



Washington Association of
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Steven D. Strachan
Executive Director

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Greetings from your Executive Director:

In my last newsletter, I noted that a candidate in my legislative district had placed public safety as one of his top priorities, which I continue to find heartening and encouraging coming from both sides of the seemingly wide partisan divide. Whatever the outcome of the election, commitments will need to be demonstrated, and our efforts remain focused on the future and the real work begins with the new legislature in January 2023.

I am also encouraged that (other than the Chair of the Senate Law and Justice Committee), we are getting productive engagement and feedback from current legislators as we plan for the upcoming session. We are seeing commitment to seeking balanced solutions, even during this hectic period before an election. At the end of the day, the “where do we go from here?” is the most important question, as we get past the “how did we get here in the first place?” Our way forward is to

- fix the Blake decision,
- fix pursuits,
- fix issues related to juvenile questioning, and
- provide more funding for public safety staffing.

As we work to encourage a focus on facts, solving problems and bringing people together, public safety is still too frequently used as a political wedge issue. After the election, we will need to be there to point the way forward.

Here is a link for data that I think highlights the outcomes from Blake issues:

<https://adai.washington.edu/WAdata/deaths.htm#overallTimeTrends>

On pursuits, no one wants more pursuits, which we know are inherently dangerous. But the current law has emboldened criminals who now flout the state’s authority with impunity. A balanced public safety test that quickly evaluates whether the risk of not apprehending a criminal outweighs the risk of the pursuit should exist to guide our officers in the field. Our streets have continued to become more dangerous for motorists, and vehicle fatalities are on the rise.

<https://wtsc.wa.gov/research-data/fatal-crash-dashboard/>

Serving the Law Enforcement Community and the Citizens of Washington

It should be noted that any changes to the law would still bind officers to operate within the new duty of care doctrine for the use of force.

This week, the King County Prosecutor's Office issued their regular "Shots Fired" [report](#), which is a 2-page infographic showing the rise in gun homicides, as well the fact that in King County, 84% of shooting victims are people of color.

The Seattle Times featured a [column](#) about how crime and the data related to it have been used as a political wedge issue so much that some ignore data and real concerns about it. The column says:

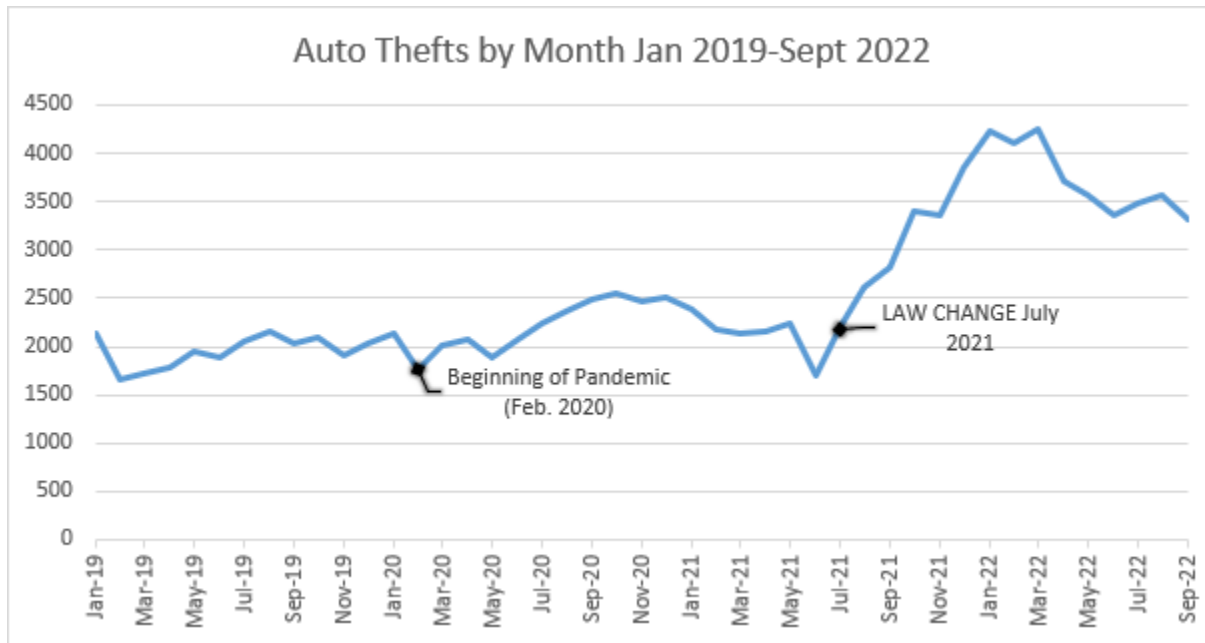
"As Pew Research points out in a new national study released Monday, 82% of Black Democrats view violent crime as a "very important" voting issue this year. But only 33% of white Democrats do."

Last week, National Public Radio (NPR) did [this story](#) that seeks to create confusion about crime data. It quotes Jeff Asher, a data analyst who worked with the Pentagon, the CIA and the New Orleans Police Department. Asher states:

"And so when we talk about murder, yes, we've seen a pretty dramatic uptick over the last two-plus years. It went up almost 30% in 2020. It probably was up about 4 or 5% nationally in 2021. And this year, we're probably seeing a 4 to 5% decline relative to 2021. So we're still at this really highly elevated level now compared to where we were in 2019. Now, if we go back to the '90s, we're still down significantly 30 or 40%, but we're much higher than we were three or four years ago."

In Washington State, as WASPC published data clearly indicates, we had 325 murders in 2021, an all-time high. However, the murder rate was, in fact, higher in 1994, as we clearly pointed out. Washington's murder rate was up 5.9% in 2021, and in contrast to some national trends we are not seeing a decline in the murder rate so far in 2022; as of the end of September, we have 265 reported murders reported so far, exceeding the 261 at the same point last year. Also, our crime data reporting rate is very high, and a [national model](#). While some states struggle with complete data, in our state we have access to good data to make policy decisions.

Also, here is an updated graphic of auto thefts, current up to Sept. 2022, showing the monthly number of auto thefts, noting the beginning of the pandemic and the change in the law in 2021. The number has remained very high.



Source: Washington Crime Information Center (WACIC)

The reduced resources in public safety, and the concern raised by victims of crime, is illustrated in this [story](#) done as part of the “Spotlight” series. [Here](#) is a great example from Renton Chief Jon Schuldt of examples of how the Blake decision has affected their community and how the legislative changes made from the decision have been largely ineffective.

Reminder regarding the Attorney General’s Use of Force Policy Portal

As we sent out a few weeks ago, the Attorney General’s Office now has the link to submit the mandated Use of Force Policy information, which is due by Dec. 1, 2022. The web form for agencies to submit their use-of-force policies and other required information is:

<https://fortress.wa.gov/atg/formhandler/ago/LawEnforcementUseOfForcePolicy.aspx>.

For those of you who are Lexipol subscribers, we encourage you to carefully review, with your appropriate legal counsel, any recent policy updates, especially ones that include language from the AG’s model Use of Force Policy. Several of my previous Newsletters have detailed some of your expressed concerns, and during the last past few months those concerns were discussed with Lexipol staff responsible for updating content. We are pleased to have been given the opportunity to provide your valued input and upon recently reading the final updates have noted that your input has made a difference. While not all of our requests were acted upon, your careful collaboration with your legal counsel and review of any policy updates is essential to ensure your agency policy aligns with your practices.

You may have already seen this portion from the AGO at the bottom of the model policy page, and it is worth noting:

For the information that is published on the AGO website by December 31, 2022, the AGO will rely on the agency's good-faith attestation as to whether its policy is consistent with the AGO model policy, and trust this analysis will be conducted by the head of the agency in consultation with its legal counsel. The law does not define "consistent" in this context. Agencies should rely on the commonly understood definition. In terms of guidance, the AGO offers the following: a policy need not be identical to the AGO model policy to be consistent with it; however, it should be substantially similar and free from significant deviations.

Have a great week and stay safe- Steve

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