Law Enforcement Digest – June 2023

COVERING CASES PUBLISHED IN JUNE 2023

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Cases in the Law Enforcement Digest are briefly summarized, with emphasis placed on how the rulings may affect Washington law enforcement officers or influence future investigations and charges. Each month's Law Enforcement Digest covers court rulings issued by some or all of the following courts:

- **Washington Courts of Appeals**. The Washington Court of Appeals is the intermediate level appellate court for the state of Washington. The court is divided into three divisions. Division I is based in Seattle, Division II is based in Tacoma, and Division III is based in Spokane.
- **Washington State Supreme Court**. The Washington Supreme Court is the highest court in the judiciary of the U.S. state of Washington. The court is composed of a chief justice and eight justices. Members of the court are elected to six-year terms.
- **Federal Ninth Circuit Court of Appeals.** Headquartered in San Francisco, California, the United States Court of Appeals for the Ninth Circuit (in case citations, 9th Cir.) is a federal court of appeals that has appellate jurisdiction over the district courts in the western states, including Washington, Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada and Oregon.
- **United States Supreme Court:** The Supreme Court of the United States is the highest court in the federal judiciary of the United States of America.

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CASES

WASHINGTON LEGAL UPDATES

The following training publications are authored by Washington State legal experts and available for additional caselaw review:

- Legal Update for WA Law Enforcement authored by retired Assistant Attorney General, John Wasberg
- **Caselaw Update** - WA Association of Prosecuting Attorneys [2018-2021] | [2022]

QUESTIONS?

- Please contact your training officer if you want this training assigned to you.
- If you have questions/issues relating to using the ACADIS portal, please review the FAQ site.
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- Questions about this training? Linda J. Hiemer, JD| Program Administration Manager Legal Education Consultant/Trainer | lhiemer@cjtc.wa.gov

The materials contained in this course are for training purposes. All officers should consult their department legal advisor for guidance and policy as it relates to their particular agency.

TOPIC: Community Caretaking Exception to Warrant Requirement

Factual Background

On July 25, 2018, Douglas County Sheriff's Office Deputy Black (the "Deputy") was sent to perform a welfare check in response to a 911 call reporting that Peggy Teulilo, the caller's employee, did not arrive at work. The caller informed the dispatcher that this was unlike Mrs. Teulilo but added that Teulilo had been involved in a domestic incident with her husband the day before. The Deputy determined that Mrs. Teulilo did report that her husband had "threatened to shoot her and then himself."

Upon arriving at the residence, which was a fifth wheel trailer in an orchard with another home on the property, the Deputy observed a Dodge Caravan parked in the driveway. The Deputy knocked and announced but received no answer. The landowner, Wilson, provided the Deputy with Mr. Teulilo's phone number and place of work. The Deputy called and spoke with Mr. Teulilo, who confirmed the vehicle belonged to his wife and that she should be at work. The Deputy did not notify Mr. Teulilo that his wife's whereabouts were unknown, did not ask him to come home, nor did he ask if he could check the trailer. Instead, the Deputy called Mrs. Teulilo's phone several times without any answer.

The Deputy then called his supervisor, who advised him to check the trailer door and, if unlocked, open it and announce. Before checking the door, the Deputy called the employer who said Mrs. Teulilo normally would call first if sick or delayed. He also advised that he had recently returned a pistol that belonged to Mr. Teulilo.

Then, the Deputy checked the door, noted it was unlocked, opened it, and announced "Sheriff's Office," but did not enter. Rather, he again called his supervisor, who directed him to enter the trailer to perform a "community caretaking" check. Complying, the Deputy entered and from the doorway saw Mrs. Teulilo lying at the base of the bed with blood on her face. The Deputy approached and saw she was dead – presumably from a gunshot wound to her face. He reentered to check for a gun to determine if possibly a suicide but denied touching anything. Two additional deputies arrived and entered testifying that they observed the body but did not touch or move anything.

Mr. Teulilo was charged with murder. He filed a motion to suppress all observations and evidence found in the trailer alleging that the warrantless entry was unjustified. At hearing, the Deputy testified that he was concerned with Mrs. Teulilo's well-being, and his intent was to perform a wellness check. The trial court denied the motion to suppress on the grounds that the entry was justified under the "community caretaking exception" to the warrant requirement, based on

rendering emergency aid and conducting a health and safety check. The Court of Appeals granted Mr. Teulilo's petition for review, and then certified the case to the Supreme Court of the State of Washington.

Analysis of the Court

Upon review, the Washington Supreme Court (the "Court") presented the following issues:

1. Does the community caretaking exception still apply to home searches considering the United States Supreme Court ("USSC") case of *Caniglia v. Strom*?
2. Was the warrantless entry into the home justified under the facts?

The Court said that both the Fourth Amendment to the U.S. Constitution and article I, section 7 of the Washington State Constitution applied. The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The Fourth Amendment does not prohibit all unwelcome intrusions - only "unreasonable" ones. The Court noted that under the Fourth Amendment, warrantless searches and seizures inside a home are "presumptively unreasonable." But courts have recognized a few permissible invasions of the home. The USSC has also held that law enforcement officers may enter private property without a warrant when certain exigent circumstances exist, including the need to "render emergency assistance to an injured occupant or to protect an occupant from imminent injury."

However, the USSC in *Caniglia v. Strom* (covered in the May 2021 LED) noted that the "community caretaking" rule being applied to homes went beyond anything the USSC has recognized. In that case, police lacked a warrant or consent from *Caniglia*, and police expressly acknowledged they were not reacting to a crime.

The "community caretaking exception" originated in the USSC case, *Cady v. Dombrowski*, 413 U.S. 433 (1973), and that case involved a warrantless search for a firearm. But the location of that search was an impounded vehicle—not a home – "a constitutional difference" that the *Cady* court repeatedly stressed. The USSC in *Caniglia* added that "the court's clear distinction between vehicles and homes placed into proper context a community caretaking exception." The USSC recognized the frequency with which vehicles can and do become disabled or involved in accidents on public highways and often require police to perform noncriminal "community caretaking" functions, such as providing aid to motorists. But recognizing "that police officers perform many civic tasks in modern society was just that—a recognition that these tasks exist, and not an open-ended license to perform them anywhere."

In *Caniglia*, the USSC ruled that the community caretaking duties like those performed in *Cady v. Dombrowski* **did not extend to the home**. With this 2021 decision by the USSC, the Court here had to determine if that case eliminated the application of the community caretaking exception to homes under Washington law. The Court determined it did not, based upon a narrow interpretation

of *Caniglia*. The Court wrote that the USSC in *Caniglia* was clear **"that police acting solely for community caretaking purposes is insufficient by itself to excuse the warrant requirements for entry into a home." Consequently, "there must be another reasonable basis for entry."**

The most frequently cited case from Washington regarding "community caretaking" is *State v. Kinzy*, 141 Wn.22d 373 (2000), which involved a stop and search of a person, not a home, but provides guidance on how Washington's narrower exception has been applied to homes and is distinguishable from the USSC's reasoning and ruling in *Caniglia*.

The Court reasoned that Washington case precedent is consistent with *Caniglia* because Washington's exceptions to the warrant requirement require more than just a community caretaking reason for entry into a home. The "community caretaking" function must be based upon an underlying reason for warrantless entry into a home and be for emergency aid or health and safety check. Whereas the USSC in *Caniglia* was only considering the general, standalone "community caretaking exception," not as it has been narrowly and more strictly applied under Washington law.

The Court differentiated between "emergency aid" (in *Kinzy*) and "health and safety checks" as presented in the case of *Kalmas v. Wagner*, 133 Wn.2d 2210 (1997). The Court recognized that in prior cases it noted that "**the scope of such a search is limited to what was in plain view when officers entered to perform their emergency aid function," and "that the officer's actions must generally be unrelated to the investigation of criminal activity**." In other words, officers cannot use the community caretaking exception as a "pretext" for a criminal investigation (meaning: it can be a ruse or baseless justification for a warrantless search). See also State v. Boisselle (covered in the September 2019 LED)

When determining whether a search is pretextual, the court considers the totality of the circumstances, including the subjective intent of the officer and the objective reasonableness of the officer's actions." An officer's actions must be unrelated to the investigation of criminal activity. Additionally, courts must balance the citizen's privacy interest against the public's interest.

The Court emphasized that **"Washington case law shows that exceptions to the warrant requirement require more than just a community caretaking reason for entry," as an "underlying reason for warrantless entry into the home must exist and be for emergency aid or health and safety check."** And the threshold question is **"whether the entry was used as a pretext for a criminal investigation, looking at both the subjective and objective reasonableness."** Only then does a court balance a citizen's privacy interest in freedom from police intrusion against the public's interest in having the police investigate health or need.

Mr. Teulilo argued that the Deputy's warrantless entry for community caretaking reasons was merely a pretext to investigate possible domestic violence. In this case, the Court noted that the trial court held that the Deputy's action was not a pretext for an investigation. Rather, the Deputy's "concerns

and actions were motivated by a sincere and genuine concern for the victim's health and safety." So, his subjective intent was not to investigate a crime. Similarly, the trial court found that a reasonable person in the same situation would believe that a need for assistance existed and that the Deputy's entry was objectively reasonable under the totality of the circumstances.

Once any pretext is ruled out, if the public interest outweighs that of the citizen's private interest, the entry is reasonable and permissible. The Court determined that a possibility existed that Mrs. Teulilo was alive, injured, and hoping for help. In the facts of this case, she "had an interest in being found that outweighed Mr. Teulilo's privacy interests." Finally, the balancing test also required consideration of the actions taken once inside the home and their reasonableness.

According to the facts, upon entry, Mrs. Teulilo's body was in plain view and the Deputies did not open any doors, move, or touch anything – as the search did not exceed the scope under the plain view doctrine.

Training Takeaway

The "community caretaking exception" to the warrant requirement in the search of homes must also be based upon an underlying concern for health and safety or emergency aid. In determining the emergency aid or health and safety function of the community caretaking exception, courts will examine: 1. the subjective intent of the responding officer, 2. the objective reasonableness of the officer's belief or intent based upon a reasonable person in the same situation, and 3. the reasonable basis to associate the need for assistance with the place searched.

Most importantly, whether asserting the community caretaking exception to render emergency aid or for a health and safety check, the Court advises that the officer's actions must generally be unrelated to the investigation of criminal activity. And, accordingly, a court must determine the threshold question of whether the community caretaking exception was used as a pretext for a criminal investigation before applying any balancing test between the rights of an individual and the public interest.

> **NOTE:** Justice Whitener wrote a lengthy dissenting opinion questioning the facts and challenging any emergency aid or health and safety check exception.
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> The dissent points out that more than an hour passed between arrival and the Deputy's entry and only after repeated calls to his supervisor for guidance. In addition, the dissent expressed concerns as to why, if the Deputy really was concerned about Mrs. Telulilo's welfare, did he fail to tell Mr. Teulilo that his wife was missing or the subject of a requested welfare check by her employer, ask Mr. Teulilo to return home, or ask him for permission to enter the residence.
>
> The dissent notes that nothing in the record reflects that the Deputy acted with urgency or treated the call as an emergency dispatch. Moreover, the dissent referenced the Deputy taking the time prior to going to the residence to search the database about the prior

"multiple, repeated, previous domestic incident reports" including reports involving threats of harm with a firearm where the victim's husband threatened "to blow her brains out and then kill himself," that Mrs. Teulilo had decided to leave (one of the most dangerous times for a victim of DV), and that a pistol had recently been returned to Mr. Teulilo.

The dissent opined that these facts demonstrated that the Deputy's claim of concern for Mrs. Teulilo, while genuine, were not "totally divorced" from the investigation of a crime and were, therefore, pretextual. While a dissenting opinion is not legally binding, it can be relied upon as persuasive authority when arguing that a court's holding or decision should be limited or overturned**.**

EXTERNAL LINK: View the Court Document

TOPIC: Sixth Amendment Right to Counsel and Government Misconduct

Factual Background

On April 26, 2021, Detective Saarinen responded to a robbery at a Wells Fargo bank in the city of Snohomish, Washington and took over as the primary investigator. Saarinen was an employee of the Snohomish County Sheriff's Office (SCSO) but was assigned as a detective for the city of Snohomish. During her initial investigation, Saarinen discovered that the robbery suspect had passed a handwritten note to one of the bank tellers. Saarinen then received digital photos and surveillance footage of the suspect from the day of the incident and identified Myers as a suspect.

On May 2, 2021, Myers was arrested. During a search of Myers' residence, officers located a handwritten note that appeared to be the one given to the bank teller.

On September 14, 2021, while Myers was in custody at the Snohomish County Jail, Saarinen learned that Myers' former landlord had received a letter from him. The letter, which was written in cursive, contained a confession indicating that Myers was forced to rob the bank by an individual who had threatened him with a gun. To obtain a known handwriting sample to compare with the letter, Saarinen phoned the jail booking desk and requested any written communications that Myers had submitted to jail staff (also known as "kites").

Jail personnel entered Myers' cell, noticed several handwritten papers on the desk, and took photographs of ten different documents then emailed them to Saarinen. Saarinen testified that, after she opened the email and began saving the files on her computer, she became concerned the documents may contain attorney-client privileged material, so she closed her email and did not read anything further. She then contacted deputy prosecuting attorney (DPA) Scott, who was handling Myers' case, and informed him about her concerns regarding the documents.

DPA Scott directed Saarinen to have an "uninvolved detective" assigned to retrieve Myers' documents and review them "to determine if they contained privileged information." The selected person, Det. Bilyeu, indicated that several of the five documents that were ultimately seized may have contained attorney-client communications.

On September 21, 2021, DPA Scott sent an email to Myers' trial counsel explaining that documents that were ultimately seized may have contained attorney-client communications.

On September 27, 2021, Defendant Myers moved to dismiss the case under Criminal Rule (Cr.R.) 8.3(b) based on governmental misconduct. The trial court found that a state actor had infringed on Myers's Sixth Amendment right to counsel, but that the State had rebutted the presumption of prejudice by proof beyond a reasonable doubt. Accordingly, the trial court denied Myers' 8.3(b) motion and instead ordered a lesser remedy of suppression of the documents collected from Myers' jail cell. In late November 2021, Myers was found guilty of one count of first-degree robbery. Myers appealed.

The Court of Appeals found that the trial court erred and reversed the lower court's decision.

Analysis of the Court

"The Sixth Amendment guarantees a criminal defendant the right to assistance of counsel, which includes the right to confer privately with that counsel." "State intrusion into those private conversations is a blatant violation of a foundational right." In *State v. Irby*, this court explained the four-part inquiry used to properly analyze a Rule 8.3(b) motion to dismiss based on the State's violation of the defendant's Sixth Amendment right as follows:

1. Did a state actor participate in the infringing conduct alleged by the defendant?
2. If so, did the state actor(s) infringe on a Sixth Amendment right of the defendant?
3. If so, was there prejudice to the defendant? That is, did the State fail to overcome the presumption of prejudice arising from the infringement by not proving the absence of prejudice beyond a reasonable doubt?
4. If so, what is the appropriate remedy to select and apply, considering the totality of the circumstances present, including the degree of prejudice to the defendant's right to a fair trial and the degree of nefariousness of the conduct by the state actor(s)?

In this case, **both the State and Myers agreed that the first two prongs were satisfied because the corrections and law enforcement personnel were all state actors and their conduct resulted in the infringement of Myers' constitutional right to private communication with his attorney.** Each act of viewing of the privileged communications by state actors were separate violations.

Then, the Court advised that once it is established that the State has violated the defendant's Sixth Amendment right, **there is a presumption of prejudice to the defendant that can only be rebutted if the State proves beyond a reasonable doubt that the defendant suffered no prejudice**. **The determination of prejudice is not dependent upon the court's assessment of the intention of the government actors or the degree of interference with the Sixth Amendment rights of the accused; it is presumed. The presumption of prejudice remains unless and until the State proves beyond a reasonable doubt that there was no prejudice suffered by the defendant due to the Sixth Amendment violation.** Essentially, the third and fourth prongs were not fully addressed in this case because of the lower court's misapplication and misinterpretation of precedent.

For example, the Court determined that the trial court made a false distinction between types of state actors; the law enforcement officers involved in investigating and prosecuting Myers' pending

criminal charges and those in other units of the same agency who were not assigned to the case at issue. In that regard, the Court expressed grave concern about what the testimony revealed about the practice of using "taint teams" in relation to review of privileged communications. The Court observed that not only is the use of "taint teams" to have other detectives not affiliated with the case review for privileged material "inconsistent with the law, but it was also a further government interception of protected communications." It stated, **"[w]here concerns arise that a governments actor may have come across privileged communications, the appropriate party to review the intercepted information is a neutral judicial officer . . . ."**

The Court reasoned:

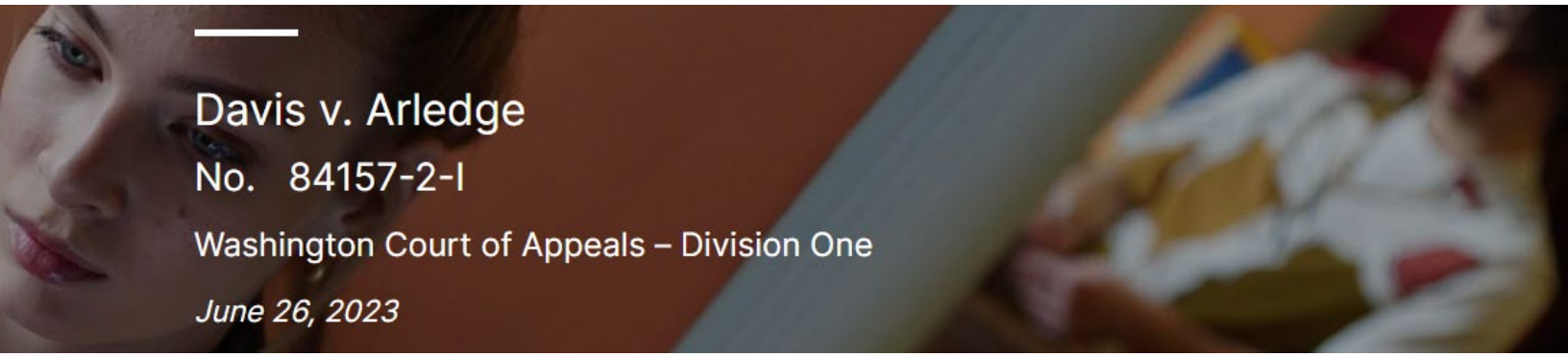
> While a "taint team" may be an appropriate way to approach other evidentiary issues that could arise in the investigation of a criminal case, this method fails to recognize, much less honor, the unique nature of this constitutionally protected relationship. This is not a matter that can be sanitized by the same sort of screening as may be employed where one attorney in an office is conflicted off of a matter handled by a colleague. . . . The government's possession of protected communications, regardless of the role the individual actor has in the prosecution of the defendant, is itself the constitutional violation. It is clear from the trial court's ruling and the State's argument before this panel that this impermissible practice has apparently become institutionalized to some extent and is found acceptable by the government attorneys in the local prosecutor's office. This is despite the fact that all of the law enforcement officers who testified at the motion hearing indicated that they were aware that they should avoid contact with or otherwise intercepting privileged communications between an accused person and their attorney. **Consequently, we must reiterate that in a criminal prosecution when a state actor may have obtained privileged attorney-client communications, the sole reviewer of those communications for purposes of making a definitive conclusion on that issue is to be a neutral judicial officer. The manner by which the trial court here appears to have minimized the layers of governmental misconduct by the SCSO and DPA establishes that the court abused its discretion by misapprehending and misapplying the controlling authority.** (bold emphasis added)

Based upon its findings, the Court reversed the lower court's ruling and remanded for further proceedings.

Training Takeaway

The use of "taint teams" to screen for possible privileged attorney-client communications is inappropriate and a violation of a defendant's Sixth Amendment rights. The only appropriate reviewer is a neutral judicial officer. When a state actor infringes on a Sixth Amendment right, prejudice is presumed and can only be overcome by the State proving the absence of prejudice beyond a reasonable doubt. If the State does not meet its burden, then the Court must determine an appropriate remedy considering the totality of the circumstances (including the degree of prejudice and degree of nefariousness of the conduct by the state actor).

EXTERNAL LINK: View the Court Document



TOPICS: Stalking, Domestic Violence Protection Order (DVPO) and due process, & Constitutionality of eGPS monitoring

Factual Background

In 2018, Petitioner Davis (the "Petitioner") and Respondent Arledge (the "Respondent") met at work and began a romantic relationship in 2019. In June 2021, Petitioner went to Respondent's home, ended the relationship, and told him to stop contacting her. Petitioner testified that during that conversation, Respondent "used his body to block her exit and forcibly prevented her from walking out the door." Thereafter, Petitioner blocked Respondent from her phone, e-mail, and social media.

From June 26 through July 2021, Respondent contacted Petitioner more than a dozen times. These communications included voice mail messages and e-mails to Petitioner as well as to her friends and co-workers, after Petitioner had told Respondent to stop. Petitioner did not respond. During this time, the messages from Respondent became more accusatory and threatening blaming Petitioner, for example, for "inflicting deep pain." On July 30, a friend in whom Petitioner confided, then spoke to Respondent about his repeated contacts, and Respondent agreed to stop.

On November 1, 2021, Respondent e-mailed Petitioner at her work address and accused her of retaliating against him professionally.

On November 10, 2021, Petitioner petitioned for a Domestic Violence Protection Order (DVPO). In her Petition, Petitioner declared that she feared Respondent because his stalking behavior had escalated and he "made threats of suicide in the past, has a severe substance use disorder, and has a number of firearms." Respondent responded to the Petition denying any DV and claimed, "I have never in my life threatened suicide." Petitioner also asked the court to order Respondent to submit to electronic GPS monitoring.

In January 2022, the morning of the hearing on the Petition, Respondent attempted suicide. Consequently, the hearing was postponed until March 2022. Respondent argued that even if the court were to impose a DVPO, electronic GPS monitoring would violate his constitutional rights under the Fourth Amendment and article I, section 7 of the Washington Constitution.

On May 13, 2022, the superior court issued a 5-year DVPO and ordered Respondent to "submit to electronic monitoring with victim notification using a GPS ankle monitor" for one year.

Respondent appealed on the grounds that the trial court abused its discretion in issuing the DVPO based on stalking and violated his constitutional rights in ordering e-GPS monitoring.

Analysis of the Court

DVPO

A DVPO petition is a special proceeding governed by the civil rules and handled by the civil division of the court system. To obtain a DVPO, a petitioner must show by a preponderance of the evidence that DV occurred. In this case, Petitioner filed her request for a DVPO under former RCW 26.50 (now RCW 7.105. et seq). Petitioner met her burden of proof in alleging that Respondent's conduct constituted Stalking under RCW 9A.46.110 in that Respondent **"intentionally and repeatedly harassed or repeatedly followed a person" who was "placed in fear that the stalker intends to injure the person, ..."** Also, the **"feeling of fear must be one that a reasonable person in the same situation would experience."** The stalker must either intend to frighten, intimidate, or harass; or know or reasonably should know that the person is afraid, intimidated, or harassed regardless of the stalker's intent. **Attempting to contact a person after they give actual notice that they do not want the other person to contact them is "prima facie evidence" that the stalker intends to intimidate or harass the person.** Prima facie means sufficient to prove the requirement.

In this case, after the Petitioner asked the Respondent to stop contacting her, Respondent sent her over a dozen e-mails and phone messages using alternative e-mail accounts and disguised phone numbers. Additionally, the Court determined that the Petitioner's fear was reasonable recognizing that blocking the doorway in an attempt to forcibly prevent her from leaving, stalking, history of substance use disorder (with recent relapse), access to firearms, and threats of suicide (including an attempted suicide the morning of the hearing) **all served as high-risk markers of intimate partner homicide and lethality assessments**. Therefore, the Court held that the superior court did not abuse its discretion by granting the DVPO.

GPS Monitoring

Under Article I, Section 7 of the Washington Constitution, **"No person shall be disturbed in his private affairs, or his home invaded, without authority of law."** The interpretation of this article requires a two-part analysis – **1. Whether the action complained of constitutes a disturbance of "private affairs" and 2. If a valid private affair has been disturbed, then whether the intrusion is justified by "authority of law."**

Private Affairs are "those interests which citizens of the state have held, and should be entitled to hold, safe from government trespass." To determine the intrusion, the court looks at the "nature and extent of the information which may be obtained as a result of the governmental conduct." In examining GPS tracking, the court reasoned that "the intrusion into private affairs made possible with a GPS device is quite extensive as the information obtained can disclose a great deal about an individual's life." Here, the e-GPS device was designed to passively track the Respondent's location but to notify Petitioner and law enforcement if Respondent violated the DVPO by coming within 1,0000 feet of Petitioner's home or workplace. Therefore, the eGPS Monitoring required did disturb Respondent's private affairs.

Authority of Law

Nevertheless, if a privacy interest has been disturbed, the second inquiry is whether the intrusion was justified by authority of law. Respondent argued that the "authority of law" requirement was equivalent to that of a valid warrant or the narrow exceptions to a warrant. The Court rejected this argument noting that a valid statute can also provide the needed "authority of law," as former RCW 26.50. did. Then, Respondent argued that that statute was unconstitutional as applied because it violated his right to procedural due process. Essentially, **procedural due process is the procedures the government must follow before it deprives a person of life, liberty, or property**. But due process is a flexible concept. Here, former RCW 26.50.060 authorized the court to impose an e-GPS as part of a DVPO upon notice and after hearing. The Court recognized that the statutes included several procedural safeguards. Additionally, it recognized the government's substantial interest in protecting the safety of the petitioner and the public.

Finally, the Court held that the degree of the intrusion was limited because the device shared Respondent's location only if he violated the DVPO. The Court balanced the Respondent's due process rights against the government's interest in preventing DV abuse, recognizing that our legislature has determined that DV "is a problem of immense proportions affecting individuals as well as communities."

Training Takeaway

A person can petition the civil division for a DVPO and has the burden of proving by a preponderance of the evidence that a DV crime has occurred. In this instance, the DV crime asserted in the petition was Stalking under former RCW 9A.46.110(4). Note: pursuant to HB 1696, RCW 9A.46.110(4) was revised effective July 23, 2023. While those changes are beyond the scope of this case review, one addition is that the stalker not only places a person in "reasonable fear," but alternatively a person suffers substantial emotional distress. In addition to this revision, HB 1696 repealed RCW 9A.90.130 Cyberstalking and incorporated it into RCW 9A.46.110 Stalking. Additionally, the DVPO in this case was based upon former RCW 26.50. Effective July 22, 2022, laws related to Protection Orders are contained in RCW 7.105.

EXTERNAL LINK: View the Court Document

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CASES & REFERENCES

1. State v. Teulilo No. 101385-0 (June 8, 2023)
    a. May 2021 LED
    b. State v. Boisselle
    c. September 2019 LED
2. State v. Myers No. 83588-2-I (June 5, 2023)
3. Davis v. Arledge No. 84157-2-I (June 26, 2023)
    a. RCW 7.105
    b. RCW 9A.46.110
    c. HB 1696

WA Legal Updates

For further reading, the following training publications are authored by Washington State legal experts and available for additional caselaw review:

- Legal Update for WA Law Enforcement authored by retired Assistant Attorney General, John Wasberg
- **Caselaw Update** by WA Association of Prosecuting Attorneys [2018-2021] | [2022-present]