

SENATE BILL REPORT

2SHB 2499

As Reported by Senate Committee On:
Law & Justice, February 27, 2020
Ways & Means, March 2, 2020

Title: An act relating to the certification of corrections officers.

Brief Description: Certifying corrections officers.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Appleton, Klippert and Goodman).

Brief History: Passed House: 2/18/20, 94-0; 2/18/20, 98-0.

Committee Activity: Law & Justice: 2/25/20, 2/27/20 [DP-WM, DNP].
Ways & Means: 2/29/20, 3/02/20 [DPA, w/oRec, DNP].

Brief Summary of Amended Bill

- Requires corrections officers to obtain certification through the Criminal Justice Training Commission.
- Requires basic corrections officer training to be at least ten weeks in length.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

Minority Report: Do not pass.
Signed by Senators Padden, Ranking Member; Holy and Wilson, L..

Staff: Tim Ford (786-7423)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

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.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Pedersen and Van De Wege.

Minority Report: That it be referred without recommendation.

Signed by Senators Muzzall, Schoesler, Wagoner, Warnick and Wilson, L..

Minority Report: Do not pass.

Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker.

Staff: Corban Nemeth (786-7736)

Background: Peace Officer Certification. The Criminal Justice Training Commission (CJTC) provides training and educational programs to law enforcement, corrections officers, and other public safety professionals in Washington. This includes the Basic Law Enforcement Training Academy as well as advanced training. The CJTC also certifies and, when necessary, decertifies peace officers.

All general authority peace officers, including local law enforcement officers and those employed by the state agencies, are required to obtain and maintain certification. An applicant must submit to a background investigation including a criminal history check, verification of citizenship or lawful permanent resident status, a psychological examination, and a polygraph or similar assessment.

There is no certification requirement for corrections officers.

Basic Corrections Officer Training. Corrections officers are required to engage in basic corrections training that complies with standards adopted by the CJTC. The training must be successfully completed within the first six months of employment, unless otherwise extended or waived by the CJTC. The program is 160 hours, and includes course topics in areas such as: combating manipulation, legal issues, professionalism, emotional survival and peer support, transport, booking, communications, and searches.

Summary of Amended Bill: Corrections officers must obtain certification from the CJTC. Corrections officers include corrections agency employees whose primary job function is to provide for the custody, safety, and security of adult prisoners in jails and detention facilities, and who are subject to basic corrections officer training requirements. For purposes of the certification requirement, corrections officers do not include individuals employed by state agencies. The requirement to obtain certification applies to new and existing corrections officers. As a prerequisite to certification, a corrections officer must authorize the release to the CJTC of his or her personnel files, termination papers, criminal investigation files, and any other documents or information directly related to certification. Documentation related to correction officer certification or termination of employment are exempt from public disclosure. The CJTC may require local corrections agencies that make a conditional offer of employment to an applicant as a corrections officer to administer a background investigation including a criminal history check, verification of citizenship or lawful permanent resident

status, a psychological examination, and a polygraph or similar assessment, for use in determining the applicant's suitability for employment as a corrections officer.

An employing agency must notify the CJTC within 15 days of any termination of a corrections officer. The CJTC may request additional documentation from the agency if necessary to determine whether the termination provides grounds for revocation. The CJTC may deny or revoke a corrections officer's certification after written notice and a hearing if requested. If a hearing is requested, the hearing must be scheduled 90 to 180 days after request for a hearing, unless extended by agreement.

A corrections officer whose certification is denied or revoked may not be certified as a peace officer, and a peace officer whose certification is denied or revoked may not be certified as a corrections officer, without first satisfying the requirements of eligibility for certification or reinstatement of certification. Standards are established for the reinstatement of certification.

Basic corrections training must be at least ten weeks in length for corrections officers hired on or after July 1, 2021.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Clarifies that the background investigation, psychological examination, and polygraph or other similar assessment are different for peace officers than corrections officers and cannot be used interchangeably.
- Clarifies and makes corrections officer certification requirements more consistently mirror requirements already in place for peace officer certification.
- Clarifies that the hearing to appeal the denial or revocation of a person's certification as a corrections officer must take place within 90 to 180 days of the officer's request for a hearing rather than 90 to 180 days after communication of the statement of charges to the officer.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Second Substitute House Bill (Law & Justice):

PRO: Back in 2012, the Legislature established a higher standard for law enforcement by creating a background check, psychological exam, and polygraph exam and basic training in order to be certified by the CJTC. We do not have that requirement for local corrections officers but this bill would provide it. The CJTC recommends a ten-week academy be established. The four weeks at CJTC is good but not enough to adequately train corrections officers. It should also include wellness training. It will improve the skills of corrections officers. Corrections officers deal with offenders with mental health issues, addiction issues and other issues. We need to give crisis intervention training to our corrections officers.

Persons Testifying (Law & Justice): PRO: Timothy Grisham, Washington Association of County Officials; James McMahan, Washington Association of Sheriffs & Police Chiefs; Derek Zable, Criminal Justice Training Commission; John Snaza, Thurston County Sheriff.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony on Second Substitute House Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: Washington is an outlier in the low amount of training provided to corrections officers. The ten-week training provided in this bill is critical. We hope that this additional training will improve the life expectancy of corrections officers. Our members enthusiastically support this. There has been a lack of training for corrections officers, and this bill would provide a similar framework as peace officers.

Persons Testifying (Ways & Means): PRO: Timothy Grisham, Deputy Director, Washington Association of County Officials; Derek Zable, Criminal Justice Training Commission.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.