ALZHEIMER’S CARE FACILITY ALLOWED WHITE RESIDENTS TO SUBJECT BLACK RESIDENT TO RACIST VERBAL AND PHYSICAL ABUSE, AND THEN ILLEGALLY EVICTED HIM IN VIOLATION OF THE FAIR HOUSING ACT

Today, the Disability Law Center (DLC), Utah’s Protection & Advocacy Agency for people with disabilities, and the only private fair housing enforcement agency in the state, filed a race discrimination lawsuit in federal district court on behalf of a 62 year old black man who was subjected to discriminatory treatment and retaliation by an Alzheimer’s care facility in violation of the federal Fair Housing Act (FHA).

Ronald Harrell (“Ron”) has lived with Alzheimer’s since 2012. Before his diagnosis, he spent more than 30 years of his professional life working for the state of Utah, helping troubled youth navigate the juvenile justice system and encouraging them to pursue productive lives. By all reports, Ron is also a gentle, devoted husband and father, and long-time member of Salt Lake’s Calvary Baptist Church. Ron’s big heart and compassion extends beyond his family: one of his proudest moments was in 2005 when Governor Huntsman awarded him a special honor for being Utah's liaison with the Hurricane Katrina victims relocated to Utah. He spent several months at Camp Williams with the hundreds of Katrina refugees ensuring they were safe, warm, and cared for. When Ron’s Alzheimer’s advanced to the stage where around-the-clock care became necessary, his family shopped around and settled on what seemed the perfect place: Pheasant Run Alzheimer’s Special Care Center (“Pheasant Run”) in South Jordan, Utah. Ron moved into Pheasant Run in mid-March 2018.

In April 2018, a white Pheasant Run resident who had been seen physically assaulting Ron the previous month began to loudly and repeatedly refer to Ron as “the nigger” in front of staff and other residents. Though Pheasant Run staff and administration were aware of this outrageous racial abuse, no plans were developed or implemented to de-escalate conflicts caused by the white resident’s language, or to attempt any protective intervention of any kind. In fact, Pheasant Run’s solution to this racist and hostile environment was to find some reason—any reason—to evict Ron from the facility, rather than protect him from the ongoing abuse.

The plan concocted by Pheasant Run administration was cruel, reliant on offensive racial stereotypes, and most egregiously, based on lies. Pheasant Run administrators cynically recognized our sad reality that in order to forcibly remove a black man from a place he’s not wanted—even his own home—one can simply call the police and convey false information suggesting some risk to public safety. And this is exactly what they did. Records subsequently obtained by the DLC from South Jordan City Police and responding EMTs show that Pheasant Run staff informed the EMT responders that Mr. Harrell had been assaulting residents (false); that he was experienced in martial arts training (false); and that he had a history of methamphetamine use (false). These statements were lies, and Pheasant Run knew it.

Based on these racist fabrications, police and EMTs responded with aggression: forcefully restraining him to a gurney and transporting him to the Intermountain Medical Center (IMC).
Emergency Room (ER). Ron was scared and confused, and baffled as to why he had been forcibly removed from his home by men in uniforms. IMC’s security team, likely acting on the same false information conveyed to the EMTs and police, approached Ron in an aggressive manner. Not knowing what was happening, Ron was terrified and tried to defend himself from the second “take down” of this very frightening day. When Mrs. Harrell finally found her husband on the evening of April 10, 2018, he was bruised, naked, shivering, covered in urine, and huddled in the corner of a hospital room at IMC. He was disoriented and distressed, and suffered a severe cognitive decline as a result of these traumatizing events.

Among a litany of violations under federal law, Pheasant Run failed to fulfill its obligations under the Fair Housing Act (FHA) to protect Ron from racial harassment. Pheasant Run also failed to provide services to Ron equal to those provided to white residents. Pheasant Run denied Ron housing on the basis of his race and color, and ultimately retaliated against Ron because he objected to being called a “nigger” in his own home--- both egregious violations of the FHA.

It is also worth reflecting on the fact that even though Ron has Alzheimer’s and may not remember these humiliating, hurtful, and outrageous civil rights violations with the same excruciating clarity that others might, this fact does not make them less damaging. It makes them more damaging, because Ron was a vulnerable person entrusted to Pheasant Run’s care. It literally adds insult to injury-- and it will not be tolerated. In order to achieve some measure of justice for Ron and his family, and to send a clear message that racial discrimination in housing is illegal in this country, the DLC has filed this lawsuit in the U.S. District Court of Utah.

The Disability Law Center is a private non-profit organization whose mission is to enforce and strengthen laws that protect the opportunities, choices and legal rights of Utahns with disabilities. Services are available statewide and free of charge, regardless of income, legal status, language, or place of residence.

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