



# WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

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July 15, 2015

**TO:** Staff, Commissioners, Board Members, and Stakeholders

**FROM:** Sonja Hirsch, Rules Coordinator 

**SUBJECT:** Public Hearing and Possible Permanent Adoption  
*WAC 139-05-810: Basic training requirement for reserve officers*

This rule change is being proposed to require agencies to provide the WSCJTC with notification of the hire and separation of each reserve officer. In addition, the proposed changes will identify who may or may not attend training.

Public Hearing and Action by the Commission: The WSCJTC will hold a public hearing on Wednesday, September 9, 2015, at 10 AM, to discuss the proposed changes. The meeting will be held at the WSCJTC located at 19010 1<sup>st</sup> Avenue South, Burien, WA, in Room E-154. All are welcome to attend and provide oral comments. If you would like to submit a written comment, please send it to [shirsch@cjtc.state.wa.us](mailto:shirsch@cjtc.state.wa.us) by September 2, 2015.

Staff will request that the Commission adopt the proposed changes. If adopted, the changes will be filed with the Code Reviser's Office and will become effective 31 days after filing.

Attachment: OTS-5898.4

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

(1) ~~((For the purposes herein:~~

~~(a)) A peace officer or tribal police officer whose certification, commission, and/or licensing has been revoked, sanctioned, suspended, or is under review by this state or any other state or territory is not eligible for a basic reserve law enforcement academy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" ((includes any law enforcement)) 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((; 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)) (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((; 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)).~~

~~(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.

~~((5))~~ (9) A basic reserve certificate will be issued by the commission to any ((individual)) specially commissioned reserve peace officer who successfully completes ((a)) the requirements set forth in RCW 43.101.080(19) and the basic reserve law enforcement academy 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.)~~

(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).

(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.