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and its systematic
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The Judicial System and its Systematic Oppression Towards Individuals with Intellectual Barriers

Introduction:

In this paper I will be analyzing a current event through a social model lens to ensure an understanding of the mistreatment found in certain institutional settings. I will mainly be focusing on government agencies and how those with intellectual disabilities have experienced systematic oppression within these institutions. I will prove this by acknowledging three key subjects from one of my favourite documentary series, " Making a Murder" directed by: Laura Ricciardi and Moira Demos. First I will discuss the limitations of the court system in aiding the disadvantaged to help with their understanding of their case. Second I will discuss the lack of accommodations for individuals with disabilities within government agencies, and lastly I will discuss what we need to change within the judicial system to accommodate and protect individuals with intellectual abilities. Ultimately providing a clear understanding of why institutional settings like courts and jails continue to oppress individuals with abilities that differ from the set system, which in the end, works against them.

In the documentary ' Making a Murder' it revolves around the tragic story about the death of Teresa Halbach who was a 25 year old photographer that went missing early November 2005 in Manitowoc County, Wisconsin (Demos, Ricciardi, 2015). Teresa worked for Autotrader as a freelance photographer and would personally visit individuals to take pictures of their vehicles, that they were interested to sell through the Autotrader website

(Demos, 2015). During a community wide search for Teresa Halbach, her SUV Rav4 was discovered in a family owned salvage yard located in Manitowoc county (Demos, 2015). The salvation yard was owned by the Avery/Dassey family and directed the investigators attention to the families that owned the property (Demos, 2015). As the Assigned to the case were investigators; Fassbender and Weigert (Demos, 2015). The investigators individually interviewed all of the Avery/Dassey family members and the evidence quickly turned their attention to Brendan Dassey who was 16 years old at the time of conviction with an IQ of 70 (Demos, 2015). The documentary breaks down all the parts of the investigation to help viewers collect their own understanding of what happened to Teresa Halbach the day of her disappearance (Demos, 2015).

First, through a social model lens, I will focus on historical evidence of mistreatment found within institutional settings and how these ideologies have shaped the treatment of individuals with disabilities reveals how “ Institutions are a central and painful feature in the historical record of the treatment of people with intellectual disabilities” (Beaulaurier, Taylor, 2010). During the early years of Colonial North America segregation was used to organize classes of individuals that were deemed incapable of caring for themselves. It was believed that providing asylum to disabled individuals was an effort to prevent harm to them self and others in society, “ Thus, abusive custodialism emerged as the accepted means of “ caring” for disabled people” (Chapman, 2014, pg. 2). Furthermore, new laws against vagrancy and begging criminalized poverty, which increased the vulnerability of disabled people to penal imprisonment” (Chapman, 2014, pg.

3). Chapman (2014) describes how historical efforts have contributed to creating new laws in order to build a 'respectable society' And today we can recognize this shaping through current laws and the way they affect with individuals with disabilities.

Secondly, the current laws that are seen through the state of Wisconsin are responsible for the placing Brendan Dassey into multiple prison systems. Those very systems had failed to provide him with the means to understand what is happening throughout the murder trial of Teresa Halbach. In the USA the sixth amendment in the Federal Constitution states, "In all criminal prosecutions the accused shall enjoy the right ... to have the assistance of Counsel for his defense." (Jaeger, pg. 337). Through a social model lens this would be viewed as an issue because it deprives the individual of his basic rights to understand the charges laid against him. In the documentary "Making a Murder," during the interrogation Brendan was not told that he was allowed to have legal representation during questioning (Demos, 2015).

Additionally, the case revealed that "all the evidence demonstrates malpractice by the authorities and abuse of power. Not to mention the coercion of an impressionable young mind" (Grussing, pg. 6). Officer Fassbender used language such as, "Yeah, we're cops, we're investigators and stuff like that, but not right now," (Liptak, 2018) and was successful in volunteering information to Brendan Dassey regarding the three major pieces of evidence that resulted in Teresa Halbach's death and this resulted in the coercion of his confession to her murder (Demos, 2015). Giving Brendan Dassey legal representation would have provided "constitutional privilege against self-incrimination, and an attempt to define the boundaries <https://assignbuster.com/the-judicial-system-and-its-systematic-oppression-towards-individuals-with-intellectual-barriers/>

of the right to counsel during the police interrogation stage of a “ criminal prosecution”. (Jaeger, pg. 338). The prison did not recognize Brendan’s intellectual limitations and failed to provide additional support to gain a clear understanding of the potential consequences that he would face by confessing to the murder of Teresa Halbach.

Lastly, I decided to watch ‘ Making a Murder’ documentary mostly to analyze a recent event of systemic oppression that individuals with disabilities are subjected to through the judicial system. This has helped me gain a better understanding of what needs to be changed during future trials that include individuals with disabilities to ensure equal legal treatment. However, historical evidence has shown us that we have progressed since the use of Almshouses, there is still lots of work to be done to correct the way in which the judicial system represents individuals with disabilities. In correcting these ways of the past we must recognize an individual’s right to legal representation and the importance in their understanding of the case. Therefore, changes need to be made to ensure that we don’t repeat historical treatment of individuals with disabilities and rather recognize their needs to prevent self incrimination and incarceration.

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