

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  
EMILY COOPER**

I, Emily Cooper, 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 a licensed attorney admitted to the Washington State Bar Association in November 2003.

1           3.       Since June 2006, I have been employed as an attorney at Disability Rights  
2 Washington.

3           4.       I began receiving the waitlists of individuals waiting for competency evaluation  
4 and restoration on June 19, 2009. Attached as Exhibit A is a true and accurate copy of the email  
5 between DRW and Western State Hospital (“WSH”).

6           5.       Attached as Exhibit B is a true and accurate copy of the first waitlist I received.

7           6.       Attached as Exhibit C are true and accurate copies of the most recent waitlists I  
8 have received from Defendants.

9           7.       Attached as Exhibits D – G are the true and accurate copies of jail records of the  
10 respective named plaintiffs, K.R., A.B., Q.M., and D.D., filed under seal.

11          8.       Attached as Exhibit H is a true and accurate copy of a September 29, 2014, email  
12 from Defendants’ Attorney Amber Leaders stating “As everyone seems to have anticipated, WSH  
13 will not be able to transport her by 5pm tomorrow as directed by Judge Weiss.”

14          9.       Attached as Exhibit I is a true and accurate copy of order referenced in Exhibit H.

15          10.       Attached as Exhibit J is a true and accurate copy of the verbatim transcript of a  
16 September 9, 2014, Motion Hearing held in King County Superior Court. Defendants’ Attorney  
17 Amber Leaders appeared at this hearing on behalf of Defendant Western State Hospital and the  
18 hearing concerned an incompetent pre-trial detainee who has been waiting for transport to WSH  
19 since July 15, 2014

20          11.       Attached as Exhibit K is a true and accurate copy of the Forensic Mental Health  
21 Consultant Review dated June 30, 2014.

22          12.       Attached as Exhibit L is a true and accurate copy of DRW’s Lost and Forgotten  
23 Report.

13. In 2009, I began routinely conducting out and monitoring at Western State Hospital (“WSH”). Outreach and monitoring as the Protection and Advocacy agency for Washington State entails having unaccompanied access to patients and areas where patient reside or receive treatment. I often conducted outreach on the community unit, the unit at WSH where patients adjudicated Not Guilty by Reason of Insanity (“NGRI”) reside as they prepare for discharge back into the community or would sometimes come back to WSH for brief stabilization treatment before going back to the community. In 2009, the community unit was housed on S4, a civil unit on the south side of the hospital. This unit was not “hardened” in that coming onto the unit did not involve being screened by security and there was not a sally port (sally ports are a set of locked doors controlled by security officers that are used as you enter the Center for Forensic Services, or the forensic units at WSH). Further, there is a secure unit with a sally port adjacent to the WSH Center for Forensic Services filled with civil patients who were former forensic patients.

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

DATED this 3<sup>rd</sup> day of October, 2014, at Seattle, Washington.

/s/Emily Cooper

Emily Cooper  
WSBA # 34406

**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