

## HB 2936 -2, -4, -5 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 2/3, 2/8, 3/15, 3/17, 3/25, 4/6, 4/8

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#### WHAT THE MEASURE DOES:

Requires Department of Public Safety Standards and Training to investigate potential recruit's character, including psychiatric evaluation, racial bias and sympathy test, investigation into the recruit's financial dealings, and interviews of at least three references. Prohibits officers from participating in white supremacist or militant groups and overt or explicit expressions of racism. Applies to both police officer and reserve officers. Directs Bureau of Labor and Industries to establish and maintain a hotline for reports of misconduct by law enforcement officers. Requires Governor to convene task force to develop a plan for removing peace officers who have discriminatory sentiments that would violate the rights of protected classes.

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-2 Replaces measure. Makes findings. Defines terms, including "hate group," "militant group," and "white supremacists." Prohibits police officer, certified reserve officers, and reserve officers from participation in any activity or organization that demonstrates racial bias or erodes public trust in law enforcement officers and community safety, including but not limited to participation or membership in white supremacist organizations, hate groups, or militant groups, or the display or wearing of racist, white supremacist, or militant group patches, insignias, or tattoos. Requires Department of Public Safety Standards and Training (DPSST) to adopt rules relating to this section and include training in the first week of basic certification training. Requires DPSST to establish minimum requirements for background investigations for hiring of police officers or reserve officers. Requires racial bias and sympathy test, psychological evaluation, investigation into applicant's previous employment, and commendations or awards. Allows development of standardized background check form. Allows sharing of background check information between agencies. Establishes statewide online database at DPSST that includes existence of background checks. Requires agencies to notify DPSST within 72 hours of completion of a background check or of closing a background check before a background check is complete. Requires law enforcement agency to provide completed or closed information on an applicant to another law enforcement agency upon request. Provides immunity for law enforcement agencies providing or relying on background check information. Extends current requirement that law enforcement agencies to request and review applicant's law enforcement personnel file from other law enforcement agencies to include employment information from non-law enforcement employers. Requires mental health professionals who provide psychological screening of law enforcement officers to be trained to detect implicit and explicit bias and sympathies. Requires DPSST to adopt rules requiring law enforcement agencies to use more than licensed mental health professionals for conducting psychological screenings. Allows law enforcement agency conducting a background check on applicant to request access to social media content of applicant.

-4 Replaces measure. Requires Department of Public Safety Standards and Training (DPSST) to create a statewide uniform background checklist and standardizes personal history questionnaire for use by law enforcement units in hiring process. Must include a description of investigation, including information about: a psychiatric or psychological evaluation of the applicant and evaluator's assessment of applicant's tendencies, feelings, and opinions on diverse cultures, races, and ethnicities and differing social, political, economic, and life statuses; investigation into applicant's finances; and identification of at least three references provided by the applicant

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and interviewed by law enforcement unit. Requires law enforcement units to adopt policies setting standards for speech and expression by officers in and out of course and scope of employment. Applies to all forms of speech and expression. Prohibits violation of constitutional rights to free speech and expression by policy. Requires sharing of employment information of applicant when request is made in writing and accompanied by a notarized authorization of applicant releasing employer from liability. Specifies information shared is confidential except that if can be disclosed to another law enforcement agency conducting background check for the purpose of hiring the applicant. Requires other agency to independently verify information contained in shared employment information. Exemptions law enforcement units from employer prohibitions relating to social media access.

-5 Replaces measure. Makes findings that racism has no place in public safety and that law enforcement officers hold a unique position in our community. Finds that membership or participation in hate groups, racial supremacist organizations, militant groups, or the display of such symbols erodes public trust in law enforcement. Requires Department of Public Safety Standards and Training (DPSST) to create a statewide uniform background checklist and standardizes personal history questionnaire for use by law enforcement units in hiring process. Must include a description of investigation, including information about: a psychiatric or psychological evaluation of the applicant and evaluator's assessment of applicant's tendencies, feelings, and opinions on diverse cultures, races, and ethnicities and differing social, political, economic, and life statuses; investigation into applicant's finances; and identification of at least three references provided by the applicant and interviewed by law enforcement unit. Requires law enforcement units to adopt policies setting standards for speech and expression by officers in and out of course and scope of employment. Applies to all forms of speech and expression. Prohibits violation of constitutional rights to free speech and expression by policy. Requires sharing of employment information of applicant when request is made in writing and accompanied by a notarized authorization of applicant releasing employer from liability. Specifies information shared is confidential except that if can be disclosed to another law enforcement agency conducting background check for the purpose of hiring the applicant. Requires other agency to independently verify information contained in shared employment information. Exemptions law enforcement units from employer prohibitions relating to social media access.

### **BACKGROUND:**

Before attending the basic policing training at the Department of Public Safety Standards and Training (DPSST), recruits must be hired by a law enforcement agency. The agency subjects the recruit to background checks, psychological checks, and physical minimum checks as part of the employment process.

House Bill 2936 requires the Department of Public Safety Standards and Training to prohibit police and reserve officers from participating in white supremacist or militant groups and overt or explicit expressions of racism. It requires a law enforcement agency that obtains evidence that an officer engaged in racist behavior to provide that evidence to the appropriate district attorney within 14 days of obtaining the evidence. The measure also requires DPSST to investigate a potential police or reserve officer's character. Investigation must include psychiatric evaluation, racial bias and sympathy test, investigation of the person's financial dealings, and interviewing at least three references. The measure directs the Bureau of Labor and Industries to establish and maintain a hotline for reports of misconduct by law enforcement officers. Finally, the measure requires the Governor to convene a task force to develop a plan for removing peace officers who have discriminatory sentiments that would violate the rights of protected classes.