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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., & A.J. MADISON,**
Plaintiffs,

v.

SAJEL HATHI, in her official capacity as head
of the Oregon Health Authority, & **SARA
WALKER**, in her official capacity as
Superintendent of the Oregon State Hospital,
Defendants.

**JAROD BOWMAN and JOSHAWN
DOUGLAS-SIMPSON,**
Plaintiffs,

v.

SARA WALKER, Interim Superintendent of the
Oregon State Hospital, in her official capacity,
SAJEL HATHI, Director of the Oregon Health
Authority, in her official capacity,
Defendants.

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)

DECLARATION OF EMILY COOPER IN
SUPPORT OF PLAINTIFF DISABILITY
RIGHTS OREGON'S MOTION FOR A
RULE TO SHOW CAUSE WHY
DEFENDANTS SHOULD NOT BE HELD
IN CONTEMPT, AND FOR A REMEDIAL
ORDER

I, Emily Cooper, declare as follows:

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

2. I am the Legal Director at Disability Rights Oregon ("DRO"), the designated Protection and Advocacy system for Oregon and a Plaintiff in the above captioned matter.

COOPER DECLARATION IN SUPPORT
OF MOTION FOR CONTEMPT & REMEDIAL ORDER

3. As part of our work at Disability Rights Oregon, we have conducted investigations of two individuals who died while in custody, waiting for admission to the state psychiatric hospital. Both men died after protracted periods of isolation in jail cells while largely unable to eat or drink.

4. Bryce Bybee died April 17, 2022, in the Washington County Jail, after being ordered committed to the state psychiatric hospital on April 8, 2022. In the weeks prior to his death, he was acutely mentally ill, repeatedly unresponsive, and non-communicative for days and often not eating or drinking. While at the jail, he was diagnosed with dehydration and hypokalemia—a metabolic condition where he had too little potassium in his blood, associated with dehydration and malnutrition. He remained continuously immobile in his cell to the point where he acquired bed sores in the days before his death. *See* Kevin Barton, Jail Death Investigation—Bybee, Bryce, DA No. 409849, at <https://washcoda.s3-us-west-2.amazonaws.com/s3fs-public/Bybee%20memo.pdf?Y0z2fGaP72Y46XN0dqauGVhSN2udhu3F>. The medical examiner attributed Mr. Bybee’s death to “self-neglect” associated with “complications of schizoaffective disorder.”

5. Skye Baskin died April 18, 2024, apparently while in the custody of the Douglas County Sheriff, during a transfer from the Douglas County Jail to the Oregon State Hospital, although he was not actually declared dead by authorities until he was inside the state hospital. *See* <https://www.opb.org/article/2024/05/31/federal-investigation-death-of-skye-baskin-oregon-state-hospital-douglas-county/>. He had been found unfit to proceed on March 20, 2024. He had been in an isolation cell in the Douglas County Jail for six weeks, essentially since his admission to the jail. He had experienced extreme catatonia—a state in which he rarely moved

or responded to others—prior to his death. He appeared not to be eating or drinking during the majority of his stay at the jail. He had lost 96 pounds, or about 40% of his body weight, in a few weeks. The medical examiner declared his cause of death to be a heart arrhythmia associated with “metabolic derangement,” meaning that the level of essential minerals and metabolites in his blood were so far from their normal levels that they could not sustain life. Essentially, he died of starvation and dehydration associated with the failure to care for his mental health and failure to address the physical effects of his inability to feed himself or to drink fluids.

6. Attached as Exhibit A is a true and accurate copy of the United States District Court Transcript in the above referenced matter dated November 18, 2024.

7. Attached as Exhibit B is a true and accurate copy of Oregon State Hospital’s Forensic Admission and Discharge Bi-Weekly Report dated December 2 – 15, 2024. According to this report, 81 people are waiting in jail for admission to the state hospital for competency restoration services. 75 people are at the state hospital for competency restoration services but have been found to no longer needing a hospital level of care (HLOC).

8. Attached as Exhibit C is a true and accurate copy of Oregon State Hospital’s Forensic Admission and Discharge Dashboard dated November 2024. According to the first table “Aid & Assist Admission List,” there were 89 people waiting in jail for admission to the state hospital waiting 14.1 on average. The graph shows that from July 2023 to May 2024 the average wait time prior to admission was at or near seven days. The graph also indicates that the average wait time is the same or similar to the wait time in January 2021 or when the parties entered into their settlement agreement.

9. Attached as Exhibit D is a true and accurate copy of the letter Plaintiff DRO sent to the Defendants on November 22, 2024, providing a list of compliance ideas including implementation of some of Dr. Pinal's outstanding recommendations.

10. Attached as Exhibit E is a true and accurate copy of the letter Plaintiff DRO sent to the Defendants on December 9, 2024, seeking Defendants consent to enforcement order.

11. Attached as Exhibit F is an Association of Oregon Counties presentation to the legislature in 2024 entitled, "Status of Community Restoration: July 2022 – September 2023."

12. Attached as Exhibit G is the curriculum vitae of Dr. Ira Packer.

13. Attached as Exhibit H is a report written by Dr. Packer on December 27, 2024, regarding Defendants' compliance efforts with this Court's orders.

DATED this 7th day of January in Portland, Oregon.

/s/ Emily Cooper

Emily Cooper, OSB #182254
Disability Rights Oregon