WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

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Serving the Law Enforcement Community and the Citizens of Washington

EXECUTIVE BOARD MEETING
ALPEN ROSE INN—LEAVENWORTH, WA
SEPTEMBER 16, 2010—1:30 PM

Board Members	Agency	Guests	Agency
Tom Schlicker	Swinomish Police Department	Debbie Mealy	WA CJTC
John Batiste	WA State Patrol	**Staff**	**Agency**
Sue Rahr	King County Sheriff's Office	Don Pierce	WASPC
Randy Stegmeier	Western WA University Police Department	Tom Corzine	WASPC
Laura Laughlin	FBI—Seattle	Joanna Arlow	WASPC
Eric Olsen	Kirkland Police Department	Kim Goodman	WASPC
Mike Harum	Chelan County Sheriff's Office	Jamie Yoder	WASPC
Ed Holmes	Mercer Island Police Department		
Richard Lathim	Franklin County Sheriff's Office		

CALL TO ORDER:

PRESIDENTIAL REMARKS AND INTRODUCTIONS:

President Elect Mike Harum called the meeting to order at 1:40 PM.

President Bjork is unable to attend the meeting and retreat as he is in Kansas for the delivery of his first grandson.

APPROVAL OF MINUTES:

John Batiste made the motion to approve the May 18, 2010 minutes as written. Tom Schlicker seconded the motion. Motion carried.

REPORTS:

FINANCE AND PERSONNEL COMMITTEE—KIM GOODMAN

All financial statements are presented through July 31, 2010 and are compared to the audited 2009 yearend figures.

The Association's cash on hand balance is more than adequate for our monthly operating expenses.

The Finance Committee will be making investment recommendations at the Fall Conference. In the meantime the Board should consider making an additional deposit to the contingency reserves. There is currently $530K in the contingency accounts. In 2008 the Board established a

President
BRUCE BJORK
Chief – WA Fish & Wildlife

President Elect
MIKE HARUM
Sheriff – Chelan County

Vice President
ED HOLMES
Chief – Mercer Island

Past President
JOHN DIDION
Sheriff – Pacific County

Treasurer
TERRY DAVENPORT
Chief – Shelton

Executive Board

ERIC OLSEN
Chief – Kirkland

TOM SCHLICKER
Chief – Swinomish

SAM GRANATO
Chief – Yakima

SUE RAHR
Sheriff – King County

BILL ELFO
Sheriff – Whatcom County

RICHARD LATHIM
Sheriff – Franklin County

RANDY STEGMEIER
Chief – Western WA University

JOHN BATISTE
Chief – WA State Patrol

LAURA LAUGHLIN
SAC – FBI, Seattle

DONALD PIERCE
Executive Director

goal of having $1.2 million in contingency reserves. Director Pierce recommended a transfer of $300K to the contingency and capital reserves.

Brief discussion on the WASPC building mortgage occurred.

Ed Holmes made the motion to transfer $300K into the contingency funds. Sue Rahr seconded the motion. Motion carried.

Brief discussion on the staffing, audits occurred and state budgets occurred.

Balance Sheet:

Property and Equipment—Reduction from 2009 is depreciation. No capitalized assets have been placed in service during 2010.

Income Statement:

Grant Revenue is down compared to 2009.

- Critical Incident Mapping Revenue is down approx $275K due to changes in 09-11 biennium budget.
- JBRS Revenue will be posted later in 2010 for 2010-2011 service agreement.
- The Gang/Graffiti Abatement program ended in 2009.
- WATPA program reduction in budget reduced revenue for 2010 to date $1.6 million.

Monitoring Revenue—Higher compared to 2009, due primarily to increased DOC populations. Expenses are in line with increase revenue.

Functional Expenses:

Expenses are in line with revenues. 2010 spending is comparable to 2009. Fluctuations relate directly to reductions in revenues. Professional Fees are down due to change in Mapping contract and Appriss services payable later in 2010 for 2010-2011 service agreements. Grant award expenses are down due to reduction to WATPA grants. Non-capital equipment is the SECTOR equipment grants we received from the Traffic Safety Commission. This equipment was purchased at one time rather than throughout the year. Supplies expenses are lower WATPA has spent approx $22K less in 2010 than in 2009.

Cost Center Summary:

Correctional Services continues to provide revenue to the organization to cover the deficit in the general expenses not covered by budgets in other programs.

Membership Services—Accreditation and LEMAP revenue posted in August not included in this report totals $17K. This program is operating very near a breakeven level.

Conference—Expenses and Revenues for the Spring Conference have been posted and we finished $37K to the good. This surplus will help us cover the expenses for the smaller Fall Conference.

General & Administrative—This category represents the portion of the building/general expenses not covered by program budgets.

All other programs are grant and contract reimbursements and are where we expected to be at this time of year.

Sue Rahr made the motion to approve the Financial Report as presented. John Batiste seconded the motion. Motion carried.

MODEL POLICY COMMITTEE: TRIBAL OFFICER GENERAL AUTHORITY POLICY—CHIEF ED HOLMES

Chief Holmes outlined the process for adoption of model policies. The policies are created in the Model Policy Committee, go before the Executive Board and then are forwarded to the WASPC Membership for consideration.

The policy has been reviewed by Chiefs, Sheriffs, Attorneys and numerous others.

Discussion occurred on federal level involvement in the review process.

Tom Schlicker made the motion to present the Tribal Officer General Authority Model Policy to the Membership for consideration at the 2010 Fall Conference. Richard Lathim seconded the motion. Motion carried

<u>NEW BUSINESS:</u>

2011 LEGISLATIVE AGENDA—DON PIERCE

In June, the legislative Committee drafted a proposed legislative agenda with the following 8 agenda items.

- Critical Incident Planning and Mapping program sustainability funding ($500k/year operating budget request/General Fund-State)(WASPC)
- WATPA full funding for 2011-13 biennial budget (approximately $7 million per year) (WATPA)
- Gang omnibus legislation (property seizure, nuisance abatement, sentencing enhancements, civil injunctions, juvenile firearm enhancements, prevention funding) (City of Yakima, Attorney General/WASPC)
- Firearm possession/concealed pistol licenses (prohibited if possession prohibited under federal law) (Pacific County/Lakewood task force)
- Burglar Alarm Program information protection (Amend RCW 42.56 to protect law enforcement false alarm program information (HB 2896)) (Spokane PD, Olympia PD)

- Enable access to drivers license photos for law enforcement statewide ($100-130k one time operating budget request) (Lacey PD)
- Mandatory Vehicle Impound (following arrest for DUI (HB 2565)) (Whatcom County)
- Mental Health/Civil Commitment and public safety (amend var. provisions to require notice/information sharing to law enforcement/jails upon release/furlough of a person committed under an ITA (Pacific County) and Changing ITA standard to "substantial likelihood" from "imminent" (HB 2882)) (City of Snohomish PD)

The following recommendations for agenda items are being forwarded from the Legislative Committee Meeting earlier this morning:

- The WATPA has ~$130K in unspent funds. The Authority can reallocate those funds. Reallocation options include: minimal across-the-board increase to all grant recipients; earmark the funds for a contract with the Department of Licensing. There is now legislation allowing access to driver license photos for the purpose of confirming identity. The fiscal note to provide the photos is $103K. There is a nexus between auto theft investigations and the ability to confirm identity. Don and Tom will make this later recommendation to the WATPA Board at its meeting on September 22, 2010. This recommendation will eliminate the 6th bullet on the list of proposed agenda items.
- Nearly $7 million per year goes to the WATPA account. The Authority utilizes roughly $2.5 million per year. The Committee proposes that the mapping sustainability funding be taken from the WATPA account rather than attempting to have it funded through the State General Fund Budget. At a minimum the excess WATPA funding should be reserved for criminal justice purposes.
- Gang omnibus legislation—the Attorney General has made this the cornerstone of his agenda. This item should be moved to a priority item as the legislation will not be proposed/directed by WASPC.
- Mandatory vehicle impounds—the recommendation is to support legislation on this issue; however, not as an agenda item.

The following items are also recommended as Agenda Items:

- Firearm possession/concealed pistol licenses.
- Burglar Alarm Program information protection.
- Mental Health/Civil Commitment and public safety.

Ed Holmes made the motion to present the aforementioned 2011 Legislative Agenda to the WASPC Membership for consideration at the 2010 Fall Conference. Sue Rahr seconded the motion. Motion carried.

Proposed priority items are:

- Registered Sex Offender laws (technical and clarifying revisions/policy amendments).
- Background Investigation Requirements of Certified Peace Officers (HB 2768/SB 6390) (Criminal Justice Training Commission)

- Public Records Act improvements (protecting law enforcement information) (WA Sheriffs Association)
- Gang omnibus legislation (civil protection orders, intervention/prevention funding; healthcare personnel report to law enforcement; firearm provisions; nuisance abatement, sentencing enhancements, et al.) (City of Yakima, Attorney General/WASPC)

Proposed support/oppose items include:

- Drug take-back programs (HB 1165) (support with amendments)
- Firearm suppressors for law enforcement (SB 6429) (Auburn PD) (support)
- Firearm suppressors for general public (HB 1640) (no position)
- Red light cameras comport with federal standards/fines equalized (Sen. Randi Becker) (support)
- CJTC dorm refurbish (capital budget request) (CJTC) (support)
- CJTC board membership (HB 2769) (CJTC) (support)
- Increasing penalties for vehicle prowl (Everett PD) (support)

ACCREDITATION RECOMMENDATIONS—JAMIE YODER

The Accreditation Committee has submitted a roster of recommended changes to the WASPC Accreditation Standards. The changes are not substantive in nature—they simply clarify existing standards and the accreditation process.

Ed Holmes made the motion to approve all recommended changes to the Accreditation Standards. Tom Schlicker seconded the motion. Motion carried.

WASPC STATE FUNDED BUDGET CUTS—DON PIERCE

Based on email communications from OFM it looks as though there will be across the board budget cuts of 6%. For WASPC a 7% cut equates to $55K. The cuts are only applicable to the portion of WASPC's budget that comes from the State (not including Rural Drug Taskforce funding, WATPA funding, capital monies, and funds from the Developmentally Disabled Study).

The cuts will be taken from the Sex Offender Address Verification Program. Agencies will receive roughly 6% less grant funds in the last half of 2010 and the first half of 2011. To accommodate the decrease in funding there may be changes to the requirements for face-to-face verifications of level I offenders.

2011-2013 BIENNIAL BUDGET—DON PIERCE

In the next biennium budget cuts could be up to 10%.

SEX OFFENDER POLICY BOARD—ED HOLMES

SB 6414 (2010) amended various provisions related to sex offender registration and relief from registration. The legislation was assembled from consensus recommendations of the state Sex Offender Policy Board. While SB 6414 helped to clarify certain aspects of the registration system and make policy changes, the legislation contained errors and created unintended consequences that need to be addressed in the near future. In addition, members of the WASPC SONAR committee and the King County Prosecutors office have brought forward various issues with the statutes that remain confusing or lack clarity. These issues impede implementation of the law.

The Sex Offender Policy Board intends to put forward a request for legislation for the 2011 session, again based on consensus recommendations of the Board. WASPC, through Chief Holmes and Jo Arlow, have submitted to the Board the numerous requests for changes from the SONAR Committee and King County, all of which are currently under discussion with the Board.

The following items for potential inclusion in 2011 legislation require Executive Board input prior to further consideration by the Sex Offender Policy Board:

- End of Sentence Review Committee and juvenile sex offenders.
    - Recommend the legislature fund (state funding) the validation and adoption of a new juvenile sex offender-specific risk assessment tool. Recommend the legislature fund program for ESRC to perform all initial juvenile risk leveling assignments with the new juvenile tool, including all county/out of state offenders. Law enforcement would retain ability to assign final level and do departures with notices to the ESRC.

The Executive Board unanimously agreed a new tool would be beneficial; and funding the program for ESRC to perform all initial juvenile risk leveling is too costly.

- Risk Level Review Process
    - Establish in the statute criteria/qualifications for a sex offender to be reassessed for potential risk level changes, specifically lowering of the risk level.
    - Other states specify such a process. E.g. specifically after three or ten years from initial risk assessment an offender can request re-assessment. Changes to RCW could include specific authority for law enforcement to level with or without any criteria specification. Some jurisdictions in Washington currently have their own policies containing specific criteria and will reduce risk levels either upon their own initiative or request. Guidelines for law enforcement could be in statute or the model policy. Immunity provisions would be needed as well.

The Executive Board unanimously agreed the Sex Offender Policy Board should work to establish, via statute or model policy, language for reassessing potential risk levels.

- Offender Watch—Conditions of Supervision
    - At the request of Senator Jim Hargrove: Specifically permit or potentially require all details of offenders supervision restrictions and conditions or affirmative duties be included on the Offender Watch publicly accessible profiles.

The Executive Board unanimously agreed if this was to happen DOC should be the entity responsible for entering the conditions of supervision and updating them as necessary.

- Sheriffs and Chiefs Permitted to Enter into Agreements.
    - Recommend that provisions in the registration and community notification/risk leveling statutes mirror provisions in RCW 36.28A.230 (the address verification program in WASPC) and RCW 9A.44.135 (address verification) specifically stating that sheriffs/chiefs can enter into agreements for performance of stated duties. This will make it clear that such agreements may be entered into to fulfill any of the requirements of the registration or the risk leveling/community notification statutes.

The Executive Board unanimously agreed the language changes are not necessary and there is potential risk associated with changing the current language.

CONSTITUTIONAL AMENDMENT REGARDING BAIL—JOANNA ARLOW

The amendment would provide:

Article I, section 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great. Bail may be denied for offenses punishable by the possibility of life in prison upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons, subject to such limitations as shall be determined by the legislature.

Sue Rahr made the motion to support referendum HJR 4220, the constitutional amendment regarding bail practices, also known as the Lakewood Memorial Act. Ed Holmes seconded the motion. Motion carried.

GOOD OF THE ORDER:

MEMBERSHIP—CHIEF ERIC OLSEN

The Membership Committee has recommended approval of the following membership applications:

ACTIVE MEMBERSHIP APPLICATIONS (3):

- Ron Gibson, Chief, Redmond Police Department
    - Sponsored by: Eric Olsen, Chief, Kirkland Police Department
- Gary Jenkins, Chief, Pullman Police Department
    - Sponsored by: Brett Myers, Sheriff, Whitman County Sheriff's Office

- Brian McElroy, Chief, West Richland Police Department
    - Sponsored by: Ken Hohenberg, Chief, Kennewick Police Department

ASSOCIATE MEMBERSHIP APPLICATIONS (4):

- John Dryer, Lieutenant, Oak Harbor Police Department
    - Sponsored by: Richard Wallace, Chief, Oak Harbor Police Department
- Gene Fretheim, Captain, Quincy Police Department
    - Sponsored by: Richard Ackerman, Chief, Quincy Police Department
- Chad Lawless, Sergeant, Ruston Police Department
    - Sponsored by: Jeremy Kunkel, Chief, Ruston Police Department
- Mike St. Jean, Lieutenant, Kirkland Police Department
    - Sponsored by: Eric Olsen, Chief, Kirkland Police Department

AFFILIATE MEMBERSHIP APPLICATIONS (1):

- Kimberly Koon, Humane Investigator, Pasado's Safe Haven
    - Sponsored by: Bill Elfo, Sheriff, Whatcom County Sheriff's Office

Eric Olsen made the motion to approve the membership applications and nominations as recommended by the Membership Committee. Tom Schlicker seconded the motion. Motion carried.

Chief Olsen also informed the Board that he has been contacting all new chiefs informing them of the Association and what WASPC has to offer. This seems to be working well.

NEXT MEETING:

The next Executive Board Meeting is scheduled for Tuesday, November 16th in conjunction with the 2010 Fall Training Conference.

Also, please note this is the first conference with all implemented schedule changes—the Conference agenda is significantly different.

Lodging rooms are $70/night/single occupancy and $90/night/double occupancy.

ADJOURN:

Ed Holmes made the motion to adjourn the meeting. Sue Rahr seconded the motion. Motion carried. The meeting was adjourned at 3:30 PM.