

## Trueblood Update

August 17, 2018

The Department of Social and Health Services (DSHS) and Disability Rights Washington (DRW) have negotiated a proposed settlement in the federal court case *Trueblood et. al. v DSHS* (Trueblood). The Trueblood case involves a constitutional challenge to the length of time individuals with mental health illnesses spend in jail awaiting competency evaluation and restoration services. In this case, the state has been ordered to provide court-ordered in-jail competency evaluations within 14 days and inpatient competency evaluation and restoration services within seven days.

The proposed settlement now goes before Western District of Washington Judge Marsha Pechman who will decide whether it will be preliminarily approved. If approved, the settlement will be disseminated to class members – individuals with mental illness waiting in jail for competency evaluation and restoration services. A hearing will be held this fall to hear from class members and for the court to determine whether it will grant final approval of the settlement and if the proposed settlement meets the class members' needs.

As part of the agreement, the state has agreed to build capacity and enhance services for people with mental illness waiting in jails for competency evaluations and restoration services. In April 2015, U.S. District Court Judge, Marsha Pechman, found that the state was taking too long to provide these services and found the state in contempt. In the years since that finding, the state has incurred over \$66 million in contempt fines at a rate of over \$3 million per month.

All parties expect that this multi-year, multi-phase plan would resolve the issues in this case and bring the state into compliance with the court's orders. The settlement delivers an array of better-coordinated services including expanding residential mental health with crisis services, additional training for jail staff and law enforcement, forensic navigators, more mental health professionals to educate courts about the availability of supports that could meet the needs of individuals who have to wait in jail for evaluation and restoration services. The ultimate goal of the plan is to reduce the number of people who become or remain class members, timely serve those who cannot be diverted from becoming or remaining class members, and focus on effective outcomes and successes of existing programs in Washington.

The proposed settlement will enhance and develop access to services for individuals who are in city or county jails awaiting competency services.

