

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 other 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
ANDREA CRUMPLER**

I, Andrea Crumpler, 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 licensed to practice law in Washington State. I represent indigent criminal defendants as a public defender. I am employed by the Spokane County Public Defender's

1 Office, which represents the vast majority of indigent criminal defendants prosecuted in Spokane
2 County, Washington.

3 3. I am the duly appointed attorney for D.D. I represent D.D. in connection with a
4 misdemeanor charge of Driving Under the Influence, Driving While Licensed Suspended in the
5 Third Degree, and a probation violation.

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

9 5. I know D.D. to suffer from severe mental illness. He is unable to hold a rational
10 conversation for more than a very brief period of time. He also struggles to understand basic
11 concepts and has reported to me that he has a lot of difficulty hearing voices. He also has
12 reported to me a lot of anxiety, depression, and trouble sleeping.

13 6. Since coming to the Spokane County Jail on July 29, 2014, D.D. has been held in
14 a solitary confinement cell in Spokane County Jail pending evaluation from Eastern State
15 Hospital ("ESH"). He had a hard time with solitary confinement. At one point, he called me and
16 stated that he had a plan to end his life because of his ongoing incarceration.

17 7. D.D. finally received an evaluation from ESH on September 10, 2014. The
18 evaluator found him competent. Given the level of D.D.'s inability to understand, discuss, and
19 relay information relating to his case, I am contesting the competency finding by requesting a
20 second opinion.

21 8. Attached to the Declaration as Exhibit A is a true and accurate copy of the Court
22 Order dated August 5, 2014, ordering ESH to conduct a competency evaluation of D.D. pursuant
23 to RCW 10.77, to be performed by the Spokane County Jail.

10. Attached to this Declaration as Exhibit C is a true and accurate copy of a previous declaration I wrote regarding ESH informing me, on August 13, 2014, that they would not provide my client with a competency evaluation within the statutory seven days because of the limited number of doctors to perform the evaluations.

11. Attached to this Declaration as Exhibit D is a true and accurate copy of my motion for ESH to show cause and impose sanctions why they were unable to timely evaluate my client.

12. Attached to this Declaration as Exhibit E is a true and accurate copy of ESH's reply to my motion to show cause and impose sanctions.

13. Attached to this Declaration as Exhibit F is a true and accurate copy of the Court's Order Denying Motion to Show Cause and Impose Sanctions. The Court specifically found that "[t]he court does not have jurisdiction to consider the motion to dismiss."

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

DATED this 21st day of October, 2014, at Spokane, Washington.

DATED this 2nd day of October, 2014, at Spokane, Washington.

Andrea Crumpler

Andrea Crumpler

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