

File No. 180156

Committee Item No. 4

Board Item No. 1

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date April 19, 2018

Board of Supervisors Meeting

Date May 8, 2018

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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OTHER (Use back side if additional space is needed)

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Completed by: Linda Wong Date April 13, 2018
 Completed by: Linda Wong Date April 25, 2018

1 [Health Code - Designation of City Attorney to Institute Mental Health Conservatorship and
2 Assisted Outpatient Treatment Proceedings]

3 **Ordinance amending the Health Code to designate the City Attorney rather than the**
4 **District Attorney to institute judicial proceedings under the Lanterman-Petris-Short Act**
5 **to appoint conservators for persons with mental health disorders and compel**
6 **participation in assisted outpatient treatment; and expressing the Board of**
7 **Supervisors' intent to add positions to the Office of the City Attorney to institute such**
8 **proceedings, and appropriate funding for that purpose.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. Background.

18 (a) The Lanterman-Petris-Short Act ("LPS Act"), California Welfare and Institutions
19 Code §§ 5000 et seq., authorizes the implementation of several programs and interventions
20 relating to behavioral health, including but not limited to the involuntary commitment of
21 persons needing psychiatric treatment, court-ordered mental health conservatorships, and
22 court-ordered assisted outpatient treatment.

23 (b) Sections 26530 and 27646 of the California Government Code, and Section
24 5114 of the California Welfare and Institutions Code, provide that the district attorney shall
25 represent the county in proceedings under the LPS Act, unless the county board of
supervisors designates the county counsel to do so.

1
2 Section 2. Article 41 of the Health Code is hereby amended by adding Division III,
3 “Judicial Proceedings,” Section 4121, to read as follows:

4 **DIVISION III: JUDICIAL PROCEEDINGS**

5 **SEC. 4121. DESIGNATION OF CITY ATTORNEY.**

6 *The City Attorney is designated to represent the county in the following proceedings:*

7 *(a) Judicial proceedings authorized by Article 9 of Chapter 2 of Division 5 of the California*
8 *Welfare and Institutions Code (“The Assisted Outpatient Treatment Demonstration Project Act of*
9 *2002”); and*

10 *(b) Beginning January 1, 2019, judicial proceedings authorized by Chapter 3 of Division 5*
11 *of the California Welfare and Institutions Code (“Conservatorship for Gravely Disabled Persons”);*
12 *provided, however, that the City Attorney is not designated to represent the county in such proceedings*
13 *where they concern a person who meets the definition of “gravely disabled” as set forth in subsection*
14 *(h)(1)(B) of Section 5008 of the California Welfare and Institutions Code.*

15
16 Section 3. Beginning with fiscal year 2018-2019, the Board of Supervisors intends to
17 add positions to the Office of the City Attorney to perform the functions described in Section 2
18 of this ordinance, and appropriate funds for the City Attorney’s budget to support those
19 positions.
20

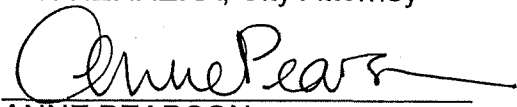
21 Section 4. Effective and Operative Dates; Ratification of Prior Acts.

22 (a) This ordinance shall become effective 30 days after enactment. Enactment
23 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
24 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors
25

1 overrides the Mayor's veto of the ordinance. However, as stated in Health Code Section
2 4121(b), the designation authorized therein shall not become operative until January 1, 2019.

3 (b) The Board of Supervisors hereby ratifies and confirms all actions taken by City
4 officials or City agencies in connection with the filing of petitions for assisted outpatient
5 treatment as authorized by Article 9 of Chapter 2 of Division 5 of the California Welfare and
6 Institutions Code and Division II of Article 41 of the Health Code.

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: 
11 ANNE PEARSON
12 Deputy City Attorney

13 n:\egana\as2017\1800048\01260552.docx

REVISED LEGISLATIVE DIGEST

(Substituted, 3/20/2018)

[Health Code - Designation of City Attorney to Institute Mental Health Conservatorship and Assisted Outpatient Treatment Proceedings]

Ordinance amending the Health Code to designate the City Attorney rather than the District Attorney to institute judicial proceedings under the Lanterman-Petris-Short Act to appoint conservators for persons with mental health disorders and compel participation in assisted outpatient treatment; and expressing the Board of Supervisors' intent to add positions to the Office of the City Attorney to institute such proceedings, and appropriate funding for that purpose.

Existing Law

The Lanterman-Petris-Short Act ("LPS Act") authorizes the implementation of several programs and interventions relating to behavioral health, including but not limited to the involuntary commitment of persons needing psychiatric treatment, court-ordered mental health conservatorships, and court-ordered assisted outpatient treatment ("AOT").

Currently, state law provides that the district attorney shall represent the county in proceedings under the LPS Act, unless the county board of supervisors designates the county counsel to do so.

In San Francisco, the City Attorney institutes judicial proceedings to require participation in the AOT program, and the District Attorney institutes judicial proceedings to appoint conservators for persons with mental health disorders.

Amendments to Current Law

This ordinance would formally designate the City Attorney to initiate both AOT proceedings and mental health conservatorships. However, the District Attorney would retain the responsibility for initiating mental health conservatorships for persons who are found mentally incompetent to stand trial under Section 1370 of the Penal Code, and where the complaint against the individual charges a felony involving death, great bodily harm, or serious threat to the physical well-being of another person.

The ordinance also would convey the Board of Supervisors' intent to add positions to the Office of the City Attorney to perform the functions that are being assigned to that office, and to add funds to the City Attorney's budget to support those positions.

<p>Item 4 File 18-0156</p>	<p>Department: City Attorney's Office (CAO)</p>
<p>EXECUTIVE SUMMARY</p>	
<p>Legislative Objectives</p>	
<ul style="list-style-type: none"> The proposed ordinance amends the Health Code to designate the City Attorney rather than the District Attorney to institute judicial proceedings under the Lanterman-Petris-Short Act to appoint conservators for persons with mental health disorders and compel participation in assisted outpatient treatment. 	
<p>Key Points</p>	
<ul style="list-style-type: none"> The Lanterman-Petris-Short Act authorizes the implementation of several behavioral health programs interventions, including but not limited to involuntary court-ordered mental health conservatorships. Currently, the District Attorney handles these judicial proceedings, but under the proposed ordinance, responsibility for these proceedings would be transferred to the City Attorney's Office. The proposed ordinance states that the Board of Supervisors intends to add positions in the City Attorney's Office and appropriate funds in the FY 2018-19 budget in order to institute judicial proceedings under the Lanterman-Petris-Short Act. Currently, the District Attorney's Office has a 0.50 FTE 8177 Assistant District Attorney and a 0.40 FTE 8132 Investigative Assistant assigned to performing functions related to representing the Department of Aging and Adult Services in conservatorship proceedings. If responsibility for Lanterman-Petris-Short Act conservatorship proceedings is transferred to the City Attorney's Office, the District Attorney's Office staff would provide additional support to the Mental Health Unit. 	
<p>Fiscal Impact</p>	
<ul style="list-style-type: none"> The proposed ordinance does not add positions to the City Attorney's FY 2018-19 budget to institute these judicial proceedings but states the Board of Supervisors' intent to do so. The City Attorney's Office proposes to add three new positions on January 1, 2019, when the proposed ordinance designating the City Attorney's Office becomes operative, which is estimated to cost \$358,937 in FY 2018-19, or an annualized cost of \$717,874. 	
<p>Policy Consideration</p>	
<ul style="list-style-type: none"> Proposed Senate Bill (SB) 1045 could expand Lanterman-Petris-Short Act conservatorships to individuals who suffer from chronic homelessness accompanied by severe mental illness, drug addiction, repeated commitments, or exceptionally frequent use of emergency medical services, which will result in an increase in caseload. San Francisco would need to adopt local legislation to participate in SB 1045. 	
<p>Recommendation</p>	
<ul style="list-style-type: none"> Because the proposed ordinance commits the Board of Supervisors to add new positions to the City Attorney's Office in FY 2018-19, the Budget and Legislative Analyst considers approval of the ordinance to be a policy matter. 	

MANDATE STATEMENT

Sections 26530 and 27646 of the California Government Code, and Section 5114 of the California Welfare and Institutions Code, provide that the district attorney shall represent the county in proceedings under the Lanterman-Petris-Short Act, unless the county board of supervisors designates the county counsel to do so.

BACKGROUND

The Lanterman-Petris-Short Act authorizes the implementation of several behavioral health programs interventions, including but not limited to involuntary 72-hour hold in a psychiatric facility for evaluation (Section 5150 of the California Welfare and Institutions Code), court-ordered mental health conservatorships, and court-ordered assisted outpatient treatment.

Under these provisions, conservatorship judicial proceedings concern persons who are gravely disabled as a result of mental disorders or impairment by chronic alcoholism that prevents the person from providing for their basic needs.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance amends the Health Code to designate the City Attorney rather than the District Attorney to institute judicial proceedings under the Lanterman-Petris-Short Act to appoint conservators for persons with mental health disorders and compel participation in assisted outpatient treatment.

The proposed ordinance states that the Board of Supervisors intends to add positions in the City Attorney's Office and appropriate funds in the FY 2018-19 budget to support those positions in order to institute judicial proceedings under the Lanterman-Petris-Short Act.

District Attorney's Office Function

Currently, the District Attorney's Office has two positions that perform functions related to representing the Department of Aging and Adult Services in conservatorship proceedings:

- The Assistant District Attorney who serves as the primary attorney in conservatorship matters spends approximately 50 percent of time on judicial proceedings related to the Lanterman-Petris-Short Act.
- The Investigative Assistant is the paralegal who supports the attorney in conservatorship matters spends approximately 40 percent of time on judicial proceedings related to the Lanterman-Petris-Short Act.

According to Ms. Katherine Weinstein Miller, District Attorney's Office Chief of Alternative Programs and Initiatives, the District Attorney's Office has 518 individuals under mental health conservatorship. Of these individuals, 13 cases are Murphy conservatorships tied to criminal proceedings, which would continue to be under the purview of the District Attorney's Office. An additional 14 cases are Lanterman-Petris-Short Act conservatorships that originated as Murphy conservatorships and would continue to be under the purview of the District Attorney's Office.

The remaining 491 cases are Lanterman-Petris-Short Act conservatorships, for which responsibility would be transferred to the City Attorney’s Office.

According to Ms. Miller, Lanterman-Petris-Short Act cases are long term, and can last for months or years. The District Attorney’s Office work associated with these cases preparing reports for and interacting with the Conservator’s Office, reviewing medical records, reaching out to family members and service providers, preparing for hearings and trials, preparing trial memos, and other related work.

According to Ms. Miller, if responsibility for the 491 Lanterman-Petris-Short Act conservatorship cases is transferred to the City Attorney’s Office; the 0.50 FTE 8177 Assistant District Attorney and 0.40 FTE 8132 Investigative Assistant in the District Attorney’s Office would provide additional support to the Mental Health Unit, which handles cases involving Mentally Disordered Offenders, individuals who have been declared Incompetent to Stand Trial, and individuals deemed Not Guilty by Reason of Insanity. According to Ms. Miller, this unit has never been adequately staffed.

FISCAL IMPACT

The proposed ordinance does not add positions to the City Attorney’s FY 2018-19 budget to institute judicial proceedings for Lanterman-Petris-Short Act conservatorships but states the Board of Supervisors’ intent to do so. The City Attorney’s Office proposes to add three new positions on January 1, 2019, when the proposed ordinance designating the City Attorney’s Office becomes operative. The estimated cost of the three new positions is shown in Table 1. below.

Table 1: Estimated Cost of New Positions in the City Attorney’s Office

	Number of Positions	FY 2018-19 FTEs	Salary and Benefits per FTE	FY 2018-19 Cost	Annualized Cost
8177 Attorneys	2	1.00	\$276,180	\$276,180	\$552,360
8151 Claims Investigator	1	0.50	165,514	82,757	165,514
Total	3	1.50		\$358,937	\$717,874

Source: City Attorney’s Office

POLICY CONSIDERATION

According to Ms. Dora Okai of the City Attorney’s Office, the addition of three new staff in the City Attorney’s Office is necessary because the City Attorney’s Office anticipates an increase in conservatorship caseload due to (a) increased homelessness in the City and associated referrals to services; and (b) legislation pending before the State Legislature – Senate Bill (SB) 1045 – that could expand Lanterman-Petris-Short Act conservatorships to individuals who suffer from chronic homelessness accompanied by severe mental illness, drug addiction, repeated commitments, or exceptionally frequent use of emergency medical services.

SB 1045 establishes a procedure for counties that elect to participate to appoint a conservator for these individuals. The purpose of the conservatorship is to provide an appropriate

placement in a licensed healthcare, community-based, supportive housing or other setting. The conservatorship would be automatically terminated after one year, but the conservator could petition the superior court to extend the conservatorship.

San Francisco would need to adopt local legislation to participate in SB 1045. As of the date of this report, it is not known if SB 1045 will pass, or if San Francisco will adopt legislation to participate in SB 1045. Therefore, the impact of the proposed state legislation on the City's caseload for conservatorship proceedings cannot be predicted at this time.

Because the proposed ordinance commits the Board of Supervisors to add new positions to the City Attorney's Office in FY 2018-19, the Budget and Legislative Analyst considers approval of the ordinance to be a policy matter.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Carroll, John (BOS)

From: Khoo, Arthur (BOS)
Sent: Wednesday, April 11, 2018 4:05 PM
To: BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Nevin, Peggy (BOS); Carroll, John (BOS); GIVNER, JON (CAT); Tugbenyoh, Mawuli (MYR); Power, Andres (MYR); BOS-Operations; Wong, Linda (BOS)
Subject: Presidential Action Memo - Transferring File No. 180156
Attachments: Presidential Action Memo - File 180156.pdf
Categories: 180156

Dear Supervisors:

Please be advised that a Presidential Action Memo was received transferring File No.180156 from the **Public Safety & Neighborhood Services Committee** to the **Budget & Finance Committee**.

File No. 180156 - Ordinance amending the Health Code to designate the City Attorney rather than the District Attorney to institute judicial proceedings under the Lanterman-Petris-Short Act to appoint conservators for persons with mental health disorders and compel participation in assisted outpatient treatment; and expressing the Board of Supervisors' intent to add positions to the Office of the City Attorney to institute such proceedings, and appropriate funding for that purpose.

Regards,

Arthur Khoo

Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7708 | (415) 554-5163
arthur.khoo@sfgov.org | www.sfbos.org

President, District 5
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

808-11,11,11
Aides Clerk,
PSNS Clerk,
Dep. City Clerk,
Mayor's Office

London Breed

PRESIDENTIAL ACTION

Date: 4/11/18
To: Angela Calvillo, Clerk of the Board of Supervisors

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2018 APR 11 PM 2:39
BY AK

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)
Title. _____

Transferring (Board Rule No 3.3)

File No. 180156 Breed
(Primary Sponsor)

Title. Health Code - Designation of City Attorney to Institute Mental Health
Conservatorship and Assisted Outpatient Treatment Proceedings

From: Public Safety & Neighborhood Services Committee

To: Budget & Finance Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____
Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
Board of Supervisors

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Jon Givner, Deputy City Attorney
Barbara A. Garcia, Director, Department of Public Health
George Gascón, District Attorney

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: March 28, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced as a substitute by Supervisor Breed on March 20, 2018:

File No. 180156

Ordinance amending the Health Code to designate the City Attorney rather than the District Attorney to institute judicial proceedings under the Lanterman-Petris-Short Act to appoint conservators for persons with mental health disorders and compel participation in assisted outpatient treatment; and expressing the Board of Supervisors' intent to add positions to the Office of the City Attorney to institute such proceedings, and appropriate funding for that purpose.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Cristine Soto DeBerry, Office of the District Attorney
Maxwell Szabo, Office of the City Attorney

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Jon Givner, Deputy City Attorney
Barbara A. Garcia, Director, Department of Public Health
George Gascón, District Attorney

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: February 21, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Breed on February 13, 2018:

File No. 180156

Ordinance amending the Health Code to designate the City Attorney rather than the District Attorney to institute judicial proceedings under California Welfare and Institutions Code, Division 5 (Community Mental Health Services), as provided in Chapter 3, Conservatorship for Gravely Disabled Persons.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Cristine Soto DeBerry, Office of the District Attorney
Maxwell Szabo, Office of the City Attorney

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

BOARD OF SUPERVISORS
 SAN FRANCISCO
 2018 MAR 20 PM 3:14
 Time stamp
 or meeting date AK

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [180156]
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

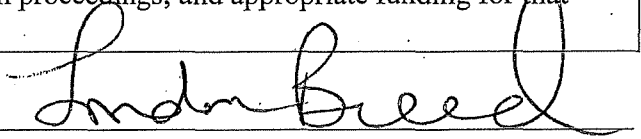
President London N. Breed

Subject:

Health Code - City Attorney Instituting Mental Health Conservatorship Proceedings

The text is listed below or attached:

Ordinance amending the Health Code to designate the City Attorney rather than the District Attorney to institute judicial proceedings under the Lanterman-Petris-Short Act to appoint conservators for persons with mental health disorders and compel participation in assisted outpatient treatment; and expressing the Board of Supervisors' intent to add positions to the Office of the City Attorney to institute such proceedings, and appropriate funding for that purpose.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Wednesday, March 28, 2018 4:39 PM
To: GIVNER, JON (CAT); Garcia, Barbara (DPH); Gascon, George (DAT)
Cc: Bobba, Naveena (DPH); Patil, Sneha (DPH); 'DeBerry, Cristine'; Szabo, Max (DAT); Roxas, Samantha (BOS)
Subject: RE: REFERRAL FYI - BOS File No. 180156 - Health Code - City Attorney Instituting Mental Health Conservatorship Proceedings

Categories: 180156

Greetings:

This substituted matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Introduction Referral Memo - March 28, 2018

Please note that the Budget and Legislative Analyst has determined that this ordinance has fiscal impact; the matter will need to be transferred to a fiscal committee of the Board to be heard. This means that while the ordinance is presently assigned to Public Safety and Neighborhood Services, its committee assignment is subject to change.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

Board of Supervisors File No. 180156

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415) 554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Carroll, John (BOS)
Sent: Wednesday, February 21, 2018 4:10 PM
To: GIVNER, JON (CAT) <Jon.Givner@sfcityatty.org>; Garcia, Barbara (DPH) <barbara.garcia@sfdph.org>; Gascon, George

(DAT) <george.gascon@sfgov.org>

Cc: Bobba, Naveena (DPH) <naveena.bobba@sfdph.org>; Patil, Sneha (DPH) <sneha.patil@sfdph.org>; 'DeBerry, Cristine' <cristine.deberry@sfgov.org>; Szabo, Max (DAT) <max.szabo@sfgov.org>

Subject: REFERRAL FYI - BOS File No. 180156 - Health Code - City Attorney Instituting Mental Health Conservatorship Proceedings

Greetings:

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Introduction Referral Memo - February 21, 2018

I invite you to review the entire matter on our Legislative Research Center by following the link below:

Board of Supervisors File No. 180156

Thanks for the review.

John Carroll

Assistant Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

john.carroll@sfgov.org | bos.legislation@sfgov.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 FEB 13 PM 4:55

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

President London N. Breed

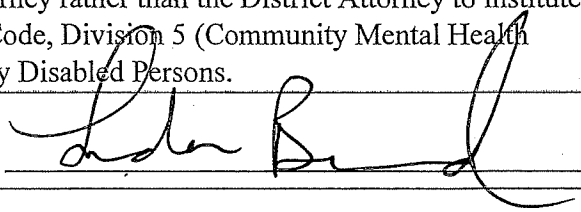
Subject:

Health Code - City Attorney Instituting Mental Health Conservatorship Proceedings

The text is listed below or attached:

Ordinance amending the Health Code to designate the City Attorney rather than the District Attorney to institute judicial proceedings under California Welfare and Institutions Code, Division 5 (Community Mental Health Services), as provided in Chapter 3, Conservatorship for Gravely Disabled Persons.

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Wednesday, February 21, 2018 4:10 PM
To: GIVNER, JON (CAT); Garcia, Barbara (DPH); Gascon, George (DAT)
Cc: Bobba, Naveena (DPH); Patil, Sneha (DPH); 'DeBerry, Cristine'; Szabo, Max (DAT)
Subject: REFERRAL FYI - BOS File No. 180156 - Health Code - City Attorney Instituting Mental Health Conservatorship Proceedings

Categories: 180156

Greetings:

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

[Introduction Referral Memo - February 21, 2018](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 180156](#)

Thanks for the review.

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Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

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SAN FRANCISCO'S OFFICE OF THE PUBLIC CONSERVATOR

Jill Nielsen, LCSW
Deputy Director of Programs
Department of Aging and Adult Services
Human Services Agency



The Office of the Public Conservator is responsible for overseeing the psychiatric care of San Francisco residents who are *gravely disabled* due to mental illness and who have been found by the court unable or unwilling to accept voluntary treatment.

Grave Disability is the legal basis for involuntary commitment and refers to the inability of an adult to provide for their basic needs (food, clothing, shelter) due to impairment by mental illness or chronic alcoholism.

Conservatorship Terminology

LPS Lanterman-Petris-Short Act – The conservatorship law from 1968 that was named after the bill's authors.

Mental Health Conservatorships – Another way to refer to LPS conservatorships that are overseen by the Office of the Public Conservator.

Public Guardian – The program that oversees probate conservatorships for adults with cognitive impairments and other types of serious functional disabilities.

The LPS Act

Key Welfare and Institutions Code Sections:

5150 - Involuntary 72 Hour Hold

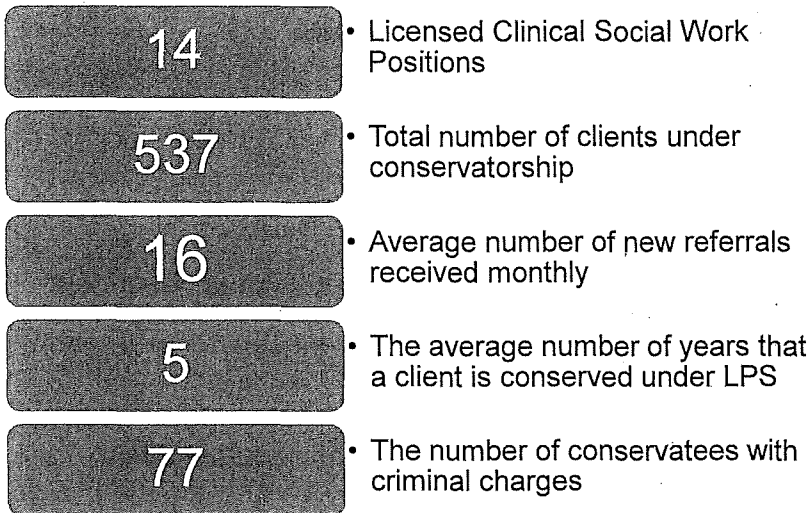
Danger to Self; Danger to Others; or Gravely Disabled

5250 – Additional 14 Day Hold for Observation and Treatment

5270 – Additional 30 Day Hold that is used for Grave Disability

Temporary conservatorships may be initiated during the 5250 or 5270 hold.

SF Public Conservator Data Snapshot



Types of Mental Health Conservatorships

- Traditional LPS Conservatorships
- Murphy Conservatorships
 - For conservatees with pending serious felony charges that represent a substantial danger of harm to others
- Community-Based Conservatorships
 - For clients able to live safely in community settings
 - Community Independence Participation Program (CIPP) – Voluntary
 - Post-Acute Conservatorship with an Affidavit B – Involuntary

Conservatorship Related Services

Investigate referrals for Conservatorship

Prepare reports for the Court

Recommend appropriate level of care

Monitor psychiatric care in collaboration with the treatment team

Advocate on behalf of Conservatees

Collaborate with Transitions/DPH to ensure appropriate placement in least restrictive setting

The Role of the District Attorney

- Represents the Public Conservator in Superior Court at least once a week.
- Represents the Public Conservator for all cases including the CIPP Collaborative Court calendar.
- Provides legal advocacy and consultation to PC staff.
- Conducts jury trials when necessitated.
- Provides training and education to partners.

Potential Impact of the Ordinance

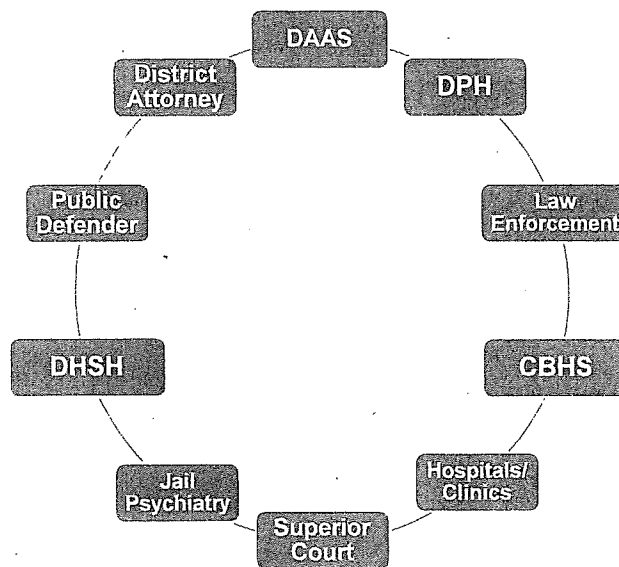
Cases that would be handled by the City Attorney

- Traditional LPS
- CIPP
- Post-Acute Permanent Conservatorship
- *Potentially* a new type of conservatorship as proposed by SB1045

Cases that would be handled by the District Attorney

- On-going Murphy Conservatorships or those cases converted from Murphy to LPS
- PC1370 (misdemeanor or felony) cases that are ordered by criminal court to initiate conservatorship services

Conservatorship Partners



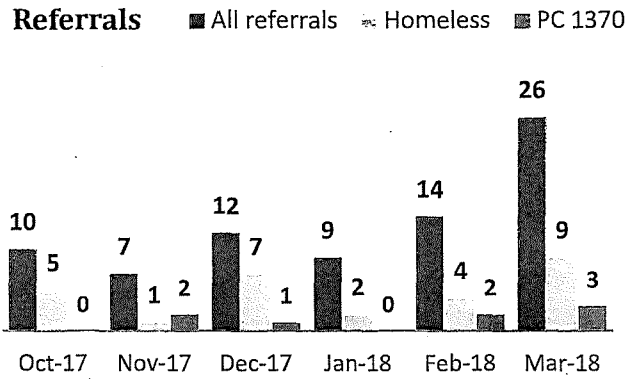
Public Conservator Monthly Dashboard

Updated April 1, 2018

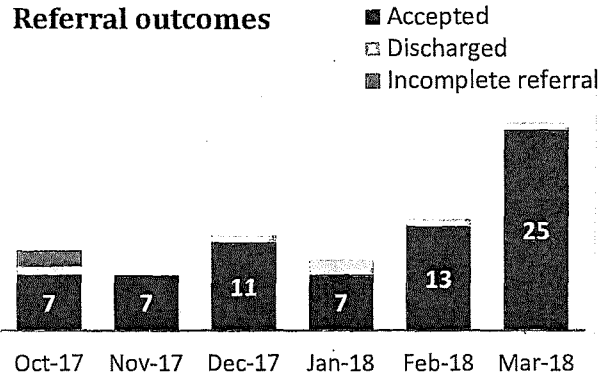
March 2018

New Referrals

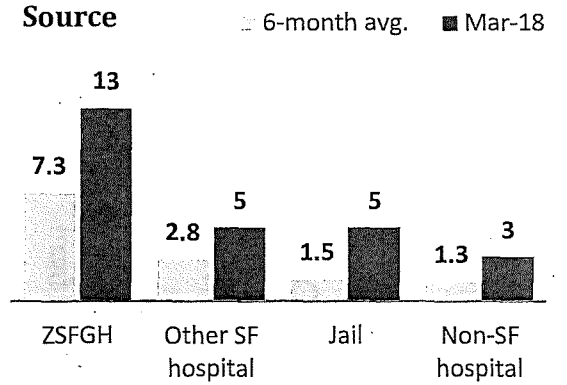
Referrals



Referral outcomes

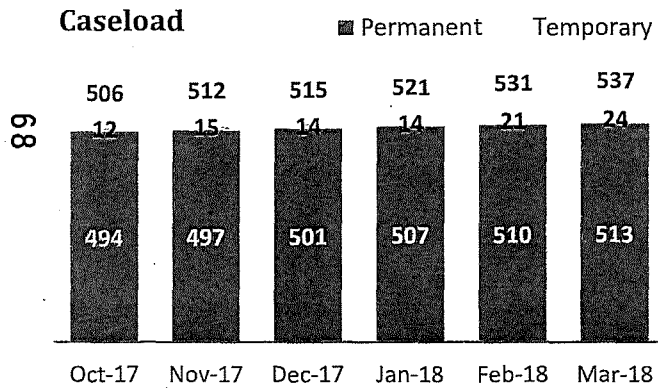


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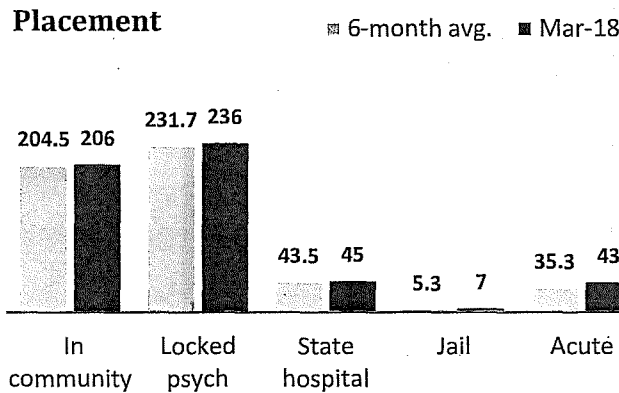


Active Caseload

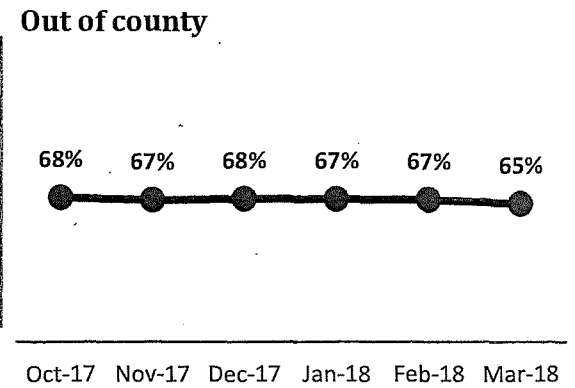
Caseload



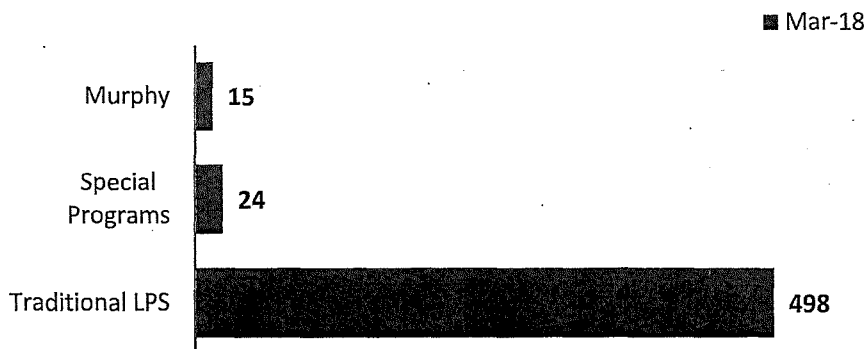
Placement



Out of county



Caseload Composition



Special Programs

