

HOUSE BILL REPORT

SHB 1132

As Passed House:

March 1, 2023

Title: An act relating to oversight and training requirements for limited authority Washington peace officers and agencies.

Brief Description: Concerning oversight and training requirements for limited authority Washington peace officers and agencies.

Sponsors: House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Goodman, Rude, Lekanoff, Wylie and Kloba; by request of Gambling Commission).

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 1/31/23, 2/9/23 [DPS];

Appropriations: 2/21/23, 2/23/23 [DPS(CSJR)].

Floor Activity:

Passed House: 3/1/23, 96-0.

Brief Summary of Substitute Bill

- Adds limited authority peace officers to law enforcement personnel subject to the Criminal Justice Training Commission (CJTC) requirements.
- Exempts the Department of Corrections from the CJTC requirements.
- Requires limited authority peace officers and officers with a two-year service break to comply with background investigations.
- Modifies basic training requirements for certain limited authority peace officers.
- Requires the CJTC to certify limited authority peace officers employed before July 1, 2023.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Martha Wehling (786-7067).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Community Safety, Justice, & Reentry be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg, Chandler, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Hansen, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

Staff: Yvonne Walker (786-7841).

Background:

Criminal Justice Training Commission.

The Criminal Justice Training Commission (CJTC) establishes the standards and process to certify peace officers and other law enforcement personnel. It also provides training and educational programs, including the Basic Law Enforcement Academy and specialized training.

Law Enforcement Personnel and Peace Officers.

Law enforcement personnel include any general authority peace officers. A general authority peace officer is a full-time officer of a state or local government or agency whose primary function is violations of traffic or criminal laws. The Washington State Patrol and the Washington Department of Fish and Wildlife (WDFW) are general authority law enforcement agencies. For CJTC purposes, a peace officer has the same meaning as a general authority peace officer. A peace officer includes Washington State Patrol commissioned officers and WDFW officers with enforcement powers for criminal laws under RCW 77.15.075.

There are multiple types of peace officers in Washington laws. A limited authority peace officer is a state or local government or agency with limited subject areas. The Departments of Natural Resources, Social and Health Services, Corrections, and Parks and Recreation; the Gambling Commission, Lottery Commission, Insurance Commissioner, and Utilities and Transportation Commission; the Liquor and Cannabis Board; and the Office of

Independent Investigations are limited authority law enforcement agencies.

Corrections personnel, corrections officers, criminal justice personnel, federal peace officers, specially commissioned peace officers, sworn peace officers, reserve peace officers, and tribal police officers are separately defined. A reserve peace officer is not employed full-time, but may be called by an agency into active service to enforce criminal laws. A reserve peace officer includes specially commissioned peace officers, limited authority peace officers, security for public institutions of higher education, and security in kindergarten through grade 12 public schools.

Background Investigations for Peace Officer Applicants.

Any peace officer applicant who has a conditional employment offer must submit to a background investigation. This requirement also applies to applicants seeking reinstatement following a lapse in service. The law enforcement agency that makes a conditional offer of employment must administer the background investigation. The background investigation must include a criminal history and misconduct check, inquiry with local prosecutors regarding impeachment disclosure, inquiry into affiliation with extremist organizations, review of social media accounts, verification of citizenship or lawful permanent resident status, a psychological examination, and a polygraph or similar assessment.

Law Enforcement Training.

The CJTC has sole authority to provide basic law enforcement training to all peace officers. Training must be completed within a certain time period following employment, ranging from six to 15 months. Successful completion of training is a mandatory requirement for continued employment. Personnel promoted to supervisory or management positions must complete additional training.

In addition to basic law enforcement training, all law enforcement personnel must receive training on interactions with persons with substance use disorders. Additional training requirements are based on the peace officer's duties. Corrections personnel must participate in an additional 10-week training. State and local law enforcement employees must be trained on vehicular pursuits. Coroners and similar personnel must complete medicolegal forensic investigation training.

The CJTC must also provide additional, specialized trainings for agencies to use, including investigations related to child sexual abuse, interactions with persons with developmental disabilities or mental illness, investigating and prosecuting sexual assault cases, ethnic and cultural diversity, hate crimes, child abuse and neglect, racial profiling, motorcycle profiling, personal crisis recognition and intervention, violence de-escalation, and mental health.

Certification of Peace Officers.

As a condition of employment, all peace officers must be certified and maintain their certification. As a prerequisite to certification, in addition to submitting to the background

investigation administered by the hiring agency, a peace officer must authorize release of the peace officer's personnel files, termination papers, criminal investigation files, review of social media accounts, and any other documents or information directly related to certification. The release must be to the employing agency and the CJTC.

A peace officer may retain his or her certification as long as the officer timely meets basic training requirements and any other applicable requirements, is not denied certification, and has not had certification revoked. If a peace officer has an employment break of more than 24 consecutive months, the peace officer's certification lapses automatically.

Sexual Assault Case Review Program.

The CJTC conducts an annual case review program to identify changes to training and investigatory practices for sexual assault investigations and prosecutions that involve adult victims. The program must evaluate whether current training fosters a trauma-informed, victim-centered approach, compare cases conducted by trained and untrained personnel, review randomly selected cases to assess compliance with national best practice standards, and analyze any impacts on outcomes based on race and ethnicity. The CJTC is required to submit an annual report summarizing the case review program.

Summary of Substitute Bill:

Law Enforcement Personnel and Peace Officers.

The definitions of "law enforcement personnel" and "peace officer" are revised to add limited authority peace officers whose normal duties include powers of arrest and carrying a firearm, and to remove individuals employed by the Department of Corrections. The definition of "reserve officer" is revised to remove limited authority peace officers.

Background Investigations.

Limited authority peace officers employed after July 1, 2023, must comply with the conditional employment requirement for a background investigation.

The background investigation requirements also apply to any applicant whose certification has lapsed for more than two years, except for persons recalled for military service.

Law Enforcement Training.

Training requirements are added for limited authority peace officers. Officers whose employment begins after July 1, 2023, must attend basic training within their first year of employment, unless the Criminal Justice Training Commission (CJTC) waives or extends the time period. The CJTC is required to review all limited authority peace officers hired before July 1, 2023, and determine whether supplemental training is required.

Limited authority peace officers are not required to complete basic training in two situations. First, basic training is not required if the officer was previously employed as a Gambling Commission special agent, Department of Natural Resources investigator, Liquor

and Cannabis Board enforcement officer, Office of Insurance Commissioner investigator, or Washington State Parks and Recreation park ranger. Second, basic training is not required if the officer completed Basic Law Enforcement Academy and was continuously employed by one of the agencies for at least two years. In either situation, the limited authority peace officer must have completed all required in-service training.

Limited authority law enforcement agencies must reimburse the CJTC for personnel training costs. Limited authority law enforcement agencies include any state or local government or agency with authority to enforce traffic or criminal laws in limited subject areas, including the Departments of Natural Resources, Social and Health Services, Corrections, and Parks and Recreation; the Gambling Commission, Lottery Commission, Insurance Commissioner, and Utilities and Transportation Commission; the Liquor and Cannabis Board; and the Office of Independent Investigations.

Certification of Limited Authority Peace Officers.

In addition to existing certification requirements, the CJTC shall certify limited authority peace officers employed before July 1, 2023. The CJTC may subsequently revoke certification.

Sexual Assault Case Review Program.

Sexual assault training and the case review program are not required for limited authority agencies whose authority does not include investigation of sexual assaults. State Parks and Recreation Commission officers must participate in sexual assault training.

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 (Community Safety, Justice, & Reentry):

(In support) This legislation was requested by the Gambling Commission, requesting to be held accountable to the 2021 standards for police reform, including sanctions and decertification by the Criminal Justice Training Commission (CJTC). It does not change or modify any agency's authority, but codifies training, certification, and standardization requirements. Requiring the same training for both general and limited law enforcement agencies will standardize officers and certification. Maintaining those standards ensures the safety of people served. The bill requires training to be completed in a year, instead of six months, to reduce impact on the CJTC. It is estimated to affect about 350 existing officers in five state agencies, and an estimated 20 new officers per year.

(Opposed) None.

(Other) The bill is forward thinking and addresses the gaps in requirements and training for limited authority peace officers. It provides a pragmatic approach for the Gambling Commission and ensures peace officers are well-trained.

Staff Summary of Public Testimony (Appropriations):

(In support) This is agency request legislation. Currently, there are no training or certification standards for limited authority peace officers. This bill will require the limited authority peace officers to be trained with the same hiring and certification requirements as general authority peace officers. This bill does not expand limited authority jurisdiction or give limited authority officers any additional power. It aligns them with limited authority agencies state standards that Washington leaders have identified as a key component of police reform as of 2021. This bill will affect approximately 350 limited authority officer positions.

(Opposed) Two different sets of lawyers have been provided legal advice in how to defeat criminal actions brought by limited authority peace officers without enforcement authority. Even after some officers ended up participating in training at the Criminal Justice Training Commission, they still were not certified. There is concern that this bill could retroactively give these agents authority which they do not have now.

Persons Testifying (Community Safety, Justice, & Reentry): (In support) Representative Roger Goodman, prime sponsor; Tommy Oakes, Washington State Gambling Commission; Chandra Wax, Washington State Liquor and Cannabis Board; and Brian Considine, Washington Department of Natural Resources.

(Other) Eric Pratt, I, America.

Persons Testifying (Appropriations): (In support) Tommy Oakes, Washington State Gambling Commission.

(Opposed) Christopher King, KingCast.

Persons Signed In To Testify But Not Testifying (Community Safety, Justice, & Reentry): Brian Clark.

Persons Signed In To Testify But Not Testifying (Appropriations): None.