



Bazelon Center Commends U.S. Department of Justice Findings of Discrimination Against Louisville and its Police Department

FOR IMMEDIATE RELEASE

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March 22, 2023

Washington, D.C. - The Bazelon Center for Mental Health Law commends [the Department of Justice for its investigation](#), following the killing of Breonna Taylor, of the Louisville/Jefferson County Metro Government (Louisville Metro) and Louisville Metro Police Department (LMPD), and [its release on March 8th of a comprehensive report detailing its findings](#). The report describes significant problems with the LMPD's practices, including the use of inappropriate and deadly force in its encounters with Louisville residents that violates the U.S. Constitution and racially discriminatory conduct that violates Title VI of the Civil Rights Act.

We appreciate the Department's findings that Louisville's police and 911 response systems discriminate against people with behavioral health disabilities, including individuals with mental health conditions and those with substance use disabilities. The Department found that Louisville unnecessarily deploys police in response to calls for help involving people with behavioral health disabilities, a practice that violates the Americans with Disabilities Act. In Louisville, police officers are the default, "primary and generally the sole" responders to calls involving people with behavioral health needs, even when an individual does not pose a safety threat. When police interacted with individuals experiencing a mental health crisis, the interaction regularly "led to uses of force and arrests that were avoidable." Nearly 25 percent of the uses of force reviewed by the Department involved people experiencing a behavioral health crisis. The report provides chilling details about numerous instances of Louisville police officers treating people with disabilities with "contempt and callous disregard," leading to physical harm and trauma that likely worsened their mental health symptoms.

The city's response to behavioral health calls "stands in stark contrast" to the city's response to people experiencing physical health concerns, who typically receive intervention "by appropriately trained EMT professionals," not police. We agree with the Department and the stakeholders that it interviewed: "a behavioral health-focused

response should be available to people experiencing behavioral health issues instead of a traditional law enforcement response.”

We appreciate the “Agreement in Principle” between Louisville and the United States released in tandem with the Department’s findings report, and urge the parties to enter into a Consent Decree as soon as possible so that needed reforms can begin under federal court oversight. The Bazelon Center supports many of the remedial measures the Department identifies in its report. Louisville must expand its capacity to deploy behavioral health mobile crisis teams in response to calls for help, and should ensure that its 911 and 988 dispatchers deploy those teams whenever appropriate. People with lived experience with behavioral health issues working as peer specialists should be included on these teams to enhance their effectiveness.

Louisville must prioritize a behavioral health response to behavioral health crisis calls, not a “co-responder” model, whereby police respond alongside behavioral health workers. As we said in [our recent report with the Legal Defense Fund](#), studies of co-responder approaches have shown “no net effect on outcomes of arrest or officer use of force,” and no “significant positive impacts on police encounters with people with mental illness.” To keep our communities safer, especially our Black and brown communities, behavioral health systems should provide services to prevent people from experiencing crises; when crises occur, they should provide the services needed.

To that end, we urge the Department to quickly conclude its investigation of the Commonwealth of Kentucky’s mental health service system, which is examining whether the state subjects adults with mental health disabilities in the Louisville area to unnecessary institutionalization and serious risk of institutionalization by failing to provide community-based mental health services, in violation of the ADA and the U.S. Supreme Court’s decision in *Olmstead v. L.C. (Lois Curtis)*, 527 U.S. 581 (1999). To comply with *Olmstead*, and to prevent unnecessary interactions with law enforcement and subsequent incarceration of people with disabilities, Kentucky must provide a robust array of community-based services, including Assertive Community Treatment (ACT), supported housing, mobile crisis services, supported employment, and peer support services. Kentucky can seek federal support through Medicaid to provide these services to Louisville residents and throughout the state.

About the Judge David L. Bazelon Center for Mental Health Law: The Judge David L. Bazelon Center for Mental Health Law protects and advances the civil rights of people with mental health and developmental disabilities – especially Black, Indigenous, People of Color (BIPOC) and other historically marginalized populations. We envision a society where our constituents with mental disabilities live with autonomy, dignity, and opportunity in welcoming communities supported by law, policy, and practices that help them reach their full potential. For more information, visit: bazelon.org. This year, the Bazelon Center celebrates 50 years of advocacy. To learn more about our advocacy throughout the years, visit bazelon50.org.