



TEAMSTERS LOCAL UNION 117

Affiliated with the International Brotherhood of Teamsters

General Public and Private Sector Employees and Special Services Employees in King and Pierce Counties and Employees of the State of Washington

July 29, 2011

Mr. Rob McKenna, Attorney General
Office of the Attorney General
PO Box 40100
Olympia, WA 98504-0100

Via Email Transmittal Only
emailago@atq.wa.gov

Re: Implementation of ESHB 1041 for Qualified DOC Personnel

Dear Mr. McKenna:

I am writing with regard to the State's implementation of Engrossed Substitute House Bill 1041, which amended RCW 9.41 to include correctional employees who have completed government-sponsored law enforcement firearms training to the lists of law enforcement personnel that are exempt from certain firearm restrictions. This law took effect on July 22, 2011.

As you know, Teamsters Local Union No. 117 represents approximately 6,000 Department of Corrections (DOC) employees in the State's adult prisons. Our Union was the originator of this important safety legislation for our members.

On July 21, 2011, the DOC communicated to its employees that this new legislation "does not require any action on the part of the Department." Further, the DOC communicated that, if requested, it would provide a form letter stating that an employee has met the criteria under the applicable provisions of RCW 9.41. Please see the enclosed communiqué.

As a former law enforcement officer turned attorney, I am deeply concerned about how qualified DOC personnel are supposed to adequately identify themselves to law enforcement should they be challenged on carrying a concealed firearm under the new law. Although the Department's form letter could be produced to law enforcement, DOC policy does not allow staff to carry their Department identification cards and/or their metal badge while off-duty. Thus, if DOC personnel are challenged by law enforcement officers on their concealed carry of a firearm, all they are able to produce under current policy is their driver's license and a copy of this form letter. This method of identification hardly seems adequate to satisfy law enforcement officers' inquiries in the field.

Unfortunately, the DOC has failed to respond to our requests for clarification on this issue and now the law is in effect. As such, our members are carrying firearms under this new law without any guidance from the State. Therefore, our Union is requesting an opinion and guidance from your office on:

1. How DOC personnel should identify themselves to law enforcement as qualified to carry a concealed firearm under the new law; and
2. What guidance can and will your office be providing to law enforcement agencies across the State (possibly through the monthly Law Enforcement Digest), so that when DOC personnel produce the form letter, with no accompanying Department identification, that law enforcement officers in the field will recognize the piece of paper as adequate documentation under the new law (e.g., similar to the State's Concealed Pistol License)?

Without addressing this important issue the DOC is leaving its employees in a position to potentially be arrested if they cannot adequately show they are indeed qualified correctional staff under the law, or alternatively, to violate policy if they display their Department identification and/or metal shield that identifies themselves as correctional employees.

On behalf of our nearly 6,000 DOC members, we look forward to any assistance your office will be providing in this matter. Feel free to contact me at (206) 441-4860, ext. 1232, if you have any questions.

Respectfully submitted,



James V. Smith II
Director of Corrections & Law Enforcement/Staff Attorney

JVS:vj

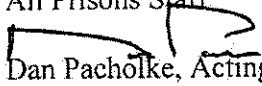
Enclosure

cc: Dan Pacholke, DOC Acting Prisons Director: djpacholke@doc1.wa.gov
Angela Roberts, DOC LR Manager: teamsters117@doc.wa.gov - 3101
DOC Business Representatives, Teamsters Local 117



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

July 21, 2011

TO: All Prisons Staff
FROM: 
Dan Pacholke, Acting Director
Prisons Division
SUBJECT: Director's Weekly Message

MCC Critical Incident Review

Today, I accompanied Secretary Warner to an all staff meeting at the Monroe Correctional Complex. We were there to brief staff on the findings of the Critical Incident Review following the tragic murder of Correctional Officer Jayme Biendl.

Tomorrow, a redacted version of that report will be posted on Inside DOC for all employees to access. We wanted to provide this information to you first. This tragedy will forever change what we do and how we view our work. I trust that you will manage the information in this report in a sensitive and thoughtful manner.

Engrossed Substitute House Bill 1041

Engrossed Substitute House Bill 1041 is effective July 22, 2011. This bill provides exemptions ~~from some firearm restrictions for certain correctional personnel and Community Corrections Officers who have completed government-sponsored law enforcement firearms training.~~

The bill does not require any action on the part of the Department. If qualifying staff members need to prove they meet the criteria of the exemption, the Department will provide a form letter stating that the employee met the following criteria, as of the date of the letter:

1. Is currently employed as correctional personnel or Community Corrections Officer,
2. Has completed firearm training provided by the Department of Corrections, received as part of his/her job requirement/assignment, and
3. Has been subject to background check (NCIC, WACIC and DISCIS) within the last 5 years.

"Working Together for SAFE Communities"

Director's Weekly Message

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We anticipate that a link to request information will be available tomorrow on Inside DOC, and can be found under Legislative Information, 11-13 Biennium, Legislative Implementation. The goal is to respond to a request within a week, however, your patience is appreciated as we work through the process.

It has been a busy week; however, I wanted to provide you with information on these two critical issues. If you have any additional questions please let me know.

cc: Bernard Warner, Secretary
Clela Steelhammer, Legislative and Policy
Earl Wright, Deputy Director
Tomas Fithian, Chief, Emergency Operations
