

Chief Judge Marshia 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
KATHRYN MCCORMICK

I, Kathryn McCormick, declare as follows:

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

1 2. I am Q.M.'s mother.

2 3. I am also Q.M.'s next friend in this litigation.

3 4. I am aware that this litigation is being pursued as a class action.

4 5. I am aware of my obligations, should this case be certified as a class action and I
5 be appointed as a class representative.

6 6. Q.M. turned 28 on August 20, 2014.

7 7. Q.M. is an intelligent and creative person. He is also generous and
8 compassionate. For example, when he worked at a bakery in Seattle several years ago, Q.M.
9 routinely requested that the bakery give him any products that had not been sold and would be
10 thrown away. He then distributed them to homeless shelters. This is the sort of generosity Q.M.,
11 dee showed all the time.

12 8. Q.M. has historically greatly benefited from a strong, connected and loving
13 relationship with our close-knit and extended family including my 25 year old daughter, his
14 sister.

15 9. Q.M.'s strongest connection is with me. Q.M. and I have enjoyed an unusually
16 close mother-son relationship including frequently and collaboratively preparing meals, doing art
17 projects, sharing poetry and essays, and talking about anything and everything.

18 10. Q.M. has trusted me enough to share his significant struggles both with his severe
19 mental health issues, chemical dependency and addictions with me.

20 11. I have always had multiple relational roles with Q.M., being his primary
21 attachment figure, parent, caregiver and "lifeline" who he both depends and counts on for
22 connection and support.

23 12. I am able to support Q.M. not just because he is my son, but also because I am a
24

1 licensed mental health clinician with over 15 years in the field as a practicing clinician, including
2 over 7 years in a clinical supervisory and administrative capacity working with a team of mental
3 health and psychiatric providers.

4 13. Q.M. has a longstanding history of mental illness. I have generally been able to
5 help him work through the symptoms of his illness and have had some success in encouraging
6 him to stay on his medications and see his doctors. Even when in a state of crisis, I have
7 generally been able to connect with him and help him through his crisis.

8 14. From approximately January 2014 until he was booked into jail on April 14, 2014
9 Q.M. lived with my mother (his grandmother).

10 15. I also spent significant amounts of time at my mother's house, frequently staying
11 there for several nights at a time. I generally had daily contact and conversation with him.

12 16. Q.M. lived with my mother, and I spent a lot of time at my mother's house, so
13 that together my mom and I could ensure that Q.M. was taking his medications and to maintain
14 our strong relationship. This relationship has been critical in helping Q.M. be as mentally healthy
15 as possible.

16 17. On April 14, 2014, Q.M. and I had dinner. After dinner he went out and did not
17 come back. On April 15, 2014, I decided to look for Q.M. in local hospitals and jails because I
18 had not heard from him and was worried. I discovered he had been booked into the King County
19 Jail for felony harassment on April 14, 2014. I was shocked, confused, and very upset.

20 18. Between approximately April 15th and approximately July 27th, I generally
21 visited Q.M. in jail two to three times a week, during the only times visitation was permitted.

22 19. Q.M. was initially communicative during these visits and talked about his feelings
23 with me. He seemed unhappy, depressed and discouraged but coherent.
24

1 20. I could notice a difference in Q.M.'s mental health within one month of his being
2 booked into jail. He became more dissociative, distressed and has continued to gravely
3 decompensate to the state he is in today, an unrecognizable shadow of himself.

4 21. Q.M. was moved in and out of solitary confinement (or what the jail calls
5 "administrative segregation") since he was booked into jail and on June 30, he was moved there
6 again and remains there to this day. Based on a conversation with Q.M., jail guards, and jail
7 psychiatric services, I believe he was moved there because he was using a blanket in the
8 dayroom, contrary to Jail directives. Q.M. has spent more than 4 ½ months of his over 5½ month
9 incarceration to-date in solitary confinement.

10 22. Q.M. also told me that the guards also moved him to solitary confinement because
11 he attempted to sleep in the wrong bunk. He explained that his own bunk was occupied so he
12 moved to sleep in a different one.

13 23. On July 13, 2014, Q.M. told me he has been urinating in his cell in order to avoid
14 having contact with the jail guards. He later told me he feared the jail guards would hurt him.

15 24. On approximately July 28, 2014, my mother and I attempted to visit Q.M. at King
16 County Jail. However, jail guards informed us that he was refusing all visits. I don't believe
17 Q.M. had ever before refused to speak with us.

18 25. I attended Q.M.'s hearing in King County Superior Court on August 13, 2014.
19 Based on the information provided at that hearing, I understand that he was found incompetent
20 and that the court ordered that he be sent to Western State Hospital for restoration.

21 26. Since approximately July 30th, Q.M. has refused all family visits. Despite Q.M.'s
22 refusal of all visits, we continue to regularly attempt scheduled visitations in the hope that Q.M.
23 might feel up to meeting with family, and for Q.M. to know that he is neither forgotten nor being
24

1 left abandoned in jail.

2 27. Since Q.M. has refused to meet with me, I have seen Q.M. only at his court
3 proceedings. I believe he has lost a significant amount of weight during his time in jail. He looks
4 skeletal and gaunt.

5 28. According to jail guards and jail psychiatric staff, Q.M. is frequently naked in his
6 solitary confinement cell and has routinely not come out for the 1 hour a day permitted.

7 29. According to jail psychiatric staff, Q.M. has now refused all medications for
8 approximately 2 weeks, and for approximately 5 days has now refused contact lens solution. I
9 also believe that Q.M.'s continued distancing himself from communication with others, his
10 significant weight loss, his likely not wearing his contact lenses for some time, and his being
11 unable to adequately see further demonstrate Q.M.'s psychic retreat, disassociation, despair and
12 continued deterioration while incarcerated most notably since being held in solitary confinement.

13 30. I am fearful about the psychological impact on Q.M. caused by staying in King
14 County Jail, and particularly by being kept in solitary confinement. I believe he has been
15 significantly traumatized by this experience, and I worry that the damage he has suffered while
16 in King County Jail is irreparable.

17
18
19 The foregoing is declared to be true under penalty of perjury under the laws of the State of
20 Washington, in Seattle, Washington.

21
22 DATE: 10/2/14

Kathryn McCormick
KATHRYN MCCORMICK

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)
- Nicholas A Williamson (NicholasW1@atg.wa.gov)
- Sarah Jane Coats (sarahc@atg.wa.gov)
- Amber Lea Leaders (amberl1@atg.wa.gov)

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

/s/Mona Rennie

Legal Assistant
Disability Rights Washington