

FINAL BILL REPORT

SSB 6590

C 294 L 10
Synopsis as Enacted

Brief Description: Stating the policy that law enforcement personnel be truthful and honest in the conduct of official business.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, Delvin, Brandland and Hargrove).

Senate Committee on Judiciary
House Committee on Public Safety & Emergency Preparedness

Background: Kitsap County (County) terminated Kitsap County Sheriff Deputy Brian LaFrance for numerous acts of misconduct including being untruthful. The case went to arbitration and the arbitrator found that the County had failed to show the degree of discipline administered was reasonably related to the seriousness of the proven offenses. The arbitrator determined that Deputy LaFrance's mental disability was apparent from his behavior and that the County should have referred him for counseling and fitness for duty exams. The arbitrator denied Deputy LaFrance's request for back pay.

Both parties appealed the arbitrator's decision and the matter eventually was decided by the Washington State Supreme Court in the case of *Kitsap County Deputy Sheriff's Guild v. Kitsap County*, 167 Wn. 2d 428 (2009). The court found that an arbitration decision arising out of a collective bargaining agreement could be vacated if it violated explicit, well defined, and dominant public policy. The court reviewed Washington law and found that there was no explicit, well defined, and dominate public policy requiring termination of an officer found to have been untruthful.

Summary: A new public policy is created which states that all commissioned, appointed, and elected law enforcement personnel must comply with their oath of office and agency policies regarding the duty to be truthful and honest in the conduct of their official duties.

Votes on Final Passage:

Senate	46	0	
House	94	0	(House amended)
Senate	46	0	(Senate concurred)

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.

Effective: June 10, 2010