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The Vermont Human Rights Commission has AGAIN found reasonable grounds to believe the State of Vermont has violated the rights of a person with disabilities held in prison for mental health evaluation.

In August the Human Rights Commission (HRC) has again found reasonable grounds to believe that the Vermont Agency of Human Services (AHS), through its Departments of Mental Health (DMH) and Corrections (DOC), violated an individual's right to be free of disability discrimination. W.M. is a person with a mental health-related disability who was under a Court Order to be placed in a psychiatric hospital bed for evaluation. Instead she was held in jail for eight days in January 2016 without adequate medical care or reasonable accommodations and subjected to various uses of force by correctional officers. The HRC Investigative Report concludes that "The cost of not providing enough inpatients beds, community based mental health care and appropriate step-down facilities is incalculable."

Karen Richards, Executive Director of the Vermont HRC, states "We cannot allow our correctional facilities to be mental health treatment centers of last resort for individuals who need a psychiatric hospital level of care. Unfortunately, inadequate funding for mental health treatment across the board is insufficient to meet the needs of Vermonters, including those who find themselves in the criminal justice system through actions that are driven by illness not criminality."

This determination comes just seventeen months after the HRC found reasonable grounds to believe that AHS, DOC and DMH violated D.C.'s rights under Vermont's anti-disability-discrimination laws by allowing him to be held in a jail cell for more than a month when he was under a court order to be placed in a psychiatric bed for evaluation. The HRC eventually filed a lawsuit against the State of Vermont in response to the reasonable grounds finding, but it was later dismissed prior to trial due to D.C.'s death.

This most recent HRC finding reemphasizes that the ongoing AHS, DOC and DMH practice of allowing persons in need of inpatient mental health treatment to be detained instead in correctional facilities where they have been subjected to harsh treatment and inadequate care does violate the rights of people with disabilities under Vermont law.

Ed Paquin, DRVT's Executive Director, adds "We've worked to defend the rights of both of these individuals and others who have experienced the same lack of treatment. We urge the State of Vermont not to claim they cannot improve supports for people in Vermont with mental health-related disabilities. Instead let's work to prevent our people from suffering discrimination and act to address the underlying problems!"

DRVT supports the HRC stated commitment "[...] to work with the Departments of Corrections and Mental Health and the Agency of Human Services to coordinate services and seek appropriate funding levels for mental health treatment in Vermont so that situations such as those encountered by W.M. and D.C. become the extreme exception not the norm."

The August 2017 HRC ruling in W.M.s case can be found here:

<http://hrc.vermont.gov/sites/hrc/files/Cases/W.M.%20v.%20AHS%2C%20DMH%20%26%20DOC%20Investigative%20Report%20%26%20Final%20Determinations.pdf>.

The HRC ruling in D.C.'s case can be seen at:

<http://hrc.vermont.gov/sites/hrc/files/D.C.%20v.%20Vermont%20Agency%20of%20Human%20Services%2C%20Department%20of%20Mental%20Health%20and%20Department%20of%20Corrections.pdf>.

The lawsuit filed by the HRC against the State of Vermont regarding D.C. can be seen at:

<http://www.disabilityrightsvt.org/pdfs/2016-10-18%20Complaint.pdf>

For more information please contact Ed Paquin, Executive Director, DRVT or Karen Richards, Esq., Executive Director, Vermont Human Rights Commission.