

## 2014 SUPPLEMENTAL BUDGET

### IN JAIL COMPETENCY RESTORATION

Request	FY14	FY15	13-15
FTE	0.0	0.0	0.0
GF-State	\$2,106,000	\$1,952,000	\$4,058,000
<b>Total</b>	<b>\$2,106,000</b>	<b>\$1,952,000</b>	<b>\$4,058,000</b>

#### DECISION PACKAGE SUMMARY

The Behavioral Health and Service Integration Administration (BHSIA) requests funding in order to develop and implement a pilot competency restoration program in the King County jail. By funding this request, BHSIA is expected to eliminate or greatly reduce the current waiting list of defendants in jail awaiting admission into Western State Hospital for competency restoration treatment.

#### PROBLEM STATEMENT

Courts and advocacy groups are concerned about the amount of time defendants are in jail waiting for restoration treatment at the state hospitals. Currently the only place competency restoration services are offered is in the state hospitals. The state hospitals are facing census and capacity issues. The cost of hospital based services consumes a significant amount of the state mental health budget.

There have been no attempts to clarify where competency restoration treatment may occur. Various bills have attempted to solidify timeframes for completing competency evaluations and admission to the state hospital, but none have attempted to triage cases to ensure that competency restoration services are provided in appropriate settings. For example defendants with acute needs would likely continue to be restored at the state hospitals, while those who do not require this level of treatment would likely participate in competency restoration at an alternative setting such as a county jail or in the community.

BHSIA would like to create a pilot competency restoration program in the King County jail, but funding would be needed to support the efforts and ensure there are no legal or financial issues with implementing the pilot.

#### PROPOSED SOLUTION

The purpose of the pilot program is to evaluate the cost and operational effectiveness of a jail based competency restoration program compared to the current state hospital based programs. The pilot program will evaluate the impact on meeting statutory timelines for competency restoration and test the impact on not guilty by reason of insanity (NGRI) capacity issues at both Eastern and Western State Hospitals.

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Referrals for competency restoration services continue to trend upward, with current waitlists growing by nearly five percent each quarter. Without this program, the waitlist for restoration services in our state hospitals will increase, and the state will continue to admit defendants to a higher level of service than is necessary (i.e. inpatient hospitalization), at high costs, with the potential for additional forensic wards or beds needed at the state hospitals. While waitlist numbers and times vary on a daily basis, Western State Hospital's 2013 waitlist numbers have ranged between 30-50 individuals, waiting on average for 15-60 days for admission

#### EXPECTED RESULTS

This pilot program is expected to decrease the time defendants spend in jail waiting for forensic related services. If a 30 bed unit is opened in the King County jail, that creates an additional 30 beds at Western State Hospital for competency evaluation, restoration, and not guilty by reason of insanity (NGRI) admissions.

Many of the referrals for competency restoration do not require hospital level services, yet all are referred to the state hospitals. This program is expected to result in the eventual elimination of the forensic admission waitlist, leading to meeting statutory timeframes for competency evaluation and restoration admissions. This will result in fewer show cause motions, fines to the state, and decreased potential for Department of Justice citations that have happened in both California and Oregon for these same waitlist issues.

Funding this request will result in increased numbers of adults receiving outpatient mental health services and maintain inpatient mental health services at the current level as well as resulting in increased on time delivery for state services.

#### STAKEHOLDER IMPACT

Disability Rights Washington, American Civil Liberties Union and the Defenders Association will support the shortened time defendants wait in jail for admission to the state hospitals, but they may have concerns with competency restoration services being offered in a criminal justice (jail) setting.

Washington State Employee Unions (SEIU/WFSE) may have concerns with any potential impact on state employee positions.

Washington Association of Prosecuting Attorney's and Local County Jails will most likely support this proposal.