



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Washington State Criminal Justice Training Commission	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Expedited Rule Making
(1) Date of adoption: December 12, 2001	

(2) Purpose:

Update and clarify training requirements for:
WAC 139-05-810 and WAC 139-05-820 Reserve Officer Training,
WAC 139-05-925 Railroad Police Training, and
WAC 139-01-400 through 139-01-440 Facility Use.

(3) Citation of existing rules affected by this order:

Repealed: N/A
Amended: WAC 139-05-810 and WAC 139-05-925
Suspended: N/A

(4) Statutory authority for adoption: RCW 43.101.080
Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)
Adopted under notice filed as WSR 01-19-036 on September 14, 2001 (date).
Describe any changes other than editing from proposed to adopted version: N/A

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:
 Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules <input checked="" type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) _____*	Emergency Rules <input type="checkbox"/> Immediately <input type="checkbox"/> Later (specify) _____
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*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)
Sharon M. Tolton

Signature

Title
Deputy Director

Date
12-12-01

CODE REVISER USE ONLY

DATE RECORDED OFFICE
STATE OF WASHINGTON

DEC 20 2001

11:27

FILE: _____ AM
WSR: 02-02-004 PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>4</u>	Amended	<u>1</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>1</u>	Amended	<u>2</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>4</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-05-810 Basic training requirement for reserve officers. (1) For the purposes herein:

(a) "Reserve officer" includes any law enforcement officer who does not serve as a law enforcement officer of this state on a full-time basis, but who, when called by such agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state; and

(b) "Field assignment" includes any period of active service wherein the assigned officer is expected to take routine and/or special enforcement actions, independently or otherwise, in the same manner and capacity as a full-time officer with such assignment.

(2) For the purposes of the Washington Mutual Aid Peace Officers Powers Act, chapter 10.93 RCW, every individual who is commissioned as a specially commissioned peace officer in this state, shall obtain a basic reserve certificate as a precondition of his/her exercise of authority pursuant to such act; provided that, any individual possessing a basic reserve certificate issued to him/her by the ((training)) commission prior to January 1, 1989, shall be deemed to have met this requirement.

(3) Upon approval of an applicant's eligibility to participate in the reserve certification process, the applicant's employing agency shall submit to the commission all requested records, information and proof of background check as a precondition of participation within such process.

(4) A basic reserve certificate shall be issued by the ((training)) commission to any individual who successfully completes:

(a) A basic course of instruction for reserve officers as prescribed and required by the ((training)) commission; and

(b) A comprehensive examination developed and administered by the ((training)) commission.

((+4)) (5) Requirements of ((section 3 above)) subsection (4) of this section may be waived in whole or in part as determined by the ((training)) commission and based upon the following:

(a) An evaluation of an applicant's experience and training accomplishments((. A request));

(b) The fact that an individual is a regular full-time commissioned law enforcement officer who leaves full-time employment; or

(c) The fact that an officer has been certified in accordance with the requirements of subsection (2) of this section, and thereafter has engaged in regular and commissioned law enforcement employment without break or interruption in excess of twelve months

duration.

In all of the above instances, the requests for such waiver must be submitted to the ((training)) commission on an approved form by the applicant's agency head and, if approved, may result in direct issuance of a basic reserve certificate or issuance of such certificate upon successful completion of specific training requirements prescribed by the ((training)) commission.

NEW SECTION

WAC 139-05-820 Basic reserve equivalency certification. (1) a certificate of equivalency basic reserve training shall be issued only to applicants who successfully complete the equivalency process as required by the commission. For this purpose, the term "process" shall include all documentation and prerequisites set forth in subsection (6) of this section, and successful completion of all knowledge and skills requirements within the basic reserve equivalency academy. A certificate of equivalency basic reserve training shall be recognized in the same manner as the certificate of completion of the basic reserve academy.

(2) Eligibility for participation in the basic reserve equivalency process shall be limited to reserve commissioned law enforcement officers who have attained basic certification through completion of a basic training program in this or another state. For this purpose, the term "basic training program" shall not include any military or reserve training, or any federal training program not otherwise approved by a majority of the law enforcement representatives within the commission membership.

(3) The participation of any eligible and approved applicant for a certificate of equivalent basic reserve training shall be effected within, and limited to, the first available session of a basic reserve academy following such applicant's date of hire; provided that no applicant shall be required to attend a session of the basic reserve equivalency academy which is conducted within the initial sixty days of employment for which certification is requested.

It shall be the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner and as necessary to ensure that the participation provided by this section is effected.

The participation of any applicant in any session of the basic reserve equivalency not otherwise provided herein shall require the approval of the commission.

(4) In those instances wherein an applicant has attended more than one basic training program, eligibility for participation in the basic reserve equivalency process shall not be approved if such applicant, for whatever reason, failed to successfully complete the most recent of such programs attended.

(5) The decision to request an officer's participation within the equivalency process shall be discretionary with the head of the officer's employing agency, who shall advise the commission of that decision by appropriate notification upon the hiring of the officer. Upon receipt of such notification, the commission shall provide to such agency head all necessary forms and information required for the processing of a request for a certificate of equivalent basic reserve training.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency shall submit to the commission all requested records, information and proof of background check as a precondition of participation with such process.

AMENDATORY SECTION (Amending WSR 90-07-012, filed 3/13/90, effective 4/13/90)

WAC 139-05-925 Requirement of training for railroad (~~(special agents)~~) police officers. (1) For the purpose of this regulation, the term (~~("special agent")~~) "railroad police" means any individual appointed by the (~~(governor of the state of Washington)~~) commission under the provisions of RCW 81.60.010 through 81.60.060.

(2) Effective January 1, 2002, as a precondition of any (~~(exercise of police powers)~~) newly appointed railroad police officer to enforce the laws of this state, (~~(special agents)~~) railroad police shall:

(a) Possess the (~~(Washington state criminal justice training)~~) commission's basic certificate, or in the alternative (~~(7)~~) have successfully (~~(complete, or have previously completed, a training program of at least two hundred and forty hours which shall include-)~~) completed training and possess a basic certification from another state. In the event certification and training are from another state, the newly appointed railroad police officer must satisfactorily complete the equivalency course approved by the commission, within the first six months of employment.

((i)) Administration	15 hours
(ii) Introduction to criminal justice	5 hours
(iii) Law and procedure	40 hours
(iv) Community relations	8 hours
(v) Patrol skills and procedures	34 hours
(vi) Investigative skills and procedures	108 hours
(vii) Defensive tactics	20 hours
(viii) Departmental policy and procedures	2 hours
(ix) Railroad operation and procedures	4 hours
(x) Use of force	4 hours
(xi) Firearms qualification	as required
	Total: 240 hours))

(b) (~~Notwithstanding date of hire, successfully complete the following training, at least annually, in addition to any other in-service training program otherwise required by the special agent's employing agency.~~) The above requirements do not apply to railroad police officers appointed prior to January 1, 2002; however, they may, if qualified, attend the equivalency academy.

((i) First-aid	8 hours
(ii) CPR	4 hours
(iii) Firearms qualification	24 hours
(iv) Legal update	4 hours
(v) SAC training	24 hours
Total: 64 hours))	

(3) It shall be the responsibility of the (~~special agent's~~) railroad police officer's employing agency to effect and ensure personnel compliance herein, and provide necessary records (~~and~~) proof of background check information upon request of the (~~training~~) commission to which the employing agency shall be accountable for purposes of compliance.

(4) The corporation requesting appointment of a railroad police officer shall bear the full cost of training or any other expenses.

FACILITY

NEW SECTION

WAC 139-01-400 Facility use. (1) The commission will not make its facilities or services available to individuals or organizations which do not assure that they will comply with the terms of the Americans with Disabilities Act, the Rehabilitation Act of 1973, and the Washington law against discrimination. Uses must not impose restrictions or alter facilities in a manner which would violate these laws.

(2) The commission will only make its facilities or services available to individuals or organizations which assure that they do not discriminate against any person because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.

(3) The buildings and grounds of the commission are primarily for training purposes. No other use shall be permitted to interfere with the primary purpose for which these facilities are intended. Facilities shall not be made available for any use which might result in any undue damage or wear. The commission reserves the right to reject any application for use of its facilities.

(4) Every possible opportunity will be provided for the use of the commission facilities by citizens of the area, provided that the purpose of such use is in compliance with the rules and regulations of the commission and is subject to the laws of the state of Washington.

(5) The commission reserves the right to prohibit the use of its facilities by groups, or activities, which are secret, which are of a private nature, or which restrict membership or attendance in a manner inconsistent with the public and nondiscriminatory character of the commission. Subversive organizations as defined and listed by the Attorney General of the United States shall not be eligible to use the commission facilities.

(6) The use or possession of alcohol on the facility premises is prohibited except for approved training purposes.

NEW SECTION

WAC 139-01-405 Licensee's responsibility. Individuals or organizations wishing to use commission facilities must complete a facility use agreement and submit it to the facilities maintenance office, or facility manager for approval. The licensee shall accept responsibility for any damage done to the commission property. Completion of the use agreement shall constitute acceptance by the licensee of the responsibilities stated therein and willingness to comply with all rules and regulations regarding the use of the facilities as prescribed by the commission. If the use of the facility does not comply with the terms in the agreement form, an additional charge may be assessed. In the event of property damage, the licensee shall accept and pay the commission's estimate of the amount of damage. The commission may require posting of a bond.

NEW SECTION

WAC 139-01-411 Care and maintenance of facilities and equipment. (1) Appropriate equipment is expected to be used when the absence of such equipment may be detrimental to that facility (e.g., tennis shoes must be worn on gymnasium floors).

(2) Individuals or organizations using the facilities are required to leave the premises in the same condition as when the individual or organization was admitted to its use. After facility use, individuals or organizations are required to arrange for proper disposal of decorations and other refuse when restoring the facility to its original condition for resumption of facility use.

(3) Custodial and other services beyond those regularly scheduled to support normal activities may be required for specific activities by outside groups, based on the size of group, the complexities of the event, or the facilities being used. Custodial services needed beyond those normally scheduled will result in that organization being charged at the established rate. All extra custodial time required as a result of the organization's or individual's use of the facility will be charged to the lessee, including those receiving complimentary usage.

NEW SECTION

WAC 139-01-421 Use fees. The use fee depends on the purpose of the activity and the nature of the group using the facility, which shall be determined based on the current prevailing economic

situation and con. stent with the standard char within the local geographical area. The actual fee will be set by the commission and shall be made known to any entity inquiring to use the facility.