

## Politics & Government AUGUST 23, 2015

# Months of contempt-of-court fines go unpaid by state



BY JORDAN SCHRADER  
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Unpaid fines owed by state government for being in contempt of court are stacking up — and not just over schools.

Contempt sanctions in more than 30 cases this year alone — all unpaid — are the result of an inadequate mental health system that has kept criminal defendants waiting weeks or months in jail for psychiatric evaluations and treatment.

But in Pierce County, whose courts have handed down the lion's share of unpaid sanctions, local officials are in talks with the state on a compromise.

"Rather than paying sanctions, we would like to be doing the work we're doing now with the funding the Legislature gave us, which is trying to improve the system," said Jane Beyer of the state Department of Social and Health Services, which is on the hook for the fines. "What we'd like to do is invest the funding we have in reducing the amount of time people are waiting in jail."

Inmates whose mental competency to stand trial is in question often must wait in jail until professionals from the state hospital are available to evaluate them. If found incompetent to stand trial, the hospital must admit and treat them with the goal of restoring their competency.

But the hospitals have been packed full and have seen high turnover of employees, leaving wait lists that judges say violate the rights of the accused. Wait times remain high even as the state rushes to comply with a federal judge's order to reduce them.

Meanwhile, many of the fines have sat unpaid for months. Contempt hearings spiked in 2014, and The Associated Press reported in November that sanctions were nearing \$200,000.

Now they exceed \$570,000, according to figures from DSHS. The agency says it has paid \$12,400, all from cases before 2015.

Lawmakers didn't provide special money to cover sanctions, so they would have to come out of the DSHS budget.

Judges in Pierce County, the home of Western State Hospital, levied more than \$460,000 of the unpaid sanctions, according to DSHS. Most of the rest, more than \$75,000, came from judges in Spokane County, the home of Eastern State Hospital.

Thirty of the 31 contempt hearings this year that led to sanctions were in those two counties.

“I’m not holding my breath waiting for the money,” said Pierce County Superior Court Judge Frank Cuthbertson, who has tried to direct some of the money to the county jail as compensation for care provided there.

Now county officials, including Pierce County Executive Pat McCarthy’s office, are talking to DSHS about how to proceed. Cuthbertson said a judge would have to approve any compromise that emerges from the negotiations.

Even as the fines by local judges added up, a federal judge in what’s known as the Trueblood case ordered the state to evaluate inmates within seven days of a court order.

U.S. District Judge Marsha Pechman’s April ruling called for a similar seven-day deadline to admit patients for competency treatment. Pechman gave the state nine months to comply.

The Legislature responded by adding 90 beds at the state hospitals and by letting the state contract for treatment of inmates deemed safe to be treated outside the hospitals, including at local jails and other facilities. Lawmakers also authorized temporary use of the former Maple Lane School juvenile detention center in Grand Mound for treatment.

DSHS says it plans to comply with the seven-day mandates by its January deadline.

A monitor appointed by Pechman reported last week that the state has “made progress through a number of concrete actions” but that those steps haven’t so far brought relief to defendants. For example, admission for treatment took a median of 25 days in June, similar to averages reported in December.

The monitor called for “urgent measures to clear backlogs,” including greater use of contract evaluators as an alternative to state employees. Pierce County is one of the few counties using money from the state for contract evaluators, a strategy the monitor said is working.

The contempt fines have added up in installments of \$200 and \$500 a day, nowhere near the size of the most prominent contempt sanction against the state.

That one is a \$100,000-a-day fine ordered Aug. 13 by the state Supreme Court in the McCleary case. The court wants the money to go to a new account for schools.

Schools are already the state's largest spending area and one where many lawmakers concede they need to add billions more dollars on top of the roughly \$2.3 billion added over four years.

State attorneys say lawmakers would need to be in a legislative session to put the money in a new account. Even with the fine at more than \$1 million and counting, lawmakers have no plans to return to Olympia any time soon.

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