



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Behavioral Health Administration
PO Box 45050, Olympia, WA 98504-5050

March 17, 2016

Dear Defenders,

DSHS, in an effort to comply with the federal court order regarding competency evaluation and restoration services issued in the *Trueblood v. DSHS* case, has opened a facility in Yakima that is now available to take individuals ordered for competency restoration who meet the facility's eligibility criteria. Your assistance is needed in securing orders that allow DSHS to treat restoration patients either at this facility or at the state hospital. These orders are necessary to make efficient and effective use of this new facility. To that end DSHS has compiled a fact sheet, which is attached, to provide more detail and answer questions. Thank you for your attention and assistance in making improvements to our state's forensic mental health system

The new 24- bed Yakima County Competency Restoration Program has opened in Yakima and is ready to accept individuals ordered for competency restoration. The opening of these facilities will help to reduce wait times for pretrial defendants waiting for competency restoration services from the state Department of Social and Health Services (DSHS). In order to use these newly opened restoration beds efficiently and effectively, DSHS is requesting that our criminal justice partners use the recently published competency restoration pattern forms issued by the Administrative Office of the Courts in December 2015¹. These new forms follow the statutory language in RCW 10.77.084(1)(b); 10.77.086(1)(a)(i) and 10.77.088(1)(a) that gives the Department statutory authority to make clinical determinations regarding the appropriate facility for individual defendants.

DSHS also understands, as is common with any significant change to a large and complex system, many of you have or will have questions about the new facility in Yakima. Below, DSHS has provided some answers to frequently asked questions about the Yakima County Competency Restoration Program. However, if additional questions arise, please do not hesitate to contact the DSHS Competency Restoration Program Specialist, Tim Hunter, for more information at huntetj@dshs.wa.gov.

Q: *Who will be providing the treatment at the Yakima facility?*

A: DSHS has contracted with Central Washington Comprehensive Mental Health to expand restoration services in the state. Comprehensive Mental Health is a long standing and well-respected mental health provider in Central Washington. It has opened one of four pods within the currently vacant Yakima County Correctional Center, to provide therapeutic competency restoration services within the context of a Residential Treatment Facility (RTF). DSHS will maintain oversight/supervision through contract management, on-site certification visits to ensure appropriate policies and procedures are in place, frequent phone contact and in person visits to the facility.

¹ <https://www.courts.wa.gov/forms/?fa=forms.static&staticID=14#MentalProceedings>

Q: *Have there been any changes made to the physical plant to accommodate a treatment-focused program rather than a correctional environment?*

A: The pod has been substantially remodeled in order to provide a therapeutic environment. When this facility formerly served as a minimum security jail, the pod held 72 residents. It has been reconfigured now so that the same space will be occupied by only 24 patients, allowing far more personal space. The pod has been remodeled to remove ligature risks to make the physical environment more consistent with that of a psychiatric hospital. There is a generous amount of space for group treatment and social interaction. Visitors to the facility have remarked that they are surprised by the degree to which the former jail setting has been transformed to look and feel like a residential treatment facility.

Q: *Will the treatment be the same as what is offered at the state hospitals?*

A: The clinical services at Yakima are based on the Behavioral Health Administration's medication formulary and "Breaking Barriers" psychosocial programming. The "Breaking Barriers" program is implemented at Western State Hospital and uses forensically identified barriers to competency to stand trial as the basis for treatment planning, thereby maximizing the efficiency of competency restoration services.

Q: *Who is eligible for admission to the Yakima facility?*

A: The Yakima Competency Restoration Program is intended to serve patients who are assessed to be relatively low in psychiatric acuity and also at a relatively low-level of risk to harm themselves or others. Individual candidates for admission are screened by clinical staff to determine appropriateness for the program. By late April, DSHS will also have another Residential Treatment Facility providing a similar level of care at the former Maple Lane School near Rochester, Washington. In addition, both Western and Eastern State Hospitals continue to be options for patients. Patient/defendants ordered into competency restoration services will be assessed via a centralized screening process to determine which of the four locations best matches their individual needs.

Q: *Who makes the decision about whether an individual goes to the state hospital or to Yakima?*

A: DSHS makes this determination based upon the eligibility criteria described above. State law places the discretion for placement for competency restoration in the hands of the Secretary of DSHS. *See* RCW 10.77.084(1)(b), 10.77.086(1)(a)(i) and 10.77.088(1)(a).

Q: *I recently received a request from DSHS to amend an existing order for competency restoration to allow for treatment at Yakima, is there any particular language I should use?*

A: There are a couple of options. The first, which is what DSHS recommends, is use of the new pattern forms published by the Administrative Office of the Courts in December. The link is below and the competency restoration orders are MP 240 and MP 250. Checking the box for "Department Facility" (e.g. pg. 2, section 5 of the felony order) will allow DSHS to place an individual in the state hospital or Yakima, depending on the individual needs of that defendant.

The other option, if just an amendment is needed rather than a new order, is to substitute language that places the discretion in the hands of the Department without specifying a particular location. *See* RCW 10.77.086(1)(a)(i)(A) (felonies) or 10.77.088(1)(a) (misdemeanors). Instead of language that directs treatment only at WSH, we would recommend language such as “committed to the custody of the Department/DSHS/Secretary of DSHS” or “committed to WSH or another appropriate facility as determined by the Department.” This language would also need to be reflected in portions of the order regarding transportation or involuntary medications so that if DSHS exercises its discretion to use the Yakima facility, it doesn’t need an amended order to accomplish transport to Yakima or a new order allowing Comprehensive Mental Health to use involuntary medications.

Q: *What level of security will the Yakima facility have?*

A: Developed along a continuum of security, the RTF is minimum security given various factors including the physical layout. Like Western and Eastern State Hospitals’ forensic units, the RTF is a secure facility. Security staff in Yakima are stationed just outside the unit and are available 24/7 to respond in the event of an emergency.

Q: *I’m a defense attorney, will I be able to visit or contact my client?*

A: Just like the state hospitals, attorneys are able to visit patients at the facility or communicate by telephone. Plans are underway to develop a videoconferencing system that would enable access to forensic evaluation services.

Q: *How will the individual be transported to the facility?*

A: Transportation for patients coming from jails will be arranged by the sending county. Patients coming to the RTF from a state psychiatric hospital will be transported by DSHS.

We appreciate your interest in the Yakima RTF Competency Restoration Program and look forward to working with you make this new facility efficient and effective for pretrial defendants who are ordered to receive competency restoration services.

Thank you,



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