



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

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For Immediate Release

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The Bazelon Center and its partners reported concerns about what was happening in Alameda and [later filed a lawsuit against the County](#).¹ DOJ's Civil Rights Division conducted an unprecedented investigation into both the County's mental health system and its jail.

On April 22, 2021, the Department of Justice (DOJ) issued findings that "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."

DOJ found that Alameda County's mental health system is violating the Americans with Disabilities Act (ADA) and that conditions at the County's Santa Rita Jail violate the U.S. Constitution and the ADA. [Specifically, DOJ concludes:](#)

1. Alameda County violates the ADA by failing to provide services to individuals with mental health disabilities in the most integrated setting appropriate to their needs by unnecessarily institutionalizing them at John George Psychiatric Hospital and sub-acute facilities;
2. Many individuals with mental health disabilities have encounters with the criminal justice system driven in part by unmet mental health needs.
3. The County's jail fails to provide constitutionally adequate mental health care to prisoners, including those at risk of suicide, and violates the ADA by denying prisoners with mental health disabilities access to programs and activities because of their disabilities.
4. The jail experiences of prisoners with mental health disabilities place them at risk of repeated or unnecessarily lengthy psychiatric institutional stays after release.

"We are thrilled the Department of Justice has turned a corner, and is examining how the mental health system's deficiencies contribute to problems in the criminal justice system," said Ira A. Burnim, the Bazelon Center's Legal Director. "I also hope that the racial inequities, particularly for

¹ The pending lawsuit against the County, *Disability Rights California vs. Alameda County* is based on allegations similar to DOJ's findings and is being litigated by the Bazelon Center, Disability Rights California, Disability Rights Defense and Education Fund, the firm of Goldstein, Borgen, Dardarian & Ho, and the law office of Aaron Fisher.

Black community members who have experienced the brunt of the County's failures, will receive the attention they deserve."

About the Bazelon Center for Mental Health Law: The Bazelon Center advocates across the country for the civil rights of adults and children with mental disabilities, through litigation, federal and state policy, public education, and technical assistance to states and localities. Formerly the Mental Health Law Project, the Bazelon Center has been involved with seminal special education litigation, including *Mills v. District of Columbia* and *Jose P. v. Ambach*, and has appeared in the U.S. Supreme Court to advance disability rights, including in *Olmstead v. L.C.*, which established that the unnecessary segregation of people with disabilities is discrimination under the ADA, and *Endrew F. v. Douglas County School District RE-1*, which raised the bar for what public schools must do to educate students with disabilities.