



Trueblood Proposed Settlement Overview

This is a general summary of the Pending Settlement Agreement in the *AB v. DSHS (Trueblood)* case. For more information or a copy of the full Settlement Agreement, please contact Disability Rights Washington.

By mail: Disability Rights Washington, 315 5th Ave. S., Seattle, WA 98104

By email: Trueblood@dr-wa.org

By phone: (206) 324-1521, toll free (800) 562-2702. DRW accepts collect calls from jails.

By website: www.disabilityrightswa.org/Trueblood

This summary is not alternate legal language and should not be interpreted as such.

Class Members

- Class Members are all persons who are now, or will be in the future, charged with a crime in the State of Washington and are:
 - Ordered by a court to receive competency evaluation or restoration services through DSHS,
 - Waiting in jail for those services, and
 - For whom DSHS receives the court order for evaluation or restoration.

Preliminary Approval, Class Notice Period, Fairness Hearing, Final Approval

- Preliminary Approval is the Court's initial approval of this Settlement Agreement ("Agreement") such that the notice period for class members begins.
- Class Notice Period is a time in which additional information and instruction is given to class members and the public about the Agreement, and people may submit comments on the Agreement.
- Fairness Hearing is when the Court typically makes a decision about whether to grant final approval of the Agreement.
- Final Approval is the Court's approval of this Agreement following the notice period to Class Members, resolution of any objections, and the fairness hearing.

Competency Evaluations (p.8-9)

- Seek funding for 18 additional forensic evaluators. (p.8)
- Implementation of a new Forensic Data System to better predict and respond to demand. (p.9)

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Restoration Services (pp.9-20)

- Seek legislative changes to reduce the amount of people ordered into competency restoration. (p.9)
- Seek legislative changes and funding to implement a phased roll out of community outpatient restoration services in targeted areas. (pp.10-13)
- Seek funding for residential supports for community based outpatient competency. Not in psychiatric hospitals or inpatient facilities. (pp.10,12-13)
- Seek funding to create a forensic navigator position to help court personnel and class members access diversion services and community outpatient restoration. Their case load may not exceed 25 class members. (pp.10-18)
- Open two additional forensic wards at Western and Eastern State Hospital. (p.19) (funding previously allocated)
- Start the closure of Maple Lane and Yakima restoration facilities. (pp.19-20)

Crisis Triage and Diversion Supports (pp. 20-29)

- Crisis Triage and Diversion
 - Seek funding to increase the overall capacity for Crisis Triage and Stabilization Facilities by 16 beds in the Spokane region. (pp.20)
 - Seek funding for enhancements to similar existing or currently funded facilities in the Southwest and Pierce Regions. (pp.20)
 - Assess the need for Crisis Triage and Stabilization capacity in King County and fund in accordance to assessment. (pp. 20-21)
- Residential Supports for Crisis Triage and Diversion
 - Seek funding to provide short-term housing vouchers for those leaving Crisis Triage and Stabilization Facilities. (pp.21)
 - Offer additional residential support for those who need more intensive services immediately following discharge from Crisis Triage and Stabilization Facilities. (pp.21-23)
 - Provide a version of the Housing and Recovery through Peer Services (HARPS) program to high utilizers (those who are most likely to experience the competency system within the next six months) and other identified appropriate individuals exiting from Crisis Triage and Stabilization Facilities. HARPS provides a combination of housing support specialists and significant rent subsidies. (pp. 22-23)
- Mobile Crisis and Co-Responder Programs
 - Seek funding for Co-Responder Programs which provide law enforcement agencies with mental health professionals to assist in the field and promote diversion. (pp.23-25)

- Seek funding for Mobile Crisis Response for those with behavioral health crisis in the community 24hrs a day, 7 days a week. (pp. 25-27)
- Intensive Case Management Program for High Utilizers
 - Develop a way to identify and engage high utilizers—those who are most likely to experience the competency system within the next six months. (pp. 27-29)
 - Develop an intensive case management program to assist high utilizers. (pp.27-29)

Education and Training (pp.29-32)

- Seek funding to strengthen and expand behavioral health crisis training for law enforcement and corrections officers. (pp.29-30)
- Seek funding to develop and provide educational and technical assistance to jails on issues relevant to class members. (p.31)
- Work with Washington’s designated Protection and Advocacy System (DRW), law enforcement entities and associations, and peer support specialists to develop guidance and best practices for diversion and stabilization of class members. (pp.31-32)

Workforce Development (pp.32-35)

- Enhanced Peer Support Specialists
 - Develop an enhanced Peer Support Program for individuals that includes specialized training in criminal justice. (p.32)
 - Develop training and support to assist with establishing peer support positions in programs purchased by the State. (p.32)
 - Encourage use of this enhanced Peer Support Program in systems developed throughout this agreement. (p. 32)
 - Explore obtaining federal funding for enhanced peer support specialists to encourage the wider use of this role. (pp. 32-33)
- Degree and certification programs
 - Seek funding for workforce development specialists who will make recommendations about specific workforce development steps necessary to ensure success of this agreement. (pp.33-34)
 - Assess the need and target areas for training programs, certification programs, and possible degree programs relevant to the success of this Agreement. This may include collaboration with universities, community, and technical colleges. (pp. 34-35)

Three Phases of Implementation (pp.36-37)

- This Agreement will take effect in phases, not all at once.

- Phase One (2019-2021): Southwest Washington Region (Counties of Clark and Skamania), Spokane Region (Counties of Spokane, Pend Oreille, Okanogan, Ferry, Adams, Lincoln, and Stevens), Pierce County
- Phase Two (2021-2023): King County
- Phase Three (2021-2023): Review of Phase One and Two with the opportunity to:
 - Expand or modify the programs in Phase One and Two, or
 - Identify and focus efforts in a new region, or
 - Some combination of those options.

Agreement Oversight and Advisory Structure (pp. 37-43)

- During implementation of the Agreement, a General Advisory Committee will provide community feedback, flag issues, review data and outcomes, and make recommendations for improvement. (pp. 38-39)
- A smaller Executive Committee will review the recommendations of the General Advisory Committee and will take steps to address identified areas of concern and improvement in implementation. (pp. 39-42)
- Parties will use a dispute resolution process to address disagreements before seeking the court's help. (p.43)

Substantial Compliance, Material Breach, Termination, & Contempt Fines (pp.46-50)

- Substantial compliance is less than strict or literal compliance with every item of the Agreement. Deviations may be unintentional and minor. (p.47)
- Material breach happens when the state fails to be in substantial compliance. The court determines material breach. (p. 47)
 - If during any phase, funding is inadequate to implement the agreed upon elements there may be a material breach. (p.47)
 - No allegation of inadequate funding can be made until after the 2019 legislative session. (p.47)
 - There may be a material breach of one element without the entire Agreement having a material breach. (p.47)
- Termination of this Agreement happens when the state is in substantial compliance with court-ordered wait times for competency evaluation and restoration services for a specified length of time. (p.49)
- The state may not have to pay contempt fines starting December 1, 2018, depending on the state's substantial compliance with the Agreement. (p. 46)
- The Parties will seek approval from the Court to use existing contempt fines to help get phased implementation of the Agreement started faster, but contempt fines do not replace the obligations of the state under this Agreement. (p.37)