
SENATE BILL 5270

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By Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Kohl-Welles and Winsley

Read first time 01/21/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to law enforcement mobilization; and adding a new
2 chapter to Title 38 RCW.

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

4 NEW SECTION. **Sec. 1.** Because of the possibility of a disaster of
5 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 establish a mechanism
10 and a procedure to provide for reimbursement to law enforcement
11 agencies that respond to help others in time of need, and to host law
12 enforcement agencies that experience expenses beyond the resources of
13 the agencies, and generally to protect the public safety, peace,
14 health, lives, and property of the people of Washington. It is hereby
15 declared necessary to:

16 (1) Provide the policy and organizational structure for large-
17 scale mobilization of law enforcement resources in the state through
18 creation of the Washington state law enforcement mobilization plan;

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

3 (3) 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 (4) Provide for reimbursement of the host law enforcement agency
7 when it has:

8 (a) Exhausted all of its resources; and

9 (b) Invoked its local mutual aid network and exhausted those
10 resources. Upon implementation of state law enforcement mobilization,
11 the host resources shall become state law enforcement mobilization
12 resources consistent with the law enforcement mobilization plan. It is
13 the intent of the legislature that mutual aid and other interlocal
14 agreements providing for enhanced emergency response be encouraged as
15 essential to the public peace, safety, health, and welfare, and for the
16 protection of the lives and property of the people of the state of
17 Washington. If possible, mutual aid agreements should be without
18 stated limitations as to resources available, time, or area. Nothing
19 in this chapter shall be construed or interpreted to limit the
20 eligibility of any nonhost law enforcement authority for reimbursement
21 of expenses incurred in providing law enforcement resources for
22 mobilization.

23 NEW SECTION. **Sec. 2.** Unless the context clearly requires
24 otherwise, the definitions in this section apply throughout this
25 chapter.

26 (1) "Agency" means any general purpose law enforcement agency as
27 defined by law.

28 (2) "Chief" means the chief of the Washington state patrol.

29 (3) "Department" means the military department.

30 (4) "State law enforcement resource coordinator" means a designated
31 individual or agency selected by the chief to perform the
32 responsibilities of that position.

33 (5) "Chief law enforcement officer" means the chief of police or
34 sheriff responsible for law enforcement services in the jurisdiction in
35 which the emergency is occurring.

36 (6) "Jurisdiction" means a general authority Washington law
37 enforcement agency as defined in RCW 10.93.020.

1 (7) "General authority Washington peace officer" means a general
2 authority Washington peace officer as defined in RCW 10.93.020.

3 (8) "Mobilization" means that law enforcement resources beyond
4 those available through existing agreements will be requested and when
5 available, sent in response to an emergency or disaster situation that
6 has exceeded the capabilities of available local resources. During a
7 large-scale emergency, mobilization may include the redistribution of
8 regional or statewide law enforcement resources to either direct
9 emergency incident assignments or to assignments in communities where
10 law enforcement resources are needed. When mobilization is declared
11 and authorized as provided in this chapter, all law enforcement
12 resources including those of the host law enforcement jurisdiction
13 shall be mobilized under this chapter, including those that responded
14 earlier under an existing mutual aid or other agreement. All nonhost
15 law enforcement authorities providing resources in response to a
16 mobilization declaration shall be eligible for expense reimbursement as
17 provided by this chapter from the time of the mobilization declaration.

18 (9) "Mutual aid" means emergency interagency assistance provided
19 without compensation under an agreement between jurisdictions under
20 chapter 39.34 RCW.

21 (10) "Resource coordination" means the effort to locate and arrange
22 for the delivery of resources needed by chief law enforcement officers
23 and incident commanders. Resource coordination involving the
24 mobilization of law enforcement and other support resources within a
25 region is the responsibility of the regional law enforcement resource
26 coordinator. In the case of incidents involving more than one region
27 or when resources from more than one region must be mobilized, the
28 state law enforcement resource coordinator has the primary
29 responsibility for resource coordination in conjunction with the
30 regional law enforcement resource coordinators.

31 NEW SECTION. **Sec. 3.** The state law enforcement mobilization
32 policy board shall be established by the chief and shall be
33 representative of the established regions. The board shall review and
34 make recommendations to the chief on the refinement and maintenance of
35 the Washington state law enforcement mobilization plan; which shall
36 include the procedures to be used during an emergency or disaster
37 response requiring coordination of local, regional, and state law

1 enforcement jurisdiction resources. In carrying out this duty, the law
2 enforcement mobilization policy board shall consult with and solicit
3 recommendations from representatives of the state and local law
4 enforcement and emergency management organizations, and regional law
5 enforcement mobilization committees. The Washington state law
6 enforcement mobilization plan shall be consistent with, and made a part
7 of the Washington state comprehensive emergency management plan. The
8 chief shall review the law enforcement mobilization plan as submitted
9 by the law enforcement mobilization policy board, recommend changes
10 that may be necessary, and approve the law enforcement mobilization
11 plan for inclusion within the state comprehensive emergency management
12 plan. It is the responsibility of the chief to mobilize jurisdictions
13 under the Washington state law enforcement mobilization plan. The
14 chief shall appoint a state law enforcement resource coordinator and an
15 alternate who shall serve in that capacity when the law enforcement
16 mobilization plan is activated.

17 NEW SECTION. **Sec. 4.** Regions within the state are initially
18 established as follows but may be adjusted as necessary by the state
19 law enforcement policy board, but should remain consistent with the
20 Washington state fire defense regions:

21 (1) **Central region** - Grays Harbor, Thurston, Pacific, and Lewis
22 counties;

23 (2) **Lower Columbia region** - Kittitas, Yakima, and Klickitat
24 counties;

25 (3) **Mid-Columbia region** - Chelan, Douglas, and Grant counties;

26 (4) **Northeast region** - Okanogan, Ferry, Stevens, Pend Oreille,
27 Spokane, and Lincoln counties;

28 (5) **Northwest region** - Whatcom, Skagit, Snohomish, San Juan, and
29 Island counties;

30 (6) **Olympic region** - Clallam and Jefferson counties;

31 (7) **South Puget Sound region** - Kitsap, Mason, King, and Pierce
32 counties;

33 (8) **Southeast region** - Benton, Franklin, Walla Walla, Columbia,
34 Whitman, Garfield, and Asotin counties;

35 (9) **Southwest region** - Wahkiakum, Cowlitz, Clark, and Skamania
36 counties.

1 Within each of these regions there is created a regional law
2 enforcement coordinating committee. The committee shall consist of the
3 sheriff of each county in the region, the district commander of the
4 Washington state patrol from the region, a number of police chiefs
5 within the region equivalent to the number of counties within the
6 region plus one, and the director of the counties' emergency management
7 office. Members of each regional board shall select a chair and a
8 secretary as officers. Members serving on the regional boards shall do
9 so on a voluntary capacity and are not eligible for reimbursement for
10 meeting-related expenses from the state. Regional committees shall
11 develop regional law enforcement service plans that include provisions
12 for organized law enforcement agencies to respond across municipal,
13 county, or regional boundaries. Each regional plan shall be consistent
14 with the incident command system, the Washington state law enforcement
15 mobilization plan, and regional response plans already adopted and in
16 use in the state. The regional boards shall work with the relevant
17 local government entities to facilitate development of
18 intergovernmental agreements if any such agreements are required to
19 implement a regional law enforcement response plan. Each regional plan
20 shall be approved by the state law enforcement mobilization policy
21 board before implementation.

22 NEW SECTION. **Sec. 5.** The department in consultation with the
23 office of financial management shall develop procedures to facilitate
24 reimbursement to jurisdictions from appropriate federal and state funds
25 when jurisdictions are mobilized by the chief under the Washington
26 state law enforcement mobilization plan. The department shall ensure
27 that these procedures provide reimbursement to the host agency in as
28 timely a manner as possible.

29 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
30 a new chapter in Title 38 RCW.

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