

Deaf Prisoner Receives Settlement in Milestone Discrimination Suit Against Oregon Department of Corrections

Merle Baldrige will receive \$150,000 settlement from ODC; ODC to implement terms of settlement that will protect prisoners with disabilities state-wide

PORTLAND, Ore. – February 3, 2014 - The office of Kell, Alterman & Runstein, L.L.P., announced today that a landmark Settlement Agreement has been finalized in a disability discrimination case against the Oregon Department of Corrections (ODC) that was filed by a deaf inmate in 2012.

ODC agreed to sign the Settlement Agreement and pay \$150,000 to Merle Baldrige, the identified Plaintiff in the case, for discriminating against Baldrige and infringing his legal rights that are protected by Oregon law and the American with Disabilities Act.

Baldrige alleged that ODC discriminated against deaf prisoners in a number of respects, including not providing qualified interpreters for medical exams or religious services, not providing closed captioning or auxiliary aides during orientations, restricting access to work programs based on unreasonable requirements, and excluding deaf prisoners from rehabilitative services, such as educational classes and Alcoholics Anonymous meetings. Baldrige also alleged that ODC jeopardized the safety of deaf prisoners by using other inmates as interpreters, despite the fact that they were not professional interpreters and were not bound by any confidentiality rules.

Dennis Steinman, an attorney with Kell, Alterman & Runstein, L.L.P., stated, "Deafness is an isolating disability. When a deaf person is in prison, it can be tantamount to solitary confinement. Despite the requirements of disability laws that have been in place since 1990, the Oregon Department of Corrections has done little to accommodate deaf inmates. The result of this inaction has been that deaf inmates feel as though they were put in a prison within a prison. They have been excluded from the programs and services that are available to hearing inmates."

Under the terms of the settlement, ODC will implement policies to ensure they are compliant with Oregon law and the American with Disabilities Act. This includes following an Effective Communication Policy for inmates, providing Baldrige and other disabled inmates the qualified interpreters they need for medical exams, counseling, orientation and other aspects of daily life, as well as making reasonable accommodations so that disabled inmates can use the same services that non-disabled inmates have access to. The settlement also includes the transfer of another deaf inmate to the facility where Baldrige is serving his sentence, so that they can have the same important social interaction that is critical to the psychological support and rehabilitation of all inmates. In addition, this will help combine essential services that these inmates need and make the most of available resources.

Steinman added, "This case changes how Oregon prisons work with deaf prisoners so that they are integrated into the general prison population, rather than being further isolated. State agencies and departments should be leading by example; this settlement is just the beginning of sustainable and meaningful change for not just one deaf inmate, but all deaf and disabled inmates across the state."

Note: The case is Baldrige v. Oregon Department of Corrections, Multnomah County District Court - Case No. 1204-04976.

About Kell, Alterman & Runstein, L.L.P.

Kell, Alterman & Runstein was founded in 1929 when Gus J. Solomon established a practice dedicated to the highest levels of client service, community involvement and collegiality. Kell, Alterman & Runstein lawyers serve clients in Oregon, around the U.S., and abroad on a range of legal matters.

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