals is the potential for misinterpretation of behavior. This may happen if a police officer is unaware that a person has impaired hearing and interprets their lack of response to police orders as a willful failure to cooperate; thus, situations can escalate.

Intellectual and Developmental Disabilities

Several participants said that a source of tension for encounters between police and individuals with intellectual and developmental disabilities is the underlying approach to police officer training, which is premised on the notion that someone may be a danger. Many spoke about the insufficient training for police officers to (1) help them identify when someone has a disability and (2) know how they can adjust their approach accordingly.

The population that gets into the most trouble with law enforcement are those with verbal autism, because it’s very confusing and unclear to law enforcement or to the first responder what’s going on here, and it can mimic criminal behavior. It certainly mimics suspicious behavior, and it looks completely noncompliant, all those things. So, it is very, very challenging. (Professional 24)
I do a lot of training for first responders. And in the past, I’ve presented how I display when I have a meltdown in public. And I told police, “What would be your first thought if you saw an individual acting in such a manner?” And I remember one time one of the police officers said, “I would think you were high on drugs.” And then I asked him, “Okay, if you gave me a command and I didn’t respond, what would you do next?” And he said, “I might pull my gun.” (Person with lived experience 6)

Another perceived challenge for police departments is insufficient resources to support training on an ongoing basis and to make disability training mandatory, as opposed to an optional add-on. Further, some participants said that not all training interventions were implemented correctly and that not all interventions included individuals with lived experience, a training feature that is widely seen as effective. The following two excerpts capture these issues eloquently.

Certainly, at every stage in the process, there’s a need for more training. Then that training takes a long time. I think some of the inclination is “great, we’ll do that once.” CIT [Crisis Intervention Team] training, that crisis intervention training is a good example. We’ll do crisis intervention training for all of our police officers. That’s 40 hours long. Well, it addresses a whole range of disabilities, but the big focus is on mental health. Sometimes people have a couple of hours of developmental disabilities–specific training. That’s not really adequate, and that’s also a one-time class. (Professional 1)

I just feel like when it’s daylong trainings, the impact is not there when you’re just hearing someone talk for an hour and then someone else talk for an hour about something else without any real context. So, I’m going to have someone who was a former client come with us to the CIT training so that the cops and the mental health professionals could actually see the person and hear their experience firsthand, as opposed to me just preaching about it and talking about all these different signs and symptoms. (Professional 2)

Participants offered numerous examples of how, when such important skills were missing, the misinterpretation of behaviors can become an issue when police officers interact with individuals with an intellectual or developmental disability. For instance, someone who is autistic may need more time to make sense of a question, an order, or a situation, and thus they may not respond verbally right away, which can be misconstrued as willful failure to comply with a police order:

If I’m stressed, I’m in fight-or-flight mode. If you grab my arms, that is only going to make me run. I’m going to flee in that moment. Instead of communicating with me verbally during a meltdown, I would be better served having written communication; write something to me so I can write it out. Because I can’t verbally express my thoughts, takes too much energy. I think that’s just why there is such a massive hole in this area because almost everything needs to be accommodated. And that is very difficult because, again, autism presents itself differently for each individual. There are common themes, but pretty much every aspect needs to be accommodated. (Person with lived experience 6)

Moreover, some discussions touched on how the police interrogation style would need to be tailored to suit the communication needs of people with various developmental disabilities. For instance, some autistic individuals are eager to please by saying what they think is expected of them and thus may self-implicate. Likewise, for autistic individuals, precise questions that are asked in a logical order are preferred rather than more open-ended questions, as the following comment illustrates.

If you have an autistic that has, a lot of times you have to break it down into chunks and say, “Okay, he’s asking, did you have a white shirt on?” “Yes, I did have a white shirt on.” “And do you know what that means?” “Yes.” “Okay, now we move on to the next one.” So that’s part of taking that into account when they’re being questioned either by a law enforcement investigator or when they’re being spoken to. (Family member 5)
Several participants described instances when an interpreter was not provided or was just not available.

Experiences with Criminal Courts

Overall, interviewees perceived that courts were better than other legal system settings at providing accommodations. However, as noted earlier, individual experiences varied due to the fragmentation of the court system, as well as each judge’s discretionary power to allow or deny certain accommodations or to determine the competency or suitability of interpreters. As with the civil system, attorney expertise was mixed. The following comment describes a blend of these issues:

My lawyer did bring up to the judge that the [police] interpreter was not licensed, not certified, not trained, not qualified, all those words. And the judge said, “Well, I’m going to allow it.” . . . When it came to the actual hearing, you could tell that my lawyer did not really go out of his way. To him, deafness was just “you can hear, or you can’t hear,” and that’s it. I believe it was the interpreter from the police interview on the stand. They asked him, “Do you think [interviewee name] can lipread perfectly or sufficiently?” And the interpreter said, “Oh, yeah. He knows what he’s doing. He has a master’s degree, so therefore he can lipread just fine.” And I’m sitting there looking at my lawyer, like, “Aren’t you going to . . . You can’t say that.” The prosecutor just kept going.” (Person with lived experience 2)

Finally, during the coronavirus disease 2019 (COVID-19) pandemic, the court system relied extensively on virtual platforms to conduct hearings and other procedures. For some, this approach helped address some disparities for people with disabilities (e.g., the cost or availability of transportation to and from the courthouse). Virtual sessions were also seen as mitigating some issues for individuals with behavioral problems (for example, the need to pace around a room as a way to cope with stress), which under normal circumstances might result in the individual being escorted out of the courtroom. However, for others, virtual sessions presented challenges, such as poor access to reliable internet, lack of privacy at home, and lack of awareness of what happens off-screen.

D/deaf/HH

For D/deaf/HH individuals, a key issue was the lack of adequate support for communication, including a lack of hearing devices or competent interpreters or having no interpreter at all. Several participants described instances when an interpreter was not provided (first quote) or was just not available (second quote):

I did not have an interpreter when I went to arraignment. My mom was in the audience. And a court clerk, I believe, walked by, and my mom was like, “Where’s the interpreter?” She said, “Oh, we don’t do interpreters for this. Only for the next hearing.” So, the judge just wrote everything on a piece of paper. (Person with lived experience 2)

Because there was no sign language interpreter, they canceled the court. It was postponed for another week. He had to return to prison for another week. We eventually were able at least to get a TTY [teletypewriter], get communication going, and move things forward. But the whole process continues to happen. Within the last year, [there have been] similar situations where courts are postponed or inappropriate people are in the settings to interpret. (Professional 7)

Criminal court hearings pose distinct challenges because of the nomenclature and procedural aspects of the sessions and because of the complex communication and comprehension challenges that some defendants experience. Thus, many interviewees underscored the vital need not just to provide an interpreter as a box-ticking exercise but also to
provide an interpreter who is competent and knowledgeable with court procedures and nomenclature. Interviewees mentioned the added complexities when a case involves someone who is deaf but also is not competent to stand trial:

You may have an individual who’s not competent to stand trial, but because the interpreter either was unaware or not competent, did not recognize that the person did not understand what was going on, interpreted as if they understood, and didn’t pick up what can sometimes be subtle clues. So, then you have somebody who is not competent to stand trial being tried without understanding their rights, without understanding what the options or the court process or all of that is. (Professional 3)

Several participants also spoke about the problem of linguistic deprivation (or minimal language) and what it means for court procedures. This term refers to instances in which someone who is deaf matures without a fully functional communication system, either because exposure to sign language is delayed or because spoken language is not fully accessible.

Minimal language means an individual who is deaf is born to a hearing family, but no intervention services are provided in that birth-to-three language development years of a child’s life. So, they’re always behind in language—and language, I don’t mean just English. I mean being able to recognize that a table has a meaning or a concept and apply the label to that, and then expand that to shelf and dresser. So, somebody who’s deaf from a deaf family has more language than somebody who’s deaf, born to a hearing family who had no intervention supports. And that minimal language really does impact their ability to function in day-to-day life. (Professional 4)

A few participants described how deaf-hearing interpreter teams (an ASL interpreter and a Certified Deaf Interpreter) could be a good response to these complexities:

I’m a hearing interpreter. I hear the message, I sign it into ASL to the deaf interpreter. The deaf interpreter processes that and then puts it out into minimal language matching that client’s home signs—what mom and dad developed just to communicate basically “dinner time, dinner time.” I mean, it’s really rudimentary oftentimes. And being able to match that to the point that that individual can understand the impact of the legal processes that are occurring. And that is the onus of responsibility in communicating through an interpreter. (Professional 4)

Intellectual and Developmental Disabilities

A dominant finding relating to the experience of individuals with intellectual and developmental disabilities (disabilities present at birth, such as autism spectrum disorders or cerebral palsy) is the criminalization of behavior when individuals cannot discern why what they have done is against the law. Many participants said this breakdown in comprehension and communication underpinned much of the experience of people with intellectual and developmental disabilities in the criminal system.

I had personal experience with this with my son. One of the things the judge said at the sentencing, he said, “Clearly this individual has a mental disability. Unfortunately, the state of Virginia does not recognize that.” And the other part I found out is that they would not even consider his disability until the sentencing phase. In other words, you had to plead either guilty or be found guilty in order for that to be taken into account, which I just found shocking. I said, “Clearly you realize he has autism, and he doesn’t really comprehend actually the allegations, the situation, or how to actually even answer your questions.” Anyway, yeah. And they ignored it. (Family member 5)

Many participants spoke about the need for diversion programs for people with intellectual and developmental disabilities in cases in which disability is the root cause of the case. Such programs can help avoid charges and prevent individuals from cycling through the criminal legal system. Examples of diversion programs include appropriate educational programs and group therapy, and individuals are expected to demonstrate change.
In the event that it goes to sentencing, the judge has the discretion to do diversion. And what we mean by diversion is basically you get appropriate education such as a sex or health education, you come back and show that you’ve had this, you come back maybe, I don’t know, whatever the court decides, two years, five years, whatever it is. And if things have improved, then you can show that things have changed. Then they will expunge and say, “Okay, we’re good.” (Family member 5)

I’d like more diversionary programs for autistic people, and I’d like program eligibility expanded beyond certain just very, very low-level crimes, drug crimes. Because some of the crimes that autistic people commit, they really didn’t mean to cause harm, but they’re not necessarily low-level offenses in the way that we think about it. And that just makes them ineligible for a specialty court, and therefore they go to prison. (Person with lived experience 4)

However, a few interviewees noted that diversion programs themselves can pose a set of challenges related to accessibility. For instance, if the diversion sessions are administered by private providers, they may not always be accommodating in line with ADA expectations. Others mentioned issues with the suitability of this programming for people with intellectual and developmental disabilities because of the frequent conflation of mental health and intellectual and developmental disabilities:

They focus on treatment. Treatment is not the issue. If I have a person with autism, you can’t be treated. We need different kinds of services. They think you can just treat someone, get them medication, and see a therapist once a week and they’ll be fine. We do know what to do to serve [people with autism]. But you have to do it differently. It can’t be focused on treatment. (Professional 25)

Another key challenge is having the mechanisms in place to support communication and comprehension during proceedings. A complicating factor in ascertaining and providing the right level of communication support is that intellectual and developmental disabilities have very broad linguistic and comprehension manifestations. In the United Kingdom, one interviewee described the support role of the intermediary, who is a “communications expert that can be called for suspects, defendants, less so if somebody’s then sentenced to prison. But certainly from the procedural point of view, they could be there to provide support” (Professional 15). However, in the United States, participants described not having this type of support, which was seen as a challenge when a defendant was over the age of 18 but some aspects of their development matched that of a teenager. The following quote illustrates this problem:

Oftentimes the judge will say, “Do you realize that if you plead guilty now you can still appeal, but you’ll have leave for the right to appeal, but the appellate court may not take your case? Whereas if you have a trial, you’ll have a definite appeal.” That’s a complex legal issue, and you’re supposed to just say, “Yes, I understand.” I’ve watched so many colloquies, and I didn’t really fully understand when I pled guilty to each and every . . . I understood maybe 80 percent of it, but I didn’t understand all of it. I probably would’ve needed time for a couple of those points where you say, “Yes, Your Honor, I understand,” where I could actually talk to my attorney. And I could have said, “Can I just have a moment with my attorney?” But I didn’t. I just said, “Yes, I understand, Your Honor,” because I didn’t want to hold up court. (Person with lived experience 4)

Experiences with Jails, Prisons, and Other Correctional Settings

Compared with other settings in the legal system, jails, prisons, and other correctional settings were perceived to be the least accommodating for any type of disability. Compared with prisons, jails are perceived to do less well at accommodating disabilities due to either their size (small and low-resourced) or their transient populations (e.g., pretrial detainees), who are often not there long enough to be assessed for support.

More than half of participants said that there were widespread misconceptions among correctional administrators and officers that the ADA did not apply to their facilities. Moreover, some described
instances in which prison administrators did not know how to resolve the perceived conflict between providing an accommodation and that accommodation’s impact on prisoner safety (e.g., walking sticks that can be used as weapons, hearing device batteries that can be used to harm others, or any device that can be used to store contraband). Participants described efforts to inform, educate, negotiate, and approve accommodation options on a case-by-case basis that must typically flow through a rigid chain of command (from the facility to a state’s department of corrections, then back to the facility), which they argued is extremely slow (sometimes up to six months). Also, not all these efforts may be successful:

There was a blind man who, they refused to give him a stick, because you can hit people with it. They tried to give him a pool noodle, because it’s soft. But the warden turned it down. So, the other guy was guiding him around. And he relied on that 24/7, even to go to the bathroom. He wasn’t allowed to have a stick, or a pool noodle, or anything, at that time. (Person with lived experience 2)

Interviewees also shared the view that there was an inherent clash between correctional facilities’ primary mission to punish and the provision of accommodation: “The only reason was from a line officer who said to me, ‘We’re not here to accommodate you. We’re here to imprison you’” (Person with lived experience 5). One participant explained some of the fundamental conditioning factors and philosophies that may underpin this tension:

Prisons worry a lot about con jobs, about fakery, and about people looking for secondary benefits. Folks who work in jails and prisons are conditioned, socialized to think that that’s happening all the time. So, when you talk about a law that entitles folks to individuated treatment, one of the ways that jails and prisons and their staff deal with this fear of being taken advantage of and malingering and lying and fraud is they’re very, very big believers in everybody gets the same treatment. “We can’t do that for you.” The ADA and 504, the Rehab Act, have the basic insight that to decline to individuate is a type of discrimination. That basic insight is incompatible with the basic mindset of folks who run jails and prisons because they resist individuation and they resist it for reasons that, in some circumstances, actually make some sense. And, finally, I think the proportion of people who have disabilities in jail and prison is so high that . . . once you talk about those kinds of things, it’s everyone. And so, all of a sudden, this idea of individuation has this potential to be extraordinarily disruptive to the basic logic of a total and bureaucratic institution, which is “treat everybody the same.” (Professional 12)

However, interviewees underscored the fact that people with disabilities end up being punished more than those without disabilities:

“I asked the GED coordinator, a state prison employee, what accommodations they provide to the disabled students, and the response was, “That’s too much work, we don’t provide accommodations on the GED.” Again, an issue of what the law says, what the directives might say from the top, and the actual implementation of the policy being at odds. That is a significant gap. (Professional 4)
I had a conversation with one of the interpreters who came for my college classes. I said, “Why aren’t any of these programs being interpreted?” They just bluntly said, “We can’t find anybody willing to come on a Saturday at eight in the morning to go through the process that you have to go through to get in the prison. And a lot of interpreters are female, and they’re scared to go into a male prison,” and so on, so on. In my three years of being there, not once did they have an interpreter for a church function, which counts towards good days, by the way. The career and technical program, no interpreter to that. Except, one guy did manage to get an interpreter for a gardening program. But because the interpreter went to that program, that meant that 15 other deaf guys couldn’t get those accommodations. (Person with lived experience 2)

D/deaf/HH
Lack of accommodation to support communication was the dominant challenge for D/deaf/HH individuals. This shortfall affected day-to-day function; participation in key one-time events, such as during parole hearings or emergency health episodes; and participation in routine programs, such as earned time programs. Interviewees cited denied access to captioned video content, sign language interpreters, hearing devices, and visual/tactile alerts; the provision of devices with missing batteries, broken molds, and missing tubes; and the absence of video phones. The following two quotes illustrate how the absence of accommodation can affect someone’s function-

“If you don’t hear that cell count, you can find yourself in a disciplinary situation, missing meals, missing medications, missing showers.”

Typically, the sound field [in a solitary block] is about 100 to 105 decibels. . . . Things like meal call, pill call, sick call, shower call, book call, within the correctional system, there’s almost always somebody yelling, “It’s time for X cell count.” If you don’t hear that cell count, you can find yourself in a disciplinary situation, missing meals, missing medications, missing showers. It’s a very auditory environment. (Professional 3)

There was another guy who signed to communicate. He assaulted an officer and they had him in a belly chain in handcuffs, and they did his disciplinary hearing like that. And so he couldn’t sign to communicate and they thought they were accommodating him because what they did was they had an interpreter and they asked him questions that were yes-no questions and just relied on him to nod his head or shake his head yes or no. But he couldn’t actually communicate . . . I mean, it’s outrageous. (Professional 12)

A few interviewees, however, also offered examples of prisons that provide exemplary accommodations, such as using captioned telephones or allowing D/deaf/HH individuals to live in the same housing, where they can talk to each other.

Intellectual and Developmental Disabilities
Overall, interviewees perceived little consideration for trauma-informed facility design in correctional settings, such as limiting sensory triggers for autistic individuals and others with intellectual and developmental disabilities. Many underscored the sense of vulnerability for individuals with developmental disabilities in correctional settings, especially for autistic individuals, because of challenges in noticing and responding to social cues:

Senting an autistic into prison is the most dangerous thing. And besides the sensory issues, the other issues you have is they want to follow the rules and they’re very easily manipulated. There’s two sets of rules in a prison, there’s the official rules and then there’s the unofficial rules. And the individual who is
autistic is, “Here’s the rules that the officers say one, two, three, and if you violate three, this is what’s going to happen.” Okay. Somebody gets a cell phone snuck in and it’s his roommate and it’s like, “You don’t tell.” But the guard says, “If you don’t tell, you’re going to . . .” So what’s he do? He’ll go and tell the guard that this person has a cell phone, and they’ll either be beat up or killed. (Family member 5)

Another issue that emerged is the misinterpretation of behaviors, which often may result in punishment, such as reducing a person’s recreation time, or restraints that could have long-term effects on someone’s health:

What happens is they may not understand the situation, and a lot of times they’re put into either a restraint system when really they were just freaking out over the lights. They have them strapped into these whatever chairs and they can’t move and they leave them in the room and they’re screaming. So what are you doing? You’re now going from autistic to PTSD [posttraumatic stress disorder] that you’re bringing in and you’re creating mental illness for these individuals. (Family member 5)

Access to some types of medication for individuals who have co-occurring developmental and other mental health problems was described as limited:

The guys I work with who have ADHD [attention-deficit/hyperactivity disorder] tell me that the prison medical services refuse to provide medications to them because of the likelihood of drug abuse or selling in the yard. So, they are trying to complete classes without medication to help them focus, in an environment that is already overwhelming with distractions. Even in the classroom, the distractions are enormous, and that is the area that should be quieter and focused on learning. (Professional 4)

Physical Disabilities

Some prisons were cited as exemplary in accommodating people who use wheelchairs or other mobility supports and in providing assistance with other physical health problems. For example, some prisons may train inmates as health assistants, supporting people with daily living needs without those people having to live in the infirmary. Yet some interviewees noted issues with support, such as ignoring requests for fans, low bunk beds, lightweight hollow-metal wheelchairs, or replacement wheelchairs.

For general accessibility, especially as the population is aging. I think that the entire Department of Corrections [DOC] system has to rethink how they identify and address access to the physical setting. I’ve heard from some of the DOC ADA coordinators that the issue with wheelchairs as a security concern is that most of them are hollow metal and can be used to store contraband. The solution was to have the welding shop create a solid wheelchair to prevent that individual from storing contraband but allowing them still mobility with the wheelchair. (Professional 4)

Equity

Participants provided insights on a variety of equity-related topics, including differences in experiences for individuals of different racial and ethnic backgrounds and for individuals with varying income levels. The majority of responses highlight significant challenges faced by individuals with specific identities, though some participants described specific aspects of their identities that appeared to make interactions with the legal system somewhat more positive.

Racial/Ethnic Identity

In addition to ableism (discussed above), several participants highlighted the discrimination that people of color with disabilities face while engaging with the legal system. Many of these participants explained how racism underpins the types of negative perceptions that lead to harsher treatment and more adverse outcomes at all levels of the legal system.

I think we see the overcriminalization of people with disabilities, particularly disabled people of color. There’s a really overcriminalization and that is no reason other than issues around stereotypes, biases, sectional oppressions. I think all of those pieces come into play. And I think, as I said, judges and lawyers aren’t
immune from ableism and other oppressive ideologies. (Professional 11)

In turn, this racism can heighten fear among individuals with a disability and their families. Participants cited examples in which they felt that individuals with disabilities who are people of color were treated worse, likely because of their intersectional identities.

So, all of those interactions, gender, male especially, race, any person of color, legal immigration status, English as a second language learner, and especially poverty, all hit. There was an attorney we worked with for years in Arlington who said, “If you’re an adult Black male with autism, you’re going to have an interaction with the police,” which was a terrifying thing to hear. (Professional 1)

Some participants described how people of color with disabilities are also likely to end up with harsher outcomes in terms of their cases, such as receiving longer or harsher sentences or having one’s children taken away.

Even parenting rights cases, we know that people with disabilities of color are more likely to have their parental rights terminated. I think that we can just see that when you look at those intersectional identities, looking at the multiple marginalized communities, you can see that there are just inherently greater injustices. (Professional 1)

Participants also raised issues related to the lack of—and need for—more Black sign language interpreters for D/deaf/HH individuals. One participant who identified as White explained that there may be certain aspects of Black ASL that she would not understand due to the different cultural context. Participants also noted that stigma within some racial and ethnic groups acts as a barrier in terms of seeking diagnoses or resources for a family member who may have a disability.

Sexual Identity
A few participants explained that individuals with disabilities who are involved in the legal system may also be discriminated against due to their sexual orientation. One participant with lived experience noted that their lawyer held their sexual orientation against them, and it further affected their case.

Definitely, if it’s known by the prosecutor or whatever, that the person has a different sexual . . . Not just the stereotypical heterosexual, or whatever. If they’re gay or bisexual, if anything comes up like that, that seems to add to their problem, it’s thrown in as a part of something that really shouldn’t even be an issue, unless there’s a reason for it to be brought up. So yeah, if there’s any kind of a sexual . . . Something that deviates from just being a heterosexual person, I think that adds to their problem, and how they’re perceived maybe in court. (Family member 21)

Socioeconomic Status/Poverty
Interviewees underscored that poverty plays a critical role in the experience of individuals with disabilities who are involved in the legal system. Multiple participants pointed out that individuals with disabilities are significantly more likely to be unemployed or underemployed, putting them at a severe disadvantage before they even enter the legal system. Another participant explained that, at times, an individual’s socioeconomic circumstances might be the reason that they get involved with the legal system in the first place. The person might commit a crime in an effort to find their way out of poverty. Furthermore, individuals with lower socioeconomic status may attend poorer schools as children, where they are less likely to be diagnosed with a disability. In addition, individuals from more-impoverished backgrounds are less likely to be diagnosed with a disability until later in life.

And what we see is the same as we see in the social determinants of health. That is, inequality, poverty, disadvantage are at the heart of this. Because when we examine the datasets that we have, and when I look at what has been produced internationally, there's hardly anyone who has disability who comes from a middle class or wealthy background who ends up being arrested, but particularly who ends up in prison. So what we are talking about here is class. So that's socioeconomic class, poverty, etc. (Professional 8)
Participants commonly mentioned that individuals with disabilities often cannot afford to hire a private lawyer and thus end up working with a court-appointed lawyer or public defender, or they may even represent themselves. However, even when individuals with disabilities have someone representing them, it may not be a positive experience for those individuals, as public defenders have high caseloads, may not be very communicative, and may not have the time to adequately learn about and understand a client’s disability.

**Immigration/English Language Learners**

A few participants mentioned how individuals with disabilities who have immigrated to the United States and/or identify as an English language learner face distinct challenges when they are involved with the legal system. Several participants commented on how difficult it is for individuals from other countries and those who do not speak English to navigate the U.S. legal system, especially for those who do not have family around to provide additional support.

Certainly, we have people who have immigration status issues. And quite frankly, my defendants who don’t speak English, I just don’t see how they can even participate in the probation programming because the providers are not providing them with interpreters. And our courts have determined that we don’t have to provide them with interpreters outside of the court hearing. I’m not sure I agree with that. If I have ordered them to participate in a probation program, to me, that’s an extension of court. And I believe that we should provide that interpreter. But that’s a big funding issue. (Professional 19)

Furthermore, a few participants highlighted the fact that every country has its own sign language, and there might not be interpreters available who speak the sign language of the person’s native country. This could be very dangerous and result in dire circumstances for D/deaf/HH individuals.

**Family Support**

Several participants underscored the importance of family support as a means by which individuals with disabilities who are involved in the legal system might be better supported and set up for success compared with their counterparts who do not have family support. One participant explained that individuals who enter prison as juveniles tend to have more family support, which provides some advantages when they are released as adults and look to reenter society.

I feel like they tend to have the most family support just because they’ve essentially grown up in prison, but their family has still been pretty connected. So I think that the clients that I typically work with, it’s a little bit more unique, which is definitely an advantage for them because most of the time they have housing that’s stable whenever they get out of prison. I think that already sets them up for success if they have that because that’s one less thing to worry about. (Professional 26)

Individuals living in poverty may not have family to rely on as a support system or to provide additional resources, such as funds to pay for a private lawyer, as they move through the legal system. This can be especially difficult for individuals who have immigrated to the United States by themselves. Individuals who lack family support may also have a more difficult time advocating for themselves or navigating the legal system.

**Suggestions for Future Research**

We asked participants for their perspectives on a future research agenda focused on the intersection of disability and the civil and criminal legal systems. They offered suggestions along three dimensions: (1) approaches to how we conduct research on this topic and with the relevant populations, (2) topics that they felt should be the focus of research, and (3) types of data that they felt would be most useful in informing research. Table 2 summarizes these recommendations.

**Discussion and Conclusion**

In this study, we sought to explore the experiences of people with a variety of disabilities as they navigate the civil and criminal legal systems in the United States. Drawing on firsthand experiences of a mixed
TABLE 2
Recommendations for Future Research

<table>
<thead>
<tr>
<th>Topic</th>
<th>Participant Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research approaches</td>
<td>• Mixed-method designs with quantitative and qualitative approaches for more complete understanding of issues</td>
</tr>
<tr>
<td></td>
<td>• Cost-benefit analyses comparing costs and outcomes of providing accommodation with costs and outcomes of not providing accommodation</td>
</tr>
<tr>
<td></td>
<td>• Case studies to understand how and why some organizations or jurisdictions have exemplary policies and/or programs</td>
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<tr>
<td></td>
<td>• Community-based participatory research involving people with lived experience and advocates in the design and conduct of the research</td>
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<tr>
<td></td>
<td>• Implementation process evaluations to understand how policy becomes procedure in different legal settings</td>
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<tr>
<td></td>
<td>• Effectiveness evaluations of programs, such as training interventions and diversion programs</td>
</tr>
<tr>
<td>Research topics</td>
<td><strong>General</strong></td>
</tr>
<tr>
<td></td>
<td>• Social determinants of justice in the context of disability, such as growing up in the foster care system, experiencing adverse events in early childhood, being low income, or being from a racial/ethnic minority group</td>
</tr>
<tr>
<td></td>
<td>• Variation in who requests ADA accommodations and what ADA accommodations are requested</td>
</tr>
<tr>
<td></td>
<td>• Trends in reasonable accommodation requests, what is granted, and what is not</td>
</tr>
<tr>
<td></td>
<td>• How families of individuals with disabilities are affected when a loved one experiences the legal system</td>
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<tr>
<td></td>
<td>• Fetal alcohol spectrum disorder in the criminal legal system</td>
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<tr>
<td></td>
<td>• Legal process and outcomes for people with disabilities and how their experience differs from that of the rest of the population</td>
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<tr>
<td></td>
<td>• Long-term socioeconomic and health implications for people with disabilities who are placed on a sex offender registry</td>
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<tr>
<td></td>
<td>• Provision of accommodations in rural and low-resource settings</td>
</tr>
<tr>
<td>Law enforcement</td>
<td>• Police interactions with people with disabilities: frequency, process, and outcomes</td>
</tr>
<tr>
<td></td>
<td>• The role of artificial intelligence and virtual reality in immersive training for first responders, regarding identifying and addressing behavioral manifestations of people with disabilities</td>
</tr>
<tr>
<td>Courts</td>
<td>• ADA awareness among judges, attorneys, and prosecutors</td>
</tr>
<tr>
<td></td>
<td>• Challenges with self-representation among people with disabilities</td>
</tr>
<tr>
<td></td>
<td>• Accessibility in courthouse designs: What is the state of affairs, what has been done, what optimal designs exist?</td>
</tr>
<tr>
<td></td>
<td>• Competency to stand trial among D/deaf/HH defendants</td>
</tr>
<tr>
<td>Jails and prisons</td>
<td>• Using the ADA as a tool for decarceration (different from diversion programs, which are based on merit): i.e., exploring how to keep particularly vulnerable people out of prison in instances in which prisons and jails fail to comply with the ADA</td>
</tr>
<tr>
<td></td>
<td>• Alternatives to addressing behavioral symptoms of some disabilities, other than solitary confinement</td>
</tr>
<tr>
<td></td>
<td>• Needs assessments for prisons in terms of accommodations</td>
</tr>
<tr>
<td></td>
<td>• ADA awareness among prison administrators and correction officers</td>
</tr>
<tr>
<td></td>
<td>• Recidivism among people with disabilities</td>
</tr>
<tr>
<td></td>
<td>• Risk and protective factors in the school-to-prison pipeline for young people with disabilities</td>
</tr>
<tr>
<td>Research data</td>
<td>• Objective (versus self-reported) prevalence data for each disability in each legal system setting</td>
</tr>
<tr>
<td></td>
<td>• Establishing what types of data are collected at each intercept and by ADA coordinators</td>
</tr>
<tr>
<td></td>
<td>• Comprehensive data bank with longitudinal data and multiple data points for each individual with a disability who interacts with the legal system (e.g., demographics, written caseworker notes, police notes, self-reported outcomes)</td>
</tr>
<tr>
<td></td>
<td>• Visual data to understand issues related to accessible design</td>
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</table>
group of professionals, practitioners, family members, and individuals with lived experience, our findings highlight perceived challenges with disability accommodations across legal system settings, as well as opportunities to further investigate research and practice gaps.

Overall, participants spoke in detail about the significant barriers and disadvantages that individuals with disabilities faced with the legal system in general. A common thread across many narratives was that people were not disadvantaged by disability but rather by how institutions and practitioners treated and perceived disability. Observed ableism was a core concept that underpinned many of the stories that were shared with us, describing how systems, facilities, processes, and individuals manifested stigma and prejudice against people with disabilities. An important gap is in understanding to what extent the experiences of individuals with disabilities are underreported because people may fear repercussions from being identified with a disability or may assume that institutions cannot or will not accommodate their specific needs.

In addition, interviewees touched on distinct challenges for each category of disability, underscoring the complex needs to be considered in designing, planning, and supporting accessible legal systems. By virtue of the sample, the dominant themes emerged for individuals with hearing impairments and those with intellectual and developmental disabilities, but details for other disabilities were sufficient to cumulatively illustrate the significant gaps in accommodations. Although many participants agreed that physical disabilities (which participants implied they understood mostly as mobility impairments) were generally well accommodated, the results illustrated the many ways in which such accommodations are incomplete (e.g., courthouse accessibility) or inadequately provided (e.g., in jails and prisons). An important gap regarding accommodations is in providing an objective measurement of institutional inventories of accommodation devices.

A significant finding that aligns with prior evidence (Maroto and Pettinicchio, 2014; Rulli and Leckerman, 2005) was the perceived uneven implementation of the ADA, one of the primary federal statutes aimed at prohibiting discrimination on the basis of disability, more than 30 years after it became law. For many participants, the ADA has yet to become a driver of equity; considering its complaint-based enforcement, some individuals who lacked resources and knowledge said it was almost seen as a tool of disenfranchisement. A significant gap that emerged is in understanding implementation processes for the ADA: i.e., how the policy translates into practice across institutional settings.

With regard to research, a strong theme was that researchers for far too long have conducted research about rather than with people with disabilities. Narratives converged on the need for participatory research that includes the affected individuals as leaders who are actively engaged throughout the lifetime of a study, from design to dissemination.

**Limitations**

There are several limitations that we want to note. First, the study relied on self-reported qualitative data and did not include objective metrics of accommodations, accommodation use, and other relevant services. Second, our data collection instruments were in English only. Third, although participants came from around the United States and from other countries, generalizability is diminished by the relatively small sample. Also, participants were not representative of all disabilities, legal system settings, and geographic areas across the United States. For instance, only one person had significant experience with community corrections. We also were not successful in recruiting interviewees from the jail or prison systems or from the U.S. Department of Justice. Finally, self-selection bias may be a factor insofar as the participants who agreed to be interviewed may vary systematically from those who did not respond to our invitations. For example, the study’s professional interviewees may have been more motivated to respond to the survey because they had time available to do so or had more resources available. Individuals with lived experience or their family members may have been more sociable, more comfortable discussing their situations, or more engaged and/or may have held stronger points of view than those who did not participate.
Appendix. Methods

In this study, we aimed to understand experiences with the civil and criminal legal systems for individuals with disabilities. To answer our research questions, we conducted 32 in-depth interviews with a broad variety of people with relevant experience. Below, we describe the methodology in detail.

Interview Protocols and Recruitment

Interviews lasted approximately one hour and were conducted remotely via video call in June and July 2023. All participants consented and gave permission for interviews to be audio-recorded and transcribed verbatim.

Because the target interview sample was diverse, we developed two interview protocols to facilitate more-tailored discussions: one for professionals, such as attorneys, judges, and advocates, and one for individuals with lived experience or their family members. Although they were separate and worded slightly differently, the two protocols were aligned and sought information about the intersection of a broad variety of disabilities (physical, intellectual, developmental) and the civil and criminal legal systems (conceptualized using the Sequential Intercept Model; Munetz and Griffin, 2006). Thus, we elicited information pertaining to the experience of disability with law enforcement (Intercept 1); initial detention/initial court hearings (Intercept 2); jails, courts, prisons, and forensic hospitals (Intercept 3); reentry, including community-based supports (Intercept 4); and community corrections (Intercept 5). We organized the protocols by intercept and the disability categories included in the literature review (see Brooks Holliday et al., 2023) to ensure that the results of the two efforts could, in combination, offer a more complete picture of the issues. Moreover, the interview protocols also incorporated preliminary findings from the literature review. For example, the finding about insufficient evidence of effectiveness for professional training programs led to questions about adequate resources to support professionals in their work with people with disabilities. The literature’s predominant focus on the criminal legal system informed our sampling to ensure perspectives would cover both the criminal and the civil system substantially. The protocols were structured such that questions could be deployed to maximize our understanding of a participant’s experience. For instance, judges, advocates, or ADA coordinators with experience in both the criminal and civil systems were asked follow-up questions to compare a topic or an issue (e.g., accommodations, access to representation) across the two settings. Where participants had a narrower experience, such as ASL interpretation in criminal cases, the questions were tailored accordingly so as to not waste participants’ time with questions that did not pertain to their expertise. Overall, the questions garnered perspectives on experiences and accommodations within each setting, distinct issues related to each disability, perceptions regarding policies and resources for working with people with disabilities in the legal system, equity, barriers, facilitators, exemplary cases, opportunities for improvement, and priorities for future research. The protocol for individuals with lived experience and family members was written with accessibility in mind and included a similar scope of questions as the professional interviewee protocol, but it also probed more specifically on thoughts and feelings during key events of the legal process. The full protocols are available on request.

Interviewees were recruited using convenience snowball sampling. Using prior work in this area, and after consultation with Pew Charitable Trusts, we identified a pool of people with relevant experience who met various criteria in terms of their professional roles and areas of expertise (see Tables A.1 and A.2 for detailed counts by role and expertise). We identified additional interviewees following the recommendations of some of the participants. Interviewees came from across the United States and from Canada (n = 2), Australia (n = 1), and the United Kingdom (n = 1). Some of the professional interviewees and the individuals with lived experience had one or several disabilities. We prepared a set of accommodations, including drafting an accessible language interview protocol for the individuals with lived experience and budgeting for ASL interpretation on request.

Initially, we aimed to conduct 30 interviews, but we extended the sample to 32 based on information...
and participant availability that emerged in the later stages of the interviewing process. Interviews were conducted only in English. At least one member of the research team conducted each interview. Original recordings were used to check transcripts for accuracy. Professionals received $25 in remuneration for their time, and individuals with lived experience and family members received $50.

Interview Analysis

All transcripts were uploaded to NVivo, a software platform that facilitates mixed-methods data management, collaborative analysis, and interpretation (Lumivero, undated). Three researchers (Alina Palimaru [AP], Allyson Gittens [AG], and Stephanie Brooks Holliday [SBH]) developed the codebook. The codebook was developed, in part, based on the literature review and the interview protocols, and we began the analysis concurrently with the data collection. Two researchers with qualitative experience (AP and AG) iterated on the codebook structure and definitions, accounting for new insights shared by respondents, and completed the coding process in June and July 2023. We thus combined deductive and inductive coding techniques, given that the semis-

### TABLE A.1
Interviewees, by Type of Disability

<table>
<thead>
<tr>
<th>Disability Type</th>
<th>Researchers (n = 8)</th>
<th>Legal Practitioners (n = 6)</th>
<th>Other Professionals (n = 8)</th>
<th>Family Members (n = 4)</th>
<th>Individuals with Lived Experience (n = 6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>D/deaf/HH</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Blind/low vision</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1*</td>
</tr>
<tr>
<td>Physical disability</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Intellectual and developmental disability</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Other cognitive disability</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Expertise across disabilities</td>
<td>5</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

*One interviewee was D/deaf/HH but also had a partial visual impairment, so the lived experience count is higher than the total count. Another participant had multiple disabilities. Some of the interviewees with specialist experiences, such as intellectual and developmental disabilities, were able to comment on other disabilities, too.

### TABLE A.2
Interviewees, by Legal System Setting

<table>
<thead>
<tr>
<th>Intercept Type</th>
<th>Researchers (n = 8)</th>
<th>Legal Practitioners (n = 6)</th>
<th>Other Professionals (n = 8)</th>
<th>Family Members (n = 4)</th>
<th>Individuals with Lived Experience (n = 6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil system</td>
<td>3 (38%)</td>
<td>3 (50%)</td>
<td>2 (25%)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Law enforcement</td>
<td>3 (38%)</td>
<td>3 (50%)</td>
<td>2 (25%)</td>
<td>3 (75%)</td>
<td>6 (100%)</td>
</tr>
<tr>
<td>Initial detention, court hearing</td>
<td>5 (63%)</td>
<td>6 (100%)</td>
<td>3 (38%)</td>
<td>4 (100%)</td>
<td>6 (100%)</td>
</tr>
<tr>
<td>Jails, courts, prisons, forensic hospitals</td>
<td>5 (63%)</td>
<td>6 (100%)</td>
<td>6 (75%)</td>
<td>3 (75%)</td>
<td>6 (100%)</td>
</tr>
<tr>
<td>Reentry and community-based support</td>
<td>1 (13%)</td>
<td>0</td>
<td>1 (13%)</td>
<td>3 (75%)</td>
<td>2 (33%)</td>
</tr>
<tr>
<td>Community corrections</td>
<td>0</td>
<td>0</td>
<td>1 (13%)</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

NOTE: The column figures show the percentage of column totals. Most interviewees offered perspectives on two or more intercepts. The column labels are derived from the Sequential Intercept Model (Munetz and Griffin, 2006).
Structured interview protocols focused narrowly on some domains but also allowed participants to bring up issues not captured by the protocols (Gale et al., 2013).

During the early coding stage, AP and AG coded 13 percent of transcripts simultaneously and met to reconcile the coding and refine codebook definitions and coding rules according to the American Psychological Association’s guidelines for qualitative research (Levitt et al., 2018). To ensure clarity and consistency in the coding process, we used a central Coding Rules document and NVivo’s annotations function to document coding applications and decisions to expand or merge existing codes or add new ones and to determine how such decisions related to the scope of the research questions. Inter-coder reliability and percent agreement were computed: The kappa score started at 0.65 and eventually reached 0.71 (Cohen, 1960; McHugh, 2012). Next, the remaining transcripts were divided, such that AP coded 16 transcripts alone and AG coded 12 transcripts alone.

Our codebook was structured around broad categories of concrete codes (as opposed to more conceptual or more ambiguous ones), with subcodes that were equally concrete and unambiguous: for example, accommodations (with subcodes such as physical, communication, and virtual hearings), challenges (lack of disability awareness, cost, lack of regulatory enforcement, criminalization of behaviors), facilitators (litigation, individual motivation, family support), and practitioner resources (accreditation and licensing, pre-career education, ADA coordinators). Thus, more than 90 percent of the codes were captured in the first five transcripts; if anything new emerged from the transcripts coded by one coder, that content was tagged with an annotation in NVivo and ultimately adjudicated by the team collectively.

References


About This Report

There has been substantial focus on the prevalence of mental health and substance use disorders in the criminal legal system, as well as how best to accommodate and address the needs of those individuals. However, there has been comparatively little focus on justice-involved individuals who have physical, intellectual, and developmental disabilities and how best to meet their unique needs, as well as limited focus on the civil legal system. The challenges faced by this population might include barriers that could prevent individuals with disabilities from meaningfully engaging with the court system during civil or criminal proceedings or from receiving needed services while incarcerated. There is a need to capture these challenges more systematically and to identify factors that might facilitate the treatment of this subpopulation of justice-involved individuals.

To address these gaps, we conducted an environmental scan and interviews with representatives from relevant professions and communities, with the goal of developing a research agenda related to individuals with physical, intellectual, and developmental disabilities involved in the criminal and civil legal systems. This report presents the findings from our interviews. It can be read as a stand-alone report but can also be used in conjunction with two related publications: *Intellectual, Developmental, and Physical Disabilities in U.S. Legal Settings: A Scoping Review*, which documents findings from an environmental scan, and *Intellectual, Developmental, and Physical Disabilities in U.S. Legal Settings: A Proposed Agenda for Future Research*, which outlines our recommendations for future research focused on this population. These findings should be of interest to researchers, policymakers, practitioners, and advocates working with people with disabilities who are involved in the legal system.

Justice Policy Program

RAND Social and Economic Well-Being is a division of the RAND Corporation that seeks to actively improve the health and social and economic well-being of populations and communities throughout the world. This research was conducted in the Justice Policy Program within RAND Social and Economic Well-Being. The program focuses on such topics as access to justice, policing, corrections, drug policy, and court system reform, as well as other policy concerns pertaining to public safety and criminal and civil justice. For more information, email justicepolicy@rand.org.

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