



Pierce County

Office of the Prosecuting Attorney

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Tacoma, Washington 98402-2171  
Front Desk: (253) 798-7400

Prosecutor Mary E. Robnett

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FAX: (253) 798-6636  
www.pierceprosecutor.org  
pcprosatty@piercecounitywa.gov

November 29, 2022

The Honorable Jim McCune  
105 Irv Newhouse Building  
PO Box 40402  
Olympia WA 98504

Dear Senator McCune,

There is a growing sense of lawlessness in our communities. Rates of both property crime and violent crime are up significantly, and our residents and police officers tell us about the brazen criminal behavior they observe. We believe recent, unwise legislative changes have contributed significantly to these problems.

**Allow Law Enforcement Pursuits**

Much has been written about the problems created by HB 1310, which eliminated a half-century of jurisprudence related to law enforcement contacts based on “reasonable suspicion.” That issue was mostly corrected last year, but the continuing prohibition on most police pursuits created by HB 1054 (codified as RCW 10.116.060) remains problematic. The legislation has emboldened criminals, who obviously know that they no longer have to comply when police are trying to conduct traffic stops related to criminal investigations. This is causing more crimes to go unsolved and allowing more criminals to escape any consequences for the harms they cause. We urge the Legislature to repeal this prohibition and empower law enforcement to investigate crime, stop cars, detain suspects, and hold criminals accountable.

**Restore Drug Possession as a Crime**

An issue not as well publicized is the silent legalization of drug possession by the Legislature.

After the State Supreme Court invalidated Washington’s drug possession crimes in *State v. Blake*, the Legislature clearly needed to act. The 2021 Legislature responded by appropriately amending the drug crimes to add a “knowing” element to the statutes (e.g., “It is unlawful for any person to knowingly possess a controlled substance...”). This intent element was the only change necessitated by the *Blake* decision and should have been the only change made by the Legislature.

However, the 2021 Legislature made additional changes to Washington’s drug possession laws, effectively decriminalizing the possession of harmful, destructive drugs. The Legislature reduced drug possession from a felony to a misdemeanor. In theory, this would have shifted some prosecution responsibility from the counties to the cities and shifted confinement costs

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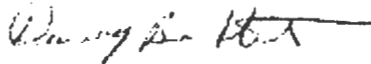
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Mary E. Robnett  
Pierce County Prosecuting Attorney



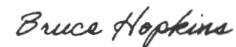
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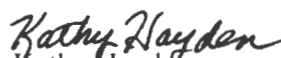
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Shanna Styron Sherrell  
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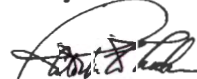
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The Honorable Andrew Barkis  
122D Legislative Bldg  
PO Box 40600  
Olympia WA 98504

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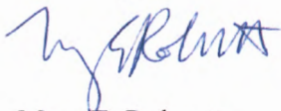
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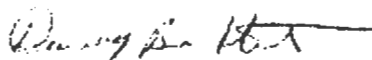
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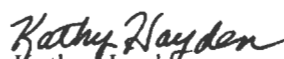
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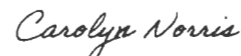
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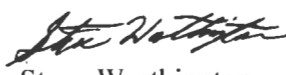
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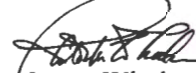
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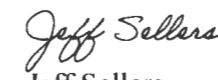
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335C Legislative Building  
PO Box 40600  
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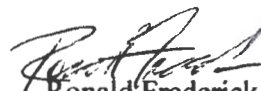
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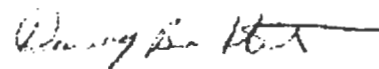
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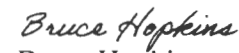
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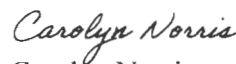
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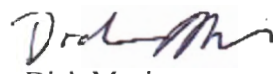
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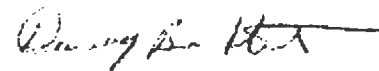
Sincerely,



Mary E. Robnett  
Pierce County Prosecuting Attorney



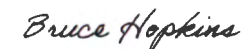
Michael McCullough  
Mayor of Bonney Lake



David Baublits  
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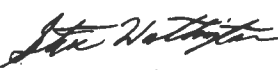
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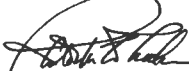
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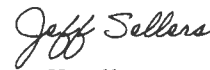
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Dean Johnson  
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Mayor of Steilacoom



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Pierce County

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Prosecutor Mary E. Robnett

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www.pierceprosecutor.org  
pcprosatty@piercecounitywa.gov

November 29, 2022

The Honorable Kelly Chambers  
426 John L. O'Brien Bldg  
PO Box 40600  
Olympia WA 98504

Dear Representative Chambers,

There is a growing sense of lawlessness in our communities. Rates of both property crime and violent crime are up significantly, and our residents and police officers tell us about the brazen criminal behavior they observe. We believe recent, unwise legislative changes have contributed significantly to these problems.

**Allow Law Enforcement Pursuits**

Much has been written about the problems created by HB 1310, which eliminated a half-century of jurisprudence related to law enforcement contacts based on “reasonable suspicion.” That issue was mostly corrected last year, but the continuing prohibition on most police pursuits created by HB 1054 (codified as RCW 10.116.060) remains problematic. The legislation has emboldened criminals, who obviously know that they no longer have to comply when police are trying to conduct traffic stops related to criminal investigations. This is causing more crimes to go unsolved and allowing more criminals to escape any consequences for the harms they cause. We urge the Legislature to repeal this prohibition and empower law enforcement to investigate crime, stop cars, detain suspects, and hold criminals accountable.

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November 29, 2022

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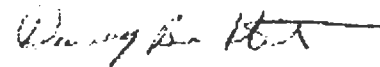
Sincerely,



Mary E. Robnett  
Pierce County Prosecuting Attorney



Michael McCullough  
Mayor of Bonney Lake



David Baublits  
Mayor of Eatonville



Shanna Styron Sherrell  
Mayor of Milton



Bruce Hopkins  
Mayor of Ruston



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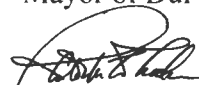
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Steve Worthington  
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November 29, 2022

The Honorable Cyndy Jacobsen  
405 John L. O'Brien Building  
PO Box 40600  
Olympia WA 98504

Dear Representative Jacobsen,

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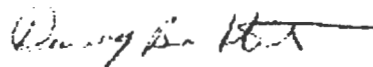
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Pierce County Prosecuting Attorney



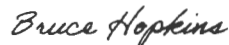
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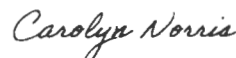
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Mayor of Buckley



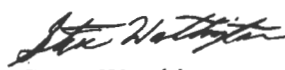
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Mayor of Gig Harbor



Joshua Penner  
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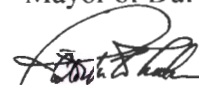
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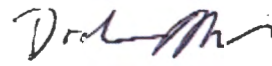
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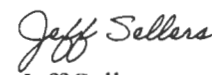
Jason Whalen  
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November 29, 2022

The Honorable Emily Randall  
416 Legislative Building  
PO Box 40426  
Olympia WA 98504

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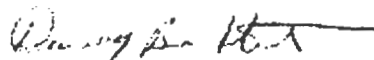
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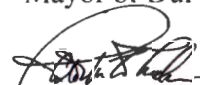
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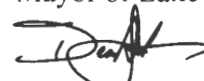
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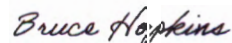
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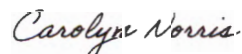
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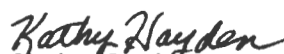
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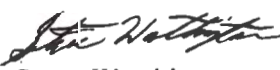
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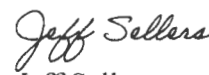
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November 29, 2022

The Honorable Representative-Elect Spencer Hutchins  
468 John L. O'Brien Building  
PO Box 40600  
Olympia WA 98504

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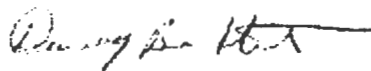
Sincerely,



Mary E. Robnett  
Pierce County Prosecuting Attorney



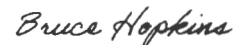
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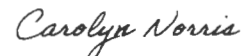
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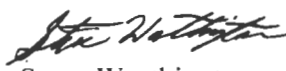
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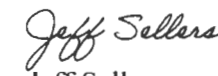
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**Pierce County**

**Office of the Prosecuting Attorney**

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**Prosecutor Mary E. Robnett**

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FAX: (253) 798-6636  
www.pierceprosecutor.org  
pcprosatty@piercescountywa.gov

November 29, 2022

The Honorable Michelle Caldier  
122H Legislative Bldg  
PO Box 40600  
Olympia WA 98504

Dear Representative Caldier,

There is a growing sense of lawlessness in our communities. Rates of both property crime and violent crime are up significantly, and our residents and police officers tell us about the brazen criminal behavior they observe. We believe recent, unwise legislative changes have contributed significantly to these problems.

**Allow Law Enforcement Pursuits**

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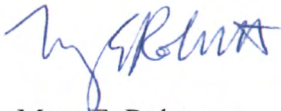
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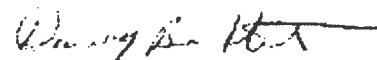
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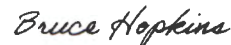
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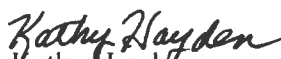
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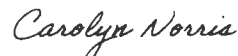
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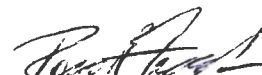
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November 29, 2022

The Honorable Yasmin Trudeau  
411 Legislative Building  
PO Box 40427  
Olympia WA 98504

Dear Senator Trudeau,

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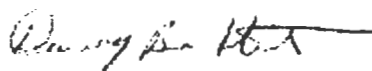
Sincerely,



Mary E. Robnett  
Pierce County Prosecuting Attorney




Michael McCullough  
Mayor of Bonney Lake




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Mayor of Eatonville



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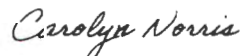
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November 29, 2022

The Honorable Laurie Jinkins  
Speaker of the House  
339C Legislative Building  
PO Box 40600  
Olympia WA 98504

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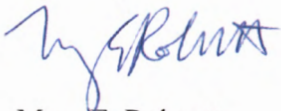
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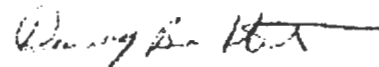
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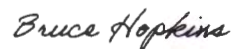
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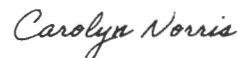
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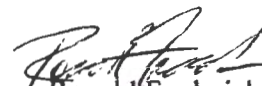
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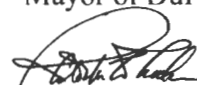
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Dick Muri  
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Jeff Sellers  
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Pierce County

Office of the Prosecuting Attorney

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Prosecutor Mary E. Robnett

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FAX: (253) 798-6636  
www.pierceprosecutor.org  
pcprosatty@piercecounitywa.gov

November 29, 2022

The Honorable Jake Fey  
415 John L. O'Brien Building  
PO Box 40600  
Olympia WA 98504

Dear Representative Fey,

There is a growing sense of lawlessness in our communities. Rates of both property crime and violent crime are up significantly, and our residents and police officers tell us about the brazen criminal behavior they observe. We believe recent, unwise legislative changes have contributed significantly to these problems.

**Allow Law Enforcement Pursuits**

Much has been written about the problems created by HB 1310, which eliminated a half-century of jurisprudence related to law enforcement contacts based on “reasonable suspicion.” That issue was mostly corrected last year, but the continuing prohibition on most police pursuits created by HB 1054 (codified as RCW 10.116.060) remains problematic. The legislation has emboldened criminals, who obviously know that they no longer have to comply when police are trying to conduct traffic stops related to criminal investigations. This is causing more crimes to go unsolved and allowing more criminals to escape any consequences for the harms they cause. We urge the Legislature to repeal this prohibition and empower law enforcement to investigate crime, stop cars, detain suspects, and hold criminals accountable.

**Restore Drug Possession as a Crime**

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However, the 2021 Legislature made additional changes to Washington’s drug possession laws, effectively decriminalizing the possession of harmful, destructive drugs. The Legislature reduced drug possession from a felony to a misdemeanor. In theory, this would have shifted some prosecution responsibility from the counties to the cities and shifted confinement costs

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The Legislature is correct that treatment is vital to restoring individuals and communities to a healthier state. We strongly support treatment for substance abuse. But treatment and criminal prosecution are not mutually exclusive. In fact, we often hear breezy assertions along the lines of, “Of course, coerced treatment is ineffective.” This simply isn’t true, as evidenced by the many success stories that come out of therapeutic court programs. Treatment is available, and frequently required, as part of the criminal justice system. Treatment is available to those who are in custody and out of custody, both pre-trial and post-conviction, through county-provided

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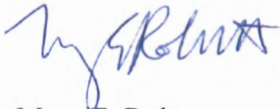
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Mary E. Robnett  
Pierce County Prosecuting Attorney



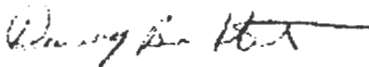
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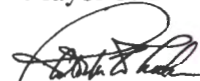
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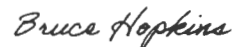
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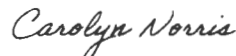
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November 29, 2022

The Honorable Twina Nobles  
226 John A. Cherberg Building  
PO Box 40428  
Olympia WA 98504

Dear Senator Nobles,

There is a growing sense of lawlessness in our communities. Rates of both property crime and violent crime are up significantly, and our residents and police officers tell us about the brazen criminal behavior they observe. We believe recent, unwise legislative changes have contributed significantly to these problems.

#### **Allow Law Enforcement Pursuits**

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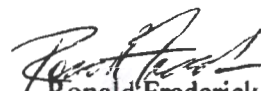
Mary E. Robnett  
Pierce County Prosecuting Attorney



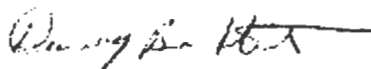
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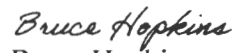
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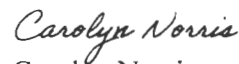
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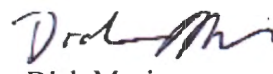
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November 29, 2022

The Honorable Mari Leavitt  
330 John L. O'Brien Building  
PO Box 40600  
Olympia WA 98504

Dear Representative Leavitt,

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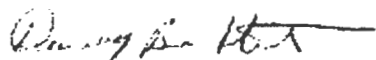
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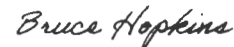
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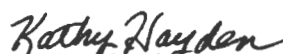
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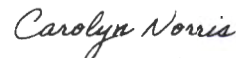
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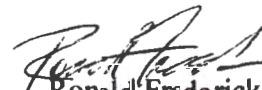
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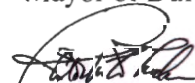
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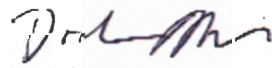
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November 29, 2022

The Honorable Dan Bronoske  
419 John L. O'Brien Bldg  
PO Box 40600  
Olympia WA 98504

Dear Representative Bronoske,

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November 29, 2022

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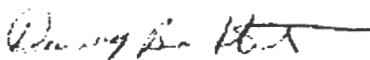
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Mary E. Robnett  
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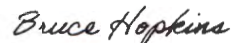
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Mayor of Bonney Lake



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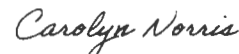
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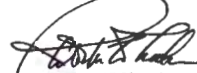
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Mayor of DuPont



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FAX: (253) 798-6636  
www.pierceprosecutor.org  
ccprosatty@piercecountywa.gov

November 29, 2022

The Honorable Steve Conway  
241 John A. Cherberg Bldg  
PO Box 40429  
Olympia WA 98504

Dear Senator Conway,

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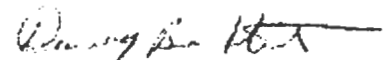
Sincerely,



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Pierce County Prosecuting Attorney



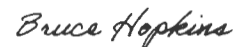
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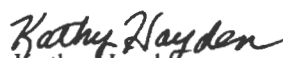
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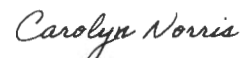
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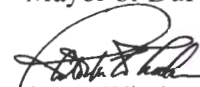
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Pierce County

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November 29, 2022

The Honorable Melanie Morgan  
417 John L. O'Brien Building  
PO Box 40600  
Olympia WA 98504

Dear Representative Morgan,

There is a growing sense of lawlessness in our communities. Rates of both property crime and violent crime are up significantly, and our residents and police officers tell us about the brazen criminal behavior they observe. We believe recent, unwise legislative changes have contributed significantly to these problems.

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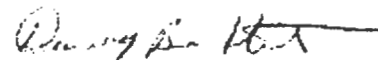
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Pierce County Prosecuting Attorney



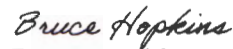
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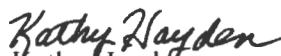
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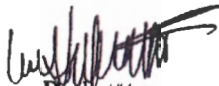
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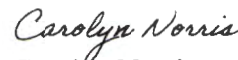
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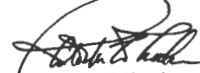
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**Pierce County**

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November 29, 2022

The Honorable Steve Kirby  
437B Legislative Building  
PO Box 40600  
Olympia WA 98504

Dear Representative Kirby,

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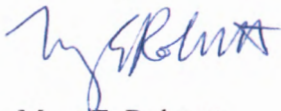
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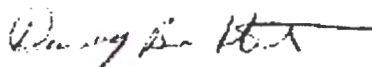
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Pierce County Prosecuting Attorney



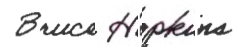
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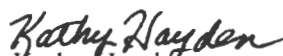
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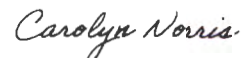
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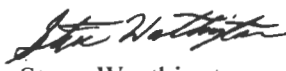
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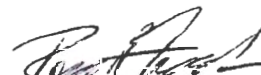
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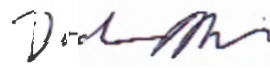
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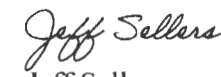
Jason Whalen  
Mayor of Lakewood



Dean Johnson  
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Dick Muri  
Mayor of Steilacoom



Jeff Sellers  
Mayor of Wilkeson



**Pierce County**

**Office of the Prosecuting Attorney**

930 Tacoma Avenue South, Room 946  
Tacoma, Washington 98402-2171  
Front Desk: (253) 798-7400

**Prosecutor Mary E. Robnett**

(253) 798-7792  
FAX: (253) 798-6636  
www.pierceprosecutor.org  
pcprosatty@piercecountywa.gov

November 29, 2022

The Honorable Claire Wilson  
407 Legislative Building  
PO Box 40430  
Olympia WA 98504

Dear Senator Wilson,

There is a growing sense of lawlessness in our communities. Rates of both property crime and violent crime are up significantly, and our residents and police officers tell us about the brazen criminal behavior they observe. We believe recent, unwise legislative changes have contributed significantly to these problems.

#### **Allow Law Enforcement Pursuits**

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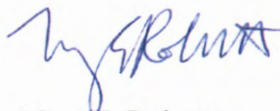
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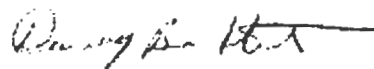
Sincerely,



Mary E. Robnett  
Pierce County Prosecuting Attorney



Michael McCullough  
Mayor of Bonney Lake



David Baublits  
Mayor of Eatonville



Shanna Styron Sherrell  
Mayor of Milton



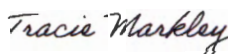
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Kathy Hayden  
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November 29, 2022

The Honorable Jamila Taylor  
418 John L. O'Brien Building  
PO Box 40600  
Olympia WA 98504

Dear Representative Taylor,

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#### **Allow Law Enforcement Pursuits**

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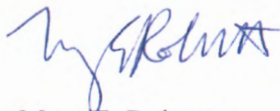
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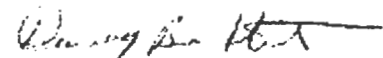
Sincerely,



Mary E. Robnett  
Pierce County Prosecuting Attorney



Michael McCullough  
Mayor of Bonney Lake



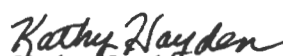
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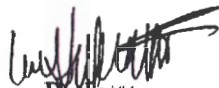
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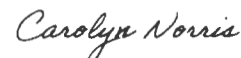
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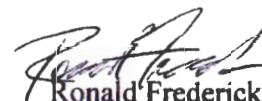
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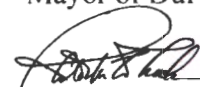
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November 29, 2022

The Honorable Representative-Elect Kristine Reeves  
369 John L. O'Brien Building  
PO Box 40600  
Olympia WA 98504

Dear Representative-Elect Reeves,

There is a growing sense of lawlessness in our communities. Rates of both property crime and violent crime are up significantly, and our residents and police officers tell us about the brazen criminal behavior they observe. We believe recent, unwise legislative changes have contributed significantly to these problems.

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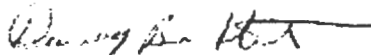
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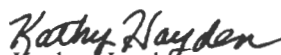
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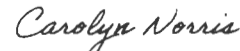
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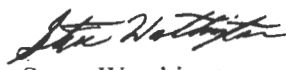
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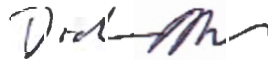
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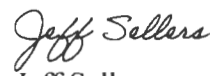
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November 29, 2022

The Honorable Phil Fortunato  
403 Legislative Building  
PO Box 40431  
Olympia WA 98504

Dear Senator Fortunato,

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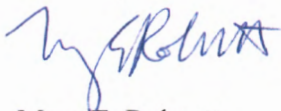
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Sincerely,



Mary E. Robnett  
Pierce County Prosecuting Attorney



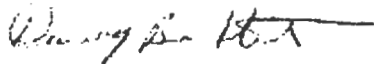
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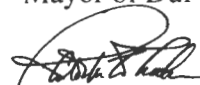
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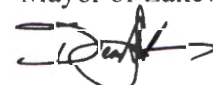
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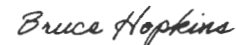
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Joshua Penner  
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Dean Johnson  
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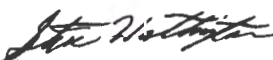
Carolyn Norris  
Mayor of South Prairie



Dick Muri  
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Kathy Hayden  
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Steve Worthington  
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Pierce County

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Prosecutor Mary E. Robnett

(253) 798-7792  
FAX: (253) 798-6636  
www.pierceprosecutor.org  
pcprosatty@piercescountywa.gov

November 29, 2022

The Honorable Drew Stokesbary  
434 John L. O'Brien Building  
PO Box 40600  
Olympia WA 98504

Dear Representative Stokesbary,

There is a growing sense of lawlessness in our communities. Rates of both property crime and violent crime are up significantly, and our residents and police officers tell us about the brazen criminal behavior they observe. We believe recent, unwise legislative changes have contributed significantly to these problems.

**Allow Law Enforcement Pursuits**

Much has been written about the problems created by HB 1310, which eliminated a half-century of jurisprudence related to law enforcement contacts based on "reasonable suspicion." That issue was mostly corrected last year, but the continuing prohibition on most police pursuits created by HB 1054 (codified as RCW 10.116.060) remains problematic. The legislation has emboldened criminals, who obviously know that they no longer have to comply when police are trying to conduct traffic stops related to criminal investigations. This is causing more crimes to go unsolved and allowing more criminals to escape any consequences for the harms they cause. We urge the Legislature to repeal this prohibition and empower law enforcement to investigate crime, stop cars, detain suspects, and hold criminals accountable.

**Restore Drug Possession as a Crime**

An issue not as well publicized is the silent legalization of drug possession by the Legislature.

After the State Supreme Court invalidated Washington's drug possession crimes in *State v. Blake*, the Legislature clearly needed to act. The 2021 Legislature responded by appropriately amending the drug crimes to add a "knowing" element to the statutes (e.g., "It is unlawful for any person to knowingly possess a controlled substance..."). This intent element was the only change necessitated by the *Blake* decision and should have been the only change made by the Legislature.

However, the 2021 Legislature made additional changes to Washington's drug possession laws, effectively decriminalizing the possession of harmful, destructive drugs. The Legislature reduced drug possession from a felony to a misdemeanor. In theory, this would have shifted some prosecution responsibility from the counties to the cities and shifted confinement costs

from the State to city and county jails. But prosecution of drug possession, even as a misdemeanor, is not viable because the Legislature has prohibited law enforcement officers from booking a suspect in jail or referring a drug possession case for prosecution (*see* RCW 10.31.115). Instead, law enforcement can only refer the person to social services. A person must be referred at least twice before booking and prosecution are an option, and there is no statewide system for tracking these referrals.

As a result, prosecution of drug possession is, as a practical matter, not possible. Because prosecution is no longer a threat, possessing illegal drugs now carries no criminal charge, no jail time, no fines, and no penalty at all. Essentially, the Legislature has quietly decriminalized drug possession, a significant policy change that was neither necessitated by the *Blake* decision nor desired by the people of Washington.

Additionally, the Legislature has scheduled to end the one change that the *Blake* decision necessitated – to require possession of drugs be *knowing* in order to be a crime. As of July 1, 2023, the changes to the statutes will expire and the drug possession laws will revert to the version that the Supreme Court found unconstitutional. The two versions of the law can be compared in RCW 69.50.4013. Because the Court has already ruled that possession without the intent element is unconstitutional, criminal prosecution will be impossible once the drug possession statutes revert to their unconstitutional form in 2023. If the Legislature fails to fix this statute during the 2023 session, it will have fully decriminalized drug possession in Washington.

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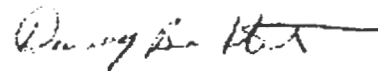
Sincerely,



Mary E. Robnett  
Pierce County Prosecuting Attorney



Michael McCullough  
Mayor of Bonney Lake



David Baublits  
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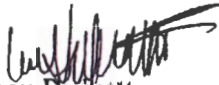
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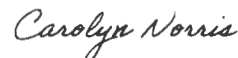
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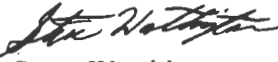
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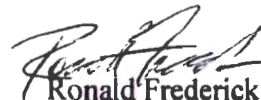
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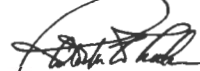
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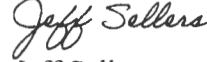
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November 29, 2022

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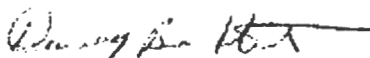
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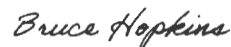
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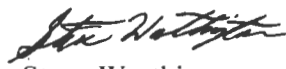
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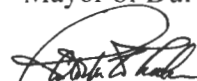
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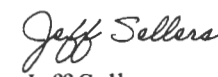
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