LEGAL UPDATE FOR WASHINGTON LAW ENFORCEMENT

Law Enforcement Officers: ***Thank you for your service, protection, and sacrifice***

AUGUST 2025

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ANNOUNCEMENT: THE FOLLOWING RESEARCH MATERIALS BY JOHN WASBERG HAVE BEEN UPDATED THROUGH JULY 1, 2025, AND ARE AVAILABLE ON THE CRIMINAL JUSTICE TRAINING COMMISSION'S INTERNET LED PAGE UNDER "SPECIAL TOPICS"

The LED page is at: https://www.cjtc.wa.gov/resources/law-enforcement-digest

OUTLINE: "Law Enforcement Legal Update Outline: Cases On Arrest, Search, Seizure, And Other Topical Areas Of Interest to Law Enforcement Officers; Plus A Chronology Of Independent Grounds Rulings Under Article I, Section 7 Of The Washington Constitution"

ARTICLE: "Initiation of Contact Rules Under the Fifth Amendment

ARTICLE: "Eyewitness Identification Procedures: Legal and Practical Aspects"

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2025 WASHINGTON STATE LEGISLATIVE SUMMARIES FROM THE WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS

Readers who have not already done so will want to review the excellent and comprehensive listing and summaries by staff of the Washington Association of Sheriffs and Police Chiefs (WASPC) of 2025 Washington legislation of interest to law enforcement. Go to the WASPC Home Page, click on *Programs & Services*, scroll down and click on *Legislation*, and scroll down and click on *2025 End of Session Report*. Or go to the following Internet address:

https://waspc.memberclicks.net/assets/2025%20WASPC%20End%20of%20Session%20Report.pdf

Unless otherwise noted in the text of the legislation, bills generally become effective on July 27, 2025.

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2025 WASHINGTON STATE LEGISLATIVE SUMMARIES FROM THE WASHINGTON ADMINISTRATIVE OFFICE OF THE COURTS

The Washington Administrative Office of the Courts has issued legislative summaries for the enactments of the 2025 Washington State Legislature. The summaries are accessible on the

Internet on the "Resources" page of the Washington Courts website. Or go to the following Internet address:

https://www.courts.wa.gov/newsinfo/content/pdf/2025%20Legislative%20Summary.pdf

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NINTH CIRCUIT OF THE UNITED STATES COURT OF APPEALS

CIVIL RIGHTS ACT CIVIL LIABILITY UNDER SECTION 1983 FOR LAW ENFORCEMENT: UNANIMOUS 3-JUDGE PANEL RULES THAT OFFICER'S DEPLOYMENT OF AN OC BLAST BALL IN THE DIRECTION OF THE INJURED PLAINTIFF, IN LIGHT OF THE TOTALITY OF THE CIRCUMSTANCES, WAS NOT EXCESSIVE FORCE BECAUSE IT WAS REASONABLE FOR THE BESIEGED POLICE TO PERCEIVE THAT THE PROTESTERS AT THE FRONT OF THE CROWD, NEAR WHOM THE PLAINTIFF STOOD, OBJECTIVELY POSED AN IMMEDIATE THREAT TO THE SAFETY OF OFFICERS, CITIZENS, AND PROPERTY; PANEL ALSO REJECTS CLAIMS FOR FIRST AMENDMENT RETALIATION AND FOR MUNICIPAL LIABILITY

In Cheairs v. City of Seattle, ___ F.4th ___ , 2025 WL ___ (August 1, 2025), a three-judge Ninth Circuit panel is unanimous in rejecting a section 1983 lawsuit by a man injured by a police OC blast ball during the June 2020 George Floyd-related riots in Seattle. The panel rejects the Plaintiff's claims under his constitutional claims of (1) excessive force, (2) First Amendment retaliation, and (3) municipal liability.

A Ninth Circuit staff summary (which is not part of the Ninth Circuit Opinion) provides the following synopsis of the panel's Opinion:

> The panel affirmed the district court's summary judgment for the City of Seattle, the Seattle Police Department, and several police officers in a 42 U.S.C. § 1983 action brought by Taylor Cheairs, who alleged that [Officer 1] used excessive force and retaliated against him in violation of the Fourth and First Amendments when [Officer 1] threw a blast ball diversionary device toward a crowd during a protest dispersal, injuring Cheairs, who was filming the protest.
>
> A blast ball diversionary device creates a flash of light, emits a loud sound, and a chemical irritant two seconds after it is activated. Here, the blast ball hit the pavement near the curb where Cheairs was standing, bounced, and exploded as it struck him in the groin. Cheairs was seriously injured.
>
> The district court concluded that (1) there was no Fourth Amendment violation because Cheairs was not seized; (2) Cheairs's First Amendment claim failed because there was no evidence of retaliation; and (3) there could be no municipal liability without a colorable showing of a constitutional violation.
>
> [Analysis regarding reasonableness of the use of the blast ball]
>
> Affirming the district court's summary judgment for defendants on the Fourth Amendment claim, the panel held that although a reasonable fact finder could conclude that Cheairs was seized when [Officer 1] struck him with the blast ball, [Officer 1's] use of force was reasonable under the circumstances. A person is seized when an officer

uses force with intent to restrain. On this record a reasonable fact finder could find that [Officer 1's] use of force manifested an objective intent to restrain.

The use of force was not excessive, however, given that the protesters at the front of the crowd, near whom Cheairs stood, objectively posed an immediate threat to the safety of officers, citizens, and property.

[Rejection of the First Amendment retaliation claim]

Cheairs failed to establish a viable First Amendment retaliation claim because he failed to raise a material question as to whether his filming of the protest was a substantial or motivating factor in [Officer 1's] use of force against him.

[Rejection of the municipal liability claim]]

The panel agreed with the district court that without a viable constitutional claim, Cheairs could not establish a claim for municipal liability.

[Some paragraphing revised for readability; bracketed subheadings added by Legal Update editor]

The Cheairs Opinion's detailed description of the facts in the case will not be set out or summarized in this Legal Update entry, other than as summarized in the Staff Summary above and as also briefly noted in the panel's legal analysis excerpted below addressing the reasonableness-of-the-force question that is excerpted below from the Cheairs Opinion.

We note that, at the outset of the Ninth Circuit Opinion in Cheairs, the Opinion explains as follows in Footnote 1 the various sources for the factual descriptions in the Opinion:

> *For our statement of facts, we rely on SPD's Police Manual; the blast ball manufacturer's specifications; the Seattle Police Operations Center computer-aided dispatch log; SPD officers' post-incident reports; SPD officers' body-cam videos from June 7–8, 2020; Cheairs's sworn deposition testimony; and the two videos Cheairs filmed of the incident. [Officer 1] was not deposed. In large part, we rely on the video recordings in the record. See Scott v. Harris, 550 U.S. 372, 380–81 (2007) (admonishing courts to "view[] the facts in the light depicted by the videotape" when unchallenged). The parties do not dispute the accuracy of these materials.*

The Cheairs Opinion concludes that the dispositive issue in the case on the excessive force claim of Plaintiff (and the sole reason of the panel for not sending the case back to the District Court for a trial on the excessive force issue) is the **reasonableness**-of-the-force-used by Officer 1 in deploying the OC blast ball that injured Plaintiff. The Opinion's legal analysis of this sub-issue is as follows:

Whether Cheairs's Fourth Amendment claim survives the motion for summary judgment depends on whether the record supports his contention that a jury could find that [Officer 1's] use of force was unreasonable. Graham v. Connor, 490 U.S. 386, 396 (1989) (explaining that the critical question in determining whether a seizure comports with the Fourth Amendment is whether the use of force was objectively reasonable under the circumstances).

This question requires us to "balance the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion" to determine whether the government's use of force was excessive. [*Scott v. Harris, 550 U.S. 372, 383 (2007)*]. The government's interest in the use of force depends on: "(1) the severity of the crime; (2) whether the suspect posed an immediate threat to the safety of the officers or others; and (3) whether the suspect was actively resisting arrest or attempting to evade arrest by flight." [Sabbe v. Wash. Cnty. Bd. of Comm'rs, 84 F.4th 807, 822 (9th Cir. 2023)]; Graham, 490 U.S. at 396 97. The "immediate threat" factor is the most important. Sabbe, 84 F.4th at 822.

When balancing these interests, we consider the "totality of the circumstances," Plumhoff v. Rickard, 572 U.S. 765, 774 (2014), including the "particular situation" and the "particular type of force" used. Scott, 550 U.S. at 382. "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." Graham, 490 U.S. at 396. We allow for an officer's need "to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." [Graham, 490 U.S. at at 397].

By midnight on June 8, the government had strong justification to use some degree of force to respond to serious threats to police, the public, and property. The comprehensive record disproves Cheairs's assertion that the crowd was "largely peaceful."

Officers' body cams recorded, and Cheairs's own videos confirm, that protesters near Cheairs were throwing projectiles, launching fireworks, and shining lasers at officers in the minutes before [Officer 1] threw the blast ball that struck Cheairs. The protest had gone on since the afternoon and the degree of violence appeared to be escalating.

There is no question that SPD had given orders to disperse before Cheairs was injured, and the announcements included directions for safely exiting the area. Some of the protesters complied, but others ignored the orders in violation of Washington law. See Wash. Rev. Code § 9A.84.020(1)(a)–(b) (providing that failure to comply with a lawful order to disperse is a misdemeanor offense). The Operations Center log includes entries reporting that protesters had threatened to burn down the nearby precincts.

There is little doubt based upon the video evidence that a reasonable officer in [Officer 1's] shoes would have concluded, before [Officer 1] deployed the OC blast ball grenade that injured Cheairs, that probable cause existed to arrest at least some of the protesters for disregarding the dispersal orders, or for assaulting or attempting to assault police officers on the line, at the intersection of 11th and Pine. Thus, the government had an important interest in using force to protect officers and bystanders and to prevent serious property damage.

Although following department policy does not necessarily guarantee that an officer's conduct will be constitutional under the Fourth Amendment, we also consider that [Officer 1] deployed the blast ball that struck Cheairs in accordance with SPD policy and in response to an increasingly hostile, threatening crowd. The SPD Manual provides that "when feasible, officers will not deploy blast balls until a dispersal order has been

> issued to the crowd, the crowd has been given a reasonable amount of time to comply, and a supervisor has authorized the deployment."
>
> When protesters continued shining lasers and throwing projectiles at the line of officers, SPD issued another dispersal order, then deployed OC blast balls. Key to our analysis, the blast ball that injured Cheairs struck the pavement before it detonated. Had it been thrown in a way calculated to explode at head height, it would have presented a far greater risk of injury and thus could have constituted an unreasonable use of force. See [Nelson v. City of Davis, 685 F.3d 867, 878 (9th Cir. 2012)]
>
> On the record before us, we conclude that it was reasonable for the police to perceive that the protesters at the front of the crowd, near whom Cheairs stood, objectively posed an immediate threat to the safety of officers, citizens, and property. Therefore, having considered the totality of the circumstances, we conclude that the force [Officer 1] employed was not excessive. Cf. Young v. City of Los Angeles, 655 F.3d 1156, 1167 (9th Cir. 2011) (holding that pepper spray and baton blows were excessive uses of force against a non-compliant but non-violent subject who was seated on a curb and then prone and handcuffed on the sidewalk) (citing Headwaters Forest Def. v. County of Humboldt, 276 F.3d 1125, 1130–31 (9th Cir. 2002) (holding that directly applying pepper spray to the eyes of non-violent environmental protesters who refused to unchain themselves, by holding Q-tips doused with pepper spray to the corners of their eyes, was unnecessary and excessive force)).

Result: Affirmance of the order of summary judgment by the U.S. District Court (Western District of Washington) the City of Seattle, the Seattle Police Department, and several police officers in the 42 U.S.C. § 1983 action brought by Taylor Cheairs.

TWO FOURTH AMENDMENT HOLDINGS: (1) DEFENDANT DID NOT "ABANDON" HIS CELL PHONE WHEN HE DROPPED IT AFTER BEING SHOT BY AN UNIDENTIFIED GUNMAN; (2) LAW ENFORCEMENT AGENCY DID NOT VIOLATE DEFENDANT'S RIGHTS WHERE THE AGENCY HELD THE UNCLAIMED PHONE FOR TWO YEARS BEFORE GETTING A WARRANT TO SEARCH THE PHONE

In U.S. v. Hunt, ___ F.4th ___ , 2025 WL ___ (9th Cir., August 27, 2025), a three-judge Ninth Circuit panel affirms the Oregon U.S. District Court's orders denying Dontae Hunt's motion to suppress, in a case in which Hunt was convicted of possession with intent to distribute fentanyl analogue, conspiracy to possess with intent to distribute and to distribute a controlled substance, unlawful possession of firearms, and laundering of monetary instruments. Defendant successfully argued that he did not "abandon" his cell phone when he dropped it after being five timest by an unidentified gunman. However, the panel rules that the law enforcement agency that seized the phone shortly after the shooting did not violate defendant's rights where the agency held the unclaimed phone (without searching it) for two years before getting a warrant to search the phone

A Ninth Circuit staff summary (which is not part of the Ninth Circuit panel's Opinion, provide the following synopsis of the panel's ruling on the two Fourth Amendment issues in the case:

> The abandonment doctrine states that a person who abandons property relinquishes his expectation of privacy in that property and thus waives any Fourth Amendment challenge. Addressing how to apply the abandonment doctrine to digital devices that

> may contain a massive trove of personal information, the panel declined to scuttle the doctrine when it comes to cellphones.
>
> The panel followed the time-tested reasonable expectation of privacy principle while considering that today's technology allows us to keep historically unprecedented amounts of private information in devices. When determining a person's intent to abandon, courts should analyze the intent to abandon the device separately from the intent to abandon its data.
>
> Disagreeing with the district court's ruling that Hunt lacked standing to challenge the search of an iPhone he dropped after being shot five times, the panel held that the district court erred when it held that Hunt abandoned his privacy interest in the phone. The record does not allow the inference that Hunt intended to abandon the phone or its contents when he dropped it after being shot; it shows that he fled to seek medical help.
>
> The panel held that Hunt's Fourth Amendment claim fails on the merits because federal agents obtained a warrant and searched his phone within a reasonable period.

[Some paragraphing revised for readability]

The Ninth Circuit's Opinion provides the following analysis in support of the panel's holding that the Eugene, Oregon, police did not unreasonably delay seeking a search warrant even though the agency waited a little over two years to apply for a search warrant to search the phone:

> While Hunt has standing to challenge the search of the black iPhone's data, his argument fails on the merits. Federal agents obtained a warrant to search the iPhone's data. So Hunt can only complain that the government violated the Fourth Amendment by seizing the data for an unreasonably long period. This argument falls flat because the Eugene police acted reasonably by collecting the iPhone as evidence related to the shooting investigation and by holding it until someone claimed it.
>
> The Fourth Amendment prohibits unreasonable searches and seizures. <u>Soldal v. Cook County</u>, 506 U.S. 56, 61 (1992) (citation modified). The Court, however, has recognized that "special law enforcement needs, diminished expectations of privacy, minimal intrusions, or the like" may make a warrantless seizure reasonable. <u>Illinois v. McArthur</u>, 531 U.S. 326, 330 (2001). But "a seizure lawful at its inception can nevertheless violate the Fourth Amendment because its manner of execution unreasonably infringes possessory interests." <u>United States v. Jacobsen</u>, 466 U.S. 109, 124 (1984). To remain reasonable, a seizure must last "no longer than reasonably necessary for the police, acting with diligence, to obtain the warrant" to search the property. <u>McArthur</u>, 531 U.S. at 332; see also <u>United States v. Sullivan</u>, 797 F.3d 623, 633 (9th Cir. 2015).
>
> Given that Hunt lost his iPhone and never sought to recover it, the Eugene police's intrusion upon his possessory interest was minimal at best. See id. (finding owner's inability to use a device reduced his possessory interest in the device).
>
> On the other side of the ledger, the Eugene police had a legitimate law enforcement reason to seize the black iPhone as evidence for its investigation into the shooting. While the iPhone might have belonged to a random passerby, its proximity to the site of Hunt's shooting gave police a basis to suspect the iPhone could help identify the

shooter, an accomplice, or a witness. The police thus acted reasonably by seizing the iPhone during the initial sweep of the parking lot.

> Moreover, police had a legitimate law enforcement reason to retain the iPhone after its initial collection simply because it represented lost property with no identified owner to whom the police could return it. Multiple state supreme court cases note that the police often retain lost or mislaid property in secure locations until the authorities can identify the owner. See State v. Hamilton, 67 P.3d 871, 875 (Mont. 2003); State v. Ching, 678 P.2d 1088, 1093 (Haw. 1984); see also State v. Kealey, 907 P.2d 319, 325 (Wash. Ct. App. 1995), as amended on denial of reconsideration (Feb. 26, 1996). Here, the record does not suggest that the Eugene police did anything with the black iPhone other than hold it in evidence.

Result: Affirmance of U.S. District Court (Oregon) convictions of Dontae Lamont Hunt for possession with intent to distribute fentanyl analogue, conspiracy to possess with intent to distribute and to distribute a controlled substance, unlawful possession of firearms, and laundering of monetary instruments.

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WASHINGTON STATE SUPREME COURT

WASHINGTON SUPREME COURT ADDRESSES QUESTION OF WHERE SUPERIOR COURT PETITIONS TO RESTORE FIREARMS RIGHTS MAY BE FILED

In Arends v. State, ___ Wn.3d ___ , 2025 WL ___ (August 14, 2025), the Washington Supreme Court addresses questions relating to where petitions to restore firearms rights under Washington law may be filed. The WAPA case law "Weekly Update for the Week of August 11 (2025)" provides the following digesting of some elements of the ruling in the Majority Opinion in Arends v. State:

> **Firearm rights restoration –** A petition to restore firearms rights may be filed in any superior court in Washington and any Superior Court in Washington has the *jurisdiction* to hear it. WASH. CONST. art. IV, § 6. However, the general rule is that once a *venue* objection is made, and the court finds venue is improper, the court has only two options 1) transfer the petition to a proper venue, or 2) dismiss the petition. If the disqualifying conviction is from another state, the general rule regarding venue does not apply. Any Superior Court in Washington retains jurisdiction to decide the merits of the petition.
>
> *([WAPA Case Law] Editor's Note]: The [Supreme] Court agreed with the Court of Appeals that the petitioner did not have a "vested right," under former RCW 9.41.040(4)(b), to file the petition in his county of residence. The vested rights doctrine does not apply to a form of procedure such as venue.)*

Here us a link to the weekly case law updates from WAPA (Washington Association of Prosecuting Attorneys): https://waprosecutors.org/caselaw/

Result in Arends v. State: Reversal of the decision of the Court of Appeals and remand of the case to the Snohomish County trial court to consider the petitioner's firearms rights restoration

petition and to determine whether he has satisfied the substantive requirements pursuant to the amended version of RCW 9.41.040.

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WASHINGTON STATE COURT OF APPEALS

SEARCH WARRANT THAT WAS ISSUED FOR AN INVESTIGATION OF OFFENSES RELATING TO STOLEN VEHICLES AND CONTROLLED SUBSTANCES WAS UNCONSTITUTIONALLY OVERBROAD IN AUTHORIZING SEARCH FOR "ANY DATA. . . . " ON ELECTRONIC STORAGE DEVICES THAT WERE FOUND IN THE SUSPECT'S HOME

In State v. Hampton, ___ Wn. App. 2d ___ , 2025 WL ___ (Div. III, August 19, 2025), the opening paragraph of the Opinion briefly summarizes the complicated facts of the case and the simple ruling in the case as follows:

> Law enforcement investigated Timothy Hampton for trafficking in stolen property and controlled substances. During the investigation, officers seized Hampton's brown briefcase, which contained electronic storage devices. Thereafter, a search warrant authorized law enforcement to search the electronic storage devices and all contents that showed possession of trafficking in stolen property or drugs. When reviewing files from the storage device, law enforcement viewed ten-year-old videos of Hampton engaging in sexual intercourse with his girlfriend, while she was incapacitated. The superior court refused to suppress the videos, and a jury convicted Hampton of twelve counts of rape and one count of voyeurism. We hold the search warrant invalid because of its overbreadth and reverse Hampton's convictions.

[LEGAL UPDATE EDITOR'S NOTES: The Hampton Opinion includes a lengthy description of the facts and the procedural developments in the trial court (Grant County Superior Court). However, the Court's own summary above provides all of the facts that seem (at least in my mind as the Legal Update editor) necessary to frame the basic legal issue and holding in the case. So, this Legal Update entry will not set forth the facts and procedures that are discussed in full in the Hampton Opinion.

Note also that the WAPA Case Law Note for the week of August 18 2025, regarding the Hampton decision provides the following brief summary of the holding of the Court of Appeals Opinion:

> **A search warrant authorizing the seizure of**
>
> > **"Any data that may be kept on any of the seized digital devices in any format to include but not limited to intact files, deleted files, deleted file fragments or remnants related to the purchase, possession, receipt and distribution of controlled substances and or stolen property"**
>
> **is overbroad because it allows the seizure of evidence related to crimes for which there is no probable cause, in this case sex crimes.**

Here is the link for the WAPA case law notes: https://waprosecutors.org/caselaw/]

After briefly discussing a few general points about the probable cause requirement for search warrants, the Hampton Opinion notes that the defendant did not provide any supported argument for his assertion that there are different constitutional standards for particularity and overbreadth under article I, section 7, of the Washington constitution, as compared to the Fourth Amendment. Therefore, the Opinion relies on precedents construing both the Fourth Amendment and the Washington constitution.

The following text in this Legal Update entry is excerpted from the Hampton Opinion's additional legal analysis:

> The Bill of Rights framers adopted the particularity requirement to protect against the abhorred general warrant and writs of assistance of the colonial period used by the British to justify indiscriminate exploratory rummaging of personal property. . . . The particularity requirement provides important protection against governmental invasion of privacy because the demand renders general searches impossible and prevents the seizure of one thing under a warrant describing another. . . . The particularity requirement also ensures judicial oversight of the scope of a law enforcement search such that the executing officer lacks unlimited discretion when executing the warrant. . . . The warrant must be based on probable cause of criminal activity and must limit the scope of the search to the probable cause determination. . . .
>
> Specificity consists of two components: particularity and breadth. . . . Particularity demands that the warrant clearly state what is sought. . . . Breadth requires the scope of the warrant be limited by the probable cause on which the warrant is based. . . .
>
> A properly issued warrant distinguishes those items for which the State has probable cause to seize from those objects it does not. . . . A warrant's description suffices if it is as specific as the situation and the circumstances permit. . . . Law enforcement often identifies suspected crimes in order to meet the particularity prerequisite. . . . We evaluate the legal sufficiency of a search warrant in a common sense, practical manner, rather than in a hyper-technical sense. . . . We assess each warrant's validity on a case-by-case basis. . . .
>
> Washington and other courts recognize that a search of computers or electronic storage contrivances raises heightened particularity concerns. . . . Warrants issued to search electronic devices call for specific sensitivity. State v. Fairley, 12 Wn. App. 2d 315, 320-21 (2020).
>
> In State v. Askham, 120 Wn. App. 872 (2004), Leonard Askham manufactured and distributed homoerotic pornographic images superimposing the face of Gerald Schlatter, the boyfriend of Askham's former girlfriend. Askham then sent Schlatter an anonymous e-mail threatening to ruin his professional and social life. Law enforcement obtained a warrant to seize Askham's computer and to search the computer for all files related to Schlatter. Because the warrant limited the search of computer files to those involving Schlatter, this court rejected Askham's challenge to the broadness of the warrant. The warrant allowing seizure of Timothy Hampton had no such limitation.
>
> State v. Griffith, 129 Wn. App. 482 (2005), presents an opposite story. The search warrant listed cameras, unprocessed film, computer processing units, electronic storage media, documents pertaining to Internet accounts, and videotapes among the items to be searched and seized. The supporting affidavit declared that Aaron Griffith used a

digital camera to photograph the victim and that he stored pictures on a computer. The affidavit did not suggest that Griffith uploaded pictures to the Internet or that he used film or videotapes. We adjudged the warrant overbroad because it permitted a search of videotapes and Internet documents, neither of which had any connection to the alleged offenses.

Timothy Hampton contends that a warrant to search electronic storage devices must specify the file types, date ranges, and content relevant to the investigation. Absent these restrictions, he argues, such a warrant fails to satisfy the Fourth Amendment and article I, section 7's particular requirements. We question whether the search warrant must always identify the file types, date ranges, and content to pass constitutional muster. Instead, under article I, section 7, a warrant to search electronic data need not specify a time frame or file types, only that its specificity prevent law enforcement from proceeding as if they have "a license to rummage for any evidence of any crime." State v. Askham, 120 Wn. App. 872, 880 (2004). Because of the broad breadth of Timothy Hampton's briefcase search warrant, we need not resolve the required specificity of a warrant.

We recognize that one scanning an electronic storage device generally first sees an index of files stored on the device. The list of files will disclose the date the user opened the file or the last date of modification of the file. Sometimes the index describes the file.

The subject search warrant challenged by Timothy Hampton contains seemingly inconsistent provisions. At the beginning of the search warrant, the superior court recognized that probable cause supported only the crimes of possession and trafficking in drugs and stolen property. Based on the beginning of the warrant alone, a reader of the warrant could reasonably conclude any search needed to stay within the bounds of the investigation of stolen property and controlled substances.

But there is more. The body of the warrant contained three paragraphs that we repeat and parse. The warrant first commanded law enforcement to search:

> All contents of the briefcase to include flash drives, vehicle titles, paperwork, stamps, and all contents that show possession of and trafficking in stolen property.

This language suggests that any review of the electronic storage devices is distinct from the perusal of contents demonstrating possession and trafficking in stolen property such that law enforcement may read all files within the storage devices regardless of their connection to the crimes. The contract and statutory maxim of ejusdem generis, meaning "of the same kind," declares that a court will deem a general term used in conjunction with specific terms to include only those things of the same class or nature as the specific ones. . . . We assume that we should apply the same maxim to a search warrant or other court order, but we find no case that does so. Regardless, the maxim directs us to read the phrase "contents that show possession of and trafficking in stolen property" as being in the same class as "flash drives, vehicle titles, paperwork, and stamps," not vice versa. Therefore, the order's first paragraph did not constrain the review of flash drives to those files involving stolen property and narcotics.

> A) Evidence of the crime of: RCW 9A.56.170, Possess Stolen Property in the Third Degree; RCW 9A.82.055 Trafficking Stolen Property in the Second Degree;

> RCW 69.50.4013, Possession of a Controlled Substance; RCW 59.50.401, Possession of a controlled substance with intent to deliver.
>
> B) Any data that may be kept on any of the seized digital devices in any format to include but not limited to intact files, deleted files, deleted file fragments or remnants related to the purchase, possession, receipt and distribution of controlled substances and or stolen property.

These paragraphs again separate files storing evidence of the crimes from all other files within the electronic storage devices. Paragraph B, like the first paragraph previously discussed, ended the sentence with files regarding the two crimes, but the sentence does not limit the search to such subject matters. Instead, paragraph B emphatically directs the search of "any data" from the seized storage devices. In short, we conclude that the search warrant authorized Detective [A] to review any files contained within the two seized storage devices no matter the date of opening and subject matter of the file, including videos of sexual activity.

We deem State v. Fairley, 12 Wn. App. 2d 315 (2020), to govern Timothy Hampton's appeal. The Pasco Police Department received reports of telephonic bomb threats directed at Columbia Basin College. An investigation led to a cell phone number associated with Steven Brown, who lived in Kennewick.

The superior court issued a warrant authorizing law enforcement to search two areas: (1) Brown's residence and (2) his Jeep Cherokee. The subscribing officer's affidavit of probable cause declared that evidence of the crime of threats to bomb would be found at Brown's property. The warrant authorized seizure of listed property, including Brown's cell phone. The warrant did not authorize, however, a search of the cell phone.

Despite the lack of an express authorization, law enforcement, after seizing the phone, searched the contents of Brown's cell phone. Forensic testing recovered seventeen text messages sent to Brown's phone from Zachary Fairley's phone number. The messages entailed communications between Fairley with Brown's daughter for purposes of prostitution.

The State charged Fairley with multiple solicitation offenses. The trial court denied Fairley's motion to suppress the text messages on the grounds that Fairley lacked standing to challenge a search warrant issued for Brown's property and a warrant to seize the cell phone authorized the extraction of all data found in the phone's recesses.

This court reversed denial of Zachary Fairley's motion to suppress and convictions for importuning prostitution. In so ruling, the court characterized the cell phone as an electronic storage device.

Authorization to seize a cell phone does not extend to authorization to search in part because phones function as minicomputers that hold information from both the mundane to the intimate aspects of a person's life. The search of a phone leads to the exposure of more information than a search of a house. Allowing a search of the entire contents of a phone would eliminate the particularity content of the Fourth Amendment and condone a general warrant.

The warrant must narrowly tailor the information to be garnered from the phone to prevent over seizure and over searching beyond the warrant's probable cause authorization. Rather than allowing law enforcement officers to operate through inferences, the Fourth Amendment demands a cell phone warrant specify the types of data to be seized with sufficient detail to distinguish material for which there is probable cause from information that should remain private.

In addition to identifying the crime under investigation, the warrant might restrict the scope of the search to: (1) specific areas of the phone, such as applications pertaining to the phone, photos, or text messages, (2) the content, such as outgoing call numbers, photos of the target and suspected criminal associates or text messages between the target and suspected associates, and (3) the time frame, such as materials created or received within 24 hours of the crime under investigation.

The warrant could also require compliance with a search protocol, designed to minimize intrusion into personal data irrelevant to the crime under investigation. The responsibility for setting the bounds of the search lies with the judicial officer issuing the warrant, not with the executing officer.

The State relies principally on United States v. Lacy, 119 F.3d 742 (9th Cir. 1997), when arguing that the search warrant need not have afforded a precise description of the computer files to search. The United States Customs Service learned that a computer toted into the United States stored a Danish computer bulletin board system called "BAMSE," which accumulated child pornography.

A caller, with the alias "Jim Bakker," accessed the bulletin board through his phone. Bakker downloaded six picture files containing computerized visual depictions. Customs agents traced the caller's phone number to an apartment occupied by a computer analyst named Scott Lacy.

A warrant was issued authorizing the search of Lacy's apartment and seizure of computer equipment and records and documents relating to BAMSE. Customs agents seized Lacy's computer and more than 100 computer disks. The computer hard drive and disks contained files depicting minors engaged in sexually explicit activity. The United States district court denied a motion to suppress.

On appeal, Scott Lacy argued that the warrant was too general because it authorized the seizure of his entire computer system. The Ninth Circuit Court of Appeals rejected the appeal because the Lacy warrant contained objective limits to help officers determine which items they could seize. The search warrant only allowed seizure of documents linked to BAMSE.

Closer in parallel to Timothy Hampton's challenge is United States v. Kow, 58 F.3d 423 (9th Cir. 1995), in which the Ninth Circuit Court of Appeals invalidated a warrant authorizing seizure of all the defendant's computer hardware, software, and essentially all the computer's records, files, ledgers, and invoices.

The search of Timothy Hampton's electronic storage devices conducted by Detective [A} verifies the impermissible breadth of the search warrant. Detective [A's] affidavit established probable cause to believe Timothy Hampton and Robert Rogers engaged in

> a criminal conspiracy to purchase and sell narcotics in 2020, not almost a decade earlier.
>
> Hampton established, during the suppression hearing, that [Detective A] knew how to determine when video files were created and last accessed. Hampton established that [Detective A] could determine the date of the videos depicting sexual contact with S.H. to be in 2013.
>
> By viewing videos from 2013, Detective [A] stepped inside a time machine and outside the confines of probable cause. The State's argument that the warrant sanctioned [Detective A's] view of the 2013 files defeats its defense of the constitutionality of the warrant. If we ruled that the search warrant limited the search to evidence of possessing stolen property or controlled substances and thereby upheld the validity of the warrant, we would need to rule that Detective [A's] search exceeded the scope of the warrant.
>
> A court must suppress evidence seized due to an overly broad search warrant. . . . The trial court should have suppressed the videos showing Travis Hampton sexually assaulting S.H. Because the State cannot convict without the videos, the charges should be dismissed.

[Some citations omitted, some other citations revised for style; some paragraphing revised for readability]

Result: Reversal of Grant County Superior Court convictions of Timothy Wayne Hampton for 12 counts of rape and one count of voyeurism.

ARTICLE I, SECTION 7 ATTENUATION DOCTRINE EXCEPTION TO APPLICATION OF THE EXCLUSIONARY RULE IS HELD TO ALLOW THE PROSECUTION TO PRESENT VOLUNTARY STATEMENTS THAT WERE MADE TO POLICE BY A THIRD-PARTY WITNESS EVEN THOUGH ILLEGAL POLICE ACTIONS HAD LED POLICE TO THAT WITNESS

In State v. Parker, ___ Wn. App. 2d ___ , 2025 WL ___ (Div. I, August 11, 2025), Division One of the Court of Appeals addresses the attenuation doctrine under article I, section 7 of the Washington constitution. The introduction to the Opinion in Parker summarizes the case and decision as follows:

> We are asked whether Washington's attenuation doctrine permits the government to use information police learned from a witness, even though an illegal search was a contributing cause to their learning the witness's identity and conversing with her for the first time.
>
> Police identified Shamarr Parker as a suspect in an alleged rape, robbery, and kidnapping, and obtained a pen register trap and trace (PRTT) order allowing them to use cell signals to locate his phone. But they exceeded the scope of the PRTT order by additionally using a cell site simulator (CSS) to confirm the precise location of Parker's phone.
>
> Having confirmed their proximity to Parker's phone, police stopped the vehicle he occupied as a passenger. During the stop, they encountered the driver of the vehicle,

D.B., Parker's girlfriend, who made statements to the police later that day and in the weeks following that the State offered against Parker at trial.

We conclude D.B.'s cooperation with the police was an independent act of free will, beyond the foreseeable results of using the CSS, making it a superseding cause of the discovery of her testimony, and making the testimony admissible.

We further conclude Parker was not entitled to resentencing under State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021). We affirm Parker's conviction and sentence . . .

Result: Affirmance of Pierce County Superior Court convictions of Shamarr Derrick Parker for first degree kidnapping and first degree robbery, both with a deadly weapon.

DEFENDANT LOSES HIS ARGUMENT THAT, AFTER (1) THE WASHINGTON SUPREME COURT VOIDED THE FORMER ILLEGAL-POSSESSION-OF-DRUGS STATUTE AS UNCONSTITUTIONAL IN STATE V. BLAKE, AND (2) A COURT THEN VOIDED HIS CONVICTION BASED ON BLAKE, DEFENDANT'S DNA PROFILE SHOULD HAVE BEEN AUTOMATICALLY VOIDED WHERE CREATION OF THAT PROFILE HAD BEEN TRIGGERED BY HIS PRE-BLAKE CONVICTION FOR POSSESSION OF DRUGS

In the introduction to the Opinion in State v. Munoz-Hernandez, ___ Wn. App. 2d ___ , 2025 WL ___ (Div. II, August 12, 2025), Division Two of the Court of Appeals summarizes the Opinion as follows:

Pablo A. Munoz-Hernandez appeals his conviction for second degree rape following a bench trial on stipulated facts. Munoz-Hernandez argues that the trial court erred when it denied his motion to suppress evidence of his deoxyribonucleic acid (DNA) profile match to the forensic file for a reported rape because the only reason the State had his DNA was pursuant to a vacated unlawful possession of a controlled substance (UPCS) conviction and the profile match occurred after his conviction was vacated [based on State v. Blake, 197 Wn.2d 170 (2021)].

Munoz-Hernandez contends this violated his article I, section 7 right to privacy. Munoz-Hernandez also argues that the State violated his right to procedural due process when it failed to provide him with notice that his UPCS conviction was vacated and that he had a right to have his DNA profile expunged.

Munoz-Hernandez further argues ineffective assistance of counsel based on defense counsel's alleged failure to advance the proper grounds in the motion to suppress.

Because RCW 43.43.754 provided the legal authority for the State to collect and retain Munoz-Hernandez's DNA and Munoz-Hernandez does not actually challenge RCW 43.43.754, the trial court did not err when it denied Munoz-Hernandez's motion to suppress.

Also, there was no procedural due process violation.

Finally, even assuming without deciding that Munoz Hernandez's counsel's performance was deficient for failing to raise proper grounds for the motion to suppress, Munoz-Hernandez cannot show prejudice; therefore, the claim of ineffective assistance fails.

Accordingly, we affirm Munoz-Hernandez's conviction.

Result: Affirmance of Lewis County Superior Court conviction of Pablo Adiel Munoz-Hernandez for second degree rape.

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BRIEF NOTES REGARDING AUGUST 2025 UNPUBLISHED WASHINGTON COURT OF APPEALS OPINIONS ON SELECT LAW ENFORCEMENT ISSUES

Under the Washington Court Rules, General Rule 14.1(a) provides: "Unpublished opinions of the Court of Appeals have no precedential value and are not binding on any court. However, unpublished opinions of the Court of Appeals filed on or after March 1, 2013, may be cited as nonbinding authorities, if identified as such by the citing party, and may be accorded such persuasive value as the court deems appropriate."

Every month, I will include a separate section that provides brief issue-spotting notes regarding select categories of unpublished Court of Appeals decisions that month. I will include such decisions where issues relating to the following subject areas are addressed: (1) Arrest, Search and Seizure; (2) Interrogations and Confessions; (3) Implied Consent; and (4) possibly other issues of interest to law enforcement (though generally not sufficiency-of-evidence-to-convict issues).

The three entries below address the August 2025 unpublished Court of Appeals opinions that fit the above-described categories. I do not promise to be able to catch them all, but each month I will make a reasonable effort to find and list all decisions with these issues in unpublished opinions from the Court of Appeals. I hope that readers, particularly attorney-readers, will let me know if they spot any cases that I missed in this endeavor, as well as any errors that I may make in my brief descriptions of issues and case results. In the entries that address decisions in criminal cases, the crimes of conviction or prosecution are italicized, and brief descriptions of the holdings/legal issues are bolded.

1. State v. Robert Dean Lewis: On August 11, 2025, Division One of the COA affirms the King County Superior Court convictions of defendant for (A) one count of *Unlawful Possession of a Firearm (UPF) in the Second Degree*, and (B) *two counts of Assault in Second Degree*. Among other rulings, the Court of Appeals rejects defendant's Second Amendment argument in which, like a number of other recent unsuccessfully appealing convicted person, he argues that his previous conviction was "non-violent" and therefore does not justify taking away his constitutional right to bear arms. **The Lewis Court cites and discusses U.S. Supreme Court and Washington Court of Appeals decisions as supporting the proposition that the Second Amendment allows for taking away a person's right to bear arms based on any felony conviction, and thus does not distinguish between violent and nonviolent felons in this context.**

Here is a link to the Opinion in State v. Lewis:
https://www.courts.wa.gov/opinions/pdf/864319.pdf

2. State v. Michael E. Vassar: On August 14, 2025, Division Three of the COA affirms the Spokane County Superior Court conviction of defendant for *violating a no contact order*. **Among other things, the Court of Appeals rejects defendant's argument that a traffic stop by a**

deputy sheriff was pretextual. The conclusions of the Court of Appeals on the pretext issue include the following: (1) the deputy had reasonable suspicion justifying the stop based on the rear turn signal blinking more than 120 times per minute per WAC 204-21-060(1)(a), which states that "[t]urn signal lamps visible to approaching or following drivers must . . . [f]lash at a rate of sixty to one hundred twenty flashes per minute;" and (2) there was insufficient evidence to support the defendant's argument that the trial court should have found that the deputy was motivated by defendant's race, with the Court of Appeals noting that the evidence supports the deputy's testimony that the darkness, the defendant's tinted windows, and his obstructed windows blocked the deputy's visibility into the vehicle prior to signaling the defendant to stop.

The Court of Appeals also rejects the defendant's arguments that he grounded in State v. Prado, 145 Wn. App. 146 (2008) and State v. Sum, 199 Wn.2d 627 (2022).

Here is a link to the Opinion in State v. Vassar:
https://www.courts.wa.gov/opinions/pdf/399591_unp.pdf

3. State v. Michael Lee Dudley: On August 25, 2025, Division One of the Court of Appeals affirms the King County Superior Court convictions of defendant for *two counts of murder in the second degree*. **Among other things, the Court of Appeals rules that a search warrant authorizing a search of defendant's cell phone was not overbroad because the affidavit for the warrant establishes probable cause to search the phone within the scope set in the search warrant authorization.**

In key part, the Opinion by the Court of Appeals explains as follows the Court's rejection of defendant's overbreadth argument:

> Dudley argues the warrant for his cell phone records was overbroad because the affidavit did not establish probable cause to obtain location data on June 18 and 19, and thus the location data should have been suppressed. He contends the affidavit had to show that Dudley's phone was used during that time and at a location that was not his residence.
>
> In contrast, the State argues the crime for which probable cause was needed was the murders, not the disposal of the bodies on or around June 18 to 19, and so police were not required to show probable cause for Dudley's location on those dates. We agree with the State.
>
> . . . . .
>
> The warrant affidavit describes the investigation beginning on June 19, 2020, when the suitcase [containing human remains] was discovered on Alki Beach. The affidavit describes the discovery of another suitcase containing human remains in the Duwamish River on June 22, 2020.
>
> After the remains were identified as . . . [those of Victim W and Victim L], detectives learned from [the mother of Victim W] that [the two victims] had been living at [defendant] Dudley's residence since December 2019. [The mother of Victim W] provided cell phone numbers for [the victims and the defendant].

Detectives also interviewed [the father of Victim W. He] stated that he last saw [the two victims] during the first week of June, and that they had made plans to meet [with him] the following week, but he had not heard from them. [The family members of the victims] stated that they would contact both [of the victims] on [the phone of Victim L whom they identified to police]. The affidavit describes obtaining phone records [of Victim L] which showed that the phone stopped receiving and transmitting on June 9.

According to the records [Victim L] called Dudley's phone on June 9 around 7:00 p.m., and that call used a cell tower less than a mile from Dudley's residence. The records also revealed that [Victim L] and Dudley often communicated by call and text in the weeks before June 9.

The affidavit describes information gathered from Dudley's neighbors who heard gunshots in June. It also describes a witness, J.L. (Leon), who met Dudley through friends, and she described seeing a body at Dudley's house on the evening of June 9.

She told detectives that when she saw Dudley that night, his glasses were broken, and he had scratches on him. She described seeing a bloody hand sticking out of a pile of clothes in one of the bedrooms, and when she told Dudley about it, he asked to take her somewhere because he needed "to clean up a mess."

She said she witnessed Dudley laying out large pieces of plastic on the basement floor. Leon described seeing shell casings and ammunition in the basement and bullet holes in the upstairs bedroom. When detectives asked Leon whether she questioned Dudley about what happened, Leon said Dudley told her "let's just put it this way, his gun misfired and mine didn't."

The affidavit explains that Leon offered her flip phone to police which contained photos of the bedroom. The affidavit describes information from another witness who frequented Dudley's house, and who met [the victims] about three times, K.W. (White). White had a room and a key at Dudley's house. White said she called Dudley and asked to come over to use his shower, and he told her it was not a good time. White described visiting Dudley's residence anyway and seeing garbage bags in the back of Dudley's truck which emanated a foul smell. White stated she asked Dudley about [the two victims], and Dudley responded that she did not have to worry about them. The affidavit describes an interview with B.G., an acquaintance of Dudley who had been to Dudley's house. B.G. stated that Dudley showed her photos on his phone of a dismembered body.

The affidavit describes recovering Dudley's phone during the search of Dudley's vehicle at the time of his arrest on August 19, and he confirmed the phone was his. The affidavit requested the phone records from June 9 to June 19 "because the records from those dates will provide location information at the relevant times and the times in between." The affidavit also requested records from May 26 to August 20 to determine the typical pattern of use before the murder and to gather location information that may lead to video surveillance or additional witnesses who were contacted after the murder.

The warrant authorized the search of the phone records for the following: • Subscriber or registration account information • Linked or associated accounts • Device identifying information For the date range of May 26 to August 20 the following: • Usage information

• Positioning information • Physical address of cellular antenna towers • Internet connection logs and records

. . . .

. . . Washington courts have recognized that the search of "electronic storage devices gives rise to heightened particularity concerns." State v. Keodara, 191 Wn. App. 305, 314 (2015). Thus, a "mere possibility" of finding records that evidence of the crime would be found in the location data. [State v. Denham, 197 Wn.2d 759, 770 (2021)].

Dudley relies on Denham and argues there is nothing in the affidavit linking the cell location data to discovery of the bodies. Dudley also cites Keodara and argues the date range was not properly narrowed. But the information in the affidavits had to link the cell location data to the murders—not disposal of the remains. The affidavit as a whole provides probable cause that Dudley was involved in the murders. It alleges that the phone belonged to him and that he had the phone around the time of the murders. It also alleges that photos of the dismembered bodies were shown on his phone one to two weeks before the story broke of the remains being found.

An inference can be made that evidence of the crime would be found in the cell location data, particularly around the date of the murder and dismemberment which occurred sometime between June 9 and when the remains were recovered on June 19. An inference can be made that evidence of the murders would be found in location data from June 18 and 19.

Accordingly, the trial court did not err by denying Dudley's motion to suppress the cell phone records data location information.

[Some paragraphing revised for readability; bracketed text added; some citations omitted, others revised for style]

Here is a link to the Opinion in State v. Dudley:
https://www.courts.wa.gov/opinions/pdf/851993.pdf

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LEGAL UPDATE FOR WASHINGTON LAW ENFORCEMENT IS ON WASPC WEBSITE

Beginning with the September 2015 issue, the most recent monthly Legal Update for Washington Law Enforcement is placed under the "LE Resources" link on the Internet Home Page of the Washington Association of Sheriffs and Police Chiefs. As new Legal Updates are issued, the three most recent Legal Updates will be accessible on the site. WASPC will drop the oldest each month as WASPC adds the most recent Legal Update.

In May of 2011, John Wasberg retired from the Washington State Attorney General's Office. For over 32 years immediately prior to that retirement date, as an Assist ant Attorney General and a Senior Counsel, Mr. Wasberg was either editor (1978 to 2000) or co-editor (2000 to 2011) of the Criminal Justice Training Commission's Law Enforcement Digest. From the time of his retirement from the AGO through the fall of 2014, Mr. Wasberg was a volunteer helper in the production of the LED. That arrangement ended in the late fall of 2014. Starting with the January 2015 Legal Update, Mr. Wasberg has been presenting a monthly case law update for

published decisions from Washington's appellate courts, from the Ninth Circuit of the United States Court of Appeals, and from the United States Supreme Court.

The Legal Update does not speak for any person other than Mr. Wasberg, nor does it speak for any agency. Officers are urged to discuss issues with their agencies' legal advisors and their local prosecutors. The Legal Update is published as a research source only and does not purport to furnish legal advice. Mr. Wasberg's email address is jrwasberg@comcast.net. His cell phone number is (206) 434-0200. The initial monthly Legal Update was issued for January 2015. Mr. Wasberg will electronically provide back issues on request.

The Criminal Justice Training Commission continues to publish monthly issues of the Law Enforcement Digest (LED). Monthly LEDs going back to 2009 can be found on the CTJC's website at https://www.cjtc.wa.gov/resources/law-enforcement-digests.

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INTERNET ACCESS TO COURT RULES & DECISIONS, RCWS AND WAC RULES

The Washington Office of the Administrator for the Courts maintains a website with appellate court information, including recent court opinions by the Court of Appeals and State Supreme Court. The address is [http://www.courts.wa.gov/]. Decisions issued in the preceding 90 days may be accessed by entering search terms, and decisions issued in the preceding 14 days may be more simply accessed through a separate link clearly designated. A website at [http://legalwa.org/] includes all Washington Court of Appeals opinions, as well as Washington State Supreme Court opinions. The site also includes links to the full text of the RCW, WAC, and many Washington city and county municipal codes (the site is accessible directly at the address above or via a link on the Washington Courts' website). Washington Rules of Court (including rules for appellate courts, superior courts, and courts of limited jurisdiction) are accessible via links on the Courts' website or by going directly to [http://www.courts.wa.gov/court_rules].

Many United States Supreme Court opinions can be accessed at [http://supct.law.cornell.edu/supct/index.html]. This website contains all U.S. Supreme Court opinions issued since 1990 and many significant opinions of the Court issued before 1990. Another website for U.S. Supreme Court opinions is the Court's own website at [http://www.supremecourt.gov/opinions/opinions.html]. Decisions of the Ninth Circuit of the U.S. Court of Appeals since September 2000 can be accessed (by date of decision or by other search mechanism) by going to the Ninth Circuit home page at [http://www.ca9.uscourts.gov/] and clicking on "Opinions." Opinions from other U.S. circuit courts can be accessed by substituting the circuit number for "9" in this address to go to the home pages of the other circuit courts. Federal statutes are at [http://www.law.cornell.edu/uscode/].

Access to relatively current Washington state agency administrative rules (including DOL rules in Title 308 WAC, WSP equipment rules at Title 204 WAC, and State Toxicologist rules at WAC 448-15), as well as all RCW's, is at [http://www.leg.wa.gov/legislature]. Information about bills filed since 1991 in the Washington Legislature is at the same address. Click on "Washington State Legislature," "bill info," "house bill information/senate bill information," and use bill numbers to access information. Access to the "Washington State Register" for the most recent proposed WAC amendments is at this address too. In addition, a wide range of state government information can be accessed at [http://access.wa.gov]. For information about access to the Criminal Justice Training Commission's Law Enforcement Digest and for direct

access to some articles on and compilations of law enforcement cases, go to [https://www.cjtc.wa.gov/resources/law-enforcement-digests].