

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
TODD CARLISLE**

I, Todd Carlisle, 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.

1 3. Since 2004, I have been an attorney at Northwest Justice Project (“NJP”). Since
2 approximately 2006, NJP Tacoma has provided civil legal services at Western State Hospital
3 (“WSH”) under a contract with the mental health division at the Department of Social and Health
4 Services (“DSHS”). I have regularly visited WSH since 2006 in order to provide client services
5 under that contract.

6 4. In my experience with clients at WSH, the “community unit” or “forensic
7 outpatient program” at WSH typically houses relatively high functioning forensic patients who
8 have obtained their conditional release.

9 5. From my work at WSH, I am generally aware that forensic patients are assigned
10 levels based upon their behavior and responsiveness to treatment. Those with the highest levels
11 are those the hospital staff have determined are doing the best behaviorally and clinically.

12 6. Attached as Exhibit A is true and accurate copy of the May 2011 WSH “Ward
13 Telephone Directory.” The directory lists the forensic “outpatient program” as being located on
14 C18. Based on my visits to this unit, I observed that there was no Sally Port going into this civil
15 unit nor was there security. One could enter this unit just like any other civil unit. In
16 approximately 2012, WSH moved these patients to the Center for Forensic Services (“CFS”)
17 building on E1.

18 7. I am also familiar with E2 based on my representation of clients located there. It
19 is similar to E1 in that there is a Sally Port and it is located in the CFS building. In my
20 experience, the patients I have represented at E2 have been civil patients who were converted
21 from a forensic to a civil commitment when it was determined they could not be restored and
22 criminal charges were dropped.

1 8. As an NJP attorney assigned responsibility to provide civil legal assistance to
2 WSH patients under a state contract, I and other NJP advocates regularly meet with WSH
3 administration, along with representatives from Disability Rights Washington and Department of
4 Assigned Counsel. In the course of my participation in those meetings, bed space shortages and
5 staff shortages, in particular doctor shortages, have been a topic of discussion. One reason cited
6 by hospital administrators at those meetings for these shortages is difficulty in recruiting and
7 retaining qualified staff based on pay, benefits, or other work related considerations.

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

10 DATED this 7th day of October, 2014, at Tacoma, Washington.

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12 _____
13 Todd Carlisle
14 WSBA # 25208
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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 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)
- Nicholas A Williamson (NicholasW1@atg.wa.gov)
- Sarah Jane Coats (sarahc@atg.wa.gov)
- Amber Lea Leaders (amberl1@atg.wa.gov)

DATED: October 7, 2014, at Seattle, Washington.

/s/Mona Rennie

Legal Assistant
Disability Rights Washington