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BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, PAULA M. HALEY,)
EXECUTIVE DIRECTOR *ex rel.*)
DENNIS BROWN,)

Complainant,)

v.)

ASCHR No. J-12-104

STATE OF ALASKA, DEPARTMENT OF)
CORRECTIONS, DIVISION OF)
INSTITUTIONS,)

Respondent.)

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Dennis Brown, hereby alleges the following against the State of Alaska, Department of Corrections, Division of Institutions:

1. During the times relevant to this Accusation, Dennis Brown was incarcerated by Respondent at Respondent’s Spring Creek Correctional Center in Seward, Alaska (hereinafter “Spring Creek”).

2. At the time of the events described in this Accusation, Mr. Brown was seventy-one years old. Mr. Brown suffers from a number of physical impairments, including impairments of his knees.

3. Mr. Brown’s knee impairments substantially limit one or more major life activities, including the major life activities of walking and of caring for himself.

4. Mr. Brown often requires the use of a wheelchair for mobility. At other

1 times he uses a cane to walk.

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3 5. In November 2011, Mr. Brown was examined and evaluated in Anchorage
4 by one of Respondent's doctors. After the examination and evaluation, Respondent's
5 doctor determined that Mr. Brown's impairments required that he be assigned to an
6 "ADA cell."

7
8 6. An ADA cell is a prison cell that is accessible to persons with disabilities.
9 Such accessible cells generally have wider entrances, sufficient floor space for moving
10 and turning a wheelchair, and grab bars, and are also referred to as "accessible cells."

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12 7. Respondent's doctor completed and signed a "Medical Orders for Special
13 Needs" form dated November 21, 2011, indicating that Mr. Brown needed the ADA cell
14 until the end of his sentence.

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16 8. Upon returning to Spring Creek in February 2012 Mr. Brown requested
17 that he be placed in an accessible cell and produced the "Medical Orders for Special
18 Needs" form to Spring Creek's assistant superintendent. The assistant superintendent
19 told Mr. Brown that the form was insufficient and required that he complete a separate
20 Americans with Disabilities Act accommodation request form.

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22 9. Mr. Brown completed an Americans with Disabilities Act accommodation
23 request form and submitted it to Spring Creek personnel. Respondent denied Mr.
24 Brown's request for an accessible cell, concluding that it was not necessary.
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10. Respondent denied Mr. Brown’s accommodation request because it determined that his condition was “age related,” telling him that his limitations were “only those that you choose.”

**FIRST CAUSE OF ACTION
DISCRIMINATION BECAUSE OF DISABILITY
A VIOLATION OF AS 18.80.255**

11. Paragraphs 1-10 above are realleged and incorporated herein.

12. Dennis Brown is a person with a disability as that term is defined in the Alaska Human Rights Law.

13. Mr. Brown was incarcerated by Respondent at Respondent’s Spring Creek Correctional Center.

14. In February 2012, Mr. Brown submitted a medically-supported request to be assigned to an accessible cell as a reasonable accommodation for his his disability.

15. Respondent denied Mr. Brown’s reasonable accommodation request.

16. As a result of Respondent’s denial of Mr. Brown’s request for an accommodation, Mr. Brown was denied services, goods, facilities, advantages, and privileges because of his disability that were otherwise provided to incarcerated persons who did not have disabilities.

17. Respondent’s denial of Mr. Brown’s accommodation request constitutes a violation of AS 18.80.255(3).

PRAYER FOR RELIEF

Wherefore the Executive Director asks for the following relief:

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1. That the Commission issue an order declaring that Respondent violated AS 18.80.255(3) by refusing to provide an accommodation to Mr. Brown.

2. That the Commission order Respondent to adopt and disseminate a policy of nondiscrimination on the basis of disability under the Alaska Human Rights Law.

3. That the Commission order Respondent to obtain training conducted by a neutral, third-party trainer, of at least six hours in length for its managers, supervisors, and ADA coordinators and ADA decision makers on the provisions of the Alaska Human Rights Law that prohibit discrimination in the provision of government services, with an emphasis on the prohibition against discrimination based on disability.

4. That the Commission order that the foregoing policy and training curriculum be approved by the Commission’s executive director and require that they be submitted to the executive director for approval prior to adoption.

Dated this 20th day of April 2015 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

Signature Redacted

Stephen Koteff
Human Rights Advocate
Alaska Bar No. 9407070