Dinaro, Anthony

From: Tarkenton, Danielle
Sent: Monday, August 11, 2025 1:34 PM
To: Cloud, Ashley M.
Subject: Follow Up / Reassignment / Supporting Documentation
Attachments: 19 Email - 08_08_2025.pdf; 20 Email - 08_08_2025(1).pdf; 20 Email - 08_08_2025(2).pdf; 20 Email - 08_08_2025(3).pdf; 10 Email - 07_30_2025.pdf

Hello Ms. Cloud,

It was a pleasure to meet you. When we met on Friday, I mentioned another occurrence from earlier that day that supports a growing concern about Mr. Moscowitz's directives. This is not a matter of opinions, but a matter of law and protecting people's rights as the State. By raising statute and ethical obligations, I have experienced reactive behavior from Mr. Moscowitz that negatively impacts my ability to do my job and raise safety concerns due to observed escalation.

On August 8, 2025, I was processing a 180-day involuntary inpatient order for a minor. The law requires that the State presents reasoned, tangible evidence to support findings for involuntary commitment. In re LaBelle, 107 Wn.2d 196, 204–05 (1986).
If the petition is signed by a mental health professional, i.e., psychologist, their affidavit must also be signed by a physician, physician's assistant, or psychiatric nurse practitioner. RCW 71.05.230(4). A mental health professional's sole signature is not valid under the statute. Their combined assessment to support the petition determines the legal reason for the person can be detained. If the State uses outdated or conflicting information, the State may be liable for detaining someone without legal authority, resulting in:

- Legal challenges
- Case dismissals
- Potential due process violations

In this matter:

- Three affidavits were submitted with the petition: two dated August 1, 2025, listing multiple legal reasons for commitment, i.e., harm to self, gravely disabled A and B.
- The third affidavit dates August 4, 2025, listing only grave disability B. This assessment was conducted and signed by the psychiatric nurse practitioner, who holds greater weight under the statute.
- The law requires the State to use the most recent evidence because it is the most accurate. The August 4 affidavit contradicted the August 1 affidavits.
- Legally, the most recent applies. So, that was the evidence I used to support the order and emailed respondent's attorney, Ms. Timberlake, for approval.
- Mr. Moscowitz instructed me to "fix" the order to match the outdated August 1 affidavits, even though they contradicted with the current medical opinion and bases for involuntary commitment. **20 Email – 08_08_2025(1), pg. 1**.
- Mr. Moscowitz removed the respondent's attorney, Ms. Timberlake, from the cc' when giving me this directive. I re-cc'd Ms. Timberlake since she is the one who approves this order. **19 Email – 08_08_2025, pg.1; 20 Email – 08_08_2025(1), pg. 2-3.**

- Because I was afraid of anticipated reactive pushback if I disagreed, Ms. Timberlake reached out to the facility, which is authorized, to confirm what legal bases they're petitioning under. The facility confirmed that the August 1 affidavits were filed in error. The petition was only proceeding under August 4. **20 Email – 08_08_2025(2).**
- Ms. Timberlake then approved my corrected order, which complied with law. **20 Email – 08_08_2025(3).**

Mental illness alone is not a constitutionally adequate basis for ITA, and involuntarily committing someone for a mental disorder is a significant deprivation of liberty. The State cannot accomplish this without due process. In re LaBelle, 107 Wn.2d 196, 201(1986). This is to comply with the governing statute's legislative intent that the State's legal grounds for detention are current and accurate. RCW 71.05.10(2); In re LaBelle, 107 Wn .2d 196, 205 (1986)**.** Using outdated or incorrect evidence would have put the County at risk and violated my ethical duties as a prosecutor. While I make every effort to follow directives, I cannot do so when the direction would result in a violation of law or create legal exposure for the County.

This was the second time I had to stand my ground to prevent what could be viewed as the State disregarding the law in an ITA case. I have attached the email I sent to Mr. Folsom and Mr. Durda of the first incident. **10 Email – 07_30_2025.** Each time I act in the County's best interest, I experience reactive consequences from Mr. Moscowitz, causing significant distress. This repeated behavior makes it difficult for me to fulfill my role and uphold my obligations as a prosecutor.

Since this is not a legal brief, I have avoided extensive legal citations. I hope this helps provide more context as to why I am requesting reassignment. Thank you.

Respectfully,

Danielle 'Dani' Tarkenton
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