

SENATE BILL REPORT

SB 6641

As of January 28, 2000

Title: An act relating to certification of peace officers.

Brief Description: Modifying provisions pertaining to the certification of peace officers.

Sponsors: Senators Kline, McCaslin, Heavey, Costa, Goings and Johnson; by request of Criminal Justice Training Commission.

Brief History:

Committee Activity: Judiciary: 2/3/2000.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: The Criminal Justice Training Commission provides programs, standards, and training of criminal justice personnel. Basic law enforcement training is commenced for all law enforcement personnel during the first six months of employment unless they qualify for an exemption. The curriculum is established by the commission. Successful completion of the training is a requisite to continuation of employment. There is no current certification of police officers.

Summary of Bill: The Criminal Justice Training Commission certifies officers who have completed the training requirements for basic law enforcement or qualify for an exemption. Certification is a condition of the continuing employment of all Washington peace officers. Certification lapses if there is a break of more than 24 consecutive months in service as a full-time law enforcement officer. Upon termination of a peace officer for any reason including resignation, the agency notifies the commission.

The commission may deny or revoke certification. Complaints, charging grounds for certification denial or revocation, may be filed by a law enforcement officer or agency representative. If the commission finds probable cause, the officer is served with a statement of charges and notice that the officer may request a hearing. The procedures of the Administrative Procedure Act apply. If a hearing is requested, a five-member hearings panel hears the case and makes the commission's final administrative decision. The hearing is open to the public. The transcripts, admitted evidence, and decisions of the board are public records and subject to discovery in civil actions.

Findings that justify denial or revocation are: failure to meet basic law enforcement training requirements, knowingly falsifying information on an application, conviction for a felony, final discharge for disqualifying misconduct, prior certification by error, or interference with an investigation regarding certification. The standard of proof at the hearing is by clear, cogent, and convincing evidence. The decision is subject to judicial review.

The investigative and personnel action records of the commission are exempt from public disclosure. These records are also not subject to subpoena or discovery in a civil action. If a complaint is determined to be without merit, the records are purged. A law enforcement agency considering an application for employment may inspect and copy the records of the applicant.

Appropriation: None.

Fiscal Note: Requested on January 27, 2000.

Effective Date: The bill takes effect January 1, 2001.