

DOJ Convening – Law Enforcement

I. Police Interventions

I. Recognition of DOJ’s Police Activities

A. The entire disability community, and particularly people with disabilities from communities of color, want to thank you and the Department for your March 8, 2023 Findings Letter concerning the Louisville, Kentucky Police Department

1. The Letter appropriately recognizes that routinely responding to behavioral health crises with law enforcement rather than behavioral health clinical staff is inappropriate, dangerous, and violates the ADA

B. Similarly, we applaud DOJ’s recent Statement of Interest in the case of an autistic young man who died needlessly as a result of a police interaction in Jefferson Parish, Louisiana

II. Future Activities

A. We believe that the Department should focus its police investigations and settlements on two ADA claims that flow from its Louisville Findings:

B. First, the discriminatory conduct of most police departments that

1. regularly dispatch medical personnel, like EMTs, to respond to 911 calls involving a health emergency

2. but routinely send law enforcement – and usually only law enforcement personnel – to respond to 911 calls involving a behavioral health crisis

3. This discriminatory practice is often not related to any risk assessment or evidence of danger – it is just based upon the inaccurate and stereotypic assumption that people with mental illness are dangerous

4. The impact of this discriminatory conduct is often injury or death, even when there is no evidence that the person needing help presented any risk at all
 5. And this impact is disproportionately felt by communities of color, who bear the brunt of police violence on people with mental illness
- C. Second, as discussed in your SOI, police departments must make reasonable accommodations to the nature and impact of the disability, and make reasonable modifications of police policies and procedures in responding to 911 calls involving people with any disability
1. The Louisville Findings Letter contains a good list of possible modifications but there are more, including specialized programs that rely entirely on behavioral health clinicians and peers, at least as the first responders to mental health crisis
- D. There is a unique opportunity to press police departments to rely upon the new, national 988 crisis call number center that was designed to achieve the same outcome as your Louisville investigation – ensuring that people with behavioral health conditions receive timely and effective behavioral health responses when they experience a crisis