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Virginia Department of Corrections denies equal services to blind people who are incarcerated.

RICHMOND, Va. – Yesterday the ACLU of Virginia, the disAbility Law Center of Virginia, and the law firm of Brown, Goldstein, and Levy [filed a complaint](#) in the Eastern District of Virginia against the Virginia Department of Corrections (VADOC), individual VADOC officials, and the Virginia Information Technologies Agency on behalf of the National Federation of the Blind of Virginia and seven incarcerated blind men being denied equal access to services and programs available to sighted incarcerated people.

Michael McCann, Kevin Muhammad Shabazz, Patrick Shaw and William Stravitz are currently incarcerated at Deerfield Correctional Center; Nacarlo Antonio Courtney, William Hajacos and Wilbert Rogers are currently incarcerated at Greenville Correctional Center.

“The Americans with Disabilities Act requires correctional facilities like Deerfield and Greenville to provide the people in their care with equal access to jobs, programs, housing, medical services, and communication,” said ACLU-VA Senior Staff Attorney Vishal Agraharkar. “The failure of both facilities to provide equal access and services to all people in its care is not just unlawful: it’s unconscionable.”

The complaint alleges that VADOC has relied on other incarcerated people to act as so-called “caregivers” for blind prisoners. To fill out such critical materials as requests for medical visits or grievance forms, blind prisoners must ask their “caregivers” to do it for them, as well as to read out loud to them everything from prison policies to private correspondence.

“Relying on other incarcerated people puts blind people in VADOC facilities at the mercy of sighted prisoners and forces them to give their peers access to their private information,” said Eve Hill, partner at Brown, Goldstein, and Levy. “Technology is readily available that VADOC could – and must – use to provide private and independent access to materials for blind people in VDOC custody.”

Nor does VADOC guarantee blind people access to their “caregivers.” Mr. Rogers and Mr. Shaw, for example, were separated from their “caregivers” by prison transfers and the pandemic, forcing them to pay other incarcerated people to help them. Mr. McCann’s “caregiver” has a bunk on the opposite side of their housing unit, so every time he needs help, Mr. McCann must

try to navigate object-strewn aisles. Accidentally bumping into corrections officers and other incarcerated people along the way has led to physical altercations that have injured Mr. McCann – although Deerfield officials refused to review surveillance video of one such assault when, due to his visual impairment, Mr. McCann could not identify his assailant.

The ADA and Section 504 of the Rehabilitation Act prohibit covered entities like correctional facilities from excluding people with disabilities from services, activities, or programs. Yet Mr. Shaw was turned away from class when he attempted to sign up for educational programming, and the supervisor of Mr. Shabazz's pod still refuses to consider his applications for a higher-paid work assignment on the grounds that his blindness poses a "safety risk." Following his vision loss, VADOC removed Mr. Courtney from his work assignment entirely.

Mr. Hajacos, for his part, was given an ultimatum: he could move to a housing unit where he could keep his job, but lose his accommodations, or he could remain in his housing unit with his accommodations, where he would lose his job.

Perhaps most galling, VADOC has failed to provide medically necessary treatment for the very same visual impairments that it has used as a basis to deny blind incarcerated people equal access to jobs, services and programs.

Mr. Courtney, for example, has struggled since 2016 to receive regular appointments and medical treatment for the keratoconus that he was diagnosed with while in VADOC custody. Without it, his eyesight has deteriorated. Mr. Stravitz, too, was diagnosed with cataracts while in VADOC custody, and since he requires surgery, VADOC refuses to provide him with corrective eyewear. Ten months later, VADOC still had not scheduled – much less performed – the necessary surgery.

"It's unacceptable that the Department of Corrections is refusing to provide critical medical services to those in their custody who have vision impairments," said disAbility Law Center of Virginia Executive Director Colleen Miller. "The Department violates the law by failing to provide equal access and services to all people in its care."

By failing to provide blind people who are incarcerated in its custody with equal access to services and programs that it makes available to sighted people, VADOC is violating the ADA, Section 504, the Virginians with Disabilities Act, and the Eighth Amendment of the U.S. Constitution.

"These seven individuals and other blind prisoners in the Commonwealth of Virginia are subjected to discrimination that has caused and is causing them real harm, including inability to participate in rehabilitation and serious threats to their personal safety," said National Federation of the Blind President Mark Riccobono. "This discriminatory and inhumane treatment must stop, and we are determined that it will."

The complaint calls on the court to order VADOC to cease violating the rights of blind incarcerated people in its custody, as well as to award monetary damages to the seven men named as plaintiffs.

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About Eve Hill

Eve Hill's record of devotion to a wide range of civil rights cases has earned her recognition as one of the country's leading disability rights attorneys. Her practice is dedicated to high-impact litigation on behalf of individuals with disabilities, and individuals, organizations and agencies alike frequently tap into her wealth of knowledge to advocate on their behalf. Eve also co-leads Inclusivity, BGL's Strategic Consulting Group that works to help public and private sector organizations and industry groups navigate the landscape of disability, diversity and civil rights. Prior to joining BGL, Eve served as Deputy Assistant Attorney General of the U.S. Department of justice for six years.

About Brown Goldstein & Levy, LLP

Founded in 1982, Brown, Goldstein & Levy is a 20-lawyer law firm based in Baltimore, Maryland, with an office in Washington, DC. The firm has maintained a thriving national practice handling cases of every stripe, from commercial litigation and civil rights to criminal defense and complex family law. Above all else, Brown, Goldstein & Levy is a client-centered law firm and has decades of experiences bringing passionate, effective advocacy to our clients' fights for justice.