

Virginia police force confession from deaf, homeless man

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A wrongfully arrested deaf and homeless man is suing the Arlington County Sheriff for violating his rights under the Americans with Disabilities Act (ADA). Abreham Zemedagegehu, a US citizen who was born in Ethiopia, went to Reagan National Airport seeking a warm place to sleep on the night of February 2, 2014. He was quickly arrested without explanation and taken to Arlington County Jail. Zemedagegehu has almost no English skills, but he is able to communicate in writing that he is fluent in American Sign Language (ASL) and needs an interpreter.

Police ignored these written requests, and it was not until his first court appearance two days later that he learned he was accused of stealing an iPad. Although the owner of the iPad contacted authorities shortly thereafter to tell them he had actually found the device, prosecutors withheld that information and forced Zemedagegehu to spend six weeks in jail, essentially incommunicado, until he confessed. A judge refused to overturn the wrongful conviction, and accused the public defender of taking too long to file his appeal.

Although a spokesperson told the Associated Press that the jail has several staff members fluent in ASL, she did not explain why it refused to supply them. Lawyers for the jail have argued that providing interpreters would cost extra resources and raise security concerns, and therefore is not a requirement.

According to the Justice Department, the ADA and Rehabilitation Act require facilities “to enable hearing-impaired inmates to participate on an equal basis with non-handicapped inmates in the rehabilitation programs offered by the correctional agencies (e.g., educational programs).” Because meals, recreation time, education, library and other services rely solely on auditory cues to alert inmates, Zemedagegehu frequently missed these opportunities, spending a great deal of time

suffering from intense hunger. Prisoners have only a brief moment after the auditory signal to open their cell doors before they re-lock. Guards rarely, if ever, respond to calls from prisoners who miss the buzzer.

This refusal to make interpreters available also prevented the jail from learning that he had a back condition resulting from an injury several years before. He has also described a horrifying experience during processing, in which he was pinned down and injected with unknown chemicals. He later learned he had been given a tuberculosis test.

The jail also prevented Zemedagegehu from communicating with anyone on the outside. Although much of his contact with jail and court officials was via video monitor, he was denied access to video phone services that would allow him to communicate in ASL. Instead, he was provided with a teletypewriter, or TTY, that can only display English text. In addition to being useless to anyone not fluent in written English, the TTY is considered obsolete in the deaf community, as video calls can now be made with common cell phone and tablet devices.

Like thousands of other disabled prisoners, Zemedagegehu found that his condition, rather than eliciting some degree of human compassion from his jailers, was instead viewed by the state as just one more vulnerability it can exploit in its drive to crush and dehumanize the “disposable” elements of the population it shoves into its prison system.

Deaf prisoners are particularly vulnerable, as they face barriers to reporting abuse from jail staff or other inmates. The number of hearing aid batteries prisoners can have is so few that those fortunate enough to have the devices have to keep them turned off much of the time. Many prisoners wear the aids at all times, even when powered off, to deter other inmates from abusing

them by creating the impression that they can hear their surroundings. However, this strategy causes guards to also believe the inmates can hear, resulting in more abuse when the inmate does not comply with verbal commands. The decision to wear or not to wear the aids is often just a way for an inmate to choose his or her abuser.

In addition, some facilities have banned the use of sign language, on the grounds that it can be used as a cover for gang signs and related gestures. Most only allow TTY devices, and only seven jails in the country allow video calls. Astonishingly, jails can assign hearing prisoners who might have no knowledge of ASL to interpret for deaf prisoners. This is often used as punishment for the hearing prisoner.

Zemedagegehu also appears to be the victim of another phenomenon, in which prosecutors use excessive bail and extreme jail conditions to extract confessions. Although explicitly prohibited by the Eighth Amendment, this has become common practice. In 1980, 81 percent of federal defendants took plea bargains, while the rest went to trial. By 2000, only 6 percent were going to trial, and as of 2010, only 3 percent go to trial rather than take a plea.

The experience of a US citizen being driven to homelessness after losing his job due to an injury, only to be arrested, tortured, and forced to confess to a crime—an incredibly low-level, non-violent crime—that did not even take place, is emblematic of the horrors of the US judicial system.



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