

# HOUSE BILL REPORT

## HB 2379

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### As Reported by House Committee On:

Criminal Justice & Corrections

**Title:** An act relating to providing peace officers essential training in firearm retention and survival techniques and enacting the Saul Gallegos Peace Officer Survival Act of 2004.

**Brief Description:** Providing for training peace officers to reduce deaths.

**Sponsors:** Representatives Armstrong, Nixon and Hunter.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 1/21/04, 1/28/04 [DP].

#### Brief Summary of Bill

- Appropriates \$1 million to the Criminal Justice Training Commission (CJTC) for the purpose of providing peace officers training in weapon retention and survival techniques.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

**Staff:** Yvonne Walker (786-7841).

### Background:

The CJTC was established in 1974 for the primary purpose of providing basic law enforcement training, corrections training, and educational programs for criminal justice personnel, including commissioned officers, corrections officers, fire marshals, and prosecuting attorneys.

Training. Basic law enforcement officer training is generally required of all full-time commissioned law enforcement employees of the state. The training consists of a 720-hour program covering a wide variety of subjects, including constitutional and

criminal law and procedures, criminal investigation, firearms training, communication and writing skills, and weapon retention and self defense. All law enforcement personnel hired, transferred or promoted, are required to complete the core training requirements within six months unless the employee receives a waiver from the CJTC. All other position-related training must be completed within one year after the core training.

CJTC Funding. The CJTC, funded by an appropriation from the public safety and education account, provides training to criminal justice personnel at no cost. Meals and lodging are also provided to attendees who must travel in excess of 50 miles to the training site.

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**Summary of Bill:**

The Legislature finds that since 1855, numerous law enforcement officers in Washington have given their lives in the line of duty. Many of these deaths and injuries were a result from criminal suspects using the officers' own weapons against them.

The Legislature intends to ensure officer safety and reduce the number of officers killed or injured with their own weapons. This will be achieved by providing adequate funding for peace officers to receive the training necessary for them to achieve and maintain expertise in weapon retention and survival techniques.

Training and Funding. One million dollars is appropriated from the general fund to the CJTC for the purpose of providing Washington peace officers training in weapon retention and survival techniques. The training includes techniques for defending against assailants trying to disarm an officer's drawn gun and for regaining control of the gun if disarmed.

This act is known as the Saul Gallegos Peace Officer Survival Act of 2004.

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**Appropriation:** The sum of \$1 million.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Saul Gallegos was a police officer with the Chelan County Police Department. Last summer he was killed in the line-of-duty while trying to apprehend a suspect. He was shot with his own gun.

In the state's history, there have been 254 officers killed in the line-of-duty, many of

them with their own gun. In fact, three out of the last four deaths of police officers in our state were due to an officer being shot with his own gun. The intent of this bill is to help police officers get adequate training and retraining in gun retention. The bill is drafted to allow the CJTC the ability to determine and structure the type of gun retention training that should be offered to new and senior law enforcement officers.

(With concerns) There are 9,500 officers in this state and currently there is no requirement for officers to take refresher training in this state. The CJTC suggests extending the basic law enforcement officer training by eight hours. The additional hours would include more one-on-one training scenarios in weapon retention and self defense.

Although the CJTC could retrain each of those 9,500 commissioned officers with an eight-hour course, this could be quite extensive but it would ensure consistency in training. The other option would be for officers to do a train-the-trainer course. This would require the CJTC to train a limited number of officers from each jurisdiction and those officers would be required to go back and train the rest of the officers in their local agencies.

Over the years the Legislature has continuously instituted new laws that require police officers to learn how to implement them and to make arrests for violations of such laws. In addition, mandated training has been added to the CJTC curriculum on how to handle the elderly, the mentally ill, search and seizure, racial profiling, and pursuit driving. The problem is that each year, Washington Council of Police and Sheriffs and the CJTC spends so much time on just training officers on what the Legislature wants them to do, but the Legislature never adds any money to accomplish these purposes. Instead, the Legislature has reduced the CJTC's budget over the last year by \$1.3 million, however the mandatory training was never reduced or eliminated to correspond with the reduced dollars.

In addition, under federal statute, it is required that local agencies pay a salary equivalent to time and a half for replacement officers. Every time a local agency sends one officer to training, the agency ends up not only paying that officer his or her salary while at training, but they also have to pay another replacement officer (at time and a half) to cover the first officer's shift. In the end, localities end up paying two and a half salaries for one officer that is away at training. The Legislature does not provide funding to cover this. Each year that additional training is added, it ends up being both a fiscal cost to the CJTC as well as a fiscal cost to local governments.

**Testimony Against:** None.

**Persons Testifying:** (In support) Representative Armstrong, prime sponsor; Gayle Frink-Schulz, Concerns of Police Survivors and Washington State Law Enforcement Memorial; and Michael Parsons, Training Commission.

(With concerns) Larry Erickson, Washington Council of Police and Sheriffs.

**Persons Signed In To Testify But Not Testifying:** None.