

WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

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Serving the Law Enforcement Community and the Citizens of Washington



June 1, 2018

Greetings from Your Executive Director:

Many thanks to each of you who attended the conference last week in Spokane. Here are a few items for you as we head into the weekend—

First, we continue to raise our concerns with illicit marijuana grows around the state and the **involvement of organized crime in the distribution of illicit marijuana**. I had some valuable conversations with many of our Chiefs and Sheriffs last week about this problem, which is hitting all of our state. We are continuing to push for the state to increase the amount of marijuana revenues to enforcement and public safety, beyond the current plans to devote a little over \$2 million to add to existing task forces. The political divide between the federal and state governments also continues to delay Byrne grant funding for task forces. Our profession continues to be a political football and it is not good for public safety in our communities. Here is a link to a column authored by the US Attorney for the Western District, Annette Hayes, this week about the state's lack of commitment to fighting illegal marijuana:

<https://www.seattletimes.com/opinion/washington-is-breaking-promise-to-keep-illegal-pot-in-check/>

This week, this national news story also discusses the problem and cites a major case led by Grays Harbor County Sheriff Rick Scott:

<https://www.nbcnews.com/news/us-news/foreign-cartels-embrace-home-grown-marijuana-pot-legal-states-n875666>

Here is a heads-up on a change in the law you need to be aware of in terms of hiring officers and deputies—the legislature this past session passed Senate Bill 6145

<http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/6145.SL.pdf> which adds **“lawful permanent resident” to those who may apply for civil service jobs, including law enforcement**. The law also changes civil service requirements, which means that if you require US citizenship for applications currently under your department policies or your agency's civil service rules, you likely want to review and possibly change them to be in accordance with the law. As always, we encourage you to check with your legal advisor. Another term for lawful permanent resident is “green card holder”.

Here are a few issues to be aware of as you look at this with your legal advisor:

President KEN THOMAS <i>Chief—Des Moines</i>	President Elect JOHN SNAZA <i>Sheriff—Thurston County</i>	Vice President CRAIG MEIDL <i>Chief—Spokane</i>	Past President BRIAN BURNETT <i>Sheriff—Chelan County</i>	Treasurer BRIAN WINTER <i>Sheriff—Yakima County</i>
STEVE CROWN <i>Chief—Wenatchee</i>	RONNIE ROBERTS <i>Chief—Olympia</i>	Executive Board GARY JENKINS <i>Chief—Pullman</i>	BILL BENEDICT <i>Sheriff—Clallam County</i>	MARK NELSON <i>Sheriff—Walla Walla County</i>
RICK SCOTT <i>Sheriff—Grays Harbor County</i>	MARK COUEY <i>Director—OIC Criminal Investigations Unit</i>	JOHN BATISTE <i>Chief—WA State Patrol</i>	JAY TABB <i>SAC—FBI, Seattle</i>	STEVEN D. STRACHAN <i>Executive Director</i>

1. First, the new law does allow for rejection of the application if the department does not have the resources to do a full background check. Note, however, that it still allows for a discrimination suit so the decision must be defensible.
2. Second, the law says a lawful permanent resident can apply and be hired, but remember that green cards can expire. So, consider a policy that provides for checking and confirmation of the status.

Finally, there has been some information from the Dept. of Justice under the topic of cybersecurity, in which access to databases (and ACCESS in our state) is limited to US citizens - see this link:

<https://www.justice.gov/jmd/page/file/964941/download>

In checking with the folks at ACCESS in our state, as well as the FBI, however, they have told us that “US citizenship has never been a requirement to access the ACCESS system. They just have to have the ability to work in the United States” and “The CJIS Security Policy remains mute on subject of non-U.S. citizen access to CJI. This means, from a policy perspective, that if you can properly vet the individual using the requirements in Section 5.12, access can be granted. Now, if you have some state/local prohibitor that will also come into play. We have a ruling from the DOJ CIO office that the 0904 order does not apply to states when accessing CJI through the state system (running transactions).”

So-again, we are not giving legal advice; please have your legal advisor check on this and provide guidance to you, but we do want to give you a heads-up on it.

Congratulations to Board members elected or taking office at our conference last week:

- **President Ken Thomas, Chief, Des Moines PD**
- **President-Elect John Snaza, Sheriff, Thurston County**
- **Vice President, Craig Meidl, Spokane PD**
- **Open Position, Chief, Steve Crown, Wenatchee PD**
- **Open Sheriff Position, Mark Nelson, Sheriff, Cowlitz County**
- **Open Non-municipal and Non-Sheriff Position, Mark Couey, Director, Office of the Insurance Commissioner**

Also, with Chief Meidl moving to Vice President, that opened up his current board position following the conference. President Thomas took the names of those who had indicated willingness to serve on the board in the conference election and has appointed **Chief Gary Jenkins of Pullman PD** to the board.

Finally, TVW, the legislative media service, did an hour-long program this week on school safety. The first part of this program features the Superintendent of the Educational Service District in south-central Washington and he cites Sheriff Brian Winter for his leadership on school safety and improved training and coordination. I am featured in the second half talking about our School Safety Support program, as well as the Mass Shootings Work Group that WASPC is facilitating this summer and fall. I am providing the link in case you're interested:

<https://www.tvw.org/watch/?eventID=2018051085>

Have a great weekend-

Work Hard- Have Fun- Stay Safe

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