

Specialist in BFL's Non-Residential Domestic Violence Program in Manhattan. BFL is a non-profit organization that serves people with disabilities who are victims of domestic violence. Among other services, BFL provides case management; individual counseling; advocacy in law enforcement settings; safety planning; community outreach; and trainings.

3. In my position at BFL, I serve Deaf¹ survivors of abuse. I work with approximately nineteen clients per week. My primary role is to provide counseling to Deaf victims and survivors. I also provide information, referrals, and advocacy. I serve as a liaison with social services, police precincts, and court systems throughout the five boroughs, and provide education and outreach in the community.

4. I have been actively involved in the Deaf community since the 1990s, including with Deaf grassroots groups in New York City. For example, I am a former Queen of New York City Black Deaf Advocates ("BDA"); served on BDA's board; served on the committee of Deaf Women of Color Conference III; and established the Deaf Ministry Signing Course at the Crenshaw Christian Center East, a church founded by Apostle Dr. Frederick K.C. Price.

5. I am an active member of the DJC, which seeks to to ensure equal access to law enforcement services for the Deaf community in New York City. I am also the Founder and President of Barrier Free Living's Court and Legal Interpreting Coalition ("CLIC") (formerly known as Sign Language Court Interpretation Task Force ("SLCITF")), which focuses on effective communication for Deaf individuals in courts through the provision of qualified sign language interpreters.

6. I conduct frequent workshops on issues related to deafness, deaf culture, violence, and the legal right to effective communication. In 2005, I produced "Deafablism," a domestic violence theatrical project, to raise funds for Deaf survivors of abuse, help the hearing world appreciate their talents, and raise awareness.

¹ I use the phrase "Deaf" to include individuals who are deaf, hard-of-hearing, late-deafened, and deaf-blind.

7. I am a hard-of-hearing bicultural² individual with a severe to profound sensorineural hearing loss. My hearing loss occurred in early childhood and delayed my language development. I wear a Clarion Hi Res 90K cochlear implant with the Auria behind-the-ear speech processor. I have completed auditory training and speak orally. In the 1990s, I had full exposure to the Deaf world and started learning American Sign Language. I adapted to “total communication,” meaning that I communicate through a combination of speech, sign language, and auditory training.

8. I am knowledgeable, both personally and through my work, about deafness and the communication barriers that Deaf individuals encounter in the mainstream hearing world.

9. I have been exposed to technologies used by Deaf individuals, but these technologies are not compatible with emergency services such as 9-1-1.

10. The first time I became aware of the tapping protocol was in January 2011, when a DJC member mentioned this lawsuit at a DJC meeting. None of the other Deaf or hearing members present at the meeting knew about the tapping protocol either.

11. Despite my extensive involvement with the Deaf community since the 1990s and despite my significant exposure to the law enforcement system through my work, I was not aware of E-911 or the tapping protocol. I have never used the tapping protocol.

12. The Deaf community cannot use payphones because Deaf individuals cannot hear a dial tone or anything else on payphones. I have tried to use payphones in New York City on many occasions, but they were often broken and damaged. Because of my cochlear implant, I am generally able to tell if there is a dial tone, but beyond that, I cannot really use the payphone effectively because of sound distortion. I have to do a lot of guessing about what is being said on the phone. If I did not have the cochlear implant, I would not even be able to discern whether the payphone had a dial tone.

² By “bicultural,” I mean that I associate with both the portion of the Deaf community that centers on American Sign Language, as well as the portion that relies on oral methods of communication.

13. Based upon my experience, Deaf individuals have great difficulty calling for 9-1-1 emergency assistance because of communication barriers. This difficulty provokes severe anxiety and discouragement for the Deaf community about reaching out to police even when they have been victimized. In my experience, many crimes against Deaf people are underreported because of communication barriers.

14. I believe the court should deny the City Defendants' Motion to Modify or Vacate Permanent Injunction. Defendants have not established an accessible alternative to the alarm boxes or educated the Deaf community about the tapping protocol.



NICOLYN PLUMMER

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 1, 2011.