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Behalf of Deaf and Hard of Hearing Incarcerated People***Lawsuit Seeks Effective Communication, Accommodations*

[Denver, CO] Disability Law Colorado (DLC) filed suit against the Colorado Department of Corrections (CDOC) in federal court in Denver today seeking effective communication and reasonable accommodations for Deaf and hard of hearing people in CDOC's custody.

The lawsuit alleges that CDOC violates the Americans with Disabilities Act (ADA) by (among other things) failing to provide sign language interpreters for medical appointments, classes, and other significant interactions; failing to provide equal access to notifications and alarms; and failing to provide and maintain hearing aids.

The ADA requires CDOC to provide Deaf and hard of hearing incarcerated people with communication "as effective as" that provided to non-disabled incarcerated people and requires reasonable accommodations where necessary to avoid discrimination and ensure equal opportunity. DLC brings the suit on behalf of all Deaf and hard of hearing people incarcerated in CDOC's custody; the complaint provides extensive evidence of the experiences of nineteen individuals who have repeatedly been deprived of equally effective communication and reasonable accommodations.

"The CDOC has had over thirty years to comply with the ADA," said Mark Ivandick, DLC's Managing Attorney. "Deaf and hard of hearing prisoners have fought hard for their rights; we are proud to join our constituents in this fight."

The lawsuit seeks systemic changes to CDOC's treatment of d/Deaf and hard of hearing incarcerated people, including providing ready access to qualified sign language interpreters, Communication Access Realtime Translation ("CART"), and other effective communication services; providing visual alarms and notification systems; ceasing the use of restraints that limit the ability of people to communicate in sign language; and providing and maintaining hearing aids for those who need them. The lawsuit does not seek damages.

This lawsuit is the result of a two-year investigation, spearheaded by Alia Haley, Stephanie Frisinger, Thomas Ford, and Cassidy Roberts, student attorneys at the Civil Rights Clinic (CRC) at the University of Denver Sturm College of Law. Working under the supervision of Professors Laura Rovner and Nicole Godfrey, along with attorneys Amy Robertson and Martie Lafferty at the Civil Rights Education and Enforcement Center (CREEC), the student attorneys reviewed thousands of pages of documents and

conducted over 120 interviews, first in person and later – after the pandemic made in-person visits impossible – by video conference technology. CREEC paralegal Kyle Neumann, who is Deaf and bi-lingual in English and ASL, also conducted many ASL interviews with Deaf incarcerated people.

“Our investigation uncovered how CDOC systemically discriminates against Deaf and hard of hearing people in its custody. Systemic problems require systemic solutions. We file this lawsuit to obtain systemic relief for all Deaf and hard of hearing people in CDOC custody, now and in the future,” said Stephanie Frisinger, CRC student attorney.

“CREEC was successful – in 2019 – in getting a court order requiring CDOC to provide videophones for Deaf prisoners,” said CREEC’s Co-Executive Director Amy Robertson. “We’re confident this case will bring even broader relief to Deaf and hard of hearing people in CDOC’s custody.”

Plaintiff Disability Law Colorado is represented by student attorneys at CRC and their professors, as well as attorneys from CREEC.

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About Disability Law Colorado: Disability Law Colorado, Colorado’s Protection & Advocacy System, works to protect and improve the human, civil and legal rights of people with disabilities and older people by embracing opportunities to work on ground-breaking issues that change systems and improve communities. To learn more, visit: www.disabilitylawco.org

The Civil Rights Clinic (CRC) at the University of Denver Sturm College of Law is a civil litigation clinic run by law students under the supervision of two distinguished civil rights and prisoners’ rights attorneys, Laura Rovner and Nicole Godfrey. Currently, the CRC focuses on improving prison conditions by representing incarcerated people whose statutory and constitutional rights have been violated. www.law.du.edu/academics/practical-experience/clinical-programs/civil-rights

The Civil Rights Education and Enforcement Center (CREEC) is a nonprofit membership organization whose goal is to ensure that everyone can fully and independently participate in our nation’s civic life without discrimination based on race, gender, disability, religion, national origin, age, sexual orientation, or gender identity. www.creeclaw.org

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