

Community Caretaking

Police officers serve numerous functions in society, some of which are totally divorced from the investigation of crimes. The non-crime related duties are termed “community caretaking functions.” *Cady v. Dombroski*, 413 U.S. 433, 93 S. Ct. 2523, 37 L. Ed.2d 706 (1973).

1. Citizen-Initiated Contacts

Individuals who flag officers down for assistance are not considered seized for purposes of the Fourth Amendment. See, e.g., *Florida v. Bostick*, 501 U.S. 429, 434, 115 L. Ed. 2d 389, 111 S. Ct. 2382, 2386 (1991); *State v. Mennegar*, 114 Wn.2d 304, 787 P.2d 1347 (1996). Contacts with citizens pursuant to the community caretaking function will only constitute a seizure if a person’s movement is restrained by means of physical force or show of authority. *State v. Thorn*, 129 Wn.2d 347, 351-522, 917 P.2d 108 (1996); *State v. Stroud*, 30 Wn. App. 392, 394-95, 634 P.2d 316 (1981), review denied, 96 Wn.2d 1025 (1982), citing *United States v. Mendenhall*, 446 U.S. 544, 64 L. Ed. 2d 497, 100 S. Ct. 1870 (1980)).

2. Officer-Initiated Contacts

Various statutes require officers to assist certain vulnerable adults. See, e.g., RCW 46.61.266 (“A law enforcement officer may offer to transport a pedestrian who appears to be under the influence of alcohol or any drug and who is walking or moving along or within the right of way of a public roadway, unless the pedestrian is to be taken into protective custody under RCW 70.96A.120”); RCW 13.32A.050 (“(1) A law enforcement officer shall take a child into custody: (b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance”); RCW 71.05.150 (“A peace officer may ... take or cause such person to be taken into custody and immediately delivered to an evaluation and treatment facility or the emergency department of a local hospital: ... (b) When he or she has reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.”).

An officer does not commit a “seizure” by merely contacting a person to inquire about his or her welfare. On the other hand, any action that interferes with a person's freedom of movement is a “seizure,” even if carried out pursuant to one of these statutes. The Washington Supreme Court recently placed limits on “seizures” that are carried out pursuant to a community caretaking function. Whether the actions taken during a routine check on safety are reasonable depends on a balancing of the individual's interest in freedom from police interference against the public's interest in having the police perform a community caretaking function. Police officers may approach citizens and permissively inquire as to whether they will answer questions and whether they need aid. If police officers make a seizure for community caretaking reasons, they must limit their post-seizure questioning to that strictly relevant to the performance of the community caretaking function. The seizure must end when the reasons for initiating the routine check on safety are fully dispelled, unless the officer has a reasonable articulable suspicion of criminal activity. A citizen’s statement that he or she does not require aid from the police will serve to terminate the seizure unless objective evidence exists that contradicts the statement. Compare *State v. Kinzy*, 141 Wn.2d 373, 5 P.3d 668 (2000), cert. denied, 121 S. Ct. 843 (2001) (police exceeded the scope of community caretaking when they detained a minor who was standing on a public sidewalk in a high narcotics trafficking area on a school night with several others, including an older person believed by the officers to be associated with narcotics, after the minor demonstrated an unwillingness to speak with the police and there was no evidence of any drug activity at the time the police approached the minor); with *State v. Hutchison*, 56 Wn. App. 863, 867, 785 P.2d 1154 (1990) (police properly searched for the identification of a man they found passed out in a parking lot); *Gallegos v. City of Colorado Springs*, 114 F.3d 1024, 1029 n.4 (10th Cir. 1997) (police properly stopped a distraught man who was crying, smelled of alcohol, and had his hands over his face as he walked down a street late at night).

3. Officer Safety

During the course of a community caretaking contact, law enforcement may, without turning the contact into a seizure, take reasonable steps to ensure the safety and comfort of the participants.

a. Visibility of hands. An officer may request that the citizen take his hands out of his pockets and that the citizen keep his hands visible without converting the contact into a seizure or arrest. *State v. Nettles*, 70 Wn. App. 706, 712, 855 P.2d 699 (1993), review denied, 123 Wn.2d 1010, 869 P.2d 1085 (1994).

b. Weapon frisk. If during a consensual or community caretaking contact, a citizen behaves in a manner that causes the officer a legitimate concern for his or her safety, that officer is entitled to take immediate protective measures. *Seattle v. Hall*, 60 Wn. App. 645, 652-53, 806 P.2d 1246 (1991) (officer permitted to frisk citizen who exhibited hostile and nervous behavior and kept his hand in his pockets after voluntarily approaching officer). **Washington case law firmly establishes that an officer has a right to perform a pat down search of an individual prior to transporting that individual in his or her patrol car.** *State v. Wheeler*, 108 Wn.2d 230, 235-36, 737 P.2d 1005 (1987). Other states are in accord. See, e.g., *State v. Smith*, 112 Ariz. 531, 533-34, 544 P.2d 213 (1975) (pat-down search of citizen, prior to transporting citizen in police vehicle in non-arrest situation is reasonable, proper, and lawful for protection of officer); *Williams v. State*, 403 So.2d 453, 456 (Fla. App. 1981), review denied, 412 So.2d 471 (Fla. 1982) (officer transporting a citizen in a patrol car to a police station for a consensual interview is entitled to pat the citizen down prior to placing the citizen in the patrol car); *People v. Hannaford*, 167 Mich. App. 147, 421 N.W.2d 608, 610-11 (1988), cert. denied, 489 U.S. 1029 (1989) (an officer who provides transportation in his patrol car to the passengers of a vehicle whose driver is arrested for DUI is entitled to pat the passengers down for weapons prior to their entering the patrol car even though none of the passengers appeared armed or dangerous); *People v. Otto*, 284 N.W.2d 273, 276 (Mich. App. 1979) (permissible to frisk one hitchhiking illegally before transporting him to site where he could legally hitchhike, despite the lack of particularized concern about the officer's safety because "it is obvious that an officer whose hands are on the wheel of his own vehicle is an easy victim of an armed passenger sitting behind him"); *Commonwealth v. Rehmeier*, 349 Pa. Super. 176, 502 A.2d 1332, 1336-39 (1985), appeal denied, 516 Pa. 613, 531 A.2d 780 (1987) (a police officer who, in a non-arrest situation, properly proposes to take a citizen home in his patrol car may subject that citizen to a pat-down search for weapons despite the fact the officer has no reason to believe the citizen is armed).

4. Admissibility of Evidence

In citizen-police encounters initiated for "non-criminal non-investigatory purposes", the question of admissibility of evidence gained thereby is determined by "balancing of the individual's interest in freedom from police interference against the public's interest in having the police perform a 'community caretaking function.'" *State v. Menegar*, 114 Wn.2d 304, 313, 787 P.2d 1347 (1990); *State v. Lynch*, 84 Wn. App. 467, 477, 929 P.2d 460 (1996). The reasonableness of the officer's conduct must be analyzed in light of the particular circumstances facing the officer. *State v. Lesnick*, 84 Wn.2d 940, 944, 530 P.2d 243, cert. denied, 423 U.S. 891 (1975); *State v. Markgraf*, 59 Wn. App. 509, 513, 798 P.2d 1180 (1990). A police officer's actions are not rendered "unreasonable" simply because a defendant, with the luxury of hindsight, can identify other, less-intrusive means of accomplishing the same community caretaking function. *Lynch*, 84 Wn. App. at 478; accord *State v. Franklin*, 41 Wn. App. 409, 415, 704 P.2d 666 (1985) ("judicial review of swift decisions made by officers in the field should not come down to splitting constitutional hairs over alternative courses of action. Rather, the focus should always be on the reasonableness of the action actually taken."). **Case law has found all of the following actions to be lawful pursuant to an officer's community caretaking function:**

- Stopping a vehicle to advise a driver that items in the bed of the truck are at risk of blowing away, *State v. Chisholm*, 39 Wn. App. 864, 696 P.2d 21 (1985).
- **Searching the purse of a mentally unstable individual who has threatened suicide**, *State v. Lowrimore*, 67 Wn. App. 949, 841 P.2d 779 (1992).

- Asking a passenger if the passenger would drive the vehicle away from the scene of a DWI arrest and, if the passenger consents, requesting to see the passenger's driver's license and to the running of a computer check to determine its validity, *State v. Mennegar*, 114 Wn.2d 304, 787 P.2d 1347 (1990).
- Assisting motorists who have been locked out of their vehicles. *Hudson v. City of Wenatchee*, 94 Wn. App. 990, 995-96, 974 P.2d 342 (1999)
- Entering a defendant's bathroom without a warrant to search for drugs that might present a safety hazard to children. See *State v. Angelos*, 86 Wn. App. 253, 936 P.2d 52 (1997), *review denied*, 133 Wn.2d 1034 (1998).
- Impounding of a vehicle that is threatened by theft when neither the vehicle's owner or the owner's acquaintances are available to move the vehicle, *State v. Sweet*, 44 Wn. App. 226, 236, 721 P.2d 560, *review denied*, 107 Wn.2d 1001 (1986).
- Entering, without a warrant, those areas of a parked or stopped car that appears to have been burgled or tampered with in order to identify the owner to determine whether the owner wishes to have the police secure the vehicle, *State v. Lynch*, 84 Wn. App. 467, 929 P.2d 460 (1996).
- **Searching a semi-conscious, intoxicated individual's pockets, clothing, and wallet in order to identify the man and to locate any information regarding his health condition**, *State v. Hutchison*, 56 Wn. App. 863, 865-66, 785 P.2d 1154 (1990).
- **Searching an individual who is being civilly committed on an emergency basis for weapons, drugs, or other harmful items**. *State v. Dempsey*, 88 Wn. App. 918, 947 P.2d 265 (1997).
- Searching a purse or lost property for a clue as to the true owner. See, e.g., *State v. Kealey*, 80 Wn. App. 162, 175, 907 P.2d 319 (1995), *review denied*, 129 Wn.2d 1021 (1996); RCW 63.21.020; 3 W. LaFave, *Search and Seizure: A Treatise on the Fourth Amendment* § 5.5(d) (3d ed. 1996).
- Brief detention of juvenile, who was out after midnight on a weeknight without adult supervision, for the purpose of telephoning his mother. *State v. Acrey*, 148 Wn.2d 738, 64 P.3d 594 (2003).
- Checking upon the welfare of an individual who is seated in the driver's seat of a vehicle and who appears to be asleep or unconscious. See *State v. Knox*, 86 Wn. App. 831, 840 n. 1, 939 P.2d 710 (1997); *State v. Zubizareta*, 122 Idaho 823, 839 P.2d 1237 (1992) (no seizure where officer approached parked vehicle and requested motorist to roll down window and turn off engine); *In re Matter of Clayton*, 113 Idaho 817, 748 P.2d 401 (1988) (officer's actions to determine whether driver slumped forward in slumber in vehicle with its motor running and lights on was prudent and within officer's caretaking function); *People v. Murray*, 137 Ill.2d 382, 148 Ill.Dec. 7,11-12, 560 N.E.2d 309, 313-14 (1990) (no seizure where officer approached a car in which an individual was sleeping and tapped on window or asked the individual to roll down window; request that driver who just woke up provide identification or step out of car for purpose of determining ability to drive is proper); *State v. Kersh*, 313 N.W.2d 566, 568 (Iowa 1981) (survey of cases from other jurisdictions regarding the propriety of police opening a vehicle to determine whether an unconscious or disoriented person is in distress); *Commonwealth v. Leonard*, 422 Mass. 504, 663 N.E.2d 828, *cert. denied*, 117 S. Ct. 199 (1996) (no seizure where officer opened unlocked door of car parked in breakdown area adjacent to highway after driver failed to respond to attempts to get his attention).
- **Entering a residence without a warrant** when the premises contain **persons in imminent danger of death or harm**; objects likely to burn, explode or otherwise cause harm; or information that will disclose the location of a threatened victim or the existence of such a threat. See, e.g. *State v. Loewen*, 97 Wn.2d 562, 568, 647 P.2d 489 (1982) (medical emergency); *State v. Cahoon*, 59 Wn. App. 606, 608-09, 799 P.2d 1191 (1990), *review denied*, 116 Wn.2d 1014 (1991) (medical emergency); *State v. Barboza*, 57 Wn. App. 822, 790 P.2d 647, *review denied*, 115 Wn.2d 1014 (1990) (report of possible kidnapping); *State v. Downey*, 53 Wn. App. 543, 544-45, 768 P.2d 502 (1989) (overpowering ether odor); *State v. Bakke*, 44 Wn. App. 830, 833-34, 837-38, 723 P.2d 534 (1986), *review denied*, 107 Wn.2d 1033 (1987) (burglary in progress); *State v. McAlpin*, 36 Wn. App. 707, 716, 677 P.2d 185, *review denied*, 102 Wn.2d 1011 (1984) (search for missing gun); *State v. Nichols*, 20 Wn. App. 462, 465-66, 581 P.2d 1371, *review denied*, 91 Wn.2d 1004 (1978) (fight in progress reported); *State v. Sanders*, 8 Wn. App. 306, 310-11,

506 P.2d 892, review denied, 82 Wn.2d 1002 (1973) (entry in response to emergency call and officer's observation of suspicious activity).

- Stopping a car that is registered to a person who has been reported missing by his relatives, and asking all of the occupants of the vehicle for identification where the officer did not have a description of the missing/endangered person. *State v. Moore*, 129 Wn. App. 870, 120 P.3d 635 (2005).
- **Entering a residence, without a warrant**, to check on an **apparently nonresponsive person**, in order to determine whether the person was breathing and whether the person needed medical assistance. *State v. Hos*, 154 Wn. App. 238, 225 P.3d 389 (2010).

Protective Custody

1. Person incapacitated by alcohol or drugs

a. Protective custody for detoxification

RCW 70.96A.120 provides that: "a person who appears to be incapacitated or gravely disabled by alcohol or other drugs and who is in a public place or who has threatened, attempted, or inflicted physical harm on himself, herself, or another, shall be taken into protective custody by a peace officer or staff designated by the county and as soon as practicable, but in no event beyond eight hours brought to an approved treatment program for treatment. If no approved treatment program is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The peace officer or staff designated by the county, in detaining the person and in taking him or her to an approved treatment program, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining peace officer or staff designated by the county may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime."

b. Intoxicated pedestrians

RCW 46.61.266 provides for something less than protective custody: A law enforcement officer may offer to transport a pedestrian who appears to be under the influence of alcohol or any drug and who is walking or moving along or within the right of way of a public roadway, unless the pedestrian is to be taken into protective custody under RCW 70.96A.120. The law enforcement officer offering to transport an intoxicated pedestrian under this section shall:

- (1) Transport the intoxicated pedestrian to a safe place; or
- (2) Release the intoxicated pedestrian to a competent person. The law enforcement officer shall take no action if the pedestrian refuses this assistance. No suit or action may be commenced or prosecuted against the law enforcement officer, law enforcement agency, the state of Washington, or any political subdivision of the state for any act resulting from the refusal of the pedestrian to accept this assistance. An officer does not incur liability by advising an intoxicated, but not gravely disabled person, to not walk in the street or to at least walk facing traffic. *Weaver v. Spokane County*, 168 Wn. App. 127, 275 P.3d 1184, review denied, 175 Wn.2d 1011 (2012).

c. Intoxicated cyclists

RCW 46.61.790 provides for something less than protective custody:

(1) A law enforcement officer may offer to transport a bicycle rider who appears to be under the influence of alcohol or any drug and who is walking or moving along or within the right of way of a public roadway, unless the bicycle rider is to be taken into protective custody under RCW 70.96A.120. The law enforcement officer offering to transport an intoxicated bicycle rider under this section shall:

- (a) Transport the intoxicated bicycle rider to a safe place; or
- (b) Release the intoxicated bicycle rider to a competent person.

(2) The law enforcement officer shall not provide the assistance offered if the bicycle rider refuses to accept it. No suit or action may be commenced or prosecuted against the law enforcement officer, law enforcement agency, the state of Washington, or any political subdivision of the state for any act resulting from the refusal of the bicycle rider to accept this assistance.

(3) The law enforcement officer may impound the bicycle operated by an intoxicated bicycle rider if the officer determines that impoundment is necessary to reduce a threat to public safety, and there are no reasonable alternatives to impoundment. The bicyclist will be given a written notice of when and where the impounded bicycle may be reclaimed. The bicycle may be reclaimed by the bicycle rider when the bicycle rider no longer appears to be intoxicated, or by an individual who can establish ownership of the bicycle. The bicycle must be returned without payment of a fee. If the bicycle is not reclaimed within thirty days, it will be subject to sale or disposal consistent with agency procedures.

2. Children

a. When to take a Child into Protective Custody

An officer shall take a child into protective custody when:

- i. a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent;
- ii. a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance;

A. An older child's statement that she is "okay" and does not need assistance, may preclude further interference by the police. *See State v. Kinzy*, 141 Wn.2d 373, 5 P.3d 668 (2000), cert. denied, 121 S. Ct. 843 (2001) (police exceeded the scope of community caretaking when they detained a 16- year-old minor who was standing on a public sidewalk in a high narcotics trafficking area on a school night with several others, including an older person believed by the officers to be associated with narcotics, after the minor demonstrated an unwillingness to speak with the police and there was no evidence of any drug activity at the time the police approached the minor)

- iii. a law enforcement agency is notified by an agency legally charged with the supervision of a child, that the child has run away from placement;

iv. a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued under the Family Reconciliation Act (at-risk youth), chapter 13.32A or the Juvenile Court Act (dependency and termination of parental rights), chapter 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under chapter 13.32A or chapter 13.34 RCW. RCW 13.32A.050.

b. Scope of Protective Custody.

An officer who takes a child into protective custody must:

- i. Advise the child of the reason for the protective custody.
- ii. Limit the search to a pat-down for weapons prior to transport. An officer may not conduct a full search. See *State v. A.A.*, COA No. 31587-8-III, ___ Wn. App. ___, ___ P.3d ___ (Apr. 30, 2015) (an officer who detained a runaway juvenile under the Family Reconciliation Act, chapter 13.32A RCW, unlawfully removed methamphetamine and marijuana from the youth's pocket. Officer's removal of the drugs exceeded the scope of a lawful Terry frisk).
- iii. Not extend the protective custody beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.
 - A. A detention may be conducted at the scene. See *State v. Acrey*, 148 Wn.2d 738, 64 P.3d 594 (2003) (brief detention of 12-year-old minor, who was out after midnight on a weeknight without adult supervision, for the purpose of telephoning his mother was a reasonable exercise of the community caretaker function)
- iv. Provide a written report, within 24 hours of delivering a child to a crisis residential center, that states the reasons the officer took the child into custody.
- v. Immediately make a report to CPS if the officer has reasonable cause to believe that the child is absent from home because he or she is abused or neglected.

3. Person disabled by a mental illness

a. A peace officer may take into custody a person whom a designated mental health professional believes, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, for an emergency evaluation. RCW 71.05.150(4); RCW 71.05.153(2)(a).

b. A peace officer may take a person into custody for immediate deliverance to an evaluation and treatment facility or the emergency department of a local hospital, if the officer has reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled. RCW 71.05.153(2).

i. "**Gravely disabled**" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating **loss of cognitive or volitional control over his or her actions** and is not receiving such care as is essential for his or her health or safety. RCW 71.05.020(17).

ii. "**Likelihood of serious harm**" means:

- (a) A substantial risk that: (i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by an individual upon another, as evidenced by behavior 99 which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or
- (b) The individual has threatened the physical safety of another and has a history of one or more violent acts; RCW 71.05.020(25).

iii. "**Mental disorder**" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions. RCW 71.05.020(26).

iv. "**Imminent**" is the "state or condition of being **likely to occur at any moment or near at hand**, rather than distant or remote." RCW 71.05.020(20).

c. Detentions pursuant to chapter 71.05 RCW have been under the following circumstances:

- The officers had reasonable cause under RCW 71.05.153(2) to take the detained person to a hospital for a mental evaluation where the detained person made paranoid comments to the officers, there were 911 reports that the detained person young son, screaming that someone was trying to kill her and that she would kill herself. The amount of force used to subdue the woman, who tried to bite, scratch, and hit the officers, was reasonable under the circumstances. Once at the hospital, the detained woman was diagnosed with "[a]cute psychosis secondary to cocaine intoxication," and her urinalysis tested positive for cocaine, dislocated shoulder and torn shoulder ligaments, and bruises, swelling, and abrasions on her forearms, abdomen, hip, and lower extremities. *Luchtel v. Hagemann*, 623 F.3d 975 (9th Cir. 2010).

- Officer, who knew of person's past suicide attempts, properly detained man who threatened suicide and who made superficial cuts on his wrists with a knife. *State v. Mason*, 56 Wn. App. 93, 782 P.2d 572 (1989).

d. A peace officer who has probable cause to arrest an individual who suffers from a mental illness for a non-felony crime other than a serious traffic offense, a domestic violence offense, a harassment offense, a violation of Chapter 9.41 RCW (firearms and dangerous weapons), or any crime against persons in RCW 9.94A.411, has the option not take the individual to jail. RCW 10.31.110 provides that:

(1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a Non-felony crime that is not a serious offense as identified in RCW 10.77.092 and the individual is known by history or consultation with the regional support network to suffer from a mental disorder, the arresting officer may:

(a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020(6). Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a mental health professional within three hours of arrival;

(b) Take the individual to a triage facility as defined in RCW 71.05.020. An individual delivered to a triage facility which has elected to operate as an involuntary facility may be held up to a period of twelve hours. The individual must be examined by a mental health professional within three hours of arrival;

(c) Refer the individual to a mental health professional for evaluation for initial detention and proceeding under chapter 71.05 RCW; or

(d) Release the individual upon agreement to voluntary participation in outpatient treatment.

(2) If the individual is released to the community, the mental health provider shall inform the arresting officer of the release within a reasonable period of time after the release if the arresting officer has specifically requested notification and provided contact information to the provider.

(3) In deciding whether to refer the individual to treatment under this section, the police officer shall be guided by standards mutually agreed upon with the prosecuting authority, which address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health history of the individual, where available, and the circumstances surrounding the commission of the alleged offense.

(4) Any agreement to participate in treatment shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in a mental health treatment alternative. The agreement is inadmissible in any criminal or civil proceeding. The agreement does not create immunity from prosecution for the alleged criminal activity.

(5) If an individual violates such agreement and the mental health treatment alternative is no longer appropriate:

(a) The mental health provider shall inform the referring law enforcement agency of the violation; and

(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly.

(6) The police officer is immune from liability for any good faith conduct under this section.

**The above material was gathered from the following document located on the WACJTC website:

**CONFESSIONS, SEARCH, SEIZURE, AND ARREST
A GUIDE FOR POLICE OFFICERS
AND PROSECUTORS
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