

The Honorable MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CASSIE CORDELL TRUEBLOOD, next friend
of A.B., an incapacitated person, et al.,

Plaintiffs,

v.

THE WASHINGTON STATE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES, et al.,

Defendants.

NO. 2:14-cv-01178-MJP

DECLARATION OF
THOMAS J. KINLEN

I, Thomas J. Kinlen, am over the age of 18 years of age, competent to testify to the matters below, and declare based upon personal knowledge:

1. I am the Director of the Office of Forensic Mental Health Services (OFMHS) within the Behavioral Health Administration (BHA) of the Department of Social and Health Services (DSHS). As the Director, I am also a Deputy Assistant Secretary and an Appointing Authority who is an authorized representative of the Department of Social and Health Services.

2. As the Director, I am responsible for the delivery of forensic services in the State of Washington which includes competency to stand trial evaluations, competency restoration, and not guilty by reason of insanity evaluations. I am responsible for the operation of OFMHS

1 which includes oversight of contact / administrative management with competency restoration
2 sites, establishing consistent policies, procedures and practices across the competency sites and
3 State Hospitals, assisting forensic evaluators in completing job duties as assigned, and working
4 with the key stakeholders across the state in addressing any issues and concerns related to
5 forensic patients.
6

7 3. I joined the Department of Social and Health Services in May, 2016, and prior
8 to joining BHA, I served as the Superintendent at Larned State Hospital, Larned, Kansas in
9 which I was also serving as the Clinical Director, Supervising Psychologist for both the Sexual
10 Predator Treatment Program and the State Security Program, and as the Director of Clinical
11 Training for both the APA Accredited Psychology Internship and the APPIC certified
12 Postdoctoral Fellowship training programs. Attached is a true and correct copy of my
13 curriculum vitae. Attachment A.
14

15 4. OFMHS is not only working to reach ultimate compliance with this Court's
16 mandates, but is already looking into the future to address Washington's Not Guilty by Reason
17 of Insanity Population, enhanced diversion programming, examining both the front, side, and
18 back door as it relates to the forensic population, and improved coordination between the
19 forensic and civil mental health systems. OFMHS will not only help the Department reach
20 compliance, but will ensure that gains are maintained, wider system complexities are addressed,
21 and the processes and quality of evaluation, care, and treatment are improved.
22

23 5. In conjunction with BHA data personnel, I have reviewed the most recent data
24 regarding wait times for competency services. This data has been calculated through May 24,
25 2016, three days short of the compliance deadline set by this Court. According to the data
26

personnel, the hospitals have a process in place for abstracting the data and then entering and validating the data. The process of abstracting the data, entering it, and then validating it takes a week or more after the end of the month. This process is necessary to ensure the presence of all of the data and to ensure data quality. Once the data are sent to the data consultant, he goes through additional steps to clean the data and to incorporate it into the previously presented data. This data cannot be accessed prematurely without potentially sacrificing the accuracy and integrity of the data. Based on my understanding, the data through May 27, 2016 will be available by June 10, 2016. The following is a report on data available through May 24, 2016 indicating efforts to achieve substantial compliance as outlined by the Court. I do not anticipate awaiting the additional three days of data through May 27, 2016 will show a significant difference in the data reports.

6. Below is a chart that reflects the number of patients served at the alternative restoration sites, Maple Lane and Yakima, since opening in March and April 2016 respectively.

Competency Restoration Alternate Sites		
Data Element	Maple Lane	Yakima
Date 1 st Patient Admitted	4/18/16	3/15/16
Total # Patients Admitted to date (6/6/16)	21	17
Current Patients	15	8
Discharged – Opined Competent	5	6
Opined not competent, discharged to jail while awaiting order for 2 nd 90 day restoration period	0	1
Discharged – Not likely restorable	0	1
Discharge -Transferred to state hospital	1	1

7. Currently, Yakima can house 12 patients and Maple Lane can house 30 patients. As of June 6, 2016, Yakima has 8 patients in residence and Maple Lane has 15. In addition, Yakima has admitted, treated, and restored to competency 6 patients, bringing the total number of admissions to 17. Maple Lane has admitted, treated, and restored to competency 5 patients, bringing the total number of admissions to 21.

8. The following table represents total jail evaluations completed and inpatient evaluations/restorations that received a bed from April 2015 to April 2016 (this includes both hospitals).

COMPLETIONS BY MONTH				
	EVALUATIONS			RESTORATIONS
	TOTAL	JAIL	INPATIENT	
Apr-15	235	223	12	74
May-15	199	187	12	50
Jun-15	229	212	17	72
Jul-15	256	237	19	67
Aug-15	274	255	19	58
Sep-15	243	224	19	54
Oct-15	258	236	22	70
Nov-15	208	190	18	69
Dec-15	276	255	21	80
Jan-16	286	260	26	65
Feb-16	277	257	20	56
Mar-16	313	287	26	71
Apr-16	262	238	24	76

9. Below is comparison data between April 2015 and May 2016 on time frames for evaluations and competency restoration cases for both Western State Hospital, Eastern State Hospital, and both hospitals combined.

WESTERN STATE HOSPITAL - COMPLETIONS FOR APRIL 2015									
DAYS TO COMPLET E	EVALUATIONS						RESTORATIONS		
	JAIL			INPATIENT					
	NUMBER OF CASES	AVG DAYS	PERCEN T	NUMBER OF CASES	AVG DAYS	PERCEN T	NUMBER OF CASES	AVG DAYS	PERCEN T
Cases <=7 days	28	6	14.1%	2	5	22.2%	18	3.6	24.3%
Cases > 7 days	170	16	85.9%	7	27	77.8%	56	49.8	75.7%
TOTALS	198	15	100%	9	22	100%	74	38.6	100%

WESTERN STATE HOSPITAL - COMPLETIONS FOR MAY (AS OF MAY 24, 2016)									
DAYS TO COMPLETE	EVALUATIONS						RESTORATIONS		
	JAIL			INPATIENT					
	NUMBER OF CASES	AVG DAYS	PERCENT	NUMBER OF CASES	AVG DAYS	PERCENT	NUMBER OF CASES	AVG DAYS	PERCENT
Cases <=7 days	70	5.4	50.4%	3	4.3	17.6%	10	2.2	19.2%
Cases > 7 days	69	13.2	49.6%	14	21.8	82.4%	42	37.1	80.8%
TOTALS	139	9.3	100%	17	18.7	100%	52	30.4	100%

EASTERN STATE HOSPITAL - COMPLETIONS FOR APRIL 2015									
DAYS TO COMPLETE	EVALUATIONS						RESTORATIONS		
	JAIL			INPATIENT					
	NUMBER OF CASES	AVG DAYS	PERCENT	NUMBER OF CASES	AVG DAYS	PERCENT	NUMBER OF CASES	AVG DAYS	PERCENT
Cases <=7 days	1	3	3.1%	0	0	0%	2	3.5	17%
Cases > 7 days	31	63	96.9%	13	61	100%	10	51.2	83%
TOTALS	32	61.1	100%	13	61	100%	12	43.3	100%

EASTERN STATE HOSPITAL - COMPLETIONS FOR MAY (AS OF MAY 24, 2016)									
DAYS TO COMPLETE	EVALUATIONS						RESTORATIONS		
	JAIL			INPATIENT					
	NUMBER OF CASES	AVG DAYS	PERCENT	NUMBER OF CASES	AVG DAYS	PERCENT	NUMBER OF CASES	AVG DAYS	PERCENT
Cases <=7 days	5	6.2	16.1%	2	4	50%	6	4.8	40%
Cases > 7 days	31	15.9	86.1%	2	21	50%	9	18.1	60%
TOTALS	36	14.6	100%	4	12.5	100%	15	12.8	100%

TOTAL COMPLETED REFERRALS FOR APRIL 2015									
DAYS TO COMPLETE	EVALUATIONS						RESTORATIONS		
	JAIL			INPATIENT					
	NUMBER OF CASES	AVG DAYS	PERCENT	NUMBER OF CASES	AVG DAYS	PERCENT	NUMBER OF CASES	AVG DAYS	PERCENT
Cases <=7 days	29	5.6	12.6%	2	4.5	9.1%	20	3.6	23.3%
Cases > 7 days	201	23.3	87.4%	20	49.2	90.9%	66	50	76.7%
TOTALS	230	21.1	100%	22	45.1	100%	86	39.2	100%

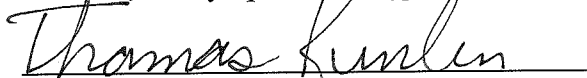
TOTAL COMPLETED REFERRALS FOR MAY 2016									
DAYS TO COMPLETE	EVALUATIONS						RESTORATIONS		
	JAIL			INPATIENT					
	NUMBER OF CASES	AVG DAYS	PERCENT	NUMBER OF CASES	AVG DAYS	PERCENT	NUMBER OF CASES	AVG DAYS	PERCENT
Cases <=7 days	75	5.5	42.9%	5	4.2	23.8%	16	3.2	23.9%
Cases > 7 days	100	14.1	57.1%	16	21.7	76.2%	51	33.8	76.12%
TOTALS	175	10.4	100%	21	17.5	100%	67	26.5	100%

10. The data shows that for both hospitals, the average number of days to complete an evaluation or receive competency restoration has decreased (for example from an average evaluation time frame of 21.1 days for jail based evaluations to 10.4 days in May, 2016). Additionally, inpatient evaluation average days decreased from 45.1 days to 17.5 days).

11. As demonstrated by the wait times reported in the monthly reports, wait times for in-jail evaluations dropped from 45.1 days on average to 17.5 days on average in only 13 months. Because the Department has recently opened 96 new beds, the continued reduction in wait times can be expected. However, not all of these beds are yet filled, in particular the 12 beds at Yakima have not been opened because of a recent restraining order, but it is anticipated that admissions to these beds will continue and they will be at full capacity when all barriers to their use have been resolved. The wait times at ESH are demonstrative; as of May 2016 the average wait times are 12.5 days for inpatient evaluations, and 12.8 days for restoration admissions. Comparing this to the data provided in the April Monthly Report reveals a dramatic reduction has occurred over just two months' time; as of the end of March 2016 the average wait times were 69.2 days for inpatient evaluations, and 45.2 days for restoration. This demonstrates that wait times were reduced by 81% and 71% respectively in just a two-month period.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct to the best of my knowledge.

Signed this 6th day of June 2016, at Olympia, Washington



Thomas Kinlen
Director, Office of Forensic Mental Health Services
Behavioral Health Administration
Department of Social and Health Services

CERTIFICATE OF SERVICE

Beverly Cox, states and declares as follows:

I am a citizen of the United States of America and over the age of 18 years and I am competent to testify to the matters set forth herein. I hereby certify that on this 6th day of June 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this 6 day of June 2016, at Olympia, Washington.



Beverly Cox
Legal Assistant

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