

HOUSE BILL REPORT

SHB 2164

As Passed House:

February 9, 1996

Title: An act relating to arming community corrections officers.

Brief Description: Arming community corrections officers.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Benton, Pelesky, Smith, Hargrove and Campbell).

Brief History:

Committee Activity:

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

Appropriations: 2/3/96 [DPS].

Floor Activity:

Passed House: 2/9/96, 82-15.

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).

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).

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 towards 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 sentencing conditions imposed by the court. Higher levels of supervision typically require that the CCO 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 a period 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 has substance abuse problems, and up to 30 percent has 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 a CCO to make a request to carry a firearm only for protection in unusual situations in which a direct threat has been made against him or her.

Under this policy, CCOs who request to carry a firearm must meet several prerequisites, including completion of a division-approved firearms class and certification by a division-approved firing range instructor. Permissible types of ammunition and firearms are also specified by the policy.

Department policy also requires a CCO to obtain the assistance of local law enforcement when making an arrest.

The Criminal Justice Training Commission and Firearms Training. The Criminal Justice Training Commission provides training for law enforcement personnel and corrections officers. This includes basic training required of CCOs and other correctional officers. The commission also administers several firearms training programs, including a program to certify firearms instructors and programs for certifying security guards and private detectives to carry firearms. DOC employs several firearms officers who have obtained firearms instruction through the Criminal Justice Training Commission. CCOs who are armed under current DOC policy may obtain training from departmental firearms officers at no cost.

Ineligibility for the Law Enforcement Officers' and Fire Fighters' (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. Community corrections officers who opt to be armed under this act must obtain any necessary training at their own expense. In addition, they must obtain the firearms and any associated supplies and equipment at their own expense. The Department of Corrections is directed to implement the new policy by January 1, 1997

By December 1, 1996, the Criminal Justice Training Commission must

- set standards for the type of training community corrections officers must have in order to carry firearms under this act; and
- determine the types of firearms and ammunition that community corrections officers are allowed to carry under this act.

Before setting these standards and requirements, the Criminal Justice Training Commission must convene, and receive recommendations from, an advisory board. The advisory board membership is specified as follows:

- two firearms instructors designated by the Commission,
- two community corrections officers designated by their exclusive bargaining unit, and
- one departmental representative designated by the Secretary of the Department of Corrections.

An emergency clause is included, stipulating that the act must take effect immediately.

The act is not intended to make CCOs eligible for membership in the LEOFF Retirement System.

Appropriation: None.

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

Effective Date: The bill has an emergency clause and takes effect immediately.

Testimony For: (Corrections) 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.

(Appropriations) None.

Testimony Against: (Corrections) 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.

(Appropriations) None.

Testified: (Corrections) 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).

(Appropriations) None.