

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1423

Chapter 351, Laws of 1997
(partial veto)

55th Legislature
1997 Regular Session

CRIMINAL JUSTICE TRAINING

EFFECTIVE DATE: 5/13/97

Passed by the House April 19, 1997
Yeas 90 Nays 1

CLYDE BALLARD
Speaker of the
House of Representatives

Passed by the Senate April 15, 1997
Yeas 45 Nays 0

IRV NEWHOUSE
President of the Senate

Approved May 13, 1997, with the
exception of section 1, which is
vetoed.

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1423** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 13, 1997 - 2:36 p.m.

Secretary of State
State of Washington

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1423

AS AMENDED BY THE SENATE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Sterk, Costa, Sheahan, McDonald, Koster, Robertson, Carrell, Sherstad, Hickel, Delvin, L. Thomas, O'Brien and Conway)

Read first time 03/10/97.

1 AN ACT Relating to criminal justice training; amending RCW
2 43.101.030; reenacting and amending RCW 43.101.200; adding new sections
3 to chapter 43.101 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1. RCW 43.101.030 and 1981 c 132 s 3 are each amended to*
6 *read as follows:*

7 *The commission shall consist of (~~twelve~~) sixteen members, who*
8 *shall be selected as follows:*

9 *(1) The governor shall appoint two incumbent sheriffs and two*
10 *incumbent chiefs of police.*

11 *(2) The governor shall appoint one person employed in a county*
12 *correctional system and one person employed in the state correctional*
13 *system.*

14 *(3) The governor shall appoint one incumbent county prosecuting*
15 *attorney or municipal attorney.*

16 *(4) The governor shall appoint one elected official of a local*
17 *government.*

18 *(5) The governor shall appoint one private citizen.*

1 (6) The governor shall appoint four peace officers with the rank of
2 sergeant or below and are currently serving as a training officer.

3 (7) The three remaining members shall be:

4 (a) The attorney general;

5 (b) The special agent in charge of the Seattle office of the
6 federal bureau of investigation; and

7 (c) The chief of the state patrol.

8 *Sec. 1 was vetoed. See message at end of chapter.

9 NEW SECTION. Sec. 2. A new section is added to chapter 43.101 RCW
10 to read as follows:

11 (1) Two separate training standards and education boards are
12 created and established, to be known and designated as (a) the board on
13 law enforcement training standards and education and (b) the board on
14 correctional training standards and education.

15 (2) The purpose of the board on law enforcement training standards
16 and education is to review and recommend to the commission programs and
17 standards for the training and education of law enforcement personnel.

18 (3) The purpose of the board on correctional training standards and
19 education is to review and recommend to the commission programs and
20 standards for the training and education of correctional personnel.

21 NEW SECTION. Sec. 3. A new section is added to chapter 43.101 RCW
22 to read as follows:

23 (1) The board on law enforcement training standards and education
24 consists of thirteen members, appointed by the executive director and
25 subject to approval by the commission. Members must be selected as
26 follows: (a) Three must represent county law enforcement agencies, at
27 least two of whom must be incumbent sheriffs; (b) three must represent
28 city police agencies, at least two of whom must be incumbent police
29 chiefs, one of whom shall be from a city under five thousand; (c) one
30 must represent community colleges; (d) one must represent the four-year
31 colleges and universities; (e) four must represent the council of
32 police officers, two of whom must be training officers; and (f) one
33 must represent tribal law enforcement in Washington. The six officers
34 under (a) and (b) of this subsection may be appointed by the executive
35 director only after the Washington association of sheriffs and police
36 chiefs provides the director with the names of qualified officers. The
37 four officers under (e) of this subsection may be appointed by the

1 executive director only after the council of police officers provides
2 the director with the names of qualified officers.

3 (2) The board on correctional training standards and education
4 consists of fourteen members, appointed by the executive director and
5 subject to approval by the commission. Members must be selected as
6 follows: (a) Three must be employed in the state correctional system;
7 (b) three must be employed in county correctional systems; (c) two must
8 be employed in juvenile corrections or probation, one at the local
9 level and the other at the state level; (d) two must be employed in
10 community corrections; (e) one must represent community colleges; (f)
11 one must represent four-year colleges and universities; and (g) two
12 must be additional persons with experience and interest in correctional
13 training standards and education. At least one of the members
14 appointed under (a) of this subsection and at least one of the members
15 appointed under (b) of this subsection must be currently employed as
16 front line correctional officers.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW
18 to read as follows:

19 All members of each of the training standards and education boards
20 must be appointed for terms of six years, commencing on July 1st, and
21 expiring on June 30th. However, of the members first appointed three
22 will serve for terms of two years, four will serve for terms of four
23 years, and four will serve for terms of six years. A member chosen to
24 fill a vacancy that has been created other than by expiration of a term
25 must be appointed for the unexpired term of the member to be succeeded.
26 A member may be reappointed for additional terms.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101 RCW
28 to read as follows:

29 A member of either board appointed under section 3 of this act as
30 an incumbent official or because of employment status, ceases to be a
31 member of the board immediately upon the termination of the holding of
32 the qualifying office or employment.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.101 RCW
34 to read as follows:

35 Each training standards and education board shall elect a chair and
36 vice-chair from among its members. A simple majority of the members of

1 a training standards and education board constitutes a quorum. The
2 commission shall summon each of the training standards and education
3 boards to its first meeting.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.101 RCW
5 to read as follows:

6 Members of the training standards and education boards may be paid
7 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

8 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.101 RCW
9 to read as follows:

10 The training standards and education boards have the following
11 powers:

- 12 (1) To meet at such times and places as they may deem proper;
- 13 (2) To adopt bylaws for the conduct of their business as deemed
14 necessary by each board;
- 15 (3) To cooperate with and secure the cooperation of any department,
16 agency, or instrumentality in state, county, or city government, and
17 commissions affected by or concerned with the business of the
18 commission;
- 19 (4) To do any and all things necessary or convenient to enable them
20 fully and adequately to perform their duties and to exercise the powers
21 granted to them;
- 22 (5) To advise the commission of the training and education needs of
23 criminal justice personnel within their specific purview;
- 24 (6) To recommend to the commission standards for the training and
25 education of criminal justice personnel within their specific purview;
- 26 (7) To recommend to the commission minimum curriculum standards for
27 all training and education programs conducted for criminal justice
28 personnel within their specific purview;
- 29 (8) To recommend to the commission standards for instructors of
30 training and education programs for criminal justice personnel within
31 their specific purview;
- 32 (9) To recommend to the commission alternative, innovative, and
33 interdisciplinary training and education techniques for criminal
34 justice personnel within their specific purview;
- 35 (10) To review and recommend to the commission the approval of
36 training and education programs for criminal justice personnel within
37 their specific purview;

1 (11) To monitor and evaluate training and education programs for
2 criminal justice personnel with their specific purview.

3 Each training standards and education board shall report to the
4 commission at the end of each fiscal year on the effectiveness of
5 training and education programs for criminal justice personnel within
6 its specific purview.

7 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.101 RCW
8 to read as follows:

9 For the purpose of raising the level of competence of criminal
10 justice personnel, the commission shall review the recommendations of
11 training standards and education boards made under section 8 of this
12 act.

13 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.101
14 RCW to read as follows:

15 (1) All law enforcement personnel initially hired to, transferred
16 to, or promoted to a supervisory or management position on or after
17 January 1, 1999, shall, within the first six months of entry into the
18 position, successfully complete the core training requirements
19 prescribed by rule of the commission for the position, or obtain a
20 waiver or extension of the core training requirements from the
21 commission.

22 (2) Within one year after completion of the core training
23 requirements of this section, all law enforcement personnel shall
24 successfully complete all remaining requirements for career level
25 certification prescribed by rule of the commission applicable to their
26 position or rank, or obtain a waiver or extension of the career level
27 training requirements from the commission.

28 (3) The commission shall provide the training required in this
29 section, together with facilities, supplies, materials, and the room
30 and board for attendees who do not live within fifty miles of the
31 training center. The training shall be delivered in the least
32 disruptive manner to local law enforcement agencies, and will include
33 but not be limited to regional on-site training, interactive training,
34 and credit for training given by the home department.

35 (4) Nothing in this section affects or impairs the employment
36 status of an employee whose employer does not provide the opportunity
37 to engage in the required training.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.101
2 RCW to read as follows:

3 By January 1st of every odd-numbered year, the commission shall
4 provide a written report to the legislature addressing the following
5 items: (1) Status and satisfaction of service to its clients; (2)
6 detailed analysis of how it will maintain and update adequate
7 state-of-the-art training models and their delivery in the most
8 cost-effective and efficient manner; and (3) fiscal data projecting its
9 current and future funding requirements.

10 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.101
11 RCW to read as follows:

12 Each year the criminal justice training commission shall offer an
13 intensive training session on investigation of child abuse and neglect.
14 The training shall focus on the investigative duties of law enforcement
15 established under chapter 26.44 RCW with particular emphasis placed on
16 child interview techniques to increase the accuracy of statements taken
17 from children and decrease the need for additional interviews.

18 **Sec. 13.** RCW 43.101.200 and 1993 sp.s. c 24 s 920 and 1993 sp.s.
19 c 21 s 5 are each reenacted and amended to read as follows:

20 (1) All law enforcement personnel, except volunteers, and reserve
21 officers whether paid or unpaid, initially employed on or after January
22 1, 1978, shall engage in basic law enforcement training which complies
23 with standards adopted by the commission pursuant to RCW 43.101.080.
24 For personnel initially employed before January 1, 1990, such training
25 shall be successfully completed during the first fifteen months of
26 employment of such personnel unless otherwise extended or waived by the
27 commission and shall be requisite to the continuation of such
28 employment. Personnel initially employed on or after January 1, 1990,
29 shall commence basic training during the first six months of employment
30 unless the basic training requirement is otherwise waived or extended
31 by the commission. Successful completion of basic training is
32 requisite to the continuation of employment of such personnel initially
33 employed on or after January 1, 1990.

34 (2) Except as otherwise provided in this chapter, the commission
35 shall provide the aforementioned training together with necessary
36 facilities, supplies, materials, and the board and room of noncommuting
37 attendees for seven days per week. Additionally, to the extent funds

1 are provided for this purpose, the commission shall reimburse to
2 participating law enforcement agencies with ten or less full-time
3 commissioned patrol officers the cost of temporary replacement of each
4 officer who is enrolled in basic law enforcement training: PROVIDED,
5 That such reimbursement shall include only the actual cost of temporary
6 replacement not to exceed the total amount of salary and benefits
7 received by the replaced officer during his or her training period.

8 NEW SECTION. **Sec. 14.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately.

Passed the House April 19, 1997.

Passed the Senate April 15, 1997.

Approved by the Governor May 13, 1997, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 13, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 1,
3 Engrossed Second Substitute House Bill No. 1423 entitled:

4 "AN ACT Relating to criminal justice training;"

5 The creation of training standards and education boards for law
6 enforcement and corrections will give the Criminal Justice Training
7 Commission a valuable new tool to develop and evaluate training
8 programs for these important public employees. Providing for training
9 and certification of supervisory and management personnel will
10 ultimately result in better law enforcement and greater public safety.
11 I am particularly pleased with the provisions of 2SHB 1423 that require
12 intensive training for investigating cases of child abuse and neglect.

13 Section 1 of the bill would expand the Training Commission from
14 twelve to sixteen members by the addition of four "rank and file" law
15 enforcement officers. The commission has a broad mission, providing
16 training to corrections and jail personnel, county detention personnel,
17 prosecutors and public defenders, in addition to law enforcement
18 officers. I strongly support the presence of line officers on the
19 Training Commission, however, four is too many.

20 Currently, four of the 16 members of the Training Commission are
21 from law enforcement, two sheriffs and two police chiefs. Four

1 additional law enforcement representatives would upset the balance of
2 the Training Commission.

3 For these reasons, I have vetoed section 1 of Engrossed Second
4 Substitute House Bill No. 1423.

5 With the exception of section 1, I am approving Engrossed Second
6 Substitute House Bill No. 1423."