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Scott G. Weber, Clerk, Clark Co.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff, v. STEPHANIE SALYERS, Defendant.	)	No. 16-1-00452-1 ORDER RE: CrR 7.8

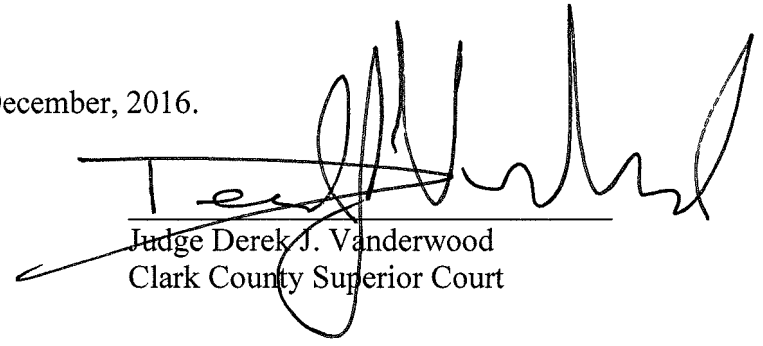
THIS MATTER having come before the Court for initial consideration on the Defendant's motion, pursuant to Criminal Rule 7.8, and the Court being otherwise fully advised in the premises,

The Court hereby orders, adjudges and decrees as follows:

Having determined that the motion is not barred by RCW 10.73.090 (motion was filed within one year of date judgment and sentence became final or judgment and sentence is invalid on its face), but having determined that the Defendant has not made a substantial showing that she is entitled to relief or that an evidentiary hearing will be necessary to resolve the motion on the merits, hereby transfers this

matter to the Court of Appeals for its consideration as a personal restraint petition.

DATED this 22nd day of December, 2016.



Judge Derek J. Vanderwood
Clark County Superior Court

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Scott G. Weber, Clerk
Clark County

CLARK COUNTY SUPERIOR COURT
IN AND FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON, PLAINTIFF, vs. STEPHANIE SALYERS, DEFENDANT.	No. 16-1-00452-1 **MOTION TO VACATE THE NO CONTACT ORDER**

MOTION

COMES NOW, Stephanie SALYERS, by and through the Angus Lee Law Firm and moves this court to vacate and/or modify the no contact order in place in this case. This motion is based on the court record, and the motion to withdraw her Alford plea that is being filed on the same day as this motion.

DATED: MONDAY, DECEMBER 5, 2016

Angus

Angus Lee, WSBA#36473

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268

ANGUS LEE

CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on Monday, December 5, 2016, the foregoing was delivered to the following person(s) in manner indicated:

Jeff McCarty CLARK COUNTY PROSECUTOR'S OFFICE 601 W Evergreen Blvd Vancouver, WA 98660 FAX: (360) 397-6019	☐ U.S. Mail ☐ Facsimile ☐ Hand Delivery ☐ Overnight Courier ☑ Email

Angus

Angus Lee

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE

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CLARK COUNTY

CLARK COUNTY SUPERIOR COURT
IN AND FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON, PLAINTIFF, vs. STEPHANIE SALYERS, DEFENDANT.	No. 16-1-00452-1 **MOTION FOR RELIEF OF JUDGMENT, MOTION TO DISMISS**

MOTION AND INTRODUCTION

COMES NOW, Stephanie SALYERS, by and through the Angus Lee Law Firm and moves this court for relief of judgment and an order withdrawing her guilty plea and dismissing this case based on newly discovered evidence establishing that (1) Mrs. Salyers is actually innocent, (2) there is insufficient evidence to support her guilty plea as a matter of law, (3) Officer Sandra Aldridge withheld evidence and lied in violation of *Brady v. Maryland and* CrR 8.3, (4) Mrs. Salyers had ineffective assistance of counsel, (5) there is no sworn report (and therefore no factual basis) in the record to support holding Mrs. Salyers in custody, or her plea under *Newton* plea, (6) Mrs. Salyers was

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268

ANGUS LEE LAW FIRM, PLLC

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affirmatively misadvised prior to her plea of the collateral consequence that the plea would result in a five year no contact order with her three children, and (7) the entire case against Mrs. Salyers stems from an unlawful entry into the Salyers/Petrenko home and the false arrest of Mrs. Salyers husband, Mr. Petrenko, designed for the purpose of taking the Salyers/Petrenko children into State Custody.

Mrs. Salyers entered her *Newton/Alford* plea, having only received 16 pages of discovery. The vast majority of facts outlined below are "newly discovered evidence" and were derived from discovery provided after her plea, public records, dispatch recordings, and other court files.

Mrs. Salyers was prosecuted under her maiden name of Salyers. Her married name is Stephanie Petrenko.

FACTS

On February 16, 2016, Mrs. Salyers and Mr. Petrenko were at home with their young sons. Unbeknownst to either Mrs. Salyers or Mr. Petrenko, Mrs. Salyers estranged sister, with whom she had not spoken for three years, made a disingenuous 911 call claiming falsely that Mr. Petrenko had broken Mrs. Salyers' tailbone and fingers, and given her a black eye. Officers from the Vancouver Police Department (VPD) and the Department of Corrections (DOC) unlawfully entered the home of Ilya and Stephanie Petrenko. They did so after having already confirmed that the

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE

allegations made by an out-of-state caller were not true. Appendix Q (Vancouver Police Department Records regarding the 2/16/16 unlawful arrest).

Specifically, the out-of-state 911 caller had alleged that Ilya Petrenko had assaulted Stephanie Petrenko that morning by breaking her fingers, kicking her, and choking her. When the out-of-state caller, who confirmed that she had not actually spoken to Mrs. Salyers, was asked to "tell [dispatch] exactly what happened" she replied: "I don't know exactly what happened." Appendix Z.

The following exchange occurred minutes later in the call:

Erica:	I haven't talked to her. This is just all that I've heard from her in like probably a year.
911:	You haven't heard from her in a year?
Erica:	No. My mom and dad talked to her but I haven't really spoke with her in a year.
911:	She called you today?
Erica:	She called my mom.

When officers arrived on scene, they observed Stephanie Petrenko standing alone outside of the front of the home displaying no signs of having been injured. Appendix Q. Mrs. Salyers advised the officers that she did not wish to speak with them and went inside her home. Id. Officers asked to see Mrs. Salyers hands. She showed them her hands, at which time multiple officers confirmed that there were no injuries

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE

to her hands and further confirmed no other injuries. Id. Mrs. Salyers was wearing a V-neck shirt making her neck and upper chest clearly visible.[1]

Mrs. Salyers made clear to the officers she had not been assaulted in any way. Id. Officers also interviewed Mr. and Mrs. Salyers' duplex neighbors, who reported that they did not observe any signs of an assault and had not so much as heard even a verbal argument between Mr. and Mrs. Salyers that morning. Id.

Officers then requested consent to enter the home of Mr. and Mrs. Salyers. Mr. and Mrs. Salyers made clear that they did not consent and demanded to see a warrant before officers would be allowed to enter. Id. While seeking consent to enter Mr. and Mrs. Salyers' home, officers twice stated to Mr. and Mrs. Salyers: "we don't have a warrant." Four additional times officers stated to Mr. and Mrs. Salyers "we don't need a warrant." Appendix Y (Transcript of video of unlawful entry on 2/16/16).

Numerous officers from VPD and one from DOC, led by Andy Hamlin and Sandra Aldridge, forced entry into the home of Mr. and Mrs. Salyers through a window and through the front door. Appendix Q. When officers made entry, Mr. Petrenko was forced to the ground, and despite having neither cursed at officers nor acted aggressively in any way, Andy Hamlin advised another officer: "If he moves toward me, tase him." Appendix Y.

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[1] Video of entry: will be admitted at an evidentiary hearing if necessary.

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE LAW FIRM, PLLC

Mrs. Salyers, at the time VPD forced entry was in pajamas and was holding her infant son in her arms.[2] Officers from VPD and the DOC grabbed her forcibly. VPD Officer Holly Musser, placed Mrs. Salyers in a carotid artery choke hold and choked Mrs. Salyers unconscious. Appendix Q. Sandra Aldridge at this time forcibly pulled apart Mrs. Salyers' fingers, causing injury to her fingers. Appendix Q. Aldridge then pulled Mrs. Salyers' child from her arms and handed the child to Tannis Smith of DOC.

In retaliation for Mr. Petrenko and Mrs. Salyers refusing to give consent to enter the home, and for Mr. Petrenko video recording the officers, Sandra Aldridge and Andy Hamlin illegally arrested Mr. Petrenko and booked him into the Clark County jail on false allegations of domestic violence. Appendix Q.

When Mr. Petrenko was booked into jail, Sandra Aldridge filed a probable cause affidavit with the jail and court wherein she wrote:

> When I viewed Stephanie, I observed an injury to her right hand, specifically on her fingers and between her ring and middle finger... Officers also noticed red marks on Stephanie's neck, on both sides and on the front of her neck, which, from my training and experience, I know to be consistent with being strangled.

Appendix O.

Sandra Aldridge intentionally and entirely omitted from her probable cause affidavit that she, Sandra Aldridge, had ripped Mrs. Salyers' fingers apart after she

[2] Id.

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE LAW FIRM, PLLC

illegally entered the home. Aldridge omitted causing the injury to Mrs. Salyers fingers. She omitted the fact that multiple other officers on scene examined Mrs. Salyers' fingers and hands prior to the unlawful entry and confirmed that there were no injuries. Aldridge omitted from her report that neighbors heard no sounds of violence or argument. Finally, she omitted from her report that she had held Mrs. Salyers' arms while VPD Office Holly Messer strangled Mrs. Salyers unconscious. Id.

As a result of the false arrest, Mr. Petrenko was booked into jail for a period of time and was subjected to a court imposed no-contact order with his wife. Mr. Petrenko demanded a speedy trial. In the face of this demand, the prosecution outright dismissed the charges against him on March 7, 2016. Appendix P.

After having taken steps on February 16, 2016, to place Mr. Petrenko in jail, officers Sandra Aldridge and/or Andy Hamlin sought favors from individuals at the Clark County Jail so that Mrs. Salyers could be booked into jail and her children taken into State custody. Appendix AA, page 12 (Dispatch Transcript for 2/16/16).

Specifically, Sandra Aldridge learned that Mrs. Salyers had a none-extraditable misdemeanor warrant for driving without a license in another county. Id. VPD officers had already been advised that day that the Clark County Jail was at booking restriction "level C" which did not allow for individuals such as Mrs. Salyers to be arrested and booked into jail based on minor warrants. Id.; Appendix R, S, T, U.

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE LAW FIRM, PLLC

Despite this restriction, VPD officers sought and obtained a favor at the jail so that Mrs. Salyers could be booked into jail and her children taken. Appendix AA, page 12.

Once Mrs. Salyers had been booked into jail on the favor, and once Mr. Petrenko had been booked on the false domestic violence allegation, Sandra Aldridge signed the Petrenko children into State custody. Appendix Q.

On Friday, February 19, 2016, a shelter care hearing was held in the Clark County Superior Court. The State of Washington was represented at that hearing by Sarra Yamin, Assistant Attorney General. Appendix C.

At the hearing, through testimony from Kimberly Adams, the State sought to remove Mr. and Mrs. Salyers' rights to their children. Appendix BB. Kimberly Adams testified:

> All the boys were cleaned, dressed appropriately for the weather. They appeared very calm. They were playing well together... None of the children appeared to have any injuries. None of the children appeared to be unhealthy, just by sight. They seemed very happy and bonded together. They seemed very comfortable with both relatives who they also saw.

Appendix BB, Page 80.

Kimberly Adams also testified to hearsay statements made by Sandra Aldridge that included the provably false allegation that Mrs. Salyers had kicked officers who

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE

had entered her home. Appendix BB, Page 69. The video of the arrest shows this to be untrue.

Based on this host of false information and the absence of the exculpatory information, the court stated at the hearing that it would, **on the following Tuesday**, enter an order placing the Petrenko children in the custody of the State. Appendix BB. Specifically, the Court said:

> Okay, what I'd like to do is enter these orders with the findings on Tuesday afternoon, this Tuesday. Let's make it at 2:30 because we have a very long docket and that way you won't have to be sitting around. If you would be back here Tuesday at 2:30 I would appreciate it, and then we can enter the order.
>
> ...
>
> Okay. All right. Based on that, court will be adjourned.

Appendix BB.

After the court adjourned, Mr. Petrenko and Mrs. Salyers exited the courtroom without an order having been entered or presented to them that precluded them from having access or custody of their children. [3] However, in a bizarre turn of events, Assistant Attorney General Yamin presented an order to the court immediately revoking the parental rights of Mr. Petrenko and Mrs. Salyers. Id., at 139. Incomprehensibly, despite having adjourned the hearing, and Mr. and Mrs. Salyers

[3] Video of the hearing is available to be submitted at an evidentiary hearing.

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
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having left the courtroom after having specifically been told no order would be entered that day, the order was signed. Id. The order was not provided to Mr. and Mrs. Salyers, nor were they given notice it was signed. Id.

Having no notice that an order had been entered against her, Mrs. Salyers went to see her children that weekend and spend time with them. When Sandra Aldridge discovered that Mrs. Salyers had her children, Aldridge took steps to have Mrs. Salyers arrested again and charged with kidnapping her own children. Appendix CC (Transcript of Recording of Sandra Aldridge on 2/21/16). While speaking with a dispatcher, Sandra Aldridge expressed contempt for Mrs. Salyers calling her a "constitutionalist." Id.

Aldridge's work to keep Mrs. Salyers from her children did not end there. In order to establish the appearance of evidence of the necessary "knowing" element of the crime of kidnapping, Sandra Aldridge then falsely claimed to Deputy Christian that she had been present at the shelter care hearing when the court commissioner had awarded the children to the State. Appendix B. Aldridge also falsely claimed to have witnessed Mrs. Salyers receive paperwork explaining the State's custody, including a shelter care order. Id. Deputy Christian wrote in his report:

> I called county records but they could not locate any documents of this court order awarding the state custody. I called and spoke to VPD officer Sandy Aldridge who was familiar with this case. **She told me she was**

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE

> **present at this hearing when the court commissioner awarded the children to the state and that the mother was given paperwork explaining this**.

Id., (emphasis added). Deputy Todd Barsness wrote in his report:

> I contacted Detective Sandy Aldridge with the Vancouver Police Department. Sandy was able to provide me with some background information on the case **because she had been at the CPS hearing on Friday the 19th** and had worked on the case with the CPS case officer.

Id. Deputy Christian then arrested Mrs. Salyers for having her own children. Id. Immediately upon her arrest, Mrs. Salyers told the officer that she had not received notice of the order and had never received a written order. The officer, however, relied on the false information provided by Aldridge and booked Mrs. Salyers into jail a second time. Id.

The Deputy's probable cause statement filed with the jail was not signed under the penalty of perjury. Appendix B, Page 14-15. Mrs. Salyers was nevertheless booked into jail and subjected to a strip search. Appendix H.

Mrs. Salyers was charged with three felonies. The court found probable cause, by relying exclusively on an unsworn statement and set bail at $50,000. Mrs. Salyers was held in the Clark County Jail for 30 days.

In the 30 days of being in custody, Mrs. Salyers received a mere six minutes of legal counsel. On March 15, 2016, the State made a plea offer. Appendix M. That

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE

same day, her court appointed defender met with her for the first and last time at the jail. Appendix K (Professional Visitor Contact for A Specified Inmate, 2/21/16 through 3/21/16). The meeting between Mrs. Salyers and her attorney lasted for a mere six (6) minutes and was conducted on phones while separated by a window. Id. The attorney advised her to accept the offer as it 'was the quickest way to see her children.' Appendix DD (Declaration of Stephanie Petrenko).

Prior to entering an *"Alford/Newton"* plea, her court appointed defender advised her to accept the offer as it 'was the quickest way to see her children.' Appendix DD. While sitting in the holding room of G-1, a plea offer was signed by Mrs. Salyers after it was summarized by her assigned counsel. Id. The plea offer was not read to Mrs. Salyers and she was not given an opportunity to read it by herself. Id. She was not given a copy to take with her. Id. The verbal summary of the plea deal provided by assigned counsel did not give Mrs. Salyers notice that she would lose her children. Id. Prior to entering the plea, Mrs. Salyers was not advised by her public defender or the court that she would be subject to a no contact order with her children. Id.

On March 17, 2016, an Omnibus hearing had been scheduled, but the court was notified that a plea offer had been accepted and the matter was continued one day for entry of an *"Alford/Newton"* plea. Section 6(i) of Mrs. Salyers' Statement on Plea of Guilty states that the prosecuting attorney will recommend "30 days, credit for time

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE

served, balance may be served on work crew, standard fees, fines, and conditions." Appendix D. There was no mention in the statement on plea that a no contact order with her children would be part of the prosecutor's recommendation. Id. No portion of the Statement of Plea on Guilty advised Mrs. Salyers that, as part of the plea, she could be subject to a no contact order prohibiting her from having contact with her children. Id.

When the court inquired as to the terms of the plea agreement prior to accepting her plea, the possibility of a no-contact order was not discussed in any form. Appendix EE (transcript of hearing on 3/18/16). Instead, the five (5) year no-contact order barring Mrs. Salyers from seeing all three of her children was entered only after the court had accepted Mrs. Salyers' plea and sentenced her. Id.

Had Mrs. Salyers known about the no contact order she would not have entered the *Alford/Newton* plea. Appendix DD.

At the time Mrs. Salyers entered her plea, only 16 pages of the 43 pages of total discovery had been received by her assigned counsel. Appendix B & C. The shelter care order, which Mrs. Salyers had been accused of violating, was not provided in those initial 16 pages. The remaining pages 17-43 of discovery were provided after sentencing and show plainly that the shelter care order had not been signed by Mrs. Salyers prior to her arrest for the alleged knowing violation of the order. Appendix C.

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
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As outlined above, the "knowing" element of Mrs. Salyers' violation was furnished solely by Sandra Aldridge's false statements.

In addition to the newly discovered evidence outlined above, Mrs. Salyers has obtained newly discovered evidence showing that Sandra Aldridge has a practice of retaliating against citizens by taking their children away from them. Appendix W (email from Sandra Aldridge). A recently obtained email from Sandra Aldridge outlines her retaliatory practice which includes hiding evidence by disabling the Mobile Data Center in her vehicle while she is taking improper action. She closes the email by writing about how using "a shovel" to dig a hole can solve the problems she has with certain people. Appendix W (Email from Sandra Aldridge).

Newly discovered evidence shows there is a local history of some officers signing children into protective custody, even when there is insufficient probable cause for doing so. Appendix V (Email, Barbara Kipp). In turn, CPS social workers have exploited the willingness of some local officers to place children into protective custody without probable cause by approaching those officers willing to sign their pink sheet (placing the the child into custody), even where the Children's Justice Center ("CJC") has determined no probable cause for doing so exists. Id. This practice is known as 'pink sheet shopping.' Id.

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE LAW FIRM, PLLC

In March of 2014, the CJC issued an email instruction to VPD officers requesting its assistance in ending 'pink sheet shopping.' Id. Nevertheless, shortly after the CJC's instruction to VPD, Aldridge expressed disdain for those other officers who were not quickly placing children into protective custody and therefore not "solving the problem" themselves. Appendix W (Email Sandra Aldrich March 29, 2014). In that same email (entitled "Child custody pissitivity"), Aldridge outlined her alternative method of solving the problem herself: (1) "turn of the [mobile data recorder]," (2) "get kid," and (3) "figure out which order you 'get' the other people who made this mess." Id.

This motion was timely filed on Monday, December 5, 2016.

ARGUMENT

Under CrR 7.8(b), a defendant is entitled relief of judgment where there is newly discovered evidence, fraud, misrepresentation, misconduct of an adverse party, or any other reason justifying relief from the operation of the judgment.

CrR 8.3(b) likewise authorizes a trial court to dismiss any criminal prosecution "on its own motion in the furtherance of justice". Here, Mrs. Salyers is entitled to relief under CrR 7.8(b) and CrR 8.3 based on newly discovered evidence proving Mrs. Salyers is actually innocent of custodial interference, the lack of sufficient evidence as a matter of law, the police misconduct withholding evidence and lying in violation of *Brady v.*

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE LAW FIRM, PLLC

Maryland and CrR 8.3, ineffective assistance of counsel, no sworn report (and therefore no factual basis) having been presented in the record to support holding Mrs. Salyers in custody or her plea under *Newton* plea, Mrs. Salyers was not advised prior to her plea of the collateral consequence that the plea would result in a five year no contact order with her three children, and the entire case stems from an unlawful entry into the Slayers/Petrenko home, and false arrest of Mr. Petrenko manufactured by Sandra Aldridge for the purpose of taking the Salyers/Petrenko children into State custody.

1. MRS. SALYERS IS ENTITLTED TO RELIEF OF JUDGEMENT UNDER RULE 7.8(B) BECAUSE NEWLY DISCOVERED EVIDENCE SHOWS SHE IS INNOCENT OF CUSTODIAL INTERFERENCE.

A motion based on newly discovered evidence "shall be made within a reasonable time and ... not more than 1 year after the judgment, order, or proceeding was entered or taken." CrR 7.8(b)(5). For purposes of subdivision (b), a "reasonable" time is within one year. *State v. Clark*, 75 Wn. App. 827, 880 P.2d 562 (1994). As such, this motion is timely filed.[4] When analyzing whether relief should be granted based upon newly discovered evidence, *State v. Macon*, 128 Wn.2d 784, 911 P.2d 1004 (1996) provides a framework for the analysis. Accordingly, the court should consider five questions: (1)

[4] Denial of a defendant's motion to withdraw an Alford plea has been held to be inappropriate because the general one-year time limit did not bar a motion to vacate a guilty plea, based on new evidence where the defendant acted with reasonable diligence in discovering the evidence and could not reasonable have discovered at an earlier time. *State v. Scott*, 150 Wn. App. 281, 207 P.3d 495 (2009).

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Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE

will the new evidence probably change the result; (2) was it discovered after conviction; (3) could it have been discovered before conviction by the exercise of due diligence; (4) is it material; and (5) is it merely cumulative or impeaching. The record in Mrs. Salyers' case satisfies all five points of the *Macon* test.

a. NEWLY DISCOVERED EVIDENCE PROVING THAT MRS. SALYERS DID NOT HAVE NOTICE OF THE SHELTER CARE ORDER WILL CHANGE THE RESULT OF THE TRIAL BECAUSE NOTICE OF THE ORDER IS REQUIRED TO PROVE INTENT, A NECESSARY ELEMENT OF THE OFFENSE CHARGED.

Actual knowledge of the existence of a custody order is inherent in the "intent" element of custodial interference. A person cannot "intentionally" commit first degree custodial interference without being on notice of the underlying custodial order. *State v. Boss*, 167 Wn.2d 710, 223 P.3d 506 (2009).

In a Custodial Interference case, the State must establish (1) a custody order existed, **and** (2) the defendant was **aware** of the existence of the order to intentionally have violated it. *Id.*

> Knowledge of the existence of a custody order is inherent in the intentional element of the offense. A person cannot 'intentionally' commit first degree custodial interference without being on notice of the underlying order. The State must establish a custody order existed **and the defendant intentionally violated the order. The State must establish a defendant is aware of the existence of the order** to prove the defendant intentionally violated it.

State v. Boss, 167 Wash. 2d 710, 719-20, 223 P.3d 506, 511-12 (2009) (emphasis

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE

added).

An order must be codified in writing before it has binding or final effect and power of law.

> We have previously stated that a trial court's oral statements are 'no more than a verbal expression of [its] informal opinion at that time . . . necessarily subject to further study and consideration, and may be altered, modified, or completely abandoned.' *Ferree v. Doric Co.*, 62 Wn.2d 561, 567, 383 P.2d 900 (1963). **Even a trial court's oral decision has no binding or final effect unless it is formally incorporated into findings of fact, conclusions of law, and judgment**. *Ferree v. Doric Co.*, supra at 567; *Clifford v. State*, 20 Wn.2d 527, 148 P.2d 302 (1944); *Seidler v. Hansen*, 14 Wn. App. 915, 547 P.2d 917 (1976). The written decision of a trial court is considered the court's "ultimate understanding" of the issue presented. *Diel v. Beekman*, 7 Wn. App. 139, 499 P.2d 37 (1972). *See also Thompson v. Thompson*, 9 Wn. App. 930, 934, 515 P.2d 1004 (1973)."

State v. Dailey, 93 Wash. 2d 454, 458-59, 610 P.2d 357, 360 (1980) (emphasis added).

The shelter care order in this case was not put into writing until after Mrs. Salyers had been excused from the courtroom after being explicitly advised by the court that no order would be entered on that day. This newly discovered proof is undisputable. It is likewise undisputable, that Mrs. Salyers could not have possibly knowingly violated an order entered ex parte. She is simply innocent of the alleged crime. The newly discovered courtroom video clearly shows that no order was in effect when Mrs. Salyers walked out of the courtroom. The oral expression from the court that an order *would* be entered at a future hearing was not an order itself, nor was it sufficient notice of a

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
ANGUS LEE

more immediate custody order such that Mrs. Salyers could be said to have the knowledge required to establish intent to knowingly violate an order precluding her from having custody of her children that weekend.

The newly discovered evidence also directly refutes the false statements of Sandra Aldridge to the two deputies, that she was in court and observed Mrs. Salyers receive a written order. Simply put, Stephanie Salyers is completely innocent and was only arrested based on the false information provided from Sandra Aldridge to the arresting deputies.

b. THE COURTROOM VIDEO AND THE UNSIGNED EX PARTE ORDER WERE DISCOVERED POST-CONVICTION.

All but 16 pages of discovery was discovered post-conviction. The courtroom video showing that the order against Mrs. Salyers had been entered ex parte was discovered only by Mrs. Salyers' own diligent efforts after her release from incarceration and sentencing. Likewise, the plethora of additional discovery, including evidence that the order allegedly violated by Mrs. Salyers had, in fact, never been signed by Mrs. Salyers, was provided only after sentencing. Therefore, the new evidence showing her innocence was undeniably discovered post-conviction.

c. THIS NEW EVIDENCE COULD NOT HAVE BEEN DISCOVERED IN TIME BY THE EXERCISE OF DUE DILIGENCE BECAUSE MRS. SALYERS WAS INCARCERATED, AND THE EVIDENCE WAS IN CONTROL OF THE STATE.

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Phone: 360-635-6464
Fax: 888-509-8268
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The new evidence could not reasonably have been discovered by Mrs. Salyers prior to her guilty plea because she was in jail and the prosecution had not disclosed all of the information. Much of this evidence was only attainable by searching other court records and making public records requests. This could not have been done by Mr. Salyers in jail.

Such evidence would have been obtainable in jail only if Mrs. Salyers had chosen to remain in custody, hoping that someone else finds the unusual (and therefore unanticipated) evidence in the courtroom video. In other words, Mrs. Salyers faced a Hobson's choice: stay in jail longer on false allegations until someone else uncovered the truth, or plead to get out and find the evidence herself.

Incarcerated without genuine assistance of counsel (counsel met with her only six minutes), and advised that the quickest way to see her children was to accept the plea, Mrs. Salyers had no choice but to plea and discover the new evidence herself from the outside. The evidence was not discoverable with due diligence before entering her plea.

d. THE NEW EVIDENCE IS MATERIAL.

Evidence is material when it directly disproves a necessary element of the crime of Custodial Interference for which Mrs. Salyers entered a guilty plea. Thus, the newly discovered evidence is material.

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Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268
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Additionally, recantation may be generally considered "newly discovered evidence." *State v. Macon*, 128 Wn.2d 784, 911 P.2d 1004 (1996). *See also State v. Gassman*, 160 Wn. App. 600, 248 P.3d 155 (2011) (witness wanted to testify to appellant's innocence, and since this was evidence that appellant did not commit the crime, the evidence would probably have been material, for new trial purposes).

e. THE NEW EVIDENCE IS NOT MERELY CUMULATIVE OR IMPEACHING.

This new evidence is beyond "merely cumulative or impeaching" as it goes directly to the core of an essential element and establishes actual innocence. It is, however, worth noting that it does impeach the false statements made by Sandra Aldridge to the investigating officers in this case.

2. MRS. SALYERS SHOULD BE ALLOWED TO WITHDRAW HER GUILTY PLEA BECAUSE SHE RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL AND WAS AFFIRMATIVELY MISADVISED THAT HER PLEA WOULD NOT AFFECT HER RIGHT TO SEE HER CHILDREN.

Mrs. Salyers should be allowed to withdraw her guilty plea because (1) the defense of Mrs. Salyers fell below the standard for effective assistance of counsel as mandated by *State v. A.N.J.*, and (2) because Mrs. Salyers was affirmatively misadvised of the consequences to her ability to contact her children when she entered her guilty plea, and (3) because Mrs. Salyers was prejudiced by her ineffective assistance of counsel.

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Phone: 360-635-6464
Fax: 888-509-8268
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"Where an attorney unreasonably fails to research or apply relevant statutes without any tactical purpose, that attorney's performance is constitutionally deficient." *In re Pers. Restraint of Yung-Cheng Tsai*, 183 Wn.2d 91, 102 (2015). Likewise, "Washington courts have long recognized that where a defendant relies on his or her attorney's incorrect advice about the immigration consequences of pleading guilty, the defendant's plea may be rendered involuntary and withdrawn." *In re Pers. Restraint of Yung-Cheng Tsai*, 183 Wn.2d 91, 107 (2015). Counsel's faulty advice can render the defendant's guilty plea involuntary or unintelligent.

To establish the plea was involuntary or unintelligent because of counsel's inadequate advice, the defendant must satisfy the familiar two-part *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984), test for ineffective assistance claims–first, objectively unreasonable performance, and second, prejudice to the defendant.

a. MRS. SALYERS RECEIVED OBJECTIVELY INEFFECTIVE ASSISTANCE OF COUNSEL BECAUSE COUNSEL DID NOT SUBJECT THE PROSECUTION'S CASE TO MEANINGFUL ADVERSARIAL TESTING.

A criminal defendant has a right to the assistance of counsel at every critical stage of a criminal proceeding. U.S. Const. amend. VI; Wash Const. art. I, § 22; *State v. Robinson*, 153 Wn.2d 689, 694, 107 P.3d 90 (2005). "'[T]he right to counsel is the right to the effective assistance of counsel.'" *United States v. Cronic*, 466 U.S. 648, 654, 104

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Phone: 360-635-6464
Fax: 888-509-8268
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S. Ct. 2039, 80 L. Ed. 2d 657 (1984) (*quoting McMann v. Richardson*, 397 U.S. 759, 771 n.14, 90 S. Ct. 1441, 1449, 25 L. Ed. 2d 763 (1970)); *see also State v. Crawford*, 159 Wn.2d 86, 97, 147 P.3d 1288 (2006). "If no actual 'Assistance' 'for' the accused's 'defense' is provided, then the constitutional guarantee has been violated." *Cronic*, 466 U.S. at 654. The right to counsel requires that the defense be permitted to participate fully and fairly in the adversary fact finding process. *Herring v. New York*, 422 U.S. 853, 858, 95 S. Ct. 2550, 45 L. Ed. 2d 593 (1975); *State v. Perez-Cervantes*, 141 Wn.2d 468, 490, 6 P.3d 1160 (2000). "[I]f counsel entirely fails to subject the prosecution's case to meaningful adversarial testing, then there has been a denial of Sixth Amendment rights that makes the adversary process itself presumptively unreliable." *Cronic*, 466 U.S. at 659.

Our Supreme Court "ha[s] recognized the policies underlying CrR 4.7 and indicated what facts must be revealed for disclosure to be meaningful." *State v. Boyd*, 160 Wn.2d 424, 434 (2007).

> In order to provide adequate information for informed pleas, expedite trials, minimize surprise, afford opportunity for effective cross-examination, and meet the requirements of due process, *discovery prior to trial should be as full and free as possible* consistent with protections of persons, effective law enforcement, the adversary system, and national security.

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Phone: 360-635-6464
Fax: 888-509-8268
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State v. Yates, 111 Wn.2d 793, 797, 765 P.2d 291 (1988) (quoting Criminal Rules Task Force, Washington Proposed Rules of Criminal Procedure 77 (West Pub'g Co. ed. 1971)).

Courts have long recognized that effective assistance of counsel and access to evidence are crucial elements of due process and the right to a fair trial. *State v. Boyd*, 160 Wn.2d 424, 434 (2007). The Fifth Amendment to the United States Constitution requires that prosecutors make available evidence "favorable to an accused ... where the evidence is material either to guilt or to punishment." *Brady v. Maryland*, 373 U.S. 83, 87, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963). The Sixth Amendment right to effective assistance of counsel advances the Fifth Amendment's right to a fair trial. That right to effective assistance includes a "reasonable investigation" by defense counsel. *See Strickland v. Washington*, 466 U.S. 668, 684, 691, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); *In re Pers. Restraint of Brett*, 142 Wn.2d 868, 873, 16 P.3d 601 (2001). "Supporting the right to effective representation, CrR 4.7(h)(4) provides that notwithstanding protective orders, the evidence must be disclosed "'**in time to permit ... beneficial use**.'" *State v. Boyd*, 160 Wn.2d 424, 435 (2007)(emphasis added).

Here, assistance of counsel was ineffective in the investigative phase because counsel entirely failed to subject the prosecution's case to meaningful adversarial testing. Counsel did not obtain and review the shelter care order which Mrs. Salyers

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was alleged to have violated. Counsel did not, as was his obligation upon appointment, request that an investigator be appointed to Mrs. Salyers' case. Indeed, the undisclosed discovery in the possession of law enforcement would have shown improper motive by law enforcement officer Sandra Aldridge, as well as the fact that the shelter care order had not been signed. Counsel did not learn any material facts of the case from his client because his time with her was limited to six minutes. Nor was Mrs. Salyers, herself, able to evaluate the evidence against her prior to entering her plea because the discovery was being withheld by law enforcement, Mrs. Salyers was incarcerated without access to other records, and because of Mrs. Salyers had limited time to access her attorney.

Advisement to enter a plea that would result in no contact with her children, a felony conviction, and one month in jail is categorically ineffective assistance of counsel in light of counsel's total unfamiliarity with the facts and miniscule investigative effort prior to providing such advisement.

b. MRS. SALYERS RECEIVED OBJECTIVELY INEFFECTIVE ASSISTANCE OF COUNSEL BECAUSE COUNSEL AFFIRMATIVELY MISADVISED HER THAT HER PLEA WOULD NOT NEGATIVELY AFFECT HER ABILITY TO BE WITH HER CHILDREN.

"Effective assistance of counsel includes assisting the defendant in making an informed decision as to whether to plead guilty or to proceed to trial." *State v. A.N.J.*, 168 Wn.2d 91, 111, 225 P.3d 956 (2010) (*citing State v. S.M.*, 100 Wn. App. 401, 413,

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Fax: 888-509-8268
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996 P.2d 1111 (2000)). "[A] defendant's counsel cannot properly evaluate the merits of a plea offer without evaluating the State's evidence." *A.N.J.*, 168 Wn.2d at 109. "[A]t the very least, counsel must reasonably evaluate the evidence against the accused and the likelihood of a conviction if the case proceeds to trial so that the defendant can make a meaningful decision as to whether or not to plead guilty." *A.N.J.*, 168 Wn.2d at 111-12.

Failure to provide a defendant, who is a nursing mother, with notice that, as a collateral consequence of her plea, she will be prohibited from contact with all three of her young sons is likewise categorically ineffective assistance of counsel. Where advice minimizes the consequences that pleading with result in the defendant no longer being able to live with his or her family, that advice is ineffective. Indeed, affirmative misadvise in regards to such significant collateral consequences as access to one's children or family members has been prohibited by Washington courts in the context of defendants facing collateral immigration consequences from their pleas.

For example, in *State v. Sandoval*, 171 Wn.2d 163, 169 (2011), the court concluded that the performance of defense counsel during the plea process fell below an objective standard of reasonableness and thus was constitutionally incompetent because counsel's advice regarding the immigration consequences of defendant's plea impermissibly downplayed the risks of deportation. Our U.S. Supreme Court has

9105A NE HWY 99, STE 200
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Phone: 360-635-6464
Fax: 888-509-8268
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"long recognized that deportation is a particularly severe 'penalty.'" *Padilla*, 130 S. Ct. at 1481 (quoting *Fong Yue Ting v. United States*, 149 U.S. 698, 740, 13 S. Ct. 1016, 37 L. Ed. 905 (1893)). For criminal defendants, deportation no less than prison can mean "banishment or exile," *Delgadillo v. Carmichael*, 332 U.S. 388, 391, 68 S. Ct. 10, 92 L. Ed. 17 (1947), and as is the case here, "separation from their families," *Padilla*, 130 S. Ct. at 1484. Given the consequence of deportation, such as long term family separation, our Supreme Court held that "Sandoval would have been rational to take his chances at trial." *State v. Sandoval*, 171 Wn.2d 163, 176 (2011). "Therefore, Sandoval has proved that his counsel's unreasonable advice prejudiced him." *State v. Sandoval*, 171 Wn.2d 163, 174-176 (2011). Immigration consequences such as long term family separation are so severe that the standard statement on plea of guilty now includes notice regarding immigration consequences to ensure that a defendant has been properly advised by counsel regarding this collateral consequence.

The present case goes far beyond *Sandoval*. Here, counsel failed to advise Mrs. Salyers that the court had the authority to impose a no contact order and even advised Mrs. Salyers that pleading was the fastest way to get out of custody and the 'fastest way to get her with her children.' This advice was not just downplaying in effect; it was flatly wrong. Nor did the court itself provide any notice of the possible collateral effect as it does in the similarly grave deportation context. Tragically, Mrs. Salyers relied upon her

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Phone: 360-635-6464
Fax: 888-509-8268
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counsel's incorrect advice; and immediately after her plea was entered, the court entered a 5 year no contact order prohibiting from seeing her young children.

c. MRS. SALYERS WAS PREJUDICED BY HER INEFFECTIVE ASSISTANCE OF COUNSEL BECAUSE SHE WOULD NOT HAVE PLEADED GUILTY BUT FOR THE INEFFECTIVE ASSISTANCE.

Where assistance of counsel has been ineffective, a guilty plea may be withdrawn where the defendant was prejudiced. "In satisfying the prejudice prong, a defendant challenging a guilty plea must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." *State v. Sandoval, 171 Wn.2d 163, 174-175 (2011).* A "reasonable probability" exists if the defendant "convince[s] the court that a decision to reject the plea bargain would have been rational under the circumstances." *Padilla*, 130 S. Ct. at 1485. This standard of proof is "somewhat lower" than the common "preponderance of the evidence" standard. *Strickland*, 466 U.S. at 694.

> The guilty plea statement that defendant signed could not save the advice that counsel gave. *Counsel's advise prejudiced defendant*. Not only did defendant swear after-the-fact that he would have rejected the plea offer had he known the deportation consequence, but also counsel said that defendant was "very concerned" at the time about the risk of deportation. *Although defendant would have risked a longer prison term by going to trial, the deportation consequence of his guilty plea was also a particularly severe penalty. Given the severity of the deportation consequence, it would have been rational for defendant to take his chances at trial.*

State v. Sandoval, 171 Wn.2d 163, 166 (2011).

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Mrs. Salyers would not have plead guilty but for counsel's misadvise and therefore was prejudiced. Although Mrs. Salyers, like the defendant in *Sandoval*, would have risked a longer sentence by going to trial, the risk of losing her children for five years outweighed that risk. Like the defendant in Sandoval, Mrs. Salyers was affirmatively misadvised regarding settled law when she was advised that pleading was the fastest way to get her back together with her young children. Clearly, Mrs. Salyers was very concerned about being with her children, which is why she resisted earlier efforts to remove them from her. Had Mrs. Salyers been adequately advised of the potential consequence of losing her children entirely, she would have never entered the plea. Appendix DD (Declaration of Stephanie Salyers).

As a result, Mrs. Salyers' plea should be withdrawn based on ineffective assistance of counsel.

3. MRS. SALYERS' PLEA SHOULD BE WITHDRAWN BECAUSE SHE WAS BOOKED, HELD, AND CONVICTED WITHOUT ANY SWORN TESTIMONY AGAINST HER IN VIOLATION OF RIGHTS, LIMITING HER ABILITY TO ASSIST IN HER OWN DEFENSE.

The court file in this matter shows no sworn testimony, and therefore no factual basis, upon which to find probable cause to hold Mrs. Salyers in custody. Mrs. Salyers should have been released from custody at her first appearance, but instead was held in custody. This resulted in an inability to defend her case as well as a wrongful conviction.

9105A NE HWY 99, STE 200
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Phone: 360-635-6464
Fax: 888-509-8268
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The Supreme Court has "established detailed procedures which require judicial determinations of bail or release to be made no later than the preliminary appearance stage... See CrR 3.2; CrRLJ 3.2." *Westerman v. Cary*, 125 Wash. 2d 277, 291, 892 P.2d 1067, 835 (1994). "If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions." CrR 3.2. "The court shall determine probable cause on evidence presented by a peace officer or prosecuting authority in the same manner as provided for a warrant of arrest CrR 2.2(a)." CrR 3.2.1(b).

Under CrR 2.2(a)(2), "**The court shall determine probable cause based on an affidavit, a document as provided in RCW 9A.72.085** or any law amendatory thereto, **or sworn testimony** establishing the grounds for issuing the warrant." CrR 2.2(a)(2) (emphasis added). The probable cause affidavit in this case is not signed in accord with 9A.72.085. Appendix B, Page 15. It is not signed under the penalty of perjury or sworn. Id. Likewise, none of the reports provided in later discovery are signed under the penalty of perjury or sworn. Compliance with 9A.72.085 requires the following:

- that the statement be certified or declared by the person to be true under penalty of perjury;
- that the statement be subscribed to by the person;
- that the statement state the date and place of its execution; and

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Phone: 360-635-6464
Fax: 888-509-8268
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- that the statement states that it is so certified or declared under the laws of the state of Washington.

There are many reasons for requiring that reports be sworn, such as the fact that significant interests and liberty are at stake. This is precisely why *ER 603*,[5] which is based in part on *Article 1, section 6 of the Washington State Constitution*, calls for witness testimony to be sworn.

In *State v. Perez,* the court considered "whether the defendant was denied a fair trial by not being released" pursuant to CrR 3.2. *State v. Perez*, 16 Wash. App. 154, 155, 553 P.2d 1107, 1108 (1976). "The defendant contends that he was denied a fair trial because he was not released pursuant to CrR 3.2, *i.e.*, defendant was prevented from effectively aiding his attorney and preparing his defense. While it appears that the denial of defendant's motion for pretrial release was not disposed of in accordance with CrR 3.2, we have reviewed the record in light of defendant's allegations and cannot find any prejudice." *State v. Perez*, 16 Wash. App. 154, 157, 553 P.2d 1107, 1109-10 (1976).

Unlike in Perez, Mrs. Salyers was prejudiced as her wrongful incarceration limited her ability to timely obtain the exculpatory evidence that she found only after her

[5] "Before testifying, every witness shall be required to declare that the witness will testify truthfully, by oath or affirmation administered in a form calculated to awaken the witness' conscience and impress the witness' mind with the duty to do so." Evidence Rule 603.

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Fax: 888-509-8268
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release. Had she not been wrongly held, Mrs. Salyers would have been able to fully investigate her case and would have had the charges dismissed for the reasons outlined above.

4. MRS. SALYERS' PLEA LACKED A FACTUAL BASIS AND SHOULD BE WITHDRAWN.

As there was no factual basis for either the original or amended information, Ms. Salyers *Alford/Newton* plea should not have been accepted and must be withdrawn. "An Alford/Newton plea allows a defendant to plead guilty in order to take advantage of a plea bargain even if he or she is unable or unwilling to admit guilt." *See State v. Newton*, 87 Wn.2d 363, 372, 552 P.2d 682 (1976) (*citing North Carolina v. Alford*, 400 U.S. 25, 31, 91 S. Ct. 160, 27 L. Ed. 2d 162 (1970)). Where a defendant does not admit actual guilt, CrR 4.2(d) requires that the trial court find a factual basis supporting the plea:

> Voluntariness. The court shall not accept a plea of guilty, without first determining that it is made voluntarily, competently and with an understanding of the nature of the charge and the consequences of the plea. The court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea.

At issue in *State v. Zhao*, was "whether a trial court has authority to accept a plea where there is no factual basis for the ultimate charges." *State v. Bao Sheng Zhao*, 157 Wash. 2d 188, 198, 137 P.3d 835, 840 (2006).

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Fax: 888-509-8268
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The Zhao court held "a defendant may plead guilty to amended charges for which there is no factual basis, **so long as there exists a factual basis for the original charges** and the defendant's plea to the amended charges is knowing, intelligent, and voluntary." *State v. Bao Sheng Zhao*, 157 Wash. 2d 188, 190, 137 P.3d 835, 836 (2006)(emphasis added).

In reaching their holding, the *Zhao* court relied on *In re Pers. Restraint of Thompson*, for the proposition that the validity of an Alfrod/Newton plea turns on both the trial judge's and the defendant's understanding of any infirmity involved in the original charge. *State v. Bao Sheng Zhao*, 157 Wash. 2d 188, 199, 137 P.3d 835, 840 (2006) (citing *In re Pers. Restraint of Thompson*, 141 Wash. 2d 712, 721, 10 P.3d 380, 387 (2000)).

In *Thompson,* the court concluded that because the defendant pleaded guilty to a crime that had no legal/factual basis, "his plea was invalid and could not be considered knowing and voluntary because the infirmity was not known to Thompson or the trial court when he entered his guilty plea." *State v. Bao Sheng Zhao*, 157 Wash. 2d 188, 199, 137 P.3d 835, 840 (2006) (*citing In re Pers. Restraint of Thompson*, 141 Wash. 2d 712, 725, 10 P.3d 380, 387 (2000). While a court has authority to accept a guilty plea to amended charges that have no factual basis, that authority is limited to cases where there is a factual basis for the original charge.

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Here, there is no sworn testimony on the record, and there is evidence that Ms. Salyers was never given proper notice of the order that she was accused of violating. The court was not aware of that at the time of plea, but being now aware, must withdraw the guilty plea. That is, as was the case in *Thompson*, in this case there was (1) no factual basis for the original charge, and (2) at the time of the plea, neither the court nor Mrs. Salyers' counsel was fully aware of the legal infirmity of the charge because discovery had not been provided.

Mrs. Salyers is entitled to relief and should have her guilty plea withdrawn.

5. MRS. SALYERS' PLEA SHOULD BE DISMISSED UNDER CRR 8.3 BECAUSE OFFICER SANDRA ALDRIDGE ENGAGED IN EGREGIOUS MISCONDUCT INCLUDING ILLEGALLY ENTERING MRS. SALYERS' HOME, TAKING CHILDREN INTO STATE CUSTODY IN EXPRESS RETALIATION FOR MRS. SALYERS' AND MR. PETRENKO'S EXERCISE OF CONSTITUTIONAL RIGHTS, MAKING RETALIATORY ARRESTS AND CIRCUMVENTING BOOKING RESTRICTIONS TO FURTHER THEIR RETALIATORY GOAL OF TAKING THE CHILDREN INTO CUSTODY, MAKING FALSE STATEMENTS IN POLICE REPORTS, AND MAKING KNOWINGLY FALSE STATEMENTS TO OTHER OFFICERS FOR THE PURPOSE OF FOSTERING FURTHER RETALIATORY ARRESTS.

CrR 8.3(b) authorizes a trial court to dismiss any criminal prosecution "on its own motion in the furtherance of justice." This power to dismiss is discretionary and is reviewable only for manifest abuse of discretion. *State v. Burri*, 87 Wn.2d 175, 550 P.2d 507 (1976); *State v. Sulgrove*, 19 Wn. App. 860, 578 P.2d 74 (1978). Washington courts have previously interpreted CrR 8.3(b) to allow for dismissal on a showing of arbitrary action or governmental misconduct. *State v. Burri, supra; State v. Starrish*, 86

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Wn.2d 200, 544 P.2d 1 (1975). This is true even where the governmental misconduct is not of an evil or dishonest nature; simple mismanagement is sufficient. *State v. Dailey*, 93 Wash. 2d 454, 456-57, 610 P.2d 357, 359 (1980). Here, the governmental misconduct was egregious and included: (a) the unlawful entry into Mrs. Salyers' home, (b) arrests in retaliation for the exercise of constitutional rights and the use of those retaliatory arrests along with personal "favors" with the jail for the vindictive purpose of placing the Salyers/Petrenko children in state custody, (c) making false statements in police reports to legitimize the arrests, and (d) making knowingly false statements to other officers for the purpose of affecting the second retaliatory arrest of Mrs. Salyers.

a. THE INITIAL ENTRY INTO THE SALYERS/PETRENKO HOME WAS UNLAWFUL.

i. THE NONCONSENSUAL, WARRANTLESS ENTRY WAS NOT JUSTIFIED BY EXCEPTION TO THE WARRANT REQUIREMENT.

The initial intrusion into the. Salyers/Petrenko home was unsupported by a warrant and without an exception to the warrant requirement. Officers did not obtain a warrant to enter the Salyers/Petrenko home on the basis of the domestic violence allegation, even though ample time to do so existed. Instead, officers proudly proclaimed that they "[did not] need a warrant." Nor did the emergency aid exception to the warrant requirement apply because officers were able to confirm the 911

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Fax: 888-509-8268
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allegations were untrue, no harm had been suffered by any party, and that the situation was not volatile.

A nonconsensual warrantless entry into a home to make a warrantless arrest for a misdemeanor is considered presumptively unreasonable. *Seattle v. Altschuler*, 53 Wn. App. 317, 766 P.2d 518 (1989). A warrantless entry is not justified under the emergency aid exception where no evidence of injury exists, no past 911 calls have been made to that residence, and no evidence of volatile circumstances exist. *State v. Schultz*, 170 Wn.2d 746, 248 P.3d 484 (2011).

For example, in *State v. Schultz*, 170 Wn.2d 746, 248 P.3d 484 (2011), the Washington Supreme Court found that a warrantless entry was not justified to render emergency aid in a domestic violence incident where the only evidence provided was a call from a neighbor reporting raised voices. Although the Court "recognize[d] that domestic violence presents unique challenges to law enforcement and courts," and stated "that the likelihood of domestic violence may be considered by courts when evaluating whether the requirements of the emergency aid exception to the warrant requirement have been satisfied," *Schultz*, 170 Wn.2d at 750, it held that the officers did not have enough facts to justify an entry based upon the emergency aid exception to the warrant requirement.

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The facts that were known to the officers at the time of the unlawful entry in *Schultz*, were as follows: police received a phone call from a resident of an apartment complex about a yelling male and female. Responding officers overheard a man and a woman talking with raised voices. Officers specifically overheard the man say that he wanted to be left alone and needed his space. When the officers knocked on the apartment door, a female answered. She appeared agitated and flustered. When she was asked where the male occupant of the apartment was, the female denied that anyone else was there. The officer told the female that a male voice had been heard in the apartment. The female called for the male, who emerged from a nearby bedroom. The female then stepped back, opened the door wider, and the officer followed the female inside. The officers did not notice that the female's neck was red and blotchy until after they had entered the apartment.

The Court indicated what additional information could have supported a warrantless entry:

> if the officers could not have ascertained the location of the man whose voice they had heard, they would have been entitled to make further inquiries and perhaps enter the home to verify that he was safe. But [the male] appeared before the officers entered. Certainly other facts such as past police responses to the residence, reports of threats, or any other specific information to support a reasonable belief that domestic violence had occurred or was likely to occur, or that the circumstances were volatile and could likely escalate into domestic violence, may have justified entry. But upon the record before us, we conclude that the

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Fax: 888-509-8268
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> warrantless entry into [the female's] home and subsequent search violated her constitutionally protected right of privacy within her home.

Schultz, 170 Wn.2d at 761.

Under Schultz, the entry into the Petrenko/Salyers home was simply not justified. In this case, police received an out-of-state call from someone alleging Mrs. Salyers had a few hours earlier suffered specific and graphic injuries, including a broken tailbone and fingers. The caller also alleged that Mr. Petrenko was not allowing Mrs. Salyers to leave the home. However, when initially responding officers arrived, they found the exact opposite. Mrs. Salyers was alone, outside the home. Officers observed her and confirmed quite specifically that Mrs. Salyers had not suffered any of the injuries alleged by the 911 caller. Officers also spoke with a duplex neighbor who said she had not even heard an argument that morning. Officers were able to speak with Mrs. Salyers and Mr. Petrenko at a window and observed that neither were injured in any way.

Additionally, no past police responses had been made to the Salyers/Petrenko residence and no prior 911 calls had been made by Mrs. Salyers. There had been no reports of threats or any other specific information to support a reasonable belief that domestic violence had occurred or was likely to occur. Finally, the video shows decisively that the circumstances were not volatile and were not likely to escalate into domestic violence. Mr. Petrenko and Mrs. Salyers are calm. Mrs. Salyers is in the

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middle of cooking a meal while holding her son. Mr. Petrenko speaks reasonably, does not curse, does not raise his voice, does not shake with adrenalin. It bears mentioning that, even after the illegal entry, as Mr. Petrenko watches his infant son being ripped from Mrs. Salyers' hands, he says only: "Lord, give me wisdom. Lord, give me wisdom. Lord, give me wisdom. Everything is in your hands. Everything is in your hands, God."

No exigent circumstances existed to justify the warrantless entry based on the emergency aid exception.

ii. ENTRY BASED ON MRS. SALYERS' OUT OF COUNTY WARRANT FOR DRIVING WITHOUT A LICENSE WAS NOT JUSTIFIED BECAUSE (1) THE ENTRY WAS UNREASONABLE AND OFFICERS ENTERING THE HOME DID NOT KNOW OF THE WARRANT, AND (2) TO THE EXTENT OFFICERS MAY HAVE KNOWN ABOUT THE WARRANT, THE WARRANT WAS USED AS A PRETEXT FOR ENTRY TO INVESTIGATE A DOMESTIC VIOLENCE ALLEGATION UNSUPPORTED BY PROBABLE CAUSE.

The State will undoubtedly attempt to justify its unlawful intrusion by arguing that Mrs. Salyers' out of county warrant for driving without a license served as the basis for entering the home. This argument is specious in view of the fact that officers had been advised that they could not book Mrs. Salyers on that warrant prior to entry due to jail booking restrictions and (2) the officers who enter the home, do so while stating that they do not have a warrant, and do not need a warrant. Appendix AA (Transcript of 2/16/16 dispatch). Therefore, the warrant could not have formed the basis for those officers' entry.

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Phone: 360-635-6464
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"An arrest warrant allows law enforcement officers the limited power to enter a residence for an arrest where (1) the entry is reasonable, (2) **the entry is not a pretext for conducting other unauthorized searches or investigations**, (3) the officers have probable cause to believe the person named in the arrest warrant is an actual resident of the home, and (4) the named person is actually present at the time of entry." *State v. Ruem, 179 Wn.2d 195, 201 (2013)(emphasis added).*

Here, video footage shows definitively that the entry was unreasonable because, although Mr. Petrenko assured officers that he would open the front door and speak with them if they showed him the warrant, officers had weapons drawn and chose to forcibly enter the home through the back window while repeatedly stating they did not have a warrant and that they did not need a warrant.

The video further establishes that, to the extent law enforcement might have relied upon Mrs. Salyers' driving without a license warrant for the entry, the warrant was used as a pretext for an otherwise unauthorized investigation into domestic violence not supported by probable cause. Officers enter for one reason alone: to investigate the already debunked accusation of domestic violence.

b. SANDRA ALDRIDGE BOOKED MRS. SALYERS INTO JAIL AND PLACED THE SALYERS/PETRENKO CHILDREN INTO STATE CUSTODY SPECIFICALLY TO RETALIATE AGAINST MRS. SALYERS FOR EXERCISING HER CONSTITUTIONAL RIGHTS BY REFUSING TO CONSENT TO THE ENTRY.

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Fax: 888-509-8268
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When police entered the home they placed Mrs. Salyers in a carotid artery choke and removed her child from her arms. A review of the dispatch log shows that they then called the jail to request an exception to the warrant requirement so that they could book her into jail. This is hardly the action of an officer who believes Mrs. Salyers is the victim of domestic violence. This was in retaliation.

In a newly discovered email, Sandra Aldridge makes clear that when people cause her problems she "gets" their kids and then "gets" them. Appendix W (Email from Sandra Aldridge, 3/29/14). The newly discovered dispatch recording of Aldridge on 2/21/16 also shows how she was still upset that Mrs. Salyers did not consent to a search, and refers to Mrs. Salyers as a "Constitutionalist" and spews profanity. Appendix CC (Transcript of Recording of Sandra Aldridge on 2/21/16).

The newly discovered evidence shows that Sandra Aldridge is a bully who retaliates against citizens who exercise their constitutional rights, by 'getting their kids' and then going after them. When Mrs. Salyers exercised her rights under the constitution, Sandra Aldridge retaliated by ripping Mrs. Salyers infant from her arms and booking her into the county jail in violation of Clark County jail policy so she could take her children from her.

c. SANDRA ALDRIDGE MADE FALSE STATEMENTS IN HER REPORT TO LEGITIMIZE THE ARREST OF MRS. SALYERS AND MR. PETRENKO.

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When Mr. Petrenko was booked into jail, Sandra Aldridge filed a probable cause affidavit with the jail and court wherein she wrote:

> When I viewed Stephanie, I observed an injury to her right hand, specifically on her fingers and between her ring and middle finger... Officers also noticed red marks on Stephanie's neck, on both sides and on the front of her neck, which, from my training and experience, I know to be consistent with being strangled.

Appendix O.

Sandra Aldridge intentionally and entirely omitted from her probable cause affidavit that she, Sandra Aldridge, was the one who ripped Mrs. Salyers' fingers apart after she illegally entered the home. Aldridge omitted causing the injury to Mrs. Salyers fingers. She omitted the fact that multiple other officers on scene examined Mrs. Salyers' fingers and hands prior to the unlawful entry and confirmed that there were no injuries to her at all. Aldridge omitted from her report that neighbors heard no sounds of violence or argument. Finally, she omitted from her report that she had held Mrs. Salyers' arms while VPD Office Holly Messer strangled Mrs. Salyers unconscious. Id.

d. SANDRA ALDRIDGE MADE KNOWINGLY FALSE STATEMENTS TO OTHER OFFICERS FOR THE PURPOSE OF AFFECTING THE SECOND RETALIATORY ARREST OF MRS. SALYERS.

When Sandra Aldridge learned that Mrs. Salyers was free with her kids, Aldridge lied to the two investigating officers by advising them that "she (Aldridge) was present

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at [the] hearing when the court commissioner awarded the children to the state and that the mother [had been] given paperwork explaining this."

Based on new evidence including Aldridge's comments to the dispatcher, it is clear that Aldridge, motivated by her frustration with Mrs. Salyers' exercise of constitutional rights, made a bold face lie intended to "get" Mrs. Salyers. But for this lie, Mrs. Salyers would have never been booked into jail. In fact, the investigating officer noted in his report, that he had "called county records but they could not locate any documents of this court order awarding the state custody."

The case at hand goes far beyond simple mismanagement or minor misconduct. This case involves an officer who intentionally lied to two other police officers so that they would arrest and jail Mrs. Salyers. Worse still, is that the motivation of Sandra Aldridge was retaliatory and designed specially to separate Mrs. Salyers from her children. This court should not ratify her misconduct by allowing it to go unaddressed. This matter should be dismissed under CrR 8.3.

6. <u>WHEREAS THE INITIAL INTRUSTION INTO MRS. SALYERS' HOME WAS ILLEGALLY CONDUCTED, ALL EVIDENCE AGAINST MRS. SALYERS IS FRUIT OF THE POISONOUS TREE.</u>

"Simply put, the 'fruit of the poisonous tree' doctrine requires courts to exclude any evidence obtained as a direct result of an unconstitutional search." *State v. Russell*, 180 Wash. 2d 860, 869 n.2, 330 P.3d 151, 155 (2014) (citing *State v. Eisfeldt*, 163 Wn.2d

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628, 640, 185 P.3d 580 (2008) (citing Wong Sun v. United States, 371 U.S. 471, 487-88, 83 S. Ct. 407, 9 L. Ed. 2d 441 (1963))).

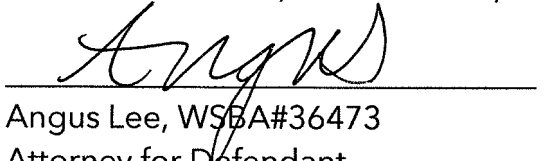
In this case, the entire fact pattern, and therefore all evidence, stems from the illegal entry into the Salyers/Petrenko. Had the officers not illegally entered the home, the two parents would not have been arrested. Without the arrest of both parents at the same time, there would never have been a basis for the children to be taken into custody or placed in State care. No shelter-care order could/would have been entered and/or violated. This case stems from illegal conduct of Sandra Aldridge, not Mrs. Salyers, and should be dismissed entirely under the exclusionary rule.

CONCLUSION

Mrs. Salyers was arrest, jailed, and convicted for a crime she did not commit. She did not receive the notice necessary to establish the required mental state to support a conviction in this matter. There was not a factual basis to support her Newton plea. This injustice occurred because of misinformation given to the primary officer by Sandra Aldridge that was later disproven by newly discovered evidence.

The guilty plea in this matter should be withdrawn and the case dismissed.

DATED: MONDAY, DECEMBER 5, 2016



Angus Lee, WSBA#36473
Attorney for Defendant

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268

ANGUS LEE

CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on 12/5/16 the foregoing was delivered to the following person(s) in manner indicated:

Jeff McCarty
CLARK COUNTY PROSECUTOR'S OFFICE
601 W Evergreen Blvd
Vancouver, WA 98660
FAX: (360) 397-6019

- [ ] U.S. Mail
- [ ] Facsimile
- [ ] Hand Delivery
- [ ] Overnight Courier
- [x] Email

Angus Lee

9105A NE HWY 99, STE 200
Vancouver, WA 98665
Phone: 360-635-6464
Fax: 888-509-8268

ANGUS LEE

APPENDIX A

Clark County Sheriff's Office
Chuck E. Atkins, Sheriff

10/6/2016

Angus Lee
Angus Lee Law Firm

Sent via electronic mail to: angus@angusleelaw.com

Re: Your public records request received 09/13/2016 – P003110-091316: *On or about 2/16/16, Ms. Stephanie Salyers/Petrenko was booked into Clark County Jail on an out of county warrant for having no valid license. The Jail was at booking level C at the time. I request any records regarding the exception to the booking restrictions that allowed for Ms. Salyers/Petrenko to be booked into jail. I would like any records from the jail Sergeant or or on-duty jail supervisor at the time regarding the exception to the booking restriction in Ms. Salyers/Petrenko's case. * PRO.05.08.04 SERGEANT RESPONSIBILITIES Any exceptions or additions to the exclusions involving a particular case of early release or booking restriction must be approved by a person who is, at a minimum, the on-duty jail supervisor*

Dear Mr. Lee:

The Clark County Sheriff's Office does not have records that are responsive to your request.

If you have any questions regarding your request, please contact our public disclosure line at (360) 397-2101.

Sincerely,

Public Records Unit
Clark County Sheriff's Office
AK/3322

cc: File

If you believe that the information denied has been done so incorrectly or in error, you may file a written appeal within five business days from the date of this letter. The appeal must include your name and address, a copy of this letter together with a brief statement identifying the basis of the appeal. Please mail or deliver your appeal to:

Clark County Sheriff's Office
Attention: Records Manager
707 W 13th St
P.O. Box 410
Vancouver, WA 98666

APPENDIX B

CLARK COUNTY PROSECUTING ATTORNEY DISCOVERY REQUEST FO

Defendant	Charge(s)	Court Number
Sellers, Stephanie M.	Custodial Interference	16-1-00452-1

Requestor Name	Firm Name	WSBA #	Retained ☐ Court Appointe
Steve Rucker	Steve Rucker	20467	

Request Received Date	DPA Name	PA Case #
RECEIVED MAR 07 2016 Prosecutor's Office	CJC/JPM	

This certifies that I am the attorney representing the above named criminal defendant. I am requesting discovery without necessity of formal motion. I agree pursuant to Cr 4.7(h)(3) and CrRLJ 4.7(a)(3) that police reports and all other materials furnished to me pursuant to the court rules shall remain in my exclusive custody and shall be usec only for the purpose of conducting the defendant's side of the case. If my client fails to appear, I will retain all discovery materials.

Discovery Completed Date (Description)	PA Authorization Date
BS 1-16 JM 3/8/16	

Attorney Receipt

SR

Attorney for Defendant or Representative

Date 03-11-16

#3

E-FILED

02-24-2016, 13:51

Scott G. Weber, Clerk
Clark County

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff, v. STEPHANIE MARELDA SALYERS Defendant.	**INFORMATION** No. 16-1-00452-1 (CCSO 16-1993)

COMES NOW the Prosecuting Attorney for Clark County, Washington, and does by this inform the Court that the above-named defendant is guilty of the crime(s) committed as follows, to wit:

COUNT 01 - CUSTODIAL INTERFERENCE IN THE FIRST DEGREE - 9A.40.060(1)(a)
That she, STEPHANIE MARELDA SALYERS, in the County of Clark, State of Washington, on or about February 21, 2016, being a relative of M.S.P., with intent to deny access, did take, entice, retain, detain, or conceal a child under the age of eighteen years, to-wit: M.S.P., from the person having lawful right to physical custody of such person, and did intend to hold the child permanently or for a protracted period; contrary to Revised Code of Washington 9A.40.060(1)(a).

COUNT 02 - CUSTODIAL INTERFERENCE IN THE FIRST DEGREE - 9A.40.060(1)(a)
That she, STEPHANIE MARELDA SALYERS, in the County of Clark, State of Washington, on or about February 21, 2016 being a relative of E.P., with intent to deny access, did take, entice, retain, detain, or conceal a child under the age of eighteen years, to-wit: E.P., from the person having lawful right to physical custody of such person, and did intend to hold the child permanently or for a protracted period; contrary to Revised Code of Washington 9A.40.060(1)(a).

COUNT 03 - CUSTODIAL INTERFERENCE IN THE FIRST DEGREE - 9A.40.060(1)(a)
That she, STEPHANIE MARELDA SALYERS, in the County of Clark, State of Washington, on or about February 21, 2016 being a relative of M.P., with intent to deny access, did take, entice, retain, detain, or conceal a child under the age of eighteen years, to-wit: M.P., from the person having lawful right to physical custody of such person, and did intend to hold the

Arthur D. Curtis Children's Justice Center
P.O. Box 61992
Vancouver Washington 98666
(360) 397-6002

child permanently or for a protracted period; contrary to Revised Code of Washington 9A.40.060(1)(a).

ANTHONY F. GOLIK
Prosecuting Attorney in and for
Clark County, Washington

Date: February 24, 2016

BY: _____
Jeffery P. McCarty, WSBA #33134
Deputy Prosecuting Attorney

DEFENDANT: STEPHANIE MARELDA SALYERS			
RACE: W	**SEX:** F	**DOB:** 07/15/1989	
DOL: [redacted]		**SID:** WA28284847	
HGT: 503	125	**EYES:** BLU	**HAIR:** BLN
WA DOC:		**FBI:** 431474TC9	
LAST KNOWN ADDRESS(ES):			
HOME - 1602 SE 145TH COURT, VANCOUVER WA			

Arthur D. Curtis Children's Justice Center
P.O. Box 61992
Vancouver Washington 98666
(360) 397-6002

GENERAL OFFENSE

REPORTED DATE/TIME	OCCURRED DATE/TIME	REPORTING OFFICER/DEPUTY NAME & #
02/21/2016 1534	02/21/2016 0930	CHRISTENSEN, CHARLES (203109)

LOCATION OF INCIDENT	PLACE
18711 NE 119TH AVE, BATTLE GROUND	

COUNTY	DISTRICT	BEAT	GRID
CLARK	CC	81	

SEVERITY	FAMILY VIOLENCE	GANG INVOLVEMENT	BIAS	SPECIAL STUDY
	NO		NONE (no bias)	

RELATED INCIDENT NUMBERS

TOTAL LOSS	TOTAL RECOVERED	DAMAGED TOTAL	DRUG TOTAL

INTERNAL STATUS	APPROVED BY	APPROVED ON
OPEN (UNDER INVESTIGATION)	NELSON, DAVID (203357)	02/22/2016

OFFENSES [1]

OFFENSE	PREMISE TYPE
VIOLATION RESTRAINING ORDER	RESIDENCE/HOME/APARTMENT

PERSON - ARREST CSTD #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
SALYERS, STEPHANIE M	FEMALE	WHITE	07/15/1989	26

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683	5'03	125	BLOND OR STRAWBERRY	BLUE

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(360) 609-4200	(360)	

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
[redacted]	[redacted]		NOT HISPANIC OR LATINO

CITIZENSHIP	MARITAL STATUS	LENSES/GLASSES	LANGUAGE
	MARRIED		

COMPLEXION	BUILD	HANDED	HAIR STYLE	FACIAL HAIR COLOR	FACIAL HAIR DESCRIPTION
	SLIM		LONG		

ARREST DATA

ARREST DATE	ARREST TYPE
02/21/2016	SELF INITIATED ARREST WITHIN YOUR JURISDICTION

PERSON - VICTIM #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, EZRA	MALE	WHITE	12/18/2012	3

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(360)	(360)	

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - VICTIM #2

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, MALACHI	MALE	WHITE	11/02/2011	4

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(360)	(360)	
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - VICTIM #3

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, MOSES S	MALE	WHITE	02/20/2015	1

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(360)	(360)	
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - WITNESS #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
MACKY, SJENNA LYNN	FEMALE	WHITE	02/28/1989	26

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
14913 SE MILL PLAIN BLVD, Apt. U128, VANCOUVER WA 98684				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360) 353-8576	(360)	(360)	
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - MENTIONED #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, ILYA SERGEYEVICH	MALE	WHITE	02/19/1989	27

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683	6'00	175	BROWN	BLACK

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
	(216) 571-9115		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
[redacted]	[redacted]		NOT HISPANIC OR LATINO

CITIZENSHIP	MARITAL STATUS	LENSES/GLASSES	LANGUAGE
	MARRIED		ENGLISH

PERSON - MENTIONED #2

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
LAHMANN, TIFFANY M	FEMALE	WHITE	09/07/1983	32

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
2802 NW 7TH ST, BATTLE GROUND WA 98604				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360) 903-0371			
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

PERSON - MENTIONED #3

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
SALYERS, RICKY A	MALE	WHITE	02/10/1984	32

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
18711 NE 119TH AVE, BATTLE GROUND WA 98604				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
	(606) 369-6163		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

PERSON - MENTIONED #4

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
KUDLA, SARA J	FEMALE	WHITE	10/23/1986	29

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
18711 NE 119TH AVE, BATTLE GROUND WA 98604				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
	(773) 339-5481		

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

PERSON - MISSING #2

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, EZRA	MALE	WHITE	12/18/2011	4

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

NARRATIVE

AUTHOR	DATE/TIME
CHRISTENSEN, CHARLES (203109)	02/21/2016 1639

SUBJECT
NARRATIVE

On 02/21/16, I was requested to call SGT Andy Hamlin of VPD. He advised me of a violation of a court order which occurred in the county. He stated that there had been a court hearing in the commissioners court room on Friday the 19th, where the State had taken custody of three children, and now the mother Stephanie Salyers had located them and removed them from the safety of the home they were at.

Dispatch had evented a call of Kidnap with the address of 18711 NE 119th Ave, Battle Ground, where this occurred. Further Hamlin advised me that VPD units were now at the Salyers residence watching so no one would leave in case the children were there, this address is 1602 SE 145 Ct, Vancouver.

I contacted the residents at 18711 NE 119th Ave. I met with the owners Ricky Salyers and Sara Kulda. Also present was Tiffany Lahmann. Tiffany told me that she had been chosen by the State to care and house the three children, Malachi 4 yrs, Ezra 3 yrs and Moses 1 yr. Tiffany is a ex-sister in law of Stephanie.

The night prior Tiffany had brought the children to this address, the home of Sara and Ricky who is the brother of the biological mother Stephanie. Ricky and Sara agreed to watch the children as Tiffany had errands to run. The children spent the night with Ricky and Sara. Today, the 21st, Stephanie happened to call her brother Ricky and while talking to him she heard her children in the background. A short time later she showed up at their home and talked to her brother who invited her inside. She stated to him that since she was not given any paper work at the court hearing she could visit her children and he relented to her request. Ricky told me that she was there for about 1 1/2 hours and he went to the kitchen. While he was in the kitchen Stephanie apparently took the kids into a nearby bedroom and left the house through a window, apparently so not to use the front door alerting Ricky. Ricky said that he noticed it being quiet and when he checked in the front room they were gone. He found the open bedroom window and scuffs outside the window.

Ricky told me that she had driven over in a black pickup truck and that it was gone when he checked.

resided with their parents. They checked on the home and made entry to check on the safety of the children due to this situation. No one was home, two vehicles were in the driveway a gold colored van and a black truck, no other identifiers.

I called county records but they could not locate any documents of this court order awarding the state custody. I called and spoke to VPD officer Sandy Aldridge who was familiar with this case. She told me she was present at this hearing when the court commissioner awarded the children to the state and that the mother was given paperwork explaining this.

At this time it is unknown the whereabouts of the children, there mother Stephanie or husband Ilya Petrenko.

I contacted SGT Todd Barsness of MCU and advised him of this incident. SGT Barsness was made aware of the current information and is active in location attempts of the children.

Needed is a copy of the court documents from the hearing on Friday the 19th, wherein the children were awarded to the State.

TEXT TEMPLATE

AUTHOR	DATE/TIME
CHRISTENSEN, CHARLES (203109)	02/21/2016 1637

SUBJECT
NARRATIVE

[20RCW01] Summary - RCW - Distribution v.150825

Case Summary
[On Friday 02/19/2016, Biological mother Stephanie Salyers was informed by Coourt Commisioner Sheinborn(?) that the three children of Salyers, were to be taken from her and placed into State custody on a temporary shelter basis, until a further decision was to be decided.

On this date Salyers learned of the location of the children, went to that address and left with the children un noticed by care givers, in violation of the court order.]

Attachments
[ ]

RCW		Counts	V1	V2	V3	V4
[INFO.RPT]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

Distribution 1 Distribution 3
[ ] [ ]

Distribution 2 Distribution 4

[ ] [ ]

Referral Info / External Distribution / "OTHER"
[ ]

Followup Report #1

ASSIGNED TO	RANK	ORG UNIT
MARLER, CRAIG (203221)		DOMESTIC VIOLENCE

APPROVED ON	APPROVED BY
02/23/2016	BARSNESS, TODD

SUPPLEMENTAL

AUTHOR	DATE/TIME
MARLER, CRAIG (203221)	02/22/2016 0905

SUBJECT
SUPPLEMENTAL REPORT

Persons involved: Names have been entered in original report

Stephanie M. Salyor 07/15/1989 - Mother/suspect
Malachi Petrenko 11/02/2011 - suspect's juvenile son
Ezra Petrenko 12/18/2012 - suspect's juvenile son
Moses Petrenko 02/20/2015 - suspect's juvenile son
Sjenna L. Macky 02/28/1989 - mentioned but no criminal involvement

Shelter care hearing order numbers 16-7-00163-9, 16-7-00164-7 and 16-7-00165-5 are all encompassed on one document.

On 02/21/2016 at approximately 1730 I was contacted at home by Sergeant T. Barsness in reference to a kidnapping which occurred earlier in the day. Please see sergeant Barsness and Sergeant Christensen's report for further details.

I met with Sgt. Barsness at Central Precinct and he filled me in with the details.

I learned that after court proceedings, three juvenile children were placed with family members. At some point, their mother Stephanie Salyers absconded with the children and took them to an unknown location.

Through surveillance of the residence, Sgt. Barsness located Stephanie as she was leaving with a female, identified as Sienna Macky.

I responded to Sgt. Barsness' location and observed Ms. Salyers in the back of a VPD patrol vehicle. As she was seated, Sgt. Barsness opened the door in an effort to speak with her and she immediately put both feet out onto the ground. She said that she needed to go to her residence because she had to use the bathroom. It was explained that we would facilitate a restroom as soon as possible, but she would not be going to her home at this time. She then began to argue as to why she couldn't be released and asked if she was being detained. It was explained that she was being detained and Sgt. Barsness picked her feet up and moved them back in the car. She did not fight or resist her having her feet moved, however she stated not to touch her. When Sgt. Barsness attempted to speak to her, she stated "I plead the Fifth".

As Sgt. Barsness was dealing with Stephanie, I made arrangements to follow Sjenna to her residence where the children had been staying.
While I was waiting for another officer to arrive, a man known only as "Vincent" exited Sjenna's apartment. Vincent advised that he just stopped by to pick up his backpack and that he saw no adults in the apartment. He said that he only saw the kids in the living room and he thought they were alone.

We then entered the apartment to find the two youngest children running around naked. The eldest boy was in a bedroom playing in a toy box.

There was a burnt pizza sitting on the counter and there was a slight haze of smoke that had been lingering from the burnt pizza. No adult was present in the home.

I notified CPS and we brought the children across the street to VPD East Precinct where we waited.

Other than the two children being completely naked and no diapers present in the home, the kids appeared relatively clean. Their hair appeared clean and they did not appear malnourished.

We had gathered some of the clothing and Sjenna got them dressed.

While we waited at VPD East Precinct, the children were a bit rambunctious, but played with each other and interacted with me and other officers who were in the office writing reports. The youngest appeared very tired and was definitely ready for a rest.

CPS caseworker Troy Harris responded and took custody of the children.

**For clarification, it was mentioned in previous reports that detective Sandra Aldridge was at the court proceedings, however this is not correct. Detective Aldridge was in direct communication with Washington State Department of Social and Health Services caseworker Rachel Whitney, who was at the hearing. Ms. Whitney provided her direct information as to what was transpiring during the court proceedings. This was originally a misinterpretation by the originating officer.

It should also be noted that this report should be referenced to VPD report number 23 2016-2749 in which the father, Ilya was arrested on 02/18/2016 for assaulting the children's mother, Stephanie Salyers.

Refer this report to the original report.

This report has been routed to the DVPC for information.

Followup Report #2

ASSIGNED TO	RANK	ORG UNIT
BARSNESS, TODD (203441)		MAJOR CRIMES UNIT

APPROVED ON	APPROVED BY
03/02/2016	WADDELL, BRENT

CASE SUMMARY

AUTHOR	DATE/TIME
BARSNESS, TODD (203441)	02/21/2016 2330

SUBJECT
SUMMARY

On Sunday February 21, 2016 I was contacted by Sgt. Christensen and asked to assist in a kidnapping investigation.

I responded to Central Precinct where I met with Sgt. Christensen. Please see his original report under this case number for details. In summary, Sgt. Christensen told me that he had responded earlier in the day to a reported kidnapping. Sgt. Christensen had talked with Ricky Salyers, Monica Sigrist and Tiffani Lahmann. Tiffani had explained that she had been appointed the temporary legal guardians of Ricky's nephews, Era, Malachi and Moses Petrenko. The children, ages 1, 4 and 5 had been removed from the biologiacal parents, Stephanie Salyers and Ilya Petrenko, in a court decision on Friday February 19th, 2016. She went on to tell Sgt. Christensen that due to a prearranged event, the children had been put into the care of Ricky Salyers on the night of the 20th with the intent to pick them back up on the afternoon of the 21st.

Ricky told Sgt. Christensen that around 0900 on the morning of the 21st Stephanie had called him and learned that he had the children at his home in the Battle Ground area. Ricky told Sgt. Christensen that Stephanie came out to the house to visit the children and stayed for around 90 minutes. At that point, Ricky went to the kitchen and when he returned he found that Stephanie had removed the children from the home via a bedroom window and had left the residence.

Sgt. Christensen was able to provide me with cell phone numbers for both Stephanie and Ilya and due to the nature of the abduction and the concern for the welfare to the children I requested that he have dispatch attempt to 'ping' the phones. This process allows the cell phone providers to provide a GPS based location for the phones. Multiple pings all showed that the two cell phones were in the area of Stephanie and Ilya's home located at 1602 SE 145th Court in Vancouver, Washington.

I contacted Detective Sandy Aldridge with the Vancouver Police Department. Sandy was able to provide me with some background information on the case because she had been at the CPS hearing on Friday the 19th and had worked on the case with the CPS case officer. Sandy told me that she had serious concerns about the children's welfare and the biological parents ability to care for them.

I contacted Rachel Whitney by telephone. Rachel is a case supervisor for the Washington State Department of Social and Health Services. Rachel

confirmed for me that the state had legal guardianship of the three Petrenko children and that the biological parents were issued the Shelter Care Hearing Order on Friday the 19th stating such. Rachel was able to provide me with a copy of this order. Rachel further confirmed that if we were able to locate the children they were to be placed into CPS custody. I then contacted Detective Marler and he responded to Central Precinct where we began the process of attempting to locate the Petrenko children. As part of this effort, I drove to the listed address for the family, 1602 SE 145th Court in Vancouver.

When I arrived on 145th Court I drove past the house and noted that it was a two story duplex at the end of a cul-de-sac. I also noted that the garage door of the residence was open and that there were two vehicles in the driveway. One vehicle was a light colored mini-van. The van's windows were frosted and it did not appear to have been recently used. The second vehicle was a dark, four door SUV with dealer plates. The rear hatch of the SUV was open.

I drove down the street approximately four houses and parked so I could observe the residence. As I watched I observed an adult exit the residence by the garage door and place items into the cargo area of the SUV. A short time later I observed a second adult placing items into the back seat and the cargo area. Due to the distance from the residence I could not confirm the identities of the two adults or what was being placed into the SUV. As I watched, the adults entered the front seats of the SUV and the vehicle was started. At this point I made a request for patrol units to come to my location to assist me in contacting the SUV. Although I could not confirm what was placed into the SUV I believed that children could have been put into the backseat area.

The patrol unit arrived just as the SUV began to drive away from the residence. The patrol vehicle approached the SUV with his overhead lights activated and the SUV pulled to the side of the road.

I exited my vehicle and approached the SUV. I noted that there were to adult females in the front seats and what appeared to be a large amount of bedding in the back seat and rear cargo area of the SUV. I asked the driver her name and she told me that she was Sjenna Macky. I asked her where she was going with the bedding and she told me that a friend had asked her to pick them up and deliver them to her later.

At this point I noticed that the female in the passenger seat was shifting back and forth in her seat and appeared agitated. She asked me if there was a problem and if they could leave. I told her that they could not and as I attempted to tell her why she demanded to know if she was under arrest. The female in the passenger seat appeared to be in her mid-twenties and I began to suspect that she was Stephanie Salyers. I asked her if she was Stephanie and she said, "No, my name is Ray." I asked her if she had any identification and she told me that she did not. I asked her if she had anything with her name and picture on it and she said that she did not. The driver then produced a Washington State Driver's License. I told the driver that I was investigating a possible kidnapping and asked her if she would mind if I asked her some questions. The driver said, "sure". I asked her if she would mind stepping out of the vehicle and she opened the door to step out.

Petrenko children and that I was concerned for their safety. Sjenna told me that the passenger was Stephanie Salyers and that the children were with Stephanie's husband, Ilya. Sjenna said that she did not know where Ilya was but that he was supposed to bring the children over to her house at any minute.

I asked Sjenna if she was aware of the fact that the state had removed the children from Stephanie and Ilya and that we believed that Stephanie had kidnapped them earlier in the day. Sjenna said that she was not. Sjenna explained that Stephanie, who was a friend of hers, had contacted her by e-mail yesterday and asked if she and her children could stay with her for a few days. According to Sjenna, Stephanie told her that they were being evicted and just needed a few days to get some things together before they left the area. Sjenna said that she was aware that the children had been taken from Stephanie the week before and had asked her how she was able to get them back. According to Sjenna, Stephanie would not answer this question and just changed the subject.

With this information I asked Stephanie to step out of the vehicle and she refused. Stephanie demanded to know if she was under arrest and what legal authority I had to have her step out. I attempted to explain that I was conducting an investigation into a kidnapping but she refused to listen to me and only cut off my answer with more questions.

Eventually Stephanie was removed from the vehicle and detained. After a few minutes I opened the rear door of the patrol car and explained to Stephanie that I wanted to ask her some questions. Before I could say anything more Stephanie told me, "I plead the 5th" Based on this statement I did not make any attempts to question her about the abduction of the children.
By this point Detective Marler had arrived at the location of the stop and he and I decided that I would facilitate the arrest of Stephanie and that he would work on recovering the children.

Stephanie was transported to the Clark County Jail by the assisting Vancouver Police patrol unit. Once there she was booked on three counts of Kidnapping.

While at the jail Stephanie would repeatedly tell me, the transporting VPD officer and the Corrections staff that she did not kidnap her children and that she was never given paperwork saying that she could not have her children.

CASE SUMMARY

AUTHOR	DATE/TIME
BARSNESS, TODD (203441)	02/22/2016 0016

SUBJECT
ARREST

[20RCW01] Summary - RCW - Distribution v.150825

Case Summary
[On February 21, 2016 Stephanie Salyers unlawfully removed her three children from the residence of their legal guardian. Stephanie then made arrangements to stay at a freinds home in order to avoid being found by law enforcement.

Stephanie was located and arrested for three counts of Kidnapping]
Attachments
[ ]

RCW		Counts	V1	V2	V3	V4
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

Distribution 1 Distribution 3
[ ] [ ]

Distribution 2 Distribution 4

[ ] [ ]

Referral Info / External Distribution / "OTHER"
[ ]

ARRESTING OFFICER'S DECLARATION OF PROBABLE CAUSE

The undersigned law enforcement officer states that the person whose name appears on this Pre-book/Probable Cause sheet was arrested without a warrant on the date and time shown thereon for the crimes committed in Clark County, Washington based on the following circumstances. The Pre-Book for this sheet is hereby incorporated by evidence.

My information is derived from:
S1: Salyers, Stephanie M.
V1: Petrenko, Ezra
V2: Petrenko, Malachi
V3: Petrenko, Moses
W1: Macky Sjenna

Investigation Summary:
On Sunday February 21, 2016 I was contacted by Sgt. Christenson and asked to assist in the investigation of a Kidnapping.

I met with Sgt. Christenson who told me that earlier today he had talked to Ricky Salyers. Ricky told Sgt. Christenson that he had temporary custody of Ezra, Malachi and Moses Petrenko who had been removed from the custody of their biological parents, Stephanie Salyers and Ilya Petrenko. Stephanie had learned that Ricky was supervising the children and went to him home. Stephanie visited with the children for about 90 minutes. At that time, Ricky went to a different part of the house and Stephanie exited the residence through a bedroom window with the three children. See the original report by Sgt. Christenson for details. 2016-1993.

I contacted Rachel Whitney, case supervisor for Washington State Department of Social and Health Services. Rachel told me that the state had legal guardianship of the three Petrenko children and that the biological parents were issued the Shelter Care Hearing Order on Friday February 19, 2016 stating such. Rachel was able to provide me with a copy of this order.

At approximately 2000 hours I drove to the area of the Petrenko home and observed a dark colored four door SUV backed into the driveway of 1602 SE 145th Court. This is the listed address for Stephanie Salyers and Ilya Petrenko. The garage door of the residence was open and I could see an adult moving from the inside of the residence to the SUV placing items into the SUV. A short time later a second adult was seen also placing items into the back seat and cargo area of the SUV. Due to my distance from the residence I could not identify who the adults were or what was being placed into the SUV.

When the SUV began to leave the residence I was able to stop the SUV with assistance from Vancouver Police patrol units.

I contacted the driver of the SUV who identified herself as Sjenna Macky. A second female was seated in the passenger seat. I asked Sjenna what she had in the vehicle and she told me that she had picked up some personal belongings for a friend. I looked in the back seat and saw that the back seat and cargo area were filled with blankets and bedding.

The female in the passenger seat appeared to be in her mid 20's and matched the physical description of Stephanie Salyers. I asked the second female if she had some identification and she told me that she did not. I asked her what her name was and she told me that it was "Sam". I asked her if she was Stephanie Salyers and she told me that she was not.

I then interviewed the driver who told me that the passenger was in fact Stephanie Salyers. Sjenna went on to say that Stephanie had contacted her and asked her for help in getting some belongings from her home and if she and her family could stay with her for a few days. Sjenna said that Stephanie told her that in a couple days they were going to leave the area with the kids.

I detained the female who continued to deny that she was Stephanie Salyers. I attempted to speak to Stephanie who refused to listen to me and demanded to know why she was being detained. I advised Stephanie that I wanted to speak to her and ask her some questions and she told me that she "was taking the 5th" and did not want to speak to me. I did not ask her any additional questions.

Later, while at the jail, Stephanie would repeatedly tell me, the transporting VPD officer and the Corrections staff that she did not kidnap her children and that she was never given paperwork saying that she could not have her children.

Stephanie was transported to the Clark County Jail where she was booked on three counts of Kidnapping for removing Ezra, Malachi and Moses Petrenko from their legal guardian with the intent keep them and leave the state.

Signed this 21st Day of February 2016, in Vancouver, Clark County, Washington.

Signature _____ **PSN** 3441

The undersigned Judge/Magistrate/Commissioner hereby certifies that I have read or had read to me the above statement of probable cause to arrest and that I find probable cause to arrest is ____established ____not established (release defendant).

Signed this ____ day of _____, 20___ in Vancouver, Clark County, Washington

_____ **Time:**_____ **am/pm**

CLARK COUNTY CORRECTIONS - RELEASE UNIT

NAME: SALYER, STEPHANIE MARELD **CFN:** 224770 **DOB:** 07/15/89
Booked: 02/21/16 **COURT DATE:**02/22/16

Docket#	LEA	Charge Description
NEW CHARGE	CLS	KIDNAPPING I

Current charge felony 1 _____

RESIDENCE: Verified - YES NO **FAMILY IN CLARK COUNTY:** YES NO
PHONE: 360-609-4200 **Msg: YES NO** **BOARD / OWN / RENT**
ADDRESS: 1602 SE 145TH ST / **CITY:** VANCOUVER **STATE:** WA **ZIP:** 98684
FOR: _____ Mo Yr **LIVES WITH:** _____ **RELATIONSHIP:** _____
TIME IN: Clark / Mult / Other County Area **CURRENT:** _____ Mo Yr **PREVIOUS:** _____ Mo Yr
PREVIOUS ADDRESS:_____ Current address <1 yr 1 ____

REFERENCES: Verified - YES NO **MARITAL STATUS:** S M DIV SEP WID RDP

Reference *Address* *Phone* *Relationship*

_____

EMPLOYMENT: Verified - YES NO **LEGAL DEPENDENTS INCLUDING SELF?** _____
EMPLOYER: _____ **ADDRESS:** _____ **PHONE:** _____
PRIOR: _____ **PRESENT:** _____ **POSITION:** _____ **LENGTH EMPLOYED:** ____ Mo Yr
____ **UNEMPLOYED** - How Long? _____ Mo Yr **PRIMARY CARE GIVER?** YES NO
____ **OTHER MEANS OF SUPPORT:** ___ Welfare ___ Disability ___ Other: ____ < 2 yrs continuous emp 1 _____

CURRENT STATUS: Verified - Y/N **HISTORY OF ESCAPE:** Y/N **CURRENT WARRANT OTHER JURIS?** 1 _____
_____Probation _____Parole _____Diversion _____Other **TYPE:** _____
NAME:_____ AGENCY:_____ **WHERE:** _____
PHONE:_____ CHARGE:_____ **WHEN:** _____

HOLD? Y/N **PENDING UN-ADJUDICATED CHARGES:** _____ 1____ **COURT DATE:** _____

CRIMINAL RECORD: Verified - Y/N **PRIOR FTAs:** Y/N **2 OR MORE FTA:** Y/N 2_____ **PRIOR RORs:**_____

Charge *Location* *Year* *Disposition*

1) _____ 2 or more Violent conv 1____
2) _____ 1 or more Misd/Fel conv 1____

Defendant's Signature: X_____ Date: 2-22-16

Interviewer's Signature: X Tim Sloan Date: 2-22-16

INTERVIEWER RECOMMENDS:
_____ Court Info Only
Risk Score _____
(Release Risk Low=1 Med=3 High=5)
FINANCIAL: Q NQ NI DEF

OTHER:
_____ Mental Health _____ Alcohol _____ Drugs 1 _____
_____ Methadone _____ Antabuse _____ Prior Treatment
_____ Gang Affiliations _____ Suicidal

now - Cooperative. Refused to answer questions

COMMENTS:

CFN: 224770
BKN: 16001908

Inmate: SALYER, STEPHANIE MARELDA
DOB: 07/15/89 Sex: F Race: W

Booking Date: 02/16/16
Booking Time: 03:00pm
Arresting Agency: VPD

Release Date: 02/17/16
Release Time: 0644

Remarks/Comments

	Det. Agency	Det. Charge
1)	COWLITZ COUNTY	DWS 3 - FT

OAD/WSH/OTHER FURLOUGHS

No furloughs recorded for this booking

APPENDIX C

CLARK COUNTY PROSECUTING ATTORNEY
(SUPPLEMENTAL DISCOVERY)

DEFENDANT	ITEM(S)	COURT NUMBER
STATE OF WASHINGTON v. STEPHANIE MARELDA SALYERS Prosecutor: Jeffery P. McCarty	BS 17-43	16-1-00452-1

This certifies that I am the attorney representing the above-named criminal defendant. I am requesting discovery without necessity of formal motion. I agree pursuant to CrR 4.7(h)(3) and CrRLJ 4.7(g)(3) that police reports and all other materials furnished to me pursuant to the court rules *shall remain in my exclusive custody* and shall be used only for the purposes of conducting the defendant's side of the case. *If your client fails to appear*, you should retain the discovery materials. *If new counsel appears* in this case, you should forward all discovery to this attorney. If, for any reason, this office must make duplicate copies there will be a monetary charge assessed.

Completed Date	PA Authorization Date	Notification Date/Time	Notification Method
3/22/16 JXM			☐ Call ☐ E-Mail

ATTORNEY RECEIPT

Steven J. Rucker, WSBA #20407
Attorney for Defendant or Representative

03/25/16
Date

PROSECUTOR'S COPY

Clerk I am the legal custodian thereof. Signed and sealed at Vancouver, Washington this date:

03-17-2016, 15:50

Deputy Clerk

FILED
FEB 19 2016
Scott G. Weber, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON COUNTY OF CLARK JUVENILE COURT	
Dependency of: PETRENKO, EZRA DOB: 12/18/12 PETRENKO, MALACHI DOB: 11/02/11 PETRENKO, MOSES DOB: 02/20/15	**No:** 16-7-00163-9 16-7-00164-7 16-7-00165-5 **Shelter Care Hearing Order** ☐ Agreed as to ☐ mother ☐ father ☐ other ☒ Contested as to ☒ mother ☒ father ☐ other ☐ Default as to ☐ mother ☐ father ☐ other **(SCOR)** ☒ Clerk's Action Required. Paragraphs 3.5 (EDL), 3.11

ORIGINAL

The parties shall:

☐ Hold a case conference _____:

On: _____, at _____ a.m./p.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

☐ Not hold a case conference at this time because the parent ☐ did not appear at shelter care ☐ did not want to participate.

The court shall:

☒ Conduct a Shelter Care hearing: - presentation of orders

On: 2-23-16, at 2:30 pm ~~a.m./p.m.~~
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

☒ Conduct a 30-Day Shelter Care Review hearing:

On: March 15, 2016, at 8:30 a.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

I. Hearing

1.1 **Petition:** A dependency petition was filed in this matter on _____, by ☒ DSHS ☐ Licensed Child Placement Agency _____ ☐ Other _____. The child was removed from the parents' care on February 16, 2016, by ☐ court order ☒ protective custody ☐ hospital/doctor hold ☐ voluntary placement agreement. The court held a shelter care hearing on this date or on February 19, 2016.

1.2 **Appearance:** The following persons appeared at the hearing:

☐	Child	☐	Child's Lawyer
☒	Mother	☐	Mother's Lawyer
☒	Father	☐	Father's Lawyer
☐	Alleged Father _____	☐	Alleged Father's Lawyer _____
☐	Guardian or Legal Custodian	☐	Guardian's or Legal Custodian's Lawyer
☒	Child's GAL/CASA	☐	GAL's Lawyer
☒	DSHS/Supervising Agency Worker	☒	Agency's Lawyer
☐	Tribal Representative	☐	Current Caregiver
☐	Interpreter for ☐ mother ☐ father	☐	Other _____

1.3 **Basis:** The court considered the dependency petition, declarations, testimony, if any, and the relevant court records.

☐ The child is 12 years old or older and the court made the inquiry required by RCW 13.34.100(6).

//

ATTORNEY GENERAL OF WASHINGTON
1220 Main Street, Suite 510
Vancouver, WA 98660
(360) 759-2100

II. Findings

2.1 **Notice:** The petitioner gave adequate notice as required under RCW 13.34.062 to the ☒ mother ☒ father ☐ child if age 12 or older ☐ guardian ☐ legal custodian ☐ other: _____

The petitioner ☐ has ☐ has not made reasonable efforts to provide notice to the ☐ mother ☐ father ☐ child ☐ guardian ☐ legal custodian ☐ other: _____ and to inform them of their rights.

2.2 **Child's Indian status:**

The petitioner ☒ has ☐ has not made a good faith effort to determine whether the child is an Indian Child.

☒ Based upon the following, the child is not an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do not apply to these proceedings: Per maternal relatives, the children have no Native heritage.

☐ Based upon the following information currently available to the court, the child may be an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings: _____

☐ Based upon the following, the child is an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings: _____

☐ The petitioner ☐ has ☐ has not made preliminary efforts to notify all tribes to which the petitioner or court knows or has reason to know the child may be a member or eligible for membership of these proceedings.

2.3 **Rights:** The parties present at the hearing were informed of their rights pursuant to RCW 13.34.065 and 13.34.090.

2.4 **Waiver of shelter care hearing:** The ☐ mother ☐ father ☐ guardian ☐ legal custodian requested a waiver of the shelter care hearing. The court determined that the parent, guardian, or legal custodian ☐ was ☐ was not represented by an attorney and the waiver of the shelter care hearing was knowing and voluntary.

2.5 **Shelter Care Factors:**

The court considered the following factors:

(a) What services DSHS/Supervising Agency provided to the family to prevent or eliminate the need for removal of the child from the child's home.
☐ If lack of suitable housing was a significant factor in removal of the child, whether DSHS/Supervising Agency provided housing assistance to the family.

(b) Whether the child can be safely returned to the home pending the dependency fact-finding hearing.

(c) Whether restraining orders or orders excluding an allegedly abusive household member from the house of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home.

(d) What efforts DSHS/Supervising Agency made to place the child with a relative or other suitable person known to the child and with whom the child has a relationship. The court inquired whether DSHS/Supervising Agency has discussed this issue with the parents.

(e) Whether the placement proposed by DSHS/Supervising Agency is the least disruptive and most family-like setting that meets the needs of the child.

(f) Appointment of an attorney or guardian *ad litem* for the child's parent, guardian, or legal custodian, or for the child.

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1220 Main Street, Suite 510
Vancouver, WA 98660
(360) 759-2100

(g) The terms and conditions for parental, sibling, and family visits.

2.6 **Reasonable efforts:**

☒ Petitioner made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home. For the reasons set forth in the dependency petition, supporting declarations and affidavits, and/or the testimony presented to the court:

- ☒ The risk of imminent harm to the child as assessed by petitioner establishes reasonable cause for the continued out-of-home placement of the child pending the fact finding hearing; and/or
- ☒ Specific services offered or provided to the parent(s) have been unable to remedy the unsafe conditions in the home and make it possible for the child to return home; and/ or
- ☒ Returning the child to the home would seriously endanger the child's health, safety, and welfare.
- ☐ Additional reasonable efforts findings: _____

2.7 **Shelter care:**

☐ The court does not find reasonable cause to believe that shelter care is needed.

☒ It is currently contrary to the welfare of the child to remain in or return home. The child is in need of shelter care because there is reasonable cause to believe:

- ☒ The child has no parent, guardian, or legal custodian to provide supervision or care for such child; and/or
- ☒ The release of the child would present a serious threat of substantial harm to the child; and/or
- ☐ The parent, guardian or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

2.8 **Placement:**

☒ A ☒ relative or ☐ suitable person is available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.

- ☒ Placement with the relative or other suitable person is in the child's best interests.
- ☐ DSHS/Supervising Agency needs to further investigate the character and suitability of the proposed relative or other suitable person to determine if the placement is in the child's best interests.
- ☐ Placement with the relative or other suitable person is not in the child's best interests as there is reasonable cause to believe that placement of the child with the relative or suitable person would ☐ jeopardize the health, safety or welfare of the child ☐ hinder efforts to reunite the parent and child.

☐ A ☐ relative or ☐ suitable person is not available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.

☐ DSHS/Supervising Agency made the following efforts toward placement with a relative or other suitable person: _____

//

//

2.9 **Restraining order:**

☐ The court finds reasonable cause to believe that an incident of sexual or physical abuse has occurred and that a restraining order is necessary pursuant to RCW 26.44.063(2).

☐ A restraining order ☐ has been ☐ shall be entered pursuant RCW 26.44.063 and shall be incorporated by reference into this order. Placement of the child with _____ _____ [name] shall be contingent on continued compliance with the terms of the restraining order.

2.10 **Services:**

The court inquired into whether the child, the parent or parent(s), or the legal guardian requires examinations, evaluations, or immediate services. The court also inquired into whether the parent(s) agree(s) to any recommended services, and the parent(s) agree(s) to participate in the services listed in the Order.

☐ The Department recommends the following examinations, evaluations, or immediate services for the child: _____

☐ The child is 12 or older and ☐ agrees to the services ☐ was notified of the services ☐ was notified that he/she may request an attorney.

2.11 **Education status:**

☒ The child is not of school age.

☐ The court considered whether it is in the best interest of the child to remain enrolled in the _____ [name of school, developmental program, or child care] the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care.

☐ The child should not remain enrolled in the child's present school, developmental program, or child care and the reasons for the transfer to a new school, developmental program, or child care are: _____

☐ DSHS/Supervising Agency should enroll the child in school, developmental program, or child care immediately and within seven school days and request transfer of records.

☒ DSHS/Supervising Agency is responsible for coordinating the student's educational information.

☐ The child meets the criteria for appointment of an educational liaison. DSHS/Supervising Agency recommends that the court appoint (name) _____ as the child's educational liaison.

☐ The parents are not able to serve as the educational liaison because: _____ _____

2.12 ☐ **Other:** _____ _____

//

ATTORNEY GENERAL OF WASHINGTON
1220 Main Street, Suite 510
Vancouver, WA 98660
(360) 759-2100

III. Order

3.1 **Placement:**

☐ The child is released to the child's parent, guardian or legal custodian:

Name(s): _____
Address: _____

Subject to the following conditions: _____

☒ The child is placed in or shall remain in shelter care, in the temporary custody and under the supervision of DSHS/Supervising Agency, which shall have the authority to place the child in:

☐ Licensed foster care.
☒ Relative placement with Monica Slavist & Tiffani Lahmann [name].
☐ Placement with a suitable person: _____ [name].

Placement with the relative or suitable person is contingent upon the caregiver's cooperation with the DSHS/Supervising Agency case plan and compliance with this, and all subsequent court orders related to the care and supervision of the child, including but not limited to parent-child contact, sibling contacts, and any other conditions imposed by the court.

Placement conditions Other: The parental/foster/relative/suitable person placement is authorized to take the child into the State of Oregon for a time period not to exceed 72 hours without prior court order.

The parental/foster/relative/suitable person placement is also authorized to take the child into another state within the United States for a time period not to exceed 7 days without prior court order; provided that the Department will notify the CASA/GAL/Child's attorney, parent(s) and their attorney(s), at least 14 days prior to the travel. If the attorney for any party notifies the Department that the party objects to the travel within 7 days after receiving notice, the Department will cite on a motion for travel and the court may hear the matter on short notice.

For any out of state travel, the parental/foster/relative/suitable person placement must have advance approval from the agency worker.

☐ DSHS/Supervising Agency shall continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and is authorized to share information with potential relative or other suitable person placement resources as necessary to determine their suitability and willingness as a placement for the child.

☐ DSHS/Supervising Agency shall have authority to place the child with an appropriate relative with prior reasonable notice to the parties, subject to review by the court.

3.2 **Visitation:** DSHS/Supervising Agency shall provide visits between the child and parent, guardian, or legal custodian as follows:

☐ Per visitation attachment.
☒ As follows: as arranged by the assigned social worker.

If siblings are not placed together, DSHS/Supervising Agency shall provide sibling visits or contact as follows: _____

☐ Visitation may be expanded upon agreement of the parties.

3.3 **Attorney/GAL Appointments**: Attorney and guardian *ad litem* appointments are as follows:

☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].

3.4 **Services**:

☐ DSHS/Supervising Agency shall offer or provide and the parent/guardian/custodian shall participate in the following agreed upon examinations, evaluations, or immediate services:

☐ The mother shall participate in the following: _____

☐ The father shall participate in the following: _____

☐ The alleged father _____ [name] shall participate in the following: _____
_____

☐ The guardian/legal custodian shall participate in the following: _____
_____

☐ DSHS/Supervising Agency shall provide and the child shall participate in the following examinations, evaluations, or immediate services: _____
_____

☐ Per attached service plan.

☐ Other: _____

3.5 **Education**:

☐ DSHS/Supervising Agency or its designee shall immediately and within seven school days timely enroll the child in school and request transfer of records.
☐ DSHS/Supervising Agency or its designee shall provide the child's school with a certified copy of the Order and Authorization Re Health Care and Education.
☐ (Name) _____ is appointed as the child's educational liaison to carry out the responsibilities described in Laws of 2013, ch. 182, §5. The educational liaison must complete criminal background checks required by DSHS/Supervising Agency.

3.6 **Parental Cooperation**:

The parents shall cooperate with DSHS/Supervising Agency and provide a current address and phone number to the social worker at all times. Within two weeks of the entry of this order, the parents shall provide additional information necessary for placement and notice purposes including:

(a) The names, addresses, and phone number of any relatives or other suitable persons who may be placement resources for the child.

(b) The names, addresses, phone numbers and other identifying information of any alleged parent(s) of the child.
(c) Any known information regarding possible membership in or descent from an Indian tribe.
(d) Information necessary to determine financial eligibility for services or foster care.
(e) Other: _____

The parents shall sign and maintain current releases of information during the course of these proceedings for exchange of information between all evaluators and service providers, DSHS/Supervising Agency, CASA/GAL, Juvenile Court, AAG, and the parents' attorneys.

3.7 **Paternity:**

☐ The alleged father(s) _____ shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
☐ The mother shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
☐ The child shall be made available for genetic testing.
☐ If paternity has not been established regarding the child, the court authorizes the _____ _____ County Prosecutor's Office to proceed in the _____ County Superior Court, Family Law Division, on the issue of paternity, current and past child support, and costs.

3.8 **Release of Information:**

All court-ordered service providers shall make all records and all reports available to DSHS, attorney for DSHS, parent's attorney, the guardian ad litem and attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DSHS and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DSHS may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

3.9 **General:**

DSHS/Supervising Agency shall have the right to access, inspect, and copy all records pertaining to the above-named child, including but not limited to health, medical, mental health and educational records.

DSHS/Supervising Agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.

DSHS/Supervising Agency shall make reasonable efforts to advise the child's ☒ mother ☒ father ☐ legal guardian or custodian of the status of this case, including the date and time of the hearing(s) scheduled below and their rights under RCW 13.34.090.

3.10 **Restraining Order:**

☐ The court signed a separate restraining order on this date.
☐ The restraining order entered pursuant to RCW 26.44.063 is incorporated into this order.

Placement of the child with _____ is contingent on continued compliance with the terms of this restraining order. Failure to comply with any and all terms of this order may result in removal of the child.

The person having physical custody of the child has an affirmative duty to assist in the enforcement of this restraining order and to notify law enforcement, DSHS/ Supervising Agency, and the court as necessary to request assistance and/or report violations of the order.

3.11 All parties shall appear at the next scheduled hearing (see page one).

3.12 **Continued Shelter Care:**

~~Pursuant to RCW 13.34.065, an ex parte order authorizing continued shelter care will be entered no later than 30 days from the date of this order. A party may request a modification of the shelter care decision of placement upon a showing of a change of circumstances.~~

3.13 Other: Parents declined court appointed attorneys.

Dated: 3/19/16

Judge/Commissioner

Presented by:

ROBERT W. FERGUSON
Attorney General

SARRA M. YAMIN, WSBA No. 44694
Assistant Attorney General

COPY RECEIVED; APPROVED FOR ENTRY;
NOTICE OF PRESENTATION WAIVED.

Signature of Mother, STEPHANIE SALYERS
☐ Pro Se, Advised of Right to Counsel

Mother's Lawyer , WSBA No.

Signature of Father, ILYA PETRENKO
☐ Pro Se, Advised of Right to Counsel

Father's Lawyer , WSBA No.

CLARK COUNTY C.A.S.A. PROGRAM
Signature of Children's GAL

Clerk I am the legal custodian thereof. Signed and sealed at Vancouver, Washington this date:

03-17-2016, 15:50

Deputy Clerk

FILED
FEB 19 2016
Scott G. Weber, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON COUNTY OF CLARK JUVENILE COURT	
Dependency of: PETRENKO, EZRA DOB: 12/18/12 PETRENKO, MALACHI DOB: 11/02/11 PETRENKO, MOSES DOB: 02/20/15	No: 16-7-00163-9 16-7-00164-7 16-7-00165-5 **Shelter Care Hearing Order** ☐ Agreed as to ☐ mother ☐ father ☐ other ☒ Contested as to ☒ mother ☒ father ☐ other ☐ Default as to ☐ mother ☐ father ☐ other **(SCOR)** ☒ Clerk's Action Required. Paragraphs 3.5 (EDL), 3.11

ORIGINAL

The parties shall:

☐ Hold a case conference _____:

On: _____, at _____ a.m./p.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

☐ Not hold a case conference at this time because the parent ☐ did not appear at shelter care ☐ did not want to participate.

The court shall:

☐ Conduct a Shelter Care hearing: Presentation of Orders

On: 2-23-16, at 2:30 a.m./p.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

☒ Conduct a 30-Day Shelter Care Review hearing:

On: March 15, 2016, at 8:30 a.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

I. Hearing

1.1 **Petition:** A dependency petition was filed in this matter on _____, by ☒ DSHS ☐ Licensed Child Placement Agency _____ ☐Other _____. The child was removed from the parents' care on February 16, 2016, by ☐ court order ☒ protective custody ☐ hospital/doctor hold ☐ voluntary placement agreement. The court held a shelter care hearing on this date or on February 19, 2016.

1.2 **Appearance:** The following persons appeared at the hearing:

☐	Child	☐	Child's Lawyer
☒	Mother	☐	Mother's Lawyer
☒	Father	☐	Father's Lawyer
☐	Alleged Father _____	☐	Alleged Father's Lawyer _____
☐	Guardian or Legal Custodian	☐	Guardian's or Legal Custodian's Lawyer
☒	Child's GAL/CASA	☐	GAL's Lawyer
☒	DSHS/Supervising Agency Worker	☒	Agency's Lawyer
☐	Tribal Representative	☐	Current Caregiver
☐	Interpreter for ☐ mother ☐ father	☐	Other _____

1.3 **Basis:** The court considered the dependency petition, declarations, testimony, if any, and the relevant court records.

☐ The child is 12 years old or older and the court made the inquiry required by RCW 13.34.100(6).

//

ATTORNEY GENERAL OF WASHINGTON
1220 Main Street, Suite 510
Vancouver, WA 98660
(360) 759-2100

II. Findings

2.1 **Notice:** The petitioner gave adequate notice as required under RCW 13.34.062 to the ☒ mother ☒ father ☐ child if age 12 or older ☐ guardian ☐ legal custodian ☐ other: _____

The petitioner ☐ has ☐ has not made reasonable efforts to provide notice to the ☐ mother ☐ father ☐ child ☐ guardian ☐ legal custodian ☐ other: _____ and to inform them of their rights.

2.2 **Child's Indian status:**

The petitioner ☒ has ☐ has not made a good faith effort to determine whether the child is an Indian Child.

☒ Based upon the following, the child is not an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do not apply to these proceedings: Per maternal relatives, the children have no Native heritage.

☐ Based upon the following information currently available to the court, the child may be an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings: _____

☐ Based upon the following, the child is an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings: _____

☐ The petitioner ☐ has ☐ has not made preliminary efforts to notify all tribes to which the petitioner or court knows or has reason to know the child may be a member or eligible for membership of these proceedings.

2.3 **Rights:** The parties present at the hearing were informed of their rights pursuant to RCW 13.34.065 and 13.34.090.

2.4 **Waiver of shelter care hearing:** The ☐ mother ☐ father ☐ guardian ☐ legal custodian requested a waiver of the shelter care hearing. The court determined that the parent, guardian, or legal custodian ☐ was ☐ was not represented by an attorney and the waiver of the shelter care hearing was knowing and voluntary.

2.5 **Shelter Care Factors:**

The court considered the following factors:

(a) What services DSHS/Supervising Agency provided to the family to prevent or eliminate the need for removal of the child from the child's home.
☐ If lack of suitable housing was a significant factor in removal of the child, whether DSHS/Supervising Agency provided housing assistance to the family.

(b) Whether the child can be safely returned to the home pending the dependency fact-finding hearing.

(c) Whether restraining orders or orders excluding an allegedly abusive household member from the house of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home.

(d) What efforts DSHS/Supervising Agency made to place the child with a relative or other suitable person known to the child and with whom the child has a relationship. The court inquired whether DSHS/Supervising Agency has discussed this issue with the parents.

(e) Whether the placement proposed by DSHS/Supervising Agency is the least disruptive and most family-like setting that meets the needs of the child.

(f) Appointment of an attorney or guardian *ad litem* for the child's parent, guardian, or legal custodian, or for the child.

(g) The terms and conditions for parental, sibling, and family visits.

2.6 **Reasonable efforts:**

☒ Petitioner made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home. For the reasons set forth in the dependency petition, supporting declarations and affidavits, and/or the testimony presented to the court:

- ☒ The risk of imminent harm to the child as assessed by petitioner establishes reasonable cause for the continued out-of-home placement of the child pending the fact finding hearing; and/or
- ☒ Specific services offered or provided to the parent(s) have been unable to remedy the unsafe conditions in the home and make it possible for the child to return home; and/ or
- ☒ Returning the child to the home would seriously endanger the child's health, safety, and welfare.
- ☐ Additional reasonable efforts findings: _____

2.7 **Shelter care:**

☐ The court does not find reasonable cause to believe that shelter care is needed.

☒ It is currently contrary to the welfare of the child to remain in or return home. The child is in need of shelter care because there is reasonable cause to believe:

- ☒ The child has no parent, guardian, or legal custodian to provide supervision or care for such child; and/or
- ☒ The release of the child would present a serious threat of substantial harm to the child; and/or
- ☐ The parent, guardian or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

2.8 **Placement:**

☒ A ☒ relative or ☐ suitable person is available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.

- ☒ Placement with the relative or other suitable person is in the child's best interests.
- ☐ DSHS/Supervising Agency needs to further investigate the character and suitability of the proposed relative or other suitable person to determine if the placement is in the child's best interests.
- ☐ Placement with the relative or other suitable person is not in the child's best interests as there is reasonable cause to believe that placement of the child with the relative or suitable person would ☐ jeopardize the health, safety or welfare of the child ☐ hinder efforts to reunite the parent and child.

☐ A ☐ relative or ☐ suitable person is not available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.

☐ DSHS/Supervising Agency made the following efforts toward placement with a relative or other suitable person: _____

//

//

2.9 **Restraining order:**

☐ The court finds reasonable cause to believe that an incident of sexual or physical abuse has occurred and that a restraining order is necessary pursuant to RCW 26.44.063(2).

☐ A restraining order ☐ has been ☐ shall be entered pursuant RCW 26.44.063 and shall be incorporated by reference into this order. Placement of the child with _____ _____ [name] shall be contingent on continued compliance with the terms of the restraining order.

2.10 **Services:**

The court inquired into whether the child, the parent or parent(s), or the legal guardian requires examinations, evaluations, or immediate services. The court also inquired into whether the parent(s) agree(s) to any recommended services, and the parent(s) agree(s) to participate in the services listed in the Order.

☐ The Department recommends the following examinations, evaluations, or immediate services for the child: _____

☐ The child is 12 or older and ☐ agrees to the services ☐ was notified of the services ☐ was notified that he/she may request an attorney.

2.11 **Education status:**

☒ The child is not of school age.

☐ The court considered whether it is in the best interest of the child to remain enrolled in the _____ [name of school, developmental program, or child care] the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care.

☐ The child should not remain enrolled in the child's present school, developmental program, or child care and the reasons for the transfer to a new school, developmental program, or child care are: _____

☐ DSHS/Supervising Agency should enroll the child in school, developmental program, or child care immediately and within seven school days and request transfer of records.

☒ DSHS/Supervising Agency is responsible for coordinating the student's educational information.

☐ The child meets the criteria for appointment of an educational liaison. DSHS/Supervising Agency recommends that the court appoint (name) _____ as the child's educational liaison.

☐ The parents are not able to serve as the educational liaison because: _____ _____

2.12 ☐ **Other:** _____ _____

//

III. Order

3.1 **Placement:**

☐ The child is released to the child's parent, guardian or legal custodian:

Name(s): _____
Address: _____

Subject to the following conditions: _____

☒ The child is placed in or shall remain in shelter care, in the temporary custody and under the supervision of DSHS/Supervising Agency, which shall have the authority to place the child in:

☐ Licensed foster care.
☒ Relative placement with Monica Sigrist & Tiffen Lehmann [name].
☐ Placement with a suitable person: _____ [name].

Placement with the relative or suitable person is contingent upon the caregiver's cooperation with the DSHS/Supervising Agency case plan and compliance with this, and all subsequent court orders related to the care and supervision of the child, including but not limited to parent-child contact, sibling contacts, and any other conditions imposed by the court.

Placement conditions Other: The parental/foster/relative/suitable person placement is authorized to take the child into the State of Oregon for a time period not to exceed 72 hours without prior court order.

The parental/foster/relative/suitable person placement is also authorized to take the child into another state within the United States for a time period not to exceed 7 days without prior court order; provided that the Department will notify the CASA/GAL/Child's attorney, parent(s) and their attorney(s), at least 14 days prior to the travel. If the attorney for any party notifies the Department that the party objects to the travel within 7 days after receiving notice, the Department will cite on a motion for travel and the court may hear the matter on short notice.

For any out of state travel, the parental/foster/relative/suitable person placement must have advance approval from the agency worker.

☐ DSHS/Supervising Agency shall continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and is authorized to share information with potential relative or other suitable person placement resources as necessary to determine their suitability and willingness as a placement for the child.

☐ DSHS/Supervising Agency shall have authority to place the child with an appropriate relative with prior reasonable notice to the parties, subject to review by the court.

3.2 **Visitation:** DSHS/Supervising Agency shall provide visits between the child and parent, guardian, or legal custodian as follows:

☐ Per visitation attachment.
☒ As follows: as arranged by the assigned social worker.

ATTORNEY GENERAL OF WASHINGTON
1220 Main Street, Suite 510
Vancouver, WA 98660
(360) 759-2100

If siblings are not placed together, DSHS/Supervising Agency shall provide sibling visits or contact as follows: _____

☐ Visitation may be expanded upon agreement of the parties.

3.3 **Attorney/GAL Appointments:** Attorney and guardian *ad litem* appointments are as follows:

☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].

3.4 **Services:**

☐ DSHS/Supervising Agency shall offer or provide and the parent/guardian/custodian shall participate in the following agreed upon examinations, evaluations, or immediate services:

☐ The mother shall participate in the following: _____

☐ The father shall participate in the following: _____

☐ The alleged father _____ [name] shall participate in the following: _____
_____

☐ The guardian/legal custodian shall participate in the following: _____
_____

☐ DSHS/Supervising Agency shall provide and the child shall participate in the following examinations, evaluations, or immediate services: _____
_____

☐ Per attached service plan.

☐ Other: _____

3.5 **Education:**

☐ DSHS/Supervising Agency or its designee shall immediately and within seven school days timely enroll the child in school and request transfer of records.
☐ DSHS/Supervising Agency or its designee shall provide the child's school with a certified copy of the Order and Authorization Re Health Care and Education.
☐ (Name) _____ is appointed as the child's educational liaison to carry out the responsibilities described in Laws of 2013, ch. 182, §5. The educational liaison must complete criminal background checks required by DSHS/Supervising Agency.

3.6 **Parental Cooperation:**

The parents shall cooperate with DSHS/Supervising Agency and provide a current address and phone number to the social worker at all times. Within two weeks of the entry of this order, the parents shall provide additional information necessary for placement and notice purposes including:

(a) The names, addresses, and phone number of any relatives or other suitable persons who may be placement resources for the child.

(b) The names, addresses, phone numbers and other identifying information of any alleged parent(s) of the child.
(c) Any known information regarding possible membership in or descent from an Indian tribe.
(d) Information necessary to determine financial eligibility for services or foster care.
(e) Other: _____

The parents shall sign and maintain current releases of information during the course of these proceedings for exchange of information between all evaluators and service providers, DSHS/Supervising Agency, CASA/GAL, Juvenile Court, AAG, and the parents' attorneys.

3.7 **Paternity:**

☐ The alleged father(s) _____ shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
☐ The mother shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
☐ The child shall be made available for genetic testing.
☐ If paternity has not been established regarding the child, the court authorizes the _____ _____ County Prosecutor's Office to proceed in the _____ County Superior Court, Family Law Division, on the issue of paternity, current and past child support, and costs.

3.8 **Release of Information:**

All court-ordered service providers shall make all records and all reports available to DSHS, attorney for DSHS, parent's attorney, the guardian ad litem and attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DSHS and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DSHS may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

3.9 **General:**

DSHS/Supervising Agency shall have the right to access, inspect, and copy all records pertaining to the above-named child, including but not limited to health, medical, mental health and educational records.

DSHS/Supervising Agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.

DSHS/Supervising Agency shall make reasonable efforts to advise the child's ☒ mother ☒ father ☐ legal guardian or custodian of the status of this case, including the date and time of the hearing(s) scheduled below and their rights under RCW 13.34.090.

3.10 **Restraining Order:**

☐ The court signed a separate restraining order on this date.
☐ The restraining order entered pursuant to RCW 26.44.063 is incorporated into this order.

Placement of the child with _____ is contingent on continued compliance with the terms of this restraining order. Failure to comply with any and all terms of this order may result in removal of the child.

The person having physical custody of the child has an affirmative duty to assist in the enforcement of this restraining order and to notify law enforcement, DSHS/ Supervising Agency, and the court as necessary to request assistance and/or report violations of the order.

3.11 All parties shall appear at the next scheduled hearing (see page one).

3.12 ~~Continued Shelter Care:~~

~~Pursuant to RCW 13.34.065, an ex parte order authorizing continued shelter care will be entered no later than 30 days from the date of this order. A party may request a modification of the shelter care decision of placement upon a showing of a change of circumstances.~~

3.13 Other: Parents declined Court appointed attorneys

Dated: 2/19/16

Judge/Commissioner

Presented by:

ROBERT W. FERGUSON
Attorney General

SARRA M. YAMIN, WSBA No. 44694
Assistant Attorney General

COPY RECEIVED; APPROVED FOR ENTRY;
NOTICE OF PRESENTATION WAIVED.

Signature of Mother, STEPHANIE SALYERS
☐ Pro Se, Advised of Right to Counsel

Mother's Lawyer , WSBA No.

Signature of Father, ILYA PETRENKO
☐ Pro Se, Advised of Right to Counsel

Father's Lawyer , WSBA No.

CLARK COUNTY C.A.S.A. PROGRAM
Signature of Children's GAL

Clerk I am the legal custodian thereof. Signed and sealed at Vancouver, Washington this date:

03-17-2016, 15:50

Deputy Clerk

9n
mD

FILED
FEB 19 2016
Scott G. Weber, Clerk, Clark Co.
6:00 p

SUPERIOR COURT OF WASHINGTON COUNTY OF CLARK JUVENILE COURT	
Dependency of: PETRENKO, EZRA DOB: 12/18/12 PETRENKO, MALACHI DOB: 11/02/11 PETRENKO, MOSES DOB: 02/20/15	No: 16-7-00163-9 ✓ 16-7-00164-7 16-7-00165-5 **Shelter Care Hearing Order** ☐ Agreed as to ☐ mother ☐ father ☐ other ☒ Contested as to ☒ mother ☒ father ☐ other ☐ Default as to ☐ mother ☐ father ☐ other **(SCOR)** ☒ Clerk's Action Required. Paragraphs 3.5 (EDL), 3.11

ORIGINAL

The parties shall:

☐ Hold a case conference _____:

On: _____, at _____ a.m./p.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

☐ Not hold a case conference at this time because the parent ☐ did not appear at shelter care ☐ did not want to participate.

The court shall:

☒ Conduct a Shelter Care hearing: presentation of orders

On: 2-23-16, at 2:30 a.m./p.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

☒ Conduct a 30-Day Shelter Care Review hearing:

On: March 15, 2016, at 1:30 p.m.
At: Clark County Superior Court, Family Law Annex.
Address: 601 West Evergreen Blvd., Vancouver, Washington 98660

I. Hearing

1.1 **Petition:** A dependency petition was filed in this matter on _____, by ☒ DSHS ☐ Licensed Child Placement Agency _____ ☐ Other _____. The child was removed from the parents' care on February 16, 2016, by ☐ court order ☒ protective custody ☐ hospital/doctor hold ☐ voluntary placement agreement. The court held a shelter care hearing on this date or on February 19, 2016.

1.2 **Appearance:** The following persons appeared at the hearing:

☐	Child	☐	Child's Lawyer
☒	Mother	☐	Mother's Lawyer
☒	Father	☐	Father's Lawyer
☐	Alleged Father _____	☐	Alleged Father's Lawyer _____
☐	Guardian or Legal Custodian	☐	Guardian's or Legal Custodian's Lawyer
☒	Child's GAL/CASA	☐	GAL's Lawyer
☒	DSHS/Supervising Agency Worker	☒	Agency's Lawyer
☐	Tribal Representative	☐	Current Caregiver
☐	Interpreter for ☐ mother ☐ father	☐	Other _____

1.3 **Basis:** The court considered the dependency petition, declarations, testimony, if any, and the relevant court records.

☐ The child is 12 years old or older and the court made the inquiry required by RCW 13.34.100(6).

//

II. Findings

2.1 **Notice:** The petitioner gave adequate notice as required under RCW 13.34.062 to the ☒ mother ☒ father ☐ child if age 12 or older ☐ guardian ☐ legal custodian ☐ other: _____

The petitioner ☐ has ☐ has not made reasonable efforts to provide notice to the ☐ mother ☐ father ☐ child ☐ guardian ☐ legal custodian ☐ other: _____ and to inform them of their rights.

2.2 **Child's Indian status:**

The petitioner ☒ has ☐ has not made a good faith effort to determine whether the child is an Indian Child.

☒ Based upon the following, the child is not an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do not apply to these proceedings: Per maternal relatives, the children have no Native heritage.

☐ Based upon the following information currently available to the court, the child may be an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings: _____

☐ Based upon the following, the child is an Indian child as defined in RCW 13.38.040, and the federal and Washington State Indian Child Welfare Acts do apply to these proceedings: _____

☐ The petitioner ☐ has ☐ has not made preliminary efforts to notify all tribes to which the petitioner or court knows or has reason to know the child may be a member or eligible for membership of these proceedings.

2.3 **Rights:** The parties present at the hearing were informed of their rights pursuant to RCW 13.34.065 and 13.34.090.

2.4 **Waiver of shelter care hearing:** The ☐ mother ☐ father ☐ guardian ☐ legal custodian requested a waiver of the shelter care hearing. The court determined that the parent, guardian, or legal custodian ☐ was ☐ was not represented by an attorney and the waiver of the shelter care hearing was knowing and voluntary.

2.5 **Shelter Care Factors:**

The court considered the following factors:

(a) What services DSHS/Supervising Agency provided to the family to prevent or eliminate the need for removal of the child from the child's home.
☐ If lack of suitable housing was a significant factor in removal of the child, whether DSHS/Supervising Agency provided housing assistance to the family.

(b) Whether the child can be safely returned to the home pending the dependency fact-finding hearing.

(c) Whether restraining orders or orders excluding an allegedly abusive household member from the house of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home.

(d) What efforts DSHS/Supervising Agency made to place the child with a relative or other suitable person known to the child and with whom the child has a relationship. The court inquired whether DSHS/Supervising Agency has discussed this issue with the parents.

(e) Whether the placement proposed by DSHS/Supervising Agency is the least disruptive and most family-like setting that meets the needs of the child.

(f) Appointment of an attorney or guardian *ad litem* for the child's parent, guardian, or legal custodian, or for the child.

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1220 Main Street, Suite 510
Vancouver, WA 98660
(360) 759-2100

County, Washington.

03-17-2016, 15:50

(g) The terms and conditions for parental, sibling, and family visits.

2.6 **Reasonable efforts:**

☒ Petitioner made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home. For the reasons set forth in the dependency petition, supporting declarations and affidavits, and/or the testimony presented to the court:

- ☒ The risk of imminent harm to the child as assessed by petitioner establishes reasonable cause for the continued out-of-home placement of the child pending the fact finding hearing; and/or
- ☒ Specific services offered or provided to the parent(s) have been unable to remedy the unsafe conditions in the home and make it possible for the child to return home; and/ or
- ☒ Returning the child to the home would seriously endanger the child's health, safety, and welfare.
- ☐ Additional reasonable efforts findings: _____

2.7 **Shelter care:**

☐ The court does not find reasonable cause to believe that shelter care is needed.

☒ It is currently contrary to the welfare of the child to remain in or return home. The child is in need of shelter care because there is reasonable cause to believe:

- ☒ The child has no parent, guardian, or legal custodian to provide supervision or care for such child; and/or
- ☒ The release of the child would present a serious threat of substantial harm to the child; and/or
- ☐ The parent, guardian or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

2.8 **Placement:**

☒ A ☒ relative or ☐ suitable person is available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.

- ☒ Placement with the relative or other suitable person is in the child's best interests.
- ☐ DSHS/Supervising Agency needs to further investigate the character and suitability of the proposed relative or other suitable person to determine if the placement is in the child's best interests.
- ☐ Placement with the relative or other suitable person is not in the child's best interests as there is reasonable cause to believe that placement of the child with the relative or suitable person would ☐ jeopardize the health, safety or welfare of the child ☐ hinder efforts to reunite the parent and child.

☐ A ☐ relative or ☐ suitable person is not available or willing to care for the child and to meet any special needs of the child or to facilitate the child's visitation with siblings.

☐ DSHS/Supervising Agency made the following efforts toward placement with a relative or other suitable person: _____

//

//

2.9 **Restraining order:**

☐ The court finds reasonable cause to believe that an incident of sexual or physical abuse has occurred and that a restraining order is necessary pursuant to RCW 26.44.063(2).

☐ A restraining order ☐ has been ☐ shall be entered pursuant RCW 26.44.063 and shall be incorporated by reference into this order. Placement of the child with _____ _____ [name] shall be contingent on continued compliance with the terms of the restraining order.

2.10 **Services:**

The court inquired into whether the child, the parent or parent(s), or the legal guardian requires examinations, evaluations, or immediate services. The court also inquired into whether the parent(s) agree(s) to any recommended services, and the parent(s) agree(s) to participate in the services listed in the Order.

☐ The Department recommends the following examinations, evaluations, or immediate services for the child: _____

☐ The child is 12 or older and ☐ agrees to the services ☐ was notified of the services ☐ was notified that he/she may request an attorney.

2.11 **Education status:**

☒ The child is not of school age.

☐ The court considered whether it is in the best interest of the child to remain enrolled in the _____ [name of school, developmental program, or child care] the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care.

☐ The child should not remain enrolled in the child's present school, developmental program, or child care and the reasons for the transfer to a new school, developmental program, or child care are: _____

☐ DSHS/Supervising Agency should enroll the child in school, developmental program, or child care immediately and within seven school days and request transfer of records.

☒ DSHS/Supervising Agency is responsible for coordinating the student's educational information.

☐ The child meets the criteria for appointment of an educational liaison. DSHS/Supervising Agency recommends that the court appoint (name) _____ as the child's educational liaison.

☐ The parents are not able to serve as the educational liaison because: _____ _____

2.12 ☐ **Other:** _____ _____

//

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Vancouver, WA 98660
(360) 759-2100

III. Order

3.1 Placement:

☐ The child is released to the child's parent, guardian or legal custodian:

Name(s): _____
Address: _____

Subject to the following conditions: _____
_____

☒ The child is placed in or shall remain in shelter care, in the temporary custody and under the supervision of DSHS/Supervising Agency, which shall have the authority to place the child in:

☐ Licensed foster care.
☒ Relative placement with Monica Signst & Tiffani Lahman [name].
☐ Placement with a suitable person: _____ [name].

Placement with the relative or suitable person is contingent upon the caregiver's cooperation with the DSHS/Supervising Agency case plan and compliance with this, and all subsequent court orders related to the care and supervision of the child, including but not limited to parent-child contact, sibling contacts, and any other conditions imposed by the court.

Placement conditions Other: The parental/foster/relative/suitable person placement is authorized to take the child into the State of Oregon for a time period not to exceed 72 hours without prior court order.

The parental/foster/relative/suitable person placement is also authorized to take the child into another state within the United States for a time period not to exceed 7 days without prior court order; provided that the Department will notify the CASA/GAL/Child's attorney, parent(s) and their attorney(s), at least 14 days prior to the travel. If the attorney for any party notifies the Department that the party objects to the travel within 7 days after receiving notice, the Department will cite on a motion for travel and the court may hear the matter on short notice.

For any out of state travel, the parental/foster/relative/suitable person placement must have advance approval from the agency worker.

☐ DSHS/Supervising Agency shall continue to make reasonable efforts to locate and investigate an appropriate relative or other suitable person who is available and willing to care for the child, and is authorized to share information with potential relative or other suitable person placement resources as necessary to determine their suitability and willingness as a placement for the child.

☐ DSHS/Supervising Agency shall have authority to place the child with an appropriate relative with prior reasonable notice to the parties, subject to review by the court.

3.2 Visitation: DSHS/Supervising Agency shall provide visits between the child and parent, guardian, or legal custodian as follows:

☐ Per visitation attachment.
☒ As follows: as arranged by the assigned social worker.

If siblings are not placed together, DSHS/Supervising Agency shall provide sibling visits or contact as follows: _____

☐ Visitation may be expanded upon agreement of the parties.

3.3 **Attorney/GAL Appointments:** Attorney and guardian *ad litem* appointments are as follows:

☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].
☐ attorney ☐ guardian *ad litem* _____ for _____ [Name].

3.4 **Services:**

☐ DSHS/Supervising Agency shall offer or provide and the parent/guardian/custodian shall participate in the following agreed upon examinations, evaluations, or immediate services:

☐ The mother shall participate in the following: _____

☐ The father shall participate in the following: _____

☐ The alleged father _____ [name] shall participate in the following: _____
_____

☐ The guardian/legal custodian shall participate in the following: _____
_____

☐ DSHS/Supervising Agency shall provide and the child shall participate in the following examinations, evaluations, or immediate services: _____
_____

☐ Per attached service plan.

☐ Other: _____

3.5 **Education:**

☐ DSHS/Supervising Agency or its designee shall immediately and within seven school days timely enroll the child in school and request transfer of records.
☐ DSHS/Supervising Agency or its designee shall provide the child's school with a certified copy of the Order and Authorization Re Health Care and Education.
☐ (Name) _____ is appointed as the child's educational liaison to carry out the responsibilities described in Laws of 2013, ch. 182, §5. The educational liaison must complete criminal background checks required by DSHS/Supervising Agency.

3.6 **Parental Cooperation:**

The parents shall cooperate with DSHS/Supervising Agency and provide a current address and phone number to the social worker at all times. Within two weeks of the entry of this order, the parents shall provide additional information necessary for placement and notice purposes including:

(a) The names, addresses, and phone number of any relatives or other suitable persons who may be placement resources for the child.

(b) The names, addresses, phone numbers and other identifying information of any alleged parent(s) of the child.
(c) Any known information regarding possible membership in or descent from an Indian tribe.
(d) Information necessary to determine financial eligibility for services or foster care.
(e) Other: _____

The parents shall sign and maintain current releases of information during the course of these proceedings for exchange of information between all evaluators and service providers, DSHS/Supervising Agency, CASA/GAL, Juvenile Court, AAG, and the parents' attorneys.

3.7 **Paternity:**

☐ The alleged father(s) _____ shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
☐ The mother shall cooperate in the establishment of paternity and shall complete all interviews, paperwork, and genetic testing within _____ days of the entry of this order.
☐ The child shall be made available for genetic testing.
☐ If paternity has not been established regarding the child, the court authorizes the _____ _____ County Prosecutor's Office to proceed in the _____ County Superior Court, Family Law Division, on the issue of paternity, current and past child support, and costs.

3.8 **Release of Information:**

All court-ordered service providers shall make all records and all reports available to DSHS, attorney for DSHS, parent's attorney, the guardian ad litem and attorney for the child. Parents shall sign releases of information and allow all court-ordered service providers to make all records available to DSHS and the guardian ad litem or attorney for the child. Such information shall be provided immediately upon request. All information, reports, records, etc., relating to the provision of, participation in, or parties' interaction with services ordered by the court or offered by DSHS may be subject to disclosure in open court unless specifically prohibited by state or federal law or regulation.

3.9 **General:**

DSHS/Supervising Agency shall have the right to access, inspect, and copy all records pertaining to the above-named child, including but not limited to health, medical, mental health and educational records.

DSHS/Supervising Agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.

DSHS/Supervising Agency shall make reasonable efforts to advise the child's ☒ mother ☒ father ☐ legal guardian or custodian of the status of this case, including the date and time of the hearing(s) scheduled below and their rights under RCW 13.34.090.

3.10 **Restraining Order:**

☐ The court signed a separate restraining order on this date.
☐ The restraining order entered pursuant to RCW 26.44.063 is incorporated into this order.

Placement of the child with _____ is contingent on continued compliance with the terms of this restraining order. Failure to comply with any and all terms of this order may result in removal of the child.

The person having physical custody of the child has an affirmative duty to assist in the enforcement of this restraining order and to notify law enforcement, DSHS/ Supervising Agency, and the court as necessary to request assistance and/or report violations of the order.

3.11 All parties shall appear at the next scheduled hearing (see page one).

~~3.12 Continued Shelter Care:~~

~~Pursuant to RCW 13.34.065 an ex parte order authorizing continued shelter care will be entered no later than 30 days from the date of this order. A party may request a modification of the shelter care decision of placement upon a showing of a change of circumstances.~~

3.13 Other: Parents declined court appointed attorneys.

Dated: 7/19/16

Judge/Commissioner

Presented by:

ROBERT W. FERGUSON
Attorney General

SARRA M. YAMIN, WSBA No. 44694
Assistant Attorney General

COPY RECEIVED; APPROVED FOR ENTRY;
NOTICE OF PRESENTATION WAIVED.

Signature of Mother, STEPHANIE SALYERS
☐ Pro Se, Advised of Right to Counsel

Mother's Lawyer, WSBA No.

Signature of Father, ILYA PETRENKO
☐ Pro Se, Advised of Right to Counsel

Father's Lawyer, WSBA No.

CLARK COUNTY C.A.S.A. PROGRAM
Signature of Children's GAL

APPENDIX D

Superior Court of Washington for	
State of Washington, Plaintiff vs. STEPHANIE MARELDA SALYERS. Defendant	No.16-1-00452-1 **Statement of Defendant on Plea of Guilty to Non-Sex Offense (Felony) (STTDFG)**

1. My true name is: STEPHANIE MARELDA SALYERS.
2. My age is: 26 years (DOB:07-15-1989).
3. The last level of education I completed was: 14.
4. **I Have Been Informed and Fully Understand That:**
   (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
   (b) I am charged with: Count 1: Custodial Interference in the First Degree.
   The elements are: Amended Information is attached.
5. **I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:**
   (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;
   (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
   (c) The right at trial to hear and question the witnesses who testify against me;
   (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
   (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable

doubt or I enter a plea of guilty;

(f) The right to appeal a finding of guilt after a trial.

6. In Considering the Consequences of My Guilty Plea, I Understand That:

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a ***Standard Sentence Range*** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1	0	0 to 12 months	N/A	N/A	5yrs/$10k
2					
3					

*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (JP) Juvenile present, (VH) Veh. Hom, see RCW 46.61.520, (P16) Passenger(s) under age 16.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I committed the above crime(s) while under age 18 and am sentenced to more than 20 years of confinement:

(i) As long as my conviction is not for aggravated first degree murder or certain sex crimes, and I have not been convicted of any crime committed after I turned 18 or committed a disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, I may petition the Indeterminate Sentence Review Board (Board) for early release after I have served 20 years.

(ii) If I am released early because my petition was granted or by other action of the Sentence Review Board, I will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, up to the length of the court-imposed term of incarceration. I will be required to comply with any conditions imposed by the Board.

(iii) If I violate the conditions of community custody, the Board may return me to confinement for up to the remainder of the court-imposed term of incarceration.

(e) If I committed aggravated murder in the first degree and I was under the age of 18 at the time of the offense.

(i) If I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25 years for that crime.

(ii) If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years and may be as long as life without the possibility of parole or early release for that crime.

(iii) During the minimum term, I will not be eligible for earned early release time, home detention, partial confinement, work release or any form of early release.

(iv) After the minimum term, if I am released by the Sentence Review Board (Board), I will be subject to community custody under the supervision of the DOC for a period of time determined by the board, and must comply with conditions imposed.

(v) If I violate the conditions of community custody, the Board may return me to confinement.

(f) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(g) In addition to sentencing me to confinement, the judge will order me to pay $500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(h) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community custody. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to

confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me for up to 12 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.729 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody term will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY TERM
Serious Violent Offenses	36 months
Violent Offenses	18 months
Crimes Against Persons as defined by RCW 9.94A.411(2)	12 months
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	12 months
Offenses involving the unlawful possession of a firearm where the offender is a criminal street gang member or associate	12 months

Certain sentencing alternatives may also include community custody.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of Corrections. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.
If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(i) The prosecuting attorney will make the following recommendation to the judge: 30 days, credit for time served, balance may be served on Work Crew; Standard fees, fines and conditions.
☒ The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(j) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

(*i*) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(*ii*) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(*iii*) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(*iv*) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

(k) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(l) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

(m) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(n) Government assistance may be suspended during any period of confinement.

(o) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a $100.00 DNA collection fee.

Notification Relating to Specific Crimes: ***If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.***

_____ (p) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

SMG (q) The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement and up to one year of community custody plus all of the conditions

described in paragraph 6(g). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

____ (r) The judge may sentence me under the Parenting Sentencing Alternative if I qualify under RCW 9.94A.655. If I am eligible, the judge may order DOC to complete either a risk assessment report or a chemical dependency screening report, or both. If the judge decides to impose the Parenting Sentencing Alternative, the sentence will consist of 12 months of community custody and I will be required to comply with the conditions imposed by the court and by DOC. At any time during community custody, the court may schedule a hearing to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. The court may modify the conditions of community custody or impose sanctions. If the court finds I violated the conditions or requirements of the sentence or I failed to make satisfactory progress in treatment, the court may order me to serve a term of total confinement within the standard range for my offense.

____ (s) If this crime involves kidnapping involving a minor, including unlawful imprisonment involving a minor who is not my child, or if this crime is promoting prostitution in the first or second degree and I have at least one prior conviction for promoting prostitution in the first or second degree, or if this crime is (human) trafficking in the first degree under RCW 9A.40.100(1)(a)(i)(A)(III) or (IV) or (1)(a)(i)(B) (relating to sexually explicit acts or commercial sex acts), I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

____ (t) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to $115.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150. If I am convicted under RCW 26.50.110, for a violation of a domestic violence protection order issued under chapter 26.50 RCW, the court shall impose a mandatory fine of $15.00.

____ (u) If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

____ (v) The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. If I qualify and the judge is considering a residential chemical dependency treatment-based alternative, the judge may order that I be examined by DOC before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative.

If the judge imposes the prison-based alternative, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of one-half of the midpoint of the standard range.

If the judge imposes the residential chemical dependency treatment-based alternative, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter

and remain in a certified residential chemical dependency treatment program for a period of *three to six months*, as set by the court.

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay $30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(g). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

____ (w) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty. Rehabilitative programs may include an order to obtain an evaluation for alcohol or controlled substance chemical dependency treatment. The court may also prohibit me from possessing or consuming alcohol or controlled substances without a valid prescription.

____ (x) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, and if a fine is imposed, $3,000 of the fine may not be suspended. RCW 69.50.401(2)(b).

____ (y) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.

____ (z) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

____ (aa) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor, or any drug, as defined by RCW 46.61.520, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(14).

_____ (bb) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of $20 per month.

_____ (cc) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

_____ (dd) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.740), or the crime of circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) also must be served consecutively with any sentence imposed under RCW 46.61.520(1)(a) or 46.61.522(1)(b) (vehicular homicide/assault while under the influence of alcohol/drugs).

_____ (ee) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to $2,500 per incident.

_____ (ff) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(p).

_____ (gg) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

_____ (hh) The offense(s) I am pleading guilty to include(s) a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I

understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.

____ (ii) The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.

____ (jj) If I am pleading guilty to (1) unlawful possession of a firearm(s) in the first or second degree and (2) felony theft of a firearm or possession of a stolen firearm, I am required to serve the sentences for these crimes consecutively to one another. If I am pleading guilty to unlawful possession of more than one firearm, I must serve each of the sentences for unlawful possession consecutively to each other.

____ (kk) I may be required to register as a felony firearm offender under RCW 9.41.330. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.

____ (ll) If I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

____ (mm) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I cannot currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I cannot have a current or prior conviction for a sex or violent offense.

7. I plead guilty to:

Count 1: Custodial Interference in the First Degree.

in the Amended Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: I, Stephanie Marelda Salyers, in the County of Clark, State of Washington, have reviewed the evidence against me with my attorney and I believe there is sufficient credible evidence from which a jury could find me guilty, so I want to take advantage of the plea bargain and enter this guilty plea pursuant to *State v. Newton*.
☐ Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Stephanie M Salyers
Stephanie Marelda Salyers, Defendant

I have read and discussed this statement with the defendant. I believe that the defendant is competent and fully understands the statement.

Steven J. Rucker
Steven J. Rucker, WSB#20407
Defendant's Lawyer

Jeffery P. McCarty, WSB#33134
Deputy Prosecuting Attorney

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

☐ (a) The defendant had previously read the entire statement above and that the defendant understood it in full;

☐ (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or

☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is included below.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

_____ _____
Interpreter Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____ _____
Judge

APPENDIX E

Release 2-17

Clark County Sheriff's Office - Custody Branch

Booking Quality Control Review

CFN#:	224770
Inmate:	SALYER, STEPHANIE MARELD
Booking Date:	02/16/16
Booking Time:	03:00pm
Booking Officer:	3264 (KARLSEN, NEAL)

Check the boxes upon completion/verification:

☐ - Was there proper legal authority to book the inmate?
(a) Court order;
(b) Probable cause arrest (with PC form or waiver);
(c) Citation;
(d) Civil commitment;
(e) Arrest warrant; and/or
(f) Bond revocation with Notice of Forfeiture or a sworn affidavit outlining the reason for revocation. Bail Bond Agents must ontract with a licensed Bail Bond Recovery Agent, unless a defendant makes a voluntary surrender. See RCW 18.185.270; RCW 18.185.280.

☐ - Verify the following items (for each charge in CMS) for accuracy:
(a) Bail amounts (compare to Pre-Book, warrant, and the Bail Schedule);
(b) Bail types (e.g. CB = Cash Bail; BB = Bail Bond, etc.; NO bail for Felonies);
(c) All of the charges on the Pre-Book form are entered into CMS
(d) Chain paper work examined and proper action taken.

☐ - Was the inmate's release date checked and verified for accuracy?

☐ - Were any DOC holds or warrants/detainers entered accurately?

☐ - If appropriate, was ATF/ICE/Consulate notified?

☐ - Ensure that any DOC paperwork, FFJ and/or other warrant paperwork were placed in the property file

☐ - The pre-book form, booking file, and property file are checked for additional warrants and detainers. Any warrants and detainers that were located were entered into CMS.

Quality Control Officer	PSN	Date
Black	4381	2/16/16

Attach to booking sheet, send to Jail Records

APPENDIX F

Chuck E. Atkins
Sheriff

BOOKING RECORD SHEET

CFN: 224770 Booking#: 16001908 BookDate: 02/16/16 BookTime: 03:00pm

Full Name: SALYER, STEPHANIE MARELD

Race	Sex	Ht	Wt	Hair	Eyes	DOB	SSN
W	F	5-03	125	BLN	BLU	07/15/89	

Address	City	State	Zip Code	Phone #
1602 SE 145TH ST	VANCOUVER	WA	98684	360-609-4200

Booking PSN: 3264 KARLSEN

SID#: FBI#:

(S)cars, (M)arks, (T)attoos

Type	Location	Description

Charges	CIT/WT/Cause#	Dispo	Cnts	Bail($)	Fcode	Lt

Detainer	Charges	Date	Agency
5Z1116019	DWS 3 - FTPF/A		COWLITZ COUNTY

Arrest Date	Time	Arr Agency	Caseno	Arr Officer	Arrest Location
02/16/16	1345	VPD	NONE		1602 SE 145TH CT VANCOUVER, WA

Court Location	CourtDate	CourtTime	ReleaseDate

Copy 1 - Records

APPENDIX G

Clark County Sheriff's Office - Custody Branch

Booking Quality Control Review

CFN#:	224770
Inmate:	SALYER, STEPHANIE MARELD
Booking Date:	02/21/16
Booking Time:	09:19pm
Booking Officer:	4365 (BETTGER, RAY)

Check the boxes upon completion/verification:

☐ - Was there proper legal authority to book the inmate?
(a) Court order;
(b) Probable cause arrest (with PC form or waiver);
(c) Citation;
(d) Civil commitment;
(e) Arrest warrant; and/or
(f) Bond revocation with Notice of Forfeiture or a sworn affidavit outlining the reason for revocation. Bail Bond Agents must ontract with a licensed Bail Bond Recovery Agent, unless a defendant makes a voluntary surrender. See RCW 18.185.270; RCW 18.185.280.

☑ - Verify the following items (for each charge in CMS) for accuracy:
(a) Bail amounts (compare to Pre-Book, warrant, and the Bail Schedule);
(b) Bail types (e.g. CB = Cash Bail; BB = Bail Bond, etc.; NO bail for Felonies);
(c) All of the charges on the Pre-Book form are entered into CMS
(d) Chain paper work examined and proper action taken.

☐ - Was the inmate's release date checked and verified for accuracy?

☐ - Were any DOC holds or warrants/detainers entered accurately?

☐ - If appropriate, was ATF/ICE/Consulate notified?

☐ - Ensure that any DOC paperwork, FFJ and/or other warrant paperwork were placed in the property file.

☑ - The pre-book form, booking file, and property file are checked for additional warrants and detainers. Any warrants and detainers that were located were entered into CMS.

Quality Control Officer	PSN	Date
PADDY	4591	2/21/16

Attach to booking sheet, send to Jail Records

APPENDIX H

CLARK COUNTY JAIL
STRIP SEARCH FORM/REPORT

Inmate Name Salyer, Stephanie **CFN #**_____ **M/F** (F)

RCW 10.79.070 defines a strip search as having a person remove or arrange some or all of his/her clothing to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person.

(X) A thorough pat down and metal detector search or clothing search has been conducted.

( ) No written authorization from a jail supervisor is required under RCW 10.79.120 or .130 for this strip search based on the following reasonable suspicion:

Pre Sentence Inmates Reasonable Suspicion Based On:

_____ "Violent" Offense under RCW 9.94A.030 Charge Kidnapping

_____ Arrest involving possession of a drug or controlled substance under RCW chpt. 69.41, 69.50, or 69.52 Charge _____

_____ Arrest involving use of a **Deadly Weapon, Escape, or Burglary** Charge _____

_____ Turned self in due to an existing warrant/court order; or taken into custody from the courts.

Sentenced Inmates

_____ Reported to jail to serve sentence; or taken into custody from the courts.

Individual Reasonable Suspicion/Probable Cause for a Strip Search has been developed based on:

Written authorization from a jail supervisor is required under RCW 10.79.130 when no search warrant has been issued. Complete the following PRIOR to conducting a strip search.

( ) A thorough pat down, metal detector or clothing search has been conducted.

( ) There is reason to believe that the person possesses items which threatens jail security. List suspected items:

_____

( ) Probable cause exists that the person possesses criminal evidence. List suspected items:

_____

( ) There is reason to believe that a health condition will be discovered requiring immediate medical attention. List suspected condition:_____

Supervisor Section

I have given my written authorization below only because less intrusive means of search have failed to produce said material(s) or conditions suspected of being on the person of the inmate. The following provides an explanation of the specific facts upon which I formed my reasonable suspicion or probable cause that the strip search was necessary: _____

Authorizing Supervisor _____ **PSN #** _____

This search was conducted with all the safeguards afforded the inmate per standards for strip search RCW 10.79.100 including inmate was not unnecessarily touched, search occurred at a private location, searching officer(s) were of the same sex, the number of officers are only those necessary to conduct search or ensure safety, if the search is for a weapon.

The strip search may be conducted at other than a private location if: a threat to jail security arises which reasonably requires the search; or all persons in the facility are being searched for weapons or contraband.

Search Results: Neg

A written report is also required if conditions or items are discovered

Searching Officer RBettger PSN# 3794 M/F (F)
Date 2-21-16 Time 2130 Private Location DR#A
Witness/ Signature _____ PSN# _____ M/F

Original form to Inmate Records File RCW 10.79.150(1)

Revised 03/06

APPENDIX I

CLARK COUNTY SHERIFF'S DEPARTMENT
HISTORICAL BOOKING RECORD

CFN: 224770 Booking #: 16001908 Book Date: 02/16/16 Book Time: 03:00pm

FULL NAME: SALYER, STEPHANIE, MARELDA

Race	Sex	Ht	Wt	Hair	Eyes	Dob	SSN
W	F	5-03	125	BLN	BLU	07/15/89	

Address	City	State	Zip CODE	Phone #
1602 SE 145TH ST	VANCOUVER	WA	98684	360-609-4200

Arr Date	Time	Arr Agency	Arr Officer	Arr Location
02/16/16	1345	VPD		1602 SE 145TH CT VAN

Court Location	Crt Date	Crt Time
,		

Detainer	Charges	Date	Agency
5Z1116019	DWS 3 - FTPF/A		COWLITZ COUNTY

Release Date: 02/17/16 Release Time: 06:44

APPENDIX J

CLARK COUNTY SHERIFF'S DEPARTMENT
HISTORICAL BOOKING RECORD

CFN: 224770 Booking #: 16002154 Book Date: 02/21/16 Book Time: 09:19pm

FULL NAME: SALYER, STEPHANIE, MARELDA

Race	Sex	Ht	Wt	Hair	Eyes	Dob	SSN
W	F	5-03	125	BLN	BLU	07/15/89	

Address	City	State	Zip CODE	Phone #
1602 SE 145TH ST	VANCOUVER	WA	98684	360-609-4200

ALIAS: SALYERS, STEPHANIE,
SALYERS, STEPFUNNY,
SALYER, PHUNNY,
SALYERS, PHUNNY,

Charges	CIT/Wt/Cause#	Dispo	Cnts	Bail($)	Fcode	LEA
KIDNAPPING I	16-1-00452	TS		0.00	006120	CLS

Arr Date	Time	Arr Agency	Arr Officer	Arr Location
02/21/16	2100	CCSO	3441	RES

Court Location	Crt Date	Crt Time
NICHOLS, SUPERIOR-FIFTH FLOOR NORTH	03/18/16	1330

Detainer	Charges	Date	Agency
5Z1116019	DWS III		COWLITZ

Release Date: 03/21/16 Release Time: 06:39

APPENDIX K

PROFESSIONAL VISITOR CONTACT FOR A SPECIFIED INMATE
Contact Instances 02/21/16 through 03/21/16

CFN: 224770 SALYER, STEPHANIE MARELDA

Date	Professional Visitor	Start	End
03/07/16	POLYAK, MARIA M <CASEWORKER>	13:33	14:10
03/09/16	BAASCH, COURTNEY M <ATTORNEY - DEFENSE>	15:36	
03/15/16	RUCKER, STEVEN JAY <ATTORNEY - DEFENSE>	14:00	14:06

DATEIN..	TIMEIN..	FULL.NAME.....	TITLE.....
02/22/16	11:05:00	WHITNEY, RACHEL C	CASEWORKER
02/23/16	10:01:00	ANDERSON, JULIA KORNYUSHIN	CASEWORKER (INTERPRETER)
03/07/16	13:22:00	POLYAK, MARIA M	CASEWORKER
03/09/16	14:38:00	BAASCH, COURTNEY M	ATTORNEY - DEFENSE
03/15/16	13:53:00	RUCKER, STEVEN JAY	ATTORNEY - DEFENSE

5 records listed.

Press <return> to continue...

APPENDIX L

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff, v. STEPHANIE MARELDA SALYERS Defendant.	AMENDED INFORMATION No. 16-1-00452-1 (CCSO 16-1993)

COMES NOW the Prosecuting Attorney for Clark County, Washington, and does by this inform the Court that the above-named defendant is guilty of the crime(s) committed as follows, to wit:

COUNT 01 - CUSTODIAL INTERFERENCE IN THE FIRST DEGREE - 9A.40.060(1)(a)
That she, STEPHANIE MARELDA SALYERS, in the County of Clark, State of Washington, on or about February 21, 2016 being a relative of M.S.P., M.P., and E.P., did take, entice, retain, detain, or conceal a child under the age of eighteen years, to-wit: M.S.P., M.P., and E.P, from the person having lawful right to physical custody of such person, and did intend to hold the child permanently or for a protracted period; contrary to Revised Code of Washington 9A.40.060(1)(a).

ANTHONY F. GOLIK
Prosecuting Attorney in and for
Clark County, Washington

Date: March 16, 2016

BY: _____
Jeffery P. McCarty, WSBA #33134
Deputy Prosecuting Attorney

DEFENDANT: STEPHANIE MARELDA SALYERS				
RACE: W	SEX: F	DOB: 07/15/1989		
DOL: [redacted]			SID: WA28284847	
HGT: 503	WGT: 125		EYES: BLU	HAIR: BLN
WA DOC:			FBI: 431474TC9	
LAST KNOWN ADDRESS(ES):				
HOME - 1602 SE 145TH COURT, VANCOUVER WA				

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET
PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261

APPENDIX M

PROSECUTING ATTORNEY | ANTHONY F. GOLIK

SCOTT D. JACKSON
Chief Deputy

CAMARA L. J. BANFIELD
Chief Criminal Deputy

CHRISTOPHER HORNE
Chief Civil Deputy

SHARI JENSEN
Administrator

March 15, 2016

Steven J. Rucker
Attorney at Law
207 East 19th Street
Vancouver WA 98663

RE: STATE OF WASHINGTON V. STEPHANIE MARELDA SALYERS
Cause No. 16-1-00452-1

Enclosed please find copies of the Prosecutor's Offer of Settlement and Declaration of Criminal History for the above-referenced matter.

If after reviewing the Prosecutor's Offer of Settlement with your client she wishes to accept this offer, please place this matter on the Change of Plea Docket and notify me as soon as possible so I can have the necessary documents prepared in a timely manner prior to the hearing.

Please feel free to contact me with any questions or concerns.

Sincerely,

Jeffery P. McCarty
Deputy Prosecuting Attorney

/JPM
Enclosure

1013 Franklin St | PO Box 5000 | Vancouver WA 98666-5000 Telephone 360-397-2261 | Fax 360-397-2230
Relay Service 711 or 800-833-6388

APPENDIX N

CHANGE OF PLEA DOCKET MEMO

DATE: March 15, 2016

TO: **DOCKET DPA**
FROM: Jeffery P. McCarty

State v. **STEPHANIE MARELDA SALYERS**
Cause No. 16-1-00452-1

Defendant is Pleading to the following charges:

[redacted]

APPENDIX O

ARRESTING OFFICER'S DECLARATION OF PROBABLE CAUSE

DEFENDANT: PETRENKO, ILYA S. 2316-2749

PRINT LAST FIRST MIDDLE

The undersigned law enforcement officer states that the Defendant was arrested without a warrant on the date and time shown thereon for the crime(s) committed in Clark County, Washington based on the following circumstances. The reverse of this sheet is hereby incorporated by reference.

My information was derived from V1: Stephanie Salyers W1: Diane Salyers W2: Erica Jackson
My investigation revealed the following:

On 02/16/16, Erica Jackson called Vancouver Police Department from her home in Kentucky regarding an assault she believed was in progress between her sister, Stephanie Salyers and Stephanie's husband/father of her children, Ilya Petrenko at their residence in Vancouver at 1602 SE 145th Ct. Erica explained both to the operator and then later to me via phone, that her and Stephanie's mother, Diane Salyers, received a phone call from Stephanie in which Stephanie was yelling and crying hysterically. Stephanie stated as soon as Diane picked up the phone that he (referring to Ilya) was trying to kill her, that she believed she was going to die today.

I spoke to both Diane and Erica and they explained that they are aware that Stephanie is in an abusive and controlling relationship with Ilya and that they have helped her leave him on a previous occasion. However, Stephanie has resumed her relationship with Ilya and the abuse has continued. When Stephanie called today she told Diane that yesterday (02/15/16) Ilya kneed her in the tailbone (further aggravating an older injury) and that "now" Ilya broke her finger. Diane and Erica stated they could hear Ilya talking in the background though they could not tell what he was saying. The phone was then dropped, thrown or taken away from Stephanie and Erica and Diane (their phone was on speaker) could then hear what they were confident was a physical fight between Stephanie and Ilya. Erica specifically stated it sounded as if Stephanie was being choked (strangled). They stated they could hear Stephanie calling out but that it sounded as if she was having trouble breathing. Diane stated that Stephanie was able to get back on the phone though she would not state what had just happened. Diane tried directing Stephanie to go in a room separate from Ilya but that Ilya was clearly following Stephanie around. Diane also stated that Stephanie told her that Ilya hits her "every day". Erica added that from what she heard and from Stephanie's statements, she thought Stephanie was in danger of being killed and felt she had to call the local police.

Once officers arrived, neither Ilya nor Stephanie would exit the house, allow officers inside the home or speak about this incident. Officers had knowledge that Stephanie and Ilya had three small children in the home and we were not allowed to view them, except from outside the home for a brief second, to verify that they were safe. Ilya specifically would not allow officers to speak to Stephanie outside of his presence.

Due to the belief that an assault had occurred and that Stephanie, and possibly the children, were still at risk, officers did enter the home through a window and made contact with Stephanie (arrested on an outstanding misd. DWS warrant) and Ilya. They were separated and interviewed about this incident. Stephanie did say she called her mother and that she reported that she and Ilya were arguing because he was buying video games instead of buying food and diapers for the children. This was the same reason Diane gave for the start of the altercation, as reported by Stephanie to her. Stephanie added that when she confronted Ilya about this he told her he is the man in the relationship and she is the woman and by that, she has to obey him as she is under him. When I tried to interview Stephanie about the physical aspect of the altercation, she stated she did not wish to testify against her husband. Both Ilya and Stephanie stated numerous times that they did not recognize the police/police department, as we were foreign agents, not elected by the people, therefore they did not have to abide by what we requested.

When I viewed Stephanie, I observed an injury to her right hand, specifically on her fingers and between her ring and middle finger. Stephanie stated that it may have come from doing dishes. Officers also noticed red marks on Stephanie's neck, on both sides and on the front of her neck, which, from training and experience, I know to be consistent with being strangled. Based on Diane and Erica's statements and the visible injuries to Stephanie, I determined there was Probable Cause to arrest Ilya for Assault IV DV; RCW 9A.36.041.

The undersigned declares and certifies under penalty of perjury under the laws of the State of Washington that the preceding statement is true and correct to the best of his/her knowledge.

Signed this 16 day of February, 20 16 in Vancouver, Clark County, Washington.

Officer's Signature 1169 PSN

The Undersigned Judge/Magistrate/Commissioner hereby certifies that I have read or had read to me the above statement of probable cause to arrest and that I find probable cause to arrest is established not established (release defendant).

Signed this _____ day of _____, 20_____, in Vancouver, Clark County, Washington.

Judge/Magistrate TIME: _____ a.m. / p.m.

Prebook Form – Revised 10/08/01 – 2 PA Forms Committee MUST authorize any changes to this form

Copies: White – P.A. Yellow – C.B.C. Pink – Arresting Officer

APPENDIX P

Vancouver Defenders

COPY

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

CITY OF VANCOUVER, Plaintiff, v. ILYA SERGEYVICH PETRENKO, Defendant.	No. 6Z0241757 MOTION AND ORDER FOR DISMISSAL WITHOUT PREJUDICE

COMES NOW, Jacob Randall, Assistant City Attorney, and moves the above Court to dismiss without prejudice the above-entitled case for the reason that: Unable to Secure Witnesses.

DATED this 7 day of March, 2016.

Jacob Randall, WSBA #46874
Assistant City Attorney

ORDER

THIS MATTER having come before the Court upon the Motion and the Court now being fully advised in the premises and on consideration whereof finds said Motion should be sustained;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that said case shall be dismissed without prejudice.

DATED this ____ day of _____, 2016.

JUDGE OF THE DISTRICT COURT

PRESENTED BY:

Jacob Randall, WSBA #46874
Assistant City Attorney

Domestic Violence Prosecution Center
PO BOX 1995
Vancouver WA 98668-1995
(360) 487-8530
(360) 487-8531 (FAX)

APPENDIX Q

Clark County Sheriff's Office
707 West 13th Street • PO Box 410 • Vancouver, WA 98666 • (360) 397-2211 • Fax (360) 397-6074
Chuck E. Atkins, Sheriff

5/12/2016

Stephanie Petrenko
1602 SE 145th Ct.
Vancouver, WA 98683

Re: Your public records request received April 14, 2016 for Arrests occuring on February 16, 2016 & February 21, 2016: 2316-2754 & 2316-2749

Dear Ms. Petrenko:

Enclosed is a copy of the record(s) you requested. We have released the portions of the record which are not exempt from disclosure by RCW 42.56.210 and/or other statutes. Information redacted is exempt from public disclosure for the following reason(s).

☐ Crime victim or witness identity: exempts from public disclosure information revealing the identity of the persons who are witness to or victims of crime or who file complaints with investigative, law enforcement or penology agencies, if disclosure would endanger any person's life, physical safety or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. RCW 42.56.240(2)
Redaction Description and Page Numbers:
Exempt Documents:

☒ Social Security numbers: exempts from public inspection and copying under this chapter: information as defined in RCW 9.35.005 including social security numbers, except where disclosure is expressly required by or governed by other law. RCW 42.56.230(5)
Redaction Description and Page Numbers: SSN# of: Salyers, Stephanie on Page 1 of 5; PETRENKO, ILYA S on Page 1 of 32; SALYERS, STEPHANIE M on Page 2 of 32;
Exempt Documents:

☒ Driver's License numbers: exempts from public inspection and copying under this chapter: information as defined in RCW 9.35.005(1)(c). RCW 42.56.230(5)
Redaction Description and Page Numbers: DOL# of: PETRENKO, ILYA S on Page 1 of 32;
Exempt Documents:

☐ Investigative records: exempts from public disclosure specific intelligence information and specific investigative records compiled by investigative, law enforcement and penology agencies, the non-disclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. RCW 42.56.240(1)
Redaction Description and Page Numbers:
Exempt Documents:

☐ Personal Information: exempts from public disclosure credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005. RCW 42.56.230(5)
Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard. RCW 42.56.230(7)(a)
Redaction Description and Page Numbers:
Exempt Documents:

☐ Right to privacy: record contains information of which non-disclosure is necessary for the protection of a person's right to privacy as defined by RCW 42.56.050. A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. RCW 42.56.050
Redaction Description and Page Numbers:
Exempt Documents:

☐ Juvenile victim, witness or offender: exempts from public disclosure, as confidential, information which may reasonably tend to identify juvenile victims, witnesses or offenders and/or their parents. RCW 13.50.010, 13.50.050, 13.50.100, 7.69A.030(4)
Redaction Description and Page Numbers:
Exempt Documents:

☐ Patient health care records / Medical records where patient does not consent to disclosure / mental health assistance: RCW 42.56.360(2), 70.02.050(2) and 71.05.390
Redaction Description and Page Numbers:
Exempt Documents:

☐ Names and addresses of vehicle owners: the name or address of an individual vehicle owner shall not be released by the department, county auditor, or agency or firm authorized by the department except under the following circumstances: (a) The requesting party is a business entity that requests the information for use in the course of business. RCW 46.12.635(1)
Redaction Description and Page Numbers:
Exempt Documents:

☐ Abstract of driving records: Release to third parties prohibited. RCW 46.52.130(3)
Redaction Description and Page Numbers:
Exempt Documents:

☐ Personal information from State motor vehicle records: a State department of motor vehicles and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record. Federal Exemption 18 USC (sub-section) 2721 et. Seq.
Redaction Description and Page Numbers:
Exempt Documents:

☐ Criminal Records Privacy Act: criminal history record information which includes non-conviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency. RCW 10.97.050(3)
Redaction Description and Page Numbers:
Exempt Documents:

☐ Information obtained from National Crime Information Center (NCIC): Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose. 28 USC 534 (f)(1) See also *U.S. Dept. of Justice v. Reporters Committee For Freedom of Press, 489 U.S. 749 (U.S.Dist.Col. 1989)*
Redaction Description and Page Numbers:
Exempt Documents:

☐ Inmate Records: The records of a person confined in jail are confidential and may be released only to the subject of the record. RCW 70.48.100(2)(f)
Redaction Description and Page Numbers:
Exempt Documents:

☐ Only the Electronic portion of the record exists. Other hard-copy and supporting documents have been destroyed under RCW 40.14, of the Washington State General Records Retention Schedules.
Redaction Description and Page Numbers:
Exempt Documents:

☐ Other:
Redaction Description and Page Numbers:
Exempt Documents:

☐ This is an installment of records responsive to your request. We are still in the process of gathering and reviewing additional records. We anticipate the next installment of records to be released to you on or about:

For further legal explanation of these RCW's (Revised Code of Washington), please visit the Washington State Legislature page at http://apps.leg.wa.gov/rcw/

If you believe that the information furnished has been incorrectly redacted or is incomplete, you may file a written appeal within five business days from the date of this letter. The appeal must include your name and address, a copy of the redacted document and a copy of this letter together with a brief statement identifying the basis of the appeal. Please mail or deliver your appeal to:

Clark County Sheriff's Office
Attn: Records Manager
P.O. Box 410 / 707 W. 13th St
Vancouver, WA 98666

If you have any questions, please contact our Public Disclosure line at (360) 397-2101.

Sincerely,

_____

Public Records Unit / MMA/4760
Clark County Sheriff's Office
cc: File

Vancouver Police Department

CASE NUMBER
GO 23 2016-2749

GENERAL OFFENSE

REPORTED DATE/TIME	OCCURRED DATE/TIME	REPORTING OFFICER/DEPUTY NAME & #
02/16/2016 2150	02/16/2016 1417	SKOLLINGSBERG, GUNNAR (231533)

LOCATION OF INCIDENT	PLACE
1602 SE 145TH CT, VANCOUVER	

COUNTY	DISTRICT	BEAT	GRID
CLARK	VP	42	

SEVERITY	FAMILY VIOLENCE	GANG INVOLVEMENT	BIAS	SPECIAL STUDY
MISDEMEANOR	YES		NONE (no bias)	

RELATED INCIDENT NUMBERS
AB 23 2016-782, AB 23 2016-994, GO 23 2016-2754, GO 23 2016-3582

TOTAL LOSS	TOTAL RECOVERED	DAMAGED TOTAL	DRUG TOTAL

CLEARANCE STATUS	EXCEPTIONAL CLEARANCE
CLEARED BY ARREST	NOT APPLICABLE

DATE/TIME CLEARED	CLEARED BY
02/18/2016	-

INTERNAL STATUS	APPROVED BY	APPROVED ON
ARREST - MISDEMEANOR	BLAISDELL, MARK (231278)	02/17/2016

OFFENSES [1]

OFFENSE	PREMISE TYPE
SIMPLE ASSAULT-MISD	RESIDENCE/HOME/APARTMENT

CRIMINAL ACTIVITY	WEAPON/FORCE USED
***GANG - NONE/UNKNOWN - For Violent Crimes	PERSONAL FORCE (hands, feet, teeth, etc.)

PERSON - ARREST CSTD #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, ILYA SERGEYVICH	MALE	WHITE	02/19/1989	26

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683	6'00	190	BROWN	BROWN

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
	(216) 571-9115		

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
[redacted]	[redacted]		NOT HISPANIC OR LATINO

CITIZENSHIP	MARITAL STATUS	LENSES/GLASSES	LANGUAGE
	MARRIED		ENGLISH

ARREST DATA

ARREST DATE	ARREST TYPE
02/16/2016	SELF INITIATED ARREST WITHIN YOUR JURISDICTION

CHARGES

STATUTE	CHARGE DESCRIPTION	BAIL	COURT DATE
WA 26.50.110(1)	DV, VIOLATION OF ORDER - GM, MISDEMEANOR, 2 COUNTS		

STATUTE	SUMMONS DESCRIPTION	BAIL	COURT DATE
WA 9A.36.041-DV	DV, ASSAULT IV - DV, MISDEMEANOR, CITE 6Z0241757		

PERSON - VICTIM #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
SALYERS, STEPHANIE M	FEMALE	WHITE	07/15/1989	26

Vancouver Police Department

CASE NUMBER
GO 23 2016-2749

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683	5'03	125	BLOND OR STRAWBERRY	BLUE

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(360) 609-4200	(360)	

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
SALYESM114MN (WA)	[redacted]		NOT HISPANIC OR LATINO

CITIZENSHIP	MARITAL STATUS	LENSES/GLASSES	LANGUAGE
	MARRIED		

COMPLEXION	BUILD	HANDED	HAIR STYLE	FACIAL HAIR COLOR	FACIAL HAIR DESCRIPTION
	SLIM		LONG		

PERSON - W/KNOWLEDGE #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
CROWELL-DUNCAN, ESTHER	FEMALE	WHITE	06/25/1963	52

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
6204 SE FLAVEL CT, PORTLAND OR				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
	(503) 984-7864		

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY

PERSON - MENTIONED #2

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
SALYERS, DIANE L	FEMALE	WHITE	03/25/1961	54

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
KY				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(606) 367-7350	(360)	

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - MENTIONED #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
JACKSON, ERICA	MALE	UNKNOWN		0

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
KY				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
(360)	(606) 367-9481	(360)	

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			NOT HISPANIC OR LATINO

PERSON - OTHER #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, MALACHI M	MALE	WHITE	11/02/2011	4

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

PERSON - OTHER #2

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, EZRA Z	MALE	WHITE	12/18/2012	3

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS

Vancouver Police Department

CASE NUMBER
GO 23 2016-2749

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

PERSON - OTHER #3

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
PETRENKO, MOSES S	MALE	WHITE	02/19/2015	0

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683				

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
			UNKNOWN

SUPPLEMENTAL

AUTHOR	DATE/TIME
HAMLIN, ANDY (231095)	02/16/2016

SUBJECT
HAMLIN SUPPLEMENTAL

ACTION TAKEN:

On 2/16/2016 at approximately 1230 hrs. I was contacted by VPD Corporal Rickard by phone in reference to a call that they were currently involved with. Based on his request I responded to 1602 SE 145th Ct. along with Detective Aldridge, Detective Ahn and DOC Officer Smith.

I arrived and spoke with Corporal Rickard. He told me that a family member that resides out of state had reported that a female that was inside the residence had been assaulted by her husband. The female inside was identified as Stephanie Salyers and her husband Ilya Petrenko. The reporting party from out of state was Stephanie?s mother Diane Salyers. Diane reported that her daughter Stephanie told her that her husband Ilya had broken her fingers and her back. Diane also stated that she could hear a physical disturbance between Stephanie and Ilya and was confident that Stephanie was being assaulted. Cpl. Rickard said that he had seen Stephanie through the window and did not believe that she had broken fingers or a broken back. Cpl Rickard also advised that Stephanie had a misdemeanor warrant for her arrest. Cpl. Rickard also told me that there were three infant children in the house.

At that point my belief was that Stephanie and Ilya had been involved in some type of physical altercation. Although Stephanie had clearly not sustained the injuries that she had reported it was likely that she had been assaulted. I also knew that Stephanie had a misdemeanor warrant which gave us authority to enter her residence and arrest her.

I made verbal contact with who I believed was Stephanie and Ilya while they were in the garage which is in the front of the house. We attempted to open the garage door by using the remote in a vehicle in the driveway. The door was quickly closed and locked from inside prohibiting any further attempts.

I then went to the back of the house. All of the shades were drawn on the windows and we could not see in to the residence. I found a large window that was closed but not locked in the main living area. I opened the window and pulled up the blinds.

Once I did this I could clearly see and communicate with Stephanie and Ilya who were in that room. Stephanie was holding her youngest child. Officer Donaldson also opened the other side of the window.

I spoke with both Stephanie and Ilya for several minutes. While talking to Stephanie I observed what appeared to be a minor injury to her right hand. It was an abrasion that appeared to be a very recent. I advised them that we would be coming in to their house if they did not exit based on the allegation of an assault and that Stephanie had an active warrant. I requested that they come out of the residence or open the front door to allow entry by other officers.

Shortly after I started talking to them Ilya began recording our interaction. Ilya and Stephanie were very resistive to entry in to their house and told me that we did not have the right. Stephanie would come up to me and stand in front of the window in an attempt to prevent my entry.

After several minutes of discussion I made entry through the window. Prior to making entry I told Ilya to stay away from the window. I then directed Officer Skollingsberg that if Ilya came towards me while making entry to deploy his Taser. A bench had been placed outside of the window so it was possible to just step in to the living room area.

I stepped in through the window as Stephanie approached me still holding her child. Ilya stayed several feet away from me. Stephanie went by me and attempted to prevent Cpl. Musser from making entry. As she approached Cpl. Musser I grabbed Stephanie by the hair and pulled her away from the window. Several officers were then able to enter through the window. The front door was also opened to allow entry for others.

I assisted Officer Donaldson in directing Ilya to sit on the couch in the living room. I stayed in that position until Stephanie was secured and Ilya had calmed down.

While staying in front of Ilya I could hear and occasionally see the attempts to control Stephanie by Officer Skollingsberg, Cpl. Musser and Detective Aldridge. She was eventually handcuffed after several minutes of struggling with her.

Stephanie was placed in to handcuffs based on her demeanor and the active warrant for her arrest. Ilya was not handcuffed but was directed to stay seated on the couch until we had the opportunity to evaluate what had occurred.

After Detective Aldridge made several phone calls and had discussions with family that had arrived I spoke with her about the assault allegations. Based on the information that Detective Aldridge had obtained that is documented in her report, I believed that there was probable cause to arrest Ilya for Assault IV DV. He was placed in to handcuffs and transported to the CCSO jail. Soon after that Stephanie was transported to the CCSO jail and booked on her confirmed warrant.

Detective Ahn was directed to stay at the residence with family members and assist CPS when they arrived. I then left the scene.

ACTION RECOMMENDED:

Refer to original report.

CASE SUMMARY

AUTHOR	DATE/TIME
SKOLLINGSBERG, GUNNAR (231533)	02/16/2016 2151

SUBJECT
CASE SUMMARY

[20RCW01] Summary - RCW - Distribution v.150611

Case Summary
[DISPATCHED TO A PHYSICAL DISTURBANCE. UNCOOPERATIVE VICTIM AND SUSPECT INSIDE RESIDENCE. ENTRY MADE AND BOTH PERSONS DETAINED. ILYA ARRESTED FOR ASSAULT 4 DV. STEPHANIE ARRESTED ON HER WARRANT.]

Attachments
If you have MORE than the box allows create a new Narrative (NT)
In the subject line put "Attachment List", list all attachments
In the box below List Attachments or put "See Attachment List"
[PRE BOOK SHEET]

RCW

		Counts	V1	V2	V3	V4
[9A.36.041-DV]	[ASSAULT IV - DV]	[1]	[X]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

How to route to Specialty Unit, Court, or PA
When finished with this form:
1. In the MRE Select "Routing" tab
2. Select correct organization from drop down

If the case needs to go to an External Distribuition, or to CMC or BMC

1. Fill out Information below
2. When done with form to to the "Routing" tab on the MRE
3. Select "DEXT" (Distro - External) from the drop down list.

Distribution 1
[ ]
Distribution 2
[ ]
Distribution 3
[ ]
Distribution 4
[ ]

Referral Info / External Distribution / "OTHER"
[ ]
External Distribution? [No]

NARRATIVE

AUTHOR	DATE/TIME
SKOLLINGSBERG, GUNNAR (231533)	02/16/2016 2151

SUBJECT
NARRATIVE

On 2/16/2106 at 1134 hours I was dispatched to the report of a physical disturbance at 1602 SE 145th Ct in Vancouver, WA.

Call notes stated Stephanie M. Salyers called her sister and told her she was being beaten up by her husband Ilya, that he was "Killing her" and that he broke her fingers.

It was relayed over the radio that Ilya was about to leave or had left in a black Ford pickup truck.

I arrived with Ofc. Donaldson at approximately 1137 hours and observed a white female matching the same description as the victim, later identified as Stephanie, standing in the cul de sac. After seeing me approaching from approximately 50 feet away she turned and quickly walked back into the residence at 1602 SE 145th Ct and closed the garage door while yelling " I have nothing to say to you".

I approached the house and observed a black Ford pickup was parked in the driveway in the spot closest to the front door to the residence. All the windows of the residence were covered with closed blinds. I knocked on the door and announced my name, that I was with the Vancouver Police Department, and that we needed to check to make sure everyone was okay. Stephanie yelled through the door she wanted me to go away and she did not want police at her house and called me a "Foreign agent". It was later discovered that Stephanie had a misdemeanor warrant for her arrest and that there were three children in the residence, all of which were under the age 4.

Several more attempts were made to contact Stephanie and she would intermittently answer mine and other officer's attempts to hail her through the door. More officers arrived and one contacted the original reporting party and one contacted Stephanie's mother because they had knowledge of the situation. Other officers attempted to call Ilya's phone to check on his welfare as well.

As I waited for a supervisor to respond to scene I heard Stephanie yelling at someone in the residence concerning bringing police to her home I also heard one loud banging sound as if someone slammed something heavy and hard on a counter once. I then went and spoke with the neighbor in the duplex who stated she did not hear anything that morning that sounded like a fight or even argument.

Stephanie yelled through the windows at officers that we were "Foreign agents", that everyone outside must provide her with three forms of ID and our social security numbers, that she was a corporation, that we were all from an "illegal conglomerate", and that and that she did not recognize our authority.

At approximately 1240 hours I observed a male, later identified as Ilya Petrenko, lift the blinds at the rear of the residence and set them down again. Ilya went to the sliding glass door, then each window and looked through the blinds. Multiple attempts to speak with Ilya through the window were unsuccessful and officers asked both Ilya and Stephaine to come to the window and speak with us, or show us they were uninjured and neither did so.

At 1325 hours after the DV unit responded to scene they began to make entry through a rear window of the residence after several more attempts to check on the welfare of the persons inside. I went to the rear from covering the front and observed Sgt. Hamlin at an open window closest to the sliding door. Ofc. Donaldson was opening the right hand side of the same window and I saw Stephanie and Ilya attempting to close the window on Sgt Hamlin. I stated I would cover with Taser and Stephanie yelled "Don't tase my husband!" then attempted to slam the window shut on Ofc. Donaldson's hands.

Sgt. Hamlin repeatedly told Stephanie and Ilya to step away from the window and that he was coming inside and Stephanie placed herself in front of the open window and yelled at us that she would not let us inside. Stephanie was holding a baby that appeared to be approximately one year old as she did this and Ilya appeared to be recording the interaction with a cell phone. Sgt Hamlin then entered the residence and Stephanie grabbed at his left shoulder. Cpl. Musser then went in the residence and Stephanie raised her voice and clenched her hand in a fist. I entered through the window behind Cpl. Musser and grabbed onto Stephanie's clenched fist which was raised. I held her right arm and placed myself behind her while she held the baby in her left arm. I directed Stephanie to set the child down on the couch multiple times and she said "No". Cpl Musser then grabbed the baby and Det. Aldridge and I slowly removed Stephanie's arm from around the baby while I held her right arm behind her in a wrist lock.

After the baby had been removed Stephanie attempted to pull away and was pushing her body weight against me. I moved to her left side and lowered her in a controlled manner to the ground in the dining area of the home. I told Stephanie to roll over onto her stomach and she refused. I attempted to roll her onto her stomach by moving her left arm across her body and she posted her right arm on the floor, and was kicking her legs. Both myself and Det. Aldridge were unable to roll her over by over-powering her and Stephanie was still trying to pull her arms in and get free as she yelled. As I attempted to roll Stephanie over her hair got caught on my gloved hand and as she pushed her hand our I heard hair tearing. Cpl Musser then applied a carotid restraint and Stephanie was rolled over and placed in handcuffs without further incident. I checked the handcuffs for fit and double locked them.

AMR was called to respond to the scene and they evaluated Stephanie.

Both Stephanie and Ilya were spoken to and I was advised by Det. Ahn that

probable cause existed to arrest Ilya for Assault 4 DV. At 1417 hours I placed Ilya in handcuffs, checked them for fit and double locked them. As I walked Ilya to my patrol vehicle and without prompting Ilya stated he did not consent to being arrested, that he had been making hot cocoa and just shrugged causing the phone to drop out of Stephanie's hand and her mother, who was on the phone with her at the time was overreacting.

I transported Ilya to the Clark County Jail without incident where he was booked for one count of Assault 4 Domestic Violence.

SUPPLEMENTAL

AUTHOR	DATE/TIME
MUSSER, HOLLY (231408)	03/05/2016 0828

SUBJECT
(ARREST CSTD #1) PETRENKO, ILY

ACTION TAKEN

On 03/05/2016 at approximately 0700 hours, I observed in my work mailbox, a certified letter from Ilya Petrenko. The letter was addressed "[wo] man: Holly Musser" with the VPD headquarters address. Upon opening the letter, the first page had a "notice" entitled "wrongdoer." The following pages were addressed from Ilya Petrenko vs me with the subject matter of Ilya alleging that I still had his "property."

Ilya documents his property exhibits A-D, listing his wife Stephanie and their three children. Ilya said he would be charging the "wrongful holder" one dollar per second for as long as the property was not returned to him.

Ilya signs the document he created on 02/25/2016 and includes a partial fingerprint in blue ink.

These documents were scanned into this report with the originals being entered into TraQ Evidence.

RECOMMENDATION

For information only

IMAGE ATTACHMENT (580710)

notice:

wrongdoer

IMAGE ATTACHMENT (580715)

notice:

wrongdoer

i, man, verify all herein be true:

Federal Court

at

District Court of Washington for Clark County

- Ilya Sergeyvich Petrenko
- v.
- Holly Musser
- Cause Of Action: the Administration of Property w/o right

1. i, Ilya Sergeyvich Petrenko, gave no entity the right to administrate my property;

2. i say that:

- Exhibit A, a.k.a. Crown, a.k.a. Steph, a.k.a Phunny,
- Exhibit B, a.k.a. Crown Jewel, a.k.a Malachi, a.k.a. Mally,
- Exhibit C, a.k.a. Crown Jewel, a.k.a. Ezra, a.k.a. EZ,
- Exhibit D, a.k.a. Crown Jewel, a.k.a Moses, a.k.a. Mosey,

is my property;

3. i say no [wo]man will make a claim, saying my claim is untrue,

4. i want my property returned to me, and;

5. said property is to be totally under my control , posthaste;

6. i will charge the wrongful holder $1.00 for each second said property is not returned to me starting on the 23 day after they have received their notice to answer my claim. This charge will remain in effect until said property is returned.

i verify now and will affirm, in open court that all inhere be true...

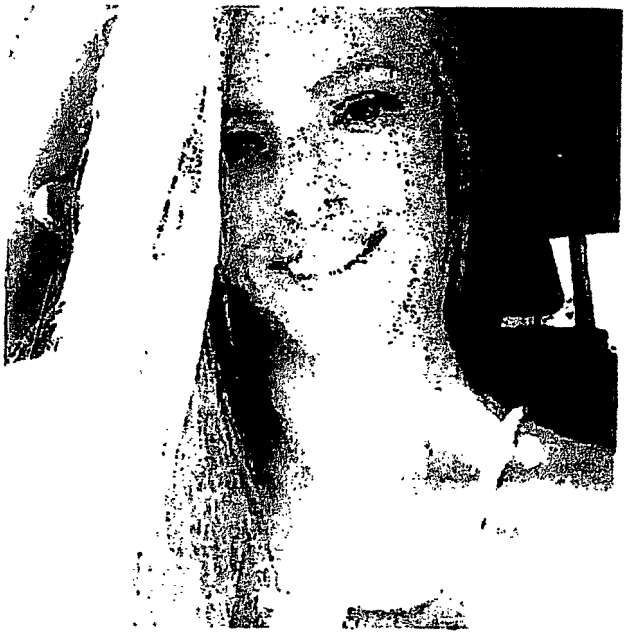
1. 02-25-2016

2. Ilya Sergeyuich Petrenko

3. [signature]

4. [redacted]

Exhibit A



a.k.a. Crown

a.k.a. Steph

a.k.a. Phunny

Exhibit B

a.k.a. Crown Jewel

a.k.a. Malachi

a.k.a. Mally

IMAGE ATTACHMENT (580717)

Exhibit C

a.k.a. Crown Jewel

a.k.a. Ezra

a.k.a. EZ

IMAGE ATTACHMENT (580719)

Exhibit D

a.k.a. Crown Jewel

a.k.a. Moses

a.k.a. Mosey

Vancouver Police Department

CASE NUMBER
GO 23 2016-2749

FOLLOWUP REPORT #1

ASSIGNED TO	RANK
MUSSER, HOLLY (231408)	
ORG UNIT: WEST PATROL	CAPACITY: INVESTIGATOR(S)

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/16/2016	MUSSER, HOLLY	02/16/2016	02/16/2016	JOHNS, PAT

SUPPLEMENTAL

AUTHOR	DATE/TIME
MUSSER, HOLLY (231408)	02/16/2016 1618

SUBJECT
SALYERS DV SUPPLEMENTAL

TRAQ DIGITAL: Photos of Stephanie Salyers

ACTION TAKEN

On 02/16/2016 at approximately 1132 hours I responded to assist other officers on a physical disturbance at 1602 SE 145th Ct. The reporting party, Ericka Jackson stated she is out of state and was talking to her sister, Stephanie Salyers over the phone. Ericka explained Stephanie told her that her husband was "beating her up" and "killing her." Ericka also said Stephanie mentioned that her fingers were broken.

Ericka identified the husband as Ilya Petrenko and said he has "PTSD." While enroute to the address, Ericka said she could hear "screaming" on the phone and that Stephanie told her that Ilya had given her a "black eye, broke her fingers, and kicked her in the tail bone." Ericka also advised Ilya was following Stephanie around and would not leave her alone.

As officers arrived on scene, Ericka got off the phone with the dispatcher. Upon my arrival, I observed Ofc Skollingsberg and Ofc Donaldson were already on scene. They advised they had observed Stephanie outside when they arrived and she refused to talk to them. Stephanie went back inside the residence, closing the garage door behind her. Stephanie continued to be uncooperative and would yell out at officers we needed to show her "proof of authority" and that no one could "trust the government."

Dispatch advised that a check of Stephanie's name showed she had a misdemeanor warrant and according to Ericka, three children under 5 years of age should be in the residence.

The warrant was confirmed more than once.

Stephanie continued to randomly shout at officers behind the door and refused to open the door or the window blinds. Stephanie would also have a conversation with someone inside the residence and would not answer her phone when called by any officer. Ericka called Dispatch again to explain she had talked to Stephanie who knew the police were outside.

Ericka said Stephanie told her she is "afraid for her life."

While trying to maintain communication with Stephanie, Ofc Donaldson was able to peer through the top portion of the front door and get a quick visual of Stephanie. Ofc Donaldson advised it didn't appear as if Stephanie had any obvious finger or facial injuries from his vantage point.

While trying to convince Stephanie to come outside and speak with us, lots of banging and movement could be heard inside the residence. Initally I was standing near the garage and could hear children crying and Stephanie talking to an unknown person.

As Corporal Rickard and Ofc O'Meara were attempting to obtain more information from Ericka and other family members, I tried to explain to Stephanie why we were there. Stephanie shouted at me that she "didn't trust men" and "I'm a woman. You need to demonstrate where your authority comes from! This is North America and I don't want you here. I don't need help! I'm okay! You are scaring me with this nonsense. I want to know where your authority comes from."

Stephanie would then stop yelling at us and go back to talking inside to someone.

Officer O'Meara was able to contact Ericka and her mom, obtaining additional information about what had been heard. For that conversation, refer to Ofc O'Meara's report.

Corporal Rickard was able to get ahold of DV Detective Ahn while I briefly spoke to DV Detective Aldridge. Both Detectives advised they would speak with DV Sgt Hamlin and would respond to the scene to assist.

While waiting for the DV Units to arrive, Ilya confirmed his presence briefly by opening the blinds and showing himself to officers outside. It also appeared as if Ilya was holding up a phone or a type of recording device. Shortly after Ilya went back into the residence out of view, Sgt Hamlin, Detective Ahn, Detective Aldridge and DOC Officer Conroy arrived on scene.

As some officers were trying to make contact from the backside of the residence the garage began to open a few inches off the ground. Stephanie could be heard shouting to someone and there was the sound of glass breaking. Ilya was then heard coming to the garage where he shouted at us that "no one wants to talk to you!" The garage door then shut and lots of stomping and movement could be heard.

A few minutes later, Sgt Hamlin was able to make verbal and visual contact with Ilya and Stephanie who was holding a small child. Both Ilya and Stephanie were yelling at Sgt Hamlin that he could not speak to them and there was no reason to speak to them separately. Sgt Hamlin had his hand on a window pane that had the glass window part open.

Sgt Hamlin continued to talk to Ilya and Stephanie and explained why we were there. Sgt Hamlin explained several times about domestic violence and how important it is to make sure we properly investigation the allegations that were being made.

Ofc Donaldson was able to open the other side of the window which caused Stephanie to get more upset. Several times Stephanie tried to close the window on whichever officer was trying to keep it open. Sgt Hamlin, who was standing on a small bench to better access the window, explained to Stephanie and Ilya that if they would not open the front door, he would

come through the window.

Ilya was verbally upset but did not try and stop Sgt Hamlin from entering through the window. Sgt Hamlin repeatedly asked for either of them to open the front door so that we could come in and question them both separately. Stephanie, while holding her child, (identified later as 11 month old Moses Petrenko), would continually walk in front of the window, in an attempt to block Sgt Hamlin from coming inside.

Sgt Hamlin would put his hand up, palm out to touch Stephanie and ask her to move away from the window. Ilya repeatedly told Stephanie to move away from the window while he shouted at us to "get a warrant." When Sgt Hamlin touched her, Stephanie shouted "He's abusing me. That's assault! I hope you're recording this!"

As Sgt Hamlin announced his intention to go through the window and as he went through the window, Stephanie acted as if she was going to try and push him back out. I immediately followed Sgt Hamlin in through the window who stepped in between Stephanie and Ilya to separate them. While I went through the window, Stephanie hit the blinds with her free hand, causing them to slide down, almost knocking me in the face.

Detective Aldridge and Ofc Skollingsberg came in after me and were able to get Stephanie out of the way of the window. I then went to the front door and opened it to allow other officers inside to assist.

When I turned back around, I observed Stephanie, still holding her child, trying to either push by officers to get to Ilya or trying to push other officers from getting in by using her body to block the small space. As Stephanie became more agitated, I observed she was squeezing the mid section of Moses, causing him to look uncomfortable and in pain.

In order to prevent possible injury to Moses, Detective Aldridge grabbed one of Stephanie's arms while Ofc Skollingsberg grabbed the other. On my count, they both peeled Stephanie's hands/arms off of Moses where I was able to grab him without further incident. I held Moses briefly before passing him to DOC Officer Conroy.

When I turned back around, I observed that Stephanie was on the ground struggling with Ofc Skollingsberg and Detective Aldridge. Stephanie continually shouted at us to leave her alone and to give her back Moses. Stephanie refused to listen to commands and continually tried to get up off the floor.

I went to assist Ofc Skollingsberg and Detective Aldridge who were advising Stephanie several times she need to calm down. Stephanie had twisted a part of her body so that she was partially on her side and partially on her back, facing towards Ofc Skollingsberg. I tried to pull her left arm from out beneath her but was unable to do so because of how she had positioned her body. Stephanie was highly emotional and animated, and it appeared to me that if she was not placed under control quickly, she could injury someone or herself.

As I was positioned near Stephanie's head, I applied a neck restraint by encircling her neck with my left arm. I then used my right hand to position

Stephanie's head into the crook of my arm where it was snug and tight. As I began to squeeze harder, my left arm was placing direct pressure onto the sides of Stephanie's neck (where the carotid arteries are located).

While maintaining my hold, I then used my right arm to come behind Stephanie's head for further support. While maintaining this position, I was able to rotate Stephanie's body so that she was on her stomach. While I was maneuvering Stephanie, Ofc Skollingsberg and Detective Aldridge were able to take control of Stephanie's hands and secure her in handcuffs.

During the time I held the hold around Stephanie, I continually talked to her about what I was doing. She responded by saying "I can't breathe!" to which I responded that if she could talk to me, she could still breathe. I told Stephanie that if she stopped resisting and allowed the officers to handcuff her, I would release the pressure around her neck. I also advised her that if she didn't listen, I would apply more pressure until she became unconscious.

Almost immediately, Stephanie stopped squirming around, saying "Okay, I'll relax" and I was able to release the pressure, but still maintain the hold. At no point did Stephanie lose consciousness and she was able to maintain her breathing although it would change depending on how much pressure I had around her neck.

Once Stephanie was handcuffed, I released the hold and stayed next to Stephanie who was lying face down on the kitchen floor. I asked her if she wanted to sit up and she said "No, I'm okay right here." I stayed on my knees and bent down to talk to her. I asked Stephanie if she was hurt or wanted medical attention. Stephanie said she only hoped her hair would grow back because Ofc Skollingsberg had "taken a chunk" while they were on the ground.

Stephanie did not want to go to the hospital and said she wasn't injured. I did ask AMR to respond to check Stephanie's neck and throat area to make sure there were no injuries.

While waiting for AMR to arrive, Stephanie calmed down significantly. Stephanie said she felt "better" and said this whole incident is "my mom's fault." I asked her why and she responded "My mom never said why she was calling you guys. Ilya never hurt me. We are one flesh. I can't trust other men, I was sexually assaulted in the Marine Corps, I just can't trust anyone else but him." Stephanie continued and said "I talked to my mom an hour before you came. I'm fine. Can't you see that I am fine? My mom's in Kentucky and has no idea what's going on."

I asked Stephanie if her mom had misheard anything over the phone. Stephanie said "She did this to my sister before. She's making this up because she's upset we moved out here. I knew you were all out there but because of my PTSD, I was scared of being surrounded. Actually, I wasn't scared, just upset that no one would leave us alone. I don't want any help. He didn't do anything to me."

Stephanie would not elaborate if she had gotten into an argument with Ilya prior to our arrival or if any threats or assaults had taken place.

When AMR arrived, I walked outside with Stephanie and observed some markings on her neck. I observed these marks were red and spread in the front of her throat area and below her right ear. I also observed that Stephanie had multiple layers of foundation makeup on her face, making it difficult to see if she had any facial injuries.

I asked Stephanie about the marks on her neck and she explained "I take the fifth. I don't know how those got there. It wasn't from Ilya." I explained to her that based upon my training, I knew that the marks on her neck were not from the hold I had used earlier. Stephanie said "Yeah, I know. My breathing was totally fine for that. It's much better now that I don't have your arm around my neck constricting my airway."

I also explained to Stephanie that she had a warrant which had been confirmed. Stephanie was upset and explained she had asked the court to delay her court appearance. I explained to Stephanie that just because she sent an email, doesn't mean the warrant is invalid. Sgt Hamlin had also come outside and explained the warrant had been confirmed (again).

AMR checked Stephanie and her vitals were normal. Stephanie explained she didn't want to go to the hospital and had no need for medical treatment.

I took photos of Stephanie and entered those photos into TraQ Digital later at Vancouver East Precinct.

After talking with Stephanie, I was advised by Sgt Hamlin there was also probable cause for Ilya's arrest for Assault IV-DV. Ilya was transported to CCSO Jail by Ofc Skollingsberg.

Stephanie was transported to Jail by Ofc Donaldson for her warrant. For the disposition of her children, refer to other supplemental reports.

Once Staphenie was transported, I cleared from the scene.

RECOMMENDATION

Attach to Original

FOLLOWUP REPORT #2

ASSIGNED TO	RANK
RICKARD, DOUG (231193)	
ORG UNIT	**CAPACITY**
EAST PATROL	INVESTIGATOR(S)

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/16/2016	RICKARD, DOUG	02/16/2016	02/17/2016	BLAISDELL, MARK

NARRATIVE

AUTHOR	DATE/TIME
RICKARD, DOUG (231193)	02/16/2016 1132

SUBJECT
ILYA PETRENKO

SUPPLEMENTAL REPORT:
On 02/16/16 I was assigned to uniformed patrol in the City of Vancouver. At about 1133 hrs dispatch broadcast a physical disturbance occurring at

1602 SE 145th Ct. The call indicated that a female, Stephanie Salyers, was being assaulted by her husband, Ilya Petrenko. The caller, Erica Jackson who is Stephanie's out of state sister, said that Stephanie had called her and that Ilya was beating her up at the time of the call. Notes in the call indicated that Ilya was "killing her", "broke her fingers", "Gave her a black eye" and "kicked her in the tailbone x2"

Several VPD units were dispatched to that location. I requested that two additional units respond as the call indicated that Ilya may be trying to leave in a black Ford pick up. I responded from the area of SR-500 and I-205. While enroute, Dispatch advised that Stephanie had a misdemeanor warrant out of Cowlitz County. Upon arrival I contacted Ofc. S. Donaldson who advised that when they arrived the female walked into the garage and shut the door. They had attempted contact with Stephanie, but she refused to cooperate, converse or open the residence door to speak with them. Ofc. Donaldson was able to see in the upper windows of the front door. He saw Stephanie inside of the residence and she did not to appear to be suffering from the afflictions that were noted in the call for service. He didn't see a black eye or disfigured fingers. Also when Stephanie walked into the garage, she didn't appear to be disabled from a back injury.

I knocked on the front door. A female voice, which I assumed to be Stephanie yelled for me to quit knocking and ringing the door bell because she had a kid trying to sleep. I identified myself and asked her to open the door in order to ascertain that he was unharmed. Stephanie said that she was fine and that we needed to go away. I explained to her that we were obligated to investigate any reports of assault or domestic disturbances. She again refused to cooperate. This back and forth between her and I went on for 10-15 minutes. Cpl. Musser advised that the next door neighbors (attached duplex) said that they heard no disturbance prior to our arrival.

I went to the back of the residence and was able to hear her in that area. I knocked on the glass sliding door several times and was able to get her to answer me. I asked her to show me her hands to see if she had any injuries. After some prompting, Stephanie pulled the blinds slightly back and showed her hands.. I saw no injuries or disfigurement. She pulled her hands out of view and demanded that we leave the area.

Ofc. O'Meara had contacted Stephanie's mother as well as Erica to obtain more information. (see Ofc. O'Meara's supplemental report.). He advised me that the mother believed that both Stephanie and Ilya suffer from undiagnosed PTSD as well as paranoia.

Due to the fact that we were unable to examine Stephanie and Ilya to determine if any injury had occurred, Stephanie's refusal to cooperate and that there were 3 children, under the age of 4, inside of the house, I telephoned Det. Ahn of the Domestic Violence Investigation unit. I briefed him of the situation. He conferred with Sgt. Hamlin and called me back. Det. Ahn advised that the decision was ours of what to do. He did advised that Sgt. Hamlin advised if he was in our situation, he would "go in". I presumed this to mean that he would make entry into the secured residence to check the welfare of those inside to ascertain if a crime had occurred.

Armed with this information, I called Sgt. Hamlin to brief him of the

situation and seek his guidance. He also gave me the same advice. To ensure that Sgt. Hamlin had a full and complete picture of the situation, I asked him and his detective unit to respond to our location.

Upon arrival I advised Sgt. Hamlin of the situation up to date. I was standing near the front of the residence with DOC Ofc. Conroy when, after about 10-15 minutes on the scene, Sgt. Hamlin and others were at the back of the residence. I heard some yelling and commands being given (Open the door, step back from the window). I went to the rear and saw that the left sliding back window was open and Sgt. Hamlin was standing on a bench telling Stephanie to open the front door so he wouldn't have to enter through the window. Ofc. Donaldson opened the right window. I went to the front door to receive any persons who may open the door.

Det. Aldridge came to the front and said, " Boot the door. Either kick it open or provide a distraction." Ofc. O'Meara advised her that he would not force entry into the residence. Before either Det. Ahn or I could make the attempt, somebody opened the door (I don't remember who the officer was). I entered the residence and saw Sgt Hamlin and Ofc. Donaldson talking with Ilya who was seated on the sofa in the living room. I saw Cpl. Musser and Ofc. Skollingsberg attempting to gain control of Stephanie who was screaming and thrashing about. Det. Aldridge assisted in calming and detaining Stephanie.

I assisted Det. Ahn in completing a safety sweep of the upstairs bedrooms. We found two boys aged 3 and 4 in the hallway. No other persons were located. After some investigation, Sgt. Hamlin advised that Ilya would be arrested for Assault-IV, Domestic Violence. Stephanie, who was still handcuffed for her aggressive behavior, was placed under arrest for the outstanding warrant. Due to Cpl. Musser placing a neck restraint on Stephanie, AMR was summoned to the location to assess her physical condition. After being medically cleared, Stephanie was transported to the CCSO jail for booking on the warrant. Ilya was transported for the charge of Assault-IV, DV.

The Domestic Violence detectives made arrangements with CPS for the care of the three children.

ACTION RECOMMENDED:
Attach to case file.

FOLLOWUP REPORT #3

ASSIGNED TO	RANK
ALDRIDGE, SANDRA (231409)	
ORG UNIT	**CAPACITY**
DOMESTIC VIOLENCE	INVESTIGATOR

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/17/2016	HAMLIN, ANDY	03/08/2016	03/08/2016	HAMLIN, ANDY

SUPPLEMENTAL

AUTHOR	DATE/TIME
ALDRIDGE, SANDRA (231409)	02/18/2016 1619

SUBJECT

ORPHAN DOCUMENTS:

Probable Cause Statement

ACTIONS TAKEN:

On 02/16/16, I was contacted by Cpl. Musser regarding a patrol call (domestic violence related) that she and several other officers were handling at 1602 SE 145th Ct. Cpl Musser explained to me the call; stating that an out of town family member called Vancouver Police to report an assault in progress with her sister, identified as Stephanie Salyers, and Stephanie's husband, Ilya Petrenko. However, neither party would speak to officers, come outside so officers could verify that everyone was safe or allow officers inside to investigate the alleged assault.

I spoke to Sgt. Hamlin about this call and it was determined that the DV Unit would respond to the address. Upon arrival I spoke to Cpl. Rickard and other officers regarding the status of the situation. It was confirmed that both Stephanie (who had an outstanding warrant for her arrest) and Ilya were in the home with their three children, all under 5 years old. I also tried to make verbal contact with either Ilya or Stephanie as I heard talking in the garage. I asked Ilya to step outside and speak to officers and to allow officers to see the family to verify that everyone was safe and uninjured. He only continued to say they were fine and that no one was injured but would not make personal contact with officers.

A short time later, I went to the rear of the residence and saw Sgt. Hamlin at an open back window, attempting to speak with Stephanie and Ilya. Stephanie was holding a small child that appeared to be about 1 year of age. Both Ilya and Stephanie made statements about the police being "Foreign Agents" and not recognizing our authority. Sgt. Hamlin attempted numerous times, in a calm voice, to explain to both Stephanie and Ilya that there was a report of an assault and that we needed to investigate this prior to leaving their residence. Sgt. Hamlin further explained to Ilya that he wished to speak to Stephanie outside of his presence. Ilya stated Stephanie could speak to him through the open window but Sgt. Hamlin explained to Ilya that this was not acceptable. While at the window, I noticed that Stephanie had an injury (a scrape and red mark) on her right hand, between her middle and ring finger. It also appeared as though the top/back of her hand was beginning to bruise. When Stephanie saw me looking at her hand, she became agitated and told me to stop looking at her.

By this time, Sgt. Hamlin had been conversing with Ilya and Stephanie for some time (conservatively 10 minutes) and was getting no where with cooperation from either of them. Ilya continued to video the incident with his phone and Stephanie continued to yell at officers while holding her small child. During his contact with Ilya and Stephanie, Sgt. Hamlin explained clearly that officers were going to enter the residence, the reason for the entry and that things would be easier for everyone if Ilya or Stephanie would simply open the door and allow us to speak to each of them for 5 minutes. Ilya and Stephanie continued the same behavior.

At this time, my concern was for the safety of Sgt. Hamlin when he entered the window as this is an extremely vulnerable position for an officer when a person, especially uncooperative, is inside the room the officer is to enter. Given that both Ilya and Stephanie were inside and that Stephanie had approached and blocked the window several times, while still holding her child, I told Sgt. Hamlin that I would go to the front door and attempt entry there. With the knowledge I had at the time about the alleged assault, the visible injury to Stephanie and Stephanie's arrest warrant, I felt justified and comfortable with forcing entry though the front door, if necessary. As I walked to the front door where other officers were standing I decided at least to start with a rouse of forcing entry to the front door in hopes it would distract Stephanie or Ilya and they would come to the front door, creating less of an obstacle for Sgt. Hamlin, making it safer for him and other officers to enter through the open window and not creating damage to the residence. I quickly explained this to officers at the front door, specifically asking Det. Ahn if he felt comfortable completing this task as he is stronger and would more effectively be able to kick a door in than I would be. Det. Ahn stated he would be able to do this. However, by this time I heard a significant increase in

conversation and commotion coming from the back of the residence so I returned to that location. I then saw Cpl. Musser and Ofc. Skollingsberg entering through the window and entered after them. Once I entered. Ofc. Skollingsberg was attempting to control/arrest Stephanie who was still holding her child. I assisted Ofc. Skollingsberg and was soon joined by Cpl. Musser. I explained to Cpl. Musser and Ofc. Skollingsberg that I was going to remove Stephanie's arm from around her baby and Cpl. Musser was to take control of the child. When this was happening, Stephanie was holding very tightly to the child around his mid-section. I removed Stephanie's arm by prying her fingers back. Once her arm was no longer controlling the child, Stephanie tried to trap the child's body between her thigh and chest by bringing those two body parts together, effectively pinching the child between her chest and thigh. Cpl. Musser was able to take the child from this spot and ultimately handed the child to DOC Ofc. Tanis Smith (referred to in other reports as DOC Ofc. Conroy; married/maiden name).

Ofc. Skollingsberg and I then attempted to control and arrest Stephanie but she continued to resist. I explained to Stephanie that she did have a warrant and was being arrested, to stop resisting, but she continued. Stephanie was able to move her body in ways to defeat our control techniques and we were soon joined again by Cpl. Musser. It was clear that Stephanie was going to continue to resist arrest and I was concerned there her or officers would be injured because of this. I had control over one arm and Ofc. Skollingsberg had control of the other. When Cpl. Musser assisted, I suggested, if she was able, that she perform a neck restraint in an effort to quickly and safely affect the arrest as I did now want to let go of Stephanie's arm that I had control of to perform the restraint myself. I also know that Cpl. Musser is a certified defensive tactics instructor and that she has successfully performed neck restraints in the field on previous occasions. Cpl. Musser moved behind Stephanie and placed her into the neck restraint, talking calmly to her throughout the process. I heard Cpl. Musser explain what she was doing throughout the event and provide directions to Stephanie to place her hands behind her back so she could be handcuffed. Ofc. Skollingsberg and I were then able to place Stephanie into cuffs which were double locked by me after being checked for proper fit. Throughout this event, while the neck restraint was applied, Stephanie's body stayed tense and she would move in response to our touch and commands. At no time did I feel her body relax or go limp suggesting she went unconscious nor did I hear her stop talking back and forth with Cpl. Musser.

Once Stephanie was in handcuffs, Cpl. Musser let go of Stephanie and we offered for her to sit/get up. Stephanie stated she was fine where she was on the floor and we allowed her a few moments to collect herself. After a minute or two, we helped her to a position where she was able to sit on a stool. Stephanie began to calm down and Cpl. Musser stayed with her while I spoke with Sgt. Hamlin. I explained to him that I wished to contact the original reporting party to learn more about the call made by Stephanie.

I walked outside to call the reporting party and was met with an adult female pulling into the driveway. She identified herself as Stephanie's aunt and that she had received a call about what was going on from her sister, Diane. I directed her to stay outside of the residence and she ultimately helped watch over the three kids, Moses, Malachi and Ezra. I then called Stephanie's mother, Diane Salyer, and identified myself. I asked Diane to explain to me what took place today and learned the following in summary:

Both Ilya and Stephanie were in the US Marine Corp and both have PTSD from their experience in the military. Stephanie was sexually assaulted while in the Marine Corps and her PTSD was a result from that. Ilya and Stephanie have had a tumultuous relationship almost from the beginning and the family has believed there to be abuse by Ilya for some time. Diane specifically referred to a Facebook post from December 2015 in which Stephanie posted a picture of herself with blood on her mouth, stating that Ilya caused the injury. I asked Diane to please forward me that information and then asked her about what, specifically, happened today. Diane explained that she, her husband and their daughter, Erika, were all watching a movie when Stephanie called. She answered the phone and immediately Stephanie began to make statements that "he" was going to kill her and that she was going to die today. Diane said she tried to question Stephanie as to what was going on and that Stephanie was crying and yelling. However, the phone then was dropped or taken away and Diane could only hear what she was confident was a physical altercation. Diane added that it sounded as though Stephanie was being choked (strangled) as she could hear Stephanie gasping for breath. Stephanie ultimately got back on the phone and Diane said she could tell that Ilya was following Stephanie around the home. Diane told Stephanie to try to go to a room where Ilya was not but this proved challenging. Stephanie then made statements to Diane that on the previous day Ilya kneed her in the tail bone (aggravating an older tail bone injury) and that "now", Ilya has broken her fingers. Diane stated she asked about Ilya hitting her and Stephanie

told her that Ilya hits her everyday. Diane also added that Stephanie told her the argument started with her getting upset with Ilya for buying video games instead of putting the money towards diapers and food for the kids.

I thanked Diane for her time and explained that I would likely be calling her back soon. Diane was very emotional when she spoke to me and was very frustrated; saying that when Stephanie calls like this (inferring that she has on previous occasions) and tells her about the abuse, Diane never knows what to do and what does Stephanie want from her, for her to just keep putting up with Ilya beating her daughter? Diane felt the family had no other option but to call law enforcement. I reassured Diane that if she felt Stephanie was in danger, that she did the right thing and ended my conversation with her.

I then went back inside the home and spoke to Stephanie. I asked Stephanie about her call to her mother today and she stated that she did call her mother today and told her about how she was frustrated about Ilya buying video games and not things for the children. Stephanie then told me that when she confronted Ilya about this, he told her that he was the man in the relationship, she was the woman and was beneath him; therefore she had to obey him. I asked if there was a physical confrontation and Stephanie stated there was not. I asked Stephanie about the injury to her hand and she asked which one. I told her on her right hand and she was able to pull her hands around to her right side, while still handcuffed, and view her right hand. I pointed out the scrape and red mark between her fingers and she hesitated and said maybe they were from doing the dishes. I explained that it didn't look like an injury that would come from dish washing but Stephanie did not comment further about it.

I then spoke to Stephanie about her mother calling us and asked why her mother would tell us that she thought Stephanie was being assaulted. I also asked Stephanie about the dropping of the phone. Stephanie stated that she threw the phone during the conversation but did not explain why. She then went on to say that her mother got her sister sent to prison for 7 years. I asked Stephanie to tell me about this. Stephanie explained that another sister, not Erika who was with her mom in KY, was in a relationship with a man that abused her child. Stephanie's sister claimed to have been the one abusing the child so her boyfriend/the child's father (Stephanie was not clear as to which) did not go to prison. Hence, she went to prison for not standing up to her boyfriend. I asked Stephanie, that based on what she told me, did her sister go to prison because of her mother, or, perhaps, because of her own actions or inactions. Stephanie said it was due to her sister's own actions, her mother just reported it. I referenced that it seems her mother is in that same position again and that something happened today to make her mother feel as though they needed to call the police. Stephanie continued to deny that anything physical happened.

By this time I had received text messages from Diane containing photos from a Facebook post, reportedly posted by Stephanie. The photo was of her face and blood was coming out of her mouth. I showed this photo to Stephanie and asked about it, with the knowledge that Diane stated Stephanie told her the injury was from Ilya hitting her. Stephanie explained that she was just spitting out blood, that most of the fluid seen was actually only spit. I mentioned what Diane had told me and Stephanie stated that was not the case, that Ilya did not hit her. I asked several times why her mother would say these things and Stephanie said it was because her mother wanted to take her back to Kentucky. I explained to Stephanie that if the allegations made by Diane were not true, it would in no way help her mother get Stephanie and the kids back to KY with the family. That actually, it would do the opposite. Stephanie had no other comment about this.

I then discussed what I had learned with Sgt. Hamlin and my belief that there was probable cause to arrest Ilya for Assault IV DV based on the statements made by Diane and the injuries visible on Stephanie. During this time, I was also able to see red marks on both sides of Stephanie's neck and on her throat. Cpl. Musser confirmed that these marks did not come from the neck restraint used by her. Sgt. Hamlin directed patrol officers to take Ilya into custody while I worked on placement of the children. Also during this time, I received information from a friend of Stephanie's named Elizabeth. Elizabeth called me and briefly told me that when Stephanie posted the bloody picture of Facebook, she asked her why she would post such a thing. Elizabeth told me that Stephanie explained that she had "mouth off" at Ilya so he punched her in the mouth and the picture posted was a result of that punch. I explained to Elizabeth that there were things I needed to deal with on scene but that I would re contact her if needed and she stated she was willing to help with whatever was needed. I thanked her for her time and ended my conversation with her. I then mentioned to Stephanie what I had learned from Elizabeth and asked if everyone

was lying about the assaults. Stephanie turned away from me and stated she was not testifying against her husband. She would not state anything further.

Ilya and Stephanie were separately transported to the CCSO Jail. I responded to the jail and provided a probable cause statement for the charge against Ilya. While at the jail I informed Stephanie that her children were placed into protective custody. She appeared emotional and we talked about possible placement. I told her that it appeared that her children were going to be placed with a member of her family and she seemed relieved by that information.

After booking Ilya, I went to DSHS and signed a transfer of custody for the children in this case.

RECOMMENDATIONS:

Please attach this report to the original and forward to DVPC PA J. Randall as he is the assigned PA for the case.

FOLLOWUP REPORT #4

ASSIGNED TO	RANK
DONALDSON, SEAN (231544)	
ORG UNIT	CAPACITY
EAST PATROL	INVESTIGATOR(S)

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/18/2016	DONALDSON, SEAN	02/18/2016	02/18/2016	TRUMPF, ROD

SUPPLEMENTAL

AUTHOR	DATE/TIME
DONALDSON, SEAN (231544)	02/18/2016 1115

SUBJECT
OFC S DONALDSON SUPPLEMENTAL

On 02/16/2016 at 1132 hours, while working uniformed patrol as 2E32, I responded to the report of a physical disturbance at 1602 SE 145th Ct in Vancouver, WA. The caller, identified as JACKSON, Erica, was reporting that her sister, identified as SALYERS, Stephanie, was involved in a fight with her husband, identified as PETRENKO, Ilya. Erica told Dispatch that Stephanie had called her to report the disturbance. Erica said that Stephanie reported her finger had been broken and that Ilya was killing her. Erica reported that there were 3 young kids in the residence.

Upon arrival with Ofc. Skollingsberg (2E44), I observed a white female, who was later identified as Stephanie, walking in the middle of the street at the end of the cul-de-sac. Stephanie saw us as we approached and yelled out that she didn't need our help. She also told us to go away. Before we could reach her, Stephanie fled inside the garage of the residence and closed the garage door. We could heard Stephanie yelling from inside at us to go away.

Dispatch alerted me that Stephanie had a misdemeanor warrant for her arrest at that time. Dispatch provided a description which matched the female we had seen in the street. It was confirmed via DOL photo that they were one and the same.

I attempted to contact Stephanie at the front door. She engaged in conversation with me at times but was unwilling to open the door. I was able to look through the top window of the door to see her. She reached one of her hands up to cover the window. I saw that the other hand was holding her cell phone to her ear. It appeared that she was talking to someone on the phone. Neither of her hands appeared to be injured. I was unable to get a clear look at her face and could not confirm whether or not she had any facial injuries.

I informed Cpl. Rickard (2X68) of my observations. I then stood by as a cover officer while other officers attempted to converse with Stephanie and other persons inside.

While I was in the backyard, I saw the window blinds on the back windows lift up several times. It appeared that a male subject, who was later identified as Ilya, was lifting the blinds. I saw that he was holding a cell phone in his hand. He was yelling that he was filming us and that we were violating his rights. I heard other officers attempt to reason with him to allow us to check on the family's wellbeing but he declined assistance.

At approximately 1300 hours, I saw detective units with the Domestic Violence unit arrive at the front of the house. Sgt. Hamlin (2K70) was able to make contact with Stephanie and Ilya through a window on the rear side of the residence. I heard Sgt. Hamlin attempt to reason with both subjects but neither subject was willing to allow officers inside the residence to conduct an investigation.

I heard Sgt. Hamlin inform both parties several times that he intended to enter the residence. They declined to open the front door for officers to come inside. I heard Sgt. Hamlin inform them that officers would enter through the window if they would not open the door. Stephanie and Ilya still declined to open the front door.

Based on my vantage point at the time, I was unable to assist or cover Sgt. Hamlin. Therefore, I opened the window on the other side to cover him as he was at a position of disadvantage if Stephanie or Ilya wished to harm him. When I opened the window, Stephanie attempted to slam it shut several times.

After I heard Sgt. Hamlin announce his intention to enter the residence, I saw Stephanie attempt to block the window. I saw Sgt. Hamlin place his hand on Stephanie's shoulder and move her out of the way with minimal force. I then saw Cpl. Musser and Ofc. Skollingsberg enter the residence. I followed Ofc. Skollingsberg. I saw that Cpl. Musser and Ofc. Skollingsberg were busy attempting to control Stephanie. I saw that Ilya had backed away from the window and was not interfering at that time but he was extremely agitated and was yelling.

I placed my right hand on Ilya's shoulder and instructed him to sit down on the couch. I guided him to the couch and told him to sit. He complied but continued yelling. He attempted to get up several times. Each time, I used minimal force to hold him on the couch with one hand while instructing him to calm down. After several minutes, Ilya calmed down and spoke with me.

During my contact with Ilya, he admitted that he had become angry with Stephanie after she confronted him about making an online purchase on his video game system. Ilya said Stephanie woke him up to argue with him and he was upset. He said that he went downstairs to make hot cocoa and she continued to berate him. Ilya said that Stephanie grabbed him by the arm which made him spill his cocoa and he said "I shrugged her off". He then made a shrugging motion with his right arm in demonstration. I asked if he had hit her and he said no.

I stood by with Ilya while the DV detectives conducted the investigation. At approximately 1417 hours, I was informed by Sgt. Hamlin that Ilya was to be arrested for Assault IV - DV. I stood by as a cover officer while Ofc. Skollingsberg took Ilya into custody without incident.

I was then instructed by Sgt. Hamlin to transport Stephanie to jail for her warrant. I confirmed with Dispatch that the warrant had been confirmed. I placed Stephanie into the back seat of my patrol vehicle and I transported her to jail where I booked her into jail for her warrant. See VPD #23 16-2754 for further details.

At that time, I cleared from the call and thus ended my involvement in the investigation.

Attach supplemental report to original and forward to DVPC.

FOLLOWUP REPORT #5

ASSIGNED TO	RANK
O'MEARA, ROBERT (231334)	
ORG UNIT	**CAPACITY**
EAST PATROL	INVESTIGATOR(S)

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
02/18/2016	O'MEARA, ROBERT	02/19/2016	02/19/2016	TRUMPF, ROD

SUPPLEMENTAL

AUTHOR	DATE/TIME
O'MEARA, ROBERT (231334)	02/18/2016 1102

SUBJECT
SUPPLEMENTAL NOTES

On 2/16/2016 at 1144 hours, I arrived at 1602 SE 145th Ct to assist other officers investigating an allegation of domestic violence occurring at that address.

On scene, I spoke with Erica Jackson (sister of Stephanie Salyers and the original 911 caller) and her mother Diane Salyers on the phone. Both women reside in the state of Kentucky.

In summary, Erica overheard Diane in a phone conversation with Stephanie who apparently made statements indicating her (Stephanie's) husband had broken her fingers, given her a black eye, and broken her back. Erica then called 911 in Vancouver to check on her sister.

While on scene, I had Diane call Stephanie and request she come outside to speak with officers. Diane indicated Stephanie was refusing and recanting that any assault had occurred. Diane further indicated that Stephanie suffers from paranoia and bi-polar disorder and didn't trust the

"government."

Stephanie repeatedly told officers she did not want them there and was not injured. As confirmation, and at the request of VPD Cpl Rickard, I observed Stephanie show her hands (front and back) at the back glass slider area in the back of the house. I observed no signs of injury or distortion of her fingers as was indicated in the original 911 call.

End of supplemental notes.

Vancouver Police Department

CASE NUMBER
GO 23 2016-2749

IMAGE ATTACHMENT (545395) PRE-BOOK

CLARK COUNTY JAIL PRE-BOOK/PROBABLE CAUSE SHEET

(Please Attach Pink Sheet)

Defendant

Last Name	First Name	Middle
Petrenko	Ilya	Sergeyvich

DOB	Sex	Race	Hair	Eyes	Height	Weight
2/19/1989	M	W	BRO	BRO	600	190

Address	City	State	Zip
1602 SE 145th Ct.	Vancouver	WA	98661

Phone		Place of Birth
216 571 9115		Declined

Arrest Information

Arresting Agency	Officer & PSN	Transporting Officer & PSN
VPD	Skollingsberg 1533	Skollingsberg 1533

Date & Time of Arrest	Police Report Number
1417 2/16/2016	2016-2749

Incident Location: (City & State) 1602 SE 145th Ct Vancouver WA

Arrest Location (City & State) SAME

DUI OFFENSES: The suspect's criminal history indicates that this is a mandatory arrest situation under RCW 10.31.100(16) due to the existence of a prior offense as defined in RCW 46.61.5055 within ten years. The suspect shall remain in custody until release by a judicial officer on bail, personal recognizance, or court order. Yes ☐ No ☐ N/A

AKA/Alias/Maiden Name

Name	Date of Birth

Scars/Marks/Location

Type	Location	Description

Intake/Triage Questions

		Yes	No
1	Does the arrestee have any observable medical problems?		✓
2	Does the arrestee have any observable mental health problems?		✓
3	Does the arrestee show any signs of suicidal behavior or attempts?		✓
4	Has the arrestee shown any escape potential or violence propensity behaviors?		✓
5	Does the transporting officer have any other information which we need to know concerning this matter?		✓

Comments:

Charges (Circle if there is a WARRANT or CITATION number and include the bail amount.)

Charge(s)	Citation/Warrant#	RCW	LEA	Counts	Bail Amount
Assault III-DV	6202-4175	7.94.36.04	VPD	1	NONE

Domestic Violence

Victim	Date of Birth	Relationship to Defendant
Stephanie M. Salyers	7/15/1989	wife

Copies: *White - P.A.* *Yellow - C.B.C.* *Pink - Arresting Officer*

Rev: 04/21/2015

PA Forms Committee MUST authorize any revisions

2016-2749

Vancouver Police Department

CASE NUMBER
GO 23 2016-2754

GENERAL OFFENSE

REPORTED DATE/TIME	OCCURRED DATE/TIME	REPORTING OFFICER/DEPUTY NAME & #
02/16/2016 1441	02/16/2016 1441	DONALDSON, SEAN (231544)

LOCATION OF INCIDENT	PLACE
1602 SE 145TH CT, VANCOUVER	

COUNTY	DISTRICT	BEAT	GRID
CLARK	VP	42	

SEVERITY	FAMILY VIOLENCE	GANG INVOLVEMENT	BIAS	SPECIAL STUDY
	NO		NONE (no bias)	

RELATED INCIDENT NUMBERS
GO 23 2016-2749, AB 23 2016-1294

TOTAL LOSS	TOTAL RECOVERED	DAMAGED TOTAL	DRUG TOTAL

CLEARANCE STATUS	EXCEPTIONAL CLEARANCE
CLEARED BY ARREST	NOT APPLICABLE

DATE/TIME CLEARED	CLEARED BY
03/24/2016	231544 - DONALDSON, SEAN

INTERNAL STATUS	APPROVED BY	APPROVED ON
ARREST - MISDEMEANOR	BLAISDELL, MARK (231278)	02/17/2016

OFFENSES [1]

OFFENSE	PREMISE TYPE
WARRANT / FUGITIVE	RESIDENCE/HOME/APARTMENT

PERSON - ARREST CSTD #1

NAME (LAST, FIRST MIDDLE)	SEX	RACE	DOB	AGE
SALYERS, STEPHANIE M	FEMALE	WHITE	07/15/1989	26

HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR	EYES
1602 SE 145TH CT, VANCOUVER WA 98683	5'03	125	BLOND OR STRAWBERRY	BLUE

HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
	(360) 609-4200		

DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY
SALYESM114MN (WA)	[redacted]		NOT HISPANIC OR LATINO

CITIZENSHIP	MARITAL STATUS	LENSES/GLASSES	LANGUAGE
	MARRIED		

COMPLEXION	BUILD	HANDED	HAIR STYLE	FACIAL HAIR COLOR	FACIAL HAIR DESCRIPTION
	SLIM		LONG		

ARREST DATA

ARREST DATE	ARREST TYPE
03/24/2016	SELF INITIATED ARREST WITHIN YOUR JURISDICTION

CHARGES

STATUTE	CHARGE DESCRIPTION	BAIL	COURT DATE
WA DCWT	DISTRICT COURT WARRANT		

CASE SUMMARY

AUTHOR	DATE/TIME
DONALDSON, SEAN (231544)	02/16/2016 2026

SUBJECT
CASE SUMMARY CHARGE DOC

WARRANT / FUGITIVE

Vancouver Police Department

CASE NUMBER
GO 23 2016-2754

SUBJECT
OFC S DONALDSON NARRATIVE

On 02/16/2016 at 1132 hours, officers responded to 1602 SE 145th Ct in Vancouver, WA on the report of a domestic disturbance between SALYERS, Stephanie and her husband, PETRENKO, Ilya.

During the course of the investigation, it was determined that Stephanie had a misdemeanor warrant out of Cowlitz County for her arrest. Contact was made with Stephanie and Ilya. The warrant was confirmed and Stephanie was arrested for her warrant.

Stephanie was placed into my custody at that time. Cpl. Musser (2D31) conducted a search of Stephanie's person with negative results. The handcuffs were properly gauged and double locked prior to placing Stephanie into my patrol vehicle.

I transported Stephanie to the Clark County Jail and booked her into jail for her misdemeanor warrant.

FOLLOWUP REPORT #1

ASSIGNED TO	RANK
DONALDSON, SEAN (231544)	
ORG UNIT	**CAPACITY**
EAST PATROL	INVESTIGATOR(S)

ASSIGNED ON	ASSIGNED BY	SUBMITTED ON	APPROVED ON	APPROVED BY
03/24/2016	DONALDSON, SEAN	03/24/2016	03/24/2016	TRUMPF, ROD

SUPPLEMENTAL

AUTHOR	DATE/TIME
DONALDSON, SEAN (231544)	03/24/2016 1131

SUBJECT
OFC S DONALDSON SUPPLEMENTAL

Supplemental report added to list Stephanie as booked person and add Arresting/Booking document.

WARRANT / FUGITIVE

Vancouver Police Department

CASE NUMBER
GO 23 2016-2754

IMAGE ATTACHMENT (545402) PRE-BOOK, WARRANT

CLARK COUNTY JAIL PRE-BOOK/PROBABLE CAUSE SHEET
(Please Attach Pink Sheet)

Defendant

Last Name SALYERS First Name STEPHANIE Middle M

DOB	Sex	Race	Hair	Eyes	Height	Weight
7/15/89	F	W	BLN	BLN	5-03	125

Address 1602 SE 145th CT City VANCOUVER State WA Zip 98684

Phone 360 609-4200 Place of Birth OCEANSIDE, CA

Arrest Information

Arresting Agency	Officer & PSN	Transporting Officer & PSN
VPD	MUSSER	S. DONALDSON 1844

Date & Time of Arrest 2/16/16 @ 1345 HOURS Police Report Number 2316-2754

Incident Location: (City & State) 1602 SE 145th CT, VANCOUVER, WA

Arrest Location (City & State) " "

DUI OFFENSES: The suspect's criminal history indicates that this is a mandatory arrest situation under RCW 10.31.100(16) due to the existence of a prior offense as defined in RCW 46.61.5055 within ten years. The suspect shall remain in custody until release by a judicial officer on bail, personal recognizance, or court order. Yes ☐ No ☒

AKA/Alias/Maiden Name

Name	Date of Birth

Scars/Marks/Location

Type	Location	Description
TATOO	RT. UP	PINK LILY
" "	ABTOMEN	SNAKE

Intake/Triage Questions

		Yes	No
1	Does the arrestee have any observable medical problems?		✓
2	Does the arrestee have any observable mental health problems?		✓
3	Does the arrestee show any signs of suicidal behavior or attempts?	(X)	✓
4	Has the arrestee shown any escape potential or violence propensity behaviors?		✓
5	Does the transporting officer have any other information which we need to know concerning this matter?		✓

Comments: HX SUICIDE

Charges (Circle if there is a WARRANT or CITATION number and include the bail amount.)

Charge(s)	Citation/Warrant#	RCW	LEA	Counts	Bail Amount
DCWT	52116019	46.20.342.1C	~~[illegible]~~ COWLITZ CO. SO	1	$ Ø

Domestic Violence

Victim	Date of Birth	Relationship to Defendant

2316-2754

Copies: White - P.A. Yellow - C.B.C. Pink - Arresting Officer

Rev: 04/21/2015 PA Forms Committee MUST authorize any revisions

Vancouver Police Department

CASE NUMBER
GO 23 2016-2754

Feb. 16. 2016 2:43PM

23.16-2754

No. 6549 P. 2

COPY

COWLITZ COUNTY DISTRICT COURT
312 SW FIRST AVENUE
KELSO, WA 98626-1724
360-577-3075

Bench Warrant

[redacted]

DOB [illegible] Sex F Race W
Height [illegible] Weight [illegible]
Eyes BLU Hair BLU
DLS [illegible] St WA Exp [illegible]
FBI# DOC#
SID#
Employer
AKA / DBA

Physical Description
Alternative Address

[redacted]

Officer's Number [illegible] Vid. Date [illegible]
Orig Agency WSP Orig Agy Case No
Comp Court - Under DEPRENBAUGH, DEL
Oath or Certification
Description of Charge(s):
[illegible] TWO 2ND DEGREE

COWLITZ COUNTY
STATE OF WASHINGTON
Plaintiff, vs

COPY

SALYERS, STEPHANIE MARELDA
1502 SE 145TH CT
VANCOUVER, WA 98683

Defendant

The State of Washington to all Peace Officers,
Greetings: A complaint information under oath or certification has been filed in this court, charging the defendant with the crimes hereon described.
Therefore, in the name of the State of Washington, you are commanded to arrest the defendant and keep the defendant in custody until the defendant is discharged according to law, and make the return of this warrant with your manner of service endorsed thereon. Cash or surety bond to be approved by court. Service of this warrant by telegraph or telephone is authorized.

[redacted]

Bail No Bail Warrant Exp [illegible] Case No [illegible]

Reason(s) for issuance:
Failure to Pay Fine or Appear

[redacted]

ORIGINAL

COPY

COPY

SHERIFF COUNTY DEPARTMENT
2016 FEB 17 A 7:[illegible]

Given Under My Hand This 5 Day Of February [illegible]
Judge David R. Kirk

I Hereby Certify That I Arrested the Nar[illegible]
On The _____ Day of _____, 20__
Officer _____
Agency _____

Service
Mileage
Total

2316-2754

APPENDIX R

Booking Levels and Warrant Confirmation Information

Level A	Confirm ALL Clark County Warrants within authorized extradition areas
Level B	Confirm ALL Clark County Warrants for CCLEC Confirm ALL Clark County Warrants for other jurisdictions Only confirm EXCEPTIONS for out of county warrants for CCLEC when there are additional local charges
Level C, D & E	Confirm ALL Clark County Warrants for CCLEC Only confirm EXCEPTIONS for OCW in CCLEC Only confirm EXCEPTIONS for Clark County Warrants in other jurisdictions

Booking Level Exceptions: (Regardless of booking level, we will confirm the below listed charges)

- Sex Offenses, Most Serious Offenses, Serious Violent Crimes, and Violent Crimes as defined in RCW 9.94A.030.
- Misdemeanor sex offenses, e.g. Communicating with a Minor for Immoral Purposes, as defined in RCW 9.68A.090, and Indecent Exposure, as defined in RCW 9A.88.010.
- Domestic Violence crimes, as defined in RCW 10.99.
- Harassment crimes, as defined in RCW 9A.46.
- Stalking, as defined in RCW 9A.46.110.
- Violations of No Contact orders, as defined in RCW 10.99.
- Violations of restraining orders and protection orders restraining or excluding a person from a residence, issued pursuant to RCW chapter 26, and in violation of RCW 10.99 or RCW 26.
- Luring, as defined in RCW 9A.40.090.
- Vehicular Assault, as defined in RCW 46.61.522.
- A charge of Intimidating a Public Servant as Defined under RCW 9A.76.180
- Any felony assault crime directed towards any Custody or Enforcement Officer.
- Clark County **No Bail** Warrants as noted in the miscellaneous field (transport charge & bail criteria apply).
- Clark County **Bail Jump** charges as noted in the miscellaneous field (transport charge & bail criteria apply).

** No matter what the booking level is, we will ALWAYS confirm felony warrants. The jail may decide to book and release a defendant, but we will confirm any felony warrant that is within the authorized extradition area. **

APPENDIX S

Overcrowding Release Court Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday
CCSO/CLS	08:30		08:30		
VCA/VPD		08:30		08:30	
BGPD/BGMC LPD/LCMC RPD/RMC				08:30	
CMC/CPD				08:30	
WMC/WPD				13:00	
WSP					08:30
BNR/DFW/WSU/ etc.	08:30		08:30		08:30
* PV *				13:30	

- **Set the court date for misdemeanors 5 to 7 days out.** Superior Court is always the next judicial day at 0900.
- **Check the Clark County Jail Booking Criteria/Population Status** (booking levels) **for exclusions** such as DV, Bail Jump, Sex Offenses, etc.

For OUT OF CUSTODY court appearances:

- **Each Overcrowding Release form may only include ONE court** – use more than one form if scheduling more than one court.
- All defendants released on **CAMAS** charges should be cited for **CAMAS MUNICIPAL COURT**, which is held on **Thursdays at 08:30 (in Washougal).**
- All defendants released on **WASHOUGAL** charges should be cited for **WASHOUGAL MUNICIPAL COURT**, which is held on **Thursdays at 13:00 (in Washougal).**
- All defendants released on **BATTLEGROUND**, **LA CENTER**, **YACOLT**, and **RIDGEFIELD** misdemeanor charges should be cited for **BATTLEGROUND MUNICIPAL COURT**, held on **Thursdays at 08:30 (in Battleground).**

APPENDIX T

Clark County Jail

Population Status/Booking Criteria

Date: 6/28/2016

Population: 683 **Booking Level: A (683-697)**

Booking Criteria:

Law Enforcement Agencies are requested to cite and release all misdemeanor offenders

- **Offenders arrested for Clark County District Court Failure to Pay Fines warrants will be booked and released from the Jail**

Exclusions:

The following crimes, including warrants, attempts and conspiracies to commit them, will be excluded from booking restrictions:

- **Sex Offenses, Most Serious Offenses, Serious Violent Crimes, and Violent Crimes as defined in RCW 9.94A.030.**
- **Misdemeanor sex offenses, e.g. Communicating with a Minor for Immoral Purposes, as defined in RCW 9.68A.090, and Indecent Exposure, as defined in RCW 9A.88.010.**
- **Domestic Violence crimes, as defined in RCW 10.99.**
- **Harassment crimes, as defined in RCW 9A.46.**
- **Stalking, as defined in RCW 9A.46.110.Violations of No Contact orders, as defined in RCW 10.99.**
- **Violations of restraining orders and protection orders restraining or excluding a person from a residence, issued pursuant to RCW chapter 26, and in violation of RCW 10.99 or RCW 26.**
- **Luring, as defined in RCW 9A.40.090.**
- **Vehicular Assault, as defined in RCW 46.61.522.**
- **Felony sentences which contain a deadly weapon enhancement.**
- **Clark County District Court Warrants, with bail listed "No Bail", issued on or after January 01, 1997**
- **Any Bail Jump Crime**
- **Any Felony Assault crime directed towards any Custody or Enforcement Officer.**
- **Individuals who are charged with a Class C Felony, that do not have a verifiable address.**
- **People who are incapacitated, or who are deemed to be a threat to themselves, and who cannot be released to responsible third parties will be excluded from the early release and booking restriction options.**

In case of extenuating circumstances, contact the Jail Duty Sergeant at either 397-2141 or 397-2207

The information listed above are booking criteria only. Refer to the Sheriff's Office Jail Overcrowding Policy for the complete list of inmate population policies for the Custody Branch and Support Units.

Clark County Jail

Population Status/Booking Criteria

DATE: 6/28/2016

Population: 705 **Booking Level: B (698-712)**

Booking Criteria:

- **Law Enforcement Agencies are requested to cite and release all misdemeanor offenders**
- **Offenders arrested for Clark County District Court Failure to Pay Fines warrants will booked and released from the Jail**
- **No person will be booked and housed into the Jail, on an out of county misdemeanor arrest warrant, except those listed as exclusions**

Exclusions:

The following crimes, including warrants, attempts and conspiracies to commit them, will be excluded from booking restrictions:

- **Sex Offenses, Most Serious Offenses, Serious Violent Crimes, and Violent Crimes as defined in RCW 9.94A.030.**
- **Misdemeanor sex offenses, e.g. Communicating with a Minor for Immoral Purposes, as defined in RCW 9.68A.090, and Indecent Exposure, as defined in RCW 9A.88.010.**
- **Domestic Violence crimes, as defined in RCW 10.99.**
- **Harassment crimes, as defined in RCW 9A.46.**
- **Stalking, as defined in RCW 9A.46.110.Violations of No Contact orders, as defined in RCW 10.99.**
- **Violations of restraining orders and protection orders restraining or excluding a person from a residence, issued pursuant to RCW chapter 26, and in violation of RCW 10.99 or RCW 26.**
- **Luring, as defined in RCW 9A.40.090.**
- **Vehicular Assault, as defined in RCW 46.61.522.**
- **Felony sentences which contain a deadly weapon enhancement.**
- **Clark County District Court Warrants, with bail listed as "No Bail", issued on or after January 01, 1997.**
- **Any Bail Jump Crime**
- **Any Felony Assault crime directed towards any Custody or Enforcement Officer.**
- **Individuals who are charged with a Class C Felony, that do not have a verifiable address.**
- **People who are incapacitated, or who are deemed to be a threat to themselves, and who cannot be released to responsible third parties will be excluded from the early release and booking restriction options.**

In case of extenuating circumstances, contact the Jail Duty Sergeant at either 397-2141 or 397-2207

The information listed above are booking criteria only. Refer to the Sheriff's Office Jail Overcrowding Policy for the complete list of inmate population policies for the Custody Branch and Support Units.

Clark County Jail

Population Status/Booking Criteria

DATE: 6/28/2016

Population: 715 **Booking Level: C (713-727)**

Booking Criteria:

- **Law Enforcement Agencies are requested to cite and release all misdemeanor offenders**
- **Offenders arrested for Clark County District Court warrants will be booked and released from the Jail, except those listed as restrictions**
- **No person will be booked and housed into the Jail, on an out of county misdemeanor arrest warrant, except those listed as exclusions**
- **Local holds will not be placed on misdemeanor warrants that are contacted outside Clark County, except those listed as exclusions**

Exclusions:

The following crimes, including warrants, attempts and conspiracies to commit them, will be excluded from booking restrictions:

- **Sex Offenses, Most Serious Offenses, Serious Violent Crimes, and Violent Crimes as defined in RCW 9.94A.030.**
- **Misdemeanor sex offenses, e.g. Communicating with a Minor for Immoral Purposes, as defined in RCW 9.68A.090, and Indecent Exposure, as defined in RCW 9A.88.010.**
- **Domestic Violence crimes, as defined in RCW 10.99.**
- **Harassment crimes, as defined in RCW 9A.46.**
- **Stalking, as defined in RCW 9A.46.110.Violations of No Contact orders, as defined in RCW 10.99.**
- **Violations of restraining orders and protection orders restraining or excluding a person from a residence, issued pursuant to RCW chapter 26, and in violation of RCW 10.99 or RCW 26.**
- **Luring, as defined in RCW 9A.40.090.**
- **Vehicular Assault, as defined in RCW 46.61.522.**
- **Felony sentences which contain a deadly weapon enhancement.**
- **Clark County District Court Warrants, with bail listed as "No Bail", issued on or after January 01, 1997.**
- **Any Bail Jump Crime.**
- **Any Felony Assault crime directed towards any Custody or Enforcement Officer.**
- **Individuals who are charged with a Class C Felony, that do not have a verifiable address.**
- **People who are incapacitated, or who are deemed to be a threat to themselves, and who cannot be released to responsible third parties will be excluded from the early release and booking restriction options.**

In case of extenuating circumstances, contact the Jail Duty Sergeant at either 397-2141 or 397-2200

The information listed above are booking criteria only. Refer to the Sheriff's Office Jail Overcrowding Policy for the complete list of inmate population policies for the Custody Branch and Support Units.

Clark County Jail

Population Status/Booking Criteria

DATE: 6/28/16

Population: 728 **Booking Level: D (728-742)**

Booking Criteria:

- **Law Enforcement Agencies are requested to cite and release all misdemeanor offenders. Misdemeanant arrests will be booked and released by the jail or placed on a sobriety hold up to 12 hours for offenses involving intoxication. The Jail will process all misdemeanant offenders whose offenses are identified under policy 05.08.040 Booking & Early Release Exclusions list.**
- **Offenders arrested for Clark County District Court warrants will be booked and released from the Jail, except those listed as restrictions**
- **No person will be booked and housed into the Jail, on an out of county misdemeanor arrest warrant, except those listed as exclusions**
- **Local holds will not be placed on misdemeanor warrants that are contacted outside Clark County, except those listed as exclusions**

Exclusions:

The following crimes, including warrants, attempts and conspiracies to commit them, will be excluded from booking restrictions:

- **Sex Offenses, Most Serious Offenses, Serious Violent Crimes, and Violent Crimes as defined in RCW 9.94A.030.**
- **Misdemeanor sex offenses, e.g. Communicating with a Minor for Immoral Purposes, as defined in RCW 9.68A.090, and Indecent Exposure, as defined in RCW 9A.88.010.**
- **Domestic Violence crimes, as defined in RCW 10.99.**
- **Harassment crimes, as defined in RCW 9A.46.**
- **Stalking, as defined in RCW 9A.46.110.Violations of No Contact orders, as defined in RCW 10.99.**
- **Violations of restraining orders and protection orders restraining or excluding a person from a residence, issued pursuant to RCW chapter 26, and in violation of RCW 10.99 or RCW 26.**
- **Luring, as defined in RCW 9A.40.090.**
- **Vehicular Assault, as defined in RCW 46.61.522.**
- **Felony sentences which contain a deadly weapon enhancement.**
- **Clark County district Court Warrants, with bail listed as "No Bail", issued on or after January 01, 1997.**
- **Any Bail Jump Crime.**
- **Any Felony Assault crime directed towards any Custody or Enforcement Officer.**
- **People who are incapacitated, or who are deemed to be a threat to themselves, and who cannot be released to responsible third parties will be excluded from the early release and booking restriction options.**

In case of extenuating circumstances, contact the Jail Duty Sergeant at either 397-2141 or 397-2207

The information listed above are booking criteria only. Refer to the Sheriff's Office Jail Overcrowding Policy for the complete list of inmate population policies for the Custody Branch and Support Units.

Clark County Jail

Population Status/Booking Criteria

Date: 6/28/2016

Population: XXX **Booking Level: E (743 >)**

Booking Criteria:

- **Law Enforcement Agencies are requested to cite and release all misdemeanor offenders. Misdemeanant arrests will be booked and released by the jail or placed on a sobriety hold up to 12 hours for offenses involving intoxication. The Jail will process all misdemeanant offenders whose offenses are identified under policy 05.08.040 Booking & Early Release Exclusions list.**
- **No person will be booked and housed into the Jail, on an out of county misdemeanor arrest warrant, except those listed as exclusions**
- **Local holds will not be placed on misdemeanor warrants that are contacted outside Clark County, except those listed as exclusions**
- **Offenders arrested for Clark County District Court warrants will be booked and released from the Jail, except those listed as restrictions**

Exclusions:

The following crimes, including warrants, attempts and conspiracies to commit them, will be excluded from booking restrictions:

- **Sex Offenses, Most Serious Offenses, Serious Violent Crimes, and Violent Crimes as defined in RCW 9.94A.030.**
- **Misdemeanor sex offenses, e.g. Communicating with a Minor for Immoral Purposes, as defined in RCW 9.68A.090, and Indecent Exposure, as defined in RCW 9A.88.010.**
- **Domestic Violence crimes, as defined in RCW 10.99.**
- **Harassment crimes, as defined in RCW 9A.46.**
- **Stalking, as defined in RCW 9A.46.110.Violations of No Contact orders, as defined in RCW 10.99.**
- **Violations of restraining orders and protection orders restraining or excluding a person from a residence, issued pursuant to RCW chapter 26, and in violation of RCW 10.99 or RCW 26.**
- **Luring, as defined in RCW 9A.40.090.**
- **Vehicular Assault, as defined in RCW 46.61.522.**
- **Felony sentences which contain a deadly weapon enhancement.**
- **Clark County District Court Warrants, with bail listed as "No Bail", issued on or after January 01, 1997**
- **Any Bail Jump Crime**
- **Any Felony Assault crime directed towards any Custody or Enforcement Officer**
- **People who are incapacitated, or who are deemed a threat to themselves, and who cannot be released to responsible third parties will be excluded from the early release and booking restriction options.**

In case of extenuating circumstances, contact the Jail Duty Sergeant at either 397-2141 or 397-2207

The information listed above are booking criteria only. Refer to the Sheriff's Office Jail Overcrowding policy for the complete list of inmate population policies for the Custody Branch and Support Units.

Clark County Jail

Population Status/Booking Criteria

June 22, 2016

Population: 678

Booking Level: None

The Clark County Jail Facilities are not exceeding their capacities. There are no arrest restrictions on this date.

The information listed above are booking criteria only. Refer to the Sheriff's Office Jail Overcrowding Policy for the complete list of inmate population policies for the Custody Branch and Support Units.

APPENDIX U

CRIMINAL PROCESS

CHAPTER 02.03

SECTIONS

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02.03.010 PURPOSE

The purpose of this order is to set forth the directives regarding the execution of criminal process and to establish and maintain an accurate, efficient and secure system for the recording and management of current and historical records on all persons booked into the CLARK COUNTY LAW ENFORCEMENT CENTER (CCLEC)

02.03.020 DEFINITIONS

A. CIVIL ATTORNEY BENCH WARRANT:
Those warrants of a non-criminal nature initiated by private attorneys.

B. CONCURRENT
Concurrent sentences are sentences that completely or partially run simultaneous with each other.

C. CONSECUTIVE
Consecutive sentences are sentences that are served sequentially (i.e., served one after the other).

D. CREDIT FOR TIME SERVED (CTS)
CTS (Credit for Time Served) is Pre-sentence time spent in custody solely on the specified charge(s). CTS can also run Concurrent or Consecutive.

02.03.030 CONFIDENTIALITY

A Department of Corrections or Chief Law Enforcement Officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

A. The name of each person confined in the jail with the hour, date, and cause of confinement.
B. The hour, date and manner of each person's discharge.

The records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705 or:

A. For use in inspections or jail certification proceedings,
B. For use in court proceedings upon the written order of the court in which the proceedings are conducted, or
C. Upon the written permission of the person.

Information disseminated shall be recorded with at least the following:

1. Information released
2. Date of release
3. Name/Agency
4. Releasing Officer
5. Signature of recipient

02.03.040 DIRECTIVE

The Sheriff's Records Management Section will maintain a file and record keeping system of all currently active felony and misdemeanor warrants issued in Clark County and any out-of-county warrants received from other agencies.

The Records Management Section will be operated on a 24 hour basis to provide timely and accurate information to law enforcement agencies. When a law enforcement agency requests information on the status of a warrant, the original warrant will be pulled from the files and verified prior to an arrest. Liability for false imprisonment or other similar actions may be avoided by verification of the warrant.

Questions concerning actual warrant documents and charges should be directed to the Prosecuting Attorney's Office or to the court from which the warrant originated. Court hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. All warrants maintained in the Warrant Division are considered valid and the person is subject to arrest unless advised to the contrary by the prosecutor or the courts.

02.03.050 RESPONSIBILITY

A. CHIEF CIVIL DEPUTY:

The Chief Civil Deputy is responsible for overseeing criminal processing functions and that they are processed in a timely manner.

B. WARRANT CLERK:

The Warrant Clerk is responsible for overseeing that all criminal warrants are properly processed in a timely manner.

02.03.060 CRIMINAL PROCESS AUTHORITY

It is the policy of the Clark County Sheriff's Department to give strict attention to the documenting and serving of legal processes. An important function of law enforcement is the execution of legal process in support of the judicial function. Legal processes consist of arrest warrants, relating to cases which are issued by any Court of Law within Clark County and which are sent, delivered, carried, or otherwise conveyed to our department for the purpose of being

served or executed upon the person named within. Only appropriately commissioned personnel are authorized to enforce warrants of arrest. It is necessary that Records Unit personnel maintain precise and appropriate record keeping procedures to minimize potential litigation and liability.

02.03.070 CRIMINAL PROCESS PROCEDURE

All warrants will be processed by the following steps and procedures:

A. Date stamped, counted and the number of warrants logged;
B. Arranged in alphabetical order (separating misdemeanor and felony warrants);
C. Entry into the computer systems.

Information for entry into WACIC/NCIC are governed by NCIC regulations and the criteria is provided in the "Wanted Person" section of the NCIC manual. Vital statistics and extradition boundaries are provided by the Prosecuting Attorney's Office. Additional information such as addresses, social security numbers, etc., can be obtained from Jail Records and is recorded on a warrant activity status form. This form is used primarily for information of entry of felony warrants but is the basis for entering any warrants into WACIC/NCIC and can be located at the Teletype area in the Records Section.

02.03.080 WARRANT SETUP

A service slip must be typed which includes the following information if available:

A. Name;
B. Date of birth;
C. Vital statistics;
D. Address;
E. Court;
F. Charge;
G. Bail;
H. Originating agency;
I. Case number (if an original felony warrant);
J. Date to which warrant is valid.

The service slip is attached to the service copy of the warrant. The original warrant is placed in a file along with the entry sheet from WACIC/NCIC and then the file is placed in the Master Files in the Warrant Division. The service copy is sent out for service with the warrant deputies or filed in the original warrant files.

02.03.090 ARRESTS INSIDE CLARK COUNTY

Once a warrant is confirmed and an arrest has been made, the warrant should be cleared from WACIC/NCIC. The service copy will be taken to the booking area by the officer or a Record's clerk for service. The warrant is placed in the designated area in the Warrant Division with the cleared entry attached.

02.03.100 TIMELY SERVICE OF ABSTRACTS

Outside agency warrant abstracts that are received via Teletype need to be delivered IMMEDIATELY to the Jail Booking area. The following procedure will be used to ensure the delivery of the warrant abstract:

A. If there is more than one records clerk on duty, one of the clerks will personally deliver the abstract to the booking area.
B. If there is only one clerk on duty, that clerk will contact the custody supervisor on duty and request his/her assistance in delivering the abstract to the booking area. The clerk will explain to the supervisor that he/she is the only clerk on duty and the Records area should not be left unattended.
C. If the custody supervisor relates that he/she cannot help in the delivery of the abstract then the clerk will contact the patrol supervisor on duty and request that supervisor's assistance in solving the problem (an exception would be if there was a patrol deputy in the building - then that deputy could be asked if he/she could take the abstract to booking).
D. Abstracts should normally be delivered to booking within 10-15 minutes of our receiving of the abstract. If 30 minutes or more elapse before the delivery of the abstract, a note will be written by the clerk to the supervisor of the Records Management Section outlining the reason(s) for the delay.

02.03.110 ARRESTS OUTSIDE OF CLARK COUNTY

A request from another agency to confirm a Clark County warrant should come through the Teletype. The Teletype should indicate that the subject is under arrest in that county and should indicate where the subject will be lodged. In most cases, the other agency will request that Clark County confirm extradition. This Teletype from the arresting agency should be received prior to Clark County clearing the warrant from WACIC/NCIC.

A locate message must be followed by a Teletype from the arresting agency before clearance of the warrant. Once the Teletype is received from the arresting agency, the warrant must be cleared from WACIC/NCIC.

Within the State of Washington and in most jurisdictions outside the State of Washington, an abstract (verbatim of contents of the original warrant) of the warrant is required and should be sent. Due to the state-wide transport system, abstracts are required to facilitate consistent movement of prisoners.

02.03.120 WARRANTS WITHIN WASHINGTON

If a person is wanted by a county within the State of Washington, no extradition proceedings are necessary. If no local charges exist, the subject will be placed on the Washington Transport System and transported back to the demanding jurisdiction unless he posts bail. If there are local charges, the wanted subject will be transported after local charges are satisfied.

02.03.130 HOLD WARRANTS

When a court requests that a warrant be placed on HOLD, it is canceled from the WACIC/NCIC computer and a notation is made in the PRIME computer system. All pieces of paperwork pertaining to the warrant are placed in the original file jacket and the file is placed in the "hold" file. A notation is made inside the file jacket indicating the action (i.e. the warrant is to

be quashed or the warrant is to remain on hold until a specified date or further instructions from the Prosecuting Attorney's Office).

02.03.140 CANCELED WARRANTS

Cancellation of warrants must be done through the court from which they were issued. The following procedures will be adhered to when receiving cancellation notices from District Court.

A. The court will call our office with information concerning a district court warrant they wish to have cancelled. A written log will be kept at the Warrant Detail Clerk's desk for the purpose of collecting the following information pertinent to the cancelled warrant request:
   1. Defendant's NAME
   2. Defendant's DOB (date of birth)
   3. The WARRANT NUMBER of the warrant they wished cancelled
   4. The DATE OF ISSUANCE
   5. The NAME OF THE CLERK calling down the information
   6. The INITIALS of the clerk taking the information

   The court will follow-up with a written request.

   ALL SIX AREAS NAMED ABOVE WILL BE FILLED IN FOR EACH WARRANT CANCELLATION REQUEST.

B. The warrant is then located, the service copy attached and the entry pulled, marked "CANCELLED" and placed on the warrant desk and marked "CANCELLED" with the date of cancellation in the service portion of the warrant.

C. If you are unable to locate the warrant via a handcheck and PRIME, then you should:
   1. Contact the Warrant Team Clerk or the Warrants Clerk, if they are available.
   2. Run a 1-029 and see if the entry is in the computer and then cancel the warrant out of WACIC/NCIC. Leave a note with the warrants clerks that it is cancelled out of NCIC/WACIC but that you could not locate the warrant in our file.
   3. If you cannot locate the warrant after all attempts have failed, HIGHLIGHT IT ON THE WARRANT LOG and leave a message for the warrants clerks.

D. ON all UTL's (unable to locate), the warrants clerks will indicate "unable to locate" on the slip sent over form district court; make a copy for our files; send the original slip to District court.

02.03.150 QUASHED WARRANTS

In most cases, Superior Court warrants are placed on hold before the "quash" order is received. Once the quash order is received, the warrant and service copy are marked "Quashed" and the date the order was signed. The warrant is updated in the computer system and returned to the Prosecuting Attorney's Office. All paperwork pertaining to the warrant and the quash order are placed in the Dead Letter File.

02.03.160 RETURNS OF SERVICE

Once a warrant has been served, the Records Unit personnel shall generate a Return of Service form and distribute an electronic copy to the court of issue.

02.03.170 OUT-OF-DATE WARRANTS

Warrants shall **not** be returned to the courts as "out-of-date" until a final attempt of service has been made. If the Warrant Unit is unable to locate active addresses or phone numbers, the warrant is returned to court as "out-of-date." To control the length of time that warrants are held by the Sheriff's Office, a policy has been set which corresponds with NCIC policies for retention of warrants.

A. Misdemeanor warrants are held for a period of three (3) years;
B. Felony warrants are held for a period of seven (7) years;
C. Superior Court Non-Support warrants are held for a period of three (3) years;
D. Civil Attorney Bench Warrants are held for a period of one (1) year.
E. Juvenile warrants are held until the juvenile's eighteenth birthday.

02.03.180 WARRANT DETAIL UNIT

After warrants are entered into the computer systems, the warrants are given to the Warrant Detail Unit. The Warrant Detail Unit logs the attempts for service and the attempts to locate by letter, telephone, or personal contact people named in misdemeanor and felony warrants to encourage them to take care of the warrant before they are arrested and taken to jail.

When a warrant is not taken care of within a five-day period after contact, deputies in the Warrant Detail Unit are required to demonstrate that they have exercised "good faith" and diligent efforts in attempting to obtain the presence of the defendant and having him brought before the court upon the charge. These attempts may include but not limited to:

A. Contacting relatives and known acquaintances of the suspect and recording all information obtained from them;
B. Checking with the Department of Licensing;
C. Checking postal service and public utility records for forwarding or current addresses; and
D. Checking the records of other law enforcement agencies and local court records for recent or current addresses listed for the defendant.

The failure to demonstrate "diligent effort" to locate and bring the defendant before the court will result in the speedy trial rule commencing with the day the information is filed. The Warrant Detail Unit retains detailed statistical information to provide to the Sheriff's Office Administration and County Commissioners.

02.03.190 CIVIL ATTORNEY BENCH WARRANTS

Civil Attorney Bench Warrants are entered into the current computer system only. Phone contact is attempted with a follow-up arrest if the defendant does not respond. The warrants are held on file for a period of one (1) year.

02.03.200 OUTSIDE AGENCY WARRANTS

Requests from other agencies for attempted service of their warrants are set-up with a service slip and the original request is copied and attached to the service slip. The original request is

placed in an "Outside Agency Warrant" file. The Warrant Arrest Team handles service of these types of warrants. Notification is sent back to the requesting agency of the result of the attempted service.

If an arrest is made, the original warrant request is pulled and forwarded to Jail Records. The service slip is retained in the Warrants Division and a Teletype notifying the requesting agency of the locate must be sent. If the subject is not located (has moved, etc.), advise the requesting agency and place the paperwork in the Dead Letter File.

02.03.210 DEAD LETTER FILES

This file contains all paperwork pertaining to a warrant; entry clearances, cancellations, letters, etc. Information is retained in the file for a one year period from January through December of each year. It is then pulled and boxed for storage in the Records Archives. The Warrant Dead Letter Files are destroyed after a period of time determined by the Records Supervisor as outlined in the Washington State Retention and Destruction of Criminal Records schedule.

02.03.200 XEROX COPIES OF WARRANTS

Xerox copies of warrants will not be made except in rare situations. If a subject has been placed under arrest and there is an original warrant on file but the service copy, after a diligent search, cannot be located, a xerox copy may be made of the original and a new service slip typed for the officer to serve. A note will be placed with the original warrant advising that a duplicate copy has been made so the Warrant Clerk may continue to search and locate the missing service copy.

If an officer is going to another jurisdiction (outside of Clark County) to meet an officer of that jurisdiction and the officers are going to attempt to arrest the subject of the warrant, a xerox copy of the warrant can be made. The copy will be stamped "COPY NOT FOR SERVICE" using the stamp located on the Warrant desk. Be sure that the officers understand that the copy is an informational copy only.

Xerox copies of warrants are not to be given out as extra copies and not to be attached to reports. Information regarding the warrant can also be obtained from the computer system.

All confirmations of the warrant, extradition, and transport proceedings will be handled by the Warrant Division.

02.03.230 VALIDATION

On a monthly basis, NCIC sends a validation list that must be checked against outstanding felony warrants in the Warrant Division. A clerk assigned by the Record's Supervisor will check each name on the list against the original in file. If no original is located, determination must be made as to the status of the warrant and whether the letter must be signed and returned to NCIC. A copy of the letter is to be retained and attached to the run off list. The Warrant Clerk will check status on any warrants not verified on the list.

02.03.220 WASHINGTON STATE TRANSPORT SYSTEM

Clark County is one of the participating counties in a state-wide transport system. The system moves a prisoner from one county to another until the prisoner arrives at the demanding jurisdiction's correctional facility. To start a prisoner moving on the transport system, the

Warrant Division advises the arresting agency at the time of arrest that Clark County authorizes extradition and transport via the state-wide transport system. The wanted subject is then placed on the next available transport to the demanding jurisdiction.

02.03.250 OUT OF STATE WAIVER OF EXTRADITION

A signed Waiver of Extradition is a form signed by a wanted subject who is arrested in another state. This form states the wanted subject agrees to return voluntarily to the demanding jurisdiction without going through formal extradition proceedings. When the demanding jurisdiction is advised that the wanted subject has signed a waiver, transportation arrangements will be made for the transport of the prisoner.

02.03.260 REFUSAL TO WAIVE EXTRADITION

When a person is arrested in another state and is wanted by Clark County, the flow of paperwork is by Teletype. Copies of all Teletypes must be sent to the Prosecutor's Office. The most important Teletype is the one stating whether the arrested person "refuses to sign waiver." Refusal to sign alerts the Sheriff Office and the Prosecutor's Office that formal paperwork will need to be started to return the wanted person to Clark County.

The Warrant Clerk will request certified copies of warrant and information from the Superior Court Clerk's Office. The clerk will also check with the Identification Section in the Sheriff's Office for a mugshot and fingerprints and if available, make a xerox copy of the fingerprint card and certify both the mugshot and copy of the fingerprint card. The certification stamp is retained in the Identification Section and states that originals are on file with the Clark County Sheriff's Office. The certified copies should be signed by the person certifying the copies. A form letter is filled out and sent, along with the warrant, information, mug shots, and prints to the arresting agency. These items serve as a formal hold on the wanted subject.

A copy of the Teletype, letter, mugshot, and prints (certified) are sent to the Prosecuting Attorney's Office and then the Prosecutor proceeds with the formal extradition proceedings through the Governor's Office so that a Governor's Warrant can be issued demanding the return of the wanted subject.

02.03.270 BILLING THE GOVERNOR'S OFFICE

There are two methods of having reimbursement made for transporting a wanted person from one state to another. If a Governor's Warrant is served, the payment is automatic by the Governor's Office. The Governor's Office provides a form for submitting the costs of the transport. If a waiver is signed, the Warrants Clerk fills out a form with estimated expenses for transport. This form is taken to the Prosecutor (the actual prosecutor or designee) and a call to the Governor's Office with the estimated costs. The Governor's Office reviews the information received and decides whether they will pay for the transport or not. If the transport is approved for reimbursement, the Governor's Office will send a billing form and it is submitted when the actual expenses have been incurred.

02.03.280 OUT OF STATE GOVERNOR'S WARRANTS

A prisoner being held in the Clark County Custody Facility on an out of state warrant will have a court appearance to determine if he will sign a waiver back to the demanding jurisdiction or whether he will refuse to waive. If the subject refuses to waive, a Teletype is sent to the

demanding jurisdiction advising them that the wanted subject will not waive extradition and to begin their Governor's Warrant proceedings.

A request for the warrant, information, mug, and fingerprints is made, and they are advised of the next fugitive hearing date. A file is then set up separate from the Warrants files for receiving the Governor's Warrant. When the warrant information, mug, and prints arrive from the demanding jurisdiction, a copy is made for the Prosecuting Attorney's Office and the originals are given to the Jail Records Division to be held in the wanted person's file. When the Governor's Warrant arrives, a copy is made for the Prosecuting Attorney's Office and the original is retained in the file that was created. The Prosecuting Attorney will come and get the Governor's Warrant at the time it is to be served in court. Once served, the original will go to the prisoner's file in Jail Records and the remaining information in the Warrant Division will be filed in the Dead Letter File. The Governor's Warrant is part of the paperwork that goes with the prisoner at the time of his transport back to the demanding jurisdiction.

02.03.290 TRANSPORT ARRANGEMENTS

When notified that a wanted subject is ready for transport back to the demanding agency, the normal time frame for pick up is ten (10) days. If the wanted subject is within the states of Oregon, Idaho, or Montana, he can be moved via by the state-to-state transport system. Prisoners can be moved at a minimal cost through these states to the demanding jurisdiction.

There are key counties in each state who should be contacted when a prisoner is ready for transport. The file with this information is kept in the Warrant Division. A phone call should be placed to the key county to ensure that they will be able to assist. A follow-up Teletype to the county holding the wanted subject allows Clark County to authorize the key county to act as a transport agency. The prisoner would then be transported through the state-to-state transport system. Normal transport time will be with five (5) days.

If the transport system is not used for transporting prisoners, the following options shall be used:

A. Contact with the United States Marshal to act as a transport agent is made to see if they can assist and to get price authorization. If both agencies are in agreement on price, an agreement letter is signed by command personnel. A Xerox copy of a mugshot (if available), description, and a certified copy of the warrant will be sent. This paperwork needs to be sent out within a day's period. Usually, overnight express mail; and

B. Records Unit
   1. The assigned Records Specialist, upon determination that an extradition of a prisoner is necessary, shall notify the Case Management Sergeant with the following information:
   2. The date by which the extradition must be completed and location where the prisoner is currently held.
   3. The name of the prisoner, gender, charge and known security risks.
   4. Any other information requested or required by the Case Management Sergeant.
   5. The Records Specialist will complete all necessary papers required or associated with the extradition of the prisoner.
   6. The Records Specialist will provide the appropriate copies or original documents to the Deputies assigned to the extradition.

Enforcement

1. Case Management Sergeant (Administrative Commander in the Sergeants absence) will review the extradition information and determine if the Warrants Deputies will be able to perform the extradition. The prerequisites for this duty assignment is, successful completion of the required FAA class (Flying While Armed) and that at least one member of the Extradition Team be the same gender as the inmate being extradited.
2. If the Warrant Deputies (combined with the Courthouse Deputies) are unable to perform the extradition, the patrol schedule will be consulted to determine if someone from patrol can perform the duty.
3. If patrol is unable to assist, the Extradition list will be used to fill the vacant position(s). The list will be established initially by seniority in the guild. The Case Management Sergeant will go to the first name on the list and if the person is not working that day, will call them and offer the assignment. If the deputy accepts, it will be noted and their name moved to the bottom of the list. If they are working on the day of the extradition, their name will remain at the same location on the list. If they decline, their name will remain at the same location on the list, and the date they declined will be noted.

The list will be maintained on H: drive, where it can be viewed in a read only file.

Deputies will refer to Custody Policies 02.10.140, 150, 160 and 170 (see attached) when searching inmates during extradition for searches beyond a pat-down search of the prisoner.

When an officer has been chosen, the Sheriff's Administrative Support staff will contact a travel agency authorized by the Sheriff's Office to make travel arrangements, with hotel and vehicle rental included. If a weapon is carried, a letter signed by the Sheriff or command personnel will be prepared by the Records Specialist assigned, and if unavailable, by Sheriff's Administrative Support staff.

Prior to the deputies leaving, Teletype notification should be made to the arresting agency advising them of the names of the Extradition Deputies, the date and time of arrival, and the location where to meet at the airport if they are transporting the prisoner to the airport. The arresting agency should also be advised that if the prisoner has more than a grocery size sack of property, he must release it to friends or relatives as the Clark County Extradition Officer will only transport whatever can be carried in a grocery size sack.

02.03.300 INTERSTATE DETAINERS

When a prisoner is lodged in a state or federal correctional facility and is wanted by Clark County on an original charge, a Form VI detainer is filed. This form (six copies) comes from the Prosecuting Attorney's Office and must be signed by two people. If the correctional facility is within the State of Oregon, the forms are taken to the jail for the transport officers to sign. If the correctional facility is outside of the Washington-Oregon area, then the forms are taken to the Sheriff and he will designate who is to sign them. The United States Marshal can be designated also to sign the forms. There is a set date on the Form VI detainer and the signatures must be obtained as quickly as possible for return to the Prosecuting Attorney's Office. Availability of the prisoner will not be before that date.

The Prosecuting Attorney's Office sends the form to the state Correctional Administrator for his signature and then the copies are returned to the Prosecuting Attorney's Office for distribution

to the proper agencies that require them. At the time of pick up, one of the people that signed the Form VI detainer must be the Transport Officer. His signature and form must match the signature and form that the correctional facility holds.

02.03.310 SUBPOENAS AND SUMMONSES

Subpoenas and summonses are brought to the Warrant Division from the courts. They are stamped and arranged in court date order. An attempt is made to get the orders out for service within a 24-hour working day period. A day ticket is typed for each case and a service slip is typed for each person to be served. Information on the service slip should include:

A. Name;
B. Address;
C. Court Case Number;
D. When the subpoena/summons is to be served; and
E. Court Date (if different).

The subpoena/summons is then given to the Civil Unit to attempt service and the originals placed in a file folder by court date order. Once the subpoena/summons has been served, the service slip is returned to the Warrant Division and a Return of Service Slip is made to the originating courts. The Return of Service Slip includes the date served, person served, and the signature of the person who served it with the clerk's initials along side. Personal service is not necessary for subpoenas unless so stated by the courts. Substitute service to a family member or roommate is permissible. Summons must be personal service. The Juvenile Department issued Notices and Summons for service on juveniles as well may be served upon the parent or guardian as well.

02.03.320 RECORDS MAINTENANCE

The CCLEC shall maintain custody records on all inmates committed or assigned to the facility. An accurate record of inmate information shall be maintained in the institutional records and master files. Information contained in either shall be released only to persons so authorized by appropriate legislation and regulations.

Maintenance of inmate records shall conform to the following minimum requirements:

A. Clearly identify and store records in a secure area safeguarded from unauthorized or improper use.
B. Retain for a minimum of six (6) years from date of most recent booking.

Records shall be identified and separated according to the following format:

1. Jail Records shall retain (but is not limited to):
   a) Booking and Release information
   b) Court documents
   c) Outdated Calculations with Good Time
   d) Property Receipts
2. Commissary/Accounting shall retain:
   a) Cash Receipts
   b) Inmate account information

3. Disciplinary Sergeant or designee shall retain disciplinary actions, incidents grievances, or crimes committed while in custody
4. Work Release Unit shall retain all records for inmates assigned to Work Release
5. Trusty Officer shall retain information on inmates assigned to trusty or special jail duties
6. Medical Unit shall retain all medical and mental health information on inmates
7. Classification Officer shall retain current and accurate classification or case record for each inmate.

02.03.330 BOOKINGS AND RELEASES

A Booking is the contents of an inmate's record generated at the time of intake.

An initial booking record should contain (but is not limited to) the following:

A. Booking Sheet
B. Court Papers
C. Fingerprint card(s)
D. Signed Inmate Orientation Form

A Release is the contents of an inmate's record generated at time of release. A final release record should contain (but is not limited to) the following:

A. Release sheet
B. Property receipts/information
C. Detainer records
D. "No Contact" orders
E. Commissary records

Custody Records shall identify, separate and distribute the contents of a Booking/Release. A file will be established by Central File Number (CFN) in the following manner:

A. In-Custody files will be maintained in alphabetical order by last name of inmate. These files are located in file cabinet drawers.
B. Out-of-Custody files will be maintained by CFN in numerical order. These files are located on open filing shelves by year.

02.03.340 COURT ORDERS/SLIPS

Court Orders are generated from the Courts. They include information such as:

A. Bail amounts
B. Return Court dates
C. Judge/Court locations.
D. Sentencing conditions.
E. Release conditions.
F. Attorney/Prosecuting Attorney

Custody Clerk shall:

A. Verify:
   1. Name and CFN/booking number
   2. Charge(s) with case number(s)
B. Enter information including:

1. Bail amount
2. Court date and time
3. Judge/location
4. Sentence status and disposition
5. Attorney and Prosecutor names (in remarks)
6. Other pertinent information as necessary

C. Calculate Outdate (if inmate completely sentenced)
D. Initiate Release (if applicable)
E. Initial Court Slip/Order after entry
F. File Court Orders/Slips in inmate's file.

02.03.350 FINGERPRINTS

Fingerprints on felony and new charge arrests are taken by intake officers to accurately identify the prisoner.

Custody Clerks shall separate fingerprints and disposition sheets from Booking/Release contents.

A. Separate prints by agency and forward VPD prints to VPD Records Department.
B. Attach copy of booking record to each set of prints.
C. Type booking information onto CCSO card(s).
D. Distribute completed cards as follows:
   1. One card remains on file in Clark County Sheriff's Office (CCSO).
   2. All disposition sheets go to the appropriate court.
   3. Additional prints are processed and forwarded to Washington State Criminal Identification (WSCID)
   4. Major Case Prints are typed and returned to the requesting agency/officer.
E. File yellow copy into inmates folder

02.03.360 TELETYPES/WARRANTS

To establish local or other Law Enforcement Agencies detainer holds and/or warrants or release information on inmates currently incarcerated at CCLEC.

Custody Clerks shall, upon receipt of a Teletype:

A. Verify the subject in our custody.
B. Verify information has been added to inmate's record.
C. If information not in inmate's record, Custody Clerk shall:
1. Update records as necessary
2. Initial the Teletype/warrant
3. Make copies for distribution (if necessary).
4. Acknowledge or respond to other agency if indicated.
5. Return the warrant to the Sergeant with explanation or information if necessary.
6. File into inmate's folder.

02.03.370 FUGITIVE/DETAINERS

Detainers are placed by out of state agencies to insure detention of an inmate until transported or released.

Upon receipt of signed waiver of extradition, Custody Clerk shall:

A. Update charge screen.
B. Update detainer screen.
C. Teletype detaining agency of status

02.03.380 OUTDATE CALCULATIONS

To determine an inmate's length of incarceration including good time and establish a date and time of release from the CCLEC.

Calculations are done only upon complete sentencing of an inmate. Outdate will be calculated using the following guidelines:

A. CONSECUTIVE VS. CONCURRENT

All sentences regardless of originating Court Jurisdiction shall be run consecutive to one another unless otherwise specified in the individual sentencing document.

In the case of conflicting orders regarding concurrent or consecutive sentences, the order from the final sentencing Judge shall take precedence.

B. CREDIT FOR TIME SERVED (CTS)

Credit for time served will only be given on sentences that specifically authorize CTS. CTS on all sentences shall be run consecutive unless otherwise specified in the individual sentencing order.

CTS is to be considered sentence specific, in other words, CTS on a given sentence will only be credited to time spent specifically in regard to the charge(s) contained on the sentencing order. Examples below:

1. Concurrent sentences shall have concurrent CTS unless otherwise specified by the sentencing order.
2. Consecutive sentences shall have consecutive CTS unless otherwise specified by the sentencing order.
3. Consecutive CTS means that regardless of the notation of CTS being made on the sentencing order, no CTS will be given to an inmate when their pre-sentence time has already been credited as CTS or actual sentenced time on a separate charge.
4. CTS on a specific charge for previous incarcerations either as pre-sentence or sentenced time shall only be granted if those previous days are clearly defined in the written sentencing order as being outside the current incarceration. Or if the CTS days are listed and they clearly exceed the amount of time already spent on this incarceration. This may include:
   a) Prior time served in other institutions related to the specific charge(s).
   b) Prior time served in other institutions awaiting transfer to this jurisdiction to face the specified charge(s).
   c) Prior time served on alternative programs related to the specific charge(s).
   d) Any other prior time the sentencing Judge specifies.

All outdate calculations performed by Custody Clerks shall be completed in writing, initialed, and verified by another clerk.

a) Days are calculated with a credit of good time (unless otherwise specified).
b) Fines are calculated at $25.00 (twenty-five dollars) credit per day with no good time (unless otherwise specified).

c) Trusty credit is calculated with double good time.

Trusty fines are calculated at $35.00 (thirty-five dollars) per day.

C. GOOD TIME

Days are calculated with a Good Time Credit for all eligible inmates. The 15% Good Time Credit will be applied to the total sentence after the seventh day of the current incarceration.

Those ineligible for Good Time Credit include, but are not limited to: Failure to Comply with any Court ordered sentence or program such as Work Release, Work Crew, Electric Home Confinement, or the DWI/DWS Programs.

Fine and time shall be calculated as 24 hour days up to 3 days (72 hours). Sentences four (4) days or more will be given credit if time begins prior to 1800 hours for the first day and after 0600 on the final day (and is over 72 hours).

02.03.390 RELEASES

A release is generated either by a court order, posting of Bail, Payment of Fine, Completion of Sentence, or Transfer to another Facility/Jurisdiction.

Custody Clerk shall:

A. Verify release of local charges.
B. Verify outdate.
C. Identify any detainers
   1. Update Detainer screen for Transport.
   2. Notify detaining agency of release from Clark County holds.
D. Complete "release check off list" (orange sheet).
E. Second clerk will verify and initial release and contact property officer with release information.

02.03.400 EMERGENCY RELEASES/75% MODIFIED

To alleviate overcrowding of inmate population in CCLEC, eligible inmates may be released at 75% of time served. These releases are strictly optional, never discussed with the public, and each one must be approved by an administrator.

To qualify for 75% release, inmates must not have:

A. Felony convictions.
B. Assault charges.
C. Probation violations.
D. Trusty status
E. Failed to comply with alternate programs i.e.:
   1. Work Release
   2. Work Crew
   3. Electronic Home Confinement

Custody Clerks shall maintain projected 75% Release outdate worksheet. Calculations shall be verified by two (2) Clerks.

At the direction of Administration, Custody Clerks shall prepare inmate records qualifying for 75% Release.

A. Change outdate.

B. Check for detainers.
C. Update charge(s). Include in remarks "MOD 75% RELEASE" and date of release.
D. Complete release form.
E. Obtain authorizing signature.
F. Process release.

A written record of all 75% Releases shall be maintained and available in Custody Records.

02.03.410 PRISONERS TO WASHINGTON STATE DEPT. OF CORRECTIONS

Washington State Department of Corrections (WSDC) requires specific papers to accompany inmates sentenced to a state facility.

To prepare inmates to transport for incarceration at WSDC, Records Clerks shall (using check off form):

A. Verify charges
B. Verify detainer for WSDC
C. Obtain certified copies of:
   1. Judgment and Sentence
   2. Order of Commitment
   3. Jail certification of Credit for Time Served with Earned Early Release Credit.
   4. WSDC return to state custody paperwork (if applicable).
D. Notify other detaining agencies of WSDC incarceration.
E. Verify of HIV testing (if required).
F. Provide list of prisoners ready to transport to Property Officer and Sergeant.
G. Deliver paper work to Property Officer.
H. Send notice to inmate of WSDC instructions (provided by WSDC).

02.03.420 BAIL/FINES/APPEAL BONDS

Bail and fines are taken by Custody Records or Main Control Staff when Superior or District Courts are closed, to allow release of inmate pending court appearance.

Acceptable forms of bail/fines payment are cash, money orders, cashier's checks, western union checks in exact amount only. Custody Clerks shall not accept partial payments or personal checks. No unmanageable amounts of coins will be accepted.

Bonds will only be accepted from bonding companies authorized by Clark County Courts.

Custody Staff shall take bail for inmates incarcerated in other counties on Clark County charges only.

On inmates being incarcerated in Clark County Custody Staff shall also take Bail/Fines for the following courts:

A. Battle Ground
   1. La Center
   2. Ridgefield
B. Camas
C. Washougal
D. Woodland
E. Out of County Courts in Washington State

When taking Bail or Fines Custody Staff shall:

A. Verify charges and Bail amount
B. Fill in receipt completely
   1. Identify inmate by CFN
   2. Identify if bail or fine
   3. Specify court
   4. Set Court date by charge screen/or court schedule.
   5. Have funds double counted by two (2) Staff with initials and PSN.
C. White or top copy goes to payor with the following instructions:
   1. Court date or to contact out of area court for appearance.
   2. Retain receipt for refund.
D. Update All screens including:
   1. Actual charge screens, changing disposition as appropriate
   2. Detainers
   3. Sentencing Dates (in case of fines)
E. Yellow copy of receipt is stapled to bond or envelope containing monies. Pink and canary copies remain in book.
   1. Bail Bonds are taken directly to Property Officer for inmates signature and then deposited into drop safe in Main Control
   2. Money envelopes are deposited into the drop safe in Main Control.
F. Complete register for District Court Bail/Fines

Appeal Bonds for District Court may be accepted at CCLEC and inmate released. Set court appearance for next court date.

Appeal Bonds for Superior Court must be signed by a Judge before inmate can be released.

02.03.430 BAIL FOR COURTS

Bail/Fines shall be prepared by a Custody Clerk for distribution to appropriate court on the next regularly scheduled court day.

The Custody Clerk, while remaining in Main Control shall:

A. Open the safe and remove all contents.
B. Place in numeric order by receipt number.
C. Check off by receipt number in receipt book with your initials. Pink copy is removed for filing to the inmate's folder.
D. Sort and count by court (i.e. Superior, District, Other area) and write receipts for District and Superior Court
E. Inform Superior court clerk of Bail.
F. Secure District and Superior Court Bails/Fines in locked bag(s).
G. Secure other Bails for processing.

Upon returning to the Custody Records office, the Records Clerk shall:

A. Have receipts and locked money bag ready for representative of court to sign for and receive.
B. Prepare the receipts for other court(s).
   1. Cash is counted. A check is written to other Court accompanied by a speed letter and a copy of the Teletype.

2. Prepare a bank deposit with all monies.
3. Commissary Clerk banks money.
4. Copies of deposit receipt, receipt, and speed letter to accounting to balance.
5. All other copies to inmates file.

C. Bonds can be mailed directly to the court with the yellow copy of receipt attached.
D. The Custody Clerk shall initial the pink copy and include the court and date mailed.

02.03.440 DAILY REPORTS

CCLEC shall maintain daily reports which identify all inmates in custody and their actual physical locations.

In order to have available current information the first Custody Clerk on duty shall generate, copy, and distribute or retain the following reports:

A. Alphabetic Roster
B. Cell Location
C. Court Roster
D. Court Sheets
E. Jail Register

[ACA 2-1504]

02.03.450 OAD TRACKING

To maintain a written log of inmates in CCSO custody temporarily housed elsewhere.

Transport Officers will notify Custody Records of inmate's departure date, destination, expected length of stay, and anticipated return date.

02.03.460 STATE JAIL REPORTS

The CCLEC shall participate in the Washington State Jail Reporting Program.

Reports include (but are not limited to) the Sentenced Felon Report (mandatory RCW 10.98.030) and the Population Accounting Report (voluntary).

Custody Records shall, on a monthly basis, compile and mail the Sentenced Felon and Population Accounting Reports to Washington Association of Sheriff's and Police Chiefs (WASPC).

02.03.470 FILING

To maintain an accurate record of booking/releases, court papers, and other pertinent information on inmates.

Inmate paperwork received in Custody Records shall be placed into the proper folder in a timely manner. The Custody Clerk(s) shall file:

A. In folder stamped with corresponding Central File Number (CFN).
B. Place current year sticker on folder.
C. "In Custody", alphabetically by last name, in drawers/ with red divider separating old record from new record.
D. "Out of Custody", numerically by CFN on vertical shelving by year.

02.03.480 INMATE MAIL

To sort and distribute current inmates mail by POD.

A. Inspect for contraband
B. Receipt property and money
   1. Computer entry of money to inmate's account with receipt.
   2. Money deposited into safe in Property Room.
C. Return to sender unacceptable mail or
D. Receipt into Property if no return address.

02.03.490 VISITING MONEY

Money for inmates shall be received from citizens during designated and established times. All money will be receipted and placed on the inmates account for their use.

Custody staff shall:

A. Enter information into computer
B. Verify amount tendered / initialed by second clerk.
C. Distribute Receipts
D. Complete deposit slip
E. Place deposit in Property Room safe

02.03.500 COMMISSARY

To provide additional items to inmates not regularly issued. These can include (but are not limited to); cigarettes, candy, personal hygiene items, stationery, and certain articles of clothing.

Inmates may purchase Commissary items provided there is the required money on their books. Each POD is assigned one day a week for Commissary purchases.

To provide for the sale of Commissary to inmates the Commissary Clerk shall:

A. Verify amount of money on inmate account.
B. Prepare Order form to include inmate's name, POD, CFN, dollar amount, date, and Clerk's PSN.
C. Deliver order forms for distribution to inmates by Pod officer.
D. Upon return of order forms, Clerk shall;
   1. Enter purchases into computer system.
   2. Fill inmate's order.
   3. Deliver order to inmate.
E. Stock shelves.
F. Order and maintain inventory.

Commissary Clerk is responsible for maintaining transactions of all inmate accounts.

02.03.510 EXPUNGEMENTS

To obliterate arrest or detention information from an inmate's record.

An expungement is done under order from the Courts and in conjunction with Sheriff's Office Records and may pertain to all or part of a criminal history record. Information can be purged under the following situations:

A. At the request of the person who is the subject of the record (must meet specified criteria).
B. At the Order of a Court.

C. Pursuant to Notification of Expungement by the Washington State Patrol Criminal Identification Section.

Custody Clerks shall coordinate with the Prosecuting Attorney's office and Sheriff's Records to expunge paper and computer records.

02.03.520 COMPUTER FAILURE

In the event the Prime Computer System is inoperable for an extended period of time, Custody Clerks shall initiate any inmate release or money transaction manually. Extreme caution and verification of documentation is essential.

Upon revival of computer system all manual operations shall be entered.

Chuck E. Atkins

CHUCK E. ATKINS, SHERIFF

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ARREST

CHAPTER 03.02

SECTIONS

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03.02.010 PURPOSE

The purpose of this general order is to establish guidelines for deputies of the Clark County Sheriff's Office invoking arrest powers.

RCW 10.31.100, RCW 10.88.330

03.02.020 DEFINITIONS

A. PERSONALLY INVOLVED:

Where the off-duty deputy, a family member, or a friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected with the incident. This does not apply to situations where the deputy himself is a victim of crime.

03.02.030 USE OF DISCRETION

A deputy is hired because it is believed that he or she has the good common sense and discretion to be a peace officer.

Consistent with RCW 10.31.100, the Sheriff's Office recognizes that the deputy is given discretionary authority to take or not take enforcement in particular cases. However, in all cases of law enforcement:

A. The deputy will use discretion impartially;

B. The deputy will not use this authority for personal gain;

C. The deputy will follow accepted and constitutionally sound police practices in his or her enforcement efforts;

D. The deputy's action or inaction in a particular case or incident will be based on the circumstances of the case in conjunction with their oath of office and the general department policy.

[RCW 10.31.100]

03.02.040 USE OF ALTERNATIVES

As a guide in making some of these discretionary decisions the Sheriff's Office provides that with good probable cause:

A. All cases should be considered for vigorous prosecution;

B. In matters involving juveniles, the officer should use the least coercive alternative available while not compromising public safety, order and individual liberty. Short of custodial arrest, alternatives for both traffic violations and criminal violations include:
   1. Warning and release with no further action;
   2. Release to parents;
   3. Informal resolution;
   4. Referral to an appropriate social service agency;
   5. Citation.

C. When a felony arrest is made, the arrestee will be transported to the appropriate detention facility (Juvenile Detention or Jail) for processing except in specifically allowed exceptions;

D. Depending upon booking levels in effect, the cite and release option will not be utilized as an alternative to felony arrest. Refer to GO 05.08 Overcrowding;

E. Whenever a person is arrested for a felony and that person has also committed gross misdemeanors and/or misdemeanors, the following will be done:
   1. The person will not be issued citations for the gross misdemeanors or misdemeanors committed in addition to the felony violation. These charges will be listed and set out clearly within the incident report and referred to the prosecutor for disposition within the Superior Court;
   2. The only exception is Traffic Infractions. Certain traffic infractions may be issued in addition to felony charges.

F. When a misdemeanor arrest is made, the employee may cite and release the suspect if they fall into the general release guidelines of having proper identification, or that their identity is established by other means, that they are no longer a danger to themselves, others, or property and there is no reason to believe that they will fail to appear as directed on the citation;

G. In addition to citing and releasing, there are numerous other alternatives to a physical arrest. Some of the various alternatives are summonses, referral to appropriate agencies, warnings, and informational resolution;

H. Arrest is not mandated except where statutes provide otherwise and employee discretion is encouraged.

03.02.050 TREATMENT OF ARRESTEES

In making an arrest, deputies must treat an individual with as much respect as that person will allow. Deputies will not physically mistreat or verbally harass any individual that they take into custody. Medical treatment will be provided when necessary if the person is ill or injured.

Officers' field interviews and interrogations shall adhere to the process outlined in General Orders 03.10.250, 03.10.260, and 03.10.261 respectively.

03.02.060 ADVICE OF RIGHTS

Sheriff's Office policy requires a deputy to advise a suspect of their constitutional rights prior to a custodial interrogation. Deputies may question persons during general on-the-scene investigation as to facts surrounding a crime. Persons questioned during such time need not be forewarned until deputies objectively manifest they are restraining the person's movement, and a reasonable person believes he or she is not free to leave.

It may be necessary for the deputy to testify in court as to the precise language used to warn the suspect of their rights and the precise language by which the suspect waived these rights. Rights should be read from approved forms.

When a suspect invokes his right to counsel, all interrogation shall cease immediately. The suspect may not again be interrogated about the crime for which he is charged, other crimes, or by other officers (from this or other agencies) unless:

A. The suspect's attorney is present at the questioning; or

B. The suspect initiates new contact with the police. In this later case, *Miranda* rights must again be administered and a waiver obtained before any questioning may take place. Deputies shall also document and, if possible, obtain written verification that the suspect initiated the communication.

This order will be updated to remain current with case law. Deputies are advised to utilize the Washington Law Enforcement Digest issued to them personally each month in order to learn the most recent court guidelines.

03.02.070 PROCESSING ARRESTEES

In the arrest, transportation, and detention of suspects, deputies will take precautions to prevent an escape, injury to themselves and others, or damage to property. When making an arrest, they will search suspects carefully and will immediately take possession of all weapons and evidence. If for any reason suspects cannot be thoroughly searched before being turned over to another, the arresting deputy will, without fail, make this fact known to the person receiving the prisoner.

A deputy making an arrest will transport the arrested individual or cause him/her to be transported to the jail or juvenile detention, to be booked without delay, and be responsible for having the arrest properly recorded unless otherwise ordered. Some exceptions may occur for investigative, court, or processing requirements. In such cases, it will be clearly noted in the field report.

When transporting a prisoner to the Clark County Jail, or other detention facility, deputies will normally announce via speaker/intercom their reason for entering the facility. They also shall do the following:

1. Secure any firearms or other prohibited weapons in a secure gun locker. Deputies may use the trunks of their patrol car as well to secure weapons.
2. Complete as much of the booking paperwork as possible prior to entering the detention facility.
3. Make sure the prisoner is properly restrained prior to entering the facility. Prisoners shall be handcuffed behind their back unless unusual circumstances exist which would prevent this. Deputies will let the booking staff remove the restraints.
4. Deputies will present the booking paperwork to the detention staff for processing.
5. Deputies will retain one copy of the booking form for the written report. It is not necessary for the detention staff to sign for receipt of the prisoner.
6. Deputies will advise the detention staff of any relevant officer safety issues, medical issues, or mental health issues involving the prisoner.

03.02.075 TRAFFIC ENFORCEMENT ARRESTS

In some instances, a traffic violation is severe enough that actual physical arrest of the violator is justified. Instances in which physical custody would be warranted are as follows:

A. Reckless driving (in extreme cases);

B. Driving while or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor and/or drugs;

C. Hit and run unattended or attended;

D. Attempt to elude;

E. Vehicular assault;

F. Vehicular homicide.

In some instances, special processing will be required when dealing with traffic violators. These instances would include the following:

A. JUVENILES:

When a traffic violation is committed by a juvenile who is at least sixteen (16) years of age, the violator should be issued a Washington Uniform Court Docket for the violation. The Docket will be forwarded to District Court by appropriate procedures. This will be followed except in the following instances:

1. Attempt to elude;
2. Hit and run attended where injury or death occurs;
3. Vehicular assault;
4. Vehicular homicide.

In the exceptions outlined above, the subject will be referred to the juvenile court by the appropriate procedures. If a juvenile under the age of sixteen (16) commits a traffic violation, the violator should be referred to the Juvenile Prosecuting Attorney via an incident report requesting an action. A citation form need not be completed for juveniles under the age of sixteen (16).

B. NON-RESIDENTS OF CLARK COUNTY:

All non-residents of Clark County will be treated in the same manner as Clark County residents when a traffic violation has occurred. This treatment may involve any of the following:

1. A verbal warning;
2. The issuing of a notice of infraction or citation;
3. Physical arrest.

C. MILITARY PERSONNEL:

All military personnel operating a vehicle upon the public roadways of Clark County shall be subject to all of the same rules and regulations as civilian personnel with the following exceptions:

1. Operators and vehicle licensing exceptions as outlined in the Revised Code of Washington.

D. LEGISLATORS:

All legislators shall be treated as any other individual when a traffic violation is committed and departmental procedures and guidelines will be followed with the following exceptions:

1. In the case of misdemeanor violations, the legislator shall not be booked into a custody facility but shall be issued a misdemeanor citation and release; and
2. If a felony violation is committed, the deputy or the deputy's supervisor shall contact a prosecuting attorney before an arrest or a release is made of the individual.

E. FOREIGN DIPLOMATS OR CONSULAR OFFICIALS:

All foreign diplomats and consular officials shall be subject to the same rules and regulations as any other resident of Clark County as they relate to traffic laws. Deputies will adhere to 01.12, "Foreign Nationals" when contacting foreign diplomatic staff.

03.02.080 CITIZEN ARREST

In the event of a "lawful detention," the citizen's responsibility is to surrender the arrestee without delay to a deputy. The deputy's responsibility should be to independently review the circumstances surrounding the arrest and the arrestee should be taken into custody only after the deputy has determined the arrest to be valid. If the arrest is valid and the arrestee is taken into custody, the case should then be processed as would any other arrest report indicating that a citizen initiated the arrest.

03.02.090 EXECUTING ARREST WARRANTS

In applying for and executing warrants, deputies will abide by relevant statutes, case law and department procedure. In serving warrants on individuals, deputies will proceed to secure the custody of individuals consistent with General Orders.

In serving of arrest warrants the following priorities shall apply:

A. Felony person crimes;
B. All other felony crimes;
C. Misdemeanor person crimes.

Further, when the Warrant desk is notified that a new warrant exists for a subject such as a "Fail to Appear," they or the designated person will check for current addresses of the subject to

facilitate apprehension of the same subject prior to the subject leaving the area. Old warrants will be reviewed in the same manner as time dictates for re-emergence of a wanted subject.

When Records staff at CCLEC are confronted with citizens at the counter who are unaware they have outstanding arrest warrants, the positions listed below will be responsible for arresting and booking the person(s) into jail. Records staff are asked to follow the list in order.

1. Campus Deputy, if in the office
2. Road Deputy, if in the office
3. Background Deputy
4. Training Sergeant (Enforcement)
5. I-A Sgt. (Enforcement)
6. Case Management Sgt. (CCSO)
7. Administrative Sgt. (Enforcement)
8. Investigative Services Commander (CCSO)
9. Chief Criminal Deputy
10. Chief Civil Deputy
11. Call in a Deputy from Patrol

The Front Desk staff routinely identifies visitors with warrants. Custody staff will be responsible for arresting visitors with a warrant within the secure portion of the facility. Custody staff will be responsible for arresting visitors after regular business hours in the unsecured portion of the facility (lobby).

When Records, Front Desk or Main Control staff are confronted with a citizen knowingly and voluntarily turning themselves in on a warrant it will be the responsibility of Custody staff to ***promptly*** take the individual into custody and book the individual into jail.

03.02.100 JUVENILE ARRESTS

Response to crimes involving juveniles will not differ from that for adult crimes. Deputies may use any reasonable means to preserve public safety, order, and individual liberty. When advising juveniles of their rights they will be consistent with current case law requirements and shall be read from standardized and approved forms made available for these purposes.

It is recommended that the length of the interview of juvenile suspects be limited to a reasonable length of time based on the degree of the offense being investigated, the time of day of the interview, and the age of the juvenile. Generally the interview shall include no more than two interviewers to prevent a coercive atmosphere. However, more complex investigations involving several cases or jurisdictions may require the presence of several officers to facilitate complete or thorough questioning of a suspect. Suspect interviews shall be conducted in compliance with state and federal statutes.

The option to release at the scene of the arrest, at the residence of the person to whom the juvenile lives with, or at the station may be utilized. Appropriate persons to whom a juvenile may be released are a parent, custodian, relative, or other responsible person as defined in RCW Title 13. Circumstances precluding such release may include, but are not limited to:

A. Inability to properly identify the juvenile;
B. Detention required to protect the juvenile who is dangerous to self or others;
C. If the juvenile is arrested for a felony.

When it is necessary to contact a juvenile at school to make an arrest the deputy will arrange for contact with the School Resource Office if possible. If no SRO is available or assigned to the

school, the arresting deputy will report to the principal or designee and explain as fully as possible the nature of his/her business. Administrative personnel will cooperate and provide assistance as necessary. To affect the arrest, the deputy shall first request that the principal or designee bring the student to him/her. If the student refuses to accompany the school official, then the deputy shall affect an arrest as judiciously as possible. The school may notify the child's parents or legal guardians at the discretion of the principal or designee.

If a Deputy decides to arrest and transport a juvenile to the Juvenile Detention facility or other recognized holding facility, the juvenile will be transported to that location unless emergency medical treatment warrants transportation to a recognized medical care facility. Upon arrest of a juvenile suspect, it will be the responsibility of the arresting officer to see that they or the juvenile intake officer explain to the suspect, the system procedure by which they will be handled. In addition, it will be the responsibility of the arresting officer to see that they or the intake officer notify the parent or guardian of an arrested juvenile. In all cases, the final decision whether to file charges will rest with the Prosecuting Attorney.

03.02.101 JUVENILES UNDER EIGHT YEARS OLD

Juveniles under eight years old are deemed not capable of committing a crime. Release to parents or guardian unless the act resulted in the death of another. In such cases, juvenile detention authorities shall be notified and will make the determination if the juvenile is to be released or taken into protective custody. In all cases involving a juvenile under eight, a report shall be filed with the Juvenile Justice system.

03.02.102 JUVENILES EIGHT TO ELEVEN

It is the duty of the court to determine if a juvenile between the ages of eight to eleven, is capable of forming the intent or understanding to commit a crime. Therefore, juveniles shall be afforded their constitutional safeguards against self-incrimination (RCW 13.40.140 (8)). They must be advised of their Miranda Warnings in the presence of their parent or guardian. They may be released to a parent or guardian unless the act resulted in the death of another. In such cases, the Prosecutor's Office and Juvenile Department shall be contacted and advise on incarceration. All felons may be printed and mugged. A report shall be filed with the Juvenile Department and Prosecutor's Office.

03.02.103 JUVENILES TWELVE TO SEVENTEEN

Sixteen and seventeen year olds are to be referred to the juvenile court system and treated as juvenile, except that sixteen and seventeen year olds are to be treated as adults in the following circumstances:

A. When arrested/cited for certain traffic offenses as described in 03.02.075; or
B. When the Juvenile Court has declined jurisdiction over the juvenile, thereby treating the juvenile as if an adult for criminal justice purposes; or
C. As allowed under RCW 13. A list of the crimes and conditions under RCW 13 shall be kept in the booking facility of the jail.

Fifteen and under arrested for misdemeanors, cite into juvenile court by writing, "to be notified" in the appearance box and Juvenile Court in the court field. When advising a juvenile of their Constitutional rights, deputies shall advise the same rights as those for an adult with the additional juvenile warnings. No parental consent or presence is required for juveniles twelve to seventeen.

A. MISDEMEANORS:

Juveniles must be read their rights. If the juvenile has positive proof of identification, they may be cited and released. If no identification, release to parent, guardian, or responsible adult or if unable to do so lodge in detention. Note in the incident report who the release was made to.

B. FELONY:

Treat as adult. May be printed and photographed. Lodge in detention, except as allowed under RCW 13.

C. MISDEMEANOR WARRANTS - DISTRICT COURT:

Treat as adult. Lodge in detention unless specifically ordered otherwise by the courts.

D. FELONY WARRANTS - SUPERIOR COURT:

Lodge in juvenile detention unless remand order is in place. Check with Juvenile Detention as follow-up.

03.02.104 JUVENILES - RUNAWAYS

Enacted legislation places certain requirements onto law enforcement agencies regarding the handling and placement of at risk and runaway juveniles to insure their welfare and safety.

Upon locating a confirmed juvenile runaway or missing juvenile a deputy shall take the child into custody, and shall:

A. Inform the child of the reason for such custody and attempt to return the juvenile to their parent's home or place of employment as a first alternative. If the parent does not wish the child to remain in the home, the child may be placed in the home of an extended adult family member, crisis residential center, or at a licensed youth shelter.

B. If the child's parents can not be contacted, or transporting the child home is not practical, the deputy shall contact Children's Protective Service (C.P.S.) to have the child placed in a Crisis Residential Center (C.R.C.)

C. After placement of the child, the deputy shall inform the child or the person receiving the child of the nature and location of appropriate services available in the community.

D. If the officer believes the child has run away because the child was abused or neglected, the officer must immediately make a report to Department of Social and Health Services (D.S.H.S.).

E. Upon location and placement of a runaway or missing juvenile, the deputy shall complete a written report prior to the end of his/her shift. Case management shall forward a copy of all of such reports to C.P.S.

A law enforcement officer is immune from liability if he/she acts in good faith in taking a child into custody, transporting the child to a C.R.C., or releasing the child to a person at the request of the parent.

03.02.105 JUVENILES - INEBRIATED

Upon locating an intoxicated juvenile:

A. The juvenile may be returned to their parent or guardian or a responsible adult with or without a criminal complaint forwarded to Juvenile Court. If a criminal complaint is filed, the parent shall be informed that Juvenile Court will notify them as to when the child shall appear in court.

B. The child may be lodged at the Juvenile Detention Facility if there are other criminal charges, or there is not parent or responsible adult available to take the child.
C. While a deputy may use discretion in what action they take, the preferred course of action is the initiation of the criminal complaint process.

03.02.106 JUVENILES - NEGLECTED OR DEPENDENT

Deputies upon locating a child that he/she has reason to believe is neglected shall take necessary action to protect the welfare of the child. This action may include removing the child and:

A. Contacting Children's Protective Service (C.P.S.) for emergency placement of the child at a safe, approved location.
B. Placing with a responsible adult or relative after receiving approval from C.P.S.

Upon removal of a child and making placement, the deputy shall complete a written report on the incident which shall include any violation of state law. This report shall be completed prior to the end of the deputy's shift. Case management shall forward a copy of the report to C.P.S.

03.02.107 JUVENILES - INTERROGATION - LIMITATIONS AND EXCEPTIONS

Interrogations of juveniles shall not exceed six (6) hours in duration without supervisory approval. Generally no more than two (2) investigators will participate in an interrogation at any given time.

As requested or needed, reasonable breaks will be afforded the subject being interviewed for the purposes of obtaining nourishment, water and/or rest.

03.02.108 PARENTAL INVOLVEMENT

When dealing with juveniles it is important to balance the needs of the investigation with the desire of parents to be involved with their children's welfare. The decision to involve parents during an investigation should be based on the following:

1. The age of the juvenile.
2. The severity of the offense.
3. The expected level of cooperation from the parents.
4. The stated request from the juvenile.
5. Relevant statutes, i.e. RCW 26.44.030.

Deputies who are unsure of whether or not a parent should be involved should consult their supervisor.

03.02.110 CUSTODIAL INTERFERENCE

Changes in state laws and Clark County court procedures have caused changes in the handling of custodial interference complaints.

RCW 9A.40.060 and 070 explain custodial interference in the first and second degree. The Custodial Interference Act describes felony and misdemeanor violations where parents or relatives take, entice, retain or conceal a child under eighteen years of age from the lawful custody of another. These kidnap-related cases differ from contempt of court custody complaints where typically one parent is late in returning a child from a visitation. Frequently an officer can

resolve contempt situations by talking with the parents. The complaining parent can seek relief by contacting an attorney.

Custodial Interference cases transfer civil relief into the criminal realm. In these cases, an offending parent is taking actions to prevent the other parent from having custody; refuses to cooperate with law enforcement, may flee the area, or may hide the child. A full investigation of Custodial Interference allegations should include any information that establishes who has lawful custody and control of the child, if the child is being exposed to substantial risk of illness or physical injury, threats to hold the child permanently or for a protracted period of time, if the child was removed from their state of residence or concealed in another state, if there is a threat of flight, and relevant defenses as listed in RCW 9A.40.080. All complaints of Custodial Interference that are not readily resolved or that will require a supplemental investigation will be referred to the Child Recovery Unit for follow-up.

Often, the complaining parent will ask or demand that law enforcement assist in the return of children ("In-field custody transfers"). The Clark County Sheriff's Office will no longer enforce any type of in-field custody transfers of children as previously done with the writs of assistance. These writs are no longer issued. Officers should direct a person seeking the return of a child to apply to Child Recovery Unit for investigation for a Writ of Habeas Corpus (RCW 7.36.190). The Writ of Habeas Corpus is used only as a last resort when all other means of civil resolution have been exhausted. Obtaining a Writ of Habeas Corpus is an involved process that requires an investigation into the circumstances surrounding the dispute.

Writs of Habeas Corpus issued in another county within Washington State are not to be enforced. All writs not issued from the Clark County Superior Court need to be referred to the Child Recovery Unit.

Beyond the Writ of Habeas Corpus, officers may take a child into custody if the child is at risk, RCW 26.44.050; or based on a Juvenile Court pick-up order, RCW 13.34.050.

RCW 7.36.190 SUMMARY:

This RCW gives the legal foundation for the use of the writ of habeas corpus in custodial interference cases.

RCW 13.34.050 SUMMARY:

The court may issue directive to law enforcement officers to take custody of a child if the court finds the child is dependent and the child's health, safety, and welfare are seriously endangered by lack of action.

RCW 26.44.050 SUMMARY:

A law enforcement officer may take into custody a child without court order if, upon probable cause, the officer finds a child is abused or neglected and the child would be injured or could not be taken into custody if it were first necessary to await issuance of court order pursuant to RCW 13.34.050.

[RCW 13.34.050, 26.44.050]

03.02.120 DOMESTIC VIOLENCE

According to RCW 10.99.030, the primary duty of peace officers, when responding to domestic violence incidents is to enforce the laws allegedly violated and to protect the victimized party. Reference RCW 10.99.030, the law enforcement officer's duties are as follows:

A. Shall exercise arrest powers pursuant to **RCW 10.31.100**.
B. Shall notify the victim of victim's rights to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or initiated proceedings with a citation or otherwise.
C. Shall advise parties of importance of preserving evidence.
D. Shall take a complete report on all reported domestic violence incidents, whether a crime has been committed or not. The report shall include the case disposition as well as the following when a crime has been committed:
   1. All efforts taken to locate and arrest the suspect during the four hour period following the domestic violence incident;
   2. The victim's reception of notice of legal rights and remedies available;
   3. Any and all steps taken to ensure the victim's safety.
E. Shall advise victim(s) of all reasonable means to prevent further abuse (shelters, community services, etc.) and shall include giving to the victim a written notice which shall include the following statement: "If you are a victim of domestic violence you can ask the city or county Prosecuting Attorney to file a criminal complaint. You also have the right to file a petition in Superior, District, or Municipal Court requesting an Order of Protection from domestic abuse which could include any of the following:
   1. An order restraining your abuser from further acts of abuse;
   2. An order directing your abuser to leave your household;
   3. An order preventing your abuser from entering your residence, school, business or place of employment;
   4. An order awarding you or the other parent custody of or visitation with your minor child or children; and
   5. An order restraining your abuser from molesting or interfering with minor children in your custody."

The forms you need to obtain a protection order are available in any Municipal, District, or Superior Court.

F. Shall forward a report to the prosecutor within ten (10) days, (unless the case is still under active investigation) if there is probable cause to believe a crime has been committed.
G. Shall maintain records of all domestic violence incidents and shall identify these reports by means of a departmental code for domestic violence.
H. May arrange or facilitate transportation for the victim to a hospital or place of safety. Deputies will not, as a general rule, transport injured victims; exceptions will be approved by the shift Sergeant.

It is understood and recognized by the department that not all domestic violence calls an officer responds to are criminal in nature and many do not result in an arrest. However, **RCW 10.99.030** (3) mandates that an officer take complete report on ALL domestic violence incident calls.

03.02.130 VIOLATION OF PROTECTION AND NO CONTACT ORDERS

There are three distinct types of orders which may be issued that order persons to "stay away." Each of these three types of orders carry a separate criminal charge relating to the

violation. As all of the orders do the same thing, it is easy to confuse the forms and cite the wrong statute. The following procedures are issued to assist the arresting officer with the proper action:

A. ORDERS FOR PROTECTION:

The "Order for Protection" is the most common order likely to be found. It is only available between relatives or people who have lived together in the past and can be obtained by alleging there has been domestic violence. Initially, there is a temporary Order for Protection, good for 14 days until a hearing is set on whether the Order is to be permanent. Where a violation of the Order occurs, the proper crime is "Violation of Order for Protection, RCW 26.50.110(1)."

B. NO CONTACT ORDER:

This is an order telling a criminal defendant to stay away from a victim of a crime between the time of arraignment and sentencing. It is only available against a person charged with a criminal offense. This order is entered by the court at the request of the Prosecuting Attorney or City Attorney as part of the criminal proceedings. It will always be captioned State of Washington, or City of _____, vs. _____. Violation of this order is again a misdemeanor and should be cited "Violation of No Contact Order. RCW 10.99.040.

C. RESTRAINING ORDER:

This order is issued only as part of a civil case, usually a divorce proceeding and is the "traditional" order that was obtained prior to the Domestic Violence Act's establishment of the Order of Protection. The order will usually be prepared on a lawyer's stationery (a private attorney's name and address should be printed on the bottom right corner of the stationery). The orders will be captioned with the name of two or more people. Violations should be charged with "Violation of Restraining Order, RCW 26.09.300."

03.02.140 OFF-DUTY ARRESTS

Off-duty deputies are often faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to off-duty deputies and confusion for those on-duty deputies arriving at the scene trying to correctly assess the facts. In order to promote safety and the most efficient operations, it is the policy of the Clark County Sheriff's Office to determine and regulate those situations and locations within which a sworn member is permitted to make an arrest while off-duty.

Deputies have liability protection for the on and off-duty performance of official duties. This protection does not extend to willful acts to cause injury or damage or to those actions that the deputy knew or reasonably should have known were in conflict with the established policies or customs of this department.

When off-duty and within the legal jurisdiction of this department, a deputy may make an arrest only when:

A. The arresting deputy is not personally involved in the incident underlying the arrest;
B. There is an immediate need for the prevention of a crime or apprehension of a suspect;
C. The arresting deputy is in possession of appropriate police identification.

While off-duty, it is the responsibility of the deputy to immediately report any suspected or observed criminal activities to on-duty authorities. Except as allowed by this policy, off-duty deputies will not enforce summary offenses or minor violations such as harassment, disorderly conduct, or other quality of life offenses. Deputies are prohibited from making off-duty arrests when the arresting deputy is personally involved in the incident underlying the arrest, and when engaged in off-duty employment of a non-police nature and the deputy's actions are only in furtherance of the interests of the private employer. On-duty personnel shall be contacted to respond to the situation and abide by all departmental policies and procedures.

03.02.150 MENTAL HEALTH DETENTION

Mental Health Detention upon oral or written authorization from county mental health professional.

RCW 71.05.150 Authorizes the temporary detention of persons suspected of being mentally disordered. When a county mental health professional wishes to have a person taken into emergency custody the shift supervisor shall be notified. The supervisor shall obtain a written signed order from the mental health professional prior to detention or at the time the person is turned over to a treatment facility.

03.02.151 MENTAL HEALTH DETENTION BY PEACE OFFICER

RCW 71.05.150 (4)(b) provides that a deputy may, with reasonable cause, take a person into temporary detention if the deputy believes that the person is "suffering from a mental disorder and presents an imminent likelihood of serious harm to others or himself".
[RCW 71.05.150]

03.02.160 SEARCHES AND SEIZURES

Searches and seizures including arrests will comply with the procedures set out in GO 03.15.

Chuck E. Atkins

CHUCK E. ATKINS, SHERIFF

Creation Date:	March 21, 1986
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	November 8, 1990
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	January 6, 2003
	November 8, 2004
	June 20, 2012

January 28, 2014
January 1, 2015

Chapter 3.02 ARREST

JAIL OVERCROWDING

CHAPTER 05.08

SECTIONS

05.08.010 PURPOSE
05.08.020 POLICY
05.08.030 DEFINITIONS
05.08.040 JAIL BED INVENTORY
05.08.050 MANAGING JAIL POPULATIONS
05.08.060 POPULATION STATUS / BOOKING CRITERIA REPORT
05.08.070 BOOKING & EARLY RELEASE EXCLUSIONS
05.08.080 EARLY FELONS RELEASES
05.08.090 SPECIAL BOOKING CIRCUMSTANCES
05.08.100 MODIFIED RELEASES
05.08.110 WEEKLY REPORTS

05.08.010 PURPOSE

The Clark County Sheriff's Office will proactively manage the jail population. When the jail population exceeds 95% of available beds, additional population management tools will be used.

05.08.020 POLICY

The Sheriff and other members of the Clark County Law and Justice community may personally and professionally disagree with restricting jail admissions and releasing inmates early, however, managing current and projected jail populations requires extraordinary measures. The terms of this policy are not intended to establish or to create any rights in any person(s) or entities other than the agencies that participate in making decisions under this document. This policy will remain in effect until modified or rescinded by the Sheriff or Chief Jail Deputy.

05.08.030 DEFINITIONS

MISDEMEANOR: Includes misdemeanor and gross misdemeanor crimes.

PROBATION: In addition to the ordinary meaning, the term also includes community supervision, community placement, and community custody as those terms are defined in RCW 9.94A.

WORK RELEASE: A partial confinement work program operated jointly by the Clark County Sheriff and the Washington State Department of Corrections.

05.08.040 JAIL BED INVENTORY

Beds in Operation:

- The Main Jail has 569 beds available.
- The Jail Work Center has 150 beds available.

- The Jail Work Center Work Release Program has 50 beds available. This is a partial confinement program.
- Total In-Custody beds are established at 719 for both facilities.
- Total bed count in both facilities in all programs is 769 beds.

Decommissioned Beds

- Main Jail, H pod has 56 decommissioned beds.

05.08.050 MANAGING JAIL POPULATIONS

When the Clark County Jail Facilities reach a population of 683 inmates, measures shall be taken to manage the inmate population through implementing various early release options and booking restrictions.

05.08.060 POPULATION STATUS / BOOKING CRITERIA REPORT

The Jail will issue a "Population Status / Booking Criteria Report" daily at 0500 to all local police agencies and courts advising them of the current population of the Clark County Jails and applicable restrictions. Booking restrictions will not change during the 24-hour period. The Jail Work Center Work Release inmate count is excluded from the Population Status Criteria Report.

05.08.070 BOOKING & EARLY RELEASE EXCLUSIONS

The following crimes, including attempts and conspiracies to commit them, will be excluded from the early release and booking restriction options:

- Sex Offenses, Most Serious Offenses, Serious Violent Crimes, and Violent Crimes as defined in RCW 9.94A.030.
- Misdemeanor sex offenses, e.g. Communicating with a Minor for Immoral Purposes, as defined in RCW 9.68A.090, and Indecent Exposure, as defined in RCW 9A.88.010.
- Domestic Violence crimes, as defined in RCW 10.99.
- Harassment crimes, as defined in RCW 9A.46.
- Stalking, as defined in RCW 9A.46.110.
- Violations of No Contact orders, as defined in RCW 10.99.
- Violations of restraining orders and protection orders restraining or excluding a person from a residence, issued pursuant to RCW chapter 26, and in violation of RCW 10.99 or RCW 26.
- Luring, as defined in RCW 9A.40.090.
- Vehicular Assault, as defined in RCW 46.61.522.
- A charge of Intimidating a Public Servant as Defined under RCW 9A.76.180
- Any felony assault crime directed towards any Custody or Enforcement Officer.

The following situations will be excluded from the early release and booking restriction options:

- All felony charges on an individual, in which a judicial officer has not conducted an individual bail determination, will be excluded from the book and release policy.
- Felony sentences which contain a deadly weapon enhancement.

- Clark County District Court warrants, with bail listed as "Book and Hold", issued on or after January 1, 1997.
- Any Bail Jumping Crime
- Individuals who are charged with a Class C Felony, that do not have a verifiable address.
- People who are incapacitated and who cannot be released to responsible third parties will be excluded from the early release and booking restriction options.
- With approval of the shift sergeant or higher authority, subjects who are listed on the Jail Exclusion Report.

05.08.080 EARLY FELONS RELEASES

In no event shall a convicted felon, sentenced pursuant to the Sentencing Reform Act, be released unless he/she has served at least two-thirds of his/her original sentence through either total confinement or partial confinement, as those terms are defined in RCW 9.94A.030. Additionally, no inmate serving a sentence that contains any mandatory minimum will be released prior to completing the mandatory portions of his/her sentence.

05.08.090 SPECIAL BOOKING CIRCUMSTANCES

It is recognized that in special circumstances a prisoner may fall outside of the established booking criteria. In the interests of public safety, jail supervisors have the authority to exempt a prisoner from booking restrictions.

05.08.100 MODIFIED RELEASES

Modified Release reports will be prepared for consideration by Jail Records when the County Jails' population count reaches 101% of in-custody beds at the time of the official daily count over a 48-hour period. Jail Records will be responsible for notifying the jail of those inmates who may qualify for early release.

05.08.110 WEEKLY REPORTS

Jail Administration will forward a Population Summary Report depicting jail population levels to the following officials weekly:

Superior Court Judges
District Court Judges
Corrections
Sheriff
Undersheriff
Prosecutor
County Executive

Chuck E. Atkins

CHUCK E. ATKINS, SHERIFF

Creation Date: October 26, 1995
Revision Date: February 9, 1999

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January 7, 2009
April 14, 2009
May 11, 2011
January 1, 2015

DATE: 07/07/2011 **SEE ALSO: GO 05.08 Jail Overcrowding**

CANCELS: 05/11/2011 **APPROVED BY:** *Jackie Batties*

PRO 05.08.00 OVERCROWDING

The following procedures have been created to insure detainees from different agencies, are processed consistently during periods of overcrowding.

PRO 05.08.01 OVERCROWDING BOOKING / EARLY RELEASE
PRO 05.08.02 POPULATION LEVELS
PRO 05.08.03 JAIL RECORDS OVERCROWDING RELEASE LIST
PRO 05.08.04 SERGEANT RESPONSIBILITIES
PRO 05.08.05 INTAKE STAFF
PRO 05.08.06 DISTRIBUTION OF SIGNED FORMS
PRO 05.08.07 ENFORCEMENT RESPONSIBILITIES
PRO 05.08.08 JAIL RECORDS STAFF
PRO 05.08.09 PROPERTY OFFICER
PRO 05.08.10 INTAKE OFFICERS
PRO 05.08.11 JAIL ADMINISTRATION SHERIFF'S SUPPORT SPECIALIST II

PRO 05.08.01 OVERCROWDING BOOKING / EARLY RELEASE EXCLUSIONS

The following crimes, including attempts and conspiracies to commit them, will be excluded from the early release and booking restriction options:

- Sex Offenses, Most Serious Offenses, Serious Violent Crimes, and Violent Crimes as defined in RCW 9.94A.030.
- Misdemeanor sex offenses, e.g. Communicating with a Minor for Immoral Purposes, as defined in RCW 9.68A.090, and Indecent Exposure, as defined in RCW 9A.88.010.
- Domestic Violence crimes, as defined in RCW 10.99.
- Harassment crimes, as defined in RCW 9A.46.
- Stalking, as defined in RCW 9A.46.110.
- Violations of No Contact orders, as defined in RCW 10.99.
- Violations of restraining orders and protection orders restraining or excluding a person from a residence, issued pursuant to RCW chapter 26, and in violation of RCW 10.99 or RCW 26.
- Luring, as defined in RCW 9A.40.090.
- Vehicular Assault, as defined in RCW 46.61.522.
- A charge of Intimidating a Public Servant as Defined under RCW 9A.76.180
- Any felony assault crime directed towards any Custody or Enforcement Officer.

The following situations will be excluded from the early release and booking restriction options:

- All felony charges on an individual, in which a judicial officer has not conducted an individual bail determination, will be excluded from the book and release policy.
- Felony sentences which contain a deadly weapon enhancement.
- No Federal prisoners will be accepted above the current contracted capacity.

BOOKING LEVEL "C"

When the Clark County Jail has between 713 and 727 inmates by the official daily count, the jail will use the following standards:

- Local holds will not be placed on misdemeanor warrants that are contacted outside Clark County.
- No local Misdemeanant Warrants

- 0500 Fax to all agencies, precincts and dispatch the booking restriction and requests for that day.
- Forward copies of the Booking & Early Release Exclusion Report to Jail Administration, Records and Community Corrections.
- Approves booking exceptions and Jail Exclusion Report placements.

PRO.05.08.05 INTAKE STAFF

Prisoners who are being booked and released under the overcrowding policy will be issued a Release Agreement Form.

- Officers must complete the following:
  - Defendants Name
  - Address
  - City
  - State
  - Zip Code
  - Phone Number
  - Message Phone if applicable
  - Charges
  - Case Number(s) if applicable
  - Explain to the prisoner the conditions and agreement in which they are being released from jail, assign court date and time. List no contact restrictions.
  - Have the prisoner sign the form
  - Officer Witness Signature

PRO.05.08.06 DISTRIBUTION OF SIGNED FORMS

White Sheet Original (Court Copy)

- Place in the court distribution box along with a copy of the booking sheet for pickup and distribution by Records staff.

Yellow Copy (Defendant)

- Given to the inmate at time of release.
- Assign a court date applicable to Superior, District or Municipal Courts. See bail book for court times.

Pink Copy (Jail Records)

- Place in Jail Records Box with the white copy of the Booking sheet.

Gold Copy (Prosecuting Attorney)

- Placed in the PA's Box located in Booking along with the white copy of the Pre-Book form.

PRO 05.08.07 ENFORCEMENT RESPONSIBILITIES

Enforcement Agencies will announce, or make known the Jails intake restrictions at briefing or through other methods of passing information.

BOOK AND RELEASE OPTION

- Law Enforcement may request that arrests, which normally would not be brought to the jail as a result of the booking restrictions, be processed as a Book and Release.

These requests would be for, but not limited to:

- Additional data collection for investigative purposes
- To defuse a potentially violent situation by removing the subject from the scene
- When leaving the subject at the scene is not in the best interest of the parties involved.
- Requests for Book and Releases, and approvals, will be made to the Jail Duty Sergeant.
- Book and Release will be used for all class C Felons, released from jail, pursuant to level E guidelines.

PRO 05.08.08 JAIL RECORDS STAFF

Jail Records will be responsible for:

- Implementing modified releases when the booking level exceeds Booking Level D & E during a forty-eight hour period.
- Clear applicable charges with a disposition code of "MR" for Modified Release.

Jail Records will advise the Property Officer of those inmates who may qualify for a modified release during periods of overcrowding.

PRO.05.08.09 PROPERTY OFFICER

- Verifies with Jail Records those inmates who may be released.
- Processes the inmate release per the release procedure.
- The release code to be used will be listed as "MR" for Modified Release for all inmates released early due to overcrowding.

PRO.05.08.10 INTAKE OFFICERS

- Process Book & Release inmates per the book and release procedures.
- Clear Charges with a disposition code of "OR" for Overcrowding Release.
- Release inmate with a Release code of "OR" for Overcrowding Release.

PRO.05.08.11 JAIL ADMINISTRATION SHERIFF'S SUPPORT SPECIALIST II

Weekly the assigned Sheriff's Support Specialist generates the Clark County Jail Population Summary Report. The OAII will then fax a copy of report to the:

- Prosecuting Attorney Ext# 2230
- Community Corrections Ext# 6013
- Clark County Executive Ext# 6058
- Eight (8) Copies of the Population Report are placed in the Transport Box for distribution to the Superior & District Courts. The Transport Unit makes distribution.
- A Copy of the Population Report is forwarded to the Sheriff and Undersheriff.

ADMISSIONS / RELEASES

CHAPTER 05.10

SECTIONS

05.10.010 LEGAL AUTHORITY TO ARREST AND DETAIN
05.10.015 JUVENILE ARREST, DETENTION AND REMAND
05.10.020 SEXUAL OFFENDER REGISTRATION
05.10.030 CUSTODIAL ARRESTS / DETENTION
05.10.040 MEDICAL ACCEPTANCE
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PURPOSE:

This policy establishes standards and procedures for admitting & releasing prisoners from the jail, and for preserving due process rights for the inmate population. It recognizes legal precedent and statutory requirements regarding court orders and state mandates in the holding of inmates pre/post court disposition.

DEFINITIONS

Prescription Items – Any medication, inhaler, eyeglasses, contacts, or other item ordered by a medical practitioner for a specific individual that has an "RX number" and can only be purchased through a pharmacy or licensed medical provider.

Medical Equipment – Non-prescription medical items (i.e., breathing machines, prostheses, including; hearing aids, crutches, dentures, etc.).

05.10.010 LEGAL AUTHORITY TO ARREST AND DETAIN

Agencies will provide the legal documentation for holding of prisoners at the time of entry into the jail. No inmate will be housed in any county facility without one or more of the following:

- Court order
- Probable cause arrest and pre-book form
- Citation
- Civil commitment
- Bond revocation with Notice of Forfeiture or a sworn affidavit outlining the reason for revocation.
- Bail Bond Agents must contract with a licensed Bail Bond Recovery Agent, unless a defendant makes a voluntary surrender. *See RCW 18.185.270; RCW 18.185.280.*
- Warrant for arrest/detention. In addition:

  Out of County Washington State Holds – Warrants must be provided by fax or teletype. In urgent situations a confirmation will hold a subject. The confirmation must include; court, warrant number, charge, bail, judge and confirmation of transport.

  Out-of State Warrants – Confirmations are acceptable pending warrant if it includes: court, warrant number, charge, bail and confirmation of transport.

Juveniles under the age of 18, shall not be held in the Clark County Jail unless the juvenile was previously remanded to adult court.

05.10.015 JUVENILE ARREST, DETENTION AND REMAND

All prisoners under the age of 18 will be physically processed and housed at Juvenile Detention Hall (JDH), and shall not be brought or accepted for intake at Clark County Jail facilities. No prisoner under the age of 18 will be held in any of the Clark County Jail facilities unless authorized by the Chief Corrections Deputy or designee.

05.10.020 SEXUAL OFFENDER REGISTRATION

Intake will process convicted sex offenders for registration in compliance with RCW 9A.44.130. Offenders will not be rescheduled to come back at a later date for registration.

05.10.030 CUSTODIAL ARRESTS / DETENTION

Corrections deputies may exercise the power of arrest for one or more of the following situations:

- Mandated by verbal or written Court Order.
- Bail Revocation by a Bonding Company with a Notice of Bail Revocation or signed affidavit outlining the reason for revocation.

- Warrant Service.
- Upon knowledge of crimes committed in the CCLEC or JWC either in the deputy's presence or for which there is probable cause for a legal arrest.

05.10.040 MEDICAL ACCEPTANCE

No prisoner who requires immediate medical care will be admitted into the jail without first being cleared by a medical professional e.g. physician, physician's assistant or facility medical staff. It is the responsibility of the arresting agency to seek medical assistance and provide medical clearance for prisoners prior to acceptance. Prisoners who refuse medical treatment may be accepted after providing a statement of refusal by the evaluating authority.

05.10.050 ACCEPTABLE BLOOD ALCOHOL LEVELS

The following blood alcohol levels have been established as a guideline for acceptance for processing prisoners into custody:

1. BAC/PBT reading lower than .35.
2. BAC/PBT reading of .35 or higher, with a second BAC/PBT reading taken at least 15 minutes later reflecting a lower reading indicating the individual's blood alcohol level is decreasing.
3. A BAC/PBT reading of .35 or higher, with documentation from a medical authority e.g. physician, physician's assistant or facility medical staff showing medical clearance.

05.10.060 UNACCEPTABLE BLOOD ALCOHOL LEVELS

The jail will not accept prisoners with any of the following:

1. A BAC/PBT reading of .35 or higher who, after a second BAC/PBT reading shows no decrease in their blood alcohol level.
2. BAC/PBT reading higher than .40 without medical clearance.
3. The prisoner is unconscious.
4. At the discretion of Jail Medical Staff.

05.10.070 PRISONER PAT-DOWN SEARCH AT INTAKE

All inmates will go through a cursory pat-down for any obvious weapons or contraband before handcuffs are removed. When possible, any weapons or contraband found will be turned over to the arresting authority for disposal or logging in as evidence.

05.10.080 PAT-DOWN SEARCH AND METAL DETECTOR SEARCH

After an inmate's property has been removed for safekeeping or inventory, all inmates will be pat-searched and scanned with a metal detector prior to starting the booking process.

05.10.090 LEGAL DOCUMENTATION FOR DETENTION

It is the responsibility of the arresting agency to provide legal documentation for the jail to detain a new prisoner. The arresting agency will also be required to complete a "Clark County Jail Pre-Book Form " prior to or upon entry into the jail.

05.10.100 INMATE PROPERTY AT INTAKE

All inmate personal property that is not allowed in general population will be inventoried and stored in the designated property storage area. Inmates will have the opportunity to review and sign the inventory sheet prior to the property being placed in storage. If an inmate is unable or unwilling to sign their property inventory, two deputies shall witness the inventory sheet signing with their name and PSN.

Money

With the exception of "Keepsake" currency, staff shall receipt and deposit all inmate monies into the inmate account system as is. Staff shall not change or exchange money that is brought in by an inmate (i.e., no "Purchasing" or exchanging unique denominations or making change with inmate money). "Keepsake" currency will be entered into the property screen as regular property and not deposited into the inmate account system.

Deputies will be on the alert for counterfeit currency when verifying inmate funds. If counterfeit money is discovered it requires an EPR and the money shall be placed into evidence.

Found Money

An Electronic Police Report (EPR) will be completed anytime staff find money not associated with an inmate (i.e. at the intake process).

Reconciliation

Funds other than those retrieved from the safe, shall not be used for reconciliation. No money will be added or subtracted to make the reconciliation balance.

Definition

"Keepsake" currency is defined as denominations or coins that have sentimental or collector value (i.e., Silver dollars, silver or gold certificates, old coins or bills, etc.).

05.10.105 RECEIVING PRESCRIPTIONS & MEDICAL EQUIPMENT INTO PROPERTY

Intake:

Prescription items and medical equipment brought in at the time of intake will be searched, and inventoried by corrections deputies consistent with G.O. 05.10.100.

Prescription Items & Medical Equipment - Brought in by Citizen for Inmate:

- The property deputy will be contacted by either the front desk or main control when a citizen brings in prescription items or medical equipment.
- The property deputy is responsible for searching, inventorying, and entering/recording items in our computerized property tracking system.
- Consistent with Pro 05.10.90(7), the property deputy will give the inmate an opportunity to review and sign the revised property inventory.

Notification:

It is not necessary to notify medical staff when someone drops off eyeglasses, contacts, or hearing aids. The property deputy will notify medical staff that prescription items and/or medical equipment have arrived in property, after they're receipted.

Distribution:

- If medically necessary, receipted items can be distributed to an inmate or our medical contractor only after the property deputy issues a receipt showing who received said items. (i.e. "Released to Inmate John Doe," or "Released to Nurse Doe," etc.)
- Consistent with Pro 05.10.90(7), the property deputy will give the inmate an opportunity to review and sign the revised property inventory.

Critical Medications Brought to Property Prior to Inmate Release by Contract Medical Staff:

- Inmates who are taking critical medications will have a 14 day supply provided to them before release. In the absence of a properly packaged 14 day supply, due to an unanticipated release (Bailbond, ROR, OC, TS less than 72 hour, etc.), arrangements will be made by contract medical staff for released inmates to pick up critical medication at a local pharmacy, free of charge.
- Prior to anticipated release, contract medical staff will order critical medications and upon receiving the appropriate medication from the pharmacy, will seal the medication in a clear plastic bag and deliver it to the corrections deputy in Property.
- The property deputy will sign for the sealed bag of medication, on a "Medication Receipt Form" from the Medical Unit.
- The property deputy will then enter the medication, described as "Sealed Bag 2(m) into the inmate property screen, and clear the Critical Medication Flag.
- If critical medications are not available, contract medical employees will order the medications at a local pharmacy, free of charge to the released inmate, and provide documentation on how and where the inmate can pick up the medication.

05.10.110 BOOKINGS

All inmates entering the jail will be booked in a timely fashion, unless the inmate's behavior, physical or mental condition necessitates a delay. A booking record will consist of:

- Name
- Date of Birth
- Height
- Weight
- Home address
- Physical identifiers
- Hair color
- Photo mug shot
- Fingerprints
- Booking Charge
- Initial medical and classification screening
- Inmate orientation form

05.10.120 TELEPHONE ACCESS

All inmates completing the booking process will be allowed to make at least three collect telephone calls. Prisoners will be afforded the opportunity to contact legal counsel prior to or during the intake process. Telephone privileges may be restricted for the following reasons:

- By court order
- By a valid no-contact order
- Staff may temporarily restrict telephone access during an ongoing police action where deputy safety may be compromised or placed in jeopardy.
- Temporarily restrict telephone access prior to any inmate transport.

05.10.130 BASIC HYGIENE ITEMS

The jail will offer each inmate who remains in custody the option of purchasing a personal hygiene package. Indigent inmates will not be denied access to basic hygiene items due to their inability to pay.

05.10.140 STRIP SEARCHES

Any time a strip search is initiated by custody staff it shall be consistent with RCW 10.79 .

DEFINITION: "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person.

- No strip search shall be conducted unless there is reasonable suspicion that the person has on his or her person evidence of a crime, contraband, fruits of a crime, things otherwise criminally possessed, a weapon, or other things by means of which a crime has been or reasonably appears about to be committed.
- A person committed to post conviction incarceration (sentenced) by a court order may be strip searched without a warrant.

05.10.145 STRIP SEARCHES – USE OF FORCE

Consistent with RCW 10.79.100(1), staff conducting a strip search shall not touch the person being searched except as reasonably necessary to defend themselves from bodily harm, and to contain objects or items that constitute a threat to the orderly and safe operation of the jail (see PRO 05.10.130 for parameters when using force as a strip search is being conducted). If physical contact becomes necessary during a strip search, the involved deputy (s) shall submit either an incident report or a use-of-force report as appropriate.

05.10.150 DOCUMENTATION OF STRIP SEARCHES

Whenever a Strip Search is conducted a written record shall be maintained as a permanent part of the individual prisoner's record file. Inmate workers are exempt from the strip search records requirement.

05.10.160 BODY CAVITY SEARCHES

Body cavity searches require a court order or search warrant, and will only be conducted by licensed medical professionals.

DEFINITION: A "Body Cavity Search" means the touching or probing of a person's body cavity (rectum of a person and the vagina of a female person), whether or not there is actual penetration of the body cavity.

- No search warrant for a body cavity search shall be sought without the authorization of a ranking supervisor.
- Persons conducting a body cavity search shall not touch the person searched except as reasonably necessary to complete the search of the person.
- When a body cavity search is conducted by a licensed medical professional of the opposite sex, an observer of the same sex as the prisoner should be present.

05.10.170 DOCUMENTATION OF BODY CAVITY SEARCHES

Whenever a Body Cavity Search is conducted, a written record shall be maintained as a permanent part of the individual prisoner's record file. A copy of the search warrant shall be attached to report.

05.10.180 JAIL ISSUED CLOTHING / BEDDING

Inmates will be issued basic items, which include:

- 1 Towel
- 2 Sheets
- 1 Pillow Case (If Available)
- 1 Blanket
- 1 Pair of Footwear
- 1 Pair Pants and 1 Shirt (or 1 Set of Coveralls)

05.10.183 JAIL ISSUED CLOTHING – MONITORING

Unless conducting a strip search, staff will not visually monitor inmates during clothing exchanges. Inmates will be allowed to exchange their clothing in a place and manner so that their genitals, buttocks, anus, breasts of a female person, or undergarments, are not exposed to staff or other inmates.

05.10.185 JAIL ISSUED CLOTHING – REFUSAL

Inmates that are not subject to a strip search but; are passively uncooperative, refuse to, and/or are unable to change into jail clothing; will be pat-searched, searched with a metal detector, and placed in an appropriate housing area, in the booking area until such time as they exchange clothing.

05.10.190 PRISONER RELEASES

No prisoner will be released from Clark County Jails except under the proper authority, which may include:

- Completion of Sentence
- Posting of a Surety Bond
- Posting of a Property Bond
- Cash Bail
- Payment of Fine

- Release on Own Recognizance
- Cite & Release by Arresting Officer
- Book & Release By Overcrowding Policy
- By Court Order
- Transfer to Other Jurisdictions
- Extradition Order
- Decision by County Prosecutor or City Attorney not to file charges.

05.10.195 PRISONER RELEASE - MEDICATIONS

Inmates released from the Clark County Jail, who are under medical treatment with medications deemed critical, will be provided with a 14 day supply of critical medications. In the absence of available medication, in the proper packaging as required by the Washington State Board of Pharmacy, will be provided with information to a local pharmacy where they can pick up the medication, free of charge. For inmates released on to other agencies, medications and or a discharge plan will be provided, as established by the transporting or receiving agency.

05.10.200 PRISONER VERIFICATION

The releasing deputy will verify the identity of the inmate being released. This will be accomplished by checking the inmate's wristband and verifying the picture and CFN on the wristband coincides with the inmate being released.

05.10.210 RETURN OF INMATE PERSONAL PROPERTY AND MONEY

Upon release from jail all inmates will have their property returned and they will sign for the receipt of property and money. It is the responsibility of the inmate to verify the accuracy of all items listed on the form prior to being released. In addition, all money will be returned in the form of a check regardless of the amount.

05.10.220 DNA SAMPLES

Pursuant to RCW 43.43.754 and Final Bill SHB 2468 C 289 L02; inmates sentenced to serve their term-of-confinement in the Clark County Jail and are convicted of the following crimes will have DNA samples taken for;

- Any felony conviction
- Stalking
- Harassment
- Communicating with a minor for immoral purposes
- A DNA Sample is not required if the inmate already has recorded DNA sample on file.

METHODS

The preferred collection method is the swab type method. In certain circumstances, blood draws may be used to collect DNA samples.

RESPONSIBILITY

Corrections staff is responsible for the collection of swab-type DNA samples. Licensed medical professionals will be used in the event a DNA sample must be taken by the blood draw method.

LINKS
RCW 10.99 Domestic Violence Offenses
Jail Pre-Book Form
Arresting Officer's Declaration of Probable Cause
Sex Offender Registration Form
Juvenile Remand Definition RCW 9.94A.030

Chuck E. Atkins

CHUCK E. ATKINS, SHERIFF

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December 6, 2010
October 22, 2013
January 1, 2015
September 29, 2015

DATE: **May 31, 2016** **SEE ALSO:**

CANCELS: **November 30, 2015** **APPROVED BY:** ***Ric Bishop***

PRO 05.10 ADMISSIONS / RELEASES PROCEDURES

PRO.05.10.010	LEGAL AUTHORITY TO ARREST AND DETAIN
PRO.05.10.015	JUVENILE ARREST AND DETENTION
PRO.05.10.016	ADDING CHARGES
PRO.05.10.020	CUSTODIAL ARRESTS / DETENTION
PRO.05.10.030	MEDICAL ACCEPTANCE
PRO.05.10.040	ACCEPTABLE BLOOD ALCOHOL LEVELS
PRO.05.10.050	UNACCEPTABLE BLOOD ALCOHOL LEVELS
PRO.05.10.060	PRISONER FRISK SEARCH AT INTAKE
PRO.05.10.070	PAT-DOWN SEARCH AND METAL DETECTOR SEARCH
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PRO 05.10.190	INMATE STORAGE TOTES
PRO.05.10.200	SEXUAL OFFENDER REGISTRATION
PRO.05.10.210	CONDITIONS OF RELEASE
PRO.05.10.220	DNA SAMPLE PROCEDURES
PRO.05.10.230	FURLOUGHS

PRO.05.10.010 LEGAL AUTHORITY TO ARREST AND DETAIN

1. The arresting deputy/officer will provide all legal documentation, including a Clark County Jail Pre-Book Form.
   A. The arresting deputy/officer will complete an electronic version of the Clark County Jail Pre-Book **prior** to entry into the secure portion of the jail. The on-duty corrections sergeant retains the right to make exceptions to this procedure, on individual cases, if circumstances require it.
   B. Clark County Campus Security Deputies shall complete an electronic pre-book on their arrestees that have warrants. Pre-books are not required for arrestees committed to incarceration by court order and arriving directly from the courthouse.

2. Prisoners arriving at the jail for reasons other than booking (i.e. Alcohol BAC tests, criminal citation and release, or mugs and prints), will remain in the custody of the arresting deputy/officer.

PRO.05.10.015 JUVENILE ARREST AND DETENTION

Juveniles Housed at Clark County Jail:

All prisoners under the age of 18 will be physically processed and housed at Juvenile Detention Hall (JDH), and shall not be brought to Clark County Jail facilities. Exceptions may be considered on a case by case basis and must be approved by the Chief Corrections Deputy or above. Exceptions include, but are not limited to, prisoners under the age of 18, charged with a superior or district court charge, being tried as an adult, and because of their behavior, physical size and classification pose a significant physical threat to other prisoners, staff and the orderly operations at the juvenile facility.

Regarding the care of prisoners under the age of 18 years; medical treatment, transport to court and other requirements will be handled by the staff at the Clark County Jail facilities.

Under certain circumstances (described below) juvenile arrests will be booked into the jail's computer system for access to Superior and District Courts; however, they will be physically processed and housed at JDH. The housing location for these types of offenders is JDH.

1. All persons, 16 or 17 years old, charged with:
   a traffic crime;
   boating crime;
   fish or game crime;
   or has been charged with a crime that is listed under the automatic remand section of RCW 13.04.030.
2. The arresting officer will complete the necessary pre-books, waivers, or probable cause statements at JDH.
3. JDH staff will fax the completed forms to Jail Property at 360-397-6009.
4. The property deputy will give the pre-books and other forms to booking staff to be processed.

On occasion, inmates who are 18 years of age or older will continue to be under the jurisdiction of the Juvenile Court. Individuals who are 18 years of age or older, arrested on a charge from the Juvenile Court, may be housed at Clark County Jail facilities. The decision to house, under these circumstances, will be made by Juvenile Detention supervisors or management. These inmates will be processed into the jail, the computer system, classified and released, following the same protocols as other inmates.

PRO.05.10.016 ADDING CHARGES

1. The deputy/officer must report to the jail and advise the on duty Sergeant or designee that he/she wants to add charges to an inmate in custody.
2. It is the responsibility of the deputy/officer to complete a new pre-book form.
3. It is the responsibility of the deputy/officer to advise the inmate of the charges being added and have him sign the PC statement.

4. It will be the responsibility of the corrections deputy to ensure that all the necessary paperwork is filled out correctly and accurately prior to adding the new charge.
5. It will be the responsibility of the corrections deputy to schedule the inmate into court on the next judicial court date.
6. It will be the responsibility of the corrections deputy to have the inmate sent to booking for reprinting. Reprinting of the inmate will occur within the shift of the new charge being added.

Be advised that any changes to the original charge (felony to misdemeanor or vice versa) must be authorized and approved by the Prosecuting Attorney's Office.

PRO.05.10.020 CUSTODIAL ARRESTS / DETENTION

Corrections staff may take persons into custody in the following situations:

1. Prisoners remanded to the custody of the Sheriff in court will be taken into custody by the court security and transported to the jail.

2. Prisoners who turn themselves in at the Reception Desk with a court order to serve time.
   - Prisoners present the court order to the Reception Desk.
   - The Reception Desk will contact intake and advise them that there is an inmate in the lobby turning themselves in.
   - The Reception Desk will record the time that the inmate reports in to surrender themselves on the court order.
   - The intake deputy will respond to the Main Lobby as soon as they are available.
   - The intake deputy will review the court order; verify the identity of the person. If everything is in order, the deputy will have the individual place all personal property in a property bag and then pat frisk the person.
   - The inmate will then be handcuffed and escorted to jail for booking.

3. Prisoners turning themselves in on active warrants.
   - Subject notifies the Reception Desk that they wish to turn themselves in on an active warrant.
   - The Reception Desk will contact the Warrant Unit to confirm the warrant(s).
   - Upon confirmation of the warrant(s), the Reception Desk will contact the intake staff and advise them that there is an inmate in the lobby turning themselves in.
   - As soon as possible, a corrections deputy will report to Criminal Records to pick up the warrant.
   - The corrections deputy will locate the subject, verify their identity and take the subject into custody if everything is verified.
   - The corrections deputy will have the subject place all personal property in a property bag, perform a pat frisk search for weapons and then handcuff the individual.
   - The subject will be escorted to booking by the deputy and processed as a new arrest.
   - The deputy will complete a pre-book form and an EPR report on all warrant arrests.

4. Bail Revocation by a Bonding Company with a notice of Bail Revocation.
   - The Bonding Agent will notify the Reception Desk that they have a prisoner to process.

- The Reception Desk will confirm that the Bonding Agent has a Notice of Bail Revocation, a completed Clark County Jail Pre-Book Form and either a Notice of Forfeiture or a sworn affidavit specifying the reason for forfeiture.
- Upon confirmation of the Notice of Bail Revocation and Pre-Book Form, the Reception Desk will contact the intake staff and advise them that there is a bonding agent with a suspect whose bail is being revoked.
- An intake deputy will respond to the lobby as soon as they are available.
- The intake deputy will verify the subject's identity, examine the arrest documentation provided by the bonding company and sign the CCSO Bail Surrender Receipt including their personnel number on the form.
- Deputies shall not sign any forms provided by the bonding company.
- The intake deputy will perform a pat search of the person, placing all personal property in a property bag.
- The intake deputy will handcuff the inmate.
- The inmate will be escorted to booking by the deputy and processed. The pre-book information will be verified through the CMS historical arrest information and the subject will be booked on the original charge.

5. Corrections staff may arrest persons in the Clark County Law Enforcement Center for crimes committed either in the deputy's presence or for which there is probable cause for a legal arrest.
   - Deputies will complete a criminal citation if necessary.
   - Deputies will complete a Clark County Jail Pre-Book Form.
   - Deputies will complete an EPR report.
   - The subject will be booked or the new charges added to current charges (if currently in custody).

6. When the Reception Desk is not staffed, Main Control will advise Booking / Property to respond to verify acceptance of Bookings and or warrants as defined under this procedure.

PRO.05.10.030 MEDICAL ACCEPTANCE

1. Staff will contact either the jail supervisor or medical unit in the event that a prisoner has a medical condition affecting their acceptability based on the following:
   - An observable or obvious medical problem.
   - Statements made by the inmate expressing possible medical problems.
   - Statements made by the arresting deputy expressing possible medical problems.

2. Prisoners will not be accepted if they are in need of immediate medical care or if their level of intoxication places the prisoner at risk without medical clearance.
   - Medical staff will evaluate the inmate and determine if the inmate is stable enough for acceptance.
   - It will be the responsibility of the arresting agency to provide medical attention for prisoners prior to the jail accepting them.
   - Inmates who refuse medical treatment may be accepted after providing a statement of refusal by the evaluating authority.

3. The medical unit or the duty supervisor retains the authority to accept or decline a prisoner based on a medical condition that requires immediate treatment.

PRO.05.10.040 ACCEPTABLE BLOOD ALCOHOL LEVELS

1. Any inmate who may be under the influence of alcohol will be asked to submit to a BAC.
2. The BAC should be conducted while the arresting deputy/officer is present in case the reading prevents the jail from accepting the inmate.

3. The jail will accept inmate whose blood alcohol falls within the following guidelines:
   - BAC Reading of .35 or lower.
   - BAC Reading of .35 or higher if a second BAC test is taken 15 minutes later with a second reading showing a reduction in blood alcohol level.
   - BAC reading of .35 or higher accompanied by documentation from a medical authority indicating medical clearance.

PRO.05.10.050 UNACCEPTABLE BLOOD ALCOHOL LEVELS

1. Any inmate who may be under the influence of alcohol will be asked to submit to a BAC. Should the inmate refuse to submit to the BAC, the Intake Staff will assume that the inmate is intoxicated and classify the inmate accordingly. The medical unit will be consulted with to determine acceptability.
2. The BAC should be conducted while the arresting deputy/officer is present in case the reading prevents the jail from accepting the inmate.

3. The jail will not accept inmates whose BAC levels fall in the following guidelines:
   - A blood alcohol level of .35 to .40 who, after a second BAC show no decrease in their BAC level.
   - BAC reading higher than .40 without medical clearance.
   - The prisoner is unconscious.
   - It is the responsibility of the arresting agency to seek medical attention for the prisoner when the jail declines to accept the prisoner due to intoxication.

PRO.05.10.060 PRISONER FRISK SEARCH AT INTAKE

1. All prisoners entering the Clark County Jail will be frisk searched for weapons by the arresting deputy/officer prior to entry.
2. Jail deputies will frisk search a prisoner prior to removing the arresting deputy/officer's handcuffs.
3. All deputies need to be aware that prisoners entering the jail may be in possession of needles, razor blades or other sharp instruments in their clothing or on their person. Appropriate caution will be used to prevent injures at all times.
4. Any weapons or contraband located during the Frisk Search will be turned over to the arresting deputy/officer for disposition.
5. Should the arresting deputy/officer not be available, or if a member of the Corrections Branch is the arresting officer, contraband located during the frisk search will be dealt with according to department policy.

PRO.05.10.070 PAT-DOWN SEARCH AND METAL DETECTOR SEARCH

1. A pat-down search for property and contraband will be conducted once the handcuffs have been removed from the prisoner.

2. The prisoner will be instructed to remove any outer clothing or garments including hats, coats, sweaters, belts, and shoes.
   - All clothing will be searched for property and contraband.
   - All property will be placed in a large property bag.

3. The intake deputy will conduct a pat-search which consists of:
   - Instructing prisoner to assume a standard pat search position.
   - Starting at the head, run hand under collar pinching the collar between the fingers and feeling for any concealed items.
   - Moving hands over the shoulders down the arms to the shirt cuffs and back up to the armpits.
   - Running hands over chest area on males.
   - Checking chest area and under breasts of females.
   - Checking all shirt pockets.
   - Moving hands around the prisoner waist checking the inside of waistband.
   - Checking buttocks and crotch area.
   - Running both hands down each leg, examining each cuff carefully.
   - Asking prisoner to raise each foot to examine if anything is secured or hidden on the bottom of the foot.
   - Asking prisoner to remove and turn socks inside out or check socks by running hand over the foot.

4. Upon the completion of the pat-search, staff will use a metal detector to detect any concealed items scanning all areas just searched.

PRO.05.10.080 LEGAL DOCUMENTATION FOR DETENTION

1. Arresting agencies will provide documentation to detain prisoners in the Clark County Jail citing local, state or federal law.

2. Documentation consists of any of the following:
   - Criminal Citation.
   - Civil Citation requiring incarceration.
   - Warrant for arrest.
   - Court order for arrest.
   - Probable cause to believe that the prisoner has committed a violation of a Federal or state law, and a pre-book form indicating the charge(s).
   - Bond Revocation issued by a bonding company with a CCSO Surrender Receipt.

3. Upon surrendering prisoners to the jail, all arresting deputies/officers will be required to complete a Clark County Jail Pre-Book Form on all prisoners being detained.

4. Those prisoners who are in transit or being held for a federal agency are exempt from this provision. Staff will verify existing warrants or detainers prior to acceptance on these special prisoners.

5. The Clark County Jail Pre-Book Form will include:
   - Inmate's name.
   - Date of birth.
   - Current address.
   - Current telephone number.
   - Social security number.
   - Physical description of inmate.
   - Arresting agency, including deputy/officer's number.
   - Date and time of arrest.
   - Current charges, warrants, or citations.
   - Bail amounts (if any).
   - Victim's name(s) (Domestic Violence Only).
   - Signature of arresting deputy/officer and date.
   - Signature of the defendant or a completed probable cause statement by the arresting deputy/officer.

PRO.05.10.090 INMATE PROPERTY AT INTAKE

1. At the start of the booking process, the intake deputy will remove all personal property from the inmate's pockets and clothing while conducting a pat frisk.
2. The intake deputy will conduct a pat search adding any property found to the inmate's property. The intake deputy will then use the metal detector to scan the outside of the inmate's body.
3. All small property i.e., jewelry, keys, wallet, pens, etc. found on the inmate will be placed in a small property bag and secured behind the booking counter until inventoried and heat sealed.

4. If the inmate is to be fully booked into the jail and does not fall under the strip search policy, the inmate will be escorted to the dressing room, where they will exchange their clothing for jail issue clothing from behind a privacy curtain. A deputy of the same gender will be present at all times until the inmate has handed over their clothing that will be placed into a property bag. The inmate will then remove their socks, underwear and bra which will be viewed and may be physically checked before the inmate is allowed to put them back on. Viewing an inmate in their underwear can be considered a strip search under Washington State law.
   - For females, the privacy curtain will conceal their body from the armpits to just above the knee.
   - For males, the privacy curtain will conceal their body from mid-torso to just above the knee.
   - Inmates will be allowed to retain up to three (3) each of socks, underwear, and bra (without the under wires - females only). All other property and clothing will be placed in a large property bag.

- There are three (3) dress-in areas in the dressing room. Two (2) in the shower area and one (1) in the main room. Two (2) same gender inmates may be dressed-in at the same time in the shower area. A third inmate of the same gender may be dressed-in in the main room if a second deputy of the same gender is present. Any one (1) of the dress-in areas may be used to dress in a single inmate.

5. The large property bag will be secured behind the booking counter until such time as it is inventoried and documented in the CMS property screen.
6. Once all property has been inventoried and entered in the computer, the small property bag will be sealed using the heat sealer and secured in the inmate's large property bag.

7. The computer will generate an inventory of the property received from the inmate and the inmate will be given an opportunity to review and sign the property inventory. The computer will also assign the property a locker location for storage in the Jail Property Room.
   - If the inmate refuses to sign the property inventory, the intake deputy will attempt to resolve the problem(s) with the inventory.
   - Should the inmate continue to refuse to sign the property inventory, the intake deputy will request a second deputy to review the property and co-sign the property inventory with the intake deputy.
   - Any discrepancies related to alleged missing property or monies will be documented in an incident report to the shift sergeant.

8. A copy of the property inventory will be placed inside the large property bag so that the name, a locker location, and contents are readable from the outside.
9. The large property bag will then be sealed.
10. The sealed property bag will be placed in the property room for storage in the assigned locker by the property deputy.

PRO.05.10.100 BOOKINGS

1. All inmates will be processed as soon as practical.

2. Generally inmates will be processed in the order in which they are received.
   - The booking of inmates will include the completion of the CMS computer information screens.
   - Warrants check.

3. The booking initial medical screening will consist of the following:
   - Asking all applicable medical screening questions.
   - Documenting any inmate medical claims or medical problems observed by the intake deputy.
   - If an inmate's medical condition requires treatment, the intake deputy will contact the medical staff and advise them of the inmate's condition.
   - Visible injuries will be photographed whenever possible.

- An inmate suspected of having a hazardous airborne condition, such as Tuberculosis, will be isolated in a negative airflow room as soon as possible. Staff will follow procedures defined under 06.07 of the Safety Manual. (LINK)
- Any inmate complaining of, or showing signs of, an infestation will be evaluated and treated by the medical staff.

4. Arrestees, who refuse to identify themselves and do not have identification, may be booked in as a John Doe or Jane Doe, as appropriate.
   - If an arrestee gives corrections staff a name and date of birth – corrections staff will process the booking using that information. *Unless, of course, there is proof they are not who they claim to be.*
   - If deputies have reason to believe that the name provided by the arrestee is false then they should make such notations in the A.K.A. section of the pre-book form and in the remarks section of the pre-book form. This will signal that the deputy suspected the name and/or date of birth of the arrestee to be false.
   - Corrections staff will not tailor the first name based on an arrestee's ethnicity. (i.e. "Juan Doe" if the arrestee is Hispanic, etc.) Unidentified arrestees will only be booked as John Doe or Jane Doe as appropriate. An arrestee's ethnicity may be identified in the data field marked "RACE."

5. All inmate money discovered at the time of booking shall be recorded in the Commissary computer. The only exception to this would be money identified by the inmate that has potential value beyond the face value of the item, i.e.:
   - Old coins or currency.
   - Lucky coins.
   - Items having specific, identifiable sentimental value.

These items would be described and documented as inmate property and stored with other jewelry items in a heat sealed bag.

6. The intake deputy will log onto the commissary computer with their assigned password.
   - Using the "Accounts" and then "Funds" menu options, intake staff will enter the amount of cash in the inmate's possession.
   - The computer will generate a two-part receipt.
   - The inmate will sign both parts of the commissary receipt.
   - The original and the first copy will be attached to the money envelope containing the inmate's money and placed in the intake lock box.
   - The last copy will be given to the inmate for their personal records.

7. A full set of fingerprints will be obtained for every inmate booked into the jail with the following exceptions:
   - Inmates exclusively held by Immigrations and Customs Enforcement (ICE) or the US Marshal's Office (USM)
   - Inmates exclusively held by Transcor or other transportation services
   - Mini chain inmates in transit

8. All fingerprints obtained from inmates will be placed in the "Fingerprints" box in Booking to be forwarded to the Identification Unit.
9. A frontal picture will be taken to accompany all fingerprints.
10. Inmates who regularly wear glasses will have a picture taken with and without the glasses.
11. An Inmate Information Card will be printed and will be attached to the paperwork that the inmate delivers to the pod deputy.

12. Six (6) Identification Bracelet pictures will be printed.
    - One picture will be used to create the classification wristband.
    - Two pictures will be attached to the Medical Screening sheet and forwarded to the Medical Unit.
    - Three pictures will be attached to the Inmate Information Card and sent up to the pod deputy.

13. A classification wristband will be attached to the inmate's right wrist. See PRO 05.12.020 Clothing and wristbands.
14. Inmates will be frisk searched, including the use of a metal detector, prior to being moved to a housing unit.
15. Inmates being moved from the lower level to a housing unit will be escorted to the inmate elevator by staff.

PRO.05.10.110 TELEPHONE ACCESS

1. Inmates will be given the opportunity to place at least three collect telephone calls at the completion of the booking process. Inmates will be given the opportunity to contact legal representation prior to, or at any time during, the booking process.
2. Inmates may be denied access to telephone privileges as defined in policy 05.10.12 (except in the case of legal counsel).
3. Inmates will be given reasonable opportunity to make arrangements for bail or contact necessary persons.
4. The intake deputy will provide bail information to the inmate.
5. The intake deputy will explain options for bail, if any, to the inmate and explain where to find phone numbers to bonding companies.
6. If inmates are unable to place a collect telephone call, the intake deputy will make reasonable accommodations for the inmate and assist them in placing a call.

PRO.05.10.120 BASIC HYGIENE ITEMS

1. Inmates will be given the opportunity to purchase personal hygiene packs as supplied by the jail's commissary provider.
    - Intake packs are sold to the inmate population at intake and once a week on their assigned commissary dates.
    - No inmate will be denied access to personal hygiene items due to their inability to pay.
    - Those inmates who chose not to purchase the hygiene pack will have their decision documented on the booking sheet that is delivered to the pod deputy.

2. To document the purchase of a hygiene pack, intake deputy will complete the following:
   - Open the commissary computer by entering the deputy's password.
   - Open "Accounts".
   - Open "Funds".
   - Enter the inmate's CFN.
   - Press the "Insert" key.
   - Choose the "Indigent Pack" from the options available and "Enter".
   - Enter the dollar amount assigned to the Hygiene Pack and "Enter".
   - The computer will print a receipt.
   - Have the inmate sign the receipt.
   - The inmate retains the last copy for their records.
   - The remaining copies are placed in the Commissary Folder.

PRO.05.10.130 STRIP SEARCHES

1. Inmates will be strip searched while dressing into jail issue clothing provided they meet the guidelines defined in policy 05.10.14.

2. If there is reasonable suspicion that the person has on his or her person; evidence of a crime, contraband, fruits of a crime, things otherwise criminally possessed, a weapon, or other things by means of which a crime has been or reasonably appears about to be committed, when lesser forms of searching, including pat/frisk search and metal detectors, have been used and a question remains that the inmate may still be in possession of contraband or a weapon, a strip search may be conducted.

3. Strip searches will be a visual examination of the inmate. Deputies will not touch an inmate in the course of a strip-search.

4. All strip searches will be conducted in a private location affording as much privacy to the inmate as possible.

5. The procedure for strip searches will include:
   - Have the inmate remove all clothing.
   - Have the inmate place all clothing out of their reach for search later.
   - Have the inmate remove any Band-Aids or bandages. All Band-Aids or bandages need to be disposed of as Blood Borne Pathogens.
   - Instruct the inmate to hold hands out and at shoulder level. Visually check between fingers and top and bottom of hands.
   - Instruct the inmate to run their hands through their hair, front to back, briskly.
   - Instruct the inmate to tilt their head back and inspect their nostrils.
   - Instruct the inmate to open their mouth and move their tongue side to side. Check the sides of the mouth and upper palate.
   - Instruct the inmate to pull their cheeks back, using their index finger, and check the gum line on both sides of their mouth.
   - Instruct the inmate to turn their head to the side and inspect the inside as well as behind each ear.

- Instruct the inmate to raise their arms and visually inspect the chest and armpits. Female inmates will be instructed to lift breasts for inspection.
- Male inmates will be instructed to lift the penis then the scrotum to check for items secured to the groin.
- Instruct the inmate to turn around so their back is to you.
- Have the inmate bend forward at the waist, grasping their buttocks in each hand. Inspect the anus for signs of lubrication, pooching of the sphincter muscle, or string(s) protruding.
    - If an object can be seen lodged in the buttocks, or any other body cavity, staff will not extract the item and will ask the inmate what the object is and if inmate can safely remove it from their body.
    - If the inmate is unable or unwilling to remove and surrender the item (or if staff reasonably believe the item could be a weapon, thus a threat) the inmate will be restrained; covered with a blanket or other item for modesty; and law enforcement called to begin the process for a body cavity search warrant.
    - At no time will corrections deputies attempt to remove an item from a person's rectum, vagina of a female person, or an item lodged at or near the openings of the rectum or vagina. The Revised Code of Washington (RCW) 10.79.070 (2) states the definition of a "Body cavity search means the touching or probing of a person's body cavity, whether or not there is actual penetration of the body." RCW 10.79.070 (3) states "Body cavity means the stomach or rectum of a person or the vagina or a female person." To protect employees and inmates from unintentional consequences or harm, no employee will extract any item from the actual body cavity or an inmate, or an opening immediately adjacent to the body cavity.
    - Nothing in this procedure prohibits a corrections deputy from using force to defend themselves or force to maintain order in the facility, if it becomes necessary during the strip search process. However, force, even if minimal, shall not be used to secure an unknown item viewed during a strip search.
- Instruct the inmate to lift each foot off the ground and show you the bottom of their foot. Inspect the sole of the foot and between the toes.
- The deputy will then thoroughly inspect all of the inmate's clothing.
- The deputy will return any clothing that the inmate will be allowed to keep and place all other clothing inside the inmate's large property bag.
- The deputy will instruct the inmate to put on the issued jail uniform.

PRO.05.10.140 DOCUMENTATION OF STRIP SEARCHES

1. All strip searches and body cavity searches, regardless of results, will be documented on a Strip Search Form which will include the following:
    - Inmate's name and CFN.
    - Documentation of probable cause for strip-search.
    - Signature of authorizing supervisor if probable cause is not outlined in RCW 10.79.120 or 10.79.130.
    - Results of search.
    - Name and PSN of deputy conducting search.
    - Location of search.

- Date and time of search.

PRO.05.10.150 JAIL ISSUED CLOTHING / BEDDING

1. All inmates will be issued standard clothing and bedding consistent with policy 05.10.18 and one copy of the jail handbook/rulebook. (LINK 05.10.18)
2. Inmates will be responsible for the care and return of all issued items upon release.
3. Inmates may be charged for any loss or damage to issued items.
4. Inmates may wear jail issued sandals/shoes while in B1 and B2. Footwear is not permitted in areas designated as suicide prevention or in areas B6 through B9.

PRO.05.10.160 INMATE VERIFICATION

Verification 1: Pod deputy verifies release by CFN and name against the release dashboard in JMS. The inmate will be called out where they will be verified by photo and asked at least one piece of unique INTELLECTUAL information. This is something that is available in JMS, and only the intended release would likely know. Examples could be:

- Emergency Contact name provided at booking
- Address provided at booking
- Phone number provided at booking
- Any other uniquely identifying information
- **Do not always use the same piece of info – unpredictability is key!**

Pod deputy will initial and put their PSN next to the inmate's name on the pod card.

The inmate will be directed to property.

Verification 2: Property deputy verifies person to be released by CFN, name and photo against the release dashboard in JMS. In addition, the following three elements will be verified by the property deputy for every release:

A. At least one piece of unique INTELLECTUAL information. This is something that is available in JMS, and only the intended release would likely know. Examples could be:
   - Emergency Contact name provided at booking
   - Address provided at booking
   - Phone number provided at booking
   - Any other uniquely identifying information
   - **Do not always use the same piece of info – unpredictability is key!**

B. At least one piece of unique PHYSICAL information. This is a physical characteristic that is available in JMS, and only the intended release would likely have it. Examples could be:
   - Scars, Marks, Tattoos (SMT)
   - Eye color
   - Height

Currently SMT's are only available by written description in JMS but will soon be available by photos.

C. All available unique VISUAL information. This is identifying information that the releasing officer can readily see. Examples are:
   - Mugshot
   - SMT Images
   - Signatures from Booking

The property deputy will initial and put their PSN next to the inmate's name on the pod card.

In the event the photo is not available in JMS a third verification will be required by a third deputy.

Verification 3: Deputy 3 verifies release by CFN and name against the release dashboard in JMS and the inmate's photo on the pod card (if available). They will conduct three verifications, different than the property deputy did, from the three categories above. They will initial and put their PSN next to the inmate's name on the pod card.

If there are still questions about an inmate's identity; fingerprints, scars, marks, tattoos, wristband and/or previous mugshots shall be used with final release approval resting with the on duty sergeant or CDO.

PRO.05.10.170 INMATE RELEASES

1. The releasing deputy will clear the inmate's charges in the computer system.
   - The releasing deputy will enter 9, and 1 on the Jail Operations Menu.
   - The releasing deputy will enter the inmate's CFN.
   - The releasing deputy will clear the charge(s) by entering the appropriate release code.

2. The releasing deputy will verify that the inmate has no detainers.
   - The releasing deputy will enter 9, and 2 on the Jail Operations Menu.
   - The releasing deputy will verify that the inmate has no current holds.

3. No inmate will be released without meeting bail/fine requirements, serving out their sentence, receiving a court order for release, or released by competent legal authority under the ROR guidelines.

4. Bails may be posted at the following locations:
   - District Court.
   - Superior Court Clerk's Office.
   - Clark County Jail Records or by Jail Property Deputies (after hours).

5. Exact cash bails may be posted at any time.
   - The jail will not accept partial cash payment on a prisoner's bail.

6. The following are also acceptable forms of bail payment:
   - Traveler's checks.
   - Money orders.
   - Certified checks.
   - Cash (excessive coins will not be accepted).

7. Personal checks will not be accepted by the Clark County Sheriff as a means of cash bail payment. District Court and the Superior Court Clerk's Office will accept personal checks during their regular business hours.
8. Surety Bail Bonds will be accepted only from licensed Bonding agencies that are recognized by the Clark County Superior and District Courts.

9. Bail bonds must include the following information:
   - Defendant's name.
   - Court.
   - Charges / Bail Amount.
   - Appearance date and time.
   - Signature of licensed bonding agent.

10. All bail bonds must be accompanied by a Power of Attorney and must contain the following:
    - Signature of the licensed bonding agent.
    - The amount of the Power of Attorney must be equal to or greater than the bail amount.

11. All Bonding Agents or persons paying bail will receive a written receipt at the time the bond, negotiable instrument or cash is received.
12. Clark County inmates being held at other jail facilities on Clark County charges may be bailed using bonding agents that are recognized by that jurisdiction's courts.
13. Inmates may be released on Personal Recognizance (ROR) by the Courts, members of the Pre-Trial Release Unit and Jail Supervisors.
14. Inmates may be released on Supervised Release upon receipt of written order.
15. The jail may release inmates from custody upon receiving a signed order or memorandum from the court having jurisdiction over the inmate's case.
16. The Prosecuting Attorney may issue an Exoneration of Charge(s).
17. Inmates may be released early due to overcrowding as defined in the Overcrowding policy.

18. Inmates may be released to other agencies provided the following:
    - The inmate is clear of all local charges.
    - The receiving agency produces legal paper work such as:
      - Detainer.
      - Warrant.
      - Court order.
      - Teletype detailing probable cause for arrest.
    - Inmates may be moved via the mini-chain system or direct transport to demanding agencies.

- Inmates may be temporarily transferred to make court appearances in other jurisdictions by agreement.

PRO.05.10.180 RETURN OF INMATE PERSONAL PROPERTY AND MONEY

1. Prior to releasing any inmate, the releasing deputy will positively identify the inmate.
2. A check will be generated from the Commissary computer for any money left on the inmate's account.

3. The releasing deputy will close all inmate accounts in the Commissary Accounting System regardless of the amount of money remaining in the account.
   - Inmate accounts with a 0 (Zero) balance are also required to be closed.
   - The inmate will sign for the acceptance of the check.
   - It will be the responsibility of the property deputy to ensure that the inmate has his or her medications at the time of release. If the critical medication flag is active, the releasing deputy will contact the Medical Unit and determine if there are any medications or additional medications that need to be released with the inmate. If the medication has been delivered, accounted for and placed in a sealed bag two in the inmate's property, and a Critical Medication Flag is still Active, the property deputy will confirm with contract medical staff that all medications have been delivered to Property. In the absence of properly packaged medication or a discharge plan to a transporting or receiving agency, contract medical employees will verify the prescription(s) is still valid, make arrangements with a local pharmacy for the medication(s) for the released inmate to pick up the medication and ask the property deputy to issue the inmate a pre-printed set of instructions to a local pharmacy. After proper arrangements have been made, the property deputy will clear the flag, and have the inmate sign for the medication(s) or pre-printed instructions.
   - If the inmate is being released to another agency, the property deputy will confirm with contract medical staff that all appropriate medications or a discharge plan has been supplied as part of the transport documentation, and clear the flag.
   - The deputy will obtain a signature as part of the Property Release Form from the inmate acknowledging the receipt of the medication or pre-printed instructions to pick up their medications.
   - The signed medication release form will be sent back to the medical unit for filing in the inmate's medical file.

4. The inmate will verify the return of all property by signing the Property Release Form.

5. The releasing deputy will verify the return of jail issued property including:
   - 2 sheets (1 Pillowcase if issued);
   - 1 towel;
   - 1 blanket;
   - 1 pair shoes;
   - Inmate Uniform (1 set of coveralls or 1 pair pants and 1 shirt);
   - Jail issue handbook; and
   - 1 clear plastic tote to store personal items (see PRO 05.10.190)

6. The releasing deputy will then examine all inmate property to insure none of the property being released belongs to the jail.
7. The releasing deputy will then return all of the inmate's property and verify the return on the inmate's property sheet. The inmate will not be given any weapons, tobacco or matches/lighters until they are outside the secure portion of the facility.
8. The inmate will be allowed to change into street clothes and return jail issue clothing.

9. The releasing deputy will clear the inmate from the computer system.
   - The releasing deputy will enter 9, and 7 from the Jail Operations Menu.
   - The releasing deputy will enter the inmate's CFN.
   - The releasing deputy will enter the date, time, release code, and PSN of the Releasing deputy.
   - The releasing deputy will verify that the inmate is clear of the computer system prior to being released from custody. The computer will complete this verification after the release information is entered.
   - In the event that the computer will not release an inmate, the releasing deputy will verify that all charges and holds have been properly cleared.
   - If the computer continues to refuse a legitimate release, the releasing deputy will document the inmate's name and CFN, reason for the denial, and forward this information to Jail Records. The releasing deputy will also cell change the inmate to "OAD" in the computer housing screen.

10. The inmate will then be escorted out of the secure portion of the facility.

PRO.05.10.190 INMATE STORAGE TOTES

The purpose of issuing inmates clear totes is to provide them a location to store personal items while housed in a cell or dormitory. Authorized items to be stored in totes include food purchased from commissary, reading material, hygiene items, clothing purchased from commissary, inmate handbook, personal correspondence, legal material and reusable eating utensil. If an inmate has more material than can be properly contained in as issued tote, they will stack or place it neatly under their bunk or elsewhere in their cell.

1. Each inmate will be issued one clear plastic tote with a lid. The tote will include (be loaded with) the following:
   - 1 blanket
   - 2 sheets
   - 1 towel
   - 1 reusable eating utensil
   - 1 inmate handbook

2. If the inmate requests or purchases a hygiene/intake pack or a pass thru pack, it will be included in the tote.
3. The totes will be stored, pre-loaded by inmate workers, in the B6-B9 hallway next to the clothing shelves.
4. Upon receiving a housing location, while still in booking, each inmate will be given a tote with the assigned items.

5. After leaving the booking area with their tote, if an inmate needs a mattress, the Corrections Deputy will have them place their tote in a mattress, fold the mattress over the tote and carry the bundle to their housing unit.
6. Each inmate will be responsible for the tote during their stay.
7. While in custody, if the tote is broken or damaged due to the inmate not properly taking care of it, they will be responsible for the cost of the tote after they have received proper due process in the form of a hearing.
8. The inmate will use the tote for storage of their food purchased from commissary, reading material, hygiene items, clothing purchased from commissary, inmate handbook, personal correspondence, legal material and reusable eating utensil.
9. Inmates are responsible for the care and contents of the tote. The tote can be stored under the bunk in each cell.
10. Upon release, the inmate will bring the tote with all contents to the Property Deputy to turn them in with their linen and other issued items.
11. The Property Deputy, throughout the shift, will call for the inmate worker assigned to the laundry for tote pick-up, cleaning and restocking.
12. The inmate worker assigned to the laundry will be responsible for cleaning the tote with a proper cleaning agent to disinfect before reissue.
13. The inmate worker will bring the clean and loaded totes back to booking, upon request.
14. If an inmate is on suicide watch, their tote will be stored in the A pod locker/bathroom. They will be given access to the tote, under the supervision of the A pod corrections deputy, for hygiene items or supervised writing or reading material.
15. If an inmate is housed in disciplinary segregation, they will be given access to their tote unless their behavior makes it a threat to the staff, or other inmates, or to the orderly operation of the facility.
16. If an inmate is housed in administrative segregation, they will retain their tote.

If damage is discovered at the time of release, the inmate will be released and the duty supervisor will determine if an infraction should be written, who will write it, and have it placed in the inmate's file to be adjudicated if the person returns to jail.

The FISH will be responsible for decommissioning and disposing of a damaged tote.

Replacement totes will be ordered through Jail Administration, along with other replacement supplies and items.

PRO.05.10.200 SEXUAL OFFENDER REGISTRATION

1. The Reception Desk will notify Booking when a sexual offender reports in to be registered. Sexual offender registrations will be processed in a timely manner whenever possible. Subjects will not be told to report back at a different day or time.
2. The Reception Desk will give the individual registering a "Sexual Offender Registration Form". The form will be completed prior to the subject entering the jail.
3. The Reception Desk will notify intake that a sex offender registration is waiting in the lobby.
4. Intake deputies will respond to the lobby, and verify the identity of the individual registering.

5. Intake deputies will conduct a pat search of the subject prior to escorting the subject to the booking area.
6. The individual will be logged in as a SOR and a warrants check will be initiated.

7. The subject will have their fingerprints and Major Case Prints taken.
   - Intake deputies will use the SOR (Sexual Offender Registration) category from the options menu.
   - Intake deputies will take the offender's fingerprints using the approved State fingerprint card. This pre-printed card's fields are distinguished by black ink rather than the local fingerprint card, which are denoted by red ink. These cards will have to be manually fed into the printer at the completion of the fingerprinting printing process.
   - Major case prints include full finger and palm prints.
   - Insure that all fingerprint cards have the appropriate data, and signatures are recorded.

8. An instant photo as well as a digital-imaging picture will be taken of the individual registering.
9. The instant photo will be attached to the Sexual Offender Registration Form.
10. The Sexual Offender Registration Form and the fingerprint cards will be forwarded to the Sheriff's Identification Unit by placing the documents in the "Fingerprints Box" located in Booking.

PRO.05.10.210 CONDITIONS OF RELEASE

1. All inmates arrested for Domestic Violence offenses and being released on bail will be required to read, sign and date an "Order of Conditions of Release on Bail" prior to being released from custody.

2. The Order of Conditions of Release On Bail will include the following information:
   - Subject's Name.
   - Case or cite number.
   - Court Jurisdiction.
   - Victim(s) name and date of birth.
   - Next scheduled court date (next judicial day).
   - Signature of defendant.
   - Signature of Witnessing/Releasing deputy.

3. The releasing deputy will give the inmate a copy of the order.

4. Inmates that qualify for a Book and Release status based on the current overcrowding policy will be required to sign a "Release Agreement" form which will include:
   - Defendant's name and address.
   - Charge(s) and case/warrant numbers.
   - Assigned court date and time.

5. The releasing deputy will give the inmate a copy of the Release Agreement Form prior to being released from custody.

6. Inmates that are being released due to the posting of a cash bail, bail bond, or appeal bond, will be required to sign a "Release Agreement" form which will include:
   - Defendant's name and address.
   - Charge(s) and case numbers for which bail was posted.
   - Assigned court date and time.

7. An inmate released by the Court on criminal charges, may be detained by the court for a Mental Health Evaluation before being released. The evaluation will be arranged by Mental Health Providers. Upon completion of the evaluation, Jail Mental Health will notify Jail Records whether the inmate is to be released, or detained on a Mental Health hold pending transfer to another facility (see PRO 05.31.070 for notification procedures).

PRO.05.10.220 DNA SAMPLE PROCEDURES

1. CRIMINAL CONVICTIONS THAT REQUIRE DNA SAMPLES

Any Felony conviction;
- Any Stalking conviction;
- Any Harassment conviction; and
- Convictions for Communicating with a minor for immoral purposes.

2. COLLECTION PROCESS

Corrections Deputies
- Corrections deputies are responsible for the collection of DNA swabs.
- The collection of DNA samples will be in an area away from living units and other inmates.
- Staff will be present and monitor the inmate the entire time a DNA swab is being collected.
- Corrections deputies are required to collect DNA samples on impaired inmates by swabbing their cheeks.
- When a DNA swab is required and unless the inmate is impaired, a corrections deputy will direct the inmate to "Self-swab" their cheeks according to directions provided with the WA State Crime Lab's DNA swab kits. In addition:
- In order to maintain the integrity of each sample and prevent contamination by deputy's DNA, corrections staff will wear a clean pair of gloves during the collection process.
- Gloves must be changed after the collection process is completed and before collecting another inmate's DNA sample.
- After the swab is completed, the deputy will run the swab on the "FTA paper" provided in the kit until color change is seen.
- On the felon submission card included in the kit, please make use of the WATCH system and fill out the submission card completely.
- Swabs may be thrown away in regular trash receptacles.

3. IN-CUSTODY

Jail Records
- When records receives court paperwork noting convictions on the following offenses: any felony, stalking, harassment or communicating with a minor for immoral purposes; or that a

DNA sample is required; records staff will make an entry into the "Detainer Screen" in CMS. The entry will consist of the following information:

1. Type "DNA" in the warrant field;
2. Type "NEED DNA SAMPLE" in the charge field;
3. Enter date in the date issued field;
4. Enter "Y" in the ready to transport field;
5. Enter "N" in the detainer released field.

- If the inmate was convicted, sentenced and is to be released on all charges; records staff shall notify property to release the inmate after taking DNA sample.
- If the inmate has not been sentenced and is not being released, no further action by records staff is necessary after making DNA detainer entry.

4. PROPERTY DEPUTY

Releases

- Receives notification that an inmate is to be released and requires a DNA sample.
- Property deputy collects DNA sample in private area.
- The same deputy enters a "Y" in the detainer released field of the detainer screen and also enters their name in the comments field as the person that collected the sample.

  Example: "Sample taken by C/D John Doe – PSN ####"

- The same deputy deposits DNA sample in collection box in property.
- Release inmate per standard procedures.

Graveyard property deputy

- Runs detainer report looking for DNA detainers as needed.
- Highlights DNA detainers on inmates that **have a release date**.
- Places report in oncoming dayshift sergeant's box.

5. DAYSHIFT OPERATIONS SERGEANT

- Assign staff to collect DNA samples from identified convicted inmates sentenced to serve their term-of-confinement in our facility.
- The dayshift operations sergeant will file the DNA detainer list with the daily logs.

Deputy assigned to collect DNA sample

- Receives DNA detainer list from sergeant.
- Deputy collects DNA sample in private area, away from the living unit.
- Deputy writes their initials and PSN by the name of the person on DNA detainer list.
- The same deputy enters a "Y" in the detainer released field of the detainer screen and also enters their name in the comments field as the person that collected the sample.

  Example: "Sample taken by C/D John Doe – PSN ####"

- The same deputy deposits DNA sample in collection box in property.

- After task is completed or at end of shift, the deputy returns the DNA list to the operations sergeant for filing with the daily logs or pass-on to next operations sergeant.

6. SENTENCED INMATE TO SERVE TIME IN OUR JAIL

Intake Deputies

- Person reports to jail to serve their *term-of-confinement* in our jail; not prison.
- Intake staff contacts person and reviews paperwork for convictions that require DNA sample to be collected.
- If a qualifying conviction is found, for tracking purposes; intake staff will make an entry into the "Detainer Screen" in the CMS system when booking the person. The entry consists of the following:

1. Type "DNA" in the warrant field;
2. Type "NEED DNA SAMPLE" in the charge field;
3. Enter date in the date issued field;
4. Enter "Y" in the ready to transport field;
5. Enter "N" in the detainer released field.

- An intake deputy collects DNA sample in a private area.
- The same deputy enters a "Y" in the detainer released field of the detainer screen and also enters their name in the comments field as the person that collected the sample.

  Example: "Sample taken by C/D John Doe – PSN ####"

- The same deputy deposits DNA sample in collection box in property.

7. SENTENCED INMATE TO SERVE TIME IN PRISON

Corrections staff will not collect samples on inmates that are sentenced to serve and or finish their term-of-confinement in prison.

8. REFUSAL TO SUBMIT SAMPLE

Corrections Sergeants

- Staff shall not take a DNA swab sample by force.
- If an inmate refuses to submit to a DNA collection;

- Charge the inmate with RCW – 9A.76.020 - Obstructing a Law Enforcement deputy - Gross Misdemeanor.
- Assign deputies to transport the inmate to PeaceHealth Southwest Medical Center's emergency room and request them to take a DNA blood sample.
- In the criminal report, staff should include a request for restitution for all costs associated with the refusal.

The inmate will not be allowed to leave this facility until the DNA sample is collected and appropriate bail is posted.

PRO.05.10.230 FURLOUGHS

Court ordered Furloughs will be processed as follows:

- Inmates will be released both from the jail with their property and from the jail's computer system, when the Furlough orders are for 24 hours or longer.
- Inmates will be listed as OAD and kept in the jail's computer system when the Furlough orders are under 24 hours.

CLARK COUNTY SHERIFF'S OFFICE
WRITTEN DIRECTIVE

NEW ORDER **XX** ADDENDUM REVISION NUMBER: **14-18G**

OPERATIONAL ORDER **XX** SPECIAL ORDER PERSONNEL ORDER

DATE ISSUED	EFFECTIVE DATE	CANCELLATION DATE
March 20, 2014	**March 20, 2014**	

TO: **ALL CORRECTIONS STAFF**

WRITTEN BY: **Paul Dougher, Commander**

AUTHORIZED BY: **Ric Bishop, Chief Corrections Deputy**

SUBJECT: **Booking Level "E"**

REFERENCE: **PRO 05.08.00 OVERCROWDING (POPULATION MANAGEMENT)**

Under PRO 05.08.02 POPULATION LEVELS - BOOKING LEVEL "E"
The Corrections Branch will no longer book and release Class C Felons. All Felons will be booked into the Clark County Jail unless they do not meet the criteria under PRO 05.10.030 MEDICAL ACCEPTANCE. This will remain in effect until further review by the Law and Justice Council.

CLARK COUNTY SHERIFF'S OFFICE
WRITTEN DIRECTIVE

NEW ORDER **XX** ADDENDUM REVISION NUMBER: **14-60G**

OPERATIONAL ORDER **XX** SPECIAL ORDER PERSONNEL ORDER

DATE ISSUED **October 21, 2014** EFFECTIVE DATE **October 21, 2014** CANCELLATION DATE

TO: **All Corrections Deputies and Sergeants**

WRITTEN BY: **Chief Jail Deputy Ric Bishop, 3119**

AUTHORIZED BY: **Undersheriff Joe Dunegan**

SUBJECT: **Cease Accepting and Booking on Cash Only Bail Warrants**

REFERENCE/ PURPOSE: **PRO 05.10.010 Legal Authority to Arrest and Detain**
Compliance with Direction from Clark County Superior Court Presiding Judge Barbara Johnson

---

As of this date, no person will be booked into or held at the Clark County Jail solely on a cash bail warrant. If an arresting officer attempts to book a person on a cash bail warrant, the corrections staff is to inform the arresting officer of the direction from Superior Court Judge Barbara Johnson. Absent other valid criminal authority to arrest or detain, the arresting officer and person will be asked to leave the jail.

Attached to this directive is a training directive from Vancouver Police Department, outlining the history of the Washington Supreme Court decision and subsequent direction from Judge Johnson.

If you have questions, please contact your supervisor.

CITY OF Vancouver WASHINGTON

INFORMATION BULLETIN
BULLETIN #14-09
September 22nd, 2014

Vancouver Police Department

James P. McElvain, Ph.D.
Chief of Police

Approved by: [signature] 1160

SUBJECT: Information Regarding the Cease of Cash Bail Only Warrants

On July 31, 2014, the Washington State Supreme Court held that "cash-only bail" orders violate Article I Section 20 of the Washington State Constitution. *State v. Barton*, --- Wn.2d ---, 331 P.3d 50 (2014). Pursuant to this decision, the attached memo was sent from the Prosecuting Attorney's Office directing the Records Bureau that they **will not** confirm on cash only bail warrants. Subsequently, the Clark County Superior Court has advised that the Clerk's Office will be withdrawing all of the outstanding LFO bench warrants that require the defendant to post cash. Please see Judge Johnson's email below for details about the reissuance of warrants. Additional information will be provided when it is available. Please contact your supervisor with questions or concerns.

Temporary Procedure:
Cease Confirmation of Cash Only Bail Warrant

September 11, 2014

Overview
Effective immediately, records staff will not confirm on any cash only bail warrants in which law enforcement, custody enforcement officers, dispatchers or outside agencies are seeking verification. Based on a decision with the Washington State Supreme Court, those warrants are not appropriate at this time.

Process
When you are confirming a warrant and the warrant is a cash only bail warrant, do the following:

- Inform the law enforcement, custody officers, dispatch or outside agency that the warrant is not valid for service.
- Send email notification to the PA's office to the attention of Jeannie Bryant, Connie Unverrich and Jenna Hubel (include the warrant information, such as the defendant name, DOB, warrant number, etc.). Print out your sent email and put it in the folder with the warrant.

- File the warrant back in its spot until further direction is received from the PA's office regarding the appropriate action they want us to take regarding the warrant.
- If subject has other types of warrants other than the cash only bail warrant, you will confirm on those according to the booking level chart.

From: Johnson, Barbara
Sent: Tuesday, August 26, 2014 4:54 PM
To: Golik, Tony; Weber, Scott; Wilson, Baine; Ebert, Rachael
Cc: Amram, Jeff; Bernard Veljacic; Collier, Scott; David Gregerson; Gonzales, Gregory; Lewis, Robert; Liebman, Dayann; Nichols, John; Rulli, James; Schienberg, Carin; Snider, Jennifer; Stahnke, Daniel; Suzan Clark
Subject: LFO Warrants

At a meeting today attended by 9 of the 10 judges, we reviewed the Washington Supreme Court decision State v. Peter Richard Barton, No. 89390-0 issued July 31, 2014 in connection with our "cash only" bench warrants in LFO cases. The Supreme Court decided that a requirement of posting of cash violated Article I, Section 20 of the Washington State Constitution mandating that defendant "shall be bailable by sufficient sureties." Under this decision, "cash only" bench warrants are unlawful.

It was therefore our determination all of the outstanding LFO bench warrants which provide the defendant to post cash are unlawful and must be withdrawn. We ask the Clerk's office to identify all of those warrants so we can go through that process. We also determined that a new warrant will be issued only if it meets the standard for demonstrating a wilful failure to pay, as required by other case law.

In the event new warrants are requested, we will need to determine what bail or conditions will be established consistent with CrR 2.2(c), which may include bail and/or a condition of release upon an agreement to appear in court on a certain date.

Finally, we did not discuss LFO warrants that were issued prior to our change to cash only warrants. Since those are older warrants, I anticipate the judges will want to review those warrants as well but I will take that up at our next meeting which is scheduled for September 2.

APPENDIX V

From: Kipp, Barbara
Sent: Wednesday, March 05, 2014 6:22 AM
To: DL, City VPD - ALL
Cc: Allais, Kevin
Subject: CPS and protective custody

Hello,

I am sending this email to remind you all on some issues with a couple CPS social workers shopping for officers/deputies in the field and requesting they sign children into protective custody, after CJC has told them we do not have PC. There have been several occasions lately where the CPS social worker comes to CJC to get the pink sheet (protective custody sheet) signed. When we explain that we do not have enough (PC), we usually recommend they apply for a pick-up order if there is some concern for safety in the home, but it doesn't amount to us having PC at that time. Instead, they then go out and call dispatch and have an officer respond, getting them to sign the pink sheets.

By Law Enforcement not being on the same page, it creates problems down the road in civil and criminal court as to justifying why children were or were not placed into protective custody. There are only about two or three CPS social workers that pink-sheet shop, so it is not all of them. Most of them know the protocols and follow RCW 26.44.050.

If you ever come across this or have questions, feel free to contact me. I am trying to stop this from happening, but it is still occurring.

Thanks, Barb

APPENDIX W

From: Aldridge, Sandra
Sent: Saturday, March 29, 2014 1:05 PM
To: dave j
Subject: RE: Child custody pissitivity

I'll let u borrow mine.... Crap, I'll help dig, it'll go faster!

From: dave j [david.m.jensen@gmail.com]
Sent: Saturday, March 29, 2014 10:29 AM
To: Aldridge, Sandra
Subject: RE: Child custody pissitivity

Time to buy another shovel.

On Mar 29, 2014 6:08 AM, "Aldridge, Sandra"
<Sandra.Aldridge@cityofvancouver.us<mailto:Sandra.Aldridge@cityofvancouver.us>> wrote:
First move.....turn off MDC

Second move.....get kid

THIRD MOVE.....figure out which order you "get" the other people who made this mess!

It still amazes me how inept some officers are at actually solving the problem instead of just making it go away from them... I can't imagine how angry that must have made you....I'll say a lot of bad words on your behalf!

From: dave j [david.m.jensen@gmail.com<mailto:david.m.jensen@gmail.com>]
Sent: Saturday, March 29, 2014 12:24 AM
To: Aldridge, Sandra
Subject: Child custody pissitivity

I really hate hate hate dumb lazy officers who either don't know how to or won't do the child protective custody thing when they should.

My caller tonight was grandma of 6yo girl. Grandma is mom to the dad. Dad and the mom are tweaks. Mom is doing drugs and couch surfing local. Dad is in Georgia hiding from WA CPS. Grandma has had girl for months, basically on agreement of "mom." "Dad" is pressuring grandma to send kid to GA to be with him in his homeless shelter. Right.

On the 14th, mom came to school to try to get the girl. School called grandma, then 911. Allegation made by girl of abuse by mom. previously had a black eye from being hit in face by mom. Washougal PD investigated. Child interviewed by CPS. Washougal dude decides not to do protective custody because girl is already living with grandma. In spite of there being no legal teeth in the arrangement. Washougal dude decides not to do protective custody in spite of fact mom was attempting to get girl. Washougal dude decides not to do protective custody in spite of the allegation of abuse. CPS can do nothing to place kid without PD taking custody. WPD writes crappy report explaining nothing about status of kid. Leaves investigation untouched for 14 days. Same day, CPS guy goes to grandma and does a "safety plan" with her that directs her to not allow "mom" to have any unaccompanied access to girl. This is toothless because GRANDMA HAS NO CUSTODY OR LEGAL BASIS FROM THE STATE TO KEEP THE KID FROM HER.

On 25th "dad" in GA sends some chick to school with a notarized POA and a copy of 2008 parenting plan. This stranger is allowed to take child out of school. Nobody called grandma or CPS. Girl has been gone to parts unknown since then.

Grandma calls 911 and I respond to her home to fix Washougal's mess.

I spend a good hour combined on phone with CPS. Long, long, long CPS history with this family. After hours case worker is pretty miffed about this whole debacle. She thinks there are grounds to get a judge to order a child pick-up.

I follow some leads and get an address in Kelso. Apparently "dad's" plan is to hide kid in Kelso until he can get a plane ticket. I call Cowlitz and send a Kelso PD sergeant to the residence, and he talks to girl. In spite of my explanation, he will not PC the kid. Says the family is ok and home is ok, and family agreed to keep kid safe until CPS comes, and the sarge says he's had contact before with the family and they are great.

Beat. Head. On. Wall.

The kid is with people, strangers, who are NOT HER GUARDIANS, and the guy who's plan we we are trusting is a tweaker hiding from CPS in a homeless shelter in Portal, GA. It's not like we would be taking the kid out of the arms of a sobbing mother. The kid is effectively in the wind, and this guy in Kelso walks away.

CPS unlikely to get anything done until Monday, and most likely they will have to rely on the judgment of the Kelso officer to PC or not.

I am so pissed.

–
~dave

APPENDIX X

12
FT

Steven Rucker -C

WC

S3

FILED

MAR 18 2016
10:32AM
Scott G. Weber, Clerk, Clark Co

Superior Court of Washington
County of Clark

State of Washington, Plaintiff, vs. **STEPHANIE MARELDA SALYERS,** **Defendant.** **SID: WA28284847** **If no SID, use DOB: 7/15/1989**	**No. 16-1-00452-1** **Felony Judgment and Sentence --** **Jail One Year or Less** **(FJS)** 16-9-01065-1 ☒ **Clerk's Action Required, 2.1, 4.1, 4.3, 5.2, 5.3, 5.5, 5.7** ☐ **Defendant Used Motor Vehicle** ☐ **Juvenile Decline** ☐ **Mandatory** ☐ **Discretionary**

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

2.1 **Current Offenses:** The defendant is guilty of the following offenses, based upon ☒ guilty plea 3/18/2016 ☐ jury-verdict ☐ bench trial :

Count	Crime	RCW (w/subsection)	Class	Date of Crime
01	CUSTODIAL INTERFERENCE IN THE FIRST DEGREE	9A.40.060(1)(a)	FC	2/21/2016

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C).
(If the crime is a drug offense, include the type of drug in the second column.)

☐ Additional current offenses are attached in Appendix 2.1a.

The jury returned a special verdict or the court made a special finding with regard to the following:

GV ☐ For crime(s) charged in Count _____ domestic violence was pled and proved. RCW 10.99.020.

☐ The defendant used a firearm in the commission of the offense in Count _____, RCW 9.94A.825, 9.94A.533.

☐ The defendant used a deadly weapon other than a firearm in committing the offense in Count _____ _____. RCW 9.94A.825, 9.94A.533.

☐ In count _____ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A.____

☐ Count _____ is a criminal street gang-related felony offense in which the defendant compensated, threatened, or solicited a minor in order to involve that minor in the commission of the offense. RCW 9.94A.833.

☐ Count _____ is the crime of unlawful possession of a firearm and the defendant was a criminal street gang member or associate when the defendant committed the crime. RCW 9.94A.702, 9.94A.____.

☐ The defendant has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.

☐ Reasonable grounds exist to believe the defendant is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. RCW 9.94B.080

GY ☐ In Count _____, the defendant had (number of) _____ passenger(s) under the age of 16 in the vehicle. RCW 9.94A.533.

☐ Count _____ is a felony in the commission of which the defendant used a motor vehicle. RCW46.20.285.

☐ Counts _____ encompass the same criminal conduct and count as one crime in determining the offender score (RCW 9.94A.589).

☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

	Crime	Cause Number	Court (County & State)	DV* Yes
1.				
2.				

* DV: Domestic Violence was pled and proved.

☐ Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

2.2 Criminal History:

	Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J Adult, Juv.	Type of Crime	DV* Yes
1	See attached criminal history						

* DV: Domestic Violence was pled and proved.

☒ Additional criminal history is attached in Appendix 2.2.

☐ The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525.

☐ The prior convictions listed as numbers _____, above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525).

2.3 Sentencing Data:

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
01	0	0	0 DAYS to 365 DAYS		0 DAYS to 365 DAYS	5 YEARS

(F) Firearm, (D) Other deadly weapons, (RPh) Robbery of a pharmacy, (CSG) criminal street gang involving minor, (P16) Passenger(s) under age 16.

☐ Additional current offense sentencing data is attached in Appendix 2.3.

2.4 ☐ **Exceptional Sentence.** The court finds substantial and compelling reasons that justify an exceptional sentence:

☐ below the standard range for Count(s) _____.

☐ above the standard range for Count(s) _____.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury, by special interrogatory.

☐ within the standard range for Count(s) _____, but served consecutively to Count(s) _____.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 **Ability to Pay Legal Financial Obligations.** The court has considered the total amount owing, the defendant's past, present, and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that:

☐ That the defendant has the ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

☒ That the defendant is presently indigent but is anticipated to be able to pay financial obligations in the future. RCW 9.94A.753. → some

☐ That the defendant is indigent and disabled and is not anticipated to be able to pay financial obligations in the future. RCW 9.94A.753.

☐ Other: _____. RCW 9.94A.753.

☐ The following extraordinary circumstances exist that make restitution inappropriate. (RCW 9.94A.753):

_____.

☐ The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

2.6 ☐ **Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

☐ The court considered the following factors:

☐ the defendant's criminal history.

☐ whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

☐ evidence of the defendant's propensity for violence that would likely endanger persons.

☐ other: _____.

☐ The court decided the defendant ☐ should ☐ should not register as a felony firearm offender.

III. Judgment

3.1 The defendant is ***guilty*** of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 ☐ The court ***dismisses*** Counts _____ in the charging document.

IV. Sentence and Order

It is ordered:

4.1 **Confinement.** The court sentences the defendant as follows:

(a) ***Confinement.*** RCW 9.94A.589. A term of total confinement in the custody of the county jail:

30 months/days on Count 01

Actual number of months of total confinement ordered is: 30 days.

All counts shall be served concurrently, except for the following which shall be served consecutively:

_____.

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): _____.

Confinement shall commence immediately unless otherwise set forth here: _____

_____.

☒ ***Partial Confinement.*** The defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions: _____
Balance may be served on work crew.

☒ work crew RCW 9.94A.725 ☐ home detention RCW 9.94A.731, .190
☐ work release RCW 9.94A.731 ☐ electronic monitoring RCW 9.94A.030

☐ ***Conversion of Jail Confinement*** (Nonviolent and Nonsex Offenses). RCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option, to reduce the time spent in the community option by earned release credit consistent with local correctional facility standards, and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.

☐ The defendant shall receive credit for time served in an available county supervised community option prior to sentencing. The jail shall compute time served.

☐ ***Alternative Conversion.*** RCW 9.94A.680. _____ days of total confinement ordered above are hereby converted to _____ hours of community restitution (service) (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of Corrections (DOC) to be completed on a schedule established by the defendant's community corrections officer but not less than _____ hours per month.

☐ ***Alternatives to total confinement*** were not used because of: _____

☐ criminal history ☐ failure to appear (finding required for nonviolent offenders only) RCW 9.94A.680.

(b) ***Credit for Time Served:*** The defendant shall receive credit for eligible time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

4.2 Community Custody. RCW 9.94A.505, .702.

(A) The defendant shall serve _____ months (up to 12 months) in community custody.

The court may order community custody under the jurisdiction of DOC for up to 12 months if the defendant is convicted of a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy or solicitation to commit such a crime. For offenses committed on or after June 7, 2006, the court shall impose a term of community custody under RCW 9.94A.701 if the offender is guilty of failure to register (second or subsequent offense) under RCW 9A.44.130(11)(a) and for offenses after June 12, 2008 for unlawful possession of a firearm with a finding that the defendant was a member or associate of a criminal street gang. The defendant shall report to DOC not later than 72 hours after release from custody at the address provided in open court or by separate document.

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; and (9) abide by any additional conditions imposed by DOC under

RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody.

The court orders that during the period of supervision the defendant shall:

☐ not possess or consume alcohol.

☐ not possess or consume controlled substances, including marijuana, without a valid prescription.

☐ have no contact with: _____.

☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit:

_____.

☐ participate in the following crime-related treatment or counseling services:

_____.

☐ undergo an evaluation for, and fully comply with, treatment for ☐ domestic violence ☐ chemical dependency ☐ mental health ☐ anger management.

☐ comply with the following crime-related prohibitions: _____

_____.

☐ Other conditions:

_____

_____

_____.

(C) The conditions of community custody shall begin immediately upon release from confinement unless otherwise set forth here: _____.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

4.3 Legal Financial Obligations: The defendant shall pay to the clerk of this court:

JASS CODE			
PCV	$ 500.00	Victim assessment	RCW 7.68.035
PDV	$_____	Domestic Violence assessment	RCW 10.99.080
	$_____	Violation of a DV protection order ($15 mandatory fine)	RCW 26.50.110
CRC	$_____	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
		Criminal filing fee ~~$ 200.00~~ FRC	
		Witness costs $_____ WFR	
		Sheriff service fees $_____ SFR/SFS/SFW/WRF	
		Jury demand fee $_____ JFR	
		Extradition costs $_____ EXT	
		Other $_____	
PUB	~~$ 800.00~~	Fees for court appointed attorney	RCW 9.94A.760
WFR	$_____	Court appointed defense expert and other defense costs	RCW 9.94A.760
	$_____	DUI fines, fees and assessments	
CDF/LDI/FCD NTF/SAD/SDI	$_____	Drug enforcement Fund # ☐ 1015 ☐ 1017 (TF)	RCW 9.94A.760
CLF	$_____	Crime lab fee ☐ suspended due to indigency	RCW 43.43.690

	$ 100.00	DNA collection fee	RCW 43.43.7541
FPV	$_____	Specialized forest products	RCW 76.48.140
	$_____	Other fines or costs for:_____	
DEF	$_____	Emergency response costs ($1,000 maximum, $2,500 max. effective Aug. 1, 2012) RCW 38.52.430 Agency: _____	
RTN/RJN	$_____	Restitution to: _____ (Name and Address—address may be withheld and provided confidentially to Clerk of the Court's office.)	
	$_____	*Total*	RCW 9.94A.760

☐ The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☐ shall be set by the prosecutor.

☐ is scheduled for_____(date).

☒ The defendant waives any right to be present at any restitution hearing (sign initials):_____.

☐ *Restitution* Schedule attached.

☐ Restitution ordered above shall be paid jointly and severally with:

RJN

Name of other defendant	Cause Number	Victim's name	Amount-$

☐ The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

☐ All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than $_____ per month commencing_____. RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

☐ The court orders the defendant to pay costs of incarceration at the rate of $_____ per day, (actual costs not to exceed $100 per day). (*JLR*) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.4 **DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

☐ *HIV Testing.* The defendant shall submit to HIV testing. RCW 70.24.340.

4.5 **No Contact:**

☒ The defendant shall not have contact wit[redacted] including, but not limited to, personal, verbal, telephonic, written or contact through a third party until 3/17/21 (which does not exceed the maximum statutory sentence).

☒ The defendant is excluded or prohibited from coming within:

☐ 500 feet ☐ 880 feet ☒ 1000 feet of:

☒ [redacted] name of protected person(s)'s

☒ home/ residence ☐ work place ☒ school

☒ (other location(s)) place

☐ other location _____,

until _____ (which does not exceed the maximum statutory sentence).

☐ A separate Domestic Violence No-Contact Order, Stalking No-Contact Order, Antiharassment No-Contact Order is filed concurrent with this Judgment and Sentence.

4.6 **Other:** _____

_____

_____

_____.

4.7 **Off-Limits Order.** (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

_____.

4.8 **Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

V. Notices and Signatures

5.1 **Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **Notice of Income-Withholding Action.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **Community Custody Violation.**

(a) If you are subject to a violation hearing and DOC finds that you committed the violation, you may receive a sanction of up to 30 days of confinement. RCW 9.94A.633(1).

(b) If you have not completed your maximum term of total confinement and you are subject to a violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.633(2)(a).

5.5a **Firearms.** You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040 and RCW 9.41.047.

5.5b ☐ **Felony Firearm Offender Registration.** The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

5.6 Reserved.

5.7 ☐ **Department of Licensing Notice:** The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. **Clerk's Action** –The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. **Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR Information) (Check all that apply):**

☐ Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of ____;

☐ No BAC test result.

☐ BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.

☐ Drug Related. The defendant was under the influence of or affected by any drug.

☐ THC level was_____ within two hours after driving.

☐ Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

Vehicle Info.: ☐ Commercial Veh. ☐ 16 Passenger Veh. ☐ Hazmat Veh.

5.8 **Other:**_____.

5.9 **Persistent Offense Notice**

The crime(s) in count(s) _____ is/are "most serious offense(s)." Upon a third conviction of a "most serious offense", the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody. RCW 9.94A.030, 9.94A.570

The crime(s) in count(s) _____ is/are one of the listed offenses in RCW 9.94A.030.(37)(b). Upon a second conviction of one of these listed offenses, the court will be required to sentence the defendant as a persistent offender to life imprisonment without the possibility of early release of any kind, such as parole or community custody.

Done in Open Court and in the presence of the defendant this date: 3/18/16.

Judge/Print Name:

Deputy Prosecuting Attorney WSBA No. 33134 Print Name: Jeffery P. McCarty	Attorney for Defendant WSBA No. 20407 Print Name: Steven J. Rucker	Defendant Print Name: STEPHANIE MARELDA SALYERS

Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: Stephanie M Salazar

I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the _____ _____ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Vancouver, Washington on (date): _____

_____ Interpreter

_____ Print Name

I, Scott G. Weber, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

Witness my hand and seal of the said Superior Court affixed this date: _____.

Clerk of the Court of said county and state, by: _____, Deputy Clerk

Identification of the Defendant

STEPHANIE MARELDA SALYERS

16-1-00452-1

SID No: WA28284847 **Date of Birth: 7/15/1989**
(If no SID take fingerprint card for State Patrol)

FBI No. 431474TC9 **Local ID No. 224770**

PCN No. _____ **Other** _____

Alias name, DOB:

Race: W **Ethnicity:** **Sex: F**

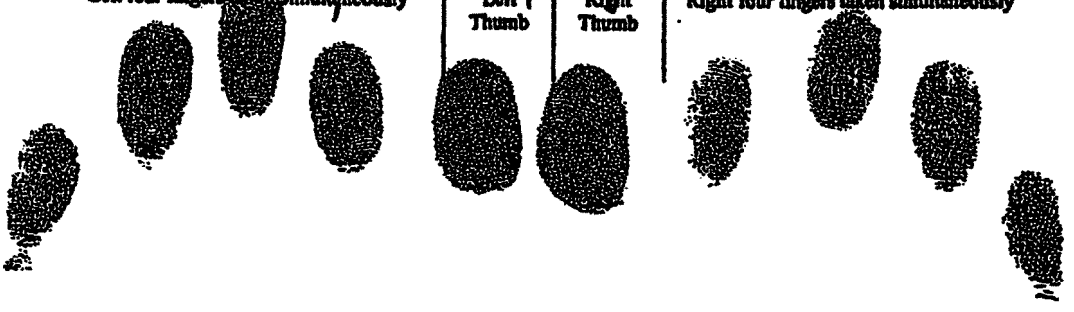
Fingerprints: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court, Deputy Clerk, C. Elliott Dated: 3-18-2016

Seal of the Superior Court Of Clark County

The defendant's signature: Stephanie M Salyers WCCJ-305

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff, v. STEPHANIE MARELDA SALYERS, Defendant Date of Birth: 7/15/1989	No. 16-1-00452-1 APPENDIX 2.2 DECLARATION OF CRIMINAL HISTORY [redacted]

COME NOW the parties, and do hereby declare, pursuant to RCW 9.94A.525 that to the best of the knowledge of the defendant and his/her attorney, and the Prosecuting Attorney's Office, the defendant has the following undisputed prior criminal convictions:

CRIME	COUNTY/STATE CAUSE NO.	DATE OF CRIME	DATE OF SENTENCE	DV*?	PTS.
[redacted]					
THEFT 3 (***DIVERSION***)	CLARK/WA 02-R-023160	4/4/2002	8/2/2002		-
ASSAULT 4	CLARK/WA 02-8-01298-1	12/3/2002	1/15/2003		-
PERMIT MINOR CONSUME/POSSESS LIQUOR	CLARK/WA 03-8-00598-9	6/13/2003	8/14/2003		-
ASSAULT 4	CLARK/WA 04-8-00204-0	3/2/2004	3/29/2004		-
MINOR POSSES/CONSUME LIQUOR	CLARK/WA 05-8-00528-8	5/15/2005	5/27/2005		-

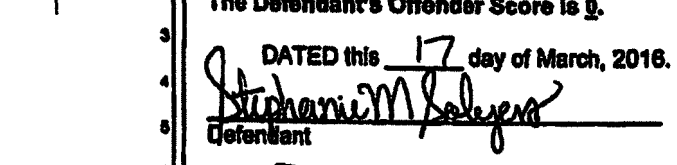
*DV: Domestic violence was pled and proved.

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

☐ The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.

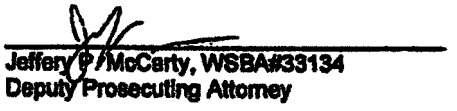
The Defendant's Offender Score is 0.

DATED this 17 day of March, 2016.



Defendant

PRO SE, WSBA#09999,
Attorney for Defendant



Jeffery P. McCarty, WSBA#33134
Deputy Prosecuting Attorney

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

APPENDIX Y

name	**Recording of Unlawful Entry**
Ref	**Petrenko (VPD)**
Date	2/16/16

Ilya:	What is your name?
Police Officer:	[inaudible 00:00:01] for a little bit and make sure everything is OK.
Ilya:	Please indeed enter through the back door.
Police Officer:	OK?
Ilya:	I don't care.
Stephanie:	This isn't even a door.
Ilya:	That's Donaldson. He's got a gun on his hand.
Stephanie:	Donald ... Donaldson? We got [inaudible 00:00:10] over here.
Ilya:	These guys. Can you back off? This guy's got a gun on his hand.
Police Officer:	Hey, Stephanie, why don't you tell your mom?
Stephanie:	I have talked to my mom and she said that you guys would leave.
Police Officer:	Well, we will leave, we just [crosstalk 00:00:19] to talk to you by yourself.
Ilya:	Are you ... Hey, homeboy, you might wanna back off.
Stephanie:	Nobody is talking to you ...
Ilya:	Are you kidding me? You got, you're holding a gun, finger at the ready.
Stephanie:	Look at that, wow.

Ilya: I'm trained.

Stephanie: Interesting.

[00:00:30]
Ilya: Stop. I'm telling you to stop.

Stephanie: I have, I have a less than a year old child in my hands. I don't care if you think you're [crosstalk 00:00:36], you need to put your gun away.

Ilya: Please, the [crosstalk 00:00:37], he's gonna barge in. Look, they're straightened up. Please, peace.

Police Officer: Come outside-

Stephanie: No, never. Look at him.

Ilya: I see your Laser.

Stephanie: Look at that. No, look at that and come outside? Come outside?

Ilya: Look, Steph, just go upstairs.

Stephanie: You got me twisted.

Ilya: Go upstairs, I'm so sorry, baby. I don't know why your mom's got-

Stephanie: I will never, with another man, step on any type of-

Police Officer: What's your name, sir?

Ilya: Goodness gracious.

Police Officer: Huh?

Ilya: You guys, chill out.

Stephanie: Alone time with another man.

Ilya: Sir, stop it.

[00:01:00]

Police Officer: What ... Do you understand what we're asking for?

Ilya: Stop it. I do not understand anything because what's going on right now is a very escalated situation.

Police Officer: [crosstalk 00:01:06] explain or do you not want to listen?

Stephanie: I do not understand [crosstalk 00:01:07]. I overstand.

Ilya: Just want to deescalate the situation, that's all. This is ...

Police Officer: OK, well, what we want to do is be able to talk to your wife, by herself, and make sure everything is OK, and then we will leave.

Stephanie: No.

Ilya: Why?

Stephanie: I refuse.

Ilya: Everything is OK.

Stephanie: I [crosstalk 00:01:17] accept your offer, but I have to refuse.

Ilya: Can you do it from here? Can you do it from a crack in the window?

Police Officer: Huh?

Ilya: Your body's in my house.

Police Officer: I know it is. I'm gonna come more into your house until we resolve this.

Ilya: You're very disrespectful.

Police I'm going to come in your house unless we can resolve this.

Officer:

Ilya: This is illegal.

Police Officer: And so is everybody else here.

[00:01:30]

Ilya: You have no jurisdiction, this is what ... I'll show you ...

Police Officer: We're giving you the choice. You can step outside and chat with us or we will come in and talk to you.

Ilya: Bring the papers over. I got the papers.

Police Officer: What do you want us to do? You want us to come in through this window ... ?

Ilya: What is the nature of your being here?

Police Officer: We want to make sure ... We got a call that you have assaulted her.

Ilya: I did not assault anybody.

Police Officer: We want to know for sure.

Ilya: You do know for sure? Everybody's confirmed.

Police Officer: I don't know for sure. We're not leaving until we know for sure.

[00:02:00]

Ilya: They're saying that I assaulted you, Steph. What are these guys talking about? Who called? OK, he's coming ... They're coming in.

Stephanie: No, he's not. Go, I'll stay here.

Ilya: What am I supposed to do? This is crazy.

Police Officer: OK, we need to talk to you by yourself ...

Stephanie: I can't even cook for my kid because you're ... I have a stove on, you

guys are trying to burn this place down [inaudible 00:02:16].

Police Officer: We might come in here a little bit and we're gonna ...

Stephanie: Bye. Bye. I'm leaving.

Ilya: [00:02:30] Steph, just be cool. They got their hands on their gun. Thank you for putting it away. Man, I really appreciate that, seriously. Thank you.

Police Officer: OK, do you want us to come through here or do you want to open the door? What's your choice?

Stephanie: You are not welcome to come in here at all.

Ilya: Do you have to come inside? I do not want you to come inside.

Police Officer: I know you don't ... I know you don't want me inside, but we are going to make sure everybody's OK before we leave.

Stephanie: You come in here and you're doing it against our will.

Ilya: Right, we're letting you know, as documented evidence ...

Stephanie: OK, letting you know that we will ... There will be a [inaudible 00:02:47] raised against you.

Ilya: We are coerced into this. We are coerced into this with guns.

Stephanie: [crosstalk 00:02:50] immediately.

Ilya: Listen, if we let you in the house ... If we let you into the house you cannot pass ...

Police Officer: We just want to make sure everybody's OK.

Stephanie: It's not fine, and you can make sure that you tell them ...

[00:03:00]
Ilya: How about I open the door?

Stephanie: Stop pointing at my door. You and your gun. You and your gun, Mr. Donaldson.

Ilya: I want everybody ... If, if you guys can, like, disperse, chill out-

Stephanie: Disperse.

Police Officer: No, we're not going to go away. This is not going to finish until we get a chance to talk to her and your children without you.

Ilya: You're giving me orders.

Stephanie: Uh, my children do not ... You are not talking. My children don't even talk. None of them talk.

Police Officer: OK, do you understand, all we're asking for, Stephanie, is just five minutes of your time by yourself?

Ilya: Why?

Stephanie: No.

[00:03:30]
Ilya: That's not ... You said something earlier ... I do not give you consent to talk to them.

Stephanie: Do you give your wife's time to another man?

Ilya: Now they're gonna use that against us. I ... You know what? Say whatever you want, speak freely, you can say whatever you want based on your own free opinions, because these guys, they're gonna try to twist anything we say. We're just trying to chill, man.

Police Officer: No [inaudible 00:03:43].

Stephanie: He just told me that the only way that they would leave is if they saw all of us standing here together.

Police Officer:	No-
Stephanie:	And then he said ... And then after he saw all of us standing here together, he goes and says, "No we gotta have separate time."
Ilya: [00:04:00]	They keep changing it a bunch of times. Look, they're breaking in. Look, go ... Stop! Stop! Go in the front. Stop. I'll talk to you guys in the front, please. Stop.
Stephanie:	I'm not gonna ...
Police Officer:	OK, so open the door.
Ilya:	Will I need to ... Let me close the window first.
Stephanie:	Excuse me.
Police Officer:	No. No.
Female Officer:	[crosstalk 00:04:05] It doesn't work that way, buddy.
Police Officer:	Go open the door-
Stephanie:	Excuse me? "Buddy"? "Buddy"? You're not my buddy.
Ilya:	Look at this, calling me "buddy." They're being so disrespectful. Where's the judge? Put the judge on the phone. Put the judge on the phone.
Stephanie:	You're not my buddy, I don't know you. Where ... We have-
Ilya:	Stop. Stop. Show me the warrant.
Stephanie:	Get your judge, yeah, delegation of authority immediately.
Ilya:	Stop. Show me the warrant. Show me your, uh, authority now.
Stephanie:	Show me your warrant.

Ilya: Please.

Stephanie: Before you step into this premises, show us your warrant and you need to have probable cause right now.

Police Officer: We are going to come in, OK?

Ilya: OK, not through the back door.

Police Officer: You can make it easy or you can make it hard.

[00:04:30]

Stephanie: Probable cause. What's your probable cause?

Ilya: Stop. [inaudible 00:04:30] through the front door, this is ... This is disgusting. Come on.

Police Officer: Then open the front door. Then open the front door.

Ilya: Come on, you guys, this is really bad. Go around and we'll open it.

Stephanie: I will make sure all my [inaudible 00:04:38] locks are on for the alarm.

Police Officer: We have people at the front. You go open the front door-

Ilya: Go around and I'll open it.

Police Officer: No.

Ilya: So you guys have me surrounded and stuff?

Police Officer: We are going to come in. OK, do you understand that?

Ilya: Not like this.

Police Officer: Then open the front door.

Stephanie: For what? Where's your warrant? Where's your warrant?

Ilya: For what? Show me the warrant, man. Show me the warrant, man.

Stephanie: Where's your warrant?

Police Officer: We don't have a warrant. We don't need a warrant.

Stephanie: Yes, you do! Oh really?

Ilya: Wow, they just said they did not have a warrant. Get out of my house unless you have a warrant right now. Show me the warrant. Show me the warrant. Show me the warrant.

[00:05:00]
Stephanie: [crosstalk 00:05:00] Back away. What did you ... You need to ... Do not touch my hand.

Ilya: Show me the warrant. Show me the warrant. Show me the warrant. Show me the warrant. Show me the warrant.

Stephanie: Where's your warrant?

Ilya: You are not welcome in my house. Show me your warrant.

Police Officer: I know you don't want us. We are going to make sure everything is OK.

Ilya: Show me your warrant. Everything's OK. Show me the warrant.

Stephanie: Where's your warrant? Where's your warrant?

Ilya: Stop it. Show me the warrant. They're gonna Tase you, stop it.

Female Officer: Back away from the ... Back away from the window.

Ilya: They're illegally entering my house without a warrant! These guys are breaking in without a warrant!

Stephanie: Without a warrant!

Ilya: My house is being broken into without a warrant!

Stephanie: We have foreign agents without a warrant!

Ilya: Please ...

Stephanie: Foreign agents without a warrant!

Female Officer: What foreign agents?

[00:05:30]

Ilya: Guys, they're breaking into my house. You're foreign agents and you have no warrant. Stop. Jeez.

Stephanie: [crosstalk 00:05:36] and that is a foreign agent.

Ilya: Steph, they're going. They're doing this for real.

Police Officer: Step away, OK? Step away-

Stephanie: Show me your foreign agent statement.

Ilya: Listen, guys ...

Stephanie: Show me your delegation of authority. Where's your warrant? Where's your warrant?

Police Officer: Step away so that we can do our job.

Ilya: Come on, look at this, look how excited he is. Please, you guys ...

Stephanie: He's putting his hands on me.

Female Officer: Unlock the front door.

Police Officer: All you have to do is open the front door, we won't do this.

Ilya: Please, look at ... You're just gonna jump in when I do. Come on.

Police No we're not. We're gonna stay here and once people are inside-

Officer:
Ilya: You promise? You will stay there?

[00:06:00]
Stephanie: No! There is no promise, look at this. Promise? They've broken and entered.

Ilya: You guys do not have a warrant. You don't have a warrant. You just ... Why do you not need a warrant?

Police Officer: Go open the front door and-

Ilya: Please tell me why you don't need a warrant.

Stephanie: Why do you not need a warrant?

Police Officer: I'm not going to explain it to you now.

Ilya: Explain it to me, your jurisdiction, why you don't need a warrant.

Stephanie: Yes, no, that's the law. You need to explain to me how you can enter my house without a warrant.

Police Officer: Because you reported being-

Stephanie: No, I didn't! No, I didn't. No. Give me your verified copy of the complaint right now.

Ilya: He does not have a warrant. Grab a warrant. Grab a warrant.

Stephanie: Verified copy of the complaint right now.

Ilya: You might want to get a warrant. You might want to get a warrant.

[00:06:30]
Stephanie: Warrant. Warrant.

Police Officer: OK ...

Ilya: You have no jurisdiction unless you get a warrant. All of you are held accountable.

Police Officer: [crosstalk 00:06:35] can do from here.

Stephanie: No.

Ilya: All of you are held accountable.

Stephanie: Where's your warrant? Delegation of authority, verified copy of the complaint.

Ilya: You have no warrant. You have no authority. You must leave now. You have no warrant, you must leave this house. You have no warrant. Please come back with the warrant.

Police Officer: OK-

Ilya: Please come back with the warrant.

Police Officer: We're gonna come in, OK?

Stephanie: Don't touch me.

Ilya: I'm asking you to come back with the warrant. Do not come in my house.

Police Officer: We are going to come in, OK?

Ilya: You have no right to come into my house. No, I am not OK with this. I am not OK with this.

Stephanie: Where's your warrant? You guys will be ... We will file a commercial lien against you.

[00:07:00]

Ilya: You do not have a warrant. So help me, Lord, almighty God, as a witness ...

Stephanie: You are not welcome to come in. You are not welcome to come in.

Ilya: You are not coming in.

Stephanie: And he's touching me, he's putting his hands on me.

Police Officer: Put the child away.

Stephanie: Pick up the paperwork.

Police Officer: Take your child somewhere else, OK?

Ilya: You have no authority to come in. You need a warrant.

Stephanie: Get your arms ... Get your hands off of me.

Ilya: Show me your warrant. Show me the warrant. Show me your warrant. Stephanie, please. Please, I don't want them to try to handle you, OK?

Stephanie: They're gonna try and step in here.

Ilya: It's OK, I'm not gonna let them come in. They have no jurisdiction. They are not allowed-

Police Officer: What we're gonna do is-

Ilya: You have no warrant. You have no warrant. Show me ... Sir, sir, show me a warrant. What is your name? What is your name?

[00:07:30]

Police Officer: We don't have a warrant, OK? We don't need a warrant.

Ilya: What is your name? Why are you telling me you do not need a warrant?

Stephanie: "We don't need a warrant."

Police Officer: OK, step away from the window, OK?

Ilya: Why are you telling me you do not need a warrant?

Police Officer: 'Cause we don't.

Ilya: Why are you telling me you do not need a warrant?

Stephanie: He's physically touching me! He's putting hands on me, assaulting me, at this moment.

Ilya: Do not enter my home. Show me the warrant.

Police Officer: Back away from the window-

Stephanie: Get your hands off of me!

Ilya: Come back with the warrant.

Stephanie: Some man, I don't even know his name, he's touching me. I'm inside my home, he has no warrant ... He has no warrant to be here and he's physically abusing me.

Ilya: You are not coming into my home. You are not coming into my home. Please, OK? Please, please, please. Please. Please, you have no warrant. You have no right to be here.

Stephanie: So, verified copy of that complaint?

[00:08:00]

Ilya: You have no warrant. You have no jurisdiction to be here. They have a Laser.

Police Officer: If he moves toward me, Tase him.

Ilya: Steph, they're, they're threating to Tase me.

Stephanie: Are you kidding me? You get out! Do not ...

Ilya: They're threatening to Tase me. Stop it. Stop it, you have no jurisdiction. You have no warrant.

Stephanie:	Do not threaten to Tase my husband without a warrant! Get out of my house!
Ilya:	OK, stop! Steph, stop! Stop it! Stop it right now. Stop it, stop it. Steph, do not be mean, do not let them pull your hair.
Police Officer:	Get away from her.
Stephanie:	He just yanked my hair out of my head.
Ilya:	It's OK, stop it, stop it. Steph, please get away from them. Do not ... I let go.
Stephanie: [00:08:30]	I didn't touch anybody! I didn't touch anybody! I didn't touch anybody. They're yanking my hair out of my head.
Ilya:	I know, I understand. I understand. Look, they have no warrant.
Male Officer:	Sit down.
Ilya:	They have no warrant.
Male Officer:	Sit down.
Ilya:	I am not consenting to sit down. Look, I'm gonna sit down. You don't have to handle me. I'm not being detained, I am not resisting arrest. You have no warrant.
Stephanie:	For what? For what?
Ilya:	Let go ... Please! My baby! Steph. Guys, that's my baby ...
Male Officer:	Just sit down.
Ilya:	You guys, please, that's my baby. Guys, this is my baby.
Stephanie:	Don't touch my child!
Ilya:	Stop it. Steph, calm ... You have to calm down!

Male Officer: Sit down.

Ilya: Calm down. God, please help me. God, please help me.

Male Officer: Ilya, sit down. Hey, sit down.

Ilya: God, please help me.

[00:09:00]
Stephanie: You took my baby! My baby!

Male Officer: [crosstalk 00:09:02] Sit down. Sit.

Ilya: You have no warrant-

Male Officer: Sit.

Ilya: You have no jurisdiction.

Male Officer: Sit.

Ilya: You have no warrant.

Male Officer: Sit down, Ilya.

Ilya: You have no jurisdiction.

Male Officer: Ilya, sit down.

Stephanie: Ilya, [crosstalk 00:09:10] show my mom this video!

Ilya: You have no jurisdiction. You have no warrant. They took my baby. They just took my baby.

Male Officer: Is there anybody upstairs?

Ilya: You have no warrant. I have my two kids upstairs. You guys have no right to be here.

Male Officer: Ilya, stop. I will put you in handcuffs, OK?

Ilya: Why? Tell me why.

Male Officer: Stop it.

Ilya: Where's your warrant?

Male Officer: OK.

Ilya: Tell me why.

Stephanie: Ilya! They're gonna try to kill me! They're gonna try and kill me!

Ilya: Tell me why. Steph, please, stop it. Look what you're doing to my wife.

[00:09:30]
Male Officer: No, stop. Ilya, stop.

Ilya: Why are you doing this to my wife? God, give me wisdom. [Spanish 00:09:32] Lord, give me wisdom.

Male Officer: Relax, OK?

Ilya: Lord, give me wisdom. Lord, give me wisdom. Lord, give me wisdom. Everything is in your hands. Everything is in your hands, God.

Stephanie: What are you doing to my hair? [inaudible 00:09:41]

Ilya: Stephanie, please. You guys can't do this to my wife. I can't let you do this to my wife.

Male Officer: Ilya, relax. Ilya, relax for me.

Ilya: You have no jurisdiction.

Male Officer: Don't. Stop it, OK?

Ilya: Are you assaulting me again?

Male Officer: Stop. OK?

Ilya: These men have assaulted me multiple times. They've assaulted my family.

Male Officer: Stop [inaudible 00:09:53].

Ilya: They've assaulted my wife.

Stephanie: [inaudible 00:09:55]

[00:10:00]

Ilya: Stephanie, please stop it! Steph, please, I'm asking you to stop! Steph, I'm asking you please to let ... Stop this. They have no warrant. These guys are ... These guys are [inaudible 00:10:06].

Male Officer: If you talk to us, we'll help you, OK?

Ilya: I'm talking to you.

Male Officer: OK?

Ilya: How are you helping me right now?

Male Officer: So relax for me, OK? Relax.

Ilya: How are you helping ... I was relaxed the whole time.

Male Officer: All right? Just relax.

Ilya: Please, what are you doing to my wife? Please, what are you doing to my wife?

Male Officer: Stop it. Ilya, stop. Ilya-

Ilya: You guys can't do this.

Male Officer: Don't touch me.

Ilya: You are touching me, bro.

Male Officer: OK, I won't ... One more chance. You touch me one more time, I'll put you in handcuffs.

[00:10:30]

Ilya: Bro, one more chance ... What are you doing? Why? You have no authority to be here. I'm not touching you. I'm not touching you.

Male Officer: And turn around. Turn around.

Ilya: Stop. Stop. Look, stop.

Male Officer: Ilya, I told you-

Ilya: Please, my boys, look, I'm done.

Police Officer: Stay there, OK?

Ilya: I'm done. You have no warrant. Please. Please. I got to take care of my kids.

Police Officer: You don't get up, you don't put your hands on us. You can stay there.

Ilya: Stop, Stephanie, please. Please. Please, you are not resisting arrest, you're not being detained. Please, they have no warrant. They can't be here. I got to be with my kids.

Police Officer: No. No, you get up, you go into cuffs, OK? You put your hands on us-

[00:11:00]

Ilya: I did not put my hands on you. I'm not going into cuffs. Stop this. Stop this.

Police Officer: Sit down. Lean back.

Ilya: I have to stay here with my kids.

Police Officer: That's the point.

Ilya: OK.

Police Officer: You need to relax.

Ilya: I will relax, but you guys can't take the kids.

Police Officer: There's two upstairs, make sure they're OK.

Ilya: They're fine, please.

Police Officer: Well, then maybe you should've opened the door. You ever thought of that?

Ilya: Why? You have no warrant.

Police Officer: Yes, we ... We have the right to come in here.

Ilya: You don't have a warrant. No you don't.

Police Officer: We wouldn't come in if we didn't have the right to come in here.

Ilya: Why ... You do not have the right to come in here.

Police Officer: Because she called and said that you beat her up.

Ilya: No, she did not.

Police Officer: Yes, she did. So people are just making this crap up?

Ilya: Yes, they are.

[00:11:30]

Police Officer: Then all you have to do is come outside and tell us-

Ilya: You don't understand the family stuff that we had going on, with her parents and our parents, 'cause I'm Russian and she's not.

Police Officer: OK, then why can't you man up and come out and tell us that?

Ilya: Through ... Because why you guys don't have a warrant? I don't know what you guys are doing ... Look at what you did!

Police Officer: We don't need a warrant. Once somebody tells us that, we don't need a warrant.

Ilya: Look at what you did. Look at what you've done.

Police Officer: This is on you.

Ilya: This is on me?

Police Officer: You're not the one that's taking care of your family.

Ilya: Are you kidding me?

Police Officer: No, not a bit.

Ilya: You call yourself a man?

Police Officer: All you had to do is open the front door.

[00:12:00]

Ilya: You call yourself a man? You call yourself a man. What is your belief system? Are you a Christian? Are you a Christian?

Police Officer: We're not talking about that today. We're talking about, is everything OK here and all you have to do is come and answer the front door.

Ilya: Are you a Christian? God sees everything. This is messed up, man. My poor kids.

Female Officer: I know you're mad [inaudible 00:12:25] ...

Stephanie: [inaudible 00:12:27] you pull my hair out of my face and then, and then-

[00:12:30]

Ilya: I'm sorry, Stephanie. They assaulted you. God sees everything. This is not right. All these men will be held accountable. Just like the people in the military, they tried to do the same thing. That's the only reason I didn't answer the door, because I know how you guys are. They tried to do the same stuff, they manhandled me, all of it, and that's why I'm getting paid by the VA. Five years later, because it was proof ... Non-combat PTSD. Because I knew what I signed up for, you know what I'm

[00:13:00] saying? To defend this country. Non-combat PTSD, which means people like you tried to screw me over and then when I stood up for myself, which I did, it was a rough time at first, but no matter what, I came through in the end.

Male Officer: We just wanted to help you, Ilya. If you would've came to your door-

Ilya: You're not trying to help me. You have no warrant. You broke into my house, you attacked my family, you attacked my wife, you attacked me. This is how you make sure we're OK, by assaulting us? Putting your guns on your holster? Come on, man. God's watching everything. God's watching everything. You gave us the option?

[00:13:30] My poor kids, my poor babies. I just need to hold them. Where are my boys at?

Male Officer: Your children?

Ilya: Yes, where are my children?

Police Officer: Two boys upstairs ...

Male Officer: Two upstairs.

Ilya: OK, where's my baby? Can I please hold him?

Police Officer: No, not right now.

Ilya: Is there a reason I can't hold my baby?

Police Yes, there is.

Officer:

Ilya: Am I being violent?

Police Officer: No, but you've been on the edge the whole time and you threatened us.

Ilya: Am I being out of ... No. I did not threaten you. How did I threaten you? Please tell me how I threatened you. Guys, I didn't threaten you. I said

[00:14:00] I'll defend the Constitution, come on, I'm trying to stand up for what's right.

Male Officer: We agree [inaudible 00:14:02], but this could've been a lot easier if you would've came to the door, answered the door, and let us in.

Ilya: But for no reason, I don't need to, and then this is what you do? I didn't feel like there was any need for you guys to come in, man.

Male Officer: Ilya, we are legally bound by law to make sure that you and your family are OK.

Ilya: There was no warrant. Our family ... We told you we were OK. She told you by herself, without me in there at all, that she's fine, and then, "So what's going?" Then I come out and said everything's fine.

Male Officer: We have to talk to you [inaudible 00:14:26] guys separately.

Ilya: Yes, but, but what's ... What about this now? What's all this?

[00:14:30]

Male Officer: We offered to get [inaudible 00:14:31] to the door.

Ilya: So you break in?

Male Officer: We didn't break in. We went through an open window.

Ilya: Oh, wow.

Male Officer: The window was open.

Ilya:	We tried to close it and you forced entry. Get out of ... OK. This is stupid. Look, God's watching everything. All the people online are watching all of this. Everybody sees it, everybody hears it.
Male Officer:	[crosstalk 00:14:52] YouTube username that you're gonna post it under?
Ilya:	No.
Male Officer:	Where you gonna post it at, then?
Ilya:	It doesn't matter. You guys are probably gonna try ...
Male Officer:	So nowhere?

END

APPENDIX Z

Case	State v. Petrenko
Ref	911 call
Date	2/16/16

911 agent: Dispatch.

Erica: Yes ma'am. Um, my sister's getting, uh ... Her husband's beating her and there's three children involved and ... [crosstalk 00:00:08]

911 agent: What's the address [inaudible 00:00:10]?

Erica: Um, it's 1602 Southeast 145th Court, Vancouver.

911 agent: The phone number that you are calling from?

Erica: Uh, 606-367-9481.

911 agent: And your name?

[00:00:30]
Erica: Erica. Erica Jackson. I'm out of state. She's on the phone right now and he's beating her.

911 agent: Okay. All right. Tell me exactly what happened.

Erica: I don't know exactly what happened. Um. He just, she just called me and she said he's killing her, and he's broke her fingers, and she has a black eye and he's beating on her right now. She's screaming on the phone. So I don't know exactly how it initiated, [crosstalk 00:00:49] but I just know that someone needs to get ...

911 agent: Okay ... [inaudible 00:00:52]

Erica: Ilya, Ilya Petrinko.

911 agent: What is her name?

[00:01:00]

Erica: He has PTSD. Her name is Stephanie Meroga Petrinko. Stephanie Meroga Sawyers. She never ... [crosstalk 00:01:07]

911 agent: S-a-w-y-e-r-s?

Erica: Swayers, yes.

911 agent: Okay. And how many kids are ... [crosstalk 00:01:14]

Erica: Is someone on the way?

911 agent: My partner's getting help started.

Erica: Okay. Um three. Three children.

911 agent: Do you know how old they are?

Erica: Yeah. They might need uh to bring an ambulance.

911 agent: Okay. I understand that. How many, how old are the kids?

[00:01:30]

Erica: Um the oldest is four.

911 agent: Okay. Do you know if ... [crosstalk 00:01:35]

Erica: Four, three, one. [crosstalk 00:01:36]

911 agent: At their house?

Erica: I have no clue. (Stutters) I mean I haven't seen her in a few years.

911 agent: Okay.

Erica: He does. Yes.

Bkground [inaudible 00:01:45]

Male:
911 agent: He has what?

Erica: Rifles and pistols.

911 agent: Okay. And is he a white male?

Erica: Yes.

[00:02:00]
911 agent: Is he thin, medium, or heavy build? Do you know?

Erica: Uh medium. Probably weighs about 180.

911 agent: Okay. What color hair does he have?

Erica: Dirty blond.

911 agent: Do you know if he has facial hair?

Erica: Um probably.

Bkgrnd Woman: So he's leaving.
Erica: He's leaving right now, so ...

911 agent: Do you know what kind of car he's leaving in?

Erica: I don't ... Uh he'd be in a ...

911 agent: I'm sorry, what kind of vehicle?

[00:02:30]
Erica: A black Ford.

911 agent: Is that a car or a truck?

Erica: I don't ... No, it's a truck.

911 agent: Okay. What's the phone number into the residence or for Stephanie? Do you know her number?

Erica: Yes. 360-609-4200

911 agent: Okay. Is she still on the phone with you guys? Is she still on the phone with you guys?

[00:03:00]
Erica: Yeah.

911 agent: I'm sorry. You keep cutting out. Did you say yes?

Erica: Yes.

911 agent: Okay. And can you confirm if he has left?

Erica: If he has what?

911 agent: Left. Did he, did he actually leave? Has he driven away?

Erica: No. He's trying to leave right now.

911 agent: Okay. So is he still in the house?

Erica: I ... Yes, he is. (Background shouting)

[00:03:30]
911 agent: I need to keep you on the phone and you need to tell me if anything changes and we need to know when he leaves, okay?

Erica: They're just screaming on the phone. I can't take it. I like have bad nerves. (Background shouting)

911 agent: Okay.

Erica: Here you ... I'll just put my phone next to my, my sister and you can hear it, okay?

[00:04:00]

911 agent: No, I need to keep you on the line. You just tell me if something changes.

Erica: (Background shouting) (Erica breathing)

[00:04:30]

911 agent: Do you know if he's been drinking or using any drugs?

Erica: I have no clue.

911 agent: Okay.

Erica: I haven't talked to her. This is just all that I've heard from her in like probably a year.

911 agent: You haven't heard from her in a year?

Erica: No. My mom and dad talked to her but I haven't really spoke with her in a year.

911 agent: She called you today?

Erica: She called my mom.

[00:05:00]

911 agent: Okay.

Bkgrnd Woman: Got a black eye. Broke her fingers. He kicked her in the tailbone twice. Got a broken tailbone ...

911 agent: Okay. What is your mom saying?

Bkrgnd Male: Bad fucking relationship.

Erica: What ma'am? I'm sorry. What?

911 agent: What is your mom saying?

Erica: Diane Sawyers.

911 agent: No, what is she saying about her injuries. Is that from today?

Erica: [00:05:30] Yeah. He, he's kicked her in her tailbone and he's re-broke her tailbone and she has broken fingers and a black eye.

911 agent: So she thinks her tailbone may be broken again? (Background shouting) Is he still at the house?

Erica: Yes. Yes he is. He's following her around. He won't let her ... He won't leave her alone.

Bkgrnd Woman: Locked him out of the house and he got ... And he came back in.

Erica: [inaudible 00:05:47]

911 agent: They're arriving, so I just need you to let me know if something changes in the next few minutes, okay?

Erica: Okay.

911 agent: And as soon as I know that they're out with her and okay, we'll let you go. Okay?

[00:06:00]
Erica: Okay. Thank you so much. (Background shouting) (Erica breathing)

911 agent: Do you know what his middle name is?

[00:06:30]
Erica: Uh I have no clue. Uh Alisha, what's Ilya's full name?

Bkgrnd Alisha: [inaudible 00:06:34]

911 agent: What's his middle is what I'm looking for.

Bkgrnd Alisha: [inaudible 00:06:40]

Erica: S, I think. [inaudible 00:06:43] What is it?

Bkgrnd Alisha: [inaudible 00:06:43]

911 agent: That's fine ... [crosstalk 00:06:45]

Erica: Sergovic ...

Bkground Male: [inaudible 00:06:47]

Erica: Ilya Servo ... It's Iluja Servo ...

Bkground Male: Ilya.

Erica: Ilya ... [crosstalk 00:06:52]

911 agent: [00:07:00] I've got it. I've got the information. I just needed to confirm the middle initial. Okay.

Bkgrnd Woman: [inaudible 00:07:04]

Bkground Male: (Shouting) [inaudible 00:07:09]

Erica: Yeah. She might be pregnant.

911 agent: Okay. Well so far she's not cooperating with them. She's not going to talk to them so hopefully ...

Bkgrnd Woman: (Child shouting in background) [inaudible 00:07:21]

Bkground Male: [inaudible 00:07:31]

[00:07:30]

Erica: She's not cooperating with them.

Bkground Male: Who?

Erica: Stephanie.

Bkgrnd Woman: They're there?

911 agent: Yeah. They are there and she walked out and went back inside.

Bkgrnd Woman: [inaudible 00:07:45]

911 agent: They will make contact with her. It's just taking longer than ...

Bkrgnd Male: (Shouting) [inaudible 00:07:50]

911 agent: If she was cooperating.

[00:08:00]

Erica: (Background shouting) She's she's just on the phone crying and screaming that she's afraid for her life, so I mean something [crosstalk 00:08:08] needs to be done.

911 agent: She needs to go out to the police officers so that they can help her.

Erica: She won't even answer the phone for us now.

911 agent: Okay. Well they will make contact with her and I have several officers there right now and a couple more on the way so I'm going to go ahead and let you know. If you do talk to her again, she does need to go talk to the police. They will help her be safe and they will get her help. Okay?

[00:08:30]

Erica: Okay. Thank you.

911 agent: All right.

Erica: Thank you.

APPENDIX AA

Case	State v. Petrenko
Ref	Dispatch VPD Petrenko feb1616
Date	2/16/16

Automated Voice:	Call one on Tuesday, February 16, 2016 at 11:33 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.
Female:	Two Edward 41 and two Edward 32. [inaudible 00:00:21] physical disturbance. Male versus female 1602 Southeast 145 court 146 court.
[00:00:30]	Two Edward 332 Two Edward 41. RP's on the phone with her sister. Sister's advising that her husband's beating her, says he's already broken a couple of her fingers.
Male:	[inaudible 00:00:57]
Female:	Copy.
[00:01:00]	
Automated Voice:	Call two on Tuesday, February 16, 2016 at 11:34 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.
[00:01:30]	
Female:	Two Edward 41 and 44, male's name is Elia Petrenko. Has a history of PTSD, there's 3 kids in the house. The oldest is 4. Looks like he's leaving the residence now, possibly in a black Ford truck. Again, second hand information as the RP is
[00:02:00]	talking to the sister. Elia is described as a white man, medium build, about 180, dirty blond hair, possibly has facial hair. Gonna be a black Ford pickup. 32 are you still gonna go?
Male:	Affirmative, I'm right behind 44.
Female:	10-4. He's getting ready to leave units, he has not left yet.
[00:02:30]	
Male:	Control 32-16 if you have more units available let's send one or two more until we can establish this guy.
Female:	10. David 31 taking it, do I have one more?
Male:	[inaudible 00:02:44] 31.
[00:03:00]	

Female:	Copy both 31. Now all the RP hears is just screaming on the phone. We are sending rescue.
Automated Voice: [00:03:30]	Call three on Tuesday, February 16, 2016 at 11:37 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.
Male:	[inaudible 00:03:36] Edward 44 arriving.
Female:	Copy.
[00:04:00] Automated Voice:	Call four on Tuesday, February 16, 2016 at 11:37 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.
Male:	[inaudible 00:04:09] Edward 44 I've got [inaudible 00:04:14]
Female:	Edward 44 you broke off.
Male:	We have one white female going heading to the house, she's got nothing to say to us, she's walking back.
[00:04:30] Female:	Received. Sounds like the male's still there.
Male:	[inaudible 00:04:36] she's uncooperative, heading back into the house.
Female:	11-38.
Male:	[inaudible 00:04:44] the license plate, WD6007335 Washington, Mary, Charlie, 04850.
[00:05:00] Female:	Copy. Code 33 on control 3.
Male:	Control 3 [inaudible 00:05:11], we don't need a Code 33. [inaudible 00:05:14] open.
Female:	Copy, clearing the Code 33, it was static only.
[00:05:30] Automated Voice:	Call five on Tuesday, February 16, 2016 at 11:40 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.
Male:	Control 3, 33 here.
Female:	Go ahead.

Male: There's no response inside, uh, can you get a supervisor here to come let us in?

[00:06:00]
Female: [inaudible 00:05:59] 368 is in route. Two Edward 32 10-43 six on Mary on the female.

Male: I copy. What's her physicals?

Female: 5'3", 115, blond and blue.

Male: I copy, that's most likely the female that walked inside that won't talk to us.

Female: She's asking if we can find a DL picture.

[00:06:30]
Automated Voice: Call six on Tuesday, February 16, 2016 at 11:41 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Male: Do we have any other plaintiff's history yet [inaudible 00:07:00]?

[00:07:00]
Female: Affirmed, but nothing major.

Male: Control 732, what was the female's name?

Female: Stephanie Salyers.

Male: Control 2816 what was that 10-43 out of [inaudible 00:07:28] for?

[00:07:30]
Female: A bench warrant, we're at booking level C Charles, I'm digging a little more to see original.

Male: Copy.

Female: 68 back.

Male: Edward 44 we're communicating with her through the door.

Female: Copy.

[00:08:00]
Automated Voice: Call seven on Tuesday, February 16, 2016 at 11:43 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Male: Control 33, I've got a bicycle stop.

Female: Go ahead.

[00:08:30]
Male: Preston and 39th. White male wearing grey sweats and a grey jacket.

Female: Copy.

Male: Control 3 Edward 33, she's now arguing with somebody else inside.

Female: [inaudible 00:08:49] 44.

Male: 44 from 368 do you have the male? [inaudible 00:08:53] visual inside, apparently there's no male around, he's truck's still in the driveway, however.

[00:09:00]
Automated Voice: Call eight on Tuesday, February 16, 2016 at 11:45 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Male: Control 3 Edward 44, heard a loud banging sound, she's still yelling.

[00:09:30]
Female: Copy.

Male: 368 copy, I'm a couple minutes out. Control 3 Edward 44, there's only one sided talk and she may be on the phone with our RP.

[00:10:00]
Female: Two Edward 44, unknown if the female is still on the phone with the RP. We no longer have that RP on the line.

Male: Be advised we've made visual contact with the reported victim. She doesn't appear to have broken fingers.

Female: [inaudible 00:10:25]

[00:10:30]
Automated Voice: Call nine on Tuesday, February 16, 2016 at 11:46 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Female: Two Edward 44 we still have medical staged.

Male: [inaudible 00:10:59].

[00:11:00]
Automated Voice: Call ten on Tuesday, February 16, 2016 at 11:47 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Male: [inaudible 00:11:20] Edward 11 [inaudible 00:11:25]

Female: 10-47

[00:11:30]
Male: This is 216, do we have a telephone number for the female in here?

Female: [inaudible 00:11:41]

Automated Voice: Call eleven on Tuesday, February 16, 2016 at 11:47 a.m. with a GMT offset of
[00:12:00] negative 480 minutes. Agent ID is extension is 1003.

Female: Not in the call, but I can call the sister back.

Male: Yes, please.

[00:12:30]
Automated Voice: Call twelve on Tuesday, February 16, 2016 at 11:48 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 79 before, extension is 203.

Automated Voice: Call thirteen on Tuesday, February 16, 2016 at 11:48 a.m. with a GMT offset of
[00:13:00] negative 480 minutes. Agent ID is extension is 1003.

Female: 368 we do have a phone number for her in the call, do you want me to call her?

Male: Why don't you give me the number, I'll get a hold of her.

Female: 609-4200, 609-4200.

[00:13:30]
Automated Voice: Call fourteen on Tuesday, February 16, 2016 at 11:52 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1014.

Speaker 4: Do you want to have your partner call the original RP again, she's talking on the [inaudible 00:13:58] through the door.

[00:14:00]
Male: Yeah, I just talked to her.

Automated Voice: Call fifteen on Tuesday, February 16, 2016 at 11:52 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1014.

[00:14:30]
Speaker 4: Has the [inaudible 00:14:34], I don't have it.

Male: Control, you want her in [inaudible 00:14:39]?

Speaker 4:	Partially, what do you need? Hold on, let me get this disturbance out real quick.
Automated Voice: [00:15:00]	Call sixteen on Tuesday, February 16, 2016 at 11:53 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1014.
Speaker 4:	What you need?
Male:	Can I get the phone number and name of the original RP on this please?
Speaker 4:	10-4. Her name is Erica Jackson, phone number 606-367-9481.
[00:15:30] Male:	Do you know if she was local or calling from out of state?
Speaker 4:	She was out of state.
Male:	Copy, thank you.
Speaker 4:	You're welcome.
Automated Voice: [00:16:00]	Call seventeen on Tuesday, February 16, 2016 at 11:54 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.
Female:	Edward 23 and 24, all we have is they were in the middle of the intersection displaying aggressive behaviors. Younger driving, the aggressive older black male driver. Two four door sedan, light in color.
Male:	Control 32 to base.
[00:16:30] Female:	Two Edward 32.
Male:	Was there [inaudible 00:16:38]
Female:	[inaudible 00:16:41]
Automated Voice: [00:17:00]	Call eighteen on Tuesday, February 16, 2016 at 11:54 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.
Female:	Edward 32 negative.
Male:	Copy, thank you.
[00:17:30] Automated Voice:	Call nineteen on Tuesday, February 16, 2016 at 11:59 a.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Male: Control 368 you can go ahead and clear medical at this time.

Female: Copy, sending medical home.

[00:18:00]
Automated Voice: Call twenty on Tuesday, February 16, 2016 at 12:14 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Female: David 31, any of the [inaudible 00:18:15]

[00:18:30]
Automated Voice: Call twenty-one on Tuesday, February 16, 2016 at 12:14 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Female: Unit 31 to any of the [inaudible 00:18:44] can you go to you.

[00:19:00]
Automated Voice: Call twenty-two on Tuesday, February 16, 2016 at 12:15 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Female: 2273 are you monitoring?

[00:19:30]
Automated Voice: Call twenty-three on Tuesday, February 16, 2016 at 12:19 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Female: David 31, King 72 will come up for you shortly.

Male: Copy.

Female: I'm calling you now.

[00:20:00]
Automated Voice: Call twenty-four on Tuesday, February 16, 2016 at 12:35 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Male: Control 3 Edward 32.

Female: Edward 32.

Male: We have [inaudible 00:20:29].

[00:20:30]
Automated Voice: Call twenty-five on Tuesday, February 16, 2016 at 12:36 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

[00:21:00]

Female: Not disturbances, looks like before this just a cold mal mish and some other non-emergency calls.

Male: Edward 32, I copy, thank you.

Female: Actually, I think all the premise history is with different residents. I'm gonna check the history on their DL address.

[00:21:30]
Automated Voice: Call twenty-six on Tuesday, February 16, 2016 at 12:37 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Female: No [inaudible 00:21:56] history at either driver's license address either.

[00:22:00]
Automated Voice: Call twenty-seven on Tuesday, February 16, 2016 at 12:39 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Female: [inaudible 00:22:23] 11 to cover on a verbal disturbance. They're separated now,
[00:22:30] the RP is outside at 1710 E. 27th Street.

Male: When did the call come up?

Female: 12:39.

Speaker 5: Control 3 David 31.

Female: David 31.

Speaker 5: We also have contact with the male in the residence.

Female: Copy.

[00:23:00]
Automated Voice: Call twenty-eight on Tuesday, February 16, 2016 at 1:04 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1005.

[00:23:30]
Speaker 6: Control 5, Unit 31.

Speaker 7: Unit 31.

Speaker 6: For [inaudible 00:23:34] what was her 6M for?

Automated Voice: Call twenty-nine on Tuesday, February 16, 2016 at 1:05 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1005.

[00:24:00]
Speaker 7: She was DWLS third, no bail.

Speaker 6: Thank you.

[00:24:30]
Automated Voice: Call thirty on Tuesday, February 16, 2016 at 1:24 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

Male: Control 3 this is 368, go ahead and log that entry has been made by the DV unit at this time.

Female: Two x 368 10-9.

[00:25:00]
Male: Edward 11, we just advised them that they're making entry with the DB unit.

Female: Thank you.

Male: Two Edward 23, we're Code 4, one detained.

Female: At 13:25.

[00:25:30]
Automated Voice: Call thirty-one on Tuesday, February 16, 2016 at 1:46 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1005.

Male: Control 5, Two X 368.

Speaker 6: Go ahead.

[00:26:00]
Male: We still need AMR to come to our location, probably just AMR only. Just to reevaluate a patient who had a neck restraint put on him.

Speaker 6: Received. Um, female?

Male: Female conscious and breathing.

Speaker 6: Thank you.

Automated Voice: [00:26:30] Call thirty-two on Tuesday, February 16, 2016 at 2:16 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1005.

Male: [inaudible 00:26:46] 1068, uh do you know if the 10-43 on those [inaudible 00:26:40]

Speaker 6: I don't believe so, I can call if you're ready.

Male: Yes, please.

Speaker 6: Received.

Male: Control 5, [inaudible 00:26:59] 73.

Speaker 6: Go ahead.

[00:27:00]
Male: You can log that we have one adult now in custody.

Speaker 6: 14:16.

Automated Voice: Call thirty-three on Tuesday, February 16, 2016 at 2:17 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1003.

[00:27:30]
Male: Control 3, Edward 44. One adult male in custody.

Female: 14:17.

Automated Voice: Call thirty-four on Tuesday, February 16, 2016 at 2:20 p.m. with a GMT offset of negative 480 minutes. Agent ID is 7123 extension is 205.

[00:28:00]
Sheriff's Offic: [inaudible 00:28:11] County Sheriff's Office Records.

Speaker 9: Hey there, it's Clark County.

Sheriff's Offic: Hello.

Speaker 9: Hi there. Can I check on a misdemeanor warrant? I think it's going to be no x with our booking level, but I want to just check what it's for.

Sheriff's Offic: Okay.

Speaker 9: Um, do you want her name?

Sheriff's Offic: Yes, please.

[00:28:30]
Speaker 9: Uh, last is S-A-L-Y-E-R-S. First is Stephanie with a P-H.

Sheriff's Offic: Um middle of M, 7/15/89.

Speaker 9: Yeah.

Sheriff's Offic: It is a DWS, third, no bail.

[00:29:00]
Speaker 9: Hang on one sec. Okay I'm sorry, is it only the driving while suspended?

Sheriff's Offic: Correct.

Speaker 9: Dang, that's the only thing the bench warrant is for too?

Sheriff's Offic: Yup.

Speaker 9: All right, I don't think we're going to confirm then. Um, I will call you back if we need to, but thank you.

Sheriff's Offic: You're welcome.

Speaker 9: All right, bye.

Sheriff's Offic: Bye.

Automated Voice: Call thirty-five on Tuesday, February 16, 2016 at 2:20 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1005.

Male: Control 5, [inaudible 00:29:33].

[00:29:30]
Speaker 6: Go ahead.

Male: Do you know if the warrant was confirmed for Stephanie?

Speaker 6: I'm on the phone now, this may be no x with our booking level. I'm checking to see what her additional are.

[00:30:00]
Automated Voice: Call thirty-six on Tuesday, February 16, 2016 at 2:21 p.m. with a GMT offset of negative 480 minutes. Agent ID is 7123 extension is 205.

Speaker 10: Warrant desk, it's Renee.

Speaker 9: Hey, it's dispatch. Um, can I verify we're at booking level c Charlie?

[00:30:30]
Speaker 10: Correct.

Speaker 9: And we don't take a Kelso warrant, driving while suspended?

Speaker 10: Correct.

Speaker 9: Awesome, thank you.

Speaker 10: You're welcome.

Speaker 9: Bye.

Automated Voice: Call thirty-seven on Tuesday, February 16, 2016 at 2:22 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1005.

Speaker 6: Two Edward 32 Control.

Male: Edward 32 go ahead.

[00:31:00]
Speaker 6: Okay I verified it on both ends, it's no x due to our booking level c Charlie today, it's a driving offense.

Male: I copy.

Speaker 6: Two Edward 31, your Texas plate is clear for warrants. Good through December, 2016.

Male: Copy, thank you.

[00:31:30]
Automated Voice: Call thirty-eight on Tuesday, February 16, 2016 at 2:27 p.m. with a GMT offset of negative 480 minutes. Agent ID is 7123 extension is 205.

Speaker 9: Warrants this is Sue at dispatch.

[00:32:00]
Speaker 6: Hey Sue, so I don't know if you know about this Stephanie Salyers thing yet, this Kelso warrant.

Speaker 9: I don't know anything about it.

Speaker 6: Okay, so it's a [inaudible 00:32:13] vv mess with the County, or city I guess, she's got a Kelso warrant that's no x because it's a driving offense and we're at booking level c.

Speaker 9: Right.

Speaker 6: But she's part of a big giant cluster, Two King 70 called the jail, the jail said they will take her because of whatever else is going on.

Speaker 9: Fine.

[00:32:30]
Speaker 6: So I haven't called, I didn't know if it's easier if I just let you guys deal with it, or do you want me to call and confirm, or does that make it more of a headache?

Speaker 9: Whatever you want us to do. We're gonna take it wherever you leave off.

Speaker 6: Okay, why don't I just let you guys handle it, and then it doesn't mess anything us with [crosstalk 00:32:46]

Speaker 9: Absolutely.

Speaker 6: Does that work?

Speaker 9: Yeah, absolutely.

Speaker 6: Okay.

Speaker 9: What's the last name?

Speaker 6: [00:33:00] Um, her last name is Salyers. S-A-L-Y-E-R-S. Stephanie with a P-H. M for Miralda. Birthday is 7/15 of 89.

Speaker 9: Okay, let me make certain I see what you're seeing.

Speaker 6: Yeah.

Speaker 9: I do, I'll get right on it.

Speaker 6: Awesome, thank you so much. And it's the King units that are dealing with it.

Speaker 9: Thank you. Very good.

Speaker 6: Awesome, thanks.

Speaker 9: Bye-bye.

Speaker 6: All right, bye-bye.

Automated Voice: Call thirty-nine on Tuesday, February 16, 2016 at 2:32 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1005.

[00:33:30]
Male: Control 5, Edward 32.

Speaker 6:	Edward 32.
Male:	I'm gonna be in route to county with one female. Can you also pull a separate case number for the warrant arrest on Stephanie?
Speaker 6:	Received. That'll just take me just one sec to create you a second call and I'll send it to you by NBC.
Male:	I copy, thank you.
Male:	Control 5, King 46 out at.
[00:34:00] Speaker 6:	King 46.
Male:	3508 Northeast 109th Avenue, Number Sam 4, and can you run a plate please.
Speaker 6:	Copy.
Male:	It's a [inaudible 00:34:15] motorcycle, it looks like Mary Over 640492.
Speaker 6:	Received.
[00:34:30] Automated Voice:	Call forty on Tuesday, February 16, 2016 at 2:40 p.m. with a GMT offset of negative 480 minutes. Agent ID is extension is 1005.
Speaker 7:	Control 5, Unit 31.
Speaker 6:	Unit 31.
Speaker 7:	Can I just get the number to booking for a citizen to call?

END

APPENDIX BB

Case	**In Re Dependency of Petrenko Children**
Hearing	**Shelter Care**
Date	2/19/16

Judge Mr. Woodard, I'm going to have to ask you to step to the side. Mr. Woodard, Ms. [Schultz 00:00:07]? Hi, sorry.

Speaker 2: Sorry.

Speaker 3: Sorry, Your Honor.

Judge I'm going to need to ... Because I'm starting the shelter care trial I'm going to need to ask you to vacate the counsel table. What do we have here?

Speaker 4: I just wondered, did you end up ... The order that we made a copy of on the [Tomasello 00:00:20] case for the mother because you were ready to sign off.

Judge I think I signed it. Didn't I sign it?

Speaker 4: No. We took it to make a copy.

Speaker 2: She signed it.

Judge I thought I signed it.

Speaker 4: Did she already?

Judge I ...

Speaker 4: Oh, you're correct. [crosstalk 00:00:30]

Judge Nope. I think we're good. Okay, very good. [Petrenko 00:00:39]? If the parents would please take a seat at counsel table so we can proceed. I just did something else.

Ms. Yamin: You can stay here. [inaudible 00:00:58]

Judge I just want to check something out.

Ms. Yamin: [crosstalk 00:01:02] [inaudible 00:01:16]

Judge Okay, very good. State are you ready to proceed?

Ms. Yamin: Yes, Your Honor. I will have the social worker come in. She had to run to the department to cancel some other appointments. She will be back, but I think we can proceed in her absence to begin.

Judge Okay, thank you. Is it Ms. Sailers?

Ms. Sallers: Ms. [Sallers 00:01:55], yes.

Judge Sallers?

Ms. Sallers: Yes, Your Honor.

Judge Are you ready to proceed?

Ms. Sallers: Yes, Your Honor.

Judge Mr. Petrenko?

Mr. Petrenko: Yes, ma'am.

Judge Thank you. You can have a seat. Let me just write in the case number so I can move forward. 6099. Ms. [Yamin 00:02:31], any pretrial motions?

Ms. Yamin: The State would just ask that any witnesses be excluded from the courtroom other than, obviously, the parents, and the social worker who will also be testifying at some point. My understanding is that the parents have two witnesses present. One by the name of Sara [Cugla 00:02:49] and the other by the name of Mike Macintosh.

Judge Before I proceed. I see that the children are young. I will appoint CASA, so CASA can remain in the courtroom. CASA stands for Court Appointed Special Advocate. They act as Guardian ad Litems for the children to make recommendations to the court what is in the best interest of the children. Do you have any witnesses?

Ms. Sallers: Yes, Your Honor.

Judge The witnesses will need to wait outside until they're ready to be called.

Ms. Sallers: Okay. Thank you, Your Honor.

Judge State, opening?

Ms. Yamin: Yes, Your Honor. The testimony today will indicate that this is a matter in which the children were removed by law enforcement from the parents' custody earlier this week after a very serious incident of domestic violence. The social worker will testify to the fact that a law enforcement referral came in from mother's family after they received a call from mother saying that she believed that he husband was going to kill her. That being Mr. Petrenko. Subsequently, they heard an assault occurring. Choking sounds, and what sounded like someone hitting against a wall.

Since that point, efforts to engage with the family have not been successful. The department has met with mother and father. Both deny that a domestic violence incident occurred, and in speaking with family members social worker will testify that family members have indicated that there is a long and escalating pattern of domestic violence between mother and father. Neither parent accepts or understands the risk that this places the children at. Both parents have been diagnosed with PTSD, reported by family members, and is no indication that is treated or under control at this point. On those basis the department would ask that at the close of this shelter care hearing, Your Honor, find good cause to have the children remain in out of home care pending the fact finding in this matter on that basis that the child has no parent, guardian, or legal custodian to provide supervisions or care. The release of the children would present a serious threat of substantial harm to the children.

Judge Thank you. For the parents' information before I let them do opening, at a shelter care hearing the rules of evidence do not apply, so hearsay does come. In addition to that, the only standard that there is that the state has to give me is reasonable cause. Meaning, a good reason. It's a very low standard. It's designed to be a low standard. It's not like a criminal case where it's beyond a reasonable doubt. That's a totally different standard. I just want you two to know that. Sir, opening? You have the right at this point to either waive your opening, meaning not do it, or you can reserve and do it when it's time to put on your case, or you can go forward with opening at this time.

Mr. Petrenko: Would you like to say anything first?

Judge No, sir. I'm the one directing it. I'm asking you if you'd like to say something.

Mr. Petrenko: I would like to say something. I am here to make a special presentation to request that my children, my sons, Malachi, Ezra, and Moses, who have been taken from our home. My family has been removed from their safety. The parents, Stephanie and myself, and our three wonderful boys were assaulted. There's complete fabrication of a story. We have eyewitness evidence and video evidence proving this. I just wanted to let it be known that our children, which is our property, as the Uniform Commercial Code goes, and how we register them official with the state of Washington, they were unlawfully taken from us under fraud and perjury. I noticed that there's a lot of corroboration between the Vancouver Police Department and the Child Protective Services. It is very evident upon our personal investigation that this is all ... I want you to understand that this is indeed in the best of the children, and regardless of how we proceed from here today ... For example, if our children are not released with us or ... I move the motion that the children be returned to their parents.

Judge Sir, this is opening, so this is not the time for a motion.

Mr. Petrenko: What I'm saying is the parents are the best thing for the children. For Malachi, Ezra, and Moses there was no better care possible then from their father and mother. This is my opening statement that this is indeed

for the best interest of the kids, and they should be with the parents. That's all I have to say. Thank you.

Judge Ma'am opening?

Ms. Sallers: Your Honor, I am the primary caregiver to my children, to my sons, Malachi, Moses, and Ezra, and I have never left them in the care of any other ... No daycare. No other form of caretakers have ever had custody of my sons. I have always, and it is proven that they are in very healthy order. I always continue to provide them the best care possible and education. My occupation is a mother, and I take my job to the fullest extent, and I protect against all ... If somebody was to enter my home and try to take my child from me, and they're not a stranger and they're wielding weapons I'm going to hold my child in my arms. As well, as I agree there is much fabrication to his case that has been presented in front of the court. I have video evidence of multiple of these incidences, incorrect information provided to the court. I would just like to allow the court to know that there's a lot of miscommunication, such as it says here, "Mr. Petrenko was charged with a felony assault 4," and that's not even correct. It's a misdemeanor.

Judge It's a gross misdemeanor.

Ms. Sallers: It's not a felony, and it's an incorrect domestic violence charge. I was never abused by my husband in any way, and there is reason to believe that people who have submitted the information that I did not speak with. It says that I had spoke with certain people on certain days, and such, and I had not. I haven't talked to them actually in two years, and it's showing up that they're saying that I spoke to them. I would also like to state that I was never choked, and there was never any wall banging or any of the sort. If my phone-

Judge Okay, ma'am. You're not testifying right now.

Ms. Sallers: I'm sorry.

Judge This is just an opening, and you're presenting the facts in the petition ...

Ms. Sallers: Are incorrect, right.

Judge ... are incorrect.

Ms. Sallers: I do have a lot of video evidence to prove certain things that are going to be used to try to keep the children from my custody because certain things are just very incorrect in this.

Judge All right, thank you.

Ms. Sallers: Thank you.

Judge First witness, please.

Ms. Yamin: Yes, the State calls the father Elio Petrenko.

Judge Mr. Petrenko?

Mr. Petrenko: Yes.

Judge Raise your right hand, please. Do you promise to tell the truth and nothing but the truth regarding this incident?

Mr. Petrenko: Absolutely.

Judge Please take your seat. State your name. Spell your last name for the record.

Mr. Petrenko: Petrenko. P-E-T-R-E-N-K-O. Ilya. All rights reserved. UCC 13308. Without prejudice.

Ms. Yamin: Good morning, Mr. Petrenko.

Mr. Petrenko: Good morning.

Ms. Yamin: Where do you reside?

Mr. Petrenko: 1602 Southeast 145th Court Vancouver, Washington.

Ms. Yamin: How long have you resided at that location?

Mr. Petrenko: For close to a year now.

Ms. Yamin: Who resides at that location with you?

Mr. Petrenko: My family. Stephanie, Malachi, Moses, and Ezra.

Ms. Yamin: When you say Stephanie, is that your wife Ms. Sallers?

Mr. Petrenko: Yes. This is my wife.

Ms. Yamin: How long have you been married?

Mr. Petrenko: Over six years. Yesterday was our anniversary as a matter of fact.

Judge Sir, you don't have to speak directly in there. The microphone will pick up.

Mr. Petrenko: Roger that. Thank you, ma'am.

Ms. Yamin: Where did you reside prior to moving to Vancouver?

Mr. Petrenko: Prior to moving to Vancouver? We also resided in Vancouver. Before that we resided in Arizona. Before that we resided in Kentucky and Ohio, and before that we were in the military.

Ms. Yamin: How long were you in the military?

Mr. Petrenko: Four years.

Ms. Yamin: Why did you leave the military?

Mr. Petrenko: Because I was discharged.

Ms. Yamin: What type of discharge?

Mr. Petrenko: Initially it was an other than honorable discharge and is being upgraded.

Ms. Yamin: What was the basis for the other than honorable discharge?

Mr. Petrenko: At the time it was for substance. For the use of medication. For cannabis indica.

Judge And what? What was the last one?

Mr. Petrenko: It was cannabis indica. At the time, in the military, there was a zero tolerance policy even thought it was overturned and honorable in my favor. This was the best that I could've done at the time to protect myself and others.

Ms. Yamin: What do you mean by that?

Mr. Petrenko: There was actually a lot of injustice going on at the time in the military during while we were in. Just curious, what does this have to do with the case right now?

Judge Sir, you don't get to ask the questions at this juncture. Go ahead.

Mr. Petrenko: Oh. My bad. What was the question?

Ms. Yamin: You said that it was what you needed to do to protect yourself and others, and I asked what you meant by that.

Mr. Petrenko: Right. Right. In the military, especially if you've not been in yourself, there's, particularly in boot camp, so much that goes on that you could literally write an entire book for an hour that goes by, for a day that goes by. It's a very particularly designed system that has been practiced over centuries, and it is to keep complete control over everything that goes on. For example, I was exposed to a lot of illegal activity, which constantly goes on, even to this day. When I tried to defend myself things got very ... Let's just say very complicated. The way they act is very behind the scenes. It's all about covering themselves up. When I was deployed in Iraq in 2009 there were more suicides than combat deaths, and if you received a suicide in the military you cannot receive life insurance compensation. Your family cannot.

Judge Were you in the Marines?

Mr. Petrenko: Yes, ma'am.

Judge Thank you.

Mr. Petrenko: Just the same way that ... This issue with the military is not nearly closed because the people that are doing this are still doing this. You understand? That's why I said in the first place, "What does this have to do with anything," because for other court cases and whatever else that might come up in the future. I don't want to put anybody in a awkward position, so I'm just attempting to be careful. Now ...

Ms. Yamin: I'm still a little confused how they related to your cannabis use.

Mr. Petrenko: Oh, because what happened was is they started trying to ... I started letting them know all the various illegal activities that were going on, and as soon as you start speaking in such a manner because of their system you instantly start to stick out like a sore thumb. That's when they instantly started throwing all kind of charges at you, and all kinds of paperwork at you in any way, shape, or form in order so that they may build any type of case against you to ruin your character, to ruin your name.

All my promotions were meritorious. I had many countless awards. I have almost four years of college credits simply filling out to Marine Corps Institute books, which is an education system they have there. Then all of the sudden with a flip of a switch, as soon as I get back from Iraq, all this random behind the scenes stuff starts to occur. I attempted to see a counselor, and I attempted to talk to people for my safety, and how to deal with the unit and the command. I even requested to go home on leave in order to get time to sort of see what the heck is going on and why things are heading whichever direction. I went on leave. I got approved by the commanding officer, and they charged me UA.

Ms. Yamin: What's UA?

Mr. Petrenko: Unauthorized absence. Sent letters home to my family saying I was fugitive. My dad had a heart attack as a result of this. They were doing all this as a result of the mysterious happenings. because I started to speak out about the statistics and all the illegal activities that were going

on. I did turn myself in once the commander change out, and during the time they tried to ... I came into the Navy hospital. I was seeking help. "What was going on? If you can give me some psychological, psychology, psychiatric evaluations," anything to get documented evidence because they were trying to prevent me from protecting myself in any way, shape, or form. As far as medical evidence they were hiding my paperwork, holding onto information, even planting random stuff on me. Page 11s, and all kinds of paperwork because I had a good record, and they were trying anything they could to ruin that.

Ms. Yamin: What's a page 11?

Mr. Petrenko: Page 11 is a form of non-judicial ... It's a remark that goes onto your record that they put down for some sort of incident. For example, you can request yourself to make a page 11 if somebody, for example, acted against you.

Ms. Yamin: They were planting page 11s on you?

Mr. Petrenko: Absolutely. Yes.

Ms. Yamin: Meaning?

Mr. Petrenko: Because, for example, a 1st Sergeant can get a DUI, and it can be completely covered up and swept under the table. A PFC or a Lance Corporal can have one hair on their face, and all of the sudden they can get non-judicial punishment. They can get a page 11, whatsoever. These double standards were constantly used all throughout my time in the military, and it is because of this that I would stand up for this, and I would, I believe, be put into much of these awkward situations. Often times, the marines around us, a lot of people would kill each other. A lot of people would come back and they'd get robbed. People I deployed with. It's the reality of what's really going on in the world and behind closed doors. They police themselves and they get away with it.

I feel as though as result of my military experience I have noticed that this same type of system does extend out into the rest of the, I believe, system. For the case of example, the police department coming into my home. Apparently, there was a National Guard member who was also a

police officer on the side, and he was the one particularly there who had his pistol at the ready, and everything. He was trained.

Ms. Yamin: We'll get into the incidents more recently, but I want to go back to a couple of the things that you said. That you went to a Navy hospital asking for a psychological evaluation for your own health. What was the basis for that?

Mr. Petrenko: The basis for that was because they were attempting to obscure my name and try to say that I was in some way, shape, or form, crazy or incompetent, whatever the case might be because they're trying to defame my name. That's specifically why I requested these evaluations to get it documented because I knew that while I was in the military ... For example, if you get a sunburn you can get charged with destruction of government property because while you're in the military you cannot even press charges against the military because it is as if the military is pressing charges against itself since you are their property. I knew that no matter what happened I would not be able to make any kind of defense for anything until I got out, and I would take it up with the VA from there. As far as my safety ...

Ms. Yamin: Did you receive a psychological evaluation?

Mr. Petrenko: Multiple. From many different people. Absolutely.

Ms. Yamin: Where did you receive a psychological evaluation?

Mr. Petrenko: Which one?

Ms. Yamin: You can list them for me.

Mr. Petrenko: VA Hospital. I've had them in Cleveland, Ohio, and in various VA hospitals. Most of it was done at a ...

Ms. Yamin: Was it always at your request?

Mr. Petrenko: No, because when they were filing the VA paperwork when it decided I was indeed honorable for VA purposes then they requested these evaluations to be done, and for the process to go through.

Ms. Yamin: Do you know the results of any of the evaluations?

Mr. Petrenko: What do you mean?

Ms. Yamin: Did you receive the results? Were you spoken to by anyone who did the evaluation on you?

Mr. Petrenko: Sure. Absolutely.

Ms. Yamin: What is your understanding of those results?

Mr. Petrenko: I'm not sure what you mean by that. My understanding of those results is ... What do you mean?

Ms. Yamin: Were there any diagnoses, recommendations?

Mr. Petrenko: I was diagnosed with Post-Traumatic Stress Disorder.

Ms. Yamin: When was that?

Mr. Petrenko: It was diagnosed different times by different people. Most significantly by, I believe, it was Kristen Stewart, or Adams, or something. This was a long time ago.

Ms. Yamin: Can you give me a rough estimate of how long ago?

Mr. Petrenko: A couple years ago.

Judge When were you in the military?

Mr. Petrenko: From 2007 to 2011, ma'am.

Judge Okay, that's all.

Mr. Petrenko: After five years of working with the VA our claim had finally gone through and was considered honorable.

Ms. Yamin: You received a diagnosis of PTSD a couple years ago. Were there any other diagnoses or findings from the psychological evaluations?

Mr. Petrenko: If I could pull up the documents I'm sure I could give them to you right now. I can't just come up with this off of the top of my head, to be honest with you.

Ms. Yamin: Nothing that you recall?

Mr. Petrenko: At this very moment, I cannot tell you. I cannot say.

Ms. Yamin: What was the underlying basis for the PTSD diagnoses?

Mr. Petrenko: What do you mean?

Ms. Yamin: Were you having symptoms or things like that, that were indicative of PTSD?

Mr. Petrenko: Could you explain that in a different way?

Ms. Yamin: Do you know why they thought you had PTSD?

Mr. Petrenko: Because I was treated unjustly.

Ms. Yamin: From that unjust treatment?

Mr. Petrenko: I was going through all kinds of symptoms, and they tried to put me on all kinds of various medications.

Ms. Yamin: Let's go through the symptoms first. When you say all kinds of symptoms, what do you mean by that?

Mr. Petrenko: Well, most significantly was sadness and depression. This was because of all the injustices, indeed, that were being committed and going on at the time.

Ms. Yamin: Any others?

Mr. Petrenko: This was the most significant, and the one that affected my house the most detrimentally as far as even my physical well-being because of the sadness.

Ms. Yamin: You mentioned medications. What was prescribed to you?

Mr. Petrenko: The first thing they gave me was, I believe, Seroquel, and I tried that, and that is some pretty serious stuff. They prescribe it to you, you take it, and it just turns you into a zombie. You can't even stay awake and stuff. They go through a standard procedure. If you get in for this they'll start giving you these pills, so I started to do research why this pill had this type of effect on me. This is when I was able to really start to understand the grander scope of things that were going on, and why they were treating the people the way they were, how they were protecting themselves from people that were finding out about these various issues. Like why there is more suicides than combat deaths, and many, many, many various other things that go on that I just can't get into right now. There's not time, and it's not the place for it.

Ms. Yamin: You did not continue with the Seroquel?

Mr. Petrenko: No, absolutely not. What all the marines and other people do is they'll try to drink, or something like that. I tried drinking too, and that was very bad. That was maybe for like ... I had a couple beers, and it actually made me much more sad. Just like the Seroquel did. Like I'm saying, at this time I started to really begin to research what the symptoms, and why these pills and the alcohol had such an effect on me, and I started to learn a lot about toxins, and things that were bad for your body, things that affected your mental state, your actually chemistry, and physical make up of your body.

For example, when I was in Iraq I was a hardcore body builder. I was 225 pounds, 6% bodyfat, but I'm not sure exactly what the reason was. I believe it was the realization of ... I signed up to defend this country from all enemies, and what I ended up learning was that was not necessarily the case, and there were just as many, if not more, domestic enemies as there were foreign enemies. These are the same people wearing the uniforms just like everyone else. Policing themselves. People of higher ranks and higher authorities. People whom other people are too scared

to hold accountable because of the system they're placed into. Especially the lower ranking marines, and it's a common practice to-

Ms. Yamin: Sir, I want to interrupt to go back to the track that we were on. You mentioned that you were prescribed a number of medications. We talked about Seroquel. That you tried it and then you discontinued taking it. What else were you prescribed?

Mr. Petrenko: I don't really remember. They tried to give me some other stuff, and this was years ago. I started to do research, and what the various pills have to do, and all their toxins, and all their effects-

Ms. Yamin: You don't remember any of the other medications you were prescribed?

Mr. Petrenko: Long time ago. I just remember Seroquel in particular. That was basically-

Judge Move on to the next question, please.

Ms. Yamin: Okay. We got on this track because you mentioned the dishonorable discharge based on cannabis use.

Ms. Sallers: No, it's not dishonorable.

Mr. Petrenko: Yes. Absolutely.

Ms. Sallers: It's not dishonorable.

Judge Excuse me.

Mr. Petrenko: It's not dishonorable, right, right, right.

Judge Excuse me.

Ms. Sallers: I'm sorry.

Judge We don't interrupt.

Ms. Yamin: Sorry.

Mr. Petrenko: Other than honorable.

Ms. Yamin: Other than honorable.

Mr. Petrenko: Very, very big difference actually.

Ms. Yamin: Excuse me. The other than honorable discharge based on cannabis use. When did you begin using cannabis?

Mr. Petrenko: This is after I realized the even worse effects that these other various drugs that were being introduced to me by the official Health Department or the VA at the time were actually seriously harming me and worsening my condition. I started to research what actually would help my condition, and I started to learn a lot of information about cannabis, and how it has been in society for thousands of years. How it was-

Ms. Yamin: Roughly how long ago did you start using cannabis?

Mr. Petrenko: When I began to self-medicate during the time with what was going on in the military.

Ms. Yamin: Two years ago? Five years ago?

Mr. Petrenko: When did I start self-medicating?

Ms. Yamin: Yes.

Mr. Petrenko: It was when I was in the military, so I would say ...

Ms. Yamin: Do you still use cannabis?

Mr. Petrenko: Absolutely. Yes.

Ms. Yamin: How much cannabis and in what form? We'll start with what form of cannabis.

Mr. Petrenko: There are many different kinds of forms. My only purpose is to help me sleep for my various symptoms of PTSD. Sometimes if I ...

Ms. Yamin: Do you smoke it? Do you eat it? Do you ...

Mr. Petrenko: Right now the healthiest form of ingesting cannabis is actually through, it's called Rick Simpson, cannabis oil. This cures cancer and all kinds of various other ailments, and it's very good for you. Most commonly that is what I do.

Ms. Yamin: The cannabis oil ...

Mr. Petrenko: I put just a little bit on my fingertip and I eat it.

Ms. Yamin: How often do you do that?

Mr. Petrenko: Whenever I feel my symptoms.

Ms. Yamin: How often do you feel your symptoms?

Mr. Petrenko: It all depends. I couldn't tell you.

Judge During the week how often do you usually use it?

Mr. Petrenko: I'd say at least once or twice per day. Usually in the morning and in the evening time. Upon waking and going to bed.

Ms. Yamin: You mentioned you use it when you feel your symptoms. You mentioned for sleep. Is that one of your symptoms of-

Mr. Petrenko: Oh, yes. Yes, and there's other ones as far as the VA is concerned. Not just PTSD. I've had serious back problems, sleep problems, nightmares and stuff from what was going on.

Ms. Yamin: Other than the sleep problems and the nightmares what are your other symptoms currently of PTSD?

Mr. Petrenko: Sometimes I'll have body aches and stuff, and sometimes I'll be sad. Especially since we have an ongoing case and stuff going on with them.

For example, if your kids are taken away from you, and you feel that it's completely unjust. You will be sad.

Ms. Yamin: You mentioned sadness and depression. Have you ever had any suicidal thoughts or attempts?

Mr. Petrenko: There has been times. Especially when you're put in situations where you feel like there is nothing you can do. There have been times, especially while the VA was not hearing at first, or I literally had called in, for example, to Military OneSource just to talk to somebody because I would get very, very, very sad. Because I felt the full weight of the anvil of injustly receiving the other than honorable discharge, and the VA acting as if we were some sort of criminals, and our family not knowing what was going on because they received a letter saying we were a fugitive, and all this other stuff, which in the long run did end up getting overturned after all. It's just there are times in people's lives when they are put under much more stress than they normally would, and that was certainly one of those times. I would not necessarily ... The only sense ... You said suicidal is because, yes, I was very sad, and I had an option. It's like, "What's the point of even being alive if everyone's just going to be all unfair all the time and injust."

Ms. Yamin: What about hurting others? Have you ever hurt others or thought about hurting others?

Mr. Petrenko: Well, I'm not a violent person. I am a trained professional in the military, which I signed up for intentionally. I did sign up to be a warrior to defend the oath that I took, and from any terrorists, or any people that are trying to attack the nation, attack our home, attack our families and our soil, whether it's foreign or domestic. As far as violence, only what the actual federal has trained me to be, but me personally? No. I am not a violent person. I would never, ever wish harm upon anyone. Often times I'll see people hurt or something on TV, even little cats and dogs, and it's like, "Man, why can't we all just get along?" Love is very important for me. I believe that is what everything is founded upon. I believe the entire universe was created purely based on love, and that as man and woman, as human beings, we are very responsible for this in every angle. You should always do onto others as you would like to be done onto yourself, is the golden rule.

Ms. Yamin: You mentioned that you were trained. You're a trained professional as a warrior, you said.

Mr. Petrenko: Absolutely. Yes.

Ms. Yamin: Does that include hand to hand combat type training?

Mr. Petrenko: It particularly includes the assessment and restrainment of, for example, rules of engagement, and whatnot, and how to conduct yourself properly. Because you are dealing with very various serious things when talking about firearms, and guns on your hips, and other people involved, and whatnot that don't have weapons. Et cetera, et cetera.

Ms. Yamin: But you were also trained to hurt someone if needed?

Mr. Petrenko: Absolutely. Oh, yes. Oh, yes. Very much so. You are trained to be a professional in the military. Rifleman first. If you can't shoot you're kind of not really a marine.

Ms. Yamin: Do you own any weapons now?

Mr. Petrenko: Nope. In the Marines we were trained, "One mind any weapon," so you could say that this cup is a weapon, but I'm a peaceful person, and I'm a lover, and I'm no longer in the Marines. I have no reason to use any weapons against anybody ever. When my family was assaulted I was put under a lot of pressure to defend my family. Deadly force was used against me in order for the men to assault and molest my wife, and children, and myself. I just want it to be very clear that don't think I could not have defended myself. I specifically chose not to because I am a peaceful person, and it is starting to become very, very clear and more evident that everybody's just trying to protect themselves and their own interests. Even the police department that was there at the time.

When you go on to as far as a person to person level I understand. They came there, they responded to a scene, but as soon we let them know multiple times on all the of their requests that everything was okay. Stephanie said everything was okay. I said everything was okay. They asked to show our hands, and as soon as we show the hands and

everything they would go away. There were multiple times where we did what was requested and police officers still would not go away. They continued to harass us, and they broke ... they destroyed our property and broke into our home.

Ms. Yamin: I do want to discuss those events, but I want to go in order so that it makes sense. What's the date that you're referring to?

Mr. Petrenko: What are you talking about?

Ms. Yamin: This incident that you're talking about.

Mr. Petrenko: The police that came over?

Ms. Yamin: Yeah. What was the date?

Mr. Petrenko: February 16, 2016.

Judge I want to give you ... If we're going to be talking about that as this juncture, sir, my understanding is that you have criminal charges pending in District Court in an assault in the 4th degree, so when you're talking about the incident, if you choose to talk about the incident, please be aware that anything you say can and will be used against you in a court of law. You do have the right, if you wish, to take the 5th Amendment when you're talking about the particular incident so that you don't have to make any statement that could be used against you because we are being recorded, and it would be ...

Mr. Petrenko: I do agree. Everything said in this court case can and will be used in any other courts that is needed as documented evidence for myself as well as any other parties.

Judge I'm just talking about more, in particular, the specific events, if Ms. Yamin gets into it, regarding you and your wife.

Mr. Petrenko: Ah, yes. Thank you. I really appreciate that.

Ms. Yamin: As was indicated previously, you do have the right to an attorney who might be able to advise you regarding what you could or should not ...

Judge Correct.

Ms. Yamin: ... say in terms of your 5th Amendment rights. Is that something you're still asserting?

Mr. Petrenko: As far as some sort of pending court cases I'll plead the 5th not to speak anything of it right now.

Ms. Yamin: I will continue to ask questions. You can choose to say, "I plead the 5th," to any of the questions that I ask.

Judge Correct.

Ms. Yamin: February 16th was the date that you mentioned. Did you and your wife have any kind of argument that day?

Mr. Petrenko: I was making a cup of cocoa. The day before I paid for something on a video game, and our rent had just gone up $100, Stephanie said, "Oh, you're not going to make your cocoa unless you get this squared away." As I was holding it she reached for the cocoa, and it ended up, because the surface was slippery, I just poured water into it, and it was on the counter top, and I think she was on the phone with her parents or something at the time, and the cocoa that I was making, the jar ended up falling on the ground. Basically from what I remember it was very shortly after that we had police knocking on our door, and apparently I was charged with assault.

Ms. Yamin: You were making a cup of cocoa. It spilled, it sounds like?

Mr. Petrenko: Yes. Yes. It fell. It shattered on the ground. I was like, "Hey! Watch out for my cocoa! Now I've got to clean this up!"

Ms. Yamin: Ms. Sallers was on the phone with her family at the time? Is that what you said?

Mr. Petrenko: Yes. I think she was on the phone with her mother, or it would be my in-laws.

Ms. Yamin: At that point had you hurt her in any way?

Mr. Petrenko: Other than the cocoa dropping on the ground and making a lot of noise, absolutely not. I did not hurt anybody in any way, shape, or form, whatsoever.

Ms. Yamin: Do you know any reason why she might have said that to her family?

Mr. Petrenko: I do not believe she said that to her family in any way, shape, or form. I did not hear it. I was there the whole time.

Ms. Yamin: Do you have any reason to believe that she said that she believed that you would kill her?

Mr. Petrenko: Absolutely not. I believe that a statement like that could only possibly be fabricated by somebody else because there's no way that my wife or my family would say that. This is just coming from me based on how I know my family.

Ms. Yamin: Did she at any point drop the phone?

Mr. Petrenko: I think while the cocoa fell down. I don't remember she reached with one of the hands. I think she was holding Mosey in the other, or something like that. I pretty sure the phone actually fell at the same time as that.

Ms. Yamin: Any reason why the family would've reported hearing a choking sound?

Mr. Petrenko: I do not know anything about a choking sound. Apparently, I found out that my wife was strangled, by one of the police officers, to the point of blacking out. Upon awakening ... Notice that they did this specifically knowing that I was filming, so they moved her. They with deadly force held me down on the couch and then made Stephanie ... They assaulted her, and pushed her off to the side out of earshot and sight of the camera, so I didn't even know about this at the time. Apparently ...

Ms. Yamin: It's your belief that the police choked your wife. That, that was not you who choked your wife?

Mr. Petrenko: I did not choke my wife. No way. No way. This is just some sort of fabrication somebody made up. I've reviewed the statements. I'm trying to understand. Was there a question? What was the last thing you said?

Judge Ask another question, please.

Ms. Yamin: At any point in the past, prior to this date of February 16th, have you and your wife had any arguments that became physical?

Mr. Petrenko: No. Absolutely not.

Ms. Yamin: Do either you or wife work outside the home?

Mr. Petrenko: We're always working. Work is never done.

Ms. Yamin: Outside the home do you have jobs?

Mr. Petrenko: I'll go to the store. Every now and then I'll help somebody out. I can help fix somebody's car. I'll work on my own car. Something like that.

Ms. Yamin: How do you support yourselves? How do you pay your rent, food?

Mr. Petrenko: We are provided by the VA a certain amount each month, and this is allocated towards our family's needs, towards the children's needs, towards Stephanie's needs. It pays for the rent and the food.

Ms. Yamin: Are these your VA benefits or hers?

Mr. Petrenko: These are my VA benefits. Stephanie's ... These are my VA benefits at the time.

Ms. Yamin: Does she qualify for VA benefits that you're aware of?

Mr. Petrenko: I plead the 5th on that. Absolutely. Yes, she does qualify, but it's something that's still in process, so I don't want to talk about it.

Ms. Yamin: Who makes the decisions in your relationship?

Mr. Petrenko: Pretty much all of our decisions are joint. If Stephanie is not around for any reason, at the store or whatnot, obviously I make the decision. If I'm not around for whatever reason Stephanie will make the decisions, but whenever we're together we always make joint decisions because I feel like that's the best way to move forward anything.

Ms. Yamin: Would the same apply to care of your children?

Mr. Petrenko: Absolutely. If I wanted to take care of my kids a certain way I would have to tell my wife. This is a joint decision, so yes. Yes. Of course.

Ms. Yamin: For example, issues related to the healthcare of the children.

Mr. Petrenko: There are no issues with their healthcare.

Ms. Yamin: By that, do you mean that they've been checked out and everything's fine?

Mr. Petrenko: I plead the 5th on that. I feel some sort of strange, aggressive tone, and I'm not sure how to respond to that right now.

Judge Sir, the 5th is in regard to the assault because you're pending criminal charges. Just to let you know, so go ahead.

Ms. Yamin: Have your children been to the doctor?

Mr. Petrenko: I'm not going to respond to that question.

Judge Next question.

Ms. Yamin: You mentioned that your family was assaulted by the law enforcement officers. What do you mean by that?

Mr. Petrenko: They broke into my home and they assaulted my family. What do you mean by that? What do you mean what do I mean by that? They broke into my house ...

Ms. Yamin: Why did law enforcement come to your home?

Mr. Petrenko: ... and assaulted my family. I saw them jerking my baby out of my wife's arms. Putting their hands on her, ripping her hair out, and doing all kinds of stuff. Right before they even took it behind the camera. The whole time I was prevented from being able to do anything about it and from defending my family with the threat of deadly force. With the threat of being tased.

Ms. Yamin: Did anybody ever say to you that you were going to be tased, or injured, or hurt, or-

Mr. Petrenko: Yes. Absolutely, and I have that on video.

Ms. Yamin: Do you have that video with you?

Mr. Petrenko: I do.

Ms. Yamin: Great. Do you have it in a format that we can view?

Mr. Petrenko: I have it on my cellphone.

Ms. Yamin: If it's agreeable to the court?

Judge Go ahead. Ma'am, you'll have an opportunity to cross when we're done with this.

Mr. Petrenko: I just want to make sure this video remains in my possession.

Judge I'm not taking it.

Ms. Yamin: Nor, will I.

Mr. Petrenko: Because I could just make a copy if necessary. What was the ...

Ms. Yamin: You said that law enforcement assaulted your family and threatened your family, and threatened that you would be injured or tased.

Mr. Petrenko: Absolutely. Oh, yes.

Video: I have people surrounding my house.

Mr. Petrenko:	Just give me one second.
Video:	I'm a peaceful ...
Mr. Petrenko:	I specifically remember that.
Video:	Currently being damaged. My property ...
Judge	Can you turn it up if possible on speakerphone so that we can get it into the record?
Mr. Petrenko:	Yes.
Video:	[inaudible 00:54:40] No, I didn't.
Judge	I don't know if we'll be able to see it, but we'll be able to hear it because we don't have ability. Yes?
Ms. Sallers:	Your Honor, if we may be able to make a copy and put on disc and give it to the court?
Judge	You'll be able to do that for the fact finding, but not for right now because we're moving forward at this time, but we can hear it.
Video:	[inaudible 00:55:10] No!
Judge	Provided it meets all of the evidentiary rules for presenting.
Ms. Sallers:	It was right before he jumped in the windows when they were trying to tase him.
Judge	Well, ma'am, you're not giving testimony right now.
Ms. Sallers:	Sorry.
Video:	Are you kidding me?!

Mr. Petrenko: There it is.

Judge: Sir, are you at the beginning of that?

Video: Sir, sir ...

Mr. Petrenko: I'm finding the spot that it's in. He said, "If he comes near me tase him."

Judge: Well, I'm not going to just listen to a small portion of the situation. How long is the actual video?

Mr. Petrenko: I have one video for 15 minutes. One video before the break in and the assault for three minutes, and another one for a minute 20 seconds also before the break in.

Judge: I really don't want to just listen to piecemeal parts of this, so we'll reserve on that for right now. We'll look about listening to the rest of it maybe this afternoon, but I'm not going to just listen to bits and pieces. It's either all or it's nothing.

Ms. Yamin: Why were the law enforcement officers at your home?

Mr. Petrenko: On some sort of, from my understanding, fabrication call that was made from out of state. It was not made by Stephanie. It was not made by any neighbors or anybody nearby at the time, and apparently I had assaulted her according to the allegations. This is completely wild and untrue, and a complete fabrication, which is why when we let them know that everything was okay, and everything was fine, and there was no parties harmed or anything we were so surprised when the police officers would refuse to leave. Even though they said they would once they found out that we were okay.

Ms. Yamin: What were the police officers asking of you? Were they asking to meet your wife?

Mr. Petrenko: First ... I'm trying to understand because this isn't even. This about where the kids are going to go. The court case for this stuff is next week.

Judge No, sir. This is about why the children should continue staying removed from your home.

Mr. Petrenko: Oh, okay. Well, yes, we cooperated. Stephanie was asked to declare by herself that she was fine, and she did. [crosstalk 00:58:11] They gave us many various stipulations-

Judge Sir, you need to listen to the question, please.

Ms. Yamin: Did they ask to speak with Stephanie outside of your presence?

Mr. Petrenko: I'm not aware of this. From my understanding, everything that we were asked to do we did, and they broke in and assaulted us regardless.

Ms. Yamin: In that video they never at any point asked to speak with your wife without you present?

Mr. Petrenko: Everything they had asked for we had done, and multiple times they requested we do something we did it. Then they said, "Okay. Yeah, we'll go away," or whatever, and they did not.

Ms. Yamin: Did she speak with them without you present?

Mr. Petrenko: Absolutely.

Ms. Yamin: When was that?

Mr. Petrenko: The first time that they spoke with anybody I was not there at all. I was completely in a different part of the house and everything.

Ms. Yamin: Did they ask to check on the welfare of the children?

Mr. Petrenko: Anything that was asked of us, the welfare of the family, the welfare of anybody, it was confirmed that everybody was okay and everything was fine.

Ms. Yamin: Did you allow them to see all three children?

Mr. Petrenko: Everything that was asked us we confirmed, and we ...

Ms. Yamin: I don't think you're asking my question. Did you allow them to see all three of the children?

Mr. Petrenko: Absolutely. All three of the children were seen. My wife was seen and myself was seen, and it was seen that we were all perfectly fine, and nobody was harmed. Yes.

Ms. Yamin: Without getting into the details of your charges, is there currently a No Contact Order in place?

Mr. Petrenko: I was issued a charge for Assault 4, and as a result of this I believe they automatically issue a No Contact Order. I find that very interesting because ... It may be better because we have something coming up about this, so I'm not sure if I should ... Basically, it's from my understanding we're definitely, absolutely being conspired against.

Ms. Yamin: By whom?

Mr. Petrenko: By the Vancouver Police Department, and we will file a claim against them for that.

Ms. Yamin: What [crosstalk 01:01:06] Why would the police department conspire against you?

Mr. Petrenko: Because, in my opinion, once they realized that they were truly not within their rights, and they had been harassing us, and banging on the doors and windows that they literally had to protect themselves. This is very, very commonplace. This happens not only in the military all the time. This happens in many police departments all around, where they will keep various guns and drugs from cases so that they can later plant it on people. For example, you can shoot somebody, and just to protect yourself you can plant a gun that you had from a different case, or whatnot. This does happen all the time.

Judge Ms. Yamin?

Ms. Yamin: Yeah?

Judge Do you have any ... I have the psychologist. I'd like to finish up with the father if you're almost there.

Ms. Yamin: Almost. Yes.

Judge We can take a break, and then I can get mom to start asking her questions, or we can save cross perhaps even until this afternoon at 1:30.

Ms. Yamin: I have, hopefully, just a few more questions. The No Contact Order, is that something that you will abide by?

Mr. Petrenko: As of right now I have created documents that I will send into the court to have that, for the safety of my family, and especially my children and their well-being, to be removed as soon as possible. Whatever means I need to do this I will do, and if it comes down to the court case on Monday or before that for the no contact to be removed then whatever it takes I will ...

Ms. Yamin: Assuming it is in place or assuming the court tells you you're not allowed to have contact with your wife, will you abide by that?

Mr. Petrenko: Absolutely. However, all these charges are completely fraudulent, and this is all based on a conspiracy and fabrication, so that is why it is very important for me to address this issue immediately and get it removed. That's what I've been working on.

Ms. Yamin: Do you believe that the court has the authority to regulate your behaviors in that way?

Mr. Petrenko: I'm not sure what you mean by that. The court has the authority to regulate your behaviors?

Ms. Yamin: Do you think the court can tell you what do in regards to this case?

Mr. Petrenko: If something is completely fair, just, legal, and lawful absolutely, but if something is based on fraudulence, or perjury, or any type of conspiracy, or anything like that, no way. But if something is issues and I

do not agree with it I will follow the proper procedures in order to have it removed.

Ms. Yamin: Have you had contact with your wife since the No Contact Order was put into place?

Mr. Petrenko: In this court today. Yes, I have.

Ms. Yamin: Prior to that?

Mr. Petrenko: I actually did see her in jail because the order had not been issued yet, and they were trying to separate us from the very get go in order to continue their conspiracy against our family and our rights. The Petrenko family.

Ms. Yamin: Did you and your wife come to an FTDM with identical statements?

Mr. Petrenko: What is a FTDM?

Judge Family-

Ms. Yamin: A meeting at the department.

Mr. Petrenko: At what department?

Ms. Yamin: CPS.

Mr. Petrenko: Pardon me?

Ms. Yamin: Child Protective Services. Did you attend a meeting by phone?

Mr. Petrenko: Oh, yes. Yes, I did. I did attend a meeting by phone. I was the authorized representative.

Ms. Yamin: Did you have a statement that was identical to that of your wife?

Mr. Petrenko: No. No way. I don't even know what kind of statement my wife had, to be honest with you. We just got into the courtroom here today. I do know, however, that before we were separated and removed that we

have extensively studied certain things, so if there was some sort of case that ... I'm not even sure what you're talking about.

Ms. Yamin: Are you allowed to reside in your current residence?

Mr. Petrenko: No, I'm not.

Ms. Yamin: Why is that?

Mr. Petrenko: Apparently, according to the court order, I can make a one third party contact in order to go home and pick up my things, and then third party contact for visitations from my children, but regardless all of this is based on fraudulent ...

Ms. Yamin: Do you have-

Mr. Petrenko: ... statements, on perjury, and on conspiracy.

Judge Sir, let's just answer the question.

Ms. Yamin: Do you have a place? A safe, stable place ...

Mr. Petrenko: I have multiple places.

Ms. Yamin: .. where you could have ...

Mr. Petrenko: Safe. Stable. Absolutely.

Ms. Yamin: ... the children placed with you?

Mr. Petrenko: Yes. Absolutely.

Ms. Yamin: Where would that be?

Mr. Petrenko: Either my neighbor's house, my cousin's house, my family's houses.

Ms. Yamin: Have you provided any of that information to Child Protective Services?

Mr. Petrenko: No. Child Protective Services has also not provided me with any information. They have no provided me with any charges. They have no provided me with any type of-

Ms. Yamin: Were you provided with the petition?

Mr. Petrenko: Today, yes. Five minutes before the hearing started.

Ms. Yamin: Were you invited to a family meeting to discuss the information and possible placement of the children?

Mr. Petrenko: Yeah. I had to find this out on my own, and this was right after I was released from custody, which I should've never been in in the first place. What was the question again?

Ms. Yamin: I think you've answered it.

Judge Any further questions?

Ms. Yamin: No, I think we're good.

Judge What I want to do right now is it's 10 to 11:00. I do have another witness from a different case I need to take. I'm going to take a recess with this case and we're going to come back at 1:30. It will not be here. I want to be very clear about that. It will be down at the Family Law Annex, which is a block and a half down at the corner of Evergreen and Franklin Street, in courtroom number one. I think it's .. What is it? 601 West Evergreen. I think that's the address. I can never remember the address. We'll return and continue in my real courtroom actually at the Family Law Annex at 1:30. Ma'am at that time you'll be able to do cross for your husband, and then we'll see how far we can get with this case.

Ms. Sallers: Thank you, Your Honor.

Judge Thank you very much.

Mr. Petrenko: Thank you.

Judge I'm going to say here. You guys need to leave because I have a different witness from a different case that I have to do.

Ms. Sallers: Sorry, Your Honor.

Judge That's okay.

Speaker 9: How are you doing today?

Speaker 10: How are you?

Speaker 9: Good.

Speaker 10: Good.

Judge We can go off the record for just a minute.

---BREAK---

Judge: If you have any electronic devices, please take the opportunity now to turn them to the silent position. No recording or photography without court permission.

Let me just login. See if judge logged out, I don't think he did. Okay, need to log out, because Judge Rulli didn't.

Ma'am, if you would move up to the witness stand. I'm sorry, if you would move up to the table. Sir, you're still on the stand. If you would be kind enough to take your place.

Ilya: Okay, witness stand?

Judge: It's right over there, so you have to go around. As a reminder, and I just need to finish logging back in, so as I'm doing that just bear with me. Let me get this out of your way.

Ilya: Thank you so much.

Judge: Ma'am, I believe we're going to start cross. As a reminder, because you probably don't know this, but when you do cross basically your questions are based on the information that is brought in by the Attorney General's Office, that they brought up, and then at a later date when we come back and it's your turn, you can always put him back on the stand for more information, okay?

Stephanie: Okay, thank you.

Judge: Okay, so proceed.

Ilya: Oh, okay - [crosstalk 00:02:09]

Judge: Okay, I'm sorry.

Attorney: I just wanted ... Be clear father is still under oath, or is he being resworn in?

Judge: No, I indicated earlier that you are still under oath, and you do understand that sir, or would you prefer to be -

Ilya: Yes ma'am, I have something. A piece of paper I filled out here, to the best of my beliefs. It's a Notice of Rejection of All Statements Made in this Court by Ilya Petrenko, from the earlier session.

At the time, I requested to be taken off the record on account of duress at the time the statements were made, as witnessed by the court at the beginning of the proceedings.

I was having hot flashes. I was under a lot of stress. You know, seeing the armed deputies there. I don't know if was the same people that I saw with my family or whatnot.

I was coerced into believing that I was making an appearance for any reason, other than requiring that my property be returned to me. I just wanted to make that be known, and that's [crosstalk 00:03:03] -

Judge: Do you want me to file that in the court file, sir?

Ilya: Yes, please.

Judge: I can certainly do that.

Ilya: Thank you ma'am. I appreciate that.

Judge: All right, let's continue.

Ilya: From here on out I am perfectly competent, thanks to your recess that you have offered us. It's given me time to gather my composure, and now every statement made, I absolutely am under oath and everything, so thank you.

Judge: Sir, I appreciate your statement. However, please be aware that you were under oath. I did give you opportunities to set this matter over. You decided not to do that, so the statements you made earlier do come into the record, and into the court's consideration.

Ilya: Okay.

Judge: Do you need me to swear you back in again? Do you understand that you are now still under oath from earlier this morning?

Ilya: I'd like for you to go ahead and swear me back in, just to get it cleared up.

Judge: I think that would be fine. Raise your right hand, please. Do you promise to tell the truth, and nothing but the truth regarding this matter?

Ilya: I promise to tell the truth, and nothing but the truth, regarding this matter.

Judge: Thank you very much. Again, state your name please and spell your last name.

Ilya: My name is Ilya Petrenko, P-E-T-R-E-N-K-O. As a man, I believe you have my property, and I require that it be returned to me.

Judge: Okay sir, I'm not asking for a statement. This is now cross, which means that your wife now has the opportunity to cross examine based on the information that was asked earlier this morning.

Stephanie: Off of the petition?

Judge: Whatever she asked that's what you have to focus on, and move forward.

Stephanie: Ilya, do you understand why you are here today?

Ilya: Yes, because I am a man, and I believe as a man that this court or the state or whoever has my property, and I'm here to require that it be returned to me.

Stephanie: As the father of the created property, you're requesting that it be returned to you. You do understand that the CPS has secured your property for you, and protected your property?

Ilya: Yes, yes absolutely. The government, government entities, the state whomever, they have secured my property. Yes indeed, this is a fact. According to my beliefs as a man, I believe you do have indeed, the state has my property. I simply require that it be returned to me.

I also have a statement that could put in for that in writing, if that is required as well; verbal and written.

Judge: That's not part of cross right now, but ma'am continue with your questions.

Stephanie: Under the requirement of the restoration of your property, what proceedings would you like to come from the case presented before you today?

Ilya: I believe that the state of Washington has my property, and whoever its representatives are maintaining my property. I simply require that the state returns my property to me, now that it has been secured.

Stephanie: Also, I'd like to state and ask you whether as a man and as a woman, you know that whether or not you have committed any crime, or there have been any charges brought against you for your property being displaced from yourself?

Judge: Before you answer that, again I want to remind you of your constitutional rights. We are being recorded. Anything you say can and will be used against you in a court of law. I do know you're facing an Assault 4 at this juncture. I'm just going to caution you. You have the right now to answer questions in regard to any alleged crime that is currently occurring, or that you've currently been charged with, or might possibly be charged with. Do you understand that sir?

Ilya: Yes ma'am.

Judge: Okay.

Ilya: As a man, I believe that the state has my property, and I simply require that it be returned to me.

Stephanie: You're also stating that any comments or hearsay of this case is incorrect, and that you did not do anything to harm your property?

Ilya: I believe that - [crosstalk 00:08:25]

Judge: Could I have clarification first? Can you explain or specify what property it is that you're talking about?

Stephanie: Yes, Your Honor.

Judge: Thank you.

Stephanie: I am talking about my natural born property of the mother and the father, created property from my womb, my son Malachi Maximus, my son Ezra Zachariah, and my son Moses Ariel.

Judge: Okay, thank you for clarifying it. Sir, you can answer the question if you choose.

Ilya: What was the question again?

Stephanie: I am asking whether you understand that have you committed any crime, or has there been any charges that are withstanding, not made under perjury or false statement, or fraudulent, that would prevent you from having your property returned to you?

Ilya: I have not committed any crimes. Whether my property is a tricycle, a unicorn, my children, it is irrelevant. I believe that the state of Washington has my property. At this point, I require that it be returned to me.

Judge: Sir, again for clarification, you're indicating that the three sons Malachi, Ezra and what's the other one?

Stephanie: Moses.

Judge: Moses, thank you, are the property that you're referring to, right?

Ilya: If the state of Washington has my children, they are my property, and I require that my property that the state of Washington has, be returned to me.

Judge: All right, thank you.

Ilya: You're welcome.

Stephanie: Could you admit without a doubt that there was not an assault that occurred in the residence, or the home of the Petrenko family?

Ilya: The only thing that I can certainly admit without a doubt is that there was an assault on my family, by the Vancouver Police Department. Absolutely no way, shape, or form, was any of my family members participating in any type of harm towards my family. It was outside parties that were assaulting my family.

As a result of this, the state of Washington has secured my property, and I do require that it be returned to me.

Stephanie: Basically, anything that is requested here or any of the questions that I ask you, are only going to require the restoration of your natural property to be returned to you?

Ilya: As I have noted that the only reason that I have made a special appearance today, for no other reason, no type of order, official, written, or anything. The only reason I'm appearing here is because I believe the state has my property, and I require that it be returned to me.

Stephanie: Is there any other requirements that go with that property being returned to you in regards to the state of mental capacity, the state of well being, the disposition of probiotic nourishment for the children. Do you believe that that has been infringed upon, and been taken away from you to provide the proper health care for your children, for your sons?

Ilya: Absolutely, there are many reasons why people believe that my property has been taken from me. As of right now, the only thing that anybody knows for sure is that the State of Washington has my property, and as a man I simply require that it be returned to me. That is the only purpose for me appearing here today.

Stephanie: Do you feel that there was any wrongdoing or harm done unto your family during the process of this petition case, stating that law enforcement officers attempted to obscure your property from your home?

Ilya: Absolutely, whatever they did, it made it so that the state of Washington has my property. I believe that the state of Washington has my property, and I simply require that it be returned to me.

Stephanie: Okay, also I would like to know if you have been harmed in the disposition of your property, your sons, Malachi, Moses and Ezra?

Ilya: I was absolutely harmed. I was traumatized, physically molested by the police officers. Whatever ended up happening resulted in the fact that the state has my property, and I simply require it be returned to me.

Stephanie: Also, I would like to ask you whether you have a concern with the health, safety, and welfare of your property being in the custody of the state of Washington?

Ilya: It is a very, very, very concerning to me. As a responsible man, and as a responsible man for a man's property, I believe that it has been secured by the government, by the state of Washington, and now I simply request that my property be returned to me. I require that my property be returned to me.

Stephanie: Do you believe that allegations made in regards to Ms. Salyers, myself, Mrs. Petrenko with the maiden name Salyers at the moment, was assaulted and her property was removed from her custody without proper consent?

Judge: Could you rephrase the question, please?

Stephanie: Yes, Your Honor. I would like to know if you believe that your property was secured and protected by CPS through your consent, or your wife's consent during this proceeding?

Ilya: Officially, no consent was given, which is why as of right now, I understand that the state of Washington has my property, and I simply require that it be returned to me.

Stephanie: Do you understand why your property had been displaced in the first place, and offered to the Child Protective Services?

Ilya: The government has secured my property, and I believe that they have it. I simply require that it be returned to me. Clearly, for whatever reason it may have been taken out of fraud, or because whatever the case might be. My family was assaulted. I believe that the state of Washington has my property, and I just require that it be returned to me.

Stephanie: Do you understand that the reason for your property being displaced is because you were being detained at the moment, and that your property should be rightfully returned to you upon dismissal of being detained?

Ilya: I am here because the state has secured my property, and the reason for my being here is because I require it be returned to me.

Attorney: Objection, non-responsive.

Judge: Sustained. Sir, you need to respond to the question that's asked.

Ilya: The question?

Stephanie: Do you understand that the only reason that you're property was taken from your custody is because you had been detained?

Ilya: I understand that the government, the state of Washington, has secured my property. Even if was a result of some sort of unlawful or illegal detaining, the facts are [inaudible 00:18:14]. Only God can truly prove the facts. I do believe that you have my property, and I require that you return it to me as the state of Washington.

Stephanie: Do you understand that on your release of being detained, that your property can be returned to you?

Ilya: Absolutely, of course because the state of Washington has my property, and I believe this. I require as a result of this, that it be returned to me.

Stephanie: Any question I ask you, your only requirement of the restoration of your property, at any and all times?

Ilya: That's right. The only purpose of me being here from beginning to end, for whatever reason. The only reason is because I believe the state or the government has my property, and I simply require that it be returned to me.

Stephanie: Since you're testifying under oath, this is public, this is a record for can be used in any court and any time, and it can be pulled at any time, and records can be used for or against you. You know that ... Have you requested or consented that the state of Washington hold your property from you or your wife at any time or for any reason?

Ilya: Absolutely not. The only thing I have ever requested from the state of Washington is that I believe they have my property, and I simply require that it be returned to me. That is the reason I am here.

Stephanie: Do you feel that any person, or corporation, or state, or agency, or social worker provided counsel, has the right to secure your property, while you are not being detained?

Ilya: I believe that the government is supposed to secure property, and then once I find out that they have secured my property, I simply require that it be returned to me.

Stephanie: No further questions, Your Honor.

Judge: Any redirect?

Attorney: Yes, Your Honor. When you refer to your children as property, does said property have any rights of its own?

Ilya: I believe that the state of Washington has my property.

Attorney: Can I take that as a no?

Ilya: I simply require that it be returned to me.

Judge: Sir, that's non-responsive to the question. Could you answer the question that is asked of you, please?

Ilya: What was the question?

Attorney: Whether your children you're describing as property, have any rights of their own under your definition of property?

Ilya: Whether it's a tricycle, or a unicorn, or my children, I believe that the state has my property, and I require that it be returned to me.

Attorney: You can treat your children the way you would treat your tricycle, without any impact?

Ilya: I believe the state has my property. I require that it be returned to me. Children should only ever be treated with the utmost love, care, and respect, and be raised to be good men.

Attorney: What about your wife, and your treatment of her?

Ilya: Pardon me, what is the question?

Attorney: Are there constraints on your ability to treat your wife in one manner or another?

Ilya: I am only here to establish that the state of Washington has my property, and I simply require that it be turned to me.

As a married man, my wife is my world and is very, very important to me. We make all of our decisions together, if we are not forcefully separated. As of right now, I understand that the reason for me being here, is because I believe you have my property, and simply require that you return it to me.

Attorney: You made a statement earlier about your testimony from this morning. Was any of your testimony inaccurate?

Ilya: Because I was under duress, and I was under stress, I requested -

Attorney: My question was whether it was inaccurate.

Ilya: As far as the reason for me being here, is I believe you have my property, and I require that you return it to me.

Attorney: Okay, did you understand what it meant to be under oath?

Ilya: Absolutely.

Attorney: Did you testify honestly this morning?

Ilya: I was under duress. I was stressed out. My only reason for being here this morning and now, and no other reason, is because I believe you

have my property, and I require that you return it to me. This has been entered in writing.

Attorney: No further questions.

Judge: Thank you, witness may step down.

Ilya: Thank you.

Judge: Next witness, please.

Attorney: State calls Stephanie Salyers.

Judge: Come forward, please. Ma'am, raise your right hand, please. Do you promise to tell the truth, and nothing but the truth regarding this matter?

Stephanie: Yes, Your Honor.

Judge: Please take a seat, state your name, spell your last name for the record.

Stephanie: Stephanie [Moralda 00:24:17] Salyers.

Judge: Spell your last name, please.

Stephanie: S-A-L-Y-E-R-S.

Judge: Okay, thank you, proceed.

Attorney: Thank you.

Ms. Salyers, I understand that you and your husband have been married for a number of years, based on his testimony this morning. Is that accurate?

Stephanie: Yes.

Attorney: How did you and your husband meet?

Stephanie: In the Marine Corps.

Attorney: How long were you in the Marines?

Stephanie: One year.

Attorney: What caused you to leave the Marines?

Stephanie: Military sexual assault.

Attorney: Have you had any evaluations or ... I guess evaluations is the appropriate word since your -

Stephanie: No.

Attorney: No. Have you ever been evaluated for your physical or mental health?

Stephanie: I have been evaluated.

Attorney: What were the results?

Stephanie: I was actually just evaluated while incarcerated with Cowlitz County, and they found me to be of sound mind.

Attorney: Okay, and prior to that have you had any evaluations of your mental health?

Stephanie: Through military services.

Attorney: What were the results of that?

Stephanie: There was no results. They didn't pursue. They just discharged me.

Attorney: Have you ever been diagnosed with any mental health issues?

Stephanie: No.

Attorney: Have you been given a diagnosis of PTSD, or anything?

Stephanie: No.

Attorney: Do you currently qualify for any military benefits?

Stephanie: I'm waiting for my review to come back. No, I am not available for military benefits at this time.

Attorney: In the time that you and your husband have been married, have you had any incidents of physical violence between you and your husband?

Stephanie: No.

Attorney: Have you ever disclosed to family members incidents of physical violence between you and your husband?

Stephanie: No.

Attorney: Permission to approach?

Judge: Yes.

Attorney: I'm showing you what's been pre-marked Exhibit 2. Do you recognize the individual in that picture?

Stephanie: That is myself, and my Facebook is used for comedy purposes. I was eating a bowl of cereal, bit my lip. It made me cry it hurt so bad, that I actually got a laugh out of it because my husband said "it's just a little bit of blood, and a whole lot of spit." As you can see in the image, it's drooling down my mouth, and I spit that out of my mouth after having eaten cereal. The only thing I see on there is blood coming from my lip.

Attorney: This is an accurate depiction. You took that photo, and it is an accurate depiction of you at that time?

Stephanie: Yes.

Attorney: I would move to admit Exhibit 2.

Judge: So admitted.

Attorney: At that time, did you have a injury to your eye at all?

Stephanie: No, what the officer has said to me is "oh, it looks like you have a black eye." You can see that there's make up coming off of my eye. You can see that there's skin, a rash that had occurred from a cat that I was allergic to.

Attorney: The puffiness above your eye -

Stephanie: It's just a little bit of extra skin scraping off, which I actually did and make sure it's not showing today.

Attorney: You never commented to friends or family members that this was the result of domestic violence?

Stephanie: No.

Attorney: On the 16th of February, did you make a phone call at any point to your relatives?

Stephanie: All I can say is that on the 16th of February my property, my three sons were taken from me, and I was detained for two days, 48 hours. Upon release of being detained, I request to have my property released to me.

Attorney: Did you make a phone call to your relatives on the 16th?

Stephanie: I recall that on the 16th of February I communicated to my mother for a very brief time, in which I lost the phone from my hands. After that point within a few hours, my property was taken, ripped from me without my consent.

Attorney: Prior to losing the phone from your hands, did you indicate that you believed your husband was going to kill you?

Stephanie: No.

Attorney: Do you have any idea of why your family members would have the impression that you stated that?

Stephanie: Absolutely not.

Attorney: Were you at any point on the 16th assaulted by your husband?

Stephanie: No.

Attorney: Choked by your husband?

Stephanie: No, the only choking happened occurred when I was strangled, suffocated, and smothered, with the air being excreted from my body, until I was passed out, until I regained consciousness, looked at the Rinker, the police department, police woman Holly Musser, VPD 1408, who strangled me until I passed out, and I could not breathe anymore. My body went limp, and when I regained consciousness I looked at her, and I said "you just tried to kill me." I would like to relate this to the case of Eric Garner who was murdered by the NYPD by strangulation.

Attorney: Vancouver Police Department arrived at your home on the 16th, did they ask to be admitted into the home?

Stephanie: They asked to see me. They did not ask to come into my home. I don't welcome strangers into my home.

Attorney: Did you comply with that request, that they see you or speak with you?

Stephanie: They originally asked if they could see my hands, and that was the only thing they wanted to see. I provided my hands to them, and they said they would leave as soon as I showed them my hands. Then, as soon as I showed them my hands, they decided to say they would not leave.

Attorney: Did they ask to meet with you independent of your husband?

Stephanie: I declined to be with another man, because I was sexually assaulted, at any time alone, without my husband.

Attorney: When the police department arrived at your home, were there two female officers present?

Stephanie: Yes.

Attorney: Have you ever -

Stephanie: None of the female officers did request to see me.

Attorney: Did the law enforcement officers ask to see the children?

Stephanie: No, their main concern was me, and that's all they wanted. I'm pretty sure that it was based off of the bench warrant from Cowlitz County.

Attorney: Did you have a bench warrant out of Cowlitz County?

Stephanie: It was issued after I had continued a hearing, and they fell into default and acquiescence and did not respond to my request. I did have a receipt, and I was not aware of the proper proceedings that they would have to respond, or I would have to show up.

I assumed that by submitting the continuance, that it would be continued. I had no recollection that there was a warrant for my arrest. I had looked up online to see whether or not there was a warrant. Under the status there was nothing. I was completely unaware of a warrant being out for me, because I would have walked myself into the Cowlitz County Courthouse, on any day between Monday and Friday, 8:00 a.m. to quash that warrant, because I would not have fell into default, and not showed up to a court date, without having submitted important information.

Attorney: Were you subsequently arrested on that warrant?

Stephanie: During the assault they ... During the breaking in my home and assaulting me, they forced my arms behind my back, and choked me out until they were able to make my body go limp, and put handcuffs on me. I was arrested, and I was detained and brought to the Clark County Jail.

Attorney: Were you contacted by the department regarding the status and welfare of your children?

Stephanie: I'm not sure what you're asking.

Judge: Would you give a time line ma'am?

Attorney: After your arrest and then your release, either while you were incarcerated or after your release, were you contacted by anyone from the Department of Social and Health Services about your children?

Stephanie: No, I contacted Kimberly Adams to see who had possession of my property, and to reclaim my property. That's the only reason that I'm here to day, is to reclaim my property, my sons, Malachi, Ezra and Moses.

Attorney: Were you given information about Family Team Decision Making Meeting?

Stephanie: I don't understand the question.

Attorney: Were you given information about a meeting at the department, to discuss the concerns and potential placement issues?

Stephanie: As soon as they held the consent form, and I declined to consent for my property to held by this Child Protective Services, State of Washington, Kimberly Adams I denied the consent, and they escorted me from the building.

Attorney: Was it at a meeting at the department, though?

Stephanie: I don't know if it's called a meeting, because I wasn't part of it.

Attorney: You were invited to participate.

Stephanie: Then, I was kicked out.

Attorney: Was the consent for participation in the meeting?

Stephanie: I have absolutely no idea what the consent was for.

Attorney: You don't know what you refused -

Stephanie: I was only there, and I submitted the information at that time, that all I wanted was the return of my property.

Attorney: The consent form that you refused to sign, you don't know what it was for?

Stephanie: I don't consent to my property being held from me.

Attorney: Is that what the consent was for?

Stephanie: I don't understand your question.

Attorney: Was the consent form a consent to your children remaining out of your care?

Stephanie: I just know that I am here to reclaim my property. That's what I went into the meeting for.

Attorney: Did you prior to the meeting, in speaking with the social worker, indicate that you would be willing to separate from your husband in order to have the children placed back in your care?

Stephanie: I am separated from my husband due to a fraudulent no contact order, that my name is placed upon without my permission, and based off of fraudulent testimonies from perjury of the Vancouver Police Department.

Attorney: My question was whether you told the social worker you would be willing to stay separated from him, in order to have the children returned to your care?

Stephanie: I am willing to stay in my home, as long as am I not with this no contact order. I will abide by it, until it is quashed or dismissed.

Attorney: Once it's dismissed, you were not willing to stay separated from your husband?

Stephanie: I am only here to reclaim my property. I don't understand the question. I made a vow and an oath to marry, on one flesh, so I don't understand what you mean by separated from your flesh. I don't understand that question.

Attorney: Do you have any concerns regarding the effect of actions of your husband on your children?

Stephanie: My husband has always looked out for the best interest of his entire family. His wife, myself, and my oldest, Malachi; my middle son, Ezra; and my youngest son, Moses, he has turned one already today. As well as my husband's birthday today, and our anniversary, yesterday. He takes care of his entire family.

I do not have to provide anything besides taking care of my home. Up keeping, cooking, cleaning, and providing care, education, and health and welfare to my children.

Attorney: No concerns regarding -

Stephanie: Absolutely not.

Attorney: Any concerns regarding your husband's mental health?

Stephanie: No.

Attorney: You mentioned the care of your children. Have you taken your children for any sort of medical care since their birth?

Stephanie: Absolutely, my children have seen very professional specialists in high polarity, and causing their frequencies to be much higher than that of somebody subjected to radiation on a daily basis, and other electrical pollutions. As well as any parasites, bacterias. I also provide all probiotic care to them, as well as make sure their alkalinity in their body is at a balanced pH level. Making sure that they're not subject to being sick.

Attorney: Have your children ever been sick?

Stephanie: They have never been sick to a care in which would request outside ... They've never had any type of sickness that required any type of help.

Attorney: You've never sought outside help or evaluation of your children?

Stephanie: They've never been sick. I bring my children for evaluations. Yes, I absolutely have had specialist evaluations with my children.

Attorney: That's the high polarity that you mentioned?

Stephanie: It's high polarity, but that's not the doctor's name, the specialist.

Attorney: Sorry, I meant you've brought them in for that issue, of the high polarity?

Stephanie: To change their ... It's my actual company. It's my online business. That's the high polarity. The specialist is not my business, specialist, the doctor that my children have been.

Attorney: Who's the specialist?

Stephanie: His name is Dr. Cohen.

Attorney: Does he have a clinic, or?

Stephanie: Yes.

Attorney: What's that?

Stephanie: He specializes in health and welfare of all men, all human, to cure cancers, to cure any type of ailments, and to change the polarity of negative. Such as if there was food allergies, he can cure a food allergy for somebody.

Judge: Is that here in Clark County?

Stephanie: No.

Judge: Where is his clinic?

Stephanie: He actually has ... The clinic is operated nationwide, Your Honor.

Judge: What does that mean?

Stephanie: He can provide services through telephone, and providing QRA and such, [inaudible 00:44:58] testing.

Judge: What's his full name, is it Dr. -

Stephanie: Dr. David Cohen.

Judge: I'm sorry, what?

Stephanie: Dr. David Cohen.

Judge: David Cohen, and would you say it's an online type of medical facility?

Stephanie: It's actually a physical facility. There are multiple of the facilities around the United States.

Judge: Which is the closest one here?

Stephanie: The last one that was used was in New York.

Judge: He's actually had physical contact with the children?

Stephanie: I don't understand the question.

Judge: He's actually seen the children -

Stephanie: Yes, he's seen the children.

Judge: - Up close and personal, and has actually physically examined them with a ... Would that be correct? Has he not actually physically -

Stephanie: He has physically examined them, yes Your Honor.

Judge: Okay, go ahead Ms. [inaudible 00:45:57].

Attorney: That was in New York, that he physically examined your children?

Stephanie: That was the last place that they were, that was used for facility purposes by request if we needed to have a visit, if the children were sick or anything like that. They have not been sick, so we haven't had to attend.

Attorney: Where were they seen, then?

Stephanie: Here, in Washington, yes. They were seen here. His facility is not here, no.

Attorney: He came here to see the children?

Stephanie: In essence, yes.

Attorney: I don't know what you mean by in essence.

Stephanie: It means that he with his specialties, and our beliefs, it is an accurate and proven doctor. He has evaluated the children, and [crosstalk 00:47:03] -

Attorney: Was he here in Washington State to evaluate the children?

Stephanie: By way of phone, Skype, and by way of weight and height standards.

Attorney: Okay.

Judge: In essence, he was actually not physically here in the state of Washington, to actually physically examine the children. Is that a correct statement?

Stephanie: I decline to answer the question, Your Honor. I don't understand.

Judge: I'll take that as a yes.

Attorney: You mentioned QRA, what is that Ms. Salyers?

Stephanie: It's a test.

Attorney: What does it test for?

Stephanie: It tests strength.

Ilya: Would you like me to give a better explanation, of what all this is?

Judge: No, she's on the stand right now, sir.

Stephanie: I know that it's quantum reflex analysis.

Ilya: This is like my job and stuff, that I spend a lot of time working on this, in particular. She just helps me out with it, and stuff.

Judge: I appreciate that sir, but she needs to just testify what she knows.

Stephanie: It's quantum reflex analysis, and the direct testing is my digital O-Ring testing.

Attorney: By digital -

Stephanie: O-Ring testing.

Attorney: O-Ring?

Stephanie: Mm-hmm (affirmative).

Attorney: What's an O-Ring? You're just doing this with your finger?

Stephanie: This is an O-Ring, and you're tested with the strength of something that you are trying to see the strength of.

Attorney: Okay, so is Dr. Cohen a licensed MD?

Stephanie: Yes.

Attorney: Other than Dr. Cohen, have your children had any other medical contact?

Stephanie: Can we move to the next question?

Judge: No.

Stephanie: I decline to answer the question.

Attorney: Okay, do your children have birth certificates?

Stephanie: What is that question in reference to, Your Honor?

Judge: Answer the question, please.

Stephanie: I have ... Yes, my children have uh, one child has a birth certificate by the state. The rest of my children have World Citizens birth certificates.

Attorney: Do your children have Social Security cards?

Stephanie: No.

Attorney: Is that a conscious decision?

Stephanie: Absolutely, it's their choice when they become of age to make those decisions for themselves, to use accounts in which can cause harm, or put you under a jurisdiction which you may not understand or agree, or if it's fraudulently placed on you, like if your parents are to file for a birth certificate for you on your behalf and state that you are ... Write a name and create a bond for you, and which you didn't agree to. I feel that when my children become, when my sons Malachi, Ezra, Moses become of the age in which they need any type of fiduciary help, or any type of Social Security remnants, they can apply if they decide to on their own.

I do not require any assistance from the state, or from any public or corporate entities to provide benefits to my sons.

Attorney: You're attempting to get VA benefits currently.

Stephanie: That's not for my sons.

Attorney: Okay, and your household -

Stephanie: I have a Social Security number, yes.

Attorney: By VA benefits from your husband.

Stephanie: Right.

Attorney: You mentioned accounts that would cause somebody to be under a jurisdiction. When law enforcement officers appeared at your home, did you refer to them as foreign entities?

Stephanie: I asked to see their delegation of authority, and by law since 1938 every corporate person is required to carry, foreign agent statement.

Attorney: I'm handing you what's been pre-marked State's Exhibit 1. Do you recognize that document?

Stephanie: Stephanie M. Salyers, 1602 Southeast 145th Court.

Attorney: Do you recognize the document?

Stephanie: Absolutely, this is from yesterday.

Attorney: Are you the author of this document?

Stephanie: I'm the authorized representative.

Attorney: Is that your signature at the bottom of the document?

Stephanie: That is the authorized representative signature, yes.

Attorney: Did you physically create that signature?

Stephanie: As authorized representative, I created the signature and I reserve all my rights under the UCC 1, Tag 308.

Attorney: Looking at this document, does it look like an accurate representation of the document that you created?

Stephanie: I did create a new one, in which should be notarized properly.

Attorney: That's fine. This one, does it look like an accurate version of the one that you created, and it was yesterday.

Stephanie: Well, actually it doesn't.

Judge: Ma'am.

Stephanie: Honestly.

Judge: Okay, is this a document that you created?

Stephanie: No, Your Honor, my writing's -

Judge: Is this a copy of the document that you created?

Stephanie: This may be a copy, I cannot confirm that.

Attorney: Other than the fact that it may be a copy, does anything else look inaccurate?

Stephanie: I am here to regain possession of my property.

Judge: Ma'am, you need to answer the question.

Stephanie: What was the question?

Judge: Whether this is an accurate representation of the document that you created yesterday.

Stephanie: I don't understand the question.

Attorney: Based on the fact that she has stated that she recognizes the document, and that this is her signature at the bottom of the page, I would move to admit Exhibit 1 into evidence.

Judge: Any objection, sir?

Ilya: I didn't see the document.

Judge: Would you show him the document, please?

Ilya: Thank you kindly.

Attorney: You may keep that.

Ilya: Okay, and what was the?

Attorney: Do you object to it being admitted?

Ilya: Object to this being admitted in court?

Judge: Yes sir.

Ilya: The only reason I would object with this is if this interpretation is anything, other than that this is requiring that the property be returned to their rightful owners. If this does not say that, then yes of course, I would object.

It appears to be saying these things, [inaudible 00:56:05] fees, and whatnot. As long as it's stating that, it's believing that whoever is here, representative of the state of Washington, CPS, Kimberly Adams, it's requesting that the property be returned, so no, no objection.

Judge: All right, thank you. I will admit it.

Attorney: Thank you.

Ilya: Can I have a copy of that?

Attorney: Yes, sorry.

Ilya: That's okay, I appreciate it.

Judge: We need the original.

Stephanie: This is not the original, this is a copy.

Judge: I understand that.

Attorney: The original is [crosstalk 00:56:38] -

Judge: We need to mark it, please.

Attorney: You stated that you signed it, not as Stephanie Salyers, but as the representative of Stephanie Salyers?

Stephanie: As authorized representative, and to secure the property, to regain the property that the state of Washington, and Child Protective Services and Kimberly Adams has in possession.

Attorney: As authorized representative of who?

Stephanie: Stephanie Maralda Salyers, of.

Attorney: You, Stephanie Maralda Salyers, are the authorized representative of Stephanie Maralda Salyers.

Stephanie: I Stephanie, the woman, I am authorized representative of the fictitious corporate entity, Stephanie Maralda Salyers, full capitals.

Attorney: You signed that as the fictitious corporate entity, not as the person.

Stephanie: No, I signed it as the authorized representative, and the authorized representative is the woman.

Attorney: On behalf of the fictitious corporate entity.

Stephanie: On behalf of the securing of my property, back into my possession.

Attorney: Okay, you have a number of numbers, letters and numbers after your signature. What do those mean?

Stephanie: UCC 1 Tag 308, all rights reserved. That means that if any -

Attorney: Do you need it back?

Stephanie: Contract, if any contract is constructed without my knowledge, or unwittingly, or without me having given my full intention and permission for it to be created, that I am reserving my rights that that contract does not hold me accountable for being subject to any proceedings that may occur to the contract in which unwittingly may have been breached.

Attorney: Have any of your family members raised any concerns with you over the last six months?

Stephanie: No.

Attorney: Raised any concerns regarding weight loss over the last six months?

Stephanie: No, I haven't seen my family in over two years.

Attorney: Even the family that lives here in Vancouver?

Stephanie: Yeah, my family in Vancouver never commented on my weight, nor have I lost any weight in the last six months that is more than what ... I had a child a year ago. I was 160 pounds, I have lost much of that since I birthed my child, my son, Moses.

Judge: I need some clarification. Have you seen your family, the family that lives here in Vancouver? Have you seen them in the past two years?

Stephanie: Yes, in the last two years, yes I have, Your Honor.

Judge: Who have you not seen in the last two years?

Stephanie: In the petition it says my stepmother, but I don't have a stepmother, she's my mother, the natural woman that bore me. I haven't seen her in two years. Nor have I seen Erica, my sister, in two years. Nor have I talked to her in about three or four months. My father, I haven't seen him in over two years. I haven't seen my other sister, Leslie, in over two years. I haven't seen my youngest sister, Heidi, in over two years.

Judge: What was the last one's name?

Stephanie: Heidi.

Judge: Heidi.

Attorney: Why haven't you seen or spoken to your family?

Stephanie: I've spoken to them by phone, but they live 2,000 some miles away from us.

Attorney: You mentioned not having spoken to your sister for example, for several months.

Stephanie: Right, unless she has something to approach me, or communicate to me, she's more or less more concerned with taking care of her life, and doesn't necessarily have anything to say to me.

Judge: Here in Clark County, who have you seen? I mean, you have family. Who do you have in Clark County?

Stephanie: I have Sarah [Cuddlow 01:01:42], which is a witness here today.

Judge: She is related to you?

Stephanie: She will be, once she marries my brother. My brother works constantly so I haven't seen him in months, either. He lives in Clark County, as well.

Attorney: Is it correct that you have an aunt who lives in Multnomah County?

Stephanie: Yes, [inaudible 01:02:09] yes, she does. I haven't seen her since Malachi's birthday in November.

Attorney: The statement that I showed to you ... Let's back up a second. There's a no contact order between yourself and your husband, is that correct?

Stephanie: Yeah, it was fraudulently placed against us, yes.

Attorney: Have you abided by that no contact order since it was placed?

Stephanie: Yes.

Attorney: Your statement bears striking similarity to the statement that your husband made.

Stephanie: We researched together, not during this no contact order. We've been together for six years, and we do everything together. We work in the same area. We work in the same room. We have the same children.

Attorney: You researched what to say when your children were taken, prior to your children being taken?

Stephanie: No, no, no, we just know how to assert our rights, and ... Is there something that was inappropriate about what I submitted?

Attorney: No, my question was just the basis for the similarity between the two statements, if you have not had any contact with your husband.

Stephanie: I have no idea, if it's too similar. I don't understand if that's illegal, that we would have similar contracts.

Attorney: Okay. No further questions at this time.

Judge: Okay, thank you. Cross sir?

Ilya: Stephanie Maralda Salyers, you are the mother of Malachi, Ezra, and Moses?

Stephanie: Yes, the natural woman mother that gave birth through my womb to three sons, Malachi, Ezra, and Moses.

Ilya: According to this document that was entered, it says that you require that your property be returned today, in this statement you have made. Is this true? Is that what you are here for, as a result of this?

Stephanie: I require that my children be returned to me yesterday, today, and any day that they are not in my possession, that I am not being detained.

Ilya: Any questions that you have asked, or answered, or responded to were, I just want to confirm that they were for ... Are they for any other reason other than the fact that you believe that the state, CPS, Kimberly Adams, whoever the representative is, has your property, and that it is to be returned to you?

Stephanie: Yes, I am only here to reclaim my property. We are the mother and the father of the created property, Malachi, Moses, and Ezra Petrenko. I request that, I see that Child Protective Services has protected and secured my property, and now that I am not being detained, and I am willing to have my property returned to me. I request that that be done.

Ilya: The reason I'm asking this is because I just want to, myself and for everybody else here, to be aware of why it is exactly that you would answer any questions or appear here in the first place. I just wanted to clarify, especially with this statement that has been entered, and just wanted to make sure that that was the case. You are here because the state has your property, and you want it returned. That's all I wanted to clarify, according to why you answered all the questions.

Stephanie: The reason that I have made a special appearance in any instance yesterday or today in regards to my children being in the custody of Child Protective Services, and the state of Washington, and Kimberly Adams, that they be returned to me, my sons be returned to me, my property be returned to me. I'm ready to have that property returned to me now.

Ilya: There was one more thing I was going to ask, before I let you go, and it just ... I really cannot remember what I was going to ask you, so I have no further questions.

Judge: Redirect?

Attorney: No, Your Honor.

Judge: Thank you. Witness may step down.

Stephanie: Thank you, Your Honor.

Judge: Okay, and next witness please, or do you want to -

Attorney: Call Kimberly Adams.

Judge: Ma'am raise your right hand. Do you promise to tell the truth, and nothing but the truth, regarding this matter?

Kimberly: I do.

Judge: Thank you, have a seat. State your name, spell your last name for the record.

Kimberly: Kimberly Adams, A-D-A-M-S.

Judge: Proceed.

Attorney: Thank you, Ms. Adams. Where are you employed?

Kimberly: Child Protective Services Investigator, for the Department of Social and Human Services.

Attorney: How long have you been employed in that capacity?

Kimberly: One and a half years.

Judge: I'm sorry, what was that?

Kimberly: One and a half years.

Judge: Thank you.

Attorney: Prior to your employment in that position, what prior work experience do you have that is relevant to your current job?

Kimberly: I was a Child Protective Services Investigator for Multnomah County for three, no two and a half years.

Attorney: Do you have relevant education or training?

Kimberly: I have a degree from [Hunter 01:08:44] College in sociology. I have a BA, with a minor in political science, emphasis on social work.

Attorney: Have you had any additional training through your employment?

Kimberly: Yes, we have an annual training. At the beginning of being hired by the state of Washington, you receive six weeks of training which is specifically about child safety, and child abuse, and neglect.

Attorney: Do those trainings include such issues such as domestic violence, mental health, child safety analysis, threat analysis?

Kimberly: They do.

Attorney: Are you the worker assigned to investigate the case presently before for the court regarding the Petrenko family?

Kimberly: I am.

Attorney: When were you assigned this matter?

Kimberly: 5:00 p.m. on February 16th, 2016.

Attorney: What was the basis for the intake into the department?

Kimberly: The children were taken into protective custody by Vancouver Police Department.

Attorney: Did you make contact with the Vancouver Police Department?

Kimberly: I did, I spoke with Detective Sandra Aldridge.

Attorney: What, if any, concerns were raised by Detective Aldridge regarding the well being of the children?

Kimberly: Detective Aldridge explained that Vancouver Police was called to the home, because family members of Ms. Salyers had called in concerns that Ms. Salyers had stated to them that her life was in danger, that her fingers had been broken, and that this had been at the hands of her

spouse, Mr. Petrenko. Further, that when she was stating this to them, that the phone was knocked from her hand, or dropped from her hand, and that they continued to hear a disturbance, scuffling noises, and what they described as choking sounds.

VP arrived at the home, VP being the shortened version of Vancouver Police Department. They requested access to the home and to meet with Stephanie Salyers, independently of her spouse. The family declined.

Stephanie: Objection, Your Honor.

Judge: Yes ma'am.

Stephanie: Was she witness to the incident that occurred to say what had been requested, and what had gone on in the presence of my home?

Judge: This is a shelter care, hearsay is allowed. If we go to fact finding, then the VPD will need to be here to testify.

Stephanie: Very well, Your Honor.

Judge: Proceed please.

Attorney: You're saying that VPD arrived at the home, and requested to speak to Ms. Salyers independent of her husband?

Kimberly: Yes, that's what Detective Aldridge explained to me. She continued to explain that the family refused, that they locked the door, and told the VPD that they needed to leave. The Vancouver Police Department representative explained that they had not assessed the safety and welfare of Ms. Salyers, or her children, because they had not been allowed into the home or to speak to Ms. Salyers independently, and that they needed to accomplish that.

They stated that eventually they gained access to the home through a window. After getting access to the home through the window that Ms. Salyers, who was holding the baby, Moses, who turns one today I believe, in her arms, and that she was kicking police officers, and hitting

at police officers with the boy in her arm. She had placed him in her middle, and curled up squeezing the baby, to keep him from being taken by police.

Stephanie: Objection, Your Honor. If there is an assault supposed onto a police officer, wouldn't there be charges brought?

Judge: Ma'am, that's not an objection. I need a legitimate reason for the objection.

Stephanie: I don't know one.

Judge: Thank you, go ahead.

Attorney: At that point, did law enforcement speak with the family about what had potentially occurred in the home earlier that day?

Kimberly: Which family members are you asking me about?

Attorney: Ms. Salyers, Mr. Petrenko.

Kimberly: Detective Aldridge stated that they had called the Vancouver Police a foreign entity, and that they believed that they had no jurisdiction over their home. Essentially, that they were not willing to be cooperative with the Vancouver Police Department in this matter.

Attorney: What did you next do in your investigation?

Kimberly: After speaking with Detective Aldridge, all three boys had been brought to my office by another representative of Child Protective Services. We spoke with two family members who had come to the office to request that the children be placed in their homes, so that the children could be placed with relatives, as opposed to taken into general foster care.

Attorney: Did you or anyone else from the department speak with other family members regarding this family, the Petrenkos?

Kimberly: Yes, initially we spoke with Tiffany [Lemon 01:14:35], who's the mother of the children's cousin, and then the great aunt Esther Crowell-Duncan,

that was at the office that evening. The next morning, February 17th, we contacted Rick Salyers, Sr., Diane Salyers, and Erica Salyers, who are the family members that initiated the call to Vancouver Police Department.

Judge: What were the names, please?

Kimberly: Diane Salyers, Rick Salyers, Sr., and Erica Salyers Jackson.

Attorney: Was the information they provided to you consistent with the information that you had received from Vancouver Police Department?

Kimberly: It was.

Attorney: In your conversations with the other family members, did they raise any other concerns other than this incident, reported incident of domestic violence where they heard the choking?

Kimberly: Yes, those family members, Ms. Crowell-Duncan, Ms. Lemon, and Ms. Salyers' brother who they call Ricky. I believe it's Rick Salyers, Jr., all stated that they had concerns that Ms. Salyers was a victim of domestic violence, verbally, mentally, and physically. That the children were restricted from eating certain foods. That food was a point of obsession in the home, to the level that they felt that Ms. Salyers and her children were not getting appropriate nutrition. That the children had never had medical care, medical evaluations. That the children absolutely had no routine, no bed times, no discipline, no structure, and appeared to be delayed in speech.

Attorney: What caused them to believe that there was a domestically violent, I think you said verbally, mentally, and physically controlling dynamic between mother and father?

Kimberly: Mr. Salyers, Sr. explained that his ... He stated to me that his daughter, Stephanie, had explained to him that on her first date with Mr. Petrenko, that he had sexually assaulted her. That the family had been witness to Mr. Petrenko saying degrading things to Ms. Salyers. Her not being good enough, or not being able to find anyone else. Insulting things about her appearance. Insulting things about her personality. Insulting things about her parenting.

They stated that Mr. Petrenko does not allow his wife to leave the home without the children, or without him. He doesn't allow her to socialize. He controls what she eats. Specifically, that since in the last six months, he has removed most of the food from the home, and they're subsisting primarily on vitamins with organic food being secondary.

They were concerned about recent, what they defined as rapid weight loss for Ms. Salyers, and that Ms. Salyers had posted on Facebook a picture of her lip bleeding, and that her family had indicated that she had told them that he had popped her in the mouth for talking back, and that she is not allowed to talk back to him.

Ricky Salyers stated that he lived with them for a short period of time, and though he never saw physical assaults, he was very concerned about the controlling aspects of their relationship. He stated he had seen Ms. Salyers verbally berated and demeaned by Mr. Petrenko on several occasions, and that Mr. Petrenko would come up with rules. He was very strict about around food, seemingly out of the blue, and that they would be enforced very strictly.

He did note that Ms. Salyers did not talk back to her husband. It was their statement.

Attorney: To your knowledge, did the family raise these concerns to Ms. Salyers?

Kimberly: My understanding is that the maternal, Ricky Salyers, Sr., had spoken to her about his concerns. Diane Salyers has spoken with her, Stephanie, about her concerns, and that Ms. Salyers was not receptive to that. They stated that Ms. Salyers had left Mr. Petrenko for a short period of time, in they believed 2011, and had come to live with them for period of time. After a few months, Mr. Petrenko came with what they felt was a grand gift, which consisted of a van. He stated she could have it, if she came back with him.

At that time she left her parental home, and they went out of state, is what they explained to me. Then, Esther Crowell-Duncan stated that she'd seen Stephanie Salyers around Christmastime, she couldn't remember the exact time. She stated that she had commented to

Stephanie that she felt she had gotten very thin, an unhealthy level of thinness, and that she had told Stephanie that she was concerned about this. Stephanie said "I weigh 115 pounds with this suicide belt on," which Ms. Crowell-Duncan found to be disconcerting, and she discontinued the conversation at that point in time.

Attorney: Did the family members mention anything regarding the mental health of either parent?

Kimberly: They stated that Mr. Petrenko has PTSD, and receives VA benefits and disability for that PTSD. They stated that to their knowledge, it was untreated at this point in time.

They stated that Stephanie Salyers also has PTSD, which they also believe to be untreated. They stated this was as a result of a sexual assault when she was in the military.

They stated that for the last few years, their mental health wasn't so poor that it had compromised their parenting. However, in the last six months it appears that their relationship had become more volatile, controlling and violent, and that their decisions had become more erratic, and unpredictable. Their physical selves had changed as well, including the rapid weight loss.

Attorney: Did you attempt to make contact with Ms. Salyers?

Kimberly: I did. She was in the Cowlitz County Jail. When we attempted to make contact with her initially, she was being transferred from Clark County to Cowlitz County Jail, and then she was in processing. We attempted contact again the next day, and she was at court. When she was released, her aunt Esther called me and stated that Stephanie had called her, and so then I called Stephanie, and she answered her phone.

Attorney: Did you speak with her about the allegations of the domestic violence issues, or other concerns?

Kimberly: I asked her what her perspective was on what happened. She stated that her husband had never hurt her. Her husband had never harmed her, physically. That she didn't feel that they had done anything wrong. She

stated that she was not strangled by her husband, she was strangled by Vancouver Police Department. She stated any injuries she has is from the Vancouver Police Department. She stated that she reacted as any mother would, if somebody was trying to take her child out of her arms. She disagreed with any indication that there was assault on her part, towards any police officers.

She stated that she was willing to work with the department. She acknowledged that she understood there was a no contact order in place, and that she would be willing to refrain from contact with her husband, if she could have her children returned to her care.

I explained to her about a safety plan, and that was potentially possible, and that we'd need to meet for a Family Team Decision Making Meeting, which was occurring at 1:30 that day, so that we could iron out a plan, in consultation with supervision, and the ongoing worker, and the ongoing worker supervisor. She stated that she was open to that.

She said that she was waiting on a ride, and that when her ride came she would come. I asked her to come a little bit earlier at 12:30, so that we could meet each other, and I could ask her further questions. She stated that that was fine.

At about 1:05 I believe she called me, and she stated that she was running late. Her ride hadn't come, and that she would be there at 1:30.

At 1:35-1:40, everyone else had arrived for the meeting, but Ms. Salyers hadn't. I called her. She stated she was on her way. She stated that she had left her cell phone in a pocket. She was just going to go back home and get her cell phone, and come out.

She stated as to where she was, she stated that she was on Andresen Road. I asked her who she was with. She didn't state who she was with. I asked her when we could expect her. She didn't answer the question, when we could expect her. She just stated again that she was on Andresen Road, and then the conversation was discontinued.

Attorney: Did she appear for the FTDM, the meeting?

Kimberly: She did, she was about 20 to 25 minutes late, I believe. The meeting had already begun insofar as we had welcomed the family members who had shown up in person, and by phone. Angela Gomez, who's the facilitator of the meeting, and another representative of the department had explained what a Family Team Decision Making Meeting was.

At that point, Ms. Salyers had come in. Ms. Gomez asked if Ms. Salyers would sign consent for us to speak about her case at the meeting, with other family members present. Ms. Salyers began reading a letter that she had brought with her stating, it's entered into evidence, stating that she would like her property returned to her immediately.

We attempted to engage her in further conversation, ask her more questions about the letter. She was not receptive, so I excused myself from the meeting at that point in time. My supervisor, Rachel Whitney, continued to be present and engage with Ms. Salyers.

My understanding is that Ms. Salyers left the meeting. Rachel Whitney followed her, tried to provide her with temporary custody notification, which Ms. Salyers stated she would not accept, and refused to sign.

She attempted to provide her with a Child Protective Services Guide, and explain to her a little bit more about Child Protective Services, and how it works, and Ms. Salyers was not receptive.

Ms. Whitney then explained to me that Ms. Salyers walked out of the building. She was unable to engage with her further.

Attorney: Did you have contact with Mr. Petrenko?

Kimberly: Yes. [crosstalk 01:26:25] Mr. Petrenko called my office at some time in the morning. I don't think I got the message until 9:30 or 10:00.

Attorney: Was this yesterday?

Kimberly: Yes, this was yesterday. He stated on the message that genocide had been committed against his family, that his children had been kidnapped, and that his family and his wife had been assaulted, and that he wanted his children returned to him immediately. He appeared to

hold me personally responsible for having custody of his children. At that time, I forwarded the message on to my supervisor, and documented it.

I did end up speaking to Stephanie first, because her aunt had called me and said that she had given Stephanie my information, and she wanted to contact me. I spoke with Stephanie first, and then I spoke with Mr. Petrenko. I explained who I was. I explained that I'm the case worker on the case, that I don't personally physically have custody of his children. His children are in the custody of the state of Washington, and that they're currently residing with a relative. I invited him to the Family Team Decision Making Meeting. I explained to him that the reason that his children were in custody, was because law enforcement had taken protective custody of his children.

I explained to him that Family Team Decision Making Meeting is a place and time where we could discuss the case further, and come up with some sort of a plan, because of the no contact order, it needed to be split.

I had already spoken with Ms. Salyers, and she was available to come, we invited her for the first half in person, and invited Mr. Petrenko for the second half over the phone. Mr. Petrenko provided me with his new contact number. Ms. Crowell-Duncan had given me the number he had called from. She didn't know if it was a number he provided it to me as his accurate number.

At that point in time, he stated that yes, he would be available for the meeting. I explained to him that we would call him at 2:45.

Attorney: Was he available for the meeting, and did he participate?

Kimberly: We did, we called him at 2:50. It did take us a few extra minutes. We called him at 2:50. He began reading from the same letter that his wife had presented with. The reason that I knew it was the same, was because the letter that Ms. Salyers provided me with was sitting in front of me, and it was directly quoted.

Ilya: I object. I have evidence proving that this is my own letter, that I wrote out, on a completely different morning, on my own, of my own free will.

Judge: Okay, sir, sir.

Ilya: I am comparing it to this letter, and it's not the same.

Judge: The objection, based on what is the -

Ilya: Fraudulent information, I have the evidence right here.

Judge: Overruled at this time.

Attorney: After reading the letter, was he more -

Kimberly: He never finished the letter. He read about a paragraph, and then we stopped him, and explained to him that it was not the time or the place for that. That we'd already spoken with Ms. Salyers, and she had presented the same information, and that the meeting was to determine a safe plan for his children.

Mr. Petrenko attempted to continue making the same statements about having his property returned to him. We attempted to explain again that this is not the time or the place for that statement.

He continued to attempt to read the same letter again. At that point in time, we notified him of court. When I say "we," I mean Angela Gomez, who was the facilitator of the meeting. We informed him of court, the day and time. We had informed Ms. Salyers when she was present. We explained to him that we would like to see him in court, and that he can have a lawyer appointed for him at that point in time, and that his lawyer can present that information on his behalf.

Also, would like to establish some visitation with his children. At that point, I believe the conversation was discontinued. I'm not sure who discontinued it; Mr. Gomez, or himself.

Attorney: The parents have each referenced video of the events involving Vancouver Police Department coming to their home. Have you had an opportunity to view these videos?

Kimberly: Yes, Ms. Salyers told us about it at the Family Team Decision Making Meeting.

Attorney: Based on these videos, can you speak to whether they raised any concerns for you regarding the children?

Kimberly: Yes. Firstly, the youngest child was in his mother's arms the entire time. She was screaming. She was incredibly upset. She was pacing. She was up against the window, where police officers were on one side, and she was on the other for a good portion of the video. Once police entered, he was in her arms when she was hitting and kicking at the police. Specifically, kicking I believe is what you can see on the video.

After that she's pushed to -

Stephanie: Objection.

Judge: What is the objection?

Stephanie: That is incorrect information, fraudulent information with the video provided here.

Judge: Okay, when you - [crosstalk 01:32:20]

Ilya: - Provided with the video?

Judge: We'll talk about the video in a little bit. When it's your turn to cross, you can ask her more specific questions about the video.

Attorney: You mentioned she was kicking at the law enforcement officers while holding the youngest child.

Kimberly: The law enforcement officers were attempting to take Moses out of her arms, and detach him from her. She was kicking at them to prevent them

from doing so. Then, the law enforcement officers took her into another room, so it was off camera, and I didn't see more than that.

Attorney: During that exchange, what was Moses' demeanor.

Kimberly: He was very calm. He wasn't crying, he wasn't reaching or grabbing. He never screamed. He didn't appear to make much noise at all. He seemed comfortable.

Attorney: Is that notable to you for any reason?

Kimberly: From a child development perspective, that's concerning, because any child who has multiple strangers in or just outside of their home, and their family is screaming at them, and they're attempting to come into their home. It's a very chaotic situation, with lots of raised voices, and new people, and strange goings on.

The parents clearly felt threatened, in their presentation they were yelling and screaming. The child didn't react to this at all. From a child development perspective, that's very concerning, that he was not reacting.

Attorney: From viewing the videos, do you have any reason to believe that either parent was assaulted in the process of the interaction with law enforcement?

Kimberly: Not based on what I saw.

Attorney: Have you had any, other than viewing the video including Moses, have you had any other opportunity to observe the children?

Kimberly: Yes, twice.

Attorney: What are your impressions of the children?

Kimberly: When they were initially brought into care, they were brought in by Alessandro LaRosa, who is a Child Protective Services supervisor. I had been in a meeting earlier, so I had not had contact with the children yet. About 5:15 I met with the children.

Judge: What day is this?

Kimberly: February 16th, the day of the incident.

Judge: Okay, thank you.

Kimberly: The children were picked up by Alessandro LaRosa, and brought to the child welfare office. I met with the children in a visit room previous to meeting their aunts. All the boys were cleaned, dressed appropriately for the weather. They appeared very calm. They were playing well together. I did note that the four year old and three year old did not present with very advanced speech. I would be concerned that there were speech delays.

I asked the three and four year old a couple of basic questions; what their names were, what their [inaudible 01:35:33] was, things that should be easy for children of their age. What they responded with was not particularly age appropriate. The four year old didn't have very clear articulation. He seemed to have a low vocabulary for his age. The three year old also appeared to have a low vocabulary for his age.

They were interactive. It's not as though they seemed to be uncomfortable speaking. It was just that they didn't seem to have the language skills. That was concerning.

None of the children appeared to have any injuries. None of the children appeared to be unhealthy, just by sight. They seemed very happy and bonded together. They seemed very comfortable with both relatives who they also saw.

Attorney: Based on the information that you have in this case, do you believe that the children could be safely returned to their parents' care at this time?

Kimberly: Not at this time.

Attorney: What is the basis for that opinion?

Kimberly: The fact that the parents were not cooperative with law enforcement to the degree that there was a confrontation in their home, and that the child was physically involved in that confrontation is concerning.

The fact that that child did not react at all, as that confrontation was ongoing is concerning. The fact that the family has reported, and Mr. Petrenko also stated when he was on the stand that there is diagnosed mental illness, that is not being treated at this point in time.

Ilya: I object, I did not say I was not being treated at this time.

Judge: Overruled.

Kimberly: The fact that the family is very concerned about domestic violence, and there are current charges related to assault that are yet to be addressed criminally. The fact that the parents are not cooperative with the department, and don't demonstrate any insight into why law enforcement would be concerned, why the department would be concerned, or why the court would be concerned. The fact that the family is at high risk of flight. They've moved quite a bit, and they don't believe in or recognize the jurisdiction of the courts in these matters, is concerning.

That a safety plan could not be in place and followed appropriately. The family has reported erratic behavior. Based on my interactions with Ms. Salyers, I'm also concerned. She has presented as very inconsistent. Initially, she wanted to work with the department. She wanted to work with everybody, very polite, easy to talk to, ready for a conversation. Then, within just two hours, her entire demeanor changed. Her attitude changed. Her presentation changed. She was no longer willing to talk to or work with the department. She wasn't willing to talk to or work with any representatives of the department.

They were not willing to listen to the fact that there are multiple representatives of the department, and the children are in the custody of the state of Washington, and not my custody, not Rachel Whitney's custody, not Alessandro LaRosa's custody, but in the custody of the state of Washington.

They didn't understand why we would need to go to court, and that's concerning.

Attorney: From a child safety perspective, is there an impact on the children being present for or exposed to a domestic violence relationship between their parents?

Kimberly: Certainly, children are very attuned to their environments. They're safety and security is through their parents. When one parent treats another parent in a violent manner, it can cause terror in the children. Can traumatize them. Can affect their emotional, mental health and well being, and growth and development. It can impact them in such a way that they act out violently. It's very damaging for children over time.

Attorney: Based on the interactions with the family, were there any other services that could have been offered or options that could have been investigated by the department that would have potentially allowed for the children to remain with either parent?

Kimberly: Initially we believed so, based on our conversation with Ms. Salyers. Our intention was to return the children on a safety plan. Once she came to the FTDM and stated that she would not be cooperative with us at all essentially, we weren't able to work a plan with her, because if we can't engage the family in services, and conversations about the safety threats and how to address them, are able to provide supportive services to ameliorate those safety threats, then those safety threats continue to exist. We can't provide safety, or ensure safety for the children.

Attorney: Did you inquire of the parents whether the children have any Native American ancestry?

Kimberly: I did this morning. I asked, and I believe Angela Gomez also asked yesterday. In both cases, the family stated that there is not Native American ancestry in this case, on either the maternal or paternal side.

Attorney: If the children were released to their parents care, do you believe that it would present a serious threat of substantial harm to the children?

Kimberly: I do.

Attorney: What is the placement that the department is requesting that the court order at this time?

Kimberly: The children are currently with relatives, and we would like to maintain them with relatives.

Attorney: No further questions for this witness.

Judge: Thank you. We're going to take a short break, and then we'll come back for cross where the parents can then ask their questions. We'll be back in 10 minutes.

---BREAK---

Judge: We're back on the record. Please be seated. I'm sorry.

Female: I think Connor's coming through security right now.

Judge: [inaudible 00:00:43]

Ilya: Yes.

Judge: Go ahead, please.

Ilya: Pardon me?

Judge: Go ahead, please. Remember you're still under oath, ma'am?

Kimberly: I do.

Ilya: Do you represent the state of Washington?

Kimberly: I do.

Ilya: I believe that you have my property and I require that you return it to me. No further questions.

Judge: Okay. Thank you. That was a statement, not a question, but I understand that.

Ilya: My apologies.

Judge: Ma'am, any questions for this witness?

Stephanie: Yes, Your Honor. I would like to ask you, Kimberly Adams, if you know the development speech patterns for males and females and what ages they usually begin to speak? Also, if it's proper to teach children not to speak to strangers.

Kimberly: Which question would you like me to answer?

Stephanie: Both.

Kimberly: Okay. I have studied child development extensively and I'm trained in it annually and I do know speech patterns on average, how it typically presents in children ages three to five. Then what was the second question?

Judge: Is it proper to teach kids not to talk to talk to strangers?

Kimberly: Depends on the situation, but typically yes, we would advise that.

Stephanie: Okay. Do you recall that on the date of 2/17, yesterday after discharge of my release, that I did contact you via phone and that was my initiation communicating with you?

Kimberly: I recall that your aunt stated that you wanted to speak with me and she'd given you my number but I recall that I called you. Either way, we spoke.

Stephanie: Also, did you tell me when I was on the phone with you on the way to the meeting yesterday that my sons were in your possession?

Kimberly: I stated that they were at the children's administration office. They were not physically in my possession. They were not in the room with me and I did not have charge of them.

Stephanie: Okay.

Kimberly: Your sons are not in my physical custody.

Stephanie: Also, with that, are you aware of height and weight standards of appropriate balance with a person of a certain height and weight?

Kimberly: It depends. I would typically consult a medical professional about that and we have medical professionals that we consult.

Stephanie: Okay. In the marine corp we had weight and height standards that we had to apply our weight to. For 63 inches high, 107 pounds is the minimum weight that they would like for 63 inches high, and 142 pounds is the maximum weight that they would approve for 63 inches high, so 115 pounds is not dangerous nor is it a frightening weight so I'm wondering if that was a concern of the department.

Kimberly: I never speculated on your weight. I only stated that that was explained to me by your family that that was a concern for them.

Stephanie: Okay. Very well. You do state that the children's development of speech patterns is between the ages of three and five?

Kimberly: I do know what that should look like in typical circumstances, yes.

Stephanie: Okay, so a three and a four year old communicating to a stranger, asking them questions, that they were told not to speak to strangers, are you concerned that the children wouldn't speak to you because you were a stranger or were you concerned that they wouldn't speak to you because they didn't know how to talk?

Kimberly: In my capacity as a CPS investigator, I've interviewed hundreds of children between the ages of three and five, and I'm very adept at telling the difference between whether or not they're being shy or whether or not they don't have the words or the vocabulary to answer questions in an articulate manner. In this case, your sons presented as very comfortable with their surroundings and the people that they were talking to however they were not very

articulate. It was hard to understand their speech, and they appeared to be at a lack of a vocabulary for their age.

Stephanie: Also do you understand that these children are of Russian descent and they speak two languages?

Kimberly: My understanding is that they spoke one language. I was not aware that they spoke two languages. I understood that their father was of Russian descent, however my understanding was also that English was their primary language.

Stephanie: They were first taught to speak Russian language. If you were unable to understand something that one of them would say, could you interpret that as the child not being proficient in speech?

Kimberly: Based on the way that the children were speaking with me, they were speaking in English. They appeared to have reasonable command of English for children of their age.

Stephanie: They speak in English.

Kimberly: It just happened to be that they were not articulating their words, such that their speech would be average for their age. They appeared at a loss for words at time. If they were bilingual, that may explain the loss for words, it would not sufficiently explain the lack of articulation in their speech.

Stephanie: Between the age of three and five and they're three and four. Okay. When you stated that Ricky Salyers said that my husband controlled me to the point where I would not talk back to him, was there any specifics in which he represented that?

Kimberly: I don't recall him creating specifics. He just said that that was a concern for him, that he didn't like the way that it occurred. It made him feel uncomfortable.

Stephanie: Also, during the time in 2011, my parents stated that I was staying with them, which would probably be more like 2013. Were you aware that my husband was undergoing his VA compensation claim

and that is how he bought the van and the whole reason for me living in Kentucky at the time was for him to proceed with his claim without disrupting his family?

Kimberly: I never asked your parents why they felt the way that they did. They just told me how they felt and I accepted that as their opinion and their belief.

Stephanie: Okay. You also stated about the letter that I brought to the meeting, you stated that you had tried to ask me a question about it and that I refused to hear?

Kimberly: I had attempted to ask several questions and to speak with you about visitation and the plan and you stated you did not want to consent to participate in the meeting. You cut me off and the continued to read from your letter multiple times before I left the room. Then my understanding is that my supervisor continued speaking with you after I left.

Stephanie: You also stated that your supervisor or another woman from the department had followed me out?

Kimberly: Out of the room into the lobby, yes.

Stephanie: There was one woman with curly hair, I did not see her name, I didn't recognize her name, who escorted me out, walked in front of me and showed me the way out of the door and I was not leaving on my own free will. I was in the meeting in regards to receive my children back and before I went to the meeting, and I had called you from the [inaudible 00:10:15] County Detention Center where I was released, you had stated that there probably would not be a way for my children to be released to me.

Kimberly: I explained that I would have to consult with supervision and that the plan would be created with supervision. Because of your cooperation on the phone, we felt given the fact that you have lots of family around and you had lots of support that we would be able to create a plan, but we were not able to come to that decision until we met with you at the meeting which I did explain which is why we

invited you to the meeting to talk about a plan for your children going forward.

Stephanie: Okay. You also stated during the meeting that I said, "I am here to receive my property and my sons be returned to me immediately," and I said, "Are you willing to return my property to me and my sons [Malachi, Moses and Ezra 00:11:14] at this time even if I proceed with this meeting?" What was the answer?

Kimberly: It would have been no at that point in time, although I don't recall. That may have been a question you asked from Ms. Whitney.

Stephanie: Okay. Also, you stated that the State of Washington has possession of my sons.

Kimberly: Yes.

Stephanie: Who is the State of Washington?

Kimberly: The State of Washington is the state in which we live, and the government of the State of Washington, the Department of Social and Human Services, part of of the government of the State of Washington. I can't make choices for your children without the consent of the State of Washington i.e. even if you requested over and over again, I personally could never return your children to you. It would have to be the choice of the State of Washington.

Stephanie: I'm just wondering, I'm asking, you didn't answer my question. Who is the State of Washington?

Judge: Excuse me, that's not an appropriate question. We're not here to debate whether or not there's a government or not a government, whether it's a legitimate government or not a legitimate government based on your perception. We're here to talk about the children.

Stephanie: Yes, Your Honor.

Judge: We're going to move on to the next question, please.

Stephanie: Very well, Your Honor. Okay. The last thing that I will have to say is that I appreciate that you have protected and secured my property, my sons, and made sure that they were in custody of relatives and such, but now I do request that my property is returned to me.

Kimberly: That would be the decision of the court and not my decision.

Judge: All right. Any further questions for this witness?

Stephanie: No, Your Honor.

Judge: Any redirect?

Female: No, Your Honor.

Judge: Sir, any redirect?

Ilya: I'm not sure what redirect means. I'm just here [inaudible 00:13:02] property.

Judge: Okay. Thank you. You may step down please, Ms. Adams. Any additional witnesses, Ms. [inaudible 00:13:16]?

Female: No, Your Honor. The State rests. We do have the video on a thumb drive if Your Honor wishes to see it but I don't intend to offer it at this point but I [inaudible 00:13:31] it would be necessary.

Judge: We have two other witnesses. Let's hear from the other witnesses and then see where we are. This is your time to put on your case. You can each take the stand if you want and question each other as before or you can put on your other witnesses first. Whichever you would prefer. I'll go with Mom first. Ma'am, what would you like to do first? Do you want to put your witnesses on or do you want to take the stand and make a statement in your own, make some statements? What would you like?

Stephanie: Your Honor, can I do one or the other first and then ... Or is it that I ...

Judge: I'm asking you what order you want to go.

Stephanie: I'd like to get my ...

Judge: Sure. Why don't you call in your witness, please?

Stephanie: Thank you, your honor.

Judge: Okay, and ma'am would you raise your right hand first? Do you promise to tell the truth and nothing but the truth regarding this matter?

Sara: I do.

Judge: Okay, if you would please step up here. State your name and spell your last name for the record.

Sara: My name is Sara Kudla, K-U-D-L-A.

Judge: Okay. Is that Sarah with a H or just ...

Sara: No H.

Judge: Okay. Thank you for waiting today. It's been a long day. Ma'am, you can start your questions.

Stephanie: Sara, during the time of September through November 2015, you resided at 1602 SE 145th Court, Vancouver, Washington which is our residence, the Petrenko residence. During that time, have you ever seen any danger from the mother or father placed upon any of the sons, Malachi, Moses, or Ezra in the residence at any time in which you were residing there for the few months?

Sara: I did not. Also, I was unemployed during that time so I was with Stephanie and the boys and Ilya 24/7 for three months straight. There was absolutely no harm done. If there was any normal marital arguments it was always taken upstairs to a different room and I could attest to that because as I said I was there 24/7 with them

except for when I had to pick up my fiance from work. My fiance being her brother who was also staying with us.

Stephanie: Do you feel that the displacement of Moses, Malachi and Ezra from the custody of their mother and their father has caused trauma or any type of malnourishment due to different ...

Female: Objection. Calls for speculation.

Judge: Sustained. She can't give her opinion about that. She's not an expert.

Stephanie: Okay. Very well. Can you state any of the food and speech patterns of the children in which you were around for these three months?

Sara: Yeah. We got into a lot of different organic foods. They like to stay healthy. I know that there was some mention that my fiance said that all they ate supplements. I just called him on the phone, he said somebody misconstrued his words because he never said that and he was pretty upset about it. We made cauliflower pizza and made rice noodles and we worked with the vegetables and the things that were very healthy and occasionally if we wanted to eat some chicken, the kids were allowed to eat that. They weren't starved. They were fed. It's pretty upsetting that people are saying otherwise when I was there 24/7 to attest to the fact that they were fed.

Stephanie: Do you feel that it is in the best interest of the Petrenko family and most importantly the son ...

Female: Objection [inaudible 00:18:54], calls for speculation.

Judge: Go ahead and finish your question and then we'll see.

Stephanie: The sons Malachi, Moses, and Ezra ...

Sara: I'm sorry [inaudible 00:19:07].

Stephanie: Do you feel that the sons Malachi, Moses, and Ezra should be placed with their family, with their mother and father?

Female: [inaudible 00:19:23] objection.

Judge: That's again, going to sustain the objection, it's speculation. It's her opinion about what should happen. She's not an expert.

Stephanie: Very well.

Sara: I know you mentioned the speech. I don't think I said that.

Female: Objection, there's no question [inaudible 00:19:42].

Judge: Sustained. You need to ask a question, please.

Sara: Sorry.

Judge: It's all right.

Sara: It was a previous question I forgot to answer.

Stephanie: Do you feel that the children would be any harm if they were returned to ...

Female: Objection, calls for speculation.

Judge: Why don't you rephrase your question?

Stephanie: Is it safe to consider that there would be no harm done ...

Judge: Did you observe any harm during the three months that you were living there?

Sara: I did not, no. They are happy kids and as I said the problems that I saw in the house were older typical problems that never lasted longer than just a quick argument upstairs and the kids weren't around for that.

Stephanie: You also stated that there hasn't been no harm. Did you communicate with the children on a regular basis while you lived in the home?

Sara: I did. Daily, all the time.

Stephanie: Did these children, Moses, Malachi, and Ezra, did they seem to, or Malachi and Ezra particularly, did they seem to have delayed speech and not be able to communicate well?

Female: Objection. Calls for speculation.

Judge: I'll allow her to answer the question.

Sara: Personally, I don't have children and I'm not an expert on the fact of different speech development, but I could understand the children. I also know that one of her sister' kids I couldn't understand until he was about five because of a hearing issue. Not being able to understand doesn't mean that there's anything wrong going on. Just kind of have to wait it out and see what happens, otherwise it could be something medical that needs to be taken care of. It doesn't show, at least for me, they talk to their kids all the time. It wasn't anything that I saw them doing to prevent them from learning how to speak.

Stephanie: Did you see the children being loved on a daily basis in the home that you were residing in?

Sara: Yes, of course. You were with them all the time. That's your life. They were constantly being loved and they loved each other. That's all that they saw which I'm sure they're unhappy right now.

Female: Objection. Speculation. The last piece.

Judge: Sustained.

Stephanie: With the statements that came from out of state, has there ever been any incorrect knowledge based on your contact or the

accuracy of the information given from out of state family members from Kentucky?

Sara: Yes. No offense to your family but it's a gossiping family so things can be taken out of hand and they have been throughout the four years that I've been in a relationship with your brother. I see how quickly this situation has escalated from some sort of marital dispute to you not being able to have your children. I can see how things from out of state has taken things to this type of manner before and it has now.

Stephanie: Is there any doubt in your mind that my sons, Moses, Malachi, and Ezra's best interests would be to be placed in the parent's, mother and father's, custody?

Female: Objection. Calls for speculation.

Judge: Sustained.

Ilya: [inaudible 00:24:17]

Stephanie: After somebody is detained, do you feel that if their children were taken from them that the children should be returned if there has not been any harm done to the children?

Female: Objection. Calls for speculation.

Judge: Sustained.

Stephanie: Did you ever witness any physical abuse between Ilya and myself while the three months of you living in our residence?

Sara: I did not. Nope.

Stephanie: Do you feel that I am afraid of my husband?

Female: Objection. Calls for speculation.

Stephanie: Sorry.

Judge: Sustained. Rephrase.

Stephanie: Yes, Your Honor.

Ilya: Have you seen.

Stephanie: Have you seen my ... Sorry. I forgot what I was asking.

Judge: Okay. Move on to the next question, please.

Stephanie: What are your qualifications in stating your witness to our household in the time that you lived with us, the 30 day period, in reference to treatment of any person in the household at the time?

Sara: I didn't see any issues. Ilya likes to keep to himself or play with the boys. When people don't understand why people want to be alone it can be frightening to people but I didn't see any issue with that. You spent all your time with the boys and I saw a loving family.

Stephanie: Did you ever witness any education skills from the children that seemed superior to other children of their age?

Sara: Yes. Their non-verbal skills is amazing. They know how to interact with one another, interact with other people, they understand when you tell them something. They're obedient. They're good kids, from what I've seen, and I think that they where they should be at if not higher education-wise. Again, I can't attest to that because I'm not a teacher so I don't know what level they should or anybody should be at for that matter.

Stephanie: I have no further questions, Your Honor.

Judge: Thank you, and sir, any questions for this witness?

Ilya: Yes, ma'am. Sara Kudla, good afternoon, it's good to see you. Were you present at this safety plan meeting that was brought up yesterday or the day before?

Sara: I was on the phone call.

Ilya: You were on the phone, okay, because I was not allowed to be there for whatever reasons. Restraining order or whatever they decide to shoot off at me. Was any of my family members present or requested to be present there at any time?

Sara: They were not present. I do not know if they were requested or not, but during the phone call they were not.

Ilya: Okay. As far as when you were there it was specifically Stephanie's side of the family?

Sara: Mm-hmm (affirmative), and then ex-girlfriend of Ricky's from four years ago.

Ilya: Okay. No further questions. Thank you for your time.

Judge: Okay. Thank you. Cross state?

Female: Yes, Your Honor. Do you have any knowledge of who was invited to the meeting that chose or refused to attend?

Sara: I don't.

Female: You mentioned that Ms. Salyers's family is a gossiping family and that where we are today has escalated out of some sort of martial dispute. Is that your understanding of what the situation was?

Sara: From what I'm understanding, I know that they were attempting to help, they thought that there was an issue going on between Ilya and Stephanie, so they called the cops.

Female: Is that your understanding, either Ilya or Stephanie, that there was a marital dispute?

Sara: I haven't been completely filled in with everything from what they are told, but from what I understand that's why things happened.

At least from the phone call, that's what Esther had been going over during that play by play.

Female: No further questions.

Judge: Okay. Witness may ... Any redirect? I'm sorry.

Stephanie: Was there anything about the meeting that made you feel undermined in your statements to the child protective services?

Sara: At one point, i just tried to say that the way that you and Ilya speak, calling each other, your children, property, etc, I did say that it's just because you're trying to do what was in your best interest and you'd done a lot of research and you thought that that would be what would get you back because of other court cases, etc. I was kind of shut down, I think, because I seemed to be the only one that wants the kids to be back in your custody but I can't attest to what everybody else feels. Instead of it being spoken about having the kids, how can we get the kids back to you is only about who else is going to have them.

Stephanie: Was there anything about financial, anybody getting the children for financial purposes during the meeting?

Sara: Not for financial reasons, but that was mentioned that that would occur.

Stephanie: I have no further questions, Your Honor.

Judge: All right. Thank you. Witness may step down. Next witness, please. Do you have another witness, ma'am?

Ilya: I'm going to request Michael Mcintosh.

Judge: Okay. Hang on. You're not there yet.

Ilya: Sorry.

Stephanie: I don't have any.

Judge: Okay.

Stephanie: Sorry.

Ilya: Oh, my apologies.

Judge: Thank you. Okay, sir. You have a witness?

Ilya: I do have a witness, but I decided that I'm not going to bring him in today. Thank you for the opportunity.

Judge: Okay. You don't have a witness that you want to testify at this time?

Ilya: No, not as of this moment. No.

Judge: This is your moment.

Ilya: This is my moment, and as of this moment I do not want a witness.

Judge: Okay.

Ilya: Thank you, ma'am.

Judge: No witnesses for father. Okay. Do either of you have any other witnesses?

Ilya: I do have a statement I can submit.

Judge: I'll get to that in one second. Do either of you want to call the other parent to the stand to testify? Or would you prefer a closing to just make your statements?

Ilya: I just want to close with my statement. Do you have any questions for me? Want me to go up on the stand?

Judge: Ma'am, did you want him to take the stand and ask?

Stephanie: Just one question.

Ilya: Sure.

Judge: Okay. Sir, you are still under oath. Do you understand that?

Ilya: Yes, ma'am.

Judge: Okay. Ma'am, ask your question.

Stephanie: Thank you, Your Honor. I would like to ask you if at any time during the physical altercation of the police officers breaking and entering our residence at 1602 SE 145th Court, was there any evidence via video or by your site, did you witness myself, Stephanie Salyers, kicking or physically touching any police officers at any time?

Ilya: I witnessed with my own eyes and with my phone camera, which there was actually a couple times when I was trying to record the scene, that the officers would start molesting me and manhandling me and making it so the camera would turn away when my wife was being assaulted.

Judge: Okay, the question is ...

Ilya: The question.

Judge: Did you observe her kicking? That's the question.

Ilya: I did not observe Stephanie kicking and fighting the police officers in any way, shape, or form. I only observed the officers very rudely and very disrespectfully assaulting my wife and very dangerously to the point of her life being nearly destroyed.

Judge: All right. Thank you. Any other questions that you have for ...

Stephanie: When the officers were breaking in the home, do you recall that what I was preparing for the boys?

Ilya: I know you were about to make some scrambled eggs, get them some breakfast or lunchtime going. I just honestly, to be honest

with you, I remember a very peaceful, normal, everyday flow of life getting suddenly, drastically flipped upside down. I remember that we were attempting to cook some scrambled eggs and stuff but with all the destruction on the property and the banging on the walls and the harassment and everything it was very hard to think clearly and do anything.

Stephanie: Also, did you see or witness when the window was broken entered, did you witness the reaction of your oldest son who was sitting on, did you witness what ...

Ilya: He was very startled, very scared, very concerned, and that is why I immediately came up to him, that's when I busted out my camera and started recording stuff because it's one thing for somebody to come to your house and say hello, you ask them to leave, they don't, it's one thing, but when they start breaking in through the windows and what not, it's ...

Stephanie: Can you affirm or can you witness that we were, our home was, in a hostile, we were in fear of our lives and that if anyone in fear of their life, what ...

Female: Objection. Calls for speculation.

Judge: Sustained.

Stephanie: What, as a parent, as a father or a mother, did you witness any instinctual reactions of a mother while breaking and entering was occurring?

Ilya: Instinctual, the only thing instinctual I remember is you fearing for the life and safety and well-being of your children from these men breaking into our home. If that's what you mean, absolutely. Motherly instincts all day every day.

Stephanie: Did you see weapons wielding around innocent children at the time in which the breaking and entering had occurred or any inappropriate actions of a mother with protection of the child at the time?

Ilya: All I saw was that you were holding your child, as you were before, our son, Moses, and as soon as armed men started breaking through the door, they started grabbing you and pulling on your hair and all you did was hold the child and then I saw them jerk my little baby, jerk so his head twitched and his whole body went like this as they were pulling on Stephanie's hair and her arms and everything. She said, "My baby!" and they ripped him out. At that moment I started to stand up and then the car, he's in the National Guard, military-trained police officer came up and started molesting me.

Judge: Speculation. Excuse me, sir. Sir?

Ilya: Yes, ma'am.

Judge: That's speculation about the training.

Ilya: Oh, he told me he was in the National Guard. It's not speculation. Thank you.

Stephanie: Did you witness at any time that, by video, that I was stating that I was holding my child and I was not touching anyone?

Ilya: Absolutely. I believe that is why now the state does not wish to present the video because they claim kicking and screaming and what-not when you were being assaulted.

Stephanie: I have no further questions.

Judge: Redirect?

Female: No, ma'am.

Judge: Okay. Thank you. May step down, sir.

Ilya: Thank you, ma'am.

Judge: Any other questions, ma'am?

Stephanie: No, Your Honor.

Judge: Okay. In regard to the video, it seems that everybody wants the video to be watched so I think if we have the ability to show the videos ...

Ilya: Can I put my statement before that?

Judge: We're going to do that, and then we'll do the statements.

Ilya: Okay. Okay. Thank you.

Judge: That'll be [inaudible 00:40:20].

Female: It's on there.

Judge: Where am I supposed to plug this into?

Female: Here it is. Right here.

Judge: Okay. How am I supposed to start this?

Female: It should ...

Judge: This is not my regular [inaudible 00:40:39].

Ilya: Your Honor, can I state that during part of the video where I disappear from the video ...

Judge: Hang on for a second. Can you get Joe in here?

Female: Yes, ma'am. I'll go get him.

Male: [inaudible 00:40:50] need help with?

Judge: I'm going to ask my JA, if he's still here, to come. If he's not I'm going to have you do it.

Female: It will require a password, and that's it.

Judge: Okay, because I do not do this. Ms. [inaudible 00:41:16], just for my understanding, where did you get this?

Female: I believe the social worker got that from YouTube posted by the father under the name Ilya Petrenko.

Judge: Okay. Is that correct, sir? Is that all of what was in your file?

Ilya: There's just a few short videos.

Female: He was coming.

Judge: Oh, good. That's all I'm asking for, because he's better at this than I am. Joe, could you come in here for a second? I'm sorry to bother you.

Joe: No, don't worry about it.

Judge: We need to see the video that's on this and this is the discovery so I'm not sure if it's here or the other laptop.

Joe: Oh [inaudible 00:41:53]

Judge: [inaudible 00:41:53]

Joe: It would be through the other laptop, so when you need to go back to your stuff you can just click on this and it'll pull your stuff back up

Judge: Okay [inaudible 00:42:04].

Joe: Let's see here. No, that's not the right drive. Actually, that might. That's definitely not it. Oh, there is a small [inaudible 00:42:16]. It may be [inaudible 00:42:20].

Judge: You have to understand, the computer is linked to my other computer at the office so it gets a little confusing.

Joe: That's a [inaudible 00:42:39], sorry.

Judge: No, no [inaudible 00:42:41]

Joe: No, that's not it. Here's what we're going to try to do. Gosh dang it. Okay.

Judge: It's over here, on the left.

Joe: That's right. I'm sorry.

Judge: It's okay. That's why I'm not sure where it's supposed to go.

Joe: Sure. Okay, now I have to ... There it goes. Okay. It has to install.

Judge: Thank you for helping me.

Joe: Never a problem. Never a problem at all. It should be, okay, it's definitely not that drive. [inaudible 00:43:38]

Judge: How long was it on there? How many minutes?

Female: I think there are several videos. One is 15 minutes. There are three videos, one is 15 minutes, one is three minutes, and one's two-ish.

Judge: Okay.

Joe: [inaudible 00:44:05]

Female: Does that sound accurate?

Ilya: Yes, absolutely. For sure.

Stephanie: Your Honor?

Judge: Yes.

Stephanie: During the video, when I do go missing from the video, you can see that the cops are maneuvering to make sure that my husband's video cannot catch me on the camera.

Judge: Okay. Thank you. Is there a way we can get it on there? Yeah, I don't know either. Okay.

Joe: Not from a flash-drive, unfortunately. From a DVD [inaudible 00:44:38].

Judge: We could've.

Joe: There's ways that you can, yeah.

Judge: Okay, well that's good for us to know in the future. All right, so what do we do?

Joe: All you have to do is double click and you're on the three files.

Judge: You are so wonderful.

Joe: Like you would [inaudible 00:44:47].

Judge: Thank you.

Joe: No problem at all.

Judge: Okay, so I have three files. I'm going to go in accordance I guess with the time. Oh, no, those are when ... That's today. Do you want me to start on the pre-break in?

Ilya: It's up to you.

Judge: Which is, in time, which would it be?

Ilya: In time? What do you mean?

Judge: In terms of what would come first from a sequence?

Ilya: The 15 minute video is right when they started to break in.

Stephanie: That's the last one.

Judge: All right. Let's do ...

Stephanie: The shorter ones first, I would think that ...

Judge: The pre-break in.

Ilya: They could be in order from shortest to that being the first one, I think.

Judge: Hang on.

Stephanie: Your Honor.

Judge: Can everybody see?

Female: Oh, it just went off. It's off. You just turned it off.

Judge: I just turned it off?

Female: There you go. If he would like [inaudible 00:45:45].

Judge: I don't know if you guys can see. Can you see it?

Stephanie: Yes, Your Honor.

Judge: Sir? Can you see it okay?

Ilya: Yes, ma'am.

Female: Is there no sound?

Judge: I don't know. I don't know if I have sound in this here. I do not have sound? I have it in my office, but not here.

Female: Oh. It might be necessary.

Stephanie: Yeah, without the sound it might not be.

Judge: The only thing I can do is go into my office and watch it and come back.

Female: Joe's coming back.

Judge: Joe, do we have sound?

Joe: I was going to say I don't think you have speakers.

Judge: I don't have speakers.

Joe: No, no.

Judge: Do we have any speakers in that we can plug in?

Joe: We might be able to do this.

Judge: [inaudible 00:46:42]

Female: There we go.

Judge: Okay, very good. Do you want me to start this over?

Joe: If you'd like.

Judge: [inaudible 00:46:52] the cops aren't here, right?

Ilya: They are there. They are there.

Judge: All right. Let's start this one over.

Joe: Start this one over.

Judge: Can we do that?

Joe: Yeah, absolutely.

Ilya:	Before this video started, the police officers asked us in many different ways to cooperate and we did and I started filming ...
Judge:	Sir, you're not testifying now.
Ilya:	Oh, okay.
Judge:	That was before. Go ahead.
Joe:	You ready?
Judge:	Mm-hmm (affirmative). Oh, I can see it over there.
Joe:	Yes, you can see it on both.
Judge:	[inaudible 00:47:24] is this on there? [inaudible 00:47:30]
Ilya Video:	No man will try to overstep my boundaries, especially when it's unlawful, illegal, and completely unauthorized.
Judge:	[crosstalk 00:47:50] You're a sweetie. Thank you.
Joe:	No problem at all.
Judge:	Thanks, Joe.
Joe:	You're welcome.
Ilya Video:	What they're doing right now is cutting off my supply line to survive because I need to go get some cigarettes right now and I've got armed men standing outside my door preventing me from doing so. What the heck is going on here?
Stephanie Video:	[inaudible 00:48:30] they won't leave.
Ilya Video:	Police officers. Police officers, right here with weapons. What are you doing? What are you holding on your hip? What are you

holding on your hip? They're taking a [inaudible 00:48:46]. Oh, shit. This is bad. This is bad. This is bad. Guys, guys, everybody upstairs.

Stephanie Video: My mom's crazy. She called the cops and ...

Ilya Video: Everybody upstairs. Oh, crap, they put their hands on their hips, Steph. Yo, they're going for real on this. Oh, shit.

Stephanie Video: They're pulling their guns off their hips now.

Ilya Video: Man, this sucks.

Stephanie Video: My mom called the cops because she said that Ilya was abusing me and now they are trying to say they have a warrant for my arrest and such so fuck my family. They're just retarded.

Ilya Video: You guys, you got to get out of here. You can't be putting your gun, your hands on your holsters like that. I'm peaceful, man. I'm not doing this crap. This is why you don't argue the facts. They got to leave. This is crazy. Yo, they're trying to set something up.

Stephanie Video: They're saying my warrant, it came back a warrant.

Ilya Video: Come over and help you with something. Yo.

Stephanie Video: No, because it's not changed to that and ...

Ilya Video: Oh, shit.

Stephanie Video: I just feel bad because my kids are like stuck in the house with me and they're surrounded by cops.

Ilya Video: They're putting their hands on their ...

Stephanie Video: Video recording, watching. We've asked them to leave multiple, multiple times. Yeah, they're surrounding the entire house and they're ... Then that's on them. Then they're going to try and say that we have to fix it. Right? No. I saw them coming. I was walking down the road because I was going to go on a walk and get myself some

fresh air and then they came walking up to my house from parking way down the street and I was like, "What is going on?" so I turned around and walked back to my house and shut the garage door and they started pounding on the door, peeking through. i asked them to go away and that they had no reason [inaudible 00:51:00] ...

Judge: This is the second short one.

Ilya Video: Apparently being damaged. My property's apparently being damaged. I have people surrounding my house.

Stephanie Video: Oh, he said it's [inaudible 00:51:25] property too.

Ilya Video: Oh, really? Oh, he wants to go like that. I'm a peaceful person and I don't feel like this is a peaceful situation. I have people banging on my walls.

Stephanie Video: Okay, I'll talk to you later, honey.

Ilya Video: People coming over here surrounding me, trying to come in through my back door. I just woke up. I'm just trying to make myself a hot cocoa and smoke a cigarette. I'm trying to figure out why my peaceful situation is not. I'm having people ... You hear this?

Stephanie Video: Continuing to pound.

Ilya Video: Banging on the walls. This is all in court right now. This is all in court right now. This is all in court as we speak because court is not the person that appears but the contract and the paperwork that is set there forth and this is all evidence as a part of it. Now then, I have people at my house banging on my walls.

Stephanie Video: Wielding weapons.

Ilya Video: Wielding weapons.

Judge: This is the long one.

Ilya Video: [inaudible 00:52:59] enter through the back door.

Officer Video: Okay?

Stephanie Video: This isn't even a door.

Ilya Video: Donaldson, S. Donaldson. He's got a gun on his hand. You guys. Can you back off? This guy's got a gun on his hand.

Officer Video: Why don't you call your mom?

Stephanie Video: I have talked to my mom. She said you guys would leave.

Ilya Video: Come on.

Officer Video: Well we will leave if [crosstalk 00:53:18] assault.

Ilya Video: You might want to back off.

Stephanie Video: Nobody is talking to you.

Ilya Video: Are you kidding me? You're holding a gun, finger at the ready. I'm trained. Stop. I'm telling you to stop. This is bad.

Stephanie Video: I have a less than a year old child in my hands.

Ilya Video: Please. He's going to barge in. Look. [crosstalk 00:53:36]

Stephanie Video: I don't care if your finger is straight and off the trigger. You need to put your gun away.

Ilya Video: Please, please.

Stephanie Video: No, never. Look at him. Look at that. Come outside? Come outside?

Ilya Video: Look. Steph, just go upstairs.

Stephanie Video: You've got to be twisted.

Ilya Video: I'm so sorry, babe. I don't know why your mom's ...

Officer Video:	[crosstalk 00:53:51]
Stephanie Video:	I will never, with another man, step any type of, alone time with another man.
Ilya Video:	Goodness gracious. You guys, chill out.
Officer Video:	You need to understand what we're asking for.
Ilya Video:	I do not understand anything, because what's going on right now is a very escalated situation. I want to de-escalate the situation. That's all.
Officer Video:	Okay, well, what we want to be able to do is to talk to your wife, by herself, make sure everything is okay and then we will leave.
Ilya Video:	Everything is okay.
Stephanie Video:	I refuse.
Ilya Video:	Okay. Can you do it from here? Can you do it from the crack in the window? Your body's in my house.
Officer Video:	I know it is. I'm going to come more into your house until we resolve it.
Ilya Video:	It's very disrespectful, and it's illegal.
Officer Video:	I'm going to come into your house unless we can resolve this and so is everybody else.
Ilya Video:	You have no jurisdiction.
Officer Video:	We're giving you the choice. You can come outside and chat with us or [crosstalk 00:54:31].
Ilya Video:	Bring the papers over here. I got the papers.

Officer Video:	What do you want us to do? You want us to come through this window?
Ilya Video:	What is the nature of your being here?
Officer Video:	We got a call that you have assaulted her.
Ilya Video:	I did not assault anybody.
Officer Video:	We want to know for sure.
Ilya Video:	We do know for sure.
Officer Video:	I don't know for sure. We're not leaving until we know for sure.
Ilya Video:	They're saying that I assaulted you, Steph. What are these guys talking about? Who called? Okay, he's coming, they're coming in!
Stephanie Video:	No, he's not welcome in here!
Ilya Video:	What are we supposed to do? This is crazy.
Officer Video:	We need to talk to you by yourself.
Stephanie Video:	I have a stove on. You guys are trying to burn this place down.
Officer Video:	We're going to come in here in a little bit and ...
Stephanie Video:	Bye. I'm leaving.
Ilya Video:	Steph, just be cool. They got their hands on their guns. Thank you for putting it away. Hey, I really appreciate that. Seriously.
Officer Video:	Do you want us to come through here or do you want to open the door? What's your choice?
Stephanie Video:	You are not welcome to come in here! At all. At all! You're not welcome.

Officer Video:	We are going to make sure everybody's okay.
Stephanie Video:	You come in here and you're doing it against our will.
Ilya Video:	Okay, we're letting you know, it's documented evidence, we are coerced into this. We are coerced into this with guns.
Stephanie Video:	Letting you know, and there will be [crosstalk 00:55:48] placed against you. Past due and owed immediately.
Ilya Video:	Listen, if we let you into the house you cannot pass ...
Officer Video:	We just want to make sure everybody's okay.
Stephanie Video:	That's fine, and you can make sure [crosstalk 00:55:57].
Ilya Video:	How about I open the door?
Stephanie Video:	Stop pointing at my door. You and your gun, you and your gun, Mr. Donaldson.
Ilya Video:	I want everybody ... If you guys can disperse and chill out.
Officer Video:	We're not going to go away.
Ilya Video:	I'll talk to you.
Officer Video:	This is not going to finish until we get a chance to talk to her and your children without you.
Ilya Video:	You're giving orders.
Stephanie Video:	My children do not, you're not talking. My children don't even talk. None of them talk.
Officer Video:	All that we're asking for, Stephanie, is just five minutes of your time.
Ilya Video:	Why?

Officer Video: By yourself.

Stephanie Video: No!

Ilya Video: [crosstalk 00:56:26]

Stephanie Video: Do you give your wife time to another man?

Ilya Video: Now they're going to use that against us. You know what, say whatever you want. Speak freely. You can say whatever you want based on your own free opinions, because these guys, they're going to try to twist anything we say. We're just trying to chill, man.

Stephanie Video: [inaudible 00:56:42] that the only way they would leave is if they saw all of us standing here together, and then after he saw all of us standing here together he goes and says no, we've got to have separate time.

Ilya Video: Look. They're breaking in! Look, go, stop, stop, go in the front. Stop. I'll talk to you guys in the front. Please.

Officer Video: Open the door.

Ilya Video: You don't need to, let me close the window first.

Officer Video: Doesn't work that way, buddy.

Officer Video: Go open the door.

Ilya Video: Look at this. Calling me buddy. They're being so disrespectful. Where's the judge? Put the judge on the phone. Stop. Show me the warrant.

Stephanie Video: [crosstalk 00:57:08] delegation of authority immediately now.

Ilya Video: Show me your authority, now. Please.

Stephanie Video:	Show me your warrant. Before you step into this premises show us your warrant and you need to have probable cause right now. Probable cause.
Ilya Video:	[crosstalk 00:57:23] back door.
Stephanie Video:	What's your probable cause?
Officer Video:	I'm going to come in, okay? You can make it easy or you can make it hard.
Ilya Video:	Stop, go through the front door. This is disgusting. Come on, guys. This is really bad. Go around and we'll open it.
Stephanie Video:	I will make sure all my deadlocks are on from now on.
Officer Video:	Then open the front door. No. We have people at the front. Go open the front door.
Ilya Video:	You guys have me surrounded and stuff. What is this?
Officer Video:	We are going to come in. You understand that?
Ilya Video:	Not like this.
Officer Video:	Then open the front door.
Stephanie Video:	Where's your warrant? Where's your warrant?
Ilya Video:	Where's your warrant?
Officer Video:	We don't need a warrant.
Stephanie Video:	Oh, really?
Ilya Video:	Wow. They just said they did not have a warrant. Get out of my house unless you have a warrant right now. Show me the warrant. Show me the warrant. Show me the warrant. Show me the warrant.

	Show me the warrant. Show me the warrant. Show me the warrant. Show me the warrant. Back away.
Stephanie Video:	Do not touch my hair. Show me the warrant. Show me the warrant. Show me your warrant. Show me your warrant. Where's your warrant?
Ilya Video:	You are not welcome in my house. Show me your warrant.
Officer Video:	We are going to make sure everything's okay.
Ilya Video:	Everything's okay. Show me the warrant.
Stephanie Video:	Where's your warrant?
Ilya Video:	Everything's okay. Stop it. Show me the warrant. They're going to tase you. Stop it.
Stephanie Video:	Where's the warrant?
Ilya Video:	Stop it. Stop it.
Officer Video:	Move away from the window.
Ilya Video:	They're illegally entering my house without a warrant! These guys are breaking in without a warrant! My house is being broken into without a warrant!
Female Video:	Without a warrant! Foreign agents without a warrant!
Ilya Video:	Please. Guys, they're breaking into my house. You're foreign agents. You have no warrant. Stop! Jeez. Steph, they're doing this for real.
Stephanie Video:	Show me your delegation of authority!
Ilya Video:	Listen, guys. What do you want? What's going to happen when you come in?

Stephanie Video:	Where's your warrant?
Ilya Video:	Come on. Look at this. Look how excited he is. Please, you guys. Please stop.
Stephanie Video:	He's touching me. He's putting his hands on me.
Officer Video:	Open the front door?
Ilya Video:	Please stop.
Officer Video:	All you have to do is open the front door, we won't do this.
Ilya Video:	Please, look at ... You're just going to jump in when I do. Come on.
Officer Video:	It's not like we're going to stay here.
Stephanie Video:	You promise?
Ilya Video:	You'll stay there? You'll stay there. You will not come in.
Stephanie Video:	Promise? They've broken and entered!
Ilya Video:	You guys do not have a warrant. Why do you not need a warrant?
Officer Video:	Come open the front door.
Ilya Video:	Please tell me why you don't need a warrant.
Officer Video:	I'm not going to explain it to you.
Ilya Video:	Explain to me your jurisdiction, why you don't need a warrant.
Stephanie Video:	Explain to me how you can enter my house without a warrant.
Officer Video:	You reported [crosstalk 00:59:16].
Stephanie Video:	No! I didn't. No! Give me your verified copy of [inaudible 00:59:20] right now.

Ilya Video:	Grab a warrant. You might want to get a warrant.
Stephanie Video:	Warrant. Warrant.
Ilya Video:	You have no jurisdiction unless you get a warrant. All of you are held accountable.
Stephanie Video:	No. Where's your warrant? Delegation of authority.
Ilya Video:	You have no warrant. You have no authority. You must leave now. You have no warrant. You must leave this house. You have no warrant. Please come back with a warrant. Please come back with a warrant.
Officer Video:	We're going to come in, okay?
Stephanie Video:	Don't touch me!
Ilya Video:	I'm asking you to come back with a warrant. Do not come in my house.
Officer Video:	We are going to come in.
Stephanie Video:	You have no right to come into my house.
Ilya Video:	No, no, no. I am not okay with this. I am not okay with this. You do not have a warrant. So help me. Lord. Almighty God.
Stephanie Video:	[crosstalk 00:59:54] You are not coming in. He's touching me. He's putting his hands on me.
Officer Video:	Put your child away. Put your child somewhere else.
Ilya Video:	You have no authority to come in. You need a warrant.
Stephanie Video:	Get your hands off of me.

Ilya Video:	Show me your warrant. Show me your warrant. Stephanie, please. Please. I don't want them to try and handle you.
Stephanie Video:	They're going to try and step in here.
Ilya Video:	It's okay. I'm not going to let them come in. They have no jurisdiction. They're not allowed to. You have no warrant. You have no warrant. Show me, sir, sir, show me a warrant. What is your name?
Officer Video:	We don't need a warrant.
Stephanie Video:	"We don't need a warrant"?
Officer Video:	Okay, step away from the window, please.
Ilya Video:	Why are you telling me you don't need a warrant?
Officer Video:	We don't.
Ilya Video:	Why are you telling me you do not need a warrant?
Stephanie Video:	He's physically touching me. He's putting his hands on me assaulting me at this moment. Get your hands off of me!
Ilya Video:	Come back with a warrant. You are not coming into my home.
Stephanie Video:	I don't even know his name and he's touching me. I'm inside my home, he has no warrant.
Ilya Video:	[crosstalk 01:00:45] Please, please.
Stephanie Video:	He has no warrant to be here and he's physically abusing me.
Ilya Video:	Please, you have no warrant. You have no right to be here. You have no warrant. You have no jurisdiction to be here. They have a taser!
Officer Video:	If he moves towards me, tase him.

Ilya Video:	Steph! They're threatening to tase me.
Stephanie Video:	Are you kidding me? Get out! Do not!
Ilya Video:	Stop it. You have no jurisdiction!
Stephanie Video:	[inaudible 01:01:08] my husband without a warrant! Get out of my house!
Ilya Video:	Okay. Stop! Stop, stop. Stop it. Stop it right now. Stop it. Do not let them pull your hair. Stop it.
Stephanie Video:	He just yanked my hair out of my head.
Ilya Video:	Stop, stop, stop. Please get away from them. Do not. Let go.
Stephanie Video:	I didn't touch anybody! I didn't touch anybody.
Ilya Video:	I know. I understand.
Stephanie Video:	I didn't touch anybody. They're yanking my hair out of my head.
Ilya Video:	Look, they have no warrant.
Officer Video:	Sit down.
Ilya Video:	They have no warrant.
Officer Video:	Sit down.
Ilya Video:	I'm going to sit down. You don't have to handle me. I'm not being detained. I am not resisting arrest. You have no warrant. Let go. Please! My baby! Steph! Please! Guys, it's my baby.
Officer Video:	Just sit down.
Ilya Video:	You guys, please. It's my baby.

Stephanie Video:	[inaudible 01:01:48]
Ilya Video:	Steph!
Stephanie Video:	My child!
Ilya Video:	You have to calm down.
Stephanie Video:	My child!
Officer Video:	Sit down.
Ilya Video:	God, please help me. God, please help me.
Officer Video:	Hey! Sit.
Stephanie Video:	My baby! My baby!
Officer Video:	Sit down. Sit.
Ilya Video:	You have no warrant.
Officer Video:	Sit.
Ilya Video:	You have no jurisdiction. You have no warrant.
Officer Video:	Sit down, Ilya. Ilya.
Stephanie Video:	[inaudible 01:02:06] Ilya!
Ilya Video:	You have no warrant. You have no jurisdiction. You have no warrant. They took my baby!
Stephanie:	This is where [inaudible 01:02:09] and I was being choked.
Officer Video:	Ilya.
Ilya Video:	They just took my baby.

Officer Video: Is anybody upstairs?

Ilya Video: You have no warrant. I have my two kids upstairs. You guys have no right to be here.

Officer Video: Ilya. Stop. I will put you in handcuffs, okay? Stop it.

Stephanie: I'm begging for my life.

Ilya Video: Why?

Officer Video: Stop it.

Stephanie Video: They're going to try to kill me!

Ilya Video: Tell me why. Tell me why. Steph, please stop it. Look what you're doing to my wife.

Officer Video: Ilya, stop. Ilya.

Ilya Video: God give me wisdom.

Officer Video: Ilya.

Ilya Video: [inaudible 01:02:29] Lord, give me wisdom. Lord, give me wisdom. Everything is in your hands. Everything is in your hands, God.

Stephanie: Oh my God!

Stephanie Video: [inaudible 01:02:32]

Ilya Video: Stephanie, please! You guys can't do this to my wife. I can't let you do this to my wife.

Officer Video: Ilya, relax for me.

Ilya Video: You have no jurisdiction.

Officer Video: Don't. Stop it. Okay?

Ilya Video:	Are you assaulting me again? These men have assaulted me multiple times. They've assaulted my family. They've assaulted my wife.
Stephanie Video:	I can't breathe!
Ilya Video:	Stephanie, please! Stop it. Steph, please! I'm asking you to stop! Steph, I'm asking you please to let ... Stop this! They have no warrant. These guys are ... These guys are done.
Officer Video:	If you talk to us, we'll help you. Okay?
Ilya Video:	I'm talking to you. How are you helping me right now?
Officer Video:	Relax for me. Relax.
Ilya Video:	I was relaxed the whole time.
Officer Video:	Alright, just relax.
Ilya Video:	Please, what are you doing to my wife? Please! What are you doing to my wife?
Officer Video:	Ilya. Stop. Ilya.
Ilya Video:	You guys can't do this.
Officer Video:	Don't touch me.
Ilya Video:	You are touching me. Bro.
Officer Video:	One more chance.
Ilya Video:	Bro. One more chance? What are you doing?
Officer Video:	I'm telling you one more time. I'll put you in handcuffs.

Ilya Video: Why? You have no authority to be here. I'm not touching you. I'm not touching you. Stop. Stop.

Officer Video: Turn around. Turn around. Ilya. I told you.

Ilya Video: Stop. Please, my boys. I told you. I'm done. I'm done. You have no warrant. Please, please. I got to take care of my kids.

Officer Video: Don't get up. Don't put your hands [crosstalk 01:03:39].

Ilya Video: Steph, Stephanie, please. Please. You're not resisting arrest, you're not being detained. Please, they have no warrant. They can't be here! I got to be with my kids.

Officer Video: No. No. You get up, you go into cuffs. Okay? You put your hands on us ...

Ilya Video: I did not put my hands on you. I'm not going into cuffs. Stop this. Stop this.

Officer Video: Sit down. Lean back.

Ilya Video: I have to stay here with my kids.

Officer Video: That's fine. You need to relax.

Ilya Video: I will relax, but you guys can't take the kids. Someone's holding onto my baby.

Officer Video: There's two upstairs. Make sure they're okay.

Ilya Video: They're fine. Please.

Officer Video: Well then maybe you should've opened the door. You ever thought of that?

Ilya Video: Why? You have no warrant.

Officer Video: Yes, we have the right to come in here. We wouldn't come in if we didn't have the right to come in here.

Ilya Video: Why? You do not have the right to come in here.

Officer Video: She called and said that you beat her up.

Ilya Video: No, she did not!

Officer Video: Yeah, she did. People are just making this crap up?

Ilya Video: Yes, they are.

Officer Video: Then all you had to do is come outside and tell us.

Ilya Video: You don't understand the family stuff that we had going on with her parents and our parents because I'm Russian and she's not. You guys don't have a warrant. I don't know what you guys are doing.

Officer Video: [crosstalk 01:04:40]

Ilya Video: Look at what you did. Look at what you did. Look at what you've done.

Officer Video: This is on you.

Ilya Video: This is on me?

Officer Video: You're not the one that's taking care of your family.

Ilya Video: Are you kidding me?

Officer Video: No, not a bit. All you had to do was open the front door.

Ilya Video: You call yourself a man? You call yourself a man? You call yourself a man? What is your belief system? Are you Christian? Are you Christian?

Officer Video: We're not talking about that.

Stephanie Video:	Look at how much of my hair has been ripped out.
Officer Video:	We're talking about, "Is everything okay here," and all you have to do is come and answer the front door.
Ilya Video:	Are you a Christian? That explains everything. This is messed up, man. My poor kids.
Stephanie Video:	[inaudible 01:05:14] pull my hair out of my face.
Ilya Video:	I'm sorry, Stephanie. They assaulted you. God sees everything. This is not right. All these men will be held accountable. Just like the people in the military. They tried to do the same thing. That's the only reason I didn't answer the door, it's because I know how you guys are. They tried to do the same stuff. They manhandled me. That's why I'm getting paid by the VA five years later because there was proof, non-combat PTSD, because I know what I signed up for, you know what I'm saying, to defend this country. Non-combat PTSD which means people like you tried to screw me over and then when I stood up for myself, which I did, it was a rough time at first but no matter what, I came through in the end.
Officer Video:	We just wanted to help you, Ilya.
Ilya Video:	You're not trying to help me. You have no warrant. You broke into my house. You attacked my family. You attacked my wife. You attacked me. This is how you make sure we're okay, by assaulting us, putting your guns out of your holster? Come on, man. God's watching everything. God's watching everything. You "gave us the option." My poor kids. My poor babies. I just need to hold them. Where are my boys at?
Officer Video:	Your children?
Ilya Video:	Where are my children? Where's my baby? Can I please hold him?
Officer Video:	No, not right now.

Ilya Video: Is there a reason I can't hold my baby right now? Am I being violent?

Officer Video: No, but you've been on the edge the whole time and you threatened us.

Ilya Video: No. I did not threaten you. How did I threaten you? Please tell me how I threatened you. Guys, I didn't threaten you. I said I'll defend the constitution. Come on, I'm trying to stand up for what's right.

Officer Video: We agree with [inaudible 01:07:00] but this could have been a lot easier if you would've came to the door and answered the door and let us in.

Ilya Video: For no reason? I don't need to. Then this is what you do? I didn't feel like there was any need for you guys to come in.

Officer Video: Ilya. We are legally bound by law to make sure that you and your family [crosstalk 01:07:13].

Ilya Video: There's no warrant. We told you we're okay. She told you by herself without me in there at all that she's fine and then, "What's going on?" and I came out and said everything's fine. What about this, now? What's all this?

Officer Video: We offered to get you to open the door.

Ilya Video: You break in?

Officer Video: We didn't break in. We went through an open window.

Ilya Video: Oh, wow.

Officer Video: The window was open.

Ilya Video: We tried to close it and you forced entry. Get out. Okay. This is stupid. Look, God's watching everything. All the people online are watching all of this. Everybody sees it. Everybody hears it.

Officer Video: Do you have a YouTube username that you're going to post it on there?

Ilya Video: No.

Officer Video: Oh. Where are you going to post it at then?

Ilya Video: It doesn't matter. [inaudible 01:07:55]

Officer Video: [inaudible 01:07:58]

Judge: Okay. I'm going to hand this back to the AG's office. Okay, so we need closing arguments please. The state will go first and then I'll allow Mr. to go second and then Mom to go next. Get my laptop. Okay. Closing, Miss [inaudible 01:09:01].

Female: Yes, Your Honor. As you know we're here today to determine whether or not these three children can be safely returned to the care of their parents. This is not an issue of the actions of the Vancouver Police Department, it is not an issue of the actions of the Marine Corps. It is an issue regarding whether or not these parents are adequately equipped at this time to meet the needs of their children as such that returning the children to their care would not present a substantial of harm.

The burden for today is reasonable cause the state has provided a good deal of evidence in the form of testimony from the social worker regarding the concerns that had come to the department's attention regarding this family, primarily a pattern of domestic violence, a pattern of domestic violence which includes allegations from the mother that was sexually assaulted by the father, that she was hit in the face on at least one occasion by the father, that she was afraid that he was going to kill her, and reports from family members that they've heard choking noises while on a phone call with the mother on the other end of the phone.

Based on all of that, the department initiated it's involvement. From that point, continued information has come to light regarding the dynamics of the relationship between mother and father,

allegations of a relationship that has continued to escalate in a pattern of control over the last six months, most notably that that has lead to weight loss in the mother, inability on the mother to leave her home without either her husband or her children present, and the testimony from the social worker was that pattern of violence in front of the children is certainly detrimental to the kids.

In addition, testimony today from the father was that he does suffer from PTSD, that he has had what he describes as sadness and depression related to that PTSD that at it's worst he had thoughts of suicide or self-harm. He's had sleep problems and nightmares and that he had been previously prescribed medication which today he is no longer taking. He also disclosed current ongoing regular use of cannabis in order to self-medicate his PTSD.

Mother and Father have not taken these kids to be assessed for any sort of medical treatment or to have their developmental needs assessed. Testimony from the social worker is that she identified concern regarding the developmental status of each of the children, the older two children being three and four, not having vocabulary skills that would be expected of three and four year old children. Similarly, spoken by the mother on the video that her video do not speak, none of the children speak. The youngest child, as noted by the social worker, is seen on the video to be calm throughout a highly escalated exchange. That, again, is of concern to the department in terms of what implications that has on the child's development, the environment in which the child has resided thus far that that would not be cause for alarm for a child of that age.

Mother, when hearing the testimony regarding the statement she made to a relative that she was 115 pounds with a suicide belt on, focuses not on the comment regarding a suicide belt but on the fact that she's 115 pounds. Neither parent shows insight into the concerns that are relevant here. The impact of the ongoing domestic violence on their children or the impact of the ongoing mental health on their children. Father did not indicate that he had any concerns, and Mother when asked if she had concerns regarding Father's mental health similarly stated that she had no

concerns regarding either his actions or the state of his mental health.

Mother and Father have been given opportunities to engage with the department. Mother, in particular, was given opportunity to engage with the department for the purposes of working out a safety plan which would allow for in-home placement of the children with the mother. That was not something that was able to be pursued. Reasonable efforts were made in that regard to attempt to keep the children placed in-home with the mother with a safety plan, however, due to Mother's erratic behavior and her unwillingness to engage in safety planning, that was determined not to be an option. The risk of imminent harm to the child prevented any additional efforts for in-home placement.

The mother and father were both invited to an FTDM, both acknowledged that the child is not an ICWA eligible child.

Judge: Could you explain what that means?

Female: Sorry, yes. Thank you. Each acknowledged that the child is not half Native American ancestry and therefore the Indian Child Welfare Act does not apply to these proceedings.

In attempting to work with this family, the department assessed whether the parents would be willing to abide by a no-contact order which is in place currently as a part of Father's criminal matter. The statements made by the parents and their actions caused the department to believe and continue to believe that the parents would not abide by a no-contact order, would not follow restrictions set upon them regarding the limitations on their contact either with each other or Father's contact unsupervised with the children. Their statements at the FTDM were virtually identical causing concern that they have maintained contact.

Mother's statements that she, "Would not separate from her flesh," similarly causes concern that they would not maintain a no-contact order. Both parents at various times have made statements calling into question the authority of the state or other entities to place

restrictions on them or to, as they say, "detain their property." This, in and of itself, is of concern that parents continuously refer to their children as their property. For all of these reasons, we would ask the court to find that sheltered care is appropriate, that reasonable efforts have been made, and that the child, all three children, should be placed in relative care pending any fact-finding in this matter.

Judge: All right. Thank you. Ma'am, your closing, please? Which concluding statement you would like to make.

Stephanie: Yes, Your Honor. In every action that I've ever made with my family, my children, I have always looked out for the best interests. When the officer was trying to make me put my child "away," I don't understand what that means by putting my son "away." He would fall back down and I didn't want him on the floor to get trampled by somebody jumping in through my window. There was weapons being wielded and I didn't understand to put my child down at that point because I felt for the fear of our lives, all together, our entire family. Due to the point in which the taser had entered the house, I did get upset and shut the window.

I feel that I was mistreated and that it wasn't necessarily shown on the video what had happened fully to me and my property was taken from me without my consent. My son was ripped out of my arms without my consent. I never touched another police man. I never put my hands on them. I never put my feet on them. If my foot rose, it was on a chair. If it was anywhere, it was not on another person. I will not harm another person. I would never cause any harm to my family. I would never cause any harm to my children, to my sons. I will carry them and embrace them with all of the love in my heart. I will provide them of as much education as I can at all points.

I feel that with the lack of harm done to my children, I don't understand in any way that they could be taken from my custody. I would like them returned as soon as possible, Your Honor.

Judge: Thank you.

Stephanie: Thank you.

Judge: Sir? Closing?

Ilya: Good evening, ladies and gentlemen of the court. I'd like you to know I'm here on my own free will. I believe that you have my property, the State of Washington, and I require that it be returned to me, restored to me, immediately. Thank you, kindly. I have written a statement to submit, as well.

Judge: Sir, did you have a statement you wanted to read into the record?

Ilya: I believe you have my property and I require it be returned.

Judge: Is that your statement?

Ilya: Yes, ma'am.

Judge: Okay, is that what ... We don't need to put it into the record because you've made it on the record so to speak.

Ilya: Okay. Thank you kindly.

Judge: Okay. Anything else from the state?

Female: No, Your Honor.

Judge: Okay, and [inaudible 01:20:16]?

Female: [inaudible 01:20:18] believes it would be in the best interest of these children to remain with the foster care [inaudible 01:20:27].

Judge: Are they in foster care or relative?

Female: They're in a relative.

Judge: Okay.

Female: [inaudible 01:20:30] relative.

Judge: Okay, very good. Anything further from anyone? All right, thank you. It's been a long day. Appreciate everybody's patience today. One or all parties have been apprised of the shelter care hearing today. Parents have been given a notice of their legal rights, as required by statute. Parents have been given the opportunity to ask for counsel. They have both after colloquial with both parents this morning have elected not to be represented by counsel although we went through some of the factors that require whether or not they knew the rules of evidence, whether or not they'd ever represented themselves, after a long conversation both parents elected not to have an attorney which would have been provided to them free based on their financial situation, based on their information they have elected to represent themselves and have done so for this shelter care hearing. Parents should be advised that also in the future if you do change your mind you can fill out the financial declaration and we can look at that to see if an attorney is going to be made available to either of you.

The burden of proof is that the state has to prove is reasonable cause. Reasonable cause is a very small amount of proof. In this situation, the state has demonstrated by reasonable cause that the children should remain out of the home of the parents. I am not going to get into what VPD did. It's not where, that's not what this hearing is about. I am not going to get into whether or not you believe that Washington State or the United States or any other government agency has the right to do anything. This is the government that we have. There are rules and regulations that we have and there are laws that we have. All of those other conversations that you want to have is for a different court and a different matter. I am here to determine whether or not it is in the best interests of the children to remain out of the parent's home.

I have a lot of concerns. Let me just say one is the State has to try and take steps, the State, when I talk about the State I'm talking about the Department of Social Health Services, trying to take steps to not remove the children from the home or not keep the children out of the parent's home. In this situation, the department, the

State, did set up a family team decision making meeting. Parents were invited either by phone or personal to become part of that conversation. Basically, Mom shows up late, basically is not really engaged. Her main concern and main statement is she wants her "property" back. Father, also, I believe by phone indicates he wants his property back. I'm going to be very clear about something. Children are not property. They are not chattel. They have their own rights, and they are not to be considered property. The UCC does not apply in this situation.

It is somewhat disconcerting that you view them as property because it indicates it doesn't really matter about what they think, what they feel, and what you do, because they're yours to do whatever you want to do with them and that's what comes across. Now, that being said, the social worker indicated that the children were dressed appropriately, seemed fine, and in terms of their physical [inaudible 01:24:37], and when I looked at the video, your house seemed fine as well, that you're a good housekeeper and you do a nice job there.

Stephanie: Thank you, Your Honor.

Judge: Okay, but they are not property. There are allegations of significant pattern of domestic violence. It would appear that the reason for going there, it's been reported by your family whether you think they're gossips or your witness think they're gossip or not, there's concerns about domestic violence based on Father's statement he has a history of difficulty with authority based on his original discharge from the military which was other than honorable. That would indicate a pattern of difficulty dealing with authority regardless of the reasons why he's saying.

We have a situation where there's no question in my mind that Mother and Father are totally ignoring the no-contact order. You have statements that read the same. Your philosophy is right down the line, saying what you have agreed to say. One moment, ma'am, you're working with the department, the next moment, two hours later you're changing your mind. You both have the same statements that you're making. I believe that you two are continuing

to violate the no-contact order. I'm extremely concerned about the lack of medical care and medical treatment that the children have not received during their life.

I'm also concerned about the children's language development, which is what was reported by the social worker, but I was even more concerned about the youngest child's total lack of response to the situation that was occurring at home. That would indicate to me either the child is very used to that type of situation where there's a lot of chaos going on, where there's a lot of screaming and yelling going on, or it could indicate to me that the child is having some developmental disabilities, or I was even looking at that and wondering if the child was medicated. It was very disturbing that in that situation, most little kids would be screaming their heads off with that type of chaos going on about them.

I am very concerned about the lack of insight both parents have exhibited. There's no question there's a lot of paranoia going on. Father has been diagnosed with Post Traumatic Stress which he is not really addressing. He may have started to address it but he's not really addressing it. There's, I believe, you may possibly have been diagnosed, there's allegations of that of Post Traumatic Stress, I don't know if you're addressing that. Clearly, if you've been a victim of sexual assault, you have a lot to go through and you've been violated in that way and you're going to need to do, I don't think you're done with your mental health treatment and helping you through that because, again, there is a tremendous amount of what was looking at tremendous amount of paranoia, tremendous amount of inappropriate reaction when I was looking at the video.

Also, with your regard to viewing your children and just property. I am concerned. Your family obviously felt that they were concerned enough about you to call law enforcement. I do not believe your explanation on this photograph. I think you created that explanation. This is a photograph that indicates to me somebody punched you in the mouth or did something. I don't believe your story with that. It just has no reality. I'm very mindful that when you are in the military, it creates a lot of stress, and you get to see things

you ought not to have to see, but that's part of being in the military. I do believe you're both dealing with Post Traumatic Stress issues.

I think your children would be in serious danger right now if I placed them back with you. I'm not going to. I don't believe that either of you are available to supervise them. I am going to find that they're in shelter care. That being said, our next shelter care review is when, please?

Female: A 30 day shelter care review would be, I'm sorry, I'm looking for the date. The 15th of March. We will have a summons date of March 22nd.

Judge: Okay, so the two days you need to be back here is March 15th, and let's make that at 1:30 in the afternoon.

Female: Not an ex parte shelter care?

Judge: No, because they're representing themselves. Also, your summons date which is when we pick the trial date will be March 22nd, that is at 8:30 and you will need to be here at that time. Again, if you decide that you would like to be represented by counsel, all you need to do is fill out a financial declaration and then we can look at that, or if you would like to hire your own counsel, you're certainly open to doing that. That will be your choice. You're each entitled to your own individual attorneys because you each have your own interests, so we get two different attorneys. You're also entitled to hire one for the both of you, or separate ones for each of you, whichever you would prefer. At this juncture, I have found shelter care. Miss [inaudible 01:31:07], we need to have an order.

Female: Yes. We'll need to have an order. I would prefer to have an order that includes Your Honor's findings so I can present that as soon as Tuesday. I know Tuesday is very busy, though, so I don't know if the 130 docket has room on Tuesday or what would be the best course of action on that. I would also like just for the record to make clear for the parent's information that the social worker will be changing. The new social worker is Julia [inaudible 01:31:51] Anderson. She's

present and will give you her contact information, so any questions on that, including setting up ongoing visitation. Is there a visit?

Female: Monday [inaudible 01:32:03].

Female: Monday from nine to eleven will be the visit, and then it will be set up going forward from there.

Judge: Okay, so just for clarification for the parents, this Monday, when?

Female: I appreciate the clarification from the social worker because they cannot visit together, it will be Mother from nine to ten and then Father ten to eleven.

Judge: That's at the department?

Female: That'll be at the department, yes.

Judge: Okay, what I'd like to do is enter these orders with the findings on Tuesday afternoon, this Tuesday. Let's make it at 2:30 because we have a very long docket and that way you won't have to be sitting around. If you would be back here Tuesday at 2:30 I would appreciate it, and then we can enter the order.

Female: Then I have already presented the orders for appointing [inaudible 01:32:57] to the children.

Judge: I will authorize medical and educational needs for the child, for the children.

Female: Thank you.

Judge: Okay. All right. Based on that, court will be adjourned. Thank you again everybody for your time. Deputy, thank you for being here. Do you have anything for me to keep the kids in shelter care over the weekend? What have you got?

Female: Yes.

Judge: Okay. Thank you for staying [inaudible 01:33:55], I just thought let's get it finished.

Female: [inaudible 01:33:58]

Judge: We're still on the record, so ... Thank you for trying to help. I knew, I felt it was more important to have the objective third party who's not associated because [inaudible 01:34:10]. It's so sad. Now I can [inaudible 01:34:21]. Okay.

APPENDIX CC

Case	**State of Washington v. Stephanie Salyers**
Date	**Dispatch recording Sandra Aldridge**
Order #	2/21/16

Dispatch: Dispatch.

Aldridge: Hey, this is [Aldritch 00:00:05]. [inaudible 00:00:06].

Dispatch: Yeah.

Aldridge: Have you guys gotten a call, it's either Battleground or CCSO, about kids being kidnapped by bio mom? They were taken away by CPS law enforcement.

Dispatch: Okay, it's ... I'm sorry. We're looking for a kidnap call where the kids were actually kidnapped or were they taken by CPS?

[00:00:30]
Aldridge: No, the kids were kidnapped. The, they were taken from the bio parents by law enforcement, turned over to CPS. CPS placed them with a family. I think it's in Battleground, but I can't be sure if it's an actual Battleground address or a CCSO address.

Dispatch: Okay.

Aldridge: Um, the social worker just called me. Mom, who her name is Stephanie, either [Salyer 00:00:44] or Petrenko depending on which name she's going by, maiden or married, and the kids are Ezra, Malachi and Moses, all under 5. She snuck them out the window.

[00:01:00]
Dispatch: Petrenko ... [inaudible 00:00:58] Uh, um ... Let me send a message around the room.

Aldridge: Okay.

Dispatch: And we don't have an address where they would have been placed?

Aldridge: No, it would have either been ... I'm working on that. The family called the fucking social worker first.

Dispatch: Oh, geez.

Aldridge: And the social worker told them, "Hang up. Call 911." So I'm trying to see if they did that, which they should have.

Dispatch: Okay, do you know what number they would have called from?

Aldridge: No. I have no idea.

[00:01:30]

Dispatch: Okay. Um ... All righty. [crosstalk 00:01:32] Well, I would hope, so, so CPS didn't even call us?

Aldridge: No, they called me right away after they gave them the order to call 911.

Dispatch: Oh, okay. I think, I think I actually found it. Hold on just a second.

Aldridge: Okay.

Dispatch: Hold on.

Aldridge: 'Cause I want to make sure ... If it's in Battleground, or whoever, this is serious, this is actually serious.

Dispatch: Okay. Tiffany, Tiffany, Tiffany Raymond. Does that ring a bell?

Aldridge: I don't even know the same she was placed with.

Dispatch: Okay. Let me, let me run this call by you, and let me see if this rings a bell.

Aldridge: Okay.

[00:02:00]

Dispatch: All right? Um, Tiffany Raymond called in. She said she has custody, custody rights over her ex-sister-in-law's 4, 3, and 1 year old.

Aldridge: Yes. Yes.

Dispatch: While they were at the address being babysat another family, bio mom allegedly came and took all of them.

Aldridge: Yes.

Dispatch: More to the story.

Aldridge: Yes.

Dispatch: Okay.

Aldridge: There, there's not ... I mean there is a lot more to the story, but it is a valid kidnapping.

Dispatch: Okay. Hold on just a second. [inaudible 00:02:24] This is a valid ... And you talked to CPS or ...?

[00:02:30]
Aldridge: Yes. So, I'm the one ... Put them into protective custody last week. They had a hearing on Friday and the judge kept them in state custody.

Dispatch: Okay.

Aldridge: They were extremely unhappy about that. They're like Constitutionalists, don't trust the government, blah, blah, blah.

Dispatch: Okay. Hold on just a second. Um ...

Aldridge: This is actually not terribly surprising they did it, but the, the lady that had them, it was our information that bio mom and dad didn't know where she lived.

Dispatch: Oh. Okay. All right, so ...

Aldridge: [crosstalk 00:02:59] address, though.

[00:03:00]
Dispatch: The address is gonna be, um, 18711 ...

Aldridge: Okay.

Dispatch: Northeast 119th Avenue, and that's in the county. It's actually right outside of the city limits of Battleground, but it is the county.

Aldridge: Okay.

Dispatch: And that's gonna be um, looks like town. Hold on, let me make sure that 81 is still town. Hold on just a second.

Aldridge: And I would go ahead and dispatch the sergeant to that, and let them know from me it is an absolute valid kidnapping.

[00:03:30]
Dispatch: Okay. I know the sergeant was also working that assault with a weapon, which is what 81 [inaudible 00:03:40] up onto, but um, let's add sergeant to this. And do you want the sergeant to give you a call?

Aldridge: Yeah. He can.

Dispatch: What's the phone number you want him to call you at?

Aldridge: Um, I'll give you uh, 518 ...

Dispatch: Uh-huh.

Aldridge: 2 ... 2370.

[00:04:00]
Dispatch: 518-2370.

Aldridge: Yeah.

Dispatch: [inaudible 00:04:05] and I'm sorry. Um, last name?

Aldridge: Aldridge. A-L-D ...

Dispatch: Last name's Aldridge. Okay, all right. Aldridge. Okay, all right. Will do.

Aldridge: Okay, thanks.

Dispatch: Okay.

Aldridge: Have they, have they not responded yet? Is that ...?

Dispatch: No. It's in the queue. Uh, Kelly's working at a stabbing call, so it's gonna be a little bit.

Aldridge: Oh. Okay. All right, thanks.

Dispatch: All right, thanks. Bye-bye.

END

APPENDIX DD

CLARK COUNTY SUPERIOR COURT
IN AND FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON, PLAINTIFF, vs. STEPHANIE SALYERS, DEFENDANT.	No. 16-1-00452-1 DECLARATION OF STEPHANIE SALYERS

I, STEPHANIE SALYERS (PETRENKO), declare under the penalty of perjury that the following is true and correct to the best of my knowledge. I am over the age of eighteen, and I am competent to testify to the matters herein. I have personal knowledge of the matters stated herein, or as indicated, have information concerning those matters.

1. I am a stay at home mom and have been married to Ilya Petrenko for several years, since we both finished our time serving our country in the United States Marine Corps. Ilya has never assaulted me.

2. After I was arrested for allegedly kidnapping my own children (an allegation I am completely innocent of) my public defender visited me in the jail only one time and spent only a few minutes with me to discuss my case. At that time, we were in a room where we were separated by a piece of glass and could not hand documents back and forth.
3. We did not go over the facts of the case or review any discovery.
4. He did not mention any efforts to investigate the allegation.
5. He did not ask me any questions about what actually happened at the shelter care hearing.
6. He simply advised me to accept the State's plea offer so I could get out of jail and see my children.
7. The plea offer was not read to me and I was not given an opportunity to read it.
8. I was not given a copy of the offer.
9. The verbal summary of the plea offer provided to me by my assigned counsel did not include any notice that I could or would lose my children. He simply never told me that was a possibility.
10. He told me flat out that signing the plea agreement was the "quickest way to get reunited with [my] children."

11. I signed the plea offer a day later while sitting in the holding room of G-1, after it was summarized by my public defender.

12. My children are my purpose in life. I would not have ever entered the "Alford" plea if I knew of the missing evidence I have since discovered or new that there was any possibility of a no contact order being entered that barred me from being with my children for another day, let alone five years.

13. I entered the "Alford" plea for one reason: to get back to my children. I did that because I had been advised by my lawyer that pleading would get me back with them. I would have never entered that plea if I was told that it would mean I could or would lose my kids.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Signed at Vancouver, Washington, on August 15, 2016.

Stephanie M. Petrenko
Stephanie Salyers (Petrenko)

APPENDIX EE

Case	State v. Stephanie Salyers
Hearing Date	3/18/16
Hearing	Change of Plea

[00:00:30]

Prosecutor: Yeah, we're ready on #10, Stephanie Salyers.

Judge: Hello, Ms. Salyers

Stephanie: Hello. How are you doing, Your Honor?

Judge: Well, thank you.

[00:01:00]

Prosecutor: All right, this is a plea to amended information which I will file at this time.

Defender: That's correct. We've completed a statement of defendant on the plea of guilty, consistent with the amended information. Charge of one count of custodial interference in the first degree.

Judge: Ms. Salyers, I've been handed 2 documents. One is an amended information. It's dated May 16th, or, sorry, March 16th. Have you had a chance to review that document?

Stephanie: Yes, Your Honor.

Judge: And to visit with your attorney about that?

Stephanie: Yes, Your Honor.

[00:01:30]

Judge: And I've also been handed a statement of defendant on plea of guilty...

Stephanie: Yes, Your Honor.

Judge: Are you able to read and understand English?

Stephanie: Yes, Your Honor.

Judge: Did you read that document completely?

Stephanie: Yes, Your Honor.

Judge: Did you understand what was in it?

Stephanie: Yes, Your Honor.

Judge: Did you also have a chance to talk to your attorney about it?

Stephanie: Yes, Your Honor.

Judge: And did Mr. Rucker answer any of your questions about the document?

Stephanie: Yes, Your Honor.

Judge: Going to have you take a look at the document here. Is that your signature, ma'am?

Stephanie: Yes, Your Honor.

Judge: And then did you sign there on page 10 after you completely read this document?

Stephanie: Yes, Your Honor.

[00:02:00]
Judge: Going to talk to you about a few things this morning because I understand you may want to enter a guilty plea. Before we do that I'm going to make sure that you understand that the charge against you at this time is that count 1 custodial interference in the first degree and you are presumed innocent of the charge against you. The state has the burden to prove your guild to each element of the crime charged beyond a reasonable doubt.

[00:02:30] You have a trial date set for April the 25th. At that trial you could testify on your own behalf or you could remain silent. You could have witnesses testify for you at no cost to you. You could have witnesses questioned or cross-examined at the time of trial. And after the time of trial you would be able to appeal whatever the decision was.

If you plead guilty this morning, the trial date would be stricken, there'd be no trial. You would give up all of those rights. Do you understand that?

Stephanie: Yes, Your Honor.

Judge: [00:03:00] Also, if you plead guilty today there would be a, uh, period of confinement that would be imposed as part of your sentence. That standard range for a sentence would be 0 to 12 months based on a finding of guilt of custodial interference in the first degree. There'd be a maximum term end fine of 5 years, $10,000. There would be a recommendation made to the court at the time of sentencing based on [00:03:30] discussions between the parties and that recommendation would be one for 30 day period of partial confinement to be served on work crew any remaining that you don't have credit for time served. But that's, again, a recommendation. You could be sentenced anywhere between the 0 to 12 months if you are found guilty. Do you understand that?

Stephanie: Yes, Your Honor.

Judge: I also need to explain to you there would be other impacts if you are found guilty. They include the fact that if you are not currently a citizen of the United States would be grounds for deportation or removal. If [00:04:00] you are applying to become a citizen it would be a basis to deny that request. You would also not be able to own, possess or control firearms or ammunition. You would be ineligible to vote. You could not vote. If you are on government assistance, that may be suspended during your time of confinement. There would be a DNA sample that would be taken with a hundred dollar collection fee. And there would be other possible legal financial obligations that would apply as well. Do you understand all of those consequences for a finding of guilt?

Stephanie: Yes, Your Honor.

[00:04:30]

Judge: Based on what we've reviewed, then, and what's contained in your statement on defendant of plea of guilty, I'm going to ask you as to count one on the amended information as to custodial interference in the first degree, how do you plead this morning, guilty or not guilty?

Stephanie: Guilty, Your Honor.

Judge: [00:05:00] Do we have some tissue close by, please? Thank you, Ms. Salyers, you're certainly welcome to use those as you like. Are you making that guilty plea voluntarily?

Stephanie: Yes, Your Honor.

Judge: It's your own choice to do that?

Stephanie: Yes, Your Honor.

Judge: Have you been forced in any way to make that plea?

Stephanie: No, Your Honor.

Judge: I'm going to read the factual statement supporting your plea. I'll read that and then ask you to make sure it's accurate, okay, ma'am?

Stephanie: Yes, Your honor.

Judge: [00:05:30] So, listen while I read the following. It states that: I, Stephanie Morelda Salyers, in the country of Clark, state of Washington, have reviewed the evidence against me with my attorney and I believe there is sufficient credible evidence from which a jury could find me guilty, so I want to take advantage of the plea bargain and enter this guilty plea, pursuant to State vs. Newton.

So, because you intend to enter a guilty plea based on that basis, Ms. Salyers, I'm going to have the state supplement the record so that we can talk about that a little bit. So, I'll listen to Mr. McCarty. Go ahead Genie [crosstalk 00:05:53]

Defender: ...no, and when he's done speaking the judge speaks and I'll have a chance to speak, as well.

Stephanie: Okay.

[00:06:00]
Prosecutor: So, Your Honor, I would also like to incorporate my reference the probable cause affidavit to, to support the Newton plea. Uh, what the state would anticipate, presenting a trial, would be that on February 19th of 2016, Clark County superior court held a shelter care hearing regarding the defendant's 3 children, ages 1, 4 and 5. In that hearing,
[00:06:30] Commissioner Schoenberg granted temporary custody of the children to the state of Washington. The state then selected a Ms. Tiffany Lawman as the temporary foster parent for the children, and Ms. Lawman is the ex-sister-in-law of the defendant.

On February 20th, uh, Ms. Lawman took the children to the home of Ricky Salyers and Sarah Colbett. Mr. Salyers is the brother of the defendant. Ms. Lawman asked them to watch the children because she
[00:07:00] had prior scheduled plans that she needed to attend to. The children ended up spending the night at that home. The next day the defendant came to her brother's home and convinced him to allow her to visit the children. Uh, Mr. Salyers reported to the police that he went into another room and when he was in another room the defendant snuck the children out of the house and left. It appeared that she had taken them out of a bedroom window without anyone noticing. At that point it was unknown where she had taken the children.

[00:07:30] So, police later drove to the defendant's residence. They observed the garage door was open and there were 2 vehicles present. Police observed 2 adults enter an SUV and drive away from the residence. Police pulled over that SUV. The defendant was the passenger in the vehicle. The driver, uh, Ms. Mackey, told police that she had gone to the defendant's home to pick up extra bedding. When police told Mackey
[00:08:00] what was going on, she told police she was not aware that the state had custody of the children. She said that the defendant had told her that she had been convicted. Ms. Mackey said the defendant had asked her if she and the children could stay with her for a few days until they left

the area. Mackey told police the children were with the defendant's husband and that he was bringing to her house. Police went to the Mackey's home and found the children unattended.

That is what the state would anticipate showing a trial, all of these events occurring in Clark County, Washington.

[00:08:30]
Judge: And I'm familiar with the probable cause statement, having initially found probable cause, and I'm taking a look at that. So, Ms. Salyers I'm going to ask you a question at this point, and that is as follows: Uh, do you acknowledge that if the jury were to believe the facts as just identified as the state, that there is a possibility credible evidence that you could be found guilty of the 3 counts of custodial interference in the first degree?

Stephanie: Yes, Your Honor.

[00:09:00]
Judge: Based on the information that we have reviewed, then, I am comfortable that you are entering the plea this morning knowingly, intelligently and voluntarily, as to the single count of custodial interference in the first degree and will therefore except the guilty plea at this time. So, what we'll talk now about, having made the plea and me having accepted it,
[00:09:30] will be sentencing. So, I'm going to first hear from Mr. McCarty and the state and then we'll hear from Mr. Rucker and you'll have a chance to say something if you'd like to Ms. Saliger.

Prosecutor: Thank you. As Your Honor knows, this came in as a much more serious charge, and we made a decision that it is more appropriately treated as a, as a custodial interference count and we need to resolve it in this
[00:10:00] fashion. Uh, note that the amended charge does include all 3 children in it. Uh, our recommendation is going to be 30 days. We're okay with the balance being on the work crew. She has credit for 26 days served, uh, today. We're asking for standard conditions including formal no-contact orders with the children. Regarding no-contact, uh, provision she, uh,
[00:10:30] my understand is cannot have contact with now pursuant to the dependency proceedings. Uh, anyway, but, we're still asking that these formal orders be entered in and we've already expressed to, uh,

defense that we recognize this as this will likely be, uh, addressed at a later date in conjunction with how things proceed in those dependency, uh, matters.

Um, as far as victim notification [crosstalk 00:10:46] we did notify the children and we've notified law enforcement and DSHS, so they're
[00:11:00] aware of her today. Um... Other than that we're just asking for standard conditions [inaudible 00:11:03] thank you.

Judge: Thank you. Mr. Rucker.

Defender: Thank you, Your Honor. The removal of a child from a parent is a very emotional time. Ms. Salyers became very emotional when her children who were noted to being well fed, and uh, clean, were, uh, removed from her home, there was no evidence that there was abuse, but there
[00:11:30] was some minor inattention to their care. Um, at a shelter care when the child is removed, um, Ms. Salyers became quite emotional. In fact she remained quite emotional and this court recognizes that because she was quite emotional before the court at her first appearance.

Uh, she made an error in judgement and that was a criminal error. She went to the place where her children were and took the children
[00:12:00] because she wanted to be with them and she thought it was unfair and illegal to have her children removed. She is now focusing on her children rather than saying, "What have they done to me?" Meaning, the department. The issue is, "What can I do to get my children back?"

What she needs to do now is use her head and that's what she's been doing. As the court sees, she's still emotional, but she's using her head and making right decisions to move forward in this case. She didn't
[00:12:30] have a lawful, uh, authority to remove the children. Uh, she wants to get out and start working with the department rather than fighting against them. We think that the couple of days of work crew is evidence and a good test to make sure that we're going to be able to follow direction of a department even if it's uncomfortable for us.

So, if the court fines her, uh, 30 days with a balance on work crew, she
[00:13:00] just has a couple of days. We think, she thinks, that it's important to show that she can follow direction and that will be one of the great

assets in getting her children back in her care.

Uh, she's a homemaker. Uh, she has military service but she is not employed. Uh, she's going to be doing a lot of work to, uh, get the children returned to her care, and we'd ask the court to waive, uh, non-
[00:13:30] mandatory fees, fines, and costs, have any contact with her husband. She also wants to begin working diligently to put the children back in their home. I expected it could be handled through the DSHS dependency services. Thank you, Your Honor.

Judge: Thank you, Mr. Rucker. Anything you would like to say, Ms. Salyers?

Stephanie: I would just like to say that I'm willing to do whatever it takes to work with the departments to make sure that everything is done properly in
[00:14:00] the order in which it's requested, and I don't want any trouble, I just want to make sure my family is back together in prop, in proper working order.

Judge: Well, certainly it's clear that you have strong feelings for your family, for your children, that's evident. Uh, the challenge is when those feelings and emotions go beyond the limits of the law which is what happened
[00:14:30] in this particular case. Uh, and that imposes a lot of concerns for safety of the children of others, for yourself frankly, as well. And that's why those laws need to be understood and act within those realms that are provided with them.

As a result, you have consequences here that could range for a sentence up to 12 months, a significant consequence for you. And I would certainly be within the law and parameters to impose that
[00:15:00] sentence up to 12 months. What I'm going to do is go ahead with the recommendation that's been provided her with the 30 days. You will give your credit for time served, you will have the opportunity to serve the remaining time in partial confinement with work crew, but as Mr. Rucker mentioned, and I'd point out, it's obvious he's giving you good counsel and have been helpful to you throughout this process. You need to make sure that you follow through on those requirements that are imposed. That is an important step, not only to complete the time you'll have left to serve, but as a pattern for what you need to do moving forward...

[00:15:30]
Stephanie: Absolutely.

Judge: Because that dependency action has moved forward but you can still fully engage in that, and it's going to be up to you to do that, do you understand, Ms. Salyers?

Stephanie: Absolutely yes, Your Honor.

Judge: Um, I am going to find that you do have a limited ability to pay financial obligations as identified here, to waive some of those non-mandatory costs, so that those financial obligations wouldn't be there. Um, as far as the children are concerned, it's clear that you have those strong feelings
[00:16:00] for them but you need to make that in a constructive, positive way and take those steps that are important and necessary there. Do you understand that, ma'am?

Stephanie: Yes, Your Honor.

Judge: All right, we'll go ahead and, uh, put that in place with a judgement in sentence. It is going to include the no-contact order with the children at this time, and it's imperative that you follow that no-contact order, because if you were, for even what you believe are good intentions, to
[00:16:30] violate that, it's only going to make the, uh, situation for you substantially worse. Do you understand that?

Stephanie: Yes, Your Honor.

Judge: All right. Very good. We'll go ahead and have you step over here, Ms. Salyers and take care of that, then. Good luck.

Stephanie: Thank you, Your Honor.

END

3

E-FILED
12-19-2016, 08:20
Scott G. Weber, Clerk
Clark County

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON, Plaintiff, v. STEPHANIE SALYERS, Defendant.	No. 16-1-00452-1 PRELIMINARY RESPONSE TO DEFENDANT'S CrR 7.8 MOTION

The defendant has filed a CrR 7.8 motion seeking to vacate her judgment and sentence and withdraw her guilty plea. This motion is not time-barred. However, she fails to make a substantial showing that she is entitled to relief, or that resolution of the motion will require a factual hearing. Thus, this Court must transfer the motion to the Court of Appeals as a personal restraint petition.

Under CrR 7.8, the State is *not required* to respond to a motion for relief from judgment unless and until the court determines, by way of factual finding, that the defendant has made a substantial showing she is entitled to relief, or resolution of the matter will require a factual hearing, and issued an order to show cause to the State to defend itself at a hearing on the motion. See CrR 7.8 (c).

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

I. CrR 7.8

A CrR 7.8 motion is a collateral attack on the judgment and sentence. RCW 10.73.090(2). A trial court does not have inherent authority to grant relief from judgment. Rather, the trial court's authority is limited by CrR 7.8. *State v. Gomez-Florencio*, 88 Wn.App. 254, 257, 945 P.2d 228 (1997). The trial court may not grant relief from judgment for any reason other than that which is authorized under CrR 7.8. *Gomez-Florencio*, 88 Wn.App. at 257. The rule contains a *presumption* of transfer as a personal restraint petition, unless two rare conditions are met: First, that the motion is *not* time-barred and the defendant has made a substantial showing that he is entitled to relief; or second, that the motion is *not* time-barred and resolution of the motion requires a factual hearing.

CrR 7.8(c) (2) states (with emphasis added):

> (c) Procedure on Vacation of Judgment.
>
> (1) Motion. Application shall be made by motion stating the grounds upon which relief is asked, and supported by affidavits setting forth a concise statement of the facts or errors upon which the motion is based.
>
> (2) Transfer to Court of Appeals. The court *shall transfer* a motion filed by a defendant to the Court of Appeals for consideration as a personal restraint petition unless the court determines that the motion is not barred by RCW 10.73.090 and either (i) the defendant has made a substantial showing that he or she is entitled to relief or (ii) resolution of the motion will require a factual hearing.
>
> (3) Order to Show Cause. If the court does not transfer the motion to the Court of Appeals, it shall enter an order fixing a time and place for hearing and directing the adverse party to appear and show cause why the relief asked for should not be granted.

What this means is that when a motion is time-barred, it automatically must be transferred to the Court of Appeals for consideration as a personal restraint petition. Where the

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

motion is *not* time-barred, the superior court must still transfer the motion to the Court of Appeals unless the defendant either makes a substantial showing that he is entitled to relief or shown that the resolution of the motion will require a factual hearing. *State v. Smith*, 144 Wn.App. 860, 864, 184 P.3d 666 (2008).[1]

The defendant has not made such a showing in this case. This Court must transfer the motion to the Court of Appeals as a personal restraint petition.

II. CONCLUSION

This motion should be transferred because the defendant has not made a substantial showing that she is entitled to relief, or that resolution of his motion will require the taking of evidence at a factual hearing. The motion should be transferred to the Court of Appeals for consideration as a personal restraint petition.

The State has attached a proposed order for transfer pursuant to CrR 7.8 for the court's convenience.

Respectfully submitted this 15 day of December, 2016.

ANTHONY F. GOLIK
Prosecuting Attorney
Clark County, Washington

By: _____
Jeff McCarty, WSBA #33134
Deputy Prosecuting Attorney

[1] Under the legislature's amendment of CrR 7.8 in 2007, the trial court no longer has discretion to dismiss a CrR 7.8 motion when the court finds the motion is without merit. Rather, the court must transfer a frivolous CrR 7.8 motion to the Court of Appeals as a Personal Restraint Petition. *See Smith*, 144 Wn. App. at 862.

CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN STREET • PO BOX 5000
VANCOUVER, WASHINGTON 98666-5000
(360) 397-2261 (OFFICE)
(360) 397-2230 (FAX)

CLARK SUPERIOR COURT

December 23, 2016 - 8:44 AM

Transmittal Letter

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Case Name: State of Washington v Stephanie Salyers
County Cause Number: 16-1-00452-1
Court of Appeals Case Number:

✔ Personal Restraint Petition (PRP) Transfer Order

Notice of Appeal/Notice of Discretionary Review

(Check All Included Documents)

Judgment & Sentence/Order/Judgment
Signing Judge: _____

Motion To Seek Review at Public Expense

Order of Indigency

Filing Fee Paid - Invoice No: ___

Affidavit of Service

Clerk's Papers - Confidential Sealed

Supplemental Clerk's Papers

Exhibits - Confidential Sealed

Verbatim Report of Proceedings - No. of Volumes: ___
Hearing Date(s): _____

Administrative Record - Pages: ___ Volumes: ___

Other: _____

Co-Defendant Information:

No Co-Defendant information was entered.

Comments:

No Comments were entered.

Sender Name: Heather D Hunt