Cases



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ADA

Service Animals & Title II

Brenda Sears had a seizure disorder and required the assistance of a service animal, a dog named O'Neal. When Sears was required to testify as a witness in a criminal case, she took O'Neal with her to the County courthouse. The courthouse had a general policy against permitting animals on the premises. Sergeant Brown at the security checkpoint told Sears that dogs were not allowed in the courtroom. When Sears explained O'Neal was a service animal and that she had a seizure disorder, Brown stated she would need to obtain clearance from a judge. About 20 minutes later—the earliest possible time, according to Brown—he spoke with the judge's court officer. As it was almost lunch time, the judge said he would deal with the matter after lunch. Sears waited (standing, since there were no chairs), and was admitted to the courtroom an hour and 45 minutes after she arrived. Since the incident, the courthouse adopted a service animals policy and held training sessions for its staff.

In the meantime, Sears brought a Section 1983 claim for damages, alleging that the County and County staff violated Title II of the Americans with Disabilities Act (ADA), the Fourteenth Amendment's Due Process and Equal Protection clauses, and state law. Title II provides that "no qualified individual with a disability" was to be excluded, by reason of disability, from participation in or be denied the benefits of, services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. Compensatory damages could be recovered under the ADA only if the plaintiff proved "intentional" discrimination. The defendants moved for summary judgment on all claims on the basis that there was no genuine dispute as to any material fact and they were entitled to judgment as a matter of law. The County argued that any failure by it to train its officers, including Brown, was not a specific act of intentional discrimination against Sears.

The ADA claim against Brown in his individual capacity was dismissed, since there was no individual liability under Title II. Further, Sears failed to show the County intentionally discriminated against her on account of her disability, rather than having some other benign or non-discriminatory motive, inasmuch as a failure to supervise was not a valid theory of recovery in an ADA case. Brown's conduct was not motivated by discriminatory intent but by a genuine bewilderment at how to handle service animals. On the Section 1983 claim—that Sears was deprived, without due process and equal protection of the laws, of her right to physically access the courthouse—the court ruled that the plaintiff showed neither an unconstitutional policy or custom, nor actionable failure to train or supervise its officers, on the part of the County. The County was entitled to judgment as a matter of law on the § 1983 claim. Likewise, summary judgment was proper on the § 1983 claim against Brown, and Brown was entitled to qualified immunity. Even assuming Brown's conduct violated Sears's constitutional rights, she could not show the violation involved a clearly established constitutional right of which a reasonable person would have known. Moreover, Sears failed to refer to case law or put forward "evidence to indicate that what [Sergeant Brown] did was objectively unreasonable in light of the clearly established constitutional rights." *Sears v. Bradley County Gov't*, No. 1:10-CV-207, 2011 U.S. Dist. LEXIS 110502 (E.D. Tenn. Sept. 26, 2011).

Civil Rights

Suicide After Release from Police Custody

Twenty-one-year-old Jason Coscia was arrested after he was involved in a one-car accident, and taken into custody. On the way to the police station, he told the officers he was going to kill himself—that he was going to throw himself in front of a train. In addition to his threats, at the station house, he tried licking an electrical outlet. The officers, accordingly, did not lock him in a cell but placed him in leg restraints, and followed an evaluation protocol that showed a high suicide risk. Jason was not examined by a doctor, however, as he was released on his own recognizance about six hours later, in the company of a friend. The next morning, some fourteen hours after being released, he killed himself by stepping in front of a train. His mother brought a 42 U.S.C. § 1983 claim based in Fourteenth Amendment violations against the police officers, their superiors, and the Town of Pembroke for failing to provide medical services to Jason while he was in police custody, as a consequence of which, she claimed, he killed himself.

The defendants argued that Jason did not die in police custody, and there was no due process liability for suicide after release. The issue in this case was the sufficiency of the complaint to state a due process claim resting on law established with sufficient clarity to apprise the defendants of the duty they were said to have breached: whether it raised "a right to relief above the speculative level on the assumption that [those] allegations [were] true." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The district court decided that a liability claim had been pleaded adequately despite the non-custodial death because a causal relationship (in fact and law) had been plausibly stated between the failure to furnish medical care during the temporary custody, and the self-destructive act the next morning.