



Washington Association of
**SHERIFFS &
POLICE CHIEFS**

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

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Greetings from Your Executive Director:

We have several updates for you this week- we will start with a law (RCW 10.31.110) that was passed that now not only allows for **diversion from jail for any crime (it used to be limited), but also requires law enforcement agencies and prosecutors to meet and create guidelines** for diversion. The [attachment](#) was put together by Disability Rights Washington, who have been involved in litigation related to jails and diversion. Basically, the law requires the guidelines to be developed and to include input from certain groups.

The legislature also passed HB 1786, which was part of RCW Ch. 245. This is the new law that **not only requires law enforcement to seize firearms at a scene of domestic violence, but also creates a number of new laws pertaining to seizure orders, and the service of these orders, from Judges.** Some local Judges have created guidelines or "Bench Guides" which are making their way around the state. There has been significant concern raised by some prosecutors that these laws create some Constitutional and process issues, and not just related to the Second Amendment. The actual procedure and process of seeking, issuing and executing these orders is challenging and potentially problematic. Remember that we raised many of these concerns when the laws were passed, and we do realize that they are intended to reduce the chances of deaths related to domestic violence, which is a worthy goal. However, as if often the case the "nuts and bolts" are left to us and there are many problems with carrying it out. We do not have a solution, but I would encourage you to make sure your prosecutor is aware of the issue and you at least communicate and follow their guidance on it.

The stakeholder group for recommending rules for the Criminal Justice Training Commission related to **independent investigations of officer-involved shootings** met this week. There was general agreement on independent investigations having strong guardrails ensuring that investigators must come from outside the employing agency of the people involved, and responsibilities for immediately securing the scene and first aid. There are still a number of issues related to how "conflicts of interest" will be defined, and the role of community members as observers and other potential roles in the investigation process. Our position is that any civilian involved in the team be at the discretion of the Sheriff or Chief, but the community groups prefer it to be mandatory. There are still some community forums being conducted, and then the CJTC will provide another draft which will eventually go before the commission. I will keep you in the loop- and as always let me know if you have questions.

Here is an [article](#) that discusses WASPC's role in supporting the **amicus curiae for the Martin v. Boise case.**

The FBI released the [annual crime data for 2018](#) as they do each year. Their data is a national report and WASPC is the state source for our data. As is frequently the case, the data is cherry-picked and immediately "spun" by the media and social media to fit certain themes or to be

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"clickable" or shocking. Here is an [example](#) from CNN where the highlight is that juveniles are arrested (!)

This [article](#) also attributed falling crime rates to everything except good police work. Here is an excerpt:

The overall numbers, recorded by police departments across the country and compiled annually by the FBI, are welcome news for crime researchers like Ames Grawert, who closely monitored an [uptick in violence in 2015 and 2016](#). "That's a really good sign that the long term trend towards greater safety is not in fact reversed, and that we're moving past whatever happened in 2015 and 2016," said Grawert, senior counsel with the Brennan Center for Justice, a research institute at New York University's School of Law. "It's a reminder that two years isn't a trend, and two years doesn't break a trend."

Mostly fueled by a spike in homicides in a handful of large cities, the nation's violent crime rate increased by 3.3 percent in 2015 and 3.5 percent in 2016 before dropping. Some opponents of criminal justice reform seized on the two-year uptick as proof of what they called a new cresting crime wave. [Then-Attorney General Jeff Sessions said in early 2017 that](#) his "best judgment" was that these data represented a "dangerous permanent trend."

That spike also fueled the emergence of the so-called "Ferguson Effect" hypothesis, that the Black Lives Matter protest movement had prompted demoralized police officers to cut back on proactive policing strategies in response to scrutiny from the general public. Then-FBI director James Comey described it as "a chill wind blowing through American law enforcement."

University of Missouri-St. Louis criminologist Richard Rosenfeld, who authored several studies on the spike, has found that something akin to a "Ferguson Effect" likely did contribute to increased murder rates in a handful of cities, like Chicago and Baltimore, but that the "demoralized cops" explanation was unsupported by the data. [A study he co-authored in March found](#) "no evidence" that arrest rates had any effect on homicide rates in the cities and time period examined, a correlation one would expect to see if a dip in proactive policing was really to blame.

"The uptick in homicide was more likely associated with a crisis in police legitimacy: People, especially in disadvantaged minority communities, drawing even further back from the police," Rosenfeld told The Marshall Project. "There is an avalanche of research right now in criminology pointing in that direction, that declining legitimacy is associated with increases in crime." Predatory violence might increase, for example, because offenders believe victims and witnesses will not contact the police to report incidents.

In other words, everyone is neatly divided into those who support criminal justice reform, and those who do not. There must be two groups, they must take extreme positions, and the other side is always wrong. Of course we know it is more complicated than that.

If we resist this polarized narrative, and as we look at ways to improve and be results-oriented in all aspects of criminal justice, we should not ignore information that points to the effectiveness of enforcement as part of a balanced approach. Which brings us to a reasonable and useful document from the Police Executive Research Forum (PERF)- their study they published this year on gun deaths and "what works". Here is the [entire report](#), but a quick summary is that as

people look for ways to reduce gun deaths, in our polarized and "outrage-based" environment, it is useful to **look for any real-world solutions by breaking down gun deaths into four distinct groups-**

1. Suicides committed with guns;
2. "Everyday" criminal homicides and nonfatal shootings (including drug-related and gang-related violence, killings committed as part of a robbery or other crime, interpersonal disputes, and other homicides);
3. Domestic violence involving firearms; and
4. Mass shootings.

Reducing deaths in any of these sub-groups requires a different approach- and here is a critically important portion under Number 2- "Everyday" Criminal Homicides:

The second largest category of fatal gun violence is criminal homicides, with 14,542 fatalities by firearm in 2017. These killings, along with an estimated 88,679 nonfatal injuries from shootings in 2016 (the most recent year in which national data are available), occur on a daily basis in cities and towns across the nation. Homicide rates nationally are only about half of the rates of the early 1990s, but successes in reducing fatal shootings have been uneven across the country. Cities such as Chicago, Baltimore, and Philadelphia struggle with enormous numbers of guns on the street.

Chicago has no gun stores, but police recovered approximately 9,500 "crime guns" in 2018 - more than the comparable numbers for New York City and Los Angeles combined. And while possession of an illegal firearm is technically a felony in Illinois, Chicago Police Superintendent Eddie Johnson told participants at PERF's conference that in most cases, gun possession offenders in Chicago need to be caught at least three times before they are charged as a felon and face any significant consequences. By contrast, in New York City, Police Commissioner James O'Neill said that his city is fortunate to have gun laws that make it possible to hold accountable people who carry firearms illegally... "If you get caught illegally possessing a gun in New York City, there's a 57 percent chance that you're going to go to jail or prison," he said.

Commissioner O'Neill noted that shootings in New York City have plummeted 85 percent from 1993 to 2017, from 5,269 to 789 shootings. Many cities lack any meaningful consequences for illegal gun possession: The comments by Commissioner O'Neill and Superintendent Johnson were bolstered by a survey of all PERF police chiefs and sheriffs in 2018. We asked all PERF chief executives to name the single law, regulation, or strategy that they believe would have the greatest impact in reducing deaths from gun violence. One of the most frequent responses we received from police chiefs and sheriffs was that offenders must face certainty of punishment for violating gun possession laws. Under federal and state laws, convicted felons, domestic violence offenders, probationers and parolees, and other categories of people are prohibited from owning firearms. But police executives in many jurisdictions said that far too often, offenders can be arrested multiple times for gun possession without being sanctioned by the justice system. This sends a counterproductive message that gun law violations are tolerated. Often, offenders are arrested multiple times for illegal gun possession with no consequences, but then they commit a fatal or nonfatal shooting and are subjected to severe consequences.

A much better approach, supported by many PERF chiefs, is to impose modest sanctions for illegal gun possession on a first offense. The certainty of punishment is more important than the severity of punishment for these first offenders, in order to send a new message that illegal gun possession will not be allowed. Penalties can increase proportionally for subsequent offenses. The idea is not to increase incarceration, but to follow New York City's approach and keep guns off the streets.

According to the report, enforcement for illegal gun possession is a necessary and effective part of this approach, but unless I am missing it there is very little discussion or coverage of this as part of our national debate. This report, even if you don't agree with all of it, is a good start to any reasoned discussion of this issue.

In other news, **Mark Couey, longtime WASPC Board Member**, has accepted the position of Assistant Police Chief at Des Moines PD. That's great news for Mark and for DMPD but bad news for us as Mark has had to leave the board. That board position is specifically for an active member who is not a Municipal Chief or a Sheriff. WASPC President John Snaza has appointed, and the Board has approved, WA State Gambling Commission Director Dave Trujillo to take Mark's place on the board. Dave has been a great supporter, active member and friend of WASPC and statewide law enforcement for many years- welcome Director Trujillo!

Finally, this week I thought I would provide you with the photos below- these are the **law enforcement officers killed, so far this year, by gunfire or other assault**. This does not include those killed by traffic crashes or other non-assaults on officers, or those who died from the long term effects of the 9/11 attack. It does include Kittitas County Deputy Ryan Thompson and Cowlitz County Deputy Justin DeRosier from Washington State. Seeing their faces helps to illustrate the very human toll that murders of officers has taken. These fallen heroes come from different backgrounds, races, genders, and religions, but they all share their service to their community, a commitment to the rule of law, and all made the ultimate sacrifice.



Have a good week-

Work Hard- Have Fun- Stay Safe

Steven D. Strachan, Executive Director
Washington Association of Sheriffs & Police Chiefs
3060 Willamette Drive NE
Lacey, WA 98516
steve@waspc.org
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Executive Assistant: Deb Gregory
dgregory@waspc.org

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