

**The San Francisco Public Defender's Office is steadfastly committed to its mission of fiercely defending its indigent clients at the highest level, confronting state-sponsored violence, and advocating for community power.** To that end, the Office provides zealous, compassionate, and family-centered legal representation to indigent adults and youth charged with crimes, who are disproportionately Black, Indigenous, and People of Color (BIPOC). In addition to defending individual clients and meeting its constitutional mandate, the Office continues to be uniquely positioned to partner with the communities it serves to advocate for systemic changes that benefit the City's most disenfranchised and disempowered while removing barriers and connecting its clients to critical life-affirming resources and opportunities to lower recidivism.

### **Protecting and Advocating for the Most Vulnerable Through Specialized Expertise Funding Plan to Ensure CARE Court Legal Representation (\$524,765 FY23-24)**

The Community Assistance, Recovery, and Empowerment (CARE) Act- effective January 1, 2023- authorizes family members, housemates, first responders, as well as behavioral health workers, to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan that can include treatment, housing support, and other services for people with untreated schizophrenia or other psychotic disorders. San Francisco is one of 7 counties (Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, Tuolumne) that must implement the CARE Act by October 1, 2023. **The San Francisco Public Defender Office has been awarded \$524,765 by the State Bar of California to currently spend within this fiscal year 2023-2024.**

The Public Defender's Mental Health Unit (MHU) is uniquely situated to represent CARE court participants. This proposal is to spend the State Bar funding allocation on adequate staffing - **1 Attorney and 1 Paralegal** --- our office can leverage the decades of knowledge and experience representing thousands of clients in existing civil commitment proceedings and implementing similar court-ordered treatment programs (Assisted Outpatient Treatment (AOT), Housing Conservatorships, community-based conservatorship programs). The MHU attorney and paralegal works within the existing infrastructure of the unit, which currently consists of 3 attorneys, 1 paralegal, 1 investigator, and 1 clerk, to provide representation to CARE court participants.

Significantly, the CARE Act legislation authorizes petitions for individuals who are already represented by the Public Defender's Office in other proceedings: direct referrals for those found incompetent to stand trial on misdemeanor cases (Penal Code 1370.1) and petitions for individuals who have been involuntarily hospitalized for 14-days (Welfare and Institutions Code 5250) within the last sixty days. In addition, given the goal of the legislation to prevent future incarceration or institutionalization, the Public Defender's office will have contact with many potential CARE Court participants in other settings.

Specifically, the MHU attorney will:

- 1) Leverage existing working relationships with the court, City Attorney's Office, Department of Public Health, and community providers in order to continue to refine the policies and procedures for CARE Court implementation. The Public Defender's MHU trains attorneys to effectively communicate with clients with severe mental illness to represent their interests collaborate with community partners, when possible, to identify necessary services in the least restrictive setting; and effectively litigate in court when necessary.

- 2) The MHU attorney has experience outreaching and engaging with potential CARE court participants in the community. The attorney is also able to interact with potential participants who are involved in the criminal legal system.
- 3) The MHU attorney will collaborate with the City Attorney to draft acceptable voluntary treatment plans.
- 4) The MHU attorney will also represent CARE court participants in Clinical Evaluation hearings. When the court orders treatment, the MHU attorney maintains contact with participants and advisers in the community, and provide efficient representation for the mandated periodic progress reports. Attorney-client contact can be in place for one to two years if the client's Care plan is renewed.

Specifically, the MHU paralegal will:

- 1) Assist with the development of potential voluntary CARE agreements.
- 2) Assist with preparations for Clinical Evaluation hearings by contacting providers for relevant records and assessing existing community-based support.
- 3) Assist with outreach and engagement of the client in the community, hospital, or other settings.
- 4) Scan all related records, prepare the case files with progress reports before each court dates, and input data into the CARE Court database.

In addition to staffing costs, the CARE grant will be utilized for authorized acute-needs vouchers, such as emergency temporary shelter, meals, transportation, and personal hygiene costs for participants. CARE court participants are often houseless and in challenging personal circumstances. While conducting outreach with the client in the community, there are often immediate, acute needs that the team needs to address. Addressing these immediate needs is not only often necessary for the client but it also builds trust and buy-in for the Public Defender's Office and the CARE process.

Lastly, CARE grant funds will also be budgeted for psychiatric and social worker experts on an as-needed basis. The important due process protections contained in the statutory scheme include hearings in which expert testimony may be necessary on the issue of diagnosis, medication, and other aspects of the proposed CARE treatment plan. The Public Defender's Office has significant experience working with a range of psychologists, social workers, and psychiatrists, when necessary, independently evaluate clients' issues, draft comprehensive clinical reports, and provide relevant expert testimony at hearings.

The State of California estimates up to 12,000 Californians are likely to meet CARE Court criteria statewide. **Locally, the State Bar estimates approximately 150 petitions could be filed in San Francisco.** We have the necessary experience, competencies, and infrastructure to efficiently handle the number of CARE Court petitions that are estimated to be filed annually.