

WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

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Serving the Law Enforcement Community and the Citizens of Washington



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First of all, we have been communicating about sending the message that the **delays from BLEA training** have been too long and funds need to be increased for CJTC- and we have heard from several legislators and their staffs about hearing from their Chiefs and Sheriffs about the importance of this issue. Thank you and we appreciate the follow up- this issue is getting more attention and hopefully we will see some movement on it.

The Supreme Court heard the arguments on the **appeal of the I-940/HB 3003 legislation** a few weeks ago, and I have had a few of our members ask for a summary of where we are right now (as we wait for the decision) and what we can do depending on the outcome. Here is an overview:

The WA Supreme Court heard the oral arguments on the appeal of the I-940 case involving Tim Eyman (who showed up in jeans and a red t-shirt, part of his public persona I guess). I attended along with James and our legal counsel on this case, Bob Mack from Smith Alling. We also had some media availability before the hearing with De-Escalate WA, although the media covered only the families of those from officer-involved incidents-- talking about the hard work of coming together and the complexities of the case is not interesting enough, but I digress.

As you know, the Thurston County Superior Court earlier ruled that I-940 should go by itself to the ballot this fall, and voided ESHB 3003. The hearings went reasonably well, and the good news is that no one, from either side of this issue, argued for that outcome. Based on my observations, comments and questions from the Justices, and my (non-attorney) impressions of the hearing, I believe the most likely decision from the court will be to either declare I-940 law immediately and say that the HB 3003 language is invalid, or will order both 940 and 3003 as two ballot measures for this fall. The least likely outcomes, again only based on my opinion, is for 940 to go to the ballot by itself or for the Court to say everything the legislature did was correct and 3003 is now law.

So- just to be clear, here are the possible outcomes and where we would go from each:

The Court says the legislature did it right: This is the most preferable outcome for us- it makes 3003 law as of June 8 and we can move forward with specific policy on deadly force and officer-involved investigations changes. CJTC can move forward with their training and rulemaking changes.

The Court says I-940 was passed by the legislature, but invalidates 3003 due to Constitutional issues: This outcome is also OK, just not as good. We have strong

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commitments from all of the stakeholders (as specified in the Unity Statement we issued a few weeks ago) as well as the legislature to amend I-940 into the agreed-upon language of 3003 “as soon as possible”. The only question would be how soon- a special session or as soon as the next sessions starts in 2019. Until the change is made, however, we would have I-940 as the law, which creates a delay in getting the 3003 policy in place.

The Court says both I-940 and 3003 go to the ballot this fall as competing initiatives: This is possible, and again, would create some hurdles but would not be a bad outcome. Again, we have strong commitments from the stakeholders that we would work together to pass and make law the agreed-upon language of 3003. De-Escalate Washington will advocate for 3003 if it is on the ballot.

The Court agrees with the lower Court and says I-940 goes to the ballot by itself: This is the worst outcome for us and for all stakeholders. Even the people who filed the lawsuit, Tim Eyman and Sen. Padden, have said they do not want this outcome. We are back to what we were trying to avoid- a possible contentious and negative public campaign that does not raise community trust and puts our law enforcement labor groups in a difficult position. If this is the Court’s decision, we are not committed to a negative public campaign, but we would need to communicate on next steps while maintaining the good relationships we have built with our stakeholders.

A decision from the Court could be announced as soon as this week or toward the end of July or even into August. Questions? Just let me know.

Here is a link to an incident in Baltimore in which **an officer basically “on-views” a homicide in the street**, runs to the gunfire, and arrests the suspect within seconds. What is also extraordinary about this one is, if you see the conversation before the shots are fired, he is explaining why he cannot take action *Constitutionally* on the first call. It shows the full spectrum of law enforcement in a short time, as well as an illustration of how things can go from zero to 100 miles an hour in a split second...

<https://www.wmar2news.com/news/crime-checker/baltimore-city-crime/baltimore-police-body-camera-catches-april-murder-in-progress>

Meanwhile, **Weymouth, MA Police Officer Michael Chesna was shot and killed this week** on a “routine” hit and run when the suspect struck him with a rock, took his gun, and killed him and an innocent bystander, firing ten shots. This incident has not received much attention nationwide, and it shows how an “unarmed” person with “just a rock” can be deadly. I am willing to bet that many of you have not even heard of this murder, and not surprisingly, it has not become “viral”. You cannot attack officers, and law enforcement cannot “lose” the fight—this is an element that too many people do not, or choose not to, understand.

<https://www.bostonglobe.com/metro/2018/07/16/man-accused-fatally-shooting-police-officer-and-woman-weymouth-arraigned>

We continue to see **amazing work done by our officers, deputies and troopers**, with little attention paid until something provokes “outrage” and “clicks” in sensationalized stories. Working toward solutions that bring people together and raise our profession is what we at WASPC are all about- thanks for all you do!

Work Hard - Have Fun - Stay Safe

Steve

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