

Department of Justice

The Americans with Disabilities Act
and Mental Health Crisis Response

June 21, 2023



U.S. Department of Justice

Civil Rights Division

Louisville Metro Police Investigation

- March 8, 2023 finding that the City violates the ADA in its response to people with behavioral health disabilities.
- “While some calls necessitate a primary law enforcement response because of violence or threats of violence, thousands of calls per year could be safely and more effectively resolved through a response by behavioral health professionals[.]”
- Result was to deny people with behavioral health disabilities “an opportunity to participate in and benefit from” public services that are “equal to that afforded others” and “as effective in affording equal opportunity to obtain the same result”.

Example: Louisville investigation

A Black man with an apparent behavioral health disability who experienced more than 25 LMPD encounters in under two years.

In one October 2021 incident, LMPD officers responded to a report of a disorderly person panhandling. They found this man walking in the street with his shirt off. The man spoke to the officer in a way that was difficult to understand, and the officer told him that he was “not making any sense.” The responding officers were familiar with the man, noting that he “always” behaves in that manner. The officers took him to the hospital and charged him with possessing drug paraphernalia.

He died on January 9, 2022 in the Louisville Metro Detention Center. He had been arrested on January 5, 2022, and charged with criminal trespassing and failure to appear on previous charges.

These encounters—including the October 2021 and January 2022 incidents—could have been handled by a behavioral health-focused response concurrently with law enforcement, and some did not need police involvement at all.

Requested Reasonable Modifications

We found that Louisville could make reasonable modifications to avoid this discrimination, such as:

- Deploying alternative responses, including by expanding mobile crisis response and modifying dispatching policies;
- Enhancing coordination with the crisis hotline and other services; and
- Modifying LMPD's CIT program to ensure that when officers do have to respond, they are equipped to do so.

Minneapolis Police Investigation

- June 16, 2023 finding that Minneapolis violates the ADA in its response to people with behavioral health disabilities.
- The City primarily relies on MPD officers to respond to calls about people in need of behavioral health attention who pose no threat of harm.
- Similar to in Louisville, we found that Minneapolis could make reasonable modifications, including: (1) expanding and improving its existing alternative response program; (2) reforming its dispatching processes and procedures; and (3) improving behavioral health-related training for MPD.

Ongoing Investigations

- **Kentucky**: Examining whether the State provides community-based services to avoid needless psychiatric admissions for people in the Louisville area.
- **Phoenix**: Examining whether the City fails to reasonably modify traditional law enforcement response to behavioral health crises under the ADA, including by failing to dispatching mental health responders instead of police.
- **Oklahoma**: Examining whether a failure to provide community-based mental health services, including crisis services, leads to unnecessary psychiatric facility admissions and law enforcement response in the Oklahoma City area.

ADA Enforcement & the Police: Baltimore



- Findings released 2016, consent decree filed 2017
- Findings: “[B]y routinely using unreasonable force against individuals with mental health disabilities, BPD officers repeatedly fail to make reasonable modifications necessary to avoid discrimination in violation of [the ADA].”
- Consent decree: Focus on diversion from law enforcement response.

Alameda County Letter of Findings (2021)

Found that the county is violating the ADA and the Constitution, specifically:

- The County fails to provide adequate community-based services for individuals with mental health disabilities and they cycle unnecessarily through psychiatric facilities and the Santa Rita jail.
- ADA: obligation to serve people with disabilities in the most integrated setting appropriate to their needs.
- There are unlawful conditions and practices at the County's jail.

More information

Website: <https://www.justice.gov/crt/special-litigation-section>

Complaint portal: <https://civilrights.justice.gov/>

Haley Van Erem

Trial Attorney

Special Litigation Section

Haley.vanerem@usdoj.gov