

OVW Special Population Webinar Series Discussion Guide

Vulnerable and Underserved: Victim Advocacy for Incarcerated Deaf and Hard of Hearing Survivors

“While I was in prison they had no American Sign Language (ASL) interpreters. None of the staff knew sign language, not the doctors or the nurses, (or) the mental health department. When I was assaulted, I couldn’t use the phone to call the Prison Rape Elimination Act hotline to report what happened. And when they finally sent an interviewer, there was no interpreter. Really, it was deprivation.”- Jeremy, Deaf survivor of sexual abuse in detentionⁱ

Introduction

Vulnerable and Underserved: Victim Advocacy for Deaf and Hard of Hearing Survivors in Detention is a webinar that will shine a light on the staggering challenges facing incarcerated survivors who are D/deaf or hard of hearing (HoH), and strengthen advocates’ capacity to help them. Although federal laws require accommodations for imprisoned people who are D/deaf or have disabilities, many D/deaf prisoners live in what can feel like a prison within a prison. D/deaf and HoH prisoners are deprived of sign language interpreters, videophones, and other resources that they need communicate with staff and other inmates, as well as their families and attorneys. As a result, it can be virtually impossible for incarcerated survivors of sexual abuse who are D/deaf or HoH to make a report, speak with a victim advocate, or access needed medical and mental health care. The webinar will offer guidance on providing effective victim services to this population, including by using PREA standards as an advocacy tool. This webinar is part of a six-part series on providing victim services for especially underserved incarcerated populations, including survivors with disabilities, survivors of sexual abuse perpetrated by women, and survivors with mental illness.

Discussion Questions

1. Consider the following scenario and discuss with your colleagues the best way to respond. Then read our suggested approach on page 2 (at #4)

This project is supported by Grant No. 2016-TA-AX-K033, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this webinar are those of the presenters and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

You receive a hotline call from an incarcerated survivor who tells you she has hearing loss. During the call, you notice that she seems distracted. You hear the noise of a busy day room in the background. "I'm sorry," she says, "it's always like this in here."

What can you do to ensure that your services are accessible for this survivor?

2. At the beginning of the webinar, these two queries were posed to advocates who have provided victim services to incarcerated D/deaf or (HoH) survivors:
 - Are your program staff culturally competent to address the needs and concerns of incarcerated D/deaf & HoH survivors?
 - If not, briefly describe your concerns about your readiness to provide culturally competent services for incarcerated D/deaf or HoH survivors.Having viewed the webinar, discuss with your colleagues whether, and how, your answers to these questions have changed. Prepare an updated list of the gaps you have identified in your program's readiness to provide culturally competent services for this population.
3. What steps can your organization take to address the gaps you've identified above and ensure that services for incarcerated D/deaf and HoH survivors are culturally sensitive? Here are some tips to build cultural competence:
 - Ensure staff, board, and volunteers are diverse and representative of the survivors being served, including people who are D/deaf or HoH
 - Provide (additional) staff training on working with Deaf and HoH prisoners — provided by local disability rights advocates, if possible — and on the protections for this population under the PREA standards
 - Include ADA compliance training for all staff as part of their onboarding as well as their annual training
 - Recruit and enlist feedback from D/deaf and HoH survivors on the services provided
 - Ask D/deaf and disability rights advocates to join your local sexual assault response team (SART)
 - Plan ahead on how you will address likely challenges involved in providing services for incarcerated survivors who are D/deaf or HoH, such as protecting confidentiality
 - Become familiar with the policies and procedures the facilities where you are providing services have in place with respect to housing, safety, and accessibility for D/deaf and HoH prisoners
 - Observe whether the facility makes available assistive listening devices, telecom devices, sign language interpreters, and any other accommodations needed to meet these prisoners' communication needs

This project is supported by Grant No. 2016-TA-AX-K033, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this webinar are those of the presenters and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

- When working with an incarcerated survivor who is D/deaf or HoH, focus on the survivor's strengths and resources instead of on their (perceived) deficits
 - Do not let the fear of making a mistake keep you from asking questions that will help you provide services for this population
4. *Suggested approach to the scenario in #1:* In order to ensure that your services are accessible for this survivor, offer services in person or via written correspondence, or suggest that the survivor request to place the call to the hotline from a private office.

Additional Resources

Resources Related to the PREA Standards

- For links to the PREA standards and other resources for the corrections field, visit the National PREA Resource Center, at www.prearesourcecenter.org
- The "PREA Audit Supplementary Questionnaire on Community Advocate Engagement", www.justdetention.org/wp-content/uploads/2018/01/Supplementary-Questionnaire-on-Community-Advocate-Engagement.pdf. The questionnaire may be useful for victim advocates to review as they prepare to speak with a PREA auditor about conditions in the facilities where they provide services
- The PREA Standards in Focus includes an in-depth look at PREA's requirements on 1) ensuring that D/deaf and HoH inmates benefit from a corrections facility's PREA-related efforts; 2) screening inmates for vulnerability, including having a physical disability; and 3) requiring facilities to provide PREA-related inmate education in formats that are accessible to prisoners who are D/deaf or HoH:
 - Inmates with Disabilities and Inmates Who Are Limited English Proficient, www.prearesourcecenter.org/sites/default/files/library/115.16%20SIF%20%282%29.pdf
 - Inmate/Resident Education, www.prearesourcecenter.org/sites/default/files/library/115.33%20SIF_Update.pdf
 - Screening for Risk of Sexual Victimization and Abusiveness, www.prearesourcecenter.org/sites/default/files/library/115.41_0.pdf

Webinars and Other Resources

- JDI's resources for advocates can be found at: www.justdetention.org/advocate-resources
- HEARD, "#DeafInPrison Campaign Fact Sheet," www.behearddc.org/wp-content/uploads/2018/11/DeafInPrison-Fact-Sheet-.pdf
- Resource Sharing Project, "Eight Step Advocacy Plan for Deaf and Hard of Hearing Survivors of Sexual Assault A Guide for Rural Dual/Multi-Service Advocates,"

This project is supported by Grant No. 2016-TA-AX-K033, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this webinar are those of the presenters and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

www.resourcesharingproject.org/sites/resourcesharingproject.org/files/Working_with_Deaf_Survivors.pdf

- Al-Jazeera, America Tonight, “Deaf in Prison,” www.youtube.com/watch?v=AstF5kMaH_w
- The Marshall Project, “Why Many Deaf Prisoners Can’t Call Home,” www.themarshallproject.org/2017/09/19/why-many-deaf-prisoners-can-t-call-home
- National Disability Rights Network, “Protection & Advocacy’s Role in Prison Litigation,” www.ndrn.org/resource/protection-and-advocacys-role-in-prison-litigation/ (describes the national protection and advocacy (P+A) network, which includes an agency in every state and territory that has been given a federal legislative mandate to provide legal representation and other advocacy services to all people with disabilities)

National Organizations Advocating for the Rights of the D/deaf

- National Association for the Deaf, www.nad.org
- Helping Education to Advance the Rights of Deaf Communities (HEARD), www.behearddc.org/prison-advocacy
- Center for Prisoner Health and Human Rights, www.prisonerhealth.org
- Council on State Governments Justice Center, www.csgjusticecenter.org
- Prison Policy Initiative, www.prisonpolicy.org
- Urban Institute, www.urban.org
- Vera Institute of Justice, www.vera.org/projects/equal-access-for-people-with-disabilities

¹ The Marshall Project, “The Isolation of Being Deaf in Prison,” (by formerly incarcerated sexual assault survivor Jeremy Woody, as told to Christie Thompson), www.themarshallproject.org/2018/10/18/the-isolation-of-being-deaf-in-prison.

This project is supported by Grant No. 2016-TA-AX-K033, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this webinar are those of the presenters and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.