

1                                    BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

2 ALASKA STATE COMMISSION FOR                                    )  
3 HUMAN RIGHTS, MARTI BUSCAGLIA,                                    )  
4 EXECUTIVE DIRECTOR, *ex rel.*,                                    )  
5 RANDALL DANES,                                    )

6                                    Complainant,                                    )

7                                    v.                                    )

ASCHR No. J-14-076

8 STATE OF ALASKA, DEPARTMENT OF                                    )  
9 CORRECTIONS, DIVISION OF                                    )  
10 INSTITUTIONS,                                    )

11                                    Respondent.                                    )

12 \_\_\_\_\_ )  
13                                    **ACCUSATION**

14                                    Marti Buscaglia, Executive Director of the Alaska State Commission for Human  
15 Rights, *ex rel.* Randall Wayne Danes, hereby alleges the following against Respondent  
16 State of Alaska, Department of Corrections, Division of Institutions:  
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18                                    1.        During the times relevant to this Accusation, Randall Danes was incarcerated  
19 by Respondent at Respondent's Palmer Correctional Center (PCC) in Palmer, Alaska.  
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21                                    2.        Mr. Danes is deaf and uses American Sign Language as his primary means  
22 of communication with others.  
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24                                    3.        While incarcerated at PCC, Mr. Danes was a participant in a welding class  
25 offered to him and to other inmates.  
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27                                    4.        In December 2013, Mr. Danes requested that PCC provide him with a sign  
28 language interpreter to assist him in understanding all of the instruction that was being  
providd to the hearing inmates in the welding class.

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5. PCC did not provide Mr. Danes with a sign language interpreter for the welding class.

6. In January 2014, and again in March, May, and September 2014, Mr. Danes made additional requests for a sign language interpreter to assist him in taking other classes offered by PCC to him and other inmates.

7. Mr. Danes made these requests so that he could fully participate in the classes, and told PCC that he could not read lips and explained that written communication during the lecture portions of these classes was inadequate.

8. Mr. Danes also told PCC that he needed a sign language interpreter because he could not hear the videos presented in the classes and the videos were not closed captioned.

9. PCC did not grant any of Mr. Danes's requests for a sign language interpreter in January, March, May, or September 2014.

10. PCC's denial of Mr. Danes's requests for a sign language interpreter diminished the quality of the instruction he received in the classes relative to other students. One of Mr. Danes's class instructors noted that Mr. Danes was disadvantaged because he was unable to hear the narrative that accompanied the instructional videos and he was unable to hear the instructor's commentary "illuminating" the topics being covered.

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**FIRST CAUSE OF ACTION  
DENIAL OF SERVICES, ADVANTAGES, OR PRIVILEGES  
BECAUSE OF DISABILITY  
A VIOLATION OF AS 18.80.255**

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

12. Randall Danes is a person with a disability as that term is defined in AS 18.80.300.

13. In 2013 and 2014, Mr. Danes was incarcerated at Respondent's Palmer Correctional Center.

14. On several occasions Mr. Danes requested a reasonable accommodation for his disability that would provide him opportunities to access Respondent's services, advantages, and privileges equal to those provided to persons without disabilities.

15. In each instance referenced in paragraph 14, Respondent denied Mr. Danes's requested accommodation.

16. Respondent's denials of Mr. Danes's requests for reasonable accommodations prevented Mr. Danes from obtaining equal and meaningful access to Respondent's services, advantages, or privileges.

17. Respondent's denials of Mr. Dane's requests for reasonable accommodation constitute violations of AS 18.80.255.

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**PRAYER FOR RELIEF**

26 Wherefore, the Executive Director asks for the following relief:

27 1. That the Commission issue an order declaring that Respondent violated AS  
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1 18.255 by denying services, advantages, and privileges to Randall Danes.

2           2.       That the Commission order Respondent to adopt and disseminate a policy  
3 of nondiscrimination under the Alaska Human Rights Law that includes a policy  
4 requiring the provision of sign language interpreters for deaf inmates in appropriate  
5 situations.  
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7           3.       That the Commission order Respondent to provide a qualified sign language  
8 interpreter to deaf inmates whenever they participate in educational opportunities or classes  
9 that are also offered to hearing inmates.  
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11           4.       That the Commission order Respondent to obtain in-person training of at  
12 least three hours in length for its managers and supervisors on the provisions of the  
13 Alaska Human Rights Law that prohibit discrimination on the basis of disability, and that  
14 such order specify that the trainer and training curriculum be approved by the Executive  
15 Director prior to the training being conducted.  
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18  
19 Dated this 24<sup>th</sup> of March 2017 at Anchorage, Alaska.  
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21 ALASKA STATE COMMISSION  
22 FOR HUMAN RIGHTS

23 *Signature Redacted*

24 By: \_\_\_\_\_

25 Stephen Koteff  
26 Human Rights Advocate  
27 Alaska Bar No. 9407070  
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