

FILED
Court of Appeals
Division II
State of Washington
2/6/2018 8:00 AM

NO. 50876-1-II

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

JOHN PINO,

Petitioner.

RESPONSE OF
DEPARTMENT OF
CORRECTIONS

The Respondent, DEPARTMENT OF CORRECTIONS (Department or DOC), by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and CASSIE B. vanROOJEN, Assistant Attorney General, hereby submits the following Motion to Dismiss and Response to the Personal Restraint Petition (Petition) of John Pino.

I. STATEMENT OF THE CASE

Mr. Pino is incarcerated at the Stafford Creek Corrections Center for the admitted molestation of his three daughters over the course of several years. Exhibit 1, Declaration of Jeneva Cotton, Attachment A, Pre-Sentence Investigation. Mr. Pino's victim-daughters reported that he repeatedly and frequently raped them through penile/vaginal intercourse beginning between the ages of 8 and 9. *Id.* The Pre-Sentence Investigation reveals a history of extensive repeated rape of his daughters and suspicion of potential failure to report the abuse by family members. *See Id.*

A. Mr. Pino Is Subject To Court-Imposed Limitations On Contact With His Victim-Daughters

Upon conviction for three counts of Child Molestation in the 1st Degree, Mr. Pino was sentenced to the custody of the Department of Corrections in 2009 for an indeterminate sentence of 150 months to life. As part of his Judgment and Sentence he was ordered to have no contact with the victims for life. Exhibit 1, Attachment B, Felony Judgment and Sentence, at p. 5. The Court imposed conditions of community custody which also prohibited contact with the victims for life, who were specifically identified through their initials, unless by future court order. *Id.*, at p. 14. Separate Sexual Assault Protective Orders were entered for each victim daughter. Exhibit 1, Attachment C, 2009 Sexual Assault Protection Orders.

The trial court subsequently amended the Sexual Assault Protection Orders in 2016 allowing “in person contact when incarcerated with DOC.” Exhibit 1, Attachment D, 2016 Amended Sexual Assault Protection Orders. The Amended Sexual Assault Protection Orders prohibit contact between Mr. Pino and his victim-daughters outside of this narrow exception. *Id.* The Court did not modify the conditions of community custody that prohibited contact with his victim-daughters for life. *Id.*; *See also* Exhibit 1, Attachment B, Felony Judgment and Sentence,

at p. 7. Mr. Pino and two of his victim-daughters subsequently requested permission for Mr. Pino's daughters to visit him at the Stafford Creek Corrections Center. Exhibit 2, Declaration of Elizabeth Hainline, Attachment C, visit applications; Attachment F, letters from Mr. Pino; and Attachment H, letters from Mr. Pino. These requests were denied by the Department. Exhibit 2, Attachment E, visit application denial letters. Exhibit 2, Attachment G and Attachment I, denial letters to Mr. Pino.

B. The Department's Visitation Procedures

Department policy requires that prospective visitors complete a visit application and be approved before being placed on an offender's approved visitor list. Exhibit 2, Attachment A, DOC Policy 450.300.¹ DOC Policy 450.300 sets out the procedure and criteria for approval of visitors. *Id.* Among the individuals who are not allowed to visit offenders in prison are: "Domestic violence victims of the offender, either in the offense for which the offender is currently incarcerated or any other adjudicated offense;" "Other adult victims of the offender, determined on a case-by-case basis;" "Individuals restricted per the Judgment and Sentence, including conditions of community supervision that prohibit contact with an individual or category of individuals...." *Id.*, at pp. 9-10.

¹ The Department provides the November 21, 2015, version of Policy 450.300 as the relevant portions are unchanged to those policies in effect during the relevant time period.

Beyond limitations on visitation, the Department restricts contact with specific individuals or classes of individuals consistent with Department policy 450.050. Exhibit 2, Attachment B, DOC Policy 450.050. Among the reasons for restricting contact with offenders is when the Judgment and Sentence “prohibits contact with the individual or class of individuals during incarceration or upon release,” “the individual or class of individuals has been victimized by the offender,” and “there is an active no contact order with the individual.” *Id.*, at p. 2.

Individuals denied placement on an offender’s approved visitor list are informed in writing of the reasons for denial. Exhibit 2, Attachment A, DOC Policy 450.300, at p. 11. Prospective visitors may appeal visiting privilege restrictions to the facility Superintendent. *Id.*, at p. 13. The Superintendent will respond with a written decision. *Id.*, at p. 13. If the Superintendent upholds the decision on appeal, the visitor may appeal the Superintendent’s decision to the Assistant Secretary for Prisons who will have final approval on visiting privilege appeals. *Id.*, at p. 13.

C. Mr. Pino’s Daughters’ Visitation Requests

Two of Mr. Pino’s three victim-daughters, Shania and Ariel Pino², submitted visit applications to the Department. Exhibit 2, Attachment C, Shania and Ariel Pino’s visit applications. Their visit applications were

² The Department attempts to be sensitive to confidentiality concerns, but the identities of these two daughters are revealed in Mr. Pino’s Petition.

denied by the Department. Exhibit 2, Attachment E, Shania and Ariel Pino's visit application denials. The Department denied the victim-daughters' requests because they were victims of Mr. Pino and there were active Sexual Assault Protection Orders in place. *Id.* Each of the denial letters notified Shania and Ariel of the opportunity to appeal the denial. *Id.* Mr. Pino's third daughter, Shandi Pino, never requested visitation. Exhibit 2, Attachment D, visit applications received for Mr. Pino.

Shania Pino appealed the denial of her second visitation request submitted on December 28, 2016, and the denial was upheld at the first appeal level. Exhibit 2, Attachment J, Shania Pino's appeal email correspondence. Ariel did not submit an appeal of the denial of her visitation request. Exhibit 2, at ¶ 10. Instead, Mr. Pino wrote a letter to SCCC Superintendent Gilbert and SCCC Associate Superintendent Cotton regarding the visitation denials. Exhibit 2, Attachment F and Attachment H, letters from Mr. Pino. But Department policy only allows for initiation of visitation appeals by the visitor, not the offender. Exhibit 2, Attachment A, DOC Policy 450.300, at p. 13. Although these letters were not proper appeals, Mr. Pino received a response to his letters, upholding the visit application denials. In these letters, the Department noted that the policy allows for a case-by-case determination, but reasoned that the length of victimization and seriousness of offense warranted the denial of the

visitation requests. Exhibit 2, Attachment G and Attachment I, Response Letters to Mr. Pino. The Department also recognized that the trial court did not allow unrestricted contact between Mr. Pino and his victim-daughters and that court-ordered restrictions still existed. *Id.* Not only did Shandi never apply for visitation, but neither Shania nor Ariel appealed visitation restrictions to the Assistant Secretary for Prisons. Exhibit 2, at ¶ 9-11.

Mr. Pino now brings this Petition alleging that the Department denied his victim-daughters' visitation requests arbitrarily and capriciously.

II. MOTION TO DISMISS

The Department submits this motion to dismiss and respectfully requests that the Court dismiss this Petition under RAP 16.4(d) because Mr. Pino has another adequate remedy. Personal restraint petitions originated from Washington's habeas corpus proceedings, and RAP 16.3-16.15 were intended to codify the rules governing such relief. *See e.g., In re Hagler*, 97 Wn.2d 818, 823-24, 650 P.2d 1103 (1982) (discussing historical development of PRPs). RAP 16.4(d) provides that "[t]he appellate court will only grant relief by a PRP if other remedies which may be available to petitioner are inadequate under the circumstances and if such relief may be granted under RCW 10.73.090, .100, and .130." RAP

16.4(d) is a codification of a doctrine governing habeas corpus that has been long established, i.e., that habeas relief is not available if the petitioner had an adequate remedy at law. *See In re Personal Restraint of Coats*, 173 Wn.2d 123, 129, 267 P.3d 324 (2011); *see Ex Parte Emch*, 124 Wn. 401, 402, 214 P. 1043 (1923). Although the Court has expanded the scope of collateral challenges, RAP 16.4(d) has preserved this particular limitation on relief. This principle, as codified by RAP 16.4(d), allows the Court to exercise significant discretion in declining to address a PRP when it is clear that the petitioner has access to other adequate remedies at law. This doctrine is particularly appropriate here when Mr. Pino is not challenging any decision that impacts the length or legal validity of the confinement.

Three published decisions have considered the “other adequate remedies” restriction on PRP relief established by RAP 16.4(d). Two are Washington Supreme Court cases that have relied upon this provision to dismiss claims brought in a PRP. The first, *In re Detention of Turay*, recognized that a petitioner’s ability to advance claims in a direct appeal amounted to an adequate remedy for the same claims raised in the petitioner’s PRP, and as a result dismissed the duplicative PRP claims under RAP 16.4(d). 139 Wn.2d 379, 394, 986 P.2d 790 (1999). The *Turay* court also noted that the relief afforded by 42 U.S.C. § 1983 was an

“adequate remedy” for challenging unconstitutional conditions at the Special Commitment Center. *Id.* at 420.

The second case, *In re Personal Restraint of Higgins*, determined that the Department’s decision to expunge a petitioner’s prison infraction and conduct a rehearing functioned as an adequate remedy under the circumstances to address the inmate’s PRP challenging the expunged infraction. 152 Wn.2d 155, 162-63, 95 P.3d 330 (2004). The *Turay* and *Higgins* decisions both apply RAP 16.4(d) in a straightforward manner and reflect that if adequate remedies on a given PRP claim may be (or have been) obtained via other means, the claim in the PRP should be dismissed.

In the third case, *In re Personal Restraint of Arseneau*, 98 Wn. App. 368, 989 P.2d 1197 (1999), the court reached the merits of a petitioner’s conditions of confinement PRP, despite the Department arguing that the petitioner had another adequate remedy at law available, namely a 42 U.S.C. § 1983 civil rights action, and that the PRP should therefore be dismissed pursuant to RAP 16.4(d). *Id.* at 372-73. The Department also contended that disallowing the PRP would be consistent with the ABA Standards for Criminal Justice: Post Conviction Remedies, as well as federal law governing habeas corpus petitions. *Id.* at 372.

In deciding to reach the merits of the PRP, the *Arseneau* court primarily focused on the Department's arguments related to the ABA standards. *Id.* at 372-74. In its reasoning, the court recognized that the ABA Standards would not categorically preclude conditions of confinement PRPs due to the presence of RAP 16.4(c)(6),³ *Id.* at 373, and that certain conditions of confinement claims may *in other jurisdictions* be permitted to proceed in a collateral attack without first exhausting other remedies. *Id.* at 373-74. Noting that the inmate's claims implicated a constitutional right of significant importance, the *Arseneau* court decided to reach the merits of the petition. *Id.* at 371.

There is some tension between the plain language and the *Turay* and *Higgins* courts' treatment of RAP 16.4(d) and the *Arseneau* court's treatment of the same. The plain, seemingly mandatory language in RAP 16.4(d) appears to support a more expansive interpretation than the *Arseneau* court gave it. Together though, *Arseneau*, *Turay*, and *Higgins* stand for the proposition that courts have discretion to decline to reach the merits of a PRP when the petitioner has other adequate remedies. The Court need not address the apparent inconsistency between *Arseneau* and *Higgins* and *Turay* because the Court should decline to reach the merits

³ RAP 16.4(c)(6) expressly permits a PRP petitioner to challenge the "conditions or manner of the restraint."

under RAP 16.4(d) even under the more discretionary view of RAP 16.4(d) articulated in *Arseneau*.⁴

Here, Mr. Pino has more than adequate relief elsewhere and additional factors weigh in favor of the use of RAP 16.4(d). In this action, Mr. Pino seeks an order directing the Department “to comply [with the] Judge’s order [regarding] in person contact [with his] daughters.” This relief is available in an action under 42 U.S.C. § 1983. Mr. Pino makes no attempt to explain why such an action would be inadequate to obtain redress for his claims.

Indeed, an action under § 1983 is in many ways a more appropriate remedy for Mr. Pino as it allows for development of a full factual record through discovery and comprehensive declarations. Furthermore, this Court does not resolve factual issues in a PRP absent a reference hearing, but an action under 42 U.S.C. § 1983 is resolved using the normal process for civil litigation. In many ways, a federal civil rights action will always be an adequate and arguably a more adequate remedy for conditions of confinement claims than a PRP.

⁴ The Department believes that the portion of *Arseneau* that interprets RAP 16.4(d) should be overruled. Again, however, the Department does not believe that resolution of this case requires the Court to address such an argument. In the event that the Court believes this issue is dispositive or that further review of the *Arseneau* decision is warranted, the Department is willing to provide supplemental briefing as to why *Arseneau* is incorrect and harmful.

Specific to the claims here, the Department's defense primarily hinges on the legitimate penological goals furthered by its denial of Mr. Pino's victim-daughters' visitation request. Such claims are properly resolved through a 42 U.S.C. § 1983 action where procedure exists to seek injunctions when there is an imminent risk of harm, develop the record, resolve controversies, and fully investigate the claim through the full spectrum of litigation, which is not available here through this Petition.

Finally, declining to reach the merits in this type of case is supported by principles of federalism. Mr. Pino's claims are based primarily on a violation of his federal constitutional rights. Although state courts are more than capable of interpreting federal constitutional rights, federal courts are the primary interpreters of federal law. *Cf. State v. Chrisman*, 100 Wn.2d 814, 816, 676 P.2d 419 (1984). When a party like in this case challenges his conditions of confinement based on the federal constitution, this Court should decline to reach the merits based on RAP 16.4(d) because the petitioner has an adequate remedy under federal law. For all of these reasons, the Court should find that Mr. Pino has other adequate remedies under RAP 16.4(d) and dismiss the PRP.

III. STANDARD OF REVIEW

To prevail on a PRP alleging constitutional error the petitioner must show he or she is under restraint and the restraint is unlawful under

the provisions of RAP 16.4(c). *In re Dyer*, 143 Wn.2d 384, 391–92, 20 P.3d 907, 911 (2001). A petitioner is under a "restraint" if the petitioner has limited freedom because of a court decision in a civil or criminal proceeding, the petitioner is confined, the petitioner is subject to imminent confinement, or the petitioner is under some other disability resulting from a judgment or sentence in a criminal case. RAP 16.4(b). Where, as here, a petitioner contests the conditions or manner of confinement, he or she must demonstrate the unlawful nature of restraint by showing "[t]he conditions or manner of the restraint are in violation of the Constitution of the United States or the Constitution or laws of the State of Washington." RAP 16.4(c)(6). Conclusory allegations of constitutional violations are insufficient to support a personal restraint petition. *In re Cook*, 114 Wn.2d 802, 813, 792 P.2d 506 (1990).

When reviewing a PRP, such as this one, that challenges administrative decision-making in prison, review is properly limited to determining whether the action taken was arbitrary and capricious. *In re Dyer*, 143 Wn.2d at 395. A decision is arbitrary and capricious only if the agency's action is wholly unsupported. *In re Stockwell*, 28 Wn. App. 295, 302, 622 P.2d 910 (1981).

///

///

IV. ARGUMENT

The Department's denial of Mr. Pinos' daughters' visitation applications was not arbitrary or capricious. Instead, the Department denied the requested visitation consistent with policy and based on its concerns for Mr. Pino's victim-daughters, institutional order and safety, and in an effort to comply with the conditions imposed by Mr. Pino's Judgment and Sentence.

A. The Severity Of Mr. Pino's Sex Crimes Against His Daughters In Conjunction With The Absence Of Any Sex Offender Treatment And The Community Custody Condition Prohibiting Contact Warrants Denial Of The Requested Visitation Between Mr. Pino And His Victim-Daughters

Mr. Pino molested and/or raped his three daughters multiple times per week over the course of several years. Exhibit 1, Attachment A, Pre-Sentence Investigation. His daughters were between the ages of 8 and 9 when he began having penile/vaginal intercourse with them. *Id.* Given the severity of these crimes, the absence of any sex offender treatment, and the continuing prohibition against Mr. Pino reunifying with his family after he is released from confinement, this Court cannot say that the Department's decision to deny visitation privileges to his victim-daughters was not wholly unsupported. This court should dismiss Mr. Pino's petition.

An inmate's ability to visit with individuals can be restricted if the restriction serves a legitimate penological interest. *See Turner v. Safley*, 482 U.S. 78, 89 (1987). This is so because inmates do not have an absolute right to visitation in prison. *See Dunn v. Castro*, 621 F.3d 1196, 1202 (9th Cir. 2010) (finding no clearly established right to visitation); *Samford v. Dretke*, 562 F.3d 674, 682 (5th Cir. 2009); *Bazetta v. McGinnis*, 430 F.3d 795, 804-05 (6th Cir. 2005) (finding no circuit court case that recognized an implicit due process right to prison visitation); *Wirsching v. Colorado*, 360 F.3d 1191, 1200-02 (10th Cir. 2004) (upholding ban on sex offender's ability to visit with his own children even though they were not victims).

Even if the visitation restriction infringed on Mr. Pino's constitutional rights, the restriction was valid because it served a legitimate penological purpose. *See Turner v. Safley*, 482 U.S. 78, 89, 107 S. Ct. 2254, 96 L. Ed. 2d 64 (1987); *Wirsching v. Colorado*, 360 F.3d 1191, 1200-02 (10th Cir. 2004) (upholding ban on sex offender's ability to visit with his own children even though they were not victims). This is because inmates retain only "those rights not fundamentally inconsistent with imprisonment itself or incompatible with the objectives of incarceration." *Hudson v. Palmer*, 468 U.S. 517, 523 (1984). The United States Supreme Court has repeatedly cautioned courts to avoid becoming involved in the minutiae of prison operations. *See Bell v. Wolfish*, 441

U.S. 520, 562 (1979). The Court has also observed that “freedom of association is among the rights least compatible with incarceration.” *See Overton v. Bazzetta*, 539 U.S. 126, 131 (2003). In *Overton*, the Court noted that “[w]ithdrawing visitation privileges is a proper and even necessary management technique to induce compliance with the rules of inmate behavior.” *Id.* at 134.

In evaluating the reasonableness of a prison regulation, courts consider: (1) whether there is a rational connection between the restriction and the legitimate governmental interest; (2) whether there are alternative means of exercising the right; (3) whether accommodating the asserted constitutional right will have a negative impact on prison guards, other inmates, or the allocation of prison resources generally; and (4) whether there are obvious, easy alternatives to the restrictions that demonstrate that it’s an exaggerated response to the concerns. *Id.* at 89-90. The petitioner bears the burden of showing that a restriction does not serve a legitimate penological interest. *Overton*, 539 U.S. at 132.

Here, Mr. Pino’s visitation with his victim-daughters was restricted because of security concerns and a desire to enforce the terms of Mr. Pino’s Judgment and Sentence. Exhibit 1, at ¶ 8-10. Security concerns and a desire to enforce court orders are legitimate government interests. *See Overton*, 539 U.S. at 133 (noting that visitation restrictions promoted

internal security and this interest was “perhaps the most legitimate of penological goals”).

Mr. Pino is an untreated sex offender with an extensive history of molesting and raping his daughters. Exhibit 1, at ¶ 9. While the amended Sexual Assault Protection Orders allow for Mr. Pino’s victim-daughters to have in person contact with Mr. Pino while he is in Department custody, Department policies place their own restrictions on visitors into their facilities. Specific to the rejection of Mr. Pino’s victim-daughters’ requests, the following are among the individuals who are not allowed to visit offenders in prison: “Domestic violence victims of the offender, either in the offense for which the offender is currently incarcerated or any other adjudicated offense;” “Other adult victims of the offender, determined on a case-by-case basis;” “Individuals restricted per the Judgment and Sentence, including conditions of community supervision that prohibit contact with an individual or category of individuals....” Exhibit 2, Attachment A, DOC Policy 450.300.

Beyond limitations on visitation, the Department restricts contact with specific individuals or classes of individuals consistent with Department policy 450.050. Exhibit 2, Attachment, DOC Policy 450.050. Among the reasons for restricting contact with offenders is when the Judgment and Sentence “prohibits contact with the individual or class of

individuals during incarceration or upon release,” “the individual or class of individuals has been victimized by the offender,” and “there is an active no contact order with the individual.” *Id.*

First, the Department’s denial of the visitation applications from Mr. Pino’s victim-daughters was in an effort to enforce the conditions imposed by Mr. Pino’s Judgment and Sentence. Specifically, the Judgment and Sentence imposes a condition of community supervision prohibiting contacting Mr. Pino’s victim-daughters for life unless amended by a court order. Exhibit 1, Attachment B, Felony Judgment and Sentence, at p. 14. The Department does not allow those with contact prohibitions in their conditions of community custody to visit in its facilities.⁵ Exhibit 2, Attachment A, DOC Policy 450.300, and Attachment B, DOC Policy 450.050. This is consistent with the decreased interest in family reunification in light of the continuing prohibition on contact after release—both in the conditions of community custody and the amended Sexual Assault Protection Order.

Beyond this, the ongoing prohibition on contact (in person or otherwise) reflects the court’s assessment that a particular offender is

⁵ This Department policy determination is consistent with RCW 9.94A.707(2) which provides that “when an offender is sentenced to community custody, the offender is subject to the conditions of community custody as of the date of the sentencing, unless otherwise ordered by the court.” *See also In re Dalluge*, 162 Wn.2d 814, 177 P.3d 675 (2008)(affirming the Department’s authority for enforcing community custody conditions while incarcerated).

dangerous, particularly so here where Mr. Pino has not engaged in any sex offender treatment. Exhibit 1, at ¶ 9. And allowing visitation between an untreated sex offender with lengthy and serious victimization and his victim-daughters poses risks to Mr. Pino's daughters and jeopardizes the security of others in the visit room. This risk is impliedly recognized by the court in the amended Sexual Assault Protection Orders wherein the court only allowed in person contact while Mr. Pino is incarcerated and, therefore, supervised by Department staff. Exhibit 1, Attachment D, 2016 Amended Sexual Assault Protective Orders.

This narrow exception to the otherwise complete ban recognizes the dangerousness of Mr. Pino and the potential risk he poses to his victim-daughters. But the Department is not equipped to supervise these in-person visits as part of its normal visiting procedures. Exhibit 1, at ¶ 9. Rather, there are only three visiting officers and one Sergeant in the visiting room who are tasked with supervising up to 300 offenders and their families and charged with keeping all parties safe -- including offenders, visitors, and staff. *Id.* And given the severity and longevity of Mr. Pino's abuse of his daughters and the fact that he has not undergone any treatment, the Department would have to allocate one officer to supervise Mr. Pino's visits with his victims because of the potential volatility of the visit. Requiring increased monitoring of Mr. Pino and his

daughters could result in compromised security elsewhere in the visit room. *Id.* Therefore, the Department's policy to not allow visitors into its facilities in the face of a prohibited contact condition of community custody is rationally related to a legitimate penological interest in giving effect to the Court's Judgment and Sentence and maintaining the safety and security of its facilities.

Next, accommodating Mr. Pino's desire to have contact with his victim-daughters would have a negative impact on the allocation of prison resources and other inmates in terms of additional resources that would be required to monitor visitation and the potential safety risks to other inmates and staff that such visitation would create. *See Wirshcing*, 360 F.3d at 1201. Finally, Mr. Pino has not proposed any obvious alternatives to the visitation restriction that would adequately protect the legitimate government interests. Because the visitation restriction between Mr. Pino and his victim-daughters serves legitimate penological interests, it does not violate his First Amendment rights.

Nor does the Department's alleged failure to comply with the amended Sexual Assault Protection Orders render the decision arbitrary and capricious. First, the plain language of the amended orders allow in person contact but does not require it. In this way, the Department is not violating any court order. What's more, the trial courts do not have the

authority to direct how an offender in the Department's custody is to carry out his sentence. See *Washington State Coalition for the Homeless v. D.S.H.S.*, 133 Wn.2d 894, 913, 949 P.2d 1291 (1997) ("Courts will not interfere with the work and decisions of an agency of the state, so long as questions of law are not involved, and so long as the agency acts within the terms of the duties delegated to it by statute."); RCW 72.09.210 (offenders are sentenced to the Department for "confinement and placement.... As the Secretary shall deem appropriate"); RCW 72.09.240. And finally, as argued above, the Department has a legitimate penological interest in exercising its discretion to deny Mr. Pino's victim-daughters' visit requests. For these reasons, this court should deny Mr. Pino's petition.

B. Mr. Pino Was Afforded Adequate Due Process Protections

Mr. Pino is not entitled to procedural due process for restricting visits between he and his victim-daughters because he has no liberty interest in in-person visitation from his victim-daughters, but even if he were he was provided adequate procedures to challenge and appeal the restriction. Of note, Mr. Pino's victim-daughters failed to utilize the full process afforded them through the full visitation appeal process, as they failed to appeal it to the Assistant Secretary for Prisons, who has the final approval on visiting privilege appeals. Exhibit 2, Attachment A, DOC

Policy 450.300, at p. 13. Regardless, this court can dismiss Mr. Pino's procedural Due Process claims on the merits.

Procedural due process, in essence, requires that a deprivation of property "be preceded by notice and opportunity for hearing appropriate to the nature of the case." *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950)). In the prison setting, however, "the fact that prisoners retain rights under the Due Process Clause in no way implies that these rights are not subject to restrictions imposed by the nature of the regime to which they have been lawfully committed." *Wolff v. McDonnell*, 418 U.S. 539, 556 (1974).

Courts analyze procedural due process claims in two steps. First, courts ask whether "a liberty or property interest . . . has been interfered with by the State." *Vasquez v. Rackauckas*, 734 F.3d 1025, 1042 (9th Cir. 2013). Once courts find a protected interest, they proceed to step two. *Quick v. Jones*, 754 F.2d 1521, 1523 (9th Cir. 1985). Here courts examine whether the existing procedures were "constitutionally sufficient." *Vasquez*, 734 F.3d at 1042. Courts determine the sufficiency of process by balancing the three factors set forth in *Mathews v. Eldridge*:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable

value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Mathews v. Eldridge, 424 U.S. 319, 335 (1976). Here, Mr. Pino's claim fails first because he has no liberty interest in visitation with his victim-daughters, and second, the Department's application and appeal process in addition to the adjudication by the sentencing judge provided Mr. Pino adequate Due Process.

As an initial matter, it is an open question whether an inmate has a liberty interest in contact visitation with his victim-daughters. *See Dunn v. Castro*, 621 F.3d 1196, 1202 (9th Cir. 2010) (finding no clearly established right to visitation); *Samford v. Dretke*, 562 F.3d 674, 682 (5th Cir. 2009); *Bazetta v. McGinnis*, 430 F.3d 795, 804-05 (6th Cir. 2005) (finding no circuit court case that recognized an implicit due process right to prison visitation); *Wirsching v. Colorado*, 360 F.3d 1191, 1200-02 (10th Cir. 2004) (upholding ban on sex offender's ability to visit with his own children even though they were not victims). While Mr. Pino argues that he has a liberty interest in raising his children, this misses the point, because, as argued above, this right may be infringed upon as a result of Mr. Pino's incarceration for these crimes. Instead, the liberty interest in question is visitation. "The denial of prison access to a particular visitor is

well within the terms of confinement ordinarily contemplated by a prison sentence.” *Kentucky Dep’t of Corrections v. Thompson*, 490 U.S. 454, 461 (1989) (internal quotation marks and citations omitted).

Beyond this absence of a liberty interest, the weight of the *Mathews* factors renders the Department’s procedures adequate to meet any Due Process required. First, Mr. Pino’s interest in visits with his victim-daughters is low given that there are two conditions that prohibit contact between them for life. This hollows Mr. Pino’s claimed interest in repairing his family. Second, the Department’s three-tiered visitation request and approval procedure provides for a low risk of erroneous deprivation. Through this process, prospective visitors are provided an explanation for the rejection of their visitation request and are allowed to provide additional information regarding why they believe their request was erroneously denied. Exhibit 2, Attachment A, DOC Policy 450.300, at pp. 12-13. This procedure allows for three levels of review from the local facility review up to the Assistant Secretary for Prisons; three opportunities to explain the visitation request; and three explanations for any denial. This multi-tiered process provides multiple levels of notice and the opportunity to be heard. *Id.*

Specific to this circumstance, Mr. Pino has the added process he was afforded through his criminal proceeding where the original victim-

specific prohibitions were entered and the subsequent process where the Sexual Assault Protection Orders were modified. This process, unique to Mr. Pino here, increased the opportunity for Mr. Pino to be heard on issues related to contact with his victim-daughters. In light of these procedures afforded to Mr. Pino and his victim-daughters it is unclear what additional procedures would offer beyond redundancy.

The final factor to be considered is the public interest, including administrative burden and other societal costs associated with requiring additional due process protections, as well as the nature and function of the agencies involved. *Mathews*, 424 U.S. at 347, 348. While cost controls are not the only factor to be considered, the government's interest "in conserving scarce fiscal and administrative resources is a factor that must be weighed." *Id.* Here, the Department would be burdened, administratively and financially, if it were required to conduct a quasi-judicial, trial-like pre-deprivation hearing every time a visit or contact is restricted. Further, the fact that the Department operates prisons, where restricted procedural requirements often become necessary (*See Wolff*, 418 U.S. at 556), should also be considered.

Therefore, the balance of the three *Mathews* factors renders the Department's three-tiered appeal process sufficient to protect any liberty interest Mr. Pino may have in visits with his victim-daughters.

Specifically, the process afforded by the Department's policies provided Mr. Pino notice of the Department's visitation policies, copies of its decisions and the reasons for these decisions, and the ability to appeal the decisions. This process is sufficient to protect any liberty interest Mr. Pino may have. Finally, additional procedures would provide nothing more than redundancy and increase the administrative burden. This court should deny Mr. Pino's petition.

V. CONCLUSION

For the above reasons, the Department requests that this court dismiss Mr. Pino's petition.

RESPECTFULLY SUBMITTED this 6th day of February, 2018.

ROBERT W. FERGUSON
Attorney General

s/ Cassie vanRoojen
CASSIE B. vanROOJEN, WSBA #44049
Assistant Attorney General
Corrections Division OID #91025
PO Box 40116
Olympia WA 98504-0116
CassieV@atg.wa.gov

CERTIFICATE OF SERVICE

I certify that on the date below I caused to be electronically filed the RESPONSE OF DEPARTMENT OF CORRECTIONS with the Clerk of the Court using the electronic filing system and I hereby certify that I have mailed by United States Postal Service the document to the following non electronic filing participant:

JOHN PINO, DOC #723342
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN WA 98520

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 6th day of February, 2018, at Olympia, WA.

s/ Amy Jones
AMY JONES
Legal Assistant
Corrections Division
PO Box 40116
Olympia WA 98504-0116
360-586-1445
AmyJ@atg.wa.gov

EXHIBIT 1

NO. 50876-1-II

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

JOHN PINO,

Petitioner.

DECLARATION OF
JENEVA COTTON

I, JENEVA COTTON, make the following declaration:

1. I have knowledge of the facts herein, am over eighteen years of age, and am competent to testify to such facts. I am not a party to this lawsuit.

2. I am the Associate Superintendent of Stafford Creek Correctional Center (SCCC) for the Washington State Department of Corrections (Department or DOC). I have held this position since December 2015 and have been employed by the Department since January 2000. As the Associate Superintendent, I oversee visitation at SCCC and have knowledge regarding the Department policies regarding visitation. I also have direct oversight of several other areas at SCCC to include all offender programming, all housing units, education, religious programming, PREA compliance, offender records, and classification.

3. I am familiar with John M. Pino, DOC# 723342, in that I have reviewed documentation from his April 23, 2009, conviction of three counts of child molestation in the first degree of his three victim-daughters and

responded to a letter from Mr. Pino on October 20, 2016. I have also reviewed other Department records kept in the ordinary course of business related to Mr. Pino and his time in Department custody.

4. In the Pre-Sentence Investigation, Mr. Pino's daughters reported that he repeatedly raped them multiple times per week over the course of several years. His daughters reported they were between the ages of 8 and 9 when he began having penile/vaginal intercourse with them. Mr. Pino's youngest daughter reported that she was raped on a near daily basis by her father for more than a year. Attached as Attachment A is a true and correct copy of the Pre-Sentence Investigation.

5. Per Mr. Pino's Judgment and Sentence, he is to have no contact with his victim-daughters for life. Mr. Pino's Judgment and Sentence also includes a condition of community custody that prohibits contact with his victims for life. Attached as Attachment B is a true and correct copy of Mr. Pino's Felony Judgment and Sentence.

6. Sexual Assault Protection Orders were entered on behalf of Mr. Pino's daughters in 2009. Attached as Attachment C are true and correct copies of the 2009 Sexual Assault Protection Orders.

7. In 2016, Mr. Pino's daughters' Sexual Assault Protection Orders were amended. Per the Amended Orders, Mr. Pino is restrained from (A) having any contact with his victim-daughters directly, indirectly, or through

third parties, regardless of whether those third parties know of the order, and (B) coming within 1,000 feet of their residence, school, and place of employment with the only exception being in person contact while incarcerated. Attached as Attachment D are true and correct copies of the 2016 Amended Sexual Assault Protection Orders.

8. Although the 2016 Amended Sexual Assault Protection Orders allow Mr. Pino to have in-person contact with his victim-daughters while incarcerated, per DOC Policy 450.300, individuals restricted per the offender's Judgment and Sentence, including conditions of community supervision that prohibit contact with an individual or category of individuals, are not permitted to visit offenders. Mr. Pino's Judgment and Sentence prohibits any contact with his victim-daughters under the conditions of community supervision, so his victim-daughters are not permitted to visit him per DOC Policy.

9. The 2016 Amended Sexual Assault Protection Orders, that allow Mr. Pino to have in person contact with his victim-daughters while incarcerated, appears to expect the Department to supervise the visits and keep the parties safe. While the Department's foremost concern is keeping those inside its walls safe, including offenders, visitors and staff, per DOC Policy 450.300, supervision by facility visit employees does not constitute supervised visiting as required by court orders. Expecting the Department

to supervise visits in this way places a burden but is also a security concern. There are three officers and one Sergeant in the visitor room and at any one time there may be up to approximately 300 offenders and visitors in the visit room. If the Department was to allow Mr. Pino's victim-daughters to visit, one officer may have to be entirely devoted to supervising their visit. This could cause security issues elsewhere in the visit room as this area is a high risk area to begin with. This would be an inappropriate allocation of staff resources. It is also possible that Mr. Pino may manipulate his victim-daughters in some way that would threaten the safety and security of the facility or that he himself might be in danger from some sort of retaliatory behavior from his victim-daughters. While Mr. Pino has been screened for sexual deviancy treatment, he has not yet participated in any treatment programs, so the Department has no way of knowing what would happen if he had contact with his victims.

10. I am aware that Mr. Pino would like to be allowed to visit his victim-daughters, but the denial of visitation privileges to his victim-daughters was appropriate and consistent with Department Policy. I explained to Mr. Pino in a letter dated October 20, 2016, that the court would need to instruct that he is allowed unrestricted contact with the individuals he was requesting to have visitation with, and that all previous court-ordered restrictions be removed. This would include his community custody conditions that restrict

any contact with his victim-daughters and contact with minors. The 2016 Amended Sexual Assault Protection Orders were not sufficient to allow Mr. Pino to have contact with his victim-daughters under Department policy. The 2016 Amended Sexual Assault Protection Orders under Section A prohibited Mr. Pino from having any contact with his victim-daughters. In addition, supervision by facility visit employees does not constitute supervised visiting as required by court orders, and such supervision may cause a safety and security risk in the visit room.

11. While the Department recognizes the vital role families play in the re-entry process and support offenders in maintaining ties with family, the Department's primary obligation is to protect the safety and security of those inside its walls. The Department has policies in place to meet this obligation while also providing visiting opportunities to offenders

///

///

///

///

///

///

///

///

and their families. The Department followed its policies in the handling of Mr. Pino's victim-daughter's visit applications.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 1st day of February, 2018, at Aberdeen, Washington.



JENEVA COTTON
Stafford Creek Corrections Center
Associate Superintendent

ATTACHMENT A

RECEIVED
MAY 01 2009
OLYMPIA RECORDS



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

PRE-SENTENCE INVESTIGATION

TO: The Honorable Presiding Judge
Thurston County Superior Court
NAME: John Milton Pino
ALIAS(ES):
CRIME(S): Count1 Child Molestation 1st Degree, RCW
9A.44.083-CLASS A FELONY
Count2 Child Molestation 1st Degree, RCW
9A.44.083-CLASS A FELONY
Count3 Child Molestation 1st Degree, RCW
9A.44.083-CLASS A FELONY
DATE OF OFFENSE: CT I-September 20, 2008
CT II-Between June 1, 2007 and
September 19, 2008
CT III- Between October 24, 2001
and October 24, 2004
PRESENT ADDRESS: Thurston County Jail

DATE OF REPORT: 4/14/09
DOC NUMBER: 723342
COUNTY: Thurston
CAUSE #: 08-1-01734-0
SENTENCING DATE: April 23, 2009
DEFENSE ATTORNEY: Robert Jimmerson

I. OFFICIAL VERSION OF OFFENSE:
Thurston County Sheriff's Office Incident Report
Case Number: 08-6914, Deputy: J. Anderson

On 09-20-08 at 1719, Deputy Anderson was dispatched to the report of a past rape. He arrived on the scene and contacted the reporting party identified as [redacted] stated she just found out her husband was raping their daughter, [redacted] She stated she had a conversation with two other girls in the house the previous night. They stated [redacted] told them her father, John Pino, had been molesting and having sexual intercourse with her. [redacted] stated she asked [redacted] about it this afternoon and she said it was true. [redacted] immediately picked up the phone to call the police, and John ripped the phone cord out of the wall. She then called 911 on a cellular phone and John left in his vehicle described as a green or mint colored Ford Explorer.

Deputy Anderson arrived after John was gone. [redacted] stated she thought he was going to a friend's house in Shelton. She did not know the address of the residence or the friend's last name. She simply knew his first name was Zane and that he was the owner of Zane's Tree Service.

Deputy Anderson asked [redacted] what specifically had been going on, and she said she did not know. She had only just found out and called the police. In the presence of Deputy Anderson, she asked [redacted] what had happened and how many times. [redacted] said it happens the same way every time. After [redacted] leaves for work, [redacted] goes into the bathroom in her parent's bedroom to take a shower. John bangs on the door while she is in the shower and tells her to get done and come out. She finishes showering and goes out into the bedroom in a towel. John then takes her by the arm, lays her down on the bed and "puts his thing in me". When asked if she knew what it was called she said, "He puts his penis in me".

Deputy Anderson asked [redacted] when the last time this happened was. She stated this morning at 0900 it happened just as described earlier. [redacted] said she asked John to stop and said it hurt, but he did not. When asked if John ejaculated inside of her, she said he did not. [redacted] said, "White stuff started coming out and he finished in the toilet". After this she got up, got dressed, and went to school.

On the morning of 11-05-08, Deputy Anderson drove to Bremerton and knocked on the door of [redacted]'s friend, Erica, at 0925. ([redacted] and [redacted] are sisters.) Erica answered and told the deputy that [redacted] had decided to spend the night at her (Erica's) mother's house last night. Erica called [redacted] and let the deputy speak with her. He told [redacted] that he wanted to talk with her, and told the deputy she would be with the deputy in ten minutes.

When [redacted] arrived, Erica suggested that they speak in [redacted] brother's room, Deputy Anderson sat down with [redacted] and told her that all of the information he had about her was from other people, and asked that she give him her account of the incidents. [redacted] told the deputy the following: Her father, John Pino, got custody of her when she was two. Her father was married to [redacted] at that time. When she was three or four they moved to Thurston County.

The most recent time she had penile/vaginal intercourse with her father was when she was in the 8th grade, about two months before she moved away from him to live in Bremerton. They were living on Rainier Road in Tumwater at the time. Her father began having sexual intercourse with her when she was in the 4th grade. It was always penile/vaginal intercourse, and always occurred in her father's bedroom. During the time her father was still having sex with [redacted] he was also having sex with their other sister, [redacted].

[redacted] and [redacted] would be sitting on the sofa, and their father would summon [redacted] to his bedroom. [redacted] would come out about ten minutes later, and the sisters would give each other knowing glances indicating that each understood what was happening to the other.

The first person [redacted] told about the sexual abuse was her aunt Felicia. [redacted] was at school and felt a need to tell someone about what had happened to her. She called her aunt from school, and after school they met. Before [redacted] told her aunt what had happened, her aunt asked her if

her father was molesting either , , or both girls. told her yes. She also disclosed to her paternal grandmother Patricia. Patricia also believed her, and added that she too had her suspicions.

Shortly before John turned himself in, he had brought to his sister's house. John told that he was sorry and had been planning on committing suicide. He told her he was going to turn himself in. understood his apology to mean that he was sorry for the sexual abuse and said she understood. Deputy Anderson asked him the names and ages of his daughters and John told him. Deputy Anderson told him he had talked to earlier that day, and asked him what she might have told the deputy. He hung his head and replied "no comment". Deputy Anderson told him that she told the deputy everything. He began shaking and crying and said "I need help". He told the deputy he had been very close to killing himself while he was in Shelton, but had realized that it wouldn't have been fair to his family after all he had put them through. John again said he needed help for his problems. The deputy asked if he needed help for what happened to , and he started crying again. He told the deputy that what he had done was not right, but he just wanted to make amends with his daughters. Deputy Anderson asked if he would be willing to give a recorded statement, and he said he would not. The deputy thanked him for his time, and he was taken back to his cell.

On the morning of 09-24-08, Deputy Anderson began researching the old county data base for cases involving parties involved in this case and discovered case number 04-9977. In that case a Marjorie "Meyer" called the Sheriff's Office to report that her son in law, John Pino, was molesting her granddaughters, and . She reported to Dep. Matt Brennan that John told her that he "has a sickness and did something that he knew he should not have done". Marjorie reported that her daughter told her that John told her () that he was "messing with the kids sexually". Marjorie said that did not want her to call law enforcement. Marjorie said that disclosed to her that her father had sexual contact with her.

At the request of a CPS worker, the school principal contacted and asked her if her father was molesting her. did not disclose. On 10-06-04, Sgt. Stines and CPS case worker Keith Sands spoke with at Tumwater Hill Elementary School, and did not disclose any sexual contact with her father. Because of the lack of a disclosure, the case was closed.

Deputy Anderson tried to call Marjorie using the number listed on the 2004 report, but both were disconnected. He called and asked her if she had a phone number for her mother. She told the deputy she hadn't spoken to her mother since Marjorie turned John in for molesting the girls. He asked about what she told her mother at the time, and she said she never told her that John admitted to molesting or raping her daughters. said she had no phone numbers for any family members who may know her mother's whereabouts or have a phone number for her. did tell the deputy that her mother may be living in Eastern Washington.

Sharon Snyder, who is the suspect's niece, told Sergeant Brady the following: John Pino is her biological uncle, and she lives in a camper parked behind the Pino house. That morning she came

into the house to use the bathroom and noticed that [redacted] wasn't there. She looked towards John's bedroom and saw the lights on through a cracked door. Sharon went back out to the camper, and after lying down for a bit came back into the house. When she got back to the house she saw John washing the pillow, blankets, sheets, and towels from his bed. She knew that [redacted] and [redacted] had been raped by John in the past, and assumed that the same thing was happening to [redacted]. Sharon told her mother and [redacted] that she thought John was molesting [redacted]. Sharon asked [redacted] if she was mad at her for telling, and [redacted] replied that she was glad Sharon told someone. Sharon added that she despises her Uncle John for what he has done to his daughters.

Ajionte Hill spoke with Deputy Anderson and told him the following: Today she was in the camper when [redacted] told her that she did sexual favors for her father so he would buy her gifts each payday. Ajionte was aware that John had molested [redacted] and [redacted]. Two nights previously John Pino made advances towards her by telling her that she was "a very attractive girl", and asking her if she was a "girl who kisses and tells".

On the morning of 09-22-08, Deputy Anderson called the Sexual Assault Center and made a referral for a physical examination of [redacted]. He then coordinated with Detective Leischner, who had been tasked with locating the suspect. John Pino was already a registered sex offender and Detective Leischner was familiar with him. Detective Leischner began calling John's cellular phone, as well as coordinating with Mason County authorities to have them check possible locations for the suspect. At 0930, Deputy Anderson called [redacted] and suggested the possibility of she and her daughters staying at a motel until John was captured. She said she would consider it. He also told her that the clinic would be calling about scheduling an exam for [redacted]. At 1015, the deputy spoke to CPS case worker Danielle Juhnke about the case. It was determined that law enforcement would be taking over the investigation. At 1100, he spoke with the clinic, and a time of 1300 was set for [redacted] interview and physical.

Thurston County Sheriff's Office Officer's Report, 11-24-08
Detective Chris Ivanovich -1182, Case Number:08-6914

On 09-20-08, [redacted] called law enforcement to report that her husband, John Pino, had been raping their 11 year old daughter [redacted]. [redacted] reported that her father has been having penile/vaginal intercourse with her nearly daily for more than one year, and provided a statement to deputies. [redacted] said the most recent incident occurred at 0900 that morning. When [redacted] confronted John and said she was going to call 911, John ripped the phone cord from the wall. When [redacted] grabbed her cellular phone to call, John quickly left in a vehicle.

On 09-23-08, John Pino contacted Detective Leischner and turned himself in. [redacted] informed the deputy that just before turning himself in, John called her crying and said he was waiting to be picked up by a detective. [redacted] asked him how he could tell her he loved her after raping their daughter almost on a daily basis for years. John replied by questioning the number of years, but said he was sorry and added that now he can get the help that he needs. [redacted] said that her 14 year old daughter, [redacted], mentioned something to her that made her think that [redacted] may also be a victim.

Thurston County Sheriff's Office Supplemental Report, 09-21-08
Deputy J.M. Gallagher, Case Number: 08-6914

Deputy Gallagher spoke with _____ by telephone reference a sexual assault case she previously reported. _____ advised she had heard, third hand, that John Pino was at an address in Shelton. She was not sure of the address, but said he was with a male named Isaac Whittenberg and gave directions to his house.

Deputy Gallagher contacted Sergeant Betraitis with the Mason County Sheriff's Office. He is familiar with Whittenberg and knew exactly where he lives. He agreed to contact the residence based on the probable cause for Pino's arrest.

After checking the address, Sergeant Betraitis advised Pino was not there. Whittenberg told him he had not seen Pino in awhile and did not know his current whereabouts. During his conversation with him, Whittenberg's mother arrived home. She said Pino had been at the house around 1500 hours. At that time, he was driving a white, mid 80s, Chevrolet pickup with unknown registration. She did not know who the truck belonged to or where he went when he left the house.

Betratis said he would continue to monitor the house and would pass it on to other shifts to look for him.

THURSTON COUNTY SHERIFF'S OFFICE SUPPLEMENTAL REPORT
Number 08-6914, Sergeant R. Brady, 12-01-08

On September 20, 2008, at 1752 hours, Sergeant Brady arrived on scene of a report of a rape that had occurred. He made contact with Deputy Anderson who was already at the location obtaining information from the mother, _____, and her daughter, _____, who appeared to be a competent 11 year old, so they asked some general information questions about the incident.

_____ advised that she was in the shower in the master bathroom when her dad came and got her out. He had her lay on the bed, and "he put his thing inside of me." When asked what she meant by his "thing", she replied that it was his "dick". She advised that this had been going on for quite awhile, and had most recently occurred this morning.

Sergeant Brady went inside and had her show us where it occurred. He observed that there was no bedding on the bed. She advised that she was also wearing a towel when it occurred. He did not see any physical evidence on the bed or the bathroom; he then obtained digital photographs of the bedroom and bathroom.

Sergeant Brady spoke with Sharon Snyder who is the suspect's niece. She advised that she stays in a camper on the back part of the property. She came in the house at 0900 or 0930 to use the bathroom and noticed that _____ was not in her room. She saw the light on the master bedroom and

believed that [redacted] was possibly in the room with John, but did not see or hear anything. Sharon said that she has had a suspicion that John has been inappropriate with [redacted] but wasn't certain. She advised that he had previously gotten in trouble for messing with other girls in the house. Sharon went back out to the trailer and went back to sleep. She advised that when she came into the house later that she noticed John was washing all the bedding. She later told [redacted] about her suspicions when she came home from work. The sergeant obtained a taped statement from Sharon. He also obtained digital photographs of the bedding and towel in the washing machine and dryer. Deputy Anderson obtained statements from the other parties.

THURSTON COUNTY SHERIFF'S OFFICE SUPPLEMENTAL REPORT

Number 08-6914, Sergeant R. Brady, 12-01-08

On September 20, 2008, at 1752 hours, Sergeant Brady arrived on scene of a report of a rape that had occurred. He made contact with Deputy Anderson who was already at the location obtaining information from the mother, [redacted], and her daughter, [redacted] who appeared to be a competent 11 year old, so they asked some general information questions about the incident.

[redacted] advised that she was in the shower in the master bathroom when her dad came and got her out. He had her lay on the bed, and "he put his thing inside of me." When asked what she meant by his "thing", she replied that it was his "dick". She advised that this had been going on for quite awhile, and had most recently occurred this morning.

Sergeant Brady went inside and had her show us where it occurred. He observed that there was no bedding on the bed. She advised that she was also wearing a towel when it occurred. He did not see any physical evidence on the bed or the bathroom; he then obtained digital photographs of the bedroom and bathroom.

Sergeant Brady spoke with Sharon Snyder who is the suspect's niece. She advised that she stays in a camper on the back part of the property. She came in the house at 0900 or 0930 to use the bathroom and noticed that [redacted] was not in her room. She saw the light on the master bedroom and believed that [redacted] was possibly in the room with John, but did not see or hear anything. Sharon said that she has had a suspicion that John has been inappropriate with [redacted] but wasn't certain. She advised that he had previously gotten in trouble for messing with other girls in the house. Sharon went back out to the trailer and went back to sleep. She advised that when she came into the house later that she noticed John was washing all the bedding. She later told [redacted] about her suspicions when she came home from work. The sergeant obtained a taped statement from Sharon. He also obtained digital photographs of the bedding and towel in the washing machine and dryer. Deputy Anderson obtained statements from the other parties.

II. VICTIM CONCERNS:

On 4/13/09, I spoke with [redacted], the victim's mother via telephone. [redacted] informed me that she and all three of her daughters want John Pino to get treatment. [redacted] reports that [redacted] is [redacted]

rebellious and continues to runaway. She says that [redacted] refuses to go to counseling. [redacted] says that [redacted] is willing attend counseling and is not having any behavior problems. [redacted] states that she is not sure how she feels but knows that she does not want John to come home until the children are grown and out of the house. [redacted] is concerned for John's safety while he is in prison and is glad to hear that he will not be incarcerated for life.

III. DEFENDANT'S STATEMENT REGARDING OFFENSE:

On 4-8-09, I interviewed John Pino at the Thurston County Jail. Mr. Pino admitted to molesting his three daughters. Pino stated that he started with his oldest daughter and then went on to molesting his other two daughters. Pino claims that his oldest daughter was 12 when began molesting his children. His oldest daughter is now 18 years of age. Pino admits that he is sick and needs help. He claims that he wants sexual deviancy treatment as well as chemical dependency treatment. Pino said "Every time I touched my daughters I was either drunk or on drugs". Pino stated " I did this because I am sick and it is not the my kids fault". Pino says that he is looking forward to getting treatment and cannot explain why he molested his children other than being sick. He stated that he would like to someday be able to see his children again and be reunited with his family. Pino claims that his wife [redacted] also wants the family reunited and visits him in jail.

IV. CRIMINAL HISTORY:

SOURCES:

1. National Crime Information Center (NCIC)
2. Washington Crime Information Center (WACIC)
3. Thurston County Superior Court Prosecutor's Office
4. Washington Statewide Court Information System (DISCIS)
5. Mr. Pino's self report
6. Official Incident Reports

Adult Felony:			
Date of Offense:	1/25/94		
Crime:	Reckless Endangerment-1 st Degree		
County / Cause No.:	Kitsap/94-1-00076-2		
Date of Sentence:	6-1-94		
Disposition:	90 days 12 months Community Supervision	Score / Wash	1

Adult Felony:			
Date of Offense:	5/20/04		
Crime:	Burglary 1 st Degree		
County / Cause No.:	Kitsap/94-1-00433-4		
Date of Sentence:	39		
Disposition:	39 months and 12 months Community Supervision	Score / Wash	2

Supervision

V. SCORING:

SERIOUSNESS LEVEL	OFFENDER SCORE	STANDARD RANGE
Count I X	8	From 129-171 months to Life
Count II X	8	From 129-171 months to Life
Count III X	8	From 129-171 months to Life

VII. COMMUNITY CUSTODY BOARD (If applicable):

SERIOUSNESS LEVEL	OFFENDER SCORE	SENTENCE RANGE
Count I X	8	Life
Count II X	8	Life
Count III X	8	Life

VIII. RISK / NEEDS ASSESSMENT:

A risk / needs assessment interview was completed with the offender. The following risk / needs area(s) and strengths have implications for potential risk, supervision, and interventions. Unless otherwise noted, the following information was provided by the offender and has not been verified.

Criminal History:

Felonies-

In January, 1994, Pino was convicted of **Reckless Endangerment** in Kitsap County. Pino claims that he could not remember the crime. Pino received 90 days in jail and 12 months community supervision.

In May, 1994, Pino was convicted of **Burglary 1st Degree** in Kitsap County. Pino stated the he and another person burglarized a house, the victim of the burglary came home, a shot was fired; Pino and his accomplice left the scene of the crime. Pino states that he went to prison for 39 months and 12 months community supervision.

Misdemeanors-

1988, **Criminal Trespass-1st Degree**

1988, Assault 4th Degree
1989, No Valid Drivers License
1990, No Valid Drivers License
1990, No Valid Drivers License
1991, Aiming Or Discharging Firearm
1991, Simple Assault
1992, Driving While License Suspended 3rd Degree
1992, Furnishing Liquor To Minors
1993, Driving While License Suspended 3rd Degree
1993, Driving While License Suspended 3rd Degree
1994, Driving While License Suspended 3rd Degree
1999, Driving While License Suspended 3rd Degree
2000, Communication with Minor-Immoral Purpose
2000, Driving While License Suspended 3rd Degree
2000, Driving While License Suspended 3rd Degree
2000, Assault (DV)
2000, Driving While License Suspended 3rd Degree
2007, Driving While License Suspended 3rd Degree
2007, Driving While License Suspended 3rd Degree
2008, Driving While License Suspended 3rd Degree

Education / Employment:

Mr. Pino says that he attended school until the 12th grade but did not graduate. He states that he received his GED in 1995. Pino reports that he has worked construction most of his life and was employed with Absher Construction as a Journey Carpenter prior to his incarceration. Pino claims that he was earning \$34.79 an hour.

Financial:

Mr. Pino reports that he does not have any savings and is in debt. Pino believes that he owes closed to \$40,000 in bills. He reports that more than \$20,000 of his debt is for past due child support.

Family / Marital:

Mr. Pino states that he has five siblings and is close to his three sisters. He says that his father passed away and his mother lives in Bremerton Wa. Mr. Pino reports that he has been married twice. He was married to his first wife Erica for approximately a year and a half. He says that they divorced in 1992. They have a daughter together. Pino's and his second wife have been married for sixteen years and have two daughters together.

Accommodation:

Pino is currently in the Thurston County Jail. Prior to his incarceration Pino resided in Little Rock with his family. He reports that he has lived there form almost two years.

Leisure / Recreation:

Pino says that he likes to hike, fish, and camp. He states that he is also involved in martial arts. Pino states that he usually spends time at home with his family when he has free time.

Companions:

Pino claims that he really does not have any friends. He says that he has associates that he works with but would not call them friends.

Alcohol / Drug Use:

Mr. Pino states that he began smoking marijuana when he was 10 years of age. He also said that he used cocaine, methamphetamine, lsd, heroin, barbituates, amphetamines and alcohol. Pino admits to that he has never stopped using drugs and alcohol since he started. He also reports that he was on drugs and alcohol when he molested his daughters.

Emotional / Personal:

Mr. Pino states that he was placed at Western State Hospital for mental health concerns when he was 16 years of age. Pino says that he tried to kill himself. Pino also reports that he was thinking about killing himself prior to turning himself in. He claims that he is seeing a mental health professional at the Thurston County Jail.

Attitude / Orientation: Mr. Pino admits to molesting his daughters and says that he needs treatment. Pino seems to be sincere and takes responsibility for these crimes. Pino also admits to having a substance abuse problem. When asked what he believed was a fair punishment for these crimes, Pino stated that he thought he was going to go to prison for life.

IX. SENTENCE OPTIONS:

- Confinement within the Standard Range Sentence
- Work Ethic Program
- Exceptional Sentence
- First-time Offender Waiver (FTOW)
- Drug Offender Sentencing Alternative (DOSA)
- Special Sex Offender Sentencing Alternative (SSOSA)
- Mentally Ill Offender Sentencing Option (MIOSO)
- Community Custody Board (CCB) RCW 9.94A.712

X. RECOMMENDATIONS:

Sentence Type / Option: Confinement within the standard range
Confinement: 150 months within the Department of Corrections
Community Custody Board: Minimum Term: 129-171 months
Maximum Term: life

Length of Community Custody: Life

Conditions of Supervision: (See attached Appendix H – Community Supervision (DOC 09-130))

XI. MONETARY OBLIGATIONS:

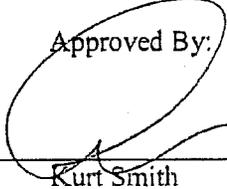
Restitution: TBD	Court Costs: \$110.00	Other: TBD
Victim Penalty: \$500.00	Attorney Fees: TBD	
Drug Fund: \$0.00	Fine: \$0.00	

Submitted By:

Approved By:

Patrick Austin
Community Corrections Officer
Olympia Field Office
3700 Martin Way, Suite #104

Date


Kurt Smith
Supervisor

Date

Per KRS 4/14/09

Olympia, Wa 98504
360-459-6370

Distribution: ORIGINAL-Court COPY- Prosecuting Attorney, Defense Attorney, File, WCC/RC (Prison)

ATTACHMENT B

15

FILED
SUPERIOR COURT
THURSTON

'09 APR 23 A11:59

BY _____

DEPUTY

SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

STATE OF WASHINGTON, Plaintiff,

vs.

JOHN MILTON PINO,

Defendant.

SID: WA14530016
If no SID, use DOB:
PCN: 766972314 BOOKING NO. C0153320

No. 08-1-01734-0

FELONY JUDGMENT AND SENTENCE (FJS)

- Prison RCW 9.94A.712 Prison Confinement
- Jail One Year or Less RCW 9.94A.712 Prison Confinement
- First-Time Offender
- Special Sexual Offender Sentencing Alternative
- Special Drug Offender Sentencing Alternative
- Clerk's Action Required, para 4.5 (SDOSA), 4.15.2, 5.3, 5.6 and 5.8

I. HEARING

1.1 A sentencing hearing was held on April 23, 2009 and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on April 23, 2009
by plea jury-verdict bench trial of: MAR 24 10 (FJS)

COUNT	CRIME	RCW	DATE OF CRIME
I.	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	SEPTEMBER 20, 2008
II.	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	On or between OCTOBER 24, 2001 and OCTOBER 24, 2004
III.	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	On or between OCTOBER 1, 2001 and DECEMBER 31, 2001

(If the crime is a drug offense, include the type of drug in the second column.)
as charged in the (FIRST AMENDED) Information.

- Additional current offenses are attached in Appendix 2.1.
- A special verdict/finding that the offense was predatory was returned on Count(s) _____, RCW 9.94A. _____.
- A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on Count(s) _____, RCW 9.94A. _____.
- A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on Count(s) _____, RCW 9.94A. _____, 9A.44.010.
- A special verdict/finding of sexual motivation was returned on Count(s) _____ RCW 9.94A.835.

FELONY JUDGMENT AND SENTENCE (FJS)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2005))

09-9-10823-7

Page 1

COPY TO DOC

COPY TO PROSECUTING ATTORNEY

ATTACHMENT 6

- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The court finds that the defendant is subject to sentencing under **RCW 9.94A.712**.
- A special verdict/finding for use of **firearm** was returned on Count(s) _____, RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) _____, RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) _____, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a **juvenile was present in or upon the premises of manufacture** was returned on Count(s) _____, RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- The crime charged in Count(s) _____ involve(s) **domestic violence**.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- None of the current offenses constitute same criminal conduct.
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv.	TYPE OF CRIME
1 Burglary 1 st degree	7-13-94	Kitsap, Washington	5-20-94	A	Class A Violent
2 Reckless Endangerment 1 st degree – WASHES for SRA purposes	4-13-94	Kitsap, Washington	1-25-94	A	Class C
3					
4					
5					

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

None of the prior convictions constitutes same criminal conduct.

The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
1	8	X	129-171 Mo. TO LIFE	—	129-171 Mo. TO LIFE	LIFE
2	8	X	129-171 Mo. TO LIFE	—	129-171 Mo. TO LIFE	LIFE
3	8	X	129-171 Mo. TO LIFE	—	129-171 Mo. TO LIFE	LIFE

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8).

Additional current offense sentencing data is attached in Appendix 2.3.

2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

within 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.

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 the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are attached as follows: _____

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 _____ The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$ RESERVED Restitution to: S.J.P.

RTN/RJN

\$ ~~RESERVED~~ Restitution to: A.L.P.

\$ ~~RESERVED~~ Restitution to: S.M.P.

(Name and Address—address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV \$ 500.00 Victim assessment RCW 7.68.035

\$ _____ Domestic Violence assessment RCW 10.99.080

CRC \$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 200- FRC

Witness costs \$ _____ WFR

Sheriff service fees \$ _____ SFR/SFS/SFW/WRF

Jury demand fee \$ _____ JFR

Extradition costs \$ _____ EXT

Other \$ _____

PUB \$ _____ Fees for court appointed attorney RCW 9.94A.760

WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH \$ _____ Fine RCW 9A.20.021; [] VUCSA chapter 69.50 RCW, [] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCD \$ _____ Drug enforcement fund of _____ RCW 9.94A.760
NIF/SAD/SDI

CLF \$ _____ Crime lab fee [] suspended due to indigency RCW 43.43.690

RTN/RJN \$ 100.00 Felony DNA collection fee [] not imposed due to hardship RCW 43.43.7541

\$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430

\$ _____ Other costs for: _____

\$ 800- TOTAL RCW 9.94A.760

[X] 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:

[X] shall be set by the prosecutor.

[] is scheduled for _____

[] RESTITUTION. Schedule attached.

[] Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant

CAUSE NUMBER

(Victim's name)

(Amount-\$)

RJN

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 \$ 757 per month commencing PER CLO. RCW 9.94A.760.

The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9.94A.760(7)(b).

In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: _____ (JLR) RCW 9.94A.760.

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.

4.2 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. RCW 43.43.754.

HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with SEE SAPO X 3 (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE years (not to exceed the maximum statutory sentence).

Domestic Violence * (ONE ORDER FOR EACH OF THE 3 VICTIMS) * No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____, for the cost of pretrial electronic monitoring, in the amount of \$ _____.

4.4 OTHER: _____

ALL CONDITIONS OF APPENDIX H ARE
ATTACHED AND INCORPORATED HERIN BY
REFERENCE.

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

- (a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

see 4-5 (b) months on Count _____ months on Count _____
months on Count _____ months on Count _____
months on Count _____ months on Count _____

Actual number of months of total confinement ordered is: 150 MONTHS TO LIFE.
(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above.)

[] The confinement time on Count(s) _____ contain(s) a mandatory minimum term of *SEE 4.5(b)

NON-FELONY COUNTS:

Sentence on counts _____ is/are suspended for _____ months on the condition that the defendant comply with all requirements outlined in the supervision section of this sentence.

_____ days of jail are suspended on Count _____
_____ days of jail are suspended on Count _____

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, or sexual motivation, UVCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: _____

- (b) CONFINEMENT. RCW 9.94A.712 (Sex Offenses only): The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count 1 minimum term 150 MONTHS maximum term LIFE
Count 2 minimum term 150 MONTHS maximum term LIFE
Count 3 minimum term 150 MONTHS maximum term LIFE

- (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: _____

4.6 [] COMMUNITY PLACEMENT is ordered as follows: Count _____ for _____ months;
Count _____ for _____ months; Count _____ for _____ months.

X COMMUNITY CUSTODY for count(s) 1, 2, 3, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

COMMUNITY CUSTODY is ordered as follows:

Count _____ for a range from _____ to _____ months;

Count _____ for a range from _____ to _____ months;

Count _____ for a range from _____ to _____ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.] STATUTORY LIMIT ON SENTENCE. Notwithstanding the length of confinement plus any community custody imposed on any individual charge, in no event will the combined confinement and community custody exceed the statutory maximum for that charge. Those maximums are: Class A felony--life in prison; Class B felony--ten (10) years in prison; Class C felony--5 (5) years in prison.

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)	v) Residential burglary offense	
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		
vii) Offense for delivery of a controlled substance to a minor, or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

While on community placement or 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 in community custody; (6) pay supervision fees as determined by DOC; and (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC; and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The defendant shall not consume any alcohol.

Defendant shall have no contact with: VICTIMS

Defendant shall remain within outside of a specified geographical boundary, to wit: _____

Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8)).

The defendant shall participate in the following crime-related treatment or counseling services: _____

SEXUAL BEHAVIOR MODIFICATION TREATMENT

The defendant shall undergo an evaluation for treatment for domestic violence substance abuse mental health anger management and fully comply with all recommended treatment.

The defendant shall comply with the following crime-related prohibitions: _____

APPENDIX H

Other conditions:

APPENDIX H

[] For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

- 4.7 [] **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.
- 4.8 **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: _____

V. NOTICES AND SIGNATURES

- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion 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, must be filed 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.** For an offense committed prior to July 1, 2000, the defendant 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. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her 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 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 **RESTITUTION HEARING.**
[] Defendant waives any right to be present at any restitution hearing (sign initials): _____
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (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, 9.41.047.

Cross off if not applicable:

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

2. Offenders Who Leave the State and Return: If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington,

or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

3. Change of Residence Within State and Leaving the State: If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.

4. Additional Requirements Upon Moving to Another State: If you move out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If you are enrolled on September 1, 2006, you must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within 48 hours excluding weekends and holidays after losing your residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State

7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

- 5.8 The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.
- 5.10 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

DONE in Open Court and in the presence of the defendant this date: APRIL 23, 2009

Christine A. Pomeroy
 Judge/Print name:

Christine A. Pomeroy

John C. Skinder
 Deputy Prosecuting Attorney
 WSBA No. 26224
 Print name: JOHN C. SKINDER

Robert W. Jimeron
 Attorney for Defendant
 WSBA No. 26363
 Print name: ROBERT W. JIMERON

John Milton Pino
 Defendant
 Print name: JOHN MILTON PINO

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: 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 92A.84.560.

Defendant's signature: *John Milton Pino*

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.
 Interpreter signature/Print name: _____

I, _____, 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 DEFENDANT

SID No. WA14530016
 (If no SID take fingerprint card for State Patrol)

Date of Birth _____

FBI No. 400040VA0

Local ID No. _____

PCN No. 766972314

Other _____

Alias name, DOB: _____

Race:

Asian/Pacific
Islander

Black/African-American

Caucasian

Native American

Other: _____

Ethnicity:

Hispanic

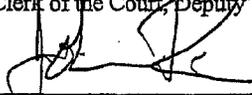
Non-Hispanic

Sex:

Male

Female

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, Se Se Dated: 04-23-09

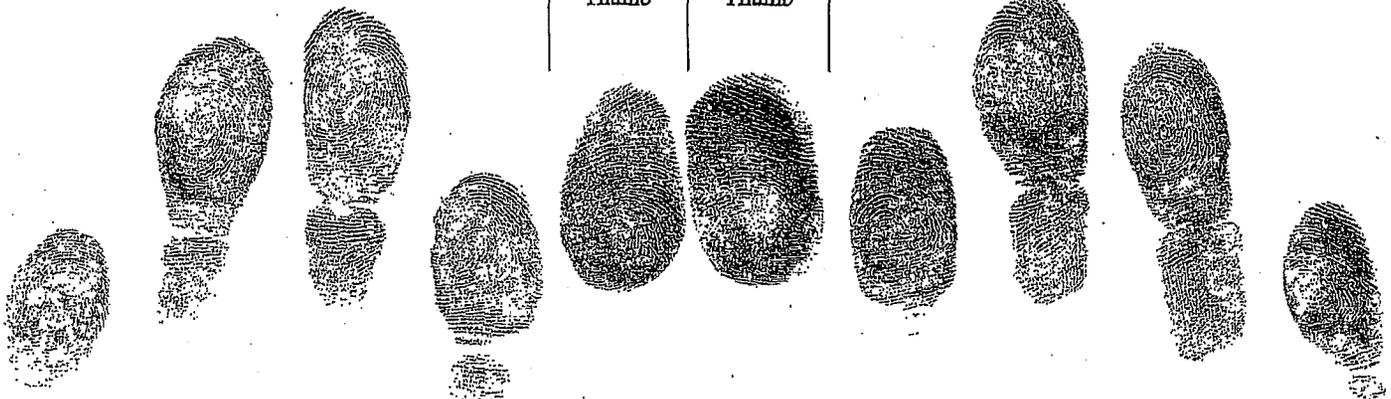
DEFENDANT'S SIGNATURE: 

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 THURSTON

STATE OF WASHINGTON

NO. 08-1-01734-0

Plaintiff,

vs.

WARRANT OF COMMITMENT ATTACHMENT TO
JUDGMENT AND SENTENCE (PRISON)

JOHN MILTON PINO,

Defendant.

DOB:
SID: WA14530016 FBI: 400040VA0
PCN: 766972314
RACE: W
SEX: M
BOOKING NO: C0153320

THE STATE OF WASHINGTON TO:

The Sheriff of Thurston County and to the proper officer of the Department of Corrections.

The defendant JOHN MILTON PINO has been convicted in the Superior Court of the State of Washington for the crimes of:

CHILD MOLESTATION IN THE FIRST DEGREE (3 CNTS.)

and the court has ordered that the defendant be sentenced to a term of imprisonment as set forth in the Judgment and Sentence.

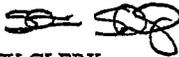
YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By direction of the Honorable:

Christine A. Pomeroy

BETTY J. GOULD
CLERK

By: 
DEPUTY CLERK

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

STATE OF WASHINGTON]	Cause No.: 08-1-01734-0	
]		
	Plaintiff]	JUDGEMENT AND SENTENCE (FELONY)
	v.]	APPENDIX H
John Milton Pino]	COMMUNITY PLACEMENT / CUSTODY
	Defendant]	
]		
DOC No. 723342]		

The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

COMMUNITY PLACEMENT/CUSTODY: Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.712 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

Error! Reference source not found.
Error! Reference source not found. Error! Reference source not found.
Page 1 of 3

(a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A, 120 (13));
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set fourth in writing by the Community Corrections Officer.

WAIVER: The following above-listed mandatory conditions are waived by the Court:

(b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

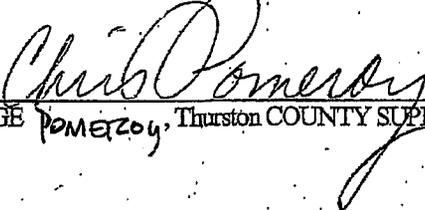
- 1) No contact with the victims, ^{AND} , and P. for life, unless by future Court order, *CWP 4/23/09*
- 2) Obey all laws;
- 3) Obey all rules of the Department of Corrections;
- 4) No contact w/minors unless supervised by a responsible adult who is aware of your offense and has been approved in advance by your CCO and therapist;
- 5) Do not enter into a relationship with any person who has minors in their care or custody without approval of your CCO and therapist;
- 6) Hold no position of authority or trust involving minors or participate in any youth programs;
- 7) Sexual Deviancy Treatment as directed by your CCO and comply with all rules of treatment;
- 8) Not possess or peruse any sexually explicit material as defined by your CCO and therapist;
- 9) Stay out of business establishments offering sexually explicit material or entertainment;
- 10) Not frequent or loiter in areas where children congregate;
- 11) Do not access the Internet or make use of any computer modem;
- 12) Living conditions and residence location to be approved in advance by CCO;
- 13) No possession or consumption of controlled substances unless by lawful prescription;
- 14) No possession or consumption or alcohol;
- 15) Submit to random urinalysis and/or breathalyzer;
- 16) Notify your employer of your conviction and rules of supervision and treatment;
- 17) Mandatory HIV test;
- 18) Mandatory DNA test;
- 19) Mandatory Sex Offender registration;
- 20) Submit to polygraph testing as required by your therapist/CCO to monitor compliance;

Error! Reference source not found.
Error! Reference source not found. Error! Reference source not found.
Page 2 of 3

- 21) Submit to plethysmograph testing as required by therapist or CCO;
- 22) Obtain a mental health evaluation as directed by your CCO and comply with all recommendations;
- 23) Geographical restrictions as ordered by CCO;
- 24) Abide by any other conditions imposed by the Court and your CCO;
- 25) Chemical Dependency Treatment as directed by your CCO and comply with all rules of treatment.

4-23-09

DATE


JUDGE Pomeroy, Thurston COUNTY SUPERIOR COURT

Error! Reference source not found.
Error! Reference source not found. Error! Reference source not found.
Page 3 of 3

ATTACHMENT C

- D. (Pretrial: crimes not defined as serious offenses in RCW 9.41.010, RCW 9.41.800 findings made) Obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.
- (Pretrial: crimes defined as serious offenses) Obtaining, owning, possessing or controlling a firearm.
- (Conviction) Obtaining, owning, possessing or controlling a firearm.

It is Further Ordered:

- (Pretrial order) The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to: _____ [name/law enforcement agency].

Warnings to the Defendant: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

Willful violation of this order is punishable under RCW 26.50.110. Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the defendant has at least two previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74.

If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

In addition to the state and federal prohibitions against possessing a firearm upon conviction of a felony or a qualifying misdemeanor, upon the court issuing a no-contact order after a hearing at which the defendant had an opportunity to participate, the defendant, if a spouse or former spouse, a parent of a common child, or a current or former cohabitant as intimate partner of a person protected by this order, may not possess a firearm or ammunition for as long as the no-contact order is in effect. 18 U.S.C. § 922(g). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. If the defendant is convicted of an offense of domestic violence, the defendant will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

You can be Arrested even if the Person or Persons who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: Thurston County Sheriff's Office Police Department where the above-named protected person(s) lives, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

This No-Contact Order Expires on 12-31-2099

Done in Open Court in the presence of the defendant this date: 4-23-99

Chris Tomney
Judge
 Print Name:

Amcan
 Deputy Prosecuting Attorney
 WSPA No. 26224
 Print or Type Name:

[Signature]
 Attorney for Defendant
 WSPA No. 26363
 Print or Type Name:

[Signature]
 Defendant
 Print or Type Name

A Law Enforcement Information Sheet (LEIS) must be completed.

FILED
SUPERIOR COURT
THURSTON

'09 APR 23 P1:23

BY _____ DEPUTY

**SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

State of Washington,
Plaintiff,

v.

JOHN MILTON PIND
Defendant.

SID: WA14530016
If no SID, use DOB:

NO. 08-1-1734-0
SEXUAL ASSAULT PROTECTION
~~Domestic Violence No-Contact~~
Order LAWS OF 2006, CH 138

(clj = NOCON)
(superior cts = ORNC)

- Pretrial
- Post conviction
- Clerk's action required

1. Based upon the certificate of probable cause and/or other documents contained in the case record, testimony, and the statements of counsel, the court finds that the defendant has been charged with, arrested for, or convicted of a domestic violence offense, and further finds that to prevent possible recurrence of violence, this Domestic Violence No-Contact Order shall be entered pursuant to chapter 10.99 RCW. This order protects:

(Write the protected person's name or if minor you may use initials and DOB. RCW 7.69A.030.)

2. The court further finds that the defendant's relationship to a person protected by this order is: current or former spouse parent of a common child current or former cohabitant as intimate partner other family or household member as defined in RCW 10.99.

3. (Pretrial order for crimes not defined as serious offenses in RCW 9.41.010) The court makes the following findings pursuant to RCW 9.41.800: the defendant used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; the defendant previously committed an offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040; or possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

It Is Ordered:

Defendant is **Restrained** from:

- A. Causing or attempting to cause physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the protected person(s).
- B. Coming near and from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by defendant's lawyers with the protected person(s).
- C. Entering or knowingly coming within or knowingly remaining within 1,000 FEET (distance) of the protected person's residence school place of employment other: _____

- D. (Pretrial: crimes not defined as serious offenses in RCW 9.41.010, RCW 9.41.800 findings made) Obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.
- (Pretrial: crimes defined as serious offenses) Obtaining, owning, possessing or controlling a firearm.
- (Conviction) Obtaining, owning, possessing or controlling a firearm.

It is Further Ordered:

- (Pretrial order) The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to: _____ [name/law enforcement agency].

Warnings to the Defendant: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

Willful violation of this order is punishable under RCW 26.50.110. Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the defendant has at least two previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74.

If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

In addition to the state and federal prohibitions against possessing a firearm upon conviction of a felony or a qualifying misdemeanor, upon the court issuing a no-contact order after a hearing at which the defendant had an opportunity to participate, the defendant, if a spouse or former spouse, a parent of a common child, or a current or former cohabitant as intimate partner of a person protected by this order, may not possess a firearm or ammunition for as long as the no-contact order is in effect. 18 U.S.C. § 922(g). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. If the defendant is convicted of an offense of domestic violence, the defendant will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

You can be Arrested even if the Person or Persons who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: Thurston County Sheriff's Office Police Department where the above-named protected person(s) lives, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

This No-Contact Order Expires on 12-31-2009

Done in Open Court in the presence of the defendant this date: 4-23-09

C. Pomeroy
Judge
 Print Name:

A. J. Carr
 Deputy Prosecuting Attorney
 WSBA No. 26214
 Print or Type Name:

[Signature]
 Attorney for Defendant
 WSBA No. 26363
 Print or Type Name:

[Signature]
 Defendant
 Print or Type Name

A Law Enforcement Information Sheet (LEIS) must be completed.

2

FILED
SUPERIOR COURT
THURSTON COUNTY

'09 APR 23 P1:23

BY _____

DEPUTY

**SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

State of Washington,
Plaintiff,

v.

JOHN MILTON PINO
Defendant.

SID: WA14530016
If no SID, use DOB:

NO. **08-1-1734-0**

SEXUAL ASSAULT PROTECTION
~~Domestic Violence No-Contact~~
Order LAWS OF 2006, CH 138

(clj = NOCON)
(superior cts = ORNC)

Pretrial
 Post conviction

Clerk's action required

1. Based upon the certificate of probable cause and/or other documents contained in the case record, testimony, and the statements of counsel, the court finds that the defendant has been charged with, arrested for, or convicted of a domestic violence offense, and further finds that to prevent possible recurrence of violence, this Domestic Violence No-Contact Order shall be entered pursuant to chapter 10.99 RCW. This order protects:

(Write the protected person's name or if minor you may use initials and DOB. RCW 7.69A.030.)

2. The court further finds that the defendant's relationship to a person protected by this order is: current or former spouse parent of a common child current or former cohabitant as intimate partner other family or household member as defined in RCW 10.99.

3. (Pretrial order for crimes not defined as serious offenses in RCW 9.41.010) The court makes the following findings pursuant to RCW 9.41.800: the defendant used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; the defendant previously committed an offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040; or possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

It Is Ordered:

Defendant is **Restrained** from:

- A. Causing or attempting to cause physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the protected person(s).
- B. Coming near and from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by defendant's lawyers with the protected person(s).
- C. Entering or knowingly coming within or knowingly remaining within 1,000 FEET (distance) of the protected person's residence school place of employment other: _____

- D. (Pretrial: crimes not defined as serious offenses in RCW 9.41.010, RCW 9.41.800 findings made) Obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.
- (Pretrial: crimes defined as serious offenses) Obtaining, owning, possessing or controlling a firearm.
- (Conviction) Obtaining, owning, possessing or controlling a firearm.

It is Further Ordered:

(Pretrial order) The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to: DUNSTON COUNTY SHERIFF [name/law enforcement agency].

Warnings to the Defendant: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

Willful violation of this order is punishable under RCW 26.50.110. Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the defendant has at least two previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74.

If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

In addition to the state and federal prohibitions against possessing a firearm upon conviction of a felony or a qualifying misdemeanor, upon the court issuing a no-contact order after a hearing at which the defendant had an opportunity to participate, the defendant, if a spouse or former spouse, a parent of a common child, or a current or former cohabitant as intimate partner of a person protected by this order, may not possess a firearm or ammunition for as long as the no-contact order is in effect. 18 U.S.C. § 922(g). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. If the defendant is convicted of an offense of domestic violence, the defendant will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

You can be Arrested even if the Person or Persons who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: DUNSTON County Sheriff's Office Police Department where the above-named protected person(s) lives, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

This No-Contact Order Expires on 12-31-2099

Done in Open Court in the presence of the defendant this date: 4-23-09

Chris Pomey
Judge
 Print Name:

[Signature]
 Deputy Prosecuting Attorney
 WSBA No. 76214
 Print or Type Name: SKANDER

[Signature]
 Attorney for Defendant
 WSBA No. 26363
 Print or Type Name:

[Signature]
 Defendant
 Print or Type Name

A Law Enforcement Information Sheet (LEIS) must be completed.

ATTACHMENT D

FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.
16 NOV 10 AM 10:31
Linda Myhre Enlow
Thurston County Clerk

08-1-01734-0
ORSXP
Order for Sexual Assault Protection
776042



Superior Court Of Washington
County Of Thurston

State Of Washington, Plaintiff,

v. John M. Pino
Defendant.

SID: WA 14530016
If no SID, use DOB:

No. 08-1-01734-0
Sexual Assault Protection Order
(Criminal)
(ORSXP)
(JIS order code: SXP)

Pretrial
 Post conviction
 Clerk's action required
Amended 11/10/14

1. The court finds that the defendant has been charged with, arrested for, or convicted of, a sex offense as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030. Additional findings on page two.

2. This Sexual Assault Protection Order is entered pursuant to Laws of 2006, ch. 138 §16. This order protects:

(Write protected person's name or if minor you may use initials and DOB. RCW 7.69A.030, 10.52.100, 10.97.130.)

It Is Ordered:

This Pretrial Sexual Assault Protection Order Expires on _____
This Post Conviction Sexual Assault Protection Order Expires on 12/31/2011

(A final sexual assault protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.)

Defendant is **Restrained** from:

- A. Having any contact with the protected person(s) directly, indirectly, or through third parties, regardless of whether those third parties know of the order.
- B. Knowingly coming within or knowingly remaining within 1000 feet (distance) of the protected person's (s) residence school place of employment other: the only exception is for the defendant to have in person contact when incarcerated with Doc
- C. (Pretrial, crimes defined as serious offenses) Obtaining, owning, possessing or controlling a firearm.
 (Convictions) Obtaining, owning, possessing or controlling a firearm.

Additional orders on page two

Warnings to the Defendant: Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

Cause No.: 08-1-01734-0

(Pretrial order for crimes not defined as serious offenses in RCW 9.41.010)

It Is Further Ordered:

Defendant is **Prohibited** from obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to:

Thurston County Sheriff's Office [name/law enforcement agency].

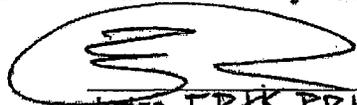
The pretrial orders for crimes not defined as serious offenses in RCW 9.41.010 are based upon the court's finding that possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety or to the health or safety of any individual RCW 9.41.800(4).

This order is issued in accordance with Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

The court determines that the defendant's relationship to a person protected by this order is: current or former spouse parent of a common child current or former cohabitant as intimate partner current or former dating partner. Therefore, 18 U.S.C. §§ 2261 (federal violation penalties) may apply to this order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: Thurston County Sheriff's Office Police Department **Where the Case is Filed**, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

Done in Open Court in the presence of the defendant this date: November 10, 2016.


Judge ERIC PRICE



Deputy Prosecuting Attorney
WSBA No. 42962
Print or Type Name:

Megan A. Winder

Attorney for Defendant
WSBA No.
Print or Type Name:

Defendant
Print or Type Name:

A Law Enforcement Information Sheet (LEIS) must be completed.

08-1-01734-0
ORSXP
Order for Sexual Assault Protection
151774



FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.
16 MAR 10 AM 10:13
Linda Myhre Enlow
Thurston County Clerk

Superior Court Of Washington
County Of Thurston
State Of Washington, Plaintiff,

v. John M. Pino
Defendant.

SID:
If no SID, use DOB:

No. 08-1-01734-0
Sexual Assault Protection Order
(Criminal)
(ORSXP)
(JIS order code: SXP)

Pretrial
 Post conviction
 Clerk's action required

Amended 03/10/16

- The court finds that the defendant has been charged with, arrested for, or convicted of, a sex offense as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030. Additional findings on page two.
- This Sexual Assault Protection Order is entered pursuant to Laws of 2006, ch. 138 §16. This order protects:

(Write protected person's name or if minor you may use initials and DOB. RCW 7.69A.030, 10.52.100, 10.97.130.)

It Is Ordered:

This Pretrial Sexual Assault Protection Order Expires on _____

This Post Conviction Sexual Assault Protection Order Expires on 12/31/2009.

(A final sexual assault protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.)

Defendant is **Restrained** from:

A. Having any contact with the protected person(s) directly, indirectly, or through third parties, regardless of whether those third parties know of the order.

B. Knowingly coming within or knowingly remaining within 1000 feet (distance) of the protected person's residence school place of employment other: the only exception is for

the defendant's to have in person contact while he is incarcerated with Doc

C. (Pretrial, crimes defined as serious offenses) Obtaining, owning, possessing or controlling a firearm.

(Convictions) Obtaining, owning, possessing or controlling a firearm.

Additional orders on page two

Warnings to the Defendant: Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

Cause No.: 08-1-0734-0

(Pretrial order for crimes not defined as serious offenses in RCW 9.41.010)

It Is Further Ordered:

Defendant is **Prohibited** from obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to:

Thurston County Sheriff's Office [name/law enforcement agency].

The pretrial orders for crimes not defined as serious offenses in RCW 9.41.010 are based upon the court's finding that possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety or to the health or safety of any individual RCW 9.41.800(4).

This order is issued in accordance with Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265. The court determines that the defendant's relationship to a person protected by this order is: current or former spouse parent of a common child current or former cohabitant as intimate partner current or former dating partner. Therefore, 18 U.S.C. §§ 2261 (federal violation penalties) may apply to this order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: Thurston County Sheriff's Office Police Department **Where the Case is Filed**, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

Done in Open Court in the presence of the defendant this date: March 10, 2016

Megan A. Winder

Deputy Prosecuting Attorney
WSBA No. 47962
Print or Type Name:

Megan A. Winder

Attorney for Defendant
WSBA No.
Print or Type Name:

JAMES J. DIXON
Judge
Defendant
Print or Type Name:

A Law Enforcement Information Sheet (LEIS) must be completed.

08-1-01734-0
ORSXP
Order for Sexual Assault Protection
151770



FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

16 MAR 10 AM 10:13

Linda Myhre Enlow
Thurston County Clerk

**Superior Court Of Washington
County Of Thurston**

State Of Washington, Plaintiff,

v. John M. Pino
Defendant.

SID:
If no SID, use DOB:

No. 08-1-01734-0

Sexual Assault Protection Order

(Criminal)
(ORSXP)

(JIS order code: SXP) Amended

03/10/16

Pretrial

Post conviction

Clerk's action required

1. The court finds that the defendant has been charged with, arrested for, or convicted of, a sex offense as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030. Additional findings on page two.

2. This Sexual Assault Protection Order is entered pursuant to Laws of 2006, ch. 138 §16. This order protects:

(Write protected person's name or if minor you may use initials and DOB. RCW 7.69A.030, 10.52.100, 10.97.130.)

It Is Ordered:

This Pretrial Sexual Assault Protection Order Expires on _____.

This Post Conviction Sexual Assault Protection Order Expires on 12/31/2009.

(A final sexual assault protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.)

Defendant is **Restrained** from:

A. Having any contact with the protected person(s) directly, indirectly, or through third parties, regardless of whether those third parties know of the order.

B. Knowingly coming within or knowingly remaining within 1000 feet (distance) of the protected person's residence school place of employment other: the only exception is for the defendant to have in person contact while he is incarcerated with DOC

C. (Pretrial, crimes defined as serious offenses) Obtaining, owning, possessing or controlling a firearm.

(Convictions) Obtaining, owning, possessing or controlling a firearm.

Additional orders on page two

Warnings to the Defendant: Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

Cause No.: 08-1-01734-0

(Pretrial order for crimes not defined as serious offenses in RCW 9.41.010)

It Is Further Ordered:

Defendant is **Prohibited** from obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to:

Thurston County Sheriff's Office [name/law enforcement agency].

The pretrial orders for crimes not defined as serious offenses in RCW 9.41.010 are based upon the court's finding that possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety or to the health or safety of any individual RCW 9.41.800(4).

This order is issued in accordance with Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265. The court determines that the defendant's relationship to a person protected by this order is: current or former spouse parent of a common child current or former cohabitant as intimate partner current or former dating partner. Therefore, 18 U.S.C. §§ 2261 (federal violation penalties) may apply to this order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: Thurston County Sheriff's Office Police Department **Where the Case is Filed**, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

Done in Open Court in the presence of the defendant this date: March 10, 2016

Meghan Wheeler
Deputy Prosecuting Attorney
WSBA No. 42962
Print or Type Name:

Attorney for Defendant
WSBA No.
Print or Type Name:

[Signature]
Judge
 [Signature] JAMES J. DIXON
Defendant
Print or Type Name:

A Law Enforcement Information Sheet (LEIS) must be completed.

EXHIBIT 2

NO. 50876-1-II

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

In re the Personal Restraint
Petition of:

JOHN PINO,

Petitioner.

DECLARATION OF
ELIZABETH HAINLINE

I, ELIZABETH HAINLINE, make the following declaration:

1. I have knowledge of the facts herein, am over eighteen years of age, and am competent to testify to such facts. I am not a party to this lawsuit.

2. I am the Statewide Visitation Specialist for the Department of Corrections (Department or DOC). I have held this position since March 16, 2010, and have been employed by the Department since April 1, 2005. As the Statewide Visitation Specialist, I oversee the visitation programs at all Department facilities, have extensive knowledge of the Department policies regarding visitation, and have access to visitation records created and kept in the regular course of business.

3. The Department recognizes the vital role families play in the reentry process and will support offenders in maintaining ties with family, friends, and the community by engaging them and setting reasonable criteria for personal visits. In this regard, the Department provides visiting opportunities and programs and a secure and welcoming visiting space for

offenders and their families. A prospective visitor must be approved per the visitor approval process identified in DOC Policy 450.300. This process allows for prospective visitors to request visitation privileges and provides an appeal process in the event the request is denied. The Assistant Secretary for Prisons has the final approval on visiting privilege appeals. Attached as Attachment A is a true and correct copy of DOC Policy 450.300, in effect from November 21, 2015, through August 31, 2016.

4. The Department restricts incarcerated offender contact in any form with specific individuals or classes of individuals consistent with legitimate penological objectives and public safety in accord with DOC Policy. Per Policy 450.300, an offender's contact will be restricted or prohibited when his/her Judgement and Sentence prohibits contact with the individual or class of individuals during incarceration or upon release or if there is an active No Contact Order with the individual. Individuals that may not visit offenders includes minor aged victims, adult victims, domestic violence victims, and individuals restricted per the offender's Judgement and Sentence, including those that would be restricted under the offender's conditions of community supervision. Even if supervised visits are allowed per the Judgement and Sentence, supervision by facility visit employees does not constitute supervised visits as required by court orders. Also, per DOC Policy 450.050, an offender may be prohibited from contact with

his/her own child(ren) if the offender's Judgment and Sentence and/or No Contact Order prohibits contact, or if necessary to protect the child(ren) from any specific and documented threat of harm. Attached as Attachment B is a true and correct copy of DOC Policy 450.050.

5. I am familiar with John M. Pino, DOC# 723342, in that I have reviewed documentation regarding his daughters' visit applications and denials. I also personally responded to a visit application and email regarding the denial from his daughter, Shania Pino.

6. According to Department records, two of Mr. Pino's daughters, Shania and Ariel Pino, submitted visit applications in 2016. Shania submitted a visit application on March 30, 2016, and then submitted a second application on December 28, 2016. Ariel Pino submitted one visit application on July 15, 2016. Attached as Attachment C are true and correct copies of Shania and Ariel Pino's visit applications. There is no record of Mr. Pino's third daughter, Shandi Pino, ever submitting a visit application. Attached as Attachment D is a true and correct copy of the visit applications received for Mr. Pino as recorded in CePrison since December 2009.

7. The Department denied Shania and Ariel's visit applications as they were Mr. Pino's victims and because active Sexual Assault Protection Orders were in place. Attached as Attachment E are true and correct copies of Shania and Ariel's visitor application denial letters.

8. Mr. Pino sent a letter to Stafford Creek Correctional Center (SCCC) Superintendent Gilbert dated May 8, 2016, in an apparent attempt to “appeal” the denial of Shania’s visit application. He also requested that his two other daughters, Ariel and Shandi who had not yet submitted applications at that point, also be approved for visitation. Attached as Attachment F is a true and correct copy of Mr. Pino’s letter to Superintendent Gilbert dated May 8, 2016. Per DOC Policy 450.300, only a visitor can appeal a visit application denial. Nonetheless, Superintendent Gilbert responded to Mr. Pino’s letter on June 27, 2016, upholding the denial. Attached as Attachment G is a true and correct copy of Superintendent Gilbert’s response letter dated June 27, 2016.

9. Mr. Pino also sent a letter to SCCC Associate Superintendent Geneva Cotton on October 7, 2016, in another apparent attempt to “appeal” the denial of Shania and Ariel Pino’s visit applications. He also requested his other daughter Shandi Pino, who has never submitted a visit application, Attached as Attachment H is a true and correct copy of Mr. Pino’s letter to Associate Superintendent Cotton dated October 7, 2016. Associate Superintendent Cotton replied to Mr. Pino in a letter dated October 20, 2016, informing him that the court would need to instruct that he is allowed unrestricted contact with all the people he requested to have visitation with and that all previous court-ordered restrictions are removed. Attached as

Attachment I is a true and correct copy of Associate Superintendent Cotton's response letter dated October 20, 2016.

10. Department records show that Ariel Pino did not appeal her visit application denial. Shania Pino did not appeal the denial of her first visit application submitted on March 10, 2016, but she did appeal the denial of her second visit application submitted on December 28, 2016. Shania sent an email on January 10, 2017, asking why her visit application had been denied. Her email was considered an appeal and was responded to accordingly. On January 12, 2017, I responded to Shania to inform her that the denial of visit privileges was upheld as court records indicated an active no contact order was in place and that while courts may modify no contact orders, individuals identified as victims do not meet DOC Policy requirements for authorized visit privileges. I sent her a link to the DOC Policy on our external website and included the section of the policy regarding individuals that may not visit prison offenders in the body of the email. I then informed Shania that if she believed the decision of her denial appeal was in error, she could submit a letter or email of appeal requesting reconsideration to the DOC Correspondence Unit for the Assistant Secretary for Prisons review, which is the next and final appeal level for visit application denials. Shania never appealed her visit application denial to the Assistant Secretary level. Attached as Attachment J is a true and

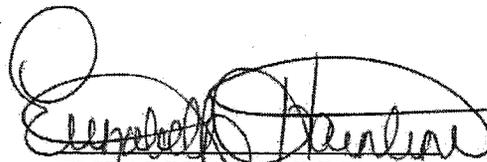
accurate copy of the email correspondence between myself and Shania Pino regarding the appeal of her December 28, 2016, visit application.

11. To date, only two daughters have completed visit application forms and only one of Mr. Pino's daughters appealed the initial denial. She, however, did not appeal the upholding of that decision to the Assistant Secretary for Prisons. Although Mr. Pino sent a letter to SCCC's Superintendent and Associate Superintendent, only visitors can appeal a denial, not the offender. Even if Mr. Pino had thought he was properly appealing the visit application denials, he also failed to appeal the decision to the Assistant Secretary for Prisons.

12. Shania and Ariel Pino's visit applications, were processed in accord with DOC Policy.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 5th day of February, 2018, at Tumwater, Washington.



ELIZABETH HAINLINE
Statewide Visitation Specialist

ATTACHMENT A



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
REVISION DATE 11/21/15	PAGE NUMBER 1 of 15	NUMBER DOC 450.300
TITLE VISITS FOR PRISON OFFENDERS		

POLICY

REVIEW/REVISION HISTORY:

Effective: 1/7/00
 Revised: 2/20/03
 Revised: 11/15/06
 Revised: 4/18/07 AB 07-012
 Revised: 2/20/09
 Revised: 2/1/10
 Revised: 2/4/11
 Revised: 6/1/13
 Revised: 2/2/15
 Revised: 11/21/15

SUMMARY OF REVISION/REVIEW:

VII.B.1. - Added clarifying language per DOC 450.050 Prohibited Contact

APPROVED:

 DAN PACHOLKE, Secretary
 Department of Corrections

11/13/15

 Date Signed



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
REVISION DATE 11/21/15	PAGE NUMBER 2 of 15	NUMBER DOC 450.300
TITLE VISITS FOR PRISON OFFENDERS		

POLICY

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; WAC 137-28; ACA 4-4156; ACA 4-4498; ACA 4-4499-1; ACA 4-4500; ACA 4-4503; ACA 4-4504; DOC 100.560 Non-Discrimination and Accessibility for Visitors/Guests with Disabilities; DOC 310.000 Orientation for Offenders; DOC 320.150 Disciplinary Sanctions; DOC 390.350 Victim/Offender Meeting; DOC 420.340 Searching and Detaining Facility Visitors; DOC 450.050 Prohibited Contact; DOC 590.100 Extended Family Visiting; DOC 460.000 Disciplinary Process for Prisons; DOC 850.030 Relationships/Contacts With Offenders

POLICY:

- I. The Department recognizes the vital role families play in the re-entry process and will support offenders in maintaining ties with family, friends, and the community by setting reasonable criteria for personal visits.
- II. The Department recognizes the need to engage community stakeholders, partners, and offender families in the re-entry process.
- III. For the purposes of this policy, immediate family will be defined as spouse/state registered domestic partner, parent, stepparent, sibling, stepbrother, stepsister, half brother, half sister, child, stepchild, grandparent, grandchild, and as documented in the offender's central file, person(s) acting in place of a parent and/or foster children.

DIRECTIVE:

- I. General Guidelines
 - A. The Department will provide visiting opportunities, visit programs, and a secure and welcoming visit space for offenders and their families by:
 1. Providing sufficient and safe space for regular visiting, consistent with custody level. Visiting areas and programs should provide as normal a family experience as possible.
 - a. [4-4156] Space is provided for contact visiting and, if necessary, no contact visiting.
 - b. Designated visit areas should include a section that has a child-friendly environment with toys and games suitable for interaction by family members of all ages.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
REVISION DATE 11/21/15	PAGE NUMBER 3 of 15	NUMBER DOC 450.300
TITLE VISITS FOR PRISON OFFENDERS		

POLICY

- c. Reasonable accommodation will be provided for visitors with disabilities per DOC 100.560 Non-Discrimination and Accessibility for Visitors/Guests with Disabilities.
 - 1) Service animals that meet the requirements of the Americans with Disabilities Act will be allowed in visiting areas with their owner. The owner must accompany and supervise the animal during the entire visit per the Visitor's Guidelines (Attachment 2).
 - d. Appropriate seating for all ages should be provided.
 - e. [4-4156] There is adequately designed space to permit screening and searching of both offenders and visitors. Space may be provided for the proper storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.
2. Informing all visit employees of the importance of visiting to maintain ties with family and friends, and in some cases reunification of offenders with their families and significant others.
 3. Actively encouraging a collaborative working relationship with social service and other private community based organizations providing transportation, housing, food, clothing, and other assistance to offenders and their families.
- B. Visitors and offenders will be treated courteously. Rule enforcement will be polite and professional.
- C. Reasonable efforts will be made to ensure that the visiting facility is comfortable, pleasant, and permits informal communication and limited, appropriate physical contact. [4-4499-1]
- D. The Superintendent will establish the following:
1. Process to ensure the Visitor's Guidelines (Attachment 2) are implemented,
 2. Hours and days for personal visits, including appropriate arrival times,
 3. Approval process for adding names to visitor lists,
 4. Check in process for visitors, [4-4503]



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
REVISION DATE 11/21/15	PAGE NUMBER 4 of 15	NUMBER DOC 450.300
TITLE VISITS FOR PRISON OFFENDERS		

POLICY

5. Procedures for no contact visiting in cases of substantiated security risk, [4-4499-1]
 6. Process to ensure all visitor information is entered in the Statewide Visit System including, at a minimum:
 - a. Visit application information
 - b. Record of each visit
 - c. Picture of visitor at the first visit, which will be updated when his/her appearance changes or every 2 years for minors
 7. Process to notify the Statewide Visit Specialist when visit room closures occur, and
 8. Other processes and information deemed necessary for pleasant, positive visits, taking into account safety and security issues.
- E. The Visitor's Guidelines (Attachment 2) and information on transportation options will be provided to the offender in facility orientation per DOC 310.000 Orientation for Offenders.
- F. Visitors will only bring limited items into the facility visit room, as outlined in Attachment 2.
1. Copies of the Visitor's Guidelines (Attachment 2) will be available to all visitors at the facility and at <http://www.doc.wa.gov>. Information will also be provided concerning transportation to the facility. [4-4504]
 2. Requests for exceptions to the Visitor's Guidelines (Attachment 2) will be submitted to the appropriate Deputy Director for approval.
- G. [4-4498] The number of visitors an offender may receive and the length of visits may be limited only by facility schedule, space, and personnel constraints, or when there are substantial reasons to justify the limitations.
- H. Visitors 18 years of age and older must present current photo identification per the Visitor's Guidelines (Attachment 2).
- I. All visit related documentation will be scanned into the offender's electronic imaging file.
- J. The Statewide Visit Specialist will assist with document verification and processing, as necessary.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
REVISION DATE 11/21/15	PAGE NUMBER 5 of 15	NUMBER DOC 450.300
TITLE VISITS FOR PRISON OFFENDERS		

POLICY

K. Extended Family Visiting opportunities are available per DOC 590.100 Extended Family Visiting

L. Video visiting opportunities are available per Attachment 1.

II. Special Visits

A. [4-4500] Special visits may be permitted for:

1. Visitors who travel a long distance (i.e., at least 300 miles one way),
2. Visitors who travel from out of country,
3. Individuals who utilize Department facilitated, special transportation services (i.e., Matthew House or Prisoners for Christ),
4. Appointed members of local and/or statewide family councils who have missed visits due to participation in council meetings,
5. Offenders who are in disciplinary status or are hospitalized, and
6. Professional visits between offenders and their attorneys, clergy, social service agency representatives, etc.

B. [4-4500] Except for professional visitors, special visits will only be approved for individuals who are on the offender's approved visitor list.

1. Special visits must be requested on DOC 21-787 Special Visit Request and submitted to the offender's Counselor. For professional visits, either the offender or the professional may complete the form. All visitors who wish to participate in the special visit must be listed on the form.
2. Requests for special visits should be submitted as soon as possible before the requested visit date, but no less than 5 calendar days before the requested date. Employees will process requests before the requested visit date.
3. The Superintendent/designee (e.g., Visit Program Supervisor) will coordinate adjustments to established times and days for individuals on the approved visitor list to accommodate special requests.
4. The Superintendent/designee may grant special visits by individuals not on the offender's approved visitor list and other exceptions.

C. Special visits will be subject to regular Visitor's Guidelines (Attachment 2).



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER/SPANISH MANUALS

REVISION DATE
11/21/15

PAGE NUMBER
6 of 15

NUMBER
DOC 450.300

POLICY

TITLE
VISITS FOR PRISON OFFENDERS

III. Approval Process

- A. The approval process must be completed before a name is placed on an offender's approved visitor list.
- B. Each prospective adult visitor, and the non-incarcerated parent/legal guardian of each prospective visitor under 18 years of age, must complete a visit application.
 1. The prospective visitor may submit DOC 20-060 Visitor's Application to the facility where the offender is housed or may complete the electronic visit application at <http://www.doc.wa.gov/family/visits.asp>.
- C. For minors (i.e., individuals under 18 years of age), the non-incarcerated parent/legal guardian must complete DOC 20-446 Parent/Guardian Approval for Visiting. This form must be notarized. If the non-incarcerated parent/legal guardian will not be attending the visits, s/he must designate an escort for the minor using DOC 20-441 Parental/Guardian Approval for Minor Visitor Escort.
 1. Parentage must be established for all minors over 2 months of age by providing a copy of the minor's birth certificate. Copies will not be returned to the sender.
 - a. Infants under 2 months of age will be allowed to visit without a birth certificate. This 2 month period should be documented in the Statewide Visit System for tracking purposes.
 2. The Superintendent/designee, in consultation with the Statewide Visit Specialist, may consider alternate forms of parental documentation in exceptional cases where a birth certificate is not available for a minor born outside of the U.S.
 - a. If a copy of the birth certificate cannot be obtained, alternate documentation may be submitted. The documentation must be accompanied by a sworn affidavit from the parent stating the minor's birth date and place and that the minor is his/her child. Documentation may include:
 - 1) Orders entered by U.S. Immigration and Customs Enforcement recognizing the minor is allowed in the U.S. as a result of his/her relationship to the refugee parent,
 - 2) Department of Social and Health Services (DSHS) records showing family identity for the purposes of calculating support and entitlement payments, or



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
REVISION DATE 11/21/15	PAGE NUMBER 7 of 15	NUMBER DOC 450.300
TITLE VISITS FOR PRISON OFFENDERS		

POLICY

- 3) A certified copy of an asylum or refugee application bearing the minor's name.
 - b. The Assistant Secretary for Prisons/designee must approve any exceptions to these requirements.
- 3. Legal guardianship of all minors must be verified by providing a copy of the filed court order establishing legal guardianship. If there is no legal guardian or non-incarcerated parent, the Superintendent may accept a notarized Power of Attorney signed by the incarcerated parent and the individual granted custody of the minor.
- D. Applications will be processed within 21 calendar days of receipt.
- E. National Crime Information Center (NCIC), Washington State Crime Information Center (WACIC), and District and Municipal Court Information Center (DISCIS) checks will be conducted, and the offender's electronic file will be reviewed to verify the individual's identity and ensure the accuracy of the visitor's application.
 - 1. Subsequent background checks may be run when there is concern of new criminal activity or other concerns that would impact visitation.
- F. When an offender transfers to another facility before the visit application has been approved or denied, the facility that originally received the application will complete the process.

IV. Approved Visitor List

- A. There is no limit to the number of visitors an offender may have on his/her approved visitor list, except at Washington Corrections Center (WCC) Reception Diagnostic Center, which will have a limit of 5 individuals.
- B. Each facility will identify the maximum number of visitors each offender is allowed during visiting hours.
- C. Individuals may only be on one offender's approved visitor list, except immediate family members of more than one offender. If a child with incarcerated parents participates in visiting with both parents, the Superintendent may allow an exception for the adult guardian accompanying the child as an escort.
 - 1. To be added to more than one approved visitor list, the immediate family member must be approved for visits by the Superintendent of each facility using DOC 20-438 Approval for Visits with Multiple Offenders.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
REVISION DATE 11/21/15	PAGE NUMBER 8 of 15	NUMBER DOC 450.300
TITLE VISITS FOR PRISON OFFENDERS		

POLICY

2. The facility receiving the subsequent request will gather the completed forms and submit them to the Statewide Visit Specialist, who will work with the Superintendents to process the request.
- D. When an offender is transferred to another facility, his/her approved visitor list will remain and be available in the Statewide Visit System.
1. Offenders will be responsible for notifying their visitors of transfers.
 2. The receiving facility may conduct a review of each individual listed for updated law enforcement and intelligence data.
 - a. If new information is discovered, the visit approval may be denied.
 - b. If there is no new information, the individual will be approved.
 3. When the receiving Superintendent believes visiting should be denied, the matter will be referred to the Assistant Secretary for Prison for final decision.
- E. Offenders will use KIOSK to view their approved visitor list.
1. For facilities without KIOSK, the Superintendent will establish a process to notify offenders regarding their approved visitor list.
- F. When an offender is released from confinement, his/her approved visitor list will be closed out. If an offender is re-incarcerated, s/he must go through the approval process to create a new visitor list.
- V. Minors
- A. Individuals under 18 years of age must be accompanied during the entire visit by their non-incarcerated parent/legal guardian or a designated escort (i.e., an adult approved by the Superintendent/designee who is on the offender's approved visitor list or is a volunteer sponsor or sponsoring organization staff, and who has notarized written approval from the non-incarcerated parent/guardian).
1. An individual under 18 years of age may authorize his/her own child to participate in visiting privileges. Unless legally emancipated, the minor parent and his/her child must both be escorted to the visit by an adult.
- B. At the Superintendent/designee's discretion, exceptions may be granted authorizing a minor to be accompanied by an adult other than the parent/legal guardian/designated escort if:



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER/SPANISH MANUALS

REVISION DATE
11/21/15

PAGE NUMBER
9 of 15

NUMBER
DOC 450.300

POLICY

TITLE
VISITS FOR PRISON OFFENDERS

1. The non-incarcerated parent/legal guardian requests the exception in writing utilizing DOC 20-441 Parental/Guardian Approval for Minor Visitor Escort,
 - a. The form should be submitted before the date of the visit. However, the Superintendent/designee may allow it to be submitted at the time of the visit.
 2. The individual accompanying the minor is on the offender's approved visitor list, or
 3. There is no legal guardian or non-incarcerated parent (e.g., a minor who has been legally emancipated).
- C. Visitors with minors are responsible for ensuring that the minors are supervised at all times.
- D. DSHS social workers authorized to escort minors to visit offenders are identified through the Statewide Visit System. The list of approved social workers is maintained by the Statewide Visit Specialist.
- E. In addition to brief, appropriate contact at the beginning of each visit, an offender may have physical contact with his/her child(ren) 8 years of age and under per the Visitor's Guidelines (Attachment 2).
1. The Superintendent may impose additional requirements that limit physical contact for an individual offender/visitor.

VI. Who May Not Visit

- A. The following may not visit Prison offenders:
1. Minor aged victims of the offender, unless they have written approval from the Children's Administration and/or sentencing court, the Superintendent, and the appropriate Deputy Director/designee.
 2. Domestic violence victims of the offender, either in the offense for which the offender is currently incarcerated or any other adjudicated offense.
 3. Other adult victims of the offender, determined on a case-by-case basis.
 4. Individuals associated with the offender in the commission of the offense for which s/he is incarcerated. Exceptions may be granted by the Superintendent for immediate family members or if there is a clear demonstration the visits would benefit the offender.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
REVISION DATE 11/21/15	PAGE NUMBER 10 of 15	NUMBER DOC 450.300
TITLE VISITS FOR PRISON OFFENDERS		

POLICY

5. Individuals restricted per the Judgment and Sentence, including conditions of community supervision that prohibit contact with an individual or category of individuals. While supervised visits may be allowed per the Judgment and Sentence, supervision by facility visiting employees does not constitute supervised visiting as required by court orders.
 6. Individuals who have any conviction(s) for introduction of contraband into a jail or prison setting.
- B. Individuals with criminal records will not automatically be excluded from visiting. In determining whether to approve a person with a criminal record, the nature and extent of his/her total criminal record, including recent criminal activity, unresolved court issues, and warrant status, will be weighed carefully against the benefits of visiting. The Superintendent/designee will retain final authority to review, assess, and approve/deny applications. Failure to list previous criminal convictions on DOC 20-060 Visitor's Application may result in denial of visiting privileges.
- C. Offenders on community supervision or individuals with pending charges will not be granted permission to visit. Exceptions may be made for immediate family members, who may be allowed to visit once a month by special approval from the Superintendent. It will be the responsibility of the immediate family member to provide a letter from his/her Community Corrections Officer recommending visiting privileges along with the completed visitor's application.
1. Offenders only owing Legal Financial Obligation are not subject to these requirements.
- D. Ex-felons will not be granted permission to visit for 2 years after expiration of sentence, except immediate family members, who may be considered after one year. Immediate family members who were granted an exception during their period of supervision may be allowed to continue with Superintendent approval. Ex-misdemeanants will not be granted permission to visit for 6 months after expiration of sentence, except immediate family members, who may be considered after 3 months.
- VII. Current and Former Employees/Contract Staff/Volunteers
- A. Current Department employees, contract staff, and volunteers who wish to visit an offender require written approval from their Appointing Authority and the Superintendent using DOC 20-450 Approval for Visits by Current/Former Employee, Contract Staff, or Volunteer.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER/SPANISH MANUALS

REVISION DATE
11/21/15

PAGE NUMBER
11 of 15

NUMBER
DOC 450.300

POLICY

TITLE
VISITS FOR PRISON OFFENDERS

- B. Former Department employees, contract staff, or volunteers who wish to visit an offender require written approval from the Superintendent using DOC 20-450 Approval for Visits by Current/Former Employee, Contract Staff, or Volunteer.
1. Except as outlined in DOC 450.050 Prohibited Contact, the employee, contract staff, or volunteer will not be permitted to visit if there is evidence that s/he was involved in any inappropriate behavior with any offender before leaving the Department.
- C. If possible, such visits should not occur at the facility where the employee, volunteer, or contract staff works or worked.

VIII. Denial of Placement on an Offender's Approved Visitor List

- A. Visiting privileges will not be denied on the basis of race, religion, sex, national origin, sexual orientation, gender identity, or physical disability.
- B. Individuals denied placement on an offender's approved visitor list will be informed, in writing, of the reasons for denial.

IX. Denial or Termination of Visits

- A. While the Department intends to actively engage families in support of those under its jurisdiction, visiting may be denied, terminated, or restricted as a sanction for visiting related infractions, violent offenses, or drug related behavior that presents a security or safety threat.
 1. The following infractions may result in suspension, restriction, or denial of visit privileges and will be shared with affected family members. Sanctions will be imposed per DOC 320.150 Disciplinary Sanctions:
 - a. 501 - Committing homicide
 - b. 502 - Aggravated assault on another offender
 - c. 511 - Aggravated assault on a visitor or community member
 - d. 521 - Taking or holding any person hostage
 - e. 601 - Possession, manufacture, or introduction of an explosive device or any ammunition, or any components of an explosive device or ammunition
 - f. 602 - Possession, manufacture, or introduction of any gun, firearm, weapon, sharpened instrument, knife, or poison or any component thereof
 - g. 603 - Possession, introduction, use or transfer of any narcotic, controlled substance, illegal drug, unauthorized drug, mind altering substance, or drug paraphernalia



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER/SPANISH MANUALS

REVISION DATE
11/21/15

PAGE NUMBER
12 of 15

NUMBER
DOC 450.300

POLICY

TITLE
VISITS FOR PRISON OFFENDERS

- h. 604 - Aggravated assault on a staff member
 - i. 611 - Sexual assault on a staff member
 - j. 633 - Assault on another offender
 - k. 635 - Sexual assault on another offender
 - l. 650 - Rioting
 - m. 651 - Inciting others to riot
 - n. 704 - Assault on a staff member
 - o. 711 - Assault on a visitor or community member
 - p. 752 - Receiving a positive test for use of unauthorized drugs, alcohol, or other intoxicants
- B. The Superintendent/designee may deny entrance to visitors or terminate a visit in progress if:
- 1. There is prior knowledge leading to evidence that a visitor is attempting to smuggle contraband in or out of the facility. Local law enforcement will be contacted and allowed to handle visitor search procedures if there is sufficient information and time to coordinate efforts.
 - 2. There is a disturbance or emergency situation within the facility.
 - 3. There is clear and present or imminent danger to the health or safety of any visitor, offender, or others.
 - 4. There is reasonable suspicion to believe that criminal conduct will result if entrance is allowed.
 - 5. The visitor appears to be under the influence of alcohol or drugs.
 - 6. The offender or visitor fails to abide by the facility rules, policy, or Visitor's Guidelines (Attachment 2).
- C. The Superintendent may terminate the visiting privileges of a visitor for a serious/repeated violation of this policy or the Visitor's Guidelines (Attachment 2) or serious/repeated abuse of visiting on the part of the visitor or offender.
- D. A letter will be sent to the offender and visitor within 15 calendar days identifying the specific reason(s) for the denial/termination (e.g., criminal history, no approved escort, investigation, current or past employee, etc.).
- X. Suspension of Visiting Privileges
- A. A visitor's visiting privileges may be suspended for a violation of this policy or the Visitor's Guidelines (Attachment 2) on the part of the visitor or offender.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER/SPANISH MANUALS

REVISION DATE
11/21/15

PAGE NUMBER
13 of 15

NUMBER
DOC 450.300

POLICY

TITLE
VISITS FOR PRISON OFFENDERS

1. A letter will be sent to the offender and visitor within 15 calendar days identifying the specific reason(s) for the suspension.
 - B. An offender's visiting privileges with all visitors may be suspended after a finding of guilt pursuant to a regular disciplinary hearing for violation of this policy or the Visitor's Guidelines (Attachment 2).
 - C. The Superintendent may prolong a suspension if there remains a:
 1. Clear and present or imminent danger to the health or safety of any visitor, offender, or others, or
 2. Risk to facility security.
- XI. No Contact Provisions
- A. The Superintendent may impose no contact visit provisions for inappropriate or security threat related behavior displayed by the offender and/or visitor.
- XII. Appeals for Visiting Privileges
- A. A visitor may appeal visiting privilege restrictions, in writing, to the Superintendent. The appeal should state the circumstances surrounding the suspension, denial, termination, or no contact provision, and state why visiting privileges should be restored. The Superintendent will respond with a written decision.
 - B. If the Superintendent upholds the decision on appeal, the visitor may appeal the Superintendent's decision to the Assistant Secretary for Prisons, who will have final approval on visiting privilege appeals.
- XIII. Removal of Names from the Approved Visitor List
- A. An offender who wishes to remove a visitor from his/her approved visitor list must submit a written request (i.e., kite or letter) for removal to the Superintendent/designee.
 1. To resume visits with the removed visitor, the offender must submit a written request, which will be scanned into his/her electronic imaging file.
 - B. A visitor who wishes to be removed from an offender's approved visitor list must submit a written request to the Superintendent/designee.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
REVISION DATE 11/21/15	PAGE NUMBER 14 of 15	NUMBER DOC 450.300
TITLE VISITS FOR PRISON OFFENDERS		

POLICY

- C. An individual removed from an approved visitor list must wait 90 calendar days before applying to visit the same or another offender. The Superintendent may waive the waiting period if the visitor:
 - 1. Has never visited the offender, or
 - 2. Has not participated in a visit in over 90 calendar days.

XIV. Search of Visitors

- A. [4-4503] All visitors are subject to pat, electronic, and canine searches. Lockers used by visitors, as well as visitors' vehicles, purses, packages, briefcases, or similar containers which are brought onto the facility grounds may be searched per DOC 420.340 Searching and Detaining Facility Visitors.
- B. All visitors should read DOC 420.340 Searching and Detaining Facility Visitors and are required to sign DOC 21-575 Acknowledgment of Visitor Search Requirements before the first visit with an offender.
- C. A visitor found in possession of contraband may be suspended or terminated from visit privileges.
 - 1. If the contraband is an illegal item, local law enforcement will be notified, and the visitor may be detained and/or searched per DOC 420.340 Searching and Detaining Facility Visitors.

XV. Offender Dress Standards

- A. Offenders will wear state issued clothing (e.g., t-shirts, khakis, undergarments, with or without sweatshirt) to visiting.
- B. The only jewelry permitted in visiting is a wedding ring, if married, and religious medallion. Offenders will not be allowed to wear watches in visiting.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

- Video Visiting (Attachment 1)
- Visitor's Guidelines (Attachment 2)



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
REVISION DATE 11/21/15	PAGE NUMBER 15 of 15	NUMBER DOC 450.300
TITLE VISITS FOR PRISON OFFENDERS		

POLICY

DOC FORMS:

DOC 20-060 Visitor's Application

DOC 20-438 Approval for Visits with Multiple Offenders

DOC 20-441 Parental/Guardian Approval for Minor Visitor Escort

DOC 20-446 Parent/Guardian Approval for Visiting

DOC 20-450 Approval for Visits by Current/Former Employee, Contract Staff, or Volunteer

DOC 21-575 Acknowledgment of Visitor Search Requirements

DOC 21-787 Special Visit Request

ATTACHMENT B



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
**PRISON/WORK RELEASE
OFFENDER MANUAL**

REVISION DATE
11/21/15

PAGE NUMBER
1 of 5

NUMBER
DOC 450.050

POLICY

TITLE

PROHIBITED CONTACT

REVIEW/REVISION HISTORY:

Effective: 6/30/96
 Revised: 4/21/97
 Revised: 12/1/99
 Revised: 12/2/02
 Revised: 4/27/07
 Revised: 5/9/08
 Revised: 4/30/09
 Revised: 8/30/10
 Revised: 4/1/12
 Revised: 6/15/15
 Revised: 11/21/15

SUMMARY OF REVISION/REVIEW:

I.B.6. & 7. - Added staff found to have engaged in PREA violations
 Added Section III. on contact restrictions for staff sexual misconduct/harassment

APPROVED:

Signature on file

DAN PACHOLKE, Secretary
 Department of Corrections

11/13/15

 Date Signed



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY PRISON/WORK RELEASE OFFENDER MANUAL		
REVISION DATE 11/21/15	PAGE NUMBER 2 of 5	NUMBER DOC 450.050
TITLE PROHIBITED CONTACT		

POLICY

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; WAC 137-48; DOC 490.800 Prison Rape Elimination Act (PREA) Prevention and Reporting

POLICY:

- I. Consistent with legitimate penological objectives and public safety, the Department will restrict incarcerated offender contact in any form (e.g., visits, correspondence, telephone) with specific individuals or classes of individuals.

DIRECTIVE:

- I. Criteria
 - A. An offender's contact with specific individuals or classes of individuals will be restricted or prohibited when:
 - 1. His/her Judgment and Sentence prohibits contact with the individual or class of individuals during incarceration or upon release.
 - 2. The individual, or parent/legal guardian if the individual is a minor, has requested in writing that contact be stopped or restricted.
 - 3. There is an active No Contact Order with the individual.
 - B. An offender's contact with specific individuals or classes of individuals may be denied or restricted for reasons including, but not limited to:
 - 1. The individual participated in a crime of conviction with the offender.
 - 2. A current Pre-Sentence Investigation recommends no contact.
 - 3. The nature of a specific treatment program requires prohibited contact with the individual or class of individuals.
 - 4. The individual or class of individuals has been victimized by the offender.
 - 5. Facility management has reason to believe that allowing contact would conflict with sound correctional practices or legitimate penological objectives.
 - 6. The individual was found to have engaged in staff sexual misconduct against any offender as defined in DOC 490.800 Prison Rape Elimination Act (PREA) Prevention and Reporting.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/WORK RELEASE
OFFENDER MANUAL

REVISION DATE
11/21/15

PAGE NUMBER
3 of 5

NUMBER
DOC 450.050

POLICY

TITLE

PROHIBITED CONTACT

7. The individual was found to have committed staff sexual harassment against any offender as defined in DOC 490.800 Prison Rape Elimination Act (PREA) Prevention and Reporting.
- C. An offender may be prohibited from contact with his/her own child(ren) only if the offender's Judgment and Sentence and/or a No Contact Order prohibits contact, or if necessary to protect the child(ren) from any specific and documented threat of harm. Documentation includes, but is not limited to:
1. A written opinion from a mental health professional or Child Protective Services, and
 2. Specific verified incidents of harm to the child(ren) resulting from contact with the offender while s/he was incarcerated in a Department facility.

II. No Contact Process

- A. Recommendations for no contact that are not a condition of the Judgment and Sentence will be submitted to the Correctional Program Manager (CPM)/Community Corrections Supervisor (CCS) for approval.
1. The Counselor/Community Corrections Officer will initiate DOC 21-761 Prohibited Contact Review.
 2. If the offender is receiving mental health treatment or participating in a sex offender treatment program, the mental health professional will review DOC 21-761 Prohibited Contact Review and provide a written opinion to the CPM/CCS.
 3. If contact is prohibited, the CPM/CCS will ensure the DOC 21-761 Prohibited Contact Review is distributed to inform the offender and employees/contract staff.
 4. Appropriate records employees will document court ordered prohibited contact information on the Conditions screen in the offender's electronic file, using the No Contact (NC) code.
 5. In Prisons, employees/contract staff responsible for documenting offender visiting information will enter prohibited contact information in the Public Access System.
- B. Unless the no contact provision was ordered by the court, the offender may appeal the order in writing to the Superintendent/CCS at the facility which



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
**PRISON/WORK RELEASE
OFFENDER MANUAL**

REVISION DATE
11/21/15

PAGE NUMBER
4 of 5

NUMBER
DOC 450.050

POLICY

TITLE
PROHIBITED CONTACT

initiated the order or the current facility, stating the circumstances surrounding the provision and why contact privileges should be restored.

- C. If the offender is transferred to another facility, reinstatement of contact will not occur until the Superintendent/CCS of both facilities agree.
1. If agreement is not reached, a referral may be made to the appropriate Deputy Director or the Work Release/Residential Program Administrator.

III. Restriction Process for Staff Sexual Misconduct/Harassment

- A. Presumptive restrictions for contact between an individual found to have engaged in staff sexual misconduct and any offender, except an offender who is the staff's non-victim family member, are as follows:
1. Substantiated allegations of sexual intercourse, as defined in DOC 490.800 Prison Rape Elimination Act (PREA) Prevention and Reporting, will result in:
 - a. Permanent restriction on visitation, which may be appealed after 3 years.
 - b. An 18 month restriction on telephone and mail communication, including eMessaging.
 2. All other substantiated allegations of staff sexual misconduct will result in a one year restriction on telephone and mail communication, including eMessaging, and a 2 year restriction on visitation.
- B. At the time the allegation is substantiated, the Appointing Authority will ensure notification is made to the mailroom, Visiting, and the Intelligence Officer to ensure the restrictions are put in place.
- C. With Deputy Director or Work Release/Residential Administrator approval, the Appointing Authority may grant a request for an exception to the presumptive restrictions, but only when extraordinary circumstances support the request and granting the requested exception will not undermine the Department's zero tolerance of all forms of sexual misconduct.
1. Before exception or lifting of restriction will be considered, the offender must submit a signed DOC 21-067 Request for Visitation/Release, confirming s/he is freely participating in communication with the individual.
 2. Appointing Authorities will consult with the Deputy Secretary for possible pursuit of a no contact order between the individual and the offender.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/WORK RELEASE
OFFENDER MANUAL

REVISION DATE
11/21/15

PAGE NUMBER
5 of 5

NUMBER
DOC 450.050

POLICY

TITLE

PROHIBITED CONTACT

- D. Violation of restrictions may result in an extension of the restriction.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Mental Health Professional. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

DOC 21-761 Prohibited Contact Review
DOC 21-067 Request for Visitation/Release

ATTACHMENT C

From: DOC Online Visit Application <no-reply@wufoo.com>
Sent: Thursday, March 10, 2016 9:53 AM
To: DOC SCCC Visitation Form
Subject: Visitor's Application [#60621]

Offender Information

Offender Last Name * Pino
Offender First Name * John
Offender DOC Number * 723342
Facility * Stafford Creek Corrections Center (SCCC)

Applicant Information

Last Name *
First Name *
Middle Initial *
Phone Number *
Street Address *
City * Olympia
State * Washington
Zip Code * 98502
Date of Birth * Monday, February 10, 1997
Place of Birth (City, State, Country) * Olympia WA
Race * White/Caucasian
Gender * Female
Height * 5'1
Weight * 184
Hair Color * Brown
Eye Color * Blue

11/17/2017

ATTACHMENT

Photo ID Type * Driver's License

ID Number *

Relationship to the Offender (I am the offender's...) * Daughter

Length of time you have known offender. (Years, Months) * 19 years, 1 month

Email Address *

Confirm Email Address *

Emergency Contact Information

Applicant Questions

Have you ever been involved in illegal or criminal activity with this offender? * No

Are you presently under active supervision by any state or local criminal justice entity? * No

Are you presently approved to visit any other offender? * No

Have you ever been convicted of a felony? * No

Are you now or have you ever been employed by the Washington Department of Corrections (DOC) or by a current/former contractor or been a volunteer for DOC? * No

Have you ever been confined to any correctional institution in any state (jail, detention, or prison)? * No

Have you ever been suspended, denied or terminated from visiting an inmate in any state? * No

From: DOC Online Visit Application <no-reply@wufoo.com>
Sent: Friday, July 15, 2016 10:52 AM
To: DOC SCCC Visitation Form
Subject: Visitor's Application [#70337]

Offender Information

Offender Last Name * Pino
Offender First Name * John
Offender DOC Number * 723 342
Facility * Stafford Creek Corrections Center (SCCC)

Applicant Information

Last Name *
First Name *
Middle Initial *
Phone Number *
Street Address *
City * Lacey
State * Washington
Zip Code * 98513
Date of Birth * Sunday, October 24, 1993
Place of Birth (City, State, Country) * Bremerton, WA United States
Race * White/Caucasian
Gender * Female
Height * 5' 3
Weight * 125
Hair Color * Brown
Eye Color * Hazel

12/7/2017

Photo ID Type * Driver's License

ID Number *

Relationship to the Offender (I am the offender's...) * Daughter

Length of time you have known offender. (Years, Months) * 22 years

Email Address *

Confirm Email Address *

Emergency Contact Information

Name

Phone Number

Applicant Questions

Have you ever been involved in illegal or criminal activity with this offender? * No

Are you presently under active supervision by any state or local criminal justice entity? * No

Are you presently approved to visit any other offender? * No

Have you ever been convicted of a felony? * No

Are you now or have you ever been employed by the Washington Department of Corrections (DOC) or by a current/former contractor or been a volunteer for DOC? * No

Have you ever been confined to any correctional institution in any state (jail, detention, or prison)? * Yes

If "Yes", where and release date? * Thurston county juvenile detention, 2010

Have you ever been suspended, denied or terminated from visiting an inmate in any state? * No

ATTACHMENT D

All Visit Applications in CePrison for Pino:

ceprison/inmate/68f75080-3e1b-4721-9f63-5deddd9c0772/visitation#status=

CePrison (ceprison) Mainline: Elizabeth

PINO, JOHN MILTON #72382 Last DMNI Update: 12/7/2017 11:40 AM

Kiosk Authentication: Biometric | Biometric: Yes | Counselor: Gamroth, Victoria R. | Location: SCCC-S01 (STAFFORD GREEN) / H3 / H3020

Name	Relationship	Age	Status	Status Date	Decided By	Entered By	Entered On
ALDRIDGE, FELICIA MICHELLE	Sister	43	Approved	12/27/2011	GRANT, ROGER	BURKE, ANDREW	12/27/2011 12:01 PM
FRENCH, JAYSON J	Son In Law	34	Removed	8/23/2016	Denise Myers	Myers, Denise L	8/23/2016 1:21 PM
HARRIS, LACEE L	Friend	28	Approved	11/4/2014	REVEL, SHANE	Myers, Denise L	11/4/2014 8:48 AM
LUURS, MEMORIE B	Friend	43	Approved	9/6/2013	GRANT, ROGER	Myers, Denise L	9/6/2013 9:49 PM
MAYER, DILLON RAY	Step Son	29	Approved	3/1/2010	COOK, PHILLIP	BURKE, ANDREW	3/1/2010 9:02 AM
NEELY, CANDICE RAE	Friend	25	Removed	9/19/2016	Denise Myers	Myers, Denise L	9/19/2016 9:47 AM
PINO, APRIL LYNN	Wife	43	Approved	5/11/2009	MORRIS, MICHAEL	Daggett, Steve A.	5/11/2009 11:45 AM
	Daughter	24	Denied	7/20/2016	N Winsley	Winsley, Nicole M.	7/20/2016 2:38 PM
PINO, DEVONDRE A	Nephaw	18	Approved	5/12/2017	HQ VISIT UNIT	McKay, Sarah K.	5/12/2017 1:29 PM
PINO, JOLOMA TOPEZ	Sister	40	Approved	8/29/2016	J Tatro	Myers, Denise L	8/29/2016 12:35 PM
PINO, LEANDRA JWANETTE	Sister	37	Approved	3/9/2012	VAN OGLE, DAN	BURKE, ANDREW	3/9/2012 9:27 AM
PINO, PATRICIA KAY	Mother	66	Approved	12/9/2009	COOK, PHILLIP	BURKE, ANDREW	12/9/2009 12:12 PM
	Daughter	20	Denied	1/6/2017	HQ VISIT UNIT	Nnambi, Evan L	1/6/2017 11:26 AM
PINO, TRAYON R	Nephew	21	Approved	5/12/2017	HQ VISIT UNIT	Butterton, Shawnie R.	5/12/2017 12:11 PM
WADE, LISA LORNAINE	Sister	49	Approved	10/30/2015	CORNWELL, MICHAEL	Myers, Denise L	10/30/2015 1:18 PM

Visit History Last 30 Days All Outcomes All Visit Types

© 2017 - AutoMon, LLC Version 1.1.7.0

ATTACHMENT E



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
STAFFORD CREEK CORRECTIONS CENTER
191 Constantine Way • MS: WA-39 • Aberdeen, Washington 98520 • (360) 537-1800

March 11, 2016

FROM: SCCC Visit Department

RE: Visitation with John M Pino, DOC 723342

Your application to visit at Stafford Creek Corrections Center has been denied for the following reason:

You are one of his victims and there is an active no contact order.

SCCC Policy 450.300 Who May Not Visit, Section VI: Item A, 1-3

A. The following may not visit Prison Offenders:

1. Minor aged victims of the offender, unless they have written approval from the Children's Administration and/or sentencing court, the Superintendent, and the appropriate Deputy Director/designee.
2. Domestic Violence victims of the offender, either in the offense for which the offender is currently incarcerated or any other adjudicated offense.
3. Other adult victims of the offender, determined on a case-by-case basis.

If you wish to appeal this decision, submit an appeal in writing to Superintendent Margaret Gilbert. The letter should state the circumstances surrounding the denial and the reason why visiting privileges should be granted.

Respectfully,
Visitation Department
Stafford Creek Corrections Center



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
STAFFORD CREEK CORRECTIONS CENTER
191 Constantine Way • MS: WA-39 • Aberdeen, Washington 98520 • (360) 537-1800
Fax (360) 537-1807

July 20, 2016

FROM: SCCC Visit Department

RE: Visitation with John Pino #723342

Your application to visit at Stafford Creek Corrections Center has been denied for the following reason:

There is an active "no-contact" order. Victims of the offender are not allowed to visit.

DOC Policy 450.050 Prohibited Contact, Part 1: Criteria, Item A3

- A. Offenders' contact with specific individuals or classes of individuals will be restricted or disallowed when:
3. There is an active court order of "no-contact" with an individual.

If you wish to appeal this decision, submit an appeal in writing to Superintendent Gilbert. The letter should state the circumstances surrounding the denial and the reason why visiting privileges should be granted. You will need to include with the letter any supporting documentation, i.e., court documents, or letters. All supporting documentation submitted should be a notarized true copy or the original document.

Respectfully,
Visitation Department
Stafford Creek Corrections Center



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504

January 6, 2017

Dear Ms.

Thank you for submitting an application to participate in the Visit program with John Pino, DOC 723342. Unfortunately, at this time we are unable to approve your application for the following reason:

- Due to your criminal history, it is too soon for you to apply per DOC Policy 450.300.
- Our research found unresolved criminal history.
- You provided false or misleading information on your application.
- Other: Our records indicate you are a minor aged victim of John Pino 723342 for which he is incarcerated, case #081017340. Per DOC Policy 450.300, minor aged victims of the offender may not visit prison offenders unless they have written approval from the Children's Administration and/or sentencing court, the Superintendent, and the appropriate Deputy Director/designee.

When the above noted issue has been resolved, you may re-apply for visit privileges by resubmitting an electronic visit application through our website at www.doc.wa.gov:

If you believe this denial is in error, you may submit a written appeal explaining the circumstances. Forward your appeal using either the mailing or email address listed below:

Statewide Visit Specialist
Post Office Box 41118
Olympia, Washington 98504-1118

Email: DOChqvisitunit@doc1.wa.gov

Sincerely,
Visiting Unit
Prisons Division

en

cc: Offender file 723342

ATTACHMENT F

John Pino #723342 (H3-32)
191 Constantine Way
Aberdeen, WA 98520

May 8, 2016

Mrs. Gilbert, Superintendent
Stafford Creek Correction Center
191 Constantine Way
Aberdeen, WA 98520

Re: Visit applications of my three daughters

Superintendent Gilbert,

I would like to appeal the denial of visitation privileges for my daughter Shania, and ask you to approve the visit applications for my other two daughters, and ~~which will be submitted shortly. I would like to~~ explain the circumstances of this situation to you in the hopes that you will allow me and my three daughters the opportunity for reconciliation.

My daughters and I successfully petitioned my sentencing court to have the no-contact orders removed. On March 10, 2016, the Thurston County Superior Court judge lifted the no-contact order after a hearing in which we demonstrated that continuing to prevent contact between me and my daughters did not benefit any of us. Now we would like the opportunity to have visits and are willing to earn your trust in any way you see fit.

A few suggestions you might explore include allowing initial visits in the room in the front of the visit room where the officers are just feet away where we could visit until staff feel comfortable allowing us to visit in the main visit area. We would also be willing to occupy tables directly in front of the officer's station to remain under constant and direct observation.

My daughters and I are willing to do whatever it takes to restart our relationship as a family. Mrs. Gilbert, I know I have destroyed so much in my and my daughters' lives, and now I am asking for a second chance to be the father and the man I was supposed to be, and to allow my daughters a chance to have the dad they were supposed to have. There are so many things that I ruined that need to be rebuilt and restored, and I am fully aware of that. And now we are asking for a chance to start that long process.

ATTACHMENT F

May 8, 2016
Superintendent Gilbert
Page 2

I have worked long and hard to fix what was broken in me and now would love the chance to share the new me with my family. My daughters are excited to sit with their new father as a clean, healthy and sober man.

Whatever your decision on this appeal I would like to thank you on behalf of me and my family for your thoughtful consideration. I can assure you that any trust you extend to me will not be misused, and by granting us the right to visit you will be helping restore a family that truly needs it. Thank you.

Sincerely,

John Pino

ATTACHMENT G



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
STAFFORD CREEK CORRECTIONS CENTER
191 Constantine Way, MS WA-39 - Aberdeen, Washington 98520
(360) 537-1800 FAX: (360) 537-1807

June 27, 2016

To: John Pino, DOC 723342
H3 32L

From: Margaret Gilbert, Superintendent *Margaret Gilbert*

Subject: Visitation

I received your letter requesting that I approve your daughters to visit you here at Stafford Creek Corrections Center. You state you recently successfully petitioned the court to remove the no-contact orders filed between you and your children.

A review of your record shows your daughters were the victims of your crime. It also shows they were victimized over a long period of time. DOC Policy 450.300, Visits for Prison Offenders, states adult victims of the offender are allowed to visit on a case-by-case basis. At this time, due to the seriousness of your offense against your children, I am denying your request to add them to your visit list.

cc: Nicole Winsley, Visit Coordinator
File

ATTACHMENT 6

ATTACHMENT H

RECEIVED

OCT 07 2016

Dear Mrs Cotton

ASSOC. SUPERINTENDENT SCCC

My name is John Pina 728342 H3 A74L
I have been denied visitation with [redacted] &
[redacted] do to no-contact order, we have went
to court and had them Ammended. I appealed
and was still denied do to new policy. I am
going back to court here in the month of october
unsure when but what Verbage needs to be
on the Ammended order for you to Consider
possibly allowing visitation with all three
of my Daughters
And children of my family Nephews, Nieces,
Grandchildren, who are non-victims. Mrs Cotton
thank you for your Time and Consideration

Sincerely John Pina
[Signature]

Note. The reason for going back to court is to
Ammend the third no-contact order of [redacted]
and to modify contact with family minors.

ATTACHMENT 4

ATTACHMENT I



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
STAFFORD CREEK CORRECTIONS CENTER
191 Constantine Way • MS: WA-39 • Abardeen, Washington 98520 • (360) 537-1800
FAX (360) 537-1807

October 20, 2016

TO: John Pino, DOC #723342
H3074L

FROM: Associate Superintendent Cotton

SUBJECT: Letter

I am in receipt of your letter regarding visitation of your daughters
as well as children of your family to include nieces, nephews and
grandchildren.

The court would need to instruct that you are allowed UNRESTRICTED contact with all
of those names and that all previous court-ordered restrictions are removed.

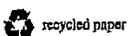
Please feel free to contact my office again with any questions you may have.

Respectfully,

Associate Superintendent Geneva Cotton

cc: CC2 Tatro
file

"Working Together for SAFE Communities"



ATTACHMENT 1

ATTACHMENT J

Ronning, Kate (ATG)

From: Hainline, Elizabeth J. 'Liz' (DOC)
Sent: Tuesday, November 14, 2017 10:26 AM
To: Hainline, Elizabeth J. 'Liz' (DOC)
Subject: FW: Pino 723342 Visitation denial APPEAL Level 1
Attachments: 723342, PINO, JOHN - VS12 - Visiting Correspondence - 3-16-2016.pdf

From: Hainline, Elizabeth J. 'Liz' (DOC)
Sent: Thursday, January 12, 2017 8:45 AM
To: Jurgens, Shelley M. (DOC) <smjurgens@DOC1.WA.GOV>
Subject: FW: Pino 723342 Visitation denial APPEAL Level 1

Shelley,

Can you please ensure that this email is placed in Mr. Pino's OnBase file and is put into a tracking mechanism to identify that the denial was upheld at the 1st level.

I put a chrono in OMNI and a flag in CePrison.

-Liz-

From: DOC HQ Visit Unit
Sent: Thursday, January 12, 2017 8:39 AM
To: 1
Subject: Pino 723342 Visitation denial APPEAL Level 1

Hello Ms. Pino –

I'm considering your email as an appeal to your denial of visit privileges.

In March of 2016, you received the attached letter from SCCC visiting staff, it outlines the reason for the denial. Court records indicate that there is still an active no contact order in place. Further, while the courts may modify no contact or restraining orders, individuals identified as victims do not meet policy requirements to be authorized visit privileges.

You may review the policy by clicking on this link and searching under policy Number for 450.300 <http://www.doc.wa.gov/information/policies/default.aspx>

Page 5 of 14, section C. (I.I.C.).

C. The following individuals may not visit Prison offenders:

1. Minor aged victims of the offender, unless they have written approval from the Children's Administration and/or sentencing court, the Superintendent, and the appropriate Deputy Director/designee.
2. Domestic violence victims of the offender, either in the offense for which the offender is currently incarcerated or any other adjudicated offense.
3. Other adult victims of the offender, determined on a case-by-case basis.

Should you believe this denial is in error, you may submit a letter or email of appeal requesting for reconsideration to:

DOC Correspondence Unit
DocCorrespondenceUnit@doc.wa.gov
Post Office Box 41118
Olympia Washington 98504-1118

Best Regards,

Liz Hainline, Visit Specialist
Prisons Division
360-725-8803
Elizabeth.hainline@doc.wa.gov

From: _____
Sent: Tuesday, January 10, 2017 10:38 PM
To: DOC HQ Visit Unit <dochqvisitunit@DOC1.WA.GOV>
Subject: Visitation denial.

Hi my name is _____ I have been trying to get approved to see my father John Pino at Stafford Creek correctional center. And I was just wondering why it keeps getting denied since the restraining order has been modified to were we can have contact while he is in custody. If you have any questions my number is _____

Thank you for taking time to read this.

CORRECTIONS DIVISION ATTORNEY GENERAL'S OFFICE

February 06, 2018 - 7:45 AM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 50876-1
Appellate Court Case Title: Personal Restraint Petition of John Milton Pino
Superior Court Case Number: 08-1-01734-0

The following documents have been uploaded:

- 508761_Answer_Reply_to_Motion_20180206074514D2162399_0727.pdf
This File Contains:
Answer/Reply to Motion - Response
The Original File Name was PinoResponse.pdf

A copy of the uploaded files will be sent to:

- correader@atg.wa.gov
- timothyl@atg.wa.gov

Comments:

Sender Name: Amy Jones - Email: amyj@atg.wa.gov

Filing on Behalf of: Cassie B Vanroojen - Email: cassiev@atg.wa.gov (Alternate Email:)

Address:
Corrections Division
PO Box 40116
Olympia, WA, 98104-0116
Phone: (360) 586-1445

Note: The Filing Id is 20180206074514D2162399