



Washington Association of  
**SHERIFFS &  
POLICE CHIEFS**

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

---

November 5, 2021

Greetings from your Executive Director:

As we head into November, this may be a good time to do a status check:

In July, Gene Johnson of the Associated Press wrote a [story](#) on the new police reform laws then going into effect.

The article mentioned our state is “embarking on a massive experiment”, and the laws are “likely the nation’s most ambitious police reform legislation.” Chief Rafael Padilla is quoted as saying, “the laws were written very poorly... and led to there being conflicts in clarity and in what was intended versus what was written”. Finally, Rep. Jesse Johnson, the author of the main bills of police tactics and use of force, “acknowledged some clarifications are necessary- but said that’s not uncommon in complex legislation.”

The story quoted WASPC and pointed out, correctly, that “law enforcement officials have embraced some of the changes and said they share lawmakers goals, but uncertainty about how to comply...may have unintended outcomes that result in increased levels of confusion, frustration, victimization, and increased crime within our communities”.

Force is not defined in the new laws, and probable cause is now needed before that undefined force can be used, rather than the historical standard of reasonable suspicion, which the article cites as “a common sense notion, based on specific facts, that’s someone might be involved in a crime”. The article goes on to point out that “it also means police might sometimes have to let the bad guy go, at least temporarily.”

The new laws have been in effect for several months and it is time to review their impact.

This week, a Poulsbo officer was commuting to work before 5:00 AM in uniform and in a fully marked police vehicle. He heard the sound of a horn blaring and when he looked in that direction, saw a person sprinting away from the parked vehicle with the alarm sounding, leading a reasonable person to believe they were interrupting an alarm. The 15-year veteran activated his emergency lights and caught up to the sprinting subject as they were getting into a vehicle, as the officer got out and told the person “show their hands”. The person got into the vehicle, made eye contact with the officer, and ignored the officer’s commands as they frantically tried to start the vehicle. The officer stood outside the driver’s door of the vehicle giving loud verbal commands, and the person continued to ignore the officer and, after about 10 seconds, got the vehicle started and then drove away recklessly. The officer broadcast the subject’s vehicle, physical description and direction of travel over police radio as the suspect drove away.

A few minutes later, all of the officer’s reasonable suspicions were confirmed. The original vehicle sounding its alarm had a broken driver’s side window and there was a hammer lying on the ground beside the car. The suspect ran from the area of this vehicle, but the officer did not see the suspect in

***Serving the Law Enforcement Community and the Citizens of Washington***

the vehicle. The officer did not feel, at any point in his contact with this suspect, that he had probable cause to arrest the person, and therefore able to use force, if necessary, under the new laws. Prior to the implementation of the new law, the officer could have, and would have, used force if necessary to detain this suspect. As Chief Harding points out, theft has risen sharply in Kitsap County since the implementation of the new law.

This week, Puyallup PD had a [case](#) where officers could not pursue a driver who recklessly struck two patrol cars.

I have heard from several Chiefs and Sheriffs about the increased frequency of drivers not stopping for law enforcement, and we have highlighted several instances in this newsletter. Combined with restrictions on proactive policing, fewer resources due to retirements and departures of our officers and deputies, and the knowledge that pursuits cannot be initiated for stolen cars, we should not be surprised at the most recent auto theft data sent out this week from the State Patrol. The Auto Theft Prevention Authority tracks these numbers, and in October of 2021 we saw 851 more vehicles stolen in this state than October 2020 (3404 vs. 2553); that is a 33% increase. Since July of 2021, car thefts have increased 55%, from 2200 in July 2021 to 3404 in October. Here is the [data from WACIC](#) for auto thefts by month going back to 2002.

Here is where we are- there are many examples each week of the public safety outcomes created by the new laws, and they likely result in the desired outcome of reducing law enforcement uses of force. Why? Because the nature of these sweeping changes effectively removed law enforcement from many interactions completely. The new laws are the most restrictive in the nation and have in some ways eliminated large elements of proactive policing, and may result in more dangerous situations for residents, emboldened criminal behavior, more violent crime, and more disorder. If that is the acceptable and desired new normal, our policy makers and our communities need to understand what that means.

The July article from the Associated Press also went on to point out these laws are “taking effect as police have left the state and the profession in droves.” The recent 2020 FBI Crime report points out that **Washington State is, for the 11th straight year, 51<sup>st</sup> out of 50 for officers per thousand**, when you include Washington, DC. Based on this year’s data, our Policy Director, James McMahan, did some math and here are some remarkable results. As people use the politically loaded term of “defunding the police”, the numbers show in Washington State we have been defunded for years.

- If Washington State were to **move up to be tied for 50th, we would need to hire 802 additional officers** statewide (a 7% increase in the number of officers). Assuming an annual cost of \$120,000 per officer, that would require a statewide investment of more than \$96 million per year.
- If Washington State **wanted to rank in the middle, 25th in the nation, we would need to hire an additional 6,320 officers statewide** (a 58% increase). Assuming an annual cost of \$120,000 per officer, that would require a statewide investment of more than \$758 million per year.
- If Washington State **wanted to rank #1 in this measure, we would need to hire an additional 34,033 officers** (a 310% increase), costing more than \$4 billion per year (assuming the same \$120,000 cost per officer).

The elections this week, both locally and nationwide, seem to be reflecting a move toward balance and coming together for solutions. Here are a number of recent columns and links that provide some context:

- A Portland City Commissioner recently authored a [column](#) that is worth reading
- Retired Pierce County Sheriff Paul Pastor authored this excellent [column](#).
- Here is an [article](#) about how the dynamics of “defunding the police” have changed in many cities.
- A recent Pew [survey](#) indicates strong support for more funding for law enforcement, which says, “the share of adults who say spending on policing in their area should be increased now stands at 47%, up from 31% in June 2020. That includes 21% who say funding for their local police should be increased a lot, up from 11% who said this last summer.”
- In Tacoma, this [article](#) highlights demands from the community for greater safety and the sense that “crime is taking over.”
- Here is an interesting [article](#) about Apple AirTags and the ways they may be used to recover stolen property, and also concerns about their use in stalking.

Finally, this week we are posting a [new podcast](#), titled, “Slow Down, Team Up and Tell Our Story: Managing Change” with Marysville PD Chief Erik Scairpon. The Chief’s themes really help communicate to the department and the community the changes being developed for de-escalation and implementing the concepts from Patrol Tactics Training.

Stay Safe!

- Steve