

2.0 PROCESSING PERSONS IN CUSTODY

During the arrest, transportation and detention of a suspect, officers will take precautions to prevent escape, damage to property and injury to themselves and others, including the suspect.

An officer making an arrest is charged with the responsibility of determining whether the individual arrested is to be booked or released with a citation.

A misdemeanor may be cited in the field and released, however consideration must be made as to the likelihood of the person appearing in court as promised by their signature on the citation. Other considerations are:

- Local residency
- Seriousness of the offense
- Mandatory booking (Domestic Violence Assault)

When making an arrest, the suspect will be thoroughly searched after handcuffing to assure the personal safety of the arresting officer. All items, which could be used as a weapon, contraband or evidence, must be removed from the prisoner prior to transporting.

Whenever a suspect is transported in a patrol vehicle, the hands will be handcuffed behind the back, unless this is medically or physically impossible.

- Suspects will be seated in an upright position and a seat belt secured.
- Suspects will NEVER be transported lying across the back seat of a patrol unit. If necessary, contact Everett Fire Department or an ambulance service for transport. The arresting officer will then follow the ambulance to the final destination.
- The transporting patrol unit must be equipped with a screen. If it is not, a supervisor must give approval for the vehicle to be used for transport and a second officer will ride with the suspect in the back seat.
- The transporting officer will search the seating area, where the suspect is to be seated, both before and after each transport.
- Felony suspects will be transported to the County jail and booked.
- When transporting more than one prisoner, they will be handcuffed independent of each other. Prisoners will not be handcuffed together.
- Prisoners will not be handcuffed to any portion of the patrol vehicle, with the exception of the hobble attachment for legs to be secured as needed.
- For the safety of the prisoner and officer, the prisoner will not be allowed to communicate with others, to include attorneys, during their transport.

- Officers will use discretion when transporting prisoners who appear ill or injured. Officers may utilize medical personnel (Everett Fire Dept., or Ambulance services) to transport ill or injured prisoners.
- Once at the jail, Officers will ensure that their firearm is secured prior to removing the prisoner from the patrol vehicle.
- Officers will follow jail guidelines on removing handcuffs prior to placement into a holding cell, or transferring custody to jail staff.
- Officers will document the prisoner transaction or transfers of custody, in the narrative of their incident reports.
- Officers will provide jail personnel information concerning any known medical or security hazards involving the prisoner being booked.
- Officers will complete all appropriate booking forms "Superforms" prior to leaving the jail and provide them to jail personnel.

Medical Treatment / Illness or Injured Prisoners:

Officers will ensure that appropriate medical aid is provided or summoned for any subject arrested, following any use of force, lethal or less than lethal, where there is a complaint of injury, or suspected or obvious injury. Officer will follow all use of force guidelines and policies with respect to providing or obtaining appropriate medical aid.

Appropriate medical attention may include, but is not limited to:

- Flushing of eyes after OC applications
- Medical attention per Taser Applications Policy
- Evaluation by Everett Fire Department medics
- First aid applications

Interruption in Prisoner Transports:

Officers will generally not disrupt their transport of prisoners to the jail, except in extreme emergencies, taking into consideration a potential diversionary tactic instigated to attempt to free a prisoner. Officers will interrupt transportation of prisoners to provide exigent, emergency assistance, where danger to a third party is clear and the risk to the prisoner is minimal.

Escaped Prisoners:

In the event of a prisoner escape, Officers will, at minimum, take the following steps:

- Notification to dispatch for immediate broadcast
- Notification to their supervisor
- Completion of an incident report

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In the event that a prisoner escapes in another jurisdiction, Officers will ensure that the agency of jurisdiction is notified without delay and provided with suspect identifying information to aid in their efforts.

High Risk Prisoners:

In the event that a prisoner being transported to the jail or court is deemed to be of a significant security risk, officers will ensure that this information is provided to the receiving agency without delay.

2.01 DISABLED PERSON'S ARREST

Standard transport practices may be difficult for people with mobility disabilities. Officers should use caution not to harm an individual or damage his or her wheelchair. Some individuals who use devices like crutches, braces, or manual wheelchairs might be safely transported in patrol cars.

Safe transport of individuals who use manual or power wheelchairs might require the use of lift-equipped vans or buses. If a subject requires special services consider contacting Para-transit, the jail or other community resources to assist in safe transportation.

PROCESSING AND TEMPORARY DETENTION:

The following areas / rooms are designated for prisoner detention for the purpose of interviews, BAC Processing and holding prior to transport to the jail or release.

- North Precinct Secure Waiting Areas (SWA'S)
- North Precinct Secure interview rooms
- South Precinct Secure Waiting Areas (SWA'S)
- South Precinct Secure interview rooms.
- BAC Stations (North and South precincts)
- Detective interview rooms (Third floor North Precinct)

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2.02 SECURE WAITING AREA

The Everett Police Department's secure waiting area shall be operated in compliance with Washington Administrative Code, Chapter 289 and by RCW 13.04.116. For a detailed description of procedures involving juveniles being placed in a secure waiting area, please reference Procedure Manual Section 10.17 PLACING OF JUVENILES IN ADULT JAILS.

The secure waiting area is provided for the safety of officers, citizens, police facilities and persons in custody. It is also a convenient and safe location for

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The secure waiting area is provided for the safety of officers, citizens, police facilities and persons in custody. It is also a convenient and safe location for temporarily detaining persons while arranging transportation to another permanent facility.

The secure waiting area will never be used if it increases the risk of injury to a citizen, detained person or officers.

Use of the secure waiting area or other Temporary Detention areas will be documented on the "Secure Waiting Area Log (PD 132)" located on a clipboard in the vicinity of the secure waiting area. : ✓

- The name, offense, and case number of each person detained in a secure waiting area must be recorded, together with the arresting officer's personnel number, date and time out and disposition.
- Officers will also document any meals provided
- The sector day shift lieutenant will ensure this procedure is followed.

PROCESSING AND TEMPORARY DETENTION: CALEA 42.2.10

The following areas / rooms are designated for prisoner detention and / or for the purpose of interviews, BAC Processing and holding prior to transport to the jail or release.

- North Precinct Secure Waiting Areas (SWA'S) - Detention
- North Precinct Secure interview rooms – Interviews / Interrogations
- South Precinct Secure Waiting Areas (SWA'S) - Detention
- South Precinct Secure interview rooms.- Interviews / Interrogations
- BAC Stations (North and South precincts)- Detention, Interviews, BAC Processing / Interrogation
- Detective interview rooms (Third floor North Precinct)- Interviews / Interrogation
- Polygraph room- Interviews / Interrogation

Weapons Control: Officers placing subjects into an interview/ interrogation room will generally maintain possession of their weapons, rather than securing them off of their person, as is standard when entering the Snohomish County Jail or other correctional facilities. As in all circumstances, officers will need to maintain weapon awareness and ensure weapon control at all times.

Security Concerns: In the event that a high-risk prisoner is being held in an interview / interrogation room, and the officer in charge of the prisoner believes it is in the best interest to remove their firearm during the interview, the supervisor on duty will be notified to ensure weapon security and implement adequate personnel to address the situation.

Number of persons allowed: When conducting interviews/ interrogations, officers will utilize caution when in an interview room alone with a suspect. If possible, 2 officers will be present during interrogations for safety precautions. Generally, no more than 2 officers / detectives will be in an interview room with a subject unless security risks mandate more personnel. The supervisor on duty will determine the need for additional personnel authorized in an interview room.

Summoning Assistance: Panic or duress alarms are provided near the SWA's at both precincts. These alarms are provided to help with appropriate response to emergencies occurring in or near the SWA's. (See Training Bulletin 2007-22) Officers conducting interviews / interrogations in alternative Interview Rooms (see list above) will utilize their portable radios for assistance as needed.

Equipment authorized in rooms: For the safety of all officers and suspects, no items will be left in an interview room. This includes pens, pencils and other objects that could be used as weapons of opportunity. Officers / Detectives obtaining written statements will remain with the subject until such time as they are complete, prior to leaving the interview room. Telephones are available to plug in for use during interviews as needed, however, they should be removed when the officer / detectives leaves the room. ✓

Access to restrooms, water and comfort breaks: All officers are reminded to document any meals / snacks or beverages provided to subjects they are interviewing / interrogating. Officers will provide restroom breaks to individuals as requested, as long as the detainee is escorted and supervised by a member of the same gender.

Secure Waiting Area Log

Suspect Name	Event #	Charge	Date In	Ofc #	Time In	Time Out	Dispositi on
Joseph Q. Public	00-01005	ASLT-4	1/20/00	261	1600	1740	Booked

NO PERSON IS TO BE PLACED IN THE SWA IN EXCESS OF 2 HOURS WITHOUT SUPERVISORY APPROVAL

The sector lieutenant will ensure the log is complete and will distribute copies as follows:

- Original copy is retained in the office of the sector lieutenant for 30 days.
- A copy will be sent daily to the sector patrol captain.
- After 30 days, the original copy is given to the Records supervisor to be retained for 24 months.

A formal inspection of the secure waiting area shall be made annually by a sergeant or lieutenant. A written record of such inspection, in memo format, shall be issued and placed in the accreditation file. The written record shall include, but is not limited to:

- Name and rank of the person inspecting the facility,
- Date and time of the inspection
- Summary of the observed conditions of the facility, including the condition and integrity of the locks and/or other security devices associated with the facility

A documented administrative review will be conducted of all temporary detention areas and procedures at least once every three years. (CALEA 71.4.3)

The secure waiting area should be inspected after each use to determine that no damage has occurred and that no litter or contraband has been left behind.

Cleaning and sanitation of the secure waiting areas should be completed daily or after any soiling occurs.

- The sector lieutenant is responsible to ensure that this is accomplished regularly.
- The sector lieutenant will take inventory of the keys to the secure waiting area daily. An emergency set of keys is always to be available on the premises outside of the secure waiting area. Keys must never be left in the secure waiting area or in the possession of a person in custody.

If an unusual incident should occur in the secure waiting area, such as a serious injury, death, escape, serious property damage, use of force or fire; the incident and subsequent investigation will be handled in the same manner as similar incidents occurring elsewhere. The sector lieutenant or operations duty officer will be notified immediately.

- A case report will be written for any unusual incident. A copy of all related reports will be attached and routed to the Chief of Police the next business day.

Any person in custody, who has injuries which require medical attention, or who complains of a serious medical problem, is not to be placed in the secure waiting area. They will be transported directly to the nearest emergency medical facility for treatment. Consideration should be given to the seriousness of the illness or injury. A medic unit may be required for transport. The officer will follow the medic unit to the hospital for security of the prisoner.

Following treatment at the medical facility, the officer will obtain a "fit for jail" release from the doctor prior to booking at the county jail. If appropriate, the officer may cite and release the prisoner following treatment.

In the event of a fire or other catastrophic event in the building, removal of any detained persons from the secure waiting area will take precedent over property concerns.

Through observation and questioning, the arresting member will determine the welfare of the detained person. When persons suffering from injuries, illness, mental problems or violent tendencies are detained, it is preferable **not** to place them in the secure waiting area.

Restrictions apply to use of the secure waiting area. A search of the person detained must be done to assure the safety of members, citizens and the prisoner.

Searches will be conducted by a member of the same gender whenever possible and in a manner which protects the dignity of the detained person. No person will be placed in the secure waiting area with any:

- Knife, tool, sharp object or other item capable of being used as a weapon
- Smoking materials
- Drug paraphernalia
- Fire-starting devices (i.e.: matches, lighters, etc.)
- Medication or other drugs
- Crutches, canes or similar items
- Bedding, cushions, mattresses, or blankets
- Pets
- Foods or beverages
- Writing instruments

If a person being detained has prescription medicine they claim is needed, no member will administer the drug. It is not advised to use the secure waiting area for persons requiring prescription medicine.

Persons placed in the secure waiting area are to be constantly observed. The Sector Lieutenant is responsible for ensuring compliance with this procedure.

If a person being detained becomes unruly or damages property, restraints may be used to prevent self-inflicted injury or further property damage. If the situation warrants, criminal charges may be made against the person in custody for their actions.

No unauthorized person is allowed to contact anyone being detained in the secure waiting area.

Secure waiting areas are to be used only by commissioned members of the department unless otherwise authorized by the Chief of Police.

No person is to be held in the secure waiting area for a longer period than two (2) hours without the approval of the sector lieutenant.

If the arrestee is combative or uncooperative, members must not enter a secure waiting area alone. If entry is required, another member will assist.

Restrooms will be made available to persons being detained as long as they are escorted and supervised by a member of the same gender.

Unless otherwise authorized by the sector lieutenant, only the member who placed a person in the secure waiting area will remove them.

Suspects will not be placed into the secure waiting areas with any other suspects. Officers will attempt to ensure separation of males and females from view of other holding areas.

2.03 PRISONER HANDLING

When a crime is committed, officers are to initiate a prompt and thorough investigation and to make every reasonable effort to identify and arrest the suspect. The constitutional rights of the suspect must not be infringed upon during this process.

Officers will ensure that all suspects are afforded their constitutional rights when interviewed.

Officers will ensure that all constitutional rights are afforded to suspects during custodial interrogations, to guarantee that any confessions or admissions are made freely and voluntarily and that all suspects are afforded access to defense council, upon request.

The Public Defender's Office on call number will be posted in the prisoner holding areas of both precincts. Access to defense council, via the telephone, will be afforded to all prisoners at their request, or as soon as reasonably possible. Officer will note any such requests in their reports, and will further note whether or not the suspect was able to speak with council as requested.

Officers must treat the arrested individual with reasonable respect. No officer will physically mistreat or verbally harass any individual in their custody. Medical care will be provided when necessary.

Officers will use only the force necessary to affect the arrest of an individual or to overcome the resistance offered by the individual.

In the event that force is used and an officer of this Department injures an individual, appropriate medical treatment will follow.

The appropriate Use of Force report will be made to outline the details of the incident resulting in the injury.

Officers are responsible for advising suspects of their constitutional rights in the proper manner. When an adult is arrested and/or taken into custody, that adult must be advised of their right to an attorney, whether there is questioning or not. **(See Washington State Court Rule CrR3.1)**

The language used in the admonishment of rights will be the same as on the card issued to each member. The language on the Constitutional Rights Waiver form is also acceptable. It may be necessary for members to testify to the precise language used to warn the suspect of their rights.

All persons arrested should be searched by the arresting officer at the incident scene. Whenever possible, a member of the same gender should conduct the search. This does not preclude opposite gender officers from conducting a search when it is consistent with officer safety and current law.

Strip Searches,

A strip search, by its very nature, is significantly invasive. A warrantless strip search of a prisoner cannot be justified under exigent circumstances or as a search incident to arrest State v. Audley, 77 Wn. App. 897 (1995).

A warrantless strip search should be conducted only after the suspect is booked and in custody at the Corrections Facility. Any request for a strip search should be made to jail personnel. If the request is appropriate under the guidelines set forth in RCW 10.79.130 and are within jail policy, a search will occur. If the jail refuses to do the strip search and an officer believes that one is necessary the officer should speak to their supervisor about obtaining a warrant.

Under no circumstances should an officer take the initiative to conduct a warrantless strip search.

Warrantless strip searches are permissible in this State under **RCW 10.79.130 and RCW 10.79.140**, once a person has been placed in custody. A strip search is defined as having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, anus, or undergarments of the person, or breast of a female. **RCW 10.79.070(1)**

The person doing the strip search must make a written record of any strip search under **RCW 10.79**.

2.04 WARRANT ARREST

A warrant of arrest is an order from a court directing peace officers to arrest the person described on the warrant and to bring the named person before the Court for further proceedings. The warrant is valid until served or recalled by the issuing judge.

Types of Warrants

There are four (4) types of warrants:

- 1) **Felony Warrants** – May be served at anytime day or night.
- 2) **Misdemeanor Warrants** – May not be served **between 2200 and 0700 hours, unless:**
 - A) The subject is in a public place
 - B) The subject is already in custody pursuant to another lawful arrest
 - C) The subject is contacted during the officer's lawful performance of duties (i.e. traffic stop, F.I.R.)
 - D) The judge who issued the warrant, directed that it be served at anytime of the day or night

For adults - Teletype warrants will normally be sent to the jail booking area of the Snohomish County Jail.

For juveniles – Teletypes warrants will normally be sent to the Charles Denny Youth Center (D.Y.C.).

There are occasions where officers may have to pick up a copy of a teletype at an alternate location. Those locations are, but are not limited to, the Everett Police Department, the fourth floor of the Snohomish County Court House, and the Snohomish County Sheriff's Office.

2.05 WARRANT PROCESSING

If an officer has arrested someone on a warrant, and there are no other charges, the following procedures apply:

- 1) Obtain an event number and write a report.
- 2) Once at the jail sign off on the warrant.
- 3) Complete the COTT's booking procedure.

Informing Defendant and Posting Bail

The arresting officer shall inform the defendant that the arrest is under the authority of a warrant and shall show the warrant to the defendant when reasonable.

If the officer does not have physical possession of the warrant at the time of arrest, the officer shall declare that a warrant does exist and will be shown to the defendant as soon as possible upon arrival at the place of intended confinement.

The officer making the arrest shall inform the defendant that the defendant may avoid further detention by posting a cash sum equal to the bail amount set by the warrant

If the defendant indicates that he cannot produce the amount of cash equal to the bail set by the warrant, the officer shall proceed to the detention facility.

Defendant Can Post Bail

If the defendant indicates that he can and will be able to post bail in a cash sum equal to the amount set on the warrant, the officer shall transport to the Police Station and proceed as follows:

If the court that issued the warrant is **either** Everett District Court or Everett Municipal Court and the court is open for business, the officer shall transport the defendant to the court so that cash bail may be posted with the court.

If in the event that Everett Municipal Court or Everett District Court is closed, officers will take the defendant to jail, even if the defendant is willing to pay his/her bail amount. **Neither the Everett Police Department nor the Snohomish County Sheriff's office will accept payment after hours.**

If the court that issued the warrant is Everett Municipal Court and the court is closed, and the warrant is *not* a "Cash Bail Only" warrant, the officer

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2.06 JAIL RELEASE NOTICE

Procedures have been approved that allow police officers to issue a "Jail Release Notice" (JRN) in the field for misdemeanor warrants that are not "Cash Only" warrants.

Steps for Completing NOCS in the Field:

The officer completes a JRN and has the subject sign it in the area labeled defendant's signature (*see example*).

The officer completes an Incident Report ONLY if anything out of the ordinary occurs during the arrest.

Officer contacts sergeant to turn in report (*if written*).

Officer or sergeant delivers JRN to Records Room immediately!

Records specialist completes necessary work on the warrant and JRN.

~~Records specialist photocopies the warrant and NOCS for the files.~~

- **Officer gives the white (top) copy of the JRN to the subject.**

Example of JRN:

Officers need to complete the areas highlighted in yellow.

MUNICIPAL COURT OF EVERETT

3028 WETMORE

EVERETT, WASHINGTON 98201

(425) 257-8778

JAIL RELEASE NOTICE

DATE: _____

DEFENDANT NAME: _____

- YOU WILL RECEIVE A SUMMONS TO APPEAR AT THE EVERETT MUNICIPAL COURT.
- YOUR SUMMONS WILL BE MAILED TO THE ADDRESS YOU PROVIDE BELOW.
- FAILURE TO APPEAR WILL RESULT IN A WARRANT FOR YOUR ARREST.
- IF YOU HAVE NOT RECEIVED A SUMMONS WITHIN TWO WEEKS, CONTACT THE COURT AT THE PHONE NUMBER LISTED ABOVE.

DEFENDANT RELEASED ON:

DEFENDANT ARRESTED ON: _____

Signature or Personal Recognizance

Cash Bail Receipt No.: _____

Served Warrant/Case #: _____

Bail Bond Co.: _____

New Charge by EVERETT POLICE / Case #: _____

(Name)

Defendant Mailing Address: _____

Apt. # _____

Phone #: _____

By: _____

(Jail Officer/Clerk)

White - Defendant

Canary - Court

(Defendant's Signature)

White - Defendant

Canary - Court



may elect to issue the defendant a "Notice of Case Setting" or NOCS. See Section 2.06 Notice of Case Setting.

Methods of Payment

The Everett Municipal Court will only accept payment in the form of cash.

The Everett District Court will accept payment in the form of cash or check.

2.06 NOTICE OF CASE SETTING

Procedures have been approved that allow police officers to issue "Notice of Case Settings" (NOCS) in the field for misdemeanor warrants that are not "Cash Only" warrants.

Steps for Completing NOCS in the Field:

The officer completes an NOCS and has the subject sign it in the area labeled defense council (*see example*).

The officer completes an Incident Report ONLY if anything out of the ordinary occurs during the arrest.

Officer contacts sergeant to turn in report (*if written*).

Officer or sergeant delivers NOCS to Records Room immediately!

Records specialist completes necessary work on the warrant and NOCS.

Records specialist photocopies the warrant and NOCS for the files.

- **Officer gives the white (top) copy of the NOCS to the subject.**

Example of NOCS:

Officers need to complete the areas highlighted in yellow.

MUNICIPAL COURT OF EVERETT

3028 WETMORE • EVERETT, WASHINGTON 98201
425-257-8778

NOTICE OF CASE SETTING

CITY OF EVERETT

Vs.

Date Notice Issued TODAYS DATE

Case No. CITATION # LISTED ON WARRANT

Charge ORIGINAL CHARGE LISTED ON WARRANT

DEFENDENTS NAME

Violation Date LISTED ON WARRANT

Your court date has been set for COURT DATE - PER COURT CALANDER

(Date)

at 8:10 a.m. 9:00 a.m. 9:30 a.m. 2:00 p.m. 2:30 p.m. 3:00 p.m. 3:45 p.m. 4:00 p.m. 5:00 p.m. for:

- CONFIRMATION HEARING* RETURN FOR PRESENTATION OF LICENSE COURT APPOINTED COUNSEL: ASSN. OF ATTORNEYS FOR THE ACCUSED 2817B WETMORE EVERETT, WA 98201 425-259-2997
- PRE-TRIAL HEARING* SENTENCING
- BENCH TRIAL JURY TRIAL
- ARRAIGNMENT _____ (DATE) @ 9:00 A.M. SHOW CAUSE - FTA - ARR.
@ 9:15 A.M. OFFICERS NAME
@ 9:30 A.M. OFFICERS PER. #
DATE

*BOTH DEFENDANT & DEFENSE COUNSEL MUST APPEAR FOR THIS HEARING.

White - Defendant

Canary - Defense Attorney

DEFENDENTS SIGNATURE

Pink - Prosecuting Attorney

Gold - Court

Dowe
Still do
NOCS?

I didn't
think so

2.07 MENTAL HEALTH CONCERNS

Peace officers of the State of Washington are not only are charged with keeping the peace, but also have the authority to enforce provisions of the "Mental Illness Act," Revised Code of Washington, RCW 71.05.150.

Everett Police officers may take into custody and deliver to Everett Providence Hospital for mental evaluation a person whom the officer has reasonable cause to believe "is suffering from a mental disorder and presents an imminent likelihood of causing serious harm to others, self or is in imminent danger of being gravely disabled." Officers may utilize either campus of Providence Medical Center, with Colby Campus being first choice.

A mental health concern may be held by Providence Medical Center for a period of up to twelve hours, provided the person is evaluated by a "Designated Mental Health Professional" (DMHP or MHP), within three hours of arrival at the hospital. At the time of the evaluation, the MHP will determine whether the person is to be involuntarily committed or not.

Occasionally, the suffering person is in such a mental state that requesting the MHP to perform an on-site evaluation may be an option. When there is a particular person that the Department believes to be a likely candidate for involuntary commitment who has the potential for being dangerous, either to oneself or others, a representative of the department, which may be a police officer, or city attorney, may request a MHP to undertake an investigation of that person.

Whenever a mental health concern is taken into custody, the officer will provide to either the emergency room staff or the MHP written documentation of the incident. **This documentation may be a copy of the police report.** The officer must include the reason why the person was taken into custody and how the person meets the qualifications of the "Mental Illness Act."

Officers contacting subjects they suspect are mentally ill will ensure that the constitutional rights of the individual are complied with during any interrogation.

Officers will take into consideration the mental illness of a subject they attempt to question, using the least obtrusive manner possible. Officers will attempt to calm individuals known to be mentally ill, to attempt to avoid confrontations or altercations during interviews and interrogations.

Definitions of Mental Illness

Gravely Disabled:

- A condition in which a person, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for the essential human needs of health or safety; or
- Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive voluntary control over his/her own actions and is not receiving such care as is essential for personal health or safety.

Mental Disorder:

Is a caused by means of organic, mental or emotional impairment which has substantial adverse effects on the cognitive or voluntary functions of an individual.

Likelihood of Serious Harm:

A substantial risk that physical harm will be inflicted by an individual on oneself, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; or

A substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or

A substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss of damage to the property of others.

Developmentally Disabled, Senile, or Chronic Alcoholic

Persons who are developmentally disabled, impaired by chronic alcoholism or drug abuse, or senile must not be detained for evaluation solely for that condition unless they display any of the behaviors defined as a mental illness.

Intoxicated Persons

Officers that have come into contact with Intoxicated individuals or chronic alcoholics will follow the following procedures:

If there are **no criminal charges pending**, ask the individual if he/she would be willing to go to detox. If the individual is willing to go to detox, transport him/her

there. **Officers must obtain prior clearance from detox staff prior to transport.** The individual must be ambulatory (able to walk) and must be cooperative. Detox will normally take individuals with a BAC level up to .40.

If there are **charges pending**, officers will arrest and book the individual into the Snohomish County Jail. If the jail refuses to accept the individual because of a BAC level higher than .25, the officer must then transport the individual to the hospital for a "fit to book" clearance.

NOTE: Under no circumstances are officers to leave an intoxicated individual in the custody of hospital security.

Exception: If there are no criminal charges pending, the individual is cooperative and hospital security **offers** to monitor the individual.

Prisoners Transported to Hospital

Officers may at times have to transport prisoners to the hospital for clearance to book. Officers will maintain control of their prisoners ensuring that all contraband and weapons have been removed prior to transport and treatment being administered. Officers will maintain handcuffs on their prisoners until this is deemed medically unsound. In such instances where handcuffs need to be removed for medical treatment, Officers will maintain constant guard, to the best of their abilities and with consideration as to the types of medical treatment being administered, to prevent assault against hospital staff or others.

Prisoners will not be allowed personal phone calls or visitors during their treatment, with the exception of attorney contacts, as required by statute.

If the prisoner requires admission into the hospital, Officers will contact their supervisor for guidance regarding continued observation, or for possible options with the Snohomish County Jail personnel for additional security needs.

Upon release from the hospital, Officers will obtain the necessary medical clearance paperwork authorizing the booking of the suspect into the jail. All instructions for future treatment, medications and follow-up care, will be provided to Jail personnel at the time of the prisoner booking.

Officers will search all prisoners prior to transporting them to jail, following medical treatment.

Note: Once a prisoner has been booked into the County Jail, all other specialty transports of prisoners, for purpose of scheduled medical appointments, or other unusual circumstances, will be the responsibility of the Snohomish County Jail personnel.

Procedure

Officers will complete an incident report documenting any arrest made. It is the responsibility of the Snohomish County Jail to fingerprint and photograph all adults being booked into the jail facility per the policies of the Snohomish County Jail and pursuant to RCW 43.43.735.

For juvenile ~~proession~~processing, refer to Procedure 10.15.

PROCEDURE MANUAL

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2.08 COTS BOOKING AT STATION BOOKING PAPERWORK – SUPERFORM

The Everett Police Department has a computer available in the patrol work area that is connected to Cotts. This computer will allow officers to complete the electronic booking process at our facility. Officers will utilize a generic network ID (streetcop) and a generic password (cotts) to access the network. Patrol Sergeants/MPO's will be responsibility for training their personnel how to access the network. COTS will be the only function that this computer will be programmed to perform.

Officers will be able to complete narratives for their probable cause statement on their laptops and transfer the file to a floppy disk. Officers will be able to perform a "cut and paste" from the floppy disk to the COTS on this computer.

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Once the arresting officer has signed onto COTS, he/she must fill out the "Arresting Officer New Booking Screen" as they currently do in the County Jail. The suspect can then be transported to the County Jail to complete the booking process.

If there is a problem with the COTS, officers will need to contact the jail and report the problem at 425-388-3474.

The Superform was developed by the County Prosecutor and County Corrections for all law enforcement officers to use when booking prisoners or when referring a case to the Snohomish County Prosecutor's Office. The Superform eliminated COTS booking and the former prosecutor's office face sheet. Everett Police officers do not use the Superform when they refer a case to the City Prosecutor for a charging decision or when they file a non-felony crime by citation and release the subject without booking him. The Superform has a section entitled: "Synopsis/PC for Arrest (Include all elements of the Crimes Charged). When completing this section, officers will stay within the following guidelines:

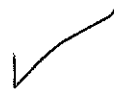
✓

- DO NOT omit probable cause from the Superform itself by writing "see attached" and then attaching a copy of the report narrative
- DO NOT "cut and paste" the report narrative for any felony charge into the Superform probable cause statement.
- DO NOT "cut and paste" the report narrative for any non-felony charge into the Superform probable cause statement UNLESS there is essentially no difference between the probable cause statement and the text of the narrative (e.g. DWLS 3, PDP, Failure to Transfer Title w/in 45 days)

Procedure

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cont.

- DO NOT include a full narrative of all of the facts of the investigation
- DO be aware that a police narrative in its entirety often contains protected information that must be reviewed and redacted prior to public disclosure. Booking forms (Superforms), however, typically are immediately available for public inspection and copying and are not always subject to review and redaction before disclosure. Attaching police narratives in full or pasting police narratives in full into the Superform probable cause statement can potentially compromise investigations or result in the release of protected information
- DO draft a probable cause statement that briefly demonstrates how the suspect satisfied the elements of the crime that he/she is being booked for
- DO stick to factual statements in the probable cause statements and avoid making conclusory statements



Fingerprinting:

Prisoners will be photographed and fingerprinted, per established guidelines at the Snohomish County Jail, during their initial booking. All photos and fingerprints will be maintained per established recording guidelines.

2.08 COTS BOOKING AT STATION

The Everett Police Department has a computer available in the patrol work area that is connected to Cotts. This computer will allow officers to complete the electronic booking process at our facility. Officers will utilize a generic network ID (streetcop) and a generic password (cotts) to access the network. **Patrol Sergeants/MPO's** will be responsibility for training their personnel how to access the network. COTS will be the only function that this computer will be programmed to perform.

~~Officers will be able to complete narratives for their probable cause statement on their laptops and transfer the file to a floppy disk. Officers will be able to perform a "cut and paste" from the floppy disk to the COTS on this computer.~~

Once the arresting officer has signed onto COTS, he/she **must** fill out the "Arresting Officer New Booking Screen" as they currently do in the County Jail. The suspect can then be transported to the County Jail to complete the booking process.

If there is a **problem with the COTS**, officers will need to contact the jail and report the problem at **425-388-3474**.

Fingerprinting:

Prisoners will be photographed and fingerprinted, per established guidelines at the Snohomish County Jail, during their initial booking. All photos and fingerprints will be maintained per established recording guidelines.

2.09 ARREST OF FOREIGN NATIONALS

Anytime a foreign national (someone who is not a citizen of the United States) is arrested, the Vienna Convention on Consular Relations is triggered. This treaty requires that foreign nationals be advised that they elect to have their local consulate office notified of their detention and that such office may provide them with assistance.

When foreign nationals are subjected to custodial arrest in the U.S., and the foreign country is a "Mandatory Notification Country," the arrestees should be advised of the right to seek assistance from their consulates. The consulate must be notified of the fact of the arrest regardless of the arrestee's wishes.

Article 36 of the Vienna Convention requires that foreign nationals subjected to custodial arrest by police of another country be advised by the arresting police that they may, in their discretion, obtain assistance from their consulate located in the country of arrest. Additional treaty obligations between the U. S. and

certain countries mandate notification of consular representatives, regardless of the wishes of the arrestee.

A "foreign national" in the U. S. is anyone whether tourist, visitor, migrant worker with a temporary work permit, alien resident, illegal alien, asylum-seeker, or person in-transit who has (a) not renounced citizenship in his or her country of origin or (b) become a naturalized immigrant in the United States.

When Consular Notification is at the Option of the Foreign National.

When U. S. police make a custodial arrest of foreign nationals, the police are required to advise the foreign nationals of the right to consular assistance.

Suggested Statement: When Notification is at the Foreign National's Option

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

When Consular Notification is Mandatory

In addition to the Vienna Convention, additional agreements between the U. S. and over 50 nations require that, regardless of the wishes of the arrestee, the police in the arresting country notify the consular representatives of the arrest (Mandatory Notification Countries are listed below).

In addition, consular notification is also required if investigating the death of a foreign national, or in instances of accidents involving ships or aircraft.

Suggested statement: When Consular Notification is Mandatory

Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

Antigua/Barbuda	Gambia	Mauritius	Slovakia
Armenia	Georgia	Moldova	Tajikistan
Azerbaijan	Ghana	Mongolia	Tanzania
Bahamas, The	Grenada	Nigeria	Tonga
Barbados	Guyana	Philippines	Trinidad & Tobago
Belarus	Hong Kong	Poland	Turkmenistan
Belize	Hungary	Romania	Tuvalu
Brunei	Jamaica	Russia	U.S.S.R.
Bulgaria	Kazakhstan	Saint Kitts and Nevis	Ukraine
China	Kiribati	Saint Lucia	United Kingdom
Costa Rica	Kuwait	Saint Vincent/Grenadines	Uzbekistan
Cyprus	Kyrgyzstan	Seychelles Dominica	Zambia
Czech Republic	Malaysia	Sierra Leone	Zimbabwe
Fiji	Malta	Singapore	Algeria
Tunisia			

CONSULAR NOTIFICATION AND ACCESS

Assistant Legal Advisor for Consular Affairs
 LCA, Room 5527A
 U. S. Department of State
 Washington D.C. 20520
 Telephone 202-647-4415
 Fax 202-736-7559

Urgent after hours inquiries may be directed to: 202-647-1512
 (State Department Operations Center)

Normally the foreign national's country is the country on whose passport or other travel document the foreign national travels.

When it has been established that a person in your custody should be advised of their rights but this person does not speak English, you may call an interpreter. See **Use of Foreign Translators/Interpreters** in this procedures manual. The interpreter may then read the consular notification to the arrestee from the **Consular Notification** book, which is located in the watch commander's office. The notification is written in the book in several different languages. The "**Consular Notification Manual,**" includes:

Summary of Requirements Pertaining to Foreign nationals

Steps to Follow When a Foreign national is Arrested or Detained

Translations of Suggested Statements To Be Made to Foreign national To Be Arrested or Detained

Mandatory Notification Provisions

Suggested Fax Sheet for Notifying Consular Officers of Arrests or Detentions

And much more helpful information is in the sector lieutenant's office.

2.10 RESPONSE TO CRIMES OR DOMESTIC VIOLENCE INCIDENTS THAT INVOLVE EVERETT POLICE DEPARTMENT EMPLOYEES OR OFFICERS FROM OTHER LAW ENFORCEMENT AGENCIES, OR OTHER PERSONS OF INFLUENCE

The following procedures will be followed in any case involving an Everett Police Department employee, any law enforcement officer from another agency while in our jurisdiction, or any other person of influence (elected political officials, prominent citizens), when such individuals are suspected of criminal conduct, or being a party to a domestic violence incident as either the suspect or the victim.

Patrol Officers:

Upon recognition that they are responding to or investigating such an incident, patrol officers will immediately notify a patrol supervisor.

Officers conducting the initial investigation will complete all reports just as they would for any other incident of a similar nature. Officers will make arrests under a similar guideline. If the incident is domestic violence related, officers will comply with state laws and make every reasonable effort to identify and arrest the primary aggressor. If the suspect has fled the scene, officers will conduct a search of the area or other locations as appropriate.

Officers will conduct a thorough investigation and identify witnesses, obtain statements, record contacts and interviews if possible, document and retain evidence, take photographs, obtain and impound dispatch tapes, and complete a detailed report.

In domestic violence related cases officers will provide victims with the domestic violence victim's resource sheet (PD-193) explaining court order information, shelter alternatives, and counseling resources.

All victim information will be kept confidential by all officers, to include victim transport locations.

Patrol Supervisors:

Upon notification of such an incident, a patrol supervisor will immediately respond to the scene to supervise the investigation. The supervisor will make the required notification through the chain of command or ODO. An on duty Lieutenant or ODO will respond to the scene if possible to assist the supervisor and to monitor the investigation for compliance with policy and procedure. The patrol supervisor will also make such notification if contacted by another agency and reporting such an incident occurring in their jurisdiction and involving an Everett Police Department employee.

If the incident involves an officer from another jurisdiction, the patrol supervisor will make a notification to the Command Duty Officer. The patrol supervisor will document this notification.

The patrol supervisor will manage any investigation, ensuring a thorough and complete investigation, and that arrests are made as appropriate. The patrol supervisor will request dispatch to retain all tapes regarding the incident and to provide a copy of the tapes for investigators.

If an Everett Police Department officer is arrested, the supervisor will determine if the offense is of such a nature that the employee should be relieved of law enforcement duties and the officer's weapon, badge, and identification confiscated. In all cases where an Everett Police Department officer is arrested for a domestic violence incident, the supervisor will confiscate the officer's weapon, badge, and identification. The supervisor will inform the employee that he or she is on administrative assignment.

The patrol supervisor will ensure that any victims in a domestic violence incident, or any other incident where the supervisor deems appropriate, have been given the name and number of the Office of Professional Standards Inspector as a liaison and a point of contact for questions, concerns, or assistance. The patrol supervisor will also ensure that the victim is provided information regarding employee and family counseling services that are available. This information is located on any Department bulletin board. The supervisor will see that any personal firearms at the location are removed as allowed by law, and that all parties are given the opportunity to voluntarily relinquish any personal weapons in order to reduce risk to victims, although victims may choose to retain weapons for personal protection. The supervisor will offer reasonable transportation to a safe location for victims, or reasonably assist the victim in any other manner to accommodate for that persons safety.

Office of Professional Standards

The Office of Professional Standards will conduct a thorough administrative internal investigation as directed by the Chief of Police.

Investigations- Detectives

The assigned detective will diligently investigate all such reported incidents and prepare a detailed and thorough case file. The assigned detective will forward all case files to the prosecutor for review at the conclusion of the investigation.

Follow-up

The assigned detective will be responsible for all required follow-up.

If additional incidents occur involving the same parties, each incident will be documented with a new case report, and not as a follow-up to the initial incident. The requirements established in these procedures will be followed for all new incidents.

If any court orders are obtained and the Everett Police Department will be serving those orders, the orders will be served by two officers and one supervisor of higher rank than the employee to be served.

Prosecutor's Office

The prosecutor's office will review all criminal case files and file charges as appropriate.

Chief of Police

The Chief of Police will review all criminal case files and the administrative internal investigation report and administer disciplinary action as appropriate.

City Administration

The city administration will review all administrative internal investigation reports and disciplinary actions for quality and consistency.

If the Chief of Police is involved in the incident, the Mayor will act in place of the Chief of Police during the course of the investigations and will administer disciplinary action as appropriate.

2.11 DNA COLLECTION

The State of Washington utilizes a DNA identification system to support federal and state criminal justice services. Persons convicted of felony offenses and other crimes are required to submit DNA samples, which are then sent to the WSP CODIS laboratory.¹

Convictions that trigger required collection of a sample are as follows:

- All persons (adult and juvenile) convicted of a felony
- All persons (adult juvenile) convicted of a covered gross misdemeanors
 - Assault 4th degree with Sexual Motivation (RCW 9A.36.041)
 - Communication with a Minor for Immoral Purposes (RCW 9.68A.090; EMC 10.32.040)
 - Custodial Sexual Misconduct 2nd degree (RCW 9A.44.170)
 - Failure to Register (RCW 9A.44.130)
 - Harassment (RCW 9A.46.020; EMC 10.23.010)
 - Patronizing a Prostitute (RCW 9A.88.110; EMC 10.24.140)
 - Sexual Misconduct with a Minor 2nd degree (RCW 9A.44.096)
 - Stalking (RCW 9A.46.110; EMC 10.16.050)
 - Violation of Sexual Assault Protection Order (EMC 10.22.060)
 - Any adult or juvenile who is required to register under RCW 9A.44.130 (sex and kidnapping offenders)
- A subsequent submission is not required if the lab already has a DNA sample from an individual.

Which Agencies Collect Samples:

Most samples are collected by DOC or the County Jail. However, local law enforcement must obtain the sample if (1) the offender is not sentenced to a term of confinement in a DOC facility or county jail, or (2) the sample is required because the offender is required to register under RCW 9A.44.030.

Procedure:

- A. When the Everett Police Department is required to collect a DNA sample, the north precinct desk officer will collect the sample. If the north precinct desk officer is not available to collect the sample, the records unit manager will request a trained officer from either the customer service unit or the training unit to obtain the sample.
- B. Offenders convicted of one of the qualifying crimes who are not required to serve a term in the Snohomish County Jail will, immediately following sentencing, present themselves to the north precinct desk officer between 0830 and 1700, Monday through Friday, for collection of the DNA sample. Defendants sentenced during the Wednesday 5:00 pm bench trial calendar will present themselves on the next business day.

¹ CODIS stands for the Combined DNA Index System

C. The desk officer will:

1. Verify identification of the offender with state or federal issued photo identification before collecting the sample.
2. Check the offender's criminal history in WACIC/NCIC prior to collecting the sample (only individuals listed as "DNA TAKEN: N" need to have a sample collected).
3. Make sure there is nothing in the offender's mouth before collecting. If there is, have them clean their mouth and wait 15 minutes before collecting the sample. Do not allow the offender to collect his/her own sample.
4. Use the DNA collection kit provided by the WSP Lab Convicted Offender Program. The kit includes an instruction sheet, gloves, moist towelette, return envelope, security seal, submission card, DNA collection paper and foam-tipped swab.
5. Have the offender drink some water before collection.
6. Collect the sample by:
 - i. Swabbing between the cheek and gum on one side of the amount for approximately 30 seconds;
 - ii. Flipping the swab over and repeating on the other side of the mouth;
 - iii. Using a rocking motion, pressing the swab onto one of the circles on the DNA collection paper (there should be a color change from pink to white);
 - iv. Flipping the swab over and press the other side to the second circle;
 - v. Labeling the DNA collection paper with the offender's name, date of birth and SID number.
7. Legibly, completely and correctly fill out the submission card:
 - i. The degree of crime is required.
 - ii. Use offense titles, not RCW number.
 - iii. If using abbreviations, make sure they are clear.
 - iv. Use enough ink for a complete print, but not too much to smudge. The entire thumbprint should be present and its patterns and characteristics clearly visible.
8. Make sure there is enough DNA on the DNA collection paper
9. Mail the sample the same day as its collection.

Questions about the program, collecting, or ordering more kits may be directed to CODIS staff members at (206) 262-6020.