

**Greeting from Your Executive Director:**

I wish I could tell you we have some resolution on returning **Social Security numbers for DOL records**, but I cannot. Many thanks to each of you who have provided information about how the loss of SS #s has affected our operations and some of the potential consequences. Here is a short summarized list--let me know if I have missed any:

- First and foremost, having this data **aids officers and deputies on the street** as they play the name game with suspects. As one of our Chiefs said, "losing Social Security numbers is going to increase the danger in our communities, as officers will be letting people go with warrants on a daily basis. I can guarantee it." A traffic officer from another department said having SS #s saves an hour and a half getting fingerprint verification. We also had a report from a dispatcher saying that it increases accuracy to ensure if someone may be a warrant subject, and they were disappointed they could not provide this accuracy to their officers and deputies.
- From the Records standpoint, the feedback we are getting is that lacking the SS #s will result in less accuracy and **more gaps in confirming the identities of persons involved in Concealed Pistol Licenses, firearms transfers, mental health checks for firearms approvals, and protection order verification**. One records supervisor mentioned that they ran a person for a pistol transfer and a criminal history came back. The first and last name, and date of birth were all the same. Once a SS# was provided, it confirmed that the record was for a different person. In this instance, a person could have had their firearms rights denied due to the inability to determine the correct match.
- The search done for a DSHS mental health background check (to determine if a person should be denied a firearm, due to being committed for mental health) has name, date of birth, and SS# fields. However, on the Concealed Pistol License (CPL) application, there is no entry for SS# (and remember, it is prohibited from being asked by state law, which does not allow local departments to change or add to the form). So, without being able to determine the SS# from a DOL record, the returns from DSHS will be necessarily less accurate. The system uses a "sound alike" function, and if someone has changed their name it will not result in a match- which means that **without a SS# a person can come back with no record from DSHS but may have been committed**. Therefore, a pistol may be released through a transfer or a CPL granted to a person who should be ineligible. In addition, a close match for name may generate a "false positive", which leads to an eligible person being denied.

**For background checks, the Records Manager provided this scenario (all names are fictional):**

In 1999 Jennifer Smith (DOB 1/1/1970) is convicted of a Misdemeanor crime of Domestic Violence against her spouse in Idaho. At the time of her arrest she was fingerprinted. Her SS# was recorded for the criminal history at the time of her fingerprinting, however, the location of birth was not entered and her DOB was incorrectly entered as 11/1/1970. Her 1999 Idaho conviction is the only crime on her criminal history. In 2010, Jennifer Smith changes her name to Jennifer Clark and moves to Washington State. She applies for the purchase of a pistol using her new name and new WA State driver's license. **Under federal and WA State law, Jennifer Clark (AKA Jennifer Smith) should be prohibited from purchasing a firearm.**

Possible outcomes with no SS# available for background purposes:

- NICS database inquiry using her correct DOB may return a possible match- or might not.

- Due to the different last names and DOBs, and no SS# of the applicant available, and no way for the law enforcement agency to know about the previous name, there is no way to definitively link Jennifer Smith and Jennifer Clark.
- The agency could run a NICS Criminal History Rap Sheet on Jenifer Smith DOB 1/11/1970, but without a SS# for Jenifer Clark, there is nothing to tie the two names.
- **This application would likely be approved.**

So- the bottom line is that losing this data means more warrant subjects will be released, officers and deputies will be placed at greater risk due to not knowing the true identities of the people they are checking, and there is a greater likelihood that firearms will be approved for people who should have been denied, due to criminal convictions, protection orders, or mental health commitments. Not good. We will continue to beat the drum and let you know what happens.

#### **Speaking of Concealed Pistol Licenses (CPLs), here are some changes you may need to know about:**

As you know, our local LE agencies accept and process applications for concealed pistol licenses (CPLs), and issue them to those who qualify. This process is in accordance with state statute, RCW 9.41.070 in particular.

This past session the law was amended with House Bill 2519:

<http://apps2.leg.wa.gov/billsummary?BillNumber=2519&Year=2017&BillNumber=2519&Year=2017>

that added “A photograph of the applicant may be required as part of the application and printed on the face of the license.” Note the word “may”—it is not required, but allowed for local agencies.

We have a few departments that are now putting a photograph on the CPL and are using a different CPL card format to accommodate that change. DOL is checking into whether they will continue to allow that, or what they want to do with this change. In addition, we have at least one department that is using a different format without a photo.

So- letting you know two important points:

1. Please advise your officers/deputies/troopers that they may start seeing a different format and/or a photo on a CPL. As always, the CPL can be double checked through ACCESS.
2. If you choose to add a photo it is allowed by state law, but DOL has not determined yet whether they will express an opinion on the format.

DOL would prefer that the formats stay relatively the same, so there are not too many different types, so if you are considering a change they would invite you to work with them on the format. They will also be working on changing the formats of their paper copies to accommodate a photo if you add it in the future. The law change does NOT mandate anyone to add the photo or change the format- you can use the current paper forms as long as you wish.

Here is a link to a good article this week on **Extreme Risk Protection Orders (ERPOs)** as it was used by Marysville PD. Great job on the case, and great job in getting a very positive message out:

<http://mynorthwest.com/947303/how-marysville-police-used-erpo-to-prevent-possible-vegas-style-massacre/>

I have attached a very [good article](#) from Lexipol, with their permission, about law enforcement use of force. It is worth a read, and is not too long. It points to the fact that we need to continue to communicate that while we support and value training for de-escalation and better tactics, not every situation can be peacefully resolved, and not every use of force is some sort of failure by the officer. In addition, the article makes a great point about our society's expectation of perfect outcomes, every time, and balancing that with reasonable expectations of us as human beings. Most importantly, the article will suggest that your use of force policy recognize all these factors.

Finally, [attached](#) is a flyer for the upcoming Women in Law Enforcement Career Fair on April 28, from 10:00 a.m. to 2:00 p.m. at CJTC in Burien.