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# Silence to Signs: Bridging the Communication Gap for Deaf and Hard-of-Hearing Inmates in Prisons

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Running Head: SILENCE TO SIGNS: BRIDGING THE COMMUNICATION GAP

ANALYTICAL PAPER

Silence to Signs: Bridging the Communication Gap for Deaf and Hard-of-Hearing Inmates in Prisons

In Partial Fulfillment of the Requirements of the Degree of  
MASTER OF PUBLIC AFFAIRS  
PROGRAM

By

Kayleigh A. Marshall

Date: November 2013

SILENCE TO SIGNS: BRIDGING THE COMMUNICATION GAP

Silence to Signs: Bridging the Communication Gap for Deaf and Hard-of-hearing Inmates in Prisons

In Partial Fulfillment of the Requirements of the

MASTERS OF PUBLIC AFFAIRS

By

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COLLEGE OF ARTS AND SCIENCE

UNIVERSITY OF SAN FRANCISCO

Date Submitted November, 2013

Under the guidance and approval of the committee, and approval by all the members, this thesis has been accepted in partial fulfillment of the requirements for the degree.

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SILENCE TO SIGNS: BRIDGING THE COMMUNICATION GAP

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# SILENCE TO SIGNS: BRIDGING THE COMMUNICATION GAP

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## Executive Summary

This paper explores the failure of American prison systems to provide communication access to deaf and hard of hearing prisoners. Sign language is sparsely accessible to deaf individuals in prisons. Communication and access to language are key to the human condition and democratic participation. When prison administrations ban sign language, deaf individuals are prevented from accessing programs and services that would lead to lower recidivism rates, and they are prevented from participating democracy. Since use of sign language is a natural part of many individuals' deaf experience, barring its use is also a violation of the Americans with Disabilities Act (ADA). The legislation states that deaf individuals must have equal access to services and benefits provided by public entities. Prisons are one type of public entity, and they are required to provide reasonable accommodations for deaf and hard-of-hearing prisoners. This article addresses issues regarding deaf prisoners' right to communication and provides a thorough understanding of Deaf culture and communication, and the importance of sign language to both of these. The project attempts to dig deeper into the research question of how sign language is inseparably linked to effective communication access for deaf and hard of hearing people. Secondly, it addresses whether if American Sign Language (ASL) classes should be offered in prisons. The author recommends offering free ASL classes, to improve communication access for deaf and hard-of-hearing prisoners, to improve access to services and programs the correctional facility provides and to increase knowledge of and sensitivity to Deaf culture and communication within the staff and hearing prison population. This recommendation and project require further research because the subjects of this project interviews indicated that there may be a split within the deaf prison community as whether to take the classes.

*Keywords:* Communication access, American Sign Language, prison system, correctional facilities, deaf prisoners, American Disabilities Act

## Silence to Signs: Bridging the Communication Gap for Deaf and Hard-of-Hearing Inmates in Prisons

Individuals with disabilities confront accessibility barriers in their daily lives. As a result, there are many organizations supporting and advocating for their right to equal access. For individuals who are incarcerated, the number of advocacy is far less because the stigma surrounding prisoners, and the difficulty of changing processes and policies in prisons. Many organizations do not have the time or resources to promote the sorts of systemic changes that are necessary in the prison context. In fact, prisons are the one of the most difficult public entities to penetrate and transform. The accessibility issue for the government on the local, state and federal levels has yet to undergo major changes due to the growth of privatization of prisons, and the consequent swell of the prison population. The United States houses approximately 2.2 million men and women in prisons (The Economist: America's overcrowded prisons, 2013); the federal prison population jumped from 24,000 in 1980 to 219,000 in 2013 (The Economist: Prison reform, 2013). As a result of the prisons' overcrowding, issues related to prisoners who have disabilities are often seen as minor or are altogether ignored. Prison reform advocates are responsible for revealing the horrible human rights violations and conditions of confinement in prisons. The overcrowding issue oppresses the prisoners' ability to voice their needs and rights. For a deaf prisoner, the prison reform struggle mounts because access to communication is severely lacking in prisons across the nation.

Deaf prisoners have to deal with communication barriers that cause lack of access to medical assistance, personal safety, educational benefits and religious services. Communication barriers originate from little or no knowledge of the English language, which is required for day-to-day life in prison including filling complaints and grievances about lack of access. The Deaf

community uses sign language as a method of communication, and the language itself is different from the English language. In addition, deaf individuals', including prisoners', hearing loss severely affects their language learning skills, regardless of when they lose their hearing (Andrews, 2011, p. 4). Their language skills tend to lag behind fellow hearing individuals. Their communication will be on a sub-level compared to the rest of the population, causing their struggles to increase when they need to express their necessities to function close to normal. Hundreds of deaf prisoners and hard of hearing prisoners are also likely to struggle with communication access in every aspect of arrest, trial and prison (Vernon, 2010, p. 313). When Deaf prisoners are unable to converse or cannot understand what is happening around them, they become isolated and fear for their safety.

Interactions between deaf and hearing prisoners and prison officials can improve with interpreters and sign language. Interpreters *translate* information from spoken English to sign language in a way that is accessible and comprehensible for deaf individuals. Interpreters can help deaf prisoners to understand prison regulations, including when and where to line up for yard time, counts and meals, therefore avoiding rules violations as a result of having missed out on information. The right to interpreters is not the only right deaf prisoners should have, the right to "effective interpretation," meaning the individual can understand the interpreter is intertwined with the right to an interpreter (LaVigne, 2003, p. 887). An interpreter cannot only be available, a deaf prisoner also has to comprehend what the interpreter has said, making this problem about linguistic competence. However, the belief whether a defendant can understand the court proceedings one-hundred percent is unique (LaVigne, 2003, p. 887) for not every judge believes full comprehension is possible, and this inconsistency is an issue for deaf prisoners.

The number of deaf people in prisons who are labeled *linguistic incompetent* is minor, but this number grows when considering the Deaf population as a whole in the nation. As a whole, approximately 20-40% of prelingually deaf individuals are linguistically incompetent (Vernon, Steinberg, & Montoya, 1999) (Miller, 2004, p. 117). Another study of Katrina Miller's shows that in one Texas state correctional facility, most of the inmates were functionally illiterate and had unintelligible speech (Vernon, 2010, p. 313). Their communication with the prison officials and fellow inmates are "extremely primitive" (Vernon, 2010, p. 313). Effective interpretation includes understanding sign language itself. Many deaf prisoners do not have strong knowledge of sign language. Another difficulty with sign language is these men and women do not or may not understand concepts in general, such as what is legal or illegal sexual acts, from the result of gaps in knowledge from the lack of information access throughout life. These two difficulties can define deaf individuals as linguistic incompetent, and they will be unable to follow what occurs in their surroundings, including court hearings and living in prisons.

Linguistic competence matters, especially in prisons because the individuals who are classified as linguistically incompetent are mainly deaf people (Miller, 2004, p. 117). McCay Vernon backs Miller's statement in his article, *The Horror of Being Deaf in Prison*. People who are described 'semilingual' make up about 3% of the overall Deaf population, but about 90% of jailed or imprisoned criminal defendants who are deaf (Aramburo, 2007) (2010, p. 314). Even though the deaf prisoner population is relatively small, the huge problem with linguistic incompetence has persisted for decades. In 1974, the Task Force on Speech Pathology/Audiology Needs in Penal Institutions (Task Force) recognized language services were "critically needed" (LaVigne, 2011, p. 91). The formation of the Task Force occurred when

research identified an increase of “communication disorders in adult correctional facilities all over the country,” and the Task Force recommended language services for prisoners with learning disabilities and speech/language improvements (LaVigne, 2011, p. 91). However, the implementation or recognition of the recommendations did not take place. No matter how small the vulnerable population is, in this case it is deaf prisoners, there is a need to serve the population through communication access.

### **Violation of American with Disabilities Act (ADA)**

A deaf or hard of hearing individual’s right to communication is fundamental to his humanity. Without communication, he can neither be effective or successful, and unable to participate in our democracy (Siegel, 2000, p. 1) (see Appendix B about Siegel’s article relevance to this topic). Part of partaking in democracy is to vote on ballot initiatives and to participate in legislative and federal agency processes. When a citizen cannot participate as voters, then he cannot impact policies that could possibly affect him. An example is not being able to vote on a measure relating to prison sentencing policy and experiencing that specific policy. A deaf person who cannot vote on the ballot initiatives because he cannot comprehend the language then loses his fundamental right to decide on the law. If the same person is imprisoned, then he is unable to understand how the policy dictated his sentencing.

Not only does a deaf individual lose the right to democratic participation, deaf prisoners are deprived “of the right to communicate effectively – to comprehend information being conveyed by prison personnel and have one’s own language understood” (Musumeci, 2006, p. 627). Miller, Vernon and Capella (2005) also state that deaf prisoners lose their “constitutionally guaranteed due process rights,” a democratic right, when they are unable to “communicate effectively using any spoken, signed, or written languages” (Miller, Vernon 2001, 2002) (p.

423). They do not have access to sign language, are unable to understand sign language, or even know the language while they serve the mandatory sentences.

Deaf prisoners' lack to communication access is a violation of the Americans with Disabilities Act of 1990 (ADA), a federal law that protects persons with disabilities from exclusion of participation or denial of benefits or services, programs, or activities of a public entity on the state and local governmental levels (Musumeci, 2006, p. 631). A key point in the ADA legislation is Title II, which requires communication between public entities and people with disabilities to be effective and accessible (Musumeci, 2006, p. 631). Prisons are a part of the public sphere, and deaf prisoners are treated unfairly by being unable to participate in educational or religious programs and benefit from services as affirmed in *Pennsylvania Dept. of Corrections v. Yeskey*, 524 U.S. 206 (1998) (Cornell University Law School, 2013). They are not able to contribute or learn from educational classes, to benefit from addiction programs, to obtain proper medical or mental health care, or to understand their own disciplinary hearings for violations of rules that they often have no knowledge of.

### **Violation of Human Rights**

In general, individuals with disabilities will experience more struggles within the prison walls with the overcrowding, lack of prison supervision, and recognition of "prisoner differentiation" as the main causes for violence and tight quarters environment (Ortoleva, 2011, p. 309). To make matters worse, the overcrowding causes neglectful psychological stress and inadequate medical care, which quickens the disabling process (Ortoleva, 2011, p. 309). For a person with hearing loss, the violence and overcrowding will cause emotional and physical stress, and it worsens when he cannot understand why this occurs. Prisons are a breeding ground for violent behavior with abuse occurring on a daily basis, especially in today's society and the

overcrowding in correctional facilities across the nation. Everyone is a target but the young, small, naïve, elderly and disabled are the most likely ones to experience abuse because they are inherently vulnerable.

Deaf and hard of hearing prisoners are frequently targeted because other inmates can sneak up behind them or during their sleep without being heard and attack them. The attacks can range from sexual to physical abuse. Prison facilities are inconsistent in their efforts to prevent assaults, murders and other violence, even when these abuses are perpetrated against the most vulnerable populations in the prison. Prison grievance procedures tend to be too complex and above most of the deaf prisoners' linguistic comprehension level. When the grievances are filed and are against guards or prison officials then punitive retaliation usually occurs like solitary confinement, transfers to unfavorable prisons, false charges against the filing party, loss of privileges, denial of parole, or abuse by other inmates (usually bribed by the guards) (Vernon, 2010, p. 319). Therefore, deaf prisoners experience the fear of being an easy and vulnerable target for rape, physical violence, intimidation, extortion and other exploitation. Abuse is not the only thing a deaf prisoner will experience, he will face issues involving his disability. Hearing loss issues become greater when contained into the prison walls.

Lack of communication access is a violation of civil rights for deaf prisoners who are humans and are unable to engage with anyone even on the most basic level: talking. This project addresses this issue in several aspects of Deaf culture and how deaf prisoners struggle daily in prisons, how the facilities could improve communication access for them, and how all of the actors, including deaf prisoners, prison officials, and hearing prisoners involved can benefit from improvements in the prison system.

## **ISSUES RELATED TO THE PRISON SYSTEM AND DEAF CULTURE**

Deaf and hard of hearing prisoners deal with many issues in prisons involving communication access and related to Deaf culture. Before the issues can be addressed, Deaf culture needs to be explained to understand why the issues are problematic for deaf inmates in prisons. Sign language is a significant part of the culture and is indivisible with behavioral norms and visual cues. The Deaf community relies on eye contact and body language, like facial expressions, to understand the meanings behind the signed words (Minnesota DHS, 2013). Deaf people also tap shoulders, wave hands, stomp ground, or knock on tables to get others' attention (Minnesota DHS, 2013). The prison culture is polar opposites of Deaf culture for touching is banned, the attention grabbing method usually is considered disruptive and the body language can be misunderstood as aggressive or rebellious.

### **Misconceptions**

Misconceptions about deafness run rampant throughout the public sphere and within the prisons due to the lack of cultural understanding and sensitivity towards the Deaf culture. People do not realize there is no universal sign language, and there are a variety of sign languages communicated in United States and in prisons, or that many deaf prisoners do not comprehend written or spoken English. Second, sign language, specifically American Sign Language (ASL), is unlike the English language, it has a different grammar structures and uses for words. Thirdly, lipreading cannot be solely relied on to comprehend concepts or English language. Lastly, the lack of communication access can cause deaf individuals to act or react aggressively and with violence. These misconceptions can cause barriers between hearing and deaf individuals and prevent any healthy ways of communication or relationship building.

### **No Universal Sign Language**

There is no international or universal sign language. Marybeth Musumeci cites Gallaudet University's explanation on sign language: "Other sign languages differ from each other as much as spoken languages differ. Just like the different spoken languages, different sign languages are mutually unintelligible." (2006, p. 630). American Sign Language (ASL) is the most common language used in the Deaf community [in United States], but other systems exist, such as Pidgin Signed English (PSE), gesture, home signs, or other manual communication systems (Miller et al., 2005, p. 418). The variety of languages is based on how each man and woman in prison was raised and educated environmentally and with what social norms (LaVigne, 2003, p. 905). In Miller et al. (2005) study, it is proven that in a Texan correctional facility, ASL is the dominant language where sixty-nine out of ninety percent of the group specifically used ASL, PSE, or Mexican Sign Language (LSM) (p. 421). Therefore, there is no standard sign language for deaf prisoners to use, making the communication experiences difficult for deaf prisoners to communicate with one another.

Sign language, mainly ASL, is always evolving like any other languages and there are updated signs for words. Deaf men and women in prisons are not in enough contact with the world outside of the barbed wires to keep up with the evolving language. Some individuals have been in prisons for decades and are left out from understanding updated language. They are out of touch from today's society and even within the prison walls, so they cannot understand the sign language interpreters when available. Like the English language with its *urban dictionary* and unique words are added to the dictionary, ASL develops in a similar way.

### **ASL's Grammar and Dictionary**

Not only do multiple sign languages exist, sign language does not follow the same rules for words or grammar as the English language. In an available common ASL dictionary, there is only a vocabulary of 5,600 signs, and there are over a half million words in the Oxford English Dictionary (Vernon, 2010, p. 314). Therefore, there are English words that have no signs, which tend to be spelled out manually. At the basic comprehension level, a Deaf individual may not understand the English word when spelled out. In addition, there are no articles “(such as ‘a,’ ‘an,’ ‘the’)” and the use of plurals, adverbs and adjectives is fundamentally different from spoken and written English (Musumeci, 2006, p. 629). The general public assumes that interpreter services are not necessary because prisoners can pass notes in English (Musumeci, 2006, p. 629), which is not the case, for ASL has no written form (Miller & Vernon, 2005, p. 286-287).

Sign language also breaks down and rearranges the English spoken and written language through its own grammar, to create simple sentences of the concepts. This is especially necessary for deaf prisoners to understand complexity of legal issues and rules. Deaf prisoners need simplified sentences to understand the overall concept, and require the interpreters to do “extensive expansion, using techniques such as examples, pictures and miming. This requires a lot of time” (Vernon, 2010, p. 314). Vernon suggest that the solution to promote linguistic comprehension is *consecutive interpreting*; this involves “the speaker says a few words, then waits for the interpreter to do whatever expansion is required to interpret them. Then the speaker says more words, stopping again until they have been satisfactorily interpreted” (Vernon & Miller, 2005) (Vernon, 2010, p. 314). Sign language cannot be signed word for word with spoken English, instead it breaks down into hands shapes, hand movements, locations on or near

the body, palm orientation and non manual signals that represent the concepts expressed visually (Musumeci, 2006, p. 629).

Another study by Miller shows that in a group of seventy-five inmates at the Texas facility, 81% of deaf prisoners reported that they received sign language services or similar accommodation in court but most were ineffective. In some cases, the provision of an interpreter in court consisted of a 15-minute sentencing phase in front of a judge. Sign language requires delayed timing for the interpreters to listen to the speaker and translate spoken English to sign language. This also involves time to expand on the concepts for deaf defendants to understand their sentencing. Not only time is necessary to interpret information, comprehension is also needed. One offender stated the interpreter was skilled but he simply did not understand the legal terminology presented (Miller, 2004, p. 116). Sign language, specifically ASL, is necessary to express the concepts to deaf prisoners so they can understand the complex legal concepts, prison rules and educational and spiritual programs' context.

### **Lipreading is an Inadequate Mode of Communication**

The general belief is deaf prisoners can read lips and actually comprehend their legal representatives and the guards, so there is no need for a sign language interpreter. The reality is to understand concepts by lipreading is only thirty-percent at best (e-Michigan, 2002), and the majority of the comprehension occurs through *filling in the blanks*. The best description on how an individual read lips is:

“make the sound of ‘pah,’ now make the sound for ‘bah.’ If you have good hearing, you can hear the difference. But feel your lips as you make the two sounds, and look in a mirror. Relying only on what can be seen, there is no difference in how the ‘pa’ and the ‘ba’ sounds are founded on the lips. This is

why even the best speechreader, in the best of situations, can only see about 30% of speech” (e-Michigan, 2002).

Therefore, the syllables get lost in translation, and deaf individuals miss out on words and usually misunderstand concepts.

Other issues with lipreading involve the conversational environment and the fatigue factor. Good lighting is necessary for someone to lipread, and prisons do not provide that setting (e-Michigan, 2002). Speechreading requires work by eyes and brain function and can be very exhausting (e-Michigan, 2002). Fatigue aspect is important because if the correctional officers need deaf prisoners to follow their instructions, then the officers will need to factor in prisoners becoming tired and unable to focus on the instructions. Since most deaf prisoners are prelingually deaf and linguistically incompetent, most cannot lipread more than five percent “of a conversation and the average reading level of deaf adults who leave high school is the fourth grade reading levels” (Andrews, 2011, p. 5). This type of skill is minimally beneficial and cannot be the only communication relied on. Deaf individuals need sign language to complete the concepts and understand them.

### **Aggressiveness**

Another thing correctional facilities and the public do not realize is that the lack of communication, specifically use of sign language, can spur aggression and violence in deaf individuals. Lack of access to visual communication has a profound effect on deaf individuals’ linguistic, cognitive, social development, and the individuals who tend to be excluded could potentially act out (LaVigne, 2011, p. 61-62). Parents typically teach children that physical and verbal abuses are unacceptable, and there will be consequences if they act out. So, children are taught to “use your words” instead of physically or verbally expressing themselves in harmful

ways. Deaf children are either unable to use their words or do not have the words and may be aggressive when they are unable to communicate their anger (LaVigne, 2011, p. 64). Evidence indicates that without any reliance on communication, deaf individuals will act out through violence with no understanding of “cause and effect” (LaVigne, 2011, p. 63).

For deaf teenagers, they may be unable to control or moderate their emotions, but end up unprepared for adult work or life. They will become more frustrated and angry towards themselves and the world, and as a result they “internalize their anger and aggression” by underachievement, substance abuse and domestic problems (Vernon & Greenberg, 1999, p. 263). Lawrence Siegel explains: “Expressive violence is a behavior that vents frustration, anger, rage (Siegel, 2000)” (Miller et al., 2005, p. 420). Similarly, Miller et al. (2005) state that: “[violence] is most often directed towards persons who the offenders know” (p. 420). Many deaf prisoners lash out without considering the consequences. They tend to react if they are frustrated with lack of communication with correctional officers or fellow hearing inmates. Aggression can be controlled if deaf individuals know how to communicate with words, rather than emotions and physical reactions. Deaf prisoners can use sign language to express their needs without becoming as frustrated and avoid resulting disciplinary cases that often lead to longer sentences for this vulnerable population.

### **Issues Deaf Prisoners Experience**

There is a lack of interpreting services, minimized access to technology that helps *hearing impairment*, and the prisoners’ inability to express oneself without access to sign language to successfully communicate with hearing prisoners and correctional officials. These issues greatly affect the deaf population in prisons, who are unable to voice their needs in English or sign language, and these issues can cause the experience of incredible suffering for

men and women. However, they can easily learn sign language, which will protect their ability to voice their issues and their rights.

### **Lack of Interpreters and Lack of Comprehension with Interpreters**

Interpreters help deaf individuals understand what is happening; yet interpreters cannot help if the individuals do not know sign language. In addition, deaf prisoners are trapped in an endless cycle of arrest, trial, prison and parole with the high probability that their legal rights are violated throughout each phase (Vernon, 2010, p. 313). Interpreters are required to explain the situation or interpret what is being conveyed during each stage. However, a deaf arrestee may not know he can remain silent or obtain a lawyer. a deaf defendant may not understand what is occurring at trial, such as what he is pleading.

There is a lack of interpreting services for medical attention, educational, addiction and faith-based programs and services (Vernon, 2010, p. 313). The inability to benefit from educational programs to improve their lifestyles in and out of prisons, such as joining an addiction class, is a violation of the ADA legislation. Other areas that require interpreters are during disciplinary, grievance and parole hearings (McKinley, 1995, p. B2). For some correctional facilities, they attempt to be cost effective by using hearing prisoners who know sign language as interpreters, to avoid paying contractual interpreters (Vernon, 2010, p. 315). This process can damage trust between deaf and hearing prisoners if hearing prisoners know confidential information about the deaf prisoner, when they interpret disciplinary or parole hearings. Correctional facilities must address the issue on interpreting services and repair it by increasing the number of hiring interpreters and making them available to deaf prisoners.

The final stage for a prisoner is probation or parole, and there are restrictions that parolees must abide by to successfully complete their sentences. If they violate the restrictions,

then they are sent back to prison to complete their sentence. During parole, deaf prisoners are more likely to unknowingly break these rules and are taken back to prison because most individuals have no access to sign language or interpreters. The rules need to be spelled out from English to sign language and explained in simple concepts for soon-parolees to understand what they can and cannot do when they are released. Yet, deaf prisoners do not have equal access to language and comprehension of the rules. They also lack the required reading comprehension for the written rules and instructions on printed forms, which will cause them to violate parole restrictions and then have to return to prison to finish out their sentences (Vernon, 2010, p. 315). The written forms consist of rules and regulations that require a level of reading ability higher than the majority of the deaf prisoner population (Vernon, 2010, p. 316), thus the underlying issue of linguistic incompetence exists here. Vernon (2010) also mentions that very few parolees even return to prison based on new convictions committed during parole (p. 315), which means the parolees tend to violate the parole rules more than commit another crime.

This issue can be preventable if there are videos to explain the regulations (Vernon, 2010, p. 316). This method is cost-effective for the videos can be played for all of the prisoners serving parole, instead of hiring interpreters every time a deaf prisoner is released on parole. Now this recommendation can only happen if deaf prisoners know how to comprehend sign language and are able to follow the rules when they are on parole. ASL classes are necessary to understand the language first to understand the videos.

### **Advancing Technology, Prisons Are Lagging Behind**

Deaf prisoners also struggle with minimized access or broken and outdated auditory technology, such as hearing aids, and the outdated TTY and very limited access to videophones. Hearing aids are expensive product with technology ranging “from simple and relatively

inexpensive analog circuits to complex and expensive digital devices that require sophisticated fitting procedures. The average price of a digital hearing aid is about \$1500, with top-of-the-line devices costing \$3,000-\$5,000” (U.S. Department of Health & Human Services, 2013). Each state’s Department of Corrections (DOC) has their own policy on artificial appliances, such as hearing aids and eyeglasses. The California DOC’s policy is to purchase the appliance if the prisoner is “indigent, otherwise the inmate shall purchase prescribed appliances through the department or an approved vendor as directed by the chief medical officer” (State of California, Department of Corrections and Rehabilitation, 2013, p. 191). The term *indigent* is vague because there is no measurement of whom the California DOC can support or who has to buy hearing aids on their own. Deaf prisoners may not be labeled poor, but they may not be able to afford hearing aids with their earring, if any. Therefore, they may not have the luxury of using hearing aids.

In addition, hearing aids are like any other electronic device that requires maintenance, and these men and women are usually unable to keep their hearing aids up to date. Hearing aides require batteries, which on average cost eighteen dollars for twenty-four at a drugstore and are usually replaced every two weeks. Prisoners may or may not make an income, and any earnings may not be enough to buy hearing aids and batteries. When a prisoner loses one aspect of communication, hearing aids, he has to fall back onto ASL and the language becomes more necessary to learn.

Another technology equipment deaf inmates currently use to communicate is text telephone devices, also known as teletypewriter (TTY) and telecommunications device for the deaf (TDD), which is used for phone calls. A TTY or TDD consists of a telephone handset, a modem and a printer, and the TTY run on typewritten messages and a telephone line (Musumeci,

2006, p. 631). However, many facilities do not own a TTY or TDD, and if the facility has a TTY, then deaf prisoners have to deal with lack of paper for the modem/printer, garbled messages, the use of written English language (some deaf prisoners are not proficient readers), and is time-consuming (RIT/NTID, 2013, p. 2). TTY and TDD are becoming replaced by videophones for better communication experience among deaf callers. Videophones rely on a video camera, Internet and a monitor, and provide face-to-face calls, where deaf individuals can video chat with one another or use video relay services with an interpreter. Videophones are slowly emerging in prisons, but as Vernon mentions, “in most prisons, TTYs and videophones are scarce, which severely limits communication with family members, friends, attorneys, and others, and intensifies the isolation inherent in deafness” (2010, p. 312). These problems isolate them from communication with their families and the prison population, where the majority of the population is hearing.

### **Communication Access is the Key**

Federal Judge Robert Sweet justly stated that deaf prisoners are “living in a prison within a prison” (McKinley, 1995, B2). However, the majority of the problems that the deaf prison population experiences revolves around problems with communication access. Deaf prisoners sit in silence with no awareness or understanding of what occurs around them because they have no access to communicating with others. Communication through sign language is hugely important because prisoners need to express their feelings in a healthy way but they may lack the level of English comprehension necessary to follow rules or legal issues, and most are unable to lipread.

### **THE PROJECT AND ITS DEVELOPMENT**

There is little research regarding at the national level about deaf and hard of hearing prisoners and the lack of sign language interpreting access and ASL. Part of the lack of research

is because “so much about hearing loss and language exists on a continuum, there is no standard measure that can neatly categorize people into groups” (LaVigne, 2003, p. 865). The state and federal facilities fail to track and correctly index deaf prisoners. There is also a lack of awareness of and sensitivity to Deaf culture and communication. Only one organization, a non-profit called HEARD (Helping Educate to Advance the Rights of the Deaf), is tracking this information.

However, one research study does exist on the local level. This 2001 study, focused on ninety-seven deaf prisoners at one within the Texas Department of Criminal Justice (TDCJ) (Miller, 2004). Findings from this report indicates that ASL is commonly used signed language in correctional facilities, and it explains the issue of linguistic diversity in prisons. Miller’s study also briefly explains why ASL should be the chosen language to teach prisoners. Other studies revolve around violent deaf offenders and how to identify them. This specific project focuses on the desire for sign language in a prison setting.

### **The Project**

The project examines the importance of sign language in prisons and how sign language is interrelated with communication access. The project’s goal is to analyze deaf prisoners’ responses to ASL and to the possibility of joining an ASL class/course at their prison. **The author hypothesizes that deaf prisoners do want to learn sign language, and that their communication access will improve if they take free ASL classes.** The interviews are an attempt to assess possible desires for sign language classes and inclusion in the prison population. Their responses either support or reject my recommendation to offer ASL classes. The data is based on responses to interview questions and to quotes from my research regarding to deaf prisoners’ experiences in prisons.

## **Methodology**

The methodology consists of contacting prisoners in correctional facilities that supply videophones, conducting interviews via videophone about their experiences and assessing their responses regarding the use of sign language in prisons. To obtain qualitative research on language and experiences with communication access, interviews with deaf prisoners via videophone are attempted. The findings assess whether deaf prisoners wished to have ASL as the dominant language in the facilities and if there is an interest in taking ASL classes.

The selection of the focus group is based on the availability of videophones at the correctional facilities. The author filtered subjects by their willingness to be interviewed and whether the facility permitted the interviews to be conducted. The original pool consisted of seventeen men at three facilities, one in each Midwestern, Eastern and Southern regions, requesting permission to speak with them (see Appendix D for the process for obtaining the interviews). All males were interviewed because these facilities housing multiple deaf individuals, and the chosen facilities only house men. It is easier to reach out to the administration department and schedule interviews at a few facilities that house multiple deaf inmates to fit the project scope timeframe. The chosen facility for this study only housed men, had access to videophones and was able to schedule the interviews.

The process for scheduling interviews was as follows: request to arrange for a videophone time, ensure the deaf prisoner's phone allotment allows for a phone call and receive the call at the set time. One group of subjects suggested contact the DOC administration department, for they cannot call themselves. According to the facilities' Prison Policy manuals, the videophone interview had to be scheduled and set up by the facility. One facility was able to schedule three interviews within the time frame of the project.

The interviews were a combination of open-ended and multiple-choice questions (see Appendix C for the interview questions guideline). The questions addressed whether the deaf males are willing to use ASL, take the free classes, be more willing to use interpreters and are able to understand interpreters. The open-ended questions were meant to reflect on the prisoners' hearing levels, linguistic comprehension, experiences in prison and personal background. The multiple-choice questions factored in quantitative results for how many prisoners know ASL and if ASL classes are desired.

### **DATA AND FINDINGS**

The main finding is that the project's hypothesis is inconclusive for there were insufficient numbers of interviews and the focus group was too narrow. More interviews are required to research whether this suggestion is a good idea. Three interviews were conducted, and all interviewees came from various backgrounds with different views on ASL and the proposed class offerings. The interview time length ranged from seventeen to forty-five minutes. A few commonalities are: all subjects had ASL knowledge, communicate effectively with ASL, can lipread English when hearing individuals enunciate their words, and have similar education levels (all graduated high school). All men were familiar with videophones, using the technology to chat with their family members and friends. The interviews shed some light on the issues with communication access and how such access could be improved.

#### **Advancing Technology Exists In One Prison**

According to the subjects, videophones are a great improvement over TTYs because they are free, respect Deaf culture and are more convenient. The videophones are free with the Internet as its connection; Subject #2 stated that he does not have to pay for the expensive long distance phone calls; he can use his money for hygiene supplies instead. Subject #3 mentioned

that TTYs were garbled and not clear. The videophones are visual, helping facilitate clear communication through signs and facial expressions – all of which are part of the Deaf culture. The technology is a great resource to expand the communications for deaf prisoners with the general population outside the prisons. They can effectively interact with their family and friends and possibly learn new signs.

### **Linguistic Comprehension Recognized**

The facility houses several other deaf prisoners apart from the three subjects, and there is another group of prisoners who do not use ASL to the same extent as the interviewees. The groups are divided by how well they understand the language and the concepts. The division is not just sign language knowledge but is related to linguistic comprehension. All three subjects stated that the other group requires more time and explanation to understand concepts in the English language. Subject #3 described a situation where the interpreters have to pause to expand English concepts for the other group. Deaf inmates are usually all together in a meeting with the warden or the correctional guard director, and the two interpreters, who take turns signing every fifteen minutes, and have to stop if the group with low comprehension does not understand the meeting. The meeting is stalled and cannot move on until the group then understands the situation (Subject #3, 2013). Therefore, the issue of linguistic comprehension needs to be further explored to understand the tie between the comprehension and sign language and how to correct this issue.

### **Mixed Reactions to Proposed ASL Classes**

Each interviewee had different opinions about whether ASL classes should be recommended. Only Subject #3 believed the classes would help bridge the communication gap between the hearing and deaf worlds. He mentioned that the classes would teach hearing inmates

and correctional officials about the language itself, Deaf culture, and communication. Another subject only wished for hearing inmates to learn sign language, not the correctional officers. He predicted that the guards will not give deaf inmates any privacy and will misuse the information against them. Subject #1 felt there is no use for the ASL classes because he believed hearing people will make a mockery of the Deaf culture through sign language and that his and his fellow deaf prisoners' privacy will be nonexistent. He also felt learning specifically ASL is unnecessary for this particular deaf prison population has been functioning fine with the mixture of sign languages and are able to learn signs peer-to-peer.

### **Proposed Frame For Future Research**

The proposed step is to continue more research before making the ultimate decision that ASL classes are the best suggestion. The project's frame needs to be readjusted to widen the focus group to include correctional facilities in other regions, like the Midwestern, Southern and Western states. Other facilities may treat deaf prisoners differently or may have different dynamics between deaf prisoners, hearing prisoners and correctional guards. The pool also needs to broaden to include subjects who are not knowledgeable in ASL or sign language. The purpose is to get a better understanding of whether ASL should be the chosen language to teach, since ASL may not be dominate in some correctional facilities, and if ASL classes are truly desired with the deaf prison population. Once more data is collected with a larger subject pool, then the research can indicate whether sign language will improve linguistic comprehension and communication access.

### **RECOMMENDATION**

My recommendation is to provide free ASL classes in prisons for any prisoners and correctional officials to take it. The class will follow the "Asset-based Community" model; the

model is based on utilizing skills that are present in a community, instead of what is absent (Kretzmann & McKnight, 1993, p. 9). This model is the preferred one for “evidence indicates that significant community development takes place only when local community people are committed to investing themselves and their resources in the effort” (Kretzmann & McKnight, 1993, p. 5), and a prison as a community needs to be involved in helping to incorporate sign language in prisons in order to make ASL classes successful. In addition, any individuals who work or reside in prisons and know ASL could be helpful in teaching the language to the students. Deaf prisoners with ASL knowledge are desired for they can become teachers in this setting, which is addressed later in this section. Kretzmann & McKnight (1993) explain that utilizing individual’s “giftedness” (sign language in this case) is “important to apply to persons who often find themselves marginalized by communities,” so they can be contributors to the community, not as clients (p. 6). Therefore, to include deaf prisoners who know sign language in ASL classes can help the prison population to be more inclusive.

Following the “Asset-based community” model, the correctional facility is the institution and contributes to the “social, physical, and economic health” (Kretzmann & McKnight, 1993, p. 171) of the community. The facility can be used as a resource for it funds the educational program, and the ASL classes should be implemented into the program. The person who is overseeing the accommodations for prisoners with disabilities should manage the implementation. This individual usually has a better understanding of what is needed for deaf prisoners to successfully take the classes. However, not all prisons have a person who oversees accommodations, so the next choice is the department overseeing the educational program since ASL classes can be incorporated in the educational programs.

### **Proposed Class Structure**

The classroom structure will be Deaf prisoners as the teachers, utilizing a resource untapped – there are several deaf prisoners who are proficient in ASL. Michele LaVigne describes ASL as “a peer-to-peer language” (LaVigne, 2003, p. 860), so the main concept of the structure is deaf prisoners will be teachers because peers learn from fellow peers. The interview subjects back this statement with descriptions of how they interact with other deaf peers and are able to learn other methods of signs. In addition, this role will help create incentives for deaf prisoners to improve their attitudes and be in good standing with the facilities. The candidates to become teachers will have to be educated, uses ASL and be in good standing in prisons. There should be a reward for teaching this type of class that should be difficult to earn. Current sign language interpreters can be their mentors to guide the teachers how to teach others the language. Another consideration is the speed of the courses; everyone learns at different paces, so the mentors (experienced interpreters) may need to assist the teachers on when to slow down or speed up the lessons.

ASL should be the sign language selected to use because it is the most common used language in United States. In prisons, Miller’s study indicates that the majority of the deaf prison population in Texas used ASL (Miller et al., 2005, p. 423). This proof only shows that one correctional facility houses deaf prisoners who have ASL knowledge, but it points out that ASL is dominate in the deaf prison population. There should be only one language taught because “linguistic diversity in the deaf population can create significant complications, even for qualified sign language interpreters (Bayley, Lucas, & Rose, 2002; Miller & Vernon 2001a; Miller & Vernon 2002)” (Miller, 2004, p. 112). A standard language will create a community in the deaf prison population. Prisoners will be able to understand one and another. This will be

cost effective for prisons to use interpreters in one setting because if all deaf prisoners knew ASL then only one or two interpreters is needed to sign ASL. Yet, the choice of sign language lies with the deaf prison population for they may not prefer to learn ASL, and this requires further deliberation.

### **Model Comparison**

There is one facility that offers sign language classes in a different setting, sign language courses offered to hearing prisoners as job-oriented track. The Louisiana State Department of Public Safety and Corrections (DPS&C) offers such courses to their hearing inmates to learn a trade that they can use within prisons and outside. The trade is sign language interpreting, and the Louisiana State DPS&C created this program in a cost-effective way to house interpreters, for they house 2,000 hearing impaired prisoners (State of Louisiana, 2013). Their program uses academic college courses to be able to certify the students as interpreters.

The Louisiana State DPS&C Sign Language Interpreter program consisted of “six modules of American Sign Language instruction, six modules of Interpretation instruction and six months of internship in specialized areas such as mental health, deaf culture, ASL grammar, religious interpreting and cultural arts” (State of Louisiana, 2012). Instead of using the courses as college credits, which the Louisiana State DPS&C used to be able to certify the hearing prisoners as interpreters, this proposed program should be elective educational classes. The purpose is to let deaf prisoners choose if they wish to learn their language and for hearing individuals to learn as well. These subjects are important for deaf individuals to learn, so they can understand the educational, religious and medical terms and experience the benefits given from these programs and services. This falls under the ADA Title II requirements, which will correct their current situation.

According to the Louisiana State DPS&C, the Sign Language Program has had positive results, allowing facilities to offer “educational, reentry and other programming to the deaf population while providing highly marketable skills to the interpreters that can be utilized upon release” (State of Louisiana, 2012). Dr. Daniel Burch also explained that the benefits are developing self-confidence, self-esteem and realization of self-potential to do better with life for both hearing and deaf prisoners (NBC33tv, 2013). These outcomes indicate that such a program has improved the quality of life for the deaf prison population and abides by the ADA legislation by providing access to the benefits that the program offer.

However, there are negative impacts that the Louisiana State DPS&C did not mention or consider, such as the relationship between the prisoners, the deaf prisoner and the hearing prisoner who is certified, and how this skill can be used for evil within the prison walls. In the Louisiana State DPS&C’s press release, they mentioned that the correctional staff noticed a trusted bond between a “deaf individual and the interpreter [hearing prisoner], with the deaf offender waiving his right to a contract interpreter and opting for his/her fellow offender to provide the service” (State of Louisiana, 2012). While the program encourages relationship building among hearing and deaf prisoners, there is a risk of the deaf population being taken advantaged of.

Vernon points out that problems occur when a prison brings in a hearing inmate with sign language knowledge to interpret for deaf prisoner in disciplinary hearings or other important affairs (2010, p. 315). Issues can come up like the hearing prisoner can distort any messages without concerns because other actors involved may not know sign language. Prisoners may use the confidential information about the deaf prisoner as blackmail (Vernon, 2010, p. 315). Subjects #1 and #2 also pointed out that this scenario can occur, and they feared that ASL classes

may cause more harm to them than not (Subjects #1 and #2, 2013). This is an ethical issue for correctional institutions, where they are unable to recognize if the hearing inmate interprets inappropriately or incorrectly and punish them in a timely fashion. Therefore, a correctional facility will have to take precautions to protect deaf prisoners when implementing ASL classes in their educational program.

### **Steps To Take When Implementing ASL Classes**

The first requirement is to teach prisoners ASL, not any other sign language, to promote a common sign language in the correctional facility. Secondly, the class structure may require external interpreters to mentor the teachers and ensure the language is properly taught, which occurred with the LA DPS&C's program with the interpreters as instructors. The facility will have to increase access to interpreters for the mentorship, but in addition to ensuring there are interpreting services (for one of the issues is lack of interpreters). Finally, measures need to be established to prevent deaf prisoners from being exploited. If the correctional facility is economically unable to hire interpreters and wishes to use hearing interpreters, then regulations are required to prevent hearing interpreter from abusing their position. The steps are not just precautions, but to encourage inclusiveness, avoid discrimination and ensure successful classes.

### **Anticipated Outcomes**

The positive outcomes are about deaf prisoners' well being while they serve out their sentences. Offering ASL classes to deaf prisoners is well into their basic legal rights. The main goal is to improve their linguistic comprehension. The outcomes range from preventing recidivism, improving quality of life, utilizing skills within prisons and in Deaf community, and to create a better communication pathway among fellow prisoners and correctional guards. Other improvements include better medical access if they understand interpreters and better

communication with family members and friends. However, these outcomes are merely predictions for deaf prisoners may have varying opinions or concerns about the recommendation as observed in the interviews (Subjects #1, #2, #3, 2013).

The program may prevent recidivism by increasing prisoner's ability to understand the rules and thus helping to avoid violations. Secondly, communication with sign language can improve deaf prisoners' control over their aggression and anger. The ability to express oneself may reduce violent outbursts and a prisoner control his/her emotions. This can reduce the chance of committing more crimes. As mentioned in the "Lack of Interpreters" section of the thesis, to know the rules and regulations for parole is a key step to prevent recidivism. As Vernon suggests, the correctional facilities should implement rules interpreted into sign language and videotaped, so deaf prisoners can view the videos before parole (2010, p. 316). This could reduce the problem and expenses of recidivism.

The quality of life for deaf prisoners can develop inside the prisons and when they re-enter society. Knowledge of sign language can help deaf inmates benefit from rehabilitation, counseling and educational programs, thus improving their quality of life. This assistance will bring prisons up to the ADA legislation code. If deaf inmates are up for parole, the programs' benefits may help the men and women not become derailed by drugs or aggression. Instead, they can utilize the benefits to grow and have a better life. Another gain is upon entry to the public, sign language will possibly be a useful skill for deaf prisoners to utilize in the Deaf community and in their job searches.

On a smaller scale, the classes will update deaf prisoners' knowledge in sign language for those who already use ASL for the language is always developing. For the prisoners to take refresher classes will assist them with their communication with family members and friends,

since technology is advancing, and videophones are installed too slowly in the facilities. This has occurred during the interview with Subject #3, who learned a new sign via videophone and stated that he normally fingerspells that term. Secondly, hearing aids can be too pricey for deaf prisoners to afford, and sign language is a better alternative of communication if they cannot purchase the hearing aids. Lastly and most importantly, fellow hearing prisoners and correctional officials can also take the classes to improve communications with deaf prisoners. As Subject #3 explained to me, this is an opportunity to bridge the communication gap between the two worlds (2013).

### **Concession**

The downside in the ADA legislation, a public entity is permitted two defenses against the recommended solution. The institution does not have to take any action if the solution results in a “fundamental alteration of the nature of a service, program, or activity” or in undue financial and administrative burdens (Musumeci, 2006, p. 633). Prisons, which are a public entity, can prevent the solution from implementing if the classes change or interfere with the fundamentals of their educational programs. One issue that can interfere is the cost of the ASL classes for the preparations for the classes and to shift the schedules to fit the classes will cost in more prison guards and materials. The Task Force [Task Force on Speech Pathology/Audiology needs in Penal Institutions] even mentioned that the lack of language services in prisons are “not motivated by malice or cynicism but by resignation to the fact that services contemplated by the Task Force would cost money that the prisons simply did not have” (LaVigne, 2011, p. 92-93).

The current government is dealing with budget cuts, and the prisons are struggling with financial stresses caused by overcrowding. There may not be any funding for this proposal in the facilities. However, the Task Force stated that their recommendations [wide-scale language

services] are “critically needed as part of medical, education and rehabilitation programs if indeed there is serious intent to rehabilitate prisoners to function in the social and economic mainstream (published in 1974)” (LaVigne, 2011, p. 91). The suggested language services consisted of expanded study of reading and learning disabilities, speech pathology/audiology services, and increased provision of hearing, speech, language and language-use services for offenders (LaVigne, 2011, p. 91).

Another consideration for the correctional facilities is the probability of deaf prisoners not being able to improve their linguistically competence. Individuals who reached adulthood with “an incomplete, primitive language system,” are probably too late to learn sign language with full cognition (LaVigne, 2003, p. 906-907). LaVigne mentioned that the court should make an official order to create an education program to meet the needs of a deaf individual, regardless of the language acquisition age minimum or potential difficulties (2003, p. 934). This issue indicates that classes are necessary for deaf prisoners to improve their sign language skills, in order to improve their linguistic comprehension.

### **The Next Steps**

Unfortunately the project is inconclusive, so the solution requires further research. The main purpose of the ASL classes is to improve deaf prisoners’ experiences. The interviews bring up more questions to consider, such as the details of the ASL classes structure. The size of the deaf prison population has not been considered for what is the minimum student requirement to even provide ASL classes in a correctional facility. If there is not enough interest in learning sign language, then the facility might ignore the proposal. Another issue to consider is not all facilities allow *outsiders*, people who are not affiliated with the facilities, to enter and teach at the facilities. The prison staff may be the only ones who can teach prisoners any subject.

Consequently, the ASL classes may not even be properly implemented for the prison staff may not know or be skilled in ASL. If the staff can teach the language, then the facility should first implement a Deaf cultural sensitivity class for the prison staff. This class will be helpful for staff to respect the Deaf culture and recognize how sign language is important for deaf prisoners.

Another possible step is to execute a pilot program at one or several correctional facilities to observe whether the facility and the prisoners are receptive and accepting of the ASL classes. The set up can help judge if the proposed classes are the necessary step to repair the communication gap. The overseer can test the pilot with surveys for inmates to fill out and determine from the results if the recommendation is sound. In addition, it can help identify any adjustments needed to ensure the success of the proposed classes and its implementation.

### **CONCLUSION**

The recommendation can be cost-effective in the future for the correctional facilities may be able to save money mainly on interpreting costs and litigation based on ADA violations. A few states house the deaf prison population in one correctional facility, rather than multiple facilities, and less interpreters may be needed for hire. Instead, the facility only has to hire one to two interpreters for the meetings and on stand-by for any unexpected and necessary interpreting requests. Another plus is the recommendation focus on ASL as the main sign language, so less interpreters will have to be hired to sign various sign languages. However, there are a couple costs that are of concern like the need to add prison guards to monitor ASL classes and to hire interpreters on full-time basis. Additional deliberation is required to fine-tune the recommendation's structure and see who should oversee the implementation.

Another concept to consider is linguistic incompetence, which is seemly the most significant phenomenon to study since sign language is connected to understanding concepts. As

Miller (2004) suggests in her article, interactive training, one-on-one instruction with a sign-competent educator familiar with legal terminology to improve linguistic comprehension (p. 117) is compulsory to adhere by the ADA legislation. She explains that offering instructional reading materials is insufficient for it is ineffective for individuals who are linguistically incompetent. Another recommendation regarding linguistic incompetence is proposed by Miller et al., who proposed to create regional centers for deaf defendants to learn “enough language to allow for a reasonable understanding of legal proceedings (Davis, 1993; Vernon & Miller 2011)” (2005, p. 423). These recommendations recognize the relationship between language and linguistic comprehension. Therefore, language is the basic necessity to communication access.

Moreover, the research’s scope can widen to observe what are the causes of linguistic incompetence and the lack of sign language knowledge. A possible cause to incorporate into the scope is the prison system’s cultural impact, such as the racial and class disparities. Deaf prisoners’ lack of language skills may be affected by whether prisoners come from a poor or working class background. This correlates to how deaf prisoners were taught in homes or at schools, and where does the problem truly lies. The scope may help identify what are the necessary steps to intervene the problem and potentially prevent deaf individuals from committing crimes and becoming trapped into the prison system. The communication gap in prisons can be an after-effect of issues that occurred outside the prison walls. The main question to be addressed is if the accessibility to language is a bigger problem in the general Deaf population, and if the entire Deaf population including prisoners is losing their fundamental right to communicate.

## References

- Andrews, J. F. (2011). English literacy, sign language and the deaf inmate. *Lamar University: Department of Deaf Studies/Deaf Education*.
- E-Michigan Deaf and Hard of Hearing. (2002). Speechreading. *E-Michigan Deaf and Hard of Hearing*. Accessed on October 28, 2013: <  
[http://www.michdhh.org/assistive\\_devices/speechreading.html](http://www.michdhh.org/assistive_devices/speechreading.html)>
- LaVigne, M. & Vernon, M. (2003). An interpreter isn't enough: Deafness, language, and due process. *Wisconsin Law Review No. 844: University of Wisconsin Legal Studies Research Paper*.
- LaVigne, M. & Rybroek, G. J. (2011). Breakdown in the language zone: The prevalence of language impairments among juvenile and adult offenders and why it matters. *University of Wisconsin Law School: UC Davis Journal of Juvenile Law and Policy* 37 (1127).
- Legal Information Institute. (2013). Pennsylvania dept. of corrections v. Yeskey, 524 U.S. 206 (1998). *Cornell University of Law*. Accessed on November 20, 2013 <  
<http://www.law.cornell.edu/supct/pdf/97-634P.ZO>>
- McCoy, L. (2013). Ten inmates graduate from sign language program. *NBC33 TV: Knight Broadcasting of Baton Rouge, Inc*. Accessed on September 1, 2013 <  
<http://www.nbc33tv.com/news/good-news/ten-inmates-graduate-from>>
- McKinley, J. C. 1995. Judge orders state to provide special help to deaf prisoners. *The New York Times Company*. New York: New York. Page B2. Accessed on September 1, 2013 <  
<http://0-search.proquest.com.ignacio.usfca.edu/docview/109522486?accountid=14674>>
- Merriam-Webster Dictionary. (2013). Dictionary and Thesaurus. *Merriam-Webster, Incorporated*. Accessed on November 1, 2013 < <http://www.merriam-webster.com/>>

- Miller, K. R. (2004). Linguistic diversity in a deaf prison population: Implications for due process. *Journal of Deaf Studies & Deaf Education* January 2004, 9(1), p 112-119. Accessed on September 1, 2013 <<http://0-web.ebscohost.com.ignacio.usfca.edu/ehost/pdfviewer/pdfviewer?sid=65ec356c-8ca0-40fd-a30a-52f17059e780%40sessionmgr110&vid=2&hid=117>>
- Miller, K. R., Vernon, M., & Capella, M. E. (July 2005). Violent offenders in a deaf prison population. *Oxford Journals: Journal of Deaf Studies and Deaf Education* 10(4). Accessed on August 27, 2013 <<http://jdsde.oxfordjournals.org/content/10/4/417.full.pdf+html>>
- Minnesota Department of Human Services. (2013). Deaf & hard of hearing – Deaf culture fact sheet. *Minnesota Department of Human Services*. Accessed on November 21, 2013 <[http://www.dhs.state.mn.us/main/idcplg?IdcService=GET\\_DYNAMIC\\_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id\\_004566](http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_004566)>
- Musumeci, M. (2005). Confronting sentences that silence: The Americans with Disabilities Act's effective communication mandate for prisoners and probationers who are deaf. *Clearinghouse Review* 39 (11-12), p. 627-638. Accessed on September 2, 2013 <<http://0-www.heinonline.org.ignacio.usfca.edu/HOL/Page?handle=hein.journals/clear39&div=73&?&collection=journals>>
- Ortoleva, S. (2011). Inaccessible justice: human rights, persons with disabilities and the legal system. *ILSA Journal of International & Comparative Law*, 17(2), p. 307-309. Accessed on September 1, 2013 <<http://0-ehis.ebscohost.com.ignacio.usfca.edu/eds/pdfviewer/pdfviewer?sid=b9c8f8eb-1ed4-47bb-86bc-e627a9d661c8%40sessionmgr15&vid=4&hid=8>>

Siegel, L. (2002). The argument for a constitutional right to communication and language.

Oxford Press: *Journal of Deaf Studies & Deaf Education* 7(3), p. 258-266. Accessed on September 2, 2013 <<http://0-ehis.ebscohost.com.ignacio.usfca.edu/eds/pdfviewer/pdfviewer?sid=b9c8f8eb-1ed4-47bb-86bc-e627a9d661c8%40sessionmgr15&vid=6&hid=8>>

State of California. (2013). Rules and regulations of adult institutions, programs and parole. *State of California: Department of Corrections and Rehabilitation*. Accessed on October 28, 2013: <[http://www.cdcr.ca.gov/Regulations/Adult\\_Operations/docs/Title15-2013.pdf](http://www.cdcr.ca.gov/Regulations/Adult_Operations/docs/Title15-2013.pdf)>

State of Louisiana. (2012). First class graduates from DPS&C sign language interpreter program: Eleven students working toward EIPA certification. *State of Louisiana: Department of Public Safety and Corrections*. Accessed on September 8, 2013

Subject #1. (2013). 11-07-13 Interview Number One. *Interview*. November 7, 2013.

Subject #2. (2013). 11-07-13 Interview Number Two. *Interview*. November 7, 2013.

Subject #3. (2013). 11-14-13 Interview Number Three. *Interview*. November 14, 2013.

The Economist. (2013). America's overcrowded prisons: One nation, behind bars. *The Economist*. Accessed on October 28, 2013:

<<http://www.economist.com/news/leaders/21583680-eric-holders-ideas-locking-up-fewer-americans-are-welcome-do-not-go-far-enough-one>>

The Economist. (2013). Prison reform: An unlikely alliance of left and right. *The Economist*. Accessed on October 28, 2013: <[www.economist.com/news/united-states/21583701-america-waking-up-cost-mass-incarceration-unlikely-alliance-left-and](http://www.economist.com/news/united-states/21583701-america-waking-up-cost-mass-incarceration-unlikely-alliance-left-and)>

United States Department of Health & Human Services. (2013). NIH fact sheets: Hearing aids.

*National Institutes of Health (NIH)*. Accessed on October 28, 2013:

<<http://report.nih.gov/nihfactsheets/viewfactsheet.aspx?csid=95>>

University of Illinois at Chicago Disability Resource Center. (2008). Deaf Definitions.

*University of Illinois at Chicago*. Accessed on November 17, 2013:

<[www.uic.edu/depts/oa/disability\\_resources/faculty\\_resources/deaf\\_definitions.html](http://www.uic.edu/depts/oa/disability_resources/faculty_resources/deaf_definitions.html)>

Vernon, McCay. (2010). The horror of being deaf and in prison. *American Annals of the Deaf*

155.3, p. 311-21. Accessed on September 1, 2013 <[http://0-](http://0-search.proquest.com/ignacio.usfca.edu/docview/807538812/140409FFBB411A5FAD8/2?accountid=14674)

[search.proquest.com/ignacio.usfca.edu/docview/807538812/140409FFBB411A5FAD8/2](http://0-search.proquest.com/ignacio.usfca.edu/docview/807538812/140409FFBB411A5FAD8/2)

[?accountid=14674](http://0-search.proquest.com/ignacio.usfca.edu/docview/807538812/140409FFBB411A5FAD8/2?accountid=14674)>

## Appendix A Technical Definitions

American Sign Language/ASL (p. 8): “A unique three-dimensional language with its own grammatical rules and syntax (sentence structure), and is every bit as precise, versatile, and subtle as English. Remember, ASL is not English and a person cannot sign ASL and speak at the same time (if this occurs, it is not true ASL, but more like English)” (UIC, 2008).

Asset-Based Community (p. 22): A community “strategy starts with what is present in the community, the capacities of its residents and workers, the associational and institutional base of the area – not with what is absent, or with what is problematic, or with what the community needs...it is by necessity ‘internally focused.’ That is, the development strategy concentrates first of all upon the agenda building and problem-solving capacities of local residents, local associations and local institutions” (Kretzmann & McKnight, 1993, p. 9).

Deaf (p. 2): “A general term and an audiological condition of hearing loss” (UIC, 2008). Throughout the thesis, the term “Deaf prisoners” includes deaf, hard of hearing and cochlear individuals.

Deaf Culture (p. 7): “All the people within the Deaf community and their local cultures contribute to what is Deaf culture in the United States. Deaf culture is a collection of bonds that hold Deaf people together. These bonds include: a common sign language (ASL), mores, and values, among others” (UIC, 2008).

Functionally illiterate (p. 4): “a person who has had some schooling but does not meet a minimum standard of literacy” (Merriam-Webster Dictionary, 2013). Vernon explains that “30% of students who are Deaf and leave school at age 18 years or older are functionally illiterate and read at grade level 2.8 or below. Sixty percent read at the third- and fourth-grade levels (LaVigne & Vernon, 2003; Traxler, 2000)” (Vernon, 2010, p. 312).

Hard of Hearing (p. 3): “A person who is able to hear speech using assistive devices, can sometimes use the phone and listen to music. Some HOH people use ASL or other sign systems, but often have fluency in English as well. Often the person is raised in the hearing community and associates more with the hearing culture, although that is not always the case” (UIC, 2008).

Indigent (p. 16): “suffering from extreme poverty” (Merriam-Webster Dictionary, 2013).

Linguistically incompetent (p. 4): Is the legal term that describe a condition which the deaf individual has “a markedly restricted vocabulary in signed and spoken languages, functional illiteracy, a limited formal education, and a lack of basic life skills that are common to most people (Vernon, 1996)” (Miller, 2004, p. 113).

Pidgin Signed English/PSE (p. 9): “Mixed ASL and English signs, signed following the English language (remember ASL is not English)” (UIC, 2008).

Appendix B  
Relevance of Lawrence Siegel's Article

In Siegel's article "The Argument for a Constitutional Right to Communication and Language," he is explaining deaf and hard of hearing children's right to communication but this is applicable to Deaf adults in prisons as well. This article helps compare the issues a deaf child deals with to the issues a deaf prisoner deals with. The prisoner is stripped of all "rights" and relies on the prison institution or federal/state/local government for help.

Appendix C  
Project Interview Questions

The following questions were a guide to initiate the interviews and find more information relating to the hypothesis.

1. What is the severity of your hearing impairment?
2. Can you read or understand written and spoken English?
3. What is your choice of sign language? ASL, PSE, gesture, or manual?
  - a. If not ASL: Do you wish to know ASL?
4. Do you like to use videophones to talk with your family?
  - a. Can you understand your family well?
    - i. No: Are you behind with signs?
5. Do you use interpreters?
  - a. If yes: for what activities?
  - b. If yes: what sign language do they use?
  - c. If yes: Do you understand them or their signing?
6. Do you struggle to communicate with your peers and the guards?
7. Can you lipread?
  - a. Yes: Do you understand well?
    - i. Will signs help?
8. Are you learning ASL?
  - a. Yes: Do you want to take ASL classes and learn with your peers?
    - i. Yes: Would you want hearing peers to take the classes?
      1. Why/Why not?
  - b. No: Do you want to learn ASL?
    - i. Yes: Would you take free ASL classes if your facility offered?
      1. Yes: Why?
      2. No: Why not?
    - ii. No: Why not?

## Appendix D Process for Obtaining Interviews

Prisoner selection/writing process:

HEARD, a non-profit organization, suggested three facilities with a list of names for who to contact and request permission. HEARD also assisted with the initial contact, with a message to let the prisoners know who wanted to interview them.

The letters also had restrictions, which a few letters were unauthorized for specific prisoners, the return envelope with postage and a blank sheet for their response were rejected before the prisoners got the mail, or the men were not interested in replying within the requested timeframe.

The letter was generic with a summary of the study's focus and the interest in the men's experiences with sign language and videophones in prison. The letter was a request to interview the deaf men and a permission to publish their answers. The process of elimination involved no responses, returned letters and rejected permissions. Six men from a Midwest facility granted permission, but the scheduling slowed because of the second step; the next step was to work with the Administration Department to set up the interviews. Three men from the East coast facility responded but their interview/videophone schedule allotment conflicted with the study's timeframe. The men's responses indicate their understanding of the importance with videophones and the need for this advancing technology to be implemented throughout the country.