

HOUSE BILL REPORT

HB 2765

As Reported by House Committee On:
Public Safety

Title: An act relating to clarifying the limited authority of park rangers.

Brief Description: Clarifying the limited authority of park rangers.

Sponsors: Representatives Kretz, Moscoso, Griffey, Hayes and Holy.

Brief History:

Committee Activity:

Public Safety: 1/27/16, 2/5/16 [DPS].

Brief Summary of Substitute Bill

- Gives the State Park and Recreation Commission police powers to enforce the laws of Washington within the boundaries of any state park, in winter recreation facilities, on certain public roadways and waterways, in response to the request of a law enforcement officer, when in fresh pursuit for an offense committed in the officer's presence, or upon the consent of a sheriff or police chief.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

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

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

Park rangers go through a training course developed by the Commission and are vested with police powers to enforce Washington laws.

Limited Authority Agency.

A limited authority Washington law enforcement agency is any agency, political subdivision, or unit of local government of Washington, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the departments of Natural Resources, Social and Health Services, Gambling Commission, Lottery Commission, State Parks and Recreation Commission, Utilities and Transportation Commission, Liquor and Cannabis Board, Office of the Insurance Commissioner, and Corrections.

A limited authority Washington peace officer is any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer.

Fresh pursuit includes, without limitation, fresh pursuit as defined by the common law. Fresh pursuit does not necessarily imply immediate pursuit, but pursuit without unreasonable delay.

Summary of Substitute Bill:

Designated officers of the Commission are authorized to enforce all the laws of the State of Washington:

- within the boundaries of any state park, including lands owned, managed, or co-managed by the Commission under lease or other agreement;
- in winter recreation facilities established and administered by the Commission;
- on public roadways and public waterways bisecting the contiguous borders of any state park, including lands owned, managed, or co-managed by the Commission under lease or other agreement;
- upon prior written consent of the sheriff or police chief in whose primary territorial jurisdiction the exercise of the powers occur;
- in response to the request of a peace officer with enforcement authority; and
- when the officer is in fresh pursuit for an offense committed in the presence of the officer.

The Director of the Commission may enter into agreements allowing officers of tribal law enforcement agencies on contiguous or co-managed property to enforce certain civil infractions.

When physical injury to a person or substantial damage to property occurs, or is about to occur, within the presence of an officer of the Commission designated with police powers, the officer is authorized to take such action as is reasonably necessary to prevent or to prevent further physical injury to a person or substantial damage to property. In such cases, the officer is immune from civil liability for damages arising out of the action of the designated officer, unless it is shown that the officer acted with gross negligence or bad faith.

Substitute Bill Compared to Original Bill:

The enforcement powers of designated officers of the Commission are expanded and the provision allowing enforcement powers within a one-mile radius of a park is eliminated. The Director of the Commission is given authority to enter into agreements allowing officers of tribal law enforcement agencies on contiguous or co-managed property to enforce certain civil infractions. Authorization is provided to officers designated with police powers, to take such action as is reasonably necessary, when physical injury to a person or substantial damage to property occurs, or is about to occur, within the presence of an officer. Such officer is immune from civil liability for damages arising out of the action of the officer, unless it is shown that the designated officer acted with gross negligence or bad faith.

Appropriation: None.

Fiscal Note: Available.

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) This year's bill is much more narrowly defined than in the past and it is just adding definitions to the Commission's previously undefined authority. There is nothing new in the bill and the outline of this bill was the practice of state park rangers until 2004 when the Attorney General advised the Commission that park rangers did not have the authority to enforce laws on lands directly adjacent to or touching park lands.

During the wildfires that took place in Okanogan, Chelan, and Douglas counties, park rangers were told that they could not assist law enforcement. There were situations where evacuation notices needed to be distributed, but park rangers were not allowed to assist without being outside of their jurisdiction. Rangers had to just sit there, guard the Department of Natural Resource's trucks, and watch the fires spread while local emergency workers scrambled for help. Once the Washington State Patrol (WSP) arrived and specifically asked for assistance, the park rangers still could not help because they did not have the legislative authority to assist in emergency situations. This has caused quite a bit of frustration to local fire chiefs and law enforcement.

Under the Criminal Justice Training Commission (CJTC), a reserve officer receives 245.5 hours of training whereas a law enforcement officer going through the full academy receives

720 hours of training. Park rangers also receive 720 hours of training through the State Park Ranger Academy and the rangers are trained by the CJTC instructors. This bill will do the right thing for Washington citizens.

(Opposed) There is opposition for expanded control to be given to the Department of Natural Resources, the Commission and the Liquor Cannabis Board. The purpose of limited authority law enforcement is to deal with very specific, narrowly defined issues, which is very different from the duties of general law enforcement officers.

The CJTC does not consider the Commission as a full-time general commissioned law enforcement agency and therefore it does not recognize the Commission's training course as an equivalent law enforcement academy. In addition, law enforcement agencies work with the courts and prosecutors on a daily basis in enforcing criminal laws. Limited commission agencies do not have that same type of knowledge or expertise. The Legislature should take a look at moving the enforcement duties of each of the limited authority agencies into a single state agency such as the WSP or the Department of Fish and Wildlife.

Over the last three years, the Skamania Police Department recorded 118 calls in which 97 of the calls were answered by Skamania law and fire departments. If the state park rangers are not currently administering the bulk of the law enforcement functions within the boundaries of the park now, why should their law enforcement authority be extended to a one mile buffer outside of park boundaries?

The Commission can currently work with local law enforcement agencies to request and receive a commission. Also, the Legislature has the authority to allow the Commission to enter into mutual aid agreements with local law enforcement. There needs to be more communication between state park rangers, the Washington Association of Sheriffs and Police Chiefs, and local sheriffs and police chiefs.

(Other) The Commission is supportive of the concept and intent of this bill. There are parts of the bill that would certainly improve park rangers' ability to carry out the mission of the agency of protecting state parks and the citizens that use them. It is recognized that more discussion may need to take place as it relates to park rangers engaging in duties outside of park property.

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

(Opposed) Dave Brown, Skamania County Sheriff's Office; John Snaza, Thurston County Sheriff's Office; and Rob Snaza, Lewis County Sheriff's Office.

(Other) Robert Ingram, Washington State Parks and Recreation Commission.

Persons Signed In To Testify But Not Testifying: None.