

Chapter 36.28A RCW
ASSOCIATION OF SHERIFFS AND POLICE CHIEFS

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RCW 36.28A.010 Declarations. The Washington association of sheriffs and police chiefs is hereby declared to be a combination of units of local government: PROVIDED, That such association shall not be considered an "employer" within the meaning of RCW *41.26.030(2) or **41.40.010(4): PROVIDED FURTHER, That no compensation received as an employee of the association shall be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state: PROVIDED FURTHER, That such association shall not qualify for inclusion under the unallocated two mills of the property tax of any political subdivision: PROVIDED FURTHER, That the association shall not have the authority to assess any excess levy or bond measure. [1975 1st ex.s. c 172 § 1.]

Reviser's note: *(1) RCW 41.26.030 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (2) to subsection (14).
 **(2) RCW 41.40.010 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (4) to subsection (13).

RCW 36.28A.020 Local law and justice plan assistance. The Washington association of sheriffs and police chiefs may, upon request of a county's legislative authority, assist the county in developing and implementing its local law and justice plan. In doing so, the association shall consult with the office of financial management and the department of corrections. [1991 c 363 § 56.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.28A.030 Hate crime offenses—Information reporting and dissemination. (1) The Washington association of sheriffs and police chiefs shall establish and maintain a central repository for the collection and classification of information regarding violations of RCW 9A.36.080. Upon establishing such a repository, the association shall develop a procedure to monitor, record, and classify information

relating to violations of RCW 9A.36.080 and any other crimes of bigotry or bias apparently directed against other persons because the people committing the crimes perceived that their victims were of a particular race, color, religion, ancestry, national origin, gender, sexual orientation, had a particular gender expression or identity, or had a mental, physical, or sensory disability.

(2) All local law enforcement agencies shall report monthly to the association concerning all violations of RCW 9A.36.080 and any other crimes of bigotry or bias in such form and in such manner as prescribed by rules adopted by the association. Agency participation in the association's reporting programs, with regard to the specific data requirements associated with violations of RCW 9A.36.080 and any other crimes of bigotry or bias, shall be deemed to meet agency reporting requirements. The association must summarize the information received and file an annual report with the governor and the senate law and justice committee and the house of representatives judiciary committee.

(3) The association shall disseminate the information according to the provisions of chapters 10.97 and 10.98 RCW, and all other confidentiality requirements imposed by federal or Washington law. [2019 c 271 § 9; 1993 c 127 § 4.]

Severability—1993 c 127: See note following RCW 9A.36.078.

RCW 36.28A.040 Statewide city and county jail booking and reporting system—Standards committee—Statewide automated victim information and notification system—Statewide unified sex offender notification and registration program—Liability immunity. (1) No later than July 1, 2002, the Washington association of sheriffs and police chiefs shall implement and operate an electronic statewide city and county jail booking and reporting system. The system shall serve as a central repository and instant information source for offender information and jail statistical data. The system may be placed on the Washington state justice information network and be capable of communicating electronically with every Washington state city and county jail and with all other Washington state criminal justice agencies as defined in RCW 10.97.030.

(2) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, if a city or county jail or law enforcement agency receives state or federal funding to cover the entire cost of implementing or reconfiguring an electronic jail booking system, the city or county jail or law enforcement agency shall implement or reconfigure an electronic jail booking system that is in compliance with the jail booking system standards developed pursuant to subsection (4) of this section.

(3) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, city or county jails, or law enforcement agencies that operate electronic jail booking systems, but choose not to accept state or federal money to implement or reconfigure electronic jail booking systems, shall electronically forward jail booking information to the Washington association of sheriffs and police chiefs. At a minimum the information forwarded shall include the name of the offender, vital statistics, the date the

offender was arrested, the offenses arrested for, the date and time an offender is released or transferred from a city or county jail, and if available, the mug shot. The electronic format in which the information is sent shall be at the discretion of the city or county jail, or law enforcement agency forwarding the information. City and county jails or law enforcement agencies that forward jail booking information under this subsection are not required to comply with the standards developed under subsection (4)(b) of this section.

(4) The Washington association of sheriffs and police chiefs shall appoint, convene, and manage a statewide jail booking and reporting system standards committee. The committee shall include representatives from the Washington association of sheriffs and police chiefs correction committee, the information service board's justice information committee, the judicial information system, at least two individuals who serve as jailers in a city or county jail, and other individuals that the Washington association of sheriffs and police chiefs places on the committee. The committee shall have the authority to:

(a) Develop and amend as needed standards for the statewide jail booking and reporting system and for the information that must be contained within the system. At a minimum, the system shall contain:

(i) The offenses the individual has been charged with;

(ii) Descriptive and personal information about each offender booked into a city or county jail. At a minimum, this information shall contain the offender's name, vital statistics, address, and mugshot;

(iii) Information about the offender while in jail, which could be used to protect criminal justice officials that have future contact with the offender, such as medical conditions, acts of violence, and other behavior problems;

(iv) Statistical data indicating the current capacity of each jail and the quantity and category of offenses charged;

(v) The ability to communicate directly and immediately with the city and county jails and other criminal justice entities; and

(vi) The date and time that an offender was released or transferred from a local jail;

(b) Develop and amend as needed operational standards for city and county jail booking systems, which at a minimum shall include the type of information collected and transmitted, and the technical requirements needed for the city and county jail booking system to communicate with the statewide jail booking and reporting system;

(c) Develop and amend as needed standards for allocating grants to city and county jails or law enforcement agencies that will be implementing or reconfiguring electronic jail booking systems.

(5)(a) A statewide automated victim information and notification system shall be added to the city and county jail booking and reporting system. The system shall:

(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or email when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility:

(A) Is transferred or assigned to another facility;

(B) Is transferred to the custody of another agency outside the state;

(C) Is given a different security classification;

(D) Is released on temporary leave or otherwise;

(E) Is discharged;

(F) Has escaped; or

(G) Has been served with a protective order that was requested by the victim;

(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or email when an offender has:

(A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs;

(B) An upcoming parole, pardon, or community supervision hearing; or

(C) A change in the offender's parole, probation, or community supervision status including:

(I) A change in the offender's supervision status; or

(II) A change in the offender's address;

(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or email when a sex offender has:

(A) Updated his or her profile information with the state sex offender registry; or

(B) Become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public website. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public website; and

(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped. However, the failure of the statewide automated victim information and notification system to provide notice to the victim does not establish a separate cause of action by the victim against state officials, local officials, law enforcement officers, or any related correctional authorities.

(b) Participation in the statewide automated victim information and notification program satisfies any obligation to notify the crime victim of an offender's custody status and the status of the offender's upcoming court events so long as:

(i) Information making offender and case data available is provided on a timely basis to the statewide automated victim information and notification program; and

(ii) Information a victim submits to register and participate in the victim notification system is only used for the sole purpose of victim notification.

(c) Automated victim information and notification systems in existence and operational as of July 22, 2007, shall not be required to participate in the statewide system.

(6) When funded, the Washington association of sheriffs and police chiefs shall implement and operate an electronic statewide

unified sex offender notification and registration program. Information submitted to the program by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address, are exempt from public inspection and copying under chapter 42.56 RCW.

(7) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated victim information and notification system, the electronic statewide unified sex offender notification and registration program, and the jail booking and reporting system as described in this section, so long as the release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public. [2010 c 266 § 1; 2009 c 31 § 1; 2007 c 204 § 1; 2001 c 169 § 3; 2000 c 3 § 1.]

Contingent expiration date—2000 c 3: "If the Washington association of sheriffs and police chiefs does not receive federal funding for purposes of this act by December 31, 2000, this act is null and void." [2000 c 3 § 4.] According to the Washington association of sheriffs and police chiefs, federal funding for the purposes of chapter 3, Laws of 2000, was received by December 31, 2000.

RCW 36.28A.0401 Statewide automated victim information and notification system—Vendor services. In Washington any vendor contracted to provide a statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and with less than an average of one-percent notification errors as a result of the vendor's technology. [2007 c 204 § 2.]

RCW 36.28A.0402 Statewide automated victim information and notification system—Department of corrections data. The department of corrections is not required to provide any data to the Washington association of sheriffs and police chiefs for the statewide automated victim information and notification system as stated in RCW 36.28A.040, until January 1, 2010. [2007 c 204 § 3.]

RCW 36.28A.050 Statewide city and county jail booking and reporting system—Grant fund. (1) The Washington association of sheriffs and police chiefs shall establish and manage a local jail booking system grant fund. All federal or state money collected to offset the costs associated with RCW 36.28A.040(2) shall be processed through the grant fund established by this section. The statewide jail booking and reporting system standards committee established under RCW 36.28A.040(4) shall distribute the grants in accordance with any standards it develops.

(2) The Washington association of sheriffs and police chiefs shall pursue federal funding to be placed into the local jail booking system grant fund. [2000 c 3 § 2.]

Contingent expiration date—2000 c 3: See note following RCW 36.28A.040.

RCW 36.28A.080 Immunity from liability. Units of local government and their employees, as provided in RCW 36.28A.010, are immune from civil liability for damages arising out of the creation and use of the statewide first responder building mapping information system, unless it is shown that an employee acted with gross negligence or bad faith. [2003 c 102 § 4.]

Intent—2003 c 102: "The legislature recognizes the extreme dangers present when the safety of our citizens requires first responders such as police and firefighters to evacuate and secure a building. In an effort to prepare for responding to unintended disasters, criminal acts, and acts of terrorism, the legislature intends to create a statewide first responder building mapping information system that will provide all first responders with the information they need to be successful when disaster strikes. The first responder building mapping system in this act is to be developed for a limited and specific purpose and is in no way to be construed as imposing standards or system requirements on any other mapping systems developed and used for any other local government purposes." [2003 c 102 § 1.]

RCW 36.28A.090 Firearms certificates for qualified retired law enforcement officers. (1) The purpose of this section is to establish a process for issuing firearms certificates to residents of Washington who are otherwise qualified retired law enforcement officers under the federal law enforcement officers safety act of 2004 (118 Stat. 865; 18 U.S.C. Sec. 926B and 926C) for the purpose of satisfying the certification requirements contained in that act.

(2) A retired law enforcement officer satisfies the federal certification requirements if he or she possesses a valid firearms qualification certificate that:

(a) Uses the model certificate created under subsection (4) of this section;

(b) Provides that either a law enforcement agency or an individual or entity certified to provide firearms training acknowledges that the bearer has been found qualified or otherwise found to meet the standards established by the criminal justice training commission for firearms qualification for the basic law enforcement training academy in the state; and

(c) Complies with the time restrictions provided under subsection (3) of this section.

(3) The firearms certificate is valid for a period of one year from the date that the law enforcement agency or individual or entity certified to provide firearms training determines that the bearer has been found qualified or otherwise found to meet the standards established by the criminal justice training commission for firearms qualification for the basic law enforcement training academy in the state, and the certificate shall state the date the determination was made.

(4) The Washington association of sheriffs and police chiefs shall develop a model certificate that shall serve as the required

firearms qualification certificate once the certificate is valid pursuant to subsection (2) of this section. The association shall make the model certificate accessible on its website. The model certificate shall state that the retired law enforcement officer bearing the certificate has been qualified or otherwise found to meet the standards established by the criminal justice training commission for firearms qualification for the basic law enforcement training academy in the state.

(5) The retired law enforcement officer is responsible for paying the costs of the firearms qualification required under subsection (2) of this section.

(6) Nothing in this section shall be deemed to require a local law enforcement agency to complete the certificate. [2010 c 264 § 1; 2006 c 40 § 1.]

RCW 36.28A.100 Committee to improve administration of missing person information—Protocol endorsement. The Washington association of county officials, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of coroners and medical examiners, the forensic investigations council, the Washington state patrol, and other interested agencies and individuals, shall convene a committee to coordinate the use of the latest technology and available science to improve reporting of missing persons, to improve the communication within the state and with national databases, to enhance the dissemination of information to other agencies and the public, and to improve reporting for missing persons and the collection and preservation of evidence.

Protocols for the investigation of reported missing persons, identification of human remains, and recommended protocols for the reporting and identification of persons missing as the result of major events not limited to tsunami, earthquake, or acts of terrorism shall be endorsed by the groups named in this section who shall then seek the voluntary adoption of the same by all local law enforcement agencies, coroners, medical examiners, and others charged with locating missing persons or identifying human remains. [2006 c 102 § 2.]

Finding—Intent—2006 c 102: "The legislature finds that there were over forty-six thousand reports of persons missing nationwide and over five hundred missing persons in the state of Washington. Major catastrophic events in other parts of the United States this year have also emphasized that identifying victims in mass disasters is often impossible, due to the deficiency in planning by communities and governments. It is the intent of this act to build upon the research and findings of the Washington state missing persons task force, assembled by the state attorney general in 2003, the United States department of justice, and others to aid in recovery of missing persons and the identification of human remains." [2006 c 102 § 1.]

RCW 36.28A.110 Missing persons information website creation. The Washington association of sheriffs and police chiefs shall create and maintain a statewide website, which shall be available to the public. The website shall post relevant information concerning persons reported missing in the state of Washington. For missing persons, the

website shall contain, but is not limited to: The person's name, physical description, photograph, and other information that is deemed necessary according to the adopted protocols. This website shall allow citizens to more broadly disseminate information regarding missing persons for at least thirty days. [2007 c 10 § 3; 2006 c 102 § 4.]

Intent—2007 c 10: See note following RCW 43.103.110.

Finding—Intent—2006 c 102: See note following RCW 36.28A.100.

RCW 36.28A.112 Missing persons information website—Transmittal of information to the national missing and unidentified persons system. When funded, the Washington association of sheriffs and police chiefs must regularly transmit information contained within the statewide missing persons website created pursuant to RCW 36.28A.110 to the national missing and unidentified persons system created by the United States department of justice's national institute of justice. [2020 c 45 § 4.]

Findings—Intent—Short title—2020 c 45: See notes following RCW 68.50.320.

RCW 36.28A.120 State patrol involvement with missing persons systems—Local law enforcement procedures for missing persons information. The Washington state patrol shall establish an interface with local law enforcement and the Washington association of sheriffs and police chiefs missing persons website, the toll-free twenty-four hour hotline, and national and other statewide missing persons systems or clearinghouses.

Local law enforcement agencies shall file an official missing persons report and enter biographical information into the state missing persons computerized network without delay after notification of a missing person's report is received under this chapter. [2007 c 10 § 4; 2006 c 102 § 5.]

Intent—2007 c 10: See note following RCW 43.103.110.

Finding—Intent—2006 c 102: See note following RCW 36.28A.100.

RCW 36.28A.130 Washington auto theft prevention authority—Created. There is hereby created in the Washington association of sheriffs and police chiefs the Washington auto theft prevention authority which shall be under the direction of the executive director of the Washington association of sheriffs and police chiefs. [2007 c 199 § 19.]

Findings—Intent—Short title—2007 c 199: See notes following RCW 9A.56.065.

RCW 36.28A.140 Development of model policy to address property access during forest fires and wildfires. (1) The Washington association of sheriffs and police chiefs shall convene a model policy

work group to develop a model policy for sheriffs regarding residents, landowners, and others in lawful possession and control of land in the state during a forest fire or wildfire. The model policy must be designed in a way that, first and foremost, protects life and safety during a forest fire or wildfire. The model policy must include guidance on allowing access, when safe and appropriate, to residents, landowners, and others in lawful possession and control of land in the state during a wildfire or forest fire. The model policy must specifically address procedures to allow, when safe and appropriate, residents, landowners, and others in lawful possession and control of land in the state access to their residences and land to:

- (a) Conduct fire prevention or suppression activities;
- (b) Protect or retrieve any property located in their residences or on their land, including equipment, livestock, or any other belongings; or
- (c) Undertake activities under both (a) and (b) of this subsection.

(2) In developing the policy under subsection (1) of this section, the association shall consult with appropriate stakeholders and government agencies. [2007 c 252 § 1.]

RCW 36.28A.200 Gang crime enforcement grant program. (1) When funded, the Washington association of sheriffs and police chiefs shall establish a grant program to assist local law enforcement agencies in the support of special enforcement emphasis targeting gang crime. Grant applications shall be reviewed and awarded through peer review panels. Grant applicants are encouraged to utilize multijurisdictional efforts.

- (2) Each grant applicant shall:
 - (a) Show a significant gang problem in the jurisdiction or jurisdictions receiving the grant;
 - (b) Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;
 - (c) Design an enforcement program that best suits the specific gang problem in the jurisdiction or jurisdictions receiving the grant;
 - (d) Demonstrate community coordination focusing on prevention, intervention, and suppression; and
 - (e) Collect data on performance pursuant to RCW 36.28A.220.
- (3) The cost of administering the grants shall not exceed sixty thousand dollars, or four percent of appropriated funding, whichever is greater. [2008 c 276 § 101.]

Severability—2008 c 276: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2008 c 276 § 701.]

Part headings, subheadings not law—2008 c 276: "Part headings and subheadings used in this act are not any part of the law." [2008 c 276 § 702.]

RCW 36.28A.210 Graffiti and tagging abatement grant program. (1) When funded, the Washington association of sheriffs and police chiefs shall establish a grant program to assist local law enforcement

agencies in the support of graffiti and tagging abatement programs located in local communities. Grant applicants are encouraged to utilize multijurisdictional efforts.

(2) Each graffiti or tagging abatement grant applicant shall:

(a) Demonstrate that a significant gang problem exists in the jurisdiction or jurisdictions receiving the grant;

(b) Show how the funds will be used to dispose or eliminate any current or ongoing tagging or graffiti within a specified time period;

(c) Specify how the funds will be used to reduce gang-related graffiti or tagging within its community;

(d) Show how the local citizens and business owners of the community will benefit from the proposed graffiti or tagging abatement process being presented in the grant application; and

(e) Collect data on performance pursuant to RCW 36.28A.220.

(3) The cost of administering the grants shall not exceed twenty-five thousand dollars, or four percent of funding, whichever is greater. [2008 c 276 § 102.]

Severability—Part headings, subheadings not law—2008 c 276: See notes following RCW 36.28A.200.

RCW 36.28A.220 Grant programs—Effectiveness evaluations. For the grant programs created in RCW 36.28A.200 and 36.28A.210 and within the funds provided for these programs, the Washington association of sheriffs and police chiefs shall, upon consultation with the Washington state institute for public policy, identify performance measures, periodic reporting requirements, data needs, and a framework for evaluating the effectiveness of grant programs in graffiti and tagging abatement and reducing gang crime. [2008 c 276 § 103.]

Severability—Part headings, subheadings not law—2008 c 276: See notes following RCW 36.28A.200.

RCW 36.28A.230 Registered sex offender and kidnapping offender address and residency verification grant program. (1) When funded, the Washington association of sheriffs and police chiefs shall administer a grant program to local governments for the purpose of verifying the address and residency of sex offenders and kidnapping offenders registered under RCW 9A.44.130 who reside within the county sheriff's jurisdiction. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with local governments to ensure that registered offender address and residency are verified:

(i) For level I offenders, every twelve months;

(ii) For level II offenders, every six months; and

(iii) For level III offenders, every three months;

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program; and

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by December 31st each year.

(2) The Washington association of sheriffs and police chiefs may retain up to three percent of the amounts provided pursuant to this section for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing to register offenses.

(3) For the purposes of this section, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(4) County sheriffs and police chiefs or town marshals may enter into agreements for the purposes of delegating the authority and obligation to fulfill the requirements of this section. [2010 c 265 § 3.]

RCW 36.28A.240 Metal theft enforcement strategy—Grant and training program. (1) To the extent funds are appropriated, the Washington association of sheriffs and police chiefs shall develop a comprehensive state law enforcement strategy targeting metal theft in consultation with the criminal justice training commission, including:

(a) Development of best practices for targeting illegal purchasers and sellers involved in metal theft, with specific enforcement focus on catalytic converter theft;

(b) Strategies for development and maintenance of relationships between local law enforcement agencies and licensed scrap metal recyclers, including recommendations for scheduled or regular interactions, with a focus on deterring unlawful purchases and identifying individuals suspected of involvement in unlawful metal theft and individuals who attempt to conduct a transaction while under the influence of controlled substances; and

(c) Establishment of a grant and training program to assist local law enforcement agencies in the support of special enforcement targeting metal theft. Grant applications shall be reviewed by the Washington association of sheriffs and police chiefs in consultation with other appropriate entities, such as those involved in enforcement against metal theft. Grant applicants with a demonstrated increase in metal theft over the previous 24 months are encouraged to focus solely on metal theft and unlawful purchasing and selling of unlawfully obtained metal in their jurisdiction, but may coordinate with other jurisdictions.

(2) Each grant applicant shall:

(a) Show a significant metal theft problem in the jurisdiction or jurisdictions receiving the grant;

(b) Propose an enforcement program that best suits the specific metal theft problem in the jurisdiction, including the number of enforcement stings to be conducted under the program;

(c) Demonstrate community coordination focusing on prevention, intervention, and suppression; and

(d) Collect data on performance, including the number of enforcement stings to be conducted.

(3) Grant awards may not be used to supplant preexisting funding sources for special enforcement targeting metal theft. [2022 c 221 § 8; 2013 c 322 § 24.]

Findings—Intent—Effective date—2022 c 221: See notes following RCW 19.290.020.

RCW 36.28A.300 24/7 sobriety program. There is created a 24/7 sobriety program to be administered by the criminal justice training commission in conjunction with the Washington association of sheriffs and police chiefs. The program shall coordinate efforts among various local government entities for the purpose of implementing alternatives to incarceration for offenders convicted under RCW 46.61.502 or 46.61.504 with one or more prior convictions under RCW 46.61.502 or 46.61.504. [2014 c 221 § 912; 2013 2nd sp.s. c 35 § 23.]

Effective date—2014 c 221: See note following RCW 28A.710.260.

RCW 36.28A.320 24/7 sobriety account. There is hereby established in the custody of the state treasurer the 24/7 sobriety account. The account shall be maintained and administered by the criminal justice training commission to reimburse the state for costs associated with establishing and operating the 24/7 sobriety program and the Washington association of sheriffs and police chiefs for ongoing 24/7 sobriety program administration costs. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW. Funds in the account may not lapse and must carry forward from biennium to biennium. Interest earned by the account must be retained in the account. The criminal justice training commission may accept for deposit in the account money from donations, gifts, grants, participation fees, and user fees or payments. [2016 c 203 § 1; 2015 2nd sp.s. c 3 § 16; 2014 c 221 § 913; 2013 2nd sp.s. c 35 § 25.]

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—2014 c 221: See note following RCW 28A.710.260.

RCW 36.28A.330 24/7 sobriety program definitions. The definitions in this section apply throughout RCW 36.28A.300 through 36.28A.390 unless the context clearly requires otherwise.

(1) "24/7 sobriety program" means a program in which a participant submits to testing of the participant's blood, breath, urine, or other bodily substance to determine the presence of alcohol or any drug as defined in RCW 46.61.540. Testing must take place at a location or locations designated by the participating agency, or, with the concurrence of the Washington association of sheriffs and police chiefs, by an alternate method.

(2) "Participant" means a person who has been charged with or convicted of a violation of RCW 46.61.502, 46.61.504, or those crimes listed in RCW 46.61.5055(14), in which the use of alcohol or drugs as defined in RCW 46.61.540 was a contributing factor in the commission of the crime and who has been ordered by a court to participate in the 24/7 sobriety program.

(3) "Participating agency" means any entity located in the state of Washington that has a written agreement with the Washington

association of sheriffs and police chiefs to participate in the 24/7 sobriety program, and includes, but is not limited to, a sheriff, a police chief, any other local, regional, or state corrections or probation entity, and any other entity designated by a sheriff, police chief, or any other local, regional, or state corrections or probation entity to perform testing in the 24/7 sobriety program.

(4) "Participation agreement" means a written document executed by a participant agreeing to participate in the 24/7 sobriety program in a form approved by the Washington association of sheriffs and police chiefs that contains the following information:

- (a) The type, frequency, and time period of testing;
- (b) The location of testing;
- (c) The fees and payment procedures required for testing; and
- (d) The responsibilities and obligations of the participant under the 24/7 sobriety program. [2015 2nd sp.s. c 3 § 17; 2013 2nd sp.s. c 35 § 26.]

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

RCW 36.28A.340 24/7 sobriety program—Counties or cities may participate. Each county or city, through its sheriff or chief, may participate in the 24/7 sobriety program. If a sheriff or chief is unwilling or unable to participate in the 24/7 sobriety program, the sheriff or chief may designate an entity willing to provide the service. [2013 2nd sp.s. c 35 § 27.]

Effective date—2013 2nd sp.s. c 35 §§ 27, 28, and 30-32: "Sections 27, 28, and 30 through 32 of this act take effect January 1, 2014." [2013 2nd sp.s. c 35 § 44.]

RCW 36.28A.350 24/7 sobriety program—Bond or pretrial release. The court may condition any bond or pretrial release upon participation in the 24/7 sobriety program and payment of associated costs and expenses, if available. [2013 2nd sp.s. c 35 § 28.]

Effective date—2013 2nd sp.s. c 35 §§ 27, 28, and 30-32: See note following RCW 36.28A.340.

RCW 36.28A.360 24/7 sobriety program—Washington association of sheriffs and police chiefs may adopt policies and procedures. The Washington association of sheriffs and police chiefs may adopt policies and procedures for the administration of the 24/7 sobriety program to:

- (1) Provide for procedures and apparatus for testing;
- (2) Establish fees and costs for participation in the program to be paid by the participants;
- (3) Require the submission of reports and information by law enforcement agencies within this state. [2013 2nd sp.s. c 35 § 29.]

RCW 36.28A.370 24/7 sobriety account—Distribution of funds.
(1) Any daily user fee, installation fee, deactivation fee, enrollment

fee, or monitoring fee must be collected by the participating agency and used to defray the participating agency's costs of the 24/7 sobriety program.

(2) Any participation fee must be collected by the participating agency and deposited in the state 24/7 sobriety account to cover 24/7 sobriety program administration costs incurred by the Washington association of sheriffs and police chiefs.

(3) All applicable fees shall be paid by the participant contemporaneously or in advance of the time when the fee becomes due; however, cities and counties may subsidize or pay any applicable fees.

(4) A city or county may accept for deposit, donations, gifts, grants, local account fund transfers, and other assistance into its local 24/7 sobriety account to defray the participating agency's costs of the 24/7 sobriety program. [2017 c 336 § 12; 2015 2nd sp.s. c 3 § 18; 2013 2nd sp.s. c 35 § 30.]

Finding—2017 c 336: See note following RCW 9.96.060.

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—2013 2nd sp.s. c 35 §§ 27, 28, and 30-32: See note following RCW 36.28A.340.

RCW 36.28A.380 24/7 sobriety program—No waiver or reduction of fees. The court shall not waive or reduce fees or associated costs charged for participation in the 24/7 sobriety program. [2013 2nd sp.s. c 35 § 31.]

Effective date—2013 2nd sp.s. c 35 §§ 27, 28, and 30-32: See note following RCW 36.28A.340.

RCW 36.28A.390 24/7 sobriety program—Violation of terms—Penalties. (1) A general authority Washington peace officer, as defined in RCW 10.93.020, who has probable cause to believe that a participant has violated the terms of participation in the 24/7 sobriety program may immediately take the participant into custody and cause him or her to be held until an appearance before a judge on the next judicial day.

(2) A participant who violates the terms of participation in the 24/7 sobriety program or does not pay the required fees or associated costs pretrial or posttrial shall, at a minimum:

(a) Receive a written warning notice for a first violation;

(b) Serve a minimum of one day imprisonment for a second violation;

(c) Serve a minimum of three days['] imprisonment for a third violation;

(d) Serve a minimum of five days['] imprisonment for a fourth violation; and

(e) Serve a minimum of seven days['] imprisonment for a fifth or subsequent violation.

(3) The court may remove a participant from the 24/7 sobriety program at any time for noncompliance with the terms of participation. If a participant is removed from the 24/7 sobriety program, the court

shall send written notice to the department of licensing within five business days. [2016 c 203 § 19; 2015 2nd sp.s. c 3 § 19; 2013 2nd sp.s. c 35 § 32.]

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—2013 2nd sp.s. c 35 §§ 27, 28, and 30-32: See note following RCW 36.28A.340.

RCW 36.28A.400 Denied firearm transaction reporting system—Purge of denial records upon subsequent approval—Public disclosure exemption—Destruction of information. (Contingent repeal.) (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs must create and maintain an electronic portal for a dealer, as defined in RCW 9.41.010, to report the information as required pursuant to RCW 9.41.114 pertaining to persons who have applied for the purchase or transfer of a firearm and were denied as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law.

(2) Upon receipt of information from a dealer pursuant to RCW 9.41.114 that a person originally denied the purchase or transfer of a firearm as the result of a background check that indicates the applicant is ineligible to possess a firearm has subsequently been approved for the purchase or transfer, the Washington association of sheriffs and police chiefs must purge any record of the person's denial in its possession and inform the Washington state patrol and any local law enforcement agency participating in the grant program created in RCW 36.28A.420 of the subsequent approval of the purchase or transfer.

(3) Information and records prepared, owned, used, or retained by the Washington state patrol or the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017 are exempt from public inspection and copying under chapter 42.56 RCW.

(4) The Washington association of sheriffs and police chiefs must destroy the information and data reported by a dealer pursuant to chapter 261, Laws of 2017 upon its satisfaction that the information and data is no longer necessary to carry out its duties pursuant to chapter 261, Laws of 2017. [2017 c 261 § 2.]

Contingent repeal—2020 c 28: "RCW 36.28A.400 (Denied firearm transaction reporting system—Purge of denial records upon subsequent approval—Public disclosure exemption—Destruction of information) and 2017 c 261 s 2 are each repealed." [2020 c 28 § 9.]

Contingent effective date—2020 c 28 §§ 5-9: See note following RCW 9.41.114.

RCW 36.28A.405 Denied firearm transaction information—Annual report. (Contingent expiration date.) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall prepare an annual

report on the number of denied firearms sales or transfers reported pursuant to chapter 261, Laws of 2017. The report shall indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained. The Washington state patrol shall submit the report to the appropriate committees of the legislature on or before December 31st of each year. [2017 c 261 § 4.]

RCW 36.28A.405 Denied firearm transaction information—Annual report. (Contingent effective date.) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall prepare an annual report on the number of denied firearms sales or transfers reported pursuant to chapter 261, Laws of 2017 and RCW 43.43.823. The report shall indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained. The Washington association of sheriffs and police chiefs shall submit the report to the appropriate committees of the legislature on or before December 31st of each year. [2020 c 28 § 7; 2017 c 261 § 4.]

Contingent effective date—2020 c 28 §§ 5-9: See note following RCW 9.41.114.

RCW 36.28A.410 Statewide automated protected person notification system—Notification requirements—Immunity from civil liability—Public disclosure exemption. (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The system must permit a person to register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public website.

(b) The notification requirements of this section apply to any court order issued under chapter 7.105 RCW or former chapter 7.92 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, *26.10.040, 26.26A.470, or 26.26B.020, any of the former RCW 7.90.090, 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, and any Canadian domestic violence protection order filed with a Washington court pursuant to chapter 26.55 RCW, where the order prohibits the respondent from possessing firearms or where by operation of law the

respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that he or she has appealed a background check denial under RCW 43.43.823.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW. [2021 c 215 § 147. Prior: 2019 c 263 § 915; 2019 c 46 § 5041; 2017 c 261 § 5.]

***Reviser's note:** RCW 26.10.040 was repealed by 2020 c 312 § 905.

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

Effective date—2019 c 263 §§ 901-915, 1001, and 1002: See RCW 26.55.903.

RCW 36.28A.420 Illegal firearm transaction investigation grant program—Requirements—Public disclosure exemption. (Contingent expiration date.)

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall establish a grant program for local law enforcement agencies to conduct criminal investigations regarding persons who illegally attempted to purchase or transfer a firearm within their jurisdiction.

(2) Each grant applicant must be required to submit reports to the Washington association of sheriffs and police chiefs that indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017 are exempt from public inspection and copying under chapter 42.56 RCW. [2017 c 261 § 6.]

RCW 36.28A.420 Illegal firearm transaction investigation grant program—Requirements—Public disclosure exemption. (Contingent effective date.)

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of

sheriffs and police chiefs shall establish a grant program for local law enforcement agencies to conduct criminal investigations regarding persons who illegally attempted to purchase or transfer a firearm within their jurisdiction.

(2) Each grant applicant must be required to submit reports to the Washington association of sheriffs and police chiefs that indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017 and RCW 43.43.823 are exempt from public inspection and copying under chapter 42.56 RCW. [2020 c 28 § 8; 2017 c 261 § 6.]

Contingent effective date—2020 c 28 §§ 5-9: See note following RCW 9.41.114.

RCW 36.28A.430 Sexual assault kit initiative project—

Definitions. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall establish and administer the Washington sexual assault kit initiative project.

(2) The project is created for the purpose of providing funding through a competitive grant program to support multidisciplinary community response teams engaged in seeking a just resolution to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits.

(3) In administering the project, the Washington association of sheriffs and police chiefs has the following powers and duties:

(a) Design and implement the grant project with the elements included in this section;

(b) Screen and select eligible applicants to receive grants;

(c) Award grants and disburse funds to at least two eligible applicants, at least one located in western Washington and at least one located in eastern Washington;

(d) Adopt necessary policies and procedures to implement and administer the program;

(e) Monitor use of grant funds and compliance with the grant requirements;

(f) Create and implement reporting requirements for grant recipients;

(g) Facilitate the hosting of a sexual assault kit summit in the state of Washington through a grant recipient or directly through the Washington association of sheriffs and police chiefs, subject to the availability of funds, which may include a combination of public and private dollars allocated for the particular purpose; and

(h) Report to the appropriate committees of the legislature, the joint legislative task force on sexual assault forensic examination best practices, and the governor by December 1, 2017, and each December 1st of each subsequent year the project is funded and operating, regarding the status of grant awards, the progress of the grant recipients toward the identified goals in this section, the data

required by subsection (4) of this section, and any other relevant information or recommendations related to the project or sexual assault kit policies.

(4) Grant recipients must:

(a) Perform an inventory of all unsubmitted sexual assault kits in the jurisdiction's possession regardless of where they are stored and submit those sexual assault kits for forensic analysis through the Washington state patrol or another laboratory with the permission of the Washington state patrol;

(b) Establish a multidisciplinary cold case or sexual assault investigation team or teams for follow-up investigations and prosecutions resulting from evidence from the testing of previously unsubmitted sexual assault kits. Cold case or sexual assault investigative teams must: Include prosecutors, law enforcement, and victim advocates for the duration of the project; use victim-centered, trauma-informed protocols, including for victim notification; and use protocols and policies established by the Washington association of sheriffs and police chiefs. The grant funds may support personnel costs, including hiring and overtime, to allow for adequate follow-up investigations and prosecutions. Grant awards must be prioritized for eligible applicants with a commitment to colocate assigned prosecutors, law enforcement, and victim advocates for the duration of the grant program;

(c) Require participants in the multidisciplinary cold case or sexual assault investigation team or teams to participate in and complete specialized training for victim-centered, trauma-informed investigation and prosecutions;

(d) Identify and address individual level, organizational level, and systemic factors that lead to unsubmitted sexual assault kits in the jurisdiction and development of a comprehensive strategy to address the issues, including effecting changes in practice, protocol, and organizational culture, and implementing evidence-based, victim-centered, trauma-informed practices and protocols;

(e) Appoint an informed representative to attend meetings of and provide information and assistance to the joint legislative task force on sexual assault forensic examination best practices;

(f) Identify and maintain consistent, experienced, and committed leadership of their sexual assault kit initiative; and

(g) Track and report the following data to the Washington association of sheriffs and police chiefs, in addition to any data required by the Washington association of sheriffs and police chiefs: The number of kits inventoried; the dates collected and submitted for testing; the number of kits tested; the number of kits with information eligible for entry into the combined DNA index system; the number of combined DNA index system hits; the number of identified suspects; including serial perpetrators; the number of investigations conducted and cases reviewed; the number of charges filed; and the number of convictions.

(5) Subject to the availability of amounts appropriated for this specific purpose, the project may also allocate funds for grant recipients to:

(a) Create and employ training in relation to sexual assault evidence, victimization and trauma response, and other related topics to improve the quality and outcomes of sexual assault investigations and prosecutions;

(b) Enhance victim services and support for past and current victims of sexual assault; or

(c) Develop evidence collection, retention, victim notification, and other protocols needed to optimize data sharing, case investigation, prosecution, and victim support.

(6) For the purposes of this section:

(a) "Eligible applicants" include: Law enforcement agencies, units of local government, or combination of units of local government, prosecutor's offices, or a governmental nonlaw enforcement agency acting as fiscal agent for one of the previously listed types of eligible applicants. A combination of jurisdictions, including contiguous jurisdictions of multiple towns, cities, or counties, may create a task force or other entity for the purposes of applying for and receiving a grant, provided that the relevant prosecutors and law enforcement agencies are acting in partnership in complying with the grant requirements.

(b) "Project" means the Washington sexual assault kit initiative project created in this section.

(c) "Unsubmitted sexual assault kit" are sexual assault kits that have not been submitted to a forensic laboratory for testing with the combined DNA index system-eligible DNA methodologies as of the effective date of the mandatory testing law in *RCW 70.125.090. Unsubmitted sexual assault kits includes partially tested sexual assault kits, which are sexual assault kits that have only been subjected to serological testing, or that have previously been tested only with noncombined DNA index system-eligible DNA methodologies. The project does not include untested sexual assault kits that have been submitted to forensic labs for testing with combined DNA index system-eligible DNA methodologies but are delayed for testing as a result of a backlog of work in the laboratory. [2017 c 290 § 1.]

***Reviser's note:** RCW 70.125.090 was recodified as RCW 5.70.040 pursuant to 2020 c 26 § 18.

RCW 36.28A.435 Sexual assault prevention and response account.

(1) The sexual assault prevention and response account is created in the state treasury. All legislative appropriations and transfers; gifts, grants, and other donations; and all other revenues directed to the account must be deposited into the sexual assault prevention and response account. Moneys in the account may only be spent after appropriation.

(2) The legislature must prioritize appropriations from the account for: The Washington sexual assault kit initiative project created in RCW 36.28A.430; the office of crime victims advocacy for the purpose of providing support and services, including educational and vocational training, to victims of sexual assault and trafficking; victim-centered, trauma-informed training for prosecutors, law enforcement, and victim advocates including, but not limited to, the training in RCW 43.101.272, 43.101.274, and 43.101.276; the Washington state patrol for the purpose of funding the statewide sexual assault kit tracking system and funding the forensic analysis of sexual assault kits. [2017 c 290 § 6.]

RCW 36.28A.440 Mental health field response grant program. (1)

Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall develop and implement a mental health field response grant

program. The purpose of the program is to assist local law enforcement agencies to establish and expand mental health field response capabilities, utilizing mental health professionals to professionally, humanely, and safely respond to crises involving persons with behavioral health issues with treatment, diversion, and reduced incarceration time as primary goals. A portion of the grant funds may also be used to develop data management capability to support the program.

(2) Grants must be awarded to local law enforcement agencies based on locally developed proposals to incorporate mental health professionals into the agencies' mental health field response planning and response. Two or more agencies may submit a joint grant proposal to develop their mental health field response proposals. Proposals must provide a plan for improving mental health field response and diversion from incarceration through modifying or expanding law enforcement practices in partnership with mental health professionals. A peer review panel appointed by the Washington association of sheriffs and police chiefs in consultation with managed care organizations and behavioral health administrative services organizations must review the grant applications. Once the Washington association of sheriffs and police chiefs certifies that the application satisfies the proposal criteria, the grant funds will be distributed. To the extent possible, at least one grant recipient agency should be from the east side of the state and one from the west side of the state with the crest of the Cascades being the dividing line. The Washington association of sheriffs and police chiefs shall make every effort to fund at least eight grants per fiscal year with funding provided for this purpose from all allowable sources under this section. The Washington association of sheriffs and police chiefs may prioritize grant applications that include local matching funds. Grant recipients must be selected and receiving funds no later than October 1, 2018.

(3) Grant recipients must include at least one mental health professional who will perform professional services under the plan. A mental health professional may assist patrolling officers in the field or in an on-call capacity, provide preventive, follow-up, training on mental health field response best practices, or other services at the direction of the local law enforcement agency. Nothing in this subsection (3) limits the mental health professional's participation to field patrol. Grant recipients are encouraged to coordinate with local public safety answering points to maximize the goals of the program.

(4) Within existing resources, the Washington association of sheriffs and police chiefs shall:

(a) Consult with the department of social and health services research and data analysis unit to establish data collection and reporting guidelines for grant recipients. The data will be used to study and evaluate whether the use of mental health field response programs improves outcomes of interactions with persons experiencing behavioral health crises, including reducing rates of violence and harm, reduced arrests, and jail or emergency room usage;

(b) Consult with the health care authority, the department of health, and the managed care system to develop requirements for participating mental health professionals; and

(c) Coordinate with public safety answering points, behavioral health, and the department of social and health services to develop and incorporate telephone triage criteria or dispatch protocols to

assist with mental health, law enforcement, and emergency medical responses involving mental health situations.

(5) The Washington association of sheriffs and police chiefs shall submit an annual report to the governor and appropriate committees of the legislature on the program. The report must include information on grant recipients, use of funds, participation of mental health professionals, and feedback from the grant recipients by December 1st of each year the program is funded.

(6) Grant recipients shall develop and provide or arrange for training necessary for mental health professionals to operate successfully and competently in partnership with law enforcement agencies. The training must provide the professionals with a working knowledge of law enforcement procedures and tools sufficient to provide for the safety of the professionals, partnered law enforcement officers, and members of the public.

(7) Nothing in this section prohibits the Washington association of sheriffs and police chiefs from soliciting or accepting private funds to support the program created in this section. [2019 c 325 § 5008; 2018 c 142 § 1.]

Effective date—2019 c 325: See note following RCW 71.24.011.

RCW 36.28A.445 Duty to render first aid—Development of guidelines. (1) It is the policy of the state of Washington that all law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement.

(2) Within one year after December 6, 2018, the Washington state criminal justice training commission, in consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs, organizations representing state and local law enforcement officers, health providers and/or health policy organizations, tribes, and community stakeholders, shall develop guidelines for implementing the duty to render first aid adopted in this section. The guidelines must: (a) Adopt first aid training requirements; (b) address best practices for securing a scene to facilitate the safe, swift, and effective provision of first aid to anyone injured in a scene controlled by law enforcement or as a result of law enforcement action; and (c) assist agencies and law enforcement officers in balancing the many essential duties of officers with the solemn duty to preserve the life of persons with whom officers come into direct contact. [2019 c 4 § 2. Prior: 2019 c 1 § 6 (Initiative Measure No. 940); (2018 c 11 § 6 (Initiative Measure No. 940) repealed by 2019 c 4 § 8); (2018 c 10 § 2 repealed by 2019 c 4 § 8).]

Effective date—2019 c 4: See note following RCW 43.101.455.

Short title—Intent—Liberal construction—Subject—2019 c 1 (Initiative Measure No. 940): See notes following RCW 43.101.450.

Rule making—2019 c 4; 2019 c 1 (Initiative Measure No. 940): See note following RCW 43.101.455.

RCW 36.28A.450 Grant program—Therapeutic interventions for certain criminal justice system involved persons—Report—Civil liability. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs, in consultation with the law enforcement assisted diversion national support bureau, shall develop and implement a grant program aimed at supporting local initiatives to properly identify criminal justice system-involved persons with substance use disorders and other behavioral health needs and engage those persons with therapeutic interventions and other services, the efficacy of which have been demonstrated by experience, peer-reviewed research, or which are credible promising practices, prior to or at the time of jail booking, or while in custody.

(2) Grants must be awarded to local jurisdictions based on locally developed proposals to establish or expand existing programs. The lead proposing agency may be a law enforcement agency, other local government entity, tribal government entity, tribal organization, urban Indian organization, or a nonprofit community-based organization. All proposals must include governing involvement from community-based organizations, local government, and law enforcement, and must also demonstrate engagement of law enforcement, prosecutors, civil rights advocates, public health experts, harm reduction practitioners, organizations led by and representing individuals with past justice system involvement, and public safety advocates. A peer review panel appointed by the Washington association of sheriffs and police chiefs in consultation with the law enforcement assisted diversion national support bureau, integrated managed care organizations and behavioral health organizations must review the grant applications. The peer review panel must include experts in harm reduction and civil rights experts.

(3) (a) Programs preferred for the award of grant funding are those that have a prebooking diversion focus and demonstrate how they will impact one or more of the expected outcomes of the grant program. Preferred programs must contain one or both of the following components:

(i) Employment of tools and strategies to accurately identify individuals with substance use disorders and other behavioral health needs who are known to commit law violations, at or prior to the point of arrest, and immediately engage those individuals with appropriate community-based care and support services that have been proven to be effective for marginalized populations by experience or peer-reviewed research or that are credible promising practices; and

(ii) Capacity to receive ongoing referrals to the same community-based care approach for persons with substance use disorders and other behavioral health needs encountered in jail, with an emphasis on securing the release of those individuals whenever possible consistent with public safety and relevant court rules.

(b) Proposals targeting prebooking diversion may use funds to identify and refer persons who are encountered in jail to community-based services.

(4) Up to twenty-five percent of the total funds appropriated for the grant program may be allocated to proposals containing any of the following components:

(a) Utilization of case manager and peer support services for persons with substance use disorders and other behavioral health needs who are incarcerated in jails;

(b) Specialized training for jail staff relating to incarcerated individuals with substance use disorders and other behavioral health needs;

(c) Comprehensive jail reentry programming for incarcerated persons with substance use disorders and other behavioral health needs; and

(d) Other innovative interventions targeted specifically at persons with substance use disorders and other behavioral health needs who are brought to jail for booking or are incarcerated in jails.

(5) Proposals must provide a plan for tracking client engagement and describe how they will impact one or more of the expected outcomes of the grant program. Grant recipients must agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs in consultation with the law enforcement assisted diversion national support bureau. Grant recipients whose proposals include prebooking diversion programs must engage with the law enforcement assisted diversion national support bureau for technical assistance regarding best practices for prebooking diversion programs, and regarding establishment of an evaluation plan. Subject to appropriated funding, grant awards will be eligible for annual renewal conditioned upon the recipient's demonstration that the funded program is operating in alignment with the requirements for the grant program.

(6) The Washington association of sheriffs and police chiefs must ensure that grants awarded under this program are separate and distinct from grants awarded pursuant to RCW 36.28A.440. Grant funds may not be used to fulfill minimum medical and treatment services that jails or community mental health agencies are legally required to provide.

(7) Once the Washington association of sheriffs and police chiefs, after consultation with the law enforcement assisted diversion national support bureau, certifies that a selected applicant satisfies the proposal criteria, the grant funds will be distributed. To the extent possible, grant awards should be geographically distributed on both the east and west sides of the crest of the Cascade mountain range. Grant applications that include local matching funds may be prioritized. Grant recipients must be selected no later than March 1, 2020.

(8) (a) The grant program under this section must be managed to achieve expected outcomes which are measurable and may be used in the future to evaluate the performance of grant recipients and hold them accountable for the use of funding. The initial expected outcomes defined for the grant program include:

(i) To reduce arrests, time spent in custody, and/or recidivism for clients served by the program;

(ii) To increase access to and utilization of nonemergency community behavioral health services;

(iii) To reduce utilization of emergency services;

(iv) To increase resilience, stability, and well-being for clients served; and

(v) To reduce costs for the justice system compared to processing cases as usual through the justice system.

(b) Programs which apply for and are awarded grant funding may focus on a subset of these outcomes and may target a segment of an outcome, such as reducing time spent in custody but not arrests. The Washington association of sheriffs and police chiefs, in consultation with the law enforcement assisted diversion national support bureau,

must develop a plan, timetable, and budget by December 1, 2019, to transition the grant program into a performance-based contracting format and to establish an evidence-based evaluation framework. The plan may include making reasonable modifications to the initial expected outcomes for use in grant contracts. Delivery of the plan to the governor and appropriate committees of the legislature may be combined with the annual report provided in subsection (9) of this section. The research and data division of the department of social and health services and Washington institute for public policy must provide technical support and consultation to support plan development as requested.

(9) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036. The report must include information on grant recipients, use of funds, and outcomes and other feedback from the grant recipients. In preparing the report, the Washington association of sheriffs and police chiefs may consult with the law enforcement assisted diversion national support bureau.

(10) Nothing in this section prohibits the Washington association of sheriffs and police chiefs from soliciting or accepting private funds to support the program created in this section.

(11) No civil liability may be imposed by any court on the state or its officers or employees, an appointed or elected official, public employee, public agency as defined in RCW 4.24.470, combination of units of government and its employees as provided in RCW 36.28A.010, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization based on the administration of this grant program or activities carried out within the purview of a grant received under this program except upon proof of bad faith or gross negligence. [2019 c 378 § 1.]

RCW 36.28A.455 Information and records—Notification—Public disclosure exemption. Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs revealing the existence of a notification, or of registration to be notified, regarding any specific individual, or the identity of or any information submitted by a person who registers to be notified of a person's custody or supervision status, upcoming hearing, case disposition, or service of a protection order pursuant to the statewide city and county jail booking and reporting system created in RCW 36.28A.040, the statewide automated victim information and notification system created in RCW 36.28A.040, or any other program used for the purposes of notifying individuals of a person's custody or supervision status, upcoming hearing, case disposition, or service of a protection order, are exempt from public inspection and copying under chapter 42.56 RCW. [2022 c 82 § 2.]

Effective date—2022 c 82: See note following RCW 72.09.712.