

TO: Cook County Board of Commissioners
FROM: Access Living of Metropolitan Chicago
Subject: Justice for Black Lives resolution, 20-2867
Date: 7/24/2020

Access Living is a Center for Independent Living (CIL) that has served people with disabilities in Chicago since 1980. As a federally designated non-profit, primarily staffed by people with disabilities, Access Living provides peer support, independent living services, advocacy, information and referral, and transition into integrated community settings for residents of institutions.

Along with Rikers Island in New York and Los Angeles County jail, Cook County jail is one of the largest mental health providers in America. People with disabilities, particularly those with mental illness, are over-represented in American jails, and with devastating consequences. Through a partnership with the MacArthur Foundation's Safety and Justice Challenge, Access Living is working to reduce jail incarceration rates for people with disabilities.

Overrepresentation of People with Disabilities in Jail

One in four of adults in the United States has a disability.¹ However, 40% of men and 50% of women in American jails self-identify as having at least one disability.² Additionally, 60% of jail incarcerated persons over 50-years old is disabled.³ According to the Bureau of Justice Statistics, persons detained in jails are 4 times more likely to have a disability than the general-public; with 30% having a cognitive disability.⁴ By contrast, 9% of the non-incarcerated population have cognitive disabilities.⁵ Fifty-three percent of jail incarcerated disabled persons have co-occurring chronic conditions including cancer, high blood pressure, arthritis, and cirrhosis.⁶ 26% also have an infectious disease such as hepatitis B.⁷

Criminalizing Disability

Disability disparities are prevalent throughout the criminal legal system. Disabled people are 44% more likely to be arrested by age 28 than non-disabled people.⁸ That risk increases to 55% for Black man.⁹

Poverty rates of disabled Americans are more than twice that of the general-public and much higher for Black and brown people with disabilities.¹⁰ Disabled people in the criminal legal system are disproportionately Black, brown, poor, and often languish in jail simply because they cannot pay bail or do not meet pre-trial release housing qualifications. They are sentenced to much longer terms than non-disabled people.¹¹ While in jail, they are often left in segregated environments that exacerbate their disabilities.¹²

¹ <http://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>

² <http://www.bjs.gov/content/pub/pdf/dpji1112.pdf>

³ Id

⁴ Id

⁵ https://disabilitycompendium.org/sites/default/files/user-uploads/2017_AnnualReport_2017_FINAL.pdf

⁶ <http://www.bjs.gov/content/pub/pdf/dpji1112.pdf>

⁷ Id

⁸ Erin J. McCauley, "The Cumulative Probability of Arrest by Age 28 Years in the United States by Disability Status, Race/Ethnicity, and Gender", *American Journal of Public Health* 107, no. 12 (December 1, 2017): pp. 1977-1981.

⁹ Id

¹⁰ Rebecca Vallas & Shawn Fremstad. "Disability is a Cause and Consequence of Poverty." *Center for American Progress*, 19 September 2014. <https://talkpoverty.org/2014/09/18/scholars-activists-poverty-data/>

¹¹ <http://www.bjs.gov/content/pub/pdf/mhtip.pdf>.

¹² Jamelia Morgan. "Caged In. Solitary Confinement's Devastating Harm on Prisoners with Physical Disabilities." *ACLU*. January 2017. https://www.aclu.org/sites/default/files/field_document/010916-aclu-solitarydisabilityreport-single.pdf

In their interactions with law enforcement, courts, and corrections, disabled people rarely receive accommodations or services mandated by the United States Constitution, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA).

Jails and Mental Health

Consequentially, disabled people are 2.5 times more likely than non-disabled people to report experiencing psychological distress in a 30-day period; and 47% of people with cognitive disabilities reported psychological distress in jails in a 30-day period.¹³

Cook County Jail reports that up to 30% of people held at the facility suffers from a mental illness. “The majority of these inmates are in jail for nonviolent offenses closely associated to their mental health.”¹⁴ While the jail acknowledges that cuts to mental health budgets, including the recent closures of six mental health clinics in Cook County, has helped lead to an influx in the jail’s population; Sheriff Tom Dart uses this data to tout in-house jail services. However, suicide is the leading cause of death in jails.¹⁵ The suicide rate in jails is 3.5 times higher than that of the general-public.¹⁶ An Associated Press investigation of over 400 lawsuits filed since 2014, found that forty percent of those lawsuits “involved suicide attempts.” 1/3rd of those attempts resulted from staff failure to provide medication for mental illness.¹⁷ 80% of attempted or completed suicides happen pre-trial and more than 1/2 of attempted or complete suicides were within the first week of detention.¹⁸

Cost of Jails

Social Security Disability Insurance (SSDI) benefits are suspended if you are sentenced to 30 days or more in jail. Medicare Part B (medical insurance) benefits terminate if monthly premiums are not paid.¹⁹ A person’s lost benefits while detained can have devastating consequences in re-entry. Along with the consequences of lost benefits, people who have been convicted of a crime face severe civil penalties upon release. The National Inventory of Collateral Consequences of Conviction lists 1,416 total collateral consequences for a misdemeanor offense in that state of Illinois.²⁰ These consequences include, sometimes indefinite, loss of housing, supports, and services that people with disabilities desperately need. Even a short pre-trial detention could result in the lost community supports including personal care services.

The daily cost to house a person at Cook County Jail is \$143 dollars per 2015 estimates.²¹ By contrast, the average cost of personal care assistants in the community is \$19 per hour.²²

Federal Oversight

From 2010-2018, the Cook County Jail’s medical center was under federal court oversight for overcrowding, staffing shortages, and inadequate care.²³

¹³ Id

¹⁴ <https://www.cookcountysheriff.org/criminilization-of-mental-illness/>

¹⁵ <https://www.bjs.gov/content/pub/pdf/mljsp0013st.pdf#:~:text=Suicide%20and%20heart%20disease%20have%20been%20the%20top.of%20jai%20inmate%20deaths%20were%20due%20to%20suicide.>

¹⁶ <https://www.usatoday.com/story/news/2019/06/18/inmate-suicide-us-jails-fail-stop-deaths-investigation-reveals/1486534001/>

¹⁷ Id

¹⁸ Id

¹⁹ <https://www.ssa.gov/pubs/EN-05-10133.pdf>

²⁰ <http://nicc.csgjusticecenter.org>

²¹ <https://www.illinoispolicy.org/illinois-jails-incarcerate-many-people-who-dont-need-to-be-there-in-the-first-place/>

²² <https://www.care.com/c/stories/10266/special-needs-care-for-adult-children-cost-of-care/>

²³ <https://www.prisonlegalnews.org/news/2019/jun/5/cook-county-pay-over-5-million-depriving-prisoners-dental-care/>

Under a separate consent decree, following a 2007 Department of Justice investigation, Cook County jail was found to have violated individual's constitutional rights, used excessive force, and failed to maintain the safety of those detained at the facility.²⁴

Cook County Jail has been under consent decrees since 1974.²⁵ Jail is neither a healthy nor safe environment for people with disabilities.

Too often people with disabilities are arrested and incarcerated simply because they are disabled and lack community supports. Cook County Jail's FY2020 budget is \$336 million dollars or 26% higher than it was in 2013 although the jail's population has decreased by half since 2013. The Cook County Sheriff's FY2020 budget is a staggering \$608 million dollars. That is an increase of over 36% since 2013.

Reinvesting those budget increases alone into community services could have prevented the closure of those six mental health clinics and could fund the healthcare, education, and housing costs for Cook County's disabled population that too often faces homelessness and incarceration because their lives are not prioritized. This is the opportune time for Cook County to give priority to the needs of its disabled citizens. We hope that the Cook County Board of Commissioners will set a national example by voting to divert money from Cook County Jail and re-invest it in community supports for people with disabilities.

Comments and questions may be directed to Janet Horne, Disability and Incarceration Policy Analyst at: jhorne@accessliving.org or (312) 994-9672.

²⁴ https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/CookCountyJail_AgreedOrder_05-13-2010.pdf

²⁵ <https://www.chicagotribune.com/news/breaking/ct-cook-county-jail-consent-decree-20170612-story.html>