

HOUSE BILL REPORT

HB 1156

As Reported By House Committee On:
Criminal Justice & Corrections

Title: An act relating to arming community corrections officers.

Brief Description: Arming community corrections officers.

Sponsors: Representatives Dunn, Boldt, Delvin, D. Sommers, Carrell and O'Brien.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/28/97, 2/5/97 [DPS].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Benson, Vice Chairman; Koster, Vice Chairman; O'Brien, Assistant Ranking Minority Member; Delvin; Dickerson; Hickel; Mitchell; Robertson and Sullivan.

Minority Report: Without recommendation. Signed by 2 members: Representatives Quall, Ranking Minority Member; and Blalock.

Staff: Yvonne Walker (786-7841).

Background: The Division of Community Corrections, within the Department of Corrections, supervises offenders in the community and operates work release and pre-release programs. Community corrections officers are the main staff agents of the Division of Community Corrections. Offenders, under supervision of these community corrections officers, are monitored for compliance with court ordered sentence requirements and are often referred to any needed community-based rehabilitation services.

The level of supervision provided, and the resulting amount of contact the community corrections officer has with an offender varies and depends primarily on the sentencing conditions imposed by the court. The Sentencing Reform Act (SRA) requires courts to sentence all violent offenders to a period of community placement following their terms in total confinement. In addition, the SRA authorizes judges to

impose community supervision for first-time offenders and offenders with sentences of confinement of one year or less.

The current law does not expressly authorize community corrections officers to carry firearms while conducting their duties. In situations when an officer needs to make an arrest, the department requires the officer to obtain the assistance of local law enforcement authorities. However, an officer may ask the department for permission to carry a firearm for protection in unusual situations if someone has made a direct threat against the officer.

Under this policy, officers 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. Officers can meet both of these requirements through the Criminal Justice Training Commission. The classes are free of charge.

Community corrections officers are not eligible for membership in the Law Enforcement Officers' and Fire Fighters' (LEOFF) retirement system because they do not meet the statutory definition of law enforcement officer.–

Summary of Substitute Bill: Community corrections officers who have completed the necessary training requirements may carry firearms, at their discretion, while conducting their daily duties.

Firearm Policies & Training Requirements. The Criminal Justice Training Commission, in consultation with the advisory board, must establish standards for firearm training for community corrections officers. The advisory board, established by the Criminal Justice Training Commission, consists of four members: two firearm instructors chosen by the commission and two community correction officers selected by their bargaining unit.

The commission must convene the advisory board within 30 days of the effective date of this bill. At that time, the board must determine training standards, requirements, and types of firearms and ammunition that each officer can carry. Following the establishment and adoption of these requirements by the Criminal Justice Training Commission, the Department of Corrections may adopt a policy that is consistent and effectively implements these new required policies. These new standards and requirements only apply to officers authorized to carry a firearm after to January 1, 1997.

The Department of Corrections must arrange for and fund any necessary training for all community correction officers who choose to be armed under this act. In addition, the department must, at its expense, provide the firearms and any associated supplies and equipment that officers may carry. Community corrections officers must

commence carrying firearms as soon as possible, but no later than 30 days after the completion of the firearms training.

Defensive Tactics Training. All community correction officers, whether carrying firearms or not, must complete 40 hours of defensive tactics training and any updated defensive tactics training periodically. The Department of Corrections is responsible for funding the mandated defensive tactics training. Follow-up defensive tactics training can not exceed eight hours of training.

Substitute Bill Compared to Original Bill: The provisions of HB 1156 are replaced by the provisions of HB 1265. These provisions require all community corrections officers to take defensive tactics training and officers choosing to carry firearms must complete firearms training that complies with the standards and requirements established by the Criminal Justice Training Commission and the advisory board. In addition, the Department of Corrections is required to arrange for and fund the firearms training, as well as pay for the firearms and other necessary equipment.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Over the last several years crime in area neighborhoods has begun to increase. Community correction officers once felt somewhat safe driving through local communities and entering the homes of released inmates. Today many of these same neighborhoods are now infested with increasing drug and gang activity and are considered dangerous not only to the residents who live in them, but also to outsiders such as community correction officers who routinely make surprise visits to offenders' homes.

Several community correction officers would like to carry firearms, at their discretion, while conducting their daily duties. Officers making this choice may carry a firearm when they feel they may be walking into a dangerous situation. Others who are completely comfortable entering the homes and neighborhoods of released offenders may choose to continue working unarmed.

Testimony Against: Arming community correction officers has not been proven to increase safety. Statistics have shown that armed officers are 2.5 times more likely to discharge a firearm than to use an alternative method. All officers are trained to diffuse dangerous situations without the use of a weapon; the Department of Corrections strongly encourages each officer to utilize some form of verbal defensive tactics to diffuse these particular situations.

Firearms may also give community correction officers a false sense of security and as a result, officers may less likely work in teams or call a local law enforcement agency when help is needed. In addition, it is believed that local law enforcement agencies will be less likely to respond to physical situations in a timely manner when they know correction officers are already armed.

There is also concern regarding the costs associated with the firearms. The officer mandated costs associated with the firearm training and equipment could possibly become very expensive for some officers.

Testified: Representative Jim Dunn (prime sponsor); Frank Martinez, Department of Corrections (pro); Rocky Bronkhorst, Department of Corrections (pro); David King, Department of Social and Health Services (pro); Jeff Kasler, Department of Corrections (pro); Dave Savage, Department of Corrections (con); Karen Adams, Department of Corrections (con); and Neil Chang, Department of Corrections (con).