Frequently Asked Questions & Answers
Breaking The Cycle – L.A. Jails & Mentally Disabled Homeless

1. What is wrong with the settlement agreement?

The settlement agreement, as it is currently written, creates practices that violate the federal rights of the mentally disabled by failing adequately to accommodate and address the needs of mentally disabled prisoners under the Americans with Disabilities Act (ADA).

Specifically, the settlement violates intervenors’ rights in the following ways:

- It depends on a system of referrals that many mentally disabled people are not capable of navigating, and does not require any verification that the services at the end of the referrals are in fact available to that person. As a result, mentally disabled people cannot access available services, or they expend precious energy trying connect with services that are not available to them;
- It fails to provide meaningful access to physician-prescribed psychiatric medication;
- It unlawfully excludes entire groups of mentally disabled individuals, such as people with developmental disabilities or dementia;
- It may funnel individuals into highly restrictive environments without considering whether they could thrive as well or better in permanent supportive housing.

As a result of these violations, many people with mental disabilities being released from jail will not be connected with essential mental health, medical, and social services and are likely to end up living on the streets.

2. What remedies do the Intervenors want?

Through this legal action, Intervenors seek the following remedies:

- The County should provide mentally disabled prisoners with a discharge plan that is reasonably calculated to give them meaningful access to essential medical and mental health services upon their release;
- The County should ensure that all people with mental disabilities can benefit from such a plan; and
- The County should ensure that released prisoners with mental disabilities are offered placement in the most integrated post-release environment that is clinically appropriate.

3. How do you know their rights are being violated if the settlement is not in effect yet?
It is clear from how the settlement is written that rights will be violated. The settlement agreement sets forth practices that do not reasonably accommodate the needs of the intervenors. For example, it offers services that the intervenors are not equipped to take advantage of, such as referrals instead of direct and individualized connection to service providers, or prescriptions instead of actual medications. The settlement agreement also categorically excludes people with certain types of disabilities such as dementia or developmental disabilities, denying them meaningful discharge planning regardless of their need.

4. Why not file a separate lawsuit?

A separate lawsuit would be inefficient and a waste of resources. This issue can and should be resolved here and now. We seek to intervene in this lawsuit because this settlement agreement, on its face, violates the rights of mentally disabled people such as the intervenors. The intervenors—mentally disabled people who have repeatedly been in L.A. County jails—are the ones who will be most affected by the settlement agreement and should have a say in the resolution. This community has a wealth of providers, experts, and community groups who understand these problems and know how to fix them. They were not consulted as the decree was put together and were not able to give their input, but it is not too late.

5. Are you asking for more resources?

We are asking L.A. County to ensure that mentally disabled prisoners are connected with available services upon release from jail. Prisoners with mental disabilities are often unable to follow a referral to services and are therefore effectively deprived of that service even when it exists. L.A. County needs to take into account the particular mental disabilities of the prisoners it is releasing when deciding what steps are necessary to connect them with services. Whether a mentally disabled individual is connected to essential services upon release from jail should not be left to chance.

6. Won’t this additional help cost more money?

Currently the County spends millions of dollars on the Skid Row to jail cycle, arresting and incarcerating mentally ill people who need treatment, not jail, at great expense to taxpayers. Our law enforcement officers are being saddled with the burden of dealing with homelessness when it is a problem that can and should be reduced by connecting mentally disabled people with the services they need. Any additional resources the County may need to provide to the jails for meaningful discharge planning would be easily offset by a reduction in these costs. Even more importantly, the Skid Row to jail cycle has an incalculable human cost. The County’s discharge planning policies are a homelessness manufacturing machine and make no sense when homelessness is at emergency levels.

7. Are you trying to undo the settlement agreement?
No. We seek only to ensure that the settlement agreement’s discharge planning provisions comply with federal law and do not violate intervenors’ rights. We do not challenge any other terms of the settlement agreement.