disABILITY LAW CENTER OF VIRGINIA dLCV
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October 5, 2015

Debra Ferguson, Commissioner
Department of Behavioral Health and Developmental Services
P.O. Box 1797
Richmond, VA 23218-1797

RE: Lethal Restraint at Western State Hospital

Dear Dr. Ferguson,

In January 2014, the disAbility Law Center of Virginia initiated an investigation into the circumstances surrounding the death of [redacted], an individual committed to DBHDS's care at the time of her passing. Ms. [redacted] was admitted to Western State Hospital for the fourth and final time on October 22, 2009. This involuntary civil commitment, just shy of four years in length, ended in her death proximate to restraint on September 2, 2013. As we discussed, I am writing to apprise you of the findings of our investigation.

We found that Western State allowed Ms. [redacted] to deteriorate medically and psychiatrically over the twenty-six day period preceding her death – the entirety of which she spent mechanically restrained. The facility's top administrators and clinicians were wholly knowledgeable of, and complicit in, development and approval of the restrictive treatment plan that authorized staff to restrain Ms. [redacted] in non-emergency situations for unconscionably long periods of time. Astonishingly, following Ms. [redacted] premature death, both the hospital and the Department failed to undertake meaningful investigation and implement corrective action to prevent similar tragedies.

Unfortunately, little has changed at Western State in the two years after Ms. [redacted] death. During state fiscal year 2015, WSH's seclusion and restraint rates were the highest in the DBHDS system.

Please see the enclosed report, *Lesson Never Learned: Lethal Restraint at Western State Hospital*, for detailed information regarding WSH's long history of abusive seclusion and restraint practices and specific findings related to the circumstances surrounding Ms. [redacted] death. We urge you to

mandate swift and immediate reforms at Western State Hospital to protect current and future patients from harm.

Sincerely,

Colleen Miller
Executive Director

CC: Dr. William Hazel, Secretary, Health and Human Resources
[redacted]
June Jennings, State Inspector General
Dr. Mary Clare Smith, Facility Director, Western State Hospital