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Citizen?" data field of the Snohomish County Superform. If the person who has been arrested is a foreign national (someone who is not a citizen of the United States), the Vienna Convention is triggered and officers are required to follow procedures for Arrest of Foreign Nationals (Procedure 2.09). Further inquiries into the arrestee's immigration status shall only be permitted as provided by this Policy.

**Related Current Section of Everett Police Department Policy, Revised to Reflect and Support New Policy:**

**12.2 PROCESSING PERSONS IN CUSTODY** ✓

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~~In the arrest, transportation, and detention of suspects, officers will take precautions to prevent escape, injury to themselves and others, or damage to property. Appropriate restraint devices will be used during the transport of all prisoners. Seatbelts will be used during transports, with additional leg restraints available for use as needed. Officers transporting extremely combative subjects may request medical personnel to respond to assist with the transport.~~

An officer making an arrest is charged with the responsibility of determining whether the individual arrested is to be booked or released without full processing, and without having to post bail. It is important, therefore, those individuals are carefully screened to determine their eligibility, and secondly that the identifying data obtained from them is accurate and complete.

The decision to book an arrestee will be based on one or more of the following factors:

- Booking is required by law;
- The nature of the offense or the circumstances of the case indicate that booking is necessary to prevent imminent bodily harm to the arrested person, or to someone else, or to prevent injury to property or a breach of the peace;
- The identity of the arrested person is in question and cannot be confirmed;
- There is a substantial likelihood that the arrested person will refuse to appear for further proceedings as indicated by lack of permanent local residence, lack of permanent local employment, history of failure to appear for court, or other similar indicators

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Use of handcuffs and restraints are to keep subjects safe, to prevent escape and to protect the officer and others from harm. Handcuffs are the most effective security tool the officers have at their disposal and should be used to the full advantage. Only handcuffs and restraint types approved by the department may be applied.

(Etc, continues with additional paragraphs, no changes to current language)

## EVERETT POLICE DEPARTMENT POLICY MANUAL

### New Section of Policy to Establish Guidelines for Immigration Law Enforcement and Citizenship Inquiries:

#### 12.9 ENFORCEMENT OF IMMIGRATION LAWS – INQUIRIES INTO CITIZENSHIP STATUS ✓

The purpose of this policy is to establish guidelines for sworn personnel regarding the enforcement of immigration laws.

The enforcement of the nation's immigration laws is primarily the responsibility of the federal government. Accordingly, the Everett Police Department shall not undertake immigration-related investigations and shall not inquire into the immigration status of persons encountered during police operations *except as described below*. This prohibition does not preclude working with federal immigration officials.

#### Inquiries into Immigration Status

A person's right to file a police report, participate in police-community activities, or otherwise benefit from police services is not contingent upon citizenship or immigration status. Consequently, officers shall not question any person about his or her citizenship or immigration status or inform federal immigration authorities of the whereabouts or behavior of any immigrant or foreign visitor, unless that person:

1. Is physically arrested and not eligible for release on a summons
2. Has been convicted of any felony, regardless of whether that felony involved violence
3. Is reasonably suspected of involvement in terrorism and/or subversive activities
4. Is reasonably suspected of participating in an organized venture to bring or fraudulently assimilate undocumented foreigners into the country
5. Is reasonably suspected of participating in criminal street gang activity
6. Is involved in a serious public safety incident or situation and it has been determined that there is a potential threat to the public.

Officers shall not request passports, visas, "green cards," or travel documents in lieu of, or in addition to, driver's licenses and similar standard forms of identifications. Such documents shall only be requested when standard forms of identification are unavailable, or when the officer is proceeding under the conditions described above.

#### Physical Arrest and Booking

No person shall be physically arrested and booked in order to determine their legal status in the country if they would otherwise have been eligible for release on a summons. Additionally, no other person, including a victim or other person reporting a crime, nor any witness to a crime, shall be questioned regarding their status in this country absent a lawful physical arrest and booking of such person for a crime or one of the other conditions enumerated above.

When any person is physically arrested and will be booked, their country of citizenship should be ascertained as required by the Vienna Convention and entered into the "U.S.