

# HOUSE BILL REPORT

## SHB 2768

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**As Passed House:**  
February 11, 2010

**Title:** An act relating to background investigations for peace officers and reserve officers.

**Brief Description:** Requiring background investigations for peace officers and reserve officers as a condition of employment.

**Sponsors:** House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Ross, O'Brien, Hurst, Ericks, Wallace, Kelley, Upthegrove and Simpson; by request of Criminal Justice Training Commission).

**Brief History:**

**Committee Activity:**

Public Safety & Emergency Preparedness: 1/29/10 [DPS].

**Floor Activity:**

Passed House: 2/11/10, 97-0.

**Brief Summary of Substitute Bill**

- Requires an applicant offered a conditional offer of employment as a peace officer or reserve officer to submit to a background investigation, including a check of criminal history.
- Requires the Criminal Justice Training Commission to deny certification to a peace officer who has a break in law enforcement service of two years if the officer fails to comply with the background investigation requirement.

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### HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

**Staff:** Alexa Silver (786-7190).

**Background:**

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*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.*

The Criminal Justice Training Commission (CJTC) provides basic corrections training, law enforcement training, and educational programs for criminal justice personnel, including commissioned officers, corrections officers, fire marshals, and prosecuting attorneys.

An applicant offered a conditional offer of employment as a peace officer or reserve officer must pass a psychological exam and a polygraph test as a condition of continuing employment. The tests must be administered by the hiring county, city, or state law enforcement agency. The psychological exam must be administered by a Washington licensed psychiatrist or psychologist, and the polygraph test must be administered by an experienced polygrapher.

The CJTC is authorized to receive criminal history record information that includes non-conviction data for employment by the CJTC or for certification of peace officers.

Under certain circumstances, the CJTC may deny or revoke certification of a peace officer. The CJTC must deny certification to an officer who has lost certification as a result of a break in law enforcement work of more than two years if the officer has failed to pass the psychological exam and polygraph test.

**Summary of Substitute Bill:**

An applicant offered a conditional offer of employment as a peace officer or reserve officer must submit to a background investigation, including a check of criminal history, as a condition of continuing employment. The results of the background investigation will be used to determine the applicant's suitability. The background investigation is administered by the agency that makes the conditional offer of employment.

The polygraph test must be administered by an experienced polygraph examiner who is in compliance with standards established by the CJTC.

The CJTC must deny certification to an officer who has lost certification as a result of a break in law enforcement work of more than two years if the officer has failed to comply with requirements regarding the background investigation, psychological exam, and polygraph test.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill clarifies and establishes standards for certification requirements for peace and reserve officers. It clarifies that the results of a polygraph test will be used to determine an applicant's suitability, because current law, which refers to successfully passing a polygraph test, is ambiguous. The bill also allows the CJTC to set standards in

administrative rules for polygraph tests. The pre-employment testing requirements are the same for an officer whose certification has lapsed due to a break in service as for an officer seeking employment. It is rare that an applicant is disqualified solely based on the results of a polygraph test, because applicants are honest when they know a polygraph will be administered. The bill does not have a fiscal impact.

(Opposed) None.

**Persons Testifying:** Representative Ross, prime sponsor; Doug Blair, Criminal Justice Training Commission; and Don Pierce, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.