

**OKANOGAN COUNTY COMMISSIONERS'
RESOLUTION 115 - 2023**

JOINING LITIGATION WITH WASHINGTON STATE ASSOCIATION OF COUNTIES (WSAC) AND COALITION OF COUNTIES AGAINST WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS).

WHEREAS under 10.77.086(5), as recently amended by SB 5440, whenever a court dismisses felony criminal charges because a defendant's competency cannot be restored, the court is required to dismiss the charges without prejudice and commit the former defendant to DSHS custody for placement in a facility operated or contracted by DSHS for a conversion commitment evaluation. This process is alternatively called a "felony flip" or "conversion commitment."

WHEREAS DSHS has been actively violating *some* conversion commitment court orders since mid-December 2022, before expanding their contempt to *all* conversion commitment orders and conversations with agency officials have not remedied the situation.

WHEREAS WSAC joined a coalition of counties in a new lawsuit filed in Pierce County Superior Court against DSHS, case no 23-2-09161-8.

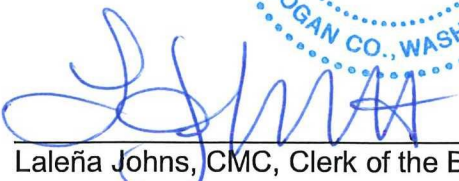
WHEREAS the litigation seeks to hold DSHS accountable to fulfill its obligation to evaluate and treat civil conversion patients with behavioral health conditions as required by law and to ensure DSHS fulfills its statutory responsibilities to provide proper notice (as required by law) when releasing, transferring, or granting leave to commitment patients.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OKANOGAN COUNTY that Okanogan County hereby authorizes the addition of Okanogan County to the litigation and authorizes the Office of the Prosecuting Attorney to sign the Common Interest Agreement with WSAC and the Coalition of Counties on behalf of Okanogan County.

DATED this 29th day of August, 2023, at Okanogan, Washington.

ATTEST:





Laleña Johns, CMC, Clerk of the Board


**BOARD OF COUNTY COMMISSIONERS
OKANOGAN COUNTY, WASHINGTON**



Chris Branch, Chairman



Andy Hover, Vice Chairman



Jon Neal, Member