



INMATE

Costly injustice: Deaf behind bars

A secure VRS terminal (showing the VR interpreter and hearing party onscreen) offers Deaf inmates full communication access.
(Photo courtesy of Tidal Wave Telecom)

What happens if you're arrested, put in jail, and want to contact your family or an attorney? Supposing the jail has an old TTY, but no one in your circle of acquaintances still uses one? What if you're tried, convicted, and sentenced to prison, but can't get access to video-relay service (VRS) there?

TTYs—teletypewriters, text terminals, or text telephones—were once the legally accepted standard for the communication needs of deaf inmates, but are now considered obsolete (although Deafblind people still find them useful). They have largely been replaced by the newer video-based technology of VRS, which seamlessly relays a video call between Deaf and hearing persons via a remote sign-language interpreter.

In few places is inequality and injustice for the Deaf more prevalent than in correctional facilities nationwide. Historically, Congress has enacted numerous laws designed to ensure that deaf people have access to the same communication services, programs, activities, public facilities and other resources available to the general population. In actuality, the communication needs of the Deaf in jail or prison are frequently confusing to officers, sheriffs, and administrators because the necessary technology resources are often unknown to them. As a result, Deaf people nationwide in jails and prisons are being denied access to the telephone network.

But Deaf inmates have consti-

tutional and statutory rights to equal access, even in jail or prison. When communication services are available to other inmates, but a correctional facility fails to provide the accommodations necessary to make the same services available to a Deaf inmate, the jail becomes liable for failing to provide equal access.

Departments of Corrections have never won a single court case denying a Deaf inmate's right to secured VRS. This newer technology, replacing the older TTYs, seamlessly relays a video call between Deaf and hearing persons via a remote sign-language interpreter. If a jail or prison has not updated its communication systems to secured VR to accommodate Deaf inmates,

a costly settlement is just a matter of *when*—not *if*. This blatant violation of the civil rights of the Deaf has only recently started receiving the media attention it deserves due to the astronomical individual settlements paid to Deaf plaintiffs, ranging from \$250,000 to \$750,000.

For one landmark case, in 2015, a Deaf New York City woman said NYPD officers wrongfully arrested her and ignored her pleas for an American Sign Lan-

Regardless of the charge, Deaf and hard-of-hearing persons who are arrested and held in jail or prison have the right to communicate using secured VR. Tidal Wave Telecom, the only provider of secured VR solutions, points out that the cost for a prison or jail that installs just one secured VR system, will cost far less than attorneys' fees when faced with a lawsuit that cannot possibly be won.

Having secured VR in each

No prison has ever won a lawsuit denying a Deaf inmate access to VRS.

guage interpreter. The woman settled her lawsuit against the city for \$750,000—a sum her attorney said was the largest-ever discrimination settlement for a single Deaf person. The officers in this case ignored police guidelines regarding how to deal with the deaf, and in doing so violated the Americans with Disabilities Act. In 2014, a deaf Ethiopian immigrant spent six weeks in a U.S. jail, during which he was not allowed to make phone calls. His lawsuit settled against the sheriff's office was for \$250,000.

jail and prison ensures the civil rights of the Deaf are being met in terms of their communication needs. As a community, we must ensure the Deaf and hard-of-hearing do not become automatic second-class citizens when in a jail or prison. The ability for a Deaf person to securely and properly communicate to an attorney or family member when incarcerated is a right. We must make sure the present injustice is loudly heard. ■

Deaf Life Thanks to Jack McWilson, Senior Vice President, Tidal Wave Telecom.