



# Inmates or Formerly Incarcerated People with Disabilities Resources

Roughly 32 percent of inmates in federal prisons and 40 percent in state jails report having at least one disability. An ambulatory disability, defined as serious difficulty walking or climbing stairs, was the second most common disability among both populations.

The challenges of living with physical or mobility impairments while incarcerated are many, from managing chronic secondary conditions to receiving equitable access to on-site spaces. The rights of individuals living with disabilities are protected even during incarceration by the Americans with Disabilities Act (ADA) and Rehabilitation Act of 1973. Federal inmates are entitled to an accessible cell at the appropriate security designation and the opportunity to participate in educational, vocational or religious programs if qualified; inmates may not be placed in medical areas because of a disability unless they are receiving treatment or housed at an inappropriate security level because an accessible cell isn't available. The ADA applies to all federal and state facilities whether they receive federal funding or not.

Resources are available to help individuals navigate health concerns and civil rights issues while serving sentences and upon release. Re-entry services and outreach programs can help formerly incarcerated individuals with disabilities find housing, reapply for government services, and reintegrate into social and work settings.

*Sources: Bureau of Justice Statistics at the U.S. Department of Justice, ADA National Network, American Civil Liberties Union*

## **Medicare, SSDI During Incarceration and After Release**

When sent to prison your Social Security Disability or Retirement benefits are suspended or stopped after 30 days of incarceration. To reinstate benefits you can go to

your local SSA office with “release” paperwork from the DOC. Payment resume about 2 months post release.

\*If you turn 65 while incarcerated you can enroll in Medicare Part A and SSD benefits.

**Center for Medicare Advocacy: Part B Premiums (Medicare) and Prison**

[http://www.medicareadvocacy.org/old-site/InfoByTopic/PartB/10\\_12.23.PremiumsandIncarceration.htm](http://www.medicareadvocacy.org/old-site/InfoByTopic/PartB/10_12.23.PremiumsandIncarceration.htm)

**Disability Benefits Center: What Happens to My Health Coverage If I Go to Prison?**

<https://www.disabilitybenefitscenter.org/faq/health-insurance-in-prison>

Discusses how Medicare and Medicaid benefits are affected by incarceration.

**Medicare Learning Network (CMS): Beneficiaries in Custody Under a Penal Order**

<https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/Items-Services-Furnished-to-Beneficiaries-in-Custody-Under-Penal-Authority-Fact-Sheet-ICN908084.pdf>

**Medicare Interactive.org: Medicare Coverage During Incarceration**

<https://www.medicareinteractive.org/get-answers/medicare-health-coverage-options/medicare-and-incarceration/medicare-coverage-during-incarceration>

**Social Security Administration pamphlet: What Prisoners Need to Know**

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

Pamphlet discusses what happens to SSDI and SSI benefits during and after incarceration.

### **Prison Accessibility (ADA)**

**ADA National Network: Detention and Correctional Facilities**

<https://adata.org/factsheet/corrections>

**ADA.gov: ADA/Section 504 Design Guide: Accessible Cells in Corrections Facilities**

<https://www.ada.gov/accessiblecells.htm>

**Civil Rights Education and Enforcement Center: ADA in Prison**

<https://creeclaw.org/wp-content/uploads/2014/09/ADA-and-Prisons-An-Introduction-no-notes.pdf>

An overview of disability rights laws applicable in the prison/jail context.

**Southwest ADA Center: Disability Related Access for Inmates and Visitors Guides**

[www.southwestada.org/html/publications/misc/correctional.html](http://www.southwestada.org/html/publications/misc/correctional.html)

**Prisoner Rights**

<https://www.aclu.org/know-your-rights/what-do-if-youre-prisoner-disabilities>

**American Civil Liberties Union (ACLU): Know Your Rights—Prisoner’s Rights**

## **Arizona Center for Disability Law: Inmate ADA Rights**

[www.azdisabilitylaw.org](http://www.azdisabilitylaw.org)

<https://www.azdisabilitylaw.org/wp-content/uploads/2016/08/ADC-Inmate-Grievance-FAQ-Brochure.pdf>

## **Disability Rights Washington: Amplifying Voices of Inmates with Disabilities (AVID)**

<https://www.disabilityrightswa.org/programs/avid/>

## **Prison Activist Resource Center (PARC)**

<https://www.prisonactivist.org/about>

PARC corresponds with and mails a directory of these resources to prisoners, their friends and family members. We are often the first point of contact for people to connect with prisoners' rights organizations, community organizations, prison literature and arts projects, family and visiting resources, health care and legal resources, parole and pre-release resources, and the prison abolition movement.

## **U.S. Department of Justice: Rights of Persons Confined to Jails and Prisons**

<https://www.justice.gov/crt/rights-persons-confined-jails-and-prisons>

## **U.S. Department of Justice: Disability Rights Section**

<https://www.justice.gov/crt/disability-rights-section>

### **Issues Facing the Formerly Incarcerated**

## **National Council on Crime & Delinquency: On the Outs: Reentry for Inmates with Disabilities**

<https://www.nccdglobal.org/blog/outs-reentry-inmates-disabilities>

## **National Low Income Housing Coalition: Formerly Incarcerated People Are Nearly 10 Times More Likely to Be Homeless**

<https://nlihc.org/resource/formerly-incarcerated-people-are-nearly-10-times-more-likely-be-homeless>

## **New Editions Consulting: Supporting Successful Reentry for People with Disabilities**

[https://learner.lincs.ed.gov/reentryed/files/tools\\_pdf/Disability\\_BriefGuidetoIssuesandResources.pdf](https://learner.lincs.ed.gov/reentryed/files/tools_pdf/Disability_BriefGuidetoIssuesandResources.pdf)

## **Prison Policy Initiative: Out of Prison and Out of Work: Unemployment Among Formerly Incarcerated People**

<https://www.prisonpolicy.org/reports/outofwork.html>

## **Social Work Today: Formerly Incarcerated Individuals and the Challenges of Reentry**

By Christina Reardon, MSW, LSW

<https://www.socialworktoday.com/archive/ND17p16.shtml>

## Resources

**American Civil Liberties Union (ACLU)report: Caged In: Solitary Confinements Harms on People with Physical Disabilities**

<https://www.aclu.org/report/caged-devastating-harms-solitary-confinement-prisoners-physical-disabilities?redirect=CagedIn>

**Civil Rights Education and Enforcement Center**

<https://creeclaw.org>

**Center for Prisoner Health and Legal Rights: Prisoner Legal Service Organizations by State**

<http://www.prisonerhealth.org/resources-for-prisoners-families-and-advocates/resources-by-state/>

**Federal Bureau of Prisons: Management of Prisoners with Disabilities (Program Statement)**

[https://www.bop.gov/policy/progstat/5200\\_005.pdf](https://www.bop.gov/policy/progstat/5200_005.pdf)

**PARC National Prisoner Resource Directory**

<https://www.prisonactivist.org/sites/default/files/2018-PARC-directory.pdf>

**Prison Legal News: Prisoners and Disabilities: The Legal Landscape**

<https://www.prisonlegalnews.org/news/2017/dec/5/prisoners-and-disabilities-legal-landscape/>

**Prison Policy Initiative: Police, Courts, Jails and Prisons All Fail Disabled People Aug. 23, 2017**

<https://www.prisonpolicy.org/blog/2017/08/23/disability/>

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