



Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Thursday, April 22, 2021

Justice Department Finds that Alameda County, California, Violates the Americans with Disabilities Act and the U.S. Constitution

The Justice Department concluded today, based upon a thorough investigation, that there is reasonable cause to believe that Alameda County is violating the Americans with Disabilities Act (ADA) in its provision of mental health services, and that conditions and practices at the county's Santa Rita Jail violate the U.S. Constitution and the ADA.

The department's investigation found that the county fails to provide services to qualified individuals with mental health disabilities in the most integrated setting appropriate to their needs. Instead, it unnecessarily institutionalizes them at John George Psychiatric Hospital and other facilities. In *Olmstead v. L.C.*, the U.S. Supreme Court held that Title II of the ADA requires public entities to provide community-based services to persons with disabilities when appropriate services can reasonably be provided to individuals who want them. However, on any given day in Alameda County, hundreds of people are institutionalized for lengthy stays at one of several large, locked psychiatric facilities in the county or are hospitalized at John George Psychiatric Hospital, while others are at serious risk of admission to these psychiatric institutions because of the lack of community-based services. Without connection to adequate community-based services, people return to John George Psychiatric Hospital in crisis again and again.

"The ADA protects individuals with mental health disabilities from unnecessary institutionalization, and the Constitution guarantees all prisoners necessary medical care, including mental health care," said Principal Deputy Assistant Attorney General Pamela S. Karlan of the Justice Department's Civil Rights Division. "Our investigation uncovered evidence of violations that, taken together, result in a system where people with mental health disabilities in Alameda County find themselves unnecessarily cycling in and out of psychiatric institutions and jails because they lack access to proven services that would allow them to recover and participate in community life."

The department also concluded that there is reasonable cause to believe that conditions at the jail violate the Eighth and Fourteenth Amendments of the Constitution, as well as the ADA. Specifically, the department concluded that there is reasonable cause to believe that the jail fails to provide constitutionally adequate mental health care to prisoners with serious mental health needs, including those at risk of suicide; that the jail violates the constitutional rights of prisoners with serious mental illness through its prolonged use of restrictive housing; and that the jail violates the ADA by denying prisoners with mental health disabilities access to services, programs, and activities because of their disabilities.

As a result of these failures, prisoners with serious mental health needs have experienced worsening mental health conditions, are sent repeatedly to John George Psychiatric Hospital for acute care, have experienced prolonged stays in restrictive housing, and, at times, have seriously injured themselves or died.

The Civil Rights Division's Special Litigation Section initiated the investigation under the ADA and under the Civil Rights of Institutionalized Persons Act (CRIPA), which authorizes the department to address a pattern or practice of deprivation of constitutional rights of individuals confined to state or local government-run correctional facilities.

Additional information about the Civil Rights Division is available on its website at www.justice.gov/crt. Individuals with relevant information are encouraged to contact the department via phone at (844) 491-4946 or by email

at Katelyn.Smith2@usdoj.gov.

Members of the public may report possible civil rights violations at <https://civilrights.justice.gov/>.

Topic(s):

Disability Rights

Component(s):

Civil Rights Division

Civil Rights - Special Litigation Section

Press Release Number:

21-358

Updated August 9, 2021