



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Criminal Justice Training Commission

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: June 17, 1993

(2) Purpose:

To amend WAC 139-05-240 by deleting sections (2) and (3); renumber section (4) as (2).

(3) Citation of existing rules affected by this order:

- Repealed:  
Amended:  
Suspended:

(4) Authority for adoption:

Statute: 43.101.080(2)  
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 93-07-118 on March 24, 1993 (date).

Describe any changes other than editing from proposed to adopted version:

none

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes  No If yes, explain:

(6) Effective date of rule:

**Permanent Rules**

**Emergency Rules**

- 31 days after filing  Immediately  
 Other (specify) \_\_\_\_\_ \*  Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

James C. Scott

SIGNATURE

Executive Director

DATE  
June 18, 1993

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUN 21 1993

TIME: 10:03

WSR 93-13-098

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86) WAC  
139-05-240 ((GENERAL)) REQUIREMENTS ((FOR)) OF BASIC LAW  
ENFORCEMENT 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 Washington State Criminal Justice Training 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 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})) (2) Upon the written request of a trainee, or the head of ((his/her)) a trainee's 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.