

***Cassie Cordell Trueblood, et al., v. Washington State Department
of Social and Health Services, et al.***
Case No. C14-1178 MJP
FINAL Monthly Report to the Court Appointed Monitor

June 28, 2018

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TABLE OF CONTENTS

Background.....Page 3

Class Member Status Summary Information.....Page 4

Class Member Status Data Tables.....Page 7

Class Member Status Data Graphs.....Page 10

Table 4: Total Completed Jail Evaluations by Court Order Signed.....Page 13

Tables 5a-5c: Number and Percentage of Orders.....Page 16

Resources Required to Provide Timely Competency Services.....Page 19

Key Accomplishments- May 2018.....Page 20

Trueblood Implementation Steps Taken and Planned— May 2018.....Page 22

February 8, 2016 Court Order Status Report/Updates.....Page 34

July 7, 2016 Contempt Court Order Status Updates.....Page 37

August 15, 2016 Order Modifying the Permanent Injunction.....Page 37

Appendices.....Page 39

 A. April 2018 Mature Data Tables.....Page 39

 B. Class Member—Evaluation Information for April 2018.....Page 39

 C. Class Member—Restoration Information for April 2018.....Page 39

 D. Class Member—Restoration Information for April 2018 Maple Lane.....Page 39

 E. Class Member—Restoration Information for April 2018 Yakima.....Page 39

 F. Outliers and Delay Comments.....Page 39

 G. Percent of Court Orders Received Within 3 Days of Court Order.....Page 39

 H. May 2018 First Look Data Tables.....Page 39

 I. Class Member—Evaluation Information for May 2018.....Page 39

 J. Class Member—Restoration Information for May 2018.....Page 39

 K. Class Member—Restoration Information for May 2018 Maple Lane.....Page 39

 L. Class Member—Restoration Information for May 2018 Yakima.....Page 39

 M. Calculation of Inpatient Contempt Fines.....Page 39

 N. Calculation of Jail-Based Contempt Fines.....Page 39

 O. Good Cause Exceptions.....Page 39

BACKGROUND

On April 2, 2015, the Court ordered the Department of Social and Health Services (DSHS) to file monthly reports with the *Trueblood* Court Monitor on efforts to comply with Court orders to provide timely competency evaluation and restoration services to Class Members. This monthly report is submitted June 30, 2018 and covers the events of May, 2018. This report also provides status updates on additional court order requirements.

On April 2, 2015, the Court ordered:

“Defendants shall file a report with the Monitor on the fifth day of every month, which shall include:

- (1) the number of days between when a court ordered provision of competency services and when provision was completed, for each person ordered to receive competency services during the previous month;*
- (2) data regarding the number of evaluators, bed capacity, physicians, and other resources needed to provide timely competency services;*
- (3) the steps taken in the previous months to implement this order;*
- (4) when and what results are intended to be realized by each of these steps;*
- (5) the results realized in the previous month;*
- (6) the steps planned to be taken in the following month;*
- (7) certification by Defendants that they are fully compliant with all deadlines that became due in the previous month;*
- (8) Defendants’ estimate for when the wait times will reach seven days or less, and all data relied on in making that estimate; and*
- (9) any other information the Monitor informs Defendants is necessary for the Monitor to fully review Defendants’ actions and advise the Court.”*

The April, 2015 order was modified on February 8, 2016. Additional orders were issued on July 7, 2016, August 15, 2016, and April 26, 2017. Status updates on these orders requiring narrative in this report begin on page 37.

This report provides the Class Member data for competency services displayed in two periods; April 1, 2018 – April 30, 2018 and May 1, 2018 – May 31, 2018. The April data are considered “mature” and the May data are a “first look” data set. April, 2015 is the baseline month for data analysis.

Specific Class Member evaluation and restoration information is included in the appendices to this report.

CLASS MEMBER STATUS SUMMARY INFORMATION

Analysis of Mature Data: April 1, 2015 through April 30, 2018 (see appendix A-G)

Note: These data are based on number of days from signature and not the new timeframes as described in the April 26, 2017 Court Order.

The average monthly referrals for each type of service are as follows:

- Average monthly jail-based evaluation orders signed for April 2015-April 2018
 - WSH: 218.7
 - ESH: 51.7
 - Both hospitals: 270.3
- Average monthly inpatient evaluation orders signed for April 2015-April 2018
 - WSH: 17.9
 - ESH: 7.5
 - Both hospitals: 25.4
- Average monthly restoration orders signed for April 2015-April 2018
 - WSH: 83.8
 - ESH: 14.4
 - Both hospitals: 98.2

Summary Points Related to Orders and Timeliness Based on Mature April Data (A-G appendix)

Orders:

- The number of jail-based evaluation orders at WSH fell to 265 in May from 270 the previous month, but remains well above the 218.7 average, and is also significantly higher than the year-over-year number. ESH saw a decrease to 52 orders from 75 the previous month, which is right at the 51.7 average. Combined, the hospitals received 307 orders in May, which is well above the 270.3 average.
- WSH received 10 inpatient evaluation orders which is well below the 17.9 average. ESH had 7 inpatient evaluation orders, which is right at the 7.5 average. Orders at both sites totaled 17 which is below the 25.4 average.
- WSH received 125 restoration orders which is well above the 83.8 average, **and is the highest number of inpatient restoration referrals recorded to date**. ESH had 14 orders which is right at the 14.4 average. There were 139 restoration orders across both hospitals which is well above the 98.2 average.

Wait Times:

- Regarding jail-based 14 day evaluation completion times, WSH is at 9.9 days on average from order to completion and ESH is averaging 14.0 days. The combined average is 10.6 days.
- The average inpatient evaluation admission wait times at WSH is 56.3 days. ESH average is at 18.8 days. The combined average is 34.9 days.
- Restoration admission wait times at WSH is 46.0 days on average. The ESH average is 21.2 days. The combined average is 42.0 days.

Timeliness:

- At both hospitals combined, overall timeliness for jail-based evaluation completion is at a 71% completion rate within 14 days from receipt of order.
- At both hospitals combined, overall timeliness for inpatient evaluation admissions is at a 0% completion rate within 7 days from receipt of order.
- At both hospitals combined, overall timeliness for inpatient restoration admissions is at a 8% completion rate within 7 days.

Outlier Cases (Mature)

The monthly outlier population cases have been defined by the court monitor as:
 * Population from the mature data month.
 * Evaluations: incomplete status and waiting more than 20 days for an evaluation (In-Jail or Inpatient), by the end of the reporting period.
 * Restorations: incomplete status and waiting more than 40 days for restoration services (Inpatient), by the end of the reporting period.
 * Wait times for Inpatient services are measured from order to admission, not completion of the evaluation or restoration services.

| Type | Number of referrals: | Minimum Number of days between order signed and end of reporting period | Maximum Number of days between order signed and end of reporting period |
|---------------------------------------|----------------------|---|---|
| In-Jail Evaluations: | 2 | 21 | 27 |
| Inpatient Evaluations: | 7 | 21 | 55 |
| Inpatient Restorations (Misdemeanor): | 12 | 45 | 76 |
| Inpatient Restorations (Felony): | 36 | 41 | 83 |

| SUMMARY OF DELAY REASONS FOR IN-JAIL EVALUATIONS | |
|---|---------------|
| REASONS FOR DELAY IN DATABASE | OUTLIER CASES |
| Attorney scheduling conflict | 0 |
| Change in status from PR to JH or JH to PR | 0 |
| Client released from custody/jail | 0 |
| Defendant would not cooperate or would not participate without attorney | 0 |
| Good Cause Extension Needed | 0 |
| Interpreter scheduling conflicts | 0 |
| Late receipt of order or discovery availability delay | 0 |
| Medical Record/Collateral Information | 0 |
| No Reason Listed (cell was left blank) | 2 |
| Other | 0 |
| TOTAL: | 2 |

| SUMMARY OF DELAY REASONS FOR INPATIENT EVALUATIONS AND RESTORATIONS | |
|---|---------------|
| REASONS FOR DELAY IN DATABASE | OUTLIER CASES |
| Bed Availability | 55 |
| Change in status from PR to JH or JH to PR | 0 |
| Client released from custody/jail | 0 |
| Late receipt of order or discovery availability delay | 0 |
| Medical Record/Collateral Information | 0 |
| No Reason Listed (cell was left blank) | 0 |
| Other | 0 |
| TOTAL: | 55 |

CLASS MEMBER STATUS DATA TABLES (See APPENDICES H-L “First Look” May)

TABLE 1a. Class Member Status Western State Hospital – Jail-based Competency Evaluations

| WESTERN STATE HOSPITAL | Court Orders Signed | Days from order signature to ² : | | | | | | | | Percent complete within 7 days from order signature date ² | Percent completed within 14 days from receipt of order ^{2,3} | Percent completed within 14 days from receipt of order or within 21 days from order signature date ^{2,3} | |
|---|---------------------|---|------------|-------------------------------|------------|---|------------|------------|------------|---|---|---|-----|
| | | hospital receipt of order | | hospital receipt of discovery | | end of reporting month for incomplete referrals | | completion | | | | | |
| | | Average | Median | Average | Median | Average | Median | Average | Median | | | | |
| | | Average | Median | Average | Median | Average | Median | Average | Median | within 14 days from order signature date ² | within 14 days from receipt of order ^{2,3} | within 14 days from receipt of order or 21 days from order signature date ^{2,3} | |
| Jail-based Evaluation - 14 day compliance | May-17 | 259 | 0.3 | 0.0 | 0.5 | 0.0 | 8.5 | 8.0 | 11.3 | 10.0 | 57% | 58% | 58% |
| | Jun-17 | 274 | 0.2 | 0.0 | 0.6 | 0.0 | 6.3 | 4.0 | 13.7 | 13.0 | 40% | 40% | 40% |
| | Jul-17 | 220 | 0.3 | 0.0 | 0.5 | 0.0 | 8.9 | 7.0 | 13.8 | 14.0 | 48% | 49% | 49% |
| | Aug-17 | 272 | 0.6 | 0.0 | 0.9 | 0.0 | 5.6 | 3.0 | 12.6 | 11.0 | 54% | 55% | 56% |
| | Sep-17 | 236 | 0.4 | 0.0 | 0.8 | 0.0 | 7.2 | 5.0 | 11.9 | 11.0 | 54% | 54% | 55% |
| | Oct-17 | 256 | 0.5 | 0.0 | 0.9 | 0.0 | 7.9 | 6.0 | 12.6 | 11.0 | 52% | 53% | 53% |
| | Nov-17 | 262 | 0.6 | 0.0 | 0.9 | 0.0 | 5.3 | 3.0 | 10.6 | 10.0 | 69% | 69% | 70% |
| | Dec-17 | 180 | 0.5 | 0.0 | 0.8 | 0.0 | 5.8 | 4.0 | 9.7 | 9.0 | 70% | 70% | 71% |
| | Jan-18 | 227 | 0.4 | 0.0 | 0.5 | 0.0 | 4.7 | 5.0 | 9.0 | 8.5 | 69% | 69% | 69% |
| | Feb-18 | 235 | 0.6 | 0.0 | 0.7 | 0.0 | 3.6 | 2.0 | 8.9 | 9.0 | 75% | 75% | 76% |
| | Mar-18 | 270 | 0.6 | 0.0 | 0.7 | 0.0 | 4.7 | 4.0 | 9.0 | 9.0 | 76% | 76% | 76% |
| | Apr-18 | 265 | 0.5 | 0.0 | 0.5 | 0.0 | 6.2 | 5.0 | 9.9 | 10.0 | 75% | 76% | 76% |
| May-18 | 281 | 0.3 | 0.0 | 0.4 | 0.0 | 6.5 | 7.0 | 9.3 | 9.0 | 79% | 80% | 80% | |

Data Notes: See Appendix H

TABLE 1b. Class Member Status Western State Hospital – Inpatient Competency Services

| WESTERN STATE HOSPITAL | Court Orders Signed | Days from order signature to ² : | | | | | | | | Percent complete within 7 days from order signature date ² | Percent completed within 7 days from receipt of order ^{2,3} | Percent completed within 7 days from receipt of order or within 14 days from order signature date ^{2,3} | |
|------------------------------------|---------------------|---|------------|-------------------------------|------------|---|-------------|-------------|-------------|---|--|--|-----|
| | | hospital receipt of order | | hospital receipt of discovery | | end of reporting month for incomplete referrals | | completion | | | | | |
| | | Average | Median | Average | Median | Average | Median | Average | Median | | | | |
| Inpatient Evaluation | May-17 | 28 | 2.1 | 0.0 | 2.1 | 0.0 | 22.6 | 20.0 | 27.6 | 34.0 | 7% | 7% | 7% |
| | Jun-17 | 21 | 2.1 | 0.0 | 2.1 | 0.0 | 30.1 | 31.0 | 36.6 | 42.0 | 6% | 6% | 6% |
| | Jul-17 | 16 | 0.9 | 0.0 | 0.9 | 0.0 | 32.9 | 30.0 | 42.4 | 48.0 | 10% | 10% | 10% |
| | Aug-17 | 28 | 0.7 | 0.0 | 0.7 | 0.0 | 16.5 | 11.5 | 40.6 | 51.0 | 9% | 9% | 9% |
| | Sep-17 | 22 | 0.3 | 0.0 | 0.3 | 0.0 | 27.8 | 31.0 | 32.3 | 36.0 | 7% | 7% | 7% |
| | Oct-17 | 16 | 2.3 | 0.0 | 2.5 | 0.0 | 33.0 | 34.0 | 38.4 | 49.0 | 10% | 10% | 10% |
| | Nov-17 | 15 | 1.4 | 0.0 | 1.6 | 0.0 | 31.8 | 27.0 | 50.5 | 48.0 | 0% | 0% | 0% |
| | Dec-17 | 16 | 4.2 | 0.5 | 4.2 | 0.5 | 31.4 | 32.0 | 43.5 | 50.0 | 8% | 8% | 8% |
| | Jan-18 | 16 | 3.2 | 0.5 | 3.2 | 0.0 | 33.2 | 31.0 | 48.4 | 60.5 | 5% | 5% | 5% |
| | Feb-18 | 6 | 4.9 | 0.0 | 4.9 | 0.0 | 40.6 | 41.0 | 55.2 | 62.0 | 7% | 7% | 7% |
| | Mar-18 | 12 | 2.0 | 0.0 | 2.0 | 0.0 | 31.8 | 25.0 | 44.1 | 61.5 | 17% | 17% | 17% |
| | Apr-18 | 10 | 2.1 | 0.0 | 2.1 | 0.0 | 23.2 | 19.5 | 56.3 | 62.0 | 0% | 0% | 0% |
| May-18 | 13 | 0.6 | 0.0 | 0.7 | 0.0 | 20.0 | 21.5 | 41.4 | 42.0 | 4% | 4% | 4% | |
| Inpatient Restoration ⁴ | May-17 | 103 | 1.4 | 0.0 | 1.4 | 0.0 | 27.0 | 22.0 | 31.8 | 26.0 | 11% | 11% | 11% |
| | Jun-17 | 98 | 1.9 | 0.0 | 1.9 | 0.0 | 27.9 | 22.0 | 27.8 | 21.0 | 11% | 12% | 12% |
| | Jul-17 | 102 | 1.5 | 0.0 | 1.5 | 0.0 | 24.2 | 18.0 | 35.3 | 19.0 | 9% | 9% | 10% |
| | Aug-17 | 108 | 0.8 | 0.0 | 0.8 | 0.0 | 28.4 | 27.0 | 26.1 | 15.0 | 13% | 14% | 14% |
| | Sep-17 | 97 | 0.8 | 0.0 | 0.8 | 0.0 | 29.1 | 23.0 | 35.3 | 25.0 | 10% | 10% | 10% |
| | Oct-17 | 107 | 0.8 | 0.0 | 0.8 | 0.0 | 34.3 | 28.5 | 32.2 | 24.0 | 13% | 13% | 13% |
| | Nov-17 | 92 | 1.6 | 0.0 | 1.6 | 0.0 | 38.1 | 34.5 | 38.8 | 39.0 | 13% | 13% | 13% |
| | Dec-17 | 84 | 1.6 | 0.0 | 1.6 | 0.0 | 43.8 | 34.0 | 37.7 | 35.0 | 12% | 12% | 12% |
| | Jan-18 | 78 | 1.0 | 0.0 | 0.9 | 0.0 | 44.9 | 42.0 | 52.2 | 44.0 | 5% | 6% | 6% |
| | Feb-18 | 94 | 1.1 | 0.0 | 1.0 | 0.0 | 39.0 | 27.0 | 47.3 | 34.0 | 7% | 8% | 8% |
| | Mar-18 | 99 | 1.1 | 0.0 | 1.1 | 0.0 | 35.8 | 30.0 | 45.8 | 27.5 | 9% | 10% | 10% |
| | Apr-18 | 125 | 1.4 | 0.0 | 1.4 | 0.0 | 30.1 | 26.0 | 46.0 | 38.0 | 8% | 10% | 10% |
| May-18 | 93 | 1.1 | 0.0 | 1.1 | 0.0 | 39.8 | 38.0 | 37.2 | 22.0 | 9% | 9% | 9% | |

Data Notes: See Appendix H

TABLE 2a. Class Member Status Eastern State Hospital – Jail-based Competency Evaluations

| EASTERN STATE HOSPITAL | Court Orders Signed | Days from order signature to ² : | | | | | | | | Percent complete within 7 days from order signature date ² | Percent completed within 14 days from receipt of order ^{2,3} | Percent completed within 14 days from receipt of order or within 21 days from order signature date ^{2,3} | |
|---|---------------------|---|------------|-------------------------------|------------|---|------------|------------|-------------|---|---|---|------------|
| | | hospital receipt of order | | hospital receipt of discovery | | end of reporting month for incomplete referrals | | completion | | | | | |
| | | Average | Median | Average | Median | Average | Median | Average | Median | | | | |
| | | Average | Median | Average | Median | Average | Median | Average | Median | within 14 days from order signature date ² | within 14 days from receipt of order ^{2,3} | within 14 days from receipt of order or 21 days from order signature date ^{2,3} | |
| Jail-based Evaluation - 14 day compliance | May-17 | 68 | 0.7 | 0.0 | 1.1 | 0.0 | 11.0 | 7.0 | 11.5 | 11.0 | 60% | 62% | 62% |
| | Jun-17 | 70 | 1.6 | 0.0 | 1.6 | 0.0 | 7.6 | 4.0 | 12.7 | 10.0 | 49% | 55% | 55% |
| | Jul-17 | 54 | 2.0 | 0.0 | 2.3 | 0.0 | 11.8 | 6.0 | 13.1 | 12.0 | 56% | 60% | 62% |
| | Aug-17 | 73 | 0.7 | 0.0 | 0.9 | 0.0 | 4.6 | 2.0 | 12.2 | 9.0 | 56% | 59% | 59% |
| | Sep-17 | 50 | 1.4 | 0.0 | 1.9 | 1.0 | 9.9 | 8.5 | 12.3 | 10.0 | 53% | 55% | 55% |
| | Oct-17 | 62 | 1.4 | 0.0 | 2.0 | 1.0 | 7.4 | 5.0 | 11.1 | 10.0 | 60% | 61% | 61% |
| | Nov-17 | 64 | 1.3 | 0.0 | 2.0 | 1.0 | 6.9 | 8.0 | 11.8 | 11.0 | 58% | 59% | 59% |
| | Dec-17 | 52 | 1.3 | 0.0 | 2.3 | 1.0 | 11.7 | 10.0 | 13.5 | 10.0 | 65% | 66% | 70% |
| | Jan-18 | 73 | 1.1 | 0.0 | 1.8 | 1.0 | 5.1 | 6.0 | 12.7 | 13.0 | 61% | 64% | 64% |
| | Feb-18 | 65 | 0.8 | 0.0 | 1.9 | 1.0 | 4.9 | 2.0 | 10.9 | 11.0 | 59% | 61% | 61% |
| | Mar-18 | 75 | 1.4 | 0.0 | 2.3 | 1.0 | 10.5 | 10.0 | 11.9 | 12.5 | 55% | 59% | 59% |
| | Apr-18 | 51 | 1.7 | 0.0 | 2.2 | 1.0 | 7.4 | 5.0 | 14.0 | 13.0 | 52% | 55% | 56% |
| | May-18 | 62 | 0.8 | 0.0 | 1.5 | 1.0 | 7.7 | 7.0 | 14.0 | 13.0 | 45% | 48% | 48% |

Data Notes: See Appendix H

TABLE 2b. Class Member Status Eastern State Hospital – Inpatient Competency Services

| EASTERN STATE HOSPITAL | Court Orders Signed | Days from order signature to ² : | | | | | | | | Percent complete within 7 days from order signature date ² | Percent completed within 7 days from receipt of order ^{2,3} | Percent completed within 7 days from receipt of order or within 14 days from order signature date ^{2,3} | |
|------------------------|---------------------|---|------------|-------------------------------|------------|---|-------------|-------------|-------------|---|--|--|------------|
| | | hospital receipt of order | | hospital receipt of discovery | | end of reporting month for incomplete referrals | | completion | | | | | |
| | | Average | Median | Average | Median | Average | Median | Average | Median | | | | |
| Inpatient Evaluation | May-17 | 6 | 0.2 | 0.0 | 3.0 | 1.0 | 0.0 | 0.0 | 9.2 | 9.0 | 17% | 17% | 17% |
| | Jun-17 | 10 | 0.3 | 0.0 | 2.3 | 1.0 | 7.3 | 7.5 | 6.5 | 6.5 | 40% | 40% | 40% |
| | Jul-17 | 7 | 3.3 | 0.0 | 4.6 | 2.5 | 5.0 | 5.0 | 11.2 | 10.0 | 27% | 27% | 27% |
| | Aug-17 | 9 | 0.8 | 0.0 | 0.9 | 0.0 | 9.3 | 7.0 | 7.2 | 7.5 | 30% | 30% | 30% |
| | Sep-17 | 8 | 1.3 | 1.0 | 3.3 | 1.0 | 6.0 | 3.0 | 11.8 | 13.5 | 25% | 25% | 25% |
| | Oct-17 | 9 | 0.6 | 0.0 | 0.8 | 1.0 | 12.0 | 12.0 | 13.8 | 13.0 | 0% | 0% | 0% |
| | Nov-17 | 5 | 2.8 | 0.0 | 3.8 | 0.5 | 1.5 | 1.5 | 11.7 | 8.0 | 20% | 20% | 20% |
| | Dec-17 | 12 | 0.2 | 0.0 | 1.3 | 1.0 | 6.5 | 6.5 | 6.5 | 8.0 | 42% | 50% | 50% |
| | Jan-18 | 8 | 0.8 | 0.5 | 0.9 | 0.5 | 0.0 | 0.0 | 5.9 | 5.5 | 70% | 70% | 70% |
| | Feb-18 | 5 | 0.3 | 0.0 | 0.4 | 0.0 | 7.0 | 7.0 | 8.0 | 8.0 | 14% | 14% | 14% |
| | Mar-18 | 13 | 0.6 | 0.0 | 1.4 | 0.0 | 16.1 | 15.0 | 14.9 | 15.0 | 6% | 6% | 6% |
| | Apr-18 | 7 | 1.6 | 0.0 | 2.0 | 0.0 | 8.5 | 8.5 | 18.8 | 17.5 | 0% | 0% | 0% |
| | May-18 | 11 | 0.8 | 0.0 | 1.4 | 1.0 | 11.9 | 10.0 | 11.4 | 14.0 | 15% | 15% | 15% |
| Inpatient Restoration | May-17 | 20 | 1.4 | 0.0 | 1.8 | 0.0 | 5.9 | 5.5 | 8.1 | 7.0 | 35% | 35% | 35% |
| | Jun-17 | 14 | 2.0 | 0.0 | 2.4 | 0.0 | 7.5 | 2.5 | 8.6 | 8.0 | 33% | 43% | 43% |
| | Jul-17 | 13 | 2.2 | 1.0 | 2.2 | 1.0 | 15.8 | 10.0 | 10.3 | 8.5 | 28% | 33% | 33% |
| | Aug-17 | 23 | 0.6 | 0.0 | 1.7 | 0.0 | 6.4 | 4.0 | 11.6 | 9.0 | 29% | 29% | 29% |
| | Sep-17 | 18 | 1.5 | 0.0 | 1.9 | 1.0 | 12.8 | 11.0 | 15.2 | 15.0 | 4% | 4% | 4% |
| | Oct-17 | 11 | 0.8 | 0.0 | 1.2 | 1.0 | 5.0 | 6.0 | 15.9 | 15.5 | 13% | 13% | 13% |
| | Nov-17 | 12 | 1.1 | 0.0 | 2.4 | 1.0 | 5.8 | 5.5 | 5.9 | 6.5 | 44% | 44% | 44% |
| | Dec-17 | 20 | 1.3 | 0.0 | 2.3 | 0.0 | 10.2 | 10.0 | 9.2 | 9.0 | 25% | 29% | 29% |
| | Jan-18 | 16 | 0.3 | 0.0 | 0.4 | 0.0 | 1.2 | 1.0 | 5.3 | 6.0 | 63% | 63% | 63% |
| | Feb-18 | 19 | 1.0 | 0.0 | 1.2 | 0.0 | 7.6 | 8.0 | 9.4 | 9.5 | 20% | 20% | 20% |
| | Mar-18 | 18 | 1.6 | 0.0 | 2.0 | 1.0 | 10.8 | 10.0 | 14.4 | 15.5 | 8% | 12% | 12% |
| | Apr-18 | 15 | 3.2 | 0.0 | 3.4 | 0.5 | 15.9 | 14.5 | 21.2 | 21.0 | 4% | 4% | 4% |
| | May-18 | 17 | 2.8 | 0.0 | 3.0 | 0.0 | 11.5 | 9.5 | 20.2 | 17.5 | 0% | 0% | 0% |

Data Notes: See Appendix H

TABLE 3a. Class Member Status at WSH and ESH (Totals) – Jail-based Competency Evaluations

| TOTALS BOTH HOSPITALS | Court Orders Signed | Days from order signature to ² : | | | | | | | | Percent complete within 7 days from order signature date ² | Percent completed within 14 days from receipt of order ^{2,3} | Percent completed within 14 days from receipt of order or within 21 days from order signature date ^{2,3} | |
|---|---------------------|---|------------|-------------------------------|------------|---|------------|-------------|------------|---|---|---|-----|
| | | hospital receipt of order | | hospital receipt of discovery | | end of reporting month for incomplete referrals | | completion | | | | | |
| | | Average | Median | Average | Median | Average | Median | Average | Median | | | | |
| | | Average | Median | Average | Median | Average | Median | Average | Median | within 14 days from order signature date ² | within 14 days from receipt of order ^{2,3} | within 14 days from receipt of order or 21 days from order signature date ^{2,3} | |
| Jail-based Evaluation - 14 day compliance | May-17 | 327 | 0.4 | 0.0 | 0.7 | 0.0 | 9.0 | 7.0 | 11.3 | 10.0 | 58% | 59% | 59% |
| | Jun-17 | 344 | 0.5 | 0.0 | 0.8 | 0.0 | 6.5 | 4.0 | 13.5 | 13.0 | 41% | 43% | 43% |
| | Jul-17 | 274 | 0.7 | 0.0 | 0.9 | 0.0 | 9.7 | 7.0 | 13.2 | 13.0 | 49% | 51% | 51% |
| | Aug-17 | 345 | 0.6 | 0.0 | 0.7 | 0.0 | 5.9 | 3.0 | 12.5 | 11.0 | 54% | 55% | 56% |
| | Sep-17 | 286 | 0.6 | 0.0 | 1.0 | 0.0 | 7.7 | 5.0 | 12.0 | 11.0 | 54% | 54% | 55% |
| | Oct-17 | 318 | 0.7 | 0.0 | 1.1 | 0.0 | 7.9 | 6.0 | 12.3 | 11.0 | 54% | 54% | 55% |
| | Nov-17 | 326 | 0.7 | 0.0 | 1.1 | 0.0 | 5.7 | 3.0 | 10.9 | 10.0 | 67% | 67% | 68% |
| | Dec-17 | 232 | 0.7 | 0.0 | 1.2 | 0.0 | 7.1 | 5.0 | 10.6 | 10.0 | 68% | 69% | 71% |
| | Jan-18 | 300 | 0.5 | 0.0 | 0.8 | 0.0 | 4.8 | 5.0 | 9.9 | 9.0 | 67% | 68% | 68% |
| | Feb-18 | 300 | 0.7 | 0.0 | 1.0 | 0.0 | 4.0 | 2.0 | 9.3 | 9.0 | 72% | 72% | 73% |
| | Mar-18 | 345 | 0.8 | 0.0 | 1.1 | 0.0 | 6.5 | 5.0 | 9.7 | 9.0 | 71% | 72% | 72% |
| | Apr-18 | 316 | 0.7 | 0.0 | 0.9 | 0.0 | 6.5 | 5.0 | 10.6 | 10.0 | 71% | 72% | 72% |
| May-18 | 343 | 0.4 | 0.0 | 0.6 | 0.0 | 6.8 | 7.0 | 10.1 | 9.0 | 72% | 73% | 74% | |

Data Notes: See Appendix H

TABLE 3b. Class Member Status at WSH and ESH State Hospital (Totals) – Inpatient Services

| TOTALS BOTH HOSPITALS | Court Orders Signed | Days from order signature to ² : | | | | | | | | Percent complete within 7 days from order signature date ² | Percent completed within 14 days from receipt of order ^{2,3} | Percent completed within 14 days from receipt of order or within 21 days from order signature date ^{2,3} | |
|------------------------------------|---------------------|---|------------|-------------------------------|------------|---|-------------|-------------|-------------|---|---|---|-----|
| | | hospital receipt of order | | hospital receipt of discovery | | end of reporting month for incomplete referrals | | completion | | | | | |
| | | Average | Median | Average | Median | Average | Median | Average | Median | | | | |
| Inpatient Evaluation | May-17 | 34 | 1.9 | 0.0 | 2.2 | 0.0 | 22.6 | 20.0 | 24.3 | 28.0 | 8% | 8% | 8% |
| | Jun-17 | 31 | 1.9 | 0.0 | 2.2 | 0.0 | 27.6 | 28.5 | 29.4 | 39.0 | 11% | 11% | 11% |
| | Jul-17 | 23 | 1.3 | 0.0 | 1.5 | 0.0 | 31.7 | 28.0 | 33.7 | 45.0 | 14% | 14% | 14% |
| | Aug-17 | 37 | 0.7 | 0.0 | 0.8 | 0.0 | 15.6 | 9.0 | 31.9 | 43.0 | 12% | 12% | 12% |
| | Sep-17 | 30 | 0.5 | 0.0 | 0.8 | 0.0 | 25.6 | 23.5 | 26.0 | 28.0 | 11% | 11% | 11% |
| | Oct-17 | 25 | 2.0 | 0.0 | 2.1 | 0.0 | 32.3 | 34.0 | 30.5 | 23.0 | 8% | 8% | 8% |
| | Nov-17 | 20 | 1.6 | 0.0 | 1.8 | 0.0 | 29.1 | 27.0 | 45.2 | 44.5 | 2% | 2% | 2% |
| | Dec-17 | 28 | 3.2 | 0.0 | 3.5 | 1.0 | 29.4 | 25.0 | 28.7 | 11.0 | 16% | 19% | 19% |
| | Jan-18 | 24 | 2.7 | 0.5 | 2.7 | 0.0 | 30.7 | 25.5 | 33.0 | 24.5 | 19% | 19% | 19% |
| | Feb-18 | 11 | 4.1 | 0.0 | 4.1 | 0.0 | 35.6 | 38.5 | 44.1 | 44.0 | 8% | 8% | 8% |
| | Mar-18 | 25 | 1.5 | 0.0 | 1.8 | 0.0 | 25.4 | 21.0 | 35.2 | 22.0 | 13% | 13% | 13% |
| | Apr-18 | 17 | 1.9 | 0.0 | 2.1 | 0.0 | 21.4 | 17.5 | 34.9 | 23.0 | 0% | 0% | 0% |
| May-18 | 24 | 0.7 | 0.0 | 0.9 | 0.0 | 17.3 | 12.5 | 32.0 | 37.5 | 8% | 8% | 8% | |
| Inpatient Restoration ⁴ | May-17 | 123 | 1.5 | 0.0 | 1.5 | 0.0 | 27.4 | 22.0 | 28.7 | 20.0 | 13% | 14% | 14% |
| | Jun-17 | 112 | 1.9 | 0.0 | 1.9 | 0.0 | 27.1 | 21.5 | 24.7 | 15.0 | 13% | 15% | 15% |
| | Jul-17 | 115 | 1.5 | 0.0 | 1.5 | 0.0 | 24.2 | 18.0 | 32.5 | 18.0 | 11% | 11% | 12% |
| | Aug-17 | 131 | 0.7 | 0.0 | 0.9 | 0.0 | 26.6 | 22.0 | 23.9 | 14.0 | 15% | 16% | 16% |
| | Sep-17 | 115 | 0.9 | 0.0 | 0.9 | 0.0 | 27.6 | 19.0 | 32.7 | 19.0 | 9% | 9% | 9% |
| | Oct-17 | 118 | 0.8 | 0.0 | 0.8 | 0.0 | 33.5 | 27.5 | 29.4 | 18.0 | 13% | 13% | 13% |
| | Nov-17 | 104 | 1.5 | 0.0 | 1.6 | 0.0 | 37.2 | 31.0 | 35.1 | 30.5 | 15% | 15% | 15% |
| | Dec-17 | 104 | 1.6 | 0.0 | 1.6 | 0.0 | 42.8 | 34.0 | 31.4 | 12.0 | 13% | 13% | 13% |
| | Jan-18 | 94 | 0.9 | 0.0 | 0.9 | 0.0 | 43.1 | 41.0 | 46.7 | 39.5 | 9% | 10% | 10% |
| | Feb-18 | 113 | 1.1 | 0.0 | 1.1 | 0.0 | 37.2 | 26.0 | 41.2 | 25.0 | 9% | 9% | 9% |
| | Mar-18 | 117 | 1.1 | 0.0 | 1.2 | 0.0 | 33.9 | 25.0 | 41.8 | 23.5 | 9% | 10% | 10% |
| | Apr-18 | 140 | 1.5 | 0.0 | 1.6 | 0.0 | 29.5 | 25.0 | 42.0 | 27.0 | 8% | 9% | 9% |
| May-18 | 110 | 1.2 | 0.0 | 1.3 | 0.0 | 37.8 | 37.0 | 35.1 | 22.0 | 8% | 8% | 8% | |

Data Notes: See Appendix H

CLASS MEMBER STATUS DATA GRAPHS

NOTE: May data are “first look” and are subject to change.

FIGURE 1. Evaluation Orders

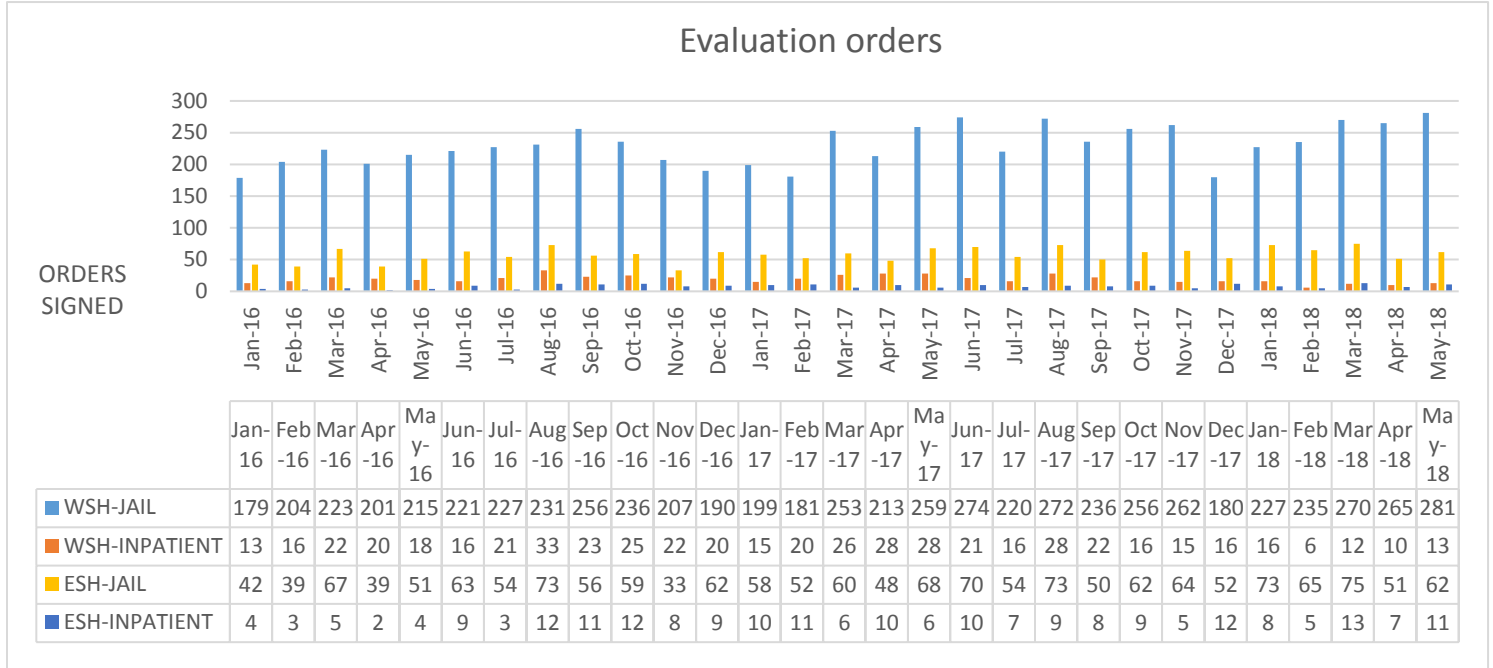


FIGURE 2. Restoration Orders

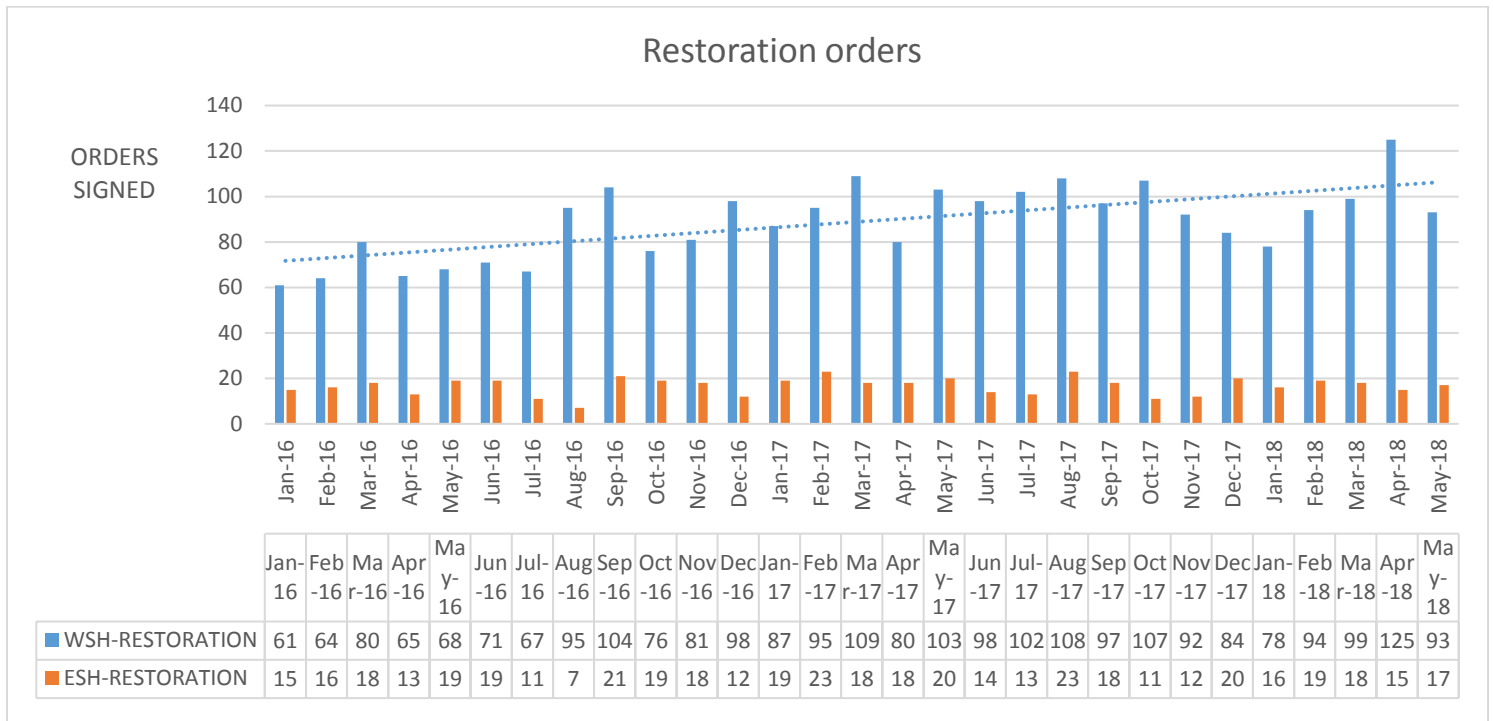


FIGURE 3. Evaluations – Median

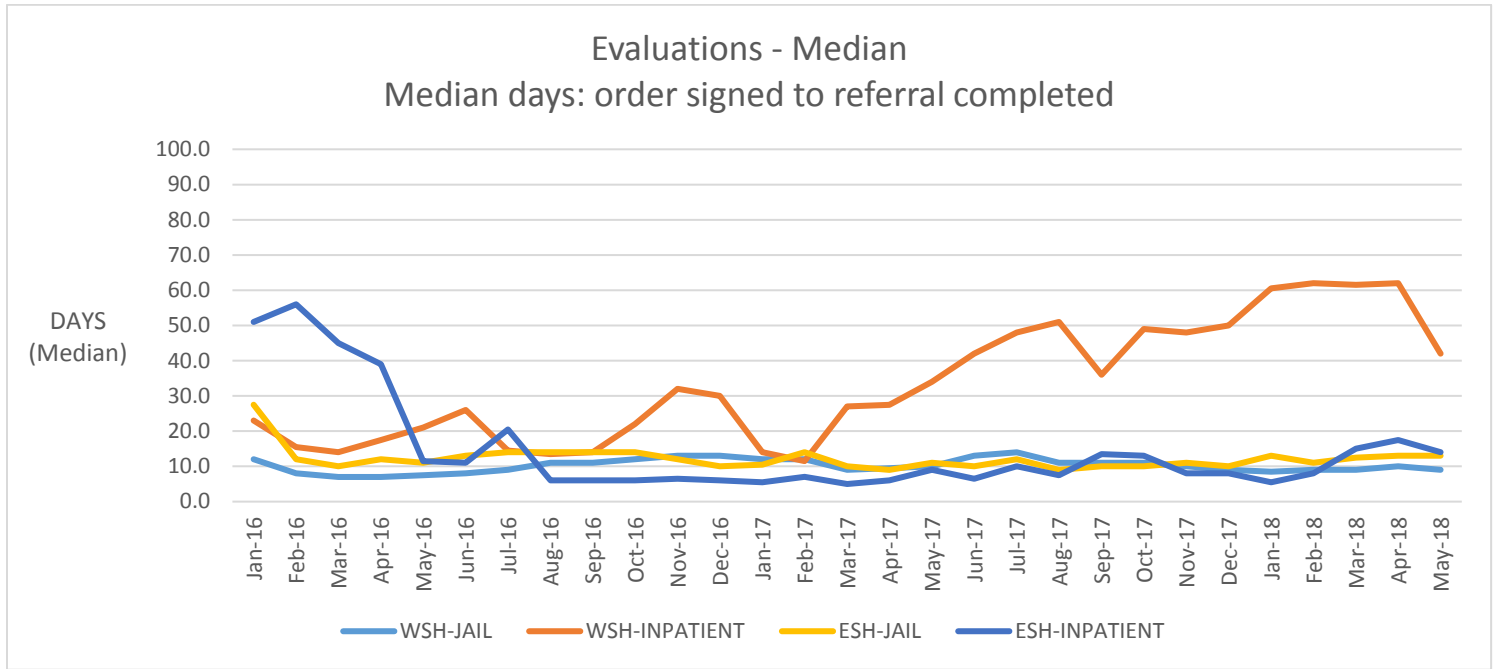


FIGURE 4. Evaluations – Average

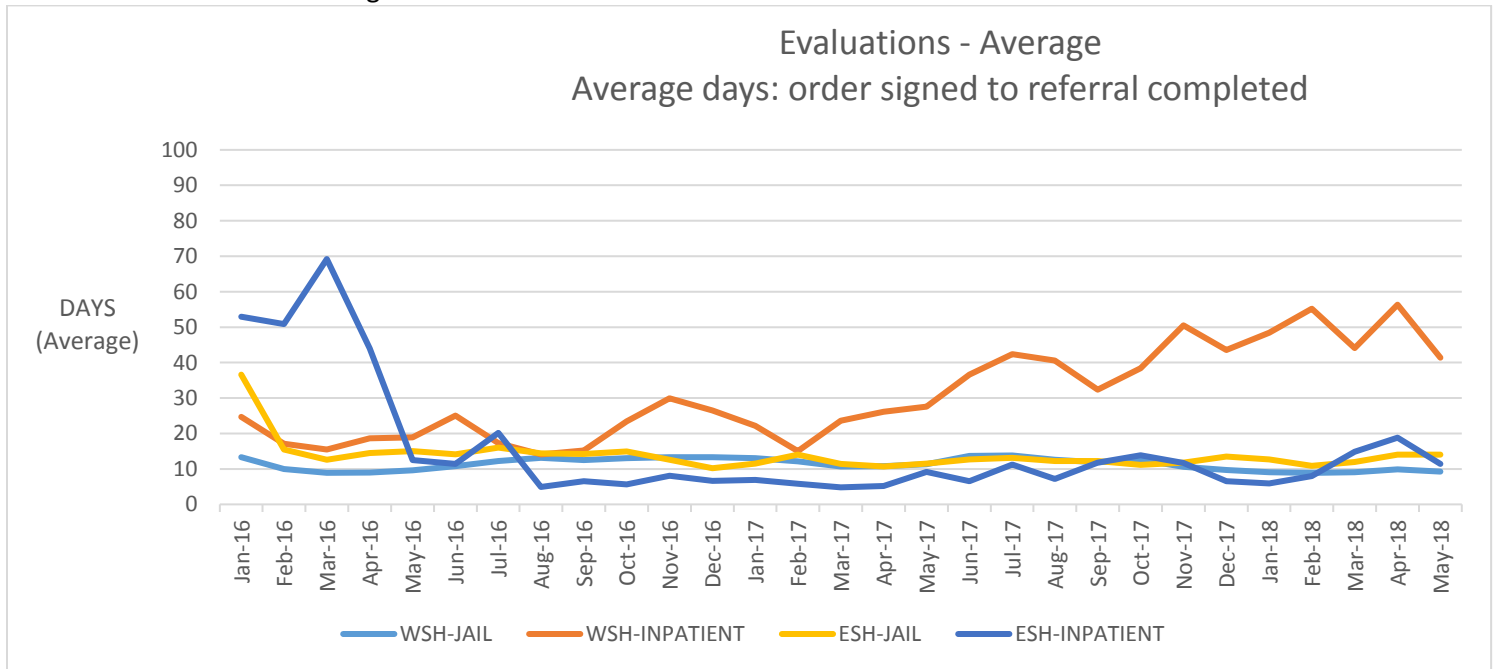


FIGURE 5. Restorations - Median

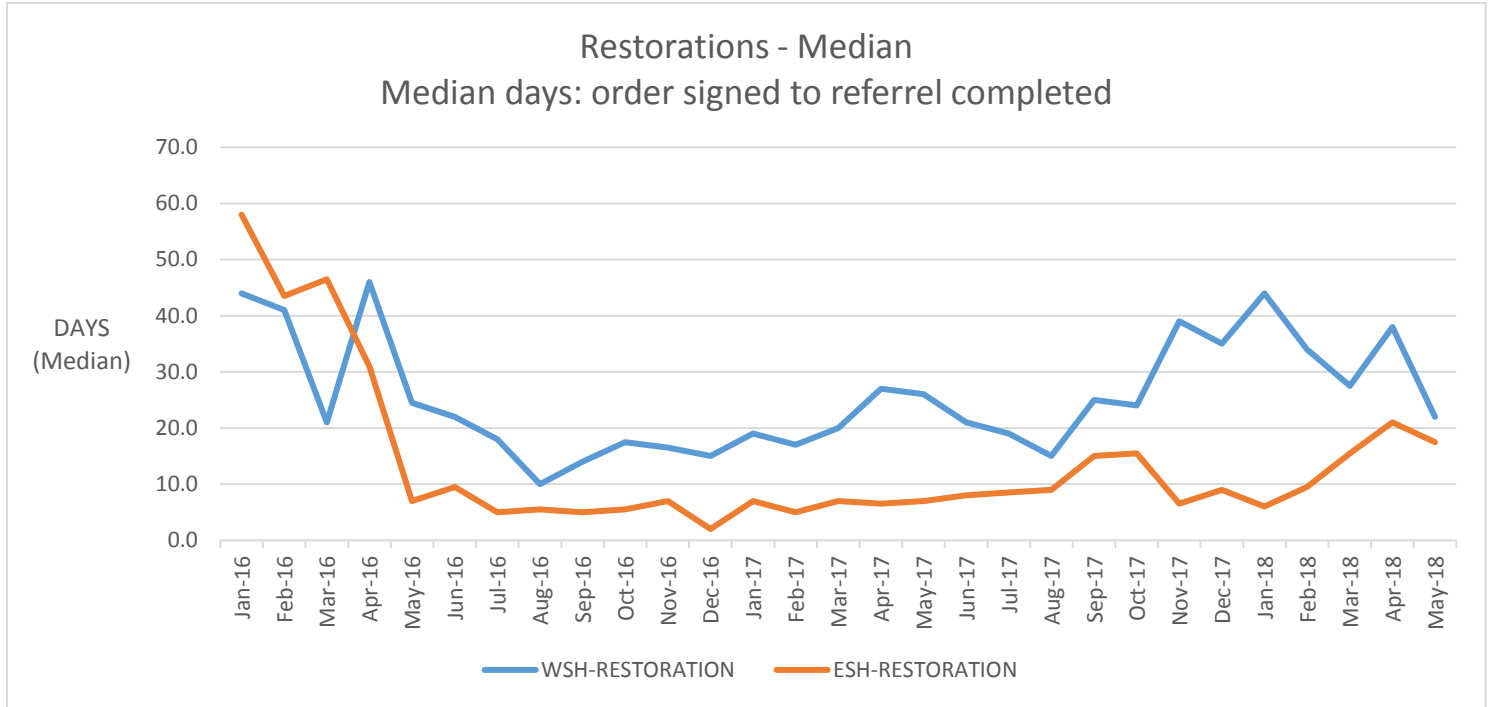


FIGURE 6. Restorations – Average

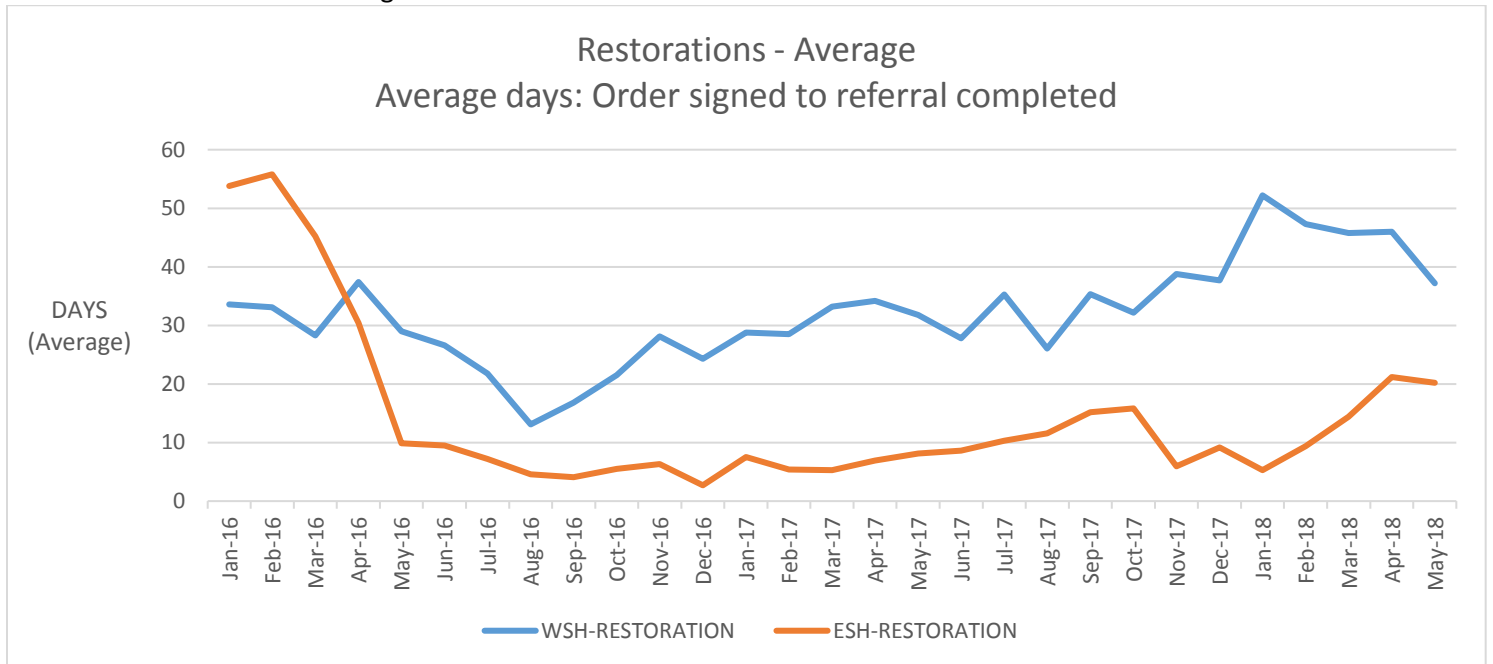


TABLE 4a-4c. Summary of jail evaluations, in-patient evaluations, and restorations by month since February, 2016. **NOTE: These data (percent days or less) are based on the month that the court order was signed and will therefore be different from the data shown in Tables 1-3, which is based on the month the order packet was completed. May numbers are first look, and percentages may change as many cases (those with orders at the end of the month) will close within the seven or fourteen day window.**

| 4a. TOTAL COMPLETED JAIL EVALUATIONS BY MONTH COURT ORDER SIGNED ^{1,2} | | | |
|---|---|---------------------|---|
| MONTH | 14 DAYS OR LESS FROM ORDER SIGNATURE DATE | TOTAL ORDERS SIGNED | PERCENT 14 DAYS OR LESS FROM ORDER SIGNATURE DATE |
| Feb-16 | 196 | 244 | 80.3% |
| Mar-16 | 244 | 289 | 84.4% |
| Apr-16 | 203 | 240 | 84.6% |
| May-16 | 213 | 263 | 81.0% |
| Jun-16 | 189 | 282 | 67.0% |
| Jul-16 | 201 | 281 | 71.5% |
| Aug-16 | 211 | 304 | 69.4% |
| Sep-16 | 209 | 312 | 67.0% |
| Oct-16 | 237 | 295 | 80.3% |
| Nov-16 | 161 | 240 | 67.1% |
| Dec-16 | 186 | 252 | 73.8% |
| Jan-17 | 194 | 257 | 75.5% |
| Feb-17 | 180 | 233 | 77.3% |
| Mar-17 | 264 | 313 | 84.3% |
| Apr-17 | 220 | 261 | 84.3% |
| May-17 | 226 | 327 | 69.1% |
| Jun-17 | 222 | 344 | 64.5% |
| Jul-17 | 196 | 274 | 71.5% |
| Aug-17 | 262 | 345 | 75.9% |
| Sep-17 | 207 | 286 | 72.4% |
| Oct-17 | 258 | 318 | 81.1% |
| Nov-17 | 283 | 326 | 86.8% |
| Dec-17 | 218 | 232 | 94.0% |
| Jan-18 | 281 | 300 | 93.7% |
| Feb-18 | 282 | 300 | 94.0% |
| Mar-18 | 317 | 345 | 91.9% |
| Apr-18 | 289 | 316 | 91.5% |
| May-18 | 242 | 343 | 70.6% |

Data Notes:

¹Data presented in this table represent the number of in-jail competency evaluations completed within 14 days from order signature date out of all orders signed in the specified month.

²This data was pulled on 06/01/2018.

TABLE 4 CONTD.

| 4b. TOTAL ADMITTED INPATIENT EVALUATIONS BY MONTH COURT ORDER SIGNED ^{1,2} | | | |
|---|--|---------------------|--|
| MONTH | 7 DAYS OR LESS FROM ORDER SIGNATURE DATE | TOTAL ORDERS SIGNED | PERCENT 7 DAYS OR LESS FROM ORDER SIGNATURE DATE |
| Feb-16 | 10 | 31 | 32.3% |
| Mar-16 | 2 | 30 | 6.7% |
| Apr-16 | 3 | 22 | 13.6% |
| May-16 | 4 | 22 | 18.2% |
| Jun-16 | 0 | 25 | 0.0% |
| Jul-16 | 5 | 24 | 20.8% |
| Aug-16 | 17 | 45 | 37.8% |
| Sep-16 | 12 | 34 | 35.3% |
| Oct-16 | 14 | 37 | 37.8% |
| Nov-16 | 6 | 30 | 20.0% |
| Dec-16 | 11 | 29 | 37.9% |
| Jan-17 | 12 | 25 | 48.0% |
| Feb-17 | 12 | 31 | 38.7% |
| Mar-17 | 8 | 32 | 25.0% |
| Apr-17 | 8 | 38 | 21.1% |
| May-17 | 5 | 34 | 14.7% |
| Jun-17 | 7 | 31 | 22.6% |
| Jul-17 | 8 | 23 | 34.8% |
| Aug-17 | 7 | 37 | 18.9% |
| Sep-17 | 7 | 30 | 23.3% |
| Oct-17 | 5 | 25 | 20.0% |
| Nov-17 | 1 | 20 | 5.0% |
| Dec-17 | 11 | 28 | 39.3% |
| Jan-18 | 10 | 24 | 41.7% |
| Feb-18 | 2 | 11 | 18.2% |
| Mar-18 | 7 | 25 | 28.0% |
| Apr-18 | 1 | 17 | 5.9% |
| May-18 | 2 | 24 | 8.3% |

Data Notes:

¹Data presented in this table represent the number of inpatient competency evaluation admissions completed within 7 days from order signature date of all orders signed in the specified month.

²This data was pulled on 06/01/2018.

TABLE 4 CONTD.

| 4c. TOTAL ADMITTED RESTORATIONS BY MONTH COURT ORDER SIGNED ^{1,2} | | | |
|--|--|---------------------|--|
| MONTH | 7 DAYS OR LESS FROM ORDER SIGNATURE DATE | TOTAL ORDERS SIGNED | PERCENT 7 DAYS OR LESS FROM ORDER SIGNATURE DATE |
| Feb-16 | 7 | 80 | 8.8% |
| Mar-16 | 20 | 99 | 20.2% |
| Apr-16 | 12 | 79 | 15.2% |
| May-16 | 26 | 87 | 29.9% |
| Jun-16 | 22 | 90 | 24.4% |
| Jul-16 | 28 | 78 | 35.9% |
| Aug-16 | 34 | 102 | 33.3% |
| Sep-16 | 40 | 125 | 32.0% |
| Oct-16 | 24 | 95 | 25.3% |
| Nov-16 | 32 | 99 | 32.3% |
| Dec-16 | 27 | 110 | 24.5% |
| Jan-17 | 43 | 106 | 40.6% |
| Feb-17 | 39 | 118 | 33.1% |
| Mar-17 | 40 | 127 | 31.5% |
| Apr-17 | 21 | 98 | 21.4% |
| May-17 | 26 | 123 | 21.1% |
| Jun-17 | 27 | 112 | 24.1% |
| Jul-17 | 30 | 115 | 26.1% |
| Aug-17 | 36 | 131 | 27.5% |
| Sep-17 | 22 | 115 | 19.1% |
| Oct-17 | 36 | 118 | 30.5% |
| Nov-17 | 36 | 104 | 34.6% |
| Dec-17 | 32 | 104 | 30.8% |
| Jan-18 | 24 | 94 | 25.5% |
| Feb-18 | 24 | 113 | 21.2% |
| Mar-18 | 23 | 117 | 19.7% |
| Apr-18 | 21 | 140 | 15.0% |
| May-18 | 24 | 110 | 21.8% |

Data Notes:

¹Data presented in this table represent the number of inpatient competency restoration admissions completed within 7 days from order signature date of all orders signed in the specified month.

²This data was pulled on 06/01/2018.

TABLE 5a-5c: Number and Percentage of Orders

DSHS compliance data are calculated and summarized in Table 5 based on the modified timeframes for jail evaluations, inpatient evaluations, and restoration services outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: “DSHS shall admit class members for either inpatient competency evaluation or restoration within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order.”

| 5a. TOTAL COMPLETED JAIL EVALUATIONS BY MONTH COURT ORDER SIGNED | | | | | |
|--|---------------------|--|---|--|---|
| MONTH | TOTAL ORDERS SIGNED | ORDERS COMPLETED WITHIN 14 DAYS FROM RECEIPT OF ORDER ^{1,2} | PERCENT COMPLETED WITHIN 14 DAYS FROM RECEIPT OF ORDER ^{1,2} | ORDERS COMPLETED WITHIN 14 DAYS FROM RECEIPT OF ORDER OR WITHIN 21 DAYS FROM ORDER SIGNATURE DATE ^{1,2} | PERCENT COMPLETED WITHIN 14 DAYS FROM RECEIPT OF ORDER OR WITHIN 21 DAYS FROM ORDER SIGNATURE DATE ^{1,2} |
| Feb-16 | 244 | Not Applicable | Not Applicable | Not Applicable | Not Applicable |
| Mar-16 | 289 | | | | |
| Apr-16 | 240 | | | | |
| May-16 | 263 | | | | |
| Jun-16 | 282 | | | | |
| Jul-16 | 281 | | | | |
| Aug-16 | 304 | | | | |
| Sep-16 | 312 | | | | |
| Oct-16 | 295 | | | | |
| Nov-16 | 240 | | | | |
| Dec-16 | 252 | | | | |
| Jan-17 | 257 | | | | |
| Feb-17 | 233 | | | | |
| Mar-17 | 313 | | | | |
| Apr-17 | 261 | | | | |
| May-17 | 327 | 234 | 71.6% | 234 | 71.6% |
| Jun-17 | 344 | 229 | 66.6% | 230 | 66.9% |
| Jul-17 | 274 | 203 | 74.1% | 205 | 74.8% |
| Aug-17 | 345 | 262 | 75.9% | 264 | 76.5% |
| Sep-17 | 286 | 211 | 73.8% | 213 | 74.5% |
| Oct-17 | 318 | 261 | 82.1% | 264 | 83.0% |
| Nov-17 | 326 | 285 | 87.4% | 291 | 89.3% |
| Dec-17 | 232 | 219 | 94.4% | 221 | 95.3% |
| Jan-18 | 300 | 284 | 94.7% | 286 | 95.3% |
| Feb-18 | 300 | 284 | 94.7% | 285 | 95.0% |
| Mar-18 | 345 | 321 | 93.0% | 324 | 93.9% |
| Apr-18 | 316 | 293 | 92.7% | 294 | 93.0% |
| May-18 | 343 | 245 | 71.4% | 245 | 71.4% |

TABLE 5 CONTD.

| 5b. TOTAL ADMITTED INPATIENT EVALUATIONS BY MONTH COURT ORDER SIGNED | | | | | |
|--|---------------------|---|--|---|--|
| MONTH | TOTAL ORDERS SIGNED | ORDERS COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER ^{1,2} | PERCENT COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER ^{1,2} | ORDERS COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER OR WITHIN 14 DAYS FROM ORDER SIGNATURE DATE ^{1,2} | PERCENT COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER OR WITHIN 14 DAYS FROM ORDER SIGNATURE DATE ^{1,2} |
| Feb-16 | 31 | Not Applicable | Not Applicable | Not Applicable | Not Applicable |
| Mar-16 | 30 | | | | |
| Apr-16 | 22 | | | | |
| May-16 | 22 | | | | |
| Jun-16 | 25 | | | | |
| Jul-16 | 24 | | | | |
| Aug-16 | 45 | | | | |
| Sep-16 | 34 | | | | |
| Oct-16 | 37 | | | | |
| Nov-16 | 30 | | | | |
| Dec-16 | 29 | | | | |
| Jan-17 | 25 | | | | |
| Feb-17 | 31 | | | | |
| Mar-17 | 32 | | | | |
| Apr-17 | 38 | | | | |
| May-17 | 34 | 5 | 14.7% | 5 | 14.7% |
| Jun-17 | 31 | 7 | 22.6% | 7 | 22.6% |
| Jul-17 | 23 | 8 | 34.8% | 8 | 34.8% |
| Aug-17 | 37 | 7 | 18.9% | 7 | 18.9% |
| Sep-17 | 30 | 7 | 23.3% | 7 | 23.3% |
| Oct-17 | 25 | 5 | 20.0% | 5 | 20.0% |
| Nov-17 | 20 | 1 | 5.0% | 1 | 5.0% |
| Dec-17 | 28 | 11 | 39.3% | 11 | 39.3% |
| Jan-18 | 24 | 10 | 41.7% | 10 | 41.7% |
| Feb-18 | 11 | 2 | 18.2% | 2 | 18.2% |
| Mar-18 | 25 | 7 | 28.0% | 7 | 28.0% |
| Apr-18 | 17 | 1 | 5.9% | 1 | 5.9% |
| May-18 | 24 | 2 | 8.3% | 2 | 8.3% |

TABLE 5 CONTD.

| 5c. TOTAL ADMITTED RESTORATIONS BY MONTH COURT ORDER SIGNED | | | | | |
|---|---------------------|---|--|---|--|
| MONTH | TOTAL ORDERS SIGNED | ORDERS COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER ^{1,2} | PERCENT COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER ^{1,2} | ORDERS COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER OR WITHIN 14 DAYS FROM ORDER SIGNATURE DATE ^{1,2} | PERCENT COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER OR WITHIN 14 DAYS FROM ORDER SIGNATURE DATE ^{1,2} |
| Feb-16 | 80 | Not Applicable | Not Applicable | Not Applicable | Not Applicable |
| Mar-16 | 99 | | | | |
| Apr-16 | 79 | | | | |
| May-16 | 87 | | | | |
| Jun-16 | 90 | | | | |
| Jul-16 | 78 | | | | |
| Aug-16 | 102 | | | | |
| Sep-16 | 125 | | | | |
| Oct-16 | 95 | | | | |
| Nov-16 | 99 | | | | |
| Dec-16 | 110 | | | | |
| Jan-17 | 106 | | | | |
| Feb-17 | 118 | | | | |
| Mar-17 | 127 | | | | |
| Apr-17 | 98 | | | | |
| May-17 | 123 | 29 | 23.6% | 29 | 23.6% |
| Jun-17 | 112 | 29 | 25.9% | 29 | 25.9% |
| Jul-17 | 115 | 31 | 27.0% | 32 | 27.8% |
| Aug-17 | 131 | 37 | 28.2% | 37 | 28.2% |
| Sep-17 | 115 | 23 | 20.0% | 23 | 20.0% |
| Oct-17 | 118 | 37 | 31.4% | 38 | 32.2% |
| Nov-17 | 104 | 36 | 34.6% | 36 | 34.6% |
| Dec-17 | 104 | 34 | 32.7% | 34 | 32.7% |
| Jan-18 | 94 | 25 | 26.6% | 25 | 26.6% |
| Feb-18 | 113 | 24 | 21.2% | 24 | 21.2% |
| Mar-18 | 117 | 26 | 22.2% | 26 | 22.2% |
| Apr-18 | 140 | 23 | 16.4% | 23 | 16.4% |
| May-18 | 110 | 24 | 21.8% | 24 | 21.8% |

RESOURCES REQUIRED TO PROVIDE TIMELY COMPETENCY SERVICES

Funding and Resources

The Washington State Legislature convened one regular and three consecutive special sessions between January 9, 2017 and July 20, 2017. The Legislature passed a 2017-19 operating budget in Substitute Senate Bill 5883 (SSB 5883) on June 30, 2017. Section 204 (2)(e) of the bill references \$25,053,000 in Fiscal Year 2018 (July 1, 2017 to June 30, 2018) and \$25,847,000 in Fiscal Year 2019 (July 1, 2018 to June 30, 2019) for implementation of efforts to improve the timeliness of competency restoration services pursuant to Chapter 5, Laws of 2015 (SSB 5889). The budget provides funding to operate an additional thirty bed forensic ward in Fiscal Year 2019 (July 1, 2018 to June 30, 2019), assuming the closure of one thirty bed civil ward and subsequent conversion to a forensic unit. The Aging and Long Term Services Administration, the Developmental Disabilities Administration, and Western State Hospital are already collaborating on targeted efforts to successfully discharge patients into the community to reduce the population of one civil ward by thirty patients, as contemplated by the Legislature. The Legislature also funded a twenty-four bed expansion at Yakima Residential Treatment Facility. The Department intended to move forward with this expansion to provide relief to class members. However, on November 1, 2017, Plaintiffs and the Department submitted a proposal to the court that would transition the operations planned for Yakima expansion to Building 27 at WSH. On November 21, 2017, at a status hearing in the Federal District Court, the Department with the Governor's office reiterated the plan to shift the expansion money from Yakima to Building 27 at WSH for operations if the court would release fine money to pay for the capital improvements. On January 25, 2018, Judge Pechman heard a motion to use contempt fine funds for the remodel of Building 27 and agreed, in principal, once a few minor changes were made to the plan. Therefore, in the FY 2018 Operating Supplemental Budget, the additional funds that were earmarked for the twenty-four bed expansion at the Yakima Residential Treatment Facility were removed.

The FY 2018 Supplemental Capital Budget includes \$3 million for renovation of 1N3 for twenty-five forensic and \$3.5 million for renovation of 3N3 to provide another twenty-five forensic beds at Eastern State Hospital. It also includes \$10.5 million in the 2017-19 biennium and a proposed \$9.6 million in the 2019-21 biennium for predesign, design, and renovation of Western State Hospital Building 29 to support sixty additional forensic beds.

Need Projections and Bed Capacity

During the June, 2017 *Trueblood* Status Hearing, Judge Pechman directed Dr. Danna Mauch to hire a contractor to conduct a Competency Services Bed Need Study to illustrate patient demand and bed need, and ultimately to determine the feasibility of, and timeframe for, compliance with Court orders. The impact of community based competency evaluation on the demand for inpatient CE/CR beds will also be measured.

The TriWest Group was selected as the contractor to complete this work within a 60-90 day timeframe. On October 13, 2017 TriWest requested and received aggregate level referral data from DSHS. DSHS provided TriWest the daily aggregate data on November 28, 2017. TriWest informed DSHS that they received word of conditional approval by the IRB on November 30, 2017. On February 1, 2018, TriWest informed DSHS that the WSIRB acknowledged receipt of their response to conditional approval and revised application. On April 9, 2018, TriWest provided DSHS a signed copy of the IRB approval that would allow DSHS to share client-level data for the study. DSHS updated the data that was prepared for TriWest in November of 2017 while waiting for the IRB approval to include more recent data through February, 2018. DSHS provided TriWest the client level data in April 2018 after receiving a copy of the WSIRB approval from TriWest.

TriWest provided an update on 5/22/2018. They have been working with the client level data provided by DSHS including talking with DSHS data staff at the headquarters and the state hospitals to gain some understanding of data issues they have identified. They found those conversations helpful. However, they observed that some data challenges remain. They are working on revising their coding for the bed model. They noted that they have also provided an update to the Court Monitor so she is aware of the data issues and appreciates the efforts to troubleshoot and move forward.

TRUEBLOOD KEY ACCOMPLISHMENTS – MAY 2018

RECRUITING:

- Talent Acquisition program staff at DSHS Headquarters continue to recruit for all positions at Western State Hospital (WSH) including those for SIA projects. Final numbers of staff and data associated with placement is controlled by HR operations staff at WSH.
- Talent Acquisition program staff support hiring needs associated with the Building 27 project at WSH. Three of the five positions in phase 1 of the staffing plan are being actively recruited. Phase 1 positions are projected to start in August, 2018.
- Recruiting for additional Forensic Evaluators and a supervisor at the Office of Forensic Mental Health Services continues.
- Recruitment continues for a Center Director at the Center for Forensic Services, with a projected hire date of July 1.

RESIDENTIAL TREATMENT FACILITIES (RTF's) DATA:

YAKIMA

| Data Elements | Jan-18 | Feb-18 | Mar-18 | Apr-18 | May-18 | Jun-18 | Jul-18 | Aug-18 | Sep-18 | Oct-18 | Nov-18 | Dec-18 | 2018 Avg |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------|
| Census (last day of month) | 22 | 22 | 22 | 22 | 18 | | | | | | | | 21.2 |
| Total patients admitted | 13 | 15 | 10 | 11 | 9 | | | | | | | | 11.6 |
| Completed and found competent (1st Restoration) | 10 | 10 | 10 | 9 | 7 | | | | | | | | 9.2 |
| Not likely restorable (transported back to jail) | 2 | 1 | 0 | 1 | 3 | | | | | | | | 1.4 |
| Court Order lapsed (Transported back to Jail) | 1 | 1 | 0 | 1 | 1 | | | | | | | | 0.8 |
| Felony patients completed and found not likely restorable (1st Restoration) | 0 | 0 | 0 | 0 | 0 | | | | | | | | 0 |
| Misdemeanor patients not restored (no further treatment by law) | 0 | 0 | 0 | 0 | 0 | | | | | | | | 0 |
| Total transferred to State Hospital | 1 | 3 | 0 | 0 | 2 | | | | | | | | 1.2 |
| For physical aggression | 0 | 2 | 0 | 0 | 0 | | | | | | | | 0.4 |
| For sexually inappropriate behavior | 0 | 0 | 0 | 0 | 0 | | | | | | | | 0 |
| For medical reasons | 0 | 1 | 0 | 0 | 2 | | | | | | | | 0.6 |
| Due to court ordered treatment at SH | 0 | 0 | 0 | 0 | 0 | | | | | | | | 0 |
| Other | 1 | 0 | 0 | 0 | 0 | | | | | | | | 0.2 |
| Total patients eloped | 0 | 0 | 0 | 0 | 0 | | | | | | | | 0 |
| Total recommended for early evaluation | 2 | 6 | 2 | 2 | 2 | | | | | | | | 2.8 |
| Total recommended for 2nd 90-day order | 2 | 3 | 0 | 1 | 4 | | | | | | | | 2 |
| Total recommended for 3rd 90-day order | 0 | 0 | 0 | 0 | 1 | | | | | | | | 0.2 |

MAPLE LANE

| Data Elements | Jan-18 | Feb-18 | Mar-18 | Apr-18 | May-18 | Jun-18 | Jul-18 | Aug-18 | Sep-18 | Oct-18 | Nov-18 | Dec-18 | 2018 Avg |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------|
| Census (last day of month) | 25 | 26 | 27 | 25 | 26 | | | | | | | | 25.8 |
| Total patients admitted | 18 | 11 | 16 | 7 | 19 | | | | | | | | 14.2 |
| Completed and found competent (1st Restoration) | 11 | 4 | 4 | 7 | 4 | | | | | | | | 6 |
| Not likely restorable (transported back to jail) | 0 | 0 | 0 | 1 | 0 | | | | | | | | 0.2 |
| Court Order lapsed (Transported back to Jail) | 0 | 0 | 0 | 0 | 0 | | | | | | | | 0 |
| Felony patients completed and found not likely restorable (1st Restoration) | 0 | 0 | 0 | 0 | 0 | | | | | | | | 0 |
| Misdemeanor patients not restored (no further treatment by law) | 2 | 0 | 3 | 2 | 5 | | | | | | | | 2.4 |
| Total transferred to State Hospital | 4 | 4 | 1 | 0 | 2 | | | | | | | | 2.2 |
| For physical aggression | 3 | 3 | 1 | 0 | 0 | | | | | | | | 1.4 |
| For sexually inappropriate behavior | 1 | 0 | 0 | 0 | 0 | | | | | | | | 0.2 |
| For medical reasons | 0 | 1 | 0 | 0 | 1 | | | | | | | | 0.4 |
| Due to court ordered treatment at SH | 0 | 0 | 0 | 0 | 1 | | | | | | | | 0.2 |
| Other | 0 | 0 | 0 | 0 | 0 | | | | | | | | 0 |
| Total patients eloped | 0 | 0 | 0 | 0 | 0 | | | | | | | | 0 |
| Total recommended for early evaluation | 8 | 0 | 0 | 5 | 3 | | | | | | | | 3.2 |
| Total recommended for 2nd 90-day order | 4 | 2 | 7 | 5 | 1 | | | | | | | | 3.8 |
| Total recommended for 3rd 90-day order | 0 | 0 | 0 | 3 | 0 | | | | | | | | 0.6 |

REQUESTS FOR INFORMATION (RFI) RELEASES

- Two Request for Information releases were completed during the months of February and August, 2017. Additionally, the plaintiffs provided a list of prospective interested individuals to conduct Competency to Stand Trial evaluations as possible contractors in the November 21, 2017 status hearing. The Department reached out to the names provided by the plaintiffs in gathering information about logistical and financial needs to complete such evaluations. Contact was started in November and was completed in December, 2017. A total of thirty-one potential contractors were contacted, with 17 agreeing to speak with the Director of OFMHS. Data was shared in the status hearing on January 25, 2018 and the Court Monitor provided the recommendation of completing a third Request for Information with modifications to the deadline requirements and target individuals who responded positively during the outreach to apply. The third RFI was drafted and sent to the court monitor, the Plaintiff attorneys, and the Attorney General’s Office for review and comment. A final draft was completed and on February 28th, the third Request for Information was completed and distributed. The RFI closed on April 30 and a preliminary meeting was held with the Assistant Secretary in May 2018. A follow-up meeting is scheduled for June 6, 2018.

TRUEBLOOD IMPLEMENTATION STEPS TAKEN AND PLANNED—MAY 2018

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|--|--|--|--|--|
| Court Appointed Monitor Coordination | | | | |
| Monthly Reports | Release May report | Complete | <ul style="list-style-type: none"> • Maintain compliance with the Court. • Use data to review and improve the provision of forensic services. | Released May report to Stakeholders. |
| Legislative Coordination | | | | |
| Implement Engrossed Substitute Senate Bill (ESSB) 6656: Funding applications | Apply for funding from the Office of Financial Management (OFM) from the Governor's Behavioral Health Innovation Fund relating to the state hospitals' forensic systems. | <p>Passed legislature. Expires on July 1, 2019 per Section 14.</p> <p>Complete</p> | <ul style="list-style-type: none"> • Section 5(2) required OFM to contract with an external consultant to examine the current configuration and financing of the state hospital system and make recommendations on a number of different areas, including identification of the potential costs, benefits, and impacts associated with dividing one or both of the state hospitals into discrete hospitals to serve civil and forensic patients in separate facilities. The consultants' report was due to the Governor and Legislature by Oct. 1, 2016. • Section 5(3) required DSHS to contract for the services of an academic or independent state hospital psychiatric clinical care model consultant to examine the clinical role of staffing at the state hospitals. The consultants' | <p>The Select Committee for Quality Improvement in State Hospitals met on October 30, 2017 and on December 15, 2017.</p> <p>During the December 15, 2017 meeting, the Department presented material on the three prosecutorial diversion programs currently being funded. Additionally, the Court Monitor provided an overview and update on the eight programs that received <i>Trueblood</i> Fine money for diversion services.</p> <p>During the months of January, February, and March, no hearings were scheduled. A meeting was held on April 18, 2018 with an agenda (and other meeting materials) found here:</p> <p>https://www.governor.wa.gov/issues/issues/health-care-human-services/select-committee-quality-improvement-state-hospitals</p> |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|---|--------------------|--------------------|--|---|
| | | | <p>report was due to the Governor and Legislature by Oct. 1, 2016.</p> <ul style="list-style-type: none"> Section 6 created the Governor's Behavioral Health Innovation Fund in the state treasury. Only the director of financial management or designee may authorize expenditures from that Fund, which are provided solely to improve quality of care, patient outcomes, patient and staff safety, and the efficiency of operations at the state hospitals. | <p>No meeting was scheduled in May.</p> |
| <p>Consult with DOH about draft legislation requiring DOH certification of forensic evaluators to determine the need for a sunrise review</p> | <p>Consult DOH</p> | <p>Ongoing</p> | <ul style="list-style-type: none"> Expanded pool of forensic evaluators would help improve timeliness. Licensure would provide quality assurance and create professional standards for forensic evaluators. Develop long-term certification of forensic evaluators, consistent with the <i>Trueblood</i> Court Monitor's recommendations on mid- and long-term performance to implement a forensic certification program to sustain performance. | <p>OFMHS has not been allocated the necessary resources to pursue DOH certification programs for forensic evaluators in the past. A request for resources has been included in a preliminary decision package submission for the Department during the fiscal year 2019-21 budget submission process.</p> |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|--|---|--------------------|---|---|
| Labor Coordination | | | | |
| Engage Labor Leaders and Members | Conduct ongoing bi-monthly meetings with Labor leaders | Ongoing | <ul style="list-style-type: none"> Discuss policy, budget and operational changes likely required to comply with the <i>Trueblood</i> requirements. Obtain staff necessary to safely support operation of additional forensic and civil beds at the state hospitals. Obtain necessary psychiatrists and physicians to supplement services provided by employees at Western State Hospital to safely support the operation of additional forensic and civil beds. | <p>In 2018, a UMCC meeting was scheduled and held on February 27, 2018. Additional UMCC meetings with the forensic evaluators will be scheduled in 2018.</p> <p>A demand to bargain on exchange time was completed on February 16, 2018. In the months of March and April, scheduling has been occurring to schedule a demand to bargain related to competency evaluations for juveniles and the next UMCC. No dates have yet been confirmed with Labor at this time for the next UMCC.</p> |
| Data Collection and Fiscal Modeling | | | | |
| Monthly report data collection | Identify and obtain needed data | Ongoing | Obtain data for monthly reports and develop standardized reports to inform policy development and implementation. | Data collection is ongoing. |
| Institute data audit process | Review data and files of cases with anomalies and identify trends | Ongoing | Ensure completeness and accuracy of wait list data. | Data validation process is ongoing. |
| Forensic Data System Design/ Development | Build data models- Entity Relationship Diagram (ERD) | Complete | <ul style="list-style-type: none"> Integrated Forensic System with consistent data entry and tracking of all class members from creation of court order for mental competency evaluation | The Forensic project has a detailed project plan that includes 15 distinct modules. End user facing modules will include User Acceptance Testing (UAT) allowing for both early feedback across the development spectrum, as well as providing |
| | Finalized Gaps analysis | Complete | | |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|---|---|--------------------|--|---|
| | Finalized task list and timeline | Complete | through completion of evaluation and/or restoration (whichever is later). • Provide capability for access by evaluators to discovery documents and any status changes, regardless of location, to reduce delays. Provide platform for quality reporting from single system, eliminating the variability currently inherent in leveraging legacy applications not meant for this purpose. | support for the project’s Organizational Change Management (OCM) plan. Modular development progresses towards May 2018 Integration Testing events and culminates with a July 2018 go-live. The progress this month is as follows: Project Team completed Integration Testing (IT) 1 on May 14. Integration Testing 2 is currently on-going. Training curriculum is being finalized. |
| | Establish Project Governance | Complete | | |
| | Analyze Legacy Applications Data Quality for potential data migration | In progress | | |
| | Complete Technical Design for all Modules | May 2018 | | |
| | Complete training | June 2018 | | |
| | Implement new system | July 2018 | | |
| Human Resources | | | | |
| Hire Office of Forensic Services HQ positions | Hire and Onboard | Complete | Provide infrastructure for forensic services system and improve effective and timely provision of competency services. | In May 2018, no interviews were scheduled for the one vacant supervisor position. Interviews for forensic evaluators (for existing positions that are being vacated due to retirements and relocations) were held in April. Two offers were accepted for full time positions while a third was accepted for a part time evaluator position. Interviews will be scheduled in late June to fill the vacant inpatient evaluator position at ESH. |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|--------------------------------------|---|--------------------|--|--|
| Hire additional hospital ward staff | Conduct targeted hiring events | In progress | Obtain required staff of all classes to safely and appropriately operate additional civil and forensic beds and to meet data collection, analysis and reporting needs. | <p>Recruiting efforts continue on the second System Improvement Agreement (SIA) at Western State Hospital. Final numbers of staff and data associated with placement is controlled by HR operations staff at WSH.</p> <p>The Talent Acquisition staff at DSHS HQ continue to recruit for positions at WSH in support of the SIA project.</p> <p>Recruiting for positions vacated by natural attrition at Maple Lane continues. Talent Acquisition is in charge of Residential Rehabilitation Counselor and Security Guard positions.</p> |
| | Pursue contracting | | | |
| Competency Evaluation | | | | |
| Build capacity for out-station sites | Site agreements | N/A | Increased capacity at out-station sites will reduce wait time for evaluation. | The Department hired two additional forensic evaluators to work on the Outstation Team; Dr. Barry Ward, who covers Kitsap, Clallam and Jefferson counties, and Dr. Tanya Watson who will be covering Snohomish, Whatcom, and Skagit counties as part of the SWISS outstation. A part time evaluator position was interviewed for and an offer was made in May. As this position needs to be re-allocated, individual hired will start after July 1, 2018. |
| | Out-station sites operational | Complete | | |
| Coordinate with forensic mental | Regular meetings with County Stakeholders | Ongoing | Stakeholder meetings will focus on topics where collaborative work is required to | Quarterly stakeholder meetings continue to occur with Pierce County. Meeting are scheduled for June 5 and September 12. |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|--|---|--------------------|---|---|
| health system partners | | | meet the requirements of the <i>Trueblood</i> Decision. | A meeting was held in Clark County on May 16 with a robust team that is actively working on local solutions to improve timeliness and quality of services for class members. OFMHS will maintain regular contact with this group. |
| Continue current county-conducted evaluation system until 2018 | Establish quality criteria for evaluation reports | Ongoing | Obtain data needed from counties in order to meet court ordered reporting requirements. | <p>The Quality Assurance (QA) program for competency reports began November 1, 2017. Forensic Evaluator Supervisors were provided with a manual of standards for competency evaluations and then audited competency evaluation reports generated by their direct reports.</p> <p>Supervisors have been reminded of the expectation that we adhere to the policy to review at least one competency evaluation report per forensic evaluator per quarter at least 90% for each quarter. The database to track compliance has been revised to include a simpler interface and concrete instructions.</p> <p>During Q1 2018, 62.3% of forensic evaluators had competency evaluation reports audited by supervisors. Q2 2018 data will be available after the end of June, 2018.</p> |
| Explore and pursue triage | Roll out Phase II | In progress | Establish an efficient evaluation to identify individuals who: need inpatient services due to serious mental health | As of May 31, 2018, OFMHS has received 207 triage referrals from jail staff/defense. Of those referrals, 141 were approved. 44 of the referrals |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|--|---|--------------------|--|---|
| system possibilities | | | condition; clearly do not require inpatient evaluation services; or are clearly competent due to changes in their condition since the issuance of an order for evaluation (such as no longer drug affected). | <p>were denied, and 21 of these referrals were withdrawn before placement could be made.</p> <p>On November 2, 2016 OFMHS began calling jails holding in-custody defendants waiting 14 days for a competency evaluation to notify jail staff of the Triage Consultation and Expedited Admissions (TCEA) process. In May 2018, a total of 32 calls were made, and 6 resulted in referral requests.</p> <p>Since tracking began, 1,860 calls have been made.</p> <p>The Triage Services manuals are completed and were distributed statewide, via a Listserv created by OFMHS which includes prosecutors, defense counsel, judges, jail staff and others.</p> |
| Develop Telehealth video-conferencing systems to assist in the completion of evaluations | State-wide implementation and utilization of technology | Ongoing | Establishing this technology in multiple locations around the state (especially in rural areas) will allow OFMHS to conduct more evaluations, thereby helping to meet Court ordered requirements. | <p>OFMHS successfully completed the first competency evaluation via secure videoconferencing, between the Snohomish County Jail and a DSHS facility, on February 6, 2018.</p> <p>OFMHS continues to move forward with our telehealth videoconferencing program, conducting forensic competency evaluations via secure video links. To date, three forensic evaluations have been conducted utilizing this telehealth videoconferencing technology. OFMHS continues to educate courts and jails on this technology in hopes of generating greater interest in, and utilization of, this technology.</p> |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|---|--------------------------------------|--------------------|---|---|
| Competency Restoration | | | | |
| WSH – opening 30 forensic beds once 30 civil patients transition to community | Bed Occupancy with forensic patients | 7/1/2018 | Serves overall plan to add beds and expand State Hospital bed capacity to meet Court ordered requirements. | The 2017-19 budget provides funding to operate an additional thirty bed forensic ward in Fiscal Year (July 1, 2018 to June 30, 2019) 2019, assuming the closure of one thirty bed civil ward and subsequent conversion to a forensic unit. The Aging and Long Term Service Administration, the Developmental Disabilities Administration, and Western State Hospital are already collaborating on targeted efforts to successfully discharge patients into the community to reduce the population of one civil ward by thirty patients, as contemplated by the Legislature. |
| WSH addition 45 beds | Bed Occupancy with forensic patients | Ongoing | | The Legislature funded this request to operate 45 additional beds in building 27 and the S4 ward. The initial FY 2018 request can be found here: https://www.dshs.wa.gov/data/budget/2018/030-PL-CV-Forensic-Ward-Staffing.pdf |
| Provide Restoration Treatment at the Maple Lane Competency | Open Maple Lane facility | Complete | <ul style="list-style-type: none"> Identify alternate facility capacity to meet <i>Trueblood</i> compliance. | Please see data table on page 21. |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|---|--------------------------------|--------------------|--|---|
| Restoration Program (MLCRP) | Restore patients to competency | Ongoing | <ul style="list-style-type: none"> Any competency restoration treatment program at Maple Lane is anticipated to transfer to operation at a State Hospital before DOC would be housing inmates on that campus. | |
| Provide Restoration Treatment at the Yakima Competency Restoration Program (YCRP) | Open Yakima facility | Complete | Anticipated duration of one year and possible one year extension. | Please see data table on page 21. |
| | Restore patients to competency | Ongoing | | |
| Provide Restoration Treatment at Building 27 | Open Building 27 | Ongoing | <ul style="list-style-type: none"> Identify alternate facility capacity to meet <i>Trueblood</i> compliance. Collaborate with court parties to open the facility. | <p>AustinCina continues to revise construction plans to remodel the facility according to ongoing decisions made by the parties. This plan will inform OFMHS’s operational project schedule which is under development.</p> <p>The parties meet via conference call every 1-2 weeks to update on progress and plan next steps.</p> <p>The OFMHS Project Manager, Megan Celedonia, has broken the project down into 20 “buckets of work” (BOWs) for organizational and planning purposes. BOW teams include: staffing, policy development, admissions criteria, licensure/certification,</p> |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|------|----------------|--------------------|-----------------------------------|---|
| | | | | <p>communications, labor relations, parties liaison, construction, training, patient records, facility services, purchasing, budget/fiscal, IT, incident reporting system, emergency management planning, labor and industries insurance, contracts, ESH referrals, and project management.</p> <p>Recent updates include:</p> <ul style="list-style-type: none"> • The construction review application was submitted to DOH in late May. • The construction schedule has been pushed back to 12/15/18. • Construction contractor AustinCina is preparing an updated project schedule; pursuing a demolition permit with the City of Lakewood; seeking a sewer permit from the appropriate entity; and pricing out security camera and keyless entry system concepts. • The staffing process is split into three phases of hiring. Three of five positions in “phase 1” of the staffing plan have posted and are in active recruitment. Phase I positions are projected to start in August 2018. • A draft MOU has been prepared describing the responsibilities and obligations of WSH and OFMHS with regard to the operation of B27. The MOU is under review with WSH staff. • Policy and procedure development is on track to support an on time submission to |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|--|---|--------------------|---|---|
| | | | | DOH to support OFMHS applications for RTF licensure and certification. |
| Outpatient Competency Restoration Programs (OCRP) | Diversion Programs are Operational | Ongoing | Development and implementation of outpatient competency restoration programs in King, Pierce, and Spokane Counties. | <p>OFMHS is continuing to plan for OCRP program implementation pending inclusion of the funding in the state budget. The next Groundswell report is due June 30. Additionally, task orders have been revised with deliverables that include:</p> <ol style="list-style-type: none"> 1) Summarizing their visits to Clark and Snohomish county which explored feasibility 2) Updating Task Order Two report (updates r.e. King, Pierce, and Spokane) 3) Providing information regarding programming needs and costs, in order to help DSHS prepare a budget request regarding outpatient competency restoration |
| County transport of patients | Coordinate with counties to develop transport protocols | Ongoing | Ensure timely transport of patients to support delivery of competency services as directed in court order. | During the month of May there have been no concerns or questions about transportation issues brought forward to the attention of DSHS. |
| Diversion Alternatives | | | | |
| Implement 2E2SSB 5177 (2015) provisions for dismissal of charges & referral to treatment | Diversion Programs are Operational | Ongoing | Prosecutor can dismiss criminal charges without prejudice & refer to community-based mental health services. | OFMHS Liaison and Diversion Specialist will continue to monitor the programs and provide technical assistance as needed to address any barriers. Contract amendments are being prepared to extend each of these three programs for another year, from 7/1/2018 through 6/30/2019. |

| Task | Key Milestones | Status / End Dates | Anticipated Outcome & Assumptions | Results Achieved & Barriers to Completion |
|---|--|--------------------|---|---|
| | | | | <p>Mr. Hunter met in person with the King County project team and their leadership on May 11. The team has some compelling, positive stories from their work with individual participants. However, the program in King County continues to have challenges with getting the number of referrals from prosecutors that they had anticipated. Mr. Hunter will continue working with the King County program to help them boost the level of referrals coming into the program.</p> |
| <p>Increase diversion opportunities</p> | <p>Governor's Office to contract with diversion consultant</p> | <p>Complete</p> | <p>Hire a consultant to identify how best to divert persons with mental illness from the criminal justice system and identify appropriate funding mechanisms with appropriate stakeholders.</p> | <p>The Department engaged a jail /diversion consultant, who came out to DSHS in 2016 and provided a report at the end of that same year.</p> |

FEBRUARY 8, 2016 COURT ORDER STATUS REPORT/UPDATES

The status updates to the February 8, 2016 Court Order are shown below.

| 1. Implement a triage system to sort class members waiting for in-jail evaluations by the acuity of their mental illnesses and their current manifestations, by the seriousness of their crimes, and by the amount of resources their cases require, by: | | | |
|---|-----------------------------------|----------|--|
| Requirements | Date | Status | Progress Notes |
| A. Producing a triage plan for review and comment | March 1, 2016 | Complete | Complete |
| B. Putting the triage plan into effect, after accounting for the comments received | March 15, 2016 | Complete | Complete |
| C. Reporting on the implementation and effectiveness of the triage plan in Defendants' monthly reports to the Court Monitor | Beginning April 15, 2016, ongoing | Ongoing | See 3c below and review task progress in "explore and pursue triage system possibilities." |
| 2. Eliminate the backlog of class members currently waiting for in-jail evaluations by: | | | |
| A. Formally notifying DSHS's forensic evaluators and Pierce County's panel evaluators of plan to eliminate the backlog of people waiting for in-jail evaluations and requesting their help in doing so, and providing plans to get evaluations done through the use of extra duty pay and other methods available | February 15, 2016 | Complete | Complete |
| B. Preparing a list of all backlog cases, organized by jail and by county | March 1, 2016 | Complete | Complete |
| C. Finalizing recruitment of evaluators to aid in the backlog elimination effort and setting a schedule for the evaluation of each backlog case | March 1, 2016 | Complete | Complete |
| D. Initiating the backlog elimination effort | March 7, 2016 | Complete | Complete |

| | | | |
|---|-----------------------------------|----------|---|
| E. Completing evaluations for all backlog cases (any patient waiting more than 14 days at the end of the month) | April 15, 2016, Ongoing | Ongoing | Of the 343 jail evaluation orders signed in May, 242 were completed within 14 days, which is 70.6%. This number is expected to rise once the data are mature. |
| 3. Implement a triage system to sort class members waiting for in-hospital evaluations by the acuity of their mental illnesses and their current manifestations, by the seriousness of their crimes, and by the amount of resources their cases require, by: | | | |
| C. Reporting on the implementation and effectiveness of the triage plan in Defendants' monthly reports to the Court Monitor | Beginning April 15, 2016, ongoing | Ongoing | <p>As of May 31, 2018, OFMHS has received 207 triage referrals from jail staff/defense. Of those referrals, 141 were approved. 44 of the referrals were denied, and 21 of these referrals were withdrawn before placement could be made.</p> <p>The Triage Services manuals are completed and were distributed statewide, via a Listserv created by OFMHS which includes prosecutors, defense counsel, judges, jail staff and others.</p> |
| 4. Implement a triage system to sort class members waiting for restoration services by the acuity of their mental illnesses and their current manifestations, by the seriousness of their crimes, and by the amount of resources their cases require, by: | | | |
| C. Reporting on the implementation and effectiveness of the triage plan in Defendants' monthly reports to the Court Monitor | Beginning April 15, 2016 | Complete | <p>As of May 31, 2018, OFMHS has received 207 triage referrals from jail staff/defense. Of those referrals, 141 were approved. 44 of the referrals were denied, and 21 of these referrals were withdrawn before placement could be made.</p> <p>The Triage Services manuals are completed and were distributed statewide, via a Listserv created by OFMHS which includes prosecutors, defense counsel, judges, jail staff and others.</p> |
| 5. Report on the implementation status of the CMS Plan of Correction by: | | | |
| B. Reporting on the implementation status in Defendants' monthly reports to the Court Monitor | Beginning March 15, 2016, ongoing | Ongoing | DSHS entered into a second System Improvement Agreement with the Centers for Medicare and Medicaid Services. This agreement will run from November 2, 2017 |

| | | | |
|--|--|---|---|
| | | | to July 2, 2018. A copy of the agreement was shared with Dr. Mauch by Defense Counsel on November 3, 2017. As a result of a court order in April, the Department worked with Plaintiff's and the court monitor in developing a bed capacity/expansion plan. |
| 6. Plan for recruiting and staffing 30 beds at WSH after compliance with CMS's terms of participation is achieved in March by: | | | |
| C. Reporting on the implementation status of the plan and timeframe in Defendants' monthly reports to the Court Monitor | Beginning April 15, 2016, ongoing | Ongoing | DSHS entered into a second System Improvement Agreement with the Centers for Medicare and Medicaid Services. This agreement will run from November 2, 2017 to July 2, 2018. A copy of the agreement was shared with Dr. Mauch by Defense Counsel on November 3, 2017. |
| 8. Remove barriers to the expenditure of the \$4.8 million in currently allocated diversion funds by: | | | |
| D. Executing contracts for implementation by the selected providers | April 15, 2016 | Complete | Prosecutorial diversion was funded for fiscal year 2018. |
| 10. Develop a reliable and valid client-level data system to support better management and accountability of the forensic services system by: | | | |
| E. Implementing revisions to the existing system or initiating development of a new forensic data and management information system | To initiate new system development efforts- May 27, 2016 | Ongoing development and project underway. | Project Team completed Integration Testing (IT) 1 on May 14. Integration Testing 2 is currently on-going. Training curriculum is being finalized. |

JULY 7, 2016 CONTEMPT ORDER STATUS UPDATES

The three status updates required in the July 7, 2016 Court Order are below.

1. Monetary sanctions – fines are imposed on a per class member, per day basis. On the 15th of every month, DSHS is required to submit contempt fines data to the court. These data were submitted to the court on August 15, 2016 and will be included in this report, when finalized each month, as Appendices M and N.
2. Diversion plans – DSHS is ordered to develop, in consultation with the Court Monitor, plans for the expenditure of the contempt fines.
3. Wait time data – DSHS shall submit to the Court wait time data in a manner identical to the data submitted on June 17, 2016 in the declaration of Bryan Zolnikov. These data are included in this report in Table 4.

AUGUST 15, 2016 ORDER MODIFYING PERMANENT INJUNCTION AS TO IN JAIL COMPETENCY EVALUATIONS

Pursuant to the August 15, 2016 court order, DSHS must provide in-jail competency evaluations within 14 days of a signed court order. When an in-jail evaluation cannot be completed within 14 days and good cause applies (i.e., delay due to clinical reasons, attorney, interpreter, or defense expert), an extension from the ordering court must be secured or DSHS must immediately admit the individual to a state hospital to finish conducting the evaluation. In order to comply with the reporting requirements of the Court's order, DSHS identified a need to revise both the current process used for seeking extensions from the criminal court, as well as the data collected during that process. Since the August 15th court order, DSHS identified a series of necessary changes that will enable DSHS to comply with the order, to include the following:

1. Develop a list of data elements needed to comply with the court order to include additional delay data;
2. Develop a data dictionary to define the data elements needed;
3. Develop a process of reporting the information to the courts for the exception requests;
4. Identify the cutoff date for seeking an exception;
5. Develop a standardized form that can be used for seeking good cause exceptions;
6. Develop an operating procedure to guide evaluators through the new good cause process;
7. Coordinate with the Attorney General's Office to ensure adequate representation;
8. Develop a process for collecting the data to report to the courts for the exceptions and to maintain for monthly reporting;
9. Develop a model for the delays and the data pertaining to the delays;
10. Modify the current IT systems or develop a new database in which to maintain the information once all above steps are completed.

To date, DSHS has completed identification of the data elements, developed a process for the evaluators to collect the data that will be entered and reported to the courts, and developed the data dictionary. The process of reporting the information to the courts and identifying a cutoff date for seeking an extension, and the standardized forms, operating procedure, and coordination for Assistant Attorney General (AAG) representation have been completed. Interim steps for maintaining the data for monthly reporting were identified and implemented while the current IT system is modified.

Through use of the interim solution, DSHS is collecting data on use of the good cause exception. The data required to be reported can be found in Appendix O in the final report. The IT system has been modified to include fields for data on the use of the good cause data exception and is currently going through testing. The Forensic Advisory Committee (FAC) is a regularly scheduled (twice a month) committee that provides business process clarification / recommendations to the technical team as the system is being built. FAC is a recurring meeting that is meeting with regularity.

APPENDICES

Appendices A – G:

This file is submitted with the DRAFT report and includes mature data tables for April, 2018 as well as outliers and order received data.

Appendices H – L:

This file is submitted with the DRAFT report and includes first look data tables for May, 2018.

Appendix M: Calculation of Inpatient Contempt Fines

This file is submitted with the FINAL report.

Appendix N: Calculation of Jail-Based Contempt Fines

This file is submitted with the FINAL report.

Appendix O: Good Cause Exceptions

This file is submitted with the FINAL report.