



October 4, 2021

Greetings from your Executive Director:

Registration is now open for the [WASPC Fall Conference November 15-18 at Skamania Lodge](#).

A focus on wellness will be a featured presentation at the conference on Wednesday the 17th. I have spoken to many Chiefs and Sheriffs over the last several weeks as we deal with morale, public opinion, COVID, mandates, community demands, stresses, and difficulties of the last two years. We all know of law enforcement executives and their team members who are, or are contemplating, moving on or retiring. There is no one solution but we should acknowledge and discuss these challenges.

### **Police Reform Laws update**

**SB 5051** If you have given **limited commissions**, be aware the new laws may affect their requirements and their liability. Many cities and counties have people who are not employed by the Police Department or Sheriff's Office who hold "limited commissions", authorizing them to exercise limited law enforcement authority. They have regulatory purposes in the issuance of civil infraction, like parking or code enforcement, fire marshals, animal control, park rangers, etc. Depending on how your legal counsel interprets the new law, SB 5051 may put limited commission officers under the accountability structure for peace officers, requiring them to become reserve officers of the commissioning law enforcement agency, fully employed by that agency and subject to the same regulatory framework as all peace officers for background screening, misconduct investigations, retention of investigative records and personnel files, and decertification. Therefore, many agencies are no longer allowing these limited commissions, and some jurisdictions are looking at adopting code changes to move those employees to different city departments to clarify their purpose, denote that they issue only civil infractions, and find other ways to deal with 5051. If you have limited commissions, make sure your legal counsel is aware.

**HB 1310** Clarification is needed to answer questions about using force to comply with warrants to obtain blood draws or DNA. Examples: can the officer arrest the person for obstructing a public servant for refusing to comply with a valid search warrant for a blood draw or cheek swab, and then use physical force to obtain it? Some think you can and others don't necessarily agree, believing that obstructing does not necessarily authorize the use of physical force. Under this scenario, some legal advisors would say they would file a contempt of court action and have the officer arrest the person for obstructing. Some would not recommend the use of physical force. If it were a vehicular homicide/assault situation, and a person's refusal to comply with a blood draw search warrant, some advisors would see this differently because if the officer does not act immediately, important evidence could be lost. No matter what, the ambiguity creates confusion and concern for personal and agency liability. Again, this is just another situation to make sure your legal counsel is providing you with direction.

Last week, [Crosscut](#), (a King County area online publication), published yet another story about the ongoing confusion and effects of **HB 1310** on Involuntary Treatment holds and behavioral health outreach. The article tries to suggest that law enforcement is just “refusing” to go to these calls, but they again miss the fact that these decisions are being made based on legal interpretations of how the law now reads. The article also mentions, but does not highlight, that the Attorney General will provide direction, next year. Providers have asked for an October 5 summit among King County stakeholders to “seek clarity on what instructions those in law enforcement are receiving from police leadership, a legal analysis on the implications of the new state law and a plan for creating more alternatives to police. The providers’ goal is to produce short-, medium- and long-term solutions to this ballooning issue.” Yes- pretty much what we have been pointing out all along; this was done backward without the infrastructure to handle these calls, and the ambiguity in the laws results in negative outcomes for those who need it most.

Chief Jeter of Bonney Lake PD sent along this one: This was a Possession of Stolen Property incident, which turned into a First-Degree Robbery. The prosecutor’s Probable Cause document is [attached](#) which includes highlighted yellow areas **citing the suspect’s statements about “the new laws”** and the actions he took based on them. This is an example that dangerous suspects are very well aware of the requirement that probable cause exist for a violent felony prior to a pursuit being allowed and are taking full advantage. Fortunately, no one was injured during this incident, but we all need to understand potentially dangerous outcomes.

In the same city just last week, Target Loss Prevention called about a woman who had pushed a shopping cart of merchandise out of the rear emergency exit and fled in a vehicle, which was quickly located by law enforcement nearby. A traffic stop was attempted, but the driver failed to yield and just continued driving on. The vehicle did not violate the speed limit or any other traffic laws besides just not stopping. Officers terminated and shutdown their emergency lights and sirens, and the car was last seen driving north on the freeway.

There are more: In the middle of September, numerous agencies in Pierce County were involved in an ongoing incident in which an SUV stolen out of Aberdeen was observed in Lakewood- the person who identified themselves as the driver called 911 and reported he was “in a stolen car and was running out of gas”. When officers arrived he took off, apparently baiting the officers, and also was involved in similar incidents in University Place and Fircrest the same day, each time running from law enforcement in a clear demonstration that he knew they could not pursue. The SUV was later in a 3-car crash, not involving police, in Tacoma. The driver was a 15 year old.

**Here is the bottom line-** the new laws are the most restrictive in the nation and have in some ways eliminated large elements of proactive policing. Legislators and the public need to understand that while these may very well decrease uses of force involving law enforcement, they likely will also result in more dangerous situations for residents, more violent crime, and more disorder. If that is the acceptable and desired new normal, our policy makers and our communities need to understand what that means.

[Here](#) is an article from the national media platform Vox (which is described as a “left of center, progressive site”) that says, in part, “There is solid evidence that more police officers and certain

policing strategies reduce crime and violence. In a [recent survey of criminal justice experts](#), a majority said increasing police budgets would improve public safety... That runs contrary to the push to “defund the police” in progressive circles, which tend to focus on cutting policing to boost alternatives. In the same survey of experts, most said that increasing social service budgets would improve public safety. But experts also say there’s no reason, if the goal is to fight crime, that communities shouldn’t expand both policing and social services — what University of Missouri St. Louis criminologist Richard Rosenfeld [calls](#) a “both-and” approach.” This article, while discussing the concerns and issues raised about calls for reform, is full of specific studies and data showing clearly that law enforcement does make a significant difference in violent crime and crime overall. Period. In this state, we have underfunded and understaffed behavioral services and alternatives, while removing and restricting proactive policing- the opposite of what even the academic researchers are saying. We need balance: productive, reasonable reform and attention to public safety- we have to do both.

### **Crime Statistics**

The FBI recently released its 2020 Crime Report. **Washington State is, for the 11th straight year, 51<sup>st</sup> out of 50 for officers per thousand**, when you include Washington, DC. I do not expect staffing to get better during 2021, in fact just the opposite. The nationwide data also shows that [Washington’s increase in homicides](#) was much higher than the nation overall.

Finally, many thanks to those of you who attended our legislative committee meeting last week- we appreciate the great input and high level of engagement!

*Stay Safe! Steve*