

# Annotated Bibliography: Defending Youth at the Intersection of Race & Disability

This annotated bibliography was designed to accompany the 2025 Racial Justice Training Series Webinar: *Defending Youth at the Intersection of Race & Disability*, co-hosted by the Georgetown Juvenile Justice Clinic & Initiative, the Gault Center: Defenders of Youth Rights, and the Mid-Atlantic Region of the Gault Center.<sup>1</sup> The Table of Contents at the beginning of the document lists the beginning page number for each section and a full citation for each resource in that section. **Please use Control+F (Command+F on Mac) to quickly locate a particular resource’s full description by searching within the document.** The descriptions are pulled virtually verbatim from the resources cited.

## TABLE OF CONTENTS

<b>I.</b>	<b>Empirical Studies.....</b>	<b>3</b>
•	Benjamin W. Fisher & Amy E. Fisher, <i>Criminal Justice System Contact of Students with Disabilities by Race and Ethnicity: Examining the Role of School Police</i> , 149 CHILDREN & YOUTH SERVICES REVIEW 106953 (2023).	
•	Shabnam Javdani, McKenzie N. Berezin & Keisha April, <i>A Treatment-to-Prison-Pipeline? Scoping Review and Multimethod Examination of Legal Consequences of Residential Treatment Among Adolescents</i> , 52 J. CLIN. CHILD & ADOLESC. PSYCHOL. 376 (2023).	
•	Bo-Kyung Elizabeth Kim, Jennifer Johnson, Laura Rhinehart, Patricia Logan-Greene, Jeanette Lomeli & Paula S. Nurius, <i>The School-to-Prison Pipeline for Probation Youth with Special Education Needs</i> , AM. J. ORTHOPSYCHIATRY (2022).	
<b>II.</b>	<b>Law Review and Academic Journal Articles.....</b>	<b>8</b>
•	Kristin N. Henning & Rebba D. Omer, <i>The Making of a Juvenile Record: The Insidious Consequences of Criminalizing Race, Adolescence, Disability, and Trauma</i> , 103 N.C. L. REV. 1373 (2025).	
•	Rupinder K. Legha, <i>There Are No Bad Kids: An Anti-Racist Approach to Oppositional Defiant Disorder</i> , PEDIATRICS 155(2) (2025).	

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<sup>1</sup> C’yera Sherrod, 2025 Race & Disability Justice Intern for the Mid-Atlantic Region of the Gault Center, led the creation of this document.

- Jamelia Morgan, *Policing Under Disability Law*, 70 UCLA L. REV. 1158 (2023).
- Jamelia Morgan, *On the Relationship Between Race and Disability*, 58 HARV. C.R.-C.L. L. REV. 663 (2023).
- Jamelia Morgan, *Disability’s Fourth Amendment*, 122 COLUM. L. REV. 489 (2022).
- Subini Annamma et al., *A DisCrit Abolitionist Imaginary: CRT, DisCrit, and the Abolition of Youth Prisons*, 2 ABOLITION: A JOURNAL OF INSURGENT POLITICS (2022).
- Jyoti Nanda, *The Construction and Criminalization of Disability in School Incarceration*, 67 UCLA L. REV. 858 (2020).
- Michael L. Perlin and Deborah Dorfman, “*It Don’t Matter Anyhow*”: *How the Americans with Disabilities Act Has Become (Mostly) Irrelevant to the Criminal Trial Process*, 52 U. MICH. J.L. REFORM 453 (2019).
- Jamelia Morgan, *Disability, Policing, and Punishment: An Intersectional Approach*, 52 HARV. C.R.-C.L. L. REV. 49 (2017).

**III. Guides, Reports, and Memoranda.....12**

- Julie Ballenger, Vihn Nguyen, *Advancing Court Accessibility for Individuals with Disabilities: Comprehensive Guide*, Southwest ADA Center (2025).
- *Reducing Barriers: A Guide to Obtaining Reasonable Accommodations for People with Disabilities on Supervision*, American Civil Liberties Union (ACLU) (2024).
- Jessica Snyderman, *Unlocking Futures: Youth with Learning Disabilities and the Juvenile Justice System*, National Center for Learning Disabilities (2022).
- *Disability Language Style Guide*, National Center on Disability and Journalism at Arizona State University’s Walter Cronkite School of Journalism and Mass Communication (2021), available <https://ncdj.org/style-guide/>.
- U.S. Department of Justice, Civil Rights Division, *Examples and Resources to Support Criminal Justice Entities in Compliance with Title II of the Americans with Disabilities Act* (2017).
- Daniel P. Mears, Laudan Y. Aron, *Addressing the Needs of Youth with Disabilities in the Juvenile Justice System: The Current State of Knowledge*, Urban Institute (2003).

**IV. Books.....15**

- Katie Tastrom, *A People’s Guide to Abolition and Disability Justice* (PM Press 2024).

- Liat Ben-Moshe, *Decarcerating Disability: Deinstitutionalization and Prison Abolition* (Univ. of Min. Press 2020).
- Talila Lewis, *Disability Justice in the Age of Mass Incarceration*, in Dan Berger et al. (eds.), *Rethinking Mass Incarceration: Decolonization, Disability, and Abolition* (Haymarket Books 2020).
- Liat Ben-Moshe et al., eds., *Disability Incarcerated: Imprisonment and Disability in the United States and Canada* (Univ. of Minn. Press 2014).

**V. Websites.....16**

- Administration for Community Living: Protection & Advocacy Systems, <https://acl.gov/programs/pa-programs>.
- Bazelon Center for Mental Health Law: Resource Library, <https://www.bazelon.org/resource-library/>.
- Liat Ben-Moshe: Resources <https://www.liatbenmoshe.com/resources>.
- Neurodivergent Insights, <https://neurodivergentinsights.com>.
- Rooted in Rights, <https://rootedinrights.org>.
- Sins Invalid, <https://sinsinvalid.org/about-sins/>.
- Talila A. Lewis: Offerings <https://www.talilalewis.com/offerings.html>.

**I. Empirical Studies**

**Benjamin W. Fisher & Amy E. Fisher, *Criminal Justice System Contact of Students with Disabilities by Race and Ethnicity: Examining the Role of School Police*, 149 CHILDREN & YOUTH SERVICES REVIEW 106953 (2023).**

**Purpose**

- To examine how the presence or removal of school police affected arrest and referral rates of students with disabilities (SWD), with particular attention to differences across racial and ethnic groups.

**Methodology**

- The study focused on data from 2013-14 and 2017-18 collected by the U.S. Department of Education’s Civil Rights Data Collection, covering over 88,000 public schools nationwide.

- Researchers examined change over time in school-related arrests and referrals to law enforcement associated with either (a) the addition of police to schools, or (b) the removal of police from schools. Each of these outcomes were compared to (a) schools that did not have police and (b) schools that always had police.
- The study analyzed referrals to law enforcement, which included any situation in which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurred on school grounds, during school-related events, or while taking school transportation, regardless of whether official action was taken. Citations, tickets, court referrals, and school-related arrests were considered referrals to law enforcement.
- It also analyzed school-related arrests, defined as any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral by any school official. All school-related arrests were considered referrals to law enforcement.
- The study measured arrest and referral rates disaggregated by race and ethnicity among students with disabilities, using the following categories: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, two or more races (multiracial), and White.

## **Results**

- Adding police to schools that did not previously have them was associated with increased arrests among Black, Asian, and Hispanic students with disabilities.
- Black students with disabilities experienced the largest increase in arrests when police were added to schools.
- Schools that added police had higher rates of law enforcement referrals for Black students with disabilities than schools that never had police or schools that always had police.

## **Relevance**

- Demonstrates the racialized and ableist outcomes of school policing and emphasizes the need for policy interventions that consider the intersection of race and disability in education and justice reform.

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**Shabnam Javdani, McKenzie N. Berezin & Keisha April, *A Treatment-to-Prison-Pipeline? Scoping Review and Multimethod Examination of Legal Consequences of Residential Treatment Among Adolescents*, 52 J. CLIN. CHILD & ADOLESC. PSYCHOL. 376 (2023).**

## **Purpose**

- To investigate whether residential treatment centers (RTCs) serve as a pathway into the legal system for adolescents, especially youth of color, through a framework the authors term the "treatment-to-prison pipeline."

## **Study 1**

### **Methodology**

- Researchers reviewed 18 peer-reviewed articles, encompassing data for 27,947 youth to examine whether and for whom RTC placement poses legal risk. Researchers analyzed data to answer the question: to what degree is there a link between RTC placement and being arrested or formally charged with a legal offense during or following RTC placement?
- Researchers paid particular attention to race and gender.

## Results

- The 18 studies examined as part of Study 1 suggested that between 10% and 35% of young people are formally arrested or referred to the legal system during their stay in RTCs.
- Another study found that the highest rates of legal system referral were seen in residential treatment (28% of youth charged with an offense) compared to 14% of youth charged with an offense while in a therapeutic foster home and 10% charged while in a state inpatient psychiatric treatment facility.
- Youth are more likely to be charged with less serious offenses during treatment compared to when they are residing in the community.
- The most common offenses charged while youth are in RTCs are property and peer-related offense (like low-level assault).
- Charges often arise out of stressful events, like family challenges, conflict or rejection by peers or staff, and changes to routine or placement.
- The introduction of new peers often disrupts positive environments and trust, creates pressure for youth to gain status or identify with peers, and contributes to a sense of powerless and inability to adapt to the unstable rules and culture of RTCs.
- RTC staff reported that poor training, low support, and limited pay contributed to staff's decision to call police even for minor problems, especially in response to youth of color.
- RTCs may be especially legally risky for Black youth and girls exhibiting low level and normative adolescent behaviors.
- One study included in the analysis found no elevation of legal risk among RTC youth during treatment, compared to their counterparts in outpatient treatment settings. Authors note that this study had the largest proportion of White children reported, which underscores the need to further examine race differences in risk patterns.

## Study 2

### Methodology

- In Study 2, researchers analyzed data from 318 youth in RTCs in one large mixed-geographic county over an 18-month period to further study a) which youth are formally charged with a crime while in RTCs, b) when the charge occurs, and c) the impetus for the charge.
- Researchers analyzed court petitions to understand details surrounding the nature and context of allegations against the youth in RTCs.
- Researchers paid particular attention to race and gender.

## Results

- About one-quarter (26%) of all delinquency charges filed in the county were made against young people while they were mandated to treatment at RTCs.
- The majority of delinquency charges for RTC youth were for simple and attempted assault, criminal mischief, and minor offenses.
- Youth of color in RTCs were more likely to have petitions filed against them; indeed, 99% of petitions filed in RTCs were for youth of color, despite the fact that White youth make up approximately 28% of the youth RTC population in this jurisdiction.
- 74% of the petitions filed against youth in RTCs involved girls. Nearly all (99%) the petitions against girls in RTCs involved girls of color.
- Girls of color were also considerably more likely to be charged while residing in RTCs (73%), compared to when they were receiving services in the community (22%).
- The opposite pattern emerged for boys of color, who were less likely to be charged while residing in RTCs compared to when they were in the community.
- Analyses of petitions revealed three overarching themes explaining why youth in RTCs were charged:
  - 1) lack of safety in care: routinely felt by youth (as both victims and respondents) and staff; additionally staff were often slow to respond when youth expressed feeling unsafe and youth were often denied access to their needs altogether resulting in theft or fights over resources,
  - 2) limited strategies for and standards of care triggering escalated responses and police contact: staff over-rely on therapeutic holds as a response to mental health needs and then young people are referred to court for behavior related to resisting the hold or corresponding escalation
  - 3) residential treatment centers as high surveillance care settings: staff routinely uses punitive behavioral control that prioritizes compliance over treatment
- Staff appeared to have a much lower threshold for reporting behaviors and filing charges against girls of color compared to boys of color and White children of both genders. RTC involvement was associated with increased risk of arrest and criminal charges, particularly Black and Latine youth and especially among girls of color.
- If it were not possible to charge young people with a crime during the course of their treatment, youth crime would drop by 25% in the sample county. Almost all (99%) of this decriminalization would affect youth of color. Over three-quarters of total crime would be eliminated for girls of color.

### **Relevance**

- This study highlights that residential treatment centers can unintentionally act like punitive systems, especially for girls and youth of color, by increasing their chances of entering the legal system.
- The authors call for reforms in mental health and juvenile legal systems to replace these harmful practices with supportive, community-based alternatives.

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**Bo-Kyung Elizabeth Kim, Jennifer Johnson, Laura Rhinehart, Patricia Logan-Greene, Jeanette Lomeli & Paula S. Nurius, *The School-to-Prison Pipeline for Probation Youth with Special Education Needs*, AM. J. ORTHOPSYCHIATRY (2022).**

## **Purpose**

- To investigate how probation-involved youth with special education needs are disproportionately affected by the school-to-prison pipeline.

## **Methodology**

- The researchers reviewed administrative data linking juvenile probation records (including the Back on Track assessment) with school special education information to identify youth with disabilities on probation.
- The study included all youth (total number = 4,317) in the selected jurisdiction who were given a minimum of 3 months' community probation between 2003 and 2012. Researchers analyzed data from the Back on Track assessment for each youth, along with their re-offense data through 2013.
- They conducted interviews with probation officers and service providers to gain qualitative insights into how special education needs affect youth's experiences within the probation system.
  - Interviews explored themes such as challenges in meeting youths' educational and behavioral needs, communication between schools and probation, and how officers navigate accommodating disabilities within supervision practices.
  - Qualitative data from these interviews were analyzed to identify key patterns and systemic barriers contributing to the school-to-prison pipeline for youth with special education needs on probation.

## **Results**

- Youth with disabilities who are on probation are more likely to face exclusionary discipline in school (such as suspensions and expulsions) and re-arrest, often due to misinterpretations of disability-related behaviors as intentional defiance. More than 90% of youth with special education needs in the study sample had at least one school exclusion experience
- This dynamic links school disciplinary actions to deeper involvement in the juvenile justice system.
- Controlling for demographics, mental health, and self-regulation skills, the study's findings suggest that probation youth with special education needs, compared to the rest of the youth on probation, were more likely to recidivate.
- School exclusion increased recidivism significantly more for youth with special education needs than those without special education needs.
- Even one expulsion or suspension increased the rate of recidivism for a young person with special education needs.

## Relevance

- This study highlights how the education and juvenile justice systems overlap in ways that fail to adequately support youth with disabilities, resulting in increased legal vulnerability for this population.
- School exclusionary discipline measures, such as suspensions and expulsions, often precipitate probation violations and contribute to higher rates of rearrest among youth with disabilities.
- The cycle of school discipline escalating into juvenile justice involvement reveals significant systemic gaps that leave these youth without the support they need.
- The findings underscore the urgent need for improved coordination between educational institutions and juvenile justice agencies, alongside disability-informed training and non-punitive support strategies to disrupt this harmful pathway.

## II. Law Review & Academic Journal Articles

**Kristin N. Henning & Rebba D. Omer, *The Making of a Juvenile Record: The Insidious Consequences of Criminalizing Race, Adolescence, Disability, and Trauma*, 103 N.C. L. REV. 1373 (2025).**

- Authors explore how the criminalization of disability, especially for youth of color, leads to the proliferation of juvenile records that follow young people into adulthood.
- Once in the system, youth with disabilities rarely have the accommodations they need to advance their cognitive, emotional, and social development.
- Compounding the problem, youth with disabilities are often sent to youth jails, prisons, residential treatment centers, and group homes where they are punished—and even re-arrested—for behavior that flows out of the facilities’ lack of support for their disabilities.
- In Part V of the article, the authors propose strategies for systems’ actors to better serve youth with disabilities at various stages of the case, including adopting policies that would exclude disability-related behavior from court jurisdiction, training to limit arrests and referrals, diverting youth at intake, providing accommodations throughout the process, and expunging records. Authors offer additional strategies for defenders, including filing motions to suppress evidence and motions to dismiss based on the Americans with Disabilities Act.

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**Rupinder K. Legha, *There Are No Bad Kids: An Anti-Racist Approach to Oppositional Defiant Disorder*, PEDIATRICS 155(2) (2025).**

- This article proposes an antiracist approach to protecting children from the harm of an oppositional defiant disorder (ODD) diagnosis, urging clinicians to recognize the historical legacy of racism shaping ODD overdiagnosis; the racism influencing diagnosis and treatment; and key documentation, psychoeducation, and clinical activism strategies.

- ODD is a childhood disruptive, impulse control, and conduct disorder characterized by anger or irritability, argumentativeness or defiance, and vindictiveness. ODD describes the presence of unwanted behaviors and suggests they are features of the child, rather than manifestations of underlying neuro-developmental difference (e.g., autism), prior history (e.g., trauma), or co-occurring mental health challenges (e.g., depression).
  - Black, Hispanic, and American Indian/Alaska Native children are more likely to be diagnosed with ODD than White children.
  - The diagnosis becomes racist when applied indiscriminately to racially minoritized children as a “bad kid” label, placing blame on them for these unwanted behaviors. Doing so is especially problematic when these behaviors serve as reactions or adaptations to racism. This misattribution can incite adverse outcomes, including missed treatment opportunities from misdiagnosis, failure to protect against racism, and harsher school disciplinary practices.
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**Jamelia Morgan, *Policing Under Disability Law*, 70 UCLA L. REV. 1158 (2023).**

- Morgan examines how disability law influences yet often fails to adequately regulate police practices involving disabled individuals.
  - The article critiques the lack of doctrinal guidance for law enforcement when interacting with people with mental health and cognitive disabilities.
  - Morgan argues that the legal system often criminalizes disability by treating disability-related behavior as defiance or noncompliance.
  - She recommends reforming both disability law and policing policies to ensure meaningful protections for disabled individuals in law enforcement contexts.
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**Jamelia Morgan, *On the Relationship Between Race and Disability*, 58 HARV. C.R.-C.L. L. REV. 663 (2023).**

- This article provides an intersectional analysis of how race and disability have been co-constructed in American law, tracing their legal and social meanings from the Founding Era through the early twentieth century.
  - Morgan documents how racist and ableist ideologies have collided and reinforced each other, leading to compounded marginalization of individuals who are both racially, physically, and neurologically diverse.
  - Morgan critiques prior scholarship for focusing mostly on similarities between race and disability rather than addressing their interconnectedness and structural overlaps.
  - The article weaves together historical and genealogical accounts—including slavery, convict leasing, and eugenics—to show how law has shaped these intersecting identities.
  - Drawing on this analysis, Morgan argues for applying an intersectional framework in both litigation and other forms of advocacy to better address the mutually reinforcing harms of race-based and disability-based discrimination.
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**Jamelia Morgan, *Disability's Fourth Amendment*, 122 COLUM. L. REV. 489 (2022).**

- This article highlights how the Fourth Amendment has failed to adequately protect the constitutional rights of disabled people from disproportionate and discriminatory police intrusion and violence. The vast scope of police discretion afforded by the Fourth Amendment renders individuals with disabilities vulnerable to unwarranted police encounters and intrusions.
- Disability policing reinforces stereotypes that associate disability with criminality, specifically those that construct disabled people as suspicious, deviant, risky, dangerous, or threatening.
- In consent searches and seizure analysis, the reasonable person standard does not adequately take into consideration disability. Even when there is no dispute that a person is disabled, this article contends that nothing in the legal test provides a mechanism to ensure that courts meaningfully consider how disability informs whether that particular disabled person feels free to leave or otherwise terminate the encounter.
- In Terry stops, nonnormative or nonconforming behaviors and expressions may be read as “suspicious,” forming the basis for reasonable suspicion to stop a civilian. Manifestations of disability may be interpreted as behaviors indicative of criminal activity.
- The article highlights the impact of race & disability as well, emphasizing that the risk that disability-related behaviors may be interpreted as nervous or evasive conduct constituting a basis for reasonable suspicion can be heightened in predominantly Black communities experiencing high rates of violent crime.
- The article contends that disability should factor into courts’ assessment and requires legal recognition to protect the privacy and security interests of disabled people.

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**Subini Annamma et al., *A DisCrit Abolitionist Imaginary: CRT, DisCrit, and the Abolition of Youth Prisons*, 2 ABOLITION: A JOURNAL OF INSURGENT POLITICS (2022).**

- The authors merge Critical Race Theory (CRT) with Disability Critical Race Theory (DisCrit) to critique the systemic criminalization of disabled youth of color.
- They argue that youth prisons function as extensions of educational and social systems that disproportionately punish race- and disability-marginalized youth.
- The article contends that reforms are insufficient, calling instead for abolitionist strategies grounded in community care and educational justice.
- The authors introduce the concept of a “DisCrit abolitionist imaginary” to envision alternatives beyond carceral logics.
- They urge educators, policymakers, and activists to dismantle intersecting systems of oppression rather than merely attempting to make existing systems more inclusive.

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**Jyoti Nanda, *The Construction and Criminalization of Disability in School Incarceration*, 67 UCLA L. REV. 858 (2020).**

- Nanda investigates how disability is defined and treated within school disciplinary systems that resemble carceral models.
- Nanda argues that zero-tolerance and exclusionary practices disproportionately target students of color and contribute to the overidentification of disability among them.
- The article documents how behaviors associated with disability are pathologized and criminalized in educational contexts.
- Nanda critiques how instead of protecting students, special education policies often reinforce exclusionary practices and contribute to the school to prison pipeline for disabled students of color.
- Nanda calls for policy reforms that reimagine school discipline through a disability justice lens to reduce exclusion and criminalization.

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**Michael L. Perlin and Deborah Dorfman, “It Don’t Matter Anyhow”: How the Americans with Disabilities Act Has Become (Mostly) Irrelevant to the Criminal Trial Process, 52 U. MICH. J.L. REFORM 453 (2019).**

- The authors examine how the Americans with Disabilities Act (ADA) has had limited enforcement and minimal impact within criminal legal proceedings.
- The authors argue that courts have consistently failed to apply ADA protections during arrest, trial, and incarceration stages.
- The article analyzes landmark cases such as *Pennsylvania Dep’t of Corr. v. Yeskey* and *Olmstead v. L.C.*, critiquing their limited practical influence on criminal procedure.
- The authors suggest that despite the ADA’s broad statutory language, entrenched structural and doctrinal barriers have rendered it largely ineffective in the criminal legal context.
- The authors call for a renewed legal interpretation of the ADA that moves beyond a narrow or procedural reading and instead embraces its foundational purpose: to ensure full and equal participation of individuals with disabilities in all phases of the criminal justice process.
- The authors argue that courts must interpret the ADA not merely as a tool for physical accessibility or post-conviction relief, but as a dynamic civil rights statute that mandates affirmative obligations on the part of judges, prosecutors, defense attorneys, and court systems to identify, understand, and accommodate the unique needs of disabled defendants including in pretrial proceedings, trial preparation, courtroom communication, and sentencing.
- The authors conclude: “Despite the barriers, defense attorneys should still pursue arguments to support the application of reasonable modifications and effective communications as well other ADA protections on behalf of their clients throughout the pre-trial, trial, and sentencing process.”

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**Jamelia Morgan, *Disability, Policing, and Punishment: An Intersectional Approach*, 52 HARV. C.R.-C.L. L. REV. 49 (2017).**

- This article explores how disability intersects with race, gender, and class in shaping individuals' experiences with policing and punishment.
- Morgan argues that disabled individuals, particularly those who are also racial minorities, face distinct forms of criminalization that are often overlooked by legal and policy frameworks.
- Morgan critiques the failure of existing legal protections to fully account for these overlapping systems of oppression.
- The article emphasizes the importance of using an intersectional approach to understand and address the compounded marginalization of disabled people in the criminal legal system.
- This source provides valuable insights for analyzing how disability justice must be integrated into broader criminal justice reform efforts.

### III. Guides, Reports, & Memoranda

#### **Julie Ballenger, Vihn Nguyen, *Advancing Court Accessibility for Individuals with Disabilities: Comprehensive Guide*, Southwest ADA Center (2025).**

- This comprehensive guide recognizes the critical importance of ensuring full access to the courts for individuals with all types of disabilities (cognitive, mental health, and intellectual, as well as physical) across diverse state and local court settings, including civil, criminal, family law, juvenile and dependency, mental health and drug courts, and other court auxiliary programs and services.
- It systematically outlines the application of the Americans with Disabilities Act (ADA) requirements, with a strong focus on promoting ADA best practices, providing practical accommodation examples, referencing relevant court cases and U.S. Department of Justice settlements, raising awareness of the underlying concepts and disability constructs that steer engagement, fostering beneficial external relationships and partnerships, and offering a wealth of valuable resources.
- The central aim of this guide is to empower court personnel to adeptly respond to a broad spectrum of court users with disabilities, spanning litigants, defendants, jurors, attorneys, witnesses, parents, children, juveniles, divorcees, practitioners, court spectators, and more, by creating methods of collective access where disability-related needs are acknowledged, embraced, and upheld with respect.
- This guide can also be utilized by individuals with disabilities and those associated with them, such as family and friends, advocates, organizations that serve people with disabilities, social service professionals, justice-oriented organizations, and others to learn and understand how the ADA applies to the judicial system.

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#### ***Reducing Barriers: A Guide to Obtaining Reasonable Accommodations for People with Disabilities on Supervision*, American Civil Liberties Union (ACLU) (2024).**

- This guide provides practical strategies for individuals with disabilities who are under community supervision (probation, parole) to request and secure reasonable accommodations.
- It outlines the legal framework under the Americans with Disabilities Act (ADA) and other relevant laws that protect the rights of supervised individuals with disabilities.
- The resource identifies common barriers encountered in supervision settings, such as inaccessible communication methods, lack of physical accessibility, and inadequate support for mental health conditions.
- The guide offers step-by-step advice on how to effectively communicate accommodation needs to supervising agencies and what to do if requests are denied.
- It emphasizes the importance of advocacy and informed self-advocacy to reduce discrimination and improve compliance with disability rights in the criminal justice system.

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**Jessica Snyderman, *Unlocking Futures: Youth with Learning Disabilities and the Juvenile Justice System*, National Center for Learning Disabilities (2022).**

- This report examines the phenomenon known as the “school to prison pipeline” and its disproportionate effect on students with disabilities, as well as other underserved groups, such as communities and students of color.
- The author urges us to look beyond the linear relationship implied by the terms “school to prison pipeline” and “disability to prison pipeline” so that we may see the complexities of the juvenile legal system and how it treats certain groups of students differently.
- The author notes that the experience of students is more often a cycle, and youth with disabilities are impacted more significantly at every level of the juvenile legal system compared to their nondisabled peers, becoming more prevalent at each stage of the system.
- This report provides helpful data, including:
  - About 65-70% of youth involved with the juvenile justice system have a disability.
  - Students with disabilities are almost 3 times more likely to be arrested than their non-disabled peers.
  - Students with disabilities are estimated to make up 30% - 60% of incarcerated youth.
- The report offers policy recommendations to address these issues, ensuring states meet their obligations under IDEA to youth who are incarcerated and improving school environments for all youth people with disabilities. Recommendations include:
  - The U.S. Department of Education should reissue and modernize its official guidance to states regarding the implementation of IDEA;
  - Congress should hold oversight hearings and release a report on compliance with IDEA in youth prisons and jails;
  - The U.S. Department of Education should actively enforce state responsibility for children with disabilities in state and local prisons and jails;

- The U.S. Department of Education should ensure that state and local jurisdictions are implementing evidence-based practices that promote safe and health school environments;
- Federal, state, and local governments should bolster access to high-quality, well-rounded community services for youth;
- All agencies should improve their data gathering and reporting, regarding youth with disabilities in the juvenile legal system.

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***Disability Language Style Guide, National Center on Disability and Journalism at Arizona State University’s Walter Cronkite School of Journalism and Mass Communication (2021), available <https://ncdj.org/style-guide/>.***

- As language, perceptions and social norms change rapidly, it is becoming increasingly more critical for journalists and other communicators to figure out how to refer to people with disabilities. Even the term “disability” is not universally accepted.
- This style guide, which covers dozens of words and terms commonly used when referring to disability, can help.
- This guide stresses the importance of asking individual people, wherever possible, what language they would prefer used when discussing their disability.

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***U.S. Department of Justice, Civil Rights Division, [Examples and Resources to Support Criminal Justice Entities in Compliance with Title II of the Americans with Disabilities Act](#) (2017).***

- This memorandum provides practical guidance for criminal justice agencies to meet their obligations under Title II of the ADA, which prohibits public entities from discriminating against individuals based on disability.
- It offers examples of accommodations, policy adjustments, and procedural changes to improve access and equity for individuals with disabilities during arrest, detention, interrogation, and court proceedings.
- The document highlights best practices in communication, physical accessibility, and staff training to reduce barriers in criminal justice settings.
- It serves as a key resource for law enforcement, corrections, and judicial entities aiming to ensure ADA compliance and protect the civil rights of disabled people.
- The memo underscores the ongoing challenges in enforcement and encourages proactive measures to prevent discrimination rather than reactive litigation.

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***Daniel P. Mears, Laudan Y. Aron, [Addressing the Needs of Youth with Disabilities in the Juvenile Justice System: The Current State of Knowledge](#), Urban Institute (2003).***

- This report summarizes and assesses the state of knowledge about children and youth with disabilities who are at risk of delinquency and involvement in, or who have already entered, the juvenile legal system.
- By highlighting what is known about addressing delinquency and the diverse needs among this population, it aims to inform policy discussions among policymakers, practitioners, and researchers.
- The report’s specific objectives are to examine:
  - current laws and philosophical frameworks affecting children and youth with disabilities who are at risk of delinquency or are involved in the juvenile justice system;
  - the relationship between disability, delinquency, and involvement in the juvenile justice system;
  - the factors associated with disability and delinquency;
  - current and anticipated delinquency and disability-related programming for children and youth with disabilities who may enter or are in the juvenile justice system;
  - the effectiveness of prevention, intervention and treatment, and management strategies for reducing delinquency and addressing disability-related needs among this population of children and youth;
  - barriers and facilitators to implementing effective strategies for helping these children and youth; and
  - recommended “next steps” for increasing the scope and quality of knowledge and practice for reducing delinquency among and addressing the disability-related needs of at-risk children and youth with disabilities.

#### **IV. Books**

##### **Katie Tastrom, *A People’s Guide to Abolition and Disability Justice* (PM Press 2024).**

- Tastrom outlines the foundational principles of disability justice and abolition, framing their intersection as a visionary approach to dismantling oppressive systems rather than merely reforming them.
- Tastrom calls on readers to view abolition as a practice and commitment rooted in disability justice values of accessibility, interdependence, and collective liberation.
- She emphasizes that abolition and disability justice are grounded in care, collective responsibility, and the development of transformative, non-carceral alternatives.
- Tastrom argues that abolitionist disability justice work must consider access, interdependence, and mutual aid as core components—not as afterthoughts—to truly uphold collective well-being.
- The chapter “Abolition Basics” explores how disability justice intersects with abolition, highlighting the importance of centering disabled voices and embodied experiences in envisioning justice.
- Throughout the book, Tastrom offers concrete examples of community-led, disability-accessible initiatives (e.g., mutual-support networks, restorative practices) that can replace punitive structures.

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**Liat Ben-Moshe, *Decarcerating Disability: Deinstitutionalization and Prison Abolition* (Univ. of Min. Press 2020).**

- Ben-Moshe introduces the concept of race-ability: the interconnectedness of racism, ableism (prejudice against people with disabilities, sanism (prejudice against people with mental health concerns), and their roles in incarceration.
- Throughout the book, Ben-Moshe argues that the closure of disability institutions and psychiatric hospitals (a major historical shift) offers valuable insights for the prison abolition movement.
- Ben-Moshe emphasizes the need to understand and resist systems that simultaneously criminalize race and disability.
- Ben-Moshe frames abolition as a disability justice issue and calls for coalitional movement building.

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**Talila Lewis, *Disability Justice in the Age of Mass Incarceration*, in Dan Berger et al. (eds.), *Rethinking Mass Incarceration: Decolonization, Disability, and Abolition* (Haymarket Books 2020).**

- Lewis discusses how mass incarceration disproportionately affects Black, Indigenous, Latinx, and disabled populations.
- Lewis highlights the dangers disabled individuals face in carceral systems, especially during police encounters.
- The essay draws attention to cases of fatal law enforcement encounters involving people with communication or psychiatric disabilities.
- Lewis argues for a systemic, intersectional approach to criminal justice reform centered on disability justice principles.

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**Liat Ben-Moshe et al., eds., *Disability Incarcerated: Imprisonment and Disability in the United States and Canada* (Univ. of Minn. Press 2014).**

- This seminal collection critically examines the complex and often overlooked relationship between disability and incarceration across North America.
- The book brings together scholars, activists, and practitioners from diverse disciplines to explore how prisons and detention centers operate as institutions that disproportionately harm disabled individuals through systemic ableism, racism, and social exclusion.
- Contributors highlight the unique challenges faced by disabled prisoners, including inadequate medical care, physical and psychological abuse, lack of accommodations, and heightened vulnerability to violence and neglect.
- The volume situates disability within broader frameworks of criminal justice, emphasizing how the prison industrial complex functions as a mechanism of social

control that disproportionately targets marginalized populations, particularly disabled people of color.

- Through case studies, theoretical analyses, and personal narratives, the book challenges readers to reconsider the role of incarceration and advocates for abolitionist and transformative justice approaches that centers disability justice principles.
- It emphasizes the urgent need to dismantle punitive systems and develop alternatives that prioritize accessibility, equity, and human dignity for disabled individuals both inside and outside carceral settings.
- This book is an essential resource for scholars, policymakers, and activists interested in the intersections of disability rights, racial justice, and prison abolition, offering innovative perspectives and strategies for systemic change.

## V. Websites

### **Administration for Community Living: Protection & Advocacy Systems,** **<https://acl.gov/programs/pa-programs>.**

- Together, Protection & Advocacy agencies (P&As) comprise the nation's largest provider of legally-based advocacy services for people with disabilities. P&As have the legal authority to:
  - Investigate suspected abuse or neglect and seek justice for victims and their families
  - Have access to records and facilities necessary to investigate abuse or neglect or to monitor the treatment and safety of residents
  - Pursue litigation and all other appropriate remedies under federal, state, and local law
  - Provide information and referrals regarding entitlements to services and other legal rights
  - Educate policymakers on needed reforms to disability-related laws and services
- This website includes links to all state protection and advocacy agencies, as well as additional resources and information.

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### **Bazelon Center for Mental Health Law: Resource Library,** **<https://www.bazelon.org/resource-library/>.**

- Since 1972, the Judge David L. Bazelon Center for Mental Health Law has advocated for the civil rights, full inclusion, and equality of adults and children with mental disabilities.
- The Bazelon Center accomplishes its goals through a unique combination of litigation, public policy advocacy, coalition building and leadership, public education, media outreach and technical assistance.
- The Bazelon Center helped secure early legal precedents creating basic civil rights for people with mental disabilities—including the rights to a public education, receive

services in community-based settings instead of institutions, and make decisions about one's own care.

- The Center was instrumental in the passage of the Americans with Disabilities Act (ADA) (1990) and played a key role in the historic case of *Olmstead v. L.C.* (1999), in which the Supreme Court found that needless segregation of people with psychiatric disabilities violates the ADA.
  - Over the last decade, the Center has worked to expand the reach of *Olmstead* to address not only unnecessary institutionalization in public facilities (psychiatric and criminal justice), but also to remedy segregation in nursing homes, board and care homes, schools and classrooms, sheltered workshops, and other day services. These *Olmstead* settlement agreements have provided thousands of individuals with opportunities to move out of segregated, dead-end facilities and to live full lives in their communities.
  - The website's Resource Library includes links to disability rights organizations, amicus briefs, cases involving the Bazelon Center, publications, and webinars.
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#### **Liat Ben-Moshe: Resources <https://www.liatbenmoshe.com/resources>.**

- **Liat Ben-Moshe is the author of *Decarcerating Disability* and editor of *Disability Incarcerated: Imprisonment and Disability in the United States and Canada* (both annotated above).**
  - Ben-Moshe is an Associate Professor of Criminology, Law and Justice at the University of Illinois at Chicago.
  - Ben-Moshe's work has centered on showing that disability and mental difference are not only medical conditions, but also the basis of social movements and cultures with deep histories of oppression and resistance. Ben-Moshe brings an intersectional disability studies approach to the phenomenon of mass incarceration and decarceration in the U.S.
  - The Resources page of Ben-Moshe's website features links to additional reading on abolition, disability justice, deinstitutionalization, decarceration and prisoner support, policing and incarceration, and legal supports.
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#### **Neurodivergent Insights, <https://neurodivergentinsights.com>.**

- Created by Dr. Anna Neff, Neurodivergent Insights hosts a variety of resources to increase understanding of neurodivergence, including autism, attention deficit hyperactivity disorder (ADHD), oppositional defiant disorder (ODD), post-traumatic stress disorder (PTSD), and others.
- The Misdiagnosis Monday section of the website features infographics and written explanations of the similarities and differences between commonly misdiagnosed conditions.
- The pages on ADHD and autism include information on symptoms and supports for each condition.

- Through the website’s blog, Neff offers reflections on additional topics.
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**Rooted in Rights, <https://rootedinrights.org>.**

- Rooted in Rights uses accessible media to shift mainstream narratives on disability issues.
  - Amplifying stories from disabled people in facilities such as nursing homes, prisons, and jails, the team of disabled creators tells stories that advance dignity, equality, and self-determination of people with disabilities.
  - The website features links to stories on a variety of topics including, neurodiversity, race and disability, criminal justice, and education.
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**Sins Invalid, <https://sinsinvalid.org/about-sins/>.**

- Sins Invalid is a disability justice-based movement building and performance project that celebrates disabled people, centering and led by disabled Black, Indigenous, and people of the global majority, and queer, trans, and nonbinary disabled people.
  - Sins Invalid’s work explores themes of disabled embodiment and the world around us, developing provocative work where paradigms of “normal” and “disabled” are challenged, offering instead a vision of beauty and justice inclusive of all bodies and communities.
  - The Resources page of Sins Invalid’s website includes links to a variety of publications and statements, including “10 Principles of Disability Justice,” “Language Justice is Disability Justice,” and “Sins Invalid Statement on Police Violence.”
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**Talila A. Lewis: Offerings <https://www.talilalewis.com/offerings.html>.**

- For the past twenty years, Lewis has primarily focused on disrupting and abolishing the medical-carceral-impoverishment industrial complex; mapping past and present links between ableism and all other forms of oppression and violence (especially anti-Black/Indigenous racism and capitalism); and building power within and solidarity across multiply-marginalized communities.
- As the creator of the only national database of imprisoned deaf and blind people, Lewis spent nearly two decades advocating with and for hundreds of disabled defendants and incarcerated and returned people.
- Lewis served over ten years as the founding volunteer director of HEARD, which has achieved intersectional grassroots advocacy on behalf of hundreds of disabled incarcerated people, including organizing successful long-term campaigns to free deaf/disabled elders and wrongfully convicted people

- As one of the only people in the world who has worked on numerous wrongful conviction cases of deaf/disabled people, Lewis has litigated, testified, taught, trained, and presented around the world on these and related topics. Lewis has also served as consultant for dozens of organizations, law firms, universities, and corporations on race, class, disability, gender, language rights and justice.
- The Offerings page of Lewis’s website features links to additional resources on a variety of topics, including: language; the intersection of race, sexual and gender identity and disability; interrupting policing, incarceration, and institutionalization; and wrongful convictions and disabled people.