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Need for Reform: The Prison System and Deaf Inmates

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Need for Reform - The Prison System and Deaf Inmates

Before writing this paper, I felt that it was important to explain the purpose and motivation behind asking the leading questions, “How does being deaf impact an inmate's experience in prison?” and “How can the prison system be refined to be more inclusive and accessible to deaf inmates?” in order to provide context for the reader. After high school, I decided to defer from Holy Cross and intern for the Middlesex and Worcester District Attorney’s offices as well as for a federal judge in Boston. While working with the Middlesex DA’s office, I was responsible for listening to, taking notes on, and transcribing all outgoing calls from the domestic violence unit in the jail. During many of these calls, a fellow inmate who was deaf was often mentioned. Inmates described that, because visitors were not allowed in the jail due to COVID-19 restrictions, the jail did not have an accessible telephone, and other inmates did not know sign language, the deaf prisoner was deprived of almost all communication and was often isolated. Furthermore, when I arrived at Holy Cross, I attended a Deaf Awareness Night at the WooSox. While there, I spoke with a police officer who was in charge of training officers in the Worcester Police Department about how to handle traffic stops and arrests involving deaf individuals. He explained some of the issues that officers face while completing these arrests as well as their solutions. Ying Li, my American Sign Language professor, mentioned many of the same issues including the inability to communicate while handcuffed as well as being accused of resisting arrest after not hearing the officer’s instructions. After exploring this topic further, it is clear that the anecdotal evidence that I collected throughout this year is corroborated by peer reviewed research. Throughout the legal system, there is a severe lack of awareness and

education of and accessibility for those who are deaf. These issues are most obvious and detrimental in the prison system and have serious ethical implications that need to be addressed.

Throughout this paper, I will be using the term “deaf” to refer to people who are “deaf, deafblind, deafdisabled, hard of hearing, late-deafened, and hearing impaired” as well as those in the Deaf Community (Defining Deaf). Not every group mentioned above is necessarily the same. Some do not speak American Sign Language (ASL), some are able to speak, and some are not fully deaf, just to name a few. It is also important to note that “the lowercase deaf [is used] to refer to the audiological condition of not hearing, and the uppercase Deaf when referring to a particular group of deaf people who share a language - American Sign Language - and a culture” (Community and Culture). This group uses ASL as a primary means of communication and distinguishes themselves from those who are deaf but “do not have access to the knowledge, beliefs, and practices that make up the culture of Deaf people” due to the way or time that they became deaf (Community and Culture).

There are many early signs and reasons as to why deaf individuals are more susceptible to landing in prison later in life. In a study conducted of ten deaf inmates at the Texas Department of Criminal Justice, researchers found that many deaf children were not raised in deaf households. Because of this, these children often learned sign language later in life which hindered their language development and made them susceptible to social rejection due to a lack of social knowledge. To add to this, the absence of a common language between parent and child at home resulted in isolation, lack of parent involvement, abuse, and an unawareness of the needs of the child (Glasner, Miller).

These same findings were reflected in a school environment. While other inmates in the Texas Department of Criminal Justice completed, on average, 7.2 grades in school, the deaf inmates only completed, on average, 4.9 grades despite their higher than average IQ scores. This is due to the fact that many deaf students only began learning sign language when they entered school, had difficulty learning spoken English (a necessity in mainstream classrooms), and were isolated from their peers. Furthermore, there was often a hidden deficiency in understanding. The educational coping (cheating, parent completing work, etc) that results, directly connects to the participant's subsequent criminal behavior (Glasner, Miller).

One of the first times that the discrepancies in the justice system become obvious is during a deaf individual's first interaction with a police officer. For a deaf individual, a routine stop by an officer for a speeding ticket, flat tire, or medical emergency could easily turn dangerous if the officer mistakes the reach for an identification card as a motion towards a weapon or the use of sign language as aggressive hand movements. In addition, many deaf people are arrested for not complying with an officer's orders simply because they cannot explain that they are unable to hear (Lewis). When this happens, the person is often handcuffed behind their back, eradicating any communication they may have had, and arrested without being read (or able to hear) their Miranda Rights.

This evidence is supported by the lack of education offered to police officers in training. "Approximately one third of US police departments have formal policies addressing how to interact with d/Deaf suspects, victims, and arrestees (Shine, 2019). Of those that do have policies, 54.5% of policies required officers to handcuff d/Deaf suspect's hands behind their backs, making communication impossible. Moreover,

81.8% of officers indicated that it was departmental policy to call an ASL interpreter to the scene as required by the ADA (Shine, 2019)” (Zidenberg). This suggests that it is at the discretion of individual officers whether or not to comply with the rules and regulations set forth by the Americans with Disabilities Act (Zidenberg). Following arrest, there are often significant delays in court proceedings while trying to find a qualified interpreter and, even with an interpreter, there are often misunderstandings due to the deaf individual’s lack of knowledge about the law (Glasner, Miller).

The justice system’s failings become even more apparent when observing the prison system. Despite the fact that the Americans with Disabilities Act and the Rehabilitation Act prohibit discrimination on the basis of disability within the criminal justice system and clarify that equal access does not mean same access, in recent years there has been an increase in lawsuits on behalf of deaf and hard of hearing individuals in prison fighting for equality (Lewis). One issue that deaf inmates face in prison is isolation. Intervention programs such as alcoholics anonymous, drug abuse programs, sex offender therapy, and educational opportunities/skills training workshops that are available to the general population are inaccessible to deaf inmates due to the lack of interpreters for inmates who use sign language. Furthermore, deaf inmates do not often apply to work programs due to the fact that they are often denied, they are afraid that they will not be able to perform the work due to impaired communication, or they are afraid that they will be attacked in an open environment. Similarly, deaf inmates are unable to use a personal radio or watch television without closed captioning and have trouble making friends (due to their close contact with correctional officers) to reduce boredom and isolation. Finally, and most importantly, unlike other inmates, if the prison is not equipped with accessible telephone devices (TDD), deaf inmates are unable

to contact family and friends outside of the prison. Even if the prison is equipped with this function, deaf prisoners are often still limited to the same 15 minute time limit as other prisoners, despite the fact that the TDD takes longer to use (Schneider, Sales). This isolation was exacerbated due to COVID-19 restrictions which prohibited visitors from outside the prison.

Furthermore, deaf prisoners are far more susceptible to physical, emotional, and medical abuse than other inmates. Due to the fact that they are isolated from their protective community and have a more difficult time portraying the image of a “manly man” deaf inmates are easy targets for emotional and physical harm. They are often left to fend for themselves and more easily misperceive their environment and other people’s intentions which has the possibility of leading to attacks and physical altercations. These attacks often lead to psychological trauma and, in addition to a shortage of qualified mental health staff in prisons, there is a lack of qualified interpreters to assist deaf inmates with medical appointments. This leads deaf prisoners to have a significantly higher risk of self harm and suicide than other inmates (Schneider, Sales).

There are many possible solutions to the discrimination and issues faced by deaf inmates in the criminal justice system. First and foremost, ensuring that there is an interpreter available beginning from the time the individual is arrested to the time he or she is released from custody is essential to their emotional wellbeing and safety. This requires a qualified interpreter, rather than relying on other inmates, to ensure confidentiality and impartiality in every interaction (Schneider, Sales). Another essential step that needs to be taken to eliminate the abuse and brutality often faced by deaf individuals is to include comprehensive awareness training on how to

communicate with, arrest, and incarcerate deaf individuals. As mentioned above, this training is not included in many police academies and the same can be assumed about training for correctional officers. Finally, providing the necessary auxiliary aids such as note takers, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, closed caption decoders, and TTDs in addition to qualified interpreters will greatly increase the quality of life and safety of deaf inmates. These devices would allow them to interact with other inmates, family members, and friends as well as participate in scheduled activities and access intervention classes.

Many times, people have the view that, because prisoners were convicted of a crime, they are not worthy or do not matter. This, however, is untrue and the abuses against deaf prisoners have serious ethical implications that are reflected in many of the Catholic Social Teachings. First, the Catholic Church teaches that every human should have life and dignity. Without communication, human interaction, or basic needs being met, those in prison are not living a life with dignity. Similarly, “the Catholic tradition teaches that human dignity can be protected and a healthy community can be achieved only if human rights are protected and responsibilities are met. Therefore, every person has a fundamental right to life and a right to those things required for human decency” (Seven Themes of Catholic Social Teaching). Therefore, every individual has the responsibility to fight for the rights of others, including those who are incarcerated and are being denied their basic human rights. Finally, we are instructed to “put the needs of the poor and vulnerable first” (Seven Themes of Catholic Social Teaching). Deaf prisoners are arguably among the most vulnerable individuals in our society and we therefore have the responsibility to put their needs before our own.

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