AMENDATORY SECTION (Amending WSR 23-19-038, filed 9/13/23, effective 10/14/23)

WAC 139-01-310 Definitions for Title 139 WAC. The following definitions apply to Title 139 WAC, unless otherwise defined in a specific chapter or subchapter of this title.

(1) **Affiliation** means advocating for or providing material support or resources to extremist organizations by:

(a) Knowingly or publicly displaying, posting, or wearing associated items, symbols, costumes, insignias, slogans, tattoos, or body modifications on public property, private property, online, or digitally;

(b) Making public statements in support of an extremist group's activities including, but not limited to, online statements;

(c) Fund-raising for, or making personal contributions through donations, services, or payments of any kind to a group or organization that engages in extremist activities;

(d) Organizing or participating in the activities of an extremist organization;

(e) Recruiting or training others to engage in extremist activities;

(f) Recruiting or training others on behalf of an extremist organization;

(g) Creating, organizing, or taking a leadership role in a group or organization that engages in or advocates for extremist activities; or

(h) Actively demonstrating or rallying in support of extremist activities.

(2) **Applicant** means an individual who must satisfy the requirements of RCW 43.101.095 as a condition of employment.

(3) **Certified limited authority peace officer** means any limited authority Washington peace officer as defined in subsection (22) of this section who as a normal part of their duties has powers of arrest and carries a firearm.

(4) **Certified** ((~~**officer**, unless otherwise specified, means any full-time, general authority peace officer, certified limited authority peace officer, certified tribal police officer, and corrections officer as defined in RCW 43.101.010 (6), (10), and (12)~~)) means the officer has met the background check requirements as specified in state law; completed the appropriate academy or other training as determined by the commission; and fulfilled any other requirements adopted by the commission in rule, and has been granted a license by the commission to serve as an officer.

(5) **Certified tribal law enforcement agency** means any tribal law enforcement agency in Washington who has signed a tribal certification agreement with the commission as outlined in WAC 139-06-015 and who is currently in good standing.

(6) **Certified tribal police officer** means any police officer employed by a certified tribal law enforcement agency who has completed the requirements of certification.

(7) **Commission** means the Washington state criminal justice training commission.

(8) **Conclusion** means the final disposition issued by an employing agency after it has conducted an investigation into alleged misconduct or policy violation.

(9) **Day** means one calendar day. Computation of time does not include the day of the act or event from which the designated period of time begins to run. The last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next weekday that is not a legal holiday.

(10) **Denial** means a commission decision to refuse to grant certification to a prospective certified officer.

(11) **Discipline** means an oral reprimand (where a written record of the reprimand has been placed in an employee's file), written reprimand, suspension, demotion, or termination. Discipline does not include performance reviews, work plans, or corrective actions that do not include a reprimand or other adverse employment action.

(12) **Executive** means the head of a law enforcement agency, such as chiefs, sheriffs, directors, or other equivalent positions.

(13) **Expired certification** means that a certified officer has had a break in service of over 60 months and their certification is no longer valid.

(14) **Extremist organization** means an organization or persons that:

(a) Seeks to undermine the democratic process through intimidation, violence, unlawful threat, or by depriving individuals of their rights under the United States Constitution or Washington state Constitution;

(b) Promotes the changing of American government structures through undemocratic means involving violence, unlawful threat, or intimidation;

(c) Promotes hatred, intolerance, unlawful discrimination, intimidation or violence against, public marginalization, or disenfranchisement of protected classes, including on the basis of sex, sexual orientation, gender, perceived gender, or gender expression, race, color, religion, ability, or national origin and other protected classes under RCW 49.60.030 and 43.101.105 (3)(h);

(d) Espouses, advocates, or engages in using force, violence, or unlawful threat to further explicit racism, antisemitism, anti-Muslim, white supremacy or any white nationalist ideology, or any ideology that discriminates based on religion or belief; or

(e) Espouses or advocates that the powers held by local law enforcement executives, and their interpretation of the law, supersedes those of any other federal, state, or local authority.

(15) **Final disposition** means an employing agency's final decision on a misconduct investigation. The final disposition is not dependent upon any appeals brought by an officer.

(16) **Findings or findings of fact and conclusion of law** means a determination based on a preponderance of the evidence whether alleged misconduct occurred; did not occur; occurred but was consistent with law and policy; or can neither be proven or disproven.

(17) **General authority Washington law enforcement agency** means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The

Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(18) **General authority Washington peace officer** means any ((~~full-time,~~)) fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(19) **Initial disciplinary decision** means a sustained, founded, or equivalent finding of misconduct at the time the agency makes such finding and prior to any grievances, arbitration, or appeals challenging such finding.

(20) **Lapsed certification** means that a certified officer has had a break in service of at least 24 months, but no more than 60 months, and that as a condition of continuing employment the officer must complete the commission's equivalency process.

((~~(20) **Law enforcement personnel** means any person elected, appointed, or employed as a general authority Washington peace officer or certified limited authority peace officer.~~))

(21) **Limited authority Washington law enforcement agency** means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas including, but not limited to, the state department of natural resources and social and health services, the state gambling commission, the state department of corrections, and the office of independent investigations.

(22) **Limited authority Washington peace officer** means any ((~~full-time~~)) fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible.

(23) **Peace officer** means any officer of general authority or certified limited authority as defined in subsections (18) and (22) of this section respectively.

(24) **Petitioner** means the commission's certification ((~~division~~)) bureau.

(25) **Probationary periods or probationary terms** means a determination by a hearing panel that a certified officer may ((~~work under supervision based on agreed-upon terms~~)) continue to work subject to terms and conditions specified in the panel's final order.

(26) **Recruit** means an individual registered for, selected for, accepted to, enrolled in, or required to complete a basic training academy.

(27) **Reserve officer** means any person who does not serve as a regularly employed, fully compensated peace officer of this state ((~~on a full-time basis~~)), but who, when called by an agency into active service, is fully commissioned on the same basis as ((~~full-time~~)) regularly employed, fully compensated officers to enforce the criminal laws of this state.

(28) **Respondent** means the certified officer against whom the petitioner has filed a statement of charges.

(29) **Retraining** means the teaching or reteaching of skills and conduct required to succeed as a certified officer and imposed by the commission's hearings panel in a final order pursuant to RCW 43.101.105.

(30) **Revocation** means to cancel a certified officer's certification.

(31) **Serious injury** means **substantial bodily harm** and **great bodily harm** as defined in RCW 9A.04.110 (4)(b) and (c).

(32) **Specially commissioned Washington peace officer** means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specifically commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon and Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho.

(33) **Surrender** means that a holder of a certificate voluntarily relinquishes their certificate. This may happen while pending potential discipline or for any other reason.

(34) **Suspension** means a determination by a hearing panel on agreed-upon terms that a certified officer's certification will be withheld and the officer will be temporarily prevented from performing the duties of a certified officer during the determined period.

(35) **Tribal police officer** means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.