

Federal Judge Approves Landmark Settlement in Class Action Providing Vital Accommodations for Deaf Prisoners

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Settlement agreement approved on the 28th anniversary of the ADA

Chicago – Today, a federal judge approved a groundbreaking settlement in a class action that will fundamentally improve the lives of hundreds of Illinois prisoners who are deaf and hard of hearing. The class action was filed May 4, 2011 and alleged, among other things, that the Illinois Department of Corrections (IDOC) systematically failed to provide American Sign Language interpreters and other alternate forms of communication. Without these accommodations, deaf and hard of hearing prisoners have been endangered and deprived of meaningful access to healthcare, religious services, educational and vocational programs, telephones, televisions, library services, disciplinary proceedings, grievances, and pre-release programs. During a fairness hearing held today in Chicago, the Honorable Judge Marvin E. Aspen ruled that the class action settlement is fair, reasonable, and adequate.

The lawsuit was filed by the law firm Winston & Strawn LLP, serving as lead counsel and providing representation on a pro bono basis; two Illinois non-profit legal advocacy organizations, [Equip for Equality](#) and [Uptown People's Law Center](#); and the [National Association of the Deaf](#).

Terms under the far-reaching settlement include:

- **Hearing Tests:** IDOC will provide enhanced screening to identify which prisoners are deaf and hard of hearing.
- **Communication Specialists.** IDOC will use specialists to test the communication skills of deaf and hard of hearing prisoners, identify necessary accommodations, and develop a communication plan.
- **Hearing Aids:** IDOC will provide hearing aids when recommended by an audiologist and provide timely replacement batteries and repairs.
- **Sign Language Interpreters:** For prisoners who communicate in American Sign Language (ASL), IDOC will provide sign language interpreters for important programs.
- **Video Phones, TTYs, and Amplified Phones:** Every Illinois prison with a deaf or hard of hearing prisoner must have at least one videophone, two TTYs (teletypewriters), and two amplified telephones.
- **Communication Alerts:** Every Illinois prison that has a deaf or hard of hearing prisoner must have a safe way to provide accessible notifications about fires, emergencies, evacuations, meals, showers, yard time, doctor or

counselor appointments, and visitors.

- **VRI:** Illinois prisons must provide Video Remote Interpreting (VRI) for doctor appointments when no sign language interpreter can come to the prison for doctor appointments.

“It is fitting that the Judge approved the settlement agreement on the anniversary of the passage of the Americans with Disabilities Act,” said Barry C. Taylor, vice president for Civil Rights and Systemic Litigation, Equip for Equality. “One of the tenets of the ADA is to provide effective communication for people with disabilities. This settlement agreement will go a long way to ensure that the ADA’s promise becomes a reality for deaf and hard of hearing prisoners.”

“Our goal in this case was to ensure that significant steps would be taken within IDOC to enable deaf and hard of hearing prisoners in Illinois to communicate effectively while in IDOC custody,” said Robert Michels, a partner with Winston & Strawn. “Allowing deaf and hard of hearing prisoners to communicate effectively is critically important for a variety of reasons, including so that they are safe, they are able receive proper medical care, they are able to participate in the programs and services available to them while in custody, and they are not treated unfairly as a result of their hearing impairment. We are glad that this settlement approved today allows substantial improvements to be made within IDOC that, if properly implemented, should result in achieving our goal.”

“Being in prison is an awful experience for anyone; being in prison when you can’t hear is terrifying. This settlement, when fully implemented, ensures that no one will ever be left alone in silence in Illinois prisons. These changes are vital—the Americans with Disabilities Act applies to everyone in the United States, including people in prison,” said Alan Mills, executive director of Uptown People’s Law Center.

“On the 28th anniversary of the ADA and 45 years after passage of the Rehabilitation Act, approval of the settlement agreement is one step closer to ensuring that deaf and hard of hearing people in Illinois prisons have equal rights, particularly for communication and telecommunication purposes,” said Howard A. Rosenblum, CEO of the National Association of the Deaf. “Although such basic rights are overdue, there should be no further delay to ensuring that deaf and hard of hearing prisoners have equal access to calling their families and lawyers, and to being able to communicate with prison staff for all programs and services.”

A copy of the Settlement Agreement can be found at www.equipforequality.org

Reference: U.S. District Court, Northern District of Illinois

Holmes et al. v. Baldwin et al. 11 C 2961

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