



**Executive Directive 23-02**

**Utilizing LPS Grave Disability Conservatorships**

*October 10, 2023*

San Francisco needs to utilize every available option to help those who are unable to care for themselves due to serious mental illness or severe substance use disorder. San Francisco offers a broad range of options and opportunities for people to commit to treatment, both voluntary and involuntary. This must include ensuring that those who are unable to voluntarily engage with our health and housing systems of care are connected and protected by aligning our conservatorship processes with the new qualifications in SB 43, signed into law today by Governor Newsom.

The previously outdated LPS (Lanterman-Petris-Short Act) conservatorship laws failed to include certain people who are at great risk of harm due to their inability to live safely in the community. By expanding the definition of grave disability to include those who live with severe substance use disorder and those who are unable to provide for their own personal safety or necessary medical care, SB43 offers a way to stabilize and provide compulsory wraparound care and treatment to individuals who are most at risk of fatal overdoses and who repeatedly harm themselves. More than 50% of San Francisco's unhoused residents self-reported having substance use challenges; untreated substance use disorder and mental illness has profound impacts on the health and safety of our community.

The passage of SB 43 allows us to help and protect more of our loved ones and neighbors – people who are deteriorating in the community, unable to care for their basic needs or understand the risks that they face due to their severe substance use disorder, and may not have the capacity to act in ways to reduce that risk. It is not progressive, nor humane, to allow people to deteriorate on our streets. I am therefore instructing our City departments to work collaboratively to operationalize the new expanded scope of LPS conservatorships so that we can be sure to provide the help and care that people deserve, and are now eligible for.

I am directing my departments to 1) immediately devise policies and procedures that reflect and implement the expanded criteria for LPS conservatorship, including addressing infrastructure needs and an expedited plan of action, and 2) streamline the process to submit referrals to the conservatorship process, including promoting information sharing and minimizing procedural bottlenecks to filing and pursuing conservatorship cases, and 3) provide regular data reporting on the progress of implementation.

SB43 will become law on January 1, 2024. It is imperative that we begin to plan immediately to ensure that San Francisco is ready to provide the care and support that SB43 affords on day one.



**Directives:**

Through this Executive Directive, I hereby direct the following:

**I. Required Actions**

All City Departments shall be responsible for achieving the goals set forth above. To do so, the City shall create an Executive Steering Committee (the Committee) to guide the implementation of SB 43. The executive steering committee shall be co-chaired by the Director of the Department of Public Health (DPH) and the Director of the Department of Disability and Aging Services (DAS), or their designees.

- a. Pursuant to the direction of the Co-Chairs of the Committee, the following departments shall participate in the planning and implementation: The Department of Public Health (DPH), the Human Services Agency (HSA), the Department of Disability and Aging Services (DAS), the Department of Homelessness and Supportive Housing (HSH), the Office of the Sheriff (SHF), the San Francisco Police Department (SFPD), the San Francisco Fire Department (SFFD), the Department of Emergency Management (DEM), the Mayor's Office, and other relevant City departments as appropriate.
- b. All Departments with first responders or that provide direct services, including DPH, HSH, SFPD, SFFD, and DEM, shall train their staff on conservatorship criteria, direct their staff to make referrals to the LPS conservatorship process whenever appropriate, which begins with contacting DAS, and to err on the side of making a referral when unsure.
- c. All Departments above shall adopt and implement policies to identify appropriate individuals, provide the suitable assessments and documentation required to DAS as part of their investigation, and to provide any necessary support to DAS as they execute referrals into the LPS conservatorship process.
- d. All Departments with first responders shall create and maintain an updated client priority list of individuals who are potentially eligible for LPS conservatorship, subject to necessary client confidentiality, including high utilizers of urgent and emergency services who may be in the need of the most help, and shall share and coordinate those lists with relevant partner Departments as allowed by law.
- e. Collectively, the City shall proceed with submission of appropriate cases to the Public Conservator and then to the City Attorney, to the maximum extent feasible.



- f. Develop a plan for what infrastructure is required to successfully implement the new changes to LPS conservatorship and how Departments will work to achieve these needs including milestones and expedited timelines.

## **II. Requested Support**

Much of the success of the efforts to apply the new modernized LPS conservatorship laws rest on the ability of our departments to share information and to refer cases to DAS to investigate. In turn, it is critical for the City Attorney, as the counsel to the Department of Disability and Aging Services, to pursue all appropriate conservatorship cases identified by DAS and other City Departments. The City's ability to use LPS conservatorship laws, CARE Court, and other behavioral health courts, are all dependent on the partnership with the City Attorney. I therefore request the City Attorney assist and use all resources available in achieving the goals above by:

- a. Pursuing appropriate cases proactively and aggressively, rather than conservatively deciding prematurely to not file.
- b. Giving specific advice to City departments regarding what information is legally sharable and what is strictly not, with the goal of sharing as much information as is legally allowed. Only with interdepartmental cooperation and information sharing are we best able to help those most in need.
- c. Providing guidance to relevant Departments advising on how to appropriately identify and refer cases for those patients eligible for conservatorship.

## **III. Required Data Reporting**

In order to oversee compliance and progress with the directives and goals herein, and to determine and solve for underutilization and challenges, City departments shall report monthly data to the Committee, who will then report to the Mayor's Office each month. This data will provide insight into the progress of meeting these directives and will support the Committee in ensuring that San Francisco is utilizing LPS conservatorships as needed to address the health and safety of our City.

De-identified data shall be reported to the Committee from relevant City departments by the end of each month. The Committee shall create and maintain, or designate a department to create and maintain, a dashboard that includes, at minimum, the following data:

- a. A list of individuals identified by each department as potentially eligible for LPS conservatorship.
- b. The number of individuals who are believed to meet LPS criteria.



- c. The number of individuals where a petition has been filed with the Department of Disability and Aging Services for review.
- d. The number of cases referred to the City Attorney by DAS.
- e. The number of LPS conservatorships that have been filed with the Court.
- f. The number of Temporary Conservatorships granted each month by the Court.
- g. The number of Permanent Conservatorships granted each month by the Court.
- h. The total number of currently active LPS conservatorship cases.

This Executive Directive takes effect immediately and will remain in place until rescinded by future written communication.

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed  
Mayor, City and County of San Francisco