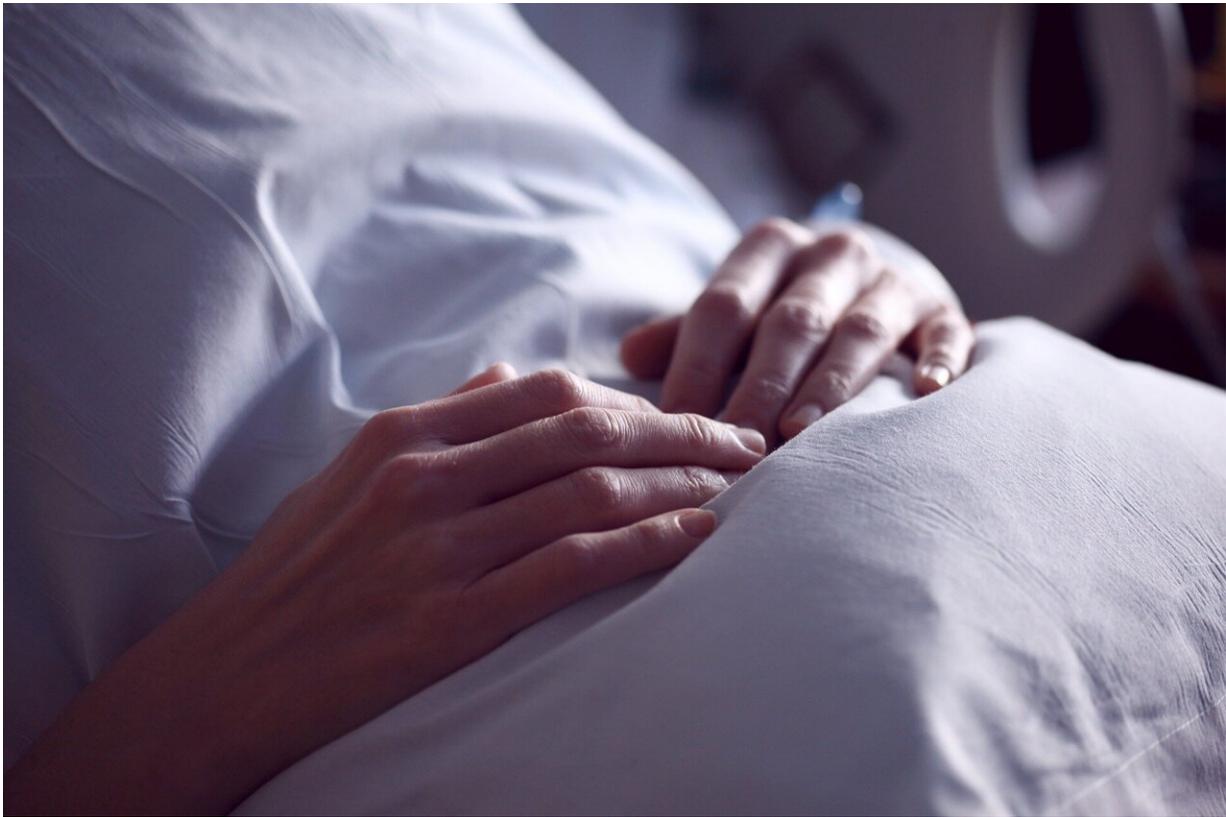


# As demand for mental health services overwhelms WA jails, judge revisits settlement

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Wait times for people in Washington jails to get into state psychiatric facilities continue to "skyrocket" five years after a settlement promised

to prevent that from happening, a court monitor told a federal judge in Seattle on Monday.

In downtown Seattle, federal Judge Marsha J. Pechman of the U.S. Western District Of Washington heard arguments in a civil dispute that's gone on for nearly 10 years, regarding the rights of people in jail to access basic mental [health services](#). Three more days of testimony are expected as the court, state officials and advocates try to decipher a way forward after years of a [settlement agreement](#) have not fixed the problem.

In the meantime, the state has racked up millions of dollars in fines, court cases are delayed, and people with mental illnesses are stuck in jail for months, at a cost to their own health and to local jails who care for them—potentially serving more time than they would if they were sentenced criminally.

Dr. Danna Mauch, the court monitor for what's known as the Trueblood Settlement, testified Monday that the current wait times are the longest she's seen in the history of the case. In fact, wait times are worse than in 2015 when state officials faced initial litigation.

Asked during cross-examination if she would describe the current wait times as "unprecedented," Mauch said, "That's one way to characterize it."

This week's court hearing was called after plaintiffs with Disability Rights Washington accused Washington state officials of being in breach of their 2018 settlement agreement, which states people need to be provided evaluations within two weeks, to determine whether they are competent to stand trial, and treatment within another week.

According to the court monitor's early data from April, people in jail are

now waiting an average of 130 days before they're admitted to a state facility for inpatient services.

Under the settlement, people in jail can receive compensatory sanctions—money from the state to make up for the excessive wait times defendants face. In addition, DSHS has paid an estimated \$98 million in contempt fines as of November, the most recent data immediately available. Millions more in fines are suspended due to the terms of the settlement agreement, but could potentially be leveraged by Pechman if she finds the state is not doing enough to keep wait times down.

State officials argue that both inside and outside the settlement agreement they are making progress on a number of programs to help people with [mental illnesses](#), including the 988 hotline that serves Washington residents in crisis, a crisis facility that opened in Spokane and mobile crisis response teams that de-escalate crisis situations. Coupled with a future hospital currently under construction on the Western State grounds, officials stress they are working to meet the demands of the settlement agreement but are just facing overwhelming demand for services.

Officials with King, Pierce, and Snohomish counties who previously submitted amicus briefs in the case say their counties are left with the financial burden of taking care of some of the sickest defendants in their jails, while they await beds at a state facility.

"We are grouped at the bottom of the hill," David Hackett with the King County Prosecuting Attorney's Office testified Monday, referencing the public safety crisis local municipalities face when people are not able to get services at state facilities.

"Everything runs downhill."

However, state officials say part of the reason for the delays is that local prosecutors are sending more and more people to competency services. At Monday's hearing, Pechman echoed that thought, shooting back, "Let's look at who has a choice at stuffing that pipeline."

Another sticking point among the parties has been the growing population of a particular kind of patient known as a "civil conversion." These patients switch from being detained within the criminal legal system to a separate, civil system where they receive involuntary treatment because they're believed to be a danger to themselves or others.

As local prosecutors push for civil conversions in order to keep defendants off the streets and in care, those patients are competing with Trueblood class members for a limited number of available beds at state facilities like Western State Hospital—and that's been leading to backlogs.

The Trueblood Settlement, named for Cassie Cordell Trueblood, a public defender and plaintiff in the original case, aimed to prevent detained people from being warehoused in jail before they've had a fair trial. In 2014, when the [class action](#) first started, the American Civil Liberties Union of Washington and Disability Rights Washington also joined to represent the class members.

A compromise with [state officials](#) came the following year, establishing timelines for people in jail to access services.

The last major [settlement](#) occurred in 2018, when officials at the Department of Social and Health Services agreed to provide competency evaluations within two weeks and restoration treatment within another week.

Wait times improved slightly the following year, but the COVID-19 pandemic ravaged progress. State facilities were forced to quarantine patients to mitigate outbreaks, creating backlogs as fewer patients were admitted. At the same time, they lost staff to burnout and more competitive salaries elsewhere.

In the coming days, officials with the Washington Health Care Authority and DSHS are expected to also testify, including describing how defendants are triaged and prioritized into state beds.

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