

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  
JUDY SNOW**

**CLASS ACTION**

I, Judy Snow, 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 have worked in Washington State's mental health system for thirty-five years. I  
2 have been a licensed mental health provider for eight years and am also certified by the National  
3 Commission on Correctional Health care (NCCHC) with a specialty in mental health.

4           3.     I have been the Mental Health Manager at Pierce County Jail since 2000. From  
5 2000 to 2009, I also was the Supervisor for Mental Health Commitment.

6           4.     Prior to 2000, I was a Designated Mental Health Professional for twenty-five years  
7 serving Pierce, Benton, and Franklin Counties. In that capacity, I evaluated individuals under  
8 RCW 71.05, the civil commitment statute, for emergency and non-emergent mental health  
9 detentions. I also filed fourteen day commitments in general hospitals as well as petitioned for  
10 ninety or one hundred and eighty day orders so that individuals could obtain mental health services  
11 in less restrictive settings. The purpose of these evaluations and petitions was to get the mental  
12 health treatment these individuals needed.

13          5.     In my current capacity as the Mental Health Manager at Pierce County Jail, I direct  
14 the mental health program in the jail by supervising the clinical staff and establishing policies and  
15 procedures. I also act as a liaison between Western State Hospital (WSH), criminal defense  
16 attorneys, prosecutors, and the courts when individuals are waiting in the jail for competency  
17 evaluation and restoration services from WSH.

18          6.     Pierce County Jail has been tracking the data regarding individuals waiting in  
19 Pierce County Jail for competency evaluation and restoration services since 2005. We started  
20 tracking this data after seeing considerable delays. Exhibits A-G.

21          7.     I regularly attend show cause hearings when WSH must provide cause to the court  
22 to explain why they are unable to evaluate or restore individuals who been court-ordered for these  
23 services. I have testified in ten show cause hearings in 2014 alone. *See* redacted Exhibits H-L.

1           8.       When the waitlist began to increase dramatically in 2012, I testified in front of the  
2 legislature regarding Senate Bill 6492, a bill aimed at reducing the amount of time individuals wait  
3 in jail by setting out a seven-day deadline for individuals to be provided competency evaluation or  
4 restoration services.

5           9.       The reason I supported this legislation was the sheer numbers of people waiting in  
6 jail and rapidly decompensating due to the high intensity of their mental health needs. Because we  
7 are a correctional facility, we often had to put these individuals in isolation or petition for  
8 involuntary medications so that we could try to help manage their mental health behaviors. It was  
9 inhumane to allow these individual to languish in jail when the court had already ordered that they  
10 need evaluation or restoration mental health services.

11          10.       These delays are especially troubling when several of the people were waiting in  
12 jail because they had been charged with Assault 3 after they were restrained in hospital emergency  
13 rooms under a single bed certification due to being found a danger to themselves or others.

14          11.       My testimony in response to SB 6492 was aimed at trying to help the legislature  
15 understand what individuals with acute mental health needs are going through while they wait for  
16 these court-ordered services. My ultimate goal in providing testimony was to convey that the  
17 human cost is so much greater than the fiscal cost of treating them in a therapeutic environment.

18          12.       Jail is not a therapeutic environment. An individual is more likely to decompensate  
19 and regress in this type of setting. It is clear from the research that if you allow someone to  
20 decompensate to such a degree, it takes longer to restore someone to baseline functioning if that is  
21 even possible.  
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1           13.     People with acute mental health needs see their health suffer in jail settings. I have  
2 seen individuals stop eating to the point where they become medically compromised and have to  
3 be sent to the hospital and require medical intervention including IV fluids.

4           14.     It is also not uncommon for individuals to smear feces or be unable to toilet properly  
5 due to decompensating. Feces in their cell or on themselves becomes a health risk, and jail staff  
6 must use force to get these individuals to shower. I've even seen an individual be put in a restraint  
7 chair so that jail staff could clean the cell of feces and urine.

8           15.     Further, unlike the state psychiatric hospitals, we have to go to court in order to  
9 medicate someone against their will. To force medication in a jail setting is not only burdensome,  
10 it is also tragic when it is clear that the individual needs to be in a therapeutic environment. Even  
11 with medications, individuals in this environment continue to decompensate because a jail setting  
12 is isolated with minimal interaction with others. Ultimately, we don't provide the level of  
13 treatment that is required for these individuals to not only be restored to competency, but meet  
14 their mental health needs.

15           16.     I understand that SB 6492 passed and was codified into RCW 10.77.068. The law  
16 provided a seven day "performance targets" for state hospitals to evaluate or admit for restoration  
17 individuals waiting in jail. RCW 10.77.068(i) and (ii). However, based on my review of the Joint  
18 Legislative Audit and Review Committee Reports (JLARC), I understand that WSH continues to  
19 fail to meet these targets. Exhibits M-N.

20           17.     Individuals are languishing in jail for an indefinite time due to a woefully  
21 inadequate process for providing mental health evaluation or restoration. No one sees these  
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23

1 individuals or hears their cries for help. It is very hard to get people's attention or sympathy  
2 because these individuals are no longer considered mental health patients deserving treatment but  
3 rather, inmates deserving punishment, even though they have not been convicted of any crime.  
4 Yet, these individuals are arrested because of behaviors directly stemming from their mental  
5 health conditions. The process is inhumane and should stop.

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

8 DATED this 24<sup>th</sup> day of September, 2014, at Tacoma, Washington.

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12 Judy Snow  
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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*

Legal Assistant  
Disability Rights Washington