

HOUSE BILL REPORT

SB 5156

As Passed House:

March 30, 2009

Title: An act relating to certification actions of Washington peace officers.

Brief Description: Addressing certification actions of Washington peace officers.

Sponsors: Senators Brandland, McCaslin and Keiser; by request of Criminal Justice Training Commission.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 3/18/09 [DP].

Floor Activity

Passed House: 3/30/09, 97-0.

Brief Summary of Bill

- Requires that peace officers that are appointed to the administrative hearing panels for certification actions be "certified" Washington peace officers.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

Staff: Yvonne Walker (786-7841)

Background:

As a condition of continuing employment as a peace officer, all Washington peace officers must timely obtain and retain certification as peace officers. The Criminal Justice Training Commission (CJTC) has the authority to issue or revoke all peace officer certifications.

Denial or Revocation of Certification. A peace officer's certification may be denied or revoked for a number of reasons such as:

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- failing to timely meet all requirements for obtaining a certificate of basic law enforcement training or an authorized exemption from the training (certification lapses when there is a break of more than 24 consecutive months in the officer's service as a full-time law enforcement officer);
- knowingly falsifying or omitting information on a training application or certification to the CJTC;
- being convicted of a felony unless the felony conviction was fully disclosed to the employing agency before being hired;
- being discharged for misconduct and the discharge was final;
- obtaining a certificate that was previously issued by administrative error on the part of the CJTC; or
- interfering with an investigation or action for denial or revocation of a certificate by knowingly making a false statement to the CJTC or tampering with evidence or intimidating any witness.

Administrative peace officer decertification actions are heard by panels that make the final administrative decisions for the CJTC.

Hearings Panels. A five-member hearings panel must both hear the case and make the CJTC's final administrative decision. When an appeal is filed in relation to decertification of a peace officer who is not a peace officer of the Washington State Patrol (WSP), the hearings board must consist of the following persons: (1) a police chief; (2) a sheriff; (3) two police officers who are at or below the level of first line supervisor, who are from city or county law enforcement agencies, and who have at least 10 years of experience; and (4) one person who is not currently a peace officer and who represents a community college or a four-year college or university.

When an appeal is filed in relation to decertification of a peace officer of the WSP, the CJTC must appoint to the hearings panel: (1) either one police chief or one sheriff; (2) one administrator of the WSP; (3) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least 10 years of experience as a peace officer; (4) one WSP officer who is at or below the level of first line supervisor and who has at least 10 years of experience as a peace officer; and (5) one person who is not currently a peace officer and who represents a community college or four-year college or university.

When an appeal is filed in relation to decertification of a tribal police officer, the CJTC must appoint to the hearings panel: (1) either one police chief or one sheriff; (2) one tribal police chief; (3) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least 10 years of experience as a peace officer; (4) one tribal police officer who is at or below the level of first line supervisor and who has at least 10 years of experience as a peace officer; and (5) one person who is not currently a peace officer and who represents a community college or four-year college or university.

Summary of Bill:

Peace officers that are appointed to the administrative hearing panels for certification actions must be certified Washington peace officers. In regards to a hearings panel convened for the decertification of a WSP officer or a tribal officer, the appointed peace officers on the panel may be from any type law enforcement agency and not specifically employed by a city or county law enforcement agency.

Decertification actions are renamed "certification" actions.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The language that was in current statute limits the law enforcement positions on the hearings panel to those officers that were employees of a city or county police department. This eliminates officers from port districts, universities, and the Department of Fish and Wildlife who are also subject to the same certification requirements. The change in this bill merely allows all "certified" officers to serve on the board.

The second piece of this bill relates to decertification. The board hears actions of revocations and denials of applications for certifications. Calling the actions of the board "decertification actions" was somewhat restrictive.

(Opposed) None.

Persons Testifying: Doug Blair, Criminal Justice Training Commission.

Persons Signed In To Testify But Not Testifying: None.