

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 16-cv-02733-GPG  
(To be supplied by the court)

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

**DEC -8 2016**

Bionca Charmaine Rogers

**JEFFREY P. COLWELL**  
, Plaintiff, **CLERK**

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v.  
Denver Women's Correctional Facility  
P.O. Box 392005  
Denver, CO, 80239

DeCesaro A. Anthony Defendant(s)

,

Brothers, Michelle (12725) Defendant(s)

,

Jaques, Terry Defendant(s)

,

Smith, Janet (16460) Defendant(s)

,

Jacobson, Adrienne (14299) Defendant(s)

,

Griffith, Marshall (14298) Defendant(s)

,

Lopez, Jason (15866) Defendant(s)

,

Sparling, Bryon Defendant(s)

,

Fowler, Keegan	, Defendant(s)
Johnson, David	, Defendant(s)

(List each named defendant on a separate line.)

## PRISONER COMPLAINT

### A. PARTIES

1. Rogers, Bionca Charmaine, 169704,  
Denver W omen's Correctional Facility  
P.O. Box 392005  
Denver, CO, 80239

(Plaintiff's name, prisoner identification number, and complete mailing address)

- 2 DeCesaro A. Anthony  
Grievance Officer  
Office of Legal Services  
2862 S. Circle Drive  
Colorado Springs, CO, 80906

(Name, title, and address of first defendant)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?  x  Yes   No (CHECK ONE). Briefly explain your answer:

Mr. DeCesaro denied the Final Grievance and expressed my remedy relief options has/ have been exhausted. Mr. DeCesaro was and is in agreement with previous rejections responses: which describe acceptance to Inequality, Discrimination and Unfair Treatment for ADA offenders, noted from my Previous Grievances throughout the Grievance Procedure.

- 3 Brothers, Michelle (12725)  
Grievance Coordinator  
Denver W omen's Correctional Facility  
P.O. Box 392005  
Denver, CO, 80239

(Name, title, and address of second defendant)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?  x  Yes   No (CHECK ONE). Briefly explain your answer:

Mrs. Brothers acknowledges receipt of complaint for each listed Grievance date from offender: Rogers, Bionca 169704 in regards to the subject: Unfair treatment, Inequality and Discrimination. Mrs. Brothers demonstrated no concern or objection to each responder listed throughout the Grievance Procedure, Creating a showing to her agreement to Inequality and Discrimination for ADA offenders.

### A. PARTIES

- 4 Jaques, Terry  
Associate Warden  
Associate Warden Office  
P.O. Box 392005  
Denver, CO 80239-8005

(Name, title, and address of third defendant)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?  x  Yes   No (CHECK ONE). Briefly explain your answer:

Mr. Jaques refused to reverse the Denial of Decision from the Final Administrative Grievance, answered by Mr. DeCesaro. Mr. Jaques aligned his decision with the Facilitators of the Denver Woman's Correctional Facility, without objection to the noticeable Discrimination and Inequality being Presented. Mr. Jaques allows Denver Woman's Correctional Facility to provide unfair treatment to ADA offenders under his monitoring as a Superior to the Chain of Command.

(If you are suing more than three defendants, use extra paper to provide the information requested above for each additional defendant. The information about additional defendants should be labeled "A. PARTIES.")

### B. JURISDICTION

1. I assert jurisdiction over my civil rights claim(s) pursuant to: (check one if applicable)

x  28 U.S.C. § 1343 and 42 U.S.C. § 1983 (state prisoners)

28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) (federal prisoners)

2. I assert jurisdiction pursuant to the following additional or alternative statutes (if any):

### A. PARTIES

- 5 Smith, Janet (16460)  
Responder  
P.O. Box 392005  
Denver, CO, 80239

(Name, title, and address of fourth defendant)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?  x  Yes   No (CHECK ONE). Briefly explain your answer:

Mrs. Smith answered Step 1 Grievance with Rejection of installment of a Sorenson Video Phone. Mrs. Smith assumes the position of Discrimination, Sexism, and Inequality by recognizing men from the “Colorado Territorial Correctional Facility” to be reserved under a higher state of Privilege- since they are “majority” deaf members over the “minority” of deaf women.

- 6 Jacobson, Adrienne (14299)  
Responder  
P.O. Box 392005  
Denver, CO, 80239

(Name, title, and address of fifth defendant)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?  x  Yes   No (CHECK ONE). Briefly explain your answer:

Mr. Jacobson denied my Step 2 Grievance and disputes that the entity TTY is an effective method of communication under the American with Disabilities Act. Mr. Jacobson refuses to answer to the factual basis that American Sign-language (ASL) is it's own separate language and requires facials, hand gestures, and body language to appropriately understand or comprehend what's being spoken. Mr. Jacobson demonstrates negligence to requirements that any language – as such as ASL demands to have a comprehensive conversation on both a sender and responder responses.

**A. PARTIES**

- 7 Griffith, Marshall (14298)  
Responder  
P.O. Box 392005  
Denver, CO, 80239

(Name, title, and address of sixth defendant)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?   x   Yes    No (CHECK ONE). Briefly explain your answer:

Mr. Griffith, denied Step 3 Grievances without any response, yet requested offender: Rogers, Bionca 169704 to review attached document, submitted by Mr. DeCesaro, A. Anthony. Mr. Griffith decision to not announce his perspective on the Subject matter, provides great assumption to negligence on his behalf and to question his position of Authority due to his inability to acknowledge his own judgment in answering to the fact that ASL demands facials, hand gestures, and body language- which is all provided through the updated phone system technology Sorenson Video Phone.

- 8 Lopez, Jason (15866)  
Case Manager  
P.O. Box 392005  
Denver, CO, 80239

(Name, title, and address of seventh defendant)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?   x   Yes    No (CHECK ONE). Briefly explain your answer:

Mr. Lopez, remains in agreement with the Denial Decision of the Sorenson Video Phone from the Department of W omens' Corrections, by submitting his signature of approval on each Grievance throughout the entire Grievance Procedure, acknowledging that offender Rogers, Bionca 169704 has in fact been served with documentation stating a Sorenson Video Phone will not be installed.

**A. PARTIES**

9 Fowler, Keegan  
Captain  
P.O. Box 392005  
Denver, CO, 80239

(Name, title, and address of eight defendant)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?   x   Yes    No (CHECK ONE). Briefly explain your answer:

Mr. Fowler, accepted the “Offender Request for Accommodation” documentation offered by Dept. of Women’s Corrections to myself, Rogers, Bionca. I, Bionca Rogers submitted the documentation “Offender Request for Accommodation.” on August 28, 2015 admitting that I needed a Sorenson Video Phone to contact my deaf family members due to the difficulties and hardship American Sign-language faces that provides substantial limitation including but not limited to: Hearing, Speaking, and Communication. Mr. Fowler rejected my request for a Sorenson Video Phone, stating the only accommodation available is the TTY. Mr. Fowler has demonstrated ignoring the substantial limitation guideline inserted inside the “Offender Request for Accommodation”, and negligence to the requirements that ASL demands to have reasonable accommodation.

10 Sparling, Bryon  
Major  
P.O. Box 392005  
Denver, CO, 80239

(Name, title, and address of ninth defendant)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?   x   Yes    No (CHECK ONE). Briefly explain your answer:

I made an attempt to include my complaint to the higher chain of Command Superior, as such as Mr. Bryon Sparling to receive his opinion and decision on the matter to help reverse the Final Denial Decision given by Mr. DeCesaro, A. Anthony. Mr. Sparling chose to deliberately ignore my plea without any cause of response. Mr. Sparling's negligence provides a risk to Society and to offender Rogers, Bionca 169704 due to his lack of concern in being a higher ranked official, who offenders may turn to to risk dangerous circumstances.

**A. PARTIES**

- 11 Johnson, David  
Warden  
P.O. Box 392005  
Denver, CO, 80239

(Name, Title, and address of the tenth defendant)

at the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?   x   Yes    No (CHECK ONE). Briefly explain your answer:

Approximately a week after my final decision from Mr. DeCesaro A. Anthony was received, I went into a Major Depression, and turned to Mental Experts for help. I also looked to Mr. Johnson the Warden during Chow Time in the Dining hall, for insight on what possibilities I could look into, to appease the matter and subject, that A Sorenson Video Phone would not be installed inside the Facility, despite my continuous disputes throughout my Grievances. Mr. Johnson was aware of my Mental State of Mind, because I alerted him when I approached Mr. Johnson. Mr. Johnson looked me in my eyes and chuckled with the response, "Don't fight a losing Battle." In this response it should be noted that Mr. Johnson was not using his authoritative position of power for positive reinforcement but in a negative manner, bringing my spirit and heartache into a further worse position. In Following his direction, I began to give up hope, and reported his behavior to my Mental Therapist, Chandra Brandt.



### C. NATURE OF THE CASE

**BRIEFLY** state the background of your case. If more space is needed to describe the nature of the case, use extra paper to complete this section. The additional allegations regarding the nature of the case should be labeled “C. NATURE OF THE CASE.”

On the dates of August 25, 2015, September 17, 2015, September 23, 2015, September 24, 2015, October 28, 2015, February 09, 2016, February 17, 2016 etc. I, Bionca Rogers 169704, requested Denver Woman’s Correctional Facility to obtain a Sorenson Video Phone (SVP) for Offenders, who qualify as Americans With Disabilities Act (ADA), like myself. My request was/ and is based solely on the factual evidence of both my biological Parents being Deaf and also deaf offenders residing here at the Denver Women’s Correctional Facility.

I have been rejected by all the above listed Defendants and with answers that clearly identify Discrimination and Inequality in regards to: Sexism, and Hearing vs Non-Hearing individuals in a series of responses throughout Grievances proving Negligence in answers.

My dispute of claims considered the Major Differences in Communication for Deaf Individuals, whom use American Sign-language (ASL) when compared to Hearing individuals. I stated the Heartache and misunderstanding of Communication easily made when Deaf Individuals cannot express their Facials, Body Language, and Hand Gestures to provide meaning to the listening Party such as : Demeanor, Attitude, Pitch, Tone. etc Hearing Individuals do not have as high of concerns in misinterpretation since their listening party can detect a form of understanding when listening to their opposing party by using their ear(s) to hear Pitch of Voice, Tone, Attitude, and Demeanor etc. to express their meanings.

The idea of an ADA offender being forced to type their thoughts on a TTY device- as demanded by Denver Women s Correctional Facility creates an Unequal environment of communication and also links very similar communication as when a letter is being written. A Hearing individual receives the opportunity and pleasure of using a telephone device and a very different form of communication method such as writing letters. It also eliminates the ADA offenders from being able to understand their own language in the most appropriate way. The meaning of Communication for ADA offenders who use American Sign-language is Lost and Removes the Specific Requirements ASL demands to receive a comprehensive conversation. Due to this Separation of Groups Communication methods, ADA offenders are discriminated against with unequal treatment compared to Non- ADA offenders.

Denver Woman’s Correctional Facility expressed their intentions of possibly providing a Man's Facility with the Sorenson Video Phone, because they are “Majority” and did not specify if they were definite about Placing a Sorenson Video Phone in the Women’s Facility, only that they are considering it since women are “Minority”. The mention of this statement demonstrates Sexism. It also does not prove a blue print or an outline of an expectancy date for the installment of a Sorenson Video Phone inside the Corrections Facilities. It only creates a pacified thought process to offenders, like myself, to remove any further complaints. I have taken a series of routes to process my Grievance Complaints through my Chain of Command and its Superiors, and have been disregarded and rejected each time, despite my legitimate reasoning for having effective communication such as the Sorenson Video Phone with my Biological Parents. I cannot stress how important it is for a Person to have equal understanding of one another when occurring in an ongoing conversation. Especially when the rules and regulations of a language- Such as American Sign-language requires such. Yet, Denver Womens Correctional Facility refuses to recognize the importance of effective communication and chooses to permit and continues to provide Unequal treatment and to Discriminate against ADA offenders in comparison to non-ADA offenders.

#### **D. CAUSE OF ACTION**

State concisely every claim that you wish to assert in this action. For each claim, specify the right that allegedly has been violated and state all supporting facts that you consider important, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific cases to support your claim(s). If additional space is needed to describe any claim or to assert more than three claims, use extra paper to continue that claim or to assert the additional claim(s). The additional pages regarding the cause of action should be labeled "D. CAUSE OF ACTION."

1. Claim One: VIII Amendment (1791) Violated- No Excessive Bail or Cruel Punishments : Excessive Bail Shall Not be Required, nor excessive fines imposed, nor Cruel and Unusual Punishment Inflicted

Supporting Facts: On August 28, 2015- I notified My Case Manager- Jason Lopez (15866) and Captain Keegan Fowler, that My request for Accommodation was due to my Biological Parents being Deaf. The Substantial Limitation that are required in the documentation "Offender Request for Accommodation" exist for my request for help, they are as follows: Hearing, Speaking, and Communicating. I requested the Sorenson Video Phone (SVP) to be installed in the Dept. Of Women's Corrections since it is the only form of Telephone Device my family current holds and has held for several years, and it is the most appropriate effective communication up to-date. I did not receive approval for this phone, nor acknowledgment for the SVP Device from Mr. Fowler or Mr. Lopez, yet was expected to only use a TTY device for communicating. I Disagreed with the approval, and was denied Proper Communication. The usage of a TTY device is very similar to that of a letter being written which is unfair. The negligence of mental impairment this causes myself is ignored, despite my several complaints and Mental Health sessions. The Fact that I am being eliminated from equal communication as Non- ADA offenders are, is/was disregarded in the response. Cruel and Unusual Punishment is being taken towards myself and Deaf ADA offenders alike, because we are expected to accept being denied equal telephone communication as Hearing individuals are.

#### **D. CAUSE OF ACTION**

- 2 Claim Two: XIV Amendment (1868) Protection of Civil Liberties; Definition of citizenship; Due Process of Law and Equal Protection of the Laws.

Supporting Facts: On September 09, 2015- Denver Woman's Correctional Facility received My Step 1 Grievance expressing the lack of equality for communication through telephone device(s) to outside links between Non-Hearing and Hearing individuals. I carefully explained the misunderstanding that consists when not using American Sign-Language in the way it requires.

Grievance Coordinator Michelle Brothers (12725) received a receipt of complaint on September 17, 2015 acknowledging that she was aware of the Denial of a Sorenson Video Phone, that was replied to by Smith, Janet (16460), on September 17, 2015. The Response stated that all offenders, both hearing and deaf are allowed access to the TTY telephone device.

It expressed that a Video Phone is being Considered for CTCF- which is Colorado Territorial Correctional Facility- a Man's Facility due to majority deaf offenders residential placement being there. It also stated that eventually a video phone will be available to all DOC facilities. This response demonstrates Sexism and Inequality since Deaf Women are considered to be the minority, they do not receive the same treatment as Men and Non-ADA offenders. A Deaf Person is eliminated from the accurate use of a hearing person telephone device due to their inability to hear.

This statement "all offenders both deaf and hearing are able and allowed to use the TTY" demonstrates unequal treatment for Deaf offenders compared to hearing offenders since the Deaf individuals can only effectively communicate with one (1) device such as the Sorenson Video Phone or TTY; as offered by Smith, Janet, compared to the Two (2) telephone devices hearing individuals are allowed access to: A TTY telephone device and a Hearing ability Phone device. The Deaf Community are at a disadvantage because a hearing person does not get excluded from neither phone. This Creates an Inequality Barrier to Deaf individuals.

The idea that Dept of Women's Corrections allows such separation violates the XIV amendment rights for the Deaf Community and Women just as well. It demonstrates that due to Men being the gender majority they are able to receive privileges, such as the possibility of a Video Phone being installed in a Man's Prison. The given right Deaf women and Women in General are allowed same opportunities as Deaf Men and Men in general are violated, due to to the Deaf Women, and Women in General being considered the Minority.

#### **D. CAUSE OF ACTION**

3. Claim Three: VIII Amendment (1791) Violated- No Excessive Bail or Cruel Punishments  
: Excessive Bail Shall Not be Required, nor excessive fines imposed, nor  
Cruel and Unusual Punishment Inflicted

Supporting Facts: On September 24, 2015 Denver Women's Correctional Facility became aware of my Second (2<sup>nd</sup>) Grievance stating major concerns of misinterpretation that a TTY phone consists of, leading to the purpose of a Video Phone. I stated the difference in communication American Sign-language (ASL) requires compared to English.

I also stated that the sentence that Department of Corrections carries is at a minimum of one (1) year and one (1) day demanding a person to be on a hold in a correctional facility-supplying them with living arrangements. The length of this time frames enables a person to consider a setting as such to be home and with housing an effective method to living somewhat comfortable, includes being able to communicate with outside links through appropriate telephone devices, which is clearly denied for ADA offenders such as myself.

DOC employees- Michelle Brothers (12725) and Jacobson, Adrienne (14299) rejected this acknowledgment and by-passed my several claims and reasoning behind obtaining a Video Phone for ADA Offenders. DOC response remained with the TTY telephone device being the provided telephone device. This rejection occurred on October 05, 2015.

Due to my sentence and Judge's Order to be held by the government, I am Forced to live in DOC. However, my sentence exceeds to Cruel and Unusual Punishment being Inflicted upon me, because I cannot effectively communicate with my Outside links, such as family members like my Deaf Biological Parents. I am mentally impaired and undergo several mental health evaluations through a mental health expert who sees me frequently. The Desire to speak with my family in an appropriate way and in a way that American Sign-Language (ASL) requires is disallowed by my Authoritative Chain of Command and I am unable to withstand the Pain and Suffering imposed upon me- due to my Parent's Disability.

## D. CAUSE OF ACTION

Claim Four: VIII Amendment (1791) Violated- No Excessive Bail or Cruel Punishments :  
Excessive Bail Shall Not be Required, nor excessive fines imposed, nor Cruel and Unusual Punishment Inflicted

On October 28, 2015 Denver Woman's Correctional Facility accepted my Step 3 Grievance furthering evidence on Factual Information that separates American Sign-Language (ASL) from English. I submitted knowledge to the Department of Corrections explaining that same like spelling words such as "Gay" "Mow" "Gather" etc. influences a different hand gesture in Sign-language to provide a comprehensive conversation with a Deaf Person.

I also took the liberty of including the idea of a sentence being totally misinterpreted if spelled and not seen, due to the same-likeness of spelled words- as ASL requires.

In Providing this updated information to DOC, I spoke about the unfair treatment being placed upon me as an ADA offender and Deaf Offenders alike, since I, (we're) eliminated from equal communication as Non- ADA offenders.

DOC Employee Anthony A. DeCesaro supplied the Final Response on November 16, 2015- Brothers, Michelle (12725) was aware of and accepting receipt of complaint on October 29, 2015, and Griffith, Marshall (14298) denied the Grievance on November 12, 2016 adding the input that I needed to review the attached document provided by Mr. DeCesaro. Mr. DeCesaro argument demonstrated my remedy relief has been rejected and due to the responsive answers given in Step 1 from Michelle Brothers (12725) and Janet Smith (16460) and Step 2 from Michelle Brothers (12725) and Jacobson, Adrienne, (14299) the decision will not be lifted and or altered and will remain denied since "their information is correct and appropriate".

The Final Decision to Remain Rejected Upset me Terribly and caused me to have several mental break downs, leading to being monitored by Officers employed by the Denver Women's Correctional Facility. I was and am still unable to understand the separation I and the Deaf community at Denver Woman's Corrections are forced to have compared to Hearing Individuals who have Hearing Parents since my Biological Parents are Hearing Impaired and the Deaf Community themselves are actually deaf. I have declined to Sign my Step 3 Grievance- while speaking with my Case Manager Mr. Jason Lopez (15866).

The reason listed behind my refusal stands firm that I will not agree to sign a documentation that allows me to accept the Discrimination and Inequality I and the Deaf Community receive at the Denver Woman's Corrections. I am in a strong alliance with disagreement in the Facility's Final Decision. The uncertainty Denver Woman's Corrections proclaims with "eventually submitting a Sorenson Video Phone in the Facility" expresses no blue print or outline of the actual probability of receiving one.

#### **D. CAUSE OF ACTION**

##### **continuance of Claim 4**

Furthermore, I have been housed in Colorado Springs, El Paso County, Colorado and the jail itself has a Sorenson Video Phone. This creates major concern to myself, since the County is not labeled as permanent living arrangements or permanent placement for individuals. It is simply a place for temporary living, until a decision is recommended and ordered by a Judge of the Court of Law for the release of freedom to a person or to be sentenced elsewhere. The judgment of allowing a Sorenson Video Phone into a Temporary place such as County Jail when a Permanent place of Living is in a Prison Setting, demonstrates a major hazard to individuals, like myself, who do not have the opportunity to go free legally- as of yet.

This is Cruel and Unusual punishment, for it shows no progression in the Prison system, yet shows growth in County Jails for updated telephone devices. The Prison system chooses to not follow protocol of allowing families a chance to rehabilitate and reunify in the most effective way as the goal of prisons are supposed to demonstrate. despite the several reasonable reasons and continuous complaints from ADA offenders. It simply offers credits and benefits to certain types of groups, such as the Non- ADA offenders to show that they are somewhat examining and following regulations the government of the United States sets upon them to obey. The Cruelty of the Prisons efforts to follow certain regulations in their own way falls heavily upon Deaf Individuals and ADA offenders like myself, because we are eliminated from obtaining the Maximum Positive Outcome at reconnecting with Outside links, through the most appropriate telephone device.

#### **D. CAUSE OF ACTION**

Claim Five: VIII Amendment (1791) Violated- No Excessive Bail or Cruel Punishments : Excessive Bail Shall Not be Required, nor excessive fines imposed, nor Cruel and Unusual Punishment Inflicted

I chose to resume my dispute of unfair treatment with the Denver W omen's Corrections regarding negligence and equal communication. I than started a Grievance Procedure all over again with an Informal Grievance on February 09, 2016. I had/ and have had much confusion as to the Response Mr. Anthony A. DeCesaro provided in Step 3. I expressed a lack of understanding and I asked for clarification. I was rejected a thorough understanding by Mr. Jason Lopez (15866)- Case Manager and the Unknown Responder to my Informal Grievance. Unfortunately, due to Denver Women s Corrections refusal to grant myself understanding I still lack adequate responses. This Creates a Barrier to my Understanding in knowledge of the polices DOC chooses to follow when compared to the Government of Americas policies. Due, to this lack of comprehension I am left with uneasy thoughts on how to appropriately handle this matter of Inequality and Discrimination, and this is cruel and Unusual Punishment because I lack appropriate resources to follow the correct procedures of America, when and after I've requested content on what is the exact protocol I must follow, since I'm not in complete clarification of what's being order of me or said to me in the Final Response from my Step 3 Grievance.

My Informal Grievance was immediately denied and sent back on February 12, 2016. Upon the Response- I'd like to note that again Denver W omen's Corrections completed yet another successful attempt at negligence. DOC neglected to inform me of a comprehension on what exactly was expected of, for me in my Step 3 Response. This lack of understanding is yet another reason why I am mentally impaired. I desire and seek safety in looking for help when I am lost and lacking understanding yet I am refused the opportunity to be allowed understanding of why my allegations of unfairness are supplied but not answered to, towards me by DOC.

## D. CAUSE OF ACTION

Claim Six: VIII Amendment (1791) Violated- No Excessive Bail or Cruel Punishments :  
Excessive Bail Shall Not be Required, nor excessive fines imposed, nor Cruel and Unusual Punishment Inflicted

I realized that my Issue remained Unresolved as of the date February 17, 2016 with allowing a Soreson Video Phone into the Facility, and that asking for Clarification was denied as well in my Second Initiation of an Informal Grievance; therefore on February 17, 2016, I hand wrote a letter to the Higher Chain of Command requesting a Reversal of Decision from the Exhaust of Remedies in my Step 3 Grievances from the grievance Coordinator – Anthony A. DeCesaro . I addressed the Letter to The Wardens of Denver Woman's corrections and Major Sparling of Denver Woman's Corrections. Major Sparling opted to not respond, disregarding the entire subject of Reversal of Decision all together.

This impression has allowed a window of Negligence to once again surface. As a Higher Ranked Official affirming Mr. Sparling's position to be placed on the Higher Chain of Command, it is expected that his voice of reason matters. Unfortunately, Mr. Sparling's direct way of ignoring me placed me in a loop of concern. I have no idea who could and should be listed as an appropriate authoritative figure to turn to when I have been deliberately ignored providing me with no clarified answers. Major Sparling chose to eliminate the topic altogether by avoiding my plea and request for a change. I did however received another typed written reply form the Associate Warden Terry Jaques on February 23, 2016. Mr Jacques chose to remain with the decision of denial to a Sorenson Video Phone being placed into Denver Woman's Facility. Mr. Jacques noted that each level of response given throughout the Grievance Procedure were appropriate; therefore he will not change or modify the decision. In taking in all this information, it is clear that Cruel and Unusual Punishment is being forced upon me, because DOC refuses to provide any reasonable answers on why specifically ADA- offenders, and Deaf offenders alike are not treated with the same expectations and usage of phone resources. It is absurd, that in continuing with my complaints, even after my Exhaustion of Remedies, contacting a Higher Chain of Command, proved useless since, each Official agrees with one another that it is acceptable to treat Deaf offenders and ADA- offenders with Unequal Treatment, Negligence, and Discrimination, and Sexism. The Cruelty of this behavior shows that DOC sees itself superior to the Laws of America and that America's Laws are not applied to the Dept of W omens Correction, therefore we, ADA and Deaf offenders are defenseless when it comes to defending the Constitutional Amendment Rights.



### **E. PREVIOUS LAWSUITS**

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated?   Yes   X  No (CHECK ONE). If your answer is "Yes," complete this section of the form. If you have filed more than one lawsuit in the past, use extra paper to provide the necessary information for each additional lawsuit. The information about additional lawsuits should be labeled "E. PREVIOUS LAWSUITS."

1. Name(s) of defendant(s) in prior lawsuit:
2. Docket number and court name:
3. Claims raised in prior lawsuit:
4. Disposition of prior lawsuit (for example, is the prior lawsuit still pending? Was it dismissed?):
5. If the prior lawsuit was dismissed, when was it dismissed and why?
6. Result(s) of any appeal in the prior lawsuit:

### **F. ADMINISTRATIVE RELIEF**

1. Is there a formal grievance procedure at the institution in which you are confined?  
  X  Yes   No (CHECK ONE).
2. Did you exhaust available administrative remedies?   X  Yes   No (CHECK ONE).

### **G. REQUEST FOR RELIEF**

State the relief you are requesting. If you need more space to complete this section, use extra paper. The additional requests for relief should be labeled "G. REQUEST FOR RELIEF."

I am Requesting that Denver Women's Correctional Facility and neighboring Prisons recognize that American Sign-language (ASL) is in fact it's own separate language and should be offered and accepted as a second language, just as Spanish is offered and accepted. ASL demands visual attention to respond effectively.

I am asking politely for the Department of Denver Woman's Corrections to Immediately Install a Sorenson Video Phone due to it being the most appropriate telephone device. I ask that a Blue Print be created and Completed outlining the latest date and Expiration date not to be exceeded for the installment of the Sorenson Video Phone. The Sorenson Video Phone should and needs to be allowed and installed into the Denver Women's Correctional Facility and neighboring Prisons as a form of telephone device to contact individuals outside of the Department of Corrections for offenders who are considered to be an American with Disabilities Act (ACT) offenders.

I desire a relocation of housing facilities into another Prison state if Colorado Women's Department of Corrections and/ or its employees, or business associates seek retaliation against me for disputing and challenging the Prison for intentionally violating my amendment rights. I do Fear that due to my mandatory sentence of Life without Parole, the Facility will attempt to place me in much worse harm- creating a danger to my Life and Liberty as a Person. I am already suffering from Mental Impairment and Physical Impairment as well, under the supervision of the Colorado Woman's Department of Corrections. I wish not to involve myself in any more danger of mental or physical harm, upon the Denver Woman's Corrections discretion to impose on me for voicing my concerns legally.

I also am seeking the relief of currency in the amount of 15 Million American Currency dollars for the difficulties and hardships I have faced here at the Denver Women's Corrections. This currency is requested and included as well for my constant pleas of help in attempting to obtain a Sorenson Video Phone in the Correctional Facility, through several outside agencies, which can be proven and furthering my complaints through the Chain of Command. The several Grievances and continuance in Persistence to reverse the decision proves my determination to advocate for the Deaf and Hearing Impaired.

This has been a major hardship to my life because I cannot connect with my Family, due to the Facilities discretion, and has caused me severe mental depression and an unstable mindset. I have been unable to cope with life in general and have on a series of occasions been monitored by Mental Health. I also have visited a Psychiatrist and a Mental Health expert within the Denver Women's Correctional Facility numerous times daily to try and maintain my stability. My visits with the experts have led to unsuccessful results, since I am still currently to this date, suffering tremendously with the disconnection my family and I are forced to have since they are singled out for being Deaf. My family and I have been punished Cruel and With Unusual Treatment and discriminated against for an uncontrollable factor and deficit- which is hearing loss.

The fact that Denver Women's Correctional Facility acknowledges the possibility of installment of a Sorenson Video Phone- into a Man's Facility named "Colorado Territorial Correctional Facility (CTCF)" due to their gender being labeled as the "Majority" factually deprives me of my rights as a woman since we are grouped as "Minority" The discrimination that the Colorado Woman's Department of Corrections approves of in regards to Women Vs Men places society as a whole; in Grave danger of back pedaling and shows no appreciation for

the Advocacy of People- both Men and Women have overcome to Accept Women as equal to Men. DOC has even gone so far as to challenge America as One Nation Under God, by singling women out to be the lesser of the group since we are "minority." according to Mrs. Janet Smith(16460)- Denver W omens Corrections Employee.

Denver Women Department of Correction shows their lack of concern to and for the Judicial System and Equality amongst all. Their ability to discriminate knowingly against ADA offenders and the Gender of Women ADA offenders in comparison to Non- ADA offenders; despite the evidential information provided to the Facility arises much concern to the Deaf Community that I am indeed a part of. I am suppressed on all sides for lack of assistance in obtaining equal communication within the walls of The Department of Woman's Correctional Facility and am seeking Remedy Relief in the Form of the requested financial relief of 15 million in American Currency, also that American Sign-language (ASL) is to be recognized as its own separate language ,an Immediate installment of the Sorenson Video Phone and a Blue Print Outlining the latest Date of Expiration not to be exceeded of when the Sorenson Video Phone is to be installed into the Colorado Department of Women Corrections and neighboring Prisons. I desperately desire to be relocated into a different Prison outside of the state of Colorado, if I in fact endure retaliation of any kind from the Colorado Department of Women Corrections or neighboring Prisons or either Prison employees or of it business associates that places my life in jeopardy of any kind. I desire the listed remedy reliefs to accommodate the pain and suffering I have and am currently enduring and facing as a DOC client with the Colorado Department of Women Corrections.

I, Bionca Charmaine Rogers, hereby certify that I have mailed a copy of the Foregoing 1983 Civil Complaint to the below named agency by placing this document in the United States Mail Postage Prepaid. This day November 28, 2016.

Clerk of the Court

Alfred A. Arraj United States Courthouse

United States Courthouse

901 19<sup>th</sup> St. Room A105

Denver, CO, 80294-3589

Denver District Attorney

Mitchell, R. Morrissey

201 W. Colfax Ave

Denver, CO 80202

#### **DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed on November 28, 2016

(Date)

Bionca Rogers

*November 28, 2016*  
*Bionca Charmaine Rogers*  
 (Prisoner's Original Signature)

**REQUEST APPROVED/DENIED REPORT****Date :** 09/17/2015**Offender :** ROGERS, BIONCA C**DOC # :** 169704**RFA # :** 8115

REQUEST	DECISION	REASON	END DATE
TTY access	APPROVE		

If you disagree with this finding you may grieve this decision pursuant to the guidelines in AR 850-04.

If your request has been approved, this document serves as your notice of approved accommodations.

If you need an accommodation extended beyond the listed end date you must contact Legal Services/AIC Office at DOC Headquarters.

Submitted Disagreement grievance 09/23/2015  
 Step 1 - Sept 1<sup>st</sup>  
 Formal Grievance - Aug. 25<sup>th</sup>  
 Step 2 - Oct 2, 2015

**received**  
9-14-15

AR 750-04A (12/01/14)

**COLORADO DEPARTMENT OF CORRECTIONS  
OFFENDER REQUEST FOR ACCOMMODATION**

According to the Americans with Disabilities/Rehabilitation Acts (ADA), no qualified individual with a disability shall, on the basis of disability, be excluded from participation or denied the benefits of the services, activities, or programs of the Department of Corrections or be subjected to discrimination. Case management will assist with completion of this form upon request. One additional page of information may be attached. Please Forward to Case Manager: Lopez, Bianca Rogers. Thank you.

<b>I. OFFENDER INFORMATION: (Please print)</b>			
NAME: <u>Bianca Charmaine Rogers</u>		FACILITY: <u>Department of Womens Correctional Facility</u>	
DOC#: <u>169704</u>		DATE: <u>Aug. 25<sup>th</sup>, 2015</u>	
Name & Title of person completing form (if not named offender):			
<b>II. ACCOMMODATION REQUESTED:</b> Accommodations are assistive devices/equipment, communication services, structural or procedural modifications or adjustments to policies and practices, <u>to ensure equal access</u> . (e.g. magnifier, exception to policy, sign language interpreter, re-assignment of job duties). <u>Health care appliances, restrictions, medical treatment are NOT accommodations.</u> Do not leave this section blank. <u>My room and my dad are both deaf, and the only available communicative device they have is the telephone system, SORENSON VIDEO RELAY phone. I am requesting to use this device, due to Sign-language being a visual language where I, and my family are able to effectively communicate through expressions, demeanor, and facials as Sign-language uses such to understand one-another. It is equal to a telephone that a hearing family uses because the ability to determine moods etc, is easily heard through vocal language and having a deaf family - I am at a disadvantage because I cannot vocally commune with my parents.</u>			
<b>III. SUBSTANTIAL LIMITATION:</b> Mark only limitations <b>RELEVANT</b> to the above request. Not an exhaustive list. Examples in parenthesis.			
CARING FOR ONESELF	BREATHING (Asthma)	BOWEL	
PERFORMING MANUAL TASKS	LEARNING (Dyslexia)	BLADDER	
SEEING	READING	NEUROLOGICAL (Seizures)	
HEARING	<input checked="" type="checkbox"/> CONCENTRATING	BRAIN (Intellectual disability, Brain injury)	
EATING	THINKING (Dementia)	RESPIRATORY (COPD)	
SLEEPING	COMMUNICATING	<input checked="" type="checkbox"/> CIRCULATORY (Heart)	
WALKING	WRITING	ENDOCRINE (Diabetes, Hepatitis)	
STANDING	WORKING	BRAIN (mental health)	
LIFTING	IMMUNE SYSTEM (HIV/AIDS, Allergies)	SITTING	
BENDING	CELL GROWTH (Cancer)	CLIMBING	
SPEAKING	<input checked="" type="checkbox"/> DIGESTIVE	NOT LISTED:	

By signing this form voluntarily and without coercion or under duress, I authorize CDOC ADA Coordinator(s) to: request, review and/or discuss any related protected health medical or mental health, academic, housing, assignment and programming records to the extent necessary to investigate disability claims/requests. Any information related to this request shall only be disclosed on a need-to-know basis in order to investigate and implement approved accommodations. I agree to fully participate and cooperate in this process and understand that additional information may be required in order to process this request. Failure to provide this information may result in denial of the requested accommodation.

Bianca Rogers  
Offender Signature

Friday Aug. 28, 2015  
Date

Return completed form to: aic\_doc@state.co.us or CDOC Legal Services ADA Coordinator, 2862 S. Circle Drive, Colorado Springs, CO 80906

(Mail to this office can be sent via inter-facility mail, free of cost, and is restricted inspection mail per AR 300-38.)

Attachment "A"

Page 1 of 1

## Colorado Department of Corrections Informal Resolution Form

Offender Must Complete	
Name: <u>Bionca Roberts</u>	Doc #: <u>169704</u>
<b>This form used for INFORMAL RESOLUTION ONLY</b>	
Instructions:	
1. Fill out identifying data in space provided. (Must be legible.)	
2. Clearly state basis for grievance or grievance appeal.	
3. State specifically what remedy you are requesting.	
4. Remedy must remain consistent.	
5. Signatures of Parties present for resolution attempt.	
Subject of Grievance and Requested Meaningful Remedy: <u>Disagreement in Finding - Sorenson Video Phone</u>	
<p>I am grieved against the approved Finding for use of the TTY access, dated 09/17/2015. I realize the request is stated under the Previous Old outdated Phone System for Deaf people. My request for accommodations states specifically access to the <u>Sorenson Video Relay</u> Phone System. There are two different communicable devices and I have stated in a grievance formal procedure and Step 1 procedure without response as of yet; that this TTY is outdated and serves as still that of a disadvantage in equality for myself when compared with other offenders; due to the lack of demeanor, verbal voice, etc being rejected as sign-language is a visual language. Please Review this matter again; because TTY and Sorenson Video Relay are two very different phone systems for communicating with Deaf people. Thank you.</p>	
Offender Signature / Date: <u>Bionca Roberts 09/23/2015</u>	
Response from Affected Area or Case Manager:	
<p>Denied. You already have a step 1 submitted on 9/9/15 concerning this issue. The area has 30 days to respond. Then you can go to Step 2 if not answered by that time. They did answer so please use Step 2.</p> <p>Use the Step 2 provided here</p>	
Resolution:	
<input type="checkbox"/> Issue Resolved <input type="checkbox"/> Step I Grievance Issued <input type="checkbox"/> Non-Grieveable per 850-04	
Offender Signature:	Date:
Staff Signature:	Date:

## Colorado Department of Corrections Offender Grievance Form

<b>Offender Must Complete</b>		
Name: <u>Bionca Charmaine ROGERS</u>		Doc #: <u>169704</u>
Grievance number (complete for Steps 2 and 3, only):		
Instructions:		
1. Fill out identifying data in space provided. (Must be legible.)		
2. Clearly state basis for grievance or grievance appeal.		
3. State specifically what remedy you are requesting.		
4. Remedy must remain consistent.		
Subject of Grievance and Requested Meaningful Remedy:		
<p>I submitted my informal grievance last Aug 2015 and have not received a response. I am requesting the opportunity to have use of the Sorenson video relay Phone System. I was denied access through Captain Fowler, stating the only accommodation available is a TTY. My Parents are both deaf and I am unable to speak with them as offenders are allowed to do so; due to my disadvantage in being able to express my demeanor, attitude, vocal dialogue etc. Sign-language is a visual language, requiring facial expressions to strengthen the conversation to provide the full dialogue's meaning - such as who, what, where, when, how and why from a gesture. It is not fair for me to be excluded from communication with my family because they aren't hearing and that singles me out from the encouraged outside link communication with family and friends; and it is due to an uncontrollable factor. My Parents being deaf is a factual defect and is stated in my offender files and is also listed with the courts. I understand writing letters and use of the TTY - which is outdated and my family has no access to is still use of writing communication; however in both circumstances, my ability to provide my family members with clear understanding of my feelings, emotions, attitude etc. is limited and causes lack of understanding between myself and my family. I am still requesting to use the Sorenson Video Relay Phone - to use equal communication for myself as offender as offender or allowed.</p>		
Offender Signature: <u>Bionca Rogers</u>		Date:
*By signing this form the offender recognizes and waives confidentiality on records necessary to address this grievance		
Case Manager/CPO Must Complete	Facility/Unit/Pod/Parole Office/Community Corrections Center:	Step (Circle one) <u>1</u> 2 3
Signature: <u>[Signature]</u>		Date received: <u>9/09/15</u>
Print Name and DOC Employee Id #: <u>Jasmin Lopez 158466</u>		

Attachment "B"  
Page 1 of 1

## TO BE COMPLETED BY GRIEVANCE COORDINATOR

RECEIPT: I acknowledge receipt this date of a complaint from the offender in regards to the following subject.

Date 09/17/2015 Grievance Coordinator & ID # BROTHERS, MICHELLE (12725)

## RESPONSE

I have read your grievance requesting for the use of a video phone. At this time the DOC provides the use of a TTY for all offenders both deaf and hearing. A videophone pilot plan is being considered for CTCF where the majority of the DOC's deaf offenders reside. Eventually this will be available in all of the DOC's facilities. You have been approved for TTY access.

## TO BE COMPLETED BY RESPONDER

Date 09/17/2015 Responder Name & ID # SMITH, JANET (16460) Response Date 09/17/2015Disposition Denied

## TO BE COMPLETED BY OFFENDER

RECEIPT: I acknowledge receipt this date of a response from the Department of Corrections, to this grievance.

If you are dissatisfied with the response to this grievance, you may obtain further review by submitting the next step to the appropriate individual.

Offender Name ROGERS, BIONCA DOCNO 169704 Grievance # A-DW/15/16-00080404-1

Date: Offender Signature:

Original: Department file/AIC

Copies: Administrative Head, Offender

## Colorado Department of Corrections Offender Grievance Form

<b>Offender Must Complete</b>		
Name: <u>BIONCA ROGERS</u>	Doc #: <u>169704</u>	
Grievance number (complete for Steps 2 and 3, only): <u>A-DW15/16-00080404-1</u>		
<b>Instructions:</b>		
1. Fill out identifying data in space provided. (Must be legible.)		
2. Clearly state basis for grievance or grievance appeal. <u>unfair treatment in equality efforts</u>		
3. State specifically what remedy you are requesting. <u>use of Sorenson Video Relay Phone System</u>		
4. Remedy must remain consistent.		
<b>Subject of Grievance and Requested Meaningful Remedy:</b> <u>The fact that Dept. of Corrections is a home to offenders; due to majority offenders residing here mandatorily at least 1 year, the equality it offers for Deaf members and/or people like myself, who have Deaf Family members to communicate with proves its unfairness in regards to effectively providing an able phone system to my denial of step 1 and formal grievance; it says "a videophone is being considered for CTEF..." and then it says "eventually it will be available to all DOC facilities." This clearly does NOT assure anyone that the use of videophone will be of availability due to the error of "its being considered" and the fact that it states "eventually" precludes that, perhaps it could be of use but at anytime in the future, stating the basis that as long as its documented as a future plan without an actual plan date its acceptable. This is NOT fair and does NOT provide any assuance to offenders who physically cant communicate with their families on the regular phone. The inequality of DOC's use of phone prohibits Deaf people and myself, from actually <sup>communicating</sup> with others as the requirement of verbal communication restricts a person from providing a tone or dialect, demeanor to imply what is actually being said, expressions to support their feelings etc. Sign language supports its effective ability to speak to one another with facially because who, what, where, when, why, how etc. each call for a separate facial to strengthen a Deaf person's meaning in their sentence. A message can easily be misinterpreted without allowing sign language use or communication to be used for its entirety or language, i.e. facially, hand gestures since it is a visual language. Hearing individuals have advantages over non-hearing people and people like myself, and their granted this advantage by DOC, because their instructions don't limited since they do not exist; as it does for those who need accommodations. <sup>I would use use of the Sorenson video phone.</sup></u>		
Offender Signature: <u>Bionca Rogers</u> Date: <u>09/24/2015</u>		
*By signing this form the offender recognizes and waives confidentiality on records necessary to address this grievance		
Case Manager/CPO Must Complete	Facility/Unit/Pod/Parole Office/Community Corrections Center:	Step (Circle one) 1 <u>2</u> 3
Signature: <u>[Signature]</u>		Date received: <u>9/28/15</u>
Print Name and DOC Employee Id #: <u>J. Lopez 15866</u>		

Attachment "B"  
Page 1 of 1

## TO BE COMPLETED BY GRIEVANCE COORDINATOR

RECEIPT: I acknowledge receipt this date of a complaint from the offender in regards to the following subject.

Date 10/05/2015 Grievance Coordinator & ID # BROTHERS, MICHELLE (12725)

## RESPONSE

Ms. Rogers,

Under the Americans with Disabilities Act, an entity must provide reasonable accommodation to enable those with disabilities and impairments to access the programs and services provided by the entity.

TTY has been recognized as being an effective alternative communication method for those with hearing disabilities.

It is not required that an entity provide the preferred accommodation or auxiliary device.

You have been authorized to utilize the TTY and the TTY is an effective alternate method of communication.

## TO BE COMPLETED BY RESPONDER

Date 10/15/2015 Responder Name & ID # JACOBSON, ADRIENNE (14299) Response Date 10/19/2015Disposition Denied

## TO BE COMPLETED BY OFFENDER

RECEIPT: I acknowledge receipt this date of a response from the Department of Corrections, to this grievance.

If you are dissatisfied with the response to this grievance, you may obtain further review by submitting the next step to the appropriate individual.

Offender Name ROGERS, BIONCA DOCNO 169704 Grievance # A-DW15/16-00080404-2

Date: \_\_\_\_\_ Offender Signature: \_\_\_\_\_

Original: Department file/AIC

Copies: Administrative Head, Offender



## Colorado Department of Corrections Offender Grievance Form

<b>Offender Must Complete</b>	
Name: <u>Bionca Rogers</u>	Doc #: <u>169704</u>
Grievance number (complete for Steps 2 and 3 only): <u>A-DW15/16-00080404-2</u>	
<b>Instructions:</b>	
1. Fill out identifying data in space provided. (Must be legible.)	
2. Clearly state basis for grievance or grievance appeal.	
3. State specifically what remedy you are requesting: <u>unfair treatment in equality to offenders</u>	
4. Remedy must remain consistent: <u>unfair use of TTY equipment when technology exists</u>	
<u>that was updated to 2015 w/ Swenson Video Phone System</u>	
<b>Subject of Grievance and Requested Meaningful Remedy:</b>	
<p>I cannot agree with the denied response dated 10/19/15 on Step 2 with Ms. Adrienne Jacobson. Equality is not dispersed to offenders who have patents who are deaf and/or deaf themselves when compared with hearing individuals. As all offenders are to receive equal treatment in all circumstances, including phone communication deaf individuals don't get this opportunity due to lack of vocals. A hearing person may contact a person and talk on their tone of character, the pitch of their voice etc. Their attitude and demeanor is revealed enabling their audience to develop a better understanding of their communication. Unlike a hearing person, a deaf individual has to provide facial and a hand gesture to express exactly what they are saying. Sign language uses some-like words, such as "father" to "boy" "Mum" etc. to place meanings into different forms of contexts and w/o the ability to visualize the actual facial and a hand gesture the sentence itself loses meaning and easily causes confusion to the deaf person's audience. The interpretation changes entirely, and thereby provides the reason why TTY phone communication has upgraded to Swenson Video Phone communication. It is 2015, and TTY was developed several many years ago and due to the upgraded version many deaf individuals have changed over to Swenson Video Phone to supply themselves with equal communication, as hearing people are allowed. The fact that Doc. wants to provide an ideal plan stating an arrange date and placement of the new technology Swenson Video Phone being allowed into a resident-permanent for some individuals like myself is unfair because I'm not allowed to talk to my parents as other offenders b/c my <sup>family is</sup> <del>deaf</del>.</p>	
Offender Signature: <u>Bionca Rogers</u>	Date: <u>10-28-2015</u>
*By signing this form the offender recognizes and waives confidentiality on records necessary to address this grievance	
Case Manager/CPO Must Complete	Facility/Unit/Pod/Parole Office/Community Corrections Center:
Step (Circle one) 1 2 <u>(3)</u>	
Signature: <u>[Signature]</u>	
Print Name and DOC Employee Id #: <u>J. Lopez - 158646</u>	Date received: <u>10-28-15</u>

Attachment "B"  
Page 1 of 1

## TO BE COMPLETED BY GRIEVANCE COORDINATOR

RECEIPT: I acknowledge receipt this date of a complaint from the offender in regards to the following subject.

Date 10/29/2015 Grievance Coordinator & ID # BROTHERS, MICHELLE (12725)

## RESPONSE

see attached

## TO BE COMPLETED BY RESPONDER

Date 11/12/2015 Responder Name & ID # GRIFFITH, MARSHALL (14298) Response Date 11/16/2015Disposition Denied

## TO BE COMPLETED BY OFFENDER

RECEIPT: I acknowledge receipt this date of a response from the Department of Corrections, to this grievance.

If you are dissatisfied with the response to this grievance, you may obtain further review by submitting the next step to the appropriate individual.

Offender Name ROGERS, BIONCA DOCNO 169704 Grievance # A-DW15/16-00080404-3Date: 11/19/15 Offender Signature: refused to sign

Original: Department file/AIC

Copies: Administrative Head, Offender



**COLORADO**  
Department of Corrections

Office of Legal Services  
2862 S. Circle Drive  
Colorado Springs, CO 80906  
P 719.226.4236

November 16, 2015

RE: Grievance #A-DW15/16-80404

Dear Ms. Bionca Rogers #169704:

I have reviewed your Step 3 grievance that you filed with regard to request for video phone.

In review of this matter it is my finding that I cannot improve upon the information provided by the Step 1 and Step 2 Responders. Their information is correct and appropriate. Per the ADA reasonable accommodations are being provided with the use of the TTY as an effective method of communication. You have provided no verifiable documentation which requires CDOC to provide you with the use of a video phone. Based upon the foregoing I cannot recommend any relief in this matter.

It is your burden to prove your allegations stated in your Step 3 grievance. I have reviewed the facts of this case and determined that you did not meet this burden. There was no corroborating evidence to provide proof of your allegations.

Your request for relief is denied. This is the final administrative response in this matter and you have exhausted your administrative remedies.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony A. DeCesaro", written over a horizontal line.

Anthony A. DeCesaro  
Grievance Officer

cc: working file  
grievance file



DC Form 850-04A (03/15/15)

## Colorado Department of Corrections Informal Resolution Form

<b>Offender Must Complete</b>		<b>Doc #:</b> 169704
<b>Name:</b> BIONCA ROGERS		
<b>This form used for INFORMAL RESOLUTION ONLY</b>		
<b>Instructions:</b>		
1. Fill out identifying data in space provided. (Must be legible.)		
2. Clearly state basis for grievance or grievance appeal. <i>Improper communication/treatment</i>		
3. State specifically what remedy you are requesting.		
4. Remedy must remain consistent. <i>Contact Swenson Video Phone Organizers</i>		
5. Signatures of Parties present for resolution attempt.		
<b>Subject of Grievance and Requested Meaningful Remedy:</b> <i>Mr. Delesara, this is a follow-up to grievance # A-BW 15116-80404, dated Nov. 16, 2015. I have read the response and understand to an extent, but not completely the specifics of the letter. I am asking for clarity in the reply, and requesting assistance in the interpretation from my Case Manager. Mr. Lopez was not provided to me, due to he himself expressing his inability to comprehend the message, in the grievance response. I also ask that the system at DOC-DWCF rule that I am still in strong disagreement with the findings of my grievance and am still pursuing efforts in changing the decision. I would like to think that my parents have gone further in their own private investigation, to express their own concerns about not being able to communicate with me due to their hearing impairment. My parents feel this is unfair to my mental condition and unequal treatment to myself as an offender when compared to other offenders. As I've already discussed my parents investigation, they would like Doc to document the phone # 877-690-2826. Mr. Stuart: Supervisor at Swenson Video Phone can provide Doc with info of my parents address and the TTY replacement. Also # 707-440-5100: Language People Incorporated providing Doc knowledge of differences in language from ASL, explaining more thoroughly how important it is to communicate effectively and ASL is a visual language so it has difficulties with a TTY phone device. I would appreciate if you (Doc) could contact these organizations, in an attempt to gain the Swenson Video Phone, since it's most appropriate.</i>		
<b>Offender Signature / Date:</b> <i>Bionca Rogers 02/09/2016</i>		
<b>Response from Affected Area or Case Manager:</b>		
<i>Grievance previously went to Step 3 &amp; denied. Denied.</i>		
<b>Resolution:</b>		
<input type="checkbox"/> Issue Resolved <input checked="" type="checkbox"/> Step I Grievance Issued <input type="checkbox"/> Non-Grieveable per 850-04		
<b>Offender Signature:</b> <i>Bionca Rogers</i>		<b>Date:</b> 2/12/2016
<b>Staff Signature:</b> <i>[Signature]</i>		<b>Date:</b>

To Whom it May Concern:

02/17/2016

Sir or Madam

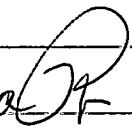
Hello, My name is Bionca Rogers # 169704, and I am reaching out to you for assistance. I am going through my Chain of Command.

For the last six (6) months I have submitted Grievances against the Facility for not being able to speak with my Deaf Parents, on a Video Phone. The TTY Phone is outdated and does not allow me to communicate effectively since they aren't as existence in today's time; due to the updated device Sorenson Video Phone. I have even supplied DOC with a phone number to contact to prove the rareness of the TTY and also to prove my parents are indeed deaf. The number and Supervisor includes: Phone: (877)-690-2826, Mr. Stuart and The Language Incorporation. People can express the importance of effective communication and the Major Difference American Sign-language (ASL) includes compared to English.

I've received responses from Michelle Brothers <sup>#12725</sup>, Janet Smith <sup>#16460</sup>, Mr. Adrienne Jacobson <sup>#14299</sup>, Marshal Griffith <sup>#14298</sup> and Anthony A. DeCesaro.

Each Party denied me the opportunity of receiving access to use a Video Phone. Mr. Anthony A. DeCesaro has expressed that I've exhausted my Administrative Remedies. My Step 3 response Grievance # A-DW15116-80404 is the final Administrative Response.

However, I believe the decision falls upon my highest chain of command; which includes you. Please Provide the Facility with a Sorenson Video Phone, to provide equal treatment to Americans with Disabilities Act (ADA) offenders; when in comparison to non-ADA offenders.

Respectfully Bionca 



**COLORADO**  
Department of Corrections  
Denver Women's Correctional Facility

Associate Warden Office  
PO Box 392005  
Denver, CO 80239-8005  
Phone: 303-371-4804

February 23, 2016

Bionca Rogers  
DOC #169704  
Unit 5

Dear Ms. Rogers,

I am in receipt of your letter dated February 17, 2016 wherein you requested that the wardens of the Denver Women's Correctional Facility override grievance decisions made by professional individuals in the ADA office of the Colorado Department of Corrections.

You have submitted and received answers for an ADA grievance through all formal steps in the Grievance Process. I have reviewed your grievances and the responses. The answers given to you at all levels were appropriate. I will not cause the final decision to be changed or modified.

Sincerely,

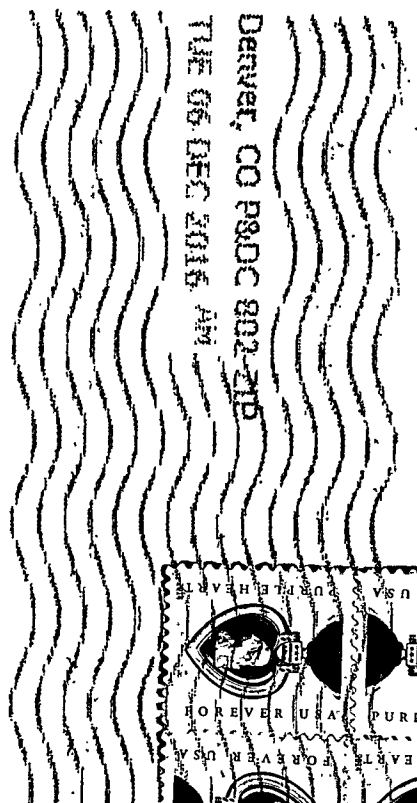
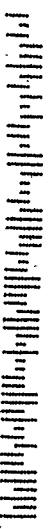
Terry Jaques, Associate Warden  
Denver Women's Correctional Facility

TJ/jo

cc: Case Manager Lopez  
DWCF Grievance Coordinator  
Facility ADA Coordinator



Colorado  
Name DL0  
Register Nu  
Unit SC  
Box Number P.O. Box 397005  
City, State, Zip Denver, CO 80239



Clerk of the Court  
Alfred A. Aranj United States Courthouse  
United States Courthouse  
901 19<sup>th</sup> St. Room A105  
Denver, CO, 80294-3589

DOC # 11097019  
STATE LAST NAME HOLBORN  
7/2/22  
FACILITY DUCF  
DATE 12-5-16  
OFFENDER LAST NAME 105684  
ID # 105684  
INM 3  
INM 3  
DAY NUMBER N