

Chief Justice Patricia Guerrero and Associate Justices
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-4797

Re: Disability Rights California v. Gavin Newsom, No: S278330.

Dear Chief Justice Guerrero and Associate Justices:

Mental Health America of California (MHAC) writes today to express our support of the original writ of mandate submitted to the California Supreme Court, *Disability Rights California v. Newsom*, No. S278330 (filed January 26, 2023). California Rules of Court, Rule 8.500, provides in part:

(g) Amicus curiae letters

(1) Any person or entity wanting to support or oppose a petition for review or for an original writ must serve on all parties and send to the Supreme Court an amicus curiae letter rather than a brief.

(2) The letter must describe the interest of the amicus curiae. Any matter attached to the letter or incorporated by reference must comply with rule 8.504(e).

Mental Health America of California is California's leading advocacy organization representing people with lived experience of mental health challenges. The mission of MHAC is to ensure that people of all ages, sexual orientation, gender identity or expression, language, race, ethnicity, national origin, immigration status, spirituality, religion, age or socioeconomic status who require mental health services and supports are able to live full and productive lives, receive the mental health services and other services that they need, and are not denied any other benefits, services, rights, or opportunities based on their need for mental health services.

The CARE Act will cause unnecessary harm and suffering to a distinct population of Californians with mental health challenges, specifically those who are unhoused with Schizophrenia Spectrum Disorder, and more specifically *people of color* who are unhoused and living with Schizophrenia Spectrum Disorder.

The CARE Act creates a new coercive system of involuntary treatment in California which bypasses the Constitutional protections of the Lanterman-Petris-Short (LPS) Act and Assisted Outpatient Treatment (AOT). The CARE Act will result in court-ordered care for innocent Californians with mental health challenges who are neither gravely disabled nor a danger to self or others.

Involuntary services, including court-ordered care, decrease an individual's trust in the system, induce trauma, and impact the therapeutic relationship. Involuntary services also interfere with each person's personal autonomy and dignity. Furthermore, there is no evidence that involuntary treatment is any more effective than voluntary services. In

fact, research has revealed that the positive effects of outpatient commitment are due to the provision of effective, community-based intensive services.¹

Due to the longstanding history of racial discrimination in housing, policing and health systems, Black people are unhoused at disproportionate rates compared to California’s overall population. Similarly, court and law enforcement strategies are more likely to be targeted to People of Color and are also more likely to be traumatic to People of Color—especially Black men—who are more likely to be involved with the court system due to generations of systemic racism. Lastly, it is well documented that people of color are more likely to be diagnosed, and misdiagnosed, with psychotic disorders than white people.²

The CARE Act will cause undue harm to a large number of individuals throughout California. By bypassing Constitutional protections, the CARE Act will result in thousands of Californians who are not currently deemed to be gravely disabled entering court-ordered care, which is traumatizing, stigmatizing, and not proven to be any more effective than voluntary care. And by focusing on unhoused people with schizophrenia spectrum disorders, the CARE Act will result in a disproportionate number of innocent People of Color entering court-ordered care unnecessarily.

We appreciate the opportunity to submit this letter in support of the original writ of mandate *Disability Rights California v. Newsom*, No. S278330. Please feel free to contact me if you have any questions.

In Community,



Heidi L. Strunk
President & CEO

¹ M. Susan Ridgely, et al., *The Effectiveness of Involuntary Outpatient Treatment: Empirical Evidence and the Experience of Eight States*, RAND Health and RAND Institute for Civil Justice, 2001 (https://www.rand.org/pubs/monograph_reports/MR1340.html)

² Robert C. Schwartz, Ph.D., et al., *Racial disparities in psychotic disorder diagnosis: A review of empirical literature*, *World Journal of Psychiatry* 2014: 4:4, 133-140