

# Trueblood Diversion Grant Program and Trueblood Settlement comparison

**Trueblood v DSHS** (Trueblood) is an active lawsuit that challenged unconstitutional delays in competency evaluation and restoration services. Because of this lawsuit, the state has been ordered to provide court-ordered competency evaluations within 14 days and competency restoration services within seven days. Trueblood helps individuals who are detained in city and county jails awaiting a competency evaluation or restoration services, and individuals who have previously received competency evaluation and restoration services, who are released and at-risk for re-arrest or re-institutionalization.

There are many conversations regarding Trueblood funding. It is important to realize that there are two types of funding with regard to Trueblood and they come from two very different sources to support three different initiatives – Trueblood Grants, Trueblood Settlement (awaiting Legislative approval), and Prosecutorial Diversion funding. It should be clear that the **diversion grant program and the prosecutorial diversion programs are separate and are apart from the settlement agreement approved by the Court in December of 2018.**

## Trueblood Grants:

The State of Washington has paid many millions of dollars to the federal court in fines for failing to comply with the Court's Orders in Trueblood. In 2016, the Court ordered that some of this money be used to fund programs that divert class members from the criminal justice system and creating a Trueblood Diversion Workgroup comprised of Plaintiff and Defendant counsel, representatives from DSHS, the Court Monitor and an additional expert to assist the Court Monitor. Grant funding is time limited and grantees develop sustainability plans for funding future operations once the court granted funds have run out.

This Workgroup has since identified and funded service providers from around the state who are working to divert people with mental illness and other disabilities from the criminal system. Since late 2016, the Trueblood Diversion Workgroup has released three separate requests for proposals and now funds multiple projects statewide. The [most recent RFP](#) is available [on the Disability Rights website](#).

Seattle Foundation was appointed to serve as fiscal sponsor for the program in early 2017 and all contempt fines used to fund the Trueblood diversion programs are housed at the foundation. The Court Monitor oversees the implementation of these 12 programs.

Retrieved Disability Rights Washington from <https://www.disabilityrightswa.org/cases/trueblood/> on March 6, 2019.

## Trueblood Settlement:

The [settlement agreement](#) aims to resolve the Trueblood lawsuit by creating a plan delivering an array of services for class members and potential class members. The settlement is separate and apart from the Trueblood diversion grant program and the prosecutorial diversion program.

This agreement includes expanding residential mental health with crisis services; additional training for jail staff and law enforcement; hiring additional forensic navigators and more mental health professionals to educate courts about the availability of supports that could meet the needs of individuals who have to wait in jail for evaluation and restoration services.

Additionally, the goal is to bring the state into compliance and reduce the number of people who become or remain class members and timely serve those who cannot be diverted from becoming class members and focus on effective outcomes and success of existing programs in Washington.

Separate from the Trueblood grant funding decisions that are approved through the Federal District Court as described above, funding to support the Settlement Agreement would be provided through the [Washington state budget process](#). This process requires that DSHS seek funding from the legislature and the Governor's Office to support the strategies within the Trueblood Settlement Agreement. The Settlement Agreement is organized into phases, with each phase lasting two years. The first phase of the agreement runs from July 2019 through June 2021. The legislature is currently deliberating on the state budget for that two-year period.

## DSHS Prosecutorial Diversion Contracts:

Currently the Department of Social and Health Services' Office of Forensic Mental Health manages three prosecutorial diversion contracts in King County as well as the Spokane and Tri-City regions. The purpose of these programs is to divert individuals from the criminal justice system through diversion and ensure program participants are receiving services in their community where they are familiar and supported. Funding for these three contracts was provided by the legislature for the current biennium. Funding for the upcoming biennium was part of DSHS' ongoing maintenance budget request that was submitted to the Governor and legislature. DSHS anticipates continued funding for these contracts through future maintenance budget requests.

For more information on Trueblood and the Settlement Agreement, please visit: [www.dshs.wa.gov](http://www.dshs.wa.gov) and search "Trueblood"