

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

**January 31, 2023**

Behavioral Health Administration  
Office of Forensic Mental Health Services  
PO Box 45050  
Olympia, WA 98504-5050  
(360) 725-2260  
Fax: (360) 407-0304



TABLE OF CONTENTS

BACKGROUND ..... 5

CLASS MEMBER STATUS SUMMARY INFORMATION ..... 6

    TEMPORARY CHANGES TO ADMISSIONS PRACTICES AT WSH, ESH, AND THE RTFs DUE TO THE COVID-19 PANDEMIC-NOVEMBER UPDATE ..... 6

    ANALYSIS OF MATURE DATA: MAY 1, 2015 THROUGH NOVEMBER 30, 2022 ..... 6

    SUMMARY POINTS RELATED TO ORDERS AND TIMELINESS BASED ON MATURE NOVEMBER DATA..... 7

OUTLIER CASES (MATURE) NOVEMBER ..... 9

    DATA TABLES 1A. THROUGH 1C..... 9

CLASS MEMBER STATUS DATA TABLES..... 12

    DATA TABLES 2 THROUGH 4B. .... 12

    THE OUTPATIENT COMPETENCY RESTORATION PROGRAM-DATA TABLE 4C. .... 16

    DATA TABLES 5 THROUGH 10 ..... 18

CLASS MEMBER STATUS DATA GRAPHS ..... 24

    DATA GRAPHS-FIGURES 1 THROUGH 6..... 24

TABLES 11-14: SUMMARY OF JAIL EVALUATIONS, IN-PATIENT EVALUATIONS, AND RESTORATIONS BY MONTH SINCE FEBRUARY 2016 ..... 28

    DATA TABLES 11 THROUGH 13 ..... 28

    THE OUTPATIENT COMPETENCY RESTORATION PROGRAM-DATA TABLE 14 ..... 31

RESOURCES REQUIRED TO PROVIDE TIMELY COMPETENCY SERVICES ..... 33

    2017-2021 BUDGET APPROPRIATIONS ..... 33

    2021-2023 BUDGET APPROPRIATIONS ..... 33

    NEED PROJECTIONS AND BED CAPACITY ..... 33

TRUEBLOOD KEY ACCOMPLISHMENTS-DECEMBER 2022 ..... 35

    RECRUITING..... 35

    ACTIONS TO ADDRESS STAFFING CHALLENGES ..... 35

        National Staffing Crisis and Pandemic Staff Burnout..... 36

    RESIDENTIAL TREATMENT FACILITIES DATA ..... 38

TRUEBLOOD IMPLEMENTATION STEPS TAKEN AND PLANNED-DECEMBER 2022..... 40

FEB. 8, 2016 COURT ORDER STATUS REPORT/UPDATES ..... 55

JULY 7, 2016 CONTEMPT ORDER STATUS UPDATES ..... 58

AUG. 15, 2016 ORDER MODIFYING PERMANENT INJUNCTION AS TO IN JAIL COMPETENCY EVALUATIONS..... 59

APRIL 26, 2017 ORDER ADOPTING THE PARTIES’ MEDIATED SETTLEMENT AGREEMENT ..... 60

APPENDICES ..... 62

*Appendices A-G: Data Tables; Class Member Evaluation/Restoration Information; Class Member Restoration Information for the Maple Lane and Fort Steilacoom Programs; Outpatient Competency Restoration Program; and Percent of Court Orders Received Within Three Days*..... 62

Appendix H: Outliers and Delay Comments..... 62

Appendix I: Calculation of Inpatient Contempt Fines ..... 62

Appendix J: Calculation of Jail-Based Contempt Fines..... 62

Appendix K: Calculation of Outpatient Contempt Fines (If Applicable)..... 62

Appendix L: Good Cause Exceptions ..... 62

## Table of Tables and Figures

<b>Table 1a.</b> Outlier Cases (Mature) .....	9
<b>Table 1b.</b> Summary of Evaluator Delay Reasons .....	10
<b>Table 1c.</b> Summary of Admission Delay Reasons .....	11
<b>Table 2.</b> Class Member Status Western State Hospital - Jail-based Competency Evaluations.....	12
<b>Table 3.</b> Class Member Status Western State Hospital - Inpatient Competency Evaluation Services .....	13
<b>Table 4a.</b> Class Member Status Western State Hospital - Inpatient Competency Restoration Services .....	14
<b>Table 4b.</b> Class Member Status Residential Treatment Facilities - Inpatient Competency Restoration Services.....	15
<b>Table 4c.</b> Class Member Status OCRP .....	17
<b>Table 5.</b> Class Member Status Eastern State Hospital-Jail-based Competency Evaluations .....	18
<b>Table 6.</b> Class Member Status Eastern State Hospital-Inpatient Competency Services.....	19
<b>Table 7.</b> Class Member Status Eastern State Hospital-Inpatient Competency Restoration Services.....	20
<b>Table 8.</b> Class Member Status at WSH and ESH (Totals)-Jail-based Competency Evaluations.....	21
<b>Table 9.</b> Class Member Status at WSH and ESH State Hospital (Totals)-Inpatient Competency Evaluation.....	22
<b>Table 10.</b> Class Member Status at WSH and ESH State Hospital, and RTFs (Totals)-Inpatient Competency Restoration Services.....	23
<b>Figure 1.</b> Signed Evaluation Orders for Trueblood Class Members .....	24
<b>Figure 2.</b> Signed Restoration Orders for Trueblood Class Members .....	25
<b>Figure 3.</b> Median Days from Court Order Signature to Completed Evaluation .....	26
<b>Figure 4.</b> Average Days from Court Order Signature to Completed Evaluation .....	26
<b>Figure 5.</b> Median Days from Court Order Signature to Completed Restoration .....	27
<b>Figure 6.</b> Average Days from Court Order Signature to Completed Restoration .....	27
<b>Table 11.</b> Total Completed Jail Evaluation Orders by Month Court Order Signed .....	28
<b>Table 12.</b> Total Completed Inpatient Evaluation Orders by Month Court Order Signed .....	29
<b>Table 13.</b> Total Completed Restoration Orders by Month Court Order Signed .....	30
<b>Table 14.</b> OCRP Completed Restoration Orders by Month Court Order Signed .....	32
<b>Table 15.</b> Monthly RTF Data for Maple Lane .....	38
<b>Table 16.</b> Monthly RTF Data for Fort Steilacoom .....	39
<b>Table 17.</b> Trueblood Implementation Steps .....	40
<b>Table 18.</b> Court Order Status Updates.....	55

## BACKGROUND

---

On April 2, 2015, the Court ordered the Department of Social and Health Services to file monthly reports with the Trueblood Court Monitor. DSHS reports on the efforts to comply with Court Orders to provide timely competency evaluation and restoration services to Class Members, as indicated below:

*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 Feb. 8, 2016. Additional orders were issued on July 7, 2016, Aug. 15, 2016, and April 26, 2017. Narrative status updates on these orders begins on page 55.

This monthly report is submitted on Jan. 31, 2023 and primarily covers December 2022 activity. Additionally, this report displays Class Member data for competency services in two periods: Nov. 1, 2022-Nov. 30, 2022 and Dec. 1, 2022-Dec. 31, 2022. The November data are considered "mature," and the December data are a "first look" data set. In addition to the mature and first-look data discussed above, Tables 2-10 also show 11 additional months of mature data for a total of 13 months of mature and first-look data contained in each table. April 2015 is the baseline month for data analysis; please refer to Appendix A to view an entire set of the data contained in Tables 2-10.

Evaluation and restoration information specific to individual Class Members appears in this report's appendices.

## CLASS MEMBER STATUS SUMMARY INFORMATION

---

### **TEMPORARY CHANGES TO ADMISSIONS PRACTICES AT WSH, ESH, AND THE RTFS DUE TO THE COVID-19 PANDEMIC-JANUARY UPDATE**

To protect both patients and staff, in accordance with guidance from federal, state, and local health departments, forensic admissions at our residential facilities are occurring at a decreased capacity to ensure proper quarantining procedures for new admissions prior to being admitted to a non-quarantine ward as well as to maintain proper physical distancing. Washington state officially re-opened from pandemic-related closures on June 30, 2021, subject to limited restrictions, and the Governor's COVID-19 State of Emergency ended on October 31, 2022. BHA facilities continue observing COVID-19 restrictions in place for medical facilities.

As of Jan. 30, 2023, WSH is at 848 confirmed cases of COVID-19 in clients (44 new cases in January), including three deaths, and 1,178 confirmed cases in staff members (32 new cases in January). As of Jan. 30, 2022, ESH has had 540 staff members (13 new cases in January) and 251 clients (18 new cases in January) test positive for COVID-19.

The Ft. Steilacoom Competency Restoration Facility has had positive COVID-19 test results with 36 staff (one new cases in January) and 36 patients testing positive at FSCR (14 new cases in January). Maple Lane has had 32 staff (two new cases in January) test positive and three patients (zero new cases in January) test positive for COVID-19.

These temporary measures are necessary to implement COVID-19 protections at WSH, ESH, and the RTFs. DSHS will continue to increase forensic admissions to all four facilities as soon as that can safely be accomplished. These measures are a change from prior practice and remain subject to change at any time as additional information is received.

### **ANALYSIS OF MATURE DATA: MAY 1, 2015 THROUGH NOVEMBER 30, 2022**

**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-November 2022
  - Western State Hospital (WSH): 286.6
  - Eastern State Hospital (ESH): 71.3
  - Both hospitals: 357.9
- Average monthly inpatient evaluation orders signed for April 2015-November 2022
  - WSH: 13.9
  - ESH: 9.5
  - Both hospitals: 23.4
- Average monthly restoration orders signed for April 2015-November 2022
  - WSH: 83.0 \*
  - ESH: 20.2
  - Both hospitals: 103.2 \*
  - Hospitals plus Residential Treatment Facility (RTF's): 121.4
- Average monthly RTF restoration orders signed for August 2018-November 2022

- RTF's: 32.1 \*\*
- Average monthly OCRP restoration orders signed for July 2020-November 2022
  - Phase 1 and 2 OCRP (All Locations): 0.8 \*\*\*

\* From April 2015-July 2018, this figure also includes restoration orders for the RTF's; therefore, these figures exceed the WSH figures, and the two hospital figures combined.

\*\* Prior to Aug. 2018, RTF data was combined with WSH. From Aug. 2018 onward, RTF data is reported separately. Yakima RTF closed to patients on July 26, 2021.

\*\*\* OCRP treatment began in Phase 1 regions between July 1-Sept. 1, 2020, and in the Phase 2 region on Oct. 31, 2022. Only client's whose wait for treatment was jail-based are included in this data measure.

## **SUMMARY POINTS RELATED TO ORDERS AND TIMELINESS BASED ON MATURE NOVEMBER DATA**

### **Orders:**

- For November, the number of jail-based evaluation orders assigned to WSH dropped significantly, decreasing by 81 orders (-18.4 percent) to 359.
- ESH's jail-based evaluation orders in November increased modestly by 4.2-percent to 99 orders.
- In November, inpatient evaluation orders at WSH decreased substantially from 16 to three (-81.3 percent). ESH orders for November remained flat increasing from nine to ten orders for the month.
- WSH received 94 restoration orders in November, equal with October's orders after a month of data maturity. ESH had 23 orders in November, a significant 27.8 percent increase from October.
- In September's RTF data, at 90 days data maturity, the RTFs received an upward revised total of 36 restoration orders. For October, at 60 days data maturity, the RTF's have now received 27 restoration orders (compared to 18 restoration orders in October's last report at 30 days data maturity). This month, the November RTF data is the initial month of mature data. At this time, 12 restoration orders were received. The November RTF order number is likely to change further as the RTF restoration order data tends to update more slowly, over several months, than other facilities, and as a result will likely continue to change significantly over the next 45-90 days.

\* Prior to Aug. 2018, RTF data was included with the data for WSH. From Aug. 2018 onward, RTF data is reported separately. Yakima RTF closed to patients on July 26, 2021.

### **Wait Times:**

- Regarding jail-based 14-day evaluation completion times, WSH increased modestly to 14.9 days on average in November, from order to completion. ESH evaluation times decreased significantly (-25%) to an average of 17.7 days. The combined average, across the system, decreased modestly (4.3%) to 15.5 days on average to completion. On time completion increased by three percent to 73-percent.
- The average inpatient evaluation admission wait time at WSH is currently 46.0. days in November, a moderate increase from 43.6 days in October. ESH's average wait time in November increased moderately to 78.0 days from 71.5 days in October. It is worth noting that the average inpatient evaluation wait times are subject to significant monthly swings in either direction due to the small numbers of patients being admitted and evaluated through this legal authority.

- Restoration admission wait times at WSH is 107.0 days in November, a significant increase (38.8 percent) from 77.1 days in October. The ESH average admission wait-time decreased moderately (-9.1%) to 118.0 days in November from 129.8 days in November.

**Timeliness:**

- At WSH, overall timeliness for jail-based evaluation completion decreased slightly in November to an average 78-percent completion rate within 14-days from receipt of order. ESH's timely completion rate experienced substantial improvement in November, skyrocketing 83.3% to a 55 percent on time completion rate. The first-look data for December look even stronger if they hold through their initial period of maturity.
- At both hospitals combined, November's overall timeliness for inpatient evaluation admissions increased to a 11-percent completion rate within 7-days from receipt of order.
- At both hospitals and the RTF's combined, overall timeliness for inpatient restoration admissions for October decreased from a six- to a five-percent completion rate within 7-days.



## OUTLIER CASES (MATURE) NOVEMBER

### **DATA TABLES 1A. THROUGH 1C.**

Evaluations and restorations not completed within standard timelines become outliers. The monthly outlier population cases have been defined as:

- Population is active span cases from the “mature” data month. Currently, the “mature” month is November.
- Evaluation spans: are incomplete or were completed after the end of the “mature” month and wait more than 20-days for an evaluation (In-Jail), or admission (Inpatient), or a change of client status to out of jail, or order withdrawn by court.
- Restoration spans: are incomplete or were completed after the end of the “mature” month and wait more than 40-days for admission, or a change of client status to out of jail, or order withdrawn by the court.

**Table 1a. Outlier Cases (Mature)**

Type	Number of spans:	span begin to span end, or end of reporting period	
		Minimum Number of days	Maximum Number of days
In-Jail Evaluations	18	21	49
Inpatient Evaluations	66	23	203
Inpatient Restorations	482	41	274

Table 1 continues below and details reasons contributing to delays in completing evaluations for outlier cases. Page nine above lists the Trueblood definition of “Outlier Cases.”

**Table 1b. Summary of Evaluator Delay Reasons**

TABLE 1b. Continued SUMMARY OF EVALUATION DELAY REASONS <sup>1</sup>			
REASONS FOR DELAY IN DATABASE	In-Jail Evaluations	Inpatient Evaluations	Inpatient Restorations
Defendant No Show			
Defendant Reschedule			
Evaluator availability	3		
Police reports availability			
Relevant discovery availability			
Jail/Outside facility staffing issues			
Attorney scheduling conflicts	4		
Jail return/Discharge with no eval done			
Requires amended court order			
Charges adjudicated prior to eval			
New charges - wait for new court order			
Client released from custody & can't be located			
Defendant would not participate without attorney present			
Defendant would not cooperate with evaluation			
Interpreter needed but court order did not request it			
Other patient cooperation problem			
Evaluator rejected by prosecutor			
Medical Record/Collateral Information	2		
Interpreter scheduling conflicts			
Defense Expert scheduling			
police reports	4	4	4
Attorney No Show			
Jail conference room availability/scheduling issues			
Processor error/clerical error			
Delay in Report Distribution			
Client or other required evaluation personnel have contracted or been			
No COVID-safe option to conduct the evaluation			
Delay in Submission of Evaluation Report due to Staff Furlough			
Order Processing Delay due to Staff Furlough			
Late Assignment			
Pending			
Unknown	5		
Not Applicable <sup>2</sup>		62	478

<sup>1</sup>An incomplete case may have more than one delay reason. Therefore, the number of delay reasons may be greater than the number of outlier cases.

<sup>2</sup>Not Applicable indicates that none of the delays listed in the table apply to the competency service specified, or the case was completed within the compliance deadline with no delay reason

Finally, Table 1 concludes with a focus on the reasons outlier cases experience delays prior to and during the inpatient services admissions process.

**Table 1c. Summary of Admission Delay Reasons**

TABLE 1c. continued SUMMARY OF ADMISSION DELAY REASONS <sup>1</sup>			
REASONS FOR DELAY IN DATABASE	In-Jail Evaluations	Inpatient Evaluations	Inpatient Restorations
Bed availability		66	472
Medical clearance availability			
Police reports availability			
Relevant discovery availability			
NCIC/Processing			
Hospital staffing issues			
Jail/Outside facility staffing issues			
Jail return/Discharge with no eval done			
Requires amended court order			
Charges adjudicated prior to eval			
Other patient cooperation problem			
Evaluator rejected by prosecutor			
Medical Record/Collateral Information			
Awaiting Instructions from Court			
change from JH to PR			
Client released from custody & can't be located			
In Custody - Not In Jail			
in hospital - furlough from jail			
Medical Clearance Needed			
Client contracted or has been exposed to COVID-19			
Client Being Reevaluated			4
Order Processing Delay due to Staff Furlough			
Unknown			9
Not Applicable <sup>2</sup>	18		

<sup>1</sup>An incomplete case may have more than one delay reason. Therefore, the number of delay reasons may be greater than the number of outlier cases.

<sup>2</sup>Not Applicable indicates that none of the delays listed in the table apply to the competency service specified, or the case was completed within the compliance deadline with no delay reason

## CLASS MEMBER STATUS DATA TABLES

### DATA TABLES 2 THROUGH 4B.

The following series of tables present 13 months of Class Member status data. Descending from the top of the table, the first 12 months of data, ending with October 2022, are mature Class Member status data. At the bottom of the table, November 2022's data, highlighted in light orange, are "first look" and are subject to change over time as the data matures. Data highlighted in salmon indicate a data value that has matured and has been updated during the most recent reporting period. To view the complete set of Class Member status data, from April 2015 to present, please refer to Appendix A.

**Table 2. Class Member Status Western State Hospital - Jail-based Competency Evaluations**

TABLE 2. Class Member Status Western State Hospital – Jail-based Competency Evaluations <sup>1</sup>													
MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		within 14 days from order signature date <sup>5,6</sup>	within 14 days from receipt of order <sup>5,6</sup>	within 14 days from receipt of order or 21 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	381	0.4	0.0	0.5	0.0	n/a	n/a	409	13.0	13.0	79%	83%	89%
Jan-22	345	0.4	0.0	0.4	0.0	n/a	n/a	354	14.2	14.0	73%	75%	83%
Feb-22	359	0.4	0.0	0.5	0.0	n/a	n/a	363	13.1	13.0	81%	84%	89%
Mar-22	467	0.4	0.0	0.4	0.0	n/a	n/a	427	12.5	13.0	85%	88%	92%
Apr-22	461	0.4	0.0	0.4	0.0	n/a	n/a	415	12.9	13.0	81%	86%	92%
May-22	429	0.5	0.0	0.7	0.0	n/a	n/a	479	13.2	13.0	80%	86%	91%
Jun-22	402	0.5	0.0	0.7	0.0	n/a	n/a	422	13.1	13.0	78%	84%	88%
Jul-22	474	0.5	0.0	0.4	0.0	n/a	n/a	388	12.9	13.0	81%	87%	91%
Aug-22	490	0.5	0.0	0.8	0.0	n/a	n/a	514	13.7	13.0	72%	78%	85%
Sep-22	438	0.4	0.0	0.6	0.0	n/a	n/a	453	13.9	14.0	72%	77%	81%
Oct-22	440	0.3	0.0	0.4	0.0	n/a	n/a	425	14.3	14.0	76%	79%	80%
Nov-22	359	0.3	0.0	0.3	0.0	39.0	39.0	388	14.9	14.0	71%	76%	78%
Dec-22	376	0.4	0.0	0.3	0.0	6.9	4.0	395	13.3	13.0	78%	79%	82%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>"Days from order signature to" represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>Court Orders Completed is the number of cases completed in the month specified. Cases are completed if the report is sent to the court, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts prior to AUG-18 are taken from previously reported classmember populations provided with monthly court report submissions. Counts since AUG-18 are from data recorded in the BHA Forensic Data System.

<sup>5</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>6</sup>From April 2015 to June 2016, the in-jail evaluation compliance deadline was within 7 days from court order signature date, and from July 2016 to April 2017, the in-jail evaluation compliance deadline was within 14 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for in-jail competency evaluations outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete in-jail competency evaluations within the shorter of either a) 14 days from receipt of order or b) 21 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 14 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 14 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 14 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 14 days from the beginning or notification of a period of waiting in jail) or 21 days from order signature date (if the order was received after 7 days from order signature date). In addition, starting in August 2018, the in-jail evaluation compliance calculations are adjusted based on Good Cause Extensions granted by the court.

**Table 3. Class Member Status Western State Hospital - Inpatient Competency Evaluation Services**

**TABLE 3. Class Member Status Western State Hospital – Inpatient Competency Services (Inpatient Evaluations)<sup>1</sup>**

MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		Percent complete within 7 days from order signature date <sup>5,6</sup>	Percent completed within 7 days from receipt of order <sup>5,6</sup>	Percent completed within 7 days from receipt of order or within 14 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	18	0.9	0.0	0.6	0.0	n/a	n/a	18	36.7	36.0	0%	0%	0%
Jan-22	13	0.5	0.0	0.0	0.0	n/a	n/a	13	32.6	35.0	15%	15%	15%
Feb-22	14	1.0	0.0	0.0	0.0	n/a	n/a	7	30.9	24.0	43%	43%	43%
Mar-22	11	0.8	0.0	0.1	0.0	n/a	n/a	17	57.5	67.0	6%	6%	6%
Apr-22	10	1.1	0.0	0.2	0.0	n/a	n/a	11	35.7	23.0	18%	18%	18%
May-22	7	1.3	0.0	0.2	0.0	234.0	234.0	10	18.3	13.0	10%	10%	10%
Jun-22	10	1.3	0.0	0.3	0.0	206.7	201.0	11	86.8	122.0	9%	9%	9%
Jul-22	19	0.3	0.0	6.8	0.0	178.8	170.0	11	20.5	4.0	55%	55%	55%
Aug-22	18	0.4	0.0	5.4	0.0	161.6	163.0	10	44.0	21.5	20%	20%	20%
Sep-22	16	0.3	0.0	4.3	0.0	143.6	131.0	9	23.8	15.0	0%	0%	0%
Oct-22	16	0.3	0.0	3.7	0.0	127.6	122.5	8	43.6	39.5	25%	25%	25%
Nov-22	3	0.3	0.0	4.1	0.0	121.5	119.0	3	46.0	51.0	0%	0%	0%
Dec-22	14	0.3	0.0	3.3	0.0	90.0	95.0	12	84.3	68.5	17%	17%	17%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>"Days from order signature to" represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>Court Orders Completed is the number of cases completed in the month specified. Cases are completed if the client is admitted for services, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts prior to AUG-18 are taken from previously reported classmember populations provided with monthly court report submissions. Counts since AUG-18 are from data recorded in the BHA Forensic Data System.

<sup>5</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>6</sup>From April 2015 April 2017, the inpatient evaluation and restoration compliance deadline was within 7 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for inpatient competency evaluation and restoration services outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete inpatient competency evaluation and restorations within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date).

**Table 4a. Class Member Status Western State Hospital - Inpatient Competency Restoration Services**

**TABLE 4a. Class Member Status Western State Hospital – Inpatient Competency Services (Restorations)<sup>1</sup>**

MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		Percent complete within 7 days from order signature date <sup>5,6</sup>	Percent completed within 7 days from receipt of order <sup>5,6</sup>	Percent completed within 7 days from receipt of order or within 14 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	125	1.4	0.0	0.3	0.0	n/a	n/a	140	50.8	62.0	10%	10%	10%
Jan-22	110	1.8	0.0	0.3	0.0	n/a	n/a	87	46.3	47.0	6%	9%	11%
Feb-22	121	1.0	0.0	0.0	0.0	n/a	n/a	102	46.9	49.0	6%	6%	6%
Mar-22	111	1.3	0.0	0.4	0.0	286.7	283.0	117	57.2	69.0	9%	9%	9%
Apr-22	120	1.4	0.0	0.4	0.0	268.4	264.0	65	53.9	51.0	3%	3%	3%
May-22	114	1.5	0.0	0.3	0.0	259.0	257.0	68	56.0	57.0	7%	9%	9%
Jun-22	113	1.7	0.0	0.3	0.0	242.9	248.0	71	66.1	70.0	8%	8%	8%
Jul-22	93	1.9	0.0	0.3	0.0	223.4	229.0	88	74.4	63.0	5%	5%	5%
Aug-22	146	1.7	0.0	0.3	0.0	201.7	192.5	87	68.2	63.0	8%	9%	10%
Sep-22	100	1.7	0.0	0.4	0.0	183.8	169.0	60	64.3	42.5	8%	8%	8%
Oct-22	94	1.4	0.0	0.4	0.0	166.3	156.0	92	77.1	57.0	1%	1%	2%
Nov-22	94	1.3	0.0	0.4	0.0	147.3	141.0	56	107.0	89.0	9%	9%	9%
Dec-22	110	1.0	0.0	0.2	0.0	121.9	109.0	66	85.4	57.0	0%	0%	8%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems and includes both WSH and RTF data for those months in this table. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System, is based on the number of periods individuals waited for competency services in jail, and only includes WSH data for those months in this table.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>"Days from order signature to" represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>Court Orders Completed is the number of cases completed in the month specified. Cases are completed if the client is admitted for services, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts prior to AUG-18 are taken from previously reported classmember populations provided with monthly court report submissions. Counts since AUG-18 are from data recorded in the BHA Forensic Data System.

<sup>5</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>6</sup>From April 2015 April 2017, the inpatient evaluation and restoration compliance deadline was within 7 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for inpatient competency evaluation and restoration services outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete inpatient competency evaluation and restorations within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date).

**Table 4b. Class Member Status Residential Treatment Facilities - Inpatient Competency Restoration Services**

**TABLE 4b. Class Member Status Residential Treatment Facilities – Inpatient Competency Services (Restorations)<sup>1</sup>**

MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		Percent complete within 7 days from order signature date <sup>5,6</sup>	Percent completed within 7 days from receipt of order <sup>5,6</sup>	Percent completed within 7 days from receipt of order or within 14 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	23	1.2	0.0	0.0	0.0	n/a	n/a	27	59.1	67.0	0%	0%	4%
Jan-22	28	1.0	0.0	0.0	0.0	n/a	n/a	18	55.3	55.5	0%	0%	0%
Feb-22	33	0.9	0.0	0.0	0.0	n/a	n/a	25	76.4	82.0	0%	0%	0%
Mar-22	27	0.9	0.0	0.0	0.0	n/a	n/a	40	66.5	64.0	0%	0%	0%
Apr-22	46	2.0	0.0	0.0	0.0	n/a	n/a	28	56.0	54.5	4%	4%	4%
May-22	31	2.0	0.0	0.0	0.0	n/a	n/a	35	49.7	50.0	6%	6%	6%
Jun-22	27	2.6	0.0	0.0	0.0	n/a	n/a	25	61.4	60.0	8%	8%	8%
Jul-22	18	3.3	0.0	0.0	0.0	156.0	156.0	31	68.3	63.0	0%	0%	0%
Aug-22	15	1.7	0.0	0.3	0.0	156.0	156.0	23	75.1	76.0	0%	0%	0%
Sep-22	36	1.5	0.0	0.4	0.0	156.0	156.0	32	75.9	83.5	0%	0%	0%
Oct-22	27	0.4	0.0	0.3	0.0	156.0	156.0	36	56.6	35.5	6%	6%	6%
Nov-22	12	0.3	0.0	0.5	0.0	156.0	156.0	30	47.0	33.5	3%	3%	3%
Dec-22	3	0.2	0.0	0.6	0.0	156.0	156.0	27	53.6	47.0	4%	4%	4%

<sup>1</sup>Data before - AUG-2018 is not included because during those months, the RTF data was combined with the WSH data. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>"Days from order signature to" represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>Court Orders Completed is the number of cases completed in the month specified. Cases are completed if the client is admitted for services, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts prior to AUG-18 are taken from previously reported classmember populations provided with monthly court report submissions. Counts since AUG-18 are from data recorded in the BHA Forensic Data System.

<sup>5</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>6</sup>From April 2015 April 2017, the inpatient evaluation and restoration compliance deadline was within 7 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for inpatient competency evaluation and restoration services outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. #389, stating: "DSHS shall complete inpatient competency evaluation and restorations within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date).

**THE OUTPATIENT COMPETENCY RESTORATION PROGRAM-DATA TABLE 4C.**

The OCRP element of the Trueblood Contempt Settlement Agreement that is managed by the Washington State Health Care Authority, provides an additional option for courts to order community-based restoration services in a less restrictive environment for defendants with appropriate acuity levels in the 11 counties and four Behavioral Health Administrative Services Organization regions covered by Phases 1 and 2 of the Settlement Agreement. The intent of OCRP is to provide the most appropriate level of care to the individual, ideally closer to their home community. Providing restoration services in a safe and cost-effective environment, while utilizing the newly available community treatment program should hopefully reduce the number of people wait-listed to receive competency restoration in an inpatient setting.

This month's report covers events from Dec. 1-31, 2022. Data from this month are considered "first-look" and are likely to change as they mature. Data tables reflecting OCRP services are included in Tables 4c., 14, and Appendix F. Figures 2, 5, and 6 represent the visual presentation of OCRP data in this report. Only data from Trueblood Class Members appears in the OCRP tables and figures. As a result, some months have no new OCRP data to report.

Most individuals ordered to OCRP will not appear in Table 4c. Table 4c. is restricted to class members, meaning individuals in jail waiting for competency restoration services at any time after the competency order is signed. Currently, most individuals ordered to OCRP are released from jail prior to the court signing the OCRP order and remain in the community until entry into OCRP. The total number of individuals enrolled in an Outpatient Competency Restoration Program (regardless of jail status) is provided in the Trueblood semi-annual report and reported quarterly in Table 17 of this report. The OCRP update in Table 17 begins on page 50 of this month's report. Table 4c. follows on the next page.



**Table 4c. Class Member Status OCRP**

**TABLE 4c: Class Member Status Outpatient Competency Restoration Program (OCRP)<sup>1</sup>**

MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		Percent complete within 7 days from order signature date <sup>5,6</sup>	Percent completed within 7 days from receipt of order <sup>5,6</sup>	Percent completed within 7 days from receipt of order or within 14 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	0	n/a	n/a	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a
Jan-22	0	n/a	n/a	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a
Feb-22	0	n/a	n/a	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a
Mar-22	0	n/a	n/a	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a
Apr-22	2	51.5	51.5	0.0	0.0	n/a	n/a	1	4.0	4.0	100%	0%	100%
May-22	2	0.0	0.0	0.0	0.0	n/a	n/a	3	7.7	8.0	33%	33%	33%
Jun-22	1	n/a	n/a	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a
Jul-22	0	n/a	n/a	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a
Aug-22	1	1.0	1.0	0.0	0.0	n/a	n/a	1	5.0	5.0	100%	100%	100%
Sep-22	4	0.0	0.0	0.0	0.0	n/a	n/a	4	1.0	1.0	75%	75%	100%
Oct-22	4	0.5	0.0	0.0	0.0	n/a	n/a	4	1.8	2.0	75%	75%	100%
Nov-22	0	n/a	n/a	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a
Dec-22	2	2.5	2.5	0.0	0.0	n/a	n/a	2	4.0	4.0	100%	100%	100%

<sup>1</sup>The OCRP was implemented July 1, 2020. The data are pulled from the BHA Forensic Data System and Navigator Case Management System and based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>**Court Orders Signed** is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>**Days from order signature to** represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>**Court Orders Completed** is the number of cases completed in the month specified. Cases are completed if the client is admitted for services, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts are from data recorded in the BHA Forensic Data System and Navigator Case Management System.

<sup>5</sup>The following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>6</sup>According to the Settlement Agreement, "For criminal defendants waiting in jail, an offer of admission to the community outpatient restoration services program will occur within the constitutional timelines for restoration as outlined by the Federal Court." Therefore, this table captures the 3 compliance deadlines captured for inpatient competency restoration: 1) percent completed within 7 days from court order signature date (as stipulated from April 2015 to April 2017) and 2) percent of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) and 3) percent of all orders completed within either of two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date) (from May 2017 onward as outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389).

**DATA TABLES 5 THROUGH 10**

**Table 5. Class Member Status Eastern State Hospital-Jail-based Competency Evaluations**

TABLE 5. Class Member Status Eastern State Hospital – Jail-based Competency Evaluations <sup>1</sup>													
MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		within 14 days from order signature date <sup>5,6</sup>	within 14 days from receipt of order <sup>5,6</sup>	within 14 days from receipt of order or 21 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	108	1.1	0.0	1.4	1.0	n/a	n/a	107	15.4	14.0	47 %	64 %	74 %
Jan-22	94	1.4	1.0	1.7	1.0	n/a	n/a	100	19.7	16.0	30 %	40 %	50 %
Feb-22	114	1.4	1.0	1.6	1.0	n/a	n/a	74	20.9	18.5	27 %	28 %	28 %
Mar-22	132	1.2	1.0	1.9	1.0	n/a	n/a	151	16.9	16.0	32 %	41 %	46 %
Apr-22	133	1.6	1.0	2.3	1.0	n/a	n/a	116	16.2	16.0	38 %	49 %	54 %
May-22	109	1.8	0.0	2.1	1.0	n/a	n/a	129	17.9	15.0	45 %	50 %	55 %
Jun-22	159	1.8	0.0	1.9	0.0	n/a	n/a	116	20.3	17.0	31 %	36 %	43 %
Jul-22	160	0.5	0.0	1.6	0.0	n/a	n/a	152	21.0	21.5	23 %	24 %	30 %
Aug-22	152	0.9	0.0	1.8	0.0	n/a	n/a	173	20.1	20.0	21 %	24 %	30 %
Sep-22	101	1.1	0.0	1.7	0.0	n/a	n/a	128	21.8	21.0	23 %	24 %	25 %
Oct-22	95	0.6	0.0	1.3	0.0	80.0	80.0	107	23.6	21.0	22 %	25 %	30 %
Nov-22	99	0.6	0.0	1.3	1.0	80.0	80.0	106	17.7	14.0	52 %	54 %	55 %
Dec-22	102	0.5	0.0	1.7	0.0	11.9	10.0	115	14.7	14.0	56 %	58 %	65 %

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>"Days from order signature to" represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>Court Orders Completed is the number of cases completed in the month specified. Cases are completed if the report is sent to the court, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts prior to AUG-18 are taken from previously reported classmember populations provided with monthly court report submissions. Counts since AUG-18 are from data recorded in the BHA Forensic Data System.

<sup>5</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>6</sup>From April 2015 to June 2016, the in-jail evaluation compliance deadline was within 7 days from court order signature date, and from July 2016 to April 2017, the in-jail evaluation compliance deadline was within 14 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for in-jail competency evaluations outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete in-jail competency evaluations within the shorter of either a) 14 days from receipt of order or b) 21 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 14 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 14 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 14 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 14 days from the beginning or notification of a period of waiting in jail) or 21 days from order signature date (if the order was received after 7 days from order signature date). In addition, starting in August 2018, the in-jail evaluation compliance calculations are adjusted based on Good Cause Extensions granted by the court.

**Table 6. Class Member Status Eastern State Hospital-Inpatient Competency Services**

**TABLE 6. Class Member Status Eastern State Hospital – Inpatient Competency Services (Inpatient Evaluations)<sup>1</sup>**

MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		Percent complete within 7 days from order signature date <sup>5,6</sup>	Percent completed within 7 days from receipt of order <sup>5,6</sup>	Percent completed within 7 days from receipt of order or within 14 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	13	2.6	0.0	0.9	0.0	n/a	n/a	12	54.9	69.0	0%	0%	17%
Jan-22	19	1.2	1.0	0.6	0.0	n/a	n/a	7	12.7	6.0	29%	29%	57%
Feb-22	8	1.5	1.0	0.7	0.0	n/a	n/a	14	50.9	52.5	7%	14%	14%
Mar-22	5	1.4	1.0	0.6	0.0	n/a	n/a	15	66.5	85.0	0%	0%	0%
Apr-22	15	1.3	0.0	0.6	0.0	n/a	n/a	9	45.0	64.0	11%	22%	33%
May-22	8	1.3	0.0	1.0	0.0	n/a	n/a	10	28.1	19.0	10%	10%	20%
Jun-22	12	0.9	0.0	1.0	0.0	n/a	n/a	7	44.7	12.0	0%	0%	0%
Jul-22	15	0.4	0.0	1.2	0.0	n/a	n/a	10	55.7	43.0	30%	30%	30%
Aug-22	17	0.6	0.0	0.9	0.0	131.0	131.0	15	26.9	29.0	13%	13%	20%
Sep-22	23	0.5	0.0	0.4	0.0	112.9	114.0	18	61.8	49.5	6%	6%	11%
Oct-22	9	0.6	0.0	0.4	0.0	91.5	80.0	16	71.5	36.0	0%	0%	0%
Nov-22	10	1.4	0.0	0.5	0.0	71.9	67.0	5	78.0	46.0	0%	0%	0%
Dec-22	6	1.4	0.0	0.7	0.0	61.6	58.0	7	148.0	143.0	0%	0%	0%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>"Days from order signature to" represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>Court Orders Completed is the number of cases completed in the month specified. Cases are completed if the client is admitted for services, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts prior to AUG-18 are taken from previously reported classmember populations provided with monthly court report submissions. Counts since AUG-18 are from data recorded in the BHA Forensic Data System.

<sup>5</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>6</sup>From April 2015 April 2017, the inpatient evaluation and restoration compliance deadline was within 7 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for inpatient competency evaluation and restoration services outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete inpatient competency evaluation and restorations within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date).

**Table 7. Class Member Status Eastern State Hospital-Inpatient Competency Restoration Services**

**TABLE 7. Class Member Status Eastern State Hospital – Inpatient Competency Services (Restorations)<sup>1</sup>**

MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		Percent complete within 7 days from order signature date <sup>5,6</sup>	Percent completed within 7 days from receipt of order <sup>5,6</sup>	Percent completed within 7 days from receipt of order or within 14 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	42	1.4	0.0	0.3	0.0	n/a	n/a	40	45.8	45.0	3%	3%	5%
Jan-22	33	1.0	0.0	0.3	0.0	n/a	n/a	14	51.4	49.0	7%	7%	7%
Feb-22	33	1.4	0.0	0.2	0.0	n/a	n/a	32	66.0	73.5	13%	13%	16%
Mar-22	33	1.3	1.0	0.3	0.0	n/a	n/a	43	66.6	71.0	5%	5%	7%
Apr-22	30	3.5	1.0	0.1	0.0	n/a	n/a	35	70.2	79.0	0%	0%	0%
May-22	39	3.6	1.0	0.1	0.0	n/a	n/a	7	57.1	63.0	14%	14%	14%
Jun-22	41	3.7	0.0	1.1	0.0	n/a	n/a	28	68.6	69.5	18%	18%	18%
Jul-22	34	3.4	0.0	1.1	0.0	n/a	n/a	35	87.0	106.0	3%	3%	3%
Aug-22	44	3.3	0.0	1.0	0.0	136.6	136.0	22	68.0	45.0	5%	5%	5%
Sep-22	31	3.3	0.0	1.3	0.0	114.3	109.5	32	95.8	118.5	3%	9%	9%
Oct-22	18	1.1	0.0	0.4	0.0	102.4	102.0	31	129.8	147.0	3%	3%	3%
Nov-22	23	0.6	0.0	0.6	0.0	87.9	90.5	23	118.0	146.0	0%	0%	4%
Dec-22	29	0.7	0.0	0.6	0.0	66.4	74.0	53	115.1	134.0	2%	2%	2%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>"Days from order signature to" represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>Court Orders Completed is the number of cases completed in the month specified. Cases are completed if the client is admitted for services, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts prior to AUG-18 are taken from previously reported classmember populations provided with monthly court report submissions. Counts since AUG-18 are from data recorded in the BHA Forensic Data System.

<sup>5</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>6</sup>From April 2015 April 2017, the inpatient evaluation and restoration compliance deadline was within 7 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for inpatient competency evaluation and restoration services outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete inpatient competency evaluation and restorations within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date).

**Table 8. Class Member Status at WSH and ESH (Totals)-Jail-based Competency Evaluations**

TABLE 8. Class Member Status at WSH and ESH (Totals) – Jail-based Competency Evaluations <sup>1</sup>													
MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		within 14 days from order signature date <sup>5,6</sup>	within 14 days from receipt of order <sup>5,6</sup>	within 14 days from receipt of order or 21 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	489	0.6	0.0	0.7	0.0	n/a	n/a	516	13.5	13.0	72%	79%	86%
Jan-22	439	0.7	0.0	0.8	0.0	n/a	n/a	454	15.4	14.0	63%	68%	76%
Feb-22	473	0.6	0.0	0.8	0.0	n/a	n/a	437	14.4	13.0	72%	74%	78%
Mar-22	599	0.6	0.0	0.8	0.0	n/a	n/a	578	13.7	13.0	71%	76%	80%
Apr-22	594	0.7	0.0	0.9	0.0	n/a	n/a	531	13.6	13.0	72%	78%	84%
May-22	538	0.8	0.0	1.0	0.0	n/a	n/a	608	14.2	14.0	73%	78%	83%
Jun-22	561	0.9	0.0	1.0	0.0	n/a	n/a	538	14.7	14.0	68%	74%	78%
Jul-22	634	0.5	0.0	0.8	0.0	n/a	n/a	540	15.2	14.0	65%	69%	74%
Aug-22	642	0.6	0.0	1.1	0.0	n/a	n/a	687	15.3	14.0	59%	65%	71%
Sep-22	539	0.6	0.0	0.9	0.0	n/a	n/a	581	15.7	14.0	61%	65%	69%
Oct-22	535	0.4	0.0	0.6	0.0	80.0	80.0	532	16.2	14.0	65%	68%	70%
Nov-22	458	0.4	0.0	0.5	0.0	59.5	59.5	494	15.5	14.0	67%	71%	73%
Dec-22	478	0.4	0.0	0.6	0.0	8.0	4.0	510	13.6	14.0	73%	75%	78%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>"Days from order signature to" represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>Court Orders Completed is the number of cases completed in the month specified. Cases are completed if the report is sent to the court, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts prior to AUG-18 are taken from previously reported classmember populations provided with monthly court report submissions. Counts since AUG-18 are from data recorded in the BHA Forensic Data System.

<sup>5</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>6</sup>From April 2015 to June 2016, the in-jail evaluation compliance deadline was within 7 days from court order signature date, and from July 2016 to April 2017, the in-jail evaluation compliance deadline was within 14 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for in-jail competency evaluations outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete in-jail competency evaluations within the shorter of either a) 14 days from receipt of order or b) 21 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 14 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 14 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 14 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 14 days from the beginning or notification of a period of waiting in jail) or 21 days from order signature date (if the order was received after 7 days from order signature date). In addition, starting in August 2018, the in-jail evaluation compliance calculations are adjusted based on Good Cause Extensions granted by the court.

**Table 9. Class Member Status at WSH and ESH State Hospital (Totals)-Inpatient Competency Evaluation**

TABLE 9. Class Member Status at WSH and ESH State Hospital (Totals) – Inpatient Services (Inpatient Evaluations) <sup>1</sup>													
MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		Percent complete within 7 days from order signature date <sup>5,6</sup>	Percent completed within 7 days from receipt of order <sup>5,6</sup>	Percent completed within 7 days from receipt of order or within 14 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	31	1.6	0.0	0.7	0.0	n/a	n/a	30	44.0	36.0	0%	0%	7%
Jan-22	32	0.9	0.0	0.4	0.0	n/a	n/a	20	25.7	23.0	20%	20%	30%
Feb-22	22	1.2	0.0	0.4	0.0	n/a	n/a	21	44.2	49.0	19%	24%	24%
Mar-22	16	1.1	0.0	0.3	0.0	n/a	n/a	32	61.7	72.0	3%	3%	3%
Apr-22	25	1.2	0.0	0.4	0.0	n/a	n/a	20	39.9	27.0	15%	20%	25%
May-22	15	1.3	0.0	0.6	0.0	234.0	234.0	20	23.2	13.5	10%	10%	15%
Jun-22	22	1.1	0.0	0.7	0.0	206.7	201.0	18	70.4	81.5	6%	6%	6%
Jul-22	34	0.3	0.0	3.7	0.0	178.8	170.0	21	37.3	16.0	43%	43%	43%
Aug-22	35	0.5	0.0	3.1	0.0	159.7	160.5	25	33.7	29.0	16%	16%	20%
Sep-22	39	0.4	0.0	2.3	0.0	136.2	123.0	27	49.1	33.0	4%	4%	7%
Oct-22	25	0.4	0.0	2.2	0.0	115.0	110.0	24	62.2	36.0	8%	8%	8%
Nov-22	13	0.8	0.0	2.6	0.0	99.0	95.0	8	66.0	48.5	0%	0%	0%
Dec-22	20	0.7	0.0	2.3	0.0	78.1	67.0	19	107.7	97.0	11%	11%	11%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>"Days from order signature to" represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>Court Orders Completed is the number of cases completed in the month specified. Cases are completed if the client is admitted for services, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts prior to AUG-18 are taken from previously reported classmember populations provided with monthly court report submissions. Counts since AUG-18 are from data recorded in the BHA Forensic Data System.

<sup>5</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>6</sup>From April 2015 April 2017, the inpatient evaluation and restoration compliance deadline was within 7 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for inpatient competency evaluation and restoration services outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete inpatient competency evaluation and restorations within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date).

**Table 10. Class Member Status at WSH and ESH State Hospital, and RTFs (Totals)-Inpatient Competency Restoration Services**

TABLE 10. Class Member Status at WSH and ESH State Hospital, and RTFs (Totals) – Inpatient Services (Restorations) <sup>1</sup>													
MONTH	Court Orders Signed <sup>2</sup>	Days from order signature to <sup>3</sup> :						Court Orders Completed <sup>4</sup>	Days from order signed to completion <sup>5</sup>		Percent complete within 7 days from order signature date <sup>5,6</sup>	Percent completed within 7 days from receipt of order <sup>5,6</sup>	Percent completed within 7 days from receipt of order or within 14 days from order signature date <sup>5,6</sup>
		hospital receipt of order		hospital receipt of discovery		end of reporting month for incomplete referrals			Average	Median			
		Average	Median	Average	Median	Average	Median						
Dec-21	190	1.3	0.0	0.2	0.0	n/a	n/a	207	50.9	61.0	7%	7%	8%
Jan-22	171	1.5	0.0	0.3	0.0	n/a	n/a	119	48.2	50.0	5%	8%	9%
Feb-22	187	1.0	0.0	0.1	0.0	n/a	n/a	159	55.4	64.0	6%	6%	7%
Mar-22	171	1.2	0.0	0.3	0.0	286.7	283.0	200	61.1	68.0	6%	6%	7%
Apr-22	196	1.9	0.0	0.3	0.0	268.4	264.0	128	58.8	58.0	2%	2%	2%
May-22	184	2.0	0.0	0.2	0.0	259.0	257.0	110	54.1	52.0	7%	8%	8%
Jun-22	181	2.3	0.0	0.4	0.0	242.9	248.0	124	65.7	69.5	10%	10%	10%
Jul-22	145	2.4	0.0	0.4	0.0	223.1	229.0	154	76.0	73.5	3%	3%	3%
Aug-22	205	2.1	0.0	0.4	0.0	199.0	187.0	132	69.4	63.0	6%	7%	8%
Sep-22	167	2.0	0.0	0.6	0.0	177.1	163.0	124	75.4	58.5	5%	6%	6%
Oct-22	139	1.2	0.0	0.4	0.0	159.0	144.5	159	82.8	62.0	3%	3%	3%
Nov-22	129	1.1	0.0	0.4	0.0	139.7	128.0	109	92.8	78.0	6%	6%	6%
Dec-22	142	0.9	0.0	0.3	0.0	114.1	99.0	146	90.3	84.5	1%	1%	5%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>"Days from order signature to" represents the number of days from the beginning of a period of waiting in jail for competency services to the specified timeframe (i.e., hospital receipt of order, hospital receipt of discovery, end of reporting month of incomplete referrals, and completion (or the end of a period of waiting in jail for competency services)).

<sup>4</sup>Court Orders Completed is the number of cases completed in the month specified. Cases are completed if the client is admitted for services, the order is withdrawn or dismissed, or the client is no longer waiting for services in jail. Counts prior to AUG-18 are taken from previously reported classmember populations provided with monthly court report submissions. Counts since AUG-18 are from data recorded in the BHA Forensic Data System.

<sup>5</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: completion and the percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

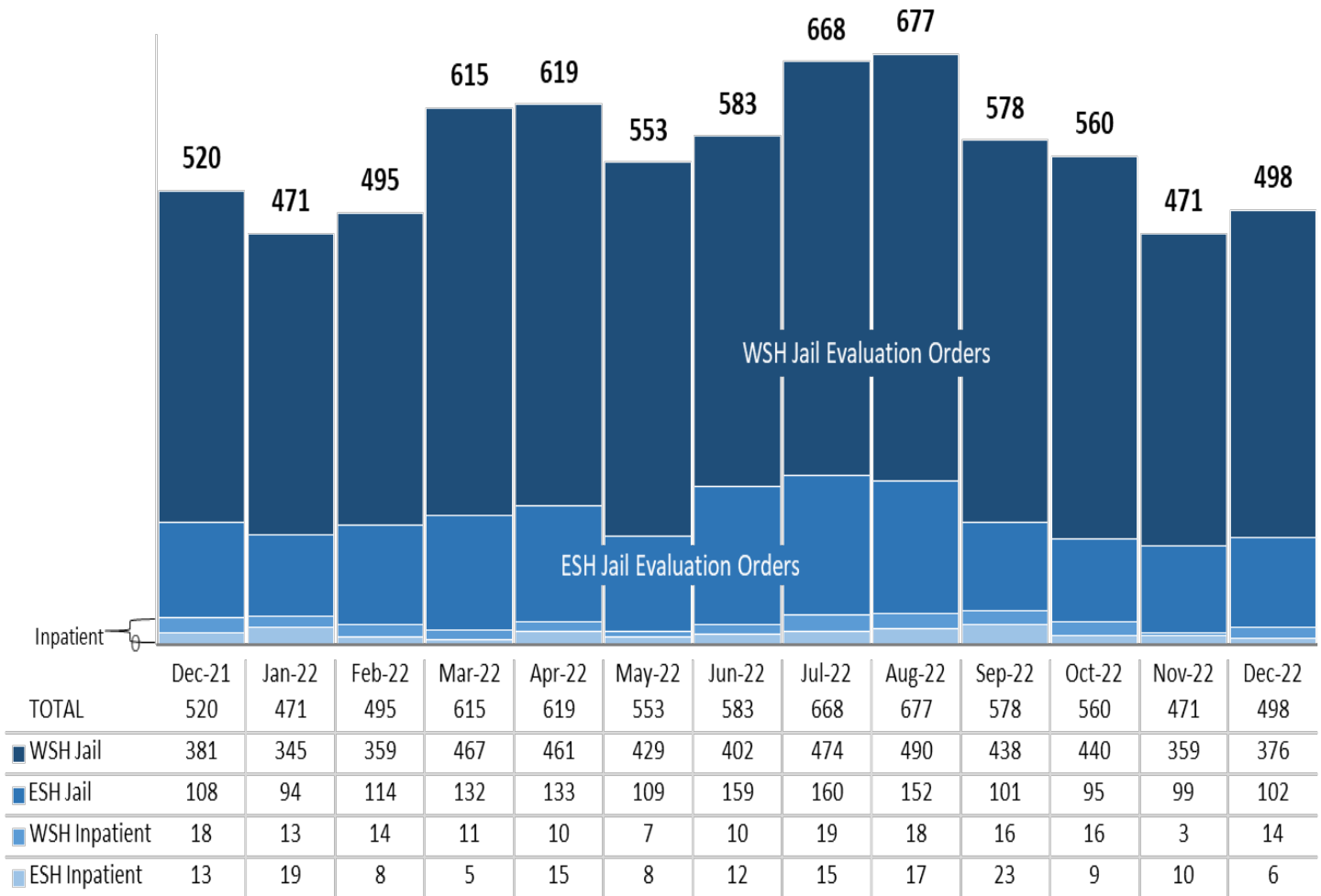
<sup>6</sup>From April 2015 April 2017, the inpatient evaluation and restoration compliance deadline was within 7 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for inpatient competency evaluation and restoration services outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete inpatient competency evaluation and restorations within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date).

## CLASS MEMBER STATUS DATA GRAPHS

### DATA GRAPHS-FIGURES 1 THROUGH 6

The following figures, Figures 1-6, present “first look” December data. The data are subject to change as they mature over a longer time horizon.

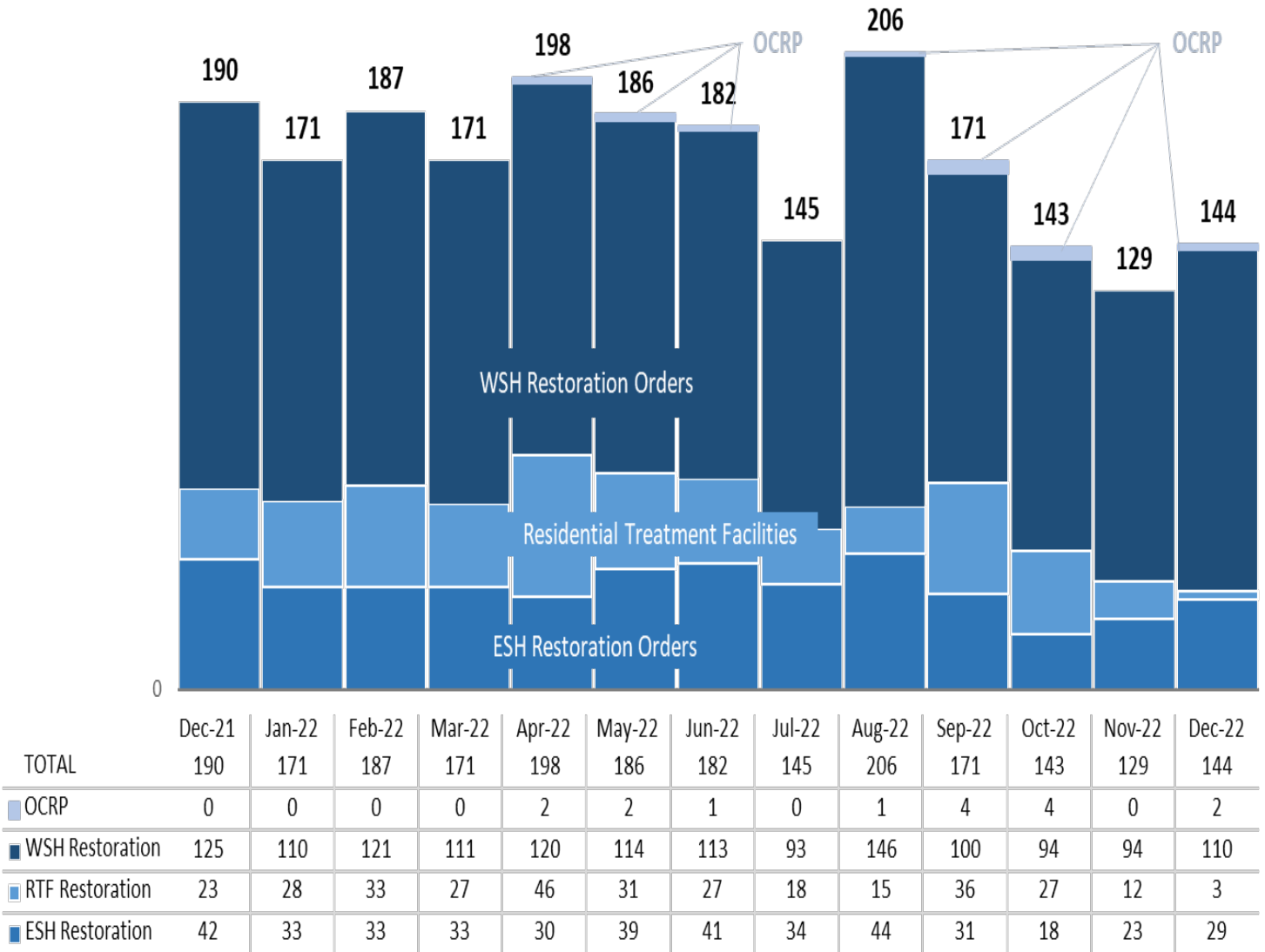
**Figure 1. Signed Evaluation Orders for Trueblood Class Members**



SOURCE: DSHS Facilities, Finance, and Analytics Administration, Research and Data Analysis Division, Forensic Data System, December 2022.

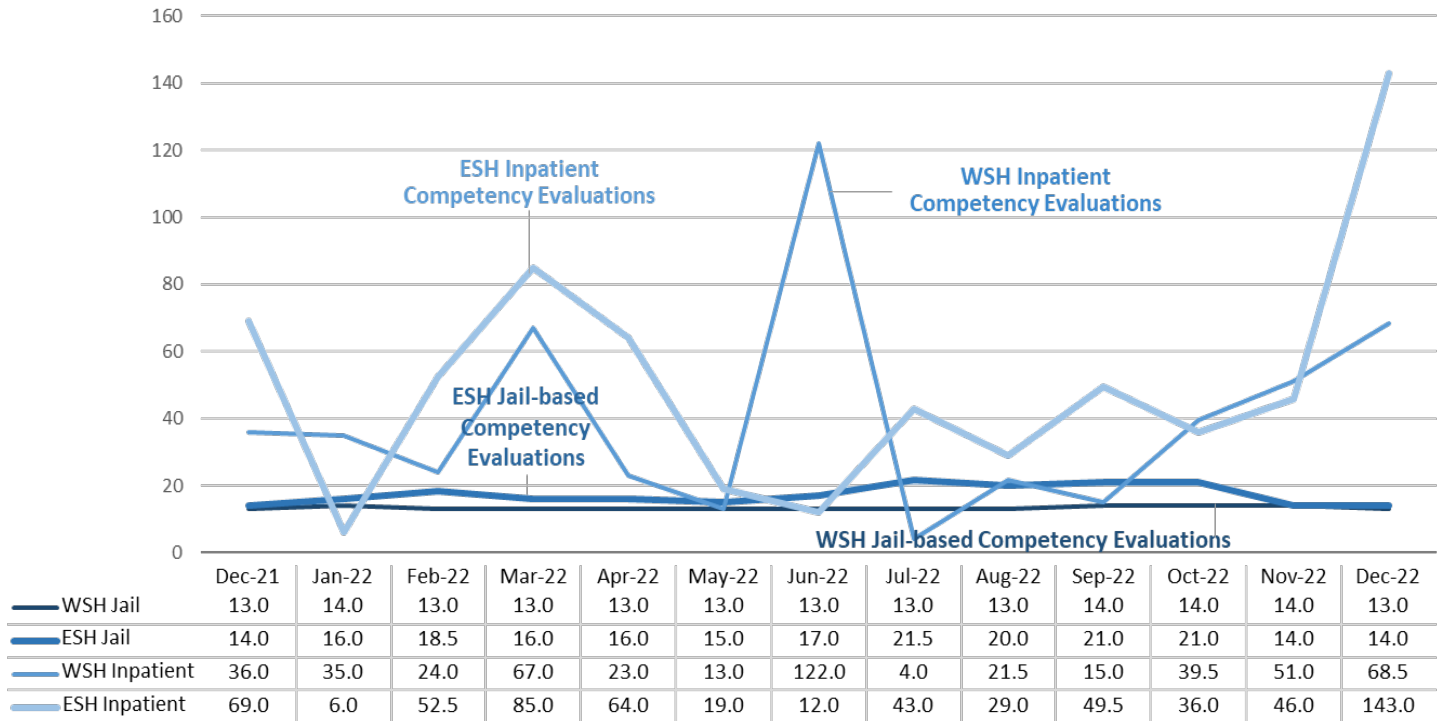


**Figure 2. Signed Restoration Orders for Trueblood Class Members**



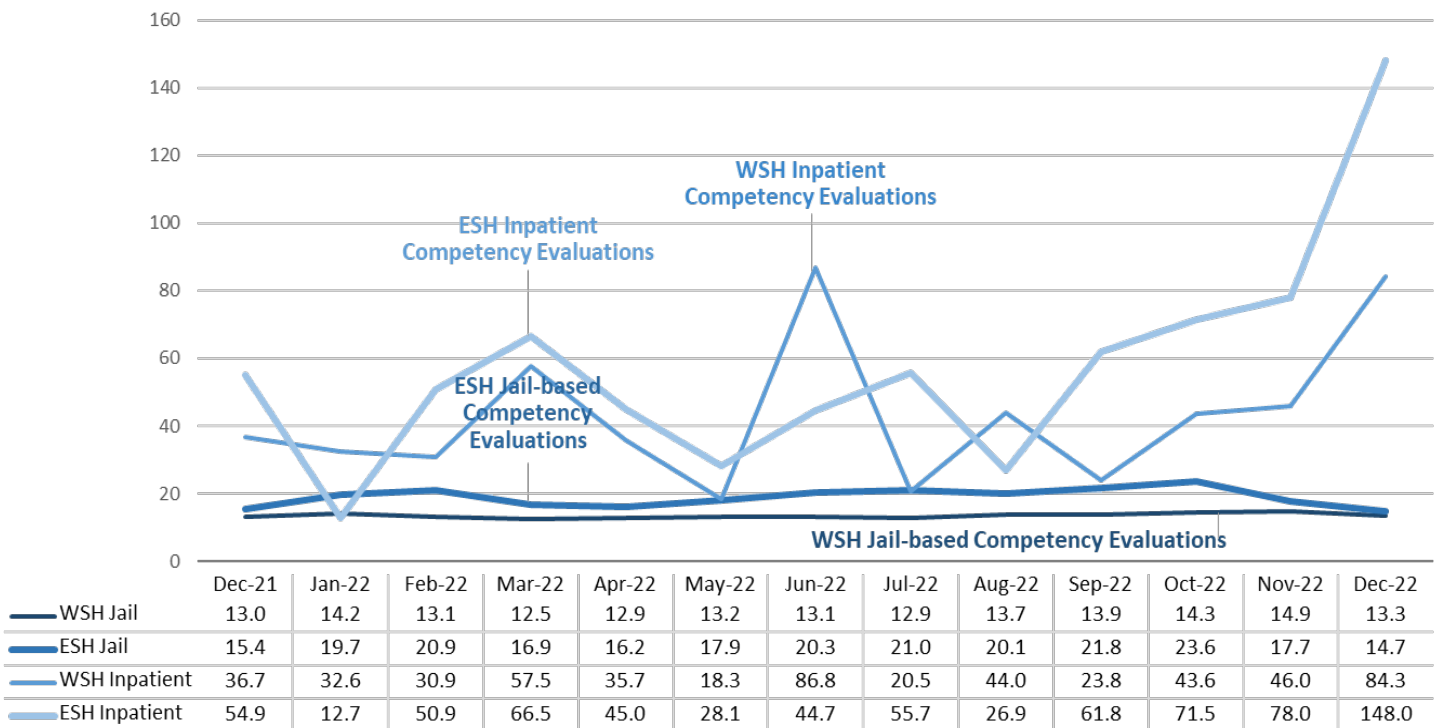
SOURCE: DSHS Facilities, Finance, and Analytics Administration, Research and Data Analysis Division, Forensic Data System, December 2022.

**Figure 3. Median Days from Court Order Signature to Completed Evaluation**



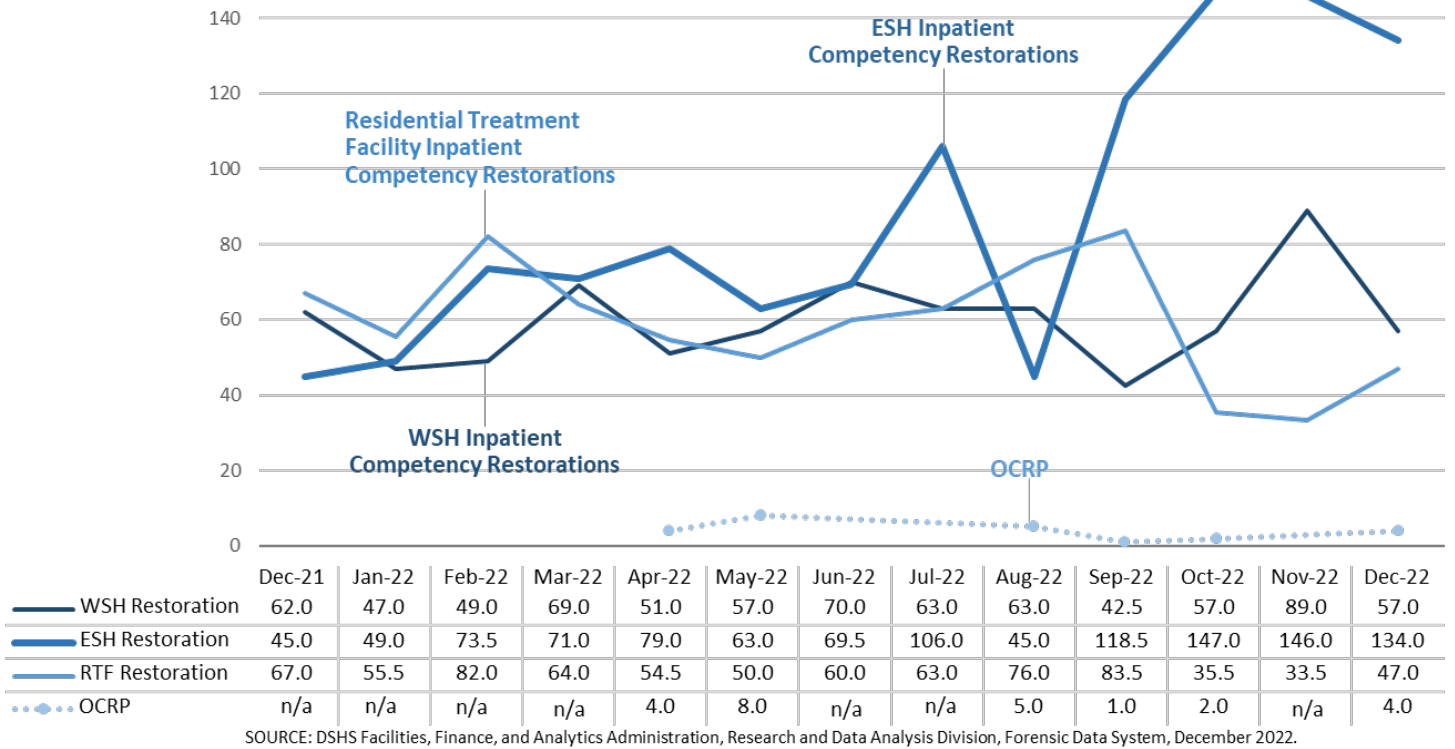
SOURCE: DSHS Facilities, Finance, and Analytics Administration, Research and Data Analysis Division, Forensic Data System, December 2022.

**Figure 4. Average Days from Court Order Signature to Completed Evaluation**

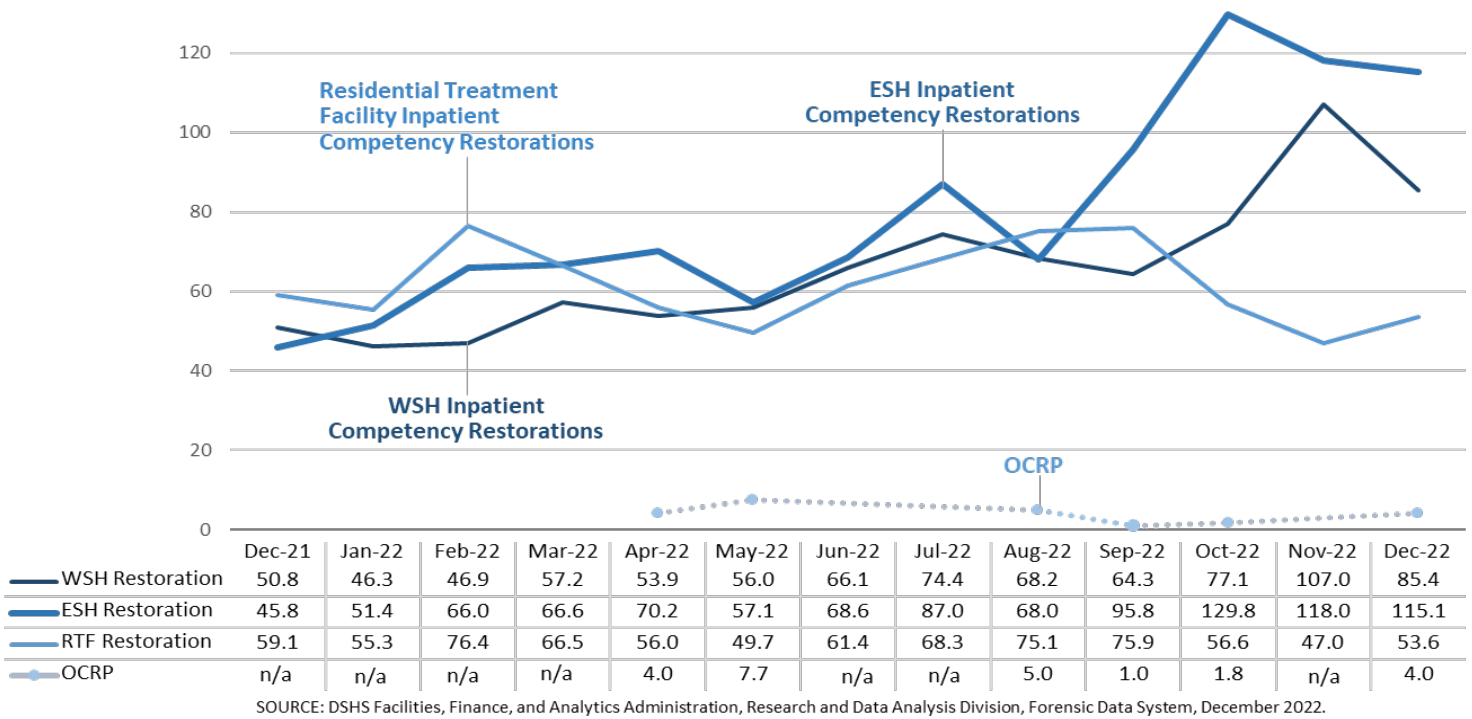


SOURCE: DSHS Facilities, Finance, and Analytics Administration, Research and Data Analysis Division, Forensic Data System, December 2022.

**Figure 5. Median Days from Court Order Signature to Completed Restoration**



**Figure 6. Average Days from Court Order Signature to Completed Restoration**



**TABLES 11-14: SUMMARY OF JAIL EVALUATIONS, IN-PATIENT EVALUATIONS, AND RESTORATIONS BY MONTH SINCE FEBRUARY 2016**

**DATA TABLES 11 THROUGH 13**

The data presented in this section, from Tables 11-14 (percent days or less), are based on the month that the Court Order was signed and will therefore be different from the data shown previously in Tables 2-10, which are based on the month the order packet was completed. December 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 timely completion period. A rolling thirteen months is displayed in Tables 11-14. Tables 11-13 are presented in this first subsection followed by Table 14 in the subsequent subsection.

**Table 11. Total Completed Jail Evaluation Orders by Month Court Order Signed**

TABLE 11. TOTAL COMPLETED JAIL EVALUATION ORDERS BY MONTH COURT ORDER SIGNED <sup>1</sup>							
MONTH	Court Orders Signed <sup>2</sup>	14 DAYS OR LESS FROM ORDER SIGNATURE DATE <sup>3</sup>	PERCENT 14 DAYS OR LESS FROM ORDER SIGNATURE DATE <sup>3</sup>	ORDERS COMPLETED WITHIN 14 DAYS FROM RECEIPT OF ORDER <sup>3,4</sup>	PERCENT COMPLETED WITHIN 14 DAYS FROM RECEIPT OF ORDER <sup>3,4</sup>	ORDERS COMPLETED WITHIN 14 DAYS FROM RECEIPT OF ORDER OR WITHIN 21 DAYS FROM ORDER SIGNATURE DATE <sup>3,4</sup>	PERCENT COMPLETED WITHIN 14 DAYS FROM RECEIPT OF ORDER OR WITHIN 21 DAYS FROM ORDER SIGNATURE DATE <sup>3,4</sup>
Dec-21	489	327	67%	352	72%	385	79%
Jan-22	439	300	68%	319	73%	352	80%
Feb-22	473	327	69%	342	72%	359	76%
Mar-22	599	447	75%	486	81%	518	86%
Apr-22	594	416	70%	440	74%	478	80%
May-22	538	398	74%	426	79%	453	84%
Jun-22	561	338	60%	372	66%	395	70%
Jul-22	634	395	62%	426	67%	468	74%
Aug-22	642	376	59%	402	63%	428	67%
Sep-22	539	361	67%	378	70%	392	73%
Oct-22	535	356	67%	376	70%	386	72%
Nov-22	458	343	75%	357	78%	362	79%
Dec-22	478	240	50%	248	52%	263	55%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>Court Orders Signed is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: orders completed and percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>4</sup>From April 2015 to June 2016, the in-jail evaluation compliance deadline was within 7 days from court order signature date, and from July 2016 to April 2017, the in-jail evaluation compliance deadline was within 14 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for in-jail competency evaluations outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete in-jail competency evaluations within the shorter of either a) 14 days from receipt of order or b) 21 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 14 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 14 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 14 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 14 days from the beginning or notification of a period of waiting in jail) or 21 days from order signature date (if the order was received after 7 days from order signature date). In addition, starting in August 2018, the in-jail evaluation compliance calculations are adjusted based on Good Cause Extensions granted by the court.

**Table 12. Total Completed Inpatient Evaluation Orders by Month Court Order Signed**

TABLE 12. TOTAL COMPLETED INPATIENT EVALUATION ORDERS BY MONTH COURT ORDER SIGNED <sup>1,2</sup>							
MONTH	<i>Court Orders Signed</i> <sup>1</sup>	7 DAYS OR LESS FROM ORDER SIGNATURE DATE	PERCENT 7 DAYS OR LESS FROM ORDER SIGNATURE DATE	ORDERS COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER <sup>1,2</sup>	PERCENT COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER <sup>1,2</sup>	ORDERS COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER OR WITHIN 14 DAYS FROM ORDER SIGNATURE DATE <sup>1,2</sup>	PERCENT COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER OR WITHIN 14 DAYS FROM ORDER SIGNATURE DATE <sup>1,2</sup>
Dec-21	31	0	0%	0	0%	2	6%
Jan-22	32	4	13%	4	13%	6	19%
Feb-22	22	4	18%	5	23%	5	23%
Mar-22	16	3	19%	3	19%	3	19%
Apr-22	25	2	8%	3	12%	4	16%
May-22	15	1	7%	1	7%	2	13%
Jun-22	22	1	5%	1	5%	1	5%
Jul-22	34	9	26%	9	26%	9	26%
Aug-22	35	4	11%	4	11%	5	14%
Sep-22	39	3	8%	3	8%	4	10%
Oct-22	25	0	0%	0	0%	0	0%
Nov-22	13	1	8%	1	8%	1	8%
Dec-22	20	1	5%	1	5%	1	5%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>**Court Orders Signed** is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: orders completed and percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>4</sup>From April 2015 April 2017, the inpatient evaluation and restoration compliance deadline was within 7 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for inpatient competency evaluation and restoration services outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete inpatient competency evaluation and restorations within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date).

**Table 13. Total Completed Restoration Orders by Month Court Order Signed**

TABLE 13. TOTAL COMPLETED RESTORATION ORDERS BY MONTH COURT ORDER SIGNED <sup>1,2</sup>							
MONTH	<i>Court Orders Signed</i> <sup>1</sup>	7 DAYS OR LESS FROM ORDER SIGNATURE DATE	PERCENT 7 DAYS OR LESS FROM ORDER SIGNATURE DATE	ORDERS COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER <sup>1,2</sup>	PERCENT COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER <sup>1,2</sup>	ORDERS COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER OR WITHIN 14 DAYS FROM ORDER SIGNATURE DATE <sup>1,2</sup>	PERCENT COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER OR WITHIN 14 DAYS FROM ORDER SIGNATURE DATE <sup>1,2</sup>
Dec-21	190	15	8%	15	8%	17	9%
Jan-22	171	9	5%	12	7%	15	9%
Feb-22	187	9	5%	9	5%	9	5%
Mar-22	171	10	6%	10	6%	11	6%
Apr-22	196	5	3%	4	2%	5	3%
May-22	184	9	5%	10	5%	10	5%
Jun-22	181	12	7%	12	7%	12	7%
Jul-22	145	5	3%	5	3%	5	3%
Aug-22	205	9	4%	12	6%	13	6%
Sep-22	167	6	4%	6	4%	7	4%
Oct-22	139	6	4%	6	4%	6	4%
Nov-22	129	4	3%	4	3%	10	8%
Dec-22	142	2	1%	2	1%	2	1%

<sup>1</sup>Data before - AUG-2018 is previously reported data from the legacy data systems. Data from AUG-2018 onward, is updated data pulled from the new BHA - Forensic Data System and is based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>**Court Orders Signed** is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>From AUG-2018 onward, the following data elements exclude periods of waiting for competency services in jail that have not yet ended: orders completed and percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>4</sup>From April 2015 April 2017, the inpatient evaluation and restoration compliance deadline was within 7 days from court order signature date. As of May 2017, DSHS compliance data are calculated and summarized in this table based on the modified deadline for inpatient competency evaluation and restoration services outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389, stating: "DSHS shall complete inpatient competency evaluation and restorations within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order". To comply with the new requirements, this report captures two additional sets of compliance information beginning in May, 2017. The first is percentage of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail). The second is percentage of all orders completed within either of the two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date).

**THE OUTPATIENT COMPETENCY RESTORATION PROGRAM-DATA TABLE 14**

The OCRP element of the Trueblood Contempt Settlement Agreement that is managed by the Washington State Health Care Authority, provides an additional option for courts to order community-based restoration services in a less restrictive environment for defendants with appropriate acuity levels in the 11 counties and four Behavioral Health Administrative Services Organization regions covered in Phases 1 and 2 of the Trueblood Contempt Settlement Agreement. The intent of OCRP is to provide the most appropriate level of care to the individual, ideally closer to their home community. Providing restoration services in a safe and cost-effective environment, while utilizing the newly available community treatment program should hopefully reduce the number of people wait-listed to receive competency restoration in an inpatient setting.

This month's report covers events from Dec. 1-31, 2022. Data from this month are considered "first-look" and are likely to change as they mature. Data tables reflecting OCRP services are included in Tables 4c., 14, and Appendix F. Figures 2, 5, and 6 represent the visual presentation of OCRP data in this month's report. Only data from Trueblood Class Members is reflected in the OCRP tables and figures. As a result, some months have no new OCRP data to report.

Most individuals ordered to OCRP will not appear in Table 14. Table 14 is restricted to class members, meaning individuals in jail waiting for competency restoration services at any time after the competency order is signed. Currently, most individuals ordered to OCRP are released from jail prior to the court signing the OCRP order and remain in the community until entry into OCRP. The total number of individuals enrolled in an Outpatient Competency Restoration Program (regardless of jail status) is provided in the Trueblood semi-annual report and reported quarterly in Table 17 of this report. The OCRP update in Table 17 begins on page 50 of this month's report. Table 14 follows on the next page.

**Table 14. OCRP Completed Restoration Orders by Month Court Order Signed**

TABLE 14. OUTPATIENT COMPETENCY RESTORATION PROGRAM COMPLETED RESTORATION ORDERS BY MONTH COURT ORDER SIGNED <sup>1</sup>							
MONTH	<i>Court Orders Signed</i> <sup>1</sup>	7 DAYS OR LESS FROM ORDER SIGNATURE DATE	PERCENT 7 DAYS OR LESS FROM ORDER SIGNATURE DATE	ORDERS COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER <sup>1,2</sup>	PERCENT COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER <sup>1,2</sup>	ORDERS COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER OR WITHIN 14 DAYS FROM ORDER SIGNATURE DATE <sup>1,2</sup>	PERCENT COMPLETED WITHIN 7 DAYS FROM RECEIPT OF ORDER OR WITHIN 14 DAYS FROM ORDER SIGNATURE DATE <sup>1,2</sup>
Dec-21	0	0	n/a	0	n/a	0	n/a
Jan-22	0	0	n/a	0	n/a	0	n/a
Feb-22	0	0	n/a	0	n/a	0	n/a
Mar-22	0	0	n/a	0	n/a	0	n/a
Apr-22	2	2	100%	1	50%	2	100%
May-22	2	0	0%	0	0%	0	0%
Jun-22	1	1	100%	1	100%	1	100%
Jul-22	0	0	n/a	0	n/a	0	n/a
Aug-22	1	1	100%	1	100%	1	100%
Sep-22	4	3	75%	3	75%	4	100%
Oct-22	4	3	75%	3	75%	4	100%
Nov-22	0	0	n/a	0	n/a	0	n/a
Dec-22	2	2	100%	2	100%	2	100%

<sup>1</sup>The OCRP was implemented July 1, 2020. The data are pulled from the BHA Forensic Data System and Navigator Case Management System and based on the number of periods individuals waited for competency services in jail.

<sup>2</sup>**Court Orders Signed** is the number of court orders signed in the specified month for those individuals waiting for competency services in jail and any additional in-jail stays (i.e., periods of waiting for competency services in jail) starting in the specified month due to a class member entering jail from the community while awaiting a court-ordered competency service. This number does not include court orders signed for individuals waiting for competency services outside of jail.

<sup>3</sup>The following data elements exclude periods of waiting for competency services in jail that have not yet ended: orders completed and percent completed variables. Once the waiting period has ended, those cases will be included in the wait-time and percents.

<sup>4</sup>According to the Settlement Agreement, "For criminal defendants waiting in jail, an offer of admission to the community outpatient restoration services program will occur within the constitutional timelines for restoration as outlined by the Federal Court." Therefore, this table captures the 3 compliance deadlines captured for inpatient competency restoration: 1) number and percent completed within 7 days from court order signature date (as stipulated from April 2015 to April 2017) and 2) number and percent of orders completed within 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) and 3) the number and percent of all orders completed within either of two compliance deadlines: 7 days from receipt of order (if the order was received within 0 and 7 days from order signature date) (or 7 days from the beginning or notification of a period of waiting in jail) or 14 days from order signature date (if the order was received after 7 days from order signature date) (from May 2017 onward as outlined in the order DSHS received on 4/26/2017 adopting the Mediated Settlement Agreement, Dkt. # 389).



## RESOURCES REQUIRED TO PROVIDE TIMELY COMPETENCY SERVICES

---

### **2017-2021 BUDGET APPROPRIATIONS**

The state of Washington invested significant resources into beds, staffing, and programs impacting Trueblood Class Members. For more detailed information on specific investments, review monthly reports from August 2022 and earlier at the [BHA Court Monitor Reports website](#). On Jan. 25, 2018, Judge Pechman approved contempt fine funds to remodel Building 27. This resulted in the 30-bed FSCR opening on WSH's campus in August 2019.

### **2021-2023 BUDGET APPROPRIATIONS**

The COVID-19 pandemic emerged in Washington state in February 2020 resulting in significant pandemic-related expenditures and emergency budget reductions. COVID-19's fiscal impacts became less severe over time, and federal resources became available to DSHS. The funding below is for the 2021-2023 biennium:

1. \$27.4 million for two new 29-bed forensic competency restoration wards at WSH, planned opening Q1 2023
2. \$11.6 million to operate new 16-bed Civil Center for Behavioral Health at Maple Lane; opening Feb. 2023
3. \$5.8 million to operate a new 16-bed civil long term mental health inpatient facility in Vancouver currently estimated to open in winter 2024-2025
4. \$9.3 million to remodel and operate Columbia Cottage at Maple Lane as a 30-bed facility for NGRI patients from WSH. The current estimated opening is late 2023 to early 2024
5. \$4.3 million and 20.5 FTEs to support human resources, pharmacy, security, laundry, food services and facilities for two new 25-bed competency restoration wards opened at ESH in FY'20 and FY'21
6. \$3.2 million and 12.0 FTEs for the Forensic Navigator Program to expand to the King region during Phase 2 of the Settlement Agreement. Phase 2 Navigator services began in the King region in January 2022
7. \$3.2 million and 11.6 FTEs for Trueblood management support, to include project managers, records staff, research and data analysis support, and IT support
8. \$52.9 million in capital funding for the new 16-bed CCBH-ML RTF (operating costs listed in number two above) and a similar 48-bed facility in Clark County (operating costs for the 16 DSHS operated beds listed in number three above; an HCA contractor will operate the other 32 beds at the Clark County RTF). Winter 2024-2025 is the current estimated opening
9. \$51 million for the design of a new 350-bed forensic hospital at WSH. If future funding occurs as planned, construction should be complete in 2027.

### **NEED PROJECTIONS AND BED CAPACITY**

In June 2017, Judge Pechman directed the Court Monitor to have a competency services bed need study conducted to illustrate patient demand and bed need, aiming to determine the feasibility, timeframe, compliance with court orders, and to measure the impact of community-based competency evaluation on the demand for inpatient competency evaluation and restoration beds. The TriWest Group was selected as the contractor to complete this

work. The Court Monitor provided DSHS the draft report on Oct. 3, 2018. DSHS received the final report via webinar on Dec. 10, 2018.

## TRUEBLOOD KEY ACCOMPLISHMENTS-DECEMBER 2022

---

### **RECRUITING**

Talent Acquisition program staff continue to support hiring needs associated with FSCR, ESH, and WSH. Applicants presented to Eastern State Hospital for consideration are indicated below:

- Mental Health Technicians - 5 presented
- Registered Nurses - 8 presented
- Institutional Counselor - 5 presented
- Psychiatric Security Attendant - 9 presented
- Psychologist - 2 presented
- Physician - 2 presented

Applicants presented to Western State Hospital for consideration are indicated below:

- Registered Nurses - 44 presented
- Licensed Practical Nurses - 7 presented
- Mental Health Technician - 53 presented
- Psychiatric Security Attendant - 21 presented
- Psychiatric Security Nurse - 6 presented
- Psychiatric Social Worker - 10 presented
- Therapies Supervisor - 9 presented
- Institutional Counselors - 8 presented
- Occupational Therapist - 8 presented
- Psychology Associate - 12 presented

Applicants presented to FSCR for consideration are indicated below:

- Registered Nurses - 6 presented
- ARNP - 8 presented
- Residential Rehabilitation Counselor - 11 presented
- Institution Counselor - 21 presented

### **ACTIONS TO ADDRESS STAFFING CHALLENGES**

Competing for staff talent with the private sector in the context of the ongoing pandemic leaves many positions, especially at our treatment facilities, chronically short-staffed. BHA identifies and implements creative solutions within our existing authority and partners with executive leadership, state human resources, labor, and other partners to develop and implement innovative approaches to recruiting and retaining critical staff positions. During spring and summer 2022, DSHS has taken several steps to alleviate staffing challenges. Steps taken included hiring more contractors and travel nurses, adding hiring recruitment resources to both WSH and ESH, especially to hire nurses, partnering with the Washington State Office of Financial Management to adjust pay ranges for certain positions, expanding our successful forensic evaluator training and recruitment post-doctoral program from three-to-five interns this year, and engaging a successful demand to bargain with labor partners to allow for contract evaluations to take place until vacancies can be filled. Working toward implementing new policies and practices to attract and retain passionate, talented staff remains critical to success, and BHA has continued this critical focus through fall 2022 and into winter 2023.

## National Staffing Crisis and Pandemic Staff Burnout

A new challenge is emerging in the department's efforts to operate restoration beds, and to open new restoration capacity that is currently nearing completion of construction. The nation as a whole faces an acute staffing crisis in healthcare. On May 23, 2022, the U.S. Surgeon General issued a press release summarizing a recent Surgeon General Advisory on the healthcare worker crisis:

---

*Today, United States Surgeon General Dr. Vivek Murthy issued a new Surgeon General's Advisory highlighting the urgent need to address the health worker burnout crisis across the country. Health workers, including physicians, nurses, community and public health workers, nurse aides, among others, have long faced systemic challenges in the health care system even before the COVID-19 pandemic, leading to crisis levels of burnout. The pandemic further exacerbated burnout for health workers, with many risking and sacrificing their own lives in the service of others while responding to a public health crisis<sup>1</sup>.*

---

Washington state, and the facilities run by the department, are not immune to these challenges. The facilities providing restoration services are currently facing acute staffing shortages. As of early January 2023, vacancies in several critical BHA patient-centered job classes ranged from 30-40 percent. The ability to maintain current restoration capacity is at risk, and staffing new physical capacity is expected to be extremely challenging. To address this, the department is engaging several approaches:

1. Implemented hiring and retention incentives to keep current staff and attract new staff. The incentives are now being offered. While this is an important tool in addressing this crisis, other organizations in the private and public sphere are also using similar tactics, leading to an "arms race" in competing for the extremely limited pool of available people to hire. Additional pay raises that were previously funded became effective on July 1, 2022.
2. The department is using contract staff to fill critical vacancies and keep current capacity operating. While this is a short-term solution, the extreme cost of the contracted staff means that contract staff are not a sustainable long-term solution.
3. The department is also pursuing contract staff for vacant forensic evaluator positions. This is anticipated to increase capacity for in-jail evaluations as well as assist with completion of inpatient competency evaluations. The department also plans to request increased evaluation staff in the next legislative session.
4. The department has diversified staffing for certain functions, to use different types of credentials and staff to complete necessary work. For example, at WSH PhDs who are not licensed in Washington are working under a Washington regulatory scheme that allows them to work under supervision as an "agency affiliated counselor" to complete work within the civil center (not for class members). However, even with these efforts in place, there are simply not enough people in the nationwide employment pool. With healthcare providers across the industry facing critical shortages, those providers are engaged in similar mitigations and attempts to recruit from a limited pool of staff. Attracting new staff to department facilities often means that these staff are moving from other important mental health programs, which results in a "rob Peter to pay Paul" situation that leaves programs across the mental health system understaffed. This potentially

---

<sup>1</sup> <https://www.hhs.gov/about/news/2022/05/23/new-surgeon-general-advisory-sounds-alarm-on-health-worker-burnout-and-resignation.html>

includes and affects staffing for other Contempt Settlement Agreement programs. The department will continue with these efforts with the goal of ensuring that existing restoration capacity can operate, and that new capacity can open. However, the gravity of the current situation cannot be understated: If the available staffing does not improve, the department will not be able to keep existing beds open<sup>2</sup>.

---

<sup>2</sup> Document 907-1. In Cassie Cordell *Trueblood*, et al., v. Washington State Department of Social and Health Services, et al. Case No. C14-1178 MJP, Trueblood Quarterly Implementation Status Report, June 2022, Filed June 16, 2022, pp. 4-6.

**RESIDENTIAL TREATMENT FACILITIES DATA**

This section presents monthly data for the current month and the trailing year (13 months), with a year-over-year average comparison. Maple Lane and FSCRП are presented in their own table, Tables 15 and 16 in this section of the report.

**Table 15. Monthly RTF Data for Maple Lane**

Data Elements	Dec-21	2021 Avg	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	2022 Avg
Census (last day of month)	19	19.92	23	23	23	22	23	22	23	21	24	27	26	28	23.75
Total patients admitted	7	9.75	14	12	13	10	14	10	13	12	12	6	9	11	11.33
Completed and found competent (1st Restoration)	4	4.58	3	5	9	9	5	6	5	8	4	6	3	5	5.67
Not likely restorable (transported back to jail)	2	0.92	1	2	2	1	4	3	0	1	1	0	2	2	1.58
Court Order lapsed (Transported back to Jail)	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00
Felony patients completed and found not likely restorable (1st Restoration)	0	0.17	1	0	0	0	2	1	0	0	0	0	0	0	0.33
Misdemeanor patients not restored (no further treatment by law)	1	0.83	2	2	1	1	0	1	1	1	0	2	2	0	1.08
Total transferred to State Hospital	2	1.25	0	0	2	0	0	2	3	1	1	1	1	0	0.92
For physical aggression	1	0.33	0	0	2	0	0	1	1	0	1	1	0	0	0.50
For sexually inappropriate behavior	0	0.25	0	0	0	0	0	0	0	0	0	0	1	0	0.08
For medical reasons	0	0.08	0	0	0	0	0	1	1	0	0	0	0	0	0.17
Due to court ordered treatment at SH	0	0.08	0	0	0	0	0	0	0	0	0	0	0	0	0.00
Other	1	0.50	0	0	0	0	0	0	1	1	0	0	0	0	0.17
Total patients eloped	0	0.08	0	0	0	0	0	0	0	1	0	0	0	0	0.08
Total recommended for early evaluation	0	1.58	0	2	3	5	4	3	2	3	1	3	5	1	2.67
Total recommended for 2nd 90-day order	2	2.92	1	3	6	0	4	5	2	2	3	8	4	1	3.25
Total recommended for 3rd 90-day order	0	0.08	0	0	0	0	0	0	0	0	0	1	0	0	0.08

**Table 16. Monthly RTF Data for Fort Steilacoom**

Data Elements	Dec-21	2021 Avg	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	2022 Avg
Census (last day of month)	25	20.08	17	17	19	25	28	25	24	20	22	27	27	28	23.25
Total patients admitted	12	9.00	1	8	16	13	13	7	12	8	11	17	10	11	10.58
Completed and found competent (1st Restoration)	7	2.92	7	4	5	3	7	3	7	6	1	7	6	4	5.00
Not likely restorable (transported back to jail)	2	1.00	0	1	4	1	1	3	0	1	0	2	2	1	1.33
Court Order lapsed (Transported back to Jail)	1	0.17	0	0	2	0	0	0	0	0	1	0	1	0	0.33
Felony patients completed and found not likely restorable (1st Restoration)	1	0.42	5	1	0	0	0	0	1	1	3	0	6	1	1.50
Misdemeanor patients not restored (no further treatment by law)	1	1.17	2	0	4	1	1	3	0	1	0	2	2	0	1.33
Total transferred to State Hospital	1	2.42	0	1	2	3	0	2	3	2	2	2	0	1	1.50
For physical aggression	1	0.92	0	0	1	2	0	1	0	1	1	0	0	2	0.67
For sexually inappropriate behavior	0	0.08	0	0	0	0	0	0	0	0	0	0	0	0	0.00
For medical reasons	0	0.08	0	0	0	0	0	0	0	0	0	0	0	0	0.00
Due to court ordered treatment at SH	0	1.08	0	1	1	0	0	1	0	1	1	2	0	1	0.67
Other	0	0.08	0	0	0	1	0	0	1	0	0	0	0	0	0.17
Total patients eloped	0	0.00	0	0	0	1	0	1	1	0	0	0	0	0	0.25
Total recommended for early evaluation	0	0.25	0	1	0	0	0	0	2	0	0	0	0	1	0.33
Total recommended for 2nd 90-day order	5	2.83	1	1	0	1	5	5	1	2	2	0	4	6	2.33
Total recommended for 3rd 90-day order	1	0.25	0	0	0	0	0	0	0	0	0	0	0	0	0.00

## TRUEBLOOD IMPLEMENTATION STEPS TAKEN AND PLANNED-DECEMBER 2022

The table below shows implementation steps taken and planned and is updated for the current reporting period.

**Table 17. Trueblood Implementation Steps**

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
<b>Court Appointed Monitor Coordination</b>				
Monthly reports	Released December report.	Complete	<ul style="list-style-type: none"> <li>Maintain compliance with the Court.</li> <li>Use data to review and improve the provision of forensic services.</li> </ul>	December report released to stakeholders.
<b>Legislative Coordination</b>				
Implement Engrossed Substitute Senate Bill 6656: Funding applications.	Apply for funding from the Office of Financial Management from the Governor's Behavioral Health Innovation Fund relating to the state hospitals' forensic systems.	Complete	<ul style="list-style-type: none"> <li>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 consultant's report was due to the</li> </ul>	<p>The Select Committee for Quality Improvement in State Hospitals met on Oct. 30 and Dec. 15, 2017. During the Dec. 15, meeting, the department presented material on the three prosecutorial diversion programs funded in FY '18. The Court Monitor provided an overview and update on eight programs that received Trueblood fine money for diversion services.</p> <p>In 2018, meetings occurred on the following dates: April 18, July 24, and Oct. 18. In 2019, the committee met on Jan. 7, prior to sunseting on July 1.</p> <p>The Behavioral Health Recovery System Transformation committee convened after July 1, 2019, conducting similar work as the Select Committee. The committee met on Sept. 26 and Nov. 12.</p> <p>In 2020, the BHRST committee met on Sept. 25 and Oct. 23. The website below contains the agenda and other meeting materials for the Oct. 23 meeting:</p>



<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
			<p>Governor and Legislature by Oct. 1, 2016.</p> <ul style="list-style-type: none"> <li>• 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 consultant's report was due to the Governor and Legislature by Oct. 1, 2016.</li> <li>• 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.</li> </ul>	<p><a href="https://app.leg.wa.gov/committeeschedules/Home/Documents/28006?//29870/01-01-2020/11-15-2020/Agenda///Bill/">https://app.leg.wa.gov/committeeschedules/Home/Documents/28006?//29870/01-01-2020/11-15-2020/Agenda///Bill/</a></p> <p>BHRST did not meet in 2021 and 2022.</p>

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
<p>Consult with key partners and stakeholders, including out of state agencies, regarding potential legislation, potential certification of forensic evaluators, and other opportunities to enhance quality assurance.</p>	<p>Consult key partners including out of state agencies.</p>	<p>Ongoing</p>	<ul style="list-style-type: none"> <li>Expanded pool of forensic evaluators would help improve timeliness. Licensure would provide quality assurance and create professional standards for forensic evaluators.</li> <li>Develop long-term certification of forensic evaluators, consistent with the Trueblood Court Monitor’s recommendations on mid- and long-term performance to implement a forensic certification program to sustain performance.</li> </ul>	<p>Consultation with other states regarding certification of forensic evaluators continues through periodic videoconferences and follow-up contacts with key staff in other states. Information about credentialing from other states was shared with the forensic evaluator supervisors, and it was mentioned briefly in the April 2021 meeting. In May 2021, the topic was on the agenda to discuss the next step(s) related to this process. Discussion focused on exploring further a peer review process and what associated training may look like for internal “credentialing.” With work being done on updating the evaluator guidelines manual, this draft of the peer review policy has been delayed until this guidelines manual is completed. Current plan was to have a draft of the peer review policy completed by August 1. However, the need to complete an increasing number of referrals for competency evaluations across the state, pushed the due date back to Sept. 1, 2022. Unfortunately, the number of referrals continues to increase, so the due date moved to Dec. 31, 2022. The Initial draft was completed with input from forensic evaluator staff from the six offices at the end of December. The policy will be placed in PolicyTech for further review in January 2023.</p>
<p><b>Labor Coordination</b></p>				
<p>Engage labor leaders and members.</p>	<p>Conduct ongoing bi-monthly meetings with labor leaders.</p>	<p>Ongoing</p>	<ul style="list-style-type: none"> <li>Discuss policy, budget and operational changes likely required to comply with the Trueblood requirements.</li> <li>Obtain staff necessary to safely support operation of additional forensic and civil beds at the state hospitals.</li> </ul>	<p>OFMHS continues to have one demand to bargain that remains outstanding: the need to resolve one issue related to west side evaluators moving from the hospital to a DSHS building off-campus. This is scheduled for Dec. 8, 2022. After the meeting on the 8<sup>th</sup>, an email was sent to staff at the Centennial building that led to the resolution of the demand to bargain on Jan. 3, 2023.</p>

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
			<ul style="list-style-type: none"> <li>Obtain necessary psychiatrists and physicians to supplement services proved by employees at WSH to safely support the operation of additional forensic and civil beds.</li> </ul>	
<b>Data Collection and Fiscal Modeling</b>				
Monthly report data collection	Identify and obtain needed data.	Complete	<ul style="list-style-type: none"> <li>Obtain data for monthly reports and develop standardized reports to inform policy development and implementation.</li> </ul>	Data collection is ongoing. The Forensic Data System technical team continues to meet bi-monthly with program staff and RDA. Reporting needs are identified, run through change control, and implemented as needed. This process is operationalized.
Institute data audit process.	Review data and files of cases with anomalies to identify trends.	Complete	<ul style="list-style-type: none"> <li>Ensure completeness and accuracy of wait list data.</li> </ul>	Data validation process is ongoing. IT project team and RDA analysts, research data anomalies to determine the cause, impact, and remediation needed.
Forensic Data System design/ development	Analyze legacy applications data quality for potential data migration.	Complete	<ul style="list-style-type: none"> <li>Integrated forensic system with consistent data entry and tracking of all Class Members from creation of court order for mental competency evaluation through completion of evaluation and/or restoration.</li> <li>Provided evaluators ability to access client status changes remotely to reduce delays.</li> <li>Provided a single platform for quality reporting, eliminating</li> </ul>	

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
			the variability inherent in leveraging legacy applications not meant for this purpose.	
FDS Post-implementation Processes	Data migration clean-up	Complete	<ul style="list-style-type: none"> <li>Some migrated data contained historical elements requiring clean up in the new system.</li> </ul>	Historical data load has been loaded into FDS and is available to approved roles.
	Usability	Complete	<ul style="list-style-type: none"> <li>The system contains modules that align with roles of forensic activities and allows for controlled access by those same user roles. This controlled access prevents users from easily seeing activity for a court order that crosses many modules.</li> <li>Modified search screens to reveal all court orders for each client.</li> <li>Streamlined admissions process; created refined inpatient "Due In/ Due Out" movement report.</li> </ul>	<p>The IT project team modified search screens to show a more complete snapshot of the court order, eliminating barriers resulting from role-based access. Roles still limit the data specific users may edit.</p> <p>System now directs users to all court orders for a client, including the client's aliases.</p> <p>The Due In/Due Out Report has been modified to contain the essential fields for the hospital admission coordinators. Additional requirements were gathered to also meet the needs of other admission coordinators.</p>
	System data issues	Complete	<ul style="list-style-type: none"> <li>Improved data integrity (date client status effectively changed, Forensic Evaluation Completion, Due In Date and Due Out Date).</li> </ul>	<p>Client Status History table has been added to the database and user interface; user interface has been updated to capture updated Court Order Due Date for Forensic Evaluation Completion.</p> <p>New Client Identification Number confirmer trained; requested access to additional secondary systems for identifying clients.</p>

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
			<ul style="list-style-type: none"> <li>Resolved missing data (CINs).</li> <li>Built ability to link queues, status start dates and status due dates to changes in client data, delay reasons and good cause extensions to changes in client status.</li> </ul>	New structure for capturing client status has been released to users on Apr. 17, 2019.
	RDA reporting issues	Complete	<ul style="list-style-type: none"> <li>Ensured RDA accounted for all/correct elements when building reports.</li> </ul>	RDA has expertise in the legacy database schemas and the Court's requirements. The IT project team has expertise in the new FDS schema and will continue to transfer that expertise to RDA.
<b>Human Resources</b>				
Hire OFMHS HQ positions.	Hire and onboard.	Complete	<ul style="list-style-type: none"> <li>Provided infrastructure for forensic services system; improved effective and timely competency services provision.</li> </ul>	For evaluators, all authorized and required positions to enact Phase 1 have been filled.
Hire additional hospital ward staff.	Conduct targeted hiring events.	In progress	<ul style="list-style-type: none"> <li>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.</li> </ul>	Talent Acquisition recruiting efforts continue.  <b>See pages 35-37 for additional details on recruiting.</b>
	Pursue contracting			
<b>Competency Evaluation</b>				
Build capacity for out-station sites.	Site agreements	N/A	<ul style="list-style-type: none"> <li>Increased capacity at out-station sites will reduce wait time for evaluations.</li> </ul>	Most evaluations at outstation sites and all evaluations at RTFs have been conducted by telehealth to reduce COVID-19 exposure risk. The telehealth system accommodates interpreter services and attorney requirements to be present. <b>Refer to pages 47-48 for additional information on telehealth sites and monthly data.</b>
	Outstation sites operational	Complete		

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
Coordinate with forensic mental health system partners.	Regular meetings with county stakeholders	Ongoing	<ul style="list-style-type: none"> <li>Stakeholder meetings will focus on topics where collaborative work is required to meet the requirements of the Trueblood decision.</li> </ul>	<p>The most recent monthly stakeholder meeting in Pierce convened on Nov. 16, 2022. The next meeting is scheduled for Jan. 18, 2023.</p> <p>OFMHS partners with King County’s Department of Behavioral Health and Recovery to convene a group to address issues related to Trueblood Class Members. This group met monthly from May 2019 through May 2022 when the group moved to a new every-other-month meeting cadence. Participants include police, behavioral health providers, shelter services, prosecutors, defenders, DRW, DSHS, and more. The next meeting is scheduled for Jan. 23, 2023.</p>
Continue current county-conducted evaluation system until 2018.	Establish quality criteria for evaluation reports.	Ongoing	<ul style="list-style-type: none"> <li>Obtain data needed from counties in order to meet Court ordered reporting requirements.</li> </ul>	<p>The Quality Assurance program for competency reports began Nov. 1, 2017. Forensic evaluator supervisors use a manual of standards for competency evaluations and audit competency evaluation reports written by their direct reports.</p> <p>During Q4 2022, 96-percent of forensic evaluators had competency evaluation reports audited by supervisors. A total of 136 competency evaluation reports were reviewed in Q4 2022.</p>
Explore and pursue triage system possibilities.	Roll out Phase 2.	In progress	<ul style="list-style-type: none"> <li>Establish an efficient evaluation to identify individuals who need inpatient services due to a serious mental health condition; who clearly do not require inpatient evaluation services; or who are clearly competent due to changes in their condition since the issuance of an evaluation order (i.e., no longer drug affected).</li> </ul>	<p>As of Dec. 31, 2022, OFMHS has received 844 triage referrals from jail staff/defense. Of those referrals, 520 were approved, 249 referrals were denied, and 75 referrals were withdrawn before placement could be made.</p> <p>On Nov. 2, 2016, OFMHS began calling jails holding in-custody defendants waiting 14 days for a competency evaluation. The calls notify jail staff of the Triage Consultation and Expedited Admissions process. Since tracking began, approximately 3,976 calls have been made including 10 calls to jails in December 2022.</p>

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
<p>Develop Telehealth video-conferencing systems to assist in the completion of evaluations.</p>	<p>State-wide implementation and utilization of technology.</p>	<p>Ongoing</p>	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>The telehealth system began operations in 2018 and regularly expands its ongoing operations to include additional partners. OFMHS continues to educate courts and jails on this technology. With the COVID-19 pandemic, telehealth technology sees increased interest from entities seeking to continue evaluations while maximizing safety of clients and staff. As stakeholders grow increasingly comfortable with telehealth technology, they gain appreciation for telehealth evaluation’s efficiency for all parties.</p> <p>OFMHS has reached out to 48 jails statewide to review and further expand telehealth use. Telehealth processes are actively used in the Colville Tribes Corrections Detention Facility, Nisqually Corrections Center, Yakama Nation Correction &amp; Rehabilitation Facility, and in the following county jails: Benton, Clallam, Clark*, Cowlitz**, Ferry, Franklin, Grant, Grays Harbor, Island, Jefferson, King**, King - Regional Justice Center, Kitsap, Kittitas, Mason, Okanogan, Pacific, Pierce, San Juan, Skagit, Snohomish, Spokane, Spokane - Geiger, Stevens, Thurston, Walla Walla, Whatcom, Whitman, and Yakima, and in the following local jails: Aberdeen, Enumclaw, Forks, Hoquiam, Issaquah, Kent, Kirkland, Puyallup, SCORE, Sunnyside, and Yakima City jails. OFMHS also works with jails that do not currently have adequate capacity or security for telehealth evaluations to solve those problems. DSHS’ competency restoration programs at FSCR, MLCRP, ESH, WSH, and HCA’s OCRP in Spokane and Pierce Counties, and Southwest Washington can also provide videoconference and telephonic presence of secondary parties.</p> <p><i>*Notes the ability for telephonic presence of defense counsel and interpreter in certain cases.</i></p> <p><i>**Hybrid process where the evaluator or the defense counsel is present in person to facilitate use of equipment with other parties remotely.</i></p>

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
				Court orders have authorized 6,703 telehealth evaluations since August 2018. Clients or their attorneys have rejected 1.8% of attempts resulting in 6,581 completed telehealth evaluations. For the last 12 months, telehealth evaluations have averaged approximately 221 evaluations per month. This data is current through Dec. 31, 2022.
<b>Competency Restoration</b>				
SH addition 45 beds	Bed occupancy with forensic patients.	Complete	<ul style="list-style-type: none"> <li>Serves overall plan to add beds and expand State Hospital forensic bed capacity to meet Court ordered requirements.</li> </ul>	<p>The Legislature funded this request to operate 45 additional beds in building 27 FSCR and the South Hall 5 ward.</p> <p>S5 expanded from 15 beds to 30. S5 reached full patient capacity in fall 2018. FSCR RTF opened on WSH’s campus in late Aug. 2019.</p>
WSH addition 40 beds	Bed occupancy with forensic patients.	Complete	<ul style="list-style-type: none"> <li>Serves overall plan to add beds and expand State Hospital forensic bed capacity to meet Court ordered requirements.</li> </ul>	<p>In the 2017-19 budget, the legislature allotted funding to convert 60 civil beds to 42 forensic beds on two wards at WSH per the settlement. The wards’ final configurations resulted in 40 new beds instead of 42, accommodating a seclusion room on each ward.</p> <p>COVID-19 limitations caused significant contractor and subcontractor construction delays. The Court granted an extension of time allowing additional time to complete construction and open the new wards to patients. E4 started admitting patients on Feb. 8, 2021, and E3 started admitting patients on Feb. 15, 2021.</p>
ESH addition of 50 beds	Bed occupancy with forensic patients.	Complete	<ul style="list-style-type: none"> <li>Serves overall plan to add beds and expand State Hospital forensic bed capacity to meet Court ordered requirements.</li> </ul>	<p>In the 2019-2021 biennial budget, more than \$24 million was allocated to DSHS to renovate two 25-bed forensic competency restoration units at ESH.</p> <p>The ongoing COVID-19 emergency impacted construction activities. The Court granted a time extension, which allowed additional time to complete construction and open the new wards to patients. Ward 1N3 opened June 1, 2020. Ward 3N3 opened Aug. 3, 2020.</p>



<i>Task</i>	<i>Key Milestones</i>	<i>Status / End Dates</i>	<i>Anticipated Outcome &amp; Assumptions</i>	<i>Results Achieved &amp; Barriers to Completion</i>
Provide Restoration Treatment at MLCRP.	Restore patients to competency.	Ongoing	<ul style="list-style-type: none"> <li>To meet or exceed the restoration rates at both state hospitals.</li> <li>Hard closure date set for June 30, 2024 unless trigger event occurs.</li> </ul>	<p>The quarterly length of commitment data pulled on October 18, shows that restoration patients on 45-day orders at MLCRP and FSCRCP are both close in length. MLCRP's LOS is 38.5 days and FSCRCP's is 39.8. MLCRP's numbers are lower in LOS compared to both state hospitals for 90-day orders. MLCRP's average this quarter for a 90-day order was 56.7 days. <b>Refer to Table 15 on page 38.</b></p> <p>On Jan. 10, 2023, MLCRP's census was 28, and there are eight permanent DSHS RRC2, and five on-call vacancies. Recruitment continues for those positions. On July 1, the residential rehabilitation counselor job class received salary range increases from the state, and applicants for the recruitments are increasing. Management is considering alternate schedules to further improve recruitment.</p>
Provide Restoration Treatment at YCRP.	Restore patients to competency.	Complete	<ul style="list-style-type: none"> <li>To meet or exceed the restoration rates at both state hospitals.</li> <li>Barring "trigger event," hard closure date was Dec. 31, 2021.</li> </ul>	<p>The last patient transferred from YCRP on July 26, 2021. The program officially closed on Aug. 14. Comprehensive finished all close out activities per the ramp down plan.</p>
Provide Restoration Treatment at FSCRCP.	Open Building 27.	Complete	<ul style="list-style-type: none"> <li>Identified alternate facility capacity to meet Trueblood compliance.</li> <li>Collaborated with Court parties to open the facility.</li> </ul>	<p>On Jan. 10, 2023, the census was 29. The program recently hired a part-time psychiatrist to assist with intakes when needed. On April 1, Dr. Koenigsaecker started as the psychologist 4. She came to FSCRCP from Rainer State School in Buckley. FSCRCP currently has a part time Locums psychologist to assist with the workload. Recruitment for the second psychologist 4 position continues. On July 1, the state changed the salary range for the psychologist 4 job class to match the forensic evaluator positions. Open recruitments were updated to include the change in salary. To date there has not been qualified applicants.</p>

Task	Key Milestones	Status / End Dates	Anticipated Outcome & Assumptions	Results Achieved & Barriers to Completion
				<p>On July 16, all IC2 positions were reallocated to IC3's and the IC3 positions were reallocated to program specialist 3's. This appears to be helping the recruitment for the floor staff positions. Currently, two permanent IC3 positions are vacant as well as four on-call positions. The swing shift PS3 was filled, and the preferred candidate started on October 16.</p> <p>On July 16, the current swing shift RN3, Eudora O'Larey, accepted the RN4 position. Currently, there is one on-call position and one permanent RN2 position open.</p>
	Restore patients to competency.	Ongoing	<ul style="list-style-type: none"> <li>To meet or exceed the restoration rates at both state hospitals.</li> </ul>	<p>The October 18 quarterly length of stay report indicates FSCR and MLCRP have the same length of stay for 45-day orders. The length of commitment for the 45-day felony competency orders averages 39.8 days. <b>Refer to Table 16 on page 39.</b></p>
Implementation of OCRPs	Diversion programs are operational.	Complete	<ul style="list-style-type: none"> <li>Development and implementation of OCRP in the Pierce, Spokane, and Southwest regions.</li> </ul>	<p>OCRPs currently has three contracted providers in the Phase 1 regions: Frontier Behavioral Health (Spokane region), Greater Lakes Mental Healthcare (Pierce region), and Lifeline Connections (Southwest region). DSHS and HCA continue providing outreach and education to stakeholders, community providers, and courts on the Forensic Navigator and OCR programs. Due to legislative changes, DSHS and HCA initiated and continue outreach to law enforcement agencies in the Phase 1 and 2 regions. Additionally, a workgroup to update the WAC related to OCRPs has been developed to add prescriptive language to align with the updated RCWs and is moving forward in the amendment process with the request to stakeholders for review and input. All OCRP contractors have used support funds to acquire additional housing units specifically for OCRP enrolled persons. OCRP enrolled persons receive housing priority within the wider Trueblood class member population.</p>

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
				<p>DSHS and HCA started a new process where people receiving a second period of inpatient restoration services in an RTF can be reviewed by a Forensic Navigator to determine suitability for transfer to OCRP. People in OCRP access community-based resources and supports while allowing access to inpatient beds more quickly for higher acuity patients. This process began July 5, 2022. From Dec. 1-31, 2022, there were no referrals, requesting that a Forensic Navigator re-assess a person for OCRP suitability.</p> <p>Most people ordered to OCRP will not appear in Tables 4c. or 14. Tables 4c. and 14 are restricted to class members, meaning people in jail at the time their competency restoration order is signed. Currently, most people ordered to OCRP are released from jail prior to the court signing the OCRP order. The total number of people enrolled in an Outpatient Competency Restoration Program (regardless of jail status) is provided in the Trueblood semi-annual report and reported quarterly in the text below within Table 17 of this report.</p> <p>RDA provides periodic OCRP enrollment updates. The revised table counts align with SAR reporting. The counts in this section will not match those in Tables 4c. or 14, which are specific to class members (persons held in jail following an OCRP restoration order, see Tables 4c. or 14, footnote 2).</p> <p>The OCRP data collection is undergoing transition from Excel trackers to the Forensic Navigator Case Management System over several phases, requiring data processing adaptations. See below for a schedule of expected monthly court report OCRP data updates. The Trueblood semi-annual report is the primary reporting mechanism for Trueblood Settlement Agreement implementation programs.</p>

Task	Key Milestones	Status / End Dates	Anticipated Outcome & Assumptions	Results Achieved & Barriers to Completion
				<ul style="list-style-type: none"> <li>• Q4 2022 data available April 2023 (following publication of the March 2023 semi-annual report);</li> <li>• Q1 2023 data available May 2023.</li> </ul> <p>The data below is from July 1, 2020 through Sept. 30, 2022:</p> <ul style="list-style-type: none"> <li>• 81 unduplicated individuals enrolled                             <ul style="list-style-type: none"> <li>○ 18 active</li> <li>○ 63 discharged</li> </ul> </li> <li>• Reasons discharged:                             <ul style="list-style-type: none"> <li>○ 28 opined competent</li> <li>○ 15 conditional release revoked</li> <li>○ 8 charges dismissed</li> <li>○ 4 opined not competent</li> <li>○ 4 returned to jail</li> <li>○ 2 inpatient civil psychiatric care</li> <li>○ 1 opined not restorable</li> <li>○ 1 unknown</li> </ul> </li> <li>• Discharge location:                             <ul style="list-style-type: none"> <li>○ 43 community</li> <li>○ 6 state hospital</li> <li>○ 8 jail</li> <li>○ 1 RTF</li> <li>○ 5 unknown</li> </ul> </li> </ul> <p>Source: OCRP provider Excel tracker data. See SAR for data definitions:  <a href="https://www.dshs.wa.gov/sites/default/files/BHSIA/FMHS/Trueblood/2022Trueblood/September%202022%20Trueblood%20Semi-Annual%20Report%20with%20Appendices%20-%20Final.pdf">https://www.dshs.wa.gov/sites/default/files/BHSIA/FMHS/Trueblood/2022Trueblood/September%202022%20Trueblood%20Semi-Annual%20Report%20with%20Appendices%20-%20Final.pdf</a></p>
	Diversion programs are operational.	Phase 2, July 2021-June 2023	<ul style="list-style-type: none"> <li>• Development and implementation of OCRP in the King region.</li> </ul>	Since March 2020, HCA and DSHS have engaged King County in Phase 2 preparation by participating in King County’s Competency Continuum workgroup as well as including representatives from King

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
				<p>County in the OCRP workgroup. HCA will expand the OCRP workgroup to include court partner representatives from Phase 1 regions to increase outreach, knowledge base, and increase input from Phase 1 regions. HCA and DSHS regularly contact the King County courts to discuss the OCR and FN programs.</p> <p>Negotiations with Community House Mental Health Agency resulted in a fully executed contract for OCRP services on June 22, 2022. Community House is already contracted to provide FPATH with HCA. Although HCA did not meet the target date of March 31, 2022, for OCRP services to begin in Phase 2, Community House started King region OCRP services on Oct. 31, 2022. As services have gone live, HCA meets biweekly with Community House to discuss recruitment, training, and other OCRP specific topics and will continue to meet at this new cadence for at least three months. The program began operations with a limited capacity of three available spaces, with the capacity limit to be removed when workflow process and procedures are developed between the OCRP providers and forensic navigators in the region to certify adequate space.</p>
County transport of patients	Coordinate with counties to develop transport protocols.	Ongoing	<ul style="list-style-type: none"> <li>Ensure timely transport of patients to support delivery of competency services as directed in court order.</li> </ul>	No issues were raised during this reporting period concerning county transport of patients.
<b>Diversion Alternatives</b>				
Implement 2E2SSB 5177 (2015) provisions for dismissal of charges & referral to treatment.	Diversion programs are operational.	Ongoing	<ul style="list-style-type: none"> <li>Prosecutor can dismiss criminal charges without prejudice &amp; refer to community-based mental health services.</li> </ul>	OFMHS liaison and diversion specialist continues to monitor the programs and provides technical assistance as needed to address barriers. All three Prosecutorial Diversion Programs have experienced, and continue to experience, challenges associated with COVID-19. The liaison and diversion specialist has engaged the programs with technical assistance, brainstorming ways to overcome these

<b>Task</b>	<b>Key Milestones</b>	<b>Status / End Dates</b>	<b>Anticipated Outcome &amp; Assumptions</b>	<b>Results Achieved &amp; Barriers to Completion</b>
				challenges. DSHS continues exploring options for enhancement and expansion of these programs.

## FEB. 8, 2016 COURT ORDER STATUS REPORT/UPDATES

The status updates pursuant to the Feb. 8, 2016 Court Order are shown in the table below.

**Table 18.** Court Order Status Updates

Requirements	Date	Status	Progress Notes
<b>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<sup>3</sup>:</b>			
C. Reporting on the implementation and effectiveness of the triage plan in Defendants' monthly reports to the Court Monitor.	Beginning April 15, 2016	Ongoing	<b>Refer to 3C. &amp; 4C. below.</b>
<b>2. Eliminate the backlog of class members currently waiting for in-jail evaluations<sup>4</sup>:</b>			
E. Completing evaluations for all backlog cases (any patient waiting more than 14 days at the end of the month <sup>5</sup> ).	April 15, 2016	Ongoing	Of the 458 jail evaluation orders signed in November 2022, 334 were completed within 14 days, which is 73.0%. This number is expected to rise as the data continue to mature.
<b>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:</b>			
C. Reporting on the implementation and effectiveness of the triage plan in Defendants' monthly reports to CM.	Beginning April 15, 2016	Ongoing	For additional information, review the Task column in Table 17 labeled "Explore and pursue triage system possibilities" on page 46.
<b>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:</b>			
C. Reporting on the implementation and effectiveness of the triage plan in Defendants' monthly reports to CM.	Beginning April 15, 2016	Ongoing	For additional information, review the Task column in Table 17 labeled: "Explore and pursue triage system possibilities" on page 46.

<sup>3</sup> By agreement with the Court Monitor, long completed requirements 1.A. & 1.B. were removed from *Table 18* beginning with the April 2020 report.

<sup>4</sup> By agreement with the Court Monitor, long completed requirements 2.A. & 2.B. were removed from *Table 18* beginning with the April 2020 report, and 2.C. & 2.D. were removed from *Table 18* beginning with the May 2020 report.

<sup>5</sup> Under a previously completed section of this order, requirement 2.C., a targeted objective to recruit forensic evaluators, was satisfied.

Requirements	Date	Status	Progress Notes
<b>5. Report on the implementation status of the CMS Plan of Correction:</b>			
B. Reporting on the implementation status in Defendants’ monthly reports to the CM.	Beginning March 15, 2016	Ongoing	<p>DSHS entered into a second System Improvement Agreement with the Centers for Medicare and Medicaid Services. This agreement ran from Nov. 2, 2017-July 2, 2018 and defense counsel shared it with Dr. Mauch on Nov. 3, 2017. As a result of a Court Order in April, the department worked with Plaintiffs and the Court Monitor in developing a bed capacity/expansion plan.</p> <p>WSH was resurveyed May 2018 and did not meet all the Conditions of Participation with CMS. WSH was decertified July 9, 2018. WSH continues to work using Functional Work Teams towards CMS certification. ESH remains accredited by The Joint Commission and CMS certified.</p> <p>The Legislature funded design of a new hospital, which will be required to meet COPs for CMS certification. As of July 2022, the schematic design phase is almost complete. Once complete, the project will move into the detailed design phase.</p>
<b>6. Plan for recruiting and staffing 30 beds at WSH after compliance with CMS’s terms of participation is achieved in March:</b>			
C. Reporting on the implementation status of the plan and timeframe in Defendants’ monthly reports to the CM.	Beginning April 15, 2016	Ongoing	<p>DSHS entered into a second SIA with CMS. This agreement ran from Nov. 2, 2017-July 2, 2018 and defense counsel shared it with Dr. Mauch on Nov. 3, 2017. As a result of a court order in April, the department worked with Plaintiffs and the Court Monitor in developing a bed capacity/expansion plan.</p> <p>WSH was resurveyed May 2018 and did not meet all the COP with CMS. WSH was decertified July 9, 2018. WSH continues to work using FWTs towards CMS certification. PSHB Sec. 204 budgeted for the 30 beds at WSH and was completed prior to CMS decertification.</p> <p>The Legislature funded design of a new hospital, which will be required to meet COPs for CMS certification. As of July 2022, the</p>



<i>Requirements</i>	<i>Date</i>	<i>Status</i>	<i>Progress Notes</i>
			schematic design phase is almost complete. Once complete, the project will move into the detailed design phase.
<b>8. Remove barriers to the expenditure of the \$4.8 million in currently allocated diversion funds:</b>			
D. Executing contracts for implementation by the selected providers.	April 15, 2016	Complete	Prosecutorial diversion was funded for FY'23 effective July 1, 2022-June 30, 2023.
<b>10. Develop a reliable and valid client-level data system to support better management and accountability of the forensic services system:</b>			
E. Implementing revisions to the existing system or initiating development of a new forensic data and management information system. (The decision was to initiate new system development efforts.)	January 2020	Complete	Project governance has established a normal data / reporting meeting with RDA, OFMHS, and the project technical team.  Data errors now generate RDA errors reports that are sent to OFMHS key personnel. Workflow issues are directed to OFMHS for adoption and technical issues are reviewed by the technical team for design changes.

## 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 15<sup>th</sup> 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 I, J, and K (if applicable);*
- (2) Diversion plans – DSHS is ordered to develop, in consultation with the Court Monitor, plans for the expenditure of the contempt fines; and*
- (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 Tables 11-14.*

## **AUG. 15, 2016 ORDER MODIFYING PERMANENT INJUNCTION AS TO IN JAIL COMPETENCY EVALUATIONS**

---

*Pursuant to the August 15, 2016 Court Order, the department 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 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 15 Court Order, DSHS identified a series of necessary changes that will enable the department to comply with the Order, including 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; and*
- (10) Modify the current IT systems or develop a new database in which to maintain the information once all above steps are completed.*

DSHS implemented FDS on Aug. 1, 2018. The system's design provided for data elements needed to report to the courts including implementation of the new forensic algorithm waitlist. Data was migrated from existing systems and provided the starting point for DSHS on Aug. 1. The project team continues to support FDS and its users to provide increased data granularity for reporting out of a new system.

The Forensic Advisory Committee meets semi-monthly and provides business process clarification and recommendations to the technical team. FAC also provides input during ongoing system optimization and future enhancements. Their recommendations are referred to the Governance Committee when appropriate. Governance meets at least monthly to monitor status, render final decisions on key topics, and prioritize future functionality ensuring that IT project work aligns with the needs of the Court and other stakeholders.

---

## APRIL 26, 2017 ORDER ADOPTING THE PARTIES’ MEDIATED SETTLEMENT AGREEMENT

---

As indicated below, the April 26, 2017 order partially adopting the parties’ mediated Settlement Agreement, modified prior Court Orders regarding outreach, deadlines, and notification requirements specific to deadlines for evaluation and restoration services.

*Having reviewed the Joint Motion to Adopt the Mediated Settlement Agreement, Dkt. # 389, and discussed the proposed agreement with all Parties at the status hearings held on March 21, 2017 and April 18, 2017, the Court partially adopts the Agreement of the parties, and ORDERS that the prior orders of the Court are MODIFIED in the following manner:*

- (1) *Outreach: The Parties will jointly generate outreach documents to inform state courts of their statutory obligations to provide orders for competency services within twenty-four hours, as well as to inform the state courts of a summary of the Trueblood litigation and injunction. The Parties will jointly request the opportunity to present to Washington State judicial education programs and other outreach that the Parties jointly deem necessary to ensure third Parties are aware of their obligation to timely provide orders for competency services.*
- (2) *Deadline for in-jail evaluations: DSHS shall complete in-jail competency evaluations within the shorter of either a) 14 days from receipt of order or b) 21 days from signature of order. Both sets of data will continue to be tracked in DSHS’ monthly reports.*
- (3) *Deadline for in-patient evaluation and restoration services: 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. Both sets of data will continue to be tracked in DSHS’ monthly reports.*
- (4) *Receipt of Order: When sent electronically, orders are deemed received as of the time they are electronically transmitted to the Department.*
- (5) *Trigger Point for Notice to Plaintiffs’ Counsel: If at any point in the future the percentage of orders received within 3 days of signature drops below the table 1 benchmarks for two consecutive months, the Parties shall meet and confer within 30 days to determine if there are factors within Defendants’ control that are causing delays in order transmission that can be changed and/or if there are factors beyond the Defendants’ direct control that the Parties can collaborate to influence in the direction of faster transmission of orders.*

**Table 1.** Percentage trigger for orders received within 3 days of signature

<b>Jail-based evaluation orders</b>	<b>93</b>
<b>Inpatient competency orders</b>	<b>85</b>

- (6) *Data Collection: Defendants will continue to track the data referenced in paragraphs 2, 3, and 5, above, and currently reflected in Appendix A of DSHS’ Monthly Reports. Additionally, when DSHS issues its monthly reports, it will simultaneously provide the data from Appendix A in Excel format to Plaintiffs.*

*The Court ORDERS that from this point forward, calculation of compliance with the Court's Injunction, Dkt. #131, calculation of compliance with the Modified Injunction as to In-jail Evaluations, Dkt. #303, calculation of contempt under the Order of Contempt, Dkt. #289, and any other aspect of the Court's prior rulings that are not consistent with the Agreement text set forth above, are MODIFIED to be in conformance with this Order.*

The enumerated orders above, especially numbers two, three, and five, can be viewed in data presented within the monthly *Trueblood* report or in data displayed in the appendices that follow. For item two, the applicable data can be reviewed in Appendix A, Tables 2, 5, 8. For item number three, the data can be viewed in Appendix A, Tables 3, 4a., 4b., 4c., 6, 7, 9, 10. Item number five's data is viewable in the non-numbered tables available in Appendix G.

## **APPENDICES**

---

### **Appendices A-G: DATA TABLES; CLASS MEMBER EVALUATION/RESTORATION INFORMATION; CLASS MEMBER RESTORATION INFORMATION FOR THE MAPLE LANE AND FORT STEILACOOM PROGRAMS; OUTPATIENT COMPETENCY RESTORATION PROGRAM; AND PERCENT OF COURT ORDERS RECEIVED WITHIN THREE DAYS**

*This file is submitted with the DRAFT and FINAL reports and includes data tables as well as order received rate data.*

### **APPENDIX H: OUTLIERS AND DELAY COMMENTS**

*This file is submitted with the DRAFT and FINAL report and contains the Outlier data and delay comments.*

### **APPENDIX I: CALCULATION OF INPATIENT CONTEMPT FINES**

*This file is submitted with the FINAL report only and contains the calculation of inpatient contempt fines data.*

### **APPENDIX J: CALCULATION OF JAIL-BASED CONTEMPT FINES**

*This file is submitted with the FINAL report only and contains the calculation of in-jail contempt fines data.*

### **APPENDIX K: CALCULATION OF OUTPATIENT CONTEMPT FINES (IF APPLICABLE)**

*This file is submitted with the FINAL report only and contains the calculation of outpatient contempt fines data (Appendix K only appears in the report during months where outpatient contempt fines are accrued.).*

### **APPENDIX L: GOOD CAUSE EXCEPTIONS**

*This file is submitted with the FINAL report only and contains the good cause extension request data.*