
WilmerHale and Partner Organizations File Suit Against Massachusetts DOC Commissioner for Discrimination Against Deaf Prisoners

NOVEMBER 25, 2015

This press release was originally distributed by Prisoners' Legal Services and has been republished with permission.

Two groups—Prisoners' Legal Services and the Washington Lawyers' Committee for Civil Rights and Urban Affairs—joined with the law firm WilmerHale and [filed a federal class-action suit](#) against the Massachusetts Department of Correction (DOC) and its medical contractor, Massachusetts Partnership for Correctional Health Care (MPCH), for their intentional and longstanding refusal to comply with federal laws prohibiting discrimination against deaf and hard of hearing individuals.

The lawsuit challenges DOC and MPCH practices and policies that systematically deny deaf and hard of hearing individuals adequate and reliable means of communication, leaving them in a state of almost total isolation, unable to interact with others, including prison officials, prison doctors, mental health counselors, or their loved ones outside of prison.

Prisoners with hearing impairments are denied basic services available to other prisoners that have been shown to reduce recidivism. They are unable to take advantage of educational, vocational, and other rehabilitation programs because DOC refuses to provide them with access to American Sign Language interpreters or functioning hearing aids. Many deaf and hard of hearing prisoners have serious medical issues, but do not receive adequate treatment because they are unable to communicate with medical providers about their symptoms or chronic conditions. Deaf prisoners have attended countless medical appointments, undergone invasive surgeries and received serious diagnoses in complete silence without the aid of an interpreter and without understanding their condition or treatment. Mental health care is impossible without an interpreter. They are also unable to participate in religious services.

Moreover, the DOC's unlawful failure to install visual alarms and other emergency notification systems places deaf and hard of hearing prisoners at high risk of death or serious injury because of their inability to hear safety announcements and fire alarms. In fact, at least two of the plaintiffs named in the suit have already been left behind in the facility during fire drills because they were unable to hear the alarms.

The DOC has also failed to provide deaf and hard of hearing prisoners with equal access to telephone services, including videophones. Unlike other prisoners, some of the prisoners who filed this case have gone over a decade without communicating with their parents, children and other loved ones. The ability to foster family and community ties motivates prisoners to improve themselves and helps prepare them to make a positive transition back to life in the community. Cutting off deaf and hard of hearing individuals, a particularly insular community, from their support network outside of prison is not only detrimental to their personal rehabilitation, but it also compromises public safety.

Massachusetts is not the first state to see such a lawsuit. Deborah Golden, an attorney with the Washington Lawyers' Committee for Civil Rights and Urban Affairs, who is of counsel in the case, explains "After securing legally-required accommodations for deaf and hard of hearing prisoners in Virginia, Maryland, and Kentucky, we were disappointed to discover that Massachusetts is so backward. It should not take a lawsuit to ensure that men and women in Massachusetts are guaranteed their rights to health, safety, and effective communication."

Attorneys from Prisoners' Legal Services have been advocating for improved services for deaf and hard of hearing prisoners in Massachusetts for several years before filing this suit. Said Staff Attorney Elizabeth Matos, "Deaf and hard of hearing prisoners in the DOC are essentially living in a prison within a prison. The DOC and MPCH have repeatedly ignored the requests of deaf and hard of hearing individuals for even the most basic accommodations necessary to protect themselves within an often dangerous environment and to access the same programs and services offered to hearing prisoners."