

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

A.B., by and through his 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  
MARILYN ROBERTS

I, Marilyn Roberts, 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.

2. I am the mother of K.R., a named plaintiff in this action.

3. I am also a health care professional and have supported my son financially as well as emotionally as he has made his way through the maze that is the community mental health

1 system. I have used my activism with the National Alliance on Mental Illness (NAMI) to help  
2 make changes in this system, including training law enforcement officers in Crisis Intervention  
3 Training ("CIT").

4 4. I am also K.R.'s next friend in this litigation. I am aware that this litigation is  
5 being pursued as a class action. I am aware of my obligations, should this case be certified as a  
6 class action and I be appointed as a class representative.

7 5. K.R. is incredibly creative. He especially excels working with video equipment  
8 and drawing. He is also very kind. He rescued two cats and loves them very much. While he  
9 has been detained in Thurston County Jail he asked me to take care of them. Attached as Exhibit  
10 A is a true and accurate picture of my son in jail shackles showing pictures of his cats that he has  
11 kept with him while incarcerated.

12 6. My son came by my office in the afternoon of June 23, 2014. He seemed to be  
13 fine but wanted some help with his groceries. I gave him some money, but also went by his  
14 house the next day on June 24, 2014, to check on him. However, he was not home and I could  
15 tell by the way his cats were meowing that he had likely not come home the night before.

16 7. I began searching for my son and found that he had been booked in the Thurston  
17 County Jail on June 23rd.

18 8. I immediately visited my son in jail and learned that he had been arrested for  
19 allegedly assaulting an officer when he flicked his cigarette towards the officer. Attached as  
20 Exhibit B is a true and accurate copy of the Declaration of the Prosecutor Supporting Probable  
21 Cause. I was appalled when the jail staff brought my son, who has no criminal history, to jail  
22 visitation in shackles.

1           9.       According to my son, immediately prior to his arrest, he had been asked to stop  
2 smoking or vacate the premises of the downtown bus station, which had recently implemented a  
3 no smoking ban. I know that he often catches his bus home from this station.

4           10.       According to my son, he complied with the request and walked across the street  
5 from the station. However, law enforcement officers allege that K.R. refused to respond to the  
6 commands shouted at him by the officers demanding that he stop and raise both his hands. K.R.  
7 told me he was walking away to smoke his cigarette where it was allowed. An officer then pulled  
8 a gun on my son and eventually arrested him after my son allegedly flicked his cigarette towards  
9 the officer.

10          11.       My son has a long and often difficult history with medication. While he has  
11 mostly been compliant with taking any necessary medication to help control symptoms, he has  
12 had several major adverse reactions to medication including severe drug toxicity and adult onset  
13 diabetes. However, he finally found medication that seemed to address most of his symptoms  
14 that his body could also tolerate. Unfortunately, due to recent staffing changes at his community  
15 mental health provider, I learned that my son went without treatment for several weeks prior to  
16 his arrest.

17          12.       In light of this medication history, during my first visit to the jail on June 24,  
18 2014, I brought K.R.'s medications to the jail though I understand the vast majority of these  
19 medications were not given to my son but put into his property. A few weeks later, I brought his  
20 medication to the jail again. This time I made sure to that medication had been bubble packed,  
21 which is the way providers can track and seal medications, based on the jail's request. I also  
22 spoke and met with jail staff several times to let them know about my concerns about my son and  
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1 his need for his prescribed medications. However, my son never received his prescribed  
2 medications during his entire three-month incarceration at the jail.

3 13. Because of the utter lack of treatment while in jail, K.R. began to rapidly  
4 decompensate. He lost a significant amount of weight and began to lose touch with reality.

5 14. Because his mental illness got so bad, K.R. was unable to even assist in his own  
6 defense. My son's attorney, Jenna Henderson, obtained a court order stating that Western State  
7 Hospital ("WSH") must evaluate my son to determine if he is competent to stand trial. He  
8 waited weeks for this evaluation and was eventually found not competent to stand trial. K.R.  
9 was then court ordered to go to Western State Hospital ("WSH") for restoration. WSH has yet to  
10 admit my son for the court-ordered competency evaluation.

11 15. While at Thurston County Jail, my son was also placed in solitary confinement  
12 after he had a horrific incident with his cell mate. He was then locked down in this cell for  
13 twenty-three hours a day for his own protection.

14 16. One of the most terrifying moments in this entire ordeal is when I was talking to  
15 my son on the phone and I heard him get assaulted by his cell mate. When I heard my son's  
16 screams after he had dropped the phone, I left my job immediately and drove to the jail to see  
17 how my son was doing. While driving to the jail, I kept thinking that I couldn't believe this was  
18 happening. When I finally arrived to the jail after a harrowing drive across town, the only  
19 response I got from the jail staff was, "It was dealt with." I finally got a call twenty-four hours  
20 later from the mental health staff saying my son was safe. No one, under any circumstance  
21 should have to go through that kind of ordeal.

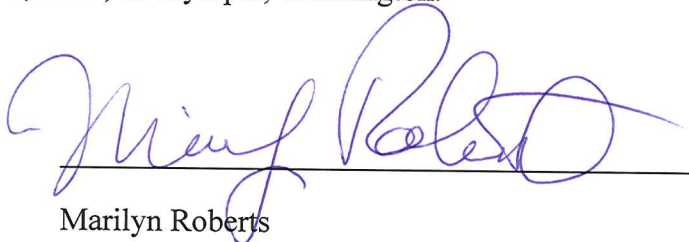
22 17. On September 26, 2014, over four months after my son was arrested, his attorney  
23 contacted me to let me know that my son had been badly bruised by officers who forced him into

1 a restraint chair after he refused to adhere to their directions. Attached as Exhibit C is a true and  
2 accurate picture of my son's bruised wrists in shackles.

3 18. This has been a terrible tragedy for my son and my family. It is heart breaking to  
4 see my son go through this alone, scared, and bruised. I keep thinking if only the arresting  
5 officer had been CIT trained, my son would neither have had a loaded weapon pointed at him,  
6 nor would he gone through the nightmare that is being in jail with an untreated mental illness.

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

9 DATED this 2<sup>nd</sup> day of October, 2014, at Olympia, Washington.

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Marilyn Roberts

**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*

Legal Assistant  
Disability Rights Washington