

What is a 5150?

A 5150 is a 72-hour psychiatric “hold” put on someone who appears to be a danger to self or others or unable to provide for their own basic needs (“grave disability”). Usually, under a 5150, the police detain a person, often with handcuffs, and take them to Psychiatric Emergency Services at SF General.



What is conservatorship?

A conservatorship is a court order that takes away your right to control your own health care, your own finances and where you live. It is a total loss of your civil liberties. A 5150 hold may lead to conservatorship, and the conserved person may be put into locked or residential treatment. The majority of San Francisco residents who are conserved are placed in facilities outside San Francisco, away from their community.

What is SB 1045?

This law (authored by State Senator Scott Wiener) allows the counties of San Francisco, Los Angeles, and San Diego to create a 5-year pilot program to expand conservatorship. SB 1045 moves away from the “grave disability” standard for conservatorship and allows conservatorship for individuals who have 8 or more 5150 applications in a 12-month period and a dual diagnosis of serious mental illness and substance use disorder. The bill targets homeless people, yet provides no funding for housing or mental health treatment. **SB 1045 takes away the rights of people with mental health disabilities and substance abuse WITHOUT providing voluntary services.**

How many people in San Francisco will be affected by SB 1045?

Nobody knows exactly. The Department of Public Health has identified 55 people who have had eight or more 5150s in the last two years, plus 48 people with at least six 5150s. However, the latest City estimate is that fewer than ten people will be eligible.

What is SB 40?

After SB 1045 passed in 2018, proponents realized that only a handful of people would be targeted. SB 40 tries to expand the number of people targeted for conservatorship by **removing protections** that were added to SB 1045. SB 40 would **remove the requirement that people are offered assisted outpatient treatment (AOT) under Laura’s Law** before they are forced into conservatorship. SB 40 also expands the time requirement by stating that people can have eight 5150 applications in a one year period during the 18 months before the court filing.

What’s wrong with this proposal?

- People have not had a chance to get services voluntarily. Thousands of people are waiting for voluntary treatment and housing that doesn’t exist. Services must also be provided together; for example, someone completing residential drug treatment must be offered permanent supportive housing to allow them a chance to stay off drugs.



- Involuntary treatment does not work! People do better when they have the agency to make decisions to seek treatment.
- It is inhumane to take away people’s rights without first offering needed services, reminiscent of the “ugly laws” that SF and other cities passed in the 1800s, saying that it was illegal to be seen on the street with a visible disability, though people could not access jobs or other income.

Does San Francisco have the resources to expand conservatorship?

No. SF has cut mental health services by more than \$40 million since 2008. A 2018 Behavioral Health Audit found that 38% of people discharged from psychiatric emergency at SF General were not given any follow-up services. There is currently no intensive case management that meets people daily where they are. Patients seeking therapy have to wait weeks for an appointment. There are waitlists for substance use treatment, and people who get in are often forced to leave after one or two months because there are not enough step-down beds. Over 1,000 people are waiting to get into homeless shelters and 8,000 are on waitlists for public housing. Forced treatment must not be the only entry into housing and services.

Won’t SB 1045 get homeless people off the streets?

No. Stable housing linked to mental health and substance abuse services gets people off the streets. SB 1045 does not provide any services and will use precious funding to create new bureaucracy rather than adding services.

What's wrong with getting police more involved with conservatorship?

SB 1045 gives the police an incentive to detain people under 5150 applications, so that they can be conserved. But each 5150 is traumatic and does not help a person move to recovery.

Are there any other problems with implementing SB 1045 in San Francisco?

It may not be legal for San Francisco to implement this program. Before implementation, the city is required to find that it has enough housing and services for everyone who could be conserved under SB 1045 and that implementation will not take away housing or services from anyone who is seeking them voluntarily. As long as there are waitlists for housing and services in SF, there is no legal way to implement the law here.

What alternatives are there for making sure people get their needs met?

The solution is quality housing for every person in San Francisco— not shelter beds, SROs, or temporary housing, but permanent housing that is safe, dignified, accessible, and affordable to people with all disabilities and incomes. The City must restore the \$40 million in budget cuts, including the provision of intensive case management that meets with people once a day wherever they are living and builds relationships based on trust in order to get people into housing and services. We need community mental health clinics and 24-hour drop-in centers so that people have more options than going to the ER.

Does the Voluntary Services First coalition want to get rid of conservatorship completely?

No. We do not oppose the current conservatorship system. We oppose giving police more power over who gets conserved and we oppose spending money for involuntary treatment when voluntary services are not available.



Who is part of the Voluntary Services Coalition? Who opposes SB 1045 and SB 1040?

Senior & Disability Action * ACLU Disability Rights Program * Coalition on Homelessness * Disability Rights California* Mental Health Association of SF HealthRIGHT 360* Haight Ashbury Neighborhood Council * Gray Panthers * Indivisible SF * Harm Reduction Coalition * GayShame * Homeless Youth Alliance * Hospitality House * No New Jail Coalition * California Advocates for Nursing Home Reform * DSA SF Homelessness Committee * And dozens more

Get involved! Come to hearings at City Hall, tell your story, and spread the word.

Fact sheets, text of the legislation, news articles, and more available at: bit.ly/SDA_SB1045
Or contact Raia or Jessica at (415) 546-1333 or info@sdaction.org.

Voluntary Services First!

A coalition opposing the expansion of conservatorship under SB 1045 and SB 40 (bills sponsored by Senator Scott Wiener) and advocating for supportive housing, mental health services, and substance use treatment.

Information at: bit.ly/SDA_SB1045

To get involved please email info@sdaction.org or call (415) 546-1333

