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DART failed to protect passengers with disabilities from sexual assault, lawsuits allege

The agency and its partners did not intervene despite prior incidents, an ongoing suit claims.



By **Amber Gaudet**

Transportation and mobility reporter

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An illustration shows a DART paratransit vehicle, along with several pending cases against the agency. (Michael Hogue / The Dallas Morning News)

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Oscar Restrepo and Maria Martinez were driving their youngest to a doctor’s appointment at Children’s Hospital in Plano when the phone rang. It was the couple’s oldest daughter.

“My daughter called us crying and she was screaming,” Restrepo said. “When I saw the first opportunity to take a U-turn, I took it because my daughter was very scared.”

Brenda Cummings on her experience with DART





The 23-year-old, who has developmental disabilities that limit her cognitive functioning, had been using Dallas Area Rapid Transit’s paratransit service to get to her part-time job at Lowe’s for about three years.

But her trip on June 6, 2022, would be her last. Between sobs, she told her parents that the driver who dropped her off had sexually assaulted her.

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The Dallas Morning News generally does not name victims of sexual assault.

It’s not the first time a DART driver has been accused, and later convicted, of assaulting a passenger with disabilities. In a lawsuit against the transit agency and its former paratransit partner MV Transportation, the family’s attorneys argue it’s an incident that could have — and should have — been prevented.

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“DART for certain had warning of inappropriate behavior but didn’t do anything about it,” the family’s attorney [Lacey Turley Most](#) said.

The lawsuit suggests a troubling pattern of abuse by drivers employed by DART’s partners or subcontractors that stretches back more than a decade. It also raises concerns about the paratransit network’s training, as well as its oversight of subcontractors.

In an email to *The News*, DART declined to address the allegations, citing pending litigation.

DART, MV were ‘on notice’ of risks

Martinez said she called the agency in May to warn that the subcontracted driver, Samson Assefa Lemma, 44, had groomed her daughter by telling her he loved her, giving her his cell phone number, taking her to Walmart and buying her ice cream.

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DART and MV confirmed the grooming incident via route deviation information, and said he would not be assigned to transport the woman anymore, according to the suit.

But the driver was allowed to continue picking her up, leading to the assault.

Lemma was [arrested by Garland police](#) shortly after the assault, and pleaded guilty to sexual assault of a disabled person. He received six years of deferred probation as part of a deal, and was required to register as a sex offender.

Just six months earlier, a 34-year-old woman with the “cognitive abilities of a 6-year-old child” was sexually assaulted on DART’s paratransit service. As recounted [in a July 2023 suit against the agency](#) and subcontractor Irving Holdings, Mohammad Izhar Ul Haq Ansari was convicted of assaulting the woman, who was not named, in a December 2021 incident captured on video.

Ansari pleaded guilty as part of a plea deal in January 2023. He was sentenced to 10 years probation and 200 hours community service, and required to register as a sex offender.

Related: Paratransit is critical for people with disabilities. Dallas residents say it failed them

Such allegations have occurred regularly over the past decade, the plaintiffs allege.

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DART and MV Transportation were sued in 2014 after a passenger with Down syndrome was allegedly sexually assaulted twice the previous year, though the agency won the case.

And the Restrepos' suit points to a dozen sexual assault accusations, dating back to 2010, made against drivers while MV was handling operations for transit agencies across multiple states.

Despite the incidents, DART and MV Transportation did not change their training or policies to protect passengers, the suit alleges.

“Both entities were on notice of a long-standing pattern of sexual abuse committed by drivers transporting cognitively impaired women. These incidents, spanning more than a decade, followed a common pattern: one-on-one paratransit rides between male drivers and intellectually disabled women, often involving grooming behavior, route deviations or lack of supervision,” the plaintiff’s petition reads.

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“Despite these repeated incidents...MV Transportation and DART continued to assign male drivers to unsupervised, one-on-one routes with intellectually disabled women, without adding training on grooming behavior or increasing monitoring.”

MV declined to directly answer questions about its training practices, but said in a statement that Lemma and Ansari were subcontractors per MV’s contract with DART.

“While any accusations of misconduct are horrifying, these lawsuits are directed at individuals employed by other companies and were never MV employees,” the company said.

There have been at least four reports filed with DART police accusing paratransit drivers of sexual assault since 2014, including the incidents involving Lemma and Ansari, according to records obtained by *The News*.

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In response to questions from *The News* about whether paratransit drivers receive specific training on appropriate boundaries with passengers, DART said contractors are responsible for ensuring appropriate training and compliance with state and federal regulations, including of subcontracted drivers.

‘They remain invisible’

People with disabilities can be particularly vulnerable to abuse.

The rate of violent crimes against people with disabilities is almost four times the rate for those without disabilities, according to a [2021 report from the Bureau of Justice Statistics](#). Those with cognitive disabilities are at the highest risk, as well as those with multiple disabilities.

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“They estimate that a person with a disability who needs a caregiver at all times has over 1,000 caregivers in their lifetime, often helping them in very private spaces, with very private tasks,” said Sarah Curtiss, an assistant professor at the University of Delaware who has [studied risk factors for sexual assault against people with intellectual disabilities](#). “So even if a small percentage of those people are criminals, that is a lot.”

Caregiving roles often have low pay and high turnover, increasing the number of strangers entrusted with care tasks.

Isolation and a lack of connection to the nondisabled community, as well as communication barriers, mean many cases of sexual violence likely go unreported, Curtiss said.

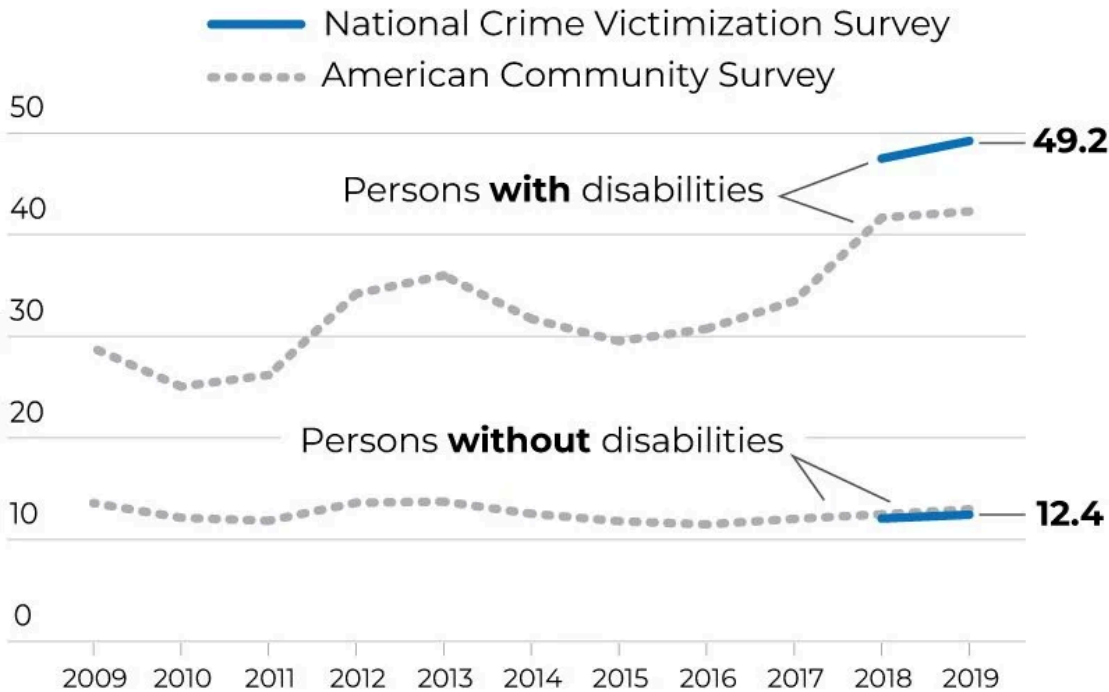
A lack of research on disability means even having the data to illustrate how widespread violent crimes against people with disabilities are is a challenge, according to [Leigh Anne McKingsley](#), senior director of disability and justice initiatives for national advocacy group The Arc.

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“I think in general, this population is devalued and not seen, and in a lot of ways they remain invisible in our society. So because of that, you don’t see a lot of interest in the research community to really be looking into these issues,” McKingsley said.

Violent crimes against people with disabilities

People with disabilities are victimized by violent crime at a rate much higher than other people, according to two surveys that show a two-year rolling average rate of crimes per 1,000 noninstitutionalized people older than 12. The newer NCVS survey records a higher rate than previously used ACS data.



SOURCE: U.S. Department of Justice report, "Crime Against Persons with Disabilities, 2009–2019 – Statistical Tables," November 2021, using Bureau of Justice Statistics, National Crime Victimization Survey, 2008–2019; and U.S. Census Bureau, American Community Survey, 2008–2019. Staff Graphic

National surveys do not include institutionalized victims and those in group homes. Even still, [Justice Department](#) data shows a sevenfold increased risk of sexual assault for people with intellectual disabilities.

People with disabilities often receive little or no sex education, and are taught to be compliant with caregivers. Both factors can contribute to victimization, according to McKingsley.

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“We are literally creating a problem when we’re not giving the tools of education to people with disabilities in a way they can understand it,” McKingsley said. “There’s this learned compliance and desire to please authority that can increase exploitation and difficulty with setting boundaries around people who may take advantage of them.”

New contractor, but monitoring still limited

DART contractor Transdev took over mobility management services, which include on-demand rideshare services and paratransit, from MV in October 2024. While the company directly employs drivers unlike MV, it also dispatches rides to subcontractors. Irving Holdings remains a DART subcontractor via Transdev.

The News filed a public records request for copies of Transdev’s training materials with DART, which appealed the request to the Attorney General’s Office after Transdev informed DART it believed the information to be confidential and proprietary, according to appeal documents filed in late May.

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Transdev's employee handbook does not directly address appropriate boundaries with passengers but does prohibit "illegal or violent acts" and sexual harassment, according to a July 2024 version obtained by *The News*.

DART also appealed requests for copies of complaints against Lemma and Ansari. *The Dallas Morning News* has not been notified of a decision by the attorney general's office regarding the appeals as of June 17.

Interventions such as cameras on board, requiring another person be present when only a driver and passenger are in a vehicle and changing staffing and training can help protect riders, Curtiss said.

While DART has access to camera footage on Transdev vehicles, it cannot access footage for rides performed by third parties, including subcontractors such as Irving Holdings.

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"TNC providers...operate under different technology systems which currently limit DART's direct access to live or recorded footage if available," DART spokesperson [Jasmyn Carter](#) said.

DART does not have employees monitoring camera feeds, Carter confirmed.

Riders can opt out of rides with third-party drivers, though some have said in complaints that they are repeatedly sent vehicles they should not be regardless of their requests.

A Transdev spokesperson declined to answer questions about its hiring and training processes related to boundaries with passengers, and about monitoring of rides.

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The assault lives on

Martinez said her daughter doesn't want to talk about the assault — or even see DART's logo.

“If we try to mention something about it, she starts to get nervous,” Martinez said in Spanish. “She can't even see the logo. If she sees it in the car, she hides.”

Since she's no longer able to use paratransit she's lost some of her independence, Restrepo said. She no longer works and has to rely on her parents, whose own work schedules make transporting her difficult at times.

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She has received counseling, Martinez said, but continues to struggle with what happened to her.

Her parents hope their lawsuit against DART and its partners will lead to systemic changes that help protect other passengers.

“If we didn't file a lawsuit DART wasn't going to do anything,” Restrepo said, “and this could happen to a lot of other people's kids.”

For now, they stress that other parents should be frequently checking in with family members using paratransit.

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“Do not let the drivers invite your family members for an ice cream or McDonalds,” Restrepo said. “Be conscious about the conversations they have with the driver. The only thing they have to do is to drive, not chat.”

Restrepo and Martinez requested a jury trial. The couple is asking for damages for their daughter’s ongoing medical expenses, pain and suffering, mental anguish and lost earnings.

The plaintiff’s seconded amended petition does not specify a dollar amount for the claims. Attorney Most did not respond to follow-up questions regarding the sought amount.

A motion to dismiss the case by MV filed in May has not received a hearing date as of June 17.

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A civil suit involving the Ansari case has been resolved. A \$200,000 settlement between DART and Irving Holdings and Jane Doe’s mother in the December 2021 incident was approved, with \$129,000 of it to be deposited into a special needs trust for Doe’s benefit.

Maria Salette Ontiveros contributed to this story.

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By **Amber Gaudet**

Amber is a staff writer for The Dallas Morning News. She's produced award-winning business and investigative work, including a housing series that led to a federal inquiry and Texas state law change in 2023. Amber holds a master's degree from the University of North Texas' Mayborn School of Journalism.

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