

Support SB18-252

Competency Evaluation and Restoration Services

Sens. Gardner and Lambert / Reps. Lee and Young

Problem

The demand for inpatient competency evaluation and restoration services for pre-trial detainees in Colorado has increased by more than 500% since 2000, while inpatient beds have gone down since 2010 due to budget cuts. Disability Law Colorado sued the Colorado Department of Human Services over the waitlists for pre-trial detainees awaiting inpatient services in jail.

The Department is currently under a settlement agreement with Disability Law Colorado to offer admission to pre-trial detainees within 28 days that the individual is ready to receive services. The Department cannot meet these demands.

In June of 2017, CDHS invoked Departmental Special Circumstances, pausing the terms of the settlement agreement, because the number of individuals being referred for competency evaluations and restorations outpaced our capacity to provide these services.

Without a substantial increase in beds or a shift in the system from inpatient to outpatient services, the state could face tens of millions of dollars in court sanctions each year. Washington paid \$12 million in punitive fines in 2017 and in addition to that, pays an average of \$3.4 million per month in fines for waitlists.

Solution

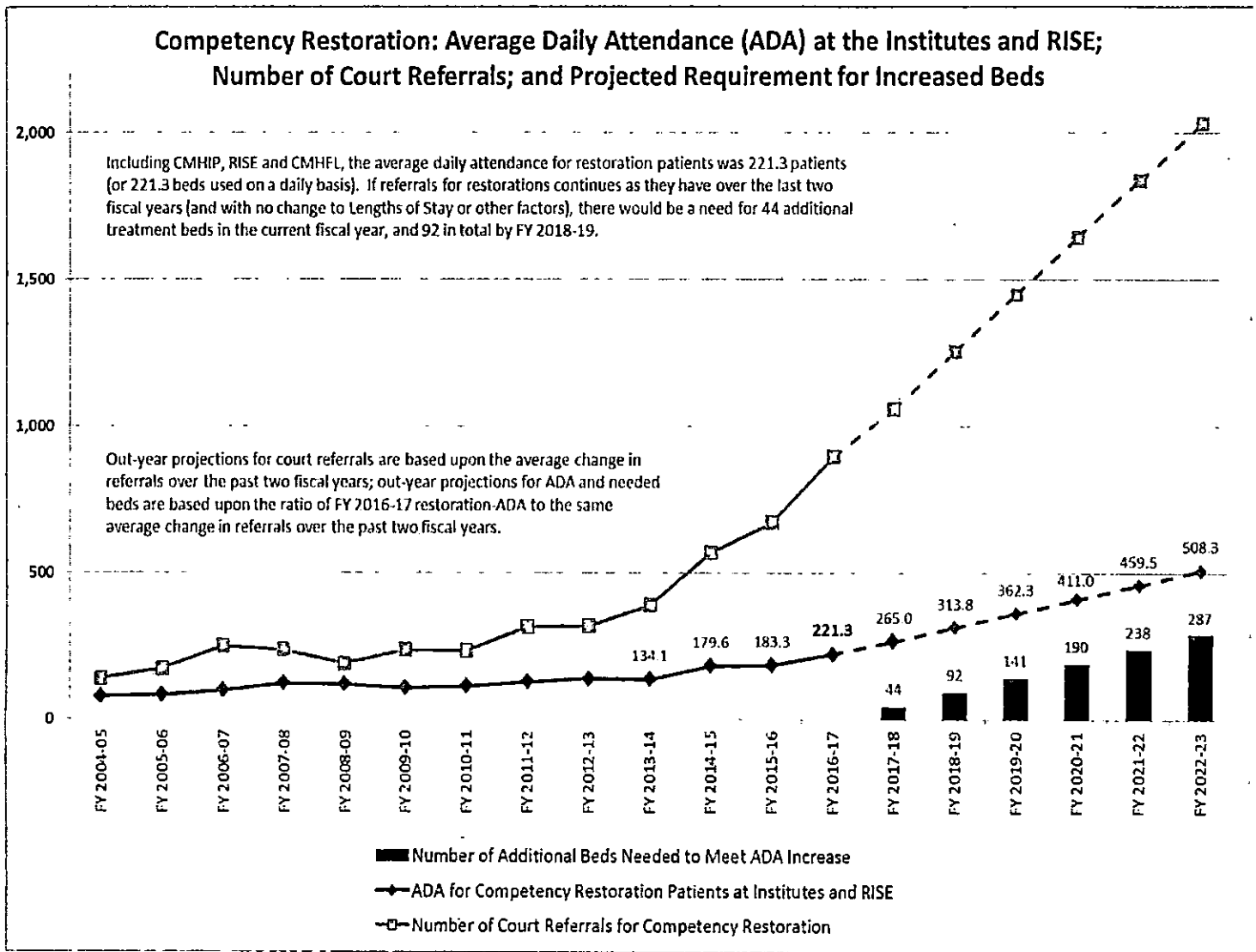
This proposed legislation makes important and needed changes to Title 16:

- Ensures that people receive competency evaluation and/or restoration services in the appropriate location, based on the clinical need of the individual.
 - Limits the ability of the Court to order inpatient competency evaluations.
 - If an individual is not eligible for bond and inpatient care is not clinically necessary, the bill allows an individual to receive competency evaluation or restorations at the location where he or she is in custody.
- Caps the time someone can be confined for restoration services, based on the level of crime.
- Requires more information to be given to the Court in the competency evaluation report.
- Gives the Department greater flexibility to move someone receiving institutional care to a less restrictive setting if it is clinically appropriate.

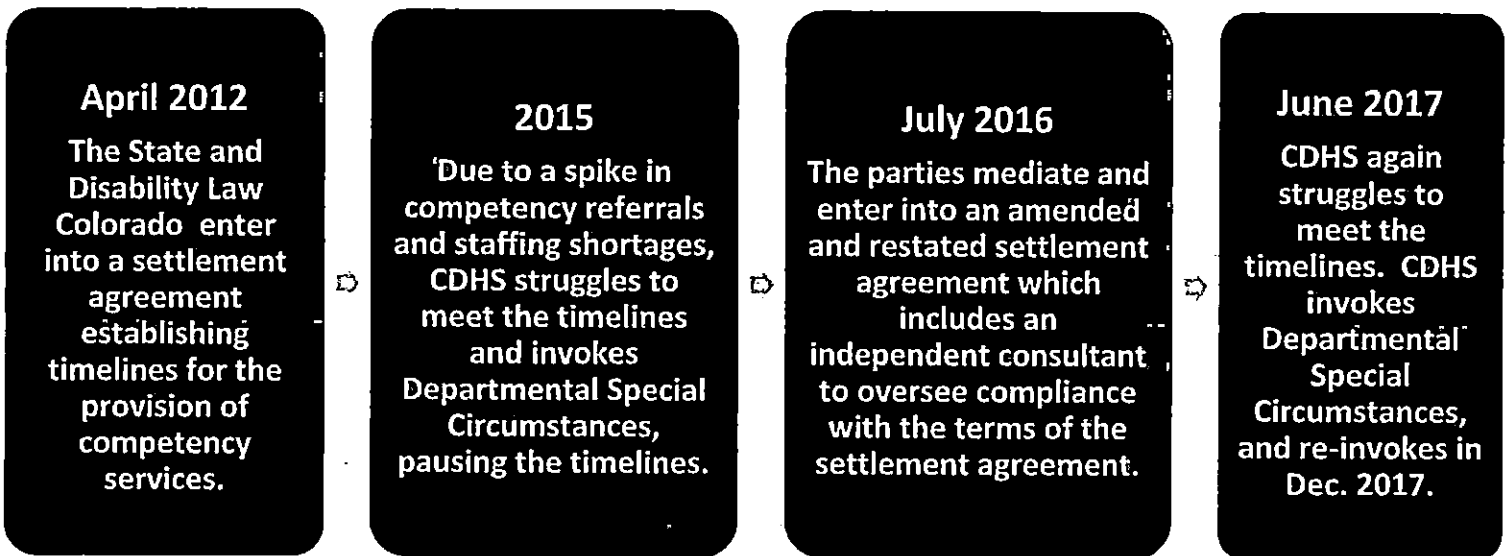
Outcomes

- More individuals will be referred to outpatient competency evaluations and restorations.
- More space at the Mental Health Institute in Pueblo for forensic patients with the highest acuity level and for civil patients.
- Lowers, if not eliminates, the risk of court sanctions.

Growing demand for competency restoration are unsustainable.



The state has a Settlement Agreement for timely provision of services



Bottom line: Compliance with the settlement agreement requires a big change in the system: either building many more new beds or offering more competency services in a different setting.