

SENATE BILL REPORT

SB 5089

As Reported by Senate Committee On:
Law & Justice, January 28, 2021

Title: An act relating to peace officer hiring and certification.

Brief Description: Concerning peace officer hiring and certification.

Sponsors: Senators Kuderer, Pedersen, Darneille, Das, Dhingra, Hasegawa, Hunt, Lias, Nguyen and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 1/21/21, 1/28/21 [DPS, DNP].

Brief Summary of First Substitute Bill

- Requires applicants for a city or county police officer, or Washington State patrol officer, to be at least 23 years of age and have or obtain an Associate of Arts or Science degree or have two years' relevant experience.
- Requires a 24 month probationary period for newly hired city and county police officers and Washington State patrol officers.
- Awards applicants for a police officer position a maximum of an additional 10 percent on any competitive examination for specified skills or experience.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5089 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille, Kuderer and Salomon.

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: Do not pass.

Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Staff: Shani Bauer (786-7468)

Background: City and County Police Officers. Most city and county police employees are classified civil service employees. An applicant for a position with civil service must be a citizen of the United States, or lawful permanent resident, who can read and write the English language. Civil service with a city additionally requires the applicant be of an age suitable for the position applied for, in ordinary good health, of good moral character, and of temperate and industrious habits.

The probationary period for a new hire must be between three and six months.

Washington State Patrol. The Chief of the Washington State Patrol (WSP) is responsible for appointing a sufficient number of competent persons to act as WSP officers. Before a person may be appointed, the person must meet the minimum standards for employment with the WSP, including successful completion of a background investigation.

Newly appointed or promoted officers are required to serve a probationary period of one year after appointment or promotion.

Veteran Scoring Criteria. Competitive examinations for public employment or at private companies or agencies contracting with the state are on a 100-point scale. An eligible veteran receives an added percentage to their score based on the veteran's status. A veteran who served during a period of war or armed conflict and does not receive military retirement is eligible for a 10 percent increase. A veteran who did not serve during a period of war but is receiving military retirement benefits is eligible for a 5 percent increase. A veteran who is called to active military service from employment with the state is eligible for a 5 percent increase until the first promotion.

Summary of Bill (First Substitute): An applicant for a position with a city or county law enforcement agency or the Washington State Patrol must be at least 23 years of age and: have an Associate of Arts or Science degree; complete an Associate of Arts or Science degree within the probationary period; or have two years' full-time experience working in domestic violence services, mental or behavioral health care, homelessness programs, crisis intervention services, or other social services professions. The probationary period for a law enforcement officer must be no less than 24 months from the date of successful completion of the basic law enforcement academy or from the date of hire if academy training is not required.

Competitive examinations for employment with a law enforcement agency are on a 100-point scale. An applicant is eligible for a 10 percent increase for any of the following

qualifications:

- proficiency in a language other than English; or
- two or more years of professional or volunteer experience in the Peace Corps, AmeriCorps, domestic violence counseling, mental or behavioral health care, homelessness programs, or other social services profession.

Preference points under this section and veteran's preference points may not be aggregated to exceed more than 10 percent of the applicant's examination score.

The probationary period for a newly hired law enforcement officer must be no less than 24 months from the date of successful completion of the basic law enforcement academy.

This act will control over any subsequently amended or adopted collective bargaining agreement.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

An intent section is added. The requirement that an applicant have an associate's degree is expanded to include applicants who complete their degree within the probationary period or who have relevant experience that may substitute for the degree. An applicant may not receive preference points for participating in crisis intervention training. Language proficiency is as defined by the local jurisdiction. Preference points under this act and veteran's preference points may not be aggregated to exceed 10 percent of the applicant's examination score. The 24 month probationary period will apply to newly hired officers only. The act controls over any subsequently amended or adopted collective bargaining agreement.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill incorporates the kinds of skill sets and life experiences that we need for our law enforcement in the community. It makes sense to prioritize these skills during the candidate recruitment process.

The civil service system should be improved to provide better access for diverse candidates. Some suggestions for improvement to this bill are to remove the age requirement and change the education requirement to a preference rather than a

requirement. A section is needed that states collective bargaining does not apply to personnel matters. We would also like to see a task force to further study mechanisms to increase police recruitment.

OTHER: We need to expand the pool of applicants and need to be careful about policies that limit access. We support expansion of the probationary period for new hires, but a person promoted within their own department should not have to go through a 24 month probation period.

The current minimum age for application is 19.5 years. We support an increase to age 23. Requiring an associate's degree will unnecessarily limit the pool of viable applicants. Fifty percent of current officers do not have degrees, including many veterans.

This legislation could have the unintended result of reducing applicants, including applicants of color.

The language needs to be fine-tuned a bit to make sure that expectations are clear. For example, what constitutes proficiency in a foreign language needs further defined. We need to make sure that we know what is intended and who qualifies under these new guidelines.

It is important to find new ways of recruiting qualified officers and setting out preference points is a good way to go about doing this. The bill should clarify interaction with chapter 41.04 so candidates are not eligible for multiple points. Studies show that officers with a college education are less likely to use force and less likely to be subject to discipline. There are points to consider—we do not want to decrease the pool of available officers. Also, low numbers of African Americans attend college. There are other options for linking college education and service as an officer. For example, two years of community work could substitute for the college requirement. Applicants could be required to get a degree within a certain amount of time after being hired. Reputable crisis intervention needs more definition.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Anne Levinson, retired judge.

OTHER: James McMahan, Washington Association of Sheriffs and Police Chiefs; Teresa Taylor, Washington Council of Police and Sheriffs; Spike Unruh, Washington State Patrol Troopers Association; Marco Montebalco, Washington State Fraternal Order of Police; Candice Bock, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: No one.