

Washington Metro Disabled Students Collective

www.disabledstudentsdc.org

26 July 2016

National Council on Disability
1331 F Street NW, Suite 850
Washington, D.C. 20004

Submitted electronically via PublicComment@ncd.gov

Re: National Council on Disability Quarterly Meeting July 2016

Dear Council Members,

The Washington Metro Disabled Students Collective (WMDSC) is an all-volunteer organization run by disabled students, young professionals, and other self-advocates based in Washington, D.C. and the surrounding areas. We strive to bring about social justice for all disabled people, and particularly those who live at the intersection of other marginalized identities and experiences. We offer the following comments in advance of the National Council on Disability (NCD) July 2016 meeting.

We urge NCD to turn its attention and resources – as well as its clout in the policy advisory process – to the intersection of disability rights and criminal justice issues. Since the Council’s thematic focus this year is the connections between disability and poverty, it is imperative for the Council to act as a model for national and state-level disability rights advocacy organizations by calling for real reforms in the criminal legal system. Poverty and criminalization are inextricably connected. It is not possible to have a real conversation about poverty and its underlying structural causes without also addressing the realities of racism and criminalization that affect those most likely to experience poverty, houselessness, chronic unemployment, and other economic oppression.

WMDSC is proud to be led primarily by disabled people of color and queer and trans disabled people. Our leaders and members have a variety of backgrounds, including contact with the criminal legal system, former or current houselessness or housing insecurity, joblessness or job insecurity, and the underground economy. We – and our neighbors and comrades – experience overpolicing, criminalization, and institutionalization. As a result, we recognize an urgency to the set of issues stemming from the criminal legal system.

Disabled children, particularly those who are also Black, Latinx, or Indigenous, are disproportionately impacted by the school to prison pipeline – in zero tolerance policies, compliance-based normalization “therapy” or behavioral codes, dangerous and punitive restraint and seclusion, and the criminalizing presence of school resource officers that too often leads to inappropriate referrals to the juvenile criminal legal system. Queer and trans disabled youth, especially those of color, are at risk of profiling and overt violence from their gender presentations and expressions. Homeless shelters where queer and trans disabled youth may find themselves are often severely inaccessible, both for physical and mental disabilities, and provide

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ample opportunities not only for victimization of multiply marginalized people but also for further policing and criminalization.

As Talila “TL” Lewis of Helping Educate to Advance the Rights of the Deaf (HEARD) often states, disability is both a cause and a consequence of incarceration. Disabled people – both those with physical disabilities that may affect movement and speech, and those with mental disabilities that may also affect movement, appearance, speech, and sensory processing – are at particular risk of being profiled as using criminalized drugs or reaching for threatening weapons, especially if they are also Black, Latinx, or Indigenous. Those at greatest risk of police violence – including police killings – live at multiple intersections of being not only Black, Latinx, or Indigenous, but also queer, trans, or otherwise LGBTQ, and disabled, d/Deaf, or hard of hearing. Once brought into the criminal legal system, lack of access to interpreters, reasonable accommodations in the court process, and denial of necessary healthcare (through arbitrary determinations of medical non-necessity and neglect in the privatized prison healthcare industry) lead to further traumatization, worsened mental health outcomes, and prolonged incarceration.

If NCD is to fulfill its purpose as an advisory council to Congress and the White House on the plight of people with disabilities nationally, it behooves the Council to speak publicly on issues affecting multiply marginalized disabled people who are most impacted by the school to prison pipeline, police violence, crimmigration, mass incarceration, and the prison-industrial complex. An enormous part of that work is connecting meaningfully with grassroots organizations at local and state level already led by those who are most impacted and taking our lead – organizations led by disabled Black, Brown, Indigenous, and People of Color; organizations led by sick and disabled queer and trans people; organizations led by disabled people from immigrant communities; organizations led by disabled low-income workers; or organizations led by disabled people from religious minorities facing xeno-antagonism and racism-inspired prejudice (such as Muslims, Sikhs, and Jewish people). Most individuals submitting comments to the Council in advance of your meeting this week are currently free – it is the Council’s solemn duty to advance equity, justice, and opportunity for disabled people who do not have that privilege – for disabled people who are currently incarcerated or under criminal justice supervision, whose voices and experiences are too often erased or conveniently forgotten in disability advocacy.

Thank you for the opportunity to provide comment.

Sincerely,

Nai Damato
Board Chair

Deepa Goraya, Esq.
Board Vice Chair

Lydia X. Z. Brown
Past President