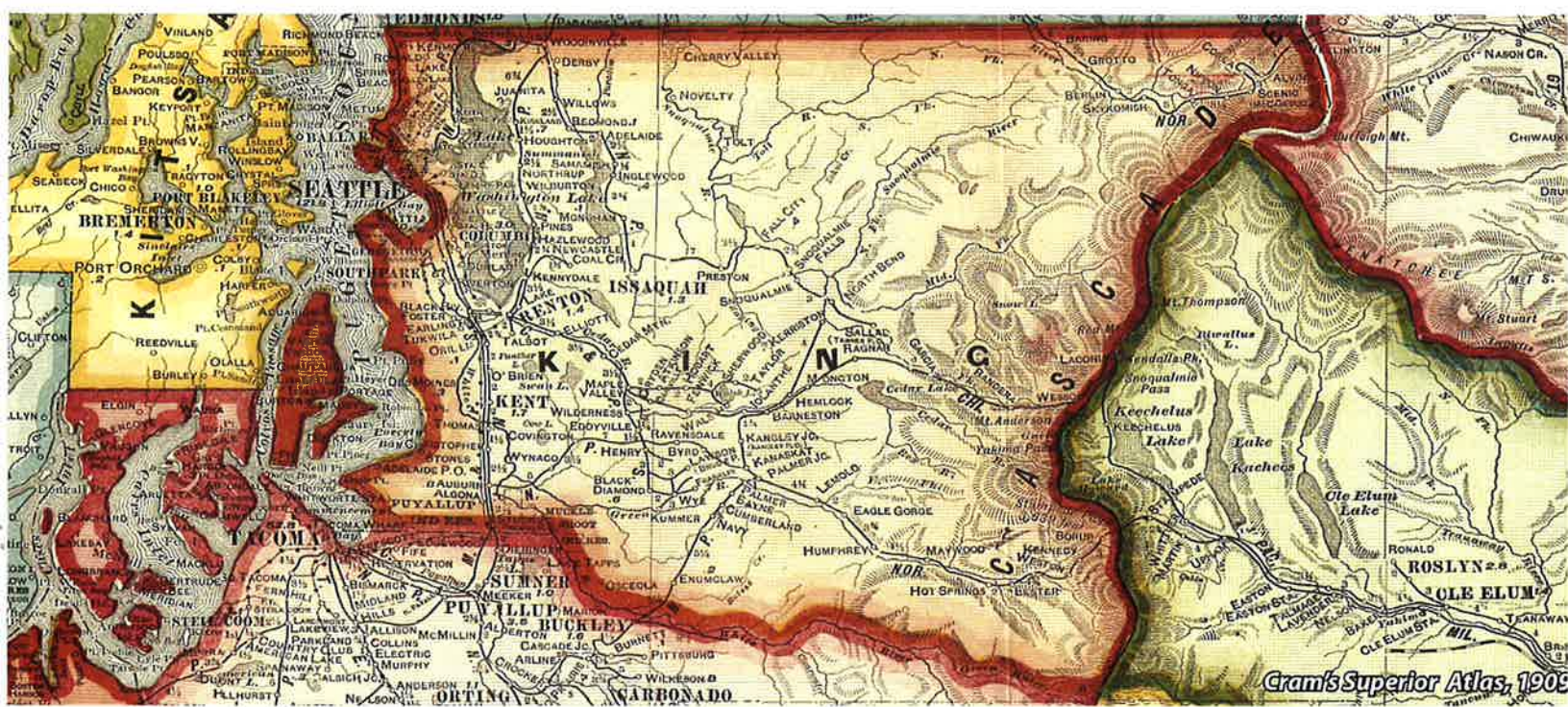




King County 2017-2018 Legislative Agenda



OUR TOP INITIATIVES

DRAFT



Protect public safety and justice

King County, like all counties, is forced to cut essential public services in order to close an ever-widening general fund structural gap between the cost to provide essential services and the revenue available to pay for them.

With 75% of King County's general fund paying for public safety and criminal justice programs, the structural gap is devastating our ability to ensure the health and safety of our residents. Local governments need local control to protect public safety and justice.

Replace the arbitrary 1% cap with a growth limit directly tied to inflation + population growth.

Stabilize local public health services

Funding changes and repeated budget reductions over the past 16 years have left the state and local public health systems struggling to meet their basic responsibility to provide essential public health services to all Washingtonians.

King County's ability to address latent tuberculosis in about 100,000 residents has been limited, the county has experienced record numbers of communicable disease outbreaks, and infectious disease programs have reduced outreach to people who may be infected with syphilis, hepatitis B, pertussis and gonorrhea.

Fund foundational public health services, make \$54 million down payment to improve statewide system efficiency and fill critical gaps at the local level; and **fund critical state public health programs**, \$6 million.

King County seeks to partner with Washington State in the following ways:

Homelessness & Affordable Housing

To comprehensively confront our homeless and opioid crisis in King County, we need a multi-faceted state partnership that both addresses the immediate emergency and the root causes.

- **Protect and expand existing funding for homelessness response.** Remove the 2018 sunset on the Document Recording Fee and increase funding to preserve rapid rehousing and permanent supportive housing efforts.
- **Increase supply of affordable housing.** Invest \$200 million in the Housing Trust Fund to increase affordable housing supply. Provide cities and counties with additional tools to preserve and expand affordable housing.
- **Prevent opiate overdoses by expanding access to medication assisted treatment to transition people safely off heroin or prescription opiates.** Eliminate the cap on treatment slots, streamline siting of treatment facilities, and increase funding for distribution of medication.
- **Ensure homeless programs and services are data driven.** Reauthorize unaccompanied minors over the age of 13 to consent to share their personally identifying information with HMIS.
- **Increase local communities' capacity to respond to mental health crisis.** Make targeted new investments in step-down programs and crisis diversion facilities to help reduce stays at state hospitals and prevent discharges into homelessness.

Local roads and infrastructure

As an economic hub, thousands of individuals and millions of dollars' worth of goods are transported daily via King County's infrastructure. The county seeks partnerships with the state to protect and develop infrastructure assets.

- Identify a suitable revenue source to address long term regional and local road needs and **address chronically underfunded county regional and local road projects.**
- **Invest at least \$5 million in the Eastside Rail Corridor** to create a seamless 22 mile pedestrian/bicycle trail.
- **Invest in the Floodplains by Design grant program** to provide funding for critical floodplain management projects.
- **Protect public health by funding an alternative wastewater system in Fall City.**
- **Keep people and goods moving during Alaskan Way Viaduct Replacement** construction by extending \$15.3 million for King County Metro mitigation funding, consistent with the state's MOU.

Better communities

Provide fiscally responsible, quality-driven local and regional services that will create safe and sustainable communities, accessible justice and voting systems, and equitable opportunities for all residents.

- **Eliminate the non-supplant restriction**, allowing special levies to fund existing services and programs.
- Strengthen state laws, and provide support to organizations and programs, that **deter and counteract hate-motivated criminal activity.**
- Continue to ensure access to **affordable health care coverage** for low-income Washingtonians.
- **Improve voting access** and electoral processes to make government more representative of the public.
- **Enhance accountability** by expanding King County Library System Board of Trustees to seven members.
- Enable law enforcement agencies to build departments more reflective of their communities by **extending employment opportunities** to legal permanent residents.
- Facilitate the exchange of useful, **timely data on instances of safe transfer of newborns** and newborn abandonment to better programs and services.
- Ensure all workers can take care of themselves and their families by **adopting and funding a statewide paid family leave program.**





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MOBILITY

Roads and Safety

The roads system in King County (incorporated and unincorporated) is critically important to people who live and travel in the county, but it is aged and deteriorating. The unincorporated-area road system owned and managed by the county includes 1,500 miles of paved roads and 181 bridges—including several jointly owned with cities—and other related services and facilities within the 2,130 square miles of total land area in King County. The county continues to be responsible for about 130 road islands and 60 orphan roads, small stranded road segments in cities and urban areas. However, funding mechanisms are fundamentally flawed, and the County struggles to provide basic levels of service. Substantial investments are needed to restore roads and bridges, maintain them in good condition, and meet new transportation demands. New state revenues and local financing tools should prioritize resources for preserving local and regional roads and bridges and sustainable funding sources for public transportation. King County will continue to pursue opportunities in state revenue packages, state competitive grants, and other means that will help meet the great unmet needs of our local roads. We support:

- state funds to support local roads projects;
- state funds to help the county and our cities resolve the challenge of supporting orphaned roads and road islands; and
- efforts to improve bicycle and pedestrian safety.

Public Transportation

As the operator of one of the largest bus systems in the United States and the carrier for over 60% of all transit riders in the state, King County believes that a stable and well-funded transportation system is important to the economic prosperity and projected growth of our region. As we plan for the future it is clear that transit must play a larger role in moving people. We support:

- efforts to provide public transit with more diverse, stable, and robust funding sources;
- the state's plans for a strong transit component as being critical to the designs for the Alaskan Way Viaduct, SR 520 corridors, and other significant roadways projects;
- mechanisms that facilitate smooth operation of the transit system, including fare card data management and fare enforcement;
- better integration of land use and transportation;
- cooperative relationships with the State in providing for the ferry service needs of the residents of King County, including the effective use of toll credits and federal funds toward maximizing our county investments;
- efforts to reduce vehicle miles traveled and to reduce greenhouse gas levels;
- continued funding of the Commute Trip Reduction program and the Regional Mobility Grant program, as well as state policies that encourage innovation in carpool and vanpool programs;
- policies that facilitate transit's effective operation, including policies governing rental or lease of rights-of-way as well as equitable reimbursement for Medicaid-eligible non-emergency trips; and
- efforts to expand the use of tolling and congestion pricing to address our infrastructure needs and manage traffic.

Eastside Rail Corridor

King County is working with partners throughout the region to implement a shared multi-use vision to reconnect the Eastside Rail Corridor (ERC). We seek state support in key connectivity improvements that will make the ERC a Corridor for the Ages.

SAFETY AND JUSTICE

Law & Criminal Justice

A fair, equitable, racially just, and accessible justice system is fundamental for safe homes and safe communities. We are committed to ending domestic violence and sexual assault for our residents. We continue to exercise diligence in our efforts to combat human trafficking. We support:

- the use of civil court fees that appropriately balance a person's ability to pay and the need to eliminate barriers to court access with the need for revenue;
- a racially just system of criminal legal financial obligations that provides appropriate restitution and accountability without trapping individuals in an endless cycle of debt;
- a state/local split of state-imposed court fees that are collected at the local level;
- the development of statewide court case management and data exchange systems that will meet the needs of the County and the many users of its criminal justice system, including an appropriate exchange of mental health commitment proceedings and firearms information;
- state funding for state mandated programs, including dependency court appointed special advocates;
- distribution of state resources for parents representation, court interpreters, and extraordinary criminal justice costs;
- legislation providing for continuation of federal benefits for qualifying mentally ill adult and juvenile inmates and detainees;
- efforts to invest and implement early intervention and diversion programs;
- authorizing juvenile courts to access state funding for evidence-based programs and disposition alternatives upon referral to juvenile court, rather than waiting for a formal diversion or adjudication from the court; and
- developing approaches to reduce gun violence and programs to encourage safe storage of guns.

Emergency Management & Flood Hazard Reduction

We support:

- integrated approaches to major river flood hazard reduction, including development of regional standards for levee maintenance and capital projects through the Corps of Engineers' System-wide Improvement Framework process that both protect public safety and meet state and federal requirements for protecting listed species;
- an increased state role in providing support for major flood hazard mitigation projects, particularly those that meet multiple objectives of reducing future flood damages, protecting existing development, protecting habitat, and providing open space benefits;
- state investment in infrastructure including roads and bridges to address hydraulic impacts that cause flooding and other public safety risks;
- clarification of immunity and liability for flood control prevention and navigation projects;
- state development of integrated state goals, programs, and regulations for floodplain management;
- state involvement in emergency management and additional regional tools to support emergency preparedness and disaster response for all communities;
- efforts to prevent harassment of E-911 operators and continued steps toward full implementation of E-911 programs;
- additional state and local government work to map and regulate landslide hazard areas; and
- stronger state requirements for disclosure, reporting, and emergency planning for transport of crude oil by rail and barge.

HEALTH & HUMAN SERVICES

Health

King County develops and implements creative and effective strategies and programs that prevent the leading causes of poor health, promote the integration and ensure access to appropriate and quality physical and behavioral health services, and support improved health and well-being prevention initiatives to create community conditions to reduce health inequities. We support:

- investments in resources and initiatives that will give our residents access to affordable health care, including prescription drug coverage, alcohol and substance abuse treatment, comprehensive mental health services, and other community support;
- initiatives that will protect the health of our communities and provide environmental safeguards for our residents;
- steps that will encourage healthy eating and active living to prevent obesity and reduce use of tobacco and new tobacco products, including raising the age for purchasing tobacco products to twenty-one, and that provide for local discretion over these policy and regulatory areas;
- continued state resources to facilitate full and successful implementation of federal health reform, which will expand health care and behavioral health access and preventive care to all Washingtonians;
- funding of efforts supporting improvements to child development outcomes through better pre-natal and early childhood health and education;
- community mobilization and prevention programs to prevent and treat substance abuse and violence;
- state resources to maintain access to mental health facilities and psychiatric beds;
- increased state investments to address a severe community behavioral health workforce shortage;
- key recommendations of the Governor/Executive Community Alternatives to Boarding Task Force that will ease pressure on state and local hospitals and treat people with acute psychiatric needs in less restrictive community settings closer to home; and
- full integration of behavioral health with physical healthcare by 2020.

Human Services

We support:

- funding for health and human services programs that provide prevention services to help all children and youth grow and prosper socially and academically, offer paths to reduce or prevent involvement in criminal justice, crisis mental health and emergency medical systems, and provide a safety net of services and partnerships to support our most vulnerable residents;
- initiatives that offer opportunities for independence, self-sufficiency, and mobility for our residents of all ages;
- programs that assist individuals with developmental disabilities, including early intervention, school transition and employment funding;
- the 2-1-1 system to help link people to appropriate human services; and

Opiate Addiction Crisis

State policy changes and investments are key to King County's efforts to address the heroin and prescription opiate addiction epidemic affecting our community. We support recommendations from the Heroin and Prescription Opiate Task Force, including:

- elimination of state caps on medication-assisted treatment (MAT) clinic capacity as well as siting barriers;
- modernization of outdated state laws governing MAT; and
- investments in access to newer medications to address opiate addiction, wider distribution of opiate overdose prevention, and patient education campaigns;

ECONOMIC VITALITY

Economic Development

Strong local government and state partnerships are needed to build strong, diverse, resilient, and sustainable economies. We support:

- regional growth and economic diversification through strategic public-private partnerships including those identified in Puget Sound Regional Council Economic Strategy;
- protection and funding of the Public Works Trust fund, which provides low-interest loans and technical assistance to local governments for public-works projects and infrastructure needs;
- increased funding for Associate Development Organizations to implement economic strategies to retain existing businesses as they expand, and recruit new businesses that will help further diversify our economy;
- efforts to market our entire region globally to attract companies, investments, and workers;
- continued funding of infrastructure programs and improvements to facilitate the safe and clean mobility of people and freight, promote domestic and international trade and in-bound investment, and provide family wage jobs for our residents;
- funding of product commercialization and research and development; and
- rural economic development policies and programs that maintain the character of rural areas and sustain rural lifestyles.

Education, Workforce Development, and Fair Workplace

Residents should have the opportunity to obtain the education and training necessary to open up family wage jobs. This ladder of prosperity will lift up communities, lessen income inequality, and provide a stronger stream of workers for the companies expanding here and those we attract. We support:

- education and workforce development programs for youth and adults including adequate K-12, career and technical education, and higher education funding, re-entry programs;
- reducing barriers to employment for people with criminal records, or who are low income, homeless, or long-term unemployed;
- continued funding for dislocated worker retraining programs—matched to industry skill needs—at community and technical colleges;
- education funding that strengthens the in-state pipeline of skilled workers to enable our industries to thrive and expand while providing family-wage jobs for King County and Washington residents; and
- adoption and implementation of a statewide paid family leave program to help ensure all workers can take care of themselves and their families during serious medical situations, and to improve infant and child health by permitting parents to bond with their children during the first crucial stages of life.

ACCESSIBLE, AFFORDABLE HOUSING

Homelessness & Housing

King County is the administrative lead for All Home (formerly known as the Committee to End Homelessness). Our success in making homelessness rare and brief in King County is built on strong alliances with community nonprofit providers and local, state and federal governments. We support:

- maintaining and expanding funding and initiatives for affordable appropriate housing at the state and local level for homeless and low income residents of King County;
- providing cities and counties with additional tools to preserve and expand affordable housing to meet their local needs;
- providing Medicaid supportive housing services benefits to assist people living in supportive housing;
- flexibility in administration and investment of hotel/motel revenues to increase affordable housing;
- modifications to the Homeless Management Information System toward its improved operation;
- robust funding for the Housing Trust Fund, which provides a powerful tool for local agencies' creation and support of affordable and homeless housing;
- tools to reduce homelessness for families, individuals, and youth through early support and intervention, including consideration of ways to prevent discharging youths and adults directly into homelessness from state institutions;
- fully funding the Housing & Essential Needs program and all of its components; and
- increased flexibility to use a portion of Mental Illness and Drug Dependency funds to supplant general fund human service programs.

HEALTHY ENVIRONMENT

Environment

We support:

- State investment in habitat protection and restoration projects in approved Water Resource Inventory Area and watershed based Salmon Recovery Plans and the Puget Sound Action Agenda;
- Streamlining of federal and state permitting requirements and other incentives for public and private parties to carry out projects that will restore habitat for listed endangered species;
- Washington Wildlife and Recreation Program's work to support high priority local parks, habitat and agriculture, and open space projects;
- incentives to protect working farm and forest lands and regionally significant open space and habitat; and
- proposals to link state funding of infrastructure improvements and other amenities to agreements by cities to receive development rights from rural and resource lands.

Climate Change and Energy

In November, 2015, the King County Council unanimously approved the 2015 update of the King County Strategic Climate Action Plan (SCAP), which is a five-year blueprint for County action to confront climate change, integrating climate change into all areas of County operations and its work in the community.

We support:

- state policies, incentives, and investments that will help King County achieve the countywide target of reducing greenhouse gas emissions by 80 percent by 2050 and the government operations target to reduce emissions by 50 percent by 2030;
- alignment of state transportation funding and incentives with the Puget Sound Regional Council's Vision 2040 recommendations for focused growth in urban centers;
- grant funding and continued incentives for research and development of renewable energy technology (e.g., community solar programs and alternative vehicle fuels), for efforts to reduce

energy use in new and existing buildings and facilities, and for green building and sustainable development strategies;

- funding for waste-to-energy technology and efforts to minimize the life-cycle impacts of consumption and materials;
- adoption of a statewide low carbon fuel standard that gradually lowers pollution from transportation fuels; and
- establishment of market price on carbon and with reinvestment of a substantial share of revenues in support of local efforts to reduce greenhouse gas emissions, including support for expanded transit service.

Land Use, Growth Management and Annexation

As the primary means of planning for growth, the Growth Management Act provides a long-standing, strong state framework for comprehensive, countywide monitoring of the provision of urban services, the capacity to absorb future growth and the sufficiency of the size of the urban growth area. We support:

- integration and streamlining of state land use and related statutes, as well as state funding to assist jurisdictions in meeting planning requirements;
- changes in state laws, guidelines, policies and administrative procedures that would provide school districts with the incentives and tools to site schools in cities and towns, as unanimously recommended by the King County School Siting Task Force;
- tools and incentives to facilitate annexations within urban growth areas and to help cities accommodate the transitional costs of annexations;
- changes to state subdivision laws that would eliminate illegal practices or conflicts with local zoning;
- efforts to assure compatible land uses adjacent to airport facilities; and
- better integration of land use, transportation, and public health.

Stormwater, Water Quality and Puget Sound Partnership

We support:

- holistic implementation of the Clean Water Act, including evaluation and prioritization of actions at a watershed and Puget Sound scale;
- optional programs that would allow state agencies to approve local stormwater programs as qualified local programs;
- development of state certification for wetland ecologists;
- state technical assistance and regulatory approval for a wider range of tools and approaches for stormwater treatment and management;
- refinement of NPDES water quality monitoring requirements to focus on value-added monitoring that is coordinated across permit holders consistent with recommendations of the Stormwater Monitoring Workgroup;
- funding and implementation of the Puget Sound Partnership's Action Agenda consistent with the 2014 Puget Sound Partnership Funding Strategy which focuses on habitat protection and restoration, stormwater, and restoration of shellfish beds, and calls for a more integrated approach to funding for water quality, habitat, flood hazard, and transportation projects;
- continued state investment, inspection, monitoring, and repair of failing on-site septic systems as well as strengthened local authority to establish sustainable local funding to address health risks from failing on-site septic systems;
- investments and funding for reclaimed water infrastructure; and
- regulatory streamlining and other incentives for public and private projects that will restore functioning shoreline and mitigate stormwater impacts.

Waste Reduction and Recycling

We support:

- development of holistic product education, stewardship, recycling, and take-back programs for products for which improper disposal is likely to result in hazardous waste, water quality contamination or other solid waste impacts, including pharmaceuticals and medicines, computers and other electronics, paint, carpet, batteries, telephone books, and mercury and fluorescent lighting sources.

EFFICIENT, ACCOUNTABLE REGIONAL & LOCAL GOVERNMENTS

Elections

King County supports modifications to state election law that would provide cost savings and improved customer service, like allowing disability access to take the place of Accessible Voting Units (AVUs). We also support consideration of policies to ensure greater efficiencies without compromising access to voting, democracy or customer service.

Equity and Social Justice

Every person has the right to live, work, learn, feel safe and play free from discrimination. We support:

- legislation that provides all residents equal access and opportunity to housing, employment, public accommodations and lending practices;
- repealing Initiative I-200; and
- efforts to reduce and reverse disproportionality in our criminal justice system and programs that reverse the school to prison pipeline and replace it with a school to employment pipeline.

Revenue, Finance, and General Government

Local governments should have the fiscal flexibility to provide the services demanded by their residents. We do not support unfunded mandates on the county. If state responsibilities are shifted onto local governments, we would seek new local governance authority and state financial support or new local revenue tools. Such a shift should be weighed carefully, and explored only after investigating ways to reduce state requirements as well as local governments' ability to absorb such responsibilities and costs. We seek to preserve our ability to operate our own investment pool. We support:

- maintaining and enhancing local taxing and fee authority and local revenue options;
- fee-based tools to preserve the provision of services by the county assessor and new technology tools to provide more efficient service;
- efforts to develop financing tools for spay and neuter programs that support regional animal services objectives;
- enhanced recording fees to offset local governments' recording costs; and
- expanding the banking and financial services options available to local governments in meeting their needs including amending RCW 39.58 to allow credit unions to accept public deposits in a manner consistent with the restrictions of banks and thrift institutions under this statute.

Public Records Act

Transparency and accountability are essential components of good government. We support tools to streamline the Public Records Act process to ensure efficiency and avoidance of unreasonable costs

Task force recommends changing state law on police use of deadly force

Originally published November 21, 2016 at 12:31 pm Updated November 22, 2016 at 2:42 pm



By

Joseph O'Sullivan

Seattle Times Olympia bureau

OLYMPIA — A Washington legislative task force Monday approved a recommendation to change the state law that protects law enforcement from prosecution after officers kill people.

Monday's recommendation was one of several proposals that the Use of Deadly Force in Community Policing joint task force approved sending to state lawmakers and Gov. Jay Inslee.

The narrow vote to change the law's language is a boost for advocates seeking to address the spate of high-profile police shootings in Washington and across the nation. But the recommendations face an uncertain future in the Washington Legislature, which begins its 2017 session in January.

The votes came several hours after Seattle Seahawks player Doug Baldwin, the son of a former police officer, joined a dozen other public commenters who weighed in on changes to the state law.

Washington law currently makes it almost impossible for prosecutors to bring criminal charges against an officer, even if there's a conclusion that an officer wrongfully killed someone, a Seattle Times investigation found last year.

That's because the law holds that an officer can't be charged if he or she acted in good faith during an incident, and without malice.

In a narrow vote, the task force — made up of lawmakers, prosecutors, law-enforcement groups, advocates for minorities and others — approved a recommendation to remove references to malice and good faith from the law.

The recommendation also would add a criminal-liability defense for officers who reasonably believed deadly force was necessary at the time, given the facts and circumstances.

In his remarks Monday before the task force, Baldwin, a wide receiver for the Seattle Seahawks — and a touchdown-thrower in Sunday's romp over the Eagles — focused on the word malice.

“Removing malice from the statute ... sends a very clear message to the community that law-enforcement agencies are understanding the gravity of the decisions that they make,” Baldwin testified.

“The result will be a bridge between the community and the law enforcement that will begin to repair and heal the much-needed and necessary relationship” between the two, he added later.

Baldwin also talked about his father, a former officer with the Pensacola Police Department in Florida.

“He held himself to an incredibly high standard,” Baldwin said, “because of what it meant when he put on his police uniform and he went out in our community.”

Baldwin's appearance in Olympia was the latest effort by him and other Seahawks to call for change after a string of highly publicized police shootings that has roiled the nation in recent years.

Baldwin in September called on all 50 state attorneys general to request reviews of training policies for law-enforcement officers. That same week, Seahawks cornerback Richard Sherman also spoke up about police shootings.

In October, Baldwin and other players met with representatives of the Seattle Police Department.

Seahawks coach Pete Carroll on Monday praised Baldwin's efforts.

"He has continued to carry the torch for building the bridge between the community and law enforcement," Carroll said. "He is doing some marvelous stuff. I've gotten feedback from people he has visited with a number of times now, and he continues to be really impressive and on task, and I think he is going to be a factor."

The task force approved several other recommendations, including proposals to collect state-level data on use of force by law enforcement, increase training for officers and improve Washington's mental-health system.

The recommendations are due to reach Gov. Jay Inslee and state lawmakers by Dec. 1. In an email, Inslee spokeswoman Tara Lee called the task force's work "an important first step in increasing dialogue between law enforcement and communities of color." The governor's office will review the recommendations, she wrote.

State Sen. David Frockt, D-Seattle and a task force member, said he plans to draft a bill incorporating the recommendations. But Frockt acknowledged more consensus may be needed to change the law, and he said he was open to ideas on how to make that happen.

Meanwhile, backers of an initiative, I-873, which also seeks to change the law, have been collecting signatures.

Staff reporter Bob Condotta contributed to this report. Joseph O'Sullivan: 360-236-8268 or josullivan@seattletimes.com. On Twitter @OlympiaJoe

Change restrictive state law on police use of force

Originally published November 27, 2016 at 1:01 pm Updated November 25, 2016 at 1:53 pm

By
Seattle Times editorial board

The Seattle Times

WASHINGTON is an extreme outlier in policing its police. The state law governing when police can be criminally liable for unlawful use of deadly force is the most restrictive in the country, a Seattle Times investigation found last year.

Out of 213 people killed by police in this state between 2005 and 2014, just one officer was prosecuted — and that Everett officer was set free by a jury despite declaring, “Time to end this,” as he shot at a drunken driver eight in the back.

Police officers perform a noble public service, often saving lives. And this type of egregious case is extremely rare — but not rare enough.

A national focus has been brought to the deaths of people of color being arrested or in police custody, spawning the Black Lives Matter movement. And that attention has also put a target on the backs of police officers: 60 officers have been shot to death so far this year, a 67 percent increase from 2015, according to the National Law Enforcement Officers Memorial Fund.

Washington state needs to reconcile those disturbing patterns, because they are linked. When police are seen as above the law, radical activists resort to violence. It is a sad fact.

One element of this complex social dilemma is within the state’s grasp. Change the state law on criminal charges against police needs. Currently, a jury must find the officer acted with “malice” in order to convict — not that the force was reckless or beyond training, but with “malice,” an intention to harm.

Last week, the state's Use of Deadly Force in Policing task force — a group of lawmakers and representatives from civil rights, minority groups and law enforcement — recommended striking that untenable standard.

Instead, the task force recommended a new standard that would defend a “reasonable officer” using “necessary” deadly force “in light of all the facts and circumstances known” at the time. That standard would put Washington in line with most other states. The recommendation now goes to the Legislature.

Almost all of the police representatives on the task force opposed changing the law. They were unswayed by testimony from Seahawks star Doug Baldwin, the son of a police officer and an advocate for striking “malice” from the state law.

Law enforcement has understandable concerns. Confronted with split-second, life-or-death decisions, officers fear being second-guessed by facts known only later.

But the law-enforcement groups should listen to the prosecutors. Snohomish County prosecutor Mark Roe represented the state prosecutors group on the task force, and he unequivocally supported a change to the law. He prosecuted the “time to end this” case in Everett and told the task force that winning a conviction is virtually impossible absent a full confession, even in outrageous cases.

Officers should also know that criminal prosecutions against police are extraordinarily rare. Nationwide, only 54 officers were criminally charged in state courts for unlawful use of force over the past decade, according to data presented to the task force. Just 15 were convicted.

Lowering the threshold to charge cops should not be a means to punish officers acting in good faith in difficult situations. And it wouldn't be — especially if other task-force recommendations are endorsed by the Legislature, including stronger training and better services to people in mental-health crises.

Lowering the standard is about accountability and restoring community trust. The flawed state law effectively exempts even the most rogue officers from the highest level of accountability. That must change.

Editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Donna Gordon Blankinship, Brier Dudley, Mark Higgins, Jonathan Martin, William K. Blethen (emeritus) and Robert C. Blethen (emeritus).

Jt. Leg. Task Force on the Use of Deadly Force in Community Policing

Summary of Action Taken on November 21, 2016

(Adopted Recommendations Below Include Adopted Amendments)

#A1 - ADOPTED

Task Force Member(s):

Sen. Kirk Pearson

Proposed Recommendation:

The proposal has three components designed to meet the legislative mandate of the task force to “[r]ecommend best practices to reduce the number of violent interactions between law enforcement officers and members of the public.”

1. The Jt. Leg. Task Force on the Use of Deadly Force in Community Policing recommends that more funding be provided for the Criminal Justice Training Center (CJTC) to review, update, and provide training that:
 - a. emphasizes de-escalation and alternatives to arrest or summons in situations where appropriate; and
 - b. includes shoot/don’t shoot scenarios and the use of less than lethal technologies.
2. The Jt. Leg. Task Force on the Use of Deadly Force in Community Policing recommends that advisory boards comprised of marginalized communities be created or designated in each jurisdiction that trains cadets at the CJTC. The CJTC would incorporate a training component that would require cadets to meet with an advisory board in its jurisdiction.
3. The Jt. Leg. Task Force on the Use of Deadly Force in Community Policing recommends that as a part of the training at the CJTC or on FTO status that cadets will be paired with an experienced and knowledgeable officer and patrol a diverse community in order to see a working positive example of how that officer interacts with members of the community in the course of his or her duties.

#B2 - ADOPTED

Task Force Member(s):

Senator David Frockt

Proposed Recommendation:

Remove malice requirement from RCW 9A.16.040(3).

Remove RCW 9A.16.040(3)'s explicit reference to "good faith," but add a defense to criminal liability if a reasonable officer would have believed the use of deadly force to have been necessary in light of all the facts and circumstances known to the officer at the time.

Amended 9A.16.040(3) would appear as follows:

(3) A public officer or peace officer shall not be held criminally liable for using deadly force ~~without malice and with a good faith belief that such act is justifiable pursuant to this section~~ if a reasonable officer would have believed the use of deadly force was necessary in light of all the facts and circumstances known to the officer at the time.

#C1

Task Force Members:

Jorge Baron, Northwest Immigrant Rights Project
Lisa Daugaard, Public Defender Association/Washington Defender Association/Washington Association of Criminal Defense Lawyers
Toshiko Hasegawa, WA State Commission on Asian Pacific American Affairs
Dr. Karen Johnson, Black Alliance of Thurston County
Fe Lopez, OneAmerica
Kim Mosolf, Disability Rights of WA
Gabriel Portugal, Latino Civic Alliance
De'sean Quinn, WA Commission on African- American Affairs
Timothy Reynon, Governor's Office on Indian Affairs
Officer Cynthia Softli, Black Law Enforcement Association of WA
Gloria Ochoa-Bruck, WA Commission on Hispanic Affairs
Gerald Hankerson, National Association for the Advancement of Colored People
(Joint Proposal)

Proposed Recommendation:

Strengthen public trust in law enforcement and reduce violent interactions between the public and the law enforcement officers by:

C1(b) – ADOPTED

(a) Establishing a channel for meaningful community input into key policing policies and robust, independent civilian oversight of police accountability practices;

C1(d) – ADOPTED

(b) Requiring the establishment of meaningful police accountability structures that, among other things, ensures that there is a safe mechanism to submit formal complaints about officers; an objective investigation of those complaints is completed in a timely manner; makes findings; where there is a finding of misconduct, recommends appropriate discipline and/or training; and ensures that discipline is appropriately completed;

C1(e) – ADOPTED

(c) Requiring state-wide collection and reporting of data from all levels of law enforcement and corrections officers on use of deadly force (regardless of whether anyone is killed or injured), including:

- The number of tort claims filed and monies paid in use of force cases;
- The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, ethnicity, and presence of disability;
- The number of incidents in which peace officers discharged firearms at citizens;
- The agency or agencies employing the involved officers and location of each incident;
- The particular weapon(s) used by peace officers and citizens;
- The injuries, if any, suffered by officers and citizens; and require regular reports to the public, at least annually, by each law enforcement agency;

C1(f) – ADOPTED

(d) Enhance required academy training at the Criminal Justice Training Center (CJTC) and Washington State Patrol Academy and require periodic training in the Department of Corrections and local police departments for all law enforcement and correction officers in Washington, with emphasis on de-escalation and good judgment skills, understanding and addressing implicit and explicit bias, cultural competency, use of less lethal force, and interacting with people with disabilities and behavioral issues so that officers are trained to address such issues in a science-based, humane and safe manner; and fund that capacity with grants for jurisdictions that need assistance to meet this requirement, on condition that they develop their training in conjunction with the CJTC;

C1(g) – ADOPTED

(e) Consistent with Recommendation 2.2.2 found on page 21 of the 21st Century Policing Taskforce ([“mandate external and independent criminal investigations in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths”]), require that all instances of deadly force be investigated by external bodies (outside the department employing the officer(s) involved) with investigative competency and sufficient resources; and provide oversight and funding through the Attorney General’s Office;

C1(h) – ADOPTED

(f) Revising RCW 43.101.410 (Racial profiling—Policies—Training—Complaint review process—Data collection and reporting) in keeping with current understanding that most policing practices that raise fairness concerns may not be implemented by individual officers engaging in racial profiling, but rather may reflect implicit bias by officers or institutional bias by policing organizations; replace “racial profiling” with measures to collect and report data on racial disparity in enforcement, and to require departments to consider alternative approaches that would reduce racial disparity without diminishing public safety.

#E1

Task Force Member(s):
Kelly Harris and Mark Roe

(Joint proposal)
Proposed Recommendation:
E1(1) - ADOPTED
1. Create a central collection point within the state for all law enforcement agencies to send officer-involved firearm discharge data.

A. Chief Ken Hohenberg (WASPC)

#F1 - ADOPTED
Task Force Member(s): Chief Ken Hohenberg
Proposed Recommendation: Require law enforcement agencies to report the use of deadly force to the Attorney General's Office, and require the Attorney General's Office to collect data, on a standardized statewide basis, regarding the use of deadly force by law enforcement officers.

#F3 - ADOPTED
Task Force Member(s): Chief Ken Hohenberg
Proposed Recommendation: That the Legislature fund a grant program for local law enforcement agencies to equip primary responding officers with less lethal weapons.

#F5 - ADOPTED
Task Force Member(s): Chief Ken Hohenberg
Proposed Recommendation: That the Legislature provide financial incentives for law enforcement agencies and jails to receive and maintain professional accreditation.
Description/Reasoning: Accreditation is a comprehensive peer-review process that conducts an in-depth review of a law enforcement agency's policies, practices and procedures according to best practices and standards to further professionalize the law enforcement industry. Currently, 59 of Washington's 276 law

enforcement agencies and 1 of Washington's 57 jails have successfully completed the accreditation process¹.

Creating a financial incentive for law enforcement agencies and jails to achieve and maintain accreditation status will encourage more agencies to become accredited, and accelerate the professionalism of Washington's law enforcement and corrections agencies.

Other Relevant Background Information:

Estimated cost: \$4.1M/FY

#F6 - ADOPTED

Task Force Member(s):

Chief Ken Hohenberg

Proposed Recommendation:

Require a study and recommendations to increase the diversity of Washington's law enforcement officers to ensure meaningful community engagement with marginalized communities that helps build trust and strengthen community-police relations.

#G2 - ADOPTED

Task Force Member(s):

Kimberly Mosolf, Disability Rights Washington

Proposed Recommendation:

Reduce potentially harmful interactions between police and people experiencing behavioral health challenges by improving and increasing funding for Washington's community behavioral health system. The best way to prevent police use-of-force incidents involving people experiencing behavioral health challenges is to prevent the challenges entirely.

#H1

Task Force Member(s):

Rich Phillips, Washington Council of Police & Sheriffs (WACOPS)
Travis Adams, Washington State Fraternal Order of Police (WAFOP)
Kerry Zieger, Council of Metropolitan Police and Sheriffs (COMPAS)
(Joint proposal)

¹

http://www.waspc.org/assets/ProfessionalServices/washington%20state%20accredited%20agencies_as%20of%2005-2016.pdf

Proposed Recommendation:

H1(2) - ADOPTED

1. Petition the legislature to implement the following:

- a) Provide full funding for the Washington State Criminal Justice Training Commission (CJTC), including creating a designated funding source with a non-appropriated account;
- b) Develop, implement and monitor deadly force management and oversight for administrative and supervisory personnel;
- c) Provide funding for communities acting in partnership with law enforcement agencies to apply for grants to better address their own concerns of public safety with their community partners;
- d) Provide equipment and advanced training for de-escalation and the use of less lethal options during encounters;
- e) Address staffing levels with adequate funding. Develop short and long term goals and solutions.

Use of Deadly Force in Community Policing, Joint Legislative Task Force

Members

- Senator David Frockt
- Representative Roger Goodman
- Representative Dave Hayes
- Senator Kirk Pearson
- Lieutenant Travis Adams, Washington State Fraternal Order of Police
- Captain Monica Alexander, Washington State Patrol
- Al Authorlee, The Tenth Amendment Center
- Jorge L. Baron, Northwest Immigrant Rights Project
- Lisa Daugaard, Public Defender Association
- Gerald Hankerson, National Association for the Advancement of Colored People
- Kelly Harris, Association of Washington Cities
- Toshiko Hasegawa, Washington State Commission on Asian Pacific American Affairs
- Chief Ken Hohenberg, Washington Association of Sheriffs and Police Chiefs
- Dr. Karen Johnson, Black Alliance of Thurston County
- Fe Lopez, OneAmerica
- Kim Mosolf, Disability Rights Washington
- Gloria Ochoa-Bruck, Washington Commission on Hispanic Affairs
- Rich Phillips, Washington Council of Police and Sheriffs
- Gabriel Portugal, Latino Civic Alliance
- De'sean Quinn, Washington Commission on African-American Affairs
- Sue Rahr, Criminal Justice Training Commission
- Timothy Reynon, Governor's Office on Indian Affairs
- Mark Roe, Washington Association of Prosecuting Attorneys
- Officer Cynthia Softli, Black Law Enforcement Association of Washington
- Stephanie Wright, Washington State Association of Counties
- Officer Kerry Zieger, Council of Metropolitan Police and Sheriffs

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