



Washington Association of
**SHERIFFS &
POLICE CHIEFS**

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Greetings from your Executive Director:

There is a lot going on right now, as your teams continue to work through:

1. law changes,
2. staffing challenges,
3. many agencies with people working too much overtime, leading to exhaustion,
4. too many calls for service, and, very importantly,
5. too few tools to provide justice for victims.

WASPC's 2023 state legislative agenda provides some answers to the question "okay, where do we go from here?" Here is an update on the [legislative agenda](#).

Despite all the clearly identified problems with legislation over the past few years, we are committed to work to maintain public safety and increase community trust. Our focus remains on public safety as a core function of government, justice for victims, and fixing ill-considered reform laws. We can provide positive forward momentum to reduce crime. This can be done, and our state's Sheriffs and Chiefs continue to lead on this as our communities and elected leaders can see why public safety matters so much.

Standing up for law enforcement

Several Chiefs and Sheriffs have expressed justifiable concern about recent media coverage and social media posts regarding the differences between law enforcement groups and their support, or opposition, to legislative policies that have been a problem over the past two years.

To review, here is the "support/oppose" for the key reform bills from 2021 and 2022:

*Click on the image for links

	1310 (Use of Force)	1054 (Equipment)	1202 (Civil Liability)
WASPC	Oppose	Oppose	Oppose
WACOPS	Oppose	Oppose	Oppose
WA-FOP	Support	Support	Support
WA St Troopers	Oppose	Oppose	Oppose

To be clear: WASPC was one of the first organizations to support balanced public safety reforms with our [guiding principles](#) in 2019. In 2020, at the height of protests following the death of George Floyd, we issued [a call](#) for substantive, thoughtful, and long term changes, fully acknowledging the concerns of the community.

In the virtual and intense session of 2021, legislators expressed frustration that we raised issues with the details and unintended consequences of many of the proposals, especially HB 1310 and HB 1054. We work specifically for the best public safety policy on behalf of our state's Sheriffs and Chiefs. Our association does not work for pensions, pay or benefits. We remained steadfast in our unwillingness to support bills that were ill-considered and did not address the need for balance.

A lack of unity from all Washington law enforcement organizations has provided an avenue for legislators and advocacy groups to say that police were "included and supported" in 2021's ill-considered reform laws, while other groups, including WASPC, were just being resistant to change. This divisive narrative, and the overall lack of a unified message about the serious and clear problems with the details and unintended consequences of the new laws, made changes more difficult in 2022. [Public statements](#) reinforced the idea that Sheriffs and Chiefs were "misinterpreting" HB 1310 and HB 1054. Subsequently, the Attorney General's [strongly worded analysis](#) of those bills clearly showed it was not misinterpretation, but the lack of clarity in the laws that were the problem.

The author of several of the reform measures, Rep. Jesse Johnson (who is retiring from the legislature at the end of the year) recently [commented through social media](#) that "...The legislature did what needed to be done and some police got angry because they're culture must shift and they can't go around killing people." WASPC and WSSA sent [this letter](#) to Rep. Johnson, saying, "We call on you to retract this inflammatory, dangerous, and divisive statement."

As WASPC demonstrated during the I-940 process, we will always be there to provide meaningful discourse that brings people together and provides for better public safety. We continue to oppose

ill-considered bills that lead to the very outcomes we have seen played out over the past two years. We need a unified voice for balanced public safety moving forward.

Our Legislative Agenda

Our draft legislative agenda has our four main areas for this coming year: fix the Blake decision, fix pursuits, fix issues related to juvenile questioning, and provide more funding for public safety staffing. The agenda still must be approved by our members at our fall conference. [Here](#) is the Association of Washington Cities (AWC) legislative agenda which contains many of the same priority items -- a great sign.

Recently, [I appeared on](#) "NewsNation" with Dan Abrams to discuss continued issues related to the need to fix the pursuit law. [Here](#) is a message from Puyallup PD about an ATM theft attempt where the suspects could not be pursued and the number of incidents that continued after the first incident. Recently, the Columbian newspaper highlighted [this case](#) in Clark County where the suspect fled police "because he heard police were defunded and can't do anything."

There are more signs that our elected leaders, and those running to be our elected leaders, are fully acknowledging the problems. In my competitive legislative district, I received [this flyer](#) at my front door, from the Democratic candidate for State Representative, who is an attorney for the Northwest Justice Project. The #1 priority he lists on his flyer? "Public Safety- fixing our laws and funding first responders so police have the tools and resources to do their job." The reality of the outcomes of the legislative changes the past two years is also apparent in this [Seattle Times' tepid endorsement](#) of Rep. Roger Goodman, the Chair of the House Public Safety Committee, which includes this excerpt: "Voters can fairly question how successful he has been when it comes to the Legislature's response to public safety. Crime rates are up, especially the quality of life crimes that directly impact businesses and people in his district, but he offers no clear agenda for addressing the problem. Instead, he points to the fact that rising crime rates are a national problem, which is deflection, not a solution."

Here is an update on homicides in our state: as you know, last year, Washington had 325 murders, the highest number we have recorded. I checked with our Criminal Justice Information Systems (CJIS) Unit this week, and with a number of larger agencies still not reporting their full data due for last month, as of the end of September we were on track to meet or exceed that number again in 2022- we are already at 260 homicides for the year.

Use of Force Model Policy

As you work through what policy to adopt regarding the Dec. 1, 2022 deadline for the Attorney General's Model Policy, here are some updates.

The Attorney General [published their Model Use of Force Policy](#) on July 1, pursuant to [RCW 10.120.030](#) (enacted as part of HB 1310 from the 2021 session). That same statute requires all law enforcement agencies, by December 1, 2022, to either adopt policies consistent with the AG's model policy and submit copies of their policy 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 (RCW 10.120.030(2)).

There continue to be a variety of questions regarding what authority, if any, the Attorney General's model policy has on Washington law enforcement agencies. WASPC has authored the attached [FAQ](#) in an attempt to provide clarity to some of these questions – as we understand it. We hope the attached document is helpful in informing your decisions and continue to encourage you to confirm your understandings with your agency legal advisor.

Another provision of HB 1310 that was enacted during the 2021 session, now codified as [RCW 43.101.490](#), requires “the basic training provided to criminal justice personnel by the (criminal justice training) commission must be consistent with the standards in RCW 10.120.020 and the model policies established by the attorney general under RCW 10.120.030.” The Criminal Justice Training Commission has begun the process of developing the curriculum for such training. To that end, the CJTC has hired Richard Peterson as the Use of Force Program Manager. Rich has engaged WASPC and other stakeholders to ensure a transparent process and has accepted WASPC's invitation to make a brief presentation to the membership at the WASPC Conference. If you would like to contact Rich directly, you can do so at richard.peterson@cjtc.wa.gov.

As WASPC has engaged in this stakeholder process, we have requested that the CJTC be transparent on which parts of their Use of Force curriculum are required by law, and which parts are recommendations of the Attorney General (not required by law). We recognize that the statute requires the CJTC to incorporate the Attorney General's model policy into its curriculum, but, given the fact that the Attorney General's model policy goes beyond what is required, we believe Sheriffs and Chiefs should be made aware of what are statutory/case law requirements and what are not.

Also, we are aware that Lexipol is working on developing their response to the requirements, and we have advocated for them to also recognize the differences between what is required by statute and what is recommended, as well as the many concerns and clarifications we have been highlighting in the newsletters. I expect that they will be issuing something (certainly before Dec 1, I assume) and it will reflect some of this feedback.

It is our continued privilege to work with, and for, you and thanks for all you do-

Stay Safe, Steve