

the Courthouse Journal

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*Washington Association of County Officials
Washington State Association of Counties*

**November 20, 2003
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Road to Collecting Sales Tax on Internet and Catalog Sales Gets Bumpy

This week, WSAC shared the latest estimates of the impact of a key step on the path to collecting sales tax on catalog and internet sales. "Sourcing" would allow retailers across the nation to use a uniform set of business rules to decide what sales tax rate to charge and where to send the money. Currently, most sales are sourced at the point of purchase. (An important exception is made for certain deliveries from central warehouses, like Bon Furniture sales, where the community that hosts the warehouse receives the revenue from sales across the state.) Under sourcing, most sales (excluding cars, mobile homes and factory built housing), would be taxed at the rate of the jurisdiction where the customer takes delivery of the goods. This principle, would allow businesses to have a single set of business rules for their store front and catalog and internet sales.

The data for this first step in the process show the impact when sourcing is applied to retail sales within Washington State. As expected, the data, from a survey conducted by WSU, shows that most counties would benefit from this change. Many former sales tax equalization cities would also see gains. Cities that serve as regional shopping hubs, with furniture, and appliance retailers (like Tukwila) or cities that currently host certain types of warehouse operations (like Kent) stand to lose revenue in the short term.

The Legislature established a process for cities and counties to advise the state about potential mitigation for jurisdictions that would lose sales tax revenue under sourcing. That process includes a technical advisory committee, with representatives from WSAC, WACO and AWC, who have worked with WSU and the Department of Revenue on the

survey. The policy advisory committee includes representatives from WSAC and AWC. Because of the complexity of the issues, the two committees have been meeting jointly in recent weeks.

The committees have discussed potential principles that could be used to shape a mitigation proposal. Most participants in the talks want the state to proceed with sourcing and the overall streamlining project, so that the state and local governments can ultimately collect the over \$200 million per year of sales tax that is lost on catalog and internet sales in Washington State. Many jurisdictions are also worried about main street businesses that currently face unfair competition from remote sellers who do not collect sales tax.

The WSAC Legislative Steering Committee decided this summer to wait to take a position on sourcing until counties could look at the results of the survey. In the discussions, WSAC representatives are focused on structuring potential mitigation proposals to address county losses, as well as significant losses in other jurisdictions. In addition to our request for research into the details of the counties with projected losses, we have asked the Department of Revenue to provide an estimate of the revenues counties and cities would gain from collection of sales taxes on catalog and internet sales. Department of Revenue figures show that traditional catalog sales still dwarf internet sales.

Budget, Finance and Taxes

LEOFF 2 Board Begins Consideration of Two Plan Changes

On November 19 the LEOFF 2 Board met and decided to ask its staff to prepare proposals for two plan changes. The first change would make technical changes to the method of calculating

disability withdrawals and retirements. One change would permit those funds to be exempt from federal income tax. The second change would eliminate the current actuarial reduction for deaths in the line of duty. At the meeting, the board members representing police and firefighters indicated their desire to structure the plan change in a way that would minimize the cost to the system. This would avoid rate increases for employees and employers. The vote to move forward with these proposals was

unanimous. The Board also decided to pursue legislation to reimburse counties and cities for any overtime they must incur to replace police and firefighter members on the board. The entire board feels it is appropriate for police and firefighters to be granted release time to serve on the board. At the same time, the Board recognizes that in some cases minimum staffing standards will require a jurisdiction to replace the board member.

The Courthouse Journal

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We welcome your suggestions and contributions. The weekly deadline is noon Wednesday.

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Courts, Public Safety, Law & Justice

Emergency Management Council's Task Force on Local Programs Launches New Website

In January 2003 the Washington State Emergency Management Council (EMC) created the Task Force on Local Programs to look at "the state of emergency management" in Washington's counties, cities and tribes. For more information and links to emergency management resources, please visit the Task Force website at www.emctaskforce.org.

From February through May 2003, the Task Force conducted a preliminary inventory of the status of local emergency management plans. While the Task Force collected summary information from all 39 counties, and 229 cities, this initial data stimulated more questions regarding the awareness of emergency management policies and procedures, inter-jurisdictional

coordination, and the adequacy of existing resources to support local planning and programs.

Since that time, a one-time grant of federal homeland security funding is allowing the Task Force to delve more thoroughly into its initial findings and undertake a detailed study of emergency management programs in Washington's counties, cities and tribal communities. The Task Force is charged with performing a strategic assessment of the ability of local and tribal emergency management organizations to effectively provide comprehensive emergency management planning, mitigation and response.

The Task Force will complete this enhanced work plan and deliver comprehensive recommendations to the Emergency Management Council by August 2004.

NOTE: Legislative Committee schedules and agendas can be found at <http://www.leg.wa.gov/wsladm/calendar.cfm>

Environment, Land Use and Resources

Mason County in Full Compliance with the GMA

For the first time in about seven years, Mason County is now officially compliant with the Growth Management Act. The county has had its land use regulations and critical areas ordinances as thoroughly reviewed as almost any county in the state. Nearly every major requirement under the Growth Management Act has been litigated, such as urban growth areas, capital facilities planning, environmental protection, rural minimum lot sizes and rural development. This last order of the Hearings Board completes the final chapter in a very long book. As stated by the Hearings Board, "The record shows that the Commissioners have stated that the County has made genuine efforts to balance the GMA with County values, 'is not playing games with the GMA' and wants to balance environmental protection and economic development."

The last order dealt with very important issues of how the county is to deal with rural development. The county had promoted the idea that pre-existing rural businesses should be allowed to change use and to modestly expand within their lot boundaries. This goal was originally conceived by Community Development Director Ron Henrickson in his meetings with the rural business community who complained that putting their rural businesses in "nonconforming use" status hurt their business potential too much. Although it might have seemed like a "no brainer", this concept was not without its detractors. Ultimately, it took the county about two years and considerable time and money to get the idea from the drawing board to approval by the Hearings Board. The Hearings Board agreed with the county's approach, calling it "innovative" and supported by the Growth Management Act.

Counties are required to fully review and update their comprehensive plans in 2004, 2005, 2006 and 2007, depending on the county. Mason County is scheduled for 2005, just a short time away. County Commissioners believe this will be a significantly easier process,

because they've done most of the work already.

"We're looking forward to working with a diverse group of people in planning a vision for economic growth for the County. We can move beyond the litigation and work with everybody to help facilitate growth in a manner that protects our environment, community, and heritage," Commissioner Jayni Kamin said.

"This has been one of our highest priorities since I've been in office. We've worked really hard these last few years on getting it all wrapped up, and it's nice to see those efforts have paid off," Commissioner Herb Baze said. "We'd like to move beyond all the old fights and work on the important issues facing the county, including good planning that is reasonable and makes common sense to everyday property owners."

"This action by the Hearings Board removes the uncertainties associated with economic growth in the County. We're optimistic for an improved economic climate for our rural citizens," Commissioner Wes Johnson stated.

Water Infrastructure Projects Sought

The Governor's Water Team is seeking water infrastructure conveyance projects in priority salmon basins that have arisen from watershed-based processes. The purpose of providing this funding is to develop projects to provide reliable water supply and resolve conflicts between agricultural water supply needs and fish flows, and municipal water supply needs and fish flows. These projects will be part of a Water Team 2004 supplemental budget request for the upcoming legislative session and for the next biennial budget request.

Priority for the use of these funds will be given to projects that have been identified for early action through watershed plans, comprehensive irrigation district management plans, or other similar plans; or to projects that are part of an approved habitat conservation plan, or other intergovernmental agreement. Projects may precede completion of comprehensive watershed

plans if resolution of the conflicts is necessary and the actions are compatible with the long-term planning effort.

The priority salmon basins are Water Resource Inventory Areas:

- 1 – Nooksack
- 3 – Lower Skagit/Samish
- 5 – Stillaguamish
- 7 – Snohomish
- 8 – Cedar/Sammamish
- 9 – Duwamish/Green
- 10 – Puyallup/White
- 11 – Nisqually
- 12 – Chambers/Clover
- 13 – Deschutes
- 14 – Kennedy/Goldsborough
- 15 – Kitsap
- 17 – Quilcene/Snow
- 18 – Elwha Dungeness
- 22 – Lower Chehalis
- 23 – Upper Chehalis
- 26 – Cowlitz
- 27 – Lewis
- 28 – Salmon/Washougal
- 32 – Walla Walla
- 37 – Lower Yakima
- 38 – Naches
- 39 – Upper Yakima
- 45 – Wenatchee
- 46 – Entiat
- 48 – Methow
- 49 – Okanogan

Proposals must be received in electronic format using the project proposal form attached to this *Courthouse Journal*. It will be most useful if proposals are received by **December 15, 2003**. Questions about the process should be addressed to Josh Weiss at 253-620-6429 or jweiss@gth-law.com. Proposals will be accepted until January 15, 2004.

The Governor's Water Team will review project proposals with the intent of preparing an initial project list by early January 2004 and a final list by late January.

State to Require Greater Local Accountability for Water Quality Projects

Money earmarked to improve and protect water quality throughout

Environment, Land Use and Resources (continued)

Washington will come with new conditions next year. Communities receiving grants and loans from the Department of Ecology will have to show that they've actually solved environmental problems.

"We've always worked with communities to be sure they spend the money on the things they said they would," said Dick Wallace, who manages the water quality program at Ecology. "The difference is, now we'll also require them to show how their projects achieved actual environmental benefits".

As in years past, Ecology will provide millions of dollars in grants and loans in 2004 and 2005 to help communities combat water pollution through projects such as building or upgrading wastewater treatment plants, restoring stream banks and helping modify farming practices that disturb soil. Next year, however, those who receive a share of the available \$87 million will be required to help Ecology look at the environmental outcome of their project, perhaps several years after their project is complete, on how water quality was improved. Those who cannot demonstrate that an environmental benefit was achieved could be less likely to receive future funding, said Wallace.

"We won't just be asking, 'Were the trees planted?' but also 'Did the water get cooler as a result?' Not just, 'Did they complete the treatment plant on time?' but also 'Is water quality improving in the river?'" Wallace said. "The bottom line is, these projects are a huge investment of public funds. We need to find out whether that investment pays off."

Last year, a total of 74 projects in 28 counties were selected to receive \$115.3 million in grants and low- or no-interest loans. Starting in December, counties, cities, other local governments, tribes and not-for-profit groups will be invited to submit project ideas for the fiscal 2005 funding cycle, which will make funds available in July 2004.

Ecology distributes the grants and loans and provides technical assistance to qualifying communities. Funding is provided through the state Centennial

Clean Water Fund, Washington State Water Pollution Control Revolving Fund and federal Clean Water Act Section 319 Nonpoint-Source Fund.

Columbia River Environmental, Economic Reviews Underway

Rule-making efforts are moving ahead as the state Department of Ecology works to develop a new plan for making Columbia River water-right decisions.

This week, Ecology issued a "determination of significance" and scoping notice announcing that the agency will prepare an environmental impact statement (EIS) for the Columbia River Initiative (CRI).

The goal of the initiative is to create an integrated program for deciding how new water withdrawals may be permitted while also providing support for salmon recovery. The plan would guide the state on how up to one million acre-feet might be allocated for municipal and irrigation use over a 20-year period. A new rule is scheduled to get under way next spring and be adopted about a year from now.

Ecology also is studying the potential economic costs and benefits of diverting new water from the river, as well as what effects new withdrawals may have on endangered fisheries.

Currently, a draft economics report prepared by natural resource economists is being reviewed by the department and interested parties. A final document is scheduled for release in December.

The document outlines a range of potential economic benefits, depending on how much water is diverted from the river. According to the draft report, additional water withdrawals could provide a substantial number of jobs for the region.

Next March, Ecology will release the results of a scientific study analyzing the risks to fish that could be caused by new water withdrawals from the Columbia basin. It will help the state decide if and under what circumstances new withdrawals may be made from the river without causing irreparable environmental damage.

Workshops and hearings are planned

for next spring and summer.

Comments on what should be examined in the EIS process must be submitted by Dec. 12, 2003. Written suggestions may be submitted to Gerry O'Keefe, Department of Ecology, P.O. Box 47600, Olympia, Wash., 98504-7600. Comments also may be submitted via e-mail at CRI@ecy.wa.gov.

General Government Issues

Facts About Tissue Donation and the New State Patrol Program

The Washington State Patrol has initiated a new program in conjunction with the Northwest Tissue Center and the Northwest Lions Eye Bank offering the option of tissue donations to families of those who die in vehicle accidents. Hospitals are required by federal law to inform donation agencies of deaths, so that families are given the opportunity to donate. However, there are no such rules governing deaths outside of hospitals.

Donors referred by the State Patrol are generally eligible to donate corneas, bone, skin, soft tissue (tendons and ligaments), heart valves, and veins, and the arrangements are made through the Tissue Center and the Lions Eye Bank. Donors referred by the State Patrol are *not* eligible for organ donations.

Donations of human tissue are processed into transplants, called allografts. Allografts are frozen, freeze-dried, or cryopreserved, depending upon the type of tissue, allowing them to be stored for use when surgeons need them. Tissue transplants help treat a host of orthopedic, cardiovascular and neurological defects, degenerative conditions and injuries.

Following are the tremendous benefits that come from tissue transplants:

- Bone is the most widely used tissue for transplant. Surgeons use bone to repair traumatic injury and degenerative conditions and correct birth defects in people of all ages, helping relieve chronic hip, back and knee pain and restore mobility. Transplantation can also prevent amputation for many bone cancer patients.
- Tendon and ligament transplants allow recipients to enjoy a normal range of motion, freeing them from constant pain.
- Skin grafts aid burn victims and can be lifesaving, providing pain relief, as well as a barrier to infection.

- Heart valve disease or degeneration is life threatening. Heart valves offer children and adults an alternative to artificial valve transplants that require patients to take lifelong anticoagulant (blood-thinning) medication.
- In addition, veins are used in many ways, to restore blood flow to extremities for patients with circulatory problems, to reconstruct veins for dialysis patients and to aid cardiac bypass patients.

Attached to this copy of the Courthouse Journal is a fascinating article from the Northwest Tissue Center about the Washington State Patrol Detective who started the new tissue donation program. For further information, the Northwest Tissue Center can be reached at 1-800-858-2282 or 206-292-1879.

Association News

WSAC Western District Selects New Officers

At its meeting in Port Townsend on November 7, the WSAC Western District chose new officers to guide it for the next year. Jan Angel, Kitsap County Commissioner is now Western District President. She is joined by Jefferson County Commissioner Dan Titterness as Vice-President, Western District and Cowlitz County Commissioner Bill Lehning as Secretary-Treasurer, Western District. In addition to leading the Western District, the new officers sit on the WSAC Board of Directors representing the Western District.

Island County Commissioner Mike Shelton was elected Board-at-large representative. Board alternates from the Western District are Skagit County Commissioner Don Munks and Lewis County Commissioner Eric Johnson.

The Western District will next meet April 22 – 23, 2004 in Vancouver.

NACo's Acts of Caring Awards Recognize Outstanding Volunteer Programs

In 2004, the National Association of Counties (NACo) will again recognize volunteer programs through the Acts of Caring Awards, a national program honoring community-based, county government initiatives that provide a legacy for the future.

This is the fifth year for this unique awards program.

The awards will be presented next year during National County Government Week, April 18 - 25 in a ceremony on Capitol Hill. Up to 33 programs will be recognized and deemed examples of outstanding Acts of Caring. Based on county size, as many as three programs will be recognized in each of 11 categories: Arts & Culture; Civic Education & Public Information; Criminal Justice; Elderly Services; Emergency Management; Environment; Health Services; Libraries; Parks & Recreation; Programs for Children & Youth and Social Services.

Awards may be presented in each of three population categories to ensure that large and small communities and urban and rural areas all receive the recognition they deserve.

Three special awards also will be given. The Legacy Award for Excellence and Innovation is awarded to the program that most fully embodies the spirit of volunteerism by addressing a unique need. This award is given to the top program in the contest because it sets itself apart by providing unparalleled service in its community.

The Youth Literacy Mentoring Award is presented to the program that best addresses a community need for mentoring young people to achieve traditional or technological literacy. The Youth Service Award is presented to the program that best identifies a critical need in the youth community and addresses it, in part, by engaging young people in service.

An "act of caring" is a community service provided by a county-sponsored volunteer program that enhances or preserves the quality of life. Winners will be selected by an independent panel of judges. Any county government that is a member of NACo with an active program that meets the contest criteria is eligible to participate. A county program that won an Acts of Caring Award in the past two years is not eligible in 2004.

The deadline for entries is Friday, January 16. Entries should be sent to NACo at 440 First St., NW, Washington, DC 20001. An award application is available online. Go to the NACo Web site www.naco.org and click on Awards.

The Acts of Caring is part of Counties Serve America, a NACo long-term project carried out in partnership with Nationwide Retirement Solutions. The project's goal is to raise public understanding and awareness about county government.

For more information, contact Tom Goodman, NACo's public affairs director, at 202-942-422 or tgoodman@naco.org.

Boards and Commissions

County Representative for Sought for CERB

WSAC is soliciting interest from county commissioners and councilmembers to fill an impending vacancy on the Community Economic Revitalization Board (CERB). The Board meets six times a year to make loans and grants to communities for infrastructure development tied to economic development.

Board members are appointed by the Governor for three-year terms. Grant County Commissioner LeRoy Allison, the long-time county representative to CERB will be leaving the board soon and recommends the experience.

"It's a very valuable program," Allison said. "I really like seeing the projects in an area come into existence and the impact on economic development."

CERB is the state's only economic development infrastructure program targeted to support business and industrial job growth in partnership primarily with rural communities. CERB provides low-interest loans or, in unique circumstances grants, to local governments to help finance the construction of public facility projects required by private sector expansions and job creations.

Counties, cities, towns, port districts, special districts (e.g., public utility districts), and municipal corporations and quasi-municipal corporations with economic development purposes (e.g., public development authorities) are eligible to apply for CERB assistance. Eligible public facilities include bridges, roads, domestic and industrial water, sanitary sewer, storm sewer, railroad spurs, telecommunications, electricity, natural gas, general purpose industrial buildings and port facilities. Pre-development and feasibility studies are opportunities in specific areas of the state.

If you are interested in the appointment, please contact Paul Parker or Bill Vogler at WSAC. The WSAC Board will forward recommendations to the Governor for his consideration.

Training and Upcoming Events

<i>Training or Workshop</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
JANUARY 2004			
WCRP Training Liability Issues re: supervision in probation, early release and pre-sentencing	Skamania Lodge, Stevenson	January 20 - 22	Kitty at (360) 586-7447
APRIL 2004			
WAPA Spring Training Program	Spokane	April 21-23	(360) 753-2175
JULY 2004			
WCRP Risk Managers Training	Shilo Inn, Ocean Shores	July 20 - 21	Kitty @ WCRP (360) 586-7447
WCRP Board of Directors Workshop	Shilo Inn, Ocean Shores	July 21	Kitty @ WCRP (360) 586-7447

2004 State Park Commission's Schedule

(Submitted by Rex Derr, Director, Washington State Parks and Recreation Commission)

In the spirit of continuing to strengthen ties, listed below are the 2004 meeting dates and locations for the Washington State Parks and Recreation Commission. We encourage all WSAC members to contact me or Fred Romero at (360) 902-8504 whenever they have an issue they want to discuss before the State Parks Commission. We look forward to strengthening the lines of communication between your Association and our agency.

<u>Date</u>	<u>Location</u>	<u>Region/Host</u>
January 22	Olympia	Puget Sound
March 11	Vancouver	Southwest
April 22	Winthrop	Eastern
June 17	Clarkston	Eastern
August 12	Port Angeles	Northwest
October 14	Tri Cities	Eastern
December 2	Ocean Shores	Southwest

Good Things

In response to an e-mail from a wife of an Army reservist, Secretary of State Sam Reed and his Elections Program Coordinator Justin Anderson, went over to the Olympia Armory this week to speak to a unit of the Army Reserves being deployed to Iraq. Sam spoke to them for a few minutes about the importance of voting, how their mission in Iraq will help its citizens accomplish self-governance, and urged those not registered to vote to do so right then and there.

Sam said, "They rushed Justin's table with great gusto. There were 120 or so in the unit. We registered 51 and told others how they could get their APOs to their County Auditors. They were very pleased and very enthusiastic."

Calendar of Events

<i>Meeting</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
2003			
Thanksgiving Holiday	WACO/WSAC offices Closed	November 27 - 28	
WSALPHO Board Meeting	Wyndham Hotel, SeaTac	December 3	(360) 753-1886
WSALPHO General Meeting	Wyndham Hotel, SeaTac	December 4	(360) 753-1886
EMC Task Force	WCB, Olympia	December 11	(360) 753-1886
Christmas Day	WACO/WSAC offices Closed	December 25	
2004			
New Years Day	WACO/WSAC offices Closed	January 1	
Washington State Association of County Treasurers' Legislative Meeting	Olympia	January 26-27	(360) 753-7319
Washington State Association of County Assessors	Olympia	February 3 - 5	(360) 753-7319
WSAC Legislative Rally	Olympia	February 5	(360) 753-1886
NACo Legislative Conference	Hilton Washington & Towers, Washington, DC	February 27 - March 2	www.naco.org
Washington State Association of County Auditors Recording Conference	Sun Mountain	March 16 - 18	(360) 753-7319
WSAC Spring Eastern District Meeting	Campbell's Resort, Chelan	April 8 - 9	(360) 753-1886
WCRP Risk Managers Roundtable	Icicle Inn, Leavenworth	April 14	Kitty at (360) 586-7447
WCRP Spring Board Meeting	Icicle Inn, Leavenworth	April 15	Kitty at (360) 586-7447
WSAC Spring Western District Meeting	Heathman Lodge, Vancouver	April 22 - 23	(360) 753-1886
WASPC Spring Conference	Yakima Convention Center, Yakima	May 24 - 27	(360) 486-2380
National Sheriffs' Association	Seattle	June 26 - 30	www.sheriffs.org
County Clerk's Association 2004 Summer Conference	Bonneville Hot Springs Resort, Stevenson County	June 22 - 25	(360) 753-7319
County Treasurer's Association 2004 Summer Conference	Heathman Lodge, Vancouver	June 22 - 25	(360) 753-7319
WSAC 98 th Annual Summer Convention	Pierce County, Sheraton, Tacoma	June 22 - 25	(360) 753-1886
WAPA Summer Conference	Chelan	June 23 - 25	(360) 753-2175
NACo Annual Conference	Maricopa County, Phoenix, AZ	July 16 - 20	www.naco.org

Calendar of Events (continued)

County & Regional Planning Directors/City Planning Directors Joint Conference	Campbell's Resort, Chelan	September 14 - 17	www.geocities.com /wsacrpdc
WACO/WSAC Joint Fall Conference	Spokane	October 4 - 8	(360) 753-7319
WASPC Fall Conference	Shilo Inn, Ocean Shores	November 15 - 18	(360) 486-2380
2005			
NACo Legislative Conference	Marriot Wardman Park Hotel, Washington, DC	March 3 - 4	www.naco.org
WASPC Spring Conference	WestCoast Wenatchee Center Hotel, Wenatchee	May 23 - 26	(360) 486-2380
WSAC 99 th Annual Summer Convention	WestCoast Hotel at Columbia Center, Kennewick	June 13 - 16	(360) 753-1886
WAPA Summer Conference	Chelan	June 22 - 24	(360) 753-2175
NACo Annual Conference (City & County of Hawaii)	Honolulu, HI	July 15 - 19	www.naco.org
County & Regional Planning Directors/City Planning Directors Joint Conference	Campbell's Resort, Chelan	September 13 - 16	www.geocities.com /wsacrpdc
WACO/WSAC Joint Fall Conference	Ocean Shores	October 3 - 7	(360) 753-7319
2006			
WSAC 100 th Annual Summer Convention	Whatcom County, Bellingham	June / TBD	(360) 753-1886
NACo Annual Conference	Denver, CO	July 21 - 26	www.naco.org
2007			
NACo Annual Conference (Sponsored by the counties in the Metropolitan Richmond Area)	Richmond, VA	TBD	www.naco.org

Attachments

**Early Action
Water Infrastructure Conveyance Project
Proposal Form**

(Proposals are due December 15, 2003 —Please submit proposals in electronic format to Josh Weiss at jweiss@gth-law.com)

Project Name:	
Sponsor Information/Contact:	Location:
	County:
	WRIA:
	Drainage:

Map attached (optional)

1) Description of project:

a) Project Features:

b) Project Funding (total cost, available funds, funds needed, and whether funding can be utilized before June 30, 2005):

c) Project Schedule:

2) Project benefits (conflict resolved by project):

3) Status of project (information, agreements and approvals both obtained and pending):

4) Project context (consistency with plans; regional and local support):

Attachments (continued)

One Man's Determination Results in New State Patrol Program

(by Priscilla Turner, Northwest Tissue Center)

As a criminal investigator of fatal collisions, Washington State Patrol Detective Steve Stockwell isn't usually responsible for informing families that their loved ones have died in motor vehicle collisions. But last year, when a 20-year-old man was killed in rural Lewis County, Det. Stockwell decided on the spur of the moment to accompany another officer to help with this difficult task.

"After the boy's father had composed himself somewhat," says Det. Stockwell, "we asked if there was anything else we could do for him. He said, 'You know, I think my son would have wanted to be a donor.'"

This chance occurrence started Det. Stockwell on a mission, not only to help one grieving father. He decided to try to create a State Patrol system to help offer the option of donation to families of those who die tragically at motor vehicle collision scenes. Hospitals are required by federal law to inform donation agencies of deaths, so that families may be given the opportunity to donate. But there are no such rules governing deaths outside of hospitals—it was this procedural gap that Det. Stockwell aimed to fill. He faced unusual difficulties last year in Lewis County when he tried to facilitate the donation. The father, who lived alone in a remote area, had no telephone. Standing in the man's driveway where he could find only spotty cell phone service, Det. Stockwell placed several calls before he was able to help get the referral to the Tissue Center. In a hectic few hours, he learned only too well that the State Patrol had no established procedures to refer possible donors.

That day, Det. Stockwell took the very first step toward developing a pilot project using the State Patrol's POPS (Problem Oriented Public Safety) philosophy. His unbending desire to honor the father's wishes resulted in the generous donation of two corneas and

more than 30 gifts of bone and tendon as well. To date, 17 recipients have benefited from transplants for a wide variety of painful orthopedic injuries and degenerative conditions.

In the year following his experience in Lewis County, Det. Stockwell spearheaded his POPS project in conjunction with the Tissue Center and Northwest Lions Eye Bank. The system enables State Patrol communications officers to pass on information to the donation referral line as soon as troopers on the scene notify them of a fatal collision. "When people have the donor designation on their driver's license, when we're responsible for them if they die in a collision, we should be able to do something when it comes to donation," explains Det. Stockwell. "I do think it can mean a lot to surviving family members to know that their loved one has made a difference."

POPS is an international policing philosophy that is based on two very simple tenets: partnerships and problem solving. The State Patrol's POPS philosophy is designed to take ideas from troopers in the field and turn them into initiatives for the State Patrol system wide.

In this particular POPS Project, troopers on the scene of a fatality collision relay the same basic information they always do to the communications officer, including the number of deaths, gender, and approximate age of those involved if known. The information is then shared with the donor referral line, which also handles hospital deaths, and is passed to the Tissue Center. At that point, donation coordinators contact the coroner or medical examiner in the local jurisdiction to find out whether the deceased is eligible to donate. If so, Tissue Center donation coordinators wait until after the family has been notified of the death and then place a call.

So far, this POPS project has resulted in six successful cornea donations, from donors in Kitsap, Mason, and Pierce counties, in the two State Patrol districts where the pilot program started last summer. As a result, residents of California, Utah, Kentucky, and

Washington, ranging in age from 31 to 80, have received the gift of sight.

The program will go statewide in November, and Det. Stockwell hopes to establish a track record that will convince law enforcement agencies nationwide to create their own programs, using Washington's as a model.

Det. Stockwell remembers that when he was trying to help the father in Lewis County, he was at a loss. "We'd never been taught anything about donation; we'd never been made aware of it." In fact, the trooper knew so little about donation that he wasn't sure what the young man would be eligible to donate; he soon found out that organ donation was not possible, but that tissue and cornea donation were.

After the Tissue Center cleared the donation with the county coroner, Det. Stockwell passed his cell phone to the father, who completed the consent process and the medical and social history screening with Tissue Center Lead Donation Specialist Shari Fowler.

"We definitely could not have honored this father's wishes without Detective Det. Stockwell's help," says Fowler. "He really made this donation possible."

Afterward, Det. Stockwell researched donation on the Internet. He quickly learned more about the Tissue Center and contacted Candy Wells, hospital development supervisor. Det. Stockwell also enlisted the aid of two deputy chiefs, Lowell Porter and Steve Jewell, both of whom had been his classmates at the State Patrol Academy. Porter suggested Det. Stockwell present his plan through the POPS program.

"POPS has given us a great opportunity to serve our community in a way that didn't exist before," says the Tissue Center's Wells. "Families who wouldn't have had the opportunity before will now be able to consider the option of donation. Raising awareness within the State Patrol and among coroners and medical examiners will provide comfort for donor families in the midst of devastating shock and sorrow and have a strong, positive impact for the many recipients of donated tissue and corneas in our region."

Attachments (continued)

In order to get the message out, Det. Stockwell and Wells have created a 15-minute-long training module, which highlights the many benefits of donation, along with the basics of the POPS project. It includes a video showing a grateful recipient meeting the family of the donor whose gift prevented the loss of a leg to bone cancer. Supervisors and sergeants will get a copy of the training materials, to be presented in small sessions with troopers and communications officers.

I've also suggested to the State Patrol academy that donation should be a training issue for cadets and communications officers. It needs to be in the curriculum of the academy itself," says Det. Stockwell.

He also is looking to the future. "Not only should this be in the Washington State Patrol, it should be in every 911 dispatch center nationwide. I want it to be; I'm going to keep at it."