

16.0 PADT-FELONY DRUG OFF-LIMITS ORDERS (PROTECTED AREAS AGAINST DRUG TRAFFICKING-AREA)

PADT-A felony drug off-limits orders may only be issued against drug traffickers a person who have-has been previously convicted of a felony drug offense, and who is are-subsequently arrested for another felony offense under RCW 69.50 or 69.52 that involves manufacture, distribution, or possession with intent to manufacture or distribute. within the city. The order, which will only be issued in District or Superior Court, enjoins the person from entering or remaining in a Protected Against Drug Trafficking (PADT) area that will be designated in the order and a copy forwarded to S.I.U. for further distribution. S.I.U. will maintain records and notify other units or divisions in much the same manner as is now done with SOAP orders. Monthly updates with photographs will be distributed and a PADT Book will be maintained in both the North and South Sector, Patrol Call Room. A felony drug off-limits order can be issued as a result of a civil action against the person (e.g. a nuisance abatement action) or as a result of the felony drug case against the person. A felony drug off-limits order, similar to a SOAP, GEO or SODA order, can be issued in the criminal case as a pretrial order, setting conditions of pretrial release, or as a post-conviction order, setting conditions of sentencing.

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If a felony drug off-limits order is issued that requires the subject to remain out of a PADT that is located within the Everett city limits, a copy of the order will be forwarded by the court to the Everett Police Department and must then be promptly entered into RMS

- Willful Violation of a Valid Felony Drug Off-Limits Order is a gross misdemeanor. Violators of Felony Drug Off-Limits Orders should be cited as follows:

EMC 10.38.020 – Violation of Felony Drug Off-Limits Order

If the person is booked for Violation of Felony Drug Off-Limits Order, the bail amount is \$1,000.

If a subject is convicted for violating a valid PADT order, the first offense will constitute a gross misdemeanor under the City Ordinance, while a

- Willful Violation of a Valid Felony Drug Off-Limits Order where (a) the PADT in the order is within 1000 feet of a school or (b) the subject has previously been convicted of this offense is a second or subsequent convictions will be Class "C" felonies felony.

If the person is booked for a class C felony Violation of Felony Drug Off-Limits Order, the bail amount is \$10,000.

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Specified PADT areas are:

- (1) North Broadway Area. The entire area extending from the 700 block to the 1100 block of North Broadway, and two blocks east and west of this area of North Broadway.
- (2) Broadway Area. The entire area extending from the 1000 block to the 3100 block of Broadway and two blocks east and west of this area of Broadway.
- (3) Evergreen Way Area. The entire area of Evergreen Way extending from the 4700 block to the south city limits, and two blocks east and west of this area of Evergreen Way.
- (4) Hewitt Avenue Area. The entire area from the 1000 block to the 3200 block of Hewitt Avenue, and three blocks north and south of this area of Hewitt Avenue.
- (5) Rucker Avenue Area. The entire area of Rucker Avenue extending from Everett Avenue to the 4600 block of Rucker Avenue, and two blocks east and west of this area of Rucker Avenue.
- (6) Everett Mall Area (Mall Property). The entire area bordered on the south by 104th Place Southeast, on the west by 7th Avenue Southeast, on the north by Southeast Everett Mall Way, and on the east by Interstate 5.

To assist the Prosecutor's Office, they ask that if an individual is arrested pursuant to RCW 69.50 or 69.52 and a PADT order is needed or should be issued, please indicate so on the booking paperwork for arraignment and in the actual case report for sentencing upon conviction.

Violators of PADT orders should be cited as follows:

_____ ORD.2197-97, sec. 2

_____ Violation of a PADT orders

If the violation is committed in the officer's presence, the violator may be arrested and booked. Bail amount of \$1,000.00.

16.01 SOAP ORDERS – (STAY OUT of AREAS of PROSTITUTION)

SOAP orders prohibit persons from being in certain high crime areas in the city. SOAP orders may be issued by Everett Municipal Court to anyone **charged with** one of the following crimes, as a condition of pretrial release:

- (1) Prostitution
- (2) Soliciting for a lewd act
- (3) Prostitution loitering, or
- (4) Patronizing a prostitute under chapter 10.24 of this code as a condition of probation

SOAP orders may also be issued by the Everett Municipal Court to anyone **convicted of** one of the following crimes, as a condition of suspension or deferral of sentencing conditions:

- (1) Prostitution
- (2) Soliciting for a lewd act
- (3) Prostitution Loitering, or
- (4) Patronizing a prostitute under chapter 10.24 of this code as a condition of probation

Records Unit personnel will enter SOAP orders into the Records Management System (RMS).

If a police officer has probable cause to believe that a person has received is subject to a SOAP order, knows of the order, **and, in the officer's presence is seen** violating or failing to comply with the any requirement or restriction imposed by the order, such the officer may arrest the violator without a warrant.

NOTE:

- No arrest for Violation of a SOAP order will be made without first confirming that the order is in effect
- No arrest for Violation of a SOAP order will be made if the person is in a prohibited area participating in a scheduled court hearing or attending a scheduled meeting with his/her legal counsel
- Even if a SOAP order is on the standard form, the issuing judge might have made changes to the order.
- A person is deemed to have notice of the SOAP order when his/her signature or the signature of his/her attorney is affixed to the bottom of the order
- Any incident report documenting Violation of a SOAP order must include a copy of the order.

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Violation of a SOAP order is a Misdemeanor-gross misdemeanor and conviction of this offense carries mandatory minimum jail terms and mandatory minimum fines. Violators of SOAP orders should be cited as follows;

EMC 10.24.210 – Violation of a SOAP order

If the person is booked for Violation of SOAP order, the bail amount is \$500.

Records personnel will enter SOAP orders into the Records Management System (RMS). If an officer observes a person that is subject to a SOAP order in an area where they are prohibited from being, **the officer will:**

- (1) Confirm that the order is still in effect.
- (2) Arrest the person with the SOAP order and book them into jail.
- (3) Book the arrested person for "Violation of a SOAP Order." Bail will be set at \$500.00.
- (4) Write a report and route that report to the City Prosecutor's Office.
- (5) Attach a copy of the SOAP order to the report.

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16.02 GEOGRAPHICAL EXCLUSION ORDERS, SODA ORDERS – (STAY OUT OF DRUG AREAS)

Municipal Court judges may issue written orders to criminal defendants describing conditions of their pretrial release or the post-conviction conditions of suspension or deferral of their sentences. The two types of these orders are:

- (1) Geographical Exclusion Order (GEO) – an order excluding the subject of the order from an area determined by the judge, as written in the order; or
- (2) Stay Out of Drug Areas Order (SODA) – an order that specifically orders the subject of the order to stay out of areas that are pre-determined by City Code to have a high level of illegal drug trafficking. ~~SODA orders prohibit persons from being in certain high-crime areas in the city.~~

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~~SODA orders may be issued as a:~~

- ~~(1) Condition of pre-trial release~~
- ~~(2) Condition of probation after conviction~~

Records personnel will enter GEO's and SODA orders into the Records Management System (RMS).

~~These orders will most often be issued as a result of a person being arrested on a drug-related offense. If a police officer has probable cause to believe that a person is subject to a GEO or SODA order, knows of the order, and, in the officer's presence, is violating or failing to comply with any requirement or restriction imposed by the found in violation of a GEO or SODA order, the officer may be arrested and booked, as directed in the court order the violator without a warrant.~~

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~~Records personnel will enter SODA orders into the Records Management System (RMS). If an officer observes a person that is subject to a SODA order in an area where they are prohibited from being, the officer will:~~

NOTE:

- ~~No arrest for Violation of a GEO or SODA order will be made without first confirm~~ confirming that the order is still in effect
 - No arrest for Violation of a GEO or SODA order will be made if the person is in a prohibited area participating in a scheduled court hearing or attending a scheduled meeting with his/her legal counsel
- ~~(+) Even if a GEO or SODA order is on the standard form, the issuing judge might have made changes to the order~~
- ~~(2) A person is deemed to have notice of the GEO or SODA order when his/her signature or the signature of his/her attorney is affixed to the bottom of the order. Arrest the person with the SODA order and book them into jail~~
- An incident report documenting Violation of a GEO or SODA order is routed to the City Prosecutor's office and must include a copy of the order

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Violation of a GEO or SODA Order is NOT a new criminal offense. Violation is analogous to contempt of court and subjects the offender to being jailed until trial (pre-trial release order) or being sentenced to additional jail and/or fines (post-conviction order). Violators of SODA orders should be cited as follows:

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Violators should be booked as follows:

~~(3) Book the arrested person for EMC 10.13.030 SODA "Probation (Violation/SODA Municipal Ordinance.) The jail's code is under "RCW 35.00.00 Viol. Municipalities Code." If the person is booked for SODA Violation Municipal Ordinance, Bail will be set at the bail amount is \$1,000.00~~

- ~~(4) Write a report and route it to the City Prosecutor's Office.~~
- ~~(5) Attach a copy of the SODA order to the booking report.~~
- ~~(6) **DO NOT** issue a citation for violation of SODA orders.~~

The following areas have been identified to **usually be included** in the SODA orders:

- ~~(1) **North Broadway Area.** The entire area extending from the 700 block to the 1100 block of North Broadway, and two blocks east and west of this area of North Broadway.~~
- ~~(2) **Broadway Area.** The entire area extending from the 1000 block to the 3400 block of Broadway, and two blocks east and west of this area of Broadway.~~
- ~~(3) **Evergreen Way Area.** The entire area of Evergreen Way extending from the 4700 block to the south city limits, and two blocks east and west of this area of Evergreen Way.~~
- ~~(4) **Hewitt Avenue Area.** The entire area from the 1000 block to the 3200 block of Hewitt Avenue, and three blocks north and south of this area of Hewitt Avenue.~~
- ~~(5) **Rucker Avenue Area.** The entire area of Rucker Avenue extending from Everett Avenue to the 4600 block of Rucker Avenue, and two blocks east and west of this area of Rucker Avenue.~~
- ~~(6) **Everett Mall Area (Mall Property).** The entire area bordered on the south by 104th Place Southeast, on the west by 7th Avenue Southeast, on the north by Southeast Everett Mall Way, and on the east by Interstate 5.~~
- ~~(7) Any other currently documented locations of narcotics activity.~~

Officers may use the EPD form titled "Request for Notice of Case Result" form (PD-186) to give the City Prosecutor's Office information, which may be inappropriate to include in the police report. Such information may include:

- (1) The officer's opinion on whether a person charged with a drug-related or other crime should be subject to a SODA order or a GEO.
- (2) Intelligence information about a person who should be subject to a SODA order or a GEO.