

Did I Scream?

by Sheila Lindsey

Une femme sourde victime d'agression sexuelle explique la frustration qu'elle a ressentie envers le système juridique. Elle raconte ce qu'elle a fait pour trouver de l'aide afin de pouvoir faire face à l'agression et à son expérience en cour.

"Did you scream?" the Crown Attorney asks. "I called out" is my reply. The lawyer for the defence comes back, "Did you or did you not scream?" Am I screaming now? Is he screaming?

attempt to explain her role, to no avail. The request for two interpreters in the court room is met with opposition. One person cannot interpret for more than ten to fifteen minutes at a time and in a legal situation a minimum of two are required to translate nuances of language and "legal-ese" from the lawyers. I am disappointed that my interpreters are put through such a difficult time. At the same time, anger builds up that even those in authority—government, the court system, what have you—are

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It is the preliminary hearing for a sexual assault case and I am a witness for the "Crown." Despite my university degree and my attempts to keep up to date with all the new laws, I am unaware of the new definition of "sexual assault." A woman in her mid-forties, I am ashamed, but at the same time I am angry. Why am I being put through all this? Why am I not being given any support or information? Is there something missing here?

Can you see what the problem is? I am seated in a power wheelchair, but that does not tell you anything. Perhaps the small Sheltie dog on the orange lead may give a clue, as she periodically put her paws up on my chair and I reach down and scratch her ears and make some "hand motions." No? Well, the fact is that I am totally deaf and am being made to function in the "hearing world." It is my *invisible* disability that is causing me so much distress. To call it a disability is not really true, since I am integrated into the deaf community, but in this instance it has become one. The fact that I am deafened rather than being born deaf has only very little relevance in this situation.

Two sign language interpreters relay to me both what the "Crown" and the lawyer for the defense are saying to me, but I am being forced to use speech to reply to their questions. This is a voice I cannot hear and since it is now over eight years since I lost all remnants of hearing it is not likely to have any inflection or to portray my true feelings. While I communicate in ASL (American Sign Language) I am expected to reply verbally.

My initial testimony given to the police was through a certified sign language interpreter. She reported to the detective exactly what I said, and we were outraged when she was subpoenaed as a crown witness. Prior to our meeting with the detective, she did not know me, and she acts only as a conduit—a bridge between the deaf person and the hearing ones. I can't believe in this "enlightened age" such a thing could happen. Again and again we

still in the "Dark Ages."

My request to have an expert on "deaf culture" explain the difference between "hearing" and "deaf" is put aside with the comment that it would go "against us." Today I question that decision again and again. Did I scream? Why would I and how would I know? What would be gained by screaming? Deaf culture along with an explanation of the situation most definitely would have helped to elucidate my reaction.

A hearing person would have had support prior to and in the court room. I, however, am made to feel that it is a privilege to have my interpreters! A wall of silence keeps me from knowing what is going on and from understanding the feelings of other people involved in the case. After what seems like an eternity, the judge returns and announces that there is enough evidence for the case to go to trial. The defendant elects trial by judge and jury and the court is dismissed.

In the confusion that follows I am called to the court reporter to verify some of my testimony and my dog lets me know that there is a high level of "noise" in the room. What are they talking about? What do they think? Am I the person on trial here? Finally we leave the court room and return to the library to find our coats and Lauri—one of my interpreters—tells me that the calling of her as a witness has been resolved. Nevertheless, the subpoena cannot be rescinded and the matter will have to come up at the trial.

After the two interpreters leave, I am informed that the Crown Attorney and the investigating detective wish to talk to me at the house after lunch. No warning, no interpreter, and no chance to say "I am tired" and try to postpone it until I can have an interpreter. The interview takes place with a friend trying to help out when I can't understand what is said. I am left with the feeling that justice will never be done.

To go into further detail regarding this case would not assist in making the point that is of importance here. Suffice it to say that for various reasons the trial was postponed. Finally, the lawyer for the defence asked that the charge be "stayed"—too much time had elapsed between the time the charge was laid and the case was brought to trial. To add to the confusion, the Crown Attorney had not checked the court room used for jury trials and it was not wheelchair accessible, nor could it be adapted for proper use of "interpreters." Approximately six interpreters would have been needed to accommodate the other deaf people participating in the trial. A change of venue would have been necessary—the trial would have been moved to a larger locality such as Windsor, London, Hamilton or Toronto. We would then have been a low priority—no one had been murdered and the change of venue was only to accommodate someone with a disability. Adding to these feelings of being ignored, and left out was the fact that I had to read of all of this in the newspaper!

The Crown Attorney visited me a few days later to say we could try to appeal the decision, but *he* really felt that the lawyer for the defence would be very hard on me and gave the distinct impression that I could not stand up to it. He showed me some of my medical records that he felt could be used in the case against me—something about the previous use of medication, etc., all of which seemed totally irrelevant. What to do? I had about five minutes to decide, since he needed me to sign a paper to say I *did not* want to appeal. After all the hassle and time, I decided to get on with my life and try to heal some of the hurt so I signed and he left.

After two years of working with various social workers who were overwhelmed by my disabilities, I was finally introduced to the Sexual Assault Crisis Centre in my area. I like the fact that the office is only identified by initials. The first visit is made with a friend proficient in sign language but it is "no problem" to have a certified sign language interpreter present for my appointments, although at times Karen and I find it difficult to coordinate our times with the interpreter. I am free to use sign or voice and Karen is comfortable with the interpreter—at times forgetting that Lauri or Darlene are sitting in the corner. The feelings start to surface and I am never quite sure what each session will bring. My fears of those attached to the assault to my fears of the counselling being terminated are dealt with as they come up. With the help and support of Karen and the knowledge that I will not be deprived of an interpreter, I start to find an outlet for my rage. Many times at night, I sit at my computer to pour out some of the dreams and flashbacks. I never want anyone else to go through what I have been through, but I feel that I must work things out myself before I can be a support to others. Writing this article has a two-fold purpose—it helps me express my experience, and lets others know what is happening and that, although there may not be justice, there is healing and a life after. I have not reached the end of my tunnel yet, but I can see the light at the end. I hope that the day will come when I can be there for other people.

In the meantime, Sexual Assault Crisis Centres are more accessible and willing to work with women no matter what their disability. Mine has purchased a TDD so that I can talk to them directly instead of through the Bell Canada Relay Service. All the staff are learning to recognize a TDD call and I feel more comfortable knowing that if I had to appear in court in the future or go to the Sexual Assault Treatment Centre at a local hospital,

Karen or one of the other counsellors would accompany me. They know how to contact a certified sign language interpreter, and a 24-hour Crisis Line assures me that I can contact them whenever or if I need them. I have confidence that my privacy will be protected—neither the interpreters nor the Sexual Assault Centre refer publicly to each other as a service. (The deaf community, however, has been made well aware of the service available, and know they can have access to the counsellors who are being sensitized to the needs and culture of the deaf.) It is not perfect, but if I had had this support before, I really believe that the trial would have gone ahead and a man who has been a menace to society, and to the deaf in particular, would have been brought to justice. With this support, we may not win every case, but we would have the right and ability to deal with the court system. I and those like me are not asking for any special favours. We are women too and have the same problems and feelings as the non-disabled. Sexual assault is a problem all women face and only recently have we been taken seriously about this crime. Let us at least face it as women on an equal footing.

Sheila Lindsey is a physiotherapist who has presented papers at a number of conventions. She has been an incomplete quadriplegic for over twenty years, and has been deaf for nine years. She is active in associations for people with disabilities.

YORK UNIVERSITY'S DEAF EDUCATION PROGRAMME

The York University Teacher Preparation Programme in the Education of Deaf and Hard-of-Hearing Students has recently completed its second year of operation. This ten-month, full-time programme is funded by the Ontario Ministry of Education and Training, Ministry of Community and Social Services, and York's Faculty of Education.

The cornerstone of the programme is the view that being deaf or hard-of-hearing is a linguistic and cultural phenomenon. This is reflected not only in the curriculum, which emphasizes the difference rather than deficit model, but also in the philosophy underlying the way in which support services are provided.

It is our belief that access is an issue for all of the people associated with the programme: deaf, hard-of-hearing, and hearing. We routinely provide a full range of support services, including sign language interpreting, computerized notetaking, manual notetaking, and FM systems. These services facilitate communication among various cultural and linguistic groups who make up the faculty, staff, and student body.

During each of the past two years, the Deaf Education Programme has achieved its goal of at least 50 per cent deaf and hard-of-hearing students. Nearly all of our graduates have obtained positions in Ontario, thus increasing the number of teachers who are themselves deaf or hard-of-hearing.

—Neita Kay Israelite, Faculty of Education—