

INSIDERS IN A DEAF WORLD:
BARRIERS FOR THE DEAF OFFENDER IN THE
HEARING CRIMINAL JUSTICE SYSTEM

BY

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BY

TRACEY ANNE BONE

**A Thesis/Practicum submitted to the Faculty of Graduate Studies of The University
of Manitoba in partial fulfillment of the requirements of the degree
of
MASTER OF SOCIAL WORK**

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ABSTRACT

Ignorance of the bicultural and bilingual nature of the deaf community should not be allowed as an acceptable cause for the barriers the d/Deaf offender faces in the hearing criminal justice system.

This thesis explores the depth of the barriers faced by the deaf offender within the hearing criminal justice system. Six (6) respondents/informants were interviewed for this qualitative study with the assistance of a semi-structured interview format. The respondents were all audiologically deaf or deafened, and as a condition of this study, communicated primarily through a signed language. These respondents shared their experiences with police intervention including the arrest process, with the criminal courts, and/or with federal or provincial incarceration. The findings of this study revealed that all respondents experienced discriminatory practices largely as a result of their complex communication and cultural differences. These practices included attitudinal, environmental and social/cultural barriers. Those incarcerated appeared to experience the most concentrated barriers. The most significant barrier experienced during incarceration was the communication barriers which arose from the lack of available qualified interpreters. The second most disabling barrier occurred as a result of the oppressive attitudes expressed by the staff.

The respondents did offer suggestions as to how best to dismantle the barriers that prevented their equal treatment within the criminal justice system or with their rehabilitation. Suggestions ranged from providing staff education and awareness on the bilingual and bicultural nature of the deaf person, to the addition of assistive,

communication and alerting devices in the institutions to facilitate their fit into the institution and assist in their rehabilitation. It is the opinion of this writer that this study reinforces the need to conduct a comprehensive survey on the number of deaf offenders presently incarcerated in federal institutions across Canada, or involved with the court system and on the nature of their communication and cultural needs. This information could be then be used to begin to equalize the experiences of the deaf offender within the hearing criminal justice system. It may indeed be simple enough to alter the physical environment through the addition of necessary equipment, though the respondents feel it as crucial to establish a process for dismantling the attitudinal barriers which abound in the institutions and the criminal justice system, and which appear to prevent the full participation of deaf offenders within the criminal justice system.

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Chapter 1

Overview

“Talking isn’t the only way to communicate.” - anonymous

This study’s general research problem is to explore the nature of the experience for the deaf offender in the hearing criminal justice system.

I have been employed as a Parole Officer with the Correctional Service of Canada for approximately 14 years. During that time, I have interviewed several deaf incarcerated offenders. Each of these offenders described how they felt they were being discriminated against because of their inability to communicate in spoken word. It is my intention to study whether these opinions are shared by deaf offenders presently involved with one of three aspects of the criminal justice system-the arrest process, the courtroom, and/or incarceration. I will be conducting personal interviews with those deaf offenders presently incarcerated or recently involved with the three components noted above, and explore their observations in regards to the criminal justice system-. If comments obtained by offenders presently involved in the criminal justice system are consistent with those previously received, the goal would be to collect suggestions as to how best to dismantle the barriers experienced by the deaf offender.

Mr. Ole Instrup, Commissioner, Correctional Services of Canada (CSC), identifies in the Basic Fact Book on Corrections 1997, that good corrections has “one and

only one objective: to contribute to the protection of society” (p.1). He further states that while the CSC has been “quite successful” in making a contribution to the safety of the public, the fact remains that the CSC needs to continue searching for “a better understanding of the criminal mind”, and for “better ways of positively influencing offenders as they move to the end of their sentences” (p. 1). This study is an attempt to accomplish these two significant goals: to better understand the deaf offender, and to collect ways to “positively influence” the deaf offender in culturally sensitive ways to facilitate their rehabilitation and reintegration into society.

Introductions

Harlan Lane refers to the significance of introductions in the deaf world in his book “The Mask Of Benevolence”. I shall respect this cultural norm and introduce myself, clarify my links to the deaf community, and identify the motivating factors behind this research.

My motivation to pursue this subject area is both personally, and professionally driven. I myself, am hearing. I am also the younger sibling of a prelingually (congenitally), profoundly deaf brother. My brother did wear hearing aids for the first few years of his life, though to no avail. These devices were neither corrective nor assistive for him. His hearing was such that it would never allow fluent communication

through oral speech. His native language quickly became sign language, and remains sign language today.

While growing up with my brother I gained some familiarity with signed communication. It was not a formal version of American Sign Language (ASL) or Signed Exact English (SEE). It was instead a series of signs we developed as a family, known as “home signs”. Formal sign language communication was not a priority in our family. I was not encouraged to formalize my learning of signed communication, nor was any other family member. Consequently, most of our families’ communication was through gestures, writing, or not at all depending on the member. It was not until after I had graduated from high school that I developed a newfound interest in the language. I began by taking formal sign language classes, and have continued to upgrade my skills through this formal avenue. More importantly however, I have chosen to expand my language comprehension with the assistance of my brother and his wife, who has been an invaluable source in assisting and enhancing my fluency in the language of ASL. I am now able to communicate comfortably conversationally through sign language. My life with my brother has provided an introduction to the Deaf world I would not have experienced without him.

Professionally, I have incorporated my sign language skills into my job as Parole Officer with the Correctional Service of Canada. My ability to communicate through

sign language has provided me the opportunity to break the communication barrier with those deaf offenders I have encountered over my 14 years in this present capacity.

I believe my ability to communicate directly, without the use of an interpreter, has allowed me to develop trust and rapport with those deaf inmates I have met and supervised inmates quickly, and allowed me access to a more personal side of their lives.

It was during these formal, though not research orientated interviews, that deaf offenders would share their concerns over the barriers they were experiencing as a result of their communication disability. They would describe attitudinal and environmental barriers which they felt interrupted their ability to maintain contact with family members because of an absence of telephone assistive devices, or to participate in programs relevant to their needs, which ultimately would affect their suitability for conditional release. The respondents also discussed feeling socially isolated and culturally shunted, all, in their opinion, because they were deaf, communicated through sign language, and were not fluent in written English.

It became my desire to explore the barriers identified by these deaf offenders on a more formal basis. It is my opinion that this information could serve to expand the knowledge base of the experiences of the deaf offender and support the need for more responsible treatment of this minority population.

Terminology

Throughout this paper I will present the terms *deaf* and *Deaf*. First allow me to clarify the apparent ambiguity in the adjectival use of these terms. The term “deaf” (lowercase d) characteristically refers to those who are medically or audiologically deaf, but do not necessarily associate with members of the Deaf culture. Deaf (capital D) emphasizes the cultural affiliation and pride of those members of the sign-language using community (Moore, 1992). Peffley (1991) defines the term Deaf as maintaining “special collectivities and attitudes arising out of interaction among people with hearing losses” (p.389.) These attitudes include the value one places on residential education, deaf heritage, experiences, art forms and the language of American Sign Language. These terms are not interchangeable, and will not be used interchangeably in this document. They will be used with full and formal respect as is characteristic in the literature regarding the d/Deaf.

Limitations to this study

All research and research studies have limitations. Those of significance will be noted here.

First, a point of clarification. The persons interviewed for this research can most accurately be defined as both respondents and informants. Not only did they respond to

the semi-structured questions I had prepared for the interviews, they also shared their experiences and frustrations with me.

Geographical area

This study was about those deaf respondents who lived in Winnipeg, Manitoba, and/or were incarcerated in the same and surrounding area. It is not written exclusively about the members of the Winnipeg deaf community, however. It is only about those members of a deaf community who were coincidentally living in this geographically restricted area, or incarcerated in the area at the time of this study. One should therefore, not generalize these comments to all members of the Winnipeg Deaf community who have had experiences with the legal system.

Deaf communities and their mores and values differ across communities. It is possible that a deaf person's experiences with the criminal justice system in another city or province may be different, if there is greater or less cultural awareness or sensitivity than was experienced in Winnipeg. The results of this study, then, are not intended to be generalized beyond the population studied in Winnipeg over the period of time from March through June, 1998, inclusive.

Gender

All respondents were male. There was no conscious attempt to exclude the female offender in any manner while advertising the research intent. Very simply, no women responded to my request for volunteers. One could speculate that there are no deaf women in Winnipeg who have experienced the court system or incarceration. Or it may simply be that there were no women who were interested in participating. This study does not allow me to identify the answer to these questions, though again one must not generalize the results of this study to adult women without further investigation. This may indeed be an area that could be pursued in follow-up studies.

Sample size

There were a total of 6 respondents in this study. While quantity is not as crucial a factor in qualitative studies, there is again the question of generalizability with a sample of this limited size. It is possible that there may be a small pocket of deaf offenders in the Winnipeg area whose experiences with the criminal justice system were not as oppressive or disabling as those expressed here. I suspect this is unlikely, however, given that I made attempts to locate any deaf person associated both directly and peripherally with the Deaf community. This would also reinforce the need, however, for further study and investigation to ensure that these comments are representative. At this point however, again, one must be cautious and not unduly extrapolate these results beyond this study population.

Use of interpreter

All formal interviews were conducted with the assistance of a certified interpreter from the Independent Interpreter Referral Service (hereafter known as IIRS). Although I am able to communicate in sign language, I did not feel I was sufficiently fluent in sign language to master the multiple demands of conducting the interview, attending to the cultural differences in communicational behavior such as facial expressions and intensity of the signing, while simultaneously maintaining the researcher/respondent relationship. To avoid the possibility of miscommunication or misinterpretation, I engaged the services of a certified sign language interpreter. My suspicions proved correct, and I am indebted to the interpreters who were involved as they did indeed facilitate the communication process beyond what I could have accomplished at this stage.

There were, however, some difficulties associated with using an interpreter for these research interviews given my own signing abilities. The 1995-96 Annual Report of the IIRS identifies its' primary purpose as "to promote and provide professional independent interpreting services of a high caliber which meets the needs of consumers throughout Manitoba" (p.3). The other agency objective relative to this paper is to "facilitate equal participation in the community" (p.3). Without a certified interpreter the respondents would not have been provided equal participation in the hearing research interview.

Although each interpreter was certified and professional, I did experience some occasional conflicts in interpretation throughout several of the interviews. My ability to communicate in sign language allowed my eyes to “read” the communication that was occurring. On a few occasions, my ears heard a voice interpretation different from what I observed. When necessary, I highlighted the discrepancies I observed, and asked for clarification. Examples of these misinterpretations included the interpreting of the names of small towns in Manitoba, clarification of the roles different people played in conversations, and the details related to the arrest of one respondent, to name a few. On several of those occasions, I was correct in my interpretation as acknowledged subsequently by the interpreter. In other, less significant issues, however, I allowed my confidence in my own receptive skills to read the message and internalize it as valid even if it conflicted with the interpretation by the paid interpreter.

This conflict in interpretation was a limitation to this study as it occasionally distracted from my focus, and forced me to concentrate on whether or not there were discrepancies in other areas of the interviews which I missed. I made all attempts to ensure the information interpreted was accurate by asking additional clarification questions and confirming the details provided. Notwithstanding the discrepancies noted, I am confident that there were no discrepancies left unchallenged that would have altered the results of this study.

Limitations are an inherent component of any research. It is the researcher's role to make all attempts to control for any limitations that would seriously discredit the results of the study. The only clarifier is, as has been noted, that these findings can not necessarily be generalized beyond the population studied.

Chapter 2

Characteristics of the Deaf Community

American Sign Language (ASL)

This study focuses on the lives, culture and experiences of, and the barriers against deaf/Deaf persons. Before one can begin to understand the deaf person however, one must understand the nature of their language. The language of ASL has been defined as the “Mother Tongue” of the deaf (Smith et al, 1988). By simple definition, ASL is a visual-gestural language that was developed by the American Deaf people to communicate with each other (Smith et al). It has existed as long as there has been deaf people. Standardization of the language began in 1817 when Laurent Clerc and Thomas Gallaudet established the first school for the Deaf in the U.S.A. Traditionally, the language has been passed from one generation to another through residential school life, particularly through dormitory life (Smith et al).

What exactly is ASL? ASL is one form of “signed communication”. The term “signed communication” is really a generic term used to describe a language whereby the hands are utilized as the articulators to convey thoughts, feelings and concepts in a systematic fashion. A sign is not simply a manual equivalent of a word, but rather is a “hand movement configuration that conveys meaning”. The production of a sign can be analyzed into four basic components: *handshape*; the *motion* of the hand; the *orientation* of the hands relative to the body and each other; and the *location* of the hand relative to

the signer's body. Many complex subjects can be conveyed in a single sign, though again often without an English word equivalent.

ASL is a language separate from English. It does not depend on English for its meaning and bears no structural resemblance to written English. ASL is a manual language, though it is not a written language. There are in fact no newspapers, books, magazines or educational texts written in ASL. Any communication written about ASL must therefore be defined, described and written in English.

English is defined in the literature as being a "dry" or uni-dimensional language (Moore and Levitan, 1992). A person needs simply move no more than their lips and tongue to communicate. ASL is defined as a multi-dimensional language, however as all components of the face and body unite to convey information and emotion. The face, for example, is defined as the grammatical marker as raised eyebrows and lowered chin represent a question, and furrowed brow and shaking head are suggestive of a negative comment. In other ways classifiers are used to differentiate size and location of objects, and pointing is used to establish a person or objects positioning in relation to other parts of the story. All are significant in conveying the accurate meaning of the signed communication.

Fingerspelling is yet another form of signed communication. In North America, fingerspelling is fundamentally a recreation of the American alphabet written "in the air"

instead of on paper. There are 26 single-hand positions that represent each letter of the alphabet. Some finger positions are in fact exact representations of the printed block letter, for example the letters d, c, i, j, L, m and n.

Fingerspelling is generally used in cases where there is no sign for a word or concept, where a sign may be obscure or idiosyncratic, when the receiver expresses doubt over the meaning of a word, or for common or personal names. Fingerspelling is also used by either child or adult in the initial stages when a new word is being taught. Once the receiver learns the actual sign, the fingerspelt version is generally abandoned. Finally, like ASL, fingerspelling is not universal. It has evolved differently across countries as the needs of the users demand, and includes both single-hand and double-hand versions..

Up until 1970 visual-gestural languages were thought to be linguistically primitive. They were thought to be lacking in vocabulary, grammatically confused and incapable of expressing subtle or abstract concepts. The literature now available clearly identifies that languages such as ASL does conform to the definition of a language in essentially all aspects held by linguists. ASL carries all the structural, semantic, and pragmatic qualities and constraints of spoken language. It is capable of conveying subtle, abstract and complex ideas through the combination of hand movement, facial expression and body positioning.

ASL is not a universal language. Sign language in Mexico is different from France which is different from American Sign Language. Because of historical circumstances, ASL is more like French Sign language than British Sign language.

Henderson and Hendershott (1991, p. 327) identify ASL as

“a language whose lexicon is seen and not heard, and its linguistic structure is based on visual rather than oral concepts. In other words, ASL is perfectly suited for those who can see but cannot hear. It takes full advantage of existing resources rather than obsessing on what is missing”.

ASL has a particular strength and function within the deaf community. It is identified by members of the deaf community as the feature that “unites and defines” them (Henderson and Hendershott, 1991). It is seen as the one thing that grew out of the deaf community and is the one factor which members strive to protect from others. But while it unites the deaf people together it simultaneously separates them from the hearing world. When a person communicates in sign language, he or she is visible to others and often draw attention to him/herself. This is not necessarily a negative feature of sign language, though does separate the user from the spoken world. The deaf person who communicates in sign language as his or her native language, and is unable to communicate in spoken English, must abandon their first language to communicate with the hearing world. He or she must then adopt other ways to communicate, such as with pen and paper, gestures, or through an interpreter.

The process of communicating through pen and paper complicates the communication process for the deaf, particularly as many deaf students graduate from school with a grade 4 (English) reading and writing level (Tucker, 1991). Also many deaf people have limited knowledge of the grammatical rules of English and consequently may not use English grammar when writing. This can lead to miscommunication between the hearing and deaf person. It can also often lead to the hearing speaker assuming a lack of intelligence in the deaf person (Germain, 1991).

Classifications of deafness

The term “deafness” is most simply defined as an audiological inability to hear. It is often used interchangeably to refer to persons with a partial loss in one ear or to those with a total hearing loss in both ears (bilateral deafness). This definition is not accurate however as it provides no clarification as to the degree of the hearing loss is or how the loss affects the persons ability to function in the world around him or her.

Meyers (1964) defines deafness as the “inability to understand connected discourse through the ear, with or without a hearing aid, and one whom must depend on their eyes for communication.”

Schein and Stewart (1995, p.152) define deafness Audiologically or Functionally. They clarify that the two definitions yield somewhat different

“classifications”. Audiologists measure hearing loss “by the amount of energy necessary for a sound to be detected at least half the time (called a hearing threshold). The more energy it takes to be heard the greater the hearing loss” (p.152). On this particular scale, normal hearing is defined by the number zero. Higher numbers identify greater degrees of hearing loss.

In normal conversations, the human voice ranges between 50 and 60 decibels. A person with a 90 decibel (usually written dB) hearing loss then has little chance of effectively engaging in a verbal conversation even with the best available amplification. Schein and Stewart further clarify that many deaf people have a hearing loss even greater than 90 dB.

Their second classification is Functional hearing loss. This is defined as whether or not a person can hear sufficiently to allow for adequate oral communication. Being deaf does not mean that a person is unable to hear all sound. Most deaf people can in fact hear varying degrees of sound such as a jet plane flying overhead or a loud truck driving by. They cannot, however, hear spoken sounds sufficiently to allow them to engage in verbal communication. Functional deafness then refers specifically to the inability of a person to hear speech sufficiently to allow them to decipher and understand what is being said. Making the speech louder does not allow the deaf person to discriminate what is being said, it just allows them to hear the sounds more loudly. They continue to be unable to function using oral

communication. Unable to communicate orally, deaf people are visually dependent on communication.

Denmark (1994) provides a different classification of deafness. He identifies that deafness can be defined according to several categories. It can be defined according to: AGE OF ONSET (congenital, prelingual, post lingual/adventitious, or presbycusis): DEGREE (mild, moderate, severe, or profound), :SPEECH INTELLIGIBILITY (deaf without speech, deaf with speech, hearing impaired): or according to SITE OF LESION (conductive or perceptive deafness). (Denmark, p.134). Deafness can also be defined by its cause. The most elementary system differentiates between congenital or acquired deafness, although in many cases the cause is idiopathic - of no discernible cause.

These classifications are formal and clearly have meaning for the medical profession only, though not for the deaf/Deaf person. They may be used by those persons who are hard of hearing or deafened. They are rarely, if ever, however used by those members of the Deaf community. This very point was stated very clearly in several of the resources used for the completion of this paper. It was stated in the video tape "Rules of social Interaction", the first in a series of 4 video tapes completed by M.J. Benvenieu and B. Colonomous in the mid-1980's. This point was also highlighted by one of the respondents in this study. When the respondent was asked

how he defined himself; culturally Deaf, deaf, oral deaf, or hard of hearing, he responded,

“I’m DEAF, that’s all!”
(As voice interpreted)

Definitions of groups

There are numerous terms used to describe a person with a level of hearing loss. I will review those as they are recorded in the NACPD newsletter June 1998. Of note, there are many overlaps between the groups, though there are also deep divides, particularly in the aspects of self-description, self-identification and lifestyle choices.

Deaf - This term refers to any person with a severe to profound hearing loss, with little or no residual hearing. Some of these people use sign language for communication, others use speech, speech-reading, technical devices, or their own residual hearing in combination with a assistive device.

Oral deaf - This term generally refers to those individuals who are deaf but whose preferred mode of communication is speech in combination with speech reading. These people generally identify themselves with the hearing world, though not exclusively.

Culturally Deaf - This refers to any person with any degree of hearing loss who identifies with, and uses sign language to express the values, culture, traditions, rules and norms of the Deaf people and their community.

Hard of hearing - This term is used to describe those individuals who use their residual hearing and speech to communicate. Many of these people can understand speech with or without a hearing aid.

Deafened or Late-deafened - These terms refer to those individuals who grew up hearing or hard of hearing but who lost their hearing suddenly or gradually, and who now experience a profound hearing loss. These individuals generally cannot understand speech without a visual cue.

Hearing impaired - This is a medical/audiological term developed and promoted by the hearing community in the 1960's. This term is embedded in the infirmity or medical model of deafness. Specifically, it was based on the premise that a child defined as "impaired" would have an easier adjustment to the hearing community because the term merely suggested less than perfect hearing. A child labeled "deaf" however would be identified as "defective or in need of repair or correcting" and would result in an impossible ability to adjust adequately to the hearing community (Lane, 1989).

As noted the term “hearing impaired” is not accepted or recognized within the deaf community as a valid term in their vocabulary. The literature clearly indicates that the term “hearing impaired” is considered offensive by most deaf people. Specifically, the word “impaired” promotes the negative image that the deaf person is defective, or requires maintenance, replacements, or fixing. It does not, however, recognize the deaf person for what they are - deaf (Padden, 1988; Lane, 1992).

Much of the literature suggests that the deaf person does not view themselves as broken or in any way needing fixing. They are not unhappy with being deaf, only with the way in which the hearing world handicaps them by virtue of their attitudes and actions.

The terms noted above are those used within the hearing community. What is important in the case of the deaf person(s) is the term the deaf person uses to describe themselves. It is crucial to respect how the individual defines or identifies him or herself and use that term as it in any way relates to that person. (Access Ability). As noted above, my choice of definitions did not satisfy all the respondents in this research, some of whom felt only two terms were necessary: “hearing” or “deaf”.

This research has focused exclusively on those individuals who are defined as or rather define themselves as deaf. Those individuals who have a moderate to total

break in hearing communication channels and who communicate through sign language as their native language.

The larger hearing society often refers to persons who are deaf, or those who have never developed the ability to communicate through oral speech as “deaf and dumb” or as “deaf mutes”. Not only is the application of these terms false, but they too are offensive according to both the respondents and the literature. The Little Oxford Dictionary defines mute as “silent; without speech, dumb; soundless”. The word dumb is defined as “unable to speak; stupid; ignorant.” The typical deaf person in fact does not have any physical or structural damage to the physical structure of their body that medically prevents them from speaking. More specifically they are unable to communicate orally because they are unable to hear the words and copy them.

Demographics of deafness in Canada

There is no formal legal definition of deafness, as in the case of blindness. In light of this deafness can have a variety of meanings.

This writer reviewed the 1992 Statistics Canada Special Topics report “Canadians with Impaired Hearing” from the Health and Activity Limitation Survey (HALS) which was a survey of persons with disabilities. The target population in this document were all those persons with a “physical or psychological disability who were

living in Canada at the time of the 1986 Census” (p.3). The type of data gathered included both the nature and severity of their own disability, as well as the barriers that person identified as encountering during their daily activities. As a note of clarification, persons in this study were identified as hearing impaired as defined by a 4 point scale (category 1, 2, 3, or INC.). Please refer to the Appendix A for clarification.

In this report individuals are defined as disabled or non-disabled. The definition of “disabled” that was used in that document is as follows:

“in the context of health experience, a disability is any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the arrange considered normal for a human being” (p. C-2).

The HALS report identifies that “4 our of every 100 Canadians have impaired hearing which may present barriers to their daily activities” (HALS, p.1). The rates of impaired hearing are described as increasing simultaneously with age, with slightly less than 1% of those persons under age 25 residing in households experiencing any hearing loss to 47.5% of those individuals 85 years or older experiencing a hearing loss. See Table 1 (p. 32). Generally these rates of hearing impairment were identified as being higher for males than females.

Persons with Impaired Hearing Residing in Households, by Sex, by Age Group, Canada

Age Group	Both Sexes %	Male %	Female %
Total, all ages	3.7	4.2	3.1
0 to 4 years	0.7	0.6	0.7
5 to 9 years	1.0	1.1	0.9
10 to 14 years	1.0	1.1	0.8
15 to 24 years	0.8	0.8	0.9
25 to 34 years	1.4	1.6	1.2
35 to 54 years	2.5	3.1	2.0
55 to 64 years	7.2	9.7	4.9
65 to 74 years	13.1	18.7	8.4
75 to 84 years	22.6	25.3	20.8
85 years and over	47.5	46.8	47.9

Year-by-year rates for those under 15 years of age living in households show considerable irregularity (Appendix Table A4). Since a large portion of impaired hearing in these children is due to infectious diseases, the fluctuations are expected: some portion of the variation relates to epidemics of childhood diseases, the number and severity of which differ from year to year and place to place.¹

Table 1.

Note. From "The Health and Activity Limitation Survey", Statistics Canada, 1992, Canadians with Impaired Hearing. Special Topics Series.

Of the adults with impaired hearing living in their own residence, some 30 % use a technical aid or aids to overcome their hearing loss. Of these, 88% use a personal hearing aid. See Table 2 (p. 34).

**Persons with Impaired Hearing Aged 15 and Over Residing in Households,
by Degree of Hearing Impairment, by Use of Technical Aids, Canada**

Use of Technical Aids	Total ¹	Degree of Hearing Impairment			
		Category I	Category II	Category III	IND. ²
Total persons reporting...	860,855	211,930	587,065	45,575	16,290
Total using aids	260,995	39,075	192,880	25,505	3,535
Hearing aids	232,140	33,065	174,065	21,585	3,425
Volume controls	82,220	12,225	62,695	5,980	1,320*
Amplifiers	22,115	5,345	15,400	1,255*	—
TDDs	16,140	850*	10,455	4,705	—
Television decoders	7,570	735*	2,755	3,950	—
Other aids	21,515	2,885	12,730	5,810	—
Not using aids	554,460	162,585	369,290	15,300	7,280
Not stated	45,400	10,265	24,895	4,770	5,470

1 The distribution of technical aids does not add to "Total using aids" as individuals may report the use of more than one type of technical aid.

2 IND. - degree of impairment not determined.

When technical aids are considered in relation to the degree of impairment, adults with Category I impairments, residing in households, use technical aids proportionally less than those in the other categories: 39,075 of 211,930 (18.4%). Aids are used by 192,880 of 587,065 (32.9%) of those in Category II, and 25,505 (56.0%) of the 45,575 in Category III. The only changes in the order of the devices by frequency of use occur in Category III, where TDDs move up into fourth place and amplifiers drop to last place, while telecaption decoders move from last to fifth place.

Table 2.

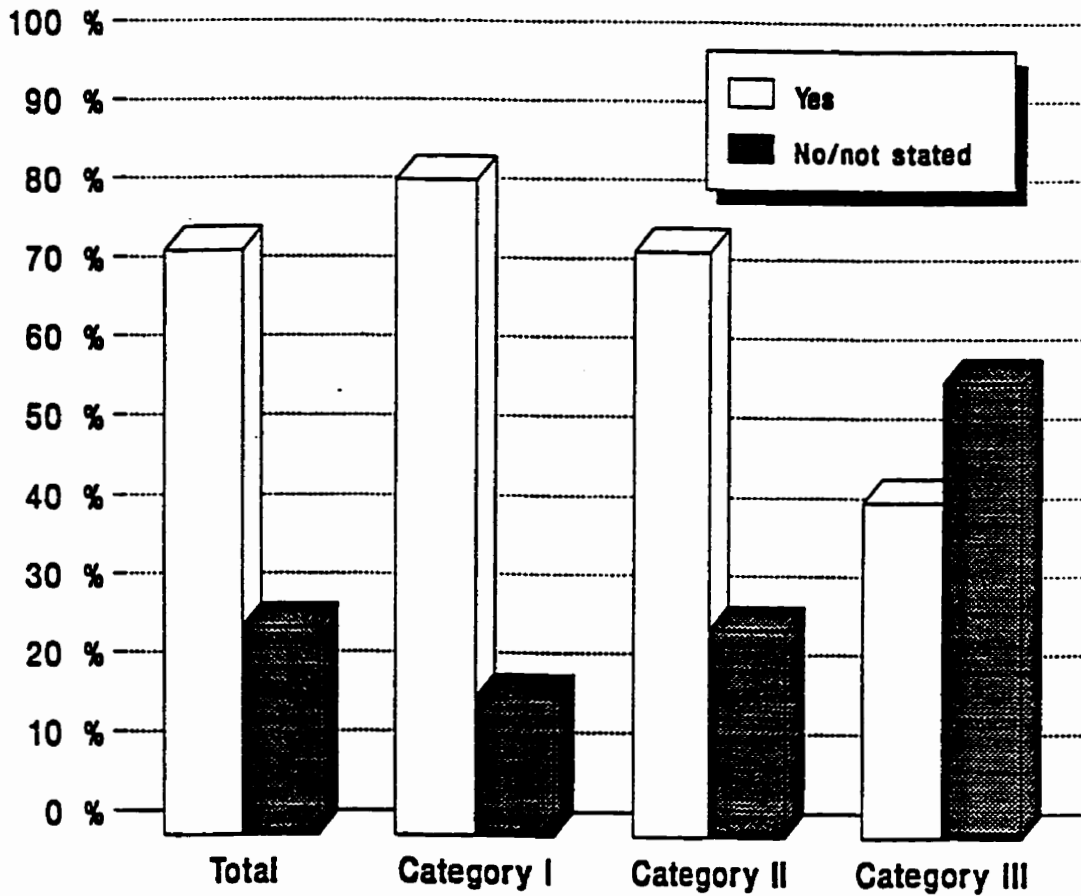
Note. From "The Health and Activity Limitation Survey", Statistics Canada, 1992, Canadians with Impaired Hearing. Special Topics Series.

A deaf person's ability to use the telephone is a significant identifier in the deaf community. The HALS studied this very factor. Of those who responded to this question, 73% of adults with impaired hearing indicate that they are able to understand communication over the telephone lines - 26.6 % are not. The proportions of those 15 years and over who cannot understand communication over the telephone varies by category. See Table 3 (p. 36).

Persons with impaired hearing have traditionally used vision to understand and communicate through manual communication. This does not necessarily relate to late deafened or adventiously deaf people however. Table 4 identifies the mode of communication for those studied. Sign language was used by 3.5% of the population to communicate, while lip reading, more accurately defined as speech reading was used in 12.0% of the reported cases (p. 37).

Of interest is the fact that approximately 7 out of 10 persons with a hearing impairment also identified the presence of another disability. The most common other disability has been identified as a mobility one. See Table 5 (p. 38).

Persons with Impaired Hearing Aged 15 and Over Residing in Households, by Degree of Hearing Impairment,¹ by Ability to Hear on a Telephone, Canada



¹ 16,290 not included as degree of impairment not determined.

Table 3

Note. From "The Health and Activity Limitation Survey", Statistics Canada, 1992, Canadians with Impaired Hearing. Special Topics Series.

**Persons with Impaired Hearing Aged 15 and Over Residing in Households,
by Degree of Hearing Impairment, by Communication Skills, Canada**

Communication Skills	Degree of Hearing Impairment				
	Total	Category I	Category II	Category III	IND. ¹
Total persons reporting...	860,855	211,930	587,065	45,575	16,290
%	100.0	100.0	100.0	100.0	100.0
Sign language only	1.0	0.8	0.9	3.6	-
Lipreading only	9.5	8.8	9.5	16.2	-
Both of the above	2.5	0.9	2.3	12.4	-
Neither of the above	82.3	86.0	83.6	56.3	61.9
Unknown	4.7	3.5	3.7	11.5	34.3

Table 4.

Note. From "The Health and Activity Limitation Survey", Statistics Canada, 1992, Canadians with Impaired Hearing. Special Topics Series.

**Persons with Impaired Hearing Aged 15 Years and Over Residing in
Households, by Nature of Other Disability,¹ by Sex, Canada**

Sex	Persons with Impaired Hearing	%	Nature of Other Disability...				
			Mobility	Agility	Seeing %	Speaking	Other
Both sexes	860,855	100.0 ²	54.8	47.8	20.1	8.1	27.9
Males	487,790	100.0	45.1	41.7	15.0	8.4	25.9
Females	373,065	100.0	67.5	55.7	26.8	7.7	30.5

Table 5.

Note. From "The Health and Activity Limitation Survey", Statistics Canada, 1992,
Canadians with Impaired Hearing. Special Topics Series.

Other factors noted in this study related to marriage and divorce. The rates of marriage and divorce are similar for both the hearing impaired and non-disabled population. In the case of marriage, 58.7% of the hearing impaired adults were married as compared to 61.5% of the non-disabled, with 6.5 % of the adults with impaired hearing separated or divorced as compared to 5.6 % of the non-disabled population. See Table 6 (p. 40).

A final factor as noted in this report is that the rates of impairment for adults living in a household varied as per regions in the geographical area of Canada. The rates of persons with impaired hearing living in a household varied from a low of 3.4% in Quebec to a high of 6.1% in both Prince Edward Island and Manitoba. There were several reasons cited for this, most notably of which is the fact that it relates to general population age.

Several of these results differ somewhat from those as reported in the June 1998 Access Ability Newsletter of Correctional Service of Canada's National Advisory committee for Persons with Disabilities. This document identifies that approximately 10% of the Canadian population between the ages of 0-99 years experience some degree of hearing loss. Of that total, 1 % or 288,468 people are identified as Culturally Deaf; oral deaf; or deafened.

Non-Disabled Persons and Persons with Impaired Hearing Aged 15 and Over Residing in Households, by Degree of Hearing Impairment, by Marital Status, Canada

Marital Status	Total Non-Disabled Persons	Total Persons with Impaired Hearing	Degree of Hearing Impairment...			
			Category I	Category II	Category III	IND. ¹
Total persons	16,689,310	860,855	211,930	587,065	45,575	16,290
%	100.0	100.0	100.0	100.0	100.0	100.0
Now married	61.5	58.7	60.9	58.8	45.3	64.8
Single	28.8	12.4	10.6	11.9	23.4	20.4
Widowed	4.0	22.4	21.3	23.0	23.7	12.5
Divorced	3.1	3.3	4.0	3.2	—	—
Separated	2.5	3.2	3.2	3.0	6.4	—

1 IND. - degree of impairment not determined.

Analyzed by degree of hearing impairment, Categories I and II show similar distributions of marital status, but Category III differs in that the proportion of single persons is greater (23.4%), that of married persons is less (45.3%), while the proportion of separated persons is larger (6.4%) and that of divorced persons is an insignificant percent.

Table 6.

Note. From the "Health and Activity Limitation Survey", Statistics Canada, 1992, Canadians with Impaired Hearing. Special Topic Series.

The Canadian Association of the Deaf (CAD) estimates that approximately 30,000 Canadians use sign language as their first language (Newsletter).

Deafness is generally defined as an “invisible” disability. Unless a hearing aid is worn, and many are now invisible, there is generally no outward sign that the person has a communication disability.

The Deaf Community

In society we find people from every walk of life, who bring any conceivable mixture of human and physical characteristic with them. Such is the case of persons who are deaf. Deaf people can, and do live in every strata and location of society. They occupy the full range of employment positions and educational abilities, although the HALS does identify that Deaf persons are underrepresented in employment.

A significant event occurred in Washington, D.C. in March 1988. In the spring of that year student attending Gallaudet University, the only liberal arts university for the deaf in the world, was in the process of electing a new president for that university. Deaf students felt that a Deaf person should be chosen as the 124 year old college’s seventh president. Instead, the trustees chose a new president that was not only hearing, but knew no sign language. The announcement of this person’s new

assignment sparked an 8 day protest where Deaf students demanded that the “hearing world respect their right to govern their own lives” by electing a Deaf president.

In 8 short days, the Deaf student body was successful in their “Deaf Power” protest. The hearing president resigned, and a new Deaf president was elected. The new person chosen was I. King Jordan, the former Dean of the college of Arts and Science, and a Gallaudet graduate with a Ph.D. in psychology.

A famous quote arose out of the March 6-13, 1988 student protest at Gallaudet University. It was a statement made by I. King Jordan himself, the newly elected and first deaf president of the college in it’s entire 124 year history. President Jordan triumphantly stated,

“Deaf people can do anything hearing people can, except hear”.

This has become President Jordan’s motto and remains as the backbone of Deaf Pride today.

The Deaf community maintains a unique definition. The community is not bound by any specific geographical boundaries. There are no deaf areas. Members do not necessarily live next door to each other, nor do they share the same postal code. Instead, the Deaf community relies on the willing and dedicated efforts of the deaf and

certain non-deaf adults in a particular area to “associate socially, professionally, and politically” (Lane, 1980 cited in Henderson and Hendershott, 1981, p.2). Deaf adults become members of the Deaf community because of their shared and common interests and because of their mores and language. In Winnipeg and Manitoba that language is ASL. Finally, members of the Deaf community actively seek out means to socialize with other members by way of social events, sporting events and through their involvement’s in organizations “of” the Deaf, as in the case of the Canadian Cultural Society of the Deaf, and the Winnipeg Community Centre of the Deaf.

If one were to pose the question, “Where is the Deaf community”, it could only be answered by saying, “wherever Deaf people gather”. (Schein and Stewart).

Membership in the Deaf Community

Audiological deafness in isolation is not a sufficient condition for automatic membership in the Deaf community. While deafness is a unifying aspect of the cultural heritage, it does not result in automatic membership in this community. Instead, membership in deaf communities is solidified by “shared experiences, language and identification with the deaf” (Letourneau, undated). Further to that, members must participate in the activities of the deaf community and demonstrate their commitment to maintaining the traditions and heritage of the Deaf. Letourneau , Past President of the Canadian Cultural Society of the Deaf, identifies that the Deaf

community provides a “refuge from the curiosity, ridicule, and awkward communication which the deaf face among the hearing”. (p.3). She further defines that inclusion in the community provides a sense of “wholeness and belonging” for the deaf person that they do not find in the hearing world.

Cultural Aspects of the Deaf

“You never really understand a person until you consider things from his point of view, until you climb into his skin and walk around in it.” (Lee 1960 cited in Gibson, 1997).

I reviewed many sources for the completion of this thesis report, particularly as it relates to a consistent definition of the Deaf culture. Unfortunately, there appears to be no single or accepted definition of what constitutes “Deaf culture”.

Carol Padden (1980, p. 4) defines Deaf culture as:

“a set of learned behaviors of a group of deaf people who have their own language (ASL), values, rules of behavior and traditions”.

Specifically, Padden defines five components of Deaf culture: language (ASL), shared values, history and traditions, rules of behavior and identity. The first aspect of Deaf Culture is American sign Language (ASL). This is felt to be the unifying factor among the deaf people as it was developed by the Deaf people for the Deaf people. It is the feature which is held sacred within the Deaf community, because it is the one

factor the Deaf community has which can not be manipulated, or destroyed by the majority hearing society. The second aspect of Deaf culture is the value the community places on residential schools, Deaf clubs, deaf children, and the significance of the eyes and hands, the windows of a Deaf persons' world. The third component of Deaf Culture is the established set of rules of social interaction. These refer to the behaviors of getting someone's attention, the significance of eye contact, and the importance of maintaining contact with others in the deaf community. The last feature is that of identity. This identity allows the deaf person to take pride in their uniqueness as a community member.

For the Deaf person who is not able to communicate through the verbal channels of communication, so much of the world is indecipherable, so much information is inaccessible. This makes contact with other deaf people crucial, not only for information, but to meet the social, emotional and communication needs. They must, therefore, be accommodated in their communication needs to allow them to participate in the general world, and in the case of this research, in the artificial environment of a correctional facility.

Chapter 3

Literature Review

Disabling Barriers

The deaf are defined by Carol Germaine (1991) as “disempowered by language”. Beazley and Moore (1995) believe that neither hearing impairment, nor the inability to communicate through speech are the central problems facing deaf children and their families. They believe that “disabling barriers and oppressive environments” are. These barriers and environments are identified as undermining the child’s chances of leading an ordinary and fulfilling life by destroying their self esteem and sense of accomplishment. Strong and Shaver (1991, p. 252) agree that “negative attitudes adversely affect their opportunities and self concept”.

Lane (1992) describes the two models of deafness, the “cultural” model of deafness, and the “infirmity” model. The cultural model views deaf people as “whole”, but culturally different from the hearing society. Culturally Deaf people are recognized for their visual language, their deaf identity, their deaf heritage, and their cultural affiliation with a sign-language-using community. The “infirmity” or medical model however, views the deaf person in terms of their deficit, they are defined as broken, in need of assistance, or needing parts to become whole. The issues of significance in the infirmity model are largely negative: questions are asked and

answered about the cause of the infirmity, the risks and benefits of treatment, and suggestions are made as to how best to minimize the effects of the infirmity.

Many deaf children are raised with hearing family members who often adhere to the medical model of deafness. They are often raised to believe that there are things about them physically that are negative or evil. They are also often encouraged to emulate hearing children. In adulthood, many of these children raised under the infirmity umbrella gravitate towards the Deaf community and people who embrace and live their lives under the cultural model of deafness where repairs can begin to be made to their damaged self-images. Those members of the Deaf community advocate the Cultural model of deafness.

Institutional Barriers

Dahl describes the “hard, bare, echoic surfaces” of the prison environment, the requirement to communicate through metal bars and other barriers, and the inmate code of personal space as barriers against rehabilitation for the deaf offender. As has been noted, the language of the deaf is an expressive one. It is also one which characteristically involves touching: to get attention, handshaking to extend good-byes, and to engage the person in the conversation. Touching is, however, considered a violation of personal space within the confines of a correctional facility. If touching is initiated without permission, physical violence could occur. For a person who communicates in the visual field, the ignorance of another person of the cultural

differences in conversational behavior could interrupt the social and communication process, and alienate the deaf person from establishing any social relationship within the institution. Vlug (1992), Dahl (1995), and Tucker (1988) also agree that the oppressive environments of correctional facilities are destructive to the emotional and rehabilitative efforts of the deaf offender.

Tucker (1988) supports the notion that the deaf offender suffers a more harsh experience with incarceration than does their hearing counterpart. She defines the conditions of confinement in a correctional facility by deaf offenders as “unconscionably disproportionate and discriminatory” (p.59). She further equates incarceration for those deaf offenders who are serving a sentence without the easy access and availability of qualified sign language interpretation to a term of solitary confinement “devoid of all social and emotional interaction, and of any prospect for participation in the rehabilitative process”.

The conditions of the institutions are felt to be more harsh because they do not provide any social or emotional stimulation. Further, the deaf are found to be deprived of appropriate medical care as interpreters are not often made available for either emergency medical appointments, or hearing tests, eye tests, or disciplinary interviews. Tucker also describes how one deaf inmate had food stolen without intervention, deaf inmates have been “beaten up, jumped from behind and attacked...

teased and tormented, and...are unable to establish even one on-going non-threatening relationship within the facility” (p. 9).

Stykes (1994), and Dahl (1995) have found that the lack of assistive devices and institutional services further disable a deaf inmate. Assistive devices such as access to a telephone via a teletype phones (TTY's), television sets with decoders, hearing aids or amplification phones, or alerting devices such as flashing emergency lights are not felt to be luxuries but necessities for the deaf offender who relies on visual aids to cope and adapt to a world without sound cues. Without these simple devices, the deaf offender can not participate in the institutional or court process on a basis equal to his or her hearing counterpart. Further to this is the basic need for alarming devices to assist the deaf offender in the case of an emergency, or more simply to wake the deaf person up in the morning for work or program attendance. If an inmate does not attend to work, school or any scheduled program when let out of their cells in the morning, they could be charged by a correctional officer. If a person is deaf, and cannot hear the verbal call from the correctional officer at the barrier to the cell range, such may be irrelevant, and the inmate also charged regardless of the reason for the missed call.

Leigh et al (1989) conducted comparative research into the prevalence of depressive symptoms among deaf and hearing college students. While those that

attend college may not be the ones that also or at some point commit crimes warranting incarceration, the data as relative to deaf adults is significant.

The findings of the study revealed that mild depressive symptoms were more prevalent in the deaf than the hearing student. In fact, more than 50 % of the 51 male and 51 female students at the National Technical Institute for the Deaf (NTID), all raised with hearing parents and all congenitally deaf were classified as mildly depressed. Both groups did identify higher maternal overprotection and perception of lower maternal care as being directly associated with the depressive symptoms. The same was not found to be true for severe depression.

The authors of the study argued that the results support the need for appropriate maternal support in molding the affect adaptability of young deaf adults. If deaf adults in college are identified as having a higher prevalence of depressive symptoms, it may be logical that those deaf adults who involve themselves with the law also have a higher rate of depressive symptoms. If so, this would reinforce the need for appropriate and culturally sensitive mental health assessments, and mental health services to address coping strategies upon release into the community. This is clearly an area that requires further investigation in the future.

Dismantling Barriers

Bonnie Tucker (1988), Nichols (1994), Lane (1995) and Shaver (1991) all discuss ways to dismantle the barriers facing the deaf offender. Nichols believes that the type of experiences a “disabled” person faces while incarcerated is largely dependent on the attitude of the staff at the institution. She suggest that the best way to improve the treatment of the disabled is to increase awareness of the cultural and linguistic needs of this minority population through accurate and comprehensive staff training. She further defines two methods to provide this training: by hiring staff that are culturally sensitive, and by providing sensitivity training to all existing staff. She highlights the significance of providing staff training that meets the unique needs of adult learners, is experiential, and incorporates deaf presenters as an integral component of the training. She also notes that exposure to the deaf population could be encouraged by providing staff’s involvement with deaf persons on joint projects.

Strong and Shaver (1991) believe that the negative attitudes towards those with a hearing impairment adversely affect their self-concept and their opportunities. They too, support the staff training value of “vicarious experience” to provide experience with both the “functional and psychological effects of being deaf” (p. 225). They suggest that if a hearing person is provided the opportunity to experience “deafness” they will gain a greater understanding of and appreciation for the barriers the deaf experience daily, which in turn will lead to more positive attitudes towards the deaf.

Shein, (as cited in Strong and Shaver 1991), administered several scales in his research to assess attitudes towards deafness. He applied Cohens "Attitude to Deafness" scale (1967) and the "Knowledge of Deafness" scale. The results identified that a single experience with a deaf adult did not modify negative attitudes towards the deaf person. While no single "attitude modification approach" was deemed the most effective in altering attitude, one approach -contact through mainstreaming was deemed effective. This involved the deaf as a minority working with the hearing person towards a collective goal. Only in this case did any change to sensitivity to deaf culture and the deaf individual occur.

There are varying opinions as to the need to "equalize" the experience of incarceration for the deaf offender. Some advocates of "deaf rights" argue that convicted deaf offenders should have their sentences shortened as compared to the hearing offender because "deaf prisoners actually pay their price (a) hundred fold (Tucker, 1988, p.14). A professional referred to, though not named by Tucker, argues that the sentence should not in fact differ from the hearing offenders because of the short and long term implications of doing so. The lawyer makes reference to the fact that all offenders, hearing or deaf, should be held equally accountable for their actions. There is also concern in the literature that deaf offenders may suffer further ostracism by their hearing counterparts if their sentence is reduced only because of their communication disability.

Henry Vlug (1992), the first Deaf lawyer called to the bar in Canada, suggests a variety of ways to normalize the period of incarceration for the deaf offender. His fundamental suggestion is to provide sign language interpretation during all relevant program, communication or social interactions. While this may appear to be cost prohibitive, it would nonetheless provide a forum whereby the deaf offenders are able to participate in all aspects of the institutional setting, not only those as selected by the case managers, who may have little experience with or knowledge of deaf culture.

One factor which has been linked to a reduction in recidivism following release into the community, is involvement in post-secondary education while incarcerated. One such study which confirms this was documented in the January 1998 , Vol. 10 Number 1 edition of the Forum on Corrections Research document. The North Carolina Department of Corrections engaged in a study to assess the impact of a higher level of education on recidivism. Specifically, 60 inmates who had earned a baccalaureate degree while incarcerated were tracked after release to assess their reintegration and recidivism rates. The 60 offenders were compared with inmates who had not pursued an education while incarcerated.

The results from this study were pooled with results from other U.S. states. The results were consistent - "high quality education is the least expensive model of recidivism reduction" (p. 35). The authors of this study recognize that not all offenders are interested in or motivated to participate in an educational program while

incarcerated. In fact some may not be interested in participating in any program while incarcerated. They also acknowledge that the educational program must be of a certain caliber to be effective and to assist those offenders motivated in this regard. "Poorly managed or short sighted" programs are found to be "inappropriate" in the prison classroom and unlikely to contribute to the positive results reported in this study (p.35).

There is a significant source of information available on the devices available to make the institutions, or courtrooms a barrier free environment for the deaf. Communication Assistive Devices fall into one of three categories: hearing aids, other communication devices - 2 way teletypewriter telephones or TTY's, close captioning devices for the television, telephone amplifiers, or alerting devices. This latter category includes many features which should be considered necessary and mandatory to facilitate a coexistence in a hearing world - flashing lights to signal attention to important sounds (alarm clocks, emergency alarms, count time, etc.). All of, or several of these devices could be installed in the institutions to assist in the normal daily activities of the inmates and, very simply, for safety reasons.

A Different "Centre"

Deaf authors Padden and Humphries (1988) believe that hearing professionals and deaf consumers each respectively live in different cultures, they have two different

points of view, they have a different “centre”. Harlan Lane (1992) wrote a book on that very subject, on the distance that separates the two vantage points entitled “The Mask of Benevolence: Disabling the Deaf Community”. In a hearing stereotype, says Lane, the deaf person is believed to be lacking their hearing. It is assumed however, by the hearing world, that the Deaf live in silence, completely void of all sound. Further, the assumption is made that “silence is emptiness”. Higgins (1980) identify members of the deaf world, like all subcultures, as living outside the larger society, in this case the hearing society. They define the deaf as being excluded from this larger society. They feel that the deaf are isolated, discriminated against and separate from the hearing world. But that is a “hearing” opinion, a hearing “centre”. To the extent the Deaf voluntarily form a deaf World, they feel included, cohesive, protected and safe with those of the same traditions, norms and values. (Smith et al, 1988). Very simply, deafness is not considered a disability within the deaf world. On the contrary, it is defined as the quality that unites deaf people. At the heart of this language is its’ language, ASL. This language embodies the thoughts, experiences, traditions and values shared by the community.

Chapter 4

Research Methods and Parameters

Research Design

This present study is guided by the principles of qualitative research. The purpose is to attempt to gain an understanding of the nature of personal experiences the deaf offender has who has experienced any aspect of the hearing criminal justice system, be it arrest, the court system or even incarceration.

Strauss and Corbin (1990, p.17) define qualitative research as “any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification”. Further, it defines that qualitative research is that which is conducted on peoples “lives, stories, behavior, but also about organizational functioning, social movements and interactional relationships” (p.17). Tutty et al (1996) further identifies that the primary function of this type of research is to “understand” - to understand what the nature of the experiences are in the population being studied.

I made a conscious decision to utilize the qualitative interview format. Researchers engaged in qualitative research have available to them a wide variety of data collection options. The most common methods of data collection are through

interviews and observations. Other methods include a review of existing documents, videotapes, or any other data collected for other purposes.

A qualitative researcher needs to see events holistically and individually. Tutty (1996). They need to “understand and develop empathy for the respondents” (p.5). Not only do the facts need to be documented, but, so too does the mood of the interview. One needs also to observe the social processes occurring, and the explicit and tacit aspects of culture, all without imposing any outsider opinions, analysis or direction.

This style of research was also chosen because of its’ subjective, humanistic focus. It does not delegate people and their emotions or needs to numbers, but rather it allows for the subjective collection of real-life experiences and anecdotes through words and feelings as opposed to simple numbers.

I chose to employ a semi-structured interview format. I established a series of 19 questions which were to serve as a guide for each interview. They were not firmly entrenched in the interview, but again served as a general guide to the flow of the interview.

In the case of interviews with deaf offenders I needed to be conscious of and respectful of the cultural differences in conversational behavior. There is a formal

etiquette when engaging in a conversation, and when terminating the contact. There is a cultural difference in the significance of and reading of facial expressions, and non-verbal language. There are specific rules as related to turn-taking behavior and the necessity of eye-contact. I needed to be conscious of and respectful of these cultural and behavioral factors and incorporate them into my research design.

Access To the Community/Trust

The culturally Deaf are inside members of the Deaf community. To them, the hearing are outsiders. It has been well referenced in the literature that members of the Deaf community are characteristically mistrusting of the hearing community at large. (Lane, 1992; Benvenieu, 1986; Padden and Humphries, 1988). Historically, hearing people have categorically defined the deaf as incompetent, and incapable of independent government or even of independent thought. (Carbin, 1996; Gallaudet News, 1988). The deaf have consequently developed a defensiveness and suspicion of the intentions of hearing people. They are generally less willing to cooperate with a hearing person unless the motives or purpose of their contact is clear. Being the younger sister of a deaf member of the Deaf community, and a Parole Officer has allowed me access to those members of the deaf community who have been incarcerated or involved with the law.

First, while growing up with my brother, I met several of his friends and acquaintances. Though not able to communicate directly in sign language at that time, my efforts to learn and become more proficient in the language has allowed me to bridge the communication gap and establish rapport with more members of the community. Hence when I began expressing my intention to conduct research within the deaf community I was not a total outsider.

Higgins (1980, p. 185) believes that “developing and maintaining trust with the people whom one is trying to understand” is a “crucial” issue. He confirms the comments noted above, and too believes the feelings of oppression remain strong within the Deaf community and provide a protective barrier against any further oppression. He makes reference to the fact, as noted above, that the deaf have been oppressed by the hearing community and are reluctant in many ways to share or trust members of the hearing community. One example of this relates specifically to their language. Members of the deaf community often oppose efforts to teach the hearing community all the aspects of their language, as signing is used as a “boundary-maintaining device” (p. 103). My ability to communicate through sign language, and my connection with the deaf community through my brother allowed me to gain trust beyond what may have occurred without this combination of factors.

Recruitment

I made attempts to locate potential respondents/informants for this study in a variety of ways. First, I spoke with the Executive Director of the Independent Interpreter Referral Service to obtain her comments on how best to advertise my study. She made several suggestions, all of which I felt were logical and which I chose to follow. I then placed an ad in the April edition of the Winnipeg Community Centre for the Deaf Newsletter stating my research intentions, and the goals of this study. I did receive one respondent from there who was of great assistance in making further suggestions for advertising, a volunteer with the Manitoba League of Persons with Disabilities. I also spoke with the staff at the SMDI Deaf Program to obtain their comments and suggestions. I participated in a case conference with the staff at the SMDI office. That meeting occurred May 14, 1998 and was particularly helpful in terms of identifying further community contacts, and providing suggestion for ways to dismantle the existing barriers for the deaf. I also spoke with a clergy person from the Calvary Temple for the Deaf, in Winnipeg. He provided insights and comments on many areas, particularly as they relate to the spiritual needs of deaf offenders.

My final community contacts were with representatives from the Deaf Centre Manitoba. Both sources offered assistance in terms of accessibility to the DCM library, and authorized my posting of my research intent letter within the building itself.

I also spoke with Mr. Dave Mills, the Warden of Stony Mountain Institution, a federal medium security institution just outside of Winnipeg to seek his approval to interview two deaf offenders in his institution. Finally, I spoke with Mr. Jim Wolfe, Director of Adult Corrections for the Province of Manitoba. Both gave immediate approval for me to interview any deaf inmate in their respective institutions. This provided me with 4 separate respondents, all of whom were an invaluable source of information for this exploratory study.

I did clarify in all advertising or discussions of my research that participants would be required to maintain the following characteristics: (1) They must be 18 years of age or older and dealt with in the courts as an adult, (2) They must be deaf or hard of hearing AND must communicate through sign language as their primary language.

Methodology

This study utilized 19 guided survey questions divided into 4 sections: demographic information, needs, identification of barriers and suggestions for change.

PART I Basic Demographic Information: to Provide Clarification on the Personal Data of the Respondent.

Q. 1. How do you describe yourself - are you culturally Deaf, deaf, oral deaf or hard of hearing?

2. What is your first language?
3. Do you use any other form of communication?
4. Are you involved in any activities within the Deaf community - sports, drama, Winnipeg Community Centre for the Deaf (WCCD), or Deaf Centre Manitoba (DCM)?
5. Are you married? How long? Any children?
6. Is any other member of your family deaf/Deaf or hard of hearing?
7. How do you communicate with your family members or friends?
8. (I'm interviewing you in a federal institution) Can you tell me what your present charge(s) is/are? Your sentence? When did your sentence start?
9. What unit are you on in the institution? Why are you there?
10. Is this your first time in jail? If not, when was the first/last time?
11. How do/did you communicate with the staff and inmates while in jail?

PART II The Needs Questions: To explore the primary criminogenic factors related to the offending behavior

- Q. 12. Can you tell me how jail has been for you so far?
13. What are you doing in jail now - work, school, programs, nothing?

14. Are you or did you attend any programs? Any scheduled? Do you think you need to attend any? What kind?

PART III Identification of Barriers:

- Q. 15. Have you had any problems in jail? What kind?
16. Do you feel any of the problems have been related to the fact that you are Deaf and speak sign language?

PART IV Suggestions for Change

- Q. 17. Do you think any changes need to be made to the jail system to make in better for the Deaf in jail?
18. What kind of changes are needed?
19. Any other suggestions for changes to the system?

Interview Format:

As noted above, I employed a semi-structured interview format. I conducted an introductory interview with all but one respondent prior to the actual research interview. During this interview I asked if they wished to have any specific interpreter present for their interviews. Three respondents advised that they would only participate with one of three pre-selected interpreters, the others were not particular. Each respondent who requested a particular interpreter was accommodated.

The formal interviews were either one or two hours in length. When I initially contacted the IIRS, I was advised that interpreters could only be booked for single hour time slots, no portion or half hours were available for scheduling reasons. I consequently could offer only single or double hour slots. Two respondents felt one hour would be sufficient to meet their needs, two requested two hours, and two were non-committal. Again, each person's request for time was accommodated. As has been identified, the interview format was basically semi-structured and open-ended within the limitations of the time allotted. All attempts were made to facilitate a comfortable interview environment. Respondents were encouraged to answer all questions with any degree of detail with an attempt to minimal direction from the interviewer.

Location of the interviews:

Two interviews were conducted in Stony Mountain Institution, and one at the Milner Ridge Correction Centre. One introductory interview was held at the Headingley Provincial Correctional Institute, although the formal interview occurred later in the person's home, as did two others. The three participants who were not incarcerated were given the opportunity to chose the location of the interview to provide them with a sense of control in the research process. Again, all requests were accommodated.

Consent to participate

Each respondent was advised of the intent and goal of this study. Each person received a copy of a consent form, which was translated to them through the sign language interpreter. All signed the form indicating their willingness to participate, and authorizing the release of the information gathered in this study. (See Appendix B). Respondents were advised that all attempts would be made to protect their identify from being revealed, though it was not guaranteed given the small size of the Winnipeg Deaf community. All handwritten notes were kept confidential in the hands of this writer. No identifying names were revealed at any time in the written documentation, and will not be recorded here. All respondents were advised that all handwritten notes and audio tapes would be destroyed after publication of this thesis.

Chapter 5

Characteristics of the Respondents

In this chapter the general characteristics of the 6 respondents will be highlighted with the aim of providing a more comprehensive picture of who the collective respondents are.

Characteristics of the Respondents

I interviewed 6 adult individuals for this research. All of the 6 respondents were male. As noted above, this was not a conscious attempt to exclude women, but rather was the result of that population who responded to my advertisement for participants, or whom were currently incarcerated in a federal or provincial institution and readily available to this writer for an interview.

The participants were adult males ranging in age from mid-20's to mid-40's. Four of the men were congenitally deaf, and two born hard of hearing. One of this latter group lost the remainder of his residual hearing later in life as an adult. Exactly one half of the men were raised by their natural parents, one half by foster or adoptive parents.

One respondent is involved in a current common-law relationship; two are separated (one from a legal marriage, one from a common-law union), two are single-never married, and one is divorced.

Five of the men have fathered children, now of varying ages. Only one plans to resume a full time parenting role when so available in the community, though 3 others will also continue to maintain an active role in parenting .

Of the respondents, one has never been convicted of any criminal offense. His involvement with the police was limited to questioning as a result of erratic driving. Three of the respondents were convicted of sexual assaults, all against children; one for property related offenses; and one for Armed Robbery. Four of the total were incarcerated at the time of the interview or had been recently incarcerated. Two of the total have been incarcerated on more than one occasion. Two were incarcerated in a federal correctional facility, two in provincial gaols. Again, two were in the community at the time of the interview.

Two of the four respondents with institutional experience were involved in educational upgrading. None had been placed in any programming to address their target domains or primary criminogenic factors. In three of the cases, this was repeatedly requested by the respondent, although none of their requests were accommodated. In one case the institution refused to fund the cost of the interpreter to facilitate the respondents' participation in the program. The incarcerated offender was given the option to contact the interpreter or interpreter service himself, and then fund the cost.

Two of the men have never been gainfully employed, resulting either from a secondary physical disability, or from low education and low motivation to support himself beyond welfare. Four have been previously employed, two in a longer term or trade/professional capacity.

All respondents identified “lack of effective communication” as the most significant barrier they faced during their involvement with any and all aspects of the criminal justice system.

Only one respondent felt the institutional staff was respectful of his cultural and communication needs. He described both staff and inmates as presenting a sincere motivation to learn some basic sign language skills to facilitate even basic communication with him.

The second barrier cited was the resistance, if not refusal, to provide qualified interpreter services as requested. One person described waiting weeks, in fact months, before his request to participate in a personal development program was even recognized. When he did receive a response regarding his request, he was frequently told that his requests could not be accommodated because the institution did not have the funds to accommodate such a request, or he was told that the staff person merely “forgot” to follow up on his request. This same inmate was apparently instructed to contact the interpreter himself and book an appointment “himself”. It is true that if a

hearing person books an interpreter they must pay the full fee of \$34.24 hour, although a deaf person receives the service for free. Irrespective of cost, however, this inmate did not feel he should be held responsible for coordinating an interpreter. He felt the responsibility should lie completely with the staff to coordinate the interpreter, as they could coordinate the interpreter at the time and location most convenient for the institution.

Finally, the general lack of knowledge of Deaf culture or awareness on the part of the staff was felt to be the third most significant barrier facing the respondents in this study.

Chapter 6

Community Findings

Comments from community resources

I participated in a meeting with the staff of the Society for Manitobans with Disabilities Inc. on May 14,1998 to solicit their feedback on the intent of my research and solicit comments on suggested topics of inclusion in this paper. In brief all staff present felt there was a great need in the Deaf community for this type of research.

Staff noted that their opinions are that institutional staff appeared resistant to booking interpreters both in the federal and provincial institutional settings. They also commented that there appeared to be reluctance to develop or maintain any joint policy as it relates to the reintegration of these offenders back into the deaf community upon release. They suggested that perhaps the federal institution could meet with them and establish a formal policy to facilitate the reintegration of deaf inmates back into the community.

Comments were made that most programs were not developed with respect for the learning needs of the deaf consumer. Very often the programs are provided in an open group forum which makes sign language interpretation more difficult, and comprehension of who is speaking confusing. If there are any assignments, and often there are some, the assumption is made that the deaf person has a sufficient grasp of

written English to comprehend the assignment and the abilities to respond in written English. In most cases neither of these factors or assumptions are accurate.

Also noted was the fact that math studies require not only an aptitude for numbers but more importantly a basic understanding of the English language. Without English, one can not comprehend the problems nor the directions and hence cannot begin to succeed, especially if no interpreter is provided to facilitate the comprehension of English.

Suggestions

Several suggestions were made by the staff at the Society for Manitobans with Disabilities Inc. Their primary suggestion was to redefine the staff training modules for both new and existing staff in the correctional facilities to include a general orientation on deaf history, general cultural awareness, and the dynamics of sign language. This could be considered a general cultural awareness component of staff development.

It was also suggested that a more intensive staff awareness and training seminar be provided for all relevant staff who receive a deaf offender on their range, in their treatment program, or on the job placement. It was the experiences of the staff present that in many cases the prejudice towards the deaf person arises from a general lack of

awareness or sensitivity to the needs of the deaf as opposed to a vicious or malicious disrespect for the deaf person per se. If a general awareness training seminar or seminars could be provided, it would increase the sensitivity to the subject and reduce the stigmatism of the needs of the deaf.

The SMDI offered to provide both general and/or specific staff awareness training by their own trained and experienced Deaf staff members. The SMDI felt it was more appropriate to engage a Deaf person as facilitator, with a qualified voice interpreter as suggested by Nichols in her article. A deaf facilitator could speak from experience about the barriers they have faced, while doing so in a non-judgmental fashion.

A Winnipeg clergy shared his opinions regarding the needs of the deaf incarcerated offender. He believes that the offender's social, emotional and spiritual needs all should be accommodated in a respectful manner. He believes that a deaf pastor should be allowed access to the institution as needed if there is a deaf offender requesting such. He discussed that he be given the same level of respect as hearing pastors, or clergy men. He felt some resistance to be given the space or time to conduct a sermon in ASL.

Findings from Informal Survey

I was unable to locate any reliable statistics within the CSC to verify the number of deaf offenders either presently or formally incarcerated. I made numerous phone calls to the Regional and National headquarters of the CSC inquiring on available statistics relative to disabled or special needs offenders. None of the phone calls placed were successful however, in that none of the sources were aware of any studies conducted within the CSC generating this type of information. I was eventually able to uncover a May 1994 copy of the CSC publication FORUM on Correctional Research Vol. 6, Number 2. This issue was in fact titled "Special Needs Offenders".

One research article in this collective did assess disability rates for institution by security level. It identified that there were 2 inmates with a "hearing disability" in the maximum security institutions, 4 in a medium, and 1 in a minimum level security institution in the research year 1991. It does not, however, specify the nature or level of hearing "disability", or the mode of communication associated with this "disability".

The data contained in that research are not useful for the purposes of this study. Of significance, however, is the fact that one author of the Research and Statistics Branch of the CSC recognized that the examination of disability among groups including federal offenders has "received little attention." The author further

recognizes that the practice of “systematically identifying staff and offender needs for specialized services is clearly warranted.” (p. 6).

As there were not any recent or relevant CSC statistics available in the area of this study’s domain, I undertook to conduct an informal survey into the number of deaf offenders presently or formally incarcerated in a randomly selected number of federal institutions across three regions of the CSC. Specifically, I contacted the wardens of 20 of the 49 institutions, including Community Correctional Centres across Canada. All levels were represented, including the facilities for women.

I made the decision to choose 20 separate institutions under the jurisdiction of the CSC. I chose institutions in the Prairie region because of the proximity to the Winnipeg Deaf community, and institutions in the Ontario and Atlantic Regions for variety. This exercise was approved by the Acting District Director of the Winnipeg Parole Office, Mr. Robert Tropak prior to commencement as he felt the data could provide valuable insight into the demographics of deaf offenders within the service, and provide data related to the needs of this population.

To begin the survey, I telephoned several of the institutions first listed in our National Directory. The purpose of my preliminary telephone contact was to confirm the Warden’s name and facsimile number. I then faxed the 20 Wardens my

introductory letter on either April 15 or 27,1998. These dates were not chosen for any reason beyond the fact that they fit into my schedule. (See Appendix C.)

Of the 20 institutions contacted, 10 responded to my correspondence.

The introductory letter referred to above, and included in Appendix " C " was sent to 8 of the 13 institutions in the Prairie Region, 5 of whom responded. The information from these respondents is supplemented by information as relevant to Stony Mountain Institution, the primary site of respondent interviews for this study. The letter was also sent to 8 institutions in the Atlantic Region, 4 of whom responded, and to 8 of 16 institutions in the Ontario Region, 3 of whom responded.

Specifically, I asked to receive feedback from any institutional parole officer who had "direct experience with a deaf offender whose native language is sign language." Only 6 of the 10 institutions that responded recalled ever having, or having had a profoundly deaf offender who communicated through sign language in their institution.

The preferred communication mode most consistently found amongst these offenders was sign language. Speech reading and writing were used to facilitate communication with case management staff who had no knowledge of signed communication.

There were several barriers identified by the staff who responded to my survey. The most significant comments came from a case management officer, himself fluent in sign language who stated, "The offender was lost in the shuffle". He was identified as a "very difficult challenge" for all staff. (Comments provided during follow up telephone contact.). There were many "challenges" described. First, as this man was the only deaf offender incarcerated at the time, and no staff beyond him were familiar with signed communication, he was socially isolated. Some inmates and staff attempted to communicate through writing, though this was a lengthy and cumbersome process. Both staff and inmates quickly lost patience and that form of communication was abandoned. A second staff person identified that although he and the deaf inmate wrote "volumes" back and forth, as ASL is a visual language the nuances of the communication was lost.

This same inmate was found to be unsuitable for participation in any relevant programming because of his inability to communicate in the first language of the institution, spoken English. Then, as this inmate had not addressed his criminogenic needs, he was found to be an unsuitable candidate for conditional release. One final concern was that there were not sufficient resources in the community to meet his communication needs so a release plan could not be established. It was the opinion of this officer that this inmate served a greater portion of his sentence in the institution than the average inmate because of his communication disability..

All deaf offenders in this informal study were felt to have several criminogenic factors which contributed to their respective criminality. Although these offenders would have, in the opinion of the case management officer, benefited from intervention programs in the areas of substance abuse, sex offender counseling, anger management or in the development of more appropriate coping skills, an environmental barrier experienced by all but one offender was the lack of available, culturally sensitive programming. At the Regional Psychiatric Centre - Prairies, (RPC) the deaf offender there was involved in the intensive treatment program available. It was the opinion of the Social Worker involved in the case however, that the large group, cognitive behavioral approach was not appropriate for this offender given his unique communication and learning needs. Although this offender did, technically, complete the Clearwater Sex Offender treatment program, the social worker noted he was unable to demonstrate his comprehension of many of the concepts inherent in this intensive treatment program. The offender was consequently unable to gain a full appreciation of the extent of his crime cycle, and, according to the same social worker, was unable to establish an accurate and comprehensive relapse prevention plan.

This latter point is of paramount significance when one examines the nature of the offenses for which the deaf offenders have or are presently incarcerated. Of the 6 offenders, four of them are incarcerated for sexual offenses - three of these offenders

are incarcerated for sexual offenses against children. This statistic appears alarming when compared to the number of deaf offenders presently or even formally incarcerated in a federal institution. Add to this statistic the fact that one of the two provincial deaf offenders was also serving a gaol term for a sexual offense against an 8 year old female. This statistic suggests the crucial significance of providing superior and accurate intake assessment services to this population and to the need for providing long term sex offender treatment in a manner which is linguistically and culturally sensitive to this particular minority population, and includes as an inherent component of the program, the availability of qualified sign language interpretation.

The most consistently identified environmental barrier identified by the case management staff in this survey relates to the admitted lack of readily available sign language interpreters to facilitate communication readily and effectively. At the RPC, a sign language interpreter was provided at a frequency of approximately every three days. A second institution provided interpretation at a consistent, though infrequent basis of once every thirty days, seemingly regardless of need. The case management officer felt this was inadequate, and could not begin to meet the communication needs of this deaf offender. This deficiency of interpreters forced the staff and inmates to use an alternative form of communication - pen and paper. As identified, this inmate had to communicate through written English. As a result of his frequent office visits with staff to communicate, other inmates became suspicious of the time he was

spending with staff and his life was threatened. He was forced into protective custody and had to remain there to serve his sentence.

A second environmental barrier identified during this survey was the lack of a communication assistive device, specifically a TTY, for the offenders to maintain contact with loved ones, family members, or even lawyers. Only one institution provided a fully functional TTY or "teletypewriter" machine which works with the regular telephone to allow telephone access to either hearing or deaf community. One institution had a TTY available though it was usually non-functional and in an area not readily or easily accessible. Two offenders were allowed the privilege of bringing their own TTY machines into the institution. While this may be preferable to having no access to an institutional machine it appears that there was a delay in having the machine repaired as there was a discrepancy over who should fund the cost. It is unclear whether or not the inmate was then required to pay the repair bill, though what is clear is that there appears to have been a lack of communication over the significance of having the machine repaired. The inmate claims he advised the Parole Officer - Institution weeks before the actual repair of the damaged nature of the machine. The POI claims the request was never made in writing. Perhaps this is a perfect example of the distinct communication and cultural needs of the deaf offender.

Although unable to speak, the deaf offender has the same emotional needs of the hearing inmate, the same need for companionship, and the same need for maintenance

of family, and intimate ties. One Parole Officer - Institution advised that the lack of a TTY resulted in severed ties between the inmate and his family. There was a large geographical area separating this inmate from his family and they were unable to visit him in the institution. As they were also unable to communicate over the TTY, there was no means by which they could maintain the relationship. It apparently resulted in permanently severed ties.

A final comment made by the staff person fluent in sign language related to a lack of recognition of the specialized nature of his skills. As ASL is not an official language in Canada, his skills were not recognized and he did not receive bilingual pay for these skills.

Chapter 7

Analysis and Discussion of Findings

Introduction

All of the deaf or deafened respondents interviewed experienced problems resulting from their inability to hear and communicate in spoken language. Barriers were identified in all three primary aspects of the Canadian Criminal justice system, during the arrest process with policing authorities, during the court process, and particularly while incarcerated in either a federal or provincial institution. This study clearly confirms that several of the respondents experienced similar barriers during separate stages of their involvement with the criminal justice system.

As a point of clarification, I have found that any written text which includes signed communication, generally capitalizes specific signs that are used within the text. I will follow this format in this document. If a respondent uses a single sign to convey his point, that sign will be capitalized. Other words may be included in the quote to clarify the meaning and context.

The respondents identified both environmental and attitudinal barriers in their day to day regime, and in regards to their lack of accessibility to programs developed for their rehabilitation, including work assignments, personal development programs, and educational programs. While many of the rehabilitative programs within the institution are based on the premise of improving or gaining coping skills, conflict

resolution skills, or relapse prevention skills, the very skills most of these offenders would benefit from to assist in their reintegration and rehabilitation, they were inaccessible because no interpreters were provided to remove the communication barrier. Many of the programs are also based on the large group format, a style counterproductive to the learning style of the deaf adult.

Several suggestions were forwarded by these respondents to dismantle these oppressive barriers and to allow them equal access to the programs necessary to address their target domains and increase their suitability for conditional release. Each of the three identified components of the criminal justice system will be discussed separately.

Contact with police and/or arrest

Each respondent was asked to describe the nature of their contact with the arresting police prior to and/or during the arrest process as relevant.

One respondent had in fact never experienced arrest. He had only peripheral involvement with police in that they had stopped him for erratic driving, and was questioned by them. He was not however, formally arrested. His comments relate only to this phase of the CJS.

This respondent described the terror of being stopped by local city police in a “ghost car” (his sign). He noted that he responded to the flashing lights and stopped his car. As he expected, the police stopped immediately behind him. He noted however, that their guns were drawn as they exited their car and approached his. He recalled frantically trying to gesture to them that he was deaf and could not speak. They apparently initially assumed him to be “lying”. While they eventually withdrew their weapons, one officer then leaned forward, cupped his hands of the respondents ears, and, as the respondent described, he “yelled into my ears”.

The respondent found this action to be humiliating and culturally insensitive. He was most offended by this action and admittedly angered. He began to demand that the officer provide him a pad of paper on which to express himself. This request was initially ignored. Though it was accommodated, the delay in doing so concerned the respondent. He then explained in writing that he was unable to communicate verbally. The officers appeared to acknowledge some appreciation for the respondent though then demonstrated further cultural ignorance by refusing to allow the respondent to keep the handwritten notes they had shared.

This respondent was quick to offer that police officers do not carry audio tape recorders that allow them to maintain a “voice recording” of their hearing interactions. He does not believe they should be allowed to maintain the handwritten notes exchanged with a deaf offender.

This man is expertly fluent in ASL. Even if one did not understand any sign language prior to engaging in a conversation with this gentleman, the intensity, vigor and speed with which he shared this incident clearly dramatized the anger, frustration, embarrassment, and humiliation he felt as a result of the cultural insensitivity of these interviewing police authorities.

Similar incidents of attitudinal barriers were experienced by several other respondents. One described how the arresting officers forced him to communicate in written English, his second language, then handcuffed him for the car ride to the station. To handcuff a deaf person who uses his hands as the articulators of communication suggests cultural insensitivity, similar in fact to gagging a speaking person during arrest. Of interest in this case, is that this respondent is of slight build and was being investigated for property offenses only, not for any act of violence. He also claimed to have no past record of violence and recalled being cooperative with the police throughout this entire process. He consequently was both perplexed and angered by the actions of police he felt were quite insensitive.

Several respondents described communication barriers during this phase of their involvement with the CJS. They referred to the fact that qualified interpreters were often not provided, or unqualified staff were brought in to interpret the highly technical details of conducting a criminal investigation. One informant described

that an on-duty officer, though not the arresting officer, was brought in to interpret the interview. This was of particular concern to this offender as the officer was not a qualified interpreter and consequently would not be bound by the usual interpreter code of ethics. He saw this as a “role conflict”. A hearing person may assume that any assistance from a person who can communicate in sign language, even though only elemental, should be appreciated. The concern, however, is that there is no guarantee that their comments are being accurately relayed or that their comments will be kept confidential.

Several of these incidents were admittedly experienced by a single individual only. However, collectively, they suggest that policing authorities may need to be more culturally aware and sensitive to the deaf person and make all attempts to equalize the nature of their interactions in a more appropriate manner.

An interesting, though potentially coincidental, incident occurred during a telephone conversation I had with the present Police recruit training officer while conducting this study. After identifying myself and the purpose of my call, I asked if they provided any training in the area of “deaf awareness”. The officer hesitated, then admitted that yes they did indeed devote a significant component of their training to this area. Surprised by my response, he asked me to repeat my question. I did, to which he responded,

“Oh, DEAF awareness. I though you said DEATH awareness”.

He later clarified that they do provide some training in the area of “disability”, though none of it specific to “deafness”. This suggests that there may be a void in the police recruit training program which could serve to alleviate some the discrimination as reported by the respondents in this study.

Court:

There were few concerns raised relative to this component of the CJS. Most offenders felt their communicative and cultural needs were satisfactorily respected while in court, with the exception of one informant.

One respondent, not only deafened, but also grossly restricted in his mobility, experienced insensitivity with the quality of interpretation provide during the court process. He clarified that as he was deafened as an adult, he continued to operate in the hearing world and maintained a “hearing center”. He was, however, unable to communicate verbally, and was forced to become fluent in a signed version of English, Sign Exact English (SEE). The interpreter provided however, appeared to make no attempts to adapt his or her signing style to accommodate the respondent’s communication needs. This rendered him illiterate in the language of the court process, which he feels ultimately affected the final outcome of his case. This

situation demands that interpreters be not only qualified in the nuances of interpretation, but also adaptable in the ability to move between languages.

Incarceration:

As four of the 6 respondents in this study were interviewed while incarcerated or immediately following Institutional Release Date, the majority of their feedback will be specific to this component of the CJS, the phase of incarceration. The following opinions and comments are those relative to either the federal institution or provincial gaol, or to both as will be identified. In brief, all offenders experienced some level of communication and or attitudinal barriers which they feel have interrupted and continue to interrupt their fair and equitable participation in the institutional regime and the rehabilitation process, and hence reduces their suitability for conditional release. These comments will be separated into two primary areas: communication and environmental barriers. As well, a third component will provide suggestions by the respondents as to how best to dismantle these barriers they have identified.

Communication

The most significant environmental barrier cited during this study was the apparent resistance to provide sign language interpretation for all interactions between a staff member and the deaf inmate. All respondents expressed varying levels of

frustration, anger, or annoyance at their communication isolation as caused by staff's refusal to facilitate interpretation.

One respondent signed his frustration, through the interpreter this way:

“In here. “NOTHING, INTERPRETER-NOTHING,
PHONE - NOTHING, NOTHING.”

Another inmate signed:

“Just because I am Deaf they “DISCRIMINATE” against
me”.

When one respondent was asked if he felt an interpreter would assist during his incarceration, he signed:

“Yeah, for school, yeah, more!
“Better than try and write notes, it’s a waste of time.”
(I need an) “interpreter for school, when I see the nurse or
Dr., and to see the case worker.”
“I want to go to AA”.

Inmates also described how they were forced to participate in intake assessment and case management interviews without the necessary interpretation, rendering them hostage to their limited comprehension of written English. One respondent shared that he was handed the initial intake assessment application and instructed to answer the questions himself as the staff did not know any sign language and no interpreters were available at that time. He admitted he made all attempts to answer the questions to the

best of his limited reading comprehension of written English, though he is certain some of his responses are incongruent to the questions asked because of his education level.

Other respondents described that they blindly signed their names to case management reports written on them because, again, no attempts were made to coordinate an interpreter for them during their reading of the report, making the language of the document indecipherable to many of them. All believe that each case management report contains several, if not many statements of error, or false details because no attempts were made to facilitate the communication process between the hearing staff member and the deaf inmate.

All inmates felt communication and comprehension barriers interrupted their ability to function in the daily regime of the institution. One signed: "they PITY-ME". He felt both the inmates and staff pitied him because of his deafness. One other respondent signed:

"This is my third time here. I'm now fed up. I've asked and asked but they never do it! (put him in the substance abuse treatment program he admits he has needed for several years.)

One respondent did feel confident that he did not have any dynamic or static risk factors that required intervention during his incarceration. He indicated that the staff

appeared to agree with his own assessment. Of concern here, however is the fact that this man is serving a sentence for Sexual Assault, which not only suggests denial on his part, but potentially ignorance on the side of staff who he says allegedly agreed he had no program needs.

All respondents felt the resistance to incorporate sign language interpretation into their case management meetings suggest the attitudinal barriers of staff.

Environmental barriers

Several environmental barriers were identified during this study. The most notable environmental barrier identified is the fact that no attempts have been made to equalize the conditions under which the deaf persons are confined. Communication assistive devices such as telephone TTY's were not routinely provided or repaired promptly if broken. There are no television decoders available on the various units or ranges to facilitate television watching, even though volume buttons are available to the hearing inmate. There are also no alarming devices, of any kind, in either the federal or provincial institutions. These devices not only facilitate morning wake-up, but also serve to signal an emergency. Finally, it appears that no concessions are made in either level of facility to visually present Inmate Welfare committee or other institutional announcements, although the hearing inmates have full access to all the

verbal discourse and are free to accept or reject the information as they choose, not as others choose for them.

One inmate revealed that he was expected to wake up the other deaf inmate in the institution because his own internal clock woke him up on a consistent and timely basis in the morning. He signed

“I have to wake him up because he doesn’t have an alarm clock in here that could wake him up”. (as interpreted by the voice interpreter).

This inmate did not feel it was appropriate to depend on him for this service. He felt the pressure to ensure his fellow inmate was awake in the morning should not rest with him. He felt it was irresponsible for the institution not to have vibrating or visual alarms available in the institution.

In addition to the fact that equalizing devices are not provided, an opposite concern lies in the fact that much of the existing institutional technology is not routinely or adequately explained to the deaf inmate, again placing them at the mercy of other inmates to explain some of these features.

Several respondents interviewed for this study relayed incidents of what the respondents defined as “discrimination”. One deaf offender approached his case management officer over several months to have his hearing aid repaired. Not only

did it not happen, but no valid reason was provided for the delay. A second offender asked to have his eye glasses repaired as he had broken them, and his eyes checked. Both of these requests were unanswered for an extended period of time. And again, not only were they left unaddressed, but more significant to the offender was the fact that again, no explanation was provided for the delay. This offender felt treatment was ignorant, and unfair. Neither of these two inmates felt comfortable addressing the Parole Officer - Institution repeatedly, so after several months, of what appeared to be an unresolvable issue, merely stopped requesting. Both inmates felt the issues were hopeless, felt their treatment resulted from the inability of the case management staff to communicate with them directly, and the resistance to facilitate interpretation for their interviews which would have clarified their needs.

One respondent explained through the interpreter;

“I can hear loud music, sirens, planes, traffic. I can hear loud environmental sounds with my hearing aid. I can hear footsteps if he wants to jump me. I almost become deaf and dumb without my hearing aid. I prefer to have my hearing aid on. I can hear if there’s footsteps behind me or if people are talking behind me. I mean if someone wants to jump me or come up behind me or do something, I mean, I would hear them with my hearing aid. That’s why I use it. Without it, I mean your head is constantly moving to see what’s going on.”

When asked if he had raised the issue with the case management officer, he signed,

“No, cuz (sic) if I tell her nothing is going to happen, same as the TTY, so I’ll just wait.”

When asked if would like to have it repaired, he signed,

“Yeah, but who’s gonna pay for it, me? At \$5.80 day you can’t afford to do much. How you gonna do that?”

This man then also described a financial barrier in that he was apparently being expected to absorb the cost of repairing both his TTY and hearing aid out of his own bank account. At \$ 5.80 day how could an inmate accomplish such? Or how could an another inmate be expected to not only book, but cover the cost of an interpreter himself if he felt formal interpretation was necessary. It is possible staff did not instruct these inmates to cover the costs associated with either the repair of personal equipment or of the interpreter themselves. But if the inmate interpreted their comments to be that, this only reinforces the need for qualified sign language interpretation to be present in each and every interview between a hearing case management officer and deaf inmate.

Yet one other respondent described how one “boss” (correctional officer) put down “deaf mute” on his file. The inmate communicated:

“I looked at that and I hated the person for using that term!”

(As voice interpreted by the interpreter).

This inmate admitted he did nothing to change the use of the term however, he felt powerless, and feared the repercussions from the “security guards” if he addressed the issue himself. He felt it would be safer and less complicating for him to leave the term in his file, regardless of the emotional pain it caused him.

A provincial inmate described a barrier he identified as related to his case management officer’s resistance to coordinate programming for him. This inmate described his frustration this way;

“I don’t want to waste my time because I don’t want to have big troubles on the street. What I want (is) to have programs very soon and I want to apply (for a) TA release in September October. So I feel don’t want to have programs on the street at treatment programs. I want to have programs here more straight I think.”

(My caseworker) “tell me don’t ask Fred (Unit Manager) or caseworker to keep asking for programs. She said just give up because (sic) I had been asking over two months, enough time.” (Personal comments shared with me over a TTY.)

This same inmate was then asked to check into available treatment programs himself. He communicated,

“I asked her why not phone to SMDI it really easily, and she often said I forgot to do and have no time. I was pretty mad and later I and Betty were argument one evening... I told here I explain about Deaf community (sic) (communicating) (she) had to understand the deaf and she

just said oh.” (Personal comments shared by inmate on TTY.)

The frustration felt by these offenders was evident in the manner in which they communicated, and the intensity of their signing. Two other examples of the frustration were shared this way:

“Someone gave note to say range would be locked down at specific time and date. Uncertain who gave message, but then told was ‘joke, only joke’.”

(I was) “never assaulted, never threatened, depends on person. I’m native and most people in here native, part of majority skin color. If I white and deaf discriminate against me. If assaulted or not maybe deaf person’s fault too if causing trouble. I try be nice, quiet. If you don’t start a fight, what you dish out is what you get back.”

Suggested ways to dismantle these barriers

Several suggestions were forwarded by the respondents as to how best to dismantle these noted barriers and provide a more bilingual and bicultural environment for these deaf offenders. The collection of these will be presented.

The most significant suggestion made was to ensure qualified sign language interpreters are provided for all prison proceedings; job training or school placements, during all counseling sessions, medical appointments, disciplinary interviews and parole hearings. The respondents also suggested that a telephone and TTY and

television set with decoder be made available on all ranges that house a deaf offender. As well, the time limit for all TTY calls should be extended to accommodate the additional time required for this type of conversation. While the small number of deaf inmates in any jurisdiction may make these suggestions impractical, it is nonetheless crucial that all attempts be made to equalize the term of incarceration for these deaf offenders to ensure their rights to rehabilitation are respected, and they are given equal access to the reintegration model of corrections that the hearing inmates are.

Harlan Lane has defined the diametrically opposing views of deafness known as the “cultural” model of deafness and the “infirmity” model of deafness. In the former example, deafness is accepted as the unique quality that unites members of the Deaf community. It empowers the deaf person to make choices regarding their communication and the education of their children. It respects the technological communication needs of the deaf offender, and ensures supports and services are provided to meet their communication needs in all areas of their life, be it while incarcerated, in hospital, or in learning environments.

The “infirmity” model views deafness as a disability, a pathological condition, or defect that requires “fixing, repairs, or correcting”. The infirmity model refuses to acknowledge the existence or significance of a Deaf community, and instead encourages cochlear implants to new parents of deaf children in an attempt to “correct” the deafness and make them “normal”. If the criminal justice system or CSC

were to adopt the “cultural” model of deafness, it would empower the deaf person to accept their culture, and encourage them to address their needs in a culturally sensitive environment.

The National Film Board video entitled “My daddy’s ears are broken” reinforces the comments of Lane above. In the video one interviewee, a deafened woman, comments on her decision to join the deaf world completely. She describes the emotional catharsis of accepting and announcing her desire to become deaf. This woman most eloquently indicated, “with an interpreter I’m no longer disabled”. This woman and many deaf people do not view themselves as disabled or handicapped. They view themselves very simply as “deaf”.

One further example of this is the description of deaf people as “outsiders in a hearing world”. I believe the deaf should instead be acknowledged and accepted as “insiders in a deaf world”. This does not necessary exclude them from the hearing world, but does respect them for their cultural uniqueness and empower them to remain cohesive as a community.

Rob Kocur (1988) wrote an article on the significance of “word choices” as it relates to persons with disabilities. He believes that the language or terminology chosen to describe or discuss a person with a disability dramatically suggests their attitudes regarding that or other disabilities. Kocur suggests that the person should

always be placed before the handicap, as this allows one to view the person as a person, not as a handicap. Kocur believes that “labels take the place of true understanding”. He clearly supports the significance of accepting the person as a person, not as someone with a loss.

Summary

All respondents interviewed for this study described experiencing oppressive and culturally insensitive conditions as a result of their inability to hear and communicate verbally. The preceding discussion highlighted some of these individual and collective experiences, be that in the community, in the courtroom, or in a federal or provincial institution. Suggestions were also offered as to how to dismantle these attitudinal and physical barriers.

It is unlikely that a single deaf offender in one institution would possess the power to organize any significant resistance to the oppressive barriers he, she or they as a collective experience. I believe the first step towards change however, is awareness. It is my goal to accomplish just that task with this document, to heighten the awareness of deaf offenders and their needs within the criminal justice system as a whole, and the Correctional Service of Canada in particular. Further to that, it is my goal to encourage increased sensitivity and cultural awareness of this small though significant cultural minority of our adult offender population. I would suggest that the

criminal justice system and the Correctional Service of Canada engage in a comprehensive investigation into the needs of the deaf offender, and thereby establish the most appropriate ways to address the criminogenic factors and facilitate the reintegration process of this population.

Chapter 8

Conclusions

“To accept the culture of the Deaf people as valid is to expand and enrich our understanding of human creativity and courage in the context of social adversity.”

M.J Bienvenu and B. Colonomous (1988).

In my opinion, these words noted above, and those made at Gallaudet University after the election of the first Deaf President in the University’s 125 year history, most accurately represents the concerns experienced by all respondents interviewed for this study;

“The biggest obstacle facing people with physical impairments are peoples’ prejudices about disability”.

This thesis was designed to explore the nature of the barriers experienced by the deaf adult offender within three key components of the Canadian criminal justice system; upon arrest or involvement with the police authorities, in the courtroom, and during incarceration. What became apparent as a result of the interviews in this study, is that the adult d/Deaf offenders interviewed have or had experienced numerous attitudinal and environmental barriers resulting from what they believe is their inability to hear and communicate in spoken or written English.

The respondents felt they were being treated unfairly within the separate components of the criminal justice system. In particular, they felt that the staff in the

three selected components of the criminal justice system were ignorant of their bilingual and bicultural communication needs, and that they were prevented from receiving equal access to the necessary rehabilitative, educational or work placements, particularly within the confines of the correctional institutions because of their communication disability. They felt that the end result was that they were prevented from participating in the necessary risk reduction or personal development programs, and hence, they were not being encouraged in their reintegration into society.

The Correctional Service of Canada established a Mission document to “give clear direction to all those who work within the Service in carrying out their responsibilities”. This document contains a Mission Statement, Core Values, Guiding Principles, and Strategic Objectives.

The Mission of the Service is based on the principle that society is best protected when offenders are assisted to address their criminogenic factors and reintegrate into society. It is also based on the principle that offenders retain all their rights as citizens except for those that are removed or restricted as a consequence of their incarceration. (Mission Document 1997).

There are several individual components of this Mission document that are of particular relevance to this thesis:

Core Value 1: “We respect the dignity of individuals, the rights of all members of society, and the potential for human growth and development.”

Guiding Principle: “We will accommodate, within the boundaries of the law, the cultural and religious needs of individuals and minority groups, provided the rights of others are not impinged upon.”

Strategic Objective 1.7: “To respect the social, cultural and religious differences of individual offenders.”

Strategic Objective 2.3: “To provide programs to assist offenders in meeting the individual needs, in order to enhance their potential for reintegration as law-abiding citizens”.

This exploratory research has lead me to conclude that that the criminal justice system as a whole, particularly the Correctional Service of Canada needs to investigate their policies as they relate to the assessment and treatment of deaf offenders within, as a minimum, the three levels of the criminal justice system studied.

It further appears that a complete and comprehensive assessment needs to be conducted on the communication, program and learning needs of the deaf offender. This information could be compiled and shared with the various levels of the justice system. In particular, the CSC could assess their policies as it relates to the provision of services to this population. I also believe that the Correctional Service of Canada should investigate their staff cultural awareness and sensitivity training policies. I believe it would be appropriate to formulate a more comprehensive and culturally sensitive staff training module designed to ensure staff gain a better understanding of the behavioral indicators of deafness, and the implications of a communication disability on rehabilitation.

It was never my goal to become yet another hearing “expert” on the needs of the deaf/Deaf offender. The fact is that I am an outsider in the Deaf world and will never attain “insider” status, if for no other reason than I am hearing. I see my role in conducting this research and repeating its’ findings as being no more than that of a verbal reporter of the signed comments of the deaf respondent. Wherever possible I have used the exact words or thoughts as conveyed through the voice interpreters. The intensity, vigor and repetition of the comments were also recorded as carefully as possible to be as accurate as possible within a interpreted language.

It has been my experience that the CSC is committed to not only hearing, but truly listening to staffs’ concerns regarding various aspects of the service. A recent example of this is the response I received from my own installation, the Manitoba Northwest Ontario District Parole Office. I had suggested that the Winnipeg Parole office lacked the fundamental telephone communication device necessary for telephone communication a deaf offender, a TTY. I received an immediate response to my concern, and was given permission to purchase a telephone TTY effective immediately. I was also given approval to attend a one week ASL Intensive Immersion course in the city of Winnipeg to improve my own sign language fluency in anticipation of the release of one to three of the deaf offenders presently incarcerated in this area.

Although this thesis consistently revealed significant examples of the oppressive barriers experienced by this minority population in the correctional institutions, I believe the Correctional Service of Canada is committed to fulfilling their objectives and goals. I believe the publication of this report will highlight the need for a more formal comprehensive study to be conducted on both a Regional and National level into the needs of the deaf and other special needs offenders. I am also hopeful that it will encourage the CSC to investigate and institute a policy which ensures respect for cultural diversity, richness, tolerance within all staff of the CSC.

Chapter 9

Recommendations

Recommendations for Social Work practice

The following recommendations are being forwarded based on the conclusions I have reached as a result of this study. I have also included those suggestions as provided both by the respondents, and members of the Deaf community.

Recommendation # 1

The Correctional Service of Canada should conduct a comprehensive study across all its' federal institutions to assess the factors specific to the deaf offender. The study should assess the demographics of deaf offenders in each region, the nature of their personal communication and program needs, and the availability of appropriate and relevant program resources within the institutions.

Recommendation # 2

The CSC should re-assess the bureaucratic process associated with engaging sign language interpreter services within the federal institutions. The present process is defined by field staff as slow and cumbersome, and by deaf inmates as inadequate.

The CSC and all levels of the criminal justice system should explore the feasibility of formalizing a contract with local or regional interpretive services to

expedite the availability of interpretive services both for routine case management interviews and in the case of crisis management or emergency services.

Recommendation # 3

Case management and program staff need to develop a personal critical consciousness about their dealing with offenders who have special needs. We need to recognize and acknowledge our own personal and professional attitudes about dealing with this particular population. If we are unable to move beyond the disempowering stereotypical myths of deafness and disability, we can not be effective in our professional roles. To facilitate this personal assessment, I believe the CSC should provide a two part cultural sensitivity and awareness training package to all their staff in the areas of deafness and Deaf culture.

It was my experience that the staff at the federal correctional facility involved in this study became more conscious of the needs of the deaf offender after a deaf offender was incarcerated in that facility. It further appeared that (federal) institutional staff became more ready and willing to assess the available resources as needed. This suggests that the staff in general may become more willing to learn about deaf culture if exposed to their specific needs. It is possible staff would be interested in receiving training specific to the deaf offender if their needs were identified.

I believe the training package could be divided into two separate components. The first component of this training package could address the topics of Orientation to Deafness, Psychology of Deafness, Mental Health services, and the dynamics of a

visual-gestural language. This information could be incorporated into the general orientation training program for all new staff members of the CSC. A second, more comprehensive module could be provided to all case management, program, job placement and security staff as necessary prior to a deaf inmate being admitted to their particular institution. This module could be manipulated to fit the security needs of the institution, but ultimately provide more comprehensive information regarding the cultural, communication, treatment and learning needs of deaf offenders.

I, and the Deaf community members believe these training modules should be provided by d/Deaf members of the Deaf community. This would ensure cultural consistency and accuracy and provide exposure to the communication needs and culture of the deaf. A voice interpreter would need to be incorporated as a fundamental component of the awareness training.

Recommendation # 4

The CSC should develop a comprehensive, culturally sensitive, barrier free learning and rehabilitative environment for all deaf inmates. Personal development or treatment programs, particularly in the areas of chemical dependency, anger management, and sexual offender counseling, must be established as specific to the learning needs of the deaf inmate, as these are areas identified as criminogenic needs of the offenders involved with the CSC to date.

When designing interventions, it would be crucial to engage the services of professional or experienced deaf counselors or resource people to both develop and

deliver these programs. These facilitators could deliver the program material in the first language of the offender, signed communication, while using any other learning assistive device as suitable.

Recommendation # 5

The CSC Intake Assessment tool must be revised in a way to be culturally sensitive to the needs of the deaf offender. It must be more detailed and specific to identifying the communication needs and assistive communication devices necessary for the deaf offender to equalize the deaf offenders' period of incarceration. If this document cannot be altered, a policy must be established to ensure that sign language interpreters are compulsory for ALL components of the intake assessment process, if so requested.

One must not make the assumption that all deaf offenders require sign language interpretation for all or any of the case management interviews. A QUALIFIED sign language interpreter must, however, be made readily available for any and all deaf offenders requesting such. No formal or disciplinary interview should be allowed to occur without this communication assistant.

Recommendation # 6

Many persons with a communication disability have a need for adaptive or assistive technology. The CSC should explore the types of personal listening systems, and alerting or assistive devices available today and adopt a policy of barrier-free

design that requires that all institutions that incarcerate, or all installations that supervise deaf offenders incorporate these devices as necessary. This would serve to equalize the communication and living needs of the deaf offender in a culturally respectful manner and ultimately serve to facilitate the rehabilitative and reintegration process.

As a minimum, each institution or installation (Community Correctional Centre or parole office) should have equipment such as a fully functioning telephone and TTY machine, television with decoder, and alarming and/or alerting devices. These devices could provide the safety and security devices necessary, and serve to meet the deaf persons' social and information needs.

Recommendation # 7

In keeping with the Correctional Service of Canada's present policy of reintegration, a task force should be established to assess the community-based services available to deaf offenders upon their release into the community. This would allow the parole officers, community and institution, to jointly develop a transitional release plan for the deaf offender to facilitate their reintegration back into the deaf community as relevant. The community resources as related to literacy training, mental health services, vocational training resources, and general community cultural resources could be explored, and incorporated into the deaf inmates release plan as necessary.

Recommendations for Future Research

It has become evident as a result of this study, that further research needs to be conducted in many areas as related to the deaf offender.

Prevention, diversion and rehabilitation

I believe research should be conducted to explore the contributing factors to criminality in the deaf adult population. It appears from this exploratory study that substance abuse, poor coping skills, and inappropriate anger management skills may contribute to criminality in this population. It has also been identified that the lower educational level normally associated with the deaf adult population as a whole, interrupts their marketability with the work force. The connection if any between education level and criminality could also be explored. It is only through extensive comprehensive, and culturally sensitive research that the answers to some of these questions can be reached.

One of the resources studied during the literature review phase of this thesis suggested that maternal care may have a direct connection to higher depressive symptoms in deaf college students than in their non-deaf fellow students. This may be worthy of study on future generations of deaf adults. One could explore if there is any correlation between higher depressive states in deaf adults and criminal behavior.

This paper supports a paradigm shift in adult corrections from the clinical-pathological model of deafness to the cultural model of deafness where interaction between the hearing majority culture, and the minority deaf culture could be accepted quite simply as cross cultural interaction.

The members of the Deaf community do view themselves as outsiders in the hearing world. But, more importantly, they simultaneously view themselves as insiders in a deaf world. This identification with their minority community may in fact provide them the inner confidence to interact within the majority society.

If the Correctional Service of Canada and the criminal justice system as a whole were to adopt a cultural view of deafness it would require that staff alter their present perceptions and come to recognize deafness not by it's decibel loss, but rather by the attitudes, behaviors, and language that accompany the deafness. It would require that staff educate themselves on the cultural differences in communicational behavior and accept that culturally deaf people do not automatically wish to integrate into the hearing society, but instead may prefer, as Glickman states, "affirmation of their cultural distinctness" (p. 13).

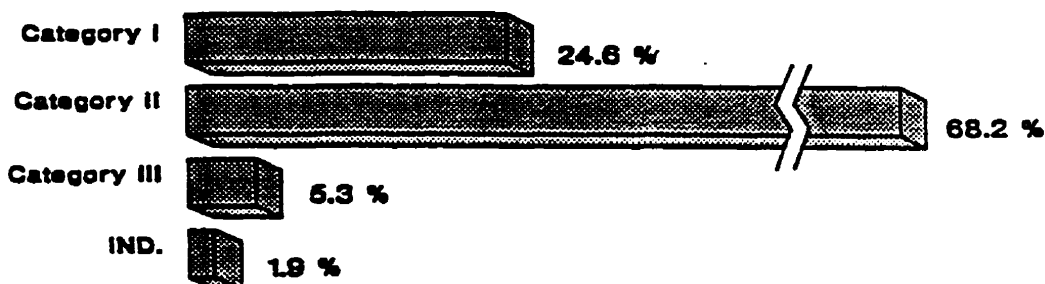
APPENDIX A, B, C, D

APPENDIX A**HALS Categories Defined**

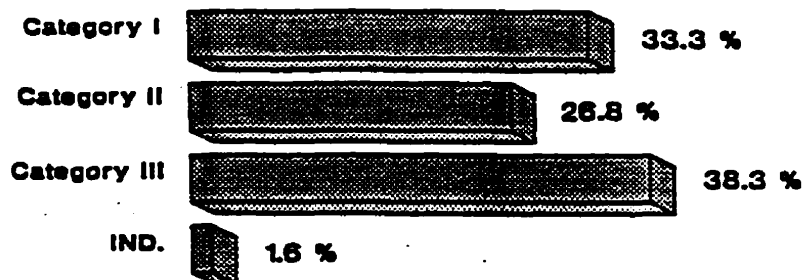
Figure 1 shows the three categories of impaired hearing. In households, Category II, the middle range of hearing difficulty, has the largest number of persons, with 587,065 (68.2%), while 211,930 (24.6%) are in Category I, and 45,575 (5.3%) are in Category III. The distribution of persons in the three categories differs markedly for those residing in households and those in institutions. The latter tend to have greater proportions of persons in the least and most severely impaired hearing categories.

Figure 1. Persons with Impaired Hearing Aged 15 and Over in Households and Institutions, by Degree of Hearing Impairment, Canada

Households



Institutions



Categories defined

- Category I - persons who say they have no difficulty hearing one person but have at least partial difficulty hearing in groups;
- Category II - persons who say they have partial difficulty hearing one person and have at least partial difficulty hearing in groups;
- Category III - those who are completely unable to hear in one-person conversations;
- IND - refers to those persons who have impaired hearing but whose degree of impairment cannot be determined because key answers to the four questions on HALS are missing.

APPENDIX B

Consent Form

CONSENT FORM

My name is Tracey Bone. I am a graduate student in the Faculty of Social Work at the University of Manitoba. I am conducting a study into the experiences of the Deaf offender who has been involved with the Criminal Justice System. Specifically, I am interested in meeting with those Deaf offenders who have either been arrested, through the courts and/or in jail.

The goal of this study is to gain a better understanding of the type of experiences the Deaf offender has within the system. If any problems are identified, or suggestions for change made, my second goal would be to make suggestions for change to encourage the Criminal Justice System to be more accommodating to the Deaf offender.

I will be conducting face to face interviews with the help of a qualified interpreter from the Independent Interpreter Referral Service. Your participation in this research is totally voluntary. If you participate, you would have the right to stop the interview at any time. You would also have the right to refuse to answer any question you chose.

Your name would not be used in the research. All attempts would be made to keep the information confidential, though this can not be guaranteed given the size of the Deaf community. Any information collected during the interviews will be destroyed at the end of this research project.

Your participation would be helpful and greatly appreciated.

I would be available to meet with you to answer any questions you may have about this research. I can be contacted at my own home after usual business hours. For your information I do have a TTY and am able to communicate in ASL myself as a result of taking sign language courses and having a Deaf brother.

Finally please note that if any information is shared during the interviews that suggest you or anyone else may be in danger, I am required to share it with my University supervisor.

I, _____, understand the above conditions of this study and agree to voluntarily participate in this study under the conditions noted above.

Signature _____

Date _____

RESEARCHER TRACEY BONE (NEE STEFURA)

PHONE: 895-3369

APPENDIX C

Introductory letter to Wardens

ATTENTION: WARDEN

FROM: TRACEY BONE
PAROLE OFFICER
WINNIPEG PAROLE

SUBJECT: RESEARCH PROJECT

My name is Tracey Bone. I am a parole officer with the Winnipeg parole office and also a graduate student in the Master of Social Work program at the University of Manitoba.

I am presently conducting an exploratory study into the type of experiences the DEAF OFFENDER has while incarcerated in a federal correctional institution.

I am asking for your assistance or the assistance of your staff in completing some preliminary demographic information on this target population for my research , and in identifying the steps that are taken in the respective institutions to meet the emotional, communication, social, and program needs of the offenders while incarcerated.

I would like to have a brief conversation with any Parole officer - community or institution, who has, or has had direct experience with a DEAF OFFENDER WHOSE NATIVE LANGUAGE IS SIGN LANGUAGE to share your experiences with this target population.

It is my belief that there may be several, if not many barriers facing the Deaf offender while incarcerated in our correctional facilities. If we are able to identify the nature of these barriers, then we (CSC) can work to eliminate them and facilitate an environment more conducive to their criminogenic and personal development needs.

If any further information is required, or if you would like to share your comments or responses to this research please contact me at my office 204-983-4306 or my teamlinks account "Tracey Bone".

Please note that I will be on Education Leave for the month of May 1998 to complete the final stage of my research. I would however appreciate any response to this request by May 15,98.

Please be advised that this research project and this request is approved by both Rob Tropak, A/District Director - Man. NW Ont. region, and RHQ - Prairies.

I truly appreciate any assistance you or your staff can provide me in this regard.

Thank you, Tracey Bone



APPENDIX D

Introductory Letter to Community

RESEARCH WITH DEAF PEOPLE WHO HAVE EXPERIENCE WITH LAW

Hi, my name is Tracey Bone (nee Stefura). I am a parole officer with the Winnipeg Parole office. I am also a student studying at the University of Manitoba.

I am doing a research paper on Deaf people who have been involved with the law - police, courts or jail.

I feel there are problems that Deaf people face when they are involved. Especially if their first language is ASL.

I want to meet the people who have been involved with the law - a little or alot. My goal is to get information about what kind of problems the Deaf people have when they are involved with the law - police, court or jail.

How can it change to make it better for Deaf people??

I would like to conduct a one or two hour face to face interview with you. I am a hearing person but will have an ASL interpreter during our interview when I ask you questions.

Your name will not be used in any part of my notes, or final report. It will be kept confidential/private. Only the information of your problem or experience will be used. I will destroy all my notes after the paper is completed.

If you have any questions or would like to meet with me, please call me at my home 895-3369 (voice/tty). If I'm not in please leave a message and I can call you back on my TTY.

Thank you,

**Tracey Bone (nee Stefura)
graduate student**

References

Abell, J., Sheehy, E. (1993). Criminal Law & Procedure. Cases, Context, Critique. Second Edition. Captus Press, North York, Ontario.

Access Ability The Newsletter of the Correctional Service of Canada's NACPD (National Advisory Committee for Persons with Disabilities). Vol. 1 - No.1. May 1997.

Barnhorst, S., Zetzl, J. (1990). The Law in Canada. Prentice-Hall Inc. Ontario.

Beazley, S., Moore, M. (1995). Deaf Children, Their Families and Professionals: Dismantling Barriers. David Fulton Publishers: Great Britain.

Bienvenu, M.J., Colonomous, B. Videotape series by sign Media, Inc.

#1 Rules of Social Interaction (1985)

#2 Values (1986)

#3 Language & Traditions (1987)

#4 Group Norms (1988)

Briscoe, J. A centralized approach to managing special needs offenders. Forum on Corrections Research. May 1994, Volume 6, Number 2:28-31.

Brown, P., Foster, S. (1991). Integrating Hearing and Deaf Students on a College Campus: Successes and Barriers as Perceived by Hearing Students. American Annals of Deafness: Vol. 136, No. 1. 21-27.

Calgary Cord. The membership newsletter of Deaf & Hard of Hearing Services. Supreme Court of Canada Rules in Support of Deaf People.

Carbin, C. (1996). Deaf Heritage in Canada: A Distinctive, Diverse , and Enduring Culture. Toronto, McGraw-Hill Ruyerson Limited.

Cohen, R. (1998). Vulnerability. abilities: Canada's Lifestyle magazine for People with Disabilities. Issue 34 Spring 1998:3.

Clark, M. (1991). When the Same is Different: A Comparison of the Information Processing Strategies of Deaf and Hearing People. American Annals of the Deaf. Oct. 1991. Vol. 136, No. 4: 349-353.

Coryell, J. , Holcomb, T., Scherer, M. (1992). Attitudes toward Deafness: A Collegiate Perspective. American Annals of the Deaf. July 1992. Vol. 137, No. 3: 299-302.

Dahl, M. (1995). Twice Imprisoned: Loss of Hearing, Loss of Power in Federal Prisoners in British Columbia. Dissertation for Ph.D. degree, University of British Columbia.

- Under-identification of hearing loss in the Canadian federal inmate population. Forum on Corrections Research. May 1994, Volume 6, Number 2: 18-21.

Davis, L. (1993). The Prisoners of Silence. The Nation. Vol. 257, Oct.-Dec. 1993:354-356.

Denmark, J.(1994). Deafness and Mental Health. Jessica Kingsley Publishers, London.

Dubow, S. et al. (1984). Legal Rights of Hearing-Impaired People. The National Centre for Law and the Deaf. Gallaudet College Press.

Eames, E. & T., Justice and Blindness. The Disability Rag and Resource. Nov./Dec. 1994: 12-44.

Gallaudet in the News, Special Protest Issue. March 6-13,1988.

Germaine, C. (1991). Human Behavior in the Social Environment, An Ecological View. New York: Columbia University Press.

Gibson, J.(1997). The Deaf Literacy Program at Red River Community College: A Survey. A Master Thesis Submitted to the Faculty of Education, University of Manitoba.

Glickman, N. (1983). A Cross-Cultural View of Counselling with Deaf Clients. Vol. 16 No.3 January 1983.

Henderson, D., Hendershott, A. ASL and the Family System. American Annals of the Deaf. Oct. 1991. Vol. 136, No. 4, 325-329.

Jackson, M., Ekstedt, J. Simon Fraser University 1988. "Alternatives to Incarceration/Sentencing Option Programs: What are the Alternatives?". Research reports of the Canadian Sentencing Commission, Research and Development Directorate: Policy, Programs and Research Branch.

Juristat, Canadian Centre for Justice Statistics. Adult Correctional Services in Canada: Highlights for 1994-95. Vol. 16 No. 7 June 1996.

Juristat, Canadian Centre for Justice Statistics. Sentencing in Adult Provincial Courts. A study of nine Canadian Jurisdictions: 1993-1994. Vol. 17 no. 1.

Kennedy, R. Elliot, G. The LACD Story: Los Angeles Club for the Deaf (videotape). Beyond Sound.

Kobernick, C. The legal context of accessibility issues. Forum on Corrections Research. May 1994, Volume 6, Number 2:39-41.

Kocur, R. (1998). What's In a Name? Critical word Choices. Abilities Canada's Lifestyle Magazine for People with Disabilities. Issue 34, spring 1998.

Lane, H.(1992). The Mask of Benevolence: Disabling the Deaf Community. Alfred A. Knope, Inc.:New York.

(1996).A Journey into the Deaf-World. San Diego California, DawnSignPress.

Letourneau, C. (undated). Attitudes Towards Deafness: Tolerance and Understanding. Canadian Cultural Society of the Deaf.

Lowell, M. The Law and the Deaf. U.S. Department of Health, Education, and Welfare. Vocational Rehabilitation Administration. Washington, D.C. 20201.

MacDougall, J. Literacy and Deafness: A challenge for the Millennium. National Adult Literacy Database Spring 1998.

Marschark, M. (1996). Psychological Development of Deaf Children. New York. Oxford University Press.

Mission of the Correctional Service of Canada Sept. 1997. Ministry of Supply and Services of Canada. Cat. No. JS 82-46/1997.

Moore, M. Levitan, L.(1992). For Hearing People Only. MSM Productions Ltd.

Motiuk, L. Raising awareness of persons with disabilities in Canadian federal corrections. Forum on Corrections Research. May 1994, Volume 6, Number 2:6-9.

New Rights for Inmates with Hearing Loss. Corrections Today: Vol. 57 No. 2. p

Nichols, B. Sensitizing Staff. The Disability Rag & Resource: Nov./Dec. 1994. 21-23.

Padden, C., Humphries, T. (1988). Deaf in America. Voices from a Culture. Harvard University Press, Cambridge Massachusetts.

Parker, G. (1983). An Introduction to Criminal Law. Second Edition. Methuen, Toronto.

Peffley, S. Terminology and Methods in the Education of the Deaf: Questions for the Experts. American Annals of the Deaf. Oct. 1991. Vol. 136, No. 5: 388-391.

Preston, P. (1994). Mother Father Deaf: Living between Sound and Silence. Harvard University Press. Cambridge Mass.

Riekehof, L. (1978). The Joy of Signing. The New Illustrated Guide for Mastering Sign Language and the Manual Alphabet. Springfield, Missouri: Gospel Publishing House.

Ruby, C. (1994). Sentencing, Fourth Edition. Butterworths Canada Ltd. Toronto.

Schaller, S. (1991). A Man without Words. Summit Books: New York.

Smith, C., Lentz, E., Mikos, K. (1988). Signing Naturally, Student Workbook. Level 1. Berkeley, C.A. DawnSignPress.

Statistics Canada. (1992). Canadians With Impaired Hearing. Special Topic Series, The Health and Activity Limitation Survey. Minister of Industry, Science and Technology: Ottawa. Catalogue number 82-615, Vol.5.

Strauss, A. & Corbin. J. (1990). Basics of Qualitative Research, Grounded Theory Procedures and Techniques. Sage Publications, Newbury Park, London.

Strong, C., Shaver, J. Modifying Attitudes Towards Persons with Hearing Impairments: A Comprehensive Review of the Research. American Annals of the Deaf. July 1991. Vol. 136, No. 3:252-259.

Stykes, J., Gee, T. Designing for offenders with disabilities: An Architectural Perspective. Forum on Corrections Research. May 1994. Volume 6, Number 2: 37-38.

Thurber, A. Understanding offender reintegration. Forum on Corrections Research. January 1998, Volume 10, Number 1:14-18.

Tidyman, E. (1974). Dummy. Boston, Little, Brown.

Tucker, B. Deaf Prison Inmates: Time to Be Heard. Loyola of Los Angeles Law Review. Vol. 22:1. Nov. 1988:1-71.

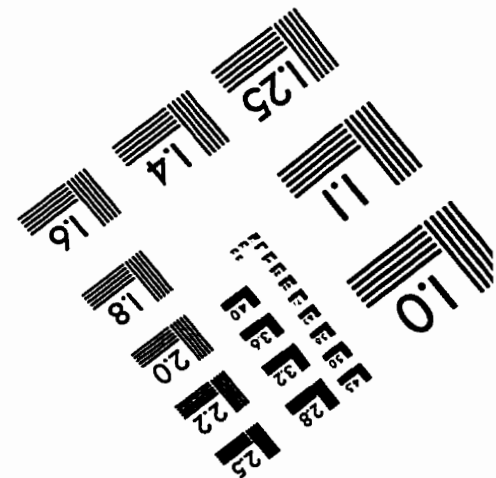
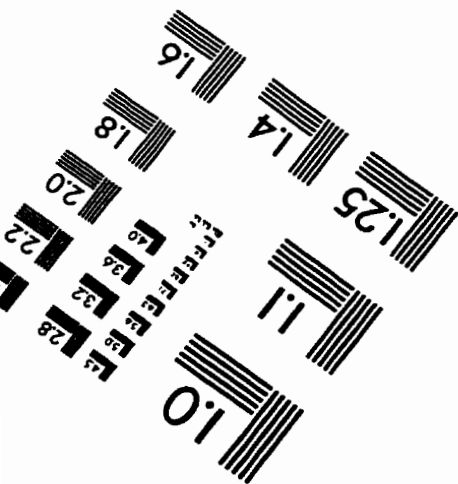
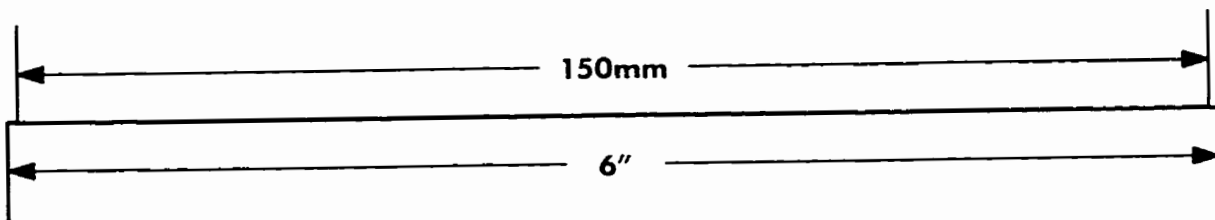
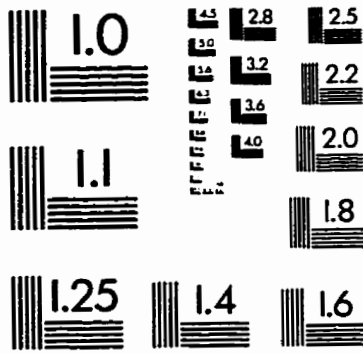
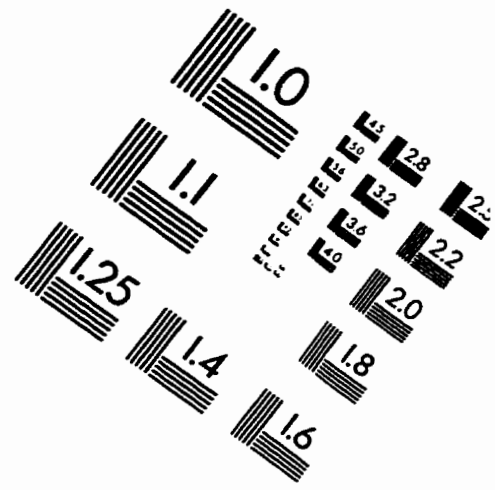
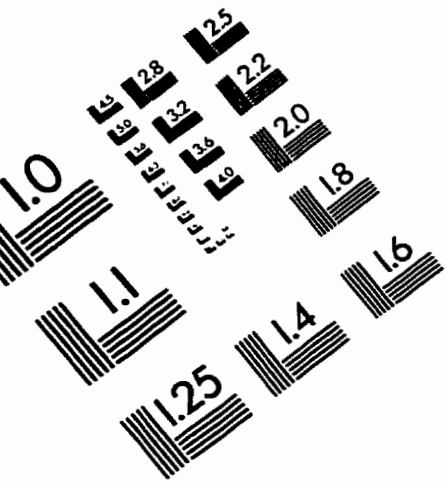
The Feel of Silence. Philadelphia, Temple University Press.

Tutty, M. Rothery, M. & Grinnell, R. (1996). Qualitative Research for Social Workers. Phases, Steps, & Tasks. Allyn and Bacon. Boston.

Vernon, M. New Rights for Inmates with Hearing Loss. Corrections Today. April 1995. Vol. 57, No.2.

Vlug, H. "The Charter of Rights and the Deaf in Prison". Submitted to Canadian Disability Rights Council, March 31, 1992.

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