

LEGAL UPDATE FOR WASHINGTON LAW ENFORCEMENT

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

SEPTEMBER 2025

TABLE OF CONTENTS FOR SEPTEMBER 2025 LEGAL UPDATE

NINTH CIRCUIT OF THE UNITED STATES COURT OF APPEALS.....02

CIVIL RIGHTS ACT CIVIL LIABILITY UNDER SECTION 1983 FOR LAW ENFORCEMENT: OFFICERS ARE DENIED QUALIFIED IMMUNITY ON AN ILLEGAL-SEARCH ISSUE RELATING TO THEIR NIGHTTIME ENTRY INTO AND SEARCH OF A BACKYARD (RESULTING IN A NEED TO SHOOT TWO OF THE RESIDENT’S DOGS); THE NINTH CIRCUIT PANEL HOLDS THAT THE OFFICERS WERE NOT IN “HOT PURSUIT” BECAUSE: (1) THEY STARTED THEIR SEARCH AT LEAST 18 MINUTES AFTER THEY LAST SAW THEIR SUSPECT FLEE INTO THE NEIGHBORHOOD FROM HIS GIRLFRIEND’S HOME AFTER A DV ASSAULT, AND (2) OFFICERS ENTERED A GATED AND ENCLOSED BACKYARD IN THE NEIGHBORHOOD INTO WHICH THEY HAD A BELIEF (BASED ONLY ON (A) THEIR HAVING SET A PERIMETER AND (B) A POLICE K-9’S ALERT AS TO FEAR SCENT) THAT THE SUSPECT HAD FLED

Jones v. City of North Las Vegas, ___ F.4th ___, 2025 WL ___ (9th Cir., September 8, 2025).....02

Here is a link to the Opinion in Jones v. City of Las Vegas:

<https://cdn.ca9.uscourts.gov/datastore/opinions/2025/09/08/24-3374.pdf>

NEWS REPORTER PREVAILS IN FIRST AMENDMENT VAGUENESS CHALLENGE TO ALAMEDA COUNTY (CALIFORNIA) ORDINANCE THAT PROHIBITS KNOWINGLY BEING A “SPECTATOR AT A SIDESHOW EVENT CONDUCTED ON A PUBLIC STREET OR HIGHWAY FROM WITHIN 200 FEET OF THAT EVENT”

Garcia v. County of Alameda, ___ F.4th ___, 2025 WL ___ (9th Cir., Sept. 9, 2025).....09

Here is a link to the Opinion in Garcia v. County of Alameda:

<https://cdn.ca9.uscourts.gov/datastore/opinions/2025/09/09/23-1439.pdf>

SECOND AMENDMENT AND OTHER CHALLENGES BY A CRIMINAL DEFENDANT ARE REJECTED IN HIS APPEAL FROM U.S. DISTRICT COURT’S DENIAL OF A MOTION TO DISMISS CRIMINAL CHARGES OF (1) BEING AN UNLAWFUL DRUG USER IN POSSESSION OF A FIREARM IN VIOLATION OF 18 U.S.C. § 922(G)(3),

AND (2) ILLEGALLY RECEIVING A FIREARM WHILE UNDER FELONY INDICTMENT IN VIOLATION OF 18 U.S.C. § 922(N)

U.S. v. Stennerson, ___ F.4th ___, 2025 WL 2600006 (September 9, 2025).....10

Here is a link to the Opinion in U.S. v. Stennerson:

<https://cdn.ca9.uscourts.gov/datastore/opinions/2025/09/09/23-1439.pdf>

CIVIL RIGHTS ACT CIVIL LIABILITY UNDER SECTION 1983 FOR LAW ENFORCEMENT (PLUS OTHER THEORIES OF LIABILITY): STATUTE OF LIMITATIONS DID NOT RUN OUT WHERE PLAINTIFF ALLEGED CONTINUING SEXUAL ABUSE BY DEPUTY ABUSING HIS POWER TO COERCE SEXUAL FAVORS FROM HER

St. Clair v. County of Okanogan, ___ F.4th ___, 2025 WL ___ (9th Cir. September 23, 2025).....12

Here is a link to the Opinion by the Ninth Circuit in St. Clair v. County of Okanogan:

<https://cdn.ca9.uscourts.gov/datastore/opinions/2025/09/23/24-4195.pdf>

WASHINGTON STATE COURT OF APPEALS.....13

CONVICTION UNDER RCW 9.94.010 FOR PRISON RIOT IS UPHELD AS COURT REJECTS DEFENDANT’S (A) VOID-FOR-VAGUENESS CHALLENGE TO THE STATUTE, AND (B) SUFFICIENCY OF THE EVIDENCE CHALLENGE

State v. Quijas, ___ Wn. App. 2d ___, 2025 WL ___ (Div. I, September 8, 2025).....13

Here is a link to the Opinion in State v. Quijas:

<https://www.courts.wa.gov/opinions/pdf/864769.pdf>

BRIEF NOTES REGARDING SEPTEMBER 2025 UNPUBLISHED WASHINGTON COURT OF APPEALS OPINIONS ON SELECT LAW ENFORCEMENT ISSUES.....14

NINTH CIRCUIT OF THE UNITED STATES COURT OF APPEALS

CIVIL RIGHTS ACT CIVIL LIABILITY UNDER SECTION 1983 FOR LAW ENFORCEMENT: OFFICERS ARE DENIED QUALIFIED IMMUNITY ON AN ILLEGAL-SEARCH ISSUE RELATING TO THEIR NIGHTTIME ENTRY INTO AND SEARCH OF A BACKYARD (RESULTING IN A NEED TO SHOOT TWO OF THE RESIDENT’S DOGS); THE NINTH CIRCUIT PANEL HOLDS THAT THE OFFICERS WERE NOT IN “HOT PURSUIT” BECAUSE: (1) THEY STARTED THEIR SEARCH AT LEAST 18 MINUTES AFTER THEY LAST SAW THEIR SUSPECT FLEE INTO THE NEIGHBORHOOD FROM HIS GIRLFRIEND’S HOME AFTER A DV ASSAULT, AND (2) OFFICERS ENTERED A GATED AND ENCLOSED BACKYARD IN THE NEIGHBORHOOD INTO WHICH THEY HAD A BELIEF (BASED ONLY ON (A) THEIR HAVING SET A PERIMETER AND (B) A POLICE K-9’S ALERT AS TO FEAR SCENT) THAT THE SUSPECT HAD FLED

In Jones v. City of North Las Vegas, ___ F.4th ___, 2025 WL ___ (9th Cir., September 8, 2025), law enforcement officers are denied qualified immunity relating to their nighttime entry into and

search of a backyard (that of the Plaintiffs) as the officers were trying to find a DV suspect who had a short time earlier fled from his girlfriend's relatively nearby home. The officers' entry into the backyard of the Plaintiffs had resulted in the need for the officers to shoot two dogs when two of the three dogs at the Plaintiffs' residence attacked the officers.

The Ninth Circuit panel holds that the officers were not in "hot pursuit" because: (1) the officers started their search into a multi-block police-perimeter at least 18 minutes after an officer saw a DV suspect fleeing into the neighborhood from the home of the suspect's girlfriend' after a DV assault, and (2) the officers entered that particular backyard based only on (A) a K-9's alert to fear scent apparently coming from that backyard, and (B) the officers' belief (apparently mistaken) that the suspect was then located somewhere within a perimeter set up by police for the neighborhood very shortly after the suspect had run off.

Having concluded that the circumstances did not present a "fresh pursuit," the Ninth Circuit panel rules that the officers are not entitled to qualified immunity on the claim that they violated the Fourth Amendment rights of the Plaintiff by going into the Plaintiff's backyard in search of the DV suspect.

A Ninth Circuit staff summary (which is not part of the Court's Opinion) provides the following synopsis of the on the section 1983 liability rulings in the unanimous Opinion:

The panel affirmed in part and reversed in part the district court's summary judgment in favor of the City of North Las Vegas and two police officers in Plaintiffs' action alleging that [government] Defendants violated their Fourth and Fourteenth Amendment rights when the officers physically intruded into Plaintiffs' backyard without permission while searching for a suspect, and one of the officers shot and killed two of Plaintiffs' dogs after the dogs attacked the police K-9.

The panel reversed the U.S. District Court's grant of qualified immunity and summary judgment to the individual police officers with respect to their search of Plaintiffs' backyard. [The government defendants] could not avail themselves of the "hot pursuit" exception to the Fourth Amendment's warrant requirement, which only applies when officers are in "immediate" and "continuous" pursuit of a suspect from the scene of the crime.

Here, the continuity of the pursuit was broken when [the government Defendants] lost track of the suspect's whereabouts for eighteen minutes. Because [the government Defendants] lacked an exigent circumstance to search Plaintiffs' yard under clearly established law at the time of the incident, they were not entitled to qualified immunity.

...

The panel affirmed the [U.S. District Court's] summary judgment for Lieutenant Salkoff, holding that he was entitled to qualified immunity with respect to his use of force against Plaintiffs' dogs because, given the spontaneous confrontation [with the Plaintiffs' dogs], the panel could not say that he violated clearly established law.

The panel affirmed the U.S. District Court's summary judgment on Plaintiffs' claims [seeking to hold the City of North Las Vegas liable for government liability under Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978)] pertaining to both the warrantless search and use-of-force claims. Plaintiffs offered no evidence of a pattern of warrantless search

violations or other evidence establishing that the City was deliberately indifferent to plaintiffs' Fourth Amendment rights or that its conduct had become a traditional method for carrying out policy.

The panel remanded for further proceedings.

[Bracketed words and numbers added]

Facts in *Jones v. City of North Las Vegas*: (Excerpted from Ninth Circuit Opinion)

On February 15, 2019, at 3:47 p.m., North Las Vegas Police Department (“NLVPD”) Officers Joseph Minelli (“Officer Minelli”) and Michael Rose (“Officer Rose”) responded to a possible domestic battery at a house on a residential cul-de-sac. While Officer Minelli spoke with a woman at the door, Officer Rose moved to the side of the house, where he witnessed a person flee over the back wall to the south into a neighboring yard. Officer Rose ran to his patrol car to request assistance. He drove two streets south hoping to cut off whomever had fled but did not catch sight of the person again. Several units quickly responded and helped Officer Rose establish a multiple-block perimeter around the area.

Meanwhile, Officer Minelli stayed at the home to investigate the domestic battery allegation. The woman who answered the door denied that there was any domestic violence, but Officer Minelli observed injuries on her face, including several injuries around her eyes and a long cut across her chin that had been stitched. The woman told Officer Minelli that police were not welcome at her house and that her boyfriend—whom officers suspected had battered the woman and whom they believed to be the person who fled—would be back that evening and police would need a warrant to apprehend him at the home. Officer Minelli remained at the address in case the suspect returned.

With a perimeter in place, officers believed nobody could leave the area without crossing their line of sight. A sergeant on scene decided to call for a K-9 unit to search for the suspect. NLVPD Lieutenant Scott Salkoff (“Lieutenant Salkoff”) his police K-9 Storm (“Storm”) responded to the scene around 4:05 p.m., approximately eighteen minutes after Officer Rose saw the suspect flee.

Lieutenant Salkoff used Storm—who is trained to detect the odor of apocrine, a hormone some people release when they are afraid—to search within the perimeter. Lieutenant Salkoff informed residents of the searches using his patrol car’s public address system. He also sent NLVPD Officer Lee Young (“Officer Young”) ahead to seek consent from residents to search their yards.

Lieutenant Salkoff was searching a backyard four houses east and one house south of where the suspect vanished when Storm alerted to an odor coming from a distant, elevated position in the direction of Plaintiffs’ walled-in backyard.

Lieutenant Salkoff decided to search Plaintiffs’ backyard. He had Officer Young check the gate, which was locked and posted with a “Beware of Dog” sign. Officer Young knocked on Plaintiffs’ door to request their consent to search the yard but received no response because they were not home. To gain a vantage, Lieutenant Salkoff jumped onto the six-foot cinderblock wall that enclosed Plaintiffs’ yard. He observed trash cans,

where he thought the suspect might be hiding, and a fenced-in kennel area with an open gate and three dog houses and bowls but did not see any dogs.

With neither a warrant nor Plaintiffs' consent, Lieutenant Salkoff hopped down from the wall into their backyard. Officer Rose then passed Storm over the wall. Plaintiffs' three dogs were stirred from their doghouses, emerging to investigate the unwelcome strangers in their yard. Lieutenant Salkoff attempted to keep the dogs at bay, kicking them and placing trash cans between them and [the police K-9] Storm. His efforts deterred one dog, but the other two—Shadow and Whitewall—attacked Storm. Lieutenant Salkoff drew his service weapon and killed both Shadow and Whitewall.

Despite officers scouring the neighborhood, they never found the person they were looking for.

[Footnote omitted]

The Ninth Circuit Jones Opinion describes as follows the “Qualified Immunity” legal standard:

Qualified immunity protects government officials from liability under § 1983 “unless (1) they violated a federal statutory or constitutional right, and (2) the unlawfulness of their conduct was clearly established at the time.” . . . “Either prong can be adjudicated on appeal by taking the facts as most favorable to the plaintiffs and applying the pertinent legal standards to those facts.” . . . Defendants are entitled to qualified immunity where we find “a negative answer at either step.” . . .

[Citations omitted]

KEY LEGAL ANALYSIS IN THE JONES OPINION ON THE FRESH PURSUIT ISSUE

The Ninth Circuit Jones Opinion's key legal analysis on the fresh pursuit issue reads as follows:

“When a law enforcement officer physically intrudes on the curtilage” of a home, like a walled-in backyard, “a search within the meaning of the Fourth Amendment has occurred.” . . . “[A] small, enclosed yard adjacent to a home in a residential neighborhood . . . is ‘curtilage’ subject to Fourth Amendment protection.” United States v. Struckman, 603 F.3d 731, 739 (9th Cir. 2010) Such searches are “presumptively unreasonable absent a warrant.” . . .

But the Fourth Amendment's warrant requirement “is subject to certain exceptions.” Brigham City v. Stuart, 547 U.S. 398, 403 (2006). An “exigent circumstance” such as “the hot pursuit of a fleeing suspect,” “the need to prevent the imminent destruction of relevant evidence,” and “the need to prevent the escape of a suspect” may constitute such an exception. Struckman, 603 F.3d at 743. To rely on the exigent circumstances exception, the government “must satisfy two requirements: first, the government must prove that the officer had probable cause to search,” and “second, the government must prove that exigent circumstances justified the warrantless intrusion.” United States v. Johnson, 256 F.3d 895, 905 (9th Cir. 2001) (en banc) (per curiam).

Probable cause exists where “the ‘facts and circumstances’ before the officer are sufficient to warrant a person of reasonable caution to believe” that a suspect would be found in a place. . . .

Lieutenant Salkoff and Officer Rose do not dispute that they physically intruded into Plaintiffs' walled-in backyard—Lieutenant Salkoff by entering the yard and Officer Rose by passing Storm over the wall. Such a warrantless search is presumptively unreasonable. . . . The district court assumed, without explanation, that Lieutenant Salkoff and Officer Rose conducted this warrantless search while in hot pursuit of a fleeing suspect. We disagree.

Hot pursuit fundamentally “means some sort of a chase.” United States v. Santana, 427 U.S. 38, 43 (1976). “The hot pursuit exception to the warrant requirement only applies when officers are in ‘immediate’ and ‘continuous’ pursuit of a suspect from the scene of the crime.” Johnson, 256 F.3d at 907 (quoting Welsh v. Wisconsin, 466 U.S. 740, 753 (1984)). To qualify as hot pursuit, a chase “need not be reminiscent of the opening scene of a James Bond film,” Lange v. California, 594 U.S. 295, 329 (2021) (Roberts, C.J., concurring). Officers act with sufficient speed to qualify as hot pursuit when they act immediately, making a “split second decision” to pursue a suspect. Stanton v. Sims, 571 U.S. 3, 10 (2013) (per curiam).

But there is no hot pursuit where “the continuity of the chase was terminated permanently.” Johnson, 256 F.3d at 908. In Johnson, a suspect “ran into a wooded area where he was free to run for over a half hour” rather than “into a confined area where [the police] could monitor his movements.” . . . On that basis, we determined that “the continuity of the chase was clearly broken and a warrant was required.” . . . We further noted that, “[a]lthough this requirement may be inconvenient to law enforcement, any other outcome renders the concept of ‘hot pursuit’ meaningless and allows the police to conduct warrantless searches while investigating a suspect’s whereabouts.” . . .

We recently observed in [Newman v. Underhill, 134 F.4th 1025, 1031 (9th Cir. 2025) **April 25 Legal Update:02**] that whether a pursuit’s continuity has been broken is a function of “two interrelated considerations.” 134 F.4th at 1033. **[LEGAL UPDATE EDITOR’S RESEARCH NOTE: Note that the Newman Opinion was digested in the April 2025 Legal Update, which is currently accessible on the WASPC website at <https://waspc.memberclicks.net/legal-update-for-washington-law-enforcement>]**

First, “whether, and to what degree, the office lost track of the suspect’s whereabouts.” . . . Second, whether, after losing sight of a suspect, the officer “continued to act with speed in attempting to apprehend the suspect.” Timing is relevant to both considerations.

As seconds and minutes tick by, the officer’s once-clear knowledge of a suspect’s position fades till they are no longer chasing a suspect but instead searching for him. “The more time passes without the officer’s physically chasing after the suspect . . . the more likely the continuity of the chase is to break.” . . .

In Newman, officers followed a suspect’s truck down a dead-end street where the suspect exited his vehicle and ran directly toward the back of the plaintiff’s house. . . . Officers lost sight of the suspect for nine minutes but had probable cause to believe he was in the plaintiff’s house, given that the suspect had been headed in that direction, he was not in the backyard, the terrain and fences would have hindered his flight to an adjacent property, the plaintiff’s backdoor was unlocked, and the officer perceived someone interacting with the backdoor at some point during the pursuit. . . .

We held that the pursuit’s continuity was unbroken because the officers “had a reasonably good idea where [the suspect] was hiding” for the duration of the nine minutes after they lost sight of him. .

Comparatively, here, Officer Rose last saw the suspect fleeing toward a different property—three houses west of Plaintiffs’ home—rather than directly to the property that was later searched. Officer Rose neither chased after the person nor peered over the wall to monitor the person’s movements, and instead unsuccessfully attempted to cut the suspect off by patrol car.

Officers had seen neither hide nor hair of the suspect for at least eighteen minutes preceding their search, in which time the suspect’s movements through a suburban neighborhood were completely unknown.

Defendants suggest that they reasonably believed the suspect was somewhere within the neighborhood, and therefore, the continuity of their search was unbroken. If we were to accept this argument, it would threaten to swallow the warrant requirement whole.

Officers may not riffle through private spaces in an entire neighborhood merely because police have lost track of someone who earlier fled from them in the general vicinity. Lieutenant Salkoff and Officer Rose had no “reasonably good” basis for knowing where the suspect was—beyond that he was likely still in the neighborhood. . . . Therefore, Defendants may not avail themselves of the hot pursuit exception to the Fourth Amendment’s warrant requirement.

Defendants urge that [the police K-9] Storm’s alert salvaged the hot pursuit and gave them probable cause to search Plaintiffs’ yard. Not so. Even if the dog sniff did give officers probable cause to believe the suspect was in Plaintiffs’ yard, probable cause alone is insufficient to obviate the Fourth Amendment’s warrant requirement—there must be both probable cause and an exigent circumstance. . . .

Our case law was clear when these unfortunate events unfolded in February 2019 that a pursuit’s continuity is broken when officers lose a suspect’s trail, as happened here. . . .

Because Defendants lacked an exigent circumstance to search Plaintiffs’ yard under clearly established law at the time of the incident, they are not entitled to qualified immunity and summary judgment was improper.

[Some citations omitted]

LEGAL ANALYSIS IN THE JONES OPINION AS TO WHETHER OFFICERS COULD BE HELD LIABLE FOR SHOOTING THE PLAINTIFFS’ DOGS

The Jones Opinion also addresses complex questions regarding whether an officer can be held liable for shooting two of the dogs. In this particular lawsuit, such questions remain to be resolved after further proceedings in the District Court to which the case has been remanded for further proceedings.

The relevant legal framework given in the Jones Opinion is not fully explained in the Opinion. At least that is reaction of your Legal Update editor). And, your Legal Update editor will not attempt

to provide any additional explanation other than to provide the following discussion in the Jones Opinion of legal questions related to whether there can be officer liability for the shooting of the dogs:

We turn now to the [shooting of the dogs]. “Reasonableness is the touchstone of any seizure under the Fourth Amendment.” San Jose Charter of Hells Angels Motorcycle Club v. City of San Jose, 402 F.3d 962, 975 (9th Cir. 2005). “To determine whether the shooting of the dogs was reasonable, we balance ‘the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the countervailing governmental interests at stake.’” [Hells Angels] (quoting Graham v. Connor, 490 U.S. 386, 396 (1989)). We must judge the reasonableness of a particular use of force “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.

When we evaluate an officer’s use of force following a warrantless intrusion into private space, we must not conflate the unreasonable seizure claim with the unreasonable search claim challenging the entry. County of Los Angeles v. Mendez, 581 U.S. 420, 428 (2017) (“[T]he objective reasonableness analysis must be conducted separately for each search or seizure that is alleged to be unconstitutional.”). Even where officers have violated clearly established law with a warrantless search, we cannot rely on that warrantless search to say that an officer’s otherwise reasonable subsequent use of force was excessive. See [Mendez] at 428–29.

Plaintiffs argue that Lieutenant Salkoff violated rights that were clearly established under Hells Angels when he shot their dogs. In Hells Angels, recognizing “that dogs are more than just a personal effect,” we found that killing dogs is a “severe” intrusion on Fourth Amendment protections. 402 F.3d at 975. But, in that case, officers had a week to plan the execution of the warrants, were aware guard dogs resided at the premises to be searched, and devised only to use a shotgun to handle any encounters with the dogs rather than employing less-intrusive means. *Id.* at 976. We emphasized in our decision [in Hells Angels] that it was not a case “where the officer was reacting to a sudden unexpected situation” or needed to make a split-second judgment. [Hells Angels] at 978.

By contrast, in this case, officers had minutes—not days—to discover and plan for handling any dogs in Plaintiffs’ backyard. Lieutenant Salkoff attempted to stir any dogs that might have been home before he entered the yard but saw no indications that dogs were present. Officers were unaware that the resident dogs were pit bulls, as opposed to a breed that may have been less sensitive to the intrusion or more readily controllable by Lieutenant Salkoff. For these reasons, the facts in this case are sufficiently distinguishable from those in Hells Angels that we cannot say Lieutenant Salkoff’s actions in this more spontaneous confrontation violated clearly established law.

Because Plaintiffs do not offer, and we cannot find, any cases clearly establishing that Lieutenant Salkoff’s actions were unreasonable, he is entitled to qualified immunity and summary judgment with respect to his use of force against Plaintiffs’ dogs. We note, however, that Lieutenant Salkoff and Officer Rose may still be liable to Plaintiffs for the deaths of their dogs as a natural consequence of the warrantless search of their yard. Tatum v. Moody, 768 F.3d 806, 817 (9th Cir. 2014) (“Under § 1983, ‘a person is responsible for the natural consequences of his actions.’” (simplified)) (quoting Monroe v. Pape, 365 U.S. 167, 187 (1961), overruled in part on other grounds by Monell v. Dep’t of Soc. Servs., 436 U.S. 658 (1978)); Mendez, 581 U.S. at 431 (stating that, even where

plaintiffs “cannot recover on their excessive force claim, that will not foreclose recovery for injuries proximately caused by the warrantless entry”).

[Some citations omitted, others revised for style]

Result in Jones v. City of North Las Vegas: Reversal in part and affirmance in part of U.S. District Court (Nevada) District Court’s summary judgment ruling for government defendants in section 1983 Fourth Amendment civil action; case is remanded to the District Court for trial and/or other further proceedings.

NEWS REPORTER PREVAILS IN FIRST AMENDMENT CHALLENGE TO ALAMEDA COUNTY (CALIFORNIA) ORDINANCE THAT PROHIBITS KNOWINGLY “SPECTATING” A SIDESHOW EVENT CONDUCTED ON A PUBLIC STREET OR HIGHWAY FROM WITHIN 200 FEET OF THAT EVENT

In Garcia v. County of Alameda, ___ F.4th ___, 2025 WL ___ (9th Cir., September 4, 2025), a three-judge Ninth Circuit panel is unanimous in reversing the U.S. District Court’s denial of a preliminary injunction to a news reporter. The Court’s Opinion remands the case to the District Court with instructions to enter a preliminary injunction in favor of Jose Garcia, a reporter challenging the County of Alameda’s ordinance that prohibits knowingly spectating a sideshow event conducted on a public street or highway from within 200 feet of that event. The ordinance defines the key terms of the law as described above in this paragraph.

A Ninth Circuit staff summary (which is not part of the Court’s Opinion) provides the following synopsis of the rulings in the unanimous Opinion:

The panel first held that Garcia had standing because his self-censorship satisfied Article III’s injury-in-fact requirement.

The panel held that Garcia had shown a likelihood of success on the merits of his First Amendment as-applied challenge.

The First Amendment protects Garcia’s newsgathering and reporting activities, including recording events. Garcia’s observation of sideshows is a predicate for, and thus inextricably intertwined with, his recording of those events.

The County’s prohibition on knowingly spectating a sideshow is content-based because it targets only one topic, sideshows, making it a misdemeanor for any person to be present within 200 feet of a sideshow for the purpose of spectating the event.

As a content-based restriction, the Ordinance is subject to strict scrutiny. The Ordinance fails strict scrutiny because the County has existing, less restrictive alternatives that address its compelling interest in public safety.

Moreover, the Ordinance is underinclusive because it prohibits only spectating within 200 feet of a sideshow while permitting other activities within that 200-foot radius.

Addressing the remaining preliminary injunction factors, the panel held that (1) Garcia was likely to suffer irreparable harm because loss of First Amendment freedoms

constitutes irreparable harm, and (2) the balance of equities tips in Garcia's favor and issuance of an injunction is in the public interest.

The Opinion of the Ninth Circuit states as follows that the ordinance includes three key definitions:

The Ordinance defines a "sideshow" as "an occasion where one or more persons, for the purpose of performing a street race or reckless driving exhibition for one or more spectator(s) either blocks or impedes traffic on a street or highway." A "spectator" is defined as "any person who is present at a sideshow event, or the site of the preparations for a sideshow event, for the purpose of viewing, observing, watching, or witnessing the sideshow event as it progresses." A person is "present" at "a sideshow event if that person is within two hundred (200) feet of the location of the sideshow event, or within two hundred (200) feet of the site of the preparations for any sideshow event."

[Citations to sections of the ordinance omitted]

Result: Reversal of the order of the U.S. District Court (Northern District of California) that denied a preliminary injunction. The case is remanded to the District Court with instructions to enter a preliminary injunction in favor of Jose Garcia, the reporter challenging the County of Alameda's ordinance prohibiting knowingly spectating a sideshow event conducted on a public street or highway from within 200 feet of that event.

SECOND AMENDMENT CHALLENGE AND OTHER CHALLENGES BY A CRIMINAL DEFENDANT ARE REJECTED IN HIS APPEAL FROM THE U.S. DISTRICT COURT'S DENIAL OF A MOTION TO DISMISS CRIMINAL CHARGES OF (1) BEING AN UNLAWFUL DRUG USER IN POSSESSION OF A FIREARM IN VIOLATION OF 18 U.S.C. § 922(G)(3), AND (2) ILLEGALLY RECEIVING A FIREARM WHILE UNDER FELONY INDICTMENT IN VIOLATION OF 18 U.S.C. § 922(N)

In U.S. v. Stennerson, ___ F.4th ___, 2025 WL 2600006 (September 9, 2025), a three-judge Ninth Circuit panel is unanimous in affirming the Montana U.S. District Court's order denying defendant's motion to dismiss an indictment charging him with (1) being an unlawful drug user in possession of a firearm in violation of 18 U.S.C. § 922(g)(3), and (2) illegally receiving a firearm while under felony indictment in violation of 18 U.S.C. § 922(n).

A Ninth Circuit staff summary (which is not part of the Court's Opinion) provides the following synopsis of the rulings by the panel in a unanimous Opinion:

Stennerson argued that §§ 922(g)(3) and 922(n) are facially unconstitutional under the Second Amendment and that § 922(g)(3) is unconstitutionally vague as applied to him.

The panel held that §§ 922(g)(3) and 922(n) are facially constitutional under the analysis established in N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1, 24 (2022), and United States v. Rahimi, 602 U.S. 680, 693 (2024), because there are circumstances in which they can be applied that are consistent with our nation's history and tradition of firearms regulation.

The panel also held that § 922(g)(3) is not unconstitutionally vague as applied to Stennerson because he was an admitted daily user of methamphetamine when he was charged with unlawful possession of a firearm.

Result: Affirmance U.S. District Court (Montana) conviction of Jaren Michael Stennerson for being an unlawful drug user in possession of a firearm in violation of 18 U.S.C. § 922(g)(3) and illegally receiving a firearm while under felony indictment in violation of 18 U.S.C. § 922(n).

LEGAL UPDATE EDITOR'S RESEARCH NOTE: Within the past three years the following decisions rejecting Second Amendment challenges to statutorily imposed consequences of felony convictions or the pendency of DV restraining orders or other such disqualifying circumstances have been digested in the Legal Update:

U.S. Supreme Court

Holding: Federal statute that bars a person subject to a domestic violence restraining order with danger-related wording is held by the U.S. Supreme Court not to violate constitutional gun rights. U.S. v. Rahimi, 144 S.Ct. 1889 (June 21, 2024) – June 24:04

Ninth Circuit Court of Appeals

Holding: By majority decision in a criminal case, an 11-judge Ninth Circuit panel rules that the all-felonies provision of the federal statute at 18 U.S.C. § 922(g)(1) is constitutional; defendant loses his argument against taking away firearms rights for convictions for “non-violent” felonies. U.S. v. Duarte, ___ F.4th ___, 2025 WL ___ (9th Cir., May 9, 2025) – May 25:05

Holding: Pre-trial orders barring two felony-accused defendants from possessing firearms are consistent with the Second Amendment in analysis under the U.S. Supreme Court decision in New York State Rifle & Pistol Ass’n, Inc. v. Bruen, 597 U.S. 1 (2022). U.S. v. Perez-Garcia, 96 F.4th 1166 (9th Cir., March 18, 2024) – March 24:08

Washington State Court of Appeals

Holding: Defendant loses his Second Amendment challenge to his first degree unlawful firearm possession conviction that was based on his prior conviction for second degree burglary. State v. Ross, ___ Wn. App. 2d ___, 2023 WL ___ (Div. I, November 6, 2023) – November 23:07

Holding: Defendant loses his challenge to his conviction for violating RCW 9.41.040(1)(a); Court of Appeals rules that persons with felony convictions do not have a federal constitutional right to possess a firearm. State v. Bonaparte, ___ Wn. App. 2d ___, 554 P.3d 1245 (Div. II, August 27, 2024) – August 24:19

Holding: Criminal defendant loses his constitutional argument that his felony conviction for vehicular homicide should not have the consequence of restricting his firearms rights. State v. Hamilton, ___ Wn. App. 2d ___, 2025 WL ___ (Div. I, March 17, 2025) – March 25:20

Holding: Division Three rejects criminal defendant’s arguments and holds that: (1) Defendant was not subjected to a pretext stop, but instead was subjected to a lawful

“mixed motive” stop; (2) The Second Amendment does not preclude RCW 9.41.040’s bar to firearms possession for conviction for a non-violent felony conviction for escape from community custody; and (3) The Blake decision does not super-retroactively apply such as to invalidate a previous escape conviction (he was on community custody for the drug possession conviction when he escaped from custody). State v. Olson, ___ Wn. App. 2d ___, 2025 WL ___ (Div. III, March 11, 2025) – March 25:22

Holding: Federal Second Amendment and Washington constitutional protection of firearms rights: State prevails as defendant loses his arguments that his prior convictions for the “non-violent” felonies of forgery, possession of stolen property, and identity theft do not – in light of constitutional protections – support prosecuting him for unlawful possession of a firearm. State v. Koch, ___ Wn. App. 2d ___, 2025 WL ___ (Div. II, April 22, 2025) – April 25:10

CIVIL RIGHTS ACT CIVIL LIABILITY UNDER SECTION 1983 FOR LAW ENFORCEMENT (PLUS OTHER THEORIES OF LIABILITY): STATUTE OF LIMITATIONS DID NOT RUN OUT WHERE PLAINTIFF ALLEGED CONTINUING SEXUAL ABUSE BY DEPUTY ABUSING HIS POWER TO COERCE SEXUAL FAVORS FROM HER

In St. Clair v. County of Okanogan, ___ F.4th ___, 2025 WL ___ (9th Cir. September 23, 2025), a three-judge Ninth Circuit panel rules as timely brought a lawsuit filed by Plaintiff against an Okanogan County deputy sheriff and against the County itself for the deputy’s conduct of coercing sexual favors from a woman through the threat of arresting her for illegal conduct if she would not consent to sex with the deputy.

A Ninth Circuit staff summary (which is not part of the Court’s Opinion) provides the following synopsis of the rulings by the panel in a unanimous Opinion:

The panel reversed the [U.S.] District Court’s dismissal, as barred by the statute of limitations, of Christina St. Clair’s claims against Okanogan County Sheriff Deputy [A] and his employer, Okanogan County.

St. Clair alleges she was coerced into sexual encounters by [Deputy A], who had knowledge of her drug addiction and criminal involvement, in exchange for his turning a blind eye to her illegal activity. While St. Clair alleges the deputy’s misconduct towards her began in 2014, she also alleges his inappropriate contact continued into 2020 and 2021.

The panel reversed the district court’s dismissal of St. Clair’s claims against [Deputy A] as barred by Washington’s governing three-year statute of limitations. The panel held that regardless of whether the inflicted harm is part of a pattern of ongoing conduct, each sexual assault or act of abuse constitutes an “independently wrongful, discrete act” for statute of limitations purposes.

Accordingly, [the panel rules that] St. Clair adequately pled intentional sexual misconduct for the alleged actions that [Deputy A] committed within the three-year limitation period lasting from September 26, 2020, until September 26, 2023. The district court erred by applying the continuing violation doctrine to these claims.

For the alleged actions that occurred prior to September 26, 2020, St. Clair sufficiently alleged a delayed accrual theory of injury. Acknowledging that the power imbalance between a law enforcement officer and a vulnerable victim of sexual assault may result in a delayed realization of the underlying harm, the panel held that St. Clair alleged facts that plausibly established she neither knew nor reasonably should have known of her injuries until after September 2020.

With respect to St. Clair's claims against Okanogan County [under Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978)], the panel applied the long-standing principle that courts should liberally permit plaintiffs to amend their complaints. Various facts in St. Clair's first and proposed second amended complaints alleged a cognizable pattern or custom of deliberate indifference to ongoing sexual misconduct at the Okanogan County Sheriff's Office. It was therefore an abuse of discretion to dismiss this claim without leave to amend, and St. Clair should be given an opportunity to amend her complaint.

Because the panel reversed the district court's dismissal of St. Clair's federal claims, the panel also reversed the district court's dismissal of the state law claims against Okanogan County based on a lack of supplemental jurisdiction.

[Some paragraphing revised for readability; bracketed language added]]

WASHINGTON STATE COURT OF APPEALS

CONVICTION UNDER RCW 9.94.010 FOR PRISON RIOT IS UPHeld AS COURT REJECTS DEFENDANT'S (A) VOID-FOR-VAGUENESS CHALLENGE TO THE STATUTE, AND (B) SUFFICIENCY-OF-THE-EVIDENCE CHALLENGE

In State v. Quijas, ___ Wn. App. 2d ___, 2025 WL ___ (Div. I, September 8, 2025), Division One of the Court of Appeals affirms the convictions after jury trials of the defendant on (A) two counts of prison riot under RCW 9.94.010, and (B) two counts of assault in the fourth degree.

The Quijas Opinion notes that the following facts are undisputed on appeal:

The two fights underlying this appeal occurred in November and December 2022 at the Skagit County Jail. Both fights occurred in a common area between two antagonistic groups of inmates. Quijas participated in both fights and assaulted other inmates. Correctional officers commanded the inmates, including Quijas, to stop fighting and physically broke up the fights after approximately one minute. Joseph Nelson and Robert Pierce were the main targets of the first and second fights respectively and received medical treatment afterwards.

RCW 9.94.010, the prison riot statute, provides as follows:

(1) Whenever two or more inmates of a correctional institution assemble for any purpose, and act in such a manner as to disturb the good order of the institution and contrary to the commands of the officers of the institution, by the use of force or violence, or the threat thereof, and whether acting in concert or not, they shall be guilty of prison riot.

(2) Every inmate of a correctional institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding, or abetting the same, is guilty of a class B felony and shall be punished by imprisonment in a state correctional institution for not less than one year nor more than ten years, which shall be in addition to the sentence being served.

Defendant did not challenge the fourth degree assault convictions on appeal, but he has appealed the prison riot convictions on two grounds. He argues (1) that the prison riot statute is unconstitutionally vague and overbroad, and (2) that there is insufficient evidence in the trial court record to support his prison riot convictions. The Opinion is “published” on the first issue (the constitutional issue) and “unpublished” on the second issue (the sufficiency-of-the-evidence issue). The Legal Update will not excerpt or summarize the Opinion’s legal analysis on either issue.

Result: Affirmance of Skagit County Superior Court conviction of Cristian Alexander Quijas for two counts of prison riot and two counts of fourth degree assault; remand of the case for a hearing on the amount of restitution owed by defendant.

BRIEF NOTES REGARDING SEPTEMBER 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 five entries below address the September 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 effort, 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. Chixu Huang: On September 16, 2025, Division Two of the COA reverses the Lewis County Superior Court conviction of defendant for *one count of manufacturing a controlled substance (cannabis)*.

The Court of Appeals agrees with defendant (and with the prosecutor’s concession in the case) that **the search warrant that produced the evidence against him was not supported by**

probable cause. The rationale for the conclusions that the affidavit for the search warrant did not establish probable cause is that the officer-affiant did not eliminate all the possible legal reasons for growing cannabis.

Here is a link to the Opinion in State v. Chixu Huang:

<https://www.courts.wa.gov/opinions/pdf/D2%2059515-0-II%20Unpublished%20Opinion.pdf>

2. State v. Collie Edward Babbs, Jr.: On September 16, 2025, Division Two of the COA affirms the Pierce County Superior Court conviction of defendant for *one count of second degree unlawful possession of a firearm*. Among other things, the Court of Appeals rules – as have many appellate courts in Washington and other jurisdictions in recent decisions – that Babbs’s conviction for unlawful possession of a firearm based on a nonviolent felony does not violate the Second Amendment; that is because **the Second Amendment does not protect convicted felons, regardless of whether one might characterize the underlying crimes of disqualifying conviction as “non-violent.”**

Here is a link to the Opinion in State v. Babbs:

<https://www.courts.wa.gov/opinions/index.cfm?fa=opinions.showOpinion&filename=597306MAJ>

3. State v. Donald Salavea: On September 16, 2025, Division Two of the COA affirms the defendant’s convictions for *second degree manslaughter, first degree robbery with a firearm enhancement, and first degree unlawful possession of a firearm (UPOF)*. In lengthy legal analysis, the Court of Appeals – as have many appellate courts in Washington and other jurisdictions in recent decisions – rejects defendant’s Second Amendment challenge to the UPOF statute.

In even lengthier, highly-fact-intensive legal analysis, most of which we have not included in this September 2025 Legal Update entry, the Court of Appeals rules against defendant’s arguments that the trial court failed to adhere to Miranda requirements when the trial court rejected defendant’s Miranda-based challenges to admissibility of law enforcement officer testimony about a video-recorded interrogation by police. The Court of Appeals thus concludes on the Miranda issue:

We conclude that Salavea waived his Miranda rights, that he did not unequivocally invoke his right to remain silent when the detectives read Miranda warnings, that it was reasonable for the detectives to interpret Salavea’s statements as an expression of him understanding he had a right to remain silent that he was not exercising, that Salavea voluntarily answered questions, and that Salavea unequivocally invoked his rights only toward the end of the video when he raised his hand in a stop gesture and asked to stop. Therefore, the trial court’s CrR 3.5 findings of fact are supported by substantial evidence, and its conclusions of law are properly derived from the findings of fact. Thus, we hold that the trial court did not err by admitting the video recording of Salavea’s interrogation at trial.

The Court of Appeals also rejects the defendant’s argument that the trial court violated his rights under article I, section 9 to the Washington Constitution. Defendant argued that the Court of Appeals should hold that the Washington constitution is more protective than the Fifth Amendment. **The Court of Appeals explains that the Washington Supreme Court has previously clearly ruled that article I, section 9 to the Washington constitution and Fifth Amendment protections are the same and that the two are coextensive. On this point, the Court of Appeals cites the following Washington Supreme Court decisions: State v.**

Unga, 165 Wn.2d 95 (2008); State v. Russell, 125 Wn.2d 24 (1994); and State v. Earls, 116 Wn.2d 364 (1991)

Here is a link to the Opinion in State v. Salavea:

<https://www.courts.wa.gov/opinions/pdf/D2%2058847-1-II%20Unpublished%20Opinion.pdf>

4. State v. I.O.: On September 29, 2025, Division One of the COA affirms the adjudication of defendant by the Lewis County Superior Court for (A) *knowingly possessing cannabis in violation of the Uniform Controlled Substances Act*. The I.O. Opinion includes legal analysis explaining that defendant cannot establish on the record in this case that a warrantless search of his car violated the Washington constitution or federal constitution.

The I.O. describes as follows the facts and procedural background of the case relevant to the search issues:

On February 14, 2024, I.O. drove his car to the Centralia High School parking lot. [The school security coordinator] saw I.O. exit the car, hold an item up to his mouth as if he was “smoking something,” and then put that item into what “looked to be the little pocket console on the door” of the vehicle. School staff contacted I.O.’s mother, and [the security coordinator] detained I.O. until she arrived. Together, [the security coordinator] and I.O.’s mother searched the vehicle and discovered a jar containing a “green, leafy substance,” which was later determined to be cannabis. I.O. was charged with knowingly possessing cannabis in violation of RCW 69.50.4103(1), (2), and (6). Following a bench trial, I.O. was adjudicated guilty of the charged offense. This timely appeal followed.

The I.O. Opinion by the Court of Appeals includes the following analysis of the search issues under the Washington and federal constitutions:

One of [the constitutional exceptions to the search warrant requirement is the] “school search exception,” which allows school authorities to conduct a search of a student without probable cause if the search is reasonable under all the circumstances. . . . “A search is reasonable if it is: (1) justified at its inception; and (2) reasonably related in scope to the circumstances that justified the interference in the first place.” . . . “Under ordinary circumstances, a search of a student by a teacher or other school official will be ‘justified at its inception’ when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.” [New Jersey v. T.L.O., 469 U.S. 325, 341 (1985)] And, a search will be permitted in scope “when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.” [New Jersey v. T.L.O., 469 U.S. at 342].

As [the security coordinator] testified at trial, he saw I.O. exit his car, hold something up to his mouth as if he was “smoking something,” and then put that item into what “looked to be the little pocket console on the door” of the vehicle. Critical to [the legal analysis, and wholly ignored by I.O. in his appellate brief, RCW 28A.210.310(1) provides:

To protect children in the public schools of this state from exposure to the addictive substance of nicotine, each school district board of directors shall have a written policy mandating a prohibition on the use of all tobacco products on public school property.

The Centralia School District has such a policy, which provides:

Any use of such products and delivery devices by staff, students, visitors and community members shall be prohibited on all school district property, including all district buildings, grounds and district-owned vehicles, and within five hundred feet of schools. Possession by or distribution of tobacco products to minors is prohibited.

Centralia School Board Policy 4215. **Thus, when [the security coordinator] saw I.O. appear to smoke something and then put that item in his car, [the security coordinator] had reasonable grounds to suspect that a search of the car would turn up evidence that I.O. had violated or was violating both Washington law and the rules of the school. Because I.O. has not demonstrated manifest constitutional error with respect to the search of his vehicle, he has waived appellate review of this claimed error.**

Here is a link to the Opinion in State v. I.O.:
<https://www.courts.wa.gov/opinions/pdf/869949.pdf>

5. In the Matter of the Domestic Violence Protection Order for Ilana S. Hernandez: On September 30, 2025, Division Three of the COA reverses in part the Benton County Superior Court decision in a civil DVPA order case. In the introduction to the unpublished Court of Appeals Opinion, the Opinion summarizes as follows the procedural background and the Court of Appeals ruling:

After a full hearing, a superior court commissioner issued a domestic violence protection order for Ilana Hernandez and her three minor children, restraining Michael Hernandez and prohibiting him from possessing firearms and dangerous weapons. The commissioner, however, declined to order the surrender of weapons, referencing State v. Flannery, 24 Wn. App. 2d 466, 520 P.3d 517 (2022), and expressing concerns that such an order would constitute an unlawful search in violation of the Fourth Amendment to the United States Constitution.

Ilana appeals from the commissioner's decision, contending that it was error to not order Michael to surrender firearms and weapons. She requests this court reverse that decision, reject the legal reasoning found in Flannery, and remand with instructions to issue an order for the immediate surrender of firearms and dangerous weapons. Michael has not participated in this appeal.

We agree that the commissioner erred by not ordering Michael to surrender firearms and other dangerous weapons, reverse the orders prohibiting but not requiring the surrender of weapons, and remand for further proceedings consistent with this opinion.

[Footnote omitted]

The Court of Appeals relies on the reasoning in the Division One Court of Appeals decision in In re Domestic Violence Protection Order for Montesi, ___ Wn. App. 2d ___, 572 P.3d 459 (2025) in which Division One rejected arguments that challenged the constitutionality of civil orders issued under RCW 9.41.800 to surrender weapons. The

Hernandez Opinion includes analysis of the Fourth Amendment and article I, section 7 issues in relation to orders to surrender weapons pursuant to RCW 9.41.800.

Here is a link to the Opinion in the DV Protection Order case brought by Ilana S. Hernandez:
https://www.courts.wa.gov/opinions/pdf/407497_unp.pdf

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 Assistant 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>.

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>].