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COMMISSION

AGENDA MEMORANDUM Item No. 8c

ACTION ITEM Date of Meeting July 25, 2023

DATE: June 28, 2023

TO: Stephen P. Metruck, Executive Director

FROM: Mike Villa, Port of Seattle Police Chief

SUBJECT: 2023 Transfer of Funds to VSWAT

Amount of this request: \$300,000.00

Total estimated project cost: \$300,000.00

ACTION REQUESTED

Request Commission authorization for the Executive Director to transfer drug forfeiture funds in the amount of \$300,000.00 to the Regional Valley SWAT team (VSWAT). VSWAT will utilize these funds as partial acquisition cost for a police armored response and rescue vehicle. Total cost of the vehicle is \$407,886.37. VSWAT partnering agencies of Kent, Renton, Federal Way, and Auburn will contribute the remaining funds.

EXECUTIVE SUMMARY

The VSWAT team is a multi-agency response team comprised of members from Port of Seattle Police Department (POSPD), Kent Police Department, Federal Way Police Department, Tukwila Police Department, Renton Police Department, Auburn Police Department, and Des Moines Police Department. Currently the POSPD contributes one Sergeant and five officers who represent the POSPD on the team of over 40 members.

VSWAT conducts high risk warrant services and in-progress operations which involve armed and dangerous suspects often associated with narcotic enforcement and interdiction. An essential piece of equipment utilized in these high-risk operations is armored vehicles. The team conducted 66 callouts in 2022 and utilized the armored vehicles during all deployments except for the POTUS visit at SEA.

VSWAT currently utilizes two armored vehicles. These vehicles are essential to operational success and safety, in that they provide ballistic protection to officers, allow time and cover, and provide a platform for safe communications by hostage negotiators. They are integral to deescalation principles and best practices.

Template revised January 10, 2019.

COMMISSION AGENDA – Action Item No. 8c Page 2 of 4

Meeting Date: July 25, 2023

The vehicles are used as shared equipment via the Interlocal Cooperative Agreement among the seven different partner agencies. This armored vehicle is being purchased to replace an aging 2003 vehicle that is nearing its end of life. It is anticipated that VSWAT will be required to replace the other aging 2008 vehicle in the next few years. The partner agencies intend to offset these purchases.

POSPD proposes that the agency members share in the cost of the new armored vehicle by transferring \$300,000 from its forfeiture account to VSWAT.

JUSTIFICATION

The POSPD Drug Interdiction fund surpasses that of all the other agencies. As of June 28, 2023, there is currently over \$4,000,000 in the Port drug forfeiture account. The POSPD interdiction team has averaged over \$1,000,000 annually in cash seizures for the past four years and there are sufficient funds to continue interdiction operations for several years without any additional seizures necessary.

By sharing this cost with Renton, Federal Way, Kent, and Auburn via our transfer of funds, the team will be able to purchase this essential piece of equipment for the safety and security of all of our officers. Furthermore, the use of these funds is restricted by state law and the armored vehicle is an appropriate purchase. Pursuant to RCW 69.50.505(10), these funds must be used “exclusively for the expansion and improvement of controlled substances related law enforcement activity. ... [and] may not be used to supplant preexisting funding sources.” In other words, the only use of these funds must be towards things that enhance or improve narcotics enforcement. The Port legal department has reviewed the transfer of funds to VSWAT for this acquisition for compliance with applicable law and finds it to be an appropriate use of funds. It is not uncommon for the participating agencies to contribute to the VSWAT. Tukwila recently

contributed \$100,000 for a team vehicle while the other agencies each contributed \$20,000. Tukwila's Incident Command Vehicle and Auburn or Kent's shooting ranges are other examples. The Port of Seattle will transfer forfeiture funds in the amount of \$300,000 to the VSWAT fiscal agent, currently the City of Auburn. Auburn, Federal Way, Renton, and Kent will each contribute \$25,000. The remaining balance will come from the equipment and maintenance budget line of the VSWAT account. As VSWAT is not an entity capable of owning assets, the City of Renton has agreed to hold title and be responsible of insuring the vehicle. In the event it is ever sold, all the proceeds from that sale would be distributed as outlined in the Interlocal Cooperative Agreement.

In this year's legislative session, a bill was introduced relating to seizure and forfeiture procedures and reporting. Under the guidance of Commissioner Hasegawa, the Port worked with the bill sponsor, Rep. Hackney, to amend the bill to expand the Port's use of forfeited funds in its possession. Currently, RCW limits the Port to use such funds for illegal drug interdiction uses only.

Template revised June 27, 2019 (Diversity in Contracting).

COMMISSION AGENDA – Action Item No. 8c Page 3 of 4

Meeting Date: July 25, 2023

The adopted amendment would expand our authority to allow the Port to use forfeiture funds for human trafficking and gun control interdiction. Unfortunately, the bill failed to advance before the fiscal cutoff because the bill sponsor could not identify a state agency to act as the enforcement authority to track forfeited property. We are working in the interim between sessions to identify an agency to serve as the enforcement authority. Since we are the first half of the biennium, the bill will automatically be reintroduced next session.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

Alternative 1 – Deny transfer of the funds.

Cost Implications: No immediate cost.

Pros:

(1) Retain current fund levels in forfeiture account.

Cons:

(1) Safety risk to officers/subjects

(2) Further delay of replacing an aging vehicle with a new one

This is not the recommended alternative.

Alternative 2 – Authorize transfer of funds.

Cost Implications: \$300,000.00 from forfeiture funds. No reduction to general/operating funds.

Pros:

(1) Increased performance over current vehicle.

(2) Aligns with the Port Commission Task Force on Policing and Civil Rights by having the ability to utilize the armored vehicle as a de-escalation tool during high-risk operations.

(3) Upgraded armor provides improved safety to officers, subjects, and south King County communities.

Cons:

(1) Requires \$300,000.00 in forfeiture funds.

This is the recommended alternative.

FINANCIAL IMPLICATIONS

\$300,000.00 from Port forfeiture funds.

Cost Estimate/Authorization Summary Capital Expense Total

AUTHORIZATION

Previous authorizations 0 0 0

Current request for authorization \$300,000.00 0 \$300,000.00

Total authorizations, including this request \$300,000.00 0 \$300,000.00

Remaining amount to be authorized \$300,000.00 \$0 \$300,000.00

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COMMISSION AGENDA – Action Item No. 8c Page 4 of 4

Meeting Date: July 25, 2023

Annual Budget Status and Source of Funds

Port of Seattle drug forfeiture account. No impact to budget.

ATTACHMENTS

None.

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

None.

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