

	Number: BPD - 0300	Pages: 8
	Effective Date: 1/30/2015	Amends/Rescinds: v.1/02/2015
	Review: Annually	
	Approving Authority: Chief	
WASPC Standard(s):	Subject: Arrests With and Without Warrant, Alternatives to Arrest, and Treatment of Prisoners	

300.1 GENERAL POLICY

The Bothell Police Department is responsible for the proper care and custody for all arrestees and prisoners that are detained by Bothell Police officers during the course of their lawful duties. When a crime has been committed, it is the responsibility of officers of the Police Department to initiate a prompt and thorough investigation to identify and arrest the violator if possible. In carrying out these responsibilities, officers will not infringe upon the constitutional rights of any individual. Officers will be responsible for advising suspects and arrestees of their constitutional rights based on guidelines from the United States and Washington State Supreme Courts. When making an arrest, officers will search suspects carefully and thoroughly, and take possession of all weapons, evidence, and contraband located. During the course of the arrest, detention and transportation, officers will not physically or verbally mistreat or harass any individual taken into custody. Medical treatment will be provided whenever a person taken into custody is ill or injured. Officers will take all precautions to prevent an escape, injury to themselves or others, or damage to city or personal property.

300.2 ARRESTS UNDER AUTHORITY OF A WARRANT

Access to warrant information is available on a 24-hour basis through the Communications Center. All warrants must be verified/confirmed prior to service.

Felony arrest warrants issued by King County and Snohomish County Superior Courts are valid within the United States.

Misdemeanor arrest warrants issued through a district court or municipal court are valid statewide. An expiration date will be indicated within if applicable.

Violations of civil anti-harassment (RCW 10.14), civil protection orders (RCW 26.50), civil restraining orders, and criminal no-contact orders (RCW 10.99), are criminal offenses.

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 0300	PAGE 2 of 8
SUBJECT: Arrests With and Without Warrant, Alternatives to Arrest, and Treatment of Prisoners		EFFECTIVE DATE: 1/30/2015

Officers may be mandated to make an arrest in accordance with the domestic violence statutes. If an arrest is not mandated by law, the officer may cite and release or charge through investigation based on discretion and current Department guidelines.

Warrant in officer's possession:

Officers making an arrest pursuant to a warrant must:

- Inform the arrestee that the officer is acting under the authority of a warrant; and
- Show the arrestee the warrant

Warrant not in officer's possession

Officers making an arrest pursuant to a warrant that is not in the officer's possession at the time of the arrest must advise the arrestee that:

- The officer is acting under the authority of a warrant; and
- The warrant, or a copy thereof, will be shown to the arrestee as soon as possible upon arrival at the place of intended confinement

Service of warrants in another jurisdiction

If an officer intends to serve a warrant(s) in another jurisdiction, the officer must notify the agency of jurisdiction prior to service of:

- The intent to serve
- The warrant type
- Any anticipated difficulties

The officer may request the presence of the agency's officers at service. If the agency is unable to assist the execution may proceed without their presence.

Criminal Process

All officers must follow statutory and case law guidelines when executing criminal process, which includes arrest and search warrants and other judicially issued process to compel a person to answer for a crime.

300.3 ARREST WITHOUT WARRANT

Felony Arrests

Officers, having probable cause to believe that a person has committed or is committing a felony, have authority to arrest the person.

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 0300	PAGE 3 of 8
SUBJECT: Arrests With and Without Warrant, Alternatives to Arrest, and Treatment of Prisoners		EFFECTIVE DATE: 1/30/2015

Misdemeanor/Gross Misdemeanor Arrests

Officers may only arrest a person without a warrant for the commission of a misdemeanor or gross misdemeanor when the offense is committed in the officer's presence. However, Officers having probable cause to believe that a person has committed or is committing any of the following misdemeanors or gross misdemeanors may arrest a subject even if the officer was not present:

RCW 10.31.100 Exceptions:

Criminal

Assault
Threats of Harm to Persons/Property
Harassment
Indecent Exposure
Trespassing
Malicious Mischief
Theft
Dangerous Weapon at School
Interference with Health Care
Possession of Marijuana
Minor In Possession of Alcohol
DV Orders (including Anti-Harassment)

Traffic

Hit & Run
Reckless Driving
Negligent Driving
DUI
Physical Control
DWLS
NOI for Traffic Accident
Operating Boat recklessly, intoxicated

300.4 TRAFFIC ARRESTS

Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws will have the authority to arrest the person:

- RCW 46.52.010, relating to duty on striking an unattended car or other property

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 0300	PAGE 4 of 8
SUBJECT: Arrests With and Without Warrant, Alternatives to Arrest, and Treatment of Prisoners		EFFECTIVE DATE: 1/30/2015

- RCW 46.52.020, relating to duty in case of injury or death of a person or damage to an attended vehicle
- RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles
- RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs
- RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked
- RCW 46.61.524, relating to operating a motor vehicle in a negligent manner in the 1st degree

An officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.12.025 (Operation of a vessel in a reckless manner, or under the influence of intoxicating liquor) will have the authority to arrest the person.

Officers may act upon the request of another law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer will give an officer the authority to take appropriate action under the laws of the state of Washington.

300.5 ALTERNATIVES TO ARREST AND CONFINEMENT

Use of Discretion

The proper use of discretion is an important aspect of law enforcement and is predicated on good judgment. The use of discretion requires that an officer make responsible decisions which can withstand scrutiny by the Department, the community, and other jurisdictional components of the criminal justice system and the community itself.

It is necessary that sworn officers exercise discretion when dealing with their many duties. The use of discretion must be soundly based upon law, Departmental directives, experience and training as applied to the facts and circumstances facing the officer at the time. Therefore, officers must correctly interpret laws and Department directives. Officers shall realize that the use of discretion is not permitted when certain activities are mandated by statutes, department directives or supervisory direction. Officers shall seek direction from their supervisor when the appropriate course of action is in doubt.

Officers have discretion and must exercise good judgment in the selection of an appropriate alternative to an arrest. Therefore, it is important to be aware of the alternatives to arrest and confinement. Alternatives of this nature include:

- Traffic citations or NOI's
- Non-traffic complaints

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 0300	PAGE 5 of 8
SUBJECT: Arrests With and Without Warrant, Alternatives to Arrest, and Treatment of Prisoners		EFFECTIVE DATE: 1/30/2015

- Criminal citations
- Warnings
 - Verbal warnings are used for minor traffic and ordinance violations. Warnings should not be used for major violations specifically addressed in a written directive.
- Referral
 - Referral is the practice of directing a matter to another departmental component, City department, government agency or social service organization.
- Informal resolution
 - Informal resolution is the practice of resolving problems without arrest, citation or referral. Examples of informal resolution may include education on traffic or other law for minor violations, mediation between parties involved in simple disputes or disagreements, or where the investigating officer determines that inadequate probable cause exists to take enforcement action. Officers will seek direction from their supervisor when the appropriate course of action is in doubt.

Officers must consider the following factors when exercising alternatives to arrest:

- The presence or absence of probable cause
- The level of cooperation by victims and witnesses
- Existing law and the elements of the offense
- The severity of the offense
- Available regional, community and Department resources
- Department written directives and orders

300.6 MULTIPLE ARRESTS SITUATIONS

It is the intent of this section to streamline arrest and booking procedures for Bothell Police officers encountering a mass arrest situation either through civil disturbances, demonstration, riots, mutual aid in another jurisdiction, or any other out-of the ordinary situation. Officers involved in a multiple (or mass) arrest situation shall not lessen the degree of probable cause required to make an arrest, or change the manner in which individuals are interacted with. It is the responsibility of each arresting officer to ensure that each arrest is based on lawful grounds and be able to withstand the legal process.

The supervising officer in charge of an occurrence (requiring multiple/mass arrests) can (if necessary) appoint arrest teams to take suspects into custody, processing teams (located at a pre-determined processing location) to assist with identification of suspects, processing of the necessary paperwork, and transportation to the primary booking facility.

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 0300	PAGE 6 of 8
SUBJECT: Arrests With and Without Warrant, Alternatives to Arrest, and Treatment of Prisoners		EFFECTIVE DATE: 1/30/2015

Officers should attempt to make advance notification to the primary booking facility of multiple/mass arrest situations.

300.7 TREATMENT OF PRISONERS

Prisoners will be treated in a fair and humane manner at all times. They will not be subjected to verbal abuse or to physical force other than may be required in subduing violence or assuring detention. No officer will strike a prisoner or suspect except as may be necessary in the prevention of an escape, or in self-defense, or in the prevention of violence to another person. Officers will not expose prisoners to unnecessary hazards.

Caution in Handling Prisoners and Suspects

Officers will be cautious in the arrest and detention of prisoners or suspects and will take all necessary precautions to prevent an escape or the carrying of weapons on such person/s after their arrest.

Officers will not place items or objects adaptable for use as weapons or permit such items or objects to remain unattended in any location where they would be readily accessible to prisoners, suspects, or suspicious persons.

Prisoner Searches

Officer safety and public safety are of paramount importance when transporting an in-custody prisoner. Whenever an officer makes an arrest or receives someone who is in custody, it is the arresting/receiving officer's responsibility to search the subject for weapons or contraband prior to transportation.

A thorough pat down search will be conducted on prisoners each time they are out of the custodial officer's immediate control or there is a change in custodial officer. The search shall include determination of the contents of all pockets and clothing articles.

Whenever possible, when searching a prisoner of the opposite sex, officers shall obtain the assistance of an officer of the same sex as the prisoner. If an officer of the same sex is not available, officers shall, whenever possible, have another officer witness the search.

Searching a prisoner of the opposite sex does not relieve officers of the responsibility of ensuring that prisoners are unarmed, and not in possession of contraband prior to transportation.

Sick, Injured, and Disabled Prisoners

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 0300	PAGE 7 of 8
SUBJECT: Arrests With and Without Warrant, Alternatives to Arrest, and Treatment of Prisoners		EFFECTIVE DATE: 1/30/2015

Any prisoner complaining of sickness or injury, or who, in the judgment of the officer, appears to be sick or injured, whether complaining of same or not, will be treated as follows:

- The prisoner will, if possible, be processed and released in the field if a full booking procedure is not absolutely necessary.
- The transporting officer will request Fire EMS to respond to the prisoner's location. Based upon EMS recommendation, the prisoner will be administered first aid by the aid crew, or transported to a hospital emergency room. If prisoners have insurance providing medical care at a local medical care facility, they may be treated by that facility, if they request and it is practical to do so.
- The sick or injured prisoner will be transported to a medical care facility by the EMS vehicle or ambulance. An officer will accompany the prisoner if transported by EMS vehicle or ambulance.
- The transporting officer will write a report to document any medical attention or first aid given to a prisoner, including the dates, times, places, and names of the provider(s). The report will be filed with the case report. A copy of the EMS unit report will be included in the case if EMS units are able to provide it.
- If a prisoner requires hospitalization or dies in custody, a supervisor will be immediately notified. The supervisor will then make a determination if a command officer will be notified immediately.

A sick or injured prisoner will be transported in a police vehicle only after clearance by EMS personnel or an examining physician. Transport of a sick or injured prisoner in restraints in a police vehicle is a decision left to the transporting officer.

A sick or injured prisoner in custody for a crime of violence will be restrained as much as is consistent with their sickness or injury. Any sick or injured prisoner transported in a police vehicle must have their hands handcuffed behind their back or handcuffed in front utilizing a belly chain or functional equivalent.

If a prisoner is so physically and/or mentally handicapped that the officer feels the prisoner cannot be safely transported in a police vehicle, EMS vehicle, or ambulance, an alternative means of transport, such as the prisoner van may be considered. The officer will notify the on-duty supervisor of such decision.

Prior to transporting a physically or mentally handicapped prisoner or a prisoner wearing a prosthetic device to a custodial facility, other than our own, the transporting officer should contact that facility and advise them of the prisoner's condition so that any special

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 0300	PAGE 8 of 8
SUBJECT: Arrests With and Without Warrant, Alternatives to Arrest, and Treatment of Prisoners		EFFECTIVE DATE: 1/30/2015

arrangements may be made at the facility prior to the prisoner's arrival. Wheelchairs or crutches may be transported in the police vehicle, but will not be placed in that portion of the vehicle used to confine the prisoner. Additionally, prosthetic limbs that may be readily removed by the prisoner should be transported outside the prisoner confinement area.

Officers shall follow the policies set forth in BPD-0301 for prisoner transports.