

**Chapter 139-05 WAC
LAW ENFORCEMENT**

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WAC

139-05-200	Requirement of basic law enforcement training for officers.
139-05-210	Process for equivalency.
139-05-220	Backgrounding requirement for admission in the basic law enforcement academies.
139-05-230	Physical requirements for admission to the basic law enforcement academy.
139-05-240	Completion requirements of basic law enforcement academies.
139-05-241	Sponsored reserve officer requirements for basic law enforcement academy training.
139-05-242	Readmission to the basic law enforcement academy.
139-05-250	Basic law enforcement curriculum.
139-05-300	Requirement for in-service training.
139-05-810	Basic training requirement for reserve officers.
139-05-825	Basic reserve law enforcement academy certificate of equivalency.
139-05-915	Canines—Training and certification.
139-05-920	Requirement of training for agriculture officers.
139-05-925	Requirement of training for railroad police officers.
139-05-935	Review of staff action.
139-05-940	Exemption, waiver, extension or variance.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

139-05-205	Administrative exemption. [Statutory Authority: RCW 43.101.080. WSR 05-20-029, § 139-05-205, filed 9/28/05, effective 10/29/05.] Repealed by WSR 10-13-058, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 43.101.080.
139-05-820	Basic reserve equivalency certification. [Statutory Authority: RCW 43.101.080. WSR 03-07-099, § 139-05-820, filed 3/19/03, effective 4/19/03; WSR 02-02-004, § 139-05-820, filed 12/20/01, effective 1/20/02.] Repealed by WSR 05-20-029, filed 9/28/05, effective 10/29/05. Statutory Authority: RCW 43.101.080.
139-05-910	Requirement of training for fire marshals. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-05-910, filed 9/10/86.] Repealed by WSR 93-13-100, filed 6/21/93, effective 7/22/93. Statutory Authority: RCW 43.101.080(2).
139-05-911	Tribal certification. [Statutory Authority: RCW 43.101.080 and 43.101.801. WSR 22-13-075, § 139-05-911, filed 6/9/22, effective 7/10/22.] Repealed by WSR 23-01-086, filed 12/16/22, effective 1/16/23. Statutory Authority: RCW 43.101.080.
139-05-912	Requirement of training for state fire marshals. [Statutory Authority: RCW 43.101.080. WSR 05-20-029, § 139-05-912, filed 9/28/05, effective 10/29/05; WSR 00-17-017, § 139-05-912, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 93-13-101, § 139-05-912, filed 6/21/93, effective 7/22/93.] Repealed by WSR 22-13-075, filed 6/9/22, effective 7/10/22. Statutory Authority: RCW 43.101.080 and 43.101.801.
139-05-930	Certification/decertification of D.A.R.E. officer. [Statutory Authority: RCW 43.101.080(2). WSR 91-01-042, § 139-05-930, filed 12/12/90, effective 1/12/91.] Repealed by WSR 05-20-029, filed 9/28/05, effective 10/29/05. Statutory Authority: RCW 43.101.080.

WAC 139-05-200 Requirement of basic law enforcement training for officers. (1) A peace officer or tribal police officer whose certification has been revoked or suspended, or is under review by this state or any other state or territory, is not eligible for a basic law enforcement academy diploma.

(2) As a condition of continued employment, unless exempted by the commission, all peace officers must commence training in the basic law enforcement academy or the basic law enforcement equivalency academy within the initial six-month period of employment and then successfully complete the training.

(3) Law enforcement personnel exempted from the requirement of subsection (2) of this section include commissioned personnel:

(a) Who have met the training requirements in subsection (2) of this section and who have been employed with no break in service in this state for more than 24 months.

(b) Who have met the training requirements of subsection (2) of this section and within 24 months of completion are employed as a peace or tribal officer with a general authority law enforcement agency. This includes any limited authority personnel as defined in RCW 10.93.020 and in the definitions of this chapter.

(4) Law enforcement agencies must use an approved form to immediately notify the commission when an officer begins ongoing regular employment with the agency.

[Statutory Authority: RCW 43.101.080 and 43.101.801. WSR 22-13-075, § 139-05-200, filed 6/9/22, effective 7/10/22. Statutory Authority: RCW 43.101.080 and 43.101.200. WSR 19-07-036, § 139-05-200, filed 3/13/19, effective 4/13/19. Statutory Authority: RCW 43.101.080. WSR 06-17-021, § 139-05-200, filed 8/7/06, effective 9/7/06; WSR 05-20-029, § 139-05-200, filed 9/28/05, effective 10/29/05; WSR 03-19-123, § 139-05-200, filed 9/17/03, effective 10/18/03; WSR 00-17-017, § 139-05-200, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 89-13-024 (Order 14D), § 139-05-200, filed 6/13/89; WSR 87-19-104 (Order 14-D), § 139-05-200, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-05-200, filed 9/10/86.]

WAC 139-05-210 Process for equivalency. (1) An officer whose certification, commission, or licensing has been revoked or suspended, or is under review by this state or any other state or territory is not eligible to receive certification through an equivalency academy, regardless of the officer's prior years of service.

(2) A diploma of equivalent basic law enforcement academy or corrections officers academy is issued to recruits who successfully complete the equivalency process as required by the commission. For this purpose, the term "process" includes all documentation and prerequisites set forth in subsection (9) of this section and successful completion of all knowledge and skills requirements within the equivalency academy.

(3) Participation in the equivalency process is limited to:

(a) Certified officers whose certification, commission, or licensing has lapsed because of a break in service in Washington or any other state or territory for more than 24 months but less than 60 months;

(b) Fully commissioned officers of a general authority or certified tribal law enforcement agency in Washington state who otherwise are eligible to attend the basic law enforcement academy;

(c) Fully commissioned officers who have been certified by completing a basic training program in Washington or another state;

(d) Corrections officers as defined in RCW 43.101.010(6) who otherwise are eligible to attend the corrections officers academy;

(e) Corrections officers who have successfully completed an approved corrections officers academy in Washington or another state; or

(f) Persons who have not attained commissioned officer status but have successfully completed a basic law enforcement academy recognized as fully equivalent to Washington's basic law enforcement academy by the commission and within 12 months of the date of completion has received a conditional offer of employment as a fully commissioned officer in Washington state.

(4) For the purposes of this section, the term "basic training program" does not include any military or reserve training or any federal training program not otherwise approved by the commission.

(5) Recruits who must participate in the equivalency academy to become a certified officer must attend an academy within six months of hire as a condition of employment.

(6) It is the responsibility of a recruit's agency to ensure that all necessary backgrounding forms and documentation are completed and

submitted to the commission in a timely manner and all requirements within this section are met.

(7) The decision to request an officer's participation in the equivalency process is at the discretion of the sheriff or chief of the officer's employing agency who must advise the commission of that decision. The commission has final approval of the officer's acceptance into the equivalency academy.

(8) The commission shall have authority to approve a recruit for participation in the equivalency process.

(9) The recruit's employing agency must submit to the commission the following documentation as a condition of participating in the equivalency process:

(a) A statement of the recruit's health and physical condition including a physician signature;

(b) A liability release agreement by the recruit;

(c) Previous employment agencies with dates of employment;

(d) Documentation of completion of the previous training program;

(e) Written syllabus detailing specific areas of training and hours of training;

(f) Documentation of current certification status; and

(g) For peace and tribal officers:

(i) A record of the recruit's firearms qualification;

(ii) Verification of comparable emergency vehicle operations training (EVOC).

If this has not been completed previously, the recruit must complete the commission's current basic law enforcement EVOC, either by an instructor certified by the commission or through the Washington state patrol; all costs associated with this training will be the responsibility of the law enforcement agency.

(10) Upon completion of the equivalency process and review and evaluation of the recruit's performance, the commission shall issue a diploma and a certificate of certification.

(11) If the recruit has not met the qualifications to satisfactorily complete an equivalency academy, the commission shall:

(a) Issue a diploma and certificate of certification upon satisfactory completion of any required additional training; or

(b) Require the recruit to attend the basic law enforcement academy or the corrections officers academy.

[Statutory Authority: RCW 43.101.080. WSR 23-01-086, § 139-05-210, filed 12/16/22, effective 1/16/23. Statutory Authority: RCW 43.101.080 and 43.101.801. WSR 22-13-075, § 139-05-210, filed 6/9/22, effective 7/10/22. Statutory Authority: RCW 43.101.080. WSR 14-01-044, § 139-05-210, filed 12/11/13, effective 1/11/14. Statutory Authority: RCW 43.101.080 and [43.101].085. WSR 08-20-010, § 139-05-210, filed 9/18/08, effective 10/19/08. Statutory Authority: RCW 43.101.080. WSR 05-20-029, § 139-05-210, filed 9/28/05, effective 10/29/05; WSR 04-13-070, § 139-05-210, filed 6/15/04, effective 7/16/04; WSR 03-07-099, § 139-05-210, filed 3/19/03, effective 4/19/03; WSR 00-17-017, § 139-05-210, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-05-210, filed 9/10/86.]

WAC 139-05-220 Backgrounding requirement for admission in the basic law enforcement academies. It is the responsibility of each agency to conduct a background investigation of its applicant, as out-

lined by RCW 43.101.095 and WAC 139-06-010, as a precondition of academy admission.

[Statutory Authority: RCW 43.101.080. WSR 23-01-086, § 139-05-220, filed 12/16/22, effective 1/16/23; WSR 05-20-029, § 139-05-220, filed 9/28/05, effective 10/29/05; WSR 00-17-017, § 139-05-220, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-05-220, filed 9/10/86.]

WAC 139-05-230 Physical requirements for admission to the basic law enforcement academy. (1) For admission to the basic law enforcement academy, each recruit must possess good health and physical capability to actively and fully participate in defensive tactics training and other required physical activities.

(2) In order to minimize risk of injury and maximize the benefit of such participation, each recruit in any academy session must, as a precondition of their academy admission, demonstrate a requisite level of physical fitness, as established by the commission.

(3) Each recruit must be evaluated in accordance with the policies and procedures established by the commission.

(4) Failure to demonstrate a requisite level of fitness will result in ineligibility for academy admission.

[Statutory Authority: RCW 43.101.080. WSR 23-01-086, § 139-05-230, filed 12/16/22, effective 1/16/23; WSR 05-20-029, § 139-05-230, filed 9/28/05, effective 10/29/05; WSR 00-17-017, § 139-05-230, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 91-14-011, § 139-05-230, filed 6/24/91, effective 7/25/91; WSR 91-01-043, § 139-05-230, filed 12/12/90, effective 7/1/91; WSR 89-13-023 (Order 12C), § 139-05-230, filed 6/13/89; WSR 86-19-021 (Order 1-B), § 139-05-230, filed 9/10/86.]

WAC 139-05-240 Completion requirements of basic law enforcement academies. Each recruit in a basic law enforcement academy will receive a diploma only upon full and successful completion of the academy as prescribed by the commission. The performance of each recruit shall be evaluated as follows:

(1) Academic performance.

(a) A standardized evaluation process will be utilized in all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of scholastic achievement of each recruit.

(b) Such process shall include the application of a designated minimum passing score for written examinations and the availability of a retesting procedure.

(c) Failure to achieve the required minimum passing score will result in termination of academy enrollment.

(2) Practical skills.

(a) A standardized evaluation process will be utilized in all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of skill proficiency of each recruit.

(b) Such process shall include the application of a designated minimum passing score of all skill proficiencies identified by the commission and the availability of a retesting procedure.

(c) Failure to achieve a final passing grade in each practical skills dimension will result in termination of academy enrollment.

(3) Conduct and participation.

(a) Each recruit will be required to participate fully in all academy classes and adhere to all rules, regulations, and policies of the commission.

(b) Failure to adhere to all rules, regulations, and policies of the commission will result in termination of academy enrollment.

[Statutory Authority: RCW 43.101.080. WSR 23-01-086, § 139-05-240, filed 12/16/22, effective 1/16/23; WSR 05-20-029, § 139-05-240, filed 9/28/05, effective 10/29/05; WSR 00-17-017, § 139-05-240, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 93-13-098, § 139-05-240, filed 6/21/93, effective 7/22/93; WSR 86-19-021 (Order 1-B), § 139-05-240, filed 9/10/86.]

WAC 139-05-241 Sponsored reserve officer requirements for basic law enforcement academy training. (1) A law enforcement agency may sponsor a reserve officer, as defined by WAC 139-05-810, as an applicant for the basic law enforcement academy.

(2) The commission has sole discretion to admit or deny admittance to the basic law enforcement academy. Priority for admittance to the basic law enforcement academy shall be given to applicants currently employed as fully commissioned officers.

(3) Reserve officer applicants who are admitted to the basic law enforcement academy are responsible for the full cost of attendance including payment for room and board if needed. Full payment for attendance at the basic law enforcement academy must be paid in advance and is nonrefundable.

(4) Reserve officer applicants must provide proof of agency labor and industries coverage or adequate medical insurance coverage as a condition of admission to the basic law enforcement academy. Such applicants must maintain said medical insurance throughout the duration of the academy and must immediately notify the commission in the event that medical insurance terminates, changes, or coverage and liability under the policy is substantially changed. The commission has sole discretion to determine what constitutes adequate medical insurance coverage for attendance at the basic law enforcement academy.

(5) Reserve officer applicants must satisfy all other requirements for admittance to and continued participation in the basic law enforcement academy to include those requirements set forth in WAC 139-05-220, 139-05-230, and 139-05-240.

(6) Reserve officers are not eligible for peace officer or tribal police officer certification.

[Statutory Authority: RCW 43.101.080 and 43.101.801. WSR 22-13-075, § 139-05-241, filed 6/9/22, effective 7/10/22. Statutory Authority: RCW 43.101.080. WSR 14-01-045, § 139-05-241, filed 12/11/13, effective 1/11/14.]

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

(1) Any request for readmission must be made and submitted by the individual's employing agency head, or designee, in accordance with commission policies and procedures.

(2) Any individual whose academy enrollment was terminated for academic failure, skills deficiency, disciplinary reasons other than those specified in subsection (3) of this section, or who had voluntarily withdrawn for any reason, may be readmitted to a subsequent academy session only if:

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

(b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission specified by the executive director, or designee, have been met.

(3) Any person whose academy enrollment was terminated for an integrity violation including, but not limited to: Cheating, the making of materially false statements, the commission of a crime, or other violation contained in RCW 43.101.105 will be ineligible for readmission to any subsequent academy within 24 months from the date of dismissal regardless of employer or employment status.

(4) An exception to the ineligibility period specified in subsection (3) of this section may be granted at the sole discretion of the commission executive director, or designee, based upon mitigating circumstances.

(a) No person may be considered for such early readmission after an integrity violation dismissal unless a written request is made by the head of the agency employing the individual at the time of the request.

(b) Requests for early readmission must follow applicable commission policies and procedures to be considered.

(c) The executive director's, or designee's, decision under this subsection shall be subject to review only for abuse of discretion.

(5) After the ineligibility period specified in subsection (3) of this section has passed, or after an exception has been granted by the commission under subsection (4) of this section, the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only the conditions of subsection (2) of this section are satisfactorily met.

(6) 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.

[Statutory Authority: RCW 43.101.080. WSR 23-01-086, § 139-05-242, filed 12/16/22, effective 1/16/23; WSR 05-20-029, § 139-05-242, filed 9/28/05, effective 10/29/05; WSR 04-19-050, § 139-05-242, filed 9/14/04, effective 10/15/04; WSR 00-17-017, § 139-05-242, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 93-13-103, § 139-05-242, filed 6/21/93, effective 7/22/93.]

WAC 139-05-250 Basic law enforcement curriculum. The basic law enforcement and reserve academy curriculum of the commission may include, but not be limited to, the following core subject areas with common threads of communications, community policing, and professional ethics throughout:

(1) Use of force training consistent with permissible uses of force per RCW 43.101.490;

(2) Domestic violence reports and situations per RCW 10.99.030 and 10.99.033;

- (3) Mental health training as prescribed in WAC 139-11-020 per RCW 43.101.452;
- (4) Victim centered and trauma-informed approach to policing per RCW 43.101.274;
- (5) Ethnic and cultural diversity per RCW 43.101.280;
- (6) Hate crimes per RCW 43.101.290;
- (7) Violence de-escalation training as prescribed in WAC 139-11-020 per RCW 43.101.450;
- (8) Substance use disorders per RCW 43.101.205;
- (9) Child abuse and neglect per RCW 43.101.365;
- (10) Vehicular pursuits per RCW 43.101.225;
- (11) Motorcycle profiling per RCW 43.101.419;
- (12) Orientation and history of policing;
- (13) Criminal law;
- (14) Criminal procedures;
- (15) Patrol procedures;
- (16) Crisis intervention per RCW 43.101.427;
- (17) Emergency vehicle operations;
- (18) Report writing;
- (19) Traffic law;
- (20) Firearms;
- (21) Defensive tactics; and
- (22) Criminal investigation.

[Statutory Authority: RCW 43.101.080. WSR 23-01-086, § 139-05-250, filed 12/16/22, effective 1/16/23. Statutory Authority: RCW 43.101.080 and 43.101.200. WSR 19-07-037, § 139-05-250, filed 3/13/19, effective 4/13/19. Statutory Authority: RCW 43.101.080. WSR 05-20-029, § 139-05-250, filed 9/28/05, effective 10/29/05; WSR 00-17-017, § 139-05-250, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.010(2). WSR 93-13-097, § 139-05-250, filed 6/21/93, effective 7/22/93. Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-05-250, filed 9/10/86.]

WAC 139-05-300 Requirement for in-service training. 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.

(1) Every peace or tribal officer certified under RCW 43.101.095 or 43.101.157 will complete a minimum of 24 hours of in-service training annually.

(a) The in-service training requirement for each newly hired officer must begin on January 1st 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 139-03-030.

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

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

(d) The 24 hours must include the successful completion of the commission's annual online crisis intervention course prescribed under RCW 43.101.427.

(2) Every reserve peace officer as defined by WAC 139-05-810 will complete a minimum of 24 hours of in-service training annually.

(a) The in-service training requirement for each newly appointed reserve peace officer must begin on January 1st of the calendar year following their appointment as a result of successful completion of the basic law enforcement academy, basic reserve academy equivalency process, or approved waiver as provided by WAC 139-03-030.

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

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

(d) As of July 1, 2018, the 24 hours must include the successful completion of the commission's annual online crisis intervention course prescribed under RCW 43.101.427.

(3) 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.

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

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

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

(c) The three-month extension under this provision provides the individuals named until March 31st to complete the mandated 24 hours.

(d) Any training obtained during this three-month extension only counts towards the previous year being audited.

(5) The commission executive director or designee may, on a case-by-case basis, grant exceptions for individuals with extenuating circumstances where the employing agency has made every reasonable effort to obtain training for the officer.

[Statutory Authority: RCW 43.101.080 and 43.101.801. WSR 22-13-075, § 139-05-300, filed 6/9/22, effective 7/10/22. Statutory Authority: RCW 43.101.080 and 2018 c 32. WSR 18-13-057, § 139-05-300, filed 6/14/18, effective 7/15/18. Statutory Authority: RCW 43.101.080. WSR 16-19-040, § 139-05-300, filed 9/14/16, effective 10/15/16; WSR 15-19-042, § 139-05-300, filed 9/10/15, effective 10/11/15; WSR 09-16-098, § 139-05-300, filed 8/4/09, effective 9/4/09; WSR 05-20-029, § 139-05-300, filed 9/28/05, effective 10/29/05; WSR 05-01-112, § 139-05-300, filed 12/15/04, effective 1/15/05.]

WAC 139-05-810 Basic training requirement for reserve officers.

(1) A peace officer or tribal police officer whose certification, commission, and/or licensing has been revoked, sanctioned, suspended, or is under review by this state or any other state or territory is not eligible for a basic reserve law enforcement academy certificate, regardless of the officer's prior years of law enforcement service.

(2) Beginning January 1, 2016, as a condition of continuing employment, volunteering, or otherwise representing a law enforcement agency, all reserve peace officers must be reported to the commission.

(3) "Reserve peace officer" for the purposes of this chapter, means any 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.

(4) Eligibility for participation in the basic reserve academy process is limited to:

(a) Specially commissioned reserve peace officers of the state of Washington;

(b) Commissioned Washington state tribal peace officers;

(c) Persons employed by a limited authority Washington law enforcement agency as defined under RCW 10.93.020;

(d) Persons employed as security by public colleges and universities as defined under RCW 28B.10.016; or

(e) Persons employed as security in the K-12 Washington state public school system as defined under RCW 28A.150.010.

(5) 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 will obtain a basic reserve certificate as a precondition of the exercise of authority pursuant to such act.

(6) Upon appointment of a reserve peace officer, the appointing law enforcement agency shall immediately notify the commission on a personnel action report form provided by the commission.

(7) Upon termination of a reserve peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission.

(8) As a precondition of participating in the reserve basic law enforcement academy, it is the responsibility of each 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 will be granted reserve academy admission or allowed continued participation if the individual has been convicted of a felony offense, or any misdemeanor or gross misdemeanor crime of dishonesty within the meaning of Evidence Rule 609(a), or domestic violence.

Each application for academy attendance must be accompanied by a written attestation by the applying agency that (a) the criminal records check has been completed, and (b) There are no disqualifying convictions. Upon approval of an applicant's eligibility to participate in the reserve process, the applicant's employing agency must submit to the commission all requested records, information and proof of background check as a precondition of participation within such process. The decision to request an officer's participation in the basic reserve law enforcement academy shall be approved by the head of the officer's employing agency.

(9) A basic reserve certificate will be issued by the commission to any specially commissioned reserve peace officer who successfully completes the requirements set forth in RCW 43.101.080(19) [RCW 43-101-080(15)] and the basic reserve law enforcement academy course of instruction as prescribed and required by the commission.

(10) A certificate of attendance may be issued to those who successfully complete the basic reserve law enforcement academy, but who are not appointed as a reserve peace officer by a general authority

Washington law enforcement agency as defined under RCW 10.93.020(1) [RCW 10.93.020(4)].

(11) Reserve officers are not eligible to apply for peace officer or tribal police officer certification, furthermore, appointment as a reserve peace officer is not considered continuous employment for the purposes set forth in RCW 43.101.095 and 43.101.157.

[Statutory Authority: RCW 43.101.080. WSR 15-19-076, § 139-05-810, filed 9/14/15, effective 10/15/15; WSR 05-20-029, § 139-05-810, filed 9/28/05, effective 10/29/05; WSR 02-02-004, § 139-05-810, filed 12/20/01, effective 1/20/02; WSR 00-17-017, § 139-05-810, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 88-20-022 (Order 20), § 139-05-810, filed 9/28/88.]

WAC 139-05-825 Basic reserve law enforcement academy certificate of equivalency.

(1) A peace officer or tribal peace officer whose certification, commission, and/or licensing has been revoked, sanctioned, suspended, or is under review by this state or any other state or territory is not eligible for a basic reserve law enforcement academy certificate of equivalency, regardless of the officer's prior years of law enforcement service.

(2) A certificate of equivalency for the basic reserve law enforcement academy 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 (8) of this section and successful completion of all knowledge and skills requirements within the basic reserve law enforcement equivalency academy. A certificate of completion of equivalent reserve law enforcement training is recognized in the same manner as the certificate of completion of the basic reserve law enforcement academy.

(3) Eligibility for participation in the basic reserve law enforcement equivalency process shall be limited to:

(a) Reserve peace officers who have previously attained a basic reserve certificate through completion of a basic reserve law enforcement academy or program in Washington state and who has incurred a break in service of:

(i) More than twelve but less than twenty-four months must successfully complete the requirements of RCW 43.101.080(19) and the comprehensive reserve final test proctored by the commission; or

(ii) More than twenty-four months break in service requires the person to attend the basic reserve law enforcement academy.

(b) Fully commissioned general authority peace officers or tribal police officers of this state who have attained peace officer certification through completion of an approved basic training program in this or another state who has incurred a break in service of:

(i) Less than twenty-four months must submit an application to be recognized as a reserve officer to the commission and successfully complete the requirements of RCW 43.101.080(19); or

(ii) More than twenty-four months and less than sixty months requires the applicant to successfully complete the requirements of RCW 43.101.080(19) and the comprehensive reserve final test proctored by the commission; or

(iii) More than sixty month break in service requires the applicant to attend the basic reserve law enforcement academy.

(c) Fully commissioned peace officers of another state who have incurred a break in service of:

Less than sixty months requires the applicant to successfully complete the requirements of RCW 43.101.080(19) and the comprehensive reserve final test proctored by the commission.

(d) For this purpose, the term "basic training program" does not include any military or any federal training program not otherwise approved by the commission.

(4) The decision to request an officer's participation within the equivalency process shall be discretionary with the head of the officer's employing agency. 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.

(5) Upon appointment of a reserve peace officer, the appointing law enforcement agency shall immediately notify the commission on a personnel action report form provided by the commission.

(6) Upon termination of a reserve peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission.

(7) 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 will obtain a basic reserve certificate as a precondition of the exercise of authority pursuant to such act.

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

(a) A copy of the applicant's certificate of successful completion of an approved basic reserve academy or program and/or a copy of the applicant's peace officer certification certificate;

(b) Proof the applicant has successfully completed the requirements set forth in RCW 43.101.080(19);

(c) A record showing the applicant has met the firearms training as set forth by the commission;

(d) A record showing the applicant has met the defensive tactics training as set forth by the commission; and

(e) A record showing the applicant has met the emergency vehicle operations training as set forth by the commission.

(9) Upon completion of the equivalency process and review and evaluation of the applicant's performance, the commission will issue a certificate of completion of equivalent basic reserve law enforcement training.

(10) Reserve officers are not eligible to apply for peace officer or tribal police officer certification, furthermore, employment as a specially commissioned peace officer/reserve officer is not considered continuous full-time employment for the purposes set forth in RCW 43.101.095 and 43.101.157.

[Statutory Authority: RCW 43.101.080. WSR 15-19-080, § 139-05-825, filed 9/15/15, effective 10/16/15; WSR 09-19-032, § 139-05-825, filed 9/9/09, effective 10/10/09.]

WAC 139-05-915 Canines—Training and certification. (1) Canine teams working in the state of Washington shall be certified to the adopted standards as set by commission policy.

(a) The standards shall be maintained by the commission and readily available to the public.

(b) These standards include the minimum performance standards for canine teams performing specific law enforcement or corrections functions.

(c) As a condition of certification, each handler must ensure that the canine performs to a level that is deemed acceptable by the commission in the category for a team's intended use.

(2) An evaluator shall be appointed by the commission to perform the testing of the canine teams.

(a) The qualifications to become an evaluator for canine certification shall be outlined in the evaluation policy adopted by the commission.

(b) In evaluating the proficiency of a canine team, evaluators shall use the standards approved by the commission for that particular discipline.

(c) Each certification issued pursuant to these rules will remain valid as set forth in commission policy, as long as the composition and responsibility of the canine team does not change.

(d) A canine team's certification shall automatically expire 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.

(3) This process is not related to and does not change the requirements for officer certification.

(4) 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 officer.

(5) Certified canine teams shall have the knowledge and ability to comply with the canine model policy established on December 28, 2021, pursuant to section 3, chapter 320, Laws of 2021. This model policy provides the following:

(a) Canine certification training requirements - Set forth in the commission canine training policy;

(b) Considerations of canine deployment;

(c) Appropriate canine deployment;

(d) Strategies for minimizing law enforcement canine bites;

(e) Circumstances where a canine handler should consider the use of tactics other than deploying a canine;

(f) Prohibited use of a police canine;

(g) Use of canines to apprehend suspects;

(h) Agency canine team reporting protocols;

(i) Circumstances that would warrant the decertification of canine teams; and

(j) Circumstances where the use of voluntary canines and canine handlers may be appropriate.

(6) To report a use of force as outlined in the canine model policy, canine teams should follow the guidelines set forth in WAC 139-06-020.

[Statutory Authority: RCW 43.101.080 and 43.101.801. WSR 22-13-075, § 139-05-915, filed 6/9/22, effective 7/10/22. Statutory Authority: RCW

43.101.080. WSR 17-10-055, § 139-05-915, filed 5/2/17, effective 6/2/17; WSR 17-01-059, § 139-05-915, filed 12/14/16, effective 1/14/17; WSR 05-20-029, § 139-05-915, filed 9/28/05, effective 10/29/05; WSR 05-01-114, § 139-05-915, filed 12/15/04, effective 1/15/05; WSR 03-07-100, § 139-05-915, filed 3/19/03, effective 4/19/03; WSR 00-17-017, § 139-05-915, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-05-915, 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 the department of agriculture.

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

- (a) Crime scene investigation;
- (b) Criminal investigation;
- (c) Effective interviewing and interrogation;
- (d) Report writing;
- (e) Criminal law to include Titles 9A and 20;
- (f) Officer safety;
- (g) Defensive tactics.

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

(4) It is the responsibility of the state director of agriculture to effect and ensure personnel compliance and to provide necessary records and information upon the request of the commission, to which said director 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 will be within the prerogative and authorities of such director.

[Statutory Authority: RCW 43.101.080. WSR 05-20-029, § 139-05-920, filed 9/28/05, effective 10/29/05. Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-05-920, filed 9/10/86.]

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 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 is governed by the provisions of WAC 139-05-205.

(3) It 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 is accountable for purposes of compliance.

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

[Statutory Authority: RCW 43.101.080. WSR 05-20-029, § 139-05-925, filed 9/28/05, effective 10/29/05; WSR 03-19-122, § 139-05-925, filed 9/17/03, effective 10/18/03; WSR 02-02-004, § 139-05-925, filed 12/20/01, effective 1/20/02. Statutory Authority: RCW 43.101.080(2). WSR 90-07-012, § 139-05-925, filed 3/13/90, effective 4/13/90.]

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.

[Statutory Authority: RCW 43.101.080. WSR 05-20-029, § 139-05-935, filed 9/28/05, effective 10/29/05.]

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.

[Statutory Authority: RCW 43.101.080. WSR 05-20-029, § 139-05-940, filed 9/28/05, effective 10/29/05.]