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Michigan Department of Corrections Facing Class Action Disability Lawsuit



COVINGTON

WASHINGTON, March 31, 2015 /PRNewswire-USNewswire/ -- The Michigan Department of Corrections (MDOC) unfairly discriminates against and denies equal treatment to prisoners who are deaf or hard of hearing in violation of the Americans with Disabilities Act, the Rehabilitation Act, the Religious Land Use and Institutionalized Persons Act, and the First and Fourteenth Amendments of the Constitution of the United States, according to a class action law suit filed in U.S. District Court today by Michigan Protection & Advocacy Service, Inc. (MPAS), Washington Lawyers' Committee for Civil Rights and Urban Affairs, and the law firms Covington & Burling and Kitch Drutchas Wagner Valitutti & Sherbrook. The class action lawsuit, filed by three current prisoners housed within MDOC facilities, seeks injunctive and declaratory relief on behalf of a class of all deaf or hard of hearing persons who are, or will be, confined in Michigan's prisons.

"The Michigan Department of Corrections has failed or refused to provide necessary accommodations and assistance in a consistent and comprehensive manner," said Chris Davis, MPAS Attorney. "As a result, it has violated the prisoners' rights by

infringing on their ability to communicate with loved ones, participate in medical and mental health care as well as religious and various other programs."

The lawsuit explains that, as a result of MDOC not providing adequate accommodations and assistance to deaf and hard of hearing inmates, the inmates are unable to adequately maintain contact with loved ones; have access to educational opportunities (including academic classes, vocational training, and other programs) offered to prisoners; access necessary medical care; participate in religious services; or access telephone and television services. The lawsuit further explains that deaf and hard of hearing inmates are improperly disciplined and their safety is jeopardized by MDOC. It emphasizes that as a result of MDOC's numerous legal violations, deaf and hard of hearing inmates are forced to serve their time largely isolated from, and are unable to effectively communicate with, other individuals.

"Unfortunately, it is clear that Michigan's treatment of its deaf and hard of hearing prisoners violates federal law. Deaf prisoners should not be punished or prevented from communicating with their families because of their disability," Deborah M. Golden, Director, Prisoners' Rights Project, Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC), and one of the legal co-counsel on the lawsuit stated. "While Michigan's mistreatment of deaf prisoners is not unique, as reflected by several cases filed by WLC around the country involving federal and state prisons, such litigation has produced progress in achieving fair treatment for deaf prisoners, and we are committed to working with co-counsel to remedy the violations in this case," Golden continued.

The remedies sought in the current lawsuit, include: access to videophones as a necessary method to provide deaf inmates access to telecommunications; adequate visual notification of oral announcements concerning emergencies and other events; implementation of necessary policies, training, and monitoring to ensure equal treatment by prison officials; and adequate access to sign language interpreters and other auxiliary aids and services.

"This lawsuit is consistent with Covington's long-standing commitment to pro bono service for important causes and vulnerable clients, regardless of location. Together with co-counsel, the firm is committed to ensuring that Michigan treats its deaf and hard of hearing prisoners fairly and equally," [Andrew Lazerow](#), Partner at Covington, and co-counsel on the lawsuit, stated.

"Unfortunately, it's clear from our investigation into the Michigan Department of Correction's treatment of its deaf and hard of hearing prison population, which involved interviewing inmates at multiple prisons throughout the state and reviewing numerous prison records, that Michigan unfairly punishes and discriminates against deaf and hard of prisoners in violation of federal law and the U.S. Constitution," stated [Steve Bartenstein](#), Associate at Covington.

Michigan Protection & Advocacy Service, Inc. (MPAS) is the independent, private, nonprofit organization designated by the governor of the State of Michigan to advocate and protect the legal rights of people with disabilities in Michigan. The Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC) is a public interest legal organization with extensive experience in civil rights litigation, including with respect to deaf inmates across the country. In an increasingly regulated world, Covington & Burling helps clients navigate their most complex business problems,

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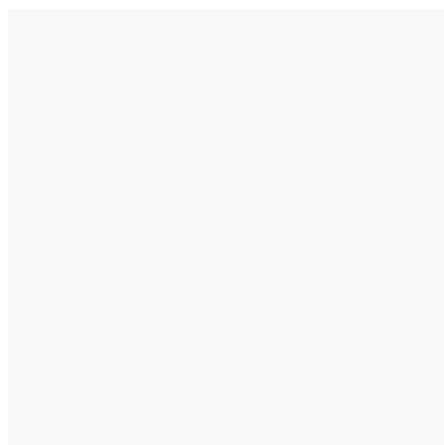
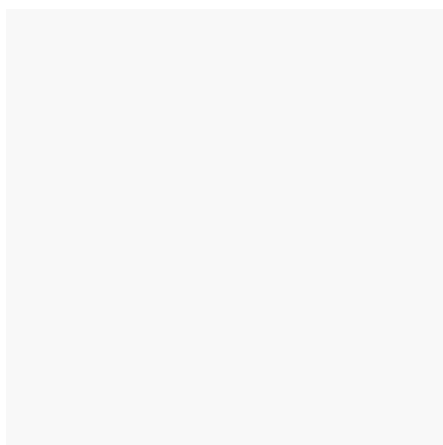
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