

To: Disability Rights Washington
From: Emory Otso, BA
Date: 07/10/2023
Re: Excessive Delays in Sentencing Justice Involved Trueblood vs DSHS

Introduction	For justice involved, who have one plus disabilities face increases to their length of stay, serving more time than their able-bodied counterparts. The ruling on July 8th, 2023 U.S. District Court Judge Pechman, fined WA DSHS \$100 million for shortfalls towards providing patients with timely competency and restorative support. With resolution being pushed out, additional fines will follow.
Scope	Delays from weeks now months. Detention alternative requests in 2007, there were 2727 requests for adults, and 95 requests for juveniles. Yet, in 2021, there were just 1515 of the adult cases, and juvenile down to 23 referrals.
Current Approach	In 2018, the Trueblood case received support via the Substitute Senate Bill 5444 allowing DSHS to shifting additional competency requests towards an Outpatient Competency Restoration Program, a Forensic Navigator Program, plus 90 forensic beds.
Proposed Policy	<p>First: Reestablish Community action plan partnerships with DSHS to secure mental health agencies, take on one of the diversion bed contracts that are unfilled. Patients that remain out in the community have improved outcomes.</p> <p>Second: Attention to Outpatient referral programming through reengagement with DOJ, DOC, judges, and prosecuting attorney's office. The diversion numbers have dropped significantly, DSHS needs to renew efforts to engage with new provider alternatives.</p>
Stakeholders	DSHS, HCA, DDA, DOC. Rebuttals for these plans include lost revenue from the daily numbers held. Placement within ad seg, similar to solitary, but prisons use for less staffed hours.
Conclusion	With mental health support being available based on access to competency forensic staffing, this leads to delays in a person's ability to self advocate for meeting needs. Delays in receiving care can be occasional, but having them increase to the norm is not acceptable for the safety of those who are actively in crisis.