

SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



June 25, 2014

Supervisor Mark Farrell
City Hall, 1 Dr. Carlton Goodlett Drive
San Francisco, CA 94102

Dear Supervisor Farrell,

As Public Defender, my office provides legal representation to over 3,500 people every year who are in the mental health system and have been charged with criminal offenses or subjected to some form of involuntary treatment or hospitalization due to mental illness. We represent the interests of the patient and are mandated under state law to advocate on their behalf.

I am writing in support of the Assisted Outpatient Treatment (AOT) ordinance, which, if implemented properly, has the potential of strengthening our mental health system and de-criminalizing the treatment of individuals who suffer from severe mental illness. As Public Defender, I have witnessed how the criminalization and incarceration of mentally ill individuals has exacerbated the recovery of such individuals within the criminal and juvenile justice system. My goal in supporting this ordinance is to decriminalize mentally illness in our City, and to find treatment alternatives which will no longer require incarceration.

Earlier this year, I had the opportunity to meet with a public defender from Nevada County, whose office implemented Laura's Law in 2008. He informed me that in their county, Laura's Law served to reduce the number of mentally ill clients who were incarcerated by 65%, and resulted in fewer criminal cases in favor of conservatorship or outcomes which took patients out of the criminal justice system. It is my hope that we can achieve a similar result here.

I also have had the opportunity to speak with Judge Thomas Anderson, the Presiding Judge of the Nevada County Superior Court, who is the former Public Defender of Nevada County. Judge Anderson reported that in over 75% of their cases, the intervention of the designated mental health professional by their personal outreach to the individual in crisis resulted in that person accepting some level of treatment. Judge Anderson said that this outreach provided that person with the stability to allow them to remain free of forced commitment in hospital or jail.

Adult Division - HOJ
555 Seventh Street
San Francisco, CA 94103
P: 415.553.1671
F: 415.553.9810
www.sfpublicdefender.org

Juvenile Division - YGC
375 Woodside Avenue, Rm. 118
San Francisco, CA 94127
P: 415.753.7601
F: 415.566.3030

Juvenile Division - JJC
258A Laguna Honda Blvd.
San Francisco, CA 94116
P: 415.753.8174
F: 415.753.8175

Clean Slate
P: 415.553.9337
www.sfpublicdefender.org/services

Community Justice Center
P: 415.202.2832
F: 415.563.8506

Bayview Magic
P: 415.558.2428
www.bayviewmagic.org

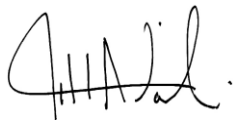
MoMagic
P: 415.567.0400
www.momagic.org

It is important for the public to understand both the strengths and limitations of Laura's Law. Laura's Law is not a panacea for proper mental health care or a cure for homelessness as some have suggested. Laura's law does not grant police or anyone else the authority to restrain or forcibly medicate the patient, and the patient is free to walk away and refuse to participate in treatment. In other words, there is no enforcement mechanism. However, if all of the participating agencies work together to improve outcomes through the judicial review process, I do believe that we can begin making positive changes in the lives of individuals suffering from mental illness and their families. We have experienced this through our City's Behavioral Health Court, which has become a model in terms of how coordinated treatment and services, coupled with court supervision, can improve outcomes.

While I do support Laura's Law, I also believe that it is absolutely necessary that there be a strong oversight committee to ensure that the law is not abused and that individuals who are empowered file a petition are properly trained so that only cases that meet the legal criteria are allowed. My understanding is that the AOT ordinance will be followed by subsequent legislation which will provide for these accountability measures.

We thank your office for soliciting our participation and advice throughout this process and look forward to continuing to work with your office and the Board of Supervisors in drafting the accountability measures.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Adachi". The signature is fluid and cursive, with a distinct loop at the end.

Jeff Adachi
Public Defender