

The Voluntary Services First Coalition opposes SB1045, Conservatorship, because it unfairly and arbitrarily persecutes homeless people, while doing nothing to help either the homeless problem in San Francisco, or the targeted homeless people themselves.

During the legislative approval process of SB1045, its overbroad reach and possible unintended consequences alarmed civil liberties and disability advocates and others, so protective clauses were added, restricting SB1045's reach and adding prerequisites that Counties must meet before implementing SB1045.

We believe those restrictions and prerequisites would not prevent San Francisco's implementation of SB1045 from being a slippery slope to further harassment and detention of homeless people, but proponents of implementing SB1045 in San Francisco frequently cite these protections to skeptics to argue that SB1045 has safeguards in place.

It is with great consternation, then, that we discover SB40, which removes some of the very protections that homeless conservatorships proponents in San Francisco say make SB1045 safe. For example:

A person could be conserved on the basis of a behavioral health director or designee simply declaring that assisted outpatient treatment was not appropriate for that person, rather than SB1045's requirement that the behavioral health director has actually sought a court order for assisted outpatient treatment which was refused, or if granted, proved insufficient.

A person could be conserved on the basis of a string of eight 5150 detentions in a year that occurred a half year in the past, rather than SB1045's requirement that the petitions for conservatorship be only made for 5150 strings that just occurred.

San Francisco has long waiting lists of people urgently seeking supportive housing and mental health/substance abuse services, but the Mayor has said no further resources are needed to implement SB1045. Detaining and forcing inadequate treatment on conservatees would displace those already seeking housing and services, which is not only morally repugnant, but also contrary to the prerequisite requirements of SB1045, so SB1045 cannot be legally implemented in San Francisco as it stands now.

Even if this impediment were overcome however, other requirements of SB1045 have reduced the pool of potential conservatees from over 100 to below 10. We believe, and conservatorship proponent SF Sup. Raphael Mandelman has actually said, that efforts in Sacramento to "clean up" SB1045 are being done to significantly increase its powers and its potential conservatees. SB40 is part of this misguided effort to move the goal posts to rescue a fundamentally flawed SB1045.

Rather than detaining and forcing failed treatment on a small percentage of homeless people, San Francisco needs to restore the \$40 million in mental health cuts of the 2008 recession and begin a program of widespread supportive housing, intensive case management, and peer-based outreach to assure housing and services to all who need it. Prop C and the recent windfall provide funds to do that.