

January 2021

San Francisco Housing Conservatorship

Annual Evaluation Report

Contents

- Executive Summary..... 1
- Introduction 3
 - The San Francisco Housing Conservatorship Program..... 3
 - Housing Conservatorship Partners..... 4
- Housing Conservatorship Evaluation..... 6
 - Evaluation Requirements 6
 - Evaluation Methods..... 7
 - Evaluation Findings..... 7
- Looking Ahead..... 14
 - Evaluation Next Steps 14
 - Working Group Considerations..... 14

Executive Summary

San Francisco's Housing Conservatorship Program is designed to serve individuals who are deemed unable to care for their health and well-being due to co-occurring serious mental illness and substance use disorder, using the least restrictive and most clinically appropriate treatment options. The Program was conceived in September 2018 through California Senate Bill 1045, and later amended in Senate Bill 40. Local implementation in San Francisco was authorized by Mayor London Breed and the Board of Supervisors in June 2019, and a 12-member Working Group was established to evaluate the overall effectiveness of the Housing Conservatorship and its impact on individuals and local systems of care.

As of the writing of this report, there have not been any individuals placed on conservatorship through this program; however, there is currently one case pending with the Superior Court of California. Partner agencies have used this opportunity to collaborate with existing providers to support stabilization in the community. Additionally, multiple individuals have been served in less restrictive settings, including Assisted Outpatient Treatment, and 12 individuals have received notice that they are on the pathway towards Housing Conservatorship.

San Francisco's Administrative Code (Sec. 5.37-1 – 5.37-5) sets the requirements for the Working Group's evaluation, as well as a timeline for submitting a preliminary evaluation report. The Working Group is charged with reporting on the following:

1. An assessment of the number and status of persons who have been recommended for a Housing Conservatorship, evaluated for eligibility for a Housing Conservatorship, and/or conserved under Chapter 5;
2. The effectiveness of these conservatorships in addressing the short- and long-term needs of those persons, including a description of the services they received;
3. The impact of conservatorships established pursuant to Chapter 5 on existing conservatorships established pursuant to Division 4 of the California Probate Code or Chapter 3 of the California Welfare and Institutions Code, and on mental health programs provided by the City;
4. The number of detentions for evaluation and treatment under WIC §5150 of the California Welfare and Institutions Code that occurred in San Francisco during the evaluation period, broken down by the type of authorized person who performed the detention (e.g., peace officer or designated member of a mobile crisis team); and
5. Where a detention for evaluation and treatment under WIC §5150 was performed by a peace officer, an explanation as to why the peace officer was the appropriate person to perform the detention.

Report Summary

This report provides context on the background and implementation of the San Francisco Housing Conservatorship Program, as well as an overview of key partners and eligibility criteria. To the extent possible, the report includes findings available to address the evaluation requirements above.

This is the second Housing Conservatorship evaluation report and, at the time of submission, no individuals have been conserved. As such, this report provides a baseline exploration of the findings that will be reported in subsequent annual evaluations—including an estimate of WIC §5150 holds in Fiscal Year 2019-2020—as well as insights into the conditions necessary for successful data collection, tracking, and analysis.

Introduction

In September 2018, California Governor Jerry Brown signed Senate Bill 1045 (SB 1045), the Housing Conservatorship Program, into law. SB 1045 created a five-year mental health conservatorship pilot program for adults with serious mental illness and substance use disorder treatment needs who meet strict eligibility requirements, with a focus on providing housing and wraparound services.

SB 1045 was revised in October 2019 when Governor Newsom signed Senate Bill 40 (SB 40) into law. SB 40 made technical amendments to SB 1045, including adding a Temporary Conservatorship requirement, clarifying the role of Assisted Outpatient Treatment (AOT), including additional due process protections, and reducing the length of the conservatorship to six months. San Francisco Mayor London Breed and the Board of Supervisors authorized local implementation of SB 1045 in the City and County of San Francisco in June 2019, and established a Housing Conservatorship Working Group to evaluate the effectiveness of the pilot program.

This report provides an overview of San Francisco's Housing Conservatorship pilot and an annual evaluation update based on the requirements outlined in Chapter 5 of San Francisco's Administrative Code (Sec. 5.37-1 – 5.37-5).

The San Francisco Housing Conservatorship Program

The intent of Housing Conservatorship is to help people who are deemed unable to care for their health and well-being due to co-occurring serious mental illness and substance use disorder, and to treat individuals with the least restrictive and most clinically appropriate intervention needed for the protection of the person.

As of November 2020, San Francisco's Office of the Public Conservator currently oversees the care of 627 individuals under existing law, the Lanterman-Petris-Short Act (LPS). The LPS Act went into full effect in 1972 and provides counties with the ability to seek conservatorship of individuals who are considered gravely disabled due to serious mental illness or chronic alcoholism. Conservatorship under LPS does not provide for mental health conservatorship due to the impacts of substance use disorder, outside of alcohol. Housing Conservatorship creates a new type of mental health conservatorship for these individuals who are not currently covered under existing law.

Eligibility

In order to qualify for conservatorship, which is authorized through court proceedings, an individual must be dual-diagnosed with a serious mental illness and with a substance use disorder as defined by the law, and have been evaluated for a psychiatric emergency eight or more times in a 12-month period under an involuntary hold under California Welfare and Institutions Code (WIC) §5150.¹ In addition, the individual must have been provided with opportunities to engage in voluntary treatment, and the Office of the Public Conservator must determine through their initial investigation and prior to submitting a petition to the court, that a Housing Conservatorship is the least restrictive intervention for the protection of the individual. At the time that the Housing Conservatorship pilot was

¹ A WIC §5150 hold is issued to individuals who present an imminent danger to themselves or others, or are gravely disabled due to a mental disorder.

authorized for implementation in San Francisco, the Department of Public Health estimated approximately 50-100 individuals eligible under the criteria above.

Referral and Engagement

A person may be referred for an evaluation to determine eligibility for Housing Conservatorship by the Sheriff, Director of Health, Director of the Human Services Agency, or their designees. Directors of agencies that provide comprehensive evaluation or facilities that provide intensive treatment, such as hospitals that perform psychiatric evaluations, may also refer an individual if the individual meets the eligibility criteria.

Housing Conservatorship in San Francisco is designed to maximize engagement in voluntary treatment and other appropriate housing options before the Office of the Public Conservator submits a petition for conservatorship. This element of the Conservatorship exceeds current laws and practices under LPS conservatorships. Housing Conservatorship includes due process protections and the right to be represented by the Public Defender. Housing Conservatorships will terminate after six months unless there is a demonstrated, continued need for conservatorship services. The Office of the Public Conservator is required to submit a report to the court every 60 days to demonstrate the continued need for conservatorship. Furthermore, the Office of the Public Conservator must request termination of the conservatorship before the expiration date if the person's condition no longer warrants it. Like LPS conservatorship, persons will be provided with an individualized treatment plan, including wrap-around services, trauma-informed and gender responsive treatment, and placement in a setting that is appropriate to meet their service needs. After exiting Housing Conservatorship, the Department of Homelessness and Supportive Housing will provide permanent supportive housing to individuals who are able to live in an independent level of care. It should be noted that these cases are particularly complex, with a high rate of conserved individuals experiencing homelessness and a relative shortage of housing available to those generally in need in San Francisco.

Housing Conservatorship Partners

San Francisco's Housing Conservatorship pilot is designed to be a collaborative and responsive program regarding both implementation and oversight. Key partners include:

Public Conservator

The Office of the Public Conservator is responsible for investigating all referrals for the Housing Conservatorship program and determining that individuals who are referred meet the strict program requirements. The City Attorney will represent the Public Conservator in court for the Housing Conservatorship program. The Public Conservator has established a specialized unit within the program's team of clinicians that will have responsibility for closely overseeing all individuals who are served by the Housing Conservatorship program.

Care Team

Implementation of the Housing Conservatorship pilot leverages existing Care Team staff from the City's Assisted Outpatient Treatment (AOT) program, including a program manager (psychologist), three clinicians, and two team members to provide peer and family support.

Working Group

In compliance with the Administrative Code, the City and County of San Francisco has created a Housing Conservatorship Working Group to evaluate the effectiveness of the pilot implementation. The Working Group is tasked with submitting annual reports to the Board of Supervisors, Mayor's office, and the State Legislature. Facilitation and administration of the Working Group is managed by San Francisco's Department of Public Health. The Working Group is comprised of 12 members, appointed as follows:

- Kelly Dearman, Seat 1, representative of disability rights advocacy groups, appointed by the Mayor
- Jessica Lehman, Seat 2, representative of disability rights advocacy groups, appointed by the Board of Supervisors
- Simon Pang, Seat 3, representative of labor unions, appointed by the Mayor
- Jennifer Esteen, Seat 4, representative of labor unions, appointed by the Board of Supervisors
- Rachel Rodriguez, Seat 5, representative of organizations providing direct services to homeless individuals or families, appointed by the Mayor
- Sara Shortt, Seat 6, representative of organizations providing direct services to homeless individuals or families, appointed by the Board of Supervisors
- Dr. Mark Leary, Seat 7, an employee of a hospital located in San Francisco with experience in mental health and substance use disorders, appointed by the Director of Health
- Marlo Simmons, Seat 8, an employee of the Behavioral Health Services program of the Department of Public Health, appointed by the Director of Health
- Jose Orbeta, Seat 9, an employee of the Department of Public Health, appointed by the Director of Health
- Jill Nielsen, Seat 10, an employee of the Human Services Agency, appointed by the Director of the Human Services Agency
- Dedria Black, Seat 11, an employee of the Department of Homelessness and Supportive Housing, appointed by the Director of the Department of Homelessness and Supportive Housing
- Sgt. Kelly Kruger, Seat 12, an employee of the San Francisco Police Department, appointed by the Chief of Police

Other Partners

San Francisco's Housing Conservatorship pilot leverages key partners from across the local system of care, and individuals will have access to a wide range of services that are responsive to their treatment needs. Key partners include the courts, the Public Defender's Office, the City Attorney's office, the Department of Disability and Aging Services, Zuckerberg San Francisco General Hospital, and the Department of Public Health's Whole Person Care program.

Housing Conservatorship Evaluation

Central to the launch of San Francisco’s Housing Conservatorship pilot is ongoing and informative evaluation, designed to gauge the success of the program as it develops and highlight opportunities for enhancement. The following sections of this report summarize the pilot’s evaluation requirements, as well as corresponding methods.

Evaluation Requirements

SB 40 and the San Francisco Administrative Code (Sec. 5.37-1 – 5.37-5) have charged the Housing Conservatorship Working Group with managing an evaluation of the pilot’s overall effectiveness. According to the San Francisco Administrative Code, annual evaluation reports to the Mayor and Board of Supervisors are to include the following findings:

1. An assessment of the number and status of persons who have been recommended for a Housing Conservatorship, evaluated for eligibility for a Housing Conservatorship, and/or conserved under Chapter 5;
2. The effectiveness of these conservatorships in addressing the short- and long-term needs of those persons, including a description of the services they received;
3. The impact of conservatorships established pursuant to Chapter 5 on existing conservatorships established pursuant to Division 4 of the California Probate Code or Chapter 3 of the California Welfare and Institutions Code, and on mental health programs provided by the City;
4. The number of detentions for evaluation and treatment under WIC §5150 of the California Welfare and Institutions Code that occurred in San Francisco during the evaluation period, broken down by the type of authorized person who performed the detention (e.g., peace officer or designated member of a mobile crisis team); and
5. Where a detention for evaluation and treatment under WIC §5150 was performed by a peace officer, an explanation as to why the peace officer was the appropriate person to perform the detention².

In order to promote the efforts of the Working Group and ensure a high-quality, objective evaluation, the Department of Public Health and Department of Disability and Aging Services have contracted with Harder+Company Community Research to lead the evaluation as an external partner. Harder+Company has worked closely with the Working Group to review the requirements of this evaluation, discuss

² This annual evaluation meets the reporting requirements set out in San Francisco’s Administrative Code. For a full list of annual reporting requirements, including those outlined in SB 40, please see Appendix B.

appropriate evaluation methods, and develop protocols to gather necessary data and feedback from partners.

Evaluation Methods

Methods for this evaluation were designed in collaboration between Harder+Company Community Research, the Department of Public Health, and the Department of Disability and Aging Services, with input from the Housing Conservatorship Working Group. These evaluation methods were selected to address the evaluation requirements set out in local San Francisco ordinance, as well as in SB 40:

- **Analysis of client-level data.** Evaluation of the Housing Conservatorship pilot's effectiveness at the individual level will be largely determined using client-level data gathered from multiple local agencies. Using descriptive and inferential statistical analysis, these data will be used to examine changes in client outcomes and the overall demographic landscape of those conserved.
- **Analysis of population-level data.** One of the potential indicators of the Housing Conservatorship pilot's impact is the presence of any change in the total number of WIC §5150 evaluations and detentions across San Francisco. The pilot's evaluation will track population-level counts of 5150s over time, beginning with Fiscal Year 2018-19³.
- **Individual client surveys.** Surveys will be administered on a regular basis to individuals conserved under the San Francisco Housing Conservatorship, to gauge overall experience and attitude toward the pilot program.
- **Family and stakeholder feedback.** Given the nature of this pilot program, it is especially important to gather input from family members and stakeholders whenever possible. The evaluation will gather feedback, when feasible, from family members, service partners, and other stakeholders to gauge impressions of the pilot and suggestions for improvement. Feedback may be gathered through surveys, focus groups, interviews, or any combination of these data collection methods.

Evaluation Findings

This section details, to the extent possible, the evaluation findings required by San Francisco Administrative Code.

Conserved Individuals and System-Level Impact

Evaluation requirements 1-3 outlined in San Francisco Administrative Code (Sec. 5.37-1 – 5.37-5) call for reporting on the number and status of conserved individuals, the overall effectiveness of their conservatorships, and the broader impact of the Housing Conservatorship pilot on existing services in San Francisco. At the time of this annual report's submission, the Housing Conservatorship pilot has yet to serve any individuals with a petition for Conservatorship. Therefore, findings are not included for these three evaluation requirements. The Superior Court of California approved forms for submission in June 2020, paving the way for a petition to be filed. Given the need to serve individuals that are on the pathway

³ 5150 estimates do not include data from all psychiatric units and emergency departments in San Francisco. These limitations are detailed further in the following section.

towards Housing Conservatorship, specifically at each WIC §5150 after the 5th in a 12-month period, the ability to move forward with cases was significantly delayed by court forms not being available prior to that date. Despite this, the Department of Public Health has used the opportunity to support individuals in voluntary services, identify individuals who may be appropriate candidates for Housing Conservatorship, and begin providing appropriate due process notifications.

WIC §5150 Evaluations in San Francisco

The evaluation requirements outlined in San Francisco Administrative Code (Sec. 5.37-1 – 5.37-5) also call for reporting on the total number of WIC §5150 detentions performed during the evaluation period, broken down by the type of authorized person who performed the detentions. This annual evaluation report includes available data on WIC §5150 detentions performed in San Francisco during Fiscal Year 2019-20. This population-level data will be used in subsequent annual evaluations as a comparison to examine any change in the total number of WIC §5150 evaluations and detentions across San Francisco. The comparison of data points before and after the implementation of the Housing Conservatorship pilot may be one useful way to measure the impact of the program.

Data on the total number of WIC §5150 evaluations and detentions that occurred in San Francisco during Fiscal Year 2019-20 is derived from two primary sources: (1) SFDPH's Coordinated Care Management System (CCMS) database, which tracks the individuals seen at Zuckerberg San Francisco General Hospital's Psychiatric Emergency Services (PES) department, and (2) direct outreach to local hospitals treating individuals placed on WIC §5150 holds.

CCMS data. Records retrieved from the CCMS database indicate a total of 2,224 WIC §5150 holds at PES in Fiscal Year 2019-20, attributed to 1,048 unique individuals. These individuals were majority male (68%) and the most common age range was 30-39 years old (27%). As in previous years, individuals identifying as Black/African American were significantly overrepresented within the population assessed at PES (31%).

Individuals seen at PES in Fiscal Year 2019-20 averaged 2.8 visits per person and 78% utilized urgent or emergent services over the course of the year. In terms of connections to care, 4% had contact with primary care at least once during the year, 13% had an assigned intensive case manager, and 32% have been assessed for Coordinated Entry (62% are known to have experienced homelessness in the last year).

In total, 450 of these individuals were detained at PES *at least* twice over the course of the year, 113 individuals were detained four or more times, and 11 were detained eight or more times under WIC §5150.

Local hospital data. In an effort to compile a more comprehensive estimate of WIC §5150 holds across San Francisco, outreach was conducted with a number of local providers through the Hospital Council of Northern and Central California. In addition to PES, four hospital systems shared *aggregated* WIC §5150 totals for Fiscal Year 2019-20 (i.e., estimated totals did not include unique identifiers that could be matched across hospitals): California Pacific Medical Center; Saint Francis Memorial Hospital; Saint Mary's Medical Center; and the University of California, San Francisco. In total, these four providers reported 6,751 WIC §5150 holds.

Because the data received from local hospitals is de-identified and aggregated, it is not possible to ascertain the number of unique *individuals* detained under WIC §5150 in their facilities. However, combining the total count of detentions with that retrieved from the CCMS database provides a somewhat robust estimate of citywide WIC §5150 detentions.

WIC §5150 Detentions

Partial estimate of population-wide WIC §5150 holds in San Francisco for Fiscal Year 2019-20: **8,975***

*Includes data on total instances from Psychiatric Emergency Services at Zuckerberg San Francisco General Hospital, and from four local medical centers

Exhibit 1. Partial total of WIC §5150 detentions that occurred in San Francisco during the evaluation period

Data Source	Unique Individuals	Total 5150 Count
SFDPH: Coordinated Care Management System (CCMS)	1,048	2,224
Local hospital systems	-	6,751
Total unduplicated cases	-	8,975

One aim of the evaluation moving forward is to improve the quality and consistency of data compiled from local hospitals, as well as the total number of hospitals reporting data. Moving forward, effectively tracking the true count of WIC §5150 holds across San Francisco will require a new and streamlined workflow, with involvement from multiple partners. Efforts to resolve these limitations are discussed further in the final section of this report.

Peace Officer Involvement in WIC §5150 Evaluations

In addition to tracking the total number of WIC §5150 holds in San Francisco, the Administrative Code (Sec. 5.37-1 – 5.37-5) charges the evaluation with further examining instances where peace officers were involved, to address the question of why a peace officer was the appropriate individual to respond in these cases. Reporting on this question is especially relevant as Mental Health SF reforms related to peace officer involvement in behavioral health crises launch across San Francisco in the coming year.

Approach. In order to explore the issue of officer involvement in holds and detentions, the Fiscal Year 2019-20 Housing Conservatorship evaluation includes an in-depth analysis of police incident reports for cases that resulted in a WIC §5150 detention. Specifically, the analysis was designed to address the following questions:

- Why were officers called to incidents resulting in WIC §5150 detentions?
- Who was detained under WIC §5150 in these incidents?
- Where did the incidents resulting in officer-involved WIC §5150 detentions take place?

While addressing these learning questions does not necessarily offer an explanation for why an officer was the appropriate responder in every instance, or what other alternatives existed in that moment, the analysis does offer after-the-fact insights into how often a police response may be needed (e.g., active violence, presence of a weapon).

Sample. In order to conduct this analysis, the evaluation team worked with SFDPH and SFPD to retrieve the necessary police incident reports from Fiscal Year 2019-20. Records from SFPD indicate that officers were involved in the detention of an estimated 2,281 individuals under WIC §5150, representing 3,043 cases in total. The evaluation team selected thirty dates (non-holidays) at random from Fiscal Year 2019-20, then formally requested all SFPD incident reports from those dates, for cases that resulted in a WIC §5150 detention. In total, the evaluation team received 147 detailed incident reports.

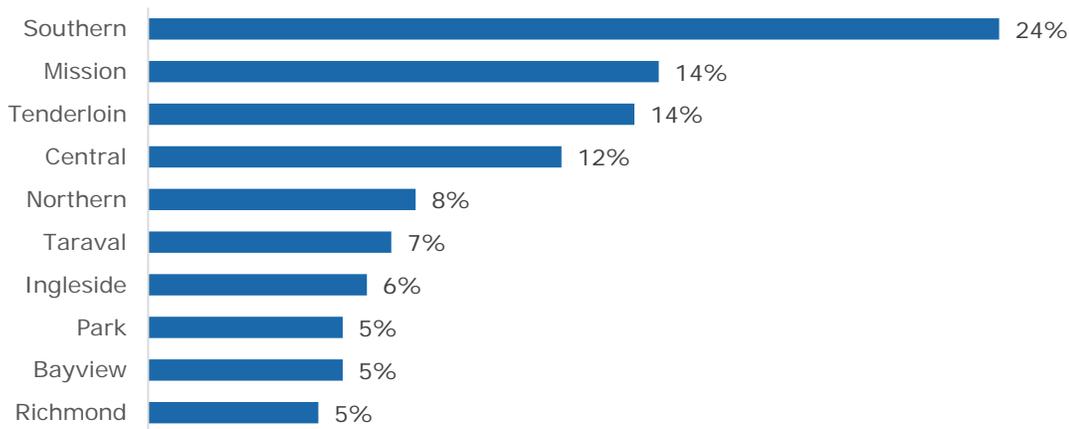
Analysis. Members of the evaluation team reviewed each of the 147 SFPD incident reports in detail, pulling out key data points throughout the process. These data

points, designed to address the learning questions above, included incident location, detainee demographic information, details on the circumstances leading up to the emergency call, details on any weapons involvement or resulting harm, and the officer’s determined justification for instituting the WIC §5150 detention. Members of the evaluation team presented initial findings to the Evaluation Working Group in October 2020 and, after receiving feedback and further inquiry requests, performed additional analyses and shared revised findings the following month.

Findings. Results of the SFPD incident report analysis are presented below, followed by a note on limitations and generalizability, given the sample size of 147 reports.

The most common location for officer-involved WIC §5150 detentions in this sample was SFPD’s Southern district, followed by the Mission and Tenderloin districts.

Exhibit 2. Location of WIC §5150 Detentions by District (n=147)



The majority of individuals detained in this sample were identified as Male, with most falling between the ages of 20-49.

Exhibit 3. Gender of Detained Individuals (n=147)

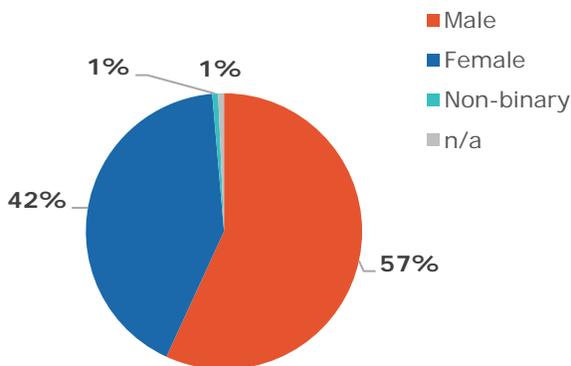
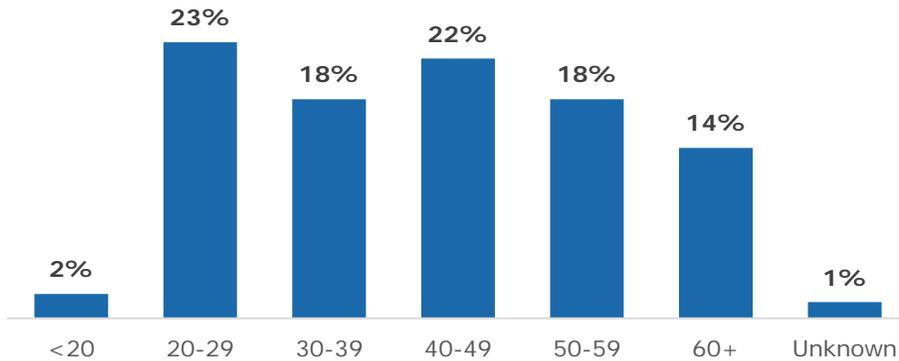
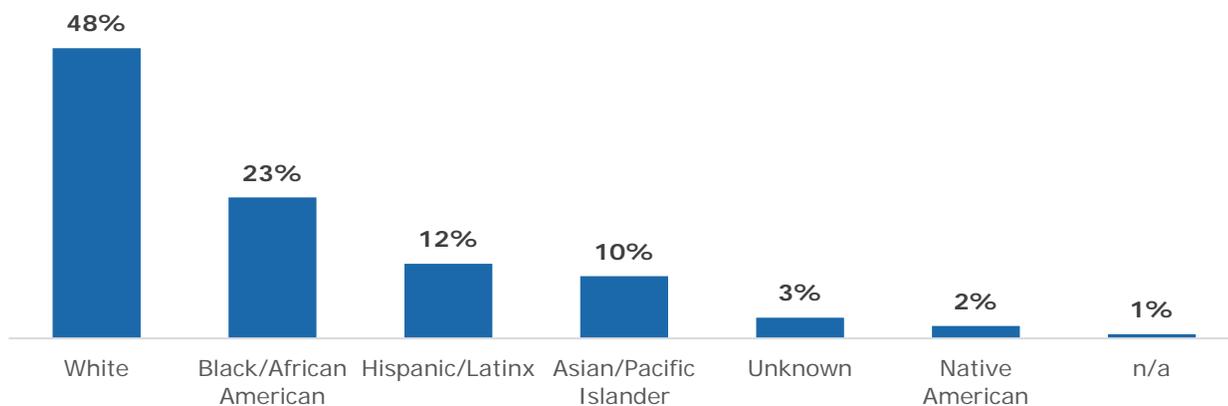


Exhibit 4. Age of Detained Individuals (n=147)



Just under half of detained individuals in the sample were identified as White, while 23% were identified as Black/African American. This estimate constitutes a significant over-representation of Black/African American individuals, given a population presence citywide of approximately 5.6%.⁴ Of note, it is not known if police are more often called in instances involving individuals who are Black/African American, but this data does speak to the value of having a non-law enforcement response such as the Street Crisis Response Team that is being implemented through Mental Health San Francisco. Data from this project will be of particular interest in comparison and reviewing impact over subsequent years.

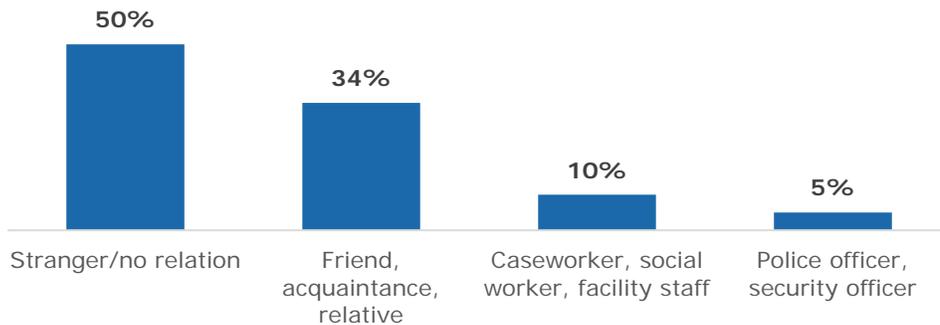
Exhibit 5. Race/Ethnicity of Detained Individuals (n=147)



Approximately half of the calls placed to emergency services in the sample that resulted in an officer-involved WIC §5150 detention were placed by someone of no relation to the individual—typically a stranger or bystander. Slightly over one third of calls were placed by a friend, acquaintance, or relative.

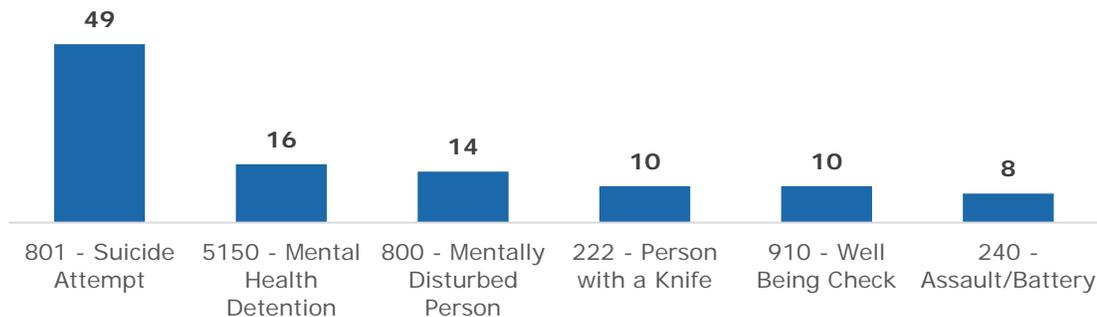
⁴ US Census Bureau 2019 Population Estimate

Exhibit 6. Relation of Caller to Detained Individual (n=147)



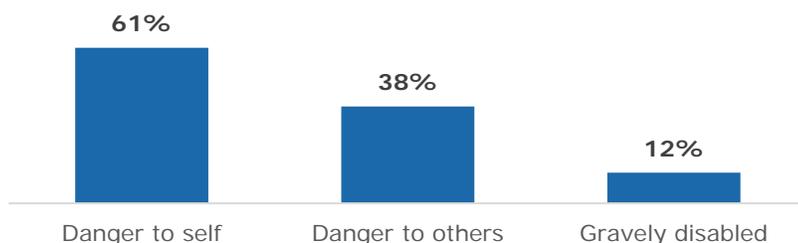
One method of exploring the appropriateness of officer-involved WIC §5150 detentions is to examine the reasons the calls in the sample were placed to emergency services. One third of these calls were placed as a result of a suicide attempt. The six most frequent call reasons from the sample are displayed below, along with their official codes from the computer aided dispatch (CAD) system. These top six call types constitute approximately 75% of the total sample.

Exhibit 7. Top 6 Reasons for Calls to Emergency Services Resulting in a Detention, with CAD Codes (n=147)



The evaluation Working Group also examined the officers' stated evidence for performing the 147 WIC §5150 detentions, as another potential proxy for appropriateness of their involvement. More than half of the detentions were made because the officers involved determined the detained individuals to be a danger to themselves. Slightly over one third were deemed a danger to others, and twelve percent were determined to be gravely disabled.

Exhibit 8. Officers' Justification for Performing Detentions* (n=147)



***Totals exceed 100% because some individuals were detained under multiple justifications (e.g., danger to self and others)**

Finally, the evaluation Working Group used the categories above as a frame to better understand the specific details of individual incidents leading to officer-involved WIC §5150 detentions in the sample. For each of the justification groupings, the evaluation team presented findings on resulting physical harm and any weapons involvement (e.g., knife, broken glass, etc.). It should be noted that only one incident in the sample of 147 involved a firearm, and that detention was ultimately made under the ‘danger to self’ categorization. Notably, seventy-eight percent of all incidents in the sample resulted in no physical harm to anybody involved. The results of this within-category analysis are displayed in the table below.

Exhibit 9. Physical Harm and Weapons Involvement in Detentions, by Detention Justification (n=147)

Detention Reason	N	Harm to Self	Harm to Victim	Harm from Detention	No Harm	Incidents with Weapons Involvement
Danger to self	89	21%	1%	-	78%	20%
Danger to others	55	4%	16%	2%	78%	36%
Gravely disabled	17	-	6%	-	94%	-

While the analysis of SFPD incident reports was a helpful tool for the evaluation Working Group to gauge general appropriateness of officer involvement in WIC §5150 detentions, it was subject to notable limitations. First, the sample of 147 represented only a limited fraction of all officer-involved detentions from Fiscal Year 2019-20 and, while dates for the data pull were selected randomly, it is possible that the incidents selected do not represent the full breadth of cases entirely accurately. In addition, while the data available included a CAD code summarizing the reason for each call to emergency services, these codes likely do not offer a full picture of events leading up to the call, or the caller’s specific description of the incident. Finally, the evaluation team’s ability to glean insights from each incident report in the sample was subject to the level of detail in the officer’s written narrative section, and reports in the sample held varying levels of detail.

Looking Ahead

In light of the fact that no individuals were conserved in Fiscal Year 2019-20, it is difficult to draw meaningful conclusions about the effectiveness of the Housing Conservatorship pilot, or about its impact on service systems and overall rates of WIC §5150 detentions across San Francisco. While implementation of the pilot is moving forward and petitions are likely in the upcoming year, the current scope of the evaluation is limited. As such, this annual report serves largely as a baseline for measuring progress moving forward, and for documenting considerations for improving evaluability of the pilot.

Evaluation Next Steps

Although no individuals were successfully placed on a conservatorship under the pilot in Fiscal Year 2019-20, the evaluation Working Group has held extensive discussion on considerations for moving into the implementation stage, including strategies for designing an effective and comprehensive evaluation.

Moving forward, the ability to gauge overall effectiveness of the pilot for those conserved will rely on quality data at the individual level. The evaluation team will continue to work closely with the Housing Conservatorship Care Team and Working Group to ensure that, as implementation launches, data monitoring and tracking are prioritized as key elements of the process. The Working Group has expressed particular interest in better understanding the ways in which voluntary services are offered to individuals before they are conserved and how this workflow is integrated with the Coordinated Entry process for accessing housing. Whenever possible, the evaluation team will also work to include direct input from individuals conserved, in order to better understand their experience of the process and any recommendations they might have.

At the city-wide level, the evaluation team and Working Group will maintain efforts to better track and analyze WIC §5150 holds across San Francisco's multiple systems of care. Further coordination with the Hospital Council of Northern and Central California will be central to this strategy, as the evaluation team and Working Group attempt to piece together a more complete and *unduplicated* estimate of annual WIC §5150 holds. The evaluation team will also coordinate with SFPD and the Working Group members to explore additional options for assessing appropriateness of officer involvement in holds and detentions.

Working Group Considerations

At the time of the Housing Conservatorship preliminary report's submission, in January 2020, members of the Working Group identified a select list of issues and considerations that were then memorialized in the report. This section contains an overview of each of these topics, an update on progress made in the past year, and a discussion of next steps when applicable. The issues and considerations of note are as follows:

- Limitations around data collection on WIC §5150 holds from *all* local hospitals and emergency departments in San Francisco limits the Working Group's ability to determine effectiveness of the Housing Conservatorship pilot:
 - **Annual update:** SFDPH has worked closely with the Hospital

Council of Northern and Central California to establish working relationships with local medical centers and gather as much data as possible from individual hospitals. In the time since the preliminary report's submission, data on WIC §5150 holds was received from four additional hospital systems. While untracked records of WIC §5150 holds undoubtedly still exist across San Francisco, the partial tally included in this year's report represents a much more accurate estimate than was available one year ago.

- **Next steps:** SFPDPH and members of the Working Group will continue to forge relationships and data sharing agreements with as many hospital systems as possible in the coming year, in pursuit of a more complete and accurate estimate of city-wide WIC §5150 holds.
- In order to fully respond to the evaluation requirement that calls for explaining why a peace officer was the most appropriate person to execute a WIC §5150 hold, further data should be extracted from existing police records:
 - **Annual update:** This annual report details findings from an in-depth exploration of SFPD incident reports that resulted in WIC §5150 holds, in an effort to better understand the circumstances leading up to and surrounding these cases. The analysis highlighted in the report offers insight into who initiated these calls, demographic trends among those detained, harm inflicted throughout each incident, and any relevant weapons involvement. This analysis coincided with larger efforts through the Mental Health SF initiative to identify needs and alternatives to peace officer involvement in behavioral health crises.
 - **Next steps:** Members of the Working Group will continue to explore and discuss sustainable alternatives to peace officer involvement in behavioral health crises, whenever the potential for violence is minimal. This includes pending recommendations from both the Human Rights Commission and Coalition on Homelessness Working Groups to identify Working Group members will also maintain dialogue and shared learning with members of the newly implemented Street Crisis Response Team, which serves as one such alternative.
- Working Group members have a desire to better understand the process by which individuals served by the Housing Conservatorship pilot will be offered voluntary services and housing at initial engagement. Specifically, Working Group members have expressed interest in what types of services and housing options will be offered, availability of those services, and what that process will look like:
 - **Annual update:** In the past year, Working Group members have engaged in in-depth discussion around voluntary service engagement, overall outreach strategies, and the role of housing placement in the overall service model. In the meantime, members of the Housing Conservatorship Care Team have worked to engage individuals who may be eligible for services, offering less restrictive options whenever possible. Twenty-nine such individuals have been connected to AOT for treatment. To date, 23 total notices have been delivered to 12 unique individuals, informing them that they are on a potential path to Housing Conservatorship. At the time of this report's submission, one

petition for Housing Conservatorship is currently awaiting court approval. Care Team members have also worked to educate partners on referral eligibility and pathways, delivering five formal presentations in the past year, and five additional informal sessions.

- **Next steps:** Working Group members will receive regular updates on the experience of individuals served by the Housing Conservatorship, and these service experiences will be a focus of ongoing evaluation activities. Whenever possible, these experiences will be documented directly from individuals who are conserved using the evaluation methods highlighted earlier in this report (i.e., client interviews, surveys, etc.). Working Group members have also expressed a desire to learn more—through evaluation—about the individuals who repeatedly refuse voluntary services, their stated reasoning, and whether any demographic trends exist among this group of individuals.
- Initial figures suggest a high rate of African American individuals detained under WIC §5150 holds across San Francisco, when compared to the overall demographic characteristics of San Francisco. When this rate is examined within the larger context of a declining number of African Americans residing in San Francisco, the Working Group is concerned that a disproportionate number of African Americans could be conserved under the pilot program:
 - **Annual update:** While no individuals were conserved in the past year, the Working Group continued to closely track the rate of African American detentions under WIC §5150, with regard to both single and repeat holds. The abovementioned analysis of SFPD incident reports also included an examination of demographic trends, and highlighted a disproportionate number of individuals identified as Black or African American in the sample of cases. These trends continue to cause concern among Working Group members, and racial equity will be a mainstay in future discussions around conserved individuals.
 - **Next steps:** The Working Group intends to make sure that the Housing Conservatorship pilot does not bring unintentional consequences or impacts for San Francisco's African American residents, and this topic will be a priority focus of ongoing and annual evaluation activities.

Appendix A: Housing Conservatorship Fact Sheet

WHAT IS HOUSING CONSERVATORSHIP?

In September 2018, the California Governor approved Senate Bill 1045 (SB 1045), or the Housing Conservatorship Program, creating a pilot program that allows for the conservatorship of adults with serious mental illness and substance use disorder treatment needs who meet strict eligibility requirements. Housing conservatorship is designed to help individuals who cycle in and out of crisis and are incapable of caring for their health and well-being due to co-occurring serious mental illness and substance use disorder. SB 1045 was revised in October 2019 when California Gov. Gavin Newsom signed Senate Bill 40 (SB 40) into law. SB 40 clarified the role of Assisted Outpatient Treatment, includes a Temporary Conservatorship, and reduces the conservatorship time to six months.

The San Francisco Board of Supervisors and Mayor London Breed authorized local implementation of SB 1045 in the City and County of San Francisco in June 2019, and established a Housing Conservatorship Working Group to evaluate the effectiveness of the implementation of SB 1045.

Conservatorship is an important benefit for people who need a high level of care, and an important tool in the spectrum of services and treatment that the City of San Francisco provides.

WHO IS HOUSING CONSERVATORSHIP DESIGNED TO HELP?

Housing conservatorship is designed to help individuals who cycle in and out of crisis and are incapable of caring for their health and well-being due to co-occurring serious mental illness and substance use disorder. Additionally, housing conservatorship is only granted if the individual has repeatedly refused appropriate voluntary treatments and is not eligible for other programs including Assisted Outpatient Treatment (AOT, often called Laura's Law) or existing conservatorship options. If placed on a conservatorship, an individual will be provided with individualized treatment in the least restrictive setting to support their path to recovery and wellness and ultimately transition into permanent supportive housing at the end of the conservatorship process.

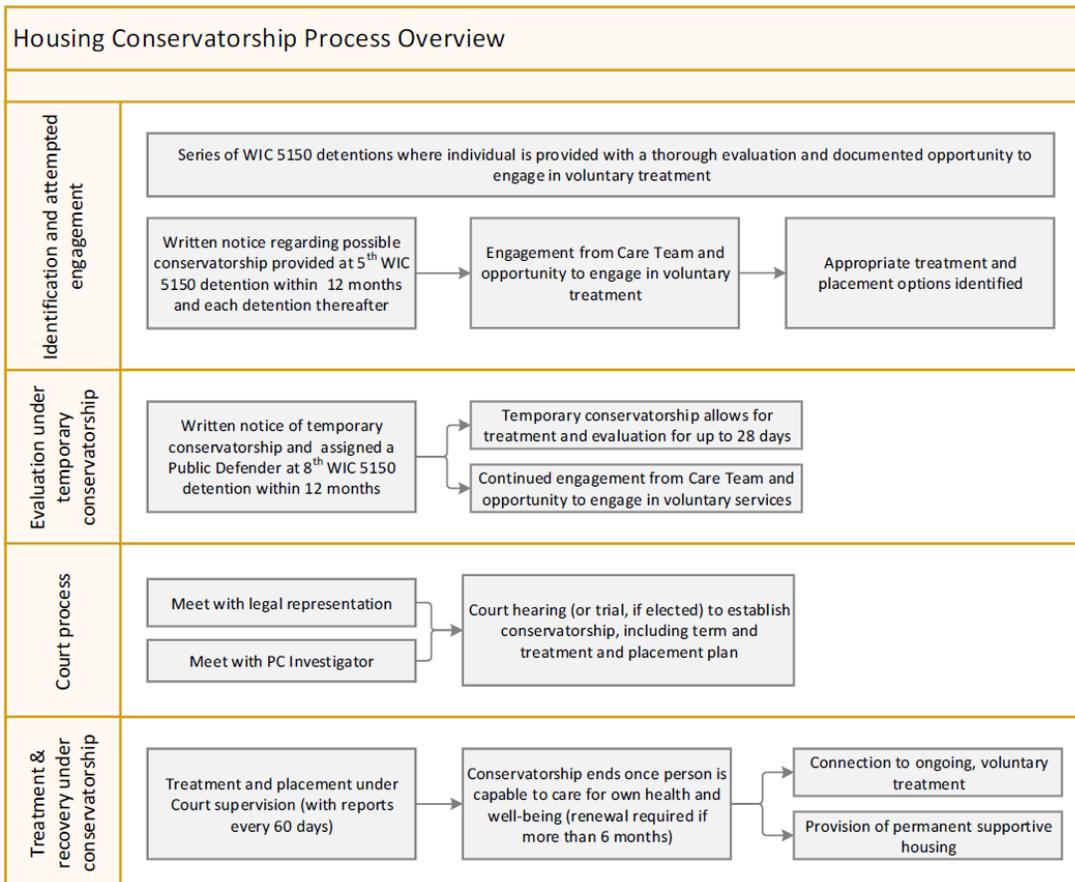
The San Francisco Department of Public Health (SFDPH) estimates that 50 to 100 individuals will be eligible to participate annually. Currently, about 600 individuals are receiving care under conservatorship as provided in existing law, the Lanterman-Petris-Short Act (LPS). LPS conservatorship has been in place since 1972 and does not include substance use disorder as part of the criteria for being conserved.

To be eligible for housing conservatorship, which is authorized through court proceedings, an individual must meet all of the following criteria:

- 1) Be at least 18 years of age;
 - 2) Be diagnosed with a serious mental illness as defined by law (WIC 5452(e));
 - 3) Be diagnosed with a substance use disorder as defined by law (WIC 5452(f));
 - 4) As a result of (2) and (3), the individual has functional impairments or a psychiatric history demonstrating that without treatment it is more likely than not that the person will decompensate to functional impairment in the near future;
 - 5) Be incapable of caring for their own health and well-being due to a serious mental illness and substance use disorder;
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- 6) Have eight or more 5150 detentions in a 12-month period;
- 7) Have been provided with opportunities to engage in voluntary treatment, including an offer of permanent housing following treatment;
- 8) Assisted Outpatient Treatment has been determined to be insufficient or, as a matter of law, the individual does not meet the criteria for Assisted Outpatient Treatment;
- 9) Conservatorship is the least restrictive option for the protection of the individual.

Under the law, a person may be referred for an evaluation to determine eligibility by the Sheriff, Director of Health, Director of the Human Services Agency, or their designees. Directors of agencies that provide comprehensive evaluation or facilities that provide intensive treatment – such as hospitals that perform psychiatric evaluations – may also refer an individual if they meet the eligibility criteria.



HOW ARE PATIENTS' RIGHTS PROTECTED?

Housing conservatorship strictly defines patient eligibility criteria in order to ensure appropriate application of the law and to protect individual rights. Housing conservatorship requires at least three opportunities to engage patients in voluntary treatment before a referral for conservatorship is made. San Francisco is committed to ensuring that a voluntary treatment pathway is offered at every point of contact with the behavioral health system. Additionally, housing conservatorship specifically defines the rights of the individual, including due process protections and the right to be represented by the public defender. Further, under housing conservatorship, a person cannot be ordered or forced to take medication.

HOW LONG DOES A HOUSING CONSERVATORSHIP LAST?

Housing conservatorships will terminate after six months unless there is a demonstrated, continued need for conservatorship services. This differs from LPS conservatorships, which terminate after one year unless the Office of the Public Conservator seeks a renewal. In all cases, the court and the person’s care team must end the conservatorship before the expiration date if the person’s condition no longer warrants it.

HOW DO PEOPLE GET INTO HOUSING?

Similar to LPS conservatorship, individuals who are served through the housing conservatorship program will be provided with wraparound care, treatment and housing in a setting that is appropriate to meet their needs. The City is committed to providing care and treatment as well as supportive housing on an ongoing basis, even once the conservatorship has terminated.

WHAT MAKES HOUSING CONSERVATORSHIP DIFFERENT FROM OTHER KINDS OF CONSERVATORSHIP?

An LPS mental health conservatorship is a legal procedure through which the Superior Court appoints a conservator to authorize psychiatric treatment of a person who meets a narrow legal definition of grave disability by reason of a serious mental illness. This procedure is established in the California Welfare and Institutions Code (WIC) as the Lanterman-Petris-Short conservatorship or “LPS,” named after the state assemblyman and senators who wrote the legislation, which went into effect in 1972. In San Francisco, the conservatorship process is a close collaboration of several public agencies. The Office of the Public Conservator is located within the Department of Disability and Aging Services, in the Human Services Agency. The program works closely with the Superior Court and the Department of Public Health to authorize, carry out and oversee treatment for individuals under conservatorship. The program supports overall health and well-being through case management and service coordination.

Senate Bill 1045 fills a gap in current law by creating a new type of conservatorship to serve a small group of people who have been offered but are unable to accept voluntary services due to serious mental illness and substance use disorder.

The definition of “grave disability” that governs the existing LPS mental health conservatorship does not account for the effects of psychoactive substances other than alcohol. This is insufficient in today’s San Francisco, in which many psychiatric emergency encounters involve methamphetamine use. Patients cycle in and out of crisis because once the substance clears from their systems, they are released, often back into a triggering environment where the substance use starts again and leads to behaviors that put them or others in danger. Housing conservatorship seeks to fill this gap by providing an avenue to support these individuals to achieve stability, prevent further deterioration and transition into permanent supportive housing.

HOW WILL HOUSING CONSERVATORSHIP BE EVALUATED?

The Department of Public Health will work with an external evaluator to provide reports to the Housing Conservatorship Working Group and the State of California, in accordance with the Health Code and Welfare and Institutions Code.

For questions or information, please contact housing.conservatorship-workgroup@sfdph.org

Appendix B: List of Data Points Required for Evaluation

San Francisco Administrative Code

1. An assessment of the number and status of persons who have been recommended for a Housing Conservatorship, evaluated for eligibility for a Housing Conservatorship, and/or conserved under Chapter 5;
2. The effectiveness of these conservatorships in addressing the short- and long-term needs of those persons, including a description of the services they received;
3. The impact of conservatorships established pursuant to Chapter 5 on existing conservatorships established pursuant to Division 4 of the California Probate Code or Chapter 3 of the California Welfare and Institutions Code, and on mental health programs provided by the City;
4. The number of detentions for evaluation and treatment under Section 5150 of the California Welfare and Institutions Code that occurred in San Francisco during the evaluation period, broken down by the type of authorized person who performed the detention (e.g., peace officer or designated member of a mobile crisis team);
5. Where a detention for evaluation and treatment under Section 5150 was performed by a peace officer, an explanation as to why the peace officer was the appropriate person to perform the detention.

Senate Bill 40

1. An assessment of the number and status of persons who have been conserved under Chapter 5 (commencing with Section 5450), the effectiveness of these conservatorships in addressing the short- and long-term needs of those persons, and the impact of conservatorships established pursuant to that chapter on existing conservatorships established pursuant to Division 4 (commencing with Section 1400) of the Probate Code or Chapter 3 (commencing with Section 5350) and on mental health programs provided by the county or the city and county;
 2. The service planning and delivery process for persons conserved pursuant to Chapter 5 (commencing with Section 5450);
 3. The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) who are placed in locked, acute psychiatric, hospital, rehabilitation, transitional, board and care, or any other facilities or housing types, and the duration of the confinement or placement in each of the facilities or housing types, including descriptions and analyses of the various types of confinement or placements and the types of onsite wraparound or other services, such as physical and behavioral health services;
 4. The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) placed in another county and the types of facilities and the duration of the placements, including the types of onsite wraparound or other services, such as physical and behavioral health services;
 5. The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) by the conserving county who receive permanent supportive housing in any county during their conservatorship, whether permanent supportive housing was provided during the conservatorship, and the wraparound services or other services, such as physical and behavioral health services, provided;
 6. The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) who are able to maintain housing and the number who maintain contact with the treatment system after the termination of the conservatorship, including the type and level of support they were receiving at the time they were conserved pursuant to Chapter 5 (commencing with Section 5450);
 7. The number of persons conserved pursuant to Chapter 5 (commencing with Section 5450) who successfully complete substance use disorder treatment programs;
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8. The incidence and rate of persons conserved pursuant to Chapter 5 (commencing with Section 5450) who have been detained pursuant to WIC §5150 subsequent to termination of the conservatorship at 6, 12, and 24 months following conservatorship;
 9. An analysis of demographic data of persons conserved pursuant to Chapter 5 (commencing with Section 5450), including gender, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, marital status, and sexual orientation;
 10. A survey of the individuals conserved pursuant to Chapter 5 (commencing with Section 5450) and an analysis of the effectiveness of the placements and services they were provided while conserved;
 11. The substance use relapse rate of persons conserved pursuant to Chapter 5 (commencing with Section 5450) at 6, 12, and 24 months following conservatorship, to the extent this information can be obtained;
 12. The number of deaths of persons conserved pursuant to Chapter 5 (commencing with Section 5450) within 6, 12, and 24 months following conservatorship, and the causes of death, to the extent this information can be obtained;
 13. A detailed explanation for the absence of any information required in paragraph (11) or paragraph (12) that was omitted from the evaluation.
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