

The Honorable MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

TRUEBLOOD *et al.*

Plaintiffs,

v.

WASHINGTON STATE DEPARTMENT OF
SOCIAL AND HEALTH SERVICES *et al.*,

Defendants.

NO. C14-1178 MJP

DECLARATION OF ALFRED
BOUVIER IN SUPPORT OF
DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT (ECF NO.
87)

NOTED FOR DECEMBER 5, 2014

I, Alfred Bouvier, am over the age of 18 years of age, competent to testify to the matters below, and declare based upon personal knowledge:

1. I am a Management Analyst 1 in the Center for Forensic Services at Western State Hospital. By way of background, I received a Bachelor of Arts degree in History (1994) and a Master's degree in Education (1999). I also hold an A+ (computer technician competency) certification, a Net+ (network technician) certification, and Sec+ (computer security) certification. I am also a Microsoft Certified Systems Administrator, and a Microsoft Certified Desktop Support Technician.

1 2. In my position, I develop and implement processes for monitoring and
2 measuring outcomes of activities and compliance with legal obligations related to the Center
3 for Forensic Services. In doing so, I gather information and prepare data summaries and
4 narrative reports.

5 3. Some of the activities I track in my position are the referrals from state courts to
6 Western State Hospital for competency evaluation or competency restoration of criminal
7 defendants. Specifically, I compile data once a week of the numbers of defendants on the
8 waiting lists for inpatient felony evaluation, inpatient misdemeanor evaluation, inpatient felony
9 restoration, inpatient misdemeanor restoration, out of hospital felony and misdemeanor
10 evaluations and civil conversion evaluations. For each of these categories, I track the numbers
11 of defendants who have waited more than 7 days, those who have waited more than 7 days in
12 jail, and those released on personal recognizance who have waited more than 21 days. I also
13 track the weekly changes in the waiting list for the defendants who have been released on
14 personal recognizance and the numbers of new court orders for the week. Every week, I also
15 graph the changes over the past year in the number of those on the inpatient forensic waiting
16 lists, those waiting more than 7 days, the number on the out-of hospital wait lists, and those on
17 the civil commitment waiting list.

18 4. In support of my data compilations, I include a weekly spreadsheet of the
19 individual defendants on the waiting list for admission to Western State Hospital for
20 competency evaluation or competency restoration with their names redacted. This spreadsheet
21 includes the date of the court order, the date of the completed referral, the reason for the
22 referral, and how many days the defendant has been on the waiting list for admission.

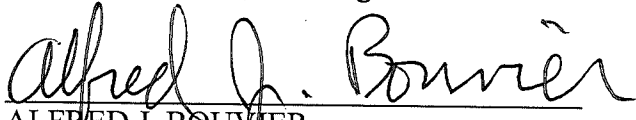
23 5. Attached as Attachment A is a copy of the Forensic Admission Waiting List for
24 Tuesday, November 25, 2014, with the defendants' names redacted. The data I compiled for
25 this document indicates that on that date, some defendants had waited up to 71 days in jail for
26

1 45-day competency restoration, up to 89 days for 90-day competency, up to 13 days for
 2 misdemeanor competency evaluation, up to 21 days for misdemeanor competency restoration,
 3 and up to 27 days for felony competency evaluation. The document is a true and accurate copy
 4 of the original. Attached as Attachment B is the Forensic Sign-Up Sheet for in-custody
 5 evaluations for Tuesday, November 25, 2014, with the defendants' names redacted. The data
 6 that I compiled for this document indicates that on this date, the longest a defendant waited
 7 was 49 days for the in-custody evaluation. The in-custody wait times are calculated based on
 8 the faxing of a completed report, and thus includes time spent waiting for attorneys,
 9 consultants, records, and other outside data. Current *average* wait times for in-custody
 10 defendants are approximately fifteen days.

11 6. There is sometimes a time delay of up to 48 hours between orders being
 12 received at Western State Hospital and the patients being added to the waitlist. When these are
 13 entered they are dated to the actual date of receipt.

14 I declare under penalty of perjury under the laws of the State of Washington that the
 15 foregoing is true and correct to the best of my knowledge.

16 Executed this 25th day of November 2014, at Lakewood, Washington.

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 18 ALFRED J. BOUVIER
 19 Western State Hospital
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CERTIFICATE OF SERVICE

Beverly Cox, states and declares as follows:

I am a citizen of the United States of America and over the age of 18 years and I am competent to testify to the matters set forth herein. I hereby certify that on this ____ day of December 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

David Carlson: davidc@dr-wa.org

Emily Cooper: emilyc@dr-wa.org

Sarah A. Dunne: dunne@aclu-wa.org

Margaret Chen: mchen@aclu-wa.org

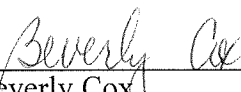
Anita Khandelwal: anitak@defender.org

Christopher Carney: Christopher.Carney@CGILaw.com

Sean Gillespie: Sean.Gillespie@CGILaw.com

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this ____ day of December 2014, at Olympia, Washington.



Beverly Cox
Legal Assistant

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