

ORDINANCE NO. 4822

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 2.16 “FUNDS” AND “ARTICLE XXI. CONFIDENTIAL INVESTIGATIVE IMPREST FUND,” RENAMING THE FUND “ARTICLE XXI. CONFIDENTIAL INVESTIGATIVE FUND” AND AMENDING SECTIONS 2.16.3740, 2.16.3780 AND 2.16.3800 OF THE ELLENSBURG CITY CODE.

WHEREAS, the Ellensburg Police Department (EPD) utilizes a Confidential Investigative Fund (CIF) to assist with proactive investigations primarily involving felony drugs; and

WHEREAS, the Chief of police is hereby the custodian of the CIF; and

WHEREAS, the Ellensburg Police Department conducts transactions in the CIF that require the use of a checking account;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Chapter 2.16 Funds and “Article XXI. Confidential Investigative Imprest Fund” of the Ellensburg City Code, as last amended by Ordinance 4782, is hereby renamed and amended to read as follows:

Article XXI. Confidential Investigative ~~Imprest~~ Fund

2.16.3740 Established.

There is hereby established in the city of Ellensburg, Washington, a confidential investigative ~~imprest~~ fund in the amount of \$10,000 for the purpose of funding confidential investigative expenses including: the purchase of services of an undercover officer or informant; the purchase of evidence and/or contraband required to determine the existence of a crime or to establish the identity of a participant in a crime; and for the purchase of specific information from informants. [Ord. 3546 § 1, 1986.]

2.16.3760 Source of funds.

Said fund shall be established in said city of Ellensburg by transfer from the city general fund monies totaling \$10,000, to the custodian hereinafter designated, and said total amount of such fund so established shall be shown separately in the city’s statement of current assets. [Ord. 3546 § 1, 1986.]

2.16.3780 Custodian.

The Ellensburg city chief of police is hereby appointed as the custodian of such funds. The chief of police may assign the management of this fund to a supervisor of the department. As custodian, the chief of police has the discretion to open a checking account at a local bank in the name of the City of Ellensburg, Washington, for the confidential investigative fund (CIF), and entitle the account "CIF, Chief of Police, custodian." [Ord.4782 § 4, 2017; Ord. 3546 § 1, 1986.]

2.16.3800 Deposits – Disbursements – Administration.

Deposits to, disbursements from, and administration of said fund shall be subject to and in accordance with all restrictions, limitations, and requirements and other provisions of applicable laws and regulations of the state of Washington, and any presently applicable ordinances of the city of Ellensburg, and any other laws or ordinances hereafter adopted which may be applicable thereto and shall adhere to EPD's adopted policies and the following specific requirements:

- A. The supervisor of the unit to which the ~~imprest~~ fund is assigned must authorize all advances of monies to agents or officers for the purchase of evidence or information. Such authorization must specify the evidence or information to be purchased, the amount of expenditures, and assumed name of the confidential informant (CI).
- B. The investigation unit must maintain confidential files of the true names, assumed names, and signatures of confidential informants (CIs) to whom payments have been made. To the extent practicable, pictures and/or fingerprints of the CI payee should also be maintained.
- C. The custodian shall receive from the agent or officer authorized to make a confidential payment a receipt for cash advanced to him for such purposes.
- D. The agent or officer shall receive from the CI a receipt, the form of which shall be ~~provided~~ approved by the city clerk-finance department. A second witnessing agent or officer shall be required to verify the payment to the CI in at least 25 percent of the contacts. In addition, on 10 percent of the meetings the agent or officer in charge should be present to verify the payment to the CI.
- E. The signed receipt from the CI payee with a report detailing the information/evidence received shall be forwarded to the agent or officer in charge. The agent or officer in charge shall

compare the signature on the receipt with the confidential file of assumed name signatures. He/she shall also evaluate the information or evidence received in relation to the expense incurred. A certification of payment to the custodian will serve as support for the expenditure from the fund. The certification shall be witnessed by the agent or officer in charge on the basis of the report and CI payee's receipt.

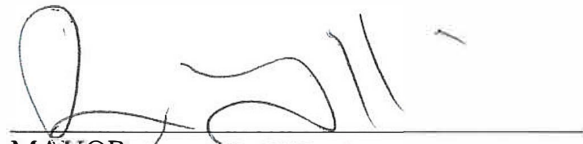
F. The custodian of the fund shall prepare a quarterly report showing status and reconciliation of the fund and itemizing each payment, name used by CI payee, and use to which information was put. This report shall be made part of the confidential informant files and reviewed quarterly by the chief of police or designee. [Ord. 4782 § 5, 2017; Ord. 3546 § 1, 1986.]

Section 2. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

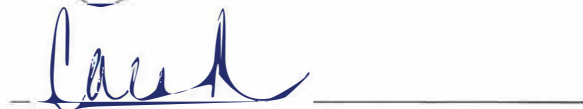
Section 3. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 19th day of February, 2019.


MAYOR

ATTEST:


CITY CLERK


Approved as to form:



CITY ATTORNEY

Publish: 2-23-19

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4822 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4822 was published as required by law.



COREEN M. RENO