
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
17 mobilization of law enforcement resources in the state through creation
18 of the Washington state law enforcement mobilization plan;

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

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

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

8 (i) Exhausted all of its resources; and

9 (ii) Invoked its local mutual aid network and exhausted those
10 resources.

11 NEW SECTION. **Sec. 2.** Unless the context clearly requires
12 otherwise, the definitions in this section apply throughout this
13 chapter.

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

16 (2) "Board" means the state law enforcement mobilization policy
17 board.

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

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

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

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

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

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

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

33 (10) "State law enforcement resource coordinator" means a
34 designated individual or agency selected by the chief to perform the
35 responsibilities of that position.

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

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

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

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

29 (2) Upon mobilization, the chief shall appoint a state law
30 enforcement resource coordinator, and an alternate, who shall serve in
31 that capacity for the duration of the mobilization.

32 (3) Upon mobilization, all law enforcement resources including
33 those of the host agency and those that responded earlier under an
34 existing mutual aid or other agreement shall be mobilized.
35 Mobilization may include the redistribution of regional or statewide
36 law enforcement resources to either direct emergency incident

1 assignments or to assignments in communities where law enforcement
2 resources are needed.

3 (4) For the duration of the mobilization:

4 (a) Host agency resources shall become state law enforcement
5 mobilization resources, under the command of the state law enforcement
6 resource coordinator, consistent with the state law enforcement
7 mobilization plan; and

8 (b) All law enforcement authorities other than the host agency
9 providing resources in response to a mobilization declaration shall be
10 eligible for expense reimbursement as provided by this chapter.

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

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

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

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

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

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

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

31 (a) Central region - Grays Harbor, Thurston, Pacific, and Lewis
32 counties;

33 (b) Lower Columbia region - Kittitas, Yakima, and Klickitat
34 counties;

35 (c) Mid-Columbia region - Chelan, Douglas, and Grant counties;

1 (d) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille,
2 Spokane, Adams, and Lincoln counties;

3 (e) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and
4 Island counties;

5 (f) Olympic region - Clallam and Jefferson counties;

6 (g) South Puget Sound region - Kitsap, Mason, King, and Pierce
7 counties;

8 (h) Southeast region - Benton, Franklin, Walla Walla, Columbia,
9 Whitman, Garfield, and Asotin counties;

10 (i) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania
11 counties.

12 (2) Within each of the regions there is created a regional law
13 enforcement mobilization committee. The committees shall consist of
14 the sheriff of each county in the region, the district commander of the
15 Washington state patrol from the region, a number of police chiefs
16 within the region equivalent to the number of counties within the
17 region plus one, and the director of the counties' emergency management
18 office. Members of each regional mobilization committee shall select
19 a chair, who shall have authority to implement the regional plan, and
20 a secretary as officers. Members serving on the regional mobilization
21 committees shall not be eligible for reimbursement for meeting-related
22 expenses from the state.

23 (3) The regional mobilization committees shall work with the
24 relevant local government entities to facilitate development of
25 intergovernmental agreements if any such agreements are required to
26 implement a regional law enforcement mobilization plan.

27 (4) Regional mobilization committees shall develop regional law
28 enforcement mobilization plans that include provisions for organized
29 law enforcement agencies to respond across municipal, county, or
30 regional boundaries. Each regional mobilization plan shall be
31 consistent with the incident command system, the Washington state law
32 enforcement mobilization plan, and regional response plans adopted
33 prior to the effective date of this act.

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

1 NEW SECTION. **Sec. 7.** The Washington association of sheriffs and
2 police chiefs in consultation with the office of financial management
3 shall develop procedures to facilitate reimbursement to jurisdictions
4 from appropriate federal and state funds when jurisdictions are
5 mobilized under the Washington state law enforcement mobilization plan.
6 The Washington association of sheriffs and police chiefs shall ensure
7 that these procedures provide reimbursement to the host agency in as
8 timely a manner as possible as funds become available from state,
9 federal, or other sources.

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

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

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