
**Public Safety & Emergency Preparedness
Committee**

SSB 6590

Brief Description: Stating the policy that law enforcement personnel be truthful and honest in the conduct of official business.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, Delvin, Brandland and Hargrove).

Brief Summary of Substitute Bill

- Creates a new Washington policy that states that all law enforcement personnel must be truthful and honest in the conduct of their official business.

Hearing Date: 2/23/10

Staff: Yvonne Walker (786-7841).

Background:

In 2001 Kitsap County (County) terminated Kitsap County Sheriff Deputy Brian LaFrance for 29 documented incidents of misconduct including dishonesty, mishandling evidence, and disobeying direct orders. The case went to arbitration and the arbitrator heard the case pursuant to a collective bargaining agreement and determined the charges were accurate, but termination was not the appropriate penalty. The arbitrator concluded that the County had failed to show the degree of discipline administered was reasonably related to the seriousness of the proven offenses. The arbitrator determined that Deputy LaFrance's mental disability was apparent from his behavior and that the County should have referred him for counseling and fitness for duty exams. The award ordered reinstatement of the deputy's employment (pending the deputy's successful passage of the County's physical and psychological exam) and granted the deputy access to any benefits available to officers in good standing as the date of his discharge, but denied back pay.

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.

Both parties appealed the arbitrator's decision and the matter eventually was decided by the Washington Supreme Court (Court) in the case of *Kitsap County Deputy Sheriff's Guild v. Kitsap County*, 167 Wn. 2d 428 (2009). The Court found that an arbitration decision arising out of a collective bargaining agreement could be vacated if it violated explicit, well defined, and dominant public policy. The Court reviewed Washington law and found that there was no explicit, well defined, and dominate public policy requiring termination of an officer found to have been untruthful. The Court also held that the arbitrator did not exceed his authority by denying back pay and that the arbitration award itself did not mandate awarding back pay. The Court reversed the decision of the Court of Appeals and reinstated the original arbitration award.

Summary of Bill:

A new policy is created within the Criminal Justice Training Commission which states that all commissioned, appointed, and elected law enforcement personnel be truthful and honest in the conduct of their official business.

Appropriation: None.

Fiscal Note: Requested on February 17, 2010.

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