

SENATE BILL REPORT

SHB 1567

As Reported by Senate Committee On:
Human Services & Corrections, March 24, 2011

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, Hurst, Upthegrove, Kelley and Moscoso; by request of Criminal Justice Training Commission).

Brief History: Passed House: 2/25/11, 98-0.

Committee Activity: Human Services & Corrections: 3/11/11, 3/24/11 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Baxter, Carrell, Harper and McAuliffe.

Staff: Kevin Black (786-7747)

Background: The Criminal Justice Training Commission (CJTC) certifies applicants for the position of fully commissioned peace officer or fully commissioned reserve peace officer. The CJTC may require such an applicant to take and pass a polygraph examination and a psychological examination. Any fully commissioned peace officer or fully commissioned reserve peace officer employed after July 25, 2005, or whose certification has lapsed due to a break of more than 24 months in the officer's service, must also take and pass these examinations.

Summary of Bill (Recommended Amendments): In addition to a polygraph examination and psychological examination, an applicant for the position of fully commissioned peace officer or fully commissioned reserve peace officer must submit to a background investigation including a check of criminal history. The CJTC is authorized to use these tests to judge an applicant's suitability for employment. These same tests apply to a fully commissioned peace officer or fully commissioned reserve peace officer employed after July 25, 2005, or whose certification has lapsed due to a break of more than 24 months in the

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officer's service. If an alternative test to a polygraph test is employed, it must be administered in compliance with the rules of the CJTC but need not be administered by an accredited polygrapher.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): If an alternative test to a polygraph test is employed, it must be administered in compliance with the rules of the CJTC but need not be administered by an accredited polygrapher.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Substitute House Bill: PRO: This legislation has been a priority of the CJTC for about three years. The psychological examination and polygraph test are very useful in screening applicants for peace officer certification. We want to let the CJTC develop the rules that apply to polygraph tests. If the CJTC changed its rules, it would be through a public hearing after notice of this intention. We currently use the American Polygraph Association standards.

CON: The substitute bill strikes critical language regarding the qualifications of polygraph examiners administering pre-employment peace officer tests. There is no reason to lower training requirements of polygraph examiners. This will degrade the quality of pre-employment screening currently provided by the law. Examiners who have not graduated from an accredited school may not have had courses in ethics or participated in continuing education in the profession. The American Polygraph Association requires a seasoned examiner to quality control polygraph exams.

Persons Testifying: PRO: Don Pierce, Washington Association of Sheriffs and Police Chiefs; Joe Hawe, CJTC.

CON: Sally Vanbeek, Marty Gunderson, Northwest Polygraph Examiners Association.