

HOUSE BILL REPORT

HB 1875

As Reported by House Committee On: Public Safety

Title: An act relating to state park rangers from the state parks and recreation commission.

Brief Description: Concerning state park rangers from the state parks and recreation commission.

Sponsors: Representatives Moscoso, Hope and Ryu.

Brief History:

Committee Activity:

Public Safety: 2/19/13, 2/21/13 [DPS].

Brief Summary of Substitute Bill

- Designates the State Parks and Recreation Commission (Commission) as a general authority Washington law enforcement agency.
- Exempts park rangers of the Commission from membership in the Law Enforcement Officers' and Fire Fighters' Retirement System.
- Requires the Criminal Justice Training Commission (CJTC) to provide programs and training standards for state park rangers.
- Allows the admission of park rangers into the Washington State Patrol's academy.
- Requires 30 percent of all park rangers to be certified by June 30, 2014, and the remaining 70 percent of park rangers to be certified by June 30, 2016.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Goodman, Chair; Roberts, Vice Chair; Appleton, Hope, Moscoso, Pettigrew and Takko.

Minority Report: Do not pass. Signed by 3 members: Representatives Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Holy.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Yvonne Walker (786-7841).

Background:

The State Parks and Recreation Commission (Commission) is classified by statute as a limited authority Washington law enforcement agency. The Washington parks system includes more than 100 developed parks, recreation programs, trails, boating safety and winter recreation. The Commission is charged, in part, with enforcing the state laws on public recreational lands.

Park rangers go through a training course developed by the Commission and are vested with police powers to enforce Washington laws. Absent a special Commission, the statute does not expressly grant park rangers permission to enforce the laws of Washington outside the territory of state recreational lands.

The Commission may adopt policies and enforce rules pertaining to the use, care, and administration of state parks and parkways.

Limited Authority Agency. Limited authority Washington law enforcement agencies and officers have, as one of their functions, the apprehension or detection of persons committing infractions or violating traffic or specific criminal laws relating to limited subject areas. Agencies so designated include, but are not limited to: the Department of Natural Resources, the Department of Social and Health Services, the Gambling Commission, the Department of Corrections, the State Parks and Recreation Commission, and the State Liquor Control Board.

General Authority Agency. General authority Washington law enforcement agencies and officers have, as their primary function, the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general of the state throughout the territorial boundaries of the state, as distinguished from a limited authority Washington law enforcement agency. It also includes any other unit of government expressly designated by statute as such an agency. The Washington State Patrol (WSP) and the Department of Fish and Wildlife (DFW) are general authority law enforcement agencies.

Law Enforcement Officers' and Fire Fighter's Retirement System. The Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) provides retirement benefits to full-time general authority law enforcement officers and firefighters throughout Washington. The LEOFF Plan 2 permits early retirement beginning at age 50 for members with 20 years of service with a 3 percent per year reduction to their retirement allowance up until the age of 53.

Criminal Justice Training Commission's Basic Law Enforcement Academy.

The Criminal Justice Training Commission (CJTC) provides basic law enforcement training, and educational programs for law enforcement, corrections, and other public safety professionals in Washington.

Basic law enforcement officer training is generally required of all law enforcement officers, with the exception of volunteers, and reserve officers employed in Washington. The training

consists of a 720-hour program covering a wide variety of subjects including: criminal law and procedures, traffic enforcement, cultural awareness, communication and writing skills, emergency vehicle operations, firearms, crisis intervention, patrol procedures, and criminal investigation and defensive tactics. 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.

Washington State Patrol's Academy.

The WSP has a separate academy for state trooper cadets. The WSP's academy consists of a 26-week basic training course and eight weeks of practical instruction with experienced training officers throughout the state.

As a condition of continuing employment as a peace officer, all Washington peace officers (including the WSP's officers) must timely obtain and retain certification as peace officers. The CJTC has the authority to issue or revoke all peace officer certifications.

Summary of Substitute Bill:

The Commission is designated as a general authority Washington law enforcement agency, with enforcement authority equal to that of the WSP and the DFW. The Commission has the authority to enforce the traffic and criminal laws of the state throughout the territorial bounds of the state. Park rangers vested with police powers must enforce the rules of the Commission and must have and exercise, throughout the state, police powers and duties as are vested in sheriffs and peace officers.

The act does not provide park rangers of the Commission with membership in the LEOFF retirement system.

The CJTC must provide programs and training standards for the training of state park rangers. The WSP academy is also open to any state patrol cadet, state patrol officer, and all park rangers of the Commission.

As a condition to continued employment (similar to the requirement for all other peace officers), state park rangers must obtain and retain basic certification as peace officers. Thirty percent of all park rangers must be certified by June 30, 2014, and the remaining 70 percent of park rangers must be certified by June 30, 2016.

Substitute Bill Compared to Original Bill:

The provision that required the CJTC to give park rangers equal priority for enrollment in the CJTCs Basic Law Enforcement Academy (BLEA) as any other general authority law enforcement officer is eliminated. The provision that prohibited the CJTC from denying a state park ranger admission into the BLEA for any more than one quarter is also eliminated. A provision is added to require 30 percent of all park rangers to be certified by June 30, 2014, and the remaining 70 percent of park rangers must be certified by June 30, 2016.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 21, 2013.

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

Staff Summary of Public Testimony:

(In support) The reason for considering this legislation more now than in the past is because we are in an age of increased gun violence. Public safety is at risk and we must do more to assist park rangers for the safety of the public and the parks. Many local law enforcement agencies have been cutting back in services due to budget cuts. This is a time when we can get more support from park rangers.

The sheriffs and police chiefs have historically believed that there are mechanisms in law that would allow for these gaps in public safety to be address by having the Commission enter into mutual aid agreements or by deputizing rangers. However, this is not accurate. Based on the Attorney General's opinion, as a limited authority agency, a park ranger cannot enter mutual aid agreements and although rangers can be deputized, agency policy does not allow for rangers to act as deputies while utilizing state resources.

Currently, park rangers wear uniform apparel. The general public does not understand the difference between a limited and a general authority officer. The public's expectation when they see a uniform officer is that they expect them to deal with the situation at hand. This bill increases public safety.

Park rangers need to have jurisdictional authority outside of park boundaries when necessary. There is a major gap in officer safety and public safety. Park rangers are trained and many of them are prepositioned in areas where city officers might not be available. This bill can help those park rangers to respond within minutes and thereby increase public safety for everyone.

(Neutral) Unlike some of the other limited authority law enforcement agencies, park rangers do not have limited authority. They actually have the authority to enforce all the laws but where they can enforce those laws is the limited element. Previously, the Commission operated under a policy that allowed them to enforce traffic and criminal laws in the near vicinity of their parks, but based upon a 2006 Attorney General's opinion, they were recommended to change that practice. Now the agency's jurisdiction is strictly limited to park property.

There are traffic violations and criminal behaviors within the proximity of the parks that jeopardize park rangers' resources and visitor safety. The passage of House Bill 1875 would help make operations better; however, it would also create some operational complexities. First, approximately 50 of the 185 rangers are unarmed. This bill does not address what would happen with those unarmed rangers. If those rangers are required to be trained and certified then those positions could be put at risk. Second, due to budget constraints, one-

third of the full-time rangers have been moved to seasonal employment to save money. Lastly, giving an agency general authority power gives them extra responsibility. However, this bill does not require the officers to meet all the CJTC certification requirements.

(Opposed) The current system in place is sufficient and it is the way sheriffs and police chiefs want it to work. Sheriffs already have the authority to grant commission authority to those officers of their choice. This power allows those sheriffs to determine that the people that they are going to give law enforcement authority to in their jurisdictions have all the elements in place that they require. Sheriffs need to maintain the ability to determine who is performing law enforcement services within their county.

In addition, there has been a move to prevent the National Forest Service from expanding their powers off national forests. The National Forest Service is being encouraged to work with the sheriffs and police chiefs across the state to enforce laws. This bill fails to recognize that sheriffs are the chief law enforcement officer of the county. There is also a fiscal impact to this bill from the additional citations that will be issued. That in turn creates an impact on the courts, probation departments, and the jails. The Washington Association of Sheriffs and Police Chiefs should work with the DWF to find a more comprehensive way for sheriffs and police chiefs to get park rangers to work with them.

Persons Testifying: (In support) Representative Moscoso, prime sponsor; Alia Griffing, Tom Poplawski, Ken Hageman, Don Hall, and Andy Kallinen, Washington Federation of State Employees.

(Neutral) Robert Ingram and Mike Sternback, Washington State Parks and Recreation Commission.

(Opposed) Rob Huss, Washington State Patrol; Mitch Barker, Washington Association of Sheriffs and Police Chiefs; and Dave Brown, Skamania County Sheriff's Office.

Persons Signed In To Testify But Not Testifying: None.