

WA judge grants preliminary injunction in mental health battle

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Western State Hospital, a mental health facility, in Lakewood, Pierce County, in May. (Ellen M. Banner / The Seattle Times)

A Pierce County judge granted a preliminary injunction against the Washington State Department of Social and Health Services on Friday — a small win for 22 counties that have united against state officials in a struggle over how to meet the mental health needs of people detained in jails.

This case is tied to a separate federal court settlement known as [Trueblood](#), which demands DSHS provide basic services like competency evaluations and, if needed, [restoration treatment](#) to bring defendants back to competency.

Wait times have worsened over the last few years, leaving people languishing in jail for months without services. In July, Judge Marsha J. Pechman of the U.S. Western District of Washington fined state officials [\\$100 million](#) for breaching the settlement agreement. She ordered officials to prioritize beds at state facilities like Western State Hospital for people coming from jails.

That has left the counties frustrated, as they also want another kind of patient to get care at the state facilities.

Known as [civil conversion patients](#), these are people who are initially brought in on criminal charges from jail but because they lack the competency to stand trial are ultimately rerouted to a separate, civil system for [involuntary treatment](#).

After Pechman's order, DSHS said it would no longer accept most of these patients. The counties sued in response, arguing DSHS still has the statutory responsibility to provide services to civil conversion patients. The counties say that if the state does not care for these patients, the counties will bear the costs of overcrowded jails and public safety risks on the street.

Following Pierce County Superior Court Judge Michael E. Schwartz's decision to grant the injunction, DSHS must now evaluate patients for a civil commitment and give proper notice to county officials when releasing existing conversion patients.

Officials pushed back asking for a phase-in period, but the judge denied it.

"Today's ruling affirms the state's basic obligation to evaluate the behavioral health needs of people in the legal system who can not be tried because they lack the ability to aid in their own defense, and to give them an opportunity for meaningful treatment," King County Executive Dow Constantine said in a statement.

"It does not, of course, solve the very real capacity problems in the behavioral health system born of long-term funding and workforce shortages. With today's ruling, counties across Washington can move forward with greater clarity, working with the state and other jurisdictions on the funding and strategies to meet the needs of the people we all serve."

Six additional counties will be joining the suit.

A spokesperson for DSHS shared, "Our intent is to follow state law to the best of our ability while continuing to care for the state's most complex patients when others are unwilling or unable to provide such care."

"While we are disappointed in today's ruling, we will continue to assess how this impacts our patients and will continue to identify opportunities to add additional bed capacity."

The next court hearing is scheduled for Dec. 15 in Pierce County.