

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

Wn State Criminal Justice Training Commission

(name of governing body)

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 14-D

(1) Be it resolved by the Wn State Criminal Justice Training Commission

acting at Spokane, Washington

(place)

that it does adopt the annexed rules relating to:

AMENDATORY SECTION: 139-05-200 REQUIREMENT OF BASIC LAW ENFORCEMENT TRAINING

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

This action is taken pursuant to Notice No. 87-15-093

filed with the code reviser on July 21, 1987. These rules shall take effect:

- [x] 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, _____, find 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)

- [x] (c) This rule is promulgated under the general rule-making authority of the

Wn State 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 10, 1987

By

Executive Director

Title

STATE OF WASHINGTON FILED

SEP 18 1987

CODE REVISER'S OFFICE

W3R 87-19-104

AMENDATORY SECTION (Adding Order 1-B, filed 9/10/86)
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 440-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 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)) who have been granted an administrative exemption by the commission, provided that the initial grant and continuing effect of such exemption shall be governed by the following:

(A) no police chief or sheriff of any agency with ten or fewer full-time patrol officers shall be eligible to receive such exemption;

(B) any request for such exemption shall be submitted to the Commission on approved form and, in any instance wherein the requestor is a police chief, such request shall be co-signed by requestor's appointing authority;

(C) any individual receiving such exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but shall limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;

(D) any approved administrative exemption shall remain in effect for the duration of the exemptee's term of service within the position upon which such exemption is based or until the nature of exemptee's primary duties and responsibilities change from administrative to general enforcement; and

(E) any approved administrative exemption may be revoked by the commission at any time upon its finding that the conditions of such exemption are not being met or the basis for such exemption no longer exists;

(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 months' 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.