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Suffering in Silence: The unmet needs of d/Deaf prisoners

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What is d/Deafness?

For many, deafness is seen as simply being an inability to hear; a misfortunate affliction making 'normal' life difficult.[1] However, in reality defining d/Deafness is much more complex than this, with medical conceptions of deafness differing significantly from those which are cultural. Medical definitions look at deafness as an impairment, measuring the level of such impairment on a spectrum according to the quietest sound that an individual is able to hear.[2] The extent to which a person is medically deaf varies significantly from those whose hearing is only slightly impaired, to individuals who are hard of hearing (HoH), and finally to those who are severely deaf. For the purposes of this article, HoH refers to individuals with mild to moderate hearing loss who may have difficulty following speech without the use of hearing aids, and severely deaf includes those who have little or no functional hearing, who usually need to rely on lip reading even with hearing aids.[3]

In contrast to this, cultural definitions of d/Deafness focus on identity, and the way in which an individual identifies with their d/Deafness. Cultural understandings of d/Deafness have been discussed at length in the field of Deaf studies, where scholars differentiate between differing identifications using either a 'd' or a 'D', in line with a convention proposed by James Woodward in 1972,[4] and developed by Carol Padden in 1980.[5] In accordance with this, Deaf refers to individuals who identify as being part of a culturally distinct minority group, who commonly use British Sign Language (BSL) to communicate.[6] These individuals are seen as being part of the Deaf Community, which is comprised of people who are proud to be Deaf and share the same language, values and life experiences.[7] Exposure to Deaf life has been shown to reveal to individuals that it is possible to live full lives without sound, and to introduce them to visual and tactile ways of behaving, including using touch to express warmth and friendliness, and for getting people's attention.[8] In contrast, in terms of those who are HoH/deaf, but not Deaf, these individuals are commonly shown to view their deafness negatively and to feel stigmatised by it.[9] Consequently, common responses are either to attempt to conceal it and to 'pass' as hearing, or to correct it with hearing aids.[10]

Irrespective of identity, d/Deaf individuals often require access to specialised equipment that can help them to live without sound during their day-to-day lives in the hearing world. Such equipment includes vibrating alarm clocks, flashing fire alarms, minicoms,[11] hearing aids and hearing loop systems.[12] Additionally, Deaf individuals usually require access to BSL

1. Lane, H. Hoffmeister, R. Bahan, B. (1996) *A Journey into the Deaf World*, San Diego: Dawn Sign Press.
2. Action on Hearing Loss (N.D) Definitions of Deafness [online] [Accessed on 19th June 2017] Available at: https://www.actiononhearingloss.org.uk/your-hearing/about-deafness-and-hearing-loss/definitions-of-deafness.aspx.
3. Action on Hearing Loss (2015) *About deafness and hearing loss—Statistics* [Online] [Accessed on 7th July 2016] Available at: https://www.actiononhearingloss.org.uk/your-hearing/about-deafness-and-hearing-loss/statistics.aspx.
4. Woodward, J. (1972) 'Implications for sociolinguistic research among the Deaf', *Sign Language Studies*, 1: pp 1–7.
5. Padden, C. (1980) 'The Deaf Community and the Culture of Deaf People.' In Baker, C. & Battison, R. (eds.), *Sign Language and the Deaf Community: Essays in Honour of William*. Silver Spring MD: National Association of the Deaf. 89–104.
6. It must be acknowledged that an individual does not have to be severely deaf in order to identify as being part of this cultural and linguistic minority group. In contrast it is possible for somebody to be HoH, yet to identify as being Deaf, and for a severely deaf individual to have no conception of cultural Deafness.
7. Higgins, P. (2002) 'Outsiders in a Hearing World', in Gregory, S. and Hartley, G. (eds) *Constructing Deafness*, London: Pinter.
8. Leigh, I. W. (2009). *A Lens on Deaf Identities*. New York: Oxford University Press.
9. Higgins, P. (1980) *Outsiders in a Hearing World: A sociology of deafness*, London: Sage.
10. ibid.
11. A minicom is a telephone that uses written text as the mode of communication. It is also known as a text phone and has a keyboard attached, which enables text to be transmitted down the phone line. Minicoms can be used to communicate with other minicom users, and can also be used to communicate with a person who prefers to converse in spoken word. In the latter instance a text relay service must be used which transfers text in to spoken word, and vice versa (The National Deaf Children's Society (2016) Minicom [Online] [Accessed on 29th July 2016] Available at: http://www.ndcs.org.uk/family_support/useful_links_and_organisations/glossary/minicom.html).
12. Hearing loop systems are a type of sound system used by people with hearing aids for the purpose of assisting them to hear in certain, often noisy environments. They consist of a physical wire that is placed around the parameter of a particular environment, which produces a magnetic field that is picked up by hearing aids when they are on a particular setting. The signals emitted from the magnetic field are then transferred back into audio, which minimises unwanted background noise, and maximises the quality of the sound for the hearing aid user (Hearing Link (N.D) What is a hearing loop? [Online] [Accessed on 29th July 2016] Available at: http://www.hearinglink.org/living/loops-equipment/hearing-loops/what-is-a-hearing-loop/).

interpreters for everyday interactions with hearing people in contexts such as university, the workplace, hospitals and legal appointments.

The prevalence of d/Deafness in the UK

Statistics show that over 11 million people in the United Kingdom have some form of hearing loss,[13] a figure which includes all those who sit anywhere on the spectrum of d/Deafness. Those classed as HoH make up the majority of this number, with approximately only 900,000 individuals in the United Kingdom being either severely deaf and/or culturally Deaf, and just 24,000 of those declaring that BSL is their preferred language.[14] This shows therefore that those who identify as being part of the Deaf community are indeed very much a minority group.

The prevalence of d/Deafness in prisons in England and Wales

There is currently no official Ministry of Justice policy in place to make it obligatory for establishments to keep records of their numbers of HoH/d/Deaf prisoners.[15] Without this, it is difficult to know how many of these prisoners are currently serving custodial sentences in England and Wales. An official report published by Her Majesty's Inspectorate of Prisons (HMIP) in 2009[16] estimated that there were around 400 prisoners with some form of hearing loss in England and Wales. However, in correspondence from the National Offender Management Service (NOMS) as part of this research, it was advised that in August 2014, approximately 1600 prisoners had hearing difficulties.[17] This figure was collated from the National Offender Management Information System (NOMIS) which is described as the 'Operational database used in prisons for the management of offenders'.[18]

During this research, NOMS advised that although the Prison Service has no legal obligation to record numbers of d/Deaf prisoners, many establishments use NOMIS to record figures of prisoners who self-declare as having disabilities (amongst other things). Access was given to figures from NOMIS for the purpose of sample recruitment, as in the context of d/Deafness, there is one relevant category on the system; 'Hearing Difficulties'. The broadness of this category immediately raised doubts about the competency of NOMIS as a recording mechanism for HoH/d/Deaf prisoner numbers, as the lack of differentiation between the different levels of d/Deafness makes it impossible to elucidate how many of this number are Deaf, deaf, or HoH. Furthermore, throughout the duration of the research it became clear that different establishments used NOMIS differently, and some did not use it at all, a point which raises doubts as to the accuracy of the figure provided by NOMS.

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An initial aim of this research was to provide a more accurate estimation of d/Deaf prisoner numbers than previously available. In order to do this a letter requesting information was sent to every establishment in England and Wales. However, and despite a 70 per cent response rate from establishments, it soon became apparent that this would not be possible. Without a legal obligation or standardised recording mechanism, prisons were often unable to provide numbers of d/Deaf prisoners, and of those who could, their reliance on NOMIS, coupled with a lack of

13. Action on Hearing Loss (2015) *About deafness and hearing loss—Statistics* [Online] [Accessed on 7th July 2016] Available at: https://www.actiononhearingloss.org.uk/your-hearing/about-deafness-and-hearing-loss/statistics.aspx.
14. ibid.
15. McCulloch, D. (2012) *Not Hearing Us: An exploration of the experience of deaf prisoners in English and Welsh prisons. A Report for the Howard League for Penal Reform*, London: The Howard League for Penal Reform.
16. HM Inspectorate of Prisons (2009) *Disabled Prisoners: A short thematic review on the care and support of prisoners with a disability*. London: HM Inspectorate of Prisons.
17. National Offender Management Service (2014a) RE: Deaf prisoners [personal email to lauramargaretkelly@gmail.com from National.Research@noms.gsi.gov.uk on 19th September 2014].
18. Ministry of Justice (N.D) *Prison National Offender Management Information System (p-NOMIS) and Inmate Information System (IIS)* [Online] [Accessed on 13th July, 2016] Available at: https://data.gov.uk/dataset/prison-national-offender-management-information-system-p-nomis-and-inmate-information-system-ii.

awareness of the complexity of d/Deafness, meant that there was commonly little/no differentiation between those who were HoH, deaf or indeed Deaf in the figures provided. This means therefore that there is still no clear idea of how many d/Deaf people are incarcerated in prisons in England and Wales.

Existing literature

Prior to the completion of this study, available empirical research relating to the experiences of d/Deaf people in prison was limited. Of the literature that was available, most was anecdotal and very small scale, and was often based on either American prisons or accounts of ex-prisoners.[19] Numerous existing studies had another key flaw in that they failed to acknowledge the complexity of d/Deafness or to differentiate meaningfully between the experiences of *deaf* and *Deaf* prisoners.

Despite these limitations, findings from existing studies provided a useful indication of the position of d/Deaf prisoners within the prison world. Within such studies, there was absolute consensus that d/Deaf prisoners suffer disproportionately as a direct result of their d/Deafness, with communication barriers, resource issues and a lack of d/Deaf awareness being cited as key causes of this.[20] In consequence, research carried out in England and Wales has suggested that these issues show the Prison Service to be ill-equipped to meet the needs of d/Deaf prisoners.[21] In the most comprehensive empirical study about this cross-section of the prison population carried out as part of his MA, McCulloch takes this further, and argues that the treatment of d/Deaf people in prison equates to a violation of the Equality Act 2010.[22] For the purposes of clarity, the relevant elements of this legislation are discussed below.

The Equality Act 2010

The Equality Act 2010 is the primary legal framework in place to protect the rights of d/Deaf prisoners. It defines unlawful discrimination as treating someone worse than others because of a protected characteristic, and outlines nine of such characteristics. These include age, sexuality and disability, with the rights of those who are d/Deaf being protected under the characteristic of disability, which is defined as: 'A physical or mental impairment ... [that] has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities'.[23]

With regards to the conditions implemented by the Act, it stipulates that, as far as is reasonable, public services must make 'reasonable adjustments' to their service to ensure equality for all groups, and specifies that that such adjustments must be made for disabled people under three main circumstances.[24] The first where a service provider has a provision, policy or criterion that places a disabled person at a 'substantial disadvantage' in comparison to those who are not disabled, the second where a physical feature puts a disabled person at a substantial disadvantage in comparison to a non-disabled person, and finally:

> *Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid*[25]

19. For discussions on this see O'Rourke, S. and Reed, R. (2007) 'Deaf People and the Criminal Justice System' in, Austen, S. and Jeffery, D (eds). Deafness and Challenging Behaviour: The 360 Perspective, Chichester: John Wiley & Sons.
20. Ackerman, N (1998) *Deafness and Prisons—A Study of Services for Deaf Prisoners and the Experience of being Deaf within a Prison Environment* [An unpublished dissertation], Oxford: Oxford Brookes University
Fisken, R. (1994) *The Deaf in Prison* (unpublished dissertation), Cambridge: University of Cambridge
Gerrard, H. (2001) *Double Sentence*. Birmingham: BID
Izycky, A. and Gahir, M. (2007) *The Adverse Effects of Imprisonment on Deaf Prisoners' Mental Health: A Human Rights Perspective*. [Online] [Accessed 3rd April 2013] Available at: www.britsoc.co.uk/NR/rdonlyres/8EA09898-A67A-4B68-91D6-BFC589345D9D/0/AdverseEffectsofImprisonment.ppt
McCulloch, D. (2010) *Not hearing us? A critical exploration of the current experiences of profoundly deaf prisoners in Anglo Welsh prisons*, (unpublished dissertation) Birmingham: Birmingham City University
Gahir, M. O'Rourke, S. Monteiro, B. Reed, R. (2011) 'The Unmet Needs of Deaf Prisoners: A Survey of Prisons in England and Wales', *International Journal on Mental Health and Deafness*, 1(1)
McCulloch, D. (2012) *Not Hearing Us: An exploration of the experience of deaf prisoners in English and Welsh prisons. A Report for the Howard League for Penal Reform*, London: The Howard League for Penal Reform
Royal National Institute for the Deaf (1995) *Disabled Prisoners' Needs: The urgency of a policy response*. London: RNID.
21. Findings from a charity document produced by the British Deaf Association in 2016 after this research was completed provide further evidence of this (British Deaf Association (2016) Throw away the key? How Britain's prisons don't rehabilitate Deaf people [online] Accessed on 18/8/17, Available at: https://bda.org.uk/wp-content/uploads/2017/03/BDA-Deaf-Prisoners-Report-2016.pdf).
22. McCulloch, D. (2010) Not hearing us? A critical exploration of the current experiences of profoundly deaf prisoners in Anglo Welsh prisons, (unpublished dissertation) Birmingham: Birmingham City University.
McCulloch, D. (2012) Not Hearing Us: An exploration of the experience of deaf prisoners in English and Welsh prisons. A Report for the Howard League for Penal Reform, London: The Howard League for Penal Reform.
23. Equality Act 2010. (c 15) [Online] [Accessed on 10th April 2013] Available at: http://www.legislation.gov.uk/ukpga/2010/15/contents.
24. ibid.
25. ibid.

In terms of the application of these principles to the Prison Service specifically, in 2011 a Prison Service Instruction (PSI) titled 'Ensuring Equality' was introduced which provided some further detail.[26] It states that governors must consider what prisoners with a disability might reasonably need and ensure that reasonable adjustments are made for them. The document stipulates that if an establishment is unable to make the necessary adjustments, then they must transfer such prisoners to another establishment in a timely fashion.[27, 28]

However, even with such clarifications the Act has been criticised for failing to provide a specific definition of what would be classed as 'reasonable'. McCulloch argues that this ambiguity is problematic because it gives service providers the power to interpret what is 'reasonable' based upon their own subjective perceptions, thus undermining their accountability.[29] In the context of the Prison Service, the aforementioned PSI attempts to provide some clarity by stating that 'a reasonable adjustment should enable a disabled prisoner to take full part in the normal life of the establishment'.[30] However, this is again problematic as it also goes on to say that 'The law does not specify what factors you should take into account when considering what is 'reasonable'. In the event of any legal action, reasonableness is determined by the courts on an individual basis'.[31]

This study

The primary aim of this research was to provide a more rigorous and comprehensive account of the lives of d/Deaf prisoners in England and Wales than was already available. As part of this, meaningful consideration was given to the role of 'imported' identity in prison, with the experiences of *deaf* and *Deaf* prisoners being examined separately. The research also further explored previous claims that d/Deaf prisoners suffer disproportionately in prison, and gave particular focus to McCulloch's (2012) claim that the Prison Service is failing to adhere to the legal duty imposed by the Equality Act 2010 in this particular context.

In order to address the research aims, an exploratory qualitative research design was utilised. As part of this, 27 semi-structured interviews were carried out across seven male prisons throughout England between December 2014 and May 2015. Ten of these were with staff members who had worked with d/Deaf prisoners, seven with culturally Deaf prisoners, five with severely deaf prisoners and five with HoH prisoners. In addition to this, a further group interview was carried out with four culturally Deaf prisoners at HMP Bowdon,[32] and observations were made and recorded in a fieldwork journal at all of the establishments entered.

All interviews were recorded using a Dictaphone, and in instances where a participant's first language was BSL, a qualified interpreter was present. After the interviews were completed, they were transcribed with the aim of being as close to verbatim as possible. The transcriptions were then analysed using what is known as thematic analysis, which allowed for the organisation of large amounts of raw data, and for the discovery of patterns that would have otherwise been difficult to detect.[33]

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This research proved to be very complicated to undertake for numerous reasons, the first relating to the fact that that there is no meaningful mechanism in place for recording d/Deaf prisoner numbers, as this made it difficult to locate appropriate research participants. In addition to this, further methodological complications arose as a result of the

26. Ministry of Justice (2011) *Prison Service Instruction 32/2011 Ensuring Equality*. [Online] [Accessed 7th July 2016] Available at: https://www.justice.gov.uk/offenders/psis/prison-service-instructions-2011.
27. ibid.
28. However, the PSI also states that delays are acceptable in instances where the proposed receiving establishment cannot provide appropriate facilities.
29. McCulloch, D. (2010) Not hearing us? A critical exploration of the current experiences of profoundly deaf prisoners in Anglo Welsh prisons, (unpublished dissertation) Birmingham: Birmingham City University
McCulloch, D. (2012) Not Hearing Us: An exploration of the experience of deaf prisoners in English and Welsh prisons. A Report for the Howard League for Penal Reform, London: The Howard League for Penal Reform.
30. Ministry of Justice (2011) *Prison Service Instruction 32/2011 Ensuring Equality*. [Online] [Accessed 7th July 2016] Available at: https://www.justice.gov.uk/offenders/psis/prison-service-instructions-2011.
31. ibid.
32. For the purposes of anonymity all prisons named in the research have been given pseudonyms.
33. Mason, J. (2002) *Qualitative Researching*, London: Sage.

language barriers between the researcher and the culturally and linguistically Deaf prisoners, with their preference for a visual language making the process of ensuring that the research was both ethical and authentic more difficult than it otherwise would have been. Such difficulties were compounded by the fact that establishments did not allow the researcher to use a visual recording device to record the interviews, and did not provide the culturally Deaf participants with access to visual copies of the consent forms and information sheets that had been provided by the researcher.

Findings

Findings from this research echoed those of previous studies, showing clearly that at the time the research was carried out, the Prison Service was failing to meet the needs of d/Deaf prisoners. While there were certainly some pockets of good practice, and instances where individual staff members were going above and beyond to attempt to meet the needs of these prisoners, examples of this were few and far between. On the contrary, for most of the severely deaf and culturally and linguistically Deaf prisoners included in this study, the pains and deprivations associated with imprisonment went way beyond those of other prisoners. In earlier studies, the term 'double punishment'[34] has been used; however, findings from this research indicate that this term is not even nearly strong enough. While many prison researchers have concluded that minority groups, such as women, foreign national and older prisoners suffer disproportionately whilst in prison,[35] numerous staff members included in this research insisted that few such groups were more deprived than those who were d/Deaf. Key reasons for this are; their lack of access to sound, and, for Deaf prisoners, their cultural and language difference.

Turning firstly to role of sound; it became clear throughout the duration of the research that prison as an establishment relies on sound in order to run, with tannoys, voices, bells and alarms all being central to the prison regime. As a result of this, prisoners need access to sound in order to become integrated into prison life. Therefore, those who are d/Deaf require access to equipment that converts sound into a d/Deaf friendly format. Many d/Deaf prisoners will need hearing aids and hearing loops,[36] and most will require access to flashing fire alarms, vibrating alarm clocks and minicoms (for the purpose of telephone conversations). Equipment such as subtitled televisions and high quality headphones are also common requirements.

One particularly insightful example of resource denial was highlighted by a Deaf participant who had been told that he 'wasn't allowed' over-ear headphones despite not being able to wear the in-ear headphones provided because he was born without ears.

Despite this, the d/Deaf participants included in this research were not consistently given access to such equipment. One particularly insightful example of resource denial was highlighted by a Deaf participant who had been told that he 'wasn't allowed' over-ear headphones despite not being able to wear the in-ear headphones provided because he was born without ears. A staff member who had been present during this interview spoke of being shocked at hearing this information and feeling as though in this instance denial of such equipment was unacceptable. This notion of 'not being allowed' certain equipment was reflected in other interviews, with one participant discussing being told that he was not allowed a minicom because it would 'be against the rules', and another being unable to get access to a vibrating alarm clock because it was 'an unauthorised item'. In the latter instance, this information was verified by the present staff member, who agreed that for procedural reasons he would not be allowed access to a vibrating alarm clock.

34. For example Howard League for Penal Reform (2016) *Frances Crook's blog 15 Jul 2016: Double punishment* [Online] [Accessed on 4th September 2016] Available at: http://howardleague.org/blog/double-punishment/.
35. HM Inspectorate of Prisons (2006) *Foreign national prisoners: A thematic review*, London: HM Inspectorate of Prisons
Mann, N. (2016) 'Older age, harder time: Ageing and imprisonment', in, Jewkes, Y. Crewe, B. And Bennett, J. (Eds) *Handbook on Prisons* (2nd Edition), London: Routledge
Moore, L. and Scraton, P. (2013) *The Incarceration of Women: Punishing Bodies, Breaking Spirits*. London: Palgrave.
36. However, it is important to specify that many culturally and linguistically Deaf people do not wear hearing aids or use hearing loops, as their language and culture is visual rather than oral.

Furthermore, only one of seven participants who needed them had consistent access to good quality hearing aids. Of the other six participants, three did have access to hearing aids, but experienced difficulties in that the hearing aids were either of a low quality, set incorrectly or prone to running out of batteries, as shown via the below quote:

> *They are a bit parsimonious with the batteries, they will give you one little card and that is it. And then when you queue up there probably won't be any at the health kiosk. So it is one of intermittent supply, which causes great problems for us, because if you lose your hearing you just can't function at all ... Just trying to function as a prisoner doing the everyday things that are part of the system can be very difficult if you can't hear properly!*

The three remaining participants who needed hearing aids did not have access to them at all in prison, as demonstrated here:

> *The only place I feel comfortable is in court, and it is ridiculous for a person to only feel comfortable in court, where they are going to get a sentence … [In court] I have a thing that goes in my ear with a loop to everybody's microphone. I just want my hearing aid; I would be fine. I think I would be more my old self.*

In such a sound oriented environment, this lack of access to the necessary equipment has significant consequences for d/Deaf prisoners, who consequently become isolated from prison life (to different degrees depending on the severity of their hearing loss). Participants reported being unable to hear tannoys or calls from staff members, and often getting into trouble when they did not respond to them. This issue was discussed by staff members, with one prison officer advising that the Deaf prisoner at the prison had missed multiple meals because he had not heard the tannoy, and another member of staff stating:

> *If I've gone on to a landing and I've needed one of the Deaf guys to come out of his cell and down to the office, they will go on the tannoy and say 'Mr such and such to the office', and I just think why are they doing that, he isn't going to hear you?*

Participants also reported being unable to hear the television, which exacerbated boredom and monotony, and created issues with their cellmates if they wanted to turn the volume up higher. Another key issue related to an inability to hear fire alarms, which made participants feel disproportionately unsafe. None of the participants had access to visual fire alarms, which was discussed by a staff member who stated:

> *I've asked the governors to provide things to help us with him. For instance, if there is a fire … But he's got nothing ... and they've known about this for months and months and the fire officer came and assessed it, and said yeah this is what we need, but it's not here.*

The consequences of this lack of provision were highlighted by one prisoner who said:

> *In education twice there's been fires and they've all rushed out, and I'm the last one because the alarms gone off and no-one's let me know; I've told them that they need to have something in place, but there is still nothing.*

Other issues included struggling to communicate with doctors or solicitors, or to participate in education/training programmes because they could not hear what was being said.

Other issues included struggling to communicate with doctors or solicitors, or to participate in education/training programmes because they could not hear what was being said.[37] A final main problem that arose in consequence to a lack of access to sound related to the reporting of higher barriers to meaningful contact with family and friends compared with their hearing peers, due to lack of access to necessary equipment, which in turn compounded isolation from them.[38] An example of this came from one prisoner who described his relationship with his wife and children as being 'gone'. This issue is more problematic for Deaf prisoners, who commonly do not communicate with speech, thus making phone calls even more problematic.

37. This also made a number of the interviews for this research very difficult to conduct.
38. This is particularly problematic given the links between continued contact with family and friends and desistance from crime.

After discussing issues relating to sound which affected all of the participants involved in the research, the additional problems experienced by the Deaf prisoners as an outcome of their cultural and linguistic difference will now be considered. The seven Deaf participants interviewed resided in three prisons; five of whom were situated in one, and the remaining two each in different establishments. In terms of communication, all of these prisoners preferred to communicate in BSL, and only two could speak in any coherent way. Additionally, three of the seven were able to read and write.[39] The fact that BSL was their primary (and often only) language, meant that access to qualified BSL interpreters was required in almost every scenario involving hearing people.[40]

Despite this, an inability to obtain access to interpreters emerged as a core theme in all of the interviews, with such provision appearing to be rare. A particularly concerning example of the extent of this lack of provision was provided by a staff member, who, when discussing one of the Deaf participants, advised that he was not provided with an interpreter at his trial, and subsequently 'Didn't even know what he was sentenced to, where he were going, what category he were going to be' until he had been in prison for a number of months. This staff member spoke candidly throughout the interview and admitted that despite being 'desperate' to communicate with the prisoner, she had been unable to do so because they had not had an interpreter at the establishment for over three months. It was evident that she was anxious about this lack of communication and was concerned for the prisoner's welfare, which was reflected in the fact that she then asked if she would be able to use the interpreter who was present for the interview, to communicate with him. The interpreter then accompanied her the prisoner's cell where he interpreted a range of questions for her, all relating to the prisoner's welfare.

The reasons for this lack of provision were multifaceted. Staff members reported that insufficient funding was key, however, the research showed that lack of Deaf awareness was also problematic. Although a number of the staff members interviewed were Deaf aware to a certain extent,[41] it became apparent that prison officials commonly have little conception of Deafness, seeing deafness as a disability/mental impairment,[42] and therefore not knowing how to meet the cultural and linguistic needs of deaf prisoners. This was highlighted by one staff member who, when asked whether she thought reasonable adjustments had been made for a Deaf prisoner, responded by saying 'No, I don't actually know what he should have. What rights should be in place for him, I don't know, I only know that we try and help him to live a safe life in here'. This lack of understanding of how to manage such difference was echoed by another member of staff, who stated that:

> *I know they had a Parole hearing last week or the week before, and to be fair he [the offender supervisor] was good in that he sat there and was asked questions about the Deaf man, and went 'I'm out of my depth. I don't have a clue, I don't know how to work with this man, I can't assess him because I don't even know how to communicate with him so it wouldn't be fair for me to comment*[43]

Staff members were shown to respond to the communication void that existed between themselves and Deaf prisoners in a multitude of concerning ways. The first main response was to leave them to their own devices, as highlighted by two staff members at one establishment who felt that, without them, other prison officers would forget that the Deaf prisoner was there. An example of this was provided by this prisoner's personal officer, who, when speaking of the treatment that he received while she was off sick for six weeks, said:

39. Because BSL is a visual language, many Deaf people never learn to read or write.
40. While this problem could be alleviated if there were other prisoners or staff members at the establishment who could communicate fluently in BSL, this was not the case.
41. It tended to be these staff members who, out of concern for the Deaf prisoner(s), agreed to be interviewed.
42. The idea that Deafness was somehow linked to mental impairment was further ingrained by the fact that Deaf prisoners commonly achieve low results when doing IQ tests in prison. One member of staff found this extremely frustrating, saying that there 'Aren't any IQ assessments that have been developed that would help Deaf men yet because you would have to translate the instructions. And as soon as you don't use the instructions how they are written it invalidates the assessment'. This therefore means that existing IQ test results for Deaf prisoners are often likely to be invalid as they are based upon questions that are created for written rather than visual responses, and therefore if the individual is unable to read or write the results will not reflect their true intellect.
43. While it could be argued that such issues also apply to foreign national prisoners, who are also culturally and linguistically different, staff members felt that they had more difficulty accommodating the needs of Deaf prisoners than those of other minority groups because they did not have access to the one thing that they need in prison; sound. Foreign national prisoners were viewed as being easier to provide for simply because they were able to hear, as highlighted by one staff member who felt that Deaf prisoners had the 'worst' time in prison because 'Even with foreign nationals, they can hear can't they? They can hear, and the prison runs English as a foreign language courses, so they can learn English. Our Deaf guys can never learn to hear. We have the resources for stuff to be in the other languages, but not for sign language ... [Also] everything that is written down, we have it in a thousand different languages. So at least they [foreign nationals] can access the written stuff. Whereas our Deaf guys don't have that. When trying to get interpreters in it has always been the attitude of, 'We can't'. Even down to legal representation, solicitors are aware of getting foreign language interpreters; I just don't think they are aware of Deaf interpreters'.

So I came back from the sick and ... in that time, again, he has been neglected. When I came back he were like a vagrant; you can't walk in his cell, you walk in and it is like horrific, the smell ... It does upset me to see him just festering there. So when I came back the other day, I were like, 'Oh my god'. He just gets left; it is like horrific, horrific.

This notion of Deaf prisoners being 'left' because they are too profoundly different to accommodate was also discussed by a staff member at another prison who stated that, 'Half the time the staff can't communicate with them, so they just leave them, and they just get stuck in the system'.

Another key response of staff members was to treat Deaf prisoners as though they were hearing; to talk to them and write things down and hope that they could understand, as discussed here:

Offender supervisors would just 'manage' and hope the [Deaf] guy understands, and a lot of them I don't think really understand how Deaf their guys are or their communication needs, so they just think 'Oh yeah, he nods along so he must understand' ... Or, like I went to see Thomas[44] on his wing to tell him that an appointment had been cancelled, and I spoke to the officer first and said 'Can you just let him know this and this?', and he went 'Yeah yeah. Just write it down'. I was like 'Okay, is that to remind you', and he was like 'No, I'll just give it to him'. Then I was like 'But he can't read English'. The officer was then like 'Can't he? Well we always do that'. Then I said, 'Well does he always get it wrong?', and he was like, 'Yeah, come to think of it'. And I was like, 'Because he can't read what you are writing down for him!!'.

When I came back he were like a vagrant; you can't walk in his cell, you walk in and it is like horrific, the smell ... It does upset me to see him just festering there.

In HMP Bowdon where there were six Deaf prisoners, there were multiple staff members who could communicate in BSL at a basic level, three of whom were interviewed as part of this research. These staff members spoke of being used as interpreters by other staff members, despite only having a limited understanding of the language. While they viewed such a response as inevitable, they also felt that the extent to which other staff members were relying on their abilities had become problematic, as illustrated below:

Like when I've been called and they say, 'We've got an adjudication with this guy, can you come and interpret?', and I'm like 'NO, because I'm not an interpreter'. And they are like 'Oh, okay. Well we'll just go ahead anyway', and I'm like 'Well, you can't really do that because it is a legal setting and you shouldn't be doing that without an interpreter'. I'm not going to get listened to but I know that's not the right thing for that person.

Another strategy employed by staff members at HMP Bowdon was to use one of the Deaf prisoners (who could lip read and talk to a certain level) as an interpreter. The Deaf prisoners were very positive about this as they felt that it helped them to communicate, however staff members were concerned that it was giving him an almost unprecedented level of control, as shown in the conversation below:

Staff member: There is one Deaf guy on the wing at the moment and they basically use him as an interpreter which is VERY ropey.

Interviewer: Do they do that a lot?

Staff member: Yeah.

Interviewer: What do you think of that?

Staff member: It scares me. He has personality traits that do not need to be encouraged, which relate to putting him in a position of power.

Interviewer: In terms of his offence?

Staff member: Yeah. So yeah, it encourages all the wrong messages that we don't want to be giving that individual.

Interviewer: Have you told them [the other staff members] that?

44. This is a pseudonym.

Staff member: We've had discussions about it, but then there's also the, 'Yeah well we are stuck, so this is the best we can do'. They are very reliant, it is worrying. It just worries me as to the level of manipulation that is going on there. By him helping out staff, staff seem to be really helpful with him, and I think that's opening a dodgy door for him grooming staff.

Interviewer: Really?

Staff member: Yeah. Crossing boundaries and stuff ... It is a concern for someone with his personality traits, that we would be concerned about anyway, almost psychopathy traits that we need to manage. A hearing guy isn't easy to manage, but it is easier to raise staff awareness of that, and to be putting in boundaries that are quite strict, and making sure they aren't crossed. But given that they need him, those boundaries are more lax. It's just not good.

For the participants who were the only Deaf person at their respective establishments, this lack of access to other Deaf people, or individuals who could communicate in BSL, led to almost total cultural and communication isolation. However, because there were multiple prisoners at HMP Bowdon, it had been anticipated that life for these prisoners would be easier, and that such isolation would be less all-encompassing because they had each other to communicate with. While this was indeed the case in certain scenarios, it became apparent that many of their experiences did in fact mirror those of the prisoners who were the only Deaf person at an establishment. It was found that most staff members at the prison had little understanding about why it would be beneficial for Deaf prisoners to be situated on the same wing, and therefore separated them. This was a point of frustration for all of the Deaf prisoners interviewed, who discussed being transferred to the establishment from other prisons with the impression that it was going to be 'Deaf friendly' and then being equally isolated, as shown via the following quote:

At the other prison I was isolated, no Deaf lads. So they said come over to here, so I came here and I was glad I saw Deaf lads. But when they start separating us in different wings, I think 'why are you doing that?'. We are here for a reason; we are supposed to be here together to get rid of the isolation. I don't want to be isolated again, to sit with the hearing people and not with the Deaf ... We are isolated on our own, we feel overpowered. We should all be on the same landing, so we can see each other, and communicate with each other.

Staff members validated this viewpoint, confirming that such separation was largely a consequence of a lack of Deaf awareness, as opposed to security or offence restrictions.

A lack of Deaf awareness also created other problems for these prisoners, as many staff members perceived culturally Deaf behaviour such as touching or signing as being problematic. The research showed that because the overwhelming majority of staff members were unable to comprehend sign language they then looked upon it with suspicion, as shown in the following quote from a staff member:

... because the overwhelming majority of staff members were unable to comprehend sign language they then looked upon it with suspicion ...

But then there are negative attitudes about how the Deaf prisoners interact with each other, which I don't necessary think is about rules, but rather staff not being aware of Deaf culture ... They fear that they don't know what's going on because they can't understand what they are saying [when the Deaf prisoners are communicating in BSL], or what's happening, [and they worry] that they might be able to group together and make plans and plot.

In addition to there being a generalised suspicion of BSL, it became clear that there were certain types of signs that were viewed disproportionately problematically, with one staff member saying that when she looked on staff logs there were lots of unwarranted entries about 'Deaf aggression' when specific signs were used.[45] The extent of this problem was highlighted by a prisoner who claimed that himself and the other Deaf prisoners at HMP Bowdon had been attempting to sign to each other 'in secret' in order to avoid provoking suspicion from staff members and other prisoners.

45. This was also found to be problematic in the context of Parole Boards where the signing of Deaf prisoners was so demonstrative (which is normal in Deaf culture), that it was seen as evidence of 'risky' or unsafe behaviour; thus making it more difficult for Deaf prisoners to be paroled.

The Deaf prisoners' use of touch was also viewed as problematic there, with it being deemed as inappropriate for them to touch staff members for both security and authority related reasons, as shown here:

> *As an officer, prisoners are not allowed to touch me. But for a Deaf prisoner, they will tap you on the shoulder, and if you want to be pedantic about it, a lot of officers are a bit taken aback, and would class it as an assault.*

As a consequence of the issues discussed thus far (namely inappropriate resource allocation and minimal staff Deaf awareness), Deaf prisoners become almost completely isolated from prison life. These individuals are often unable to access medical assistance or legal aid with an interpreter, or to gain a meaningful understanding of the penal regime or the expectations of their prisoner role.[46] While there is insufficient space here to provide examples of each individual issue, the below conversation with a staff member highlights the extent of these problems:

> *Staff Member: This one Deaf man ... I know he has a lot of health care problems and it never really came out until we were in group,*[47] *and he started to talk about it and the interpreters were like, 'We are quite worried about him, we think there's actually quite a lot wrong with him, we need to get him seen by the doctor'. So I contacted healthcare on his behalf who said, 'Yeah yeah, we've seen him before a few times, he's fine'. I was like 'How do you know he was fine?', and they were, like 'He said he is, he was smiling'. And it's like, this man is profoundly Deaf and you haven't got an interpreter; you have got a duty of care, and you are saying yeah yeah you think he's fine, but he can't communicate with you and you can't communicate with him, so how can you say that?*
>
> Interviewer: Has anything happened as a result of that?
>
> *Staff Member: We've had a lot of rows with healthcare. They basically said that they don't have the funding, and we were like well you can't not treat them.*
>
> Interviewer: Do they apply for funding from a different place?
>
> *Staff Member: Yeah ... So yeah, they just refused. So it got to the point where we just asked our interpreters to stick around for an extra hour after session to go to healthcare with him, and actually get him the treatment that he needed and the tests that he needed ... [It's] really dangerous, really unethical. I don't know how they have argued it for so long, and have got away with it. It is scary.*
>
> Interviewer: The guys complained to me a lot about not having interpreters for the doctor and all that sort of thing. Did it mean that he had illnesses that weren't treated then?
>
> *Staff Member: Yeah, yeah. Quite serious stuff. And the stuff that he was worried about, he was worried about cancer and all sorts, and from what he described it sounded feasible. I don't know the ins and outs of what he actually has but that was, the interpreters are bound by confidentiality, but yes he has some serious stuff to get sorted.*
>
> Interviewer: And it was just being left?
>
> *Staff Member: Yes, just left. It's scary.*

As an officer, prisoners are not allowed to touch me. But for a Deaf prisoner, they will tap you on the shoulder, and if you want to be pedantic about it, a lot of officers are a bit taken aback, and would class it as an assault.

46. All of the Deaf participants were confused about prison rules and procedures, with four of the prisoners reporting being reprimanded when accidently breaking rules. All but one had little understanding of the complaints or application procedure, and during interviews it became apparent that numerous individuals did not understand the terms 'tariff' or 'offender supervisor'.
47. This staff member worked in the psychology department at HMP Bowdon where there was a treatment programme running which had been tailored to meet the needs of Deaf prisoners. As part of this, interpreters were used. All of the Deaf prisoners were extremely positive about this programme, and advised it was the only context within which they had consistent access to qualified interpreters. For the purposes of anonymity, no further information is provided here about the nature of the programme, however this is what the staff member is referring to when she says 'group'.

Additionally, without access to BSL interpreters, Deaf prisoners (particularly those who cannot read or write) are largely unable to access education, training or rehabilitative programmes. This was problematic for a number of reasons; the first being that it caused Deaf prisoners to experience the monotony of prison at a more intense level than their hearing peers, with one participant becoming upset when asked about this and saying, 'What do I have to do? Just sit in my cell all day, and watch the TV'. The second reason that this lack of access to classes/courses is significant is because by failing to adapt such activities to make them accessible for Deaf prisoners the Prison Service is failing to meet one of its main aims: rehabilitation. As well as being problematic for the prisoners themselves, this could also undermine public safety, as acknowledged by a staff member, who when discussing one of the Deaf prisoners, stated that because he had a determinate sentence 'He will be released regardless … and it could lead to more victims'. Contrasting problems were created for the prisoners at HMP Bowdon, all of whom were serving Indeterminate Sentences for Public Protection (IPPs), and could not be released until a Parole Board was convinced that they no longer posed a risk to the public. Because the prison could not provide them with access to the necessary 'risk reducing programmes', all five prisoners were already over-tariff and were concerned that a lack of access to courses that were on their sentence plans would mean that they would never be able to leave prison. These perceptions were echoed by the staff members interviewed there, who were in agreement that IPP sentences were inappropriate for Deaf prisoners, as discussed below:

> *If they are on a determinate sentence they will just get released anyway, and if they are not on a determinate sentence they might never get released just because they are Deaf … Everybody kept telling them that they had to do a course, but they can't because they are Deaf. And then they are told that they can't get out until they do a course, but you can't do a course because you are Deaf.*

If they are on a determinate sentence they will just get released anyway, and if they are not on a determinate sentence they might never get released just because they are Deaf …

As a result of the issues discussed throughout this section of the article, severely deaf and particularly culturally and linguistically Deaf prisoners experience the pains of imprisonment differently and much more intensely than their hearing peers, to the point that are often forced to live in a continual form of solitary confinement. The Prison Service in its current form is not an appropriate place to hold these prisoners, and consequently appears to have a disproportionately damaging effect on their mental health. All of the Deaf prisoners appeared anxious, lonely, fearful, frustrated, and confused during their interviews, as shown here by one participant whose poignant reflection captures the sadness of his plight:

> *I only feel a little bit depressed, not heavily depressed. Sometimes I cry just because I am in prison. I cry a lot … because there's nobody Deaf, there's nobody Deaf here. I can't communicate. I can't express myself to anybody.*

Recommendations for the Prison Service

It is clear that the Prison Service is failing to meet the needs of d/Deaf people in prison in any consistent way. Findings from this research map onto those of McCulloch, demonstrating clearly that the prisons included in the research were not complying with the conditions of the Equality Act 2010, and were consequently acting illegally by failing to meet the duty the legislation imposes. While promoting policy change was not a core aim of this research, its findings have obvious implications for Prison Service policy. With this in mind, in order to ensure that establishments are able to comply with the legal stipulations of the Equality Act 2010 and to implement the necessary reasonable adjustments for d/Deaf prisoners, a set of recommendations for change for the Prison Service have been outlined. The purpose of this is to provide suggestions which are seen as being both practical and feasible for the Prison Service to implement. With this in mind, it is recommended that the Prison Service ought to make the following changes to their practices and procedures if they are to be compliant with the conditions of the Equality Act 2010:

> *1. To make it a statutory requirement for establishments to record d/Deaf prisoner numbers, and to introduce an accurate system for doing so.*

The implementation of this recommendation is imperative, as this research has shown that without an accurate recording mechanism the Prison Service has little knowledge of numbers or locations of HoH/d/Deaf prisoners, or the extent of their d/Deafness. For these figures to be accurate and useful, distinctions must be made between the different levels of d/Deafness, with HoH, deaf and Deaf being split into separate subsections, and there being simple definitions provided for each term. Establishments must be provided with clear standardised guidelines for how to implement the system, and staff members must undertake training in order to become competent in its use.

2. To acknowledge the importance of sound in prison, and to make it standard practice for HoH/d/Deaf prisoners to be provided with equipment that converts sound into an accessible format.

This research has shown that HoH/d/Deaf prisoners have difficulty becoming integrated into the prison regime without access to specialist equipment that converts sound into a d/Deaf friendly format. To overcome this, HoH/d/Deaf prisoners must be given access to items such as visual fire alarms and vibrating alarm clocks. Minicoms must also be provided where necessary to ensure that these prisoners are able to use the telephone, as should hearing aids, replacement batteries and hearing loops.

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3. To ensure that BSL is treated as an official language in prison.

Written prison resources such as information packs are often not converted into a visual format for Deaf prisoners. To combat this, the Prison Service should ensure that where translated alternatives are in place for foreign national prisoners, the equivalent information is also available in BSL. While this may be more complicated initially due to the visual nature of sign language, it is recommended that visual versions of documents such as information packs should be available nationwide, and adjustments should be made to written procedures such as making complaints and using the application system, to make them accessible to Deaf prisoners.

4. To provide Deaf prisoners with regular access to qualified BSL interpreters

The provision of BSL interpreters for Deaf prisoners is often inconsistent, and in consequence these individuals commonly become largely isolated from prison life. To overcome this, Deaf people in prison must be given access to a fully qualified BSL interpreter during medical appointments, legal appointments, Parole Boards, and adjudications.[48] While face-to-face interpreting is preferential where possible, failing this, a service such as InterpreterNow could be utilised in meeting/appointment type settings, which can provide access to fully qualified interpreters over the phone.[49]

Deaf prisoners must also be given the opportunity to actively partake in educational, vocational, offending behaviour and rehabilitation classes/courses either in their own language or with the presence of an interpreter. The Prison Service must make it possible for Deaf prisoners to fulfil the requirements of their sentence plan, as without doing so Deaf prisoners may be serving longer and more painful sentences than other prisoners—putting them at a distinct disadvantage compared to their peers. An example of good practice here is the Sex Offender Treatment Programme that runs at HMP Whatton, which has been tailored to allow Deaf prisoners to participate.[50]

48. In order to ensure that an interpreter is sufficiently qualified, the Prison Service ought to use only those who are registered with the National Registers of Communication Professionals working with Deaf and Deaf blind People (NRCPD). It is important to acknowledge that only certain interpreters are qualified to do legal work, and therefore in the context of legal appointments the NRCPD can be consulted to find an interpreter with the appropriate skills.
49. InterpreterNow was formed by the Deaf Health Charity SignHealth in 2012, and uses technology to provide an interpreting service to Deaf people in instances where they cannot get access to a face-to-face interpreter. In order to use the service, a computer, smartphone or tablet is needed, along with a working webcam and an internet connection. Service providers must register with the service, agree to pay for the calls and download the InterpreterNow app. In instances where a BSL interpreter is necessary, the service provider would open the app and request access to an interpreter, who then appears on the screen of the device being used and can interpret for the Deaf person in the room. This service is currently used by service providers such as the NHS and the Leicestershire Police force (InterpreterNow (2016) InterpreterNow [Online] [Accessed on 10th September 2016] Available at: http://www.interpreternow.co.uk/).
50. Butler Trust (2016) *Victoria Beck, Rachel Callander, Pete Mills and Helen O'Connor (HMP Whatton)* [online] [Accessed on April 26th 2016] Available at: http://www.butlertrust.org.uk/victoria-beck-rachel-callendar-pete-mills-and-helen-oconnor-hmp-whatton/.

5. To provide nationwide d/Deaf awareness training for prison staff.

Prison staff members commonly have little d/Deaf awareness, and in consequence do not know how to effectively meet the needs of d/Deaf prisoners. With this in mind, it is recommended that staff members at every prison establishment must receive d/Deaf awareness training, where they will be taught about the differences in different levels of d/Deafness, the importance of providing specialist equipment, and the culturally distinct norms and behaviours of many Deaf people. Those chosen to undertake this training can then be used as information points for other staff members if/when a d/Deaf person arrives at their establishment.[51]

6. To provide a standardised set of guidelines for prison establishments and other responsible agencies.

The Equality Act 2010 is not currently protecting the rights of d/Deaf people in prison. Without a clear definition of 'reasonable adjustments' staff members often have little idea of how to adhere to the legislation when faced with a deaf, and particularly Deaf prisoner. To reduce such ambiguity, the Prison Service ought to provide a standardised set of guidelines which detail the expected adjustments for d/Deaf people in prison, as well as information about how to go about making such adjustments.[52] Alongside this, it is recommended that a replacement of the PSI titled 'Ensuring Equality' (2011) is created, which provides further clarity for establishments about the adjustments that they are required to make for prisoners who are protected under the Equality Act 2010.

7. To consider the needs of Deaf prisoners serving IPPs.

It is recommended that the Prison Service takes account of the findings from this research which suggest that Deaf prisoners serving IPPs are becoming increasingly over-tariff as a consequence of the fact that establishments do not have the resources to enable them to fulfil the conditions of their sentence plan. If it transpires that these claims are in fact valid, then the Prison Service must see that these prisoners are given the opportunity to complete the necessary courses in a timely fashion.

51. Since the fieldwork period ended one of the prisons included in the study has in fact begun to provide d/Deaf awareness training for staff members in conjunction with the registered charity Royal Association for Deaf people. For the purposes of anonymity no further information about this training is provided here, however, this is an example of good practice that ought to be rolled out across the prison system.
52. If the procedures at a particular establishment differ from these guidelines, staff members there should be made aware of such deviations.