

# For deaf man, a bad experience with the police

## Stories differ on what happened in Anne Arundel case

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Stephen Pyles of Pasadena says he has lingering injuries after police investigated an April burglary at his home. (Baltimore Sun photo by Chiaki Kawajiri / February 27, 2009)

The day started badly enough for Stephen Pyles when he discovered that the home he shares with his elderly mother had been burglarized. But it only got worse when Pyles attempted to explain to police what had happened — and wound up taken from his home in handcuffs.

The 55-year-old Anne Arundel County man was accused of punching a police officer in the chest. But a paramedic who was there wrote in a report that Pyles, who is deaf and cannot speak clearly, simply pressed a note to the officer's chest and was then "violently wrestled to the ground" by the officer.

Prosecutors recently dropped charges against Pyles, citing a lack of evidence. And Anne Arundel County police say they are reviewing the incident and their policies.

"When the officer was pushing me, I couldn't breathe. I kept trying to mouth the word 'air, air, air' over and over again," Pyles, who says he had neck surgery six days before his arrest, said

through a sign-language interpreter. "Every time I see the police, I get chills. If something happens to my mom, who do I call? I can't call the cops."

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While it remains unclear exactly what happened at the Pasadena home that morning, the versions told by Pyles and the paramedic illustrate the difficulties that can arise in encounters between police and the hard of hearing.

"When police see someone who is blind, they know he cannot see. When they see someone in a wheelchair, they know he cannot walk. But when they see someone who is deaf or hard of hearing, the assumption is that he is not trying hard enough to hear or that he's unintelligent," says Shannon Smith Peinaldo, a New Mexico-based advocate for the deaf. "American Sign Language is a very visual language, and when you don't know it ... what is an expression of emotion can be viewed as aggression."

Some law enforcement agencies are taking steps to make officers more sensitive to the needs of the hearing impaired. The Maryland Sheriff's Association created visor cards to alert officers at a traffic stop that a driver is deaf. And the Frederick police recently learned basic sign language and took part in role play situations with students of the Maryland School for the Deaf.

"We found through this training that the police now have an understanding of deaf culture," said Frederick police spokesman Lt. Clark Pennington. "That's a big part of empathy."

The Anne Arundel County police dispatchers are equipped with TTY phones to communicate with the deaf, police spokesman Sgt. John Gilmer said. New police officers take part in a workshop on disabilities, he said. But a manual for officers, provided by the department, does not specifically address how police should handle calls involving deaf people.

Pyles says he is traumatized by his interactions with police. He lives with his mother in the same two-story home near Fort Smallwood Park where he grew up. Everyone in the immediate family was born deaf.

The house smells like wood smoke, and the walls are decorated with hand-painted bird feeders, family photos and cards that say "I love Grandma." A television with closed captioning runs in the living room, words scrolling above the heads of faces on screen.

But the tranquillity of the home is deceptive, Pyles said through an interpreter. The house has been burglarized at least six times in the past decade, he said, and he believes thieves target him and his mother because they are deaf.

When mother and son awoke April 16 to find a window smashed and 79-year-old Evelyn Pyles' purse missing, they called 911 on their TTY phone and hung up. As paramedics watched, Stephen Pyles showed police the shattered window and wrote a note expressing his frustration at feeling that his home was unsafe. At this point, the accounts of what occurred diverge.

According to court documents signed by Officer L.A. Facciponti, Pyles pointed his finger in the officer's face, pounded a table and slammed down a pen that ricocheted and nearly struck the officer. Then "he suddenly and without warning used ... his fist to punch me in the chest," the officer wrote. Facciponti, who joined the department in June 2007, tried to arrest Pyles, but the man resisted and the officer used "hand techniques to take him to the ground," according to the documents.

But Ashley Eckhardt, a paramedic with the county Fire Department, wrote a different account. Pyles apparently "frustrated from not being able to communicate with the officers, attempted to get an officer's attention by grabbing the officer's arm and placing a piece of paper with a note for the officer on the officer's chest," she wrote. "It was at this time that the officer began wrestling the patient to the ground." Pyles was "guarding himself from the officer," "pointing to his neck" and "motioning for officer to stop," she wrote.

Pyles said he was terrified and suffering intense pain as he lay on the floor with his hands bound behind his back. "I really thought my throat was going to close up," he said. "I couldn't breathe. I thought I was going to die."

According to the paramedic's report, Evelyn Pyles wrote a note explaining that her son was recovering from neck surgery and was in pain. A hearing brother-in-law, who had arrived to interpret, asked police to cuff Stephen Pyles' hands in front of him to alleviate the neck pain and to allow him to sign, but the officers refused several times. They also declined Pyles' request to be examined by paramedics before leaving the home, according to the report.

In the officer's account, the first mention of Pyles' medical condition occurs when he is at the police station. Paramedics examined him then and took him to the hospital for treatment.

It was at this time that the officers were "able to ascertain" that a purse had been stolen from Pyles' home. Pyles wrote up a list of things that had been taken. He was charged with second-degree assault and resisting arrest and was released.

Pyles said that he still suffers neck and back pain. And he says there still has not been an arrest in the burglary that started the chain of events.

His emphatic signing might have been interpreted by the officer as aggression, said Leo Yates Jr., the pastor of Magothy United Methodist Church of the Deaf, where Pyles is a member. As people grow more emotional, they sign with larger and more dramatic gestures, he said.

"When you're trying to express yourself, you're going to need to flap your arms and use parts of your body to express yourself," he said.

When the case came to Anne Arundel Circuit Court Feb. 25 assistant state's attorney [Karen Anderson](#)-Scott asked that charges be dropped due to lack of evidence.

Heather Tierney, Pyles' attorney from the public defender's office, said after the hearing that the police need more training in dealing with the deaf.

"The public and the police need to be made aware that this can't happen again," she said.