



Press Release

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**National Disability Rights Network Applauds “Year of Community Living”,
Continues to Question Department of Justice Pouring Millions into Preservation
of Failed Institutions**

The National Disability Rights Network (NDRN) applauds President Obama's proclamation of the “Year of Community Living,” but decries the Department of Justice’s continued support of segregation of persons with disabilities. The recent proclamation of the “Year of Community Living” from President Obama and the follow-up of specific programs from the Department of Health and Human Services are important steps to the full integration of people with disabilities into the community. However, across the Washington Mall at the Department of Justice (DOJ), actions by the Special Litigation Section of the Civil Rights Division continue to force states to funnel millions of precious state dollars into maintaining outmoded, discriminatory, and dangerous facilities that will warehouse people with disabilities for generations to come.

On June 22, 1999, the U.S. Supreme Court, in *Tommy Olmstead v Lois Curtis and Elaine Wilson*, ruled that unnecessarily segregating an individual into an institution when community supports exist is a violation of the American with Disabilities Act (ADA) Title II. Specifically, the regulations covering Title II of the ADA, 42 U.S.C. § 12131, *et seq.*, and its implementing regulations at 28 C.F.R. § 35.130(d) contain what is commonly called “the integration mandate,” requiring states to provide community-based services for persons with disabilities who are otherwise entitled to institutional services, when certain factors are met.

Despite the ruling in *Olmstead*, the Department of Justice continues to carry out the Bush Administration practice of forcing states to “fix up” facilities that many states have abandoned as unworkable and unsafe settings for people with disabilities to live. A review by NDRN of proposed and approved settlement agreements negotiated by DOJ under the Civil Rights of Institutionalized Persons Act (CRIPA) clearly shows the failure of the DOJ to creatively work to move people into the community in a planned and safe manner, in opposition to the will of a vast majority of disability advocates. DOJ’s settlements stand in stark contrast to the litigation brought by Protection and Advocacy agencies and others that have used the dreadful conditions in these facilities to move to a more humane community based system.

If the Administration is serious about its commitment to community integration, it is critical that DOJ CRIPA settlement agreements, including those pending in Texas, Georgia, and other states, be directed toward improving community integration. By wasting hundreds of millions of dollars in taxpayer money on segregated institutions, DOJ is virtually guaranteeing that these failed institutions remain the *status quo* for individuals with developmental disabilities in Texas and elsewhere.

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