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The Deaf & Law Enforcement Listening Though Deaf Eyes: A Grounded Theory Approach

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THE DEAF & LAW ENFORCEMENT
LISTENING THOUGH DEAF EYES: A GROUNDED THEORY APPROACH

by
John Garner

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in Partial Fulfillment of the Requirements
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Approval Page

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May 1, 2018

ABSTRACT

The Deaf & Law Enforcement: A Grounded Theory Approach: Applied Dissertation, Nova Southeastern University, Department of Justice and Human Services:

This paper examines the perceived and practical schism between deaf society and the police when the deaf attempt to obtain police services. The paper challenges current police culture and operating procedures, which tend to marginalize deaf society and largely ignore the mandates contained in the Americans with Disabilities Act (ADA). This qualitative research project is focused upon perceived law enforcement practices and culture through a multi-layered study of police customs, law, policy, and standard operating procedures as experienced, perceived, and reported by deaf individuals.

A constructivist grounded theory approach was used to examine the way law enforcement is perceived by the Deaf, Deaf-Blind, and Hard-of-Hearing community. Open-ended interviews were conducted to gather data. The data gathered will be shared in the hopes it will impact the criminal justice system's approach to deaf individuals, culture, and issues. The data casts a critical light upon the limitations in policing and the lack of attention to historically important legislation.

Keywords: Deaf, Law Enforcement, Police, Culture, Communication, Policy, Training

To those who protect and those who are vulnerable. May we share a pint in peace and learn each other's ways.

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Chapter 1

Nature of the research problem

"Police Kill Deaf Man," "Police Taser Deaf Man Who Could Not Hear Verbal Commands," "Police Brutality Against Deaf on the Rise"—simply search the Internet using the words "Police and Deaf" and you will quickly find out why the issue of communication between deaf individuals and law enforcement communication is a significant but misunderstood phenomena. For years, the federal government has mandated a change to the way the local, state, and federal police do business though acts like the Americans with Disabilities Act—yet change has been negligible. Why?

The problem

An exhaustive search of the literature has failed to uncover professional or academic contributions of substance addressing law enforcement, the deaf, or related ADA principals. Only a limited number of superficial articles exist addressing the public safety needs and rights of deaf individuals. Without substantial data, research, and reporting relations between the deaf community and the police will continue to deteriorate (Ludenberg & Breivik, 2014).

Problem statement. The problem is that frustrations are high. Ignorance and misinformation are pervasive within both police and deaf cultures. As a result, deaf rights are being violated and trust in the police eroded.

Impact. The author hopes this research will start to bridge the gap dividing both factions. Law enforcement is underfunded, overwhelmed, and overworked (Dearden, 2017). The deaf community is misunderstood, marginalized, and disempowered (Suggs, 2012). The deaf have a negligible influence on the law enforcement community and

prevailing power structure. The average police officer gives scant thought to the unique considerations and legal safeguards of the deaf community. The consequences can be dire. An instant of misunderstanding can lead to tragedy.

The purpose

"The definition of insanity is doing the same thing over and over and expecting a different outcome." – Narcotics Anonymous (1981).

Deaf people see themselves as more than their auditory function, just as police officers view themselves as more than a gun. This study is partly about the natural friction that occurs between two very different groups and the struggle between two cultures—two very diverse worlds. It is almost impossible to fully understand them both without undergoing intensive cultural and linguistic training. This study does not claim to accomplish this; rather, it attempts to create a bridge connecting a large and seldom explored chasm. The purpose of this dissertation is to gain a greater understanding of the experiences deaf individuals may encounter when they interact with law enforcement officers.

Outside of the deaf community, little knowledge exists about the lived experiences of deaf individuals. The study of the lived experiences of deaf individuals when encountering law enforcement may provide additional insights into the potential for humans to achieve a heightened level of mindfulness. The data, in the form of personal narratives, undoubtedly supplies us with a better understanding of our own capacities and frailties as human beings. In this study, the experiences of deaf individuals are put together in a composite framework so that the essences of those experiences are portrayed in their entirety.

In her 2014 work, Charmaz suggested researchers aim for a cogent synthesis of their data without delving into constructing theories. This project aims to travel beyond amalgamation into the realm of theory, and eventually in real-world application with the publication of a guidebook for police chiefs and policymakers.

A cursory Internet or academic database search of the terms “Americans with Disabilities Act (ADA)” and “Primary Consideration” and “Police” reveals dozens of settlement agreements between the law enforcement entities and deaf citizens but almost no discussion or evidence of reform (USDOJ, ADA Settlement Agreements, Civil Rights Division). Civil judgments ensue and rights violations persist, as the deaf community’s trust continues to ebb away.

Background & Significance

Evidence. Occasionally a problem surfaces in a community; for instance, a deaf man languishes in jail for a week because he missed his arraignment. He did not hear the court call made over the jail’s PA system (Hsu, 2017). Maybe public meetings are held, ideas discussed, “feel-good” in-service police training follows, and the problem ebbs from consciousness. Institutionalized change seldom occurs. Repeated demands for quality training, mindful transformation, and sound institutionalized policy are being made. However, the police and the criminal justice system are not getting the message. By continuing to gloss over this issue, police officers predictably fall into a pattern of apathy, substandard service, ineffective communication, civil rights violations, vulnerability to cumbersome lawsuits, and government waste (DOJ, Investigation of the Chicago Police Department, 2017).

Resources and training on the topic of deaf people are scattered haphazardly across the entire law enforcement training palette. Independent living centers, grassroots groups, state commissions, and police academies are stakeholders but seldom collaborators. External programming directed at the police but written without credible police input will yield minimal results within a skeptical culture. The majority of training efforts are deficient in their understanding of police procedure, mores, and mission. Veteran officers quickly reject instruction developed outside the culture. Inopportunely, poorly crafted and unengaged training efforts afford plausible deniability to the bureaucratic mindset, so they persist (Gilliams, 2016). Many administrators are content to sign off on inadequately designed training and policy recommendations. In a 2012 Institute for Criminal Justice Education article, Sylacauga Police Chief Zook states:

> It doesn't take a brilliant lawyer to ask for a policy manual after filing a claim, nor does it take a boy genius to see that the policy was written several years ago and then left to gather dust. If your policies are current and up to date, what about training? A policy written but not trained is a waste of paper (Zook, 2012).

Chief Zook provides a glimpse into the police administrator's mind and the fact that agencies may be more motivated out of the fear of litigation than out of the desire to maintain a well-trained and professional police force. For some, the real goal is a reduced risk of liability and placating public criticism.

Throughout the study, the reader may see the word "deaf" and "Deaf "used interchangeably. Crammate's (1968) definition of "deaf" is "deafened to the extent that their communication is visually oriented; that is their reception of communication was through the eyes—reading written messages, reading lips, observing gestures and clues, or using a structured visual language such as American Sign Language" (Atkins, 2011, p. 1).

Deaf individuals whose first or preferred language is American Sign Language (ASL) regard themselves as a cultural and linguistic minority more than they view themselves as having a disability (Kravitz, 1992). Champions of this philosophy rightly recognize that if hearing individuals learned to sign, no incapacity exists. Therefore, Deaf, as denoted by a capital "D" can refer to individuals who have identified as culturally Deaf. And deaf as denoted by a lowercase "d" refers to an audiological disorder and does not necessarily imply a connection to the Deaf Community (Padden & Humphries, 1988; Schein, 1989; Sacks, 1990). Naturally, the parameters that define the meaning of capital "D" and lowercase "d" can be dynamic and change across space and time. For example, learning sign language or learning about deaf culture may shift a deaf person's identity. Also, big "D" deafness can also refer to someone who is born deaf while little "d" can indicate deafness was acquired later in life (usually after acquiring language), depending on the circumstance (Atkins, 2011).

Significance. Misunderstandings, apathy, and ignorance negatively influence relations, outreach, and the interactions between both groups. Qualitative, phenomenological-based research methods in the form of a questionnaire distributed nationwide to deaf individuals soliciting data intended to measure, define, and form hypothesizes in the hopes of minimizing the schism between the groups and building up themes for future exploration is the intended outcome of this research. The researcher in this study has 27 years of experience in the law enforcement community and over twenty years of experience with the deaf community. The role of the researcher in this study was to bridge, nurture, and capitalize on the unique and delicate trust won inside two often-shrouded cultures: the deaf and policing communities.

The following chapters will add detail and fullness to the topics touched upon above. In chapter two, the current literature on the deaf and law enforcement relationship is examined and critiqued. Also, an analysis of the research conducted on the power differential between law enforcement and minority groups is included. Chapter three explains the methods used to control the qualitative, phenomenological research conducted in the outreach portion of this study. Chapter four reports on the themes that emerged as a result of the research. Chapter five analyzes and synthesizes the findings in Chapter four. Chapter six contains conclusions and recommendations for future study.

Beyond this research project, the long-term aim of the author's work is to gather the best information available on the communication patterns between deaf individuals and law enforcement and assemble it into one resource (a book). Currently, there are no concise and easy-to-use resources on deaf/law enforcement issues aimed at the busy law enforcement executive whose purpose it is to protect and to serve all.

Data from this project includes deaf experiences, whether positive, negative, or neutral. This dissertation provides an overview of the study presenting essential scholarship obtained from the literature review, research questions, a guiding theoretical framework, and an overview of constructivist grounded theory used in the study. A comprehensive review of the literature related to the phenomena of deaf incidents when encountering the police, police training on deaf issues, and a snapshot of research conducted on similar subgroups is included. By examining the "outsider culture" views of law enforcement, and by surveying the conclusions of the current research, correlations can be observed and valuable data extracted.

Currently, the push for reform from the perspective of deaf individuals fails to take into account the realities of police management. A lack of training dollars, mandated training, limited time, and scarce resources haunt police trainers and administrators daily. What little Police/Deaf training that exists typically takes the form of "sensitivity training" and is usually sandwiched between a variety of other "disability issues"—including mental illness, autism, PTSD, and developmental disabilities (Nelson, 2012). A 2018 search for the term "deaf" on the Illinois Law Enforcement Police Training and Standards Board web site returned zero results.

Police officers and deaf people share a common frustration. Police officers cringe when non-police personnel try to tell them what it is like to be a law enforcement officer. Similarly, deaf people wince when individuals assume what it is like to be deaf. Being deaf is more than not hearing. In fact, being deaf is as much about the inability to hear as police work is about wearing a uniform. The inability to hear is part of it, but this only touches the surface (Suggs, 2016).

Police officers at the federal, state, and local levels assist persons from all cultural backgrounds and have a duty to serve and protect all. Regrettably, a hearing-centric worldview pervades law enforcement. Officers rarely consider the unique needs of the deaf community. Awareness, when it does occur, transpires only after a botched encounter. For example, this conversation or something similar was overheard numerous times during the author's 27-year career with the Illinois State Police:

OFFICER 1: Yeah, I had a traffic stop with a deaf college kid last night.

OFFICER 2: Oh, how did that go?

OFFICER 1: Well, it took twice as long as normal. I talked real slow and loud. It didn't seem to help much. (Officer inserts a plug of tobacco into his mouth).

OFFICER 2: The kid must not know how to read lips?

OFFICER 1: No. He didn't. I think he had vision problems too. He squinted his eyes a lot. He tried to get me to turn off my flashlight.

OFFICER 2: So, what did you do?

OFFICER 1: I got my notebook out like they taught us in the Academy.

OFFICER 2: Good.

OFFICER 1: Well, for a college kid, he wasn't too smart. His English was horrible.

OFFICER 2: What's for dinner?

OFFICER 1: Tacos, okay?

While dramatized, the above incident or something similar happens daily throughout the nation. As funding diminishes, police resources dwindle, quality police recruitment suffers, and pressures for services increase. The vulnerable suffer most.

Study justification. Since human encounters are central to police work, and the police cannot pick and choose who they serve and protect, it is critical to examine the expectations and differences between police and deaf cultures. During the frequent and assorted cultural sensitivity training sessions police officers are mandated to attend, the deaf community is seldom viewed as a nuanced and distinct culture. Their unique needs are rarely addressed. The failure to address these issues has consequence. A lack of deaf awareness and sensitivity can be immediate, violent, or even fatal.

OFFICER: Place your hands on the steering wheel, sir.

DEAF DRIVER: (thinking to himself) I'm going to use the dry eraser board I use with my brother. Where is that? Under the seat, I think?

OFFICER: (Pulls weapons, repeats directions louder)

DEAF DRIVER: (Fails to find anything but the black sunglasses case he has been looking for. Interior is flooded with light from the officer's spot lamp.)

OFFICER: (Yells even louder, tension mounts, his finger is now on the trigger)

DEAF DRIVER: (retrieves black object; confounded he turns toward the officer)

OFFICER: (Pulls the trigger)

Again, the above encounter was fictionalized, but incidents like this happen too often (Andone, 2017). Recently released footage from a police cruiser's dashboard camera shows the events leading up to the fatal shooting of a partially deaf man by a Seattle, police officer. John T. Williams, a Native American woodcarver who was partially deaf, was killed on August 30, 2010, after walking past Officer Ian Birk, 27, on the street with a knife in his hand. The dashboard camera footage shows Williams slowly crossing the street in front of Officer Birk's police cruiser. Officer Birk approached Williams and repeatedly told him to put the knife down. Seconds later, Officer Birk shot him four times. The shooting occurred off camera, but the audio captured much of the incident. The officer opened fire after only a few seconds. The officer stated he shot Williams because he refused to comply with his commands to drop the weapon, putting Birk in fear for his life. Williams' friends and supporters argued that, in all likelihood, he did not hear the officer's commands.

Police training on deaf issues is almost non-existent. In 2013, Engleman et al. looked at the topic of emergency preparedness training first responders across the United

States to interact appropriately with the deaf. Of the scant seventeen pieces cited in the study, the author of *this* research contributed work products (curricula, program delivery, communication books, etc.) to over 35 percent of the offerings (Engleman, 2013).

The few trainings that are offered are almost always reactionary and short lived. Usually, an altercation occurs (a deaf person is injured, killed, or his/her rights violated). Training is developed and presented. The victims, courts, and media become pacified, and the training is shelved within six months.

As stated throughout this document, the focus of this study is to understand the experiences of deaf individuals as they contact law enforcement. The overarching questions for the dissertation are: Do deaf individuals experience angst when encountering law enforcement? If so, how and why? The inquiry will occur from several vantage points:

(1) the experience deaf individuals have when contacted by the police for minor issues (traffic stop, witness to an event);

(2) the experience deaf individuals have when contacted by the police for a major life event (sex assault, domestic incident, critical incident);

(3) the experience deaf individuals have when seeking police services; and,

(4) the experience deaf individuals have when meeting a uniformed officer (no incident or crime).

This research focuses on the inter-dialogue and affect reported by co-researchers in the context of the social and interpersonal experience of contacting or needing the police.

No research focused exclusively on the lived experience of deaf individuals who encounter law enforcement emerged during the literature review. Parallel findings to the theoretical research findings that emerged from this study are highlighted in Chapter 5.

Barriers and Issues

Feasibility. As far as the deaf community is concerned, the author's rudimentary American Sign Language (ASL) skills are secondary since the author has been actively doing liaison work on behalf of the deaf community for over twenty-years. With proper introductions and networking, the author has the trust and support of the community at large. Key deaf stakeholders and influencers at the national level are excited about the possibility this research affords and look forward to working with the researcher to bring attention and impetus to the topic.

The author is also aware that being a part of a specific culture (especially police culture) for 27 years can jade and bias an individual. With law enforcement under attack by special interest groups and the media on a daily basis, most veteran law enforcement officers are keen apologists for their culture. While objectivity is always a challenge, the aim is not insurmountable, and prior experiences are critical to this study. While it may be impossible eliminate bias, Husserl (transcendental phenomenology) states it is possible to suspend bias for a short time and focus on analysis and experiences (Martirano, 2016). Heidegger carries this further by suggesting that researchers use experience, bias, and prior knowledge to help shed light on a topic (Heidegger, 1968).

If conducted ten or 15 years ago, communication, time, and distance would be a limiter in the study. Fortunately, the deaf community as a whole was an early adopter of Internet technology and the expanded communication channels it provides (Power, 2007).

Limitations. One obvious limitation of the study was communication. The researcher's American Sign Language Skills (ASL) are limited. Fortunately, all contact occurred via email. A shortcoming of this approach is that the access to technology may limit the scope of the study. The "convenience-style, snowball" sampling methodology used in this study may appear suspect at first blush. Keep in mind that gaining disclosures from deaf individuals by a hearing former police officer is usually fraught with deep skepticism, wariness, and mistrust. But a long-term record of accomplishment, confidence, and networking through past working relationships secured unique access into the worldview sought out by the study.

Expressive communication amongst deaf individuals without a formal education can be limited. American Sign Language (ASL) is a very concrete language (Yunkis, 2010). Abstract thought is not a byproduct of any language unless accompanied by education, both formal and informal. The ability to solicit a broad stratum of participants that can express themselves in written English may be a demographic and socioeconomic limitation.

Those whose main language is Spanish or those who sign and communicate exclusively in any language other than English were not recruited and not sampled for the study. Also, individuals possessing limited writing skills likely deselected themselves from participation due to an inability to express experiences in a written form. Deaf and deaf/blind individuals who did not possess or did not have someone to transcribe their responses into written English may not have had the necessary resources to submit replies. These limitations are real but ripe and fertile ground for future study. It should also be noted, even if in-person interviews using a certified ASL interpreter could be

financed and conducted, it too would have a marked limitation. As constructed, co-researchers can communicate directly or anonymously with the lead researcher. It is within the realm of possibility that having a third person involved (a sign language interpreter) might limit the candor and quality of the data gathered. Sensitive topics, vulnerabilities, and prior victimization are central to this research. Some deaf individuals may not feel comfortable confiding delicate information through a sign language interpreter who often circulates and associates with others in the culture.

Several nuances planned for this study were not realized. Diverse demographics, education, and socioeconomic levels were limiters. The deaf individuals sampled for the study were mostly well networked within deaf culture, politically active, and progressive, cultural influencers. Access to non-English speakers, persons without Internet access and computer skills, isolated individuals, persons with limited education, and deaf/blind individuals without significant resources or alternative communication channels limited their participation.

The dissertation focuses primarily on internal cognition and affective experiences described by the co-researchers in the context of the social and interpersonal experience when encountering law enforcement. Although the dissertation is looking specifically at the responses and constructions of meaning that occur within the individual (individual experiences), a precipitating event might negatively influence the objectivity of the study. Participants may predispose or bias themselves via the “deaf grapevine” and not actually report the experiences or phenomenon (contact with the police) that they had themselves. The researcher hopes by keeping the dialogue focused upon specific instances experienced firsthand with the police, this limitation can be mitigated.

Definitions of the Terms

A description of key terms and concepts used in this introduce or to reinforce important ideas in the discussion regarding Deaf-Law Enforcement issues.

Aids & devices—assistive listening systems and devices; open captioning; closed captioning; real-time captioning; closed caption decoders and devices; telephone handset amplifiers; hearing-aid compatible telephones, text telephones; videophones; captioned telephones; videotext displays, CART (Communications Access Realtime Translation), etc.

American with disabilities (ADA) & effective communication—requires that title II entities (State and local governments) and title III entities (business and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities.

Angst—a feeling of dread, anxiety, or anguish (Old German)

Auxiliary aids and service—a qualified note taker; a qualified sign language interpreter, oral interpreter, cued-speech interpreter, or tactical interpreter; real-time captioning; written materials; or a printed script of a stock speech.

American sign language (ASL) —the indigenous language of the American Deaf community (Ladd, 2003).

CEPEN/TDI—Community Emergency Preparedness Information Network/Telecommunications for the Deaf and Hard of Hearing, Inc.

Cochlear implant (CI) —surgically implanted device that helps some people hear sound.

Culture—the way of life of a people, the sum of their learned behavior patterns, attitudes, and artifacts (Hall, 1959).

Deaf (big "D" deaf) —refers to those born deaf or are deafened usually in childhood and for whom sign language and the Deaf World represent their primary experience (Ladd, 2003). A particular group of people who share a language, American Sign Language, and a culture (Padden & Humphries, 1988).

Deaf (little "d" deaf)—refers to those who acquire the audiological condition of not hearing subsequent to acquiring auditory language skills (example: spoke English earlier in life) (Padden & Humphries, 1988) and refers to those who retain allegiance to the hearing world (Ladd, 2003).

Deaf-blindness—means concomitant hearing and visual impairment, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness (US Department of Education).

Deaf community—a group of people that may include persons who are not audiologically Deaf; people within the group support the goals of what Deaf people are trying to achieve and actively work in concert with Deaf people to achieve those goals (Padden, 1980).

Grounded theory (GT) —Grounded theory is "a systematic qualitative research methodology in the social sciences emphasizing generation of theory from data in the process of conducting research." (Martin, et al. 1986, p. 141)

Hard of hearing (HoH) —someone who does not hear well. This may because they were born with a hearing loss or they may have lost some or all of their hearing later in life. Many hard of hearing people don't know they have a hearing loss (National Center for Hearing Loss).

Hearing—from a Deaf person's perspective, an ASL glossed representation describing persons who are able to hear. Two groups of hearing people from a Deaf-centric perspective are those affiliated with the Deaf World and those not affiliated with the Deaf World.

Interpreter—the interpreter identifies intended meaning or sense of the speaker's discourse and reformulates it in the target language (Seleskovitch, 1978). "The interpreter works with languages and partakes in a form of translation in which a first and final target language message is produced on the basis of a one-time presentation of a source language message" (Pöchhacker, 2004, p. 2). "An interpreter works with at least two languages and cultures and needs to have an excellent command of both" (Pöchhacker, 2009, p. 340).

Language—refers to a rule-governed communication system with features that make it generative and includes symbols organized and systematically used; arbitrariness or iconicity; community members sharing the same system; productivity as new messages may be created at any time; ways of showing relationship between symbols; ways of introducing new symbols; usage in unrestricted domains; being able to be broken into smaller parts and; the ability to discuss itself meta-linguistically or using language to discuss language (Valli, 2011).

Late-deafened (LD) —those who became deaf post-lingually (after learning to speak), and were raised in the hearing community; also known as little "d" deaf (Berkie, 2010).

Oral deaf—born or pre-lingual deaf but taught to speak. Typically do not use ASL (Ratner, 2009).

Primary consideration—the choice of aid or service requested by the person who has a communication disability. The state or local government must honor the person's choice unless the choice would result in an undue burden or a fundamental alteration (US Department of Justice).

Qualified interpreter—someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary (Americans With Disabilities Act).

Total communication—using any means to communicate: sign, voice, fingerspelling, lip-reading, amplification, writing, gesture, pictures (Berkie, 2011).

Visual language—a term used to describe organic, indigenous signed languages (Ladd, 2003).

Chapter 2

The work of challenging the status quo, especially within police culture, is a daunting one. Apathy and indifference often waylay deaf individuals who cry out subsequent to an ADA violation. After all, who are deaf individuals going to call? The police? Civil remedies may be an option but finding qualified attorneys knowledgeable on the ADA and willing to take on the system for little or no money can be difficult. Although numerous individuals have had their rights violated and some have even garnered the attention of the media, little research has been conducted seeking to understand the internal dynamics of the phenomenon.

Coverage

Careful deliberation of the materials to be included and excluded from the literature review took place. During the assembly of this literature review, the author conducted a preliminary literature search focusing on police, deaf, hard of hearing, law enforcement, the Americans with Disabilities Act (ADA), and policing. From these materials, the author conducted a secondary literature review focusing more specifically on the topic of police contact with deaf individuals. The researcher sought peer-reviewed articles published in leading journals within the disciplines of criminal justice, criminology, deaf studies, social work, psychology, sociology, and law. To this end, the researcher conducted numerous searches of journal databases, conference proceedings, governmental agency reports and legal bulletins. While every effort was made to obtain

the most recent and relative texts, research that predated the enactment of the Americans with Disabilities Act (1990) was usually omitted.

Synthesis

Historical Context. One limitation to understanding the struggle deaf individuals have when encountering the police is that many deaf individuals are unaware of their legal and constitutional rights, how the criminal justice system works, or how and why the police operate as they do. Another chief source of frustration for deaf individuals may be that even the brightest, most progressive police leaders in the country do not realize, or will not recognize, that there *is* a problem. Many deaf individuals do not trust the police. This mistrust between the two groups predated the Black Lives Matter (BLM) movement by over a decade but, to date, has garnered little media attention.

A greater understanding of the experiences, behavioral responses, and struggles deaf individuals have when encountering the police demands further study. This literature review briefly opens by discussing deaf demographics followed by two main components: current descriptive and recent theoretical literature on the topic. Historically, the topic of deaf interactions with law enforcement has been explored only nominally. Notably, Dr. McCay Vernon pioneered much of the social justice work affecting deaf individuals, their unique needs, and their treatment by government entities. This study seeks to build upon the work of Dr. McCay Vernon. Through the continuation of his pioneering work, his legacy and voice can echo through contemporary journals, police and deaf publications, and related conferences. It is time for others to step up and continue the essential work Dr. Vernon began in 1969.

Existing and new perspectives. The existing literature related to the phenomenon of deaf interaction with the police falls into three broad categories: (1) literature written by hearing individuals on police/deaf issues with little or no police or Deaf input (the hearing savior), (2) descriptive academic articles which measure inputs but fail to quantify the outputs, (3) popular media which seeks to romanticize deafness and vilify law enforcement, usually offering up the singular tired solution: "The police need to undergo more training."

Methodology

The role of the literature review in grounded theory (GT) research has long been argued and misconstrued. Charmaz (2014) disagrees with the common grounded theory dictum that you should *avoid* reading the research and theoretical literature about your topic. Charmaz claims a researcher needs to be current about the experience or situation under consideration. Since the predominant research in the field of deaf/law enforcement relations is input driven and descriptive, this study is not in peril of being tainted or heavily influenced by an upfront, comprehensive literature review. The focus of this study is unique as a theoretical examination of the issue that is atypical in the existing works. While the initial section of the literature review focuses predominately upon contemporary descriptive research, the final segment reflects the analytical categories, which emerged in similar studies.

Each of the preceding chapters is threaded and bound together using a grounded theory and a constructivist model. The study reports the results of the research, as a grounded theory of *Deaf Phenomena of Police Encounter* (DPPE). The paper also

contains a discussion comparing DPPE with other existing developmental models followed by an examination of its merits and opportunities for future study.

Significance

"One of the main problems involving deaf people's relations with law enforcement is that a number of law-enforcement officers are simply brutes." (Moore & Levitan, 2016, p. 507).

The above quote is unfortunate, especially from the police community's perspective. While untrue for the majority of law enforcement, the perception for some is a reality and perceived reality is the objective of grounded theory.

Søren Kierkegaard is credited with coining the word *angst.* Angst (rooted in the word anxiety) is used to describe a feeling of intense emotional strife and has more in common with anxiety than with a specific material threat (Biju, 2014). The angst some members of the deaf community feel towards law enforcement is undeniable and, while opportunities for deaf individuals to articulate their fears to the police are rare, the issue is genuine. If a deaf person has limited contact with law enforcement and the deaf person receives most of his or her information about the police through the unofficial channels or other incestuous and unreliable networks, angst is a logical result. Whose fault is this?

The law enforcement profession is much more accountable than it was in the 1960s. The advent of accreditation, citizen review boards, and video cameras has created a profession where a craft once existed. Even so, police officers have yet to fully appreciate the volatility that can occur when oral communication breaks down and to comprehend the levels of service mandated by the federal law.

Undoubtedly, deafness presents some unique challenges for law enforcement. Oral communication is vital in almost all one-to-one interactions. How many times a day do patrol officers ask a person to “Take your hands out of your pockets” or “Keep your hands on the steering wheel?” When a citizen fails to heed requests of this nature, tensions can escalate exponentially. The ADA was created to provide guidance and to mitigate some of these issues.

Rationale. At the root, police administrators and criminal justice professionals need a basic understanding of federal laws, such as the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and Presidential Executive Order 13347 (see Appendix E). Without a comprehensive understanding of effective communication and these laws, the profession is failing to fulfill its core mission by managing to protect and to serve only some.

The N.Y. Times reports in the case of Wisconsin v. Rewolinski that T.D.D. transcripts were used to convict Robert Rewolinski of murdering his girlfriend. While no one disputes the facts of the case, the prosecution used transcripts to prove premeditation from a private T.D.D. conversation. This alarmed the deaf community. Without the transcripts, manslaughter and not a murder charge would have probably resulted from the trial. Should a deaf person’s reliance upon technology reduce their right to privacy? (Law; Testing Privacy Rights, David Margolick, New York Times, March 30, 1990).

The quality of the accommodation received influenced the amount of access deaf individuals achieved and the outcome of the interaction. Like the police, deaf people are not always accurate in their interpretation of the ADA. Likewise, some are ill equipped to assert their rights so they can obtain the appropriate accommodation. After all, deaf

people have no immediate remedy if “reasonable accommodation” is withheld (Brunson, 2008).

An exhaustive review of the existing literature and legal mandates concerning the police and deaf individuals shows the deficiency in the literature and the frailty of the existing laws. Additional work on the topic is sorely needed. The existing laws governing deaf accessibility are over 37 years old. The existing research on the topic, though well-intended, is sparse and superficial.

There is only a minuscule amount of literature on this topic and what information exists, while whitewashed with good intent, contains little substance. The sparse literature and jurisprudence that exists is often confined to the concrete and ethnocentric topic of American Sign Language. The significant shortsightedness of this focus is that ASL is not a universal language (Miller, 2011). The author anticipates future legislative and legal action demanding Spanish, Chinese, exact English, Tactile and other specialized forms of interpreting services from the government and other mandated entities.

Additionally, what information that does exist on the topic of deaf perceptions of law enforcement is descriptive and anecdotal in nature. Inputs, not outcomes, are often the focus throughout the majority of the literature (Ohene-Djan, 2010). Police training is criticized, problems identified, or model programs featured but to date, no one has gone to the source. No research has focused exclusively upon the deaf perspective and experience concerning the services law enforcement provides.

There is a significant gulf separating perceived police competence, research efforts, the law, and actual “boots on the ground” police operations. Until these chasms are identified, navigated, and traversed, the deaf community will continue to suffer, and

law enforcement will continue to struggle meeting their core mandate—to protect and serve all.

The purpose of the research question in a constructivist grounded theory model is to let the data speak for itself or allow the free exploration of the topic in question. Preconceived limits are not a component of this type of inquiry (Charmaz, 2014). As crafted, the research question was useful to understanding the deaf experience when encountering law enforcement. Beyond this, the shared underlying cognitive processes that deaf individuals experience when in contact with the police were identified (via survey). Due to the emergent design mandated in the grounded theory approach, each interview followed its own course based on prior experiences and the shared experiences of the often tight-knit deaf community. The research questions did not inhibit the study.

According to the *Journal of the American Medical Association* (2011), there are 48 million deaf, deaf-blind, and hard-of-hearing people living in the United States. Communication needs vary depending on the level of hearing loss, educational level, and culture of the deaf individual. “The diverse communication modalities in the U.S. includes American Sign Language (ASL), Signed Exact English (SEE), Pidgin Signed English (PSE), Spanish Sign Language (SSL), Cued Speech, lip-reading and spoken English” (Engleman, 2013, p. 84). American Sign Language (ASL) is the communication preference for the majority of the co-researchers who participated in this study.

There are set rules, mandated by federal law that publicly sponsored entities must obey when communicating with protected individuals. A secondary goal of the author’s research is to determine if law enforcement’s training, policy, and practice comply with

these well-defined and publicized mandates and more specifically, if these omissions impact the lived experiences of deaf individuals, how are they affected?

Unfortunately, the following example is indicative of law enforcement practices across the country. According to a 2007 research project conducted by the Minneapolis Council on Crime and Justice (Taylor & Gaskin), the fissure between deaf and police culture is clear and obvious. Taylor and Gaskin discovered that law enforcement personnel could not properly operate a teletypewriter (TTY) and often misinterpreted routine deaf behavior as either drunkenness or mental illness. The study concluded that police officers need training, ready access to interpreters, and more clearly defined agency policies. The investigation acknowledged that the Minneapolis Police Department did have a policy for obtaining sign-language interpreters but the same policy did not outline how to identify a deaf person or how to establish basic initial communication.

Ohene-Djan, Hersh, & Navqi (2010) attempted to look at the effectiveness of police and deaf interactions within the United Kingdom. While the Ohene-Djan article was well intended, a detailed examination of the article revealed it contains numerous technical errors. For example, “Police officers should try to avoid handcuffing a deaf person whose main language is sign language, as this severely restricts the hand and arm movements used in signing and therefore prevents or at least severely restricts communication (p. 301).” While this may make sense on the surface, it falls short on analysis. Officer safety is never compromised in law enforcement circles. Communication is a secondary consideration. Additionally, few officers are fluent in receptive sign language. Communication is useful but typically not critical during the brief transport phase of an arrest scenario.

More noteworthy, the US Department of Justice held a disability conference in 1998 and came up with some interesting insights later published in a federal publication entitled *Bulletin*. According to the U.S. Department of Justice, Office for Victims of Crime, Tyiska (*Bulletin,* 1998), there are three common myths or stereotypes commonly attributed to all persons with disabilities. These myths provide a glimpse into the cultural gap that exists between the police and the deaf community and sheds some light into why law enforcement professionals do not always understand or comply with ADA guidelines. According to the DOJ, common stereotypes include:

- the idea that deaf individuals are suffering and need things done for them,
- the deaf lack the cognitive ability to make their own decisions (even though mental capabilities are usually intact); and that,
- "distress is contagious"; there is a stigma attached to even associating with the disabled.

As a matter of record, Vernon (2009) studied the intelligent quotients (IQs) of deaf children and found out "Deaf and hard-of-hearing children have the same level of intelligence (IQ level) as hearing children. While the IQs of Deaf individuals is generally equal to those of people who hear, educational achievement levels are significantly lower due to the limited acquisition of information" (Vernon, 2009, p. 15-17).

Deaf people, especially those who are not well educated, are at risk for serious injustices when they enter the criminal justice system. It is often convenient for officers to communicate via the written word. While appropriate in some circumstances, the tiny notebooks most police officers carry in their breast pockets are small and difficult to use when saturated with rain or in low light conditions. Most importantly, many deaf

individuals (and many hearing individuals) write approximating the way they talk. In the case of deaf individuals whose primary language is an ASL construct and whose skills at processing language are concrete and necessarily different, the results can be confusing for the uninformed and the uniformed. For example, deaf high school students responded to the following prompt: Write about the most exciting day of your life and the most boring day of your life (Yunkis, 2010, p. 1).

Student 1 response:

> most exciting because not boring exciting day many how most boring always exciting happy no exciting need best no boring day not most exciting yes propaply not knew why most be tell me who where book boring need not funny who your exciting both always boring Read boring always

Student 2 response:

> My exciting day is: I like to go to LAX. Every Saturday, I go to the Go Karting with my dad somebody that I know who work in Go Karting I talk to them and they gave me a free ticket to ride, because they were my friend. To see a sign that saids 'No HW and No School for 5 days.' Play football.
>
> My boring day is: To wake early in the morning. To read and HW. Play soccer. A long day drive. Wait forty get a beagle. You have a school today (Yunkis, 2010, p. 1).

According to Vernon, Steinberg, and Montoya (1999), felony level police interactions with deaf homicide suspects open up a Pandora's box of forensic issues. The Vernon et al. (1999) study centered around 28 deaf individuals charged with homicide. In most cases, the linguistic capabilities of the defendants diminished to the point the

researchers were concerned the subjects were not fit to stand trial (due to communication, not mental health issues). Obviously, ADA issues were only some of the concerns raised by the Vernon study. Harry (1985) discovered that no writings exist about forensic psychiatric evaluations of the pre-lingual deaf. The reliability and validity of any cognitive or psychological evaluation can be negatively influenced by the lack of a mutual language, pathway, and linguistic experience.

While not under the authority of the ADA, the United Kingdom boasts an ambitious grassroots initiative called Police Link Officers for the Deaf (PLOD) (Ohene-Djan, Hersh, & Navqi, 2010). It is a goal of PLOD to train police officers in the use of sign language. Similar initiatives were attempted in the US. All have failed, as sign language is a perishable skill if not utilized on a regular basis. Ohene-Djan et al. (2010) distributed deaf/police surveys to a large number of police departments throughout the UK. Predictably, only 23 officers responded to the request, with one officer indicating he/she had some rudimentary sign language skills. In the recommendations section of the Ohene-Djan et al. (2010) article, the authors suggest, “Increasing the numbers of deaf and hearing impaired police officers at all ranks (p. 330).” While the author is completely supportive of the least restrictive environment possible to live and work, he cannot conceive of an individual without the capacity to hear functioning effectively as a police officer in the United States. A receptive auditory function is critical to every aspect of modern policing, even if the officer was working exclusively in a deaf community environment. Even then, communication with mainline supervisors, administers, and dispatch would exclude this from happening. The Ohene-Djan, Hersh, & Navqi study has some drawn some well meaning but naïve and questionable conclusions.

Research Questions (Qualitative)

In a broad sense, the research question key to this inquiry can be stated as follows: What is the lived experience of deaf individuals when they encounter law enforcement? This question needs to be addressed from several perspectives:

(1) Critically evaluate existing literature to establish the current effect law enforcement has upon the experiences of the deaf community;

(2) Survey the views of deaf individuals to determine how law enforcement contact has influenced their life experience;

(3) Survey the cultural and social norms of deaf culture to map existing perceptions of law enforcement; and,

(4) Survey the views of deaf individuals to create police training and policy recommendations to address the difficulties and challenges deaf individuals have when utilizing/encountering law enforcement.

Do deaf individuals experience angst when encountering law enforcement? If so how and why? What can be done to create trust?

Gaps in the existing literature. It is also a goal of this literature review to identify the cracks in contemporary scholarship and to target these voids for additional research. Specifically, the literature review and research component of this project will survey deaf demographics and touch on the existing scholarship and attitudes concerning law enforcement's:

- effectiveness when communicating with deaf individuals,
- disconnect with deaf society and culture,

- compliance with the Americans with Disabilities Act; and specifically,
- fulfillment of the *primary consideration* edict mandated by the ADA

Impact. This study is intended to provide a platform for deaf individuals and the culture. Through collective voices, it is hoped both government and law enforcement policymakers, administrators, and practitioners will revisit their efforts. It is hoped that there is a reassessment of the needs and rights of deaf individuals as a result of this work.

A comprehensive literature review reveals that very little research has occurred in this area, due in large part, to the gatekeeping that occurs within the deaf community. Within the hearing community, indifference or superficial feel-good research efforts dominate.

Chapter 3

A variety of research methods was considered before the commencement of this project. The limited amount of data and the need for comprehensive insight into an opaque culture guided the researcher to choose a qualitative, phenomenological, constructivist grounded theory approach for the study.

Qualitative inquiry is exploratory. Qualitative researchers seek an understanding of the underlying reasons, opinions, and motivations of others. This approach lends itself directly to answering the research question proposed in this study.

Phenomenology seeks to study direct experience. Specifically, phenomenology develops a complex account of temporal awareness (within the stream of consciousness), spatial awareness (notably in perception), attention (distinguishing focal and marginal or "horizontal" awareness), awareness of one's own experience (self-consciousness), self-awareness (awareness of oneself), the self in different roles (as thinking, acting, etc.), embodied action (including kinesthetic awareness of one's movement), purpose or intention in action (more or less explicit), awareness of other persons (in empathy, inter-subjectivity, collectivity), linguistic activity (involving meaning, communication, understanding others), social interaction (including collective action), and everyday activity in our surrounding life-world (in a particular culture) (Smith, 2016). The above methods will facilitate a "drilling down" into deaf culture and the mining of data.

The overall purpose is to understand how people make sense of their lives and their experiences (Charmaz 2014, p. 23). The objective in this study is to enhance public policy, community policing, and confidence in law enforcement by the deaf community.

Two distinct sections make up Chapter 3. The first segment addresses the theoretical framework for the study. In the second section, procedures specific to constructivist grounded theory are outlined and defined.

The dissertation uses the constructivist grounded theory model as first described by Glaser and Strauss (1967), Strauss and Corbin (1990), and their protégé Charmaz (2000, 2003, 2006). This study relies heavily upon Kathy Charmaz's most recent work *Constructing Grounded Theory (2nd edition).*

Below is a discussion of how constructivism is fitted to phenomenology, qualitative research, and grounded theory. Protocols for data collection, the selection of participants, the constructing of follow-up interviews, data analysis, and the handling of emergent issues are also highlighted below. Also outlined is the process used in the emergent design (component of constructivism). The emergent model dictates a building process that constructs new data based upon prior data. Following the data collection process, a discussion on the criteria used for evaluating the qualitative data and for developing advanced concepts on the perceptions the deaf have on law enforcement is presented.

This section sequentially and formally discusses the procedures used for the study. The role of the researcher, research questions, and data collection and analysis procedures are the focus. Finally, a discussion on academic rigor, validity, and reliability closes out Chapter 3.

Participants

The terms *participant* and *co-researcher* are used interchangeably throughout the study. In a constructivist approach to research the subjects in the project co-construct the data with the lead researcher.

Target population and sample method. A democratized qualitative research approach is a centerpiece to this project. Deaf and deaf/blind individuals comprised the co-researchers in the study. The 25 co-researchers who volunteered for the study were referred to the principal investigator, in a snowball fashion, by established, deaf community leaders (pilot group) who participated in the Department of Homeland Security's CEPIN/TDI, Deaf/First Responder Preparedness course development and program delivery process.

Access to the deaf community can be frustrating without a credentialed referral. The author's past work with the deaf community and the Department of Homeland Security ensured access to quality research participants and the data they provided. The majority of the data collection was gathered via email. The first step of the recruiting process involved referrals and introductions from deaf associates (pilot study members), which snowballed further and deeper into the deaf community and culture. Of the 33 deaf individuals asked to participate in the study, 30 agreed to participate. The researcher emailed each individual to establish an open communication channel. Each potential participant was forwarded a handout describing the study (Appendix A). Prospective participants asked a variety of questions about the research project before committing. In addition to contributing to a valuable research project that could potentially improve the

lives of deaf individuals, participants in the study were provided the opportunity to discuss their experiences in a confidential manner. Potential co-researchers were instructed to contact the principal researcher via email or text to seek clarification or ask additional questions concerning the study.

Contact information for participants who were interested in participating in the study were securely stored in a password protected and encrypted computer database. Committed co-researchers were given further information about the study and initial arrangements were made. Several potential participants did not follow through and several who provided emails did not respond to additional inquiries. Two potential participants, although initially enthusiastic, when contacted later stated that they did not have time available to participate in the study. Each was thanked for their time and their decision was honored.

Email was used to conduct the surveys with confirmed participants. In the first email, the purpose of the study was again explained and each participant was provided with an attachment of the consent document (Appendix A). After emailing the co-researchers and providing them with the opportunity to ask questions about the study and their participation in it, each was asked to sign the consent document. The list of likely participants (28 deaf, and two deaf-blind individuals) were generated and vetted for suitability via the core focus group (five deaf leaders). Upon completion of the consent and vetting process, the surveys were sent out. All twenty-five participants who completed the phase one interview completed study.

The data-gathering instrument (survey) included a prompt, which was focused, yet open ended (Appendix B). A recent news photograph and questions were used to

stimulate and prompt responses. The participants forwarded their replies directly to the lead researcher via email. Survey replies were analyzed and coded in search of emergent themes. Especially insightful quotes and experiences reported by the participants were harvested for inclusion in the final narrative. All data was backed up on two external thumb drives and secured separately in locked safes.

Participation barriers. The deaf participants responded to the survey directly and in writing. Some Deaf/Blind individuals required an intermediary and utilized a combination of the following communication channels to complete the survey (Hersh, 2013):

- Spoken languages
- Sign languages
- Tactical sign languages (holds other person's wrist and feels the movement as they sign)
- Deaf/blind manual alphabet (tactical)
- Tadoma (feel the movements on the interpreter's chin, lips or throat)
- Spartan (drawing block capital letters onto the palm)
- Finger Braille (typing onto the six fingers as a Braille keyboard)

Sample size. For the purposes of this dissertation, a sample of 30 participants was realized. While the concept of saturation is elastic and hotly debated amongst researchers, many recent grounded theory studies have been able to reach saturation of the data with sample sizes of 20 or less. But the goal here is not in the saturation of data but in the saturation of the concepts. The range of variation in a concept is more telling than a large

volume of raw descriptive data (Charmaz, 2014). “Twelve interviews may generate themes but may not command respect” (Charmaz 2014, p. 107).

Further, many grounded theory studies collected data in a single session from the participants through a single interview. This research included a series of up to three interviews with each co-researcher, which allowed for dense data gathering from the limited number of participants. There were twenty-five participants in the first pool of interviews (thirty including the pilot group); eleven were re-interviewed in the second pool, and four in the third pool of interviews for a total of forty in-depth interviews in the main study. Five persons participated in the pilot interviews and their responses were also included in this study as a data resource for theoretical coding. Therefore there were 30 participants from all sources. The 30 participants engaged in a total of 49 interviews, providing more raw data than is often available in contemporary grounded theory studies. Elaboration on the sufficiency of the data is provided below in the discussion of the rigor of the study.

Co-researcher demographics. This author has cultivated a sacred trust and built fragile inroads into the heart of the deaf community. The writer has worked with key stakeholders for decades and fostered confidence, not as “a savior who will rescue the deaf from an evil world of hearing people” but as someone who “really gets the deaf community and their needs” (a participant from Baton Rouge, LA, Homeland Security training who went through Hurricane Katrina).

Including the pilot participants, there were 30 participants in the study. There were 18 males and 12 females. Participants ranged in age from 19 to 64 with a median age of 33 and a mean age of 34; the standard deviation was 2.9. Twenty co-researchers

identified themselves as Big “D” (born deaf), three as little “d” (acquired deafness), and two as deaf/blind.

Educational levels varied widely. Nine identified as not completing a high school or a GED program. Twelve quantified their level of education as a high school diploma or GED. Three stated they had some college education. Two reported they had achieved a bachelor’s degree. One person stated they had obtained a master’s degree or more. One person failed to provide educational data.

Of the 30 participants in the study, one of the participants had no previous exposure to law enforcement outreach programs to the deaf community. Three participants had participated in citizen police academy training or other police familiarization programs.

Participants were asked to list ways in which they identified themselves. Seventeen co-researchers identified themselves as parents. Two participants noted that they had grown up in poverty and one identified as being financially affluent. Twenty participants identified themselves as advocates for the deaf. Among participants who identified their religious background, three identified as Catholic, nine as Protestant Christians, eleven as spiritual, one as Jewish, and three declined to provide comment.

Instruments

“By creating open-ended, non-judgmental questions, you encourage unanticipated statements and stories to emerge” (Charmaz 2014, p. 65. Exploration versus interrogation is the goal here. Also, emergent theory trumps reification (making things concrete) and description in a grounded theory study. Rather than discovering order *within* the data, we create an explication, organization, and presentation *of* the data (Charmaz, 1990).

Charmaz (2014, p. 65) recommends using open-ended questions for research but suggests avoiding interrogation. Data for this dissertation was collected through individual email questionnaires sent to co-researches. All participants engaged in the first questionnaire, eight participated in a second interview, and four participated in a third interview. There were a total of 49 interviews conducted with the 30 participants. If participants from earlier interviews were not contacted for second or third interviews, it was due to the failure to yield substantial new information or due to saturation in the categories the participant seemed likely to contribute.

Data collection methods. All interviews (survey) were conducted via email and aligned directly with the research questions. Occasional texts were shared back and forth between the principal researcher and the co-researchers but these were administrative in nature and did not contribute directly to the data set.

Co-researchers were reminded they could forgo answering any question(s) for any reason(s). When asked, participants expressed confidence utilizing email to conduct the interviews. Several participants reported that they enjoyed being able to respond to the survey from their home and on their own time schedule. The emailed survey was designed to take less than one hour to complete.

The introduction section of the survey explained and answered anticipated questions about the research. The informed consent process was also revisited. The interview email responses ranged in length from 100 to 1100 words with a mean length of 400 words and a standard deviation of 200 words.

The lead researcher's home mailing address was provided in case co-researchers wanted to submit an anonymous questionnaire or narrative. Delicate topics like sexual

assault or an on-going investigation might hinder a participant from responding candidly. By offering an anonymous channel for communication, the lead researcher hoped to increase the opportunity to gather sensitive but crucial data. Two surveys were submitted anonymously.

Initial interview guide. A deaf focus group was used to pilot the first draft of the survey. Feedback was solicited from the group and used to makes edits to the initial survey instrument. Readability, focus, and clarity were the goals of the initial interview guide review. This step was critical since philosophical inquiry mandates the use of abstract ideas and beliefs that inform our research. Piloting Plotting? the survey to ensure it was not too abstract was critical since some in the deaf community think in very concrete terms (Yunkis, 2010).

Interviews for data collection. "Intensive interviewing has become the most common source of qualitative data, and many grounded theorists rely on it" (Charmaz 2014, p. 18). Interviews are one of the most efficient ways to understand the cognitive and affective processes of another. Through interviews, the researcher can enter a dialogue of exploration with the participants and gain direct insight into their construction of meaning. Interviews are one of the most common methods of collecting data in social science research, and police officers are particularly suited to directing interviews due to their skills in conducting investigative inquiries. Qualitative research interviews need to be constructed so that they accommodate the emergent nature of the research (Charmaz, 2014).

Morrow and Smith (2000) state that qualitative interviews should be flexible and able to be adjusted as the research process emerges. They also describe qualitative

interviews as iterative, in that the interviews move from broad explorations to a more pointed focus (theoretical sensitivity). “Theoretical sensitivity or sampling is the ability to understand and define phenomena in abstract terms and to demonstrate abstract relationships between studied phenomena” (Charmaz 2014, p. 161). “Engaging in theoretical sampling prompts the researcher to predict where and how the needed data can be found to fill gaps and to saturate categories” (Charmaz 2014, p. 199). This process can be accomplished by asking earlier participants additional questions or by seeking out new participants. “Theoretical sampling gives your work analytic depth and precision” (Charmaz 2014, p. 213). *Theoretical density* as opposed to merely “*nothing new happening*” is the aim when declaring a concept saturated or sufficiently studied.

Kvale (1996) proposes six criteria for evaluating interviews in qualitative research. First, the participant’s responses should be rich and spontaneous. Kvale also looks for replies that are specific and pertinent. Second, within the boundaries of the questions, the interviewee/co-researchers’ responses should dominate the progression of the interview as much as possible. Third, the interviewer should clarify the participants’ meanings during the interview process via active listening techniques. Fourth, the interviewer should interpret the interviewee’s responses throughout the interview process. Fifth, the researcher verifies participant meanings during in the interview process. And finally, the interview stands alone and does not require a significant amount of additional description or explanations; clarifications are sought for unexplained concepts during the interview itself. Sound qualitative interview practices result in the collection of rich data that enlighten the study. Charmaz (2003) echoes the call for rich data: “Rich data reveal

participants' thoughts feelings, intentions, and actions as well as context and structure" (p. 87).

The researcher should "construct interview questions that allow participants to reflect anew on the research topic and look for and explore taken-for-granted meanings and actions" (Charmaz, 2003, p. 88). Interview questions should be constructed to go beyond superficial explanations and assumptions and seek to tap deeper meanings for both the principal researcher and co-researchers. "We must look for views and values as well as for acts and facts. We need to look for beliefs and ideologies as well as situations and structures. By studying tacit meanings, we clarify rather than challenge, respondents' views about reality" (Charmaz, 2000, p. 525).

Use of interviews in the research. Qualitative research utilizes informational, intensive, and investigative interviewing strategies. For this study, informational interviewing was relegated to the gathering of demographic and background information on the co-researchers. Informal, intensive interviewing lie at the heart of this research effort. Informal, intensive interviewing creates a safe space where participants can relate their experiences. "Intensive interviews focus on research participants' statements about their experience, how they portray this experience, and what it means to them, as they indicate during the interview" (Charmaz 2014, p. 58). Intensive interviewing is controlled but flexible, it allows for an immediate follow-up on ideas or issues, and it allows the interviewer and participant to co-construct the conversation together.

The email interviews were constructed to yield rich data for analysis. The interviews began from a preliminary guide (Appendix B). This guide was designed to allow for broad, open-ended discussion of the research questions. Subsequent interviews

and the questions had their genesis in prior interview responses. This building process was used to continually gain greater knowledge of the experience of the co-researchers. Revised interview guides were drafted based on broad themes that emerged in earlier interviews. To gain the fullest understanding of the experience, second and third interviews were conducted to allow for follow-up probes. From the outset, co-researchers were informed about the purpose of the interviews so each could properly frame their perspective and understanding of the issue under investigation.

To further improve the quality of the interviews, redacted copies of the initial interviews were shared with deaf leaders (pilot group). These leaders had undergone training on basic law enforcement procedures, practices, and tactics. Their input was sought to find ways to improve the interview process and to gain a fuller perspective on the information shared by the participants. These consultants were asked to look for areas of assumed meaning that went unexplored and places where follow-up probes could be used more effectively. Based upon the pilot group's feedback, edits to the follow-up interview guides were made.

Pilot study. Before the initiation of this dissertation project, pilot questionnaires were sent to deaf leaders known and trusted by the author. Pilot study participants were informed that the data they provided would not only help clarify and fine-tune the survey instrument before distribution but that their responses would used as a part of the final report.

The pilot process was designed to measure the level of language barriers and any miscommunication nuances. Survey instrument revisions were made based upon the pilot process feedback.

Pilot interviews allowed for an initial testing of the interview protocol and survey questions. Summaries of the pilot study findings are included in Appendix F. In each of the interviews, the pilot participants were able to describe several forms of "struggle," "angst," and "anxiety" that they experienced when encountering the police. The types of struggles they described included several of the issues uncovered in the literature review, as well as several critical issues not addressed within the existing literature. Due to focused questioning, the participants described affective reactions that were abundantly more complex, detailed, and authentic than the experiences reported in the broader studies outlined in Chapter 2. The pilot interviews established two things: the basic interview protocol was an effective tool for encouraging participants to share experiences of their struggle with the police and that the experiences they describe are not accurately or completely accounted for in the traditional literature. The feedback from the pilot interviews lead to slight modifications within the survey instrument (see Appendix B).

Survey. Before the recruitment of survey participants, approval to conduct research using human subjects was obtained through the Nova-Southeastern University's Institutional Review Board NSIRB (Appendix G). Appendix A contains a copy of the informational letter used to recruit and inform potential research participants about the details and potential benefits of the study.

The informed consent procedures and documents were completed and submitted as part of the NSIRB approval packet. Appendix A contains the Informed Consent Form used for co-researcher participation.

With the except of the data gathered in the piloting process, the initial email interview survey began with the consent process and collection of demographic

information. Participants were asked to describe their background with law enforcement. Charmaz (2014) emphasizes that it is imperative for researchers to have enough background data about the persons so that they can incorporate, understand, and adequately portray the full range of contexts in the study—to understand what lies beneath.

Again, the emailed interview survey questions were open ended to allow the participants latitude as much as possible. Typically, the participants wrote 300 words about their backgrounds, initial experiences, and views of the police. The survey prompts then directed participants toward reporting their experience when encountering law enforcement (victim, witness, suspect encounters). A photo was presented and responses to the photograph were solicited to provide additional data and a measure of internal validity within the instrument. At the end of the survey, the questioning opened the assessment instrument up to allow for commentary on any areas that were not covered by the structured and focused questioning. Overall the participants were remarkably open and frank with their comments during the interview. This openness continued throughout each phase of the survey process.

Since, in phenomenology, the focus is not on the world, rather on the subject who experiences the world, it is vital to know how the respondent experiences any particular issue or situation. So, for instance, if a researcher is interested in knowing how a respondent has experienced a visit to a certain park, the researcher should focus on the way this park was experienced by the respondent, and not the specific details of the park. So, a researcher is not particularly interested in how many entrances, swings, and canteens were there in the park, but in knowing the way a respondent experienced these

objects. And in doing so, the investigator has to take his respondent (the participant) to a stage where he/she starts reflecting on his/her experience, and tells the researcher about his/her feelings, expectations, fears, thoughts, stimuli selection etc. In short, he/she has to tell how they were conscious of these things (Rawat, 2011).

To be clear, the purpose of this study was not to focus exclusively on the opinions, beliefs, feelings, or mindsets about law enforcement by the deaf community, yet this is a critical part of the equation. Specific indicators measured via the survey include:

(1) participant satisfaction with law enforcement;

(2) **skills** the police have when responding to calls for service with a Deaf/HH individual(s);

(3) perceived attitudes by law enforcement toward the Deaf/HH, including general perceptions, bias recognition, assessment of cultural competency, and perceived efficacy in relation to cultural competency when interfacing with the Deaf/HH; and,

(4) knowledge the police have when working with the Deaf including the concept of primary consideration.

Kathy Charmaz's initial interview template (Appendix B) provided a starting point for the interviews. The interviews for this study were structured in accordance with the emergent design concept, which is fundamental to grounded theory.

The instrument was designed to be conversational, with ample follow-up questions and probes to clarify and explore the topics raised by the participant in depth.

The interview guide was initially developed for use in the pilot study and yielded ample data from the 25 participants in the pilot study.

Second interviews. Although all participants in the main study indicated interest in the second interviews, ten percent of the participants were deemed unlikely to contribute critical data, did not complete the survey due to difficulties with computers, or failed to respond despite numerous attempts to contact them. Second interviews, or follow-up questions, were initiated for 90 percent of the survey participants. The second interview occurred right after the completion of the phase one survey response and analysis, which took approximately two weeks.

In preparation for the second interviews, the researcher reviewed the initial surveys, took notes on the responses, and identified areas from the first interview that could potentially yield rich data. Additionally, a list of themes to inquire about during the second interview was developed from the initial coding of the first round interviews. The list of questions used during the second interview is included as Appendix B. The second interviews covered the topics listed in the second interview guide, follow-up questions and clarifications from the first interview, and questions about emerging constructs, themes, and interpretations in the analysis process.

Participants solicited in phase three were deemed to have advanced insight into the topic(s) being researched. Each was asked to reflect on the refined model that started to emerge during the second interviews and provide commentary.

Third interviews. The third interview (survey) occurred one month following the second interview. The lapse in time was to allow the researcher time to synthesize the first two interviews. The third interview focused on the items needing clarification from

the first two interviews. Participants provided additional commentary and clarification on emergent themes.

Each of the participants who participated in both phases one and two were contacted for a third interview. Twenty-three of these interviews were commenced but two were not completed due to a variety of conflicts and issues. The participants shared little additional personal information in the third interviews. In several cases, participants described the same incidents they had described in the second interview. The participants' responses of the emerging themes were central to this interview. The questions used for the third interview are located in Appendix B.

The constant comparative method. The data from the interviews were examined using a constant comparative approach. The constant comparative method is the data analysis strategy linked with grounded theory and developed by Glaser and Strauss (1967). In this approach, data are "coded inductively, and then each segment of the data is taken in turn and (a) compared to one or more categories to determine its relevance and (b) compared with other segments of data similarly categorized. As segments are compared, new analytic categories and new relationships between categories may be discovered" (Schwandt, 2001, p. 30). Charmaz (2003) notes that the practice of studying data as it is collected allows the researcher to be aware of "respondents' implicit meanings and taken-for-granted concerns" (p. 92) and to learn nuances of the participant's writing style and meaning.

The analytic and data collection methods of grounded theory are adapted to fit the particular research question (Charmaz, 2000). Grounded theory and the constant comparative method for analyzing data cannot be applied to a research question rigidly.

Instead, the principles of grounded theory guide the decisions the principal researcher makes until the data become saturated and theory materializes out of data. The grounded theorist engages in both data collection and analysis, looking for nuances of meaning along the way. The research questions in grounded theory simultaneously deepen and change throughout the process. As the investigator understands more about the phenomena under study, the design for the study emerges, "thus the research proposal identifies what the investigator intends to do in the course of the research, but the original design is often modified as the investigation progresses" (Morrow & Smith, 2000, p. 201). She recommends letting the data speak early in the research process and following emergent leads. The techniques used in the constant comparative method are reviewed here to provide background information and basic definitions of the terminology used.

"Constructing core categories through the constant comparison method is fundamental for doing ground theory" (Charmaz 2014, p. 181). The constant comparative method used in this study consists of several distinct levels of data analysis: initial coding, focused coding, theoretical coding, and the development of a conditional matrix. These levels of coding inductively begin with and continually *return* to the data, yet analyze the data in higher and higher levels of abstraction. The analysis continuously builds upon an inductive foundation. Initial coding is "the process of breaking down, examining, comparing, conceptualizing, and categorizing data" (p. 61). The next level of analysis is focused coding which is "the process of selecting the core category, systematically relating it to other categories, validating those relationships, and filling in categories that need further refinement and development" (p. 116). Finally, the end result of a grounded theory analysis is often referred to as a conditional matrix, "an analytic aid,

a diagram, useful for considering the wide range of conditions and consequences related to the phenomenon under study. The matrix enables the analysis to both distinguish and link levels of conditions and consequences" (p. 158). Each of these levels of analysis is described in detail below.

Charmaz takes issue with the using the preexisting framework that is inherent with axial coding (comparing emerging themes with prior data and other themes). She sees axial coding as trying to "force a fit." Charmaz states, "Those who prefer simple, flexible guidelines—and can tolerate ambiguity—do not need to do axial coding (2014, p. 148). Charmaz recommends emergent versus analytic strategies (inherent in axial coding). As a result, the study does not utilize axial coding.

Initial coding. Coding provides the link between data and emergent theory. Coding gives the investigator an analytic skeleton for his or her grounded theory research project. Codes are used to summarize, not analyze. Summary in the constant comparative method begins with initial coding. The process of initial coding asks, "What are the general categories to emerge in a first review of the data?" (Creswell, 1998, p. 103). Charmaz (2000, 2003) recommends line-by-line coding where the researcher develops a code for each line of each page of the data. This method has less likelihood of missing important details than unitizing data because the principal researcher is not deciding the length of the units to be coded. Line-by-line coding is a heuristic device (somewhat ambiguous). It helps the researcher to avoid imposing predetermined ideas onto the data, and enables the data, and as a result the participants, to express themselves.

> Coding leads directly to developing theoretical categories, some of which you may define in your initial codes. You build your analysis from the ground up without taking off on theoretical flights of fancy. Line-by-line coding also helps you from inputting your motives, fears,

> or unresolved personal issues to your respondents and to your collected data (Charmaz, 2003, p. 94).

Categories begin to emerge from the data as the researcher compares each code with every other code and this data begins assimilate into similar concepts and, groupings, and categories.

Focused coding. Through focused coding, the researcher seeks to bring the inquiry together into a codified whole. The researcher may assume there is a single storyline describing a single phenomenon or, serendipitously, discover interrelated stories. “The grounded theorist’s analysis tells a story about people, social processes, and situations. The researcher composes the story; it does not simply materialize before the eyes of an objective viewer” (Charmaz, 2000, p.522). This step of the process includes revisiting to the raw data to seek validation of the theory by tracking incidents that serve to either confirm or discredit the analysis. The data is used to test focused codes.

Qualitative researchers have one pronounced advantage over quantitative colleagues. Grounded theorists can add new pieces to the research puzzle or conjure entire new puzzles while we gather data, and that can occur late in the analysis (Charmaz 2014, p. 25).

Theoretical coding. In theoretical coding, all categories and concepts now become systematically integrated around the central/core category, the one that suggests a theoretical explanation for the phenomenon (Corbin & Strauss, 2015, p. 13). In addition to the analytic steps, a key feature of the constant comparative method is theoretical coding (Strauss & Corbin, 1990). As concepts and categories emerge from initial data sets, the principal researcher seeks further data from those who are in a position to

provide input on the evolving theory. The central or core category "consists of all the products of analysis condensed into a few words that seem to explain what 'this research is all about'" (Strauss & Corbin, 1998, p. 146).

Theoretical "seed data" takes precedence over the collection of descriptive stories. "If you take your grounded theory project into theory construction, four theoretical concerns affect which data you seek and how you collect them: theoretical plausibility, direction, centrality, and adequacy" (Charmaz 2014, p 87). Questions to be pursued through theoretical coding frequently emerge from analytic memos written by the researcher (Charmaz, 2003). The researcher may consult existing literature, return to co-researchers from earlier interviews to gain additional insight on emerging concepts, or the principal researcher may seek out persons who are in a better position to flesh out various aspects of the theory such as content experts.

While standards of evaluation for quantitative research have developed over time to include internal validity, external validity, reliability, and objectivity, standards for evaluating qualitative research are still evolving (Morrow & Smith, 2000). In this section, the broad evaluation criteria for qualitative research and grounded theory, in particular, will be reviewed, followed by a discussion of standards for conducting rigorous qualitative research. In this study, the term "evaluation criteria" is used to denote criteria implemented to evaluate a research product and the term "research standards" to indicate strategies used to develop a rigorous research project.

"Some publications in grounded theory refer to theoretical coding as 'selective coding' or 'conceptual coding'" (Saladana 2016, p. 250). Theoretical coding was conducted in three main ways. Participants in the final interviews were asked to comment

and provide insight on the conditional matrix. The data itself served as a source for theoretical coding as the emerging analysis was continually compared to the data. Finally, sampling was also conducted through reviewing the existing literature and through discussions with deaf friends, colleagues, and experts in the social science field. Many of these conversations were informal presentations of the analysis. However, the insights from the discussion of the analysis with others who are informed about social science and deaf culture proved to be valuable in clarifying points in the final evaluation. Theoretical Coding is appropriate as the culmination step toward achieving grounded theory. Theoretical Coding integrates and synthesized the categories derived from coding and analysis to now create a theory (Saldana 2016, p. 251).

Grounded Theory is categorized as an inductive process. Charmaz feels the term abduction better captures the theory. With abduction, the researcher tries to think of all possible theoretical explanations. With abduction, you take a *creative leap* to create a new understanding of the phenomena you are studying. This creative leap is not unique to scientific research as the term is found in many definitions of *critical thinking* (Rutter & Brown, 2011).

The researcher selects or creates a theory that explains the phenomena. If there are several competing theories, the researcher moves to the strongest theory by testing it against the data.

Conditional matrix. The data analysis process is used to construct the provisional matrix. In the matrix, the relationship patterns developed through open and focused coding becomes a theoretical entity. The matrix contains relationships and conditions that define the experience. The conditional matrix may or may not evolve

from grounded theory analysis. This phenomenon occurs is because the conditional matrix emerges from the data and some data sets do not lend themselves to theoretical constructions.

Strauss and Corbin (1990) define the conditional matrix as an analysis of the experience as it relates to all other levels of the transaction. This model is closely tied to sociological investigation. In the social science use of grounded theory, the phenomenon is not typically related to all levels of a transaction such as international, national, and community. However, social scientists' use of grounded theory will often relate the phenomena to various levels of intrapersonal, interpersonal, and social interactions. The final results of the study are regularly presented graphically as flowcharts (Morrow & Smith, 1995; Timlin-Scalera, et al., 2003) or as dynamic models (Gomez, et al., 2001, Noonan, et al., 2004, Richie, et al., 1997). Diagrams can enable you to see the related power scope and direction of the categories in your analysis as well as the connections among them (Charmaz, 2014, p. 218).

Analytic memos. Memo writing is not restricted. Memos in GT are not divided into theoretical or methodical codes. Memos are analytic and questioning. Memo writing is an intermediate step that bridges the gap between data collection and writing drafts of papers. Memo writing facilitates the theoretical discovery phase of the investigation. Memos allow the researcher to memorialize their thoughts and solidify questions concerning the direction of future inquiry. Memos chart the course toward theory construction. Analytic memos are an indispensable component of the analysis process. Memo writing is an essential step following the development of each grouping as the researcher notes the reasons for constructing the category in this particular way

(Charmaz, 2003). Writing memos prompts the researcher to compare data, elaborate on his or her thoughts, and plot further data-gathering efforts. Charmaz (2003) recommends memo writing for many different purposes including:

> Defining each code or category by its analytic properties, spelling out and detailing processes subsumed by the codes or categories, making comparisons between data and between codes and categories, bringing raw data into the memo, providing sufficient empirical evidence to support your definition of the category and analytic claims about it, offering conjectures to check in the empirical research, and identifying gaps in the analysis (p. 102).

In addition to the more formal analytic memos, the memoing process allows for the principal researcher's thoughts and reactions to the study. Reflective memos served as the field notes and a research journal for the study. There is not a bright line distinction between analytic and reflective memoing, but for the most part, analytic memoing has to do with the analysis of the data, and reflective memoing records the experiences of the principal researcher conducting the study. Reflective memos help in clarifying the part of the researcher in the study, while analytic memos are focused on understanding the phenomena under study as experienced by the co-researchers. Both types of memos are part of the research archive.

Throughout the research process reflection on the data was recorded through analytic and reflective memos. Analytic memos document the analysis process, define categories, and outline the rationale for decisions made during the research process. Reflective memos consist of reflections on the construction of the research as well as how the principal researcher's experience contributes to the study. Over the course of the scholarship, 11 reflective mmos were written. Additionally, analytic memos were recorded using microsoft software. Approximately, 22 annotations noted. Finally, each of

the major categories was described in an analytic memo, and the final version of these memos is the basis of the Results chapter located at the end of this dissertation.

Evaluation criteria. This study is positioned to maintain the standards of rigor and credibility demanded by the constructivist paradigm. Morrow and Smith (2000) recommend the standards of coherence, comprehensiveness, and reader credibility in evaluating qualitative research from a constructivist perspective. *Coherence* has to do with the rigidity of the argument: how well the study holds together and how well the inferences are supported by the evidence. *Comprehensiveness* has to do with the adequacy of the evidence in the study including the amount, type, and variety of the data. In constructivist research, those who read the final product ultimately determine the credibility of the research product. In other words, the ultimate value of the project is determined by the reader him- or herself.

In addition to overall evaluation criteria, there are specific criteria for evaluating grounded theory research. According to Charmaz (2000), Glaser recommends the criteria of fit, work, relevance, and modifiability for evaluating a grounded theory. The theory must fit the data, not necessarily the preconceived notions of the principal researcher's discipline. "Any existing concept must earn its way into the analysis" (p.511). Charmaz (2000) describes the criteria of work, relevance, and modifiability as follows:

> A grounded theory must work; it must provide a useful conceptual rendering and ordering of the data that explains the studied phenomena. The relevance of a grounded theory derives from its offering analytic explanations of actual problems and basic process in the research setting. A grounded theory is durable because it accounts for variation; it is flexible because researchers can modify their emerging and established analyses as conditions change or further data are gathered (p. 511).

Those who read the product and determine whether it indeed has coherence and credibility from their perspectives make the final determination as to the quality of the research product. Additionally, once constructed, the literature review will serve to compare the theory with other emergent theories in the areas of disability awareness, minority studies, and criminal justice to determine compatibility and utility.

Research standards. To produce rigorous, coherent, and credible work, scholars have developed standards for assuring thoroughness in qualitative studies. In practice, no one study will conform to all of these standards equally, however; the researcher needs to balance these benchmarks with the particular research topic in question and seek the greatest rigor possible within the parameters of the research process. Morrow, Rakhsha, and Castaneda (2001) recommend nine core standards for qualitative research: immersion in the field, sufficient data, triangulation, immersion in the data, participant checks, disconfirming evidence, researcher subjectivity, thick description, and an audit trail. The criteria recommended by Morrow, Rakhsha, and Castaneda have been integrated into the architecture of this study as completely as possible. Individual qualitative studies do not typically incorporate all of these strategies and Morrow and Smith (2000) caution against investing too much faith in the procedures alone. “These processes merely increase credibility and enlarge the interpretive perspective by casting more lines of sight on the phenomenon.” The incorporation of these criteria in the study is described below.

Strauss & Corbin (1990) state that there are four primary requirements for judging grounded theory:

1) It should fit the phenomenon, provided it has been carefully derived from diverse data and is adherent to the common reality of the area;

2) It should provide understanding, and be understandable;

3) Because the data is comprehensive, it should provide generality, in that the theory includes extensive variation and is abstract enough to be applicable to a wide variety of contexts; and

4) It should provide control, in the sense of stating the conditions under which the theory applies and describing a reasonable basis for action.

Grounded theory is about adopting a constant comparative method. Therefore the conformity and coherence of codes, concepts, and categories is also an important indicator of valid grounded theory. Conformity and coherence means that a grounded theory is reliable as no new categories emerge from the data. Sufficient development of the theory has been achieved. The process under which the theory has been developed can evaluate the quality of a theory. This contrasts with the scientific perspective that how you generate a theory is not as important as its ability to explain new data.

The researcher should not switch his or her focus from abstraction to description as concepts emerge. Detailed description offers data for conceptual abstraction and the possible emergence of a grounded theory in the future but cannot be considered grounded theory.

Deciding to use grounded theory means embracing it completely (not pieces of it). It requires the adoption of a systematic set of precise procedures for collection, analysis, and articulation of conceptually abstract theory. In addition to direct interviews, police reports and media reports will be analyzed to determine breakdowns during direct contacts and other types of deaf/police encounters. Comparing these reports to the emerging themes fleshed out through research should prove an effective form of

validation. Additionally, the deaf-leader focus group comprised of deaf individuals, previously chosen and vetted by the Department of Homeland Security's, CEPIN/TDI program, will prove an excellent form of validation for any emerging themes.

Quantitative analysis. Mixed qualitative approaches can bolster a study. Documents provide a rich vein of data. Most documents consist of diverse texts or images that the researcher had no hand in shaping and therefore are often seen as more objective than interviews or field notes. (Charmaz 2014, p. 45). During the course of the interviews, documents (websites, blogs, articles) referenced by the co-researchers were elicited, examined, coded, and incorporated into the research data. Documents comprise one type of text whose form, content, purpose accessibility, visibility, utility, legitimacy, and consequences can raise intriguing questions (Charmaz, 2014, p. 45).

In addition to the elicited surveys, a rich supply of extant documents including deaf Internet forums, mainstream and deaf written news articles, diaries, and blogs provided for a bountiful harvest of data. These documents were beneficial in theory construction and triangulation, and offered a bounty of grounded codes used during the research process.

Scholars can do more with records than conduct analysis. Prior (2008, 2011) advocates shifting the view of documents to focus on what documents do, rather than only concentrating on what they contain. A study of what a document does can include the following: 1) what its originator intended to accomplish; 2) the process of producing the document; 3) what and whom the document affects; 4) how various audiences interpret it; and 5) how, when, and to what extent these audiences use the document.

While often viewed as objective, reports are just as susceptible to bias as any other forms of data. People often create documents with an agenda, preconceived purpose, or specific aim. In reality, they serve more as social constructs rather than social facts.

Getting at preconception often provides as much, if not more, insight into a topic than the tangible narrative. For example, data may indicate traffic violations decrease every December 24th, as few citations are issued. In reality, many police officers are reluctant to issue tickets for minor offenses just before a cherished holiday.

A qualitative interactive inquiry was utilized to gather data. Prompts other than written questions were used to elicit feedback. Photographs, news articles, essays, etc. were utilized to provoke a response. All responses were analyzed for insightful themes and insights in a structured attempt to piece together the contemporary worldview the deaf have of law enforcement.

Charmaz (2014, p. 54) suggests, “For large projects such as dissertations, you might use two or more data-gathering approaches.” To plumb for texture and depth, the questionnaire contained a screenshot from a television news program. A photograph allows the lead researcher to approach the lived experience of deaf individuals through yet another channel.

Psychometric focus. The entire survey (Appendix B) is intended to draw out the psychometrics (attitudes, knowledge, abilities, and personality traits) of the co-researchers when encountering the police. The picture below is intended to draw out psychometric responses from the co-researchers in a unique way by depicting a potentially emotional incident. The photograph depicts a deaf individual being arrested

by the police after slapping the officers over a minor parking incident. By itself, the image communicates little to the hearing world. The lead researcher suspected the image would generate insight into the deaf experience and provide context for discussion. The open-ended question of "What do you think may have occurred here?" was asked. The participants constructed a narrative from this point, and the lead researcher coded the responses. The constant comparative method was used to integrate the results as part of a *visual* grounded theory approach.

(August 22, 2017, ABC News 10, San Diego, California)

Ethical considerations. Before involvement, the aims and goals of the research project were provided to the participants. Transparency is paramount. Participation was limited to adults (age 21 and older) so parental consent was not an issue.

Participants in a study like this must know what is in it for them. At a minimum, contributors are given a voice and an opportunity to potentially influence deaf and police understanding of each other's culture. The option of having names listed on the acknowledgments page was offered but optional, as anonymity was important to some. At no point will information be reported and attributed to an individual that could prove

harmful to the participant (example: if a sexual assault is disclosed, the incident will be redacted, sanitized, or presented in a composite so it cannot be traced back to the contributor). The author did not tie any participants directly to any of the data without obtaining explicit, written permission. All participants were offered an opportunity to receive a copy of the completed research project (sent via email) once completed.

Trustworthiness and validation. Validity and reliability are two criteria seldom embraced by grounded theorists (Charmaz 2014, p. 14). Data is never entirely raw (Charmaz 2014, p. 54). The fundamental act of recording data requires some level of analysis and interpretation. Fallible individuals are the ones who c*onstruct* oft-relied upon positivist sources like US Census data and other government documents. GT researchers generating firsthand data through interviews, field notes, and historical texts are also constructing data.

The precision outlined below is the standard in GT. Throughout the process, many steps are taken to ensure rigor. The benchmarks for qualitative research developed by Morrow, Rakhsha, and Castaneda (2001) were reviewed and compared with the processes used in this dissertation. The nine research standards outlined by Morrow et al. are immersion in the field, sufficient data, triangulation, absorption in the data, participant checks, disconfirming evidence, researcher subjectivity, thick description, and an audit trail.

Throughout the research process, established leaders who have lived the deaf life served as consultants and fact checkers. These leaders were selected due to their status on a national level as advocates, policy influencers, and the esteem they each are held in within the deaf community. Research summaries were presented to these consultants to

triangulate, communicate, and validate the data for consumption in a non-deaf culture. Other disadvantaged groups where the power-and-control metric similar to the disability framework comes into play (African-American, mentally-ill, and immigrant communities) also served as touchstones for the study.

Immersion in the field. Immersion in the field was attained through (1) the author's current and prior participation in deaf culture, training, and education; (2) immersion into the literature; (3) through interviewing participants; and (4) through recruiting participants over several phases of this study. One aspect of immersion in the research process was the author's personal experience of coming to an understanding of deaf culture and struggle, based on travel throughout the US during his work on the CEPIN/TDI program. In addition to CEPIN/TDI, the author has been an active advocate involved in both police and deaf culture since 1988. The author has created or co-created numerous training programs and publications. The author's "Deaf/Law Enforcement Communication Flip" (Appendix C) contains captioned clipart and is in its third printing. It has been replicated by several institutions and distributed globally. The book was designed to afford the police a basic channel of communication without the need of sign language or written notes.

Procedures

The following steps will be necessary to conduct the study:

1) Submit research proposal to the Institutional Review Board (IRB) and obtain approval to conduct interviews and research prior to any other step;
2) Revisit and revise literature review for the latest research;
3) Revise research questions, if needed;

4) Develop the initial questionnaire;
5) Scan social media, blogs, the *Deaf News* and other sources for meaningful data and trending issues;
6) Develop deaf individual contact list (from prior networking);
7) Identify key leaders to serve as a focus group and help interpret deaf experiences, as needed;
8) Identify and contact tier one participants;
9) Obtain releases from all participants;
10) Administer initial questionnaire;
11) Code responses;
12) Report and seek feedback from (deaf/leader) focus group on initial responses (validation);
13) Revise the questionnaire as needed;
14) Focus the questionnaire and obtain more data;
15) Conduct analysis;
16) Develop themes,
17) Synthesize themes into theories;
18) Seek feedback from (deaf/leader) focus group, other key stakeholders; and,
19) Report findings.

The aim of this study is to use a phenomenological approach to explore the lived experiences and perceptions of deaf individuals concerning law enforcement. Police policy and training recommendations can be made based upon the research data and findings.

A variety of methods was considered before deciding upon a phenomenological methodology. This approach to research enables social scientists to understand the experiences of individuals and groups from their own perspective and context, rather than applying a preexisting set of assumptions (hypotheses) *prior* to the data collection. Qualitative research is an essential tool to use when trying to understand the worldviews of persons in the field of the social science (Al-busaidi, 2008).

Appropriateness of grounded theory. A grounded theory approach as defined by Glaser and Strauss (1967), Strauss and Corbin (1990), and Charmaz (2000, 2003, 2006) was implemented in the study. Grounded theory is especially suited to understanding of phenomenon that has not been studied extensively or completely understood. Grounded theory was designed to allow "the data to talk" and allow researchers to cultivate inductive theoretical propositions that are based on data (Charmaz, 2006).

While grounded theory was originally developed to rival quantitative studies in a post-positivist paradigm or to find *a one true reality*, Charmaz modified the grounded theory approached to allow it to be situated on a constructivist paradigm or to allow people to express the way *they* see reality (Charmaz, 2014). This is distinctive in two primary ways. One, a constructivist approach does not seek to develop a theory that describes one objective reality, but rather the subjective realities of all of the participating co-researchers/participants. And two, a constructivist approach recognizes that the researcher is a partner working along with each of the other participants (co-researchers) to construct the study (Charmaz, 2014).

Methods are a tool to extend and magnify our view of studied life. Methods are a means for broadening and deepening what we know about our existence. Through grounded theory methods, the researcher aims to see this world as the co-researchers do— *from the inside*. "Outsiders often hold limited, imprecise, or erroneous views about the world being studied" (Charmaz 2014, p. 24). Outsiders frequently have a well-meaning but heuristic or less than optimal view of deaf issues. Firm methods anchored in the grounded theory foundations of ontology and epistemology will work to bridge the information fissure on optimize our understanding.

General elements common to grounded theory research design include:

1. Question formulating
2. Theoretical sampling
3. Interview transcribing and Contact summary
4. Data chunking and Data naming—Coding
5. Developing conceptual categories
6. Constant comparison
8. Growing theories (Ke & Wenglensky, 2010)

As with any other methodology, grounded theory has its own unique set of strengths and weaknesses.

Strengths:	*Weaknesses:*
-An effective approach to build new	-Huge volumes of data

theories and understand new phenomena -High quality of the emergent theory -Emergent research design reflects the idiosyncratic nature of the study -Findings and methods are always refined and negotiated -Requires detailed and systematic procedures for data collection, analysis and theorizing -The resulting theory and hypotheses help generate future investigation into the phenomenon -Requires the researcher to be open minded, and able to look at the data through many lenses Data collection occurs over time, and at many levels, helping to ensure meaningful results	-Time-consuming and painstakingly precise process of data collection/analysis -Lots of noise and chaos in the data -Prescribed application required for the data-gathering process -There are tensions between the evolving and inductive style of a flexible study and the systematic approach of grounded theory. -It may be difficult in practice to decide when the categories are "saturated" or when the theory is sufficiently developed -It is not possible to start a research study without some pre-existing theoretical ideas and assumptions -Requires high levels of experience, patience and acumen on the part of the researcher The research concludes when theoretical saturation occurs (Ke & Wenglensky, 2010).

Due to the difficulties and weaknesses encountered when applying grounded theory, this methodology is still not widely used or understood by researchers in many disciplines (Allan, 2003).

Rationale for using grounded theory. "Phenomenologists focuses on describing what all participants have in common as they experience a phenomenon" (Creswell, 2013, p. 76). The experience and consciousness of the deaf community as it relates to law enforcement and the criminal justice system needs to be better understood (Callis, 2014). For criminal justice professionals to begin to close the chasm that exists between police and deaf culture, the common themes, which currently isolated the two groups, must be delineated and synthesized. A composite view of deaf culture's view of law enforcement is required so policy, communication, and training improvements can be made.

While a "disability interpretive lens" (Creswell, 2013, p. 34) might seem an obvious philosophical assumption and sub-framework for this study, the author's interactions with the deaf community preclude the use of this model for a variety of reasons. Chiefly, the use of this model would likely shut down any attempt to conduct research within the deaf community. Deaf individuals have a deep mistrust of "hearing saviors" who plan to advocate, "by fixing them" or "improving the system." Most deaf individuals are cognitively competent and more than capable of advocating and thinking for themselves. Also, many deaf people do not see themselves as disabled. Deaf individuals can communicate within their community just as effectively as any foreign language speaker can communicate with his/her linguistic peer. Some have argued that sign languages are intrinsically better than oral languages for providing information

regarding spatial relations—in sign language; one can sign to show where objects are placed relative to each other. The four-dimensional nature of sign languages makes it more expressive than oral languages (Cooper, 2007). As a point of deliberation and comparison, do we consider Spanish-only speakers in the US to be disabled?

Emanuel Kant was one of the first to dip his toe into the pool of constructivism. In constructivism, the mind structures and organizes the world versus just receiving the world. In essence, the mind imposes itself upon experience.

According to Creswell (p. 36), the ontological beliefs of *social constructivism* are comprised of multiple realities constructed through lived experiences and interactions with others. Epistemological beliefs (known truth) are co-constructed between the researcher and the researched.

Again, according to Creswell (2013, p.24), "in *social constructivism*, individuals seek understanding of the world in which they live and work. They develop subjective meanings of their experiences—meanings directed toward certain objects or things." This study seeks is objectively examine the deaf community's subjective view of law enforcement. Areas examined include, various types of experience ranging from perception, thought, memory, imagination, emotion, desire, and volition to bodily awareness, embodied action, and social activity, including linguistic activity (Smith, 2009). Consciousness and temporal awareness are fundamental concepts and form the cornerstone of any study of this type.

Framework. In this section, a presentation is made on the theoretical or background information used to construct the study. This section begins at a general level

followed by two subsections addressing the selection of the research methodology (grounded theory) and on the epistemological paradigm of the study (constructivism).

The following two sections proceed to more practical matters. Data collection issues such as the structuring of interviews for an emergent, constructivist study, and the method of data analysis, which is the constant comparative method of grounded theory, are examined. In the penultimate section, a discussion of issues related to the evaluation of research generated from this paradigm and the existing standards for a rigor are delineated. Finally, the last section will address the place of the researcher in this study.

"*In my short experience of human life, the outward obstacles, if there were any such, have not been living men, but the institutions of the dead."* — Henry David Thoreau.

Systems often overwhelm individuals. Established police culture and policy can dwarf singular spirits. These quotes apply to those who work within the criminal justice system as well as those who come into contact with the system. In Hegel's master-slave dialectic (*Phenomenology of the Spirit*, Ch. 4), the system and those aligned are the masters, the rest slaves. Alienation fills the void where the deaf community has historically sought out recognition. Hegel states the master uses fear, obedience, and work to gain compliance from the slave. In relation to the deaf (and most non-political classes), work takes the form of taxes, fear takes the form of punishment (usually fines or imprisonment), and obedience manifests in the non-questioning/non-challenging of laws and ordinances. Power and identity struggles comprise reality, according to Creswell (p. 37). Privilege and a person's abilities (or lack of abilities) constitute reality. Creswell feels that research has the power to change reality (epistemology).

Grounded theory (GT). In the 1960's, *quantitative* researchers viewed *qualitative* research as impressionistic, anecdotal, unsystematic, and biased. Some of the remnants of this earlier attitude still cast a pall over the method today. Yet, grounded theory has become an increasingly popular method in psychology research and counseling psychology research in particular (Morrow & Smith, 2000).

Two American sociologists, Glaser and Strauss, advanced grounded theory in 1967 to explain an innovative research method they used in *Awareness of Dying* in 1965. The researchers espoused an investigative technique with no hypothesis and used a technique they called *continually comparative analysis of data*. They believe any theory emerging via this method was authentically grounded in data. For this reason, they named the methodology "grounded theory" (Glaser & Strauss, 1967).

Grounded theory is the unearthing of social science through the methodical analysis of data (Glaser & Strauss, 1967). This inductive procedure happens as data interact, as analysis evolves, and as theory develops. The strength of a grounded theory approach is that it is designed to generate theory from raw data as juxtaposed with positivist research, which seldom leads to new theory construction (Charmaz, 2006). Ground theory is often used to explore questions that have not been formally examined. In this subsection, a discussion of the fundamental characteristics of grounded theory and the reasons for choosing this as a methodology for the study are examined. At its root, the goal of grounded theory is allow us to peek into the lives of our co-researchers.

Recently, researchers have used grounded theory to understand the career development of highly achieving African-American-Black and white women (Richie, Fassinger, Linn, Johnson, Prosser, & Robinson, 1997), Latinas (Gomez, Fassinger,

Prosser, Cooke, Mejia, & Luna, 2001), and women with physical and sensory disabilities (Noonan, Gallor, Hensler-McGinnis, Fassinger, Wang, & Goodman, 2004). Other recent investigations using grounded theory by counseling psychologists include studying the help-seeking behaviors of white male high school students (Timlin-Scalera, Ponterotto, Blumberg, & Jackson, 2003) and the coping strategies of female survivors of sexual abuse (Morrow & Smith, 1995). To date, no published studies exist that apply grounded theory to the lived experience of deaf individuals who encounter law enforcement.

Grounded theory is characterized by simultaneous data collection and analysis, developing codes and categories directly from the data rather than from existing constructs or preconceived hypotheses (Charmaz, 2003). As a result, grounded theory is emergent, allowing the data to express itself. In constructivist GT, "researchers do not force preconceived ideas and theories on the data" (Charmaz 2014, p. 32). The processes of grounded theory includes the use of analytic memos to describe and explain the emerging categories, making constant comparisons between data, between data and emerging categories, and between the categories themselves. This process is followed by the use of theoretical coding. The literature review is partially delayed until after forming an analysis. These processes are the tools that structure the emergent research progression (Charmaz, 2014).

The purpose of a grounded theory study is the generation of middle-range theories that are abstract theoretical explanations of social processes (Charmaz, 2006). While Glaser and Strauss advocate gathering and analyzing data and generating models before reviewing the literature on a construct to allow the data to speak for themselves, Charmaz (2000) sees a place for a thorough grounding in the information, referred to as sensitizing

concepts. Charmaz notes that researchers are generally experts in the literature of the field that they are investigating and therefore, it is often more appropriate for researchers to consider carefully the ways that their grounding in the information may predispose their thinking and assumptions.

> "Sensitizing concepts provide you with a place to start, not end. A thorough foundation in a discipline provides such concepts. Professional researchers already hold epistemological assumptions about the world, disciplinary perspectives, and often intimate familiarity with the research topic and pertinent literature. Yet every grounded theory researcher should remain as open as possible to new views during the research" (Charmaz, 2003, p. 83).

Thus a thorough literature review before beginning the study, such as that provided in Chapter 2 of this dissertation can be seen as appropriate to grounded theory. Grounded theory is best employed in studies where little is known about a phenomenon of interest. "The purpose of GT is to inductively generate theory that is ground in, or emerges from, the data" (Dale & Volpe 2016, p. 49). Grounded theory is both a study about process and is a method in process. With the advent of Charmaz's, *Constructivist Grounded Theory*, the method's popularity continues to expand and grow.

Grounded theory (GT) is a potent exploration technique for amassing and analyzing data. Traditional research designs historically usually rely on a literature review to formulate a hypothesis. Then the researcher tests the hypothesis through experimentation in the "real world."

GT presupposes an eventual hypothesis and works to generate it. Data is collected first and; then, the theory is generated. Questions focus on "what is going on?" "what is the main problem?," "how are you trying to solve it?". Each co-researcher will report numerous incidents. According to the Embraced Wisdom Research Group (2015),

Grounded theory identifies a *core phenomenon* central to a process, *causal conditions* for the process, and the *consequences* or effects.

There are three distinct or main versions of grounded theory. The distinctions are subtle at first blush but important:

- Glaser is a purist who purports that theory should emerge by constant comparison, not by force;
- Strauss & Corbin claim a dogmatic and structured "objective approach" or hands-off approach to GT; and,
- Charmaz, advocates generating theory through a reflexive, researcher *constructed* process.

Charmaz (2000) describes the strengths of grounded theory as including a set of strategies that guide the researcher through the process of analyzing data;

(a) the data collection process that is self-correcting;

(b) a focus on inductive theory construction; and,

(c) an emphasis on using comparative methods.

The strategies for analyzing data are described below in the section on the constant comparative method.

Strauss & Corbin (1990) state that there are four primary requirements for judging grounded theory:

1) It should fit the phenomenon, provided it has been carefully derived from diverse data and is adherent to the common reality of the area;

2) It should provide understanding, and be understandable;

3) Because the data is comprehensive, it should provide generality, in that the

theory includes extensive variation and is abstract enough to be applicable to a wide variety of contexts; and

4) It should provide control, in the sense of stating the conditions under which the theory applies and describing a reasonable basis for action.

Strengths of the study. In the tradition of constructivist grounded theory, the aim of this study was to explore and describe the lived experience of the co-researchers and to construct from this, a useful theory. The utility in grounded theory is ultimately determined by the people who use and apply the theory to understand their own lives and work. A strength of this study is its exclusivity. To date, no research exists on the lived experiences deaf individuals have when encountering law enforcement.

For the first time, a coherent baseline model for the development of deaf/law enforcement policy and training exists. This model is general enough it may apply to entities, which deliver services and interact with deaf individuals (FEMA, TSA, the Department of Homeland Security, private security). As a constructivist grounded theory, the model developed in the study goes beyond description of the deaf experience, progressing to a more abstract level. The DRRE model provides the infrastructure necessary to build comprehensive levels of awareness on deaf issues.

Deciding to use grounded theory means embracing it entirely (not pieces of it). It requires the adoption of a systematic set of precise procedures for collection, analysis, and articulation of conceptually abstract theory.

Applying grounded theory to the research question. There were three primary reasons for selecting grounded theory as the methodology. First, grounded theory has exceptional utility in the understanding of previously unstudied or understudied

phenomena. Second, grounded theory emphasizes emergent theory that is rooted in the data of the study rather than relying on an existing theory. And, third, grounded theory techniques have the capacity for studying dynamic processes as opposed to static phenomena (Charmaz, 2014).

Grounded theory is particularly helpful for understanding the question posed in this dissertation, namely the understanding of the lived experience deaf individuals have when encountering the police. Although there are a lot of well-intended blogs, videos, popular articles, and social media postings attempting to address the schism that exists between the two cultures, few investigations have taken a structured approach toward defining the phenomena from the perspective of those who are undergoing the experience. This viewpoint is essential for understanding the intricacies a deaf person may experience.

Grounded theory is a prime technique used to understand phenomena about which little is known. The inductive process of grounded theory allows the co-researchers (participants) to speak for themselves and for their experiences to be understood from the perspectives they bring. Also, grounded theory facilitates the understanding of stories from the participant's perspectives rather than through the lens of a preexisting theory.

This dissertation is generated out of the belief that there are variables in the experience of deaf individuals that have been overlooked and possibly misinterpreted by the limited existing research (see Chapter Two). The purpose of this dissertation is to more fully understand the phenomena of study and use this understanding to construct new theory or further inform existing theory. Grounded theory is unique among qualitative research techniques as it gathers and collects data and, then, generates theory.

This emic nature of grounded theory and the lack of research in the area make GT the most logical choice for exploring the research question posed in the dissertation.

Finally, grounded theory analysis techniques were designed to allow an understanding of a phenomenon to emerge regardless of whether the phenomenon is static (fixed) or dynamic (changing) (Charmaz, 2006). The use of grounded theory allows the nature of the participant's experience to emerge and attempts to impose as few restrictions as possible on understanding that experience.

Charmaz charts a qualitative approach as descriptive, hypotheses generating, interview driven, intensive, extrapolative, and consisting of small sample populations. Each of these elements was incorporated into the study. Also, a micro-sociology approach was utilized as individuals within a society (deaf culture) were used to provide data. In 1990, van Manen (p. 184) validated an intermingling of approaches, "one need not be so rigid as to not mix traditions, employing, for example, a theory analysis procedure within a case study design or conducting a hermeneutic phenomenological inquiry." The interpretive framework used was a blend of phenomenology, grounded theory, social constructivism, and critical theory. The data gathered was an attempt to assemble the experiences of deaf individuals into a cohesive theory and narrative.

The focus was on the differences between deaf and hearing *mores* and not on "auditory capability." It is also a goal of this research project to empower individuals by letting them tell their stories, as co-researchers, and reminding all involved that the participants are the "true owners of the information collected" (Creswell, p. 35). An *emic* (inside) look at the deaf communities' view of U.S. law enforcement is key to this understanding.

The constructivist model. By selecting grounded theory methodology, it is also necessary to choose an epistemological paradigm for the study. Most social science research exists within one of the following paradigms: positivist, post-positivist, and constructivist (Morrow & Smith, 2000). The positivist paradigm (deductive) is centered on the belief that scientific investigation starts with a quantitative hypothesis. The investigation leads to verification of the hypothesis and a description of objective reality (Guba & Lincoln, 2003). A post-positivist paradigm ventures beyond strict positivism. A post-positivistic model understands that there is knowledge that cannot be derived from direct observation. Quantitative measurement alone will place limits on the understanding of a phenomenon.

Both the positivist and the post-positivist paradigms share a belief in an objective, single reality. “Positivism represents one, rather than all ways, of accomplishing scientific work” (Charmaz 2014, p 230). Positivism also separates facts from standards, beliefs, and values. Grounded theory makes room for what positivism willfully discards. Also, positivist research seldom leads to new theory construction. A constructivist paradigm departs from the positivist and post-positivist paradigms when it comes to perceived reality. The constructivist paradigm purports that knowledge is subjective and that there may exist multiple ways of knowing the reality. Reality is constructed by interacting with our social environment (Charmaz, 2000). Rather than juxtaposing positivist and interpretivist theories, Charmaz recommends viewing them as two ends of one continuum (2014, p. 228). Grounded theory has foundations in both positivist theory and interpretivist theory, as it relies on both empirical observation and on the researcher’s

constructing of data into a unifying theory. Also, both foundations are rhetorical (even though positivists are less likely to acknowledge this) (Charmaz 2014, p. 232).

Grounded theory has traditionally been associated with the post-positive paradigm (Charmaz, 2000). Initially, Glaser and Strauss tried to provide a method for generating theory through qualitative induction. This initial formulation of grounded theory was focused on developing a rigor scientific enough that a researcher could demonstrate that the results he or she obtained described one objective reality. Charmaz changed things by advocating the use of grounded theory in a *constructivist* paradigm rather than post-positivist. While positivist and post-positivist paradigms share a belief in one objective truth or reality, "constructivism assumes the relativism of multiple social realities, recognizes the mutual creation of knowledge by the viewer and the viewed, and aims toward interpretive understandings of subjects' meanings" (p. 510). Morrow, Rakhsha, and Castaneda (2001) also state that a constructivist paradigm "assumes that knowledge is both individually and socially constructed; that is, instead of reality being something that is 'out there,' separate from the knower, it is constructed in the human mind in the context of interactions with others" (p. 579).

The constructivist paradigm has become more common in social science research and is currently the most commonly used paradigm in qualitative research. A constructivist approach to grounded theory does not seek to develop a theory that describes the reality but a theory that "addresses human realities and assumes the existence of real worlds" (Charmaz, 2000, p. 523). A constructivist approach seeks to provide an explanation of the world, not a precise depiction of it. The goal of a constructivist grounded theory is to discover what co-researchers themselves define as

real and learn where these definitions of reality take them. Morrow, Rakhsha, and Castaneda (2001) describe the purpose of constructivist research as uncovering the meanings people construct or understanding how those meanings are constructed. Research is not given to the researcher; the co-researchers construct it.

The constructivist paradigm recognizes that the investigator is a partner with the participants in constructing the interpretations of the study through "mutual construction" (Morrow & Smith, 2000 p. 203). This study recognizes the shared responsibility and collaboration necessary by identifying research participants as "co-researchers." The constructivist approach acknowledges that the yields of the research, the codes, categories, and theory are a result of the researcher's interaction with the material provided by the co-researchers (Charmaz, 2000). The constructivist approach also fosters a consciousness about what is attributed to the research subjects and how, when, and why researchers portray these perceptions as real. "Thus individual experiences do not constitute the total reality; rather, each is a rendering, one interpretation among multiple interpretations, of a shared or individual reality" (Charmaz, 2000, p. 523).

"Grounded theory assumes emergent, multiple realities' indeterminacy; facts and values as inextricably linked; truth as provisional; and social life as processual" (Charmaz 2014, p. 231). The phenomenological leanings in grounded theory look to determine what people assume to be real (as opposed to an objective reality) and define how those realities are constructed. As the primary channel for the study, the researcher is responsible for reflecting throughout the research process to make his or her assumptions, experiences, and biases known and to assure that the meanings attributed to participants are true to their experience (Morrow, Rakhsha, & Castaneda, 2001). Morrow and Smith

(2000) recommend the use of processes such as a self- reflective journal, a self-interview, peer reviews, or a research team to aid the researcher in understanding his or her subjective stance in the research process.

Constructivist GT does not aim to spawn generalizable concepts or pointed truths. The value of a constructivist approach is in interpreting the rich meanings that people assign to their experiences, lives, and beliefs. Rich data drills down and mines below the surface issues of life. These interpretations become conditional statements that are not necessarily generalizable but instead "constitute a set of hypotheses and concepts that other researchers can transport to similar research problems and other substantive fields" (Charmaz, 2000, p. 524). The value of this research is in its meaningfulness to the reader. As consumers of the research find the study useful and meaningful in their circumstances, it has value and usefulness. The goal is to allow the data to speak for itself, cast the world in a new light.

Use of the constructivist model. The analytic direction chosen for the study is constructivist. Conversely, selecting an objectivist track would focus the study on chronology, events, and on problem-solving by the participants. Objectivist GT is fundamentally empirical (does not allow for interpretation) and does not attend to the historical, social, and situated process of their production (Charmaz 2014, p. 237). Instead, this study elicits the co-researchers' definitions of terms, situations, and events, while trying to zero in on assumptions, implicit meanings, and tacit rules common within deaf culture.

There are a variety of reasons a constructivist paradigm was chosen as the epistemological framework. First, the concept of deafness is often understood as a fixed

article in the external experience rather than a social construct. Second, the struggle between the deaf lived experience and law enforcement is an interaction between the deaf individuals' understanding of reality and the social environment in which they live, in this case, the schism or gulf between deaf culture and law enforcement culture. Finally, the constructivist model fits well with the life experience and worldview of the principal researcher.

As discussed in Chapter One, deaf culture or experience as a construct is understood to be socially fabricated and is no longer solely understood from a pure audiological standpoint. It is fitting to study phenomena that are socially constructed through an epistemological framework that is aligned with the experience. Use of the constructivist paradigm will allow both the co-researchers and principal researcher to move beyond essentialist definitions of deafness and deaf culture and explore how these constructs are viewed individually and socially.

The experience examined in this dissertation, a sense of struggle or angst when encountering the police, falls at the intersection of an individual's intrapersonal construction of meaning and the social dialogue concerning those meanings. The constructivist paradigm also recognizes the researcher's place as a primary research tool. This indispensable honesty of the constructivist paradigm, which acknowledges that the researcher sets the agenda, asks the questions, and develops the analysis, is consistent with the experience, comfort level, and worldview of this veteran police officer, investigator, and educator.

Undoubtedly, 27 years of law enforcement experience and deaf advocacy has greatly influenced the author's perspective on reality and the world. The subjectivity of

the researcher is taken seriously in the constructivist paradigm and is explored as part of research bias. Rather than seeking to bracket the researcher's experiences and assumptions outside the work of the study, a constructivist approach allows for the researcher's perspectives and assumptions to be recognized throughout the study and analysis process. An inextricable connection to existence is preconception. According to Charmaz (2014, p. 14), "(positivist) researchers erased the subjectivity they brought to their studies rather than acknowledging it and engaging in reflexivity." The place of the researcher is discussed in greater depth below in the section titled, "The Role of the Investigator in the Study."

Data Analysis

According to Creswell (2013, p.45), "qualitative researchers build their patterns, categories, and themes from the bottom up by organizing the data inductively into increasingly more abstract units of information. It may also involve collaborating with the participants interactively so that they have a chance to shape the themes or abstraction that emerges from the process." Similar to building a criminal case without a suspect, investigators often work from the bottom up interviewing and re-interviewing witnesses until a conclusion is reached. In *transcendental phenomenology*, the research analyzes the data by "reducing the information into significant statements or quotes and combines the statements into themes" (Creswell, 2013, p. 80). The themes are further boiled down to the what and the how of the experiences to "convey an overall essence of the experience" (Creswell, 2013, p. 80).

Data analysis was iterative, cyclic, and open. Considerations were made for those with limited understanding of the criminal justice system. The emerging phenomena were

comprehended holistically with deliberation for historical, political, and social contexts. Inductive analysis was based on identifying emerging themes and data patterns in the participants' responses.

Creswell (2013, p. 149, table 7.1) suggests "interviews with 5-25 people for a phenomenological study." The author plans to survey 15-25 deaf individuals who have had meaningful experiences with law enforcement.

Validity. Evolving themes were redacted and forwarded the deaf pilot focus group for follow-up input and commentary. Emergent gaps were revisited, and revised questionnaires were sent out to the original participants to fill breaches in data. In areas where data saturation was not achieved, additional questionnaires and interviews were conducted.

Several separate but overlapping processes were used to analyze each interview. The researcher made notes and memos during the email/interview review process. The responses were re-read to gain further familiarity with the content and the co-researchers. This repeated reading of the interviews allowed for an immersion in the data, and a variety of analytical categories emerged through the absorption process.

Analysis. The first and second interview responses were coded using an in vivo coding strategy and tables in Microsoft Word. A line-by-line coding strategy was suitable due to the flexibility of Word™. Each sentence of the interview was coded, some with three to four codes representing different ways that the data could be meaningful to the analysis. The layers of coding included content, emotions, and actions or processes. The instrument also sought to code interesting language used by participants to express processes and experiences. During the process of coding the importance of coding action

and using gerunds was discovered through additional reading (Charmaz, 2006) and focus on active codes was highlighted.

They were also compared to the emerging categories and theory by reading the interviews while the analysis was being conducted. The 659 codes developed using Word were sorted through a formal process using an Excel spreadsheet. These codes were reviewed and 223 codes were removed due to duplication (for example: emotional intimidation and intimidation were combined into one code). Also, 65 codes had been created, but no data was linked to them. It was no longer clear how these codes addressed the research questions. Ninety-eight codes represent demographic information about the participants. Seventy-seven codes represent comments and questions posed by the interviewer. Twenty-two codes were not analyzed because they represented information that was deemed too potentially identifying to be included in the final analysis or referred to research processes. The remaining 444 codes were sorted into 14 categories in 22 general areas: Background and culture 11, Emotions 4, Descriptive variables 3, and Thematic codes 2. Several categories emerged from this formal analysis as key categories around which many of the other categories could be arranged.

Categories were rearranged and renamed several times before the final analysis. In addition to this formal and comprehensive coding, a less formal analysis was conducted through writing memos, diagramming ideas, mind mapping, and comparing interviews, codes, and categories during the research development. Initial ideas about the conditional matrix began to emerge before the completion of third interviews.

The conditional matrix went through several permutations before and after the phase three interviews. Initial ideas about how the data came together in the conditional

matrix were tested throughout the final interviews. After completing the interviews, the informal and formal analysis processes were combined and several versions of the final conditional matrix, the DRRE, were constructed. The final conditional matrix was compared to the existing codes and categories and the interview recordings were reviewed to further clarify information and identify contradictions. If an aspect of the conditional matrix or the themes within it was in contradiction with any of the data, it was reevaluated and either changed or removed from the final product.

Sufficient data. The goal for ample data gathering is saturation. It was projected that 20 to 25 participants would yield sufficient data. Data was collected for this study until the categories were realistically saturated, that is until no substantial new groupings emerged. There will always be new ideas that are idiosyncratic to the personal history of the participants themselves, but cohesive themes and categories encapsulating all but outlining data emerged and codified.

In a practical sense, the categories appeared to be saturated when interviews were coded and the process required searching a previously established code on a repetitive basis. When coding the final interviews in phase three, all of the unique codes were tied to distinct aspects of the participant's stories (outliers). Unanchored or unresolved codes were pursued through the focused coding process and a return to the data. No new major categories were discovered in phase three. One main construct, to be determined, was significantly less saturated than the other constructs due to the limited number of participants who relayed this experience. This stance is a complex and sophisticated level of awareness concerning deaf contact with the police. Since the phenomena did not emerge until late in the study, the research design did not allow for a more focused

sampling approach to access more participants and further explore this stance. This is a clear and discernable prospect for additional study.

According to Creswell (2013, p.45), qualitative researchers build their patterns, categories, and themes from the "bottom up," by organizing the data inductively into increasingly more abstract units of information. It may also involve collaborating with the participants interactively so that they have a chance to shape the themes or abstraction that emerge from the process." Similar to building a criminal case without a suspect, investigators often work bottom up interviewing and re-interviewing witnesses until a conclusion is reached. In *transcendental phenomenology*, the research analyzes the data by "reducing the information to significant statements or quotes and combines the statements into themes (Creswell, 2013, p. 80)." The themes are further boiled down to the "what" and the "how" of the experiences to "convey an overall essence of the experience (Creswell, 2013, p. 80)."

Creswell (2013, p. 149, table 7.1) suggests "interviews with 5-25 people for a phenomenological study. The author surveyed 15-25 deaf individuals who have had significant experiences with law enforcement. Evolving themes were forwarded to the deaf focus group for further input and commentary.

Alignment. Gaps in these themes emerged and were realigned with the research questions and the survey revised. A refined questionnaire was sent out to the original participants, to fill in the gaps until data saturation was realized.

Limitations

Gathering data, coding, memo writing, theoretical sampling and sorting form the foundation of constructivist ground theory methodology. By engaging in theoretical

sampling, saturation, and sorting, researchers create robust categories and penetrating analysis (Charmaz 2014, p. 224). When conducted properly, the rigor of the above methodology precludes the vagueness, over-generalization, and/or logic gaps that can weaken an argument.

Credibility, originality, resonance, and usefulness are cornerstones of grounded theory's transforming knowledge. By jettisoning the shackles of strict positivism, value-laden research can capture lived experiences of others and enhance our understanding of the world and those around us. When it all boils down, the goal is the creation of a useful theory, a theory that others working in the field deem has utility.

Delimiting the theory. Eventually, the theory comes together, and there are fewer changes to the theory even though the researcher continues to compare incidents. Later modifications include taking out the irrelevant properties contained in some categories and adding relevant details of properties into the outline of interrelated categories. More importantly, the researcher finds ways to delimit the theory with a set of higher-level concepts. The researcher needs to generalize the theory more as he or she continues to make constant comparisons against it. As this transpires, a reduction in the number of categories occurs.

New categories are often created halfway through coding, and it usually isn't necessary to go back and code for them. The researcher only needs to code enough to saturate the properties of the category. Later the researcher can evaluate the data sets and evolving theory by moving on to new comparison groups.

Internal and external validity. Several different disability classifications and geographic areas throughout the US were used to attain triangulation. Through data

collection in three stages and the pilot participants, it was possible to compare participant experiences across demographic strata. Participants in all phases and of all major deaf disability groups contributed to the data categories that rose to inclusion in the conditional matrix.

A source of internal triangulation (within the culture) was conducted using the pilot group participants. The pilot group provided commentary and confirmed the conclusions drawn from the study. This group was diverse and comprised of established and trusted deaf leaders who teach, advocate, and legislate for deaf individuals nationally. Also, the alignment of the psychometric responses from the survey questions and the responses to the photo query were examined to ensure they worked together and provided evidence of internal validity. The discussion chapter further examines these results.

Immersion in the data. Achieving immersion in the data ensued as analysis of the data occurred over an extended period of time during data collection and analysis. The data collection and analysis for the main study took place over ten months. During this time, the principal researcher was administrating the study, reading and rereading interviews, working with the coding process, and conducting the analysis. Each survey was read and commented upon (coded) numerous times during the course of the study.

Participant checks. Email follow-ups were used to conduct participant checks with the co-researchers in the study. Follow-up conversations revisited previous interviews to ensure the principal researcher had data which accurately described the interviewees' views of reality. Participants responded to these inquiries by providing additional information about their own experiences. Existing data was checked throughout the process.

Disconfirming evidence. Examples of disconfirming evidence were examined as the conditional matrix began to emerge. If there were examples of incidents that were at odds or outliers with the emerging analysis, the analysis was reconsidered until there were no examples of disconfirming evidence in the final model. Due to this level of rigor, there are themes represented by the data that are not reported. These minority themes are also important and would be useful in the pursuit of further research.

Subjectivity of the researcher. The subjectivity of the researcher is an acknowledged aspect of this study. Charmaz (2006) notes that the task of the grounded theory researcher is to move beyond the main categories of the data to develop concepts. "The subjectivity of the researcher provides a way of viewing" (p. 139). The subjectivity of the researcher was analyzed by writing reflective memos on the researcher's own experience with the phenomena and the researcher's own reactions and analytic memos describing decision points in the analysis of data.

The presence of the researcher in the process of the study is noted in the Results chapter under the "Reflexive nature of the study." The construction of the conditional matrix is a creative act on the part of the researcher. It would be expected that other researchers would construct different matrices. The value of the study is in the ability of the researcher to create a cohesive, comprehensive, credible, and original way of understanding the data that is grounded in the data themselves. In this study, the researcher is the primary instrument of analysis. As a result, principal researcher's perceptions and awareness, or lack of them, may inadvertently constrain the study.

Personal bias: Grounded theory literature often states the need to have no preconceived notions or frameworks in mind when conducting the research. It seems

impossible to ignore one's worldview (and it is). The point is to be able to look at the phenomenon and emerging data from many lenses.

The data fit: One of the principal problems (as seen by classic grounded theorists) occurs when researchers dismiss data altogether because it does not "fit." In grounded theory, the data that does not fit established theories and frameworks *is* the important data! Outliers can lead to a new view/interpretation of the phenomenon under study.

Giving in: There is a tendency for researchers who undertake grounded theory to fold or become lenient in their application of the rigid and time-consuming process of data analysis. Grounded theory is time-consuming and often frustrating. The labor intensiveness of the process must be understood and embraced if the method is to be successful.

Description vs. explanation: An explanation of patterns of behavior is the ultimate goal of grounded theory research. Description and explanation are often confused. These two outcomes are not interchangeable. It is not about the accuracy of description, it is about conceptual abstraction, resulting in theoretical hypotheses.

Role of context: The context of the study should not influence data analysis from the outset. The backdrop of the study is merely another piece of the puzzle that may or may not be of importance. If it is important, it will emerge naturally from the participants.

Thick description. The act of allowing the co-researchers to speak for themselves through the research product led to thick description. To achieve thick description, the context and personal histories of the interview participants was a component of the interview process and taken into account when describing the participants' experience.

Due to confidentiality, some contextual data was not included in the results. The data, although contextually grounded, is reported in a manner that is intentionally anonymous out of respect for the privacy of the participants.

Audit trail. An additional source of information about the study is an audit trail. The audit trail is a listing of the research procedures in chronological order with links to the various research products (interviews, field notes, memos, and documents).

Records of research activities are maintained in a secured database, word processing documents, and several spreadsheets. There are X research documents related to this project and data. Research documents were labeled and organized into individual folders or separate database to allow for ease of access.

The place of the researcher in the study. All researchers have prior experience, ideas, and skills. Charmaz emphasizes the importance of knowing one's *starting points*, *standing points*, *views*, and *positions in society*. She also thinks it is imperative that researchers examine and grapple with their *worldview*, *power* (or lack of power), and *prestige*. One of the constant criticisms of grounded theory is its lack of devotion to objectivity. In grounded theory, the researcher does not bracket his or her prior experiences. In fact, interaction with the co-researchers and the data is encouraged. In alignment with Kant and Hume, Charmaz rightly identifies true objectivity as an illusion and rather than subscribing to the "objectivity illusion," she embraces subjectivity in the researcher. Entry into a research project with no preconceptions is itself a preconception (Charmaz 2014, p. 160). She encourages the researcher to learn and examine how past influences impact the way one sees the world and thedata (Charmaz 2014, p. 117). Researchers diminish the potential power of their analysis when they treat any experience

as separate, fragmented, and atomistic (Charmaz 2014, p. 240). Conducting research and writing requires commitment and a measure of passion. Research is not a neutral act. Dey's (1999, p 251) quote applies: "*There is a difference between an open mind and empty head.*"

The investigator plays a central role in the construction of the research model and in what is learned and emphasized throughout the research process. In social constructivism of the '70's and '80's, researchers looked at others but did not include the researcher as part of the construction. Charmaz embraces the researcher as part of the construction as not as existing outside of the process, as not dwelling in pure and total objectivity (which is impossible). The principal researcher not only constructed the study and analyzed the data but also used acquired abilities and experience to understand and elicit information from the co-researchers. Personal limitations in perspective and creativity would likely hinder the amount and type of data collected. The author's practical experience and resourcefulness with both deaf and police culture are critical to the study.

Emanuel Kant was one of the first to dip his toe into the pool of constructivism. In constructivism, the mind structures and organizes the world versus simply receiving the world. In essence, the mind imposes itself upon experience.

According to Creswell (p. 36), the ontological beliefs of *social constructivism* are comprised of multiple realities constructed through lived experiences and interactions with others. Epistemological beliefs (known reality) are co-constructed between the researcher and the researched. An inductive method of research was used to obtain information through interviews.

Again, according to Creswell (2013, p.24), "in *social constructivism*, individuals seek understanding of the world in which they live and work. They develop subjective meanings of their experiences—meanings directed toward certain objects or things." The goal of this study is to examine the deaf community's subjective view of law enforcement objectively. Areas examined include "various types of experience ranging from perception, thought, memory, imagination, emotion, desire, and volition to bodily awareness, embodied action, and social activity, including linguistic activity" (Smith, 2016).

Consciousness and temporal awareness are key concepts and form the cornerstone of any study of this type. Specifically, "phenomenology develops a complex account of temporal awareness (within the stream of consciousness), spatial awareness (notably in perception), attention (distinguishing focal and marginal or "horizontal" awareness), awareness of one's own experience (self-consciousness, in one sense), self-awareness (awareness of oneself), the self in different roles (as thinking, acting, etc.), embodied action (including kinesthetic awareness of one's movement), purpose or intention in action (more or less explicit), awareness of other persons (in empathy, inter-subjectivity, collectivity), linguistic activity (involving meaning, communication, understanding others), social interaction (including collective action), and everyday activity in our surrounding life-world (in a particular culture)" (Smith, 2016). This research attempts to "drill down" and "unpack" the above issues. Merriam (2009) describes a basic qualitative research study as having been derived philosophically from constructionism, phenomenology, and symbolic interaction and as being used by researchers who are interested in "(1) how people interpret their experiences, (2) how they construct their

worlds, and (3) what meaning they attribute to their experiences. The overall purpose is to understand how people make sense of their lives and their experiences" (p. 23). The goal is to enhance public policy, community policing, and confidence in law enforcement by the deaf community.

The deaf community is wary of "hearing saviors" who attempt to "fix them" and "fix their situations" without ever being a part of the culture. Breaking into the culture is a challenge and has widened the chasm and undermined the anemic research in the field. "How your status as a researcher appears to gatekeepers and prospective research participants affects your effectiveness in finding suitable people and conducting the interviews" (Charmaz, p. 61). Fortunate to this study, the author has crafted extensive inroads and years of trust by working hand in hand with several of the gatekeepers in the deaf community. Prior efforts position the author in the unique position of being able to have a foot in both camps (police & deaf).

In any constructivist study, the researcher is a crucial component of the study. While the data in this type of scholarship is raw and grounded, in constructivist grounded theory, there is explicit recognition that the researcher's prior experiences, knowledge concerning the topic, and unique insights influence the analysis.

This analysis was implemented and engineered by a single researcher. I am a middle-aged, white male. I grew in the ethnically diverse community of Decatur, Illinois. I have been active in the disability community for over three decades. I often volunteered at special needs day camps, residential camps, and the Special Olympics. I am the adoptive parent of an African-American, non-verbal, special needs child who has a dual diagnosed of Down syndrome and autism. I had a rich and diverse 27-year career as an

Illinois State Trooper. Assignments included a variety of patrol, investigative, teaching, and administrative functions. I am retired in good standing and currently teach ancient and modern history for Colorado Christian University.

I have struggled with disability personally. Dysphonic dyslexia has caused me to struggle throughout life. I hope this research contributes to a better world in some small way.

Author's development of deaf awareness. As a teen, deaf culture and deafness only influenced me as much as advertisements for the movie *Children of a Lesser God* entered into my consciousness. I never saw the movie, but the short ads constituted my entire catalog of deaf comprehension. The catalog was very thin.

Once in college, natural inclinations lead me toward a degree in education, rooted in behavioral science. I obtained a Bachelor of Science degree in Special Education, Behavioral Disorders. My life path is enigmatic but makes some sense when viewed from the present.

Seeking adventure, I applied and was accepted to the Illinois State Police Academy in 1988. Those in power sensed my nontraditional background as an educator. In 1992, the Illinois State Police tasked me as their representative at a grassroots disability conference. I unwittingly found myself in front of an angry and hostile group of deaf individuals. The leader of the group singled me out of a discussion panel and, to cheers and jeerers, criticized law enforcement's use of handcuffs on deaf individuals.

It was at this point that I first realized how large the schism was between deaf and police culture. Through the on-site interpreter I told the crowd that very few law enforcement officers could interpret sign language. Communication via sign was useless.

My comments did little to quell the anger of the crowd. The informal leader of the group signed, “You should know what the bad guys look like and should only handcuff *them*!”

The crowd settled. I responded by saying, “I am going to describe a person to you, and I want you to tell me who it is, okay?” The crowd nodded in agreement. I followed up with the subsequent description, “This person is tall. He has a blonde flattop. He is thin and very good looking in my opinion.”

The predominately deaf crowd pointed at me and signed, “That person is you!” Most smiled and looked around the room nodding in agreement. I replied through the interpreter, “No. No, it is not. The person I described is Timothy McVey, the Oklahoma City bomber.” The air left the room as the gulf between the two cultures became apparent to many for the first time. Unintentionally, I became the point person for deaf/law enforcement issues in Illinois.

In 1996, two deaf individuals were shot and killed by law enforcement authorities in the state of Illinois within a couple of weeks. An outcry from the close-knit deaf community resulted in my continued involvement with the deaf community. In an agreed upon appointment by deaf leadership and Illinois State Police, I was assigned to lead a committee to address deaf concerns on law enforcement’s interactions with them. The committee was co-chaired by Ms. Trudy Suggs, who was born deaf.

In addition to comprehensive training programs, the flagship project generated by this committee was the creation of a Deaf/Law Enforcement Communication Flip Book. The computer-generated graphics in the spiral-bound book were sub captioned in both English and the Spanish language. The booklet was intended to be carried by both law enforcement and the deaf. The flipbook contained imagess of everyday scenarios

encountered by law enforcement that could easily be pointed to (flat tire, tornado coming, my chest hurts). The flipbook is currently in its third printing and has been distributed globally. Several other police jurisdictions have copied the concept, including the North Carolina State Police.

The notoriety from the Illinois project led to my appointment by the George W. Bush administration onto the national level. On July 26, 2004, President Bush signed Executive Order 13347, which established the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities. In the July edition of the Executive Order 13347's annual report, the Department of Homeland Security (DHS) grant used to create the Community Emergency Preparedness Information Network (CEPIN) project is listed as one of the results achieved from the signing of this order.

The CEPIN Project is coordinated by Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI). The U.S. Department of Homeland Security awarded TDI nearly $3 million to develop model community education programs for emergency responders and individuals with access and functional needs. I was part of the multidisciplinary team that developed the curriculum, piloted the program, and delivered the training nationwide.

In 2006, I was contacted by a Texas disability group of lawyers called Advocacy, Inc. I consulted on a case they filed against the New Braunfels Police Department (Salinas v. New Braunfels PD - *SA-06-CA-0729X*) and was certified to testify in Federal Court on the facts of the case. To date, I am the only person with an extensive law enforcement background certified to testify in federal court on deaf/law enforcement issues.

An increased understanding of how deaf individuals view law enforcement is necessary. By gaining insight into the deaf culture, law enforcement can better meet the needs and protect the rights and lives of deaf citizens. Collecting and analyzing data directly from deaf individuals concerning their views on law enforcement will offer a starting point for researchers and police agencies to develop programs and policies to assist officers who contact deaf individuals in the field.

Pop culture and the media have mythologized the role of the police and the reality of being deaf. The police are not trained to shoot the gun out of a suspect's hand, and a Taser® is not the solution to every use-of-force case. At the same time, not all deaf individuals can read lips. And those who can read lips can only understand about ten percent of communication. Misinformation and overgeneralization have created a significant gap between two very distinct and very closed cultures. The lack of communication, education, and understanding has divided and continues to divide. By conducting in-depth research into deaf culture, it is hoped that the angst that currently exists between the deaf and the police can be effectively mitigated through focused research, information sharing, and educational efforts.

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Appendix A

Adult Signature Section

I have voluntarily decided to take part in this research study.

Printed Name of Participant	Signature of Participant	Date
Printed Name of Person Obtaining Consent and Authorization	Signature of Person Obtaining Consent & Authorization	Date

APPENDIX B
Interview Guide

Initial Open-ended Questions

1. Tell me about what happened the first time you encountered a police officer.

2. When, if at all, did you first experience nervousness when encountering the police?

3. If so, what was it like?

    What did you think then?

    How did you happen to overcome this nervousness, or did you?

    Who, if anyone, influenced your actions? Tell me about how he/she or they influenced you.

4. Could you describe the events that led up to you most memorable encounter with the police?

5. What contributed to this being so memorable?

6. What was going on in your life then?

    How would you describe how you viewed the police before this happened?

    How, if at all, has your view of the police changed?

7. How would you describe the person you were then?

Intermediate Questions

1. What, if anything, did you know about police officers before your first encounter?

2. Tell me about your thoughts and feelings when you learned about a deaf person being shot and killed by the police.

3. How, if at all, have your thoughts and feelings about the police changed since learning about this incident?

4. What positive things have the police brought to your life, if any?

5. What negative things have the police brought to your life, if any?

6. Tell me how you react when you encounter a police officer.

What do you do?

7. Tell me what has most contributed to your view of police officers.

Has this changed or has been consistent throughout your life?

12. As you look back on prior encounters with police officer are there any other events that stand out in your mind?

Could you describe the most memorable encounters? How did this/these events influence your life? How did you respond?

13. Could you describe the most important lessons you learned from you police contacts?

15. What helps you to manage police encounters?

What problems might you face when encountering the police?

Tell me the sources of these problems.

16. What are your thoughts when you see the above picture?

17. Has any organization been helpful?

What did_____help you with?

How has it been helpful?

Ending Questions

1. What do you think are the most important ways the police should act when encountering deaf individuals? How did you discover this?

2. Tell me about how your views on the police have changed over time.

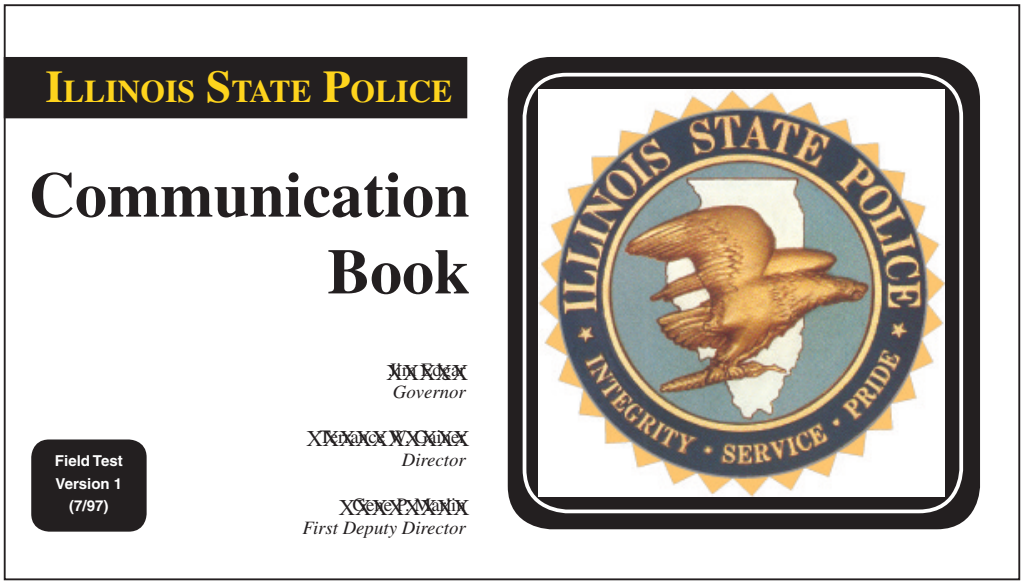
4. After having these experiences, what advice would you give to a deaf person who is about to encounter the police?

5. Is there anything that you might not have thought about before that occurred to you during the completion of the survey?

6. Is there anything else you think I should know to better understand the deaf experience when encountering the police?

7. Is there anything you would like to ask me?

Appendix C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Governor
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APPENDIX D

Dear Mr. Garner,

Thank you for your kind words about my work. I hadn't thought about the construction of a criminal case explicitly but have thought about the kind of reasoning that occurs in detective work. My co-author, Robert Thornberg, often mentions how using abductive reasoning in grounded theory resembles Sherlock Holmes' reasoning. You might enjoy the anecdote that begins the attached paper.

Your research topic is very interesting to me. I have developed profound hearing loss in late life and am acutely aware of how much I miss or misinterpret.
With good wishes for your project,

Kathy

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APPENDIX E

The ADA and Effective Communication

Title II of the ADA provides comprehensive civil rights protections for "qualified individuals with disabilities." An "individual with a disability" is a person who has a physical or mental impairment that substantially limits a "major life activity," or has a record of such impairment or is regarded as having such impairment.

Examples of physical or mental impairments include, but are not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. "Major life activities" include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

State and local governments must ensure effective communication with individuals with disabilities. Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, the public entity must provide appropriate auxiliary aids. The ADA is not limited to government entities. Title III of the ADA covers private entities that operate public accommodations, such as hotels, restaurants, theaters, retail stores, dry cleaners, doctors' offices, amusement parks, and bowling alleys.

Deaf citizens are entitled to the same information provided to the general population. Notifications during an emergency should be timely and understandable to them. Keep in mind that deaf individuals are *individuals.* One size does not fit all.

Not all deaf individuals require the same accommodations or have the same needs. “Cookie-cutter policy” and “off the shelf training” seldom reaches the spirit of the mandate. Deaf individuals often require unique types of support. The best way to determine what accommodations and communications to provide is to ask that individual what he or she needs at the beginning of or, *better yet,* prior to an emergency interaction. Initially, effective communication may be a simple as writing, “Do you/will you need an interpreter?”

Auxiliary aids and services must be furnished when necessary to ensure effective communication. Auxiliary aids can be as complex and multifaceted as contracting the services of multiple sign language interpreters or as simple as supplying a pen and paper to facilitate the exchange of written notes.

It is naive and unrealistic to assume officers will never come into contact with people who are deaf. Federal law prohibits local and state government from discriminating against an individual with a disability. Combine this with the statistic that there are 48 million Americans who have a hearing loss, and chances are officers are contacting individuals with hearing loss on a daily basis. They may just have not realized it, given the enormity of diversity among people who have hearing loss.

What does this mean? Among other things, officers’ communication with deaf and hard-of-hearing people must be as effective as their communication with hearing people. Officers must provide aids or services to ensure that the deaf individual

understands what is said. Options include a qualified sign or oral interpreter, the use of gestures or visual aids to supplement verbal communication, the exchange of written notes, or use of a computer or typewriter.

Which method is best? The law (ADA, Title II) requires the police to give *primary consideration* to the individual's preference. It is up to the person receiving services. Again, determine how the person wishes to communicate. For example, some people who are deaf do not use sign language and may rely on written notes and speech reading. In one-on-one communication with an individual who speech reads, facing the individual square on is the best practice. Also, the police should ensure that all communication takes place in a well-lit area. Keep in mind that even the most effectual deaf speech readers have an accuracy of ten percent to 30 percent words correct (Rönnberg, Andersson, Johansson, Lyxel, & Samuelsson, 1998). If the individual is hard of hearing, an isolated, small room or squad car free from audible distractions may suffice. Honor the individual's choice unless it will significantly interfere with law enforcement's responsibilities. Remember that police communication with a deaf person must be as effective as communication with any other citizen or as effective as communication with persons who do not have hearing loss. In Chisolm v. McManimon (00-1865 (3rd Cir. 2001), a detention center asserted that it did not violate the ADA even though it failed to provide an inmate an ASL interpreter for certain complex communications because it employed alternative but equally effective auxiliary aids. The court rejected this argument, noting that the "most obvious problem" with this argument is that it conflicts with the "regulatory mandate that a public entity honor a disabled person's choice of auxiliary aid or service."

One thing is of paramount importance: The police are not to ask a family member or friend to interpret for a deaf individual unless the circumstances are exigent. For example, an officer responds to the scene of a domestic disturbance. The hearing husband says his deaf wife has been beating him and one of their three children. The deaf wife requests a sign language interpreter. An officer begins the investigation by exchanging notes, but the woman's responses indicate a lack of comprehension and poor grammar. At this point, the officer realizes an interpreter is necessary to properly investigate the incident and carry out mandated arrests. Asking a non-abused child to become involved in this scenario would compromise objectivity and could traumatize the child. Asking the husband to interpret would also be inappropriate, given his potential bias and direct involvement in the case. In this situation, it would be inappropriate to use a family member to assist with communication, even though offered. The only exception to using a family member is if there is an emergency situation and immediate communication is necessary, such as evacuating an area. How do the police know if communication is effective? Ask the deaf person. Ask the person to summarize what is being said and test the understanding of the material being discussed. The effectiveness of the communication should be objectively recorded in a written police report.

When is an interpreter needed? It depends. The importance, length, and complexity of the conversation are critical. Cost should *not* be a factor of the decision at any time. If it is a simple police contact, like a traffic stop, providing directions, or a property damage vehicle crash, a notepad, pen, and gestures may be sufficient.

At the same time, police officers must be careful in the absence of a qualified interpreter. The opportunities for miscommunication are plentiful. A nod of the head may

be an attempt to appear cooperative and not an admission of guilt. Things hearing individuals take for granted like, what a prosecutor is must be accurately signed and followed up by an explanation in ASL (or other appropriate signed-language).

The following is a case law example. A hearing and speech impaired man was convicted of driving while intoxicated. When stopped by the police, the officer realized Defendant was hearing impaired and asked if he wanted an interpreter, the defendant shook his head, but the officer continued to try to find an interpreter for the defendant. The defendant was taken to county jail and was then given a paper to sign that waived his right to an interpreter. However, the defendant had limited reading skills and the light in the cell he was in was very low. The defendant claimed that he thought the paper provided him with an interpreter, not that it was a waiver. A videotape of interactions between officers and defendant in the holding cell shows that there were communication problems between defendant and the police. (State of Iowa v. James Walter Carter, 577 N.W. 2d 855 (Iowa App., 1998).

According to Barth (University of Cincinnati Law Review, 2011), the courts have identified nine guidelines specific to deaf individuals to determine fitness to stand trial:

-Whether Defendant Understands What Defenses are Available

-Whether Defendant Understands *Guilty* VS *Not Guilty* and the Consequences of Each

-Whether Defendant is aware of their legal rights

-Whether Defendant understands the Range of Possible Verdicts and their consequences

-Whether Defendant can recall related facts pertaining to his actions

-Whether Defendant is able to maintain a consistent defense

-Whether Defendant is able to listen to the testimony of witness and inform his lawyer aware of any distortions or misstatements

-Whether Defendant has the ability to make simple decisions in response to well-explained alternatives

-Whether, if necessary, Defendant is capable of testifying in his own defense

Few studies have examined the quality of the accommodations deaf persons achieve in the context of legal proceedings from the perspective of the deaf individual or to examine deaf individuals' experiences negotiating access during interactions with legal authorities. Deaf people have very little control over the accommodation they receive and yet are held fully responsible for ensuring its efficacy (Brunson, 2008, 77-91).

As a general rule, a deaf individual should be offered interpreter services if the incident is more intricate than a traffic stop or property damage crash investigation or if the contact with the police will last longer than 15 or 20 minutes and involve sharing of critical information. The services of a qualified, licensed interpreter must be offered to deaf victims and witnesses to serious crimes. During interrogations and arrests, a sign language interpreter is necessary if questioning is necessary and if the suspect does not expressly decline the services of an interpreter in favor of a different communication mode (such as pen and paper). If the Miranda warning is involved, a sign language interpreter is necessary unless the officer can clearly demonstrate that the deaf person declined interpreter services. Just below the surface and seldom considered, the Miranda warning should be revised and validated on larger populations of linguistically diverse deaf persons. No deaf person with a reading level below eighth grade will likely

understand Miranda, the repercussions of participating in an interrogation, or the waiver of Constitutional rights (Seaborn et al., 2010, p. 110).

Again, a written report must document the waiver. The police must have the deaf person sign a document expressly waiving his or her right to an interpreter once effective communication is established, and only if services are voluntarily declined.

Deaf persons are not immune from committing violent crimes. Although difficult for those outside the culture to understand, officer safety is always *the* priority for the police. If an officer is responding to a violent crime involving a deaf arrestee, incident stabilization is paramount. After an arrest is made, arrangements to have a qualified interpreter meet at the jail should begin immediately. The feelings of isolation, confusion, fear, and heighten emotions in the deaf individual are likely to be high. Officers must take the time necessary to communicate to the arrestee that a certified, qualified interpreter will meet them at the jail.

Many deaf individuals feel that handcuffing deaf arrestees behind their back is not necessary and is a violation of their rights since they communicate with their hands either through signing, gesturing, or writing back and forth. To them, handcuffing the hands is, in essence,e shutting off any communication they can make, much like taping a person's mouth shut. In truth, officers are placing themselves in unnecessary danger by compromising with people who may be exceptionally skilled with their hands or holding a pointed object in their hands. Officers should be trained to communicate that the handcuffs are only temporary and will be removed as soon as they are in a secure area.

An interpreter may not be required if police actions do not need to be explained, detailed information does not need to be gathered, or if no in-depth interview or

interrogation is necessary. Keep in mind basic police procedures can appear confusing and intimidating to deaf individuals. An interpreter may assist the police by reducing the deaf person's anxiety and effectively communicating law enforcement's actions to the individual.

For most Americans, the Americans with Disabilities Act (ADA) is an enigma. To those charged with protecting life and property, the ADA seems to do little more than create extra work, lower the urinals in the men's restroom, and add excessive costs to building projects.

Given a long life, disability will find us all. Hearing loss and vision loss are a part of the aging experience. As of 2008, hearing loss significantly three and a half percent of the US population. Given enough time, most midsize and larger police departments will have one or two members who have suffered some job-related disability; this is in addition to the 48 million people with disabilities in the United States (American Medical Association). So who does the ADA protect? The answer is simple: all of us. Police officers may someday benefit, *or suffer,* from the policies and culture they create, *or ignore,* today. The ADA affects virtually everything the police do, from receiving citizen complaints to:

- taking telephone calls;
- interrogating witnesses;
- arresting, booking, and holding suspects;
- operating telephone 911 centers;
- emergency centers;
- providing emergency medical services;

- enforcing laws; and,
- community policing, and other duties.

The ADA is mandated for all public entities. Understanding the ADA is crucial to accomplishing all those obligations effectively. Compliance with the ADA is mandatory for public entities, including all local, state or federal government agencies and any of their departments, organizations, or other instrumentalities. All activities, services, and programs of public entities have mandates under the ADA, including activities of state legislatures and courts, town meetings, police and fire departments, motor vehicle licensing, and employment. Unlike Section 504 of the Rehabilitation Act of 1973, which only makes demands upon programs receiving federal financial assistance, Title II of the ADA extends to all the activities of local and state governments whether or not they receive federal funds. State and local governments cannot refuse to allow a person with a disability to participate in a service, program, or activity solely because the person has a disability. For example, a city may not refuse to allow a person with epilepsy to use parks and recreational facilities. Governments must provide programs and services in an integrated setting unless separate or different measures are necessary to ensure equal opportunity. Every effort to eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy governmental services is mandated by the ADA. Requirements that tend to screen out individuals with disabilities, such as requiring a driver's license as the only acceptable means of identification, are also prohibited (Americans with Disabilities Act, Title II). Safety requirements that are necessary for the successful operation of a program in question may be imposed if they are based on actual risks and not on mere speculation, stereotypes, or generalizations

about individuals with disabilities. For example, a person who suffers anxiety attacks may not be allowed to participate on a swim team (Wolohan, 2012).

Governments are also required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would be the result. Service dogs are often the exception to the rules prohibiting animals in public areas.

Governments must furnish auxiliary aids and services when necessary to ensure effective communication unless an undue burden or fundamental alteration would result, *which is very difficult to prove*. Certified American Sign Language (ASL) interpreters should be provided during community meetings when the organizers know deaf individuals who use ASL will be present.

Governments ***may not*** place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making deaf people pay for interpreters. A police department is not required to take any step that would impose an undue financial and administrative burden on the Department. Again, the undue burden standard is a high one. Governments shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

Compliance with the ADA

Jurisprudence and case law present a myriad of challenges to the modern-day law enforcement professional. Adding deafness to the equation exponentially increases the fiscal, operational, training, and policy demands made upon already limited policing resources. In 1999, Vernon, Steinberg, & Montoya focused one of their studies

exclusively upon the Miranda warning. While the researchers sounded a number of alarms, they offered untenable, post-initial police contact solutions like the hiring a forensic psychologist to evaluate the disabled subject and videotaping the interview to comply with legal mandates.

Vernon (1999, p. 531) includes the following quote: “Practitioners not competent in sign language will need a sign language interpreter when evaluating a deaf suspect or defendant.” With the ADA’s passage in 1990, only certified, licensed interpreters are eligible to provide services and solely at the discretion of the deaf suspect. In other words, the deaf individual can reject any interpreter (a central tenant of the *primary consideration* mandate). For some reason, police officers cannot internalize this concept and as a result this tenant is often ignored.

McAfee (1994) discovered only seventeen states address heard-of-hearing issues at their police academies and only six drill down far enough to address how the police should lawfully communicate with hearing-impaired persons and how to secure professional assistance when needed. So, as of 1994, just six of 50 states claim to have addressed the *primary consideration* mandate in the ADA through their basic training programs.

ADA Enforcement

Private parties may bring lawsuits to enforce their rights under title II of the ADA. The remedies available are the same as those provided under section 504 of the Rehabilitation Act of 1973. The prevailing party is entitled to reasonable attorney’s fees. Individuals may also file complaints with appropriate administrative agencies or with the Department of Justice, which will refer the complaint to the appropriate agency. Any

individual who believes that he or she is a victim of discrimination prohibited by the regulation may file a complaint. Complaints on behalf of classes of individuals are also permitted. Grievances should be in writing, signed by the complainant or an authorized representative, and should contain the complainant's name and address and describe the public entity's alleged discriminatory action.

State and local government entities were required, by January 26, 1993, to conduct a "self-evaluation" reviewing their current services, policies, and practices for compliance with the ADA. Entities employing 50 or more persons were also required to develop a transition plan identifying necessary structural changes. As part of that process, the ADA encouraged entities to involve individuals with disabilities from their local communities. Continuing this process promoted access solutions that were thought to be reasonable and effective. Even though the deadlines for the self-evaluation, transition plan and completion of structural changes have passed, compliance with the ADA is an ongoing obligation (United States v. Atlanta, Georgia, DJ 204-19-216).

Rehabilitation Act of 1973, Section 504

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 provides that *no otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.* Many police departments in the United States receive financial support from one or more federal agency and are subject to the requirements of Section 504.

The sources of federal assistance to police departments are varied. Many receive U.S. Department of Justice (DOJ) or Department of Transportation (DOT) funding. Other

law enforcement agencies receive additional funding from the U.S. Department of Health and Human Services.

Section 504 requires federally funded agencies to provide qualified sign language interpreters for communication with persons who rely on sign language. The DOJ Regulation, 28 C.F.R. Part 42, states: *A recipient that employs fifteen or more persons shall provide appropriate auxiliary aids to qualified handicapped persons with impaired sensory, manual or speaking skills where a refusal to make such provision would discriminatorily impair or exclude the participation of such persons in a program receiving federal financial assistance. Such auxiliary aids may include qualified interpreters.*

Department officials may require recipients employing fewer than fifteen persons to provide auxiliary aids when this would not significantly impair the ability of the recipient to provide its benefits or services. The Department of Justice (DOJ) analysis of this regulation as it relates to law enforcement agencies elaborates on this requirement:

> *Law enforcement agencies should provide for the availability of qualified interpreters (certified where possible, by a recognized certification agency) to assist the agencies when dealing with hearing-impaired persons. Where the hearing-impaired person uses American Sign Language for communication, the term "qualified interpreter" would mean an interpreter skilled in communicating in American Sign Language (ASL). It is the responsibility of the law enforcement agency to determine whether the hearing-impaired person uses American Sign Language or Signed English to communicate.*

> *If a hearing-impaired person is arrested, the arresting officer's Miranda warning should be communicated to the arrestee on a printed form approved for such use by the law enforcement agency where there is no qualified interpreter immediately available and communication is otherwise inadequate. The form should also advise the arrestee that the law enforcement agency has an obligation under federal law to offer an interpreter to the arrestee without cost and that the agency will defer interrogation pending the appearance of an interpreter. 45 Fed. Reg. 37630 (June 3, 1980), Analysis of Department of Justice Regulations* (National Association of the Deaf).

Victims and complainants should be provided with the above services too. Also, deaf and hard of hearing persons attending programs and functions sponsored by a law enforcement agency, such as informational workshops and educational programs, must be provided with a qualified interpreter or other auxiliary aids upon request.

The critical importance of the interpreter's qualifications is stressed in the analysis. According to the National Association for the Deaf, law enforcement agencies should ensure securing of qualified interpreters by contacting the local or state chapter of the Registry of Interpreters for the Deaf (RID) for a list of certified and qualified interpreters. If an interpreter is not achieving adequate communication as judged by the deaf person, the interpreter, or law enforcement official, another interpreter must be secured who is qualified to interpret for *that* individual. The analysis specifically places the responsibility on the recipient agency to ascertain the type of sign language with which the deaf individual feels most comfortable, and then to secure an interpreter who is competent in that language.

Statuary and Constitutional law delineate the obligations of the law enforcement agency to deaf or hard of hearing persons who have been arrested or held for questioning. When the Constitutional Rights warning was not adequately communicated to the defendant, the courts have suppressed evidence (State of Maryland v. Barker & Oregon v. Mason).

In both of the above cases, the warnings were conveyed in sign language but were not broken down to accommodate defendant's language level as outlined in Section 504. Presentation of a printed Advice of Rights form without a qualified certified interpreter will seldom, if ever, be sufficient.

Questioning of deaf persons should only take place with an interpreter present to comply with Section 504 and to achieve reliable communication. Many law enforcement agencies videotape all interviews with deaf defendants to be able to substantiate the effectiveness of the communication and the quality of the interpretation.

All law enforcement agencies have an obligation to inform deaf individuals they have the right to have a free, qualified interpreter present during all communications. Lawful interaction can usually be achieved, as the Analysis suggests, by use of a printed card before the arrival of the interpreter. However, the agency must be aware of the fact that some deaf persons have insufficient English language skills and will require an interpreter to ensure comprehension of the printed message.

It is worth noting that Section 504 of the Rehabilitation Act influences the activities of the Federal Government itself. Section 504 applies to the federally conducted activities of Federal Executive agencies, such as, for example, the Department of Homeland Security, the National Park Service, and the Social Security Administration.

Under the Rehabilitation Act, federal agencies must provide reasonable accommodations to employees with disabilities, including an obligation to accommodate employees with disabilities in evacuation procedures, sheltering, etc. Title I of the ADA covers employment outside the Federal sector, specifically private employers and State and local governments with 15 or more employees. It also requires reasonable accommodation, including an obligation to accommodate employees with disabilities in evacuations, sheltering, and other facets of emergency planning and implementation of related plans. Section 504 imposes similar requirements on employers that receive Federal funds.

Executive Order 13347

In late July 2004, then-President George W. Bush signed Executive Order 13347. The order addressed emergency preparedness concerning people with disabilities. Consequently, agencies across the federal government have combined their efforts to share information. This includes the exchange ideas, ways to work closely with local and state officials within the emergency preparedness field as well as anyone else (including leaders and members of communities of every size) playing an active role to prepare for the event of a natural or human-caused disaster.

Philosophically, the President believed that all Americans - both those with and without disabilities - must be considered in emergency planning, and must also be a part of community-based solutions that take the needs of various constituencies into careful and meaningful consideration. Within the disability context, it is critical to gain a basic understanding of the laws that govern how emergency planning professionals and all other segments of the community should include people with disabilities in the planning process and respond to their needs to the same degree of effectiveness as for those

without disabilities. Ultimately, everyone must remember that the worst time to address these issues is when an emergency has already happened. Everyone should prepare in advance.

Technology

Section 504, the ADA, and the Title II regulation mandates that public entities must provide emergency telephone services that are accessible to deaf callers. Telephone emergency services, including 911 services, shall provide direct access to individuals who use TTYs, computer modems, and videophones. Emergency access through a third party (family, friend, or neighbor) or a relay service is *not* considered direct access. Instead, the deaf caller must be able to communicate directly with the call center.

Federal law prohibits setting up separate seven-digit emergency phone numbers for deaf people; they must be able to dial 911 directly. The logic behind this is simple: emergency numbers should be familiar to individuals and should not have to be looked up during a crisis. A standard 911 number is easy to remember and saves valuable time.

The ADA legislation passed in 1990 – since then technology has changed immensely. Most deaf individuals will not purchase and do not use TTYs any more since they have access to videophones, captioned telephone machines, and wireless devices. Unfortunately, most of the existing literature on emergency telephone access touts the use of the TTY. Many police departments still have TTYs at their dispatch centers and are under the delusion they are modern technology. These resources are antiquated, and call center technology that relies exclusively on a TTY to communicate with a deaf person is in need of an update.

Video Relay

Video relay service (VRS) are telecommunication services that allow deaf, hard of hearing, and speech-impaired individuals to communicate over the phone with hearing people in real time, working with a sign language interpreter via video. The caller is routed to a sign language interpreter, called a video interpreter (VI) who has access to a videophone or webcam. The caller gives the video interpreter a voice number to dial, as well as any special dialing instructions. The video interpreter places the call and interprets as a neutral, non-participating third party. Spoken words are signed to the video user, and signed language by the video user is verbalized to the audio user. Funding comes from a tax on the revenue from all telecommunications companies operating in the United States. VRS programs are regulated by the Federal Communications Commission (FCC), and there are a plethora of VRS companies in the industry.

The FCC requires that if the video interpreter determines both parties – the caller and the video caller - are in the same location, both parties must cease. VRS cannot be used for interpreting conversations between two or more people in the same room. Instead, such situations require the use of video remote interpreting (VRI) - a service utilizing video cameras to provide sign language interpreting services without an interpreter physically present. A typical VRI setup involves a deaf and hearing user at the same location with a camera and television screen. The interpreter is at another locale, typically a call center, which also has a camera and television screen.

The interpreter facilitates communication between the deaf and hearing consumers. However, VRI is still an evolving field. The medical profession is well ahead of law enforcement in this area: one of the most popular applications of VRI is in the

emergency rooms of hospitals. In this setting, it is essential that the deaf patient can communicate readily with medical personnel, but it may take some time for an interpreter to arrive onsite. Hospitals with VRI technology can immediately connect with a remote interpreter and conduct triage and intake surveys with the deaf patient without delay.

However, deaf people are quick to point out the shortcomings of VRI. Frequently, hospital personnel are poorly trained in the use of VRI, equipment is not mobile, and VRI interpreters are often unfamiliar with the location, the situation, and medical terminology.

It is essential to keep in mind that deaf people have the right to equal communication access. The bottom line is to ensure that facilities and officers are familiar with current technology and that they work with the deaf person to provide the necessary accommodations. The best way to ensure appropriate access is to involve deaf people at every level of the planning process, from brainstorming to actual implementation (Federal Communications Commission, 2011 TRS History).