



[U.S. Department of Health & Human Services](#)  
[Initiative](#) ~ [Executive Order](#) ~ [HHS Role](#) ~ [News & Additional Resources](#)

## **Delivering on the Promise**

[Table of Contents](#)

## **U.S. Department of Justice**

[Complete Report: [HTML](#) = 179K / [PDF](#) = 187K]

[Table of Contents](#) ~ [Executive Summary](#)

[Final Report: Part I](#) ~ [Part II](#) ~ [Part III](#) ~ [Part IV](#) ~ [Appendix A](#)

### **Self-Evaluation to Promote Community Living for People with Disabilities**

### **Report to the President on Executive Order 13217**

## **Final Report of the Attorney General**

### **IV. Other DOJ Programs**

[\*\*\*The Office of Justice Programs \(OJP\)\*\*\*](#)

[\*\*\*The Office of Community Oriented Policing Services  
\(COPS\)\*\*\*](#)

[\*\*\*The Community Relations Service\*\*\*](#)

#### **1. Accomplishments to Date**

1. [The Department works to improve access to, delivery of, and quality of mental health and other youth services to help prevent future criminal conduct](#)
2. [The Department supports mental health counseling to parolees or those on probation](#)
3. [The Department provides and makes accessible more mental health and drug/alcohol prevention programs](#)
4. [The Department's programs rehabilitate homes of residents with disabilities, among others, as part of](#)

the "Neighborhood Restoration" component of Weed & Seed

5. The Department supports the development of a mental health screening protocol to be used in correctional facilities for clinical, research, and/or program development and evaluation
6. The Department helps train prosecutors on mental health issues
7. The Department develops disability-related educational and resource materials for law enforcement officials and victim advocates
8. The Department supports programs to address the mental health, behavioral, and substance abuse needs of Native American youth and their families
9. The Department continues to support the facilitation of more effective collaboration between local law enforcement and community mental health professionals in responding to individuals with significant mental illness

## **2. Barriers to the Full Implementation of *Olmstead***

1. Many victim assistance programs and shelters are inaccessible to people with disabilities
2. There are few statistics regarding the number of people with disabilities who are crime victims
3. People with disabilities who are abused by their caregivers may fear institutionalization if they report the abuse
4. The "Not In My Back Yard" syndrome stifles the location of group homes for people with disabilities in residential neighborhoods and contributes to the overwhelming problem of a lack of community-based alternatives

5. Recidivism rates are high among convicts with mental illness, often due to absent or inappropriate recognition and treatment of their medical condition within the criminal justice system
6. Police officers may respond inappropriately to mental disturbance calls, sometimes with tragic results

### 3. **Blueprint for Future Action**

1. The Department will educate victim advocates and shelter operators regarding their responsibilities under the ADA
2. The Department will encourage States to earmark a portion of funding from the Victims of Crimes Act to eliminate disability-based discrimination in victim assistance programs and facilities
3. The Department will make available the best practices of mental health courts
4. The Department will integrate questions on disability status into the National Crime Victimization Survey
5. The Department will make technical assistance available regarding mental health crisis intervention programs
6. The Department will seek to develop a nationwide training program for law enforcement addressing mental illness issues, through the RCPI's
7. The Department will explore the development of a new program to enable local jurisdictions to hire new community-oriented police officers trained to respond to mental health disturbance calls
8. The Department will use its presence in Weed and Seed community sites nationwide to address access to community facilities, services and activities for people with disabilities

9. [The Department will use its CRS network to disseminate \*Olmstead\*-related technical assistance materials in the broadest possible manner](#)

Most of the Department's activities involve the enforcement of Federal laws or the support of State and local law enforcement efforts. As more people with disabilities move from institutions to community settings, there is a real need to find ways to reduce the extent to which they -- especially those with mental illness -- are likely to become involved with the criminal justice system as inmates, victims, or witnesses.<sup>6</sup> Some of the Department's activities -- such as those of the Office of Justice Programs and the Office of Community Oriented Policing Services -- may be strengthened or modified to assist with this effort.

Additionally, another DOJ component -- the Community Relations Service -- has developed strong networks within traditionally underserved communities. This network can be used to disseminate critical *Olmstead*-related information to the broadest possible audience.

### ***The Office of Justice Programs (OJP)***

**Since 1984, the Department's Office of Justice Programs (OJP) has provided Federal leadership in developing the nation's capacity to prevent and control crime, improve the criminal and juvenile justice systems, increase knowledge about crime and related issues, and assist crime victims. OJP's senior management team -- comprised of the Assistant Attorney General (AAG), the Deputy Assistant Attorney General (DAAG), and the five bureau heads -- works together with dedicated managers and line staff to carry out this mission.**

**Through the programs developed and funded by its bureaus and offices, OJP works to form partnerships among Federal, State, and local government officials to control drug abuse and trafficking; reduce and prevent**

**crime; rehabilitate neighborhoods; improve the administration of justice in America; meet the needs of crime victims; and address problems such as gang violence, prison crowding, juvenile crime, and white-collar crime. The functions of each bureau or program office are interrelated. For example, the statistics generated by the Bureau of Justice Statistics may drive the research that is conducted through the National Institute of Justice and the Office of Juvenile Justice and Delinquency Prevention. Research results, in turn, generate new programs that receive support from the Bureau of Justice Assistance and the Office of Juvenile Justice and Delinquency Prevention. Although some research and technical assistance is provided directly by OJP's bureaus and offices, most of the work is accomplished through Federal financial assistance to scholars, practitioners, experts, and State and local governments.**

**Many of DOJ's program bureaus and offices award formula grants to State agencies, which, in turn, subgrant funds to units of State and local government. Formula grant programs in such areas as drug control and system improvement, juvenile justice, victims compensation, and victims assistance, are administered by State agencies designated by each State's governor.**

***The Office of Community Oriented Policing Services (COPS)***

**The Office of Community Oriented Policing Services (COPS) is the Federal office responsible for advancing community policing, including the addition of 100,000 community policing officers. COPS promotes community policing through a variety of initiatives, including hiring grants, grants to promote innovative approaches to solving crime, training and technical assistance, compliance and monitoring, and program assessments and policy support.**

***The Community Relations Service***

**The Community Relations Service (CRS) mediates community conflicts and tensions. Created by the Civil Rights Act of 1964, CRS is dedicated to assisting State and local units of government and community groups. CRS has extensive ties to groups and persons of diverse racial and cultural backgrounds within local communities.**

**A. Accomplishments to Date.**

**1. The Department works to improve access to, delivery of, and quality of mental health and other youth services to help prevent future criminal conduct.**

**OJP's Bureau of Justice Assistance issued a \$226,000 grant to Nova Southeastern University in Fort Lauderdale, Florida in FY 1999 to establish the South Florida Medical Corrections Options Program. This program will enhance and expand the effort to divert mentally ill, female, misdemeanor offenders from the justice system in Broward County. In addition to providing for the screening and evaluation of offenders for the Broward County Mental Health Court, this grant provided for the creation and operation of a forensic treatment center with the capacity to offer various treatment and assistance services to complement the mental health court's diversion efforts.**

**OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) awarded grants totaling \$4,235,000 between FY 1995 and FY 2000 to the City of Boston to fund their Boston SafeFutures Initiative. The goals of this program are to strengthen and institutionalize collaboration and participation among youth service agencies, parents, youth, and elected and appointed officials in and outside the target area; integrate youth into realistic opportunities to engage in the decision-making planning systems of their community; decrease serious crime and violent juvenile crime; increase job**

**readiness, career, higher education, and job opportunities for target-area residents; and educate families on the benefits of mental health services.**

**OJJDP issued a grant of close to \$200,000 in FY 1999 to the Public Health Foundation Enterprises, Inc. in the City of Industry, California. This entity is a nonprofit community-based after-school organization committed to improving the quality of life of families through mental health services and community education.**

**2.The Department supports mental health counseling to parolees or those on probation.**

**OJP's Crime Act Corrections Program Office issued a grant of over \$100,000 to the Northern Mariana Islands Criminal Justice Planning Agency in FY 1996 to develop and implement residential substance abuse treatment programs consistent with the Northern Mariana Islands Treatment Alternative to Street Crime Program (TASC). TASC provides drug testing to monitor all probationers, parolees, and Division of Corrections inmates. In addition to drug testing, TASC provides drug treatment for drug-using offenders at the Division of Corrections. The treatment program, with a capacity for six (6) offenders, will include components of the therapeutic community model, which emphasizes accountability and responsibility. Following release from incarceration, the participants will receive outpatient drug treatment at the Division of Mental Health and Social Services.**

**3.The Department provides and makes accessible more mental health and drug/alcohol prevention programs.**

**OJP's Executive Office of Weed and Seed (EOWS) awarded a grant for \$175,000 in FY 1999 to the City**

**of Mobile, Alabama to coordinate the delivery of criminal justice and social services in targeted neighborhoods to eliminate violent crime, drug-trafficking, and drug-related crime and to provide a safe environment for law-abiding citizens to live, work, and raise families. The Mobile, Alabama program, and others like it around the country, works to "weed" from distressed neighborhoods criminal offenders engaged in drug crime and other violent offenses, stabilize the neighborhoods through community-oriented policing, and "seed" these neighborhoods with housing, employment, and social-sustaining programs. There are approximately 270 Weed and Seed neighborhood sites across the country which provide a variety of services. Many of the sites have "Safe Havens" for young people, where a variety of services, including mental health and other medical services, can be obtained. Some Safe Havens also provide medical screening and mental health services for families.**

**In the last several years, EOWS has funded various similar programs, including: (1) the Northeast Educational Service Cooperative in Hayti, South Dakota (\$250,000 in FY 1999); (2) Selma, Alabama (\$125,000 in FY 1999); (3) Tupelo, Mississippi (\$125,000 in FY 1999); (4) the Northeast Council of Governments in Aberdeen, South Dakota (\$250,000 in FY 1999); (5) the Pee Dee Community Action Agency in Florence, South Carolina (\$175,000 in FY 2000); (6) Madison County (Huntsville), Alabama (\$175,000 in FY 2000); and (7) the Jefferson Parish President's Office in Jefferson, Louisiana (\$125,000 in FY 2000) (with a focus on providing services and programs to elderly persons, persons with disabilities, economically disadvantaged persons, and young people).**

**4. The Department's programs rehabilitate homes of**



**residents with disabilities, among others, as part of the "Neighborhood Restoration" component of Weed & Seed.**

**The Department provides technical assistance and some training regarding rehabilitation of homes, including homes of residents with disabilities, as part of the "Neighborhood Restoration" component of Weed & Seed.**

**5. The Department supports the development of a mental health screening protocol to be used in correctional facilities for clinical, research, and/or program development and evaluation.**

**OJP's National Institute of Justice awarded grants totaling over \$300,000 to the California Youth Authority between FY 1998 and FY 1999 to establish an assessment package designed to obtain direct information about the mental health status of juveniles entering State-level institutions, as a reliable and valuable classification tool for use with youthful-offender populations.**

**The University of Connecticut Health Center received a grant of \$750,000 in FY 2000 from the National Institute of Justice to develop, implement, validate, and disseminate an efficient three-stage, mental health screening protocol that will be accessible nationally by correctional facilities for clinical, research, and program development and evaluation purposes. The study's goal is to develop and validate a mental health screening protocol to enhance the timely and accurate identification of psychiatric disorders within adult correctional systems.**

**OJJPD issued a grant of \$80,000 to the Policy Research Associates in Delmar, New York to update and expand the monograph, "Responding to the Mental Health Needs of Youth in the Juvenile Justice**

**System," to incorporate new research, initiatives, and policy changes that have occurred since 1992. The revised version will include new topics such as identifying and meeting the needs of youth with co-occurring substance abuse and mental health disorders, as well as a description of innovative, collaborative approaches developed at Federal, State, and local levels to respond to the mental health needs of youth in the juvenile justice system.**

**6.The Department helps train prosecutors on mental health issues.**

**OJJPD has issued grants totaling \$1,200,000 to the American Prosecutors Research Institute in Alexandria, Virginia to increase and improve prosecutor involvement in juvenile justice. As part of this program, training of prosecutors will address certain "evolving juvenile justice areas," such as community prosecution, community justice, community-assessment centers, and mental health concerns, among others.**

**7.The Department develops disability-related educational and resource materials for law enforcement officials and victim advocates.**

**OJP's Office of Victims of Crime (OVC) issued a grant of \$51,000 in FY 1999 to the National Sheriff's Association (NSA) in Alexandria, Virginia to initiate a program to bring leaders from the disability advocacy field together with the NSA to develop a pocket guide for law enforcement that will provide brief, instructional tips on the best ways to respond legally, professionally, and compassionately to crime victims who have Alzheimer's Disease, mental illness, mental retardation, or who are deaf or hard of hearing. The guidebook will have a brief introductory section, five individual sections on each**

**special population of victims, and a section that explains the responsibilities of law enforcement under the ADA. The guide will include a directory of national resources that officers can contact for further assistance. The OVC Resource Center will disseminate the handbook to law enforcement agencies across the nation.**

**OVC issued a \$160,000 grant over two years to Video Action, Inc., in Washington, D.C. to bring together leaders from the disability and victim advocacy communities to design and develop a video-based awareness and resource package to encourage and support the efforts of advocates in both the criminal justice system and the private sector to partner with practitioners in the disability communities to reach and serve crime victims with a wide range of physical and cognitive disabilities.**

**Over a period of three years, OVC provided \$300,000 in funding to the Abused Deaf Women's Service (ADWAS) of Seattle to replicate its culturally appropriate, linguistically accessible program of services for victims of sexual assault and domestic violence who are deaf or deaf-blind. To date, ADWAS has trained and provided ongoing technical assistance to over 75 leaders in the deaf community from 15 cities across the nation, enabling them to return to their community and develop similar programs for victims who are deaf or deaf-blind.**

**8. The Department supports programs to address the mental health, behavioral, and substance abuse needs of Native American youth and their families.**

**COPS provided funding in FY 2000 and FY 2001 under the Mental Health and Community Safety Initiative for American Indian/Alaska Native (AI/AN) Children, Youth, and Families. Grants were**

**awarded for salaries and benefits for new police officers, and for law enforcement training and equipment, including technology and vehicles, for new and existing police officers. Resources funded under this program (officer positions, equipment, and/or training) must be used to address the mental health, behavioral, and substance abuse needs of Native American youth and their families and provide a range of youth support services and programs both in the community and in the school arena. This grant is part of a collaborative initiative between the Department of Education, the Department of Health and Human Services, and the Department of Justice, Office of Juvenile Justice and Delinquency Prevention. It is the intention of this initiative to provide a comprehensive approach to address the mental health and substance abuse issues of AI/AN children, youth, and families.**

**9. The Department continues to support the facilitation of more effective collaboration between local law enforcement and community mental health professionals in responding to individuals with significant mental illness.**

**Through its Collaborative Leadership Project, COPS has funded a partnership among the National Sheriffs' Association, the Treatment Advocacy Center, and the Seminole County, Florida Sheriffs Office to facilitate more effective collaboration between local law enforcement and community mental health professionals in responding to individuals with severe mental illness. The partnership will identify the most promising programs and practices that have been developed to distinguish appropriate and inappropriate law enforcement actions, to help officers respond more effectively to mental illness crises, to divert individuals to mental health treatment when**

**appropriate, and to access community mental health services.**

**B. Barriers to the Full Implementation of *Olmstead*.**

**1. Many victim assistance programs and shelters are inaccessible to people with disabilities.**

**Domestic violence shelters, rape crisis shelters, and other facilities and programs for victims of crimes are often physically inaccessible to many people with disabilities and some maintain eligibility criteria that discriminate against people with disabilities. Shelter operators are commonly unaware of legal obligations under the ADA. As a result, some people with disabilities have been institutionalized simply because the most integrated setting appropriate to their needs (a domestic violence shelter, for instance), is not available to them. In the mainstream institutional setting, those individuals do not generally get the assistance they may need to deal appropriately with the underlying criminal issues. Additionally, victim advocates are often unaware of the huge number of people with disabilities who are crime victims and so do not target their efforts at identifying and serving this population.**

**However, accessibility is not just an issue of physical resources. In January, 1998, OVC funded a landmark forum that brought together experts from the victim assistance, disability advocacy, and research fields to address the victimization of people with disabilities. Forum findings and recommendations were captured in an OVC Bulletin entitled "Working with Victims of Crime with Disabilities" ([www.ojp.usdoj.gov/ovc/publications/factsheets/disable.htm](http://www.ojp.usdoj.gov/ovc/publications/factsheets/disable.htm)). While physical barriers are a deterrent to providing services, participants identified other critical issues, with many from the disability**

**communities stating that "attitudes toward the person with a disability is as important or more so than physical accessibility." Participants went on to discuss the pervasive problem of under reporting of crimes committed against individuals with disabilities, and that concerted efforts must be directed toward educating a broad array of practitioners in the disability advocacy, healthcare, education, and social service sectors about victimization issues.**

**2. There are few statistics regarding the number of people with disabilities who are crime victims.**

**Research and statistics often play a vital role in driving policy and funding decisions. Many disability advocates have long insisted that there is an epidemic of victimization of people with disabilities, but there is little data available and, potentially, tremendous under-reporting.**

**3. People with disabilities who are abused by their caregivers may fear institutionalization if they report the abuse.**

**People who are dependent on caregivers (including family members) may be frightened to report abuse to the proper authorities, due to the fear that if their caregivers are arrested and prosecuted, the individuals with disabilities will be without care and have to be institutionalized.**

**4. The "Not In My Back Yard" syndrome stifles the location of group homes for people with disabilities in residential neighborhoods and contributes to the overwhelming problem of a lack of community-based alternatives.**

**One of the biggest hurdles to integrating people with disabilities into community settings is a lack of**

**housing (including affordable accessible housing and group homes). One part of this problem stems from the "not in my back yard" syndrome, in which residential neighborhood associations resist the placement of group homes for people with disabilities in their neighborhoods.**

**5. Recidivism rates are high among convicts with mental illness, often due to absent or inappropriate recognition and treatment of their medical condition within the criminal justice system.**

**Some people with mental illness repeatedly cycle through the criminal justice system without receiving appropriate medical assistance. The criminal justice system's lack of attention to mental illness issues results in inappropriate and sometimes cruel confinement of some persons and a tremendous burden on law enforcement, judicial, and correctional agencies due to behavior difficulties during incarceration and increased recidivism rates. If appropriately treated, many people with mental illness may be fully integrated members of society, without running further afoul of the law.**

**6. Police officers may respond inappropriately to mental disturbance calls, sometimes with tragic results.**

**When police respond to calls involving people with mental illness, they may respond inappropriately, sometimes escalating tensions and making situations more dangerous for themselves and the community, as well as those who are mentally ill. Early involvement by trained mental health professionals in these situations could significantly reduce the danger to the police, the subject individuals, and the community.**

**C. Blueprint for Future Action.**

**To address the barriers identified in this report, the Department recommends the following specific actions to meet the essential needs of individuals who are moving from institutions into the community, or to keep them from becoming adversely involved in the criminal justice system:**

**1. The Department will educate victim advocates and shelter operators regarding their responsibilities under the ADA.**

**The Department will provide information in grant solicitations regarding grantees' responsibilities under the ADA and Section 504 of the Rehabilitation Act. Additionally, the Department will make information available at conferences to reach the victim assistance community and inform them of responsibilities under the ADA and Section 504 of the Rehabilitation Act.**

**2. The Department will encourage States to earmark a portion of funding from the Victims of Crimes Act to eliminate disability-based discrimination in victim assistance programs and facilities.**

**The Department will inform State agencies responsible for implementing programs under the Victims of Crimes Act (VOCA), 42 U.S.C. §§ 10601, et seq., of their responsibility in ensuring that individuals with disabilities have access to programs and facilities.**

**The Department will provide technical assistance to State agencies and inform States about the possible uses of VOCA funds to make facilities or services accessible to victims with disabilities.**

**3. The Department will make available the best practices of mental health courts.**



**Mental health courts are designed to respond to the problem of mentally ill misdemeanants and, in some jurisdictions, low-level felony offenders who repeatedly cycle through the criminal justice system without receiving needed assistance. Jurisdictions with mental health courts have recognized the recurring issue of inadequate screening and treatment of mentally ill/mentally impaired defendants and offenders. Although every mental health court is different in its design and operation, each seeks to reduce recidivism, increase cost-effectiveness, and provide equal justice under the law. The Department will make information, especially best practices, available to the field.**

**4. The Department will integrate questions on disability status into the National Crime Victimization Survey.**

**The Crime Victims with Disabilities Awareness Act, passed in October 1998, directed the Department's Bureau of Justice Statistics (BJS) to include in the National Crime Victimization Survey (NCVS) statistics relating to "the nature of crimes against individuals with developmental disabilities; and the specific characteristics of these crimes." NCVS is the Department of Justice's primary vehicle for measuring the characteristics of victims of crime, including violent crime. It is conducted at about 90,000 sample households per year to measure the occurrence of a set of serious crimes such as rape, robbery, assault, burglary, theft, and motor vehicle theft.**

**In order to carry out the legislative mandate of the Crime Victims with Disabilities Awareness Act, BJS and the Census Bureau have worked to develop questions that can identify disabilities and have researched modifications that must be made to existing questionnaires, survey procedures, and**

**interviewer training to collect victimization data of the disabled population. In order to most accurately and efficiently evaluate both the survey questions and procedures, BJS is planning a study in California to collect information on criminal victimization from a sample of people who receive disability-related services. The study, called the Victimization of People with Disabilities Study, will begin in October 2002 and will last two to three months. Data collection will be done by the United States Census Bureau. For the study, the Census Bureau will conduct approximately 200 face-to-face interviews with persons with mild to moderate mental retardation. Ultimately, the results from this study will assist BJS and the Census Bureau in refining and modifying the questions and procedures that will ultimately be incorporated into the NCVS to collect data on the victimization data of people with disabilities.**

**5. The Department will make technical assistance available regarding mental health crisis intervention programs.**

**Technical assistance will be made available on how to implement mental health crisis intervention programs in law enforcement offices. In addition, best practices will be identified and publicized.**

**6. The Department will seek to develop a nationwide training program for law enforcement addressing mental illness issues, through the RCPI's.**

**The Department will explore the development of a curriculum for the Regional Community Policing Institutes (RCPI's) to educate law enforcement officers about how to interact appropriately with people with mental illness who are victims, witnesses, suspects, arrestees, prisoners, or those**

**otherwise involved in the criminal justice system. The RCPI's are partnerships created to provide comprehensive and innovative community-policing education, training and technical assistance to COPS grantees and other policing agencies throughout a designated region. Currently, there are 28 Institutes located across the country.**

**7.The Department will explore the development of a new program to enable local jurisdictions to hire new community-oriented police officers trained to respond to mental health disturbance calls.**

**The Department will seek funding for a new program to hire additional community-oriented police officers with special training in mental health issues, whose primary assignment would be to respond to mental health disturbance calls. Such a program would be patterned after the COPS in Schools (CIS) Program. The CIS Program provides funding to local, State, and tribal jurisdictions for the direct hire of entry-level police officers and sheriff's deputies. The newly hired officers must be deployed into primary or secondary schools to engage in community-policing activities, or the agency may elect to deploy a veteran officer into the schools and hire an entry-level replacement for the vacated position. Through CIS, COPS provides a maximum of \$125,000 for the salaries and benefits for new, entry-level officer positions over the course of the three-year grant period. Any additional amount of funding needed for salary and benefit costs exceeding \$125,000 per officer must be paid through local cash match.**

**8.The Department will use its presence in Weed and Seed community sites nationwide to address access to community facilities, services and activities for people with disabilities.**

**OJP's Executive Office for Weed and Seed (EOWS), with technical assistance from the Civil Rights Division (CRT), will assess how Weed and Seed sites, which receive DOJ funding to strategically approach crime and neighborhood service concerns, are addressing issues related to people with disabilities. These sites are coordinated through the United States Attorney's Offices in partnerships that include local law enforcement, social service providers, and faith-based groups. These sites will report on accessibility to Weed and Seed services and facilities; and identify any special programs, housing, services and community-based alternatives for individuals with disabilities.**

**EOWS and CRT will distribute informational packets on disability issues nationwide to all 270 Weed and Seed sites. (The number of sites is expected to reach 300 in 2002). These packets will include contact information of alternative dispute resolution programs that handle disability matters and a videotape highlighting Weed and Seed sites with community-based service facilities which comply with the ADA. CRT will provide technical guidance in compiling materials and information about matters related to the *Olmstead* decision, the ADA, and any Federal resources designed to assist States and communities with compliance issues.**

- 9. The Department will use its CRS network to disseminate *Olmstead*-related technical assistance materials in the broadest possible manner.**

**One of the requirements of the Executive Order is to increase information flow. The Department is committed to doing so both within the government and among persons affected by the *Olmstead* decision. The Department's Community Relations Service (CRS) will help to distribute the technical**

**assistance pieces dealing with the rights of individuals with disabilities under the ADA and *Olmstead* to a racially, ethnically, religiously, and linguistically diverse audience. (See discussion of Technical Assistance, above). The Department plans to provide these technical assistance pieces in a variety of languages other than English.**

1. Many inmates of correctional institutions have disabilities such as mental illness, hearing or vision problems, learning or speech disabilities, or mobility impairments, including 31% of State inmates and 23% of Federal inmates. Laura M. Maruschak and Allen J. Beck, *Medical Problems of Inmates, 1997*, DOJ's Bureau of Justice Statistics Special Report, NCJ 181644 (January 2001) ([www.ojp.usdoj.gov/bjs/abstract/mpi97.htm](http://www.ojp.usdoj.gov/bjs/abstract/mpi97.htm)). A relatively high number of inmates report having a mental condition or having stayed overnight in a mental hospital, including 16% of State prison inmates, 7% of Federal prison inmates, and 16% of those in local jail. Paula M. Ditton, *Mental Health and Treatment of Inmates and Probationers*, DOJ's Bureau of Justice Statistics Special Report, NCJ 174463 (July 1999) ([www.ojp.usdoj.gov/bjs/abstract/mhtip.htm](http://www.ojp.usdoj.gov/bjs/abstract/mhtip.htm)).

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