
ENGROSSED SUBSTITUTE SENATE BILL 5270

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Kohl-Welles and Winsley)

READ FIRST TIME 02/17/03.

1 AN ACT Relating to law enforcement mobilization; adding new
2 sections to chapter 36.28A RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) Because of the possibility of a disaster
5 of unprecedented size and destruction, including acts of domestic
6 terrorism and civil unrest, that requires law enforcement response for
7 the protection of persons or property and preservation of the peace,
8 the need exists to ensure that the state is adequately prepared to
9 respond to such an incident. There is a need to (a) establish a
10 mechanism and a procedure to provide for reimbursement to law
11 enforcement agencies that respond to help others in time of need, and
12 to host law enforcement agencies that experience expenses beyond the
13 resources of the agencies; and (b) generally to protect the public
14 safety, peace, health, lives, and property of the people of Washington.

15 (2) It is hereby declared necessary to:

16 (a) Provide the policy and organizational structure for large-scale

1 mobilization of law enforcement resources in the state, using the
2 incident command system, through creation of the Washington state law
3 enforcement mobilization plan;

4 (b) Confer upon the chief of the Washington state patrol the powers
5 provided in this chapter;

6 (c) Provide a means for reimbursement to law enforcement
7 jurisdictions that incur expenses when mobilized by the chief under the
8 Washington state law enforcement mobilization plan; and

9 (d) Provide for reimbursement of the host law enforcement agency
10 when it has:

11 (i) Exhausted all of its resources; and

12 (ii) Invoked its local mutual aid network and exhausted those
13 resources.

14 NEW SECTION. **Sec. 2.** Unless the context clearly requires
15 otherwise, the definitions in this section apply throughout this
16 chapter.

17 (1) "Agency" means any general purpose law enforcement agency as
18 defined in RCW 10.93.020.

19 (2) "Board" means the state law enforcement mobilization policy
20 board.

21 (3) "Chief" means the chief of the Washington state patrol.

22 (4) "Chief law enforcement officer" means the chief of police or
23 sheriff responsible for law enforcement services in the jurisdiction in
24 which the emergency is occurring.

25 (5) "General authority Washington peace officer" means a general
26 authority Washington peace officer as defined in RCW 10.93.020.

27 (6) "Host agency" means the law enforcement agency that requests
28 statewide mobilization under sections 2 through 7 of this act.

29 (7) "Mobilization" means a redistribution of regional and statewide
30 law enforcement resources in response to an emergency or disaster
31 situation.

32 (8) "Mutual aid" means emergency interagency assistance provided
33 without compensation pursuant to an agreement under chapter 39.34 RCW.

34 (9) "Resource coordination" means the effort to locate and arrange
35 for the delivery of resources needed by chief law enforcement officers.

36 (10) "State law enforcement resource coordinator" means a

1 designated individual or agency selected by the chief to perform the
2 responsibilities of that position.

3 NEW SECTION. **Sec. 3.** (1) The state law enforcement mobilization
4 policy board shall be established by the chief and shall have
5 representatives from each of the regions established in section 6 of
6 this act. In carrying out its duty, the board shall consult with and
7 solicit recommendations from representatives of the state and local law
8 enforcement and emergency management organizations, and regional law
9 enforcement mobilization committees.

10 (2) The board shall establish and make recommendations to the chief
11 on the refinement and maintenance of the Washington state law
12 enforcement mobilization plan, including the procedures to be used
13 during an emergency or disaster response requiring coordination of
14 local, regional, and state law enforcement resources.

15 (3) The chief shall review the Washington state law enforcement
16 mobilization plan, as submitted by the board, recommend changes as
17 necessary, and may approve the plan. The plan shall be consistent with
18 the Washington state comprehensive emergency management plan. The
19 chief may recommend the plan for inclusion within the state
20 comprehensive emergency management plan established under chapter 38.52
21 RCW.

22 NEW SECTION. **Sec. 4.** (1) Local law enforcement may request
23 mobilization only in response to an emergency or disaster exceeding the
24 capabilities of available local resources and those available through
25 existing mutual aid agreements. Upon finding that the local
26 jurisdiction has exhausted all available resources, it is the
27 responsibility of the chief to determine whether mobilization is the
28 appropriate response to the emergency or disaster and, if so, to
29 mobilize jurisdictions under the Washington state law enforcement
30 mobilization plan.

31 (2) Upon mobilization, the chief shall appoint a state law
32 enforcement resource coordinator, and an alternate, who shall serve
33 jointly with the chief law enforcement officer from the host agency to
34 command the mobilization effort consistent with incident command system
35 procedures.

1 (3) Upon mobilization, all law enforcement resources including
2 those of the host agency and those that responded earlier under an
3 existing mutual aid or other agreement shall be mobilized.
4 Mobilization may include the redistribution of regional or statewide
5 law enforcement resources to either direct emergency incident
6 assignments or to assignments in communities where law enforcement
7 resources are needed.

8 (4) For the duration of the mobilization:

9 (a) Host agency resources shall become state law enforcement
10 mobilization resources, under the command of the state law enforcement
11 resource coordinator and the chief law enforcement officer from the
12 host agency, consistent with the state law enforcement mobilization
13 plan and incident command system procedures; and

14 (b) All law enforcement authorities providing resources in response
15 to a mobilization declaration shall be eligible for expense
16 reimbursement as provided by this chapter.

17 (5) The chief, in consultation with the regional law enforcement
18 resource coordinator, shall determine when mobilization is no longer
19 required and shall then declare the end to the mobilization.

20 NEW SECTION. **Sec. 5.** (1) The state law enforcement resource
21 coordinator, or alternate, shall serve in that capacity for the
22 duration of the mobilization.

23 (2) The duties of the coordinator are to:

24 (a) Coordinate the mobilization of law enforcement and other
25 support resources within a region;

26 (b) Be primarily responsible for the coordination of resources in
27 conjunction with the regional law enforcement mobilization committees,
28 in the case of incidents involving more than one region or when
29 resources from more than one region must be mobilized; and

30 (c) Advise and consult with the chief regarding what resources are
31 required in response to the emergency or disaster and in regard to when
32 the mobilization should end.

33 NEW SECTION. **Sec. 6.** (1) Regions within the state are initially
34 established as follows and may be adjusted as necessary by the state
35 law enforcement policy board, but should remain consistent with the
36 Washington state fire defense regions:

- 1 (a) Central region - Grays Harbor, Thurston, Pacific, and Lewis
2 counties;
- 3 (b) Lower Columbia region - Kittitas, Yakima, and Klickitat
4 counties;
- 5 (c) Mid-Columbia region - Chelan, Douglas, and Grant counties;
- 6 (d) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille,
7 Spokane, Adams, and Lincoln counties;
- 8 (e) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and
9 Island counties;
- 10 (f) Olympic region - Clallam and Jefferson counties;
- 11 (g) South Puget Sound region - Kitsap, Mason, King, and Pierce
12 counties;
- 13 (h) Southeast region - Benton, Franklin, Walla Walla, Columbia,
14 Whitman, Garfield, and Asotin counties;
- 15 (i) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania
16 counties.
- 17 (2) Within each of the regions there is created a regional law
18 enforcement mobilization committee. The committees shall consist of
19 the sheriff of each county in the region, the district commander of the
20 Washington state patrol from the region, a number of police chiefs
21 within the region equivalent to the number of counties within the
22 region plus one, and the director of the counties' emergency management
23 office. The police chief members of each regional committee must
24 include the chiefs of police of each city of ninety-five thousand or
25 more population, and the number of members of the committee shall be
26 increased if necessary to accommodate such chiefs. Members of each
27 regional mobilization committee shall select a chair, who shall have
28 authority to implement the regional plan, and a secretary as officers.
29 Members serving on the regional mobilization committees shall not be
30 eligible for reimbursement for meeting-related expenses from the state.
- 31 (3) The regional mobilization committees shall work with the
32 relevant local government entities to facilitate development of
33 intergovernmental agreements if any such agreements are required to
34 implement a regional law enforcement mobilization plan.
- 35 (4) Regional mobilization committees shall develop regional law
36 enforcement mobilization plans that include provisions for organized
37 law enforcement agencies to respond across municipal, county, or
38 regional boundaries. Each regional mobilization plan shall be

1 consistent with the incident command system, the Washington state law
2 enforcement mobilization plan, and regional response plans adopted
3 prior to the effective date of this act.

4 (5) Each regional plan, adopted under subsection (4) of this
5 section shall be approved by the state law enforcement mobilization
6 policy board before implementation.

7 NEW SECTION. **Sec. 7.** The state patrol in consultation with the
8 Washington association of sheriffs and police chiefs and the office of
9 financial management shall develop procedures to facilitate
10 reimbursement to jurisdictions from funds appropriated specifically for
11 this purpose when jurisdictions are mobilized under the Washington
12 state law enforcement mobilization plan.

13 Nothing in this chapter shall be construed or interpreted to limit
14 the eligibility of any nonhost law enforcement authority for
15 reimbursement of expenses incurred in providing law enforcement
16 resources for mobilization.

17 NEW SECTION. **Sec. 8.** Sections 2 through 7 of this act are each
18 added to chapter 36.28A RCW.

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