

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Oregon Advocacy Center, Metropolitan)	
Public Defender Services, Inc., and)	
A.J. Madison,)	CV. NO. 02-339-PA
)	
Plaintiffs,)	FINDINGS OF FACT AND
)	CONCLUSIONS OF LAW
)	
Bobby Mink, Director of the Department)	
of Human Services, in his official capacity,)	
and Stanley Mazur-Hart, Superintendent of)	
Oregon State Hospital, in his official)	
capacity,)	
)	
Defendants.)	

PANNER, Judge:

Plaintiffs bring this action seeking an order compelling defendants to expeditiously provide hospital admission and medical treatment for criminal defendants who are determined by the Circuit Courts within Oregon to be unfit to proceed to trial because of mental incapacities. I held a court trial

on April 8, 2002. After consideration of the evidence adduced and the arguments submitted, these are my Findings of Fact and Conclusions of Law:

Findings of Fact

1. Plaintiff Oregon Advocacy Center ("OAC") is a federally funded non-profit law office representing the rights of people with disabilities. Under the Protection and Advocacy for the Mentally Ill Act, 42 U.S.C. § 10805, OAC is charged with the authority to protect the rights of individuals with mental illness. Some criminal defendants are determined by the Circuit Courts of Oregon to be unfit to proceed to trial because of mental incapacities (hereinafter referred to simply as being "unfit" or "unable to proceed"). *See* ORS § 161.370(2). These "unfit to proceed" defendants fall within the scope of OAC's mandate, and are its constituents.

2. Plaintiff OAC represents people with mental illness and provides the means to protect their collective interests. The organization advocates for those found unable to proceed to trial in various ways, including representing individual clients and litigating to establish limits on the amount of time people may be held at state hospitals because they have been found unfit to proceed.

3. Plaintiff Metropolitan Public Defender Services, Inc., ("MPD") is a non-profit corporation representing indigent criminal defendants in Multnomah and Washington Counties in Oregon. Because of defendants' delays in accepting custody of persons found unfit to proceed, MPD suffers ongoing injury because its ability to represent its clients' interests is impaired, and because the delays compel MPD to expend additional resources to effectively represent clients who are incarcerated while awaiting hospitalization. As a result of delays of weeks and months in getting a client admitted to the state hospital, MPD is forced to use its limited resources to attempt to keep the client advised of his or

her status, address difficult questions from the client's family, stay in contact with the jail personnel regarding the limited psychiatric treatment that may be available, and attend additional court calls to explain to the judge that the client is still awaiting the court-ordered placement and treatment. These responsibilities deprive MPD attorneys of time and energy needed for other cases, draining MPD's resources and frustrating its mission. Similarly, John Connors, Multnomah County Director for MPD, is required to repeatedly address the problems created by defendants' delays in providing the court-ordered hospitalization of his clients, thereby diverting him from his other duties.

4. Plaintiff A.J. Madison was incarcerated in the Multnomah County Jail on March 5, 2002, the date he was found unable to aid and assist. He was charged with assaulting his mother with a sledge hammer, a crime that by itself is indicative of serious mental illness. Madison did not understand why he was in jail or the severity of the charges against him, and suffered severe anxiety because he was not being treated properly. He was not admitted to Oregon State Hospital ("OSH") until March 28, 2002, 23 days after he was found unfit to proceed.

5. Madison's psychological evaluation indicates he cannot participate in an appropriate exchange of information, and cannot reason well enough to make proper decisions about relevant information. In order for him to return to competency to stand trial at a later date, Madison requires specialized medications and treatment.

6. Plaintiffs provided a list of other clients experiencing significant delays in obtaining transfer and treatment. Defendants did not dispute the assertions that clients have suffered, and are suffering, delays of weeks and months before being admitted into the state hospital. As of March 25, 2002, the

hearing date for plaintiffs' motions for a temporary restraining order and a preliminary injunction, OSH had a list of 11 "unable to proceed" defendants awaiting transport.

7. Oregon law provides that “if the court determines that the defendant lacks fitness to proceed, the proceeding against the defendant shall be suspended. . . and the court shall commit the defendant to the custody of the superintendent of a state mental hospital designated by the Department of Human Services.” ORS §161.370(2). The law permitted the Mental Health Division to designate a state mental hospital “or other treatment facility” for commitment. Oregon has forensic units at both OSH and Eastern Oregon Psychiatric Center, and Oregon's state hospitals provide locked wards. The Eastern Oregon Psychiatric Center houses forensic patients (those who have been charged or convicted of crimes). The Division never designated a facility other than OSH for admission of "unable to proceed" defendants, however. The law formerly provided “the defendant shall be transported to the hospital or treatment facility as soon as practicable. Transport shall be completed within seven days after the court’s determination unless doing so would jeopardize the health or safety of the defendant or others.” ORS §161.370(3). The current statute is silent on how quickly transport must occur.

8. Plaintiffs' clients are incarcerated in various county jails in Oregon while awaiting transfer to OSH. These jails have a varying, limited capacity to accommodate these clients.

Deschutes County Jail has an inmate population of 200, and has one full-time psychologist and a psychiatrist who comes in once a week to review medication. There is a single location in the facility at which inmates can be monitored visually.

Lincoln County Jail has 150 inmates, one full-time inmate counselor, and a psychiatric nurse practitioner who comes in four hours per week for medication management. The jail's ability to care for mentally ill inmates is rudimentary.

Washington County Jail houses approximately 485 people, and staffs a psychiatric nurse practitioner who does pharmacology, and a social worker and community liaison. The jail lacks people who are trained to care for mentally ill people.

The Clackamas County Jail has 494 inmates, and one psychologist who comes into the jail five days a week for eight hours to provide counseling. A psychiatrist works four hours a week, a nurse practitioner works four hours a week, and a psychiatric nurse works eight hours per week.

Lane County Jail houses 451 inmates, and staffs one consulting psychiatrist who comes in once a week to provide medication management, and a full-time mental health specialist who provides crisis management.

Josephine County Jail houses approximately 170 inmates. There is virtually no mental health treatment in the jail. Until recently, the only available treatment was crisis intervention services from outside the jail. Medication is available through a clinic, but an inmate cannot be involuntarily medicated. The jail has standard restraints, including a restraint chair, and a control technician to monitor prisoners every 15 minutes when necessary.

The Multnomah County Jails house a population of approximately 1,800 persons, and maintain a mental health services staff consisting of a half-time psychiatrist, who functions as psychiatric medical director; a full-time psychiatric nurse practitioner, a contract nurse practitioner, another psychiatrist who works eight hours per week on a contractual basis, and 10 additional mental health staff, composed

primarily of psychiatric nurses or mental health consultants. The Multnomah County Sheriff's Office provides some mental health treatment, but its primary responsibility is jail safety. It lacks expertise and resources to provide treatment designed to care for the mentally ill and to restore competency.

9. Jails can provide medication management for people who are willing to take medications, but cannot administer medication involuntarily, except in a life-threatening emergency. When resources permit, treatment for "unfit to proceed" defendants may possibly include basic clinical psychiatry and intervention. Such treatment is designed to stabilize the inmate. However, some inmates, particularly those with personality disorders, refuse or do not respond to medication, and do not otherwise respond to the treatment the jails can provide.

10. None of the jails in which these persons are held is able to provide treatment designed to restore a person found unfit to proceed to competency. People found unfit to proceed are often overtly psychotic and require special housing or segregation. They are unpredictable and disruptive, taking up valuable resources needed for the care of other inmates. If they refuse to take medications, they often decompensate rapidly. They often are confined in their cells for 22 to 23 hours a day because of their behavior. This exacerbates their mental illness.

11. Necessarily, the jails' only system for controlling inmates is disciplinary, which is behavior-driven. Such a system is ineffective for mentally ill persons, and possibly harmful.

12. Unlike the county jails, OSH has the capacity to treat a person's mental illness. Each of the units housing persons found unfit to proceed is staffed by a full-time psychiatrist, a psychologist, a mental health specialist, a recreation counselor, a social worker, a mental health technician and nurses.

13. In addition to assessment, medication evaluation and management, and individual and group psychotherapy, OSH provides legal skills training three times a week to assist patients in learning about the law, pleas, and returning to court. This treatment is designed to enable a person to regain fitness to proceed to trial.

14. The Oregon State Hospital provides status reports to OAC each time a person is evaluated as to his or her continued unfitness to proceed. The report contains a copy of the order finding the person unfit to proceed, and indicates the date on which the person was accepted by OSH. These records have been compiled by OAC since October, 2001.

15. A review of 105 records reveals that persons found unfit to proceed in 2001 and 2002 spent an average of 31.98 days awaiting transport to OSH. Only 19 persons were transported within seven days or less; 48 people were held for 30 days or more, and nine people were held for 60 days or more. The ten longest periods of time people were held in this period are as follows: 166 days, 102 days, 84 days, 82 days, 78 days, 68 days, 65 days, 63 days, and 57 days.

16. The delays experienced by some persons who were found unfit to proceed in 2001 and 2002 and detained in Multnomah County Jails between July 1 and October 15, 2001, are representative. Eleven inmates who were found unfit to proceed were held for a total of 471 days awaiting transport to OSH; the longest wait lasted 111 days, the next 102 days, and the next 81 days. The shortest period of time was seven days. As recently as February 15, 2002, one client had waited 87 days for placement.

17. Promptly admitting persons found unfit to proceed is critical. This population has a high suicide risk, and psychosis can be an emergency requiring immediate treatment.

7 - FINDINGS OF FACT AND CONCLUSIONS OF LAW

18. Indefinitely imprisoning persons deemed unfit to proceed without adequate treatment is unjust and inhumane. Depriving them of necessary medical treatment increases the likelihood that they may decompensate and suffer unduly. The delays also hamper efforts to provide effective representation regarding their criminal prosecution.

19. The delays also result in possible injury to a defendant's procedural rights. Under state law, a re-evaluation must take place within 60 days of the time defendant is committed to the custody of the state hospital. However, as the client spends weeks and months in jail awaiting hospitalization, that evaluation is delayed. Relatedly, people have a right to have their cases tried within 60 days of being charged, if they are in custody. However, for people declared to be unable to aid and assist, delays in the subsequent evaluative process can postpone the opportunity for a trial for much longer than 60 days.

20. The jails have the capacity to transport inmates to a treatment facility within 24 hours. The reason they do not transport the inmates is because defendants refuse to accept them.

21. Sheriff Noelle attempted to implement a policy of transporting "unable to proceed" persons to the state hospital within 72 hours. There is no dispute this policy has failed because defendants have refused to accept custody. Jail personnel are compelled to incarcerate these persons until the hospital agrees to admit them. As a result, the court-ordered admissions are delayed until the jails are notified that a hospital bed is available.

22. Every day of delay in transport harms those found unfit to proceed and hampers their ability to defend themselves. Attorneys and investigators are impaired by having to prepare a case months after the incident has occurred. The treatment-deprived client cannot provide information to the

attorney, a defense cannot be prepared, and witnesses who may be critical to the case cannot be identified and may be unavailable at a later time. Trials, pleas and other means of resolving prosecutions are delayed while these defendants are incarcerated and awaiting eventual hospital admission and treatment.

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Conclusions of Law

1. Plaintiff OAC has standing to represent the interests of persons who are presently or may in the future be unfit to stand trial, and to seek a permanent injunction and declaratory judgment establishing the time frames within which due process requires that they be transported from county jails to a treatment facility. *See United Food and Commercial Workers Union Local 751 v. Brown Group, Inc.*, 517 U.S. 544, 552-53 (1996); *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333, 343 (1977) (an association may bring suit on behalf of its members or constituents despite the fact that individual members have not actually brought suit themselves); *Warth v. Seldin*, 422 U.S. 490, 511 (1975) (even in the absence of injury to itself, an association may have standing solely as the representative of its members); *see also Fair Housing of Marin v. Combs*, 285 F.3d 899, 904-05 (9th Cir. 2002) (Ninth Circuit upholds "organizational standing" for nonprofit fair housing organization suing an apartment owner for discriminatory conduct; direct standing to sue is appropriate because the agency showed a drain on its resources from both a diversion of its resources and frustration of its mission); *Doe v. Stincer*, 175 F.3d 879, 882-84 (11th Cir. 1999) (it has "long been settled that an organization has standing to sue to redress injuries suffered by its members without

a showing of injury to the association itself and without a statute explicitly permitting associational standing;" a protective and advocacy organization "may sue on behalf of its constituents during the course of their treatment or within ninety days after being discharged from a treatment facility pursuant to § 10805(a)(1)(B), (C), subject. . . to the requirements of Article III as laid out in *Hunt* and its progeny").

2. Plaintiff MPD has organizational standing to represent its own interests, and to obtain permanent injunctive and declaratory relief because of injury to itself resulting from defendants' practice of delaying admission of persons found unfit to proceed. *See Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982).

3. Constitutional questions regarding the conditions and circumstances of pretrial confinement are properly addressed under the Due Process Clause of the Fourteenth Amendment to the United States Constitution. *See Lee v. City of Los Angeles*, 250 F.3d 668, 683 (9th Cir. 2001) (liberty is protected from unlawful state deprivation by the Due Process Clause), quoting *Haygood v. Younger*, 769 F.2d 1350, 1354 (9th Cir. 1985) (*en banc*).

4. An individual has a liberty interest in being free from incarceration absent a criminal conviction. *See Baker v. McCollan*, 443 U.S. 137, 144 (1979) (Supreme Court recognizes individual has liberty interest in being free from incarceration absent a criminal conviction; no unlawful deprivation where a person was deprived of this liberty for a period of days by means of due process). A court must consider the constitutionality of a detention in light of the detention's purpose, determine whether the detention is based on permissible goals, and, if it is, evaluate whether the detention is excessive in relation to those goals. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972) ("due process requires

that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed").

5. In determining the appropriate due process due to incompetent detainees, the United States Supreme Court has held due process requires, at a minimum, some rational relation between the nature and duration of confinement and its purpose. *See Jackson*, 406 U.S. at 730 (condemning petitioner to "permanent institutionalization" without requisite showing for commitment or the opportunity for release deprived petitioner of equal protection of the laws under the Fourteenth Amendment).

6. The "purpose" of holding someone unfit to stand trial in custody arises from his or her confirmed mental illness. The state's interest in such detentions is to assist in restoring competency, not to punish the person. *See Bell v. Wolfish*, 441 U.S. 520, 535 (1979) (under the Due Process Clause, a pretrial detainee may not be punished prior to an adjudication of guilt in accordance with due process of law).

7. A determination of constitutionally adequate treatment for plaintiffs' clients must be measured not by that which must be provided to the general prison population, but that which must be provided to those committed for mental incapacity. *See Ohlinger v. Watson*, 652 F.2d 775, 777 (9th Cir. 1981) (persons held due to mental illness have a constitutional right to receive such individual treatment as will give each of them a realistic opportunity to be cured or to improve mental condition).

8. Institutionalized persons have a substantive due process liberty interest in reasonable care and safety, reasonably non-restrictive confinement conditions, and such treatment as may be required to comport fully with the purposes of confinement. *Youngberg v. Romeo*, 457 U.S. 307, 319 (1982)

(mentally retarded individual committed in state institution has liberty interests requiring state to provide minimally adequate or reasonable training to ensure safety and freedom from undue restraint).

9. The county jails in Oregon have no capacity to provide mental health treatment that is designed to rehabilitate a person or restore the person to competency. The treatment the jails offer to persons found unfit to proceed is the same treatment offered to any jail inmate. Such treatment is constitutionally inadequate. *See Lynch v. Baxley*, 744 F.2d 1452, 1458 (11th Cir. 1984) (temporary confinement in jail is particularly harmful to those who are mentally ill, exacerbating the mental problems of people detained, and lengthening treatment duration).

10. The care Oregon State Hospital is able to offer is tailored to the needs of persons found unfit to stand trial, and fulfills constitutional requirements. The hospital has the capacity to medicate patients, and has specially trained staff and staffing levels and programs sufficient to treat patients' mental incapacity.

11. Persons who are found unfit to stand trial and remain in jail suffer constitutionally cognizable harm, and are entitled to prompt treatment in a rehabilitative facility. Even short periods of incarceration of these persons can cause cognizable harm. *See Lynch*, 744 F.2d at 1458.

12. There is no rationalization that passes constitutional muster for unreasonably detaining persons found unfit to proceed in county jails. The lack of funds, staff or facilities cannot justify defendants' failure to provide persons found unfit with the treatment that is necessary to attempt restoration of competency. *See Ohlinger*, 652 F.2d at 779. Defendants found to be unfit to proceed must be transferred as soon as practicable to a treatment facility, and should be detained only for that

period of time necessary to identify the person, determine the appropriate legal status, and effectuate transport.

13. Persons found unfit to proceed and held in county jails for more than a brief period suffer delays in receiving restorative treatment, which delays their return to competency, prolonging their criminal cases and making it difficult for their attorneys to learn from their clients about the crime or crimes charged, to identify witnesses, and to enter into plea negotiations. It also delays the statutorily mandated competency review (required to be held within 60 days of entering the hospital).

Accordingly, defendants' procedures and practices also violate the procedural due process rights of persons found unfit to proceed.

14. Defendants are aware their policies and conduct results in delays (which are sometimes substantial) in fulfilling court orders directing the hospitalization of persons found unable to proceed, and they are aware that such persons receive inadequate care and are possibly harmed while detained in county jails awaiting admission. Nevertheless, defendants have refused to pursue or adopt policies to ensure prompt admission and treatment for these persons. This demonstrates a deliberate indifference to these persons' health, safety and constitutional rights. *See Estelle v. Gamble*, 429 U.S. 97, 104-05 (1976). Moreover, defendants' policies are a substantial departure from professionally accepted minimum standards for treatment of incompetent individuals for whom defendants are responsible. *See Youngberg*, 457 U.S. at 323; *see also Turay v. Selig*, 108 F. Supp. 2d 1148 (W.D. Wash. 2000), *aff'd sub nom. Sharp v. Weston*, 233 F.3d 1166 (9th Cir. 2000).

15. This court concludes defendants have violated, and are violating, the due process rights of criminal defendants who are determined by the Circuit Courts of Oregon to be unfit to proceed to trial

because of mental incapacities under ORS § 161.370(2). Such persons have a right to a reasonably timely transport to a treatment facility pursuant to the expectations and directions of the court issuing findings and orders under that statute.

ACCORDINGLY, IT IS SO ORDERED:

This court orders defendants to ensure that persons who are declared unable to proceed to trial pursuant to ORS § 161.370(2) be committed to the custody of the superintendent of a state hospital designated by the Department of Human Services as soon as practicable. This shall be fulfilled by providing full admission of such persons into a state mental hospital or other treatment facility so designated by the Department of Human Services, in accordance with Oregon's existing applicable statutory provisions. These admissions must be done in a reasonably timely manner, and completed not later than seven days after the issuance of an order determining a criminal defendant to be unfit to proceed to trial because of mental incapacities under ORS § 161.370(2).

DATED this 9th day of May, 2002.

/s/ Owen M. Panner

Owen M. Panner
United States District Court Judge

Exhibit B

Emily Cooper

From: Bouvier, Alfred (DSHS/WSH) <BOUVIAJ@dshs.wa.gov>
Sent: Monday, December 01, 2014 10:45 AM
To: Lamb, Ted (DSHS/BHSIA/CD); Smith, Andi (GOV); Emily Cooper; Manning, Barbara (DSHS/BHSIA); Beyer, Jane (DSHS/BHSIA)
Cc: Ward, Barry (DSHS/WSH); Adler, Ron (DSHS/WSH); Coats, Sarah (ATG); Klingbeil, Julie (DSHS/WSH); Roberts, Victoria (DSHS/BHSIA); Hawkins, Barbara (DSHS/BHSIA); Hunter, Timothy J (DSHS/BHSIA)
Subject: FRIDAY NUMBERS 11/21/2014
Attachments: no names - IP Waitlist 11.24.2014.pdf; Weekly Waitlist Report 11.21.2014.xlsx

Hello,

Here is the Weekly Waitlist Report for the week ending 11/21/2014.

Have a great day!

Thank you,

Al

Al Bouvier, M.Ed., A+, Net+, Sec+, MCSA, MCDST
Management Analyst - Center for Forensic Services - Western State Hospital
9601 Steilacoom Blvd. SW Lakewood WA 98498-7213
The Department of Social and Health Services
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CFS - FORENSIC ADMISSION WAIT LIST

2014-11-24 07:43

Monday

NAME	COURT SIGNED	ORDER REC'D	DISCRY REC'D	COURT	MED OVER RIDE?	DC?	SAN?	COM?	DD?	STATUS	LEGAL DAYS	ADM HOLD DATE	ADM HOLD REASON	ADM HOLD REMOVED	ETAI	SCHLD WARD	DAYS (R/NR/H) T
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REFERRAL(s) ELIGIBLE FOR ADMISSION

[REDACTED]	2014-11-14	2014-11-14	2014-11-20	King County Court	YES	NO	NO	YES	NO	CELL	31		COMP RES FELONY				2014-11-24	(4 - 0 - 0) 4
[REDACTED]	2014-11-20	2014-11-20	2014-11-20	Snohomish County Court	NO	NO	NO	NO	NO	RETURN	3		FELON-72HR EVAL				2014-11-24	(4 - 0 - 0) 4
[REDACTED]	2014-11-20	2014-11-20	2014-11-20	King County Court	YES	NO	NO	YES	NO	CELL	61		COMP RES FELONY				2014-11-24	(4 - 0 - 0) 4
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[REDACTED]	2014-11-15	2014-11-15	2014-11-18	Skagit County Court	NO	NO	NO	YES	NO	SECOND RETURN	90		COMP RES FELONY					(6 - 0 - 0) 6
[REDACTED]	2014-09-10	2014-09-10	2014-09-15	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY					(70 - 0 - 0) 70
[REDACTED]	2014-09-17	2014-09-17	2014-09-18	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY					(67 - 0 - 0) 67
[REDACTED]	2014-09-17	2014-09-17	2014-09-18	King County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY					(67 - 0 - 0) 67
[REDACTED]	2014-09-10	2014-09-10	2014-09-22	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY					(63 - 0 - 0) 63
[REDACTED]	2014-09-22	2014-09-22	2014-09-23	Grays Harbor County Court	YES	NO	NO	YES	NO	RETURN	45		COMP RES FELONY					(62 - 0 - 0) 62
[REDACTED]	2014-09-24	2014-09-24	2014-09-24	King County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY					(61 - 0 - 0) 61
[REDACTED]	2014-09-24	2014-09-24	2014-09-24	Grays Harbor County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY					(61 - 0 - 0) 61
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[REDACTED]	2014-08-29	2014-08-29	2014-08-29	King County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY					(87 - 0 - 0) 87
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	Pierce County Court	YES	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY					(83 - 0 - 0) 83
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	King County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY					(81 - 0 - 0) 81
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[REDACTED]	2014-08-29	2014-08-29	2014-08-29	King County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY					(75 - 0 - 0) 75
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	Pierce County Court	YES	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY					(74 - 0 - 0) 74
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	King County Court	NO	NO	NO	YES	NO	RETURN	90		COMP RES FELONY					(74 - 0 - 0) 74
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	Pierce County Court	YES	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY					(74 - 0 - 0) 74
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	Lewis County Court	YES	NO	NO	YES	NO	RETURN	90		COMP RES FELONY					(73 - 0 - 0) 73
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	Skagit County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY					(68 - 0 - 0) 68
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	Thurston County Court	YES	NO	NO	YES	NO	RETURN	90		COMP RES FELONY					(67 - 0 - 0) 67
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	King County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY					(66 - 0 - 0) 66
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	Pierce County Court	YES	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY					(63 - 0 - 0) 63
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY					(63 - 0 - 0) 63
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	Whatcom County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY					(59 - 0 - 0) 59
[REDACTED]	2014-08-29	2014-08-29	2014-08-29	Kitsap County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY					(56 - 0 - 0) 56

CFS - FORENSIC ADMISSION WAIT LIST

2014-11-24 07:43

Monday

NAME	COURT SIGNAL	DISCR RECVD	COURT	MED OVER RIDE?	DC?	SAN?	COM?	DD?	STATUS	LEGAL DAYS	ADM HOLD DATE	ADM HOLD REASON	ADM HOLD REMOVED	ETA	SCHLD WARD	DAYS (R/NR/TH) T
[REDACTED]	2014-10-17	2014-10-17	2014-09-30	Snohomish County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				155 - 0 - 0 - 55
[REDACTED]	2014-10-17	2014-10-17	2014-10-02	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				153 - 0 - 0 - 53
[REDACTED]	2014-10-17	2014-10-17	2014-10-02	King County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				153 - 0 - 0 - 53
[REDACTED]	2014-10-17	2014-10-17	2014-10-03	King County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				152 - 0 - 0 - 52
[REDACTED]	2014-10-17	2014-10-17	2014-10-06	Pierce County Court	YES	NO	NO	YES	NO	RETURN ADMIT	45	COMP RES FELONY				149 - 0 - 0 - 49
[REDACTED]	2014-10-17	2014-10-17	2014-10-06	Whatcom County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				149 - 0 - 0 - 49
[REDACTED]	2014-10-17	2014-10-17	2014-10-07	King County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				148 - 0 - 0 - 48
[REDACTED]	2014-10-17	2014-10-17	2014-10-06	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				147 - 0 - 0 - 47
[REDACTED]	2014-10-17	2014-10-17	2014-10-09	King County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				146 - 0 - 0 - 46
[REDACTED]	2014-10-17	2014-10-17	2014-10-09	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				146 - 0 - 0 - 46
[REDACTED]	2014-10-17	2014-10-17	2014-10-09	King County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				146 - 0 - 0 - 46
[REDACTED]	2014-10-17	2014-10-17	2014-10-10	Clark County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				145 - 0 - 0 - 45
[REDACTED]	2014-10-17	2014-10-17	2014-10-10	Snohomish County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				145 - 0 - 0 - 45
[REDACTED]	2014-10-17	2014-10-17	2014-10-15	King County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				140 - 0 - 0 - 40
[REDACTED]	2014-10-17	2014-10-17	2014-10-16	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				139 - 0 - 0 - 39
[REDACTED]	2014-10-17	2014-10-17	2014-10-17	King County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				138 - 0 - 0 - 38
[REDACTED]	2014-10-17	2014-10-17	2014-10-20	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				135 - 0 - 0 - 35
[REDACTED]	2014-10-17	2014-10-17	2014-10-20	Grays Harbor County Court	YES	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				135 - 0 - 0 - 35
[REDACTED]	2014-10-17	2014-10-17	2014-10-21	Snohomish County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				134 - 0 - 0 - 34
[REDACTED]	2014-10-17	2014-10-17	2014-10-22	Pierce County Court	YES	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				133 - 0 - 0 - 33
[REDACTED]	2014-10-17	2014-10-17	2014-10-22	Thurston County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				133 - 0 - 0 - 33
[REDACTED]	2014-10-17	2014-10-17	2014-10-23	Clallam County Court	NO	NO	NO	YES	NO	RETURN ADMIT	45	COMP RES FELONY				132 - 0 - 0 - 32
[REDACTED]	2014-10-17	2014-10-17	2014-10-24	Pierce County Court	YES	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				131 - 0 - 0 - 31
[REDACTED]	2014-10-17	2014-10-17	2014-10-28	Thurston County Court	YES	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				127 - 0 - 0 - 27
[REDACTED]	2014-10-17	2014-10-17	2014-10-29	Clark County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				126 - 0 - 0 - 26
[REDACTED]	2014-10-17	2014-10-17	2014-10-29	Kitsap County Court	YES	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				126 - 0 - 0 - 26
[REDACTED]	2014-10-17	2014-10-17	2014-11-03	King County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				121 - 0 - 0 - 21
[REDACTED]	2014-10-17	2014-10-17	2014-11-04	Cowlitz County Court	NO	NO	NO	YES	NO	ADMIT PR	45	COMP RES FELONY				120 - 0 - 0 - 20
[REDACTED]	2014-10-17	2014-10-17	2014-11-04	Clark County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				120 - 0 - 0 - 20
[REDACTED]	2014-10-17	2014-10-17	2014-11-05	Clark County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				119 - 0 - 0 - 19
[REDACTED]	2014-10-17	2014-10-17	2014-11-05	King County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				119 - 0 - 0 - 19
[REDACTED]	2014-10-17	2014-10-17	2014-11-06	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				118 - 0 - 0 - 18
[REDACTED]	2014-10-17	2014-10-17	2014-11-06	King County Court	NO	NO	NO	YES	YES	ADMIT	45	COMP RES FELONY				118 - 0 - 0 - 18
[REDACTED]	2014-10-17	2014-10-17	2014-11-07	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				117 - 0 - 0 - 17
[REDACTED]	2014-10-17	2014-10-17	2014-11-10	King County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				114 - 0 - 0 - 14
[REDACTED]	2014-10-17	2014-10-17	2014-11-12	Clark County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				112 - 0 - 0 - 12
[REDACTED]	2014-10-17	2014-10-17	2014-11-12	Whatcom County Court	NO	NO	NO	YES	NO	ADMIT	45	COMP RES FELONY				112 - 0 - 0 - 12

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Monday

NAME	COURT SIGNED	ORDER REC'D	DISCR REC'D	COURT	MED OVER RIDE?	DC?	SAN?	COM?	DD?	STATUS	LEGAL DAYS	ADM HOLD DATE	ADM HOLD REASON	ADM HOLD REMOVED	ETA	SCHLD WARD	DAYS: (R / NR / H) T
[REDACTED]	2014-11-10	2014-11-13	2014-11-13	Island County Court	YES	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY				(11 - 0 - 0) 11
[REDACTED]	2014-11-13	2014-11-13	2014-11-13	King County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY				(11 - 0 - 0) 11
[REDACTED]	2014-11-13	2014-11-13	2014-11-13	King County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY				(11 - 0 - 0) 11
[REDACTED]	2014-11-13	2014-11-14	2014-11-14	Clark County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY				(10 - 0 - 0) 10
[REDACTED]	2014-11-13	2014-11-14	2014-11-14	Cowlitz County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY				(10 - 0 - 0) 10
[REDACTED]	2014-11-16	2014-11-18	2014-11-18	Whatcom County Court	NO	NO	NO	YES	NO	ADMIT	45		COMP RES FELONY				(6 - 0 - 0) 6
[REDACTED]	2014-09-26	2014-09-26	2014-09-26	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(59 - 0 - 0) 59
[REDACTED]	2014-10-31	2014-10-01	2014-10-01	Clark County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(54 - 0 - 0) 54
[REDACTED]	2014-10-01	2014-10-02	2014-10-02	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(53 - 0 - 0) 53
[REDACTED]	2014-10-01	2014-10-02	2014-10-02	Pierce County Court	YES	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(53 - 0 - 0) 53
[REDACTED]	2014-10-01	2014-10-02	2014-10-02	Pierce County Court	NO	NO	NO	YES	NO	ADMIT PR	90		COMP RES FELONY				(53 - 0 - 0) 53
[REDACTED]	2014-10-01	2014-10-06	2014-10-06	Snohomish County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(53 - 0 - 0) 53
[REDACTED]	2014-10-24	2014-10-24	2014-10-24	Skagit County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(49 - 0 - 0) 49
[REDACTED]	2014-10-23	2014-10-23	2014-10-23	Clark County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(48 - 0 - 0) 48
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(42 - 0 - 0) 42
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	Thurston County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(40 - 0 - 0) 40
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	Thurston County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(34 - 0 - 0) 34
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	Skagit County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(32 - 0 - 0) 32
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	Pierce County Court	NO	NO	NO	YES	NO	RETURN	90		COMP RES FELONY				(31 - 0 - 0) 31
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	King County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(31 - 0 - 0) 31
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	King County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(31 - 0 - 0) 31
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	Pierce County Court	YES	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(26 - 0 - 0) 26
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(25 - 0 - 0) 25
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	Cowlitz County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(21 - 0 - 0) 21
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(21 - 0 - 0) 21
[REDACTED]	2014-10-21	2014-10-21	2014-10-21	Grays Harbor County Court	YES	NO	NO	YES	YES	ADMIT	90		COMP RES FELONY				(20 - 0 - 0) 20
[REDACTED]	2014-11-04	2014-11-04	2014-11-04	Clark County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(19 - 0 - 0) 19
[REDACTED]	2014-11-05	2014-11-05	2014-11-05	King County Court	NO	NO	NO	YES	NO	RETURN	90		COMP RES FELONY				(19 - 0 - 0) 19
[REDACTED]	2014-11-06	2014-11-06	2014-11-06	Snohomish County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(18 - 0 - 0) 18
[REDACTED]	2014-11-12	2014-11-12	2014-11-12	King County Court	NO	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(12 - 0 - 0) 12
[REDACTED]	2014-11-18	2014-11-18	2014-11-18	Skagit County Court	YES	NO	NO	YES	NO	ADMIT	90		COMP RES FELONY				(6 - 0 - 0) 6
[REDACTED]	2014-11-18	2014-11-18	2014-11-18	Seattle (M)	NO	NO	NO	YES	NO	ADMIT	15		MISD COMP EVAL				(12 - 0 - 0) 12
[REDACTED]	2014-10-29	2014-10-29	2014-10-29	King County Court	NO	NO	NO	YES	NO	ADMIT	29		COMP RES MISD				(26 - 0 - 0) 26
[REDACTED]	2014-10-29	2014-10-29	2014-10-29	Thurston (D)	NO	NO	NO	YES	NO	ADMIT	29		COMP RES MISD				(25 - 0 - 0) 25
[REDACTED]	2014-11-04	2014-11-04	2014-11-04	Seattle (M)	NO	NO	NO	YES	NO	ADMIT	20		COMP RES MISD				(20 - 0 - 0) 20
[REDACTED]	2014-11-07	2014-11-07	2014-11-07	Issaquah (M)	YES	NO	NO	YES	NO	ADMIT	14		COMP RES MISD				(17 - 0 - 0) 17
[REDACTED]	2014-11-10	2014-11-10	2014-11-10	Thurston (D)	NO	NO	NO	YES	NO	ADMIT PR	29		COMP RES MISD				(14 - 0 - 0) 14
[REDACTED]	2014-11-18	2014-11-18	2014-11-18	Federal Way (M)	NO	NO	NO	YES	NO	ADMIT	14		COMP RES MISD				(6 - 0 - 0) 6

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Monday

NAME	COURT SIGNED	ORDER RECVD	DISCRY RECVD	COURT	MED OVER RIDE?	DC?	SAN?	COM?	DD?	STATUS	LEGAL DAYS	ADM HOLD DATE	ADM HOLD REASON	ADM HOLD REMOVED	ETAI	SCHLD WARD	DAYS: (R / NR / H) T
[REDACTED]	2014-11-17	2014-11-18	2014-11-18	Olympia (M)	YES	NO	NO	YES	NO	ADMIT	29		COMP RES MISD				(6 - 9 - 9) 6
[REDACTED]	2014-10-23	2014-10-20	2014-10-29	Clark County Court	NO	NO	NO	YES	NO	ADMIT	15		FELON COMP EVAL				(26 - 0 - 0) 26
[REDACTED]	2014-11-13	2014-11-05	2014-11-05	Skiagit County Court	NO	NO	NO	YES	NO	ADMIT	15		FELON COMP EVAL				(19 - 0 - 0) 19
[REDACTED]	2014-11-06	2014-11-06	2014-11-06	Pierce County Court	NO	NO	NO	YES	NO	ADMIT	15		FELON COMP EVAL				(18 - 0 - 0) 18
[REDACTED]	2014-11-17	2014-11-17	2014-11-17	Clark County Court	NO	NO	NO	YES	NO	ADMIT	15		FELON COMP EVAL				(7 - 0 - 0) 7

TOTAL by status 110

REFERRAL(s) NOT ELIGIBLE FOR ADMISSION

[REDACTED]	2014-05-20	2014-02-0	2014-08-01	King County Court	NO	NO	NO	YES	NO	ADMIT PR 90	COMP RES FELONY	2014-10-20	Medical clearance availability				(0 - 80 - 35) 115
[REDACTED]	2014-04-20	2014-04-20	2014-04-29	Kent (M)	YES	NO	NO	YES	NO	ADMIT	14	2014-05-16	Client released from custody & can't be located				(0 - 17 - 132) 209
[REDACTED]	2014-06-20	2014-06-10	2014-07-11	Clark (D)	YES	NO	NO	YES	NO	ADMIT	29	2014-08-12	Client released from custody & can't be located				(0 - 32 - 104) 136
[REDACTED]	2014-05-12	2014-05-30	2014-09-30	Clark County Court	NO	NO	NO	YES	NO	ADMIT PR 90	COMP RES FELONY	2014-10-01	Medical clearance availability				(0 - 1 - 54) 55

TOTAL by status 4

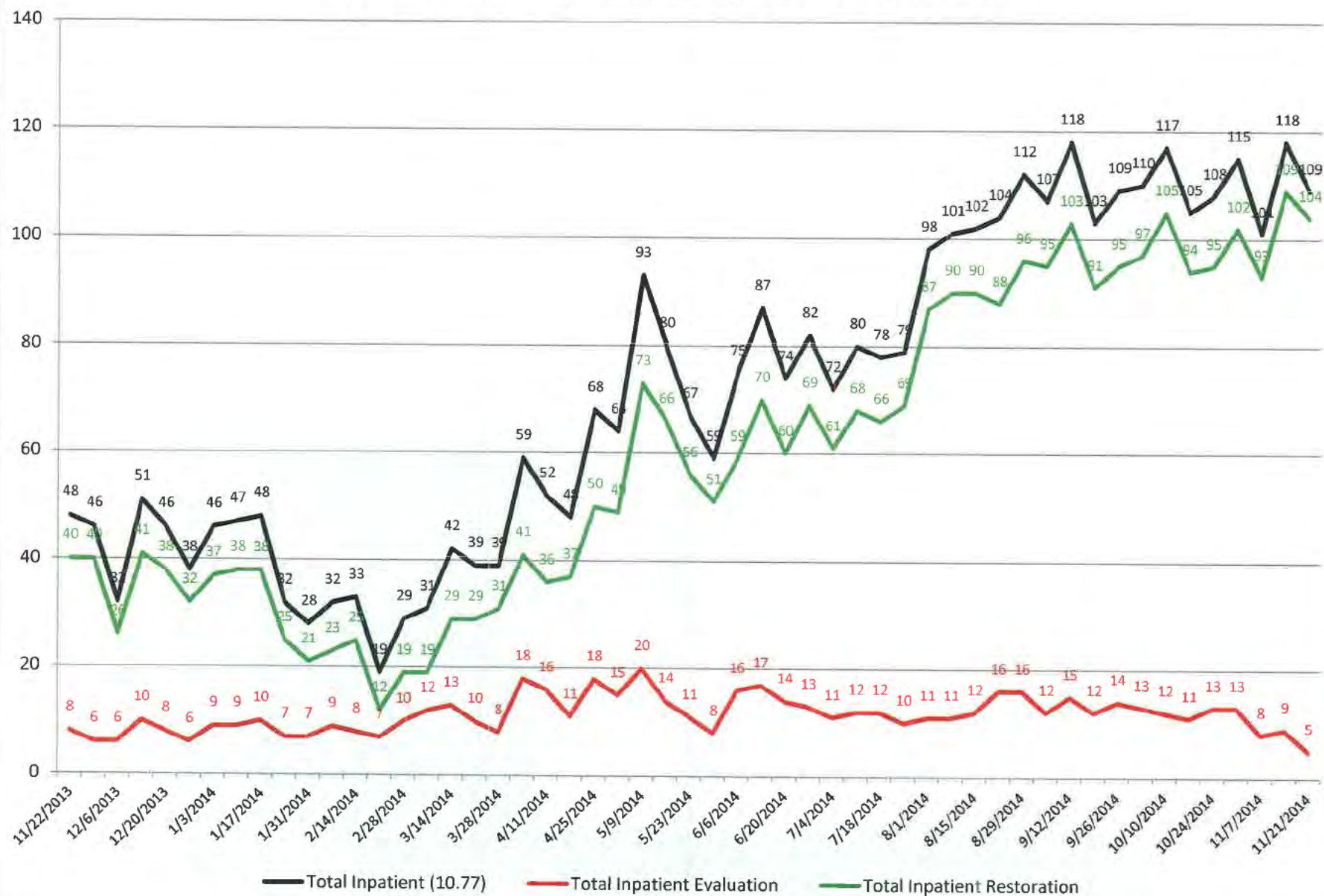
TOTAL on WAIT LIST 114

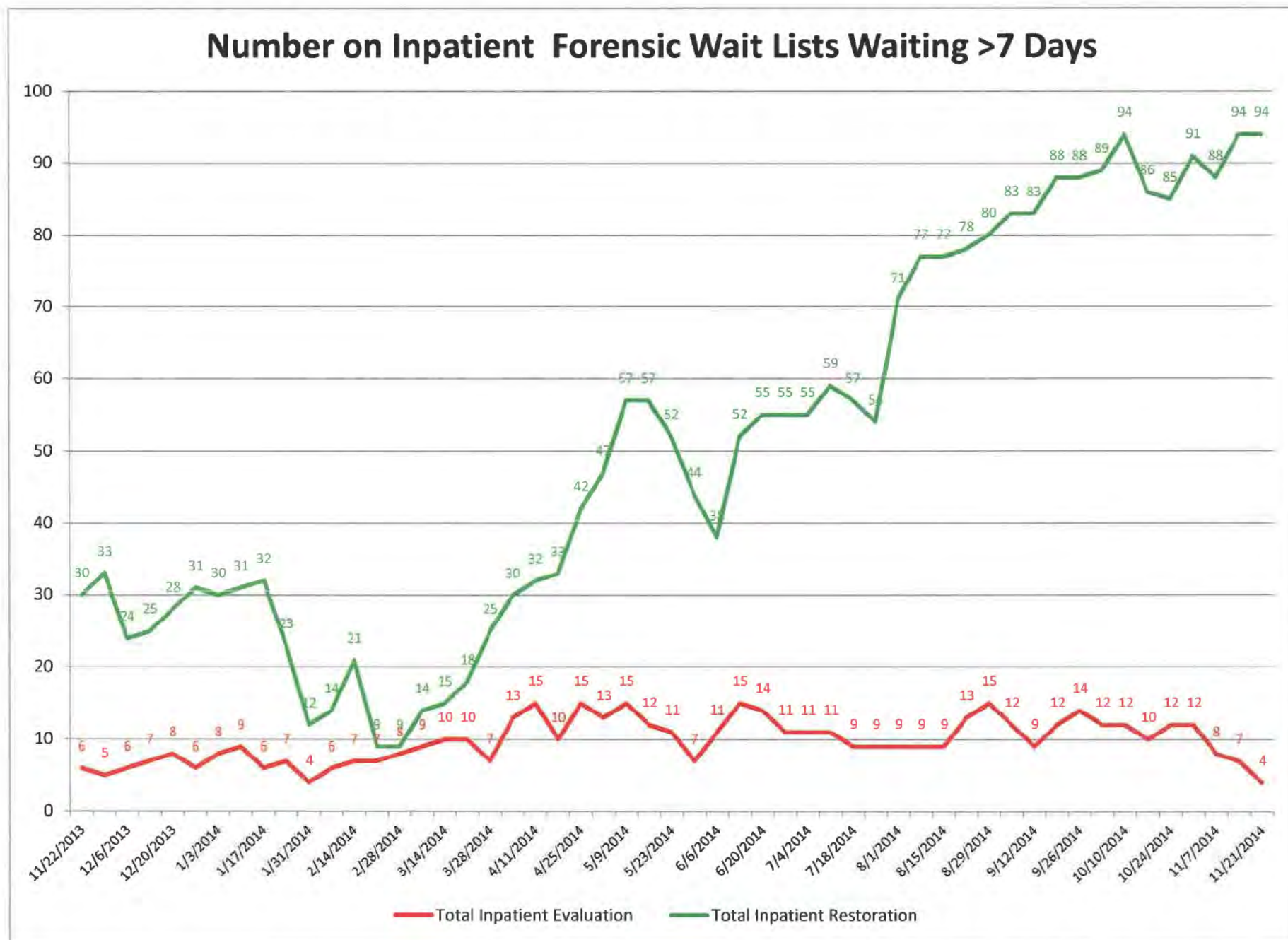
Friday, November 21st, 2014

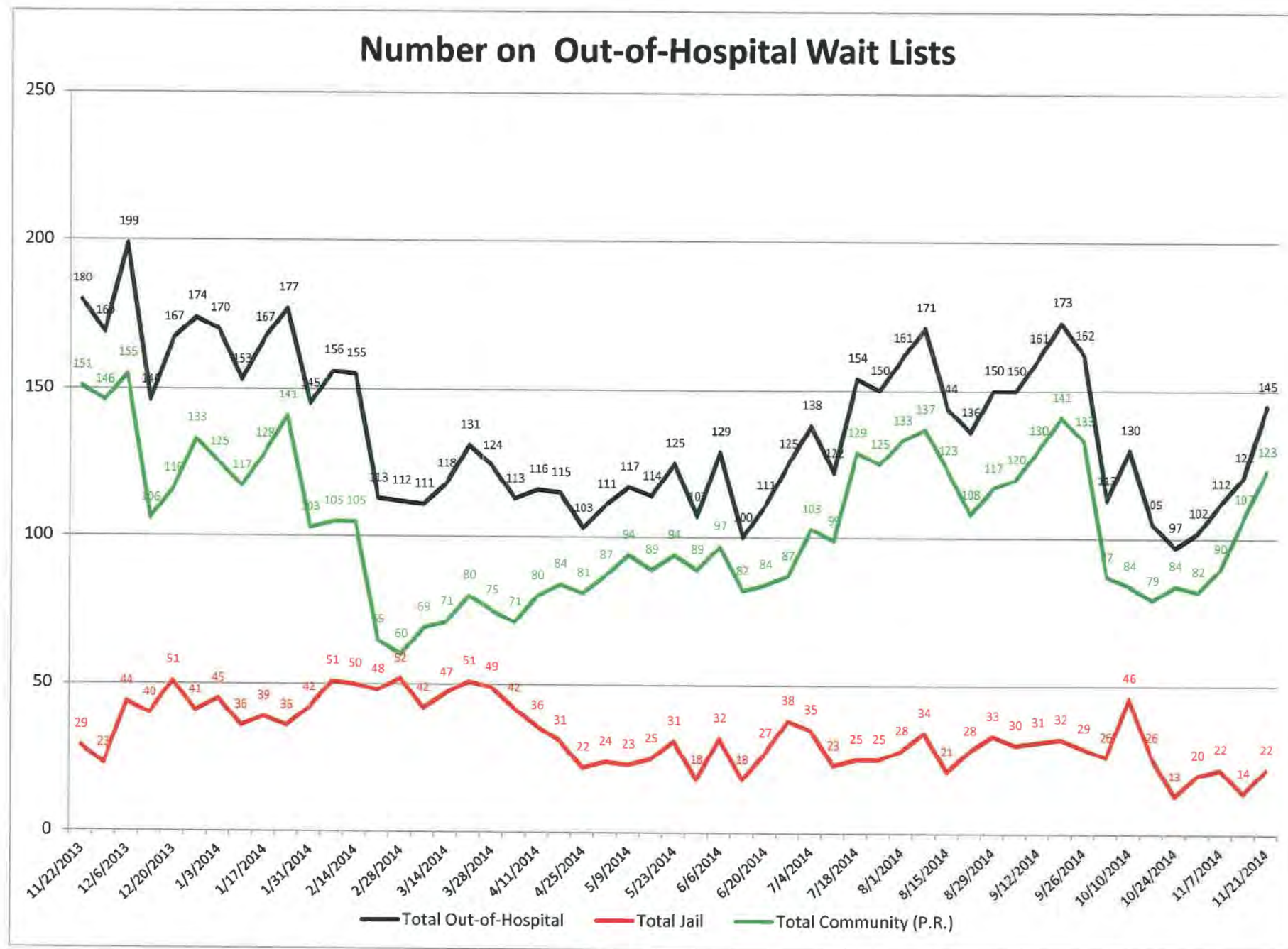
Referral Type	# Waiting	# Waiting > 7 Days	# Waiting > 7 Days in Jail	# Waiting > 21 Days P.R.
Inpatient Felony Eval	4	3	3	0
Inpatient Misd. Eval	1	1	1	0
Inpatient Felony Restoration	97	92	90	1
Inpatient Misd. Restoration	7	5	4	0
Out-of-Hospital Felony Eval	33	17	2	15
Out-of-Hospital Misd. Eval	112	66	1	65
Civil Conversion Eval	1	0		
Other	0	0		
TOTAL	255	184	101	81

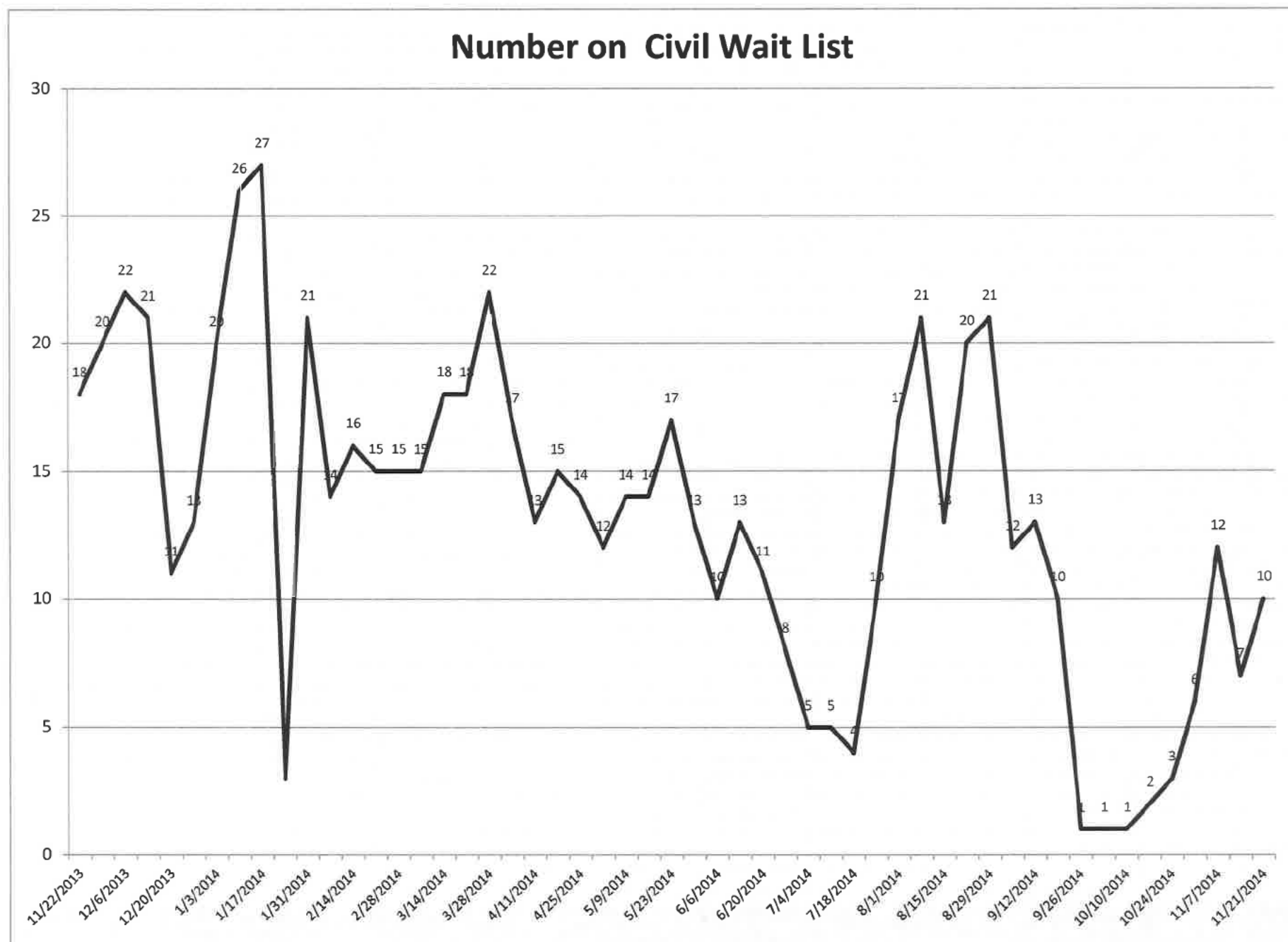
Last week's PR waitlist	107
This week's PR waitlist	123
PR referrals added this week	19
PR referrals removed this week	2

Number on Inpatient Forensic Wait Lists









Report Date	Inpt Felony Eval	Inpt Felony Eval Waiting > 7 days	Inpt Felony Eval Waiting > 7 days Jail	Inpt Felony Eval Waiting > 21 days P.R.	Inpt Misdemeanor Eval	Inpt Misdemeanor Eval Waiting > 7 days	Inpt Misdemeanor Eval Waiting > 7 days in Jail	Inpt Misdemeanor Eval Waiting > 21 days P.R.	Inpt Felony Restore	Inpt Felony Restore Waiting > 7 days	Inpt Felony Restore Waiting > 7 days in Jail	Inpt Felony Restore Waiting > 21 days P.R.
11/22/2013	8	6	6	0	0	0	0	0	37	31	29	2
11/29/2013	6	5	5	0	0	0	0	0	37	31	30	1
12/6/2013	6	6	6	0	0	0	0	0	23	23	21	2
12/13/2013	10	7	7	0	0	0	0	0	33	22	20	2
12/20/2013	8	8	8	0	0	0	0	0	32	24	22	2
12/27/2013	6	6	6	0	0	0	0	0	27	27	26	1
1/3/2014	8	7	7	0	1	1	1	0	31	30	29	1
1/10/2014	6	6	6	0	3	3	3	0	28	24	24	0
1/17/2014	7	6	3	0	3	3	3	0	27	24	24	0
1/24/2014	5	5	5	0	2	2	2	0	15	14	14	0
1/31/2014	7	4	4	0	0	0	0	0	16	8	8	0
2/7/2014	9	6	6	0	0	0	0	0	21	15	13	0
2/14/2014	8	7	7	0	0	0	0	0	20	18	16	2
2/21/2014	7	7	7	0	0	0	0	0	12	11	9	2
2/28/2014	8	7	7	0	2	1	1	0	15	8	7	1
3/7/2014	10	7	7	0	2	2	2	0	16	12	11	1
3/14/2014	9	7	7	0	4	3	3	0	26	15	14	1
3/21/2014	7	7	7	0	3	3	3	0	24	18	18	0
3/28/2014	6	6	6	0	2	1	1	0	26	21	21	0
4/4/2014	11	8	8	0	7	6	5	0	31	26	25	0
4/11/2014	10	10	10	0	6	6	5	1	28	26	25	1
4/18/2014	8	8	8	0	3	3	2	1	29	27	26	1
4/25/2014	13	12	11	0	5	5	4	1	41	35	34	1
5/2/2014	12	12	11	1	3	3	2	1	42	42	41	1
5/9/2014	16	13	12	1	4	5	3	2	60	50	48	1
5/16/2014	13	13	12	1	1	1	0	1	55	51	49	2
5/23/2014	11	11	11	0	0	0	0	0	45	45	44	1
5/30/2014	7	6	6	0	1	1	1	0	38	35	34	1
6/6/2014	12	9	9	0	4	2	2	0	43	29	28	1
6/13/2014	13	11	11	0	4	4	4	0	55	41	40	0
6/20/2014	11	11	11	0	3	3	3	0	48	45	44	1
6/27/2014	12	10	10	0	1	1	1	0	55	46	45	1
7/4/2014	10	10	10	0	1	1	1	0	50	45	44	1
7/11/2014	11	10	10	0	1	1	1	0	58	52	51	1
7/18/2014	11	8	8	0	1	1	1	0	55	52	49	2
7/25/2014	10	9	9	0	0	0	0	0	55	46	43	3
8/1/2014	11	9	9	0	0	0	0	0	69	59	59	0
8/8/2014	11	9	9	0	0	0	0	0	71	64	62	0
8/15/2014	12	9	9	0	0	0	0	0	72	63	61	2
8/22/2014	15	12	12	0	1	1	1	0	73	68	65	3
8/29/2014	13	13	13	0	3	2	2	0	81	69	67	2
9/5/2014	10	10	10	0	2	2	2	0	80	73	71	2
9/12/2014	12	7	7	0	3	2	2	0	83	70	67	2
9/19/2014	10	10	10	0	2	2	2	0	78	78	75	2
9/26/2014	12	12	12	0	2	2	2	0	82	78	76	2
10/3/2014	11	10	10	0	2	2	2	0	84	80	78	2
10/10/2014	10	10	10	0	2	2	2	0	94	87	83	3
10/17/2014	9	8	8	0	2	2	2	0	87	84	79	4
10/24/2014	10	9	9	0	3	3	3	0	82	79	76	3
10/31/2014	10	9	9	0	3	3	3	0	88	83	80	3
11/7/2014	6	6	6	0	2	2	2	0	84	82	79	3
11/14/2014	7	6	6	0	2	1	1	0	99	90	86	4
11/21/2014	4	3	3	0	1	1	1	0	97	92	90	1

Inpt Misdemeanor Restore	Inpt Misdemeanor Restore Waiting > 7 days	Inpt Misdemeanor Restore Waiting > 7 days in Jail	Inpt Misdemeanor Restore Waiting > 21 days P.R.	Civil Conversion Eval	Civil Conversion Eval Waiting >7 Days	Other	Other Waiting >7 Days	Out-of-Hospital Felony Eval	Total Out-of- Hospital Felony Eval Waiting > 7 Days	Out-of-Hospital Felony Eval Waiting in Jail > 7 Days	Out-of-Hospital Felony Eval Waiting P.R. > 21 Days	Out-of-Hospital Misdemeanor Eval
3	1	1	0	1	0	0	0	35	20	4	16	145
3	3	3	0	0	0	0	0	33	21	4	17	136
3	3	3	0	1	0	0	0	46	25	6	19	153
8	5	5	0	0	0	0	0	34	20	6	14	112
6	6	6	0	0	0	0	0	47	28	14	14	120
5	5	5	0	0	0	0	0	44	38	16	22	130
6	2	1	1	1	0	0	0	45	26	7	19	125
10	8	7	1	1	0	0	0	38	28	10	18	115
11	9	8	1	3	1	0	0	39	28	10	18	128
10	10	9	1	1	0	0	0	37	23	3	20	140
5	4	4	0	1	0	0	0	35	23	8	15	110
2	1	1	0	1	0	0	0	43	27	9	18	113
5	5	5	0	0	0	0	0	46	29	9	20	109
0	0	0	0	1	0	0	0	38	23	12	11	75
4	2	2	0	1	0	0	0	33	19	12	7	79
3	3	3	0	2	0	0	0	34	19	10	9	77
3	2	1	0	1	0	0	0	37	20	9	11	81
5	1	0	0	2	0	0	0	43	30	16	14	88
5	5	4	1	1	0	0	0	30	15	7	8	94
10	6	5	1	2	0	0	0	24	11	6	5	89
8	8	7	1	0	0	0	0	22	8	3	5	94
8	8	7	1	0	0	0	0	22	11	3	8	93
9	9	8	1	1	1	0	0	28	11	2	9	75
7	7	6	1	0	0	0	0	33	15	5	10	78
13	10	9	1	0	0	1	0	31	14	2	12	86
11	11	8	2	0	0	1	1	38	16	4	12	76
11	10	8	2	0	0	1	1	43	20	4	16	82
13	13	10	2	2	0	0	0	33	21	6	15	74
16	11	10	1	2	0	0	0	32	21	3	18	97
15	12	12	0	2	0	0	0	26	16	2	14	74
12	11	11	0	0	0	0	0	32	19	6	13	79
14	10	10	0	2	0	0	0	29	16	4	12	96
11	11	11	0	2	0	0	0	32	19	5	14	106
10	8	8	0	2	0	0	0	28	19	3	16	94
11	8	8	0	0	0	0	0	34	20	3	17	120
14	11	11	0	3	0	0	0	30	22	6	16	120
18	12	12	0	2	0	0	0	39	20	2	18	122
19	16	15	0	1	1	0	0	36	25	6	19	135
18	17	16	0	0	0	0	0	26	15	1	14	118
15	13	13	0	0	0	0	0	29	19	6	13	107
15	13	13	0	1	0	0	0	33	15	1	14	117
15	12	12	0	2	0	0	0	32	14	4	10	118
20	16	16	0	1	0	0	0	31	19	6	13	130
13	13	13	0	2	0	0	0	34	20	5	15	139
13	12	12	0	0	0	0	0	33	22	4	18	129
13	11	11	0	1	0	0	0	26	13	3	10	87
11	11	11	0	0	0	0	0	36	12	5	7	94
7	7	7	0	1	0	0	0	23	11	0	11	82
13	9	9	0	2	0	0	0	15	12	1	11	82
14	11	11	0	2	2	0	0	22	10	1	9	80
9	9	9	0	0	0	0	0	22	12	2	10	90
10	8	8	0	2	0	0	0	24	14	2	12	97
7	5	4	0	1	0	0	0	33	17	2	15	112

Total Out-of-Hospital Misdemeanor Eval Waiting > 7 Days	Out-of-Hospital Misdemeanor Eval Waiting in Jail > 7 Days	Out-of-Hospital Misdemeanor Eval Waiting P.R. > 21 Days	Total Inpatient Evaluation	Total Inpatient Evaluation Waiting > 7 Days	Total Inpatient Restoration	Total Inpatient Restoration Waiting > 7 Days	Total Inpatient (10.77)	Total Community (P.R.)	Community (P.R.) Referrals Added	Community (P.R.) Referrals Removed	Total Jail
112	12	100	8	6	40	30	48	151	18	10	29
124	23	101	6	5	40	33	46	146	4	8	23
108	12	96	6	6	26	24	32	155	17	1	44
74	12	62	10	7	41	25	51	106	11	58	40
83	17	66	8	8	38	28	46	116	11	4	51
102	18	84	6	6	32	31	38	133	5	1	41
90	8	82	9	8	37	30	46	125	7	9	45
85	9	76	9	9	38	31	47	117	10	4	36
91	10	81	10	6	38	32	48	128	9	9	39
90	5	85	7	7	25	23	32	141	11	4	36
69	16	53	7	4	21	12	28	103	12	7	42
67	11	56	9	6	23	14	32	105	9	4	51
81	17	64	8	7	25	21	33	105	4	12	50
41	11	30	7	7	12	9	19	65	10	43	48
45	16	29	10	8	19	9	29	60	9	16	52
40	10	30	12	9	19	14	31	69	12	5	42
31	6	25	13	10	29	15	42	71	16	7	47
33	3	30	10	10	29	18	39	80	10	8	51
43	10	33	8	7	31	25	39	75	9	7	49
47	12	35	18	13	41	30	59	71	13	15	42
47	8	39	16	15	36	32	52	80	15	7	36
53	9	44	11	10	37	33	48	84	2	0	31
36	3	33	18	15	50	42	68	81	14	7	22
41	3	38	15	13	49	47	64	87	20	13	24
43	3	40	20	15	73	57	93	94	10	6	23
42	2	40	14	12	66	57	80	89	10	13	25
52	2	50	11	11	56	52	67	94	9	0	31
50	2	48	8	7	51	44	59	89	9	11	18
57	5	52	16	11	59	38	75	97	14	5	32
42	4	38	17	15	70	52	87	82	12	19	18
40	6	34	14	14	60	55	74	84	17	24	27
39	4	35	13	11	69	55	82	87	12	8	38
53	11	42	11	11	61	55	72	103	14	6	35
61	10	51	12	11	68	59	80	99	16	7	23
72	2	70	12	9	66	57	78	129	13	4	25
82	7	75	10	9	69	54	79	125	5	8	25
91	3	88	11	9	87	71	98	133	6	0	28
95	8	87	11	9	90	77	101	137	14	7	34
82	3	79	12	9	90	77	102	123	11	2	21
60	3	57	16	13	88	78	104	108	11	15	28
72	3	69	16	15	96	80	112	117	9	8	33
78	3	75	12	12	95	83	107	120	13	12	30
87	5	82	15	9	103	83	118	130	10	3	31
97	3	94	12	12	91	88	103	141	5	4	32
94	6	88	14	14	95	88	109	133	10	8	29
48	1	47	13	12	97	89	110	87	16	37	26
53	8	45	12	12	105	94	117	84	9	11	46
45	3	42	11	10	94	86	105	79	4	9	26
52	3	49	13	12	95	85	108	84	7	7	13
53	7	46	13	12	102	91	115	82	11	10	20
60	6	54	8	8	93	88	101	90	8	14	22
65	5	60	9	7	109	94	118	107	10	3	14
66	1	65	5	4	104	94	109	123	19	2	22

Total Out-of-Hospital	Civil (as of midnight the previous day)
180	18
169	20
199	22
146	21
167	11
174	13
170	20
153	26
167	27
177	3
145	21
156	14
155	16
113	15
112	15
111	15
118	18
131	18
124	22
113	17
116	13
115	15
103	14
111	12
117	14
114	14
125	17
107	13
129	10
100	13
111	11
125	8
138	5
122	5
154	4
150	10
161	17
171	21
144	13
136	20
150	21
150	12
161	13
173	10
162	1
113	1
130	1
105	2
97	3
102	6
112	12
121	7
145	10

Emily Cooper

From: Kenney, Ronda (DSHS\ESH) <kenneyro@dshs.wa.gov>
Sent: Monday, December 01, 2014 1:41 PM
To: Emily Cooper
Subject: FW: FSU Wait List
Attachments: 112814_FSU_Wait.List.xlsx; 112814_rpt_waitinglist.pdf; 112814_rpt_outwaitinglist.pdf

Ronda

From: Stone, Vickie J. (DSHS\ESH)
Sent: Monday, December 01, 2014 11:31 AM
To: Beyer, Jane (DSHS/BHSIA); Caparoso, Barry (DSHS\ESH); Coats, Sarah (ATG); Floura, Kamaljit, MD (DSHS\ESH); Fredrickson, Timm (DSHS\ESH); Hawkins, Barbara (DSHS/BHSIA); Hunter, Timothy J (DSHS/BHSIA); Kenney, Ronda (DSHS\ESH); Leaders, Amber (ATG); Rosen, Mark (DSHS/BHSIA); Simangan, Preciosa (DSHS\ESH); Strandquist, Randall (DSHS\ESH); Utigard-Borg, Andrea (ATG); Whitehead, Carol L. (DSHS\ESH); Williamson, Nicholas (ATG)
Subject: FSU Wait List

Good Morning,

Hope you all had a wonderful Thanksgiving Day!

Attached for your review are the FSU STATs for the week ending November 28.

Have a great week!

Vickie J. Stone

Program Support Supervisor
Eastern State Hospital
PO Box 800
Medical Lake, WA 99022
ph. 509-565-4026
fax 509-565-4705

Confidentiality Statement:

The content of this e-mail is intended for named addressee(s) only. It may contain information that is privileged, confidential, and exempt from disclosure under applicable law. Unless you are the named the addressee or authorized designee, you may not copy, use, or disclose the content of this e-mail to anyone else. If you have received this message in error, please immediately notify sender at vickie.stone@dshs.wa.gov and delete this message. Thank you.

EASTERN STATE HOSPITAL

November 28, 2014

Referral Type	Number Waiting	Number Waiting > 7 days in Jail	Number Waiting > 21 Days in Community (PR)
Inpatient Felony Evaluation	3	3	0
Inpatient Misdemeanor Evaluation	0	0	0
Inpatient Felony Restoration	5	5	0
Inpatient Misdemeanor Restoration	0	0	0
Out-of-Hospital Felony Jail	49	10	0
Out-of-Hospital Felony PR	10	0	7
Out-of-Hospital Misdemeanor Jail	17	14	0
Out-of-Hospital Misdemeanor PR	34	0	20
Civil Conversion	0	0	0
TOTALS:	118	32	27

Inpatient Waiting List - 12/1/2014

	HospID	Last Name	First Name	STATUS	CO_Rec'd	JH	Days	PoR	County	F/Md	Reason			Admit	DA	
1	1781			45-Day OSP	10/23/2014	PR	39		Spokane	F	4			12/2/2014	Rabinovitch	<input checked="" type="checkbox"/> DDP
2	975359			45-Day OSP	11/10/2014	JH	21		Chelan	F	4			12/2/2014	Howard	<input type="checkbox"/> DDP
3	1812			45-Day OSP	11/18/2014	JH	13		Yakima	F				12/3/2014	Cahn	<input type="checkbox"/> DDP
4	548772			45-Day OSP	11/18/2014	JH	13		Benton	F					Swinburnson	<input type="checkbox"/> DDP
5	548252			First 90-Day	11/19/2014	JH	12	12	Spokane	F					Porter	<input type="checkbox"/> DDP
	HospID	Last Name	First Name	STATUS	CO_Rec'd	JH	Days	PoR	County	F/Md	Reason			Admit	DA	
1	544948			15-Day OBS	10/8/2014	JH	54	54	Grant	F	4				Cabrera	<input type="checkbox"/> DDP
2	1815			15-Day OBS	10/14/2014	JH	48	47	Grant	F	4				Morgan	<input type="checkbox"/> DDP
3	547029			15-Day OBS	10/15/2014	JH	47	26	Grant	F	4				Gonzales	<input type="checkbox"/> DDP

1- defendant no show
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 11- attorney/interpreter not available

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 13- requested an amended court order
 14- charges adjudicated prior to evaluation
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 16- client released from custody cannot be located
 17- defendant would not participate w/o attorney present
 18- defendant would not cooperate with evaluation
 19- interpreter needed court order did not request it
 20- other patient cooperation problem
 21- delay due to county/prosecutor objection to evaluator

90- order does not conform to 6492 requirements
 91- amended from inpatient to cep or cep to inpatient
 92- report delayed awaiting outside records

Off Site Waiting List

12/1/2014

HospID	DefLast	DefFirst	Date CO Red	Jail	Days	PoR	County	F/Md	Reason			App Date	DA	
1	544404		8/6/2014	PR	117	103	Spokane	M	3	1	94	12/10/2014	CONDON	<input type="checkbox"/> DDP
2	1813		9/16/2014	PR	76	21	Benton	M	3			12/3/2014		<input type="checkbox"/> DDP
3	539513		9/17/2014	JH	75	66	Franklin	F	3			12/11/2014	STILWILL	<input type="checkbox"/> DDP
4	549672		9/19/2014	PR	73	25	Benton	M	3			12/8/2014		<input type="checkbox"/> DDP
5	1821		9/22/2014	JH	70	38	Yakima	M	3			12/3/2014		<input type="checkbox"/> DDP
6	1824		9/23/2014	PR	69	33	Grant	F	3			12/9/2014	GONZALES	<input type="checkbox"/> DDP
7	1788		9/24/2014	PR	68	67	Benton	M	3			12/17/2014		<input type="checkbox"/> DDP
8	1676		9/25/2014	PR	67	66	Yakima	M	3			12/3/2014	EICHLER	<input type="checkbox"/> DDP
9	546669		9/26/2014	PR	66	66	Douglas	M	3			12/1/2014		<input type="checkbox"/> DDP
10	1826		9/30/2014	JH	62	38	Yakima	M	3			12/10/2014		<input type="checkbox"/> DDP
11	546761		10/1/2014	JH	61	55	Yakima	F	3			12/10/2014	DALAN	<input type="checkbox"/> DDP
12	1672		10/1/2014	PR	61	60	Grant	M	3			12/5/2014	THONNEY	<input type="checkbox"/> DDP
13	1828		10/2/2014	PR	60	56	Grant	M	3			12/5/2014	LANG	<input type="checkbox"/> DDP
14	1827		10/2/2014	PR	60	56	Benton	F	3			12/4/2014	SWANBERG	<input type="checkbox"/> DDP
15	1795		10/3/2014	JH	59	56	Grant	F	3			12/4/2014		<input type="checkbox"/> DDP
16	546232		10/3/2014	JH	59	56	Spokane	F	3			12/3/2014		<input type="checkbox"/> DDP
17	1773		10/6/2014	JH	56	55	Benton	F				12/11/2014	SWINBURNSON	<input type="checkbox"/> DDP
18	1830		10/7/2014	PR	55	41	Yakima	M	3			12/9/2014	EICHLER	<input type="checkbox"/> DDP
19	1816		10/8/2014	PR	54	54	Yakima	M	3			12/9/2014	CHAMBERS	<input type="checkbox"/> DDP
20	1697		10/8/2014	JH	54	54	Stevens	F	3			12/12/2014	IRWIN	<input type="checkbox"/> DDP
21	1831		10/8/2014	PR	54	54	Chelan	M	3			12/22/2014		<input checked="" type="checkbox"/> DDP
22	1833		10/9/2014	JH	53	49	Chelan	F	3			12/12/2014		<input type="checkbox"/> DDP
23	1834		10/13/2014	PR	49	49	Benton	F	3			12/17/2014	SWINBURNSON	<input type="checkbox"/> DDP

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Off Site Waiting List

12/1/2014

	HospID	DefLast	DefFirst	Date CO Rcd	Jail	Days	PoR	County	F/Md	Reason			App Date	DA	
24	1770			10/13/2014	PR	49	46	Franklin	M	3			12/15/2014	ZEIGLER	<input type="checkbox"/> DDP
25	1832			10/13/2014	PR	49	49	Spokane	F	3			12/17/2014		<input checked="" type="checkbox"/> DDP
26	548173			10/13/2014	JH	49	46	Franklin	M	3			12/18/2014	ZEIGLER	<input type="checkbox"/> DDP
27	1714			10/14/2014	JH	48	46	Spokane	M	3			12/19/2014	REICH	<input type="checkbox"/> DDP
28	1771			10/14/2014	PR	48	46	Spokane	F	3			12/18/2014	RABINOVITCH	<input type="checkbox"/> DDP
29	366			10/15/2014	JH	47	45	Spokane	M	3			12/10/2014	CONDON	<input type="checkbox"/> DDP
30	1835			10/15/2014	JH	47	46	Franklin	F	3			12/17/2014	LIN	<input type="checkbox"/> DDP
31	1837			10/15/2014	JH	47	46	Franklin	F	3			12/15/2014	LIN	<input type="checkbox"/> DDP
32	695			10/16/2014	JH	46	21	Franklin	F	3			12/19/2014	YOUNESI	<input type="checkbox"/> DDP
33	1840			10/16/2014	PR	46	38	Benton	M	3			12/19/2014		<input type="checkbox"/> DDP
34	1839			10/17/2014	JH	45	38	Spokane	F	3				REARDON	<input checked="" type="checkbox"/> DDP
35	1687			10/21/2014	JH	41	34	Okanogan	F	3					<input type="checkbox"/> DDP
36	990			10/21/2014	PR	41	33	Chelan	M	3					<input type="checkbox"/> DDP
37	1506			10/21/2014	JH	41	33	Spokane	F	3					<input checked="" type="checkbox"/> DDP
38	535094			10/21/2014	PR	41	31	Chelan	M	3				BRANDT	<input type="checkbox"/> DDP
39	548841			10/21/2014	PR	41	34	Chelan	F	3				HOWARD	<input type="checkbox"/> DDP
40	1841			10/22/2014	JH	40	34	Chelan	F	3					<input type="checkbox"/> DDP
41	1798			10/22/2014	JH	40		Spokane	M	3				HESS	<input type="checkbox"/> DDP
42	1844			10/23/2014	JH	39	34	Kittitas	M	3				MURPHY	<input type="checkbox"/> DDP
43	1842			10/23/2014	PR	39	34	Benton	M	3					<input type="checkbox"/> DDP
44	546075			10/23/2014	JH	39	33	Franklin	F	3			12/17/2014	STILWILL	<input type="checkbox"/> DDP
45	1846			10/24/2014	JH	38	34	Benton	F	3				KIRKHAM JR.	<input type="checkbox"/> DDP
46	479			10/24/2014	JH	38	38	Spokane	F				12/2/2014	HAGARA	<input type="checkbox"/> DDP

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Off Site Waiting List

12/1/2014

	HospID	DefLast	DefFirst	Date CO Rcd	Jail	Days	PoR	County	F/Md	Reason			App Date	DA	
47	1845			10/24/2014	JH	38	34	Benton	M	3				MCKINLEY	<input type="checkbox"/> DDP
48	1851			10/28/2014	PR	34	27	Spokane	M	3			12/2/2014		<input type="checkbox"/> DDP
49	1847			10/28/2014	JH	34	31	Spokane	F	3				REARDON	<input type="checkbox"/> DDP
50	548910			10/28/2014	JH	34	31	Yakima	M	3				MCPHERSON	<input type="checkbox"/> DDP
51	549962			10/28/2014	PR	34	31	Asotin	F	3					<input type="checkbox"/> DDP
52	1852			10/29/2014	JH	33	26	Benton	M	3				OROSCO	<input type="checkbox"/> DDP
53	548839			10/29/2014	JH	33	26	Spokane	F	3				ANNON-NAGL	<input type="checkbox"/> DDP
54	1849			10/29/2014	JH	33	31	Franklin	F	3				YOUNESI	<input type="checkbox"/> DDP
55	1850			10/29/2014	JH	33		Yakima	M	3					<input type="checkbox"/> DDP
56	1853			10/29/2014	PR	33	19	Yakima	M	3				EVERETT	<input type="checkbox"/> DDP
57	1685			10/29/2014	JH	33		Franklin	F	6				LIN	<input type="checkbox"/> DDP
58	291			10/30/2014	PR	32		Yakima	M	3				EICHLER	<input type="checkbox"/> DDP
59	1856			10/30/2014	JH	32	26	Spokane	F	3				LORENZ	<input type="checkbox"/> DDP
60	1855			10/30/2014	JH	32	26	Chelan	F	3					<input type="checkbox"/> DDP
61	1854			10/30/2014	JH	32	26	Spokane	F	3				LORENZ	<input type="checkbox"/> DDP
62	537749			10/30/2014	JH	32	26	Spokane	F	3				FELICE	<input type="checkbox"/> DDP
63	549209			10/30/2014	JH	32	26	Benton	F	3				AJAX	<input type="checkbox"/> DDP
64	1858			10/30/2014	JH	32	25	Benton	F	3				KANE	<input type="checkbox"/> DDP
65	1857			10/31/2014	JH	31	25	Klickitat	M	3			12/30/2014		<input type="checkbox"/> DDP
66	1718			10/31/2014	JH	31	25	Spokane	F	3				COMPTON	<input checked="" type="checkbox"/> DDP
67	1860			10/31/2014	PR	31		Spokane	M					KING II	<input type="checkbox"/> DDP
68	547260			10/31/2014	JH	31	25	Spokane	F	3				HUNEKE	<input checked="" type="checkbox"/> DDP
69	1859			10/31/2014	JH	31	19	Spokane	F	3				COMPTON	<input type="checkbox"/> DDP

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19-interpreter needed court order did not request it

20-other patient cooperation problem

21-delay due to county/prosecutor objection to evaluator

90-order does not conform to 6492 requirements

91-amended from inpatient to cep or cep to inpatient

92-report delayed awaiting outside records

Off Site Waiting List

12/1/2014

	HospID	DefLast	DefFirst	Date CO Rcd	Jail	Days	PoR	County	F/Md	Reason			App Date	DA	
70	544683			10/31/2014	JH	31	25	Spokane	F	3				LORENZ	<input type="checkbox"/> DDP
71	1861			11/3/2014	PR	28	25	Chelan	M	3					<input type="checkbox"/> DDP
72	548507			11/4/2014	JH	27	25	Spokane	F	3				REARDON	<input checked="" type="checkbox"/> DDP
73	1865			11/4/2014	PR	27	25	Spokane	M	3					<input type="checkbox"/> DDP
74	1864			11/4/2014	JH	27	25	Adams	F	3				MORGAN	<input type="checkbox"/> DDP
75	1863			11/4/2014	PR	27	25	Spokane	M	3				CARLSON	<input checked="" type="checkbox"/> DDP
76	1510			11/4/2014	JH	27	25	Franklin	F	3				YOUNESI	<input type="checkbox"/> DDP
77	1848			11/4/2014	PR	27	31	Chelan	M	3					<input type="checkbox"/> DDP
78	548792			11/4/2014	JH	27		Franklin	F	3				YOUNESI	<input type="checkbox"/> DDP
79	1862			11/5/2014	PR	26	19	Chelan	M	3					<input checked="" type="checkbox"/> DDP
80	549910			11/5/2014	JH	26	19	Yakima	M	3					<input type="checkbox"/> DDP
81	544575			11/5/2014	JH	26	19	Benton	M	3				MCKINLEY	<input type="checkbox"/> DDP
82	1278			11/5/2014	JH	26	19	Spokane	F	3				COMPTON	<input checked="" type="checkbox"/> DDP
83	1705			11/6/2014	PR	25	19	Spokane	M	3				FJELD	<input type="checkbox"/> DDP
84	1206			11/10/2014	JH	21	19	Benton	F	3				SHERIDAN	<input type="checkbox"/> DDP
85	537972			11/10/2014	PR	21	19	Spokane	F	3				REARDON	<input checked="" type="checkbox"/> DDP
86	1505			11/10/2014	JH	21	14	Yakima	M	3					<input type="checkbox"/> DDP
87	1491			11/12/2014	JH	19	14	Chelan	F	3				CASSEL	<input type="checkbox"/> DDP
88	780871			11/12/2014	JH	19	14	Spokane	F	3				REARDON	<input type="checkbox"/> DDP
89	1616			11/12/2014	JH	19	14	Yakima	F	3				CAHN	<input type="checkbox"/> DDP
90	1624			11/13/2014	JH	18	14	Spokane	F	3					<input checked="" type="checkbox"/> DDP
91	1589			11/13/2014	JH	18	14	Spokane	F	3				PORTER	<input type="checkbox"/> DDP
92	1561			11/14/2014	PR	17	14	Chelan	M	3					<input type="checkbox"/> DDP

1- defendant no show

3- evaluator availability

4- bed availability

5- medical clearance

6- police reports

7- relevant discovery

8- NCIC/processing

9- hospital staffing issues

10- jail/outside facility staffing issues

11- attorney/interpreter not available

12- jail return/discharged without evaluation done

13- requested an amended court order

14- charges adjudicated prior to evaluation

15- new charges/attorney requests we wait until new order arrives

16- client released from custody cannot be located

17- defendant would not participate w/o attorney present

18- defendant would not cooperate with evaluation

19- interpreter needed court order did not request it

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Off Site Waiting List

12/1/2014

	HospID	DefLast	DefFirst	Date CO Red	Jail	Days	PoR	County	F/Md	Reason			App Date	DA	
93	1778			11/14/2014	JH	17	14	Okanogan	M	3					<input type="checkbox"/> DDP
94	545146			11/14/2014	JH	17	14	Pend Oreille	F	3				AJALCALIEV, I	<input checked="" type="checkbox"/> DDP
95	1021			11/17/2014	JH	14	12	Chelan	F	3				FORD	<input type="checkbox"/> DDP
96	1866			11/18/2014	JH	13	12	Kittitas	F	3					<input type="checkbox"/> DDP
97	1807			11/18/2014	PR	13	12	Chelan	M	3					<input type="checkbox"/> DDP
98	618			11/19/2014	PR	12	12	Spokane	M	3					<input checked="" type="checkbox"/> DDP
99	1867			11/19/2014	PR	12	11	Benton	M	3				FARABEE	<input type="checkbox"/> DDP
100	546528			11/19/2014	PR	12	11	Chelan	M	3					<input type="checkbox"/> DDP
101	1108			11/19/2014	PR	12	10	Spokane	M	3				ADEWALE	<input type="checkbox"/> DDP
102	1802			11/19/2014	PR	12	11	Benton	M	3				METRO	<input type="checkbox"/> DDP
103	394			11/19/2014	JH	12		Yakima	F	3				KELLEY	<input type="checkbox"/> DDP
104	1775			11/21/2014	PR	10	10	Spokane	F	3				REARDON	<input type="checkbox"/> DDP
105	1868			11/21/2014	PR	10	10	Benton	F	3				CORNISH	<input type="checkbox"/> DDP
106	1869			11/24/2014	JH	7	6	Walla Walla	F	3				MAKUS	<input type="checkbox"/> DDP
107	1870			11/24/2014	PR	7	6	Spokane	M	3				FJELD	<input type="checkbox"/> DDP
108	1871			11/25/2014	JH	6	6	Chelan	M	3					<input type="checkbox"/> DDP
109	1872			11/25/2014	JH	6	6	Franklin	F	3				LIN	<input type="checkbox"/> DDP
110	1873			11/25/2014	JH	6	6	Spokane	F	3				COMPTON	<input type="checkbox"/> DDP

1- defendant no show

3- evaluator availability

4- bed availability

5- medical clearance

6- police reports

7- relevant discovery

8- NCIC/processing

9- hospital staffing issues

10- jail/outside facility staffing issues

11- attorney/interpreter not available

12-jail return/discharged without evaluation done

13- requested an amended court order

14- charges adjudicated prior to evaluation

15-new charges/attorney requests we wait until new order arrives

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21-delay due to county/prosecutor objection to evaluator

90-order does not conform to 6492 requirements

91-amended from inpatient to cep or cep to inpatient

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Exhibit C

**IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
KING COUNTY**

STATE OF WASHINGTON

Petitioner,

v.

B [REDACTED] S [REDACTED]

Defendant.

NO. [REDACTED] SEA

WESTERN STATE HOSPITAL'S
OPPOSITION TO DEFENSE'S
MOTION FOR CONTEMPT

I. INTRODUCTION

This Court ordered Defendant B [REDACTED] S [REDACTED] to Western State Hospital (WSH) for competency restoration on November 10, 2014. Because WSH had not yet admitted Mr. S [REDACTED], on November 17, 2014, this Court entered an order for WSH to appear and show cause why Mr. S [REDACTED] has not been admitted to WSH for competency restoration. Defendant has moved to find WSH in contempt for disregarding this Court's order of November 10, 2014.

WSH should not be held in contempt in this case because Washington Courts recognize that defendants may await placement at WSH. RCW 10.77.220 does not state that transportation must occur within seven days for incompetent defendants awaiting restoration, rather RCW 10.77.068 provides "targets" for admission times for individuals awaiting competency restoration.

1 The testimony at the show-cause hearing will establish that WSH is making all possible
 2 efforts to admit Mr. S [REDACTED] as quickly as possible and is unable to admit him sooner.
 3 Therefore, even if this Court finds that WSH failed to comply with this Court's order, this
 4 Court should not impose sanctions, but rather should provide additional time for WSH to
 5 achieve compliance with the Court's order.

6 II. ARGUMENT

7 A. RCW 10.77.068 Is The Appropriate Statutory Framework For Timelines To 8 Transport Individuals Ordered For Competency Restoration And Does Not Conflict With RCW 10.77.220

9 Courts must presume that the Legislature intends to enact effective laws. *State v. Rice*,
 10 174 Wn.2d 884, 899, 279 P.3d 849 (2012). And courts must construe a statute, if at all
 11 possible, in a way that preserves its constitutionality. *State v. Jorgenson*, 179 Wn.2d 145, 150,
 12 312 P.3d 960 (2013). The party challenging a statute bears the heavy burden to prove it is
 13 unconstitutional beyond a reasonable doubt. *City of Bothell v. Barnhart*, 172 Wn.2d 223, 257
 14 P.3d 648 (2011).

15 Statutes are construed as a whole, giving effect to all the language used. *Burton v.*
 16 *Twin Commander Aircraft, LLC*, 171 Wn. 2d 204, 221, 254 P.3d 778 (2011). Related statutory
 17 provisions that apparently conflict "must be harmonized to effectuate a consistent statutory
 18 scheme that maintains the integrity of the respective statutes." *State v. Velasquez*, 176 Wn.2d
 19 333, 336, 292 P.3d 92 (2013). If the statutory provisions at issue cannot be harmonized, courts
 20 resolve the conflict by giving preference to the statute that is more specific and more recently
 21 enacted. *Tunstall v. Bergeson*, 141 Wn.2d 201, 210, 5 P.3d 691 (2000). Courts may also look
 22 to the legislative history of particular enactments when related statutes cannot be reconciled.
 23 *Gorman v. Garlock, Inc.*, 155 Wn. 2d 198, 211, 118 P.3d 311 (2005).

24 Defendant argues that RCW 10.77.220 is the controlling statute for transportation of
 25 individuals awaiting competency restoration. But this Court must use the tools of statutory
 26 construction to construe RCW 10.77.220 consistently with the rest of the chapter and in a

1 manner that preserves its constitutionality. RCW 10.77.220 represents only a small part of the
 2 RCW 10.77 statutory framework, and Defendant's arguments ignore recently enacted
 3 RCW 10.77.068, which provides "targets" for transportation of individuals awaiting
 4 competency restoration. RCW 10.77.068(1)(a)(ii). Defendant's claims are premised on an
 5 interpretation that neglects the principles of statutory construction by analyzing the statute in a
 6 vacuum, ignoring the Legislative intent, and unnecessarily creating statutory and constitutional
 7 conflicts. When read and harmonized in context, RCW 10.77.220 is consistent with the entire
 8 statutory framework, including RCW 10.77.068, and is not the applicable standard for
 9 individuals awaiting competency restoration.

10 **1. RCW 10.77.220 Only Applies To Individuals Found Not Guilty By Reason**
 11 **Of Insanity**

12 Defendant argues that the RCW 10.77.220 mandates that he be admitted to WSH within
 13 seven days of this Court's order. While courts are authorized under RCW 10.77.086(1)(a)
 14 and .088(1)(a) to order criminal defendants to the custody of the secretary of the Department of
 15 Social and Health Services (DSHS) for competency restoration, Washington statutes are silent
 16 as to the timelines in which the transfer to DSHS custody must take place. Defendant cites
 17 RCW 10.77.220 as authority that the defendant can only be housed in the jail for no more than
 18 seven days after the Court issues its order for restoration treatment, but as explained below,
 19 RCW 10.77.220 does not apply to criminal defendants who are confined pursuant to their
 20 criminal charges, but rather it applies only to persons who are "confined pursuant to
 21 [RCW 10.77]."

22 RCW 10.77.220 provides:

23 No person confined pursuant to this chapter shall be incarcerated in a state
 24 correctional institution or facility: PROVIDED, That nothing herein shall
 25 prohibit confinement in a mental health facility located wholly within a
 26 correctional institution. Confinement in a county jail or other local facility while
 awaiting either placement in a treatment program or a court hearing pursuant to
 this chapter is permitted for no more than seven days. (Emphasis added.)

1 Criminal defendants with pending criminal charges are being confined pursuant to their
 2 *actively-pending criminal charges*; they are not being confined pursuant to RCW 10.77. A
 3 person is confined pursuant to RCW 10.77 only when the confinement extends beyond the
 4 criminal case, through an acquittal verdict of Not Guilty By Reason of Insanity.

5 The Washington State Supreme Court has held that the “Verdict of Acquittal by Reason
 6 of Insanity and Order of Commitment” pursuant to RCW 10.77.110 is the point at which the
 7 former criminal defendant is committed to the custody of the secretary of DSHS, and “is
 8 therefore ‘confined pursuant to this chapter’ and falls within the rule of RCW 10.77.220.”
 9 *State v. Sommerville*, 111 Wn.2d 524, 535, 760 P.2d 932, 938 (1988). In other words, someone
 10 is confined pursuant to RCW 10.77 only when his criminal charges are dismissed pursuant to a
 11 Not Guilty By Reason of Insanity acquittal, and he is committed to the secretary of DSHS for
 12 mental health treatment. This view is supported by the wording and structure of RCW 10.77
 13 itself: throughout the criminal proceedings, the statute refers to the person as a “defendant”
 14 (*see* RCW 10.77.086 and RCW 10.77.110), but after the person is acquitted and subsequently
 15 committed to the custody of the secretary of DSHS, the statute refers to the person as the
 16 “person so committed” or “committed person” or “person confined” (*see* RCW 10.77.120 and
 17 RCW 10.77.220).

18 Further, Defendant overlooks the legislative history of RCW 10.77.220. In 1982, the
 19 Washington Legislature added the language “[c]onfinement in a county jail or other local
 20 facility while awaiting either placement in a treatment program or a court hearing pursuant to
 21 this chapter is permitted for no more than seven days.” H.B. 381, 1982 Laws of Washington
 22 ch. 112, § 3. This bill was related solely to “criminally insane persons”, which is specifically
 23 defined in RCW 10.77 to mean individuals “acquitted of a crime charged by reason of
 24 insanity.” H.B. 381, 1982 Laws of Washington ch. 112; RCW 10.77.010(4). The Legislature
 25 clearly intended RCW 10.77.220 to only apply to individuals awaiting transport who have been
 26

1 acquitted by reason of insanity. The seven day time limit in that provision is not applicable to
 2 Mr. S [REDACTED], an individual awaiting competency restoration.

3 Washington courts have specifically addressed the fact that Washington law is “silent”
 4 regarding how long a criminal defendant can be in jail while waiting for ordered competency
 5 restoration. In *Weiss v. Thompson*, the Washington State Court of Appeals noted that the
 6 “Washington statute is silent on the amount of time that can elapse between entry of the order
 7 for competency restoration and the time placement actually occurs.” *Weiss v. Thompson*,
 8 120 Wn. App. 402, 410 n.3, 85 P.3d 944, review denied, 152 Wn.2d 1033, 103 P.3d 202
 9 (2004). In *Weiss*, a defendant was found incompetent to stand trial on misdemeanor criminal
 10 charges and was ordered for restoration treatment for the 14-day statutory limit; however, the
 11 defendant was detained in King County Jail for 15 days awaiting a bed at WSH. *Id.* at 405.
 12 The Court specifically noted that unlike Oregon’s statute that contained a seven-day transfer
 13 period and formed the basis of the seven-day deadline in *Oregon Advocacy Center v. Mink*,
 14 322 F.3d 1101 (9th Cir. 2003), Washington’s statute “is silent on the amount of time that can
 15 elapse between entry of the order for competency restoration and the time placement actually
 16 occurs.” *Weiss*, 120 Wn. App. at 410 n.3. It can be presumed that the Washington State Court
 17 of Appeals was aware of the existence of the seven-day limit in RCW 10.77.220, a statute that
 18 has been in its current form for over 30 years, but the Court simply did not consider
 19 RCW 10.77.220 applicable to competency restoration. Furthermore, the Washington State
 20 Supreme Court in *Born v. Thompson*, endorsed the ruling from *Weiss* that a defendant may
 21 have to wait in jail longer than seven days for evaluation and/or treatment. *Born v. Thompson*,
 22 154 Wn.2d 749, 755, 117 P.3d 1098 (2005). The *Born* Court noted that a defendant charged
 23 with a misdemeanor “may be committed for up to 29 days (evaluation and mental health
 24 treatment and restoration of competency time combined). Further, the individual may be
 25 forced to spend time in jail awaiting space at the appropriate institution.” *Id.* at 755 (emphasis
 26 added) (citing *Weiss*).

RCW 10.77.220 applies only to defendants who are confined to the custody of DSHS after acquittal as Not Guilty by Reason of Insanity. While criminal charges are still pending, the defendant is being confined pursuant to the criminal charges, even while undergoing competency restoration treatment. Therefore, RCW 10.77.220 is inapplicable to Mr. S [REDACTED] because his criminal charges are still pending.

2. The Legislature Provided “Targets” For Transportation Of Individuals Awaiting Competency Restoration In Enacting RCW 10.77.068

In 2012, the Legislature provided guidelines, not requirements, for admission to a state hospital for “legally authorized treatment or evaluation services related to competency” in RCW 10.77.068. Specifically, RCW 10.77.068(1)(a)(i) established a performance target of seven days or less for admission. The Defendant argues that the performance target is an indication that, combined with RCW 10.77.220, the Legislature intended the seven days for admission for restoration treatment to be a hard and fast requirement. However, the Legislature also provided a non-exclusive list of circumstances “that may place achievement of targets for completion of competency services described in (a) of this subsection out of the department’s reach in an individual case without aspersion to the efforts of the department.” RCW 10.77.068(1)(c). Among those circumstances is: “an unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected demand for competency services can be resolved.” RCW 10.77.068(1)(c)(iv).

Applying the principles of statutory construction, related statutes must be harmonized to effectuate a consistent statutory scheme. *Velasquez*, 176 Wn.2d at 336. If they cannot be harmonized, courts resolve conflict by giving preference to the statute that is more specific and more recently enacted. *Tunstall*, 141 Wn.2d at 210. As argued above, RCW 10.77.068 and .220 can be harmonized to effectuate a consistent statutory scheme that provides different

1 transportation guidelines for individuals facing different 10.77 proceedings. Even if this Court
 2 finds the two provisions cannot be harmonized, it must resolve the conflict by giving
 3 preference to RCW 10.77.068, the more recent and specific statute as it relates to defendants
 4 awaiting competency restoration. RCW 10.77.068 is the proper standard for individuals
 5 awaiting transportation for competency restoration.

6 **B. Because Washington Statutes Do Not Provide A Hard Requirement For The**
 7 **Amount Of Time That Can Elapse Between Entry Of The Order For Competency**
 8 **Restoration And The Time Placement Actually Occurs, Western State Hospital**
 9 **Has Not Violated Defendant's Due Process Rights**

10 Defendant argues that under *Oregon Advocacy Center v. Mink*, WSH is violating
 11 Mr. S [REDACTED] substantive due process rights by not admitting the defendant within seven
 12 days. *Mink* involved a class action lawsuit where the class consisted of criminal defendants
 13 who were found incompetent to stand trial and were awaiting placement from jail into Oregon
 14 State Hospital for restoration treatment. As previously noted, *Weiss v. Thompson* held that,
 15 unlike Oregon's statute that contained a seven-day transfer period and formed the basis of the
 16 seven-day deadline in *Mink*, "Washington statute is silent on the amount of time that can elapse
 17 between entry of the order for competency restoration and the time placement actually occurs."
 18 *Weiss*, 120 Wn. App. at 410 n.3. In the absence of applicable state law, this Court should
 19 decline to analogize this case to *Mink*.

20 The United States Supreme Court has "always been reluctant to expand the concept of
 21 substantive due process because guideposts for responsible decision making in this uncharted
 22 area are scarce and open-ended." *Washington v. Glucksberg*, 521 U.S. 702, 720,
 23 117 S. Ct. 2258, 138 L. Ed. 2d 772 (1997). Substantive due process analysis is disfavored
 24 because it places a matter largely "outside the arena of public debate and legislative action."
 25 *Id.* The doctrine must be carefully utilized "lest the liberty protected by the Due Process
 26 Clause be subtly transformed into the policy preferences of the Members of this Court." *Id.*

1 The danger posed by the application of substantive due process in factual and legal
 2 contexts where it has no historical roots has been recognized by the Washington Supreme
 3 Court as well:

4 Where courts attempt to mandate novel changes in public policy through judicial
 5 decree, they erode the protections of our constitutions and frustrate the
 6 constitutional balance Examination of history and tradition is therefore
 7 necessary to identify fundamental rights as the basis for judicial decision-making.
 This inquiry must not hinge upon the judges' subjective feelings but must be
 based upon objective consideration of historical understanding.

8 *Andersen v. King Cnty.*, 158 Wn.2d 1, 68-69, 138 P.3d 963 (2006) (J.M. Johnson, J.,
 9 concurring).

10 Under *Glucksberg*, there is a “threshold requirement” to identify a carefully described
 11 “fundamental right found to be deeply rooted in our legal tradition” that is supported by
 12 “concrete examples.” *Glucksberg*, 521 U.S. at 722. Until and unless there is a specific and
 13 carefully described due process right, there is no need for the court to require “more than a
 14 reasonable relation to a legitimate state interest to justify the action,” nor is there “the need for
 15 complex balancing of competing interests in every case.” *Id.* Likewise, in the absence of a
 16 timeline in state law, it cannot be argued that defendant’s procedural due process rights have
 17 been violated.

18 Even if the due process principles set forth in *Mink* are applicable to this defendant,
 19 they remain irrelevant to the question before this Court. Defendant has moved this Court for a
 20 finding of contempt. Contempt is defined as intentional disobedience of a court order.
 21 RCW 7.21.010(1)(b). Hence, the focus of the hearing should not be on whether WSH violated
 22 Mr. S [REDACTED] substantive due process rights, but on whether WSH has plainly violated this
 23 Court’s order. *Johnston v. Beneficial Mgmt. Corp. of America*, 96 Wn.2d 708, 712-13,
 24 638 P.2d 1201 (1982). As argued below, it has not.

C. WSH Should Not Be Found in Contempt as Requested by Defendant

1. Contempt Sanctions Are Not The Proper Remedy To Address Due Process Concerns, And The Defendant's Rights Can Be Vindicated In A Civil Rights Action

If this Court believes that a due process violation has occurred, then the correct remedy for the violation is dismissal of the charges pursuant to CrR 8.3(b) or temporary release of Mr. S [REDACTED]. Mr. S [REDACTED] may also vindicate his due process rights by bringing an action pursuant to 42 U.S.C. § 1983. Such an action is currently pending in federal court. That court is currently considering whether to certify a class that would include Mr. S [REDACTED]. The extent and nature of the due process right presented by this issue cannot be properly adjudicated in a brief hearing occurring in the context of a criminal action.

2. WSH Should Not Be Found In Contempt Of This Court's Order

Contempt of court is defined in part as intentional disobedience of any lawful order of the Court. RCW 7.21.010(1)(b); *In re Marriage of Humphreys*, 79 Wn. App. 596, 599, 903 P.2d 1012 (1995). Under RCW 7.21.030(2), if a court finds that a party has intentionally violated a court order, the court may impose remedial sanctions if it finds that a party has failed or refused to perform an act that is *within its power to perform*. Remedial sanctions are sanctions imposed for the purpose of coercing the performance of an act. RCW 7.21.010(3). A finding of contempt can only be imposed upon a plain violation of the Court's order. *Johnston*, 96 Wn.2d at 712-13; *Humphreys*, 79 Wn. App. at 599. Because the results of a contempt proceeding can be severe, the Court's order must be strictly construed in favor of the alleged contemnor. *Beneficial Mgmt.*, 96 Wn.2d at 713; *Stella Sales, Inc. v. Johnson*, 97 Wn. App. 11, 20, 985 P.2d 391 (1999). While this Court's November 10, 2014 order required WSH to perform competency restoration, nothing in that order specified when admission to WSH must occur. By strictly construing this Court's order in favor of WSH, this Court should find there is no plain violation. However, even if this Court determines WSH is

1 in violation of the order by not yet admitting Mr. S [REDACTED] for restoration, WSH can still
2 avoid contempt by showing its inability to comply with the order.

3 **3. If This Court Finds That Western State Hospital Did Violate This Court's**
4 **Order, Western State Hospital's Failure To Admit Mr. S [REDACTED] Is**
5 **Excusable And Does Not Form The Basis For Contempt**

6 Even if this Court finds that WSH is in violation of this Court's order, WSH can still
7 avoid contempt by showing its inability to comply with the order. The law presumes a party is
8 capable of complying with a court order. *Moreman v. Butcher*, 126 Wn.2d 36, 40,
9 891 P.2d 725 (1995). However, if WSH can show that it is unable to comply with this Court's
10 order, and that WSH did not voluntarily or contumaciously bring upon itself the inability to
11 comply, a finding of contempt is inappropriate. *State v. Phipps*, 174 Wash. 443, 446,
12 24 P.2d 1073 (1933).

13 In this case, the undersigned anticipates that the evidence will show that WSH is
14 admitting patients as quickly as possible given the reality that Superior and District Courts all
15 over Western Washington are ordering criminal defendants to WSH for competency
16 restoration and evaluation, and currently the number of court orders exceeds the number of
17 available hospital beds. The undersigned further anticipates that the evidence presented at the
18 hearing will show that WSH was unable to immediately admit Mr. S [REDACTED] for competency
19 restoration due to factors outside of its control, including a dramatic spike in referrals for
20 inpatient evaluation and treatment. In the second quarter of 2014 the inpatient waitlist reached
21 its highest point in several years due to an extraordinary number of inpatient competency
22 referrals. This extraordinary rate of referrals has continued. This surge in demand is
23 complicated by bed space and allocation limitations, staffing challenges, and regulatory rules
24 that constrain patient to staff ratios at the hospital. Testimony will show that although WSH
25 works diligently to provide timely competency services to criminal defendants, these external
26 factors directly impact WSH's ability to do so. WSH is not intentionally disobeying this
Court's order; nor did WSH "voluntarily or contumaciously" bring upon itself the inability to

1 comply. *Phipps*, 174 Wash. at 446. For the above reasons, WSH should not be found in
2 contempt.

3 Defendant may argue that WSH could comply with its order by simply admitting
4 Mr. S [REDACTED] ahead of other criminal defendants also waiting for restoration or by the Court
5 ordering immediate transport. But immediately transporting Mr. S [REDACTED] or moving him
6 ahead in the waitlist, would require a longer wait for a different criminal defendant also
7 waiting for restoration treatment on an equally-valid order from a different court. This Court
8 has previously ruled that WSH could transport some patients immediately, but WSH chooses
9 not to do so based on the equities involved, and thus is acting willfully. While WSH
10 recognizes this Court must consider each defendant individually, WSH is not in the same
11 position. To admit Mr. S [REDACTED] ahead of others, would not only immediately prejudice the
12 individual whose place he takes, but potentially could lead to a system where defendants bring
13 motions for immediate transport get priority and those who do not have such a zealous defense
14 languish on the waitlist because they are continually bumped by other defendants who “jump
15 the line.” WSH not only chooses to balance the equities of each patient, but must do so to
16 ensure everyone receives competency services. Furthermore, the evidence will establish that
17 WSH plans to admit Mr. S [REDACTED] as soon as possible, and therefore “coercion” through
18 monetary sanctions is neither necessary nor productive.

19 **4. The Legislature’s Guidelines for Competency Evaluations and Competency**
20 **Restoration Do Not Form a Basis for Contempt**

21 In 2012, the Legislature provided guidelines, not requirements, for admission to a state
22 hospital for “legally authorized treatment or evaluation services related to competency” in
23 RCW 10.77.068. Specifically, RCW 10.77.068(1)(a)(i) established a performance target of
24 seven days or less for admission. Further, the Legislature provided a non-exclusive list of
25 circumstances “that may place achievement of targets for completion of competency services
26 described in (a) of this subsection out of the department’s reach in an individual case without

1 aspersion to the efforts of the department.” RCW 10.77.068(1)(c). Among those
 2 circumstances is: “an unusual spike in the receipt of evaluation referrals or in the number of
 3 defendants requiring restoration services has occurred, causing temporary delays until the
 4 unexpected demand for competency services can be resolved.” RCW 10.77.068(1)(c)(iv). In
 5 addition, the statute clearly states that the section does not create any new “entitlement or cause
 6 of action” nor does it “form the basis for contempt sanctions under RCW 7.21.”
 7 RCW 10.77.068(5). The Legislature’s action supports DSHS’s position that RCW 10.77
 8 currently does not contain a seven day limitation for transport, and also recognizes the
 9 difficulty DSHS faces in providing timely competency services. The intent of the Legislature
 10 is clear: while DSHS is working towards the timelines set forth in RCW 10.77.068, contempt
 11 sanctions are not appropriate when these targets are not met.

12 **5. The Court May Issue Only Prospective Remedial Sanctions, Retroactive**
 13 **Punitive Sanctions Are Not Available**

14 If this Court determines that remedial sanctions are appropriate, they must accrue from
 15 the date of the order for sanctions, and not be backdated. Backdating the sanction order would
 16 cause the sanction to become punitive as opposed to coercive. Unless the contemptuous action
 17 occurs in the courtroom in the presence of the judge, the request for punitive sanctions can
 18 only come in the form of a complaint filed by the prosecuting attorney. RCW 7.21.040(1)
 19 and (2). As the prosecutors have not filed a complaint against WSH for punitive sanctions,
 20 punitive sanctions cannot be adjudicated at the hearing on November 24, 2014.

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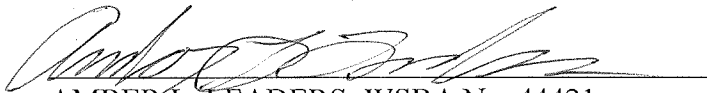
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III. CONCLUSION

For the foregoing reasons, at the conclusion of the show cause hearing, this Court should find that WSH is not in contempt. If the Court does find WSH in contempt, no sanctions should be imposed.

RESPECTFULLY SUBMITTED this 19th day of November, 2014.

ROBERT W. FERGUSON
Attorney General



AMBER L. LEADERS, WSBA No. 44421
Assistant Attorney General
Attorneys for Western State Hospital

PROOF OF SERVICE

I, Beverly Cox, certify on this 20 day of November 2014 that I served a copy of
**WESTERN STATE HOSPITAL'S OPPOSITION TO DEFENSE'S MOTION FOR
CONTEMPT** on all parties or their counsel of record on the date below as follows:

Counsel for Defendant

Twyla Carter
Defenders Association
810 3rd Avenue, Suite 800
Seattle, WA 98104-1695

- ☐ By United States Mail
☐ By Legal Messenger
☐ By Facsimile
☒ By E-mail PDF (twyla.carter@kingcounty.gov)
☐ By Hand Delivery by: _____

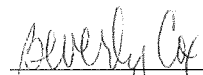
King County Prosecuting Attorney's Office

Rebecca Vasquez
King County Deputy Prosecuting Attorney
516 Third Avenue, Suite W554
Seattle, WA 98104

- ☐ By United States Mail
☐ By Legal Messenger
☐ By Facsimile
☒ By E-mail PDF (rebecca.vasquez@KingCounty.gov)
☐ By Hand Delivery by: _____

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

Dated this 20 day of November 2014, at Tumwater, Washington.


Beverly Cox
Legal Assistant