

# **Criminalization of Racialized Disabled Youth: A Thematic Content Analysis**

Cathleen Kaur

Department of Child and Youth Study

Mount Saint Vincent University

June 2024

Thesis Supervisor: Dr. Sarah Reddington

Committee Member: Dr. Fernando Nunes

A Thesis submitted to Department of Child and Youth Study in partial fulfilment of the requirements for the degree of Master of Arts in Child and Youth Study

© Cathleen Kaur 2024

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### **Abstract**

Youth incarceration in Canada has shown disparate trends. The overall crime rate for youth in Canada has decreased, while the number of Indigenous and visible minority youth within youth justice system has risen (Department of Justice, Canada, 2021). The youth at the intersections of disability and racialization are disproportionately represented among the incarcerated. However, there is a paucity of research on the lived experiences of those youth who are both racialized and disabled in prisons across Canada. This research engages an intersectional theoretical framework to critically analyze the narratives of young racialized and disabled prisoners in Ontario through a thematic content analysis of the Disability Justice Network of Ontario's (DJNO) Prison Project datasets. The sampled datasets were analyzed to provide an in-depth understanding of the oppression within incarceration. The findings of this research reaffirm the overrepresentation of disabled and visible minority youth within the criminal justice system. Furthermore, the unique oppression of disabled, racialized prisoners in Canadian prisons is evident through the prevalence of ableism within the criminal justice system, subhuman and life-threatening conditions of incarceration for disabled, racialized prisoners and the compounding of the consequences of these identities in augmenting their marginalization. The prisons confine, pathologize, stigmatize and dehumanize racialized and disabled people and therefore, act as an extension of the institutions that disability rights movement fought to overthrow. This research speaks to fervent need for criminal justice practitioners to engage with the discourses of criminalization, racialization and ableism within incarceration experiences of prisoners from an intersectional lens.

Keywords: incarceration, prisons, ableism, racialized youth, disabled incarcerated youth, Canada

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### **Acknowledgement**

This research is dedicated to the people with whom I had the honour of working in the criminal justice system so far in life, people who are locked away and put out of our imaginations. They shared parts of their lives with me, trusting their lives in my hands; their strength and resilience inspires me to do my part in the fight for social justice.

My gratitude is due, first and foremost to Dr. Sarah Reddington, my thesis supervisor, mentor and inspiration in this journey. Thanks for taking me on as a thesis student, trusting me with building this project, allowing me to chase this question that nagged me for years. I never took myself to be an academic writer, but your unrelenting encouragement and positive feedback helped me embrace this identity. You bring out the best in people. I would also like to thank Dr. Fernando Nunes for graciously agreeing to being part of my thesis committee, offering his insights and detailed feedback on my writing. Your penchant for depth, meticulousness and attention to detail kept me on track in the writing process.

To my faculty at the Department of Child and Youth Study, Dr. Catherine Baillie Abidi and Dr. Shane Theunissen, I have utmost regard and gratitude for your classroom contributions in our critical learning. Sandra Schnare, your gregariousness and pleasant smile is infectious; CYC is unimaginable without you. Jennifer Miller, thanks for your mentorship in the teaching process. I would also like to thank Nicole Slipp at the library for her topnotch guidance on using library resources throughout this research.

My deep appreciation goes to Dr. Penelope Tong, Fieldwork Supervisor at my alma mater School of Social Work, Tata Institute of Social Sciences, Mumbai for her continued engagement with, and mentorship on, the criminal justice social work. Thank you for guiding me from the time this

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

project was just an idea, accommodating my requests for a call every now and then. Your commitment and wisdom in criminal justice social work has guided me all along.

My family has been the most invaluable support in my pursuing this dream. My mother, who didn't give in to patriarchal social norms determining my life choices; my sister and brother for standing by me, supporting me emotionally and financially as I took big, small steps advancing in life. Thank you, Jasleen and Franklin for taking care of me, feeding me, being my health and sickness people at 27 Langbrae Drive. My friends at the Mount – Efua, Shuo, Latika, I am deeply indebted to your love and friendship. Thank you, Azam and David for holding space for me when I needed to grumble about research, nevertheless reminding me I will be fine. Pooja, in you I found the most reassuring friend fighting the same research anxieties, homesickness, loneliness. Those study sessions over WhatsApp gave me a space of belonging. Sunandini, your contribution to me being the person I am today is beyond words, and for that I will always hold you fondly in my heart. Thank you, Sukanya Ray for not minding donning your faculty hat when I needed that support in our space.

Lastly, my father who has always been my moral compass. For all the hardships you endured so that we could have a decent life, I know you are watching over me, feeling proud of me as I undertake life and its challenges. I wish you were here...

All my relations!

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

## Contents

<b>Chapter One: Introduction to the Research</b> .....	6
<b>Researcher Positionality</b> .....	7
<b>Chapter Two: Framing the Issue</b> .....	10
<b>Chapter Three: Review of Literature</b> .....	16
Mass Incarceration or Hyperincarceration .....	16
Overrepresentation of Young Indigenous Persons in the Justice System .....	17
Overrepresentation of Young Black People in the Justice System .....	18
Overrepresentation of Disabled Youth in the Justice System .....	21
The Myth of Fair Criminal Justice System .....	23
Prisons as sites of oppression and regulation .....	24
Ableism within the Criminal Justice System.....	25
Racial Criminal Pathologization .....	26
<b>Theoretical Framework</b> .....	29
<b>Chapter Four: Methodology</b> .....	32
<b>Chapter Five: Findings</b> .....	42
<b>Theme I: Ableism within the Criminal Justice System</b> .....	42
<i>Disabling Prison Design</i> .....	42
<i>Inaccessible Healthcare</i> .....	44
<i>Impact of Prison on Lived Experiences</i> .....	47
<i>Disparaging Language used by the Corrections Officers</i> .....	49
<b>Theme II: Conditions of Incarceration</b> .....	52
<i>Use of Segregation</i> .....	53
<i>Abuse</i> .....	56
<i>Overcrowding</i> .....	59
<i>Neglect</i> .....	60
<i>(Un)Natural Deaths and Prison</i> .....	61
<b>Theme III: Being Racialized and Disabled within the Criminal Justice System</b> .....	62
<b>Chapter Six: Discussion</b> .....	68
<b>References</b> .....	72
<b>Appendix A</b> .....	91
<b>Appendix B</b> .....	92

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### **Chapter One: Introduction to the Research**

This thesis is a thematic content analysis of the Disability Justice Network of Ontario's Prison Project, to bring attention to the lives of those behind bars. The rise of punitiveness in our justice-dispensing calls for more offenders behind bars, using stringent punishments and answering any social anomaly with imprisonment. This blind faith in punishment as the panacea to criminal offending, combined with the bludgeoning legacies of racism and ableism, is the genesis of the criminalization of marginalized groups of populations. In this thesis, I delve into the phenomenon of criminalization of racialized and disabled youth in prisons across Canada.

In the first chapter, I establish the individual foundations of what motivated me to undertake this research, how, as a researcher, I locate myself within this research and how my identity, experiences and approach to the overall justice system motivated this research inquiry. My positionality is relevant not only at a personal level but also for the readers to understand how my professional engagement in the usually beyond reach criminal justice institutions adds value to this academic project. In chapter two, I discuss the relevance of this issue and how this research touches upon an under explored aspect of youth incarceration. I then proceed to the chapter three, where I summarize different journal articles that I perused through to discover what is known and what is missing in the scholarly literature on this topic. Subsequently, in chapter four, I discuss the broad methodological framework where I attend to the methodological parameters to conduct this research as a credible and rigorous exercise, rationalizing the methodological choices I made in planning this research. In the chapter five, I present a thematically organized summary of the data from the Prison Project website, analyzed with the existing literature and debates to answer the questions I pose through this research project.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Lastly, I discuss the implications of these findings vis-à-vis future interventions and research with children and youth, flagging the limitations of the study.

### **Researcher Positionality**

I am a woman of colour, who worked as a criminal justice social worker in India for three years before moving to Halifax to pursue higher education. My background education in law and criminology and justice prepared me to work in the criminal justice system. However, my motivation to pursue these fields of study precedes these choices. My gender, religious identity, and the colour of my skin are vital to my motivations in conducting this research. My understanding of how marginalized groups navigated the criminal justice system in India is embedded in the experiences professing this identity and, therefore, contextual. Being a ‘Sikh’ woman born in the 1990s, I grew up in the long decade of extra judicial killings that followed the anti-Sikh riots in 1984; heard stories of political prisoners, countless Sikh men lodged behind jails on false charges but not the culprits of the genocide, shaping my ideas of justice as a contingent experience. It is with this acknowledgment of multiple subjectivities that have influenced my worldview, that I enter this research project, where I conduct a thematic content analysis through an examination of the lived experiences of disabled youth from racialized identities in prisons across Canada, being a visible minority myself.

The need of this research stems from my experiences of working within the criminal justice system in India, where a vast majority of incarcerated people (including both children in conflict with law and adult prisoners) come from various socio-economically marginalized communities (Raghavan & Nair, 2013; Saikumar, 2019; Surendranath et al., 2021), living with wide range of disabilities and socio-emotional difficulties that often go unnoticed through the system (Project 39A, 2021). As a young professional beginning my work in the core criminal

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

justice institutions including prisons and the youth detention facilities, it was hard to overlook how these institutions looked familiar to the underprivileged neighborhoods – overcrowded and overrepresented by the socio-economically underprivileged. Invisible disabilities were passed off as behavioural issues, disruptions and eccentricities.

The clients with whom I worked experienced oppression at multiple levels (i.e., caste, class, gender, disability, religion, or sexual orientation). It was never possible to pick one experience or lived reality to say this was at the root cause of their oppression. This is fundamentally at the heart of this research inquiry, to proceed from the criminalization of vulnerable groups as an underlying, subliminal reality to qualify into a rigorous examination of the evidence-based literature which could be used to highlight the voices of those who experience, live, fight and transform these oppressive conditions. In this research project, I explore the Disability Justice Network of Ontario's Prison Project data to gather insights into the criminalization of the racialized disabled youth in Canada, via a thematic content analysis. I do so by asking these research questions:

1. What are the lived experiences of racialized young people with disabilities, who are undergoing incarceration in prisons across Canada, based off the Prison Project data?
  - a. What does DJNO's Prison Project say on the nature of oppression that racialized, young people with disabilities in Canada face due to incarceration?

There are multiple ways to conceive and argue any research as 'critical'. I agree with Bhavnani et al. (2014) in their review that critical research does not only concern itself with 'what' is being asked or 'how' it is being asked but also with 'who' is asking the question emphasizing the "*politics* and explicit situatedness of the research" as central to its critical nature (p.170). Therefore, any research without an examination of 'self' will fall short owing to its

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

name critical, making subjectivity of the researcher crucial in designing qualitative research (Leavy, 2014). Critical reflexivity is the researcher's own imprinting on the research space. It is the inherent consciousness within us as researchers that compels us to ask questions that do not just describe but unveil; enable but disrupt (Mao et al., 2016). The processes in which I conceive crime and deviance in an unequal society also inform my positionality. While I do not outrightly claim generalizability or transferability of those experiences, the histories of settler-colonial occupation of Canada, transatlantic slave-trade, disruption and erosion of indigenous life and identity, the disabling and racist immigration policies and the ableist violence in the form of high incarceration of youth with disabilities from visible minorities highlights the historical oppression of racialized groups in the postcolonial world. I turn now to the next section where I contextualize the premise and my argument in this research project, explain how I frame the relevant terminology and lastly, flag my research aim and questions for the readers.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### **Chapter Two: Framing the Issue**

Prisons are the physical structures that represent the microcosm of all social inequalities present in society (Rusciano, 2022), segregating the racialized and pathologized bodies of the marginalized identities existing on the fringes of the unequal social structure (Ben-Moshe, 2014). The phenomenon known worldwide as ‘mass incarceration’ has piqued interest from various segments, including academia, policy thinktanks and social justice groups due to its grave implications for the marginalized social groups. But, this concern is insufficient on two counts (Travis et al., 2014): firstly, the focus has often been on mass incarceration in the United States given their neoliberal, pro-capitalist, neo-racist discursive practices (Davis & Rodriguez 2000; Giroux 2008; Meisel 2005); with respect to Canada, there is some research on disproportionate incarceration of Indigenous people, but there is explicit lack of research on the impact of mass incarceration on young black, Indigenous, people of color in Canada. Secondly, there is evidence that there are disproportionate numbers of disabled people in the prisons across Canada and United States (Baloch and Jennings, 2019; Blanck 2017; Morgan 2022; Whittingham et al., 2020).

Despite the research establishing an overwhelming presence of people with disabilities behind bars, the consequences of criminalization on the lives of youth with disabilities from the racialized communities in Canada is further missing from the focus. The analysis and articulation of mass incarceration does not do enough justice to the intermeshing of disability and ableism on the lives of young people in the criminal justice system (Ben-Moshe, 2018). Given this, there is a requirement to conduct an inquiry into how prisons are becoming the warehouses of disabled, racialized persons and uncovering what are the lived experiences of the disabled, racialized youth in these prisons across Canada.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

The criminal justice system is not only racist, sexist, and anti-poor, it also disproportionately affects people with disability (Blanck, 2017; Cunneen, 2018; Delgado & Stefancic, 2007; Eschberger 2022; Leotti & Slatyer, 2022; Mallett et al., 2023). The people at the receiving far-end of this system navigate the multilayered oppression that the criminal justice system perpetuates, due to the intersecting identities on account of race, ethnicity, class, gender, and disability. This aspect of the criminal justice system has been underexplored in academic research (Gormley and Watson 2021; Gormley 2022; Mallett et al., 2023; Mueller, 2019).

Recognizing the intersectional nature of the lived reality and experiences is momentous to advocate for social justice and it is the guiding rationale behind this study. As Ben-Moshe and Magaña (2014) caution us, we should not fall into the trap of treating significant constructs of race, gender, disability as singular, standalone categories, but look at the interconnectedness of how these constructs interact, reproduce, and sustain the inequalities in our societal structure. Through this research, I wanted to move beyond looking at disability in the criminal justice system as a standalone label, telling us the number of incarcerated people with disabilities, and moving on to explore the interplay of racism and ableism on the lives of young people belonging to visible minority groups, thus perpetuating their oppression and marginalization.

The criminal justice system is a discourse that thrives on the interpersonal construction of crime and criminal as the main culprit behind failure to achieve a safe community; it is what Coyle (2018a) calls the dominant “criminal justice” logic (p. 81). Coyle (2018a) theorizes criminal justice logic as a utopian construction of an ideal world where everyone is law-abiding, and crime is an aberration. The criminal justice logic is evident not only from its legal codes, rhetoric of law and order and the machinery to keep it running, but also who it is that the criminal justice system seeks to eliminate or incapacitate; from whom is the threat that the justice

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

system needs to protect its rightful citizens (Coyle 2018b; Cunneen 2022)? While it overrepresents and oppresses visible minority groups, it renders invisible, silences, overlooks the disabled, who may very well profess both these identities (Gormley 2021; Hays 2022).

Therefore, in this study, I intend to highlight the criminalization of racialized young people with disabilities, as they fall on the intersections of two marginalized identities experiencing incarceration. As criminalization and racialization are social constructs devoid of any universal criteria or definition, in the section below I discuss how I understand and employ these categories in the current research:

**Criminalization:** This term is different from the notions of crime and criminality, which focus on the interpersonal motivations behind committing a crime and the inherent likelihood of a person/social group engaging in crime, respectively. I concur with Mirchandani and Chan's (2002) and Cunneen's (2022) analysis that criminalization is the process by which the groups and communities whose activities by and large will be labelled "crime" are decided, thus making criminalization deeply embedded in political contestation. Criminalization aligns itself with the broader questions of the harm inflicted by the state power in deciding what will be labelled as a crime. Robinson & William (2009) point to this incongruence in the criminal justice system whereby white-collar crime and corporate crime committed by affluent white, middle-class are viewed as less serious and are not as seriously punished. The assumption is that they cause less physical and financial damage and are less widespread than the street crimes, concentrated in racialized neighbourhoods, leading to their disproportionate policing and escalated run-ins with law. Therefore, criminalization problematizes the selective categorization of crimes and criminals to decenter the dominant power balance in the production of criminality (Martínez, 2018).

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Youth: Youth as a category does not follow a universal age criterion. There are different frameworks that set youth in different age brackets, both globally as well as in Canada. For instance, the United Nations definition of youth defines youth as someone between 15-24 years of age (United Nations, 2013). The definition of youth in the context of Canada is expansive and includes those who fall between the ages of 15-29 (Youth Policy in Canada, 2020). However, the Youth Criminal Justice Act, 2003 that governs Canada's youth justice system applies to those who are between the age groups of 12 to 17 years (Department of Justice, 2013). In this research, I explore disabled and racialized youth's experiences keeping in line with the definition given under the Youth Policy in Canada, not the Youth Criminal Justice Act as the former provides a more expansive construction of youth.

Disabled youth: Throughout this study, disability identity is discussed, analyzed and framed through an identity-first lens. The participants in these Prison Project datasets speak to having disabilities without qualifying through the medical-system's diagnostic and statistical criteria. Therefore, the prisoners self-identify of being disabled and may or may not have the DSM-5 diagnosis for their disabilities. This is also done keeping in mind the diverse nature of disabilities and reiterating everyone's relationship with their disabilities is unique.

Racialized youth: The term racialization has emerged in distinction to the understanding of race, which has been discarded for lacking any "objective, inherent or fixed quality" (Cunneen, 2019, p. 523) or in other words, being unscientific (Gonzalez-Sobrinio & Goss, 2019). Nevertheless, both racialization and visible minority are contested terms and have contextual meaning. I use the term 'racialized' in this research to draw attention to the oppression of groups of people as it assigns privileges to certain groups and disadvantages others, while also reinforcing structural inequalities which already negatively impact certain vulnerable groups

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

(Egede et al., 2024). Racialization, therefore, is an acknowledgment of how people experience the implications of this social construction. It is a production of dominant historical, social, material and political power relations, which means that these relations are not fixed but are constructed within the binaries that “underpins and supports the continued criminalization of racialized groups, where the latter represent a threat to be contained, trivialized, or erased” (Mirchandani & Chan, 2002, p. 82). In my research, I am looking at visible minority and Indigenous youth together as racialized youth in the context of Canada. The term visible minority was developed for the employment equity purpose in Canada under the ambit of Employment Equity Act, 1986 which defines visible minorities as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour" (Statistics Canada, 2016). I have used the terms racialized minorities and racialized people interchangeably in this research.

### **Research Aim**

The research aims to analyze the Disability Justice Network of Ontario’s (DJNO) Prison Project content on criminalization of racialized, disabled youth in the Canadian prisons.

### **Research Questions**

1. What are the lived experiences of racialized young people with disabilities, who are undergoing incarceration in prisons across Canada, based off the Prison Project data?
  - What does DJNO’s Prison Project say on the nature of oppression that racialized, young people with disabilities in Canada face due to incarceration?

In the next chapter, I demonstrate why this research is significant in the present time, by summarizing this issue through a review of existing scholarly literature on the criminalization

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

of Indigenous, Black, people of colour and the disproportionate presence of disabled people in our jails.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### **Chapter Three: Review of Literature**

This chapter summarizes the existing literature on the overrepresentation of young persons from visible minority communities, mainly Indigenous, Black and disabled youth in the criminal justice system globally, as they make relevant contributions to understanding criminalization of young person with disabilities from racialized minority groups in Canada. The review touches upon themes relevant in understanding the criminalization experienced by these racialized minority groups. This literature review also locates gaps within the current literature, within and outside Canada, to reiterate the significance and contribution that this research will make to the existing knowledge on the subject in the context of Canada.

#### **Mass Incarceration or Hyperincarceration**

There are two different ways of understanding the issue of the higher numbers of incarcerated populations – one, that the incarceration rates have sky-rocketed, and that the number of people behind bars is more significant than ever, termed as mass incarceration by Garland (2001). The other is what Wacquant (2009) conceptually frames as ‘hyperincarceration’ (i.e., the high rise in the volumes of incarcerated, specifically poor working class, black population, and their sentence duration). Using Wacquant’s (2009) ‘hyperincarceration’ framework, Cunneen et al. (2013) stress the extreme overrepresentation of certain identities in penal institutions rather than the huge spike in incarceration rates as the pressing issue. Sending high number of black and people of color to incarceration implies that the chances of black children and children of colour growing up in single parent household are tremendously higher, due to policies such as mass incarceration and the war on drugs (Brown et al., 2016; Tucker Sr. 2014). It only strengthens the argument that Mallett (2016) raises in his seminal work ‘School to Prison’ pipeline that the children failed by the overall policies of mass incarceration, including

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

parental incarceration, will further expose the children from poor, marginalized backgrounds to prison. Identifying the mass incarceration policies as affecting racialized youth is imperative to illuminating how the criminal justice system is not a fair institution but rather creates differential impacts for the racialized others including disabled, Indigenous, Black and people of colour, as I explore this intersection through my research.

### **Overrepresentation of Young Indigenous Persons in the Justice System**

Indigenous people are overrepresented in the criminal justice system across Canada, Australia, New Zealand (Corrado et al., 2014; Cunneen 2020). In the context of Canada, despite being only five percent of the total Canadian population, Indigenous people formed 30.4 % of the total incarcerated population as of January 2020, with further concerning incarceration rates for Indigenous women (Corrado et al., 2014; Yellowhead Institute, 2020). These alarming numbers for Indigenous groups demand an inquiry into what conditions and factors are responsible for enabling this hyper-incarceration of Indigenous groups.

Cunneen (2020) highlights the racialization and criminalization of young people of certain identities by situating criminalization of two marginalized groups in two different contexts, Black and ethnic minorities in the England and Wales and Aboriginal youth, in Australia. Cunneen (2020) aligns to the concept of racialization, instead of race, which he explains as the different specters that society uses to attribute the implications of race on certain people. Therefore, criminalization becomes an outcome of practices that fester a “racialized space of exclusion”, reiterating that different intersectional identities experience the criminal justice system differently (p. 526). In the context of Canada, two studies stand out for approaching the criminalization of Indigenous youth from a critical-historical standpoint, drawing interlinkages of the justice system with systemic issues and structural oppression from

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Canada's settler-colonial past. Mirchandani and Chan (2002) highlight the interlocking nature of racialization, criminalization, gender and economic impact on the social groups in the context of Canada, particularly the Indigenous and Black communities. Despite its astute conceptualization, Mirchandani and Chan (2000) have omitted the analysis of how disability further accentuates the criminalization of these social groups. Corrado et al. (2014) demonstrate how aboriginal youth offenders are still disadvantaged compared to their Caucasian counterparts in Canadian context given the interaction of colonialism, perpetuation of the systemic racism through discriminatory law and order policies, loss of indigenous culture and attitudinal barrier of justice personnels. Despite no difference in the risk factors or types of crimes committed by the two groups, Indigenous youth are overrepresented in the youth justice system. Corrado et al. (2014) focus on Indigenous youth but speak strongly to the presence of racialized differences in how the youth justice and, by extension, criminal justice system function, reiterating that it has implications for Black, and people of colour. There is a need to contextualize these racialized implications vis-à-vis the voices of the criminalized as they have the foremost stake in ending this oppression, as I do by exploring the prisoner's voices through the Prison Project datasets.

### **Overrepresentation of Young Black People in the Justice System**

The numbers suggesting overrepresentation are equally concerning for young people from black communities. Bosworth (2003) sheds light on how the disproportionate representation of certain ethnic backgrounds in the criminal justice system is evenly distributed across geographical limits. For instance, there are high numbers of African immigrants and their children in the penal institutions in France, former subjects from erstwhile colonies in Britain and minority groups in the United States consisting of African Americans in bulk (Baloch & Jennings, 2019). Similarly, despite the difference between the colonial histories of Australia and

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

England and Wales, the youth from certain marginalized racial and ethnic identities dominate those involved within the justice system (Cunneen, 2022). Tucker Sr. (2014) calls this massive overrepresentation of particularly Black people and people of colour in the prisons as the colour of mass incarceration, signaling not the high numbers of the prison population but the high number of people of colour in prisons as the cause of concern.

The concern over the ‘color of mass incarceration’ is evident in the large-scale review of the incarceration trends in America for the last 40 years, where the number of people incarcerated in United States from 1980 to 2008 saw a tremendous rise from 0.5 million to 2.3 million, making United States the world’s biggest prison population (Tucker Sr., 2014, p. 135). Of these 2.3 million people under prison sentence, nearly one million is comprised of Black people (Travis et al., 2014). Thus, despite comprising only 13% of the U.S. population, African Americans are incarcerated at a rate of nearly six times that of White men in state or federal prison. If Latino prisoners are added to this number, together they comprise over 60% of total inmate population, thus supporting the argument that the color of mass incarceration in United States is drawn from African American, Hispanic, and Native American populations (Baloch & Jennings 2019; Tucker Sr, 2014). The numbers are similarly concerning for African Canadians in provincial prisons. For instance, with only two percent of Nova Scotia’s total population, African Nova Scotians form 14 percent of its prison population (Yellowhead Institute, 2020).

The numbers indicate similar racial disparity in the juvenile justice system. As Abrams et al. (2021) show, 35% of the total children processed by juvenile courts in United States under the age of 12 in 2018 were black, despite being only 15% of the population. The concerns of racial disparity are not only limited to United States but show alarming presence in Canada as well. Black youth are among the fastest growing population group in Canada and are

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

disproportionately over-represented among the incarcerated along with the Indigenous youth (Lake, 2019; Statistics Canada, 2019). Fitzgerald and Carrington (2011) in their pan-Canada study of minority youth's disproportionate contact with police reported that Black youth between the ages 12-17 were three times more likely to have an interaction with the police enhancing the chances of their incarceration. Black youth between the ages of 18-29 with prior interactions with the criminal justice system as a youth offender (between 12-17 years of age) acknowledged over-policing, poverty, challenges to finding employment, exclusionary school policies, lack of inclusion within community as some of the prominent factors responsible for their run-ins with the law and order (Owusu-Bempah and Jeffer, 2021). Owusu-Bempah et al. (2023) found one in every 14 Black men in Ontario between the age of 18-35 years have undergone incarceration in the provincial prisons in Ontario. The politics of racial difference and otherness gives impetus to incarceration, more broadly, carceral regimes as I explain in further sections. Hence, there is a need to look beyond the statistical approach and identify the pathways through which this criminalization is perpetrating and how it racializes and defines the culprit within the justice system, making this study an important contribution to advocating against the criminalization of vulnerable groups.

It is apposite to look at the overrepresentation of Indigenous youth in the Canadian criminal justice system through the prism of Colonialism and, for black communities, the trans-Atlantic slave trade and racism (Alexander 2010; Bosworth, 2004; Corrado et al., 2014; Tucker Sr, 2014) as we witness similar trends for racially defined mass incarceration in Canada too. In the next section, I highlight the need to reinvestigate the established premise of mass incarceration and how it is not the overwhelming rise in prison population but the scooping out

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

and criminalization of racialized minorities that we should draw our attention to, as I look at those categories through the Prison Project's datasets in my research.

### **Overrepresentation of Disabled Youth in the Justice System**

Although there is a lack of research of pan-national magnitude done in Canada, the numbers from a national level survey in United States show an overwhelming presence of youth with disabilities in the juvenile system, compared to the national average of incarcerated youth in the juvenile justice system (Quinn et al., 2005). Erickson (2012) states a similar finding for incarcerated youth in the United States, which in their findings are two to five times more likely to suffer from serious mental illness as compared to non-incarcerated youth. Among the incarcerated youth, the youth from ethnic minorities are three times more likely to end up getting incarcerated for their alleged offences. In the absence of support services, such as those providing assessment and treatment, the youth get constructed as “troubled and delinquent” and are passed down to the juvenile justice system (Erickson, 2012, p. 405). Situating the overrepresentation of BIPOC (Black, Indigenous, and People of Colour) youth in the prison population and the pervasiveness of incarceration and criminalization among disabled indigenous, black and people of color (LeBlanc-Haley & Temple-Jones, 2020) this source dictates the need for further inquiry into the phenomenon.

Baloch and Jennings (2019) find that half of the adult prison population in the United States is living with either intellectual disability or mental health issues, compared to one-tenth of the general population. On the other hand, the activation of state's protectionism in the shape of evaluating the competence to stand trial, where the alleged accused is diagnosed with a intellectual disability, could inevitably end up infantilizing the individual's autonomy and agency while also prolonging the period of custodial detention (Karanikolas & Zirnsak, 2022;

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Marinos & Whittingham, 2020). The overall extent of disabilities existing among the institutionalized population, including within prisons, is under-explored globally as well as in Canada (Fazel et al., 2008; Ware et al., 2014).

Among the Canada based studies, Corrado et al. (2014) and Whittingham et al. (2020) stand out for highlighting high rates of incarceration for disabled people. Corrado et al. (2014) found higher rates of cognitive disabilities such as Fetal Alcohol Syndrome and ADHD among Indigenous youth and attributes the overrepresentation of Indigenous youth to the impacts of colonialism and resultant intergenerational trauma. Whittingham et al. (2020) assessed the prevalence of intellectual and developmental disabilities (IDD) among the prison population in Canada and found overcriminalization of people with IDD through their disproportional numbers in prison. Whittingham et al. (2020) show that people with IDD are exposed to higher health-related risks and how incarceration exacerbates these risk factors. It can be inferred that the health and social policy concerns established in this research have implications for disabled people's overrepresentation in the prisons across Canada. My research using content analysis of prisoner's lived experiences from the Prison Project datasets further adds complexity and nuance to this.

As Dodd (2022) states, the rise in the number of incarcerated people is linked to high numbers of persons with serious mental illnesses being processed through the criminal justice system in Australia. The consistent dismantling of community mental health resources seems like its logical culmination into higher presence of IDD among incarcerated population. Despite the strong interlinkages between intellectual disabilities and incarceration, research on the impacts that incarceration create on young people with disabilities is scarce (Tedeschi & Junewicz, 2018; Trofimovs et al., 2021). Even though Gormley and Watson (2021) bring the much-needed

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

synthesis of criminology and disability studies, there is a paucity of research into the multi-faceted nature of persecution and marginalization faced by visible minority young people with disabilities. Accordingly, my research focuses on the two labels of racialization and disability in exploring how these two interact and reproduce their oppression and marginalization during incarceration. I use the Prison Project datasets and triangulate it with the similar research done in different contexts to show the interlocked nature of oppression experienced by disabled, Indigenous, Black and people of colour.

### **The Myth of Fair Criminal Justice System**

For Gormley and Watson (2021), the criminal justice system is exclusionary and complicated to be navigated by disabled people, giving weightage to Robinson and William's (2009) research which showed that the idea of a fair criminal justice system is a myth. Robinson and William (2009) point to the hypocrisy in the logics of the criminal justice system for its differential treatment of certain crimes as less serious, because it is assumed that they cause less physical and financial damage than street crimes, and they are less widespread. These assumptions are demonstrably false. Acts by powerful, wealthy corporations produce far more damage to human life and property than all street crimes combined. Robinson and William (2009) state, "[i]n 1990, the amount of property loss from conventional street crime annually was approximately \$5 billion. The loss from the savings and loan scandal during the same period cost anywhere from \$200 - \$500 billion, although one estimate puts the cost at \$1.5 trillion" (p. 11). Despite the substantial difference between the impact of the two crimes, the criminal justice system tasks itself with the apprehending the former as they are treated as a serious threat to law and order that Coyle (2018a) argues is the 'utopian perspective of criminal justice logic' (p. 80). A criminal justice system that is geared towards treating interpersonal violences as a grave

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

concern, overlooking the disadvantages due to systemic barriers, has ramifications for the most marginalized, as they experience significantly higher interactions with this system. Therefore, there is a need to probe the innocuous power exercised by the criminal justice system to safeguard the interests of people at large through the hyperincarceration of those who belong to visible minority groups and/or are disabled.

### **Prisons as sites of oppression and regulation**

Prisons are sites of regulation, where the person who has committed the crime is segregated, surveilled, and disciplined using forms of torture (Foucault, 1977). People who are condemned by the criminal justice system are often a source of scathing hatred in society, for breaking their side of the social contract. The prison, therefore, functions ideologically as a disciplinary site, where we deposit our undesirables and expendable persons, relieving us of the responsibility of thinking about the real systemic issues afflicting the communities from where these prisoners are scooped up, in such disproportionate numbers (Davis & Rodriguez 2000; Davis, 2003). Davis (2003) succinctly summarizes, “This is the ideological work that the prison [as a carceral institution] performs – It relieves us of the responsibility of seriously engaging with the problems of our society, especially those produced by [systemic] racism and increasingly, [neoliberal policies endemic to] global capitalism” (p. 16). Giroux (2003) criticizes the marginalization entrenched in the construction of youth as dangerous and resulting reliance on criminalization of youth in the United States as a response to the failure of its education system. The prisoners are relegated to dark corners of our memories, spatial as well as mental, imprisoned to serve their sentence (Colucci, 2020). In addition to surveilling and disciplining the incarcerated, prisons have debilitating effects on people, particularly those who may already be predisposed to mental and physical ailments, leading to high suicides rates and further

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

segregation within the prisons into security housing units (SHUs) (Ben-Moshe, 2017). Prisons as institution show remarkable similarities to institutions that, over decades, were infamous for confining and segregating disabled people, warranting an examination of the ableist nature and impact of incarceration. Prisons are not neutral spaces of confinement. Prisons thrive on ableist principles; They commission, perpetuate and augment the oppression for those who are morally incorrigible, deficient and pathological. Evaluating prisons as an instrument of oppression of disabled people through a critical disability lens is not sufficiently addressed in the criminology scholarship (Gormley and Watson (2021; Tedeschi & Junewicz, 2018). This is one of the gaps that the present study addresses, by bringing a disability lens to the prisoner's lived experiences of incarceration.

### **Ableism within the Criminal Justice System**

Scholars have summarized ableism as the dominance of an ideal of human perfection as the only human and disability as abject, insufficient and in the need of a fix; anything less than the ideal human perfection as sub-human, lesser and inferior (Campbell, 2009). Ableism, therefore, much like racism and criminalization becomes an exclusionary practice which trivializes the disabled in so much as it “entitles certain kinds of bodies to neo-liberal resources and simultaneously empties and marginalizes the life-trajectories of others” (Campbell, 2014, p. 79). Morgan (2022) summarizes the ableist conditions that are implicit within the criminal justice system, particularly the prisons, including: inhuman conditions of incarceration, solitary confinement, substandard medical care, particularly access to mental health resources, high number of disabled youth from racial minorities and the complicated legal processes in the context of proliferation of incarceration rates in the United States.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Ware et al. (2014) highlight the intermeshing of ableism and racism in the criminal justice system in Canada by illustrating how ableism and racism are intrinsically tied to not just the experience but also the structure of the prisons. This is one of the few works that focus on Canada in the North American context of disability and imprisonment. They use narratives from professionals in the prison system, as well as prisoner's experiences of incarceration, as the first-person voices of prisoners and intersectional lived experiences of racialization and disability are underrepresented in the prison literature. Ware et al. (2014) equate prisons to the mental embodiment of torture and inhuman treatment which dominated the criminal justice dispensing before the modern penal system had come into place. Ware et al. (2014) connect the experience of colonial occupation, disruption of Indigenous culture, family-systems, reliance on residential schools and the disabling experiences of incarceration, which in their analysis has historically been used to muzzle defiant voices against colonization. Even though the lived experiences are drawn from prisoners and prison experiences, the experiences of carceral institutions transcend the judicial categorization of whether it concerns prisons, juvenile institutions, or the psychiatric institutions, making this research highly relevant for my exploration on how racism and ableism perpetuate within the criminal justice system, particularly the prisons.

### **Racial Criminal Pathologization**

Ben-Moshe (2014) argues that the dominant carceral logics are founded in pathologization of disabled bodies from racialized identities, which are non-normative in the sense that they are distant from Whiteness and are consistently othered. So, Indigeneity, Black people and people of color get constructed as deficient, dangerous, pathological, and therefore disposable through their carceral institutionalization, which Ben-Moshe calls an offshoot of 'racial criminal pathologization' (Ben-Moshe, 2020). Racial criminal pathologization restokes

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

the fear of a racially defined criminal and the pathological and dangerous, both need to be spatially confined or segregated to protect the perpetually vulnerable including White women and children (Ben-Moshe 2020; Rodriguez et al., 2020). Carceral protectionism and mass criminalization, according to Rodriguez et al. (2020) are the tools that are used to push the othered through carceral spaces. It is noteworthy that Ben-Moshe (2017) considers prisons, asylums, detention centers, residential facilities for people with intellectual and developmental disabilities, psychiatric and juvenile facilities, as ‘carceral spaces’ (p. 178). These carceral spaces are all part of the ‘carceral archipelago’, a term Foucault (1977) uses to denote a network of institutions ranging from medical to penal (Chapman et al., 2014, p. 10), rationalizing classification, treatment, disciplining and varying degrees of confinement for those identifies who are distant from the normative. Foucault’s work on the normative gaze, defining what the medical professionals see as normative and pathological in the subject (the patient), is relevant to understanding the carceral extending beyond the prisons (Suijker, 2023). Therefore, Indigenous, Black and disabled youth from visible minority groups constitute the non-normative bodies that experience incarceration due to their intersecting identities, making an exploration of similar inequities in Canadian context of high significance.

Spinney et al. (2016) examined 20 years of literature in a robust systematic review to see whether there are racial disparities in recommending and referring juvenile justice involved youth to mental health and substance abuse support services in the United States; in 69% of the literature reviewed race affected who were the youth to be sent to the mental health and therapeutic services (i.e., like the adult criminal justice system). Similarly, Baloch and Jennings (2019) note inequitable outcomes for prisoners in United States, such as higher cognitive disabilities diagnosis for Black inmates, higher high-school education rates among White

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

inmates and negative association of mental disability with higher educational outcomes. Consequently, they found White prisoners being less likely to have a mental health related diagnosis compared to the people of color. Mallet et al. (2023) found that with the intersectional impact of poverty, socioeconomic inequality and institutional racism, the students of color are more likely to be diagnosed with learning disabilities. These implications for adult prisoners reiterate the conceptualization of racial-criminal-pathologization that Ben-Moshe (2014) notes are the dominant carceral logics prisoners of racialized identities experience.

It is evident through the review of literature that it is not only racialized young people and young people with disabilities, but also racialized young people with disabilities who have been disproportionately overrepresented. In this study, I aim to locate criminalization as an exclusionary practice in contrast to the dominant ‘serve and protect’ motto that the criminal justice system peddles, supporting my argument that different intersectional identities experience criminal justice system differently (Cunneen, 2020) using the prisoner accounts shared on the Prison Project website.

The literature summarized underlines the massive overrepresentation of youth from Indigenous groups, Black youth and youth of colour compared to their White counterparts justifying the oppression of the racialized youth within the criminal justice system. Disabled youth are evidenced to be interacting with the criminal justice system although there is a paucity of detailed research located in Canada. Research on the criminal justice system shows how ableism pervades the criminal justice system by confining, pathologizing, stigmatizing disabled people in the underbelly of the carceral system i.e. prisons. The literature speaks to fervent need to engage with the discourses of criminalization, racialization and ableism within incarceration

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

experiences of prisoners intersectionally. The next section highlights the theoretical framework guiding this research project.

### **Theoretical Framework**

Critical research methodologies emanate from the tradition of historical realism highlighting that the reality is an interaction of social, economic, political and cultural factors (Rehman & Alharthi, 2016). This critical research study aims towards generating an understanding on how race and disability intersect and inform the incarceration of BIPOC youth in Canada through a qualitative content analysis of the Disability Justice Network of Ontario's (DJNO) Prison Project. I use intersectionality as the theoretical framework to explore the interplay of racialization and disability in accentuating the criminalization of young, racialized and disabled youth from Black, Indigenous and communities of colour.

Scholars have questioned what comprises the critical in any research project (Dodgson 2021; Jesson & Lacey 2006; Muncie 2006) as there seems to be a paucity of methodological frameworks to conduct critical research (Marx, 2023). My understanding of critical research is that there must be an examination of who benefits from the critical research and whether critical inquiries have the capacity to challenge oppression and disrupt present power-relations. Borrowing from Muncie (2006), can critical research methodologies “shed light on how particular knowledges reproduce structural relations of inequality and oppression?” (p. 51).

Traditionally, the discipline of criminology has not fully engaged in inquiries on the overrepresentation of minority groups in the incarcerated populations across the world, the dominance of power structures, and the oppression of marginalized identities (Peace, 2016) and therefore, this research aims to highlight the cumulative oppression that disabled, racialized incarcerated youth experiences, due to their interaction with the criminal justice system.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Intersectional criminology, an adaptation of Crenshaw's (1987) intersectional model rightly criticized criminology as a discipline that is concerned with eliminating the problem of crime as an individual concern (Brown & Schept, 2017). Crenshaw's theory of intersectionality highlights the interlocking nature of oppression between the multiple structural disparities and the experiences of those actors conditioned as a whole, and not separate (Cho et al., 2013; Crenshaw, 2021; Paik, 2017). Potter (2013) argues, "[i]dentities are socially constructed, fluid, and dynamic, and power – or the lack thereof – is situated differentially throughout the many social identities" (p. 305). Therefore, the power and marginalization ingrained in these identities highlights how pervasive these social constructs are within all aspects of human life. This pervasiveness makes these social constructs relevant within the contexts of understanding criminality, victimization, and informal and formal responses to crime. The outcome of understanding various power relations within these intersecting identities helps us understand the consequences when diverse populations experience institutional structures, such as the criminal justice system (Peace, 2016). Therefore, any transformative work on issues of social justice should foundationally incorporate an intersectional lens.

Some consequential questions to this seminal work on intersectionality and its widespread application in different academic disciplines, such as: education, feminist studies, queer studies, sociology and cultural studies has led to questions on whether intersectionality should be treated as a theory, a method, or a concept to be applied towards understanding individuals experiences and in the process examine the diverse marginalized experiences that many marginalized communities can experience within institutional settings. Ben-Moshe (2018) supports the use of term "maroon epistemologies", the term she borrows from Julia Sudbury to advocate for using intersectionality to underscore not only women of colour, but also trans,

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

queer, disabled bodies of color along with black feminists within the anti-carceral circles (p. 35), further expanding the bounds diverse identities. These debates have highlighted the relevance of intersectionality as a tool to bring the historically marginalized voices to the forefront.

An Intersectional framework is important in this research inquiry because it carves out the distinctness of experiences for different groups based on their multiple intersecting identities when incarcerated and subjected to normative disciplinary practices. Annamma (2017), a critical disability educator and activist, vehemently supports the use of intersectionality to incorporate a broad political identity which includes disability and race along with other marginalized identities to fight against the hegemonic systems of injustice. Therefore, my research uses intersectionality as the theoretical framework to explore the interplay of racialization and disability in accentuating the criminalization of young, racialized youth of Black, Brown and Indigenous identities through DJNO's Prison Project website content.

In the next section, I discuss the methodological approach that I employed in conducting this research, the suitability of thematic content analysis as a method, as well as the sampling unit and selection criteria for qualifying which datasets I included in my data analysis.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### Chapter Four: Methodology

I am a criminal justice social worker oriented in anti-oppressive practices within my criminal justice interventions. The clients whom I worked with during my employment experienced oppression at multiple levels (i.e., due to caste, class, gender, disability, religion, or sexual orientation). It was never possible to pick one experience or reality to say this was at the root cause of their oppression. This is fundamentally at the heart of this research inquiry, to proceed from the criminalization of vulnerable groups as an underlying, subliminal reality to qualify into a rigorous examination of the evidence-based literature which could be used to highlight the voices of those who experience, live, fight and transform these oppressive conditions. Through a thematic content analysis of the Disability Justice Network of Ontario's Prison Project, this study explores the cumulative impact of incarceration as experienced by disabled BIPOC youth in the context of Canadian criminal justice system.

Canada has a vast number of nonprofit organizations that advocate for criminal justice reforms. The major ones include: the John Howard Society of Canada, the Elizabeth Fry Society, and the Coverdale Justice Society. This study has utilized the DJNO's Prison Project, as it serves the research aim of this study – to look specifically at disabilities within the experience of incarceration for racialized youth. While the John Howard Society's mission value is to advocate for “effective, just and humane responses to the causes and consequences of crime” (John Howard Society of Canada, n.d.), both the Elizabeth Fry Society (Elizabeth Fry Society, n.d.) and the Coverdale Justice Society (Coverdale Justice Society, n.d.) work with a gender-affirming approach to improve outcomes for women- and gender-diverse youth. Alternatively, the Prison Project data provides a rich account of first-person voices of racialized and disabled incarcerated persons to build on the multilayered oppression that they experience.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### **Qualitative Research**

The present study explores the issues faced by incarcerated BIPOC youth with disabilities using a qualitative descriptive design (Vaismoradi & Snelgrove, 2019). A qualitative approach to any research methodology is appropriate if the outcome of the research is to capture the essence of the experience or phenomenon as experienced by the participants (Vaismoradi et al., 2013). The qualitative examination of major discourses that inform criminalization of the disabled visible minorities including Indigenous, black and communities of colour is an in-depth analysis of how holding multiple marginalized identities leads them to experience oppression and marginalization in the criminal justice system. As the critical qualitative research approaches reject the idea of a singular reality or a universal way to experience external reality due to the complexity of human experiences (Willis, 2007), a qualitative research design is the most suitable for this study. Explicitly, it allows me as a researcher to contextualize the multilayered oppression that young people with disabilities with diverse identities experience.

### **Thematic Content Analysis**

Thematic content analysis is an amalgamation of two methods of data analysis – content analysis and thematic analysis (Delve, 2023). Content analysis is a rigorous methodology that has been used for conducting both quantitative as well as qualitative studies since the 1970s (Krippendorff 2004; Schreier, 2019). Thematic content analysis offers a comprehensive category to scholars working with qualitative data (Delve, 2023). According to Anderson (2007), Thematic content analysis (TCA) is a descriptive presentation of qualitative data. TCA gravitates towards the importance of context and meaning in research as highlighted by Drisko and Maschi (2016), “[m]eaning is often complex, contextual, and best determined holistically... [t]hat some meaningful content may appear only once in a text, which does not necessarily mean it is not

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

important or meaningful” (p.83). The oppression of disabled, racialized people in the Canadian context, situated in the history of colonialism, slavery and institutionalization of disabled population are essential to understanding their lived experiences of incarceration, making TCA a suitable method for the present study (Gheyle & Jacobs 2017).

Thematic content analysis has also been germane to web-based analysis. It is the foremost methodological approach in working with web-based data, such as websites and web pages (Herring, 2014), making it the most relevant methodological framework. Through an exploration of textual material, audio-visual materials and other media content on the project website, I can draw attention to criminalization of people with disabilities from the visible minority communities, centering the voices of those directly impacted by this dual nature oppression. Additionally, thematic content analysis with a focus on themes and core ideas as the primary category of analysis makes it a suitable approach for conducting a qualitative inquiry into criminalization of BIPOC youth with disabilities (Drisko & Maschi, 2016) as the focus of this research is on intersectional inquiry into understanding how these identities experience the criminal justice system.

### **Selection of Sampling Unit of Thematic Analysis**

As this research ventures into combining two distinctive yet overlapping areas of marginalization – racialization and disability, the selected sample unit had to satisfy the criteria of engaging with both race and disability within the experiences of criminal justice system. Therefore, I chose Prison Project as a suitable sampling unit to meet the aims of my research inquiry.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

The Prison Project, a specific project under the larger ambit of Disability Justice Network of Ontario, works with people with disabilities to achieve equity and justice (Disability Justice Network of Ontario, n.d.). The Prison Project documents and amplifies the silenced voices of racialized, disabled youth who are undergoing incarceration in Ontario, Canada. The Prison Project operates free prisoner support phone lines to support prisoners in Ontario through the conditions and experiences of incarceration, such as healthcare access, abuse by corrections staff. The Prison Project notes an outreach of 40 racialized and disabled prisoners, who were incarcerated in the past or are currently undergoing incarceration in prisons across Ontario. The Prison Project datasets (outputs), which I highlight in the upcoming section, cover a range of issues and advocacy materials developed by the prison project to highlight racism and ableism within prisons and the criminal justice system. The project aims to educate and advocate for action to identify and challenge racism and ableism in the criminal justice system, particularly in prisons, through its advocacy, evidence building and creating awareness against the rise in punitive responses to issues of offending. In this study, I will use sections of the Prison Project to support my research aim and to illuminate the criminalization of racialized disabled youth in Canadian prisons.

### **Selection criteria**

The Prison Project website states six datasets (outputs) as listed below. As this research narrows down to the impact of racialized identity and disability on criminalization of incarcerated youth, each dataset was preliminarily studied to filter its relevance for the research aim, as I explain in the next section.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

**Table 1**

*List of Prison Project datasets and a brief description of their content*

<b>Dataset</b>	<b>Dataset Title</b>	<b>Description</b>
One	Briarpatch article (Magazine article)	An article authored by formerly incarcerated white, disabled activist, Trish Mills on the disabilities existing within the prison system using her lived experiences as well as excerpts from interviews conducted by Prison Project with racialized and disabled prisoners.
Two	Remember, Resist (Video clip)	A short video on prison conditions contributing to deaths of the racialized and/or disabled prisoners
Three	Dispatches (Audio clip)	An initial collection of voices from the first handful of interviews conducted by the Prison Project with prisoners, speaking about prison, disability and what they want us to know on conditions of confinement
Four	Executive Summary	A 20-page document on the brief summary of articles reviewed by the Prison Project team for a literature review. The summary also includes references to news articles,

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

		journals, personal testaments, committee reports and more.
Five	Toolkit	An online accessible toolkit meant to help racialized and disabled youth and adult prisoners navigating the criminal legal system, empowering them to make decisions for themselves
Six	Instagram graphics	Disability Justice Network of Ontario's social media platform circulating advocacy material on Disability Justice

In this study, I selected five sample datasets out of six sample datasets (i.e., DJNO website refers to these datasets as outputs) presented on the Prison Project. Below, I explain the rationale for each data sample set. For example, the first data set is the Briarpatch article (Mills, 2023). In this data set, I analyze the lived experiences of racialized disabled prisoners as the data situates the prevalence of disabilities within the prison system. The second data set is a video highlighting the horrendous prison conditions which are forced upon prisoners leading to loss of lives for the incarcerated prisoners (Prison Project, n.d.). The video is transcribed and attached as Appendix A Prison living conditions have been a cause of high mortality among the incarcerated population, these figures assume greater proportion when experienced by racialized disabled prisoners.

The third data set is an audio clip that puts together the narratives of five disabled prisoners highlighting their experiences of incarceration, at times intersecting with the

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

racialization that exists within the criminal justice system (Prison Project, n.d.). I transcribed the audio to facilitate the data analysis, and this is attached as an appendix (See Appendix B). The fourth data set is a 20-page document, discussing racism and ableism within the prisons, while also bringing in the different structural avenues that contribute to the criminalization of racialized, disabled people (Prison Project, n.d.). The last dataset that I chose was the toolkit. The toolkit is a resource that was developed by the Prison Project to support racialized, disabled prisoners (youth and adults), support-persons or caregivers and the professional working in or with the criminal legal<sup>1</sup> system. The resource supports those experiencing the criminal justice system to navigate the tedious legal process involved in seeking justice. The toolkit is made into a separate website that was published on the Instagram handle of the DJNO (Enabling Justice, n.d.).

The sixth and last dataset from the Prison Project Website of Instagram graphics was excluded from the final data analysis for the copious amount of information it offers. With 422 posts covering broader social media pieces related to the DJNO's overall work, the Instagram Graphics dataset qualifies to be a standalone project in its own right and is well beyond the purview of a master's level thesis project. For the purpose of this study, I only analyzed sample datasets if they fulfilled at least one criteria of my research question based on the keywords devised to address each research question.

---

<sup>1</sup> The Prison Project posit that the criminal justice system does not accord or enhance justice to those who stand at the margins of constructs such as race, disability and class, hence they have chosen to use the term criminal legal system instead of criminal justice system.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

**Table 2**

*Keywords devised to capture a particular research question*

Research Question	Keywords
Nature of oppression faced by racialized, disabled youth	racialized, BIPOC, prison conditions, incarcerated, living with disability, youth
Lived experiences of racialized, disabled young people undergoing incarceration	lived experience, first-person narratives, racialized, BIPOC, prison conditions, incarcerated, disabled, youth

Using the above criteria, I selected portions of data from dataset four and five (i.e., executive summary and toolkit respectively). The executive summary approaches the criminalization of disabled and racialized individuals from a broader lens, highlighting different institutions and agencies that funnel the disabled and racialized youth towards incarceration, such as the school system, police, courts etc. For the scope of this research, the analysis in dataset four – executive summary, was only conducted for the part on ‘Prisons’ (DJNO, n.d., p. 12). In the dataset five, I have specifically used the section on racism and criminal legal system and disability and criminal legal system, for both youth as well as adult sections, as there are many adults who have a history of being incarcerated as a youth offender and who experienced criminalization as a youth.

**Data Analysis**

A systematic approach to thematic content analysis fulfills the ‘thick description’ criteria ensuring the credibility and trustworthiness of the research (Tracy & Hinrichs, 2017). The study has used Elo and Kyngäs’s (2007) three stages to performing thematic content analysis

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

including, namely, “preparation, organizing and reporting” (p. 109). Each stage of the thematic content analysis follows a sub-category of steps:

- a. Preparation: Selecting unit of analysis, making sense of data as a whole
- b. Organizing: Open coding, coding sheets, grouping, categorization, abstraction
- c. Reporting: Thematic presentation of data answering the research questions

For preparation, all the data from all datasets will be converted into textual data including text-based material and the transcribed data from the different datasets on the Prison Project website. As my research undertakes to critically understand the oppression experienced by racialized youth with disabilities, I have used the Prison project website data that directly engages with the lived experiences of racialized young people who identify as living with a disability and have experienced the criminal justice system. The selection criteria are purposefully devised to highlight the lived experience of racialized, disabled young people who have experienced incarceration.

The data is organized by coding text into multiple “open codes” (Elo & Kyngäs, 2007, p. 109) or “units of meaning” (Anderson, 2007, p. 2), each reflecting a different, standalone meaning. The open codes emerged from the reading of datasets and as my familiarity with datasets grew, more open codes emerged. The codes and units of meaning which speak to a similar category are grouped together under a particular category. Repetitive categories are then grouped together under broader or overarching categories. This step of building open codes or unit of meaning into a category is repeated as new categories may emerge in the process of analysis. These broader categories are then used to generate abstractions or general descriptions, answering the research question in the study (Elo & Kyngäs, 2007). Themes emerging from the content are presented in the findings chapter as theme development is an integral part of all

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

content analysis approaches (Schreier, 2019). I also triangulated the data from the sample datasets with further literature such as scholarly writings, newspaper articles and government reports etc. to elicit the validity and credibility of the data.

In this chapter I highlight the methodological choices employed in designing this research project. For the present project, I am using a thematic content analysis method as it allows me both the methodological foundation to analyze web-based content at the same time using abstraction to generate themes from the content and not mere quantification of the data. The Prison Project was a suitable sampling unit for highlighting the lived experiences of racialized, disabled prisoners, serving the research aim of this project. The next chapter will consolidate the findings of the thematical analysis of the sampled units of the Prison Project, in order to bring the readers a rich understanding of disability and racialization within the criminal justice system.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### **Chapter Five: Findings**

This chapter is a compilation of themes that emerged from the thematic content analysis of the Prison Project data. The lived experiences and oppression experienced by the disabled BIPOC youth, as informed by the Prison Project website are discussed through the themes: Ableism within the Criminal Justice System and the Disabilities, Conditions of Incarceration, Being racialized and Disabled within the Criminal Justice System.

#### **Theme I: Ableism within the Criminal Justice System**

Disabilities are significantly high among the incarcerated population (Baloch & Jennings, 2019; Whittingham et al., 2020), but do not necessarily get acknowledged for intensifying the oppression experienced by the disabled prisoners, in combination with incarceration (LeBlanc-Haley & Temple-Jones, 2020). The amalgamation of ableist and racist violence within the justice system further pathologizes the disabled people from racialized groups, obscuring their disabled identities (Walsh et al., 2023). This theme addresses the diverse ways in which the criminal justice system and disabilities not only interact and reproduce oppression but are also rendered invisible, trivialized and masked. The relevant data with the keyword ‘disability’ was analyzed, leading to different subthemes emerging when analyzing the different Prison Project datasets.

##### *Disabling Prison Design*

The Prison Project data suggests that the prisons, by design, are ableist and the inherent structure of the prison creates significant barriers for the incarcerated disabled prisoners. For instance, there is a paucity of accessible prison spaces for disabled prisoners, such as: lack of access to hearing aids, grab bars, appropriate mattresses, braces, canes, crutches, and eyeglasses. The cells in most prisons are not wheelchair accessible, restricting the mobility and access of prisoners with locomotive disabilities.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

In the dataset one, Trish Mills (2023) highlights the treatment meted out to Gregory Allen, a disabled prisoner, who was forced into segregation for 412 days for using a mobility device. The criteria for placing someone in segregation, in legally defensible terms – Structured Intervention Unit (SIUs), is clear. The prisoner is placed in SIUs if they are a risk to themselves, to others or they could interfere with the investigation. In Gregory Allen’s case, the province in response to his human rights complaint stated his placement in solitary confinement was, in fact, to accommodate his disability (CCLA, 2019). This response raises serious concerns regarding how the correctional system understands supporting disabled prisoners, as this so-called accommodation only seems to further institutionalize and isolate the disabled prisoners already living in an institution.

Another incident that Mills (2023) relates within the dataset is one that highlights ableism within the incarceration of Kitten Keyes. Keyes, a disabled Indigenous prisoner, sued the Attorney General for the degrading conditions she had to go through during the initial days of her sentence, because her cell could not accommodate her wheelchair. Without access bars or grab bars in the prison cell, Keyes was unable to move between her wheelchair and the bed making her go through dehumanizing and humiliating experiences, such as sleeping on the bare floor of her cell, even defecating on herself, due to the disabling infrastructure of the prison cell (Chipman, 2021).

Keyes’s lived experiences with the prison system highlights how the disabled prisoner’s needs are treated as isolated and circumstantial in an ableism-fed system. As incarceration itself involves the loss of liberty, economic enterprises and autonomy (Shamas, 2005), the prison system becomes ableist, reproducing forms of oppression. The works of two noted disability scholars in this regard are particularly informative. Goodley (2018) describes ableism as “a broad

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

cultural logic of autonomy, self-sufficiency, and independence” (p. 6). Campbell (2014) concludes ableism on similar lines as “not just a matter of ignorance or negative attitude towards disabled people [but] a trajectory of perfection, a deep way of thinking about bodies and wholeness” (p.80). As the paramount importance in an ableist environment is given to being economically self-reliant, bodily autonomous, it perpetuates and celebrates the culture of ableism, while it furthers oppression – the rationalization of treating people differently, based on their disabilities (Campbell 2008; Goodley 2018). Therefore, prisoners of the likes of Keyes are left to fight an ableist structure that prizes able-bodiedness and places their disability as a person’s individual problem.

### *Inaccessible Healthcare*

Another theme that emerged from dataset one is the challenges around access to medical provisions and professionals for disabled prisoners. Prisoners recounted that their visits to medical practitioners and specialists either do not take place or are delayed, thus leaving disabled prisoners at enhanced life-threatening risks. Nash, a prisoner with invisible disabilities, speaks about this cycle of victimization within the justice system.

*Nash: “I’m just trying to do what I can to stay on the straight and narrow so that I can see my son again. I keep trying to see the psychiatrist here, but the nurses are not taking me seriously. They say I wasn’t taking my medication on the outside so they’re not going to prescribe them to me here at the jail. My depression is a lot worse.”*

Nash’s narrative addresses the issue of how disabled voices are often silenced as they are perceived through a normative lens as incapable of determining their own best health practices. This is pertinent when we look at the literature on disabled people with emotional disabilities (e.g., schizophrenia, bipolar, depression) where they are viewed through dominant stereotypes as

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

manic, crazy, and eccentric. While the incarcerated persons experience exacerbated risks of mental health crisis within their imprisonment, their hopes to seek mental health support is held unwarranted based on their past conduct, delegitimizing their experiences and aspirations to turn their lives around. The struggle is not just limited to mental health issues in incarceration. Another other big subset of inmates in prisons have addictions influencing their incarceration but did not have ample prison-based addiction or counselling supports, as one prisoner in dataset one explains:

*Marcus: "I have anxiety and PTSD. I was a functioning alcoholic and had to go cold turkey [in prison], which was pretty rough and scary. The nurse gave me Gatorade in the first week; other than that, they just kind of told me to suffer it out. Every time I was picked up and charged, I was under the influence. I brought it up in Kenora [jail], I wanted to talk to a psychiatrist. They just waved it off and said that I was a young, healthy man."*

Marcus' experience illuminates how the mental health of prisoners is not prioritized in the prison system where their identities as addicts are undervalued and not deemed worthy of health services. Peter, quoted in dataset five, shared similar experiences of his tryst with the healthcare system within the prisons, throwing light on how prisoners' concerns are continually belittled and brushed aside.

*Peter: "I got sick in prison... you know, going to the washroom, shitting blood and then poison inside of me, like 12 times a day... Once again, I felt like I was never heard. That I was just either being a whiner or I was being uh drug seeking – that's the one you heard a lot throughout the years. You know they assume so much. The system assumes so much out of you. I remember screaming for help, over and over and then going to the*

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

*healthcare several times until finally they did rush me to the hospital after taking bloodwork the previous evening or afternoon and then right away they rushed me in. The medical healthcare said that this guy really is sick, these numbers are all out of whack, now, let's believe him and let's bring him to Kingston General Hospital for eight straight days, shackled to a bed with handcuff on my wrist, to the bed... Yeah it's about feeling so much lesser than, so unworthy"*

Scholars have documented the adverse experiences faced by disabled people in getting support for their health needs from issues ranging from physical barriers, including getting access to health facilities, attitudinal barriers of healthcare practitioners and allied staff to more systemic issues (McColl et al., 2008; McColl et al., 2010; Veltman et al., 2001). The disparity for disabled people receiving healthcare support is quite high as disabled adults report three times higher unmet health needs versus their non-disabled counterparts, foretelling the deep linkages between health care access and health outcomes (McColl et al., 2010). Given the accounts examined in this study, there is ample reason to suspect that this chasm may be worse for those who are incarcerated.

Another example, in the first dataset, was from a prisoner named Andy, who has an amputated arm. He narrated his experience of being both a danger and then subject to ridicule on account of his disability.

*Andy: "I remember one time I was in the back of a car [that was pulled over] and I'm just sitting and an officer was like, "Hey, where's your arm?" I had like, four, five, or six officers pull their weapons on me and the passenger that was in the car with me had to scream "he only has one arm." Then [the police made] it some type of joke to try to figure out the best way to handcuff me."*

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

What Andy describes is the sense of imminent danger that police, correctional officers and the justice system quickly label upon disabled people. This dataset shows how ableism circulates within the criminal justice system as it functions to keep disabled prisoners silenced and in a docile periphery position. It shows the presence of ableist provocations within the justice system where different incarcerated people speak about their experiences of ableism within their overall struggle with the justice system. Perhaps this sense of imminent danger also leads to the use of severe force against prisoners with mental health diagnoses. I will turn now to expand on this, highlighting the prevalent culture of verbal, physical and psychological abuse in correctional facilities against prisoners with serious mental illnesses in the correctional facilities which impacts their lived experiences within the prisons.

### *Impact of Prison on Lived Experiences*

Mills (2023) begins dataset one by stating “there’s a saying among prisoners: if you don’t have a disability going into prison, you’re probably leaving with one” (para one). The Prison Project datasets one and four underscore how prisons not only aggravate existing disabilities, but also enhance the probability of prisoners acquiring new disabilities, due to the horrendous living conditions during incarceration. There are different circumstances that prisoners are forced to go through, inducing living conditions which subject the prisoners to acquiring new disabilities, such as: poor nutrition based on the prison diet, minimal access to outdoors to maintain a good cardiovascular health. Other recurrent problems in prisons, as noted in dataset four, include overcrowding, poor air quality, and lack of access to medical and healthcare practitioners. Given the prevalence of respiratory diseases in prisons, the poor access to health services only makes the conditions worse for the prisoners.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

To further substantiate this category, I looked up some of the data referenced in dataset four. I came across a report by the Standing Senate Committee on Human Rights that commissioned to examine and comment on the human rights of prisoners under federal custody across Canada. Prisoners recounted going hungry due to the inadequate quantity and nutritional value of the cook-chill diet that they are served in the federal penitentiaries, being forced to supplement their food requirements with expensive canteen-based food options (Standing Senate Committee Report on Human Rights of Federally Sentenced Prisoners, 2021). Denise Edwards, formerly incarcerated and currently studying at University of Toronto, recounted developing Graves's disease during her time at the Grand Valley Institution but was never formally diagnosed for it (Standing Senate Committee Report on Human Rights of Federally Sentenced Prisoners, 2021). Another story that I came across while searching for the theme was that of Tona, an incarcerated Indigenous woman, who spent more than a decade of her life in different institutions across Canada. Tona developed isolation-induced schizophrenia due to her being forced into segregation for over 10 years (Bender, 2022; Jones, 2018).

Jóhannsdóttir et al. (2022) stress the role of different social institutions in compounding the effects of internalized ableism on the disabled people's identity and sense of self. Young people who are bombarded with ableist messages, effectively meaning it is a tragedy to be disabled or disability needs remedying, face sense of disconnection, rejection, aloofness, lower self-worth and internalized shame. The internalized ableism must be placed in the socio-historical events of the last 150 years, where disability erasures in the form of forced institutionalization enthused by dominance of the ideas of eugenics preceded each part of disabled people's lives. Abbas and Voronka (2014) underline the spatial exclusion of disabled people within institutions, throughout the era of mass institutionalization, and draw continuities

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

from there. More than five decades after the victory of self-advocates and the disability rights movement in the form of deinstitutionalization, the struggle for inclusion of disabled people is still ripe.

### *Disparaging Language used by the Corrections Officers*

Correctional staff have been noted to use derogatory words against prisoners, such as “waterheads, slobs and lowlives” as a prisoner in dataset one notes how the prison staff categorizes the prisoners based on how able-bodied or disabled they are.

*Jalen: The COs [corrections officers] call us waterheads. The police are the exact same way. They'll call you a retard, they won't read you your rights. They'll be like, "Well, you don't understand what we're saying."*

The disparaging language that is used by correctional officers demonstrates how disabled identities are often subject to derogatory and slang language that impacts their sense of self in debilitating ways. This experience by Jalen aligns with the oppressive history of institutions in Canada. Canada has a 100-year-old history of segregating its disabled population in total institutions. Malacrida (2006) evidences the history of Michener Center in Alberta, which started as a eugenics-informed institution for 108 residents labelled with Intellectual and Developmental Disability (IDD) in 1923 and at its peak housed 2300 individuals. Survivors of these institutions have testified to the segregation, abuse and paternalistic violence that transpired behind the four walls. Advocacy groups led by survivors and self-advocates have spearheaded the movement to shut down the institutions, which have been running behind the guise of sheltered workshops, training centers, long-term care homes and group homes (Linton, 2022).

People labelled with ID are perceived from a medicalized and deficit-oriented lens; the stigma, harm and violence against them being more pervasive than is the case with other

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

disabilities, including within custodial settings (Carey, 2003; Ellem et al., 2007). As Cluley (2017) states “[a] label can dictate the life paths of those so labelled, particularly if labels are also associated with stigma as is the case with terms such as [the] intellectual disability” (p. 2).

Oppression feeds off the power steeped in dominant narratives. Marcoccio (1995) explains the inconspicuous but imminent link between language and oppression which can only be dismantled by the very people it seeks to oppress. People labelled with IDD have long fought this derogatory labelling as “wrong, disrespectful and offensive” (Self Advocates Being Empowered Policy Statement on the R word, n.d.).

The prison system houses massive proportions of people with mental health issues. The figures in Prison Project dataset four indicate it at 79% of the total inmate population. For a system that interacts with disabled people on such disproportionately higher level, the prison system is vastly under resourced for responding to disabled people. As Jada in dataset five says, “I think there’s a lack of understanding about experiences, especially when I saw you were looking at the disability piece”. Jada’s experience is relevant to understanding how some disabilities are more valid in the criminal justice system than others.

*Jada: We tried to go through mental health court, and very quickly we (me and my lawyer) learned, they only really care about schizophrenia. So, if your disorder doesn't make you lose touch with reality, they don't consider it.*

For others in the criminal justice system, having a disability means that disabled people should be docile, godly, benign which according to Mueller et al. (2019) is informed by the ableist tropes of what disabled people should be like due to their systemic exclusion from our communities. The idea of a disabled person accused of a crime does not fit into their imagery of a vicious person choosing to commit an offence. The following quote in dataset two speaks to

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

how the correctional staff sees some disabilities as limiting and less dangerous and therefore people living with those disabilities as less agentic:

*Prisoner A: One guy was really racist and white, he would say, how can you be having a disability? And you are here being accused of.... like I don't know, they don't expect that[.] [D]isabled people are not human, they cannot do mistake.*

Correctional Officers in prisons are the first responders to the emergencies that take place in prisons. As dataset four points out, about 40% of prisoners experience at least one mental health episode during their time in prison. How capable or trained are these first responders in prisons in responding to those emerging concerns? According to Marin (2013), 14,000 prisoners with mental health concerns entered different correctional centers, detention centers and treatment centers across Ontario. Despite having such high numbers of populations with apparent mental health needs, a mere three percent of the correctional staff in Ontario had received training “on dealing with inmates with special needs and mental health issues” from the Ministry of Community Safety and Correctional Services, Ontario (p. 102).

From what we see in the themes discussed above, there are multiple ways in which prison and the incarceration experience escalates the challenges that disabled prisoners go through in addition to the pains of imprisonment. Incarceration is a double, even triple-edged sword, as it triggers the pre-existing vulnerabilities while creating new ones, as we saw through the prisoners’ accounts of prison experience. This theme draws from critical disability scholars, in order to describe ableism, and further moves to show how rampant ableism is within the criminal justice system. Subthemes such as prison infrastructure, overcrowding, or ostracization of prisoner’s disabilities by Correctional Officers’ have been discussed under the umbrella of prison reforms (Gul, 2018). However, these issues do not contextualize how grave the impact is for

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

those prisoners, such as the disabled, who face additional barriers. Our findings show that prisons are ableist structures and the marginalization and oppression experienced by disabled prisoners are further aggravated due to the prevailing ideology of ableism. In the next theme, I examine the prisoner's lived experiences, in order to highlight the appalling conditions of incarceration and how they perpetuate the oppression of disabled and racialized prisoners in the Canadian prisons.

### **Theme II: Conditions of Incarceration**

Prisons are termed as the embodiment of torture that existed before the prisons came into being (Ware et al., 2014) with incarceration as the most frequent response of the criminal justice system to tackle deviant behaviour (Dhami, 2009; Forsberg & Douglas, 2020). Sykes's framework, *Pains of Imprisonment*, highlights "the loss of liberty, desirable goods and services, heterosexual relationships, autonomy, and security" as the five major deprivations prisoners go through during imprisonment (Sykes, 1958 as cited in Shammas, 2017, p.1). Over time, research has highlighted the jarring effects of incarceration not only on a prisoner's body but also to their intellectual and emotional experiences. Piché and Major (2015) who review prisoners' ethnographic writings over 25 years note the horrific realities of incarceration, most appalling of which they note is the imposition of solitary confinement against prisoners for protesting the arbitrariness of correctional staff, resisting being strip-searched and being labelled as part of gangs. Scholars (Geraghty & Velez 2011; Wright et al., 2015) point out prisons as being among the most non-transparent bureaucratic institutions, where series of custodial deaths and abuses behind four walls of prison raise questions of the accountability of the prison system, as evaluated in the below-listed sub-themes:

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### *Use of Segregation*

Use of administrative segregation is the one of most oppressive lived experience of incarceration for prisoners with mental health difficulties or psychiatric disabilities.

Administrative segregation is defined as “the separation of an inmate to prevent association with other inmates, when specific legal requirements are met, other than pursuant to a disciplinary decision” (Standing Senate Committee Report on Human Rights of Federally Sentenced Prisoners, 2021, p. 47). Rebranded as Structural Intervention Units (SIUs) in 2019 with the passing of bill C-83, Section 34 of the Corrections and Conditional Release Act authorizes placing prisoners in SIUs if they are a threat – either to the security of the penitentiary, to their own safety, or they could interfere with an investigation. Known for being used as a disciplining measure, segregation is often used against prisoners who are deemed as a risk or might be experiencing active mental distress as explained by a prisoner in dataset three.

*Prisoner A: The prison system if you have these disabilities right away, if you ask for help they'll put you in segregation where your lights are on 24 hours a day. If you're on suicide watch, say you go on suicide watch because of it. You're put in a gown; you sleep with no bed. You're out of your cell for two hours a day... You're given finger foods with no spoons, you're not allowed to have books or paper, or anything in your cell.*

The use of SIUs against racialized prisoners and prisoners with mental health issues has been a cause of concern, as is evident from this self-advocate and formerly incarcerated person’s statement before the Senate Committee on Human Rights of Federally Sentenced Prisoners.

Ryan Beardy, a formerly incarcerated Indigenous person and currently a student at University of Winnipeg, draws our attention to the use of solitary confinement disguised as SIUs – a mere play of terminologies in the prison - to continually lodge prisoners with undiagnosed mental health

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

issues without a prescribed upper time-limit (Standing Senate Committee Report on Human Rights of Federally Sentenced Prisoners, 2021). Prisoners locked up in SIU face a conflagration of their basic rights, such as lack of phone calls to family or friends, the mandatory four hours out-of-cell time and two hours of meaningful contact with others, for extended periods of time, in violation of 15 days period stipulated under the Minimum Standards for the Treatment of Prisoners (2015), known as the Nelson Mandela rules. Segregation has been used disproportionately against young offenders in federal prisons where they represented six percent of total admissions to segregation (Office of the Correctional Investigator, 2017). Solitary confinement is acutely dangerous and counter-productive for incarcerated youth as solitary confinement and young age are found to be the strongest predictors of suicide among incarcerated persons (Chalke, 2021).

As part of dataset four, I reviewed the account of the death of Soleiman Faqiri, an Afghani immigrant living in Toronto who died in Central East Correctional Center in Lindsay, Ontario in December 2016. Soleiman Faqiri had schizophrenia and he died in prison while experiencing a mental health crisis, which mishandled by the correctional officers. His inquest proceedings revealed that he had been restrained face-down, pepper sprayed in his face twice and had 50 signs of blunt force trauma (CBC News, 2023). Despite having a recorded history of a medical illness for more than 10 years, Soleiman was put in segregation, awaiting a mental health evaluation, leading to his eventual death (Nasser, 2020).

Mathew Ryan Hines, a prisoner died in Dorchester Penitentiary as the correctional officers used disproportional force to restraint him for seemingly appearing to be under the influence of drugs. Hines's was the first case of a death in judicial custody that was determined as homicide by the Correctional Investigator. Even though Hines's death is not a part of the

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Prison Project dataset, I think it is an important piece to share here as this was the first time that the extent of violence which is used against prisoners was publicly acknowledged by a Federal Office.

*“In a brief but fatal encounter, correctional staff failed to recognize and respond to a medical emergency in a timely and competent manner following multiple uses of unnecessary and inappropriate physical and chemical force. The repeated administration of pepper spray at very close range, even as Matthew is clearly and fully under the control of numerous responding officers, appears to have contributed to rapid onset of compounding medical complications and ensuing death... ”.* (Office of the Correctional Investigator, 2017)

Segregation has long been a lived reality for disabled people who were condemned to live in institutions, far away from the public gaze and imagination, wiped off from familial histories altogether (Burgardt, 2015). However, segregation has not been limited to the institutions for disabled but is more pervasive than that. Foucault (1977) in his seminal work *Discipline and Punish* traced the history of birth of prisons, shift in nature of punishment, disciplining of the docile bodies. Taking us on a journey through the historical landscape of penal reform, Foucault looks deeper into the self-discipline of inmates at the Mettray colony, which he says “produces subjected and practiced bodies, ‘docile’ bodies” (p. 138). This disciplining, which he called the penitentiary technique, is the breathing force of the carceral archipelago – the carceral continuum of institutions from charitable almshouses to medicine, education, asylums to prisons. Chapman et al. (2014) premise their assessment of institutions based on Foucault’s carceral continuum for the varying degrees of freedom based in founding premise of confinement and segregation.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### *Abuse*

The category “abuse” emerged across all five datasets, while analyzing the Prison Project data. The living conditions inside prisons are described as inhuman, unjust, unsanitary, unhygienic, and unlivable. Some recurrent sub-themes that came up with regards to living conditions inside the prison, based on the prisoner’s accounts shared on the Prison Project website, include mould infestation, poor air ventilation, pest infestation, including lice, bedbugs, rats and mice, poor lighting, and sensory overload for prisoners with psychiatric disabilities. Mason’s account of the sensory deprivation and sensory overload in dataset one reflects on the conditions that disabled prisoners encounter while being incarcerated.

*Mason: “When I’m incarcerated it’s kind of hard for me to handle my schizophrenia in a positive way. The range is an area where it’s really loud. I start to get frustrated and overwhelmed and I need quiet time after [being there]. And when I take quiet time, I get stuck in [my head] and I get lost and I have a hard time letting it out in a positive way. If I bottle up [my emotions], then I lash out and start screaming my head off and I have a hard time catching my breath and I just black out. I can’t handle it”*

Prison conditions make it impossible for racialized and disabled prisoners to access adequate medical care for their conditions, like Mason’s schizophrenia. Prisoners from Black and communities of colour experienced lower rates of access to mental health treatment and in other instances overmedication is resorted to as a means of exercising restraint over disabled prisoners and keep their bodies docile (Martin et al., 2018; Mohamed, 2024). Although in the United States, Spinney et al. (2016) note youths from racialized identities in the juvenile facilities are prescribed therapeutic, mental support at lesser rates compared to their white equivalents. Rusciano (2022) sums up the experiences of carceral institutions, most importantly prisons,

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

involving severe abuses including “retraumatization, over-medication and the disproportionate use of sentences of segregation” (p. 209). Not only is mental health support in prison a hard-fought battle, but also it comes with its own set of consequences. Prison Project data repeatedly notes in dataset one, two, four and five that prisoners are not free to prioritize their health. Tricia Mills (2023), the author of dataset one – a formerly incarcerated, disabled woman explains

*“[t]he fear of being put into extended segregation keeps prisoners from disclosing mental health issues; I myself didn’t disclose any of my psychiatric history, having heard stories of how people with mental illness were treated in prison both on the range and in solitary” (para 4)*

The most common treatment is being thrown in the hole, a colloquial word for segregation. Some features of being thrown into segregation are whatever minimal livable conditions are afforded to prisoners, such as sleeping on a thin mattress, being given finger-foeds, negligible access to outdoor spaces and opportunity of meaningful, person-to-person contact. This is like the history of the disabled experience within institutions. A segregation unit is usually the size of 2.5 by 5 meters, roughly the size of a parking lot, has a tiny window for ventilation. Lights are on in a segregation unit 24 hours a day, in order to allow officers to keep an eye on the prisoners who are a risk to themselves. Disabled people have historically experienced isolation, segregation and a lack of control and voice in choosing their best interests, and from exercising their autonomy, due to a history of involuntary institutionalization (Niedbalski, 2022). People’s health is significantly impacted by their physical surroundings where they are residing and these implications are grave for people who are incarcerated or are living in institutions, as it deprives them of basic opportunities of physical, emotional and psychological wellbeing (Oliver et al., 2020).

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Figure 2



*Picture of Soleiman Faqiri's segregation cell (Dataset four)*

Note: By CBC News, 2023<sup>2</sup>

Obtaining pictures of actual segregation cell within prisons is next to impossible as most pictures from Google search will show an ideal and rosy image of what we are made to believe segregation cells look like. In this picture, Soleiman Faqiri is shown lying on the floor with paper and his feces strewn all over the floor. The picture evidences the mental crisis that Soleiman Faqiri was living in, being locked-up in his segregation cell. I accessed this photo from a news headline referenced in dataset four. All inquest proceedings (deaths in custody) are to be made public in Canada. CBC News shared videos from Soleiman Faqiri's inquest proceedings making this access possible.

---

<sup>2</sup> The news-story was shared along with the following statement by the CBC Toronto: CBC Toronto is opting to post nine minutes of the footage to show the dynamic between the corrections officer and Faqiri. While it contains some graphic content and shows Faqiri in an apparent mental health crisis, CBC Toronto believes it is relevant to understanding this story.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### *Overcrowding*

Overcrowding is a major concern in prisons across diverse spatial contexts around the world (Baffour et al., 2023; CHRI, 2020; Rankin 2019). In Canada, for instance, the actual capacity of the Hamilton-Wentworth Detention Center is up to 250, however, as per the Prison Project data, it held 560 prisoners (see Figure 2).

### **Figure 1**

*Numbers indicating prisons in Ontario housing twice or more numbers of prisoners than they are capacitated for.*

ONTARIO'S PRISONS ARE INHUMANE  
& Over Capacity

PRISON	BUILT FOR	CURRENT "CAPACITY"
EMDC	208	450
HWDC	~250	560
Niagara	124	260 - 300
SWDC	150	315
OCDC	176	585
Sudbury Jail	56	138
Thunder Bay	60	160
Monteith	84	232

16 ONTARIO PRISONS HAVE INCREASED THEIR ORIGINAL CAPACITY <81% BY STACKING BEDS AND MAKING PRISONERS SLEEP ON THE FLOOR, IN OFFICES OR IN SHOWERS.

Note: The Prison Project, Disability Justice Network of Ontario (n.d.)

The ever-increasing numbers of incarcerated people are accommodated by placing multiple prisoners in cells with an original capacity for only one person, with even some sleeping on the floor next to the in-toilets (Global Mail, 2019; Rankin, 2019). While overcrowding signifies a series of infrastructure-related challenges, it represents a demonstrably difficult reality for neurodivergent prisoners, who experience challenges regulating themselves amidst the loud,

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

banging noises. In some places, the physical infrastructure of the prison cells – their use of prefabricated concrete, steel and plexiglass construction - wreak havoc on the acoustics within the premises, making it overstimulating and disturbing for the prisoners. Prisoners are thus forced to live in subhuman conditions.

### *Neglect*

Neglect in prison is a systemic issue. While perusing dataset four, it was noted how lack of medical services, poor quality food, disabling conditions of incarceration, bludgeon into full scale health crisis and even lead to deaths in the most unfortunate cases. Prison food is highly under quality. Prisoners who have dietary requirements have a hard time getting the special diets money allocated. Dataset four highlights the death of James Kinew, an Indigenous disabled woman who had diabetes, died in Saskatoon Regional Psychiatric Center as a result of multiple unfortunate instances of medical neglect that lead up to her death from a heart attack. Kinew died from a cardiac arrest due to hyperglycemia, resulting from poor management of her diabetes (Kessler, 2017).

Getting medical attention for your health-related matters is a privilege not everyone is accorded. With some penitentiaries working with a strength of one psychiatrist and one psychologist for as many as 600 prisoners, the prisoners could only access mental health supports perhaps once in a year, usually when they exhibit suicide ideation (Iftene, 2020).

*Jalen: It's a little rough. If you ask for help, they think that you're either pill-seeking or you're trying to manipulate the court process...*

There is another side to demanding medical support for ailments, particularly mental health related needs. Prisoners who express declining mental health are treated as a security risk and a threat to themselves and are thrown in the SIUs, as Jalen continues to narrate:

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Jalen: *“They’ll put you in segregation, where your lights are on 24 hours a day. If you’re on suicide watch, you’re put in a gown, you sleep with no bed, you’re given finger foods with no spoons, you’re not allowed to have books or paper or anything in your cell. It makes people scared to say anything if they need help. There are guys with head injuries [who] aren’t getting proper help.”*

For many prisoners this is the most troubling aspect of incarceration – being thrown into the hole, a prisoner terminology for the SIUs or segregation. Correctional Officers are not trained to support disabled people despite being the first responders to crisis situations within the correctional facilities. An over-reliance on use of extreme measures such as the inflammatory spray (commonly known as pepper spray) and other forms of physical retraining the prisoner in place of using verbal or intervention or negotiations resulted in the disproportionate use of force to contain health emergencies, which in worst cases have led to prisoner casualties, like that of Soleiman Faqiri and Mathew Hines (Office of the Correctional Investigator, 2021). This section shows how the criminal justice system fails to protect the life of those who are judicially entrusted in its care. It also reinforces the need to attend to the disabled and racialized prisoners’ voices on the conditions of confinement as inhuman, debilitating, life-threatening and oppressive.

### *(Un)Natural Deaths and Prison*

When reviewing dataset two of the Prison Project, the number of in-custody deaths that have occurred across Canada since the year 2000 are recorded as 1,495. The numbers have been recorded as part of the Tracking (In)Justice database maintained by a collaborative project of Canadian Civil Liberties Association, Queen’s University, Carleton University and Faculty of Social Work, University of Toronto (Tracking Injustice Database, n.d.). Deaths in custody have

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

been defined as the deaths that occurred while being held in a condition where the right to liberty is deprived by police after being arrested, by jail or penitentiary workers in a corrections facility due to criminal charges or prosecution, or in a care facility under a legal order due to mental health legislation (Tracking Injustice Report, 2023). While the numbers stated are not miniscule or dismissible by any measure, these numbers are also underreported due to lack of an officially maintained database around the issue. In a report specifically covering the in-custody deaths across Ontario between 2010 and 2022, Tracking Injustice Project highlights 280 deaths. Some of the causes of these deaths identified by the project include suicide and drug overdose. These findings are also corroborated by research. Incarcerated persons in Canadian prisons have a reduced life expectancy of 20 years, compared to their non-incarcerated counterparts (Iftene, 2020).

This theme was focused on highlighting the debilitating, dehumanizing, life-threatening conditions that disabled people incarcerated in prisons encounter. The prisoners' accounts reiterate the violence which is embedded in the incarceration as a tool of criminal justice system, lending support to my research aim of contextualizing the oppression of disabled prisoners from racialized minority groups. In the next section, I analyzed prisoners' comments that speak to their criminalization aggravated by their racialized identities intersecting with disability.

### **Theme III: Being Racialized and Disabled within the Criminal Justice System**

Criminal Justice system is fraught with issues of structural disparities on account of race, class and sexual orientation. As such, people of color, from lower economic neighbourhoods, and sexual orientation beyond the binary are increasingly rounded up by criminal justice institutions (Blanck, 2017; Vallas 2016). As I mentioned in the beginning of this project, ample literature underscores the presence of people who are racialized and disabled in the prison system.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

However, what needs to be theorized upon is the oppression that the recipients of these intersecting identities undergo when incarcerated.

There are multiple narratives from the Prison Project website that speak to the racism and ableism in the way that the criminal justice system interacts with incarcerated people. For instance, in dataset one, Andy recounts watching another prisoner die of medical neglect, which he believes had more to do with the person's race than just their incarceration status.

*Andy: "Somebody I'm acquainted with died recently at Maplehurst. He complained and complained and complained of pains in [his] stomach. A Black man, he was never taken seriously. Then one day he was in his cell, he didn't walk away, he died in his cell."*

What Andy describes above is not only an outcome of the medical services being accessible for the prisoners but also the fact that the person who Andy refers to is a black person. Hoffman et al. (2016) document the common false notion among the white laypersons and health providers regarding biological differences between the black and the white people, influencing racial disparities in the pain assessment and the treatment meted out to black prisoners.

There is an intricate interlink between racism and criminalization for certain racialized groups, for instance, the overpoliced communities believed to be the drug peddlers. Jalen's narrative from dataset one highlights the intersectionality between race, criminalization and the intergenerational cycle of the war on drugs.

*Jalen: "I've been arrested where cops don't even call me by my name, [they call] me a spic or an Indian. They take extra time to drag me through the mud, you know. "Strip him well because he might have drugs on him" or "his mom used to do this back in the day."*

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

*We know who his mom is, she comes from Colombia. We'll maybe check the house for drugs."*

Research has shown how people of colour are apprehended disproportionately by the police for drug-related offences despite no difference in the use or sale of illicit drugs (Tucker Sr. 2014). Profiling someone racially or labelling them as an addict and a habitual offender by the police inevitably have serious consequences. Theunissen et al. (2020) term this labelling as “culpable categorization” where marginalized youth are constructed as culpable by the judicial system, law enforcement and the community at large and is the first step towards their marginalization (p. 18). Jalen continues to speak about the historic injustice suffered by the Indigenous communities that have had far-reaching impacts including substance dependence, high overdose deaths and other drug-related harms (Lavalley et al., 2018).

*Jalen: I've had friends overdose on drugs. They're not white. The police officer waits 10 minutes for the fentanyl to take full effect. He kicks away all of the Narcan, lets him die on the floor in the hallway. Tells everybody to go in their apartment. You know. It's the police that are killing these kids. Stuff is being covered up because they're Indigenous.*

The opioid crisis in Canada has disproportionately affected the Indigenous people, particularly Indigenous youth who are at 13 times higher risk of dying from a drug overdose than other Canadians of their same age (Jongbloed et al., 2017).

*Jalen: "It feels like [the system is] trying to keep [us] in. Like they don't want coloured people or Indigenous people out. And people with mental disabilities? Fuck no. They can just put us away and say, "Oh, they're gone. Now they're under the rug. You know, let's*

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

*hope they kill themselves in there. Let's hope that they kill each other in there." I've tried to get help. I've asked for help. All prison staff do is give me enough rope to hang myself with."*

For Jalen, there is a complete lack of faith in the criminal justice system. This lack of faith is a consequence of systemic injustices that his racialized, disabled identity has experienced in interaction with the criminal justice system, reiterated in the experiences of violence within the incarceration. As one prisoner in dataset two states, "I want them to know that it's not what they think it is. It doesn't work like they think it works. People are not treated humanely. And the system is not just". This quote holds significance when analyzed against the data for unreasonable and excessive use of force against prisoners. Between 2015-2020, at least 9,633 recorded incidents of use of excessive force against prisoners that were reviewed were found to be disproportionately aimed at racialized groups of Black, Indigenous and people of colour (Office of the Correctional Investigator, 2021). The evidence seems to indicate that, racialized and disabled lives are considered unimportant, unworthy of existence and can be put away, outside the prison or within the four walls of prison. Racialized and disabled lives are unimportant, unworthy of existence and can be put away, outside the prison or within the forewalls of prison. Some estimates quoted in dataset four suggest that about 79%, (i.e., more than three quarters) of the prison population has at least one mental health issue and about two-fifth of prisoners will suffer at least one major mental health crisis, while undergoing incarceration. Two deaths, evidenced in dataset four, Tamara Lucier's and Soleiman Faqiri's, took place while they were waiting for beds in a psychiatric facility.

Being racialized and disabled within the criminal justice system robs prisoners of their humanity, reduces them to a sub-human state, embodying danger, and results in their disability

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

being ridiculed. In dataset five, Andy speaks to his detailed experience of being desensitized to his treatment because of being subjected to dehumanization within his interactions with the criminal justice system.

*Andy: Sometimes the lack of professionalism when it comes to the people who are working for corrections, and for the courts, and the Toronto police, that kind of makes you scratch your head. I've had my disability for 20 years now since I've lost my arm and I'm kind of desensitized to... for the lack of a better word, the childishness of people.... You don't even let children... treat people that have disabilities, you reprimand them for that, you know. And how rampant it is in here.*

Sitruk et al. (2023) describe dehumanization as “the phenomenon by which people evaluate an individual or social group as lacking humanness or as being less than human” (p. 1), an experience occurring in everyday parlance for the disabled people. Hence meaning, being disabled and racialized within the criminal justice system means being less human, what Campbell (2008) calls *internalized ableism*.

This chapter was aimed at bringing a rich understanding of the incarceration experiences of racialized and disabled prisoners, to put into perspectives, the interplay of their racialized identity and disability in accentuating their criminal justice oppression. The abusive and neglectful conditions of prison, fueled by normalizing ableist standards, perpetuate the carceral logics of disciplining, segregating, confining, abnormalizing and stigmatizing disabled prisoners. The interlocked nature of this oppression has implications for future young people in the prison system, as this unbridled dominance of ableism and racism has serious consequences for racialized, disabled youth. Being more likely to be diagnosed for learning disabilities, intellectual disabilities and emotional disturbances, the school to prison trajectory is a vivid possibility for

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

youth from racialized identities, because of being disabled (VanderPyl, 2018). McRuer's (2010) reminds us that the project of an ideal able-bodied identity is untenable and that disability is the eventual embodiment that everyone living long enough life will have to eventually embrace (Campbell, 2009). Our collective conscientization must, therefore, imagine ways to incorporate disability justice for everyone.

In the next chapter I conclude the major insights from this research, discuss implications for future child and youth practitioners and the field of Child and Youth study. I discuss avenues for future research and limitations of this study.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### **Chapter Six: Discussion**

This research problematized how ableism is embedded in the carceral logics, how prisons are becoming a site of confinement, interlocking multilayered oppression experienced by the disabled people from racialized backgrounds. The thesis argues that we must think differently about the taken-for-granted notions on the prevalence of disabilities within the criminal justice system, contextualizing it within the rise of carceral systems through the punitive responses like confinement, control and segregation. The use of critical disability scholarship throughout the analysis has demonstrated the vast oppression that is experienced by incarcerated young people, whose lives are intersecting at the cusp of disability and processes of racialization, that do not cease at their imprisonment but rather are reconstructed in different forms throughout their incarceration.

This research has implications for the field of Child and Youth study and youth justice. It has impetus for the youth justice workers to adopt a critical lens to their professional engagements with youth offending and shedding the medicalized notion of crime that is rooted in individual pathology. It requires reimagining what rehabilitation would truly look like when deviance is reimagined not as a disorder or anomaly but looked at from a knowledge-power circulation among social institutions such as schools, hospitals, courts, police, and prisons. The dominance of psychiatry and psychology-based disciplines requires disruption where we shift to advocate for gentler punishments through opportunities for invigorated access to supports, streamline focused services for disabled prisoners and attend to the wider dimensions of their lives beyond their medical signifiers. This research foregrounds the futility of the utopian project of a rehabilitative criminal justice system and calls for further inquiries into the harms of imprisonment experienced through a host of social institutions, process and identities. Ableism

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

being entrenched within the criminal justice system highlights the insufficiency of such projects towards the emancipation of oppressed disabled youth, who are also othered racially.

There is a need to reevaluate the sets of practices and policies that are impacting the life-trajectories of young people from diverse marginalized identities. Prisons do not heal. Prisons do not rehabilitate. Instead of improving prison conditions, we need to invest in people's lives outside the prisons. There is a strong need for strengthening community resources to tackle the punitive responses to people in distress. For instance, the Nova Scotia government has recently paved the way by building a community-led response team, which can respond to mental health and addiction calls, moving away from police-led response team (Gorman, 2024). The step itself comes with the acknowledgement that a police presence has the potential to escalate the negative outcomes in those distressing situations.

There is a need to adopt preventative approaches inside the prisons, as well. Trauma-informed approaches have been effectively utilized in working with children and youth in community, most importantly children and youth in child welfare system (Charin, 2021). The need for trauma-informed practice within the criminal justice system has potential to contain the negative impacts of incarceration through promoting resilience and coping among the incarcerated prisoners. Corrections officers needs to be imparted culturally informed and disability-informed education and training to tackle ableism and racism within the prisons and criminal justice system (Walsh et al., 2023). There is an imminent need to build safeguards in prison for prisoners through civil society participation, more transparency and access for researchers and justice advocates in prison. Measures such as strengthening existing public institutions, for e.g., the office of Correctional Investigator and Ombudsperson, can go a long way in keeping the unrestrained power exercised by prison officials in check. Improved access to

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

medical and mental health resources is a basic human right and it should be afforded to prisoners at par with non-incarcerated people. Canadian prisoners should be ensured compliance of treatment according to the United Nations Minimum Standard Rules for Treatment of Prisoners, also known as Nelson Mandela rules. Even though the rules are not a statutory binding upon the states, Canada has prided itself on its commitment to the advancing human rights framework, both domestically and internationally (Prais, n.d.). There are models to emulate within the Canadian experience that can improve healthcare access for incarcerated persons. For instance, the provinces of Alberta, Nova Scotia, New Foundland and Labrador and British Columbia have transferred their correctional facilities to their respective health authorities for healthcare related needs from the Ministry of Correctional Services or Attorney General, which has shown better results in improving healthcare access for incarcerated persons (Independent Review of Ontario Corrections, 2017).

Although outside the scope of this research, both the Prison Project data and literature perused alluded to the different factors which contribute to the persecution and criminalization of racialized and disabled prisoners, including schools, homelessness, courts, police, and social services. This is a crucial area of research that has the potential to inform policy measures in putting an end to the overrepresentation of disabled racialized people in prison.

### ***Limitations***

The study has been performed on the Disability Justice Network of Ontario's Prison Project. As the project only had access to prisoners lodged in the prisons across Ontario, it may have its limitations with regards to the diversity of experiences.

### ***Future Research***

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Prisoner's accounts are the most invaluable sources to underscore the marginalization and oppression that is embedded in the logic of incarceration. There is a need to disseminate the knowledge emerging from the lived experiences of prisoners, as it has potential to illuminate and guide the anti-oppressive practices in youth justice and broadly, the criminal justice work. This knowledge can be a transformative tool if it encapsulates the first-person voices of marginalized racialized, disabled youth. They have the potential to lead us towards transforming the justice system.

This study has looked at the identities and processes of racialization and disability. There are other tremendously important processes of class, gender, citizenship status that pan out in the criminal justice experiences of prisoners. Those constructs are an avenue for further research in uncovering the hidden harms of incarceration within the criminal justice system.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

## References

- Abrams, L. S., Mizel, M. L., & Barnert, E. S. (2021). The criminalization of young children and overrepresentation of black youth in the juvenile justice system. *Race and Social Problems*, 13(1), 73-84. <https://doi.org/10.1007/s10612-018-9402-2>
- Ahmad, S. (2023). Canada's Mass Incarceration of Indigenous Peoples – Part 1. BCCLA. Retrieved from <https://bccla.org/2023/04/canadas-mass-incarceration-of-indigenous-people-part-1/>
- Alexander, M. (2010). *The new Jim Crow: Mass incarceration in the age of colorblindness*. The New Press.
- Anderson, R. (2007). Thematic content analysis (TCA). *Descriptive presentation of qualitative data*, 3, 1-4. Retrieved from [Qualitative Research Methods \(rosemarieanderson.com\)](http://QualitativeResearchMethods(rosemarieanderson.com))
- Annamma, S. (2017). Not enough: Critiques of Devos and expansive notions of justice. *International Journal of Qualitative Studies in Education*, 30(10), 1047-1052. <https://doi.org/10.1080/09518398.2017.1312608>
- Aviv, N. M. (2019, February 7). Canadian Civil Liberties Association. *Being in a wheelchair is no reason for being in jail*. Retrieved from <https://ccla.org/criminal-justice/prisons-jails-community-supervision/being-in-a-wheelchair-is-no-reason-for-being/>
- Baffour, F. D., Francis, A. P., Chong, M. D., & Harris, N. (2024). Prison Overcrowding and Harsh Conditions: Health and Human Rights Concerns to Persons in Custody, Staff, and the Community. *Criminal Justice and Behavior*, 51(3), 375-400. <https://doi.org/10.1177/00938548231219803>

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

- Baines, D. (Ed.). (2020). *Doing anti-oppressive practice: Social justice social work*. Fernwood Publishing.
- Baloch, N. A., & Jennings, W. G. (2019). A preliminary investigation of the intersection of race and disabilities among inmates in the US state prison system. *International Journal of Offender Therapy and Comparative Criminology*, 63(4), 597-609.
- Bender, L., 2022. *Injustices and Miscarriages of Justice Experienced by 12 Indigenous Women*. CIAJ - ICAJ: Canadian Institute for the Administration of Justice. Canada. Retrieved from [https://sencanada.ca/media/joph5la2/en\\_report\\_injustices-and-miscarriages-of-justice-experienced-by-12-indigenous-women\\_may-16-2022.pdf](https://sencanada.ca/media/joph5la2/en_report_injustices-and-miscarriages-of-justice-experienced-by-12-indigenous-women_may-16-2022.pdf)
- Ben-Moshe, L. (2014). Alternatives to (disability) incarceration. In L. Ben-Moshe, C. Chapman, A. C. Carey (Eds.), *Disability incarcerated: Imprisonment and disability in the United States and Canada*, 255-272. Palgrave MacMillan
- Ben-Moshe, L., & Magaña, S. (2014). An introduction to race, gender, and disability: Intersectionality, disability studies, and families of color. *Women, Gender, and Families of Color*, 2(2), 105-114.
- Ben-Moshe, L. (2017). Why prisons are not “The New Asylums”. *Punishment & Society*, 19(3), 272-289. <https://doi.org/10.1177/1462474517704852>
- Ben-Moshe, L. (2018). Dis-epistemologies of abolition. *Critical Criminology*, 26(3), 341-355. <https://doi.org/10.1007/s10612-018-9403-1>
- Bhavnani, K. K., Chua, P., & Collins, D. (2014). Critical approaches to qualitative research. *The Oxford Handbook of Qualitative Research*, 165-178.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

- Blanck, P. (2016). Disability in prison. *Southern California Interdisciplinary Law Journal*, 26, 309-322.
- Bosworth, M. (2004). Theorizing race and imprisonment: Towards a new penalty. *Critical Criminology*, 12(2), 221-242.
- British Columbia Civil Liberties Association. (2023). *Canada's mass incarceration of Indigenous people: Part 1* [Blog post]. Retrieved from [https://bccla.org/2023/04/canadas-mass-incarceration-of-indigenous-people-part-1/#\\_ftn2](https://bccla.org/2023/04/canadas-mass-incarceration-of-indigenous-people-part-1/#_ftn2)
- British Columbia Coroners Service. (n.d.). Correctional Facilities Deaths: 2008 – May 31, 2017 [PDF]. Government of British Columbia. Retrieved from <https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/inmate.pdf>
- Brown, D., Cunneen, C., Schwartz, M., Stubbs, J., & Young, C. (2016). Justice reinvestment: Winding back imprisonment. In *Penal Culture and Hyperincarceration: The Revival of Prison* 167-183. Basingstoke: Palgrave Macmillan.
- Brown, M., & Schept, J. (2017). New abolition, criminology and a critical carceral studies. *Punishment & Society*, 19(4), 440-462.
- Campbell, F. A. K. (2008). Exploring internalized ableism using critical race theory. *Disability & Society*, 23(2), 151–162. <https://doi-org.ezproxy.msvu.ca/10.1080/09687590701841190>
- Campbell, F. (2009). *Contours of ableism: The production of disability and abledness*. Springer.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

- Campbell, F. K. (2014). Ableism as transformative practice. In C. Cocker and T. Hafford Letchfield (Eds.), *Rethinking Anti-Discriminatory and Anti-Oppressive Theories for Social Work*. Palgrave Macmillan.
- Canada's Youth Policy. (2020). Government of Canada. [YP-ENG.pdf \(canada.ca\)](#)
- Chalke, J. (2021). *Alone: The prolonged and repeated isolation of youth in custody* (Special Report number 48). Ombudsperson, Province of British Columbia. [OMB-Alone\\_Youth-in-Custody-06-11-2021.pdf \(bcombudsperson.ca\)](#)
- Chipman, J. (2021, September 15). Disabled inmate was forced to sleep on cell floor for 3 weeks, lawsuit alleges. *CBC*. [Disabled inmate was forced to sleep on cell floor for 3 weeks, lawsuit alleges | CBC News](#)
- Cho, S., Crenshaw, K. W., & McCall, L. (2013). Toward a field of intersectionality studies: Theory, applications, and praxis. *Signs: Journal of Women in Culture and Society*, 38(4), 785-810.
- Colucci, A. R. (2020). Geographies of capital punishment: New directions and interventions. *Geography Compass*, 14(12), e12548. <https://doi.org/10.1111/gec3.12548>
- Corrado, R. R., Kuehn, S., & Margaritescu, I. (2014). Policy issues regarding the overrepresentation of incarcerated aboriginal young offenders in a Canadian context. *Youth Justice*, 14(1), 40-62. <https://doi.org/10.1177/1473225413520361>
- Coyle, M. J., & Schept, J. (2017). Penal abolition and the state: colonial, racial and gender violences. *Contemporary Justice Review*, 20(4), 399-403.
- Coyle, M. J. (2018a). Who Is Mired in Utopia? The Logics of Criminal Justice and Penal

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Abolition. *Social Justice*, 45(4 (154), 79-116.

<https://www.jstor.org/stable/10.2307/26873826>

Coyle, M. J. (2018b). Transgression and standard theories: Contributions toward penal

abolition. *Critical Criminology*, 26(3), 325-339. <https://doi.org/10.1007/s10612-018-9404-0>

Cunneen, C. (2020). Youth justice and racialization: Comparative reflections. *Theoretical Criminology*, 24(3), 521-539.

Davis, A. Y., & Rodríguez, D. (2000). The challenge of prison abolition: A conversation. *Social Justice*, 27(3 (81), 212-218. <https://www.jstor.org/stable/29767244>

Davis, A. (2003). *Are prisons obsolete?*. New York, Seven Stories.

Delgado, R., & Stefancic, J. (2007). Critical race theory and criminal justice. *Humanity & Society*, 31(2-3), 133-145.

Delve, Ho, L., & Limpaecher, A. (2023c, February 20). *What Is Thematic Content Analysis in Qualitative Research?* <https://delvetool.com/blog/thematic-content-analysis>

Department of Justice. Government of Canada. (2013). *The youth criminal justice act: Summary and background*. [Youth Criminal Justice Act - Summary and Background \(justice.gc.ca\)](https://www.justice.gc.ca/eng/youth-justice-act/summary-background.html)

Dodd, S., Doyle, C., Dickinson, H., Buick, F., & Yates, S. (2024). The forgotten prisoners: Exploring the impact of imprisonment on people with disability in Australia. *Criminology & Criminal Justice*, 24(2), 395-412. <https://doi.org/10.1177/17488958221120895>

Drisko, J. W., & Maschi, T. (2016). Content analysis. *Pocket Guide to Social Work Research*.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

- Elo, S., & Kyngäs, H. (2008). The qualitative content analysis process. *Journal of Advanced Nursing*, 62(1), 107-115. <https://doi.org/10.1111/j.1365-2648.2007.04569.x>
- Egede, L. E., Walker, R. J., & Williams, J. S. (2024). Addressing Structural Inequalities, Structural Racism, and Social Determinants of Health: a Vision for the Future. *Journal of General Internal Medicine*, 39(3), 487-491.
- Erickson, C. D. (2012). Using systems of care to reduce incarceration of youth with serious mental illness. *American Journal of Community Psychology*, 49, <https://doi.org/404-416.10.1007/s10464-011-9484-4>
- Eschberger, L. M. (2022). The Mass Incarceration of Black Women in Brazil. *e-cadernos CES*, (37) 200-211. <https://doi.org/10.4000/eces.7449>
- Fazel, S., Xenitidis, K., & Powell, J. (2008). The prevalence of intellectual disabilities among 12 000 prisoners—A systematic review. *International Journal of Law and Psychiatry*, 31(4), 369-373.
- Fitzgerald, R. T., & Carrington, P. J. (2011). Disproportionate minority contact in Canada: Police and visible minority youth. *Canadian Journal of Criminology and Criminal Justice*, 53(4), 449-486. <https://doi.org/10.3138/cjccj.53.4.449>
- Foucault, M. (1977). *Discipline and Punish: The Birth of the Prison*. Vintage Books.
- Friedman, C. (2016). Outdated language: Use of “mental retardation” in Medicaid HCBS waivers post-Rosa's Law. *Intellectual and Developmental Disabilities*, 54(5), 342-353.
- Garland, D. (2001). Introduction: The meaning of mass imprisonment. *Punishment & Society*, 3(1), 5-7.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

- Giroux, H. (2003). Racial injustice and disposable youth in the age of zero tolerance. *International Journal of Qualitative Studies in Education*, 16(4), 553-565.
- Giroux, H. A. (2008). Youth in a suspect society: Education beyond the politics of disposability. *Current Issues in Criminal Justice*, 20(1), 111-122.  
<https://doi.org/10.1080/10345329.2008.12056190>
- Gorman, M. (2024, May 16). N.S. government working to launch mental health crisis response team. *CBC*. [N.S. government working to launch mental health crisis response team | CBC News](#)
- Goldman, M., & Trieshmann, L. (2021). The Breaking Point: A critical disability analysis of abolition. *University of Pennsylvania Law Review Online*, 169(1), 229-249.
- Gheyle, N., & Jacobs, T. (2017). Content Analysis: a short overview. *Internal research note*, 10.  
<https://doi.org/10.13140/RG.2.2.33689.31841>
- Geraghty, S., & Velez, M. (2011). Bringing transparency and accountability to criminal justice institutions in the South. *Stanford Law and Policy Review*, 22(2), 455-488.
- Gonzalez-Sobrinio, B., & Goss, D. R. (2019). Exploring the mechanisms of racialization beyond the black–white binary. *Ethnic and Racial Studies*, 42(4), 505-510.  
<https://doi.org/10.1080/01419870.2018.1444781>
- Gormley, C., & Watson, N. (2021). Inaccessible justice: Exploring the barriers to justice and fairness for disabled people accused of a crime. *The Howard Journal of Crime and Justice*, 60(4), 493-510. <https://doi.org/10.1111/hojo.12433>

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

- Gormley, C. (2022). The hidden harms of prison life for people with learning disabilities. *The British Journal of Criminology*, 62(2), 261-278. <https://doi.org/10.1093/bjc/azab061>
- Guba, E. G., & Lincoln, Y. S. (1994). Competing paradigms in qualitative research. *Handbook of qualitative research*, 2(163-194), 105.
- Gul, R. (2018). Our prisons punitive or rehabilitative? An analysis of theory and practice. *Policy Perspectives*, 15(3), 67-83. <https://doi-org.ezproxy.msvu.ca/10.13169/polipers.15.3.0067>
- Haley, T. L., & Jones, C. T. (2020). Sites and shapes of transinstitutionalization. *Canadian Journal of Disability Studies*, 9(3), 1-15. <https://doi.org/10.15353/cjds.v9i3.643>
- Hays, M. (2022). Tasteless confinement of juveniles with I/DD: How to keep juvenile offenders with intellectual and developmental disabilities out of confinement. *Family Court Review*, 60(2), 337-352. <https://doi.org/10.1111/fcre.12645>
- Herring, S. C. (2010). Web content analysis: Expanding the paradigm. *International Handbook of Internet Research*, 233-249. [https://doi.or/10.1007/978-1-4020-9789-8\\_14](https://doi.or/10.1007/978-1-4020-9789-8_14)
- Hetey, R. C., & Eberhardt, J. L. (2018). The numbers don't speak for themselves: Racial disparities and the persistence of inequality in the criminal justice system. *Current Directions in Psychological Science*, 27(3), 183-187. <https://doi.org/10.1177/0963721418763931>
- Hoffman, K. M., Trawalter, S., Axt, J. R., & Oliver, M. N. (2016). Racial bias in pain assessment and treatment recommendations, and false beliefs about biological differences between blacks and whites. *Proceedings of the National Academy of Sciences of the United States of America*, 113(16), 4296–4301. <https://doi.org/10.1073/pnas.1516047113>

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

hooks, b. (2010). *Teaching critical thinking: Practical wisdom*. Routledge.

Iftene A. (2020). Life and death in Canadian penitentiaries. *Canadian Family Physician*, 66(10), 759.

Independent Review of Ontario Corrections (2017, September). *Corrections in Ontario:*

*Directions for Reform*. [Corrections in Ontario - Directions for Reform](#)

Jones, E. L., (2018, May 5). Canada's prisons: despair, hopelessness, and institutional racism.

*Halifax Examiner*. [Canada's prisons: despair, hopelessness, and institutional racism - Halifax Examiner](#)

Kessler, R., (2017, May 16). Kinew James inquest hears from pathologist, psychiatric centre warden. *Global News*. [Kinew James inquest hears from pathologist, psychiatric centre warden - Saskatoon | Globalnews.ca](#)

Jongbloed, K., Pearce, M. E., Pooyak, S., Zamar, D., Thomas, V., Demerais, L., ... & Spittal, P. M. (2017). The Cedar Project: mortality among young Indigenous people who use drugs in British Columbia. *Canadian Medical Association Journal*, 189(44), E1352-E1359. <https://doi.org/10.1503/cmaj.160778>

Karanikolas, P., & Zirnsak, T. M. (2022). Vulnerable to the State? The Indefinite Imprisonment of People with Intellectual Disability Under Forensic Mental Health Law as Structural Violence. *Australian Feminist Law Journal*, 48(1), 11-30. <https://doi.org/10.1080/13200968.2022.2138183>

Kincaid, A. P., & Sullivan, A. L. (2020). Parity or disparity? Outcomes of court-involved youth with and without disabilities. *Remedial and Special Education*, 41(6), 368-377.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

<https://doi.org/10.1177/0741932519887502>

- Krippendorff, K. (2004). *Content analysis: An introduction to its methodology*. Sage publications.
- Lake, A. (2019). Criminalization of minority youth in the youth justice system in Canada. *Canadian Journal of Undergraduate Research*, 4(1).
- Lavalley, J., Kastor, S., Valleriani, J., & McNeil, R. (2018). Reconciliation and Canada's overdose crisis: responding to the needs of Indigenous Peoples. *Canadian Medical Association Journal*, 190(50), E1466–E1467. <https://doi.org/10.1503/cmaj.181093>
- Leavy, P. (Ed.). (2014). *The Oxford handbook of qualitative research*. Oxford University Press, USA.
- Leotti, S. M., & Slayter, E. (2022). Criminal Legal Systems and the Disability Community: An Overview. *Social Sciences*, 11(6), 255. <https://doi.org/10.3390/socsci11060255>
- Lester, J. N., Cho, Y., & Lochmiller, C. R. (2020). Learning to do qualitative data analysis: A starting point. *Human Resource Development Review*, 19(1), 94-106. <https://doi.org/10.1177/1534484320903890>
- Linton, M., (Host). (2022, March 9). Sheltered Workshops [Audio Podcast episode]. In *Invisible Institutions*. [Invisible Institutions Podcast Episode 2 • Invisible Insitutions](#)
- Maina-Okori, N. M., Koushik, J. R., & Wilson, A. (2018). Reimagining intersectionality in environmental and sustainability education: A critical literature review. *The Journal of Environmental Education*, 49(4), 286-296. <https://doi.org/10.1080/00958964.2017.1364215>

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Mallett, C. A. (2016). The school-to-prison pipeline: A critical review of the punitive paradigm shift. *Child and Adolescent Social Work Journal*, 33, 15-24.

<https://doi.org/10.1007/s10560-015-0397-1>

Mallett, C. A., Quinn, L., Yun, J., & Fukushima-Tedor, M. (2023). The “learning disabilities-to-prison” pipeline: Evidence from the add health national longitudinal study. *Crime & Delinquency*, 69(13-14), 2643-2677. <https://doi.org/10.1177/00111287221081024>

Mao, L., Mian Akram, A., Chovanec, D., & Underwood, M. L. (2016). Embracing the Spiral: Researcher Reflexivity in Diverse Critical Methodologies. *International Journal of Qualitative Methods*, 15(1). <https://doi.org/10.1177/1609406916681005>

Marin, A. (2013, June). *The Code: Investigation into the Ministry of Community Safety and Correctional Services' response to allegations of excessive use of force against inmates*. Retrieved from [Ombudsman SORT Report The Code ENGLISH Jun13](#)

Marinos, V., & Whittingham, L. (2020). The complexities of criminal responsibility and persons with intellectual and developmental disabilities: How can therapeutic jurisprudence help?. *American Behavioral Scientist*, 64(12), 1733-1748.

Martin, M. S., Crocker, A. G., Potter, B. K., Wells, G. A., Grace, R. M., & Colman, I. (2018). Mental health screening and differences in access to care among prisoners. *The Canadian Journal of Psychiatry*, 63(10), 692-700. <https://doi.org/10.1177/0706743718762099>

Martínez, D. E. (2018). The role of critical criminology in confronting the "war on immigration". In *Routledge Handbook of Critical Criminology* (pp. 486-499). Routledge.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

- Mayring, P. (2004). A Companion to Qualitative Research. *Qualitative Content Analysis*, 266–269.
- McColl, M. A., Forster, D., Shortt, S. E., Hunter, D., Dorland, J., Godwin, M., & Rosser, W. (2008). Physician experiences providing primary care to people with disabilities. *Healthcare Policy*, 4(1), e129.
- McColl, M. A., Jarzynowska, A., & Shortt, S. E. D. (2010). Unmet health care needs of people with disabilities: population level evidence. *Disability & Society*, 25(2), 205-218.
- McRuer, R. (2010). Compulsory able-bodiedness and queer/disabled existence. *The disability studies reader*, 3, 383-392.
- Mirchandani, K., & Chan, W. (2002). From race and crime to racialization and criminalization. *Crimes of colour: Racialization and the criminal justice system in Canada*, 9-22.
- Ministry of Public Safety and Solicitor General, Office of the Chief Coroner. (2017, August 30). *Correctional facility deaths 2008 – May 31, 2017*. BC Coroners Service. Retrieved from <https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/inmate.pdf>
- Mohamed, S. (2024). The state of mental health services for incarcerated adults in Ontario: A scoping review. *International Journal of Offender Therapy and Comparative Criminology*. <https://doi.org/10.1177/0306624X241228218>
- Morgan, J. N. (2022). Reflections on representing incarcerated people with disabilities: ableism in prison reform litigation. *Disability Law Journal*, 2(1), 185-224

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Mueller, C. O., Forber-Pratt, A. J., & Sriken, J. (2019). Disability: Missing from the conversation of violence. *Journal of Social Issues*, 75(3), 707-725. <https://doi.org/10.1111/josi.12339>

New York Times. (1975, August 5). Michel Foucault, on the Role of Prisons.

<https://www.nytimes.com/1975/08/05/archives/michel-foucault-on-the-role-of-prisons.html>

Niedbalski, J. (2022). The Institutional Conditions of the Life of People with Intellectual Disabilities (ID) in a Residential Care Facility. *Przegląd Socjologii Jakościowej*, 18(2), 72-88. <http://dx.doi.org/10.18778/1733-8069.18.2.04>

Office of the Correctional Investigator. (2021). Annual report 2020-2021. Her Majesty the Queen in Right of Canada. Retrieved from <https://oci-bec.gc.ca/sites/default/files/2023-06/annrpt20202021-eng.pdf>

Office of the Correctional Investigator. (2017). Missed opportunities: The experiences of young adults incarcerated in federal penitentiaries. Her Majesty the Queen in Right of Canada. Retrieved from <https://oci-bec.gc.ca/sites/default/files/2024-04/oth-aut20170831-eng.pdf#page=3.22>

Oliver, S., Gosden-Kaye, E. Z., Jarman, H., Winkler, D., & Douglas, J. M. (2020). A scoping review to explore the experiences and outcomes of younger people with disabilities in residential aged care facilities. *Brain Injury*, 34(11), 1446-1460. <https://doi.org/10.1080/02699052.2020.1805124>

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Owusu-Bempah, A., Jeffer, S. K., (2021). *Black youth and the criminal justice system: Summary report of an engagement process in Canada*. Government of Canada. [BlackYouth-CJS-Engagement-EN.pdf \(justice.gc.ca\)](#)

Owusu-Bempah, A., Jung, M., Sbaï, F., Wilton, A. S., & Kouyoumdjian, F. (2023). Race and incarceration: the representation and characteristics of Black people in provincial correctional facilities in Ontario, Canada. *Race and Justice*, 13(4), 530-542.

<https://doi.org/10.1177/21533687211006461>

Paik, L. (2017). Critical perspectives on intersectionality and criminology:

Introduction. *Theoretical Criminology*, 21(1), 4-10.

Potter, H. (2013). Intersectional criminology: Interrogating identity and power in criminological research and theory. *Critical Criminology*, 21, 305-318.

Prais, V. (n.d.). McGill Centre for Human Rights and Pluralism. *Remembering Nelson Mandela –*

*Prisoners' Rights in Canada*. [Remembering Nelson Mandela – Prisoners' Rights in](#)

[Canada | Centre for Human Rights & Legal Pluralism - McGill University](#)

Prison Project. Disability Justice Network of Ontario. (n.d.) [Prison Project \(djno.ca\)](#)

Project 39A. National Law University, Delhi (2021). *Deathworthy – A Mental Health*

*Perspective of Death Penalty*. [Deathworthy MainReport 19Oct 2021.pdf](#)

[\(squarespace.com\)](#)

Quinn, A. L. (2022). Experiences and well-being among Indigenous former youth in care within

Canada. *Child Abuse & Neglect*, 123, 105395.

<https://doi.org/10.1016/j.chiabu.2021.105395>

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

- Raghavan, V., & Nair, R. (2013). Over-representation of Muslims: The prisons of Maharashtra. *Economic and Political Weekly*, 12-17.
- Reece, R. (2020). Carceral redlining: White supremacy is a weapon of mass incarceration for Indigenous and Black peoples in Canada. *Yellowhead Institute, June 25*. Retrieved from [yellowheadinstitute.org/wp-content/uploads/2020/06/carceral-redlining-r-reece-yellowhead-institute-brief.pdf](https://yellowheadinstitute.org/wp-content/uploads/2020/06/carceral-redlining-r-reece-yellowhead-institute-brief.pdf)
- Rehman, A. A., & Alharthi, K. (2016). An introduction to research paradigms. *International Journal of Educational Investigations*, 3(8), 51-59.
- Rein, R. A. (2021). Suffering at the Margins: Applying Disability Critical Race Studies to Human Trafficking in the United States. *Columbia Journal of Gender and Law*, 42, 183-256.
- Robinson, M., & Williams, M. (2009). The myth of a fair criminal justice system. *Justice Policy Journal*, 6(1), 1-52.
- Rodriguez, S. M., Ben-Moshe, L., & Rakes, H. (2020). Carceral protectionism and the perpetually (in) vulnerable. *Criminology & Criminal Justice*, 20(5), 537-550. <https://doi.org/10.1177/1748895820947450>
- Rusciano, M. A. (2022). Punishing Disability and Trauma. In *Disability Injustice: Confronting Criminalization in Canada*. UBC Press. 209-236.
- SABE. (n.d.). *Policy statement on the "R" word*. Self Advocates Becoming Empowered. Retrieved from [SABE-Policy-Statement-on-the-R-Word.pdf \(sabeusa.com\)](https://sabeusa.com/SABE-Policy-Statement-on-the-R-Word.pdf)
- Saikumar, R. (2019). 'To Shock the Conscience': Rhetoric in death penalty judgements of the

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

- Supreme Court of India. South Asia: *Journal of South Asian Studies*, 42(4), 694-710.  
<https://doi.org/10.1080/00856401.2019.1616246>
- Schreier, M. (2014). Qualitative content analysis. *The SAGE handbook of qualitative data analysis*, 170-183.
- Sitruk, J., Summers, K. M., & Lloyd, E. P. (2023). Dehumanizing disability: Evidence for subtle and blatant dehumanization of people with physical disabilities. *Current Research in Ecological and Social Psychology*, 5, 100162.  
<https://doi.org/10.1016/j.cresp.2023.100162>
- Spinney, E., Yeide, M., Feyerherm, W., Cohen, M., Stephenson, R., & Thomas, C. (2016). Racial disparities in referrals to mental health and substance abuse services from the juvenile justice system: A review of the literature. *Journal of Crime and Justice*, 39(1), 153-173.  
<http://dx.doi.org/10.1080/0735648X.2015.1133492>
- Standing Senate Committee on Human Rights. (2021). Report on the human rights of federally sentenced persons. Senate of Canada. Retrieved from  
[https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-16\\_FederallySentenced\\_e.pdf](https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-16_FederallySentenced_e.pdf)
- Statistics Canada. (2016). *Visible Minority, Dictionary, Census of Population 2016*. Ottawa, ON.  
[Dictionary, Census of Population, 2016 - Visible minority \(statcan.gc.ca\)](https://www150.statcan.gc.ca/n1/pub/92-62-001-x/2016001/article/00001-eng.htm)
- Statistics Canada. (2019). *Canada's Black population*. Ottawa, ON. Statistics Canada. [Diversity of the Black population in Canada: An overview \(statcan.gc.ca\)](https://www150.statcan.gc.ca/n1/pub/92-62-001-x/2019001/article/00001-eng.htm)

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Suijker, C. A. (2023). Foucault and medicine: challenging normative claims. *Medicine, Health Care and Philosophy*, 26(4), 539-548. <https://doi.org/10.1007/s11019-023-10170-y>

Surendranath, A., Vishwanath, N., & Dash, P. P. (2019). Penological Justifications as Sentencing Factors in Death Penalty Sentencing. *Journal of National Law University Delhi*, 6(2), 107-125. <https://doi.org/10.1177/2277401720972852>

Tassé Marc, J., & Mehling, M. H. (2018). Mental retardation [intellectual disability]: Historical changes in terminology. *The SAGE Encyclopedia of Intellectual and Developmental Disorders*. Thousand Oaks: Sage Publications.

Tedeschi, F., & Junewicz, A. (2018). Intellectual Disabilities in Juvenile Justice: The Case for Screening. *Journal of the American Academy of Child and Adolescent Psychiatry*, 57(12), 909-910. <https://doi.org/10.1016/j.jaac.2018.07.878>

Theunissen, S., Anderson, K., Thoms, J., Bearden, J. & Nunes, F. (2020). Collectively Exploring Youth Criminalization: A Collective Response to Culpable-Categorization. *Relational Child and Youth Care Practice*, 33(4), pp. 17-33

Tracking (In)Justice. (2023, August 8). *Tracking (In)Justice launches memorial of people who have died in custody since the year 2000 across Canada*. Retrieved from <https://trackinginjustice.ca/tracking-injustice-launches-memorial-of-people-who-have-died-in-custody-since-the-year-2000-across-canada/>

Tracy, S. J., & Hinrichs, M. M. (2017). Big tent criteria for qualitative quality. *The International Encyclopedia of Communication Research Methods*, 1-10. <https://doi.org/10.1002/9781118901731.iecrm0016>

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Travis, J., Western, B., & Redburn, F. S. (2014). The growth of incarceration in the United States: Exploring causes and consequences. <https://doi.org/10.17226/18613>

Trofimovs, J., Dowse, L., Srasuebkul, P., & Trollor, J. N. (2021). Using linked administrative data to determine the prevalence of intellectual disability in adult prison in New South Wales, Australia. *Journal of Intellectual Disability Research*, 65(6), 589-600. <https://doi.org/10.1111/jir.12836>

Tucker Sr, R. B. (2014). The color of mass incarceration. *Ethnic Studies Review*, 37(1), 135-149.

United Nations Department of Economic and Social Affairs. (2013). *Definition of Youth*. [YOUTH\\_Definition\\_2013-1-23.docx \(un.org\)](#)

Vaismoradi, M., Turunen, H., & Bondas, T. (2013). Content analysis and thematic analysis: Implications for conducting a qualitative descriptive study. *Nursing & health sciences*, 15(3), 398-405.

Vaismoradi, M., & Snelgrove, S. (2019). Theme in qualitative content analysis and thematic analysis.

VanderPyl, T. (2018). Incarcerated DisCrit: The intersection of disproportionality in race, disability, and juvenile justice. *Justice Policy Journal*, 15(1).

Veltman, A., Stewart, D. E., Tardif, G. S., & Branigan, M. (2001). Perceptions of primary healthcare services among people with physical disabilities. Part 1: access issues. *Medscape General Medicine*, 3(2), 18.

Wacquant, L. (2009). *Punishing the poor: The neoliberal government of social insecurity*. Duke University Press.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

- Walsh, C., Puszka, S., Markham, F., Barney, J., Yap, M., & Dreise, T. (2023). Supporting Indigenous people with disability in contact with the justice system: a systematic scoping review. *Disability & Society*, 1-37. <https://doi.org/10.1080/09687599.2023.2215395>
- Ware, S., Ruzsa, J., & Dias, G. (2014). It can't be fixed because it's not broken: Racism and disability in the prison industrial complex. In *Disability incarcerated: Imprisonment and disability in the United States and Canada* (pp. 163-184). New York: Palgrave Macmillan US.
- Whittingham, L., Durbin, A., Lin, E., Matheson, F. I., Volpe, T., Dastoori, P., & Kouyoumdjian, F. (2020). The prevalence and health status of people with developmental disabilities in provincial prisons in Ontario, Canada: A retrospective cohort study. *Journal of Applied Research in Intellectual Disabilities*, 33(6), 1368-1379.
- Willis, J. (2007). *Foundations of qualitative research: Interpretive and critical approaches*. Sage Publications.
- Wright, L., Moore, D., & Kazmierski, V. (2015). Policing Carceral Boundaries: Access to information and research with prisoners. *Social Justice*, 42(2 (140)), 113-131.
- Zhang, Y., & Wildemuth, B. M. Qualitative analysis of content. 2009. *USA: Libraries Unlimited Inc.*, 520.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

### Appendix A

Since the year 2000, there have been a minimum of 1,495 deaths in custody across Canada via the Tracking (In)Justice Report. Six hundred and sixty-nine have been verified as happening in Ontario. Deaths in custody within Ontario have increased 173% from 2010 to 2021. The common causes of death in prison are accidental overdose/toxic drug supply, suicide & “natural” death (Canadian Medical Association Journal). In prison, no one’s death is a natural death. Those in custody are exposed to poor conditions, abuse, poor food quality, illness & medical neglect. These factors result in chronic or severe health conditions, sometimes causing death. These deaths, the ministry attempts to classify as “natural” are preventable.

So, how bad are conditions? A prisoner’s life expectancy is just 62 years, compared to 82 years outside (via the Canadian National Institute of Health). Incarceration of less than 2 years is associated with a reduced life expectancy: 4.2 years in men, 10.6 years in women (via Canadian Medical Association Journal). It’s time to stop believing prisons rehabilitate. Sounds on.

Remember the dead. Fight for the living. Abolition now. SEE [TRACKINGINJUSTICE.CA/IN-MEMORY/](https://TRACKINGINJUSTICE.CA/IN-MEMORY/) FOR A FULL LIST OF THOSE WE HAVE LOST.

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

**Appendix B**

I would say I want them to know that it's not what they think is. It doesn't work like they think it works. People are not treated humanely. And, this system is not just.

I was just broken and like this is a year. Uh, you know, I am paying my lawyer and every like every fucking photocopy is a dollar, every call is a dollar, every time she goes to court, they got so expensive that I would start going to the set date.

They said it was gonna last another year, at least till we see a trial. And the thought of spending another year in that stale space. There's just no way I could do that. So, you know, for a combination of reasons I just chose to plead guilty,

So, I didn't know that cops were allowed to lie to you.

So these perspectives um yeah it happens quite a bit (???) they'll call you a retard. They won't read you your rights... you won't understand what we're saying.

Actually I have a video on my phone that has a driving (???) police officer telling me and my Cousin that we shouldn't be in driving anything (??) right now. We're filthy and we shouldn't be driving and go back to our community here and then...

I think for the police I feel like the especially one one. One guy was really racist and white, he would say, how can you be having a disability? And you are here being accused of like I don't know, they don't they expect that disabled, people are not human, they cannot do mistake.

The prison system if you have these disabilities right away, if you ask for help. They think that you're either pill seeking, Um, or you're trying to find a way to Basically, step over things or getting... trying to manipulate things, they don't really help you with. Medication 'cause they think you're and addict they'll put you in segregation where your lights are on 24 hours a day. Um, if you're on suicide watch, say you go on suicide watch because of it. You're put in a gown, you sleep with no bed. Um you're not... you're out of your cell for two hours a day. Your food- You're given finger foods with no spoons, you're not allowed to have books or paper, or anything in your cell.

Definitely (???) in prison because I've been \_\_\_\_\_ (unintelligible), and because of the colour of my skin. It should be different. And because of mental health issues

## CRIMINALIZATION OF RACIALIZED DISABLED YOUTH

Is anything that you think is important for you to note about you as a person? After all of these questions, there's a lot of shame sometimes around prison or like a lot of fear judgment or anything. So I want to insert some humanity into it.

That that's what we just said right here. What, You just said right there, it's above and inserting some humanity into it, because we are all, you know, we're all daughters, sons, neighbors, co-workers, that, that went to prison, and they're going to come out of prison.

I'm a strong African woman. I've gone through a lot, I've been through a lot, and emerged victoriously.

And I think I have been through a lot and I haven't just (unintelligible) strong.

I am not a monster. I'm not a victim.

I'm a person, yeah. Yeah. I'm just trying to do what I can do. Stay straight and narrow so that way I can see my son again. Since he was born, I haven't been there. I haven't been i haven't been like a father (???). I wanted to be a better dad than my father was but I just became him. I really tried. I really tried.