

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**A.B., by and through her next friend Cassie Cordell Trueblood; D.D., by and through his next friend Andrea Crumpler; K.R. by and through his next friend Marilyn Roberts; Q.M. by and through his next friend Kathryn McCormick; all others similarly situated; and Disability Rights Washington;**

**Plaintiffs,**

**vs.**

**Washington State Department of Social and Health Services; Kevin Quigley, in his official capacity as Secretary of the Department of Social and Health Services; Western State Hospital; Ron Adler in his official capacity as Chief Executive Officer of Western State Hospital; Eastern State Hospital; and Dorothy Sawyer in her official capacity as Chief Executive Officer of Eastern State Hospital,**

**Defendants.**

**No. 14-cv-01178-MJP**

**DECLARATION OF  
KARI REARDON**

**CLASS ACTION**

I, Kari Reardon, declare as follows:

1. I am over the age of eighteen, have personal knowledge of the matters stated herein, and am competent to testify thereto.

1           2.     I am Senior Attorney with the Spokane County Public Defender, where I  
2 have worked since November 12, 1996. I have been a team leader for the Spokane  
3 County Public Defender felony attorneys since January 2014.

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5           3.     Since September 1999, I have represented adults and juveniles accused of  
6 crimes in superior court. I tend to get assigned a large number of clients with mental  
7 illness due to my successful experience working with this population.

8           4.     The delays in my clients receiving competency evaluation and  
9 restoration from Eastern State Hospital (ESH) have steadily gotten worse over  
10 approximately the past year and a half.

11  
12           5.     After some recent changes in the forensic commitment statute, I  
13 understood that services were supposed to be more efficient. However, I see these  
14 delays getting worse and worse. Currently, my clients routinely wait in jail for six to  
15 eight weeks for competency evaluation services from ESH.

16  
17           6.     For restoration services, I have advocated more strongly for my clients  
18 who have already been declared incompetent. However, these individuals are still  
19 waiting for weeks in jail even after being court-ordered for restoration.

20  
21           7.     I routinely call ESH to demand updates regarding the evaluation or  
22 restoration services that the court ordered ESH to provide for my clients. Even despite  
23 my best efforts, I sometimes don't hear back from ESH for weeks.

24           8.     When the wait times experienced by my clients have been egregious, I  
25 have filed for contempt. In each of these occasions, ESH has bumped my clients up on  
26 the waitlist and has either gotten them evaluated or admitted into ESH for restoration.

1           9. Many of my clients with acute mental illness waiting in jail for these  
2 services are housed in protective custody, which are isolated cells where inmates are  
3 released out of their cell only for a maximum for an hour a day. This unit is referred to  
4 by jail staff as "the hole."  
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6           10. I have visited the hole. I recall talking to one of my clients who had  
7 severally deteriorated while housed in the hole. I had a hard time conferring with my  
8 client because I was gagging at the smell of feces and urine coming out of his cell. I  
9 also could hardly hear him because of other inmates' screaming. These conditions are  
10 disturbing.  
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12           11. Several of my clients have also been put on suicide watch for days. When  
13 my clients are put on suicide watch, their clothing is removed and they are put into  
14 Velcro jumpsuits that are designed to prevent strangulation. They also lose their  
15 possessions and aren't allowed to have books, pens, sheets, or even pillows.  
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17           12. One client of mine with both mental illness and developmental disabilities  
18 was placed in a single cell in booking due to her behavior like swallowing objects or  
19 engaging in other harm to self or others. She was often restrained in a seclusion chair  
20 placed in her cell. When I came to meet her, I noticed there were marks on her arms  
21 from the restraint chair.  
22

23           13. Another client of mine waiting for weeks for his contested competency  
24 hearing swallowed a razor provided to him by jail staff. He was taken to the hospital  
25 where they removed the razor. He was eventually found not competent.  
26


1           14. One of the worst cases I've seen is when my vulnerable client was waiting  
2 for competency evaluation report for over two months. While he was waiting for  
3 services, he was attacked by another inmate, knocked unconscious, and sustained a  
4 traumatic brain injury after shards of his own skull pierced his brain. See Exhibit A.  
5

6           15. These untenable delays regarding people with severe mental illness raises  
7 serious concerns not only to my clients' health and safety but also their unalienable  
8 rights to due process and protection from cruel and unusual punishment. You have to  
9 remember that these individuals have only been charged with crimes, not convicted.  
10

11           16. There are so many clients waiting for services. The end result is I am  
12 seeing more and more individuals with acute mental illness coming into the criminal  
13 justice system, frequently with low-level crimes, only to continue to deteriorate in jail  
14 waiting for court-ordered competency evaluation and restoration services.  
15

16           I declare under penalty of perjury under 28 U.S.C. § 1746, that the forgoing is  
17 true and accurate.

18           DATED this 29 day of September, 2014, at Spokane, Washington.

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21 Kari Reardon  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

- John K McIlhenny ([JohnM5@atg.wa.gov](mailto:JohnM5@atg.wa.gov))
- Nicholas A Williamson ([NicholasW1@atg.wa.gov](mailto:NicholasW1@atg.wa.gov))
- Sarah Jane Coats ([sarahc@atg.wa.gov](mailto:sarahc@atg.wa.gov))
- Amber Lea Leaders ([amberl1@atg.wa.gov](mailto:amberl1@atg.wa.gov))

DATED: October 3, 2014, at Seattle, Washington.

*/s/Mona Rennie*  
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 Legal Assistant  
 Disability Rights Washington