



# RULE-MAKING ORDER

## CR-103 (Implements RCW 34.05.360)

**Agency:** Washington State Criminal Justice Training Commission

- Permanent Rule**  
 **Emergency Rule**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

- Emergency Rules**  
 Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** Chapter 139-05 WAC—Law Enforcement. To improve effectiveness, clarity, and intent in order to better serve clients, stakeholders, and communities.

**Citation of existing rules affected by this order:**

Repealed: 2  
 Amended: 13  
 Suspended:

**Statutory authority for adoption:** RCW 43.101.080

**Other authority:**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 05-15-108 on 07/18/2005 (date).  
 Describe any changes other than editing from proposed to adopted version: N/A

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- 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.  
 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:

**Date adopted:** September 14, 2005

**NAME (TYPE OR PRINT)**  
 Cheryl Price

**SIGNATURE**

**TITLE**  
 Accreditation Manager

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
 STATE OF WASHINGTON  
 FILED

SEP 28 2005

TIME 4:07 AM  
 WSR 05-26029 PM

**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:

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</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>3</u>	Amended	<u>13</u>	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>3</u>	Amended	<u>13</u>	Repealed	<u>2</u>
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The number of sections adopted using:

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 03-19-123, filed 9/17/03, effective 10/18/03)

**WAC 139-05-200 Requirement of basic law enforcement training.**

(1) All fully commissioned law enforcement officers of a city, county, or political subdivision of the state of Washington, except volunteers and reserve officers, whether paid or unpaid, and officers of the Washington state patrol, unless otherwise exempted by the (~~Washington state criminal justice training~~) commission (~~, shall~~) must, as a condition of continued employment, successfully complete a basic law enforcement academy or an equivalent basic academy sponsored or conducted by the commission (~~, or obtain a certificate of equivalent basic training from the commission. This requirement of~~). Basic law enforcement training (~~shall be met~~) must be commenced within the initial six-month period of law enforcement employment, unless otherwise extended by the commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) of this section (~~shall~~) include:

(a) Individuals holding the office of sheriff of any county on September 1, 1979; and

(b) (~~Auxiliary and reserve personnel; and~~

~~c~~) Commissioned personnel (~~(-)~~):

(i) (~~Who have been granted an administrative exemption by the commission, provided that the initial grant and continuing effect of such exemption shall be governed by the following:~~

~~(A) No police chief or sheriff of any agency with ten or fewer commissioned officers shall be eligible to receive such exemption;~~

~~(B) Any request for such exemption shall be submitted to the commission on an approved form with a criminal records check completed by the Washington state patrol and, in any instance wherein the requestor is a police chief, such request shall be cosigned by requestor's appointing authority;~~

~~(C) Any individual receiving such exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but shall limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;~~

~~(D) Any approved administrative exemption shall remain in effect for the duration of the exemptee's term of service within the position upon which such exemption is based or until the nature of exemptee's primary duties and responsibilities change from administrative to general enforcement; and~~

~~(E) Any approved administrative exemption may be revoked by the commission at any time upon its finding that the conditions of such exemption are not being met or the basis for such exemption no longer exists;~~

~~(ii))~~) Whose initial date of full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978; or

~~((iii))~~) (ii) Who have ~~((been awarded))~~ received a certificate of completion ~~((of the basic law enforcement academy or the basic law enforcement equivalency))~~ in accordance with the requirement of subsection (1) of this section, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of twenty-four months duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, ~~((except the Washington state patrol, shall))~~ must immediately notify the commission by approved form of each instance ~~((wherein))~~ where a commissioned officer begins continuing and regular employment with that agency. ~~((Such notification shall be maintained by the commission and shall be utilized by the commission for the subsequent scheduling, notification and enrollment required for compliance with the basic law enforcement training requirement.))~~

(4) Failure to comply with any of the above requirements of basic law enforcement training ~~((shall))~~ will result in notification of noncompliance ~~((7))~~ by the commission ~~((, on approved form,))~~ to:

(a) The individual in noncompliance;

(b) The head of his/her agency; and

~~(c) ((The civil service commission having jurisdiction of such agency;~~

~~(d) The judges and clerks of the municipal, district, and superior courts in which said agency is located;~~

~~(e) The state auditor's office; and~~

~~(f))~~) Any other agency or individual, as determined by the commission.

## NEW SECTION

**WAC 139-05-205 Administrative exemption.** Commissioned personnel may be granted an administrative exemption by the commission. A request for administrative exemption must be made under WAC 139-03-030. The initial grant and continuing effect of such exemption is governed by the following:

(1) No police chief or sheriff of any agency with ten or fewer commissioned officers is eligible to receive an exemption;

(2) Any request for an exemption must be submitted to the commission on an approved form with a criminal records check completed by the Washington state patrol, a current resume, and, in any instance where the requestor is a police chief, the request must be cosigned by the requestor's appointing authority;

(3) Any individual receiving an exemption may not engage in

patrol or other general enforcement activity on a usual or regular basis but must limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;

(4) Any approved administrative exemption will remain in effect for the duration of the exemptee's term of service in the position upon which an exemption is based or until the nature of the exemptee's primary duties and responsibilities changes from administrative to general enforcement; and

(5) Any approved administrative exemption may be revoked by the commission at any time upon a finding that the conditions of an exemption are not being met or the basis for the exemption no longer exists.

AMENDATORY SECTION (Amending WSR 04-13-070, filed 6/15/04, effective 7/16/04)

**WAC 139-05-210 Basic law enforcement certificate of equivalency ((certification)).** (1) A certificate of completion of equivalent basic law enforcement training ((shall be)) is issued ((only)) to applicants who successfully complete the equivalency process as required by the ((Washington state criminal justice training)) commission. For this purpose, the term "process" ((shall)) includes all documentation and prerequisites set forth in subsection (6) of this section((7)) and successful completion of all knowledge and skills requirements within the ((basic)) equivalency academy. A certificate of completion of equivalent basic law enforcement training ((shall be)) is recognized in the same manner as the certificate of completion of the basic law enforcement academy.

(2) ((Eligibility for)) Participation in the ((basic)) equivalency process ((shall be)) is limited to fully commissioned law enforcement officers of a city, county, or political subdivision of the state of Washington, who otherwise are eligible to attend the basic law enforcement academy((7)) and who have attained ((basic certification through completion of)) commissioned law enforcement status by completing a basic training program in this or another state. For this purpose, the term "basic training program" ((shall)) does not include any military or reserve training program((7)) or any federal training program not otherwise approved by ((a majority of)) the commission ((membership)).

(3) ((The participation of any eligible and approved applicant for a certificate of equivalent basic law enforcement training shall be effected within, and limited to,)) Applicants who are approved to participate in the equivalency academy must attend the first available session of the ((basic)) equivalency academy following such applicant's date of hire((7 provided that no)). Applicants ((shall be)) are not required to attend a session of the

~~((basic))~~ equivalency academy ~~((which is))~~ conducted within the initial sixty days of ~~((the))~~ employment ~~((for which certification is requested))~~.

It ~~((shall be))~~ is 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 equivalency academy not otherwise provided herein shall require the approval of the commission.))~~

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

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

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency ~~((shall))~~ must submit to the commission the following documentation as a precondition of participation within such process:

(a) A copy of the applicant's current and valid driver's license;

(b) A copy of the applicant's current and valid basic first-aid card;

(c) A statement of the applicant's health and physical condition by an examining physician;

(d) A record of the applicant's firearms qualification;

(e) A liability release agreement by the applicant; and

(f) A criminal records check regarding such applicant.

(7) If ~~((such))~~ comparable emergency vehicle operations training has not been completed previously, the applicant ~~((shall))~~ will be required to complete the commission's ~~((forty-hour))~~ current emergency vehicle operation course, as scheduled by the commission.

(8) Upon completion of the equivalency process and review and evaluation of the applicant's performance~~((s therein))~~, the commission ~~((shall))~~ will:

(a) Issue a certificate of completion of equivalent basic law enforcement training; or

(b) Issue a certificate of completion of equivalent basic law enforcement training upon the applicant's successful completion of additional training as the ~~((training))~~ commission may require; or

(c) Require completion of the commission's basic law

enforcement academy.

~~((9) Any action or determination by the commission staff regarding a requestor or applicant for equivalency certification shall, upon written request of the involved individual or agency, be reviewed by the executive director of the training commission.~~

~~(10) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the commission if it determines that sufficient justification exists for such action.)~~

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

**WAC 139-05-220 Backgrounding requirement for admission to basic law enforcement academy.** ~~((The Washington state criminal justice training commission is responsible for the conduct of the basic law enforcement academy and to therein certify, to and for the state of Washington, those officers who have demonstrated the ability and suitability requisite to law enforcement service and the public trust.~~

~~In accordance with that responsibility, and to ensure the continuing integrity and credibility of the basic academy program,)) It is the responsibility of each sponsoring or applying agency to conduct a complete criminal records check to include a search of state and national criminal history records information regarding its applicant through the submission of the applicant's fingerprints to an appropriate agency or agencies. No individual ~~((shall))~~ will be granted academy admission or allowed continued participation if ~~((such))~~ the individual~~((, in adult status, has been convicted of a felony offense, or has been convicted of a gross misdemeanor or misdemeanor involving moral turpitude.~~~~

~~For this purpose, the term "convicted" shall include any disposition adverse to the subject, except a decision not to prosecute, a dismissal, or acquittal, provided, however, that a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.~~

~~The term "felony offense" shall include any act or omission which is classified as a felony by the laws of the jurisdiction in which such act or omission occurred, or for which imprisonment in a federal or state penitentiary could have been imposed.~~

~~It shall be the responsibility of each sponsoring or applying agency to request a complete criminal records check to include a search of state and national criminal history records information regarding its applicant through the submission of the applicant's fingerprints to an appropriate action agency or agencies)) is not otherwise eligible for certification or has been convicted of a crime that would make him or her ineligible for certification.~~

Each application for academy attendance (~~shall~~) must be accompanied by a written attestation by the applying agency that (1) the (~~aforementioned~~) criminal records check has been (~~effected regarding the individual for which academy application is being made~~) completed, and (2) (~~that such search indicated the absence of any felony conviction or other~~) there are no disqualifying convictions.

(~~No exception to, or variance from, the above requirements or the prohibition which is provided, will be granted without the approval of the training commission.~~)

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

**WAC 139-05-230 Physical requirements for admission to basic law enforcement academy.** Each successful applicant for admission to a basic law enforcement academy sponsored or conducted by the (~~Washington state criminal justice training~~) commission (~~shall~~) must possess good health and physical capability to actively and fully participate in defensive tactics training and other required physical activities. In order to minimize risk of injury and maximize the benefit of such participation, each recruit in any academy session (~~shall~~) must, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the (~~training~~) commission.

For this purpose, each academy applicant (~~shall be evaluated~~) will be assessed in the (~~assessment~~) areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the (~~training~~) commission.

Failure to demonstrate a requisite level of fitness will result in ineligibility for academy admissions and/or attendance.

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

**WAC 139-05-240 Requirements of basic law enforcement academy.** (~~+~~) Each recruit in a basic law enforcement academy (~~shall~~) will receive a certificate of completion only upon full and successful completion of the academy process as prescribed by the (~~Washington state criminal justice training~~) commission. The performance of each recruit (~~shall~~) will be evaluated as follows:

(~~a~~) ~~Scholarship.~~ (1) Academic performance. A standardized examination process (~~shall~~) will be utilized by all basic law



enforcement academies sponsored or conducted by the (~~Washington state criminal justice training~~) commission(~~(7)~~) in evaluating the level of scholastic achievement of each recruit. Such process (~~(shall)~~) will include the application of a designated minimum passing score to each subject area and the availability of a retesting procedure. Failure to achieve the required minimum passing score will result in termination of academy assignment.

(~~(b) Physical performance~~) (2) Practical skills. A standardized evaluation process (~~(shall)~~) will be utilized by all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of (~~(physical)~~) practical performance of each (~~(trainee)~~) recruit. Such process (~~(shall)~~) will include the application of pass/fail grading to designated instructional objectives for physical performance and the availability of a retesting procedure. Failure to achieve a final passing grade in (~~(physical training, including defensive tactics, shall)~~) each practical skills dimension will preclude a certificate of completion.

(~~(c) Department and~~) (3) Conduct. Failure to maintain an exemplary standard of (~~(department and)~~) conduct or to adhere to all rules, regulations, and policies of a basic law enforcement academy sponsored or conducted by the commission may result in termination of academy assignment.

(~~(2) Upon the written request of a recruit, or the head of a recruit's employing agency, any action affecting such recruit's status or eligibility for a certificate of completion shall be reviewed by the commission.~~)

AMENDATORY SECTION (Amending WSR 04-19-050, filed 9/14/04, effective 10/15/04)

**WAC 139-05-242 Readmission to basic law enforcement academy.** No person may be readmitted to the basic law enforcement training academy except as provided in this section.

(1) Any request for readmission to any academy (~~(shall)~~) must be made and submitted by the individual's employing or sponsoring agency.

(2) Any individual terminated from any academy for academic failure, for disciplinary reasons other than those specified by subsection (3) of this section, or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission of the individual to the academy program, and

(b) The (~~(executive)~~) director of the commission(~~(7)~~) or (~~(his or her)~~) designee(~~(7)~~) is satisfied that any conditions to the individual's readmission specified by the director or (~~(his or~~

her)) designee have been met.

~~(3) ((Any individual dismissed from any academy for disciplinary reasons other than those specified by subsection (4) of this section, may be readmitted to a subsequent academy program only if:~~

~~(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and~~

~~(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.~~

~~(4)) Any person dismissed from any academy for an integrity violation, including but not limited to: Cheating, ((or)) the commission of a crime, or other violation((s)) not constituting disqualifying misconduct as defined in RCW 43.101.010(7), ((shall)) will not be eligible for readmission to any subsequent academy within twenty-four months from the date of dismissal. Such ineligibility ((shall)) will not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.~~

~~((5)) (4) After the ineligibility period specified in subsection ((4)) (3) of this section has passed, the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if((-~~

~~(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and~~

~~(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.~~

~~(6)) he or she satisfies the conditions of subsection (2) of this section.~~

~~(5) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.~~

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

**WAC 139-05-250 Basic law enforcement curriculum.** The basic law enforcement curriculum of the ((Washington state criminal justice training)) commission ((shall)) may include, but not be limited to, the following core subject areas with common threads of communications, community policing, and ((police)) professional ethics throughout:

(1) ((Introduction to law enforcement,)) Orientation and

history of policing;

- (2) Criminal law;
- (3) Criminal procedures;
- (4) Patrol procedures;
- (5) ~~((Communication skills,))~~ Crisis intervention;
- (6) Emergency vehicle operation course;
- (7) ~~((Human relations,))~~ Report writing;
- (8) Traffic law;
- (9) Firearms;
- (10) Defensive tactics; and
- (11) Criminal Investigation.

AMENDATORY SECTION (Amending WSR 05-01-112, filed 12/15/04, effective 1/15/05)

**WAC 139-05-300 Requirement for in-service training.** ~~((1))~~  
The commission recognizes that continuing education and training is the cornerstone for a successful career as a peace officer in providing competent public safety services to the communities of Washington state.

~~((2))~~ (1) Effective January 1, 2006, every peace officer certified under RCW 43.101.095 ~~((shall))~~ will complete a minimum of twenty-four hours of in-service training annually. ~~((The commission will establish an optional recordkeeping form along with published guidelines and/or criteria for approved in-service training and education. The training may be developed and provided by the employer or other training resources. The commission will maintain the records of successfully completed commission-sponsored and commission-recognized training. All remaining records for the training required under this rule must be maintained by the employing agency and be available for review upon request by an authorized commission representative.~~

~~((3))~~ (a) This requirement is effective January 1, 2006, for incumbent officers.

(b) The in-service training ~~((hours))~~ requirement for each newly hired officer ~~((will))~~ must begin on ~~((the))~~ January 1 of the calendar year following their certification as a result of successful completion of the basic law enforcement academy, equivalency academy, or approved waiver as provided by WAC ~~((139-05-200))~~ 139-05-205.

~~((4))~~ (c) Training may be developed and provided by the employer or other training resources.

(d) The commission will publish guidelines for approved in-service training.

(2) All records for training required for this rule must be maintained by the employing agency and be available for review upon request by an authorized commission representative.

(a) The commission will maintain records of successfully

completed commission-registered courses.

(b) Upon request, the commission will furnish a recordkeeping template for use by agencies to track training.

(3) The sheriff or chief of an agency may approve an extension of three months for certified officers in their employ by notification in writing to the commission, identifying those specific officers.

~~((b))~~ (a) A sheriff or chief may request a three-month personal extension of the requirement by doing so in writing to the commission.

~~((c))~~ (b) Written requests submitted under the provision of ~~((a) and (b) of)~~ this subsection must be received by December 1 of the calendar year in question.

AMENDATORY SECTION (Amending WSR 02-02-004, filed 12/20/01, effective 1/20/02)

**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 reserve peace officer in this state ~~((, shall))~~ will obtain a basic reserve certificate as a precondition of ~~((his/her))~~ the exercise of authority pursuant to such act; provided that, any individual possessing a basic reserve certificate issued ~~((to him/her))~~ by the commission prior to January 1, 1989, ~~((shall))~~ will 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))~~ must submit to the commission all requested records, information and proof of background check as a precondition of participation within such process.

(4) Each applicant that has been offered a conditional offer of employment as a reserve officer must take and successfully pass a psychological and a polygraph test or similar assessment procedure, administered pursuant to RCW 43.101.105 (2)(a)(i) and (ii).

(5) A basic reserve certificate (~~(shall)~~) will be issued by the commission to any individual who successfully completes (~~(a)~~) a basic course of instruction for reserve officers as prescribed and required by the commission (~~(, and~~

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

~~((4))~~ (6) Requirements of subsection ~~((4))~~ (5) of this section may be waived in whole or in part ~~((as determined by))~~. A request for waiver must be made under WAC 139-03-030. In reviewing such request, the commission ((and based upon)) will consider the following:

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

(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 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 commission.))~~

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

**WAC 139-05-912 Requirement of training for state fire marshals.** (1) The training prescribed herein (~~(shall)~~) constitutes (~~(a)~~

~~(a))~~ that the training requirement which must be met by deputy state fire marshals (~~(and resident fire marshals))~~ as a precondition of any exercise of police powers granted to such personnel by RCW 48.48.060 (~~(, and~~

~~(b) The training standard recommended by the criminal justice training commission for local agencies employing a training requirement or prerequisite for the purpose of commissioning fire personnel).~~

(2) The training requirement herein prescribed for the purpose of RCW 48.48.060 (~~(shall)~~) will be met by:

(a) ~~((Obtainment of the training))~~ Obtaining the commission's basic law enforcement certificate (~~(, or~~) ; or

(b) ~~((Obtainment of))~~ Obtaining the ((training)) commission's basic law enforcement equivalency certificate (~~(, or~~

~~(c) Successful completion of a training program of at least one hundred and seventy-six hours, including:~~

- |       |                        |            |
|-------|------------------------|------------|
| (i)   | Criminal investigation | 52 hours   |
| (ii)  | Criminal law           | 40 hours   |
| (iii) | Criminal procedures    | 42 hours   |
| (iv)  | Human relations        | 38 hours   |
| (v)   | Use of force           | 04 hours)) |

and completion of other training as may be required by the agency.

(3) No authorization, expressed or implied, to carry a firearm in the performance of official duties may be granted to any deputy state fire marshal (~~or resident fire marshal~~) unless such personnel has successfully completed a basic firearms training program. Such program (~~shall~~) must be at least forty hours in length and include instruction in firearms care, handling, and usage, and a range qualification course approved by the (~~training~~) commission. Thereafter (~~such personnel shall successfully complete an eight-hour firearms requalification course approved by the training commission during each year in which authorization to carry a firearm is granted or remains in effect~~), it shall be the responsibility of the chief of the state patrol to set the standard, which will be met for each fire marshal to carry a firearm.

(4) It (~~shall be~~) is the responsibility of the state fire marshal to effect and ensure personnel compliance (~~herein~~) and to provide documentation of such compliance upon the request of the (~~training~~) commission.

AMENDATORY SECTION (Amending WSR 05-01-114, filed 12/15/04, effective 1/15/05)

**WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certification of canine teams.**

(1) Title and scope: These rules are intended to set minimum standards of performance for the certification of canine teams that are used for law enforcement or corrections purposes. This process is not related to nor does it have any effect upon the requirements for peace officer certification. Nothing in these rules is intended to limit the use of canine teams employed by other state or federal agencies for law enforcement purposes, or the use of volunteer canine teams where the handler is not a Washington peace officer or corrections officer.

(2) For purposes of this section, the following definitions (~~shall~~) will apply:

(a) "Dog handler" means any fully commissioned law enforcement officer or corrections officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a police canine

within a law enforcement or corrections assignment; and

(b) "Canine team" means a specific officer and a specific canine controlled by that officer in the capacity of handler, formally assigned by the employing agency to work together in the performance of law enforcement or corrections duties.

(c) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, certified as an instructor with recognized expertise on canine subjects associated with the development of the trainee's competency in the care, control, and utilization of a police canine.

(d) "Evaluator" means a certified peace officer or corrections officer, who has a minimum of three years experience as a dog handler and is recognized as a trainer of canines by a professional organization of police and/or corrections dog handlers/trainers or by the handler's employing agency. The trainer must have trained a canine team in accordance with the training requirements of WAC 139-05-915, or be recognized by the commission as a certified instructor with expertise in canine training of a specific police canine subject for the purpose of testing and certifying dog handlers and canines to work as a canine team.

(3) A dog handler (~~((shall))~~) must, as a precondition of such assignment, successfully complete the basic law enforcement academy or basic corrections officer academy, or otherwise comply with the basic training requirement prescribed by WAC 139-05-200 and 139-05-210 of the (~~((training))~~) commission.

(4) Prior to such assignment, a dog handler (~~((shall))~~) must successfully complete training according to the nature and purpose of utilization of the police canine for which such handler is responsible.

(a) A dog handler who is responsible for the routine and regular utilization of a police canine within general patrol or investigative activities, (~~((shall))~~) must successfully complete a minimum of four hundred hours of training, which (~~((shall))~~) will include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Tracking;
- (vii) Trailing;
- (viii) Area search;
- (ix) Building search;
- (x) Evidence search;
- (xi) Pursuit and holding; and
- (xii) Master protection.

(b) A dog handler who is responsible for the primary and specialized utilization of a police canine in the search for and detection of specific substances, excluding explosives, (~~((shall))~~) must successfully complete a minimum of two hundred hours of training, which (~~((shall))~~) will include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area search;
- (vii) Building search;
- (viii) Evidence search;
- (ix) Vehicle search; and
- (x) Detection of specific substances.

(c) A dog handler who is responsible for the primary and specialized utilization of a police canine in the search for and detection of explosive substances and devices, (~~shall~~) must successfully complete a minimum of four hundred hours of training, which (~~shall~~) will include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area search;
- (vii) Private and commercial conveyance search;
- (viii) Building search;
- (ix) Evidence search; and
- (x) Detection of explosives.

(d) A dog handler who is responsible for the routine and regular utilization of a police canine solely for self-protection and assistance in hostile or potentially hostile situations, (~~shall~~) must successfully complete at least two hundred hours of training, which (~~shall~~) will include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Pursuit and holding; and
- (vii) Master protection.

(5) The commission (~~shall~~) will develop and adopt a minimum performance standard for canine teams performing specific law enforcement or corrections functions. It (~~shall be~~) is the handler's responsibility to keep their canines under control at all times. Each handler must be able to make their canine perform to a level that is deemed acceptable by the commission in the category for the team's intended use as a condition of certification.

(6) Certification of canine teams:

(a) The handler and the canine will be considered as a team and it is the team who will be certified. If the canine or the handler changes, a new team exists and the team must be certified.

(b) A dog handler may not use a canine for police purposes unless the handler is certified to handle a specific canine for a



specific purpose.

(c) In evaluating the proficiency of the canine team, the evaluators shall use the standards approved by the commission for that particular skill category. Performance (~~shall~~) will be rated on a pass/fail basis. The evaluator (~~shall have~~) has the discretion to discontinue the testing if excessive time has been spent without results, or if there is a concern about safety issues involving the canine, handler, or equipment.

(d) The commission (~~shall~~) will certify a canine team who can successfully show proficiency, under scrutiny of a canine evaluator, in all of the areas in which the canine will be used:

(i) Patrol and investigation:

- (A) Obedience;
- (B) Protection and control;
- (C) Area search;
- (D) Building search; and
- (E) Tracking.

(ii) Detection:

- (A) Building search;
- (B) Vehicle search;
- (C) Exterior search; and
- (D) Obedience.

(iii) Explosive detection:

- (A) Obedience;
- (B) Building search;
- (C) Private and commercial conveyance search;
- (D) Exterior search.

(iv) Master protection:

- (A) Obedience;
- (B) Protection and control.

(e) Each certification issued pursuant to these rules (~~shall~~) will remain valid as long as the composition and responsibility of the canine team does not change. A canine team's certification (~~shall~~) expires if the specific handler and canine, originally paired at the time of certification, cease to perform canine team functions together or if the function for which the team was certified changes. It is recommended that teams recertify on an annual basis.

(f) If the canine team fails any phase of an evaluation, the team must be reevaluated in that particular phase. Canine teams will be allowed three attempts to successfully pass the requirements of each phase during an evaluation. If the team does not pass by the third attempt, the team (~~shall~~) must be reevaluated in all phases at a different time to be scheduled by the evaluator and approved by the commission.

~~((g) Any handler who believes there has been improper procedures applied in the testing process, may file an appeal with the commission in writing. This appeal must be filed within thirty days of the last testing date pursuant to WAC 139-03-020.))~~

(7) Recordkeeping:

(a) Each agency (~~shall be~~) is required to keep training, performance, and identification records on canines. The records must stay with the agency responsible for the canine team. The

records (~~(shall)~~) will be made available for review in the event that the canine is sold or transferred to another agency. The records (~~(shall)~~) will include, but not be limited to:

- (i) Microchip number (if applicable);
- (ii) Canine's name;
- (iii) Breed;
- (iv) Training records;
- (v) Certification date;
- (vi) Date acquired or purchased;
- (vii) Source from which the canine was acquired;
- (viii) Purpose, use, or assignment of canine;
- (ix) Handler's name;
- (x) The date and reason the canine was released from service;

and

(xi) Copies of all incident reports in which use of the canine resulted in the use of force.

(b) These records (~~(shall)~~) must be retained for a period of one year from the date the canine is removed from active service unless a longer retention is required by statute or local ordinance.

(c) It (~~(shall be)~~) is the responsibility of the handler to advise their employing agency of the fact that they have met the standards for canine certification. The proof of certification with the evaluator's signature along with a request for canine certification (~~(shall)~~) must be submitted to the commission by the employing agency. This (~~(shall)~~) will be considered as a request for certification. Upon verification that the minimum requirements have been met, the commission (~~(shall)~~) will issue certification to the canine team.

(8) It is recommended that a canine intended for use by a law enforcement or corrections agency, be positively identified by having a microchip medically inserted in the canine. Any canine that is sold by a vendor to a Washington state governmental agency for use as a law enforcement or corrections canine should be able to be identified by microchip placed in the canine at the vendor's expense prior to the canine being sold to the law enforcement or corrections agency.

Once the microchip has been inserted, it is recommended that it not be removed except for medical necessity. If it becomes necessary to remove the microchip, the reason for the removal must be documented and entered into the canine's training records and a new microchip inserted, if medically appropriate.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

**WAC 139-05-920 Requirement of training for agriculture officers.** (1) For purposes of this regulation, the term "agriculture officer" means any individual appointed by the state

director of agriculture to enforce those laws relating to ~~((commission merchants, livestock identification, and livestock brand registration and inspection))~~ the department of agriculture.

(2) As a precondition of any exercise of enforcement authority ~~((generally vested in a peace officer)),~~ an agriculture officer ~~((shall))~~ must successfully complete training which ~~((shall))~~ will include, but is not limited to:

~~((Criminal procedures, to include the legal system, search and seizure, laws of arrest, and constitutional law - eight hours,))~~ Crime scene investigation;

~~((Evidence law - two hours;~~

~~((Criminal investigation((eight hours));~~

~~((d))~~ (c) Effective interviewing and interrogation((four hours));

~~((e) Communication skills - six hours,))~~ (d) Report writing;

~~((f))~~ (e) Criminal law((four hours)) to include Titles 9A and 20;

~~((g))~~ (f) Officer safety ((and basic patrol procedures - four hours));

~~((h) Use of deadly force - four hours.))~~ (g) Defensive tactics.

(3) As a precondition of any authorization to carry a firearm during the performance of duties, an ~~((authorized))~~ agriculture officer ~~((shall))~~ with enforcement authority will have successfully qualified in the firearms course which is incorporated by the basic law enforcement academy program of the ~~((Washington state criminal justice training))~~ commission, or is otherwise approved by the ~~((training))~~ commission. ~~((Such))~~ Following the initial qualification ((shall)), the department of agriculture must insure that such qualification be effected annually((7)) or within a period of twelve months preceding the aforementioned firearms authorization.

(4) It ~~((shall be))~~ is the responsibility of the state director of agriculture to effect and ensure personnel compliance ~~((herein))~~ and to provide necessary records and information upon the request of the ~~((training))~~ commission, to which said director ~~((shall be))~~ is accountable for purposes of such compliance. Additionally, any equivalency process or official recognition of equivalent training or experience in determining an agriculture officer's compliance ~~((herein shall))~~ will be within the prerogative and authorities of such director.

AMENDATORY SECTION (Amending WSR 03-19-122, filed 9/17/03, effective 10/18/03)

**WAC 139-05-925 Requirement of training for railroad police officers.** (1) For the purpose of this regulation, the term "railroad police" means any individual appointed by the commission

under the provisions of RCW 81.60.010 through 81.60.060.

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

(a) Possess the commission's basic certificate, or in the alternative have successfully 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.

(b) 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.

(c) Railroad police officers whose primary duties are those of administration of other railroad police officers may request an administrative exemption from the above training requirements. Administrative exemptions may be granted by the commission provided that the initial grant and continuing effect of such exemption (~~shall be~~) is governed by the provisions of WAC (~~139-05-200~~ ~~(2)(c)(i)~~) 139-05-205.

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

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

#### NEW SECTION

**WAC 139-05-935 Review of staff action.** Any person aggrieved by a decision of commission staff under this chapter, or the head of the aggrieved person's agency, may request review by the commission by making a request for an adjudicative proceeding under WAC 139-03-020.

#### NEW SECTION

**WAC 139-05-940 Exemption, waiver, extension or variance.** Any request for exemption, waiver, extension or variance from any requirement of this chapter must be made under WAC 139-03-030.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 139-05-820

Basic reserve equivalency certification.

WAC 139-05-930

Certification/decertification of D.A.R.E. officer.