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The Honorable MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CASSIE CORDELL TRUEBLOOD, next friend
of A.B., an incapacitated person, et al.,

NO. 2:14-cv-01178-MJP

Plaintiffs,

DECLARATION OF
ANTHONY O’LEARY, M.A.,
L.M.H.C.

v.

THE WASHINGTON STATE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES, et al.,

Defendants.

I, Anthony O’Leary, am over the age of 18 years of age, competent to testify to the matters below, and declare based upon personal knowledge:

1. I am currently the clinical consultant for the competency services triage system for the Office of Forensic Mental Health Services in the Behavioral Health Administration, Department of Social and Health Services. The triage system identifies criminal defendants who are waiting for competency services by the acuity of their mental illnesses and their current manifestations, by the seriousness of their crimes, and by the amount of resources their cases require. In my role, I perform an initial review of the referrals and supporting documentation for criminal defendants who have been ordered to a state hospital for inpatient competency services. I then forward the referral and supporting documentation, along with my

1 recommendation and my reasoning, to the medical director of the state hospital to which the
2 defendant has been ordered.

3 2. By way of background, I received my B.A. from Western Washington
4 University in Psychology, and my Master of Arts in Psychology from the California Southern
5 University. I earned a Certificate in Geriatric Mental Health from the University of
6 Washington, and hold a Mental Health Counselor License in the State of Washington. I am a
7 Washington State Department of Health Approved Clinical Supervisor, and a Clinical Member
8 of the Washington Mental Health Counselors Association. In addition to the clinical
9 consultant work described above, I am the Office Chief for Certification, Licensing, and
10 Customer Relations for the BHA Division of Behavioral Health and Recovery (DBHR), and
11 previously served as a Behavioral Specialist for the DSHS Division of Home and Community
12 Services and a Program Administrator for DBHR. I have worked as an Employee Assistance
13 Program Consultant and Care Manager for Magellan Behavioral Health in Tacoma, as a
14 Program Manager for Adult Community Support at Cascade Mental Health Care in Centralia,
15 and as a Designated Mental Health Professional and Mentally Ill Offender Project Coordinator
16 for South Sound Mental Health Services in Tumwater. In the latter position, I identified and
17 assessed individuals in custody who presented with behavioral health issues, coordinated with
18 law enforcement, courts, and mental health providers to divert individuals from custody as
19 appropriate, and ensured follow up services as needed to reduce recidivism.


20 3. When I review the referrals, I look for indicators such as danger to self or
21 others, disruption in routine functioning (eating, basic hygiene, etc.) and the individual's
22 overall ability to manage in a jail environment, such as the ability to understand and follow
23 directions. As a licensed mental health counselor and former designated mental health
24 professional, and my experience working in the jail environment, I have a pretty good idea of
25 what mental health conditions a jail can and cannot manage.

1 4. The system has been operational since March 15, 2016, and since then we have
2 had a total of seven referrals. Three were from Thurston County, three from Snohomish
3 County, and one from Island County. One of the Snohomish referrals just came in. There
4 have not been any referrals from individuals ordered to Eastern State Hospital. The referrals
5 that BHA has received were all submitted by jail mental health or medical personnel who know
6 and treat the individual, not correctional officers, and included documentation from jail records
7 to support the referral. I review all of the referrals the same day that we receive them, and I
8 submit them to the Western State Hospital medical director with a recommendation to approve
9 or deny the expedited admission the same day in which I receive them. Ultimately it is the
10 medical director who makes the final decision.

11 5. To date, all but one of these referrals have been approved for expedited
12 admission. The one that was denied was a high profile case from Snohomish County that had
13 been covered extensively in the media, but there was no compelling clinical reason to grant the
14 request. There was another referral for which I did not support granting the request, but the
15 medical director disagreed and the individual's admission was expedited.

16 I declare under penalty of perjury under the laws of the United States and the State of
17 Washington that the foregoing is true and correct to the best of my knowledge.

18 Signed this 6 day of June 2016, at Olympia, Washington.

19
20 
21 ANTHONY O'LEARY
22 Office Chief for Certification, Licensing,
23 and Customer Relations
24 Division of Behavioral Health and Recovery
25 Behavioral Health Administration
26 Department of Social and Health Services

CERTIFICATE OF SERVICE

Beverly Cox, states and declares as follows:

I am a citizen of the United States of America and over the age of 18 years and I am competent to testify to the matters set forth herein. I hereby certify that on this 6 day of June 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

David Carlson: davidc@dr-wa.org

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Lisa M Daugaard: lisa.daugaard@defender.org, lisadaugaard@yahoo.com

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this 6 day of June 2016, at Olympia, Washington.

Beverly Cox

Beverly Cox
Legal Assistant

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