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## Press Release

### For Immediate Release

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### **Disability Rights California Files Lawsuit against Alameda County for Its Failed Mental Health System**

***Seeking to end illegal segregation of people with mental health disabilities and racial injustice***

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(Oakland, CA) - Today, Disability Rights California (DRC), along with Disability Rights Education and Defense Fund, the Bazelon Center for Mental Health Law, and the Oakland-based law firm Goldstein, Borgen, Dardarian & Ho filed a federal lawsuit under the Americans with Disabilities Act (ADA) against Alameda County and Alameda Health System. The lawsuit challenges the unnecessary and illegal segregation of people with mental health disabilities -- especially Black people with disabilities -- in psychiatric institutions and the failure to ensure people with disabilities are provided the services they need.

DRC is demanding that the County expand and enhance intensive community-based mental health services, including supported housing so that people are not forced into institutions like John George Psychiatric Hospital (operated by Alameda Health System), or the Santa Rita Jail, when they can be served in a more integrated setting.

Based on its investigation, DRC found that Alameda County institutionalizes people at a rate more than three-and-a-half times California's statewide average. Without access to adequate community-based services, hundreds of Alameda County residents have been

institutionalized more than 10 times in the last three years alone. Some have been institutionalized more than 100 times.

One DRC client was institutionalized at the John George Psychiatric Hospital multiple times in 2019, where she was forced to sleep on the floor and was discharged without a treatment plan.

“What I experienced in John George versus with the community services that have helped me on a path to recovery is the difference between being just kept alive, barely even, and actually being helped to heal,” she said.

The lawsuit alleges that Alameda County must provide access to intensive community services such as Full-Service Partnerships, assertive community treatment, intensive case management, supported housing and employment, and peer support services, which are highly effective in enabling people with mental health disabilities to avoid unnecessary institutionalization.

Alameda Health System must ensure that people at John George are effectively linked to these services when they are discharged.

“Our clients should not be segregated in locked psychiatric institutions, their mental health disability should not be criminalized, and they should not be forced into homelessness,” **said Kim Swain, Senior Attorney at Disability Rights California.** “They deserve the services and support that help them lead full lives in our communities.”

DRC’s investigation revealed significant racial disparities in Alameda County’s system for serving people with serious mental health disabilities. For example, Black men are 30% more likely to end up psychiatrically institutionalized in Alameda County when there is an emergency mental health crisis call compared to other individuals, according to County data obtained through DRC’s investigation.

Even though Black residents are 11% of Alameda County’s population, half of the homeless and jail populations are Black. That same trend applies to people in psychiatric institutions. Of the hundreds of people Alameda County psychiatrically institutionalized 10 or more times since 2018, 55% are Black.

“This case is about how a system’s deficiencies result in disability discrimination, and it is also about racial inequity and injustice,” **said Andrew Lee, a partner at Goldstein, Borgen, Dardarian & Ho.** “People of color, particularly Black people, bear the brunt of Alameda County’s failures.”

The COVID-19 pandemic also increases the risks to people forced into institutions. “The stakes have never been higher,” **said Claudia Center, Legal Director at the Disability Rights Education & Defense Fund (DREDF)**. “COVID-19 has been most deadly among people with disabilities, especially in crowded settings like psychiatric institutions and jails. The solution is community-based services and supportive housing, things that meet people’s real needs. It’s cost-effective, it’s what the law requires, and it’s the right thing to do.”

Sadly, this litigation is still necessary 30 years after the passage of the Americans with Disabilities Act. “People with psychiatric disabilities should have the opportunity to live in their own homes and communities with the services they need to succeed, rather than living in constant fear of institutionalization and incarceration,” **said Jennifer Mathis, Director of Policy and Legal Advocacy for the Bazelon Center for Mental Health Law**. “Thirty years after the Americans with Disabilities Act was passed, they deserve better.”

“Instead of building a bigger jail or bigger psychiatric institutions, we should put resources where they belong – in our community,” said Kim Swain.

A copy of the federal lawsuit and information about the case are available at: <https://www.disabilityrightsca.org/cases/drc-lawsuit-against-alameda-county>

A video providing an overview of the lawsuit, with personal stories of people who have faced institutionalization in Alameda County, is available at: <https://www.disabilityrightsca.org/press-release/disability-rights-california-files-lawsuit-against-alameda-county-for-its-failed>

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**Disability Rights California (DRC)** is the agency designated under federal law to protect and advocate for the rights of Californians with disabilities. The mission of DRC is to advance the rights, dignity, equal opportunities, and choices for all people with disabilities. For more information visit: <https://www.disabilityrightsca.org>

**The Disability Rights Education and Defense Fund (DREDF)**, founded in 1979, is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. <https://dredf.org/>

**Goldstein, Borgen, Dardarian & Ho (GBDH)** is one of the oldest and most successful plaintiffs’ public interest class action law firms in the country. GBDH represents individuals in complex class and collective

action lawsuits relating to disability rights, wage and hour violations, and employment discrimination, among other civil rights issues.

<https://gbdhlegal.com/>

**The Judge David L. Bazelon Center for Mental Health Law** has advocated for the civil rights, full inclusion and equality of adults and children with mental disabilities. We were pivotal in expanding the civil rights movement to include fighting discrimination against, and segregation of, people with mental disabilities. The Bazelon Center uses a unique combination of litigation, public policy advocacy, coalition building and leadership, public education, media outreach and technical assistance—a comprehensive approach that ensures we achieve the greatest impact.

<http://www.bazelon.org/>