Overview

(September 11, 2015, Washington, DC) — Steptoe & Johnson LLP, along with the ACLU of the Nation’s Capital, has secured a victory for a profoundly deaf man, William Pierce, who in 2012 spent 51 days incarcerated in the Washington, DC Correctional Treatment Facility. In a victory for deaf rights, Judge Ketanji Brown Jackson of the US District Court for the District of Columbia today released her ruling that the District of Columbia, through its contractor, Corrections Corporation of America, violated the Americans with Disabilities Act and the Rehabilitation Act when officials failed to assess and provide reasonable accommodations for Mr. Pierce during that time.

The court held that the District denied Mr. Pierce access to prison services and intentionally discriminated against him on the basis of his disability. The District “did nothing to evaluate Pierce’s need for accommodation, despite their knowledge that he was disabled,” the court found. “They figuratively shrugged and effectively sat on their hands with respect to this plainly hearing-disabled person in their custody.”

“I am very pleased with Judge Jackson’s decision to find that the District of Columbia violated my rights as a deaf man and a human being,” Mr. Pierce said through an interpreter. “Video phones and interpreters are critical for the deaf and hard of hearing inmates to have access to the same opportunities as other inmates. Unfortunately, even with this decision, the denial of service and adequate access continues.”

The court ruled that the District has an affirmative duty to assess the accommodation needs of inmates with disabilities and that the District violated the law when it failed to do so. The court further ruled that Mr. Pierce required ASL interpreters to effectively communicate, and that he requested interpreters on multiple occasions during his incarceration. The court decided that the District acted with “deliberate indifference” to Mr. Pierce’s rights, which entitles Mr. Pierce to compensatory damages, in an amount to be determined by a jury.

“The court’s decision is yet another wake-up call for the District to respect the statutory and human rights of deaf individuals in prison,” said James E. Rocap III, Steptoe partner and lead counsel on the case, recalling the Joseph Heard case from 2005. “Together with Mr. Pierce, we hope this will profoundly change how the District responds to the needs of deaf individuals in a prison setting.”

The decision was initially handed down on September 2, but was not made public until today because it included confidential medical information that has now been redacted.

At Steptoe, Mr. Rocap chairs the firm’s pro bono committee. He was joined on this case by associates Damon Kalt and Nina Thanawala, all based in Steptoe’s Washington office.

About Steptoe

Steptoe & Johnson LLP is an international law firm widely recognized for vigorous advocacy in complex litigation and arbitration, successful representation of clients before governmental agencies, and creative and practical advice in guiding business transactions. The firm has more than 500 lawyers and other professionals in offices in Beijing, Brussels, Century City, Chicago, London, Los Angeles, New York, Palo Alto, Phoenix and Washington. For more information, visit www.steptoe.com.