



March 2, 2021

Greetings from your Executive Director:

Supreme Court Ruling on controlled substances

Let's start this week with the **State vs. Blake** ruling regarding simple drug possession from February 25. Many of you have been responding to your agencies and communities, and working with your legal counsel on what it means. I have been asked if this can be appealed by any entity, and the short answer, as I understand it, is that the ruling referred to both federal and state law, and while the federal impact could possibly be appealed, the State Supreme Court is the final word on state constitutional issues. There has been a [bill](#) introduced to place the word "knowingly" back into the law, and we are closely watching the discussions in the legislature about where that bill may go. In this [KING 5](#) story, it notes, "Democratic Senator Manka Dhingra said state lawmakers can clarify, or rewrite the law," but she said the deadline has passed in the legislative session to introduce new bills. She did not know if legislators would take up the issue this year. "This is a huge decision, it really does have consequences that we are just trying to figure out," Dhingra said. "It does turn our system upside down quite a bit, because we just have so much, so many drug conviction cases, on our books."

Legislative measures

I have attached an updated ["WASPC Reforms Reference"](#) sheet to assist in delineating the bills we are following with a short version of some of our major concerns. As you communicate with stakeholders, we were encouraged there were some amendments to the Tactics Bill (HB 1054) that were appreciated and positive: the bill will create a task force to study K-9 uses, the prohibition on silencers was taken out, and there were several other changes. We will go through those in detail, and other bills as of the most recent hearings, at our March 12 webinar, or feel free to check in with James, Sanjay or me if you have specific questions. We also sent out an updated list with current versions yesterday on the legislative listserv. The bottom line is the sponsor of the 1054 bill and involved legislators, as well as stakeholders, worked together to make it better while still achieving many of the goals of the sponsor. While there is still work to do on HB 1054, we appreciate many of the changes in this bill.

Again, the big picture message I have been focusing on is this: **We support reform that builds public trust, and it must be balanced with support for good policing.** They have to go together, and we need to make sure we do not disincentivize good law enforcement and positive engagement with the community.

AG report on IITs

Friday, the **Attorney General's Office** released their review of IITs that were part of the surveys completed by agencies around the state over the last several months. Here is a [link](#) and here is the summary direct from the report itself- highlights are mine:

*Overall, the Office of the Attorney General found that the 12 IITs that responded to the survey generally made good faith efforts to comply with the new requirements. **Most instances of non-compliance stemmed from a genuine misunderstanding about the rules' requirements.** It is not uncommon for government agencies to struggle with brand new regulations at the outset of implementation, particularly when the requirements are extensive and the agencies are provided a short window from adoption to implementation, as they were in this case. That said, the people of the state adopted these requirements, they are important, and it is incumbent on IITs to comply with the law.*

*Initiative 940 was designed to build trust between law enforcement and community. An essential aspect of that trust building is to include non-law enforcement community representatives who play an integral role in ensuring the independence and transparency of investigations. The Office of the Attorney General found that, in general, IITs must improve compliance with the provision that requires IITs to select at least two non-law enforcement community representatives to assist with each investigation. For example, IITs must allow non-law enforcement community representatives to review public statements in advance of their release and participate directly in vetting and interviewing IIT investigators. While the Office of the Attorney General found that more than half of the IITs surveyed failed to fulfill this requirement in the first six months following the implementation of the new regulations, **several IITs subsequently reported improved processes to comply with the new regulations, including the provision regarding non-law enforcement community representatives.** Moreover, community representatives who shared their experiences with the Office of the Attorney General reported that serving as a community representative was a positive experience, noting the transparency and professionalism of the IITs.*

*A letter from the Attorney General to Executive Director Sue Rahr of the Criminal Justice Training Commission is included as an addendum to this report. The letter, prompted by the findings of this report, **recommends several actions the CJTC can take to strengthen the independent investigation criteria by improving clarity.***

Finally, the Office of the Attorney General also recommends that the Legislature fund regular oversight by an independent agency, so that reports similar to this can be shared with the public to fulfill the demand, expressed through the initiative process, for independent, transparent investigations into the use of deadly force by law enforcement.

Police Reform op-ed

Law Professor Rosa Brooks from Georgetown University joined the DC Police Reserves and has written a book about police reform from the perspective of an academic researcher who has

also worked with officers. She published an opinion in the [Washington Post](#), and while I don't agree with everything she says, it's worth reading and I have highlighted a few portions of what she says from her perspective that I think are especially pertinent to the conversation right now:

- "When it comes to policing, such whiplash is par for the course. U.S. political culture and rhetoric tend to frame things in terms of binary oppositions: Either cops are selfless, underappreciated heroes, or they're brutal, racist thugs. Either we should double their budgets and put more cops on the streets, or we should defund or abolish the police."

- "Police deal — often poorly — with addiction, homelessness and mental illness because as a society, we have decided we're unwilling to fund adequate social services. (And we certainly can't be bothered to take on the still more challenging work of unraveling the web of poverty and injustice created by centuries of racist laws and policies.)"

- "Policing is complicated. That's not an excuse, it's just reality."

- "But the project of transforming policing needs to include the voices of police officers themselves, in all their complicated, sprawling, messy humanity. Ultimately, if we want to change policing in America, we need to stop reducing the complex problems of their jobs to sound bites — and we need to stop vilifying cops for enforcing laws they didn't create, in a political and social context they can do little to change."

This year continues to challenge our teams who have been out there, taking calls and working to solve problems all through the pandemic, at risk to themselves and their families. We have worked through protests and trying to defend all rights while many are trying to find ways to provoke. You may remember this past summer we sent out three videos from Dr. Bryant Marks, who presented to WASPC a few years ago. In #3, where he talks about recruitment, standards, and training, along with the changes and challenges we face now, toward the end he remarks, "things may get worse before they get better". This is a disruptive time where our jobs get harder- pointing the way forward is more challenging, and it will continue to be. As always, we stay on the high road, we work for public safety, and I continue to be honored to work with you.

[Bias by-Us, Part 1](#)

[Bias by-US, Part 2](#)

[Bias by US, Part 3](#)

Media Links

FYI here is a link to a [CNN story](#) about training in our state-- the message is our state is being attentive to these issues and compares us favorably to national trends- possibly good information to use in your community.

Finally, because we need it, here is a [great story](#) this week highlighting Kent P.D. We know your agencies are doing similar things every day.

Stay Safe!

Steve