



# WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

Susan L. Rahr, Executive Director

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19010 1st Avenue South • Burien, WA 98148 • Phone: 206-835-7300 • [www.cjtc.state.wa.us](http://www.cjtc.state.wa.us)

July 15, 2015

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

**FROM:** Sonja Hirsch, Rules Coordinator 

**SUBJECT:** Public Hearing and Possible Permanent Adoption  
*WAC 139-05-825: Basic reserve law enforcement academy certificate of equivalency*

This rule change is being changed to establish a process for certified peace officers to become reserve officers by complying with the rules established in this WAC.

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-5899.2

**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of equivalency.** (1) A peace officer or tribal peace officer whose certification, commission, and/or licensing has been revoked, sanctioned, suspended, or is under review by this state or any other state or territory is not eligible for a basic reserve law enforcement academy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 ((+6+)) (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.

~~((+2+))~~ (3) Eligibility for participation in the basic reserve law enforcement equivalency process shall be limited to ((fully commissioned reserve law enforcement)):

(a) Reserve peace officers ((and)) 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 ((basic)) peace officer certification through completion of ((a)) an approved basic training program ((or a basic reserve law enforcement academy/program)) in this or another state ((and have incurred a break in service of more than twelve months but less than thirty six months.)) 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.

~~((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)) (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(, 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)). 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.~~

~~((6)) (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 ((or)) reserve academy((+)) or program ((as outlined in subsection (1) of this section.)) and/or a copy of the applicant's peace officer certification certificate;~~

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

(c) A record (~~of the applicant's firearms qualification.~~  
(~~f~~)) showing the applicant has met the firearms training as set forth by the commission;

(d) A record (~~that~~) showing the applicant (~~is current in~~) 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.

(~~7~~) (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.