

Voluntary Services Are More Effective

Talking Points & FAQs for Hearing on 5150's

What Happens in a 5150?

Police (typically) determine you are danger to self or others, or “gravely disabled,” and take you to locked Psych Emergency, under what is called a 5150. This typically happens in handcuffs.

Psychiatrists determine if indeed you are harm to self/others/gravely disabled during an up to 72 hour hold. ***5150s are very traumatizing, and not a great way to engage people in services – it usually turns people way from the system rather them engaging them in it!***

What Happens After a 5150?

The first thing is that the Psychiatrist assesses you to see if you meet criteria. ***Last year, 6,674 times someone was brought to Psych Emergency. 4,666 were homeless. 1,786 homeless people were then discharged to the streets without even an offer of services.***

For those who meet criteria, they may hold you for another 14 days. At this point the state may file for conservatorship, and a court determines if an individual should be conserved. If so, the person loses all civil liberties and can make no decisions for themselves.

Efforts to Expand Conservatorship and 5150's via 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 holds in a 12-month period and a dual diagnosis of serious mental illness and substance use disorder. The bill targets homeless people with severe mental illness and substance addictions— in fact, it was originally called “Homeless Conservatorship” and written only to apply to homeless people. While claiming to be a solution to chronic homelessness, this bill provides no funding for housing or mental health treatment.

Legal Problems with 1045

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 this law here.

Other Problems with 1045

- ***Loss of Civil Liberties:*** This plan means that people will lose 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, without a determination that there is a safety risk to themselves or others. 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 late 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.
- ***Expanded Police Response and Unfair Detentions:*** It gives the police an incentive to detain people under 5150 holds and confiscate property. Each 5150 is traumatic and does not help a person move to recovery. Plus, people with untreated mental health conditions are 16 times more likely to be killed in police encounters.

- *Police as Decision Makers instead of Health Professionals:* It moves the decision to the officer on the street who decides to 5150 someone repeatedly instead of the medical determination of a psychiatrist. We believe the number of inappropriate 5150's will increase as a result.
- *Displacing Other Needy People:* It expands involuntary treatment, while there are thousands of people waiting for voluntary treatment and housing that doesn't exist.
- *Little Impact:* This bill does not expand services and the programs are all filled up, so there will be nowhere for folks to go.
- *Expensive and Ineffective:* Forced treatment is shown to be less effective – and far more expensive – than voluntary. People do better when they have the agency to make decisions to seek treatment.

Changes Needed

People have not had a chance to get services voluntarily. Thousands of people are waiting for voluntary treatment and housing that doesn't exist. *Restore mental health funding cuts.* There have been \$40 million in budget cuts in mental health services since 2008 in the city.

- *Expand Intensive Case Management.* For every person getting intensive case management, two others are in need and turned away. **The City needs more 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.**
- *Stop the Trauma of Churning.* 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, when someone is 550's they should be linked to care.
- *Stabilize People in Housing.* Offering housing, along with substance use and mental health services, gets people off the streets. **The solution to homelessness is permanent housing that is safe, dignified, and includes needed supports.**
- *Invest in Community Mental Health* Rebuild our system with Prop C funds and until then mend the fractured system. We need community mental health clinics and 24-hour drop-in centers so that people have more options than going to the ER.

Who Opposes SB 1045

Dozens of service providers, community organizations, consumers, disability rights groups and more.

What can I do?

- 1) Call your supervisor and Mayor Breed and tell them that you oppose this expansion of conservatorship in San Francisco. Find your supervisors at <https://sfbos.org/> or call the Mayor at (415) 554-6141.
- 2) Join the Voluntary Services First Coalition. Email raia@sdaction.org or call (415) 546-1333.

For more information on the issue, plus reports and news articles, please go to http://bit.ly/SDA_SB1045