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The Legal Experiences of the Deaf and Hard of Hearing Community

By

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A Capstone Project Submitted in Partial Fulfillment of the Requirements for the Degree of

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Deaf and Hard of Hearing Community**

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Literature Review

Introduction/Methodology

The criminal justice system serves in many different ways for people. Sometimes, groups of people are underserved by the criminal justice system and cannot achieve the goals being set up by the criminal justice system to be a watchful guardian who is swift, certain, and fair. The following project will look at the Deaf/Hard of Hearing Community (D/HH) and their experiences with the criminal justice system in a series of working papers including a literature review of studies, papers, and documentation of experiences within the system. There are several obstacles between the two communities that causes tension and unfairness for the D/HH community.

The four working papers along with the literature review will highlight the main obstacles and go into depth into the problems, subject understanding, studies, and potential solutions. The four working papers will be broken up into several parts covering the problematic relationship. Lack/Quality of Accessibility, Language or Linguistics Diversity, and The Comprehension of the Miranda Warnings and Their Legal Rights will be the working papers 1-3. The fourth working paper will be a study administered by the author, using a survey to ask college students at the Rochester Institute of Technology on their knowledge of their legal rights along with analysis. It will be broken down into knowledge by the Deaf students and the hearing students.

I was able to find 26 sources that were related to the experiences of the D/HH community in the criminal justice system. They were found through a search on two different databases. The

first search was using the Summons Database used on the Rochester Institute of Technology Library website. I used search words such as “deaf” “criminal justice system” “policing” “courts” “research studies” “language and linguistics” “miranda warnings” “accessibility”. I also used Google Scholar to search using the same keywords to see if I could get more search results. I found similar results with the same articles and authors.

Similarities/Differences/Themes

Working Paper 1- Lack of Accessibility and Quality of Accessibility

The theme for the first working paper is the accessibility portion for the criminal justice process. The concept of accessibility will be broken down into two separate critical aspects. The literature discussed the lack of accessibility with some papers discussing the quality of accessibility once granted which is a very interesting subject to look into. The quality of accessibility obviously needs to come after the successful attempt to provide a form of access to the D/HH community. Ten papers were used for the review that dealt with an element of accessibility. All of the authors were able to note or agree on the idea that the system needs to improve on accessibility for the D/HH members who encounter the criminal justice system. Most of them used the Americans with Disabilities Act to use as a reference to provide accessibility and pointed out it is the responsibility of the criminal justice system to provide accessibility. As we get further into the readings for the section, we start to see some difference within the papers and studies for the topic. Some of the readings dealt with different sections of the criminal justice system such as interactions with the police. (Shine, 2018; Ohene-Djan et al, 2010; Race and Hogue, 2018) Interactions with the courts. (Kermit et al, 2014; Bone, 1998) Interactions with the corrections. (Vernon, 2010; Kelly, 2017) Shine (2018), Couch (2017), and Kelly (2017) all dealt

with the quality of accessibility with the most interesting coming from Couch (2017) who focused on the impact of Licensing Laws for ASL interpreters of various states which have different standards of quality assessment of how good a interpreter must be. Another thing that appeared in the review of the literature is the exact split of the papers of being either domestic or international. The five that were international had studies in Canada, United Kingdom, England, Wales, and Norway. (Bone, 1998; Ohene-Djan et al, 2010; Olsen and Kermit, 2014; Kermit et al, 2011; Race and Hogue, 2018) The other five papers were domestic. (Shine, 2018; Vernon, 2010; Couch, 2017; Miller, 2001; Kelly, 2017) That provided an interesting comparison on how other countries have fared in terms of accessibility to their respective D/HH communities. The countries have not seemed to fare much better except Norway who has a slightly more positive experience. There were differences on what problem needs to be focused on such as increasing accessibility or increasing the quality of accessibility. Some articles proposed different solutions on how to improve accessibility such as educating CJ officials, requiring licensure for interpreters, and improving the overseeing of ADA laws among others.

Language/Linguistic Diversity

The concept of language and linguistic diversity is to see how the D/HH community will responds when needed to use their first and second language. A D/HH member will most likely be somewhat bilingual to know American Sign Language (ASL) and English although it will be varied to some degree. Some may have excellent English proficiency while others will have terrible proficiency in English. It all depends on how they grew up and what form of education they received. The working paper for this section will contain eight sources to discuss linguistic

differences and how it can impact the lives of D/HH individuals. All of them talks about linguistic differences but they differ in the settings of the criminal justice system. Some rely on professional knowledge and experiences found through research or interviews (Mitchell and Braham; Eckes, 2007; McAlister, 1994; Vernon and Greenberg, 1999) while others did a studies on groups of D/HH criminals to see their language proficiency. (Miller et al, 2005; Miller and Vernon, 2002) Most of the studies and papers have reached a similar conclusion that the average D/HH community member will have functionally illiterate English skills in reading, writing, speaking, and comprehension of English. It is in part of not being able to hear and be exposed to learning everyday English while learning ASL. ASL is its own language with different grammatical structure and it is a very visual language. Some articles mention education as a factor into why this could be. There are very different education levels within the D/HH community. Some were home-schooled and that could either hurt or boost their English skills. Most were in a Deaf Institution which are state run grade schools for the Deaf. Those schools are taught and primarily used ASL as their language in the school meaning English may not be a utmost priority. (Miller and Vernon, 2002) Some of the articles focused on the understanding of the linguistic differences and how it can impact their criminal justice proceedings. (Eckes, 2007; Miller and Vernon, 2002; Miller et al, 2005) This will tie in and lead us to the next working paper section of how it can impact their comprehension of their legal rights with a heavy focus on the understanding of the Miranda Warnings. Because of the similarities with the next section, there may be some overlap in the material.

Comprehension of Legal Rights/Miranda Warnings

The previous section on the linguistic differences will be expanded into this section to discuss the impact and why it poses dangers to the D/HH community. The sections is a mix of articles and studies done on the comprehension of rights. Some of the studies in this literature review utilized interviewing and collecting experiences on their due process (Gardner, 1985; Vernon et al, 2001; Vernon et al, 2000) while other did testing and analysis as part of their methodology. (Seaborn et al, 2010; Vernon et al, 1996; Romero, 2016; Miller, 2004; Miller and Vernon 2001) Three of the eight articles used for the section's literature review dealt with the main focus, the Miranda Warnings. (Seaborn et al, 2010; Vernon et al, 1996; Romero, 2016) All three of them were able to find that due to the linguistic differences and no proper accessibility, the average D/HH member is likely to fail at understanding their legal rights when being informed of their Miranda Warnings in English or ASL. It is due to different languages and improper use of accessibility. Also, most of the legal terminology does not translate well into ASL. Other studies were interviewing deaf suspects and asking on their experience throughout their legal process in term of comprehension. (Vernon et al, 2001; Vernon et al, 2000) Many of them stated they struggled or did not understand the legal proceedings. Other studies tested deaf prisoners on their IQ, linguistic skills, and their strength on ASL along with a hearing test. (Miller and Vernon, 2001; Seaborn et al, 2010; Vernon et al, 1996) Authors and the researchers used the data to analyze where correlations can be made on the likelihood of comprehension. All of the studies agreed on the impact on due process. The linguistic comprehension can taint their due process proceedings and harm them. Some of the studies state that it should be the court's' responsibility to modify the due process proceedings and adapt to the needs of the D/HH individual.

The fourth working paper will be my personal study being done on students at RIT. It will be comparing the knowledge of their legal rights between the D/HH students and hearing students. The survey will be polling their education level, their intended education level, and their hearing status. The purpose of this study is to see if the D/HH students have any differences in their legal rights by education level, communication style, family history, or hearing status. They will be asked to answer a set of true or false questions to determine their knowledge. Post-test analysis will be done to draw conclusions and correlations based on the answers received throughout the survey.

Conclusion

This literature review was designed to discuss the concepts and what the research has to state on them. The questions being asked do not have a large body of work behind it but they do have answers of some sort. The literature review is designed to preview what will come in the series of working papers proceeding. All of the working papers tie in to each other and bounce off each other. All of the working papers will be focusing on separate concepts while building off of each other to provide more perspective.

Working Paper 1

Introduction_

This is the first installment in a series of working papers chronicling the criminal justice system and the deaf and hard of hearing (D/HH) community. The paper will be focused on the accessibility being provided to the D/HH members. We will explore themes such as lack of accessibility, quality of accessibility, international versus domestic experiences, differences in stages within criminal justice, and how to improve accessibility. Ten of the twenty six sources found for the project will be utilized for this working paper.

Before we delve into the paper on lack and quality of accessibility, we must define what accessibility looks like to the Deaf and Hard of Hearing community. There are several different ways of accessibility and it is to each and their own for their preference of accessibility they desire. One of the most common forms of accessibility is an interpreter who is a person who is with the D/HH person and translates English into American Sign Language. Video Relay Service (VRS) is a technological form of interpreter. A person would call a VRS service and an interpreter would show up on a screen. It would act as a call where the person will talk to the interpreter through the headset and the interpreter will be on the screen translating. Other smaller forms of accessibility can be captioning where a real person will be scripting the conversation in real time and the captions will show up on a screen.

Lack of Accessibility

Several of the papers highlighted the difficulty of obtaining accessibility when D/HH members need to during their criminal justice proceedings. Different articles dealt with different stages of the criminal justice system such as policing, courts, and corrections. Common misconceptions about what accessibility should look like exist in the management of the D/HH person throughout the criminal justice system. Misconceptions include speechreading, using family members for translation, and the most common; the writing back and forth on paper. All of these “accessibility” tactics used by criminal justice officials do not work at all.

Speechreading is only effective at around ten percent. That translates into a message being delivered via speechreading will only be caught and understood at around ten percent on average. (Shine, 2018) If an officer were to say, “We are going to read you your Miranda Rights.”; only “We are” will be caught at best. That may decrease if the person is in fear, distressed, or exhausted. Speechreading is very ineffective.

Other tactics used are using other people and writing back and forth is also frowned upon. The problem with using other people for translation such as family members is they probably do not know the entire sign language and likely include home signs. They also would not be certified and cannot ensure quality of the messages being carried out. Writing back and forth with a D/HH person poses problems because English is likely to be not their first or primary language. The average reading and writing level is 4th grade or less according to a study done on a Deaf population. That included people who had college degrees. (Shine, 2018) That will cause problems for their due process rights as the critical information being conveyed is not accurately translated or effectively delivered.

The problem of ineffective techniques of translation listed above is usually apparent in the first step of the criminal justice proceedings; dealing with the police. That can have

implications for the due process rights of defendants. A survey was sent out to random police departments, law offices, and prisons nationwide. The results show that a overwhelming majority of them do not have guidelines nor departmental policies when they come into contact with a deaf person. There is no standard guidelines or best practices on how to do so (Shine, 2018). Police may hurt them before they are charged in a legal manner. Lacking appropriate accommodations, like interpreters, the initial interactions that deaf suspects have with the police may jeopardize their legal defense. The police may force a confession, waive their rights unknowingly or make other moves that can hurt their case. D/HH members may not possess an understanding of their legal rights due to ineffective communication. Not having an understanding can bungle their justice proceedings and may unnecessarily harm the defendant.

The Americans with Disabilities Act (ADA) is a landmark legislation passed in the United States to ensure that the disability community will have their rights protected on par with the other groups in America. The D/HH community seems to be one of the groups who have not gotten the full benefits of the ADA. The interpreter requests and appearances in the courtroom has gotten a small increase since the implementation of the ADA. (Miller, 2001) Miller argues it is not enough and based on her work, she estimates that more than half of the defendants are clueless about why they are in prison. They were attending courtroom dates without interpreters, did not have interpreters during the pretrial process with the police, and if they did have an interpreter, they were showing up 5-10 minutes before the trial which provides inadequate preparation for the trial. Miller notes that, although the awareness and the use of interpreters appear to be increasing, it is wildly inconsistent across regions of the United States. (Miller, 2001)

In the prison system, the experiences for the D/HH is now dangerous without the proper accessibility in the prison system. The prison system has rules and procedures for the prisoners to follow such as curfew, recreation, and many other rules. They will likely be posted or spoken by the guards. Without accessibility, how will the D/HH prisoners know what to do or what rules to follow? That can pose a dangerous scenario where they can be in trouble just because they are deaf. In the prison system, the D/HH community will be one of the most vulnerable groups prone to oppression and danger. (Vernon, 2010) Critical information flow is being cut. This will also cause problems for the prison staff because they will not be able to understand due to the needs not being communicated properly. The lack of accessibility problem also includes the lack of interpreters and Video Relay Services (VRS). The communication between D/HH inmates and prison staff is not the only one being affected. There are other relationships being affected such as the communication between the family, friends, support systems, and attorneys. This will inherently make it harder for the D/HH inmates to successfully advocate for themselves in the case if they did not receive a fair treatment during the proceedings. (Vernon. 2010)

Along with feeling isolated and hostile towards the prison system, deaf inmates are not able to reap the benefits the prison system can provide. (Kelly, 2017) The D/HH prisoners are prone to feeling lonely and isolated in the prison system. They have no access to communication with the prison population thus making them feeling they are left out. The isolation extends to the potential benefits the prisoners can receive as part of their journey of rehabilitation. The correctional system has several programs in place to help prisoners to get back on track to develop skills and understandings for them to use as they are released from prison. The skills that are learned are hoped to impact the prisoner's life to use after prison as they face the afterlife of incarceration. The programs can include educational programs, religious/faith-based services,

mental health services, and vocational training among others to help prisoners. Without accessibility, the D/HH prisoners are effectively denied access to those programs. They will not be able to take part in the programs and develop the skills they can use after prison because the correctional systems do not adapt to their needs. The expectation for the D/HH prisoners are the same as the rest of the general population; which is to learn from your mistakes and develop an understanding for your actions. The correctional system provides programs and activities to help achieve the goals and they cannot partake into improving themselves. (Kelly, 2017). The problems that have materialized in the policing and court stages continue here and potentially worsens here because of the inherent nature of isolationism in the correctional system.

Quality of Accessibility

Problems still linger with accessibility even when criminal justice officials are able to obtain it. The quality of accessibility needs to be top-notch due to the outcomes being faced in a criminal trial. This will be a major life decision and could be a matter between life and death. The D/HH defendant needs to have every resource and tool at their disposal for them to proceed within the trials to make informed decisions. The wrong move can negatively impact their life for a long period of time. The legal system is very complicated in its terminology and concept. The rights, the motions, the charges, and the consequences among others is already abstract. The English being translated into American Sign Language is tough due to the literacy levels and the understanding of English. Interpreting is a very critical part in the translation. It is one of the best ways for understanding but the quality is still left to be desired. Proper and competent interpreting does require more than the knowledge of ASL. They should be qualified to

determine what is the best course of communication for the D/HH suspects because of the different needs they have. In the United States, the quality of interpreting is measured by the attainment of specific certifications. The certifications for interpreting can range from being certified to interpret in courts, education, medical, and for state agencies. (Couch, 2017)

The certification is issued at the state level and the legal requirements at the state level varies wildly. Currently eleven states and the District of Columbia do not require any licensure for any standards of interpreting. That means an interpreter is free to work anywhere in the state and can impact many aspects of lives and they do not need to be evaluated by the state for quality. It is important to note that evaluation and licensure does not mean they are automatically insufficient but the ramifications is still very impactful regardless. A D/HH person who is diagnosed with cancer and needs to discuss treatment options or is in jail awaiting trial could will receive an interpreter without a license in those eleven states and D.C. Meanwhile another nine states do not require licensure for court interpreting. In total, that is twenty states and D.C. where D/HH defendants could possibly get unqualified interpreters to help them translate messages to them where they will make life-changing decisions. (Couch, 2017)

A study was done within interpreting licensure and if it had any positive impact when comparing states who require licensure and states who do not. Couch, 2017 comes to a conclusion after comparing experiences in Idaho, who does not require licensure to Maine where licensure is required for courts, education, medical, and state agencies. The law is written extremely well in Maine to support the D/HH community but more research is needed especially to look at the training. The conclusion states that liberty is lost and danger happens when there is no licensure required but the notion requires more research. (Couch, 2017)

The thesis was a student paper but seemed to be weak nevertheless. She drew her conclusion on looking what states requires issuance of licensure and compared a small amount of case studies from different states of issuance requirements and attributed the outcome to the requirements. Not much data was used except the outlining of states. The question being asked in the paper is important but the author did not demonstrate enough to provide a solid answer. Do state requirements for interpreting licenses affect the outcomes of the deaf community life situations? It is a very valid question and a scenario to be explored but due to the lack of data and a handful of case studies, there is more research to be desired on this question. More research and fleshing out of the plan to gather data needed to be done. Despite the weaknesses in the research, this paper is vital to begin asking the questions on how qualified should interpreters be in order to be on criminal justice trial proceedings and should the states be more accountable?

International Experiences of the D/HH

The other five papers for this working paper focused on the international efforts from various countries around the world. The countries named in these papers are England, Wales, Canada, Norway, and the United Kingdom as a whole. The purpose of this examination is to see how the United States compares to its available international counterparts and how can we use the findings to draw conclusions and make recommendations for improved accessibility.

Within the UK, eleven million people have hearing loss. (Race and Hogue, 2017) A study as a form of questionnaire was done within the United Kingdom to survey the police on their attitude and knowledge of their D/HH communities. In the UK, Police Crime Commissioners (equivalent to Police Chiefs in the U.S.) and their officers were surveyed along with participating

D/HH members. In the final analysis, 18 PCC, 75 police officers, and 15 D/HH members participated in their questionnaire. 11 percent of the D/HH respondents have stated they have had “good” interactions with the police. The study found that there was a positive correlation with attitudes improving towards the D/HH community with better awareness of their needs if they received training in D/HH culture and community framework. (Race and Hogue, 2017)

Another questionnaire was done in the UK to assess police officers with their knowledge of road safety with the D/HH. They asked officers on their knowledge and procedures on handling interactions with the D/HH community while promoting road safety. The conclusion being drawn from the study are that the police officers did not receive specific training on the D/HH. Additionally, they did not possess the materials necessary to be able to communicate effectively or have knowledge of resources in the region who could help them. The authors behind the study suggested more training, better knowledge of resources, and have support materials ready for them. (Ohene-Djan et al, 2010)

Norway is seen as an international leader in human rights especially disability rights in civil and criminal justice according to the World Justice Project (Olsen and Kermit, 2014) Two separate papers discussed the experiences of the D/HH community in Norway. Norway has the Public National Interpreter Service which is the government providing interpreters. (Kermit et al, 2011) Two studies were led by Patrick Kermit to see if the Norwegian government was able to claim success on protecting the D/HH community in Norway. Both of his studies were questionnaires targeting officials of the criminal justice system, D/HH defendants, and interpreters. The goals of the studies are quite different as one in 2010 was to aim on the experiences of the D/HH defendants in Norway while the other study in 2011 was to aim at the impact of interpreting has on criminal cases. In the first study by Kermit in 2010 asking about the

experiences mirrored similarly to the same problems in the United States albeit muted. The D/HH noticed the slight barriers to communication such as quality but they do not experience lack of accessibility. They also experience criminal justice officials not being aware on how to deal although they seem to be much better than the United States in terms of resources available to them and knowing how to use them. Overall, the experience in Norway seems to be better than the United States but can stand to improve more. (Olsen and Kermit, 2010)

The second questionnaire is focusing on the Public National Interpreter Service in Norway. They asked criminal justice officials, interpreters, and D/HH member on their view of the Interpreting Service. It has been established in the mid-1990s. (Kermit et al, 2011) It is a very professional and state run organization. Criminal justice officials are required to use this service if they come into contact with a D/HH person. The authors asked a variety of questions on the benefits and drawbacks of the organization. Some of the benefits of this organization is that they do not have a problem of lack of accessibility. A D/HH citizen in Norway will expect an interpreter at any interaction with the criminal justice system. They are also professional and receive training from the government. One of the biggest drawbacks found in the analysis is that the interpreters essentially work for the criminal justice agencies and their mandate is to “just interpret”. They would not be able to use their judgment to analyze the communication needs or the level of understanding the D/HH may have due to the professionalization and the “neutral” agenda they aim to work for. It turns out to be a double edged sword where the presence of accessibility will always be there but they are there to interpret and nothing more. That does not help the court with an understanding of their linguistic needs and understanding of the proceedings. (Kermit et al, 2011)

The final paper in the comparison between domestic and international D/HH and criminal justice experiences is the overview of D/HH in criminal justice in Canada. Bone, 1998 authored a interview study that talked to six D/HH respondents and was conducted in sign language for Canada. All six of them shared their stories about the criminal justice proceedings such as arrest process, courts, and incarceration. All of them experienced discrimination largely related to attitude, social, cultural, and language barriers. In the interviews, they would able to detect that the barriers seemed to be more often during the incarceration phase. The biggest barrier they experienced was the communication barriers in the form of lack of available qualified interpreters. The respondents offered their ideas for improvements at the end of the survey. Their suggestions included staff education and awareness of culture and the accessibility they need. (Bone,1998)

Conclusion/Recommendations

Throughout the review of the sources related to accessibility, there seems to be a common theme here. Accessibility is a common problem domestically and internationally for the D/HH community. The lack of accessibility seems to be attributed to the awareness of criminal justice actors. If the criminal justice actors are not aware of the cultural and linguistic needs of the D/HH defendant, then how would they know to adapt to them? If they know what they need such as an interpreter, then the problem persists as how or where to get one. The knowledge of resources in the region may not be readily available to the actors. The next barrier in accessibility; after getting an interpreter, the interpreter may not have the proper licensure or

skills to be able to work a criminal justice proceeding. There are multiple barriers for D/HH to jump through to get proper accessibility for their criminal trials.

There are several recommendations to be made after reviewing the literature for accessibility. First and foremost is to develop policies for agencies nationwide on what to do when they come into contact with a D/HH citizen. The policies should note how to interact and what resources to use in the region to use for accessibility. Provide some training on awareness of Deaf culture and language along with sensitivity training can help tremendously. Once accessibility is obtained, a proper check of credentials should be performed on the interpreters or VRS. State law should be written and require proper licensure for interpreters who wish to work in advanced fields of interpreting such as courts, medical, and education. After obtaining proper licensure, interpreters should go through training to determine what is the best communication method to adapt for D/HH individuals. They should develop skills on how to detect their understanding of language and provide expert analysis to criminal justice actors. All of these steps will level the playing field and they will no longer be discriminated. These methods will prepare them for trial and improve their understanding.

The United States should take a look at Norway and their standard for interpreting with their Public National Interpreter Service. This is something that could work within the United States although will probably be better off at the state level. The state level will benefit more as state governments will be able to adapt to their demographic needs within their state. The level of demand in New York will be different than the level of demand in Montana. The United States federal government can assist with the Public Interpreter Service by requiring licensure for education, health, and criminal justice fields. They can also use tax dollars or incentives for state to improve their accessibility for D/HH citizens in the states. Along with the benefit of having

interpreter readily available, criminal justice officials will now have opportunities to build relationships with the D/HH communities and increase their awareness of culture and language.

Working Paper 2

Introduction

_____ This is the second working paper in a series of working papers focusing on the Deaf and Hard of Hearing experiences with the criminal justice system. The first working paper focused on the availability and quality of accessibility being provided to D/HH members. At the end of the first working paper, the discussion of interpreters shifted into how expanded their role can be and how it can impact the proceedings. The interpreter's role in translating is to remain neutral within the facilitation but what happens when they possess the ability to be able expertly analyze the communication needs and skills of the D/HH? There is a wide range of preferences and differences within the D/HH community on communication and understanding. The levels of English proficiency vary widely. If the interpreters can go outside of their agenda within the profession and are able to help criminal justice officials on the level of understanding, what would the criminal justice officials gain from that? This working paper will discuss the differences in the linguistics of American Sign Language (ASL) and English and how that impacts the individual's level of understanding in the various stages of the criminal justice system when English is not their primary language.

Differences between ASL and English

_____ The Deaf community in the United States is a large community with estimates of at least 2 million D/HH individuals (Eckes, 2007). It is also a varied community in many aspects. The

cause of deafness, education level, preferred language, and understanding of linguistics are different across the community culturally and geographically. The spectrum of language in the community ranges from a mastery of English and American Sign Language to home sign and gestures (Eckes, 2007). The experiences of D/HH individuals vary. Some are exposed to assistive devices such as hearing aids or cochlear implants and they learn English in all forms but do not use sign. Others are not exposed to language or education early on so they are using sign but do not possess competency with English. Some are able to obtain education and possess competency in sign and English. There are different forms of sign languages commonly used in the United States. The most common is American Sign Language has its own unique grammar and vocabulary structure that is different from English. 75 percent of the D/HH community is estimated to use ASL. The other common form is Signed Exact English which is not an exact language but a form of signs used to code English. The signs are used to mimic the English vocabulary order (McAlister, 1994). A quick example to display the differences would look like this;

English: The sunset was beautiful yesterday. (Spoken)

SEE: The sunset was beautiful yesterday. (In Sign)

ASL: Yesterday sunset beautiful. (In Sign)

With the majority of the community using ASL as the preferred language, the English is considered a secondary language to the individual. There is variation of how much English skill an individual may possess but it is likely to be less proficient if they mastered ASL firsthand and use that for their primary language due to the environment they may find themselves in. As a deaf community as whole, the mastery of English and ASL is very rare as only 10 percent of D/HH individuals are able to attend college and successfully graduate. 30 percent of the

community are semilingual meaning they are functionally illiterate in sign and English.
(Andrews, 2011)

Impact of English Usage

_____ Being deaf impacts the ability to learn language and causes language deprivation for learning spoken languages thus relying on visual languages (Andrews, 2011). It does not mean they are deprived of intelligence if they cannot learn English but it does pose struggles for encountering an overwhelming dominant hearing English world. There are varying levels of how they fare when they do so. One of the toughest areas encountering English is the criminal justice system due to abstract concepts of laws, rights, and justice. There are several studies that test the linguistic diversity and how this can that impact their understanding of criminal justice themes.

The first study involved 99 participants that were classified as “violent offenders” in the state of Texas. The crimes used to classify them as violent offenders were convictions on violent felony crimes such as assault, robbery, rape, and homicide. Data and conclusions for the purpose of the working paper were pulled from studies that did not have the intended goal of studying linguistics. The original goal of the study in Texas was to compare the population groups of D/HH and hearing populations and see what is the difference in committing violent crimes and why in hopes to predict future behavior (Miller et al, 2005) The authors devoted a section of their study and paper on language and the impact it could have on their constitutionality which is critical to my research in this working paper. Through interview questions and looking at medical records, they were able to determine the language usage among most of the prisoners. 94 out of a possible 99 were categorized with a language use and 84 out of the 94 used a form of

sign language in the form of ASL, Pidgin Sign English (PSE; a form where mixes ASL and SEE; see above), and Mexican Sign Language (LSM), while the remaining 10 used spoken English or Spanish. 20.2 percent of the 84 individuals who used sign language has Minimal Language Skills (MLS). MLS individuals were categorized as linguistically incompetent to stand trial. At least 1/5th of the deaf population in this study were classified linguistically incompetent and probably had their constitutional rights violated within their cases. Despite these language deficits, it is important to note that that the average IQ of Deaf population was higher at 93.4 compared to the hearing population of 91.0 (Miller et al, 2005)

Another study was done in Texas asking interpreters on how often they encounter D/HH clients who seem to not understand their criminal justice proceedings or seem to have MLS. In the state of Texas, interpreters are required to have a certification to work legal cases and must be a IV or a V level classification which is a very advanced certification. The study was done in a survey manner, questioning 46 professional sign language interpreters with the proper certification. 40 out of the 46 stated that they work with clients that seem to have MLS with 28 reported they do frequently or “most of the time” while 12 reported occasionally. Out of the 6 remaining, 3 said rarely and 3 did not respond. The interpreters who responded they work with clients with MLS frequently states they notice a common behavior such as inappropriate responses, difficulty with concepts, lack of response, or conforming behavior (saying yes to everything). The interpreters also stated they were concerned with criminal justice officials not understanding the concept of linguistic differences and the constitutionality of the D/HH suspects but their attempts to education proved fruitless or not partisan to their profession. (Miller and Vernon, 2002)

In a review of literature of correlations between Deaf and Violence, Vernon and Greenberg were able to discuss communication issues when interviewing deaf murderers. 28 deaf murderers were interviewed. One of them was able to speak, less than half were fluent in sign, and all expressed frustration in finding effective ways to communicate with interpreters and criminal justice officials. All of the communication issues could have impacted their cases because of the linguistics differences and lack of understanding of incompetency. However, intelligence was not an issue within the prisoners. The mean IQ of the group of deaf murders was 99.8 which was similar to the other study done by Miller et al, 2005 where IQ was average. (Vernon and Greenberg, 1999).

Psychologists have come up with a phenomenon termed “Primitive Personality Disorder” (PPD) that seems to be apparent within the D/HH community. It describes an individual who is incompetent or minimally competent when trying to understand the legal process. It means they have an IQ of 70 or higher but have poor reading levels, little education, and poor understanding of language. It is estimated that 20-30 percent of the D/HH community fit the criteria for this condition and are at most risk for injustice within their legal process (Vernon and Miller, 2005). This ties into the understanding of linguistic differences and can help explain why it is hard for a D/HH suspect to understand the legal process.

Understanding Why

_____Linguistic differences can impact cases and constitutional rights. If a deaf suspect does not understand his rights and feel intimidated, they may nod (which is a vital body language component in Deaf culture) and agree to things because they think it is easier to. That can easily

turn dangerous as they are asked about their Miranda Rights, accusations, and details of cases that can come back and harm them in a court of law. Furthermore, without understanding English, they aren't able to protect the rights they are granted. They can be incriminating themselves if they aren't understanding their rights or receiving adequate resources and accessibility to help them understand. (McAlister, 1994)

The problems can continue long after police and courts into the correctional stage. Prisoners are expected to follow rules and procedures with good behavior in prison. The prison system is heavily auditory based with PA systems, drills, and alarms among others. Without accessibility or visual guidance, it is already tough for a deaf prisoner to be comfortable in there. Coupled with the requirement of reading the Inmate Handbook which is a book for inmates to understand policies, procedures, and drills. A deaf prisoner with poor English literacy will struggle to understand the handbook that is based on auditory and English proficiency. Without accessibility, translation, or adaptation to language; the deaf prisoners are being set up to fail miserably within the prison system. (Andrews, 2011)

_____ There are several working theories to why the D/HH community are likely unable to master English even at a reading and writing comprehension level. 90 percent of deaf children come from hearing families (Andrews, 2011). Hearing families that do not to know sign language immediately will cause the child to be exposed to sign language at different points in their lives. It will affect their language acquisition and delay the forming of a language base. Coupled with the lack of exposure to English due to deafness, they are missing out on language at a very early age where it is a critical component of early learning of language. They are experiencing language deprivation. (Andrews, 2011)

Educational opportunities are also greatly decreased for the deaf children. They may never afford to form a language base and may take years before they can get exposure to language. That can mean they may not be literate in any language spoken or signed (Eckes, 2007). With the decreased opportunities in education, they also miss out on the social learning concepts which isolates them and further decreases chances for developing language and personality (McAlister, 1994). If the child is fortunate enough to have a family member who can teach sign or enroll them into an institution where they are able to accommodate in some way, the English usage may improve but not to the standards within the hearing community. If the deaf child goes to a deaf institution, their language in the school will be ASL and all of the subjects will be taught in ASL. If the child is enrolled into a mainstream school, the English exposure will be greatly increased and will likely force the child to continue to develop the language skills in either English or Sign and English. Only 10 percent of the D/HH community are able to attend college successfully. It is likely that the D/HH who encounter the legal system are who those aren't able to attend college meaning their success with language is likely to be low.

Conclusion/Recommendations

_____ASL and English are two completely different languages with different vocabulary and grammar structures. ASL is the dominant language of the American D/HH community with other forms of sign such as SEE and PSE accounting for the rest of signed languages. Different languages and linguistics makes it harder for D/HH individuals to be able to cooperate with the criminal justice system effectively especially with the abstract concepts the legal system is based

upon. With an overwhelming majority of the community not getting the proper education or opportunity to learn language and skills to protect themselves, they are vulnerable to injustice. It is not a matter or question of IQ or intelligence incompetency but rather the gaps in comprehension of language and linguistics that the languages of ASL and English are not being filled in. All of the issues stem from lack of education, lack of understanding, lack of accessibility, and lack of analysis.

Some of the recommendations made by articles are early intervention and proper analysis by experts and criminal justice officials. There must be education of families and support systems to recognize a deaf child to initiate early intervention to help foster educational opportunities for the child to learn the native language of ASL and to develop English as a secondary language. Bilingualism is critical to opening opportunities such as education, safety, and understanding of societal expectations. Courts needs to do more to analyze the communication and comprehension needs of the individuals. They are not the same so must be done on a case by case basis. They should utilize interpreters and Deaf language experts to determine the comprehension level and be prepared to counsel the individual to raise the understanding to stand trial. They can do so by determining what kind of accessibility the person needs and ensuring the certification of interpreters. They should use examinations to understand the level of proficiency within the person so they can adapt if necessary (McAlister, 1994). They should appoint counsel who is familiar with D/HH suspects to smooth out the legal proceedings.

Police can help protect constitutional rights by asking individuals if they are deaf and ask what is their communication preference. After determining the communication preference and what form of accessibility is needed, the police should do a comprehension test of the D/HH member either with an interpreter if possible or their own questioning. Continue with the

interactions using videotape and let the staff know that the person is deaf (McAlister, 1994). Use experts and resources if possible to help both sides of the case to ensure fair treatment.

Another solution is to consider D/HH suspects with poor literacy in English incompetent for trial. Eckes, 2007 makes the argument by aligning the problems deaf defendants face with the guidelines for incompetence. There are 9 guidelines set for incompetency by the Louisiana Supreme Court in the case *State v. Smith*. The guidelines talk about the comprehension of the legal proceedings such as understanding their defense, guilty pleas, consequences, legal rights, verdicts, testimonies, and strategies. Comprehension in all of those concepts will be low if they aren't able to understand the legal proceedings because of translation and linguistic issues. If deaf defendants are not tested for comprehension and not provided translation, the courts would not be able to adapt to their needs and will trample on their constitutional rights. Further testing and taking extra steps will be needed to determine the proper legal proceedings to use for the defendants. Education to raise their comprehension and finding alternative sanctions is best for linguistically deprived defendants to ensure their rights are equal and protected. (Eckes, 2007)

Working Paper 3

Introduction

_____The previous working paper focused on the linguistic differences in the Deaf community and why that could be. The paper discussed the American Sign Language and English differences and the developmental process behind language acquisition. The differences can impact the everyday aspect of lives but can pose serious life changing consequences when it is a deciding factor such as the criminal justice system. Comprehension and understanding is key to being able to have the resources and skills to defend yourself and make the best choices that will impact your life long term. The following paper will discuss the ramifications of the linguistic differences and promote a continuance of the discussion started in the previous working paper. The discussion will also include studies done on the comprehension of the Miranda Warnings, on general comprehension of legal rights, prisoners, and case studies that display the possible consequences of incomplete comprehension of English or our legal system.

Miranda Warnings

This working paper will rely on three studies that have examined the comprehension of the Miranda Warnings and the impact this has. The Miranda Warnings are a mandated set of rights that needs to be informed to anyone who is in custody and being questioned by the police. Usually, they are informed in a verbal manner by the police officers. Obviously, to the D/HH member, the verbal saying will not be effective and even translated, it still may not be effective

rendering them defenseless. The Miranda Warnings is the first step in the legal process and very vital to the conclusion of a legal proceeding.

Seaborn and colleagues administered a test called the Miranda Warning and Waiver ASL which is a bilingual test for deaf adults. They had three groups of participants that totaled 34 with varying levels of bilingual proficiency, IQ, and years of sign language. The participants were to read the Miranda Warnings in English and view the warning on video in translation by a court certified interpreter. When completed, they had to retell the Warnings in ASL and it would be translated by the researchers and used a point scale to score how well it was done. The study yielded correlations showing that the age, IQ, reading level and years using sign to be positively related to retelling score. The study also revealed that if any D/HH member read at a 8th grade level or below, they are considered linguistically incompetent to understand Miranda Warning regardless of translation (Seaborn et al, 2010).

Vernon, Raifman, and Greenberg published a report on the Miranda Warnings and the Deaf Suspect highlighting key concerns in the information flow between police and a deaf suspect. An alarmingly high number of deaf people (60%) likely do not read well enough to comprehend the Miranda Warnings (Vernon et al, 1996) Along with the comprehension problems, there are apparent problems in translating the words as there are no signs for many terms used in the contexts of academic, legal, and scientific concepts contained in the Miranda Warnings. It would have to be fingerspelled and that will be too complicated for those who are linguistically incompetent because the words and meanings are complex. The authors noted that the Police Executive Research Forum, which is one of the biggest advocacy organizations for police departments, recommended that Miranda Warnings should not be given out unless it has been established that the deaf person has a reading level at 8th grade or above and possess the

skills to understand the Miranda Warnings. The authors recommended testing, evaluations, certifications of interpreters, and education of the police officers and deaf suspects necessary to help raise the comprehension of the Miranda Warnings. (Vernon et al, 1996)

The final study into the comprehension of the Miranda Warnings is the most recent one. This proved to be an interesting and different one from the other studies. This study by Romero (2016) targeted specifically at deaf students at Gallaudet University in Washington D.C. The population is different from others because of the unique and the advantageous position they are in. 90 percent of the deaf community do not have the opportunity or resources to attend college. Most of the population is at a disadvantage and in a precarious position. The study had 39 participants and were separated in their demographic groups and handed a Miranda Quiz which is 25 questions in true/false format. The researcher calculated Miranda Quiz scores and compared them between deaf college and hearing students. The hearing population used to compare was pulled from a study done by Roger et al, 2010 where they used the same Miranda Quiz on hearing people. They had 119 college students from University of North Texas taking the quiz. Deaf students performed similar in the Right to Silence and Continuing Legal Rights. The Deaf group performed significantly worse in Risk of Talking, Right to Counsel, Free Legal Services, Miranda Misperceptions, and Police Practices. The variables of reading comprehension, reading fluency, English vocabulary, English verbal reasoning, and Miranda vocabulary were used as predictive factors on the success rate of Miranda Comprehension. It seems like the more successful participants came from diverse language and communication backgrounds. Early exposure to ASL or another language helped. Deaf participants with deaf parents had good scores along with deaf students who communicated orally more than sign language with hearing parents. It seems exposure to language and successful lines of

communication with family were good predictors. The study showed that if educated students were unable to perform on the same level as their hearing counterpart, then what hope is there for the rest of the general deaf population who are on average less educated (Romero, 2016).

Studies on Due Process Rights

_____The entire deaf prison population in Texas was used for a study on the comprehension of due process rights. 97 deaf Texas state prisoners was the total number of participants. The average IQ was within range for typical state prisoners (85-115). All of them except one had severe to profound hearing loss with 82.4 percent using sign language as the preferred language while the rest preferred English or English with sign language simultaneously. The study tested on IQ, literacy level, bilingualism skills, and comprehension of language. Almost half of the participants (48%) were monolingual which is only sign language such as ASL or Mexican Sign Language (LSM). All of them were not able to read or write above the 4th grade English level and were functionally illiterate. 15% were ASL dominant bilingual and they varied on the English levels. Only 33% were able to read and write above the 6th grade reading level which satisfies the requirement for the Miranda Warnings. It is important to note that in the article, it is stated reading level of 6.0 is minimum for comprehension of Miranda and some courtroom documents. Seaborn and Police Executive Research Forum recommended a reading level of 8th grade or above. There is no universal standard but important to note that there are different standards being used to establish a baseline for reading comprehension in different studies. 9% were English dominant bilingual and they fared better since they used English as their preferred language and all of them vary on the levels of sign language. 5 of them were able to read above

the 6th grade reading level. 8 out of the 97 were deaf but only knew one language in English or Spanish but no sign language. They were functionally illiterate since they were deaf but only knew English or Spanish. The final 18 of the study were semilingual meaning they were not proficient in English or Sign Language. All of them are intellectually impaired and linguistically incompetent. 81 percent reported that they had sign language translation or accommodations services in court while the rest did not. However, the placement of accessibility may have been ill-timed such as only having an interpreter for the sentencing phase. The results found that the ASL dominant bilingual and the balanced bilinguals will have the least difficulty with due process. The rest of the groups were at high risk for due process mistakes. It was estimated that as high as 50 percent of the participants did not received their due process rights and were not accommodated. (Miller , 2004)

Another study on prisoners with comprehension issues used data on 28 deaf prisoners who had been convicted or charged with murder. The purpose of the study was to study the issues that may have come up during the trial. A significant majority of them had very limited communication skills in both American Sign Language and English. The linguistic abilities were so severe that they lacked the ability to understand the charges against them nor would they be in any capacity to participate in their own defense against the charges. The results were found by an evaluation set up by the researchers. The evaluation of the prisoners were done by a certified psychologist who specialized in the deaf and enlisted in a psychiatrist as well. They tested on their ASL, IQ, and assessment of their knowledge on legal terminology and the legal process. The evaluations and the study showed that the majority of the prisoners were not able to understand and may have contributed to the outcome of their legal proceedings. They were

deemed linguistically incompetent and not able to understand the legal rights they were entitled to. (Vernon et al, 2000)

Implications/Solutions

_____The due process becomes problematic for the D/HH community when there are no efforts to assess the comprehension of their legal rights and provide appropriate accommodation.

Reading over the studies and literature, it seems that more often than not, deaf defendants do not receive the full protection of the constitutional due process rights that are guaranteed under law. The difficulty in comprehending the legal proceedings and the courts not providing resources to help raise the level of comprehension has led to a disparity and injustice in the rulings of deaf defendants (Miller and Vernon, 2001).

Without the ability to understand their rights they possess, the concept of justice is already unfair to them. In the past working papers, it has been stated that the courts and criminal justice officials are not likely to be able to understand or know the deficits that are in place against the D/HH members when encountering the criminal justice system. The differences in communication styles can make it difficult for criminal justice officials to evaluate along with the evaluation of comprehension skills. The rights that are in place to protect is now nonexistent because defendants need to be able to understand why they are in trouble and actively participate in their defense. If they have a low reading level and not able to comprehend the rights set forth for them, there is no process for them to participate in their own defense. Furthermore, low English skills combined with the advanced terminology in the legal system do not have their own individual sign attached to them makes the process tougher. The right to not self-incriminate will be hard to translate and will require more than simple translation such as education to explain

what it entails to as part of your rights. It also could prove costly as trials can be extended and become complicated when called into question about understanding of rights if courts fail to help the defendants with rights. The rights are protected by the exclusionary rule and that could apply when the rights are not adequately communicated which means they are not understood by the defendants. Prosecution can have a difficult time with cases if they are not careful with the flow of information and ensuring it is being understood (Gardner, 1985).

In a report on the pretrial interviewing of deaf suspects and the common practices around the United States, Vernon and colleagues detail the problems that can happen in the process such as not providing an interpreter, not evaluating the suspect properly, and so on. In the report, there is a section on comparable models from other countries and what police agencies in the United States can learn from them to improve the current practices. The model in question is from the United Kingdom and they have five points of criteria that must be met in order to proceed with interviewing. There must be an evaluation of accessibility in order to determine the method of communication. When the accessibility has been established and deemed adequate then experts should be brought in to determine if the defendant meets the five criteria; Ability to understand charge and enter plea, understand court proceedings, challenge jurors, understand evidence, and capacity to instruct lawyers. The criteria should be done in ASL with the understanding of linguistics involved. If they cannot be met, alternative sanctions or trial proceedings should be considered (Vernon et al, 2001)

Conclusion

_____ Even if the criminal justice officials are able to get the proper accessibility, there are potential roadblocks ahead such as comprehension of legal rights and the linguistic differences come in to consideration. A simple translation may not work and may require a multi-prong approach to enhance the understanding to deem them fit for trial and doing so, will be protecting their rights guaranteed by constitutional law. It is important to understand the context of why reading and comprehension levels may be so much lower compared to hearing counterparts and use the context to gain an understanding that can be used to educate criminal justice officials and courts about the difficulties they face. The rights are there to protect and provide a system of support to the people. It is effectively taken away when the courts cannot accommodate and the D/HH members aren't in a position to be able to defend themselves.

Working Paper 4

Introduction

_____The capstone project required for graduation is studying the experiences of the Deaf and Hard of Hearing (D/HH) within the criminal justice system. The legal proceedings are difficult for the D/HH members for a variety of reasons such as lack of accessibility to the D/HH community such as interpreting services, adaptive technology and other possible accommodations. Another difficult aspect is the lack of awareness in criminal justice officials and the D/HH members about linguistics differences, cultural aspects, and how to accommodate the D/HH community when needed. The literature review behind the project looks at the accessibility portion and how the absence and quality of accessibility impacts the chance of success within the criminal justice system. The other sections of the literature review looked at the linguistic differences and how can the language differences between American Sign Language and English can impact the comprehension of legal terminology and the rights of individuals. After the review, a test in a form of a survey to see findings can be replicated to the findings found in the literature review.

Survey and Methodology

_____The survey being put out for the completion of the capstone project is aimed at college students at the Rochester Institute of Technology (RIT) and the National Institute of Technology (NTID). The survey consists of nineteen questions with ten questions aiming to determine knowledge of legal rights while the other nine are demographic questions used to make

comparisons and test hypotheses. The purpose of this survey was to measure respondent's knowledge of their legal rights within the criminal justice system specifically for the D/HH students. One goal was to compare their knowledge of their legal rights and whether factors such as hearing status and educational level affect it. The comparison group is their hearing counterparts. All ten questions are in a true or false format. The following questions are featured below and the answers are displayed in bold after the questions:

1. If you are pulled over by the police, you have the right to ask for an interpreter **True**
2. "You have the right to remain silent" means that your silence can be used against you
False
3. Your Miranda Warnings are read to you prior to an interrogation or questioning **True**
4. If you cannot get or afford a lawyer, the government will provide you one **True**
5. The police always know what to do when interacting with a deaf person **False**
6. If you are innocent, the Miranda Warnings do not apply to you **False**
7. If you sign a Miranda Waiver, you can use your rights at a later time **True**
8. Staying silent can legally be used as evidence **False**
9. Deaf suspects has the legal right to have their statements translated into Sign Language
True
10. RIT Public Safety has the same legal authority as sworn police officers **False**

The other nine demographic questions measuring the characteristics of students are the usual standard you see in survey such as age, education level, ethnicity, and gender. Hearing status questions has been added as that is the first comparison to be made in analysis. A question on family hearing status such as parent's to see if being deaf with hearing parents were different than being deaf with deaf parents as the experiences between the two situations are very different

was added. The demographic questions will be used for the researchers to break down variables and compare.

The student researcher and the two professors worked on the survey and adopted a dissertation paper, *Deaf University Students' Knowledge of The Miranda Warnings* by Elizabeth Maria Gloria Romero and her survey description as part of our foundation for the survey. Her paper asked students from a Deaf university, Gallaudet University in Washington D.C. about their knowledge of their Miranda Warnings. That survey was reformatted our survey to ask about legal knowledge but not necessarily about Miranda Warnings. The design also explicitly focused on the comparison and target populations which would be NTID and RIT students (hearing and Deaf) as comparison groups to see if the D/HH community has less knowledge of their rights as it is portrayed in the literature review. After finalizing the survey, questions, and population; we sat down to fill out the IRB request together and were fortunate enough to get it approved quickly as it did not merit a full request/approval of the project since it was just a pure anonymous survey being sent out.

The data collection and distribution is being used by the Qualtrics Server available to students and faculty through the licensing at RIT. The questions were also made on Qualtrics and the analysis will be completed on the same server. The research was focused on the RIT student population in Rochester, NY both deaf and hearing. The survey had the goal to ensure the questions and choices was available in English and ASL. The ASL portion was successfully uploaded in form of nineteen separate videos with ASL translation for each question within the text of the survey. The person performing the translation is Jacob Schwall who is an NTID student cross registered to the Saunders College of Business. He is considered to have a fantastic skillset of American Sign Language usage. He is 3rd generation Deaf and many of his family

members (nuclear and extended) are Deaf as well. Jacob expressed interest in my project as he has passion for the Deaf community and curious on the criminal justice issue pertaining. The videos required someone who has great ASL linguistics and Jacob was the perfect person as he was very interested and expressed participation in the process. Jacob sat down and filmed for about an hour translating all of the questions. The translations are very well-done. After filming, the videos were uploaded into a private Youtube profile and then embedded the links to the videos within the text of the survey. The viewers would see the question and the video immediately available for play if needed to. The privacy and disclaimers were also translated.

The primary method of distribution is through social media primarily Facebook. The NTID and cross registered community know my name and my project well and I felt social media will pull in a lot of responses in large amounts and quickly as well. My page on Facebook along with sharing in groups helped spread the survey around. I put a description of the survey on the post before sharing the link. The link was a common link and anonymous to everyone. I also shared the link with several professors who had large criminal justice classes with 60 or more people to try to balance the comparison groups as I anticipated the need for more hearing people to take the survey.

Analysis

_____A total of 85 responses were recorded into Qualtrics. However, the final number is 80 after discovering 3 blank submissions, an unfinished one, and the researcher decided to remove one when the answers marked true on all and was from 1940 which led researcher to believe it may have been a possible prank and would taint the final scores. Below is the final breakdown of respondents.

Table 1

The age in the survey is very much older than the average college student and what the survey was asking for in a traditional college-aged population.

D/HH Respondents	55 participants (68.8%)
Hearing Respondents	25 participants (32.2%)
Average Birth Year by D/HH	1991.2; approximately 28 years of age
Average Birth Year by Hearing	1983.9; approximately 36 years of age
Average Birth Year Total	1988.9

Table 2

There did not seem to be a gender gap overall but the hearing sample had a higher female percentage.

Gender	D/HH	Hearing
Male	31 (56.3%)	8 (32%)
Female	24 (43.6%)	17 (68%)
Total	55	25

Table 3

Race seems to be similar within the respective hearing statuses.

Race	D/HH	Hearing
Asian or Pacific Islander	4 (7.3%)	0
Black or African American	4 (7.3%)	1 (4%)
Hispanic	2 (3.6%)	3 (12%)
Mixed	1 (1.8%)	0
White	44 (80%)	21 (84%)

Total	55	25
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Table 4

Nothing too different from hearing statuses due to language being closely associated with hearing status.

Primary Language	D/HH	Hearing
Signed Exact English (SEE)	4 (7.3%)	0
Pidgin Signed English (PSE)	3 (5.5%)	0
American Sign Language (ASL)	40 (72.7%)	1 (4%)
Simultaneous Communication	1 (1.8%)	0
Spoken English	7 (12.7%)	24 (96%)
Total	55	25

Table 5

It is important to remember this is the most recent completed educational level meaning they could be in school at the time of survey.

Education	D/HH	Hearing
High School	14 (25.5%)	7 (28%)
Associates'	15 (27.3%)	4 (16%)
Bachelor's	22 (40%)	12 (48%)
Masters'	4 (7.3%)	2 (8%)
Total	55	25

After tallying the numbers of demographic questions, the researcher devised a scoring system for the purpose of comparable numbers for the legal rights questions. This is called the Legal Rights Scale. There were 10 True or False questions within the survey (on Page 2) and each question had a point assigned. If the participant answered correctly, they were awarded one point. The max possible was 10 points for 10 questions. The average score for all 80 participants was 8.45 points out of a possible 10. The following is a breakdown of demographic group comparisons. The researcher decided that it will be best to compare it by hearing status, language preference, and educational level. N is in parentheses (N)

Legal Rights Scale

Overall Average- 8.45/10 (80)

D/HH Average Score- 8.29/10 (55)

Hearing Average Score- 8.8/10 (25)

Total Sign Language- 8.29/10 (48)

Total Spoken English- 8.71/10 (32)

It would appear that on average the score between hearing status shows that D/HH scored lower than the hearing participants on average. The language is similar to the hearing status average due to the corresponding primary language preference associated with hearing status.

Table 6

Education	D/HH	Hearing
High School	8/10 (14)	8/10 (7)
Associates'	8/10 (15)	9/10 (4)
Bachelor's	8.59/10 (22)	9.08/10 (12)

Masters'	8.75/10 (4)	9.5/10 (2)
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The data and points system was ran in analysis using the T-test formula. The reason for that was the sample numbers would have been too small to be able to run in ANOVA test formula. Due to that, the following three tests was grouped into two groups for a comparison to be done in T-Test using Excel. The T-Test is a statistical test which is widely used to compare the mean of two groups of samples. It is to evaluate whether the means of the two sets of data are statistically significantly different from each other. The groups below were chosen due to the thinking that hearing status and education level will have the biggest impact on the success of knowing legal rights.

Table 7

Next to the Test, there is the probability. The standard is .05 is statistically significant.

*-Significant at the .10 Level

** -Significant at the .05 Level

1. By Hearing Status- 0.086*
2. By Education (HS/AS vs. BS/MS) overall- 0.017**
3. By Education (HS/AS vs. BS/MS) for Hearing- 0.11
4. By Education (HS/AS vs BS/MS) for Deaf- 0.096*

Originally, the fifth test was going to be language specific by grouping sign language together against spoken English but that will be mirroring the hearing status as well so the assumption here is hearing status and language preference is highly correlated.

Discussion

_____ Looking at the scores, it seems like the differences in average scores has a bit of a gap for hearing status and it is nearly statistically significant. That could be due to the balance and count of respondents by hearing status. If the survey was able to get more respondents, the number could have been closer. However, the education level overall was able to be statistically significant to show that non-graduates were performing lower than the graduate group overall. The numbers were strikingly even at 40. The hearing portion was nowhere close to the significance but is likely due to the number of only 25 and not much variation in scores. The D/HH portion pulled a number close to significance but not considered to be so. If more people were polled at a more even rate then the number could likely change. That shows that education level does have an impact some on the knowledge of their legal rights. It does show that since it was not significant for hearing education to impact the scores while D/HH was somewhat significant; it can mean that D/HH community is at a deficit for educational impact. Hearing status do have some impact on the scores and could be shown that if the numbers were higher and the format of the study was changed. Since the numbers of language preference closely mirrors the hearing status, the assumption could be made that the language preference is correlated with hearing status and can impact the knowledge of legal rights. With hearing status and language preference possibly having an impact, there should be further testing along with an expanded pool of respondents that includes all backgrounds such as difference in education. The respondents were fortunate to have the translation available when needed for the questions but like studies shown, accessibility such as translation may not always be available or be up to standards. What will happen if they were forced to understand in an English phrase without

translation? Will the results change? With the variety of ways to tweak the current model of study, you can get different results to analyze on.

Limitations/Obstacles

_____ There are some limitations to this method and the target population being identified for the survey. First of all, the target population of NTID students is no way shape or form a great representation of the D/HH community. In fact, it is probably a terrible one. In reality, the opportunity to attend higher education for the D/HH is very difficult and usually unattainable. Only ten percent of the Deaf community are fortunate enough to attend college. In the survey, almost 50 percent of my D/HH sample indicated they were at the level of Bachelor's or Masters'. Nearly all of the research presented in the literature review are based on the idea of a member of the community not attending secondary education and most of their studies show that most had a highschool diploma or less and that may have contributed to their lack of understanding of the legal process. Therefore; the survey population will not represent the community as a whole because of the advantageous position they are in. Along with the advantage of being able to be in an higher education environment, the expectations on knowledge may have to be raised.

The distribution for the survey through social media was a great method for me because of the time crunch due to the class being 15 weeks and in that time, the survey had to be devised, made, approved, and be distributed along with leaving time at the end to analyze the data and writing it up. It was considered to be a convenient trade off of time vs. the accuracy of sampling. Using social media and relying on reputation to pull in respondents is a good way to get a large amount of respondents quickly in a week or two's time. Allowing NTID friends to share it

helped the survey spread quickly into a *social media snowball* method. Using the snowball method on social media does pull in some negatives. I asked for my friends who are RIT students to take the survey but there are 2 problems with that. I have seen or caught people taking the survey who are not RIT students or who are alumni but I have no control over that nor can I filter people taking the survey. That can skew the survey and the information gathered. Another problem is that I am Deaf and an ASL user first meaning the survey being distributed to friends and community members via Facebook friends and sharing means the balance of different hearing status will tilt into a predominant group of D/HH respondents taking it. I have tried to counter that by distributing the survey among professors to balance it out with hearing respondents. It did prove to be that way as there was 80 final respondents and the balance was 55 D/HH and 25 hearing. Another thing that seemed to be skewed was the age of participants. The average year of birth was 1989 and that is considered by college standards to be older than typical. The years incoming for college range from 1996-2000 so that may have impacted the survey by have the advantage of age.

There was a major obstacle for me in completing the survey. I insisted on translating the questions and making the survey as accessible as possible due to the impact of different usage of language it has on comprehending English. There was not any online survey with ASL translation that I could start a foundation for me to learn or derive from. Only using Qualtrics, the layout of developing a survey made it difficult for me to upload videos of translations. I could not upload videos directly into the survey and had to develop a workaround in order to upload videos. I had to create a Youtube profile and upload all of the videos to the profile. Once it was completed, I had to embed the link within the text of the survey which did not seem as orderly as I wanted to. I wanted Qualtrics to be able allow me to be more flexible on where I can

upload videos directly to the server and change the size of videos to match the text. The videos seem massively big in the text compared to the written questions and it is cut off if respondents take the survey on a mobile phone. The problem is solved if they are able to turn the phone sideways and allowing the quiz to be in landscape view but that may not be common knowledge for everyone. Along with embedding the video, the text of the questions will disappear and the videos will not show me. That forced me to delete the questions and make a new one and carefully embed the video without it touching the text of the questions otherwise it would implode and delete itself. That happened to 5 of the questions I was trying to upload to. Overall, the task of uploading ASL translation videos was very frustrating and ended up taking about three hours when it could be done in a much shorter time frame.

Conclusion

Looking back, the study achieve what it set out to do, to ask questions on knowledge of legal rights to college students by hearing status. With the short timeframe, the project was able to garner 80 responses. More time and expansion of the project can achieve much more. The study was the first step into asking the questions about legal rights and figuring out where can the fault lies if respondents do not know. The project can go in many different ways and get results to paint a clearer picture for our D/HH community. The most successful thing about the project was the importance of availability in translation of questions. The availability and access to language unlocks pathways into the mindset of D/HH members and we can learn more from them.

The findings found in the project answered the original research question on if hearing status will make a difference in the knowledge of legal rights. On average, the scores on the

Legal Rights Scale were lower for the D/HH compared to their hearing counterparts. This was significant at the .10 level (See Table 7) Due to the language of Sign and Spoken English being closely associated with hearing status, there could be an assumption to be made for similar results. The hearing educational scores were not significant which could signal that the D/HH is at an educational deficit. The other question related to the project was the educational aspect and if it could make a difference. As stated in other working papers, the D/HH community are at a disadvantage and only 90 percent do not attend or complete college. Overall in the survey, respondents that reported an educational level of Bachelor's or Master's' had higher scores compared to those who had an educational level of High School or Associate's and that was statistically significant at the .05 level.

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