



Washington Association of  
**SHERIFFS &  
POLICE CHIEFS**

3060 Willamette Drive NE  
Lacey, WA 98516  
360-486-2380 (Phone)  
360-486-2381 (Fax)  
www.waspc.org

**President**  
Chief Steve Crown  
City of Wenatchee

**President-Elect**  
Sheriff Tom Jones  
Grant County

**Vice President**  
Chief Darrell Lowe  
City of Redmond

**Past President**  
Sheriff Rick Scott  
Grays Harbor County

**Treasurer**  
Chief Brett Vance  
City of Montesano

**Executive Board**  
Chief John Batiste  
Washington State Patrol

Sheriff Brad Thurman  
Cowlitz County

Chief Cherie Harris  
City of Kirkland

Sheriff Kevin Morris  
Douglas County

Chief Rafael Padilla  
City of Kent

Sheriff James Raymond  
Franklin County

Vacant - Chief

Don Voiret, SAC  
FBI—Seattle

Chief Sam White  
Lower Elwha Klallam  
Police Department

Steven D. Strachan  
Executive Director

**July 15, 2022**

Here a few updates —

Use of Force Model Policy

First, recently we sent out the link to the [Use of Force Model Policy](#) issued by the Attorney General's Office as required by law prior to July 1. Many of your teams have been looking at it but we did want to share a few observations for your information, with the usual caveat that ultimately the policy you adopt is your call, and the [law](#) requires you to "adopt policies consistent with the model policies and submit copies of the applicable policies to the attorney general; or, if the agency did not adopt policies consistent with the model policies, provide notice to the attorney general stating the reasons for any departures from the model policies and an explanation of how the agency's policies are consistent with [RCW 10.120.020](#), including a copy of the agency's relevant policies, prior to Dec. 1, 2022."

- The Attorney General's Office did seek and receive feedback from several stakeholders, and did make substantial changes and revisions to the original draft.
- On Page 6 of the Model Policy, the header reads "*Core Principle: Perform Community Caretaking Functions: Nothing in this policy limits or restricts an officer's ability to respond to a call for community caretaking or protection of health and safety, and to use the appropriate and least amount of physical force to execute those functions. (RCW 10.120.020 [2022 c 4 §3]). The same standards for using physical force apply. However, incidental touching, which may occur in the course of community caretaking, is not defined as physical force*". The actual statute related to this section reads differently and you may wish to consider simply using the statutory language, which is clearer and does not have contradictions and ambiguous language. In particular, the sentence in the Model Policy "The same standards for physical force apply" is possibly contradictory and certainly confusing. The statutory language found in the statutory reference within the paragraph is much clearer and understandable.
- Dr. Stern, who has worked with WASPC for many years as a consultant and also works with jails in our state and nationally, notes that on Pg. 9 under "First Aid" the policy did make some changes to positioning of persons, but did not make the amendment he suggested, which was "If the individual is conscious and expresses a desire to be placed in a different position, the officers shall place them in that position unless doing so poses a substantial risk of safety to the officers, individual,

or bystanders.” This may be worth discussing with your medical consultant for consideration of your policy.

- The policy still uses catch-all phrases such as “proper evaluation of the situation” or “sufficient space”, but does not include a statement that the officers decisions will not be evaluated with the benefit of 20/20 hindsight.
- On Page 8 does the need to “identify themselves” require a verbal statement or does a fully marked uniform suffice to identify the officer? You may wish to consider more or different language that allows for quickly developing circumstances.
- Page 11 begins with “Officers shall use all tools in accordance with training and the equipment manufacturers instructions”, which is helpful, but then goes on to detail some, but not all, of that training and manufacturer’s instructions. It may be simpler and clearer to stop after that first sentence.
- Page 13, section 3 mandates a “low ready” position and only drawing when the situation “may evolve”. According to some defensive tactics instructors, low ready as the only acceptable ready position suggests a legacy understanding of firearms ready positions that was based on range safety, not real world tactics. Low ready would not be acceptable in the following circumstances, and perhaps others:
  - At a school or any other environment were children are present
  - In a marine environment
  - When moving downstairs with other people on the stairs below the officer
  - When other people are on floors below the officers current floor (or looking over a balcony)
  - With casualties, or victims on the ground
  - In a vehicle where the officers legs would be in line with the low ready muzzle
- The orientation of the muzzle is dictated by the environment, and down is not the only safe direction.
- This policy section doesn’t cover long guns (rifles and shotguns) even though they are by definition firearms in the policy.
- Section 7 prohibits use of a firearm “when it appears that an innocent person may be injured”. It’s likely supposed to say “*when it appears that an innocent person may be injured by the officer discharging their firearm in the direction of the innocent person.*”

Overall, the final policy is certainly better than where it started, is more understandable and usable, and again, the Attorney General's Office was receptive and attentive to feedback, which is appreciated. Some of those who have reviewed this document have made this observation: The best parts of the policy are the parts that simply restate the RCW. The bottom line is to show that “department policy should be consistent with RCW”, and the portions of the policy that cite and quote RCW are usable, understandable, and are what many of your agencies are already using and training.

Your trainers and legal counsel may have other input, and as I mentioned, the policy you implement is your call. These are offered only as an additional resource and to share observations we have made,

in consultation with experienced Use of Force trainers in our state. Many thanks to the Redmond, Lake Forest Park, and Edmonds Police Departments for their assistance.

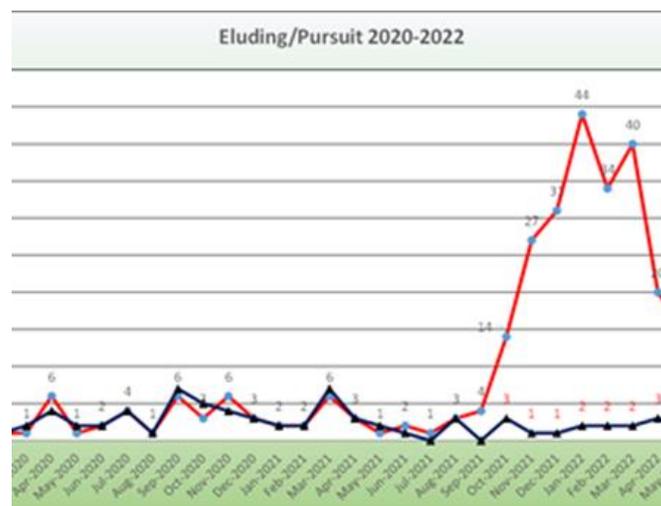
It is also notable that the new Federal Use of Force policy is 3 pages after a 1 page introduction: <https://www.justice.gov/ag/page/file/1507826/download#:~:text=Officers%20may%20use%20force%20only,the%20same%20or%20similar%20circumstances.>

Soon after session ended, WASPC was asked by several agencies and legal advisors on how to reconcile the changes that two different bills (HB 2037 and HB 1735) each made to the same statute. WASPC provided our interpretation to several agencies, but cautioned agencies to seek such guidance from their legal advisor until the Code Reviser updates the codified version of the statute in question. **Please note that the Code Reviser has now updated RCW 10.120** to reflect the net changes made with the enactment of HB 2037 and HB 1735. The updated statute can be found [here](#).

### Pursuits

Several weeks ago, KUOW published a [story](#) about the increases we are seeing in the number of people fleeing and driving away from traffic stops.

Lakewood Chief Mike Zaro sent this along: *“The chart below shows the number of incidents of eluding (red line) and the number of actual pursuits (black line). We averaged 2.75 pursuits per month before the legislation went into effect, and 2.11 per month since. Meanwhile, there was an unprecedented spike in people taking off from us. The reasonable conclusion is that the legislation had very little impact on our actual pursuits, but encouraged a lot of people to flee traffic stops.”* As we have seen, the result is more crime and emboldened criminals. Many thanks to Chief Zaro, and good information for all of us. I encourage you to share what you are seeing as far as people fleeing with your community and your legislators.



To help make the point, just this morning the Seattle Times ran an endorsement about a State Senator running for re-election. In the story, it says, *“On public safety, legislators need to address housing, behavioral health and addiction recovery to allow police to focus on the job they were hired to do, (the Senator) said. (The Senator) backs modifying the law dealing with police pursuit, which some in law enforcement claim is overly restrictive.”* A quick check of the legislative web site shows that the Senator voted against SB 5919, and also voted against every procedural vote to allow it to be voted on by those who did support it, which was the majority of both chambers. So- it underlines the importance of communicating and it is heartening to know the Senator now supports this change we advocated for last session.

Last week, we sent a column by Bob Scales about data and how it is being used. [Here](#) is the searchable FBI database for crime information nationally, and it can be searched by agency. It is updated through 2020. Our statewide stats should be sent out next week.

[Here](#) is an excellent story from last week about what Yakima P.D. is doing to enhance community trust, and to measure, demonstrate, and communicate that trust.

*Stay Safe -- Steve*

**Steven D. Strachan, Executive Director**  
Washington Association of Sheriffs & Police Chiefs  
3060 Willamette Drive NE  
Lacey, WA 98516  
[steve@waspc.org](mailto:steve@waspc.org)  
360-486-2380