

HOUSE BILL REPORT

HB 2164

As Reported By House Committee On:

Corrections
Appropriations

Title: An act relating to arming community corrections officers.

Brief Description: Arming community corrections officers.

Sponsors: Representatives Benton, Pelesky, Smith, Hargrove and Campbell.

Brief History:

Committee Activity:

Corrections: 1/30/96, 2/1/96 [DP];

Appropriations: 2/3/96 [DPS].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Koster; Radcliff; Schoesler and D. Sommers.

Minority Report: Do not pass. Signed by 4 members: Representatives Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole and Dickerson.

Staff: Diana Canzoneri (786-7156).

Background:

Primary Staff within the Division of Community Corrections. Community Corrections Officers (CCOs) are the main staff agents for the Division of Community Corrections within the Department of Corrections. The division monitors offenders in the community and directs these offenders toward acceptable lifestyles through involvement in community-based rehabilitation programs. The division operates several programs, including community placement and supervision, work/training release, and victim/witness notification.

Responsibilities for Supervising Offenders. The majority of CCOs are assigned to supervise offenders in the community. The level of supervision provided and the

resulting amount of contact the CCO has with an offender varies and depends primarily on the type of sentence and the sentencing conditions imposed by the court. Higher levels of supervision typically require that the CCOs visit an offender in the community in addition to seeing the offender in the community corrections office. Lower levels may involve mail or phone contact only.

Types of Offenders Supervised. CCOs supervise a broad range of offenders, from misdemeanants to serious violent offenders. The Sentencing Reform Act (SRA) requires courts to sentence sex offenders and serious violent offenders to periods of community placement following their terms in total confinement. The SRA also authorizes judges to impose community supervision for first-time offenders and offenders with sentences of confinement of one year or less.

The Department of Corrections has estimated that up to 80 percent of the offender population have substance abuse problems, and up to 30 percent have some form of mental health problems.

State Law and Department Policy Concerning Arming of CCOs. Current law does not expressly authorize CCOs to carry firearms while conducting their professional duties. The department's current policy enables CCOs to make requests to carry firearms only for protection in unusual situations in which direct threats have been made against them. Department policy also requires CCOs to obtain the assistance of local law enforcement when making arrests.

Ineligibility for the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF). Under current law, CCOs are not eligible for LEOFF retirement benefits because they do not meet the statutory definition of "law enforcement officer."

Summary of Bill: Community corrections officers are allowed to carry firearms, if they so choose, during the course of their field duties. The Secretary of Corrections is directed to arrange for the training of CCOs who choose to be armed.

Nothing in the act is intended to make CCOs eligible for membership in the LEOFF Retirement System.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: CCOs face life-threatening situations every day and could be killed if they are not allowed to carry fire arms. CCOs face particularly dangerous situations when conducting unannounced field visits. In addition, if unarmed, they are unable to provide effective backup to law enforcement officers who accompany

them on arrests. The current process by which a CCO can request a firearm in the event that he or she is threatened is not working. It is too cumbersome. Requests are frequently denied so that a CCO who receives a serious threat may not be able to obtain a firearm even with the department's current policy. Also, the department may treat the threat like it has disappeared when it has not. CCOs should have the means to protect themselves. Warrant officers and those in specialized units face particularly confrontational and dangerous situations when doing their jobs and should be armed, as they are in many other states. Giving CCOs the opportunity to carry firearms on the job does not have to cost the state anything because officers who want to be armed can buy their own weapons and pay for their own training.

Testimony Against: The Department of Corrections currently has a policy to provide a CCO who has been threatened with the opportunity to request to carry a firearm for their protection. Allowing CCOs to carry guns will not improve safety but will increase risks to the CCOs. Research suggests that those armed are two and one-half times as likely to be assaulted as those who are unarmed. CCOs are neither law enforcement officers or social workers, but share some attributes and responsibilities of both. Those hired by the department for the job are not necessarily suited to carry firearms. Allowing CCOs to carry firearms will increase liability costs. If the state adopts a policy of arming CCOs, it should be one of arming all CCOs to enable the department to adopt consistent hiring and training criteria. If this bill passes, CCOs who choose not to be armed will feel vulnerable. They will also be more vulnerable if the policy backfires and causes offenders to become more aggressive. There is no provision in the bill to require input from supervisors regarding whether individual officers should be armed.

Testified: Representative Benton, prime sponsor; Frank Martinez (pro); Scott Shapiro (pro); Ken Pinkerton (pro); Scott Wilcox (pro); John Kopf (pro); Joseph Rinaldi (pro); Larry Goodman, Washington Federation of State Employees (pro); Neil Chang (con); Debra Garner (con); Dave Savage, Department of Corrections (con); and Roger Hansen (con).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Huff, Chairman; Clements, Vice Chairman; Pelesky, Vice Chairman; H. Sommers, Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Dyer; Foreman; Grant; Hargrove; Hickel; Kessler; Lambert; Linville; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott and Wolfe.

Minority Report: Do not pass. Signed by 1 member: Representative Valle, Assistant Ranking Minority Member.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Corrections: Community corrections officers who choose to be armed must arrange for and complete any necessary training, all at their own expense. In addition, they must obtain the firearms and any supplies or equipment associated with the firearms at their own expense.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 4, 1996.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Testified: None.