

SENATE BILL REPORT

E2SHB 2322

As Reported By Senate Committee On:
Judiciary, February 27, 2004

Title: An act relating to requiring prehire screening for law enforcement applicants.

Brief Description: Requiring prehire screening for law enforcement applicants.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives McDonald, Delvin, Kristiansen, Pearson, Lovick and Shabro).

Brief History:

Committee Activity: Judiciary: 2/25/04, 2/27/04 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: The Criminal Justice Training Commission (CJTC) provides basic law enforcement training, corrections training, and educational programs for criminal justice personnel. All law enforcement personnel hired, transferred, or promoted, are required to complete the core training requirements within six months unless the employee receives a waiver from the CJTC. In addition to the basic training requirement, all Washington law enforcement officers must obtain and retain certification as a peace officer. As a prerequisite to certification, a peace officer must release to the CJTC all personnel files, termination papers, criminal investigation files, or any other files, papers, or information that are directly related to the certification or decertification of the officer. Although not statutorily required, the Washington State Patrol (WSP) and several local law enforcement agencies around the state also require peace officers to take and successfully pass a psychological examination and polygraph test as a part of their initial hiring process.

Summary of Amended Bill: All new full-time, part-time, and returning reserve officers must pass a psychological and polygraph test (or any similar procedure) as a condition of continued employment as a peace officer. Each hiring agency must require and administer a psychological and polygraph examination to each law enforcement officer applicant that has been offered a conditional offer of employment and each returning reserve officer that has been out of work for more than two years. The hiring county, city, or state law enforcement agency is authorized to require those applicants taking the psychological and polygraph tests to pay a portion of the testing fee based on the actual cost of the test or \$400, whichever is less. The hiring entity may establish a payment plan for those instances where a peace officer may not readily have the means to pay for his or her portion of the testing fee.

The CJTC must deny peace officer certification to any officer that has lost his or her certification as a result of a break in law enforcement work of more than two years and has failed to pass the psychological and polygraph tests. Local law enforcement agencies and WSP are prohibited from hiring officers that do not meet its minimum standards for employment with the agency; have not successfully completed the basic law enforcement training; or have failed to successfully pass the psychological and polygraph tests.

Amended Bill Compared to Substitute Bill: This is a technical correction to allow lie detector testing as mandated by the Criminal Justice Training Commission for reemployment.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: If we are going to give officers authority and weapons, we need to do what we can to make sure that they are emotionally and psychologically equipped as well. The cost of these tests is low compared to the potential damage caused by unfit officers. Larger communities do this now, but smaller communities do not, so smaller communities are more vulnerable to liability.

Testimony Against: CONCERNS: The cost may be too great for reserve officers, causing a drop in participation.

Testified: PRO: Representative McDonald, prime sponsor; Michael McCasky; John Didion (pro with concerns), Pacific County Sheriff.