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5 A.B., by and through TRUEBLOOD, et al., v. DSHS, et al., No. 14-cv-01178-MJP

6 **Key Principles and Substantive Elements of a Subsequent Agreement¹**

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8 **1. INTRODUCTION**

9 As part of the Second Revised Settlement Agreement, ECF No. 535_1, the Parties agreed
10 if “the Parties are continuing to move toward developing a subsequent agreement, then all key
11 principles and substantive elements will have been agreed to and reduced to writing by May 4,
12 2018.” The Parties have agreed that this document may be shared with stakeholders. The
13 Parties have continued to move forward in good faith negotiations and have made substantial
14 progress toward a subsequent agreement. There is more work to be done, but contained herein
15 are the initial key principles and substantive elements as agreed to by the Parties.

16 **2. KEY PRINCIPLES**

17 The following are the key principles and strategic goals as developed and agreed to by the
18 Parties.

- 19 1. The subsequent agreement will focus on yielding the right care, at the right place, at the
20 right time, and the right cost—and should be designed to yield successful outcomes.
- 21 2. To the extent able, the Parties will work to break down the silos between systems.
- 22 3. Defendants acknowledge and accept that there has been a systemic failure, of which
23 DSHS plays but a part. Any solution will require systemic ownership of the failure to
24 fix the problem. This requires the commitment of every partner in the system and the
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¹ As outlined in the Second Revised Agreement, ECF No. 535_1 at 13.

1 Parties agree to vigorously pursue the support and involvement of mental health system
2 players and stakeholders.

3 4. Solutions must be creative and may need to challenge the status quo.

4 5. The taskforce will pursue funding efficiencies, and access the funding already available
5 in communities and as allocated by the Legislature.

6 a. In thinking about funding, the taskforce will consider:

7 i. How do we reorganize the funding we have?

8 ii. How do we encourage funding *now* that is a runway to *future* savings?

9 iii. How do we demonstrate cost savings in the funding environment to
10 encourage investment?

11 6. The solutions will focus on effective outcomes, when possible based on demonstrated
12 successes in current programs, entities and systems.

13 7. The taskforce will provide examples and demonstrate alternative systems that work,
14 whether from proven Washington implementations or from other jurisdictions.

15 8. Class members will remain the focus of the taskforce's work. Ultimately, the taskforce
16 must first and foremost create an agreement that is in the best interest of timely service
17 to class members.

18 3. SUBSTANTIVE ELEMENTS

19 A. Competency Evaluations

20 a. The state will seek funding to expand forensic evaluator capacity in order to
21 substantially meet the 14-day evaluation standard, including in times of higher
22 demand. These efforts will be supported by an improved data system and
23 continuing the use of outstations for evaluators.

24 B. Competency Restoration

25 a. The state will support and work to achieve legislative changes to reduce the
26 number of people ordered into restoration and to use community based

1 restoration services. The state will support processes to provide courts with the
2 information necessary to create tailored conditions for release of individuals to
3 these programs.

4 b. The state will seek funding to implement a phased roll out of community based
5 restoration in targeted areas, including residential supports as clinically
6 appropriate.

7 c. Additional forensic bed capacity. The state will with all reasonable speed open
8 additional forensic beds at Western State Hospital and Eastern State Hospital,
9 pursuant to existing funding authorized in the 2018 capital budget.

10 d. Maple Lane and Yakima will be closed in phases, the terms of which will be
11 negotiated between the Parties.

12 C. Crisis Triage and Diversion Supports

13 a. The state will seek funding for residential diversion programs. These programs
14 will be implemented in phases, in targeted areas, and in recognition of already
15 existing resources. At minimum these programs will support crisis/triage
16 capacity.

17 b. The state will seek funding for crisis intervention services defined as co-
18 responder programs and mobile crisis response.

19 c. The state will develop voluntary crisis triage capacity in urban and rural areas.

20 d. Forensic navigator role. The state will seek funding for intensive case managers
21 to focus on class members within a reasonable time from when an individual has
22 been identified as a class member at the point they enter the criminal justice
23 system. These case managers will assist class members in accessing the most
24 appropriate and least restrictive restoration and/or treatment placement, and with
25 reentry and continuing community based services.

26 D. Education and Training

- 1 a. The state will seek funding to strengthen and expand behavioral health crisis
2 training for law enforcement and corrections officers. The state will also seek
3 funding to provide appropriate training for co responders.
- 4 b. Technical assistance to jails. The state will seek funding for state staff to
5 develop and provide educational and technical assistance to jails. The state will
6 work with Washington’s Designated Protection and Advocacy Agency and law
7 enforcement entities to develop guidance on mutually agreeable best practices
8 for diversion and stabilization of class members and potential class members in
9 jail. These best practices will at minimum address pre and post-booking
10 diversion; identification of need and access to treatment; administration of
11 involuntary medication; continuity of care; use of segregation; and release
12 planning.

13 E. Workforce Development.

- 14 a. The state will seek funding to develop a certification process for forensic peer
15 support specialists.
- 16 b. The state will seek funding for additional staff to support forensic workforce
17 development. These additional staff will work to develop sufficient availability of
18 mental health professionals statewide, in both urban and rural areas, to provide an
19 array of services, which may include: (1) the community, including crisis
20 response, homeless, in-home, residential, and clinic based services; (2) in-patient,
21 including residential treatment facilities, private hospitals, and state hospitals; (3)
22 corrections, including jails and prisons; and (4) outpatient forensic services,
23 including competency evaluation and outpatient restoration.
- 24 c. The state will collaborate with state universities and colleges to encourage efforts
25 to address workforce development through degree and certification programs.
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F. Remedies

- a. If the legislature does not allocate necessary funding for the projects and services contemplated in the eventual settlement agreement, Plaintiffs may seek remedies from the Court.