

## **FOR IMMEDIATE RELEASE**

### **Disability Independence Group and Disability Rights Florida Resolve Lawsuit against Miami Dade Department of Corrections and Rehabilitation to Provide Services to Deaf Inmates**

Miami FL, October 19th, 2016, Disability Independence Group, a non-profit organization that advocates for the rights of people with disabilities, and Disability Rights Florida, Florida's federally-funded Protection and Advocacy organization, have resolved a lawsuit concerning Miami-Dade County Department of Corrections and Rehabilitation (Miami-Dade County) over its systemic failure to comply with federal measures intended to protect individuals with disabilities processed and incarcerated at their locations throughout the County. Upon filing the case, Miami-Dade County endeavored to resolve the matter to ensure that deaf inmates do not suffer from discrimination in the jails.

The case came about because of the experiences of numerous individuals who are Deaf who have faced discrimination in Miami-Dade County jails. The Complaint recounts the ordeals of two individuals who are Deaf who have suffered directly from Miami-Dade County's failure to comply with the federal laws intended to protect such individuals. As a result of non-compliance with disability rights laws, Deaf prisoners are not provided adequate access to communication with their family and lawyers, adequate medical services, and may be assaulted and victimized without recourse. This follows a nationwide trend as several disability rights groups have filed similar lawsuits.

Joel Martos is a profoundly Deaf individual who communicates primarily using American Sign Language (ASL) which is his native language. He relies on ASL interpreters and other auxiliary aids to communicate with individuals who do not use sign language. Throughout a period of more than three years of incarceration, Miami-Dade County failed to provide Mr. Martos with even the most basic communication accommodations. He was denied accommodations beginning at intake, underwent medical tests and psychological examinations without any communication and was denied other programs in the jail. Because Mr. Martos was unable to communicate, he had no understanding of programs available or conditions of probation and had no meaningful contact with family, friends or lawyers.

Joshua Santuche is a profoundly Deaf individual who also communicates using ASL. Mr. Santuche was arrested in October 2015 and was not provided with an interpreter upon arrival at Miami-Dade County jail. Mr. Santuche attempted to communicate with officers through hand gestures that he was Deaf and needed an interpreter, but was ignored by some officers and ridiculed by others. At no point was Mr. Santuche provided with a videophone or any other means of communication to contact an attorney, a bail bondsman, or his family. At his bond hearing, no ASL interpreter was provided. Had Mr. Santuche's mother not been available and present at the hearing to interpret for him using what she refers to as "survival sign language", Mr. Santuche would have remained incarcerated. At the majority of subsequent hearings at the Miami-Dade County Courthouse, no ASL interpreter had been provided despite Miami-Dade County having ample knowledge and time to secure one.

"This settlement ensures that Deaf inmates will be treated fairly. Like hearing inmates, Deaf inmates will be able to communicate with their lawyers and families, not be subject to discipline or medical examinations without a full understanding, and will not be victimized by other inmates," said Matthew W. Dietz, Litigation Director of Disability Independence Group, "Without

communication, a Deaf inmate is required to become invisible, to avoid confrontation, to avoid medical need, to avoid rehabilitative services, to avoid recreational services, and wait endlessly in isolation for the incarceration to end.”

“As Florida’s Protection and Advocacy organization, we have a responsibility to ensure that the rights and dignity of individuals with disabilities are being respected,” said Molly J. Paris, Staff Attorney at Disability Rights Florida. “The law requires that individuals who are Deaf are properly accommodated and are afforded the opportunity to communicate so that instances of unnecessary incarceration or re-incarceration are avoided.”

The Settlement requires Miami-Dade to timely provide qualified interpreters for all programs and services of the jails, including: booking, intake process, at classification hearings, medical or psychological treatment, disciplinary hearings, religious services, educational classes, Narcotics and Alcoholics Anonymous meetings or the equivalent, and interactions with staff that implicate an inmates’ due process rights. It also provides access to and use of video relay phones and TTYs (communication device that allows the typing of messages), and repairs and replacement batteries for hearing aids and cochlear processors. The county employees will receive training regarding the needs of and effective communication with the Deaf, and procedures for identifying and providing accommodations to Deaf inmates.

The Plaintiffs are represented by attorneys Matthew Dietz from Disability Independence Group and David A. Boyer and Molly J. Paris from Disability Rights Florida.

The case is *Martos ... v. Miami Dade County Department of Corrections and Rehabilitation*, Case No. 16-cv-21501 in the Southern District of Florida. It has been assigned to U.S. District Judge Martinez. For more copies of the Complaint and the Settlement agreement, please go [here](#).

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*Disability Rights Florida was founded in 1977 as the statewide designated protection and advocacy system for individuals with disabilities in the State of Florida. It has been advocating for access to services, education, employment, independence, and the elimination of abuse and neglect for over 35 years.*

*Disability Independence Group is a 501(c)(3) non-profit organization that promotes recruitment, education and employment of persons with disabilities thereby improving their lives through competitive employment and financial stability; and through the changing of society’s perception of person with disabilities.*