AWAY from No Way
Disability and Juvenile Justice

Will begin at 2:00 p.m. Eastern Time
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• For the benefit of participants who are not able to see the presentation slides on the webinar platform, speakers will
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About Your Hosts…

TransCen, Inc.
  • Improving the lives of people with disabilities through meaningful work and community inclusion

Mid-Atlantic ADA Center, a project of TransCen, Inc.
  • Funded by National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), Administration for Community Living, U.S. Department of Health and Human Services
ADA National Network

• Ten regional centers provide guidance, training, and materials on the ADA
  • 1-800-949-4232
  • ADAta.org

AWAY FROM NO WAY

Hasan Davis J.D.
www.hasandavis.com
@hasandavis
HDSolutions
#HopeDealers
Restrain, Seclusion, Arrest, and Suspension

- Students with disabilities are 12% of student population, but
  - 75% of those physically restrained at school to immobilize them or reduce their ability to move freely
  - 58% of those placed in seclusion or involuntary confinement
  - 25% of students arrested and referred to law enforcement
- Students with disabilities are 2x more likely to receive suspension (13%) than students without disabilities (6%)

Suspension of preschool children, by race/ethnicity and gender

- Black children represent 18% of preschool enrollment, but 48% of preschool children receiving more than one out-of-school suspension;
- White students represent 43% of preschool enrollment but 26% of preschool children receiving more than one out of school suspension.
- Boys are 79% of preschool children suspended once and 82% of preschool children suspended multiple times, although boys represent 54% of preschool enrollment.
Disproportionately high suspension/expulsion rates for students of color

- Black students are suspended and expelled at a rate three times greater than white students.
- On average, 5% of white students are suspended, compared to 16% of black students.
- American Indian and Native-Alaskan students are also disproportionately suspended and expelled, representing less than 1% of the student population but 2% of out-of-school suspensions and 3% of expulsions.

Suspensions are still among the leading indicators of whether a student will drop out of school; increases a student’s risk for future incarceration.

- A 2012 report estimated that annually, 3,000,000 students lose instructional “seat time” due to school removal.
Research by the Everyone Graduates Center at Johns Hopkins University showed:

- Suspension increased the chance of leaving school prior to graduation from 16 percent to a 32 percent.
- Students who were excluded were 29 percent more likely to drop out at some point during their high school career.
- The effects of exclusion can be cumulative, with each additional suspension increasing the risk of dropping out by 10 percent.

![High School & Post-Secondary Outcomes by 9th Grade Suspensions]

Source: Everyone Graduates Center.
What happens next?

• Study results vary based on population, but the data are clear
Dropouts

• Are 3 1/2x more likely than high school graduates to be arrested

• More than 8x as likely to experience jail or prison

• Between 16 – 24 were 63x more likely to be institutionalized than peers who have a bachelor’s degree or higher

Main Drivers

Overrepresentation of youth in the juvenile justice system

JJ involved youth are disproportionately:

➢ Youth of color
➢ Youth experiencing mental, emotional or physical disability
➢ Youth experiencing educational failure
➢ Youth experiencing poverty
➢ Youth with a history of trauma

National Disability Rights Network
• **An estimated 70% of all justice-involved youth have disabilities**, including psychiatric, mental health, sensory, and intellectual disabilities as well as co-occurring disorders.

National Disability Rights Network

• **Most of these youth are in contact with the justice system for minor offenses:**

  Often related to conduct that is a manifestation of disabilities (identified or not) or traumatic experiences that have not been appropriately addressed

  For many, community services either are not available or are not being coordinated effectively to provide the right supports

National Disability Rights Network
Having a disability is a risk factor for contact with the JJ system

- Some behaviors related to unknown, untreated, or inappropriately treated disabilities
- Identifying disabilities and providing appropriate treatment and services can prevent further contact with the JJ system
- System Youth are "disproportionately minority, impoverished, and poorly educated, and many lack social networks -- limit the type and scope of mental health services provided to youth."
- Youth with disabilities can be prone to be bullied, harassed, and fall behind academically. That can lead to truancy, running away from home, and other behaviors that can result in arrest
- Identifying justice involved youth with disabilities and connecting them and their families to the services they need is more likely to result in being diverted from being adjudicated delinquent and diverted from secure confinement
- Studies have shown that meeting the special education needs of justice involved youth with disabilities improves their academic achievement and reduces future contact with the juvenile and criminal justice systems
- Youth who are confined in secure JJ facilities are more likely to engage in future delinquent acts or criminal offenses. Advocacy to divert youth with disabilities from being incarcerated reduces that risk

Secure juvenile justice facilities are not safe places for vulnerable youth

- Even short-term confinement in a secure detention facility pending court proceedings places youth in harm’s way. This includes:
  - Potential physical harm;
  - Inadequate suicide protocols and precautions;
  - Improper use by staff of toxic psychotropic medications to induce compliance rather than for treatment purposes;
  - Prolonged, forced physical exercise as punishment; improper use of force (e.g., pepper spray, Tasers, restraint chairs) as unauthorized punishment; denials of medically necessary services; and other violation of youth rights.
- Early intervention, prevention, and diversion are the key strategies for addressing these problems.

Bottom Line

Generally, most youth get worse, not better, when confined in secure JJ facilities, and would do better in community-based settings that provide appropriate treatment without jeopardizing community safety.

When it comes to young people with mental health problems, intellectual disabilities or suffering from trauma:

- Potential physical harm;
- Inadequate suicide protocols and precautions;
- Improper use by staff of toxic psychotropic medications to induce compliance rather than for treatment purposes;
- Prolonged, forced physical exercise as punishment; improper use of force (e.g., pepper spray, Tasers, restraint chairs) as unauthorized punishment; denials of medically necessary services; and other violation of youth rights.
These dramatic and often traumatic experiences threaten to further challenge our youth as they move along their own development pathways.

Quadrant 1

Swayze, D. (2013). Minnesota Youth Development Clock, MN Department of Public Safety Office of Justice Programs

Quadrant 2

Swayze, D. (2013). Minnesota Youth Development Clock, MN Department of Public Safety Office of Justice Programs
Quadrant 3

Swayze, D. (2013). Minnesota Youth Development Clock, MN Department of Public Safety Office of Justice Programs

Quadrant 4

Swayze, D. (2013). Minnesota Youth Development Clock, MN Department of Public Safety Office of Justice Programs

Developmental Tasks of Adolescence: 13 to 18

1. Achieving new and more mature relations with age mates of both sexes
2. Achieving a masculine or feminine social role
3. Accepting one’s physique and using the body effectively
4. Emotional independence from parents and other adults
5. Preparing for marriage and family life
6. Selecting and preparing for an occupation
7. Acquiring a set of values and an ethical system to guide behavior; developing an ideology
8. Developing intellectual skills and concepts necessary for civic competence
9. Desiring and achieving socially responsible behavior

Developmental Tasks of Early Adulthood: 19 to 29

1. Selecting a mate
2. Achieving a masculine or feminine social role
3. Learning to live with a marriage partner
4. Starting a family
5. Rearing children
6. Managing a home
7. Getting started in an occupation
8. Taking on civic responsibility
9. Finding a congenial social group
Mitigating the Harm

- Engaging youth in positive prosocial engagement
- Allowing youth opportunities to express themselves with movement (dance sports, theater), words (journaling, poetry, guided imagery) and other nonverbal interpreters (sculpt, painting, drawing)
- Encouraging supported engagement with youth and families

Welcome to The Feeling House

**The Affective Domain** is the creative foundation for the essential skills that support and promote cognitive and intellectual growth and development
# Social Emotional Learning

**Self and other awareness:**
feelings shift; understanding the difference between thinking, feeling and acting; and understanding that one’s actions have consequences in terms of others’ feelings

**Mood management:**
handling and managing difficult feelings; controlling impulses; and handling anger constructively

**Self-motivation:**
being able to set goals and persevere towards them with optimism and hope, even in the face of setbacks

**Empathy:**
being able to put yourself “in someone else’s shoes” both cognitively and affectively; being able to take someone’s perspective; being able to show that you care

**Management of relationships:**
making friends, handling friendships; resolving conflicts; cooperating; collaborative learning and other social skills understanding and identifying feelings

## Connecting to positive, prosocial engagement

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<td>Finding opportunities to express yourself with:</td>
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<td>- movement (dance sports, theater)</td>
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<td>- other nonverbal interpreters (sculpt, painting, drawing, murals)</td>
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Hope is a seed planted in rocky soil; with no knowledge, of how deep its roots will sink or how many its fruit will feed. But we must choose to plant and wait and see.
Hasan Davis

We all have a story ...
In the beginning mine seemed full of possibility!

The clock was ticking

- It became clear to me, at an early age, that my story was going to be an everyday fight to be seen and heard OR it was simply going to be nothing at all
Everyone watching could see that the odds were against me...

- Birth
  - ADHD
  - Dyslexia
  - Visual / hearing impairment
- K-3
  - Parents divorced
  - Welfare
  - Inner city
  - Family separated
  - Reunited in GA
- Grade 4-7
  - Arrested at 11/ probated
  - Apartment fire age 12
  - Family separated
  - Attended 5 elementary schools
  - More than 13 childhood homes
- Grade 8-12
  - Started alternative school
  - Expelled from alternative school at 18
  - G.E.D. recipient

But I still wanted to be greater... no matter the cost
So, I had to make a choice

And those choices cost me ...
We all deserve a chance to become the Hero of our own Story

• #HopeDealers
Pages from a Hope Dealer’s Handbook

• Fight The Status Quo
  - Act on Your Faith
  - Resist shortcuts
  - Learn from failures
  - Deserving Victory

Insanity Principle

• If you keep doing what you have always done, you will keep getting what you have always gotten
• If you keep doing what you have always done your competition will get better and you will get worse results
  - John Maxwell
• **Raise the Bar don’t lower it!**
  - People will rise or ultimately fall to the highest expectation the people have set for them
  - Our students deserve **Empathy and Compassion** they don’t need more **Pity**

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**Stop me if you’ve heard this one**

- **Fight The Status Quo**
- **Act on Your Faith**
- Resist shortcuts
- Learn from failures
- Deserving Victory

• “If **Proper Noun** would just **Verb** acting **Adjective**, I would give them a chance to be with the **Adjective** kids”
In The Chat

List all the places where you believe that ability comes before opportunity

a) When learning a new language
b) Cooking a meal
c) Tuning up a car engine
d) Practicing a new behavior
e) All of the above
f) None of the above

Here is a Hint ... The only place you will find that Ability comes before Opportunity is in the Dictionary!
Some Risk Required

- It is time to take what we know (Data) and do what we must (Result!)
- Challenge “Well IF” thinking
  - Well, IF they can demonstrate their knowledge, then…
  - Well, IF they can show they can be trusted, then…
  - Well, IF they can start at part time, then…

Ultimately it is a matter of choice

- Fight The Status Quo
- Act on Your Faith
- Resist shortcuts
- Learn from failures
- Deserving Victory
What if ...

We chose to see them all as naturally Creative, Resourceful, and Whole?

We MUST refuse to become places where dreams just go to die.

Hospice is not an acceptable substitute for Hope.
Hope

- Fight The Status Quo
- Act on Your Faith
- Resist shortcuts
- Learn from failures
- Deserving Victory

- Hope [hōp] Something that somebody wants to have or do or wants to happen or be true;
- A reliance on future possibilities

Faith

- Fight The Status Quo
- Act on Your Faith
- Resist shortcuts
- Learn from failures
- Deserving Victory

- Faith [fayth] a belief in, devotion to, or trust in somebody or something, especially without logical proof
- A willing suspension of disbelief
- Fight The Status Quo
- Act on Your Faith
- Resist shortcuts
- Learn from failures
- Deserving Victory

**We all have a choice to make**

- Fight The Status Quo
- Act on Your Faith
- Resist shortcuts
- Learn from failures
- Deserving Victory

**We can be**

Hope Dealers
or accept our role as Hope Stealers

**A.K.A.**
- Agents of reality,
- Wake up callers,
- Truth tellers,
- Reality checkers,
- Dream busters…etc.
I keep asking myself

- Fight The Status Quo
  - Act on Your Faith
  - Resist shortcuts
  - Learn from failures
  - Deserving Victory

• Who are we protecting, and from what?

“If you choose this important work, Hope Is Mandatory; because you cannot give what you do not possess.”

Hasan Davis
And honestly, what does it cost?

- Fight The Status Quo
- Act on Your Faith
- Resist shortcuts
- Learn from failures
- Deserving Victory

“A candle loses nothing by lighting another candle.”
Father James Keeler

But that one candle immediately multiplies the light, that one candle immediately divides the darkness.
Hasan Davis

Hope is an act of Multiplication over Division
But the transformation we are seeking doesn’t happen overnight

- Fight The Status Quo
- Act on Your Faith
- Resist shortcuts
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Allow Time

- Time [tīm]
- A suitable moment or period chosen as appropriate for something to be done or to take place

*Time is what we have so that everything does not happen at once."

Albert Einstein

Believe me, I know...

Faith
- Offers the encouragement to imagine a world that cannot yet be seen or held

Hope
- Nurtures the courage to keep reaching for what others are sure we could never touch
True talk:

Has anyone else ever said this? Either out loud or just to yourself. (Asking for a friend)

“When is it finally OK for me to just give up?”

Being a Hope Dealer is like wrestling an 800 lb gator

- Fight The Status Quo
- Act on Your Faith
- Resist shortcuts
- Learn from failures
- Deserving Victory
When wrestling an 800 lb gator, there are a few rules:

- **Fight The Status Quo**
- **Act on Your Faith**
- **Resist shortcuts**
- **Learn from failures**
- **Deserving Victory**

- You don't give up when you get tired,
- You should only give up when the gator is tired,
- Never, ever believe that a gator is tired

“Sometimes it's not enough that we do our best; sometimes we have to do what is required.”

Sir Winston Churchill
When we do fall short we need to remember that grace is for all of us.

**Forgiveness**

- for·give·ness [fərˈɡivnəs]
  - the act of pardoning somebody for a mistake or wrongdoing

Forgiveness frees us from the awesome duty of worrying about the past so we can actually do something about the future.

- Fight The Status Quo
- Act on Your Faith
- Resist shortcuts
- Learn from failures
- Deserving Victory

“The best time to plant a tree is 20 years ago. The second best time is right now.”

Chinese Proverb
- **Fight The Status Quo**
- **Act on Your Faith**
- **Resist shortcuts**
- **Learn from failures**
- **Deserving Victory**

**Deserve**
- de·serve [di-zurv]
- to have earned or be worthy of something

**Victory**
- vic·to·ry [vik-tə-ree] success attained over a difficult situation or opponent

“Believe and act as if it were impossible to fail.”
Charles F. Kettering
“Treat a man as he is and he will remain as he is …
Johann Wolfgang von Goethe

“Treat a man as he is and he will remain as he is. Treat a man as he can and should be, and he will become as he can and should be.”
Johann Wolfgang von Goethe
Final Thoughts

- Self care
  - It is important to develop your own system of emotional and physical self care to protect yourself from the possible impact of Secondary Traumatic Stress (STS) and Compassion Fatigue
Certificates and Credits: CODE

• If you paid for a certificate of participation or credits, check the reminder email you received about this session for instructions

• Please email the code above to ADAtraining@transcen.org by 5 PM E.T. on July 19, 2021

Thank You for Joining Us!

Mid-Atlantic ADA Center

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