

CLEARing the Air: Understanding Washington's Drug Crisis Response

Episode 3: The Role of Law Enforcement – Questions, Myths, and Answers from Two Retired Cops

Introduction: With the increase in overdose deaths in our state over the years, what we're doing in Washington State is recognized as a crisis response.



In this series, we want to explore the system currently in place to respond to drug use in our state. This series is not intended to change minds, only to expand understanding of our current systems. It's complex and at times complicated. There's often an urge to call a system broken, but is it really broken, or is the system operating as each part was designed to, and it just doesn't meet our needs or expectations?

Through first-hand knowledge and storytelling from those inside the system, we can look at the parts and hopefully gain a better perspective of the whole. Each episode will feature different perspectives of our crisis response from the criminal legal system, health and social services, and those with lived experience of drug use. You can listen to them in order or jump to a specific topic before we discuss the past, we're starting from the present, because that's where the failures and the successes of the system currently can be found.

This series is presented by the University of Washington's Addictions, Drug & Alcohol Institute under the Department of Psychiatry and Behavioral Sciences, with funding from the Healthcare Authority. You're listening to CLEARing the Air: Understanding Washington's Drug Crisis Response.

Jeff Myers: Welcome to this episode of the CLEARs podcast. In this session, we're going to be examining the role of law enforcement, some questions, myths, and answers from two retired cops. I'm Jeff.

Amy Naylor: And I'm Amy.

Jeff: The purpose of this is to address these questions and myths, to help challenge stereotypes, promote empathy and foster a more inclusive and effective approach to supporting individuals who use drugs and are involved in the criminal legal system, as well as our broader society. So, let's talk a little bit about some myths and realities about the criminal legal system in Washington State. So these are things in our work, in our time and our experience, that have come up at different events and in our work during

the CLEARS Project. And so, let's throw out a couple myths and some possible answers to those myths.

Amy: Right. The first one: all arrests and charges in Washington State are handled the same way across different counties.

Jeff: Ooh, that's a that's a kind of a loaded question. And I think we're probably all going to know that that's not the case. The reality is, handling cases really varies on local policies, the prosecutor's discretion, available resources, including jail space -- as I mentioned earlier in our podcast, there are some communities where their jail is so full that they will not accept bookings, even on their own arrest warrants for felony crimes.

And then it also depends on treatment options, you know, I think for us, when we're talking about people involved in drug use, ordering someone to go to drug treatment when there is no drug treatment available in their community is asking someone to fly to the moon.

So, there are 39 independently elected county prosecutors -- again, they serve four year terms -- and they have the ability within their own communities to prioritize their charging decisions and the resources. They may just flat out decide, hey, for these this type of crime or these types of offenses, we're not going to file charges, period. And officers and detectives usually get told to of that, and it can be very frustrating, especially since we're working with the victims and trying to explain to victims of yes, it's a crime, yes, we've proven the crime, but no, no one's ever going to get charged. Those are part of the process that goes through these differences between counties.

And then even the cities inside of these counties can do it differently. If it's a misdemeanor or a gross misdemeanor offense, that goes into a court of limited jurisdiction, a district court or a municipal court, and so if it's a municipal charge in a municipal court that's usually handled by a city attorney or city prosecutor. So, in addition to the 39 county prosecutors you could have, I don't know, 100 maybe different city attorneys or city prosecutors. They're handling cases across municipal courts all across the state. So, think about it, if, if you just looked at this, just a statistical opportunity for everybody to do everything exactly the same, it's kind of almost impossible.

Amy: Yeah, and as we talked about earlier, discretion is important. And while sometimes discretion can be frustrating, it is important that specific communities and prosecutors have some discretion and some ability in order to respond to the community and the community's priorities, right? Because some communities are faced with certain issues that are of bigger concern to them. That might not even be an issue that another community is even thinking about. And so while it can be frustrating, it's always important

to look at the other side of that, and if we didn't have any discretion, would that, in fact, be better? And I guess I would argue that, maybe sometimes, but probably not.

Jeff: Yeah, and then people, we've had, I've had this discussion about discretion, and here's a probably the simplistic example: it's against the law to have a burned out headlight. And if we took away every officer's discretion -- instead of that officer pulling you over and saying, "Hey, by the way, you got a burned out headlight, you need to replace it," we took away that officer's discretion so every single time somebody has a burned out headlight, you have to write them 100 and something dollar ticket. That is why we have officer discretion, because there's multiple ways to solve the problem.

But in the end, every situation's so different and people are so different, jurisdictions are different, officers are different. Some officers listen better, maybe they pick up on things that someone else misses. But in the end, even though you might have had a similar experience, or your aunt or your uncle or your cousin or your friend, oh, I heard that this happened and how come this turned out differently -- no case is exactly the same as every other case, because there's always differences, nuances and those things. And then everything depends on meeting each element of the crime with the circumstances at hand. So, you may believe -- and especially this is where a lot of citizens get frustrated, they're like, "I know this is a crime and I can't believe somebody isn't getting arrested for this." Well, it being a crime is not the same as proving it's a crime,

Amy: Right, yes, yes. And I, oh gosh, I can't count the times through the years that -- well, I mean, I can think of a major crime: I had a homicide one time that to this day, I feel really confident about who committed that homicide, but I could never legally prove it. And I still think about it, because sometimes you just cannot, even though my gut and my circumstances and you know.

Jeff: And that's why we have the system we have, right? It's not perfect. The criminal justice system is far from perfect, but it's the best system we've yet developed that makes sure, or assures us, that it's not your gut that's convicting people of things.

Amy: Right, right.

Jeff: And that it's better to let a guilty person go than to convict someone who's innocent. And that's the bar that continually has to be met as we go through the process. So, whether it be the officer on the street, the prosecutor who reviews the case, the judge that hears the case, the jury that determines the facts of the case, there's always that level of discretion all the way built in through the system.

Amy: Yeah, and that's kind of one of our other myths, is that sentencing in Washington State is always fair and equitable for all defendants.

Jeff: Yeah, and again, I think going back to the answer the last question, it's always going to be different, because every county is different, and there may be someone that's charged and convicted and sentenced in one county, and another county three counties over says we don't charge that crime, we don't have time for it, we're not going to do it.

I've also seen cases where, just like there's a shortage in officers across our state right now, we are 51 out of 50 states, that includes the District of Columbia, for the number of officers in Washington State compared to the entire country. The same shortage is happening with prosecutors, and there were times, much to my dismay, that we had filed felony cases with conviction, with confessions, with all the evidence needed, and the case hit the statute of limitations, which for felonies, is typically three years, and the prosecutor had never gotten around to reading it because they didn't have the time. The case just was never filed or cases were dismissed.

So yeah, there is going to be differences. It can be race, racial differences. It can be socioeconomic. As you said earlier, Amy, community norms are different. Charging decisions and priorities are different. You know, there's access to legal counsel can be different, rural communities versus urban communities, and all those things have a factor. Is it fair and equitable? I don't know. Is it -- that's a tough bar.

Amy: Well, I mean, I would say that life is not fair and equitable, and as much as we would like it to be, it isn't. I mean, that's the reality. And the other side of that, though, is that that doesn't mean it's never fair, and it doesn't mean it's never equitable, or that it never works, or that justice is never served, right, so.

Jeff: And it also goes back to that premise: it's better to let a guilty person free than to convict them. And so the benefit of the doubt is to the defendant, and that's the way the system is designed.

Amy: Right. Right. And, you know, when I think about if I was a defendant, I'm really glad, yeah, that's how the system is, right. And that is how I think the system should be.

Jeff: Well, that brings us our next myth: prosecutors in Washington always prioritize justice over conviction rates.

Amy: Yeah, I mean, we've talked about this really, in a roundabout way. It's the same answer, like, there's discretions that can impact case outcomes, sometimes leading to plea bargains that may not fully reflect the circumstances of a case. The reality is that most criminal cases are resolved without a trial. And what goes into prosecutorial discretion? It's all of the things that we've been talking about.

And we always have to remember that the criminal legal system, as with many, maybe most, all systems, is: involves people, and people are nuanced and complicated and complex, and no two people are the same, and so therefore no two situations are exactly the same. And while, you know, we talk sometimes about this idea of equality, and I could be really out in left field here, but I think what we're looking more for is this idea of equity. Because what I want, if I'm the person that is the defendant, I want someone to look at me as the unique person that I am. I don't particularly, necessarily want to be treated like every single other person out there.

Jeff: I agree. It comes down to fairness. Isn't that kind of what we're looking for?

Amy: Yeah.

Jeff: Maybe it's kind of like a civil case, you know, nobody's maybe totally happy, but at the end of the day, if they walk out of the courtroom feeling, "Well, I felt heard, and I feel like the outcome is fair," then isn't that -- is that potentially a measure of success? Instead of saying, well, let's just use AI technology to examine every single criminal case and take all of those human factors and make sure that every person that has a headlight out, gets a traffic ticket no matter what.

Amy: Right, I mean, that's essentially it. I don't want the humanity. I want the humanity to be acknowledged in all ways. And so sometimes the humanity is that the system doesn't work the way that. We wish it did. But the other side of that is the humanity sees the person that's life is being impacted by this, or the people's lives that are being impacted by this, and that's an important thing to consider.

So, anyways, let's move on to our next myth: police use of force incidents in Washington State are always thoroughly investigated and transparently reported.

Jeff: Interesting. So there is a lot of myth here, and so we're going to kind of dissect this in different pieces. So first of all, yes, it can vary. It goes back to what we talked about earlier: each agency has their own policies and procedures on how they face whatever it is they're doing, including use of force. And the reality is, some cases have a lot of public scrutiny, especially with social media today and the use of cell phones and recording incidents that sometimes lack a lot of context, but people should know that the state has enacted a model use of force policy and reporting requirements, and that's an effort to standardize the use of force reporting, training, and investigation to go on across the state.

Because one of the problems has been not having really good data to know that there isn't a problem. It's been a perception: oh my gosh, that officer did that wrong because it looks bad on a video that somebody is holding on their phone at three o'clock in the

morning, as opposed to actually knowing the facts and circumstances. So, Washington State launched a new database called WADEPS, it's the Washington statewide use of force database, and it's intended to improve transparency and allow for collecting that data and better analysis of this police use of force data across the state, across all agencies.

Amy: The law also requires any deadly use of force by a peace officer to be investigated by a neutral, non-involved agency or a specialized regional task force. The governor's office also has the option to independently investigate any deadly force incident, and although police use of force incidents can garner media or social media attention, the reality is that most law enforcement interactions do not involve the use of force by peace officers.

Jeff: I think we need to repeat that: there are millions of interactions across the country between officers and residents and people every single day, and the majority, 99 point something percent do not involve any sort of use of force.

Amy: Yeah, yep. So, for example, the ratio of use of force incidents compared to citizen contacts is very low according to the city of Seattle, with 0.3% of all calls for service resulting in any use of force. As you said, and as my experience, and I am confident your experience as well, is the number of times I used force compared to the number of contacts that I had with people, was just -- they were so far apart. It just, really, using force really, was truly not that common. And I also think that it might be helpful to just briefly talk about that sometimes it can be really important when we talk about use of force to make sure that we're using some shared language.

Jeff: For sure, that's been part of the confusion. I think, yeah.

Amy: Yeah, is what people define as a use of force compared to what maybe law enforcement may see as a use of force. Because really, putting somebody in handcuffs is technically a use of force. Escorting somebody is a use of force. It's a very low-level use of force. Our presence, because we represent authority in a uniform, is a use of force. Very, very low level.

Jeff: And that's why this model policy and really, agencies did not collect the same thing, so in some agencies, a use of force wasn't until you actually use deadly force. And they'd say, "Okay, we count that as a use of force." Agencies like ours, we were accredited agency through the Washington Association of Sheriffs & Police Chiefs, and an important and also now with this new model policy, a use of force is not necessarily compliant handcuffing, it's not your general -- but anything, any sort of pushing, shoving, grabbing, wristy-twisty, escorting someone, taking someone to the ground, any of those type of things are now considered a use of force, and they're properly recorded and documented now they'll be uploaded in this database. So, in years past, when I started in this

profession, yeah, we didn't consider use of force the same as what we consider use of force today, but in my agency's experience, our use of force rate was so very low, and we recorded everything, anything beyond compliant handcuffing, we recorded as a use of force. And even with that high bar, it still was very, very, very, very low.

Amy: Yeah. Same with my agency. And we also, in the later years, we would look at even instances where there, in fact, was no use of force. There may have been a perception of a use of force, right, by someone on the outside watching a scenario that was unfolding. And so if there was, you know, we believed there could be a perception of this, we would include that in information that we collected as data. And I mean, we would certainly indicate that, yes, this was perceived, and there would be some information about what had happened, but yeah, definitely things changed over the years of my career as it came to use of force.

Jeff: So we actually did an annual analysis of all use of force incidents, so we looked at the shift, the time of the day, the graveyard versus day shift, the incidents handled by officers, and the officers involved in the use of force. Obviously, officers that were involved in more incidents typically had used more force -- it's just a percentage, it's a statistical percentage. But we also found -- we also did, similar, we recorded just display of a firearm or the display of a taser, so it wasn't used or it wasn't deployed. We were recording the times that by having the tool, but not having to use the tool, we didn't have to use force. So it's one of those situations where sometimes using force in a situation will prevent something from getting worse, and that's what we were trying to also capture in this data.

Amy: Yeah. There was a lot of data that was being captured around use of force, perceived use of force, significant use of force, no use of force. Who was doing it, when they were doing it, all the things.

Jeff: And that's kind of an early warning system too. If you have an officer out there that's doing things that he or she shouldn't be doing, the first level supervisor needs to know about it first, right? And then the rest of the agency going up that chain of command we talked about needs to know about it because is it a training problem? Is the agency training everybody wrong, to do it the wrong way? Is it a perception issue? Is it a legal training problem? Or do you have an officer that probably shouldn't wear the badge, and if that's the case, it was my responsibility as administrator, and your responsibility as administrator, to gather the documentation necessary so that person no longer worked in the police agencies. That's our obligation.

So, use of force works both ways: One, a need to understand, people need to understand that there will always be a need for use of force, because there are some situations that you cannot resolve without going hands-on with someone, albeit very minimal or

whatever that level may be, or in this case, .3% of all these contacts. But there will be times it's necessary. I can think of times where we've had to -- it's technically use of force, not a crime -- but we had to pull someone off the bridge that was trying to jump and die by suicide by grabbing that person. That's a use of force. We're not making an arrest, but in that case, would we want to tell citizens, "Oh, I'm sorry, we were not going to touch this person. We're going to stand here and watch them jump because we don't want to take the chance of using force on someone"? And that's an actual example I used when we're working through some of the police reform bills that went through the legislature. It's not as straightforward as saying you can and you can't, because there's so many nuances of what you're doing out there in the field.

Amy: And I think that that, I mean, is a really good point for so many of the things that we have talked about today, is that numbers can only tell so much, or a news story, or an article. . .

Jeff: A video.

Amy: Yeah, and so it really is beneficial to ask some critical questions and to do some critical thinking, whether it's numbers around use of force that you're looking at, or prosecutor decisions, or even some other system that has nothing to do with the criminal legal system, like there's just value in general in doing some critical thinking and asking some really good questions, because there's limitations to it.

Jeff: I think it comes down to context.

Amy: Absolutely.

Jeff: The numbers don't mean anything if you don't have the context of what you're looking at. And that comes from what we're doing today with this podcast, and that's creating a higher level of understanding.

Amy: Yeah, naked data is never good. Meaning like, without the context, without a story, it just doesn't give enough information to be able to really draw any conclusions or form opinions.

Jeff: You know, Amy, when you said naked data, for a minute there, I thought you were talking about a call, because we've all received those too. Yes, they do occur. Yes, it's rather uncomfortable, and those police do have to respond to those ones too.

Amy: We could spend the whole podcast talking about those.

Jeff: The whole podcast, yeah, on calls we've been on, yeah, it'd be a long, long. . .

Amy: It would be a long podcast.

Jeff: So let's talk about the myth of drug laws in Washington State that prioritize treatment and rehabilitation over punitive measures.

Amy: Okay, well, you know, the reality is that while initiatives like drug courts and diversion programs exist and have been in place for many years in some counties, changes in state law after the Blake decision had basically decriminalized simple possession of even hard drugs such as cocaine, meth, heroin, and fentanyl. More recently, the legislature has recriminalized these drugs, but the ongoing changes and variations in priorities related to drug laws has left a wide margin for how drug laws are perceived, enforced, and prosecuted, from jurisdiction to jurisdiction.

Jeff: Definitely, for drug crimes which previously were felony charges where prison time could be imposed. The current state law as it stands right now at the time of this podcast, criminalizes simple possession of drugs, but it's a misdemeanor offense, and in the statute, it encourages courts to seek a treatment option instead of a punitive option like jail. So, this transition from felony to misdemeanor has now transferred a huge volume of cases from what used to be only in superior courts handled by county prosecutors into all these courts of limited jurisdiction we talked about before, including county district courts and municipal courts.

So, from in the past, where maybe there were 39 charging decisions being made regarding drug crimes across the 39 different counties, now you have hundreds of different courts deciding whether or not they're going to arrest, whether or not -- or jurisdictions -- whether they're going to arrest, whether or not they're gonna have these pre-arrest diversion programs, whether they actually issue a citation where they're actually going to charge a case, whether you actually see a case through court. So unfortunately, there is not a good answer here, because this nature of the changes in the laws, the nature of prioritization of law enforcement and criminal justice resources, has made it such that, literally, you could be arrested for simple possession in one county, drive over the line to the next county and not be.

Amy: Right. And, I guess I want to touch on the myth which says drug laws in Washington State prioritize treatment and rehabilitation over punitive measures. And I just want to encourage moving back from kind of this binary thinking of that it's either prioritizing treatment and rehabilitation or it's punitive measures.

Jeff: Yeah, locking everybody up. It's either treat everybody or lock everybody up.

Amy: Right. And I think -- I mean, like, when we look at other things or other changes, or let's take other health considerations that we all might have, nothing is -- we don't change some aspect of our health or our well-being through just one thing, right? It's oftentimes a variety of things. And I think it's the same with this. It's not about prioritizing treatment and rehabilitation over punitive measures or vice versa. It's recognizing that there is space and a place for both of those things. And also, there's a human being, usually multiple human beings, because people have families and friends and people that care about them, that are being impacted and have some say, and should have some agency. And so if you do have agency -- so if you have somebody who is at a place where they are really adamant that they are not interested in treatment or rehabilitation, that is going to influence and impact, potentially at least, if you were to force them to go there. And the same could be true, that if you have somebody who's really like, "Gosh, I really want to go to treatment, I'm ready," you know. . .

Jeff: But there's no beds.

Amy: But there's no beds, yeah.

Jeff: Which happens unfortunately.

Amy: Right, it happens often. And so I think that it's more effective and helpful if we can think about it less as an either/or and more of an "and." Like sometimes, and granted, I'm coming from a law enforcement perspective, and my experience in law enforcement, in arresting people for all kinds of different things over the years, and that sometimes a little bit of reset in jail for a minute sometimes provides a window and provides people some clarity to be able to make a decision about whether they, in fact, want to go to treatment and are ready for that.

Jeff: Absolutely. We had a small municipal jail, and I think that there were times that people needed that kind of time out, for lack of a better way to put it, whether it be the community or a victim or the person themselves. And it also, I think it's what's missed here with this either/or option, is when someone's in jail, especially two or three days in when they've kind of stabilized, they've come down off whatever substance that they may be involved in -- and I will tell you, the majority of people that we booked in our jail had either underlying drug or alcohol issues or problems or a crime related to those underlying issues or problems. It's just a fact. We can argue it all you want, but it's a fact.

But I think that being in jail was a good intersection point for that person to then maybe have the clarity in mind and the opportunity to avail themselves to some of those resources. And I think we're really seeing that jails today, in our experience and some of the work we've been doing with the University of Washington, jails are almost kind of like crisis centers now. People coming in that are addicted to fentanyl or may have used

fentanyl, they have to monitor them closely, medically. They have to separate them from other inmates to make sure there isn't any contraband being passed. And it's really, these jails now are not really so much about punitive or corrective action, they're more about stabilizing someone, to make sure that they survive, to take the next step, whether that's going to court or going to treatment or seeing a probation officer, whatever it is that they are in jail for.

And I think it's important that we really start to front load those services in the jails, because I was always so frustrated -- we had a 30 bed jail -- and I was always so frustrated: what an opportunity for other factors or other entities of the criminal justice system, or social service providers, or treatment providers, to go have some time with someone when they're ready, or more ready than they probably would be any other time.

Amy: Yeah, I agree, and I think that there's a lot of space, and I think we're entering some opportunity. I think it has begun to happen already, just what you're saying, where we're rethinking, maybe, what jails, the role that a jail can play, or jail time can play, and so I just don't think it's about an either/or. I think there's a big "and" in there and space for, yeah, for both treatment and rehab, while also holding people accountable in an appropriate way.

Jeff: Because that's something, sometimes, a nuance that gets lost is that in many of these crimes, there is an actual victim, whether it's theft, trespass, or assault, or maybe DV. Yes, we do focus on, like we talked about discretion, we focused on the individual that's involved, but there are also individuals on the other side, and those folks have an expectation of some sort of justice. And so I think there, as you said earlier, it's not an either/or. There needs to be a balance.

Amy: Yeah, there really, really does. And so kind of similar or related, another myth is Washington State's criminal legal system effectively addresses mental health issues among defendants.

Jeff: Wow. Another loaded myth. I think, wow, where to start? Well, there are already mental health diversion programs available, and we talked about some of the co-responder programs that law enforcement agencies and fire, EMS agencies have where they're bringing mental health professionals to the scene with them, maybe chart out a response that's most appropriate for that person's needs, but there are gaps in resources and access to treatment and mental health providers, and it's no surprise that those in rural counties, or those of us who live in Eastern Washington, there are many, many less providers available than there are in more urban areas.

And so the other piece here that's important for people to understand is that there's a huge, significant backlog at the state mental hospitals, these are run by Department of

Social Health Services, where they're responsible to evaluate the criminal competency of a defendant if the person is posing some mental health issues, and they are required to provide restoration treatment services so that the person can help in their defense or adequately represent themselves in a criminal case. Because of this backlog, there's a case, a federal case, in the Trueblood decision that the state is consistently being fined by the federal government for not meeting these evaluation timelines. And so not only is this preventing a court from seeing a case in a timely manner, and the defendant not getting to court in a timely manner, awaiting these restorations or awaiting these evaluations, but it also delays justice and fairness for the victims.

Amy: Yeah, and I want to talk a little bit on this topic around pulling it back from the court system, if things get there to just the response of deputies and patrol officers. And I will say that this goes back to things we've talked about earlier. One is law enforcement is the 24 hour, seven day a week, 365 day a year system, and so they often are the people being or responding to mental health issues, and whether, and we could talk for a long time about whether that's right wrong, the best thing or the worst thing, or somewhere in between.

But I will say this, that law enforcement I have seen become much more effective in recognizing and responding to mental health issues. Is there room for improvement? I am sure, of course there is, because there's always room for improvement. But I really have seen in many agencies, significant improvement in recognizing that whatever they're responding to is, in fact, a mental health issue, first and foremost, perhaps and then figuring out an appropriate response.

Jeff: And resources.

Amy: And, right, and being able to know what the resources are that are available, and getting them there, taking more time, slowing things down more. And so I think this is a space that -- are there times where it could be better, of course, but I think there's been significant improvement in patrol level response.

Jeff: Absolutely. And I think a lot of that comes from training, you know. There's been intervention techniques training and a real push. But I would have to say, irregardless of the training, for my agency, it really came down to experience and the officers. Some were better than others, obviously, like I said that officer that would sit on the curb for someone who -- they'd have a call, they'd sit there for half an hour, keeping this person or giving a hug or whatever. But I think the piece that really needs to be called out is what you said earlier, law enforcement is only ones out on the street 24/7, so even if you have an agency that has an embedded social worker or an embedded mental health professional in a co-response team, it's not likely that co-response team is 24/7, 365, so, you know, at three o'clock in the afternoon, yeah, you may have a co-response team, and

you might have a mental health professional and a crisis response, but at three in the morning you might not. So we still have the same issue and problem.

The other problem, and the other concern I have, is trying to separate those two things. Unfortunately, there's always a level of potential danger to the person in crisis as well as the responder. And I have a lot of friends that have advanced degrees in mental health and they're mental health professionals, and, boy, these are really caring people, because that's a tough job, but I don't think that they signed up to go to someone at three in the morning, talk them down off the bridge when they're clutching a knife threatening to kill themselves or someone else. That's not what they signed up for. So, that is a role of, you know, no matter what happens, law enforcement, even with fire and EMS, someone has to make the scene safe, someone has to make the situation safe before you can actually get into any of the problem solving. And that's the role of law enforcement.

Amy: Yep. Well, and that brings us to our last myth: victims of crimes in Washington State always receive adequate support and protection throughout legal proceedings.

Jeff: Oh, another tough one. So we're not supposed to get on our soapbox here, but this is the place I'm going to get on my soapbox, because the Washington State legislature has spent a lot of time focusing on the factors of the criminal justice system, making sure there's adequate representation for defendants, looking at all the factors and sentencing guidelines and all of those things. And I feel that sometimes we forget about the victim, because most, as we said earlier, most of the time, there is a victim in these crimes, even though charges are pressed by the state, they're not pressed by the victim. There is an actual victim here, and I think for these victims, the support services, just like we talked about, social programs and social services and treatment options, it also varies when it comes to victim services. And it's very difficult to navigate the legal process, and sometimes it can be actually re-traumatizing for individuals.

I know I can remember one rape case that I handled, an investigation, and through the course of, legally, the course of the defense and the investigators that the defense had, this person got to the point that she didn't want to go to court anymore. So, in fact, you unintentionally re-victimized a rape victim, and those things happen. And so one of the challenges is, for us as peace officers, is we see all sides of it. We're the ones that are at the scene at the time. We're the ones that see the evidence, collect the evidence. I'm sure you, Amy, have been to some horrific crime scenes that we can't even describe, and when these officers and detectives are also the people that interact directly with the witnesses that saw what happened, the emotions that come with it, the victims, and, as well as a suspect, oftentimes, and especially in a major case, we're going to sit down and interview the defendant, or the suspect, and find out their side of the story. And these officers, the ones who have to deliver the death notifications to the family members, deal with bereaved family members. Right before I retired, we had a homicide, and as a chief of

police, my role was to support all of our officers and our needs and what we had, the investigation that was going on. But then I also ended up dealing with the family when they showed up at the scene after they found out that their loved one had been killed. And, you do those types of things for several years, and it can be tough.

Amy: Yeah, it can be, you know, I think when the myth says “always receive,” well, of course, we know that “always” and “never” probably should be removed from our vocabulary.

Jeff: Absolutes are never absolute.

Amy: Exactly. That's the only absolute. And so, of course, and it's just, it's important to know, and if you have been the survivor of a crime, you probably know this, if you haven't been, I hope that you never are. But if you find yourself in that position, the reality is, it is a difficult process and system to navigate. And as you said, Jeff, it can be extremely challenging, and really, as I said earlier, it's not for the faint of heart, like it is an adversarial system, and that is something that has to be considered, because these, the people involved, regardless of the role that you find yourself in, these are real human beings, and the impacts of legal proceedings and court and investigations are real and can last for a long time. And prosecutors and survivors and victims, and defense counsel as well, really need to take all of those things into consideration. But in terms of if you find yourself in this position again, this is a good time to really think critically and to ask some good questions and to be really curious and to reach out and ask for help. There are, you know, many prosecutors' offices have victim advocates embedded in them. Sometimes there's advocates out in the community. . .

Jeff: Especially for domestic violence and other. . .

Amy: Yeah, absolutely, and sexual assaults, which are, you know, the people crimes are oftentimes the ones that are the toughest, certainly, to be a survivor of and sometimes navigating the legal proceedings associated with them. So there is support available and keep asking, and keep asking good questions, and keep advocating for yourself, if you find yourself in that position.

Jeff: I think we also have recognized, finally, it's taken a lot of years, but given the impact and wellness impact that these cases have on first responders, including police and deputy sheriffs and EMS providers and firefighters, is we're starting to recognize that this accumulation of direct and indirect trauma that we're dealing with, that we just talked about here, really does take a toll on first responders, and so we're we are working as a profession, to really take this into account, to really look at our mental health support, to look at our ability to debrief, to support people, to encourage our officers to seek mental health treatment and assistance, not just when there's a tough incident or a really bad

call, but just in general. Because I think we're starting to learn that if we expect our first responders to deal with people on the street that aren't well, then the first responder needs to be well first, because it's really difficult to do it if you aren't.

Amy: Absolutely, and so, talking about soapboxes, if I can for just a moment.

Jeff: Of course, it's your turn.

Amy: Yeah, this is one of those places where I really want to encourage listeners to think about if the elected sheriff or the chief, or if it's coming from officers, saying we need, or really want, fill in the blank, something related to wellness, this is why it's so important. We sometimes think that what's really important is making sure that officers are trained in how to do some fancy tactics, and whatever. And I'm not saying that those things aren't important. Of course, those skills are important. But sometimes they have been made important to the exclusion of recognizing that well people can serve well, and the more well the officers are that are showing up, the better they can serve, and the better longevity and the better sustainability that they have and the better resilience they have, and really, and therefore, the better problem solvers, and the better listeners, the better servants they can be. And I think it's fair to say that that's what we want, right? Because it would be better, in my opinion, if that whole person wellness was really running at full speed, because then the likelihood of having to use some fancy defensive tactics move or some other thing is so much less likely. And so sometimes, I think it. . .

Jeff: I think comes back to what you said a moment ago too, it's those better outcomes.

Amy: Right.

Jeff: You're running on all the cylinders that day, and you're able to really, and I think it also emphasizes that, no matter what, and this is something that I see sometimes that's very disturbing, especially at protests that we've seen around the state, is at the end of the day, that person standing before you that you're screaming in their face and doing whatever, that person is a person too, and just because they're wearing a badge and uniform doesn't mean that they don't have feelings. Doesn't mean that they don't care for their community, doesn't mean that they aren't longing to go home to their spouse or see their kids at the end of their shift. So, I think there's, you know, we've talked a lot about today, as this podcast has unfolded, about humanity, and I think it's important that we recognize that humanity all the way around.

Amy: Absolutely, absolutely and it all, it does take a toll. You're right, and there's another shift to go back and work tomorrow and the day after that and the day after that. And so, self-care, so to speak, and being well really is a full time job that needs to take priority, not only for the individual, but really from an administration standpoint, from a funding

standpoint, from a city administration, from a county administration standpoint, and from a state standpoint.

Jeff: I agree. Well, we have covered so many things. Amy, I think we have to wrap it up. I don't think we've covered it all.

Amy: We haven't, but we will look forward to more myths, perhaps, in the future that we can sit down and talk about, Jeff. It's been enjoyable.

Jeff: Absolutely, and hopefully, people that listen have some better information. We weren't really here to change minds but hopefully open minds and share a little bit of our experiences as retired cops in this state, and then again, maybe by challenging those stereotypes and promoting empathy and fostering inclusion and effective approaches, we can also, we can all make kind of a difference on how we face challenges that are before us, and it reminds us that no matter what our role, we are all people, And we all deserve respect and dignity.

Amy: Agreed. Well said.

Jeff: Thank you. So be sure to tune in for other podcasts related to the CLEARs Project, and we look forward to hearing from you in the future.

Amy: All right. Thanks. Jeff.

Jeff: Thanks, Amy.