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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:

Senior and Disability Action (SDA) writes in support of the writ of mandate filed by Petitioner Disability Rights California in the matter of Disability Rights California v. Gavin Newsom. We urge you to hear this important issue.

SDA is an organization made up of seniors and people with all types of disabilities. Our vision is a world in which everyone is treated with dignity and respect, has basic autonomy over one's own life, and can participate actively in their community. Since the beginning of recorded history, disabled people have been stigmatized, kept hidden in homes, denied education and employment opportunities, forced to "fix" their disabilities as much as possible, involuntarily sterilized, and outright killed.

People with mental health disabilities, in particular, especially those who are Black, indigenous, people of color, have been forcibly medicated, institutionalized, criminalized, excluded from society, and disproportionately killed by police. San Franciscans with mental health disabilities came together in 2018 to fight for more housing and services, rather than conservatorship and other forms of external control. They called themselves "Mad Mob," reclaiming the term "mad" and expressing their pride in their identity and determination to be seen and heard.

Over the past twenty years, rents have skyrocketed around California, and particularly in San Francisco, which became the most expensive city for rentals in the United States. At the same time, real estate speculators and developers used a variety of tools to evict and otherwise displace seniors and people with disabilities. Predictably, homelessness increased. Legislators at the local and state level report getting calls from constituents complaining about unhoused people "scaring" them by being on the street near their homes, or expressing mental health disabilities in various ways. Legislators reported feeling like they needed to do something. Efforts to require treatment of unhoused people with mental health disabilities became the trend.

While existing laws (Lanterman Petris Short Act and others) already allowed people deemed "gravely disabled" to be conserved and thereby have their housing, treatment, and other circumstances decided by others; state and local legislators passed laws expanding conservatorship, with a focus on unhoused people with mental health disabilities. The Housing Conservatorship pilot in San Francisco is widely considered a failure, with less than 10 people conserved over three years. State legislators then looked for different ways to compel people into treatment and show that they were addressing people's fears of this population.

Document received by the CA Supreme Court.

Care Court is the latest iteration, using the judicial system and the prospect of arrest and jail to compel people to accept whatever treatment is decided by the court, not by the person themselves. Given the history of police violence against Black and brown people, especially those with mental health disabilities, this kind of criminalization will add further trauma to people who are already in crisis. Research has shown that involuntary treatment does not work for mental health issues.

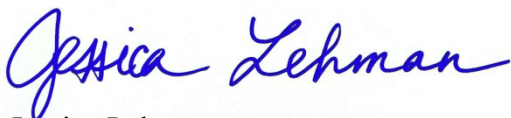
The answer is voluntary services – more housing that is actually affordable for people, along with quality and culturally-competent mental health services, and other services such as supportive housing, intensive case management, home care, residential treatment, and peer support. The CARE Act does nothing to address the huge affordability crisis and lack of voluntary services.

Mental health treatment and services are not easily accessible in the state of California. A 2022 [California Health Care Foundation report](#) on mental health in California found that 6.2% of adult Californians reported unmet needs for mental health treatment.¹ The report shows that California has only one mental health professional for every 57.5 adults with mental illness and 1 licensed psychiatrist for every 1,220 adults with mental illness. If psychiatrists in California limited their scope to only adults with serious mental illness (SMI), there would still be only one licensed psychiatrist per 330 adults with SMI. In April of 2021 a [multi-year investigation by the Department of Justice](#) concluded that Alameda County was violating mentally ill people’s rights by not providing the most integrated setting appropriate to their needs and instead utilizing institutionalization in John George Psychiatric Hospital and Santa Rita County Jail.² The investigation concluded that Alameda County’s lack of mental health services in the community is a violation of *Olmstead v. LC* and the ADA. Care Court will divert funding that is desperately needed for mental health treatment and services. Creating a special judicial system to punish individuals with mental illness for not accessing treatment when treatment is not available is the epitome of putting the cart before the horse.

Disability communities have fought institutionalization and forced treatment for decades. The Supreme Court’s *Olmstead* decision was a significant assertion of people’s right to autonomy and to community living. The CARE Act will have far-reaching consequences on this trend towards control and criminalization of disabled people. We strongly urge you to hear this issue in case No. S278330.

Thank you for your consideration.

Sincerely,



Jessica Lehman
Executive Director
Senior and Disability Action

¹ California Health Care Foundation, *Mental Health in California*. <https://www.chcf.org/publication/mental-health-california/>

² U.S. Department of Justice, Notice regarding investigation of Alameda County, John George Psychiatric Hospital, and Santa Rita Jail. <https://www.justice.gov/crt/case-document/file/1388891/download>