CITY COUNCIL RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF _____ IN OPPOSITION TO CARE COURT (SENATE BILL 1338 - UMBERG)

WHEREAS, the lack of affordable housing and adequate mental health care are two of the most pervasive challenges facing cities throughout California; and

WHEREAS, SB 1338 constitutes an unfunded mandate to subject community members to the court system against their consent without providing adequate resources to support already overburdened county treatment programs; and

WHEREAS, Community Assistance Recovery Empowerment (CARE) Court will violate individual rights to bodily autonomy, self-determination, civil liberties, and due process, including rights recognized under the Americans with Disabilities Act ("ADA") and the Constitution; and

WHEREAS, CARE Court will have a disparate impact on Black, Indigenous, Latinx, and People of Color and LGBTQIA+ communities; and

WHEREAS, research demonstrates that Black, Indigenous, Latinx, and People of Color and immigrant racial minorities are more likely to be diagnosed, and misdiagnosed, with psychotic disorders than white Americans because of clinicians' prejudice and misinterpretation of patient behaviors in the current health care and mental health care systems; and

WHEREAS, CARE Court will perpetuate institutional racism by forcing predominantly Black, Indigenous, Latinx and People of Color to accept abusive treatment and substandard shelter, thereby exacerbating the systemic oppression and health disparities faced by these communities; and

WHEREAS, CARE Court will place individuals with mental health disabilities at risk of further traumatization and abuse by allowing an expansive and self-interested group of people to forcibly involve them in demanding court processes; and

WHEREAS, the CARE Court model places victims of domestic violence at risk of further traumatization and abuse by allowing abusers to exploit their mental health disabilities to gain further control in the relationship; and

WHEREAS, CARE Court processes will lead to increased institutionalization and incarceration, and will create a workaround of the protections against conservatorship provided for in the Lanterman-Petris-Short Act; and

WHEREAS, CARE Court will discourage people from seeking needed mental health services, diminish their trust in existing behavioral healthcare providers, and further stigmatize people with mental health disabilities; and

WHEREAS, CARE Court would further perpetuate the overreliance on law enforcement to address social issues in our community, particularly homelessness and mental health care; and

WHEREAS, CARE Court grants an unprecedented level of power to the judiciary – which is, by definition a coercive system – and judges, who are completely unequipped to oversee personal healthcare decisions without detrimentally affecting those who are pulled into this process; and

WHEREAS, CARE Court will create additional needless legal hurdles for unhoused individuals with mental health disabilities that will further harm their chances of obtaining permanent affordable housing and sustainable mental health services; and

WHEREAS, the implementation of CARE Court will place cities and counties at risk of costly lawsuits based on violations of the ADA and constitutional rights; and

WHEREAS, CARE Court is expected to cost over $1 billion to counties to implement, co-opting state money that would be better utilized to revitalize community-based mental healthcare centers; and

WHEREAS, SB 1338 does not allocate new funding for mental health care and substance abuse treatment or infrastructure, but illegally diverts already insufficient funding, including Mental Health Services Act funds, towards establishing an expensive and oppressive new court system; and

WHEREAS, the continual increase in funding for court programs and policing at the expense of building affordable housing and expanding mental health care and treatment is a misallocation of resources and antithetical to CARE Court's purported mission of connecting vulnerable populations with treatment and housing; and

WHEREAS, the City of _____ does not have sufficient existing resources to provide the necessary housing or behavioral health care and treatment; and

WHEREAS, the City of _____'s best interests are served by promoting, implementing, and preserving community-based services and low-cost housing through the effective use of state and local resources; and

WHEREAS, evidence shows that coercive, court-ordered treatment is ineffective and counterproductive, especially when compared to adequately resourced, intensive, voluntary, outpatient treatment; and

WHEREAS, the community was not involved in the design of CARE Court, and without community input, issues facing the unhoused will continue to persist; and

WHEREAS, despite the rapid expansion of alternative court systems (e.g., mental health courts, homeless courts, substance abuse courts), cities and counties are reporting more mentally ill individuals in criminal justice systems than in treatment programs; and

WHEREAS, a broad and diverse coalition of disability justice, housing justice, and human rights organizations, advocates, and individuals with lived experience have unequivocally rejected SB 1338 and the CARE Court model;

THEREFORE, be it resolved that:

Section 1. The City Council hereby opposes CARE Court, SB 1338 (or permutations thereof), and any other attempts to force unhoused people and people with disabilities into coercive treatment.

Section 2. The City Council formally condemns any actions intended to abrogate the individual rights of unhoused people and people with disabilities in the name of "compassionate care," and affirms its commitment to Housing First policies.

Section 3. The City Council urges the County of _____ to withdraw its endorsement of/expressly reject SB 1338 and convey its opposition to the State Legislature as soon as possible.

Section 4. The City Council directs its _____ [e.g., City Manager's Office, City Attorney's Office, Health Department, etc.] to file a complaint with the California Commission on State Mandates to grieve the misallocation of funding diverted to CARE Court, instead of existing community-based homelessness and mental health care programs.

Section 5. The City of _____ will not invest its resources in CARE Court, but rather prioritize funding, implementing and protecting low-cost housing options, as well as consistent and robust voluntary supports and services to unhoused people; and

Section 6. The City Council directs its staff to send a copy of this resolution and the opposition letter to each city in the County of _____ encouraging each city to adopt a Resolution or submit a letter to the County of _____ encouraging action by the County of _____.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2022.

_____

Mayor