

Trueblood Frequently Asked Questions

What is Trueblood v DSHS?

Trueblood v DSHS (Trueblood) is an active lawsuit that challenged unconstitutional delays in competency evaluation and restoration services. As a result of this case, the state has been ordered to provide court-ordered competency evaluations within 14 days and competency restoration services within seven days. Trueblood helps individuals who are detained in city and county jails awaiting a competency evaluation or restoration services, and individuals who have previously received competency evaluation and restoration services, who are released and at-risk for re-arrest or re-institutionalization.

What is the Trueblood Settlement Agreement?

The [settlement agreement](#) aims to resolve the contempt of court resulting from the Trueblood lawsuit by creating a plan delivering an array of services for class members and potential class members.

This agreement includes expanding residential mental health with crisis services; additional training for jail staff and law enforcement; hiring additional forensic evaluators and more mental health professionals to educate courts about the availability of supports that could meet the needs of individuals who have to wait in jail for evaluation and restoration services.

Additionally, the goal is to bring the state into compliance and reduce the number of people who become or remain class members and timely serve those who cannot be diverted from becoming class members and focus on effective outcomes and success of existing programs in Washington.

Where will the State start implementing the Trueblood Settlement?

The [settlement](#) has three phases. The first phase is scheduled for July 2019 through June 2021 and involves the Southwest, Spokane and Pierce regions. The second phase integrates King County region. After the first two phases are complete, there will be an opportunity to a) expand or modify the first two phases within the already participating regions, or b) if the first two phases are successful, look at integrating the agreement into new, high-referral regions or c) a mixture of both a and b.

Is funding guaranteed as a Phase 1 or Phase 2 region?

We follow the [Washington state budget process](#) in requesting funding for the Trueblood Settlement. Each phase will require involvement in the budget process in order to secure funding for these efforts.

For more information on Trueblood and the Settlement Agreement, please visit: www.dshs.wa.gov and search "Trueblood"

Why were those counties/regions selected for Phase 1 and 2?

When selecting regions for the first two phases, the negotiation team looked at how many of the services were already partially or completely underway in various regions. These three regions were selected because of the ability to have a large impact on class members. By implementing in stages, we can build a system that incorporates known successes in current programs in our state and new services in a way that breaks down silos, which become barriers to people in a behavioral health crisis from getting the right care, at the right time and in the right place.

Our county is not a part of the two phases. What does this mean for my county?

Like anything, there will be a learning phase with the implementation of this plan – if you are not in a region taking part in the first two phases, remember, there are still opportunities for all of us to learn what works and what doesn't from what's happening during the implementation of this plan and an opportunity to continue adding regions in the future.

Will successes and lessons learned from implementation of the Settlement Agreement be shared? Can regions not selected in phase 1 or 2 implement these successes on their own?

Absolutely. We will share successes regularly. All Regions can choose to implement diversion strategies that work. Currently, there are diversion strategies occurring throughout the state of Washington that are showing a positive impact.

Trueblood v DSHS

Trueblood is an active lawsuit that challenged unconstitutional delays in competency evaluation and restoration services. In April 2015, a federal court found that the Department of Social and Health Services (DSHS) was taking too long to provide competency evaluation and restoration services. Because of that case, the state entered into a Settlement Agreement that outlines an array of services to better deliver the right care, at the

right time to the right people and reduce the number of people who become or remain class members.

During the first phase of the settlement, July 1, 2019 through June 30, 2021, the following will be implemented statewide pending approval by the legislature. Italicized items are planned for regional implementation. Phase One Regions include Southwest, Pierce, and Spokane.

In order to ensure people receive competency evaluations within the court-ordered timeframe of 14 days we will:

- Add 18 additional forensic evaluators.
- Continue implementation of a new forensic data system to better predict and respond to demand.

In order to ensure people receive competency restoration services within the court-ordered timeframe of seven days we will:

- Seek legislative changes to reduce the number of people ordered to restoration services.
- *Implement outpatient restoration programs with residential supports and case management services.*
- Add additional inpatient restoration services capacity.
- Eventual ramp down of the alternate restoration facilities in Yakima and Maple Lane.
- *Create Forensic Navigator positions to facilitate the information sharing needed between the courts, class members, providers, and DSHS.*

Many of the problems with untimely competency evaluations are preventable if fewer people with mental illness enter the criminal justice system. When people are able to get the treatment they need when they need it, they are more likely to avoid the criminal justice system. They are also less likely to place strains on the civil inpatient system. We intend to explore opportunities to provide access to appropriate behavioral health services, which dramatically reduce the number of individuals entering the criminal justice system – enabling the state to meet the constitutional competency evaluation and restoration services timelines. We plan to do this through the below supports, trainings and development:

Crisis Triage and Diversion Support:

- *Increase funding for Crisis Triage and Stabilization facilities, including adding 16 beds in Spokane Region.*
- Assess the need for crisis capacity in King County and develop a plan.
- *Expand Mobile Crisis and Co-responder Programs in which police and mental health providers work together.*
- *Provide residential supports (such as housing subsidies or emergency shelter vouchers) and case management services for select individuals involved in these systems.*

Education and Training:

- *Expand behavioral health crisis training for emergency dispatchers, jail corrections officers, and patrol officers.*
- Provide training and assistance to jails on issues affecting class members.
- Develop best practices for diversion and stabilization of class members.

Workforce Development:

- Develop an enhanced Peer Support Program for individuals with specialized training in criminal justice.
- *Integrate the use of Peer Support Specialists into systems developed within the agreement.*
- Assess the need for training, certification, and degree programs to better meet the mental health system's workforce and training needs.

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Trueblood Diversion Grant Program and Trueblood Settlement comparison

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There are many conversations regarding Trueblood funding. It is important to realize that there are two types of funding with regard to Trueblood and they come from two very different sources to support three different initiatives – Trueblood Grants, Trueblood Settlement (awaiting Legislative approval), and Prosecutorial Diversion funding. It should be clear that the **diversion grant program and the prosecutorial diversion programs are separate and are apart from the settlement agreement approved by the Court in December of 2018.**

Trueblood Grants:

The State of Washington has paid many millions of dollars to the federal court in fines for failing to comply with the Court's Orders in Trueblood. In 2016, the Court ordered that some of this money be used to fund programs that divert class members from the criminal justice system and creating a Trueblood Diversion Workgroup comprised of Plaintiff and Defendant counsel, representatives from DSHS, the Court Monitor and an additional expert to assist the Court Monitor. Grant funding is time limited and grantees develop sustainability plans for funding future operations once the court granted funds have run out.

This Workgroup has since identified and funded service providers from around the state who are working to divert people with mental illness and other disabilities from the criminal system. Since late 2016, the Trueblood Diversion Workgroup has released three separate requests for proposals and now funds multiple projects statewide. The [most recent RFP](#) is available [on the Disability Rights website](#).

Seattle Foundation was appointed to serve as fiscal sponsor for the program in early 2017 and all contempt fines used to fund the Trueblood diversion programs are housed at the foundation. The Court Monitor oversees the implementation of these 12 programs.

Retrieved Disability Rights Washington from <https://www.disabilityrightswa.org/cases/trueblood/> on March 6, 2019.

Trueblood Settlement:

The [settlement agreement](#) aims to resolve the contempt of court resulting from the Trueblood lawsuit by creating a plan delivering an array of services for class members and potential class members. The settlement is separate and apart from the Trueblood diversion grant program and the prosecutorial diversion program.

This agreement includes expanding residential mental health with crisis services; additional training for jail staff and law enforcement; hiring additional forensic navigators and more mental health professionals to educate courts about the availability of supports that could meet the needs of individuals who have to wait in jail for evaluation and restoration services.

Additionally, the goal is to bring the state into compliance and reduce the number of people who become or remain class members and timely serve those who cannot be diverted from becoming class members and focus on effective outcomes and success of existing programs in Washington.

Separate from the Trueblood grant funding decisions that are approved through the Federal District Court as described above, funding to support the Settlement Agreement would be provided through the [Washington state budget process](#). This process requires that DSHS seek funding from the legislature and the Governor's Office to support the strategies within the Trueblood Settlement Agreement. The Settlement Agreement is organized into phases, with each phase lasting two years. The first phase of the agreement runs from July 2019 through June 2021. The legislature is currently deliberating on the state budget for that two-year period.

DSHS Prosecutorial Diversion Contracts:

Currently the Department of Social and Health Services' Office of Forensic Mental Health manages three prosecutorial diversion contracts in King County as well as the Spokane and Tri-City regions. The purpose of these programs is to divert individuals from the criminal justice system through diversion and ensure program participants are receiving services in their community where they are familiar and supported. Funding for these three contracts was provided by the legislature for the current biennium. Funding for the upcoming biennium was part of DSHS' ongoing maintenance budget request that was submitted to the Governor and legislature. DSHS anticipates continued funding for these contracts through future maintenance budget requests.

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