
Community Safety Committee

HB 1400

Brief Description: Concerning officer certification definitions, processes, and commissioning.

Sponsors: Representatives Goodman, Salahuddin and Ormsby; by request of Criminal Justice Training Commission.

Brief Summary of Bill

- Requires specified peace officers and corrections officers, moving from one Washington law enforcement or corrections agency to another, or moving from a certified peace officer position to a certified corrections officer position, or vice versa, to comply with background investigation requirements.
- Removes the requirement that an administrative law judge issue a proposed recommendation to the panel in a hearing on the denial, suspension, or revocation of a peace officer's or corrections officer's certification.

Hearing Date: 1/27/25

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.

The CJTC can grant, deny, suspend, or revoke certification of, or require remedial training for peace officers, certified limited authority officers, and corrections officers.

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 fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce state criminal laws generally. 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 Washington Department of Fish and Wildlife officers with enforcement powers for criminal laws. A corrections officer is a corrections agency employee who provides for the custody, safety, and security of adult persons in jails and detention facilities. A reserve officer is not employed regularly as a peace officer, but may be called by an agency into active service to enforce criminal laws.

Certification.

As a condition of employment, all peace officers and corrections officers are required to obtain certification and maintain certification. Applicants seeking employment as peace officers, reserve officers, corrections officers, and limited authority peace officers who, if hired would qualify as peace officers, must submit to background investigations to determine suitability for employment.

Certification Denial, Suspension, or Revocation Hearing.

After being served with a statement of charges by the CJTC that there is cause for denial, suspension, or revocation of a peace officer's or corrections officer's certification, the officer may request a hearing. The hearing is presided over by an administrative law judge who makes evidentiary rulings and issues a proposed recommendation, but is not entitled to vote. The final administrative decision at the hearing is made by a five-member panel.

Summary of Bill:

Certified and Commissioned.

"Certified" and "commissioned" are defined for the purpose of the CJTC chapter.

"Certified" means that the individual has:

- met background check requirements;
- completed the Basic Law Enforcement Academy, the Corrections Officers Academy, or other required training;
- fulfilled any other requirements adopted by the CJTC in rule; and
- been granted a license by the CJTC to serve as an officer.

"Commissioned" means that the appointing entity has granted authority to a person to act as a peace officer or corrections officer. Railroad police officers are commissioned after the CJTC grants authority to those persons. Language enabling the CJTC to appoint railroad police officers is replaced with the CJTC's ability to commission railroad police officers.

Persons applying to be peace officers, reserve officers, corrections officers, or limited authority peace officers, who if hired would qualify as peace officers, moving from any Washington law enforcement or corrections agency to another, as well as applicants moving within the same agency from a certified peace officer position to a certified corrections officer position, or vice versa, must comply with background investigation requirements.

A peace officer or corrections officer's certification lapses automatically when there is a break of more than 24 consecutive months in the officer's service as a law enforcement officer, regardless of whether the officer is full-time or part-time.

Certification Denial, Suspension, or Revocation Hearing.

The requirement that the administrative law judge, in a hearing on the denial, suspension, or revocation of a peace officer's or corrections officer's certification, issue a proposed recommendation, prior to the final decision made by the five-member panel, is removed.

Appropriation: None.

Fiscal Note: Requested on January 22, 2025.

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