

SENATE BILL REPORT

SHB 1132

As of March 29, 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: Passed House: 3/1/23, 96-0.

Committee Activity: Law & Justice: 3/21/23, 3/22/23 [DP-WM].

Ways & Means: 3/30/23.

Brief Summary of 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 CJTC requirements.
- Requires limited authority peace officers and officers with a 24-month service break to comply with background check investigations.
- Requires CJTC to certify limited authority peace officers employed before July 1, 2023.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member;

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.

Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

Staff: Joe McKittrick (786-7287)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Sarian Scott (786-7729)

Background: A general authority Washington peace officer is a full-time officer of a state or local government or agency whose primary function is enforcement of traffic and criminal laws. The term peace officer has the same meaning as general authority Washington peace officer.

A limited authority peace officer is any full-time, fully compensated, officer of an agency political subdivision, or unit of local government of Washington and agency, department or division of state government that has as one of its functions the enforcement of traffic or criminal laws relating to limited subject areas. Law enforcement personnel includes any general authority peace officer.

A corrections officer is any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult persons in jails and detention facilities in the state. The term corrections officer does not include individuals employed by state agencies.

Law enforcement personnel are any persons elected, appointed, or employed as a general authority Washington peace officer.

The Criminal Justice Training Commission (CJTC) establishes the standards and processes to certify peace officers and other law enforcement personnel and provides training and education programs such as the Basic Law Enforcement Academy and specialized training.

Any peace officer applicant who has a conditional employment offer, and applicants seeking reinstatement following a lapse in service, must submit to a background investigation. The background investigation must be completed by the law enforcement agency seeking to employ the applicant and must include a criminal history and misconduct check, an inquiry with local prosecutors regarding impeachment disclosures, a verification of citizenship or lawful permanent resident status, a psychological examination, and a polygraph or similar assessment.

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

All law enforcement personnel must receive training on interactions with individuals with substance use disorders, and any additional training requirements are based on the peace officer's specific duties. Corrections personnel must participate in an additional ten-week training. CJTC must also provide additional specialized trainings such as those on investigations related to child sexual abuse, ethnic and cultural diversity, hate crimes, and mental health.

As a condition of employment, all peace officers must be certified. As a prerequisite to certification, all peace officers must authorize release of their personnel files, termination papers, criminal investigation files, review of social medial accounts, and any other documents or information directly related to certification. A peace officer may retain the officer's certification as long as the officer timely meets basic training requirements and any other applicable requirements, is not denied certification, and has not had the certification revoked. If the peace officer has an employment break of more than 24 consecutive months, the certification lapses automatically.

CJTC must conduct annual case reviews to identify changes to training and investigatory practices for sexual assault investigations and prosecutions that involve adult victims. CJTC 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 practices, and analyze any impacts on outcomes based on race and ethnicity.

Summary of Bill: The definitions of law enforcement personnel and peace officer are amended to add limited authority Washington 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 removed limited authority Washington peace officers.

Limited authority peace officers employed after July 1, 2023, and any applicant whose certification has lapsed for more than 24 months for reasons other than military service, must comply with the conditional employment requirement of submitting to a background check investigation. Limited authority law enforcement agencies must reimburse CJTC for personnel training costs. Sexual assault training and CJTC case review is not required for limited authority agencies whose authority does not include investigations of sexual assault. However, State Parks and Recreation Commission officers must participate in sexual assault training.

Training requirements are added for limited authority peace officers. Officers whose employment begins after July 1, 2023, must attend basic training within the officer's first year of employment, unless waived or extended by CJTC. CJTC must 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 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.

Basic training is also not required if the officer completed the basic law enforcement academy or the basic law enforcement equivalency academy and was continuously employed by one of the agencies listed above without a break or interruption longer than 24 months.

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

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 (Law & Justice): PRO: This bill is the missing piece of the broad police accountability measures the Legislature passed over the past couple years. Currently the Criminal Justice Training Commission is not training any new limited authority Washington peace officers. This bill remedies that issue. This bill is an example of problem solving and teamwork. It identifies a gap in state law and provides a solution. Limited authority officers should be trained in the same way as general authority officers and standardize the process. This is a good bill for limited law enforcement agencies and provides certainty to officers, and the community in general.

Persons Testifying (Law & Justice): PRO: Representative Roger Goodman, Prime Sponsor; Tommy Oakes, WA State Gambling Commission; Brian Considine, Department of Natural Resources; Chandra Wax, Liquor and Cannabis Board.

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