



**Office of the City Attorney
City of Yakima**

MEMORANDUM

January 6, 2023

TO: Honorable Mayor Janice Deccio and Councilmembers
Bob Harrison, City Manager

FROM: Sara Watkins, City Attorney

SUBJECT: Summary of the Washington State Attorney General's Office 2022 Domestic
Terrorism Study

At its January 3, 2023, regular council meeting, the City Council placed on the January 17, 2023, council agenda a discussion of the 2022 Domestic Terrorism Study completed by the Washington State Attorney General's Office. The purpose of this memo is to provide a summary of the 31-page report for your review, specifically noting the recommendations from the Attorney General's Office and the outside firm hired to evaluate current federal, state, and local domestic terrorism laws and provide its findings to the Attorney General. There are no recommendations that are specific to local jurisdictions.

1. Background

The Attorney General's Office was tasked with studying issues of domestic violent extremism and terrorism by the Washington State Legislature in 2022. The study is the result of the directive from the Legislature to the Attorney General's Office ("AGO"). The Legislature tasked the AGO with studying the following matters:

- a. Reviewing federal, state and local laws relating to acts of domestic terrorism;
- b. Reviewing state and local data collection, tracking, and reporting practices relating to acts of domestic terrorism;
- c. Reviewing state and local policies regarding responding to domestic terrorism;

- d. Summarizing current laws and policies related to domestic terrorism;
- e. Identifying best practices for improving and standardizing data collection, strengthening law enforcement, prosecutorial and other local government responses to acts of domestic terrorism; and
- f. Making recommendations for any necessary statutory changes.

The AGO consulted with experts and professionals to complete the study.

2. Defining “domestic terrorism”

There is no definition of “domestic terrorism” in the Revised Code of Washington. The study uses the definition provided in the U.S. Code as follows:

Activities that:

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily within the territorial jurisdiction of the United States.

The report states that this definition is useful, but fails to capture all of the problems currently faces. “Accordingly, rather than exclusively address ‘domestic terrorism’ per se, these recommendations seek to best support Washington State to respond to this panoply of challenges, which together combine to create the threat of—and indeed, are often precursors to—acts of domestic terrorism.” *AGO Study, page 5*. As such, for purposes of the study, the AGO uses the term “domestic violent extremism” or “DVE”.

3. The Raben Group’s review of current laws and their recommendations

The AGO contracted with the Raben Group to review current federal, state and local domestic terrorism laws. The report summarizes the federal laws, as well as the various different state laws that have been passed. The executive summary on pages 20 and 21 of the report summarizes their findings. In conclusion, Raben Group states:

There is little evidence that state-based efforts to combat domestic terrorism with enhanced criminal penalties, dedicated surveillance, or attempts to exclude so-called extremists from law enforcement have been effective in light of the federal government’s jurisdiction over all significant cases and the propensity for these types of state efforts to be misused against social justice advocates. But given recent events and legislative developments in New York state and elsewhere, the state policy landscape is ripe for innovative thinking on community-based efforts to prevent domestic terrorism and inoculate against disinformation.

4. The Report's Recommendations

The following recommendations were made by the AGO to the Legislature. This is a summary and the objectives and proposed structures of these changes are included in the full report, starting on page 8. These recommendations are verbatim from the report.

- a. The legislature should create a two-year Commission, composed of diverse stakeholders and housed within the AGO, with the broad goal of establishing a comprehensive public health and community-based framework for responding to DVE.
- b. Relying on expert research and data, the Commission should propose specific steps to adopt and fund a public health-style and community-based framework for proactively responding to DVE.
- c. Relying on expert research and data, the Commission should propose specific steps to improve, standardize, and add transparency to data collection and reporting on incidents of DVE.
- d. The Commission should conduct and publish a review of Washington State's existing civil and criminal codes to create a toolkit of potential legal options to respond to DVE. Additionally, the Commission should conduct a study, with significant community input, both to review legal options under existing laws and regulations and to explore potential new legislation and/or regulations.

Additional recommendations from the AGO include:

- a. Create a journalism fellowship program to combat misinformation and disinformation.
- b. Protect election workers and election systems through new state legislation.
- c. Provide additional security funding for elected officials, at sensitive locations and around political events and public gatherings that may pose a risk to their safety.