

Phase III *Trueblood* Request for Proposals Questions and Responses

Pursuant to the process outlined in the Phase III RFP, the *Trueblood* Workgroup is posting the questions asked by interested applicants and the answers provided by the Workgroup on the Disability Rights Washington (DRW) website. Before we get to particular questions and answers, the *Trueblood* Workgroup wanted to clarify that we have included only two options for diversion services in the Phase III RFP. For Option 1, we are focused on intercept point 1, or pre-arrest diversion involving Crisis Intervention Teams (CIT). For Option 2, we are targeting community services at intercept point 5 involving both direct and indirect services that do not replace existing services.

1. Who can apply for the *Trueblood* Diversion Grant?

Eligible applicants include qualified state or local incorporated entities engaged in the provision of health and/or justice services targeted to vulnerable class member populations, as well as state, county, municipal, nonprofit, and tribal government entities (e.g. behavioral health organizations, public health departments, behavioral health providers, county/municipal jails, public defenders, prosecutors, trial courts, treatment courts, or the Administrative Office of the Courts).

2. Which diversion intercept points does this RFP cover?

There are several national models that have shown success at each point of intercept. However, the parties have agreed that for Phase III of the *Trueblood* Diversion Grant, the priority of these diversion funds will be on the following two intercept points:

- ***Intercept One/Pre-Arrest Diversion***, to divert class members from arrest and entry into the criminal justice system, and
- ***Intercept Five/Community Support***, to provide class members with community supports to prevent recidivism.

3. Are you receptive to considering other intercept points outside of 1 and 5?

Based on the gaps analysis that was done last year and the programs already funded under Phases I and II of this grant program, the *Trueblood* Diversion Workgroup has chosen to prioritize intercept points 1 and 5 for Phase III. See Question #2, above.

4. What strengths are you looking for in bidders?

The *Trueblood* Diversion Workgroup is looking for applicants with a strong existing relationship with key partners/stakeholders including prosecutors, courts, and community providers. This service linkage to and working commitments with these organizations are essential to achieving sought outcomes for class members. Another critical component of a *Trueblood* diversion provider is the ability to target services to *Trueblood* Class Members. For the full list of selection criteria, please see page 24 of the RFP.

5. Can potential diversion providers target both Option 1 and Option 2?

Yes.

6. Are there any limitations on use of the funding for potential diversion providers?

Funds cannot be used for capital projects. We have funded subsidies for housing, but not on capital projects to build housing.

7. Is there any income restriction for class members served by these programs?

No, but this funding is not designed to replace or be in lieu of services that should be provided to patients in the civil system or by existing BHO services. Potential diversion providers should be sure to make clear how class members will be targeted and served.

8. Do class members specifically only include those who are now or have a history of waiting in jail for either court ordered in-jail evaluation of competency to stand trial or court-ordered admission for inpatient evaluation or restoration services? And if so, must diversion programs funded under the Trueblood grant screen out all persons who are not class members, or can a program designed to serve either a large number of class members or a program that will primarily serve class members also serve potential class members and others for whom diversion services at the selected intercept points are appropriate?

Yes, the U.S. District Court has defined class members as:

“All persons who are now, or will be in the future, charged with a crime in the State of Washington and: (a) who are ordered by a court to receive competency

evaluation or restoration services through DSHS; (b) who are waiting in jail for those services; and (c) for whom DSHS receives the court order.”

As we review bids, we will be looking at the providers who can target services to class members as first priority. This may include those who have had multiple competency services referrals (see class member data on pages 7-10 of the RFP) or those who may become class members. For example, John Doe may have never been a class member (e.g. never referred for competency services). But, he has been charged with a crime, is in jail, and has a disability that makes it more likely than not that he lacks the mental capacity to understand the charge, nature of the proceedings, assist in his own defense, or otherwise be tried due to incompetency.

9. What is the timeline for implementation of Phase III diversion programs and potential re-funding?

We are hoping that programs will start on July 1, 2018. Based on ongoing performance reviews of programs and the availability of funds, the Review Committee will make a decision on whether to re-fund a program well in advance of the initial funding termination date. For example, if a program is initially funded for eighteen months, the decision on whether to re-fund the program for an additional eighteen months is made at the one-year mark.

10. Is there potential to ask for more than 1 year of funding through this process?

We are looking for a minimum of a one-year period of performance with a maximum of eighteen months. Depending on the amount of contempt sanctions, it is possible that there may be sufficient funds to grant an extension after the first grant ends. However, any extension would be contingent on demonstrated, successful outcomes.

11. What is the amount of grant funds available?

As of the most recent accounting, DSHS had paid approximately 35 million dollars as contempt fees in the Trueblood lawsuit, some of which is dedicated to Phases I and II of the *Trueblood* Diversion Program. We anticipate approximately \$5-\$10 million as the amount of grant funds reserved for Phase III of *Trueblood* Diversion RFP. Available *Trueblood* diversion services funding for this RFP is approximated at \$1 million per proposal, but ultimately will depend on the demonstrated needs of the proposed program. Based on demand, the Review Committee reserves the right to determine award amounts higher or lower than \$1 million in order to fully obligate the funding. The Review Committee will notify applicants prior to announcing awards to inform them of the amount of the offer.

Please also note that we will not fund capital costs and provide a 10% cap on administrative costs. This 10% cap was set by the Court and will not be adjusted.

Rental assistance is allowed as long as it is both reasonable, sustainable, and does not replace an existing service. The goal of these funds is to maximize existing programs.

12. Can these funds be used to start up a new CIT program?

No, *Trueblood* diversion funds will not be used to create new CIT programs. This funding is meant to augment existing programs with enhanced CIT including a mental health clinician to ride along with officers and critical support services after diversion. Other Services Enhancements to CIT may include case management, short-term respite or crisis beds, access to inpatient chemical dependency and co-occurring conditions treatment beds, and improving access to stable housing options.

13. Can funds go to supplement existing mobile outreach teams, in addition to supplementing existing CIT programs?

If mobile outreach teams are targeted to divert people from arrest or to connect people with community services support (intercepts 1 and 5), then funds could go to supplement existing mobile outreach teams. *Trueblood* funds are not intended to supplant current crisis services the county or state is already required to fund or provide.

14. If a potential diversion provider is proposing a “ride-along” component of the program, is it acceptable for the mental health staff person to ride with an officer who is not dedicated to answering behavioral health crisis calls?

Yes, but potential diversion providers should make clear how class members are reached in a meaningful and effective manner. We understand that mental health staff would come into contact with non-class members in the course of “ride-alongs,” but it is important to make clear how class members will be targeted and reached with the proposal.

15. Can funds be used to provide training for those that will be doing “ride-alongs”?

We have provided funds for training for community service providers in past Phases. The training should be very clearly tied to the Option 1 or 2 services outlined in the RFP response.

16. Are there data or other information to help potential diversion providers estimate the number of class members served under Option 1 proposals?

Your local jail may be willing to share some useful data. We have also made available on the [Phase III RFP webpage](#) a list showing the number of jail-based evaluations by county from January 2016 through May 2017. We hope this is useful.

17. Under Option 1, is it acceptable if the source referring class members to services is not law enforcement, but other crisis response?

This funding is not intended to supplant current crisis services the county is required to provide. We are cautious not to be adding to a problem we want to solve by using this program to pay for holes in the civil system or existing obligations by BHOs. While we will consider funding diversion programs that rely on non-law enforcement referrals under Option 1, the target population needs to be current or potential class members. Overall, applicants should focus more on the target population than the referral source.

18. Can this grant fund prosecutorial services?

We are not looking to duplicate or replace prosecutorial diversion programs already funded by DSHS. However, we are currently funding some program activities related to prosecutorial services in Phases I and II. Ultimately, providing funds for prosecutorial services under this RFP depends on how this fits in with your overall proposal, does not duplicate or replace existing services, and targets class members.

19. If potential diversion providers are proposing a program that targets both Options 1 and 2, is it helpful to describe how those services will be connected and mutually beneficial?

Yes. We encourage potential diversion providers to make clear in their proposals how they will identify class members (or potential class members) early on and link them to community services as an alternative to arrest and booking them into jail.

20. If a proposed program will serve different areas or jurisdictions (e.g. providing MHP “ride-alongs” for both city and county law enforcement) and the program anticipates that the number of class members served will significantly differ between these areas or jurisdictions, does the Review Committee recommend submitting two separate applications?

The Review Committee does not have any hard rules about a potential diversion provider submitting one or two applications. This might depend largely on how the potential diversion provider proposes to staff this program. What is important is that the potential diversion provider specify the volume of class members to be served in each setting and the number of class members to be targeted and served. This will help the Review Committee to evaluate the potential impact of the proposed investment.

21. Is there a Phase IV RFP planned?

We have not formally committed to proposed funding plans beyond Phase III. After Phase III, we may release an RFI to gather information on other needs and to help shape any Phase IV RFPs. This would not happen until after Phases I-III grants are awarded and would largely depend on how the Court wishes to proceed with remaining funds, which depend on the status of DSHS compliance.

22. What do you mean by having a sustainability plan?

Proposals must include a plan for sustainability of the proposed program or service(s) when the grant funding runs out. Sustainability plans may include provider reimbursements, program grants, and/or municipal, county, state or federal funds. Documentation must be provided to certify the feasibility of or commitment to continuation of efforts at the conclusion of the *Trueblood* Diversion Services Grant period.

Additional Questions and Responses, as of December 13, 2017

23. Many people may potentially be subject to competency and restoration services in the future even though they do not have a history of such. May a proposed program serve a broad swath of clients?

A program may propose to serve a broad swath of unserved people, assuming the requested aspects of their care cannot be otherwise funded by the county or the state. However, the program should be clear about prioritizing those who have a history of competency services, or are currently in that situation. Those without a history of competency services, but a potential likelihood of involvement in the future, are important but not the priority.

24. May a proposed program include a range of related activities across a number of different programs, including for example intensive case management, eviction prevention, and shelter-based case management?

Yes, but the proposed provider should be clear and detailed about how these related activities will be coordinated.

25. Will you fund supervisory staff?

Yes, we have funded supervisory staff in the past. We note that we have selection criteria that favor readiness of the applicant to implement new services and to integrate these services into core operations. The details of any proposed position, and the impact on class member outcomes, will be relevant to a funding decision.

26. How are performance measure baselines and targets being set?

Performance measures were set at the start of Phase I and are carried forward for all grantees through Phases II and III. The performance measures tie to the goals detailed in the Diversion Services RFP, under Section II.A. The applicable language is as follows:

- “The *Trueblood* Court has accepted the recommendations of the Diversion Services Workgroup and adopted four goals for diversion services to: 1. Prevent deeper class member involvement in and recidivism in the criminal justice system; 2. Reduce demand for competency services; 3. Minimize the harm inflicted on class members by reducing criminal justice involvement and long

term incarceration rates; and 4. Serve class members in the least restrictive environment.”

27. Will you fund dedicated deputies as part of a co-responder program?

The grants will not cover deputies. The grants would cover clinical staff from community behavioral health or disability agencies to serve as co-responders, who would work with and ride with deputies and serve to link class members back into the behavioral health and/or disability care system.

28. Can grant dollars pay for portable radios and computers for the mental health professionals?

Grant dollars can cover small equipment items, however, overhead funds are also available for that purpose.

29. Can vehicles be purchased or leased for mental health professionals as part of a proposed program?

Vehicles cannot be paid for with grant funds.

30. Can proposed program budgets have an equipment line item that is separate from the 10% overhead cost calculations?

The allowable line items are outlined in the Budget template provided with the RFP.