

State of Washington

Criminal Justice Training Commission

(name of governing body)

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 1 - B

(1) Be it resolved by the Washington State Criminal Justice Training Commission, acting at Ellensburg, Washington, (place)

that it does adopt the annexed rules relating to:

REPEAL ALL CHAPTERS OF WAC TITLE 139.

ADOPT NEW CHAPTERS OF WAC TITLE 139.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 86-15-072 filed with the code reviser on 7/23/86. These rules shall take effect: thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, _____, had that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW _____ which directs that the _____

(agency)

has authority to implement the provisions of _____

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the _____

Criminal Justice Training Commission

(agency)

as authorized in RCW 43.101.080(2)

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED September 4, 1986, 19

STATE OF WASHINGTON FILED

SEP 10 1986

By

James C. Scott

Executive Director

Title

CODE REVISER'S OFFICE WSR 86-19-021

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 139-04-010 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION.
WAC 139-04-020 PUBLIC RECORDS AVAILABLE.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 139-08-005 "COMMISSION" DEFINED.
WAC 139-08-040 APPEARANCE AND PRACTICE BEFORE COMMISSION--
APPEARANCE BY FORMER EMPLOYEE OF BOARD OR FORMER MEMBER OF ATTORNEY
GENERAL'S STAFF.
WAC 139-08-050 COMPUTATION OF TIME.
WAC 139-08-070 SERVICE OF PROCESS--BY WHOM SERVED.
WAC 139-08-080 SERVICE OF PROCESS--UPON WHOM SERVED.
WAC 139-08-090 SERVICE OF PROCESS--SERVICE UPON PARTIES.
WAC 139-08-100 SERVICE OF PROCESS--METHOD OF SERVICE.
WAC 139-08-110 SERVICE OF PROCESS--WHEN SERVICE COMPLETE.
WAC 139-08-120 SERVICE OF PROCESS--FILING WITH AGENCY.
WAC 139-08-130 SUBPOENAS--WHERE PROVIDED BY LAW--FORM.
WAC 139-08-140 SUBPOENAS--ISSUANCE TO PARTIES.
WAC 139-08-150 SUBPOENAS--SERVICE.
WAC 139-08-160 SUBPOENAS--FEES.
WAC 139-08-170 SUBPOENAS--PROOF OF SERVICE.
WAC 139-08-180 SUBPOENAS--QUASHING.
WAC 139-08-190 SUBPOENAS--ENFORCEMENT.
WAC 139-08-200 SUBPOENAS--GEOGRAPHICAL SCOPE.
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CASES--RIGHT TO TAKE.
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WAC 139-08-250 DEPOSITIONS AND INTERROGATORIES IN CONTESTED
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WAC 139-08-260 DEPOSITIONS AND INTERROGATORIES IN CONTESTED
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WAC 139-08-290 DEPOSITIONS AND INTERROGATORIES IN CONTESTED
CASES--USE AND EFFECT.
WAC 139-08-300 DEPOSITIONS AND INTERROGATORIES IN CONTESTED
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WAC 139-08-310 DEPOSITIONS UPON INTERROGATORIES--SUBMISSION OF
INTERROGATORIES.
WAC 139-08-320 DEPOSITIONS UPON INTERROGATORIES--INTERROGATION.
WAC 139-08-330 DEPOSITIONS UPON INTERROGATORIES--ATTESTATION AND
RETURN.
WAC 139-08-340 DEPOSITIONS UPON INTERROGATORIES--PROVISIONS OF
DEPOSITION RULE.
WAC 139-08-350 OFFICIAL NOTICE--MATTERS OF LAW.
WAC 139-08-360 OFFICIAL NOTICE--MATERIAL FACTS.
WAC 139-08-370 PRESUMPTIONS.
WAC 139-08-380 STIPULATIONS AND ADMISSIONS OF RECORD.
WAC 139-08-500 RULES OF EVIDENCE--ADMISSIBILITY CRITERIA.
WAC 139-08-520 PETITIONS FOR RULE-MAKING, AMENDMENT OR REPEAL--
WHO MAY PETITION.
WAC 139-08-530 PETITIONS FOR RULE-MAKING, AMENDMENT OR REPEAL--
REQUISITES.
WAC 139-08-540 PETITIONS FOR RULE-MAKING, AMENDMENT OR REPEAL--
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WAC 139-08-550 PETITIONS FOR RULE-MAKING, AMENDMENT OR REPEAL--
NOTICE OF DISPOSITION.
WAC 139-08-560 DECLARATORY RULINGS.
WAC 139-08-570 FORMS.
WAC 139-08-600 APPEAL.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 139-14-010 REQUIREMENT OF BASIC LAW ENFORCEMENT TRAINING.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 139-16-010 BASIC LAW ENFORCEMENT CURRICULUM.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 139-18-010 PHYSICAL REQUIREMENTS FOR ADMISSION TO BASIC LAW ENFORCEMENT ACADEMIES.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 139-20-020 BASIC LAW ENFORCEMENT EQUIVALENCY CERTIFICATION.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 139-22-010 REQUIREMENTS OF BASIC LAW ENFORCEMENT ACADEMY.
- WAC 139-22-020 ADMISSION AND PARTICIPATION REQUIREMENTS FOR BASIC LAW ENFORCEMENT ACADEMY ATTENDEE.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 139-28-010 GOALS OF BOARD ON LAW ENFORCEMENT TRAINING STANDARDS AND EDUCATION.

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WAC 139-28-010
GOALS OF BOARD ON LAW ENFORCEMENT TRAINING STANDARDS AND EDUCATION

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 139-32-010 PROSECUTOR, PUBLIC DEFENDER, AND MUNICIPAL ATTORNEY TRAINING.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 139-36-020 REQUIREMENT OF BASIC CORRECTIONS TRAINING.
- WAC 139-36-030 REQUIREMENTS OF BASIC CORRECTIONS ACADEMY.
- WAC 139-36-031 BASIC CORRECTIONS OFFICERS ACADEMY CURRICULUM.
- WAC 139-36-032 BASIC CORRECTIONAL SERVICES ACADEMY CURRICULUM.
- WAC 139-36-033 JUVENILE SECURITY WORKERS ACADEMY CURRICULUM.
- WAC 139-36-040 REQUIREMENT OF FIRST- AND SECOND-LEVEL CORRECTIONS SUPERVISORY TRAINING.
- WAC 139-36-041 FIRST- AND SECOND-LEVEL SUPERVISION CURRICULUM--CORRECTIONS.
- WAC 139-36-050 REQUIREMENT OF MIDDLE-MANAGEMENT CORRECTIONS TRAINING.
- WAC 139-36-051 MIDDLE-MANAGEMENT CURRICULUM--CORRECTIONS.
- WAC 139-36-060 REQUIREMENT OF EXECUTIVE MANAGEMENT CORRECTIONS TRAINING.
- WAC 139-36-061 EXECUTIVE MANAGEMENT CURRICULUM--CORRECTIONS.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 139-40-010 OPERATING POLICY OF WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION AND BOARDS ON TRAINING STANDARDS AND EDUCATION.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 139-50-010 REQUIREMENT OF TRAINING FOR FIRE MARSHALS.
- WAC 139-50-020 REQUIREMENTS OF TRAINING FOR POLICE DOG HANDLER.
- WAC 139-50-030 REQUIREMENT OF TRAINING FOR AGRICULTURE OFFICERS.

Chapter 139-01 WAC

GENERAL ADMINISTRATION

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139-01-110	Public records available.
139-01-210	Operating policy of Washington state criminal justice training commission.
139-01-310	"Commission" defined.
139-01-320	Appearance and practice before commission--Appearance by former employee of board or former member of attorney general's staff.
139-01-330	Computation of time.
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 Notice of disposition.
 139-01-730 Declaratory rulings.
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 139-01-810 Review and appeal of action.
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NEW SECTION

WAC 139-01-100 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION. The Washington state criminal justice training commission consists of the executive director, his/her staff, and twelve commissioners. Recommendations for training pursuant to commission adopted goals and standards may be approved by the executive director of the commission. Other recommendations will be reviewed by the commissioners for approval or rejection. Approved recommendations and other matters of the commission necessitating implementation or staff involvement will be assigned by the executive director to appropriate personnel.

The central office of the commission is located on the campus of St. Martin's College, Olympia, Washington. It is maintained by the commission's executive director and staff from 8:00 a.m. to 5:00 p.m., Monday through Friday, and serves as a central repository for the commission's records of administration and operation.

The Criminal Justice Training Center, 2450 So. 142nd, Seattle, Washington, serves as the commission's primary training site. Other training is conducted locally, regionally, or at centralized locations state-wide, as determined by staff.

NEW SECTION

WAC 139-01-110 PUBLIC RECORDS AVAILABLE. The commission's records, made public and accessible by the provisions of RCW 42.17.250 through 42.17.340, shall be made available for inspection and copying at the commission's central office, upon request received by the executive director.

The commission is statutorily empowered to adopt necessary rules. A copy of rules concerning only the internal management of the adoptor and not affecting private rights or procedures available to the public shall be maintained at the commission's central office and shall be made public pursuant to the aforesaid procedures relating to commission records. Adopted substantive and procedural rules of general applicability, statements of general policy, interpretations of general applicability, and each amendment, revision or repeal thereof, shall be included in the Washington Administrative Code.

NEW SECTION

WAC 139-01-210 OPERATING POLICY OF WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION. (1) The Washington state criminal justice training commission shall approve annual training schedules and budgets and may adopt standards and/or goals for criminal justice personnel and disciplines within its purview.

(2) The executive director of the commission may approve training programs or activity not included within an approved annual training schedule if he/she determines that sufficient resources exist and such

program or activity is consistent and identifiable with an adopted standard or goal of the commission.

NEW SECTION

WAC 139-01-310 "COMMISSION" DEFINED. As used in this chapter "commission" means the Washington state criminal justice training commission.

NEW SECTION

WAC 139-01-320 APPEARANCE AND PRACTICE BEFORE COMMISSION-- APPEARANCE BY FORMER MEMBER OF ATTORNEY GENERAL'S STAFF. No member of the attorney general's staff assigned to represent the commission or a hearing committee of said commission may at any time after severing employment with the attorney general appear, except with the written permission of the commission, in a representative capacity on behalf of other parties in a formal proceeding wherein the staff member previously took an active part in the investigation as a representative of the commission or a hearing committee of said commission.

NEW SECTION

WAC 139-01-330 COMPUTATION OF TIME. In computing any period of time prescribed or allowed by the commission or a hearing committee of said commission rules, by order of the commission or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

NEW SECTION

WAC 139-01-410 SERVICE OF PROCESS--BY WHOM SERVED. The commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

NEW SECTION

WAC 139-01-415 SERVICE OF PROCESS--UPON WHOM SERVED. All papers served by the commission or any party shall be served upon all counsel

of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

NEW SECTION

WAC 139-01-420 SERVICE OF PROCESS--SERVICE UPON PARTIES. The final order, and any other paper required to be served by the commission upon a party, shall be served upon such party or upon the agent designated by the party or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

NEW SECTION

WAC 139-01-425 SERVICE OF PROCESS--METHOD OF SERVICE. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph.

NEW SECTION

WAC 139-01-430 SERVICE OF PROCESS--WHEN SERVICE COMPLETE. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

NEW SECTION

WAC 139-01-435 SERVICE OF PROCESS--FILING WITH AGENCY. Papers required to be filed with the involved agency shall be deemed filed upon actual receipt by said agency at the place specified in its rules accompanied by proof of service upon parties required to be served.

NEW SECTION

WAC 139-01-440 SUBPOENAS--WHERE PROVIDED BY LAW--FORM. Every subpoena shall state the name of the commission and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under such person's control at a specified time and place.

NEW SECTION

WAC 139-01-445 SUBPOENAS--ISSUANCE TO PARTIES. Upon application of counsel or other representative authorized to practice before the agency for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The executive director may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

NEW SECTION

WAC 139-01-450 SUBPOENAS--SERVICE. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering on demand the fees for one day's attendance and the mileage allowed by law.

NEW SECTION

WAC 139-01-455 SUBPOENAS--FEES. Witnesses summoned before the commission shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington.

NEW SECTION

WAC 139-01-460 SUBPOENAS--PROOF OF SERVICE. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the department or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the department, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

NEW SECTION

WAC 139-01-465 SUBPOENAS--QUASHING. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the commission or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

NEW SECTION

WAC 139-01-470 SUBPOENAS--ENFORCEMENT. Upon application and for good cause shown the commission will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

NEW SECTION

WAC 139-01-475 SUBPOENAS--GEOGRAPHICAL SCOPE. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

NEW SECTION

WAC 139-01-510 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--RIGHT TO TAKE. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application, or petition. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.

NEW SECTION

WAC 139-01-515 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--SCOPE. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

NEW SECTION

WAC 139-01-520 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--OFFICER BEFORE WHOM TAKEN. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, deposition shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the commission or agreed upon by the parties by stipulation in writing filed with the commission. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any consul of a party, or who is financially interested in the proceeding.

NEW SECTION

WAC 139-01-525 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--AUTHORIZATION. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the commission and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

NEW SECTION

WAC 139-01-530 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--PROTECTION OF PARTIES AND DEONENTS. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the commission or its designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the commission, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents, or information enclosed in sealed envelopes to be opened as directed by the commission, or the commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the commission or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the commission. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

NEW SECTION

WAC 139-01-535 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--ORAL EXAMINATION AND CROSS-EXAMINATION. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded.

NEW SECTION

WAC 139-01-540 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--RECORDATION. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under the officer's direction and in the officer's presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

NEW SECTION

WAC 139-01-545 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--SIGNING ATTESTATION AND RETURN. (1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the commission holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the commission, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

NEW SECTION

WAC 139-01-550 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--USE AND EFFECT. Subject to ruling by the hearing officer upon objections, a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness the party's witness by taking the other party's deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by the party or any other party.

NEW SECTION

WAC 139-01-555 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--FEES OF OFFICERS AND DEONENTS. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

NEW SECTION

WAC 139-01-560 DEPOSITIONS UPON INTERROGATORIES--SUBMISSION OF INTERROGATORIES. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

NEW SECTION

WAC 139-01-565 DEPOSITIONS UPON INTERROGATORIES--INTERROGATION. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 139-08-230 the officer taking the same, after duly swearing the deponent, shall read to the deponent seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

NEW SECTION

WAC 139-01-570 DEPOSITIONS UPON INTERROGATORIES--ATTESTATION AND RETURN. The officer before whom interrogatories are verified or answered shall (1) certify under official signature and seal that the deponent was duly sworn, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither the officer nor the stenographer is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with attestation to the commission, or its designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

NEW SECTION

WAC 139-01-575 DEPOSITIONS UPON INTERROGATORIES--PROVISIONS OF DEPOSITION RULE. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

NEW SECTION

WAC 139-01-610 OFFICIAL NOTICE--MATTERS OF LAW. The commission, upon request made before or during a hearing, will officially notice:

(1) Federal law. The United States Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) State law. The constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) Governmental organization. Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) Commission organization. The commission organization, administration, officers, personnel, official publications, and practitioners before its bar.

NEW SECTION

WAC 139-01-615 OFFICIAL NOTICE--MATERIAL FACTS. The commission may officially notice:

(1) Commission proceedings. The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the commission;

(2) Business customs. General customs and practices followed in the transaction of business;

(3) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) Technical knowledge. Matters within the technical knowledge of the commission as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) Request or suggestion. Any party may request, or the hearing officer or the commission may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) Statement. Where an initial or final decision of the commission rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material

facts, the hearing officer or the commission may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) Controversion. Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) Evaluation of evidence. Nothing herein shall be construed to preclude the commission or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

NEW SECTION

WAC 139-01-620 PRESUMPTIONS. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the commission, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) Continuity. That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) Identity. That persons and objects of the same name and description are identical;

(3) Delivery. Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) Ordinary course. That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) Acceptance of benefit. That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly a matter of self-interest so to do;

(6) Interference with remedy. That evidence, with respect to a material fact which in bad faith is destroyed, eloiigned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

NEW SECTION

WAC 139-01-625 STIPULATIONS AND ADMISSIONS OF RECORD. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed

against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon the party or parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing committee or the commission that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

NEW SECTION

WAC 139-01-630 RULES OF EVIDENCE--ADMISSIBILITY CRITERIA. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

NEW SECTION

WAC 139-01-710 PETITIONS FOR RULE-MAKING, AMENDMENT OR REPEAL--WHO MAY PETITION. Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

NEW SECTION

WAC 139-01-715 PETITIONS FOR RULE-MAKING, AMENDMENT OR REPEAL--REQUISITES. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

NEW SECTION

WAC 139-01-720 PETITIONS FOR RULE-MAKING, AMENDMENT OR REPEAL-- AGENCY MUST CONSIDER. All petitions shall be considered by the commission and the commission may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

NEW SECTION

WAC 139-01-725 PETITIONS FOR RULE-MAKING, AMENDMENT OR REPEAL-- NOTICE OF DISPOSITION. The commission shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

NEW SECTION

WAC 139-01-730 DECLARATORY RULINGS. As prescribed by RCW 34.04-.080 any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within a reasonable time the commission shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued,

or

(3) Set a reasonable time and place for an oral hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission and of the issues involved.

If a hearing as provided in subsection (3) of this section is conducted, the agency shall within a reasonable time:

- (a) Issue a binding declaratory rule; or
- (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued.

NEW SECTION

WAC 139-01-735 FORMS. Any interested person petitioning the commission for a declaratory ruling pursuant to RCW 34.04.080 shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington state criminal justice training commission." On the left side of page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph

shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by the petitioner's attorney. The original and two legible copies of the petition shall be filed with the commission. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

NEW SECTION

WAC 139-01-810 REVIEW AND APPEAL OF ACTION. (1) Any action which directly and adversely affects an individual's interest under this title or chapter 43.101 RCW may be reviewed at the request of such individual, or the head of such individual's employing agency, and shall be considered in accordance with the process hereinafter provided. This section shall not apply to a request for a variance or exemption pursuant to WAC 139-01-820.

(2) An individual requesting review shall submit a request in writing to the executive director and shall therein specify and include, where applicable:

(a) The action for which review is requested, identified by date and description of action;

(b) The direct and adverse effects of such action;

(c) The corrective or remedial action or other relief sought;

(d) The name and mailing address of the requesting party, any witness to be called by the requesting party, and any person who will personally appear in support of the requesting party, including legal counsel; and

(e) A statement that the person signing the request for review has read it and that to the best of his or her knowledge or information and belief the contents thereof are true.

(3) Upon receipt of a request for review which satisfies the requirements of subsection (2) of this section, the executive director shall conduct the review within thirty days.

(4) In conducting the review, the executive director may consider any information or testimony determined to be relevant to full consideration of the matter for which review is requested. At least five days prior to the review proceeding, commission staff shall provide to the individual requesting review a complete listing of those individuals who are expected to provide testimony and a copy of any document or other written material which will be offered. If a request is made by commission staff, the individual requesting review shall, at least five days prior to the review proceeding, provide to the commission a complete listing of those individuals who are expected to provide testimony and a copy of any document or any other material which will be offered. At the time of the proceeding, additional witnesses and written materials may be offered by staff or the requesting party, but only if there is a showing of good cause for the failure to provide prior notice of such additional evidence and witnesses. Each review proceeding shall be recorded electronically. Thereafter, such recording shall be transcribed in writing if requested by the appealing party or if directed by the commission or staff.

(5) After full consideration of the matter, the executive director shall affirm, rescind, or modify the action for which review is requested and shall give written notice of his decision to the individual requesting review. Such decision of the executive director shall become final unless a written appeal is received by the commission within thirty days of the receipt of such notice. Appeal of such determination may be taken to the training commission at its next scheduled meeting following receipt by the executive director of a

written appeal from the involved individual or the head of such individual's employing agency, unless there is insufficient time to permit administration of the appeal, in which case the appeal will be considered at the next succeeding scheduled meeting of the commission. In considering such appeal, the commission shall not be bound by any previous action or determination and may take any action it deems necessary and appropriate to the matter. The commission may consider only the record of the matter consisting of the transcript of the review proceeding and any written material considered by the executive director, as well as any information requested or deemed relevant by the commission chairperson. A complete copy of such record shall be provided to the appellant at least five days prior to the appeal proceeding before the commission. Additional written materials may be submitted at the time of the appeal proceeding by staff or the requesting party if there is a showing of good cause for the failure to provide prior notice of such additional written evidence. Oral arguments by the appellant or the appellant's representative shall be allowed, subject to time limitations set by the chairperson of the commission.

NEW SECTION

WAC 139-01-820 REQUEST FOR EXEMPTION OR VARIANCE. (1) Requests for exemption or variance from the commission's regulations may be pursued only under this section.

(2) A request for exemption or variance may be made only by the head of a law enforcement agency on behalf of an employee or employees directly affected by the regulation. Where a request for an exemption or variance is on behalf of a chief of police, such request shall be made by the appointing authority. Requests for exemption or variance shall be for mitigation only and shall not raise questions of law or of fact. Such requests shall be submitted in writing to the director of the commission and shall include, where applicable:

(a) The particular regulation from which exemption or variance is sought;

(b) The nature of the exemption or variance which is sought;

(c) The mitigating factors favoring exemption or variance in the particular case;

(d) The name and mailing address of the requesting party and any person who will personally appear in support of the requesting party, including legal counsel;

(e) A statement that the person signing the request has read it and that to the best of his or her knowledge or information and belief the contents thereof are true.

(3) Upon receipt of a request for exemption or variance which satisfies the requirements of subsection (2) of this section, the director shall schedule the request for full consideration at the next commission meeting. If it is determined by the chairman that circumstances justify expedited review, the chairman may schedule a special meeting for the sole purpose of effecting review. After full consideration of the matter, the commission shall deny the request, grant the request or provide alternative mitigating relief.

Chapter 139-05 WAC

LAW ENFORCEMENT

WAC

139-05-200	Requirement of basic law enforcement training.
139-05-210	Basic law enforcement equivalency certification.
139-05-220	Admission and participation requirements for basic law enforcement academy attendee.
139-05-230	Physical requirements for admission to basic law enforcement academies.
139-05-240	Backgrounding requirement for academy attendees.
139-05-250	Basic law enforcement curriculum.
139-05-910	Requirement of training for fire marshals.
139-05-915	Requirements of training for police dog handler.
139-05-920	Requirement of training for agriculture officers.

NEW SECTION

WAC 139-05-200 REQUIREMENT OF BASIC LAW ENFORCEMENT TRAINING.

(1) All full time commissioned law enforcement employees of a city, county, or political subdivision of the state of Washington, except officers of the Washington state patrol, unless otherwise exempted by the Washington state criminal justice training commission, shall as a condition of continued employment successfully complete a four hundred forty-hour basic law enforcement academy sponsored or conducted by the commission, or obtain a certificate of equivalent basic training from the commission. This requirement of basic law enforcement training shall be met within the initial fifteen-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 shall include:

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

(b) Auxiliary and reserve personnel; and

(c) Commissioned personnel;

(i) Whose usual and regular function does not include and will not include the general line enforcement of traffic or criminal laws of the state of Washington or any political subdivision thereof: PROVIDED, That any exemption under this subsection may be granted to a sheriff or police chief only with the approval of the training commission and, in the instance of a police chief, based upon a written exemption request signed by the appointing authority, and provided further that no police chief or sheriff of any agency with ten or fewer full-time, commissioned personnel shall be granted an exemption solely upon the basis of this subsection; or

(ii) Whose initial date of continuing, full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978, and such employment is without break or interruption in excess of ninety days; or

(iii) Who have been certified 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-month duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, except the Washington state patrol, shall immediately notify the commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency on or after January 1, 1978. Such notification shall be maintained by the commission and shall be utilized by the commission for the subsequent scheduling, notification, and

enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of noncompliance, by the commission, on approved form to:

- (a) The individual in noncompliance;
- (b) The head of his/her agency;
- (c) The civil service commission having jurisdiction of such agency;
- (d) The judges and clerks of the municipal, district, and superior courts in which said agency is located;
- (e) The state auditor's office; and
- (f) Any other agency or individual, as determined by the commission.

NEW SECTION

WAC 139-05-210 BASIC LAW ENFORCEMENT EQUIVALENCY CERTIFICATION.

(1) A certificate of equivalent basic law enforcement training shall be issued only to applicants who successfully complete the equivalency process as required by the Washington state criminal justice training 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 equivalency academy. A certificate of equivalent basic law enforcement training shall be recognized in the same manner as the certificate of completion of the basic law enforcement academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to regular, full-time, commissioned enforcement officers who otherwise are eligible to attend the basic law enforcement academy, and who have attained basic certification through completion of a basic training program in this or another state. For this purpose, the term "basic training program" shall not include any military or reserve training program, or any federal training program not otherwise approved by a majority of the law enforcement representatives within the commission membership.

(3) Effective January 1, 1987, the participation of any eligible and approved applicant for a certificate of equivalent basic law enforcement training shall be effected within, and limited to, the first available session of the basic equivalency academy following such applicant's date of hire; provided that no applicant shall be required to attend a session of the basic equivalency academy which is conducted within the initial sixty days of the employment for which certification is requested.

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 effected.

The participation of any applicant in any session of the basic equivalency academy not otherwise provided herein shall require the approval of the commission.

(4) In those instances wherein an applicant has attended more than one basic training program, eligibility for participation in the basic equivalency process shall not be approved if such applicant, for whatever reason, failed to successfully complete the most recent of such programs attended.

(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 that decision by appropriate notation upon the hiring notification submitted to the commission for such 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 equivalent basic training.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency shall submit to the commission the following documentation as a precondition of participation within such process:

(a) A copy of applicant's current and valid Washington state driver's license;

(b) A copy of applicant's current and valid basic first aid card;

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

(d) A record of applicant's firearms qualification;

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

(f) A criminal records check regarding such applicant.

(7) If such training has not been completed previously, the applicant shall be required to complete the commission's twenty-four-hour emergency vehicle operation course, as scheduled by the commission.

(8) Upon completion of the equivalency process and review and evaluation of applicant's performances therein, the commission shall:

(a) Issue a certificate of equivalent basic training;

(b) Issue a certificate of equivalent basic training upon applicant's successful completion of additional training as the training commission may require; or

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

(9) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the commission if it determines that sufficient justification exists for such action.

Additionally, any action or determination by the commission staff regarding a requestor or applicant for equivalency certification shall, upon written request of the involved individual or agency, be reviewed by the executive director of the training commission.

NEW SECTION

BACKGROUNDING REQUIREMENT FOR ADMISSION TO BASIC LAW ENFORCEMENT ACADEMY.

WAC 139-05-220 ~~ADMISSION AND PARTICIPATION REQUIREMENTS FOR BASIC LAW ENFORCEMENT ACADEMY ATTENDEE.~~ The Washington state criminal justice training commission is responsible for the conduct of the basic law enforcement academy and to therein certify, to and for the state of Washington, those officers who have demonstrated the ability and suitability requisite to law enforcement service and the public trust.

In accordance with that responsibility, and to ensure the continuing integrity and credibility of the basic academy program, no individual shall be granted academy admission or allowed continued participation if such individual, in adult status, has been convicted of a felony offense, or has been convicted of a gross misdemeanor or misdemeanor involving moral turpitude.

For this purpose, the term "convicted" shall include any disposition adverse to the subject, except a decision not to prosecute, a dismissal, or acquittal; provided, however, that a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

Additionally, and for this purpose, the term "felony offense" shall include any act or omission which is classified as a felony by the laws of the jurisdiction in which such act or omission occurred, or for which imprisonment in a federal or state penitentiary could have been imposed.

It shall be the responsibility of each sponsoring or applying agency to request a search of state and national criminal history records information regarding its applicant through the submission of applicant's fingerprints to an appropriate action agency or agencies.

Each application for academy attendance shall be accompanied by a written attestation by the applying agency that (1) the aforementioned records search has been effected regarding the individual for which academy application is being made, and (2) that such search indicated the absence of any felony conviction or other disqualifying conviction.

No exception to, or variance from, the above requirements or the prohibition which is provided, will be granted without the approval of the training commission.

NEW SECTION

WAC 139-05-230 PHYSICAL REQUIREMENTS FOR ADMISSION TO BASIC LAW ENFORCEMENT ACADEMIES. Each successful applicant for admission to a basic law enforcement academy sponsored or conducted by the Washington state criminal justice training commission shall possess good health and physical capability to actively and fully participate in the physical activities required for basic certification. In addition to defensive tactics, such activities shall include a physical training program geared to final attainment of the instructional objectives of physical performance: PROVIDED, That any applicant whose beginning date of continuous law enforcement employment precedes January 1, 1978, may be allowed to audit, in whole or in part, basic law enforcement training. In no such instance shall a basic certificate be issued.

NEW SECTION

GENERAL REQUIREMENTS

WAC 139-05-240 ~~BACKGROUNDING-REQUIREMENT~~ FOR ACADEMY ATTENDEES. (1) Each trainee in a basic law enforcement academy shall receive certification only upon full and successful completion of the academy process as prescribed by the commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by all basic law enforcement academies sponsored or conducted by the Washington state criminal justice training commission, in evaluating the level of scholastic achievement of each trainee. Such process shall 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: PROVIDED, That any unsuccessful trainee whose beginning date of continuous law enforcement employment precedes January 1, 1978, may be allowed to audit the remainder of the academy upon a determination by the coordinator of law enforcement training that such audit would be beneficial to the trainee and have no adverse effect upon the other attendees.

(b) Physical performance. A standardized evaluation process shall be utilized by all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of physical performance of each trainee. Such process shall 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 grade of pass in physical training, including defensive tactics, shall preclude certification.

(c) Deportment and conduct. Failure to maintain an exemplary standard of deportment and 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.

(2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part as determined by the commission. Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.

(3) In all other instances of termination of a trainee's academy assignment, the commission shall allow such trainee's admission to any subsequent academy only if:

(a) Such trainee has been terminated by the employing agency and subsequently is rehired by it; or

(b) Such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.

(4) Upon the written request of a trainee, or the head of his/her employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

NEW SECTION

WAC 139-05-250 BASIC LAW ENFORCEMENT CURRICULUM. The basic law enforcement curriculum of the Washington state criminal justice training commission shall consist of 440 hours, including the following subject areas:

- (1) Introduction to law enforcement;
 - (a) Introduction to law enforcement;
 - (b) The criminal justice system;
 - (c) Police power and execution of authority;
 - (d) Civil rights and civil liability; and
 - (e) Police ethics.
- (2) Criminal law;
 - (a) Criminal law; and
 - (b) Juvenile law.
- (3) Evidence law.
- (4) Criminal procedures;
 - (a) Constitutional law;
 - (b) Probable cause;
 - (c) Laws of arrest;
 - (d) Search and seizure;
 - (e) Interrogation, statements and confessions; and
 - (f) Field interrogations and "stop and frisk."
- (5) Patrol procedures;
 - (a) Observation and perception;
 - (b) Patrol procedures;
 - (c) First aid;
 - (d) Community relations;
 - (e) Crime prevention;
 - (f) Juvenile procedures;
 - (g) Traffic stop--Mock scene;
 - (h) Felony stop--Mock scene;
 - (i) Field interview--Mock scene;
 - (j) Building search--Mock scene; and
 - (k) Silent alarm/felony arrest--Mock scene.
- (6) Communication skills;
 - (a) Report writing and notetaking; and
 - (b) Oral communication.
- (7) Emergency vehicle operation course.
- (8) Crisis intervention;
 - (a) General theory;
 - (b) Recognizing and handling of abnormal behavior;
 - (c) Oral and physical communication;
 - (d) Handling stress; and

- (e) Family disturbance--Mock scene.
- (9) Traffic law;
 - (a) Traffic law enforcement;
 - (b) Breathalyzer and impaired driving; and
 - (c) Accident investigation.
- (10) Firearms.
- (11) Physical training and self-defensive tactics.
- (12) Criminal investigation;
 - (a) Crime scene search and protection;
 - (b) Collection and preservation of evidence;
 - (c) Interviews and interrogation techniques;
 - (d) Crime scene protection/search/investigation--Mock scene; and
 - (e) Testifying in court--Mock scene.

NEW SECTION

WAC 139-05-910 REQUIREMENT OF TRAINING FOR FIRE MARSHALS. (1) As a precondition of any exercise of police powers to enforce the laws of this state, deputy state fire marshals and resident fire marshals shall:

(a) If hired on or after July 26, 1981, possess the Washington state criminal justice training commission's basic law enforcement certificate or basic equivalency certificate, or in the alternative, successfully complete a training program of at least two hundred forty-four hours and which shall include:

- (i) Introduction to law enforcement, fourteen hours;
- (ii) Criminal procedure, thirty hours;
- (iii) Evidence law, sixteen hours;
- (iv) Criminal law, thirty-two hours;
- (v) Communication skills, twenty-four hours;
- (vi) Criminal investigations, seventy-two hours;
- (vii) Self-defense, sixteen hours;
- (viii) At least forty hours of firearms training, involving both classroom and range activity in the development of firearms proficiency, and instruction in the legality and liabilities of the use of deadly force; or

(b) If hired prior to July 26, 1981, meet the training requirement described in (a) of this subsection, or have completed a previous training program or programs deemed the equivalent thereof by the state fire marshal; and

(c) Notwithstanding date of hire, successfully complete an eight-hour firearms requalification course at least annually, in addition to any other in-service training program otherwise required by the state fire marshal.

(2) It shall be the responsibility of the state fire marshal to effect and ensure personnel compliance herein, and to provide necessary records and information upon request of the training commission, to which said marshal shall be accountable for purposes of compliance.

NEW SECTION

WAC 139-05-915 REQUIREMENTS OF TRAINING FOR POLICE DOG HANDLER. (1) For purposes herein:

(a) "Dog handler" means any commissioned law enforcement officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a police dog within a law enforcement patrol or investigative assignment; and

(b) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, for the purpose of developing the trainee's competency in the care, control, and utilization of a police dog.

(2) A dog handler shall, as a precondition of such assignment, successfully complete the basic law enforcement academy program, or otherwise comply with the basic training requirement prescribed by WAC 139-14-010 of the training commission.

(3) Prior to, or within the first six months of such assignment, a dog handler shall successfully complete training according to the nature and purpose of utilization of the police dog for which such handler is responsible. Categories of utilization and concomitant training standards are prescribed as follows:

(a) Generalist. A dog handler who is responsible for the routine and regular utilization of a police dog within general patrol or investigative activities, shall successfully complete at least three hundred ninety hours of training which shall include, but not be limited to:

(i) Philosophies/theories of police K-9;

(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 searching;

(ix) Building searching;

(x) Evidence searching;

(xi) Pursuit/holding; and

(xii) Master protection.

(b) General detection. A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of specific substances, excluding explosives, shall successfully complete at least one hundred eighty hours of training which shall include, but not be limited to:

(i) Philosophies/theories of police K-9;

(ii) Legal and liability aspects, including applicable department policies;

(iii) Public relations;

(iv) Care and maintenance;

(v) Obedience and control;

(vi) Area searching;

(vii) Building searching;

(viii) Evidence searching; and

(ix) Detection of specific substances.

(c) Explosives detection. A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of explosive substances and devices, shall successfully complete at least three hundred ninety hours of training which shall include, but not be limited to:

(i) Philosophies/theories of police K-9;

(ii) Legal and liability aspects, including applicable department policies;

(iii) Public relations;

(iv) Care and maintenance;

(v) Obedience and control;

(vi) Area searching;

(vii) Building searching;

(viii) Evidence searching; and

(iv) Detection of explosives.

(d) Master protection. A dog handler who is responsible for the routine and regular utilization of a police dog solely for self-protection and assistance in hostile or potentially hostile situations, shall successfully complete at least one hundred eighty hours of training which shall include, but not be limited to:

(i) Philosophies/theories of police K-9;

(ii) Legal and liability aspects, including applicable department policies;

- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Pursuit/holding; and
- (vii) Master protection.

(4) Any dog handler whose initial date of assigned responsibility for K-9 utilization precedes January 1, 1983, shall meet the applicable training standard as above prescribed. For this purpose, training completed by such handler prior to January 1, 1983, shall be recognized and considered as training completed pursuant to such standard. If such training is less than, or does not include, that prescribed, the additional training required shall be completed prior to July 1, 1983.

(5) It shall be the responsibility of the local agency to ensure both program and personnel compliance with the above standards, as applicable, and the maintenance of training records necessary for the substantiation of such compliance. Such compliance shall constitute compliance required by RCW 4.24.410 and 9A.76.200 and for purposes of the immunity and penal provisions therein.

NEW SECTION

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 commission merchants, livestock identification, and livestock brand registration and inspection.

(2) As a precondition of any exercise of authority generally vested in a peace officer, an agriculture officer shall successfully complete training which shall include, but is not limited to:

- (a) Criminal procedures, to include the legal system, search and seizure, laws of arrest, and constitutional law - eight hours;
- (b) Evidence law - two hours;
- (c) Criminal investigation - eight hours;
- (d) Effective interviewing and interrogation - four hours;
- (e) Communication skills - six hours;
- (f) Criminal law - four hours;
- (g) Officer safety and basic patrol procedures - four hours;
- (h) Use of deadly force - four hours.

(3) As a precondition of any authorization to carry a firearm during the performance of duties, an authorized agriculture officer shall have successfully qualified in the firearms course which is incorporated by the basic law enforcement academy program of the Washington state criminal justice training commission, or is otherwise approved by the training commission. Such qualification shall be effected annually, or within a period of twelve months preceding the aforementioned firearms authorization.

(4) It shall be the responsibility of the state director of agriculture to effect and ensure personnel compliance herein and to provide necessary records and information upon the request of the training commission, to which said director shall be 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 herein shall be within the prerogative and authorities of such director.

Chapter 139-10 WAC

CORRECTIONS

WAC	
139-10-210	Requirement of basic corrections training.
139-10-220	Requirements of basic corrections academy.
139-10-230	Basic corrections officers academy curriculum.
139-10-235	Basic correctional services academy curriculum.
139-10-240	Juvenile security workers academy curriculum.
139-10-310	Requirement of first- and second-level corrections supervisory training.
139-10-320	First- and second-level supervision curriculum-- Corrections.
139-10-410	Requirement of middle-management corrections training.
139-10-420	Middle-management curriculum--Corrections.
139-10-510	Requirement of executive management corrections training.
139-10-520	Executive management curriculum--Corrections.

NEW SECTION

WAC 139-10-210 REQUIREMENT OF BASIC CORRECTIONS TRAINING. As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington, initially hired on or after January 1, 1982, shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored or conducted by the Washington state criminal justice training commission for their class. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the commission; provided, that those persons hired on or after January 1, 1982, and prior to July 1, 1982, shall complete the required basic training before January 1, 1983. Requests for extension or waiver of the basic training requirement shall be submitted to the commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as described below:

(a) Corrections officers academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and work release facilities. Representative job classifications include, but are not limited to, jailers and correctional officers.

(b) Correctional services academy. All employees whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile probation and parole officers, community service officers, institution counselors, and psychiatric social workers.

(c) Juvenile security workers academy. All employees responsible for the care, custody, and safety of youth in county juvenile court detention centers, state institutions, camps and group homes. Representative job classes include, but are not limited to, juvenile detention workers, and group life counselors.

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the commission.

(3) Failure to comply with the above requirements shall result in a notification of noncompliance from the commission directed to the

individual employee, and, as appropriate, the employing agency director, chief or sheriff, the civil service commission, the board on corrections standards, and/or the state auditor's office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

NEW SECTION

WAC 139-10-220 REQUIREMENTS OF BASIC CORRECTIONS ACADEMY. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the academy process as prescribed by the commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of scholastic achievement and skill proficiency of each trainee. Such process shall include the application of a designated minimum passing score and the availability of a retesting procedure.

(b) Participation. Each trainee shall be required to participate fully in all academy classes, practice exercises and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes active and full participation in the physical activities required for certification. Provided, that any applicant whose beginning date of continuous corrections officer employment precedes January 1, 1982, may be allowed to audit, in whole or in part, basic corrections officer training. In no instance shall certification be granted until successful completion of physical training, including defensive tactics, has been achieved.

(c) Deportment and conduct. Failure to maintain a standard of deportment and conduct as defined in the rules, regulations and policies of the basic corrections academy may result in termination of academy assignment.

(2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part, as determined by the commission.

Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.

(3) In all other instances of termination of a trainee's academy assignment, the commission shall allow such trainee's admission to any subsequent academy only if:

(a) Such trainee has been terminated by the employing agency and subsequently rehired by it; or

(b) Such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

NEW SECTION

WAC 139-10-230 BASIC CORRECTIONS OFFICERS ACADEMY CURRICULUM. The basic corrections officers academy of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include the following subject matter:

- (1) The system:
 - (a) Practical law for corrections officers; and
 - (b) Problem solving.
- (2) Supervision and care of inmates:
 - (a) Supervising inmates;
 - (b) Health and mental health care;
 - (c) Discipline of inmates;
 - (d) Professionalism; and
 - (e) Dealing with aggressive behavior.
- (3) Safety and security:
 - (a) Security management; and
 - (b) Proper use of force.
- (4) Communication skills:
 - (a) Incident report writing;
 - (b) Listening; and
 - (c) Interpersonal skills.
- (5) Personal development:
 - (a) Stress management; and
 - (b) Physical fitness.

NEW SECTION

WAC 139-10-235 BASIC CORRECTIONAL SERVICES ACADEMY CURRICULUM. The basic correctional services academy curriculum of the Washington state criminal justice training commission shall be eighty hours in length and shall include the following subject matter:

- (1) Key treatment approaches:
 - (a) Research review;
 - (b) Program specificity;
 - (c) Offense prevention;
 - (d) Life goals; and
 - (e) Skills training.
- (2) Core skills:
 - (a) Interpersonal skills;
 - (b) Interviewing;
 - (c) Managing information;
 - (d) Report writing;
 - (e) Rewards and sanctions; and
 - (f) Legal issues.
- (3) Personal skills:
 - (a) Stress management;
 - (b) Physical fitness (alternate option - health class);
 - (c) Time management; and
 - (d) Personal development.
- (4) Case management skills:
 - (a) Assessment;
 - (b) Goal setting;
 - (c) Program planning; and
 - (d) Intervention and monitoring.

NEW SECTION

WAC 139-10-240 JUVENILE SECURITY WORKERS ACADEMY CURRICULUM. The juvenile security workers academy curriculum of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include the following subject matter:

- (1) The system:
 - (a) Overview of the juvenile justice system;
 - (b) Legal rights of incarcerated youth; and
 - (c) Reception and classification.
- (2) Supervision and care:
 - (a) Dealing with aggression;
 - (b) First aid/CPR;
 - (c) Disciplining youth;
 - (d) Health and mental health care; and
 - (e) Supervision of youth.
- (3) Program techniques:
 - (a) Listening skills;
 - (b) Interpersonal skills;
 - (c) Observation skills; and
 - (d) Group dynamics.
- (4) Security:
 - (a) Incident report writing;
 - (b) Proper use of physical force; and
 - (c) Safety and security.
- (5) Personal development:
 - (a) Physical fitness; and
 - (b) Stress management.

NEW SECTION

WAC 139-10-310 REQUIREMENT OF FIRST-LEVEL AND SECOND-LEVEL CORRECTIONS SUPERVISORY TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time first-level or second-level supervisory position on or after January 1, 1982, shall obtain the supervisory certification of the Washington state criminal justice training commission prior to or within six months after such promotion or appointment, unless otherwise extended or waived by the commission; provided that those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the supervisory certification before January 1, 1983. The requirements for supervisory certification are:

(a) Possession of a basic corrections academy certificate of the Washington state criminal justice training commission; and

(b) Successful completion of the commission's first-level and second-level supervision course, or other training deemed the equivalent by the corrections training manager of the commission.

(2) It shall be the responsibility of the employing agency to determine which of its job classifications should attend the first-level and second-level supervisors course, based on job duties and the prerequisites for the above required course. In general, first-level supervision positions are defined as positions above operational level for the direct supervision of nonsupervisory personnel. Second-level supervisors are defined as those persons who supervise first-level supervisors. Representative job classes include sergeants, lieutenants, district supervisors, district administrators, classification and parole supervisors, cottage supervisors, unit supervisors, unit program directors.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above

training requirements. Additionally, each such agency shall provide to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

NEW SECTION

WAC 139-10-320 FIRST-LEVEL AND SECOND-LEVEL SUPERVISION CURRICULUM--CORRECTIONS. The first-level and second-level supervision curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include the following subject matter:

- (1) Role of the supervisor.
- (2) Advanced oral communication.
- (3) Team building.
- (4) Goal setting.
- (5) Work planning/time management.
- (6) Scheduling and delegating.
- (7) On-the-job training.
- (8) Performance monitoring.
- (9) Employee selection.
- (10) Employee performance appraisal.
- (11) Handling incompetent staff and preventing grievances.
- (12) Handling criticism from staff.
- (13) Preventing and handling staff burnout.
- (14) Leading meetings.

NEW SECTION

WAC 139-10-410 REQUIREMENT OF MIDDLE-MANAGEMENT CORRECTIONS TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time middle-management position on or after January 1, 1982, shall obtain the middle-management certification of the Washington state criminal justice training commission prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the commission: PROVIDED, That those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the middle-management certification before January 1, 1983. The requirements for middle-management certification are:

(a) Possession of the supervisory certificate of the Washington state criminal justice training commission: PROVIDED, That such certificate requirement may be waived for any person serving within a first-level or second-level supervisory position as defined in WAC 139-36-040 prior to January 1, 1982: AND FURTHER PROVIDED, That this waiver shall be extended to persons laterally entering a correctional department as a middle manager;

(b) Successful completion of the commission's corrections middle-management course and advanced problem solving and conflict management course or correctional services academy phase II, or other middle-management training deemed the equivalent thereof by the corrections training manager.

(2) It shall be the responsibility of the employing agency to determine which of its job classifications should attend the middle-management course, based on job duties and the prerequisites for the above required course. In general, middle managers shall be defined as those people in the organization who manage and develop programs and who are responsible for the smooth functioning of work groups supervised by first-level and second-level supervisors. Representative job classes include regional administrators, central office staff, captains, associate superintendents, and superintendents of small and medium sized jails and correctional facilities.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

NEW SECTION

WAC 139-10-420 MIDDLE-MANAGEMENT CURRICULUM--CORRECTIONS. The middle-management curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include the following subject matter:

- (1) Teamwork.
- (2) Internal consulting.
- (3) Budgeting.
- (4) Program development.
- (5) Program evaluation.
- (6) Procedures development.
- (7) Motivation and bureaucracy.
- (8) Procedure writing.
- (9) Managing by systems.

NEW SECTION

WAC 139-10-510 REQUIREMENT OF EXECUTIVE MANAGEMENT CORRECTIONS TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county, or political subdivision of the state of Washington, promoted or appointed to a full-time executive management position on or after January 1, 1982, shall obtain the executive management certification of the Washington state criminal justice training commission prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the commission: PROVIDED, That those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the executive management certification before January 1, 1982. The requirements for executive management certification are:

(a) Possession of middle-management certification of the Washington state criminal justice training commission: PROVIDED, That such certification requirements may be waived for any person serving in a middle-management position as defined by WAC 139-36-050 prior to January, 1982; and

(b) Successful completion of the commission's corrections executive management training program or other executive management training deemed the equivalent thereof by the corrections training manager of the commission.

(2) It shall be the responsibility of the employing agency to determine which of its job classifications should attend the executive management course, based on job duties and the prerequisites for the above required course. In general, executive managers are defined as superintendents of large correctional institutions and jails, central office directors, deputy directors and assistant directors, and juvenile court directors in large jurisdictions.

(3) Each agency employing personnel covered by BCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

NEW SECTION

WAC 139-10-520 EXECUTIVE MANAGEMENT CURRICULUM--CORRECTIONS. The executive management curriculum of the Washington state criminal justice training commission shall be sixty-four instructional hours in length and shall include the following subject matter:

- (1) Team building and organizational goal setting.
- (2) Long-range planning.
- (3) Your public image.
- (4) Creating momentum for organizational change.
- (5) Organizational communication.
- (6) Organizational leadership.
- (7) Policy development.
- (8) Executive self-care.
- (9) Managing with limited resources.
- (10) Executive career ladder and power base.
- (11) Program effectiveness research.
- (12) Quality control.
- (13) View of the executive.
- (14) Training systems.
- (15) Budgeting.
- (16) Futures planning.

Chapter 139-15 WAC

PUBLIC ATTORNEYS AND CORONERS

WAC
139-15-110 Prosecutor, public defender, and municipal attorney training.

NEW SECTION

WAC 139-15-110 PROSECUTOR, PUBLIC DEFENDER, AND MUNICIPAL ATTORNEY TRAINING. The Washington state criminal justice training commission shall, within the fiscal resources available, develop and annually conduct the following types of training:

(1) Basic orientation training for attorneys whose responsibility is prosecuting of criminal, juvenile, and traffic offenses and for attorneys whose primary responsibility is defense of such offenses; and

(2) Advanced training for county prosecutors, municipal attorneys, attorneys engaged primarily in the defense of persons charged with offenses, and their attendant support staffs.

Additionally, the commission may develop, publish, or distribute training materials and manuals for county prosecutors, municipal attorneys, and attorneys engaged primarily in the defense of persons charged with offenses.

For purposes herein, the term "attorneys who are engaged primarily in the defense of persons charged with offenses" shall be limited to attorneys who expend at least fifty percent of their employment in the provision of criminal defense services and who are:

(a) Staff attorneys of any not-for-profit organization which has as its primary function the provision of criminal defense services;

(b) Attorneys who provide such services pursuant to a contractual agreement with any public entity; or

(c) Attorneys employed by any duly constituted public defender district.