

Agenda Sheet for City Council Meeting of:
11/18/2019

Date Rec'd	11/6/2019
Clerk's File #	OPR 2019-0992
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	POLICE
Contact Name/Phone	ERIC OLSEN 835-4505
Contact E-Mail	EOLSEN@SPOKANEPOLICE.ORG
Agenda Item Type	Contract Item
Agenda Item Name	1560 - SAFE STREETS AGREEMENT

Agenda Wording

Operational agreement between the members of the Spokane Regional Safe Streets Task Force (SRSTF) - Spokane County Sheriff's Office (SCSO), Spokane Valley Police Department (SVPD), and Spokane Police Department (SPD).

Summary (Background)

SRSTF is a multi-jurisdictional drug and gang task force whose purpose is to provide a coordinated and concentrated effort to identify, disrupt, and dismantle existing and emerging gangs and mid to upper level drug trafficking organizations operating in the Spokane County area. The task force is made up of officers from the member agencies and is funded by local funds, grant funds and forfeitures. Five officers from SPD are members of the SRSTF task force. - Open agreement.

Fiscal Impact	Grant related? YES	Budget Account
	Public Works? NO	

Neutral	\$ 0	# 0
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	MEIDL, CRAIG	Study Session	PSCH Meeting
Division Director	MEIDL, CRAIG	Other	
Finance	SCHMITT, KEVIN	Distribution List	
Legal	DALTON, PAT		
For the Mayor	ORMSBY, MICHAEL		
Additional Approvals			
Purchasing			
GRANTS &	BROWN, SKYLER		

APPROVED BY
SPOKANE CITY COUNCIL:

11/18/2019

CITY CLERK

10/30/2019 08:33:23 AM

6858728

Recording Fee \$111.50 Page 1 of 9
Agreement SPOKANE REGIONAL SAFE STREETS TASK FORCE
Spokane County Washington



RETURN NAME and ADDRESS

V/D

SPOKANE REGIONAL SAFE STREETS TASK FORCE

1100 W MALLON

SPOKANE WA 99260-0300

Please Type or Print Neatly and Clearly All Information

Document Title(s)

AGREEMENT

Reference Number(s) of Related Documents

5495542, 6006742, 6100830, 6260654, 6364716, 6451205

Grantor(s) (Last Name, First Name, Middle Initial)

GOVERNMENT: SHERIFF SPOKANE CO, SPOKANE VALLEY PD, SPOKANE POLICE DEPT
SPOKANE CO PROSECUTING ATTORNEY OFFICE

Grantee(s) (Last Name, First Name, Middle Initial)

GOVERNMENT: SHERIFF SPOKANE CO, SPOKANE VALLEY PD, SPOKANE POLICE DEPT
SPOKANE CO PROSECUTING ATTORNEY OFFICE

Legal Description (Abbreviated form is acceptable, i.e. Section/Township/Range/Qtr Section or Lot/Block/Subdivision)

NA

Assessor's Tax Parcel ID Number NA

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the accuracy and completeness of the indexing information provided herein.

Sign below only if your document is Non-Standard.

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some parts of the text of the original document. Fee for non-standard processing is \$50.

Signature of Requesting Party

Spokane Regional Safe Streets Task Force
1100 West Mallon
Spokane, Washington 99260-0300

SPOKANE REGIONAL SAFE STREETS TASK FORCE
OPERATIONAL AGREEMENT

THIS AGREEMENT IS ENTERED INTO BY THE FOLLOWING PARTIES PURSUANT TO RCW 39.34 AND RCW 10.93. IT DESCRIBES THE DURATION, PURPOSE, FORMATION, ADMINISTRATION, TERMINATION, AND FINANCING OF THE SPOKANE REGIONAL SAFE STREETS TASK FORCE (SRSSTF).

THIS AGREEMENT REPLACES THE AGREEMENT SIGNED BY THE REPRESENTATIVE AGENCY HEADS IN 2015, AND FILED WITH THE SPOKANE COUNTY AUDITOR, FILE #6451205.

I. PURPOSE

Spokane County and the surrounding region have experienced a continuing increase in illegal drug manufacturing and trafficking, along with an increase in related criminal activity. Experience has shown that individual agencies, acting separately, do not have the capacity to significantly impact the mid to upper level manufacturing, trafficking, and distribution of illegal drugs.

The purpose of the multi-jurisdictional drug and gang task force, known as the Spokane Regional Safe Streets Task Force (SRSSTF), is to provide a coordinated and concentrated effort to identify, disrupt, and dismantle existing and emerging violent gangs and mid to upper level drug trafficking organizations operating in the Spokane County area thereby reducing the availability, use and trafficking of illegal drugs, guns, and the profits of their criminal enterprise. The SRSSTF will maintain, equip, train, and operate efficient investigative, intelligence, and proactive suppression components capable of immediate response to the most serious criminal acts.

II. ORGANIZATION / PARTICIPATING AGENCIES

The Spokane County Sheriff's Office (SCSO), Spokane Valley Police Department (SVPD), and the Spokane Police Department (SPD), agree to assign full-time commissioned officers to the SRSSTF as set forth in this agreement by the SRSSTF Board of Directors (BOD).

The SCSO/SVPD agrees to assign one full-time Sheriff Technical Assistant 3 for administrative support. The SCSO/SVPD agrees to assign three full-time Detectives, one full-time Deputy and one full-time Sergeant.

The SCSO/SVPD also agrees to assign an Inspector or Lieutenant who will have the responsibility of SRSSTF Commander. The Task Force Commander may have other duties within the SCSO/SVPD, but will dedicate the necessary time to the administration of the SRSSTF.

The SPD agrees to assign three full-time Detectives, one full-time Officer, and one full-time Sergeant.

The SPD and SCSO/SVPD Sergeants will share the duties as unit supervisors. They will be responsible for supervision of day-to-day Task Force operations, pursuant to the direction of the Task Force Commander.

The Spokane County Prosecuting Attorney's Office (SCPAtty) agrees to assign prosecutors to the SRSSTF. Assigned prosecutors will have the responsibility to prosecute criminal and civil forfeiture cases generated and filed by the SRSSTF.

All persons assigned to the SRSSTF shall work under the direct supervision of the unit supervisors. All persons assigned to the unit shall adhere to the rules and regulations as set forth in the SRSSTF policy and procedures manual, applicable FBI policies and procedures, as well as their individual departmental rules, policies and procedures. Variance between SRSSTF policy and procedures and individual agency rules, policies and procedures shall require the employee to comply with his/her individual agency rules, policies, and procedures. When operating under the authority of their FBI Task Force members shall adhere to that agency's respective policies and procedures. In the event of conflict regarding supervision and operation of the Task Force, the SUPERVISION AND CONTROL and OPERATIONS sections of the MOUs between the FBI and individual agencies will supersede this Operational Agreement.

For the purpose of indemnification of the above identified Participating Agencies against any losses, damages, or liabilities arising from the activities of the SRSSTF, the assigned personnel shall be deemed to be continuing under the employment of his/her individual agency. Each agency contributing personnel to the SRSSTF will continue that employee as an employee of the Participating Agency and will be solely responsible for the employee.

Any duly sworn peace officer, while assigned to the SRSSTF and working at the direction of the SRSSTF Board of Directors, Commander, and unit supervisors, shall have the same powers, duties, privileges, and immunities as are conferred upon him/her as a peace officer in his/her own jurisdiction.

Travel Policy

For the purpose of establishing a single travel policy for all persons assigned to the SRSSTF, regardless of the individual person's department or agency, all persons assigned to the SRSSTF, while traveling on either day trip or per diem, will comply with Spokane County's travel policy that is in effect at the time of the travel. (Amendment to Task Force Operational Agreement (#6006742), Auditor File Number #6100830).

ADMINISTRATION

Overall governance of SRSSTF operations, including the setting of investigative priorities and general operating procedures, will be vested in a Board of Directors (BOD) consisting of the elected official/agency executive, or their designee, from each participating agency. Each member of the BOD will have an equal vote in SRSSTF business. In the absence of a majority vote, the deciding vote will be cast by the Executive Director of the BOD. The Executive Director shall be the elected official/ agency executive of the organization which serves as the fiscal agent and Contractor as determined by the BOD.

Under the direction of the BOD, the SRSSTF Commander shall act as the principal liaison and facilitator between the BOD and SRSSTF. The SRSSTF Commander will be responsible for keeping the BOD informed on all matters relating to the function, expenditures, accomplishments, and challenges of the SRSSTF.

The BOD may meet monthly to review the SRSSTF activities and policies. Extra sessions can be called by any member of the BOD, or at the request of the SRSSTF Commander. When the BOD votes on any matter, a majority shall be required for passage. In the absence of a majority vote, the Executive Director of the BOD will cast the deciding vote. In an emergency, the SRSSTF Commander may conduct a telephone poll of the BOD to resolve an issue.

Full time participation in the SRSSTF by additional agencies will occur only if a Memorandum of Understanding (MOU) has been completed between the SRSSTF BOD and the new participating agency. Once the MOU is established, the new agency may be awarded a seat and a vote as a member of the SRSSTF BOD. Additional local agencies may, with a formal MOU, participate in a limited role and with approval of the Task Force Commander. Federal agencies may participate in the task force without a formal MOU, which will result in a limited role and with the approval of the Task Force Commander. Federal Agencies who do not establish an MOU with the BOD may have a vote and may be considered members of the SRSSTF BOD, with prior approval of the BOD.

TASK FORCE BUDGET / FINANCIALS

The SRSSTF will have four funding sources. These sources will be used for the SRSSTF maintenance and operation and capital expenses, as well as some personnel expenses, as set forth in the annual SRSSTF budget and approved by the BOD.

Local Funds.

Each Participating Agency will be responsible for all wages and benefits, and standard-issue equipment for its assigned employees. The only exception to this responsibility will be for the Sheriff Technical Assistant 3 (STA3) position within the Task Force. The STA3 position will be funded by Byrne JAG grants funds when available. Since grant and forfeiture funds change annually the personnel costs will also change. The funding source for the STA3 salary will be reviewed annually along with the Task Force's budget. The division of personnel expenses between the SRSSTF budget and Participating Agencies will be addressed annually by the BOD, during the budget process.

JAG Grant funds.

The second funding source, when available, will be the Justice Assistance Grant funds administered each year by the Washington State Department of Commerce. The SCSO will be the contracting agency for the grant and will have the responsibility of administering the grant through the SRSSTF Commander.

Forfeiture funds.

The third funding source will be forfeited funds generated by the enforcement activities of the SRSSTF. The forfeited funds are maintained by the Spokane County Auditor in a designated unreserved fund balance (DUFB) accounts. The forfeited funds will be used in accordance with state statute (RCW 69) and Federal Asset Sharing guidelines. The SCSO, as the fiduciary for the Task Force, will have the responsibility of administering the forfeiture funds through the SRSSTF Commander.

HIDTA funds.

The fourth funding source for SRSSTF activities will be available HIDTA (High Intensity Drug Trafficking Area) funds. The SCSO is the fiduciary for HIDTA funds. HIDTA funds are distributed through the SRSSTF unit supervisors to enhance and support partnerships with other Spokane County narcotic law enforcement entities.

HIDTA funds may be dispersed, at the direction of the SRSSTF unit supervisors, to support cooperative investigations targeting illicit, existing, and emerging violent gangs, and mid to upper level drug trafficking organizations operating in the Spokane County area and the surrounding region.

The SRSSTF Commander will have responsibility for the management of the SRSSTF budget and funds, subject to the direction and approval of the BOD.

SEIZED ASSETS AND REVENUE

The Task Force recognizes an ancillary benefit of asset forfeiture is the potential to share federal forfeiture proceeds with cooperating state and local law enforcement agencies through equitable sharing. The Equitable Sharing Program enhances cooperation among federal, state, local, and tribal law enforcement by providing valuable additional resources to each Task Force member agency. Equitable sharing funds are designed to supplement and enhance, not supplant, appropriated agency resources.

The BOD has approved the SCSO/Spokane County as the fiduciary agency for the SRSSTF.

Seized Assets.

Items seized, under either state or federal law, as the result of Task Force investigations will be processed by the SRSSTF in accordance with state and federal laws. All Task Force Participating Agencies agree and understand that all forfeitures of seized assets, which may be awarded to the fiduciary agency, will be retained by the fiduciary agency for task force expenses.

Federal Equitable Sharing funds are awarded to one single agency, known as the fiduciary, designated by the Task Force. The Task Force Participating Agencies will not submit individual sharing requests nor will member agencies receive funds from the fiduciary agency, unless an agreed upon percentage is in place and has been agreed upon by the SRSSTF BOD. These percentages will be reviewed on an annual basis.

The agreed upon percentages for year 2019, as agreed upon by the BOD, is as follows: SCSO/SVPD 33%; SPD 33%; and the SCPAtty 33%.

Monetary assets awarded to the Task Force will be deposited into the DUFB. Non-monetary assets will be disposed of in accordance with state and federal law by the SRSSTF. The proceeds from those items will be deposited into the DUFB. The monetary assets and the proceeds from non-monetary assets seized as a result of a Task Force investigation shall be collectively referred to as “Forfeited Funds.”

Forfeited Revenue Distribution.

In June of the calendar year, the Forfeited Fund account will be reviewed. After approved expenditures and required payments have been made, the amount above the approved threshold balance of \$400,000 will be divided equally between the Participating Agencies. The only funds available for this type of distribution are assets forfeited under RCW 69.50.505 (9) and (10).

Reporting/Tracking Expenditures of Task Force Forfeited Revenue.

Each Participating Agency is responsible for adhering to state and federal laws for the use of drug-related seizure monies distributed to them. Any federal funds that are awarded to a Participating Agency must be tracked and reported per federal asset-sharing regulations. By accepting forfeiture funds, each Participating Agency acknowledges its compliance with state and federal laws regarding the receipt and expenditure of drug-related forfeiture revenue.

COMPLIANCE WITH THE LAW

The Task Force and all its members shall comply with all federal, state, and local laws affecting the Task Force. The Participating Agencies jurisdictions acknowledge that:

The proceeds of forfeited property must be used only for law enforcement activities related to controlled substances. RCW 69.50.505 (9) and (10) require that 10% of the net proceeds of forfeited property be remitted to the state treasurer for deposit in the general fund. The remaining portion may be used only for “controlled substances related law enforcement activities”.

Furthermore, proceeds derived from local government participation in federal seizures and forfeitures of property must be used only for law enforcement purposes as defined in the *Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies* (“Guide”) published by the United States Department of Justice. The *Guide* expressly enumerates both permissible and impermissible uses of funds. Accounting procedures and internal controls established in the *Guide* must also be followed, including the prohibition of commingling equitable shared Department of Justice Funds with funds from any other source, subject to audit by the United States General Accounting Office.

Pursuant to the statute and guidelines, proceeds from both state and federal forfeitures may not be used to supplant preexisting funding sources.

The provisions of this Agreement shall be interpreted and administered in order to ensure compliance with these legal requirements.

MANNER OF ACQUIRING/DISPOSING OF PROPERTY USED

Property/equipment supplied to the SRSSTF by a Participating Agency will remain the property of that agency. Property/equipment purchased with grant or forfeiture funds will remain with the SRSSTF as long as it is operating. Funding and expenditures will be documented. In the event the SRSSTF is disbanded, property/equipment belonging to the SRSSTF and any remaining forfeited funds will stay with the fiscal agency, after compliance with all applicable requirements of the JAG grant contract, RCW 69 and federal asset sharing guidelines regarding property/equipment acquired with grant and/or forfeiture funds.

PUBLIC DISCLOSURE REQUESTS

The SCSO Public Disclosure Office will be responsible for all public disclosure requests regarding cases assigned to the SRSSTF as noted in the LERMS system and will respond according to the Washington State Public Records Act RCW 42.56 and all other applicable RCW's. The Task Force is comprised of the SPD, SCSO, SVPD, and Federal partners. Any requests for information on cases that have been adopted by a federal agency, will have to go through those respective federal agencies for their public disclosure response and process.

Request for Public Records can be completed by visiting the Spokane County website at: <https://www.spokanecounty.org/>; selecting County Services; then Public Records Request. From there a request can be completed for the Spokane County Sheriff's Office. Or requests can be completed by mail addressed to: Spokane County Sheriff's Office, Attn: Public Disclosure, 1100 W. Mallon Ave., Spokane, WA 99260.

TERMINATION OF AGREEMENT

Participating Agencies may withdraw from the SRSSTF by written statement of termination directed to the BOD. Termination of the agency's participation will take place automatically thirty (30) days after receipt of the written notification, or immediately upon written notification that the agency is unable to sustain the necessary funding for participation. Other than the disbanding of the SRSSTF, no agency will be awarded SRSSTF forfeiture funds because of the agency terminating participation in the SRSSTF. If, at any time Task Force Participating Agencies are not able to comply with the personnel requirements set forth by the BOD, the SRSSTF will be disbanded and the property/equipment and any remaining forfeited funds will be dispersed as described in section V.

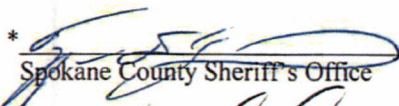
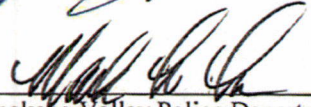
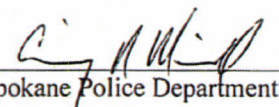
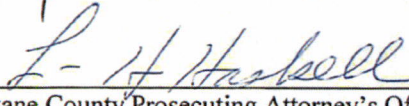
DURATION OF AGREEMENT

This agreement shall remain valid as long as law enforcement agencies continue to assign personnel to the SRSSTF and abide by the agreement.

To maintain continuity and validity of the agreement the newly elected official or newly appointed department head of any signing agency will be asked to review and sign an identical agreement. As required by RCW 39.34 this and subsequent agreements will be filed with the Spokane County Auditor.

AGREEMENT

On behalf of my agency, I hereby agree to participate in the SRSSTF in accordance with the policies set forth in this agreement.

Signature	Date	Agency
* 	10/21/2019	Spokane County S.O.
Spokane County Sheriff's Office		
* 	10/21/19	Spokane Valley P.D.
Spokane Valley Police Department		
* 	10/22/19	Spokane P.D.
Spokane Police Department		
* 	10/22/19	County Prosecutor
Spokane County Prosecuting Attorney's Office		

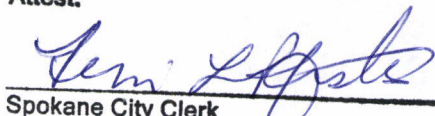
*Signature of elected official/department head of participating city, county, tribal, state, or federal agency.



Approved as to form:


Assistant City Attorney

Attest:


Spokane City Clerk

Briefing Paper (Public Safety & Community Health Committee)

Division & Department:	Police
Subject:	Operational Agreement for Safe Streets Task Force
Date:	November 4 th , 2019
Contact (email & phone):	Jennifer Hammond jhammond@spokanepolice.org 625-4056
City Council Sponsor:	
Executive Sponsor:	
Committee(s) Impacted:	Public Safety & Community Health
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	
Strategic Initiative:	
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of multi-jurisdictional operational agreement for the drug and task force known as the Spokane Regional Safe Streets Task Force (SRSSTF).
<p><u>Background/History:</u> The purpose of the multi-jurisdictional drug and gang task force, known as the Spokane Regional Safe Streets Task Force (SRSSTF), is to provide a coordinated and concentrated effort to identify, disrupt, and dismantle existing and emerging violent gangs and mid to upper level drug trafficking organizations operating in the Spokane County area thereby reducing the availability, use and trafficking of illegal drugs, guns, and the profits of their criminal enterprise. The SRSSTF will maintain, equip, train, and operate efficient investigative, intelligence, and proactive suppression components capable of immediate response to the most serious criminal acts.</p> <p>Participating agencies are the Spokane County Sheriff's Office, Spokane County Prosecuting Attorney's Office Spokane Valley Police Department, and the Spokane Police Department.</p>	
<p><u>Executive Summary:</u></p> <ul style="list-style-type: none"> • SPD will assign three full-time Detectives, one full-time Officer, and one full-time Sergeant • Each participating agency will be responsible for all wages and benefits, and standard-issue equipment for its assigned employees • SCSO will be the contracting agency for any awarded JAG funding, as well as the fiduciary for any forfeited funds generated by the enforcement activities of the SRSSTF and HIDTA (High Intensity Drug Trafficking Area) funds 	
<p><u>Budget Impact:</u></p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>If new, specify funding source:</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<p><u>Operations Impact:</u></p> <p>Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Specify changes required:</p> <p>Known challenges/barriers:</p>	