IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRANDON COBB, et al., etc., Plaintiffs, v. GEORGIA DEPARTMENT OF COMMUNITY SUPERVISION, et al., etc., Defendants.	CIVIL ACTION NO. 1:19-cv-03285-WMR

MOTION BY DEFENDANTS TO DISMISS, SUPPORTING BRIEF, AND EXHIBITS

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MOTION BY DEFENDANTS TO DISMISS

Defendants move the Court under Fed. R. Civ. P. 12(b)(1) to dismiss the complaint on the ground that claims of Plaintiff are not supported by standing and are moot, depriving the Court of subject-matter jurisdiction. This motion is based upon the attached brief, exhibits, and the record.

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BRIEF IN SUPPORT OF MOTION BY DEFENDANTS TO DISMISS

I. Introduction

The claims for injunctive and declarative relief presented by Plaintiffs in their complaint (Doc. 1) against Defendants Georgia Department of Community Supervision (DCS) and its Commissioner, Michael Nail, should be dismissed because Plaintiffs lack standing. They never had standing inasmuch as the essential premise of their claims, that they face the "constant threat of incarceration" (Doc. 1, ¶¶ 1, 2, 7, 11, 33, 46, 47, 51, 57, 87, 88), was false when suit was filed. Moreover, even if standing existed when they filed, new DCS practices and its new disability policy, moot any claims. Therefore, Plaintiffs' claims are subject to dismissal under Fed. R. Civ. P. 12(b)(1) for "lack of subject-matter jurisdiction."

Plaintiffs have sued Defendants under Title II of the Americans with Disabilities Act (ADA), as amended, 42 U.S. Code § 12131, et seq., Section 504 of the Rehabilitation Act of 1973 (RA), as amended, 29 U.S.C. §§794, et seq., and under the Due Process Clause of the Fourteenth Amendment. Plaintiffs do not have standing, either now or when they filed suit, to support these claims.

On a motion to dismiss, the Court "must accept as true all of the factual allegations contained in the complaint." Swierkiewicz v. Sorema, 534 U.S. 506, 508 n.1 (2002); United States v. Gaubert, 499 U.S. 315, 327 (1991) (same). However, as discussed below, where there is "a factual attack on jurisdiction . . . the district court may consider matters outside the pleadings, and the presumption of truthfulness normally afforded a plaintiff under Rule 12(b)(1) does not apply"). Briggs v. Briggs, 245 Fed. Appx. 934, 936 (11th Cir. 2007) (*citing* Lawrence v. Dunbar, 919 F.2d 1525, 1529 (11th Cir. 1990)).

The Supreme Court has held that in order to state a claim, "[f]actual allegations must be enough to raise a right to relief above the speculative level." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007). In other words, a complaint must make "allegations plausibly suggesting" the elements of a claim. The mere "possibility" of a claim is insufficient. Id. Quoting Twombly, the Court explained further in Ashcroft v. Iqbal, 556 U.S. 662 (2009) that "[t]o survive a

motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.' " Id. at 678. The Court continued: "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." According to the Court, this requires more "than a sheer possibility that a defendant has acted unlawfully." Id.

II. All Plaintiffs, Including Those Seeking to Represent Classes, Must Have Standing to Present Claims in Federal Court.

A. General Principles

In order to maintain a legal claim in federal court, the plaintiff must have standing. As the Supreme Court has recognized, standing serves to " 'identify those disputes which are appropriately resolved through the judicial process.' " Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992) (citation omitted). In the same case, the Court held:

> [T]he irreducible constitutional minimum of standing contains three elements. First, the plaintiff must have suffered an "injury in fact"—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) "actual or imminent, not 'conjectural' or 'hypothetical,' Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be "fairly ... trace[able] to the challenged action of the defendant, and not ... th[e] result [of] the independent action of some third party not before the court." Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision."

Id. (citations omitted). Moreover, "[t]he party invoking federal jurisdiction bears the burden of establishing these elements." Id. (citation omitted). And plaintiffs must maintain standing throughout the life of the case. Lewis v. Cont'l Bank Corp., 494 U.S. 472, 477-78 (1990) ("This case-or-controversy requirement subsists through all stages of federal judicial proceedings, trial and appellate.").

As discussed above, a complaint must contain "[f]actual allegations" that "raise a right to relief above the speculative level." Twombly, 550 U.S. at 555-57. This includes, of course, allegations regarding standing. Shotz v. Cates, 256 F.3d 1077, 1081 (11th Cir. 2001) ("On defendants' motion to dismiss we must evaluate standing based on the facts alleged in the complaint, and we may not 'speculate concerning the existence of standing or "piece together support for the plaintiff." ' ") (citation omitted); Galaria v. Nationwide Mut. Ins. Co., 663 Fed. Appx. 384, 392 (6th Cir. 2016) ("At the motion-to-dismiss stage, the plaintiffs bear the same burden to plead the elements of Article III standing as they do to plead the elements of their cause of action. . . . The allegations must 'nudge[]' the plaintiffs' basis for standing 'across the line from conceivable to plausible.' ") (*citing* Twombly, 550 U.S. at 555, 557, 570; Iqbal, 556 U.S. at 678) (other citations omitted).

B. The Court May Consider Materials Outside the Pleadings.

In addition to adequate pleading, standing requires a factual showing. Murray

v. Auslander, 244 F.3d 807, 811 (11th Cir. 2001) ("resolution of this standing/mootness challenge . . . requires that we examine factual proffers, through affidavits and other evidentiary documents").

In deciding a subject-matter jurisdiction question, such as standing, a court may consider materials outside the pleadings without converting a motion to dismiss into one for summary judgment. In Bryant v. Rich, 530 F.3d 1368 (11th Cir. 2008), the Eleventh Circuit ruled:

> For judges to resolve factual disputes where the motion to dismiss is not an adjudication on the merits is not uncommon. For instance, it is well-established that a judge may make factual findings about subject matter jurisdiction on a Rule 12(b)(1) motion to dismiss. Likewise, a judge may make factual findings necessary to resolve motions to dismiss for lack of personal jurisdiction, improper venue, and ineffective service of process.

Id. at 1376-77 (citations omitted). *See also* Briggs v. Briggs, 245 Fed. Appx. 934, 936 (11th Cir. 2007) (where there is "a factual attack on jurisdiction, such as in this case, the district court may consider matters outside the pleadings, and the presumption of truthfulness normally afforded a plaintiff under Rule 12(b)(1) does not apply") (*citing* Lawrence v. Dunbar, 919 F.2d 1525, 1529 (11th Cir. 1990)); *accord* McElmurray v. Consol. Gov't of Augusta-Richmond County, 501 F.3d 1244, 1251 (11th Cir. 2007).

Defendants ask the Court to consider on the question of standing and mootness the materials they have filed in the record. This includes the testimony of Plaintiffs'

witnesses Karen Peltz Strauss (Doc. 69-1) and Judy Shepard-Kegl (Doc. 59, at 46, et seq.), the two declarations of DCS ADA Coordinator Darrell Smith (Doc. 67-1, Exhibit A (to this brief)), and the declarations filed with Defendants' brief opposing Plaintiffs' motion for preliminary injunction. (Docs. 34-1, 34-2, 34-3, 34-4, 34-5, 34-6, 34-7, 34-8). The Court may consider these materials without converting Defendants' motion into one for summary judgment.

C. Standing to Seek Injunctive or Declaratory Relief Requires Plaintiffs to Show a Substantial Likelihood of Future Injury.

A plaintiff must, in order to establish standing to pursue injunctive or declaratory relief, show a substantial likelihood of future injury from Defendants' conduct that she seeks to enjoin. "In order to demonstrate that a case or controversy exists to meet the Article III standing requirement when a plaintiff is seeking injunctive or declaratory relief, a plaintiff must allege facts from which it appears there is a substantial likelihood that he will suffer injury in the future." AA Suncoast Chiropractic Clinic, P.A. v. Progressive Am. Ins. Co., 938 F.3d 1170, 1179 (11th Cir. 2019).

Indeed, the risk of future injury from the threatened misconduct must approach a certainty. The Supreme Court has strongly emphasized the requirement that a plaintiff seeking federal injunctive relief must show a realistic threat of future injury. In City of Los Angeles v. Lyons, 461 U.S. 95 (1983), the Court held that

Lyons lacked standing to seek an injunction against the future use by the City of Los Angeles of chokeholds, although he had been injured by one. Id. at 101-02 (cits. omitted). The Court emphasized that " '[p]ast exposure to illegal conduct does not in itself show a present case or controversy regarding injunctive relief . . . if unaccompanied by any continuing, present adverse effects.' " Lyons, 461 U.S. at 102 (*quoting* O'Shea v. Littleton, 414 U.S. 488, 495-96 (1974)). The Court held that Lyons' past experience with the chokehold did "nothing" to establish standing to seek injunctive relief against the use of such holds. The Court elaborated that in order to have standing Lyons would have to show far more than that he and others had been victimized by the chokeholds in the past. Lyons, 461 U.S. at 105-06. The Court recognized that, for standing to seek injunctive relief, Lyons would have to allege and prove "that ***strangleholds are applied by the Los Angeles police to every citizen who is stopped or arrested*** regardless of the conduct of the person stopped." Id. at 108 (emphasis added).

Abundant additional case law also supports the conclusion that a plaintiff asserting standing must demonstrate a substantial threat of future irreparable harm. *See* Kerr v. City of West Palm Beach, 875 F.2d 1546, 1548, 1551, 1554-56 (11th Cir. 1989) (applying Lyons to a claim for injunctive relief against the use of police dogs by the West Palm Beach Police Department and holding that, despite "high

ratios of bites to apprehensions" and "no specialized internal procedures for monitoring the performance of the canine unit," the plaintiffs lacked standing to seek injunctive relief).

These principles have been applied in ADA cases. Numerous federal courts have ruled that a plaintiff seeking injunctive relief under the ADA must allege that he faces some future injury from the alleged violation. In Silva v. Baptist Health South Florida, 856 F.3d 824 (11th Cir. 2017), a case presenting alleged ADA violations involving hospital services to deaf plaintiffs, the Eleventh Circuit held: "To establish such a threat, each patient must show that (1) there is a "real and immediate" likelihood that he or she will return to the facility and (2) he or she "will likely experience a denial of benefits or discrimination" upon their return." Id. at 832 (citations omitted). The court ultimately concluded in Silva that the plaintiffs "offered evidence sufficient to support a finding that (1) they will return to Defendants' facilities; and (2) they 'will likely experience a denial of benefits or discrimination' upon their return." Id. at 832. *See also* Shotz v. Cates, 256 F.3d 1077, 1081-82 (11th Cir. 2001) ("In ADA cases, courts have held that a plaintiff lacks standing to seek injunctive relief unless he alleges facts giving rise to an inference that he will suffer future discrimination by the defendant.") (citation omitted).

D. Named Plaintiffs Seeking Class Action Certification Must First Have Individual Standing.

Moreover, standing is necessary for a named plaintiff to pursue a class action suit. The Supreme Court has held:

> [I]f none of the named plaintiffs purporting to represent a class establishes the requisite of a case or controversy with the defendants, none may seek relief on behalf of himself or any other member of the class . . . . Abstract injury is not enough. It must be alleged that the plaintiff has sustained or is immediately in danger of sustaining some direct injury . . . The injury or threat of injury must be both real and immediate, not conjectural or hypothetical.

O'Shea v. Littleton, 414 U.S. 488, 494 (1974). *See also* Wooden v. Board of Regents of Univ. Sys. of Georgia, 247 F.3d 1262, 1287 (11th Cir. 2001) ("it must be established that the proposed class representatives have standing to pursue the claims as to which classwide relief is sought."); Prado-Steiman v. Bush, 221 F.3d 1266, 1279 (11th Cir. 2000) ("prior to the certification of a class, and technically speaking before undertaking any formal typicality or commonality review, the district court must determine that at least one named class representative has Article III standing to raise each class subclaim").

As a general rule, a class action cannot be maintained unless there is a named plaintiff with a live controversy both at the time the complaint is filed and at the time the class is certified. *See* Tucker v. Phyfer, 819 F.2d 1030, 1033 (11th Cir. 1987) ("In a class action, the claim of the named plaintiff, who seeks to represent the class,

must be live both at the time he brings suit and when the district court determines whether to certify the putative class. If the plaintiff's claim is not live, the court lacks a justiciable controversy and must dismiss the claim as moot.") (*overruled in part on other grounds*, United States v. White, 723 Fed. Appx. 844 (11th Cir. 2018).

And standing to seek injunctive relief should be decided before class certification. Griffin v. Dugger, 823 F.2d 1476, 1482 (11th Cir. 1987) ("Only after the court determines the issues for which the named plaintiffs have standing should it address the question whether the named plaintiffs have representative capacity, as defined by Rule 23(a), to assert the rights of others."); Howard v. City of Greenwood, 783 F.2d 1311, 1312 n.2 (5th Cir. 1986) ("An action under [Rule] 23(b)(2) was inappropriate because the plaintiffs had no standing to seek injunctive relief . . . . 'past exposure to illegal conduct would not in itself show a present case or controversy for injunctive relief . . . if unaccompanied by any present adverse effects.' ") (*citing* Lyons, 461 U.S. at 102).

The post-certification exception to the mootness doctrine does not apply here inasmuch as the Court has not ruled on Plaintiffs' motion for class certification. If a court has already granted class certification when the plaintiffs' claims become moot, the court should not dismiss but rather allow the case to proceed. In U.S. Parole Comm'n v. Geraghty, 445 U.S. 388 (1980), the Supreme Court held that "a

named plaintiff whose claim on the merits expires after class certification may still adequately represent the class." Id. at 404 (*citing*, Sosna v. Iowa, 419 U.S. 393 (1975)). *See also* Cameron-Grant v. Maxim Healthcare Servs., Inc., 347 F.3d 1240, 1244-45 (11th Cir. 2003) ("The general rule is that settlement of a plaintiff's claims moots an action. . . . In the Rule 23 class action context, however, unique mootness principles may apply—when the named plaintiff seeks to have a class certified, the class certification is denied, and his personal claims subsequently become moot—to permit the named plaintiff to appeal the denial of class certification.") (*citing* United States Parole Comm'n v. Geraghty, 445 U.S. 388 (1980)).

E. Enactment of a New Government Policy May Negate Standing of Plaintiffs Seeking Injunctive and Declaratory Relief Against a Previous Policy.

A plaintiff seeking injunctive or declaratory relief must maintain standing and avoid mootness throughout the life of the case. In Lewis v. Continental Bank Corp., 494 U.S. 472, 478 (1990), the Supreme Court recognized that "a change in the legal framework," which in that case was banking law, could moot a dispute that previously presented an adjudicable case or controversy. Lewis v. Cont'l Bank Corp., 494 U.S. 472, 482 (1990). In the Court's words,

> This case-or-controversy requirement subsists through all stages of federal judicial proceedings, trial and appellate. To sustain our jurisdiction in the present case, it is not enough that a dispute was very much alive when suit was filed. . . . The parties must continue to have a " 'personal stake in the

outcome' " of the lawsuit.

Id. at 477-78 (citations omitted).

Accordingly, the Eleventh Circuit has held that "a challenge to governmental action has been mooted when the alleged wrongdoers have ceased the allegedly illegal behavior and the court can discern no reasonable chance that they will resume it upon termination of the suit." Troiano v. Supervisor of Elections, 382 F.3d 1276, 1284 (11th Cir. 2004). *See also* Jews for Jesus, Inc. v. Hillsborough County Aviation Auth., 162 F.3d 627, 629 (11th Cir. 1998) (holding that where a prior policy had changed "there [was] no meaningful relief left for the court to give" and "[t]he only remaining issue [was] whether the [defendant's] policy ***was*** constitutional—which, . . . is a purely academic point") (emphasis original).

Underscoring that a change in regulations may moot a legal challenge, the Supreme Court held in Princeton Univ. v. Schmid, 455 U.S. 100, 103 (1982), that because Princeton University "substantially amended its regulations governing solicitation, distribution of literature, and similar activities on University property by those not affiliated with the University. . . the validity of the old regulation is moot." As a result, the Court ruled, "[T]his case has 'lost its character as a present, live controversy of the kind that must exist if we are to avoid advisory opinions on abstract questions of law.' " Id. at 103 (citation omitted).

In like manner, "the repeal or amendment of an allegedly unconstitutional statute moots legal challenges to the legitimacy of the repealed legislation." Nat'l Adver. Co. v. City of Miami, 402 F.3d 1329, 1332 (11th Cir. 2005), *cert. denied*, 546 U.S. 1170 (2006). *See also* Tanner Adver. Group v. Fayette County, 451 F.3d 777, 785 (11th Cir. 2006); Naturist Soc., Inc. v. Fillyaw, 958 F.2d 1515, 1520 (11th Cir. 1992) ("Where a law is amended so as to remove its challenged features, the claim for injunctive relief becomes moot as to those features.").

Moreover, "governmental entities and officials [are] given considerably more leeway than private parties in the presumption that they are unlikely to resume illegal activities." Nat'l Adver. Co. v. City of Miami, 402 F.3d at 1333-1334 (*quoting* Coral Springs St. Sys. v. City of Sunrise, 371 F.3d 1320, 1328-29 (11th Cir. 2004)).

III. Plaintiffs in the Present Case Lack Standing to Seek Injunctive Relief.

As Defendants have argued in previous filings, Plaintiffs in our case do not have standing to seek injunctive relief against DCS and Commissioner Nail. (Doc. 67, at 6-13) (ECF pagination). Even when they filed this suit, Plaintiffs lacked standing. Moreover, their lack of standing and the mootness of their claims is now underscored by the agency's current practices and adoption of a new ADA policy robustly protecting the rights of all offenders including those with hearing impairment. (Exhibit A (to this Brief) (Smith Decl. 2) ¶¶ 3-6, Attachment 1 (Policy

6.340)).

Plaintiffs repeat the mantra that they are subject to the "constant threat of incarceration" absent preliminary and permanent injunctions. (Doc. 1, ¶¶ 1, 2, 7, 11, 33, 46, 47, 51, 57, 87, 88). As Defendants showed in their brief and exhibits opposing Plaintiffs' motion for preliminary injunction, none of the Plaintiffs has any revocation proceedings pending or has been charged with a violation of probation or parole. (Doc. 34-1, Exhibit A (Mitchell Decl., re Brandon Cobb), ¶ 16; Doc. 34-2, Exhibit B (Mays Decl., re Jerry Coen), ¶ 5; Doc. 34-3, Exhibit C (Franklin Decl., re Herrera) ¶ 16; Doc. 34-4, Exhibit D (Worley Decl., re Nettles) ¶ 15; Doc. 34-5, Exhibit E (Dowdell Decl., re Wilson) ¶ 16; Doc. 34-6, Exhibit F (Branch Decl., re Woody) ¶ 16). Moreover, they have all been provided with the terms of their criminal sentences and probation/parole conditions. (Doc. 34-1 (Brandon Cobb) ¶¶ 9, 15; Doc. 34-2 (Jerry Coen), ¶¶ 9, 15; Doc. 34-3 (Herrera) ¶¶ 19, 15; Doc. 34-4 (Nettles) ¶¶ 9, 14; Doc. 34-5 (Wilson) ¶¶ 9, 15; Doc. 34-6 (Woody) ¶¶ 9,15).

Plaintiffs' repeated arguments that they are threatened with probation revocation without due process are confused and fallacious. Under O.C.G.A. § 42-8-34.1, probation cannot be revoked unless the full panoply of due process requirements is provided. These include written notice, hearing, and proof by a preponderance of evidence. *See* Lewis v. Sims, 277 Ga. 240, 241 (2003). Moreover,

Georgia court rules require interpreters for hearings and trials. Ga. Uniform Superior Ct. Rule 73; Ga. Supreme Ct. Rules, Use of Interpreters for Non-English Speaking and Hearing Impaired Persons. Indeed, Plaintiff Carlos Herrera was provided with two ASL interpreters in his criminal sentencing—one in the courtroom and the other to assist in his communications with his attorney. (Doc. 69-1 (Strauss Dep.), at 166-72; Def. Exhibit 18).

Although parole revocation proceedings, unlike probation revocations, are administrative in nature, "The same minimum constitutional due process requirements apply in both probation and parole revocation hearings." Williams v. Lawrence, 273 Ga. 295, 298 (2001). Due process requirements for parole revocation are secured by O.C.G.A. § 42-9-48, et seq.

Further, Defendants contend that the state would be required to prove in a revocation hearing by a preponderance of the evidence that a probationer or parolee intentionally violated a condition of probation or parole. *See* Klicka v. State, 315 Ga.App. 635, 637-38 (2012). Thus, a Plaintiff could not be revoked if he truly did not understand, due to alleged poor communications, the terms of his probation or parole.

As indicated above, Plaintiffs' lack of standing and the mootness of their claims is also shown by DCS' adoption of a new ADA policy. At least since

November 13, 2019, the old DCS policy, labeled "Interpreters," has not been followed. (Doc. 34-7 (Driver Decl.) ¶¶ 7, 12, Attachment 2, at 19-20 (DCS Pagination); Doc. 67-1 (Smith Decl. 1) ¶¶ 5, 6).

Although DCS is not required to have a written ADA policy that pleases Plaintiffs' counsel or even states that DCS will comply with applicable law, DCS has changed its written policy so that it no longer invites the criticisms lodged by Plaintiffs. Thus, Plaintiffs' quarrels with the previous written policy are now moot.

The new comprehensive ADA policy of DCS became effective November 29, 2019. A copy is attached to the second declaration of DCS ADA Coordinator Darrell Smith. (Exhibit A (to this Brief) (Smith Decl. 2) ¶¶ 3, 4, Attachment 1 (Policy 6.340)). As Defendants have previously argued, even assuming that the previous DCS Interpreter policy is defective, the law does not forbid an entity from having a defective policy so long as the policy does not cause a violation of law. Rather, an entity is required simply not to violate the law.

The Eleventh Circuit addressed question of an allegedly defective government policy in Kerr v. City of W. Palm Beach, 875 F.2d 1546, 1554 (11th Cir. 1989), which involved the use of police dogs. The Court recognized that the West Palm Beach Police Department policy had "promulgated a general policy that may permit unconstitutional seizures in some circumstances, [although] the Department's policy

does not require its officers to act unconstitutionally." The Court ruled that "such general policies are not unconstitutional on their face [and] appellants therefore have no standing to seek injunctive or declaratory relief against the policy's continued usage." Id. at 1554. *See also* City of L.A. v. Heller, 475 U.S. 796, 799 (1986) ("If a person has suffered no constitutional injury at the hands of the individual police officer, the fact that the departmental regulations might have authorized the use of constitutionally excessive force is quite beside the point."); Temkin v. Frederick Cty. Comm'rs, 945 F.2d 716, 723–24 (4th Cir. 1991) (rejecting claim that county commissioners "failed to adopt adequate policies governing the training and supervision of officers engaged in high-speed pursuits . . . absent a finding of a constitutional violation").

Due to the adoption by DCS of its new ADA policy and its implementation of new practices regarding Video Remote Interpreting (VRI) and Communication Access Realtime Translation (CART) (Exhibit A (to this brief) (Smith Decl. 2) ¶¶ 3-6, Attachment, Doc. 67-1 (Smith Decl. 1) ¶¶ 5, 6, Attachments 1, 2), Plaintiffs attacks on the previous, superseded policy and practices are moot.

Plaintiffs have argued at length that the previous policy was defective and DCS use of Video Relay Services (VRS) for same-location communications violates Federal Communications Commission (FCC) regulations. (Doc. 53-1, at 14-18).

Obviously, those questions no longer present a live controversy over which the Court has subject-matter jurisdiction. Fed. R. Civ. P. 12(b)(1).[1]

This new ADA policy renders moot Plaintiffs' complaints about the previous written policy. Plaintiffs have argued that the previous DCS policy was defective because it:

a. did not address all circumstances in which communication may occur with offenders;
b. did not adequately describe when an interpreter was necessary;
c. could have allowed hearing impaired persons to be charged a fee for an accommodation;
d. prescribed "a complex and ambiguous process for procuring interpreters, requiring action by at least five GDCS employees, with no timeline or assurance of prompt action";
e. did not provide that offenders would be asked what communication method they prefer; and
f. mentioned only one type of accommodation, namely sign language interpreters.

(Doc. 53-1, at 14-18) (ECF pagination).

The new ADA policy of DCS addresses all of these complaints by Plaintiffs.

[1]But, even if the use of VRS for same-location communications, violates FCC regulations, that would not support Plaintiffs' claims. Bernas v. Cablevision Sys. Corp., 215 Fed. Appx. 64, 67 (2d Cir. 2007) ("Unless some statute authorizes a general private right of action to enforce FCC regulations, there is none."); *see generally* Hazen Paper Co. v. Biggins, 507 U.S. 604, 613 (1993) ("an employer does not violate the [Age Discrimination in Employment Act] just by interfering with an older employee's pension benefits that would have vested by virtue of the employee's years of service" although it would violate ERISA to "fire an employee in order to prevent his pension benefits from vesting").

It provides that, with the goal of effective communication, a variety of accommodations is available and will be provided in all office and field interactions, along with revocation proceedings. It also provides a time period for consideration of a request for an accommodation, although VRI is available 24/7 without a request to the ADA Coordinator. (Exhibit A (to this brief) (Smith Decl. 2) ¶¶ 3, 4, Attachment 1 (Policy 6.340), ¶ IV(D, E, F, J)).

Further, the implementation by DCS of VRI and CART services in order to facilitate communications with hearing impaired offenders also negates the standing of Plaintiffs and renders their claims moot. As of September 11, 2019, DCS has provided VRI for same location communications with hearing impaired offenders, through a statewide contract with Language Line Services, Inc. (Doc. 67-1 (Smith Decl. 1) ¶¶ 5, 9-10, Attachment 1). And DCS is now able to provide CART for those hearing impaired offenders who do not know ASL. These services are provided under a statewide contract with AllWorld Language Consultants. (Doc. 67-1 (Smith Decl. 1) ¶¶ 5, 11). These services are available to all DCS Community Supervision Officers as needed. As Defendants argued in response to Plaintiffs' motion for class certification, VRI and CART are the two primary accommodations Plaintiffs have contended Defendants must provide in order to comply with the ADA and RA. (Doc. 1 ¶¶ 5, 11, 35, 44-45, 67 ("video-based telecommunications products and

systems"); Doc. 69-1 (Strauss Dep.), at 64-65, 125, 173-76).

Thus, named Plaintiffs lack standing for their individual. As a result, they also do not have standing to seek class certification for unnamed potential plaintiffs. They fail the Lujan test of standing, which requires: (1) "an injury in fact . . . which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical," (2) caused by the defendant, which means it is "fairly ... trace[able] to the challenged action of the defendant," and (3) "likely, as opposed to merely speculative." Lujan, 504 U.S. 555, 560-61 (1992) (citations and internal quotation marks omitted).

IV. Conclusion

For these reasons, the Court should dismiss Plaintiffs' complaint for lack of standing and mootness.[2]

[2]This document has been prepared in Times New Roman (14 pt.) font, which has been approved by the Local Rules of this Court.

Respectfully Submitted,

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NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRANDON COBB, et al., etc., Plaintiffs, v. GEORGIA DEPARTMENT OF COMMUNITY SUPERVISION, et al., etc., Defendants.	CIVIL ACTION NO. 1:19-cv-03285-WMR

CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed a copy of the foregoing MOTION BY DEFENDANTS TO DISMISS, SUPPORTING BRIEF, AND EXHIBITS with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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This 10th day of December, 2019.

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IN THE UNITED STATES DISTRICT COURT
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SECOND DECLARATION OF DARRELL E. SMITH

1. I, Darrell E. Smith, offer this second declaration for the Court's consideration on Defendants' motion to dismiss, Plaintiffs' motion for class certification, and for all other purposes allowed by law. This supplements my previous declaration. (Doc. 67-1). All statements in this declaration are within my personal knowledge.

2. During July 1, 2015 through the present, I have been employed by the Georgia Department of Community Supervision (DCS). My current position is Human Resources Manager/ADA Coordinator.

3. The documents referred to in, and attached to, this declaration are true and accurate copies of official records created or received by DCS. These records are maintained in the regular course of business and it is the regular and routine practice for DCS to maintain these records. The entries in these

records were made at or near the time of the events to which they refer and were made by, or from information transmitted by, persons with knowledge. All documents referred to in, or attached to this declaration, were in effect at the times they indicate or, if no time is indicated, have been in effect during July 1, 2015 through the present. As an employee of DCS, I am familiar with the manner in which these records are created and maintained and have access to these records.

4. DCS has now adopted a new Americans With Disabilities Act (ADA) and Rehabilitation Act (RA) policy, which is numbered 6.340. A copy is attached to this declaration. It is designed to govern the agency's handling of disability issues arising under Title II of the ADA, 42 U.S. Code § 12131, et seq., as amended, and Section 504 of the RA of 1973, 29 U.S.C. §§794, et seq., as amended. The new policy replaces the DCS Interpreters policy, number 3.103. The effective date of the new policy was November 29, 2019.

5. In addition to the procedures and measures described in policy 6.340, DCS Community Supervision Officers (CSOs) may engage Video Remote Interpreting (VRI) services at any time, 24 hours a day, as described in my first declaration. (Doc. 67-1 ¶¶ 5, 9-10, Attachment 1).

6. Another accommodation beyond the procedures and measures described in policy 6.340 is Communication Access Realtime Translation (CART) for those hearing impaired offenders who do not know ASL. Although this service is not immediately available on the initiative of CSOs, unlike VRI, they may access the service by following the procedure outlined in the new ADA policy no. 6.340, paragraph 4(F). The new policy provides that, other than for VRI which is always available without prior approval by me, I will respond to a request for an accommodation like CART in no more than 24 days. The seven day turnaround I described for CART in my first declaration is now superseded by the new ADA policy. CART is treated differently than VRI because it costs DCS more to engage (Doc. 67-1 ¶¶ 5, 11, Attachment 2), it is not often needed or indicated because it is used for hearing impaired offenders who are unable to communicate effectively by writing or texting, and there is a need for an alternative service to assist with doing so.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This the 6 day of December, 2019.

Darrell Smith

Darrell Smith

Department of Community Supervision
Policy & Procedure Statement

Title:	Americans with Disabilities Act, Title II	**Policy Number:**	6.340
Effective Date:	November 29, 2019	**Page:**	1 of 11
Last Revision:	N/A	**Authority:** DocuSigned by: FF8F12724F6A4D0...	Legal Services / Commissioner
Forms/Attachments:	ADA Public Notice, Offender with Disabilities ADA Service Referral, Offender Interpreter and Disability Services Refusal Form, ADA Grievance Form, ADA Reasonable Accommodation Request		

I. INTRODUCTION AND SUMMARY: It is the policy of the Georgia Department of Community Supervision (DCS) to maintain compliance with the Americans with Disabilities Act (ADA), a Civil Rights Law, which requires accessibility to programs, services, and activities to individuals with disabilities and prohibits discrimination. The DCS Policy and Procedure provides an open and meaningful accommodations request process and resolution to ADA related complaints and allegations, which includes an appeals process.

II. AUTHORITY: The Commissioner of the Department is vested with the authority to issue and approve all necessary directions, instructions, orders and rules applicable to employees of the Department. O.C.G.A. § 42-3-5(b).

The Americans with Disabilities Act of 1990: 42 U.S.C. §12102, § 12131-34, and 28 C.F.R. §35.101 et seq.;

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (a) – (d); O.C.G.A. §30-3-3

III. DEFINITIONS:

ADA Coordinator - An individual appointed by the Commissioner to coordinate the Department's compliance with ADA requirements.

Americans with Disabilities Act (ADA) - The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national, origin, age, and religion. It provides equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

Auxiliary Aids and Services includes:

- (1) Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; written materials; assistive listening devices; assistive listening systems; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
- (2) Qualified readers; taped texts; audio recordings; Brailed materials and large print materials; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions

Direct Threat to Health and Safety - Under the ADA, a direct threat may exclude an individual from a public entity's program, service, or activity. A Direct Threat must be a significant risk to the health and safety of self or others that cannot be eliminated or reduced to safe levels through a Reasonable Accommodation. A direct threat cannot be based upon stereotypes or unfounded fears.

Disability - The term "disability" means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

Fundamental Alteration - A change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.

Individual with a Hearing Impairment - Any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit the person from understanding oral communications when spoken in a normal conversational tone.

Major Life Activity - Functions to include, but not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating, speaking, breathing, learning, and working.

Mental Impairment - Any mental or psychological disorder to include, but not limited to, intellectual and developmental disabilities, organic brain syndrome, emotional or mental illness, traumatic brain injuries, and learning disabilities.

Physical Impairment - Any psychological disorder or condition, to include but not limited to cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hernic and lymphatic, skin, and endocrine.

Qualified Individual with a Disability - For the purposes of Title II of the ADA, a qualified

individual is an individual with a disability who meets the essential eligibility requirements for receipt of services or participation in a public entity's programs, activities, or services with or without reasonable modifications to a public entity's rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of Auxiliary Aids and Services. The "essential eligibility requirements" for participation may be minimal.

Qualified Interpreter - Someone who is able to interpret effectively, accurately, and impartially, both receptively (i.e. understanding what the person with the disability is saying) and expressively (i.e. having the skill needed to convey information back to the person) using any necessary specialized vocabulary.

Reasonable Accommodation - For the purposes of Title II of the ADA, any change or adjustment that would not fundamentally alter the nature of a service, program, or activity of a living or work environment; including reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of Auxiliary Aids and Services that permit participation of qualified offenders with disabilities.

Undue Burden - Significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include: the nature and cost of the action; the overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; impact of the action on the operation of the site; the geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity; if applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and if applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

Video Remote Interpreting (VRI) - A fee-based service that uses video conferencing technology to access an off-site interpreter to provide real-time sign language or oral interpreting services for conversations between hearing people and people who are deaf or have hearing loss. The new regulations give covered entities the choice of using VRI or on-site interpreters in situations where either would be effective.

IV. STATEMENT OF POLICY AND APPLICABLE PROCEDURES: The Department of Community Supervision (DCS) shall provide equal access to its programs, services, and activities as required by Title II of the ADA. DCS will provide Reasonable Accommodations to offenders who have disabilities to provide an equal opportunity to participate in programs, services, and activities outlined in required conditions of supervision. Accommodation requests that will cause a fundamental alteration to programming or undue burden to DCS will not be granted. (See section IV. G. of this policy for additional information.)

A. ADA Public Notice

The DCS ADA Public Notice is conspicuously displayed in the lobby of all DCS

field offices and the Department's public website. The Department of Community Supervision (DCS) will not discriminate against qualified individuals with disabilities on the basis of disabilities in its programs, services and activities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity should contact the ADA Coordinator at DCS ADA Coordinator's Office. 2 Martin Luther King Jr. Drive, S.E., Suite 458, East Tower, Atlanta, Georgia 30334. ADA.request@dcs.ga.gov, 404-793-0301.

Posters notifying offenders of the provisions of the ADA and reasonable accommodations will be conspicuously displayed in the lobby to offenders in all DCS field offices. In addition, the ADA policy and reasonable accommodations will be discussed with each offender at their initial interview.

B. ADA Coordination

DCS has an ADA Agency Coordinator, who is appointed by the Commissioner of the Department of Community Supervision. The Agency ADA Coordinator oversees and coordinates the agency's efforts to comply with ADA requirements. The Agency ADA Coordinator is an appropriately trained and knowledgeable individual, who will work collaboratively with other DCS staff members, state agencies, and other ADA experts who assists in interpreting the law and introducing viable accessibility solutions.

1. Specific Responsibilities and Authorities of the Agency ADA Coordinator:

   a. In concert with the DCS Training Division, that all staff members who interact with offenders, citizens, or visitors who have disabilities are provided with adequate and appropriate information and training on ADA, auxiliary aids and services, and potential ADA issues;

   b. In concert with the Operations and Information Technology Divisions, the DCS ADA Coordinator will compile and maintain information concerning offender(s) who have disabilities, as is necessary to carry out the duties and responsibilities of the position;

   c. Provide procedures for the prompt and equitable resolution of requests for Reasonable Accommodation and/or complaints are in place, publicized, and implemented;

   d. Review all offender requests for Reasonable Accommodations and process the requests, in concert with the Operations and Legal Divisions, in order to comply with ADA Title II Requirements.

(See Section IV. F. and G. of this policy for additional information);

e. Review all ADA grievances and coordinate a resolution to concerns involving alleged violations of the ADA;

f. Conduct site visits and evaluations of all DCS offices biennial.

2. Provide guidance to DCS staff members regarding ADA matters, such as, but not limited to the following:

- Procurement of programs and auxiliary aids or services
- Contract review
- Emergency evacuation of Community Supervision Offices
- All recommendations for denial of accommodations
- All offender accommodation requests
- All ADA related grievances t

C. Responsibilities of the Community Supervision Officers (CSO)

1. At the initial interview encounter, the CSO will also ask the offender, “Do you have a request for accommodation due to a disability?”

   Note: If the offender answers in the affirmative to a request for accommodation, the CSO shall provide reasonable accommodations and communicate these actions to the agency ADA Coordinator. The CSO will document the preferred mode of communication and requested accommodations in the Departmental case management system.

2. The CSO will inform the offender of how to access the Department’s ADA Title II Provisions policy.

3. The CSO is responsible for ascertaining if there are any emerging offender issues or concerns related to effective communication and requests for accommodations during the entire time an offender is under supervision of DCS.

4. The CSO will document all offender ADA accommodation requests, modifications, and recommended denials in the Departmental case management system and maintain consistent communication with the Agency ADA Coordinator regarding ADA matters.

D. Applicable Procedure

The Department of Community Supervision will comply with the ADA Title II provisions for offenders who have disabilities.

1. Office and Field Interactions

The effective supervision of offenders requires meaningful interactions with the offender. During the initial interview, the CSO will explain conditions of Probation/Parole, drug testing expectations, Out of State Conditions, special conditions of supervision, grievance processes, fine, restitution, and supervision fee as stated in DCS Policy 3.129. If a reasonable accommodation for an individual who has a disability is necessary during an Office/Field Interaction, the CSO will utilize the services provided by the department for effective communication.

2. Revocation Hearings
If the individual needs an accommodation during the revocation hearings, DCS staff members should make the Court/Clerk of Court/DOM aware of the need for accommodations.

E. Effective Communication

Effective Communication is vital to ensuring compliance during supervision. DCS will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in programs, services, and activities. Auxiliary aids such as qualified sign language interpreters, documents in Braille, note-takers, or other effective solutions will be utilized for individuals with speech, hearing, or vision impairments.

DCS will review all offender requests for the use of an accompanying adult to assist with interpretation on a case-by-case basis. DCS will only consider using a companion to interpret in the following situations:

1. In an emergency involving an imminent threat to the safety or welfare of an individual or the public.

2. In situations not involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to interpret or facilitate communication when a) the individual requests this, b) the accompanying adult agrees, and c) reliance on the accompanying adult is appropriate under the circumstances.

Refusal of Services

The Department of Community Supervision respects the right of any offender declining to use the services available for assisting with their disability needs. The offender must complete Offender Interpreter And Disability Service Refusal Form with the officer who is attempting to assist the offender. The following process will be followed for declination of services:

1. The form will be completed and notarized by a current sworn notary
2. The document will be uploaded in the file of the offender

3. A legible copy of the completed notarized document will be emailed to the ADA Coordinator.

F. Reasonable Accommodation Request Process

1. All offenders have the ability to request accommodations for a disability.

2. If the offender orally or otherwise expresses the need for an accommodation the ADA Reasonable Accommodation Request Form 2 will be completed. If the offender is unable to complete the form the staff member must assist the offender with completing the form which may include reading the form to the offender or using one of the services outlined to assist the offenders with the disability.

3. The staff member will forward the ADA Reasonable Accommodation Request Form to the ADA coordinator via email using the email address: ADA.request@dcs.ga.gov.

4. The ADA Coordinator will review the ADA Reasonable Accommodation Request Form and make a decision regarding the accommodation request within twenty four (24) business days. When further evaluation is needed to make a determination the ADA Coordinator will notify the officer of record via email. The officer of record will notify the offender and request any further information if needed. All notifications to the offender or request for further information shall be notated in the Departmental case management system.

5. In making a decision for reasonable accommodation, the Department will consider the choice of accommodation made by the offender. The Department may grant an alternative accommodation if such accommodation will provide the same or comparable level of accommodation.

6. If the request for accommodation is for a disability that is unknown the offender may be required to provide verification of the disability. A determination or reasonable accommodation will not be made until the disability is verified.

7. The ADA Coordinator will forward his or her decision to the officer of record via email. The officer of record will attach the completed ADA Reasonable Accommodation Request Form to the offender's file in the Departmental case management system. The ADA Coordinator will maintain a copy of the form in a central depository for the Department.

8. The offender will be notified of the decision regarding their request or will be notified if additional time is necessary and approximately how much time will be necessary to complete the determination.

G. Appeals Process for Reasonable Accommodation Request

The HR Director and the Office of Legal Services (Reviewing Party) shall review appeals made by offenders (Appealing Party) requesting accommodations. Appeals must be filed within 15 calendar days of the accommodation denial.

1. To appeal the accommodation denial, the Appealing Party must address in writing one or more of the following bases for appeal:

   a. Identify the facts in the record which do not support the accommodation denial and explain why those facts warrant a different outcome;

   b. Identify the facts that were not known and could not have been discovered during the interactive process and state how these new facts would change the analysis and decision.

   c. Identify how the denial was based on factors proscribed by state or federal law.

2. It is within the Reviewing Party's discretion to decline an appeal review when the Appealing Party does not provide sufficient information to detail any basis for the appeal.

3. The potential outcome of the ADA appeal process may include:

   a. The decision to deny the accommodation is upheld.

   b. The decision to deny the accommodation is overturned and the Reviewing Party determines implementation of reasonable accommodations.

   c. The appeal is dismissed for being filed outside of the fifteen (15) day time limit or because insufficient information was provided by the appealing party initially or during the course of the review.

4. The Reviewing Party shall provide written notification of the appeal decision within twenty (20) calendar days to the Appealing Party. If additional time is needed for the appeal decision, the Appealing Party will be notified in writing. The additional time needed will not exceed forty-five (45) calendar days.

5. This is the final appeal process for accommodation denials related to Title II of the Americans with Disabilities Act.

H. ADA Grievance Procedures

1. All offenders have the right to register a formal complaint to the ADA Coordinator in regards to their belief they are not being accommodated for their disability.

2. The offender will complete the ADA Formal Complaint Form Version 1 and either fax it or mail it to the attention of the ADA Coordinator using the information on the form.

3. Upon receiving a formal complaint, the ADA Coordinator will respond to the offender within two (2) business days of receiving the complaint to acknowledge receipt.

4. Upon reviewing and researching the complaint, the ADA Coordinator will respond in writing via email or mailed letter to the offender within thirty (30) days for the findings. The offender may contact the ADA Coordinator for further explanation of the findings if he or she has further questions concerning the outcome.

I. ADA Grievance Appeals Process

1. An offender must submit a notice in writing to the HR Director within fifteen (15) days of the decision. The notice should be a description of why the decision was wrong.

2. The HR Director will acknowledge receipt of the appeal within ten days.

3. The HR Director will respond in writing within thirty (30) days of receiving the grievance appeal. The HR Director will notify the offender if additional time is required.

J. REFERRAL FOR SERVICES

The Department of Community Supervision (DCS) encourages offenders to utilize the services listed below to assist with communication with our agency when you are not in our presence. will use several different services to assist offenders with disabilities communicate effectively with the Department and its employees. These services will come from various resources to provide a variety of options to assist our offenders in obtaining and getting the information they need.

1. Georgia Relay - Georgia Relay is a FREE public service provided by the State of Georgia to make communicating by telephone easy, accessible and reliable for everyone, including people who are deaf, hard of hearing, deaf-blind or have difficulty speaking. Georgia Relay is available 24 hours a day, 365 days a year.

Georgia Relay allows users to stay connected through a variety of Traditional Relay and Captioned Telephone services. Georgia Relay can be reached by calling the following numbers:

To make a Relay Call
Dial 7-1-1 or call one of the toll free numbers below
TTY: 800-255-0056
Voice: 800-255-0135
Speech to speech: 888-202-4082
Spanish to Spanish: 888-202-3972
(Includes Spanish-to-Spanish and translation from English to Spanish)

Services offered by Georgia Relay:

a. TTY (Text Telephone) - Allows a person who is deaf or hard of hearing to type their messages and read the other person's responses.
b. VCO (Voice Carry Over) - Using a TTY (Text Telephone) and standard telephone or a specially designed telephone that also has a text screen, the VCO user speaks directly to the person being called. In response, the words of the person being called are typed by the Georgia Relay Communications Assistant (CA), and the user reads those words on the text screen of his or her phone.
c. HCO (Hearing Carry Over) - This service allows the HCO user to type his or her side of the conversation, using a TTY or similar device, and the Communications Assistant (CA) voices the typed words to the other person. When the other person speaks, the HCO user listens directly to what is being said.
d. Speech to Speech (STS) - Designed for people who have mild-to-moderate speech difficulties who can hear what is being said over the phone. The STS user speaks, a specially trained Communications Assistant (CA) listens to the words. The CA then revoices those words to the other person. When the other person speaks, the STS user listens directly to what is being said.
e. Captioned Telephone (CapTel) - User speaks directly to the other person, and when the other person responds, the CapTel user can listen while reading what's said. During the conversation, a specially trained operator at the CapTel captioning service uses the latest in voice recognition software to convert everything the other person says into captioned text.

f. Deaf-Blind Service (DBS) - DBS users type their messages and read the other person's responses, typed by the Communications Assistant (CA), on a braille display.

g. Voice Users - Makes it easy for voice users to communicate by phone with anyone who is deaf, hard of hearing, deaf-blind or has difficulty speaking

h. Video Relay Services (VRS) - is a video telecommunication service that allows deaf, hard-of-hearing, and speech impaired individuals to communicate over video telephones with hearing people in real time.

Georgia Relay offers several additional services to assist those with disabilities in need of assistance.