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Lawsuit: Law enforcement fails to provide Oregonians with disabilities equal access to Portland demonstrations

Dispersal tactics violate the Americans with Disabilities Act, chill plaintiffs' right to free speech

Portland, Oregon—A lawsuit filed today on behalf of people with disabilities in federal district court in Portland argues that law enforcement tactics fail to provide equal access to public demonstrations calling for racial justice, robbing them of their constitutional right to assemble and protest. People with disabilities who participate in public demonstrations are subjected to force and crowd control policies that fail to accommodate or consider their disabilities in violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

Law enforcement gives little or no notice or opportunity to comply before law enforcements' use of overwhelming force. This failure to provide reasonable accommodations or effective communication denies people with disabilities their freedom of speech under the First Amendment.

“As a person with a disability, I rely on my service animal to navigate the world, including participating in protests, and I have a right to that accommodation. When law enforcement denies my right to protest, they silence my voice. No one should be silenced because they have a disability,” said Juniper Simonis, a plaintiff in the case. **“It’s important to me to stand shoulder to shoulder with my community in public demonstrations for Black lives and against police violence. Mass movements for social justice are indispensable in the fight for equality.”**

“Taking part in public demonstrations reflects a cherished American value. No one should be prevented from participating just because they have a disability,” said Brendan Hamme, senior staff attorney with Disability Rights Legal Center. **“People with disabilities should have equal access to the world and be able to participate fully in society like everyone else.”**

The lawsuit focuses on how law enforcement tactics put protestors with disabilities at risk of harm. Those tactics include:

- failing to issue warnings that are accessible to people who are Deaf or hard of hearing,
- bull rushing crowds without adequate notice or an opportunity to comply causing protestors with mobility disabilities to be trampled or shoved to the ground,
- using strobe lights that trigger epileptic seizures, and
- using tear gas and other weapons that target whole crowds of people indiscriminately but can cause lasting damage to people with breathing or lung conditions.

The lawsuit seeks to improve how the police interact with people with disabilities who participate in public demonstrations. The plaintiffs argue that law enforcement changes could include using sign-language interpreters, using written signs, using electronic communications equipment to communicate with protesters, and using predesignated dispersal routes that are accessible. Other requested changes include discontinuing the use of weapons that target the whole crowd indiscriminately, such as noxious gasses and strobe lights that cause seizures.

Pilar Gonzalez, senior staff attorney at the Civil Rights Education and Enforcement Center (CREEC), explains, **“This lawsuit seeks to effect meaningful change to stop local, state, and federal law enforcement from assaulting, brutalizing, and failing to accommodate individuals with disabilities during assemblies and protests and otherwise violating the rights of individuals with disabilities.”**

The lawsuit was filed by a team of attorneys at Miller Nash Graham & Dunn, Civil Rights Education and Enforcement Center (CREEC), and Disability Rights Legal Center. Disability Rights Oregon is serving as an organizational plaintiff.

“The rights of people with disabilities to speak out against injustice is sacred. Throughout the disability rights movement, this has been a vital tool for securing equal opportunity under the law,” said Jake Cornett, Executive Director with Disability Rights Oregon. “After the killing of George Floyd and Breonna Taylor, law enforcement has failed to ensure the disability community has the same opportunity to safely exercise these rights as other Oregonians.”

About Disability Rights Oregon

[Disability Rights Oregon](#) upholds the civil rights of people with disabilities to live, work, and engage in the community. The nonprofit works to transform systems, policies, and practices to give more people the opportunity to reach their full potential. For more than 40 years, the organization has served as Oregon’s Protection & Advocacy system.

About Civil Rights Education and Enforcement Center (CREEC)

[Civil Rights Education and Enforcement Center \(CREEC\)](#) is a nonprofit membership organization whose goal is to ensure that everyone can fully and independently participate in our nation’s civic life without discrimination based on race, gender, disability, religion, national origin, age, sexual orientation, or gender identity.

About Disability Rights Legal Center

Founded in 1975, [Disability Rights Legal Center \(DRLC\)](#) is a 501C-3 non-profit, public interest advocacy organization that champions the civil rights of people with disabilities as well as those affected by cancer. DRLC is a leader in bringing cutting-edge cases to court and in winning victories to protect and to expand the rights of people to help eliminate discrimination and other legal barriers.

About Miller Nash Graham & Dunn, LLP

At [Miller Nash Graham & Dunn LLP](#), we like to think of ourselves as an established firm with strong traditions and fresh ideas. Although our roots in the Pacific Northwest go back more than a century, we pride ourselves on being creative thinkers who are committed to serving our clients, our community and each other in smart and innovative ways.

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