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# STREET SHEET



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THIS ISSUE IS DEDICATED TO RAMSEY DUNLAP, A COALITION ON HOMELESSNESS BOARD MEMBER AND ADVOCATE. REST IN POWER.

# SUPREME COURT ALLOWS CRIMINALIZATION OF HOMELESSNESS

The U.S. Supreme Court issued a decision in *Grants Pass v. Johnson* on June 28, reversing the Ninth Circuit U.S. Court of Appeals injunction barring the southern Oregon city of Grants Pass from enforcing ordinances banning sleeping in public spaces.

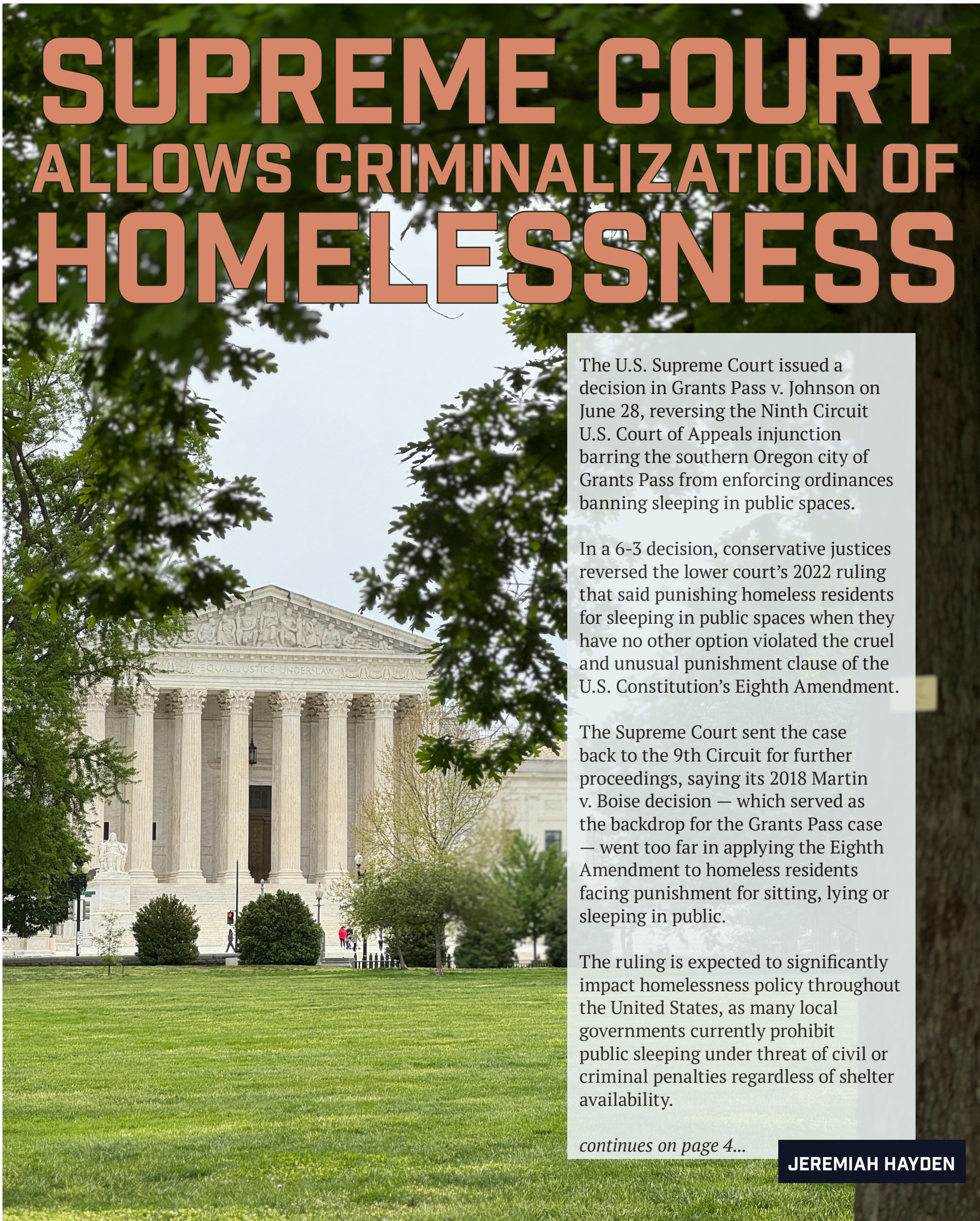
In a 6-3 decision, conservative justices reversed the lower court's 2022 ruling that said punishing homeless residents for sleeping in public spaces when they have no other option violated the cruel and unusual punishment clause of the U.S. Constitution's Eighth Amendment.

The Supreme Court sent the case back to the 9th Circuit for further proceedings, saying its 2018 *Martin v. Boise* decision — which served as the backdrop for the Grants Pass case — went too far in applying the Eighth Amendment to homeless residents facing punishment for sitting, lying or sleeping in public.

The ruling is expected to significantly impact homelessness policy throughout the United States, as many local governments currently prohibit public sleeping under threat of civil or criminal penalties regardless of shelter availability.

*continues on page 4...*

**JEREMIAH HAYDEN**



# OP-ED: STILL CRUEL AND UNUSUAL, DESPITE SCOTUS RULING

LUKAS ILLA

In the waning hours of its 2024 term, the U.S. Supreme Court published its decision on *Grants Pass v. Johnson*, which unsurprisingly criminalized the existence of homeless people. In the days that followed, homeless advocates in the Bay Area pointed to the fact that in his majority opinion, Trump-appointed Justice Neil Gorsuch cited the amicus brief filed by San Francisco officials eight times.

This amicus brief, or “friend-of-the-Court” brief, urges the Court to overturn *Grants Pass*, the 9th U.S. Circuit Court of Appeals ruling that found the southern Oregon city’s sweeping of unhoused people when it had no shelter beds to offer constituted “cruel and unusual punishment,” a violation of their Eighth Amendment rights.

Mayor London Breed and City Attorney David Chiu’s brief claims that this ruling, “severely constrained San Francisco’s ability to address the homelessness crisis.”

But let’s review the claims made by San Francisco that served as the basis for the draconian decision granted by the ultra-conservative bloc of the Supreme Court:

In describing the goals set out in their sweep operations, the City claims to be “storing certain property.”

As someone who has attended dozens of “encampment resolutions”—the City’s term for sweeps—I have heard firsthand the repeated refusals of City workers to “bag and tag” any belongings, even those that meet the standards of storage.

An additional claim made by the City: “These [encampment] resolutions are planned in advance and can cover an area of up to a few city blocks at a time. City workers go to great lengths to provide advance notice to those impacted by a resolution...”

Often when a sweep begins, many residents are caught off guard, and instead of a sweep notice or—just imagine—an actual City worker informing them of an operation

beforehand, they are woken by a cop shaking their tent ordering them to come out.

Demarcated sweep zones never stop the City workers sweeping residents from forcibly taking the belongings of people who have managed to move outside the designated blocks.

The City also claims that the workers come across feces and rotting food, yet omits the fact that Mayor Breed attempted to cut over \$1.2 million of funding for public restrooms in this year’s budget season and that the City has made no effort to install garbage receptacles near areas frequented by homeless people to sleep.

This false portrayal is purposeful.

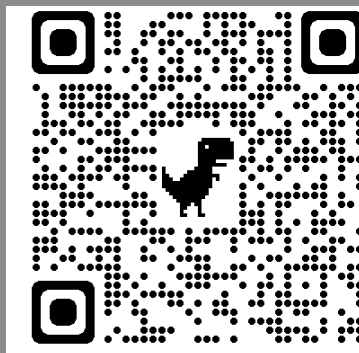
The officials who drafted this amicus brief know that their workers do not follow their stated policies. They know that people living on the street have nowhere else to go when publicly funded shelters are full and only have waitlists to offer. They know and are proud that they walk in lockstep with conservative justices like Samuel Alito and Clarence Thomas in eviscerating the few protections for homeless people from state violence—a move Justice Sonia Sotomayor calls “unconscionable and unconstitutional.”

And now, with the ruling she championed, Mayor Breed can collect her reward: the political points she will score in the run up to her re-election bid.

With the preliminary injunction now vacated, unsheltered San Franciscans will face incessant harassment from City workers and their housed neighbors alike; they will be fined and arrested for having the audacity to sit, lie and even sleep, stuck in a cycle of further debt and incarceration for the rest of their lives.

And there will be Mayor Breed, smiling and waving, her political ambitions emboldened, as she has become one of the chief architects to the legalized cruel and unusual punishment of homeless people across the United States. ■

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## COALITION ON HOMELESSNESS

The STREET SHEET is a project of the Coalition on Homelessness. The Coalition on Homelessness organizes poor and homeless people to create permanent solutions to poverty while protecting the civil and human rights of those forced to remain on the streets.

Our organizing is based on extensive peer outreach, and the information gathered directly drives the Coalition’s work. We do not bring our agenda to poor and homeless people: they bring their agendas to us.

## STREET SHEET STAFF

The Street Sheet is a publication of the Coalition on Homelessness. Some stories are collectively written, and some stories have individual authors. But whoever sets fingers to keyboard, all stories are formed by the collective work of dozens of volunteers, and our outreach to hundreds of homeless people.

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*Street Sheet is published and distributed on the unceded ancestral homeland of the Ramaytush Ohlone peoples. We recognize and honor the ongoing presence and stewardship of the original people of this land. We recognize that homelessness can not truly be ended until this land is returned to its original stewards.*

## ORGANIZE WITH US

### HOUSING JUSTICE WORKING GROUP TUESDAYS @ NOON

The Housing Justice Workgroup is working toward a San Francisco in which every human being can have and maintain decent, habitable, safe, and secure housing. This meeting is in English and Spanish and open to everyone! Email [mcarrera@cohsf.org](mailto:mcarrera@cohsf.org) to get involved!

### HUMAN RIGHTS WORKING GROUP WEDNESDAYS @12:30

The Human Rights Workgroup has been doing some serious heavy lifting on these issues: conducting direct research, outreach to people on the streets, running multiple campaigns, developing policy, staging direct actions, capturing media attention, and so much more. All those down for the cause are welcome to join! Email [lpierce@cohsf.org](mailto:lpierce@cohsf.org)

EVERYONE IS INVITED TO JOIN OUR WORKING GROUP MEETINGS!



# LOCKED OUT

## SUPPORTIVE HOUSING DENIES TENANTS ACCESS TO COMMUNITY AREAS

In 2008, the Salvation Army opened a community center at 242 Turk St. in San Francisco's Tenderloin neighborhood. It's a Ray & Joan Kroc Community Center, whose stated mission is to provide supportive health services and housing for formerly homeless adults, foster youth and veterans living with behavioral health conditions, and nurture a safe space for the community's youth. Next to the center is Railton Place, an apartment complex owned by the Salvation Army and managed by the John Stewart Company, which houses nearly 200 residents.

Little did the residents or the Tenderloin community know that the Salvation Army would essentially occupy and take over every community space in the Kroc Center's residential and recreation sides, including those areas designated specifically for residents' use.

The Salvation Army has been using its community space to store jeans and furniture for its stores.

This takeover happened at the onset of the COVID-19 pandemic in 2020, when the center closed down community rooms in multiple floors of the building. But those rooms remain closed to members—even after the state and City lifted their health emergency orders last year.

Since the rooms have been locked off during daytime, evening and night hours, it has been altogether impossible for residents to spend time together in these rooms. Residents say that it has interfered with their enjoyment of the living spaces and their ability to have a place to meet with invited family and friends or engage in other activities like eating lunch, reading a book, or otherwise increase the quality of their lives.

Even the front desk area lends the appearance of a place in lockdown: A metal perforated gate encircles the desk. A bench that was once there has been long since removed.

Residents feel that by locking them out of their beloved community rooms and interfering with their use for resident meetings, management has violated terms of the lease.

Residents also say that their overall

wellbeing has drastically declined because of constant trauma and abuses from staff. They say they're being harmed emotionally and physically by Salvation Army workers. They maintain that it's difficult to hang out with friends, family and neighbors without security hovering over them.

If so, the Salvation Army is dedicating more resources befitting a carceral setting than permanent supportive housing—like a prison treatment center minus the housing services.

But even those who are incarcerated have access to recreational facilities. At the Kroc Center, access doorways in the main lobby to the gym and recreation restrooms are locked. Residents are unable to use their key fobs to enter the two front doors and are restricted from passing through connecting doors to the gyms, the rec center and the swimming pool. If residents do manage to get through, they are immediately swarmed by front desk staff, who remove them from the area immediately.

Maintenance at the building has also been a vexing issue. The pool at the Kroc Center was the only one available to neighborhood residents until the Salvation Army closed it due to a crack that was never fixed properly. The Department of Building Inspection noted building code violations in the last year such as broken light fixtures and exposed electrical wiring. As for the community rooms, Salvation Army directors dispute that they are community spaces; they claim those are meant for staff programs and private organization-related activities.

Independent access to the building's courtyard has also been a source of frustration for residents. The adjoining doors used to be unlocked and open up to four hours per day to adult residents when the courtyard was not used for youth programs. Now, they must sign release forms before being allowed to walk out in the yard to socialize or attend any organizational program—all under the watchful eyes of Salvation Army staff.

The ongoing residential community lockout has also been extended to the basement parking area. Once used as a shared space between the Salvation Army and the residents, the former disabled parking space is now used

as a dumping ground for discarded household items and repurposed furniture.

The lobby has also become a junk pile. Next to a set of mailboxes, packages delivered to Railton residents lie damaged and opened because management has ceased storing them in a safe and secure area. "Please be aware effective immediately all packages will be left by the mailboxes," a sign above the mailboxes reads. "Tenants are responsible for picking up their own packages."

On the third floor, residents and guests were once free to use the community room with its coffee station and relax. Now, it has been commandeered for management offices, replete with cubicles. To enter that space now, residents must ring a doorbell and navigate a series of locked doors—all just to set up an appointment with a case manager.

But most shocking among all the spaces now closed to residents is the removal of the social service office in the lobby. That was where social workers met with residents. It is now a coat closet and break room for front desk staff.

### Resident Tenant Union Formation

In response to all the trauma and problems with community lockouts from the Salvation Army and John Stewart Co., Railton Place residents formed a tenant council last November to help improve the quality of life for all residents and to prevent tenant displacement from permanent housing. However, the Salvation Army declined to allow the union to access a meeting room in the residential building community space and instead encouraged the tenant union to find one at another building. The Railton Place tenant union meets monthly online and has been trying to get help from outside organizations like San Francisco Housing Rights Committee, San Francisco

Tenants Union, Herbst Foundation, and Neighborhood Tenants Council to help urge Salvation Army to reopen the community residential rooms on each floor and restore residential access to the community areas in the building.

Tenants are left wondering if these same horrible community closures, evictions and unending trauma are widespread in Kroc Community Centers across the nation. How many other residential housing areas are experiencing community lockouts similar to the Tenderloin by the Salvation Army and affiliated management companies? What will it take to replace the Salvation Army with a more responsible and competent organization—such as the San Francisco Recreation and Park Department—to operate the Kroc Community Center in a way that provides meaningful community services to help keep homeless adults and youth off the streets, retain permanent housing for residents, and maintain community recreation services for members living onsite and within the greater Tenderloin community? ■

*At the author's request, Street Sheet is running this story without a byline.*



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# SUPREME COURT RULES ARRESTING, CITING PEOPLE FOR NOT HAVING SHELTER IS CONSTITUTIONAL

JEREMIAH HAYDEN

continues from page 1...

Conservative Justices Neil Gorsuch, Clarence Thomas, John Roberts, Samuel Alito, Brett Kavanaugh and Amy Coney Barrett formed the majority opinion. Liberal Justices Sonia Sotomayor, Elena Kagan and Ketanji Brown Jackson dissented.

Gorsuch wrote for the majority, saying the Eighth Amendment does not authorize federal judges to dictate homelessness policy and should be left to the American people. The majority ruling argued because Grants Pass' anti-homeless ordinances theoretically apply to everyone, they do not effectively criminalize status but rather conduct.

"Yes, people will disagree over which policy responses are best; they may experiment with one set of approaches only to find later another set works better; they may find certain responses more appropriate for some communities than others," Gorsuch said. "But in our democracy, that is their right."

In her dissenting opinion, Sotomayor said it is possible for the court to balance the issues facing local governments, the humanity and dignity of homeless people and constitutional principles. She said the majority focused solely on local governments while leaving the most vulnerable with the impossible choice of staying awake or being arrested.

"Sleep is a biological necessity, not a crime," Sotomayor said.

In amicus briefs filed in advance of oral arguments, elected officials, police departments and business associations throughout the West Coast joined Grants Pass in saying two interrelated 9th Circuit decisions — *Martin v. Boise* and *Grants Pass v. Johnson* — remove the tools they need to address the growing homelessness crisis.

Advocates for homeless residents say laws penalizing people who have nowhere else to go violate the Eighth Amendment because they punish people for the status of being homeless. While the city said the laws are applied to everyone, counsel for a class of involuntarily homeless residents argued in court that the ordinances are exclusively enforced against those who have nowhere else to go.

Theane Evangelis, legal counsel for the city of Grants Pass, said the 9th Circuit's decisions tied the hands of local governments, applauding the Supreme Court's reversal.

*Advocates for homeless residents say laws penalizing people who have nowhere else to go violate the Eighth Amendment because they punish people for the status of being homeless.*

"The Court has now restored the ability of cities on the frontlines of this crisis to develop lasting solutions that meet the needs of the most vulnerable members of their communities, while also keeping our public spaces safe and clean," Evangelis said. "Years from now, I hope that we will look back on today's watershed ruling as the turning point in America's homelessness crisis."

Ed Johnson, Oregon Law Center, or OLC, director of litigation, who brought the initial suit against Grants Pass, said the decision was disappointing, adding the solution to the U.S. homelessness crisis does not ultimately rest with the courts.

"We are disappointed that a majority of the Court has decided that our Constitution allows a city to punish its homeless residents simply for sleeping outside with a blanket to survive the cold when there is nowhere else for them to go," Johnson said.

Johnson added that the court did not reach the Excessive Fines Clause claim or rule out the possibility that the Grants Pass ordinances violate the Due Process Clause, leaving room for future challenges. The absence of a decision on those claims will likely lead to further litigation.

Helen Cruz was intermittently homeless in Grants Pass for years and continues providing meals to the local homeless community. She received multiple fines and won an appeal to an exclusion order in 2022.

"It is appalling to me that nine people in little black dresses can have the power to hold the fate of someone's life in their hands," Cruz told Street Roots. "What this ruling has done is stripped any kind of hope that the homeless community here in Grants Pass had. How can you beat someone down even more?"

For some, addressing the root causes of homelessness and providing emergency services continues in the meantime. Cassy Leach, cofounder of Mobile Integrative Navigation Team, or MINT — a Grants Pass service provider for people living in parks — said the MINT team is moving

forward to provide humane solutions and wants to work with the city. She said the city is committed to providing a place for people to go, but for now, people living in the parks are confused and unsure of what to do.

She noticed more people moving away from the parks toward Devil's Slide, an area out of town where people feel relatively shielded from neighbor harassment but are siloed from services they desperately need.

"It's heavy," Leach said. "And it's not just heavy for us, but I keep thinking about my kids and what their future looks like with a nation that's going down this path."

## STATUS V. CONDUCT

In a concurring opinion, Thomas opened the door for future challenges to *Robinson v. California*, a 1962 Supreme Court case that determined a person cannot be punished for the involuntary status of being addicted to the use of narcotics.

*Robinson* is frequently cited in *Grants Pass v. Johnson*, as the 9th Circuit Court affirmed in *Martin v. Boise* that "a person cannot be prosecuted for involuntary conduct if it is an unavoidable consequence of one's status," such as a homeless person sleeping in public when they lack an alternative.

Thomas' opinion carries sharp implications, and could pave the way for laws criminalizing other involuntary statuses.

"Rather than let *Robinson*'s erroneous holding linger in the background of our Eighth Amendment jurisprudence, we should dispose of it once and for all," Thomas wrote. "In an appropriate case, the Court should certainly correct this error."

## WHAT ABOUT OREGON?

For now, the court's opinion may have little bearing in Oregon. The Oregon Legislature codified the *Martin v. Boise* decision into state law in 2021. ORS 195.530 dictates any local laws regulating sitting, lying, sleeping or keeping warm and dry outdoors on public property "must be objectively reasonable with regards to people experiencing homelessness" in Oregon.

*"It is appalling that nine people in little black dresses can have the power to hold the fate of someone's life in their hands. This ruling is stripped of hope that the homeless community here in Grants Pass had. How can you beat someone down even more?"*

—Helen Cruz, homeless in Grants Pass



That law may ultimately leave homeless Oregonians with legal avenues protecting them. The court's decision explicitly referenced Oregon's "necessity defense," which would allow homeless residents to argue they only broke the law due to their inherent need to sleep. Still, the burden of proof may fall on each homeless resident on an individualized basis if making a claim in court. Legal experts say by the time a homeless resident goes through the court system after being swept — and in some cases jailed — they have already been summarily punished.

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That state law, however, is likely to face new challenges. State lawmakers began calling for changes to the state law immediately after the Supreme Court issued its decision.

"The Oregon Legislature must act to reverse the misguided law that codified this unconstitutional 9th circuit decision," state Rep. Ed Diehl (R-HD17) said on X shortly after the decision was announced June 28.

State House Minority Leader Jeff Helfrich (R-HD52) also celebrated the decision in a prepared statement.

"The Supreme Court's ruling is a victory for common sense and highlights what conservative leadership looks like," Helfrich said.

In its opinion, the court explicitly said local governments can address homelessness via policy choices, regardless of its decision.

"Nothing in today's decision prevents States, cities, and counties from going a step further and declining to criminalize public camping altogether," the majority said in its decision.

Gov. Tina Kotek said her office is reviewing the decision. She said the intent behind ORS 195.530 was to affirm that cities choosing to regulate survival activities must develop laws that are reasonable and take into account the resources available to

individuals experiencing homelessness. She echoed what many legal and homelessness experts say regarding what is necessary to materially resolve the crisis.

"Regardless of the Court's decision, we must do all we can to address homelessness," she said. "This includes addressing the primary driver of homelessness — our lack of affordable housing. My focus will continue to be on supporting Oregonians moving into housing and connecting them with the services they need to prevent homelessness."

#### BACKGROUND

The OLC filed the class action lawsuit in the U.S. District Court of Medford on Oct. 15, 2018 — just six weeks after the 9th Circuit issued its decision in *Martin v. Boise*. That decision served as the legal backdrop for the Grants Pass case and found the U.S. Constitution blocks cities from imposing criminal penalties on homeless people for sitting, sleeping or lying outside on public property if adequate alternative shelter isn't available.

Initially filed as *Debra Blake v. Grants Pass*, the complaint argued that a web of ordinances criminalized the existence of homeless individuals in the city. Debra Blake passed away in 2021, and Gloria Johnson and John Logan stepped in as class representatives as the appeal made its way to the 9th Circuit Court and ultimately to the Supreme Court.

The Supreme Court heard oral arguments on April 22.

The question presented to the court was whether city ordinances leveling civil and criminal penalties against involuntarily homeless individuals — meaning they have no other option — is cruel and unusual punishment.

Despite significant initial pushback from the community, Grants Pass City Council unanimously approved a small emergency shelter and navigation center run by MINT, on April 17. Still, the building's capacity is well below what is needed to ensure everyone has an option to sleep indoors.

Grants Pass historically had no low-barrier emergency shelter consistently available for homeless residents. The only shelter for adults was the Gospel Rescue Mission — a high-barrier program that opened in 1983. The mission requires people who stay there to participate in a work program, attend daily Christian services, abstain from substances (including nicotine), and does not allow socializing with the opposite sex except at approved events. The mission acknowledges gender and sexuality in "Biblical terms," according to its house rules.

Still, the city ordinances require homeless residents living in vehicles to move every 72 hours, and police force people living in parks to move as often as allowed by state law, which is also 72 hours. City code bars anyone from sleeping in public spaces or using sleeping materials for the purpose of maintaining a temporary place to live. Police give homeless residents \$295 citations for "scattering rubbish," a loosely defined term for items officers find near a tent. Fines for violating camping ordinances can increase to \$537.60 if left unpaid.

If a person receives two or more citations within a year for violating park rules, they can receive an exclusion order barring them from being in the park for 30 days under threat of criminal trespass. A person found guilty of criminal trespass can be punished with up to 30 days in jail and a \$1,250 fine.

The Medford court ruled the city's ordinances violated the Eighth Amendment in July 2020. On appeal, the 9th Circuit issued a permanent injunction Sept. 28, 2022, barring West Coast states in its jurisdiction from issuing civil and criminal penalties against involuntarily homeless residents lacking reasonable alternative shelter.

In August 2023, Grants Pass petitioned the Supreme Court for a writ of certiorari, asking it to hear the case. Arguing the 9th Circuit erred in its ruling, the city claimed the Eighth Amendment sets limits on bail, fines and punishments but does not say what conduct governments may deem unlawful in the first place. ■

# EVERYBODY HURTS: IT'S ALL PART OF BEING HUMAN

**JACK BRAGEN**

Many emotions that we attribute to human beings appear to be universal among all animal life, even insects and maybe even plant life.

I have dealt with insect life invading my dwelling. I have adopted a policy of killing the bugs, because I feel strongly that I can't coexist with "vermin." When a bug realizes I'm after it, it will become fearful, and it will try anything at its disposal to evade death. My behavior is not very Zen Buddhist, but to me, it is a choice between me or them.

In a previous residence, I had a nice front patio where I could sit. One day, I witnessed a small lizard chasing down a beetle. And I witnessed the beetle in its death agony as the small lizard wrapped its mouth around the bug and began chomping, with the beetle's head and front body still protruding. I could "read" how the beetle felt while it was being eaten alive and I could sense that it didn't want to die. While I looked at the beetle's antennae and face, that was how I could see that the tiny creature was capable of suffering, and this is just like you, the reader, and me, the person writing this. And it seemed to me, also, that the beetle had consciousness.

It seems that "the human condition" is not just about humans.

How are we to deal with this? I don't think it's something you deal with; I think it just is. There may be no specific strategy or solution to "the human condition" or the condition of being alive. You merely live.

If you have been homeless or have lived through harrowing experiences, you might understand what I'm talking about. But if you have been wealthy

for more than two decades, you might have forgotten what it is like to feel real pain. Wealth is an insulator from the hardness of life, but that can also mean being out of touch, numb, dispassionate, and uncaring. The rich can shield themselves using money, but this works only to an extent.

Rich people, as all living beings, have to die too. They too are subject to sickness, physical and mental. They go into a panic mode and they will do almost anything to quell a perceived or real threat to their wealth, including hurting people.

Some people might deal with the predicament of life through becoming interpersonally and socially predatory. Some deal with the hardness of life by drinking alcohol or using drugs. And some deal with life by aspiring to improbable ambitions, some of which are achieved while others are unrealistic.

Everybody has to die, though most don't want to. And this simple fact causes most medical doctors to be able to make a very good living. Other doctors specialize in some aspect of being healthy, and like the renowned Doctor Andrew Weil, who gives talks and writes books, and who became rich and famous. But Dr. Weil is subject to all of the same conditions of living as the rest of us, including the beetle whose death I witnessed.

At this point, a reader might be wondering, "What is he getting at?"

This piece doesn't cast anyone as the villain. The takeaway is that you are not alone. No one lives forever. And no matter how rich you are, financially, you must still deal with illness, old age, suffering and death. A reader going through a rough time can take solace in the fact: This is a part of life.

I've been there and done that. I have lived through situations that would have killed many. But concerning "the good stuff," I feel as if I've been shortchanged.

Human life is not just about pain, illness, fear and death. If it were, very few people would bother with it, and we wouldn't have Homo Sapiens. There are some good things in life.

Sometimes, when things have been really bad for a really long time, it might be hard to imagine being happy in the future. Yet, we must. Maybe we can invent a purpose. We can invent an attainable purpose and live to see it unfold.

I'm in some hard times in my life. Yet I also get a lot of alone time and quiet time. This formula helps to create great writing, or at least good writing, depending on who you talk to. They say it takes a lot of manure to produce prize-winning roses or a tremendous amount of pressure to create a diamond.

In rough times, we should remember this is part of the condition of being alive, part of the human condition, or the inevitable conditions of life of any living creature.

We can take comfort in the realization that when we feel out of sorts, frightened and pained, this is all part of life. It means we are alive, and everyone goes through this.

I have been in life situations where I truly did not know if I would come out alive. People have pointed firearms at me, and they were serious about it. In one situation I was an innocent bystander at a robbery of a supermarket where I worked. I was held captive by two gunmen for about eleven hours overnight. I had to do exactly as I was told. Was I afraid? You bet I was.

I was in self-created crises where I was almost killed by my own folly. This was a recurring pattern when I was younger. At 16, I got myself into a car wreck in which I capsized a Toyota station wagon, and this was just the tip of the iceberg. How did I survive all of this? Your guess is as good as mine.

Along the way I've had a ton of emotional pain: Terror, anxiety, anguish, loneliness, sadness. But I've also experienced a few bits and pieces of happiness.

Apparently, I have a reason for being here, because otherwise I'd be gone by now. My chosen purpose is to keep writing for the good of mentally ill people and other humanity—but also to make big money at it so that I will live to a comfortable old age. ■

*Jack Bragen is author of "Instructions for Dealing with Schizophrenia: A Self-Help Manual," and of three fiction collections. He lives in Martinez, California.*

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# ALL ARE WELCOME



# 5150s EXPECTED TO WORSEN UNDER NEW CALIFORNIA LAWS

CATHLEEN WILLIAMS, HOMEWARD STREET JOURNAL



In July 2021, dozens of LA City police, accompanied by personnel from LA county mental health, St. Joseph's Center (homeless services), and LA sanitation, surrounded and seized an unhoused woman under 5150 on the Venice boardwalk, forcing her into a restraint chair. "I don't need to go to the hospital," she can be heard saying on the video. "I have not broken the law."

Maggie, an activist and advocate for the unhoused community, is a single mom who grew up in Venice, California. (Maggie is a pseudonym, to protect her privacy.) Today, few can afford to actually rent in Venice—Maggie lives in an oversized van: "Barely legal," she says.

When her daughter became delusional, hallucinating, paranoid, reaching a crisis point in her struggle with mental health disability, Maggie called 911. "I thought she might get help," Maggie told Street Sheet. "No way I could care for her. Turns out she suffers from schizophrenic symptoms. She was taken to the county hospital under 5150. Staff promised she would be referred to another facility for care. They said they would let me know. That didn't happen." Maggie's daughter was pushed out onto the street. "I lost her," Maggie says.

When Maggie finally found her daughter, who had been missing for over six months, she felt she had no choice but to put her under conservatorship. "It was horrible," Maggie remembers. "She was forced into treatment in a psychiatric hospital. When I went there, her shoes were gone, overflowing toilets, I think she might have been raped. The staff didn't react. They stayed behind glass, in their offices. You have no rights, you are overmedicated to keep you docile, you are vulnerable to violence, and the quality of care is atrocious."

Fierce and protective, Maggie took her daughter out of the hospital, against medical advice. "I was terrified she would jump out of the car on the freeway. I got her into a program, they took her off her meds, found some that worked, then I got her into a board and care. It's one of the last ones standing—you know that whole system has collapsed, right? I am the mom, though, who refused to see my daughter get thrown away."

## WHAT'S GOING ON

On the one hand, the chaos of serious mental illness. On the other, the rising use of force against the mentally disabled. There's no coordination to get people into housing, as Maggie emphasizes in our interview, and for many, simply no place to go. Thousands of mentally disabled people eligible for release—800 in the city of Los Angeles alone—are unnecessarily held in jail and inpatient locked facilities, subject to strap-down restraints and abuse, costing county taxpayers \$6 million per month. Less restrictive living arrangements, generally offered by private businesses—like board and care facilities, or, the better alternative, supportive housing and voluntary community based services—have become unprofitable, and therefore unsustainable.

It's a "war zone of triaging for scarce beds," explains Alex Barnard, author of "Conservatorship: Inside California's System of Coercion and Care for Mental Illness," in the California Spotlight podcast.

## IT STARTS WITH 5150

If you are unhoused and struggling with mental health disability, your experience may well begin with "5150." Like "sweeps" and police violence, mental health laws are tools to "disappear" people from the street. Any individual is subject to being forcibly removed and taken to an emergency room if they are deemed "gravely disabled" under Welfare and Institution Code 5150, but for unhoused people it means trauma.

California has a high rate of these short-term emergency holds, according to Alex Bernard. In 2021, over 120,000 adults were reportedly subjected to 5150s—and the true number is likely far higher.

The use of this tool for removal is deeply racialized. In San Francisco, for example, where 6% of the population is African-American, 50% of the people who were subjected to eight or more 5150 holds were

Black.

Yet the 5150 process usually leads to no treatment or change, Barnard wrote in his recent book: only 25% of the people picked up on 5150s are actually admitted to a hospital. Most, like Maggie's daughter, are released after a few days. Joanna Swan, who works with the Los Angeles Community Action Network, among other organizations, says that people who are 5150'd aren't entitled to any legal protections.

"You have zero legal rights, no right to a lawyer for 72 hours, everything depends on a psychiatrist you've never met," she says. "The police often get involved, they take you far from your community, and when you are released, you're stranded, you've lost any stuff you might have. No one is checking in on you, whether you have a follow-up appointment or medication."

Peggy Lee Kennedy, a Venice resident and co-founder of the Venice Justice Committee, has seen the 5150 process up close. "It's used to disappear people," she says, explaining that once authorities declared a state of emergency for COVID-19, they exercised 5150s for the people they wanted to get rid of but couldn't remove otherwise. "The city of Venice cleared the boardwalk in July 2021 with cops in riot gear," she says. "Suddenly they brought out hidden restraint chairs—they strapped people down and carted them off. Some we never saw again. Cops don't give you a ride back. That never happens. You are going to be displaced. You are going to lose everything, even your medications. Once discharged, do you even know where you are?"

## THE NEW LAWS

Against this landscape of arbitrary abuse and scarce resources, the California Legislature recently enacted three new laws that increase the potential for the use of force and the construction of locked facilities, following a national trend. Two of the new laws, Senate Bill 43 and the CARE Court Act, make conservatorships easier to impose and broaden their reach to new groups of people. Coercive approaches also shape the language and projected implementation of Proposition 1, which California voters narrowly passed in March 2024.

"Neither SB 43 nor the Care Court Act provided any new funds for housing or services," Samuel Jain, a senior attorney at Disability Rights California, explained to Street Sheet. "CARE court was allocated \$88 million in last year's budget, more than \$100 million this year. The money is devoted to an entirely new court that orders people into existing programs. Cuts will have to be made elsewhere."

Gov. Gavin Newsom promised mental health advocates that Prop. 1 would focus on housing and high-quality, community-focused and voluntary treatment. At the last minute, he made changes that stripped away protections against involuntary commitment, clearing the way for construction of locked facilities. California's legislative analyst has estimated that the changes will reduce services under California's Mental Health Services Act ("Prop 63") by \$700 million. Disability Rights California, opposing the legislation, asked the key question: "How can any solution that decreases services hope to succeed?"

Across the state, experts, advocacy groups and other grassroots organizations are still working toward a participatory, non-coercive, comprehensive system of adequate housing and appropriate services. People can stabilize and recover.

Kennedy explains the endgame succinctly. "We're going to insist on funding community-based housing solutions—places where people have community," she says. "We are communal. It's so important."

## CARE COURT

The CARE Court Act sets up a new court system that opens another door or process that can lead to conservatorship. It applies to people diagnosed with schizophrenia or other psychotic disorders, who are at risk of harming themselves or others, or unlikely to survive on their own.

Although the law does not mention homelessness, it targets people who visibly disrupt public spaces and are categorized as "service resistant". The impact will fall most heavily on unhoused African Americans and upon low income and working class people. As one community advocate from the Oakland area told Street Sheet, "You have a loss of rights as you move down the chain economically." Black people in particular are over-diagnosed with schizophrenia.

Under the CARE Court Act, a wide range of people—family members, first responders and police—can initiate the process by filing a petition to bring the person before the court. Judges are empowered to set up "care plans" and ultimately enforce these plans by placing the person into a conservatorship.

As Samuel Jain, senior attorney with Disability Rights California, observed, "There is a 'coercive hammer' within the system—if there is a lack of compliance, then there is referral for conservatorship, a presumption that the person should be conserved."

## SB 43

In addition to CARE court, the law that governs conservatorships (Lanterman-Petris-Short Act or LPS) was amended by SB 43 in January 2024 to expand the reasons a person can be conserved as "gravely disabled," because they are unable to care for their basic needs (food, clothing, shelter). It adds severe substance use disorder as a reason someone can be placed on an involuntary hold, and adds an inability to provide for one's personal safety or medical needs to the original definition.

## PROPOSITION 1

Voters narrowly passed Proposition 1 in March 2024 following a glossy advertising campaign that counted drug companies and the state's prison guard union among its major funders.

Prop 1 includes a \$6.2 billion bond component, mostly for building new facilities, and requires a larger percentage of existing funding to be used for "housing interventions" while reducing allocations for community-based services. It "potentially injects a huge amount of money into the system to build massive locked facilities," Jain told Street Sheet.

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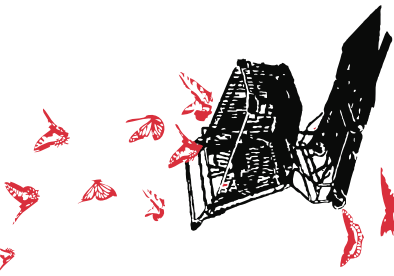
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