
**Community Safety, Justice, & Reentry
Committee**

HB 2027

Brief Description: Concerning certification, background checks, and training requirements for sheriffs, police chiefs, marshals, reserve officers, and volunteers.

Sponsors: Representatives Doglio, Fosse and Farivar.

Brief Summary of Bill

- Requires sheriffs, marshals, police chiefs, and reserve officers to comply with background investigations and obtain and maintain officer certification.
- Adds sheriffs, marshals, police chiefs, reserve officers, and other specified officers to law enforcement personnel subject to the Criminal Justice Training Commission (CJTC) requirements.
- Modifies basic training requirements for reserve officers.
- Prescribes requirements for a sheriff's use of volunteers.

Hearing Date: 1/8/24

Staff: Lena Langer (786-7192).

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.

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.

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.

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 public schools.

Background Investigations for Peace Officer Applicants.

Any peace officer applicant who has a conditional employment offer must submit to 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. 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.

Certification of Peace Officers.

As a condition of employment, all peace officers must be certified and maintain their certification. In addition to submitting to the background investigation administered by the hiring agency, a peace officer must authorize release of the 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 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. The CJTC may deny, suspend, or revoke a peace officer's certification or require remedial training of a peace officer based on a number of specified findings. In addition to the sanctions of denial, suspension, or revocation of certification, the CJTC may reprimand, require mandatory retraining, and place an officer on probation up to two years.

Police Chiefs and Marshals.

A city or town may provide law enforcement protection in a number of different ways. The most common way is to establish a municipal police department under the direction of a locally appointed police chief or marshal.

Sheriffs.

The sheriff is the chief executive officer and conservator of the peace of the county. A number of duties are prescribed to a county sheriff. Sheriffs are required to complete the CJTC basic law enforcement training program.

Municipal Airport Officers.

Counties, cities, airport districts, and port districts (local governments) are authorized to establish, regulate, and operate municipal airports and to appoint airport guards or police with full police powers.

Railroad Police Officers.

The CJTC may appoint and commission railroad police officers at the request of any railroad corporation.

Summary of Bill:

Background Investigations and Certification.

Sheriffs, marshals, police chiefs, and reserve officers must submit to a background investigation and obtain and maintain certification. Reserve officers are subject to the same certification sanctions from the CJTC as peace officers and corrections officers. The CJTC may only deny or revoke certification of sheriffs, police chiefs, and marshals.

Sheriffs, marshals, and police chiefs must obtain certification within one year of assuming office. The appointing authority is responsible for all fees associated with the background investigation. The appointing authority must verify that background investigation requirements have been met before appointing a police chief or marshal. Prior to authorizing a candidate for sheriff to appear on the ballot, the county auditor must have received, or prior to appointment, the appointing authority must have received, verification from the CJTC that the candidate or appointee met the background investigation standards.

Law Enforcement Training.

Reserve officers whose employment begins after July 1, 2024, must attend basic training within their first year of employment. The CJTC must review all reserve officers hired before July 1,

2024, and determine whether supplemental training is required.

Sheriffs, marshals, and police chiefs must also comply with CJTC basic training requirements.

Law Enforcement Personnel and Peace Officers.

Appointed or elected sheriffs, police chiefs, or marshals are added to the definition of "general authority peace officer."

Metropolitan park district peace officers, special police who enforce city and town water ordinances, chief law enforcement officers, airport guards or police, and commission railroad police officers are subject to CJTC requirements.

Sheriff's Volunteers.

Agency policy and regulations must prescribe the authority of volunteers called to assist sheriffs. Volunteers must work under the direction of a peace officer and be readily identifiable as volunteers. Volunteers are limited to assisting with natural disasters, search and rescue, missing persons, special events, and other similar purposes. Volunteers are required to comply with all agency policies, and are not authorized to use police powers or carry weapons. Volunteers may only use badges or other identifying insignia while on-duty in their role as volunteers.

Appropriation: None.

Fiscal Note: Requested on January 4, 2024.

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