

Handwritten initials and date: "LUB 6/24"

Handwritten note: "copy 10/10/09"

CHECKLIST:

- Obtain a written statement from the victim and all witnesses.
- Make photocopies of all original documents (checks front and back) and attach them to the report. The originals will be impounded. *CREDIT CARDS, COUNTERFEIT MONEY - MARK*
- Attempt, if at all possible, to obtain a written statement from the suspect.

CHECK PACKET

The Everett Police Department is experiencing a considerable increase in the number of forgeries and check related crimes, which are placing a significant burden on our resources. To investigate and prosecute these matters with any degree of success, we have developed a "check packet."

- A packet of information and forms, stamped with the red letters "UIBC," is available from the property crime detectives for victims of Unlawful Issuance of Bank Checks. Contained within is a "Fraudulent Check Crime Report" and all the forms needed to begin a case. The packet is given to the victim to complete and send in. No time and number is assigned.

The Everett Police Department has combined the Forgery and UIBC packets into one Fraudulent Check Packet. These packets may be delivered to businesses / financial institutions by officers where a forgery or unlawful issuance of a bank check (UIBC) has occurred and the suspect is not present. A forgery or a UIBC case where the suspect is present will still require a police officer to respond and complete the initial report.

Handwritten note: "DO WE WANT TO PROVIDE THE PASSWORD HERE IN THE MANUAL OR NO?"

These forms are available via a password protected link from the Everett Police Department Internet website for ~~printing only by~~ businesses / financial institutions who have been trained to complete the packets.

Officers may also download additional copies of the packet via a link on the Everett Police Department Intranet homepage entitled " Fraud Check Packet". A supply of these packets will also be located at both precincts.

Handwritten note: "- MARK"

- A packet of information and forms, stamped with the red letters "Forgery," is available from the property crime detectives for victims of Forgery. Contained within is a "Fraudulent Check Crime Report" and all the forms needed to begin a case. The packet is given to the victim to complete and send in. No time and number is assigned.

The following types of checks will not be accepted for criminal investigation:

Handwritten note in a shaded box: "Bill-checks Done 2/5/09 J.C."

Handwritten note: "SEE ATTACHMENT FOR THE REDO OF THIS SECTION" with a circled 'A' and "MARK" below it.

ATTACHMENT FOR "CHECK PACKET" PROCEDURES
MANUAL REDO

The following types of checks will not be accepted for criminal investigation:

- **Account Closed Checks Under \$2000**
 - Amounts under \$2,000 submitted for prosecutions are held until the aggregated sum of all such cases reach \$2,000
- **Non-Sufficient Funds Checks under \$2000**
 - Amounts under \$2,000 submitted for prosecutions are held until the aggregated sum of all such cases reach \$2,000
- **Non-Sufficient Funds and Account Closed Checks where the business has not yet sent a "Notice of Dishonor" to the account holder and/or 15 days have not elapsed from the time the "Notice of Dishonor" was sent**
- **Stop Payment Checks**
- **Post-Dated Checks**
- **Checks drawn on out of state banks**
- **Two party checks**
- **Checks received more than 60 days prior to submittal for investigation**
- **Civil Contract Checks**
 - Checks returned for various reasons that are involved with rental agreements, contract payments, repayment agreements and other civil matters are considered part of that same civil process and will not be investigated criminally
- **Payroll Checks**
- **United States or Canadian Postal Money Orders**
 - These cases should be referred to the Postal Inspector
- **Government-Issue Checks Including Welfare and Social Security Checks**
 - These cases should be referred to the appropriate government agency)

I HAVE THIS PAGE IN ELECTRONIC FORMAT IF
ANYONE WANTS THE FILE.

— MARK

CHECKLIST:

3.11-checks

LVB
6/24

- Obtain a written statement from the victim and all witnesses.
- Make photocopies of all original documents (checks front and back) and attach them to the report. The originals will be impounded
- Attempt, if at all possible, to obtain a written statement from the suspect.

CHECK PACKET

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The following types of checks will not be accepted for criminal investigation:

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- "NSF" (non-sufficient funds) and "Account Closed" checks under five-hundred dollars (\$500.00)–Two-thousand dollars (\$2000.00)
- Checks drawn on out of area banks
- Two party checks
- Post-dated checks
- Checks that have previously been submitted for collection
- Checks that were received more than sixty (60) days prior to them being submitted for investigation
- Stop payment checks
- Counter or starter checks

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- When directed through a "Protection Order" to help pick up children, officers may:
 - Accompany the citizen to the residence/establishment where the children are being held.
 - Indicate their presence to the person(s) in charge of the children.
 - Inform the party(s) of the Protection Order and its provisions.
 - Request the children be released to them.

NOTE: Officers shall not use force or threat of arrest to transfer property or custody of children. Officers shall not assist in a transfer of residence or children if it cannot be done with the cooperation of both parties. If the party is unwilling to relinquish possession of property or children, refer the parties back to court. A contempt action may begin, but there is no criminal violation of the protection order.

3.15 COMMAND STAFF/NOTIFICATION/ MANDATORY

The Command Staff has determined they shall be notified immediately in situations. Notification shall be made through the "ODO" or operations duty officer. Those situations are:

- Shots fired, officer involved
- Injury to officer requiring medical attention
- Serious injury to another as a result of police action
- Hostage situation or a barricaded subject
- Homicide or a questionable suicide
- Armed robbery with injury or other significant factor
- Kidnapping or a missing child, when foul play is suspected
- Mass arrests in single or related incident
- Major activity of another law enforcement agency in our city
- Bomb threat to City-owned facility
- Demonstrations or labor disputes
- Sabotage of any public utility
- Unusual occurrences to include: major fire, widespread utility outage, or significant damage from manmade or natural causes

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Procedure

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all approved language provided by LWS

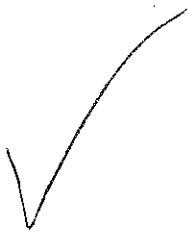
3.24 DUI INVESTIGATION

The following steps are to be followed when making a DUI arrest:

CHECKLIST:

- Observations of the violator's impaired driving are probable cause for a stop.
- Stop and contact the offending violator/driver in a safe location.
- Assess the possibility of intoxication.
- Conduct "pre-exit" sobriety tests as deemed necessary.
- Conduct standardized field sobriety tests ("FST's") outside of the vehicle in a safe location and note performance by the suspect/driver on each test to support a D.U.I. charge. At a minimum, officers shall use the **State-approved Sobriety Tests** (Walk-and-Turn, One-Leg Stand, and HGN).
NOTE: Officers should not administer FST's at the police station because doing so could create issues regarding voluntariness of the tests and/or whether the violator was "in custody" at the time of the tests. If it is not safe to administer the tests at the scene, document in the report why tests were not done and why there was sufficient PC for arrest without the tests.
- If trained in the Preliminary Breath Test instrument, administer the PBT in accordance with Training Bulletin 2003-15.
- If from the field observations, sobriety tests/FST's given and/or PBT results support the officer has PC that the person was driving under the influence of intoxicating liquor and/or had an alcohol concentration of 0.08 or higher, the charge of DUI, advise the violator/person that he/she is under arrest.
- If the person does not exhibit being under the influence of intoxicating liquor and/or the PBT result is 0.00, but the person does appear to be under the influence of a drug, consider requesting a Drug Recognition Expert (DRE) for further testing and evaluation. DRE's are available by contacting on-duty, trained Everett Police DRE's, SNOFAC or the WSP Dispatch Center. If following this further testing the officer has PC that the person was driving under the influence of a drug, advise the person that he/she is under arrest.
- Take the violator into custody.
- Upon arrest, handcuff and search the suspect-violator prior to placing in the patrol unit.
- Take photographs to support subsequent prosecution, such as photographs of the car, things in the car (beer/bottles), the accident, etc.
- Advise the suspect-violator of Miranda warnings from the department-issued card. Washington law requires that an arrested person must, as soon as practicable after arrest, be advised of the right to a lawyer. Read the warning immediately after arrest instead of waiting until arrival at the station.
- Follow impound procedures for the suspect-vehicle (this is, of course, at the officer's discretion. Even though officers have authority to impound a DUI driver's car, the officer must show that the decision to impound was reasonable under the circumstances.
- Note all "spontaneous utterances" by the suspect in the field for inclusion in the report.

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- Transport ~~suspect-violator~~ to the station for administration of a breath test. **Use the clock on the Datamaster for observation period.**
- Once transported to the station, re-advise the violator of his/her constitutional rights and implied consent warnings as written in the WSP DUI packet. ***Note any questions ~~they~~ the violator may have about the warnings.***
- If the violator refuses to sign the Rights form and/or Implied Consent Warnings, document the refusal in your report. Write "REFUSED" where the signature is required.
- Provide access to the public defender by phone if requested. The phone number is located on the wall ~~in~~ by the BAC room ~~room~~ machine.
- Administer the breath test.
- ~~Complete the D.U.I. packet and citation. Include the BAC record of breath or refusal. Complete the affidavit of breath test/refusal.~~
- ~~Issue goldenrod copy of citation and copy of breath test result.~~



~~The officer that administered the breath test must include a copy of his/her BAC card to be included in the report.~~

- Offering Blood Test instead of BAC Test:** Qualified medical personnel may draw blood when: In the event of an injured
- The violator suspect following a collision is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or
 - The violator is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility where a breath-testing instrument is not available; or
 - The officer has reasonable grounds to believe that the violator is under the influence of a drug-qualified medical personnel at the hospital may draw blood when a breath-testing instrument is not available.

Physicians, registered nurses, licensed practical nurses, nursing assistants, physician assistants, emergency medical technicians, health care assistants, and technicians trained in withdrawing blood are all "qualified medical personnel". Read the implied consent for blood in this situation when offering the blood test instead of the BAC test.

- Mandatory Blood Test:** Blood shall be taken from a driver arrested for any one of the following:
- Vehicular Homicide
 - Vehicular Assault
 - D.U.I., and the arrest results from a collision in which there has been ~~with~~ serious bodily injury to another person
 - D.U.I., and the driver is unconscious

Under these circumstances, the officer can take the driver's blood without their his/her consent, however you must read them the "Special Evidence Warning," must be read to the driver whether the driver/he/she is conscious or not.

- It is strongly recommended that if a violator has a **BAC level higher than 0.25** ~~that~~ the test be re-administered ½ hour later. If the violator's BAC level is continuing to rise, the officer shall transport the violator to a hospital for treatment.

Complete the DUI packet.


Charging Considerations:

- D.U.I. is a FELONY if the violator has 4 or more prior offenses in the previous 10 years. A "prior offense" includes a conviction for D.U.I. or Physical Control, a successfully completed deferred prosecution, and any conviction for Negligent Driving 1st Degree, Reckless Driving, or Reckless Endangerment where the charge was initially filed as DUI/Physical Control.
- If there is doubt about PC for a felony D.U.I., the officer's supervisor should contact the city prosecuting attorney.



- If there is not PC for a felony D.U.I., issue a citation, including the BAC record of breath or refusal and a copy of the test, and complete the affidavit of breath test/refusal.
- If there is not PC for either felony or misdemeanor D.U.I., the officer should consider whether there is PC to charge either Negligent Driving First Degree (RCW 46.61.5249) or Driver Under 21 Consuming Alcohol (RCW 46.61.503). Note: If the driver is under 21 and there is PC for D.U.I., the correct charge is D.U.I. Officers should charge Driver Under 21 Consuming Alcohol only if there is no PC for D.U.I.

□ Incident Report:

- Describe in detail the basis for the stop, physical observations about the driver, his/her actions (e.g. how long it took to get out his/her license), observations about the car (e.g. beer bottles inside), and passenger information, including age.
 - List all witnesses to the crime, including firefighters/medical personnel by name, anyone with whom the driver may have had contact before the stop/crash, anyone who can put the driver behind the wheel, and anyone who can describe other aspects of the crime such as the driving or conduct/actions after the stop. If a 911 caller reported the driving, include contact information for that person.
 - Include a copy of BAC card of the officer who administered the breath test
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3.23 DISCHARGE OF FIREARM BY OFFICER: NO DEATH OR INJURY

CHECKLIST:

- The patrol officer must notify the patrol supervisor whenever a firearm is discharged. The patrol supervisor shall respond to the scene whenever an officer discharges a firearm for any reason.
- The patrol supervisor shall contact the duty lieutenant as soon as possible explaining the circumstances of the discharge. (The duty lieutenant shall notify the Command Staff immediately).
- Secure the scene and search for any possible injuries and locations of projectile impact.
- If appropriate, contact the crime scene investigators to assist in determining projectile trajectories and impact. Every effort must be made to account for each discharged round.
- Obtain statements from witnesses, if appropriate.

Reports must be completed prior to the securing of duty status by officers involved.

3.24 DUI INVESTIGATION /ALCOHOL AND DRUG IMPAIRED TRAFFIC OFFENDERS

The following steps are to be followed when making a DUI arrest:

CHECKLIST:

- Observations of the violator's driving are probable cause for a stop.
- Stop and contact the offending violator in a safe location.
- Assess the possibility of intoxication.
- Conduct "pre-exit" sobriety tests as deemed necessary.
- Conduct standardized field sobriety tests outside of the vehicle in a safe location and note performance by the suspect on each test to support a D.U.I. charge. At a minimum, officers shall use the **State-Approved Sobriety Tests** (Walk-and-Turn, One-Leg Stand, and HGN).

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- If the sobriety tests given support the charge of DUI, advise the violator that he/she is under arrest.

If the subject does not exhibit alcohol influences, but still appears impaired, consider requesting a DRE (Drug Recognition Expert) for further testing and evaluation of driver.

DRE's are available by contacting on-duty, trained Everett PD DRE's, SNOPAC or WSP Dispatch Center.

- Take the violator into custody.
- Upon arrest, handcuff and search the suspect prior to placing in the patrol unit.
- Advise suspect of Miranda warning from department-issued card.
- Follow impound procedures for the suspect vehicle (this is, of course, at the officers discretion).
- Note all "spontaneous utterances" by the suspect in the field for inclusion in the report.
- Transport suspect to the station for administration of a breath test. **Use the clock on the Datamaster for observation period.**
- Once transported to the station, re-advise the violator of his/her constitutional rights and implied consent warnings as written in the WSP DUI Packet.
Note any questions they may have about the warnings.
- If the violator refuses to sign the Rights form and/or Implied Consent Warnings, document the refusal in your report. Write "REFUSED" where the signature is required.
- Provide access to public defender by phone if requested. The phone number is located on the wall in the BAC room.
- Administer the breath test.
- Complete the D.U.I. packet and citation. Include the BAC record of breath or refusal. Complete the affidavit of breath test/refusal.
- Issue goldenrod copy of citation and copy of breath test result.

[Handwritten notes and signatures on the right side of the page, including "DUI" and "BAC" written vertically.]

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3.?? IDENTITY THEFT

Officers responding to reports of thefts of checks, mail or wallets, where the complainant has received notice that their credit cards, identification, social security number or other identifying financial records have been used, are to complete a police incident report identifying this as a felony Identity Theft. Additional crimes associated with Identity Theft include credit /debit (access card) theft, burglaries where financial or identifying information is stolen or car prowls where financial or identifying information was stolen.

IDENTITY THEFT REPORT REQUIREMENTS:

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J.C.

- Allows a person who believes that his/her financial information or means of identification has been illegally obtained, used, or disclosed to another to commit, aid or abet a crime, to file an incident report with law enforcement
- Law enforcement must create the report and provide the victim with a copy
- Law enforcement agency may refer the report to another agency
- Law enforcement agency is not required to investigate or count the report as an open case for statistical purposes

Taking a report is mandatory when the victim lives in Everett or when the crime occurred in Everett. For purposes of Identity Theft the victim can be a person or place of business depending on who owns the identification or financial information used. Officers are not to utilize a matter of record report form for any Identity Theft crime reports. The victim will be directed to the Records/Public Disclosure Unit for assistance with requesting a copy of the incident report. The Records/Public Disclosure Unit will prioritize identity theft victim public records requests.

Although taking a report is mandatory as described above, normal police department protocols will determine whether or not the matter is assigned to a detective and/or counted as an open case for statistical purposes.

Checklist:

- Create an incident report
- Obtain the victim's statement
- Obtain statements from bank tellers and other witnesses if possible
- Obtain related bank information and/or other financial documentation
- Make sure account numbers are noted on bank records or victim statements
- Direct the victim to the records/public disclosure unit for assistance if he/she requests a copy of the incident report
- Officers shall provide handouts on Identity Theft referring the victim to the three nationwide consumer reporting companies for a fraud alert
 - Equifax

- Experian
 - TransUnion
- Recommend that the victim close any accounts that have been tampered with
- Attempt to secure any other related evidence, ie: i.e. video surveillance tapes from banks, stores or other retail outlets

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Intellect
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3.?? IDENTITY THEFT

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Officers are not to utilize a matter of record report form for any Identity Theft crime reports.

Checklist:

- Obtain the victim's statement
- Obtain statements from bank tellers if possible.
- Obtain related bank information
- Make sure account numbers are noted on bank records or victim statements.
- Officers may provide handouts on Identity Theft referring the victim to the three nationwide consumer reporting companies for a fraud alert
 - Equifax
 - Experian
 - TransUnion
- Recommend that the victim close any accounts that have been tampered with.
- Attempt to secure any other related evidence ie: video surveillance tapes from banks, stores or other retail outlets.

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CASE ACTIVATION AND DECONFLICTION PROCEDURE

Purpose

The Everett Police Department recognizes the importance of deconfliction and the sharing of information with other law enforcement agencies. Deconfliction and proper case activation procedures will enhance officer safety and efficiency of criminal investigations. As such, the following procedure will be adhered to when executing a planned operation or conducting a felony level criminal investigation. In most instances this procedure will not apply to general patrol level investigations.

Definitions

Deconfliction: A process that law enforcement officers rely upon to enhance their safety. By notifying a central location of a planned event prior to its execution, officers will not accidentally target another law enforcement officer or compromise another investigation.

Planned Operation: Any tactical activity or operation that requires a personal appearance at a predetermined location. These activities include, but are not limited to, the service of search and arrest warrants, narcotics purchases or sales, and sting operations.

Western States Information Network (WSIN): A centralized information system located in Sacramento, California, where law enforcement agencies report information regarding the identification of criminal suspects and conduct deconfliction for planned operations. ✓

Deconfliction Procedure

The assigned detective or officer shall report all planned operations to the WSIN Watch Center either by telephone (1-800-952-5258) or if a remote user, via the internet at least two hours prior to the planned operation. This deconfliction service is provided 24 hours a day, 7 days a week. The assigned detective or officer will provide the following information at a minimum to the Watch Center:

1. Date and time of planned operation;
2. Nature of the operation;
3. Location of operation, including any staging areas;
4. Information about the suspect(s), including full names, aliases or street names, physical descriptors, vehicle information, telephone and pager numbers;
5. Lead and participating agency names;
6. Name and office of the assigned detective, including cellular telephone number

The detective or officer should request notification of any other planned law enforcement activities occurring within 1 mile of the planned operation. Should the WSIN Watch Center detect another law enforcement activity occurring within the distance specified by

the detective or officer of the planned operation, WSIN will notify both law enforcement agencies and encourage contact with one another to de-conflict.

The assigned detective or officer shall notify their direct supervisor that notification to WSIN has been made. The assigned detective or officer shall also ensure that the appropriate sector supervisor is aware of the planned operation.

This deconfliction procedure applies to not only Investigative Units, but also to other departmental units that engage in planned operations such as the Tactical Unit and the Anti-Crime Team. A WSIN Deconfliction check box has been added to the notification and checklist portion of the "Event Ops Plan," located on the S-drive under the "Ops Plans" folder.

Any exemption or deviation from this procedure or a request from a detective or officer to maintain a higher level of confidentiality shall be considered on a case by case basis and approved only by the Chief of Police or his designee.

Case Activation Procedure

Upon the assignment of an active felony investigation on a named suspect, detectives shall run all suspects through both the WSIN and LInX databases.

In cases meeting the criteria outlined below, detectives shall enter the suspect and all associated suspects and case identifiers to the WSIN database. This notification shall take place by either entering the information directly into the WSIN database via the internet or by telephoning the WSIN Watch Center (1-800-952-5258). If the detective discovers that no previous record of the suspect exists in WSIN, the detective will proceed with the new entry. If the detective discovers that a record of the suspect already exists in the WSIN database, the detective will link the new information to the existing record and WSIN. ✓

Entry into the WSIN database should be guided by, but not necessarily limited to the following types of cases:

1. Suspects are known gang members. This should also include any intelligence information pertaining to the gang members;
2. Suspects or groups engaged in on-going criminal activities involving serial property crimes such as auto theft rings, financial crime rings, burglary rings, and organized retail theft;
3. Suspects in high profile cases such as homicide investigations, robberies, and hate crimes.

This list is not designed to be all inclusive. Detectives shall consult with their direct supervisor if there is any doubt over whether or not to make an entry.

A Case Activation checkbox will be added to the Detective Division Case Checklist that accompanies all detective case files. This box will be checked only after a suspect has been run through both the WSIN and LInX databases and an entry made into WSIN if applicable. Data upload for LInX is done automatically, so there is no need for officers or detectives manually input this data.

Dissemination

The WSIN database has three levels of confidentiality: full release, limited release, and no release (restricted). Detectives making entries in to WSIN may select either full or limited release. Before any entry is labeled as no release or restricted, it must first be reviewed and approved by a supervisor. As noted above, any exemptions to the case activation procedure must be reviewed on an individual basis and approved by the Chief of Police or his designee.

The information submitted to the WSIN database remains the property of the submitting agency, which controls the input and dissemination of its information in accordance with current laws and the agency's disclosure policies. A controlling agency must grant written permission for disclosure of its information by another law enforcement agency. ✓

Intelligence Sharing

Generally, authorized personnel may only enter "general intelligence" into the WSIN database in accordance with Title 28, Part 23, Code of Federal Regulations (28 CFR Part 23). There must be reasonable suspicion that an individual is involved in criminal activity or conduct and that the information is relevant to that criminal activity or conduct. No criminal intelligence information shall be maintained or collected based solely upon political, religious, or social views associations, or activities of any individual or any group or organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

Training and Access

All detectives, officers and administrative staff with assignments that could require them to perform case activation or deconfliction should receive WSIN training enabling them to navigate through the computer program as well as obtain security access to the system. Detectives, officers or administrative staff who do not have WSIN training and/or security access to the WSIN system will partner with a detective/officer who does have training and access to comply with the case activation requirements of this procedure.