Chapter 139-05 WAC
LAW ENFORCEMENT

WAC

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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 Repealed by WSR 10-13-058, filed 6/10/10, effective 7/11/10.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 Repealed by WSR 05-20-029, filed 9/28/05, effective 10/29/05.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 Repealed by WSR 93-13-100, filed 6/21/93, effective 7/22/93.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).

139-05-930 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 Repealed by WSR 05-20-029, filed 9/28/05, effective 10/29/05.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. (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 commission 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. Basic law enforcement training 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 include:

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

(b) Commissioned personnel:

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

(ii) Who have received a certificate of completion 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; or

(iii) Who are employed as tribal police officers in Washington state, natural resource investigators employed by the Washington department of natural resources, special agents employed by the Washington state gambling commission, and liquor enforcement officers employed by the Washington state liquor control board who have received a certificate of successful completion from the basic law enforcement academy or the basic law enforcement equivalency and thereafter engage in regular and commissioned law enforcement employment with that agency 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, must immediately notify the commission by approved form of each instance where a commissioned officer begins continuing and regular employment with that agency.

(4) Failure to comply with any of the above requirements of basic law enforcement training will result in notification of noncompliance by the commission to:

(a) The individual in noncompliance;

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

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

[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 Basic law enforcement certificate of equivalency. (1) A 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 certificate of equivalency, regardless of the officer's prior years of law enforcement service.

(2) A certificate of completion of equivalent basic law enforcement training is issued to applicants 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 (6) 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) Fully commissioned peace officers of a city, county, or political subdivision of the state of Washington, who otherwise are eligible to attend the basic law enforcement academy; or

(b) Fully commissioned peace officers who have attained commissioned law enforcement status by completing a basic training program in this or another state. For this purpose, the term "basic training program" does not include any military or reserve training program or any federal training program not otherwise approved by the commission; or

(c) Persons who have not attained commissioned peace officer status but have successfully completed a basic law enforcement academy recognized as a full equivalent to the Washington state basic law enforcement academy by the commission and within twelve months of the date of completion been made a conditional offer of employment as a fully commissioned peace officer in Washington state; or

(d) Persons whose peace officer certification, commission, and/or licensing has lapsed because of a break in service as a full-time, fully commissioned peace officer in this or any other state or territory for more than twenty-four months but less than sixty months and who are required to attend the equivalency.

(4) Applicants who are required to participate in the equivalency academy for the purpose of becoming a certified peace officer must attend the first available session of the equivalency academy as a condition of certification as a peace officer. Applicants approved to participate in the equivalency academy for training purposes only, will be admitted on a space available basis.

It 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 affected.

(5) The decision to request an officer's participation in the equivalency process is discretionary with the head of the officer's employing agency, who must advise the commission of that decision by appropriate notation upon the hiring notification form. Upon receipt of such notification, the commission will provide all necessary forms and information.

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

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

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

(d) A criminal records check regarding such applicant.

(7) If comparable emergency vehicle operations training has not been completed previously, the applicant will be required to complete the commission's current basic law enforcement academy emergency vehicle operation course, as scheduled by the commission; all costs associated with this training will be the responsibility of the law enforcement agency.

(8) Upon completion of the equivalency process and review and evaluation of the applicant's performance, the commission 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 commission may require; or

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

[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 to basic law enforcement academy. 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 will be granted academy admission or allowed continued participation if the individual 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 must be accompanied by a written attestation by the applying agency that (1) the criminal records check has been completed, and (2) there are no disqualifying convictions.

[Statutory Authority: RCW 43.101.080. 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 basic law enforcement academy. Each successful applicant for admission to a basic law enforcement academy sponsored or conducted by the commission 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 must, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the commission.

For this purpose, each academy applicant will be assessed in the areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the commission.

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

[Statutory Authority: RCW 43.101.080. 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 Requirements of basic law enforcement academy. Each recruit in a basic law enforcement academy will receive a certificate of completion only upon full and successful completion of the academy process as prescribed by the commission. The performance of each recruit will be evaluated as follows:

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

(2) Practical skills. A standardized evaluation process will be utilized by all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of practical performance of each recruit. Such process 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 each practical skills dimension will preclude a certificate of completion.

(3) Conduct. Failure to maintain an exemplary standard of 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.

[Statutory Authority: RCW 43.101.080. 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 basic law enforcement training.

(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 law enforcement officers.

(3) Reserve officer applicants who are admitted to the basic law enforcement academy are responsible for the full cost of attendance at the basic law enforcement academy, including payment for room and board if room and board are requested by the applicant. Full payment for attendance at the basic law enforcement academy must be paid in advance as a condition of attendance 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. WSR 14-01-045, § 139-05-241, filed 12/11/13, effective 1/11/14.]

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 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 director of the commission or designee is satisfied that any conditions to the individual's readmission specified by the director or designee have been met.

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

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

[Statutory Authority: RCW 43.101.080. 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 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) Orientation and history of policing;

(2) Criminal law;

(3) Criminal procedures;

(4) Patrol procedures;

(5) Crisis intervention;

(6) Emergency vehicle operation course;

(7) Report writing;

(8) Traffic law;

(9) Firearms;

(10) Defensive tactics; and

(11) Criminal Investigation.

[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) Effective January 1, 2006, every peace officer certified under RCW 43.101.095 will complete a minimum of twenty-four hours of in-service training annually.

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

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

(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 record-keeping 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.

(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 1 of the calendar year in question.

[Statutory Authority: RCW 43.101.080. 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) 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 will obtain a basic reserve certificate as a precondition of the exercise of authority pursuant to such act; provided that, any individual possessing a basic reserve certificate issued by the commission prior to January 1, 1989, will be deemed to have met this requirement.

(3) 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.

(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 will be issued by the commission to any individual who successfully completes a basic course of instruction for reserve officers as prescribed and required by the commission.

(6) Requirements of subsection (5) of this section may be waived in whole or in part. A request for waiver must be made under WAC 139-03-030. In reviewing such request, the commission 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.

[Statutory Authority: RCW 43.101.080. 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 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 (6) 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.

(2) Eligibility for participation in the basic reserve law enforcement equivalency process shall be limited to fully commissioned reserve law enforcement officers and fully commissioned peace officers who have attained basic certification through completion of a basic training program or a basic reserve law enforcement academy/program in this state and have incurred a break in service of more than twelve months but less than thirty-six months. For this purpose, the term "basic training program" does not include any military or any federal training program not otherwise approved by the commission.

(3) Requirements for a person to achieve a certificate of equivalency as a reserve law enforcement officer who has incurred a break in service of:

(a) 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.

(b) More than twenty-four but less than thirty-six months must successfully pass the psychological and polygraph tests, complete the criminal history and background check, and successfully pass the comprehensive reserve final test proctored by the commission.

(c) More than thirty-six months break in service requires the person to attend the basic reserve law enforcement academy.

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

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

(6) 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 or reserve academy/program as outlined in subsection (1) of this section.

(b) Proof that a search of state and national criminal history records has been conducted by the employing agency regarding applicant through appropriate submission of the applicant's fingerprints and such search indicated the absence of any conviction of applicant for a felony offense, a misdemeanor, or gross misdemeanor offense involving moral turpitude.

(c) The candidate has successfully completed a psychological examination and a polygraph.

(d) A copy of the applicant's current and valid driver's license.

(e) A record of the applicant's firearms qualification.

(f) A record that the applicant is current in defensive tactics.

(7) 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.

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

WAC 139-05-912 Requirement of training for state fire marshals. (1) The training prescribed herein constitutes that the training requirement which must be met by deputy state fire marshals as a precondition of any exercise of police powers granted to such personnel by RCW 48.48.060.

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

(a) Obtaining the commission's basic law enforcement certificate; or

(b) Obtaining the commission's basic law enforcement equivalency certificate 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 unless such personnel has successfully completed a basic firearms training program. Such program 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 commission. Thereafter, 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 is the responsibility of the state fire marshal to effect and ensure personnel compliance and to provide documentation of such compliance upon the request of the commission.

[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.]

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 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 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 commission.

(4) Prior to such assignment, a dog handler 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, must successfully complete a minimum of four hundred hours of training, which 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, must successfully complete a minimum of two hundred hours of training, which 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, must successfully complete a minimum of four hundred hours of training, which 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, must successfully complete at least two hundred hours of training, which 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 will develop and adopt a minimum performance standard for canine teams performing specific law enforcement or corrections functions. It 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 will be rated on a pass/fail basis. The evaluator has the discretion to discontinue the testing if excessive time has been spent with-

out results, or if there is a concern about safety issues involving the canine, handler, or equipment.

(d) The commission 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 will remain valid as long as the composition and responsibility of the canine team does not change. A canine team's certification 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 must be reevaluated in all phases at a different time to be scheduled by the evaluator and approved by the commission.

(7) Recordkeeping:

(a) Each agency 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 will be made available for review in the event that the canine is sold or transferred to another agency. The records 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 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 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 must be submitted to the commission by the employing agency. This will be considered as a request for certification. Upon verification that the minimum requirements have been met, the commission 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.

[Statutory Authority: RCW 43.101.080. 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.]