

Zenzinger Fact Sheet for SB17-092

SB17-092: Concerning requiring a personnel file waiver for private employment as part of the background check process for a person applying for a position as a peace officer.

Short Title: Immunity Peace Officer Background Checks

Drafter: Michael Dohr

Assigned Committee: State, Veterans, & Military Affairs

The Problem:

When law enforcement agencies hire new peace officers, they want to be sure that the candidate is the right fit for the job. The best way to ascertain this information is through a background check with the candidate's previous employer. Current law grants governmental or public agencies--such as a police department--a certain level of liability protection, or "immunity", when they cooperate with law enforcement and share information. Unfortunately, this protection has not yet been extended to "private" agencies. Without the same protection, non-public/private agencies are reluctant to share information. Without the ability to do these background checks, Colorado law enforcement agencies are unable to make good hiring decisions.

The Purpose of the Bill:

To require candidates to sign a waiver allowing previous private entities that they were previously employed with to release their employment file. This will provide law enforcement hiring managers to make better informed decisions on who to hire as a peace officer and who may be unqualified for the tasks at hand.

Background:

Current law requires a candidate for a peace officer position to sign a waiver for a previous employer to release the candidate's personnel file only if the previous employer was a governmental agency or state or local law enforcement. Candidates are not required to sign this waiver if they previously worked for a private entity, such as a security guard firm. Police recruiters have commented that this makes it more difficult for them to know who to hire into a peace officer position. It makes it difficult if the private employer is reluctant to give information about the candidate due to prior misbehavior or conduct.

Endorsements:

Colorado Council of Police Chiefs
County Sheriffs of Colorado
Colorado Municipal League

Arvada Police Department
Jefferson County Sheriff's Office