



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY
P.O. Box 41101 • Olympia, Washington 98504-1101

November 8, 2018

TO: All DOC Employees

FROM: Stephen Sinclair, Secretary

SUBJECT: Important Changes for those Carrying Concealed Firearms Off-Duty

The purpose of this message is to inform DOC employees who possess a Peace Officer Identification Card that carrying a concealed pistol off-duty without a concealed pistol license is prohibited.

In 2011, the Washington State Legislature amended [RCW 9.41.060 Exceptions to restrictions on carrying firearms](#) to include correctional personnel in the law enforcement exemption from the concealed pistol license requirement. As amended, correctional personnel and community corrections officers are exempt from the requirement to obtain a concealed pistol license “as long as they remain employed in corrections, have completed law enforcement firearms training, “and have been subject to a check through the [National Instant Criminal Background Check System \(NICS\)](#) or an equivalent background check within the past five years...”

In response to the 2011 amendment to RCW 9.41.060, the Department revised [DOC policy 400.025 Identification Cards](#) to allow eligible employees to be issued a Peace Officer Identification Card. The Peace Officer Identification Card confirms an eligible employee’s position as a Limited Authority Washington Peace Officer, and if duly authorized to carry a firearm in the performance of their duties, the identification card further confirms the employee has completed agency-sponsored firearms training and is subject to annual criminal background checks. When completing pre-employment and annual criminal background checks, the Department uses the [Federal Bureau of Investigation \(FBI\) National Crime Information Center \(NCIC\)](#), which is accessed through the Washington State Patrol (WSP), among other criminal justice databases.

Through recent audits, both the WSP and the FBI advised the Department that the NCIC

background checks are not appropriate for establishing eligibility for the concealed carry license exemption in RCW 9.41.060. Specifically, the WSP and the FBI advised that criminal background checks run through the NCIS do not meet the RCW requirement of a "...check through the national instant criminal background check system (NICS) or an equivalent background check..." The FBI administers the national instant criminal background check system (NICS), which is used for personal firearms purchases and transfers, and includes information from sources beyond what is included in the NCIC. The FBI has advised that although RCW 9.41.060 references the NICS, the Department may not have access to that system for purposes of confirming an employee's potential eligibility to use the corrections personnel exemption in the RCW because the use of NICS is strictly limited to the issuance of an actual personal firearms license or permit.

The significance of this is that based on information and advice received from the WSP, the FBI, and the Office of the Attorney General, and since DOC employees did not undergo the required background check, **Department employees do not meet the requirements in RCW 9.41.060 to carry a concealed pistol while off-duty without a concealed pistol license.** If you wish to conceal carry you need to obtain a concealed pistol license (CPL) from your local law enforcement jurisdiction. You are advised that carrying a concealed pistol without a CPL may result in criminal liability per [RCW 9.41.050 Carrying Firearms](#) (making concealed carry without a license a misdemeanor).

Please understand this decision is based on the results of external audits and subsequent state and federal advice received. The amended RCW, which was intended to extend the law enforcement exemption to correctional personnel, contains language of which neither the Department nor employees can comply.

The Department is immediately suspending the issuance of Peace Officer Identification Cards. The Department is continuing to evaluate options to address the situation to include working with our labor partners to effect change in legislation. We appreciate your patience.

SS:cog