



**ANGUS DRIGO  
SENATE TESTIMONY  
COMMITTEE ON CULTURE, YOUTH, AGING, SPORTS, AND  
PARKS**

Good morning, Chairman Bolques, members of this committee, and other senators present. Thank you for the opportunity to testify before your committee on Culture, Youth, Aging, Sports, and Parks on the current state of our territory's compliance with local and federal laws as it pertains to the rights of people with disabilities.

I am Angus Drigo, Executive Director of V.I. Advocacy Inc., better known as the Disability Rights Center of the Virgin Islands (DRCVI).

DRCVI was established in 1977 via an Act of Congress, which similarly saw the creation of 57 protection and advocacy organizations/agencies throughout the United States and its territories. DRCVI is part of the national organization known as the National Disability Rights Network (NDRN). That network is the nation's largest provider of legal advocacy services for people with disabilities, and as director, I serve on its board of directors. These entities provide legal protection and advocacy for individuals with disabilities regardless of their racial or ethnic origin, color, gender identity, nationality, religion or belief, age, sexual orientation, or station in life. DRCVI's mission embraces these mandates and has as its mission, to advance

the legal rights of people with disabilities, support and empower families and provide training and information that promotes the overall health and educational development of children and youth.

DRCVI has two offices in the Virgin Islands; the main office is in Frederiksted, just a stone's throw away from the former Kmart west, and a satellite office located in Havensight on St. Thomas.

DRCVI has an 11-member staff that includes three full-time lawyers/advocates. Its work is overseen by a nine-member board, which meets quarterly and comprises of individuals with disabilities, lawyers, parents, and family members of individuals with disabilities.

In addition to the Board, DRCVI has a Protection and Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council or PAC, made up of professional mental health providers,

individuals and/or family members of individuals receiving mental health services.

## **Accessibility**

As a territory, the VI have failed to comply with the Americans with Disabilities Act, (ADA) as amended. Despite DRCVI's best efforts - from litigation campaigns, training events, and many years of grass-roots advocacy, - ADA compliance has fallen woefully short when it comes to access to government offices, playground areas, businesses, and shopping districts, especially in the downtown areas. Even when these entities have made gains to comply, it often falls short.

Here are some examples:

- A wheelchair ramp may be added to a building, but the ramp is not wide enough for a person who uses a wheelchair to navigate a sharp turn.

- Electrical poles or decorative lamps are erected territory-wide smack in the middle of sidewalks, making it hard for an individual to maneuver a wheelchair as the space on either side is too small and potentially too dangerous to traverse. A mother pushing a walker (pram) or an adult using a walker has the same difficulty.
- Decorative cobblestones, although aesthetic, also pose a problem as this makes wheelchairs and walkers hard to maneuver.
- The Midre Cummings Ballpark, while beautifully done, is not ADA compliant. One of the most glaring deficiencies is access to restrooms. There is no concrete walkway leading to the restrooms, so it is difficult to access.

There is also the issue of getting to and from an aircraft. People with disabilities travel too! DRCVI has long advocated for jet bridges to make the travel experience easier and safer for everyone. There have been occasions where airport personnel have had to hoist individuals with mobility impairments to and from an airplane with heavy equipment used in construction sites. Over many years, DRCVI has advocated for the building and use of jet bridges at the territory's airports. This must be made a priority as this is a crucial part of accessibility, the absence of which does not comport with ADA guidelines.

It's a cruel irony that inter-island travel for the territory's ADA Coordinator, is fraught with structural and service barriers that make travel by plane unduly burdensome.

## **Behavioral Health**

DRCVI conducts annual surveys to determine the most pressing needs of individuals with disabilities and their families. The No. 1 response over the course of several years has been the lack of access to mental health services.

In 2003, DRCVI sued the V.I. government (specifically the Departments of Human Services, Health, and Hospitals) to recognize the rights of all residents for access to comprehensive mental health services. The DRCVI won the case in 2009, and as a result, a state plan was developed. To date, implementation has yet to occur. For perspective, after thousands of hours of diligent work by experts and volunteers to get this plan together, it has remained untouched through four administrations – *Turnbull, Schneider, de Jongh, and Mapp*. Recently, the Legislature passed a Behavioral Health Bill that

was signed into law by the Bryan Administration, and it remains to be seen if and how it will be implemented.

DRCVI also works closely with the Office of the ADA

Coordinator which falls under the Office of the Governor.

The Virgin Islands has just one mental health facility in the Territory. The Eldra Schulerbrant Long-term Care Facility replaced the old Michelle Motel in Estate Contant and is managed by the Department of Health (DOH).

The DOH is the Substance Abuse and Mental Health Services Administration (SAMHSA) - recognized state mental health agency. SAMHSA, falls under the U.S. Department of Health, and in addition to its regulatory mandate, provides services through its DOH's Behavioral Health, Alcoholism & Drug Dependency Division. According to data provided by the DOH, it



provides management and oversight for 246 patients with mental health disabilities.

And, while Schneider Hospital has a behavioral unit, the one at Luis Hospital was shuttered -- if memory serves correctly -- as far back 2012.

Alas, without additional long-term care mental health supports and services, DOH relies on off-island facilities. The cost to house these Virgin Islanders off-island is high and is among the reasons DRCVI continues to advocate for the development of a comprehensive case management system, which will allow individuals with mental illness to be treated on island where they can be close to their families. For more information about the development and demise of mental health services in the Virgin Islands I urge you to view a compelling documentary produced by DRCVI entitled "Forgotten in Paradise."

Based on information from DOH, the Department of Corrections in Florida and Virginia each has **3** Virgin Islanders on their mental health caseload.

As far as the future is concerned, DRCVI hopes to assist in creating a crisis response unit within the DOH to provide rapid response to mental health crises with an approach toward de-escalation rather than the initial response coming from law enforcement. And to enforce the mental health consent decree.

## **Education**

DRCVI works to educate families on two fronts. One is via early evaluation of children with disabilities by providing early intervention services and the other is by helping young adults transition to employment when they “age out” of school.

It has been proven that early evaluation and intervention make a huge difference, especially in children's formative years. One of the challenges we've encountered is the delay in the development and implementation of individual educational plans and student evaluations. These delays have been caused by the Department of Education's Division of Special Education. DRCVI has helped increase referrals and complete intakes with Vocational Rehabilitation (VR), which has resulted in better service delivery for people with disabilities knowing their rights and the procedure with the VR program. We have also helped with service delivery within the USVI workforce by creating a more seamless approach for jobseekers with disabilities by ensuring an accessible environment and program accommodations. DRCVI has participated in job fairs and

established the Employer Recruitment Roundtable where job seekers can interact with prospective employers.

Currently, DRCVI serves in a co-counsel capacity with the American Civil Liberties Union or ACLU on a prison abuse case in the District Court of the Virgin Islands. The lawsuit deals with the mistreatment of inmates at the St. Thomas jail.

Imagine, the case was initially filed in 1994 and involves monitoring of jail conditions by court-appointed inspectors.

Next year will make this case 30 years old. Yes, 30 years old. It gives you an idea of what we're up against in our advocacy

when a case could languish for nearly 30 years. DRCVI

meantime continues to take part in quarterly hearings at the court regarding this case.

In our unwavering determination to advance the cause of civil rights, we remain committed to advocating with groups such as

the National Alliance for Individuals with Mental Illness (NAIMI), Virgin Islands Developmental Disabilities Council (DD Council), Virgin Islands University Center of Excellence in Developmental Disabilities (VIUCEDD), and Virgin Islands Deaf and Hard of Hearing Advocates.

I am available to answer any questions that you may have.

Thank you for your time and attention.

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