

Inpatient Restoration Treatment Services Forecast

To: Kristy Becker, Director of Clinical Services, Alaska Psychiatric Institute

From: Michael Tessean, Tessean Consulting, LLC

CC: Melissa Luce, Paralegal II Alaska Psychiatric Institute

Date: October 10, 2022

Subject: FORECASTING: Alaska Inpatient Restoration Treatment Services

Every person prosecuted for a crime in the United States has a right to a fair and speedy trial¹. Defendants have the right to be competent during the proceedings; which means the defendant “has sufficient present ability to consult with his/her lawyer with a reasonable degree of rational understanding - and whether he/she has a rational as well as factual understanding of the proceedings against him/her.”² It is a violation of due process rights to sentence a defendant who is incompetent to proceed³.

If deemed incompetent to proceed, then the court will order the state to provide services to restore them to competent to proceed. The courts typically order those defendants into the state's inpatient psychiatric hospital. Due to insufficient behavioral health systems, and lack of inpatient psychiatric beds dedicated to the forensic population, many pretrial detainees, who have not been convicted of a crime, are forced to wait in jails for an unreasonable amount of time. These wait times are often considered unconstitutional⁴.

The waitlist for inpatient competency restoration services is higher than it has ever been (39 people waiting on 9/21/2022) and Alaska Psychiatric Institute needs a cohesive and comprehensive plan for long-term sustainability. In order to develop a meaningful cohesive and comprehensive plan, Alaska Psychiatric Institute must have a firm grasp on their current performance, current capacity, anticipated need, and anticipated capacity. The following charts and recommendations are meant to assist Alaska in understanding their current capacity and what might need to be developed to meet future demand.

¹ United States Constitution, 6th Amendment

² Pate v. Robinson, 383 U.S. 375, 378 (1966) (citing Bishop v. United States, 350 U.S. 961 (1956)).

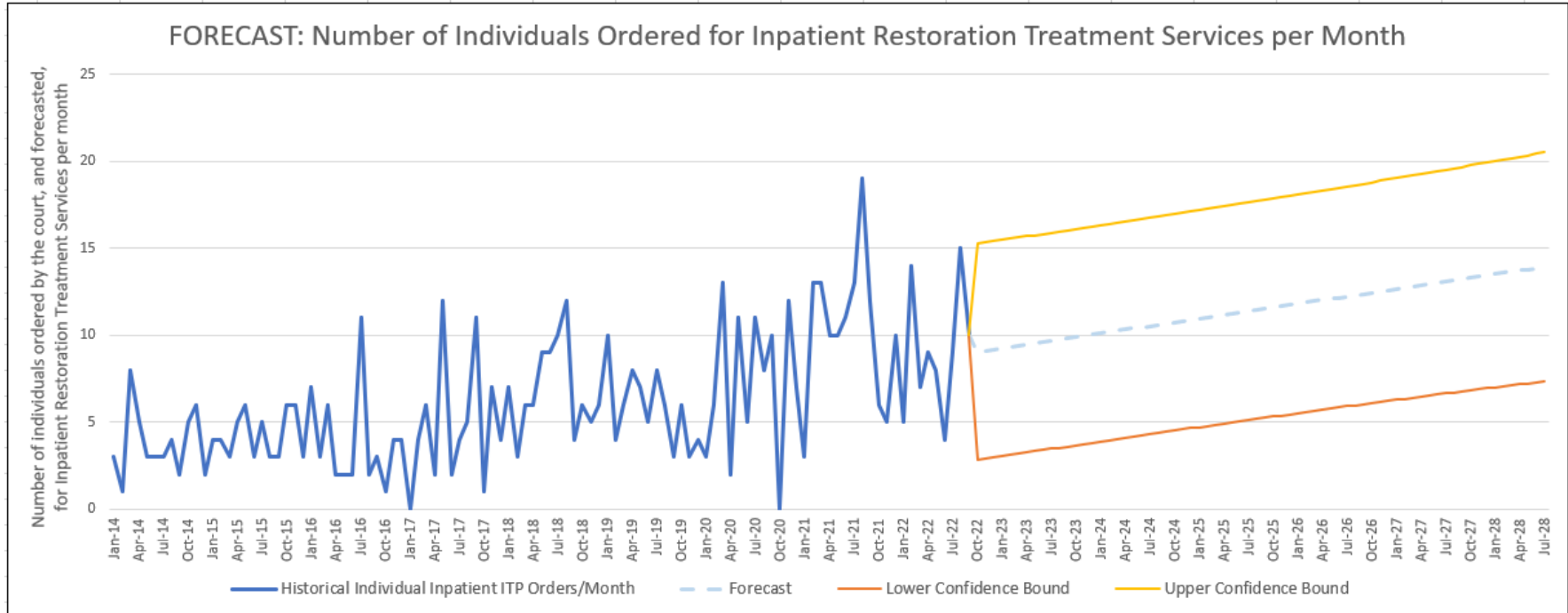
³ United States Constitution, 5th Amendment

⁴ United States Constitution, 8th Amendment

ASSUMPTIONS:

Inpatient Restoration Treatment Court Orders

The following chart predicts future values based on existing values along a linear trend.



Number of InP ITP court orders forecasted/year

- 2022: 108.3
- 2023: 115.7
- 2024: 125.9
- 2025: 136.1
- 2026: 146.3
- 2027: 156.5

Percentage of Inpatient Incompetent to Proceed orders dismissed (avg. over the last three years):

- 64.6%

Average Length of Stay (2021)

- 89 days

Average Bed Utilization

- 99.5%

Inpatient Beds dedicated to competency

- Alaska Psychiatric Institute: 10 beds

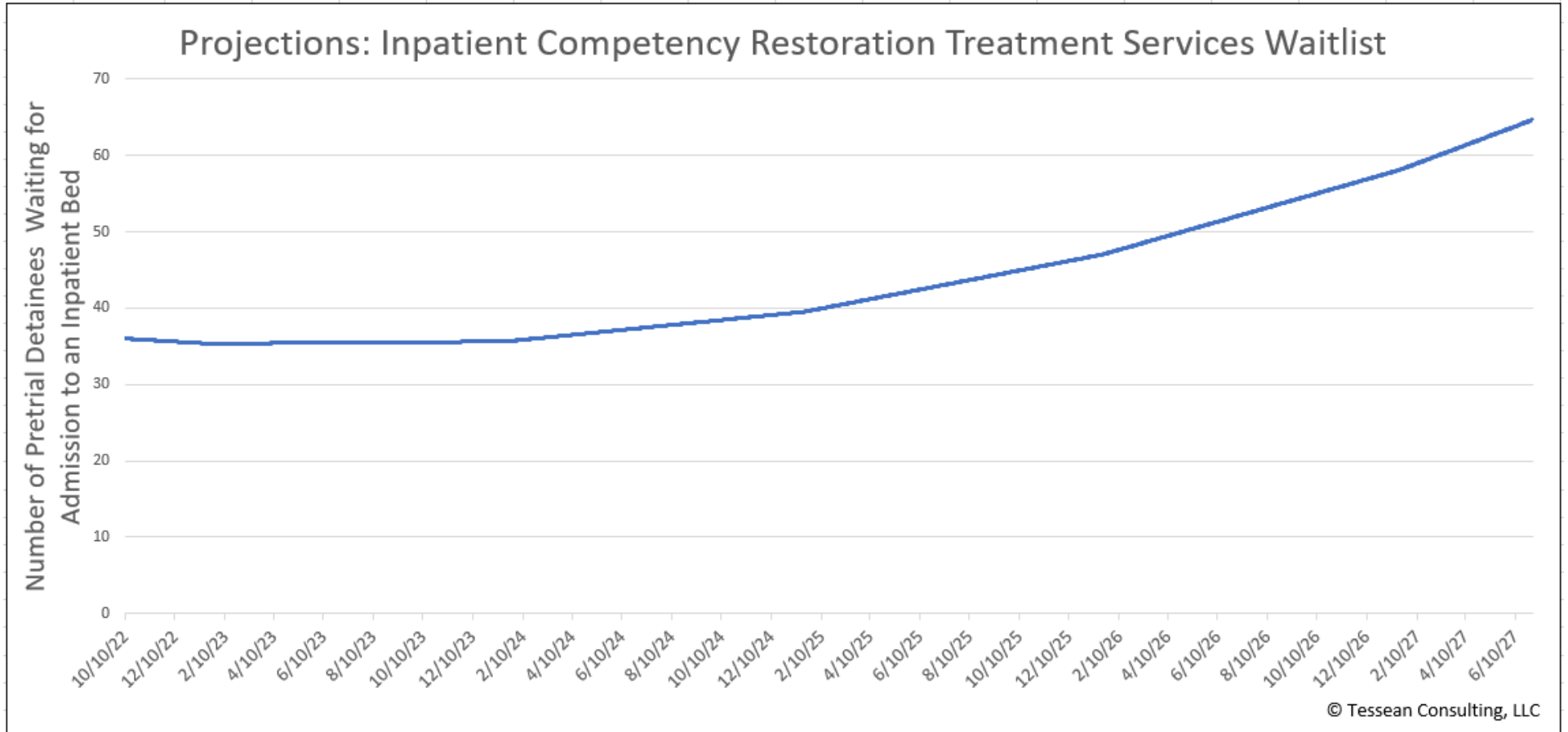
Inpatient Competency Evaluations

- Number referred per year: 2
- Average length of stay: 7 days

ASSESSMENT:

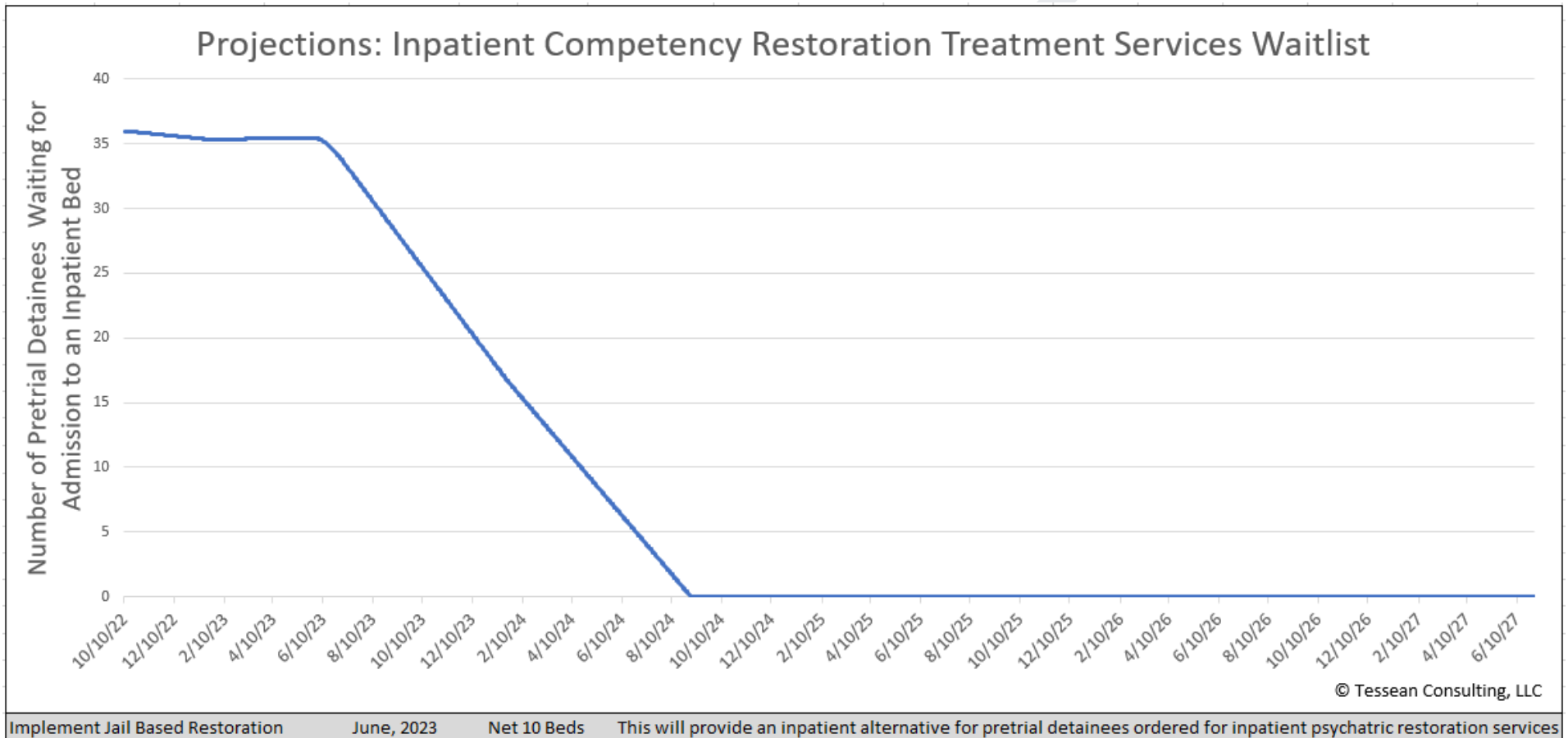
Scenario #1

- Baseline projection based on the data listed under the assumptions.



Scenario #2:

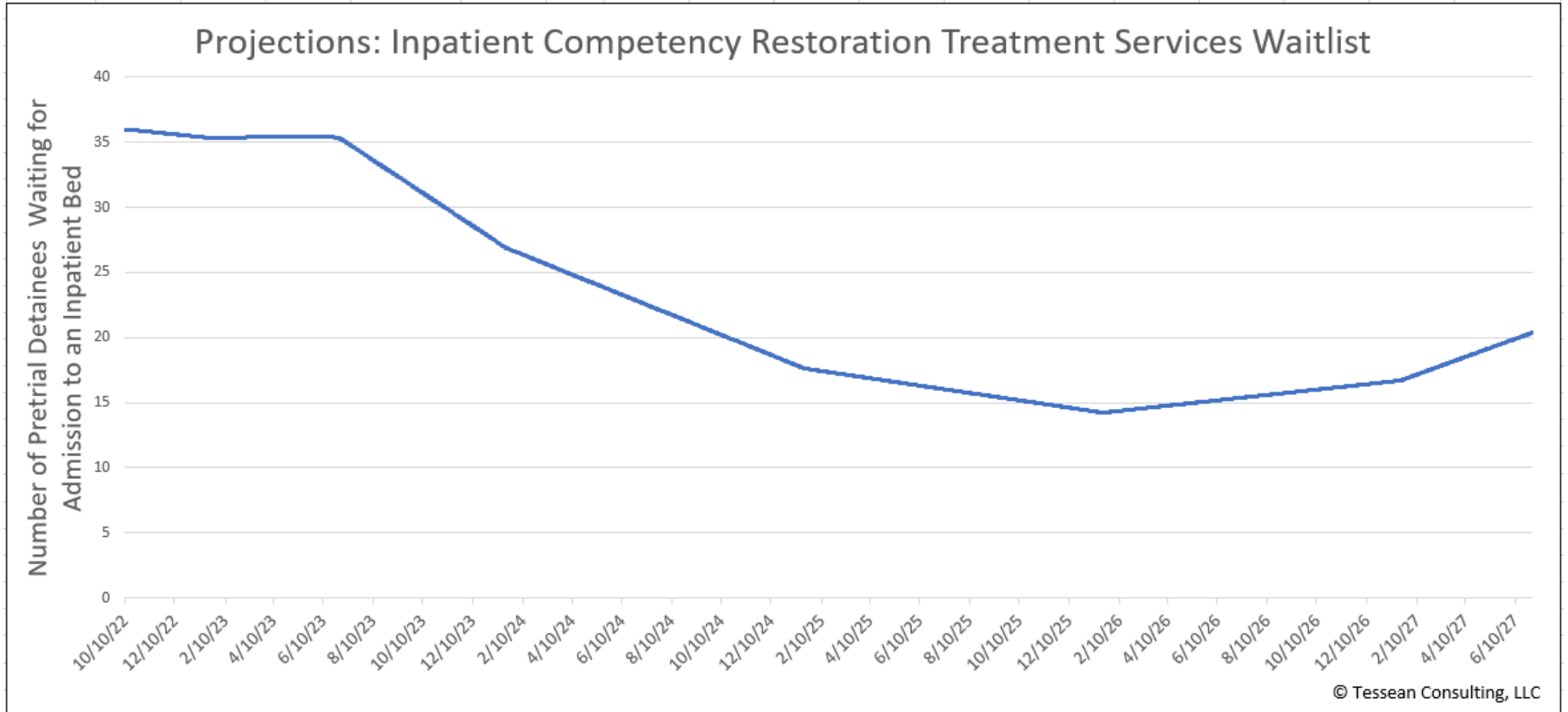
- Baseline projection based on the data listed under the assumptions.
- Add ten Jail Based Restoration Beds in June 2023.



- It is important to note that there is an inverse correlation between the number of inpatient beds and the percentage of court orders dismissed (e.g. As the number of inpatient beds increases, the percentage of court orders decreases).

Scenario #3:

- Baseline projection based on the data listed under the assumptions.
- Add ten Jail Based Restoration Beds in June 2023.
- Decrease the percentage of cases dismissed by 1/3.



Implement Jail Based Restoration	June, 2023	Net 10 Beds	This will provide an inpatient alternative for pretrial detainees ordered for inpatient psychiatric restoration services
Decrease Percentage of Cases Dismissed	June, 2023	42.6%	It is more likely than not that the percentage of cases dismissed will exceed 42.6%.

The worst case scenario for Alaska is to wait too long to address this problem. Failure to take action will result in a lawsuit that will force the state's hand and diminish their autonomy to solve this problem on their own terms. States throughout America are being sued by advocacy groups for violating pretrial detainees' constitutional rights; many of them paying millions in fines each year. To date, there is not a single state that has entered into a settlement agreement or consent decree and successfully resolved the law suit.

Alaska is fortunate to have such strong leadership that provides operational excellence with the limited resources allocated to inpatient competency services. Maintaining occupancy over 99% is far beyond industry standard. Additionally, the low length of stay is testament to the quality services that are being provided.

As Alaska focuses more on this issue, it is essential that there is a coordinated strategy that acknowledges the relationship between systems. As many states have learned in hindsight, you cannot build your way out of this problem. It is essential that Alaska understand the whole behavioral health system and what is driving the rates of individuals found incompetent to proceed. Within this vein, Colorado has developed a [Competency Services Intercept Model](#).

To resolve the growing waitlist and long wait times, Alaska ought to develop a cohesive and comprehensive plan that focuses on the following strategies:

1. Implement the Jail Based Restoration Program
 - a. This alone will not solve the problem because the percentage of court orders dismissed will decrease as the beds increase.
 - b. This has to be a coordinated effort with other front-end efforts.
2. Develop a Competency Services Intercept Model
 - a. Target communities that refer to the most inpatient restoration treatment services and develop interventions to divert individuals out of the criminal justice system and/or competency system at the following intercepts:
 - i. Intercept 0: Community Services
 - ii. Intercept 1: Law Enforcement
 - iii. Intercept 2: Initial Detention - Court Processes
3. Enhance the use of data.
 - a. At least annually, forecast future court orders for inpatient competency restoration treatment.
 - b. Utilizing the available data, forecast the waitlist.
 - c. Explore opportunities to further Alaska's operational efficiency.
 - d. Using the updated data, update the comprehensive plan.
4. Research and evaluate the need for inpatient psychiatric beds in Alaska.
 - a. When building new inpatient psychiatric beds, it is important to consider the inverse correlation between building new beds and the number of cases that are dismissed or converted to outpatient.
 - i. When you increase the number of beds, the number of cases dismissed or converted to outpatient will decrease.