

HOUSE BILL REPORT

HB 2220

As Reported by House Committee On:
Community Safety

Title: An act relating to state oversight and accountability of the criminal justice training commission.

Brief Description: Concerning state oversight and accountability of the criminal justice training commission.

Sponsors: Representatives Leavitt, Burnett, Richards, Abell, Reeves and Davis.

Brief History:

Committee Activity:

Community Safety: 1/15/26, 2/3/26 [DPS].

Brief Summary of Substitute Bill

- Increases the size of the hearings panel from five to six members for hearings related to a certification action of a peace officer, corrections officer, or tribal police officer and requires the administrative law judge presiding over the hearing to enter an initial order on the matter if the panel is unable to reach a majority decision.
- Requires law enforcement agencies to biennially report to the Criminal Justice Training Commission (CJTC) and requires the CJTC to submit summarizing reports to the Legislature and the Governor.

HOUSE COMMITTEE ON COMMUNITY SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Goodman, Chair; Simmons, Vice Chair; Graham, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Burnett, Davis and Fosse.

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.

Minority Report: Without recommendation. Signed by 2 members: Representatives Farivar and Obras.

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

Law Enforcement Personnel and Peace Officers.

Law enforcement personnel include general authority Washington peace officers. A general authority Washington 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 refers to both a general authority Washington peace officer and a limited authority Washington peace officer who has powers of arrest and carries a firearm as part of the officer's normal duties. For CJTC purposes, 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.

Certification Action Hearings.

The CJTC may on its own initiative, or by request of an officer's employer, serve a statement of charges which may lead to the officer's request for a hearing on whether to deny, suspend, or revoke an officer's certification, or require remedial training or probation for the officer. The hearing is presided over by an administrative law judge who makes evidentiary rulings but is not entitled to vote. The final administrative decision at the hearing is made by a five-member panel.

For hearings related to a certification action of a peace officer, the panel consists of:

- a police chief or sheriff from an agency which is neither a current or former employer of the officer;
- a peace officer at or below the level of first line supervisor with at least 10 years' experience;
- a civilian member of the CJTC;
- a member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and

- a person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

For hearings related to a certification action of a corrections officer, the panel consists of:

- a person who heads a corrections agency or facility;
- a corrections officer at or below the level of first line supervisor with at least 10 years' experience;
- a civilian member of the CJTC;
- a member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and
- a person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

For hearings related to a certification action of a tribal police officer, the panel consists of:

- a tribal police chief;
- a tribal police officer at or below the level of first line supervisor with at least 10 years' experience;
- a civilian member of the CJTC;
- a member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and
- a person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

The standard of proof in actions before the CJTC is a preponderance of the evidence.

Summary of Substitute Bill:

For hearings in relation to a certification action of a peace officer, corrections officer, or tribal police officer, a six-member hearings panel will hear the case and make the final administrative decision. A simple majority is required for any action. If the hearings panel is unable to reach a majority decision, the administrative law judge presiding over the hearing must enter an initial order on the matter.

The new member on the six-member hearings panel must be an additional peace officer, corrections officer, or tribal police officer at or below the level of first line supervisor with at least 10 years' experience, respective of whether the hearing is related to a certification action of a peace officer, corrections officer, or tribal police officer.

The CJTC must adopt rules to implement the new requirements related to certification action hearings.

Beginning July 1, 2027, the chief, administrator, or sheriff of every law enforcement agency and police department must submit biennial reports to the CJTC with the following:

- the total number and date of certification of each peace officer employed;
- peace officer training records, including the number of required hours of training for each required subject, the number of peace officers required to complete each training subject, and the number of trainings successfully completed by each required subject; and
- the number of peace officers, managers, or administration employees decertified, and the reasoning for decertification.

Beginning July 1, 2028, the CJTC must submit biennial reports to the Governor and the Legislature summarizing the reports submitted by law enforcement agencies and police departments.

The CJTC must prepare and make available materials and resources necessary for peace officers and officials who administer public safety laws and law enforcement services. These materials must also be distributed to city and county officials, police chiefs, and sheriffs.

Substitute Bill Compared to Original Bill:

The substitute bill, compared to the original bill:

- removes the new clear and convincing standard of proof in a hearing for a revocation or suspension of a peace officer or corrections officer's certification;
- removes the new definitions of "probation," "retraining," "revocation," and "suspension";
- increases the size of the hearings panel from five to six members for hearings related to a certification action of a tribal police officer, in addition to increasing the size of the hearings panel for hearings related to a certification action of a peace officer or corrections officer;
- provides that, if the hearings panel for a certification action is unable to reach a majority decision, the administrative law judge presiding over the hearing must enter an initial order on the matter; and
- requires the CJTC to adopt rules to implement the new requirements for certification action hearings.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 4, 2026.

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

Staff Summary of Public Testimony:

(In support) This bill is not rolling back the good work the Legislature has done in the past. The bill ensures that there is accountability in the law enforcement agencies across the state, confirming that the officers are completing the required trainings. The bill also ensures that there is a focus on recruitment and retainment of law enforcement personnel. The reporting requirement in the bill is to understand what training the state law enforcement agencies are doing. The change in the standard of proof for hearings is only for revocation and suspension of certification. This standard is aligned with the standard for teachers' licenses. The bill also evens out the hearings panel members so the number of officers and civilians reviewing matters is equal. This is important to have a fair playing field to review the work and conduct of officers. The bill is designed to bring more transparency to the profession of law enforcement. The current decision-making process for officer certification actions is imbalanced and uses an insufficient standard of proof. The bill provides a professional and objectively fair decertification process, and upholds officers' due process rights. The clear and convincing standard of proof is used for disciplinary actions for doctors and teachers. Prior to the reform laws of 2021, the hearings panel was five people, but two were civilians and three were law enforcement. The change in 2021 switched that balance. This bill will adjust the panel to three and three. A balanced hearings panel will garner trust in the decisions of the panel for the officers working every day and for the communities that they serve. The data collection in the bill fills a vacancy. There is currently no centralized data collection of training for officers.

This bill is about fairness. Law enforcement is different from most other professions because officers put their lives on the line for the sake of the public. Anyone who is having their job reviewed should be reviewed by a panel where at least half of the people there have experience with doing the job. The standard of proof should be higher than "probably." There is not a massive problem in the system but there is a massive problem with the concept of fairness. The data reporting requirement in the bill is important and should be established.

(Opposed) There is strong opposition to the bill because it waters down civilian oversight at the state level. The five-member panel for certification action hearings usually reaches unanimous decisions and the few times they have not been unanimous, the decisions were four to one. This bill is seeking to solve a problem that does not exist. Doctors and teachers do not carry weapons. The same standard should not be applied. The standard currently in statute is fair. There is no evidence that the current process is not working, and there should be evidence that it is not working before the Legislature makes these changes. Over the last four and a half years, the CJTC has managed to get through 1,500 cases. The vast majority of these cases were closed administratively without investigation. Only 276 cases have been forwarded by the CJTC to investigation, and in over half of these cases, there were no charges. In total, 117 officers have been decertified under the new system. In most cases, the officer had already resigned in lieu of termination. Only six cases have gone through the full process with a hearing and resulted in decertification. The real problem is that the CJTC does not have the resources to keep up with the cases before it.

There are concerns with the change in the bill for the membership of the hearings panel on decertification cases. The community members and law enforcement on the panel have the ability to carefully consider the presented evidence. There should not be a return to law enforcement judging other law enforcement because of the inherent conflict of interest. The state should not take a step backwards and should continue to have community oversight in areas that involve officer discipline. There is support for the reporting requirements in the bill, but concerns with the changes for certification action hearings. The bill would significantly alter the decertification process by changing the hearings panel split between civilians and officers. The proposed modification would create an imbalance that the current makeup was designed to fix. Further, raising the standard of proof is not necessary for due process. The Washington Supreme Court has held that preponderance of the evidence is appropriate for decertification of court-appointed guardians, with whom law enforcement officers are similarly situated. The proposed changes in the bill move the state backwards.

(Other) There are a few concerns with the bill. The CJTC staff agrees that officer certification revocation investigations and rulings should be fair and objective. The CJTC believes that the legislation enacted in 2021 meet those standards. There are concerns with the proposed definition for probation. There are also concerns with the higher standard of clear and convincing evidence. This standard was considered and rejected by the Legislature in 2021. There are no cases since 2021 in which officer certification was suspended or revoked despite adequate proof. The preponderance of evidence standard is common in administrative licenses proceedings and in the field of law enforcement itself. Comparisons to the standards of proof used for teachers and doctors are misplaced. Those professions have different investigatory and hearing practices that lack the objective, independent structure and adversarial nature in officer certification proceedings.

Persons Testifying: (In support) Representative Mari Leavitt, prime sponsor; Teresa Taylor, WACOPS - Washington Council of Police and Sheriffs; Jeff DeVere, WACOPS—Washington Council of Police and Sheriffs; and James McMahan, WA Assoc Sheriffs and Police Chiefs.

(Opposed) Amy McColm; Martina Morris, Washington Coalition for Police Accountability; Kimberly Mosolf, Disability Rights Washington; Annalesa Thomas, WA Coalition for Police Accountability; Eliana Machevsky, National Police Accountability Project (NPAP); and Bart Logue.

(Other) Kimberly Bliss, Washington State Criminal Justice Training Commission .

Persons Signed In To Testify But Not Testifying: Kurtis Robinson, WA Coalition for Police Accountability; and Debbie Novak, WA Coalition for Police Accountability.