FIREARM POSSESSION BY OFFENDERS

REVIEW/REVISION HISTORY:

Effective: 8/15/05
Revised: 9/19/07
Revised: 11/21/08
Reviewed: 7/15/10
Revised: 1/19/15

SUMMARY OF REVISION/REVIEW:

Policy statement I. and Directive I.C. - Added clarifying language
I.A.1. - Adjusted form use and specified notification responsibility

APPROVED:

Signature on file

______________________________________________  12/10/14
BERNARD WARNER, Secretary          Date Signed
Department of Corrections
REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 9.41.040; RCW 9.41.098; DOC 420.395 Evidence/Property Procedures for Field; DOC 460.130 Violations, Hearings, and Appeals; 18 U.S.C. 931

POLICY:

I. Actual or constructive possession of a firearm, explosive, ammunition, or body armor will be considered a violation or a new crime for offenders on parole and for offenders on probation or community supervision/placement/custody whose right to bear arms has been revoked.

A. Offenders who are on active duty in one of the military services, including active Reserves and National Guard, may possess/control firearms, body armor, ammunition, or explosives only while actually engaged in military duty.

DIRECTIVE:

I. Response

A. Community Corrections Officers (CCOs), Community Corrections Supervisors, and Community Corrections Specialists will immediately confiscate or cause confiscation of any firearm, ammunition, or body armor found in an offender’s possession.

1. The confiscated item(s) will be documented on DOC 05-825 Evidence/Property Record - Field and handled per DOC 420.395 Evidence/Property Procedures for Field.

2. The CCO will notify:
   
a. Local law enforcement and, as appropriate, the Bureau of Alcohol, Tobacco, and Firearms of an offender’s possession/control of firearms.

   b. The Bureau of Alcohol, Tobacco, and Firearms of an offender’s possession of body armor.

B. When an item is suspected or determined to be an explosive, the CCO will contact the Washington State Patrol and/or local law enforcement.

C. The CCO will take appropriate action for violations or failure to Failure to Obey All Laws per DOC 460.130 Violations, Hearings, and Appeals.
II. Disposition

A. Confiscated firearms, ammunition, and body armor that are not turned over to a local, state, or federal law enforcement agency as evidence for a new prosecution will be disposed of per DOC 420.395 Evidence/Property Procedures for Field.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

None

DOC FORMS:

DOC 05-825 Evidence/Property Record - Field