

POLICE DEPARTMENT
STRATEGIC PLAN

CITY OF PASCO, WA

JUNE 21, 2022

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PREAMBLE

The City of Pasco in the City Council 2020–2021 Goals set forth six goals, each with multiple objectives to guide the work of the City. The goals are: Quality of Life, Financial Sustainability, Community Safety, Community Transportation Network, Economic Vitality, and Community Identity.

One objective under Community Safety is:

- ◆ Develop a comprehensive and transparent Pasco Police Department Strategic Plan to evaluate future service levels of the Department to ensure sustainability, public safety, professionalism, and crime control.

In 2015, the Pasco Police Department formulated a high-level Strategic Plan to guide its development as the City grew. The Mission, Vision, and Values from that plan continue to serve the Department well and are incorporated into this 2021 plan.

OUR MISSION

We are dedicated to serving our community with excellent law enforcement services.

OUR VISION

We will ensure Pasco is a safe place to work, live, and visit. We will do this by engaging with our community to strengthen their trust in us. We will maximize technology and best practices to solve crime and make Pasco a safer community. We will create a culture for our employees to maximize their talents and will recognize their value in accomplishing our mission.

ORGANIZATIONAL VALUES

PASSION: We are passionate about policing Pasco with the highest of ethics and integrity while being transparent with our community

PRIDE: We take pride in our Department and the professional service we provide that instills confidence from the community.

DEDICATED TO SERVE: We serve our diverse community by treating everyone with dignity and respect while honoring our oath with humility and empathy.

This 2021 assessment and plan is very detailed and serves as an *Applied Strategic Plan* that deeply reviews each aspect of the Department using data, gap analysis, and resultant findings to drive phased recommendations over several fiscal years. This detailed plan is the roadmap of how the Department can evolve, using what staffing and resources, to drive the why set forth by the Council Goals which represent the community and the Department’s Mission, Vision, and Values.

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EXECUTIVE SUMMARY

The City of Pasco (City) retained Citygate Associates, LLC (Citygate) to conduct a Public Safety Strategic Plan for the Police Department (Department). This plan included reviewing the adequacy of current and future deployment systems, staffing levels throughout the Department, sustainable alternatives, mental health response, and organizational structure. The methodology utilized in this Strategic Plan is discussed in Section 1 of this report. Citygate’s assessment includes a detailed analysis of the response time, crime, and call data, which was available from the Department, that drives staffing recommendations, as well as an analysis of the staffing of supervision, management, and support functions in the Department. The Department provided incident and other workload measures data. The Strategic Plan encompasses Citygate’s recommendations for Department success over the next five years.

Overall, there are 39 key findings and 42 specific action item recommendations. These findings and recommendations are presented throughout Sections 2 through 8 and are summarized in this Executive Summary.

POLICY CHOICES FRAMEWORK

As the City Council understands, there are no mandatory federal or state regulations directing the level of police field service staffing, response times, and outcomes. The International Association of Chiefs of Police (IACP) recommends methods for determining appropriate staffing levels based on local priorities. The National Emergency Number Association (NENA) provides standards for 9-1-1 call answering, and the Association of Public-Safety Communications Officials International (APCO) and the International Academies of Emergency Dispatching (IAED) provide best practices that illuminate staffing needs for Communications Centers that provide dispatch services. Citygate recognizes and understands the City of Pasco collaborates with the Southeast Communications Center (SECOMM) for dispatch services.

Using a data-driven framework as advocated in this report, the City can engage the community on *adapting* public safety services in the future to use *alternative* and *focused* strategies while addressing community-wide, neighborhood, and social issues relative to the services provided.

Personnel costs are the most significant cost center in any department budget. One of the City Council’s greatest challenges is managing the scarce fiscal resources and allocating them across the vast needs of municipal government safety operations. The recommendations in this Strategic Plan are made based on best practices, Citygate’s experience, and guidelines established by professional industry organizations. The City’s fiscal capabilities must be considered when weighing these recommendations. Since there are no law enforcement national standards, the City is well advised to use the advice and counsel of City management and the Police Chief for guidance

to determine where to allocate available resources to meet the service delivery expectations of the community.

CITYGATE’S ASSESSMENT—GENERAL SUMMARY

Citygate’s overall assessment of the Police Department is very positive. The members of the Department are extremely dedicated to the community they serve and display a level of professional competence of which the City can be proud. No organization is perfect, and many of the findings and recommendations in this report are items the Department is well aware of and is already taking steps to implement. The Department has a Police Chief and Executive Management staff who are familiar with the organization and the community and understand the greater Tri-Cities area and the expanded growth that is impacting the City and will continue to do so. The Chief and Executive Management’s understanding of where Pasco is today and where Pasco will be in the future will serve the City well.

Thirty-six Washington State legislative bills impacting law enforcement were signed into law during 2021. Due to these legislative changes, the City of Pasco and the Pasco Police Department requested Citygate conduct a detailed review and analysis of the new bills. As part of the analysis, Citygate developed an impact and implementation matrix the Department will be able to utilize moving forward. The matrix is located in **Appendix D**. The legislative findings also drive the assessment and recommendations for each section of the Strategic Plan.

Summary of Findings and Recommendations by Topic

The following is a summary of Citygate’s findings and recommendations by topic. A comprehensive list of all findings and recommendations is provided in Section 9. Recommendations are also summarized in a table at the end of this Executive Summary.

Capstone Organizational Findings

The Department has a tradition of focusing on front-line patrol staff positions. Current headquarters positions are responsible for a multitude of ancillary assignments. Overall, Citygate finds many aspects of the Department thinly staffed. Even before the City grows further, the thin staffing means the possibility of single-point failure, where only one or two specialists being lost to injury or time off means that work cannot be accomplished effectively, if at all. There also needs to be staffing depth in Patrol and supervision to allow for normal or injury absences without causing inadequate daily staffing or supervision. Finally, safe, effective policing means quality supervision at serious incidents and training programs, with quality control oversight.

The Department has an opportunity to invest in alternative service delivery mechanisms, implement support positions, enhance front-line supervision, and create a middle management rank. These opportunities represent positive organizational infrastructure support for the future of the organization. Department infrastructure growth supports current and impending state

legislation and best practice policing. Citygate's strategic findings and recommendations provide a road map for City leadership and the organization, reflective of the City's Comprehensive Plan, as well as best practice policing in the 21st century.

Field Operations

Having supervisors (Police Sergeants) out in the field and unburdened by administrative tasks is critical for any police agency. Department analysis shows that current patrol supervisory staffing levels are insufficient. In addition to a lack of adequate front-line supervision, the Department does not have a middle management rank. Increasing front-line supervision and implementing a middle management rank would allow the Department to establish minimum staffing levels for supervision. The Department should consider the implementation of civilian positions as a cost-effective service option that would allow sworn staff to focus on community safety functions. The Department should also consider the implementation of a formalized traffic unit. Call volume, committed time, and identified computer-aided dispatch (CAD) information represent several of many factors associated with effective and efficient policing models.

The Department and City Council have not historically used response time goals for patrol staffing, given that the City was smaller. Currently, the City is large enough (and is still growing) for adopted response time goals.

Response time goals typically have at least four measures:

- ◆ First unit response to 9-1-1 high priority calls where harm to persons is underway or is very likely to soon occur without prompt officer response and de-escalation techniques
- ◆ Second officer response to the high priority life and injury situations where, for officer and public safety, two officers at a minimum are required to gain entry or access to the persons involved
- ◆ Medium priority incidents where an officer response is still needed quickly, but not immediately or with red lights and siren
- ◆ Incidents that are already over but need reporting and documentation from a sworn officer or community service officer, or through online tools.

The use of response time goals along with overall demands on an officer's time on patrol allow a department to ensure enough officers are on duty and are spaced across the community (beats or districts) for high priority immediate response, while *also having* multiple officers in the area to provide a backup second officer as needed, to handle low priority incidents and for proactive community policing time.

Investigation Services

Supervisory span of control in the Investigation Services Division is high. The volume of domestic/child/sexual assault cases warrants a specialized unit within Investigation Services. The Department has an opportunity to implement a full-time Victim Advocate position and has filled last year's Crime Analyst vacancy. The current Victim Advocate supports three agencies so the Pasco Police Department's benefits from this position are limited. The Department should consider the high span of control for the current Area Resource Supervisor and establishing a separate Public Information Officer (PIO) position aligned with the Chief's Office. City growth will require additional resources in the School Resource Officer program. These recommendations include increased sworn and civilian personnel at the front-line, supervisory, and middle management ranks. As the Department moves forward, workload measurement indicators should be developed and tracked. Additionally, with the passage of Washington State legislation (Engrossed Substitute House Bill) [ESHB 1113](#), School Resource Officer programs will have more responsibilities that require more training and supervision.

Support Operations

The Department should consider establishing a succession plan for the Records Unit. The Department should consider the implementation of a Records Unit Supervisor and establishing ongoing workload measurement indicators to track current and future workload. The Department should also consider shifting the current backup Evidence Technician who works in the Records Unit to a more appropriate bureau and unit.

The Department should continue to engage in Citizen's Academies, community forums, and community engagement events. One of the benefits of community involvement is growth in the Volunteers in Policing Program. Volunteers can provide thousands of annual hours throughout all Department bureaus and units.

The Department does not have a management analyst who can provide the required data to support the organization. Citygate recommends implementation of a Management Analyst position. This position could provide critical assistance with budgeting, finance, internal and external reporting, grant management, payroll and re-imburement assistance, asset allocation, and internal tracking.

Professional Standards Division

Internal Affairs investigation responsibilities at the front-line supervisory level are shared by the Training Sergeant and Patrol Sergeants. Front-line supervisors should handle informal administrative complaints as part of their supervisory responsibilities and should assist the Sergeants with formal complaints initiated at the front-line supervisory level. Based on 21st Century Policing and current and impending state legislative changes, the Department should enhance the Internal Affairs Unit and the Training Unit. Establishing an Administrative Division including Training and a Professional Standards Division to provide accountability aligns with

best practices for managing policy, procedure, Internal Affairs complaints, citizen complaints, training, equipment, de-escalation policy and review, high-liability management, recruitment, and retention. In day-to-day operations, these positions would be under the direction of a Captain and the Deputy Chief. However, an Internal Affairs office would be a direct link to the Chief of Police, with additional support through the proposed Executive Assistant position. In addition, the Department is also considering opportunities to provide and host a Regional Training Facility. Administrative Units will need to have updated software platforms for a variety of accountability concerns including, but not limited to, Force Options Simulator training, barcoded Quartermaster systems, and Training Management platforms for tracking assets and training.

Economic Development

The major economic industries in the City consist of agriculture, manufacturing, transportation, technology, healthcare, retail, wholesale, and government. Per the City's Comprehensive Plan, approximately 22,000 residential units currently exist, with an expected need for an additional 15,200 approximate units due to probable population increases. The City has available land space to support the on-going, industrial, commercial, and residential growth. Another 2,800 acres were just added to the Urban Growth Plan. Population is addressed in the Demand for Service section of this report (Section 4.3).

NEXT STEPS

The purpose of this Strategic Plan is to compare the City's current performance against the local risks to be protected and nationally recognized best practices. This analysis of performance forms the basis from which to make recommendations for changes, if any, in police operations, equipment, and staffing. Recommendations take time and fiscal capacity, more so as the impacts of COVID-19 continue to unfold on local and state economies. Citygate suggests the following steps moving forward:

- ◆ Review the content, findings, and recommendations of this report.
- ◆ Adopt response performance goals as recommended.
- ◆ Direct staff to return with a year-over-year, prioritized deployment improvement and support services review, as needed, and modify it based on budget priorities for the five-year implementation plan. The following table (1) lists all recommendations in summary form, (2) identifies those that can be implemented at no cost (other than staff time), and (3) for the remaining recommendations requiring a General Fund expense to implement, identifies the funding priority level. While funding priorities are identified, these recommendations are not presented in priority order.

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Table 1—Recommendations and Funding Priorities

	Recommendation	No Cost	Funding Priority 1	Funding Priority 2	Funding Priority 3
1	Add a middle management rank		X		
1	Add three Lieutenants initially (two in Field Operations, one in new Professional Standards Division)		X		
2	Add four Police Sergeants to Field Operations		X		
3	Re-engage the social media program	X			
4	Establish response time goals	X			
5	Establish a culture of data measures for work activity	X			
6	Consider adding six Patrol Officers across shifts		X		
7	Consider establishing a formal Traffic Unit	X			
7	Add one Sergeant			X	
8	Consider establishing Community Service Officers within the organization			X	
9	Continue multi-agency partnerships for mental health and homeless strategies	X			
10	Identify internal and external outcomes for mental health and homelessness	X			
11	Continue with 40-hour Crisis Intervention Team Training and incorporate additional annual training		X		
12	Continue to participate in the establishment of Countywide homeless strategic plans	X			
13	Consider adding one Sergeant to Investigation Services to supervise new Special Victims Unit			X	
13	Consider adding one Detective to the Special Victims Unit and transfer three of seven Detectives to Unit			X	
14	Consider adding one Sergeant to Support Services to supervise new School Resource Officer Unit			X	
15	Consider seeking additional funding from the school district to support SRO positions	X			
16	Consider combining the School Resource Officers and the Area Resource Officers under a newly formed Bureau	X			
16	Add one Lieutenant to manage Bureau			X	
17	Consider caseload metrics for Street Crimes Unit efficacy measurements	X			

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	Recommendation	No Cost	Funding Priority 1	Funding Priority 2	Funding Priority 3
18	Consider investigative staffing increases based on population growth and workload			X	
19	Consider conversion of the current Records Lead to a Records Supervisor		X		
19	Consider adding one Police Services Specialist to Records			X	
20	Consider adding Volunteers in Policing to assist Records staff	X			
21	Consider investing in updated Crime Scene Investigation drying lockers				X
22	Consider converting the current Administrative Assistant II to Executive Assistant		X		
22	Consider backfilling Administrative Assistant II position		X		
22	Consider adding one Administrative Support Services position (.5 for Field Operations Division, .5 for Support Operations Division)		X		
22	Consider adding one Administrative Support Services position for Investigation Services		X		
23	Consider enhancing software coding to increase electronic reporting efficiency	X			
24	Consider accessing the viability of online reporting			X	
25	Consider developing and training Citizen Volunteers	X			
26	Develop facilities able to meet all aspects of organizational and community needs		X		
27	Keep capital improvement planning an ongoing priority	X			
28	Place lock boxes next to holding and interview rooms		X		
29	Purchase the online reporting module of the new Tyler CAD/RMS system		X		
30	Replace Detective workstations with laptops		X		
31	Consider establishing a Department-wide training plan	X			
32	Consider the purchase of an equipment barcoding system		X		
33	Complete comprehensive fee and charge reviews at one- to three-year increments	X			
34	Explore revenue options such as a tax levy and grants	X			

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	Recommendation	No Cost	Funding Priority 1	Funding Priority 2	Funding Priority 3
35	Analyze future Capital Improvement Plan needs, ensuring those recommendations are in the City's future Capital Improvement Plans	X			
36	Complete the process of creating a formal long-term financial forecast model.	X			
37	Review current IT equipment functionality and overall support	X			
38	Formalize financial policies and procedures documentation. Conduct training and establish monitored compliance	X			
39	Continue with improved support, communication, and interaction between the Finance Department and the Police Department	X			
40	Consider hiring a Management Analyst dedicated to budget and finance-related duties				X
<i>Note that the following two recommended positions are outside of the Police Department</i>					
41	Hire a mechanic to address the workload increase from purchasing more vehicles				X
42	Hire an administrative support position to support the Finance Department and Human Resources Department with Police Department workload increases				X

The estimated costs to implement these recommendations total approximately \$4.7 million consisting of adding 22 positions to the Police Department discussed in the above matrix, 18 vehicles, and support costs such as personnel equipment, services and supplies, as well as general overhead and internal service charges. This amount does not include estimates for general program expansion/revision recommendations listed above due to the uncertainty of the levels and costs that would be involved. Outside of the Police Department, the addition of one mechanic position and one administrative support position (to support the Finance and Human Resources Departments) are also recommended. The hiring of these positions should be staggered to coincide with the hiring of the Police Department positions.

Citygate recognizes the addition of four full-time employees in the 2021–2022 mid-cycle budget. These positions have been discussed with the Police Department throughout the project study and support Citygate’s findings and recommendations. Although the mid-cycle improvement of a Police Captain is not within the recommended positions, Citygate supports this position and has had on-going conversation with the organization regarding the benefits of this position and the enhancements to an Administrative Division within the Department. The added organizational infrastructure will benefit the City, community, and Department moving forward. Citygate

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recognizes the importance of recommended positions as the City of Pasco concurrently invests in facilities, training capabilities, space needs assessments, and Capital Improvement Planning for future needs. The Police Department and City are commended for pursuing these opportunities, which represent future organizational infrastructure support for continued growth and community needs.

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SECTION 1—INTRODUCTION

Citygate is pleased to present this Strategic Plan for the City of Pasco’s Police Department. This introductory section will discuss the organization of the Strategic Plan, the project scope of work, and the methodology used by Citygate.

1.1 REPORT ORGANIZATION

This report is organized into the following sections.

Executive Summary: A summary of current services and findings and recommendations summary by topic. A discussion of next steps is also provided with a table that summarizes recommendations and their funding priority level.

Section 1 Introduction: An introduction to the report’s organization; goals, including project scope; and project methodology.

Section 2 City and Department Background: A discussion of City and agency background, history, and organization. The City’s crime data, Strategic Plan, leadership and culture, as well as a SWOT survey are also discussed.

Section 3 Community Engagement: An explanation of existing community engagement practices, police-community relations, and a summary of the community listening sessions and the community survey.

Section 4 Field Operations Division: A review of the Field Operations Division organization, staffing, scheduling, and supervision. Demand for service, response time, workload and traffic deployment analyses, and alternative response mechanisms are also discussed.

Section 5 Alternative Response – Community Mental Health / Homelessness: An explanation of community mental health, a Department pilot project, and the Department’s homeless outreach efforts.

Section 6 Support Operations Division: A review of the Investigation Services Unit, the Resource and Street Crimes Divisions, Communications, Records, Property and Evidence, and other Support Division Units including Administrative Support, Accreditation, Online Reporting, and Volunteers in Police Services. Facilities and the IT Department are also discussed.

Section 7 Professional Standards Division: A review of Internal Affairs, training, asset management, and the impact of current legislation.

Section 8 Fiscal Overview: An overview of the City and Department’s fiscal condition, economic development, and an estimated cost model for adding recommended positions.

Section 9 Summary of Recommendations, Cost, and Findings: A comprehensive list of all personnel FTE recommendations and their associated costs that appear in this report, as well as a summary list of all findings and recommendations that appear throughout the report.

Appendices A—Estimated Personnel Costs for Recommended Position Additions
 B—Workload Analysis
 C—Community Survey Analysis
 D—Washington State Law Enforcement 2021 Legislative Bills—Impact and Implementation Analysis

In this report, the term “Department” will be used when referring to the police agency itself, and the term “City” will be used when referring to the City of Pasco.

1.1.1 Goals of the Report

In this report, Citygate cites findings and makes recommendations, as appropriate, related to each finding. Findings and recommendations throughout this report are sequentially numbered. A complete list of these findings and recommendations is provided in Section 9 of this report.

This document provides technical information about how police services are provided and legally regulated and how the Department currently operates. This information is presented in the form of recommendations and policy choices for consideration by the Department and City. The result is a sound technical foundation upon which to understand the advantages and disadvantages of the choices facing Department and City leadership regarding the best way to provide police services and, more specifically, at what level of desired outcome and expense.

Project Scope

The scope of this police services Strategic Plan included the following elements:

- ◆ Assess and evaluate current and future service demands, service levels, and standards for service delivery, including, but not limited to, staffing (including support staff), equipment needs, types and location of facilities, and crime prevention.
- ◆ Using empirical and objective methods, identify efficient staffing levels, minimum staffing levels for service demand, and metrics for determining the need for additional staffing based on major long-range planning documents.

- ◆ Utilizing these same methods, prioritize current and recommended services and service levels.
- ◆ Identify multiple fiscally sustainable alternatives and corresponding service levels to meet service demands for officer response with community policing as a focus of deployment.
- ◆ Model financial costs of each alternative developed to include current and future staff, facility needs, and impacts to the municipal court and jail.
- ◆ Review current financial resources, including growth-related revenue projections, and evaluate options to provide additional sustainable long-term resources that could be dedicated to support the alternatives presented.
- ◆ For each alternative, include an evaluation of organizational structure and provide recommendations regarding supervision and command staff as population and operational staff increase.
- ◆ Assess the logistical adequacy of current facilities and their ability to continue to house staffing, as well as evaluate interim and long-term options.
- ◆ Evaluate the use and potential expansion of volunteers and recommend supervision and management of volunteer programs.
- ◆ Assess the use of Mobile Outreach Professionals (embedded mental health) and provide recommendations for deployment.
- ◆ Review state legislative impacts on organizational impacts and daily operations, and provide input on training, staffing, and impacts associated with current and ongoing legislative reforms affecting the Pasco Police Department and the Pasco community.

1.2 *METHODOLOGY*

In preparing this Strategic Plan, Citygate consultants engaged in the following processes:

1. Reviewed available documents and records relating to the management, operation, and budgeting of the Department.
2. Conducted interviews with sworn and professional staff throughout the Department.
3. Issued and analyzed SWOT documents.
4. Conducted interviews with key City stakeholders.

5. Conducted interviews with key community stakeholders.
6. Conducted a Community Survey in partnership with the Department.
7. Conducted two Community Forums in partnership with the Department.
8. Conducted an on-site visit.
9. Reviewed available computer-aided dispatch (CAD) and workload measurement data.
10. Conducted an in-depth legislative review, interviews, and review of organizational impacts.
11. Considered best practices in other agencies for applicability to the City of Pasco.

SECTION 2—CITY AND DEPARTMENT BACKGROUND

2.1 CITY BACKGROUND AND ORGANIZATIONAL HISTORY

The City of Pasco was incorporated in 1891 and currently encompasses 30-plus square miles of total land. Located in Franklin County and adjacent to Benton County, Kennewick, and Richland, it comprises one of the principal cities of the Tri-Cities area. According to 2020 population estimates by the Office of Financial Management, the population of Pasco was 77,100, with continued year-over-year growth. According to census data, between 1970 and 2020 the City experienced tremendous growth, which the City of Pasco expects to continue for the next two decades. Growth has been compounded at more than 21 percent over the past 10 years.

Pasco's demographic breakdown is 38.1 percent White (not Hispanic or Latino), 55.5 percent Hispanic or Latino, 5.2 percent multi-racial, 2.4 percent Asian, 2.2 percent Black or African American, .2 percent Native Hawaiian or Pacific Islander, and 1.4 percent American Indian and Alaska Native.¹

There are several colleges and universities in the Tri-Cities impacting the greater metropolitan area. Residential, commercial, and industrial growth, including local, regional, and national companies supporting local, state, and national economies, continues. The City of Pasco provides many advanced opportunities for current and future growth, for a variety of housing opportunities, as well as business, commercial, and industrial commerce. Local, regional, state, and national economic development also includes the Port of Pasco and the Pasco Airport. Capital improvement, land development, and the General Plan seem to coincide with income, diversity, and education growth in the Tri-Cities.

- ◆ Citygate estimates population growth at approximately 0.2 percent per month through June 2025, to approximately 85,538.
- ◆ Citygate examined 19 months of Police 9-1-1 call for service data from August 2018 through February 2020, stopping short of including data from the onset of the pandemic. From that small data set, the projection of 9-1-1 calls for service generates a projected statistical range of 9-1-1 calls between 2,074 and 3,598, with a midpoint estimate of 2,836 by June 2025.²

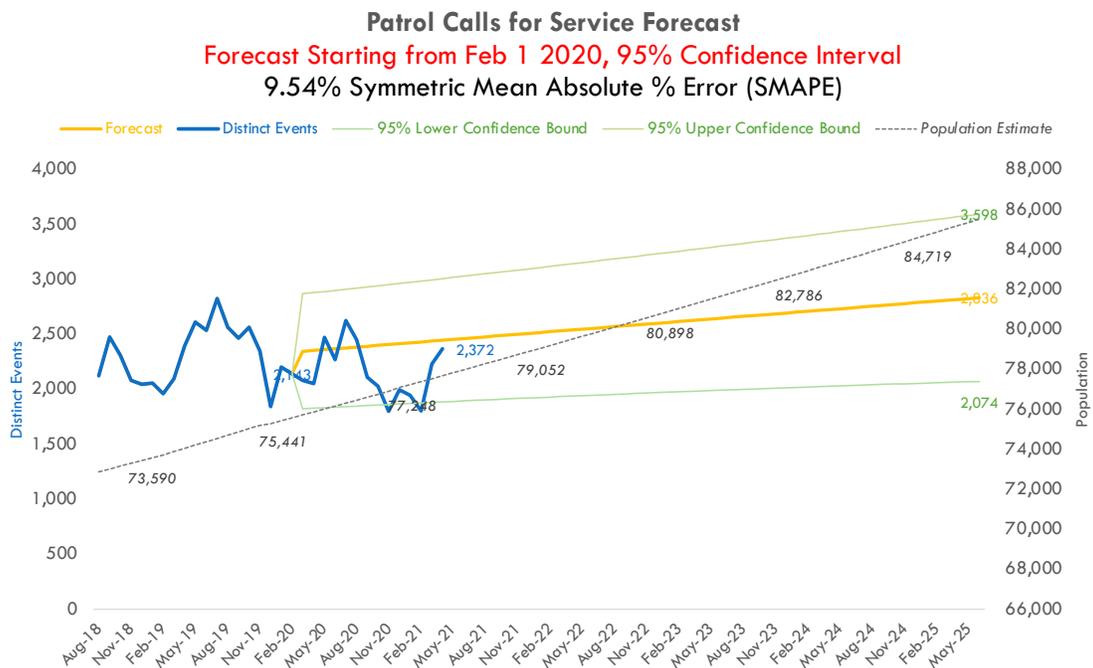
¹ <https://www.census.gov/quickfacts/pascocitywashington>

² 95 percent confidence estimate, where the volume of calls for service should range between, for the month ending June 2025.

- ◆ The actual call for service growth in the years ahead will depend on the demographics of the newer population, as well as the results of ongoing, effective community policing.
- ◆ While 9-1-1 calls for service and officer-initiated incidents averaged 4,720 calls per month over the past 33 months, Citygate uses 9-1-1 calls to project *urgent or emergent* requests. Officer-initiated activity quantities are more variable over time due to many factors and thus do not statistically trend well.
- ◆ Currently, approximately 41 Patrol Officers are handling approximately 4.5 9-1-1 calls per day per Officer. This number is in constant fluctuation based on a variety of factors such as retirements, sick leave, state-allowed Family Leave Act usage, disability, transfers, and other personnel-loss-related issues.
- ◆ Based on the forecast range in the following figure, the expected public call workload might increase to a high of 5.5 calls per day per officer by June 2025.
- ◆ Linear regression suggests it is very likely 9-1-1 calls for service will slowly increase above the current baseline.
- ◆ Currently, 9-1-1 calls for service *only* account for approximately 45 percent of logged Patrol Officer activity.

The aforementioned data is reflected in the following figure:

Figure 1—9-1-1 Patrol Calls for Service Forecast



The population growth year after year has been between 2.4 and 3 percent. Table 2 represents Pasco population trends from 1970 through 2020. June 2021 population was estimated by the City of Pasco to be 79,580 residents, with an estimated growth rate of 3 percent annually equating to a 2035 population of approximately 125,000 residents.

Table 2—Pasco Jurisdiction Population Trends

Source	Year	Population
Census	1970	13,920
Census	1980	19,428
Census	1990	20,337
Census	2000	32,066
Census	2010	59,781
OFM ¹	2011	61,000
OFM	2012	62,670
OFM	2013	65,600
OFM	2014	67,770
OFM	2015	68,240
OFM	2016	70,560
OFM	2017	71,680
OFM	2018	73,590
OFM	2019	75,290
OFM	2020	77,100

¹ OFM = Office of Financial Management

2.2 AGENCY BACKGROUND AND ORGANIZATIONAL OVERVIEW

When Citygate began this project, the Police Department was organized into two divisions (Field Operations and Support Operations) as well as the Office of the Chief. The Field Operations Division included Patrol, Traffic, K9, Mental Health Outreach, Homeless Liaison, and administrative duties. The Support Operations Division included the Investigation Services Unit, Crime Scene Investigations, Property and Evidence, Records, Area Resource Officers, School Resource Officers, and supplemental units including, but not limited to, Volunteers in Policing. Each of the two divisions was commanded by a Police Captain.

The Field Operations Division consisted of six patrol teams providing patrol service 24 hours a day, seven days a week. The six patrol teams split the week with three teams working the A schedule, and three teams working the B schedule. Each side of the week was managed by its own Police Sergeant, who reported to the Field Operations Division Captain. The Captains reported to

the Deputy Chief who also managed accreditation. Traffic Enforcement, Mobile Outreach (Mental Health), and Homeless Liaison assignments are all collateral duties within the Field Operations Division.

The Support Operations Division was divided into sub-divisions (referred to as Bureaus in this report) including the Records Division, the Street Crimes Unit, the Investigation Services Division, and the Resource Division.

The Records Division currently has a lead and four Records Assistants. The Street Crimes Unit is supported by a Sergeant and four Detectives. The Crime Analyst position reports to the Street Crimes Unit Sergeant.

The Investigation Services Division is currently supervised by one Sergeant who has seven Detectives and one Evidence Technician.

The Resource Division has one Sergeant who supervises four Area Resource Officers and five School Resource Officers. This Sergeant is also responsible for a variety of collateral duties including primary Public Information Officer responsibilities.

The Support Operations Division also had primary responsibility for recruitment, hiring and retention, training, public relations, community engagement, Volunteers in Policing, and internal affairs.

During this study, the Department has added several positions allowing for the recommended creation of a Professional Standards Division.

2.2.1 Organization Chart

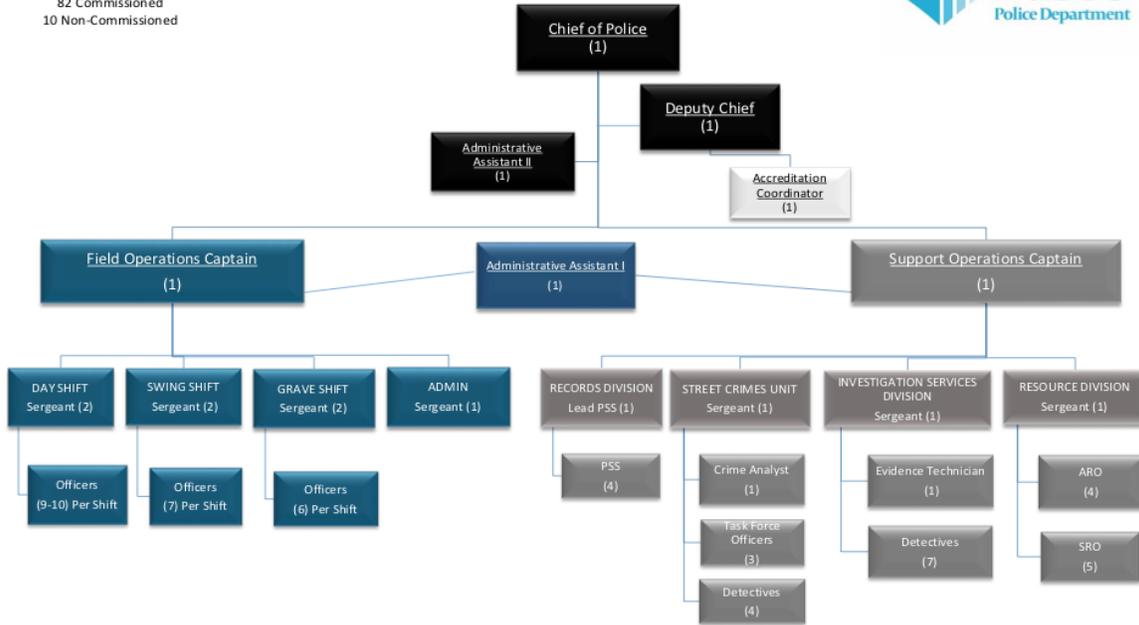
The Police Department's organization chart at the beginning of our collaboration with the City of Pasco is shown in the following figure.

City of Pasco, Washington
Police Department Strategic Plan

Figure 2—Pasco Police Department Organization Chart – 2020

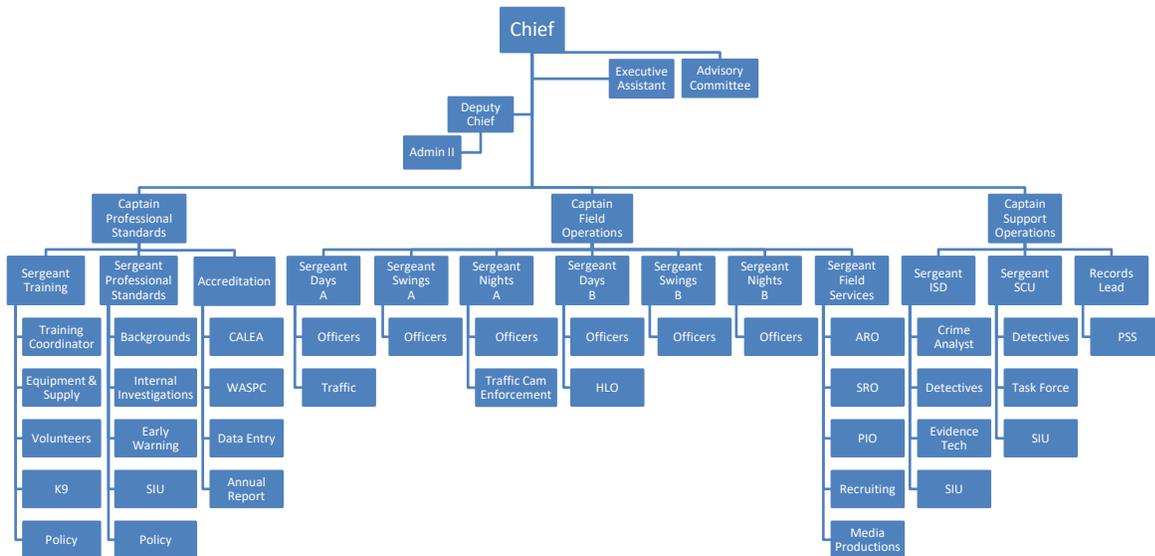
2020 Organization Chart

82 Commissioned
 10 Non-Commissioned



The Police Department’s organization chart based on 2021–2022 mid-cycle budget updates is shown in the following figure.

Figure 3—Pasco Police Department Functional Organization Chart – 2021–2022



2.2.2 Agency Benchmarking Comparison

Benchmarking is a common practice when analyzing staffing levels and allocations in police departments. For this study, Citygate used the Benchmark Cities Survey from the Overland Park, Kansas Police Department. The following benchmarks were completed prior to the four newly budgeted full-time positions. This commonly used benchmark originated in 1997 when several police chiefs from agencies throughout the country came together to establish the Benchmark Cities Survey. The survey of 30 police departments is updated annually and provides a series of data points about each of the participating agencies that can be used for comparison purposes.³

The following table compares the current population and agency size data from the Benchmark Cities Survey to the Pasco Police Department. Although not members of the Benchmark Cities Survey, Citygate included population and agency data from Richland, Kennewick, and Yakima Police Departments given their geographical proximity to Pasco.

Table 3—Sworn Officer to Population Comparison

Agency	Population	Authorized Sworn	Citizens Per Officer	Officers Per 1,000
Benchmark Averages	175,460	239	734.1	1.4
Kennewick, WA	84,347	108	781.0	1.3
Richland, WA	58,225	68	856.3	1.2
Yakima, WA	93,637	143	654.8	1.5
Pasco, WA 2021	75,432	82	919.9	1.1

The sworn ratio comparisons in this table reflect a staffing model referred to as “per-capita” police staffing. There are several staffing models recognized by the International Association of Chiefs of Police (IACP).^{4 5} These staffing models include the *per-capita model*, the *minimum staffing level model*, the *authorized level or budget model*, and the *workload-based staffing model*. There are other models discussed in the policing lexicon, but Citygate will only review these four.

The *per-capita model*, reflected in the previous table, is based on the city or other jurisdiction’s population size, and it compares the number of sworn officers to the population, expressed with a ratio of officers per 1,000 people. For example, a city with a population of 100,000 and a police department of 100 sworn officers would be staffing at a ratio of 1.00, meaning one Police Officer per 1,000 people. The primary advantage to the *per-capita* model is its simplicity. The primary

³ Source: <https://www.opkansas.org/city-services/police-fire-safety/police-special-services/benchmark-cities-survey>.

⁴ Jeremy M. Wilson and Alexander Weiss, *Police Chief Magazine*, vol. 80, 2013

⁵ James McCabe, “An Analysis of Police Department Staffing: How Many Officers Do You Really Need?” (International City/County Management Association)

disadvantage is that there is no definitive standard. Variables such as agency size and crime rates in the region affect the optimum ratio.

Another model of measuring sworn staffing levels of a police agency is the *minimum staffing level model* which involves the command staff of the police agency determining appropriate staffing levels on patrol based on officer safety concerns as determined by supervisory input and the need to provide adequate public safety. This model is more common in smaller agencies and in regions where collective bargaining agreements are involved.

The next model of police staffing is the *authorized level or budget model*, which is like the *minimum staffing model* in that a city determines its minimum staffing based on the prior year’s budget allocation or level. This common approach to staffing is simple. However, it is not based on workload demand nor, necessarily, the needs of the community.

The last staffing model being reviewed is the *workload-based staffing model*. Considered by Citygate to be the best practice model, it can be described as a data-driven approach to police staffing. The *workload-based staffing model* attempts to calculate the demand for services by analyzing the calls for service generated through 9-1-1 calls and other community-based referrals. This method is said to be data-driven or evidence-based because it uses a mathematical calculation to assess proper staffing levels. However, Citygate notes that this model must be used while considering the overall operational needs of the organization.

The *per-capita* ratios presented in Table 3 give the reader a sense of where the Pasco Police Department is in comparison to other similar agencies. Citygate recognizes that the City of Pasco has historically looked at “per-capita” policing when reviewing staffing models. Again, Citygate recommends data-driven solutions, such as the workload-based staffing model, whenever possible, and therefore recommendations regarding staffing in this report are based on workload demands for service, among other factors.

The following table compares Pasco Police Department’s command structure to other agencies and reflects how many “boots on the ground” the agency has in varying positions.

Table 4—Command Structure Comparison

Agency	Sworn	Executive		Mid-Level		First-Line Supervisors		Front-Line Officers	
Benchmark Averages	241	7	2.9%	9	3.7%	29	12.0%	197	81.7%
Kennewick, WA	108	5	4.6%	2	1.9%	13	12.0%	84	77.8%
Richland, WA	68	5	7.4%	1	1.5%	8	11.8%	54	79.4%
Yakima, WA	143	4	2.8%	6	4.2%	16	11.2%	117	81.8%
Pasco, WA 2021	86	5	5.8%	0	0.0%	11	12.8%	70	81.4%

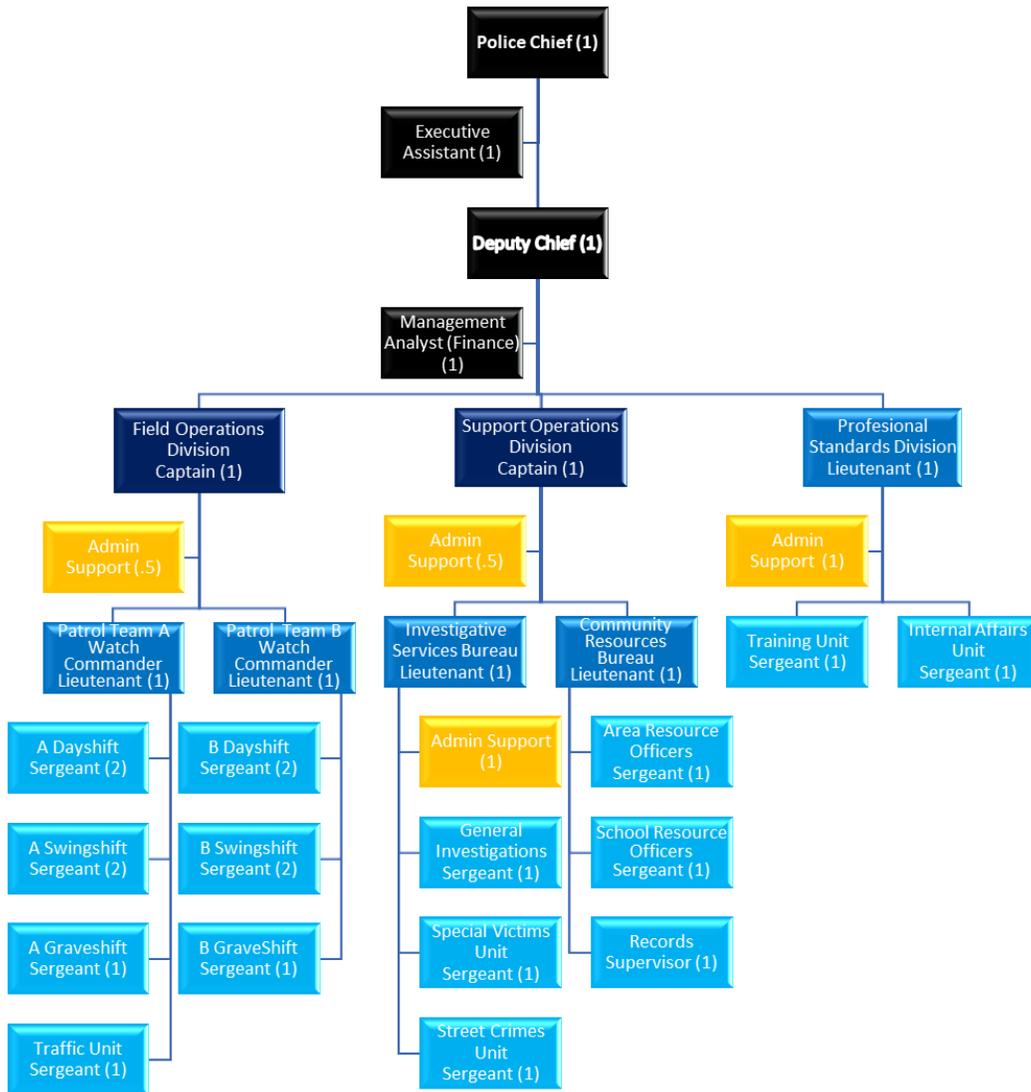
The City's number of front-line officers is just above comparable agencies. However, many first-line supervisors, which are counted in a different category, are performing front-line officer duties both in Field Operations and in Support Operations. In addition, the number of front-line supervisors may seem acceptable based on comparison agencies, but Citygate is recommending organization infrastructure in today's policing environment that requires additional supervisory positions to maintain best practice policing. Only six of the current front-line supervision positions are assigned to Field Operations, yet these six supervisors are responsible for 24-hour coverage, seven days a week, across Field Operations. Two Sergeants are assigned to Investigation Services, one Sergeant is assigned to Professional Standards duties, one Sergeant is assigned to School Resource / Area Resource Operations, and one Sergeant is assigned to Training/Quartermaster. These supervisors are responsible for multiple ancillary assignments in addition to their primary areas of responsibility. Additional Citygate comments regarding this will be in respective sections throughout this report.

Citygate is also recommending a middle-management rank, which is currently non-existent in the City, but is present in all comparison agencies as well as in best practice policing agencies based on 21st Century Policing requirements. Additional Citygate comments regarding this will be in respective sections throughout this report.

2.2.3 Recommended Organization Chart

Citygate’s recommended organizational chart is shown in the following figure:

Figure 4—Pasco Recommended Police Department Organization Chart



Finding #1: A mid-management level does not exist in the organization.

Finding #2: Front-line supervision for Field Operations is limited to one Sergeant Citywide who also performs headquarters duties. During absences, there are no minimum supervisor staffing levels.

Recommendation #1: Consider creating a mid-management rank to support operations, support services, professional standards, and Department administration. We recommend the addition of three Lieutenants initially, two in Field Operations (as Patrol Watch Commanders) and one for a new Professional Standards Division.

Recommendation #2: Increase the number of Patrol Sergeants (by adding four Sergeants) and, in conjunction with mid-management recommendations, establish minimum staffing levels.

The following table depicts staffing trends for the Department since 2013.

Table 5—Agency Turnover and New Hires – 2013–2021

Description	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total	Avg.
Resigned	1	6	3	5	3	5	2	2	3	30	3.3
Retired	0	1	3	2	1	0	1	2	2	12	1.3
Dismissed	0	1	0	1	1	0	0	0	0	3	0.3
Total	1	8	6	8	5	5	3	4	5	45	5
New Hires	5	3	4	7	6	1	2	3	5	36	4
Net Gain/Loss	4	-5	-2	-1	1	-4	-1	-1	0	-9	-1

As the previous table illustrates, turnover (resigned, retired, dismissed) has somewhat stabilized over the past three years). Recruitment and retention remain a priority for agencies across the nation and the Department will need to maintain focus on how to recruit and retain qualified individuals to serve community needs while monitoring future vacancies. Citygate recommendations for alternative policing models may assist the Department with accomplishing this, which is significant because the City is expected to continue to experience population growth. Growth and the addition of new personnel to sustain community needs can lead to an inexperienced workforce, which is directly related to the need to build supervision, management, organizational infrastructure, training, and administrative positions within the Department. An inexperienced workforce in public safety may subject jurisdictions to potentially higher liability costs.

Deploying experienced Police Officers and experienced Department employees will continue to be a challenge the Pasco Police Department will need to address. General law enforcement experience levels may be greater than two years when hiring lateral Police Officers versus hiring and training brand new officers. A strategy focused on recruitment and retention to reduce turnover

and increase overall Police Officer experience is critical and requires supervision, management, and City-wide support.

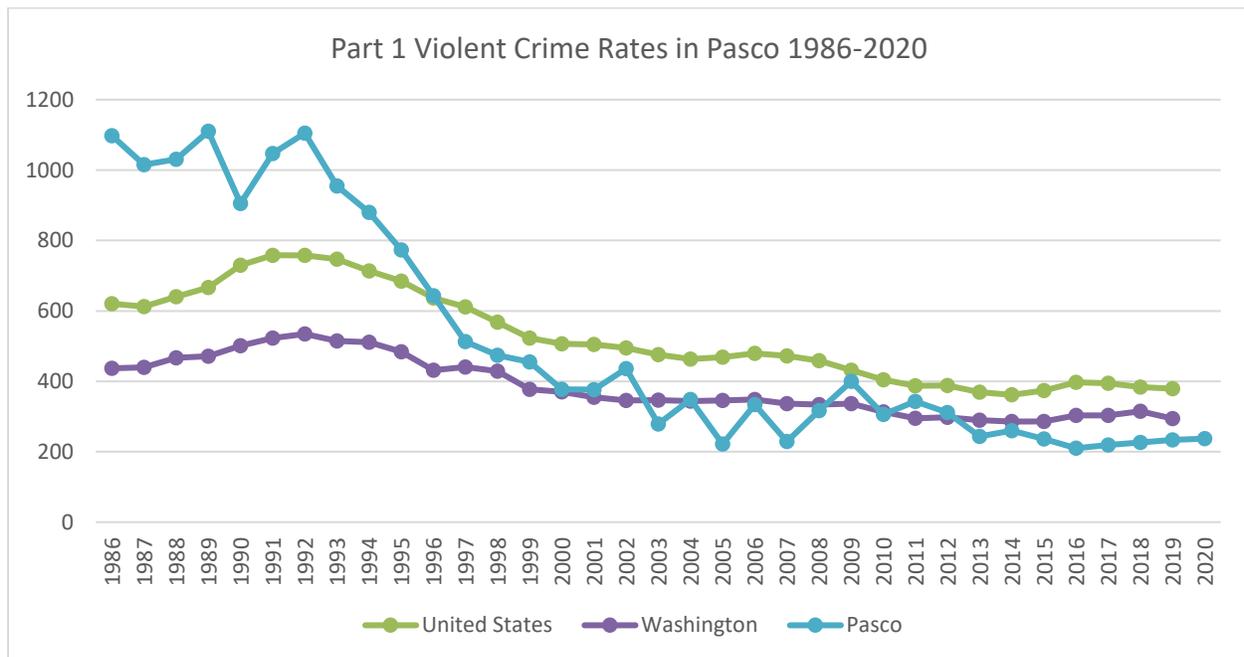
2.3 PASCO CRIME DATA

Cities across the country report crime data to the Federal Bureau of Investigation annually for key crime types. This publicly available data can be useful for understanding crime trends, particularly in cases where there is enough volume to make meaningful determinations.

The following figures show Uniform Crime Reporting (UCR) data.⁶ Violent crimes displayed in the following figure for Pasco demonstrate an increase between 2016 and 2019, after declines between 2009 and 2016. Overall, 10-year records show declining violent crime. Recent increases in violent crime are being noted across the country. The decline in 2020 may be based on the COVID-19 pandemic and will need further tracking.

The following figure shows UCR Part 1 violent crime rates (per 100,000 people per year) for Pasco compared to the State of Washington and the United States from 1986 through 2020.

Figure 5—UCR Part 1 Violent Crime Rates – 1986–2020

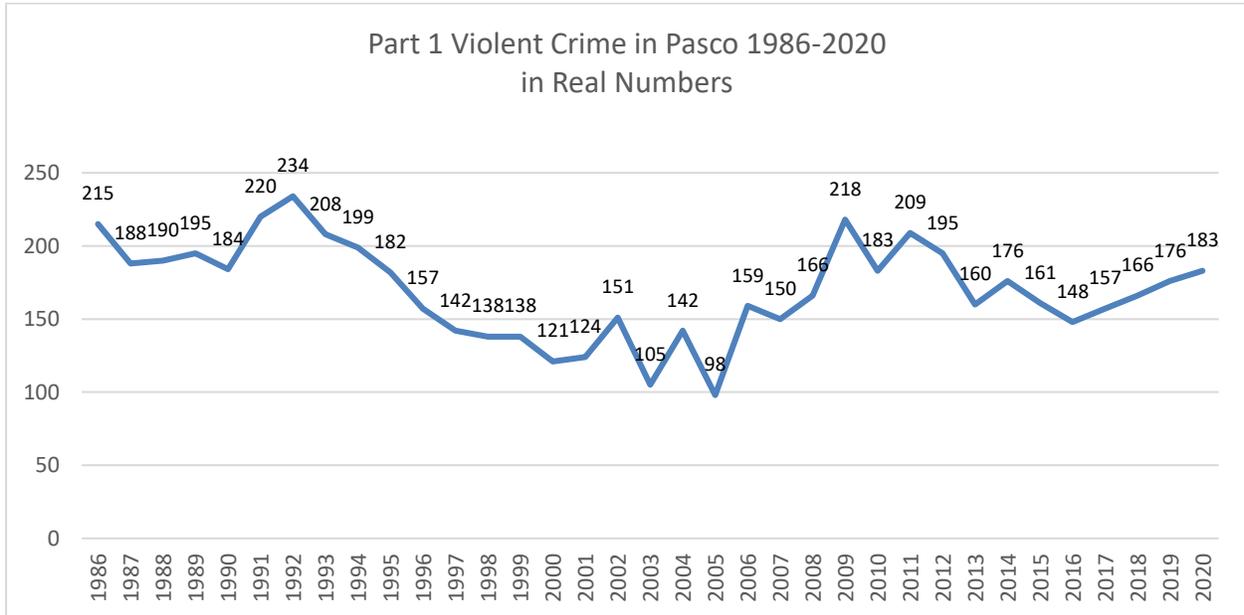


⁶ Beginning January 1, 2021, the Federal Bureau of Investigation transitioned to the use of the National Incident-Based Reporting System (NIBRS). According to the FBI, “As recommended by our law enforcement partners and approved by the FBI, the UCR Program retired the SRS and transitioned to a NIBRS-only data collection on January 1, 2021. Law enforcement agencies are encouraged to start implementing NIBRS now. The FBI remains committed to assisting all agencies in making the switch.”

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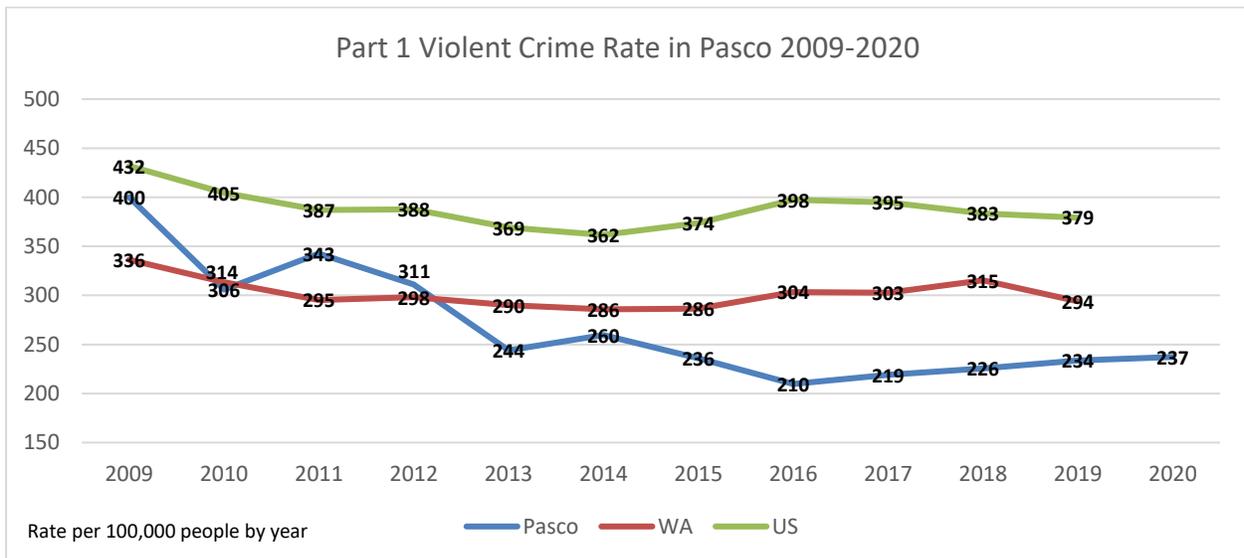
The following figure shows the same UCR Part 1 violent crime data displayed in real numbers for Pasco from 1986 through 2020.

Figure 6—UCR Part 1 Violent Crime Real Numbers – 1986–2020



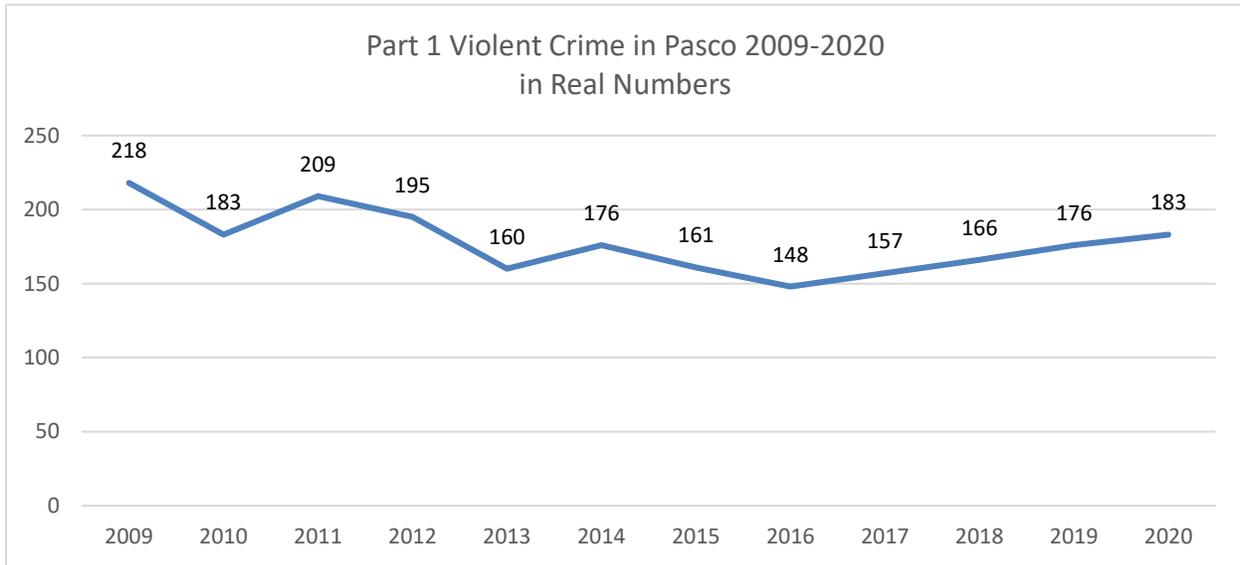
The following figure, which is similar to Figure 5, shows the same UCR Part 1 violent crime rates (per 100,000 people per year) for Pasco compared to the State of Washington and the United States from 2009 through 2020.

Figure 7—UCR Part 1 Violent Crime Rates – 2009–2020



The following figure, which is similar to Figure 6, shows the same UCR Part 1 violent crime data displayed in real numbers for Pasco from 2009 through 2020.

Figure 8—UCR Part 1 Violent Crime Real Numbers – 2009–2020



The detail for this figure appears in the following table:

Table 6—UCR Part I Violent Crimes – 2009–2020

Year	Homicide	Rape	Robbery	Aggravated Assault	Total
2009	1	29	45	143	218
2010	3	22	38	120	183
2011	2	25	32	150	209
2012	1	13	42	139	195
2013	0	25	28	107	160
2014	4	25	30	117	176
2015	3	25	40	93	161
2016	2	26	34	86	148
2017	1	23	43	90	157
2018	5	33	34	94	166
2019	1	41	40	94	176
2020	3	26	60	94	183

Of note from the previous data are the following comments and observations:

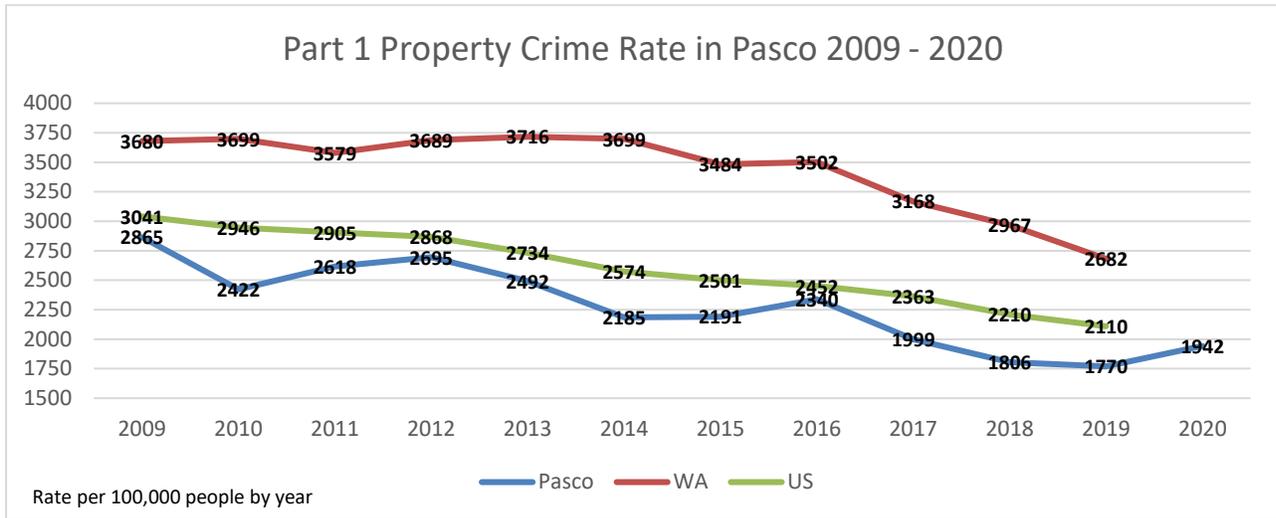
- ◆ Citygate recognizes there will always be some measure of violent crime.
- ◆ One of the 2020 Homicides was cleared as Justifiable Homicide.
- ◆ The Federal Bureau of Investigation discontinued using the legacy definition of rape in 2017 for UCR reporting. National rape estimates rose 2.7 percent in 2018 from 2017, and 18.1 percent from 2014 to 2018.⁷
- ◆ Robberies remained fairly stable between 2009 and 2019 but increased substantially in 2020.
- ◆ Aggravated Assaults trended downward through 2015 and remained at a stable rate through 2019 and increased in 2020.
- ◆ Although Robberies, Aggravated Assaults, and Homicides rose in 2020, the impacts of COVID-19 on violent crime are undetermined.
- ◆ The City of Pasco has experienced extensive population growth during the time period reflected in this data.
- ◆ Pasco Violent Crime has decreased relative to ten-year state and national averages while experiencing tremendous population growth. The City should maintain a focus on the cause and locations of violent crime using current and relevant data, based on organizational objectives and goals.

Property crimes displayed in the following figures for Pasco demonstrate a 10-plus year decline between 2009 and 2020. Overall, ten-year records show declining violent crime.

The following figure shows UCR Part 1 Property crime rates (per 100,000 people per year) for Pasco compared to the State of Washington and the United States from 2009 through 2020.

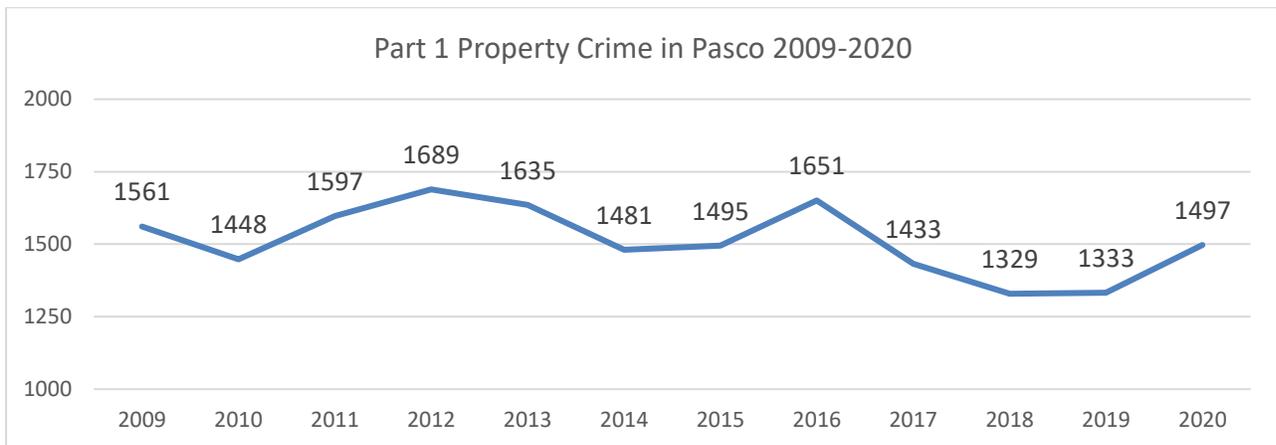
⁷ <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/rape>

Figure 9—UCR Part 1 Property Crime Rates – 2009–2020



The following figure shows UCR Part 1 property crime rates in real numbers for Pasco from 2009 through 2020.

Figure 10—Part I Property Crime Real Numbers – 2009–2020



Theft is a common crime in the City of Pasco, as it is in most cities. Call-volume data confirms this as calls for service associated with theft were the seventh most frequent calls in 2019 and 2020. Many thefts can be associated with retail business and involve “shoplifting” where the violator has been detained by a loss prevention employee of the store. Many police agencies have established retail theft programs designed to partner with stores within their communities to address minor thefts and eliminate the need for a Police Officer to respond to every shoplifting call. The Department should evaluate the level of retail theft incidents and collaborate with the City Prosecutor’s office to determine if a retail theft program is a viable and efficient option for the City moving forward. Effective service delivery mechanisms that provide cost-effective

solutions and enhance effectiveness and efficiency can also increase the ability of sworn staff to focus on identified areas for their first responders.

2.3.1 Crime Analysis and Data Analytics

Citygate utilized CAD data provided for August 2018 through April 2021 that was obtained through the Southeast Communication Center (SECOMM). Previous data provided from 2015 forward was incomplete and unreliable due to missing calls and missing timeframes. Patrol demands for staffing, workload analysis, and response time analysis were based on Patrol Officer and Patrol Sergeant unit identifiers. The 33 months of data includes the COVID-19 pandemic, which has undoubtedly affected the Department in a variety of ways. The ability to continue to track data will provide the Department with a more robust and reliable analysis.

In Citygate's overall review of the Department's organizational design, we felt it appropriate to discuss the Department's current data analysis capabilities and the need to maintain increased data analyst support organization-wide for all types of policing efforts, both sworn and non-sworn. The Department has a non-sworn Crime Analyst position which provides a high level of data analysis within the new Records Management System (RMS) being implemented.

The Department's existing analysis capability for patrol incidents uses dispatch data including date, response time, and time records for events. This is currently completely reliant on Communications Center provided data. Understanding the true nature of response times requires the ability to ascertain call handling time, which includes Communications Center response time and officer travel time. The ability to evaluate robust data, will allow the Department to maintain focus and efficiency moving forward. These skills will also allow the Department to monitor the efficiency of necessary date and time stamps and ensure the appropriateness of necessary nature codes associated with events.

Citygate recognizes there are many activities associated with policing that are not logged, associated to CAD activity, nor documented. This is not abnormal to the Pasco Police Department and is consistent with police departments across the country based on Citygate's experience.

Crime analysis is especially important given the changing state and federal requirements necessary to provide law enforcement services to the Pasco community. Such analysis/data support requires an analyst with the following essential skills: direct database querying, the ability to guide comprehensive and evolving CAD and records management system procedures, data governance, efficiency in the reduction of analytical burden within the organization, link analysis, Excel efficiencies, budgeting, and the ability to navigate and manage multiple Department and City platforms associated with service delivery.

2.4 STRATEGIC PLAN

Citygate reviewed the City of Pasco Comprehensive Plan. Citygate’s recommended organizational chart for the Pasco Police Department, which is detailed within this report, reflects current and future expected growth and Department services necessary to support the Comprehensive Plan. Several Comprehensive Plan focuses include:

1. Providing exceptional and proactive public safety services
2. Housing, commercial, and industrial development
3. Capital facilities
4. Transportation

Each of these four strategic organizational focus areas are further broken down with specific objectives for improving community services. In addition to continued growth and focus areas identified in the Comprehensive Plan, the organization will need to maintain vigilance on the COVID-19 pandemic and other local, state, and national issues facing 21st Century Policing. Citygate believes the goals and objectives outlined in the Comprehensive Plan provide a solid foundation upon which the Department can now start to build organizational infrastructure as outlined within this report. The implementation of a Strategic Plan requires building internal infrastructure capacity within the Department.

2.5 LEADERSHIP AND CULTURE

Citygate found the Pasco Police Department to be comprised of passionate and dedicated employees who take pride in their organization and working with the community. These values were expressed in a multitude of Department staff interviews, stakeholder interviews, and our organizational review. They were also supported by the survey results Citygate analyzed and the Community Forum input Citygate received.

Staffing is a consistent organizational theme, both with sworn and civilian staff, based on employee input as discussed in this report. This theme is associated with some long-term, traditional, policing philosophies the organization has had for decades. Citygate’s findings and recommendations address this.

City and Department organizational culture have previously focused on sworn, front-line Police Officer positions. Sworn Police Officers are vital to any law enforcement organization and to the maintenance of public safety in a community, as law enforcement’s priority is responding to public-generated calls for service. However, it is also critical to focus on a variety of other factors including, but not limited to, adequate executive staff, middle management, supervision, support staff, and the number of ancillary assignments held in various positions across the organization.

The Department will need to address this moving forward, especially with continuous City growth and expansion. These additions and upgrades are directly related to adapting to state and national legislative changes while providing services focused on management, supervision, accountability, training, and customer service. Cohesion at the supervisory and executive level is critical. Considering growth of supervision and a variety of Department services, the implementation of middle management, and additional Citygate recommendations throughout this report will be critical for the Pasco Police Department Strategic Plan to maintain pace with providing progressive police services.

Citygate would like to thank and commend all Pasco Police Department employees, the City of Pasco, and the Pasco community for the time, approachability, and accessibility presented during this study. Although it may seem obvious that employees must make themselves available and provide the time necessary to conduct this type of analysis, unfortunately, that is not always the case. Pasco is well represented, and we appreciated staff representing themselves as City and resident stewards.

2.6 EMPLOYEE STRENGTHS, WEAKNESSES, OPPORTUNITIES, AND THREATS (SWOT) SURVEY

Listening to a broad, cross-section of the Department was just as important as listening to the community, and Citygate heard consistent themes from inside the Department as we did from the community. Citygate interviewed Sergeants and command staff individually. We also interviewed non-sworn supervisors and staff. Citygate conducted a group interview with the Pasco Police Officers' Association's (PPOA) elected board members, and we issued online SWOT (Strengths, Weaknesses, Opportunities, and Threats) questionnaires to every member of the Department, both sworn and civilian.

Citygate understood the Department was proud of its tradition of continuous improvement, and it was in this spirit of continuous improvement that the Citygate team encouraged recipients to complete this survey in the most honest, candid, and thorough way possible. Responses were kept confidential, and no individually identifying information was shared with the Department. With assistance from the agency, Citygate received 75 SWOT survey responses. The response rate was extremely high (in fact, the highest Citygate has seen in a police department review) and is a credit to staff engagement in the process. The number of responses was consistent with both sworn and non-sworn staff across the organization.

A consistent theme across all methods of Department listening was pride in service. Members are proud of the Department, of its contribution to the community, and of the work they do individually in helping the Department be successful. This feeling of pride and cultural competency was as strong with the non-sworn members as it was with sworn members.

The Pasco Police Department still polices in some traditional manners. Citygate focuses on this organizational infrastructure within this report and in our findings and recommendations. The organization has spent years focusing on front-line patrol without building necessary organizational infrastructure. Twenty-first Century Policing requires more front-line supervision on patrol, supervision in a variety of organizational areas, and a need to create a mid-management level that strengthens operations and support services across the organization. This is supported by new legislation at the state and national levels.

Staff feel they are supported by the community, provide great customer service, are transparent, and positively engage the community. Across the organization, staff believes everyone has too many responsibilities. However, staff feel they can accomplish their responsibilities through reliance on teamwork, regional partnerships, community engagement opportunities, and leadership opportunities.

2.7 SUMMARY AND RECOMMENDATIONS

The City of Pasco and the Pasco Police Department need to identify the future policing strategy that best serves the Pasco community. Citygate offers recommendations in this report we believe will support the needs of the organization and community moving forward. Pasco's future will be different than the City is today, and will require capital improvement funding and budget allocation, timeframe expectations based on current decision-making models, establishing identified schedules and budgets based on priority objectives, and meeting staffing, space, and equipment demands.

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SECTION 3—COMMUNITY ENGAGEMENT

3.1 EXISTING COMMUNITY ENGAGEMENT PRACTICES

The main theme of community engagement from the Department’s point of view as exhibited during interviews and described in the SWOT surveys is that the Department is doing well, but members also believe better messaging about the Police Department’s relationship with and role in the community can be enhanced in a variety of areas.

The Department relies on social media, speaking engagements, and special event attendance as its primary means of engaging the public, which is common among police departments. The Department relies on a core group of individuals within the organization to keep up with social media engagement with the community.

Traditional methods of engagement may not reach important sections of the Department’s service population. This is especially true when conversations regarding change in policing in America are occurring. Positive policing developments occur daily, with all staff. Staff should continue to be entrusted to promote those occurrences to shed light and educate the public on what is occurring. The Department should consider providing all employees with initial, baseline media and social media training, which allows employees to promote the Department daily. In addition to addressing daily occurrences, the Department has staff that are more than capable of speaking to today’s policing concerns. Social capital can enhance both individual and group relationships through conversation.

Currently, most of the social media engagement is coordinated through a Sergeant and a cadre of officers in the Department. Citygate recognizes that community engagement efforts have been affected by the COVID-19 pandemic. The Department should consider re-investing in the social media team supported through collateral duties across the organization while expanding the current platform. This team can fall under a supervisor, receive ongoing training, and deploy skill sets that provide real-time and updated information to the community. Properly trained front-line staff can enhance Department efficiencies in maintaining communication with Pasco residents.

Finding #3: The COVID-19 pandemic has affected maximizing the use of social media and available staff for community connectivity and promotion of community and organizational values and needs.

Recommendation #3: Re-engage in training and increase staff capability on utilizing social media, media outlets, and press skills to benefit the organization daily. Enhanced messaging output will strengthen community partnerships while promoting organizational values and meeting community needs.

3.2 POLICE-COMMUNITY RELATIONS

Because the effectiveness of police operations often depends at least in part on the public’s willingness to provide information to and otherwise help the police department, police leaders increasingly see *legitimacy* and *procedural justice* as necessary conditions of success, and as worthy goals.⁸

Further, success in policing is enhanced when the police can gain and maintain support from the public. In individual encounters with residents, research has shown the police benefit when people are willing to accept and defer to the appropriate use of police authority, rather than starting the encounter with feelings of hostility and resistance. If people have a high degree of respect for their local police and the law, they are more likely to obey the law, including relatively minor traffic laws.⁹

According to Professor Tom Tyler in *Procedural Justice and Police Legitimacy: Using Training as a Foundation for Strengthening Community-Police Relationships*, procedural justice can be viewed as a way of attaining legitimacy and can be defined in terms of four issues:

1. People want to have a chance to explain their situation or tell their side of the story to a Police Officer. This opportunity to make arguments and present evidence should (when possible) occur before the police make decisions about what to do.
2. People react to evidence authorities with whom they are dealing are neutral. This involves officers making decisions based upon consistently applied legal principles and the facts of an incident, not an officer’s personal opinions and biases.
3. People are sensitive to whether they are treated with dignity and politeness, and to whether their rights are respected. The issue of interpersonal treatment consistently emerges as a key factor in reactions to interactions with legal authorities. People

⁸ Craig Fischer, ed., “Legitimacy and Procedural Justice: A New Element of Police Leadership” (Washington, D.C.: U.S. Department of Justice, Bureau of Justice Assistance, 2014), p. 2, https://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf.

⁹ Fischer, “Legitimacy and Procedural Justice,” p. 8.

believe they are entitled to being treated with respect and react very negatively to dismissive or demeaning interpersonal treatment.

4. People focus on cues that communicate information about the intentions and character (their trustworthiness) of the legal authorities with whom they are dealing. People react favorably when they believe the authorities with whom they are interacting are benevolent and caring and are sincerely trying to do what is best for the people with whom they are dealing. Authorities communicate this type of concern when they listen to people's accounts and explain or justify their actions in ways that show an awareness of and a sensitivity to people's needs and concerns.¹⁰

In *Legitimacy and Procedural Justice: A New Element of Police Leadership*, Tom Tyler argues there is an additional benchmark for evaluating police practices: the impact of a policy and practice upon perceived police legitimacy within the community.¹¹

Therefore, legitimacy is not simply a police program, initiative, or a set of policies. The concept applies to all police departments regardless of whether a department has leaders who have read about and tried to incorporate the concept of legitimacy throughout the department. Every department can be said to have a certain degree of legitimacy in the eyes of its residents, and that level of legitimacy can be measured, for example, by conducting public surveys.¹²

In view of what Citygate has learned from our organizational review, internal interviews with members of the Police Department, SWOT surveys, community survey analysis, community forum input, and stakeholder interviews, the Department is focused on maintaining the highest level of community service possible. Efforts of the Department to establish Commission on Accreditation of Law Enforcement Compliance (CALEA) and Washington Association of Sheriffs and Police Chiefs (WASPC) accreditation, legislation, and policy compliance, while serving the Pasco community, are evidence of this. These efforts may be enhanced through organizational infrastructure recommendations identified in this report.

3.3 COMMUNITY LISTENING SUMMARY

Citygate conducted listening sessions and a community survey as part of the comprehensive review of the Department. Qualitative data is another way for stakeholders to provide input on the needs of Pasco as well as provide a narrative for the quantitative findings. The Department worked with

¹⁰ Daniela Gilbert, Vaughn Crandall, and Stewart Wakeling, "Procedural Justice and Police Legitimacy: Using Training as a Foundation for Strengthening Community-Police Relationships" (Washington, D.C.: U.S. Department of Justice, Bureau of Justice Assistance, 2015), p. 18, <https://bja.ojp.gov/sites/g/files/xyckuh186/files/bwc/pdfs/procedural-justice-and-police-legitimacy-paper-cpsc-feb-2015.pdf>.

¹¹ Fischer, "Legitimacy and Procedural Justice," p. 8.

¹² Fischer, "Legitimacy and Procedural Justice," p. 14.

Citygate to ensure the success of the community survey (described in the next subsection) and the community forums. Department staff was instrumental in assuring these processes and their successful implementation. The survey and the community forums were provided in both English and Spanish. The community forums were managed via Zoom and provided a follow-up email address for participant input. The Department provided adequate advanced notice for community involvement.

The first community forum was held on a weeknight between 6:00 pm and 7:30 pm. Twenty-two individuals registered for the forum and four individuals attended. Input received from community members during the forum is highlighted below.

The second community forum was held on a Saturday between 10:00 am and 11:30 am. Eight individuals registered for the community forum meeting and four individuals attended. Input received from community members during the forum is highlighted below.

Citygate did not receive any follow-up emails based on the community forum meetings.

Given the small number of participants, the findings are not statistically significant to the entire City's resident, employment, and student populations. However, there was overlap and common themes were shared across the discussions. Citygate is confident the report reflects significant views from this small portion of the Pasco community when combined with the community surveys, organizational overview, stakeholder interviews, and the other measures Citygate utilized during the organizational review process.

3.3.1 The Four Questions

During the scheduled listening sessions, participants were asked to provide input regarding the following police services topics:

1. Service experiences you may have had with the Pasco Police Department.
2. Services you believe are essential for the Pasco Police Department to provide.
3. Services and future programs that need to be added to the Pasco Police Department or shifted to and done in cooperation with other community-based groups.
4. Aspirations for the future of policing in Pasco to guide the Department's continuous improvement and responsiveness to community expectations.

Information obtained during the sessions is summarized and organized by the following themes.

3.3.2 Listening Session Common Themes

Service Experiences You May Have Had with the Pasco Police Department

- ◆ Residents appreciate professionalism, transparency, and volunteerism within the Police Department.
- ◆ Social media is an important way for community members to stay informed.
- ◆ Not all community residents understand the various social media resource platforms available.
- ◆ Community members like to see a visible presence of Police Officers.

Services You Believe are Essential for the Pasco Police Department to Provide

- ◆ Proactively hire for growth as opposed to reacting to growth.
- ◆ Maintain School Resource Officers.
- ◆ Mental Health response should include a Police Officer, as incidents may become volatile.
- ◆ Consistent with the survey results, community residents are not necessarily informed on current legislation, Department practices, and mental health outreach.
- ◆ Consider expanding the information in briefing logs and social media, making them accessible to the public with appropriate information releases.

Services and Future Programs that Need to be Added to the Pasco Police Department or Shifted to and Done in Cooperation with Other Community-Based Groups

Community Member Recommendations for Enhanced Services

- ◆ Developing relationships with youth over long periods of time. Fostering these relationships may also be a critical recruitment piece.
- ◆ Certain non-uniformed responses can benefit the community.
- ◆ Maintain local talent.

Community Member Recommendations for Alternative Services

- ◆ Maybe the police should not respond to every type of call.
- ◆ Civilian, non-uniformed responses may be a benefit.
- ◆ Continue to maintain a partnership with Lourdes Health to utilize mental health professionals in the field.

- ◆ Mental health and homelessness responses require continued evaluation and approaches.

Aspirations for the Future of Policing in Pasco to Guide the Department’s Continuous Improvement and Responsiveness to Community Expectations

- ◆ An organization that demographically reflects the community.
- ◆ A Department built from local talent, utilizing the appropriate discretion during recruitment and retention processes.
- ◆ An organization dedicated to training, on-going education, and supported by the community.
- ◆ Community safety.
- ◆ Officers responding in a manner consistent with the expectations of the community.

3.4 COMMUNITY SURVEY

In addition to the community forums, Citygate worked with the Department to develop and distribute a community survey as part of the comprehensive review of the Police Department. Citygate conducted the internet-based community survey between July 13, 2021, and July 29, 2021.

The survey was provided in both English and Spanish and was comprised of a variety of questions designed to rate service priorities and expectations, identify community awareness of certain policing topics, identify overall community satisfaction of the Police Department, and identify respondent demographics.

The Department utilized a variety of marketing methods to distribute the survey, which was available to the community for approximately three weeks. Department staff was instrumental in successfully marketing the survey. Completed surveys went directly to Citygate, who conducted the survey analysis. Citygate received a total of **890** validated surveys, which represents a *very large* community engagement response.

Apart from several basic demographic questions, the survey mostly consisted of closed-ended inquiries. For each of the main closed-ended questions, respondents were directed to rate the degree to which they prioritize various Police Department service components, from “Extremely Critical” (5) to “Unimportant” (1). Additionally, one open-ended request was available to provide the community with an opportunity to fully express their opinions regarding future policing expectations.

There are a broad set of responses regarding current and future policing expectations. According to survey respondents, while each has their own specific experiences, community members in Pasco support the Police Department and feel safe in their neighborhood and in the City.

Community engagement, personal relationships, and community-related programs ranked well above all other community expectations. Maintaining these expectations will require increased Department-wide staff and an adequate pace to keep up with current and expected growth.

The full survey analysis report is provided in **Appendix C**.

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SECTION 4—FIELD OPERATIONS DIVISION

The Field Operations Division is the largest division of the Department. As in most police departments, it is the foundational division of the organization from which the core service of public safety and emergency first response are provided. The uniformed Police Officers on patrol are the visible agents of the City and the Department. They interact with the community daily. The primary mission of the Field Operations Division is to respond to calls for service, enforce state and local laws, enforce traffic laws, investigate traffic collisions, investigate criminal activity, prevent crime, engage with the community, develop and enhance community partnerships, and assist with other special assignments as necessary.

4.1 ORGANIZATION, STAFFING, AND SCHEDULING

Local, state, and national scrutiny of law enforcement, which includes on-going legislative changes, requires organizational infrastructure support to meet local, state, and national demands for law enforcement services that support organizational and community expectations.

Twenty-first Century Policing requires a variety of skills including, but not limited to, community policing, de-escalation, crisis intervention, early intervention systems, data systems, internal affairs processes, supervision and management, recruitment, hiring, and retention. All of these are equally dependent on front-line supervision and middle and Executive Management support for an organization to be successful.

Building community relationships may require bridging gaps that have existed for an extended period of time. Department supervision and management may ensure that isolation, suspicion, and disenfranchisement are overcome while enhancing community collaboration. Properly directed supervision and management reinforces accountability and legitimacy, and enhances community services, efficiency, and partnerships.

Developing collaboration requires trust, transparency, listening, partnerships, and problem solving. Institutionalizing these strategies requires organizational transformation. These processes can be reinforced through staff, supervision, and management. Supporting and implementing strategic plans requires consistency with mission, vision, and values throughout the organization and relative to span of control.

Employee safety and wellness should be a top priority for the organization. Staffing is one component directly related to employee safety and wellness, which should extend across staff, not just front-line Police Officers. Wellness outcomes can be directly related to community needs.¹³

The Pasco Police Department’s Field Operations Division is commanded by a police Captain who reports directly to the Deputy Police Chief and is assisted by police Sergeants. The Division is organized into two teams (A and B) according to the days they work. Each team is made up of three shift squads, and is managed by one Sergeant. The shift squads provide patrol service 24 hours a day, seven days a week as follows.

Table 7—Field Operations Division Shift Squad Schedule

Shift	Team A Monday to Thursday	Team B Thursday to Sunday
Day shift	7:00 am – 5:40 pm	7:00 am – 5:40 pm
Swing shift	3:30 pm – 2:10 am	3:30 pm – 2:10 am
Grave shift	9:20 pm – 8:00 am	9:20 pm – 8:00 am

Day shift currently consists of nine officers, swing-shift currently consists of seven officers, and graveyard shift consists of five officers. These numbers are in addition to the assigned Sergeants and can change daily. The number of scheduled officers per shift are not always filled. For example, during this project, one of the grave shifts only had four assigned officers on duty.

When the COVID-19 pandemic emerged in the early part of 2020, law enforcement agencies across the country were forced to examine current response protocols and implement measures to mitigate exposure of their officers to COVID-19. The Department was no exception. A consistent review of implemented protocols for possible permanent policy revisions should be considered.

Citygate spent several hours on a ride-a-long with the Department. Our first-hand experience reinforced the need for increased staffing across the organization based on current and future community demands. Front-line and supervisory staff was depleted based on limited availability due to standard schedules, and varying shifts had to be held over to cover minimal levels of public safety services. The Department has limited staff to place throughout the City. Replenishing a small number of retirees or limited budgeted positions does not resolve the current and future needs of a vastly growing community. City geography requires extended travel time for this limited staff to respond to community and Department needs. Population demands will continue to increase, which means calls for service and travel times will increase. If staffing is not increased, travel

¹³ COPS, (2019). Law Enforcement Best Practices, lessons Learned From the Field, Community Oriented Policing Services, U.S. Department of Justice, (1-168), <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

demands associated to both community and employee needs will be adversely affected. Legislative demands will also have an impact on service demands. This is directly related to the ability to respond to and serve the public based on public-generated calls for service and officer-initiated activity. Legislative priorities, community safety, employee wellness, and response time expectations should be factored into appropriate staffing levels.

4.2 SUPERVISION

Law enforcement is complex and multifaceted. First responders are often required to be everything to everybody. Supervisors are the first point of contact for employees to successfully navigate a changing and complex environment. Navigating this successfully, safely, and efficiently requires competent front-line supervision, supported by the organization, City, and the community. Front-line supervision and middle management build public trust and legitimacy while communicating expectations and providing feedback related to expected performance. A supervisor's ability to be physically out in the field supervising Police Officers on 9-1-1 calls and officer-initiated activity is extremely important. While they cannot respond to every call, Patrol Sergeants should be situationally aware of critical calls, and able to provide direct supervision when necessary. On occasion, Patrol Sergeants respond to calls for service as either the primary or secondary unit assigned. These responsibilities become more difficult when supervisors are not able to observe activity due to the limited number of supervisors available or if they are assigned to a span of control not consistent with organizational or community objectives, or because the supervisor's responsibility for administrative and ancillary assignments takes the supervisor away from the operations, requiring supervisory availability. There are key qualities and characteristics expected from a front-line supervisor which help achieve organizational objectives and missions supported through organizational structure. To be successful these individuals must receive on-going leadership training and be accessible and available to staff they are supervising.¹⁴

The ability to transition into front-line supervision successfully and efficiently may be enhanced with the addition of a middle management rank within the organization. As is common with every law enforcement organization, Pasco Patrol Sergeants are sometimes tasked with additional administrative duties that keep them in the office and not in the field directly supervising Police Officers. Violations of policy, potential inappropriate use-of-force incidents, complaints, as well as personal and City liability are greatly reduced when a supervisor is present given the nature of policing. Citygate also recognizes the importance of administrative assignments and ancillary duties. The addition of patrol supervision and middle management provides the organizational infrastructure balance moving into the future to meet community, City, and Department objectives in 21st Century Policing.

¹⁴ (COPS, (2019). Law Enforcement Best Practices, lessons Learned From the Field, Community Oriented Policing Services, U.S. Department of Justice, (1-168), <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

4.3 DEMAND FOR SERVICE

In assessing the demands for service of the Department’s Field Operations Division, Citygate assessed three categories of activity that consume the officers’ time: *public-generated calls for service*, *officer-initiated activity*, and *administrative activities*. Each category is briefly defined as follows:

- ◆ *Public-Generated Calls for Service* are incidents where members of the public contact the Police Department communications center (dispatch) and ask for assistance. The most common example of this is a 9-1-1 call as described in this report. This activity is tracked in CAD.
- ◆ *Officer-Initiated Activity* is any activity a Patrol Officer initiates and is sometimes referred to as “pro-activity.” The most common example of this is a traffic enforcement stop. This activity is also tracked in CAD.
- ◆ *Administrative Activity* is any activity the Patrol Officer attends to other than a call for service or officer-initiated activity, such as appearing in court, report writing, attending roll call briefings, and attending a Department meeting where the officer is on duty but is out of service and unavailable to handle calls. This activity is mostly not tracked in CAD and therefore requires Citygate’s estimation based on Department policy and Citygate’s experience with other agencies.

As noted in the Pasco Crime Data subsection of this report, Citygate was provided City data going back to 2015. However, the data was incomplete, missing numerous months, and unreliable. Citygate utilized County data from August 2018 through May 2021. The original data received from the City contained approximately 2,000 nature codes when event types and subtypes were reviewed. The smaller sample of County data reduced this to approximately 400 nature codes. The Department should consider simplifying the number of nature codes, which will allow for a more efficient review and analysis of data moving forward. Necessary reporting distinctions that may not need to be in CAD may be maintained in the Records Management System (RMS). Simplified coding can reduce analytical burden.

Citygate CAD analysis reveals the following:

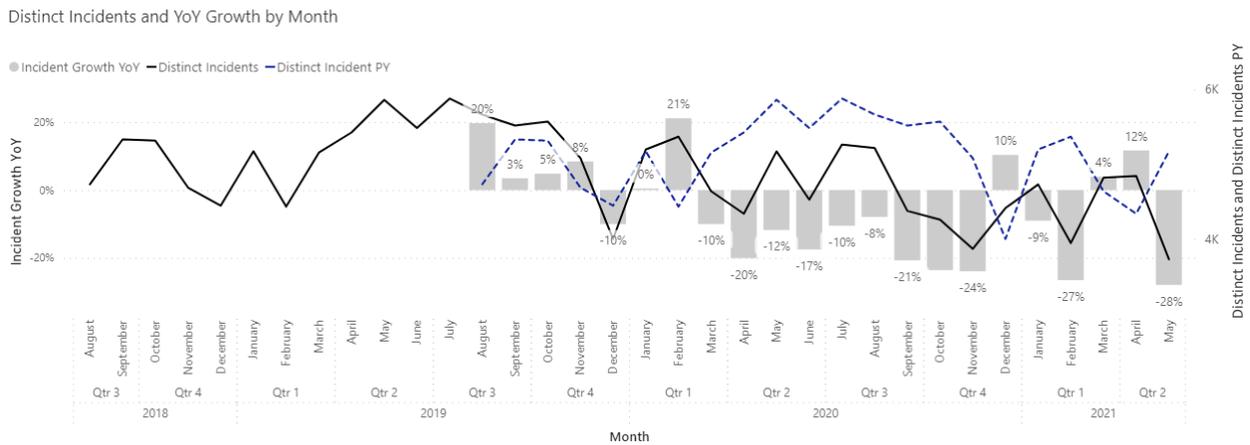
- ◆ 166,448 unique events
- ◆ 16.6 percent of these were non-arrivals
- ◆ 138,779 incidents were officers arrived on scene (at least one unit)
- ◆ 42.6 percent were public-generated
- ◆ 54.5 percent were officer-initiated

- ◆ 2.9 percent was remaining time made up of:
 - Logged administrative time
 - Logged training time

4.3.1 Calls for Service Analysis

The following figure shows year over year incidents for 2019 and 2020. In 2020, there was a 10 percent decline from 2019 in overall incidents. The impacts of COVID-19 are undetermined. May 2021 is not a complete month of data and moving forward the Department and City should review 2021 in full.

Figure 11—Calls for Service – Distinct Incidents and YoY Growth by Month

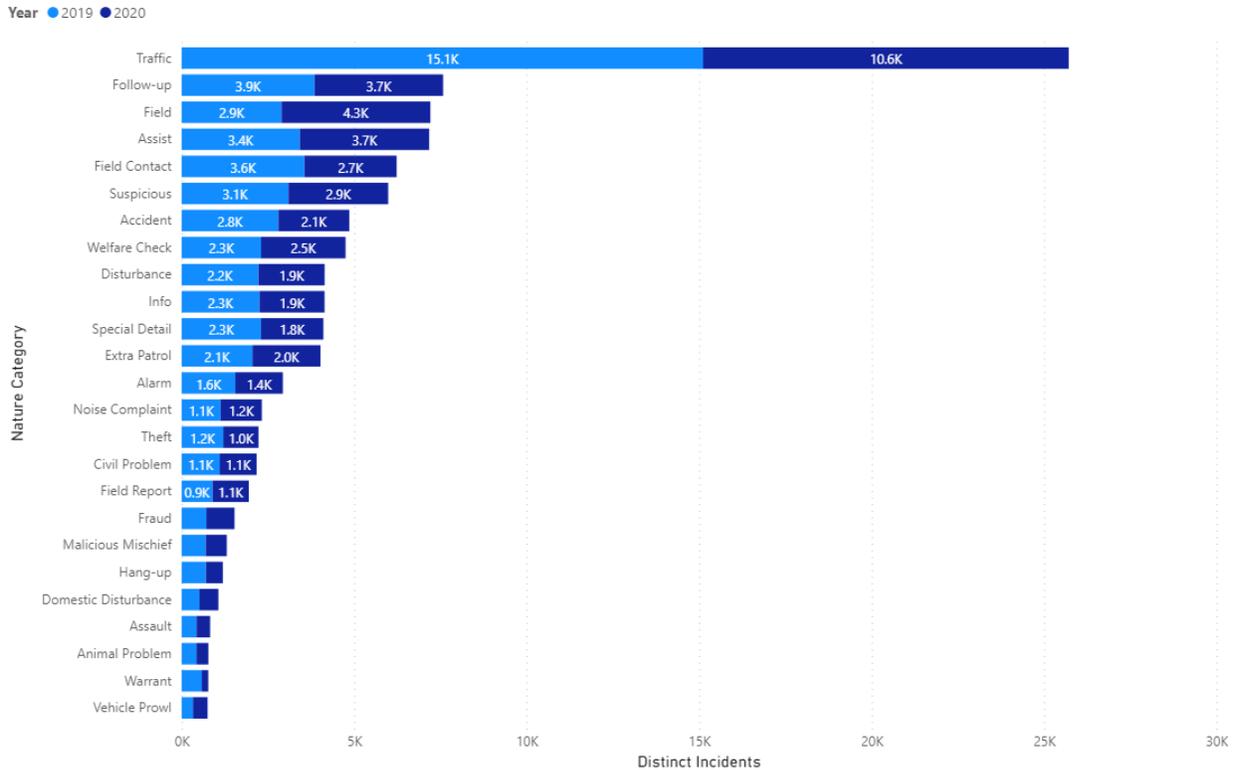


4.3.2 Call Volume Analysis

The following figure represents both public-generated calls for service and officer-initiated activity. Citygate reviewed a variety of different call responses within the City of Pasco. The following chart represents the top 25 responses for the Police Department during 2019 and 2020. This does not represent how priority responses should be managed. It represents what front-line sworn staff spends the majority of their time on during this two-year period.

Figure 12—Top 25 Call Types – 2019 and 2020

Top 25 Call Types 2019 and 2020



4.3.3 Response Time Analysis

In reviewing Pasco Police Department’s response time, it is important to understand that there are no legal mandates or national standards that establish what the agency’s response time should be. Every community has its own unique set of geographical circumstances and therefore response time goals should be established by the City Council based on Pasco’s unique situation. Citygate also recognizes that the City of Pasco is reliant on County dispatch services.

Citygate worked with the Department to identify high priority calls for service response time measurements. This data set included 33 months of measured data, and these measured calls are highlighted later in this report. Citygate has other client experience showing increases in domestic violence and mental health related calls for service. The following table shows identified high priority calls utilized to measure response time over the 33-month period of utilized data.

Table 8—Identified High Priority Calls Used to Measure Response Time – August 2018 through May 2021

Nature Category	Distinct Arrivals
Bomb Threat	3
Missing Person Abducted	7
Robbery	50
Assault with a Weapon	55
Disturbance with a Weapon	131
Accident	367
Domestic Assault	603
Suicide	609
Weapons	818
Domestic Disturbance	1,356
Total	3,999

4.3.4 Fractile and Average Response Time Measurement

Police response times have historically been presented as averages, which is measured by adding the total response times of a given set of incidents and dividing that total by the number of incidents. The shortcoming of the average response time measurement is that it only identifies a single point on a continuum and cannot show how widely the data is spread across that continuum.

The current best practice nationally is to transition measuring the percent completion of a specified response goal. Citygate uses 90 percent as the standard. The best way to illustrate this concept is to say “the community can expect a response of X minutes or less, 90 percent of the time,” or “Nine times out of ten, the public can expect a response in X minutes or less.” Mathematically this is referred to as a “fractile” measure.¹⁵

Average response times do not properly account for calls with response times far exceeding threshold in which positive outcomes could be expected. Average time measurement also does not reveal which response times should be considered as too slow. The fractile measure does. Citygate believes the fractile measurement is a more accurate reflection of the service delivery of this Department.

¹⁵ A fractile is that point *below* which a stated fraction of values lie. The fraction is often given in percent; the term percentile may then be used.

The following list summarizes average versus 90th percentile data:

- ◆ 90th percentile response times should be read as:
 - “Responses occur within X minutes 90 percent of the time or less”
 - “Nine times out of 10, the public can expect a response in X minutes or less”
- ◆ 90th percentile helps illustrate:
 - The effect of outliers
 - A more realistic estimate for the public than a simple average
 - A starting point for developing response plans and metrics.

4.3.5 Elements of Response Time

Response times are calculated by three measures including *call handling time*, *officer travel time*, and *total response time*. Each element is further defined as follows:

- ◆ *Call handling time* is the time it takes for the dispatcher to receive a 9-1-1 call, assess the nature and priority of the call, and “dispatch” units (Police Officers) to the scene. This is reflected in the following analysis as the “Ring to Queued” time.
- ◆ *Officer travel time* is the time it takes from when the call is “dispatched” until the time the first unit arrives on the scene. This is reflected in the following analysis as “Queued to Arrive” time.
- ◆ *Total Response Time* is the total time it takes from when the 9-1-1 call is answered in the communications center until the first and/or second unit arrives on the scene. This is reflected in the following analysis as “Ring to Arrive” time.

Because these are independent measures there will be cases where the sum of the parts will not equate to the whole. The composition of incidents for each measure is different in nearly all cases.

4.3.6 Response Time Methodology

In calculating response times for the Department, Citygate acknowledges that not all calls for service require an emergency response. For example, the response to a report of a minor crime such as vandalism or simple larceny (theft) when no suspects are present will be entirely different than the response to an armed robbery in progress. Thus, Citygate focused the response time analysis of this study to those calls considered “high priority” and most likely to warrant an emergency response. Also, to eliminate outliers, Citygate measured incidents where the total response time was less than or equal to 15 minutes.

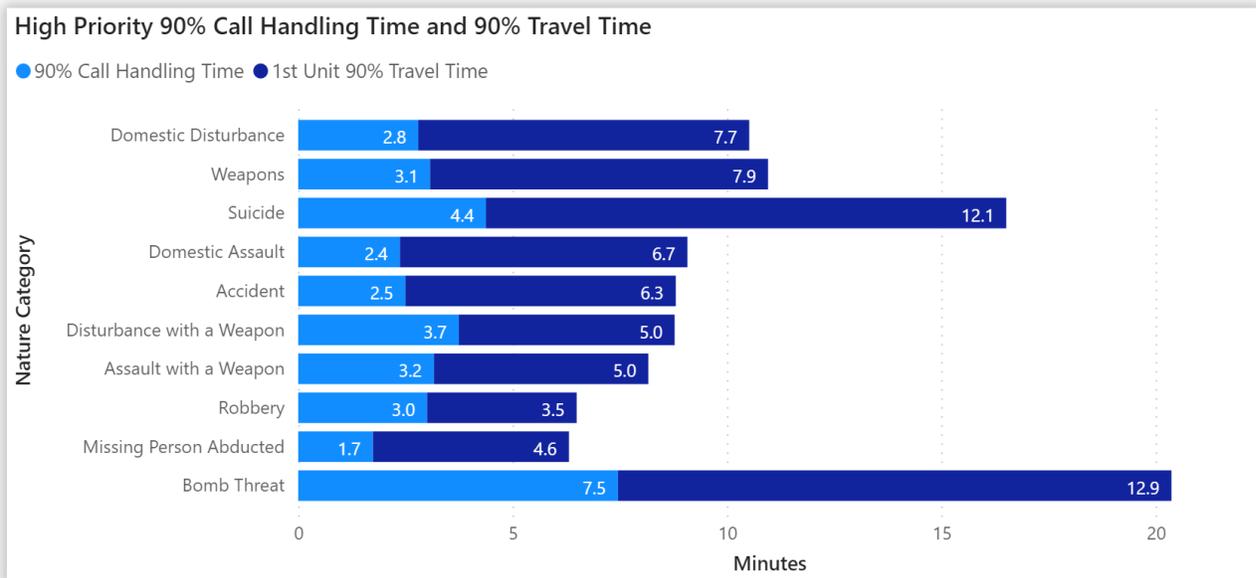
Because the number of calls being analyzed is relatively small, Citygate has elected to only show response time for the first arriving unit whenever that analysis is done for an individual nature code. Response time for the second arriving unit is available in the aggregate.

4.3.7 Response Time—Call Handling and Officer Travel Time

Call handling time and officer travel time for the first arriving unit appear in the following figure. This measure is an aggregate across all high priority nature codes.

As mentioned, Citygate measured response times for those nature codes that were most likely to require an emergency response. Response time analysis for those “High Priority” nature codes appears in the following figure.

Figure 13—High Priority 90% Call Handling Time and 90% Travel Time



The Department and City Council have not historically used response time goals for patrol staffing, given that the City was smaller. Currently, the City is large enough (and is still growing) for adopted response time goals.

Response time goals typically have at least four measures:

- ◆ First unit response to 9-1-1 high priority calls where harm to persons is underway or is very likely to soon occur without prompt officer response and de-escalation techniques

- ◆ Second officer response to the high priority life and injury situations where, for officer and public safety, two officers at a minimum are required to gain entry or access to the persons involved
- ◆ Medium priority incidents where an officer response is still needed quickly, but not immediately or with red lights and siren
- ◆ Incidents that are already over but need reporting and documentation from a sworn officer or community service officer, or through online tools.

The use of response time goals along with overall demands on an officer's time on patrol allow a department to ensure enough officers are on duty and are spaced across the community (beats or districts) for high priority immediate response, while *also having* multiple officers in the area to provide a backup second officer as needed, to handle low priority incidents and for proactive community policing time.

Thus, as departments grow, they deploy enough Patrol units across the geography such that too few officers on duty are not concentrated into any one high-demand service area, leaving large sections of a city without an officer for life-threatening, immediate-need responses.

The next subsection will review overall demands on a Patrol Officer's time, and aside from 9-1-1 responses, determine if there is also time for officer-initiated, community policing activities.

4.3.8 Demand for Service Summary

To conduct an analysis of the Department's current staffing levels, Citygate used the following table based on public-generated police activity for 2019 and 2020, which included Patrol Officers and patrol Sergeants. Citygate used 2019 as the baseline to eliminate any short-term activity anomalies associated with COVID-19. All activity (public-generated calls for service and officer-initiated activity) recorded in CAD contains "committed time" data. This is the amount of time a Police Officer spends on a particular activity.

That data, combined with information on the minimum and full staffing levels provided by the Department, allows Citygate to plot the staffing to committed hours as a percentage on a temporal table. This data, along with the workload analysis in this report, can be used to realign shift deployments and identify future staffing needs.

City of Pasco, Washington
Police Department Strategic Plan

Table 9—Public-Generated Police Activity for 2019 and 2020

Distinct Incidents by Day and Hour								
Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00	241	257	264	224	326	431	551	2,294
01	214	194	175	181	200	330	459	1,753
02	135	169	154	144	154	290	306	1,352
03	131	156	141	117	138	188	237	1,108
04	108	113	107	141	119	167	171	926
05	120	136	128	121	122	147	131	905
06	194	195	185	193	173	158	124	1,222
07	317	289	253	281	264	222	184	1,810
08	511	453	421	413	428	310	246	2,782
09	502	495	480	485	478	393	312	3,145
10	583	528	502	551	556	480	373	3,573
11	594	557	552	614	599	500	479	3,895
12	605	610	563	534	613	507	455	3,887
13	605	642	604	593	594	532	501	4,071
14	596	628	588	634	661	518	522	4,147
15	723	681	655	657	697	534	501	4,448
16	729	728	749	716	751	526	490	4,689
17	617	630	581	670	661	517	506	4,182
18	554	544	519	551	572	499	540	3,779
19	523	497	506	517	577	510	499	3,629
20	482	448	480	440	539	561	520	3,470
21	444	415	468	493	530	629	482	3,461
22	362	375	410	473	531	702	413	3,266
23	290	317	344	353	482	617	346	2,749
Total	10,180	10,057	9,829	10,096	10,765	10,268	9,348	70,543

4.4 WORKLOAD ANALYSIS

Citygate was challenged with available data and therefore measuring total committed time was difficult. Logged committed time accounted for approximately 32 percent of worked hours in 2019 and 2020. This subsection shows committed versus worked hours, separated into tables by how the hours were initiated. Logged training and administrative time makes up approximately 1,500 hours over the two-year period. Citygate recognizes these figures are too low to be real. Many agencies struggle with Patrol Officers accurately logging training and administrative hours in CAD. More accurate recording of completed assignments and workload will provide a better understanding of utilization and committed time relative to service demand and capacity.

Citygate acknowledges that not all committed time is logged into CAD. For example, it is very common for Patrol Officers to remain available while parked and writing a report. Using this example, the officer is available to take calls but is not logging any administrative time, even though he is writing a report, and therefore this would show as uncommitted time. Citygate's advice is to log the report-writing time and remain in service. Being in service and report writing do not need to be mutually exclusive activities. In Citygate's experience, the percentage of time committed to administrative tasks while on duty is estimated to be between 20 to 35 percent of a Police Officer's available on-duty time but is nonetheless only partially measurable from the data available today.

The following table represents a sample of workload analysis from available 2019 data. It represents a combination of both public-generated calls for service and officer-initiated activity. **Appendix B** contains additional tables showing the committed hours for public-generated calls for service and officer-initiated activity separated out.

For the following table, please note the following:

- ◆ The left-most chart shows the average number of committed hours by day and hour, divided by 52 weeks in the year.
- ◆ The middle chart shows the average number of distinct units that responded in 2019 by day and hour, divided by 52 weeks in the year.
- ◆ The right-most chart is the ratio of average distinct number of officers responding to average committed time per hour and day.

Citygate acknowledges that many factors impact staffing levels on a day-to-day basis. In analyzing the staffing-to-committed-hours data, Citygate applied two thresholds for illustration purposes. When committed hours (calls for service) reach 50 percent of available staffing, a yellow triangle (▲) is indicated. If committed hours reach 60 percent of available staffing, a red diamond (◆) is indicated. Committed hours above 80 percent are noted with a purple circle (●).

City of Pasco, Washington
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Community, Department, and City expectations, values, missions, goals, and objectives require responses to calls for service to be a priority while also prioritizing self-initiated activity.

Table 10—9-1-1-Generated and Officer-Initiated (All Activity, 2019)

2019 Average Committed Hrs.									2019 Average Distinct Units									2019 Average Committed Hrs. Per Unit							
Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total	Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total	Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun
00	3.3	2.5	3.2	3.2	3.4	4.4	4.8	24.9	00	7	6	7	7	7	8	8	7	▲ 51%	▲ 41%	▲ 46%	▲ 47%	▲ 46%	▲ 55%	▲ 58%	
01	2.4	2.4	2.1	2.3	2.6	3.2	4.1	19.1	01	6	5	6	5	6	7	8	6	▲ 42%	▲ 44%	▲ 37%	▲ 45%	▲ 43%	▲ 48%	▲ 53%	
02	1.6	2.0	1.7	1.8	1.5	2.6	2.4	13.7	02	3	4	3	4	3	5	5	4	▲ 50%	▲ 55%	▲ 49%	▲ 49%	▲ 44%	▲ 57%	▲ 51%	
03	1.8	1.6	1.3	1.2	2.0	2.1	2.1	12.1	03	3	3	3	3	3	4	4	3	◆ 64%	▲ 54%	▲ 44%	▲ 45%	◆ 61%	▲ 53%	▲ 53%	
04	1.3	1.2	1.6	1.4	1.2	1.5	1.6	9.8	04	3	3	3	3	3	3	4	3	▲ 49%	▲ 44%	▲ 58%	▲ 50%	▲ 46%	▲ 49%	▲ 43%	
05	0.9	1.2	1.5	1.3	1.2	1.5	1.3	8.9	05	3	3	3	3	3	3	3	3	▲ 36%	▲ 43%	▲ 55%	▲ 49%	▲ 45%	▲ 56%	▲ 49%	
06	3.7	3.4	4.9	3.8	4.0	2.5	2.4	24.7	06	4	4	4	4	4	3	3	4	● 97%	● 90%	● 115%	● 93%	● 98%	● 74%	● 68%	
07	3.7	3.9	4.8	3.5	3.8	2.4	2.0	24.1	07	6	6	6	6	6	4	4	5	◆ 65%	◆ 68%	● 86%	◆ 63%	◆ 70%	▲ 58%	▲ 51%	
08	3.6	3.9	3.3	4.0	4.1	3.0	2.7	24.7	08	5	6	6	6	6	5	5	6	◆ 65%	◆ 67%	▲ 58%	◆ 64%	◆ 72%	◆ 62%	◆ 58%	
09	4.1	4.3	3.9	4.9	3.9	3.8	2.7	27.5	09	6	6	6	6	6	5	5	6	◆ 73%	◆ 72%	▲ 69%	◆ 76%	◆ 66%	◆ 73%	▲ 57%	
10	3.6	4.1	4.0	3.7	3.9	3.5	2.7	25.5	10	6	6	6	6	6	6	5	6	▲ 59%	◆ 66%	◆ 64%	◆ 60%	◆ 62%	◆ 62%	▲ 51%	
11	4.6	3.8	3.8	4.2	4.4	3.1	3.5	27.4	11	6	6	6	7	7	6	6	6	◆ 73%	◆ 62%	▲ 59%	◆ 63%	◆ 67%	▲ 55%	◆ 62%	
12	4.8	4.2	4.4	4.1	4.1	3.3	3.4	28.3	12	7	6	6	7	7	6	5	6	◆ 70%	◆ 67%	◆ 69%	◆ 62%	◆ 62%	▲ 57%	◆ 62%	
13	4.3	4.8	3.9	4.6	4.1	3.8	3.3	28.8	13	6	7	6	7	7	6	6	6	◆ 67%	◆ 70%	◆ 62%	◆ 67%	◆ 62%	◆ 64%	▲ 59%	
14	4.0	4.4	3.9	4.7	4.6	3.7	3.1	28.4	14	6	7	6	7	7	6	6	6	◆ 62%	◆ 66%	◆ 64%	◆ 70%	◆ 70%	▲ 60%	▲ 53%	
15	4.4	5.2	4.4	5.7	5.4	3.9	4.6	33.6	15	8	8	8	8	9	7	7	8	▲ 57%	◆ 65%	▲ 57%	◆ 68%	◆ 62%	▲ 57%	▲ 64%	
16	5.9	6.4	5.9	6.2	5.6	5.0	4.3	39.3	16	10	11	11	11	10	10	9	10	▲ 56%	▲ 60%	▲ 55%	▲ 57%	▲ 55%	▲ 51%	▲ 47%	
17	4.0	4.5	4.2	4.5	4.4	4.3	3.7	29.6	17	8	8	8	8	8	8	8	8	▲ 53%	▲ 56%	▲ 52%	▲ 57%	▲ 54%	▲ 57%	▲ 50%	
18	3.2	4.4	3.4	4.4	3.8	4.0	3.5	26.6	18	6	6	6	6	7	6	6	6	▲ 51%	◆ 68%	▲ 54%	◆ 69%	▲ 55%	◆ 63%	▲ 58%	
19	3.4	3.5	3.6	3.3	3.8	2.8	2.9	23.4	19	6	6	6	6	6	6	6	6	▲ 55%	▲ 57%	▲ 58%	▲ 54%	▲ 60%	▲ 47%	▲ 49%	
20	3.5	3.1	2.9	3.4	3.7	4.2	3.8	24.6	20	6	6	6	6	6	6	6	6	◆ 62%	▲ 54%	▲ 50%	▲ 53%	◆ 61%	◆ 67%	◆ 62%	
21	3.3	3.3	4.0	4.2	4.4	4.2	5.2	28.6	21	6	7	6	7	8	7	7	7	▲ 52%	▲ 48%	◆ 63%	◆ 61%	▲ 59%	▲ 56%	◆ 70%	
22	3.8	5.5	4.4	4.9	6.0	4.4	5.5	34.4	22	8	9	8	9	9	9	8	9	▲ 47%	◆ 64%	▲ 52%	▲ 56%	◆ 68%	▲ 50%	◆ 67%	
23	3.5	3.6	3.6	4.1	3.6	5.3	3.9	27.4	23	7	8	8	8	8	9	7	8	▲ 48%	▲ 46%	▲ 47%	▲ 48%	▲ 44%	▲ 59%	▲ 52%	
Total	82.5	87.3	84.6	89.4	89.7	82.6	79.4	595.5	Total	6															

When performing the analysis of staffing to committed time, Citygate assessed actual committed time logged in CAD from public-generated calls for service and officer-initiated activity. However, as Citygate has acknowledged, not all committed time is logged into CAD. Citygate has considered that a large percentage of work-related activities often go undocumented.

Public-generated calls for service are the foremost expectation and demand on front-line police services. Current capacity to handle these calls for service is already challenged and the Department will continue to experience challenges with the expected growth of the City. In addition to public-generated calls for service, appropriate staffing requires the ability to address community engagement as part of officer-initiated activity. The analysis in Table 10 shows that when public-generated calls for service and officer-initiated activity are combined, average committed time approaches or surpasses significant levels on which the organization should be focused.

In addition to the basic demand for public-generated calls for service and officer-initiated activities, there needs to be recognition of additional required activities that consume a Police Officer’s time. These tasks are considered administrative in nature and impact the amount of time the officer is available for proactive policing (officer-initiated activity) and/or responding to public-generated calls for service. These administrative activities include report writing, court appearance on duty, roll-call briefing, on-duty training, equipment maintenance, meeting with supervisors, incident debriefing, etc. In Citygate’s experience, and as previously stated, the

percentage of time committed to administrative responsibilities while on duty is expected to be between 20 to 35 percent of a Police Officer's available on-duty time.

Finding #4: The Department and City have not adopted response time goals to guide the need for field patrol capacity. It is a best practice to have these goals.

Finding #5: Not all administrative workload measures are currently tracked in Departmental data systems.

Finding #6: The Department has a shortage of front-line patrol staffing as evidenced by routine shift staffing challenges and the Department's limited staff to place throughout the City. Also, the analysis of public-generated calls for service and officer-initiated activity, when combined, reveals that average committed time approaches or surpasses significant levels on which the organization should be focused.

Recommendation #4: The Department and City should establish and use response time goals as part of the budget and policing oversight duties. These should include at a minimum:

High Priority First Officer – Reduce dispatch processing to 2:00 minutes or less, 90 percent of the time. First officer arrived at location within 6:00-minute notification and travel time, 90 percent of the time. Total response time from 9-1-1 answer is 8:00 minutes, 90 percent of the time.

High Priority Second Officer – 8:00-minute notification and travel time. Total response time of 10:00 minutes, 90 percent of the time.

Medium Priority 9-1-1 Incidents – Dispatch processing time of 3:00 minutes, and officer notify and travel time of 10:00 minutes. Total response time of 13:00 minutes, 90 percent of the time.

Report/Documentation Needed – 4:00-minute dispatch time and officer or community service unit response of 20:00 minutes. Total response time is 24:00 minutes, 90 percent of the time.

Recommendation #5: Establish a culture of data measures for all work-related activities including, but not limited to, administrative duties, court time, break periods, on-duty training, equipment processing, vehicle maintenance, and many other related tasks associated with responsibilities requiring on-duty time.

Recommendation #6: The Department should add six front-line Patrol Officer positions across shifts while consistently measuring available data, conducting on-going workload analysis associated with current and anticipated growth, evaluating alternative resource and service delivery mechanisms, and accessing goals and objectives.

4.5 TRAFFIC DEPLOYMENT AND ANALYSIS

The Department deploys a limited traffic unit, which is collateral to patrol responsibilities, and focused on a primary function of responding to calls for service. Collateral Traffic Officers report to a patrol Sergeant. Both officers are assigned to dayshift and/or swing shift, covering both sides of the week. During this study, both positions were vacant due to transfers and injuries within the Department. Detail response is determined by SECOMM dispatch and therefore, traffic collateral assignments become a secondary detail. The collateral officers are also responsible for equipment calibration and documentation (radar and lidar), and the Target Zero Program through the Washington State Department of Transportation and the United States Department of Transportation National Highway Traffic Safety Administration (NHTSA), which are all important aspects of maintaining equipment and training records.

During this study, the Department advised it had one officer capable of managing fatality and major injury accidents. Outside of this limited expertise, the Department relies on the Washington State Patrol. Current Detectives and evidence processing personnel only have skills to operate Department technology such as the FARO machine. The Department should expand operator capabilities to include major traffic accident investigation skills internally.

Traffic units are a typical facet of contemporary policing and patrol operations in jurisdictions of this size in many states. In 2019, there were over 15,000 traffic related incidents. In 2020, there were over 10,000 traffic related incidents, which are expected to be on a decline due to COVID-19.

Both years reflect traffic related calls as top-10 public-generated calls for service and the number one officer-initiated activity.

Addressing traffic safety is traditionally an expectation communities have for their police department. Traffic enforcement, engineering, and education should be a City priority based on current and anticipated growth.

Positive police-community relationships are essential to maintaining public safety and order. These relationships help reduce fear and biases while building mutual understanding and trust between the police and the community. The importance of police-community relations in modern policing is widely accepted as the foundation for professional policing.

Traffic safety efforts can reinforce these principles by accomplishing high congestion traffic control, accident reduction enforcement, special event traffic control, aggressive driving response, impaired driving enforcement, expert testimony, and applying expertise to traffic collision reconstruction and significant accident investigations.

High visibility traffic enforcement supports the other critical traffic safety efforts of engineering, education, and enforcement, while creating opportunities to engage with drivers and passengers as well as pedestrians. These exchanges between the Department and members of the community provide a foundation to reduce the risk of death or injury, and can strengthen police legitimacy if conducted in a procedurally-just fashion.

There are many issues facing law enforcement today regarding traffic stops, but the vital role of traffic enforcement cannot be forgotten. Thousands of people are killed every year in traffic collisions. The Federal Bureau of Investigation’s Criminal Justice Information Services Division reported 16,425 estimated murders in 2019, an estimated increase from 2018.¹⁶ At the same time the NHTSA reported 36,835 fatalities in 2018 and 36,096 fatalities in 2019.¹⁷

In an associated study, the NHTSA collected data regarding the presence or absence of specific drugs identified by trauma centers and medical examiners serving five metropolitan areas. Since the study carried into the COVID-19 pandemic, a convenience sample was used consisting of more than 3,000 participants. The participants included drivers, passengers, bicyclists, pedestrians, motorcyclists, electric scooter and moped riders, and all-terrain vehicle operators. Participants entered the study based on serious injury or death. COVID-19 has changed driving patterns. The study reflected that for all road users (described participants) before COVID-19, 51 percent of participants had at least one of the identified drug categories in their system. During COVID-19 (identified as March 16, 2020, forward), 63.6 percent of participants had at least one of the

¹⁶ “Murder,” Criminal Justice Information Services Division, 2019 Crime in the United States (FBI, September 13, 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/murder>.

¹⁷ “2019 Fatality Data Show Continued Annual Decline in Traffic Deaths,” (NHTSA, October 1, 2020), <https://www.nhtsa.gov/press-releases/2019-fatality-data-show-continued-annual-decline-traffic-deaths>.

identified drug categories present. This study shows that drugs and alcohol are related to injury and fatality accidents.¹⁸

In addition to impacting injury and fatality collisions, an emphasis on traffic safety may fill a variety of other necessary roles which may include, but are not limited to, quality reporting assurance for insurance claims, providing citizens with due process hearings, abandoned vehicle processes related to quality-of-life issues, and ensuring compliant tow contracting.

The Department should consider expanding a traffic safety unit program that prioritizes time and places emphasis on education, engineering, and enforcement solutions. This will require a Sergeant and increased dedicated traffic staff, both sworn and the consideration of civilian support positions. This will become increasingly important as the City continues to experience growth. In addition to establishing a Traffic Unit, the Department should consider establishing a Major Accident Investigation Team (MAIT).

Finding #7: The Department currently has traffic enforcement assigned to patrol and it operates much like a patrol collateral assignment with limited assigned officers.

Recommendation #7: The Department should consider establishing a formal Traffic Unit, adding one Sergeant, with increased staff, supervision, and future civilian positions to ensure focus on engineering, education, and enforcement to maintain safety with current and future growth aligned with Department response necessities.

4.6 COMMUNITY SERVICE OFFICERS (ALTERNATIVE RESPONSE MECHANISMS)

Civilian Community Service Officers can serve a vital, supportive, and cost-effective role in law enforcement while also allowing sworn staff to focus on City and Department priorities. Civilian assets capable of managing and responding to identified responsibilities and events, can maintain organizational service objectives while allowing Police Officers to maintain availability for higher priority incidents, self-initiated activity, and community engagement. In various organizations, Community Service Officers are used for non-suspect related incidents including but not limited to burglaries, theft, vandalism, vehicle theft, non-injury collisions, missing persons, road hazards,

¹⁸ “2019 Fatality Data,” (2020).

traffic control, abandoned vehicles, and crime scene investigation assistance. The Department should review Community Service Officer roles in a variety of agencies, identify how this role could benefit the Department, and work with the Pasco Police Officers Association to implement job and class specifications and policies moving forward if the role is determined as a viable option to serve the Pasco community.

Community Service Officers provide law enforcement support not requiring a full commission status, while providing budget-conscious service delivery mechanisms meeting community and organizational expectations and allowing sworn first responders to maintain focus on primary first response priorities in the community. These positions may also lead to long-term recruitment and retention of positions throughout the organization.

There are multiple Washington State Law Enforcement agencies utilizing Community Service Officers. The following outline of potential capabilities is not all-inclusive but is meant to provide some samples of potential future accomplishments.

Community Service Officer duties may include:

- ◆ Evidence and property management
- ◆ Parking enforcement
- ◆ Computer data entry
- ◆ A variety of sworn patrol support functions
- ◆ Accident investigations
- ◆ Warrant processes
- ◆ Crime scene investigation
- ◆ Assisting residents and businesses involved in non-criminal calls
- ◆ Service navigation
- ◆ Engagement with communities and neighborhoods
- ◆ Supporting at-risk youth programming
- ◆ Focus on patrol support, equity building, community engagement, youth diversion, and education.

Finding #8: The Department does not currently utilize Community Service Officers.

Recommendation #8: The Department should consider implementing Community Service Officers into the organization as an alternative service mechanism supporting community and Department needs.

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SECTION 5—ALTERNATIVE RESPONSE – COMMUNITY MENTAL HEALTH / HOMELESSNESS

5.1 COMMUNITY MENTAL HEALTH

Law enforcement agencies have been tasked, absent other community resources, with responding to and intervening with people experiencing mental health issues. Historically, the only police solution has led to arrest versus alternative treatments and ongoing support.

The Substance Abuse and Mental Health Services Administration indicated in a study that 63 to 76 percent of adult individuals that have been incarcerated, along with 50 to 70 percent of juveniles within the justice system, met the criteria for a mental disorder. These individuals are often first encountered by police and fire and emergency medical services first responders. The International Association of Chiefs of Police, in partnership with others, has been attempting to address these issues. Areas of improvement include, but are not limited to, legislation, mental health program expansion, first responder actions, collaboration across systems, and re-entry programs. There is a need for continuous Police Officer updating to understand the predictive behavior of persons in health and mental health crisis.¹⁹

The Pasco community, like many, is affected by poverty, housing costs, homelessness, a medically uninsured population, and people experiencing mental health crises. City first responder objectives and goals should align with these issues. City and County strategic plans can guide services aimed at reducing jail capacity and providing alternatives including, but not limited to, crisis response, drug court, behavioral court, and co-responder teams providing expertise in the field. Service themes may include child and family services, adult services, medication services, urgent care, crisis services, transitional housing units, substance abuse treatment, and family reunification.

Behavioral health includes the prevention and treatment of mental illness, suicide, and addiction. Mental health encompasses emotional, psychological, and social well-being.

To date, while there is some committee-level collaboration and planning, there is no strategic plan in place for law enforcement and allied emergency health providers to address multi-partner operations with a fiscal strategy moving forward. Police are tasked with providing clarity and focus for law enforcement's evolving role to deescalate incidents and provide for patient and bystander safety, rather than arrest, but this has recently changed based on Washington State legislation. Training and education will continue to be vital to integrate with identified areas of focus and improve access strategies. The Department, with City support, should be engaged and educated in

¹⁹ "Improving Police Response to Persons Affected by Mental Illness" (International Association of Chiefs of Police, 2016), <https://www.theiacp.org/sites/default/files/2018-08/ImprovingPoliceResponsetoPersonswithMentalIllnessSymposiumReport.pdf>.

all potential processes and planning associated with community mental health and homelessness. This will require increased City focus on local, regional, and state costs associated with mandated legislative training components.

Identification of clients in high frequency need of services can lead to positive outcomes and case reductions to the 9-1-1 police and emergency medical services system. Identifying these service needs can reduce emergency department visits as well as private and ambulance transports associated with behavioral issues that can be addressed by the support of alternative resources.

The 2017 Community Health Improvement Plan (CHIP) identified improving the mental and behavioral health system as a priority issue. Each priority was assigned goals and SMART (Specific, Measurable, Achievable, Realistic, Time Bound) objectives. Mental and behavioral health system goals included enhanced awareness, elimination of system gaps, increased integration, and system coordination. The Mobile Outreach Team (described in the next subsection) was one response to these goals and objectives while also providing a service to individuals who struggle with access to care pathways. Franklin and Benton Counties Community Health Assessment in 2019 identified the top three health-related needs as behavioral health challenges (mental health, substance use, and suicide), healthcare costs, and social detriments (poverty, housing, homelessness, and food insecurity). The assessment was provided to assist with providing a focus on changing community health care needs and looking at statewide comparisons in the identified areas of focus. Health equity can provide opportunities to gain the highest level of health and positive outcomes for community residents. Community stakeholder-identified assets and resources will include collaboration, innovative approaches, and school services.²⁰

On-going care pathway issues identified through the Community Health Assessment may include lack of treatment options for mental health and substance abuse, program funding, housing options, integration of mental health services in schools, shelter availability, lack of detox, and the lack of in-patient treatment availability. Addressing these issues will require collaboration and communication between organizations and municipalities.²¹

The State of Washington utilizes the Greater Columbia Administrative Services Organization, which contracts with Lourdes Health Network (currently managed by LifePoint), as the County-designated crisis services agency. Lourdes Health Network began managing the County crisis services contract in 2016, which includes a strategic plan for crisis services; however, the strategic

²⁰ (Benton – Franklin Health District, 2019). Benton – Franklin Health District (2019) Benton and Franklin Counties Community Health Needs Assessment, (1-95), https://www.bfhd.wa.gov/UserFiles/Servers/Server_10765972/File/Agency%20Reports/2019%20CHNA%20with%20Appendix%20-%20SIGNED.pdf

²¹ (Benton – Franklin Health District, 2019). Benton – Franklin Health District (2019) Benton and Franklin Counties Community Health Needs Assessment, (1-95), https://www.bfhd.wa.gov/UserFiles/Servers/Server_10765972/File/Agency%20Reports/2019%20CHNA%20with%20Appendix%20-%20SIGNED.pdf

plan was not made available to Citygate. Crisis commitments in Washington State have extended to five days, and the crisis center (located in Richland) currently supports 22 beds. They also have a triage clinic supporting sixteen beds. When diversion is necessary, they work outward geographically to locate services.

Lourdes Health Network is the leading mental health provider in Franklin and Benton Counties. Recent years have included transitional ownership. Current services include mental health outreach, crisis, substance abuse, Program of Assertive Community Treatment (PACT) Team, case management, a homelessness pathway program, and high utilization hospitalization tracking through Consistent Care.

Currently, there is no County detox facility. In addition to state legislative changes, the Lourdes Health Network Substance Use Disorder program is being cut by LifePoint. There is a pre-booking diversion option for mental health, but it is rarely used due to the Mobile Outreach Team program. The current Mental Health Diversion template could be a starting point for substance use diversion under SB 5476. This would require facility and programming support conversations about funding opportunities moving forward.

The Lourdes Homeless Path Program was also scheduled to be cut by LifePoint, in September 2021.

5.2 DEPARTMENT PILOT PROJECT

All sworn Washington State Police Officers have the legislative authority to commit an individual. Navigating custody authorizations, a Hot Spotters program utilized to identify frequent system clients, and a lawsuit against the State of Washington over competency orders, led to the state application of lawsuit funds being placed back into the mental health system coordinated with local law enforcement. The system funding incorporated first and second County jail phases and a third phase, Crisis Intervention Team (CIT Plus Program) field-level commitment. As a recipient of these additional funds, Lourdes Health Network received the True Blood Confinement Dollars Grant. The grant enabled the establishment of the Mobile Outreach Team in 2018, phasing mental health professionals in the field with first responders. The Mobile Outreach Team services Benton County, Franklin County, the cities of Pasco, Richland, Kennewick, Prosser, Connell, West Richland, and the Port of Pasco. Benton County Jail services are on an on-call basis. Currently, there are no services committed to the Franklin County Jail. Mobile Outreach Team Designated Crisis Responders have also supported the Pasco Fire Department, the Special Weapons and Tactics Team, and Washington State Patrol. Currently in the Tri-County area, with Mobile Outreach Program collaboration, Designated Crisis Responders complete detainers and holds.

The True Blood Confinement Dollars Grant provided \$1,000,000 for the first 18 months, \$1,000,000 for the second 18 months (through July 2021), and a prorated approximately \$758,000 to \$780,000 for July 2021 through July 2022 when the grant will expire. In July of 2022 when the

grant expires, the benefitting agencies will need to determine if the Mobile Outreach Program will continue. The Pasco Police Department, in collaboration with other agencies, will need to determine if they will continue to operate under a shared system following the same established model, a version of the current system based on varying commitments, or individual agency contracts for services. The current program is fully funded through the grant. Citygate addresses costs associated with a Designated Crisis Responder fully encumbered salary in the Fiscal Overview section of this report.

The current memorandum of understanding identifies the Mobile Outreach Team's target population as clients suffering from severe chronic mental illness and/or significant substance use disorders. These are individuals who would historically be arrested and placed in the County jail to await competency services. The Mobile Outreach Team is not restricted by age, gender, impairment, disability, or insurance type.

At the time of this report, Lourdes Health Network was transitioning from six to seven designated crisis responders, which would have included a working supervisor. However, actual numbers have fluctuated between two and three actual staff. Responders receive elevated training, which can result in an elevated service aspect, including, but not limited to, training on the management of aggressive behavior. The designated crisis responders work Monday through Friday when fully staffed. Full staffing has been difficult to achieve within the program. When fully staffed, three people work day-shift hours from approximately 8:00 am to 6:00 pm, and three work swing-shift hours from approximately 4:00 pm to midnight, splitting between Pasco, Richland, and Kennewick. However, they are all available to respond to other jurisdictions. When this occurs, the Pasco Police Officer working with the clinician will drive them to the allied agency and either drop them off or decide to stand-by. One program benefit according to some Pasco staff and Lourdes Health Network staff is that the Designated Crisis Responders are rotated through Patrol Officers, which has increased training, education, and response. The Department, in collaboration with Lourdes Health Network and allied agency partners, should consistently review client needs to ensure Designated Crisis Responders are deployed during the most vulnerable hours, indicated by data, while being integrated with available client services.

There is an elevated Lourdes Health Network Planning Committee. However, it is unclear on what filters down to the Mobile Outreach Team operational level. Currently, there is no known strategic plan in place for the Mobile Outreach Team. The Department does not track program outcomes internally. CAD coding also makes internal tracking difficult. Moving forward, the Department should evaluate the need for additional CAD coding to evaluate identified outcome measurements. Lourdes Health Network currently tracks the following measurements for grant purposes: unduplicated clients, total contacts, peer support services, prior charges, average charges, the number of detentions, police department referrals, individual clinician work, and the amount of in-car time with officers. Moving forward, Lourdes Health Network sees value in tracking potential charges that were diverted based on services provided. Lourdes Health Network identified that

outcome measurements meet the current grant requirements. However, outcome measurements do not support an established strategic plan moving forward. Measurements, which have been minimized due to the lack of a strategic plan, are challenging to utilize when attempting to identify long-term goals and outcomes. Outcomes seen in other communities have included decreased emergency department visits, decreased jail bookings, reduction of repeat clients, long-term services, organization-wide commitment and education, enhanced training and skillsets across first responders, knowledge of available and desired services, addiction clinician skill availability, and flexibility within available responses for mental health, mobile crisis, homelessness, and legislative mandates. Data is an important aspect from which to drive response system changes.

As the grant expires and the Department evaluates future services, outcomes should be reevaluated based on community needs and City goals and objectives.

The current Mobile Outreach Program can be seen as an effective Mobile Crisis Unit. Some Mobile Crisis Units operate with only civilian clinicians, who respond to certain crises already cleared through public safety as a non-police response or a transition to another supportive team while sworn officers respond to higher-acuity incidents. In Pasco, the established program appears to be working successfully, based on Designated Crisis Responder capabilities, program input, and Department input. Civilian response teams in the field provide additional complications that must be addressed such as safety issues without law enforcement presence and rapidly changing circumstances. Moving forward, it may be possible for Lourdes Health Network to access the need for established clinicians who can address service needs on lower acuity calls with fire and emergency medical services. This would require training and accountability associated to significant 9-1-1 screening capabilities through the Communications Center.

Homeless outreach is not the Mobile Outreach Team's main priority, but the Team addresses homelessness and associated issues based on incident responses. As noted, Lourdes Health Network has some available services to support clients suffering from homelessness and homelessness-related factors.

The Department should remain fully engaged in how the crisis continuum relates to Department responsibilities, legislation, objectives, missions, values, and goals. It is also critical for the Department to collaborate with the Communications Center and all key stakeholders. The Mobile Outreach Program can provide triage, assessment, and intervention at critical behavioral health crisis points. This can support City and County alternative service delivery objectives while enhancing police service delivery mechanisms and efficiency.

The City should continue to collaborate with Franklin County, Benton County, and non-profit partners to identify and implement future processes locally across municipalities while also collaborating on data input and connectivity. It is essential for outcomes to be related to service connections. Internally, the Department needs to identify staff who are engaged and capable of filling these roles that require Department and Citywide support.

The City needs to identify internal funding capacity and opportunities as well as external grant opportunities. Local and regional partnerships may enhance these opportunities. Future funding and sustainability will need to rely on a collaborative strategic plan that addresses identified service needs across related issues, outcome objectives and goals, a coordinated care system, transformation and improvement, capacity building, and partnerships.

As previously discussed, there is some current collaboration and planning. However, there is no strategic plan in place for law enforcement and allied emergency health providers that addresses multi-partner operations with a fiscal strategy moving forward for the Mobile Outreach Program. There is currently no City of Pasco Strategic Plan in place to navigate mental health outreach or homelessness. Clarity and focus for law enforcement’s evolving role to deescalate incidents and provide for patient and bystander safety, rather than arrest, will remain a high priority. On-going training and education will be vital to integrate with the City and county priority focus areas, promote continued integration, and improve access strategies. The Department should be engaged and educated in all processes including but not limited to Lourdes Health Network planning, crisis strategic plans, assertive community treatment models, and Lourdes Health Network leadership committees or coalitions. Organizational and workgroup charts should be updated for all stakeholders to reflect key personnel.

Identifying clients in high frequency need of services can lead to positive outcomes and case reductions to the 9-1-1 police and emergency medical services system.

Almost 50 percent of the community survey respondents stated they were unaware of the progressive work being conducted by the Department in collaboration with Lourdes Health Network. The Department should continue to educate the public on available services and programs.

The City has identified the following goals and objectives: *“Look for sustainable funding opportunities to continue partnerships with Lourdes Health Network Services to continue utilizing embedded Mobile Outreach Professionals.”*

5.3 HOMELESSNESS OUTREACH

The Department has four assigned Homeless Liaison Officers. Two are assigned to the start of the week and the other two are assigned to the end of the week, covering the day-shift and swing-shift. These positions are collateral assignments with the main priority of patrol responsibilities. These four positions were initially funded through a five-year 2017 Community Oriented Policing (COPS) Grant. Currently, a Countywide strategic plan, a Citywide strategic plan, and a Department plan do not exist to address the homeless crisis facing cities and communities. The Department is tracking limited internal data, but not data associated with any Citywide or Countywide strategically-identified measurements associated with inputs and outputs that would support

identified goals and objectives. The City does not currently have identified budgeted funds for addressing homelessness and quality of life issues associated with homelessness.

The U.S. Department of Housing and Urban Development (HUD) conducts a homelessness point-in-time (PIT) count once a year. The PIT count includes sheltered and unsheltered individuals across the country. In January 2019, HUD reported that 567,715 individuals were experiencing homelessness. The PIT count showed half of the people experiencing homelessness are unsheltered. Compared to those sheltered, unsheltered individuals are shown to be at a higher risk of illness or disease, are four times as likely as sheltered people to report a physical health condition, are nearly one and a half times as likely to report a mental health condition, are more than five times as likely to report a substance abuse condition, and are 25 times as likely to report all three conditions at once. COVID 19 is expected to cause these categories to rise.

Police departments are often the bridge between homeless community members and available supportive services.

The Centers for Disease Control and Prevention (CDC) has called for a unified community approach to COVID 19 where law enforcement, housing authorities, health providers, and other local stakeholders work together to support people experiencing homelessness. There are examples of police partnerships that can guide the way to helping people experiencing homelessness and responses to a public health crisis. A holistic approach to public health and homelessness through the assistance of the Department and City partnerships may offer connections to emergency shelter, comprehensive case management, and medical care to those in need.²²

The City will need to evaluate how homelessness is currently addressed and how it will be addressed moving forward, especially with a rapidly growing population. The City should consider placing homelessness and homeless-related issues under a Quality-of-Life umbrella managed through the City Manager's office. These issues are not primarily focused on law enforcement. They may include associated problems such as abandoned shopping carts, illegal dumping, or public health concerns, and they often involve navigating solutions that require assistance from Community Development, Housing, the Fire Department, Public Works, Code Enforcement, and Parks and Recreation. Homeless strategies involve the consideration of public health and safety, housing opportunities and displacement support, affordable housing, strengthening systems of care and support, public policy and community engagement, system navigation, and collaborative efforts to increase regional capacities. A strategy under the umbrella of the City Manager's office may provide more efficient and effective responses for meeting identified strategic needs.

²² The Center for Court Innovation (December 2020) Sharing the Solutions: Police Partnerships, Homelessness, and Public, (13:12), Health, https://cops.usdoj.gov/html/dispatch/12-2020/sharing_the_solutions.html

The Washington State Department of Commerce is responsible for a five-year state strategic plan and annual reports to the state legislature on state efforts to address homelessness. The State Department of Commerce reports that there is a high per-capita homeless population in Washington State, which started to increase in 2013 based on housing costs. Understanding homelessness requires understanding the base of housing assistance, land use planning, infrastructure, and job development opportunities. Local, state, federal, and private expenditures should be measured for those served and identified outcomes. Counties should be measuring toward recognized benchmarks.²³

Finding #9: The Mobile Outreach Program is operating as a Mobile Crisis Unit. The current program is a collateral assignment secondary to patrol response obligations.

Finding #10: Multi-partner, County, and City strategic plans including operational and financial sustainability are not in place to address mental health issues or homelessness.

Finding #11: Lourdes Health network tracks some outcome measurements for grant-reporting responsibilities. The Department does not have internally identified objectives for tracking mental health outreach and homeless outreach objectives and outcomes.

Finding #12: Service gaps remain in the criminal justice and mental health care pathways.

Finding #13: Current policy states sworn staff receive mental health training at the academy and then Crisis Intervention Training annually, internally, with a stated goal of attaining the 40-hour class for 25-percent of commissioned officers.

²³ Washington State Department of Commerce (2018) Homeless Assistance, <https://www.commerce.wa.gov/serving-communities/homelessness/state-strategic-plan-annual-report-and-audits/>

Recommendation #9: Work with existing multi-agency partners to develop regional and City mental health and homeless strategic plans that align City and County goals, objectives, programming, and funding sources in a care pathway that increases patient success, organizational efficiency, and decreases adverse community impacts while aligning with law enforcement programming, data collection, and funding sources.

Recommendation #10: Establish clear mental health and homeless internal and external outcome measurements that support City objectives and goals, regional strategic plan objectives and goals, and ensure these outcome objectives are consistently reviewed and accessed to provide positive alternative service delivery mechanisms to the Pasco community

Recommendation #11: The Department is working on 40 hours of Crisis Intervention Training for all sworn staff and is updating current policy to reflect this. The Department should continue to ensure this goal is accomplished while also identifying and implementing any annual updated and on-going training needs.

Recommendation #12: The City should consider an umbrella homeless strategy under a City department outside of the Police Department, which continues to receive Police Department support while also receiving coordinated support through Community Development, Housing, the Fire Department, Public Works, Code Enforcement, Parks and Recreation, and Quality of Life mechanisms.

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SECTION 6—SUPPORT OPERATIONS DIVISION

The Support Operations Division of the Department is the second and smaller division of the organization. It primarily consists of the organization’s investigative units. While Patrol Officers conduct preliminary investigations and some follow-up investigations of minor offenses, the agency’s investigative units are responsible for follow-up investigations of more serious crimes. The Division is commanded by a Police Captain and is divided into four sub-divisions, or work units: the Investigation Services Division (Unit); the Street Crimes Division (Unit); the Resource Division (Unit), which at the time of this analysis in 2021 was located within Support Operations but was moved to Patrol in January 2022; and the Records Division (Unit). Each of these sub-divisions is led by a Police Sergeant, except for the Records Division, which is led by a Lead Public Services Specialist.

6.1 INVESTIGATION SERVICES DIVISION (UNIT)

The Investigation Services Division (Unit) investigates general crimes up to and including homicide cases. The Unit is currently organized with seven Detective Police Officers, one full-time Evidence Technician, and a backup position filled by one of the full-time Records Clerks. The Unit is supervised by a Detective Sergeant. The current staffing level was achieved in 2018 when two additional Detectives were assigned to the Unit.

6.1.1 Case Management

Cases are assigned to the Detectives by the Detective Sergeant, who also manages the Detective’s caseload using the I-LEADS Case Management Module of the agency’s Records Management System software.

Cases are assigned evenly among the Detectives; however, the Supervisor does assign some to specific Detectives with specialized skillsets gained through experience and training. These cases include primarily child sex crime cases but can also include missing persons, sex registrant, arson, and cases involving extensive forensic technology requirements.

In the criminal investigations arena, when the number of cases needing specialized training and/or experience reaches a certain point, it is best practice to consider creating a specialized investigative unit. Like the medical field, where “general practitioners” provide routine medical care to patients, for specific ailments, they refer their patients to “specialists” in areas such as orthopedics, or oncology, or rheumatology, etc. As a result, investigative units are sometimes divided into specialized case units. One of the more common specialized investigative units is a Special Victim’s Unit (SVU). An SVU is a separate investigative work unit that follows up on criminal cases involving a specified set of victims, which is determined by the Police Chief.

The most common types of criminal cases Citygate sees assigned to a SVU are:

- ◆ Sexual assault cases
- ◆ Domestic violence cases
- ◆ Crimes against children
- ◆ Crimes against elders

While these are the most common types of SVU cases, a thorough analysis of all cases assigned to investigations should be considered. Citygate assessed all cases assigned to Investigation Services in recent years and applied this analysis to them, dividing them into general crimes and special victim crimes. The results are reflected in the caseload data in the following table, showing case data from 2016 to May of 2021.

Table 11—Investigation Services Division Cases – 2016–2021

Unit	2016	2017	2018	2019	2020	2021*
Total Cases Assigned	322	175	288	272	254	258
General Crimes Assigned	71	101	153	131	94	123
Special Victims Assigned	251	74	135	141	160	135
Active	8	0	6	4	7	105
Arrest or DA Referral	72	57	107	130	110	63

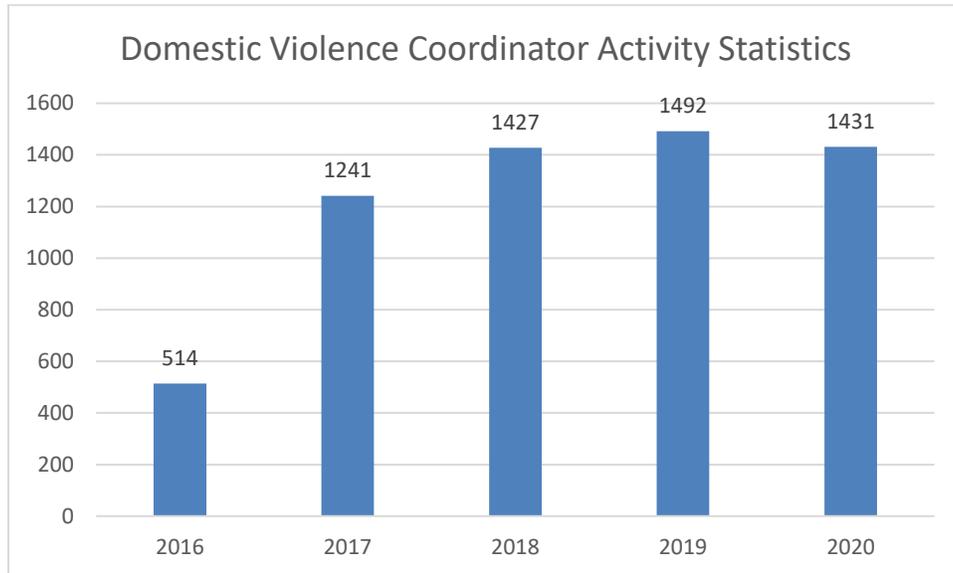
*2021 Case data is projected based on cases to date as of May 1, 2021. Active cases will likely be lower.

6.1.2 Victim / Witness Assistance Program

The Department has partnered with Franklin and Benton Counties to provide a part-time Domestic Violence Coordinator. To fund this position, the Department receives federal grant funding administered through the Washington State Department of Commerce’s Office of Crime Victims Advocacy. The federal grant is called the Violence Against Women STOP Grant Program.

The Domestic Violence Coordinator splits time between the Department (24 hours per week) and the Benton and Franklin County Prosecutors’ Offices. The following statistical case data summarizes the Coordinator’s workload.

Figure 14—Domestic Violence Coordinator Activity Statistics – 2016–2020



The Domestic Violence Coordinator activity statistics reflected in the previous figure are a summary of workload data provided to Citygate by the Coordinator and is not a reflection of the number of domestic violence calls for service nor cases handled by the Department. Rather, it is a summary of the Coordinator’s activity as it pertains to the Department domestic violence calls and cases. The figure includes the following Coordinator responsibilities:

- ◆ Initial phone contacts and attempts to contact victims
- ◆ In-person victim/advocate contact
- ◆ Protective order assistance
- ◆ Attempts to contact victims
- ◆ Follow-up domestic violence information sent
- ◆ Exchange of information regarding each case
- ◆ Court hearing assistance
- ◆ Translating assistance
- ◆ Other miscellaneous assistance

Citygate assesses that the Domestic Violence Coordinator Program provides a vital service to the community. However, the current Domestic Violence Coordinator is limited in her ability to serve a wider victim population by the number of hours she dedicates to the Department, and the scope of service restrictions of the STOP Grant.

As the Department implements other recommendations of this report about the SVU, it should consider expanding the Domestic Violence Coordinator Program to include all crime victims in need of assistance, beyond that which the STOP Grant allows. The SVU should be organized with one full-time Victim Advocate initially, and as cases grow expand to two Victim Advocates.

6.1.3 Investigation Services Summary

Based on Citygate’s review of the cases assigned to Investigation Services and the fact that the Supervisor is de facto creating a specialized unit by assigning certain cases to Detectives with specific experience, primarily in child sex cases, the Department should consider establishing a Special Victim’s Unit.

This would also address the supervisory span of control issue, at eight to one, that Citygate assesses is considerably high.

As later discussed in Section 6.7 and shown in Citygate’s recommended organization chart in Section 2.2.3, Citygate also recommends adding one full-time Administrative Support staff person for the Investigation Services Division.

Finding #14: The number of cases requiring specialized training and/or experience justifies creating a specialized investigations unit.

Recommendation #13: Consider creating a Special Victim’s Unit that handles sexual assault cases, domestic violence cases, crimes against children, and crimes against the elderly. Add one Detective Sergeant to supervise the new Unit, transfer three of the seven Detectives to the Unit and add one Detective (Police Officer) to the Unit.

6.2 RESOURCE DIVISION (UNIT)

The Resource Division (Unit) is organized under the Support Operations Division. Although labeled a “division” it is a work unit. The Resource Division is supervised by a Police Sergeant who reports directly to the Patrol Division Commander (Police Captain). The Unit is further divided into two sub-units that include the Area Resource Officer Program and the School Resource Officer Program which will be assessed separately.

6.2.1 Area Resource Officers Program

The Area Resource Officer Program’s primary focus is crime prevention and community engagement. There are four Police Officers assigned as Area Resource Officers (ARO) with each ARO assigned to a geographical zone of the City. Each “zone” of the City has an established Mini-Station from which the AROs work. The stated purpose of the Mini-Stations is to *“create a more personalized relationship with the community and the police department.”*

The AROs are the primary ambassadors for the Department regarding several crime-prevention programs which include:

- ◆ Neighborhood Watch – A nationally recognized crime-prevention program centered around organizing the community to engage with each other as well as the police department to prevent crime at a very local level.
- ◆ Business Watch – A program similar to Neighborhood Watch but focused on local business which includes communicating business crime alerts and presenting crime prevention classes to businesses.
- ◆ Citizen’s Academy – A community-engagement program designed to give members of the community an inside look at how the Department conducts business. Participants attend a nine-week training program where they are introduced to various functions of the Department such as crime scene investigations, patrol procedures, use of force, etc.
- ◆ Crime Free Multi-Housing – A program designed to help owners, managers, and tenants of rental properties reduce illegal activity on their property.
- ◆ Sex Offender Watch – A program where AROs conduct periodic compliance checks with registered sexual offenders who reside within the City limits.

Citygate finds that the Area Resource Officer Unit is effectively engaged within the community. However, it is difficult to measure success when it comes to community engagement, and the ARO program does not have well established workload indicators to measure. Establishing reliable workload indicators will help the Police Chief determine when additional staff should be deployed to this work unit.

The nature of most crime prevention programs, including the programs deployed in Pasco, should not be considered duties that only a commissioned Police Officer can perform. The Department should consider expanding crime prevention programs leveraging Community Service Officers, who are non-commissioned, but are uniformed officers of the Department.

6.2.2 School Resource Officers

The Department partners with the Pasco School District to provide a School Resource Officer program that consists of five School Resource Officers (SROs) assigned to cover eight schools (four high schools and four middle schools). According to a Pasco School District representative Citygate spoke to, the total student body population for the District is over 18,000 (including the elementary schools).

The primary purpose of any School Resource Officer Program, and Pasco is no exception, is to help ensure a safe learning environment for all students. SROs, who are fully qualified commissioned (sworn) Police Officers do this by fostering positive relationships with students. Positive relationships include counseling and mentoring students as well as educating and enforcement when necessary.

The strength and effectiveness of the partnership was highlighted in a January 2020 Newsletter published by the Pasco School District that states:

“Many in the law enforcement community view the school resource officer as a bridge between law enforcement and our community’s youth. The relationships that these officers develop with our students are essential to fostering a community-based policing approach. These relationships also play a vital role in the prevention of school violence, and many times, these officers find themselves serving as mentors and informal counselors for these students.”²⁴

Case Management

The following table shows call volume for SROs from 2016 through June 1, 2021.

²⁴ <https://www.psd1.org/cms/lib/WA01001055/Centricity/Domain/1028/Issue%20160%20%201-29-20.pdf>

Table 12—School Resource Officers Call Volume – 2020–2021

School	Resource Officer	Number of Students	2016–2017*	2017–2018*	2018–2019*	2019–2020*	2020–2021* ¹	Total*
Pasco High	Officer Baker	2,375	136	119	353	329	343	1,280
Chiawana High	Officer King	3,071	136	159	352	352	413	1,412
Delta High (STEM)	Officer Santiago	404	13	22	25	32	74	166
New Horizons – Continuation	Officer Santiago	349	0	19	33	19	34	105
Ochoa Middle	Officer Sweeney	1,016	57	72	287	196	139	751
Stevens Middle	Officer Sweeney	1,116	35	44	224	180	137	620
Mcloughlin Middle	Officer Cano	1,141	71	61	51	49	132	364
Ray Reynolds Middle	Officer Cano	1,135	0	0	0	13	120	133
Total		10,607	448	496	1,325	1,170	1,392	4,831

* Number of calls for service

¹ School Year 2020-2021 CFS Data is projected from call data as of June 1st

Best practices in SRO staffing can vary depending on the geographical size of the jurisdiction and the complexity of the types of calls handled by the officers. According to the National Association for School Resources (NASRO), one SRO is recommended for every school. Citygate believes that while current SRO staffing should be increased, one SRO for every school, including elementary schools, would be fiscally constraining to the District since SROs are funded by the School District. That said, Citygate does recommend seeking additional SRO staffing for all middle and high school with a student body population of at least 1,000 students.

Given the fact that the Department has five SROs currently handling eight campuses (including the STEM (science, technology, engineering and math) and continuation high schools), and Citygate’s suggestion with regards to additional staffing of the middle schools, the Department should note that the number of current SROs is reaching the limit of recommended supervisory span of control.

In addition, the Unit Supervisor already supervises nine Police Officers (five SROs and four Area Resource Officers). A span of supervisory control of nine to one is thin when the work involved is within the same unit. Combined with the fact that the SROs have a different mission than the Area Resource Officers, additional supervision is justified. Additionally with the passage of Washington State legislation (Engrossed Substitute House Bill) ESHB 1113, the School Resource Officer programs will need to have increased responsibilities, training, and supervision.

6.2.3 Resource Division (Unit) Summary

In summary, the Resource Division (Unit) is two distinct work units supervised by one Police Sergeant with a supervisor span of control of nine to one. Citygate finds this unreasonable. The Department should split these units and increase supervision and management.

Finding #15: The Resource Division Supervisor has a span of control of nine to one.

Finding #16: Two School Resource Officers are tasked with covering four middle schools, each with a student body population in excess of 1,000 students.

Recommendation #14: Split the Resource Division into two separate work units to include the School Resource Officer Unit and the Area Resource Officer Unit. Add one Police Sergeant to supervise the newly formed School Resource Officer Unit.

Recommendation #15: Seek additional funding from the Pasco School District to allow for one SRO at each middle school and high school that has a student body population over 1,000 (two Police Officers).

Recommendation #16: Combine the two newly formed units (School Resource Officer Unit and Area Resources Officer Unit) with the Records Unit for a new Bureau, the Community Resources Bureau. Add one Police Lieutenant to manage this Bureau, and act as the Department's Public Information Officer, reporting to the Support Services Division Captain.

6.3 STREET CRIMES DIVISION (UNIT)

The Street Crimes Division Unit (SCU) is organized under the Support Operations Division and consists of four Detectives (Police Officers) supervised by one Detective Sergeant (Police Sergeant). There are three additional Detectives who are assigned to the SCU for administrative

purposes only as they are under the operational control of regional multi-agency task forces that are managed outside of the Department. Those task forces include:

- ◆ **Tri-City Metro Drug Task Force** – Regional Multi-agency task force from Benton and Franklin Counties which focuses on mid-level drug trafficking operations.
- ◆ **The FBI Violent Crimes Task Force** – Federally-led multi-agency task force focused on the area’s violent and gang crime.
- ◆ **Drug Enforcement Agency (DEA) Drug Task Force** – Task force led by DEA focused on higher level drug trafficking operations.

The SCU is Pasco’s version of what many agencies would refer to as a crime suppression or anti-crime team. The Unit uses proactive policing techniques to seek out problem areas of the City and solve them. Detectives within the Unit are encouraged to proactively engage in higher profile patrol calls for service and work to solve violent and complex crime issues.

The Unit spends most of its time responding to or investigating gang-related crime such as burglary rings, etc. The Unit also performs some street-level drug enforcement as well as assisting other crime suppression and/or anti-crime law enforcement units such as the aforementioned task forces.

Currently the SCU Sergeant is the only one in the work unit due to staffing shortages in Patrol, and one person is insufficient to adequately support Patrol Officers and provide beat and geographic accountability. The SCU staffing will return to five when the current new hire Officers complete their field training.

6.3.1 Case Management

The following table shows total cases assigned for the Street Crimes Unit from 2016 through May 2021.

Table 13—Street Crimes Unit – Total Cases Assigned – 2016–2021

Cases	2016	2017	2018	2019	2020	2021*
Total Cases Assigned	98	82	77	45	87	29
Active	2	0	5	5	2	4
Cleared by Arrest	54	49	39	34	46	13
Other Arrest	651	699	346	460	218	264
Referred to Prosecutor	14	5	1	3	3	1
Most Frequent Case	METH	METH	METH	METH	METH	DV-VIOL
Assets Seized	unavailable	unavailable	unavailable	\$180,000	\$350,000	\$14,971
Search Warrants Written	unavailable	unavailable	unavailable	unavailable	35	40
Guns Seized	unavailable	unavailable	unavailable	unavailable	20	16

*2021 data is through June 3, 2021

Case assignment in the SCU comes from the Detectives themselves. They proactively take higher profile calls for service from patrol and conduct follow-up beyond patrol capability given their 9-1-1 response requirements.

The SCU Supervisor provided the statistical data in the previous table; however, there is no standardized set of workload indicators or metrics by which to measure the overall effectiveness of the Unit. Citygate, however, believes the SCU is performing an essential crime suppression function for the Department.

As the City grows, the Department should consider expanding this team to six Detectives. Given normal staffing issues associated with vacations and sick leave, etc. it is difficult to conduct some crime suppression operations with fewer than four officers.

Finding #17: The Street Crimes Unit is an effective anti-crime unit operating in Pasco. However, no caseload metrics have been established to monitor when the Unit should be expanded.

Finding #18: Staffing disruptions due to sick leave, vacations, etc. create operational risk in conducting crime suppression tasks such as a rolling surveillance and/or a buy bust operation.

Recommendation #17: Command staff should develop caseload metrics to measure the efficacy of the Street Crimes Unit and the volume of work to trigger Unit expansion decisions.

Recommendation #18: An increase in staffing of the Street Crimes Unit should be considered as the City grows to sustain crime suppression operations during staffing disruptions due to sick leave, vacations, etc.

6.4 COMMUNICATIONS

The communications function plays a vital role in effective law enforcement agencies. The first point of contact for citizens requesting assistance is often 9-1-1 operators. The efficiency of collecting and disseminating information is directly related to the safety of personnel, the safety of citizens, and the outcomes of in-progress crime.

The Department does not have an in-house Public Safety Dispatch Center. Dispatch services are contracted through the Southeast Communications Center (SECOMM).

6.5 RECORDS

The Records Unit within any law enforcement agency is a primary responsibility that, among other things, touches every police report. The list of duties includes being the first point of contact for walk-in customers and anyone who wants to call the Department but is unsure who to contact. The Unit also provides customer service to those who reach out to the Department, as well as other City, County, state, and federal agencies who request assistance. Additional responsibilities include firearms transfers, processing all Concealed Weapons Permits for City residents, court orders (for three courts), vehicle impound requests, misdemeanor warrant processing, records checks, public records requests, fingerprint processing, NIBRS (National Incident-Based Reporting System) reporting, interacting with evidence.com, touching all reports where a case number is pulled, and more. Within the last year, the Records Unit passed an audit of access that covered criminal, non-criminal, and IT access.



It should be noted that sex offender registration processing takes place at the Franklin County Sheriff's Office.

Several statutes that govern the Records Unit include:

- ◆ [Washington State Secretary of State](#) (SOS) recommends the use of retention schedules (2017) in conjunction with the Local Government Common Records Retention Schedule (CORE). The SOS offers an [online resource](#) for managing law enforcement records.
- ◆ [WAC 434.663.600](#) refers to the imaging of documents for retention.
- ◆ [RCW Chapter 10.97](#) refers to the Criminal Records Privacy Act.
- ◆ [RCW 13.50.050](#) refers to the maintenance, access, and destruction of juvenile offense records.
- ◆ [RCW 46.52.080](#) refers to the confidentiality of reports and information to be disclosed (evidence).
- ◆ Pasco Police Department Policy Chapter 82 refers to the operations of Central Records.

The current staffing model includes a Police Services Specialist (PSS) Lead and four PSS staff. One of the PSS staff serves as a backup Evidence Technician (leaving 3½ PSS staff).

However, in August 2021, one of the PSS staff resigned and moved to an agency for better benefits. In years past, the Records Unit was staffed with a Supervisor and seven PSS.

Staffing is problematic when considering long-term viability and succession planning. The PSS Lead is set to retire around 2026. She will have 36 years with the City. The PSS staff stay for one to three years, then move on. There are opportunities to build a long-term staffing model and provide succession planning. If the PSS Lead were to leave soon, the Records Unit would sustain a loss difficult to overcome. The disruption would be felt throughout the Department for over a year. Current PSS staff have approximately one year of service with the Department. During Citygate's study of the organization, Records Unit staff decreased due to one resignation.

The staffing problem lies in two areas: salary and benefits, and workload. A review of local salaries and benefits for similar positions would provide guidance on adjustment recommendations. With the current staffing model, only the bare minimum required responses to state and local mandates can be performed. Additionally, training and career development suffers.



Part of the scope of work for this project includes the assessment and evaluation of current and future service demands and service levels relating to staffing. The Records Unit (front counter) is open Monday through Friday, 8:00 am to 5:00 pm. The PSS Lead works Monday through Friday 7:30 am to 4:00 pm and will fluctuate her schedule based on the need (vacations, sick calls, etc.). The remaining PSS staff work in pairs; two begin work at 6:00 am and 7:00 am, and two start at 8:30 am. On Mondays, the workload is intense processing citations and arrests from the weekend. This process requires two PSS staff full-time to process workflow of generally 100 documents. Tuesday through Friday, the morning document processing is generally 30 to 40 documents and is manageable. Most of the staff are cross-trained for most of the tasks, except for the two staff who process the morning citations and arrest reports.

The PSS Lead spends much time supporting the PSS staff. Additionally, she develops and disseminates monthly crime statistics and NIBRS reports (uploading a batch file to the state system and then reporting and sharing it with the Pasco Crime Analyst who shares it with command staff), performs records purging, and works on projects and other responsibilities as needed. The PSS Lead lacks the time and resources to develop staff, provide strategic planning for the Unit, or plan training.

The PSS staff are helpful and productive. However, there are limited opportunities for contemporary training. Training offers to “sharpen the saw” and increase retention. Citygate recommends annual training or updated training for all Records Unit staff.

In addition to citation and report processing, evidence.com processing and Public Records Act (PRA) requests are time-intensive. PSS staff must create an event for each citation or report that involves any form of evidence. PRAs can come from several sources including the City Clerk, emails for PRAs, the [GovRequest website](#), 3-1-1, and Track-It. PRA responses are governed by the Washington State Public Records Act [RCW Chapter 42.56](#). Police report requests are directed to the records@pasco-wa.gov email address and are handled individually. In an era of transparency, information gathering, and insurance report requests, the PRA and records request tasks are increasing annually. To increase efficiency, it may be beneficial to identify a single contact for all such requests. Many police departments across the country are experiencing such increases in PRAs and similar record requests.

The Records Unit staffing shortage could improve with the use of volunteers. While there is a front-end cost for volunteer staff (background checks, training, etc.) the benefits may be worth the effort. The recruiting and onboarding timeline could be reduced by putting more resources in background processing. It may be beneficial to create a list of responsibilities such as email and phone responses, filing, and fingerprinting that increase efficiency while decreasing staff responsibilities and stress.

The Records Unit operates its RMS (Records Management System) through Intergraph. However, the Department will migrate to the Tyler CAD/RMS system in the first quarter of 2022. The migration to Tyler will provide better integration with records processes and dispatch recordkeeping.

While examining staffing efficiencies, Citygate observed the operational workflow of the Records Unit. Citygate applauds the efforts of the Records Unit staff for making the most out of technology resources. Citations and reports are electronic and are entered directly into the RMS. Most tasks are completed electronically. Some tasks require validation or supporting documentation, where printing and scanning are required such as court orders, secondary notices, and warrant confirmations. For the most part, however, tasks are completed using technology.

The purging of documents is a labor-intensive task mandated by the Secretary of State (SOS) and the stated retention policy. However, consideration should be given to the SOS [Records Management Advice of September 2020](#), essentially stating that paper records can be destroyed after scanning/imaging as long as certain steps are followed. Citygate recommends consideration be given to developing a Citywide policy on adopting the SOS records management advice.

During the workload analysis of Records Unit staff, it was unsurprising to learn that orders, warrants, and requests had declined in the COVID-19 pandemic era. However, with the anticipated housing and business expansion in Pasco, coupled with the deceleration of the pandemic, the Records Unit can expect a sharp increase in records requests and processing. The following table shows the volume of court orders, warrants, and report requests from 2017 through June 2021.

Table 14—Records Requests – 2017–2021

Year	Court Orders	Warrants	Report Requests
2017	1194	1241	1651
2018	1275	1214	1129
2019	1323	1264	1351
2020	918	1079	772
2021*	654	799	506

*2021 data is through June 2021

The Records Unit staff are working at capacity. However, there are opportunities for increasing efficiency and regulatory compliance. A volunteer or two could support phone and email responses and walk-up counter inquires. Also, a CSO position could assist with warrant processing during daytime and off-peak hours. Additionally, they could assist PSS staff with annual records purging and filing. Every 30 days, the PSS Lead must perform warrant validations to ensure data is entered correctly into the County and state systems and make the necessary corrections. The errors can come from local staff or custody staff at the Franklin County Jail during the booking process. A typical validations report contains about 100 pages of gun serial numbers, stolen car data, court errors, and similar information. The validation process can take 1–1.5 days of uninterrupted time. Additionally, each arrest report must be reviewed to ensure accuracy.

Based on Citygate’s review of the Record Unit’s responsibilities and review of staff longevity and efficiency, the Department should consider re-establishing the Records Supervisor position, and maintaining the PSS Lead position. Additionally, include a volunteer or two to remove smaller tasks such as email responses, phone calls, and walk-up contacts. These changes would enhance the Department’s ability to retain staff and develop a succession plan, while increasing staff efficiency.

Finding #19: The limited number of staff coupled with limited opportunities warrant the re-establishment of a Records Supervisor position and volunteer additions.

Finding #20: A Citywide policy addressing Secretary of State records management is not in place.

Recommendation #19: Consider adding a Records Unit Supervisor to manage strategic planning for the Records Unit, develop and mentor personnel, and develop succession planning.

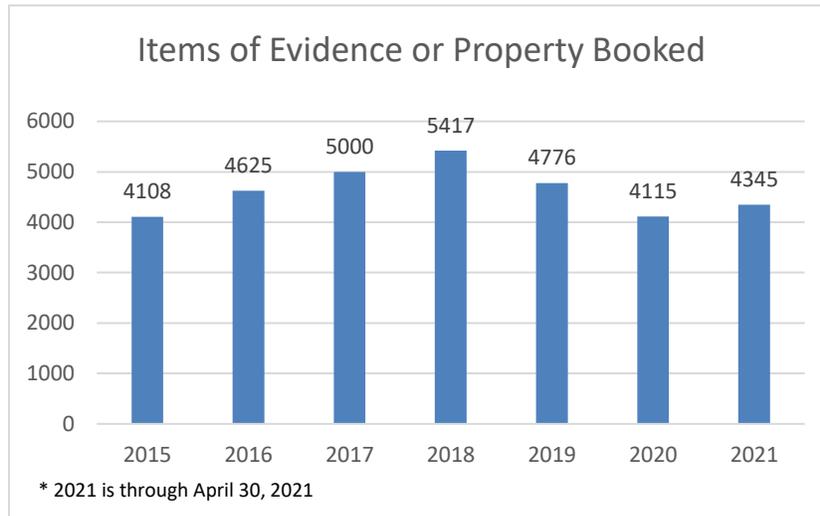
Recommendation #20: Consider adding volunteer staff and/or Community Service Officer positions to support Records Unit operations.

6.6 *PROPERTY AND EVIDENCE*

The Department’s Property and Evidence Section is organized under the Investigation Services Division (Unit) and is staffed with one full-time Evidence Technician who reports to the Detective

Sergeant. In addition, the Department has cross-trained a Police Services Specialist from Records to serve as a backup to the Evidence Technician. The following figure shows the workload trend for the Property and Evidence Section from 2015 through April 2021.

Figure 15—Workload Trend for Property and Evidence – 2015–2021



Citygate assesses that current staffing of one full-time Evidence Technician is sufficient for the workload at present levels. However, utilizing a Police Services Specialist as a backup is not a viable long-term staffing solution. The Department should monitor the workload in the Property and Evidence section and consider adding a second full-time Evidence Technician as the workload increases. Citygate also advises the Department to consider hiring a part-time Evidence Technician who can be trained fully on property room and evidence handling procedures in lieu of the Police Services Specialist.

Finding #21: The Department maintains a limited drying room for processing evidence.

Finding #22: The Department does not have temporary evidence storage lockers.

Recommendation #21: The Department should consider investing in several drying lockers.

6.7 OTHER SUPPORT DIVISION UNITS

6.7.1 Administrative Support Services

The Department currently has one Administrative Assistant II responsible for supporting the entire organization. The Administrative Assistant II currently supports every supervisor, manager, and all executive managers, across all processes within all units and divisions.

These responsibilities include, but are not limited to, accounts payable, time sheets, payroll processes, facilities, overtime tracking, supplies and purchasing, continuous collaboration with the Finance Department, background processes and file contents, pre-employment processing and scheduling, grant monitoring and reporting, re-imbusement requests, traffic enforcement responsibilities, per diem and travel arrangements for training, Blue Team and IA Pro, monitoring civilians in the organization without position authority, City Council agenda packets, Commission on Accreditation for Law Enforcement (CALEA) and Washington State Sheriff and Police Chief's Association (WASPC) compliance assurance, retention and purging, memorandum of understanding updates, budgeting, contracts, managing Outlook calendars across the organization, and Public Records Act responsibilities including body worn and vehicle cameras. Citygate's review of the organization made it absolutely clear the current Administrative Assistant is tasked with a multitude of responsibilities. As the Department grows to meet community demands, capacity will be at maximum without also growing this portion of organizational infrastructure.

The Department currently has an Accreditation Specialist. This is a separate role than those that encompass Administrative Assistant duties and responsibilities. Based on role and responsibility, the Accreditation Specialist reports directly to the Professional Standards Captain while the Administrative Assistant II has become responsible for supporting the entire organization.

Organizational infrastructure growth should be a consideration across all sworn and civilian units within the Department. Efficient operational management of police departments requires established expertise from support staff. Support staff have specialized organizational understating and expertise in Citywide operational needs, reporting, processes, and a variety of practices. These skill sets not only assure efficiency within an organization, but they are also rarely a high-level commodity or known skill set for sworn staff. This knowledge and expertise allow sworn staff to focus on identified organizational priorities.

Currently, there is no succession plan in place to maintain the knowledge and expertise of the only Administrative Assistant supporting the Department.

Citygate is a proponent of the Chief of Police having a dedicated Executive Assistant based on role and responsibilities. In the Department, this role has become a Department-wide staff support mechanism for the entire organization. An established Executive Assistant should continue to maintain a high level of interaction with Blue Team and IA Pro since this should be directly linked

to the Chief and Deputy Chief's office. In addition, an Executive Assistant role could include supervisory responsibilities for added administrative professional staff throughout the organization while also establishing a succession plan for the organization moving forward.

Citygate is recommending a conversion of the current Administrative Assistant II to an Executive Assistant position within the organization. The Executive Assistant can also support the Deputy Chief. Citygate is recommending backfilling this Administrative Assistant II position full-time and adding administrative support throughout the organization, including: adding one full-time Administrative Support staff person to support the Operations Bureau Captain (half-time) and the Support Services Bureau Captain (half-time); and adding one full-time Administrative Support staff person for the Investigation Services Division. In total, these recommendations represent the conversion of one administrative position and the hiring of three administrative positions. These recommendations are noted in our short- to mid-term recommendations in the Executive Summary and Section 9. The Department should also consider additional Administrative Support staff personnel in the future for a variety of units and divisions including training, personnel, and equipment, patrol, investigations, and overall support. These positions, although assigned to a variety of day-to-day managers, can be trained, mentored, and evaluated by the Executive Assistant to ensure succession planning. Citygate recognizes these recommendations will require collaboration with the Pasco Police Officers Association and compliance with the Regional Code of Washington and the Washington State Public Employment Relations Commission. Citygate also recommends a Management Analyst for budget and financial support (see Fiscal Section and proposed organizational chart).

Finding #23: There is currently one Administrative Assistant responsible for supporting the entire Police Department.

Recommendation #22: The current Administrative Assistant II should be re-classified and upgraded to an Executive Assistant. The Department should consider phasing in additional administrative support staff positions to maintain future efficiency and organizational excellence moving forward. This includes backfilling the Administrative Assistant II position full-time, adding one full-time Administrative Support staff person to support the Operations Bureau Captain (half-time) and the Support Services Bureau Captain (half-time), and adding one full-time Administrative Support staff person for the Investigation Services Division.

For the most part, the Department has moved away from paper reporting for payroll services and is connected to the Finance Department through a New World software platform. However, the Department still uses paper overtime slips to connect multiple time entries. This appears to be inefficient in 21st Century Policing and the system should be capable of accepting added coding mechanisms. Policies should reflect any changes within these systems.

Finding #24: The Department is still using paper systems for certain overtime coding.

Recommendation #23: The Finance Department should incorporate coding that eliminates the need for paper overtime reports. This will enhance efficiency.

6.7.2 Accreditation

An Accreditation Specialist handles the Department's day-to-day accreditation efforts in congruence with Department Policy 11.4.3. The Specialist is non-commissioned, has several responsibilities, and reports to the Professional Standards Captain. While accreditation of CALEA and WASPC are primary responsibilities, the Accreditation Specialist's attention is diverted in several directions.

The Accreditation Specialist is responsible for organizing and approving assessments, annual reports, inspections, and reviews, assessing changes to the accreditation process and updates, maintaining accreditation files, maintaining proof of compliance, streamlining workflow

processes, creating forms, and providing English-Spanish translations. The Accreditation Specialist also maintains an MS Excel spreadsheet for the Chief's Administrative Assistant, Patrol Services, Support Services, and Support Training to track officers' activity.

For training, the Accreditation Specialist assists with training approval and organizing training files. She can provide proof of an officer's attendance in a specific class. She is helping with developing a centralized location to pull reports, check lesson plans, and attend rosters. This process is currently being manually tracked through PowerDMS. The tracking of agency training can be effectively tracked by using contemporary training software designed specifically to track and assign software. Some of the software providers include:

- ◆ [Police Track Systems](#)
- ◆ [Training Integrated Management Software \(TIMS\)](#)
- ◆ [L.E.A. Data Technologies Training Database](#)

The Department received a recent CALEA Accreditation report dated August 4, 2021. Three off-site CALEA representatives conducted a remote examination of the 738 standards that CALEA examines using Law Enforcement Manual Version 6.11. Standards issues are listed on page three of the CALEA Report. Twenty-five standards issues are at various stages of completion.

The Department was also accredited by WASPC for the year 2020. In essence, the Department followed all the WASPC standards in Sections I–VI, except for the following:

- ◆ Section III – Performance: 5) Did the agency successfully experience an ACCESS business or CJIS security audit within the past year? – No. The audit was not due until May 2020 (after the WASPC audit). Note: the Department is currently compliant.
- ◆ Section VI – Other Issues: 1) Are you aware of any standard that your agency is not in compliance with from the previous year? If yes, please explain. – Yes. The Department was not in compliance during the 2019 assessment. Two officers on the ACCESS roster were expired but remediated shortly thereafter. Both officers attended the requisite class on October 1st and were recertified.

The Accreditation Specialist does have a desk manual, which is updated on a regular basis to include tasks and responsibilities along with policy and procedure updates. The Accreditation Specialist also has a monthly to-do sheet to review and revise as necessary. Best practices recommend that each position in the Department has a desk manual and that it be updated annually. Desk manuals ensure operational continuity when people promote or transfer positions.

6.7.3 Online Reporting

The Department does not have an online reporting system. Moving forward this is an alternative service delivery mechanism that may enhance organizational efficiency, while also providing the residents of Pasco with an efficient system to meet community needs. Online reporting opportunities should identify specific reporting circumstances while the Department identifies what should be included in online reporting and public education platforms. These reports require follow up by Records Unit staff, including distribution to sworn personnel and Investigation Services. The format should not allow submission until all information is appropriately completed. Lack of information on a report, based on software platforms, creates additional follow-up for Records Unit staff. If the Department moves toward an online reporting system, policies and procedures will need to be updated. Consistent reviews and potential updates to online reporting processes should occur to ensure enhanced workload efficiency, effectiveness, and efficient use of community resources.

Finding #25: The Department does not have an online reporting system.

Recommendation #24: Access online reporting options to enhance organizational efficiency and provide an alternative service delivery mechanism to Pasco residents.

6.7.4 Volunteers in Police Services – Cadets and Reserve Officers

Law enforcement agencies augment staffing with the use of volunteers. Volunteers provide services to assist commissioned officers and civilian personnel, and provide valuable administrative and computer work, translation skills, and more. Civilian volunteers can assist in many areas, including the Records Unit, Investigation Services Unit, Property and Evidence Unit, Crime Prevention, Area Resource Unit, and Professional Standards. As of December 2021, the Reserve Officer Program was ended. Due to the new Washington legislative and CALEA requirements, the Department was not able to fulfill obligations to meet standards.

Volunteers represent a valuable resource that can assist the organization with a variety of objectives associated with work hours, efficiency, and events. Management responsibilities associated with Volunteers in Police Services (VIPS) include background investigations, hiring, training, and equipment coordination.

The Department is engaged in a multitude of special events on an annual basis. Staffing and special-event staffing is always cumbersome but requires an ability to maintain coverage for

safety, traffic management, and parking management. VIPS can not only be vital to internal efficiency but can also provide a valuable resource for a variety of public events.

The Department makes use of a graveyard Patrol Sergeant as a Volunteer Coordinator. The Sergeant has other ancillary duties as well. The Department does not have civilian personnel as volunteers but will occasionally use Explorers or Reserve Officers as volunteers to assist with tasks like fingerprinting and large events. Citygate recommends a permanent Volunteer Coordinator to focus on the development and utilization of all Department volunteers. This recommendation will provide additional support for all levels of operations but will also help develop future staff (commissioned and non-commissioned). The Patrol Sergeant can help support the new Volunteer Coordinator position by creating a desk manual.

For clarification, Explorers (Cadets) are people who are interested in the law enforcement profession but are not old enough to be a Reserve Officer. A Reserve Officer may be person who is interested in the law enforcement profession but has a full-time job and wants to occasionally contribute to public safety. Or a Reserve Officer may be in school and is interested in the law enforcement profession but is unsure if they are ready for a full-time career commitment. The Reserve Officer and Explorer positions allow the Department to prepare for the future of the Department.

The City Human Resources description for the position of a Reserve Police Officer, in part, states they "...are volunteers assigned to support general department functions necessary to maintain public peace and order, to protect life and property, to prevent crime, to apprehend suspected violators of the law, and otherwise to assure the enforcement of state laws and city ordinances."

The Revised Code of Washington (RCW) and the Washington Amended Code (WAC) delineate the legal and regulatory guidance when referring to Reserve Officers.

- ◆ [RCW 43.101.095](#) refers to Reserve Officer certification, background, and basic training requirements.
- ◆ [WAC 139-05](#) refers to the academy curricula for Reserve Officers, and their 24-hour annual training requirement.
- ◆ Chapter 16 of the Department Policy Manual refers to the Reserve Officer Program.
- ◆ Chapter 45 of the Department Policy Manual refers to Volunteers and Explorers.

The administrative portion of the Reserve Program was managed by a Reserve Lieutenant who recently passed away, so a void exists. The Reserve Officers self-coordinate their activities. The Patrol Sergeant / Volunteer Coordinator coordinates their training. The Reserve Officers perform their own backgrounds, execute the hiring process, and perform their own administrative paperwork. Citygate recommends oversight of the Reserve Program by a full-time Volunteer Coordinator. In the short-term, a Sergeant (or civilian supervisor) should supervise the

backgrounds and hiring processes to ensure congruence with Department policy and state mandates. Reserve Officers augment patrol duties. They help at parades, City events, state track meets (crowds of 10,000), contract with schools to provide security with crowds of 5,000 to 7,000, boat races in the summer to support the 15–20 Police Officers who work security and enforcement, watch crime scenes, and other support roles.

The Explorer (Cadet) Program is supervised by the Patrol Sergeant / Volunteer Coordinator, with several officers acting as advisors to assist with the Explorers. The Patrol Sergeant coordinates the events Explorers will attend. Chapter 45 of the Department Policy Manual identifies the volunteers' functions and training required to perform the duties they are assigned. Some of the volunteer functions include fingerprinting, clerical, crime prevention, and the Explorer Program.

Regarding volunteer training, the Department treats Reserve Officers the same as commissioned officers when it comes to training. Both Reserve Officers and Commissioned Officers are required by state mandate to complete 24 hours of annual training.

Finding #26: The Department relies on some volunteers to augment some police services. The Volunteers in Police Services program has great potential moving forward for the Department and the community.

Recommendation #25: Consider training and utilizing Volunteers in Police Services in various assignments throughout the Department to assist with a variety of workload tasks. Consider creating a Volunteer Coordinator position in Administrative Support Services to provide full dedication to developing volunteers, identifying necessary training, tracking hours, and establishing a hiring pool for various positions within the organization.

6.8 FACILITIES

Police facilities generally have a life expectancy of 25 years; however, most police facilities continue to operate far beyond their planned life expectancy. They often become overcrowded, suffer from a lack of sufficient infrastructure, and have outdated security and safety systems. These conditions impair staff efficiency, adversely impact morale, have serious safety and security consequences, decrease policing effectiveness, and promote a negative public perception of police departments and their professionalism.

The International Association of Chiefs of Police (IACP) Facility Planning Model was written to assist law enforcement agencies with establishing, integrating, planning, and implementing various stages necessary to accomplish the tasks associated with developing and transitioning to a new facility that aligns with best practices while serving communities. Functional police structures require the guidance of police administrators and appropriate position alignment with available facilities space. The IACP reference provides police leaders with an 18-step Police Facility Planning Model applicable to all types and sizes of facility projects, regardless of complexity. The IACP identifies four facility planning phases. They include Project Initiation, Planning and Pre-design, Budgeting and Funding, and Design and Delivery.

The City's current police headquarters is meeting organizational demands and there is some available space for added staff. However, if the organization accepts Citygate recommendations contained in this report, staff must grow moving forward to meet the complex policing demands, which will move the organization closer to facility capacity. Growth of the City will create short-term and long-term impacts on space and service needs. Facility parameters can and will impact programming. De-centralization may be a mechanism of allowing the organization to operate at capacity, but de-centralization can also create negative impacts and inefficient operations for the Department and the community. Pasco is fortunate to have an opportunity to grow the current campus location and/or enhance the current training facility that is close to the Department headquarters. These opportunities allow the City to plan and grow to enhance and modify policing practices and service delivery as service demands dictate while also possibly building and promoting a regional facility benefitting the entire Tri-Cities area.

A Department training and de-escalation facility containing rifle and pistol ranges, Force Options Simulator training, possible virtual reality training in the future, a mat room for defensive tactics training, and a variety of classrooms will not only assist with space mitigation, but also with best practice industry standards in meeting Department objectives, legislative compliance, reduced City and organizational liability, employee wellness, and both short-term, and long-term community desires.

Finding #27: The Department is currently conducting a separate space needs study.

Finding #28: Capital improvement project planning has not been a Department priority until recently.

Finding #29: Currently there are not gun lock boxes adjacent to the operations and investigations interview rooms.

Recommendation #26: The City should consider facilities capable from all aspects of organizational and community needs

Recommendation #27: Capitol improvement planning should remain an ongoing priority for the City and Department.

Recommendation #28: The Department should consider placing lock boxes next to each holding and interview room.

6.9 INFORMATION TECHNOLOGY

The Department Information Technology (IT) services are managed by an Information Services (IS) Manager housed in City Hall. There are six to seven IT staff to support the City. One IT staff member is assigned to the Department on a 50 percent schedule, and has responsibility for UAS, CAD, radios, body-worn cameras, and tasers to name a few. This IT staff member also shares his time supporting the Fire Department and Municipal Court. IT Services also supports all stationary and mobile computing hardware and software, associated contracts and maintenance agreements, scanners, video conference rooms/equipment, evidence collection software (evidence.com), old and new in-car Axon video systems, email, mobile iPads and phones, and the Department's network. The radio system is provided through a contract by Franklin County and is managed by Day Wireless (the local Motorola dealer).

The Department Investigations Detectives currently use workstations (non-mobile). There have been discussions in the past about the value and utility of replacing workstations with laptops, allowing Detectives to take their laptops with them on cases, so they can write search warrants, report narratives, training, and other relevant activities. The Department may consider moving from workstations to laptops to increase operational efficiency. It is worth noting that Street Crimes Detectives can pull the G-Tech tablets from their cars to be used for report writing like a laptop.

The CAD system is provided by [Intergraph System](#). The Department is switching to the Tyler CAD/RMS system, which has a separate module that supports online reporting, in the first quarter of 2022. Citygate supports the use of online reporting to enhance efficiency and customer service.

The Department sits on a Countywide collaborative network between Franklin and Benton counties, and the cities of Kennewick, Pasco, and Richland, named BiPIN – Bi-County Police Information Network. According to a Franklin County Board of Commissioners Agenda Summary Report dated June 1, 2021, the BiPIN Interlocal Cooperation Agreement was first entered into in 1982 to jointly facilitate one criminal justice record management and information system. In essence, the agencies participating in the Interlocal Agreement continue to jointly utilize a common law enforcement and jail records management system for the following purposes:

- ◆ Increase access to local incident and want/warrant information
- ◆ Enhance the sharing of information among the criminal justice agencies
- ◆ Improve availability of operational and management information
- ◆ Provide for increased responsiveness to crime analysis and investigative support functions
- ◆ Reduce the need for redundant data entry and duplicate files
- ◆ Provide for improved protection against loss or destruction of criminal information files.

During the SWOT analysis, the question came up about phones issued to Detectives and the difficulty of adding separate phone applications (app). The IT department uses a City-centralized phone system. Washington State regulations require tracking of phones pursuant to the [Sunshine Law](#). Currently, Detectives need approval from their Captain and then an app can be installed remotely. The current approval process is effective and secure and appears to be the most effective way to manage adding apps to a phone.

The City contracted with BerryDunn to provide an Information Services Master Plan (Plan) for the City with the report being published in March 2021. Several Year 1 strategic initiatives are listed on page four of the Plan. Due to the COVID-19 pandemic, most of the initiatives were delayed. Additionally, several initiatives were delayed because they were not included in the budget.

Finding #30: To increase operational efficiency and customer satisfaction, the Department would benefit from implementing online reporting for non-suspect calls for service.

Finding #31: Investigative staff responsible for field responses currently have limited technology capabilities.

Recommendation #29: When implementing the new Tyler CAD/RMS system, purchasing the online reporting module would be a prudent decision to free up staff time and increase operational efficiency.

Recommendation #30: To increase operational efficiency, the Department should consider replacing Detective workstations with laptops that can be used in the field.

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SECTION 7—PROFESSIONAL STANDARDS DIVISION

7.1 PROFESSIONAL STANDARDS INTRODUCTION

Public trust is essential to the proper functioning of a law enforcement agency within a community. The Department must provide pathways for the community to engage about officer conduct. Consistent and responsive processes must be in place to ensure the community has reliable methods to communicate about issues of conduct and transparent methods to hold Department members accountable.

Professional accountability is managed under the direction of the Chief of Police. Responsibilities currently assigned include managing and conducting the internal affairs investigations process, Citizen Complaint processes, and data review.

7.2 INTERNAL AFFAIRS UNIT – PROFESSIONAL STANDARDS DIVISION

Public trust is a vital component of the law enforcement mission. Public trust rests on the responsiveness of the Department to community expectations and needs. The Department must give appropriate attention to allegations of misconduct while maintaining a culture of accountability. Trust provides a foundation for public confidence, and it also promotes communication and transparency with those served. There is an Internal Affairs (I/A) Sergeant responsible for reviewing critical incident reports of agencies within Franklin County, and other duties as required.

The Department Policy Manual for disciplinary and internal affairs is found in Chapter 26. It reminds employees they shall always conduct themselves, both on and off duty, in a manner that does not reflect negatively on the Department. The policy describes examples of conduct that may be subject to disciplinary action.

The policy (26.1.2) also delineates the Performance Reward Systems. The system recognizes the outstanding service of its employees and citizens who distinguish themselves while assisting the Department.

Department policy requires the documentation of informal and formal complaints which need to be tracked and audited. Department policy states they will accept and address all misconduct complaints following policy and applicable federal, state, and local law, municipal and County rules. The Department’s policy is also to ensure that the community can report misconduct without concern for reprisal or retaliation and that residents have access to Department processes. All Department members will accept all complaints and will promptly forward them to the appropriate supervisor.

I/A investigations are stored in the [IA Pro system](#) and secured and maintained in the office of the Chief of the Police. The companion software Blue Team Program is used to report, collect, and track complaints. The I/A Investigator or assigned command officer reports directly to the Chief of Police when investigating an Internal Affairs Complaint (IAC) according to Policy 26.2.3.

The Department makes their Citizen Complaint Form available to the public [online](#) and at the Records Unit front counter.

The I/A data provided by the Department is shown in the following figure and table.

Table 15—External Complaints – 2020



Number	Received	Status	Finding
20EXT-004	Jan 06 2020	Completed	Unfounded
20EXT-001	Jan 16 2020	Completed	Unfounded
20EXT-002	Feb 10 2020	Completed	Unfounded
20EXT-003	Mar 10 2020	Completed	Unfounded
20EXT-006	Mar 10 2020	Completed	Exonerated
20EXT-005	Apr 20 2020	Completed	Unfounded
20EXT-007	May 08 2020	Completed	Unfounded
20EXT-009	May 21 2020	Completed	Unfounded
20EXT-010	May 26 2020	Completed	Exonerated
20EXT-008	Jun 03 2020	Completed	Exonerated
20EXT-011	Jul 01 2020	Completed	Unfounded
20EXT-012	Aug 08 2020	Completed	Exonerated
20EXT-013	Aug 29 2020	Completed	Exonerated
20EXT-014	Sep 24 2020	Completed	Unfounded

Early Intervention Systems like IA Pro and Blue Team are management tools that can identify individual and group dynamics early. Identification of issues makes it possible to support re-directed behavior and performance toward organizational goals. Early Intervention Systems can provide officers with the tools necessary to avoid disciplinary processes, promote officer safety and wellness, and reduce administrative liability.

Early Intervention Systems provide law enforcement organizations with an ability to track actions and behavior associated with data collected in support of organizational goals, values, and missions, and directly related to Department policy, procedure, and training while clarifying the responsibility of supervisors and managers in an organization.

In 2020, the Department investigated fourteen external complaints, a 52 percent decrease from 2019.

The following figure and table show that in 2020, the Department received 10 internal complaints. Data showed internal complaints increased by 25 percent from 2019. The data was helpful in the decision-making and review of policies and procedures along with Department training.

The Blue Team software allows critical incidents to be forwarded through the proper chain of command. The use of Blue Team ensures all complaints are reviewed and investigated on time. Citygate applauds the Department for making use of technology and being mindful about I/A complaint tracking and employee behavior.

Table 16—Internal Complaints – 2020



Number	Received	Status	Finding
20INT-002	Jan 14 2020	Completed	Unfounded
20INT-001	Feb 26 2020	Completed	Sustained
20INT-003	May 08 2020	Completed	Sustained
20INT-004	Jun 18 2020	Completed	Sustained
20INT-005	Sep 10 2020	Active	Admin Closed
20INT-006	Sep 12 2020	Completed	Sustained
20INT-007	Sep 14 2020	Completed	Sustained
20INT-008	Oct 08 2020	Completed	Sustained
20INT-009	Nov 17 2020	Active	Sustained
20INT-010	Nov 19 2020	Completed	Sustained

7.3 TRAINING AND QUARTERMASTER

Training is under the direction of a Sergeant with one additional part-time support staff (Accreditation Specialist). The Sergeant reports to the Field Operations Captain. With the COVID-19 pandemic, training was negatively impacted. As seen in the following table, many in-person classes were canceled due to COVID-19, and instead classes were presented using webinar technology.

Table 17—In-Person Training Costs – 2017–2022

Year	Training and Tuition	Lodging, Meals, Airfare	Total
2017–2018	70,208	120,238	190,446
2019–2020	100,691	71,954	172,645
2021–2022	25,415	24,381	49,796

City of Pasco, Washington
Police Department Strategic Plan

The Washington Administrative Code (WAC) describes the “Commission” as the Washington State Criminal Justice Training Commission (CJTC), where training, hiring, and employment requirements are codified, and from which it derives its authority. The Revised Code of Washington (RCW) sets the requirements for continuing Police Officer employment ([RCW 43.101.095](#)). The Department Policy Chapter 21 Section 33.1.1 refers to training and career development. In part, the policy directs that a training committee shall assist in the development of the training function and that the committee shall report to the Professional Standards Captain.



As noted in the Internal Affairs Unit review, the Training Sergeant also doubles as the Quartermaster (equipment issue) and performs Internal Affairs investigations. The areas of responsibility for this Unit include maintaining Department training data in the PowerDMS database, ensuring CJTC compliance with mandated training, coordinating all approved training courses for Department personnel, managing payment and travel accommodations, coordinating and managing sponsored training, and coordinating and managing monthly training days. The Department maintains a designated training room and shares an outdoor firing range with Franklin County (the Department leases a EVOC Facility near the Hanford Nuclear Facility-Hammer).

After this study’s research was performed, the Professional Standards Unit was moved out of Training to the higher level of a division due to all the responsibilities of the Training Sergeant. Professional Standards includes Internal Affairs and Backgrounds, both of which interact with training data on a regular basis. Additionally, the support staff could be dedicated to assist the training operational workflow to be more efficient.

[WAC 139-05-300](#) in essence states that Police Officers shall complete 24 hours of in-service training annually. With Officers working 10.67-hour shifts, one training day is made available monthly. The Training Unit provides each officer with 120 hours annually of perishable skills training. Citygate applauds the Department’s efforts to enhance the professionalism of their officers through extensive training.

The Training Sergeant enters the course lesson plan and attendance roster into PowerDMS. This information can be verified and used by the Accreditation Specialist for accreditation purposes. The Training Sergeant sends out an email announcement of upcoming courses with dates, times, and locations. The entry of lesson plans and rosters is a manual process. A training day schedule consists of an Excel spreadsheet where names, dates, and notes are manually entered. This process is time consuming and makes research difficult. The Department should consider a training software application that would automate the workflow, increasing operational efficiency and

accountability. Additionally, the roster does not require a student's signature. The Department should consider the use of a barcode scanner or similar device to track the training and equipment of each employee. While PowerDMS reporting can identify who attended a course, it is unknown how often the report is reviewed and circulated by the executive team for verification. Additionally, if an officer misses a course, their Sergeant will make a note in BlueTeam and follow-up for resolution.

Citygate asked the Department for current training records to verify attendance and course completion percentage. Due to a lack of training software management, the Accreditation Specialist had to perform a manual records check. The manual method took over two weeks to process, given the Specialist had to put aside existing tasks to accomplish the training records request. Using a training software management tool, the request could have been completed within minutes. Citygate encourages the use of software applications to increase operational efficiency.

A review of a spreadsheet of 2020 Sworn Required Training consisting of 79 commissioned officers' names with course titles such as Legal Updates, Crisis Intervention training, Crowd Control, etc. revealed that a substantial number of officers missed three segments of training; 20 officers missed Legal Update training, 24 officers missed Bias Policing training, and approximately 35 officers missed De-Escalation training. While there are many justified reasons for missing required training such as existing personal leave, medical condition, or administrative leave, officers should have been rescheduled to attend missed training upon their return. Additionally, the current evidence shows there is an "open-loop" concerning training accountability. Using a training software application, the Training Manager could run a weekly report to identify those missing class and can reschedule them to attend the next available course. Officers missing training should be reported monthly to command staff for correction or explanation.



Section 33.1.3 of the Department Policy Manual describes the process for outside training reimbursement. The training request is made to the Training Sergeant, who obtains approval from his Captain. Once approved, the Training Sergeant gets the Officer registered for the course. The Officer will receive reimbursement after successful completion of the course. This will happen on occasion for courses like the Master Defensive Tactics Instructor course, where there is no local availability.

The Department provides de-escalation training in compliance with [RCW 43.101.450](#) which in part states that after December 6, 2018, all law enforcement officers must receive violence de-escalation training. Additionally, all officers shall periodically receive continuing de-escalation training to practice their skills, update their knowledge and training, and learn about new requirements and violence de-escalation strategies. Also, [RCW 43.101.455](#) in part states that the

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Commission shall consult with law enforcement agencies and community stakeholders to develop the training requirements for violence de-escalation training curricula. Finally, the Washington Administrative Code (WAC) Chapter 139-11 et seq. delineates the Law Enforcement and Community Safety Act (LETCSA) and describes the Commission’s involvement with the violence de-escalation training mentioned in the previous RCW code sections.

The Department would benefit from growing the existing Training Facility into a de-escalation facility containing Force Options Simulator (FOS) training, virtual reality (V/R) training, a mat room, and defensive tactics to ensure congruence with state training requirements. The facility could become a training center to benefit the tri-city agencies, providing cost deferral.

In part, [WAC 39-11-020](#) states that all peace officers (including laterals) certified in Washington before December 7, 2019, must complete a minimum of forty (40) hours of continuous de-escalation training and mental health training every three years after receiving their initial peace officer certification. This section also includes the minimum required training topics. Citygate applauds the Department’s efforts on ensuring compliance with mandatory de-escalation training.

The Department has a training facility where classes take place; an old union hall that has convenient on-site parking. However, the facility needs deferred maintenance. Paint, carpet, and updated technology would make the space appealing for offering regional training. Once the facility has been updated, the Department should consider becoming a regional training center. With renewed technology and furniture, the Department could offset the maintenance cost with minimal training fees (course facilitation).



The Department does have a succession plan and a Training Committee that reports to the Professional Standards Captain. However, the Department lacks a “training plan,” which many agencies use as a checklist for required and recommended training per position. After the interview with the Accreditation Specialist, Citygate staff provided the Specialist with several versions of best practices training plans for consideration. One sample provides a list of courses per rank and describes each course as mandated, essential, or desirable. This information becomes very useful when interviewing prospective candidates for promotion or lateral assignment like Investigator. Also, the training plan works like a checklist for the Training Sergeant and Accreditation Specialist, ensuring mandated training has been completed or scheduled for every employee. The Department would benefit from instituting a Department-wide training plan.

7.4 ASSET MANAGEMENT

The Training Sergeant also acts as the Quartermaster issuing and tracking equipment such as firearms and radios. Because the Quartermaster position rotates, few historical notes and the lack of a desk manual have provided mixed accountability results. While the accreditation teams look at inventories, the actual tracking of specific serial numbers and who has which piece of equipment is unknown in some instances. A copy of the Department inventory is maintained on the network server, but its accuracy is in question. The Department would benefit from the use of a barcode system. Many agencies have benefited from employing a barcode system for all their important assets like radios, all firearms, vests, and alike.

The Department has four pepper ball less-lethal launchers, which are issued to Patrol Sergeants and a Street Crimes Sergeant. While Sergeants are infrequently the first responders to calls for service, it may be more effective to move launchers to patrol cars for faster deployment.

The Department has three ballistic shields; only Sergeants have access to the shields. Like pepper ball launchers, the deployment of a shield would be much faster from the trunk of a Patrol Officer.

Finding #32: The Department does not have a Department-wide Training Plan that is consistently updated, reviewed, and audited.

Finding #33: The Department uses PowerDMS for tracking and reporting capability.

Finding #34: The Department does not have a verifiable equipment tracking system and would benefit from employing a barcode system for the Quartermaster position.

Recommendation #31: Consider creating a Department-wide training plan approved by the existing Training Committee, to provide a standard training requirement for each position or rank.

Recommendation #32: Consider the purchase of a barcode system to effectively manage the Department's inventory.

7.5 DE-ESCALATION, CRISIS INTERVENTION TRAINING, RESPONSE

Although de-escalation requires a wide range of training and capabilities with no outcome guarantees, it also fosters an environment that will provide the potential likelihood of reduced confrontation or injury with police and community contacts. Heightened law enforcement scrutiny, police legitimacy, and changing state and national legislation require cities and organizations to implement and ensure policies, training, curriculum, oversight, and accountability meeting community and legislative needs while also reducing relational mistrust. This also requires cities and departments to place value on employee wellness associated to responsibilities. This requires department management, supervision, training, curriculum, facilities, and equipment that provide opportunities for staff to implement critical responses in the field while being held to accountability and oversight. Public education of these components of policing will enhance community trust in organizational commitment to provide quality police services.

Responding to persons in crisis increases the possibility of Police Officer injury or death. De-escalation may apply to all response calls while Crisis Intervention Training may be more specific to persons suffering from a Mental Health Crisis. However, Crisis Intervention Training may enhance all responses. The Department is working toward providing all sworn officers with the full 40-hour Crisis Intervention Training model. De-escalation and Crisis Intervention Training policies and practices can reduce force, decrease citizen and employee injuries, and enhance organizational legitimacy.

De-escalation should be comprised of many factors, including, but not limited to, use of force, deadly force applications, arrest and control tactics, less-lethal options and capabilities, response to mental illness, verbal communication, and crisis intervention techniques. All of these require training, which is only enhanced through a best practice training facility supported by the organization, staff, policies, and procedures. Voluntary community compliance improves employee safety and wellness, which speaks to the need to maintain on-going communication within the community regarding policies, practices, and procedures while enhancing public trust.²⁵

The City of Pasco has an opportunity with current or future facilities development to support a de-escalation center capable of supporting state and federal legislative mandates while ensuring best practice policing. A future de-escalation center should include defensive tactics, force-options simulator training, less-lethal weapons training, updated case law training, and live fire ranges for both pistols and long weapons deployed in the field. Citygate discusses this further under facilities.

²⁵ COPS, (2019). Law Enforcement Best Practices, lessons Learned From the Field, Community Oriented Policing Services, U.S. Department of Justice, (1-168), <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

7.6 LEGISLATION

Good risk management and leadership ensures congruence between policy, actions, and legislation. During the 2021 legislative session, the Washington State Legislature was busy creating new and amending existing legislation, which is a primary component used to develop policy. Therefore, the results of any legislation signed into law by Governor Jay Inslee will significantly impact Department operations (and all police agencies in Washington). The Washington State legislation took effect on July 25, 2021.

After reviewing the 32-page bill status report from WASPC, Citygate noted the following bills signed into law that will require resources to ensure compliance. Compliance will be present in two areas: *congruence* – creating new and amending existing policy to be compliant with the new laws; and *behavior* – how the new legislation will impact police response.

Citygate provides a “to-do summary” in **Appendix D** of this report, as further described at the end of this section. The following is a brief overview of just a few new laws that will require collaboration between administration and training.

- ◆ [HB 1001](#) – CJTC shall develop and implement a law enforcement professional development outreach grant program to encourage broader diversity of candidates from underrepresented groups.
- ◆ [SHB 1088](#) – Each County prosecutor shall develop a written protocol addressing potential impeachment disclosures pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and subsequent case law.
- ◆ [E2SHB 1089](#) – The Office of the Washington State Auditor is authorized to conduct a process compliance audit procedure and review of any deadly force investigation to determine if the actions of the involved agency (etc.) are in compliance with [RCW 10.114.011](#). The Department would be prudent to ensure their voice is heard during policy development with the state Auditor.
- ◆ [SHB 1214](#) – Specific to SROs – become familiar with new data collection measures and more.
- ◆ [ESHB 1267](#) – Development of a new policy and procedure regarding the newly created Office of Independent Investigations (within the Office of the Governor) and police use-of-force incidents resulting in potential criminal conduct, with specific Departmentwide training (in consultation with WASPC). The Department policy will need amending to be congruent with the policy from the Office of Independent Investigations. This will also require training.

- ◆ [E2SHB 1310](#) – Revise existing policy to be congruent with the new use of force requirements and new model policy developed by the Attorney General’s Office (in consultation with WASPC and CJTC).

These and other bills signed into law will require coordination between administration, training, and the City Attorney to ensure proper documentation in the form of policy and procedure, and that all staff are properly trained in the specifics of the new laws. The additional training will need to be specific and may change cultural norms of many police departments. Good risk management will require collaboration on policy development and training to reduce risk and ensure compliance.

Additionally, on a national level, there is a movement afoot regarding “police reform.” Some of the national legislation includes [House Resolution \(HR\) 1280](#), known as the George Floyd Justice in Policing Act of 2021. This bill was passed by the United States House of Representatives on March 3, 2021. As of the writing of this report, the bill sits in the U.S. Senate with an unknown disposition. In substance, HR 1280 lowers the criminal intent standard from willful to knowing or reckless, to convict a law enforcement officer for misconduct in a federal prosecution; limits qualified immunity as a defense to liability in a private civil action against a law enforcement officer; and grants administrative subpoena power to the Department of Justice (DOJ) in pattern-or-practice investigations. Citygate highly recommends the Department staff review the details of HR 1280 and analyze how the passage of HR 1280 will impact policing operations.

[HR 155](#) known as the “Police Act” is a piece of legislation that spells out licensing requirements for law enforcement officers. This legislation was introduced into the U.S. House of Representatives on January 4, 2021. There is no current action on this bill.

[S 738](#) known as the “Police Training and Independent Review Act of 2021” would authorize the Department of Justice to award grants that require law enforcement officers to be trained on fair and impartial policing and require independent prosecutors to be appointed to investigate and prosecute any alleged incidents involving the use of force by a law enforcement officer that results in death or injury. The bill was introduced in the Senate on March 11, 2021, but there has been no action since.

“[Eight Can’t Wait](#)” is a movement supported by [Campaign Zero](#). The movement has a stated mission to bring immediate change to police departments. The movement, which arose from the Ferguson, Missouri, tragedy, developed eight recommended changes proponents say are cost neutral and can be implemented immediately as policy changes. These include:

1. Ban chokeholds and strangleholds
2. Require de-escalation
3. Require warning before shooting

4. Require exhaustion of all alternatives before shooting
5. Duty to intervene (in fellow officer excessive use of force)
6. Ban shooting at moving vehicles
7. Require use of force continuum
8. Require comprehensive reporting

Many departments already include the aforementioned items in their policies and training. These eight recommendations were reviewed by the Department prior to the current Citygate study. The Department not only addressed these eight areas of compliance but added several additional policy updates which were progressive with local, state, and national mandates based on legislative reform.

Citygate cautions that when considering “cost” of implementing such changes, modification to policy always requires training, compliance measurement, and oversight. Any such change requires staff time, and eventually, supervisory staff must be added to the training matrix to ensure training and behavior congruence. Therefore, there is a “cost” to any such implementation.

Citygate applauds the Department for having all “Eight Can’t Wait” changes in the existing Use of Force Procedural Manual. Specifically, ban chokeholds, the requirement of using de-escalation techniques, exhaust all alternatives before shooting, duty to intervene, a detailed use of force continuum (D. Levels of Control), require a warning before shooting, ban shooting at moving vehicles (with exceptions), and discharging a firearm as a last resort. Chapter 4 covers the prohibition of chokeholds (prohibited per HB1054). The requirement of comprehensive reporting on use of force events has been in place for many years.

Supreme Court case law regarding police use of deadly force and state and federal law, based on applicable Supreme Court decisions, should be openly discussed within the organization and the community.

Department officers are not required to exhaust all other means prior to using deadly force. This too, is in keeping with the current case law, and Citygate sees no feasible way such a blanket requirement can work in 100 percent of the cases. We do believe the sanctity of preserving life should be the foundation of any police agency’s use of force policy, and there should be effective training that emphasizes the development of critical thinking skills during all force encounters and incorporates state and federal law. Citygate recognizes that Washington State has applied legislation all Washington State law enforcement agencies are attempting to appropriately interpret and apply in the best interests of community residents.

7.6.1 Summary and Recommendations

In addition to the aforementioned bills, Citygate accepted an additional task from the Department to review all current law enforcement-related legislation signed into law by Governor Inslee. It should be noted that all 36 bills listed and analyzed by Citygate in **Appendix D** are unfunded mandates—there are no funds offered by the legislature to pay for training, transition, or policy/procedure changes. Citygate spoke with the WASPC Legislative Director and Pasco’s City Attorney to ensure congruence with training and policy amendments.

Citygate applauds the Department for its efforts to ensure regulatory and legal compliance along with training best practices by working with a third party to review law enforcement training curricula. The Department has begun working with the Spokane Sheriff’s Office and International Association of Directors of Law Enforcement Standards and Training (IADLEST) to develop and review their curricula. A review of the curricula is a best practice to ensure contemporary case law and police techniques are included in course design.

SECTION 8—FISCAL OVERVIEW

8.1 CITY AND POLICE DEPARTMENT FISCAL OVERVIEW

8.1.1 City Fiscal Overview

The City operates on a calendar year (CY) basis and transitioned to a biennial budget process in CY 19. The CY 21–22 General Fund biennial expenditure budget (regular expenditures and other financing uses) per page 46 of the City’s budget document totals approximately \$117.2 million, as compared to the CY 19–20 General Fund biennial expenditure budget (regular expenditures and other financing uses) of approximately \$119 million per the same budget document page. The factors leading to this approximately \$1.8 million decrease include decreases in anticipated other financing uses of approximately \$11 million, due primarily, to decreased anticipated capital project costs which are partially offset by increases in anticipated expenditures for regular expenses of approximately \$9.2 million, consisting, primarily, of anticipated increases in salary and benefit costs of approximately \$6.4 million. Anticipated revenues for CY 21–22, per page 46 of the City’s current budget document, total approximately \$113.1 million as compared to approximately \$119.7 million in the previous biennial period. This approximately \$6.6 million decrease is caused, primarily, by an approximately \$16 million decrease in other financing sources, consisting, primarily, of one-time bond proceeds collected in the prior biennial period for capital projects that will not repeat in the current biennial period, partially offset by anticipated increases in regular revenues, such as tax-related revenues, of approximately \$9.4 million

In 2001, voters approved Initiative 747, which allows base property tax levies to increase the lessor of one percent (excluding new construction) or the Implicit Price Deflator (IPD). The IPD for setting 2021 property taxes was 0.60152 percent as calculated by the State Department of Revenue (DOR) using the most recent quarterly numbers reported by the Federal Bureau of Economic Analysis (BEA). Per state law, cities with populations over 10,000 can take advantage of the full one percent if a resolution/ordinance of “substantial need” is adopted. The City decided on banking the statutorily allowed 0.60152 percent, which will allow it to “carryover” this difference into future years. Per documentation received from City staff, the City’s 2021 assessed value is approximately \$6.8 billion. Property tax levies are calculated per \$1,000 of assessed value. The documentation, produced by Franklin County, which contained the City’s 2021 property tax levy, reflects that the City’s decision to bank the IPD will result in approximately \$66,600 less revenue for 2021. Additionally, approximately \$44,100 of property tax revenue for 2021 could have been received if the City had opted in addition to the IPD to assess the difference between the IPD and the one percent statutory cap. In total, the City’s decision to delay the maximum statutory levy will result in deferred revenues of approximately \$110,700 (\$66,600 plus \$44,100) for 2021. However, as previously discussed, this loss can be made up in future years.

Per the City’s CY 21–22 budget document, it is anticipated the City will experience an operating deficit of approximately \$4.1 million at the end of the CY 21–22 biennial period. This anticipated deficit is caused, primarily, by the use of bond proceeds for current projects collected in a prior year, which are/are not expected to repeat in future years and will be addressed through the use of General Fund unassigned reserves, which per the CY 21–22 budget, are anticipated to total approximately \$27 million or approximately 25 percent of General Fund expenditures. The Government Finance Officers Association (GFOA), a nationally recognized organization which develops municipal finance best practices, recommends that General Fund unassigned reserves, at a minimum, consist of two months’ operating expenses or approximately 17 percent. Per the GFOA, the appropriate level of adequate reserves depends on several factors including the agency’s operational strategies and goals. Consequently, although the City’s current General Fund reserves exceed the minimum levels recommended by the GFOA, they could be inadequate to meet the City’s actual needs. An in-depth analysis of the City’s fiscal operations was not part of this project’s scope, so Citygate would recommend the City consider conducting a general fiscal operations review to identify fiscal issues that should be addressed.

8.1.2 City Economic Development

The major economic industries in the City consist, primarily, of agriculture, manufacturing, transportation, technology, healthcare, retail, and government. Per the City’s Comprehensive Plan, approximately 22,000 residential units currently exists, with an expected need for an additional approximately 15,200 units due to population growth. Population growth is estimated to be approximately 97,300 by 2031. A detailed analysis of revenues associated with economic development is not included in this project scope.

It is consistent within the industry for police department operations to receive most funding through tax-related revenues, primarily in the General Fund. However, other revenue sources are typically identified and implemented to help reduce the funding burden on the general taxpayer. The additional revenues sources include grants, fees and charges, fines and penalties, etc. The City currently utilizes these sources to reduce the subsidy from the General Fund. However, per discussion with City staff, fees and charges are not regularly reviewed to ensure full cost recovery for providing the applicable service. It is considered a best practice per the GFOA to conduct a full review of fees and charges, regularly, typically every one to three years.²⁶ The City’s current practice is to review selected fees and charges on a sporadic basis. Although currently the Department only receives approximately two percent of its funding from direct fees and charges, ensuring full cost recovery, where applicable, helps provide General Fund revenue, which improves the overall fiscal condition of the City and therefore, the Department. Other revenue/cost saving options that should be explored include:

²⁶ <https://www.gfoa.org/fpc-user-fees>

- ◆ Levying property taxable assessed value increases allowed by law
- ◆ Increasing research into available grants and partnerships with federal, state, and local agencies such as:
 - Department of Justice grant opportunities – <https://justicegrants.usdoj.gov/resources/funding>
 - Community Oriented Policing (COPS) – <https://cops.usdoj.gov/grants>
 - Justice assistance grant program administered by the Washington State Department of Commerce – <https://www.commerce.wa.gov/serving-communities/crime-victims-public-safety/justice-assistance-grant/>
 - Community Policing Dispatch e-newsletter of the Office of Community Oriented Policing Services (COPS Office) which provides a listing of various grant and loan funding opportunities for law enforcement – https://cops.usdoj.gov/html/dispatch/02-2020/finding_funding.html
 - Although grants can be a very effective method to enhance law enforcement service levels, it should be noted that grants are typically limited in duration, requiring General Fund or other funding areas to continue to support a grant-funded program past the grant term. Consequently, grant-funded programs should be strategically implemented.
- ◆ Utilizing a tax-override (requires a vote)
- ◆ Improving current technology use to increase efficiencies and productivity.

8.1.3 Department Fiscal Overview

The Department CY 21–22 biennial operating expenditure budget totals approximately \$37.3 million as compared to approximately \$35.5 million in the previous biennial period. This equates to an anticipated increase of approximately \$1.8 million or approximately 5.1 percent. The increase consists primarily of increases in salary/benefit costs. Salary/benefits make up approximately 73 percent of the Department’s total budget. The Department CY 21–22 budget estimate represents approximately 32 percent of the City’s total General Fund CY 21–22 budget.

The Department has several direct revenue sources to reduce the subsidy amount required from the General Fund, which includes areas such as fines and penalties, charges for services, grants, reimbursements, etc. Anticipated revenues from these sources total approximately \$3.8 million for the current biennial budget as compared to approximately \$3 million for the prior budget period, resulting in an increase of approximately \$800,000 or 27 percent. This increase consists, primarily, of anticipated increases of fines and penalties (approximately \$747,000 or 47 percent).

As mentioned previously, Citygate was informed the City reviews and adjusts fees and charges on a case-by-case basis instead of conducting a comprehensive review. However, staff currently has a goal to complete a comprehensive review of all fees and charges every two years, which would be within best practice guidelines, but is uncertain as to when the goal will be achieved.

For CY 21–22, it is estimated the Department will receive approximately \$33.5 million or approximately 90 percent of its budget from General Fund subsidies to support operations. This is approximately 3.1 percent more than the prior biennial period estimate.

8.1.4 Department Status Quo Future Cost

As a part of its review, Citygate extrapolated future Department costs, assuming an average population growth of 2.3 percent per historical rates, and that the current per capita cost for police operations remains constant. The police services cost per capita based on the current population and CY 21–22 biennial budget totals \$483. The following table reflects the estimated Department operations through CY 36–37 for each biennial period every five years based on the assumption that the police operations cost per capita remains at the current level. Police direct revenue growth is assumed to be 10 percent per each five-year period, or two percent annually.

Table 18—Estimated Department Status Quo Operations Costs Through CY 36–37 (Every Five Years) at Current Population-to-Cost Ratio

Category	CY 2026–27	CY 31–32	CY 36–37
Police Department Revenues	4,135,647	4,549,212	5,004,133
Police Department Expenditures	41,867,188	46,977,366	59,145,050
Net Operating Loss (General Fund Subsidy)	-37,731,541	-42,428,155	-54,140,918

- Finding #35:** Currently, a large amount of budget compilation in the Department is handled by the Police Chief’s Executive Assistant.
- Finding #36:** The Department has opportunities to increase and enhance the use of technology.
- Finding #37:** The City and Department need increased formalization processes to identify and address fiscal operations.

Finding #38: The City Finance Department has made great strides to enhance communications and interaction with the Police Department over the past few years. The working relationship between the Finance Department and the Police Department appears to be very positive based on Citygate’s comprehensive review.

Finding #39: The City’s current capital improvement projects do not reflect capital improvements for Police Department facilities.

8.2 COST MODEL

Citygate developed a cost model which estimates the fully burdened annual cost of adding each Citygate recommended position to the Department. The components of the model include:

- ◆ Base salary
- ◆ Overtime
- ◆ Special pays (incentive pay, special assignment pay, etc.)
- ◆ Benefits (deferred compensation, pension, health-related, workers compensation, unemployment, etc.)
- ◆ Support/Startup costs (equipment, vehicle, administrative support, uniforms, supplies, etc.)

The assumptions used by Citygate to develop the recommended fully burdened annual position costs are:

- ◆ Base annual salary estimates are consistent with mid-range of current applicable City classification pay range. Positions not currently established by the City were developed using mid-range of other Washington cities and Benton County. Specifically, hourly rates for Lieutenant/Records Supervisor positions are per City of Kennewick mid-range; Community Services Officer position is per City of Seattle mid-range; Domestic / Sexual Abuse Advocate is per City of Renton mid-range; Management Analyst is based on 80 percent of Pasco Senior Management Analyst position; Sergeant / Police Officer / Executive Assistant / Administrative Assistant 1 and 2 / Records Lead PSS / Records Supervisor / Mechanic are per Pasco Human Resources website mid-range.
- ◆ Benefits are consistent with current benefits summary documents located on City website per the applicable position classifications.

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- ◆ Overtime estimates are based on City experience and will address non-productive time gaps.
- ◆ State retirement and social security percentages were used for sworn positions; state retirement was used for non-sworn positions.
- ◆ Applicable uniform and equipment costs are based on averages obtained from the internet.²⁷
- ◆ Vehicle estimates are based on recent City purchasing costs before the pandemic affected new vehicle costs.
- ◆ Base vehicle and vehicle outfitting costs will be addressed through up-front payments.
- ◆ Office supplies and general administrative support are based on existing police department averages.
- ◆ Increased funding for technology improvements should be prioritized over additional personnel, where applicable.
- ◆ Additional personnel and equipment added to the Department per Citygate recommendations will require additional non-Police Department support in the form of personnel and non-personnel costs, i.e., fleet maintenance, finance, human resources, external technology, etc.

Based on the assumptions listed, the following table presents the fully burdened costs for specific positions.

²⁷ https://www.dailyrecordnews.com/members/cost-of-a-cop-what-is-the-price-to-equip-a-patrol-officer/article_9f740160-b647-11e5-bac4-73fb1dac98d2.html

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Table 19—Fully Burdened Personnel Costs by Position

Position Classification	Base Annual Salary	Overtime and Special Pays	Total Salary	Total Other Benefits	Total Salary and Benefits of the Position	Total Support (Equipment/Uniforms/Supplies/etc.)	Total Position Fully-Loaded Annual Cost
Lieutenant	\$120,994	\$4,840	\$125,833	\$38,021	\$163,855	\$116,200	\$280,055
Sergeant 0–12 (Step 6)	\$114,504	\$13,443	\$127,947	\$37,209	\$165,156	\$80,200	\$245,356
Police Officer 0–6 (Step 6)	\$81,931	\$11,326	\$93,257	\$31,609	\$124,865	\$80,200	\$205,065
Community Service Officer	\$71,386	\$2,500	\$73,886	\$35,037	\$108,923	\$54,200	\$163,123
Domestic / Sexual Abuse Advocate	\$67,496	\$2,000	\$69,496	\$31,070	\$100,566	\$5,000	\$105,566
Executive Assistant	\$76,003	\$1,260	\$77,263	\$26,679	\$103,942	\$5,000	\$108,942
Management Analyst	\$67,018	\$500	\$67,518	\$24,971	\$92,489	\$5,000	\$97,489
Admin Assistant II (Step 4)	\$59,509	\$500	\$60,009	\$23,809	\$83,818	\$5,000	\$88,818
Admin Assistant (Step 4)	\$47,861	\$500	\$48,361	\$21,913	\$70,273	\$5,000	\$75,273
Records Lead PSS (Step 4)	\$62,338	\$500	\$62,838	\$24,055	\$86,893	\$5,000	\$91,893
Records Supervisor	\$81,598	\$500	\$82,098	\$26,924	\$109,022	\$5,000	\$114,022
Mechanic (Step 4)	\$64,896	\$500	\$65,396	\$24,386	\$89,782	\$8,000	\$97,782
MOT Counselor	\$48,984	–	\$48,984	\$23,598	\$72,582	\$54,200	\$126,782
Total	\$964,518	\$38,369	\$1,002,886	\$369,281	\$1,372,166	\$428,000	\$1,800,166

The detailed information relating to the cost model is reflected in **Appendix A** of this report.

Recommendation #33: Complete comprehensive fee and charge reviews at one- to three-year increments to ensure full cost recovery where applicable.

Recommendation #34: Explore revenue options such as a tax levy and grants to enhance police services, being mindful of grant timing limitations.

- Recommendation #35:** Conduct an analysis of future Capital Improvement Plan needs for the Department and ensure these recommendations are included in the City's Capital Improvement Plan moving forward.
- Recommendation #36:** Complete the process of creating a formal long-term financial forecast model.
- Recommendation #37:** Review current information technology equipment functionality and overall support to address operational inefficiencies and cost savings.
- Recommendation #38:** Formalize financial policies and procedures documentation to minimize operational inefficiencies and inconsistencies. Conduct training and establish monitored compliance.
- Recommendation #39:** Continue with improved support, communication, and interaction between the Finance Department and the Police Department.
- Recommendation #40:** Hire a Management Analyst with dedicated responsibilities for budget and finance-related duties.
- Recommendation #41:** Hire a mechanic to address the workload increase that would result from the purchasing of vehicles to address recommended positions moving forward.
- Recommendation #42:** Hire an administrative support position to be used part-time in the Finance Department and part-time in the Human Resources Department to assist with current and anticipated workload increases supporting payroll, accounts payable, recruitment efforts, and benefits processes, especially for hiring of the recommended Police Department positions.

SECTION 9—SUMMARY OF RECOMMENDATIONS, COSTS, AND FINDINGS

9.1 SHORT- TO MID-TERM RECOMMENDATIONS

The following table shows the estimated costs related to the recommendations based on Citygate’s review, assuming implementation over the next five years. Some of the personnel-related recommendations are merely transfers of existing personnel and will not result in added cost.

9.1.1 Police Department Personnel Recommendations

Table 20—Police Department Full-Time Equivalent Recommendations

Action	Position	Cost	Source Recommendation
Add	1 Police Lieutenant – Create Professional Standards Division	Cost	1
Add	2 Police Lieutenants – Field Operations Division – Patrol Watch Commanders	Cost	1
Add	4 Police Sergeants to Field Operations	Cost	2
Add	6 Police Officers to Field Operations Division – Patrol based on call incident data / population growth	Cost	6
Add	1 Police Sergeant – Field Operations Division – Create Traffic Unit	Cost	7
Add	1 Police Sergeant – Support Operations Division – Investigation Services Unit – Create Special Victim’s Unit	Cost	13
Move	3 Detectives (Police Officers) from Investigation Services Unit to Special Victim’s Unit	No cost	13
Add	1 Police Officer – Support Operations Division – Investigation Services Unit – Special Victim’s Unit	Cost	13
Add	1 Police Sergeant to Support Operations Division – Community Resource Bureau – School Resource Supervisor	Cost	14
Add	1 Police Lieutenant – Support Operations Division – Create Community Resource Bureau / Public Information Officer	Cost	16
Convert	Records Lead PSS to Records Supervisor – Support Operations Division	Cost	19
Add	1 Records PSS – Operations Support Division, Records Unit	Cost	19
Convert	Administrative Assistant II to Executive Assistant – Office of the Chief	Cost	22
Add	1 Administrative Support – .5 for Field Operations Division, .5 for Support Operations Division	Cost, 1 FTE	22
Add	1 Administrative Assistant – Investigation Services Unit	Cost	22
Add	1 Management Analyst – Finance	Cost	40
Total	22 FTE Additions in Police Department		

9.1.2 Other Department Support Recommendations

Based on Citygate’s recommended increase of 22 FTEs in the Police Department, the following other department personnel increases should be considered. It is recommended that the hiring of these positions be staggered to coincide with the hiring of the Police Department positions.

- ◆ Add one Mechanic to address addition of 18 added police vehicles. It is recommended this position be added in year two or three in the five-year period considering the vehicles will be purchased new and the staggering of hiring the Police Department positions. Estimated fully burdened cost is \$97,782.
- ◆ Add one Administrative Assistant II to be used part-time in the Finance Department and part-time in the Human Resources Department to address increased workload of the hiring of the Police Department positions relating to payroll, accounts payable, recruiting, and benefits. Estimated fully burdened cost is \$88,818.

9.1.3 Non-Personnel Support Recommendations

As discussed in the Cost Model subsection of this report, various support costs such as personnel equipment, vehicles and applicable vehicle outfitting, services and supplies, and internal service charges were included to identify the fully burdened personnel cost amounts. The amounts for these items are reflected in Table 19 in the column titled “Total Support (Equipment, Uniforms Supplies, etc.)” The uniformed sworn amounts are significantly larger than the non-sworn because support costs for sworn include larger dollar items such as uniforms, personal equipment, i.e., weapons, radios, body camera, etc., in addition to vehicles and the necessary vehicle outfitting equipment, as well as services and supplies and internal service charges.

9.2 COST OF CITYGATE RECOMMENDATIONS

The following table represents the estimated total operational cost of Citygate’s recommendations.

Table 21—Total Estimated Operational Cost of Recommendations – Five-Year Strategy

Position Classification	Total Position Fully-Loaded Annual Cost	Citygate FTE Addition Recommendation	Citygate Existing FTE Conversion Cost	Estimated Cost
Police Department Positions				
Lieutenant	\$280,055	4		\$1,120,219
Sergeant 0-12 (Step 6)	\$245,356	8		\$1,962,849
Police Officer 0-6 (Step 6)	\$205,065	6		\$1,230,392
Community Service Officer	\$163,123	0		\$0
Domestic / Sexual Abuse Advocate	\$105,566	0		\$0
Executive Assistant	\$97,489	0	\$8,700	\$8,700
Management Analyst	\$108,942	1		\$108,942
Administrative Assistant I (Step 4)	\$75,273	0		\$0
Records Lead PSS (Step 4)	\$91,893	1		\$91,893
Records Supervisor	\$114,022	0	\$22,100	\$22,100
MOT Counselor	\$126,782	0		\$0
Administrative Assistant II (Step 4)	\$88,818	2		\$266,453
Subtotal Police Department	\$1,702,385	22	\$30,800	\$4,722,731
Other Department Positions				
Mechanic (Step 4)	\$97,782	1		\$97,782
Administrative Assistant II (Step 4)	\$88,818	1		\$88,818
Subtotal Other Departments	\$186,600	2		\$186,600
Total	\$1,888,985	24	\$30,800	\$4,909,331

9.2.1 Recommendations and Funding Priorities

The following table (1) lists all recommendations in summary form, (2) identifies those that can be implemented at no cost (other than staff time), and (3) for the remaining recommendations requiring a General Fund expense to implement, identifies the funding priority level. While funding priorities are identified, these recommendations are not presented in priority order.

City of Pasco, Washington
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Table 22—Recommendations and Funding Priorities

	Recommendation	No Cost	Funding Priority 1	Funding Priority 2	Funding Priority 3
1	Add a middle management rank		X		
1	Add three Lieutenants initially (two in Field Operations, one in new Professional Standards Division)		X		
2	Add four Police Sergeants to Field Operations		X		
3	Re-engage the social media program	X			
4	Establish response time goals	X			
5	Establish a culture of data measures for work activity	X			
6	Consider adding six Patrol Officers across shifts		X		
7	Consider establishing a formal Traffic Unit	X			
7	Add one Sergeant			X	
8	Consider establishing Community Service Officers within the organization			X	
9	Continue multi-agency partnerships for mental health and homeless strategies	X			
10	Identify internal and external outcomes for mental health and homelessness	X			
11	Continue with 40-hour Crisis Intervention Team Training and incorporate additional annual training		X		
12	Continue to participate in the establishment of Countywide homeless strategic plans	X			
13	Consider adding one Sergeant to Investigation Services to supervise new Special Victims Unit			X	
13	Consider adding one Detective to the Special Victims Unit and transfer three of seven Detectives to Unit			X	
14	Consider adding one Sergeant to Support Services to supervise new School Resource Officer Unit			X	
15	Consider seeking additional funding from the school district to support SRO positions	X			
16	Consider combining the School Resource Officers and the Area Resource Officers under a newly formed Bureau	X			
16	Add one Lieutenant to manage Bureau			X	
17	Consider caseload metrics for Street Crimes Unit efficacy measurements	X			

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	Recommendation	No Cost	Funding Priority 1	Funding Priority 2	Funding Priority 3
18	Consider investigative staffing increases based on population growth and workload			X	
19	Consider conversion of the current Records Lead to a Records Supervisor		X		
19	Consider adding one Police Services Specialist to Records			X	
20	Consider adding Volunteers in Policing to assist Records staff	X			
21	Consider investing in updated Crime Scene Investigation drying lockers				X
22	Consider converting the current Administrative Assistant II to Executive Assistant		X		
22	Consider backfilling Administrative Assistant II position		X		
22	Consider adding one Administrative Support Services position (.5 for Field Operations Division, .5 for Support Operations Division)		X		
22	Consider adding one Administrative Support Services position for Investigation Services		X		
23	Consider enhancing software coding to increase electronic reporting efficiency	X			
24	Consider accessing the viability of online reporting			X	
25	Consider developing and training Citizen Volunteers	X			
26	Develop facilities able to meet all aspects of organizational and community needs		X		
27	Keep capital improvement planning an ongoing priority	X			
28	Place lock boxes next to holding and interview rooms		X		
29	Purchase the online reporting module of the new Tyler CAD/RMS system		X		
30	Replace Detective workstations with laptops		X		
31	Consider establishing a Department-wide training plan	X			
32	Consider the purchase of an equipment barcoding system		X		
33	Complete comprehensive fee and charge reviews at one- to three-year increments	X			
34	Explore revenue options such as a tax levy and grants	X			

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	Recommendation	No Cost	Funding Priority 1	Funding Priority 2	Funding Priority 3
35	Analyze future Capital Improvement Plan needs, ensuring those recommendations are in the City's future Capital Improvement Plans	X			
36	Complete the process of creating a formal long-term financial forecast model.	X			
37	Review current IT equipment functionality and overall support	X			
38	Formalize financial policies and procedures documentation. Conduct training and establish monitored compliance	X			
39	Continue with improved support, communication, and interaction between the Finance Department and the Police Department	X			
40	Consider hiring a Management Analyst dedicated to budget and finance-related duties				X
<i>Note that the following two recommended positions are outside of the Police Department</i>					
41	Hire a mechanic to address the workload increase from purchasing more vehicles				X
42	Hire an administrative support position to support the Finance Department and Human Resources Department with Police Department workload increases				X

9.3 FINDINGS

Following is a comprehensive list of all findings contained in this report:

Agency Background and Organization

Finding #1: A mid-management level does not exist in the organization.

Finding #2: Front-line supervision for Field Operations is limited to one Sergeant Citywide who also performs headquarters duties. During absences, there are no minimum supervisor staffing levels.

Community Engagement

Finding #3: The COVID-19 pandemic has affected maximizing the use of social media and available staff for community connectivity and promotion of community and organizational values and needs.

Field Operations – Workload Analysis

- Finding #4:** The Department and City have not adopted response time goals to guide the need for field patrol capacity. It is a best practice to have these goals.
- Finding #5:** Not all administrative workload measures are currently tracked in departmental data systems.
- Finding #6:** The Department has a shortage of front-line patrol staffing as evidenced by routine shift staffing challenges and the Department’s limited staff to place throughout the City. Also, the analysis of public-generated calls for service and officer-initiated activity, when combined, reveals that average committed time approaches or surpasses significant levels on which the organization should be focused.

Field Operations – Traffic Deployment and Analysis

- Finding #7:** The Department currently has traffic enforcement assigned to patrol and it operates much like a patrol collateral assignment with limited assigned officers.

Field Operations – Community Service Officers (Alternative Response Mechanisms)

- Finding #8:** The Department does not currently utilize Community Service Officers.

Alternative Response – Community Mental Health / Homelessness

- Finding #9:** The Mobile Outreach Program is operating as a Mobile Crisis Unit. The current program is a collateral assignment secondary to patrol response obligations.
- Finding #10:** Multi-partner, County, and City strategic plans including operational and financial sustainability are not in place to address mental health issues or homelessness.
- Finding #11:** Lourdes Health network tracks some outcome measurements for grant-reporting responsibilities. The Department does not have internally identified objectives for tracking mental health outreach and homeless outreach objectives and outcomes.
- Finding #12:** Service gaps remain in the criminal justice and mental health care pathways.
- Finding #13:** Current policy states sworn staff receive mental health training at the academy and then Crisis Intervention Training annually, internally, with a stated goal of attaining the 40-hour class for 25-percent of commissioned officers.

Support Operations – Investigations Services Division (Unit)

Finding #14: The number of cases requiring specialized training and/or experience justifies creating a specialized investigations unit.

Support Operations – Resource Division (Unit)

Finding #15: The Resource Division Supervisor has a span of control of nine to one.

Finding #16: Two School Resource Officers are tasked with covering four middle schools, each with a student body population in excess of 1,000 students.

Support Operations – Street Crimes Division (Unit)

Finding #17: The Street Crimes Unit is an effective anti-crime unit operating in Pasco. However, no caseload metrics have been established to monitor when the Unit should be expanded.

Finding #18: Staffing disruptions due to sick leave, vacations, etc. create operational risk in conducting crime suppression tasks such as a rolling surveillance and/or a buy bust operation.

Support Operations – Records

Finding #19: The limited number of staff coupled with limited opportunities warrant the re-establishment of a Records Supervisor position and volunteer additions.

Finding #20: A Citywide policy addressing Secretary of State records management is not in place.

Support Operations – Property and Evidence

Finding #21: The Department maintains a limited drying room for processing evidence.

Finding #22: The Department does not have temporary evidence storage lockers.

Support Operations – Other Support Division Units – Administrative Support Services

Finding #23: There is currently one Administrative Assistant responsible for supporting the entire Police Department.

Finding #24: The Department is still using paper systems for certain overtime coding.

Support Operations – Other Support Division Units – Online Reporting

Finding #25: The Department does not have an online reporting system.

Support Operations – Other Support Division Units – Volunteers in Police Services (VIPS)

Finding #26: The Department relies on some volunteers to augment some police services. The Volunteers in Police Services program has great potential moving forward for the Department and the community.

Support Operations – Other Support Division Units – Facilities

Finding #27: The Department is currently conducting a separate space needs study.

Finding #28: Capital improvement project planning has not been a Department priority until recently.

Finding #29: Currently there are not gun lock boxes adjacent to the operations and investigations interview rooms.

Support Operations – Other Support Division Units – Information Technology

Finding #30: To increase operational efficiency and customer satisfaction, the Department would benefit from implementing online reporting for non-suspect calls for service.

Finding #31: Investigative staff responsible for field responses currently have limited technology capabilities.

Professional Standards Division – Asset Management

Finding #32: The Department does not have a Department-wide Training Plan that is consistently updated, reviewed, and audited.

Finding #33: The Department uses PowerDMS for tracking and reporting capability.

Finding #34: The Department does not have a verifiable equipment tracking system and would benefit from employing a barcode system for the Quartermaster position.

Fiscal Overview

Finding #35: Currently, a large amount of budget compilation in the Department is handled by the Police Chief's Executive Assistant.

Finding #36: The Department has opportunities to increase and enhance the use of technology.

Finding #37: The City and Department need increased formalization processes to identify and address fiscal operations.

Finding #38: The City Finance Department has made great strides to enhance communications and interaction with the Police Department over the past few years. The working relationship between the Finance Department and the Police Department appears to be very positive based on Citygate’s comprehensive review.

Finding #39: The City’s current capital improvement projects do not reflect capital improvements for Police Department facilities.

9.4 RECOMMENDATIONS

Following is a comprehensive list of all recommendations contained in this report:

Agency Background and Organization

Recommendation #1: Consider creating a mid-management rank to support operations, support services, professional standards, and Department administration. We recommend the addition of three Lieutenants initially, two in Field Operations (as Patrol Watch Commanders) and one for a new Professional Standards Division.

Recommendation #2: Increase the number of Patrol Sergeants (by adding four Sergeants) and, in conjunction with mid-management recommendations, establish minimum staffing levels.

Community Engagement

Recommendation #3: Re-engage in training and increase staff capability on utilizing social media, media outlets, and press skills to benefit the organization daily. Enhanced messaging output will strengthen community partnerships while promoting organizational values and meeting community needs.

Field Operations – Workload Analysis

Recommendation #4: The Department and City should establish and use response time goals as part of the budget and policing oversight duties. These should include at a minimum:

High Priority First Officer – Reduce dispatch processing to 2:00 minutes or less, 90 percent of the time. First officer arrived at location within 6:00-minute notification and travel time, 90 percent of the time.

Total response time from 9-1-1 answer is 8:00 minutes, 90 percent of the time.

High Priority Second Officer – 8:00-minute notification and travel time. Total response time is 10:00 minutes, 90 percent of the time.

Medium Priority 9-1-1 Incidents – Dispatch processing time of 3:00 minutes, and officer notify and travel time of 10:00 minutes. Total response time of 13:00 minutes, 90 percent of the time.

Report/Documentation Needed – 4:00-minute dispatch time and officer or community service unit response of 20:00 minutes. Total response time is 24:00 minutes, 90 percent of the time.

Recommendation #5: Establish a culture of data measures for all work-related activities including, but not limited to, administrative duties, court time, break periods, on-duty training, equipment processing, vehicle maintenance, and many other related tasks associated with responsibilities requiring on-duty time.

Recommendation #6: The Department should add six front-line Patrol Officer positions across shifts while consistently measuring available data, conducting on-going workload analysis associated with current and anticipated growth, evaluating alternative resource and service delivery mechanisms, and accessing goals and objectives.

Field Operations – Traffic Deployment and Analysis

Recommendation #7: The Department should consider establishing a formal Traffic Unit, adding one Sergeant, with increased staff, supervision, and future civilian positions to ensure focus on engineering, education, and enforcement to maintain safety with current and future growth aligned with Department response necessities.

Field Operations – Community Service Officers (Alternative Response Mechanisms)

Recommendation #8: The Department should consider implementing Community Service Officers into the organization as an alternative service mechanism supporting community and Department needs.

Alternative Response – Community Mental Health / Homelessness

Recommendation #9: Work with existing multi-agency partners to develop regional and City mental health and homeless strategic plans that align City and County goals, objectives, programming, and funding sources in a care pathway that increases patient success, organizational efficiency, and decreases adverse community impacts while aligning with law enforcement programming, data collection, and funding sources.

Recommendation #10: Establish clear mental health and homeless internal and external outcome measurements that support City objectives and goals, regional strategic plan objectives and goals, and ensure these outcome objectives are consistently reviewed and accessed to provide positive alternative service delivery mechanisms to the Pasco community

Recommendation #11: The Department is working on 40 hours of Crisis Intervention Training for all sworn staff and is updating current policy to reflect this. The Department should continue to ensure this goal is accomplished while also identifying and implementing any annual updated and on-going training needs.

Recommendation #12: The City should consider an umbrella homeless strategy under a City department outside of the Police Department, which continues to receive Police Department support while also receiving coordinated support through Community Development, Housing, the Fire Department, Public Works, Code Enforcement, Parks and Recreation, and Quality of Life mechanisms.

Support Operations – Investigations Services Division (Unit)

Recommendation #13: Consider creating a Special Victim’s Unit that handles sexual assault cases, domestic violence cases, crimes against children, and crimes against the elderly. Add one Detective Sergeant to supervise the new Unit, transfer three of the seven Detectives to the Unit and add one Detective (Police Officer) to the Unit.

Support Operations – Resource Division (Unit)

Recommendation #14: Split the Resource Division into two separate work units to include the School Resource Officer Unit and the Area Resource Officer Unit. Add one Police Sergeant to supervise the newly formed School Resource Officer Unit.

Recommendation #15: Seek additional funding from the Pasco School District to allow for one SRO at each middle school and high school that has a student body population over 1,000 (two police officers).

Recommendation #16: Combine the two newly formed units (School Resource Officer Unit and Area Resources Officer Unit) with the Records Unit for a new Bureau, the Community Resources Bureau. Add one Police Lieutenant to manage this Bureau, and act as the Department's Public Information Officer, reporting to the Support Services Division Captain.

Support Operations – Street Crimes Division (Unit)

Recommendation #17: Command staff should develop caseload metrics to measure the efficacy of the Street Crimes Unit and the volume of work to trigger Unit expansion decisions.

Recommendation #18: An increase in staffing of the Street Crimes Unit should be considered as the City grows to sustain crime suppression operations during staffing disruptions due to sick leave, vacations, etc.

Support Operations – Records

Recommendation #19: Consider adding a Records Unit Supervisor to manage strategic planning for the Records Unit, develop and mentor personnel, and develop succession planning.

Recommendation #20: Consider adding volunteer staff and/or CSO positions to support Records operations

Support Operations – Property and Evidence

Recommendation #21: The Department should consider investing in several drying lockers.

Support Operations – Other Support Division Units – Administrative Support Services

Recommendation #22: The current Administrative Assistant II should be re-classified and upgraded to an Executive Assistant. The Department should consider phasing in additional administrative support staff positions to maintain future efficiency and organizational excellence moving forward. This includes backfilling the Administrative Assistant II position full-time, adding one full-time Administrative Support staff person to support the Operations Bureau Captain (half-time) and the Support Services

Bureau Captain (half-time), and adding one full-time Administrative Support staff person for the Investigation Services Division.

Recommendation #23: The Finance Department should incorporate coding that eliminates the need for paper overtime reports. This will enhance efficiency.

Support Operations – Other Support Division Units – Online Reporting

Recommendation #24: Access online reporting options to enhance organizational efficiency and provide an alternative service delivery mechanism to Pasco residents.

Support Operations – Other Support Division Units – Volunteers in Police Services (VIPS)

Recommendation #25: Consider training and utilizing Volunteers in Police Services in various assignments throughout the Department to assist with a variety of workload tasks. Consider creating a Volunteer Coordinator position in Administrative Support Services to provide full dedication to developing volunteers, identifying necessary training, tracking hours, and establishing a hiring pool for various positions within the organization.

Support Operations – Other Support Division Units – Facilities

Recommendation #26: The City should consider facilities capable from all aspects of organizational and community needs

Recommendation #27: Capitol improvement planning should remain an ongoing priority for the City and Department.

Recommendation #28: The Department should consider placing lock boxes next to each holding and interview room.

Support Operations – Other Support Division Units – Information Technology

Recommendation #29: When implementing the new Tyler CAD/RMS system, purchasing the online reporting module would be a prudent decision to free up staff time and increase operational efficiency.

Recommendation #30: To increase operational efficiency, the Department should consider replacing Detective workstations with laptops that can be used in the field.

Professional Standards Division – Asset Management

- Recommendation #31:** Consider creating a Department-wide training plan approved by the existing Training Committee, to provide a standard training requirement for each position or rank.
- Recommendation #32:** Consider the purchase of a barcode system to effectively manage the Department's inventory.

Fiscal Overview

- Recommendation #33:** Complete comprehensive fee and charge reviews at one- to three-year increments to ensure full cost recovery where applicable.
- Recommendation #34:** Explore revenue options such as a tax levy and grants to enhance police services, being mindful of grant timing limitations.
- Recommendation #35:** Conduct an analysis of future Capital Improvement Plan needs for the Department and ensure these recommendations are included in the City's Capital Improvement Plan moving forward.
- Recommendation #36:** Complete the process of creating a formal long-term financial forecast model.
- Recommendation #37:** Review current IT equipment functionality and overall support to address operational inefficiencies and cost savings.
- Recommendation #38:** Formalize financial policies and procedures documentation to minimize operational inefficiencies and inconsistencies. Conduct training and establish monitored compliance.
- Recommendation #39:** Continue with improved support, communication, and interaction between the Finance Department and the Police Department.
- Recommendation #40:** Hire a Management Analyst with dedicated responsibilities for budget and finance-related duties.
- Recommendation #41:** Hire a mechanic to address the workload increase that would result from the purchasing of vehicles to address recommended positions moving forward.
- Recommendation #42:** Hire an administrative support position to be used part-time in the Finance Department and part-time in the Human Resources

Department to assist with current and anticipated workload increases supporting payroll, accounts payable, recruitment efforts, and benefits processes, especially for hiring of the recommended Police Department positions.

APPENDIX A

**ESTIMATED PERSONNEL COSTS FOR
RECOMMENDED POSITION ADDITIONS**

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Appendix A
City of Pasco Police Department Strategic Plan
Estimated Personnel Costs

Position Classification	Hourly Rate	Annual Hours Paid	Productive Hours	Base Annual Salary	Overtime	Incentive Pays	Special Assignment Pay	Deferred Comp	Total Salary	Pension Percentage	Pension Employer Cost	Leave Cash Outs	Workers' Compensation Rate	Workers' Compensation	Medicare (1.45%)	Medical	Dental	Vision	Life	FOB Medical Trust (\$75 per Month)	Unemployment Rate	Unemployment	Total Benefits	Total Salary and Benefit of the Position	Total Support (Equipment / Uniforms / Supplies / etc.)	Total Position Fully-loaded Annual Cost
Lieutenant	58.17	2,080	1,780	120,994		3,630	-	1,210	125,833	11.53%	13,951	-	0.0330	4,153	1,754	15,077	1,252	78	9	900	0.0070	847	42,861	163,855	116,200	280,055
Sergeant 0-12 (Step 6)	55.05	2,080	1,780	114,504	6,000	3,435	-	4,008	127,947	11.53%	13,202	-	0.0330	4,222	1,660	15,077	1,252	78	15	900	0.0070	802	50,652	165,156	80,200	245,356
Police Officer 0-6 (Step 6)	39.39	2,080	1,780	81,931	6,000	2,458	-	2,868	93,257	11.53%	9,447	-	0.0330	3,077	1,188	15,077	1,252	78	15	900	0.0070	574	42,934	124,865	80,200	205,065
Community Service Officer	34.32	2,080	1,780	71,386	2,500	-	-	-	73,886	20.51%	14,641	-	0.0330	2,438	1,035	15,077	1,252	78	15	-	0.0070	500	37,537	108,923	54,200	163,123
Domestic / Sexual Abuse Advocate	32.45	2,080	1,780	67,496	1,000	1,000	-	-	69,496	20.51%	13,843	-	0.0165	1,147	979	13,294	1,252	78	5	-	0.0070	472	33,070	100,566	5,000	105,566
Management Analyst	36.54	2,080	1,780	76,003	500	-	-	760	77,263	12.86%	9,774	-	0.0083	637	1,102	13,294	1,252	78	9	-	0.0070	532	27,939	103,942	5,000	108,942
Executive Assistant	32.22	2,080	1,780	67,018	500	-	-	-	67,518	12.86%	8,618	-	0.0041	279	972	13,294	1,252	78	9	-	0.0070	469	25,471	92,489	5,000	97,489
Administrative Assistant II (Step 4)	28.61	2,080	1,780	59,509	500	-	-	-	60,009	12.86%	7,653	-	0.0041	248	863	13,294	1,252	78	5	-	0.0070	417	24,309	83,818	5,000	88,818
Administrative Assistant I (Step 4)	23.01	2,080	1,780	47,861	500	-	-	-	48,361	12.86%	6,155	-	0.0021	100	694	13,294	1,252	78	5	-	0.0070	335	22,413	70,273	5,000	75,273
Records Lead PSS (Step 4)	29.97	2,080	1,780	62,338	500	-	-	-	62,838	12.86%	8,017	-	0.0010	65	904	13,294	1,252	78	9	-	0.0070	436	24,555	86,893	5,000	91,893
Records Supervisor	39.23	2,080	1,780	81,598	500	-	-	-	82,098	12.86%	10,494	-	0.0005	42	1,183	13,294	1,252	78	9	-	0.0070	571	27,424	109,022	5,000	114,022
Mechanic (Step 4)	31.20	2,080	1,780	64,896	500	-	-	-	65,396	12.86%	8,346	-	0.0003	17	941	13,294	1,252	78	5	-	0.0070	454	24,886	89,782	8,000	97,782

Hourly rates Lieutenant / Records Supervisor per City of Kennewick mid-range; CSO per City of Seattle mid-range; Domestic/Sexual Abuse Advocate per City of Renton mid-range; Management Analyst based on 80% of Pasco Senior Management Analyst position; Sergeant / Police Officer / Executive Assistant / Administrative Assistant I and II / Records Lead PSS / Records Supervisor per Pasco HR website mid-range

Note: long 2-6% 10-25 years; edu 3% AA, 6% BA; bilingual 4% per hour used

City pays both state retirement and social security for police sworn personnel, which is included in percentage rate above

Per CY18 line item report

Per H/R website per applicable labor agreements

Per state website

Five-year vehicle lease purchase, uniforms, safety equipment, office equipment/supplies, City overhead. Most of this cost eliminated after initial hiring.

Mobile Outreach Team Personnel

Position Classification	Hourly Rate	Annual Hours Paid	Productive Hours	Base Annual Salary	Overtime	Incentive Pays	Special Assignment Pay	Deferred Comp	Total Salary	Pension Percentage	Pension Employer Cost	Leave Cash Outs	Workers' Compensation Rate	Workers' Compensation	Medicare (1.45%)	Medical	Dental	Vision	Life	FOB Medical Trust (\$75 per Month)	Unemployment Rate	Unemployment	Total Benefits	Total Salary and Benefit of the Position	Total Support (Equipment / Uniforms / Supplies / etc.)
MOT Counselor	23.55	2,080	1,780	48,984		-	-	-	48,984	12.86%	6,299	-	0.0330	1,616	710	13,294	1,252	78	5	-	0.0070	343	23,598	72,582	54,200

Hourly rate per job advertisement from Lourdes Health for MOT position

M & O Support Costs Estimates			
Sworn Uniformed – Patrol	Amount	Sworn Uniformed – Executive Team (Capt/Lts)	Amount
Uniform (including vest)	\$ 1,800	Uniform (including vest)	\$ 1,800
Equipment		Equipment	
Gun and accessories(duty gear, taser, etc.)	\$ 2,200	Gun and accessories (duty gear, taser, etc.)	\$ 2,200
Radio	\$ 700	Radio	\$ 700
Other	\$ -	Other	\$ -
Vehicle (assumes \$44k unit base cost)	\$ 44,000	Vehicle (including MDT) (assumes \$78k unit base cost)	\$ 78,000
Vehicle outfitting equipment (up-front unit cost)	\$ 26,000	Vehicle outfitting equipment (up-front unit cost)	\$ 28,000
Office-related supplies and training	\$ 3,500	Office-related supplies and training	\$ 3,500
Estimated Department Admin and City Operational overhead support department management and General Fund support departments	\$ 2,000	Estimated Department Admin and City Operational overhead support department management and General Fund support departments	\$ 2,000
Total Annual M & O per sworn-uniformed FTE	\$ 80,200	Total Annual M & O per sworn-uniformed FTE	\$ 116,200

Non-Sworn Uniformed – CSO	Amount	Sworn Uniformed – Detectives/Administrators	Amount
Uniform	\$ 1,000	Uniform (including vest)	\$ 1,800
Equipment		Equipment	
Gun and accessories	\$ -	Gun and accessories (duty gear, taser, etc.)	\$ 2,200
Radio	\$ 700	Radio	\$ 700
Other	\$ -	Other	\$ -
Vehicle (including MDT) (assumes \$39k unit base cost)	\$ 39,000	Vehicle (including MDT) (assumes \$42k unit base cost)	\$ 42,000
Vehicle outfitting equipment (up-front unit cost)	\$ 9,000	Vehicle outfitting equipment (up-front unit cost)	\$ -
Office-related supplies/equipment and training	\$ 2,500	Office-related supplies and training	\$ 3,500
Estimated Department Admin and City Operational overhead support department management and General Fund support departments	\$ 2,000	Estimated Department Admin and City Operational overhead support department management and General Fund support departments	\$ 2,000
Total annual M & O per non-sworn uniformed FTE	\$ 54,200	Total annual M & O per sworn-uniformed FTE	\$ 52,200

Non-Sworn Non-Uniformed – Admin Support	Amount
Office-related supplies/equipment and training	\$ 3,000
Estimated Department Admin and City Operational overhead support department management and General Fund support departments	\$ 2,000
Total annual M & O per non-sworn non-uniformed FTE	\$ 5,000

uniform/equipment source: https://www.dailyrecordernews.com/members/cost-of-a-cop-what-is-the-price-to-equip-a-patrol-officer/article_9f740160-b647-11e5-bac4-73fb1d0c98d2.html.

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APPENDIX B

WORKLOAD ANALYSIS

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WORKLOAD ANALYSIS

The following tables represent a sample of workload analysis from available 2019 data. Table 1 reflects public-generated calls for service, along with committed hours based on Patrol unit (not officer quantities) response availability. Table 2 represents officer-initiated activity, along with committed hours based on unit response availability.

In each cluster of tables that follow, please note the following:

- ◆ The left-most chart shows the average number of committed hours by day and hour, divided by 52 weeks in the year.
- ◆ The middle chart shows the average number of distinct units that responded in 2019 by day and hour, divided by 52 weeks in the year.
- ◆ The right-most chart is the ratio of average distinct number of officers responding to average committed time per hour and day.

Citygate acknowledges that many factors impact staffing levels on a day-to-day basis. In analyzing the staffing-to-committed-hours data, Citygate applied two thresholds for illustration purposes. If committed hours reach 60 percent of available staffing, a red diamond (◆) is indicated. Committed hours above 80 percent are noted with a purple circle (○).

Table 1—9-1-1-Generated Activity by Distinct Patrol Unit (2019)

2019 Average Committed Hrs.									2019 Average Distinct Units									2019 Average Committed Hrs. Per Unit							
Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total	Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total	Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun
00	1.6	1.3	1.1	1.7	1.5	1.6	3.0	11.7	00	7	6	7	7	7	8	8	7	00	25%	21%	16%	24%	20%	20%	36%
01	1.2	1.5	0.9	0.9	1.1	1.3	2.7	9.5	01	6	5	6	5	6	7	8	6	01	21%	27%	15%	17%	18%	19%	35%
02	0.9	0.9	0.8	0.7	0.5	1.9	1.6	7.4	02	3	4	3	4	3	5	5	4	02	29%	25%	23%	20%	15%	40%	34%
03	0.9	0.8	0.6	0.5	0.8	1.2	1.2	6.1	03	3	3	3	3	3	4	4	3	03	33%	28%	19%	18%	26%	31%	31%
04	0.5	0.4	0.7	0.5	0.7	0.9	1.1	4.8	04	3	3	3	3	3	3	4	3	04	19%	15%	24%	18%	29%	29%	29%
05	0.5	0.5	0.9	0.8	0.5	0.7	0.7	4.6	05	3	3	3	3	3	3	3	3	05	20%	19%	30%	29%	20%	26%	27%
06	1.2	0.7	1.3	0.8	0.8	0.9	0.7	6.5	06	4	4	4	4	4	3	3	4	06	32%	19%	31%	21%	19%	27%	20%
07	1.6	1.5	1.1	1.3	1.3	1.3	1.1	9.1	07	6	6	6	6	6	4	4	5	07	28%	26%	19%	23%	24%	31%	26%
08	1.7	1.8	1.6	1.9	1.8	1.1	1.5	11.4	08	5	6	6	6	6	5	5	6	08	31%	31%	27%	30%	31%	24%	32%
09	2.2	2.0	2.0	1.9	2.1	1.6	1.6	13.4	09	6	6	6	6	6	5	5	6	09	39%	34%	36%	30%	35%	30%	34%
10	2.0	2.1	2.0	1.9	2.1	1.9	1.6	13.6	10	6	6	6	6	6	6	5	6	10	33%	34%	32%	31%	33%	35%	30%
11	2.3	1.9	2.0	2.4	2.5	1.7	2.4	15.3	11	6	6	6	7	7	6	6	6	11	37%	31%	31%	36%	38%	29%	43%
12	2.4	2.1	2.1	1.8	2.5	1.8	2.2	14.9	12	7	6	6	7	7	6	5	6	12	35%	33%	34%	27%	37%	31%	40%
13	2.2	2.3	2.0	2.1	2.1	2.0	2.0	14.6	13	6	7	6	7	7	6	6	6	13	34%	34%	32%	30%	31%	34%	35%
14	2.1	2.5	2.4	2.8	2.3	2.3	1.8	16.2	14	6	7	6	7	7	6	6	6	14	33%	37%	39%	42%	34%	37%	30%
15	2.6	3.0	2.5	2.9	2.8	2.2	2.6	18.6	15	8	8	8	8	9	7	7	8	15	34%	38%	32%	35%	32%	32%	36%
16	3.3	3.5	3.0	3.2	2.7	2.6	2.0	20.3	16	10	11	11	11	10	10	9	10	16	32%	32%	28%	30%	27%	26%	21%
17	2.4	2.6	2.3	2.6	2.5	2.2	1.9	16.5	17	8	8	8	8	8	8	8	8	17	33%	32%	29%	33%	31%	29%	25%
18	1.9	2.9	1.9	2.5	2.2	2.1	2.1	15.6	18	6	6	6	6	7	6	6	6	18	31%	45%	30%	39%	31%	33%	35%
19	2.2	2.2	2.4	1.9	2.3	1.7	1.8	14.5	19	6	6	6	6	6	6	6	6	19	35%	35%	39%	32%	36%	29%	30%
20	2.2	1.9	2.0	1.9	2.1	2.8	2.4	15.3	20	6	6	6	6	6	6	6	6	20	39%	34%	34%	29%	34%	44%	39%
21	2.1	1.7	2.2	2.2	2.4	2.4	2.6	15.6	21	6	7	6	7	8	7	7	7	21	34%	24%	34%	32%	31%	32%	35%
22	1.6	2.9	2.2	2.4	3.0	2.2	2.2	16.5	22	8	9	8	9	9	9	8	9	22	19%	35%	26%	28%	34%	25%	26%
23	1.5	1.5	1.7	1.6	1.8	3.0	1.8	13.0	23	7	8	8	8	8	9	7	8	23	21%	20%	22%	19%	21%	34%	25%
Total	43.3	44.8	41.4	43.2	44.5	43.5	44.3	304.8	Total	6															

City of Pasco, Washington
Police Department Strategic Plan

Table 2—Officer-Initiated Activity (2019)

2019 Average Committed Hrs.								2019 Average Distinct Units								2019 Average Committed Hrs. Per Unit									
Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total	Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total	Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun
00	1.7	1.2	2.1	1.6	1.9	2.8	1.9	13.2	00	7	6	7	7	7	8	8	7	00	26%	20%	30%	23%	26%	35%	22%
01	1.2	0.9	1.2	1.4	1.5	2.0	1.4	9.6	01	6	5	6	5	6	7	8	6	01	21%	17%	22%	27%	24%	29%	18%
02	0.7	1.1	0.9	1.0	1.0	0.8	0.8	6.4	02	3	4	3	4	3	5	5	4	02	21%	31%	27%	29%	29%	17%	17%
03	0.9	0.8	0.7	0.8	1.2	0.9	0.9	6.0	03	3	3	3	3	3	4	4	3	03	31%	26%	25%	27%	36%	22%	22%
04	0.8	0.8	1.0	0.9	0.4	0.6	0.5	5.0	04	3	3	3	3	3	3	4	3	04	30%	29%	34%	32%	17%	20%	14%
05	0.4	0.6	0.7	0.5	0.7	0.8	0.6	4.3	05	3	3	3	3	3	3	3	3	05	16%	23%	24%	19%	26%	30%	22%
06	2.4	2.7	3.6	3.0	3.2	1.6	1.7	18.2	06	4	4	4	4	4	3	3	4	06	65%	71%	84%	73%	78%	47%	49%
07	2.1	2.4	3.7	2.2	2.5	1.1	1.0	15.0	07	6	6	6	6	6	4	4	5	07	37%	42%	67%	40%	46%	27%	24%
08	1.9	2.1	1.8	2.1	2.3	1.8	1.2	13.3	08	5	6	6	6	6	5	5	6	08	34%	36%	31%	34%	40%	38%	27%
09	1.9	2.2	1.9	3.0	1.8	2.2	1.1	14.1	09	6	6	6	6	6	5	5	6	09	34%	38%	33%	47%	31%	42%	23%
10	1.6	2.0	2.0	1.8	1.8	1.6	1.1	11.9	10	6	6	6	6	6	6	5	6	10	27%	32%	32%	29%	29%	28%	21%
11	2.2	1.9	1.8	1.8	1.9	1.5	1.1	12.2	11	6	6	6	7	7	6	6	6	11	36%	31%	28%	27%	29%	26%	19%
12	2.4	2.1	2.2	2.3	1.6	1.5	1.2	13.4	12	7	6	6	7	7	6	5	6	12	36%	33%	35%	35%	24%	25%	22%
13	2.1	2.5	1.9	2.5	2.1	1.8	1.4	14.2	13	6	7	6	7	7	6	6	6	13	33%	36%	30%	37%	31%	29%	24%
14	1.9	1.9	1.5	1.9	2.3	1.4	1.3	12.2	14	6	7	6	7	7	6	6	6	14	29%	29%	25%	28%	35%	23%	22%
15	1.8	2.2	1.9	2.8	2.6	1.7	2.0	15.0	15	8	8	8	8	9	7	7	8	15	23%	27%	25%	33%	30%	25%	28%
16	2.5	2.9	2.9	3.0	2.8	2.5	2.3	19.0	16	10	11	11	11	10	10	9	10	16	24%	27%	27%	27%	28%	25%	25%
17	1.6	1.9	1.8	1.9	1.9	2.1	1.9	13.1	17	8	8	8	8	8	8	8	8	17	21%	24%	23%	24%	23%	28%	25%
18	1.3	1.5	1.5	1.9	1.6	1.9	1.4	11.1	18	6	6	6	6	7	6	6	6	18	20%	23%	24%	30%	23%	30%	23%
19	1.3	1.4	1.2	1.4	1.5	1.1	1.1	8.9	19	6	6	6	6	6	6	6	6	19	20%	22%	19%	23%	23%	18%	19%
20	1.3	1.2	0.9	1.5	1.6	1.4	1.4	9.3	20	6	6	6	6	6	6	6	6	20	22%	20%	16%	24%	26%	22%	23%
21	1.1	1.7	1.9	2.0	2.1	1.7	2.6	13.0	21	6	7	6	7	8	7	7	7	21	18%	24%	29%	29%	27%	23%	34%
22	2.2	2.5	2.2	2.5	3.0	2.2	3.3	18.0	22	8	9	8	9	9	9	8	9	22	28%	29%	26%	28%	34%	25%	40%
23	1.9	2.0	1.9	2.5	1.8	2.2	2.1	14.4	23	7	8	8	8	8	9	7	8	23	27%	26%	25%	29%	22%	25%	28%
Total	39.3	42.6	43.2	46.2	45.2	39.1	35.1	290.7	Total	6	6														

APPENDIX C

COMMUNITY SURVEY ANALYSIS

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COMMUNITY SURVEY SUMMARY

Citygate Associates, LLC (Citygate) conducted an internet-based community survey between July 13, 2021, and July 29, 2021, for our Strategic Plan engagement for the City of Pasco (City), Washington Police Department (Department). The City invited the community to participate in this survey. In total, there were 890 valid responses.

Survey Summary	
Launch Date	July 13, 2021
Close Date	July 29, 2021
Total Valid Responses	890

Apart from several basic demographic questions, the survey mostly consisted of closed-ended inquiries. For each of the main closed-ended questions, respondents were directed to rate the degree to which they prioritize various Police Department service components, from “Extremely Critical” (5) to “Unimportant” (1). Additionally, one open-ended request was made to provide the community with an opportunity to fully express their opinions regarding future policing.

NOTABLE OBSERVATIONS

There are a broad set of responses regarding current and future policing expectations. According to survey respondents, while each has their own specific experiences, community members in Pasco support the Police Department and feel safe in their neighborhood and the City.

Community engagement, personal relationships, and community-related programs ranked well above all other community expectations. Maintaining these expectations will require increased Department-wide staff and adequate pace with current and expected growth.

ORGANIZATION OF SUMMARY

The results for the survey are organized in the following order:

Demographic Results Summary

- ◆ A summary of the demography of respondents.

Multiple-Choice Response Summary

- ◆ A summary of responses regarding the simple multiple-choice questions throughout the survey.

Police Service Component Priority Summary

- ◆ Scores for each police service component priority, organized from highest to lowest mean score.

General Open-Ended Response Summary

- ◆ A summary of open-ended responses.

DEFINITION OF TERMS

The following terms are encountered in the information that follows:

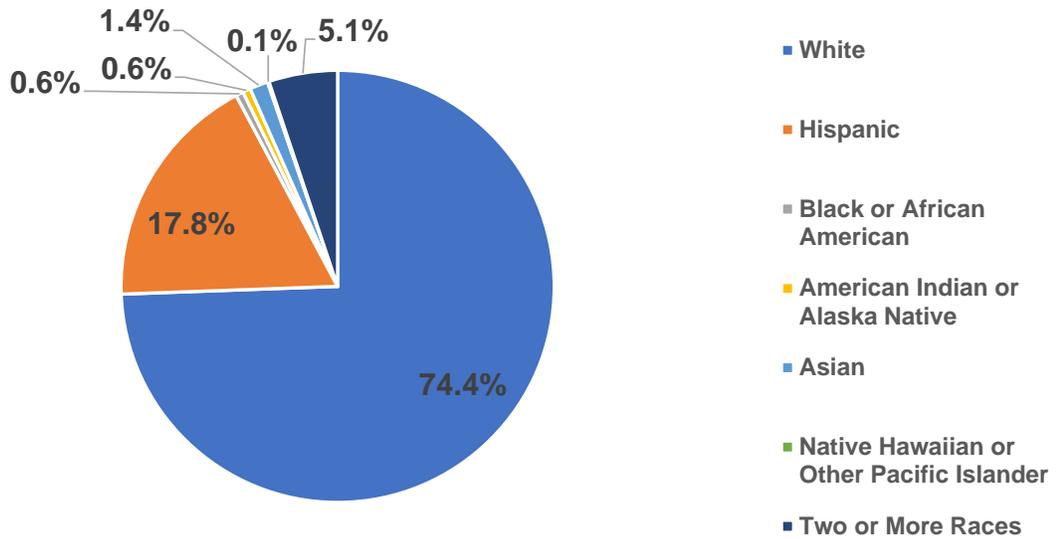
- ◆ Mean: An arithmetic mean that is the sum of the responses for each statement divided by the number of responses for each statement.
- ◆ Standard Deviation: Standard deviation indicates how spread out the responses are from the arithmetic mean. A standard deviation close to zero indicates that most responses are close to the mean response and that a greater degree of agreement exists among customers regarding the statement. A greater standard deviation indicates that there is a wider spread of variation in the responses and that a greater degree of disagreement exists among customers regarding the statement.

DEMOGRAPHIC RESULTS

Which of the following best describes you?

Response	# of Responses	Response Ratio
White	652	74.4%
Hispanic or Latino	156	17.8%
Black or African American	5	0.6%
American Indian or Alaska Native	5	0.6%
Asian	12	1.4%
Native Hawaiian or Other Pacific Islander	1	0.1%
Two or More Races	45	5.1%
Total	876	100.0%

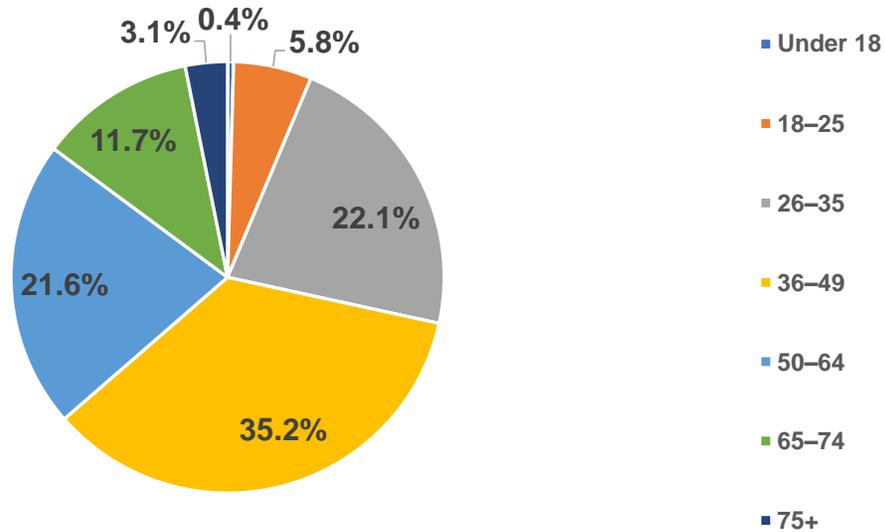
This information is represented graphically in the following image:



What is your age?

Response	# of Responses	Response Ratio
Under 18	4	0.4%
18–25	52	5.8%
26–35	197	22.1%
36–49	313	35.2%
50–64	192	21.6%
65–74	104	11.7%
75+	28	3.1%
Total	890	100.0%

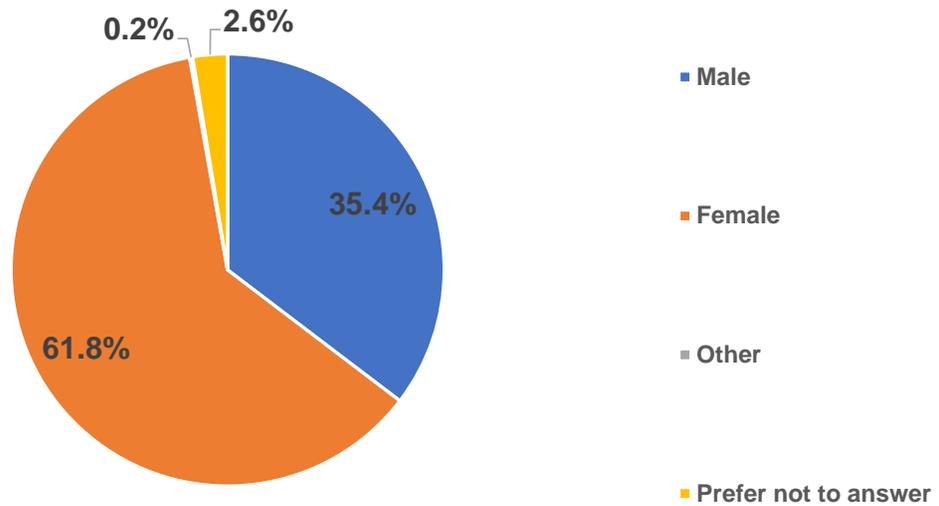
This information is represented graphically in the following image:



Gender: How do you identify?

Response	# of Responses	Response Ratio
Male	314	35.4%
Female	549	61.8%
Other	2	0.2%
Prefer not to answer	23	2.6%
Total	888	100.0%

This information is represented graphically in the following image:

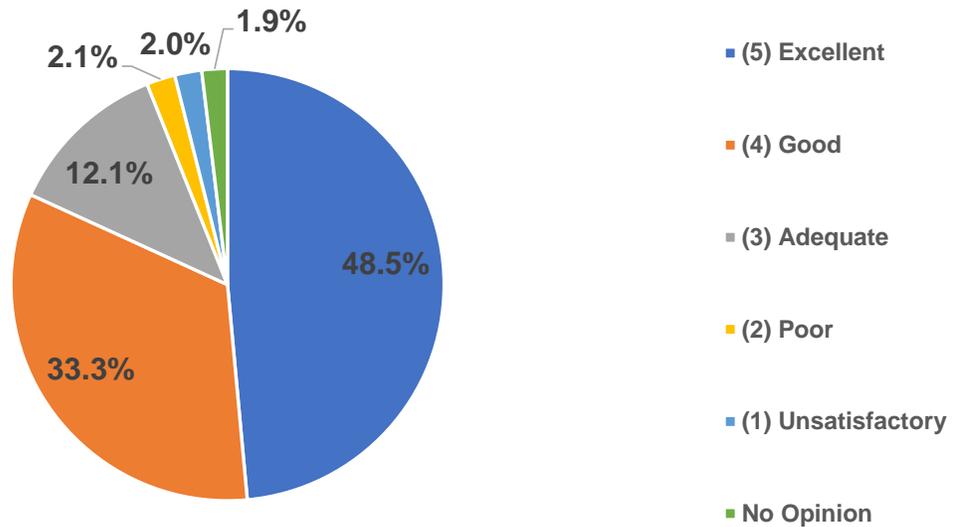


MULTIPLE CHOICE RESPONSE SUMMARY

Please rate your overall impression of the Pasco Police Department.

Response	# of Responses	Response Ratio
(5) Excellent	433	48.5%
(4) Good	297	33.3%
(3) Adequate	108	12.1%
(2) Poor	19	2.1%
(1) Unsatisfactory	18	2.0%
No Opinion	17	1.9%
Total	892	100.0%

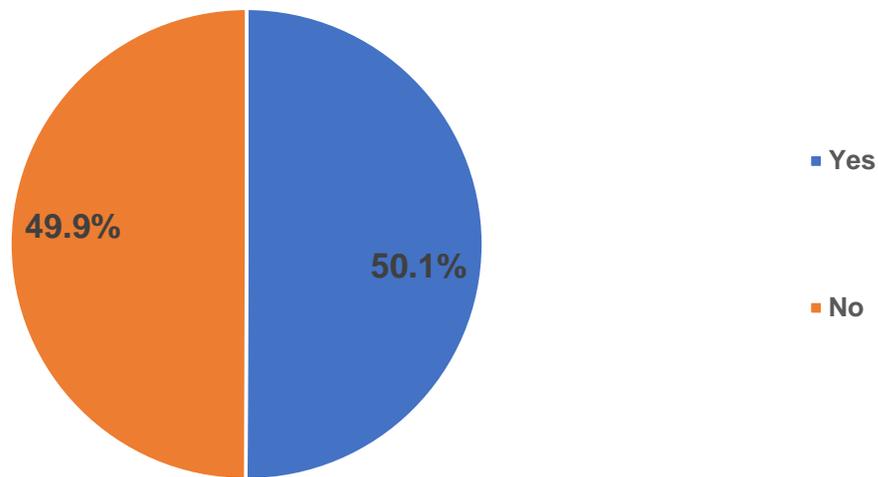
This information is represented graphically in the following image:



Are you aware of the Mobile Outreach Team (Mental Health Professionals) that is currently engaged in the community through collaboration with the Pasco Police Department and Lourdes Health Network?

Response	# of Responses	Response Ratio
Yes	447	50.1%
No	446	49.9%
Total	893	100.0%

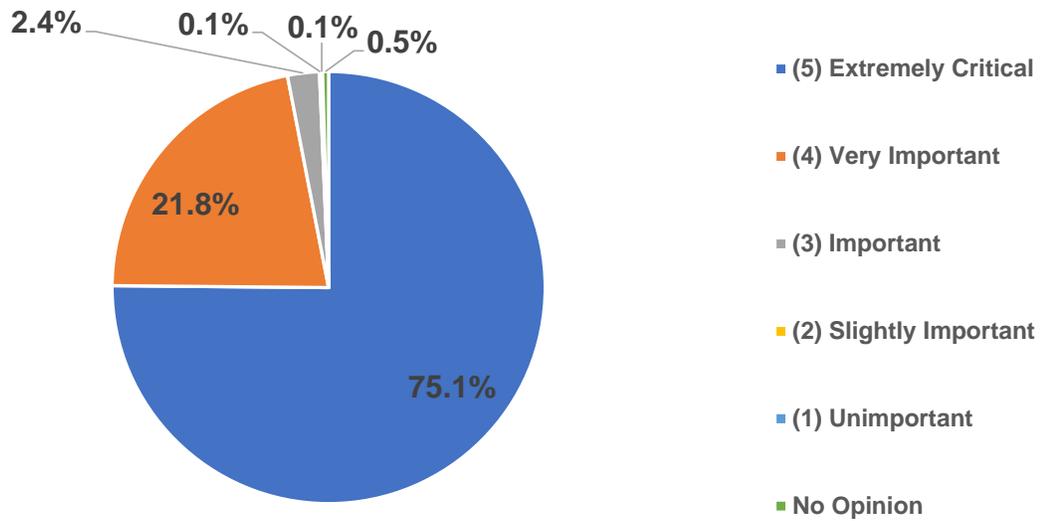
This information is represented graphically in the following image:



How important are emergency response times of the police to you?

Response	# of Responses	Response Ratio
(5) Extremely Critical	665	75.1%
(4) Very Important	193	21.8%
(3) Important	21	2.4%
(2) Slightly Important	1	0.1%
(1) Unimportant	1	0.1%
No Opinion	4	0.5%
Total	885	100.0%

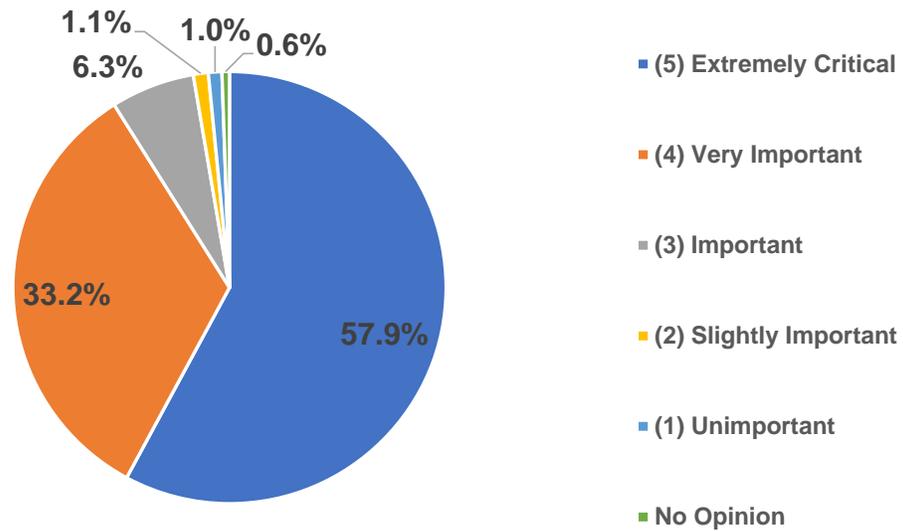
This information is represented graphically in the following image:



How important is it for the Police Department to maintain pace with expected population growth increases?

Response	# of Responses	Response Ratio
(5) Extremely Critical	518	57.9%
(4) Very Important	297	33.2%
(3) Important	56	6.3%
(2) Slightly Important	10	1.1%
(1) Unimportant	9	1.0%
No Opinion	5	0.6%
Total	895	100.0%

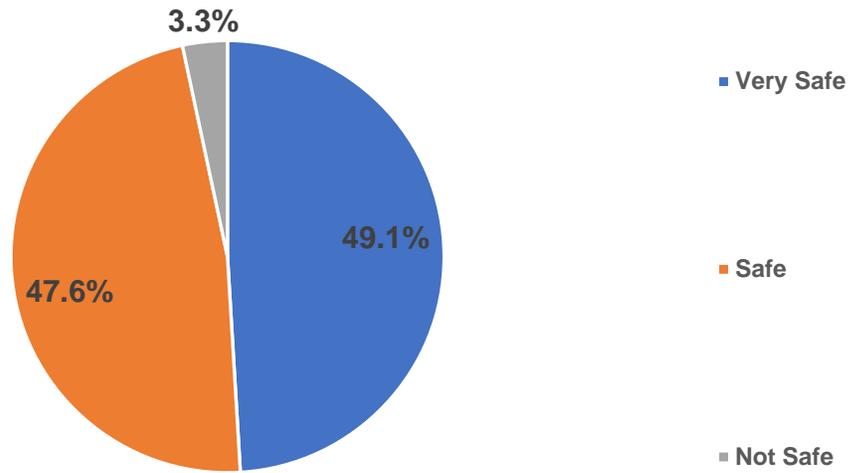
This information is represented graphically in the following image:



How safe do you consider yourself in your neighborhood?

Response	# of Responses	Response Ratio
Very Safe	440	49.1%
Safe	427	47.6%
Not Safe	30	3.3%
Total	897	100.0%

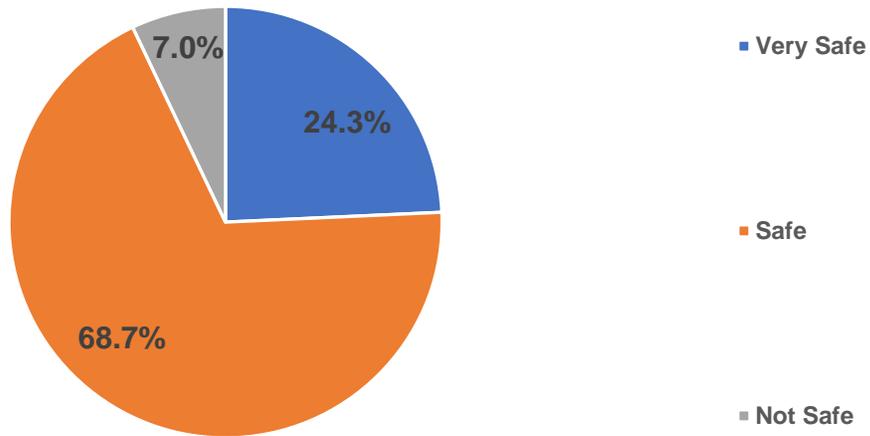
This information is represented graphically in the following image:



How safe do you consider yourself in Pasco?

Response	# of Responses	Response Ratio
Very Safe	217	24.3%
Safe	614	68.7%
Not Safe	63	7.0%
Total	894	100.0%

This information is represented graphically in the following image:



City of Pasco, Washington
Police Department Strategic Plan

POLICE SERVICE COMPONENT PRIORITY SUMMARY

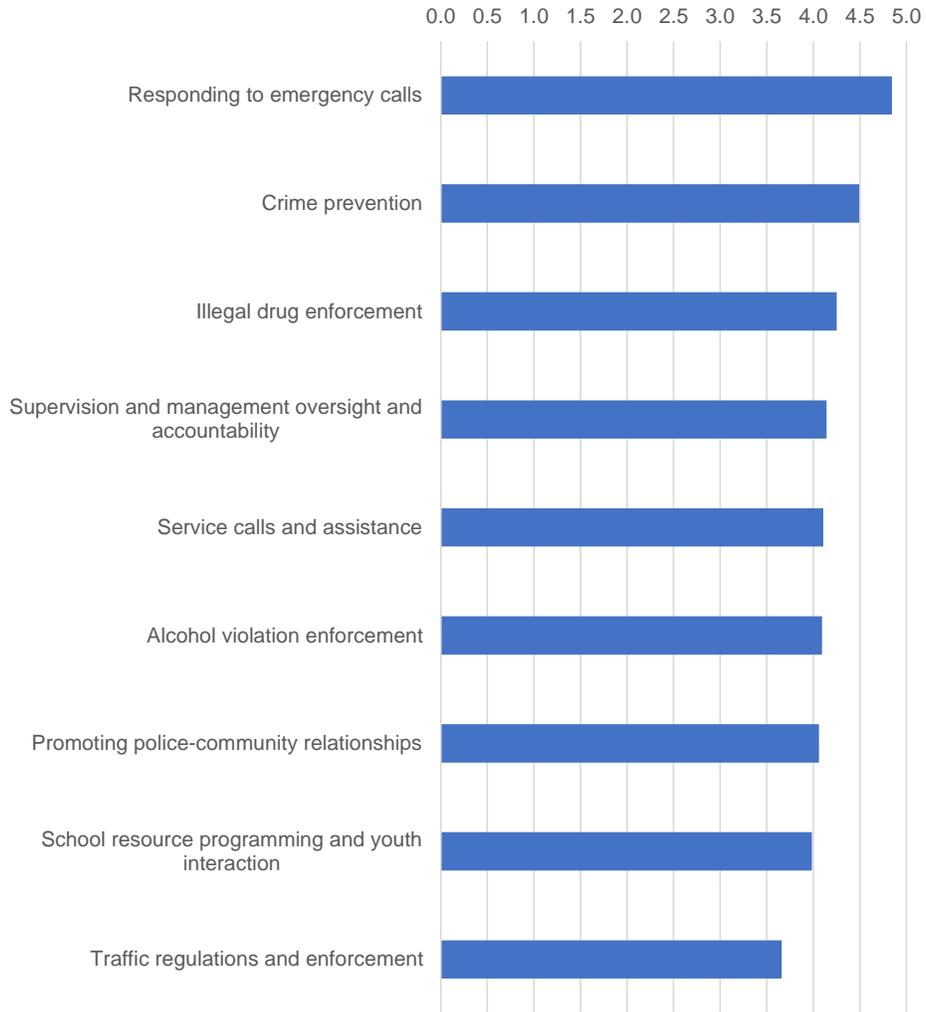
In the following table, all respondent survey statements regarding police service component priority are presented with the calculation of the mean and standard deviation, along with the percentage of each type of response, including “No Opinion.” Responses are organized from highest mean score to lowest.

Please rate the following policing priorities on the following scale:

Priority	Mean	Std Dev	(5) % Extremely Critical	(4) % Very Important	(3) % Important	(2) % Slightly Important	(1) % Unimportant	% No Opinion
Responding to emergency calls	4.8	0.5	88.0%	7.9%	2.3%	0.7%	0.2%	0.8%
Crime prevention	4.5	0.8	64.0%	24.6%	7.7%	2.1%	1.0%	0.7%
Illegal drug enforcement	4.3	1.0	55.6%	23.5%	11.6%	5.4%	2.8%	1.1%
Supervision and management oversight and accountability	4.1	0.9	42.5%	32.8%	16.9%	4.2%	1.1%	2.5%
Service calls and assistance	4.1	0.8	36.7%	39.8%	19.6%	2.1%	0.8%	1.0%
Alcohol violation enforcement	4.1	1.0	42.3%	31.7%	17.6%	5.6%	1.5%	1.3%
Promoting police-community relationships	4.1	1.0	39.1%	34.8%	18.9%	4.3%	1.9%	1.0%
School resource programming and youth interaction	4.0	1.0	37.2%	33.8%	18.0%	5.4%	3.4%	2.2%
Traffic regulations and enforcement	3.7	1.0	22.8%	34.9%	29.3%	8.3%	3.5%	1.2%

City of Pasco, Washington
Police Department Strategic Plan

This information is represented graphically in the following image:



City of Pasco, Washington
Police Department Strategic Plan

GENERAL OPEN-ENDED RESPONSE SUMMARY

Please provide a few words that describe what you would like to see regarding the future of policing in the community of Pasco. (Limited to 250 Characters)

A summary of responses by common themes occurring two or more times is provided in the following table. The following ideas reflect community responses in the community survey and not the opinions of Citygate Associates.

Count	Comment
130	The Pasco Police Department should engage more with the community through developing personal relationships, as well as community programs such as DARE, Neighborhood Watch, etc.
67	Recent legislation and the political climate have changed, but they must not be allowed to impede Pasco police officers from performing their duties to protect the citizens and uphold the laws. More policing and fewer politics are needed.
66	The Pasco Police Department needs to better enforce traffic laws, including speeding.
54	The Pasco Police Department should utilize social workers and specialists to handle issues such as mental health, domestic violence, and drug and alcohol issues.
52	The Pasco Police Department should hire more police officers.
40	The Pasco Police Department should provide more training on biases for its officers, including biases of racism, gender, religion, etc.
29	The Pasco Police Department should provide more training for its officers.
29	The Pasco Police Department should focus more on gang enforcement.
27	Officers of the Pasco Police Department should uphold and enforce ALL laws.
26	The Pasco Police Department should be more accountable and transparent.
25	The Pasco Police Department needs to address the drug problem in Pasco.
25	The Pasco Police Department should focus more on crime prevention.
24	Staffing of the Pasco Police Department should correspond with community growth.
24	The Pasco Police Department should continue to use innovative, technological solutions in policing, such as bodycams and Facebook, as well as other social media platforms.
22	The Pasco Police Department should provide more de-escalation skills and use-of-force training for its officers.
21	The City and citizens of Pasco should provide better funding for the Pasco Police Department, ensuring they have all necessary equipment to perform their jobs successfully.
20	The Pasco Police Department should provide more crisis response and mental health training for its officers.
19	The Pasco Police Department should provide more early intervention for the children of the community.

City of Pasco, Washington
Police Department Strategic Plan

Count	Comment
16	The City and citizens of Pasco should demonstrate greater support for their police officers.
15	Pasco schools benefit greatly from having Pasco police officers involved on campus.
14	There should be more diversity in the Pasco Police Department. The City of Pasco's government service employees, including police officers, should better represent the ethnic makeup of the Pasco community.
14	The Pasco Police Department needs to have more neighborhood patrols.
13	The Pasco Police Department should take crime more seriously and should focus more on it, from petty theft to violent crime.
12	Pasco police officers deserve and should be awarded higher pay and better benefits.
12	The Pasco Police Department should make more mental health resources available to support its officers.
12	The Pasco Police Department response times are important and need to be improved.
11	The Pasco Police Department should focus more on fixing the homeless problem.
9	The Pasco Police Department should direct more focus toward protecting citizens and keeping the children and the community safe.
8	The Pasco Police Department needs to have a stronger police presence on the west side.
8	The Pasco Police Department should decrease jail restrictions to allow criminals to be punished for all crimes.
7	The Pasco Police Department needs to have a stronger police presence downtown.
7	The Pasco Police Department should hold officers accountable for their actions and should address union protections and "bad cops."
6	Pasco police officers should not be on Pasco school grounds.
5	The Pasco Police Department needs to have a stronger police presence on the east side.
3	The Police Department should protect individual freedoms, including medical choices to be or not be vaccinated.
3	The Pasco Police Department should not use unmarked police cars.
3	The Pasco Police Department should use more unmarked police cars.

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APPENDIX D

**WASHINGTON STATE LAW
ENFORCEMENT 2021 LEGISLATIVE
BILLS—IMPACT AND IMPLEMENTATION
ANALYSIS**

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WASHINGTON STATE LAW ENFORCEMENT 2021 LEGISLATIVE BILLS—IMPACT AND IMPLEMENTATION ANALYSIS

Washington State Governor Jay Inslee signed the following 36 bills into law during 2021. This document identifies: the name of each bill (including a link to easily access); what each bill requires of the Pasco Police Department; which Department unit has responsibility; the amount of training required; and a timeline (due date).

The following references were used in preparing this document: Washington Association of Sheriffs & Police Chiefs (WASPC), the Revised Code of Washington (RWC), and the Washington State Code (WSC).

Notes:

- Use of Force = UoF
- Criminal Justice Training Commission = CJTC
- Strikethrough text shows deletions and revisions within each bill.
- The Tri-Cities area includes the Pasco (Franklin County), Richland (Benton County), and Kennewick (Benton County) Police Departments.
- Training hours (35) are estimates based on Pasco Police Department’s existing training and experience developing law enforcement training curricula.
- Washington State has numerous requirements for specific training; the estimates below are provided by Citygate staff.
- The following recommended training will need to occur in addition to monthly training days (the upcoming training calendar is already built-out with required training subjects). There needs to be importance placed on evidence-based learning.
- The additional training requirements will require additional staff and financial resources.
- Training time is estimated, and actual time required will be dependent on resources and abilities of collaborating partners.
- Pasco Police Department has begun to make many changes to policy and training in light of the new legislation.
- Pasco Police Department has begun to review its law enforcement training curricula to ensure that it contains contemporary best practices and case law.

	Bill	Tasks	Responsibility	Training Time	Effective Date
1	HB 1001	<ul style="list-style-type: none"> • Law Enforcement Professional Development Grant – CJTC shall develop and implement a law enforcement professional development outreach grant program to encourage broader diversity of candidates from underrepresented groups. <ul style="list-style-type: none"> ○ No single grant can exceed \$60K. ○ Two or more agencies can submit a grant proposal. ○ A proposal must include a specific plan for encouraging persons from underrepresented groups and communities to seek careers in law enforcement. 	Admin – Apply for grant	No anticipated time for training, however there may be administrative time constructing the grant.	July 25, 2021
2	HB 1054	<ul style="list-style-type: none"> • Peace Officers – Tactics and Equipment – eliminate the use of “chokehold” and “neck restraint,” canine deployment, use of tear gas, eliminate use of military equipment (inventory current equipment and submit to 	Admin & Training – Update UoF policy, create	Training – 7.5 hours – Update the UoF Training:	July 25, 2021

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<p>the governor by 12/31/21) including .50 caliber or greater (shotgun that can deploy less-lethal or bean-bags), and more.</p> <ul style="list-style-type: none"> ○ (Section 2) A peace officer may not use a chokehold or neck restraint on another person. ○ (Section 2) A “chokehold” means intentional application of direct pressure to a person’s trachea or windpipe to restrict the airway. ○ (Section 2) “Neck restraint” refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck to restrict blood flow. ○ (Section 3) CJTC shall convene a workgroup to develop a model policy for training canine teams and publish the model policy by January 1, 2022. <ul style="list-style-type: none"> ▪ See bill text for specifics of the workgroup. ○ (Section 4) A law enforcement agency may not use or authorize its peace officers or other employees to use tear gas unless to alleviate a present risk of serious harm posed by a (a) Riot; (b) barricaded subject; (c) or hostage situation. <ul style="list-style-type: none"> ▪ Prior to tear gas deployment the officer/employee shall: <ul style="list-style-type: none"> • Exhaust alternatives available and appropriate under the circumstances. • Obtain authorization to use tear gas from a supervising officer. • Announce the intent to use tear gas. • Allow sufficient time and space for subject(s) to comply with the officer’s directives. ▪ “Tear gas means” chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), or similar irritant dispersed in the air; except “tear gas” does not include oleoresin capsicum (OC). ▪ [see bill language for correctional facility tear gas deployment]. ▪ [see bill language for definitions of barricaded subject, hostage situation, and other terms]. ○ (Section 5) A law enforcement agency may not acquire or use any military equipment. An agency with military equipment shall return the equipment to the federal agency which it was acquired by December 31, 2022. <ul style="list-style-type: none"> ▪ [see bill language for specific description of “military equipment, grenade” and other items]. ○ This bill does not preclude the purchase of military surplus medical supplies; office supplies; and other similar items. ○ (Section 6) Agencies shall adopt policies and procedures to ensure uniformed officers are reasonably identifiable while in the performance of their duties. <ul style="list-style-type: none"> ▪ “reasonably identifiable” means the officer’s uniform clearly displays the officer’s name and other information the public can see the agency can use to identify the officer. ○ (Section 7) An officer may not engage in a vehicle pursuit unless: <ul style="list-style-type: none"> ▪ Probable cause that a person in the vehicle has committed or is committing a violent offense as those defined in RCW 9.94A.030 or, 	<p>training to support law and policy updates. Chief to provide WASPC a list of any military equipment at the agency. Review and update Policy Chapter 4 – use of force, Chapter 3.6 – Investigations of (Officer) Deadly force, Chapter 11.3 et sec., regarding UoF reporting and accountability, and Chapter 42 regarding the investigations of such UoF events.</p>	<p>materials (4/12/21) to incorporate the new terminology and provide role playing and critical thinking questions requiring responses. Ensure the In-Service training Instructor Guides for UoF and Patrol Tactics are updated with the same language and examples (congruence). Also, review the Defensive Tactics lesson plans relating to the use of OC to ensure the updated legislative language and intent is in place. Update Chapter 41.2.2 – Patrol as it relates to the new vehicle pursuit legislation.</p>	

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<ul style="list-style-type: none"> ▪ Reasonable suspicion a person in the vehicle has committed or is committing a driving under the influence offense under RCW 46.61.502. ▪ The pursuit is necessary for the purpose of identifying or apprehending the person. ▪ The person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicle pursuit under the circumstances. ▪ The officer receives authorization to engage in the pursuit from a supervising officer and the supervisor has control of the pursuit. The supervisor must consider the justification for the vehicle pursuit and other considerations including speed, weather, traffic, road conditions, known presence of minors in the vehicle, and vehicle pursuits must be terminated if any of the requirements are not met. ▪ For agencies with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit and other traffic considerations. The officer must terminate the pursuit if any requirements are not met. ▪ The pursuing officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or passenger's use of deadly force. ▪ Provides definition of "vehicle pursuit." <ul style="list-style-type: none"> ○ (Section 8) To make an arrest in criminal actions the officer may break open any outer or inner door, or windows of a dwelling house or other building if after notice of his or her office and purpose and the person [suspect] refuses admittance. 			
3	SHB 1088	<ul style="list-style-type: none"> • Impeachment Disclosures: Each county prosecutor shall develop a written protocol addressing potential impeachment disclosures pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and subsequent case law. The protocol must provide guidance for three (3) requirements: <ul style="list-style-type: none"> i) The types of conduct that should be recognized as potentially exculpatory or as creating potential impeachment material; ii) how information about an officer or officer conduct should be shared and maintained; and iii) under what circumstances an officer's information or name may be removed from any list of potential impeachment disclosures. <ul style="list-style-type: none"> ▪ The protocol shall be developed by the prosecuting attorney with consultation of the agencies representing law enforcement officers and local departments that will be impacted by protocol. ▪ CJTC shall provide or contract with an organization of prosecuting attorneys to provide online training for potential impeachment disclosures by June 30, 2022. ▪ Local protocols shall be developed and implemented by July 1, 2022, and shall be reviewed every two years to determine whether modifications are needed. ▪ Law enforcement shall report the following information to the prosecuting authority of any jurisdiction in which the officer may testify as a witness: 	<p>Admin – identify an agency representative to sit on the consulting team and share with City Attorney, and develop an internal 10-day reporting protocol (which may be the protocol developed by the county prosecutors) NOTE: a best practice may be "fewer than 10 days" as not to push the time envelope.</p>	<p>Training – 1 hour – Ensure the POA leadership is familiar with the Legal Update slide deck House Bill 1088 and Act 2021 in the Training/Leg/2021 Legal Update folder. All commissioned officers should sign an attestation to the training and comprehension of the material.</p>	July 25, 2021

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<ul style="list-style-type: none"> • Any act by the officer that may be potentially exculpatory to a criminal defendant; and • Misconduct that the officer has engaged in that affects his or her credibility. ▪ The law enforcement agency shall report the information within 10 days of the discovery of the act (Section (2) (a) (ii)). ▪ Prior to hiring any peace officer with previous law enforcement experience, a law enforcement agency must inquire as to whether the officer has ever been subject to potential impeachment disclosure. The agency shall verify the officer's response with the prosecuting authorities in the jurisdictions of the officer's previous employment. Prosecuting authorities shall respond within 10 days of receiving a request from a law enforcement agency for verification. The fact that an officer has been subject to impeachment disclosure is not, in and of itself, a bar to employment. Any pre-hiring process or hiring decision by an agency does not constitute a personnel action under RCW 10.93.150. ▪ Within 10 days of hiring an officer with a prior potential impeachment disclosure, the law enforcement agency shall forward that information to the prosecuting authority of any jurisdiction in which the officer may testify as a witness. ▪ Exception – An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 [state agency, board, commission, department, institution of higher learning, school district, political subdivision, or unit of government] is immune from civil liability for sharing impeachment information about a peace officer with the peace officer's employer, potential employer, or prosecuting authority unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. 			
4	E2SHB 1089	<ul style="list-style-type: none"> • Peace Officers and Law Enforcement agencies – Compliance Audits – the Office of the Washington State Auditor is authorized to conduct a process compliance audit procedure and review of any deadly force investigation to determine if the actions of the involved agency (etc.) are in compliance with RCW 10.114.011. <ul style="list-style-type: none"> ○ A new chapter will be created in Section 601 of HB 1267 (see below). ○ A deadly force investigation is concluded once the involved prosecutor's office makes a charging decision, and any resulting criminal case reaches disposition. ○ Audit procedures under this section shall be conducted in cooperation with the commission. ○ Upon the request of the commission, the Office of the Washington State Auditor is authorized to conduct an audit procedure on any law enforcement agency to ensure the agency is in compliance with all laws, policies, and procedures governing the training and certification of peace officers employed by the agency. A copy of any completed audit must be sent to the commission, law enforcement agency, city or county council, county prosecutor, and relevant committees of the legislature. ○ A law enforcement agency shall not pay any costs or fees for an audit conducted pursuant to this act. 	Admin – Create a policy and train employees on response, responsibility, and procedure (and review use of force protocol training to ensure it is congruent with the new auditor requirements). Follow-up with the Commission to identify the	Training – 1 hour – Update the UoF Procedure Manual to include the inclusion of the new Washington State Auditor Compliance Audits.	July 25, 2021

	Bill	Tasks	Responsibility	Training Time	Effective Date
5	SHB 1107	<ul style="list-style-type: none"> • Non-Resident Vessel Permits – Various Provisions – Assemble a review of the new bill as it pertains to vessels. <ul style="list-style-type: none"> ○ RCW 88.02.620 has been amended to include the following: <ul style="list-style-type: none"> ▪ A vessel owner who is a non-resident person must obtain a non-resident vessel permit on or before the sixty-first (61) day of use in Washington state if the vessel: <ul style="list-style-type: none"> • Is currently registered or numbered under the laws of the state or county of principal operation, has been issued a valid number under federal law, or has a valid United States customs cruising license issued under 19 C.F.R. Sec. 4.94; and has been brought into Washington state for not more than six (6) months in any continuous 12-month (12) period, and is used for: personal use, or for the purposes of chartering a vessel with a captain or crew, as long as individual charters are for at least three (3) or more consecutive days in duration. The permit also applies for the purposes of necessary transit to or from the start or end point of such charter, but that transit is not counted toward the duration of the charter. • See bill for further details. 	parameters of the “audit procedures.” Training – develop a training handout and/or course on enforcement updates.	Training – 1 hour – provide update training to all commissioned officers.	July 25, 2021
6	ESHB 1109	<ul style="list-style-type: none"> • Sexual Assault Investigations – Reports, Reviews, and Survivor Rights – Assemble a review of the new bill as it pertains to sexual assault investigations and victim rights (primarily for investigators). [<i>Look for an annual report from the Commission.</i>] <ul style="list-style-type: none"> ○ This legislation is an act relating to supporting victims of sexual assault; amending RCW 5.70.005, 43.101.278, and 70.125.110; adding a new section to Chapter 5.70 RCW; and declaring an emergency. <u>New amendments below:</u> <ol style="list-style-type: none"> 2) "Association" means the Washington association of sheriffs and police chiefs. 5) "Investigational status" means: <ol style="list-style-type: none"> (a) The agency case or incident number; (b) The date the request for forensic examination of the sexual assault kit was submitted to the Washington state patrol crime laboratory; (c) The date the forensic examination was complete and reported to the law enforcement agency; (d) Whether the case is open or closed; (e) Whether the case was reopened as a result of the hit in the combined DNA index system; (f) For open cases, whether the case remains: <ol style="list-style-type: none"> i) An active investigation; ii) Open pending forensic examination results; or iii) Open and inactive, in which case the agency must include a brief description as to why the case is inactive; and 	Admin/Training – Create training for Investigators and Patrol to include language and procedure changes. Update Chapter 83 , Crime Scene Investigations procedures and policies and Sending Evidence for Examination procedure, and other policies and procedures to include new definitions. Set-up procedure to include the “timely notifications” as to	Training – 2 hours – Create training for Investigators and Patrol to include language and procedure changes.	April 26, 2021

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<ul style="list-style-type: none"> (g) For closed cases, whether the case was closed as a result of: <ul style="list-style-type: none"> i) A referral for prosecution where charges were filed or the prosecutor is reviewing the case; ii) A referral for prosecution where the prosecutor declined to file charges based on the case being legally insufficient; iii) A referral for prosecution where the prosecutor declined to file charges because the case failed to meet prosecutorial charging standards; iv) After reviewing the results of the forensic examination, there was no evidence that a crime occurred, or there was lack of probable cause that a crime occurred. v) The inability to locate the victim or lack of victim participation; or vi) Any other reason, in which case the agency must include a brief description as to why the case closed. o RCW 43.101.278 are amended to include: <ul style="list-style-type: none"> 1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall ((develop a proposal for a)) conduct an annual case review program. The ((commission shall research, design, and develop case review strategies designed to optimize outcomes in sexual assault investigations through improved)) program must review case files from law enforcement agencies and prosecuting attorneys selected by the commission in order to identify changes to training and investigatory practices necessary to optimize outcomes in sexual assault investigations and prosecutions involving adult victims. <ul style="list-style-type: none"> (a) An evaluation of whether current training and practices foster a trauma-informed, victim-centered approach to victim interviews and that identifies best practices and current gaps in training and assesses the integration of the community resiliency model ((. The program will include a)); (b) A comparison of cases involving investigators and interviewers who have participated in training to cases involving investigators and interviewers who have not participated in training ((. The program will also include other randomly)); (c) Randomly selected cases for a systematic review to assess whether current practices conform to national best practices for a multidisciplinary approach to investigating sexual assault cases and interacting with survivors; and (d) An analysis of the impact that race and ethnicity have on sexual assault case outcomes. 2) The case review program may review and access files, including all reports and recordings, pertaining to closed cases involving allegations of adult sexual assault only. Any law enforcement agency or prosecuting attorney selected for the program by the commission shall make requested case files and other documents available to the commission, provided that the case files are not linked to ongoing, open investigations and that redactions may be made 	<p>the status of the investigation and related prosecution of the survivor's case.</p>		

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<p>where appropriate and necessary. Agencies and prosecuting attorneys shall include available information on the race and ethnicity of all sexual assault victims in the relevant case files provided to the commission. Case files and other documents must be made available to the commission according to appropriate deadlines established by the commission in consultation with the agency or prosecuting attorney.</p> <p>3) If a law enforcement agency has not participated in the training under RCW 43.101.272 by July 1, 2022, the commission may prioritize the agency for selection to participate in the program under this section.</p> <p>5) The commission shall submit a report with a summary of its ((proposal)) work to the governor and the appropriate committees of the legislature by December ((1, 2020)) 1st of each year.</p> <p>6) This section expires July 1, 2021.</p> <p>o Sec. 4. RCW 70.125.110 and 2019 c 93 s 9 are each amended to read as follows:</p> <p>1) In addition to all other rights provided in law, a sexual assault survivor has the right to:</p> <p>a) Receive a medical forensic examination at no cost;</p> <p>b) Receive written notice of the right under (a) of this subsection and that he or she may be eligible for other benefits under the crime victim compensation program, through a form developed by the office of crime victim’s advocacy, from the medical facility providing the survivor medical treatment relating to the sexual assault;</p> <p>c) Receive a referral to an accredited community sexual assault program or, in the case of a survivor who is a minor, receive a connection to services in accordance with the county child sexual abuse investigation protocol under RCW 26.44.180, which may include a referral to a children’s advocacy center, when presenting at a medical facility for medical treatment relating to the assault and also when reporting the assault to a law enforcement officer;</p> <p>d) Consult with a sexual assault survivor’s advocate throughout the investigatory process and prosecution of the survivor’s case, including during ((any)): Any medical evidentiary examination ((and during)) at a medical facility; any interview by law enforcement officers, prosecuting attorneys, or defense attorneys((, unless an advocate cannot be summoned in a timely manner,)); and court proceedings, except while providing testimony in a criminal trial, in which case the advocate may be present in the courtroom. Medical facilities, law enforcement officers, prosecuting attorneys, defense attorneys, courts, and other applicable criminal justice agencies, including correctional facilities, are responsible for providing advocates access to facilities where necessary to fulfill the requirements under this subsection. The right in this subsection applies regardless of whether a survivor has waived the right in a previous examination or interview;</p> <p>i) Receive timely notifications from the law enforcement agency prosecuting attorney as to the status of the investigation and related prosecution of the survivor’s case;</p>			

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<ul style="list-style-type: none"> j) Be informed by the law enforcement agency and prosecuting attorney as to the expected and appropriate time frames for receiving responses to the survivor's inquiries regarding the status of the investigation and any related prosecution of the survivor's case; and further, receive responses to the survivor's inquiries in a manner consistent with those time frames; k) Access interpreter services where necessary to facilitate communication throughout the investigatory process and prosecution of the survivor's case; and l) Where the sexual assault survivor is a minor, have: <ul style="list-style-type: none"> i) The prosecutor consider and discuss the survivor's requests remote video testimony under RCW 9A.44.150 when appropriate; and ii) The court consider requests from the prosecutor for safeguarding the survivor's feelings of security and safety in the courtroom in order to facilitate the survivor's testimony and participation in the criminal justice process. 			
7	ESHB 1113	<ul style="list-style-type: none"> • School Attendance – Truancy Laws – Assemble a review of the new bill as it pertains to school attendance and truancy (primarily for SROs) [<i>New amendments below, see bill language for entire text</i>] <ul style="list-style-type: none"> ○ An ACT Relating to school attendance; amending RCW 28A.225.015, 28A.225.030, 28A.225.151, 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.0261, 28A.225.027, 28A.225.035, and 28A.225.090; adding new sections to chapter 28A.225 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency. ○ New Section. Sec. 1. <ol style="list-style-type: none"> 1) The legislature acknowledges that student absences from school can be an indicator that the academic and social-emotional needs of the students are not being met in the public school or classroom or through the school culture or climate. Student absences can also signal to educators that families may need additional information and assistance in supporting student learning within the home. 2) The legislature finds that as research and public awareness grows about the impact of school climate and culture on the academic and social-emotional experiences of students, the systems of public education must shift away from enforcing punitive, compliance-focused policies and toward enabling constructive, student-centered practices. The legislature further finds that a student-centered system of public education serves the individual needs of students with strong family engagement and through integrated supports provided by the state, public schools, and the greater community. 3) Therefore, the legislature intends to refocus the attendance policies and practices of the public education system to emphasize individualized student and family supports that are culturally responsive, evidence-informed, and show promising practice for integrating multiple systems of support to effectively improve consistent student attendance at school and family engagement in student learning. ○ New Section. Sec. 2. A new section is added to chapter 28A.225 RCW to read as follows: 	<p>Admin – Review and determine how changes will impact the SRO program (School Resource Officer Duties document). Obtain a copy of the Superintendent's Best Practice guide to Eliminate or Reduce Student Absences and infuse the recommendations into the Pasco PD School Resource Officer Duties procedure and Chapter 44 Juvenile Operations.</p>	<p>Training – 2 hours – Create an SRO course to include recently passed legislation and changes in operations.</p>	<p>April 26, 2021— Except for sections 7 through 15, which become effective August 1, 2021</p>

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<ul style="list-style-type: none"> ▪ The office of the superintendent of public instruction shall develop and publish best practice guidance to eliminate or reduce student absences and to otherwise implement the requirements of this chapter. The guidance must focus on student and family engagement, be based in restorative justice practices, and emphasize integration of student and family support systems. The guidance must be developed in consultation with the educational opportunity gap oversight and accountability committee and updated periodically. ○ New Section. Sec. 3. A new section is added to chapter 28A.225 RCW to read as follows: <ul style="list-style-type: none"> ▪ The superintendent of public instruction may adopt rules necessary to carry out the purposes of this chapter. ○ Section 4. RCW 28A.225.015 and 2017 c 291 s 1 are each amended to read as follows: <ol style="list-style-type: none"> 1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is fewer than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent. 2) If a six- or seven-year-old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall: <ol style="list-style-type: none"> a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year; b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the third unexcused absence, then the school district may schedule this conference on that day; and c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school. 			



	Bill	Tasks	Responsibility	Training Time	Effective Date
		<p>3) If a child is required to attend public school under subsection (1) of this section (has seven unexcused absences in a month or ten), after the child's seventh unexcused absence within any month during the current school year and not later than the 15th unexcused absence (is in a) during the current school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.</p> <p>4) This section does not require a six- or seven-year-old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six- or seven-year-old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.</p> <ul style="list-style-type: none"> ○ And more, see bill language. ○ New Section. Sec. 16. Sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately. ○ New Section. Sec. 17. Sections 5 and 6 of this act expire August 1, 2021. ○ New Section. Sec. 18. Sections 7 through 15 of this act takes effect August 1, 2021. 			
8	<p>ESHB 1140 Also see E2SHB 1186 regarding juvenile rehabilitation</p>	<ul style="list-style-type: none"> • Law Enforcement Contact with Juveniles – Access to Attorney – An Act relating to juvenile access to attorneys when contacted by law enforcement; amending RCW 13.40.140, 2.70.020, and 13.40.020; adding a new section to Chapter 13.40 RCW; adding a new section to Chapter 2.70 RCW; creating a new section and providing an effective date. <ul style="list-style-type: none"> ○ New Section 1 – A new Section is added to Chapter 13.40 RCW to read as follows: <ol style="list-style-type: none"> 1) Except as provided in subsection (4) of this section, law enforcement shall provide a juvenile with access to an attorney for consultation, which may be provided in person, by telephone, or by video conference, before the juvenile waives any constitutional rights if a law enforcement officer: <ol style="list-style-type: none"> a) Questions a juvenile during a custodial interrogation; b) Detains a juvenile based on probable cause of involvement in criminal activity; or c) Requests that the juvenile provide consent to an evidentiary search of the juvenile or the juvenile's property, dwellings, or vehicles under the juvenile's control. 2) The consultation required by subsection (1) of this section may not be waived. 3) Statements made by a juvenile after the juvenile is contacted by a law enforcement officer in a manner described under subsection (1) of this section are not admissible in a juvenile offender or adult criminal court proceeding, unless: <ol style="list-style-type: none"> a) The juvenile has been provided with access to an attorney for consultation; and the juvenile provides an express waiver knowingly, intelligently, and voluntarily made by the juvenile after the juvenile has been fully informed of the rights being waived as required under RCW 13.40.140; b) The statement is for impeachment purposes; or c) The statement was made spontaneously. 	<p>Admin/Training – Will officers have access to a PD phone to provide access to counsel if requested? Does the PD have a private room for interrogation of a juvenile?</p>	<p>Training – 1.5 hours – Update existing Miranda and juvenile-specific training to include the requirements in this law regarding custodial interrogation of juveniles, detentions based on probable cause, and new consent requirements by the juvenile. Also address express, knowing, intelligent, and voluntary waiver of rights after being provided access to counsel and fully informed of their right. [Does the PD</p>	<p>Effective Date January 1, 2022</p>

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<p>4) A law enforcement officer may question a juvenile without following the requirement in subsection (1) of this section if:</p> <ul style="list-style-type: none"> a) The law enforcement officer believes the juvenile is a victim of trafficking as defined in RCW 9A.40.100; however, any information obtained from the juvenile by law enforcement pursuant to this subsection cannot be used in any prosecution of that juvenile; or b) (i) The law enforcement officer believes that the information sought is necessary to protect an individual's life from an imminent threat; (ii) A delay to allow legal consultation would impede the protection of an individual's life from an imminent threat; and (iii) Questioning by the law enforcement officer is limited to matters reasonably expected to obtain information necessary to protect an individual's life from an imminent threat. <p>5) After the juvenile has consulted with legal counsel, the juvenile may advise, direct a parent or guardian to advise, or direct legal counsel to advise the law enforcement officer that the juvenile chooses to assert a constitutional right. Any assertion of constitutional rights by the juvenile through legal counsel must be treated by a law enforcement officer as though it came from the juvenile. The waiver of any constitutional rights of the juvenile may only be made according to the requirements of RCW 13.40.140.</p> <p>6) For purposes of this section, the following definitions apply:</p> <ul style="list-style-type: none"> a) "Juvenile" means any individual who is under the chronological age of 18 years; and b) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, including school resource officers as defined in RCW 28A.320.124 and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes. <ul style="list-style-type: none"> o Section 2 RCW 13.40.140 and 2014 c 110 s 2 are each amended to read as follows: <ul style="list-style-type: none"> 1) A juvenile shall be advised of the juvenile's rights when appearing before the court. 2) A juvenile and ((his or her)) the juvenile's parent, guardian, or custodian shall be advised by the court or its representative that the juvenile has a right to be represented by counsel at all critical stages of the proceedings. Unless waived, counsel shall be provided to a juvenile who is financially unable to obtain counsel without causing substantial hardship to himself or herself or the juvenile's family, in any proceeding where the juvenile may be subject to transfer for criminal prosecution, or in any proceeding where the juvenile may be in danger of confinement. The ability to pay part of the cost of counsel does not preclude assignment. In no case may a juvenile be deprived of counsel because of a parent, guardian, or custodian 		<p>have a standard form used by all arrestees?]</p>	



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		<p>refusing to pay therefor. The juvenile shall be fully advised of ((his or her)) the juvenile's right to an attorney and of the relevant services an attorney can provide.</p> <p>3) The right to counsel includes the right to the appointment of experts necessary, and the experts shall be required pursuant to the procedures and requirements established by the supreme court.</p> <p>4) Upon application of a party, the clerk of the court shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing, or such subpoenas may be issued by an attorney of record.</p> <p>5) All proceedings shall be transcribed verbatim by means which will provide an accurate record.</p> <p>6) The general public and press shall be permitted to attend any hearing unless the court, for good cause, orders a particular hearing to be closed. The presumption shall be that all such hearings will be open.</p> <p>7) In all adjudicatory proceedings before the court, all parties shall have the right to adequate notice, discovery as provided in criminal cases, opportunity to be heard, confrontation of witnesses except in such cases as this chapter expressly permits the use of hearsay testimony, findings based solely upon the evidence adduced at the hearing, and an unbiased fact finder.</p> <p>8) A juvenile shall be accorded the same privilege against self-incrimination as an adult and the protections provided in section 1 of this act. An extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding may not be received in evidence at an adjudicatory hearing over objection. Evidence illegally seized or obtained, including evidence obtained in violation of section 1 of this act, may not be received in evidence over objection at an adjudicatory hearing to prove the allegations against the juvenile if the evidence would be inadmissible in an adult criminal proceeding. An extrajudicial admission or confession made by the juvenile out of court is insufficient to support a finding that the juvenile committed the acts alleged in the information unless evidence of a corpus delicti is first independently established in the same manner as required in an adult criminal proceeding.</p> <p>9) Statements, admissions, or confessions made by a juvenile in the course of a mental health or chemical dependency screening or assessment, whether or not the screening or assessment was ordered by the court, shall not be admissible into evidence against the juvenile on the issue of guilt in any juvenile offense matter or adult criminal proceeding, unless the juvenile has placed ((his or her)) the juvenile's mental health at issue. The statement is admissible for any other purpose or proceeding allowed by law. This prohibition does not apply to statements, admissions, or confessions made to law enforcement, and may not be used to argue for derivative suppression of other evidence lawfully obtained as a result of an otherwise inadmissible statement, admission, or confession.</p>			

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		<p>10) Waiver of any right which a juvenile has under this chapter must be an express waiver intelligently made by the juvenile after the juvenile has been fully informed of the right being waived, <u>including having access to an attorney for consultation if required under section 1 of this act.</u></p> <p>11) Whenever this chapter refers to waiver or objection by a juvenile, the word juvenile shall be construed to refer to a juvenile who is at least ((twelve) 12 years of age. If a juvenile is under ((twelve) 12 years of age, the juvenile's parent, guardian, or custodian shall give any waiver or offer any objection contemplated by this chapter.</p> <ul style="list-style-type: none"> ○ Section 3 – RCW 2.70.020 and 2012 c 257 s 1 are each amended to read as follows: <ul style="list-style-type: none"> ▪ The director shall: <ol style="list-style-type: none"> 1. Administer all state-funded services in the following program areas: <ol style="list-style-type: none"> a) Trial court criminal indigent defense, as provided in chapter 10.101 RCW; b) Appellate indigent defense, as provided in this chapter; c) Representation of indigent parents qualified for appointed counsel in dependency and termination cases, as provided in RCW 13.34.090 and 13.34.092; d) Extraordinary criminal justice cost petitions, as provided in RCW 43.330.190; e) Compilation of copies of DNA test requests by persons convicted of felonies, as provided in RCW 10.73.170; f) Representation of indigent respondents qualified for appointed counsel in sexually violent predator civil commitment cases, as provided in chapter 71.09 RCW; and g) <u>Provide access to attorneys for juveniles contacted by a law enforcement officer for whom a legal consultation is required under section 1 of this act;</u> 2) Submit a biennial budget for all costs related to the office's program areas; 3) Establish administrative procedures, standards, and guidelines for the office's program areas, including cost-efficient systems that provide for authorized recovery of costs; 4) Provide oversight and technical assistance to ensure the effective and efficient delivery of services in the office's program areas; 5) Recommend criteria and standards for determining indigency. In recommending criteria for determining indigency, the director shall compile and review the indigency standards used by other state agencies and shall periodically submit the compilation and report to the legislature on the appropriateness and consistency of such standards; 6) Collect information regarding indigent defense services funded by the state and report annually to the advisory committee, the legislature, and the supreme court; 			

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		<p>7) Coordinate with the supreme court and the judges of each division of the court of appeals to determine how appellate attorney services should be provided.</p> <ul style="list-style-type: none"> ○ The office of public defense shall not provide direct representation of clients. ○ New Section 4 – A new section is added to chapter 2.70 RCW to read as follows: <ul style="list-style-type: none"> ▪ Subject to the rules of discovery, the office of public defense is authorized to collect identifying information for any youth who speaks with a consulting attorney pursuant to section 1 of this act; provided, however, that such records are exempt from public disclosure. ○ Section 5 – RCW 13.40.020 and 2019 c 444 s 9 are each amended to read as follows: <ul style="list-style-type: none"> ▪ For the purposes of this chapter: <ol style="list-style-type: none"> 1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co- occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument; 2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds; 3) "Community-based sanctions" may include one or more of the following: <ol style="list-style-type: none"> a) A fine, not to exceed ((five hundred dollars)) \$500; b) Community restitution not to exceed ((one hundred fifty)) 150 hours of community restitution; 4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews; 5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with 			

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		<p>the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:</p> <ul style="list-style-type: none"> a) Community-based sanctions; b) Community-based rehabilitation; c) Monitoring and reporting requirements; d) Posting of a probation bond; e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, co-occurring disorder specialist, or substance use disorder professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure including consideration of less restrictive treatment options and medical necessity. <ul style="list-style-type: none"> i) A court may order residential treatment after consideration and findings regarding whether: <ul style="list-style-type: none"> A) The referral is necessary to rehabilitate the child; B) The referral is necessary to protect the public or the child; C) The referral is in the child's best interest; D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances. ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than ((sixty)) 60 days after the youth begins inpatient treatment, and every ((thirty)) 30 days thereafter, as long as the youth is in inpatient treatment; 6) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than ((thirty-one)) 31 days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court; 			

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	<p>7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);</p> <p>8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:</p> <ul style="list-style-type: none"> a. The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or b. The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history; <p>9) "Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody;</p> <p>10) "Department" means the department of children, youth, and families;</p> <p>11) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;</p> <p>12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer,</p>			

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		<p>teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;</p> <p>13) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;</p> <p>14) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;</p> <p>15) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;</p> <p>16) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of 18 years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;</p> <p>17) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person 18 years of age or older over whom jurisdiction has been extended under RCW 13.40.300;</p> <p>18) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;</p> <p>19) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;</p> <p>20) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;</p> <p>21) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;</p> <p>22) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;</p>			

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		<p>23) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:</p> <ul style="list-style-type: none"> a. Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property; b. Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or c. Guide a juvenile offender from one location to another; <p>24) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;</p> <p>25) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;</p> <p>26) "Respondent" means a juvenile who is alleged or proven to have committed an offense;</p> <p>27) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;</p> <p>28) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;</p> <p>29) "Restraints" means anything used to control the movement of a person's body or limbs and includes:</p> <ul style="list-style-type: none"> a. Physical restraint; or 			

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		<p>b. Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;</p> <p>30) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;</p> <p>31) "Secretary" means the secretary of the department;</p> <p>32) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;</p> <p>33) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;</p> <p>34) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of the respondent's sexual gratification;</p> <p>35) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;</p> <p>36) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;</p> <p>37) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;</p> <p>38) "Violent offense" means a violent offense as defined in RCW 9.94A.030;</p> <p>39) "Youth court" means a diversion unit under the supervision of the juvenile court.</p> <ul style="list-style-type: none"> o New Section 6 – <i>If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.</i> o New Section 7 – This act takes effect January 1, 2022. 			
9	SHB 1155	<ul style="list-style-type: none"> • Emergency Communication Systems and Facilities – Local Sales and Use Tax – Become familiar with the bill relating to sales and tax use for emergency communication systems and equipment (which may be beneficial in Franklin County). 	Admin – review for potential revenue	N/A	July 25, 2021
10	SHB 1207	<ul style="list-style-type: none"> • Department of Licensing issued Documents – Various Provisions – Become familiar with changes to the driver's licensing process due to the COVID-19 pandemic and other reasons that officer may see during patrol duty. <ul style="list-style-type: none"> o New Section 1 – in part states that the Department of Licensing: 	Training	Training – 1 hour – Create a handout for patrol and traffic officers with updates.	January 1, 2022— Except for sections 1, 3, and 4, which

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		<ul style="list-style-type: none"> ▪ Will offer a six-year (6) issuance option; and ▪ Will allow for remote photo capture (to reduce lines at local offices) [driver’s licenses may look different]; and ▪ Commercial license fees will be \$136 for new and renewals and can be issued for eight-years (8); and ▪ May issue Driver’s Instruction Permit online or in-person ○ New Section 11 – in part states the Department of Licensing must evaluate the impact of expanded online renewals and remote photo capture on backlog reduction, access to services, public safety, and other items. ○ And other amendments, including the substitution of he/she with “the applicant.” 			become effective May 3, 2021
11	SHB 1214	<ul style="list-style-type: none"> • Public School Safety and Security Services – Specific to SROs – become familiar with new data collection measures and more [read entire bill language for details] <ul style="list-style-type: none"> ○ New Section 1 – in part states that the legislature acknowledges the disproportionate impact that interactions with police have on youth of color and on black youth in particular. Not only are black youth more likely than their white peers to have contact with police at a young age despite similar or lower rates of illegal behavior, but early police contact for black youth is predictive of future arrests in a way that is not true for white youth. ○ New Section 2 – School districts must annually collect the following information on safety and security staff: <ul style="list-style-type: none"> ▪ Total number of safety and security staff working in the district and in each school building, and the number of days per week each staff works; ▪ The name of any law enforcement agency or private organization with which the district has an agreement for safety and security services; ▪ Description of each incident where safety and security staff were involved that resulted in student discipline, use of force against a student, or a student arrest. For each student involved in the incident, the description must include: <ul style="list-style-type: none"> • The student’s race, ethnicity, and other demographics; and • Whether the student has an individualized education program or plan developed under Section 504 of the Rehabilitation Act of 1973; ▪ The number of complaints related to job duties and student interactions filed against safety and security staff; and ▪ Other school safety and security information required by the office of the superintendent of public instruction. ▪ School districts must annually submit any agreements as required by Section 6 of this act and the information collected as required by this section at the time and in the manner required by the office of the superintendent of public instruction. ▪ For the purposes of the section, “safety and security staff” has the same meaning as in RCW 28A.320.124 [including SRO] 	<p>Training – provide training to SROs and coordinate with school administrators to accommodate new training requirements and how/when SRO-student interventions will take place, and exclusion from the student disciplinary process. In Section 5, explain how an SRO will articulate how to “create a positive climate” among other things.</p>	<p>Training – 2 hours – [See HB1113] Include language/terms into Chapter 44 Juvenile Operations.</p>	July 25, 2021

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		<ul style="list-style-type: none"> ○ New Section 3 – in part states a new section added to RCW Chapter 28A.400 was amended to read: <ul style="list-style-type: none"> ▪ Prior to assigning safety and security staff to work on school property when students are expected to be present, school districts and their contractors must either: <ul style="list-style-type: none"> • Confirm the safety and security staff have training series documentation provided under Section 4 of this act; or • Require the safety and security staff to complete the training series described in subsection 2 (below) of this section. ▪ The training series, two components for school resource officers and three components for other safety and security staff, must meet the requirements in this subsection. <ul style="list-style-type: none"> • All safety and security staff must complete classroom training on the subjects listed in section 4(2) of this act, within the first six months of working on school property when students are expected to be present. • All safety and security staff must complete two days of on- the-job training with experienced safety and security staff, at the school of the experienced staff, within the first year of working on school property when students are expected to be present. • Safety and security staff who are not school resource officers must complete at least six check-in trainings with experienced staff within the first year of working on school property when students are expected to be present. • School safety and security staff who complete the training series described in subsection (2) of this section, and staff with significant prior training and experience, may request training series documentation from an educational service district under section 4 of this act. • Nothing in this section effects the categorization of safety and security staff as classified staff. Safety and security staff are not considered certificated instructional staff as that term and its meaning are used in this title. ▪ New Section 4 – in part states that RCW Chapter 28A.310 has been amended to read: <ul style="list-style-type: none"> • A safety and security staff training program is established. The program must be jointly developed by the educational service districts but may be administered primarily by one or more educational service districts. The program must meet the requirements of this section. • When developing the safety and security staff training program, the educational service districts should engage with the state school safety center established in RCW 28A.300.630 and the school safety and student well-being advisory committee established in RCW 28A.300.635. • The educational service districts must identify or develop classroom training on the following subjects: <ul style="list-style-type: none"> ○ Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools; 			

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<ul style="list-style-type: none"> ○ Child and adolescent development; ○ Trauma-informed approaches to working with youth; ○ Recognizing and responding to youth mental health issues; ○ Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities; ○ Bias-free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students; ○ Local and national disparities in the use of force and arrests of children; ○ Collateral consequences of arrest, referral for prosecution, and court involvement; ○ Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement; ○ De-escalation techniques when working with youth or groups of youth; ○ State law regarding restraint and isolation in schools, including RCW 28A.600.485; ○ The federal family educational rights and privacy act (20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes; and (m) Restorative justice principles and practices. ○ The educational service districts must provide, or arrange for the delivery of, classroom training on the subjects listed in subsection (2) of this section. At a minimum, classroom trainings on each subject must be provided annually, remotely, synchronously, or asynchronously, and by at least one educational service district. Classroom training may be provided on a fee-for-service basis and should be self-supporting. ○ The educational service districts must provide to safety and security staff, upon request, documentation that the safety and security staff training series described in section 3(2) of this act has been completed. Before providing this training series documentation, completion of each component of the training series must be verified or, in the case of safety and security staff with significant prior training and experience, waived. ○ The educational service districts must develop and publish guidelines for on-the-job training and check-in training that include recommendations for identifying and recruiting experienced safety and security staff to provide the trainings, suggested activities during on-the-job trainings, and best practices for meaningful check-in trainings. The guidelines for check-in training must 			

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		<p>also include recommended frequency, possible topics of discussion, and options for connecting virtually.</p> <ul style="list-style-type: none"> ▪ Section 5 has been amended to remove language and add the following: <ul style="list-style-type: none"> • By the beginning of the 2021-22 school year, school districts that have safety and security staff working on school property when students are expected to be present must adopt, and periodically update, a policy and procedure that: • Includes a clear statement regarding ((school resource officer)) safety and security staff duties and responsibilities related to student behavior and discipline that: • Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators; and • Recognizes that ((a)) trained ((school resource officer)) safety and security staff know((s)) when to informally interact with students to reinforce school rules and when to enforce the law; <ul style="list-style-type: none"> ○ ((School district policy and procedure for teachers that clarify)) Clarifies the circumstances under which teachers and school administrators may ask ((an officer)) safety and security staff to intervene with a student; ○ Explains how safety and security staff will be engaged in creating a positive school climate and positive relationships with students; and ○ Describes the process for families to file complaints with the school and, when applicable, the local law enforcement agency or the company that provides the safety and security staff on contract related to ((school resource officers)) safety and security staff and a process for investigating and responding to complaints. ○ At the beginning of each school year, school districts that have safety and security staff working on school property must present to and discuss with students, and distribute to students' families, information about the role and responsibilities of safety and security staff. ○ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise. <ul style="list-style-type: none"> ▪ "Safety and security staff" means a school resource officer, a school security officer, a campus security officer, and any other commissioned or noncommissioned employee or contractor, whose primary job duty is to provide safety or security services for a public school, as defined in RCW 28A.150.010. ▪ "School resource officer" means a commissioned law enforcement officer in the state of Washington with sworn authority to make arrests, deployed in community-oriented policing, and assigned by the employing police department or sheriff's office to work in schools 			

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		<p>to build positive relationships with students and address crime and disorder problems, gangs, and drug activities affecting or occurring in or around K-12 schools. School resource officers should focus on keeping students out of the criminal justice system when possible and should not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system.</p> <ul style="list-style-type: none"> ▪ New Section 6 – A new section is added to RCW Chapter 28A.320 If a law enforcement agency or security guard company supplies safety and security staff to work on school property when students are expected to be present, the school district must annually review and adopt an agreement with the law enforcement agency or security guard company that meets the requirements of this section. The agreement must: <ul style="list-style-type: none"> • Meet the requirements described in RCW 28A.320.124(1) • Include a jointly determined hiring and placement process and a performance evaluation process; and • Either confirm the safety and security staff have training series documentation provided under section 4(4) of this act or describe the plan for safety and security staff to complete the training series described in section 3(2) of this act. • The agreement review and adoption process must involve parents, students, and community members. • For purposes of this section, "safety and security staff" has the same meaning as in RCW 28A.320.124. ▪ New Section 7 – A new section is added to chapter 28A.710 to read as follows: ▪ Sections 2, 3, and 6 of this act and RCW 28A.320.124 govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter. ▪ Section 8 has been amended to include: <ul style="list-style-type: none"> • Security guards who receive any of the school safety and security staff classroom training described in section 4(2) of this act may apply the number of completed classroom training hours to meet either the initial post-assignment training requirement or the annual refresher training requirement. 			
12	SHB 1221	<ul style="list-style-type: none"> • Homelessness – Definitions – Become familiar with new terminology and services relating to homelessness <ul style="list-style-type: none"> ○ An ACT Relating to the standardizing definitions of homelessness to improve access to services; and amending RCW 43.216.505, 13.34.030, 26.44.020, 13.34.065, and 13.34.138 ○ Section 1 has been amended to include: <ul style="list-style-type: none"> ▪ "Homeless" means a child without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2021. 	Admin & Training – update policy and procedure language to include definitions listed in this statute. Create training for all to include the	Training – 3 hours – provide update training to all commissioned officers on legal and terminology updates.	July 25, 2021

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		<ul style="list-style-type: none"> ○ Section 2 has been amended to include: <ul style="list-style-type: none"> ▪ "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021. ○ Section 3 has been amended to include the following: <ul style="list-style-type: none"> ▪ (same as Section 2 above) 	definitions listed in this statute. Review and revise the Homeless Program – Homeless Liaison Officer (HLO) procedure.		
13	SHB 1223	<ul style="list-style-type: none"> ● Uniform Electronic Recordation of Custodial Interrogations Act – Provide training to all officers relating to the new requirements for the uniform recording of custodial interrogations. <ul style="list-style-type: none"> ○ An ACT relating to the uniform electronic recordation of custodial interrogations act; reenacting and amending RCW 9.73.030; adding a new chapter to Title 10 RCW; and providing an effective date. ○ New Section 1 – SHORT TITLE. This chapter may be known and cited as the uniform electronic recordation of custodial interrogations act. ○ New Section 2 – "Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody. <ul style="list-style-type: none"> ▪ "Electronic recording" means an audio recording or audio and video recording that accurately records a custodial interrogation. "Record electronically" and "recorded electronically" have a corresponding meaning. ▪ "Law enforcement agency" means a general authority Washington law enforcement agency or limited authority Washington law enforcement agency as those terms are defined in RCW 10.93.020. ▪ "Law enforcement officer" means a general authority Washington peace officer or limited authority Washington peace officer as those terms are defined in RCW 10.93.020. ▪ "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, or government; governmental subdivision, agency, or instrumentality; or any other legal or commercial entity. ▪ "Place of detention" means a fixed location under the control of a law enforcement agency where individuals are questioned about alleged crimes or status offenses. The term includes a jail, police or sheriff's station, holding cell, correctional or detention facility, police vehicle, and in the case of juveniles, schools. ▪ "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. ▪ "Statement" means a communication whether oral, written, electronic, or nonverbal. 	Admin – How would we use bodycam video/audio to perform this function? Is it possible? Training – Review and revise the Interviews and Interrogations Procedure, Chapter 44 Juvenile Operations Policy, and Chapter 42 Criminal Investigations Policy as appropriate.	Training – 1 hour – Provide training for all commissioned officers on the new definitions and requirements for custodial interrogations. Coordinate training with the Franklin County DA Office.	July 25, 2021— Except for sections 1 through 20, which take effect January 1, 2022

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		<ul style="list-style-type: none"> ○ New Section 3 – ELECTRONIC RECORDING REQUIREMENT. <ol style="list-style-type: none"> 1) Except as otherwise provided by sections 5 through 10 of this act, a custodial interrogation, including the giving of any required warning, advice of the rights of the individual being questioned, and the waiver of any rights by the individual, must be recorded electronically in its entirety if the interrogation subject is a juvenile or if the interrogation relates to a felony crime. A custodial interrogation at a jail, police or sheriff's station, holding cell, or correctional or detention facility must be recorded by audio and video means. A custodial interrogation at any other place of detention must be recorded by audio means at minimum. 2) If a law enforcement officer conducts a custodial interrogation to which subsection (1) of this section applies without electronically recording it in its entirety, the officer shall prepare a written or electronic report explaining the reason for not complying with this section and summarizing the custodial interrogation process and the individual's statements. 3) A law enforcement officer shall prepare the report required by subsection (2) of this section as soon as practicable after completing the interrogation. 4) As soon as practicable, a law enforcement officer conducting a custodial interrogation outside a place of detention shall prepare a written or electronic report explaining the decision to interrogate outside a place of detention and summarizing the custodial interrogation process and the individual's statements made outside a place of detention. 5) This section does not apply to a spontaneous statement made outside the course of a custodial interrogation or a statement made in response to a question asked routinely during the processing of the arrest of an individual. ○ New Section 4 – CONSENT NOT REQUIRED-NOTICE. Notwithstanding RCW 9.73.030 and 9.73.090, a law enforcement officer conducting a custodial interrogation is not required to obtain consent to electronic recording from the individual being interrogated but must inform the individual that an electronic recording is being made of the interrogation. This chapter does not permit a law enforcement officer or a law enforcement agency to record a private communication between an individual and the individual's lawyer. ○ New Section 5 – EXCEPTION FOR EXIGENT CIRCUMSTANCES. A custodial interrogation to which section 3 of this act otherwise applies need not be recorded electronically if recording is not feasible because of exigent circumstances. The law enforcement officer conducting the interrogation shall record electronically an explanation of the exigent circumstances before conducting the interrogation, if feasible, or as soon as practicable after the interrogation is completed. ○ New Section 6 – EXCEPTION FOR INDIVIDUAL'S REFUSAL TO BE RECORDED ELECTRONICALLY. <ol style="list-style-type: none"> 1) A custodial interrogation to which section 3 of this act otherwise applies need not be recorded electronically if the individual to be interrogated indicates that the individual will not participate in the interrogation if it is recorded electronically. If feasible, the agreement to participate without recording must be recorded electronically. 			

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		<p>2) If, during a custodial interrogation to which section 3 of this act otherwise applies, the individual being interrogated indicates that the individual will not participate in further interrogation unless electronic recording ceases, the remainder of the custodial interrogation need not be recorded electronically. If feasible, the individual's agreement to participate without further recording must be recorded electronically.</p> <p>3) A law enforcement officer, with intent to avoid the requirement of electronic recording in section 3 of this act, may not encourage an individual to request that a recording not be made.</p> <ul style="list-style-type: none"> ○ New Section 7 – EXCEPTION FOR INTERROGATION CONDUCTED BY OTHER JURISDICTION. If a custodial interrogation occurs in another state in compliance with that state's law or is conducted by a federal law enforcement agency in compliance with federal law, the interrogation need not be recorded electronically unless the interrogation is conducted with intent to avoid the requirement of electronic recording in section 3 of this act. ○ New Section 8 – EXCEPTION BASED ON BELIEF RECORDING NOT REQUIRED. <ul style="list-style-type: none"> 1) A custodial interrogation to which section 3 of this act otherwise applies need not be recorded electronically if the interrogation occurs when no law enforcement officer conducting the interrogation has knowledge of facts and circumstances that would lead an officer reasonably to believe that the individual being interrogated may have committed an act for which section 3 of this act requires that a custodial interrogation be recorded electronically. 2) If, during a custodial interrogation under subsection (1) of this section, the individual being interrogated reveals facts and circumstances giving a law enforcement officer conducting the interrogation reason to believe that an act has been committed for which section 3 of this act requires that a custodial interrogation be recorded electronically, continued custodial interrogation concerning that act must be recorded electronically, if feasible. ○ New Section 9 – EXCEPTION FOR SAFETY OF INDIVIDUAL OR PROTECTION OF IDENTITY. A custodial interrogation to which section 3 of this act otherwise applies need not be recorded electronically if a law enforcement officer conducting the interrogation or the officer's superior reasonably believes that electronic recording would disclose the identity of a confidential informant or jeopardize the safety of an officer, the individual being interrogated, or another individual. If feasible and consistent with the safety of a confidential informant, an explanation of the basis for the belief that electronic recording would disclose the informant's identity must be recorded electronically at the time of the interrogation. If contemporaneous recording of the basis for the belief is not feasible, the recording must be made as soon as practicable after the interrogation is completed. ○ New Section 10 – EXCEPTION FOR EQUIPMENT MALFUNCTION. <ul style="list-style-type: none"> 1) All or part of a custodial interrogation to which section 3 of this act otherwise applies need not be recorded electronically to the extent that recording is not feasible because the available electronic recording equipment fails, despite reasonable maintenance of the equipment, and timely repair or replacement is not feasible. 			

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		<ul style="list-style-type: none"> 2) If both audio and video recording of a custodial interrogation are otherwise required by section 3 of this act, recording may be by audio alone if a technical problem in the video recording equipment prevents video recording, despite reasonable maintenance of the equipment, and timely repair or replacement is not feasible. 3) If both audio and video recording of a custodial interrogation are otherwise required by section 3 of this act, recording may be by video alone if a technical problem in the audio recording equipment prevents audio recording, despite reasonable maintenance of the equipment, and timely repair or replacement is not feasible. ○ New Section 11 – BURDEN OF PERSUASION. If the prosecution relies on an exception in sections 5 through 10 of this act to justify a failure to record electronically a custodial interrogation, the prosecution must prove by a preponderance of the evidence that the exception applies. ○ New Section 12 – NOTICE OF INTENT TO INTRODUCE UNRECORDED STATEMENT. If the prosecution intends to introduce in its case in chief a statement made during a custodial interrogation to which section 3 of this act applies which was not recorded electronically, the prosecution, not later than the time specified by the local rules governing discovery, shall serve the defendant with written notice of that intent and of any exception on which the prosecution intends to rely. ○ New Section 13 – PROCEDURAL REMEDIES. <ul style="list-style-type: none"> 1) Unless the court finds that an exception in sections 5 through 10 of this act applies, the court shall consider the failure to record electronically all or part of a custodial interrogation to which section 3 of this act applies in determining whether a statement made during the interrogation is admissible, including whether it was voluntarily made. 2) If the court admits into evidence a statement made during a custodial interrogation that was not recorded electronically in compliance with section 3 of this act, the court shall afford the defendant the opportunity to present to the jury the fact that the statement was not recorded electronically in compliance with section 3 of this act. ○ New Section 14 – HANDLING AND PRESERVING ELECTRONIC RECORDING. Each law enforcement agency in this state shall establish and enforce procedures to ensure that the electronic recording of all or part of a custodial interrogation is identified, accessible, and preserved throughout the length of any resulting sentence, including any period of community custody extending through final discharge. ○ New Section 15 – POLICIES AND PROCEDURES RELATING TO ELECTRONIC RECORDING. <ul style="list-style-type: none"> 1) Each law enforcement agency that is a governmental entity of this state shall adopt and enforce policies and procedures to implement this chapter. 2) The policies and procedures adopted under subsection (1) of this section must address the following topics: <ul style="list-style-type: none"> a) How an electronic recording of a custodial interrogation must be made; b) The collection and review of electronic recordings, or the absence thereof, by supervisors in each law enforcement agency; 			

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		<ul style="list-style-type: none"> c) The assignment of supervisory responsibilities and a chain of command to promote internal accountability; d) A process for explaining noncompliance with procedures and imposing administrative sanctions for a failure to comply that is not justified; e) A supervisory system expressly imposing on individuals in specific positions a duty to ensure adequate staffing, education, training, and material resources to implement this chapter; and f) A process for preserving the chain of custody of an electronic recording. <p>3) The policies and procedures adopted under subsection (2)(a) of this section for video recording must contain standards for the angle, focus, and field of vision of a recording device which reasonably promote accurate recording of a custodial interrogation at a place of detention and reliable assessment of its accuracy and completeness.</p> <ul style="list-style-type: none"> o New Section 16 – LIMITATION OF LIABILITY. <ul style="list-style-type: none"> 1) A law enforcement agency that is a governmental entity in this state which has implemented procedures reasonably designed to enforce the rules adopted pursuant to section 15 of this act and ensure compliance with this chapter is not subject to civil liability for damages arising from a violation of this chapter. 2) This chapter does not create a right of action against a law enforcement officer. o New Section 17 – SELF-AUTHENTICATION. <ul style="list-style-type: none"> 1) In any pretrial or posttrial proceeding, an electronic recording of a custodial interrogation is self-authenticating if it is accompanied by a certificate of authenticity sworn under oath or affirmation by an appropriate law enforcement officer. 2) This chapter does not limit the right of an individual to challenge the authenticity of an electronic recording of a custodial interrogation under law of this state other than this chapter. o New Section 18 – NO RIGHT TO ELECTRONIC RECORDING OR TRANSCRIPT. <ul style="list-style-type: none"> 1) This chapter does not create a right of an individual to require a custodial interrogation to be recorded electronically. 2) This chapter does not require preparation of a transcript of an electronic recording of a custodial interrogation. o New Section 19 – UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. o New Section 20 – RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b). 			

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		<ul style="list-style-type: none"> ○ Section 21 – RCW9.73.030 and 1986 c 38 s 1 and 1985 c 260 s 2 are each reenacted and amended to read as follows: <ol style="list-style-type: none"> 1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any: <ol style="list-style-type: none"> a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication; b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation. 2) Notwithstanding subsection (1) of this section, wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, or (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, or (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, or (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, may be recorded with the consent of one party to the conversation. 3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded. 4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full-time or contractual or part-time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation. 5) This section does not apply to the recording of custodial interrogations pursuant to section 4 of this act. ○ New Section 22 – SEVERABILITY. If any provision of this or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. 			

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		<ul style="list-style-type: none"> ○ New Section 23 – CODIFICATION. Sections 1 through 20 of this act constitute a new chapter in Title 10 RCW. ○ New Section 24 – EFFECTIVE DATE. Sections 1 through 20 of act take effect January 1, 2022. 			
14	ESHB 1236	<ul style="list-style-type: none"> • Residential Tenancies – Various Provisions – Prepare training If any officer may be dispatched to a landlord/tenant issue regarding eviction [see entire bill for details, new amendments listed below]. • AN ACT Relating to protecting residential tenants from the beginning to the end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination; amending RCW 59.18.220 and 59.12.030; reenacting and amending RCW 59.18.030, 59.18.200, and 59.18.230; adding a new section to chapter 59.18 RCW; prescribing penalties; and declaring an emergency. <ul style="list-style-type: none"> ○ Section 1 <ul style="list-style-type: none"> ▪ "Immediate family" includes state registered domestic partner, spouse, parents, grandparents, children, including foster children, siblings, and in-laws. ▪ "Subsidized housing" refers to rental housing for very low-income individuals or low-income households that is a dwelling unit operated directly by a public housing authority or its affiliate, or that is insured, financed, or assisted in whole or in part through one of the following sources: <ul style="list-style-type: none"> a) A federal program or state housing program administered by the department of commerce or the Washington state housing finance commission; b) A federal housing program administered by a city or county government; c) An affordable housing levy authorized under RCW 84.52.105; or d) The surcharges authorized in RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW. ▪ "Transitional housing" means housing units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than twenty-four months, or longer if the program is limited to tenants within a specified age range or the program is intended for tenants in need of time to complete and transition from educational or training or service programs. • Sections 3, 4, 5, 6 – various language and date changes. • New Section 7 – This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect immediately. 	Training – Review and revise the Area Resource Officer duties procedure as appropriate.	Training – 1 hour – Training for officers who may be involved with processing evictions.	May 10, 2021
15	EHB 1251 SHB 1322 SB 5016	<ul style="list-style-type: none"> • EHB 1251: AN ACT Relating to the authorization of wheeled all-terrain vehicles on state highways; and amending RCW 46.09.455 – Provide training to all traffic and patrol assigned officers who may cite an all-terrain vehicle on a highway or non-highway 	Training – Review and amend Chapter 61 Traffic	Training – 1 hour – Amend existing traffic enforcement training curricula	July 25, 2021

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		<ul style="list-style-type: none"> ○ Section 1 – Amendment to include – (a) A person may not operate a wheeled all-terrain vehicle upon state highways that are listed in chapter 47.17 RCW; however, a person may operate a wheeled all-terrain vehicle upon a segment of a state highway listed in chapter 47.17 RCW if the segment is within the limits of a city or town, or if the county in which the segment is located has first consulted with the department of transportation, and then adopted an ordinance approving the operation of wheeled all-terrain vehicles on that segment, and the speed limit on the segment is thirty-five miles per hour or less; ● SHB 1322 – Off-Road Vehicle and Snowmobile Registration – Enforcement <ul style="list-style-type: none"> ○ Section 1 is amended to read – (b) The exemption in (a) of this subsection does not apply to an off-road vehicle owned by a resident of a state that borders Washington and that does not impose a retail sales and use tax on the sales or use of off-road vehicles. ○ Section 2 is amended to read: <ul style="list-style-type: none"> ▪ Except as provided in (b) of this subsection, charge a fee for each decal covering the actual cost of the decal; ▪ Charge no fee for the decal, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application for either an original Washington ORV registration or a renewal of a Washington ORV registration, the resident presents the following documents issued by the other state: (i) The resident's unexpired driver's license; and (ii) the current registration or permit for the off-road vehicle; ○ Section 3 is amended to read changes to fees charged for registration. ● SB 5016 – Tracked All-Terrain Vehicles – Registration – AN ACT Relating to tracked and wheeled all-terrain vehicles; amending RCW 46.10.300; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.10 RCW; and adding a new section to chapter 46.09 RCW. <ul style="list-style-type: none"> ○ Amendments to include definitions and all-terrain vehicle licensing. 	Policy as appropriate.		
16	ESHB 1267	<ul style="list-style-type: none"> ● Office of Independent Investigations – Police Use of Force – Development of a new policy and procedure regarding the newly created Office of Independent Investigations (within the Office of the Governor) and police use-of-force incident resulting in potential criminal conduct, with specific department-wide training (in consultation with WASPC). ● AN ACT Relating to investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents; amending RCW 10.93.020, 39.26.125, and 10.114.011; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date. <ul style="list-style-type: none"> ○ New Section 101 – INTENT. The legislature finds that there has been an outpouring of frustration, anger, and demand for change from many members of the public over the deaths of people of color resulting from encounters with police. The most recent deaths in the United States and within Washington are a call to lead our state to a new system for investigating deaths and other serious incidents involving law enforcement officers. The legislature intends that the office of independent investigations be created to conduct investigations of use of force and other cases under its 	Admin & Training – Work with WASPC to provide input on the expectations and investigation protocol of the new Office of Independent Investigations. Review Section 308 to learn the Investigators responsibilities.	Training – 16 hours – Review existing training and amend as appropriate to include new language and requirements.	July 25, 2021

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		<p>jurisdiction in a manner that is competent, unbiased, and thorough. The office will be transparent and accountable for its work. The office should ensure that it treats all people with dignity and respect. The director and staff must be qualified and trained to conduct the investigations, including training to understand the impact and effect of racism in the investigation and use of an antiracist lens to conduct their work. It is intended that this office will assume responsibility for investigations of serious use of force incidents and refer the reports on the investigation to the prosecutorial entity to determine if the action was justified, or if there was criminal action such that criminal charges should be filed. This is the same criminal investigative inquiry that is currently conducted when there is an officer-involved incident. The legislature does not intend to create a new type of investigation or that the office should be involved in any administrative review of conduct or complaints to police agencies about officer conduct related to policy or procedure. The process created in this act is intended to change only who investigates the incident. It does not change the nature of the investigation and involves only an investigation to determine justification or whether criminal charges are appropriate.</p> <ul style="list-style-type: none"> ○ New Section 201 – DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. <ol style="list-style-type: none"> 1) "Advisory board" means the office of independent investigations advisory board. 2) "Deadly force" has the meaning provided in RCW 9A.16.010. 3) "Director" means the director of the office of independent investigations. 4) "Great bodily harm" has the meaning provided in RCW 26 9A.04.110. 5) "In-custody" refers to a person who is under the physical control of a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency as defined in RCW 10.93.020 or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020. 6) "Independent investigation team" means a team of qualified and certified peace officer investigators, civilian crime scene specialists, and other representatives who operate independently of any involved agency to conduct investigations of police deadly force incidents. An independent investigation team may be comprised of multiple law enforcement agencies who jointly investigate police use of force incidents in their geographical regions or may be a single law enforcement agency, provided it is not the involved agency. 7) "Involved agency" means a general authority Washington law enforcement agency or limited authority Washington law enforcement agency, as defined in RCW 10.93.020, that employs or supervises the officer or officers who are an involved officer as defined in this section, or an agency responsible for a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020. 8) "Involved officer" means one of the following persons who is involved in an incident as an actor or custodial officer in which the act or omission by the individual is within the scope of the jurisdiction of the office as defined in this chapter: 	<p>Review Section 401 for agency responsibilities, update policy and procedures. Review and amend the UoF Procedure Manual, Pasco UoF Model (training graphic), & Chapter 4 UoF Procedure Manual as appropriate.</p>		

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		<ul style="list-style-type: none"> a) A general authority Washington peace officer, specially commissioned Washington peace officer, or limited authority Washington peace officer, as defined in RCW 10.93.020, whether on or off duty if he or she is exercising his or her authority as a peace officer; or b) An individual while employed in a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020. 9) "Office" means the office of independent investigations. 10) "Substantial bodily harm" has the same meaning as in RCW 9A.04.110. ○ New Section 301 – Creation <ul style="list-style-type: none"> 1) The office of independent investigations is hereby established within the office of the governor for the purpose of conducting fair, thorough, transparent, and competent investigations as authorized under this chapter. 2) The office of independent investigations is an investigative law enforcement agency, including for the purposes of the public records act, chapter 42.56 RCW. ○ New Section 302 – Office Powers and Duties – In addition to other responsibilities set forth in this chapter, the office shall: <ul style="list-style-type: none"> 1) Conduct fair, thorough, transparent, and competent investigations of police use of force and other incidents involving law enforcement as authorized in this chapter and shall prioritize investigations conducted by the office based on resources and other criteria developed in consultation with the advisory board. The office shall commence investigations as follows: <ul style="list-style-type: none"> a) Beginning no later than July 1, 2022, the office is authorized to conduct investigations of deadly force cases occurring after July 1, 2022, including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody; and b) Beginning no later than July 1, 2023, the office is authorized to review, and may investigate, prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation. 2) Analyze data available to the office and provide reports and recommendations as appropriate based on the data regarding issues, trends, and other relevant areas; (3) Provide reports on activities of the office as authorized under this chapter; and (4) Carry out such other responsibilities as may be consistent with this chapter. ○ New Section 304 – Director <ul style="list-style-type: none"> ▪ The governor shall appoint the director of the office and determine the director's compensation. The governor shall select the director from a list of three candidates recommended by the advisory board unless the governor declines to select any of the candidates provided. If the governor declines to select a candidate proposed by the advisory board, the governor may request the advisory board to provide additional qualified nominees 			

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		<p>for consideration or may offer an alternative candidate who may be appointed following approval by a majority of the advisory board.</p> <ul style="list-style-type: none"> • Prior to selecting the director, the governor shall consider the results of a background check, including an assessment of criminal history, and research of social media and affiliations to check for racial bias and conflicts of interest. ▪ The director shall hold office for a term of three years and continue to hold office until reappointed or until his or her successor is appointed. The governor may remove the director prior to the expiration of the director's term for neglect of duty, misconduct, or inability to perform duties. <p>○ New Section 304 – Duties of the Director</p> <ol style="list-style-type: none"> 1) The director shall: <ol style="list-style-type: none"> a) Oversee the duties and functions of the office and investigations conducted by the office pursuant to this chapter; b) Hire or contract with investigators and other personnel as the director considers necessary to perform investigations conducted by the office, and other duties as required, under this chapter; c) Plan and provide trainings for office personnel, including contracted investigators, that promote recognition of and respect for, the diverse races, ethnicities, and cultures of the state; d) Plan and provide training for advisory board members including training to utilize an antiracist lens in their duties as advisory board members; e) Publish reports of investigations conducted under this chapter; f) Enter into contracts and memoranda of understanding as necessary to implement the responsibilities of the office under this chapter; g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter; h) Develop the nondisclosure agreement required in section 501 of this act; and i) Perform the duties and exercise the powers that are set out in this chapter, as well as any additional duties and powers that may be prescribed. 2) No later than February 1, 2022, in consultation with the advisory board, the director shall develop a plan to implement: <ol style="list-style-type: none"> a) Regional investigation teams and a system for promptly responding to incidents of deadly force under the jurisdiction of the office. The regional investigation teams should: <ol style="list-style-type: none"> i) Allow for prompt response to the incident requiring investigation; and ii) Include positions for team members who are not required to be designated as limited authority Washington peace officers; 			

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		<ul style="list-style-type: none"> b) A system and requirements for involved agencies to notify the office of any incident under the jurisdiction of the office, which must include direction to agencies as to what incidents of force and injuries and other circumstances must be reported to the office, including the timing of such reports, provided that any incident involving substantial bodily harm, great bodily harm, or death is reported to the office immediately in accordance with section 402 of this act; c) The process to conduct investigations of cases under the jurisdiction of the office including, but not limited to: <ul style="list-style-type: none"> i) The office intake process following notification of an incident by an involved agency; ii) The assessment and response to the notification of the incident by the office, including direction to and coordination with the independent investigation team; iii) Determination and deployment of necessary resources for the regional investigation teams to conduct the investigations; iv) Determination of any conflicts with office investigators or others involved in the investigation to ensure no investigator has an existing conflict with an assigned case; v) Protocol and direction to the involved agency; vi) Protocol and direction to the independent investigation team; vii) Protocol and guidelines for contacts and engagement with the involved agency; and viii) Protocol for finalizing the completed investigation and referral to the entity responsible for the prosecutorial decision, including communication with the family and public regarding the completion of the investigation; d) A plan for the office's interaction, communications, and responsibilities to: The involved officer; the individual who is the subject of the action by the involved officer that is the basis of the case under investigation, and their families; the public; and other interested parties or stakeholders. The plan must consider the following: <ul style="list-style-type: none"> i) A process for consultation, notifications, and communications with the person, family, or representative of any person who is the subject of the action by the involved officer that is the basis of the case under investigation; ii) Translation services which may be utilized through employees or contracted services; iii) Support to access assistance or services to the extent possible; and iv) A process for situations in which a tribal member is involved in the case that ensures consultation with the federally recognized tribe, and notification of the 			

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		<p style="padding-left: 40px;">governor's office of Indian affairs within 24 hours in cases of deadly use of force;</p> <p style="padding-left: 40px;">e) Training for employees and contractors of the office to begin prior to July 1, 2022; and</p> <p style="padding-left: 40px;">f) Prioritization of cases for investigation.</p> <p>3) No later than December 1, 2023, in consultation with the advisory board, the director shall develop a proposal for training individuals who are nonlaw enforcement officers to conduct competent, thorough investigations of cases under the jurisdiction of the office. The proposal must establish a training plan with an objective that within five years of the date the office begins investigating deadly force cases the cases will be investigated by nonlaw enforcement officers. The director shall report such proposal to the governor and legislature by December 1, 2023. Any proposal offered by the director must ensure investigations are high quality, thorough, and competent.</p> <p>4) The director, in consultation with the advisory board, shall implement a plan to review prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation and investigate if determined appropriate based on the review. The director must prioritize the review or investigation of cases occurring prior to July 1, 2022, based on resources and other cases under investigation with the office.</p> <p>○ New Section 305 – Personnel</p> <p>1) The director may employ, or enter into contracts with personnel as he or she determines necessary for the proper discharge of his or her duties. The director must request input from the advisory board on the hiring process and hiring goals, including diversity.</p> <p>2) The director may employ or enter into contracts with investigators to conduct investigations of cases under the jurisdiction of the office.</p> <p style="padding-left: 20px;">a) The director shall consider the relevant experience and qualifications of the candidate including the extent to which he or she demonstrates experience or understanding of the following areas:</p> <p style="padding-left: 40px;">i) Extensive experience with criminal investigations, including homicide investigations;</p> <p style="padding-left: 40px;">ii) Behavioral health issues;</p> <p style="padding-left: 40px;">iii) Youth cognitive development;</p> <p style="padding-left: 40px;">iv) Trauma-informed interviewing;</p> <p style="padding-left: 40px;">v) De-escalation techniques and utilization; and</p> <p style="padding-left: 40px;">vi) Knowledge of Washington practices, including laws, policies, and procedures related to criminal law, criminal investigations, and policing.</p> <p style="padding-left: 20px;">b) The director shall consider the following prior to employing an investigator:</p> <p style="padding-left: 40px;">i) The investigators should not be commissioned law enforcement officers employed with any law enforcement agency as a peace officer at the time of application with the office.</p>			

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		<ul style="list-style-type: none"> A) If the individual considered for a position as an investigator was a prior law enforcement officer, the director must conduct a review of prior disciplinary actions or complaints related to bias. B) The individual should not have been a commissioned law enforcement officer within 24 months of the date of the application for service as an investigator; and <ul style="list-style-type: none"> ii) The results of a background check that includes research of social media and affiliations to check for racial bias and conflicts of interest. c) Investigators employed or contracted with the office are prohibited from being simultaneously employed, commissioned, or have any business relationship, other than through the work of the office, with a general authority or limited authority Washington law enforcement agency, or county or city corrections agency. d) The director may not employ an individual who was a previously commissioned law enforcement officer who does not meet the criteria of this section without the approval of a majority of the advisory board. 3) The director may employ or enter into contracts for services to provide additional personnel as needed to conduct investigations of cases under the jurisdiction of the office including, but not limited to, the following: <ul style="list-style-type: none"> a) Forensic services and crime scene investigators; b) Liaisons for community, family, and relations with a federally recognized tribe; c) Analysts, including analysts to conduct evaluations on use of force data; d) Mental health experts; e) Bilingual staff, translators, or interpreters; f) Other experts as needed; and g) All staffing and other needs for the office. 4) The director shall ensure the following training is provided staff and that there is a regular schedule for additional trainings during the course of employment: <ul style="list-style-type: none"> a) The director shall ensure that the director and staff involved in investigations, including any contracted investigators, engage in trainings that include the following areas. A training may include more than one of the following areas per training. A separate training course is not required for each topic. <ul style="list-style-type: none"> i) History of racism in policing, including tribal sovereignty history of Native Americans within the justice system; ii) Implicit and explicit bias training; iii) Intercultural competency; iv) The use of a racial equity lens in conducting the work of office; v) Antiracism training; and vi) Undoing institutional racism. 			

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		<ul style="list-style-type: none"> b) The director shall ensure that investigators engage in the following training. A training may include more than one of the following areas per training. A separate training course is not required for each topic. <ul style="list-style-type: none"> i) Criminal investigations, including homicide investigations as appropriate for the assigned positions; ii) Washington practices, including Washington laws and policies, as well as relevant policing practices as appropriate; iii) Interviewing techniques; and iv) Other relevant trainings as needed. o New Section 306 – Investigators <ul style="list-style-type: none"> 1) The director shall designate investigator positions that are limited authority Washington peace officers as defined in RCW 10.93.020. The investigators designated as limited authority Washington peace officers have the authority to investigate any case within the jurisdiction of the office and any criminal activity related to, or discovered in the course of the investigation of the case under the jurisdiction of the incident that has a relationship to the investigation. 2) Any investigator employed or contracted with the office for the purpose of conducting investigations may participate in the investigations of a case under the jurisdiction of the office. Only investigators who are limited authority Washington peace officers may be designated a lead investigator on any criminal investigation conducted by the office pursuant to this chapter. o Section 307 – amending RCW 10.93.020 and 2006 c 284 s 16: <ul style="list-style-type: none"> ▪ As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise. <ul style="list-style-type: none"> 1. "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies. 2. "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of 			

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		<p>natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor ((control)) and cannabis board, the office of the insurance commissioner, ((and)) the state department of corrections, and the office of independent investigations.</p> <p>3. "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.</p> <p>4. "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.</p> <p>5. "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.</p> <p>6. "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.</p> <p>7. "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.</p>			

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		<p>8. "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, ((an Indian)) a tribal peace officer from a federally recognized tribe, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, ((an Indian)) a tribal peace officer from a federally recognized tribe, or a federal peace officer.</p> <p>9. "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.</p> <p>10. "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.</p> <ul style="list-style-type: none"> ○ New Section 308 – Investigations – Duties and Powers <ul style="list-style-type: none"> ▪ The office has jurisdiction over, and is authorized to conduct investigations of, all cases and incidents as established within this section. ▪ The director may cause an investigation to be conducted into any incident: <ul style="list-style-type: none"> i) Of a use of deadly force by an involved officer occurring after July 1, 2022, including any incident involving use of deadly force by an involved officer against or upon a person who is in- custody or out-of-custody; or ii) Involving prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation. ▪ This section applies only if, at the time of the incident: <ul style="list-style-type: none"> i) The involved officer was on duty; or ii) The involved officer was off duty but: <ul style="list-style-type: none"> A. Engaged in the investigation, pursuit, detention, or arrest of a person or otherwise exercising the powers of a general authority or limited authority Washington peace officer; or B. The incident involved equipment or other property issued to the official in relation to his or her duties. ▪ The director shall determine prioritization of investigations based on resources and other criteria which may be established in consultation with the advisory board. The director shall ensure that incidents occurring after the date the office begins investigating cases receive the highest priority for investigation. 			



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		<ul style="list-style-type: none"> ▪ The investigation should include a review of the entire incident, including but not limited to events immediately preceding the incident that may have contributed to or influenced the outcome of the incident that are directly related to the incident under investigation. ▪ Upon receiving notification required in section 402 of this act of an incident under the jurisdiction of the office, the director: <ul style="list-style-type: none"> • May cause the incident to be investigated in accordance with this chapter; • May determine investigation is not appropriate for reasons including, but not limited to, the case not being in the category of prioritized cases; or • If the director determines that the incident is not within the office's jurisdiction to investigate, the director shall decline to investigate, and shall give notice of the fact to the involved agency. ▪ If the director determines the case is to be investigated the director will communicate the decision to investigate to the involved agency and will thereafter be the lead investigative body in the case and have priority over any other state or local agency investigating the incident or a case that is under the jurisdiction of the office. The director will implement the process developed pursuant to section 304 of this act and conduct the appropriate investigation in accordance with the process. ▪ In conducting the investigation the office shall have access to reports and information necessary or related to the investigation in the custody and control of the involved agency and any law enforcement agency responding to the scene of the incident including, but not limited to, voice or video recordings, body camera recordings, and officer notes, as well as disciplinary and administrative records except those that might be statements conducted as part of an administrative investigation related to the incident. ▪ The investigation shall be concluded within 120 days of acceptance of the case for investigation. If the office is not able to complete the investigation within 120 days, the director shall report to the advisory board the reasons for the delay. ○ New Section 310 – Data and Research – The office will conduct analysis of use of force and other data to the extent such data is available to the office. The director is authorized to enter into contracts or memoranda of understanding to access data as needed. If data is available, the office should, at a minimum, analyze and report annually: Analysis and research regarding any identified trends, patterns, or other situations identified by the data; and recommendations for improvements. After July 1, 2024, the office should also annually report recommendations, if any, for expanding the scope of investigations or jurisdiction of the office based on trends, data, or reports received by the agency. ○ New Section 311 – Liability – No action or other proceeding may be instituted against the director, an investigator, or an employee or contractor in the office or a person exercising powers or performing duties at the direction of the director for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty. 			

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		<ul style="list-style-type: none"> ○ New Section 312 – to add a section to Chapter 41.06 RCW In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply in the office of independent investigations to the director, to one confidential secretary, and to any deputy or regional directors, if any. ○ Section 313 – amend RCW 39.26.125 as follows: All contracts must be entered into pursuant to competitive solicitation, except for: <ol style="list-style-type: none"> 1. Emergency contracts; 2. Sole source contracts that comply with the provisions of RCW 39.26.140; 3. Direct buy purchases, as designated by the director. The director shall establish policies to define criteria for direct buy purchases. These criteria may be adjusted to accommodate special market conditions and to promote market diversity for the benefit of the citizens of the state of Washington; 4. Purchases involving special facilities, services, or market conditions, in which instances of direct negotiation is in the best interest of the state; 5. Purchases from master contracts established by the department or an agency authorized by the department; 6. Client services contracts; 7. Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process when the director determines that a competitive solicitation process is not appropriate or cost-effective; 8. Off-contract purchases of Washington grown food when such food is not available from Washington sources through an existing contract. However, Washington grown food purchased under this subsection must be of an equivalent or better quality than similar food available through the contract and must be able to be paid from the agency's existing budget. This requirement also applies to purchases and contracts for purchases executed by state agencies, including institutions of higher education as defined in RCW 28B.10.016, under delegated authority granted in accordance with this chapter or under RCW 28B.10.029; 9. Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity; 10. Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof; 11. Contracts for services that are necessary to the conduct of collaborative research if the use of a specific contractor is mandated by the funding source as a condition of granting funds; 12. Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW; 13. Contracts for the employment of expert witnesses for the purposes of litigation; ((and)) 14. Contracts for bank supervision authorized under RCW ((30.38.040)) 30A.38.040; and 15. Contracts for investigators awarded by the office of independent investigations as authorized under section 304 of this act. 			

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		<ul style="list-style-type: none"> • Duty of Involved Agency <ul style="list-style-type: none"> ○ Section 401- RCW 10.114.011 amended as follows: Except as required by federal consent decree, federal settlement agreement, or federal court order, where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The investigation must be completely independent of the agency whose officer was involved in the use of deadly force and conducted in accordance with chapter 43. RCW (the new chapter created in section 601 of this act). ((The)) Any rules adopted by the criminal justice training commission must ((adopt rules establishing criteria to determine what qualifies as an independent investigation pursuant to this section)) be consistent with chapter 43. RCW (the new chapter created in section 601 of this act). ○ New Section 402 – Notification of Director and Securing the Scene <ul style="list-style-type: none"> ▪ Following notification by the director that the office will accept investigations of cases under its jurisdiction after July 1, 2022, an involved agency shall notify the office of any incident by an involved officer in accordance with the requirements under section 304 of this act and pursuant to this section. <ul style="list-style-type: none"> • If the incident involves use of deadly force by an involved officer that results in death, substantial bodily harm, or great bodily harm the involved agency must immediately contact the office pursuant to the procedure established by the director once the involved agency personnel and other first responders have rendered the scene safe and provided or facilitated lifesaving first aid to persons at the scene who have life-threatening injuries. This requirement does not affect the duty of law enforcement under RCW 36.28A.445. • In all other cases, the involved agency must notify the office of the incident pursuant to the procedure established by the director. ▪ In any case that requires notice to the director under this section, the involved agency shall ensure that any officers or employees over which the involved agency has authority who are at the scene of the incident take all lawful measures necessary for the purposes of protecting, obtaining, or preserving evidence relating to the incident until an office investigator, or independent investigation team at the request of the office, takes charge of the scene. ▪ The primary focus of the involved agency must be the protection and preservation of evidence in order to maintain the integrity of the scene until the office investigator or independent investigation team arrives or otherwise provides direction regarding activities at the scene. The involved agency should ensure that evidence, including but not limited to the following is protected and preserved: <ul style="list-style-type: none"> • Physical evidence that is at risk of being destroyed or disappearing and cannot be easily reconstructed, including evidence which may be degraded or tainted by human or environmental factors if left unprotected or unpreserved; • Identification and contact information for witnesses to the incident; and 			

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		<ul style="list-style-type: none"> • Photographs and other methods of documenting the location of physical evidence and location and perspective of witnesses. ▪ When the office investigator, or independent investigation team acting at the request of the office, arrives at the scene of an incident under the jurisdiction of the office, the involved agency will relinquish control of the scene to the office investigator or independent investigation team upon the request of the office investigator. The involved agency has a duty to comply with the requests of the office related to the investigation conducted pursuant to this chapter. ▪ Once the scene is relinquished, no member of the involved agency may participate in any way in the investigation, with the exception of the use of specialized equipment that is necessary for the investigation and where no alternative exists. If there is any equipment of the involved agency used in the investigation, steps must be taken to appropriately limit the role of any involved agency personnel in facilitating the use of that equipment or their engagement with the investigation. ▪ If an independent investigation team takes control of the scene at the request of the office, the independent investigation team shall relinquish control of the scene and investigation at the request of the office when the office is on the scene or otherwise provides notice that the office is taking control of the scene. The independent investigation team may continue to engage in the investigation conducted at the scene if requested to do so by the lead office investigator, director, or the director's designee. The involvement of the independent investigation team is limited to activities requested by the office and must terminate following the securing of the scene and any evidence preservation or other actions as determined necessary by the office at the scene. The independent investigation team may not continue to participate in the ongoing investigation. ▪ No information about the ongoing independent investigation under the jurisdiction of the office may be shared with any member of the involved agency, except limited briefings given to the chief or sheriff of the involved agency about the progress of the investigation. ▪ (6) If the office declines to investigate a case, the authority and duty to investigate remains with the independent investigation team or local law enforcement authority with jurisdiction over the incident. • Office of Independent Investigations Advisory Board <ul style="list-style-type: none"> ○ New Section 501 – Membership and Duties <ol style="list-style-type: none"> 1) There is created the office of independent investigations advisory board. <ol style="list-style-type: none"> a) The advisory board shall consist of the following 11 members, appointed by the governor, one of whom the governor shall designate as chair: <ol style="list-style-type: none"> i) Three members of the general public representing the community who are not current or former law enforcement, with preference given to individuals representing diverse communities; 			

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		<ul style="list-style-type: none"> ii) One member of the general public representing a family impacted by an incident of the nature under the jurisdiction of the office, who is not current or former law enforcement; iii) One member representing a federally recognized tribe in Washington, who is not current or former law enforcement; iv) One defense attorney representative; v) One prosecuting attorney representative; vi) One representative of a police officer labor association with experience in homicide investigations; vii) One sheriff or police chief who is also a member of an independent investigation team; viii) One credentialed mental health expert who is not current or former law enforcement; and ix) One member of the criminal justice training commission. <p>b) The members of the advisory board appointed by the governor shall be appointed for terms of three years and until their successors are appointed and confirmed. The governor shall stagger the initial appointment terms of the advisory board members with the terms of five members being for two years from the date of appointment and six members being for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board serve without compensation, but must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.</p> <p>c) The governor, when making appointments to the advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.</p> <p>2) The purpose of the advisory board is to provide input to the office and shall:</p> <ul style="list-style-type: none"> a) Provide input to the governor on the selection of the director, including providing candidates for consideration for appointment for the position of director. If the governor requests additional candidates for consideration, the advisory board shall provide additional candidates to the governor. If the governor provides an alternative candidate, the advisory board must consider the candidate provided by the governor and vote on the approval or rejection of the candidate. <ul style="list-style-type: none"> i) The advisory board shall recommend candidates to the governor who they find are individuals with sound judgment, independence, objectivity, and integrity who will be viewed as a trustworthy director. ii) The director must have experience either in conducting criminal investigations or prosecutions. The advisory board shall consider the relevant experience and qualifications of the candidate including the extent to which they 			

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	<p>demonstrate experience or demonstrated understanding of the following areas:</p> <ul style="list-style-type: none"> A) Criminal investigations; B) Organizational leadership; C) Mental health issues; D) Trauma-informed interviewing; E) Community leadership; F) Legal experience or background; G) Anti-oppression and antiracist analysis and addressing systemic inequities; and H) Working with black, indigenous, and communities of color; <ul style="list-style-type: none"> b) Provide input to the director on the plans required to be developed for the office including the regional investigation teams; staffing; training for personnel; procedures for engagement with individuals involved in any case under the jurisdiction of the office, as well as families and the community; recommendations to the legislature; and other input as requested by the governor or director; c) Participate in employment interviews as requested by the governor or director; and d) Receive briefings or reports from the director relating to data, trends, and other relevant issues, as well as cases under investigation to the extent permitted by law. <p>3) Advisory board members have a duty to maintain the confidentiality of the information they receive during the course of their work on the advisory board. Each advisory board member shall agree in writing to not disclose any information they receive or otherwise access related to an investigation, including information about individuals involved in the investigation as involved officers, individuals who are the subject of police action, witnesses, and investigators.</p> <p>4) Advisory board members must complete training to utilize an antiracist lens in their duties as advisory board members.</p> <p>5) The office shall provide administrative and clerical assistance to the advisory board.</p> <ul style="list-style-type: none"> o New Section 502 – Report <ul style="list-style-type: none"> 1) In consultation with the director, the advisory board shall assess whether the jurisdiction of the office should be expanded to conduct investigations of other types of incidents committed by involved officers, including but not limited to other types of in-custody deaths not involving use of force but otherwise involving criminal acts committed by involved officers as well as sexual assaults committed by involved officers, subject to the same standard under section 308(2)(b) of this act. The advisory board must consider available data and information on other types of in-custody deaths not involving use of force but otherwise involving criminal acts committed by involved officers as well as other types of incidents, the capacity and resources of the office, and any modifications or additions to procedures and processes necessary for the 			



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		<p>office to conduct investigations of those incidents. The advisory board must consider the recommendations and counsel of the director when conducting the assessment under this section.</p> <ol style="list-style-type: none"> 2) At the request of the advisory board, the office shall conduct analysis of available data, including identified trends and patterns, and other information relevant to in-custody deaths involving criminal acts committed by involved officers, sexual assaults committed by involved officers, and other types of incidents as requested by the advisory board. 3) The advisory board shall submit a report with related recommendations to the legislature and governor by November 1, 2023. 4) For the purposes of this section, "in-custody death" means a death of an individual while under physical control of a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency as defined in RCW 10.93.020 or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020. 5) This section expires July 1, 2024. <ul style="list-style-type: none"> ○ New Section 601 – Codification – Sections 201 through 306, 308 through 311, 402, 501, and 502 of this act constitute a new chapter in Title 43 RCW. ○ New Section 602 – Severability – If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. ○ New Section 603 – Subject to Appropriation – <i>If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.</i> 			
17	E2SHB 1310 E2SSB 5259 Law Enforcement Data	<ul style="list-style-type: none"> • Law Enforcement and Correctional Officers – Permissible Use of Force – AN ACT Relating to permissible uses of force by law enforcement and correctional officers; amending RCW 43.101.450; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 10 RCW; creating new sections; and repealing RCW 10.31.050. • <i>[Revise existing policy to be congruent with the new use of force requirements and new model policy developed by the Attorney General’s Office in consultation with WASPC and CJTC].</i> <ul style="list-style-type: none"> ○ New Section 1 – The legislature recognizes that additional clarity is necessary following the passage of Initiative Measure No. 940 (chapter 1, Laws of 2019) and Substitute House Bill No. 1064 (chapter 4, Laws of 2019). The legislature intends to address excessive force and discriminatory policing by establishing a requirement for law enforcement and community corrections officers to act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. Further, the legislature intends to address public safety concerns by limiting the use of deadly force to very narrow circumstances where there is an imminent threat of serious physical injury or death. It is the intent of the legislature that when practicable, peace officers will use the least 	Admin & Training [see HB1267] Review and amend the UoF Procedure Manual, Pasco UoF Model (training graphic), & Chapter 4 UoF Procedure Manual as appropriate.	Training – 7.5 hours – Update existing UoF training to include updates from this section. Ensure policy and training are congruent.	July 25, 2021

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		<p>amount of physical force necessary to overcome actual resistance under the circumstances. It is the fundamental duty of law enforcement to preserve and protect all human life.</p> <ul style="list-style-type: none"> ○ New Section 2 – Definitions – The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. <ul style="list-style-type: none"> ▪ "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as those terms are defined in RCW 10.93.020. ▪ "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds. ▪ "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020; however, "peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer. ○ New Section 3 <ul style="list-style-type: none"> ▪ Except as otherwise provided under this section, a peace officer may use physical force against a person when necessary to: Protect against criminal conduct where there is probable cause to make an arrest; effect an arrest; prevent an escape as defined under chapter 9A.76 RCW; or protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used. ▪ A peace officer may use deadly force against another person only when necessary to protect against an imminent threat of serious physical injury or death to the officer or another person. For purposes of this subsection: <ul style="list-style-type: none"> • "Imminent threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person. • "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of deadly force does not exist, and that the amount of force used was a reasonable and proportional response to the threat posed to the officer and others. • "Totality of the circumstances" means all facts known to the peace officer leading up to and at the time of the use of force and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer. ▪ A peace officer shall use reasonable care when determining whether to use physical force and when using any physical force against another person. To that end, a peace officer shall: 			

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		<ul style="list-style-type: none"> • When possible, exhaust available and appropriate de-escalation tactics prior to using any physical force, such as: Creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; calling for additional resources such as a crisis intervention team or mental health professional when possible; calling for back-up officers when encountering resistance; taking as much time as necessary, without using physical force or weapons; and leaving the area if there is no threat of imminent harm and no crime has been committed, is being committed, or is about to be committed; • When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to affect a lawful purpose. Such characteristics and conditions may include, for example, whether the person: Is visibly pregnant, or states that they are pregnant; is known to be a minor, objectively appears to be a minor, or states that they are a minor; is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020; displays signs of mental, behavioral, or physical impairments or disabilities; is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs; is suicidal; has limited English proficiency; or is in the presence of children; <ul style="list-style-type: none"> • Terminate the use of physical force as soon as the necessity for such force ends; • When possible, use available and appropriate less lethal alternatives before using deadly force; and • Make less lethal alternatives issued to the officer reasonably available for their use. ▪ A peace officer may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat. ▪ Nothing in this section prevents a law enforcement agency or political subdivision of this state from adopting policies or standards with additional requirements for de-escalation and greater restrictions on the use of physical and deadly force than provided in this section. ○ New Section 4 <ul style="list-style-type: none"> ▪ By July 1, 2022, the attorney general shall develop and publish model policies on law enforcement's use of force and de-escalation tactics consistent with section 3 of this act. ▪ By December 1, 2022, all law enforcement agencies shall: Adopt policies consistent with the model policies and submit copies of the applicable policies to the attorney general; or, if the 			

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		<p>agency did not adopt policies consistent with the model policies, provide notice to the attorney general stating the reasons for any departures from the model policies and an explanation of how the agency's policies are consistent with section 3 of this act, including a copy of the agency's relevant policies. After December 1, 2022, whenever a law enforcement agency modifies or repeals any policies pertaining to the use of force or de-escalation tactics, the agency shall submit notice of such action with copies of any relevant policies to the attorney general within 60 days.</p> <ul style="list-style-type: none"> ▪ By December 31st of each year, the attorney general shall publish on its website a report on the requirements of this section, including copies of the model policies, information as to the status of individual agencies' policies, and copies of any agency policies departing from the model policies. <ul style="list-style-type: none"> ○ New Section 5 – A new section is added to chapter 43.101 RCW to read as follows: <ul style="list-style-type: none"> ▪ The basic training provided to criminal justice personnel by the commission must be consistent with the standards in section 3 of this act and the model policies established by the attorney general under section 4 of this act. ○ Section 6 – RCW 43.101.450 and 2019 c 1 s 3 (Initiative Measure No. 940) are each amended to read as follows: <ul style="list-style-type: none"> ▪ Beginning one year after December 6, 2018, all law enforcement officers in the state of Washington must receive violence de-escalation training. Law enforcement officers beginning employment after December 6, 2018, must successfully complete such training within the first (fifteen) 15 months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training. ▪ All law enforcement officers shall periodically receive continuing violence de-escalation training to practice their skills, update their knowledge and training, and learn about new legal requirements and violence de-escalation strategies. ▪ The commission shall set training requirements through the procedures in RCW 43.101.455. ▪ Violence de-escalation training provided under this section must be consistent with section 3 of this act and the model policies established by the attorney general under section 4 of this act. ▪ The commission shall submit a report to the legislature and the governor by January 1st and July 1st of each year on the implementation of and compliance with subsections (1) and (2) of this section. The report must include data on compliance by agencies and officers. The report may also include recommendations for any changes to laws and policies necessary to improve compliance with subsections (1) and (2) of this section. ○ New Section 7 – RCW 10.31.050 (Officer may use force) and 2010 c 8 s 1031, Code 1881 s 1031, 1873 p 229 s 211, & 1854 p 114 s 75 are each repealed. ○ New Section 8 – Sections 2 through 4 of this act constitute a new chapter in Title 10 RCW. 			

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		<ul style="list-style-type: none"> ○ New Section 9 – <i>If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.</i> 			
18	HB 1315	<ul style="list-style-type: none"> • Domestic violence Workplace Resource – Task Force – [Be aware of the development of the new Domestic Violence Workplace Task Force.] – AN ACT Relating to creating a task force to identify the role of the workplace in helping curb domestic violence; creating new sections; and providing expiration dates. 	Admin – For situational awareness	N/A	July 25, 2021
19	E2SHB 1320	<ul style="list-style-type: none"> • New Section (among others) 46 – Firearms and Disposal – Extreme Risk Protection Order – FIREARMS RETURN AND DISPOSAL-EXTREME RISK PROTECTION ORDERS. <ol style="list-style-type: none"> 1. If an extreme risk protection order is terminated or expires without renewal, a law enforcement agency holding any firearm that has been surrendered pursuant to this chapter shall return any surrendered firearm requested by a respondent only after confirming, through a background check, that the respondent is currently eligible to own or possess firearms under federal and state law, and after confirming with the court that the extreme risk protection order has terminated or has expired without renewal. 2. A law enforcement agency must, if requested, provide prior notice of the return of a firearm to a respondent to family or household members and to an intimate partner of the respondent in the manner provided in RCW 9.41.340 and 9.41.345. 3. Any firearm surrendered by a respondent pursuant to section 45 of this act that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody. 	Admin/Training – Review and amend the Court Order Surrendering of Firearm(s) and Other Dangerous Weapons Procedure as appropriate.	Training – 1 hour – Ensure training exists to support the returning of firearms collected in accordance with this section.	July 1, 2022— Except for sections 12, 16, 18, 25, and 36, which take effect July 25, 2021
20	E2SHB 1477	<ul style="list-style-type: none"> • National 988 System – AN ACT Relating to the implementation of the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services statewide by imposing an excise tax on certain telecommunications services; amending RCW 71.24.649; reenacting and amending RCW 71.24.025 and 71.24.025; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 82 RCW; creating a new section; prescribing penalties; making appropriations; providing effective dates; providing expiration dates; and declaring an emergency. • Crisis Call Center Hubs and Crisis Services <ul style="list-style-type: none"> ○ New Section 101 <ol style="list-style-type: none"> 1) The legislature finds that: <ol style="list-style-type: none"> a) Nearly 6,000 Washington adults and children died by suicide in the last five years, according to the federal centers for disease control and prevention, tragically reflecting a state increase of 36 percent in the last 10 years. b) Suicide is now the single leading cause of death for Washington young people ages 10 through 24, with total deaths 22 percent higher than for vehicle crashes. c) Groups with suicide rates higher than the general population include veterans, American Indians/Alaska Natives, LGBTQ youth, and people living in rural counties across the state. 	Admin/Training – Become familiar with the establishment of Washington State's 988 System (mental health crisis and suicide calls) and the establishment of a state crisis call center hubs to expand the response system to save lives and addressing mental health and substance abuse treatment. Develop training on	Training – 0.5 hours – Provide a brief overview of the National 988 System and how it will apply to commissioned officers.	July 25, 2021— Except for section 103, which takes effect May 13, 2021; sections 201 through 205, which take effect October 1, 2021; and section 402, which takes effect July 1, 2022

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		<ul style="list-style-type: none"> d) More than one in five Washington residents are currently living with a behavioral health disorder. e) The COVID-19 pandemic has increased stressors and substance use among Washington residents. f) An improved crisis response system will reduce reliance on emergency room services and the use of law enforcement response to behavioral health crises and will stabilize individuals in the community whenever possible. g) To accomplish effective crisis response and suicide prevention, Washington state must continue its integrated approach to address mental health and substance use disorder in tandem under the umbrella of behavioral health disorders, consistently with chapter 71.24 RCW and the state's approach to integrated health care. This is particularly true in the domain of suicide prevention, because of the prevalence of substance use as both a risk factor and means for suicide. <p>2) The legislature intends to:</p> <ul style="list-style-type: none"> a) Establish crisis call center hubs and expand the crisis response system in a deliberate, phased approach that includes the involvement of partners from a range of perspectives to: <ul style="list-style-type: none"> i) Save lives by improving the quality of and access to behavioral health crisis services; ii) Further equity in addressing mental health and substance use treatment and assure a culturally and linguistically competent response to behavioral health crises; iii) Recognize that, historically, crisis response placed marginalized communities, including those experiencing behavioral health crises, at disproportionate risk of poor outcomes and criminal justice involvement; iv) Comply with the national suicide hotline designation act of 2020 and the federal communications commission's rules adopted July 16, 2020, to assure that all Washington residents receive a consistent and effective level of 988 suicide prevention and other behavioral health crisis response and suicide prevention services no matter where they live, work, or travel in the state; and v) Provide higher quality support for people experiencing behavioral health crises through investment in new technology to create a crisis call center hub system to triage calls and link individuals to follow-up care. b) Make additional investments to enhance the crisis response system, including the expansion of crisis teams, to be known as mobile rapid response crisis teams, and deployment of a wide array of crisis stabilization services, such as 23-hour crisis stabilization units based on the living room model, crisis stabilization centers, short-term respite facilities, peer-run respite centers, and same-day walk-in behavioral 	<p>responding to such calls for service.</p>		

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		<p>health services. The overall crisis system shall contain components that operate like hospital emergency departments that accept all walk-ins and ambulance, fire, and police drop-offs. Certified peer counselors as well as peers in other roles providing support must be incorporated within the crisis system and along the continuum of crisis care.</p> <ul style="list-style-type: none"> ○ New Section 102 – A new section is added to chapter 71.24 to read as follows: <ol style="list-style-type: none"> 1) Establishing the state crisis call center hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the crisis call center hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the crisis call center hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system. 2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988-crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering standards and cost per call predictions provided by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades. 3) The department shall adopt rules by July 1, 2023, to establish standards for designation of crisis call centers as crisis call center hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from the crisis response improvement strategy committee created in section 103 of this act. 4) The department shall designate crisis call center hubs by July 1, 2024. The crisis call center hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section. <ol style="list-style-type: none"> a) To be designated as a crisis call center hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide crisis call center hub services. The department may revoke the designation of any crisis call center hub that fails to substantially comply with the contract. 			

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		<ul style="list-style-type: none"> b) The contracts entered shall require designated crisis call center hubs to: <ul style="list-style-type: none"> i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network; ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices; iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees; iv) Collaborate with the authority, the national suicide prevention lifeline, and veterans' crisis line networks to assure consistency of public messaging about the 988-crisis hotline; and v) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority. c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under section 103 of this act in its agreements with crisis call center hubs, as appropriate. 5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The technologies developed must include: <ul style="list-style-type: none"> a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform using technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, for use in crisis call center hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, 2023, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar 			



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		<p>methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and</p> <p>b) A behavioral health integrated client referral system capable of providing system coordination information to crisis call center hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.</p> <p>6) In developing the new technologies under subsection (5) of this section, the department and the authority must coordinate to designate a primary technology system to provide each of the following:</p> <p>a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:</p> <p>i) Real-time bed availability for all behavioral health bed types, including but not limited to crisis stabilization services, triage facilities, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and</p> <p>ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:</p> <p>A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and</p> <p>B) Information necessary to enable the crisis call center hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under section 103 of this act;</p> <p>b) The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; and</p>			

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		<p>c) The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate:</p> <ul style="list-style-type: none"> i) Any immediate services dispatched and reports generated from the encounter; ii) the validation of a safety plan established for the caller in accordance with best practices; iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub; <p>d) A means to facilitate actions to verify and document whether the person's transition to follow up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;</p> <p>e) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and</p> <p>f) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.</p> <p>7) To implement this section the department and the authority shall collaborate with the state enhanced 911 coordination office, emergency management division, and military department to develop technology that is demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used1 throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.</p>			

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		<p>8) The authority shall:</p> <ul style="list-style-type: none"> a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with crisis call center hubs to effectuate the intent of this section; b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization; c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by crisis call center hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under section 103 of this act; d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; and e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline to linguistically and culturally competent care. <ul style="list-style-type: none"> o New Section 103 – A new section is added to chapter 71.24 RCW to read as follows: <ul style="list-style-type: none"> 1) The crisis response improvement strategy committee is established for the purpose of providing advice in developing an integrated behavioral health crisis response and suicide prevention system containing the elements described in this section. The work of the committee shall be received and reviewed by a steering committee, which shall in turn form 			

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		<p>subcommittees to provide the technical analysis and input needed to formulate system change recommendations.</p> <p>2) The office of financial management shall contract with the behavioral health institute at Harborview medical center to facilitate and provide staff support to the steering committee and to the crisis response improvement strategy committee.</p> <p>3) The steering committee shall select three co-chairs from among its members to lead the crisis response improvement strategy committee. The crisis response improvement strategy committee shall consist of the following members, who shall be appointed or requested by the authority, unless otherwise noted:</p> <ul style="list-style-type: none"> a) The director of the authority, or his or her designee, who shall also serve on the steering committee; b) The secretary of the department, or his or her designee, who shall also serve on the steering committee; c) A member representing the office of the governor, who shall also serve on the steering committee; d) The Washington state insurance commissioner, or his or her designee; e) Up to two members representing federally recognized tribes, one from eastern Washington and one from western Washington, who have expertise in behavioral health needs of their communities; f) One member from each of the two largest caucuses of the senate, one of whom shall also be designated to participate on the steering committee, to be appointed by the president of the senate; g) One member from each of the two largest caucuses of the house of representatives, one of whom shall also be designated to participate on the steering committee, to be appointed by the speaker of the house of representatives; h) The director of the Washington state department of veterans affairs, or his or her designee; i) The state enhanced 911 coordinator, or his or her designee; j) A member with lived experience of a suicide attempt; k) A member with lived experience of a suicide loss; l) A member with experience of participation in the crisis system related to lived experience of a mental health disorder; m) A member with experience of participation in the crisis system related to lived experience with a substance use disorder; n) A member representing each crisis call center in Washington that is contracted with the national suicide prevention lifeline; o) Up to two members representing behavioral health administrative services organizations, one from an urban region and one from a rural region; 			

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		<ul style="list-style-type: none"> p) A member representing the Washington council for behavioral health; q) A member representing the association of alcoholism and addiction programs of Washington state; r) A member representing the Washington state hospital association; s) A member representing the national alliance on mental illness Washington; t) A member representing the behavioral health interests of persons of color recommended by Sea Mar community health centers; u) A member representing the behavioral health interests of persons of color recommended by Asian counseling and referral service; v) A member representing law enforcement; w) A member representing a university-based suicide prevention center of excellence; x) A member representing an emergency medical services department with a CARES program; y) A member representing Medicaid managed care organizations, as recommended by the association of Washington healthcare plans; z) A member representing commercial health insurance, as recommended by the association of Washington healthcare plans; aa) A member representing the Washington association of designated crisis responders; bb) A member representing the children and youth behavioral health work group; cc) A member representing a social justice organization addressing police accountability and the use of deadly force; and dd) A member representing an organization specializing in facilitating behavioral health services for LGBTQ populations. <p>4) The crisis response improvement strategy committee shall assist the steering committee to identify potential barriers and make recommendations necessary to implement and effectively monitor the progress of the 988-crisis hotline in Washington and make recommendations for the statewide improvement of behavioral health crisis response and suicide prevention services.</p> <p>5) The steering committee must develop a comprehensive assessment of the behavioral health crisis response and suicide prevention services system by January 1, 2022, including an inventory of existing statewide and regional behavioral health crisis response, suicide prevention, and crisis stabilization services and resources, and taking into account capital projects which are planned and funded. The comprehensive assessment shall identify:</p> <ul style="list-style-type: none"> a) Statewide and regional insufficiencies and gaps in behavioral health crisis response and suicide prevention services and resources needed to meet population needs; b) Quantifiable goals for the provision of statewide and regional behavioral health crisis services and targeted deployment of resources, which consider factors such as reported rates of involuntary commitment detentions, single-bed certifications, suicide 			

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		<p>attempts and deaths, substance use disorder-related overdoses, overdose or withdrawal-related deaths, and incarcerations due to a behavioral health incident;</p> <p>c) A process for establishing outcome measures, benchmarks, and improvement targets, for the crisis response system; and (d) Potential funding sources to provide statewide and regional behavioral health crisis services and resources.</p> <p>6) The steering committee, taking into account the comprehensive assessment work under subsection (5) of this section as it becomes available, after discussion with the crisis response improvement strategy committee and hearing reports from the subcommittees, shall report on the following:</p> <p>a) A recommended vision for an integrated crisis network in Washington that includes, but is not limited to: An integrated 988-crisis hotline and crisis call center hubs; mobile rapid response crisis teams; mobile crisis response units for youth, adult, and geriatric population; a range of crisis stabilization services; an integrated involuntary treatment system; access to peer-run services, including peer-run respite centers; adequate crisis respite services; and data resources;</p> <p>b) Recommendations to promote equity in services for individuals of diverse circumstances of culture, race, ethnicity, gender, socioeconomic status, sexual orientation, and for individuals in tribal, urban, and rural communities;</p> <p>c) Recommendations for a work plan with timelines to implement appropriate local responses to calls to the hotline within Washington in accordance with the time frames required by the national suicide hotline designation act of 2020;</p> <p>d) The necessary components of each of the new technologically advanced behavioral health crisis call center system platform and the new behavioral health integrated client referral system, as provided under section 102 of this act, for assigning and tracking response to behavioral health crisis calls and providing real-time bed and outpatient appointment availability to 988 operators, emergency departments, designated crisis responders, and other behavioral health crisis responders, which shall include but not be limited to:</p> <p>i) Identification of the components crisis call center hub staff need to effectively coordinate crisis response services and find available beds and available primary care and behavioral health outpatient appointments;</p> <p>ii) Evaluation of existing bed tracking models currently utilized by other states and identifying the model most suitable to Washington's crisis behavioral health system;</p> <p>iii) Evaluation of whether bed tracking will improve access to all behavioral health bed types and other impacts and benefits; and</p>			

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		<ul style="list-style-type: none"> iv) Exploration of how the bed tracking and outpatient appointment availability platform can facilitate more timely access to care and other impacts and benefits; e) The necessary systems and capabilities that licensed or certified behavioral health agencies, behavioral health providers, and any other relevant parties will require to report, maintain, and update inpatient and residential bed and outpatient service availability in real time to correspond with the crisis call center system platform or behavioral health integrated client referral system identified in section 102 of this act, as appropriate; f) A work plan to establish the capacity for the crisis call center hubs to integrate Spanish language interpreters and Spanish-speaking call center staff into their operations, and to ensure the availability of resources to meet the unique needs of persons in the agricultural community who are experiencing mental health stresses, which explicitly addresses concerns regarding confidentiality; g) A work plan with timelines to enhance and expand the availability of community-based mobile rapid response crisis teams based in each region, including specialized teams as appropriate to respond to the unique needs of youth, including American Indian and Alaska Native youth and LGBTQ youth, and geriatric populations, including older adults of color and older adults with comorbid dementia; h) The identification of other personal and systemic behavioral health challenges which implementation of the 988 crisis hotline has the potential to address in addition to suicide response and behavioral health crises; i) The development of a plan for the statewide equitable distribution of crisis stabilization services, behavioral health beds, and peer-run respite services; j) Recommendations concerning how health plans, managed care organizations, and behavioral health administrative services organizations shall fulfill requirements to provide assignment of a care coordinator and to provide next-day appointments for enrollees who contact the behavioral health crisis system; k) Appropriate allocation of crisis system funding responsibilities among Medicaid managed care organizations, commercial insurers, and behavioral health administrative services organizations; l) Recommendations for constituting a statewide behavioral health crisis response and suicide prevention oversight board or similar structure for ongoing monitoring of the behavioral health crisis system and where this should be established; and m) Cost estimates for each of the components of the integrated behavioral health crisis response and suicide prevention system. <p>7) The steering committee shall consist only of members appointed to the steering committee under this section. The steering committee shall convene the committee, form</p>			

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		<p>subcommittees, assign tasks to the subcommittees, and establish a schedule of meetings and their agendas.</p> <p>8) The subcommittees of the crisis response improvement strategy committee shall focus on discrete topics. The subcommittees may include participants who are not members of the crisis response improvement strategy committee, as needed to provide professional expertise and community perspectives. Each subcommittee shall have at least one member representing the interests of stakeholders in a rural community, at least one member representing the interests of stakeholders in an urban community, and at least one member representing the interests of youth stakeholders. The steering committee shall form the following subcommittees:</p> <ul style="list-style-type: none"> a) A Washington tribal 988 subcommittee, which shall examine and make recommendations with respect to the needs of tribes related to the 988 system, and which shall include representation from the American Indian health commission; b) A credentialing and training subcommittee, to recommend workforce needs and requirements necessary to implement this act, including minimum education requirements such as whether it would be appropriate to allow crisis call center hubs to employ clinical staff without a bachelor's degree or master's degree based on the person's skills and life or work experience; c) A technology subcommittee, to examine issues and requirements related to the technology needed to implement this act; d) A cross-system crisis response collaboration subcommittee, to examine and define the complementary roles and interactions between mobile rapid response crisis teams, designated crisis responders, law enforcement, emergency medical services teams, 911 and 988 operators, public and private health plans, behavioral health crisis response agencies, nonbehavioral health crisis response agencies, and others needed to implement this act; e) A confidential information compliance and coordination subcommittee, to examine issues relating to sharing and protection of health information needed to implement this act; and f) Any other subcommittee needed to facilitate the work of the committee, at the discretion of the steering committee. <p>9) The proceedings of the crisis response improvement strategy committee must be open to the public and invite testimony from a broad range of perspectives. The committee shall seek input from tribes, veterans, the LGBTQ community, and communities of color to help discern how well the crisis response system is currently working and recommend ways to improve the crisis response system.</p> <p>10) Legislative members of the crisis response improvement strategy committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Non-legislative members</p>			

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		<p>are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other non-legislative members is subject to chapter 43.03 RCW.</p> <p>11) The steering committee, with the advice of the crisis response improvement strategy committee, shall provide a progress report and the result of its comprehensive assessment under subsection (5) of this section to the governor and appropriate policy and fiscal committee of the legislature by January 1, 2022. The steering committee shall report the crisis response improvement strategy committee's further progress and the steering committee's recommendations related to crisis call center hubs to the governor and appropriate policy and fiscal committees of the legislature by January 1, 2023. The steering committee shall provide its final report to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2024.</p> <p>12) This section expires June 30, 2024.</p> <ul style="list-style-type: none"> o New Section 104 – A new section is added to chapter 71.24 RCW to read as follows: <ul style="list-style-type: none"> 1) The steering committee of the crisis response improvement strategy committee established under section 103 of this act must monitor and make recommendations related to the funding of crisis response services out of the account created in section 205 of this act. The crisis response improvement strategy steering committee must analyze: <ul style="list-style-type: none"> a) The projected expenditures from the account created under section 205 of this act, taking into account call volume, utilization projections, and other operational impacts; b) The costs of providing statewide coverage of mobile rapid response crisis teams or other behavioral health first responder services recommended by the crisis response improvement strategy committee, based on 988-crisis hotline utilization and taking into account existing state and local funding; c) Potential options to reduce the tax imposed in section 202 of this act, given the expected level of costs related to infrastructure development and operational support of the 988-crisis hotline and crisis call center hubs; and d) The viability of providing funding for in-person mobile rapid response crisis services or other behavioral health first responder services recommended by the crisis response improvement strategy committee funded from the account created in section 205 of this act, given the expected revenues to the account and the level of expenditures required under (a) of this subsection. 2) If the steering committee finds that funding in-person mobile rapid response crisis services or other behavioral health first responder services recommended by the crisis response improvement strategy committee is viable from the account given the level of expenditures necessary to support the infrastructure development and operational support of the 988-crisis hotline and crisis call center hubs, the steering committee must analyze options for the location and composition of such services given need and available resources with the 			

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		<p>requirement that funds from the account supplement, not supplant, existing behavioral health crisis funding.</p> <ol style="list-style-type: none"> 3) The work of the steering committee under this section must be facilitated by the behavioral health institute at Harborview medical center through its contract with the office of financial management under section 103 of this act with assistance provided by staff from senate committee services, the office of program research, and the office of financial management. 4) The steering committee shall submit preliminary recommendations to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2022, and final recommendations to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2023. 5) This section expires on July 1, 2023. <ul style="list-style-type: none"> ○ New Section 105 – A new section is added to chapter 71.24.27 RCW to read as follows: <ol style="list-style-type: none"> 1) The department and authority shall provide an annual report regarding the usage of the 988-crisis hotline, call outcomes, and the provision of crisis services inclusive of mobile rapid response crisis teams and crisis stabilization services. The report shall be submitted to the governor and the appropriate committees of the legislature each November beginning in 2023. The report shall include information on the fund deposits and expenditures of the account created in section 205 of this act. 2) The department and authority shall coordinate with the department of revenue, and any other agency that is appropriated funding under the account created in section 205 of this act, to develop and submit information to the federal communications commission required for the completion of fee accountability reports pursuant to the national suicide hotline designation act of 2020. 3) The joint legislative audit and review committee shall schedule an audit to begin after the full implementation of this act, to provide transparency as to how funds from the statewide 988 behavioral health crisis response and suicide prevention line account have been expended, and to determine whether funds used to provide acute behavioral health, crisis outreach, and stabilization services are being used to supplement services identified as baseline services in the comprehensive analysis provided under section 103 of this act, or to supplant baseline services. The committee shall provide a report by November 1, 2027, which includes recommendations as to the adequacy of the funding provided to accomplish the intent of the act and any other recommendations for alteration or improvement. ○ New Section 106 – A new section is added to Chapter 48.43 RCW to read as follows: health plans issued or renewed on or after January 1, 2023, must make next-day appointments available to enrollees experiencing urgent, symptomatic behavioral health conditions to receive covered behavioral health services. The appointment may be with a licensed provider other than a licensed behavioral health professional, as long as that provider is acting within their scope of practice and may be provided through telemedicine consistent with RCW 48.43.735. Need for urgent symptomatic care 			

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		<p>is associated with the presentation of behavioral health signs or symptoms that require immediate attention but are not emergent.</p> <ul style="list-style-type: none"> ○ New Section 107 – A new section is added to Chapter 43.06 RCW to read as follows: <ol style="list-style-type: none"> 1) The governor shall appoint a 988 hotline and behavioral health crisis system coordinator to provide project coordination and oversight for the implementation and administration of the 988 crisis hotline, other requirements of this act, and other projects supporting the behavioral health crisis system. The coordinator shall: <ol style="list-style-type: none"> a) Oversee the collaboration between the department of health and the health care authority in their respective roles in supporting the crisis call center hubs, providing the necessary support services for 988 callers, and establishing adequate requirements and guidance for their contractors to fulfill the requirements of this act; b) Ensure coordination and facilitate communication between stakeholders such as crisis call center hub contractors, behavioral health administrative service organizations, county authorities, other crisis hotline centers, managed care organizations, and, in collaboration with the state enhanced 911 coordination office, with 911 emergency communications systems; c) Review the development of adequate and consistent training for crisis call center personnel and, in coordination with the state enhanced 911 coordination office, for 911 operators with respect to their interactions with the crisis hotline center; and d) Coordinate implementation of other behavioral health initiatives among state agencies and educational institutions, as appropriate, including coordination of data between agencies. 2) This section expires June 30, 2024. ○ New Section 108 – A new section is added to Chapter 71.24 RCW to read as follows: <ol style="list-style-type: none"> 1) When acting in their statutory capacities pursuant to this act, the state, department, authority, state enhanced 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents are deemed to be carrying out duties owed to the public in general and not to any individual person or class of persons separate and apart from the public. Nothing contained in this act may be construed to evidence a legislative intent that the duties to be performed by the state, department, authority, state enhanced 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents, as required by this act, are owed to any individual person or class of persons separate and apart from the public in general. 2) Each crisis call center hub designated by the department under any contract or agreement pursuant to this act shall be deemed to be an independent contractor, separate and apart from the department and the state. 			

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		<ul style="list-style-type: none"> Section 109 and Part II of this act deal with tax, (part III) appropriations, and (part IV) definitions and miscellaneous. 			
21	SHB 1484	<ul style="list-style-type: none"> Statewide First Responder Building Mapping Information System – Termination – AN ACT Relating to the statewide first responder building mapping information system; reenacting and amending RCW 28A.320.125; creating a new section; repealing RCW 36.28A.060 and 36.28A.070; providing an effective date; providing an expiration date; and declaring an emergency. <ul style="list-style-type: none"> Section 1 <ol style="list-style-type: none"> The legislature considers it to be a matter of public safety for public schools and staff to have current safe school plans and procedures in place, fully consistent with federal law. The legislature further finds and intends, by requiring safe school plans to be in place, that school districts will become eligible for federal assistance. The legislature further finds that schools are in a position to serve the community in the event of an emergency resulting from natural disasters or ((man-made)) human-induced disasters. Schools and school districts shall consider the guidance and resources provided by the state school safety center, established under RCW 28A.300.630, and the regional school safety centers, established under RCW 28A.310.510, when developing their own individual comprehensive safe school plans. Each school district shall adopt and implement a safe school plan. ((consistent with the school mapping information system pursuant to RCW 36.28A.060)). The plan shall: <ol style="list-style-type: none"> Include required school safety policies and procedures; Address emergency mitigation, preparedness, response, and recovery; Include provisions for assisting and communicating with students and staff, including those with special needs or disabilities; Include a family-student reunification plan, including procedures for communicating the reunification plan to staff, students, families, and emergency responders; Use the training guidance provided by the Washington emergency management division of the state military department in collaboration with the state school safety center in the office of the superintendent of public instruction, established under RCW 28A.300.630, and the school safety and student well-being advisory committee, established under RCW 28A.300.635; Require the building principal to be certified on the incident command system; Take into account the manner in which the school facilities may be used as a community asset in the event of a community-wide emergency; and Set guidelines for requesting city or county law enforcement agencies, local fire departments, emergency service providers, and county emergency management agencies to meet with school districts and participate in safety-related drills. To the extent funds are available, school districts shall annually: 	<p>Admin – Coordinate with WASPC and the Office of Superintendent of Public instruction to provide first responder mapping to the Office of the Superintendent (brief SROs). There may be substantial time required as the Pasco PD, school district, County Sheriff, and Emergency Management all have a stake. How will this bill change PD responses to schools and SRO involvement? Be prepared to assist with a table-top exercise and full-scale exercise. Review and amend the School Resource Officer Duties Procedure and Chapter 44 Juvenile Operations Policy as appropriate.</p>	<p>Training – 2 hours – Provide training to SROs on new requirements and termination of the First Responder Mapping Program and how the SRO relationship with the school district will change.</p>	July 1, 2021

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		<ul style="list-style-type: none"> a) Review and update safe school plans in collaboration with local emergency response agencies; b) Conduct an inventory of all hazardous materials; c) Update information ((on the school mapping information system)) to reflect current ((staffing and updated)) plans, including: <ul style="list-style-type: none"> i) Identifying all staff members who are trained on the national incident management system, trained on the incident command system, or are certified on the incident command system; and ii) Identifying school transportation procedures for evacuation, to include bus staging areas, evacuation routes, communication systems, parent-student reunification sites, and secondary transportation agreements ((consistent with the school mapping information system)); and d) Provide information to all staff on the use of emergency supplies and notification and alert procedures. <p>4) ((To the extent funds are available, school districts shall annually record and report on the information and activities required in subsection (3) of this section to the Washington association of sheriffs and police chiefs. (5))) School districts are encouraged to work with local emergency management agencies and other emergency responders to conduct one tabletop exercise, one functional exercise, and two full-scale exercises within a four-year period.</p> <p>5) ((6))) Due to geographic location, schools have unique safety challenges.</p> <ul style="list-style-type: none"> a) It is the responsibility of school principals and administrators to assess the threats and hazards most likely to impact their school, and to practice three basic functional drills, shelter-in-place, lockdown, and evacuation, as these drills relate to those threats and hazards. Some threats or hazards may require the use of more than one basic functional drill. b) Schools shall conduct at least one safety-related drill per month, including summer months when school is in session with students. These drills must teach students three basic functional drill responses: <ul style="list-style-type: none"> i) "Shelter-in-place," used to limit the exposure of students and staff to hazardous materials, such as chemical, biological, or radiological contaminants, released into the environment by isolating the inside environment from the outside; ii) "Lockdown," used to isolate students and staff from threats of violence, such as suspicious trespassers or armed intruders, that may occur in a school or in the vicinity of a school; and iii) "Evacuation," used to move students and staff away from threats, such as fires, oil train spills, lahars, or tsunamis. 			

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	<p>c) The drills described in (b) of this subsection must incorporate the following requirements:</p> <ul style="list-style-type: none"> i) ((Use of the school mapping information system in at least one of the safety-related drills; (ii))) A pedestrian evacuation drill for schools in mapped lahars or tsunami hazard zones; and ii) (((((iii)))) An earthquake drill using the state-approved earthquake safety technique "drop, cover, and hold." <p>d) Schools shall document the date, time, and type (shelter-in- place, lockdown, or evacuate) of each drill required under this subsection ((6)) (5) and maintain the documentation in the school office.</p> <p>e) This subsection ((6)) (5) is intended to satisfy all federal requirements for comprehensive school emergency drills and evacuations.</p> <p>6) ((7)) Educational service districts are encouraged to apply for federal emergency response and crisis management grants with the assistance of the superintendent of public instruction and the Washington emergency management division of the state military department.</p> <p>7) ((8)) The superintendent of public instruction may adopt rules to implement provisions of this section. These rules may include, but are not limited to, provisions for evacuations, lockdowns, or other components of a comprehensive safe school plan.</p> <p>8) ((9)) (a) Whenever a first responder agency notifies a school of a situation that may necessitate an evacuation or lockdown, the agency must determine if other known schools in the vicinity are similarly threatened. The first responder agency must notify every other known school in the vicinity for which an evacuation or lockdown appears reasonably necessary to the agency's incident commander unless the agency is unable to notify schools due to duties directly tied to responding to the incident occurring. For purposes of this subsection, "school" includes a private school under chapter 28A.195 RCW. (b) A first responder agency and its officers, agents, and employees are not liable for any act, or failure to act, under this subsection unless a first responder agency and its officers, agents, and employees acted with willful disregard.</p> <ul style="list-style-type: none"> o NEW SECTION. Sec. 2. <ul style="list-style-type: none"> 1) <u>No later than 90 days after the effective date of this section, the Washington association of sheriffs and police chiefs must:</u> <ul style="list-style-type: none"> a) <u>Coordinate with the office of the superintendent of public instruction to transfer all information in the statewide first responder building mapping information system related to public schools, as defined in RCW 28A.150.010, to the office of the superintendent of public instruction; and</u> b) <u>Notify all public entities that are not public schools that the statewide first responder building mapping information system has been terminated as of the effective date of this section.</u> For any public entity that is not a public school that 			

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		<p>requests its data from the statewide first responder building mapping information system prior to December 31, 2021, the Washington association of sheriffs and police chiefs must coordinate a timely and efficient transfer of that entity's statewide first responder building mapping information system data to that entity.</p> <ol style="list-style-type: none"> 2) No later than December 31, 2021, the Washington association of sheriffs and police chiefs must provide the governor, or the governor's designee, all data related to any facility owned by any public entity in the statewide first responder building mapping information system. 3) Nothing in this section requires the Washington association of sheriffs and police chiefs to provide any data or information regarding tactical or intelligence information to any person or entity that is not a Washington law enforcement agency. 4) This section expires December 31, 2021. <ul style="list-style-type: none"> ○ NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed: <ol style="list-style-type: none"> 1) RCW 36.28A.060 (Statewide first responder building mapping information system—Creation—Data must be available to law enforcement, military, and fire safety agencies—Standards—Public disclosure exemption) and 2005 c 274 s 269 & 2003 c 102 s 2; and 2) RCW 36.28A.070 (Statewide first responder building mapping information system—Committee established—Development of guidelines) and 2015 3rd sp.s. c 1 s 405, 2015 c 225 s 32, & 2003 c 102 s 3. ○ NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect July 1, 2021. 			
22	SB 5021 SB 5296	<ul style="list-style-type: none"> • Review changes to public employee retirement benefits and calculations 	Admin/HR – review for situational awareness.	None	July 25, 2021
23	ESSB 5038	<ul style="list-style-type: none"> • Open Carry of Weapons – Demonstrations and State Capitol – AN ACT Relating to prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol; reenacting and amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; prescribing penalties; and declaring an emergency. <ul style="list-style-type: none"> ○ Section 1 – RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007 are each reenacted and amended to read as follows: <ol style="list-style-type: none"> 1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon: <ol style="list-style-type: none"> a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public; 	Training	Training – 1 hour – Provide training in updates to the open carry of weapons around courts and state capitol.	May 12, 2021

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		<p>b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b). For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury. In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building. The local judicial authority shall designate and clearly mark those areas where weapons are prohibited and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;</p> <p>c) The restricted access areas of a public mental health facility licensed or certified by the department of health for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;</p> <p>d) That portion of an establishment classified by the state liquor and cannabis board as off-limits to persons under ((twenty-one)) 21 years of age; or</p> <p>e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.</p>			

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		<p>2) Except as provided in (c) of this subsection,</p> <ul style="list-style-type: none"> a) It is unlawful for any person to knowingly open carry a firearm or other weapon while knowingly at any permitted demonstration. This subsection (2)(a) applies whether the person carries the firearm or other weapon on his or her person or in a vehicle. b) It is unlawful for any person to knowingly open carry a firearm or other weapon while knowingly within 250 feet of the perimeter of a permitted demonstration after a duly authorized state or local law enforcement officer advises the person of the permitted demonstration and directs the person to leave until he or she no longer possesses or controls the firearm or other weapon. This subsection (2)(b) does not apply to any person possessing or controlling any firearm or other weapon on private property owned or leased by that person. c) Duly authorized federal, state, and local law enforcement officers and personnel are exempt from the provisions of this subsection (2) when carrying a firearm or other weapon in conformance with their employing agency's policy. Members of the armed forces of the United States or the state of Washington are exempt from the provisions of this subsection (2) when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty. d) For purposes of this subsection, the following definitions apply: <ul style="list-style-type: none"> i) "Permitted demonstration" means either: (A) A gathering for which a permit has been issued by a federal agency, state agency, or local government; or (B) a gathering of 15 or more people who are assembled for a single event at a public place that has been declared as permitted by the chief executive, sheriff, or chief of police of a local government in which the gathering occurs. A "gathering" means a demonstration, march, rally, vigil, sit-in, protest, picketing, or similar public assembly. ii) "Public place" means any site accessible to the general public for business, entertainment, or another lawful purpose. A "public place" includes, but is not limited to, the front, immediate area, or parking lot of any store, shop, restaurant, tavern, shopping center, or other place of business; any public building, its grounds, or surrounding area; or any public parking lot, street, right-of-way, sidewalk, public park, or other public grounds. iii) "Weapon" has the same meaning given in subsection (1)(b) of this section. e) Nothing in this subsection applies to the lawful concealed carry of a firearm by a person who has a valid concealed pistol license. <p>3) Cities, towns, counties, and other municipalities may enact laws and ordinances:</p> <ul style="list-style-type: none"> a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual 			

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		<p>guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and</p> <p>b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:</p> <p>i) Any pistol in the possession of a person licensed under RCW 22 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or</p> <p>ii) Any showing, demonstration, or lecture involving the exhibition of firearms.</p> <p>4) Cities, towns, and counties</p> <p>a) May enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.</p> <p>b. Cities, towns, and counties may restrict the location of a business selling firearms to not less than ((five hundred)) 500 feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (4)(b) shall be grandfathered according to existing law.</p> <p>5) Violations of local ordinances adopted under subsection (3) of this section must have the same penalty as provided for by state law.</p> <p>6) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.</p> <p>7) Subsection (1) of this section does not apply to:</p> <p>a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;</p> <p>b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 16 26.50.010; or</p> <p>c) Security personnel while engaged in official duties.</p> <p>8) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this</p>			

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		<p>section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 27 26.50.010.</p> <p>9) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.</p> <p>10) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.</p> <p>11) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.</p> <p>12) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.</p> <p>13) Any person violating subsection (1) or (2) of this section is guilty of a gross misdemeanor.</p> <p>14) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.</p> <ul style="list-style-type: none"> o NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows: <ol style="list-style-type: none"> 1. Unless exempt under subsection (4) of this section, it is unlawful for any person to knowingly open carry a firearm or other weapon, as defined in RCW 9.41.300(1)(b), while knowingly being in the following locations: The west state capitol campus grounds; any buildings on the state capitol grounds; any state legislative office; or any location of a public legislative hearing or meeting during the hearing or meeting. 2. "Buildings on the state capitol grounds" means the following buildings located on the state capitol grounds, commonly known as Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg, Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance, Governor's mansion, Visitor Information Center, Carlyon House, Ayer House, General Administration, 1500 Jefferson, James M. Dolliver, Old Capitol, Capitol Court, State Archives, Natural Resources, Office Building #2, Highway-License, Transportation, Employment Security, Child Care Center, Union Avenue, Washington Street, Professional Arts, State Farm, and Powerhouse buildings. 			

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		<ul style="list-style-type: none"> 3. "West state capitol campus grounds" means areas of the campus south of Powerhouse Rd. SW, south of Union Avenue SW as extended westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th Avenue SW between Capitol Way S. and Water Street SW, west of Water Street between 15th Avenue SW and 16th Avenue SW, north of 16th Avenue SW between Water Street SW and the east banks of Capitol Lake, and east of the banks of Capitol Lake. 4. Duly authorized federal, state, or local law enforcement officers or personnel are exempt from this section when carrying a firearm or other weapon in conformance with their employing agency's policy. Members of the armed forces of the United States or the state of Washington are exempt from this section when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty. 5. A person violating this section is guilty of a gross misdemeanor. 6. Nothing in this section applies to the lawful concealed carry of a firearm by a person who has a valid concealed pistol license. o NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. o NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect immediately. 			
24	E2SSB 5051	<ul style="list-style-type: none"> • Peace Officers and Corrections Officers – State Oversight and Accountability – AN ACT Relating to state oversight and accountability of peace officers and corrections officers; amending RCW 43.101.010, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 43.101.080, 43.101.085, 43.101.095, 43.101.105, 43.101.115, 43.101.135, 43.101.145, 43.101.155, 43.101.157, 43.101.230, 43.101.390, 43.101.420, 34.12.035, 40.14.070, 43.101.380, 43.101.400, 41.56.905, 49.44.200, 41.06.040, and 43.101.200; adding a new section to chapter 43.101 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 10.93 RCW; creating new sections; repealing RCW 43.101.096, 43.101.106, 43.101.116, 43.101.136, 43.101.146, 43.101.156, and 43.101.180; and prescribing penalties. [<i>This bill contains 41 pages of some new requirements and existing language. The following contains the new/revised language to Pasco Police Department</i>] <ul style="list-style-type: none"> o Section 1 has been amended to read in part <ul style="list-style-type: none"> 1) ((The term "commission")) "Applicant" means an individual who has received a conditional offer of employment with a law enforcement or corrections agency. 2) "Commission" means the Washington state criminal justice training commission. 3) ((The term "criminal")) "Criminal justice personnel" means any person who serves ((in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law)) as a peace officer, reserve officer, or corrections officer. 	Admin & Training – Note Section 11 – notify the Commission within 15 days of termination, resignation, or retirement. Additionally, notify in case of serious injury caused by use of force, and if the officer is charged with any crime, and initial disciplinary decisions by the agency. See	Training – 1 hour – Provide training and policy updates on the changes to peace officer and corrections officers, CJTC, and state oversight and accountability bill. These amendments will also require updates in HR and Department policy.	July 25, 2021

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		<p>4) ((The term "law")) "Law enforcement personnel" means any person elected, appointed, or employed as a general authority Washington peace officer as defined in RCW 10.93.020.</p> <p>7) ((A peace officer or corrections officer is "convicted")) "Convicted" means at the time a plea of guilty, nolo contendere, or deferred sentence has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, post-trial or post-fact-finding motions and appeals. "Conviction" includes ((a deferral of sentence)) all instances in which a plea of guilty or nolo contendere is the basis for conviction, all proceedings in which there is a case disposition agreement, and ((also includes the)) any equivalent disposition by a court in a jurisdiction other than the state of Washington.</p> <p>8) "Peace officer" ((means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200)) has the same meaning as a general authority Washington peace officer as defined in RCW 10.93.020. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.</p> <p>9) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult ((prisoners)) persons in jails and detention facilities ((and who is subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. For the purpose of RCW 43.101.080, 43.101.096, 43.101.106, 43.101.116, 43.101.121, 43.101.126, 43.101.136, 43.101.146, 43.101.156, 43.101.380, and 43.101.400, "corrections")) in the state. "Corrections officer" does not include individuals employed by state agencies.</p> <p>10) "Finding" means a determination based on a preponderance of the evidence whether alleged misconduct occurred; did not occur; occurred but was consistent with law and policy; or could neither be proven or disproven.</p> <p>11) "Reserve officer" means any person who does not serve as a peace officer of this state on a full-time basis, but who, when called by an agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state and includes:</p> <ul style="list-style-type: none"> a) Specially commissioned Washington peace officers as defined in RCW 10.93.020; b) Limited authority Washington peace officers as defined in RCW 10.93.020; 	<p>Section 19 on record retention.</p> <p>Review and amend HR policies and Chapter 31 Recruitment and Selection Policy, Chapter 33 Training and Career Development as appropriate. [How will notifications be made to the Commission?]</p>		

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		<ul style="list-style-type: none"> c) Persons employed as security by public institutions of higher education as defined in RCW 28B.10.016; and d) Persons employed for the purpose of providing security in the K-12 Washington state public school system as defined in RCW 28A.150.010 and who are authorized to use force in fulfilling their responsibilities. <p>12) "Tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.</p> <ul style="list-style-type: none"> o Section 2 – RCW 43.101.20 is amended to redefine the Commission <ul style="list-style-type: none"> 1) There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission. 2) The purpose of ((such)) the commission shall be to ((provide programs and standards for the training of criminal justice personnel)) establish and administer standards and processes for certification, suspension, and decertification of peace officers and corrections officers. The commission shall provide programs and training that enhance the integrity, effectiveness, and professionalism of peace officers and corrections officers while helping to ensure that law enforcement and correctional services are delivered to the people of Washington in a manner that fully complies with the Constitutions and laws of this state and United States. In carrying out its duties, the commission shall strive to promote public trust and confidence in every aspect of the criminal justice system. o Section 3 – RCW 43.101.030 has been amended in part to include: <ul style="list-style-type: none"> ▪ The commission shall consist ((sixteen)) 21 members ((, who shall be selected)) as follows: <ul style="list-style-type: none"> 1) The governor shall appoint: <ul style="list-style-type: none"> a) ((two)): One incumbent sheriff ((s)) and ((two)) one incumbent chief((s)) of police. ((2) The governor shall appoint one officer) The governor shall additionally appoint an alternate incumbent chief of police who may perform commission duties in place of the appointed incumbent chief if that person is unavailable; b) Two officers at or below the level of first line supervisor who: (i) Have at least ten years' experience as law enforcement officers; (ii) Are from ((a county)) two different law enforcement ((agency and one officer at or below the level of first line supervisor from a municipal law enforcement agency. Each appointee under this subsection (2) shall have at least ten years experience as a law enforcement officer. (3) The governor shall appoint one)) agencies that each have at least 15 officers and are different than the agencies with which the members in (a) of this subsection are affiliated; and (iii) Are affiliated with different labor organizations; c) One tribal police officer at or below the level of first line supervisor who has at least 10 years' experience as a law enforcement officer; 			

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		<p>d) One person employed ((in a county correctional system and one person employed in the state correctional system. (4) The governor shall appoint one)) in a state or county corrections agency;</p> <p>e) One incumbent county prosecuting attorney or municipal attorney ((. (5) The governor shall appoint one)) and one public defender;</p> <p>f) One licensed attorney with background in investigating, advocating, teaching, training, or presiding over matters related to enhancing law enforcement practices and accountability, who has not been employed in law enforcement;</p> <p>g) One elected official of a local government ((6) The governor shall appoint two private citizens)) who is not a sheriff or police chief and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;</p> <p>h) One person with civilian oversight or auditing experience over law enforcement agencies;</p> <p>i) Seven community members who are not employed in law enforcement, including at least two who reside east of the crest of the Cascade mountains and at least three who are from a historically underrepresented community or communities; ((. (7) The governor shall appoint one)); and</p> <p>j) One tribal chair, board member, councilmember, or ((designee)) enrolled member from a federally recognized tribe with an active certification agreement under RCW 43.101.157 ((.(8) The three remaining members shall be:—(a)) who is not a sheriff and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;</p> <p>2) The attorney general or the attorney general's designee; ((b) The special agent in charge of the Seattle office of the federal bureau of investigation; and —(c))</p> <p>3) The chief of the state patrol or the chief's designee.</p> <p>o Section 4. RCW 43.101.040 and 2009 c 549 s 5167 are each amended to read as follows: All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth ((: PROVIDED, That of the)). However, for members first appointed ((three shall be appointed for two year terms, three shall be appointed for four year terms, and three shall be appointed for six year terms: PROVIDED, FURTHER, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year)) as a result of chapter . . . , Laws of 2021 (this act), the governor shall appoint members to terms ranging from two years to six years in order to stagger future appointments. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of</p>			

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		<p>the member ((he or she)) the appointee is to succeed. Any member may be reappointed for additional terms.</p> <ul style="list-style-type: none"> ○ Section 5 RCW 43.101.060 is amended to include: The commission shall elect a chair and a vice chair from among its members. ((Seven)) Nine members of the commission shall constitute a quorum. ((The governor shall summon the commission to its first meeting. Meetings)) The commission shall meet at least quarterly. Additional meetings may be called by the chair and shall be called by ((him or her)) the chair upon the written request of six members. ○ Section 6 RCW 43.101.080 and 2020 c 119 s 13 are each amended to read as follows: <ul style="list-style-type: none"> ▪ The commission shall have all of the following powers: <ol style="list-style-type: none"> 1) Conduct training, including the basic law enforcement academy and in-service training, and assume legal, fiscal, and program responsibility for all training conducted by the commission; 2) (((8) To establish)) Grant, deny, suspend, or revoke certification of, or require remedial training for, peace officers and corrections officers under the provisions of this chapter; 3) Grant, deny, suspend, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process; 4) Related to its duties under subsections (2) and (3) of this section, provide for the comprehensive and timely investigation of complaints where necessary to ensure adherence to law and agency policy, strengthen the integrity and accountability of peace officers and corrections officers, and maintain public trust and confidence in the criminal justice system in this state; 5) Establish, by rule and regulation, curricula and standards for the training of criminal justice personnel where such curricula and standards are not prescribed by statute; 6) (((9) To own)) Own, establish, and operate, or contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel ((and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs; (10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel; (11) To review)); 7) Review and approve or reject standards for instructors of training programs for criminal justice personnel, and ((to)) employ personnel from law enforcement agencies on a temporary basis as instructors without any loss of employee benefits to those instructors from those agencies; 8) Direct the development of alternative, innovative, and interdisciplinary training techniques; (((13) To review)) 			

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		<p>9) Review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards (recommended by the training standards and education boards) including continuing education;</p> <p>10) (((14) To allocate)) Allocate financial resources among training and education programs conducted by the commission;</p> <p>11) (((15) To)) Purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities and allocate training facility space among training and education programs conducted by the commission;</p> <p>12) (((16) To issue)) Issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;</p> <p>13) (((17) To provide)) Provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;</p> <p>14) Establish rules and regulations prescribing minimum standards relating to physical, mental, and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;</p> <p>15) Require county, city, port, or state law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer, a reserve officer, or a corrections officer to administer a background investigation in accordance with the requirements of RCW 43.101.095 to determine the applicant's suitability for employment as a fully commissioned peace officer, reserve officer, or corrections officer;</p> <p>16) Appoint members of a hearings panel as provided under RCW 43.101.380;</p> <p>17) Issue public recommendations to the governing body of a law enforcement agency regarding the agency's command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violations of law or policy, unconstitutional policing, or other matters;</p> <p>18) Promote positive relationships between law enforcement and the ((citizens)) residents of the state of Washington ((by allowing)) through commissioners and staff ((to participate)) participation in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with chapter 42.52 RCW and chapter 292-110 WAC.</p>			

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		<p>19) Adopt, amend, repeal, and administer rules and regulations (adopted by the commission shall be adopted and administered) pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.</p> <ul style="list-style-type: none"> ○ Section 7 – RCW 43.101.085 and 2020 c 119 s 1 are each amended to read as follows: <ul style="list-style-type: none"> ▪ In addition to its other powers granted under this chapter, the commission has authority and power to: <ol style="list-style-type: none"> 1) ((Adopt, amend, or repeal rules as necessary to carry out this chapter; (2))) Contract for services as it deems necessary in order to carry out its duties and responsibilities; 2) Cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission; 3) Select and employ an executive director, and empower the director to perform such duties and responsibilities as the commission may deem necessary; 4) Issue subpoenas and statements of charges, and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter, or designate individuals to do so; and 5) (((3))) Employ such staff as necessary for the implementation enforcement of this chapter; 6) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter; 7) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter; (((6) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter; (7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter; (8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and (9) Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process)) and 8) Exercise lawful actions necessary to enable the commission to fully and adequately perform its duties and to exercise the lawful powers granted to the commission. ○ Section 8 – RCW 43.101.095 and 2018 c 32 s 5 are each amended to read as follows: <ol style="list-style-type: none"> 1) As a condition of ((continuing)) employment ((as peace officers)), all Washington peace officers((: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace 			

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		<p>officers under this chapter) and corrections officers are required to obtain certification as a peace officer or corrections officer or exemption therefrom and maintain certification as required by this chapter and the rules of the commission.</p> <p>2) (a) ((As a condition of continuing employment for any)) Any applicant who has been offered a conditional offer of employment as a ((fully commissioned)) peace officer or ((a)) reserve officer ((after July 24, 2005)) or offered a conditional offer of employment as a corrections officer after July 1, 2021, including any person whose certification has lapsed as a result of a break of more than ((twenty-four)) 24 consecutive months in the officer's service ((as a fully commissioned peace officer or reserve officer, the applicant shall)) for a reason other than being recalled to military service, must submit to a background investigation ((including a)) to determine the applicant's suitability for employment. Employing agencies may only make a conditional offer of employment pending completion of the background check and shall verify in writing to the commission that they have complied with all background check requirements prior to making any nonconditional offer of employment.</p> <p>b) The background check must include:</p> <ul style="list-style-type: none"> i) A check of criminal history, ((verification)) any national decertification index, commission records, and all disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct and the reason for separation from employment. Law enforcement or correctional agencies that previously employed the applicant shall disclose employment information within 30 days of receiving a written request from the employing agency conducting the background investigation, including the reason for the officer's separation from the agency. Complaints or investigations of misconduct must be disclosed regardless of the result of the investigation or whether the complaint was unfounded; ii) Inquiry to the local prosecuting authority in any jurisdiction in which the applicant has served as to whether the applicant is on any potential impeachment disclosure list; iii) Inquiry into whether the applicant has any past or present affiliations with extremist organizations, as defined by the commission; iv) A review of the applicant's social media accounts; v) Verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident; vi) A psychological examination administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission; 			

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		<p>vii) A polygraph or similar assessment administered by an experienced professional with appropriate training and in compliance with standards established in rules of the commission; and</p> <p>viii) ((Any other)) Except as otherwise provided in this section, any test or assessment to be administered as part of the background investigation shall be administered in compliance with standards established in rules of the commission. ((b))</p> <p>c) The commission may establish standards for the background check requirements in this section and any other preemployment background check requirement that may be imposed by an employing agency or the commission.</p> <p>d) The employing ((county, city, or state)) law enforcement agency may require that each ((peace officer or reserve officer)) person who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or ((four hundred dollars)) \$400, whichever is less. ((County, city, and state law enforcement)) Employing agencies may establish a payment plan if they determine that the ((peace officer or reserve officer)) person does not readily have the means to pay ((for his or her portion of)) the testing fee.</p> <p>3) ((The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before January 1, 2002. Thereafter, the commission may revoke certification pursuant to this chapter. The commission shall allow a peace officer or corrections officer to retain status as a certified peace officer or corrections officer as long as the officer: (a) Timely meets the basic ((law enforcement)) training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) timely meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification suspended or revoked by the commission.</p> <p>4) As a ((prerequisite to)) condition of certification, ((as well as a prerequisite to pursuit of a hearing under RCW 43.101.155,)) a peace officer or corrections officer must, on a form devised or adopted by the commission, authorize the release to the employing agency and commission of ((his or her)) the officer's personnel files, including disciplinary, termination ((papers)), civil or criminal investigation ((files)), or other ((files, papers,)) records or information that are directly related to a certification matter or decertification matter before the commission. The peace officer or corrections officer must also consent to and facilitate a review of the officer's social media accounts, however, consistent with RCW 49.44.200, the officer is not required to provide login information. The release of information may not be delayed, limited, or precluded by any agreement or contract between the officer, or the officer's union, and the entity responsible for the records or information.</p>			

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		<p>5) The employing agency and commission ((ie)) are authorized to receive criminal history record information that includes non-conviction data for any purpose associated with employment ((by the commission)) or ((peace officer)) certification under this chapter. Dissemination or use of non-conviction data for purposes other than that authorized in this section is prohibited.</p> <p>6) For a national criminal history records check, the commission shall require fingerprints be submitted and searched through the Washington state patrol identification and criminal history section. The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.</p> <p>7) Prior to certification, the employing agency shall certify to the commission that the agency has completed the background check, no information has been found that would disqualify the applicant from certification, and the applicant is suitable for employment as a peace officer or corrections officer.</p> <p>o Section 9 – RCW 43.101.105 and 2011 c 234 s 3 are each amended to read as follows:</p> <p>1) To help prevent misconduct, enhance peace officer and corrections officer accountability through the imposition of sanctions commensurate to the wrongdoing when misconduct occurs, and enhance public trust and confidence in the criminal justice system, upon request by an officer's employer or on its own initiative, the commission may deny, suspend, or revoke certification of, or require remedial training for, an officer as provided in this section. The commission shall provide the officer with written notice and a hearing, if a hearing is timely requested by the officer under RCW 43.101.155. Notice and hearing are not required when a peace officer voluntarily surrenders certification.</p> <p>2) The commission must deny or revoke the certification of an applicant or officer if the applicant or officer:</p> <p>a) (i) Has been convicted of: (A) A felony offense; (B) A gross misdemeanor domestic violence offense; (C) An offense with sexual motivation as defined in RCW 9.94A.030; (D) An offense under chapter 9A.44 RCW; or (E) A federal or out-of-state offense comparable to an offense listed in (a)(i)(A) through (D) of this subsection (2); and</p> <p>ii) (A) The offense was not disclosed at the time of application for initial certification; or (B) The officer was a certified peace officer or corrections officer at the time of the offense; and</p> <p>iii) The offense is not one for which the officer was granted a full and unconditional pardon; and</p> <p>iv) The offense was not adjudicated as a juvenile and the record sealed;</p> <p>b) Has been terminated by the employing agency or otherwise separated from the employing agency after engaging in, or was found by a court to have engaged in, the use of force which resulted in death or serious injury and the use of force violated the law;</p>			

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		<ul style="list-style-type: none"> c) Has been terminated by the employing agency or otherwise separated from the employing agency after witnessing, or found by a court to have witnessed, another officer's use of excessive force and: <ul style="list-style-type: none"> i) Was in a position to intervene to end the excessive use of force and failed to do so; or ii) Failed to report the use of excessive force in accordance with agency policy or law; d) Has been terminated by the employing agency or otherwise separated from the employing agency after knowingly making, or found by a court to have knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of being a peace officer or corrections officer including, but not limited to, committing perjury, filing false reports, hiding evidence, or failing to report exonerating information. This subsection (2)(d) does not apply to representations made in the course and for the purposes of an undercover investigation or other lawful law enforcement purpose; or e) Is prohibited from possessing weapons by state or federal law or by a permanent court order entered after a hearing. <p>3) The commission may deny, suspend, or revoke certification or require remedial training of an applicant or officer if the applicant or officer:</p> <ul style="list-style-type: none"> a) Failed to timely meet all requirements for obtaining a certificate of basic law enforcement or corrections training, a certificate of basic law enforcement or corrections training equivalency, or a certificate of exemption from the training; b) Was previously issued a certificate through administrative error on the part of the commission; c) Knowingly falsified or omitted material information on an application to the employer or for training or certification to the commission; d) Interfered with an investigation or action for denial or revocation of certification by: <ul style="list-style-type: none"> i) Knowingly making a materially false statement to the commission; ii) Failing to timely and accurately report information to the commission as required by law or policy; or iii) In any matter under review or investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness; e) Engaged in a use of force that could reasonably be expected to cause physical injury, and the use of force violated the law or policy of the officer's employer; f) Committed sexual harassment as defined by state law; g) Through fraud or misrepresentation, has used the position of peace officer or corrections officer for personal gain; 			

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		<ul style="list-style-type: none"> <li data-bbox="577 245 1741 394">h) Engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religion, creed, color, national origin, immigration status, disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status; <li data-bbox="577 399 1381 427">i) Has affiliation with one or more extremist organizations; <li data-bbox="577 431 1741 1032">j) Whether occurring on or off duty, has: <ul style="list-style-type: none"> <li data-bbox="747 459 1634 487">i) Been found to have committed a felony, without regard to conviction; <li data-bbox="747 492 1723 605">ii) Engaged in a pattern of acts showing an intentional or reckless disregard for the rights of others, including but not limited to violation of an individual's constitutional rights under the state or federal constitution or a violation of RCW 10.93.160; <li data-bbox="747 610 1714 703">iii) Engaged in unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property; or <li data-bbox="747 708 1741 881">iv) Engaged in any conduct or pattern of conduct that: Fails to meet the ethical and professional standards required of a peace officer or corrections officer; disrupts, diminishes, or otherwise jeopardizes public trust or confidence in the law enforcement profession and correctional system; or demonstrates an inability or unwillingness to uphold the officer's sworn oath to enforce the constitution and laws of the United States and the state of Washington; <li data-bbox="577 886 1696 979">k) Has been suspended or discharged, has resigned or retired in lieu of discharge, or has separated from the agency after the alleged misconduct occurred, for any conduct listed in this section; or <li data-bbox="577 984 1733 1032">l) Has voluntarily surrendered the person's certification as a peace officer or corrections officer. <p data-bbox="577 1037 1723 1276">4) In addition to the penalties set forth in subsection (3) of this section, the commission may require mandatory retraining or placement on probation for up to two years, or both. In determining the appropriate penalty or sanction, the commission shall consider: The findings and conclusions, and the basis for the findings and conclusions, of any due process hearing or disciplinary appeals hearing following an investigation by a law enforcement agency regarding the alleged misconduct, if such hearing has occurred prior to the commission's action; any sanctions or training ordered by the employing agency regarding the alleged misconduct; and whether the employing agency bears any responsibility for the situation.</p> <p data-bbox="577 1281 1733 1370">5) The commission shall deny certification to any applicant who lost certification as a result of a break in service of more than 24 consecutive months if that applicant failed to comply with the requirements set forth in RCW 43.101.080 (15) and 43.101.095(2).</p>			

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		<ul style="list-style-type: none"> 6) The fact that the commission has suspended an officer's certification is not, in and of itself, a bar to the employing agency's maintenance of the officer's health and retirement benefits. 7) Any suspension or period of probation imposed by the commission shall run concurrently to any leave or discipline imposed by the employing agency for the same incident. 8) A law enforcement agency may not terminate a peace officer based solely on imposition of suspension or probation by the commission. This subsection does not prohibit a law enforcement agency from terminating a peace officer based on the underlying acts or omissions for which the commission took such action. 9) Any of the misconduct listed in subsections (2) and (3) of this section is grounds for denial, suspension, or revocation of certification of a reserve officer to the same extent as applied to a peace officer, if the reserve officer is certified pursuant to RCW 43.101.095. ○ Section 10 – Sec. 10. RCW 43.101.115 and 2001 c 167 s 4 are each amended to read as follows: <ul style="list-style-type: none"> 1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy or basic corrections academy under RCW 43.101.105(3)(a) is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission. 2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, which rules shall provide for a probationary period of certification in the event of reinstatement of eligibility. 3) A person whose certification is mandatorily denied or revoked pursuant to RCW 43.101.105(2) is not eligible for certification at any time. 4) A person whose certification is denied or revoked for reasons other than provided in subsections (1) through (3) of this section may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission may hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission shall establish a probationary period of certification. 5) A person whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission shall establish a probationary period of certification. 6) The commission's rules and decisions regarding reinstatement shall align with its responsibilities to enhance public trust and confidence in the law enforcement profession and correctional system. 			

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		<ul style="list-style-type: none"> ○ Section 11 – RCW 43.101.135 and 2001 c 167 s 6 are each amended to read as follows: <ol style="list-style-type: none"> 1) (a) Upon separation of a peace officer or corrections officer from an employing agency for any reason, including termination, resignation, or retirement, the agency shall notify the commission within 15 days of the separation date on a personnel action report form provided by the commission. (b) If the employer accepts an officer's resignation or retirement in lieu of termination, the employing agency shall report the reasons and rationale in the information provided to the commission, including the findings from any internal or external investigations into alleged misconduct. 2) In addition to those circumstances under subsection (1) of this section and whether or not disciplinary proceedings have been concluded, the employing agency shall: (a) Notify the commission within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime. Employing agencies must have a policy requiring officers to report any pending criminal charges and any conviction, plea, or other case disposition immediately to their agency; and (b) Notify the commission within 15 days of an initial disciplinary decision by an employing agency for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification pursuant to RCW 43.101.105. 3) To better enable the commission to act swiftly and comprehensively when misconduct has occurred that may undermine public trust and confidence in law enforcement or the correctional system, if the totality of the circumstances support a conclusion that the officer resigned or retired in anticipation of discipline, whether or not the misconduct was discovered at the time, and when such discipline, if carried forward, would more likely than not have led to discharge, or if the officer was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the officer's suspension or discharge, the employing agency shall conduct and complete the investigation and provide all relevant information to the commission as if the officer was still employed by the agency. 4) Upon request of the commission, the employing agency shall provide such additional documentation or information as the commission deems necessary to determine whether the separation or event provides grounds for suspension or revocation. 5) At its discretion, the commission may: (a) Initiate decertification proceedings upon conclusion of any investigation or disciplinary proceedings initiated by the employing agency; (b) Separately pursue action against the officer's certification under RCW 43.101.105; or (c) Wait to proceed until any investigation, disciplinary proceedings, or appeals through the employing agency are final before taking action. Where a decertification decision requires a finding that the officer's conduct violated policy and the employing agency has begun its investigation into the underlying event, the commission shall await notification of a finding by the employing agency before beginning the decertification process. 			

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		<ul style="list-style-type: none"> 6) No action or failure to act by an employing agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certification. 7) An employing agency may not enter into any agreement or contract with an officer, or union: <ul style="list-style-type: none"> (a) Not to report conduct, delay reporting, or preclude disclosure of any relevant information, including a promise not to check the box on a commission notice that indicates the officer may have committed misconduct, in exchange for allowing an officer to resign or retire or for any other reason; or (b) That allows the agency to destroy or remove any personnel record while the officer is employed and for 10 years thereafter. Such records must include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, investigatory files, and other disciplinary appeals and litigation records. 8) The commission shall maintain all information provided pursuant to this section in a permanent file. 9) In addition to disciplinary action authorized in RCW 43.101.105, the commission may impose a civil penalty not to exceed \$10,000 for the failure by an officer or an employing agency to timely and accurately report information pursuant to this section. ○ Section 12 – RCW 43.101.145 and 2001 c 167 s 8 are each amended to read as follows: <ul style="list-style-type: none"> 1) Any individual may submit a written complaint to the commission stating that an officer's certificate should be denied, suspended, or revoked, and specifying the grounds for the complaint. Filing a complaint does not make a complainant a party to the commission's action. 2) The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. All complaints must be resolved with a written determination, regardless of the decision to investigate. 3) The commission may initiate an investigation in any instance where there is a pattern of complaints or other actions that may not have resulted in a formal adjudication of wrongdoing, but when considered together demonstrate conduct that would constitute a violation of RCW 43.101.105 (2) or (3). The commission must consider the agency's policies and procedures and the officer's job duties and assignment in determining what constitutes a pattern. 4) A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint. ○ Section 13 – RCW 43.101.155 and 2001 c 167 s 9 are each amended to read as follows: If the commission determines, upon investigation, that there is cause to believe that a peace officer's or corrections officer's certification should be denied, suspended, or revoked under RCW 43.101.105, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer unless the officer has consented to service in some other manner, including electronic notification. Notice of the charges must also be 			

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		<p>mailed to or otherwise served upon the officer's agency of separation and any current agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within 60 days of the statement of charges, request a hearing before the hearings panel appointed under RCW 43.101.380. Failure of the officer to request a hearing within the 60-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440. If a hearing is requested, the officer is required to provide an email address that constitutes the officer's legal address for purposes of any subsequent communication from the commission. Unless otherwise agreed to by the mutual agreement of the parties or for good cause, within two weeks of receipt of the officer's request for a hearing, the commission shall set a date for the hearing, which must be held within 90 days thereafter. On the date the hearing is set, the commission shall transmit electronic and written notice of the hearing to the officer, and provide public notice on the commission website, specifying the time, date, and place of hearing.</p> <ul style="list-style-type: none"> ○ Section 14 – RCW 43.101.157 and 2006 c 22 s 2 are each amended to read as follows: <ol style="list-style-type: none"> 1) Tribal governments may voluntarily request certification for their police officers. Tribal governments requesting certification for their police officers must enter into a written agreement with the commission. The agreement must require the tribal law enforcement agency and its officers to comply with all of the requirements for granting, denying, and revoking certification as those requirements are applied to peace officers certified under this chapter and the rules of the commission. To ensure clarity regarding the requirements with which the tribal government and its police officers must comply should the tribal government request certification, a tribal government may first request consultation with the commission. 2) Officers making application for certification as tribal police officers shall meet the requirements of this chapter and the rules of the commission as those requirements are applied to certification of peace officers. Application for certification as a tribal police officer shall be accepted and processed in the same manner as those for certification of peace officers. ○ Section 15 – RCW 43.101.230 and 1981 c 134 s 1 are each amended to read as follows: Tribal police officers and employees who are engaged in law enforcement activities and who do not qualify as "criminal justice personnel" or "law enforcement personnel" under RCW 43.101.010 shall be provided training under this chapter if: (a) The tribe is recognized by the federal government, and (b) the tribe pays to the commission the full cost of providing such training. The commission shall place all money received under this section into the criminal justice training account. ○ Section 16 – RCW 43.101.390 and 2001 c 167 s 11 are each amended to read as follows: <ol style="list-style-type: none"> 1) The commission and individuals acting on behalf of the commission are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter. 2) Without limiting the generality of the foregoing, the commission and individuals acting on behalf of the commission are immune from suit in any civil action based on the certification, 			

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		<p>denial of certification, suspension, or other action regarding decertification of peace officers, reserve officers, or corrections officers.</p> <ul style="list-style-type: none"> ○ Section 17 – RCW 43.101.420 and 2009 c 19 s 1 are each amended to read as follows: <ol style="list-style-type: none"> 1) The commission shall offer a training session on personal crisis recognition and crisis intervention services to criminal justice, corrections, and other public safety employees. The training shall be implemented by the commission in consultation with appropriate public and private organizations that have expertise in crisis referral services and in the underlying conditions leading to the need for crisis referral. 2) The training shall consist of a minimum of one hour of classroom or internet instruction, and shall include instruction on the following subjects: (a) The description and underlying causes of problems that may have an impact on the personal and professional lives of public safety employees, including mental health issues, chemical dependency, domestic violence, financial problems, and other personal crises; (b) Techniques by which public safety employees may recognize the conditions listed in (a) of this subsection and understand the need to seek assistance and obtain a referral for consultation and possible treatment; and (c) A listing of examples of public and private crisis referral agencies available to public safety employees. 3) The training developed by the commission shall be made available by the commission to all employees of state and local agencies that perform public safety duties. The commission may charge a reasonable fee to defer the cost of making the training available. ○ Section 18 – RCW 34.12.035 and 1984 c 141 s 6 are each amended to read as follows: The chief administrative law judge shall designate an administrative law judge with subject matter expertise to serve, as the need arises, as presiding officer in: (1) State patrol disciplinary hearings conducted under RCW 43.43.090; and (2) Decertification hearings conducted under RCW 43.101.380. ○ Section 19 – RCW 40.14.070 and 2011 c 60 s 18 are each amended to read as follows: <ul style="list-style-type: none"> ○ (a) Other than those records detailed in subsection (4) of this section, county, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein. (b) A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the 			

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		<p>schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.</p> <ul style="list-style-type: none"> ○ (a) Except as otherwise provided by law, and other than the law enforcement records detailed in subsection (4) of this section, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless: <ul style="list-style-type: none"> i) The records are six or more years old; ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original. An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years. The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters. Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency. b) (i) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon 			

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		<p>electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.</p> <ul style="list-style-type: none"> ii) Any sealed record transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval, including records sealed after transfer, shall be electronically retained in such a way that the record is clearly marked as sealed. iii) The Washington association of sheriffs and police chiefs shall be permitted to destroy both the paper copy and electronic record of any offender verified as deceased. Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.56.010 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW and the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420. Electronic records marked as sealed shall only be accessible by criminal justice agencies as defined in RCW 10.97.030 who would otherwise have access to a sealed paper copy of the document, the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420, and the system administrator for the purposes of system administration and maintenance. <ul style="list-style-type: none"> o Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying noncurrent public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization. Public records may not be donated under this subsection unless: <ul style="list-style-type: none"> a) The records are seventy years old or more; b) The local records committee has approved the destruction of public records; and c) The state archivist has determined that the public records 39 have no historic interest. 4) Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135. <ul style="list-style-type: none"> o Section 20 – RCW 43.101.380 and 2020 c 119 s 10 are each amended to read as follows: 			

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		<ol style="list-style-type: none"> 1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is a preponderance of the evidence. 2) In all hearings requested under RCW 43.101.155, an administrative law judge appointed under chapter 34.12 RCW shall be the presiding officer, shall make all necessary rulings in the course of the hearing, and shall issue a proposed recommendation, but is not entitled to vote. In addition, a five-member hearings panel shall hear the case and make the commission's final administrative decision. 3) The commission shall appoint a panel to hear certification actions as follows: <ol style="list-style-type: none"> a) When a hearing is requested in relation to a certification action of a Washington peace officer the commission shall appoint to the panel: (i) One police chief or sheriff from an agency not a current or past employer of the peace officer; (ii) one certified Washington peace officer who is at or below the level of first line supervisor and who has at least ten years' experience as a peace officer; (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer. b) When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) A person who heads either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) one corrections officer who is at or below the level of first line supervisor and who has at least ten years' experience as a corrections officer; (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer. c) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) one tribal police chief; (ii) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one 			

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		<p>member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.</p> <p>d) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.</p> <p>4) In decertification matters where there was a due process hearing or a disciplinary appeals hearing following an investigation by a law enforcement agency, or a criminal hearing regarding the alleged misconduct, the hearings panel need not redetermine the underlying facts but may make its determination based solely on review of the records and decision relating to those proceedings and any investigative or summary materials from the administrative law judge, legal counsel, and commission staff. However, the hearings panel may, in its discretion, consider additional evidence to determine whether misconduct occurred. The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.</p> <p>5) The commission is authorized to proceed regardless of whether an arbitrator or other appellate decision maker overturns the discipline imposed by the officer's employing agency or whether the agency settles an appeal. No action or failure to act by a law enforcement agency or corrections agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certificate, to place on probation, or to require remedial training for the officer.</p> <p>6) The hearings, but not the deliberations of the hearings panel, are open to the public. The transcripts, admitted evidence, and written decisions of the hearings panel on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.</p> <p>7) Summary records of hearing dispositions must be made available on an annual basis on a public website.</p> <p>8) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.</p> <p>o Section 21 – RCW 43.101.400 and 2020 c 119 s 12 are each amended to read as follows:</p> <p>1) Except as provided under subsection (2) of this section, all files, papers, and other information obtained by the commission as part of an initial background investigation pursuant to RCW 43.101.095. (2) and (4) are confidential and exempt from public disclosure. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in RCW 43.101.380(6) or which become part of the record in a suspension or decertification matter.</p>			

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		<p>2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement or corrections agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.</p> <p>3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement or corrections agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.</p> <p>4) The commission shall maintain a database that is publicly searchable, machine readable, and exportable, and accompanied by a complete, plain-language data dictionary describing the names of officers and employing agencies, all conduct investigated, certifications denied, notices and accompanying information provided by law enforcement or correctional agencies, including the reasons for separation from the agency, decertification or suspension actions pursued, and final disposition and the reasons therefor for at least 30 years after final disposition of each incident. The dates for each material step of the process must be included. Any decertification must be reported to the national decertification index.</p> <p>5) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.</p> <ul style="list-style-type: none"> ○ New Section 22 – A new section is added to chapter 43.101 RCW to read as follows: The commission must develop policies, procedures, and rules to ensure that the goals of this act are fully implemented as intended and in a timely manner, and to provide appropriate clarity to affected persons and entities as to how the commission will process complaints, investigations, and hearings, and impose sanctions, related to officer decertification. The commission must work in collaboration with interested parties and entities in developing the policies, procedures, and rules, and must take into account issues regarding when and how the commission may appropriately exercise authority in relation to simultaneous investigations and disciplinary processes, and how the commission may exercise available remedies in a manner that is appropriate to case circumstances and consistent with the goals of this act. The policies, procedures, and rules must be completed by June 30, 2022. ○ Section 23 – RCW 41.56.905 and 1983 c 287 s 5 are each amended to read as follows: The provisions of this chapter are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. Except as provided in RCW 53.18.015, 43.101.095, and 			

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		<p>43.101.135, if any provision of this chapter conflicts with any other statute, ordinance, rule or regulation of any public employer, the provisions of this chapter shall control.</p> <ul style="list-style-type: none"> ○ Section 24 – RCW 49.44.200 and 2013 c 330 s 1 are each amended to read as follows: <ol style="list-style-type: none"> 1) An employer may not: (a) Request, require, or otherwise coerce an employee or applicant to disclose login information for the employee's or applicant's personal social networking account; (b) Request, require, or otherwise coerce an employee or applicant to access his or her personal social networking account in the employer's presence in a manner that enables the employer to observe the contents of the account; (c) Compel or coerce an employee or applicant to add a person, including the employer, to the list of contacts associated with the employee's or applicant's personal social networking account; (d) Request, require, or cause an employee or applicant to alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account; or (e) Take adverse action against an employee or applicant because the employee or applicant refuses to disclose his or her login information, access his or her personal social networking account in the employer's presence, add a person to the list of contacts associated with his or her personal social networking account, or alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account. 2) This section does not apply to an employer's request or requirement that an employee share content from his or her personal social networking account if the following conditions are met: (a) The employer requests or requires the content to make a factual determination in the course of conducting an investigation; (b) The employer undertakes the investigation in response to receipt of information about the employee's activity on his or her personal social networking account; (c) The purpose of the investigation is to: (i) Ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; or (ii) investigate an allegation of unauthorized transfer of an employer's proprietary information, confidential information, or financial data to the employee's personal social networking account; and (d) The employer does not request or require the employee to provide his or her login information. 3) This section does not: <ol style="list-style-type: none"> a) Apply to a social network, intranet, or other technology platform that is intended primarily to facilitate work-related information exchange, collaboration, or communication by employees or other workers; b) Prohibit an employer from requesting or requiring an employee to disclose login information for access to: (i) An account or service provided by virtue of the employee's employment relationship with the employer; or (ii) an electronic communications device or online account paid for or supplied by the employer; c) Prohibit an employer from enforcing existing personnel policies that do not conflict with this section; 			

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		<ul style="list-style-type: none"> d) Prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations; or e) Apply to a background investigation in accordance with RCW 43.101.095. However, the officer must not be required to provide login information. <p>4) If, through the use of an employer-provided electronic communications device or an electronic device or program that monitors an employer's network, an employer inadvertently receives an employee's login information, the employer is not liable for possessing the information but may not use the login information to access the employee's personal social networking account.</p> <p>5) For the purposes of this section and RCW 49.44.205:</p> <ul style="list-style-type: none"> a) "Adverse action" means: Discharging, disciplining, or otherwise penalizing an employee; threatening to discharge, discipline, or otherwise penalize an employee; and failing or refusing to hire an applicant. b) "Applicant" means an applicant for employment. c) "Electronic communications device" means a device that uses electronic signals to create, transmit, and receive information, including computers, telephones, personal digital assistants, and other similar devices. d) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or other activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. "Employer" includes an agent, a representative, or a designee of the employer. e) "Login information" means a username and password, a password, or other means of authentication that protects access to a personal social networking account. <ul style="list-style-type: none"> o Section 25 – RCW 41.06.040 and 1969 ex.s. c 36 s 22 are each amended to read as follows: The provisions of this chapter apply to: <ul style="list-style-type: none"> 1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers; 2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070 or otherwise excluded or exempted in this chapter. o New Section 26 – A new section is added to chapter 41.06 RCW to read as follows: In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply in the Washington state criminal justice training commission to two confidential secretaries involved in managing the confidential records under RCW 43.101.135 and 43.101.400. o New Section 27 – No later than December 1, 2022, the criminal justice training commission shall submit a written report to the governor and the appropriate committees of the legislature detailing progress of implementation of this act. 			

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		<ul style="list-style-type: none"> ○ New Section 28 – No later than December 1, 2021, the criminal justice training commission shall submit a written report to the governor and the appropriate committees of the legislature detailing the following: <ol style="list-style-type: none"> 1) The average total number of peace officers each year who must complete the basic law enforcement academy training and the certification process without delay in order to begin work as full-time officers; 2) The other categories of officers, and the average total number of such officers, who must complete the basic law enforcement academy training, the certification process, or both, prior to being authorized to enforce the criminal laws of this state on a part-time, as called-upon, or volunteer basis; 3) Recommendations for amendments to update and align definitions and categorization of types officers as set forth in statute and administrative rule, to eliminate ambiguity or inconsistencies and provide better clarity for law enforcement agencies, the criminal justice training commission, and the public as to the different types of officers, their authority, and their obligations to fulfill the requirements of chapter 43.101 RCW and other chapters; 4) The current backlog for admission to the basic law enforcement academy and the approach taken by the criminal justice training commission to prioritize admission to training when there is insufficient capacity to meet the demand; 5) The current and projected need for the number of basic law enforcement academy classes in order to meet the requirements of chapter 43.101 RCW and other chapters, and recommended funding to meet the projected need; and 6) Any other related recommendations. ○ New Section 29 – The following acts or parts of acts are each repealed: <ol style="list-style-type: none"> 1) RCW 43.101.096 (Corrections officer certification) and 2020 c 119 s 3; 2) RCW 43.101.106 (Denial or revocation of corrections officer certification) and 2020 c 119 s 4; 3) RCW 43.101.116 (Denial or revocation of corrections officer certification—Readmission to academy—Reinstatement) and 2020 c 119 s 5; 4) RCW 43.101.136 (Termination of corrections officer— Notification to commission) and 2020 c 119 s 7; 5) RCW 43.101.146 (Written complaint by corrections officer or corrections agency to deny or revoke corrections officer certification—Immunity of complainant) and 2020 c 119 s 8; 6) RCW 43.101.156 (Denial or revocation of corrections officer certification—Statement of charges—Notice—Hearing) and 2020 c 119 s 9; and 7) RCW 43.101.180 (Priorities) and 1981 c 136 s 27 & 1974 ex.s. c 94 s 18. ○ New Section 30 – A new section is added to chapter 10.93 RCW to read as follows: A general authority Washington law enforcement agency or limited authority Washington law enforcement agency is prohibited from considering the application for any office, place, position, or employment within the agency if the applicant has not provided the agency a document, voluntarily and knowingly signed by the 			

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		<p>applicant, that authorizes each prior employer to release any and all information relating to the applicant's employment, and further releasing and holding harmless the agency and each prior employer from any and all liability that may potentially result from the release and use of such information provided.</p> <ul style="list-style-type: none"> ○ Section 31 – RCW 43.101.200 and 2019 c 415 s 969 are each amended to read as follows: <ol style="list-style-type: none"> 1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990. 2) Except as provided in RCW 43.101.170, the commission shall provide the aforementioned training and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of non-commuting attendees for seven days per week, except during the 2017-2019 and 2019-2021 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period. 			
25	SSB 5055	<ul style="list-style-type: none"> • Law Enforcement Disciplinary Grievance Arbitration – AN ACT Relating to establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions; amending RCW 41.56.122, 41.56.125, 41.56.905, 36.65.050, 41.80.020, and 41.80.030; reenacting and amending RCW 41.56.030; and adding a new section to chapter 41.58 RCW. <ul style="list-style-type: none"> ○ New Section 1 – A new section is added to chapter 41.58 RCW to read as follows: <ol style="list-style-type: none"> 1) For the purposes of this section, the definitions in this subsection have the meanings given them. <ol style="list-style-type: none"> a) "Employer" means a political subdivision or law enforcement agency employing law enforcement personnel. b) (i) "Law enforcement personnel" means: (A) Any individual employed, hired, or otherwise commissioned to enforce criminal laws by any municipal, county, or state 	<p>Admin & HR, ensure the new language edits are contained in Department and City personnel management policies. Review and amend Chapter 22 Personnel</p>	<p>Training – 1 hour – Provide training to commissioned officers on changes to the grievance process.</p>	July 25, 2021

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		<p>agency or department, or combination thereof, that has, as its primary function, the enforcement of criminal laws in general, rather than the implementation or enforcement of laws related to specialized subject matter areas. For the purposes of this subsection (1)(b), officers employed, hired, or otherwise commissioned by the department of fish and wildlife are considered law enforcement personnel. (B) Corrections officers and community corrections officers employed by the department of corrections. (ii) "Law enforcement personnel" does not include any individual hired as an attorney to prosecute or litigate state or local criminal laws or ordinances, nor any civilian individuals hired to do administrative work. (iii) For the purposes of this subsection (1)(b), "primary function" means that function to which the greater allocation of resources is made.</p> <p>c) "Disciplinary grievance" means a dispute or disagreement regarding any disciplinary action, discharge, or termination decision arising under a collective bargaining agreement covering law enforcement personnel.</p> <p>d) "Grievance arbitration" means binding arbitration of a disciplinary grievance under the grievance procedures established in a collective bargaining agreement covering law enforcement personnel.</p> <p>2) (a) The arbitrator selection procedure established under this section applies to all grievance arbitrations for disciplinary actions, discharges, or terminations of law enforcement personnel which are heard on or after January 1, 2022. (b)(i) The grievance procedures for all collective bargaining agreements covering law enforcement personnel negotiated or renewed on or after January 1, 2022, must include the arbitrator selection procedure established in this section if the collective bargaining agreement provides for arbitration as a means of resolving grievances for disciplinary actions, discharges, or terminations. (ii) The provisions of grievance procedures governing the appeal of disciplinary grievances in collective bargaining agreements covering law enforcement personnel negotiated or renewed prior to January 1, 2022, that provide for arbitration but do not contain the arbitrator selection procedures established in this section expire upon the expiration date of the collective bargaining agreement and may not be extended or rolled over beyond the expiration date of the collective bargaining agreement. (c) This section does not require any party to a collective bargaining agreement in existence on the effective date of this section to reopen negotiations of the agreement or to apply any of the rights and responsibilities under this act unless and until the existing agreement is reopened or renegotiated by the parties or expires.</p> <p>3) All fees charged by arbitrators under this section must be in accordance with a schedule of fees established by the commission on an annual basis. The parties are responsible for paying the arbitrator's fees as set forth in the parties' negotiated fee-sharing provisions of their collective bargaining agreement or, in the absence of contractual fee-sharing provisions, shall be borne equally by the parties.</p>	<p>Management System Policy and consider the impact to the annual Grievance Review analysis.</p>		



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		<p>4) The commission must appoint a roster of a minimum of nine persons and a maximum of 18 persons suited and qualified by training and experience to act as arbitrators for law enforcement personnel grievance arbitrations under this section.</p> <p>a) The commission may only consider appointing persons who possess:</p> <ul style="list-style-type: none"> i) A minimum of six years' experience as a full-time labor relations advocate and who has been the principal representative of either labor or management in at least 10 arbitration proceedings; ii) A minimum of six years' experience as a full-time labor mediator with substantial mediation experience; iii) A minimum of six years' experience as an arbitrator and who has decided at least 10 cases involving collective bargaining disputes; or iv) A minimum of six years' experience as a practitioner or full-time instructor of labor law or industrial relations, including substantial content in the area of collective bargaining, labor agreements, and contract administration. <p>b) In making these appointments, and as applicable, the commission must consider these factors:</p> <ul style="list-style-type: none"> i) A candidate's familiarity, experience, and technical and theoretical understanding of and experience with labor law, the grievance process, and the field of labor arbitration; ii) A candidate's ability and willingness to travel through the state, conduct hearings in a fair and impartial manner, analyze and evaluate testimony and exhibits, write clear and concise awards in a timely manner, and be available for hearings within a reasonable time after the request of the parties; iii) A candidate's experience and training in cultural competency, racism, implicit bias, and recognizing and valuing community diversity and cultural differences; and iv) A candidate's familiarity and experience with the law enforcement profession, including ride-alongs with on-duty officers, participation in a citizen's academy conducted by a law enforcement agency, or other activities that provide exposure to the environments, choices, and judgments required by officers in the field. <p>5) The appointments are effective immediately upon selection by the commission. Except for appointments subject to subsection (6) of this section, appointments are for three years to expire on the first Monday in January.</p> <p>6) The commission must make at least three of the initial appointments to the roster of arbitrators for terms to expire on the first Monday in January 2024, at least three of the appointments for terms to expire on the first Monday in January 2025, and at least three of the</p>			

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		<p>appointments for terms to expire on the first Monday in January 2026. The initial terms of arbitrators appointed under this subsection may be for longer than three years.</p> <p>7) Subsequent appointments to the roster of arbitrators must be for three-year terms to expire on the first Monday in January, with the terms of no more than three arbitrators to expire in the same year.</p> <p>8) Nothing in this section prevents roster arbitrators from issuing decisions, or retaining jurisdiction to address issues relating to remedy, after the expiration of their term, if the arbitration hearing occurred during the term of their appointment.</p> <p>9) An arbitrator may be reappointed to the roster upon expiration of the arbitrator's term. If the arbitrator is not reappointed, the arbitrator may continue to serve until a successor is appointed, but in no case later than July 1st of the year in which the arbitrator's term expires.</p> <p>10) The commission may remove an arbitrator from the roster through a majority vote. A vacancy on the roster caused by a removal, a resignation, or another reason must be filled by the commission as necessary to fill the remainder of the arbitrator's term. A vacancy on the roster occurring with less than six months remaining in the arbitrator's term must be filled for the existing term and the following three-year term.</p> <p>11) A person appointed to the arbitrator roster under this section must complete training as developed, implemented, and required by the executive director. The commission may adopt rules establishing training requirements consistent with this section. The commission may also establish fees in order to cover the costs of developing and providing the training. At a minimum, an initial training must include:</p> <ul style="list-style-type: none"> a) At least six hours on the topics of cultural competency, racism, implicit bias, and recognizing and valuing community diversity and cultural differences; and b) At least six hours on topics related to the daily experience of law enforcement personnel, which may include ride-alongs with on-duty officers, participation in a citizen's academy conducted by a law enforcement agency, shoot/don't shoot training provided by a law enforcement agency, or other activities that provide exposure to the environments, choices, and judgments required of officers in the field. For the purposes of this subsection (11)(b), "shoot/don't shoot training" means an interactive firearms training that simulates real-world scenarios to train law enforcement personnel on the use of force. <p>12) An arbitrator appointed to the roster of arbitrators must complete the required initial training within six months of the arbitrator's appointment.</p> <p>13) (a) The executive director must assign an arbitrator or panel of arbitrators from the roster to each law enforcement personnel grievance arbitration under this section on rotation through the roster alphabetically ordered by last name. (i) If the arbitrator is unable to hear the case within three months from the request for an arbitrator, the executive director must appoint the next arbitrator from the roster alphabetically. (ii) If an arbitrator has a conflict of interest that</p>			

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		<p>may reasonably be expected to materially impact the arbitrator's impartiality, the arbitrator must disclose such conflict to the executive director. The executive director may determine whether the conflict merits assigning the next arbitrator on the roster. Either party may petition the executive director to have an assigned arbitrator removed due to a conflict of interest that may reasonably be expected to materially impact the arbitrator's impartiality. If their petition is granted by the executive director, the executive director must assign the next arbitrator or panel of arbitrators on the roster. (b) The arbitrator or panel of arbitrators shall decide the disciplinary grievance, and the decision is binding subject to the provisions of chapter 7.04A RCW. (c) The parties may not participate in, negotiate for, or agree to the selection of an arbitrator or arbitration panel under this section. Employers and law enforcement personnel, through their certified exclusive bargaining representatives, do not have the right to negotiate for or agree to a collective bargaining agreement or a grievance arbitration selection procedure that is inconsistent with this section, if the collective bargaining agreement provides for arbitration as a means of resolving grievances for disciplinary actions, discharges, or terminations.</p> <p>14) The commission must post law enforcement grievance arbitration decisions made under this section on its website within 30 days of the date the grievance arbitration decision is made, with names of grievants and witnesses redacted.</p> <p>15) The arbitrator selection procedure for law enforcement grievance arbitrations established under this section supersedes any inconsistent provisions in any other chapter governing employee relations and collective bargaining for law enforcement personnel.</p> <ul style="list-style-type: none"> ○ Section 2 – RCW 41.56.122 and 2019 c 230 s 11 are each amended to read as follows: Subject to section 1 of this act, a collective bargaining agreement may provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement. ○ Section 3 – RCW 41.56.125 and 1975 1st ex.s. 296 s 23 are each amended to read as follows: Except for law enforcement personnel grievance arbitrations subject to section 1 of this act, in addition to any other method for selecting arbitrators, the parties may request the public employment relations commission to, and the commission shall, appoint a qualified person who may be an employee of the commission to act as an arbitrator to assist in the resolution of a labor dispute between such public employer and such bargaining representative arising from the application of the matters contained in a collective bargaining agreement. The arbitrator shall conduct such arbitration of such dispute in a manner as provided for in the collective bargaining agreement: PROVIDED, That the commission shall not collect any fees or charges from such public employer or such bargaining representative for services performed by the commission under the provisions of this chapter: PROVIDED FURTHER, That the provisions of chapter 49.08 RCW shall have no application to this chapter. ○ Section 4 – RCW 41.56.905 and 1983 c 287 s 5 are each amended to read as follows: The provisions of this chapter are intended to be additional to other remedies and shall be liberally construed to 			

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		<p>accomplish their purpose. Except as provided in RCW 53.18.015 and section 1 of this act, if any provision of this chapter conflicts with any other statute, ordinance, rule or regulation of any public employer, the provisions of this chapter shall control.</p> <ul style="list-style-type: none"> ○ Section 5 – RCW 36.65.050 and 1984 c 91 s 5 are each amended to read as follows: Subject to the requirements of RCW 41.56.100 and section 1 of this act, if the city-county government includes a fire protection or law enforcement unit that was, prior to the formation of the city-county, governed by a state statute providing for binding arbitration in collective bargaining, then the entire fire protection or law enforcement unit of the city-county shall be governed by that statute. ○ Section 6 – RCW 41.80.020 and 2015 3rd sp.s. c 1 s 318 are each amended to read as follows: <ol style="list-style-type: none"> 1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement. 2) The employer is not required to bargain over matters pertaining to: (a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section; (b) Any retirement system or retirement benefit; or (c) Rules of the director of financial management, the director of enterprise services, or the Washington personnel resources board adopted under RCW 41.06.157. 3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter. The exclusive bargaining representatives for employees that are subject to chapter 47.64 RCW shall bargain the dollar amount expended on behalf of each employee for health care benefits with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4). For agreements covering the 2013-2015 fiscal biennium, any agreement between the employer and the coalition regarding the dollar amount expended on behalf of each employee for health care benefits is a separate agreement and shall not be included in the master collective bargaining agreements negotiated by the parties. 4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth. 			

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		<ul style="list-style-type: none"> 5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040. 6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable. 7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142. 8) Section 1 of this act applies to uniformed personnel. ○ Section 7 – RCW41.56.030 and 2020 c 298 s 1 and 2020 c 289 s 1 are each reenacted and amended to read as follows: As used in this chapter: <ul style="list-style-type: none"> 1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the Medicaid and state- funded long-term care programs. 2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers. 3) "Childcare subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program. 4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures, subject to section 1 of this act, and collective negotiations on personnel matters, including wages, hours, and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. 5) "Commission" means the public employment relations commission. 6) "Executive director" means the executive director of the commission. 7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) under chapter 43.216 RCW, is either licensed by the state or is exempt from licensing. 8) "Fish and wildlife officer" means a fish and wildlife officer as defined in RCW 77.08.010 who ranks below Lieutenant and includes officers, Detectives, and Sergeants of the department of fish and wildlife. 			

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		<p>9) "Individual provider" means an individual provider as defined in RCW 74.39A.240(3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.</p> <p>10) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.</p> <p>11) (a) "Language access provider" means any independent contractor who provides spoken language interpreter services, whether paid by a broker, language access agency, or the respective department: (i) For department of social and health services appointments, department of children, youth, and families appointments, Medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012; (ii) For department of labor and industries authorized medical and vocational providers who provided these services on or after January 1, 2019; or (iii) For state agencies who provided these services on or after January 1, 2019. (b) "Language access provider" does not mean a manager or employee of a broker or a language access agency.</p> <p>12) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.</p> <p>13) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.</p> <p>14) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five</p>			

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		<p>hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, in a correctional facility created under RCW 70.48.095, or in a detention facility created under chapter 13.40 RCW that is located in a county with a population over one million five hundred thousand, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.</p> <ul style="list-style-type: none"> ○ Section 8 – RCW 41.80.030 and 2002 c 354 s 304 are each amended to read as follows: <ol style="list-style-type: none"> 1) The parties to a collective bargaining agreement shall reduce the agreement to writing and both shall execute it. 2) Except as provided in section 1 of this act and RCW 41.80.020, a collective bargaining agreement shall contain provisions that: (a) Provide for a grievance procedure that culminates with final and binding arbitration of all disputes arising over the interpretation or application of the collective bargaining agreement and that is valid and enforceable under its terms when entered into in accordance with this chapter; and (b) Require processing of disciplinary actions or terminations of employment of employees covered by the collective bargaining agreement entirely under the procedures of the collective bargaining agreement. Any employee, when fully reinstated, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, and retirement and federal old age, survivors, and disability insurance act credits, but without back pay for any period of suspension. 3) (a) If a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same bargaining units, the effective date of the collective bargaining agreement may be the day 			

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		<p>after the termination of the previous collective bargaining agreement, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with that effective date. (b) If a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and the exclusive bargaining representative representing different bargaining units, the effective date of the collective bargaining agreement may be the day after the termination date of whichever previous collective bargaining agreement covering one or more of the units terminated first, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with that effective date.</p>			
26	SSB 5066	<ul style="list-style-type: none"> • Peace Officers – Duty to Intervene – AN ACT Relating to a peace officer's duty to intervene; adding a new section to chapter 10.93 RCW; and adding a new section to chapter 43.101 RCW. <ul style="list-style-type: none"> ○ New Section 1 – A new section is added to chapter 10.93.900 RCW to read as follows: <ol style="list-style-type: none"> 1) Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. A peace officer shall also render aid at the earliest safe opportunity in accordance with RCW 36.28A.445, to any person injured as a result of the use of force. 2) Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer. 3) A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this section. 4) A law enforcement agency shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report as required by this section to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105. 5) For purposes of this section: (a) "Excessive force" means force that exceeds the force permitted by law or policy of the witnessing officer's agency. (b) "Peace officer" refers to any general authority Washington peace officer. (c) "Wrongdoing" means conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature. ○ New Section 2 – A new section is added to chapter 43.101 RCW to read as follows: 	<p>Admin and Training – Review and amend Chapter 1 Law Enforcement Role & Authority Policy and the UoF Procedure Manual as appropriate.</p>	<p>Training – 2 hours – Update policy and training as it relates to a peace officer's duty to intervene. How will the internal reporting process look? Who reviews reports?</p>	July 25, 2021

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		<ol style="list-style-type: none"> 1) By December 1, 2021, the Washington state criminal justice training commission, in consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs, and organizations representing state and local law enforcement officers, shall develop a written model policy on the duty to intervene, consistent with the provisions of section 1 of this act. 2) By June 1, 2022, every state, county, and municipal law enforcement agency shall adopt and implement a written duty to intervene policy. The policy adopted may be the model policy developed under subsection (1) of this section. However, any policy adopted must, at a minimum, be consistent with the provisions of section 1 of this act. 3) By January 31, 2022, the commission shall incorporate training on the duty to intervene in the basic law enforcement training curriculum. Peace officers who completed basic law enforcement training prior to January 31, 2022, must receive training on the duty to intervene by December 31, 2023. 			
27	SSB 5073 Also see SSB 5073 Involuntary Commitments	<ul style="list-style-type: none"> • Provide updated training and update policy as needed regarding the process of handling involuntary commitments. 	Admin and Training – Review and amend the Field Operations Procedure – Referring Subjects for Involuntary Mental Evaluations Policy as appropriate.	Training – 4 hours – Provide training to commissioned officers on changes to law.	July 25, 2021— Except for sections 2, 4, 7, 9, 11, 15, 32, and 34, which take effect July 1, 2026; sections 21 and 26, which take effect July 1, 2022; sections 22, 23, 27, and 28, which are contingent; and sections 25 and 31, which take effect May 12, 2021
28	ESSB 5115	<ul style="list-style-type: none"> • Labor Standards – Public Health Emergencies (e.g., COVID-19) – AN ACT Relating to establishing health emergency labor standards; adding a new section to chapter 51.32 RCW; (51.32.390) adding new sections to chapter 49.17 RCW (49.17.490); creating a new section; and declaring an emergency. [NOTE – <i>peace officers are considered “front line workers”</i>]. 	Admin & HR – Review the amendments to existing law regarding labor standards during public health emergencies, update policy and MOUs as applicable.	Training – (Provide handout of amendments.) Review and amend the Franklin County Comprehensive Emergency Management Plan as appropriate.	May 11, 2021

	Bill	Tasks	Responsibility	Training Time	Effective Date
29	ESB 5135	<ul style="list-style-type: none"> • Unlawful Summoning of a Police Officer – AN ACT Relating to unlawfully summoning a police officer; and adding a new section to chapter 4.24 RCW. <ul style="list-style-type: none"> ○ New Section 1 – A new section is added to chapter 4.24 RCW to read as follows: <ol style="list-style-type: none"> 1) A person may bring a civil action for damages against any person who knowingly causes a law enforcement officer to arrive at a location to contact another person with the intent to: (a) Infringe on the other person's rights under the Washington state or United States Constitutions; (b) Unlawfully discriminate against the other person; (c) Cause the other person to feel harassed, humiliated, or embarrassed; (d) Cause the other person to be expelled from a place in which person is lawfully located; or (e) Damage the other person's: <ol style="list-style-type: none"> i) Reputation or standing in the community; or ii) Financial, economic, consumer, or business prospects or interests. 2) A person shall not be held liable under subsection (1) of this section if the person acted in good faith in causing a law enforcement officer to arrive. 3) Upon prevailing in an action under this section, the plaintiff may recover: (a) The greater of: (i) economic and noneconomic damages; or (ii) \$250 against each defendant found liable under this section; and (b) Punitive damages. 4) The court may award reasonable attorneys' fees and costs to prevailing plaintiff in an action under this section. 5) A civil action under this section: (a) May be maintained in a court of limited jurisdiction if the if the total damages claimed do not exceed the statutory limit for damages that the court of limited jurisdiction may award; and (b) Does not affect the right or remedy available under any other law of this state. 	Training	Training – 0.5 – Provide training to all peace officers regarding “The Unlawful Summoning of a Police Officer.”	July 25, 2021
30	SB 5177	<ul style="list-style-type: none"> • Sex Offenses – Non-Marriage Element – AN ACT Relating to eliminating proof of nonmarriage as an element of a sex offense; amending RCW 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, 9A.44.093, 9A.44.096, and 9A.44.100; and declaring an emergency. <ul style="list-style-type: none"> ○ Section 1 – RCW 9A.44.050 and 2007 c 20 s 1 are each amended to read as follows: <ol style="list-style-type: none"> 1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person: <ol style="list-style-type: none"> a) By forcible compulsion; b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; c) When the victim is a person with a developmental disability and the perpetrator is a person who ((is not married to the victim who)): <ol style="list-style-type: none"> i) Has supervisory authority over the victim; or ii) Was providing transportation, within the course of his or employment, to the victim at the time of the offense; d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or 	Training – Review and amend the Domestic Violence Procedures procedure as appropriate.	Training – 1 hour – Provide training to patrol and investigations officers relating to changes in sex offense relationships and alike – coordinate training with the DA Office.	April 26, 2021

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<p>examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment;</p> <p>e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who ((is not married to the victim and)) has supervisory authority over the victim; or</p> <p>f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who ((is not married to the victim and who)):</p> <ol style="list-style-type: none"> i) Has a significant relationship with the victim; or ii) Was providing transportation, within the course of his or employment, to the victim at the time of the offense. <p>2) Rape in the second degree is a class A felony.</p> <ul style="list-style-type: none"> ○ Section 2 – RCW 9A.44.073 and 1988 c 145 s 2 are each amended to read as follows: <ol style="list-style-type: none"> 1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old ((and not married to the perpetrator)) and the perpetrator is least twenty-four months older than the victim. 2) Rape of a child in the first degree is a class A felony. ○ Section 3 – RCW 9A.44.076 and 1990 c 3 s 903 are each amended to read as follows: <ol style="list-style-type: none"> 1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old ((and not married to the perpetrator)) and the perpetrator is at least thirty-six months older than the victim. 2) Rape of a child in the second degree is a class A felony. ○ Section 4 – RCW 9A.44.079 and 1988 c 145 s 4 are each amended to as follows: <ol style="list-style-type: none"> 1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old ((and not married to the perpetrator)) and the perpetrator is at least forty-eight months older than the victim. 2) Rape of a child in the third degree is a class C felony. ○ Section 5 – RCW 9A.44.083 and 1994 c 271 s 303 are each amended to read as follows: <ol style="list-style-type: none"> 1) A person is guilty of child molestation in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old ((and not married to the perpetrator)) and the perpetrator is at least thirty-six months older than the victim. 2) Child molestation in the first degree is a class A felony. ○ Section 6 – RCW 9A.44.086 and 1994 c 271 s 304 are each amended to read as follows: 			

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<ul style="list-style-type: none"> 1) A person is guilty of child molestation in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old but less than fourteen years old and the perpetrator is at least thirty-six months older than the victim. 2) Child molestation in the second degree is a class B felony. ○ Section 7 – RCW 9A.44.089 and 1994 c 271 s 305 are each amended to read as follows: <ul style="list-style-type: none"> 1) A person is guilty of child molestation in the third degree when the person has, or knowingly causes another person under the age of eighteen to have sexual contact with another who is at least fourteen years old but less than sixteen years old (and not married to the perpetrator) and the perpetrator is at least forty-eight months older than the victim. 2) Child molestation in the third degree is a class C felony. ○ Section 8 – RCW 9A.44.093 and 2009 c 324 s 1 are each amended to read as follows: <ul style="list-style-type: none"> 1) A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old (and not married to the perpetrator), if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have sexual intercourse with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old (and not married to the employee), if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have sexual intercourse with his or her foster child who is at least sixteen. 2) Sexual misconduct with a minor in the first degree is a class C felony. 3) For the purposes of this section: (a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW. (b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school. ○ Section 9 – RCW 9A.44.096 and 2009 c 324 s 2 are each amended to read as follows: <ul style="list-style-type: none"> 1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have sexual contact with another person who is at least sixteen years old but less than eighteen years old 			

	Bill	Tasks	Responsibility	Training Time	Effective Date
		<p>((and not married to the perpetrator)), if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have sexual contact with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old ((and not married to the employee)), if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have sexual contact with his or her foster child who is at least sixteen.</p> <p>2) Sexual misconduct with a minor in the second degree is a gross misdemeanor.</p> <p>3) For the purposes of this section: (a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW. (b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.</p> <ul style="list-style-type: none"> ○ Section 10 – RCW 9A.44.100 and 2013 c 94 s 2 are each amended to read as follows: <ul style="list-style-type: none"> 1) A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another: (a) By forcible compulsion; (b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; (c) When the victim is a person with a developmental disability and the perpetrator is a person who: ((is not married to the victim who)): Has supervisory authority over the victim; or Was providing transportation, within the course of his or employment, to the victim at the time of the offense; (d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment; (e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who has supervisory authority over the victim; or (f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who: <ul style="list-style-type: none"> i) Has a significant relationship with the victim; or ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense. 			

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		<p>2) (a) Except as provided in (b) of this subsection, indecent liberties is a class B felony. (b) Indecent liberties by forcible compulsion is a class A felony.</p> <ul style="list-style-type: none"> ○ New Section 11 – This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. 			
	<p>2SSB 5183</p>	<ul style="list-style-type: none"> • Nonfatal Strangulation Victims – AN ACT Relating to victims of nonfatal strangulation; adding a new section to chapter 43.280 RCW; adding a new section to chapter 7.68 RCW; creating a new section; and providing expiration dates. <ul style="list-style-type: none"> ○ New Section 1 – The legislature finds that nonfatal strangulation is among the most dangerous acts of domestic violence and sexual assault. Strangulation involves external compression of the victim's airway and blood vessels, causing reduced air and blood flow to the brain. Victims may show no or minimal external signs of injury despite having life-threatening internal injuries including traumatic brain injury. Injuries may present after the assault or much later and may persist for months and even years post-assault. Victims who are strangled multiple times face a greater risk of traumatic brain injury. Traumatic brain injury symptoms are often not recognized as assault-related and may include cognitive difficulties such as decreased ability to concentrate, make decisions, and solve problems. Traumatic brain injury symptoms may also include behavior and personality changes such as irritability, impulsivity, and mood swings. Domestic violence victims who have been nonfatally strangled are eight times more likely to become a subsequent victim of homicide at the hands of the same abusive partner. Research shows that previous acts of strangulation are a unique and substantial predictor of attempted and completed homicide against an intimate partner. For years, forensic nurses in Washington have provided high-level care to sexual assault victims. Forensic nurses are also trained in medical evaluation of nonfatal strangulation, but only provide this evaluation in cases of sexual assault involving strangulation, as crime victims' compensation will not reimburse in nonsexual assault cases. Strangulation affects victims physically and psychologically. These victims deserve a higher standard of response and medical care. Allowing crime victims compensation to reimburse for forensic nurse examinations for victims of domestic violence strangulation will provide a better, more victim-centered response in the most dangerous of domestic violence felony cases. ○ New Section 2 – A new section is added to chapter 43.280 RCW to read as follows: <ol style="list-style-type: none"> 1) The office of crime victims advocacy shall develop best practices that local communities may use on a voluntary basis to create more access to forensic nurse examiners in cases of nonfatal strangulation assault including, but not limited to, partnerships to serve multiple facilities, mobile nurse examiner teams, and multidisciplinary teams to serve victims in local communities. <ol style="list-style-type: none"> (a) When developing the best practices, the office of crime victims advocacy shall consult with: <ol style="list-style-type: none"> (i) The Washington association of sheriffs and police chiefs; 	<p>Training – Review and amend the Domestic Violence Procedures procedure as appropriate.</p>	<p>Training – 1 hour – Develop training to supplement existing domestic violence investigation training on the new resources available from the Office of Crime Victims Advocacy regarding nonfatal strangulation.</p>	<p>July 25, 2021</p>

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		<p>(ii) The Washington association of prosecuting attorneys; (iii) The Washington state coalition against domestic violence; (iv) The Harborview abuse and trauma center; (v) The Washington state hospital association; (vi) The Washington state association of counties; (vii) The association of Washington cities; (viii) The Washington coalition of sexual assault programs; (ix) The schools of nursing at Washington State University and University of Washington; (x) Collective bargaining representatives of frontline nurse examiners; and (xi) Other organizations deemed appropriate by the office of crime victims' advocacy.</p> <p>(b) The office of crime victims' advocacy shall complete the best practices no later than January 1, 2022, and publish them on its website.</p> <p>2) The office of crime victims' advocacy shall develop strategies to make forensic nurse examiner training available to nurses in all regions of the state without requiring the nurses to travel unreasonable distances and without requiring medical facilities or the nurses to incur unreasonable expenses. Among other important factors deemed relevant and appropriate by the office of crime victims' advocacy, the strategies should take into account the unique challenges faced by medical facilities and nurses operating in rural areas.</p> <p>(a) When developing the strategies, the office of crime victims' advocacy shall consult with:</p> <p>(i) The Harborview abuse and trauma center; (ii) The department of health; (iii) The nursing care quality assurance commission; (iv) The Washington state nurses association; (v) The Washington state hospital association; (vi) The schools of nursing at Washington State University and University of Washington; (vii) Forensic nurse practitioners; and (viii) Other organizations deemed appropriate by the office of crime victims' advocacy.</p> <p>(b) The office of crime victims' advocacy shall report the strategies to the governor and the appropriate committees of the legislature no later than October 1, 2022.</p> <p>3) This section expires June 30, 2023.</p> <p>o New Section 3 – A new section is added to chapter 7.68 RCW to read as follows:</p> <p>1) No costs incurred by a hospital or other emergency medical facility for the examination of the victim of domestic violence assault involving nonfatal strangulation, when such examination is</p>			

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		<p>performed for the purposes of gathering evidence for possible prosecution, shall be billed or charged directly or indirectly to the victim of such assault. Such costs shall be paid by the state pursuant to this chapter.</p> <p>2) The department must notify the office of financial management and the fiscal committees of the legislature if it projects that the cost of services provided under this section exceeds the amount of funding provided by the legislature solely for the purposes of this section.</p> <p>3) No later than October 1, 2022, the department shall report to the legislature the following information for fiscal year 2022:</p> <p>(a) The number, type, and amounts of claims received by victims of suspected nonfatal strangulation, with a subtotal of claims that also involved sexual assault;</p> <p>(b) The number, type, and amounts of claims paid for victims of suspected nonfatal strangulation, with a subtotal of claims that also involved sexual assault; and</p> <p>(c) The number of police reports filed by victims of suspected nonfatal strangulation who received services under this section.</p> <p>4) This section expires June 30, 2023.</p>			
32	SSB 5254	<ul style="list-style-type: none"> • Employers – Protective Devices and Equipment – Public Health Emergency – AN ACT Relating to the use of protective devices and equipment during a public health emergency; adding a new section to chapter 49.17 RCW (49.17.485); and declaring an emergency. 	Admin – Review the act regarding protective devices and equipment – public health emergency.	N/A	April 26, 2021
33	ESSB 5353	<ul style="list-style-type: none"> • Law Enforcement – Community Engagement – Grants – AN ACT Relating to creating a partnership model that facilitates community engagement with law enforcement; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date. <ul style="list-style-type: none"> ○ New Section 1 – The legislature finds that community engagement is a foundational principle of successful community policing practices. When individuals and neighborhood groups are encouraged to partner with law enforcement, a powerful alliance can be built on mutual trust and respect and mitigate polarization between police departments and community groups. A successful community-police partnership leads to the achievement of shared goals of improving safety and quality of life and ensuring that public safety services are tailored to the needs of local communities. The legislature recognizes current efforts in Washington to mobilize communities to insist on equitable and accountable practices that will result in community participation in public safety efforts as well as establish cooperative lines of communication between civilians and law enforcement. Laudable community engagement models such as the safe streets campaign in Pierce county, safe Yakima in Yakima county, and the Okanogan county community coalition are recognized to mitigate crime trends by engaging the community and law enforcement in cooperative efforts to improve public safety. The department of commerce intends to foster community engagement with law enforcement officers through the creation of a community engagement project in 15 communities across the state of 	Admin – Review the grant opportunity for a project to foster better community engagement through neighborhood organizing, law enforcement-community partnerships, and more.	N/A	July 25, 2021

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		<p>Washington with a mix of urban, rural, and suburban areas to facilitate community-law enforcement partnerships and improve police-community relations. The department will implement a project evaluation to measure and examine the impact of local initiatives on community engagement, neighborhood safety, and positive community-police relations. The funded projects will facilitate the empowerment of communities to engage in crime prevention efforts through neighborhood organizing, law enforcement-community partnerships, youth mobilization, and business engagement.</p> <ul style="list-style-type: none"> ○ New Section 2 – A new section is added to chapter 43.330 RCW to read as follows: <ol style="list-style-type: none"> 1) Subject to the availability of amounts appropriated for this specific purpose, a project is created in the department to foster community engagement through neighborhood organizing, law enforcement-community partnerships, youth mobilization, and business engagement. The department shall administer the project. The project must include 12 to 15 grant awards in those counties that have demonstrated their commitment to programs that promote community engagement in public safety including the following counties: Spokane, Pierce, King, Okanogan, Yakima, Cowlitz, Clark, Chelan- Douglas, Walla-Walla, Benton-Franklin, Grant, and Snohomish. 2) The department shall adopt policies and procedures necessary to administer the project including: <ol style="list-style-type: none"> (a) An application process; (b) disbursement of the grant award to selected applicants; (c) tracking compliance and proper use of funds; and (d) measuring outcomes. 3) Eligible applicants must:(a) Be a public agency or nongovernmental organization; (b) Have demonstrated experience with community engagement initiatives that impact public safety; (c) Have community engagement; (d) Have established or be willing to establish a coordinated effort with committed partners, which must include law enforcement and organizations committed to diversity, equity, and inclusion of community members, including organizations whose leadership specifically reflects the communities most impacted by racism; and (e) Have established priorities, policies, and measurable goals in compliance with the requirements of the project as provided in subsection (5) of this section. 4) A law enforcement agency applying for a grant award shall not be considered an eligible applicant unless there are no other eligible applicants from the community or county the law enforcement agency serves. 5) The grant recipient shall: <ol style="list-style-type: none"> (a) Lead and facilitate neighborhood organizing initiatives, including: <ol style="list-style-type: none"> (i) Empowering community members with tools, skills, confidence, and connections to identify, eradicate, and prevent illegal activity; (ii) Making neighborhood improvements to deter future criminal activity; and 			

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		<ul style="list-style-type: none"> (iii) Educating community members regarding how to connect with city, county, and law enforcement resources; (b) Build substantive law enforcement-community partnerships, including: <ul style="list-style-type: none"> (i) Building trust between community members and law enforcement by facilitating purposeful antiracist practices and the development of policies that lead to equal treatment under the law; (ii) Establishing clear expectations for law enforcement to be competent to practice fair and equitable treatment including facilitating dialogue between law enforcement and community members to increase understanding of the impact of historical racist practices and current conflicts; (iii) Community members regularly informing law enforcement, through presentations, workshops, or forums, on community perceptions of law enforcement and public safety issues; (iv) Educating community members on the role and function of law enforcement in the community; (v) Clarifying expectations of law enforcement and of the role of the community in crime prevention; (vi) Educating community members on the best practices for reporting emergency and nonemergency activities; (vii) Recognizing community members for effective engagement and community leadership; and (viii) Recognizing law enforcement officials for efforts to engage underrepresented communities, improve community engagement and empowerment, and reform law enforcement practices; (c) Mobilize youth to partner with neighborhood groups and law enforcement to prevent violence by: <ul style="list-style-type: none"> (i) Helping them develop knowledge and skills to serve as leaders in their communities; (ii) Focusing on prevention of violence and substance abuse; and (iii) Empowering youth to bring their voice to community issues that impact healthy police-community relations; (d) Engage businesses to help prevent crimes, such as vandalism and burglaries, through safety training and other prevention initiatives; (e) Provide training and technical assistance on how to implement community engagement, improving law enforcement and community partnership, youth engagement, and business engagement; (f) Identify and maintain consistent, experienced, and committed leadership for managing the grant, including an administrator who acts as an available point of contact with the department; and 			



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		<p>(g) Collect and report data and information required by the department.</p> <p>6) The department shall, in consultation with the Washington state institute for public policy, develop reporting guidelines for the grant recipient in order to measure whether the safe streets pilot project had an impact on crime rates and community engagement with, and perceptions of, law enforcement. The department shall submit a preliminary report to the legislature with details on the selected grant recipients and the reporting guidelines by January 1, 2022. The department shall submit a final report on the safe streets pilot project, including an analysis of the reported data required under this subsection, by December 1, 2023.</p> <p>7) This section expires January 1, 2024.</p>			
34	ESSB 5432	<ul style="list-style-type: none"> • Office of Cybersecurity – AN ACT Relating to cybersecurity in state government; amending RCW 43.105.054; adding new sections to chapter 43.105 RCW; adding a new section to chapter 39.26 RCW; adding a new section to chapter 39.34 RCW; adding a new section to chapter 42.56 RCW; creating new sections; repealing RCW 43.105.215; and providing an expiration date. 	<p>Admin – Review the creation of the Office of Cybersecurity within the Office of the Chief Information Officer and coordinate with City IT staff on how this move will impact operations and computer/Internet crime investigations.</p>	N/A	July 25, 2021
35	SSB 5460	<ul style="list-style-type: none"> • Autonomous Vehicles – Various Provisions – AN ACT Relating to implementing recommendations of the autonomous vehicle work group; amending RCW 46.92.010 and 46.37.480; amending 2020 c 182 s 4 (uncodified); and providing an effective date. <ul style="list-style-type: none"> ○ Section 1 – RCW 46.92.010 and 2020 c 182 s 2 are each amended to read as follows: <ol style="list-style-type: none"> 1) In order to test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program, the following information must be provided by the self-certifying entity testing the autonomous motor vehicle: <ol style="list-style-type: none"> (a) Contact information specified by the department; (b) Local jurisdictions where testing is planned; (c) The vehicle identification numbers of the autonomous vehicles being tested, provided that one is required by state or federal law; and (d) Proof of an insurance policy that meets the requirements of RCW 46.30.050. 2) Any autonomous motor vehicle to which subsection (1) of this section is applicable and that does not have a vehicle identification number and is not otherwise required under state or federal law to have a vehicle identification number assigned to it must be assigned a unique 	<p>Admin –Review and amend Chapter 61 Traffic as appropriate.</p>	<p>Training – 1 hour – Patrol and Traffic Officers should be made aware of new laws regarding autonomous vehicles in the event of a collision or other accident event.</p>	July 25, 2021— Except for section 1, which becomes effective October 1, 2022

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		<p>identification number that is provided to the department and that is displayed in the vehicle in a manner similar to the display of vehicle identification numbers in motor vehicles.</p> <p>3) (a) The self-certifying entity testing the autonomous motor vehicle on any public roadway must notify the department of:(i) Any collisions that are required to be reported to law enforcement under RCW 46.52.030, involving an autonomous motor vehicle during testing on any public roadway; and (ii) Any moving violations, as defined in administrative rule as authorized under RCW 46.20.2891, for which a citation or infraction was issued, involving an autonomous motor vehicle during testing on any public roadway.(b) By February 1st of each year, the self-certifying entity must submit a report to the department covering reportable events from the prior calendar year.(c) The self-certifying entity shall provide the information required by the department under (a) of this subsection. The information provided must include whether the autonomous driving system was operating the vehicle at the time of or immediately prior to the collision or moving violation, and in the case of a collision, details regarding the collision, including any loss of life, injury, or property damage that resulted from the collision.(d) The provisions of this section are supplemental to all other rights and duties under law applicable in the event of a motor vehicle collision.</p> <p>4) The self-certifying entity testing the autonomous motor vehicle on public roadways under the department's autonomous vehicle self-certification testing pilot program must provide written notice in advance of testing to local and state law enforcement agencies with jurisdiction over any of the public roadways on which testing will occur that includes the expected period of time during which testing will occur in the applicable jurisdictions, including city police departments within city limits where testing will occur, county sheriff departments outside of city limits in counties where testing will occur, and the Washington state patrol when testing will occur on limited access highways, as defined in RCW 47.52.010. However, for testing primarily on limited access highways that travels through multiple local jurisdictions, which may include the limited incidental use of other roadways, the self-certifying entity must only provide written notice as specified in this subsection to the Washington state patrol. Written notice provided under this subsection must: (a) Be provided not less than fourteen and not more than sixty days in advance of testing; (b) include contact information where the law enforcement agency can communicate with the self-certifying entity testing the autonomous vehicle regarding the testing planned in that jurisdiction; and (c) provide the physical description of the motor vehicle or vehicles being tested, including make, model, color, and license plate number.</p> <p>5) The department may adopt a fee to be charged by the department for self-certification in an amount sufficient to offset administration by the department of the self-certification testing pilot program.</p> <p>6) The department shall provide public access to the information self-certifying entities provide to it, and shall provide an annual report to the house and senate transportation committees of</p>			

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		<p>the legislature summarizing the information reported by self-certifying entities under this section.</p> <p>7) An autonomous motor vehicle may not be operated on any public roadway for the purposes of testing in Washington state until the department is provided with the information required under subsection (1) of this section.</p> <p>8) For purposes of this section, "autonomous" means a level four or five driving automation system as provided in the society of automotive engineering international's standard J3016, as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.</p> <ul style="list-style-type: none"> ○ Section 2 – RCW 46.37.480 and 2011 c 368 s 1 are each amended to read as follows: <ul style="list-style-type: none"> 1) ((No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast when the moving images are visible to the driver while operating the motor vehicle on a public road, except for live video of the motor vehicle backing up. This subsection does not apply to law enforcement vehicles communicating with mobile computer networks (2))) No person shall operate any motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds. This subsection does not apply to students and instructors participating in a Washington state motorcycle safety program. 2) (((3))) This section does not apply to authorized emergency vehicles, motorcyclists wearing a helmet with built-in headsets or earphones as approved by the Washington state patrol, or motorists using hands-free, wireless communications systems, as approved by the equipment section of the Washington state patrol. ○ New Section 3 – Section 1 of this act takes effect October 1, 2022. ○ Section 4 – 2020 c 182 s 4 (uncodified) is amended to read as follows: Section 2 of this act takes effect October 1, ((2021)) 2022. 			
36	ESB 5476	<ul style="list-style-type: none"> ● Drug Possession – State V. Blake Decision – AN ACT Relating to responding to the State v. Blake decision by addressing justice system responses and behavioral health prevention, treatment, and related services for individuals using or possessing controlled substances, counterfeit substances, and legend drugs; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, 69.41.030, 69.50.412, 9.94A.518, 13.40.0357, 2.24.010, 2.24.040, 9.94A.728, and 10.64.110; reenacting and amending RCW 10.31.110; adding new sections to chapter 71.24 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 10.31 RCW; creating a new section; prescribing penalties; making appropriations; providing an effective date; providing expiration dates; and declaring an emergency. <ul style="list-style-type: none"> ○ New Section 1 – A new section is added to chapter 71.24 RCW to read as follows: <ul style="list-style-type: none"> 1) The authority, in collaboration with the substance use recovery services advisory committee established in subsection (2) of this section, shall establish a substance use recovery services 	<p>Training – Provide training to all officers regarding the changes in law regarding the State V. Blake Decision for drug possession; Specifically, Section 6, and transporting individuals to crisis</p>	<p>Training – 2.5 hours – Collaborate with WASPC, CJTC, and Franklin County Sheriff’s Office to develop update training on controlled substances.</p>	<p>July 25, 2021 – Except for sections 1 through 11 and 13 through 21, which take effect May 13, 2021; and section 12, which takes effect July 1, 2022</p>

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		<p>plan. The purpose of the plan is to implement measures to assist persons with substance use disorder in accessing outreach, treatment, and recovery support services that are low barrier, person centered, informed by people with lived experience, and culturally and linguistically appropriate. The plan must articulate the manner in which continual, rapid, and widespread access to a comprehensive continuum of care will be provided to all persons with substance use disorder.</p> <p>2) (a) The authority shall establish the substance use recovery services advisory committee to collaborate with the authority in the development and implementation of the substance use recovery services plan under this section. The authority must appoint members to the advisory committee who have relevant background related to the needs of persons with substance use disorder. The advisory committee shall be reflective of the community of individuals living with substance use disorder, including persons who are black, indigenous, and persons of color, persons with co-occurring substance use disorders and mental health conditions, as well as persons who represent the unique needs of rural communities. The advisory committee shall be convened and chaired by the director of the authority, or the director's designee. In addition to the member from the authority, the advisory committee shall include:</p> <ul style="list-style-type: none"> (i) One member and one alternate from each of the two largest caucuses of the house of representatives, as appointed by the speaker of the house of representatives; (ii) One member and one alternate from each of the two largest caucuses of the senate, as appointed by the president of the senate; (iii) One representative of the governor's office; (iv) At least one adult in recovery from substance use disorder who has experienced criminal legal consequences as a result of substance use; (v) At least one youth in recovery from substance use disorder who has experienced criminal legal consequences as a result of substance use; (vi) One expert from the addictions, drug, and alcohol institute at the University of Washington; (vii) One outreach services provider; (viii) One substance use disorder treatment provider; (ix) One peer recovery services provider; (x) One recovery housing provider; (xi) One expert in serving persons with co-occurring substance use disorders and mental health conditions; (xii) One expert in antiracism and equity in health care delivery systems; (xiii) One employee who provides substance use disorder treatment or services as a member of a labor union representing workers in the behavioral health field; (xiv) One representative of the association of Washington health plans; 	<p>stabilization units or triage units, etc. And, Section 7 for all law enforcement officers to receive training on law enforcement interaction with persons with substance use disorders. Sections 8-14 refer to changes in possession of controlled substances.</p>		

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		<p>(xv) One expert in diversion from the criminal legal system to community-based care for persons with substance use disorder;</p> <p>(xvi) One representative of public defenders;</p> <p>(xvii) One representative of prosecutors;</p> <p>(xviii) One representative of sheriffs and police chiefs;</p> <p>(xix) One representative of a federally recognized tribe; and</p> <p>(xx) One representative of local governments.</p> <p>(a) The advisory committee may create subcommittees with expanded participation.</p> <p>(c) In its collaboration with the advisory committee to develop the substance use recovery services plan, the authority must give due consideration to the recommendations of the advisory committee. If the authority determines that any of the advisory committee's recommendations are not feasible to adopt and implement, the authority must notify the advisory committee and offer an explanation.</p> <p>(d) The advisory committee must convene as necessary for the development of the substance use recovery services plan and to provide consultation and advice related to the development and adoption of rules to implement the plan. The advisory committee must convene to monitor implementation of the plan and advise the authority.</p> <p>3) The plan must consider:</p> <p>(a) The points of intersection that persons with substance use disorder have with the health care, behavioral health, criminal, civil legal, and child welfare systems as well as the various locations in which persons with untreated substance use disorder congregate, including homeless encampments, motels, and casinos;</p> <p>(b) New community-based care access points, including crisis stabilization services and the safe station model in partnership with fire departments;</p> <p>(c) Current regional capacity for substance use disorder assessments, including capacity for persons with co-occurring substance use disorders and mental health conditions, each of the American society of addiction medicine levels of care, and recovery support services;</p> <p>(d) Barriers to accessing the existing behavioral health system and recovery support services for persons with untreated substance use disorder, especially indigent youth and adult populations, persons with co-occurring substance use disorders and mental health conditions, and populations chronically exposed to criminal legal system responses, and possible innovations that could improve the quality and accessibility of care for those populations;</p>			

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		<p>(e) Evidence-based, research-based, and promising treatment and recovery services appropriate for target populations, including persons with co-occurring substance use disorders and mental health conditions;</p> <p>(f) Options for leveraging existing integrated managed care, Medicaid waiver, American Indian or Alaska Native fee-for-service behavioral health benefits, and private insurance service capacity for substance use disorders, including but not limited to coordination with managed care organizations, behavioral health administrative services organizations, the Washington health benefit exchange, accountable communities of health, and the office of the insurance commissioner;</p> <p>(g) Framework and design assistance for jurisdictions to assist in compliance with the requirements of RCW 10.31.110 for diversion of individuals with complex or co-occurring behavioral health conditions to community-based care whenever possible and appropriate, and identifying resource gaps that impede jurisdictions in fully realizing the potential impact of this approach;</p> <p>(h) The design of recovery navigator programs in section 2 of this act, including reporting requirements by behavioral health administrative services organizations to monitor the effectiveness of the programs and recommendations for program improvement;</p> <p>(i) The proposal of a funding framework in which, over time, resources are shifted from punishment sectors to community-based care interventions such that community-based care becomes the primary strategy for addressing and resolving public order issues related to behavioral health conditions;</p> <p>(j) Strategic grant making to community organizations to promote public understanding and eradicate stigma and prejudice against persons with substance use disorder by promoting hope, empathy, and recovery;</p> <p>(k) Recommendations for diversion to community-based care for individuals with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, across all points of the sequential intercept model;</p> <p>(l) Recommendations regarding the appropriate criminal legal system response, if any, to possession of controlled substances;</p> <p>(m) Recommendations regarding the collection and reporting of data that identifies the number of persons law enforcement officers and prosecutors engage related to drug possession and disparities across geographic areas, race, ethnicity, gender, age, sexual orientation, and income. The recommendations shall include, but not be limited to, the number and rate of persons who are diverted from charges to recovery navigator services or other services, who receive services and what type of services, who are charged with simple possession, and who are taken into custody; and</p>			

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		<p>(n) The design of a mechanism for referring persons with substance use disorder or problematic behaviors resulting from substance use into the supportive services described in section 2 of this act.</p> <p>4) The plan and related rules adopted by the authority must give due consideration to persons with co-occurring substance use disorders and mental health conditions and the needs of youth. The plan must include the substance use outreach, treatment, and recovery services outlined in sections 2 through 4 of this act which must be available in or accessible by all jurisdictions. These services must be equitably distributed across urban and rural settings. If feasible and appropriate, service initiation shall be made available on demand through 24-hour, seven days a week peer recovery coach response, behavioral health walk-in centers, or other innovative rapid response models. These services must, at a minimum, incorporate the following principles: Establish low barriers to entry and reentry; improve the health and safety of the individual; reduce the harm of substance use and related activity for the public; include integrated and coordinated services; incorporate structural competency and antiracism; use noncoercive methods of engaging and retaining people in treatment and recovery services, including contingency management; consider the unique needs of rural communities; and have a focus on services that increase social determinants of health.</p> <p>5) In developing the plan, the authority shall:</p> <p>(a) Align the components of the plan with previous and ongoing studies, plans, and reports, including the Washington state opioid overdose and response plan, published by the authority, the roadmap to recovery planning grant strategy being developed by the authority, and plans associated with federal block grants; and</p> <p>(b) Coordinate its work with the efforts of the blue-ribbon commission on the intersection of the criminal justice and behavioral health crisis systems and the crisis response improvement strategy committee established in chapter . . . , Laws of 2021 (Engrossed Second Substitute House Bill No. 1477).</p> <p>6) The authority must submit a preliminary report by December 1, 2021, regarding progress toward the substance use recovery services plan. The authority must submit the final substance use recovery services plan to the governor and the legislature by December 1, 2022. After submitting the plan, the authority shall adopt rules and enter into contracts with providers to implement the plan by December 1, 2023. In addition to seeking public comment under chapter 34.05 RCW, the authority must adopt rules in accordance with the recommendations of the substance use recovery services advisory committee as provided in subsection (2) of this section.</p> <p>7) In consultation with the substance use recovery services advisory committee, the authority must submit a report on the implementation of the substance use recovery services plan to the appropriate committees of the legislature and governor by December 1st of each year, beginning in 2023. This report shall include progress on the substance use disorder</p>			

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		<p>continuum of care, including availability of outreach, treatment, and recovery support services statewide.</p> <p>8) For the purposes of this section, "recovery support services" means a collection of resources that sustain long-term recovery from substance use disorder, including for persons with co-occurring substance use disorders and mental health conditions, recovery housing, permanent supportive housing, employment and education pathways, peer supports and recovery coaching, family education, technological recovery supports, transportation and child care assistance, and social connectedness.</p> <p>9) This section expires December 31, 2026.</p> <ul style="list-style-type: none"> o New Section 2 – A new section is added to chapter 71.24 RCW to read as follows: <ol style="list-style-type: none"> 1) Each behavioral health administrative services organization shall establish a recovery navigator program. The program shall provide community-based outreach, intake, assessment, and connection to services and, as appropriate, long-term intensive case management and recovery coaching services, to youth and adults with substance use disorder, including for persons with co-occurring substance use disorders and mental health conditions, who are referred to the program from diverse sources and shall facilitate and coordinate connections to a broad range of community resources for youth and adults with substance use disorder, including treatment and recovery support services. 2) The authority shall establish uniform program standards for behavioral health administrative services organizations to follow in the design of their recovery navigator programs. The uniform program standards must be modeled upon the components of the law enforcement assisted diversion program and address project management, field engagement, biopsychosocial assessment, intensive case management and care coordination, stabilization housing when available and appropriate, and, as necessary, legal system coordination. The authority must adopt the uniform program standards from the components of the law enforcement assisted diversion program to accommodate an expanded population of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, and allow for referrals from a broad range of sources. In addition to accepting referrals from law enforcement, the uniform program standards must provide guidance for accepting referrals on behalf of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, from various sources including, but not limited to, self-referral, family members of the individual, emergency department personnel, persons engaged with serving homeless persons, including those living unsheltered or in encampments, fire department personnel, emergency medical service personnel, community-based organizations, members of the business community, harm reduction program personnel, faith-based organization staff, and other sources within the criminal legal system, as outlined within the sequential intercept model. In developing response time requirements within the statewide program standards, the 			



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		<p>authority shall require, subject to the availability of amounts appropriated for this specific purpose, that responses to referrals from law enforcement occur immediately for in-custody referrals and shall strive for rapid response times to other appropriate settings such as emergency departments.</p> <p>3) Subject to the availability of amounts appropriated for this specific purpose, the authority shall provide funding to each behavioral health administrative services organization for the development of its recovery navigator program. Before receiving funding for implementation and ongoing administration, each behavioral health administrative services organization must submit a program plan that demonstrates the ability to fully comply with statewide program standards. The authority shall establish a schedule for the regular review of behavioral health administrative services organizations' programs. The authority shall arrange for technical assistance to be provided by the LEAD national support bureau to all behavioral health administrative services organizations.</p> <p>4) Each behavioral health administrative services organization must have a substance use disorder regional administrator for its recovery navigator program. The regional administrator shall be responsible for assuring compliance with program standards, including staffing standards. Each recovery navigator program must maintain a sufficient number of appropriately trained personnel for providing intake and referral services, conducting comprehensive biopsychosocial assessments, providing intensive case management services, and making warm handoffs to treatment and recovery support services along the continuum of care. Program staff must include people with lived experience with substance use disorder to the extent possible. The substance use disorder regional administrator must assure that staff who are conducting intake and referral services and field assessments are paid a livable and competitive wage and have appropriate initial training and receive continuing education.</p> <p>5) Each recovery navigator program must submit quarterly reports to the authority with information identified by the authority and the substance use recovery services advisory committee. The reports must be provided to the substance use recovery services advisory committee for discussion at meetings following the submission of the reports.</p> <ul style="list-style-type: none"> ○ New Section 3 – A new section is added to chapter 71.24 RCW to read as follows: <ul style="list-style-type: none"> 1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish a grant program to: <ul style="list-style-type: none"> (a) Provide treatment services for low-income individuals with substance use disorder who are not eligible for medical assistance programs under chapter 74.09 RCW, with priority for the use of the funds for very low-income individuals; and (b) Provide treatment services that are not eligible for federal matching funds to individuals who are enrolled in medical assistance programs under chapter 74.09 RCW. 			

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		<p>2) In establishing the grant program, the authority shall consult with the substance use recovery services advisory committee established in section 1 of this act, behavioral health administrative services organizations, managed care organizations, and regional behavioral health providers to adopt regional standards that are consistent with the substance use recovery services plan developed under section 1 of this act to provide sufficient access for youth and adults to meet each region’s needs for:</p> <ul style="list-style-type: none"> (a) Opioid use disorder treatment clinics; (b) Low-barrier buprenorphine clinics; (c) Outpatient substance use disorder treatment; (d) Withdrawal management services, including both subacute and medically managed withdrawal management; (e) Secure withdrawal management and stabilization services; (f) Inpatient substance use disorder treatment services; (g) Inpatient co-occurring disorder treatment services; and (h) Behavioral health crisis walk-in and drop-off services. <p>3) Funds in the grant program must be used to reimburse providers for the provision of services to individuals identified in subsection (1) of this section. The authority may use the funds to support evidence-based practices and promising practices that are not reimbursed by medical assistance or private insurance, including contingency management. In addition, funds may be used to provide assistance to organizations to establish or expand services as reasonably necessary and feasible to increase the availability of services to achieve the regional access standards developed under subsection (2) of this section, including such items as training and recruitment of personnel, reasonable modifications to existing facilities to accommodate additional clients, start-up funding, and similar forms of assistance. Funds may not be used to support the ongoing operational costs of a provider or organization, except in relation to payments for specific service encounters with an individual identified in subsection (1) of this section or for noninsurance reimbursable services.</p> <p>4) The authority must establish regional access standards under subsection (2) of this section, subject to the availability of amounts appropriated for this specific purpose, by January 1, 2023, and begin distributing grant funds by March 1, 2023.</p> <ul style="list-style-type: none"> o New Section 4 – A new section is added to chapter 71.24 RCW to read as follows: <ul style="list-style-type: none"> 1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish the expanded recovery support services program to increase access to recovery services for individuals in recovery from substance use disorder. 2) In establishing the program, the authority shall consult with the substance use recovery services advisory committee established in section 1 of this act, behavioral health administrative services organizations, regional behavioral health providers, and regional community organizations that support individuals in recovery from substance use disorders, 			



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		<p>including individuals with co-occurring substance use disorders and mental health conditions, to adopt regional expanded recovery plans that are consistent with the substance use recovery services plan developed under section 1 of this act to provide sufficient access for youth and adults to meet each region's needs for:</p> <ul style="list-style-type: none"> (a) Recovery housing; (b) Employment pathways, support, training, and job placement, including evidence-based supported employment program services; (c) Education pathways, including recovery high schools and collegiate recovery programs; (d) Recovery coaching and substance use disorder peer support; (e) Social connectedness initiatives, including the recovery café model; (f) Family support services, including family reconciliation services; (g) Technology-based recovery support services; (h) Transportation assistance; and (i) Legal support services. <p>3) Funds in the expanded recovery support services program must be used to reimburse providers for the provision of services to individuals in recovery from substance use disorders, including individuals with co-occurring substance use disorders and mental health conditions. In addition, the funds may be used to provide assistance to organizations to establish or expand recovery support services as reasonably necessary and feasible to increase the availability of services to achieve the regional expanded recovery plans developed under subsection (2) of this section, including such items as training and recruitment of personnel, reasonable modifications to existing facilities to accommodate additional clients, and similar forms of assistance.</p> <p>4) The authority must establish regional expanded recovery plans under subsection (2) of this section, subject to the availability of amounts appropriated for this specific purpose, by January 1, 2023, and begin distributing grant funds by March 1, 2023.</p> <ul style="list-style-type: none"> o New Section 5 – A new section is added to chapter 71.24 RCW to read as follows: <ul style="list-style-type: none"> 1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish a homeless outreach stabilization transition program to expand access to modified assertive community treatment services provided by multidisciplinary behavioral health outreach teams to serve people who are living with serious substance use disorders or co-occurring substance use disorders and mental health conditions, are experiencing homelessness, and whose severity of behavioral health symptom acuity level creates a barrier to accessing and receiving conventional behavioral health services and outreach models. <ul style="list-style-type: none"> (a) In establishing the program, the authority shall consult with behavioral health outreach organizations who have experience delivering this service model in order to establish 			

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		<p>program guidelines regarding multidisciplinary team staff types, service intensity and quality fidelity standards, and criteria to ensure programs are reaching the appropriate priority population.</p> <p>(b) Funds for the homeless outreach stabilization transition program must be used to reimburse organizations for the provision of multidisciplinary outreach services to individuals who are living with substance use disorders or co-occurring substance use and mental health disorders and are experiencing homelessness or transitioning from homelessness to housing. The funds may be used to provide assistance to organizations to establish or expand services as reasonably necessary to create a homeless outreach stabilization transition program, including items such as training and recruitment of personnel, outreach and engagement resources, client engagement and health supplies, medications for people who do not have access to insurance, and similar forms of assistance.</p> <p>(c) The authority must establish one or more homeless outreach stabilization transition programs by January 1, 2024, and begin distributing grant funds by March 1, 2024.</p> <p>2) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish a project for psychiatric outreach to the homeless program to expand access to behavioral health medical services for people who are experiencing homelessness and living in permanent supportive housing.</p> <p>(a) In establishing the program, the authority shall consult with behavioral health medical providers, homeless service providers, and permanent supportive housing providers that support people living with substance use disorders, co-occurring substance use and mental health conditions, and people who are currently or have formerly experienced homelessness.</p> <p>(b) Funds for the project for psychiatric outreach to the homeless program must be used to reimburse organizations for the provision of medical services to individuals who are living with or in recovery from substance use disorders, co-occurring substance use and mental health disorders, or other behavioral and physical health conditions. Organizations must provide medical services to people who are experiencing homelessness or are living in permanent supportive housing and would be at risk of homelessness without access to appropriate services. The funds may be used to provide assistance to organizations to establish or expand behavioral health medical services as reasonably necessary to create a project for psychiatric outreach to the homeless program, including items such as training and recruitment of personnel, outreach and engagement resources, medical equipment and health supplies, medications for people who do not have access to insurance, and similar forms of assistance.</p>			



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		<p>(c) The authority must establish one or more projects for psychiatric outreach to the homeless programs by January 1, 2024, and begin distributing grant funds by March 1, 2024.</p> <p>3) Subject to the availability of amounts appropriated for this specific purpose, the authority shall increase contingency management resources for opioid treatment networks that are serving people living with co-occurring stimulant use and opioid use disorder.</p> <p>4) Subject to the availability of amounts appropriated for this specific purpose, the authority shall develop a plan for implementing a comprehensive statewide substance misuse prevention effort. The plan must be completed by January 1, 2024.</p> <p>5) Subject to the availability of amounts appropriated for this specific purpose, the authority shall administer a competitive grant process to broaden existing local community coalition efforts to prevent substance misuse by increasing relevant protective factors while decreasing risk factors. Coalitions are to be open to all stakeholders interested in substance misuse prevention, including, but not limited to, representatives from people in recovery, law enforcement, education, behavioral health, parent organizations, treatment organizations, organizations serving youth, prevention professionals, and business.</p> <ul style="list-style-type: none"> ○ Section 6 – RCW 10.31.110 and 2019 c 326 s 3 and 2019 c 325 s 5004 are each reenacted and amended to read as follows: <ul style="list-style-type: none"> 1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a crime, and the individual is known by history or consultation with the behavioral health administrative services organization, managed care organization, ((behavioral health administrative services organization,)) crisis hotline, ((or)) local crisis services providers, or community health providers to ((suffer from)) have a mental disorder or substance use disorder, in addition to existing authority under state law or local policy, as an alternative to arrest, the arresting officer is authorized and encouraged to: <ul style="list-style-type: none"> (a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020. 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 or substance use disorder 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 or substance use disorder professional within three hours of arrival; (c) Refer the individual to a ((mental health professional)) designated crisis responder 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; 			

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		<p>(e) Refer the individual to youth, adult, or geriatric mobile crisis response services, as appropriate; or</p> <p>(f) Refer the individual to the regional entity responsible to receive referrals in lieu of legal system involvement, including the recovery navigator program described in section 2 of this act.</p> <p>2) If the individual is released to the community from the facilities in subsection (1)(a) through (c) of this section, the mental health provider or substance use disorder professional shall make reasonable efforts to inform the arresting officer of the planned release prior to release if the arresting officer has specifically requested notification and provided contact information to the provider.</p> <p>3) In deciding whether to refer the individual to treatment under this section, the police officer must be guided by local law enforcement diversion guidelines for behavioral health developed and mutually agreed upon with the prosecuting authority with an opportunity for consultation and comment by the defense bar and disability community. These guidelines must address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health history of the individual, if available, the substance use disorder history of the individual, if available, the opinions of a mental health professional, if available, the opinions of a substance use disorder professional, if available, and the circumstances surrounding the commission of the alleged offense. The guidelines must include a process for clearing outstanding warrants or referring the individual for assistance in clearing outstanding warrants, if any, and issuing a new court date, if appropriate, without booking or incarcerating the individual or disqualifying ((him or her)) the individual from referral to treatment under this section, and define the circumstances under which such action is permissible. Referrals to services, care, and treatment for substance use disorder must be made in accordance with protocols developed for the recovery navigator program described in section 2 of this act.</p> <p>4) Any agreement to participate in treatment or services in lieu of jail booking or referring a case for prosecution shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in the alternative response described in this section. Any agreement is inadmissible in any criminal or civil proceeding. Such agreements do not create immunity from prosecution for the alleged criminal activity.</p> <p>5) If ((an individual violates such agreement and the mental health treatment alternative is no longer appropriate)) there are required terms of participation in the services or treatment to which an individual was referred under this section, and if the individual violates such terms and is therefore no longer participating in services:</p> <p>(a) The ((mental health)) behavioral health or service provider shall inform the referring law enforcement agency of the violation, if consistent with the terms of the program and applicable law; and</p>			

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		<p>(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly, unless filing or referring the charges is inconsistent with the terms of a local diversion program or a recovery navigator program described in section 2 of this act.</p> <p>6) The police officer is immune from liability for any good faith conduct under this section.</p> <ul style="list-style-type: none"> ○ New Section 7 – A new section is added to chapter 43.101 RCW to read as follows: <ol style="list-style-type: none"> 1) Beginning July 1, 2022, all law enforcement personnel required to complete basic law enforcement training under RCW 43.101.200 must receive training on law enforcement interaction with persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, and referral to treatment and recovery services and the unique referral processes for youth, as part of the basic law enforcement training. The training must be developed by the commission in collaboration with the University of Washington behavioral health institute and agencies that have expertise in the area of working with persons with substance use disorders, including law enforcement diversion of such individuals to community-based care. In developing the training, the commission must also examine existing courses certified by the commission that relate to persons with a substance use disorder, and should draw on existing training partnerships with the Washington association of sheriffs and police chiefs. 2) The training must consist of classroom instruction or internet instruction and shall replicate likely field situations to the maximum extent possible. The training should include, at a minimum, core instruction in all of the following: <ol style="list-style-type: none"> (a) Proper procedures for referring persons to the recovery navigator program in accordance with section 2 of this act; (b) The etiology of substance use disorders, including the role of trauma; (c) Barriers to treatment engagement experienced by many with such disorders who have contact with the legal system; (d) How to identify indicators of substance use disorder and how to respond appropriately in a variety of common situations; (e) Conflict resolution and de-escalation techniques for potentially dangerous situations involving persons with a substance use disorder; (f) Appropriate language usage when interacting with persons with a substance use disorder; (g) Alternatives to lethal force when interacting with potentially dangerous persons with a substance use disorder; (h) The principles of recovery and the multiple pathways to recovery; and (i) Community and state resources available to serve persons with substance use disorders and how these resources can be best used by law enforcement to support persons with a substance use disorder in their communities. 			

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		<p>3) In addition to incorporation into the basic law enforcement training under RCW 43.101.200, training must be made available to law enforcement agencies, through electronic means, for use during in- service training.</p> <ul style="list-style-type: none"> ○ Section 8 – RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows: <ul style="list-style-type: none"> 1) Except as authorized by this chapter, it is unlawful for ((any)): <ul style="list-style-type: none"> (a) Any person to create ((+)) or deliver((, or possess)) a or deliver a counterfeit substance; or (b) Any person to knowingly possess a counterfeit substance. 2) Any person who violates subsection (1)(a) of this section with respect to: <ul style="list-style-type: none"> (a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both; (b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both; (c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW; (d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW; (e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW. 3) A violation of subsection (1)(b) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services. ○ Section 9 – RCW 69.50.4013 and 2017 c 317 s 15 are each amended to read as follows: <ul style="list-style-type: none"> 1) It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter. 2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a ((class C felony punishable under chapter 9A.20 RCW)) misdemeanor. 3) The prosecutor is encouraged to divert cases under this section for assessment, treatment, or other services. 4) (a) The possession, by a person twenty-one years of age or older, of useable marijuana, marijuana concentrates, or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law. (b) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or 			

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		<p>delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.</p> <p>5) (((4))) (a) The delivery by a person twenty-one years of age or older to one or more persons twenty-one years of age or older, during a single twenty-four hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following marijuana products, is not a violation of this section, this chapter, or any other provisions of Washington state law:</p> <ul style="list-style-type: none"> (i) One-half ounce of useable marijuana; (ii) Eight ounces of marijuana-infused product in solid form; (iii) Thirty-six ounces of marijuana-infused product in liquid form; or (iv) Three and one-half grams of marijuana concentrates. <p>(b) The act of delivering marijuana or a marijuana product as authorized under this subsection (((4))) (5) must meet one of the following requirements:</p> <ul style="list-style-type: none"> (i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or (ii) The marijuana or marijuana product must be in the original packaging as purchased from the marijuana retailer. <p>6) (((5))) No person under twenty-one years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.</p> <p>7) (((6))) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana- infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.</p> <ul style="list-style-type: none"> ○ Section 10 – RCW 69.50.4014 and 2015 2nd sp.s. c 4 s 505 are each amended to read as follows: Except as provided in RCW 69.50.401(2)(c) or as otherwise authorized by this chapter, any person found guilty of knowing possession of forty grams or less of marijuana is guilty of a misdemeanor. The prosecutor is encouraged to divert cases under this section for assessment, treatment, or other services. ○ Section 11 – RCW 69.41.030 and 2019 c 55 s 9 are each amended to read as follows: <ul style="list-style-type: none"> 1) It shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the 			

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		<p>United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, a licensed osteopathic physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.</p> <p>2) (a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW. (b) A violation of this section involving possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.</p> <ul style="list-style-type: none"> ○ Section 12 – RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows: <ul style="list-style-type: none"> 1) It shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the 			



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		<p>United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.</p> <p>2) (a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW. (b) A violation of this section involving possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.</p> <ul style="list-style-type: none"> ○ New Section 13 – A new section is added to chapter 10.31 RCW to read as follows: <ol style="list-style-type: none"> 1) For all individuals who otherwise would be subject to arrest for possession of a counterfeit substance under RCW 69.50.4011, possession of a controlled substance under RCW 69.50.4013, possession of 40 grams or less of marijuana under RCW 69.50.4014, or possession of a legend drug under RCW 69.41.030(2)(b), in lieu of jail booking and referral to the prosecutor, law enforcement shall offer a referral to assessment and services available pursuant to RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include the recovery navigator program established under section 2 of this act. 			

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		<ul style="list-style-type: none"> 2) If law enforcement agency records reflect that an individual has been diverted to referral for assessment and services twice or more previously, officers may, but are not required to, make additional diversion efforts. 3) Nothing in this section precludes prosecutors from diverting or declining to file any charges for possession offenses that are referred under RCW 69.50.4011, 69.50.4013, 69.50.4014, or 69.41.030(2)(b) in the exercise of their discretion. ○ Section 14 – RCW 69.50.412 and 2019 c 64 s 22 are each amended to read as follows: <ul style="list-style-type: none"> 1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor. 2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor. 3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his or her junior is guilty of a gross misdemeanor. 4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor. 5) It is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing blood-borne diseases. ○ Sections 15-30 refer to appropriations for treatment and sentencing. 			