

SB 1045: CONSERVATORSHIP

A Faulty Approach to the Homelessness Crisis

This law allows the counties of San Francisco, Los Angeles, and San Diego to create a 5-year pilot program to expand conservatorship, a legal process through which an individual **loses the right to make decisions about their housing, finances, and medical care.**

The bill targets homeless people with severe mental illness and substance addictions. While claiming to be a solution to chronic homelessness, this bill **provides no funding for housing or mental health treatment.**

“Conservatorship is the most extreme deprivation of civil liberties aside from the death penalty.”
—Susan Mizner, Director, Disability Rights Program, ACLU

SB 1045 is the wrong approach to house homeless people with mental illness or substance abuse problems. Housing and services should be offered voluntarily in an unrestricted setting where people are comfortable and able to exercise autonomy and receive community support.

=====

Some reasons why community groups oppose SB 1045

- It will lead to people losing the ability to make decisions about what happens to their body, their pet, where they live, what they eat, how they spend their time and their money.
- It gives the police an incentive to detain people under 5150 holds.
- It expands involuntary treatment, while there are thousands of people waiting for voluntary treatment and housing that doesn't exist.
- This bill will not make a dent in the number of homeless people suffering on the streets in San Francisco.

=====

The Lanterman-Petris-Short Act allows for the creation of conservatorships for people whose mental illness prevents them from accessing food, clothing, or housing.

In San Francisco, **Laura's Law** allows for court-mandated outpatient treatment for people with severe mental illness. It is unclear who is being targeted by SB 1045 who is not already eligible for these conservatorships.

About **65% of SF conservatees** are living in placements outside of the city due to the lack of housing and psychiatric treatment beds. Expanding conservatorship during this housing crisis **will push more people out of the city**

"There is no point to more aggressive intervention if there is no place to house and treat the people who need help. Nothing in this bill expands services or creates more housing, or medical or mental health care, which is what the real problem is." DISABILITY RIGHTS CA, 5/9/2018

=====

In San Francisco, there is consensus that homelessness has reached the level of a crisis:

- There are **1,060** individuals on the city's single adult Shelter Reservation Waitlist and **8,000** households on the waitlist for public housing.
- Most recent data shows that there are **500 people** on the waitlist for methadone and substance abuse residential treatment.
- Many individuals with mental illnesses self-medicate with drugs and alcohol while experiencing the trauma of being without a home; this leads to addiction disorders.
- A 2018 behavioral health audit found that **38%** of people discharged from psychiatric emergency were not offered any continuing services, essentially sending them back to the streets.
- According to the Budget Legislative Analyst Office, we are spending **\$20.6 million** on criminalizing homeless people without any positive outcomes. That money is equivalent to the cost of **1,300** housing subsidies.

"It's difficult if not impossible to recover from mental illness or substance abuse when you don't have a home. If everyone had housing, we would see a major drop in the number of people in mental health crisis who are the targets for conservatorship." -- Jennifer Friedenbach, Executive Director, Coalition on Homelessness.

Voluntary Services First

A coalition to oppose the implementation of SB1045 in San Francisco

As a coalition of community groups who work with people with disabilities, seniors, and homeless people, we strongly oppose implementation of SB 1045 in San Francisco. We agree that we have a crisis of homeless people living and dying on our streets. However, an expansion of involuntary conservatorship is the wrong approach and will do nothing to address the underlying drivers of psychiatric disabilities, substance abuse, and homelessness.

Conservatorship is a serious matter. It takes away every single one of a person's civil liberties-- their ability to make decisions about what happens to their body, their pet, where they live, what they eat, how they spend their time and their money. Our government should not ignore the long and shameful history of institutionalization, involuntary sterilization, and other forced treatment of people with disabilities. As Susan Mizner, Disability Rights Program Director of the National ACLU stated, "Conservatorship is the biggest deprivation of civil rights aside from the death penalty."

Under the Lanterman-Petris-Short Act, carefully constructed to balance safety and personal liberties, individuals can be conserved if they are harmful to themselves or others or cannot care for themselves due to their mental illness. This new law adds addiction to mental illness, and focuses instead on whether someone has been detained more than 8 times. It therefore moves the reason for the conservatorship away from medical and safety necessity to police intervention. This law would give the police a great incentive to repeatedly detain people who are generating complaints with 5150 holds. A punitive approach to mental health is both inhumane and ineffective.

SB 1045 has become a political strategy to address homeless people with mental health disabilities. This strategy relies on the false narrative that people choose not to get services, when in reality services are not available. There are 1,060 individuals on the single adult Shelter Reservation Waitlist and 8,000 households on the waitlist for public housing. When this data was last tracked, there were 500 people waiting to get methadone and substance use residential treatment.

San Francisco's performance audit of Behavioral Health Services (April 2018) reads: "Clients accessing psychiatric emergency services often have dual mental health and substance use disorders and experience homelessness. Linking these clients to services on discharge is important, because without service linkage, these clients are at risk of not only decompensating mentally, but of also resorting to alcohol and substance abuse after being discharged." And yet, nearly 40% of people discharged from psychiatric emergency services in 2017 were not offered any services. The conservatorship process is failing us now because there are not adequate services or placements for the individual, and this new law does not change that. It just makes it easier to churn people through the system.

Implementation would be a much greater challenge than has been recognized by government leaders. Conservatorship is a serious commitment and responsibility, making government liable for providing extensive care for conservatees -- with the same level of resources that is currently not adequate to meet the needs of the community. Where is the housing going to come from when

someone is conserved from the street? Where are the services coming from? Who will not get that housing or services because the conserved person does?

Implementation of SB 1045 encourages police action and criminalization of people who are homeless and mentally ill. To be eligible, people will need to be detained through a 5150 action eight times, which gives police an incentive to use 5150s on people with mental illness and substance abuse. In San Francisco, almost 60% of people shot and killed by police have mental health disabilities. In addition, being detained and then conserved could turn into a homeless person's only option for accessing housing and services.

Before we take away civil liberties--in a city that prides itself on being a pioneer on civil rights--San Francisco needs to provide housing and voluntary mental health and substance abuse services. Proposition C, on November's ballot, will provide much needed housing and services. Real solutions are available before we turn to involuntary conservatorship.

Sponsors:

California Alliance of Disability Advocates
California Advocates for Nursing Home Reform (CANHR)
Coalition on Homelessness
Critical Resistance
Democratic Socialists of America
Disability Rights California
Disability Rights Program, ACLU
Do No Harm Coalition
Gay Shame
Gray Panthers
Haight Ashbury Neighborhood Council
Harm Reduction Coalition
HealthRIGHT 360
Homeless Youth Alliance
Hospitality House
Independent Living Resource Center SF
Indivisible SF
LAGAI Queer Insurrection
Mental Health Association of San Francisco
No New Jail Coalition
Pacifica Social Justice
Public-Health-Justice
Senior and Disability Action
Showing Up for Racial Justice (SURJ) SF
TGI Justice Project
Western Regional Advocacy Project

For more information, please contact Jessica Lehman at Senior and Disability Action: 415-546-1333, jessica@sdaction.org

*For more information, please contact Jessica Lehman at Senior and Disability Action:
415-546-1333 (w), 510-427-7535 (c)*