

Washington State Data Exchange For Public Safety (WADEPS)

Unofficial Annual Report – Year 1

No Transparency + No Accountability = WADEPS

September 9, 2024

Members of the Washington State Legislature,

In June 2024 you received the first official [semi-annual report](#) from Washington State University's [WADEPS](#) project. Unfortunately, the [WADEPS report](#) contained virtually no information about the \$15 million law enforcement data collection project that was created by [SB 5259](#). The [WADEPS report](#) was designed to obfuscate rather than inform. The report did not mention the many failures and delays caused by WSU's mismanagement of the project and the corruption within the Attorney General's Office (AGO).

Although Washington State University has refused to respond to over 100 public records requests for information about [WADEPS](#), I have been able to obtain a few records from the AGO and other public agencies that show how the legislative intent in [SB 5259](#) has been corrupted by fraud, waste and abuse by both WSU and the AGO. This "unofficial" annual report will provide some of the documentation that I have received about [WADEPS](#) which can be used to supplement the official [WADEPS report](#).

At the end of this report, I have provided some recommendations for the legislature to consider that offer a more productive path for moving forward with this project.

Background

In March 2023 WSU was awarded the \$15 million contract by default after the AGO colluded with WSU during the public procurement process to ensure that WSU was the only bidder. After receiving assistance from their AGO attorneys during the bidding process, WSU decided that they wanted to hire their own private attorneys to negotiate a contract with the AGO. The Attorney General allowed WSU to hire private attorneys and use the project funds to pay for them. The contracting process took five months, and WSU was able to entirely rewrite the [sample contract attached to the RFP](#) that the AGO said was non-negotiable. Most importantly, WSU successfully removed the contract provision that prohibited WSU from using grant funds for university overhead expenses. This allowed WSU to double dip into state coffers and charge an additional \$2 million for university overhead. It appears that WSU used over \$100,000 of state taxpayer funding to pay their private attorneys to negotiate a contract with another state agency.

WSU Threatened to Delay the Project

In August 2023 just before the final contract was signed, the [WADEPS Executive Director, Dr. David Makin](#), threatened to delay the project by five months if the AGO did not immediately authorize the expenditure of funds so that WSU could begin paying its students to work on the project. The AGO program manager, [Kelly Richburg](#), quickly complied with Dr. Makin's demands. Dr. Makin and Ms. Richburg have had a close working relationship for the last four years during the legislative process, during the Advisory Group process, during the public procurement process and now during the implementation and oversight of the project.

From: Makin, David Alan <dmakin@wsu.edu>
Sent: Friday, August 11, 2023 11:28 AM
To: Cole, Krista <krista.cole1@wsu.edu>
Cc: Nordquist, Daniel G <nordquist@wsu.edu>; Kammerzell, Sharyl <sharyl.kammerzell@wsu.edu>
Subject: Pre Award Request for Staffing

Krista,

Given the delays in signing, we have encountered an issue that we need to resolve. Would you be able to contact the AGO requesting a pre award authorization for staffing? We would be seeking authorization to spend \$127,727.10 for August 15th, and then \$16,359.10 per month until the contract is finalized. These students need to be placed on contracts as research assistants. Without these funds, we must use our teaching allocation, which will obligate them to teaching lines for the semester. Importantly, students cannot be switched from a teaching contract to a research contract midsemester. As such, if we are not able to secure approval for these funds, the project will be delayed until January 15th, 2024, when we can switch the students to a research contract.

David A. Makin, PhD

Director, [Complex Social Interactions Lab](#) | Associate Professor, [Department of Criminal Justice and Criminology](#) | Affiliated Faculty, [Washington State Institute for Criminal Justice](#) | Affiliated Faculty, [Division of Governmental Studies and Services \(DGSS\)](#) | [Washington State University Wilson](#)
Short 117 Pullman, WA 99164-4872 | ph 509-335-2455 | crimj.wsu.edu | wsicj.wsu.edu | [LinkedIn](#) | [Research Gate](#) | [Twitter \(@DavidMakinPhD\)](#)

WSU Hired Private Attorneys to Force IBM Out of the Project

IBM was the primary subcontractor on the [WSU proposal](#) and IBM was supposed to receive about half of the total \$15 million budget for the project. Dr. Makin had been working with IBM for almost two years on all aspects of the project including a detailed budget and scope of work. IBM was a critical partner in the [WSU proposal](#) and IBM was undoubtedly responsible for the contract being awarded to WSU. This is because WSU does not have the qualifications, experience or expertise that IBM has that are needed to develop data collection systems and analytical dashboards.

After WSU signed its contract with the AGO in August 2023, Dr. Makin decided that he would hire private attorneys from [Perkins Coie](#) to negotiate the subcontract with IBM. These attorneys billed \$750/hour and WSU spent more than \$60,000 for their services. This is inexplicable since the [AGO has an entire Division of attorneys who are dedicated to providing legal services for WSU](#) at no cost to the university. Any of these AGO attorneys could have conducted the contract negotiations with IBM with no additional cost to taxpayers.

Here is a copy of the Perkins Coie invoice from November 2023 along with the itemized tasks that their attorneys performed during the IBM/WSU contract negotiations:

1201 Third Avenue, Suite 4900 Seattle, Washington 98101 Phone: 206.359.8000	Email: clientacct@perkinscoie.com Accounting: 206.359.3143 Fax: 206.359.9000	PERKINScoie
Washington State University ✓ Attn: Nathan Dean EMAIL INVOICES TO: haasr@wsu.edu and wsu.atg@wsu.edu PO Box 641031 Pullman, WA 99164-1031	Invoice No. 6931626 Matter No. 089004.0016 Bill Date November 27, 2023 Due Date December 27, 2023	

INVOICE SUMMARY

Re: 089004.0016 / Law Enforcement Use of Force Data Program Grant ✓

For Professional Services rendered through October 31, 2023

Services	\$24,946.50
Less (15.00)% Discount	(\$3,741.98)
Total Services	\$21,204.52
 Total Invoice Amount	 \$21,204.52

APPROVED FOR PAYMENT

C# SPC005663 Pay \$ 21,204.52

Budget GR00012518

Date 12/1/23 By WSU Dana Torgeson

Date 12/1/2023 By AGO [Signature]

Summary of Services through 10/31/2023				
Attorney / Assistant	Title	Billed Hours	Billed Rate	Billed Amount
A. Greene	Partner	10.80	755.00	8,154.00
A. Stacey	Associate	17.85	550.00	9,817.50
J. De La Cruz	Associate	9.00	775.00	6,975.00
Total Services		37.65		\$24,946.50

Date	Attorney / Assistant	Description of Service	Hours
10/11/2023	A. Stacey	Revise Subcontract Agreement to reflect client discussions and discussions with IBM for A. Greene;	0.70
10/12/2023	A. Greene	Emails regarding IBM subcontract;	0.40
10/13/2023	J. De La Cruz	Correspondence with WSU team; review Prime Grant and IBM agreements;	0.40
10/13/2023	A. Stacey	Correspond with client regarding flow-down of grant-specific terms to IBM;	0.30
10/15/2023	A. Greene	Emails regarding IBM subcontract and open issues to resolve with same;	0.30
10/16/2023	A. Greene	Emails regarding IBM subcontract and open issues in same;	0.20
10/16/2023	J. De La Cruz	Review updated Subcontract agreement; correspondence with WSU team; telephone confernece with A. Stacey;	0.70
10/16/2023	A. Stacey	Correspond with client, A. Greene, and J. De La Cruz regarding updates to Subcontract Agreement;	0.50
10/17/2023	A. Greene	Emails regarding IBM subcontract scope of work;	0.20
10/18/2023	A. Greene	Emails regarding IBM meeting and updates to subcontract based on same;	0.25
10/18/2023	J. De La Cruz	Review and revise Subcontract Agreement and SOWs; correspondence with WSU team;	0.50
10/18/2023	A. Stacey	Correspond with client regarding next steps in negotiations of the Subcontract Agreement;	0.15
10/21/2023	A. Greene	Emails regarding IBM financing documents and options relative to same;	0.50
10/23/2023	A. Greene	Review correspondence regarding IBM financing documents and emails regarding same;	0.40
10/23/2023	A. Stacey	Review financing documents for WSU and IBM agreement for A. Greene and J. De La Cruz;	0.30
10/24/2023	A. Greene	Conference with WSU team and emails regarding IBM financing documents and options regarding same; evaluate options and follow-up regarding call;	1.30
10/24/2023	J. De La Cruz	Review financing documents; correspondence with A. Greene and A. Stacey;	1.20
10/24/2023	A. Stacey	Review financing documents for WSU and IBM agreement for A. Greene and J. De La Cruz;	0.30
10/25/2023	A. Greene	Emails regarding IBM subcontract and scope of work;	0.40
10/25/2023	J. De La Cruz	Review updated agreements;	0.40
10/26/2023	A. Greene	Review correspondence regarding IBM financing documents and emails	0.30

WSU and its private attorneys negotiated with IBM for five months and eventually IBM was forced to drop out of the project. IBM had invested a significant amount of time and resources in [helping WSU develop its proposal](#) and it is unclear how WSU and their attorneys were able to convince IBM to drop out without IBM filing a lawsuit for promissory estoppel.

Dr. Makin kept IBM's departure secret, and IBM is not mentioned in the [quarterly WADEPS reports](#) to the AGO or in the [semi-annual WADEPS report](#) to the Legislature. However, Ms. Richburg was made aware that IBM was no longer involved in WADEPS.

The AGO program manager, Kelly Richburg, did not believe that there was any problem with IBM dropping out of the project. In fact, in a February 2024 deposition, Ms. Richburg testified under oath that the WADEPS project was "going fine" and that all the project deadlines had been met. Her statements, of course, were untrue. In reality, the project was more than a year behind schedule and none of the deadlines or deliverables had been met. IBM had just dropped out of the project and so WADEPS could not possibly move forward with its required tasks. Ms. Richburg was also aware at the time of her deposition that WSU would be unable to spend about \$4 million of its \$5 million budget for the first year and that WSU was asking for a carry forward to next year. I will leave it to the reader to decide whether Ms. Richburg committed perjury during her deposition.

Excerpt from the Deposition of Kelly Richburg on February 21, 2024

23	Q	Okay. How long has this contract been in place?
24	A	It was signed in August of 2023.
25	Q	And how is the process going?
0067		
1	A	It's going fine.
2	Q	So no particular issues or problems with the
3		contract at this point?
4	A	No.
5	Q	Are you aware that IBM has dropped out of the
6		Washington State University bid?
7	A	Yes.
8	Q	But that's not a problem, as you see it?
9	A	No.
10	Q	What is the current plan for completing the
11		project without IBM's support?
12	A	Utilizing another vendor.
13	Q	I'm sorry?
14	A	Utilizing another vendor.
15	Q	Okay. Has that vendor been selected?
16	A	No. There has not been a subcontract issued
17		yet.
18	Q	Have the deadlines under the project been met?
19	A	Yes.
20	Q	Okay. Do you know when the data collection will
21		begin?
22	A	I would have to look at the timeline.
23	Q	Okay. But as far as you're aware, everything is
24		on schedule?
25	A	Yes. I receive monthly reports and part of that
0068		
1		is indicating whether the project is on schedule, and it
2		is.

Dr. Makin Negotiated \$2.5 Million No-Bid Contract with Amazon Web Services (AWS)

On February 27, 2024 Dr. Makin sent a short email to the AGO with the subject line: "Approval Process for a New Subcontractor."

From: Makin, David Alan <dmakin@wsu.edu>
Sent: Tuesday, February 27, 2024 8:16 AM
To: ATG MI FIS Contracts <Contracts@ATG.WA.GOV>
Cc: Richburg, Kelly A (ATG) <kelly.richburg@atg.wa.gov>; Cole, Krista <krista.cole1@wsu.edu>; Zinn, Devanie <devanie.zinn@wsu.edu>
Subject: Approval Process For a New Subcontractor

WSU intends to change the subcontractor for the project and is requesting information on the process to obtain approval to proceed with the contracting of services.

David A. Makin, PhD

Director, [Complex Social Intersections Lab](#) | Associate Professor, [Department of Criminal Justice and Criminology](#) | Affiliated Faculty, [Washington State Institute for Criminal Justice](#) | Affiliated Faculty, [Division of Governmental Studies and Services \(DGSS\)](#) | [Washington State University Wilson](#)
Short 117 Pullman, WA. 99164-4872 | ph 509-335-2455 | cmj.wsu.edu | wsicj.wsu.edu | [LinkedIn](#) | [Research Gate](#) | [Twitter \(@DavidMakinPhD\)](#)

Apparently, this change in subcontractors was news to the AGO Grants & Contracts Supervisor, Cherie Norris. She did not know that IBM had dropped out and that Dr. Makin was planning to hire Amazon Web Services (AWS).

From: ATG MI FIS Grants
Sent: Wednesday, February 28, 2024 11:17 AM
To: Richburg, Kelly A (ATG) <kelly.richburg@atg.wa.gov>
Cc: ATG MI FIS Grants <FISGrants@atg.wa.gov>; Phillips, Marci A (ATG) <marci.phillips@atg.wa.gov>
Subject: RE: Approval Process For a New Subcontractor

Here is what Marci found in the contract regarding this change. Did you want to share this with WSU? We just need WSU to identify in an email the subcontractor so you can approve them.

The contract sets out what WSU will need to do – see green highlighted section below. Any subcontractor changes will still need to comply with original scope and cost as those cannot be modified. While the contract does not require it, I would also think they should update their budget, provide the AGO with subcontractor information from the RFP, etc.

Thanks.

Best regards,

Cherie Norris, CGMS

Office of the Attorney General | Grant & Contract Supervisor

7141 Cleanwater Dr. SW | PO Box 40107

Olympia, WA 98504-0107

Desk: 360-709-6465 | Cell Phone: 360-529-6334 | Fax: 360-586-9676

Email: FISGrants@atg.wa.gov | Cherie.Norris@atg.wa.gov

Website: <https://www.atg.wa.gov>

Ms. Richburg responded to Ms. Norris and said that WSU had mentioned AWS in its monthly reports, so she assumed that AWS was the new subcontractor that Dr. Makin wanted to hire. No mention was made of IBM dropping out of the project.

From: Richburg, Kelly A (ATG)
Sent: Wednesday, February 28, 2024 11:56 AM
To: ATG MI FIS Grants <FISGrants@atg.wa.gov>
Cc: Phillips, Marci A (ATG) <marci.phillips@atg.wa.gov>
Subject: RE: Approval Process For a New Subcontractor

Thanks, Cherié. They identified AWS in writing in the monthly report. I can ask them to repeat that in this email chain, though. When you say providing the subcontractor information from the RPF, do you mean Legal Name and TIN#, Address, Phone, E-mail, Services/Role (p. 165 of the contract), or something else? They are in the process of re-budgeting.

Kelly

Ms. Norris said it would be helpful if WSU could provide some info on their new subcontractor.

From: "ATG MI FIS Grants" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=56344423A6914A5D98EB6335301EC609-ATG MI FIS>
To: "Richburg, Kelly A (ATG)" <kelly.richburg@atg.wa.gov>, "ATG MI FIS Grants" <FISGrants@atg.wa.gov>
Cc: "Phillips, Marci A (ATG)" <marci.phillips@atg.wa.gov>
Subject: RE: Approval Process For a New Subcontractor
Date: Wed, 28 Feb 2024 19:57:45 +0000
Importance: Normal

Yes, if they can provide that info on the subcontractor in the email they send to you, that would be helpful. Thank you.

Best regards,

Cherié Norris, CGMS

Office of the Attorney General | Grant & Contract Supervisor
7141 Cleanwater Dr. SW | PO Box 40107
Olympia, WA 98504-0107
Desk: 360-709-6465 | Cell Phone: 360-529-6334 | Fax: 360-586-9676
Email: FISGrants@atg.wa.gov | Cherie.Norris@atg.wa.gov
Website: <https://www.atg.wa.gov>

It is remarkable that the two AGO employees who are responsible for contract oversight and accountability are willing to so cavalierly accept WSU's request to change half of its project team that was to receive \$7 million of the budget. The AGO program manager and grants supervisor did not mention IBM's significant role in the RFP and did not seem to care whether the new vendor could provide the same level of services. Rather than performing the required contract oversight and accountability function, the AGO simply rubber-stamped whatever Dr. Makin wanted with no questions asked.

Once he received approval from Ms. Richburg and Ms. Norris, Dr. Makin secretly negotiated a no-bid \$2.5 million contract with AWS to provide basic web hosting services with some website and dashboard development. These are generic services that many other companies can provide, and this contract should have been put out to bid as required by state law and DES public procurement regulations.

WSU Asked AGO to Carryforward \$4 Million of Unspent Project Funds

The budget appropriation for the first fiscal year of the project was \$6.1 million. In [WSU's proposal](#), the budget for the first year was \$5 million with more than half of the project funds going to IBM. Once WSU forced IBM out of the project, WSU suddenly had a multimillion-dollar surplus. On February 21, 2024, WSU had a meeting with the AGO and asked them to carry forward \$4 million into the next fiscal year. Here is the email exchange that followed:

From: "ATG MI FIS Grants" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=56344423A6914A5D98EB6335301EC609-ATG MI FIS>
To: "Giger, Edward (ATG)" <edward.giger@atg.wa.gov>, "Richburg, Kelly A (ATG)" <kelly.richburg@atg.wa.gov>, "ATG MI FIS Contracts" <Contracts@ATG.WA.GOV>, "Phillips, Marci A (ATG)" <marci.phillips@atg.wa.gov>
Cc: "ATG MI FIS Grants" <FISGrants@atg.wa.gov>, "Wilks, Dianna (ATG)" <dianna.wilks@atg.wa.gov>, "Zawislak, Joseph W (ATG)" <joseph.zawislak@atg.wa.gov>, "Snow, Leah (ATG)" <leah.snow@atg.wa.gov>, "Fathi, Sahar (ATG)" <Sahar.Fathi@atg.wa.gov>
Subject: RE: Carry forward request
Date: Wed, 21 Feb 2024 23:42:49 +0000
Importance: Normal
Inline-Images: image001.png

Should we go ahead and ask WSU how much they plan on spending for the remaining of the year and for the reason why it is underspent?

Best regards,

Cherie Norris, CGMS

Office of the Attorney General | Grant & Contract Supervisor
7141 Cleanwater Dr. SW | PO Box 40107
Olympia, WA 98504-0107
Desk: 360-709-6465 | Cell Phone: 360-529-6334 | Fax: 360-586-9676
Email: FISGrants@atg.wa.gov | Cherie.Norris@atg.wa.gov
Website: <https://www.atg.wa.gov>

From: Giger, Edward (ATG)
Sent: Wednesday, February 21, 2024 3:35 PM
To: Norris, Cherie (ATG) <Cherie.Norris@ATG.WA.GOV>; Richburg, Kelly A (ATG) <kelly.richburg@atg.wa.gov>; ATG MI FIS Contracts <Contracts@ATG.WA.GOV>; Phillips, Marci A (ATG) <marci.phillips@atg.wa.gov>
Cc: ATG MI FIS Grants <FISGrants@atg.wa.gov>; Wilks, Dianna (ATG) <dianna.wilks@atg.wa.gov>; Zawislak, Joseph W (ATG) <joseph.zawislak@atg.wa.gov>; Snow, Leah (ATG) <leah.snow@atg.wa.gov>; Fathi, Sahar (ATG) <sahar.fathi@atg.wa.gov>
Subject: RE: Carry forward request

We would have to ask the Legislature to move our appropriation from this year to next. To do this, we would need to know the amount they are estimating to spend the rest of this year and the reason for the underspend. It is pretty late in the process to make this request.

Our appropriation for this work next year is \$4M. Do we think WSU could spend \$4M next year? Our appropriation this year is \$6.1M. How much can WSU actually spend on this work next year? It may be better to not do anything and let the unspent dollars go back to the General Fund.

Thanks,

Edd Giger
Budget Director
Financial Services Division
Office of the Attorney General
Edward.Giger@atg.wa.gov
Office – (360) 586-2104
Cell – (360) 480-8986

From: Norris, Cherie (ATG)
Sent: Wednesday, February 21, 2024 3:12 PM
To: Richburg, Kelly A (ATG) <kelly.richburg@atg.wa.gov>; ATG MI FIS Contracts <Contracts@ATG.WA.GOV>; Phillips, Marci A (ATG) <marci.phillips@atg.wa.gov>; Giger, Edward (ATG) <edward.giger@atg.wa.gov>
Cc: ATG MI FIS Grants <FISGrants@atg.wa.gov>
Subject: RE: Carry forward request

I show that we have reimbursed WSU \$388,930.89 to date. The budget for FY24 was \$4,999,789 there is \$4,610,858.11 at this time. The fiscal year is not over until June 30, wouldn't that be when we would be carrying funds over to the next year?

Best regards,

Cherie Norris, CGMS

Office of the Attorney General | Grant & Contract Supervisor
7141 Cleanwater Dr. SW | PO Box 40107
Olympia, WA 98504-0107
Desk: 360-709-6465 | **Cell Phone:** 360-529-6334 | **Fax:** 360-586-9676
Email: FISGrants@atg.wa.gov | Cherie.Norris@atg.wa.gov
Website: <https://www.atg.wa.gov>

From: Richburg, Kelly A (ATG)
Sent: Wednesday, February 21, 2024 1:55 PM
To: Norris, Cherie (ATG) <Cherie.Norris@ATG.WA.GOV>; ATG MI FIS Contracts <Contracts@ATG.WA.GOV>; Phillips, Marci A (ATG) <marci.phillips@atg.wa.gov>
Cc: Giger, Edward (ATG) <edward.giger@atg.wa.gov>
Subject: FW: Carry forward request

Can you help with this?

Thank you,
Kelly

From: Zinn, Devanie <devanie.zinn@wsu.edu>
Sent: Wednesday, February 21, 2024 1:52 PM
To: Richburg, Kelly A (ATG) <kelly.richburg@atg.wa.gov>
Cc: Makin, David Alan <dmakin@wsu.edu>
Subject: Carry forward request

EXTERNAL

Hi Kelly,

It was great meeting you today via Teams! Quick question for you – is there a preferred format for the carry forward request?

Wondering how in depth we need to provide as far as all projections for the remainder of this fiscal year or if you are just looking for a basic "budgeted – expenses = remaining balance" as of today.

Any guidance you can offer is greatly appreciated! Please let me know if you have any questions.

Warm regards,

Devanie



DEVANIE ZINN
PRINCIPAL ASSISTANT
Office of Research
Washington State Data Exchange for Public Safety (WADEPS)
Washington State University
Office: 509-335-4657
Mobile: 208-848-6383
Email: devanie.zinn@wsu.edu
<https://hub.wsu.edu/wadeps/>

The request from WSU to carry forward \$4 million apparently took the AGO by surprise. WSU provided no explanation, but Ms. Richburg was willing to grant the request. The AGO Budget Director, Edd Giger, said that the AGO would have to ask the legislature to move the appropriation into the next fiscal year. He noted that it was late in the year to make such a request, and that WSU had not yet provided any reason for the request. Mr. Giger’s recommendation was as follows: “It may be better to not do anything and let the unspent dollars go back to the General Fund.”

WADEPS did not mention any budgetary matters in its official semi-annual report to the Legislature. WADEPS does not provide any schedules, deadlines or budget figures on the [WADEPS website](#). WSU refuses to release any public records related to WADEPS. The only way I was able to uncover WSU’s budgetary shenanigans was through public records obtained from the Attorney General’s Office. I do not have any records that show whether the AGO asked the legislature for a carryover of appropriate funds or whether the carryover was approved or not. Since this involves \$4 million dollars in state taxpayer funding, I would recommend that the state legislature investigate this matter to determine what happened to the money.

Almost All of the Budget for WADEPS is Being Paid to WSU



Here is the project budget that was taken from [WSU’s RFP proposal](#) which was incorporated into the [WSU-AGO contract](#):

WashingtonStateUniversity_AttachmentG_Budget.xlsx							
Budget Summary							
	FY23 Year 1	FY24 Year 2	FY25 Year 3	FY26 Year 4	FY27 Year 5	FY28 Year 6	Total
Projected Project Costs	\$ 5,000,000.00	\$ 4,000,000.00	\$ 2,000,000.00	\$ 2,000,000.00	\$ 1,000,000.00	\$ 1,000,000.00	\$ 15,000,000.00
A. Personnel	\$ 395,127.00	\$ 621,083.00	\$ 535,856.00	\$ 497,014.00	\$ 265,547.00	\$ 276,167.00	\$ 2,590,794.00
B. Fringe Benefits	\$ 154,271.00	\$ 259,812.00	\$ 237,512.00	\$ 224,618.00	\$ 63,156.00	\$ 65,684.00	\$ 1,005,053.00
C. Travel	\$ 12,600.00	\$ 12,600.00	\$ 16,100.00	\$ 9,100.00	\$ 8,050.00	\$ 8,050.00	\$ 66,500.00
D. Subcontractor Contracts	\$ 3,641,758.00	\$ 2,273,637.00	\$ 625,286.00	\$ 589,339.00	\$ 342,019.00	\$ 344,779.00	\$ 7,816,818.00
Travel	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
E. Other Costs	\$ 212,928.00	\$ 207,928.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 460,856.00
Total Direct Costs	\$ 4,416,684.00	\$ 3,375,060.00	\$ 1,424,754.00	\$ 1,330,071.00	\$ 688,772.00	\$ 704,680.00	\$ 11,940,021.00
F. Indirect Costs	\$ 411,777.00	\$ 530,852.00	\$ 368,700.00	\$ 335,369.00	\$ 183,779.00	\$ 190,748.00	\$ 2,021,225.00
Total Project Costs	\$ 4,828,461.00	\$ 3,905,912.00	\$ 1,793,454.00	\$ 1,665,440.00	\$ 872,551.00	\$ 895,428.00	\$ 13,961,246.00

According to the contracted budget, the subcontractors (IBM, Acadis, and Seattle University) were to receive \$3.64 million during the first fiscal year which was 73% of the total budget. WSU was to receive the remainder of the funding including over \$400,000 for university overhead. (Fun fact – In the [sample contract attached to the RFP](#), the AGO said that indirect costs and overhead would not be allowed in the budget. (See [Section 2.12\(b\) Expenses](#): “Non-Reimbursable Expenses: AGO will not reimburse GRANTEE for routine business expenses, which are considered normal overhead and operating costs.” WSU hired private attorneys who successfully convinced the AGO to remove this prohibition from the final contract even though the AGO said during the RFP process that this section was non-negotiable.)



WADEPS does not include any budgetary information on its [website](#) and no financial information was included in its [official semi-annual report to the legislature](#). However, I was able to obtain some of the invoices that WSU submitted to the AGO through public records requests made to the AGO (WSU refuses to release any public records on WADEPS).

Here is the invoice that WSU submitted to the AGO on January 5, 2024:

 WASHINGTON STATE UNIVERSITY WASHINGTON STATE UNIVERSITY	INVOICE WASHINGTON STATE UNIVERSITY SPONSORED PROGRAMS SERVICES	PROGRESS																																																																					
AGENCY NAME Washington State Office of the Attorney General	INVOICE NUMBER CI00043043 AGENCY NUMBER SPN000356 PLEASE REFERENCE INVOICE NUMBER AND AGENCY NUMBER ON REMITTANCE DATE 2024-01-05																																																																						
VENDOR OR CLAIMANT WASHINGTON STATE UNIVERSITY ATTN: SPONSORED PROGRAMS SERVICES 240 FRENCH ADMINISTRATION BUILDING PO BOX 641025 PULLMAN, WA 99164-1025	By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, & accurate, & the expenditures, disbursements & cash receipts are for the purposes & objectives set forth in the terms & conditions of the award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise, (U.S. Code Title 18, section 1001 & Title 31, Sections 3729-3730 and 3801-3812)																																																																						
	 (SIGN IN BLUE INK) Elizabeth Jinks, Director, Sponsored Programs Services																																																																						
SUMMARY																																																																							
PROJECT TITLE: Makin, D. Law Enforcement Use of Force Data Project CONTRACT NO. K14345 ORDER NO. REFERENCE NO. GRANTEE Statewide Vendor Number: SWV0000107 INVOICE PERIOD 12/01/2023 THROUGH 12/31/2023	ACCOUNT NUMBER [5a]	AMOUNT \$86,862.40																																																																					
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Prepared by Michelle Torres. Please contact Sponsored Programs Services with questions at (509)335-2058 or e-mail sps@wsu.edu.																																																																							

WSU signed its contract with the AGO in August 2023. According to this invoice, no services were provided by any of the subcontractors in 2023 and all the project funding went to WSU including \$95,000 for university overhead costs. The invoice does not explain what services were provided by WSU or what deliverables were produced.

I received a second WSU invoice (May 8, 2024) from a public records request to the AGO. The format of this invoice was new and included a line-item budget for the project:

FORM 4-18 RIS-1A REV 10/01		STATE OF WASHINGTON  INVOICE VOUCHER		AGENCY USE ONLY		
		AGENCY NO.	LOCATION CODE	P.R. OR MATR. NO.		
AGENCY NAME AND LOCATION Wa State Office of the Attorney General				WSU ACCOUNT NUMBER: SUBCODE: [05a] AGENCY NUMBER:		
VENDOR OR CLAIMANT (Warrant is to be payable to) WASHINGTON STATE UNIVERSITY ATTN: SPONSORED PROGRAMS SERVICES 240 FRENCH ADMINISTRATION BUILDING PO BOX 641025 PULLMAN WA 99164-1025				INSTRUCTION TO VENDOR OR CLAIMANT: Submit this form to claim payment for goods and services or services. Show correctly used for each item. Vendor's Certificate: I hereby certify under penalty of perjury that the work and/or materials provided are original and not a reproduction of any work or service performed by the State of Washington, and that all goods and/or services provided have been completed without discontinuation because of war, riot, insurrection, pest, pestilence, national emergency, hardship, religious or Vietnam era or disabled veterans status.		
				 Grants Manager: Sponsored Programs Services 5/8/2024 TEL 509/335-2058; FAX 509/335-2071; SP5@wsu.edu (DATE)		
FEDERAL ID No. 06 SOCIAL SECURITY No. (For Reporting Personal Savings/Dividend Payments to IRS)				RECEIVED BY:		DATE RECEIVED:
DATE	DESCRIPTION	AMOUNT	FOR AGENCY USE			
WSU INVOICE NUMBER: C100048695		PROGRESS				
FULL-CUMULATIVE PROGRAMS SERVICES CONTRACTS BY FUNDING		BUDGET	CUMULATIVE	CURRENT		
	000 Salaries and Wages	498,040.00	\$ 211,574.56	\$	23,992.38	
	020 Contractual Services	10,000.00	\$ 56,537.73	\$	-	
	030 Supplies & Services	162,828.00	\$ 19,441.65	\$	198.00	
	040 Travel	16,000.00	\$ 3,713.06	\$	456.19	
	060 Equipment - Capitalized	-	\$ -	\$	-	
	070 Fringe Benefits	213,131.00	\$ 55,090.01	\$	6,684.82	
	071 Tuition & Student Fees	-	\$ 69,000.02	\$	9,564.38	
	080 Stipends/Subsidies	-	\$ -	\$	-	
	081 Scholarship/Tuition Remission	-	\$ -	\$	-	
	130 P&A	457,932.00	\$ 196,819.57	\$	18,278.92	
	140 Award Restrictions	3,580,000.00	\$ -	\$	-	
	160 Equipment - Non Capitalized	-	\$ -	\$	-	
	300 Subcontract Expenses	81,758.00	\$ 39,657.39	\$	17,814.50	
	TOTAL	4,999,769.00	\$ 651,833.99	\$	76,968.99	
COST SHARE OBLIGATION:						
	CURRENT:	87,553.47				
	CUMULATIVE TOTAL:	87,553.47				
AGREEMENT NUMBER: K14345						
PAYMENT REQUEST # B						
BILLING PERIOD: 04/01/2024 To 04/30/2024						
		Outstanding Invoices				
	Date	Invoice #	Amount			
			\$ 0.02			
	TOTAL	\$	0.02			

The most dramatic change in the budget was that subcontractor expenses were reduced from \$3.64 million to \$82,758. A new line item appeared called "Award Restrictions" which was \$3.56 million. This appears to be the money that was supposed to be spent on subcontractors in the first year of the project. It looks like WSU did receive carry forward approval from the AGO and this money will be moved into the budget for the second year of the project. This will double the budget for the second year of the project to nearly \$8 million. Since WSU forced out its

largest subcontractor IBM, it is unclear how WSU will be able to spend \$8 million in year two of the project which will likely necessitate yet another carryover.

WSU claims that subcontractors provided almost \$40,000 in services during the first four months of 2024, but we do not know what those services were or who provided them. What is known is that WSU paid \$56,000 for private law firms and nearly \$200,000 for university overhead costs. WSU gave \$69,000 in tuition credits to students and reimbursed nearly \$4,000 in travel expenses for Dr. Makin who traveled around the state and stayed in places like the Little Creek Casino Resort:

From: [Makin, David Alan](#)
To: [Zinn, Devanie](#)
Subject: FW: Little Creek Casino Resort Folio
Date: Wednesday, April 3, 2024 4:19:40 PM

Devanie,
 Wow that was fast.

David A. Makin, PhD
 Director, [Complex Social Interactions Lab](#) | Associate Professor, [Department of Criminal Justice and Criminology](#) |
 Affiliated Faculty, [Washington State Institute for Criminal Justice](#) | Affiliated Faculty, [Division of Governmental Studies
 and Services \(DS&S\)](#) | [Washington State University](#) Wilson Short 117 Pullman, WA 99164-4822 | ph 609-335-2456 |
dakin@wsu.edu | wscj@wsu.edu | [LinkedIn](#) | [ResearchGate](#) | [Twitter](#) ([@DavidMakinPhD](#))

From: Little Creek Casino Resort <concierge@littlecreek.com>
Sent: Wednesday, April 3, 2024 4:19 PM
To: Makin, David Alan <dmakin@wsu.edu>
Subject: Little Creek Casino Resort Folio

[EXTERNAL EMAIL]

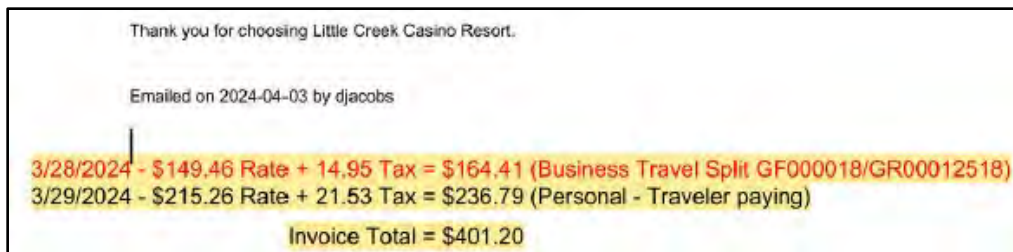
91 W State Route 108
 Shelton, WA 98584

concierge@littlecreek.com

Guest	Arrival Date	Departure Date	Guests on reservation
David Makin [04b]	Mar 28 2024	Mar 30 2024	Adults: 2 Children: 0
Room type / number	Reservation confirmation	Group	Company
DKG / 536	48SG9WNRD	N/A	N/A

FOLIO 1

DATE	DESCRIPTION	AMOUNT
Feb 22 2024	[05a]	-\$164.41
Mar 28 2024	Room Revenue	\$149.48
Mar 28 2024	Occupancy Tax	\$14.95
Mar 29 2024	Room Revenue	\$215.26
Mar 29 2024	Occupancy Tax	\$21.53
Mar 30 2024	[05a]	-\$236.79



It appears that Dr. Makin was combining work and pleasure by staying an extra day at the casino at his own expense.

What has WSU done during the first year of the project that has achieved any of the goals and objective of [SB 5259](#)? What value have state taxpayers received from the expenditure of nearly a million dollars of the state general fund to reimburse WSU for faculty salaries, student tuition and university overhead?

The [WADEPS website](#) uses vague and general terms to talk about the project's accomplishments. There are no schedules, no deadlines and no deliverables listed on the website. Here is what [WADEPS claims are their achievements](#) during the first year:

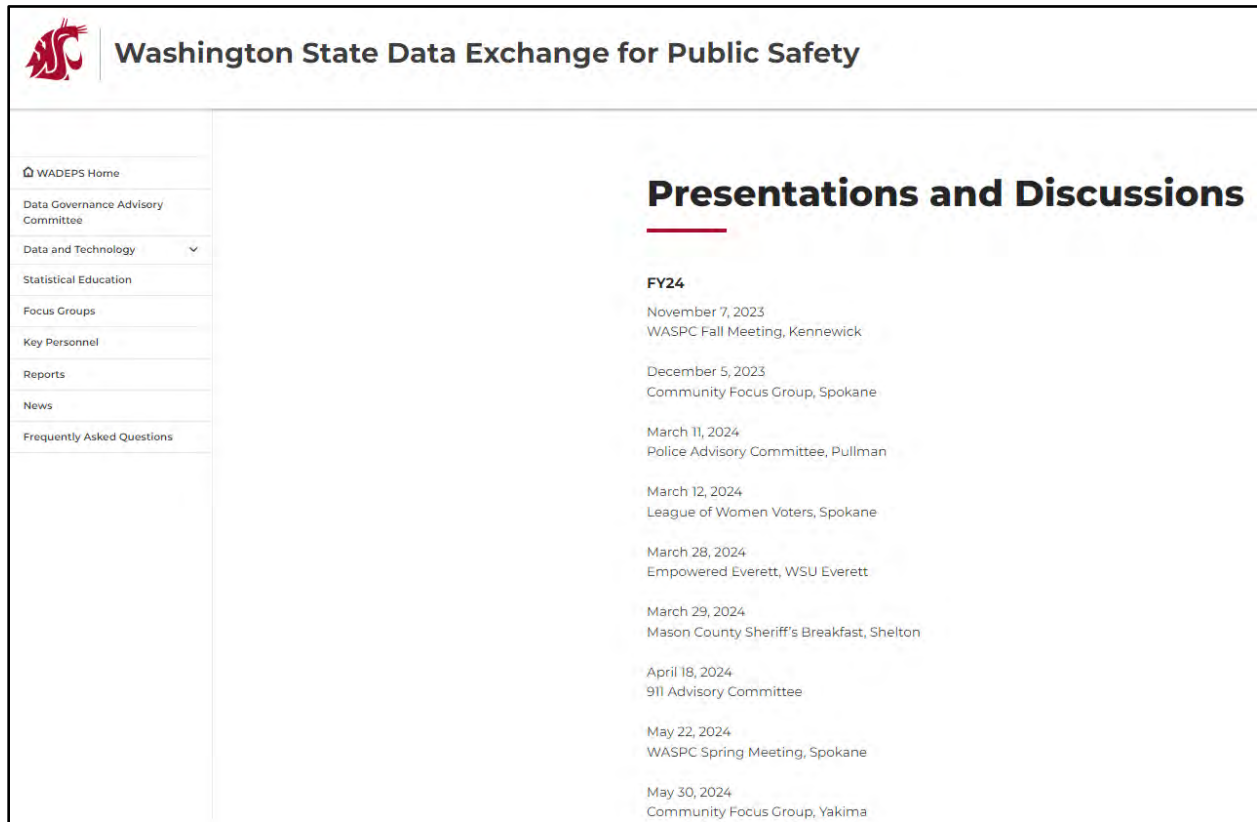
Milestones

Completed

- Listening sessions with stakeholder groups (community, legislative, attorneys general, etc.)
- Focus groups with police agencies and community members
- External data governance group established
- External subject-matter expert review panel established
- Data dictionary built and reviewed
- Use-of-force policies collected, collated, and prepared for comparison coding
- Survey of current technology used by policing agencies
- Transparency Accountability Index developed
- Training module content and organization
- Data dictionary finalized

These simple “milestones” cost \$1 million and took WSU a year to complete. Notice how WSU calls them “milestones” rather than deliverables. This is because they are just some things that WSU did, but nothing was produced or accomplished as a result. One of the “milestones” (the data dictionary) was mentioned twice to make the list seem longer. The data dictionary was “built and reviewed” and then it was “finalized.” Some of these “milestones” were completed before the project even began. For example, [the “data dictionary” was created by the AGO’s Advisory Group in 2022](#) and the “survey of current technology used by policing agencies” was conducted by the AGO Advisory Group as well with the assistance of the Washington Association of Sheriffs and Police Chiefs (WASPC).

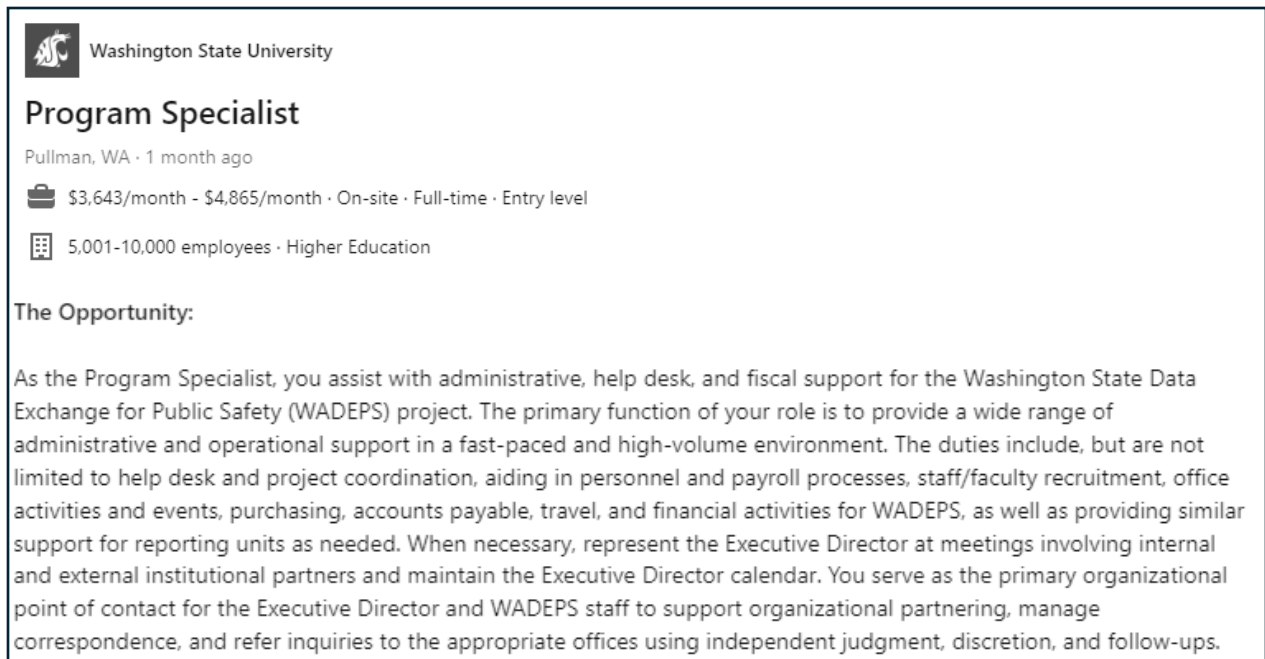
The only concrete deliverables listed on the WADEPS website are the nine presentations that it gave during the first year. Since these are the only WADEPS deliverables, each of these presentations cost state taxpayers about \$100,000:



The screenshot shows the website for the Washington State Data Exchange for Public Safety. The header includes the WSU logo and the title "Washington State Data Exchange for Public Safety". A navigation menu on the left lists various sections like "WADEPS Home", "Data Governance Advisory Committee", and "Data and Technology". The main content area is titled "Presentations and Discussions" and lists several events under the heading "FY24".

Date	Event
November 7, 2023	WASPC Fall Meeting, Kennewick
December 5, 2023	Community Focus Group, Spokane
March 11, 2024	Police Advisory Committee, Pullman
March 12, 2024	League of Women Voters, Spokane
March 28, 2024	Empowered Everett, WSU Everett
March 29, 2024	Mason County Sheriff's Breakfast, Shelton
April 18, 2024	911 Advisory Committee
May 22, 2024	WASPC Spring Meeting, Spokane
May 30, 2024	Community Focus Group, Yakima

One "milestone" that is not mentioned on the WADEPS website is that Dr. David Makin, the Executive Director of WADEPS, was able to use project funds to hire his own personal assistant:



The screenshot shows a job posting from Washington State University for a "Program Specialist" position. The posting includes details about the location (Pullman, WA), the time frame (1 month ago), salary range (\$3,643/month - \$4,865/month), work arrangement (On-site, Full-time, Entry level), and the number of employees (5,001-10,000) and industry (Higher Education). The "The Opportunity:" section describes the role's responsibilities, including administrative support, help desk, and fiscal support for the WADEPS project.

The Opportunity:

As the Program Specialist, you assist with administrative, help desk, and fiscal support for the Washington State Data Exchange for Public Safety (WADEPS) project. The primary function of your role is to provide a wide range of administrative and operational support in a fast-paced and high-volume environment. The duties include, but are not limited to help desk and project coordination, aiding in personnel and payroll processes, staff/faculty recruitment, office activities and events, purchasing, accounts payable, travel, and financial activities for WADEPS, as well as providing similar support for reporting units as needed. When necessary, represent the Executive Director at meetings involving internal and external institutional partners and maintain the Executive Director calendar. You serve as the primary organizational point of contact for the Executive Director and WADEPS staff to support organizational partnering, manage correspondence, and refer inquiries to the appropriate offices using independent judgment, discretion, and follow-ups.

WSU Refused to Pay Its Subcontractors

As noted earlier in this report, WSU hired the private law firm Perkins Coie and paid their attorneys \$750/hour to force IBM to drop out of the project. Apparently, WSU wanted to recapture some of the \$7 million that was budgeted for IBM. IBM is not the only subcontractor that WSU has tried to cheat.

[Acadis provides law enforcement training software that is used by the Washington State Criminal Justice Training Commission \(CJTC\)](#). Dr. Makin wanted to use Acadis' software to train officers in how to enter data into the future WADEPS data collection system. [Acadis featured prominently in WSU's RFP proposal](#) and Acadis was budgeted for \$162,928 for the first year of the project.

From WSU's RFP Proposal

E. Other Costs					
Description	Quantity	Basis	Cost	Length of Time	Total Cost
CISER Consulting	1	\$100 hourly rate	\$ 10,000.00	1 year	\$ 10,000.00
Structured- Security Assessment	1	See Quote	\$ 20,000.00	1 year	\$ 20,000.00
Acadis- Database access	1	See Quote	\$ 162,928.00	1 year	\$ 162,928.00
New hire Laptops	10	estimated cost	\$ 20,000.00	1 time	\$ 20,000.00
Total					\$ 212,928.00

Acadis is owned by Envisage Technologies LLC. It appears that WSU successfully negotiated a subcontract with Envisage for their Premier Support Services at an agreed upon cost of \$101,000. During the first year of WADEPS, Envisage provided the services that WSU contracted for and in June 2024 Envisage submitted an invoice for \$101,000. WSU refused to pay the invoice and asked to meet with Envisage. At the meeting Dr. Makin and [Eric Rogers, WSU's Senior Director of Procurement and Contract Services](#), offered to pay Envisage twenty-eight cents on the dollar. The Associate General Counsel for Envisage rejected WSU's offer of \$28,000 and explained why WSU was required to pay the full invoice amount of \$101,000. It is unknown whether WSU paid the full amount of the invoice or whether the dispute with Acadis is ongoing.

Envisage also raised another concern about WSU's contracting practices. WSU wanted a Data Use Agreement with CJTC that would include obtaining data from the Acadis system that CJTC used. Acadis was supposed to be a party to that agreement and was shown a redlined draft. However, WSU and CJTC went ahead and finalized that agreement and signed it without showing the agreement to Envisage or giving Envisage an opportunity to sign.

These issues were raised in an email from Envisage's General Counsel to Dr. Makin and Mr. Rogers. (see below).

From: Roger Pickles <roger.pickles@vectorsolutions.com>
Sent: Thursday, June 27, 2024 12:09 PM
To: Makin, David Alan <dmakin@wsu.edu>; Rogers, Eric Michael <emrogers@wsu.edu>
Cc: Jonathan Mitchell <jonathan.mitchell@vectorsolutions.com>; Dan White <Dan.White@vectorsolutions.com>; Jonathan Mitchell <jonathan.mitchell@vectorsolutions.com>; Julie Coriaty <Julie.Coriaty@acadis.com>; Rob Aney <rob.aney@acadis.com>
Subject: Envisage Technologies, LLC // PO0000028577

[EXTERNAL EMAIL]

Thank you for meeting with us yesterday to go over the invoice for Premier Support Services. We have carefully considered your offer for \$28,000 on the purchase order and invoice priced at ~\$101k and reject the offer for the following reasons: (i) the invoice broke down the amount owed into monthly amounts over a nine (9) month period; (ii) the period of performance is scheduled to end on 6/30/2024; and (iii) Envisage Technologies personnel have honored the company's commitment to WSU by actively working on the project continually throughout the entire period of performance. Please make arrangements to pay all amounts owed in accordance with the invoice payment instructions.

Additionally, with regard to the Data Usage Agreement, it was represented to us at several points during the meeting that WSU and CJTC have signed a final agreement with Envisage being the only party yet to sign. The only version of the agreement we have in our possession is a thoroughly redlined document. It is unclear what has or has not been accepted by WSU and CJTC. References to Envisage are quite limited in the redlined document as they should be since Envisage is actually playing a minor role in the data sharing arrangement aside from helping to facilitate the intentions of WSU and CJTC. Accordingly, Envisage stands ready to complete signing of the Data Usage Agreement if WSU would provide us with a copy of the final draft that was already executed by WSU and CJTC.

Sincerely,

Roger Pickles
Associate General Counsel for Envisage Technologies, LLC
roger.pickles@envisagenow.com
(954) 295-3547

IBM was Replaced by JJ Warren

According to the [WSU proposal](#) which was incorporated into the WSU-AGO \$15 million contract, IBM was supposed to provide all the IT infrastructure including building and maintaining the data collection systems and producing the public dashboards. IBM was to be paid more than \$7 million for these complex and advanced IT services. However, once WSU forced IBM out of the project, WADEPS needed to find a replacement for IBM since WSU could not provide the necessary IT services on their own.

Dr. Makin approached Amazon Web Services (AWS), and it appears that WSU has or will soon award AWS with a \$2.5 million no-bid contract for basic cloud hosting and other generic IT services. AWS was either unable or unwilling to provide the specialized data collection systems needed to collect law enforcement data from more than 250 law enforcement agencies in Washington State. This was what IBM was supposed to do according to the [WSU proposal](#).

It appears that a [software engineer named JJ Warren](#) from [Schwitzer Engineering Laboratories, Inc.](#) has been hired by WSU as a subcontractor to provide most of the IT services that IBM was supposed to do. Mr. Warren resides in Pullman, and he is apparently a friend of someone on the WADEPS team. Mr. Warren was employed by WSU as a database architect in 2010/2011. He was also a database administrator at the University of Idaho for seven years.

It is unclear how one software engineer who works for an electrical engineering company can provide all the services that an international team from IBM was supposed to have provided. I do not know how much Mr. Warren is being paid or what his scope of work will be because WSU refuses to make that information public and WSU will not respond to any of my public records requests.

Dr. Makin's Personal Quest for CAD Data

Dr. Makin seems to have an obsession with Computer Aided Dispatch (CAD) data, and he has made [the collection of CAD data the cornerstone of WADEPS](#). Unfortunately for Dr. Makin, [SB 5259](#) is focused exclusively on the collection of police use of force data and CAD data is never mentioned. The [AGO Advisory Group did not recommend the collection of CAD data](#) either. It appears that Dr. Makin wants CAD data to support his [ongoing research projects under his Complex Social Interaction Lab](#).

To obtain the CAD data he wanted for the entire state of Washington, Dr. Makin drafted a [Data Use Agreement \(DUA\)](#) that he expected each of the 78 Primary Safety Answering Points (911 call centers) to sign. These 911 call centers are coordinated through [the Washington State Emergency Management Division](#). Dr. Makin contacted the State 911 coordinator, Adam Wasserman, who agreed to share [the DUA](#) with all the call centers. Here is the email that Mr. Wasserman sent out with [Dr. Makin's DUA](#) attached:

From: Wasserman, Adam R (MIL) <Adam.Wasserman@mil.wa.gov>
Sent: Friday, July 26, 2024 8:42 AM
To: Wasserman, Adam R (MIL) <Adam.Wasserman@mil.wa.gov>
Subject: Draft WADEPS DUA for Review

County Coordinators and PSAP Directors,

Good morning. At the April AC meeting there was a presentation on the Washington State Data Exchange for Public Safety (WADEPS) which is an online platform designed to help law enforcement agencies meet new statewide use-of-force reporting and public accessibility requirements in RCW 10.118.030. They will be collecting and analyzing data from the CAD systems across the state. They will also be developing tools and resources for agencies to access, analyze and use the data to support evidence based decision making.

They have been working with law enforcement agencies across the state on a Data Use Agreement (DUA). There will also be a need for a DUA with the Dispatch Centers (PSAPs). Attached is a draft DUA for Dispatch Centers. They are looking for feedback on this draft DUA from the PSAPs by August 23, 2024. Feedback can be provided to Krista Cole at krista.cole1@wsu.edu please utilize 'track changes'. If you have general questions about WADEPS you can visit the website <https://hub.wsu.edu/wadeps/> or send questions to the inbox wa.deps@wsu.edu

We are also working to have someone from WADEPS available at our next 911 AC briefing on Thursday August 15, 2024 to answer any additional questions.

Thank you.
Respectfully,
Adam

Adam R. Wasserman
Assistant Director for Emergency Communications
Washington State Emergency Management Division
Adam.Wasserman@mil.wa.gov
Office: (253) 512-7468
Mobile: (253) 363-3484

If Dr. Makin was successful in his quest to obtain CAD data, it would have had disastrous consequences for the State of Washington. This is because Dr. Makin was requesting personally identifiable information (PII) and data that was regulated by the [FBI's Criminal Justice Information System \(CJIS\)](#). The release of CAD data to WSU would have been a violation of state criminal records privacy laws as well as a violation of CJIS. This could have resulted in criminal prosecutions against the individuals who provided the confidential information to WSU and could also have resulted in the loss of access to FBI criminal justice databases. If law enforcement agencies in Washington were unable to access FBI databases, it would have had catastrophic consequences for public safety.

When I learned of Dr. Makin's attempts to obtain CAD data through the use of a [Data Use Agreement](#), I immediately began reaching out to the 911 call centers and state regulators to warn them of the consequences of sharing CJIS and PII data with WSU. WSU had some [strange provisions in the DUA](#) that would have put the burden of protecting the CAD data obtained by WSU on the 911 call centers. I heard back from several of the call centers saying that their legal advisors had already informed them that they could not sign [Dr. Makin's DUA](#). I then warned Mr. Wasserman of the problems with [the DUA](#) and he provided the following response:

From: Wasserman, Adam R (MIL) <Adam.Wasserman@mil.wa.gov>
Sent: Tuesday, August 13, 2024 11:38 AM
To: Bob Scales <bob@policestrategies.com>
Subject: RE: CJIS Violations & Washington State University

Mr. Scales,

Good afternoon. I have discussed with AC leadership; since this is a PSAP by PSAP issue, we encourage them to work with their legal and do their due diligence before deciding whether or not they want to enter into any agreement with WADEPS. We are removing the discussion topic from the upcoming meeting agenda. As an open meeting you are more than welcome to attend. Thank you again for your email.

Respectfully,
Adam

From: Bob Scales <bob@policestrategies.com>
Sent: Monday, August 12, 2024 2:05 PM
To: krista.cole1@wsu.edu <krista.cole1@wsu.edu>; Wasserman, Adam R (MIL) <Adam.Wasserman@mil.wa.gov>
Subject: RE: CJIS Violations & Washington State University

Mr. Wasserman,

I obtained a copy of your email that attached the draft Data Use Agreement (DUA) proposed by Dr. David Makin from Washington State University. (See attached).

It appears that you are working in concert with Dr. Makin to get the agreement signed and you have invited him to your next 911 AC briefing on Thursday August 15, 2024. Would you allow me to speak at the meeting as well to express my concerns to your group? In case you will not allow me to speak at your next meeting, I wanted to outline the problems with this DUA here.

The DUA is much worse than I had imagined and confirms all my suspicions and fears about what is going on behind the scenes with WADEPS and WSU. Under this agreement WSU would undoubtedly receive CJIS data and personally identifiable information (PII). Section 6.4.3 addresses this issue:

“6.4.3 Data access shall be restricted to authorized personnel, ensuring that sensitive information remains secure.”

By “sensitive information” WSU probably mean CJIS and PII. The problem is that WSU is a public university and is not a criminal justice agency. Therefore, there is no way to prevent all of the data from being disclosed in a public records request. Also the “authorized personnel” at WSU are not CJIS certified and so they cannot be given this information in the first place.

Section 7.2.1 limits access to “Confidential Information” to persons having a “need to know.” I assume that WSU would consider the DUA itself to be confidential. WSU definitely does not want this DUA to get out to the public. The DUA also tries to restrict disclosure of confidential information for five years from receipt. WSU is subject to the public records act and it cannot avoid its legal duties to disclose public records through this DUA. Even if WSU could prevent the disclosure of CJIS data and PII for five years, after the 5-year period all of the data could be disclosed which would be a violation of CJIS.

I used to be a King County Prosecutor and I know that defense attorneys would love to get all this CAD data to defend their clients. WSU could expect a lot of requests for the CAD data from the defense bar. If WSU failed to comply they would be sued. I also have pending public records requests to WSU for all data collected by WADEPS including CAD data. So if you sign the DUA, your agencies will need to immediately begin to litigate to prevent WSU from disclosing CJIS data and PII to me and other requesters.

Section 7.2.3.5 makes the entire discussion of Confidentiality moot. It says: “Confidential Information shall not include information which is required to be disclosed under operation of law.” Since the PRA would require disclosure of all the CAD data obtained by WSU, none of the CAD data would be considered to be “confidential information.”

7.2.4 clearly shows what a significant legal risk the data centers would be taking on by signing this agreement. It says that if a public records request is made for the CAD data that WSU would notify the Center and the Center would have an opportunity to seek a court order enjoining disclosure. Why would any Center agree to provide WSU with data that they would then have to file a lawsuit to protect?

7.3.2 provides WSU with access to personally identifiable data (PII) and says that WSU can only use it for “strictly internal purposes.” WSU and its staff are not CJIS certified. WSU is not a criminal justice agency and has no way to prevent any CAD data from being disclosed to the public. If CAD data is provided to WSU it would be no different than providing the data to the public.

Section 7.4 is about “Publicity” and shows that WSU is doing this project to promote and enhance its own reputation at the expense of data security and confidentiality. The Centers would be taking on a huge legal risk and possible criminal sanctions under CJIS to make WSU look good. It is important to note that WADEPS is operating under the authority of [SB 5259](#). This legislation does not authorize WSU to collect CAD data. Dr. David Makin is the only person who wants the CAD data and he intends to use it for his own research that is unrelated to WADEPS. I know this because this is what Dr. Makin has said in the past. He wants CAD data to support his research of body worn camera videos: <https://labs.wsu.edu/csi/> Why would the 911 data centers be willing to take on such a huge legal risk to promote the personal ambitions of one university professor? It also looks like Dr. Makin wants to try and patent some of this work since he references that in the DUA.

Section 7.6 – This disclaimer seems to suggest that WSU cannot be held accountable for any problems that arise out of this agreement.

It is interesting that the DUA does not even mention CJIS or any state criminal records privacy laws. Dr. Makin has probably tried to get CAD data in the past and failed and now he is trying to use the new WADEPS project as leverage. [SB 5259](#) is only about use of force data collection and CAD data is not even mentioned.

I hope that you will allow me to address your group so I can provide you with more details about WADEPS and answer any questions you may have.

Thanks.

Bob Scales

Police Strategies LLC

(206) 915-8683

bob@policestrategies.com

www.policestrategies.com

From: [Bob Scales](#)

Sent: Friday, August 9, 2024 3:10 PM

To: adam.wasserman@mil.wa.gov

Subject: CJIS Violations & Washington State University

Dear Washington State 911 Coordinator, Emergency Management Division, and Washington Military Department,

I am writing to notify you about potential [CJIS compliance](#) problems related to an interagency agreement, policy, or rule that you may have with Washington State University (WSU).

[Washington State University Professor David Makin](#) is the Executive Director of the new Washington State Data Exchange for Public Safety (WADEPS): <https://hub.wsu.edu/wadeps/>

WADEPS is a \$15 million project that is supposed to collect use of force data from law enforcement agencies (See [Senate Bill 5259](#)). Dr. Makin is interested in collecting computer aided dispatch (CAD) data for his own research and so he has added CAD data to the WADEPS program: <https://hub.wsu.edu/wadeps/cad-data-integration/>

The collection of CAD data is **not** authorized by [SB 5259](#).

I have received information about an interagency agreement, rule, or policy that has been requested by Dr. Makin and may be adopted by your agency. This agreement, policy or rule would provide WSU with CAD data from all 78 Public Safety Answering Points (911 Centers) in Washington State.

If your agency authorizes the disclosure of CAD data to WSU, it would likely be a violation of [federal CJIS regulations](#). This is because WSU is not a criminal justice agency and the university is subject to the [Washington State Public Records Act](#). Any information that you would provide to WSU would immediately be subject to disclosure as a public record. No exemptions would apply because WSU is not a criminal justice agency. Also, WADEPS is not CJIS certified. Therefore WSU cannot lawfully receive CAD data that contains personally identifiable information (PII) or other CJIS regulated information.

I have pending public records requests with WSU for all CAD data that is provided to WADEPS. WSU cannot withhold or redact any CAD data that it receives. If WSU deletes or destroys any CAD data that it receives, then this would be a [felony violation of the public records act](#). There are also state laws that would prevent the sharing of CAD data with WSU including the [Criminal Records Privacy Act RCW 10.97](#) and the [Juvenile Justice Records Act RCW 13.50](#).

I will continue to monitor this situation and will be filing public records requests with your agency for any interagency agreements, policies or rules that your agency may have with WSU. If I find any violations of CJIS regulations or state laws regulating criminal justice information, then I will notify the appropriate state and federal regulatory authorities.

Feel free to contact me if you have any questions.

Bob Scales

Police Strategies LLC

(206) 915-8683

bob@policestrategies.com

www.policestrategies.com

Dr. Makin Receives Additional Funding for His Complex Social Interaction Lab

While WSU and Dr. Makin have no experience with use of force data collection and analysis, they do have experience with body worn camera video analysis using their [Complex Social Interaction Lab](#). The Lab was created in 2016, but it has had difficulty with funding and getting cooperation from law enforcement agencies to share videos. It appears that Dr. Makin is using state funds from the WADEPS budget to subsidize his Lab. Many of the [Lab staff and faculty](#) are also on the [WADEPS team](#) and are receiving WADEPS funding.

Suddenly the Lab has funding to hire two full-time research positions. Here are the job announcements:

- [Staff Scientist \(Faculty\)](#) - \$81,000/year
- [Postdoctoral Research Associate](#) - \$69,000/year

If WSU and WADEPS were transparent with their bookkeeping, we would likely see that WADEPS funds are being funneled to the Lab.

WADEPS Program and Website Failures

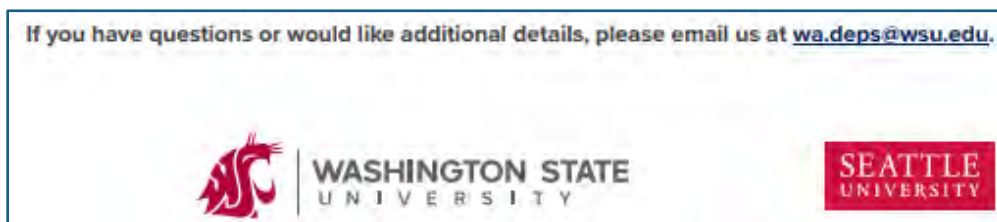
The WADEPS website has no data, no dashboards, and no information about the budget, timeline, or status of the project. The website is simply a summary of information that is already available from other sources.

WADEPS has a [Frequently Asked Questions web page](#) that answers questions that no one is asking. The FAQ provides generic responses to questions like “What is CAD data?” and simply restates information that is found in the legislation and the AGO Advisory Group recommendations.

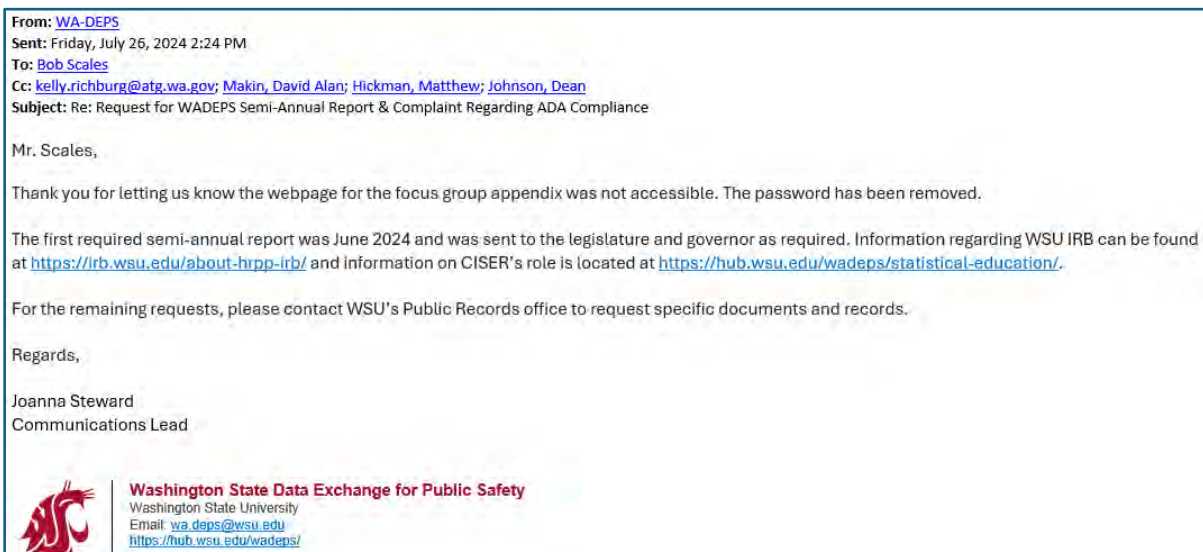
The “[News](#)” [web page](#) has a statement about the WADEPS semi-annual report which was posted two months after the report was sent to the legislature and a list of nine meetings that WADEPS personnel attended. The reason there is no other “news” about WADEPS is that WADEPS has not done anything yet. No data has been collected or provided to the public, which is the sole purpose of the project.

The website is not available in other languages as required by the [approved AGO Advisory Group recommendations](#). The WADEPS website is not ADA compliant and violates [new federal rules on the accessibility of web content provided by state and local governments](#).

This at the end of the WADEPS Semi-Annual Report:



I have used the WADEPS email address to ask several important questions about the project and I have requested additional information about WADEPS. Unfortunately, the WADEPS communications lead refused to answer any questions and would not provide any additional information. She did instruct me to file public records requests with WSU:



The WADEPS website (and the entire WADEPS program) has failed to comply with the Attorney General’s [approved recommendations](#) from the AGO’s [Law Enforcement Data Collection Advisory Group](#). The following table is a summary of a few of the violations:

AGO Law Enforcement Data Collection Advisory Group		
Recommendations Approved by the Attorney General		
AGO Requirement	WSU Compliance	Notes
By June 2023, the program operator will provide a public-facing website with information on implementation timelines and agency progress towards compliance with the law.	Failed	WADEPS website has no timelines and there is nothing that shows how WADEPS is complying with the law.
By January 2024, verified data sets and displays will be available to the public.	Failed	No data has been posted on the website and there is no timeline for providing this information to the public.
The website must be ADA compliant and accessible on phones, tablets, and computers.	Failed	WADEPS website is not ADA compliant.
The website will provide a help link for users that is responded to in a timely manner.	Failed	WADEPS website does not have a help link.
The website will include methods for the public to provide feedback electronically at any time.	Failed	WADEPS website provides a contact email, but does not ask for public feedback.
Semiannual reports, summarizing the data collected and any related analysis, published on the website and submitted to the Legislature and Governor by June 1st and December 1st of each year.	Failed	WADEPS posted December 2023 and March 2024 report on their website in June 2024. WADEPS has not posted semi-annual report that was due to the Legislature and Governor on June 1, 2024.
The program operator will issue a press release when reports are issued to raise public awareness.	Failed	No public notice was given when any of the three WADEPS reports was completed.

According to [SB 5259](#), WADEPS is required to implement the data collection program that was defined by the legislature as well as any recommendations from the AGO Advisory Group that were approved by the Attorney General. One of the [AGO approved recommendations](#) required WADEPS to complete a feasibility study for a public video collection program:

4. DATA COLLECTION	Practices for the public to report relevant information to the program operator directly, including correcting misreported and otherwise incorrect data.	The program operator will carry out a feasibility analysis of a pilot program for a data archive of public submissions of video, audio, or photographs of use of force incidents. Members of the public submitting information will electronically attest through an informed consent form that they understand that this archive: 1) is <u>not</u> an avenue to
		submit complaints about police practices; 2) does <u>not</u> trigger an investigation or any action into the incident depicted and 3) does <u>not</u> guarantee anonymity for the person submitting the record or anyone else captured in the image. The program operator will ensure videos are redacted consistent with redactions that are required for release of body-camera footage. The program operator will verify date, time, place and edits of publicly submitted data. Verified data will be content-tagged and captioned and will be searchable and accessible. If the data match a record submitted by law enforcement, the publicly available data file will be marked accordingly. If there is no corresponding law enforcement record, the publicly available data file will have a row with the public submission. The program operator will flag the file as a mismatch for law enforcement agencies at the time of data validation.

According to the [AGO's RFP #22-05](#), WSU was required to complete a feasibility analysis during the first year of the project:

1.4.5 PUBLIC REPORTING ARCHIVE INFRASTRUCTURE

The Contractor shall carry out a feasibility analysis for creating a pilot data archive of public submissions of video, audio, or photographs of public-police interaction. The Contractor shall report their analysis findings to the AGO. If the AGO finds the archive to be feasible, the Contractor must create and maintain a pilot program for a public reporting archive that allows for records generated by the public, of police-public interactions to be uploaded into such archive. The archive will include but not be limited to:

WSU failed to complete the feasibility analysis during the first year of the project despite having an excess budget of \$4 million and plenty of idle staff and faculty resources available to conduct the analysis.

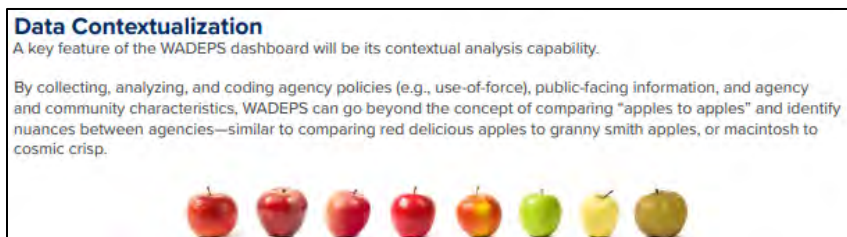
The AGO and WSU Are Engaged in Racketeering and Criminal Profiteering

One question that state legislators are probably asking themselves is: “How did we get here?” Unfortunately, the answer is shocking but undeniable. WADEPS is a product of the [criminal conduct and collusion between Washington State University and its attorneys in the Washington State Attorney General's Office](#). A brief chronology will help to explain what happened:

- **October 2019** – The legislature provides funding for the AGO to study law enforcement use of force data collection. The AGO assigns [Kelly Richburg](#) to conduct the study.
- **June 2020** – [Kelly Richburg writes an AGO report](#) on use of force data collection with recommendations for the legislature.
- **July 2021** – After her [report is publicly released](#), Ms. Richburg contacts WSU Professor David Makin and asks for his assistance to draft legislation that would implement the recommendations in her report.
- **August to December 2020** – Ms. Richburg and Dr. Makin draft a data collection bill ([HB 1092](#)). This bill provides [\\$200,000/year in direct funding for WSU](#) to build and manage the data collection project.
- **January 2021** – [Representative Roger Goodman asks the AGO to bring Bob Scales and his company, Police Strategies LLC, into the legislative process](#) for HB 1092. Mr. Scales is asked to meet with Dr. Makin to develop a joint project proposal. After the meeting, Mr. Scales informs the AGO and legislators that he cannot work with Dr. Makin or WSU because they were demanding most of the project budget and Dr. Makin wanted to be in charge, but he did not know what he was doing.

- **February 2021** – AGO Legislative Affairs Director Yasmin Trudeau asks Mr. Scales to draft a fiscal note for the project. Mr. Scales increases the six-year budget from \$1.2 million to \$15 million and provides a detailed project plan. [Mr. Scales’s proposals were incorporated into the final fiscal note for SB 5259.](#)
- **January to April 2021** – The legislature rejects HB 1092 and introduces a new version of the bill ([SB 5259](#)). WSU is removed from the bill and the legislature adds a competitive bidding public procurement process. This will allow Police Strategies LLC and Seattle University to bid on the project and compete with WSU for the funding. The AGO writes itself into the bill and places the AGO in charge of the procurement process rather than the Department of Enterprise Services. This creates a serious conflict of interest since WSU is a client of the AGO and will be bidding on the project. SB 5259 is passed by a near unanimous bipartisan vote and signed into law.
- **July 2021 to March 2023** – [The AGO and WSU collude and conspire to rig the public procurement process in WSU’s favor.](#) WSU partners with IBM on their proposal and WSU ends up being the only bidder. WSU is awarded the contract despite [receiving failing scores from three members of the AGO Advisory Group.](#)
- **March to August 2023** – WSU hires private attorneys who renegotiate the contract outlined in the RFP and rewrite the scope of work and budget for the project.
- **August to December 2023** – WSU hires private attorneys from Perkins Coie and forces IBM out of the project. WSU begins negotiating with AWS for cloud storage services.
- **January to August 2024** – WSU bills the AGO for about \$1 million which goes for university overhead, student tuition, staff and faculty salaries, fringe benefits, and private attorneys. WADEPS creates a basic website and sends a short semi-annual report to the legislature.

WSU and the AGO stole this project from more qualified universities and companies that have the experience to successfully build and manage the data collection system required by [SB 5259](#). Dr. Makin and the WADEPS team do not know what they are doing, and they have forced out their IT partner, IBM, which was the only subcontractor that could have successfully completed the project. Dr. Makin is using the \$15 million budget for his own personal and professional enrichment. Dr. Makin and WSU are using public funds for illegal no-bid contracts with their friends and allies. WADEPS is failing because of [fraud, abuse, waste and corruption](#). Dr. Makin and WSU are now desperately trying to cover their tracks by refusing to comply with public records requests and writing meaningless reports about their progress. For example, the [official WADEPS semi-annual report](#) has a primer on the differences between red delicious, granny smith, macintosh and cosmic crisp apples):



Violations of the Washington State Public Records Act

Washington State University and the Attorney General's Office have tried several tactics to avoid complying with the state's Public Records Act (PRA). WSU and the AGO are understandably concerned that if their [criminal collusion and unethical practices](#) were revealed to the public, that they could face severe civil and criminal penalties. I have received hundreds of redacted emails between WSU faculty/staff and AGO attorneys that discuss my public records requests for WADEPS records and information. WSU and the AGO are carefully coordinating their efforts to withhold public records so that the project can remain secret and unaccountable.

The AGO has decided that most records related to the public procurement process and all communications that involve (or might later involve) an AGO attorney are attorney-client privileged and are therefore exempt from the PRA. This has resulted in the redaction of tens of thousands of public records in their entirety. Since WSU is a client of the AGO, all communications between WSU and the AGO have also been redacted as attorney-client privileged.

In the Spring of 2024 Assistant Attorney General Shelby Sieracki gave a presentation at the weekly WADEPS Team meeting. Ms. Sieracki told the group that she wanted to discuss "public records hygiene." There were subcontractors and third parties present during the discussion, so the AGO and WSU cannot claim that this presentation was privileged. Ms. Sieracki reportedly told the group that they could delete "transitory records" related to WADEPS and she claimed that "personal notes" about WADEPS were not public records and so they could also be destroyed. Ms. Sieracki reportedly went on to complain about the public records act saying that she thought it was unfair and overly burdensome on state agencies.

There are dozens of redacted communications between Dr. Makin and Ms. Sieracki related to public records. Ms. Sieracki also drafted a confidential memo entitled "Public Records Act Exemptions for WADEPS Research Data." The memo was sent to Dr. Makin, the WSU Public Records Manager Alicia Foth, and the WSU Risk Manager Danielle Hess. The 7-page memo itself was fully redacted by the AGO. (See next page).

From: Hess, Danielle A <danielle.hess@wsu.edu>

Date: Wednesday, May 29, 2024 at 4:37 PM

To: Simanson, Andrea <asimanson@wsu.edu>, Kammerzell, Sharyl <sharyl.kammerzell@wsu.edu>, Foth, Alicia M <afoth@wsu.edu>, Makin, David Alan <dmakin@wsu.edu>

Cc: Sieracki, Shelby <shelby.sieracki@wsu.edu>

Subject: Re: Public Records Act Exemptions for WADEPS Research Data

ATTORNEY-CLIENT COMMUNICATION
CONFIDENTIAL AND PRIVILEGED

Shelby,

[1a]

Danielle



Danielle A. Hess, J.D. (she/her)
Executive Director, Policy and Governance
Compliance and Risk Management
Finance and Administration
Washington State University
Email: danielle.hess@wsu.edu

From: Simanson, Andrea <asimanson@wsu.edu>

Date: Tuesday, May 28, 2024 at 2:27 PM

To: Kammerzell, Sharyl <sharyl.kammerzell@wsu.edu>, Hess, Danielle A <danielle.hess@wsu.edu>, Foth, Alicia M <afoth@wsu.edu>, Makin, David Alan <dmakin@wsu.edu>

Cc: Sieracki, Shelby <shelby.sieracki@wsu.edu>

Subject: Public Records Act Exemptions for WADEPS Research Data

Regarding the above-referenced subject, attached please find a memorandum from Assistant Attorney General Shelby Sieracki.

Please contact Shelby if you have any questions. Thank you.

Transmitted by electronic mail only.



ANDREA SIMANSON
LEGAL SUPPORT SPECIALIST
Office of the Attorney General
Washington State University
Phone: 509.335.2636
Email: andrea.simanson@wsu.edu
<https://atg.wsu.edu>

WADEPS used an entire page of their short [12-page semi-annual report](#) to discuss public records requests. While the report stated that “WADEPS is committed to maintaining a culture of transparency and accountability, and the public records request process is an integral part of that commitment,” the report goes on to complain about the number and complexity of requests filed for WADEPS information. Apparently public records requests are a frequent topic of discussion at the WADEPS weekly meetings. Dr. Makin and his Team often complain that the requests are diverting staff time away from critical WADEPS tasks. Dr. Makin went so far as to ask the AGO for permission to use project funds to hire a full-time public records clerk to assist with the requests. Ms. Richburg rejected Dr. Makin’s request despite the fact that WSU had nearly \$4 million in unspent project funds and no meaningful work was being done.

WSU’s Public Records Unit has tried a unique strategy to withhold public records related to WADEPS. When a requester files more than one request for WADEPS records, WSU will immediately group those requests and will then inform the requester that that their request will not be acted on until all prior requests have been completed. Here is an example of how WSU’s illegal strategy works:

- 1) On January 20, 2023 I filed the following public records request with WSU: “All communications (including emails, phone messages, texts, letters, etc.) between WSU Professor David Makin and anyone employed by the company IBM. All documents, drafts, data, spreadsheets, notes and other records shared or exchanged between WSU Professor David Makin and IBM.”
- 2) On April 25, 2023 WSU provided me with the first installment of records which amounted to 66 pages of emails between WSU and IBM.
- 3) Over the next 20 months, WSU has provided me with 11 installments of records for this one request. The next installment is due on October 30, 2024. WSU provides a handful of records with each installment and there appears to be no end in sight.
- 4) As the WADEPS project has progressed, I have filed more public records requests for information about the project. Each request has been grouped with my first request and WSU refuses to provide me with any records on any of my requests until the first request has been completed. This is WSU’s response to my most recent public records request:

The screenshot shows the Washington State University Public Record Requests interface. At the top, it says "Public Record Requests" and "Washington State University". There are navigation links for "Make request", "All requests", and "Documents". A status bar indicates "Request Visibility: Unpublished". The main content area shows "Request 24-548" with a folder icon and an "Open" button. Below this, there are two columns: "Dates" and "Request". The "Dates" column shows "Received August 26, 2024 via web". The "Request" column contains the text: "All records, documents, notes, reports, drafts, communications, emails, text messages, voice messages, calendars, agendas, meeting schedules, meeting invitations, databases, spreadsheets, surveys, financial records, budgets, invoices and any other records related to WSU's \$15 million state contract awarded by the Attorney General's Office under RFP #22-05 and the law enforcement data collection project known as the Washington State Data Exchange for Public Safety (WADEPS) authorized by Senate Bill 5259. See the WADEPS website: <https://hub.wsu.edu/wadeps/>".

Response from WSU's Public Records Unit

Per our previous correspondence, your requests have been grouped. We will continue to process the next installment of request 23-85 and when it is completed, we will continue to process your other requests in the order they were received (23-189, 23-190, 23-243, 23-252, 23-343, 23-344, 23-345, 23-459, 23-460, 23-461, 23-481, 23-508, 23-538, 23-539, 23-679, 23-683, 24-55, 24-56, 24-57, 24-143, 24-144, 24-145, 24-152, 24-167, 24-169, 24-170, 24-171, 24-172, 24-185, 24-196, 24-206, 24-207, 24-208, 24-212, 24-214, 24-215, 24-220, 24-221, 24-222, 24-223, 24-224, 24-243, 24-245, 24-270, 24-310, 24-312, 24-320, 24-333, 24-334, 24-336, 24-337, 24-343, 24-354, 24-361, 24-369, 24-376, 24-378, 24-395, 24-407, 24-413, 24-417, 24-427, 24-433, 24-439, 24-447, 24-449, 24-458, 24-472, 24-481, 24-484, 24-485, 24-488, 24-496, 24-502, 24-511, 24-513, 24-514, 24-523, 24-524, 24-525, 24-535, 24-538, 24-544, and 24-548). All subsequent requests will be added in the order we receive them.

Your estimated due date to receive records for 23-85 is October 30, 2024.

- 5) Currently I have more than 80 pending public records requests with WSU. At the rate that WSU is producing records, it will take more than 160 years to receive all the records that I have requested. To date, I have not received a single public record about the WADEPS project after the contract was awarded to WSU. All the WADEPS related records I have received have come from the AGO, but these records are heavily redacted.
- 6) In an attempt to bypass WSU's illegal public record withholding scheme, I have asked friends and family members to open their own WSU accounts and request public records related to WADEPS. Since they are separate accounts, WSU is unable to group the requests. WSU has compensated by delaying the initial response to each request by more than a year.

I have two public records lawsuits pending against the AGO and WSU. Additional PRA lawsuits will be filed later this year. The illegal practices of both the AGO and WSU Public Records Units will expose the state to hundreds of thousands, if not millions, of dollars in civil penalties and attorneys' fees. If the court finds that the destruction and withholding of public records was willful, then felony sanctions may apply including imprisonment of up to five years for those involved. See [RCW 40.16.010](#).

Recommendations

I do not expect the state legislators to blindly accept all the information in this unofficial report without performing their due diligence. I have only received a small fraction of the WADEPS records and communications since WSU has withheld and the AGO has redacted most of the public records related to WADEPS. However, since WSU and the AGO are both state agencies, they cannot deny the legislature access to their records and personnel.

The legislature should demand transparency and accountability for this important \$15 million public project. The best way to do that would be to hold public hearings where Dr. Makin and Ms. Richburg can be questioned about their conduct and the progress that WADEPS has or has not made. These public hearings could be held by the [House Community Safety, Justice, & Reentry Committee](#) and/or the [Senate Law & Justice Committee](#). Both of these committees were instrumental in the passage of [SB 5259](#) and each committee has members who are familiar with this project and the legislative intent behind it.

If the legislature finds that WADEPS has failed, and that WSU is incapable of completing the project successfully, there is an easy solution to the problem. In [SB 5259](#), the legislature recognized that WSU was not qualified to conduct a project of this complexity and magnitude and so direct funding for WSU was removed from the bill. Instead, the legislature created a competitive bidding process so that the best possible vendor could be selected. Unfortunately, the AGO demanded to be in charge of the public procurement process which is where things went awry.

The solution is to cancel the current WADEPS project, reclaim the unspent funds (approximately \$14 million) and redo the public procurement process. In order to avoid conflicts of interest and collusion between WSU and their attorneys at the AGO, the competitive bidding process should be managed by the [Washington State Department of Enterprise Services \(DES\)](#). DES is much more experienced than the AGO in managing public procurements and DES does not have the same conflicts of interest that the AGO has because DES does not represent WSU in legal matters.

New (Unofficial) WADEPS Website - <https://www.wadeps.com/>

If the legislature fails to hold WSU accountable for its failures and the mismanagement of its \$15 million use of force data collection project, I will continue with my own campaign to bring transparency to the project and to hold WSU and the AGO accountable for their malfeasance.

My company has launched a new website at www.wadeps.com. This site is designed to provide the transparency that WSU has denied to the public and the accountability that the AGO is unwilling to demand of its client WSU. The website will also demonstrate how easy it is to provide the data and dashboards required by [SB 5259](#). Currently the website has a [Computer Aided Dispatch \(CAD\) dashboard](#) that we created with data from more than 5 million calls to Seattle PD. In December 2024 we will be launching use of force dashboards with data from more than 60 law enforcement agencies in Washington State. We will also be posting the public records that we have received from the AGO related to [WADEPS](#) including contracts and invoices from WSU. This website will eventually have dashboards with statewide use of force data, CAD data, NIBRS data, law enforcement personnel data and many other public safety data sets. This website will provide a concrete example of the type of public interface that is required by [SB 5259](#), but that [WADEPS](#) is unable to provide.

I am happy to answer any questions that legislators may have, and I am willing to provide you with any [WADEPS](#) records that I have received.

Sincerely,

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