



**Washington State's Journey to Meet the Constitutional Mandate of *Trueblood v. DSHS* for
Competency Evaluation and Restoration Services Presentation
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In August 2014 a lawsuit was filed against the state of Washington because of the state's lengthy wait times for defendants that had been court ordered to receive competency evaluation or restoration services. The lawsuit, *Trueblood v. Department of Social and Health Services (DSHS)*, resulted in the court requiring Washington's Department of Social and Health Services (DSHS) to admit defendants for competency evaluations or restoration services within 7 days of the court order being signed. The court gave the state 9 months (beginning in April 2015 and ending in January 2016) to achieve compliance. In the meantime, DSHS was required to send monthly reports to a court monitor (in charge of overseeing compliance, and reporting each quarter to the court to update the court on the state's progress) and appear at court hearings. DSHS was able to convince the court to: 1.) Revise the state's competency evaluation statute to allow outpatient competency evaluations, 2.) Extend the timeframe that the state had to admit defendants to the state hospitals for inpatient evaluations by 7 days (Inpatient evaluations now had to be admitted within 14 days of the court order being signed, 3.) Allow DSHS to have an additional three months to achieve compliance (The deadline was extended until May 2016).

Washington has built 108 new beds, hired 28 new forensic evaluators, developed an Office of Forensic Mental Health Services, developed data collection procedures, developed data reporting procedures, and facilitated communication across systems in order to improve compliance with the 7 day standard. In order to create 108 new beds, the state built two new residential treatment facilities. The residential treatment facilities are secure buildings that are solely dedicated providing competency restoration services to defendants that had been found incompetent to stand trial and had been ordered to receive competency restoration services.

In a very short time period, Washington's DSHS was able to dramatically reduce the amount of time that it takes for its state psychiatric hospitals to admit defendants for competency evaluation and competency restoration services. As the state hospitals were able to decrease the time that it took for them to admit defendants for competency evaluation and restoration services, the state hospitals began to see an increase in the number of referrals for these services. While Washington's DSHS has made great strides in reducing the length of time defendants are on the waitlist, the number of referrals has increased at such a dramatic rate that the state hospital are having a difficult time admitting every defendant that has been court ordered to receive competency evaluation and/or restoration services within the required time frame (within 14 days from the court order for competency evaluations and within 7 days from the court order for competency restoration services). Washington's DSHS is working with the court to achieve full compliance with the court's admission standards. In order to maintain compliance with the ever growing number of referrals, Washington's DSHS is looking into establishing alternative programs for administering competency evaluation and competency restoration services.

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