

Title 139 WAC

CRIMINAL JUSTICE TRAINING COMMISSION

Chapters

139-05	Law enforcement.
139-07	Conditions of employment.
139-30	Firearms certification—Security guards.
139-35	Firearms certification—Private investigators.

Chapter 139-05 WAC

LAW ENFORCEMENT

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

139-05-205	Administrative exemption. [Statutory Authority: RCW 43.101.080. 05-20-029, § 139-05-205, filed 9/28/05, effective 10/29/05.] Repealed by 10-13-058, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 43.101.080.
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Chapter 139-07 WAC

CONDITIONS OF EMPLOYMENT

WAC

139-07-010	Psychological examination.
139-07-020	Psychological examination requirements.
139-07-030	Report of psychological examination—Requirements.
139-07-040	Report of psychological examination—Use by more than one agency.

WAC 139-07-010 Psychological examination. (1) As a condition of employment for any applicant who has been offered a conditional offer of employment as a fully commissioned peace officer or a reserve officer, including any person whose certification has lapsed as a result of a break of more than twenty-four consecutive months in the officer's service as a fully commissioned peace officer or reserve officer, the applicant shall successfully pass a psychological examination as administered by the county, city, or state law enforcement agency that complies with the requirements of this chapter.

(2) The psychological examination shall be administered by a "qualified professional," which means a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW.

(a) The qualified professionals who administer the examinations should be trained and experienced in psychological testing, test interpretation, psychological assessment techniques and the administration of psychological examinations specific to peace officer applicants of law enforcement agencies.

(b) The examination should be based upon attributes considered most important for effective performance as a peace officer as obtained from a job analysis and data provided by the law enforcement agency making the conditional offer of employment. The data may include interviews, surveys or other appropriate sources where job performance information was obtained.

(c) Psychological examination reports older than six months shall not be considered valid for the purpose of RCW 43.101.080(19) and 43.101.095(2).

(d) The examination report, including all testing materials and documentation used to complete the examination report, should be maintained in a manner consistent with applicable confidentiality, records retention and public disclosure laws and rules.

[Statutory Authority: RCW 43.101.080. 10-07-037, § 139-07-010, filed 3/10/10, effective 4/10/10.]

WAC 139-07-020 Psychological examination requirements. (1) Through the examination, the qualified professional shall determine the psychological suitability of the peace officer applicant by an assessment of whether he or she is free from job-relevant mental and emotional impairments including, but not limited to, psychopathology, personality disorders and inappropriate behavior patterns.

(2) The sole purpose of the psychological examination under this chapter is compliance with RCW 43.101.080(19) and 43.101.095 (2)(a) and shall not be used for any other purpose by the law enforcement agency or any party.

(3) Prior to the administration of the examination, the applicant must sign an informed consent to the conditions of the evaluation. The informed consent should clearly state the law enforcement agency is the client so that the applicant is informed that the entire examination would be shared with the agency.

(4) The examination shall include the following:

(a) A minimum of two written psychological tests:

(i) The tests should be objective, job-related psychological instruments validated for use in evaluating law enforcement officers. For the purpose of this section, a validated test is defined as a test that has a substantial research base for interpretation with normal range populations in general and public safety applications in particular;

(ii) If mail-order, internet-based, or computerized tests are employed, the examiner should verify and interpret individual results;

(b) A comprehensive, face-to-face, clinical interview with the applicant conducted after a complete review of the psychological test results;

(c) An interpretation of the psychological test results by the qualified professional;

(d) An opinion on psychological suitability by the qualified professional; and

(e) A list and summary of the information relied upon for the assessment.

[Statutory Authority: RCW 43.101.080. 10-07-037, § 139-07-020, filed 3/10/10, effective 4/10/10.]

WAC 139-07-030 Report of psychological examination—Requirements. (1) Findings of the psychological examination shall be reported in writing to the law enforcement agency requesting the examination.

(2) The written report shall include the following:

(a) The date of completion and a signature of the qualified professional who conducted the examination;

(b) Name and date of birth of applicant, position applied for, and agency which made the conditional offer of employment;

(c) A list and summary of the information relied upon for the assessment;

(d) All the components of the examination, as defined in this chapter;

(e) Factors which could affect the reliability and validity of the assessment; and

(f) An assessment of the psychological suitability of the applicant to be a peace officer or reserve officer for the particular law enforcement agency.

[Statutory Authority: RCW 43.101.080. 10-07-037, § 139-07-030, filed 3/10/10, effective 4/10/10.]

WAC 139-07-040 Report of psychological examination—Use by more than one agency. (1) A peace officer applicant may be offered employment by more than one law enforcement agency that is conditional on the results of a psychological examination.

(2) The peace officer applicant may be required to pay all or a portion of the cost of the examination under RCW 43.101.080(19) and 43.101.095(2).

(3) One psychological examination may be shared with more than one law enforcement agency under the following circumstances:

(a) The agency which initiated the psychological examination and the qualified professional conducting the examination agreed to share the psychological examination report and recommendations with the other law enforcement agency;

(b) The applicant signed a release permitting the other agency to have the psychological examination report;

(c) The psychological examination was completed within six months of the request by the other law enforcement agency; and

(d) The job analyses of the initiating and other law enforcement agencies must be substantially similar.

[Statutory Authority: RCW 43.101.080. 10-07-037, § 139-07-040, filed 3/10/10, effective 4/10/10.]

Chapter 139-30 WAC

FIREARMS CERTIFICATION—SECURITY GUARDS

WAC

139-30-005	Firearms certification—Definitions.
139-30-010	Firearms certification—Licensing requirement.
139-30-015	Firearms certification—Application.
139-30-020	Firearms certification—Requirements.
139-30-025	Firearms certification—Expiration and renewal.

WAC 139-30-005 Firearms certification—Definitions. (1) Words and terms used in WAC 139-30-005 through 139-30-025 shall have the same meaning as under chapter 18.170 RCW, unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private security guard company.

(3) "Principal partner" means a partner who exercises operational control over a private security guard company.

(4) "Corporate officer" means a designee with operational and administrative control at a private security guard company.

(5) "Department" means Washington state department of licensing.

(6) "Commission" means Washington state criminal justice training commission.

[Statutory Authority: RCW 43.101.080. 10-04-089, § 139-30-005, filed 2/2/10, effective 3/5/10. Statutory Authority: RCW 43.101.080(2). 92-02-040, § 139-30-005, filed 12/24/91, effective 1/24/92.]

WAC 139-30-010 Firearms certification—Licensing requirement. (1) Any licensed private security guard desiring to be licensed as an armed private security guard by the department shall, as a precondition of being licensed as an armed private security guard, obtain a firearms certification from the commission.

(2) An application for armed private security guard license must be submitted to the department within ninety days following issuance of a firearms certification by the commission. If application is not submitted within that time period, the firearms certification will be deemed lapsed by the commission and shall not serve as the basis for an armed private security guard license.

[Statutory Authority: RCW 43.101.080. 10-04-089, § 139-30-010, filed 2/2/10, effective 3/5/10. Statutory Authority: RCW 43.101.080(2). 92-02-040, § 139-30-010, filed 12/24/91, effective 1/24/92.]

WAC 139-30-015 Firearms certification—Application. (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, or a corporate officer of the licensed private security company employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private security guard license.

(d) Be accompanied by payment of a processing fee as set by the commission.

(2) After receipt and review of an application, the commission will provide written notification within ten business days to the requesting company regarding applicant's eligibility to obtain and possess a firearms certification.

(3) An armed private security guard must be qualified by a firearms instructor certified by the commission and provide the commission with proof of the initial qualification for each firearm that he/she is authorized to use in the performance of his/her duties. All firearms carried by armed private security guards in the performance of their duties must be owned or leased by the employer.

(4) It shall be the responsibility of the employer to insure that the armed private security guard demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.

[Statutory Authority: RCW 43.101.080. 10-04-089, § 139-30-015, filed 2/2/10, effective 3/5/10; 08-08-017, § 139-30-015, filed 3/19/08, effective 4/19/08; 03-07-098, § 139-30-015, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.101.080(2). 92-02-040, § 139-30-015, filed 12/24/91, effective 1/24/92.]

WAC 139-30-020 Firearms certification—Requirements. (1) A firearms certification will be issued to any eligible applicant who has satisfactorily completed an approved program of at least eight hours of instruction and testing prescribed by the commission for this purpose and conducted by a certified firearms instructor. Such program shall include:

(a) Classroom instruction which, through established learning objectives, addresses:

- (i) Legal issues regarding the use of deadly force;
- (ii) Decision making regarding the use of deadly force;
- (iii) Safe firearms handling; and
- (iv) Basic tactics in the use of deadly force.

(b) A written examination based upon the aforementioned learning objectives;

(c) A skills test wherein the applicant is required to demonstrate satisfactory proficiency in safe firearms handling; and

(d) A range qualification course wherein an applicant is required to demonstrate requisite proficiency with the specific firearm provided to the applicant by the applicant's employing company.

(2) A firearms certification shall be issued in the name of each successful applicant and forwarded to the respective employing company.

[Statutory Authority: RCW 43.101.080. 10-04-089, § 139-30-020, filed 2/2/10, effective 3/5/10. Statutory Authority: RCW 43.101.080(2). 92-02-040, § 139-30-020, filed 12/24/91, effective 1/24/92.]

WAC 139-30-025 Firearms certification—Expiration and renewal. (1) Any firearms certification issued by the commission shall expire on the expiration date of any armed private security guard license issued by the department.

(2) By renewing the armed private security guard license with the department, the principal partner, principal owner, or corporate officer for the private security guard company is making declaration that the armed private security guard has met the requirements for annual proficiency with the firearms for which he/she is certified.

(3) Proof of annual proficiency must be kept in the employee's file within the private security company.

[Statutory Authority: RCW 43.101.080. 10-04-089, § 139-30-025, filed 2/2/10, effective 3/5/10; 03-02-007, § 139-30-025, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 43.101.080(2). 92-02-040, § 139-30-025, filed 12/24/91, effective 1/24/92.]

Chapter 139-35 WAC

FIREARMS CERTIFICATION—PRIVATE INVESTIGATORS

WAC

139-35-005	Firearms certification—Definitions.
139-35-010	Firearms certification—Licensing requirement.
139-35-015	Firearms certification—Application.
139-35-020	Firearms certification—Requirements.
139-35-025	Firearms certification—Expiration and renewal.

WAC 139-35-005 Firearms certification—Definitions. (1) Words and terms used in WAC 139-35-005 through 139-35-025 shall have the same meaning as under chapter 18.165 RCW, unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private investigator agency.

(3) "Principal partner" means a partner who exercises operational control over a private investigator agency.

(4) "Corporate officer" means a designee who exercises operational and administrative control over a private investigator agency.

(5) "Department" means Washington state department of licensing.

(6) "Commission" means Washington state criminal justice training commission.

[Statutory Authority: RCW 43.101.080. 10-04-090, § 139-35-005, filed 2/2/10, effective 3/5/10; 03-02-008, § 139-35-005, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 43.101.080(2). 92-02-041, § 139-35-005, filed 12/24/91, effective 1/24/92.]

WAC 139-35-010 Firearms certification—Licensing requirement. (1) Any licensed private investigator desiring to be licensed as an armed private investigator by the department shall, as a precondition of being licensed as an armed private investigator, obtain a firearms certification from the commission.

(2) An application for armed license must be submitted to the department within ninety days following issuance of a firearms certification by the commission. If application is not submitted within that time period, the firearms certification will be deemed lapsed by the commission and shall not serve as the basis for an armed license.

[Statutory Authority: RCW 43.101.080. 10-04-090, § 139-35-010, filed 2/2/10, effective 3/5/10; 03-02-007, § 139-35-010, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 43.101.080(2). 92-02-041, § 139-35-010, filed 12/24/91, effective 1/24/92.]

WAC 139-35-015 Firearms certification—Application. (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, or corporate officer of the licensed private investigator agency employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private investigator license, if applicable.

(d) Be accompanied by payment of a processing fee as set by the commission.

(2) After receipt and review of an application, the commission will provide written notification within ten business days to the requesting agency regarding applicant's eligibility to obtain and possess a firearms certification.

(3) An armed private investigator must be qualified by a firearms instructor certified by the commission and provide the commission with proof of the initial qualification for each firearm that he/she is authorized to use in the performance of his/her duties.

(4) It shall be the responsibility of the employer to insure that the armed private investigator demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.

[Statutory Authority: RCW 43.101.080. 10-04-090, § 139-35-015, filed 2/2/10, effective 3/5/10; 08-08-018, § 139-35-015, filed 3/19/08, effective 4/19/08; 03-07-098, § 139-35-015, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.101.080(2). 92-02-041, § 139-35-015, filed 12/24/91, effective 1/24/92.]

WAC 139-35-020 Firearms certification—Requirements. (1) A firearms certification will be issued to any eligible applicant who has satisfactorily completed an approved program of at least eight hours of instruction and testing prescribed by the commission for this purpose and conducted by a certified firearms instructor. Such program shall include:

(a) Classroom instruction which, through established learning objectives, addresses:

- (i) Legal issues regarding the use of deadly force;
- (ii) Decision making regarding the use of deadly force;
- (iii) Safe firearms handling; and
- (iv) Basic tactics in the use of deadly force.

(b) A written examination based upon the aforementioned learning objectives;

(c) A skills test wherein the applicant is required to demonstrate satisfactory proficiency in safe firearms handling; and

(d) A range qualification course wherein an applicant is required to demonstrate requisite proficiency with the specific firearm provided by the applicant or by the applicant's employing agency.

(2) A firearms certification shall be issued in the name of each successful applicant and forwarded to the respective employing agency, principal owner, principal partner, or corporate officer.

[Statutory Authority: RCW 43.101.080. 10-04-090, § 139-35-020, filed 2/2/10, effective 3/5/10. Statutory Authority: RCW 43.101.080(2). 92-02-041, § 139-35-020, filed 12/24/91, effective 1/24/92.]

WAC 139-35-025 Firearms certification—Expiration and renewal. (1) Any firearms certification issued by the commission shall expire on the expiration date of any armed private investigator license issued by the department.

(2) By renewing the armed private investigator license with the department, the corporate officer, the principal partner, or principal owner for the private investigator company is making declaration that the armed private investigator has met the requirements for annual proficiency with the firearms for which he/she is certified.

(3) Proof of annual proficiency must be kept in the employee's file within the private investigator company.

[Statutory Authority: RCW 43.101.080. 10-04-090, § 139-35-025, filed 2/2/10, effective 3/5/10; 03-02-007, § 139-35-025, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 43.101.080(2). 92-02-041, § 139-35-025, filed 12/24/91, effective 1/24/92.]