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Gabrielle Carpinella

Merrimack College, carpinellag@merrimack.edu

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Recommended Citation

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An Exploration of the Resources and Services Offered to d/Deaf and Hard of Hearing

Inmates in Massachusetts Jails and Prisons

Gabrielle Carpinella

Merrimack College

December 2020

Abstract

d/Deaf and Hard of Hearing individuals have faced substantial discrimination when it comes to education, healthcare, and employment. This paper argues that discrimination in our criminal justice system is likely no exception. Previous research has shown that d/Deaf and Hard of Hearing inmates are treated unequally while serving time in prison (Vernon, 2010). Rather than using proactive measures to provide appropriate resources within prison, correctional facilities within the U.S. tend to be reactive to the claims of d/Deaf and Hard of Hearing inmates once they are released from prison. There is no literature that I am aware of that has focused on specific prisons and their resources/services provided to d/Deaf and Hard of Hearing inmates. This paper aims to explore what resources and services may or may not be available to d/Deaf and Hard of Hearing inmates across Massachusetts jails and prisons through personal communications with representatives from Massachusetts jails and prisons. Additionally, I make policy recommendations and propose a two-day training for employees of Massachusetts jails and prisons so that they can learn more about the Americans with Disabilities Act, how it applies to d/Deaf inmates, and any further unique needs of this population.

An Exploration of the Resources and Services Offered to d/Deaf and Hard of Hearing
Inmates in Massachusetts Jails and Prisons

What does it mean to be d/Deaf or Hard of Hearing?

In order to understand the community that will be discussed, we must first define what it means to be “deaf” and “hard of hearing.” For the sake of this paper, “HoH” will be used to refer to people who are hard of hearing. There is a vast group of people who identify and are HoH; which typically refers to someone with mild/moderate hearing loss. Usually people who identify as HoH do not have the strongest connection to the Deaf community, but they can. In addition to the use of HoH, the most commonly used words are “deaf” and “Deaf” when talking about this community. To be “deaf” (lowercase d) means that a person has severe or complete hearing loss, and it is used to refer to the audiological medical condition only. Usually the term “deaf” is used by people without a strong bond to the Deaf community. To be “Deaf” (uppercase D), is used by people who identify with the Deaf community or is used when describing someone who fully identifies and is part of the Deaf community. The uppercase D represents the community of people who are alike and share values, identities, and a shared signed language (National Association of the Deaf, 2019). Throughout this paper, the word will be written as d/Deaf in order to encapsulate everyone. The Deaf community is a tight knit group who shares beliefs, behaviors, traditions, art, history, and a shared signed language. Through this they have what is called “d/Deaf culture.” This group does not just have similar characteristics; they are like any other culture who has shared traditions and a history created over generations (NAD, 2019).

There are several myths that must be explained when talking about d/Deaf people. In the United States, d/Deaf people predominantly use American Sign Language (ASL). ASL is a

signed language with the same properties as any spoken language. It is considered a foreign language. ASL is extraordinarily complex to explain but if explained simply—ASL is expressed by movements of the face and hands and is its own distinct language with grammar rules and syntax. Most countries have their own signed language, it is not universal (NAD, 2019). A common misperception that people have is that ASL is a derivative of English. However, English and ASL are not interchangeable. This means if someone is fluent in ASL, it is not to be assumed they are fluent in English. Furthermore, if someone's first language is ASL, it must not be assumed they can read or write English. Another myth is that not all people who are d/Deaf and use ASL can read lips; this is a very ineffective form of communication (Deaf Unity, 2017). Although there are deaf people who can read and write English, and there are deaf people who can read lips, they are not things that should be assumed of all d/Deaf individuals.

Additionally, there are many factors that can determine d/Deafness, the varying levels of hearing acuity people can, and how much they identify with the d/Deaf community. People can be born d/Deaf, they can become d/Deaf with age, they can become d/Deaf because of an illness or accident, they can have varying cultural and educational backgrounds, they can have different levels of hearing loss, they could be d/Deaf—Plus (meaning they have additional disabilities), they can use hearing aids, they could have a cochlear implant, and they can identify as d/Deaf and with the Deaf community, or they can not consider themselves d/Deaf and as a part of that community (Paul, 2014). Each person can identify with the community and with being d/Deaf in any degree they choose. It is important to note that there are also some phrases that are offensive to the Deaf community, are outdated but are, nonetheless, commonly used. These words and phrases will not be used in this paper, such as “deaf and dumb,” “hearing impaired,” and “deaf mute.” Lack of hearing is not considered a negative thing to people in the Deaf community, it is

something to be celebrated and phrases that use oppressive language or have negative connotations are strongly discouraged.

Lastly, it is important to touch upon the history of the struggles that d/Deaf and HoH people have faced and still face to this day. There have always been d/Deaf people inhabiting the world, but the first signed language did not come about until the 1700s in France. After that, it was not until 1817 that the American School for the Deaf (ASD) was founded. It was here that ASL was created, which was based off of American culture and included some of the French sign language. In 1864, the first and only (still) university for the d/Deaf and HoH people was founded, Gallaudet University. Although these are positive accomplishments, throughout the 1800s and most of the 1900s, d/Deaf people were thought of as lesser than and unworthy people (Deaf Timeline, 2019). They were forced into “oralism” where schools and their teachers would force d/Deaf students to speak even though they could not, and they would be severely punished if they were not successful. They were often beaten and abused for not being able to hear and speak. They were segregated in schools and were not taught ASL. ASL was frowned upon and if teachers caught students using ASL, they would also be punished (Baynton, 1996).

Infants and toddlers who were d/Deaf were not given an opportunity to communicate and had no language acquisition. This did not allow them to grow and prosper as normal children and they would never catch up. There were generations of d/Deaf children and adults who were not provided appropriate access to language and communication and they suffered greatly for it. It was not until the mid/late 1900s that ASL was integrated into the teaching of d/Deaf children and students. Although it is still difficult and imperfect, ASL is accepted and accessible in school if needed, and children are no longer mistreated for being unable to hear.

Even so, there is still discrimination among d/Deaf and HoH individuals in the workplace, finding employment, and in higher education. There is a communication barrier for d/Deaf individuals who require medical treatment or representation in court. Even in movie theaters, theaters, and concerts, d/Deaf individuals must fight constant obstacles in their everyday lives (NAD, 2019). This section helps to provide background to the history and obstacles that d/Deaf and HoH people face each day in order to fully understand the services and resources that must be provided to them through the Americans with Disabilities Act (ADA).

Literature Review

What does it mean to be d/Deaf or HoH in jail or prison?

The literature to date provides information about the conditions that d/Deaf and HoH prisoners experience during the time they are incarcerated. Although previous research focuses on the discrimination that d/Deaf inmates face, there is little research on specific institutions and their direct impact. Most of the knowledge we have is based on the experiences d/Deaf and HoH ex-prisoners share once they are released but d/Deaf and HoH pleas have typically been ignored while they are incarcerated.

The Americans with Disabilities Act (ADA) was passed in 1991 in order to ensure there would be no discrimination because of disabilities. Title II of the ADA states: “[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132 (US Congress, 1991). Technically, the ADA has always included prisoners. Nevertheless, it was not until 1998 when the U.S. Supreme Court ruled in a case that held the ADA did include prisoners. The Courts decision state that the

needs and rights of d/Deaf inmates are required under federal law. However, just because they are supposed to be, does not mean that they always are.

d/Deaf people face discrimination and hardship in their everyday lives; therefore, one can only imagine how severe those hardships become when a d/Deaf or HoH person becomes involved in the criminal justice system. d/Deaf people in prison are often referred to as “a prison within a prison” (Grossman, 2015). Not only is prison an unpleasant experience for anyone but being d/Deaf in prison has been compared to being in constant solitary confinement, physically and mentally. There is a consistent lack of language access which can be detrimental to mental health. From the very first moment of arrest, a d/Deaf person can be placed in handcuffs, the equivalent of taping over a hearing person's mouth, they are rarely given an interpreter, and often are unaware of the situation at hand and unable to defend themselves. When they end up in jail or prison, it becomes worse when they are unable to make their phone calls to family or lawyers, they cannot complete the programs required for early release because of lack of interpreters, they cannot report potential abuse because of lack of interpreters, they are often attacked by CO's for not obeying orders they cannot hear, and they often miss announcements (i.e., dinner time, lockdown, fire alarm, and recreation time). In some correctional institutions, hearing aids are considered contraband and cochlear implants are not allowed. Even if institutions do allow these devices, they typically will not allow batteries to operate them. Additionally, there is hardly ever closed captioning on televisions, they are denied the ability to be employed in prison because they do not have an effective means of communication, and as a result, rehabilitation is difficult because communication is a critical part. According to McWilson (2017), under the ADA this type of treatment is discriminatory and equal access must be provided.

Some of the extant literature on this topic has identified the inconsistency in access to interpreters and the persistent violations of the ADA (Miller, 2001; Vernon, 2010). One of the biggest problems is that the prisons are in violation of the ADA by failing to provide interpreters, video calling, and general safety to their d/Deaf and HoH inmates (Miller, 2002). Often children, family or friends, and even fellow inmates have had to interpret for an inmate. Fellow inmates may share the information they have interpreted and cause safety issues for the d/Deaf inmate. Courts have also used the defendant's family members as interpreters which poses a number of legal and ethical issues (Miller, 2001). In fact, there are a number of situations that can put d/Deaf inmates' safety at risk. For example, the use of hand motions and facial expressions may seem dangerous or "gang" related even though it is not (Grohs, 2015). Moreover, members of the Deaf community tend to be forthcoming with personal information and can be perceived by others as a "snitch" even though their behavior is a mere cultural difference (Miller, 2001). Even more concerning is that d/Deaf inmates also have high rates of wrongful conviction and experiences of sexual assault while incarcerated because of lack of effective communication throughout the criminal justice process (HEARD, 2018).

Previous research has highlighted violations of the ADA and the negligence that jails and prisons display when protecting their d/Deaf and HoH populations (National Association of the Deaf, 2019). There appears to be a general misunderstanding of the communication needs of this special population and a lack of educational opportunities provided to the staff of prisons and court systems to help them better understand the unique needs of this population (Miller & Vernon, 2005). There have been several studies that propose general improvements, such as providing safe VRS services, tracking d/Deaf inmates so it is known who needs services, having an interpreter on payroll, not using handcuffs unless there is an immediate threat, group d/Deaf

individuals together so they have a community, and use identifying tags for inmates (Miller, 2002; Lewis, 2015).

There have also been countless articles documenting the settlements given to past inmates because of the lack of interpreters for d/Deaf and HoH inmates, and they stress the need for more (The Associated Press, 2016; Barakat, 2016; Walsh, 2009; Wilson, 2015). Other than pointing out the same flaws repeatedly, attempting to raise attention, and proposing possible solutions, limited information is available regarding jails and prisons to see what resources and services they do and do not offer to their d/Deaf and HoH inmates. If correctional institutions are examined, it may be easier to implement proactive measures within them before there is a need for settlements after the fact. For now, most of the research seems like a call to change and not an immediate call to action.

Settlements for d/Deaf and HoH Prisoners

What the current literature tells us is that there is a lack of awareness of how many d/Deaf and HoH individuals are incarcerated. The people who work in the criminal justice system (i.e. police officers, judges, lawyers, corrections officers) have not been trained on how to handle this group and provide them with appropriate resources. Therefore, many d/Deaf and HoH inmates go without and end up suffering because of a lack of understanding. Because of this, the end result is usually a d/Deaf or HoH prisoner receives a settlement from the county or state that they were incarcerated in and the county or state then promises to make changes to their facilities to better serve d/Deaf and HoH prisoners in the future. The issue is that it is difficult to assess what is offered for services and resources to d/Deaf and HoH inmates before they have already been discriminated against. There is a lack of proactive measures taken to

ensure that they are protected under the ADA and that they will not seek a settlement when their time in jail or prison is over.

There have been a number of settlements given to d/Deaf and HoH prisoners because of the discrimination they faced while incarcerated. The settlements range depending on the severity of the case and geographic location. For example, in Minnesota, a man was in jail for six months and denied an interpreter and received a settlement for \$75,000 for his unfair treatment (Walsh, 2009). As a result of the settlement, the jail promised to make “updates” to their policies. It was unclear what those updates would be. In 2001, a California jail spent \$80,000 to install telephones with a keyboard after concerns were raised of the unfair treatment of d/Deaf inmates (Mason, 2001). The jail claimed that they were unaware that the d/Deaf and HoH inmates were unfairly impacted. This case is a clear example that correctional staff lack information and training on the rights and needs of these specialized groups in jails and prisons. If staff were asked about this particular group, it is likely they would have no idea they existed within the institution.

However, the issues go well beyond access to telephones. For example, a d/Deaf prisoner serving time in Oregon was paid \$150,000 because he was denied an interpreter for medical meetings, education programs, and rehabilitation programs that wanted to attend. This forced him to be excluded from prison programming and unable to be employed and make any money while incarcerated. Additionally, when he was given an interpreter it was a fellow inmate. This results in concerns regarding confidentiality by putting a man’s safety in danger if a fellow inmate shares private information (Wilson, 2015). In addition to the settlement, the prison agreed to make changes to their policies to allow effective communication to their d/Deaf and HoH prisoners but there was no follow up. This continues to show the reactive measures taken

to support d/Deaf inmates after the fact, instead of proactive measures to ensure that this does not keep happening. Moreover, in 2016, a man serving six weeks in a Virginia jail was unable to communicate throughout his entire stay and did not even know why he was arrested. They offered him a TTY or a “Text Telephone” which is outdated technology that this generation of d/Deaf people have not had to learn to use because of our advanced technology. Therefore, a TTY is useless in this case. The Virginia jail promised changes and compliance with the ADA, as well as allowing batteries for hearing aids and cochlear implants to be used (Barakat, 2016). Regardless of those changes, a man spent six weeks in jail, most of it not knowing why, only to have the victim recant and ultimately be charged with nothing.

There are so many settlement cases all surrounding the same key issues. In 2016, a man received \$400,000 because he was denied access to an interpreter, was not allowed to work, or go to classes while incarcerated (Associated Press, 2016). In 2019, a Virginia prison installed video phones after a settlement with two inmates who were discriminated against (Associated Press, 2010). In 2015, a New York woman received a \$750,000 settlement because she was wrongfully arrested and her pleas for an interpreter were ignored (McWilson, 2017). Sadly, the cases continue. There appears to be little improvement with time. Cases from 2001 through 2017 are dealing with the same problems. There are not enough proactive measures being taken to ensure our jails and prisons are compliant with the ADA. There is an abundance of reactive measures being taken to take care of d/Deaf individuals after they have already been discriminated against and victimized by the criminal justice system.

Even though prior research shows the extent of mistreatment of d/Deaf and HoH and the settlements they receive afterwards, no exploration of a specific state’s jails or prisons has been conducted. It would be beneficial to dig into specific prisons to find out how aware they are of

their d/Deaf and HoH populations and what services and resources they provide. By doing this, perhaps a facility could become more knowledgeable about whether they lack the appropriate resources. The hope is that positive change could come from this exploration to benefit d/Deaf and HoH prisoners.

Problem Formulation and Policy Discussion

As previously stated, much of the extant literature addresses d/Deaf and HoH inmates' experience in the criminal justice system, specifically during their time in prison. Based on the existing research, it is fair to say that our criminal justice system has limited knowledge of its d/Deaf and HoH populations. The extant literature discusses the hardships that this population faces and the settlements they receive post-imprisonment. However, limited information exists regarding what resources and services are provided to d/Deaf and HoH inmates while in jails and prison in Massachusetts. More extensive research is beyond the scope of this paper, but must be done in order to fully understand the problem as it affects our jails and prisons. For the purposes of this paper, I have discussed the resources and services provided to d/Deaf and HoH inmates in a select number of Massachusetts jails and prisons in order to get an idea of what is already implemented and what could be improved. Next, policy recommendations are discussed. The paper concludes by proposing a training which serves the purpose of improving the resources, services, and treatment of d/Deaf and HoH inmates in jails and prisons across Massachusetts.

Because corrections administration and officials tend to misunderstand the communication needs of their d/Deaf and HoH populations, this population is often denied their basic rights and access to prison/jail programs and services (NAD, 2020). The main challenge is that even though d/Deaf and HoH inmates have statutory and constitutional rights, the implementation of those rights is not enforced. Originally, Section 504 of the Rehabilitation Act

of 1973 required that any person with a disability has guaranteed equal access to any entity that gets funding from the federal government both directly and indirectly. It was eventually changed to include institutions that do not receive federal funding (NAD, 2020). An analysis done by the Department of Justice of Section 504 states,

“Detention and correctional agencies must ensure that their programs and activities are accessible to handicapped persons. For example, correctional agencies should provide for the availability of qualified interpreters (certified, where possible, by a recognized certification agency) to enable hearing-impaired inmates to participate on an equal basis with non-handicapped inmates in the rehabilitation programs offered by the correctional agencies (e.g., educational programs)” 45 Fed. Reg. 37630 (June 3, 1980).

This analysis explicitly says that correctional agencies are required to have accessible interpreters for d/Deaf and HoH inmates. Further showing that the statues exist, but simply are not executed correctly.

Additionally, the Americans with Disabilities Act prohibits the discrimination of people with disabilities. Title II of the ADA extends those rights to any and all individuals who are inmates in any state/local government run correctional facility and section 504 requirements are included within Title II. It is important to note that any services that are contracted out by state/local facilities must comply with the Americans with Disabilities Act, and that the ADA does not apply to private prisons. This means that there are two separate Acts that prohibit the discrimination of d/Deaf and HoH individuals while incarcerated.

Although I believe there could be additions and modifications made to the ADA so that there are more specific guidelines for certain disabilities, I do not believe the problem is the

policies themselves but rather that they are inadequately enforced by our correctional systems. The policies and procedures exist in the statutes and do a fairly good job at covering all the bases for the rights of people with disabilities. There may not need to be changes brought to the laws themselves, but rather there could be policy changes made to ensure the enforcement and protection of the ADA and the rights of all people with disabilities who are incarcerated. For the purpose of this paper, the degree of knowledge of jail and prison staff regarding ADA policies and procedures, as well as the resources, and services that the facilities offer to d/Deaf and HoH individuals will indicate what may need to be added to ensure that the rights of the inmates are protected regardless of their disability.

In order to explore the degree of knowledge prison and jail staff have about their d/Deaf and HoH populations and the resources and services that are provided, I decided to reach out to all jails and prisons in the Commonwealth of Massachusetts to request information about their d/Deaf and HoH populations. First, I wanted to find out if these offices/facilities were aware of the d/Deaf and HoH populations that are housed in their jails and prisons and second, what services and resources are offered to them—if any. Some officials admitted to never putting much thought into this topic, while others were knowledgeable and well-versed. I learned that each jail and prison have ADA coordinators who are in charge of making sure each institution is in accordance with the Americans with Disabilities Act.

Although many of the ADA coordinators were not available to speak with me, it is important to note that the position exists within all correctional institutions in the Commonwealth of Massachusetts. Out of the fourteen counties in Massachusetts, only six jails were able to provide some information to me regarding their d/Deaf and HoH inmate populations. Surprisingly, all six jails had similar answers to my questions about their d/Deaf and

HoH populations. Some examples of the questions asked are: (1) Do you know how many d/Deaf inmates your institution has? If yes, how many? (2) Does your institution have a way of identifying their d/Deaf or HoH inmates? If yes, how? (i.e. identifying labels, color markers, cell tags, in their files) (3) Do your programs offer d/Deaf and HoH inmates' interpreters? If not, how do these individuals complete the program? (4) Are video phones/iPads/TTYs accessible to d/Deaf and HoH populations so they can communicate with their families or lawyers? (5) Are any of your staff trained as to how to work with this special population? If so, what does the training consist of?

The general findings were that all of the jails and prisons I spoke to currently have between zero and two d/Deaf or HoH inmates who are formally identified as such. Furthermore, a few of the institutions only had one d/Deaf inmate in a span of many years. Each representative from the jails and prisons informed me that inmates receive a handbook with all the policies and procedures when they arrive. If they do not have the ability to read English, an interpreter is provided to go through the book, so they are aware of how the institution operates. All of the jails and prisons I spoke with have a way to identify their d/Deaf or HoH inmates through the intake process. They have identifiers within their file, and some can carry a card with them to say they are d/Deaf and require additional services. All of the jails and prisons have TTYs, as well as video phones. Approximately 50% also have Video Relay Services available to the inmates.

Moreover, all of the jails and prisons allow their d/Deaf inmates to use the video phone, VRS, or TTY during the same hours that telephones are available to hearing inmates, they do not have to make any special requests for use. This concern has been previously identified by the National Association for the Deaf because some jails/prisons require advance notice for the use

of anything other than a telephone which is in violation of the equal rights of d/Deaf inmates. For example, in 2008 the National Association of the Deaf put forth a recommendation to the Department of Justice in regard to Title II of the ADA. The NAD recommended that there be a provision to Title II that would provide the opportunity to d/Deaf and HoH people to make telephone calls on more than just an incidental convenience basis (NAD, 2020). They stated that public entities, including detention facilities, often allow d/Deaf and HoH people to make phone calls but not at the same ease as it is for hearing people. The NAD's recommendation suggested that d/Deaf and HoH individuals should be able to make telephone calls upon request just like hearing people even outside of normal 9am-5pm business hours. Typically, the use of a TTY, videophone, and other various forms of communication are required to be scheduled beforehand or require a written request. This is not something that hearing people have to do in jails/prisons for instance. The NAD's argument is that if a hearing person can make a phone call in prison at 7pm, then a d/Deaf inmate should also be able to without prior approval in order for there to be equal opportunity. Not only would it be helpful for the incarcerated populations but also for any d/Deaf individual who is at a hospital, college, or hotel and needs communication assistance.

It was important to find out that d/Deaf inmates are treated equally when it comes to using services to contact family or lawyers during the same hours hearing inmates can and not just within business hours. Additionally, every jail and prison representative informed me that interpreters are available at each location. About half of the jails and prisons were able to get interpreters quickly, while others had to put in a request that may take 1-3 days to fulfill. If an interpreter is required for a weekly program, they are able to schedule them as needed. If they are unable to get interpreters quickly for a medical situation, for example, there are video interpreter services that are able to be used whenever necessary or in cases of an emergency.

Also, hearing aids and cochlear implants are accepted at all jails and prisons and are given to people who do not have them when entering the institution but need them. Remarkably within the last few months, prisons in Massachusetts were able to hire part-time ASL interpreters. This service allows the inmates who need interpreters to have more prompt and efficient access to them. Based on the information provided by the jails and prisons, it appears that all of the basic rights of d/Deaf and HoH inmates are being met. I was not able to speak with correctional officers who are the ones in charge of the day to day work, but the employees I did speak with were confident that most of these policies and procedures were consistently being followed.

Lastly, it is important to note that each individual jail and prison have yearly ADA training for all employees. The general consensus is that the quality of care that d/Deaf and HoH inmates receive as far as resources and services go have gotten drastically better within the last few years where institutions were required to make changes and provide the appropriate resources or face legal repercussions. Even so, I believe it is imperative to improve education and training on the ADA, specifically when it comes to d/Deaf and HoH inmates, so that this special population can receive the same rights as their hearing counterparts while incarcerated. Most importantly, I believe a mandatory training for criminal justice officials, including police officers, corrections officers, and administration on how to effectively protect the rights of d/Deaf and HoH inmates would bring the most positive change. Because of the lack of knowledge of this population and their needs, it is of the utmost importance that members of our criminal justice system are trained to understand, protect, and enforce the rights that are outlined in the Americans with Disabilities Act. The ADA is applicable to all aspects of corrections including phone calls, inmate visits, medical/mental health services, religious services, education, work release, dining services, and disciplinary hearings, for example. If correctional

officers and staff are unaware of the rights that are outlined in the ADA then they will be unable to provide the appropriate resources and services that d/Deaf and HoH populations have the legal right to.

The way we can combat this issue would be to enact a policy(s) that would require training for all criminal justice officials to take and become certified in. In this case it would specifically be a training for correctional officers and jail/prison personnel on d/Deaf and HoH populations and the rights they are entitled to while incarcerated. It would be essential to propose a training program specific to incarcerated d/Deaf and HoH populations that all personnel would be mandated to take and also retake a refresher course every two years. A public entity may have created effective policies, but if the frontline staff of those entities are not aware of the policies and cannot implement or enforce them correctly, then concerns regarding the protection of vulnerable populations arise (Gordan, 2020). The component of thorough and inclusive staff training is often overlooked by public entities and it is critical that staff is taught about the requirements of the ADA. Therefore, the education of employees on how to protect the rights afforded to d/Deaf and HoH individuals and people with disabilities by the ADA could vastly improve the lives of these individuals.

Proposed Training

Based on the information that I received from the various jails and prisons in Massachusetts, I would argue that training should be geared specifically towards the individuals that are working with d/Deaf and hard of hearing inmates on a day to day basis. Mainly, correctional officers. It has become clear that every organization has a training on the Americans with Disabilities Act yearly. New hires have to do the training immediately, and all other

employees have to take a refresher course every year. These training appear to be quick, fairly general, and typically online. While I understand that online courses may be the most efficient way to train employees, I feel like this topic is worthy of in-person training. Because of this, I am proposing a two-day training specifically geared towards the d/Deaf and HoH population for frontline correctional officers and staff in jails and prisons across Massachusetts. The training will take place over two days on two consecutive Saturdays from 10am-2pm. Each day will consist of two modules that take two hours each to complete. Before the first day, participants will be asked to write down what they know about d/Deaf and HoH individuals, what they want to know, and what they expect to learn during the two-day training. The participants will bring what they wrote to the first day of training where it will be collected and redistributed at the end of Day 2.

The first module on Day 1 will cover the basics of the Americans with Disabilities Act and the requirements of the state where the training is being held. Each state may have different standards or expectations that need to be met so the first module will be specific to state laws as well. At the end of the module, there will be a short “Check Your Understanding” test to make sure the most important points have been retained by the class. The second module on Day 1 will be a d/Deaf culture sensitivity training. During this module, the intricacies of d/Deaf culture will be addressed. Additionally, communication strategies, how to utilize an interpreter or other real time translation machines, and it will also cover the impact of hearing loss and the importance of understanding the population that the employees are serving. This module will also have a short “Check Your Understanding” test at the end of the two hours to make sure all participants have understood the main points of the presentation.

The first module on Day 2 will be set up with a panel discussion comprised of various ex-d/Deaf or HoH inmates from around the country, a representative from the ACLU to shed light on some of the cases that have arisen out of wrongful treatment, as well as local service providers who can share their experiences and offer their services/support to the organization. This module will give jail and prison employees an opportunity to hear firsthand accounts from d/Deaf and HoH individuals who have been incarcerated and hopefully it would be an impactful experience. The second module of Day 2 will consist of the members of the training being placed into breakout groups with two members of the panel discussion. Each group will include at least one d/Deaf ex-inmate. During this exercise there will be role play scenarios that the correctional officers will take part in. Every person in the training has to participate in at least one role play scenario to pass the training program. This will allow correctional officers to work first-hand with a d/Deaf or HoH individual so that way they will have interacted with someone before they have an inmate in their facility for the first time. It will also help them better hone their skills for interacting with d/Deaf inmates through this inclusive learning setting.

Below is a breakdown of the learning modules:

Day 1, Module 1: The Basics-- The Americans with Disabilities Act and State Regulations

This module consists of a PowerPoint presentation that first discusses what the Americans with Disability Act is, its history and importance, the consequences, if it is not followed, and some examples on how it could be improved. The second half of module one will discuss the policies or procedures that are specific to the state that the training is taking place in. Some states could have more laws and regulations regarding special populations, while others may not. Once the presentation is over, the class will be asked to take part in a short 10 question

“check your understanding” quiz on the Americans with Disabilities Act, as well as any of their state guidelines that are relevant.

Day 1, Module 2: Deaf Culture Sensitivity Training, Impact of Hearing Loss, Communication Strategies, and How to Use an Interpreter

This module is an especially important one and will also be delivered via a PowerPoint presentation. It is likely that most of the people employed by jails and prisons across the country have never interacted with a deaf or hard of hearing person before. Because of this they most likely will know little to nothing about what it's like to be deaf or anything about deaf culture. Deaf culture is just as important as any other culture, and when you are in a position where you serve your community which includes different special populations it is imperative that you have at least a basic understanding of the various cultures that you could be interacting with. This module will essentially help teach employees about deaf culture, how to better communicate with deaf people, the implication of what it means to be deaf or hard of hearing, and how to use resources and services to better serve them.

This module will include various mini presentations on a variety of topics. First there will be a presentation on the history, values, traditions, and norms of the Deaf community. Second, any laws that are relevant to communication access for d/Deaf or HoH individuals (especially when being held in a state facility). Third, common challenges, characteristics, and impacts that d/Deaf or HoH individuals face because of their hearing loss or lack of hearing. Fourth, the cultural diversity and linguistic diversity of Deaf and HoH populations will be discussed. This is because American Sign Language is just like any other language where various countries have their own sign language but also because various parts of the same

country will have different slang terms/style used. Fifth, different strategies for effective communication with d/Deaf and HoH individuals will be discussed. This will include how and when to request an interpreter, when to get a CART (real time captioning service), video phone, or any other device that could be used and how to use them effectively as well as in compliance with the ADA. After these five mini presentations are complete, the class will be given a short “check your understanding” quiz consisting of twenty questions, or four questions per presentation, to make sure the participants understood the information.

Day 2, Module 3: Panel Discussion: Personal Stories and Perspectives on being d/Deaf or HoH while Incarcerated

This module will begin the second day which is more interactive for the people participating in the training. The goal of this module is to allow correctional employees to be able to interact with d/Deaf or HoH individuals, maybe even for the first time, and be able to ask them any questions they may have. Additionally, the panel will be well rounded in that it will consist of service providers, a representative from the ACLU to share the legal implications, as well as d/Deaf and HoH ex-inmates. By doing a panel like this, it allows its participants to learn first-hand accounts of what it is like to be d/Deaf in prison or jail. It will likely be the first time many will experience something like this. The hope would be that participants would learn from the experiences shared, ask the ex-inmates questions, and learn how to better serve the d/Deaf and HoH population within jails and prisons. It will essentially be an open forum where experiences will be heard, the participants can ask questions, and the service providers will show the participants the resources and services provided in their area and how to utilize them. There will be no test at the end of this module. The only requirement is that each participant has to ask the panel one question.

Day 2, Module 4: Breakout Rooms with d/Deaf and HoH Individuals

The final module will involve the group being broken up into smaller breakout rooms. The purpose of this module is to put the correctional employees into groups with real d/Deaf and HoH individuals so that they can act out and role play real life scenarios that employees would face. The scenarios will be different depending on if it is administration, medical, teachers, or correctional officers participating. The scenarios will be geared toward the jobs that the participants have. This will give them the ability to think about their choice and actions in a safe and educational setting where the groups can problem solve and talk about the dos and don'ts of each situation. After each scenario is acted out the group will get together to discuss what went well and what could be done better in the future. The goal of this module is to hopefully act out real life situations, so that if they happen in real life, the participants will know how to better handle the situations based on the needs of the d/Deaf population. There will be no test at the end of this module. The only requirement is that each participate volunteers to take part in one of the real-life scenarios.

At the end of the second day, the group will come back together and will be asked to write down the three most important things they learned from this training and something that they plan on implementing in their day to day jobs when interacting with d/Deaf or HoH inmates. After they are finished, the answers they wrote out before the training will be passed back to them so they can hopefully see how much they learned through the training.

Discussion

After gathering information from jails and prisons across Massachusetts, I can say that I am pleasantly surprised with the feedback I received. I originally approached this topic being

critical of the work -or lack thereof- that was being done by our criminal justice system for d/Deaf and HoH inmates. I had anticipated there to be a blatant lack of knowledge about d/Deaf and HoH inmates across all aspects of these institutions. It has now been made apparent that, at least some parts of the system, are aware and trying their best to serve this special population. It became apparently clear after speaking with various jails and prisons in the Commonwealth that ADA regulations are being followed.

Even though I am pleased that some of the information I gathered exceeded my expectations, there are some caveats worth noting. The first issue being that I only reached out to jails and prisons in Massachusetts. Based on prior research, it is safe to assume that different parts of the country may not be handling the issue of d/Deaf and hard of hearing inmates as well as the Commonwealth of Massachusetts. Different parts of the country are typically less progressive about social issues and change and may not be handling special populations to the standard set by the ADA. Most of the lawsuits for wrongfully accused, unequal, or inhumane treatment of d/Deaf and HoH inmates are based out of the South and Midwest jails and prisons. These issues seem to be concentrated in more rural and politically conservative states who may be reluctant to adapt new ways and are content with the way things have always been done. Massachusetts is generally a politically liberal state and most laws in Massachusetts advocate for various forms of social justice and/or reform which may play a role in our state institutions' willingness to serve the communities who have unique needs within our jails and prisons.

The second caveat would be that I was not able to talk with any correctional officers directly. This is important because correctional officers are the people doing the work on the front lines of the jails and prisons. They are the people that interact with inmates and these special populations every day. They are the people who enforce the rules and guidelines set out

by the jails and prison administration. It was beneficial that the representatives from the jails and prisons were willing to speak with me to discuss what they know. But unfortunately, they are not going to have as much on-ground experience -if any- working directly with inmates. They were able to tell me the policies and procedures that are in place from an administration perspective, how training is supposed to work, and what the expectations are of staff, but they were not able to tell me if those policies are actually implemented in the day to day work done by correctional officers and by other people in positions of power within jails and prisons. It would be valuable to request information from the correctional officers who have to deal with these types of issues on a day-to-day basis. That is why I have chosen to target training for those individuals so that they have a better understanding of the expectations, policies, and procedures for d/Deaf and hard of hearing inmates. This is not to say that it is not important for administration to be aware of this issue and help the best they can, it is just stating that it is most important for the officers who are interacting everyday with these inmates to be the most educated on this topic.

The third caveat as it relates to the second is that it would have been beneficial to talk to each of the Massachusetts Correctional Institutions (MCI) because their pre-release, minimum, medium, or maximum-security status varies. They also vary in whether or not they hold men, women, or mentally ill inmates. All of these factors play a role into how an institution is run. Any of these other factors combined with someone being d/Deaf or HoH can be an obstacle that needs to be tackled in a unique, individualized way. This is why it would be helpful in the future to speak with each individual institution and see how they manage d/Deaf and HoH populations when combined with other institutional-level characteristics. It is also important that in future, it would be helpful to note the differences among prisons that are publicly versus privately run and

funded. This could play a role in how d/Deaf and HoH inmates, as well as other vulnerable populations are treated. Title III of the ADA has been held not to apply to private prisons.

The main take away from this should be that every incarcerated individual is entitled to certain rights. In order to make sure those rights are being met; more extensive research must be done on this topic. The current policies in place are sufficient enough to legally cover all of the issues, but unfortunately, they are not consistently enforced by states and institutions. In order to protect the rights of d/Deaf and HoH inmates, all jail and prison personnel should be required to participate in a mandatory training geared specifically towards d/Deaf and HoH individuals and the specific needs they require as a community while incarcerated. While incarcerated, individuals deserve fair and equal treatment even if they are differently abled, and it is the duty of our criminal justice system to ensure that happens.

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