

DRAFT

Related Current Section of Everett Police Department Procedure with Revisions to Clarify (housekeeping changes to resolve concerns realized as this policy was being created):

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~~ may be notified of their detention and that such office may provide them with assistance. Although in most cases the circumstances that trigger the Vienna Convention will be a custodial arrest, officers are required to follow this procedure anytime a subject is detained for longer than is typically necessary to cite and release.

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

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Section 2 ARREST & DETENTION

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Arrest of Foreign Nationals	2.09
<small>Response to Crimes or Domestic Violence Incidents Involving EPD Employees or Officers from Other Law</small>	
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DNA Collection	2.11

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2.08 ~~BOOKING PAPERWORK~~ ~~SUPERFORM~~ PROBABLE CAUSE/SUPERFORMS

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 or non-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)~~
- 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 results 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 of conclusion.

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Filing of Probable Cause/Superforms:

Upon investigation of any offense where the suspect has been identified, yet is still at large, and the officer has probable cause for the suspect's arrest, the investigating officer or detective will prepare a Superform with sufficient information to support the charge. The Superform with the Probable Cause statement included is referred to in this procedure as the "PC/Superform."

Officers' and detectives' PC/Superforms will be reviewed and approved by a supervisor. Once the supervisor has approved and initialed the PC/Superform the supervisor will

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bring the original to the Records Unit and request that it be scanned into a folder on the S-drive entitled "Probable Cause/Superforms." It is the responsibility of the Records Unit to scan the PC/Superform into the electronic folder and place the original in a file folder maintained within the Records Unit. The Records Unit must route a photocopy of the PC/Superform to both the Major Crimes sergeant and the City Prosecutor's office. Officers will note in their narrative that they completed a PC/Superform that was submitted to the Records Unit for entry.

The investigations division will designate a point of contact (POC) to monitor the PC/Superforms submitted to the Records Unit. The Major Crimes sergeant will give the POC all PC/Superforms after they have been reviewed. It is then the responsibility of this POC to communicate with detectives and the prosecutor's office to ensure the PC is still valid.

For felony cases that have been assigned to an investigator, the assigned detective is responsible for (1) reviewing the PC/Superform upon receiving the case assignment; and (2) if through further investigation determines that the PC needs to be updated or removed, ensuring that it is updated or removed as appropriate. The detective will also notify the designated POC of any changes in the status of the PC/Superform.

The PC remains valid for cases that are being forwarded to the prosecutor's office. If after review the prosecutor's office declines a case, they will send the designated POC a decline notice. The POC will then immediately notify the Records Unit to pull the PC/Superform from both folders.

The PC/Superform will remain in both folders for 45 days. At the end of 45 days the POC will notify the Records Unit to remove the PC/Superform from both folders. If an officer or detective requires a PC/Superform to remain beyond this time period, their supervisor must approve the extension and notify the designated POC. In these cases the POC will not have the Records Unit remove the PC/Superform from the files.

For misdemeanor PC cases where the subject has been identified but is still at large, the officer submitting the PC/Superform will not complete a criminal citation. Instead, the citation will be issued if and when the subject is arrested on the PC. If an arrest is made by another agency based on Everett's misdemeanor PC, any available Everett officer can issue the citation at the jail. The officer will complete a follow up report and make the appropriate notifications as outlined below.

If any felony or misdemeanor suspect is arrested by an EPD patrol officer or detective based upon a PC/Superform, he/she will print the PC/Superform from the electronic folder and book the suspect into jail. That officer or detective is responsible for then notifying the Records Unit of the arrest and requesting that the Records Unit remove the PC/Superform from both the electronic and hard copy folders. Notification to the Records Unit shall be as soon as practical under the circumstances, but in every case before the end of the arresting officer's shift. Documentation of the arrest and request to remove the PC/Superform from the database will be included in the arresting

officer's/detective's follow-up report. An officer making arrests based upon a PC/Superform will also notify the General Investigations lieutenant, Major Crimes sergeant, and the investigations designated POC of the arrest via email.

Probable Cause Sheets Narratives/ Superforms:

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See Procedure 2.08: Probable Cause/ Superforms

~~Upon investigation of any offense where the suspect has been identified, yet is still at large, and the officer has probable cause for the suspect's arrest, the investigating officer or detective may prepare a Superform with sufficient information to support the charge.~~

~~This Superform will be reviewed by and approved by a supervisor and the officer or detective will bring the original Superform to the Records Division and request that it be scanned in to a folder on the S drive entitled, "Probable Cause/ Superforms". It will be the responsibility of the Records Division to scan the Superform in to the electronic folder and place the original in a file folder maintained within the Records Division. The Records Room must route a photocopy of the Superform to the Investigations Division for tracking purposes.~~

~~The electronic copy of the Superform will remain in both folders for 45 days unless the suspect is arrested prior to that time or there is exculpatory information discovered on behalf of the suspect named that invalidates the PC.~~

~~At the end of 45 days, the assigned detective will request that Records remove the Superform unless after reviewing the case, the assigned detective wishes to retain the Superform in the folders for an additional 45 days. Retention of any Superform beyond 90 days needs the approval of the assigned detective's supervisor. It will be the responsibility of the assigned detective to track their Probable Cause/ Superforms and request timely removal from the electronic folder in accordance with this procedure.~~

~~If a suspect is arrested by a patrol officer or detective based upon the Probable Cause/ Superform, that officer or detective is responsible for notifying the Records Division of that arrest and requesting that Records remove the Probable Cause/ Superform from the electronic folder. Notification to the Records Division shall be as soon as practical under the circumstances, but in every case before the end of the arresting officer's shift. Documentation of the arrest and request to remove the Probable Cause/ Superform from the database will be included in the arresting officer's/ detective's follow up report. Patrol officers making arrests based upon Probable Cause/ Superform should also make all reasonable efforts to notify the assigned detective of the arrest.~~

Probable Cause Narratives

See 2.08 Booking Paperwork - Superform