

**SB 1045:
CONSERVATORSHIP,
INVOLUNTARY DETENTION
& LOSS OF CIVIL LIBERTIES**

WHAT IS CONSERVATORSHIP?

WHAT IS SB 1045?

SHOULD SAN FRANCISCO IMPLEMENT IT?

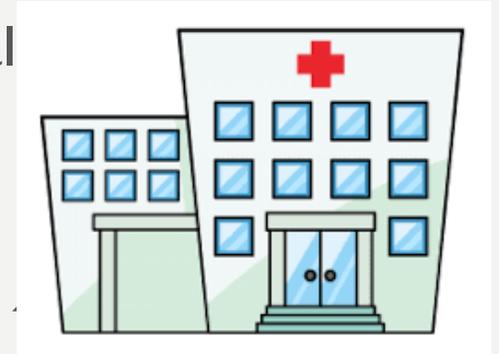
CURRENT SF MENTAL HEALTH SYSTEM

- SF's mental health system is widely considered overly reliant on “high end” services at the hospital level. Instead of getting care in the community, people get care in locked wards and jails. For many that is their first experience with care.
- This level of service is considered the most ineffective, inhumane and most expensive level of care.



CURRENT SF MENTAL HEALTH SYSTEM

- In fiscal year 2016-17, there were 6,704 cases of individuals brought to Psychiatric Emergency Services – a locked ward where people are typically brought by police. 4,666 of those patients (70%) were homeless.
- About 40% received no follow-up services when they left.
- The city assigns residential treatment beds to those who have racked up most in costs at SF General.
- The number of people turned away from residential treatment is not tracked.
- The need for intensive case management exceeds capacity by 2:1.
- The lack of housing has led to homelessness which exacerbates mental illness – episodes are more frequent, longer and more debilitating. Lack of housing makes recovery almost impossible.



FUNDING HISTORY OF THE MENTAL HEALTH SYSTEM

- While there has been a history of both divestment and underinvestment in mental health care, the most recent hit to the mental health and substance abuse system in SF happened in the great recession.
- **San Francisco cut \$40 million in direct mental health and substance abuse services** between 2007 and 2012,
- These reductions hit every level of care, from a dramatic reduction in hospital beds to closures of outpatient and day treatment programs.

HISTORY OF CONSERVATORSHIP LAWS

- California has a long history of violating the human rights of people with mental illnesses.
- San Francisco was the first city in the U.S. to pass “ugly laws,” which made it illegal for people with visible disabilities to appear in public.
- California involuntarily sterilized more people than any other state in the country – tens of thousands of people seen as disabled.
- Thousands of people with mental health disabilities were institutionalized indefinitely without due process.



HISTORY OF CONSERVATORSHIP LAWS

- California conservatorship laws grew out of the mental health consumer movement. While not perfect, the current law was created in consultation with mental health consumers and includes strong civil liberties protections.
- This law is called LPS or the Lanterman Petris Short Act. (There are other types of conservatorships, but we are not addressing those here.)

HOW CONSERVATORSHIPS WORK NOW

- Conservatorship Law currently requires an individual to be a harm to self or others, or gravely disabled.
- The term “gravely disabled” means that a person is presently unable to provide for his or her basic needs for food, clothing, or shelter because of a mental disorder or impairment by chronic alcoholism.

CURRENT CONSERVATORSHIP PROCESS

- Police (typically) respond to call of someone in psychiatric crisis, then handcuff and transport the person to Psychiatric Emergency Services (PES).
- The person is evaluated by a psychiatrist and can be held for up to 72 hours. San Francisco PES often leaves people sitting in chairs – not beds.
- Court may mandate a 14 day additional hold, following a hearing.
- The state may file for conservatorship, and a court determines if an individual should be conserved. If so, civil liberties are removed and care is transferred to state. Can be conserved in locked or alternative facility/housing.



WHAT HAPPENS UNDER CONSERVATORSHIP

- Once you are put under conservatorship, you lose your right to make decisions about where you live, what you do, who you see, and what goes into your body.

SB 1045

**OVERVIEW OF NEW
TRAUMA DETENTION LAW**

SB 1045 – OVERVIEW OF NEW LAW

SB 1045 is a pilot program that authorizes three counties, SF, LA and San Diego, to try an expanded conservatorship approach for people deemed incapable of caring for their own health and well-being due to **severe mental illness and substance abuse disorders**.



SB 1045 – OVERVIEW OF NEW LAW

SB 1045 allows the Sheriff, the Director of DPH, or the head of a hospital to recommend a person for SB 1045 conservatorship, IF:

1. The person has had **8 or more 5150s** (involuntary detentions, usually by police) in a 12 month period.
2. The person was rejected from **Assisted Outpatient Treatment (AOT)**.
3. The Court finds that the conservatorship is the **least restrictive alternative** to protect the person.



BEFORE SB 1045 IS IMPLEMENTED...

The City must:

1. Create a plan for implementation, in consultation with disability rights groups, supportive housing services, public health, law enforcement, labor, and hospital staff.
2. Find that no *VOLUNTARY* mental health services and supports would be reduced by implementing SB 1045.
3. Identify funding and availability of all the SB 1045 services, including:
 - Supportive Community Housing with wraparound services
 - Public conservators
 - Outpatient mental health counselors, psychiatrists, psychologists, and peer supports, along with medication.
 - Substance use disorder services
 - Additional services, vocational rehabilitation, veterans services, family support services, etc.

ALTERNATIVE VISION (FUNDED BY PROP C!)

- A peer and professional response to mental health issues that does not include police.
- A diverse and robust community mental health system that meets individual needs of people with behavioral health issues.
- A system where homeless people receive intensive care on the streets, and that care follows them through the system – from crisis, to residential treatment, into outpatient care and housing.
- A system that has the capacity to care for people when they need it and ask for it.
- A system that does not enhance trauma by churning people from streets to institutions to streets again, but addresses and prevents trauma in its very design.



GET INVOLVED

- Attend & speak at a Board of Supervisors hearing on SB 1045 in January.
- Tell your story! Fill out a mental health questionnaire. Do a video testimonial.
- Reach out to your Supervisor.
- Ask your organization to join the Voluntary Services First Coalition.
- Contact the coalition at raia@sdaction.org or (415) 546-1333. Find more information at www.sdaction.org.

