

IMMEDIATE RELEASE
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North Dakota Courts and Police Agree to Policy Changes

Jamestown, ND – The North Dakota Supreme Court, Stutsman County and Jamestown Police Department have agreed to make policy changes and pay a settlement for a deaf Bismarck woman who was wrongfully arrested, held in solitary confinement, and made to appear in court without an interpreter.

In June 2016, the deaf woman filed suit in federal court against the Supreme Court of North Dakota, the North Dakota State Court Administration, the City of Jamestown, County of Stutsman, Chief Judge Gerald VanWalle, and Judge Timothy Ottmar alleging that she was discriminated against on the basis of disability in violation of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act when she was denied effective communication by law enforcement and the courts. The deaf woman also filed a federal lawsuit alleging that the City of Jamestown and Officer Brian Davis violated her Constitutional rights by arresting her without probable cause when she called 911 seeking assistance.

Federal law requires all public entities to ensure effective communication with individuals who are deaf and hard of hearing. The failure to provide any means of communication is discrimination based on disability.

As a result of the settlement, Stutsman County and Jamestown will implement important improvements to their policies and procedures for interacting with deaf and hard of hearing people, including annual training for officers and deputies, and an on-call American Sign Language (“ASL”) Interpreter system.

“There can be no justice for deaf and hard of hearing people if law enforcement and the judicial system are not accessible and this agreement ensures full access to justice in this area. Justice should be accessible for

all in every part of the country,” said Howard A. Rosenblum, CEO of the National Association of the Deaf which represented the deaf woman along with Gilbert Law and Stein & Vargas, LLP.

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Heather Gilbert is an attorney and court-certified sign language interpreter. She is the President of Gilbert Law PLLC, a St. Paul, MN based law firm dedicated to representing the legal rights of disabled and other protected classes experiencing discrimination.

The National Association of the Deaf (NAD) is the nation’s premier civil rights organization of, by, and for, deaf and hard of hearing individuals in the United States.

Stein & Vargas, LLP is a civil rights firm based in Washington, D.C. and committed to the principle that all people have full and equal access to all parts of society

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