

SENATE BILL REPORT

SB 5180

As Reported By Senate Committee On:
Judiciary, February 6, 2001

Title: An act relating to certification of peace officers.

Brief Description: Modifying provisions pertaining to the certification of peace officers.

Sponsors: Senators Costa, McCaslin, Haugen, Sheahan, Roach, Rasmussen and Kline; by request of Criminal Justice Training Commission.

Brief History:

Committee Activity: Judiciary: 1/25/01, 2/6/01 [DPS-WM].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass. and be referred to Committee on Ways & Means.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Staff: Lilah Amos (786-7421)

Background: All police officers must successfully complete a basic law enforcement training course provided or approved by the Criminal Justice Training Commission within the first six months of employment, absent an extension or waiver. Successful completion of this training requirement is a prerequisite to continued employment in law enforcement. There is presently no additional requirement that police officers maintain certification by a state agency in order to be eligible for continuing employment as a police officer, nor has any state agency been given the authority to revoke a police officer's certification if the officer has committed misconduct.

Summary of Substitute Bill: All peace officers must obtain and maintain certification as a condition of continuing employment. The Criminal Justice Training Commission is given authority to certify officers, to investigate complaints against officers, and to file charges against an officer if the commission finds probable cause to believe that certification should be revoked. If a hearing is requested by the officer, the commission must appoint a five-member panel to determine if decertification should occur. The standard of proof is clear, cogent, and convincing evidence.

Certification may be revoked if an officer is discharged for disqualifying misconduct or has interfered with an investigation. The commission may revoke certification if an officer is convicted of a felony, except if an officer was convicted of a felony before hiring and fully disclosed that conviction, the commission may only revoke certification if his employer agrees. Resignation in anticipation of discipline is a basis for decertification. Investigative files of the commission are confidential and exempt from public disclosure, and must be

purged if the complaint is found to be without merit. Hearings of the panel are open to the public. The panel may base its decision upon a review of the records of an employment separation proceeding, or may decide to consider additional evidence. The panel's decision is subject to judicial review.

Persons filing a complaint against an individual, and members of the commission and anyone acting on its behalf, are immune from liability for acts taken in the course of their duties regarding decertification. Anyone providing information to the commission in good faith is immune from civil liability. As a condition of certification, a peace officer must authorize release of personnel files and termination documents to the commission.

An officer may petition for reinstatement five years after denial or revocation of certification. If the decertification is based upon a felony conviction, recertification is prohibited unless the conviction is reversed on appeal. An employing law enforcement agency must notify the commission of termination or resignation of peace officers.

Substitute Bill Compared to Original Bill: A certified law enforcement officer who has a prior felony conviction which was fully disclosed to the employer before hiring can have certification revoked due to the conviction only if the employing agency agrees.

Appropriation: None.

Fiscal Note: Requested January 18, 2001.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Only five states do not have statewide peace officer certification. This bill is critical for improving standards for law enforcement personnel, so that an unsuitable officer can be removed and not be rehired by another agency who doesn't know the officer's history. The bill will promote professionalism and increase trust of the public in police officers. This bill will save recruitment and training costs for persons who are eventually found to have prior felony convictions.

Testimony Against: None.

Testified: Mike Parsons, Director, Criminal Justice Training Commission; Sharon Tolton, Criminal Justice Training Commission; Steve Tomson, Whitman County Sheriff (WASPC); Doug Blair, Yakima County Sheriff (WASPC); Bruce Bjork, Washington Department of Fish and Wildlife (WASPC).