



MONROE CITY COUNCIL
Public Safety
Committee Meeting

Tuesday, April 6, 2021, 6:00 PM
Zoom Online Meeting Platform

Councilmembers
Patsy Cudaback
Ed Davis
Heather Rousey

Page

1. CALL TO ORDER

1.1. Virtual Participation Information:

The Public Safety Committee meeting will be held virtually via Zoom Meeting. Due to the COVID-19 pandemic, and [Proclamation 20-28.14](#) issued by Governor Jay Inslee, in-person meetings are not being held at this time.

Join Zoom Meeting:

- [Click link](#)
- Dial in: (253) 215-8782
- Meeting ID: 837 5337 6752

2. ROLL CALL

3. APPROVAL OF MINUTES

3.1. Meeting Minutes of March 2, 2021
[PS Minutes 03-02-21](#)

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4. UNFINISHED BUSINESS

4.1. Police Department Staffing - Chief Jeff Jolley
[Agenda Bill - Monroe Police Department Staffing - Pdf](#)

5 - 7

5. NEW BUSINESS

5.1. Criminalizing Possession of a Controlled Substance Without a Prescription - Chief Jeff Jolley
[Agenda Bill - Criminalizing Possession of a Controlled Substance Without a Prescription - Pdf](#)

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ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES WILL BE PROVIDED UPON REQUEST.
For assistance, please contact the City Clerk's Office at 360-794-7400 in advance of the meeting.
THE CITY COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA

6. NEXT COMMITTEE MEETING

6.1. May 4, 2021 at 6:00 p.m.

7. ADJOURNMENT



MONROE CITY COUNCIL
Public Safety Committee
Tuesday, March 2, 2021 6:00 P.M.
Zoom Online Meeting Platform

2021 Committee
Councilmembers
Patsy Cudaback
Ed Davis, Chair
Heather Rousey

MINUTES

CALL TO ORDER

A regular meeting of the Monroe City Council Public Safety Committee was held on Tuesday, March 2, 2021. The meeting was called to order by Councilmember Davis at 6:02 p.m. The Public Safety Committee meeting was held virtually via Zoom. Due to the COVID-19 pandemic, and Proclamation 20-28 issued by Governor Jay Inslee, in-person attendance is not permitted at this time.

Council Present: Councilmembers Davis, Rousey, and Cudaback (joined at 6:06 pm)
Mayor: Present
Staff Present: Knight, Hasart, Feilberg, Jolly, Haley, Huebner, Christian, Judge Ness
Guests: City Prosecutors Miller and Krepps (Zachor & Thomas)

APPROVAL OF THE MINUTES

1. Meeting minutes of February 2, 2021

Motion: Move to approve the minutes. Councilmember Rousey moved. Councilmember Davis seconded. Motion passed 2-0.

NEW BUSINESS

- 4.1. Adoption of 2020 Snohomish County Hazard Mitigation Plan. Mr. Feilberg presented information regarding the plan. Adoption of the plan makes the City eligible for federal mitigation funds when available. Current plan has expired. The City has until October 2021 to adopt the current plan and still be eligible for federal mitigation funds. Discussion ensued regarding additional discussion if the City adopts anything beyond what the state plan requires. Motion: Move to recommend approval of the 2020 Snohomish County Hazard Mitigation Plan by the Monroe City Council. Councilmember Cudaback moved. Councilmember Rousey seconded. Motion passed 3-0.
- 4.2. Prosecuting Attorney Update. Chief Jolley gave an update on the prosecution program for 2020 and introduced Chad Krepps and Carolyn Miller, both from Zachor & Thomas. Mr. Krepps discussed the progress made regarding the code enforcement program around nuisance properties and discussed the recent State Supreme Court case decriminalizing drug possession (State V. Blake) to include the impacts from this case on Monroe. Discussion ensued. Ms. Miller gave an update on how court has been performing from the prosecution viewpoint. 2020 numbers are down due to COVID and numbers are consistent with what other courts are experiencing.
- 4.3. Police Department Staff. Chief Jolley provided information on police staffing levels and upcoming staffing vacancies. Discussion ensued. Chief Jolley also followed up on various fireworks questions from a prior conversation.



MONROE CITY COUNCIL

Public Safety Committee

Tuesday, March 2, 2021 6:00 P.M.
Zoom Online Meeting Platform

2021 Committee

Councilmembers
Patsy Cudaback
Ed Davis, Chair
Heather Rousey

NEXT COMMITTEE MEETING is scheduled for April 6, 2021 at 6:00 p.m.

ADJOURNMENT

Motion: Councilmember Rousey moved to adjourn. Councilmember Cudaback seconded. The motion passed 3-0. The meeting was adjourned at 7:01 p.m.

Councilmember Davis, Chair

Rabecca R. Hasart, Interim City Clerk



AGENDA BILL

Meeting Date: April 06, 2021

Staff Contact: Jeff Jolley, Police Chief

Department: Police

SUBJECT: Discussion Only

PREVIOUS DISCUSSION:

March 2, 2021

PUBLIC HEARING(S):

N/A

REQUESTED ACTION:

Discussion Only

POLICY CONSIDERATIONS:

N/A

DESCRIPTION/BACKGROUND:

The 2021 budget includes ten administrative positions; two commissioned command staff members; seven sergeants and twenty-five officer positions. See organizational chart attached.

There are currently two vacant officer positions and the following anticipated vacancies:

1. Administrative Manager resigning - currently in hiring process to replace
2. Administrative Bureau Director retirement, June 30, 2021 last day
3. Sergeant Steve Clopp retirement - March 31, 2021
4. One sergeant resigning as early as August 2021 - December 2021
5. Motorcycle officer verbal notice of retirement June 30, 2021 last day
6. Patrol officer verbal notice of retirement in August 2021

Progress:

- Interviews for the Administrative Manager's position have been completed, selected candidate(s) scheduled for background check
- An announcement for an Administrative Commander's position was posted in March. This position replaces the Administrative Bureau Director.

- Brendan Baldera-Hearne was hired as an entry-level officer effective April 1, 2021. The department expects he will enter an academy in May with graduation in September
- There are three lateral officers in the background hiring stage and we continue to recruit for officer positions.
- Two officers are currently on their field training assignment prior to being released to solo patrol

FISCAL IMPACTS:

N/A

TIME CONSTRAINTS:

N/A

ALTERNATIVES TO REQUESTED ACTION:

N/A

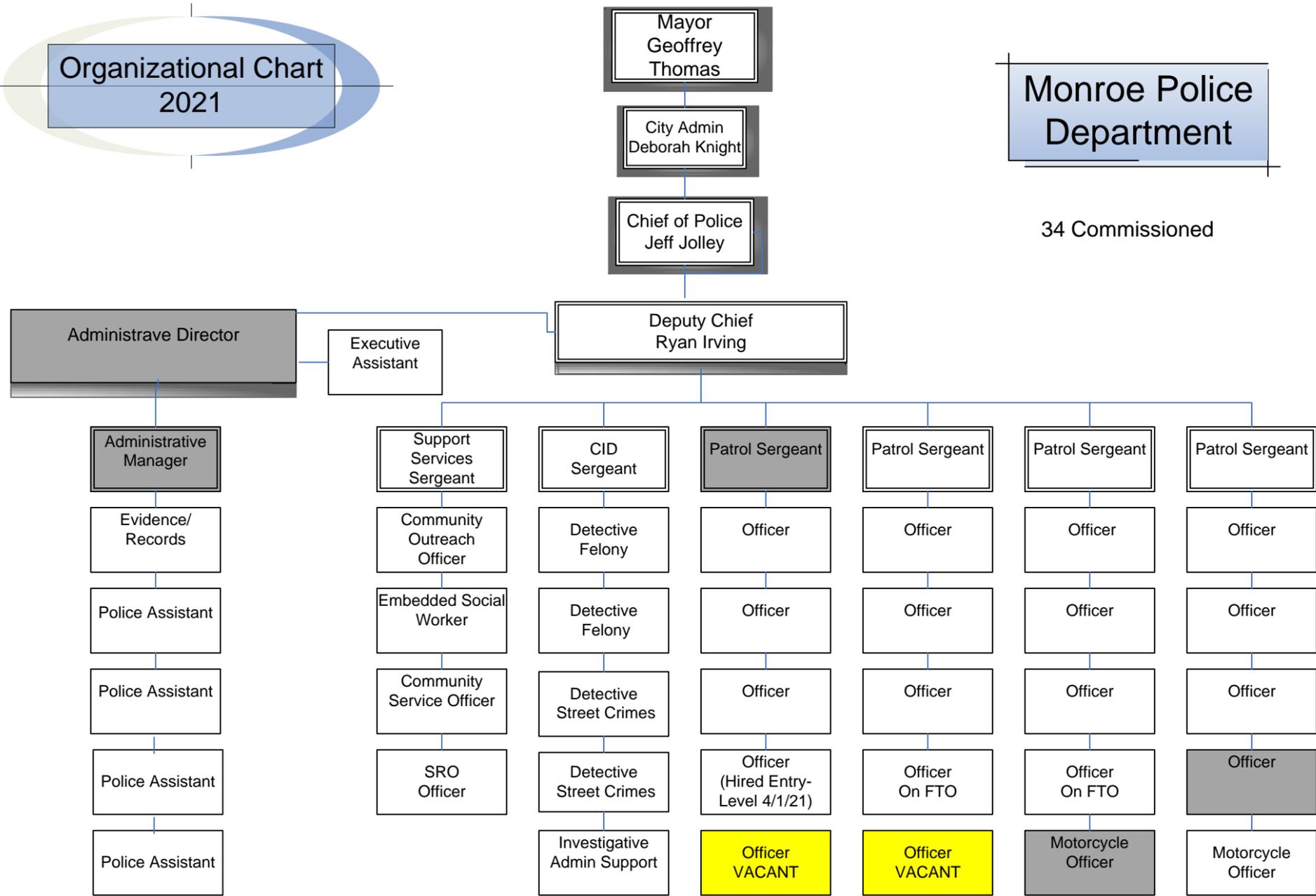
ATTACHMENTS:

[2021 Organizational Chart No Names \(1\)](#)

Organizational Chart
2021

Monroe Police
Department

34 Commissioned



Gray – Pending Retirement
Yellow – Vacant Positions



AGENDA BILL

Meeting Date: April 06, 2021

Staff Contact: Jeff Jolley, Police Chief

Department: Police

SUBJECT: Criminalizing Possession of a Controlled Substance Without a Prescription

PREVIOUS DISCUSSION:

N/A

PUBLIC HEARING(S):

N/A

REQUESTED ACTION:

Discussion Only

POLICY CONSIDERATIONS:

Article XI, section 11 of the state constitution authorizes a city to “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”

DESCRIPTION/BACKGROUND:

On February 25, 2021, the Washington State Supreme Court held in the case of State v. Blake, No. 96873-0, that RCW 69.50.4013(1) – the statute that criminalized the possession of a controlled substance without a prescription – exceeds the state’s police power and violates the due process clauses of the state and federal constitutions. The Court reasoned that the statute imposed strict liability for possession of a controlled substance and that this was not ameliorated by the ability of an “unwitting possession” defense because the “statute criminalized(s) innocent and passive possession, even by a defendant who does not know, and has no reason to know, that drugs lay hidden within something that they possess.” When a statute is declared by the courts to be unconstitutional, it is void and a nullity. Consequently, police cannot arrest for possession of a controlled substance without a prescription and such possession cannot be prosecuted.

The state uniform controlled substance act (UCSA), chapter 69.50 RCW, preempts cities from adopting penalties that are inconsistent with the state UCSA. Previously, possession of a controlled substance without a prescription was a class C felony. However, because there is no state statute currently prohibiting the possession of a controlled substance in Washington.

The use of controlled substances without a prescription is correlated with criminal activity, homelessness, and mental health issues. The absence of any criminal penalties for such possession will reduce the effectiveness of the City's initiatives with the embedded social worker program, public defense social worker and HPAC recommendation to "Implement law enforcement strategies and regulations that increase personal accountability and adhere to civil and personal rights".

The city is exploring options to re-criminalize the possession of drugs without a prescription. The city is consulting with the city's attorney and prosecutor to draft an ordinance amending the city's municipal code to allow for enforcement within the city limits.

FISCAL IMPACTS:

N/A

TIME CONSTRAINTS:

N/A

ALTERNATIVES TO REQUESTED ACTION:

N/A