

PREA and Access Considerations for People with Intellectual and Developmental Disabilities

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Mission

The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community confinement, and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents, and services to victims and their families.

The PRC is funded by the Bureau of Justice Assistance.

Logistics

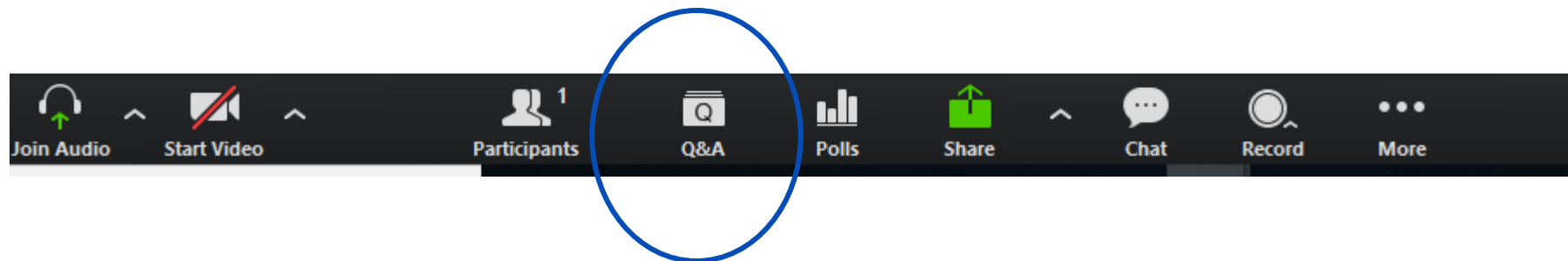
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RPrashad@ImpactJustice.org.

Logistics Continued

Submitting Questions

- To submit a question during the webinar, use the **Q&A feature** on your webinar toolbar, as seen below.
- Presenters will address the questions at the end of the presentation.





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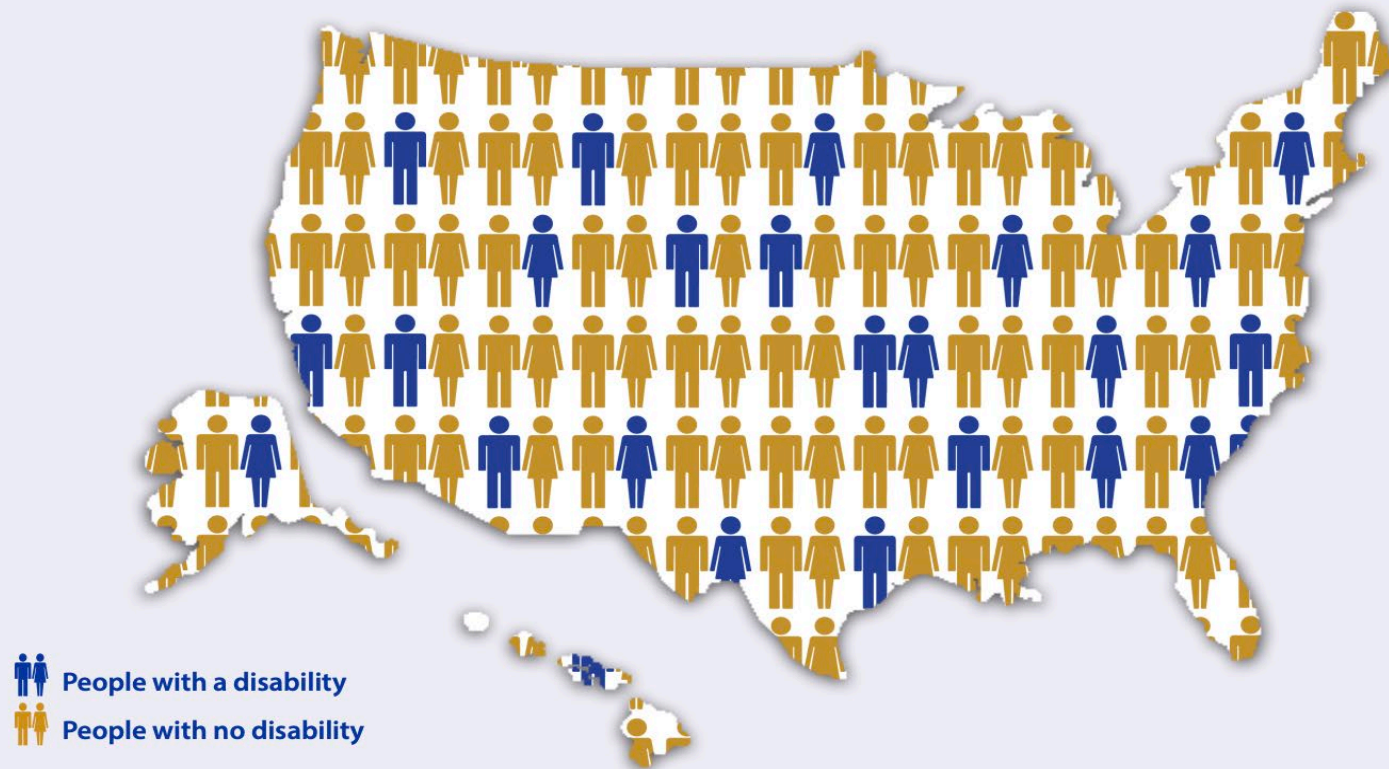
Agenda

- Overview of Disability, Incarceration, and PREA.
- Understanding Intellectual and Developmental Disabilities (IDD).
- PREA and People with IDD.
- Resources.
- Q&A.

Overview of Disability, Incarceration, and PREA

People with Disabilities in the United States

More than **1 in 4** adults in the United States have some type of disability
(28.7%)



Victimization Disparities for People with Disabilities and Deaf People

- People with disabilities almost **four times more likely** to experience violent victimization than their counterparts without disabilities.
- People with disabilities are **more than twice as likely** to experience sexual violence as people without disabilities.
- **20%** of Deaf adults have experienced physical abuse by an intimate partner.
- **15%** of Deaf adults have experienced forced sex in an intimate partner relationship.

Disability Disparities in Jails

Non-psychiatric Disabilities

40% of people in jail have a non-psychiatric disability;

4x more likely than the general population.

- **Cognitive: 7x more likely**
- Vision: **4x** more likely
- Hearing: **3x** likely

Psychiatric Disabilities

64% of people in jails report indicators of psychiatric disabilities.

Disability in State and Federal Prisons

40% of people in state and federal prisons have psychiatric disabilities.

56% of people in state and federal prisons have non-psychiatric disabilities.

→ Taken together, **80% of women** and **65% of men** in prison have at least one disability.

Most Common Disabilities in State and Federal Prisons

Most Reported Disability Types:

- Psychiatric: 40%
- **Cognitive: 23%**
 - **Intellectual and developmental disabilities are types of cognitive disabilities.**
- Ambulatory: 12%
- Vision: 11%

Misunderstanding of Common Disability-Related Behaviors Can Contribute to Arrest and Incarceration Disparities

Common manifestations of disability that can lead to arrest and incarceration include:

- ‘Atypical’ reactions to social cues and commands (e.g., too much or too little eye contact).
- Slurred speech.
- Difficulty walking or atypical gait.
- Slow processing of questions or commands.
- Insufficient or complete lack of means for effective communication escalate interactions.

What Happens Inside?

Incarcerated people with disabilities are **3x** more likely to be sexually abused than their counterparts without disabilities.



Inmates with Disabilities and Inmates Who are Limited English Proficient

- **115.16 (a):** The agency shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), **have an equal opportunity to participate in or benefit from all aspects of the agency's efforts** to prevent, detect, and respond to sexual abuse and sexual harassment.
- **115.16 (c):** The agency shall **not rely on inmate/resident/detainee interpreters, readers, or other types of assistants** except in limited circumstances where an extended delay could compromise the inmate's safety, the performance of first-response duties under § 115.64, or the investigation of the inmate's allegations.

Understanding Intellectual and Developmental Disabilities (IDD)

Terminology

An **intellectual disability** is a neurodevelopmental condition that develops before the age of 22, like Fragile X syndrome or fetal alcohol spectrum disorder. It is characterized by significant limitations in both intellectual functioning and in adaptive behavior.

- **Intellectual functioning:** general mental capacity, such as learning, reasoning, and problem solving.
- **Adaptive behavior:** includes skills related to language and time, the ability to understand and follow rules, and personal care activities.

Terminology Continued

Developmental disability is a broad term that describes a group of conditions that affect a person's physical, intellectual, and/or behavioral functioning. Developmental disabilities begin during childhood, like autism or cerebral palsy.

Cognitive disability is an umbrella term for disabilities that impact learning, memory, and decision making. They can include disabilities acquired later in life, like a traumatic brain injury or Alzheimer's disease.

Language Matters

Use person-first language and avoid euphemisms.



- **Person-first** means placing the person before the disability: for example, “person with an intellectual disability.”
- **Avoid Euphemisms:**
 - Do not use words or phrases like “slow,” “delayed,” “special needs,” “mental age of 7,” or “she spoke like a child.”
 - It is more respectful to speak directly and refer to someone as “having an intellectual or developmental disability.”

What Do We Know about People with IDD in the U.S.?

- Most sources estimate that between **7 and 8 million** Americans of all ages have an IDD.
- The Centers for Disease Control estimate that **1 in 6 children** have a developmental disability.



People with IDD are Sexually Abused at High Rates

- People with IDD are sexually assaulted at a rate **seven times higher** that people without IDD.
- Approximately **80%** of women and **30%** of men with IDD have been sexually assaulted.
- Nearly **half** of people with IDD are sexually assaulted 10 or more times.

Why People with IDD are Targeted for Abuse

How society treats people with IDD exposes them to harm.

- Devaluation.
- Presumed lack of credibility.
- Isolation.
- Culture of compliance.
- Denied information about healthy relationships, sex, and consent.
- Perceived as easier to victimize.



Barriers for People with IDD in Custody

- Difficulties with language, reasoning, and communication.
- Lack of understanding of the implied authority structure of a custody setting and the social and cultural environment of the facility.
- Difficulties with understanding and processing information.

Risks Created By Barriers

- May not know basic facts about sexual acts and sexual abuse, making it difficult for them to understand PREA education.
- May not understand their rights, how to report, or get help, but pretend to understand.
- May not be able to access the rules or understand implied authority structure, making compliance difficult.
- May form associations with unsafe people and be targeted for abuse and harassment.

In Their Own Words

“David was first diagnosed with intellectual disability at age 6, she said. At 25, he was told he had an IQ of 63. David often gets scammed, his mother said, by prisoners who persuade him to buy them things with the money she gives him for food. She also believes that her son has been taken advantage of sexually. ‘Anything anyone would tell him,’ Morel said, ‘he would just do.’”

– Anne Morel, quoted in The Marshall Project

PREA and People with IDD

Environmental Considerations

For PREA functions that include conversations or in-person delivery of information, including providing education (§115.33) and screening for risk (§115.41):

- Use quiet, low sensory spaces, if possible.
- If not possible, strive to have a low sensory space available on an “as needed” basis for follow-up meetings with people in custody struggling with sensory overload.
- To the extent possible, give people extra time to process information and ask questions.

Key Elements of a Low Sensory Space

- Located away from busy, noisy areas
- Soft lighting
- Minimal or no clutter
- Minimal decorations (e.g., a room with few signs or posters on the wall)

Communication Considerations












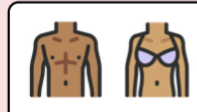






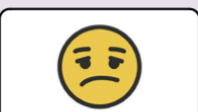





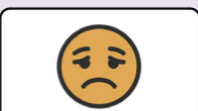





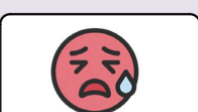

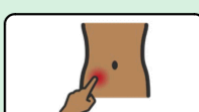



Some people with IDD communicate using methods other than verbal speech, known as augmentative and alternative communication (AAC).

- May mean the person communicates through writing, drawing, or gestures.
- May require some kind of aided support like using a communication board with symbols or text augmented with pictures (e.g., information about reporting has a picture of someone using the phone).

Example of a Communication Board

Pain Scale Communication Board



 No pain	 Left	 Dull	 Cramping	 Front	 Head
 Slight pain	 Right	 Burning	 Numbing	 Back	 Chest
 Mild pain	 Upper	 Radiating	 Throbbing	 Top	 Back
 Moderate pain	 Lower	 Sharp	 Aching	 Bottom	 Stomach
 Severe pain	 Gradual	 Stabbing	 Shooting	 Side	 Arm
 Worst pain possible	 Sudden	 Tender	 Squeezing	 Sore	 Leg

Screening (§115.41)

Setting Expectations, Providing Instructions, and Asking Questions:

- Explain what you are doing, why, and how long it will take.
- Tell the person they will not get in trouble if they don't answer the questions.
- Check for understanding.
- Use plain language.
- Avoid compound questions.

Words in Plain Language

Common Words/Phrases

- It is often the case that
- As a consequence of
- During the time that
- In close proximity
- Utilize
- Subsequent

Plain Language

- Often
- Because
- While
- Near
- Use
- After

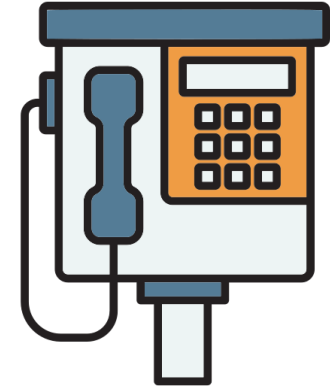
Education (§115.33)

Making PREA Information Accessible:

- Use materials written in plain language, augmented with pictures or visuals, if possible.
- Speak slowly when delivering information verbally.
- Use concrete words and avoid euphemisms, analogies, and sarcasm.
- Check for understanding.
- Consider alternative communication strategies.

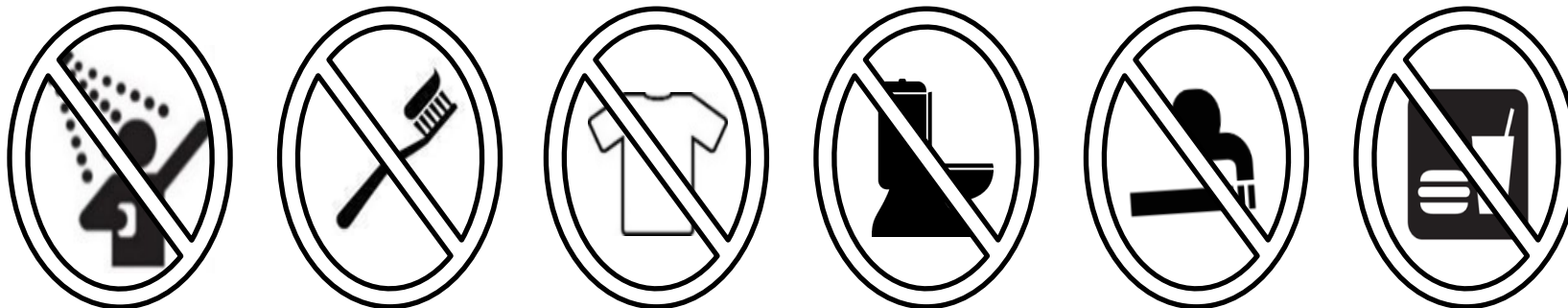
Reporting (§115.51)

- To make **reporting by phone** more accessible, consider creating a programmed speed dial option that goes to the reporting entity.
- To make **written reporting** more accessible, create a simple form to fill out.



Searches (§115.15) and First Response (§115.64)

- Staff should explain what they are going to do in very clear, concrete terms and how long it will take.
- Pictorial aids might be helpful for communicating first response actions.

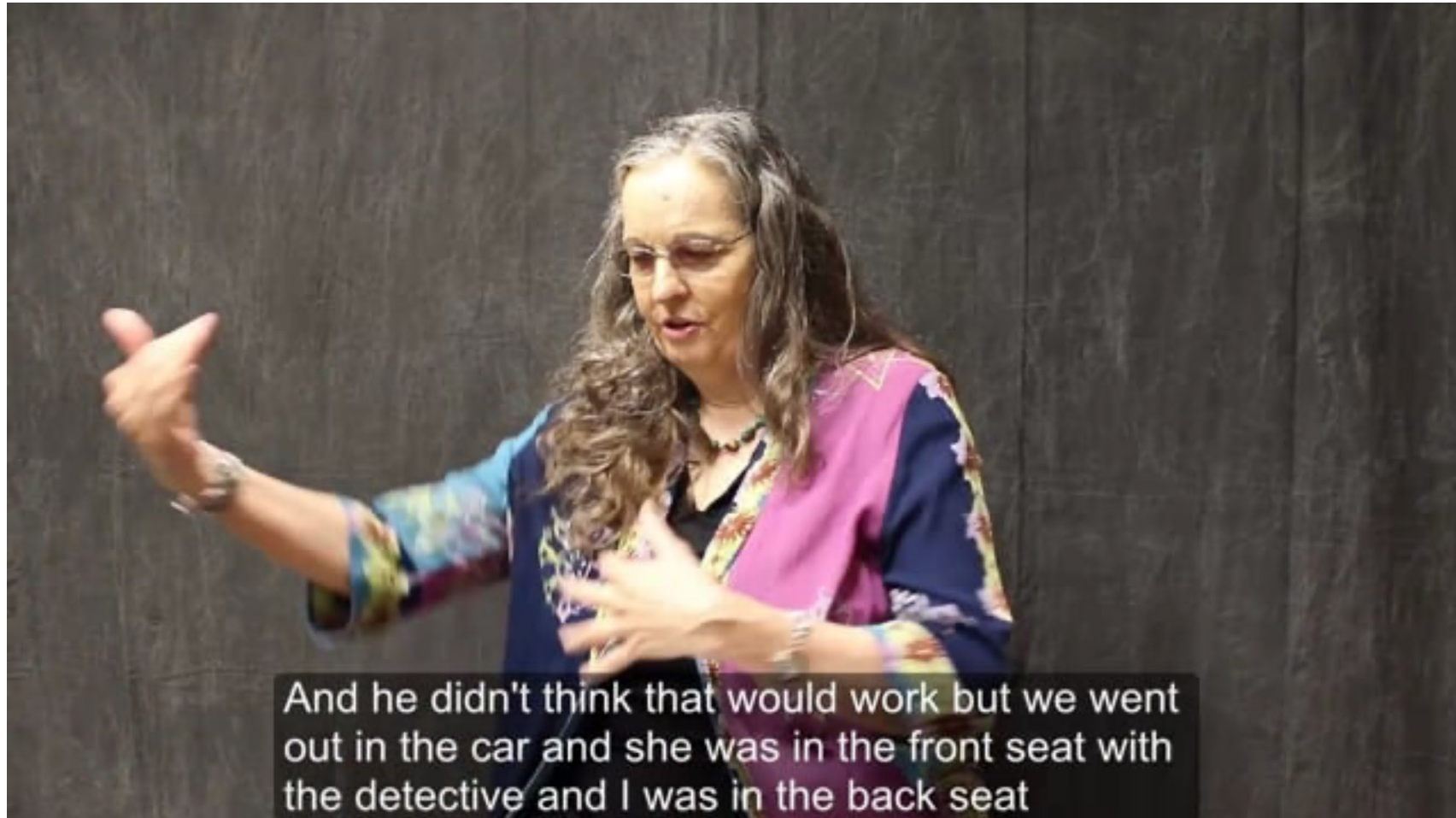


Investigations (§115.71)

For a victim or witness with IDD, disability-related behaviors may present in ways that make an investigator doubt the person's credibility. For example:

- Not making eye contact or making too much eye contact.
- Fidgeting or stimming behaviors.
- Facial expressions not matching words or tone of voice.
- Disjointed conversation.
- Inability to keep a linear timeline of events.

Shirley Paceley: What Do Investigators Need to Know about Assessing the Credibility of People with IDD? (Video)



Investigations (§115.71) - 2

Considerations for Investigative Interviews with a Victim or Witness with IDD:

- Interviews may take extra time.
- The person with IDD may need a trusted staff person or other support person with them during interviews.
- Investigators should provide explanations at the outset that are concrete, clear, and in plain language.
- Low sensory spaces will make it easier for the autistic person to focus and communicate.

Investigations (§115.71) - 3

Additional Guidance for Investigators:

- Adjust the pace of the interview, as needed.
- Offer a break if the person is tiring out or getting upset.
- Check to ensure the person understands the question by repeating what you heard them say. Re-word questions, as needed.
- Avoid leading questions or questions that sound like suggestions.
- Be patient.

Employee Training (§115.31)

To communicate professionally and effectively with people with IDD, employees should be trained on the following:

- What intellectual and developmental disabilities are.
 - Typical behaviors and needs for communicating with people with IDD.
 - The fact that sometimes IDD's are visible (e.g., a person with Down Syndrome), but most are not.
- **Training should be ongoing and scenario-based to the extent possible.**

Resources – New Poster and Tip Sheet

Implementation

Implementation | PREA toolsets | Delivering PREA to People with Disabilities

PREA Standards

PREA toolsets

[Standards in Focus](#)

[Guide](#)

[Sample](#)

[Training](#)

**Delivering PREA to
People with Disabilities**

PREA in action

Training

Delivering PREA to People with Disabilities

PREA Standard [§ 115.16 Inmates with disabilities and inmates who are limited English proficient](#) requires agencies to take appropriate steps to ensure that people in confinement (including, for example, people who are Deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This webpage contains links to several clearinghouse resources to assist agencies with meeting this requirement.

Resources - 2

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Making PREA and victim services accessible for incarcerated people with disabilities:

An implementation guide for practitioners on the adult and juvenile standards

Sandra Harrell, Allison Hastings, and Margaret diZerega
October 2015



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INSTITUTE OF JUSTICE

Making Written Materials Accessible



- We use written materials to convey important information about our agencies and the resources and services available to the people we serve. It's essential that organizations that work with and serve people with disabilities — including all criminal legal agencies and programs — infuse accessibility in their materials. This includes any materials related to community engagement and reform initiatives.



Ensuring the accessibility of the materials for the broadest audience, whether print or electronic, depends on choices made throughout the development of the materials. It requires being intentional both about content (i.e., word choice and sentence structure) as well as formatting and appearance (i.e., font size and color choice).

Activating
Change

June 2024

Additional Resources

- Activating Change, [Supporting Crime Victims with Disabilities Online Training Toolkit](#)
- The Arc, [Talk About Sexual Violence Initiative](#)

Citations

Slide 10

Centers for Disease Control and Prevention. Disability and Health Data System, July 2024, available at: <http://dhds.cdc.gov>.

Slide 11

Harrell, Erika, “Crime Against Persons with Disabilities, 2009–2019 – Statistical Tables,” Bureau of Justice Statistics, November 2021, <https://bjs.ojp.gov/library/publications/crime-against-persons-disabilities-2009-2019-statistical-tables#:~:text=The%20rate%20of%20violent%20victimization,had%20at%20least%20one%20disability.>

Leigh Ann Davis, “People with Intellectual Disabilities and Sexual Violence,” The Arc, March 2011, <https://www.thearc.org/wp-content/uploads/forchapters/Sexual%20Violence.pdf>.

Robert Q. Pollard, Jr, Erika Sutter, and Catherine Cerulli, “Intimate partner violence reported by two samples of deaf adults via a computerized American sign language survey,” *Journal of Interpersonal Violence* 29, no. 5 (2014): 948-965, doi:10.1177/0886260513505703.

Citations (2)

Slide 12

Jennifer Bronson, Laura M. Maruschak, and Marcus Berzofsky, “Disabilities Among Prison and Jail Inmates, 2011-12,” Bureau of Justice Statistics, December 14, 2015, <https://bjs.ojp.gov/content/pub/pdf/dpji1112.pdf>.

Jennifer Bronson and Marcus Berzofsky, “Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12,” Bureau of Justice Statistics, June 22, 2017, <https://bjs.ojp.gov/content/pub/pdf/imhprpji1112.pdf>.

Slides 13-14

Laurin Bixby, Stacey Bevan, and Courtney Boen, “The Links Between Disability, Incarceration, And Social Exclusion,” *Health Affairs* 41, no. 10 (2022): 1460-1469, <https://doi.org/10.1377/hlthaff.2022.00495>.

Slide 16

Allen J. Beck et. al., “Sexual Victimization in Prisons and Jails reported by Inmates, 2011-2012,” Bureau of Justice Statistics, May 2013, <https://bjs.ojp.gov/content/pub/pdf/svpjri1112.pdf>.

Photo credit: Podtoppen.se

Citations (3)

Slides 19-20

American Association on Intellectual and Developmental Disabilities, “Defining Criteria for Intellectual Disability,” available at: <https://www.aidd.org/intellectual-disability/definition>.

Slide 22

Administration for Community Living, “The President’s Committee for People with Intellectual Disabilities (PCPID),” December 16, 2024, available at: <https://acl.gov/programs/empowering-advocacy/presidents-committee-people#:~:text=It%20is%20estimated%20that%20between,some%20point%20in%20their%20lifetimes>.

Centers for Disease Control, Environmental Public Health Tracking, “Developmental Disabilities,” February 9, 2024, available at: <https://www.cdc.gov/environmental-health-tracking/php/data-research/developmental-disabilities.html>.

Slide 23

Joseph Shapiro, “The Sexual Assault Epidemic No One Talks About,” January 8, 2018, National Public Radio, available at: <https://www.npr.org/2018/01/08/570224090/the-sexual-assault-epidemic-no-one-talks-about>.

Citations (4)

Slide 23

Thomas C. Weiss, “People with Disabilities and Sexual Assault,” May 4, 2024, *Disabled World*, available at: <https://www.disabled-world.com/disability/sexuality/assaults.php>.

Slides 24, 37, and 39

Activating Change, “Supporting Crime Victims with Disabilities Online Training Toolkit,” October 6, 2020, available at: <https://www.endabusepwd.org/resource/supporting-crime-victims-with-disabilities-online-training-toolkit/>.

Slide 27

“Prison Is Even Worse When You Have a Disability Like Autism”, The Marshall Project, November 11, 2020, available at: www.TheMarshallProject.org/2020/11/02/prison-is-even-worse-when-you-have-a-disability-like-autism.

Slide 32

“Pain Scale Communication Board,” Lingraphica, available at <https://lingraphica.com/download-communication-boards-professionals/>.

Questions?



Request Assistance

PRC Website

Jurisdictions can request assistance by completing a web form on the PRC website under the **“Implementation”** tab and clicking **“Request for assistance”** under **“Training.”**

The screenshot displays the National PRC Resource Center website. The top navigation bar includes links for 'About', 'Implementation' (which is underlined), 'Library', 'Audit', and 'DOJ FAQ'. The main content area is titled 'Implementation' and features a sub-menu with 'Implementation', 'Training', and 'Request for assistance'. On the left side, there is a sidebar menu with categories: 'PREA Standards', 'PREA toolsets', 'PREA in action', and 'Training'. Under the 'Training' category, there are links for 'PREA Academy', 'Field training audit', 'Webinars', 'Upcoming events', and 'Request for assistance'. A blue button labeled 'Request Assistance' is positioned below the sidebar. The main content area on the right is titled 'Request for assistance' and contains the following text: 'Please fill out the form below in order to request PREA-related training and/or technical assistance for your jurisdiction or agency. The more detail provided in your request will improve the PREA Resource Center's (PRC) ability to meet your needs. For jurisdictions less familiar with PREA, the PRC would encourage you to browse the resources on the [Where to begin page](#). If your jurisdiction has general questions or comments for the PRC you can communicate those through the [Contact us form](#). To submit information on complaints or concerns about the conduct of a DOJ-certified PREA auditor, please refer to the [Auditor feedback form](#). The PRC collects the information below in order to efficiently route and respond to inquiries. While all fields are not required, please fill out as much information as possible so that we may better assist you.'

Mailing List Signup

First name *

Last name *

Phone

Email *

Confirm email *

Do you wish to name your employer? *

Submit

Sign Up for our PRC Newsletter

Jurisdictions can sign up for the PRC newsletter by completing a web form on the PRC website under the “How to use this site” tab and going to “Frequently asked questions” and clicking “Subscribe to our newsletter.”

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For more information about the National PREA Resource Center, visit www.prearesourcecenter.org.

To ask a question, please visit our [Contact Us](#) page.

Thank You!



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