

HOUSE BILL REPORT

HB 2399

As Reported by House Committee On: Labor & Workplace Standards

Title: An act relating to prohibiting the consideration of the number of citations for traffic infractions issued by a law enforcement officer in the performance review of the officer.

Brief Description: Prohibiting the consideration of the number of citations for traffic infractions issued by a law enforcement officer in the performance review of the officer.

Sponsors: Representatives Holy, Appleton, Manweller, S. Hunt, Haler, Moscoso, Taylor, Shea, Young, Hayes, Van Werven, Walsh, Bergquist, Farrell, Klippert, Rodne, Dent, Parker, Scott, Griffey, G. Hunt, Reykdal, Goodman, Caldier, Pike, Condotta, Fitzgibbon, Tharinger, Magendanz, Stanford, Muri, Blake, Kilduff, Ormsby and Riccelli.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/25/16, 2/2/16 [DP].

Brief Summary of Bill

- Prohibits the consideration of the number of citations an officer issues, or the amount of penalties assessed, in any performance review of the law enforcement officer.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 6 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Moeller and Ormsby.

Staff: Trudes Tango (786-7384).

Background:

Generally, law enforcement officers have authority to issue citations for traffic infractions when the infraction is committed in the officer's presence. Local law enforcement officers issue the majority of traffic citations in the state. The base fine for each infraction is set by rule adopted by the state Supreme Court. Base fines range from \$27 to \$250. In addition,

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the Legislature has added a number of fees to each traffic infraction. Infraction revenue is shared among the state, the local government issuing the citation, and dedicated funding sources.

Summary of Bill:

The Legislature intends to ensure that performance reviews for law enforcement officers are objective, neutral, and impartial, and to address the perception that traffic stops are occurring based on any real or alleged quota systems.

The number of citations for traffic infractions, or the amount of penalties assessed from the citations, may not be considered in a law enforcement officer's performance review, evaluation, rating, assessment, salary, promotion, or assignment.

Appropriation: None.

Fiscal Note: Not requested.

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) Traffic ticket quotas are now called "work productivity." There is pressure to issue a certain number of traffic tickets because of the revenue it generates. Law enforcement officers should be able to exercise their discretion on whether to issue a ticket and having quotas removes that discretion. The Washington State Patrol study showed that recruitment and retention is down, and one reason given was because of the excessive focus on output rather than quality. This bill helps to reestablish integrity in law enforcement. Officers should be reviewed based on performance, which is more than just how many tickets they write.

(Opposed) This is not about whether there are or should be quotas. The focus is on the ability for local agencies to conduct performance evaluations that address all aspects of an officer's performance. Traffic tickets do not fund local agencies. That is a misperception. Officers are evaluated on a number of criteria. It is reasonable to expect that officers are doing a certain amount of work. This bill removes one of the ways agencies determine if an officer is doing their job.

(Other) Agencies need the ability to assess how the officer is doing and what the officer is doing while on duty.

Persons Testifying: (In support) Representative Holy, prime sponsor; Renee Maher, Council of Metropolitan Police and Sheriffs; and Arthur West.

(Opposed) Candice Bock, Association of Washington Cities; and Mitch Barker, Washington Association of Sheriffs and Police Chiefs.

(Other) Monica Alexander, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.