

**REPORT TO THE LEGISLATURE**

**Forensic Admissions and Evaluations-Performance Targets 2023  
Fourth Quarter (October 1, 2023-December 31, 2023)**

Substitute Senate Bill 6492, Section 2 (Chapter 256, Laws of 2012)  
As amended by Substitute Senate Bill 5889, Section 1 (Chapter 5, Laws of 2015)  
As further amended by Second Substitute Senate Bill 5664, Section 3  
(Chapter 288, Laws of 2022; partial veto) RCW 10.77.068(7)

May 1, 2024

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# Table of Contents

BACKGROUND .....	3
Competency Evaluation and Restoration Data .....	3
DATA ANALYSIS AND DISCUSSION .....	5
Competency Services Order Data for Client In-Jail or In the Community Status Begin Date... 5	
Guidance on Navigating and Interpreting the Data Charts .....	5
Global Quarterly Order Data .....	56
ACTIONS TAKEN.....	73
Best-Utilize Current Bed Capacity and Near-Term Bed Increases .....	73
Selected Prior Reporting Period Events Impacting Bed Capacity and Utilization Rates .....	73
Current Bed Capacity Utilization Initiatives.....	75
Near-Term Projects to Expand Bed Capacity .....	77
Gain Efficiencies in Evaluation Delivery Process .....	78
Funded Legal Diversion Programs .....	79
Take Action to Address Staffing Challenges.....	81
NEXT STEPS .....	84
SUMMARY .....	86

## **BACKGROUND**

On May 1, 2012, Substitute Senate Bill 6492 added a section to chapter 10.77 RCW that established performance targets for the “timeliness of the completion of accurate and reliable evaluations of competency to stand trial and admissions for inpatient restoration services related to competency to proceed or stand trial for adult criminal defendants.” These targets were codified under RCW 10.77.068 and phased in over six months to one year.

After full implementation of each performance target, the bill required the Department of Social and Health Services to report to the executive and the legislature following any quarter in which it does not meet the performance target. This reporting must address (1) the extent of the deviation, and (2) any corrective action being taken to improve performance.

On July 24, 2015, SSB 5889 amended RCW 10.77.068. The bill retained the performance targets for competency services but added to these a set of “maximum time limits” phased in over one year. After full implementation of the maximum time limits, SSB 5889 required DSHS to report to the executive and the legislature following any quarter in which it does not meet each performance target or maximum time limit.

On June 9, 2022, 2SSB 5664 further amended RCW 10.77.068. The bill made minor changes to the authorizing section for this report, moving it from RCW 10.77.068(3) to .068(7), it added a reference to a second subsection of performance targets, it cleaned up other minor language usage, and it removed an old implementation requirement that no longer applies. The 2022 statutory text requiring this quarterly report from RCW 10.77.068(7) follows:

*(7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits under subsection (1) or (2) of this section, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report shall be made publicly available. An average may be used to determine timeliness under this subsection.*

### **Competency Evaluation and Restoration Data**

In addition to the minor changes to the statutory subsection authorizing this report, which were described above, 2SSB 5664 also made substantial changes to the performance targets and maximum time limits this report communicates when the department fails to meet one or more statutory requirements. Most of these changes, bring state requirements into much closer alignment with our federal requirements under the Trueblood Contempt Settlement Agreement.

RCW 10.77.068 was originally enacted in 2012 as SSB 6492. It was amended by SSB 5889 in 2015 and further amended by 2SSB 5664 in 2022. Below are the current performance targets and maximums detailed in the 2022 version of RCW 10.77.068, which took effect on June 9, 2022:

*(1)(a) The legislature establishes a performance target of seven days or fewer to extend an offer of admission to a defendant in pretrial custody for*

*inpatient competency evaluation or inpatient competency restoration services, when access to the services is legally authorized.*

The subsection below provides for a maximum time limit to complete competency services authorized by subsection (1)(a) listed above.

*(2)(a) A maximum time limit of seven days as measured from the department's receipt of the court order, or a maximum time limit of 14 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(a) of this section.*

The series of subsections below establish performance targets and maximums for jail-based evaluations and civil conversion cases:

*(1)(b) The legislature establishes a performance target of 14 days or fewer for the following services related to competency to stand trial, when access to the services is legally authorized:*

*(1)(b)(i) To complete a competency evaluation in jail and distribute the evaluation report; and*

*(1)(b)(ii) To extend an offer of admission to a defendant ordered to be committed to a state hospital following dismissal of charges based on incompetency to stand trial under RCW 10.77.086.*

The subsection below provides for a maximum time limit to complete competency services authorized by subsection (1)(b)(i)-(ii) listed immediately above.

*(2)(b) A maximum time limit of 14 days as measured from the department's receipt of the court order, or a maximum time limit of 21 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(b) of this section.*

The final subsection below provides a performance target for personal recognizance evaluations:

*(1)(c) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.*

As mandated by RCW 10.77.068(7), the following quarterly report explains the extent to which the state hospitals deviated from performance targets in quarter four of 2023 (Oct. 1, 2023-Dec. 31, 2023) and describes the plans to meet these performance targets in future quarters.

## **DATA ANALYSIS AND DISCUSSION**

This section of the report provides visual representation of data from the Forensic Data System dating back to Q4 2018 as well as outcomes and drivers analysis for more recent data. Additional detailed data and information about timely competency services is available in monthly reports published by DSHS in compliance with requirements established in the April 2015 Trueblood court order. These reports are available on the Office of Forensic Mental Health Services website at [monthly Court Monitor reports](#).

### **Competency Services Order Data for Client In-Jail or In the Community Status Begin Date**

Beginning on page seven, the initial data section presents, Tables 1a-8b and Figures 1a-8b, which show competency services order data. These tables and figures illustrate total orders signed by calendar quarter for:

- Inpatient competency restoration orders (admissions or all completed orders) – waiting in-jail/waiting in the community
- Inpatient competency evaluation orders (admissions or all completed orders) – waiting in-jail/waiting in the community
- Inpatient civil conversion orders (admissions or all completed orders) – waiting in-jail/waiting in the community
- Outpatient competency evaluation orders (reports sent to court or all completed orders) – waiting in-jail/in the community.

The tables further categorize the data and then group it by WSH, ESH, and both hospitals combined (statewide) when the client competency services order originates while the client is either waiting in-jail or waiting in the community for services.

### **Guidance on Navigating and Interpreting the Data Charts**

Q3 2022 was the first full quarter that 2SSB 5664's updated performance targets and maximum standards were in effect. The department's Research and Data Analysis unit has used the new law standards for all data displayed in this report, historic and present. If you wish to review data from Q2 2022 or earlier calculated under previous legal standards, you can review previous reports at the [Reports to the Legislature webpage](#).

A companion figure accompanies each data table in this report. The tables present numeric data across several categories consistent with each table's title. Likewise, the companion figures present a subset of data from their corresponding table visually. First, the table presents its data followed by the companion figure. After the corresponding table and figure display their data, discussion and analysis covering outcomes and drivers of the just presented data follow.

The data is dynamic, and the most recent quarter's initial results generally will continue to change and become more reliable over time as the data matures. Likewise, due to the Trueblood lawsuit, case prioritization, civil conversion cases, triage cases, periodic lengthy wait times and other

considerations, many cases take more than one quarter to be resolved, and as a result will not show as completed cases in the data until the quarter in which the case is resolved.

Several tables are based on only a few clients utilizing the legal authority each quarter. As a result, changes in the results of very few cases, from quarter-to-quarter, result in significant data fluctuations. Where possible, this is noted in the analysis.

Following each data table, especially Tables 1a-8b, you will find several data notes corresponding to data variables or other important information in the tables. The notes vary quite a bit from table-to-table. Please be advised that it is important to review all notes. In particular, the term “span” is frequently used throughout the data tables. Generally, “span” refers to a court order joined as a unit of time and location (time “in-jail” or “in the community”). For ease of understanding, the report often simplifies span to “court order” when discussing data throughout the report.

Although this report is for a 2022 enacted law that is reported quarterly, it continues to take time to fully understand how the data responds over time to internal and external influences. The department cautions against relying too heavily on initial Q3 and Q4 2023 results, as the data will continue to complete, mature, and change over time. This is especially important for tables with small n's (numbers), as they will change quarter-by-quarter in an even more significant manner. The data presentation begins on the following page with Table 1a. The department reaffirms the above guidance. This is now the sixth edition of the new report as of Q4 2023, and the data in many tables continues to mature and change over time. Initial results frequently update one or more times over multiple quarters before becoming final.

5664 QUARTERLY REPORTING

Table 1a - INPATIENT COMPETENCY RESTORATION ORDERS and ADMISSIONS  
for individuals WAITING IN JAIL for services, by quarter (1)

Percent Admitted on Time (5) Admitted on Time (5)							Percent Admitted on Time (5) Admitted on Time (5)							Percent Admitted on Time (5) Admitted on Time (5)						
Average Days Waiting (4)							Average Days Waiting (4)							Average Days Waiting (4)						
Percent Admitted (3) Admitted (3)							Percent Admitted (3) Admitted (3)							Percent Admitted (3) Admitted (3)						
New Spans (2)							New Spans (2)							New Spans (2)						
STATEWIDE							EASTERN STATE HOSPITAL							WESTERN STATE HOSPITAL (6)						
2018-Q4	374	322	86.1%	41.2	74	23.0%	67	66	98.5%	21.2	13	19.7%	307	256	83.4%	46.4	61	23.8%		
2019-Q1	413	328	79.4%	35.1	98	29.9%	78	74	94.9%	26.1	19	25.7%	335	254	75.8%	37.7	79	31.1%		
2019-Q2	437	344	78.7%	40.6	92	26.7%	76	65	85.5%	38.1	14	21.5%	361	279	77.3%	41.1	78	28.0%		
2019-Q3	380	317	83.4%	35.3	93	29.3%	71	64	90.1%	31.4	24	37.5%	309	253	81.9%	36.2	69	27.3%		
2019-Q4	460	394	85.7%	34.3	116	29.4%	81	74	91.4%	35.3	21	28.4%	379	320	84.4%	34.0	95	29.7%		
2020-Q1	330	211	63.9%	48.3	30	14.2%	62	36	58.1%	50.2	5	13.9%	268	175	65.3%	47.9	25	14.3%		
2020-Q2	211	145	68.7%	59.0	11	7.6%	31	11	35.5%	72.4	1	9.1%	180	134	74.4%	57.9	10	7.5%		
2020-Q3	345	247	71.6%	46.8	17	6.9%	59	38	64.4%	64.9	2	5.3%	286	209	73.1%	43.5	15	7.2%		
2020-Q4	392	273	69.6%	54.9	33	12.1%	51	29	56.9%	61.7	2	6.9%	341	244	71.6%	54.0	31	12.7%		
2021-Q1	360	284	78.9%	35.8	38	13.4%	50	41	82.0%	32.0	12	29.3%	310	243	78.4%	36.5	26	10.7%		
2021-Q2	359	305	85.0%	31.8	40	13.1%	55	51	92.7%	26.9	0	0.0%	304	254	83.6%	32.7	40	15.7%		
2021-Q3	491	368	74.9%	51.8	26	7.1%	71	57	80.3%	44.3	3	5.3%	420	311	74.0%	53.2	23	7.4%		
2021-Q4	544	392	72.1%	61.0	39	9.9%	110	64	58.2%	66.1	4	6.3%	434	328	75.6%	60.0	35	10.7%		
2022-Q1	529	333	62.9%	85.5	27	8.1%	99	69	69.7%	78.1	6	8.7%	430	264	61.4%	87.5	21	8.0%		
2022-Q2	562	297	52.8%	127.4	19	6.4%	110	72	65.5%	121.9	4	5.6%	452	225	49.8%	129.1	15	6.7%		
2022-Q3	516	251	48.6%	116.3	15	6.0%	109	62	56.9%	115.9	2	3.2%	407	189	46.4%	116.5	13	6.9%		
2022-Q4	429	251	58.5%	100.2	14	5.6%	69	49	71.0%	97.4	1	2.0%	360	202	56.1%	100.8	13	6.4%		
2023-Q1	420	269	64.0%	78.2	15	5.6%	69	54	78.3%	59.4	1	1.9%	351	215	61.3%	82.9	14	6.5%		
2023-Q2	431	296	68.7%	56.2	27	9.1%	83	70	84.3%	41.2	2	2.9%	348	226	64.9%	60.8	25	11.1%		
2023-Q3	471	388	82.4%	39.9	35	9.0%	102	83	81.4%	44.0	2	2.4%	369	305	82.7%	38.8	33	10.8%		
2023-Q4	447	260	58.2%	25.4	30	11.5%	73	26	35.6%	40.8	0	0.0%	374	234	62.6%	23.7	30	12.8%		

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

(1) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or Out-of-Jail), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068.

(2) The number of new court order spans; beginning with a new signed order for individuals waiting in-jail for services in the quarter as well as any additional new in-jail stays (i.e., periods of waiting for services in jail) starting in the quarter. This occurs when individuals enter jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services out-of-jail.

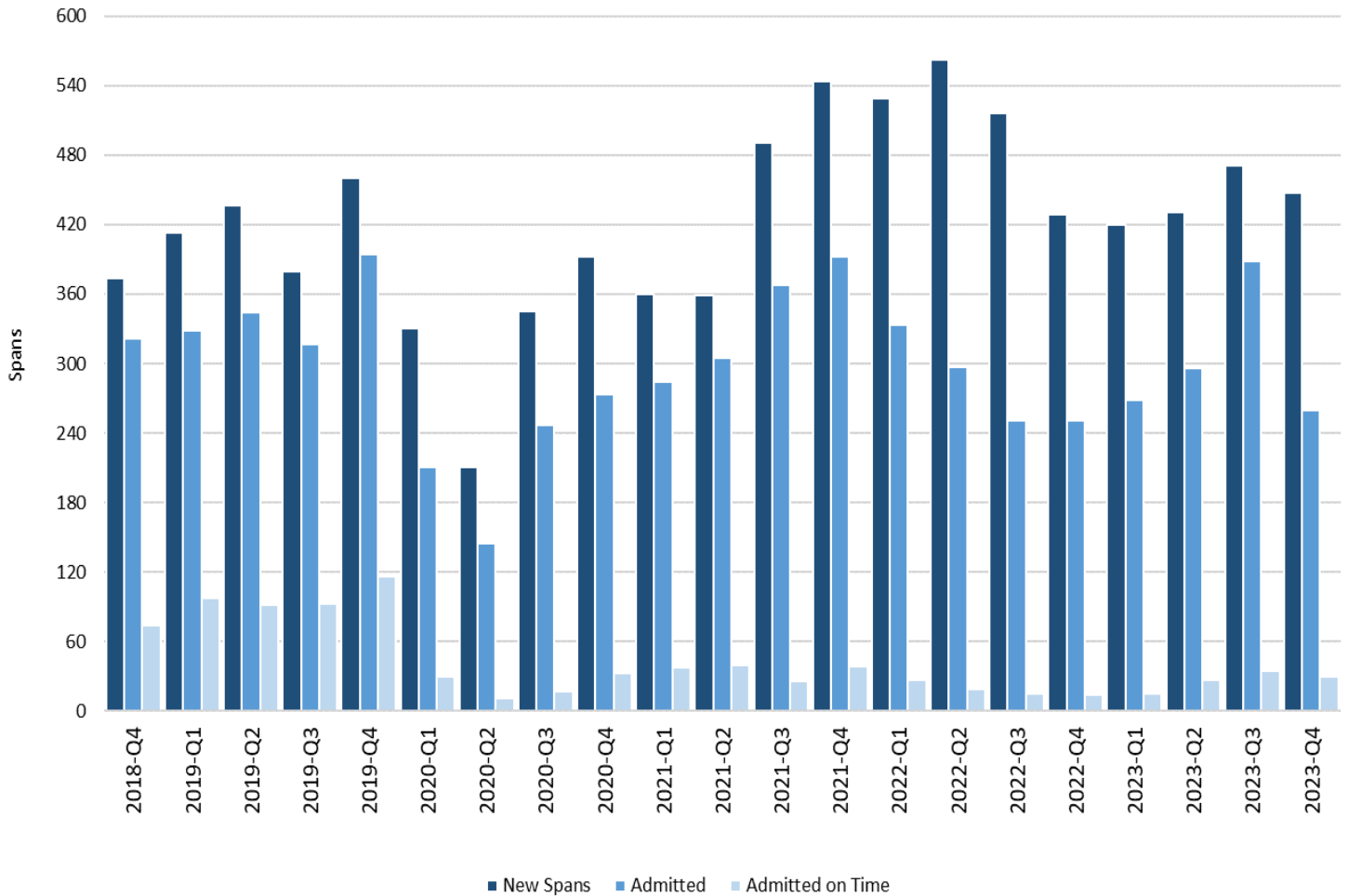
(3) Number and percent of the new court order spans, where the order spans were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all admissions for the new court order spans, regardless of when the admission occurs.

Notes for **Table 1a**. continued from the previous page:

- (4) The average number of the days from beginning to end of the span, for the subset of new court order spans that were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter).
- (5) The number and percent of court order spans admitted to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter), where the number of days from beginning to end of Client Status Span met statutory requirements outlined in RCW 10.77.068.
- (6) Measures for WSH Restorations include court orders for clients that admit to Restoration Treatment Facilities (RTF).

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported. RCW 10.77.068(5) stipulations on compliance for in-jail individuals awaiting competency services differ from those determined by the Federal Court Ruling for Trueblood et al v. Washington DSHS. For this reason, the compliance metrics reported here will not align with those reported to the Trueblood Court Monitor.”

**Figure 1a - INPATIENT COMPETENCY RESTORATION SERVICES ORDERED BY QUARTER**  
ADMISSIONS WHERE CLIENT IS WAITING IN-JAIL



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 1a shows the number of new court orders for inpatient competency restoration services by quarter for individuals waiting in-jail. It also includes additional order characteristics such as the number and percentage admitted, the average days waiting, the number of orders admitted on time, and the percentage admitted on time. Figure 1a visually shows the number of orders by quarter, the number admitted, and the number admitted on time differentiated by colored bars.



**Outcomes:** During Q4 2023, the number of inpatient restoration orders decreased moderately by 5.1 percent. The number of inpatient competency restoration orders admitted during Q4 was 260 orders; for orders admitted during Q4, the average days waiting for admissions statewide, between order for restoration and admission, was 25.4 days; and on time admissions in Q4, 11.5 percent. As time continues to elapse and distance from Q4 increases, a greater number of court orders originally signed in Q4 will be admitted; thus, improving the number of orders admitted and the percent admitted. As additional orders continue to complete with elapsing time, other variables will perform negatively: average days waiting, number admitted on time, and percent admitted on time. As the Q4 2023 data continues to mature over the next several quarters, the performance variables are likely to resemble the preceding quarters much more closely.

**Drivers:** The Delta and especially the Omicron variants of COVID-19 highly impacted BHA facilities from Q4 2021 through Q2 2022 resulting in substantially decreased admissions and treatment capacity. Finally, by the end of Q2, and into Q3, BHA inpatient facilities began experiencing fewer impacts from COVID-19, returning to the more normal levels of COVID-19 related impacts experienced by BHA's health care facilities over the last 2.5 years. During periods of pandemic-related admissions slowdowns and ward holds, civil cases had ended up increasingly in forensic beds with limited or no ability to move the cases to civil wards or to community placements. This was a significant contributing factor to the substantial decrease in forensic admissions offers to inpatient restoration clients. By the end of Q2 2023, COVID-19 impacts shifted from pandemic to endemic, which has allowed improved access to inpatient beds.

Following Q2 2022, when inpatient restoration orders peaked at a record high 562, new orders decreased for three consecutive quarters before increasing slightly in Q2 2023 and increasing moderately in Q3 2023. Q2 2023 received 431 total orders, followed by 471 in Q3 2023. This represents an 8.7 percent decrease compared to the high point of Q2 2022. Some of this decrease in demand is likely seasonal. The quarterly decreases in demand from Q3 to Q4 2022 and again from Q4 2022 to Q1 2023 have occurred during the late fall through winter months when OFMHS normally sees reduced order activity. Likewise, competency restoration orders are primarily a function of completed competency evaluation orders. As a subset of evaluation orders, a percentage of clients will be found incompetent and court-ordered for restoration. When demand for evaluations increases or decreases competency restoration orders tend to increase or decrease accordingly. Except for Q3 2022's record high quarter for competency evaluation "admitted orders" and "orders sent to court," where demand for restoration services has thus far remained somewhat low, restoration services demand, over the last six quarters since Q2 2022, appears to have tracked in line with expectations, based on the observed increases and decreases in evaluation services "admitted orders" and "orders sent to court." Even with the 20.5 percent decrease in competency restoration services orders since Q2 2022, Q4 2023 ranks eighth highest out of 21 quarters since restoration order tracking began in the Forensic Data System in Q4 2018. During these last 5.25 years, competency restoration orders have averaged 424 per quarter, so Q4 2023 is only moderately higher than the statewide average. Q4's moderate decline in orders relative to Q3 reflects a seasonal slowdown that happens in many years. Staff will continue to closely monitor this data over the upcoming quarters to determine if any additional causes or trends become discernable in the data.

**Table 1b - INPATIENT COMPETENCY RESTORATION ORDERS and ALL ORDER SPAN COMPLETIONS  
for individuals WAITING IN JAIL for services, by quarter (1)**

	Percent Completed on Time (5) Completed on Time (5)							Percent Completed on Time (5) Completed on Time (5)							Percent Completed on Time (5) Completed on Time (5)						
	Average Days Waiting (4)							Average Days Waiting (4)							Average Days Waiting (4)						
	Percent Completed (3) Completed (3)							Percent Completed (3) Completed (3)							Percent Completed (3) Completed (3)						
	New Spans (2)							New Spans (2)							New Spans (2)						
	<b>STATEWIDE</b>							<b>EASTERN STATE HOSPITAL</b>							<b>WESTERN STATE HOSPITAL (6)</b>						
	Year-Quarter	Spans	Completed	Percent	Avg Days	Out of Jail	Percent	Spans	Completed	Percent	Avg Days	Out of Jail	Percent	Spans	Completed	Percent	Avg Days	Out of Jail	Percent		
2018-Q4	374	374	100.0%	42.7	77	20.6%	67	67	100.0%	22.0	13	19.4%	307	307	100.0%	47.2	64	20.8%			
2019-Q1	413	413	100.0%	35.0	104	25.2%	78	78	100.0%	25.3	20	25.6%	335	335	100.0%	37.3	84	25.1%			
2019-Q2	437	437	100.0%	40.1	100	22.9%	76	76	100.0%	37.3	17	22.4%	361	361	100.0%	40.7	83	23.0%			
2019-Q3	380	380	100.0%	35.1	102	26.8%	71	71	100.0%	32.5	24	33.8%	309	309	100.0%	35.7	78	25.2%			
2019-Q4	460	460	100.0%	34.5	128	27.8%	81	81	100.0%	36.4	21	25.9%	379	379	100.0%	34.1	107	28.2%			
2020-Q1	330	330	100.0%	47.3	35	10.6%	62	62	100.0%	53.0	5	8.1%	268	268	100.0%	46.0	30	11.2%			
2020-Q2	211	211	100.0%	55.5	12	5.7%	31	31	100.0%	57.8	2	6.5%	180	180	100.0%	55.2	10	5.6%			
2020-Q3	345	345	100.0%	44.1	31	9.0%	59	59	100.0%	61.5	3	5.1%	286	286	100.0%	40.5	28	9.8%			
2020-Q4	392	392	100.0%	50.4	38	9.7%	51	51	100.0%	61.6	3	5.9%	341	341	100.0%	48.7	35	10.3%			
2021-Q1	360	360	100.0%	33.2	47	13.1%	50	50	100.0%	31.1	12	24.0%	310	310	100.0%	33.5	35	11.3%			
2021-Q2	359	359	100.0%	31.5	46	12.8%	55	55	100.0%	27.1	1	1.8%	304	304	100.0%	32.4	45	14.8%			
2021-Q3	491	491	100.0%	48.5	28	5.7%	71	71	100.0%	41.3	3	4.2%	420	420	100.0%	49.7	25	6.0%			
2021-Q4	544	544	100.0%	55.9	49	9.0%	110	110	100.0%	61.4	7	6.4%	434	434	100.0%	54.5	42	9.7%			
2022-Q1	529	529	100.0%	80.1	36	6.8%	99	99	100.0%	72.0	9	9.1%	430	430	100.0%	81.9	27	6.3%			
2022-Q2	562	561	99.8%	119.3	27	4.8%	110	110	100.0%	108.4	8	7.3%	452	451	99.8%	122.0	19	4.2%			
2022-Q3	516	516	100.0%	106.2	26	5.0%	109	109	100.0%	106.4	6	5.5%	407	407	100.0%	106.1	20	4.9%			
2022-Q4	429	429	100.0%	87.4	22	5.1%	69	69	100.0%	92.4	4	5.8%	360	360	100.0%	86.4	18	5.0%			
2023-Q1	420	420	100.0%	69.2	33	7.9%	69	69	100.0%	54.6	5	7.2%	351	351	100.0%	72.1	28	8.0%			
2023-Q2	431	431	100.0%	51.0	43	10.0%	83	83	100.0%	38.5	6	7.2%	348	348	100.0%	54.0	37	10.6%			
2023-Q3	471	471	100.0%	37.6	44	9.3%	102	102	100.0%	41.9	5	4.9%	369	369	100.0%	36.4	39	10.6%			
2023-Q4	447	299	66.9%	23.9	44	14.7%	73	31	42.5%	39.1	0	0.0%	374	268	71.7%	22.2	44	16.4%			

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

(1) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or Out-of-Jail), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068. This table differs from Table 1a above in that it includes all completions, not just those where the client was admitted to a facility.

(2) The number of new court order spans; beginning with a new signed order for individuals waiting in-jail for services in the quarter as well as any additional new in-jail stays (i.e., periods of waiting for services in jail) starting in the quarter. This occurs when individuals enter jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services out-of-jail.

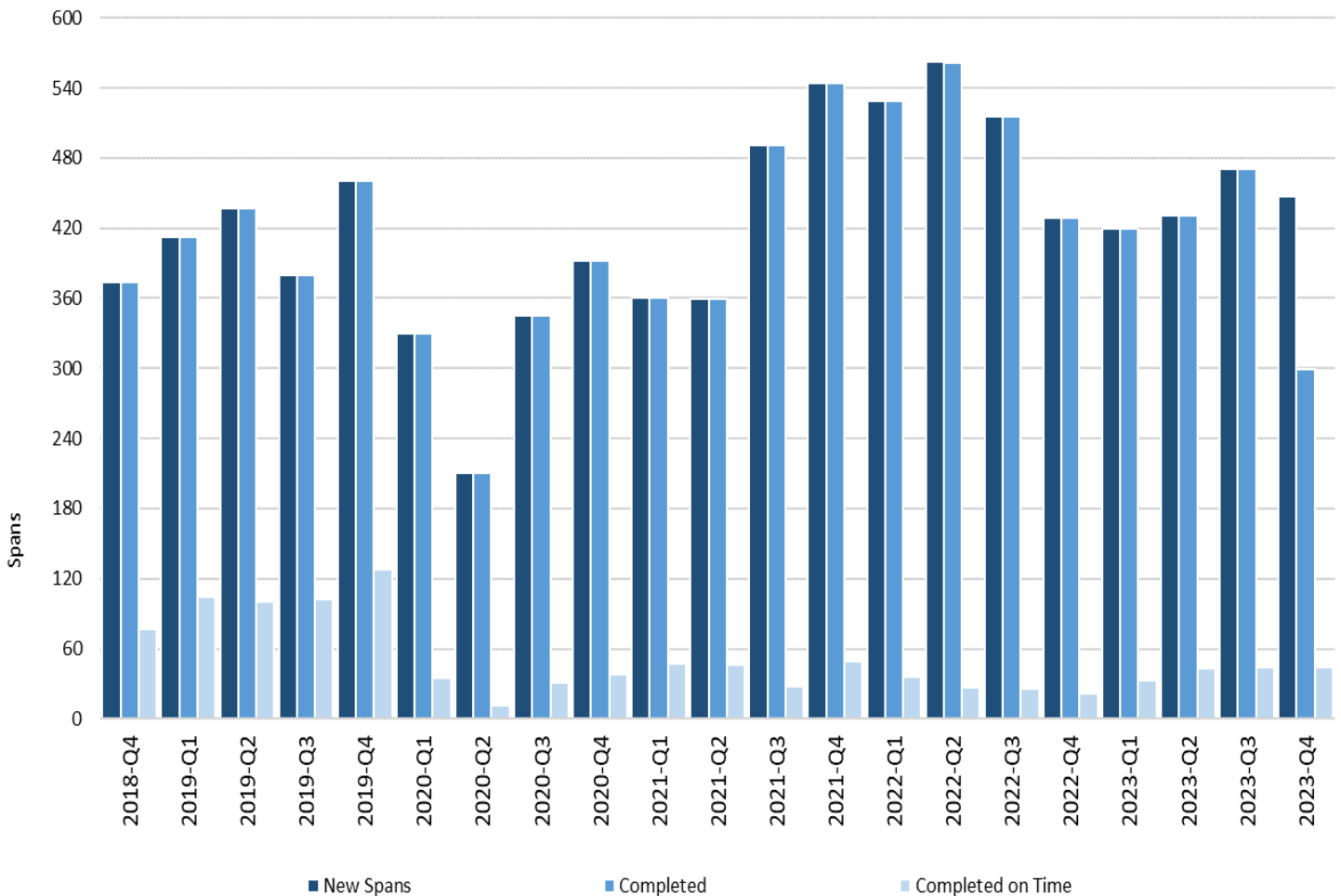
(3) Number and percent of the new court order spans, where the order spans were completed (including completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all order span completions for the new court order spans, regardless of when the order completion occurs.

Notes for **Table 1b**. continued from the previous page:

- (4) The average number of the days from beginning to end of the span, for the subset of these completed court order spans (includes completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter).
- (5) The number and percent of court order spans admitted to a state-run facility or other completion method, where the number of days from beginning to end of the client status span met statutory requirements outlined in RCW 10.77.068. Other completion methods include instances where the court order was withdrawn by the court, or the client status changed.
- (6) Measures for WSH Restorations include court orders for clients that admit to Restoration Treatment Facilities (RTF).

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported. RCW 10.77.068(5) stipulations on compliance for in-jail individuals awaiting competency services differ from those determined by the Federal Court Ruling for Trueblood et al v. Washington DSHS. For this reason, the compliance metrics reported here will not align with those reported to the Trueblood Court Monitor.”

**Figure 1b - INPATIENT COMPETENCY RESTORATION SERVICES ORDERED BY QUARTER**  
 COMPLETIONS WHERE CLIENT IS WAITING IN-JAIL



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 1b shows the number of new court orders for inpatient competency restoration services by quarter for individuals waiting in-jail. It also includes additional order characteristics such as the number and percentage completed, the average days waiting, the number of orders completed on time, and the percentage completed on time. Figure 1b visually shows the number of orders by quarter, the number completed, and the number completed on time differentiated by colored bars.

**Outcomes:** Order completions in Table 1b encompasses admissions like in Table 1a; however, it also more broadly includes other outcomes that complete a court order. Examples include, order withdrawn by the court or change in client status.

During Q4 2023, the number of inpatient restoration orders decreased moderately by 5.1 percent. The number of inpatient competency restoration order admissions completed during Q4 was 299 orders; of the orders completed during Q4, the average days waiting for order completion statewide, between order for restoration and completion, was 23.9 days in Q4; and 14.7 percent of completed orders were completed on time. As time continues to elapse and distance from Q4 increases, a greater number of court orders originally signed in Q4 will be completed; thus, improving the number of orders completed and the percent completed. As additional orders continue to complete with elapsing time, other variables will perform negatively: average days waiting, number completed on time, and percent completed on time. As the Q4 2023 data continues to mature over the next several quarters, the performance variables are likely to resemble the preceding quarters much more closely.

**Drivers:** The Delta and especially the Omicron variants of COVID-19 highly impacted BHA facilities from Q4 2021 through Q2 2022 resulting in substantially decreased admissions and treatment capacity. Finally, by the end of Q2, and into Q3, BHA inpatient facilities began experiencing fewer impacts from COVID-19, returning to the more normal levels of COVID-19 related impacts experienced by BHA's health care facilities over the last 2.5 years. During periods of pandemic-related admissions slowdowns and ward holds, civil cases had ended up increasingly in forensic beds with limited or no ability to move the cases to civil wards or to community placements. This was a significant contributing factor to the substantial decrease in forensic admissions offers to inpatient restoration clients. By the end of Q2 2023, COVID-19 impacts shifted from pandemic to endemic, which has allowed improved access to inpatient beds.

Following Q2 2022, when inpatient restoration orders peaked at a record high 562, new orders decreased for three consecutive quarters before increasing in Q2 and Q3 2023. Q3 2023 received 471 total orders, a 16.2 percent decrease compared to the high point of Q2 2022 and a 12.1 percent increase from the 420-order low point in Q1 2023. Some of this decrease in demand is likely seasonal. The quarterly decreases in demand from Q3 to Q4 2022 and again from Q4 2022 to Q1 2023 have occurred during the late fall through winter months when OFMHS normally sees reduced order activity. Likewise, competency restoration orders are primarily a function of completed competency evaluation orders. As a subset of evaluation orders, a percentage of clients will be found incompetent and court-ordered for restoration. When demand for evaluations increases or decreases competency restoration orders tend to increase or decrease accordingly. Except for Q3 2022's record high quarter for competency evaluation "admitted orders" and "orders sent to court," where demand for restoration services has thus far remained somewhat low, restoration services demand, over the last six quarters since Q2 2022, appears to have tracked in line with expectations, based on the observed increases and decreases in evaluation services "admitted orders" and "orders sent to court." Even with the 20.5 percent decrease in competency restoration services orders since Q2 2022, Q4 2023 ranks eighth highest out of 21 quarters since restoration order tracking began in the Forensic Data System in Q4 2018. During these last 5.25 years, competency restoration orders have averaged 424 per quarter, so Q4 2023 is only moderately higher than the statewide average. Q4's moderate decline in orders relative to Q3 reflects a seasonal slowdown that happens in many years. Staff will continue to closely monitor this data over the upcoming quarters to determine if any additional causes or trends become discernable in the data.

5664 QUARTERLY REPORTING

Table 2a - INPATIENT COMPETENCY RESTORATION ORDERS and ADMISSIONS for individuals WAITING IN THE COMMUNITY (1) for services, by quarter (2)

STATEWIDE							EASTERN STATE HOSPITAL						WESTERN STATE HOSPITAL (7)					
2018-Q4	53	18	34.0%	189.7	3	16.7%	6	0	0.0%	n/a	0	n/a	47	18	38.3%	189.7	3	16.7%
2019-Q1	70	25	35.7%	143.2	3	12.0%	6	3	50.0%	65.3	1	33.3%	64	22	34.4%	153.8	2	9.1%
2019-Q2	64	23	35.9%	203.9	2	8.7%	7	4	57.1%	46.8	1	25.0%	57	19	33.3%	236.9	1	5.3%
2019-Q3	59	12	20.3%	115.4	3	25.0%	4	0	0.0%	n/a	0	n/a	55	12	21.8%	115.4	3	25.0%
2019-Q4	67	15	22.4%	181.2	4	26.7%	6	2	33.3%	42.5	1	50.0%	61	13	21.3%	202.5	3	23.1%
2020-Q1	61	9	14.8%	329.3	1	11.1%	5	1	20.0%	237.0	0	0.0%	56	8	14.3%	340.9	1	12.5%
2020-Q2	57	7	12.3%	177.9	1	14.3%	7	0	0.0%	n/a	0	n/a	50	7	14.0%	177.9	1	14.3%
2020-Q3	64	15	23.4%	245.5	1	6.7%	12	2	16.7%	331.5	0	0.0%	52	13	25.0%	232.3	1	7.7%
2020-Q4	63	12	19.0%	206.6	2	16.7%	6	1	16.7%	42.0	0	0.0%	57	11	19.3%	221.5	2	18.2%
2021-Q1	64	12	18.8%	262.3	2	16.7%	8	0	0.0%	n/a	0	n/a	56	12	21.4%	262.3	2	16.7%
2021-Q2	43	11	25.6%	197.1	4	36.4%	5	1	20.0%	70.0	0	0.0%	38	10	26.3%	209.8	4	40.0%
2021-Q3	71	6	8.5%	301.3	2	33.3%	13	3	23.1%	289.7	2	66.7%	58	3	5.2%	313.0	0	0.0%
2021-Q4	110	6	5.5%	288.2	0	0.0%	14	1	7.1%	735.0	0	0.0%	96	5	5.2%	198.8	0	0.0%
2022-Q1	88	8	9.1%	306.6	0	0.0%	12	0	0.0%	n/a	0	n/a	76	8	10.5%	306.6	0	0.0%
2022-Q2	97	4	4.1%	336.5	1	25.0%	14	0	0.0%	n/a	0	n/a	83	4	4.8%	336.5	1	25.0%
2022-Q3	99	7	7.1%	342.6	0	0.0%	16	3	18.8%	310.3	0	0.0%	83	4	4.8%	366.8	0	0.0%
2022-Q4	98	5	5.1%	215.6	1	20.0%	18	1	5.6%	184.0	0	0.0%	80	4	5.0%	223.5	1	25.0%
2023-Q1	112	10	8.9%	157.3	1	10.0%	13	2	15.4%	153.5	0	0.0%	99	8	8.1%	158.3	1	12.5%
2023-Q2	100	10	10.0%	67.5	4	40.0%	18	2	11.1%	81.0	0	0.0%	82	8	9.8%	64.1	4	50.0%
2023-Q3	58	1	1.7%	5.0	1	100.0%	5	0	0.0%	n/a	0	n/a	53	1	1.9%	5.0	1	100.0%
2023-Q4	55	0	0.0%	n/a	0	n/a	11	0	0.0%	n/a	0	n/a	44	0	0.0%	n/a	0	n/a

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic or RTF bed (n=1875), or while in prison (n=4).
- (2) This data is pulled from the BHA- Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or In the Community), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068.
- (3) The number of new court order spans; beginning with a new signed order for individuals waiting In the Community for services in the quarter as well as any additional new In-Community stays (i.e., periods of waiting for services while In the Community) starting in the quarter due to an individual leaving jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services in-jail, in a facility, or in prison.
- (4) Number and percent of the new court order spans, where the order spans were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all admissions for the new court order spans, regardless of when the admission occurs.

Notes for **Table 2a**. continued from the previous page:

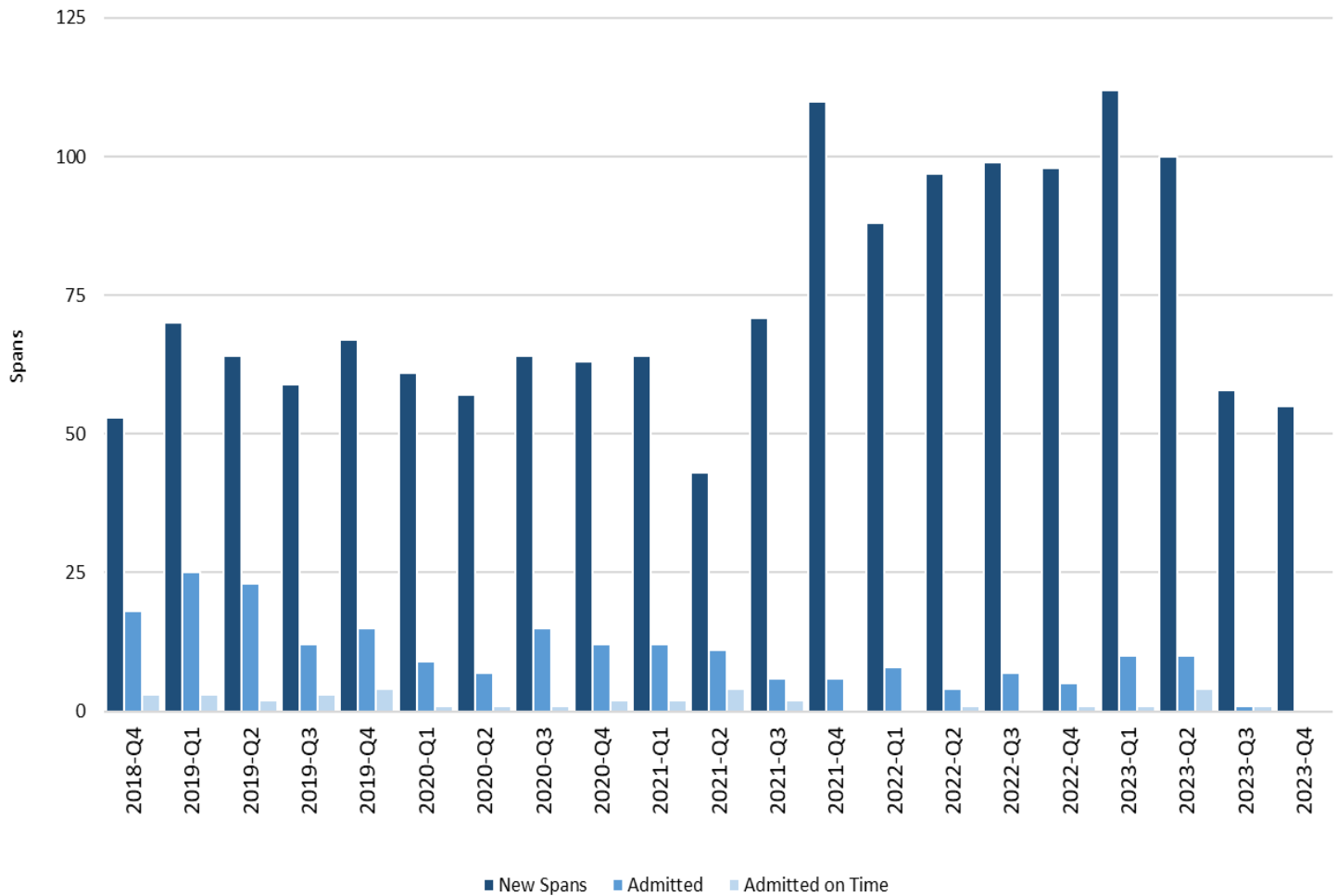
(5) The average number of the days from beginning to end of the span, for the subset of new court order spans that were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter).

(6) The number and percent of court order spans admitted to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter), where the number of days from beginning to end of Client Status Span met statutory requirements outlined in RCW 10.77.068.

(7) Measures for WSH Restorations include court orders for clients that admit to Restoration Treatment Facilities (RTF).

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported.

**Figure 2a - INPATIENT COMPETENCY RESTORATION SERVICES ORDERED BY QUARTER**  
ADMISSIONS WHERE CLIENT IS WAITING IN THE COMMUNITY



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 2a displays the number of new court orders and orders admitted for inpatient competency restoration services by quarter for individuals waiting in the community on personal recognizance. It also includes additional order characteristics such as the number and percentage admitted, the average days waiting, the number of orders admitted on time, and the percentage admitted on time. Figure 2a visually shows the number of orders by quarter, the number admitted, and the number admitted on time differentiated by colored bars.

**Outcomes:** During Q4 2023, the number of inpatient competency restoration orders for individuals waiting in the community was 55, and the number admitted while waiting in the community was zero. As time elapses, additional individuals waiting for restoration services in the community/on personal recognizance will be admitted for competency services, and the Q4 data will begin to resemble preceding quarters more closely.

**Drivers:** During periods of high system demand and constrained throughput, like what is currently being experienced in the state's inpatient facilities, Trueblood Class Members may receive priority relative to cases waiting in the community on personal recognizance. In early 2023, impacts from COVID-19 waned to the point of changing over from pandemic to endemic as other seasonal illnesses are having similar levels of impact on BHA facilities as COVID-19.

Clients who are waiting in the community for restoration services, could in some cases be candidates to have their situation reviewed to complete their court-ordered restoration in outpatient competency restoration. As of Q4 2023, eleven counties have full implementation of outpatient restoration as an option.

5664 QUARTERLY REPORTING

Table 2b - INPATIENT COMPETENCY RESTORATION ORDERS and ALL ORDER SPAN COMPLETIONS for individuals WAITING IN THE COMMUNITY (1) for services, by quarter (2)

		Percent Completed on Time (6) Completed on Time (6)					Percent Completed on Time (6) Completed on Time (6)					Percent Completed on Time (6) Completed on Time (6)						
		Average Days Waiting (5)					Average Days Waiting (5)					Average Days Waiting (5)						
		Percent Completed (4)		Completed (4)	New Spans (3)			Percent Completed (4)		Completed (4)	New Spans (3)			Percent Completed (4)		Completed (4)	New Spans (3)	
STATEWIDE							EASTERN STATE HOSPITAL						WESTERN STATE HOSPITAL (7)					
2018-Q4	53	53	100.0%	189.8	11	20.8%	6	6	100.0%	196.0	0	0.0%	47	47	100.0%	189.0	11	23.4%
2019-Q1	70	70	100.0%	227.4	13	18.6%	6	6	100.0%	173.5	2	33.3%	64	64	100.0%	232.4	11	17.2%
2019-Q2	64	64	100.0%	205.2	14	21.9%	7	7	100.0%	64.0	2	28.6%	57	57	100.0%	222.5	12	21.1%
2019-Q3	59	57	96.6%	215.9	13	22.8%	4	4	100.0%	331.8	1	25.0%	55	53	96.4%	207.1	12	22.6%
2019-Q4	67	67	100.0%	272.8	12	17.9%	6	6	100.0%	281.5	1	16.7%	61	61	100.0%	271.9	11	18.0%
2020-Q1	61	60	98.4%	346.6	7	11.7%	5	5	100.0%	449.4	0	0.0%	56	55	98.2%	337.3	7	12.7%
2020-Q2	57	54	94.7%	240.3	11	20.4%	7	5	71.4%	87.8	1	20.0%	50	49	98.0%	255.8	10	20.4%
2020-Q3	64	63	98.4%	219.7	12	19.0%	12	12	100.0%	212.7	4	33.3%	52	51	98.1%	221.3	8	15.7%
2020-Q4	63	60	95.2%	237.5	10	16.7%	6	6	100.0%	87.5	1	16.7%	57	54	94.7%	254.2	9	16.7%
2021-Q1	64	59	92.2%	223.9	15	25.4%	8	8	100.0%	135.6	4	50.0%	56	51	91.1%	237.8	11	21.6%
2021-Q2	43	39	90.7%	225.5	10	25.6%	5	5	100.0%	72.2	1	20.0%	38	34	89.5%	248.0	9	26.5%
2021-Q3	71	55	77.5%	224.8	11	20.0%	13	12	92.3%	218.4	4	33.3%	58	43	74.1%	226.6	7	16.3%
2021-Q4	110	95	86.4%	230.2	20	21.1%	14	14	100.0%	364.8	0	0.0%	96	81	84.4%	207.0	20	24.7%
2022-Q1	88	68	77.3%	208.1	13	19.1%	12	6	50.0%	224.7	2	33.3%	76	62	81.6%	206.5	11	17.7%
2022-Q2	97	72	74.2%	195.2	15	20.8%	14	14	100.0%	197.3	1	7.1%	83	58	69.9%	194.7	14	24.1%
2022-Q3	99	72	72.7%	190.3	18	25.0%	16	12	75.0%	287.8	0	0.0%	83	60	72.3%	170.8	18	30.0%
2022-Q4	98	59	60.2%	178.1	13	22.0%	18	12	66.7%	150.3	4	33.3%	80	47	58.8%	185.2	9	19.1%
2023-Q1	112	68	60.7%	121.5	17	25.0%	13	9	69.2%	238.8	0	0.0%	99	59	59.6%	103.6	17	28.8%
2023-Q2	100	39	39.0%	75.6	13	33.3%	18	7	38.9%	46.3	3	42.9%	82	32	39.0%	82.0	10	31.3%
2023-Q3	58	25	43.1%	59.6	8	32.0%	5	2	40.0%	11.0	2	100.0%	53	23	43.4%	63.8	6	26.1%
2023-Q4	55	7	12.7%	31.0	3	42.9%	11	0	0.0%	n/a	0	n/a	44	7	15.9%	31.0	3	42.9%

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic or RTF bed (n=1875), or while in prison (n=4).
- (2) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or In the Community), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068. This table differs from Table 2a above in that it includes all completions, not just those where the client was admitted to a facility.
- (3) The number of new court order spans; beginning with a new signed order for individuals waiting in the Community for services in the quarter as well as any additional new in-community stays (i.e., periods of waiting for services while in the community) starting in the quarter due to an individual entering leaving jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services in-jail, in a facility, or in prison.
- (4) Number and percent of the new court order spans, where the order spans were completed (including completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all order span completions for the new court order spans, regardless of when the order completion occurs.



Notes for **Table 2b**. continued from the previous page:

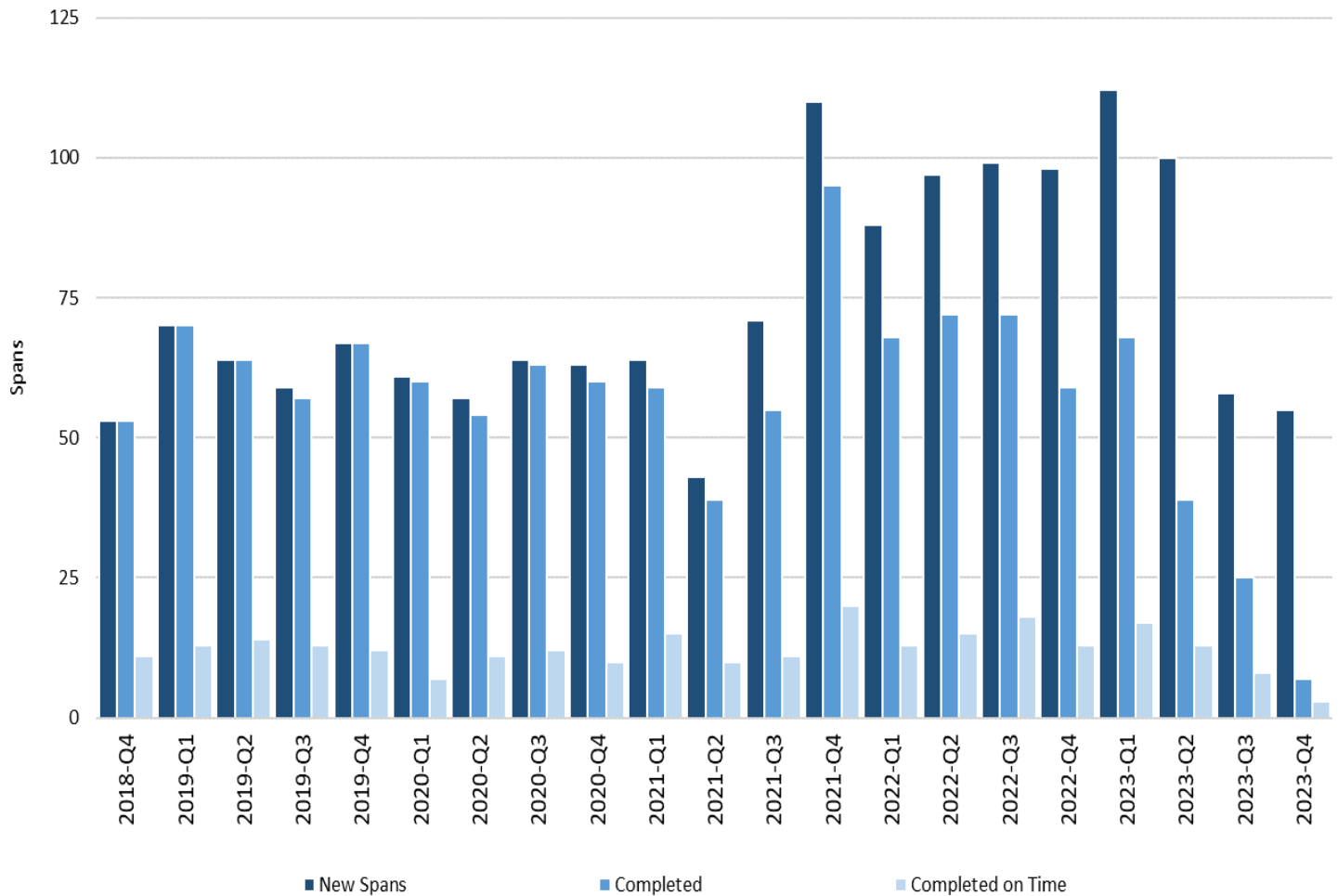
(5) The average number of the days from beginning to end of the span, for the subset of these completed court order spans (includes completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter).

(6) The number and percent of court order spans admitted to a state-run facility or other completion method, where the number of days from beginning to end of the client status span met statutory requirements outlined in RCW 10.77.068. Other completion methods include instances where the court order was withdrawn by the court, or the client status changed.

(7) Measures for WSH Restorations include court orders for clients that admit to Restoration Treatment Facilities (RTF).

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported.

**Figure 2b - INPATIENT COMPETENCY RESTORATION SERVICES ORDERED BY QUARTER  
COMPLETIONS WHERE CLIENT IS WAITING IN THE COMMUNITY**



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 2b displays the number of new court orders and completed court orders for inpatient competency restoration services by quarter for individuals waiting in the community. It also includes additional order characteristics such as the number and percentage completed, the average days waiting, the number of orders completed on time, and the percentage completed on time. Figure 2b visually shows the number of orders by quarter, the number completed, and the number completed on time differentiated by colored bars.

**Outcomes:** Order completions in Table 2b encompasses admissions like in Table 2a; however, it also more broadly includes other outcomes that complete a court order. Examples include, order withdrawn by the court or change in client status. In Q4 2023, there were 55 new inpatient restoration orders statewide for clients waiting for services in the community, and seven of those orders completed during Q4. For statewide orders that completed during Q4, the average days to completion was 31.0 days, and the percent of completed orders that were completed on time was 42.9 percent. As time continues to elapse, additional in the community/personal recognizance orders will continue completing, and the data in Table 2b and Figure 2b will begin to resemble preceding quarters more closely.

**Drivers:** In early 2023, impacts from COVID-19 waned to the point of changing over from pandemic to endemic as other seasonal illnesses are having similar levels of impact on BHA facilities as COVID-19. As the department moves further away from the most acute pandemic-related impacts on its inpatient facilities, a return to the more standard level of impacts related to endemic seasonal virus circulation would be welcome and allow a greater level of success in delivering competency services.

During periods of high system demand and constrained throughput, like what is currently being experienced in the state's inpatient facilities, Trueblood Class Members may receive priority relative to cases waiting in the community on personal recognizance. Additionally, civil conversion cases, especially felony conversion cases, have increasingly occupied forensic beds as the pandemic and systemic staffing shortages have disrupted the ability to move civilly committed clients through the system; thus, inhibiting forensic admissions as well. New civil and forensic beds came online in Q1, Q2, and Q4 2023. These new beds should help mitigate the impact of civil conversion cases on the forensic system (see the "*Actions Taken – Near Term Projects to Expand Bed Capacity*" section for additional details on upcoming projects that add new beds to the inpatient treatment systems).

5664 QUARTERLY REPORTING

Table 3a - INPATIENT COMPETENCY EVALUATION ORDERS and ADMISSIONS (1)  
for individuals WAITING IN JAIL for services, by quarter (2)

Percent Admitted on Time (6) Admitted on Time (6)							Percent Admitted on Time (6) Admitted on Time (6)							Percent Admitted on Time (6) Admitted on Time (6)						
Average Days Waiting (5)							Average Days Waiting (5)							Average Days Waiting (5)						
Percent Admitted (4) Admitted (4)							Percent Admitted (4) Admitted (4)							Percent Admitted (4) Admitted (4)						
New Spans (3)							New Spans (3)							New Spans (3)						
STATEWIDE							EASTERN STATE HOSPITAL							WESTERN STATE HOSPITAL						
2018-Q4	73	66	90.4%	30.8	4	6.1%	36	31	86.1%	20.0	4	12.9%	37	35	94.6%	40.3	0	0.0%		
2019-Q1	65	49	75.4%	29.1	9	18.4%	27	20	74.1%	29.3	3	15.0%	38	29	76.3%	29.0	6	20.7%		
2019-Q2	72	50	69.4%	42.2	4	8.0%	35	22	62.9%	45.8	1	4.5%	37	28	75.7%	39.3	3	10.7%		
2019-Q3	61	45	73.8%	41.7	5	11.1%	31	18	58.1%	33.5	3	16.7%	30	27	90.0%	47.1	2	7.4%		
2019-Q4	40	27	67.5%	26.0	2	7.4%	29	16	55.2%	29.1	1	6.3%	11	11	100.0%	21.5	1	9.1%		
2020-Q1	42	28	66.7%	69.3	2	7.1%	22	10	45.5%	68.1	1	10.0%	20	18	90.0%	69.9	1	5.6%		
2020-Q2	39	17	43.6%	76.5	1	5.9%	21	8	38.1%	103.1	0	0.0%	18	9	50.0%	52.9	1	11.1%		
2020-Q3	45	22	48.9%	58.8	0	0.0%	26	9	34.6%	64.2	0	0.0%	19	13	68.4%	55.1	0	0.0%		
2020-Q4	93	67	72.0%	56.5	5	7.5%	46	32	69.6%	51.1	4	12.5%	47	35	74.5%	61.5	1	2.9%		
2021-Q1	90	52	57.8%	39.7	2	3.8%	54	30	55.6%	35.3	2	6.7%	36	22	61.1%	45.6	0	0.0%		
2021-Q2	68	52	76.5%	23.9	4	7.7%	26	20	76.9%	19.4	2	10.0%	42	32	76.2%	26.8	2	6.3%		
2021-Q3	87	63	72.4%	42.2	5	7.9%	32	22	68.8%	46.2	0	0.0%	55	41	74.5%	40.0	5	12.2%		
2021-Q4	73	60	82.2%	52.3	5	8.3%	30	23	76.7%	66.6	2	8.7%	43	37	86.0%	43.3	3	8.1%		
2022-Q1	70	42	60.0%	65.9	6	14.3%	32	21	65.6%	65.2	2	9.5%	38	21	55.3%	66.7	4	19.0%		
2022-Q2	62	33	53.2%	81.5	2	6.1%	35	17	48.6%	96.9	1	5.9%	27	16	59.3%	65.1	1	6.3%		
2022-Q3	108	50	46.3%	72.6	9	18.0%	55	27	49.1%	66.5	4	14.8%	53	23	43.4%	79.8	5	21.7%		
2022-Q4	57	18	31.6%	115.0	0	0.0%	25	11	44.0%	112.7	0	0.0%	32	7	21.9%	118.6	0	0.0%		
2023-Q1	33	20	60.6%	75.2	0	0.0%	23	15	65.2%	64.1	0	0.0%	10	5	50.0%	108.2	0	0.0%		
2023-Q2	20	10	50.0%	44.8	1	10.0%	10	6	60.0%	33.3	1	16.7%	10	4	40.0%	62.0	0	0.0%		
2023-Q3	46	38	82.6%	40.7	4	10.5%	14	11	78.6%	40.3	2	18.2%	32	27	84.4%	40.9	2	7.4%		
2023-Q4	29	18	62.1%	22.9	3	16.7%	8	3	37.5%	22.7	0	0.0%	21	15	71.4%	22.9	3	20.0%		

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.
- (2) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or Out-of-Jail), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068.
- (3) The number of new court order spans; beginning with a new signed order for individuals waiting in-jail for services in the quarter as well as any additional new in-jail stays (i.e., periods of waiting for services in jail) starting in the quarter. This occurs when individuals enter jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services out-of-jail.
- (4) Number and percent of the new court order spans, where the order spans were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all admissions for the new court order spans, regardless of when the admission occurs.

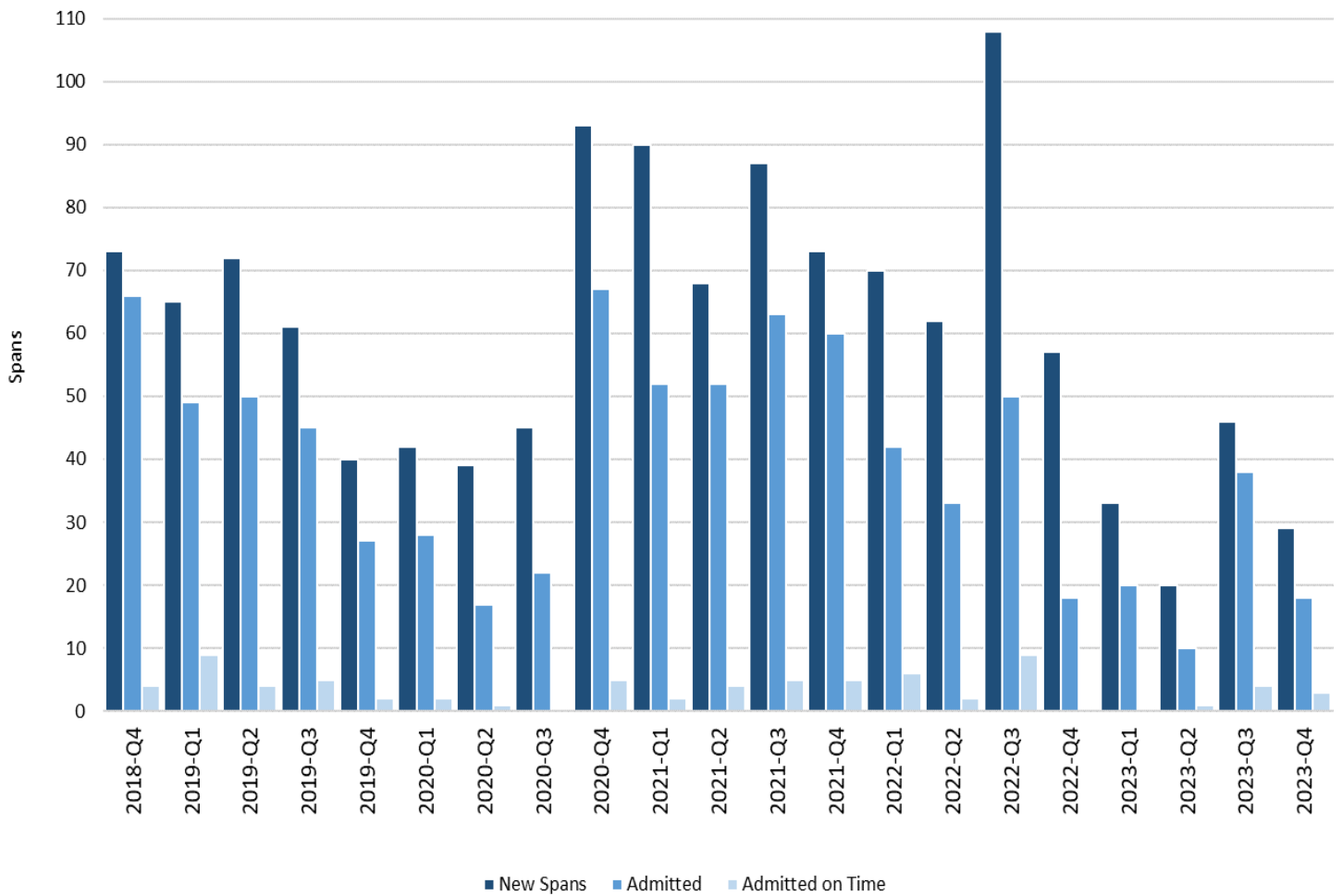
Notes for **Table 3a**. continued from the previous page:

(5) The average number of the days from beginning to end of the span, for the subset of new court order spans that were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter).

(6) The number and percent of court order spans admitted to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter), where the number of days from beginning to end of Client Status Span met statutory requirements outlined in RCW 10.77.068.

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported. RCW 10.77.068(5) stipulations on compliance for in-jail individuals awaiting competency services differ from those determined by the Federal Court Ruling for Trueblood et al v. Washington DSHS. For this reason, the compliance metrics reported here will not align with those reported to the Trueblood Court Monitor.”

**Figure 3a - INPATIENT COMPETENCY EVALUATION SERVICES ORDERED BY QUARTER**  
ADMISSIONS WHERE CLIENT WAS WAITING IN-JAIL



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 3a shows the number of new court orders for inpatient competency evaluation services by quarter for individuals waiting in-jail. It also includes additional order characteristics such as the number and percentage admitted, the average days waiting, the number of orders admitted on time, and the percentage admitted on time. Figure 3a visually shows the number of orders by quarter, the number admitted, and the number admitted on time differentiated by colored bars.

**Outcomes:** New inpatient evaluation orders for clients waiting in jail decreased 36.9 percent statewide from 46 to 29 in Q4 2023 after declining substantially from 108 to 20 (-81.5%) from Q3 2022 to Q2 2023. 18 orders were admitted under this legal authority statewide in Q4 2023.

It is important to acknowledge the high variability in these data from quarter-to-quarter due to the small number of orders using this legal authority. The percent admitted and percent admitted on time variables are subject to dramatic swings in both positive and negative directions as a result. Due to typically long inpatient evaluation services wait times, orders will continue to admit to the state hospitals in future quarters.

**Drivers:** Most forensic evaluations are completed on either an outpatient basis in jail or while the client is in the community on personal recognizance. A smaller group of orders each month requires a competency evaluation in an inpatient setting. Usually, this decision is driven by one of two reasons: (1) Court officials determine an inpatient setting is appropriate for a given client or situation; or (2) A state-employed evaluator attempts an outpatient evaluation and is unable to successfully complete the evaluation for a reason the evaluator believes can be alleviated through an inpatient evaluation. In such cases, the evaluator either refers the individual to inpatient or recommends that the court order an inpatient evaluation; then, the court makes the final decision whether to issue an order for an inpatient evaluation.

Due to the overall limitations in bed availability, competing bed uses such as competency restorations and civil commitments, clients with inpatient competency evaluation orders can sometimes face lengthy waits for admission to state hospital beds. Throughout 2023, a BHA-level executive team has closely managed limited beds to increase client throughput and efficiency of utilization. As part of that process, OFMHS has been educating courts about the timeliness of jail-based evaluations compared to wait times for inpatient evaluations and contacting client's counsel and court officials to attempt to convert inpatient evaluation orders to jail-based evaluations whenever possible. This approach has been successful in reducing inpatient evaluation orders and more quickly completing evaluations for clients waiting in jail for an inpatient bed.

5664 QUARTERLY REPORTING

Table 3b - INPATIENT COMPETENCY EVALUATION ORDERS and ALL ORDER SPAN COMPLETIONS (1)  
for individuals WAITING IN JAIL for services, by quarter (2)

Percent Completed on Time (6)							Percent Completed on Time (6)							Percent Completed on Time (6)						
Completed on Time (6)							Completed on Time (6)							Completed on Time (6)						
Average Days Waiting (5)							Average Days Waiting (5)							Average Days Waiting (5)						
Percent Completed (4)							Percent Completed (4)							Percent Completed (4)						
Completed (4)							Completed (4)							Completed (4)						
New Spans (3)							New Spans (3)							New Spans (3)						
STATEWIDE							EASTERN STATE HOSPITAL							WESTERN STATE HOSPITAL						
2018-Q4	73	73	100.0%	29.5	6	8.2%	36	36	100.0%	18.8	6	16.7%	37	37	100.0%	40.1	0	0.0%		
2019-Q1	65	65	100.0%	26.1	14	21.5%	27	27	100.0%	26.5	6	22.2%	38	38	100.0%	25.8	8	21.1%		
2019-Q2	72	72	100.0%	42.5	5	6.9%	35	35	100.0%	40.3	2	5.7%	37	37	100.0%	44.5	3	8.1%		
2019-Q3	61	61	100.0%	34.7	9	14.8%	31	31	100.0%	25.8	6	19.4%	30	30	100.0%	43.9	3	10.0%		
2019-Q4	40	40	100.0%	23.1	7	17.5%	29	29	100.0%	23.6	6	20.7%	11	11	100.0%	21.5	1	9.1%		
2020-Q1	42	42	100.0%	58.5	6	14.3%	22	22	100.0%	48.5	5	22.7%	20	20	100.0%	69.5	1	5.0%		
2020-Q2	39	39	100.0%	65.7	3	7.7%	21	21	100.0%	71.1	2	9.5%	18	18	100.0%	59.4	1	5.6%		
2020-Q3	45	45	100.0%	51.8	4	8.9%	26	26	100.0%	51.7	4	15.4%	19	19	100.0%	51.9	0	0.0%		
2020-Q4	93	93	100.0%	50.2	8	8.6%	46	46	100.0%	46.4	6	13.0%	47	47	100.0%	53.9	2	4.3%		
2021-Q1	90	90	100.0%	31.1	12	13.3%	54	54	100.0%	27.6	11	20.4%	36	36	100.0%	36.5	1	2.8%		
2021-Q2	68	68	100.0%	23.5	13	19.1%	26	26	100.0%	15.8	8	30.8%	42	42	100.0%	28.2	5	11.9%		
2021-Q3	87	87	100.0%	38.4	12	13.8%	32	32	100.0%	42.1	2	6.3%	55	55	100.0%	36.2	10	18.2%		
2021-Q4	73	73	100.0%	49.7	7	9.6%	30	30	100.0%	59.6	4	13.3%	43	43	100.0%	42.8	3	7.0%		
2022-Q1	70	70	100.0%	53.5	14	20.0%	32	32	100.0%	57.7	6	18.8%	38	38	100.0%	49.9	8	21.1%		
2022-Q2	62	62	100.0%	63.2	7	11.3%	35	35	100.0%	63.0	5	14.3%	27	27	100.0%	63.4	2	7.4%		
2022-Q3	108	108	100.0%	64.0	19	17.6%	55	55	100.0%	51.9	9	16.4%	53	53	100.0%	76.6	10	18.9%		
2022-Q4	57	57	100.0%	91.2	2	3.5%	25	25	100.0%	107.9	1	4.0%	32	32	100.0%	78.1	1	3.1%		
2023-Q1	33	33	100.0%	62.6	1	3.0%	23	23	100.0%	51.9	1	4.3%	10	10	100.0%	87.2	0	0.0%		
2023-Q2	20	20	100.0%	30.3	4	20.0%	10	10	100.0%	26.4	3	30.0%	10	10	100.0%	34.1	1	10.0%		
2023-Q3	46	46	100.0%	38.4	5	10.9%	14	14	100.0%	39.1	2	14.3%	32	32	100.0%	38.1	3	9.4%		
2023-Q4	29	21	72.4%	22.0	3	14.3%	8	5	62.5%	19.8	0	0.0%	21	16	76.2%	22.6	3	18.8%		

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders for forensic evaluation ofSanity and Diminished Capacity.
- (2) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or Out-of-Jail), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068. This table differs from Table 3a above in that it includes all completions, not just those were the client was admitted to a facility.
- (3) The number of new court order spans; beginning with a new signed order for individuals waiting in-jail for services in the quarter as well as any additional new in-jail stays (i.e., periods of waiting for services in jail) starting in the quarter. This occurs when individuals enter jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services out-of-jail.
- (4) Number and percent of the new court order spans, where the order spans were completed (including completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all order span completions for the new court order spans, regardless of when the order completion occurs.

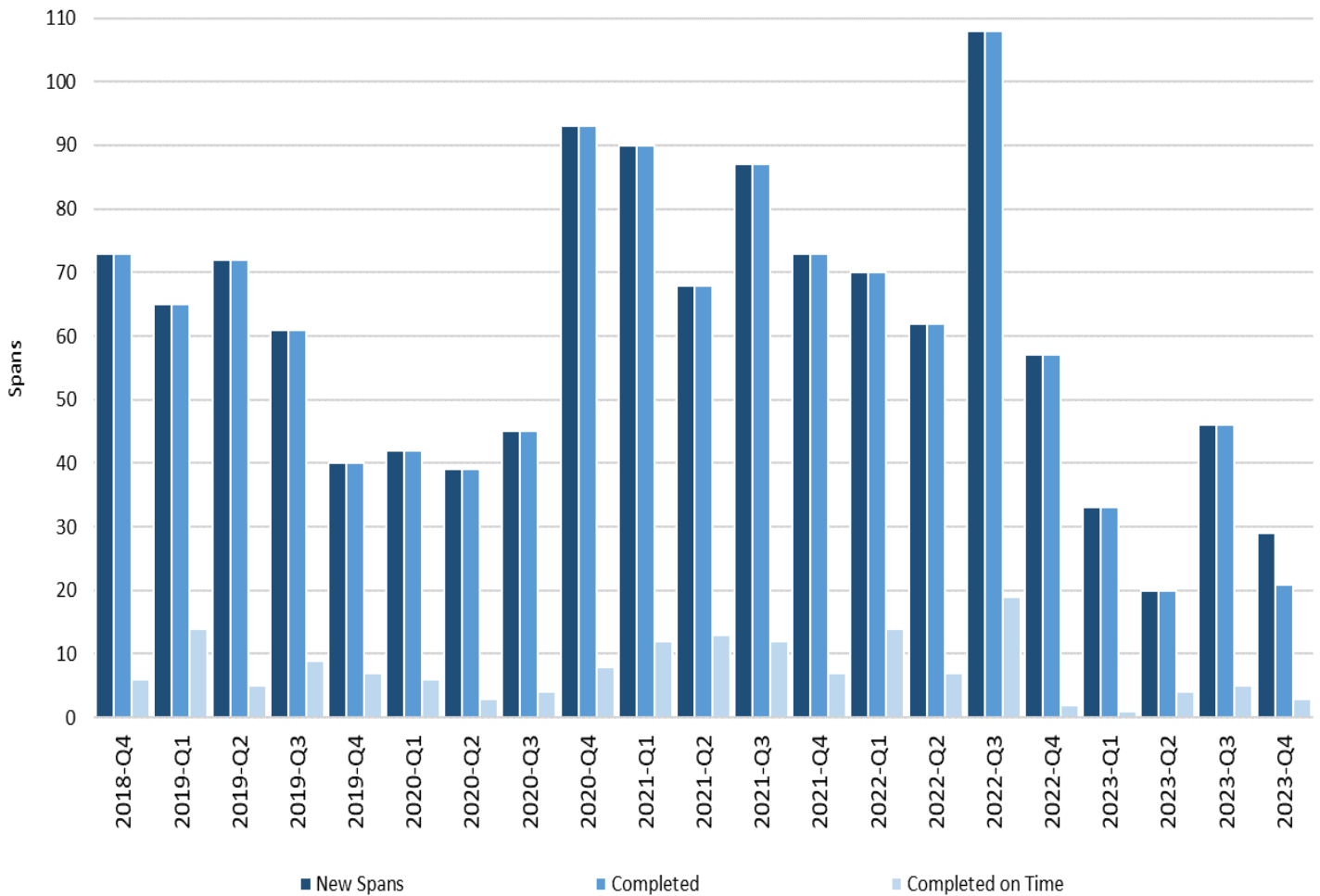
Notes for **Table 3b**. continued from the previous page:

(5) The average number of the days from beginning to end of the span, for the subset of these completed court order spans (includes completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter).

(6) The number and percent of court order spans admitted to a state-run facility or other completion method, where the number of days from beginning to end of the client status span met statutory requirements outlined in RCW 10.77.068. Other completion methods include instances where the court order was withdrawn by the court, or the client status changed.

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported. RCW 10.77.068(5) stipulations on compliance for in-jail individuals awaiting competency services differ from those determined by the Federal Court Ruling for Trueblood et al v. Washington DSHS. For this reason, the compliance metrics reported here will not align with those reported to the Trueblood Court Monitor.”

**Figure 3b - INPATIENT COMPETENCY EVALUATION SERVICES ORDERED BY QUARTER  
COMPLETIONS WHERE CLIENT IS WAITING IN-JAIL**



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 3b shows the number of new court orders for inpatient competency restoration services by quarter for individuals waiting in-jail. It also includes additional order characteristics such as the number and percentage completed, the average days waiting, the number of orders completed on time, and the percentage completed on time. Figure 3b visually shows the number of orders by quarter, the number completed, and the number completed on time differentiated by colored bars.

**Outcomes:** New inpatient evaluation orders for clients waiting in jail decreased 36.9 percent statewide from 46 to 29 in Q4 2023. Of the 21 orders completed (72.4%) under this legal authority statewide in Q4, three were completed on time (14.3%). Order completions include admissions to a state hospital for inpatient competency evaluation plus orders that complete for other reasons such as being withdrawn by the court or the client's status being changed.

It is important to acknowledge the high variability in these data from quarter-to-quarter due to the small numbers of orders using this legal authority. The percent completed and percent completed on time variables are subject to dramatic swings in both positive and negative directions as a result. Additional orders will continue completing over the next several quarters.

**Drivers:** Most forensic evaluations are completed on either an outpatient basis in jail or while the client is in the community on personal recognizance. A smaller group of orders each month requires a competency evaluation in an inpatient setting. Usually, this decision is driven by one of two reasons: (1) Court officials determine an inpatient setting is appropriate for a given client or situation; or (2) A state-employed evaluator attempts an outpatient evaluation and is unable to successfully complete the evaluation for a reason the evaluator believes can be alleviated through an inpatient evaluation. In such cases, the evaluator either refers the individual to inpatient or recommends that the court order an inpatient evaluation; then, the court makes the final decision whether to issue an order for an inpatient evaluation.

Due to the overall limitations in bed availability, competing bed uses such as competency restorations and civil commitments, clients with inpatient competency evaluation orders can sometimes face lengthy waits for admission to state hospital beds. Throughout 2023, a BHA-level executive team has closely managed limited beds to increase client throughput and efficiency of utilization. As part of that process, OFMHS has been educating courts about the timeliness of jail-based evaluations compared to wait times for inpatient evaluations and contacting client's counsel and court officials to attempt to convert inpatient evaluation orders to jail-based evaluations whenever possible. This approach has been successful in reducing inpatient evaluation orders and more quickly completing evaluations for clients waiting in jail for an inpatient bed.



5664 QUARTERLY REPORTING

Table 4a - INPATIENT COMPETENCY EVALUATION ORDERS and ADMISSIONS (1)  
for individuals WAITING IN THE COMMUNITY (2) for services, by quarter (3)

	Percent Admitted on Time (7) Admitted on Time (7)						Percent Admitted on Time (7) Admitted on Time (7)						Percent Admitted on Time (7) Admitted on Time (7)								
	Average Days Waiting (6)						Average Days Waiting (6)						Average Days Waiting (6)								
	Percent Admitted (5)						Percent Admitted (5)						Percent Admitted (5)								
	Admitted (5)						Admitted (5)						Admitted (5)								
	New Spans (4)						New Spans (4)						New Spans (4)								
	STATEWIDE							EASTERN STATE HOSPITAL							WESTERN STATE HOSPITAL						
	Year-Quarter	New Spans (4)	Admitted (5)	Percent Admitted (5)	Average Days Waiting (6)	Admitted (5)	Percent Admitted (5)	New Spans (4)	Admitted (5)	Percent Admitted (5)	Average Days Waiting (6)	Admitted (5)	Percent Admitted (5)	New Spans (4)	Admitted (5)	Percent Admitted (5)	Average Days Waiting (6)	Admitted (5)	Percent Admitted (5)		
2018-Q4	3	1	33.3%	0.0	1	100.0%	1	0	0.0%	n/a	0	n/a	2	1	50.0%	0.0	1	100.0%			
2019-Q1	8	2	25.0%	1.5	2	100.0%	4	1	25.0%	3.0	1	100.0%	4	1	25.0%	0.0	1	100.0%			
2019-Q2	4	0	0.0%	n/a	0	n/a	2	0	0.0%	n/a	0	n/a	2	0	0.0%	n/a	0	n/a			
2019-Q3	9	1	11.1%	120.0	0	0.0%	5	0	0.0%	n/a	0	n/a	4	1	25.0%	120.0	0	0.0%			
2019-Q4	5	2	40.0%	63.5	0	0.0%	4	1	25.0%	61.0	0	0.0%	1	1	100.0%	66.0	0	0.0%			
2020-Q1	1	0	0.0%	n/a	0	n/a	1	0	0.0%	n/a	0	n/a	0	0	n/a	n/a	0	n/a			
2020-Q2	3	0	0.0%	n/a	0	n/a	2	0	0.0%	n/a	0	n/a	1	0	0.0%	n/a	0	n/a			
2020-Q3	6	1	16.7%	216.0	0	0.0%	4	0	0.0%	n/a	0	n/a	2	1	50.0%	216.0	0	0.0%			
2020-Q4	13	0	0.0%	n/a	0	n/a	11	0	0.0%	n/a	0	n/a	2	0	0.0%	n/a	0	n/a			
2021-Q1	18	4	22.2%	352.0	0	0.0%	8	0	0.0%	n/a	0	n/a	10	4	40.0%	352.0	0	0.0%			
2021-Q2	8	0	0.0%	n/a	0	n/a	4	0	0.0%	n/a	0	n/a	4	0	0.0%	n/a	0	n/a			
2021-Q3	8	2	25.0%	9.5	2	100.0%	3	1	33.3%	19.0	1	100.0%	5	1	20.0%	0.0	1	100.0%			
2021-Q4	3	0	0.0%	n/a	0	n/a	1	0	0.0%	n/a	0	n/a	2	0	0.0%	n/a	0	n/a			
2022-Q1	11	0	0.0%	n/a	0	n/a	3	0	0.0%	n/a	0	n/a	8	0	0.0%	n/a	0	n/a			
2022-Q2	3	0	0.0%	n/a	0	n/a	1	0	0.0%	n/a	0	n/a	2	0	0.0%	n/a	0	n/a			
2022-Q3	4	0	0.0%	n/a	0	n/a	2	0	0.0%	n/a	0	n/a	2	0	0.0%	n/a	0	n/a			
2022-Q4	0	0	n/a	n/a	0	n/a	0	0	n/a	n/a	0	n/a	0	0	n/a	n/a	0	n/a			
2023-Q1	9	2	22.2%	45.5	1	50.0%	4	1	25.0%	0.0	1	100.0%	5	1	20.0%	91.0	0	0.0%			
2023-Q2	7	3	42.9%	149.3	1	33.3%	5	2	40.0%	224.0	0	0.0%	2	1	50.0%	0.0	1	100.0%			
2023-Q3	2	0	0.0%	n/a	0	n/a	0	0	n/a	n/a	0	n/a	2	0	0.0%	n/a	0	n/a			
2023-Q4	1	0	0.0%	n/a	0	n/a	1	0	0.0%	n/a	0	n/a	0	0	n/a	n/a	0	n/a			

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.
- (2) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic or RTF bed (n=61), or while in prison (n=3).
- (3) This data is pulled from the BHA- Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or In the Community), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068.
- (4) The number of new court order spans; beginning with a new signed order for individuals waiting In the Community for services in the quarter as well as any additional new In-Community stays (i.e., periods of waiting for services In the Community) starting in the quarter due to an individual leaving jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services in-jail, in a facility, or in prison.

Notes for **Table 4a.** continued from the previous page:

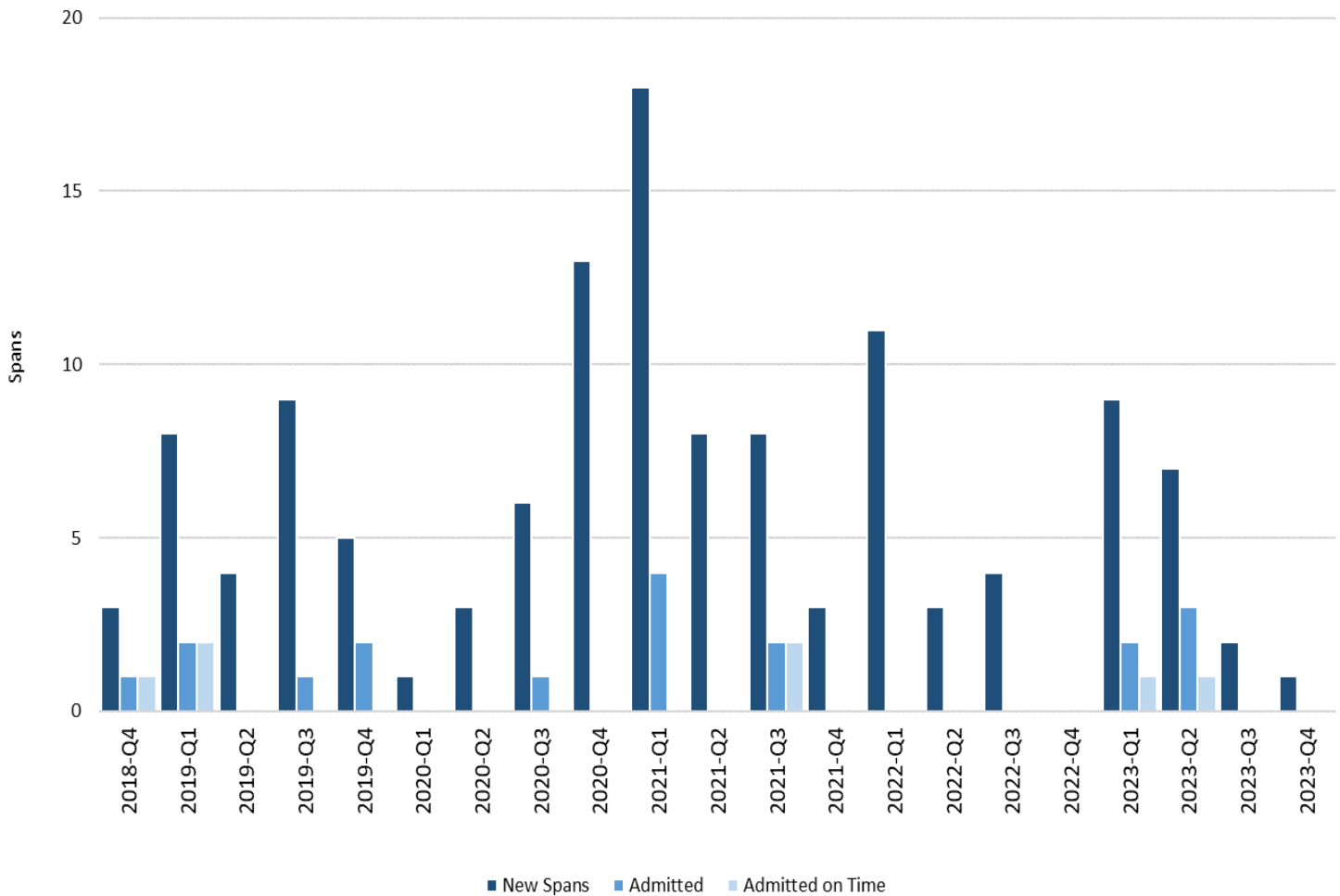
(5) Number and percent of the new court order spans, where the order spans were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all admissions for the new court order spans, regardless of when the admission occurs.

(6) The average number of the days from beginning to end of the span, for the subset of new court order spans that were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter).

(7) The number and percent of court order spans admitted to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter), where the number of days from beginning to end of Client Status Span met statutory requirements outlined in RCW 10.77.068.

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported.

**Figure 4a - INPATIENT COMPETENCY EVALUATION SERVICES ORDERED BY QUARTER  
ADMISSIONS WHERE CLIENT IS WAITING IN THE COMMUNITY**



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 4a displays the number of new court orders and orders admitted for inpatient competency evaluation services by quarter for individuals waiting in the community on personal recognizance. It also includes additional order characteristics such as the number and percentage admitted, the average days waiting, the number of orders admitted on time, and the percentage admitted on time. Figure 4a visually shows the number of orders by quarter, the number admitted, and the number admitted on time differentiated by colored bars.

**Outcomes:** For the Q4 2023 reporting period, there was one new inpatient evaluation order statewide for clients awaiting evaluation services in the community.

**Drivers:** Generally, if a client's competency evaluation requires completion in an inpatient setting, the client would not be waiting for the evaluation in a community setting. However, a client initially released on personal recognizance might experience more severe illness or decompensate, and then receive an inpatient evaluation order. While the number of these cases occasionally exceeds 10 per quarter, demand for clients on PR status to receive inpatient competency evaluations comprises a very small portion of the department's evaluation services caseload.

**Table 4b - INPATIENT COMPETENCY EVALUATION ORDERS and ALL ORDER SPAN COMPLETIONS (1)  
for individuals WAITING IN THE COMMUNITY (2) for services, by quarter (3)**

Percent Completed on Time (7) Completed on Time (7)							Percent Completed on Time (7) Completed on Time (7)							Percent Completed on Time (7) Completed on Time (7)						
Average Days Waiting (6)							Average Days Waiting (6)							Average Days Waiting (6)						
Percent Completed (5) Completed (5)							Percent Completed (5) Completed (5)							Percent Completed (5) Completed (5)						
New Spans (4)							New Spans (4)							New Spans (4)						
STATEWIDE							EASTERN STATE HOSPITAL							WESTERN STATE HOSPITAL						
2018-Q4	3	3	100.0%	55.7	1	33.3%	1	1	100.0%	130.0	0	0.0%	2	2	100.0%	18.5	1	50.0%		
2019-Q1	8	8	100.0%	142.6	5	62.5%	4	4	100.0%	34.0	3	75.0%	4	4	100.0%	251.3	2	50.0%		
2019-Q2	4	4	100.0%	37.8	2	50.0%	2	2	100.0%	65.0	0	0.0%	2	2	100.0%	10.5	2	100.0%		
2019-Q3	9	8	88.9%	221.3	2	25.0%	5	4	80.0%	39.5	1	25.0%	4	4	100.0%	403.0	1	25.0%		
2019-Q4	5	5	100.0%	105.4	2	40.0%	4	4	100.0%	115.3	2	50.0%	1	1	100.0%	66.0	0	0.0%		
2020-Q1	1	1	100.0%	2.0	1	100.0%	1	1	100.0%	2.0	1	100.0%	0	0	n/a	n/a	0	n/a		
2020-Q2	3	3	100.0%	307.3	1	33.3%	2	2	100.0%	336.0	1	50.0%	1	1	100.0%	250.0	0	0.0%		
2020-Q3	6	5	83.3%	117.2	0	0.0%	4	3	75.0%	100.3	0	0.0%	2	2	100.0%	142.5	0	0.0%		
2020-Q4	13	13	100.0%	143.9	2	15.4%	11	11	100.0%	137.5	1	9.1%	2	2	100.0%	179.0	1	50.0%		
2021-Q1	18	16	88.9%	167.9	4	25.0%	8	6	75.0%	159.7	1	16.7%	10	10	100.0%	172.8	3	30.0%		
2021-Q2	8	7	87.5%	160.6	3	42.9%	4	4	100.0%	20.8	3	75.0%	4	3	75.0%	347.0	0	0.0%		
2021-Q3	8	5	62.5%	176.2	3	60.0%	3	3	100.0%	283.7	2	66.7%	5	2	40.0%	15.0	1	50.0%		
2021-Q4	3	2	66.7%	22.0	1	50.0%	1	1	100.0%	44.0	0	0.0%	2	1	50.0%	0.0	1	100.0%		
2022-Q1	11	10	90.9%	150.3	5	50.0%	3	3	100.0%	161.7	0	0.0%	8	7	87.5%	145.4	5	71.4%		
2022-Q2	3	3	100.0%	350.0	0	0.0%	1	1	100.0%	565.0	0	0.0%	2	2	100.0%	242.5	0	0.0%		
2022-Q3	4	1	25.0%	234.0	0	0.0%	2	0	0.0%	n/a	0	n/a	2	1	50.0%	234.0	0	0.0%		
2022-Q4	0	0	n/a	n/a	0	n/a	0	0	n/a	n/a	0	n/a	0	0	n/a	n/a	0	n/a		
2023-Q1	9	4	44.4%	64.8	1	25.0%	4	3	75.0%	56.0	1	33.3%	5	1	20.0%	91.0	0	0.0%		
2023-Q2	7	5	71.4%	103.6	1	20.0%	5	4	80.0%	129.5	0	0.0%	2	1	50.0%	0.0	1	100.0%		
2023-Q3	2	1	50.0%	95.0	0	0.0%	0	0	n/a	n/a	0	n/a	2	1	50.0%	95.0	0	0.0%		
2023-Q4	1	1	100.0%	13.0	1	100.0%	1	1	100.0%	13.0	1	100.0%	0	0	n/a	n/a	0	n/a		

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.
- (2) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic or RTF bed (*n=61*), or while in prison (*n=3*).
- (3) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or In the Community), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068. This table differs from Table 4a above in that it includes all completions, not just those were the client was admitted to a facility.
- (4) The number of new court order spans; beginning with a new signed order for individuals waiting In the Community for services in the quarter as well as any additional new In-Community stays (i.e., periods of waiting for services while In the Community) starting in the quarter due to an individual leaving jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services in-jail, in a facility, or in prison.

Notes for **Table 4b.** continued from the previous page:

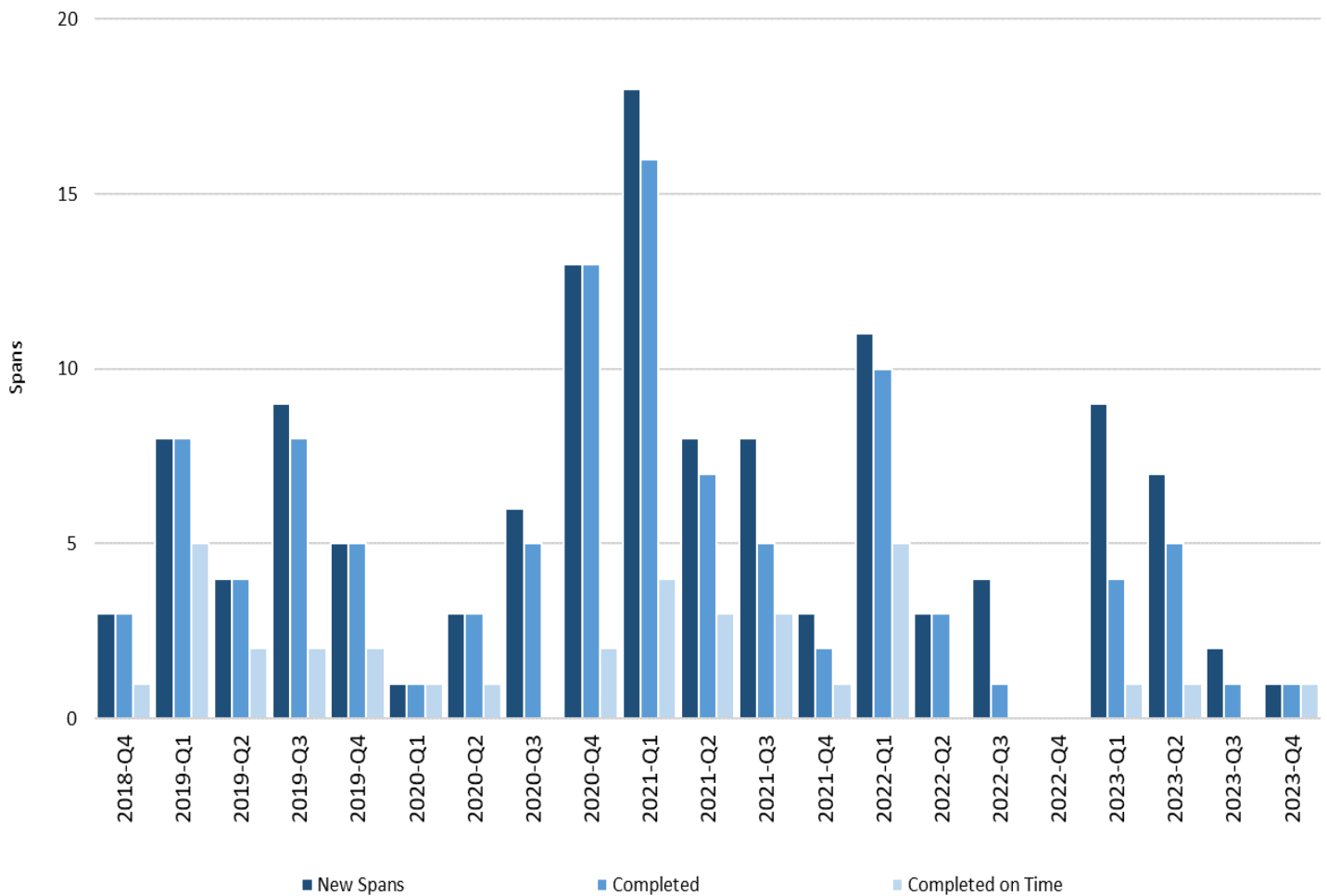
(5) Number and percent of the new court order spans, where the order spans were completed (including completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all order span completions for the new court order spans, regardless of when the order completion occurs.

(6) The average number of the days from beginning to end of the span, for the subset of these completed court order spans (includes completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter).

(7) The number and percent of court order spans admitted to a state-run facility or other completion method, where the number of days from beginning to end of the client status span met statutory requirements outlined in RCW 10.77.068. Other completion methods include instances where the court order was withdrawn by the court, or the client status changed.

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported.

**Figure 4b - INPATIENT COMPETENCY EVALUATION SERVICES ORDERED BY QUARTER  
COMPLETIONS WHERE CLIENT IS WAITING IN THE COMMUNITY**



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 4b shows the number of new court orders for inpatient competency evaluation services by quarter for individuals waiting in the community. It also includes additional order characteristics such as the number and percentage completed, the average days waiting, the number of orders completed on time, and the percentage completed on time. Figure 4b visually shows the number of orders by quarter, the number completed, and the number completed on time differentiated by colored bars.

**Outcomes:** For the Q4 2023 reporting period, there was one new inpatient evaluation order statewide for clients awaiting evaluation services in the community.

**Drivers:** Generally, if a client's competency evaluation requires completion in an inpatient setting, the client would not be waiting for the evaluation in a community setting. However, a client initially released on personal recognizance might experience more severe illness or decompensate, and then receive an inpatient evaluation order. While the number of these cases occasionally exceeds 10 per quarter, demand for clients on PR status to receive inpatient competency evaluations comprises a very small portion of the department's evaluation services caseload.

5664 QUARTERLY REPORTING

Table 5a - INPATIENT CIVIL CONVERSION ORDERS and ADMISSIONS  
for individuals WAITING IN JAIL for services, by quarter (1)

		Percent Admitted on Time (5) Admitted on Time (5)					Percent Admitted on Time (5) Admitted on Time (5)					Percent Admitted on Time (5) Admitted on Time (5)						
		Average Days Waiting (4)					Average Days Waiting (4)					Average Days Waiting (4)						
		Percent Admitted (3) Admitted (3)					Percent Admitted (3) Admitted (3)					Percent Admitted (3) Admitted (3)						
		New Spans (2)					New Spans (2)					New Spans (2)						
STATEWIDE							EASTERN STATE HOSPITAL						WESTERN STATE HOSPITAL					
2018-Q4	52	46	88.5%	6.8	45	97.8%	20	15	75.0%	2.7	15	100.0%	32	31	96.9%	8.8	30	96.8%
2019-Q1	62	56	90.3%	5.0	55	98.2%	12	9	75.0%	5.2	9	100.0%	50	47	94.0%	5.0	46	97.9%
2019-Q2	103	94	91.3%	5.0	93	98.9%	19	16	84.2%	5.6	16	100.0%	84	78	92.9%	4.9	77	98.7%
2019-Q3	101	93	92.1%	5.3	93	100.0%	27	20	74.1%	5.6	20	100.0%	74	73	98.6%	5.3	73	100.0%
2019-Q4	68	62	91.2%	6.5	62	100.0%	7	4	57.1%	7.0	4	100.0%	61	58	95.1%	6.5	58	100.0%
2020-Q1	75	70	93.3%	7.1	70	100.0%	13	9	69.2%	6.2	9	100.0%	62	61	98.4%	7.2	61	100.0%
2020-Q2	55	51	92.7%	8.0	49	96.1%	10	7	70.0%	7.7	5	71.4%	45	44	97.8%	8.0	44	100.0%
2020-Q3	87	75	86.2%	10.1	73	97.3%	19	15	78.9%	10.0	14	93.3%	68	60	88.2%	10.2	59	98.3%
2020-Q4	88	83	94.3%	11.4	81	97.6%	14	10	71.4%	12.1	8	80.0%	74	73	98.6%	11.3	73	100.0%
2021-Q1	70	56	80.0%	9.8	52	92.9%	20	7	35.0%	9.9	4	57.1%	50	49	98.0%	9.7	48	98.0%
2021-Q2	48	47	97.9%	9.3	47	100.0%	9	9	100.0%	7.8	9	100.0%	39	38	97.4%	9.7	38	100.0%
2021-Q3	69	64	92.8%	9.9	64	100.0%	11	8	72.7%	10.4	8	100.0%	58	56	96.6%	9.8	56	100.0%
2021-Q4	64	61	95.3%	9.9	59	96.7%	19	18	94.7%	11.0	16	88.9%	45	43	95.6%	9.4	43	100.0%
2022-Q1	105	94	89.5%	10.7	87	92.6%	23	23	100.0%	12.9	16	69.6%	82	71	86.6%	10.0	71	100.0%
2022-Q2	85	71	83.5%	12.3	68	95.8%	29	19	65.5%	12.4	17	89.5%	56	52	92.9%	12.2	51	98.1%
2022-Q3	126	117	92.9%	11.9	97	82.9%	47	45	95.7%	13.9	25	55.6%	79	72	91.1%	10.7	72	100.0%
2022-Q4	125	99	79.2%	12.2	88	88.9%	21	19	90.5%	13.8	14	73.7%	104	80	76.9%	11.9	74	92.5%
2023-Q1	76	50	65.8%	12.5	49	98.0%	13	8	61.5%	12.1	7	87.5%	63	42	66.7%	12.5	42	100.0%
2023-Q2	84	59	70.2%	12.3	53	89.8%	24	19	79.2%	12.4	14	73.7%	60	40	66.7%	12.3	39	97.5%
2023-Q3	70	14	20.0%	11.9	13	92.9%	12	3	25.0%	8.7	3	100.0%	58	11	19.0%	12.7	10	90.9%
2023-Q4	57	47	82.5%	11.6	45	95.7%	13	12	92.3%	9.8	12	100.0%	44	35	79.5%	12.2	33	94.3%

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

(1) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or Out-of-Jail), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068.

(2) The number of new court order spans; beginning with a new signed order for individuals waiting in-jail for services in the quarter as well as any additional new in-jail stays (i.e., periods of waiting for services in jail) starting in the quarter. This occurs when individuals enter jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services out-of-jail.

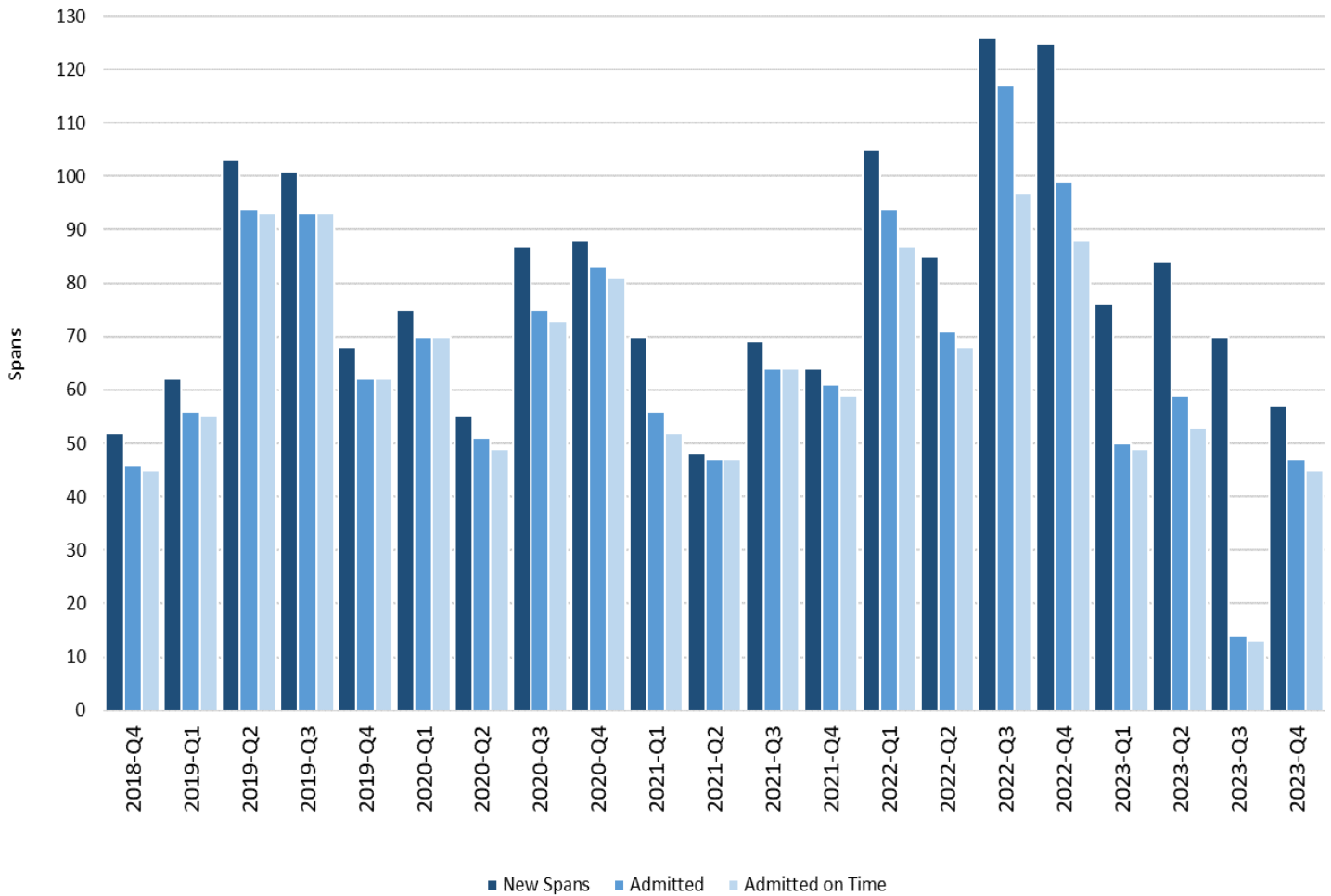
(3) Number and percent of the new court order spans, where the order spans were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all admissions for the new court order spans, regardless of when the admission occurs.

(4) The average number of the days from beginning to end of the span, for the subset of new court order spans that were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter).

(5) The number and percent of court order spans admitted to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter), where the number of days from beginning to end of Client Status Span met statutory requirements outlined in RCW 10.77.068.

**NOTE: The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported.**

**Figure 5a - INPATIENT CIVIL CONVERSIONS ORDERED BY QUARTER**  
 ADMISSIONS WHERE CLIENT IS WAITING IN-JAIL



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 5a displays the number of new court orders and orders admitted for inpatient civil conversion services by quarter for individuals waiting in-jail. It also includes additional order characteristics such as the number and percentage admitted, the average days waiting, the number of orders admitted on time, and the percentage admitted on time. Figure 5a visually shows the number of orders by quarter, the number admitted, and the number admitted on time differentiated by colored bars.

**Outcomes:** Civil conversion orders statewide decreased significantly (18.6%) in Q4 2023 to 57 from 70 in Q3 2023. Of the 47 orders admitted, the average days waiting was 11.6 days (target = 14 days from order receipt or 21 days from order signature whichever is shorter) with 95.7 percent admitted on time in 21 days or less.

**Drivers:** Clients in the forensic behavioral health system who undergo restoration treatment and who remain incompetent after several treatment orders, may have their criminal charges dismissed with prejudice and be ordered for evaluation for involuntary civil commitment. Additionally, clients waiting for competency restoration who are not admitted timely may also have their criminal charges dismissed with prejudice without any restoration attempted and be ordered for evaluation for involuntary civil commitment. Many clients with more serious or violent felony



charges are civilly committed in this manner under RCW 71.05. If competency is regained at some point, prosecutors can choose to re-file and pursue the charges in the criminal courts.

Prior to the pandemic, average days waiting on civil conversion orders had been slowly increasing for years, but both hospitals remained within the target range. The COVID-19 pandemic, which changed-over from pandemic to endemic in early 2023, began in February 2020 and exerted its influence on BHA facilities and performance for nearly three years. One recent bright spot, however, is the elimination of the long-term forensic risk assessment backlog for civil patients at WSH.

Complete elimination of the civil FRA backlog, and the continued opening of forensic civil conversion beds would allow for greater numbers of civil patients to discharge to community placements as those placements become available, and in turn this would allow for greater throughput of both civil and forensic patients at the state hospitals. Recent growth in the numbers of civil conversion cases and subsequent lack of bed availability has significantly contributed to the overall deteriorated performance in the 14-to-21-day admissions target for civil conversions. Improved performance on this target will be substantially aided by staff eliminating the remaining backlog of forensic risk assessments at ESH.

During Q3 2023, a significant statewide decrease in inpatient civil conversion orders was observed after a moderate increase in Q2 2023. Q3's significant decrease persisted through Q4 2023 as well. A likely factor that contributed to Q2's temporary increase would be a small rebound effect in total competency services demand following seasonal reduction in competency evaluation and restoration orders, which led to fewer non-restorable clients. As for decreasing demand during Q3 and Q4, the improvement in admission wait times and subsequent fewer jail dismissals may have been significant contributing factors in the Q3 and Q4 decline.

5664 QUARTERLY REPORTING

Table 5b - INPATIENT CIVIL CONVERSION ORDERS and ALL ORDER SPAN COMPLETIONS for individuals WAITING IN JAIL for services, by quarter (1)

	Percent Completed on Time (5)							Percent Completed on Time (5)							Percent Completed on Time (5)						
	Completed on Time (5)							Completed on Time (5)							Completed on Time (5)						
	Average Days Waiting (4)							Average Days Waiting (4)							Average Days Waiting (4)						
	Percent Completed (3)							Percent Completed (3)							Percent Completed (3)						
	Completed (3)							Completed (3)							Completed (3)						
	New Spans (2)							New Spans (2)							New Spans (2)						
	STATEWIDE							EASTERN STATE HOSPITAL							WESTERN STATE HOSPITAL						
2018-Q4	52	52	100.0%	6.1	51	98.1%	20	20	100.0%	2.1	20	100.0%	32	32	100.0%	8.6	31	96.9%			
2019-Q1	62	62	100.0%	5.3	60	96.8%	12	12	100.0%	4.2	12	100.0%	50	50	100.0%	5.6	48	96.0%			
2019-Q2	103	103	100.0%	4.9	102	99.0%	19	19	100.0%	5.4	19	100.0%	84	84	100.0%	4.8	83	98.8%			
2019-Q3	101	101	100.0%	5.1	101	100.0%	27	27	100.0%	4.7	27	100.0%	74	74	100.0%	5.2	74	100.0%			
2019-Q4	68	68	100.0%	6.5	68	100.0%	7	7	100.0%	6.9	7	100.0%	61	61	100.0%	6.4	61	100.0%			
2020-Q1	75	75	100.0%	7.3	74	98.7%	13	13	100.0%	7.9	12	92.3%	62	62	100.0%	7.2	62	100.0%			
2020-Q2	55	55	100.0%	8.2	52	94.5%	10	10	100.0%	9.6	7	70.0%	45	45	100.0%	7.9	45	100.0%			
2020-Q3	87	87	100.0%	11.1	81	93.1%	19	19	100.0%	13.6	17	89.5%	68	68	100.0%	10.4	64	94.1%			
2020-Q4	88	88	100.0%	11.2	85	96.6%	14	14	100.0%	11.5	11	78.6%	74	74	100.0%	11.2	74	100.0%			
2021-Q1	70	70	100.0%	9.6	65	92.9%	20	20	100.0%	9.7	16	80.0%	50	50	100.0%	9.6	49	98.0%			
2021-Q2	48	48	100.0%	9.3	48	100.0%	9	9	100.0%	7.8	9	100.0%	39	39	100.0%	9.6	39	100.0%			
2021-Q3	69	69	100.0%	9.6	69	100.0%	11	11	100.0%	9.3	11	100.0%	58	58	100.0%	9.7	58	100.0%			
2021-Q4	64	64	100.0%	9.6	62	96.9%	19	19	100.0%	10.8	17	89.5%	45	45	100.0%	9.1	45	100.0%			
2022-Q1	105	105	100.0%	10.5	95	90.5%	23	23	100.0%	12.9	16	69.6%	82	82	100.0%	9.8	79	96.3%			
2022-Q2	85	85	100.0%	12.0	79	92.9%	29	29	100.0%	11.3	25	86.2%	56	56	100.0%	12.3	54	96.4%			
2022-Q3	126	126	100.0%	11.4	105	83.3%	47	47	100.0%	13.8	26	55.3%	79	79	100.0%	10.0	79	100.0%			
2022-Q4	125	125	100.0%	11.3	111	88.8%	21	21	100.0%	12.8	16	76.2%	104	104	100.0%	11.0	95	91.3%			
2023-Q1	76	76	100.0%	11.2	75	98.7%	13	13	100.0%	9.9	12	92.3%	63	63	100.0%	11.5	63	100.0%			
2023-Q2	84	84	100.0%	11.6	78	92.9%	24	24	100.0%	11.9	19	79.2%	60	60	100.0%	11.5	59	98.3%			
2023-Q3	70	70	100.0%	8.9	68	97.1%	12	12	100.0%	7.9	12	100.0%	58	58	100.0%	9.1	56	96.6%			
2023-Q4	57	48	84.2%	11.4	46	95.8%	13	12	92.3%	9.8	12	100.0%	44	36	81.8%	11.9	34	94.4%			

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

(1) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or Out-of-Jail), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068. This table differs from Table 5a above in that it includes all completions, not just those where the client was admitted to a facility.

(2) The number of new court order spans; beginning with a new signed order for individuals waiting in-jail for services in the quarter as well as any additional new in-jail stays (i.e., periods of waiting for services in jail) starting in the quarter. This occurs when individuals enter jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services out-of-jail.

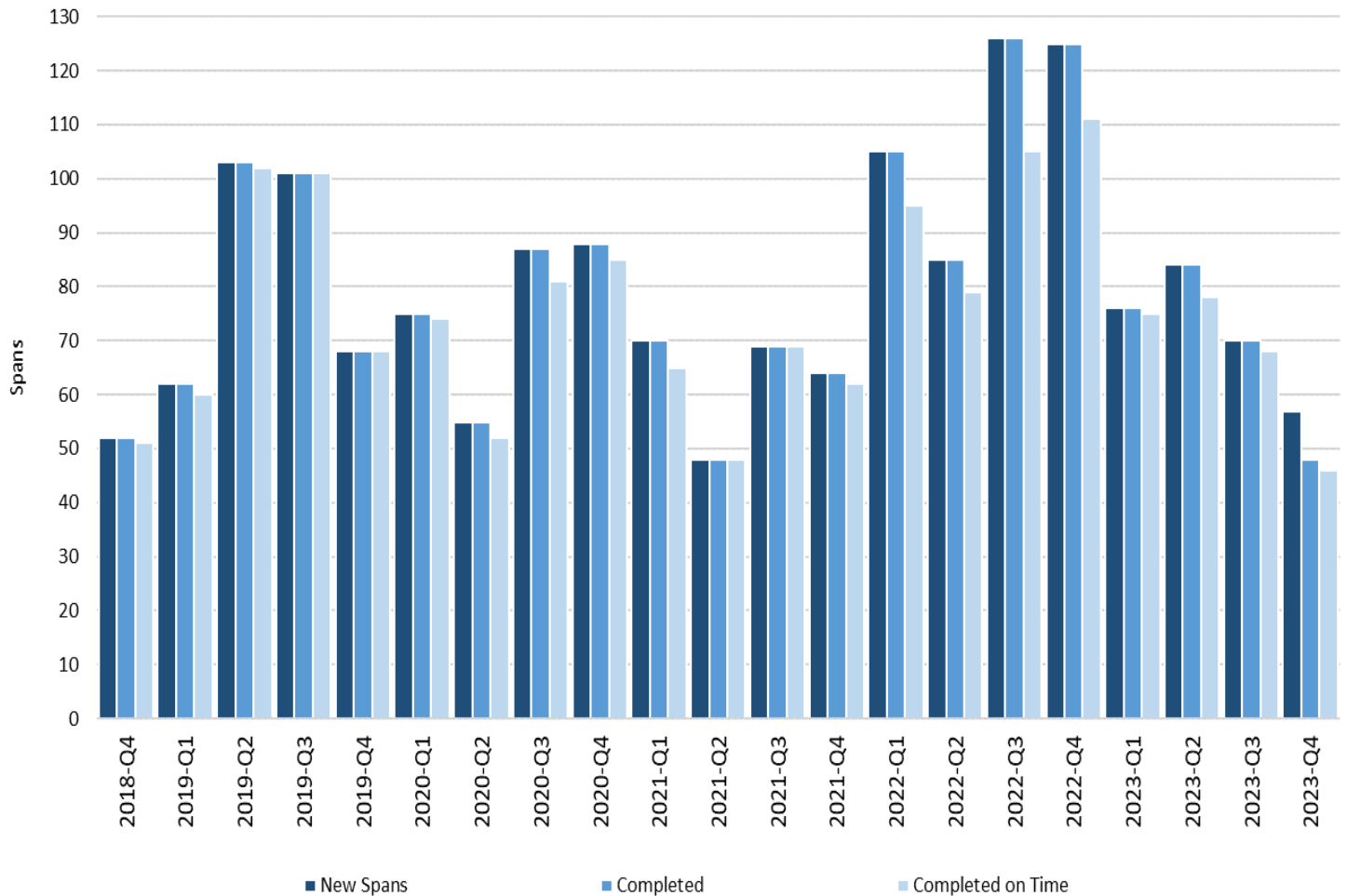
(3) Number and percent of the new court order spans, where the order spans were completed (including completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all order span completions for the new court order spans, regardless of when the order completion occurs.

(4) The average number of the days from beginning to end of the span, for the subset of these completed court order spans (includes completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter).

(5) The number and percent of court order spans admitted to a state-run facility or other completion method, where the number of days from beginning to end of the client status span met statutory requirements outlined in RCW 10.77.068. Other completion methods include instances where the court order was withdrawn by the court, or the client status changed.

**NOTE: The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported.**

**Figure 5b - INPATIENT CIVIL CONVERSIONS ORDERED BY QUARTER**  
 COMPLETIONS WHERE CLIENT IS WAITING IN-JAIL



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 5b shows the number of new court orders for inpatient competency restoration services by quarter for individuals waiting in-jail. It also includes additional order characteristics such as the number and percentage completed, the average days waiting, the number of orders completed on time, and the percentage completed on time. Figure 5b visually shows the number of orders by quarter, the number completed, and the number completed on time differentiated by colored bars.

**Outcomes:** Civil conversion orders statewide decreased significantly (18.6%) in Q4 2023 to 57, from 70 in Q3 2023. Of the 57 orders in Q4 2023, 48 were completed either through admission to a civil bed or another means such as order withdrawn by the court or client status change. The average days waiting was 11.4 days (target = 14 days from order receipt or 21 days from order signature whichever is shorter) with 95.8 percent of orders completed on time.

**Drivers:** Clients in the forensic behavioral health system who undergo restoration treatment and who remain incompetent after several treatment orders, may have their criminal charges dismissed with prejudice and be ordered for evaluation for involuntary civil commitment. Additionally, clients waiting for competency restoration who are not admitted timely may also have their criminal charges dismissed with prejudice without any restoration attempted and be ordered for evaluation for involuntary civil commitment. Many clients with more serious or violent felony

charges are civilly committed in this manner under RCW 71.05. If competency is regained at some point, prosecutors can choose to re-file and pursue the charges in the criminal courts.

Prior to the pandemic, average days waiting on civil conversion orders had been slowly increasing for years, but both hospitals remained within the target range. The COVID-19 pandemic, which recently changed-over from pandemic to endemic in early 2023, began in February 2020 and exerted its influence on BHA facilities and performance for nearly three years. One recent bright spot, however, is the elimination of the long-term forensic risk assessment backlog for civil patients at WSH.

Complete elimination of the civil FRA backlog, and the opening of forensic civil conversion beds would allow for greater numbers of civil patients to discharge to community placements as those placements become available, and in turn this would allow for greater throughput of both civil and forensic patients at the state hospitals. Recent growth in the numbers of civil conversion cases and subsequent lack of bed availability has significantly contributed to the overall deteriorated performance in the 14-to-21-day admissions target for civil conversions. Improved performance on this target will be substantially aided by staff eliminating the remaining backlog of forensic risk assessments at ESH.

During Q3 2023, a significant statewide decrease in inpatient civil conversion orders was observed after a moderate increase in Q2 2023. Q3's significant decrease persisted through Q4 2023 as well. A likely factor that contributed to Q2's temporary increase would be a small rebound effect in total competency services demand following seasonal reduction in competency evaluation and restoration orders, which led to fewer non-restorable clients. As for decreasing demand during Q3 and Q4, the improvement in admission wait times and subsequent fewer jail dismissals may have been significant contributing factors in the Q3 and Q4 decline.

5664 QUARTERLY REPORTING

Table 6a - INPATIENT CIVIL CONVERSION ORDERS and ADMISSIONS  
for individuals WAITING IN THE COMMUNITY (1) for services, by quarter (2)

Percent Admitted on Time (6) Admitted on Time (6)							Percent Admitted on Time (6) Admitted on Time (6)							Percent Admitted on Time (6) Admitted on Time (6)						
Average Days Waiting (5)							Average Days Waiting (5)							Average Days Waiting (5)						
Percent Admitted (4) Admitted (4)							Percent Admitted (4) Admitted (4)							Percent Admitted (4) Admitted (4)						
New Spans (3)							New Spans (3)							New Spans (3)						
STATEWIDE							EASTERN STATE HOSPITAL							WESTERN STATE HOSPITAL						
2018-Q4	39	33	84.6%	4.9	32	97.0%	7	2	28.6%	1.0	2	100.0%	32	31	96.9%	5.2	30	96.8%		
2019-Q1	4	1	25.0%	248.0	0	0.0%	1	0	0.0%	n/a	0	n/a	3	1	33.3%	248.0	0	0.0%		
2019-Q2	15	5	33.3%	189.4	2	40.0%	9	2	22.2%	0.0	2	100.0%	6	3	50.0%	315.7	0	0.0%		
2019-Q3	11	5	45.5%	1.0	5	100.0%	6	4	66.7%	0.3	4	100.0%	5	1	20.0%	4.0	1	100.0%		
2019-Q4	29	17	58.6%	173.5	12	70.6%	15	8	53.3%	1.4	8	100.0%	14	9	64.3%	326.6	4	44.4%		
2020-Q1	5	3	60.0%	2.7	3	100.0%	0	0	n/a	n/a	0	n/a	5	3	60.0%	2.7	3	100.0%		
2020-Q2	2	0	0.0%	n/a	0	n/a	1	0	0.0%	n/a	0	n/a	1	0	0.0%	n/a	0	n/a		
2020-Q3	7	4	57.1%	41.5	2	50.0%	2	2	100.0%	75.0	0	0.0%	5	2	40.0%	8.0	2	100.0%		
2020-Q4	9	1	11.1%	4.0	1	100.0%	5	0	0.0%	n/a	0	n/a	4	1	25.0%	4.0	1	100.0%		
2021-Q1	15	2	13.3%	100.5	1	50.0%	9	0	0.0%	n/a	0	n/a	6	2	33.3%	100.5	1	50.0%		
2021-Q2	5	0	0.0%	n/a	0	n/a	0	0	n/a	n/a	0	n/a	5	0	0.0%	n/a	0	n/a		
2021-Q3	11	1	9.1%	693.0	0	0.0%	4	0	0.0%	n/a	0	n/a	7	1	14.3%	693.0	0	0.0%		
2021-Q4	6	1	16.7%	761.0	0	0.0%	3	0	0.0%	n/a	0	n/a	3	1	33.3%	761.0	0	0.0%		
2022-Q1	4	2	50.0%	293.0	1	50.0%	1	0	0.0%	n/a	0	n/a	3	2	66.7%	293.0	1	50.0%		
2022-Q2	7	1	14.3%	157.0	0	0.0%	2	0	0.0%	n/a	0	n/a	5	1	20.0%	157.0	0	0.0%		
2022-Q3	8	2	25.0%	153.0	1	50.0%	1	0	0.0%	n/a	0	n/a	7	2	28.6%	153.0	1	50.0%		
2022-Q4	24	2	8.3%	169.0	1	50.0%	0	0	n/a	n/a	0	n/a	24	2	8.3%	169.0	1	50.0%		
2023-Q1	4	0	0.0%	n/a	0	n/a	0	0	n/a	n/a	0	n/a	4	0	0.0%	n/a	0	n/a		
2023-Q2	6	1	16.7%	14.0	1	100.0%	1	0	0.0%	n/a	0	n/a	5	1	20.0%	14.0	1	100.0%		
2023-Q3	9	1	11.1%	30.0	0	0.0%	0	0	n/a	n/a	0	n/a	9	1	11.1%	30.0	0	0.0%		
2023-Q4	12	0	0.0%	n/a	0	n/a	2	0	0.0%	n/a	0	n/a	10	0	0.0%	n/a	0	n/a		

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic or RTF bed (n=880), or while in prison (n=1).
- (2) This data is pulled from the BHA- Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or In the Community), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068.
- (3) The number of new court order spans; beginning with a new signed order for individuals waiting In the Community for services in the quarter as well as any additional new In-Community stays (i.e., periods of waiting for services while In the Community) starting in the quarter due to an individual leaving jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services in-jail, in a facility, or in prison, in a facility, or in prison.
- (4) Number and percent of the new court order spans, where the order spans were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all admissions for the new court order spans, regardless of when the admission occurs.

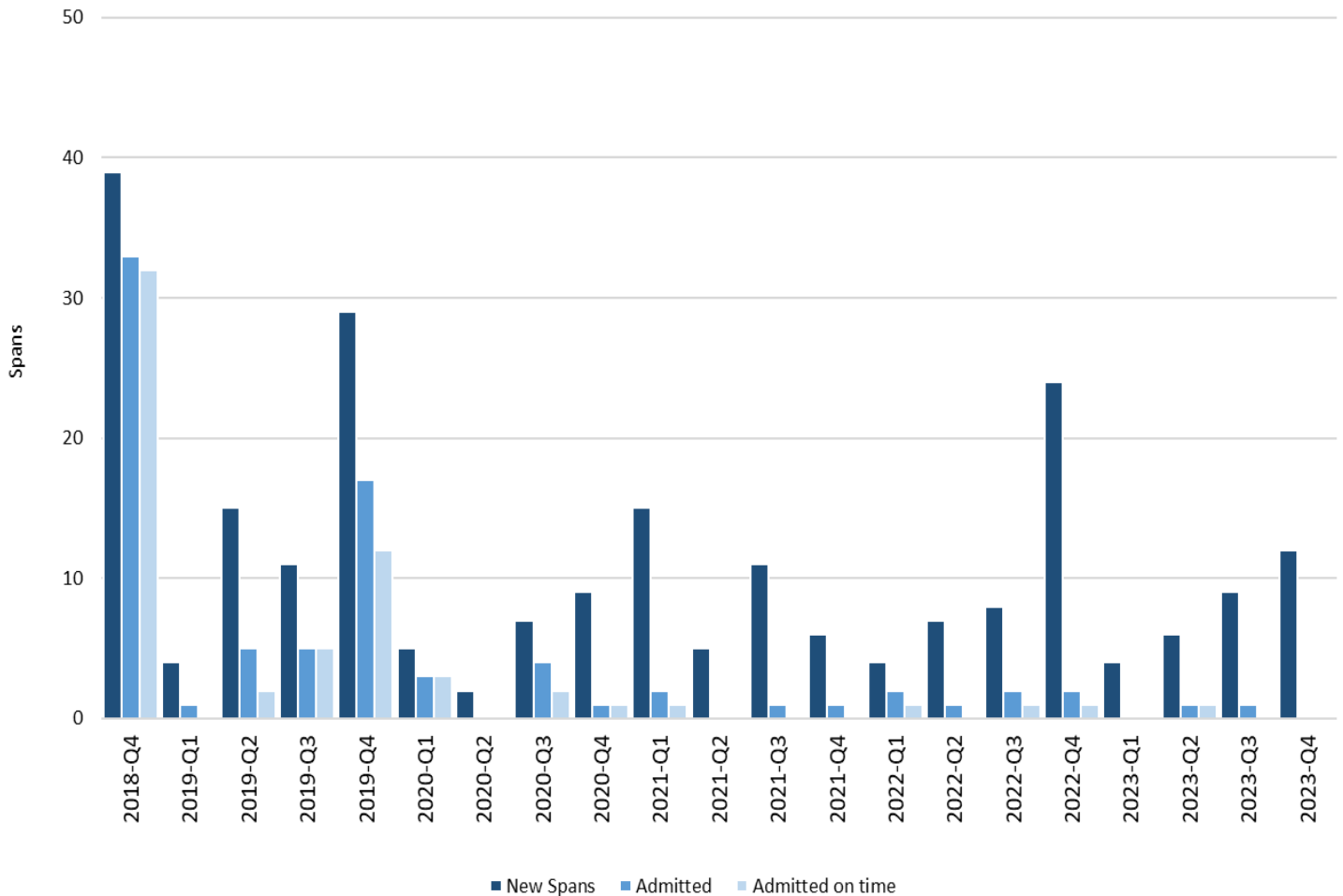
Notes for **Table 6a**. continued from the previous page:

(5) The average number of the days from beginning to end of the span, for the subset of new court order spans that were completed by admission to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter).

(6) The number and percent of court order spans admitted to a state-run facility (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter), where the number of days from beginning to end of Client Status Span met statutory requirements outlined in RCW 10.77.068.

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported.

**Figure 6a - INPATIENT CIVIL CONVERSIONS ORDERED BY QUARTER**  
ADMISSIONS WHERE CLIENT IS WAITING IN THE COMMUNITY



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 6a displays the number of new court orders and orders admitted for inpatient civil conversion services by quarter for individuals waiting in the community on personal recognizance. It also includes additional order characteristics such as the number and percentage admitted, the average days waiting, the number of orders admitted on time, and the percentage admitted on time. Figure 6a visually shows the number of orders by quarter, the number admitted, and the number admitted on time differentiated by colored bars.

**Outcomes:** In the Q4 2023 reporting period, inpatient civil conversion orders for individuals on personal recognizance increased from nine to 12. Of the 12 new orders in Q4, zero orders were admitted (target = 14 days from order receipt or 21 days from order signature whichever is shorter) and an on time admission rate of zero percent. As time elapses, orders from the current quarter may begin to admit in future quarters or will otherwise be brought to completion.

**Drivers:** Clients in the forensic behavioral health system who undergo restoration treatment and who remain incompetent after several treatment orders, may have their criminal charges dismissed with prejudice and be ordered for evaluation for involuntary civil commitment. Additionally, clients waiting for competency restoration who are not admitted timely may also have their criminal charges dismissed with prejudice without any restoration attempted and be ordered for evaluation for involuntary civil commitment. Many clients with more serious or violent felony charges are civilly committed in this manner under RCW 71.05. If competency is regained at some point, prosecutors can choose to re-file and pursue the charges in the criminal courts. New forensic and civil beds came online in Q2 and Q4 2023, which should help provide additional bed capacity. Additional civil beds are expected to come online in 2025, which should provide some flexibility to make more options for civil treatment available, while beginning to reduce wait times for both civil and forensic patients.

5664 QUARTERLY REPORTING

Table 6b - INPATIENT CIVIL CONVERSION ORDERS and ALL ORDER SPAN COMPLETIONS for individuals WAITING IN THE COMMUNITY (1) for services, by quarter (2)

STATEWIDE							EASTERN STATE HOSPITAL						WESTERN STATE HOSPITAL									
Percent Completed on Time (6)	Completed on Time (6)		Average Days Waiting (5)		Percent Completed (4)		Completed (4)		New Spans (3)		Percent Completed on Time (6)	Completed on Time (6)		Average Days Waiting (5)		Percent Completed (4)		Completed (4)		New Spans (3)		
2018-Q4	39	38	97.4%	4.4	37	97.4%	7	7	100.0%	1.1	7	100.0%	32	31	96.9%	5.2	30	96.8%				
2019-Q1	4	4	100.0%	117.3	1	25.0%	1	1	100.0%	0.0	1	100.0%	3	3	100.0%	156.3	0	0.0%				
2019-Q2	15	12	80.0%	79.5	9	75.0%	9	9	100.0%	0.8	9	100.0%	6	3	50.0%	315.7	0	0.0%				
2019-Q3	11	9	81.8%	1.9	9	100.0%	6	6	100.0%	0.2	6	100.0%	5	3	60.0%	5.3	3	100.0%				
2019-Q4	29	25	86.2%	136.8	19	76.0%	15	15	100.0%	31.7	14	93.3%	14	10	71.4%	294.5	5	50.0%				
2020-Q1	5	5	100.0%	262.2	3	60.0%	0	0	n/a	n/a	0	n/a	5	5	100.0%	262.2	3	60.0%				
2020-Q2	2	2	100.0%	264.5	0	0.0%	1	1	100.0%	25.0	0	0.0%	1	1	100.0%	504.0	0	0.0%				
2020-Q3	7	7	100.0%	214.1	2	28.6%	2	2	100.0%	75.0	0	0.0%	5	5	100.0%	269.8	2	40.0%				
2020-Q4	9	9	100.0%	123.7	6	66.7%	5	5	100.0%	6.8	5	100.0%	4	4	100.0%	269.8	1	25.0%				
2021-Q1	15	14	93.3%	93.9	12	85.7%	9	9	100.0%	10.9	9	100.0%	6	5	83.3%	243.2	3	60.0%				
2021-Q2	5	3	60.0%	264.0	0	0.0%	0	0	n/a	n/a	0	n/a	5	3	60.0%	264.0	0	0.0%				
2021-Q3	11	6	54.5%	292.2	2	33.3%	4	4	100.0%	265.0	1	25.0%	7	2	28.6%	346.5	1	50.0%				
2021-Q4	6	5	83.3%	160.0	2	40.0%	3	3	100.0%	12.3	1	33.3%	3	2	66.7%	381.5	1	50.0%				
2022-Q1	4	3	75.0%	200.3	1	33.3%	1	1	100.0%	15.0	0	0.0%	3	2	66.7%	293.0	1	50.0%				
2022-Q2	7	4	57.1%	46.0	3	75.0%	2	2	100.0%	13.0	2	100.0%	5	2	40.0%	79.0	1	50.0%				
2022-Q3	8	5	62.5%	148.0	1	20.0%	1	1	100.0%	183.0	0	0.0%	7	4	57.1%	139.3	1	25.0%				
2022-Q4	24	16	66.7%	21.1	15	93.8%	0	0	n/a	n/a	0	n/a	24	16	66.7%	21.1	15	93.8%				
2023-Q1	4	3	75.0%	0.0	3	100.0%	0	0	n/a	n/a	0	n/a	4	3	75.0%	0.0	3	100.0%				
2023-Q2	6	1	16.7%	14.0	1	100.0%	1	0	0.0%	n/a	0	n/a	5	1	20.0%	14.0	1	100.0%				
2023-Q3	9	2	22.2%	21.0	1	50.0%	0	0	n/a	n/a	0	n/a	9	2	22.2%	21.0	1	50.0%				
2023-Q4	12	0	0.0%	n/a	0	n/a	2	0	0.0%	n/a	0	n/a	10	0	0.0%	n/a	0	n/a				

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic or RTF bed (n=880), or while in prison (n=1).
- (2) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or In the Community), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068. This table differs from Table 6a above in that it includes all completions, not just those were the client was admitted to a facility.
- (3) The number of new court order spans; beginning with a new signed order for individuals waiting In the Community for services in the quarter as well as any additional new In-Community stays (i.e., periods of waiting for services while in the community) starting in the quarter due to an individual leaving jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services in-jail, in a facility, or in prison.
- (4) Number and percent of the new court order spans, where the order spans were completed (including completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all order span completions for the new court order spans, regardless of when the order completion occurs.



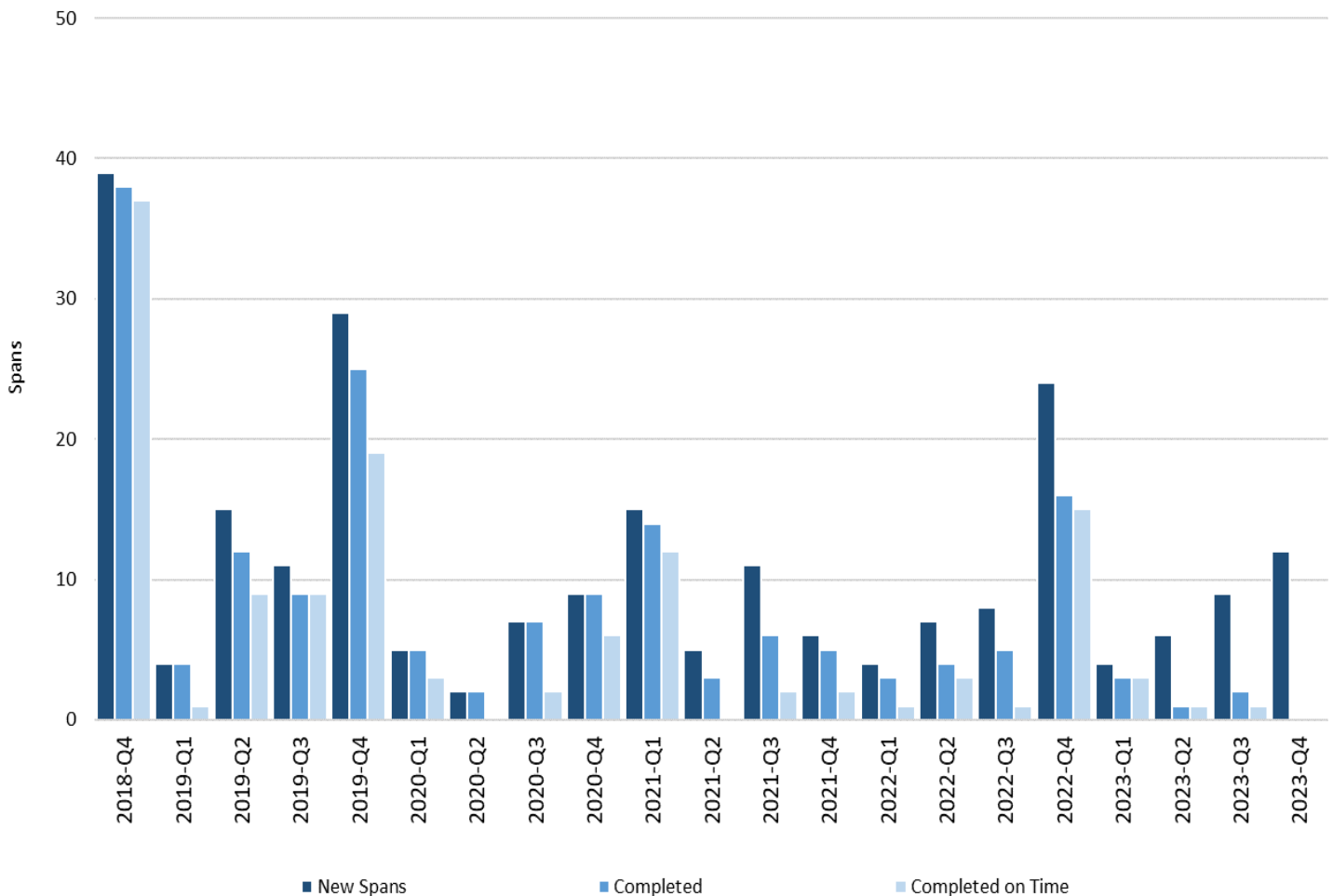
Notes for **Table 6b**. continued from the previous page:

(5) The average number of the days from beginning to end of the span, for the subset of these completed court order spans (includes completions by admission to a state-run facility, order withdrawn by the court, or the client status changed, in the quarter).

(6) The number and percent of court order spans admitted to a state-run facility or other completion method, where the number of days from beginning to end of the client status span met statutory requirements outlined in RCW 10.77.068. Other completion methods include instances where the court order was withdrawn by the court, or the client status changed.

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported.

**Figure 6b - INPATIENT CIVIL CONVERSIONS ORDERED BY QUARTER  
COMPLETIONS WHERE CLIENT IS WAITING IN THE COMMUNITY**



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 6b shows the number of new court orders for inpatient competency restoration services by quarter for individuals waiting in the community. It also includes additional order characteristics such as the number and percentage completed, the average days waiting, the number of orders completed on time, and the percentage completed on time. Figure 6b visually shows the number of orders by quarter, the number completed, and the number completed on time differentiated by colored bars.

**Outcomes:** In the Q4 2023 reporting period, inpatient civil conversion orders for individuals on personal recognizance increased from nine to 12. Of the 12 new orders in Q4 2023, zero were

completed (target = 14 days from order receipt or 21 days from order signature whichever is shorter) and an on-time completion rate of zero percent. As time elapses, orders from the current quarter may begin to admit in future quarters or will otherwise be brought to completion.

***Drivers:*** Clients in the forensic behavioral health system who undergo restoration treatment and who remain incompetent after several treatment orders, may have their criminal charges dismissed with prejudice and be ordered for evaluation for involuntary civil commitment. Additionally, clients waiting for competency restoration who are not admitted timely may also have their criminal charges dismissed with prejudice without any restoration attempted and be ordered for evaluation for involuntary civil commitment. Many clients with more serious or violent felony charges are civilly committed in this manner under RCW 71.05. If competency is regained at some point, prosecutors can choose to re-file and pursue the charges in the criminal courts. New forensic and civil beds came online in Q2 and Q4 2023, which should help provide additional bed capacity. are expected to come online in 2025, which should provide some flexibility to make more options for civil treatment available, while beginning to reduce wait times for both civil and forensic patients.

5664 QUARTERLY REPORTING

Table 7a - OUTPATIENT COMPETENCY EVALUATION ORDERS and REPORTS SENT TO COURT (1)  
for individuals WAITING IN JAIL for services, by quarter (2)

Percent Reports Sent on Time (6) Reports Sent on Time (6)							Percent Reports Sent on Time (6) Reports Sent on Time (6)							Percent Reports Sent on Time (6) Reports Sent on Time (6)						
Average Days Waiting (5)							Average Days Waiting (5)							Average Days Waiting (5)						
Percent Reports Sent (4) Reports Sent (4)							Percent Reports Sent (4) Reports Sent (4)							Percent Reports Sent (4) Reports Sent (4)						
New Spans (3)							New Spans (3)							New Spans (3)						
STATEWIDE							EASTERN STATE HOSPITAL							WESTERN STATE HOSPITAL						
2018-Q4	984	909	92.4%	12.2	764	84.0%	205	174	84.9%	14.1	123	70.7%	779	735	94.4%	11.8	641	87.2%		
2019-Q1	1033	940	91.0%	12.8	780	83.0%	201	173	86.1%	14.7	123	71.1%	832	767	92.2%	12.4	657	85.7%		
2019-Q2	1202	1097	91.3%	13.1	890	81.1%	248	221	89.1%	14.3	166	75.1%	954	876	91.8%	12.8	724	82.6%		
2019-Q3	1298	1207	93.0%	12.3	1034	85.7%	248	228	91.9%	12.6	183	80.3%	1050	979	93.2%	12.2	851	86.9%		
2019-Q4	1292	1198	92.7%	13.0	972	81.1%	239	214	89.5%	14.2	150	70.1%	1053	984	93.4%	12.7	822	83.5%		
2020-Q1	1205	1098	91.1%	13.3	914	83.2%	209	191	91.4%	14.4	151	79.1%	996	907	91.1%	13.0	763	84.1%		
2020-Q2	728	659	90.5%	13.3	514	78.0%	107	98	91.6%	12.9	87	88.8%	621	561	90.3%	13.3	427	76.1%		
2020-Q3	1093	1021	93.4%	12.2	892	87.4%	199	175	87.9%	12.8	144	82.3%	894	846	94.6%	12.1	748	88.4%		
2020-Q4	1005	930	92.5%	13.1	780	83.9%	192	164	85.4%	13.3	135	82.3%	813	766	94.2%	13.0	645	84.2%		
2021-Q1	1079	983	91.1%	12.4	867	88.2%	244	220	90.2%	13.4	179	81.4%	835	763	91.4%	12.1	688	90.2%		
2021-Q2	1202	1097	91.3%	12.6	943	86.0%	250	228	91.2%	12.8	180	78.9%	952	869	91.3%	12.6	763	87.8%		
2021-Q3	1514	1397	92.3%	14.3	1126	80.6%	316	285	90.2%	15.7	191	67.0%	1198	1112	92.8%	13.9	935	84.1%		
2021-Q4	1477	1351	91.5%	14.2	1119	82.8%	305	273	89.5%	17.0	183	67.0%	1172	1078	92.0%	13.5	936	86.8%		
2022-Q1	1506	1382	91.8%	14.3	1117	80.8%	338	295	87.3%	18.8	123	41.7%	1168	1087	93.1%	13.0	994	91.4%		
2022-Q2	1688	1528	90.5%	15.3	1237	81.0%	399	345	86.5%	20.9	154	44.6%	1289	1183	91.8%	13.6	1083	91.5%		
2022-Q3	1814	1593	87.8%	16.1	1232	77.3%	410	324	79.0%	23.1	103	31.8%	1404	1269	90.4%	14.3	1129	89.0%		
2022-Q4	1471	1330	90.4%	15.0	1095	82.3%	296	253	85.5%	17.3	166	65.6%	1175	1077	91.7%	14.4	929	86.3%		
2023-Q1	1653	1530	92.6%	14.2	1414	92.4%	313	289	92.3%	16.2	269	93.1%	1340	1241	92.6%	13.8	1145	92.3%		
2023-Q2	1633	1485	90.9%	13.9	1372	92.4%	297	278	93.6%	15.0	252	90.6%	1336	1207	90.3%	13.7	1120	92.8%		
2023-Q3	1579	1424	90.2%	14.4	1284	90.2%	303	275	90.8%	15.1	259	94.2%	1276	1149	90.0%	14.3	1025	89.2%		
2023-Q4	1470	1108	75.4%	14.1	987	89.1%	251	198	78.9%	13.9	185	93.4%	1219	910	74.7%	14.1	802	88.1%		

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.
- (2) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or Out-of-Jail), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068.
- (3) The number of new court order spans; beginning with a new signed order for individuals waiting in-jail for services in the quarter as well as any additional new in-jail stays (i.e., periods of waiting for services in jail) starting in the quarter. This occurs when individuals enter jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services out-of-jail.
- (4) Number and percent of the new court order spans, where the order spans were completed by an evaluator report sent to the ordering court (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all completions by report sent to court for the new court order spans, regardless of when the report is sent to the court.

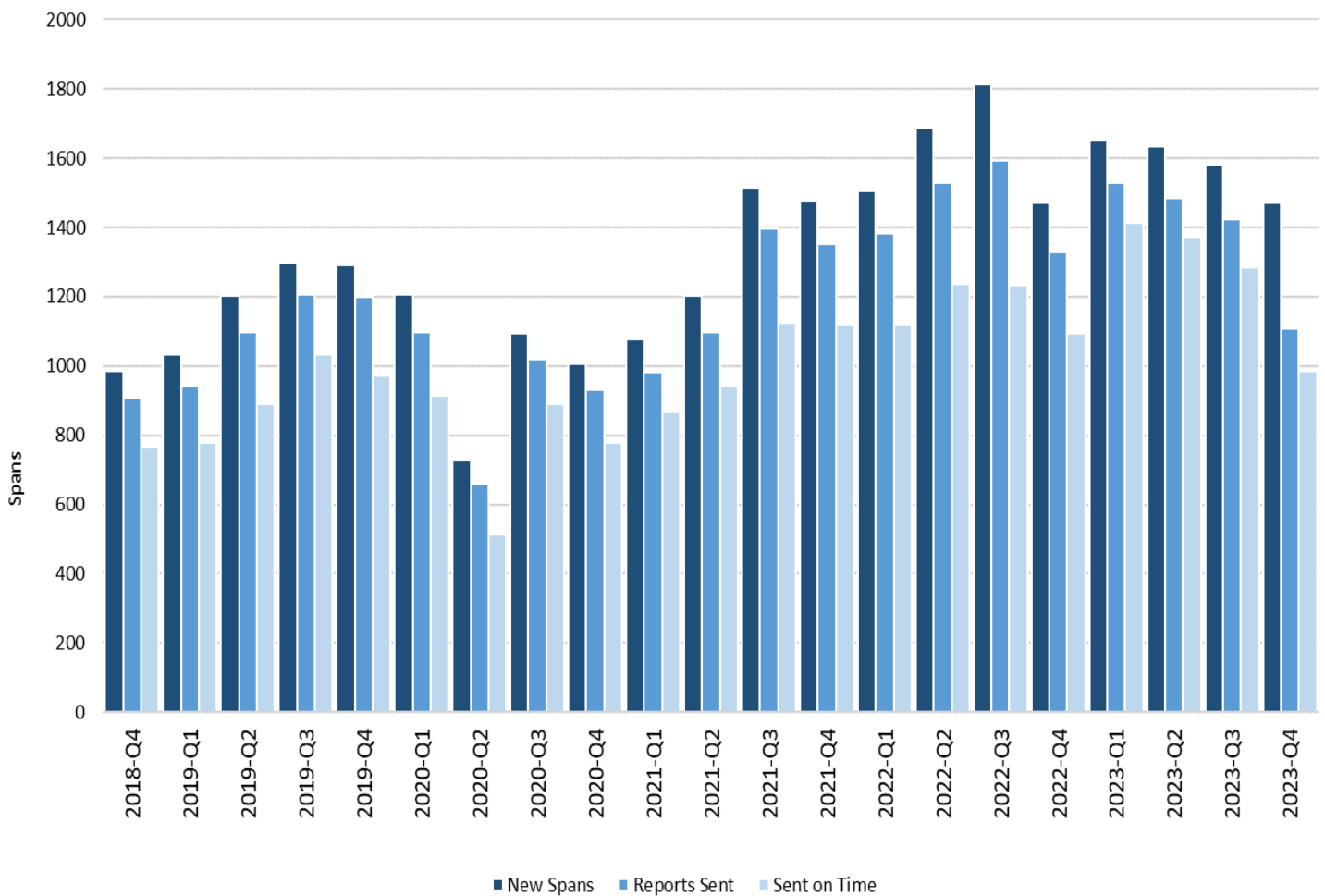
Notes for **Table 7a**. continued from the previous page:

(5) The average number of the days from beginning to end of the span, for the subset these of the new court order spans that were completed by an evaluator report sent to the ordering court (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter).

(6) The number and percent of court order spans completed by an evaluator report sent to the ordering court (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter), where the number of days from beginning to end of Client Status Span met statutory requirements outlined in RCW 10.77.068.

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported. RCW 10.77.068(5) stipulations on compliance for in-jail individuals awaiting competency services differ from those determined by the Federal Court Ruling for Trueblood et al v. Washington DSHS. For this reason, the compliance metrics reported here will not align with those reported to the Trueblood Court Monitor.”

**Figure 7a - OUTPATIENT COMPETENCY EVALUATION SERVICES ORDERED BY QUARTER  
REPORTS SENT WHERE CLIENT IS WAITING IN-JAIL**



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 7a displays the number of new outpatient evaluation orders and reports sent to court by quarter for individuals waiting in-jail. It also includes additional order characteristics such as the percentage of reports sent to the court, the average days waiting, the number of reports sent on time, and the percentage of reports sent on time. Figure 7a visually shows the number of orders by quarter, the number reports sent, and the number sent on time differentiated by colored bars.

**Outcomes:** During the Q4 2023 reporting period, 1,470 new outpatient evaluation orders were entered for clients waiting in-jail. This is a moderate (-6.9%) decrease compared to the Q3 2023 order number. The overall record high quarterly order number, Q3 2022 remains the current record high quarter for outpatient jail-based competency evaluation orders with 1,814. Q3 2022 also remains the quarterly record for reports sent to the court with 1,593. For Q4 2023, average days waiting (the time from the beginning of the order until the order was sent to the court) for completed orders, increased slightly to 14.1 days (target = 14 days). Statewide on time completion for the completed orders was 89.1 percent, a slight performance decrease compared to Q3 2023 but still the fourth highest completion rate since FDS tracking began 5.25 years ago. WSH completed 88.1 percent of orders on time, and ESH completed 93.4 percent on time in Q4 2023. ESH's Q4 on time completion rate is nearly flat relative to their Q3 2023 record high on time completion of 94.2 percent. Compared to ESH's 31.8 percent on time completion rate in Q2 2022, this is a dramatic 294 percent improvement.

**Drivers:** Due to the COVID-19 pandemic, the demand for jail-based evaluations collapsed in Q2 2020. Demand for jail-based evaluations had not been at this level since 2015. This historic collapse in demand [-39.6% in Q2 2020 to 728 evaluations] further serves to illustrate the significance of month-after-month of increases in forensic evaluations and demand for mental health care services that span years and the ways in which this shapes our systems over time. In Q3 and Q4 2020, demand for in-jail evaluations showed substantial recovery, relative to Q2 2020, as the criminal court systems re-opened, and our partners learned together how to continue serving clients in COVID-19 impacted systems.

In Q2 2021, jail-based evaluations returned to Q1 2020 levels, and in Q3 2021, orders soared 26 percent above Q2 levels easily besting the record demand level set in Q3 2019 and reaching more than 1,500 orders for the first time in a single quarter. Q4 2021 case numbers, on later revision, declined a slight 2.4 percent. Each quarter in 2022 except Q4, was near or exceeded record levels of orders including Q2, the first quarter to exceed 1,600 orders, and Q3, the first quarter to exceed both 1,700 and 1,800 orders.

Q4 traditionally slows slightly due to seasonal variations; however, 2022's nearly 20-percent drop was larger than normal. While speculative, due to the exceptionally high level of the previous record established in Q3, and the relentlessness of quarter after quarter of new records, perhaps in part due to the pent-up demand resultant from pandemic-related court system closures, a cooling off in order demand, beyond just a typical seasonal drop, may have been inevitable. It is a challenging environment for evaluators and support staff to continuously be processing and evaluating record levels of orders each quarter and then sending record levels of reports on to the courts. It provides a particular challenge to management to help our staff avoid burnout, to continue to find satisfaction in their work, and to retain them at high levels.

Nationwide staffing shortages in healthcare have affected the department's ability to staff several critical positions in our behavioral health facilities. In terms of completing timely outpatient competency evaluations, persistent vacancies in the forensic evaluator positions at OFMHS' Eastern Regional Office had significantly impacted the completion of on time evaluations for clients waiting in-jail. The addition of contractors in the second half of 2022 and first quarter of 2023, combined with new staff hires, extra duty pay, and supervisor assistance in completing evaluations have all been contributing factors to ERO's substantial and ongoing improvement in their jail-based competency evaluations. Additional recruitment and pay incentives became

available beginning July 1, 2023. (Refer to the *“Take Action to Address Staffing Challenges”* section for more information.)

Similarly, the lack of a unified statewide process for scheduling and consistent clerical management of evaluations had also impacted timely evaluations at Eastern. Improvements have been made in those processes as OFMHS recently gained administrative oversight, and additionally, a decision package for the necessary staffing improvements to correct and unify the statewide system was funded as part of the 2023-2025 biennial budget passed by the legislature and signed into law during spring 2023.

5664 QUARTERLY REPORTING

Table 7b - OUTPATIENT COMPETENCY EVALUATION ORDERS and ALL ORDER SPAN COMPLETIONS (1)  
for individuals WAITING IN JAIL for services, by quarter (2)

		Percent Completed on Time (6)						Percent Completed on Time (6)						Percent Completed on Time (6)									
		Completed on Time (6)						Completed on Time (6)						Completed on Time (6)									
		Average Days Waiting (5)						Average Days Waiting (5)						Average Days Waiting (5)									
		Percent Completed (4)						Percent Completed (4)						Percent Completed (4)									
		Completed (4)						Completed (4)						Completed (4)									
		New Spans (3)						New Spans (3)						New Spans (3)									
STATEWIDE								EASTERN STATE HOSPITAL								WESTERN STATE HOSPITAL							
2018-Q4	984	984	100.0%	12.0	830	84.3%	205	205	100.0%	13.3	152	74.1%	779	779	100.0%	11.7	678	87.0%					
2019-Q1	1033	1033	100.0%	12.4	866	83.8%	201	201	100.0%	14.0	147	73.1%	832	832	100.0%	12.0	719	86.4%					
2019-Q2	1202	1202	100.0%	12.6	985	81.9%	248	248	100.0%	13.6	191	77.0%	954	954	100.0%	12.4	794	83.2%					
2019-Q3	1298	1298	100.0%	12.0	1120	86.3%	248	248	100.0%	12.3	202	81.5%	1050	1050	100.0%	11.9	918	87.4%					
2019-Q4	1292	1292	100.0%	12.5	1063	82.3%	239	239	100.0%	13.4	174	72.8%	1053	1053	100.0%	12.3	889	84.4%					
2020-Q1	1205	1205	100.0%	12.7	1016	84.3%	209	209	100.0%	13.5	169	80.9%	996	996	100.0%	12.5	847	85.0%					
2020-Q2	728	728	100.0%	12.8	572	78.6%	107	107	100.0%	12.5	94	87.9%	621	621	100.0%	12.9	478	77.0%					
2020-Q3	1093	1093	100.0%	11.8	960	87.8%	199	199	100.0%	12.1	165	82.9%	894	894	100.0%	11.8	795	88.9%					
2020-Q4	1005	1005	100.0%	12.7	847	84.3%	192	192	100.0%	12.7	158	82.3%	813	813	100.0%	12.7	689	84.7%					
2021-Q1	1079	1079	100.0%	12.0	957	88.7%	244	244	100.0%	12.8	202	82.8%	835	835	100.0%	11.7	755	90.4%					
2021-Q2	1202	1202	100.0%	12.3	1037	86.3%	250	250	100.0%	12.5	198	79.2%	952	952	100.0%	12.2	839	88.1%					
2021-Q3	1514	1514	100.0%	13.8	1235	81.6%	316	316	100.0%	14.9	220	69.6%	1198	1198	100.0%	13.6	1015	84.7%					
2021-Q4	1477	1477	100.0%	13.9	1228	83.1%	305	305	100.0%	16.5	208	68.2%	1172	1172	100.0%	13.2	1020	87.0%					
2022-Q1	1506	1506	100.0%	14.0	1223	81.2%	338	338	100.0%	17.9	157	46.4%	1168	1168	100.0%	12.8	1066	91.3%					
2022-Q2	1688	1688	100.0%	14.8	1379	81.7%	399	399	100.0%	19.9	194	48.6%	1289	1289	100.0%	13.2	1185	91.9%					
2022-Q3	1814	1814	100.0%	15.5	1423	78.4%	410	410	100.0%	20.9	170	41.5%	1404	1404	100.0%	14.0	1253	89.2%					
2022-Q4	1471	1471	100.0%	14.5	1216	82.7%	296	296	100.0%	16.5	199	67.2%	1175	1175	100.0%	14.0	1017	86.6%					
2023-Q1	1653	1653	100.0%	13.9	1532	92.7%	313	313	100.0%	15.7	293	93.6%	1340	1340	100.0%	13.5	1239	92.5%					
2023-Q2	1633	1633	100.0%	13.6	1509	92.4%	297	297	100.0%	14.6	270	90.9%	1336	1336	100.0%	13.3	1239	92.7%					
2023-Q3	1579	1579	100.0%	13.9	1429	90.5%	303	303	100.0%	14.4	287	94.7%	1276	1276	100.0%	13.7	1142	89.5%					
2023-Q4	1470	1227	83.5%	13.7	1097	89.4%	251	215	85.7%	13.5	201	93.5%	1219	1012	83.0%	13.7	896	88.5%					

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.
- (2) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or Out-of-Jail), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068. This table differs from Table 7a above in that it includes all completions, not just those where the client was admitted to a facility.
- (3) The number of new court order spans; beginning with a new signed order for individuals waiting in-jail for services in the quarter as well as any additional new in-jail stays (i.e., periods of waiting for services in jail) starting in the quarter. This occurs when individuals enter jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services out-of-jail.
- (4) Number and percent of these court order spans, where the order spans were completed (including completions by an evaluator report sent to the ordering court, order withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all order span completions for the new court order spans, regardless of when the order completion occurs.

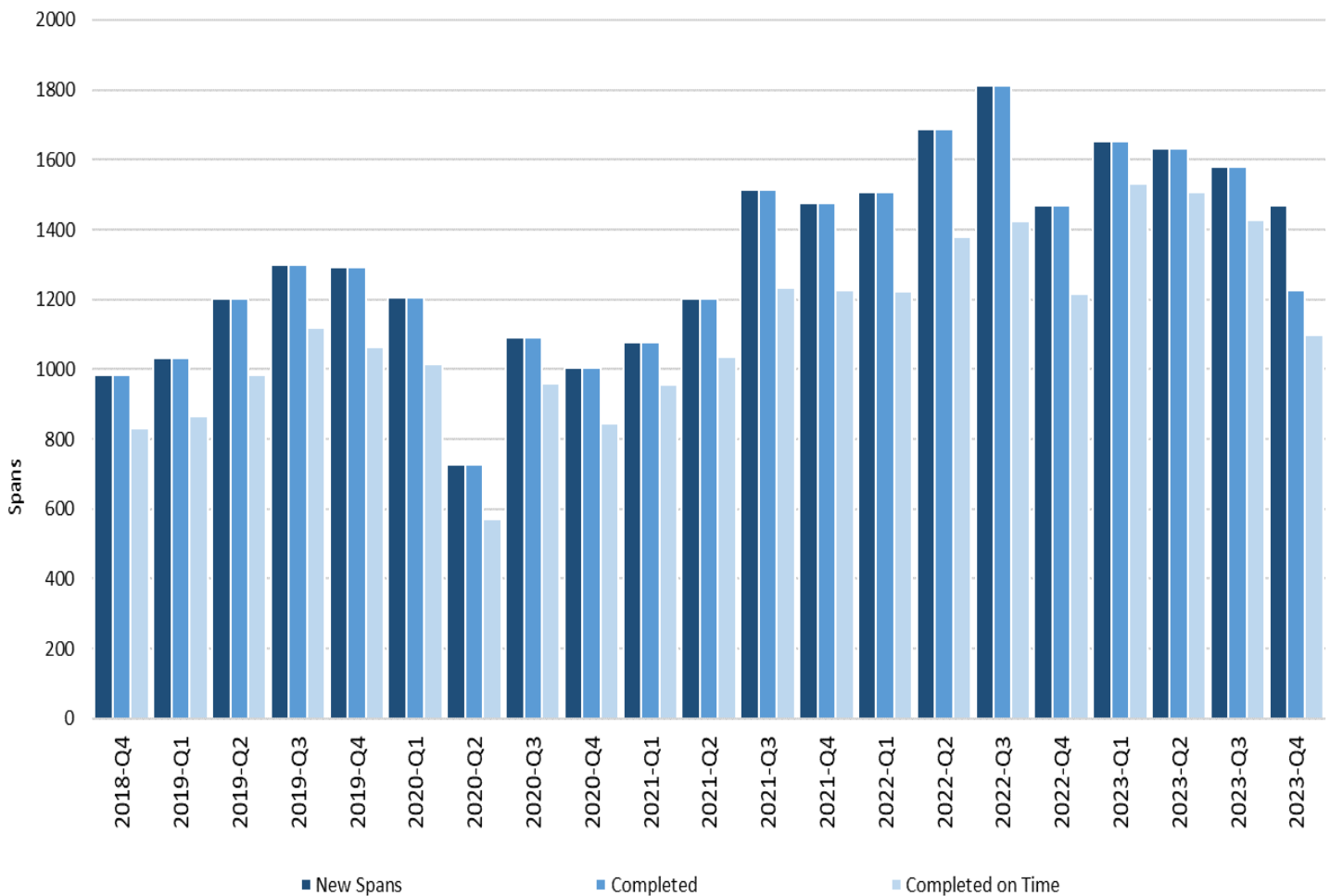
Notes for **Table 7b**. continued from the previous page:

(5) The average number of the days from beginning to end of the span, for the subset these of the new court order spans (includes completions by an evaluator report sent to the ordering court, order withdrawn by the court, or the client status changed, in the quarter).

(6) The number and percent of court order spans completed by an evaluator report sent to the ordering court or other completion method, where the number of days from beginning to end of the client status span met statutory requirements outlined in RCW 10.77.068. Other completion methods include instances where the court order was withdrawn by the court, or the client status changed.

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported. RCW 10.77.068(5) stipulations on compliance for in-jail individuals awaiting competency services differ from those determined by the Federal Court Ruling for Trueblood et al v. Washington DSHS. For this reason, the compliance metrics reported here will not align with those reported to the Trueblood Court Monitor.”

**Figure 7b - OUTPATIENT COMPETENCY EVALUATION SERVICES ORDERED BY QUARTER  
COMPLETIONS WHERE CLIENT IS WAITING IN-JAIL**



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 7b displays the number of new outpatient evaluation orders and all orders completed by quarter for individuals waiting in-jail. It also includes additional order characteristics such as the percentage completed, the average days waiting, the number completed on time, and the percentage completed on time. Figure 7b visually shows the number of orders by quarter, the number completed, and the number completed on time differentiated by colored bars.



**Outcomes:** During the Q4 2023 reporting period, 1,470 new outpatient evaluation orders were entered for clients waiting in-jail. This is a moderate (-6.9%) decrease compared to new orders from Q3 2023.

As of Jan. 29, 2024, 1,227 (83.5%) of Q4 2023 orders were completed. Orders completed includes orders that are completed by having evaluations completed and reports sent to the court as well as orders completed through different means such as having the order withdrawn by the court, or having the client's status change, causing the order to no longer remain in effect. Average days waiting (the time from the beginning of the order until the order was completed) for the completed orders, increased slightly to 13.7 days (target = 14 days). On time completion for the completed orders decreased slightly to 89.4 percent. WSH completed 88.5 percent of orders on time, and ESH maintained their dramatic improvement (225%), climbing from 41.5 percent of orders completed on time in Q3 2022, to 93.5 percent of orders completed on time in Q4 2023.

**Drivers:** Each quarter in 2022 except Q4 was near or exceeded record levels of orders including Q2, the first quarter to exceed 1,600 orders, and Q3, the first quarter to exceed both 1,700 and 1,800 orders. Q4 traditionally slows slightly due to seasonal variations; however, 2022's nearly 20-percent drop was larger than normal. While speculative, due to the exceptionally high level of the previous record established in Q3, and the relentlessness of quarter after quarter of new records, perhaps in part due to the pent-up demand resultant from pandemic-related court system closures, a cooling off in order demand, beyond just a typical seasonal drop, may have been inevitable. It is a challenging environment for evaluators and support staff to continuously be processing and evaluating record levels of orders each quarter and then sending record levels of reports on to the courts. It provides a particular challenge to management to help our staff avoid burnout, to continue to find satisfaction in their work, and to retain them at high levels.

Nationwide staffing shortages in healthcare have affected the department's ability to staff several critical positions in our behavioral health facilities. In terms of completing timely outpatient competency evaluations, persistent vacancies in the forensic evaluator positions at OFMHS' Eastern Regional Office had significantly impacted the completion of on time evaluations for clients waiting in-jail. The addition of contractors in the second half of 2022 and first quarter of 2023, combined with new staff hires, extra duty pay, and supervisor assistance in completing evaluations have all been contributing factors to ERO's substantial and ongoing improvement in their jail-based competency evaluations. Additional recruitment and pay incentives became available beginning July 1, 2023. (Refer to the *"Take Action to Address Staffing Challenges"* section for more information.)

Similarly, the lack of a unified statewide process for scheduling and consistent clerical management of evaluations had also impacted timely evaluations at Eastern. Improvements have been made in those processes as OFMHS recently gained administrative oversight, and additionally, a decision package for the necessary staffing improvements to correct and unify the statewide system was funded as part of the 2023-2025 biennial budget passed by the legislature and signed into law during spring 2023.

5664 QUARTERLY REPORTING

Table 8a - OUTPATIENT COMPETENCY EVALUATION ORDERS and REPORTS SENT TO COURT (1)  
for individuals WAITING IN THE COMMUNITY (2) for services, by quarter (3)

STATEWIDE							EASTERN STATE HOSPITAL						WESTERN STATE HOSPITAL					
2018-Q4	368	195	53.0%	159.4	11	5.6%	111	68	61.3%	143.0	1	1.5%	257	127	49.4%	168.2	10	7.9%
2019-Q1	354	212	59.9%	155.6	16	7.5%	114	85	74.6%	134.3	6	7.1%	240	127	52.9%	169.8	10	7.9%
2019-Q2	427	184	43.1%	182.8	13	7.1%	134	66	49.3%	169.8	4	6.1%	293	118	40.3%	190.1	9	7.6%
2019-Q3	444	189	42.6%	177.7	10	5.3%	119	57	47.9%	158.9	5	8.8%	325	132	40.6%	185.8	5	3.8%
2019-Q4	398	186	46.7%	220.9	11	5.9%	97	50	51.5%	291.6	4	8.0%	301	136	45.2%	194.9	7	5.1%
2020-Q1	376	174	46.3%	237.9	9	5.2%	88	35	39.8%	368.8	2	5.7%	288	139	48.3%	205.0	7	5.0%
2020-Q2	168	86	51.2%	168.9	5	5.8%	49	28	57.1%	239.3	2	7.1%	119	58	48.7%	134.9	3	5.2%
2020-Q3	313	182	58.1%	146.3	18	9.9%	100	52	52.0%	213.2	6	11.5%	213	130	61.0%	119.5	12	9.2%
2020-Q4	350	188	53.7%	129.5	7	3.7%	90	40	44.4%	192.5	1	2.5%	260	148	56.9%	112.5	6	4.1%
2021-Q1	408	207	50.7%	121.7	26	12.6%	74	30	40.5%	90.8	3	10.0%	334	177	53.0%	126.9	23	13.0%
2021-Q2	501	240	47.9%	126.7	10	4.2%	115	56	48.7%	130.1	1	1.8%	386	184	47.7%	125.6	9	4.9%
2021-Q3	503	213	42.3%	152.8	24	11.3%	133	50	37.6%	169.2	5	10.0%	370	163	44.1%	147.8	19	11.7%
2021-Q4	476	196	41.2%	176.0	14	7.1%	121	25	20.7%	267.3	4	16.0%	355	171	48.2%	162.7	10	5.8%
2022-Q1	555	183	33.0%	195.3	3	1.6%	160	30	18.8%	306.9	2	6.7%	395	153	38.7%	173.4	1	0.7%
2022-Q2	527	190	36.1%	175.0	19	10.0%	123	27	22.0%	184.5	9	33.3%	404	163	40.3%	173.4	10	6.1%
2022-Q3	537	171	31.8%	196.2	14	8.2%	148	20	13.5%	269.9	1	5.0%	389	151	38.8%	186.5	13	8.6%
2022-Q4	473	146	30.9%	160.6	12	8.2%	120	15	12.5%	187.2	3	20.0%	353	131	37.1%	157.6	9	6.9%
2023-Q1	497	133	26.8%	141.0	9	6.8%	111	16	14.4%	227.1	0	0.0%	386	117	30.3%	129.3	9	7.7%
2023-Q2	542	146	26.9%	109.8	14	9.6%	115	24	20.9%	141.2	0	0.0%	427	122	28.6%	103.7	14	11.5%
2023-Q3	529	96	18.1%	63.2	20	20.8%	103	13	12.6%	72.0	1	7.7%	426	83	19.5%	61.8	19	22.9%
2023-Q4	449	17	3.8%	40.5	3	17.6%	89	2	2.2%	33.0	0	0.0%	360	15	4.2%	41.5	3	20.0%

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.
- (2) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic or RTF bed (n=37), or while in prison (n=12).
- (3) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or In the Community), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068.
- (4) The number of new court order spans; beginning with a new signed order for individuals waiting In the Community for services in the quarter as well as any additional new In-Community stays (i.e., periods of waiting for services In the Community) starting in the quarter due to an individual leaving jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services in-jail, in a facility, or in prison, in a facility, or in prison.

Notes for **Table 8a**. continued from the previous page:

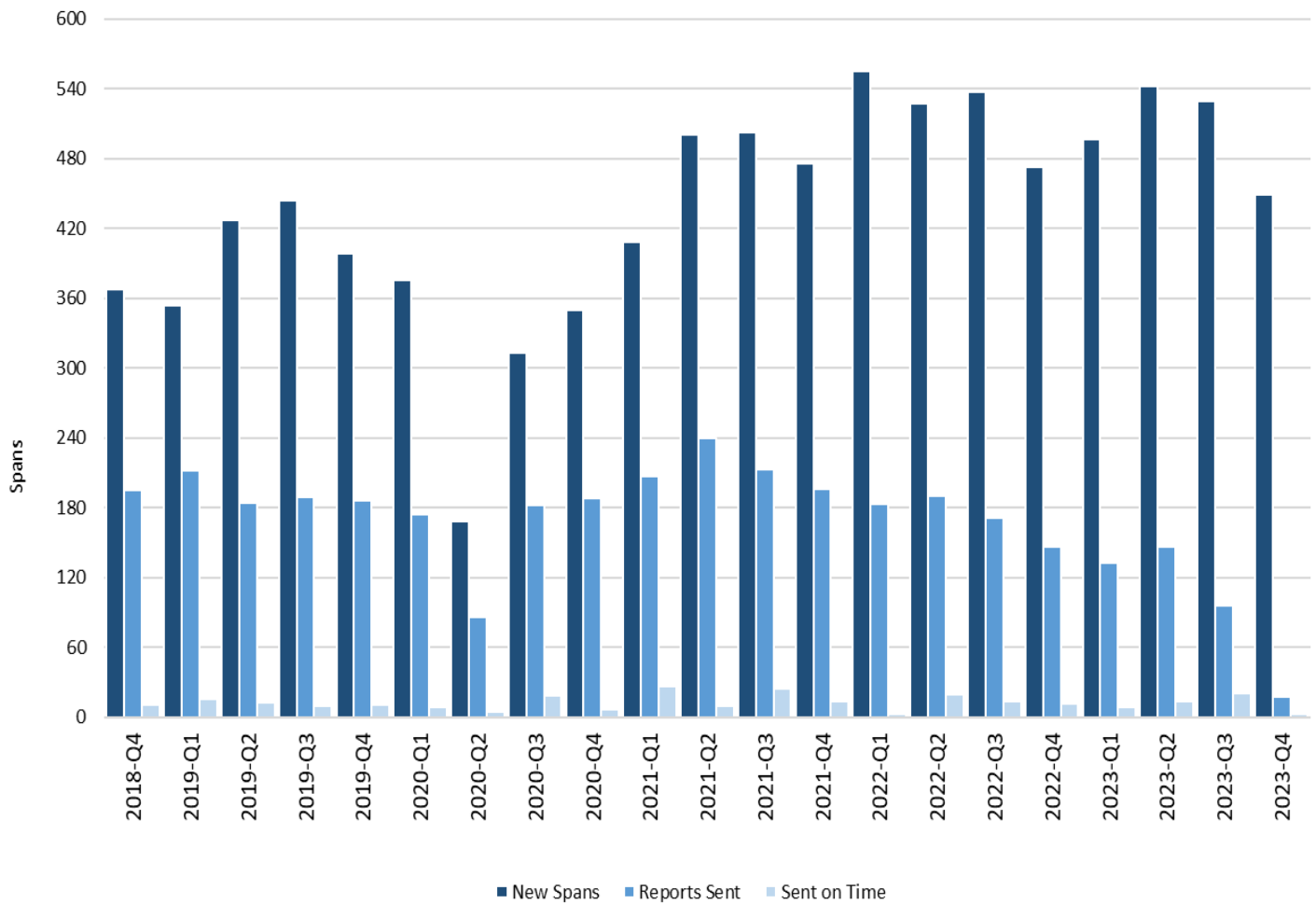
(5) Number and percent of the new court order spans, where the order spans were completed by a faxed evaluator report sent to the ordering court (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes completions by report sent to court for the new court order spans, regardless of when the order completion occurs.

(6) The average number of the days from beginning to end of the span, for the subset these of the new court order spans that were completed by an evaluator report sent to the ordering court (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter).

(7) The number and percent of court order spans completed by an evaluator report sent to the ordering court (does not include completions where the order was withdrawn by the court, or the client status changed, in the quarter), where the number of days from beginning to end of Client Status Span met statutory requirements outlined in RCW 10.77.068.

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported.

**Figure 8a - OUTPATIENT COMPETENCY EVALUATION SERVICES ORDERED BY QUARTER  
REPORTS SENT WHERE CLIENT IS WAITING IN THE COMMUNITY**



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 8a displays the number of new outpatient evaluation orders and reports sent to court by quarter for individuals waiting in the community. It also includes additional order characteristics such as the percentage of reports sent to the court, the average days waiting, the number of reports sent on time, and the percentage of reports sent on time. Figure 8a visually shows the number of orders by quarter, the number reports sent, and the number sent on time differentiated by colored bars.

**Outcomes:** During the Q4 2023 reporting period, 449 orders statewide were received for individuals waiting for an outpatient evaluation in the community on personal recognizance. The number of orders received for Q4 2023 was a significant decrease (-15.1%) compared to Q3 2023's 529 orders. Of the 17 Q4 evaluation reports sent to courts statewide, average days waiting was 40.5 (target = 21). However, as time moves further away from the close of Q4 and cases continue to complete over time, the number and percent of reports completing will increase on the positive side, while the average days waiting, reports sent on time, and percent of reports sent on time will move in negative directions. As a result, the Q4 data, at first look, appears close to its strongest in terms of performance, and as it continues maturing, a more realistic pattern of performance will likely emerge. During Q4 2023, additional reports were completed for most quarters back to Q3 2021.

**Drivers:** The quarterly variability for the “in the community” performance data and reports sent completion trend are attributed to directing resources to Trueblood cases as the number one completion priority. The established constitutional rights stemming from the Trueblood Court Order and negotiated Contempt Settlement Agreement demands that DSHS focus most resources and our efforts to mitigate, as much as possible, the impacts of these constitutional violations and related fines for jail-based evaluations. As 2023 has progressed, impacts from COVID-19 moved from pandemic to endemic while other seasonal illnesses contributed to some scheduling limitations. However, the PR evaluation team was able to host two multi-county competency evaluation day events near the end of Q1, which allowed the evaluators to bring together concentrated resources and complete a larger number of cases quickly. These types of events and the post-pandemic environment have led to some positive progress in reducing the wait list for PR cases. The department intends to host future multi-county competency evaluation day events as resources allow. However, staffing levels, the need for the PR evaluation team to cover a significant number of Trueblood inpatient cases, and the wider systemic challenges in health care staffing remain persistent challenges impacting performance. Senate Bill 5440, which was passed in the 2023 legislative session and has recently taken effect provides additional tools for the PR team to help move through the backlog and streamline current processes. Over time, these tools should begin to impact the wait list. See the *Actions Taken* section of this report for steps the department is engaged in seeking to improve our performance.

5664 QUARTERLY REPORTING

Table 8b - OUTPATIENT COMPETENCY EVALUATION ORDERS and ALL ORDER SPAN COMPLETIONS (1)  
for individuals WAITING IN THE COMMUNITY (2) for services, by quarter (3)

STATEWIDE							EASTERN STATE HOSPITAL						WESTERN STATE HOSPITAL					
2018-Q4	368	366	99.5%	181.4	25	6.8%	111	109	98.2%	157.3	7	6.4%	257	257	100.0%	191.7	18	7.0%
2019-Q1	354	353	99.7%	178.0	30	8.5%	114	113	99.1%	137.9	8	7.1%	240	240	100.0%	197.0	22	9.2%
2019-Q2	427	427	100.0%	192.3	30	7.0%	134	134	100.0%	154.9	9	6.7%	293	293	100.0%	209.4	21	7.2%
2019-Q3	444	442	99.5%	186.1	41	9.3%	119	118	99.2%	176.3	14	11.9%	325	324	99.7%	189.7	27	8.3%
2019-Q4	398	396	99.5%	232.9	31	7.8%	97	95	97.9%	326.8	7	7.4%	301	301	100.0%	203.3	24	8.0%
2020-Q1	376	369	98.1%	258.4	28	7.6%	88	81	92.0%	400.0	4	4.9%	288	288	100.0%	218.5	24	8.3%
2020-Q2	168	164	97.6%	197.1	16	9.8%	49	46	93.9%	290.6	2	4.3%	119	118	99.2%	160.6	14	11.9%
2020-Q3	313	310	99.0%	174.9	31	10.0%	100	97	97.0%	237.6	10	10.3%	213	213	100.0%	146.3	21	9.9%
2020-Q4	350	342	97.7%	148.9	21	6.1%	90	83	92.2%	196.4	7	8.4%	260	259	99.6%	133.7	14	5.4%
2021-Q1	408	393	96.3%	138.1	58	14.8%	74	60	81.1%	155.5	8	13.3%	334	333	99.7%	135.0	50	15.0%
2021-Q2	501	485	96.8%	155.1	40	8.2%	115	102	88.7%	156.8	8	7.8%	386	383	99.2%	154.6	32	8.4%
2021-Q3	503	478	95.0%	168.2	52	10.9%	133	111	83.5%	192.4	13	11.7%	370	367	99.2%	160.9	39	10.6%
2021-Q4	476	436	91.6%	191.1	41	9.4%	121	85	70.2%	237.4	14	16.5%	355	351	98.9%	179.9	27	7.7%
2022-Q1	555	486	87.6%	191.1	32	6.6%	160	110	68.8%	234.6	12	10.9%	395	376	95.2%	178.4	20	5.3%
2022-Q2	527	460	87.3%	175.1	51	11.1%	123	84	68.3%	183.1	10	11.9%	404	376	93.1%	173.3	41	10.9%
2022-Q3	537	444	82.7%	171.1	45	10.1%	148	93	62.8%	129.3	21	22.6%	389	351	90.2%	182.2	24	6.8%
2022-Q4	473	327	69.1%	144.6	32	9.8%	120	51	42.5%	137.6	12	23.5%	353	276	78.2%	145.9	20	7.2%
2023-Q1	497	325	65.4%	120.9	29	8.9%	111	54	48.6%	153.3	2	3.7%	386	271	70.2%	114.5	27	10.0%
2023-Q2	542	302	55.7%	101.8	33	10.9%	115	44	38.3%	117.3	4	9.1%	427	258	60.4%	99.1	29	11.2%
2023-Q3	529	213	40.3%	61.7	48	22.5%	103	27	26.2%	60.3	6	22.2%	426	186	43.7%	61.9	42	22.6%
2023-Q4	449	49	10.9%	36.0	16	32.7%	89	10	11.2%	45.5	2	20.0%	360	39	10.8%	33.6	14	35.9%

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

- (1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.
- (2) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic or RTF bed (n=37), or while in prison (n=12).
- (3) This data is pulled from the BHA - Forensic Data System. The unit of measurement is the number of court order spans in the quarter, where an individual waited for court ordered services in a particular client status (i.e. In-jail or In the Community), as each of these client statuses has different statutory requirements outlined in RCW 10.77.068. This table differs from Table 8a above in that it includes all completions, not just those were the client was admitted to a facility.
- (4) The number of new court order spans; beginning with a new signed order for individuals waiting In the Community for services in the quarter as well as any additional new In-Community stays (i.e., periods of waiting for services In the Community) starting in the quarter due to an individual leaving jail while awaiting a court-ordered service. This number does not include court order spans for individuals waiting for services in-jail, in a facility, or in prison.

Notes for **Table 8b**. continued from the previous page:

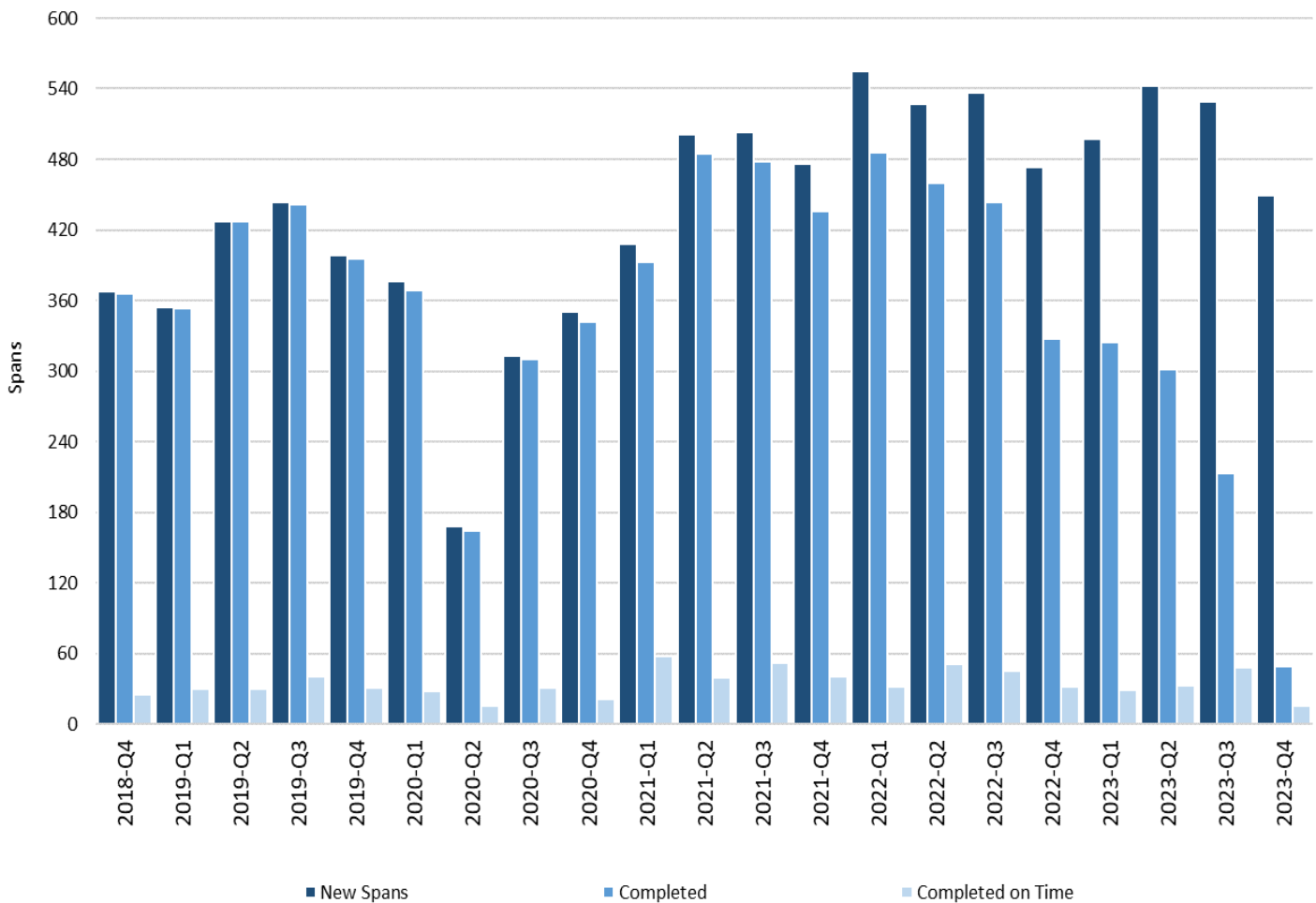
(5) Number and percent of these court order spans, where the order spans were completed (including completions by an evaluator report sent to the ordering court, order withdrawn by the court, or the client status changed, in the quarter). This is a subset of the new court order spans in the quarter and includes all order span completions for the new court order spans, regardless of when the order completion occurs.

(6) The average number of the days from beginning to end of the span, for the subset these of the new court order spans (includes completions by an evaluator report sent to the ordering court, order withdrawn by the court, or the client status changed, in the quarter).

(7) The number and percent of court order spans completed by an evaluator report sent to the ordering court or other completion method, where the number of days from beginning to end of the client status span met statutory requirements outlined in RCW 10.77.068. Other completion methods include instances where the court order was withdrawn by the court, or the client status changed.

**NOTE:** The data for the most recently reported quarter is the least mature and subject to change. The measures may change between report cycles as data matures for all quarters reported.

**Figure 8b - OUTPATIENT COMPETENCY EVALUATION SERVICES ORDERED BY QUARTER  
COMPLETIONS WHERE CLIENT IS WAITING IN THE COMMUNITY**



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 8b displays the number of new outpatient evaluation orders and all orders completed by quarter for individuals waiting in the community. It also includes additional order characteristics such as the percentage of orders completed, the average days waiting, the number of orders completed on time, and the percentage of orders completed on time. Figure 8b visually shows the number of orders by quarter, the number of orders completed, and the number completed on time differentiated by colored bars.

**Outcomes:** During the Q4 2023 reporting period, 449 orders statewide were received for individuals waiting for an outpatient evaluation in the community on personal recognizance. This represents a significant decrease (-15.1%) in the number of orders compared with Q3 2023's 529 orders. During Q4, and the initial period of data maturity and processing that ended on Jan. 29, 2024, 49 in the community/PR orders were completed.<sup>1</sup> Of the 49 orders completed statewide, average days waiting was 36.0 (target = 21). This is an initial look at Q4 data that will substantially change over time as a greater number of Q4 2023 "in the community" orders complete during subsequent quarters and are recorded into the Q4 data. On a positive note, continued completion of Q4 orders into future quarters will increase the number and percent of Q4 orders completed. However, the average days waiting for Q4 orders will increase, and the number and percent of Q4 orders completed on time will also decrease. During Q4 2023, additional orders were completed for quarters back to Q1 2020.

**Drivers:** The quarterly variability for the "in the community" performance data and reports sent completion trend are attributed to directing resources to Trueblood cases as the number one completion priority. The established constitutional rights stemming from the Trueblood Court Order and negotiated Contempt Settlement Agreement demands that DSHS focus most resources and our efforts to mitigate, as much as possible, the impacts of these constitutional violations and related fines for jail-based evaluations. As 2023 has progressed, impacts from COVID-19 moved from pandemic to endemic while other seasonal illnesses contributed to some scheduling limitations. However, the PR evaluation team was able to host two multi-county competency evaluation day events near the end of Q1, which allowed the evaluators to bring together concentrated resources and complete a larger number of cases quickly. These types of events and the post-pandemic environment have led to some positive progress in reducing the wait list for PR cases. The department intends to host future multi-county competency evaluation day events as resources allow. However, staffing levels, the need for the PR evaluation team to cover a significant number of Trueblood inpatient cases, and the wider systemic challenges in health care staffing remain persistent challenges impacting performance. Senate Bill 5440, which was passed in the 2023 legislative session and has recently taken effect provides additional tools for the PR team to help move through the backlog and streamline current processes. Over time, these tools should begin to impact the wait list. See the *Actions Taken* section of this report for steps the department is engaged in seeking to improve our performance.

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<sup>1</sup> Orders completed include reports sent to the court as well as other methods of completion including court orders withdrawn by a court or a client's change in status causing an end to the active court order.

## Global Quarterly Order Data

Tables 9a-12b and Figures 9a-12b show global order data to illustrate total orders signed by calendar quarter for all types of competency services offered by the department. Each table shows total orders by quarter, by felony or misdemeanor, by hospital or combined statewide. Tables labeled “a,” show orders for individuals “waiting in-jail” for their services, and tables labeled “b,” show orders for individuals “waiting in the community” for their services. These tables and figures illustrate total orders signed by calendar quarter for:

- Inpatient competency restoration orders – waiting in-jail/waiting in the community
- Inpatient competency evaluation orders – waiting in-jail/waiting in the community
- Inpatient civil conversion orders – waiting in-jail/waiting in the community
- Outpatient competency evaluation orders – waiting in-jail/waiting in the community.

This section of the data presentation begins below. Each “a” table will pair with an “a” figure. After each table and figure pair, a narrative explanation of the visuals and discussion of the outcomes and drivers represented in the data contained within the visuals, as well as the greater context in which the data is situated, follows. Likewise, every “b” table will be paired with a “b” figure, and again followed by the discussion described above.

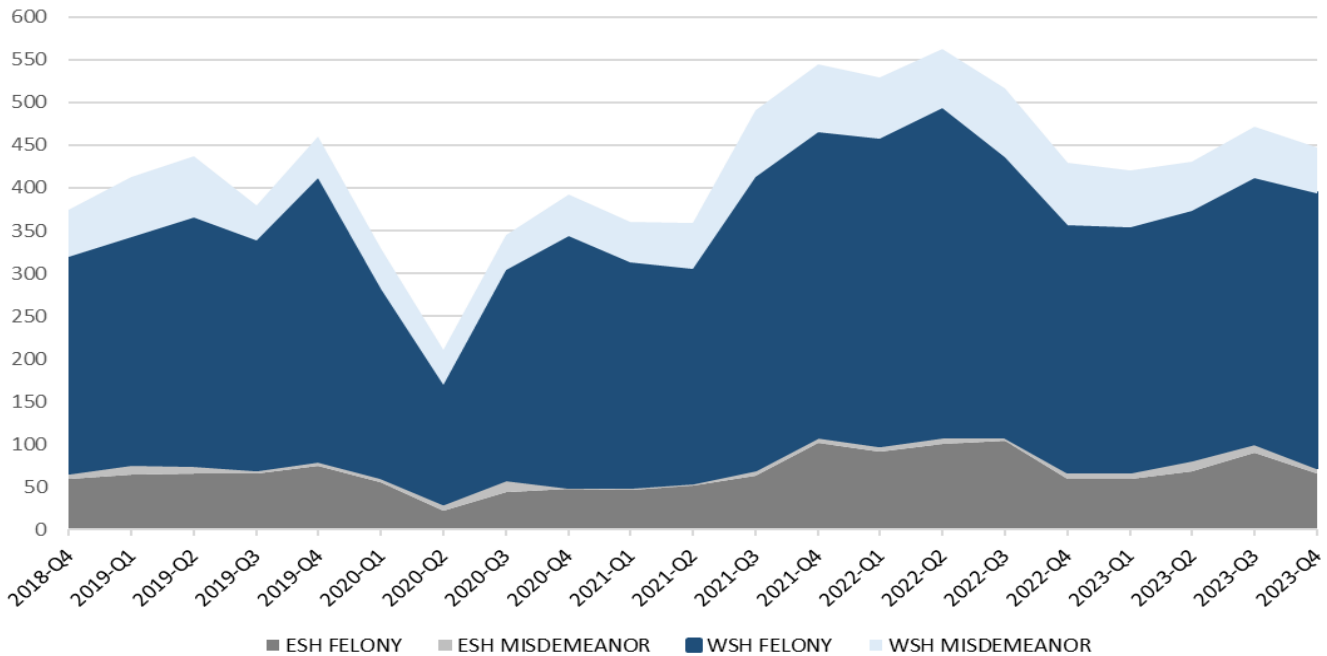
<b>5664 QUARTERLY REPORTING</b>									
Table 9a - NEW INPATIENT COMPETENCY RESTORATION ORDER SPANS for individuals WAITING IN-JAIL for services, by quarter									
CALENDAR YEAR-QTR	STATE			ESH			WSH (1)		
	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL
2018-Q4	311	63	374	59	8	67	252	55	307
2019-Q1	329	84	413	65	13	78	264	71	335
2019-Q2	355	82	437	66	10	76	289	72	361
2019-Q3	333	47	380	66	5	71	267	42	309
2019-Q4	406	54	460	75	6	81	331	48	379
2020-Q1	276	54	330	56	6	62	220	48	268
2020-Q2	161	50	211	22	9	31	139	41	180
2020-Q3	289	56	345	44	15	59	245	41	286
2020-Q4	341	51	392	48	3	51	293	48	341
2021-Q1	310	50	360	47	3	50	263	47	310
2021-Q2	302	57	359	52	3	55	250	54	304
2021-Q3	405	86	491	63	8	71	342	78	420
2021-Q4	457	87	544	102	8	110	355	79	434
2022-Q1	449	80	529	91	8	99	358	72	430
2022-Q2	483	79	562	100	10	110	383	69	452
2022-Q3	431	85	516	104	5	109	327	80	407
2022-Q4	348	81	429	60	9	69	288	72	360
2023-Q1	344	76	420	59	10	69	285	66	351
2023-Q2	359	72	431	69	14	83	290	58	348
2023-Q3	399	72	471	90	12	102	309	60	369
2023-Q4	387	60	447	66	7	73	321	53	374

(1) Includes referrals that end up admitting to the RTFs.

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024



Figure 9a - NEW INPATIENT COMPETENCY RESTORATION ORDER SPANS for individuals WAITING IN-JAIL for services, by quarter



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 9a above provides the total number of felony and misdemeanor inpatient competency restoration orders for individuals waiting in jail, and Figure 9a provides a visual representation of the same data.

**Outcomes:** During the Q4 2023 reporting period, new inpatient restoration orders decreased moderately by 5.1 percent to 447 statewide. ESH orders decreased significantly by 28.4 percent to 73 orders. WSH orders increased 1.3 percent to 374 orders. WSH order numbers also include orders that are admitted for restoration services at our residential treatment facilities.

**Drivers:** The statewide decrease in orders during Q4 was moderate. Overall, the cumulative decrease in orders from the record high level of 562 in Q2 2022 to 447 in Q4 2023 represents a substantial decline of 20.5 percent. Regardless, 447 quarterly orders represent substantial levels of demand for inpatient restoration services. Q4 2023 ranks eighth highest out of 21 quarters since restoration order tracking began in the Forensic Data System in Q4 2018. During these last 5.25 years, competency restoration orders have averaged 424 per quarter, so Q4 2023 is above the statewide average. All else being equal, high levels of jail-based, inpatient, and PR competency evaluation orders will generally result in greater numbers of restoration orders. Based on frequent near-record levels of competency evaluation orders, it appears the downstream impacts on restoration orders will continue for the foreseeable future.

After order levels collapsed at both state hospitals during Q1 and Q2 2020 due to the onset of the global pandemic’s effects in Washington state, inpatient restoration orders recovered substantially by the end of Q4 2020 before moderating somewhat in Q1 and Q2 2021 and then accelerating to continuous record and near-record levels in the five subsequent quarters. Q4 2022 through Q2 2023 have seen restoration orders moderate somewhat, which likely reflects typical seasonal variations in demand plus yet unidentified factors. With few exceptions, as the department has

increased capacity and gained efficiencies in its processes, the criminal court system and mental health community have demanded the department's services at a greater pace. It is likely that both pent up and increasing demand are adding strain to our systems.

During the early months of the pandemic in 2020, order levels collapsed, criminal courts and other partners experienced pandemic-related court closures, reductions in court case throughput, and pandemic-related challenges in program delivery. After our partners began to re-open in Q3 2020, order numbers began to significantly recover toward pre-pandemic levels as systems determined responsible paths forward to serving clients within the context of the COVID-19 pandemic. Many county prosecutors and prosecutors in larger cities have had sizable backlogs of criminal referrals working through the criminal court system. A significant subset of these cases require competency evaluation services and have become one of the factors contributing to frequent near-record levels of inpatient restoration orders.

While restoration orders frequently are increasing on a quarterly basis, as briefly discussed above, that had not been the case for the three consecutive quarters from Q3 2022 through Q1 2023. Some of this decrease in demand is likely seasonal. The quarterly decreases in demand from Q3 to Q4 2022 and again from Q4 2022 to Q1 2023 have occurred during the late fall through winter months when OFMHS normally sees reduced order activity. Demand has again increased for two consecutive quarters from Q2 2023 through Q3 2023 then decreased for Q4 2023. This is also likely a seasonal shift in demand. Likewise, competency restoration orders are primarily a function of completed competency evaluation orders. As a subset of evaluation orders, a percentage of clients will be found incompetent and court-ordered for restoration. When demand for evaluations increases or decreases, competency restoration orders tend to increase or decrease accordingly. Except for Q3 2022's record high quarter for competency evaluation "admitted orders" and "orders sent to court," where demand for restoration services has thus far remained somewhat low, restoration services demand, over the last six quarters since Q2 2022, appears to have tracked in line with expectations, based on the observed increases and decreases in evaluation services "admitted orders" and "orders sent to court." Staff will continue to closely monitor this data over the upcoming quarters to determine if any additional causes or trends become discernable in the data.

## 5664 QUARTERLY REPORTING

Table 9b - NEW INPATIENT COMPETENCY RESTORATION ORDER SPANS for individuals WAITING IN THE COMMUNITY (1)  
for services, by quarter

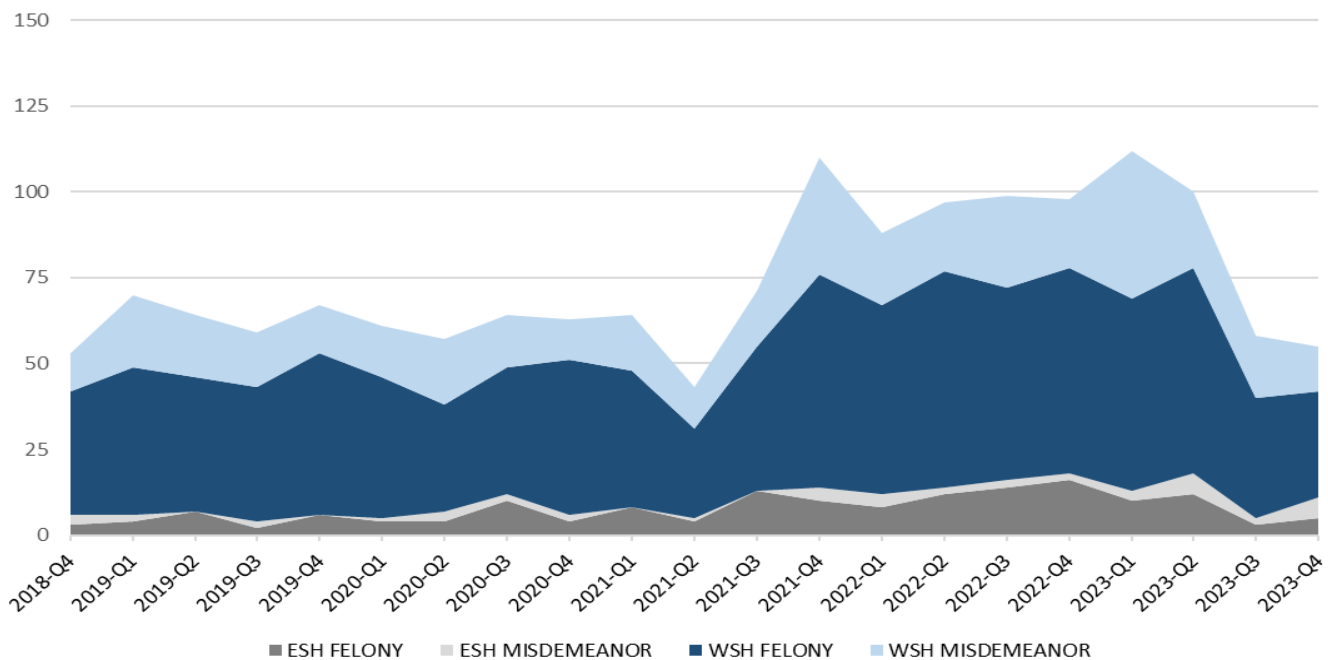
CALENDAR YEAR-QTR	STATE			ESH			WSH (2)		
	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL
2018-Q4	39	14	53	3	3	6	36	11	47
2019-Q1	47	23	70	4	2	6	43	21	64
2019-Q2	46	18	64	7	0	7	39	18	57
2019-Q3	41	18	59	2	2	4	39	16	55
2019-Q4	53	14	67	6	0	6	47	14	61
2020-Q1	45	16	61	4	1	5	41	15	56
2020-Q2	35	22	57	4	3	7	31	19	50
2020-Q3	47	17	64	10	2	12	37	15	52
2020-Q4	49	14	63	4	2	6	45	12	57
2021-Q1	48	16	64	8	0	8	40	16	56
2021-Q2	30	13	43	4	1	5	26	12	38
2021-Q3	55	16	71	13	0	13	42	16	58
2021-Q4	72	38	110	10	4	14	62	34	96
2022-Q1	63	25	88	8	4	12	55	21	76
2022-Q2	75	22	97	12	2	14	63	20	83
2022-Q3	70	29	99	14	2	16	56	27	83
2022-Q4	76	22	98	16	2	18	60	20	80
2023-Q1	66	46	112	10	3	13	56	43	99
2023-Q2	72	28	100	12	6	18	60	22	82
2023-Q3	38	20	58	3	2	5	35	18	53
2023-Q4	36	19	55	5	6	11	31	13	44

(1) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic, or RTF bed (n=1,875), or while in prison (n=5).

(2) Includes referrals that end up admitting to the RTFs.

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Figure 9b - NEW INPATIENT COMPETENCY RESTORATION ORDER SPANS for individuals  
WAITING IN THE COMMUNITY for services, by quarter



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 9b above provides the total number of felony and misdemeanor inpatient competency restoration orders for individuals waiting in the community, and Figure 9b provides a visual representation of the same data.

**Outcomes:** During the Q4 2023 reporting period, new inpatient restoration orders decreased slightly for clients waiting in the community on personal recognizance. Orders decreased statewide from 58 to 55, a 5.2 percent decrease. Orders at ESH increased significantly from five to 11, and orders at WSH decreased significantly from 53 to 44, a 17 percent decrease. WSH order numbers also include orders that are admitted for restoration services at our residential treatment facilities.

**Drivers:** Current order totals statewide (55) and by facility are now below the historical average of 74 orders per quarter. However, the Q3 2023 total was revised upward (from 56 to 58) and the Q1 2023 revised statewide order total (112) was revised upward and surpassed the previous record high demand level of 110 statewide orders for this legal authority. All else being equal, high levels of jail-based, inpatient, and PR competency evaluation orders will generally result in greater numbers of restoration orders.

Considering the recently ended COVID-19 pandemic's shift to endemic COVID-19 as a new externality, OFMHS and its partners have adjusted to the new and continuously changing environment in which to safely serve our clients. Numerous COVID-19-related changes have required that societal institutions learn how to live and work within the constraints of the disease. An outcome of pandemic-related systemic change has been pent up referral demand in cases that were delayed by prosecutors, pandemic-related court closures, and other court-related protocol during the height of early pandemic closures and lockdowns. These cases are now working through the criminal courts and are impacting the behavioral health system. By the end of Q2 2023, COVID-19 impacts shifted from pandemic to endemic, which allowed for improved access to inpatient beds.

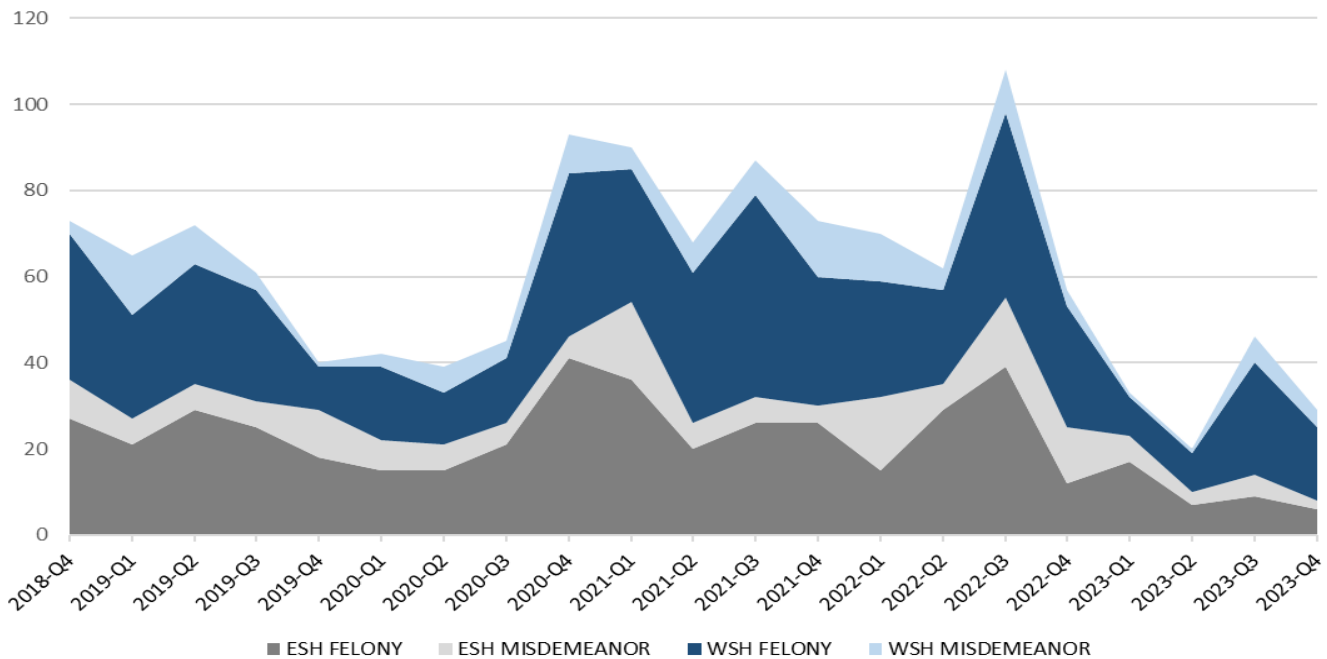
### 5664 QUARTERLY REPORTING

Table 10a - NEW INPATIENT COMPETENCY EVALUATION ORDER SPANS (1) for individuals WAITING IN-JAIL for services, by quarter

CALENDAR YEAR-QTR	STATE			ESH			WSH		
	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL
2018-Q4	61	12	73	27	9	36	34	3	37
2019-Q1	45	20	65	21	6	27	24	14	38
2019-Q2	57	15	72	29	6	35	28	9	37
2019-Q3	51	10	61	25	6	31	26	4	30
2019-Q4	28	12	40	18	11	29	10	1	11
2020-Q1	32	10	42	15	7	22	17	3	20
2020-Q2	27	12	39	15	6	21	12	6	18
2020-Q3	36	9	45	21	5	26	15	4	19
2020-Q4	79	14	93	41	5	46	38	9	47
2021-Q1	67	23	90	36	18	54	31	5	36
2021-Q2	55	13	68	20	6	26	35	7	42
2021-Q3	73	14	87	26	6	32	47	8	55
2021-Q4	56	17	73	26	4	30	30	13	43
2022-Q1	42	28	70	15	17	32	27	11	38
2022-Q2	51	11	62	29	6	35	22	5	27
2022-Q3	82	26	108	39	16	55	43	10	53
2022-Q4	40	17	57	12	13	25	28	4	32
2023-Q1	26	7	33	17	6	23	9	1	10
2023-Q2	16	4	20	7	3	10	9	1	10
2023-Q3	35	11	46	9	5	14	26	6	32
2023-Q4	23	6	29	6	2	8	17	4	21

(1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.  
 DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Figure 10a - NEW INPATIENT COMPETENCY EVALUATION ORDER SPANS for individuals WAITING IN-JAIL for services, by quarter



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 10a above describes the total number of felony and misdemeanor inpatient competency evaluation orders for individuals waiting for services in-jail, and Figure 10a provides a visual representation of the same data.

**Outcomes:** In the Q4 2023 reporting period, new inpatient evaluation orders decreased significantly from 46 to 29 orders, which is a 36.9 percent decrease. This follows a significant increase in Q3 2023 but significant decreases from Q3 2022 through Q2 2023. Over the last six quarters inpatient competency evaluation orders fell from 108 to 29 orders (-73.1%).

**Drivers:** Over the long run, inpatient evaluation orders have declined, especially as a percentage of total evaluation services, punctuated by periodic fluctuations in demand. Fluctuations in demand for inpatient evaluations seem to have a direct relationship to wait times for out-of-jail evaluations for clients who are released from jail on personal recognizance. When the wait time for non-Trueblood class member PR evaluations increases, a greater number of clients are court ordered to inpatient evaluations. With long PR wait lists, wait times, and near record levels of orders for many competency services, Q3 2022's significant increase in orders for inpatient competency evaluations was not unexpected followed by a return to more normal order levels within a few quarters. Additionally, beginning in Q1 2023, an executive-level admissions team has been actively managing the extremely tight inpatient bed supply at our state hospitals and RTFs. As part of that process, OFMHS has been contacting client's counsel and court officials to attempt to convert inpatient evaluation orders to jail-based evaluations whenever possible. This approach has been successful in reducing inpatient evaluation orders and more quickly completing evaluations for clients waiting in jail for an inpatient bed. Q4 2023's order total of 29 remains significantly (52.5 percent) below the 5-year average of 61 per quarter.

### 5664 QUARTERLY REPORTING

Table 10b - NEW INPATIENT COMPETENCY EVALUATION ORDER SPANS (1) for individuals WAITING IN THE COMMUNITY (2) for services, by quarter

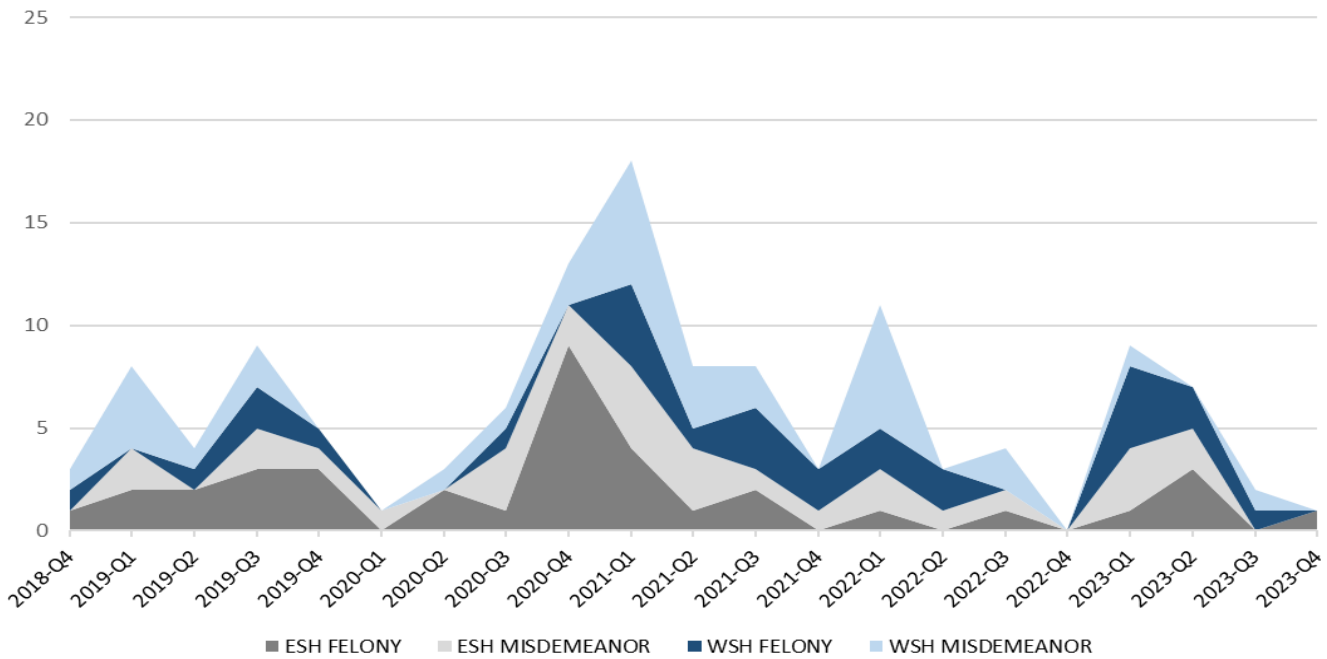
CALENDAR YEAR-QTR	STATE			ESH			WSH		
	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL
2018-Q4	2	1	3	1	0	1	1	1	2
2019-Q1	2	6	8	2	2	4	0	4	4
2019-Q2	3	1	4	2	0	2	1	1	2
2019-Q3	5	4	9	3	2	5	2	2	4
2019-Q4	4	1	5	3	1	4	1	0	1
2020-Q1	0	1	1	0	1	1	0	0	0
2020-Q2	2	1	3	2	0	2	0	1	1
2020-Q3	2	4	6	1	3	4	1	1	2
2020-Q4	9	4	13	9	2	11	0	2	2
2021-Q1	8	10	18	4	4	8	4	6	10
2021-Q2	2	6	8	1	3	4	1	3	4
2021-Q3	5	3	8	2	1	3	3	2	5
2021-Q4	2	1	3	0	1	1	2	0	2
2022-Q1	3	8	11	1	2	3	2	6	8
2022-Q2	2	1	3	0	1	1	2	0	2
2022-Q3	1	3	4	1	1	2	0	2	2
2022-Q4	0	0	0	0	0	0	0	0	0
2023-Q1	5	4	9	1	3	4	4	1	5
2023-Q2	5	2	7	3	2	5	2	0	2
2023-Q3	1	1	2	0	0	0	1	1	2
2023-Q4	1	0	1	1	0	1	0	0	0

(1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.

(2) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic, or RTF bed (n=61), or while in prison (n=3).

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Figure 10b - NEW INPATIENT COMPETENCY EVALUATION ORDER SPANS for individuals WAITING IN THE COMMUNITY for services, by quarter



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 10b above shows the total number of felony and misdemeanor inpatient competency evaluation orders for individuals waiting for services in the community, and Figure 10b provides a visual representation of the same data.

**Outcomes:** New Q4 2023 orders statewide decreased from two in Q3 2023 to one this quarter.

**Drivers:** Generally, if a client's competency evaluation requires completion in an inpatient setting, the client would not be waiting for the evaluation in a community setting. However, a client initially released on personal recognizance might experience more severe illness or decompensate, and then receive an inpatient evaluation order. While the number of these cases occasionally exceeds 10 per quarter, demand for clients on PR status to receive inpatient competency evaluations comprises a very small portion of the department's evaluation services caseload. Further, the department engages court partners when inpatient competency evaluation orders are received to explain current wait times for inpatient services and recommend the completion of the evaluation in jail.



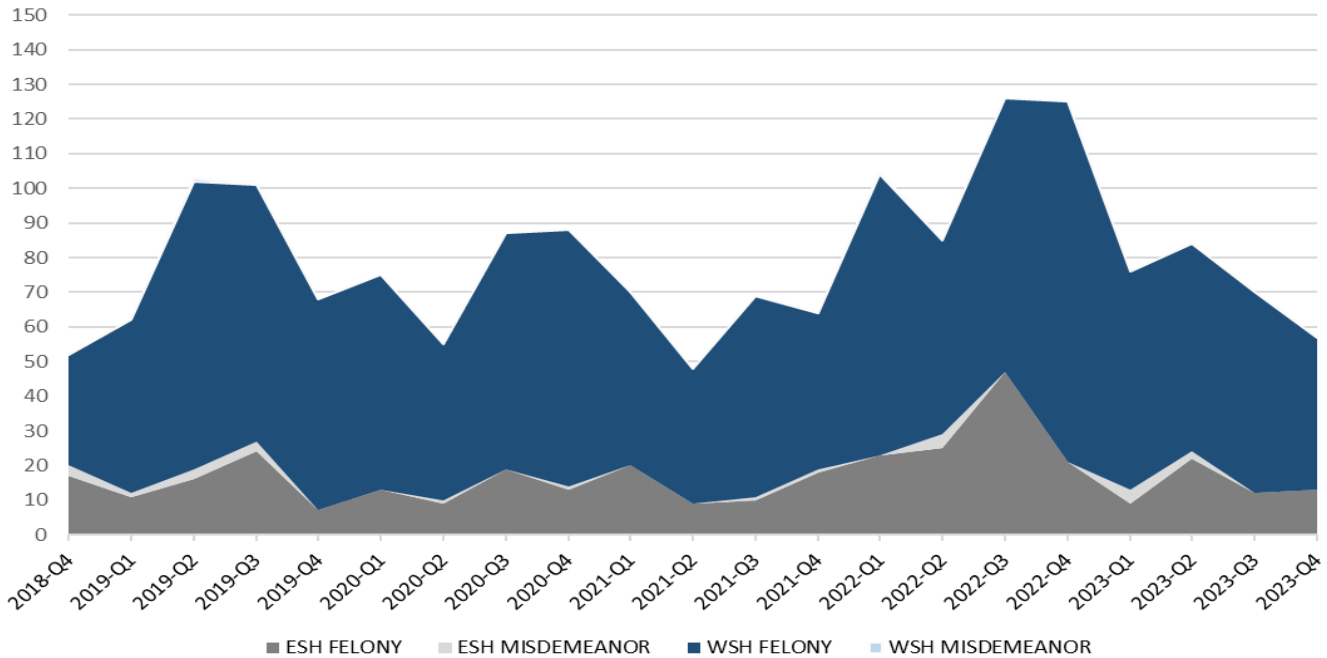
## 5664 QUARTERLY REPORTING

Table 11a - NEW INPATIENT CIVIL CONVERSION ORDER SPANS for individuals WAITING IN-JAIL for services, by quarter

CALENDAR YEAR-QTR	STATE			ESH			WSH		
	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL
2018-Q4	49	3	52	17	3	20	32	0	32
2019-Q1	61	1	62	11	1	12	50	0	50
2019-Q2	99	4	103	16	3	19	83	1	84
2019-Q3	98	3	101	24	3	27	74	0	74
2019-Q4	68	0	68	7	0	7	61	0	61
2020-Q1	75	0	75	13	0	13	62	0	62
2020-Q2	54	1	55	9	1	10	45	0	45
2020-Q3	87	0	87	19	0	19	68	0	68
2020-Q4	87	1	88	13	1	14	74	0	74
2021-Q1	70	0	70	20	0	20	50	0	50
2021-Q2	48	0	48	9	0	9	39	0	39
2021-Q3	68	1	69	10	1	11	58	0	58
2021-Q4	63	1	64	18	1	19	45	0	45
2022-Q1	104	1	105	23	0	23	81	1	82
2022-Q2	81	4	85	25	4	29	56	0	56
2022-Q3	126	0	126	47	0	47	79	0	79
2022-Q4	125	0	125	21	0	21	104	0	104
2023-Q1	72	4	76	9	4	13	63	0	63
2023-Q2	82	2	84	22	2	24	60	0	60
2023-Q3	70	0	70	12	0	12	58	0	58
2023-Q4	57	0	57	13	0	13	44	0	44

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Figure 11a - NEW INPATIENT CIVIL CONVERSION ORDER SPANS for individuals WAITING IN-JAIL for services, by quarter



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 11a above shows the total number of felony and misdemeanor civil conversion orders for individuals waiting for services in-jail, and Figure 11a provides a visual representation of the same data.

**Outcomes:** During the Q4 2023 reporting period, statewide civil conversion orders decreased significantly (18.5%) to 57. Felony civil conversion orders decreased significantly (18.5%) to 57, and misdemeanor orders stayed at zero. Over the last 5 years, misdemeanor civil conversion orders have only averaged 1.2 per quarter indicating that felony civil conversions comprise most of these orders.

**Drivers:** Clients in the forensic behavioral health system who undergo restoration treatment and who remain incompetent after several treatment orders, may have their criminal charges dismissed with prejudice and be ordered for evaluation for involuntary civil commitment. Additionally, clients waiting for competency restoration who are not admitted timely may also have their criminal charges dismissed with prejudice without any restoration attempted and be ordered for evaluation for involuntary civil commitment. Many clients with more serious or violent felony charges are civilly committed in this manner under RCW 71.05. If competency is regained at some point, prosecutors can choose to re-file and pursue the charges in the criminal courts. During periods of lengthy wait times for inpatient forensic restoration services, many judges across the state increasingly order dismissal of criminal charges and evaluation for civil conversion of clients who had not yet attempted more time-controlled forensic restoration. Historically, civil conversion clients, if found incompetent, get admitted ahead of forensic patients and due to capacity constraints at the state hospitals have increasingly used forensic-designated beds. Civil patients, on average remain in those beds longer, frequently resulting in 4-5 fewer forensic patients moving through the system per civil patient, per year. This has seriously eroded the ability to move forensic patients into the state hospitals in a timely manner. New beds that came online in Q2 and Q4 2023 have already brought much needed assistance to this issue.

During Q2 2023, a significant increase in inpatient civil conversion orders was observed following a substantial drop in orders between Q4 2022 and Q1 2023. Several factors likely contributed to this including a post-winter seasonal increase in competency evaluation and restoration orders leading to an increase in non-restorable clients; and a small rebound effect following the declaration of a state hospital admissions crisis in December 2022, by BHA Assistant Secretary, Kevin Bovenkamp, that led to immediate systemwide admissions reforms. These reforms allowed more Trueblood Class Members to gain admissions to the state hospital's forensic beds while fewer civil conversion orders resulted in admission. By Q3 2023 and continuing through Q4, orders had begun to decrease again indicating that the Q2 rebound in civil conversion orders was likely temporary.

### 5664 QUARTERLY REPORTING

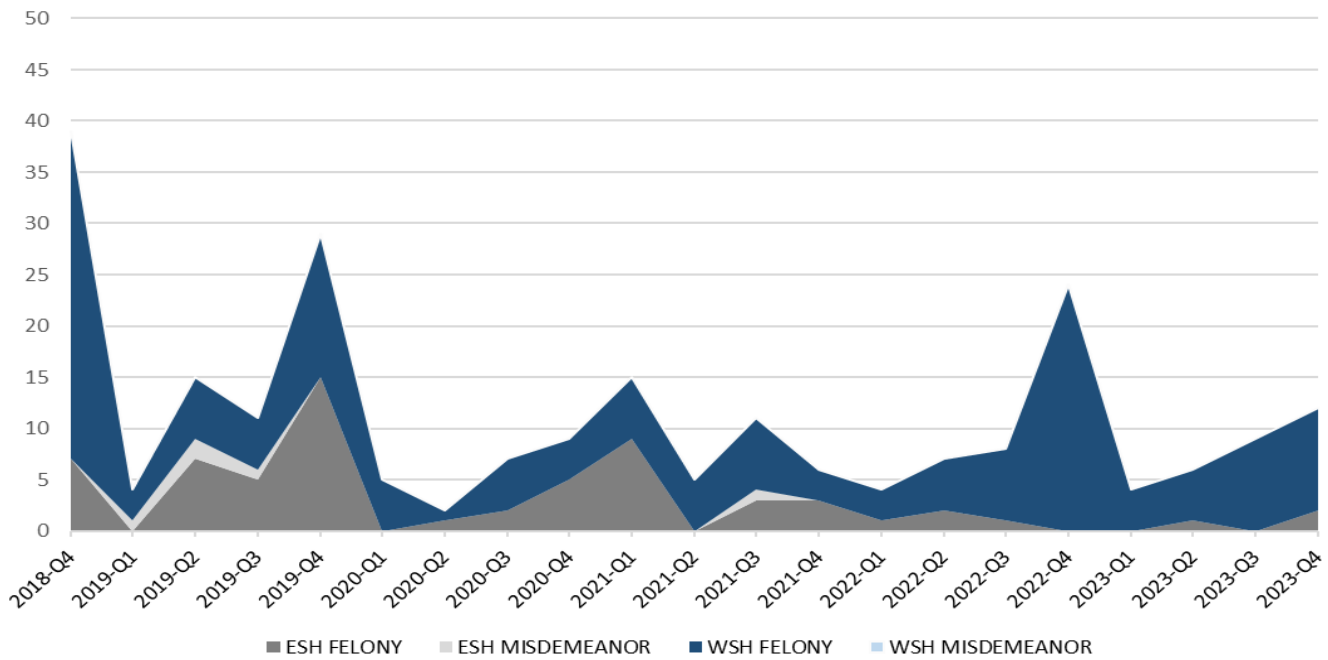
Table 11b - NEW INPATIENT CIVIL CONVERSION ORDER SPANS for individuals WAITING IN THE COMMUNITY (1)  
for services, by quarter

CALENDAR YEAR-QTR	STATE			ESH			WSH		
	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL
2018-Q4	39	0	39	7	0	7	32	0	32
2019-Q1	3	1	4	0	1	1	3	0	3
2019-Q2	13	2	15	7	2	9	6	0	6
2019-Q3	10	1	11	5	1	6	5	0	5
2019-Q4	29	0	29	15	0	15	14	0	14
2020-Q1	5	0	5	0	0	0	5	0	5
2020-Q2	2	0	2	1	0	1	1	0	1
2020-Q3	7	0	7	2	0	2	5	0	5
2020-Q4	9	0	9	5	0	5	4	0	4
2021-Q1	15	0	15	9	0	9	6	0	6
2021-Q2	5	0	5	0	0	0	5	0	5
2021-Q3	10	1	11	3	1	4	7	0	7
2021-Q4	6	0	6	3	0	3	3	0	3
2022-Q1	4	0	4	1	0	1	3	0	3
2022-Q2	7	0	7	2	0	2	5	0	5
2022-Q3	8	0	8	1	0	1	7	0	7
2022-Q4	24	0	24	0	0	0	24	0	24
2023-Q1	4	0	4	0	0	0	4	0	4
2023-Q2	6	0	6	1	0	1	5	0	5
2023-Q3	9	0	9	0	0	0	9	0	9
2023-Q4	12	0	12	2	0	2	10	0	10

(1) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic, or RTF bed (n=880), or while in prison (n=1).

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Figure 11b - NEW INPATIENT CIVIL CONVERSION ORDER SPANS for individuals WAITING IN THE COMMUNITY for services, by quarter



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 11b above shows the total number of felony and misdemeanor civil conversion orders for individuals waiting for services in the community, and Figure 11b provides a visual representation of the same data.

**Outcomes:** During the Q4 2023 reporting period, statewide felony in the community civil conversion orders increased from nine to 12. Misdemeanor orders remained at zero in this reporting period. Over the last 5 years, misdemeanor civil conversion orders have only averaged 0.24 per quarter indicating that felony civil conversions comprise most of these orders.

**Drivers:** Clients in the forensic behavioral health system who undergo restoration treatment and who remain incompetent after several treatment orders, may have their criminal charges dismissed with prejudice and be ordered for evaluation for involuntary civil commitment. Additionally, clients waiting for competency restoration who are not admitted timely may also have their criminal charges dismissed with prejudice without any restoration attempted and be ordered for evaluation for involuntary civil commitment. Many clients with more serious or violent felony charges are civilly committed in this manner under RCW 71.05. If competency is regained at some point, prosecutors can choose to re-file and pursue the charges in the criminal courts. During periods of lengthy wait times for inpatient forensic restoration services, many judges across the state increasingly order dismissal of criminal charges and evaluation for civil conversion of clients who had not yet attempted more time-controlled forensic restoration. Historically, civil conversion clients, if found incompetent, get admitted ahead of forensic patients and due to capacity constraints at the state hospitals have increasingly used forensic-designated beds. Civil patients, on average remain in those beds longer, frequently resulting in 4-5 fewer forensic patients moving through the system per civil patient, per year. This has seriously eroded the ability to move forensic patients into the state hospitals in a timely manner. New beds that came online in Q2 and Q4 2023 have already brought much needed assistance to this issue.

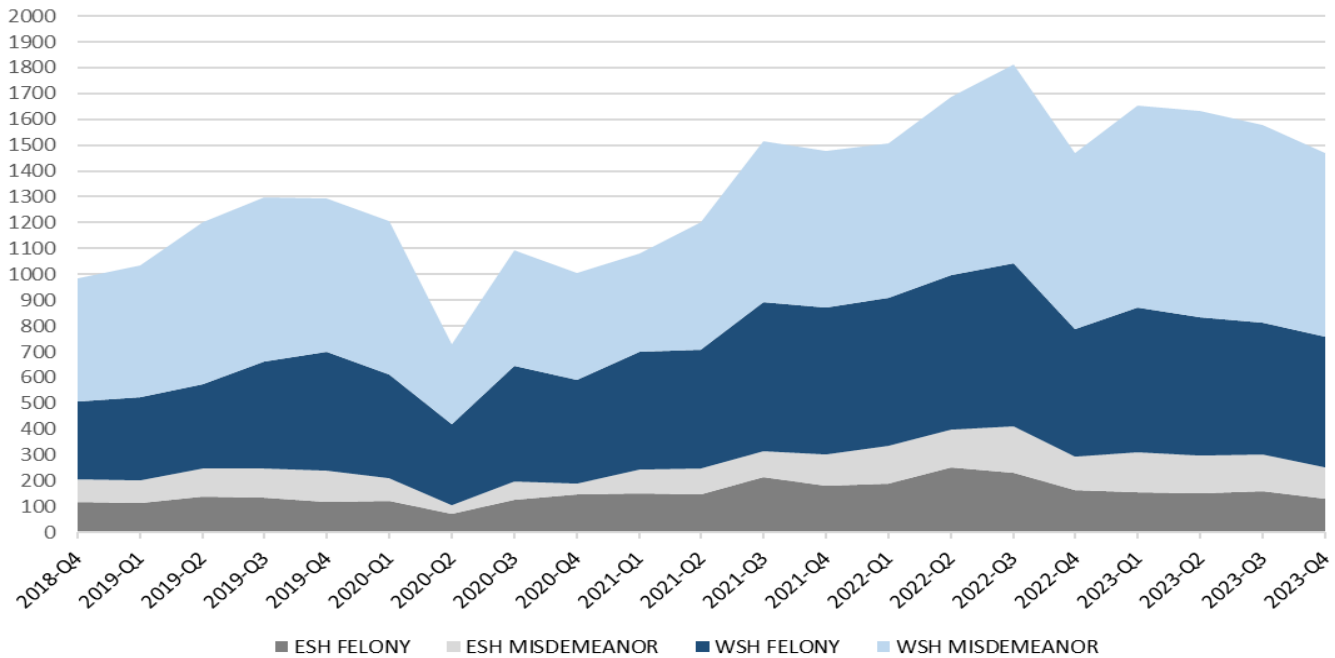
### 5664 QUARTERLY REPORTING

Table 12a - NEW OUTPATIENT COMPETENCY EVALUATION ORDER SPANS (1) for individuals WAITING IN-JAIL for services, by quarter

CALENDAR YEAR-QTR	STATE			ESH			WSH		
	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL
2018-Q4	419	565	984	117	88	205	302	477	779
2019-Q1	436	597	1033	113	88	201	323	509	832
2019-Q2	465	737	1202	140	108	248	325	629	954
2019-Q3	548	750	1298	135	113	248	413	637	1050
2019-Q4	578	714	1292	118	121	239	460	593	1053
2020-Q1	530	675	1205	125	84	209	405	591	996
2020-Q2	385	343	728	71	36	107	314	307	621
2020-Q3	574	519	1093	127	72	199	447	447	894
2020-Q4	548	457	1005	148	44	192	400	413	813
2021-Q1	609	470	1079	153	91	244	456	379	835
2021-Q2	606	596	1202	147	103	250	459	493	952
2021-Q3	789	725	1514	214	102	316	575	623	1198
2021-Q4	746	731	1477	180	125	305	566	606	1172
2022-Q1	764	742	1506	192	146	338	572	596	1168
2022-Q2	848	840	1688	251	148	399	597	692	1289
2022-Q3	867	947	1814	233	177	410	634	770	1404
2022-Q4	654	817	1471	163	133	296	491	684	1175
2023-Q1	716	937	1653	157	156	313	559	781	1340
2023-Q2	691	942	1633	154	143	297	537	799	1336
2023-Q3	669	910	1579	160	143	303	509	767	1276
2023-Q4	639	831	1470	131	120	251	508	711	1219

(1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.  
 DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Figure 12a - NEW OUTPATIENT COMPETENCY EVALUATION ORDER SPANS for individuals WAITING IN-JAIL for services, by quarter



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 12a above displays the total number of felony and misdemeanor outpatient competency evaluation orders for individuals waiting for services in-jail, and Figure 12a provides a visual representation of the same data.

**Outcomes:** During the Q4 2023 reporting period, statewide orders decreased moderately, from 1,579 to 1,470. This was a 6.9 percent decrease. At ESH, demand for jail-based evaluations decreased significantly by 17.2 percent from 303 to 251 orders. At WSH, demand for jail-based evaluations decreased moderately by 4.5 percent, dropping from 1,276 to 1,219 orders in Q4.

**Drivers:** Societal trends suggest a growing population of persons who could benefit from mental health services; thus, it is likely that both pent up (e.g., deferred cases from COVID-19 closures) and increasing demand are adding strain to our systems, and over these periods of significant growth in orders, periodic plateaus or even small decreases in demand occur regularly prior to the next surge in orders. The emergence of the COVID-19 pandemic in 2020 led to a year-long decrease in demand shown in Table 12a and Figure 12a. Jail-based evaluations demand has not only recovered, but since Q3 2021, when quarterly demand levels first eclipsed those of Q3 2019, quarterly demand now substantially exceeds the Q3 2019 pre-COVID-19 peak demand every quarter. In Q3 2021, order levels exceeded 1,500 orders for the first time. Subsequently, seven of the last ten quarters through Q4 2023 have seen jail-based orders exceed 1,500. Q2 2022's then record-high order level became the first quarter to exceed 1,600 orders, and Q3 2022 remains the first and only quarter to exceed both 1,700 and 1,800 orders on its way to a new record-high order level. Subsequently, Q1-Q2 2023's combined 3,286 orders is the highest order number yet recorded for the first six months of the calendar year, but in Q3 2023, for the first time in five years of FDS record-keeping, the number of orders in Q3 decreased compared to Q2 and Q1 2023. While Q3 2023 is still the fifth highest order level out of the five years since record-keeping began in Q4 2018, and it is the second highest Q3 total on record, this unusual drop in demand ensures that Q3 will not have the highest number of orders in the 2023 calendar year for the first time in the FDS record-keeping era. It is also a potentially important demand fluctuation to continue watching carefully. Q4 2023's initial 1,470 order total is marginally the lowest Q4 order total in three years, and that order number is generally inline with seasonal expectations.

A portion of the sustained high demand for jail-based evaluations is likely generated from case backlogs and deferred prosecutions due to the pandemic. As criminal courts continue to re-establish standard operations and prosecutors file charges on the large number of deferred cases that many jurisdictions held back during the pandemic-related closures, a significant sub-set of these cases will receive orders for competency services. While it is too early to determine with certainty, the unusual decrease in demand during the second half of 2023, if sustained into 2024, could signal a potential end of pandemic-era case backlogs.

Thanks to continued legislative investment and the Trueblood Contempt Settlement Agreement, OFMHS' continues to invest in expanded capacity to provide competency services and has added significant human resources and capital resources over the course of several budget biennia. Over time, improved efficiency in providing consumers with a highly valued forensic service has itself appeared to increase the demand for that service, and improvements in capacity have often been quickly outstripped by increases in services demand. OFMHS continues to drive process and efficiency improvements "without sacrificing the accuracy and quality of competency services" RCW 10.77.068(3), and OFMHS also continues to "request appropriations for resources in order to meet these targets whenever possible" RCW 10.77.068(3). These improvements in quality and efficiency have increasingly begun to yield positive results in OFMHS' timeliness metrics.

**5664 QUARTERLY REPORTING**

**Table 12b - NEW OUTPATIENT COMPETENCY EVALUATION ORDER SPANS (1) for individuals WAITING IN THE COMMUNITY (2) for services, by quarter**

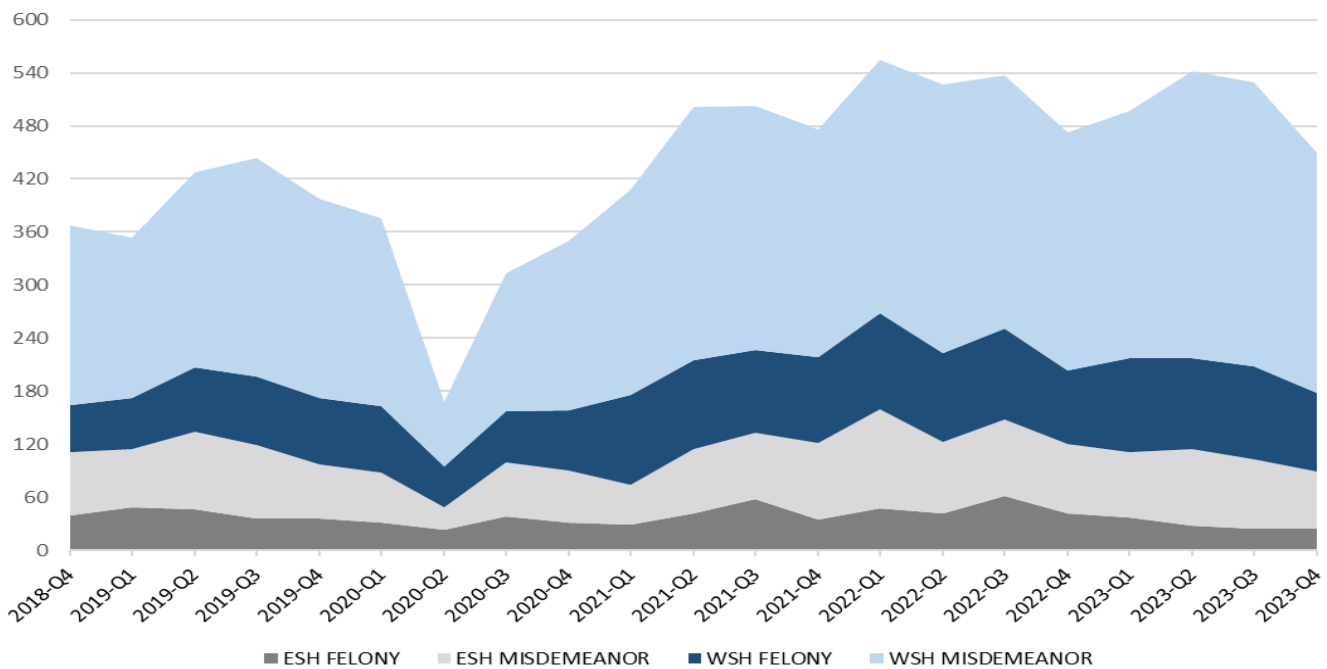
CALENDAR YEAR-QTR	STATE			ESH			WSH		
	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL	FELONY	MISDEMEANOR	TOTAL
2018-Q4	92	276	368	39	72	111	53	204	257
2019-Q1	107	247	354	49	65	114	58	182	240
2019-Q2	120	307	427	47	87	134	73	220	293
2019-Q3	114	330	444	36	83	119	78	247	325
2019-Q4	111	287	398	36	61	97	75	226	301
2020-Q1	106	270	376	31	57	88	75	213	288
2020-Q2	69	99	168	23	26	49	46	73	119
2020-Q3	95	218	313	38	62	100	57	156	213
2020-Q4	101	249	350	32	58	90	69	191	260
2021-Q1	131	277	408	29	45	74	102	232	334
2021-Q2	142	359	501	42	73	115	100	286	386
2021-Q3	151	352	503	58	75	133	93	277	370
2021-Q4	132	344	476	35	86	121	97	258	355
2022-Q1	156	399	555	48	112	160	108	287	395
2022-Q2	142	385	527	42	81	123	100	304	404
2022-Q3	165	372	537	62	86	148	103	286	389
2022-Q4	125	348	473	42	78	120	83	270	353
2023-Q1	143	354	497	37	74	111	106	280	386
2023-Q2	130	412	542	28	87	115	102	325	427
2023-Q3	129	400	529	24	79	103	105	321	426
2023-Q4	113	336	449	24	65	89	89	271	360

(1) Excludes records for individuals with court orders for forensic evaluation of Sanity and Diminished Capacity.

(2) Excludes records for individuals with court orders waiting for services while admitted in a civil, forensic, or RTF bed (n=37), or while in prison (n=12).

DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

**Figure 12b - NEW OUTPATIENT COMPETENCY EVALUATION ORDER SPANS for individuals WAITING IN THE COMMUNITY for services, by quarter**



DSHS - Research and Data Analysis; Data Source: BHA - Forensic Data System; Date: 1/29/2024

Table 12b above shows the total number of felony and misdemeanor outpatient competency evaluation orders for individuals waiting for services in the community, and Figure 12b provides a visual representation of the same data.

**Outcomes:** In the Q4 2023 reporting period, clients waiting for evaluations in the community on personal recognizance decreased significantly (15.1%) on a statewide basis. Orders decreased from 529 to 449. The last 11 quarters back through Q2 2021 have been the 11 highest quarters for orders on record, and seven of those 11 quarters exceeded 500 orders, the only seven quarters to exceed 500 PR orders. Q4 2023 is the 11<sup>th</sup> highest on record, but closer to order numbers seen in 2019. Additional time is needed to see if this is a temporary demand dip or the beginning of a larger trend.

In Q4 2023, PR order demand decreased significantly in both hospital catchment areas. ESH orders decreased 13.6 percent, and WSH orders decreased by 15.5 percent. At ESH, total orders decreased from 103 in Q3 2023 to 89 in Q4 2023. At WSH, orders decreased in Q4 2023 from 426 to 360.

**Drivers:** A significant portion of this post-COVID-19 shutdown sustained high demand for out-of-jail evaluations is likely generated from case backlogs and deferred prosecutions due to the pandemic. As criminal courts continue to re-establish standard operations and prosecutors file charges on the large number of deferred cases that many jurisdictions have held back during the pandemic-related closures, a significant sub-set of these cases will receive orders for competency services. Many of these cases were either never filed and arrested during the pandemic or were allowed, at much greater numbers, to remain in the community due to institutional closures and other pandemic-related challenges. With the Trueblood Contempt Settlement Agreement requiring that Class Member cases receive priority, PR cases often end up with longer wait times when the system becomes especially capacity constrained.

Near the end of Q2 2023, as COVID-19 moved from pandemic to endemic, the PR evaluation team was able to host two multi-county competency evaluation day events. The PR evaluation events allowed the evaluators to bring together concentrated resources and complete a larger number of cases quickly. The team plans to attempt more events like these as resources allow. These types of events and the post-pandemic environment have led to some positive progress in reducing the wait list for PR cases. However, staffing levels and wider systemic challenges in health care staffing remain persistent challenges impacting performance. See the *Actions Taken* section of this report for steps the department is engaged in seeking to improve our performance.



## **ACTIONS TAKEN**

DSHS submitted a long-term plan to the Court in July 2015, which outlined DSHS' plans for coming into compliance with the timelines established in the Trueblood decision. On Feb. 8, 2016, the Court issued an order modifying the original April 2, 2015 order, and provided a new timeline, which required full compliance as of May 27, 2016. Pursuant to the Court's Feb. 8, 2016 order, DSHS revised the long-term plan and submitted the revised plan to the Court on May 6, 2016. The long-term plan can be found at [Combined Long-Term Plan](#).

OFMHS is responsible for the leadership and management of Washington's forensic mental health care system and is addressing the increasing demand for mental health services for adults and youth in the criminal court system. OFMHS provides forensic evaluations, competency restoration, Not Guilty by Reason of Insanity treatment services, and liaison services to effectively coordinate efforts with system partners to meet shared goals. OFMHS additionally provides ongoing training and technical assistance to improve quality and timeliness of forensic mental health services, data management and resource allocation, training and certification of evaluators, and quality monitoring and reporting. OFMHS collaborates with the Governor's office to lead and implement robust diversion efforts to prevent citizens with mental illness from entering the criminal court system.

Significant public resources have been invested in providing the high quality and empirically supported services of OFMHS. Four major goals for OFMHS during this period were (1) best-utilize current bed capacity and near-term bed increases; (2) gain efficiencies in evaluation delivery processes; (3) fund prosecutorial diversion programs; and (4) take action to address staffing challenges. Below are the key actions that occurred during this period to support system-wide improvement.

### **Best-Utilize Current Bed Capacity and Near-Term Bed Increases**

#### **Selected Prior Reporting Period Events Impacting Bed Capacity and Utilization Rates**

During spring and summer 2016, 54 total beds were opened in two residential treatment facilities providing inpatient restoration treatment at a lower acuity level than the state hospitals. Thirty beds were opened at the DSHS Behavioral Health and Treatment Center – Maple Lane Forensic RTF<sup>2</sup> (Centralia, WA) and 24 beds were opened in Yakima (temporary sites). These additional beds were opened to help manage the state's waitlist for inpatient services.

WSH expanded South Hall from 15 to 30 beds in fall 2018. The Federal Court used fine funds to renovate building 27 on WSH's campus to create the third residential treatment facility, the 30-bed Fort Steilacoom Competency Restoration Program RTF, which opened in August 2019. The Legislature has funded ongoing operations of Steilacoom Unit (formerly known as Building 27/Fort Steilacoom – *see footnote below for additional details*).

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<sup>2</sup> In late 2023, Maple Lane Competency Restoration Program, the 30-bed forensic residential treatment facility, often referred to as MLCRP or Maple Lane, has been re-named as part of a larger re-naming effort to reflect our growing civil units at the Maple Lane Campus, the Brockmann Campus in Vancouver, and a change in naming convention at the Fort Steilacoom Competency Restoration Program also known as Building 27/FSCRCP). As part of the larger re-naming, the Maple Lane forensic RTF will now be known as Cascade Unit, and FSCRCP will now be known as Steilacoom Unit.

A needs projection and bed capacity study was completed during Q4 2018 with the TriWest Group, a consultancy organization, to determine the feasibility of and timeframe for compliance with court orders. The impact of community-based competency evaluation on the demand for inpatient competency evaluation and restoration beds were measured by TriWest Group. Results of this study were unable to identify any correlation (e.g., homelessness, arrest rates, etc.) to the increases in referrals.

A 25-bed forensic ward, 1N3, opened on June 1, 2020 at ESH, and a second 25-bed ward, 3N3, opened on Aug. 3, 2020. At WSH, two 20-bed wards opened to NGRI patients in February 2021.

As part of the Trueblood Contempt Settlement Agreement, Yakima was scheduled to close by year-end 2021, but the contractor made the decision to close in August 2021 due to pandemic-related staff retention issues. Yakima's closure removed 24 RTF beds from the inpatient system.

Due to multi-year pandemic-related restrictions, ESH had been limited to a single forensic admissions ward, which had limited its bed availability and admissions pace. Pandemic related social distancing and quarantining requirements are no longer in effect, which is beneficial for admissions and patient capacity.

The period of the pandemic beginning in Q4 2021 and continuing through summer 2022, was notable for the most significant spike in infections and direct operational impacts BHA-wide. Toward the end of Q4 2021, the Omicron variant began emerging as a more infectious successor to the previously dominant Delta strain of COVID-19 and began impacting BHA facility operations. Omicron infections spiked throughout BHA facilities in January and February 2022 leading to numerous COVID-19 related restrictions, admissions holds, staffing shortages, and patient quarantines. Omicron-related impacts to facilities' operations persisted well into Q2 with admissions often running substantially below standard capacity or remaining entirely on hold to prevent wider COVID-19 outbreaks. By the end of Q2, BHA facilities began resuming a more normal level of COVID-19 impacted operations. Omicron infections finally slowed down heading into Q3, although it and its subvariants remained the dominant strain of COVID-19 throughout most of 2022.

The governor's state of emergency proclamations gradually expired, and the formal emergency declaration ended on Oct. 31, 2022. Facility-specific precautions continued through the fall and winter as COVID-19 continued to circulate along with significant cases of seasonal influenza, norovirus, and RSV. Heading through Q1 and Q2 2023, the healthcare response to COVID-19 moved from a pandemic emergency response to that of an endemic, seasonal outbreak type response. COVID-19 has adopted circulatory patterns similar to those of other seasonal viruses. Indeed, as seasons have changed across calendar year 2023, and summer became fall at Q3's conclusion, levels of COVID-19 in BHA's facilities have fluctuated from lower levels and spiked again to higher circulation rates on an ebb and flow basis. At times, outbreaks necessitate short-term patient quarantines or brief admissions holds to prevent widespread outbreaks of disease.

### Current Bed Capacity Utilization Initiatives

In Q4 2023, the recently acquired (*see below*) Olympic Heritage Behavioral Health opened 54 beds for civil conversion patients, and additional beds are expected to open systemwide in Q1 2024.

No new beds opened during Q3 2023; however, OHBH was acquired by DSHS in summer 2023 and plans for new beds exist in Q4 2023. The initial intent was to use beds opening at OHBH for civil conversion patients from WSH to free up limited civil patient space and provide additional space for Trueblood Class Members.

During Q2 2023, with COVID-19 related admissions restrictions lifted, Steilacoom and Cascade Units were able to raise their census back to 30 patients. Continued reduction of civil admissions at the state hospitals allowed for greater numbers of Trueblood Class Members to gain admissions to the state hospitals, which gradually resulted in decreasing wait lists and waiting times for inpatient services. Additionally, 74 new beds opened in Q2 2023. Fifty-eight competency restoration beds opened in two remodeled wards at WSH, and 16 civil beds opened on Maple Lane's Campus in Oak Unit, which has freed up additional bed space for forensic patients at WSH.

During Q1 2023, inpatient bed capacity was closely managed by an executive-level planning team charged with carefully matching the limited available bed openings to the types of patients waiting for admissions. The team was additionally charged with client's legal teams and court partners to complete inpatient evaluation orders while clients waited in jail, where feasible, instead of allowing clients to wait in jail for several months to be brought for an inpatient competency evaluation, which also occupies an inpatient bed. This capacity management initiative has shown success in increasing bed turnover and Trueblood Class Member throughput in Q1 2023 compared to Q4 2022.

During Q4 2022 in response to the ongoing demand surge for restoration beds, and the lack of available beds for forensic admissions and especially admissions for Trueblood Class Members, BHA Assistant Secretary, Kevin Bovenkamp, issued a letter dated Dec. 14, 2022 detailing new emergency admissions procedures in effect at the state hospitals and residential treatment centers. These new procedures evaluate individual clients with civil orders to determine whether it is possible to serve those clients at the state hospital. When it is not possible to admit them, the patients, their legal team, and the court are issued "no admit" letters informing them of the decision to not offer civil admission to the client.

During Q3 2022, a focus on keeping beds as full as possible was a continued key strategy, given the need to respond to probable and actual COVID-19 positive tests among patients and staff at the following facilities: ESH, WSH, Steilacoom Unit, and the Maple Lane Campus. Recently, Steilacoom and Cascade Units have returned to a full capacity of 30 clients each and have been building toward reaching that capacity. During the COVID-19 related state of emergency that concluded after Q3 2022 ended, Cascade and Steilacoom Units had reduced their patient census to 25 clients each, as part of COVID-19 protocols, and each facility often had to operate at an even lower census due to COVID-19 induced admissions holds. Each facility made these changes to allow for social distancing within the facility and to accommodate a quarantine room.

Triage services have continued to identify individuals for whom expedited admissions may be appropriate. As of Dec. 31, 2023, the Triage Consultation and Expedited Admissions program, has identified and accepted requests for 631 individuals for expedited admissions, out of a total of 1,018 individual referrals. Assisting some of the highest acuity clients to access competency services sooner, may result in less decompensation and less use of services in the long run. Most importantly, it potentially allows our most vulnerable clients to access critical, person-centered services in a therapeutic setting.

A team of nine forensic navigators was hired in winter and spring 2020 and deployed to our 10 Phase 1 counties to begin serving clients on July 1, 2020. Navigators are developing strong relationships with our court and outpatient restoration partners and are already making key differences in client-centered problem solving and connecting clients to needed resources. Navigators partner closely with the Outpatient Competency Restoration Program, which was also implemented on July 1, 2020 in partnership with the Health Care Authority. To learn more about OCRP and to review the available client-level data, the [Trueblood Semi-Annual Report](#) sections on Community Outpatient Services and Appendix B-OCRP Dashboard, provide further information. OCRP allows both Trueblood Class Members and personal recognizance clients to utilize lower-acuity level beds, as appropriate, thus freeing additional otherwise occupied higher-acuity beds at the state hospitals and at the RTFs for higher acuity Class Members. As of Q3 2022, forensic navigators and HCA's OCRP administrator continue outreach to the criminal courts to expand use of OCRP in the 10 Phase 1 counties. This outreach is expected to remain an ongoing feature of both programs well into future reporting periods.

On July 5, 2022, OFMHS implemented a new process to allow suitable RTF clients on their second period of restoration to transition to outpatient restoration. Significant collaboration among forensic navigators, OCRP, the RTFs, and the criminal court system have allowed this new effort to reduce demand and increase throughput of higher acuity beds to come to fruition. The new process allows clients to access significant community resources to aid in their restoration and provides more bed turnover at RTFs allowing patients with greater acuity admission to those beds. The initial clients identified and referred for participation have undergone an assessment for OCRP suitability conducted by a forensic navigator. In the initial cases, the clients were found competent, and therefore were not referred to OCRP; however, their RTF bed was freed for another higher acuity client. This process has continued to function throughout the second half of 2022 and through Q2 2023, and on May 10, the first RTF resident transferred to OCRP in King County.

Phase 2 expansion of the Forensic Navigator program into the King region allowed the hiring of an additional nine forensic navigators plus supervisors and support staff to provide the services available in the 10 Phase 1 counties. Navigators were hired in summer and fall 2021, and services expanded to the King region in January 2022. With OCRP's first patient admission in the King region on Oct. 31, 2022, the entire programming suite of Trueblood Settlement Agreement services are available in the Phase 2 region, navigators have more tools at their disposal to guide and assist their clients. Navigators seek to divert criminal defendants out of jails and inpatient restoration settings, and into community-based restoration and treatment settings. Program participants are assigned a forensic navigator at the time the court orders a competency evaluation. Their support starts with making connections to resources while clients are in jail. If clients are deemed competent, forensic navigator services end. For those who are determined not competent to stand

trial and are ordered into outpatient competency restoration, forensic navigators continue serving these clients and work with other Trueblood programs until they provide warm handoffs to community resources.

In general, forensic navigators work with clients to ensure that they comply with their conditions of release, attend outpatient competency restoration classes, and adhere to prescribed medications. Navigators also connect clients to additional supportive services in the community, such as housing, mental health and substance use treatment, supported employment services, and community-based case management services.

Phase 3 of the Trueblood Settlement Agreement began in Q3 2023, which allows the Forensic Navigator program to expand to two new regions inclusive of five counties. The legislature funded additional navigator positions in the Phase 1 and 2 regions as well, and they agreed to fund a new program called Diversion Navigators. The Diversion Navigator program seeks to divert identified class members prior to competency evaluation to reduce repeat use on the system and to seek improved outcomes for their clients. This new program is being implemented in all three of the phased regions covering the Trueblood Contempt Settlement Agreement. Early implementation activities for both the Forensic and Diversion Navigator programs have included significant efforts to hire and train the significant numbers of staff members funded through the Legislature's 2023-2025 biennial budget.

#### Near-Term Projects to Expand Bed Capacity

Due to COVID-19 related supply chain disruptions and challenges within the construction industry, no new beds opened during calendar year 2022. The following beds are expected to come online during calendar year 2023:

1. Two new 29-bed inpatient forensic competency restoration wards at WSH. One ward opened in early May, and the second ward opened in mid-May.
2. Contracting with Emergent Community Hospital for up to 50 beds for felony conversion patient transfers from the state hospitals. Contract is in place and active as of Q1 2023.
3. Oak Unit: The 16-bed inpatient RTF Civil Center for Behavioral Health at Maple Lane. Opened early April 2023.
4. The 30-bed remodel of Columbia Unit at the Maple Lane Campus as a facility for NGRI patients from WSH. Projected opening is February 2024.
5. HCA and Commerce are working to create 110 civil commitment beds for 90-180-day civil patients across the state. Eight projects have been awarded capital funding between the 19-21 and 21-23 budget biennia. As of fall 2022, one project is complete.
6. During summer 2023, DSHS purchased a private mental health hospital in Tukwila to re-open as Olympic Heritage Behavioral Health and use initially for civil conversion patients. Beds that open at Olympic Heritage will free up space for Trueblood Class Members at WSH. These beds are not included in the new bed totals listed above. In Q4 2023, an initial 54 beds opened for civil conversion patients. Additional beds may open in 2024.

### **Gain Efficiencies in Evaluation Delivery Process**

During the 2015-2017 and 2019-2021 state budget biennia, 39 forensic evaluators were added to current staff levels. The department continues to examine evaluator and support staff levels to determine optimal staffing to support legislative requirements outlined in RCW 10.77.068 and implementation of the Trueblood Contempt Settlement Agreement. The department submitted a decision package to the Governor's office requesting additional forensic evaluators and related support staff be included in the 2023-2025 biennial budget request. The governor included that request in his budget proposal to the Legislature. Subsequently, the legislature passed, and the governor enacted into law substantial new staffing resources to better serve Trueblood Class Members.

Additional ongoing efforts have continued around workforce development. Specifically, staff evaluators are provided training, with national experts in the field of competency evaluations, as a part of ongoing efforts to create and maintain the most highly trained and efficient staffing possible. Following the conclusion of the telehealth evaluation pilot project, use of telehealth services for evaluations has continued at existing pilot sites. For the first two years of telehealth evaluations, it proved challenging to engage jails and other entities in adopting remote evaluations; however, with the COVID-19 pandemic, OFMHS' was prepared to quickly shift to and effectively deploy workforce development staff to assist jails and others in adopting the necessary technology to conduct telehealth evaluations.

For the 12 months ended in December 2023, the use of telehealth evaluation services has decreased moderately to 238 completed evaluations per month on average. This compares to 263 completed evaluations per month on average in the previous 12-month period from January 2022 through December 2022. Defense attorneys and clients continued to use the system with very few rejections. The refusal rate was 1.6 percent of attempts over the last 12 months, with clients only refusing 21.7 percent of the total refusals. Client's attorneys refused most of the telehealth evaluations. Telehealth systems' reach across the state has continued to grow. Telehealth systems have been used for evaluations at three Tribal corrections facilities; 11 city/regional jail locations; in 32 different counties with 35 total locations; at three OCRP programs; and in five DSHS inpatient facilities (including the Yakima RTF that closed on July 26, 2021). The OFMHS Telehealth committee provides IT and ongoing site support for existing telehealth sites and works to identify and evaluate new sites to begin offering telehealth services.

Staffing challenges at the ERO, during Q3-Q4 2021 that persisted through the second half of 2022, exacerbated inefficiencies in evaluation scheduling practices for forensic evaluators who complete all forensic evaluations on the eastside of Washington state. OFMHS submitted a decision package, as part of assuming scheduling for all of our evaluators and has been working on aligning scheduling processes across the state. Scheduling process unification and implementation continued throughout 2022. Early results were promising, and ERO's on time performance for jail-based competency evaluations demonstrated substantial recovery by Q4 2022. A strong team is excited and engaged in this transformative effort. Additionally, evaluators and supervisors from the westside have assisted in tackling the competency services' case backlog to help the eastside become more current in their evaluations. During Q4 2022, timely completion of jail-based competency evaluations by the ERO more than doubled, and during Q1 2023, timely completion

improved an additional 27.5 percent to 93.1 percent. Q2 2023 saw a slight decline in jail-based evaluation completion times at ERO, before increasing again in Q3 2023 to a record high 94.2 percent. Q4 2023 came in nearly flat at 93.4 percent, but average days waiting decreased by 7.9 percent.

Through the demand to bargain process, eastside evaluators transitioned from workload expectations of nine evaluations per month to 12 evaluations per month. This change required several months to implement. After implementation, workloads on both sides of the state now match. Furthermore, a demand to bargain was completed in September 2022 to allow DSHS to contract both in-state and out-of-state forensic evaluators to assist with competency orders. The ability to contract provides needed flexibility to handle staffing vacancies and has also assisted in improving timely completion of jail-based evaluations.

### **Funded Legal Diversion Programs**

The community liaison and diversion specialist continues OFMHS' efforts in reducing demand for beds by working with community stakeholders to find and utilize available resources outside the criminal court system that will meet the needs of this population while fulfilling OFMHS' requirements under Trueblood. OFMHS community liaison and diversion specialist manages the contracts for three prosecutorial diversion programs and provides ongoing technical assistance to the programs to assist them in meeting enrollment goals and overcoming other challenges.

The program in King County is a prosecutorial diversion program, which as of July 2023 is jointly funded by its second one-year contract with HCA and a contract with OFMHS. This program allows a prosecutor to use their discretion to dismiss a non-serious charge without prejudice if the issue of competency is raised. The intent of this program is to divert misdemeanor and low-level felony defendants from incarceration and hospitalization into needed behavioral health treatment. In addition to this prosecutorial diversion program in King County, DSHS also contracts for the same services in two other locations: Spokane County and Benton/Franklin Counties (the contractor is Lourdes).

The programs mentioned above continued to operate through the pandemic though services were reduced and modified to incorporate more technology (e.g., Zoom for Healthcare) into client meetings. The pandemic resulted in reduced enrollment opportunities for the three DSHS contracted diversion programs. Having emerged from the pandemic, all three programs continue efforts to improve enrollment. OFMHS' community liaison and diversion specialist works with each program to reduce barriers to success. Fiscal year 2023 first-quarter enrollment in the three programs demonstrated significant and encouraging improvement. For Q2 FY'23 (Q4 2022), the pace of enrollment in the DSHS contracted diversion programs slowed as compared to Q1 FY'23, but it remained on pace to meet enrollment expectations for FY'23. For Q3 FY'23 (Q1 2023), enrollment remains on pace to meet the annual enrollment expectations for FY'23. For Q4 FY'23 (Q2 2023), enrollment picked up in the King County program but performed below expectations in the Spokane County and Benton/Franklin County programs. As a result, the DSHS contracted diversion programs missed their 180-client enrollment goal by 1.7 percent or three clients. Compared to FY'22, however, the programs showed significant combined enrollment growth of 17.2 percent or 26 clients.

For Q1 FY'24 (Q3 2023), the new fiscal year is off to a good start for the DSHS contracted diversion programs. Fifty-two clients enrolled in the quarter, which is above the pace needed to meet or exceed the FY'24 enrollment goal of 186. For Q2 FY'24 (Q4 2024), 45 clients enrolled in the three DSHS contracted diversion programs. With a total enrollment of 97 clients through the first two quarters of FY'24, enrollment is 4.1 percent ahead of the needed enrollment to meet the annual goal.

The twelve diversion programs that had previously been funded through federal court contempt fines from the Trueblood decision had fine funding withdrawn for FY'23. The federal court informed the programs to locate more sustainable sources of funding. Five of the programs found other sources of funding or closed, and seven of the programs received a one-year bridge appropriation from the Legislature in FY'23. The six programs listed below received an additional one-year bridge appropriation for FY'24 and remain under contract with HCA.

1. Frontier Behavioral Health (Spokane)
  - a. Co-responder / Designated Crisis Responder services
  - b. Total contract amount: \$647,341
  - c. Fronter's Co-responder program provides mental health co-responder services to the Spokane City Police Department and coordinates with the Spokane County Jail and Community Court to increase early identification and intervention for Trueblood Class Members and community members with mental health conditions and co-occurring disorders. This program also provides in-reach services, certified peer counseling, and connection to additional behavioral health providers.
  
2. Comprehensive Healthcare (Yakima)
  - a. Collaborative Diversion program and Intensive Community Support programs
  - b. Total contract amount: \$1,451,195
  - c. Comprehensive's Collaborative Diversion program provides mental health co-responder and designated crisis response services to the Yakima Police Department, Yakima Sheriff's Office, and Union Gap Police. The Intensive Community Support program provides case management, behavioral health, and jail re-entry services to former, potential, and current Trueblood Class Members.
  
3. King County BHASO
  - a. Community House Mental Health Agency, Law Enforcement Assisted Diversion, Legal Intervention and Network of Care, and the Community Outreach and Advocacy Team programs
  - b. Total contract amount: \$3,286,000
  - c. King County's Trueblood Diversion programs aim to provide behavioral health and other services in community settings as an alternative to criminal legal involvement, which is likely to include forensic mental health services related to defendants' competency to stand trial. These programs provide law enforcement and prosecutorial diversion, low-barrier behavioral health services, intensive case management, and supportive housing to former, potential, and current Trueblood Class Members.



4. Kitsap Mental Health Services
  - a. Trueblood Diversion program
  - b. Total contract amount: \$422,499
  - c. Kitsap's Trueblood Diversion program aims to bridge the divide between the behavioral health system and the criminal court system by providing re-entry services, certified peer counseling, care coordination, and housing support to former, potential, and current Trueblood Class Members.
  
5. Community Integrated Health Services (Formerly Great Rivers) (Chehalis)
  - a. Trueblood Diversion program for Cowlitz, Grays Harbor, Lewis, Pacific, and Wahkiakum County Jails
  - b. Total contract amount: \$1,204,000
  - c. Community Integrated Health Services' Trueblood Diversion Service program aims to reduce the demand for competency services, minimize the harm inflicted in the criminal court system, and provide services to individuals with behavioral health issues in the least restrictive environment. This program provides jail re-entry services, mental health services, certified peer counseling, and intensive case management within the Cowlitz, Grays Harbor, Lewis, Pacific, and Wahkiakum County Jails.
  
6. Catholic Charities of the Diocese of Yakima (program location is Chelan)
  - a. Co-responder Services and Jail Diversion
  - b. Total contract amount: \$983,924
  - c. Catholic Charities Diversion Crisis Response Services/Co-responder and Jail Diversion programs increase early identification and intervention for Trueblood Class Members and community members with mental health conditions and co-occurring disorders. This program serves those members indicated above who have contact with law enforcement and jails, by integrating mental health professionals into law enforcement response and jail-based services to deflect potential Class Members away from arrest and incarceration through designated crisis response, co-responder services, crisis intervention, jail screening and re-entry services, and care coordination.

A staff member at HCA manages the contracts and technical assistance to these diversion programs. Unless renewed in the upcoming FY'25 supplemental budget, funding for these programs is expected to expire at the end of FY'24. To continue operations, these programs would need to locate alternative sources of funding. As of December 2023, none of the contracted diversion programs have alternate funding sources.

### **Take Action to Address Staffing Challenges**

Competing for staff talent with the private sector in the context of the well-publicized post-pandemic workforce challenges has left many positions, especially at our treatment facilities, chronically unfilled. BHA has identified and implemented creative solutions within our existing authority and partnered with executive leadership, state human resources, labor, and other partners to develop and implement innovative approaches to recruiting and retaining critical staff positions.

In spring and summer 2022, DSHS completed several steps to alleviate staffing challenges. Steps taken included hiring more contractors and travel nurses, adding hiring recruitment resources to both WSH and ESH, especially to hire nurses, partnering with the Washington State Office of Financial Management to adjust pay ranges for certain positions, expanding our successful forensic evaluator training and recruitment post-doctoral program from three to five interns, and engaging a successful demand to bargain with labor partners to allow for contract evaluations to take place until vacancies can be filled. Implementing new policies and practices to attract and retain passionate, talented staff remains critical to success, and BHA has continued this critical focus through 2022 and well into 2023. Even with these successful actions, BHA continues to face high vacancy rates in several critical patient-centered job classes. As of early January 2024, vacancies in these classes now range between 36-43 percent. The ability to maintain current restoration capacity is a challenge, and staffing new facilities' capacity is also very challenging.

BHA has established a HQ-based staffing and outreach team focused on filling the newly established positions for the additional facilities being built as well as providing recruitment, outreach, and hiring support for vacancies within existing facilities and programs. This team has increased the partnerships, job fairs, and outreach connections with a focus on high schools, community colleges, trade schools, tribal governments, and professional, and community organizations. Some of the strategic recruitment and outreach activities include:

- Program/facility-specific job fairs
- Position/discipline-specific job fairs (nursing, psychology, security guard)
- Veteran-focused hiring events
- Sending statewide letters to all licensed psychologists
- Paid recruitment ads in professional journals

Effective July 1, 2023, several new staff retention measures take effect with implementation of the 2023-2025 biennial budget and collective bargaining agreements.

- Staff who were hired on or before July 1, 2022 and remain employed on July 1, 2023 qualify for a one-time lump sum retention payment. Most employees receive \$1,000. Certain represented employees may receive \$1,500.
- All employees in Washington General Service and Washington Management Service positions, working at our 24/7 facilities receive a five-percent wage premium for hours worked on-site at the facilities.
- All employees received a four-percent cost of living adjustment. Effective July 1, 2024, all employees are scheduled to receive an additional three-percent cost of living adjustment.

- Enacted targeted wage scale adjustments for critical positions.
- Extra duty pay for forensic evaluators and psychiatric social workers
- Extra duty pay for ARNPs (1 ¼ times the regular rate)
- Extra duty pay for physicians and psychiatrists (1 ¼ times the regular rate).

## **NEXT STEPS**

Future reports will provide continued progress reporting, with a focus on efforts made in five main areas as they relate to compliance: (1) expanding and best-utilizing bed capacity, (2) increasing throughput for inpatient services, (3) managing in-custody evaluations to reduce barriers so compliance can be reached, (4) decreasing demand for competency services, and (5) identifying and implementing additional actions to address staffing challenges.

Work continues to bring new beds online over the next several reporting periods as well as over the next several fiscal years. As COVID-19's pandemic phase has ended, the new beds have already provided increased client benefit. With more standard admissions protocol in place, BHA quickly filled the new 29-bed forensic units at WSH that began operations in early- and mid-May 2023, respectively. Likewise, when the new Oak Unit civil RTF facility (16 beds) at the Maple Lane Campus opened in early April 2023, the beds were quickly filled with civil patients who were transferred from WSH, freeing up additional space at the state hospital for Class Members. By late winter 2024, Cascade Unit, a new NGRI (30 beds) facility at the Maple Lane Campus will open, which would free up additional ward space at WSH; planning continues for a three-ward civil facility, of 16-beds each, run by DSHS in Clark County; and work continues on a Snohomish County civil RTF (16 beds) in partnership with the Tulalip Tribes and HCA. HCA continues work with Commerce to create 110 new beds statewide for 90- and 180-day civil commitments. Each of these new civil and NGRI bed projects would allow civil patients to obtain treatment closer to home while forensic Trueblood clients could potentially gain additional beds at WSH. Additionally, the new 350-bed forensic hospital on WSH's campus continues in its design phase and is looking toward a potential completion of construction as early as 2027 – with patients entering the facility in 2028.

The major focus for OFMHS in the future is to work on reducing demand for all competency services through continued implementation of the Trueblood Contempt Settlement Agreement. The Forensic Navigator program initially launched July 1, 2020 and is connecting class members with an enhanced suite of services as they navigate the competency/restoration process. Outpatient Competency Restoration also launched on July 1, 2020 and works in concert with the Forensic Navigator program to educate the criminal courts and guide appropriate clients to needed services – especially outpatient restoration – and away from inpatient beds in secure state facilities. In summer and fall 2021, the Forensic Navigator program hired nine new navigators for the program's expansion into the King region. It also hired a supervisor for the King region group and an additional supervisor to jointly oversee the Southwest Washington and Spokane Forensic Navigator groups. The newly hired forensic navigators began onboarding and training with OFMHS in November 2021 and implemented Phase 2 navigator services in the King region in January 2022.

During Q3 2022, OCRP programs continued planning for Phase 2 King region implementation of the Contempt Settlement Agreement. OCRP contracted with a provider to implement OCRP in the King region. Limited outpatient restoration services began in Q4 on Oct. 31, 2022. Additional program slots became available in Q1 2023 as the contractor hired and trained additional staff. Every person identified as appropriate and subsequently ordered for restoration treatment in OCRP can access community resources and build or rebuild the community supports necessary to enable

success post-restoration. Diverting people from inpatient hospital or RTF beds allows people with higher acuity to access those beds.

Efforts to reduce demand for competency services include several innovative programs listed as follows: Forensic Projects for Assistance in Transition from Homelessness, mobile crisis response, and Forensic Housing and Recovery through Peer Services teams. FPATH identifies and builds relationships with persons at highest risk for involvement in the criminal court, homelessness, and forensic mental health systems to provide services and prevent involvement in these systems. MCR provides timely interventions in the field to keep individuals from being arrested and incarcerated and to instead quickly connect them with the services they need. FHARPS identifies persons who are homeless or unstably housed who also have behavioral health needs and connects them with supports for housing and peers who have similar lived experience. Each of these programs is working to meet client's needs and to enable them to move forward in a positive manner before a behavioral health crisis necessitates criminal court involvement or involuntary hospitalization. FPATH, MCR, and FHARPS programs have implemented their services for Phase 2 in the King region. Services became active during Q1 2022. These programs pair ideally with Forensic Navigator services and with OCRP. FPATH, MCR, and FHARPS continue working closely in the King region with their navigator counterparts.

OFMHS management has worked with the union to create additional efficiencies for jail-based evaluations. Through the demand to bargain process, eastside evaluators transitioned from workload expectations of nine evaluations per month to 12 evaluations per month. This change took several months to implement. After implementation, evaluator workload on both sides of the state now matches. Further, an additional demand to bargain was completed in September 2022 allowing DSHS to contract both in-state and out-of-state forensic evaluators to assist with competency orders. Recent work to implement changes from the successful contract evaluations demand to bargain agreement continued into Q4 2022. On time jail-based evaluation completions for the eastside more than doubled in the last few months of 2022, and part of this success can be attributed to successful implementation of recent demand to bargains. Significant improvement in timely jail-based evaluation completions continued and has endured throughout 2023.

Department of Social and Health Services staff have strived to continue advancing transformative solutions to the forensic system in a safety and patient-centered care environment, despite the challenges induced by the historic pandemic. In addition to impacting our manner and ability to operate services, COVID-19 has substantially exacerbated systemic health care staffing challenges, many of which already impacted the forensic mental health system prior to COVID-19's emergence. Competing for staff talent with the private sector and in the context of the post-pandemic labor market leaves many positions, especially at our treatment facilities, chronically unfilled. Nevertheless, the department continues to identify and implement creative solutions within its existing authority and partners with executive leadership, state human resources, labor, and other partners to develop and implement innovative approaches to recruiting and retaining critical staff positions. DSHS has continued this critical focus throughout 2023 and plans continued emphasis in these areas for the foreseeable future.

## **SUMMARY**

The department continues work on impacting these five levers: (1) increase, and best-utilize, bed capacity; (2) increase throughput for inpatient services (quicker turnover in hospitals); (3) manage in-custody evaluations to reduce barriers so compliance can be reached; (4) decrease demand for competency services; and (5) identify and implement additional actions to address staffing challenges.

Ensuring every bed's optimal use to meet requirements under Trueblood, by maintaining efficient referral and admission practices, remains critical to OFMHS' work toward achieving compliance.

Ongoing triage and diversion efforts continue to facilitate and improve these efforts by managing the inpatient portion of Trueblood Class Members, while also finding acceptable alternatives for those Class Members deemed suitable for these alternative options.

Taking creative actions within the scope of the department's authority, partnering with our internal constituencies, and working toward implementing new policies and practices to attract and retain passionate, talented staff remains critical to success.

Now through Phase 1 and Phase 2 implementation of the Contempt Settlement Agreement, OFMHS continues to work with its partners at the Health Care Authority, the Criminal Justice Training Commission, the criminal court systems around the state, and others to implement and administer new programs seeking to better serve our clients. OFMHS and its partners were well-prepared to immediately begin Phase 3 implementation activities on July 1, 2023. With many early Phase 3 hiring activities and other early implementation activities well underway as of Dec. 31, 2023, OFMHS remains optimistic about opening Phase 3 programming to clients in 2024.