



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Washington State Criminal Justice Training Commission

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: ~~June 14, 2000~~ ^{July 17, 2000}

(2) Purpose:

Pursuant to Governor Locke's executive order that requires state agencies to review all of their existing rules, the WSCJTC has reviewed and evaluated all of its rules. As a result of this review, changes have been made to clarify and streamline the rules to make them easier to use.

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

- Repealed: See Attached List
- Amended: See Attached List
- Suspended: See Attached List

(4) Statutory authority for adoption: RCW 43.101.080

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-07-097 on 03-17-00 (date).

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

EMERGENCY RULE ONLY

Under 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(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:

Emergency Rules

Permanent Rules or Expedited Repeal

- 31 days after filing
- Other (specify) _____*
- Immediately
- 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)

Sharon M. Tolton

Signature

Title

Deputy Director

Date

July 17, 2000

CODE REVISER USE ONLY

AUG 4 2000

7:56

00-17-017

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New	Amended	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>21</u>	Amended	<u>27</u>	Repealed	<u>44</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>21</u>	Amended	<u>27</u>	Repealed	<u>44</u>
Pilot rule making:	New		Amended		Repealed	
Other alternative rule making:	New		Amended		Repealed	

LIST OF WASHINGTON ADMINISTRATIVE CODES

WAC 139-01-100 (Amended)	WAC 139-02-020 (New Section)
WAC 139-01-110 (Repealed)	WAC 139-02-030 (New Section)
WAC 139-01-320 (Repealed)	WAC 139-02-040 (New Section)
WAC 139-01-330 (Repealed)	WAC 139-02-050 (New Section)
WAC 139-01-410 (Repealed)	WAC 139-02-060 (New Section)
WAC 139-01-415 (Repealed)	WAC 139-02-070 (New Section)
WAC 139-01-420 (Repealed)	WAC 139-02-080 (New Section)
WAC 139-01-425 (Repealed)	WAC 139-02-090 (New Section)
WAC 139-01-430 (Repealed)	WAC 139-02-100 (New Section)
WAC 139-01-435 (Repealed)	WAC 139-02-110 (New Section)
WAC 139-01-440 (Repealed)	WAC 139-03-010 (New Section)
WAC 139-01-445 (Repealed)	WAC 139-03-020 (New Section)
WAC 139-01-450 (Repealed)	WAC 139-03-030 (New Section)
WAC 139-01-455 (Repealed)	WAC 139-03-040 (New Section)
WAC 139-01-460 (Repealed)	WAC 139-03-050 (New Section)
WAC 139-01-465 (Repealed)	WAC 139-03-060 (New Section)
WAC 139-01-470 (Repealed)	WAC 139-03-070 (New Section)
WAC 139-01-475 (Repealed)	WAC 139-03-080 (New Section)
WAC 139-01-510 (Repealed)	WAC 139-05-200 (Amended)
WAC 139-01-515 (Repealed)	WAC 139-05-210 (Amended)
WAC 139-01-520 (Repealed)	WAC 139-05-220 (Amended)
WAC 139-01-525 (Repealed)	WAC 139-05-230 (Amended)
WAC 139-01-530 (Repealed)	WAC 139-05-240 (Amended)
WAC 139-01-535 (Repealed)	WAC 139-05-242 (Amended)
WAC 139-01-540 (Repealed)	WAC 139-05-250 (Amended)
WAC 139-01-545 (Repealed)	WAC 139-05-810 (Amended)
WAC 139-01-550 (Repealed)	WAC 139-05-912 (Amended)
WAC 139-01-555 (Repealed)	WAC 139-05-915 (Amended)
WAC 139-01-560 (Repealed)	WAC 139-10-210 (Amended)
WAC 139-01-565 (Repealed)	WAC 139-10-212 (Amended)
WAC 139-01-570 (Repealed)	WAC 139-10-215 (Amended)
WAC 139-01-575 (Repealed)	WAC 139-10-220 (Amended)
WAC 139-01-610 (Repealed)	WAC 139-10-221 (New Section)
WAC 139-01-615 (Repealed)	WAC 139-10-222 (Amended)
WAC 139-01-620 (Repealed)	WAC 139-10-230 (Amended)
WAC 139-01-625 (Repealed)	WAC 139-10-235 (Amended)
WAC 139-01-630 (Repealed)	WAC 139-10-236 (New Section)
WAC 139-01-710 (Repealed)	WAC 139-10-237 (Amended)
WAC 139-01-715 (Repealed)	WAC 139-10-240 (Amended)
WAC 139-01-720 (Repealed)	WAC 139-10-310 (Amended)
WAC 139-01-725 (Repealed)	WAC 139-10-320 (Amended)
WAC 139-01-730 (Repealed)	WAC 139-10-410 (Amended)
WAC 139-01-735 (Repealed)	WAC 139-10-420 (Amended)
WAC 139-01-810 (Repealed)	WAC 139-10-510 (Amended)
WAC 139-01-820 (Repealed)	WAC 139-10-520 (Amended)
WAC 139-02-010 (New Section)	WAC 139-25-110 (Amended)

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

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)~~) fourteen 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)~~) business office of the commission is located (~~(on the campus of St. Martin's College)~~) at 621 Woodland Square Loop, P.O. Box 40905, Olympia, Washington, 98504. 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)~~) 19010 1st Avenue, Seattle, Washington, 98148, serves as the commission's primary training site. Other training is conducted locally, regionally, or at centralized locations state-wide, as determined by staff.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 139-01-110	Public records available.
WAC 139-01-320	Appearance and practice before commission--Appearance by former member of attorney general's staff.
WAC 139-01-330	Computation of time.
WAC 139-01-410	Service of process--By whom served.
WAC 139-01-415	Service of process--Upon whom served.
WAC 139-01-420	Service of process--Service upon parties.
WAC 139-01-425	Service of process--Method of service.
WAC 139-01-430	Service of process--When service complete.

WAC 139-01-435 Service of process--Filing with agency.
 WAC 139-01-440 Subpoenas--Where provided by law--Form.
 WAC 139-01-445 Subpoenas--Issuance to parties.
 WAC 139-01-450 Subpoenas--Service.
 WAC 139-01-455 Subpoenas--Fees.
 WAC 139-01-460 Subpoenas--Proof of service.
 WAC 139-01-465 Subpoenas--Quashing.
 WAC 139-01-470 Subpoenas--Enforcement.
 WAC 139-01-475 Subpoenas--Geographical scope.
 WAC 139-01-510 Depositions and interrogatories in contested cases--Right to take.
 WAC 139-01-515 Depositions and interrogatories in contested cases--Scope.
 WAC 139-01-520 Depositions and interrogatories in contested cases--Officer before whom taken.
 WAC 139-01-525 Depositions and interrogatories in contested cases--Authorization.
 WAC 139-01-530 Depositions and interrogatories in contested cases--Protection of parties and deponents.
 WAC 139-01-535 Depositions and interrogatories in contested cases--Oral examination and cross-examination.
 WAC 139-01-540 Depositions and interrogatories in contested cases--Recordation.
 WAC 139-01-545 Depositions and interrogatories in contested cases--Signing attestation and return.
 WAC 139-01-550 Depositions and interrogatories in contested cases--Use and effect.
 WAC 139-01-555 Depositions and interrogatories in contested cases--Fees of officers and deponents.
 WAC 139-01-560 Depositions upon interrogatories--Submission of interrogatories.
 WAC 139-01-565 Depositions upon interrogatories--Interrogation.
 WAC 139-01-570 Depositions upon interrogatories--Attestation and return.
 WAC 139-01-575 Depositions upon interrogatories--Provisions of deposition rule.
 WAC 139-01-610 Official notice--Matters of law.
 WAC 139-01-615 Official notice--Material facts.
 WAC 139-01-620 Presumptions.
 WAC 139-01-625 Stipulations and admissions of record.
 WAC 139-01-630 Rules of evidence--Admissibility criteria.
 WAC 139-01-710 Petitions for rule making, amendment or repeal--Who may

WAC 139-01-715	petition.
WAC 139-01-720	Petitions for rule making, amendment or repeal--Requisites.
WAC 139-01-725	Petitions for rule making, amendment or repeal--Agency must consider.
WAC 139-01-730	Petitions for rule making, amendment or repeal--Notice of disposition.
WAC 139-01-735	Declaratory rulings.
WAC 139-01-810	Forms.
WAC 139-01-820	Review and appeal of action.
	Request for exemption or variance.

Chapter 139-02 WAC

PUBLIC RECORDS

NEW SECTION

WAC 139-02-010 Purpose. The purpose of this chapter shall be to ensure compliance by the criminal justice training commission with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340.

NEW SECTION

WAC 139-02-020 Definitions. (1) "Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the commission regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) "Commission" means the criminal justice training commission.

(4) "Client" means any person or organization about whom the commission has a record.

(5) "Disclosure" means inspection and/or copying.

(6) "Denial of disclosure" denotes any exempting from disclosure of any public record.

NEW SECTION

WAC 139-02-030 Public records available. (1) Requests for any identifiable public record may be initiated by mail or in person at the business office of the commission during normal business hours.

(2) The commission shall at all times take the most timely possible action on requests for disclosure, and shall be required to respond in writing within five business days of receipt of the request for disclosure.

NEW SECTION

WAC 139-02-040 Public disclosure officer. The commission shall designate a public disclosure officer, located in its business office, who shall be responsible for implementing the commission's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements.

NEW SECTION

WAC 139-02-050 Request for public records. (1) Unless waived by a public disclosure officer, all requests for the disclosure of a public record must be in writing identifying the record sought with reasonable certainty. The written request may include:

- (a) The name of the person requesting the record;
- (b) The calendar date on which the request is made; and
- (c) The nature of the request.

(2) An in-person request for disclosure shall be made during customary business hours.

(3) If the public record contains material exempt from disclosure pursuant to law, the commission must provide the person requesting disclosure with a written explanation for the nondisclosure, pursuant to WAC 137-08-130.

(4) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(5) Nothing in this section or elsewhere in this chapter shall be construed to require the commission to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the commission and is not required for litigation by rules of pretrial discovery.

NEW SECTION

WAC 139-02-060 Disclosure to client's representative. (1) If a client requests disclosure to a representative, that request must be accompanied by a written release signed by the client, except that, as an accommodation to the client and if the legislator or attorney representing the client can provide assurance that the client has authorized disclosure, the client's record may be briefly discussed with that legislator or attorney so long as there is neither physical inspection nor copying of client records by that representative. A written release must include:

(a) The identity of the person(s) or organization(s) to whom disclosure is to be made;

(b) An identification of the record, or portion thereof, to be disclosed;

(c) A statement of when the authorization for disclosure expires.

(2) Disclosures of information to a representative shall be made to the same extent as to the client.

(3) The legal guardian of a client has any and all rights accorded to a client by this section.

NEW SECTION

WAC 139-02-070 Fees--Inspection and copying. (1) No fee shall be charged for the inspection of public records.

(2) The commission shall collect a fee of twenty cents per page plus postage as reimbursement for the cost of providing copies of public records.

(3) Nothing contained in this section shall preclude the commission from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the commission.

(4) The director of the commission or his or her designee is authorized to waive any of the foregoing copying costs.

NEW SECTION

WAC 139-02-080 Protection of public records. Public records shall be disclosed only in the presence of the public disclosure officer or his or her designee, who shall withdraw the records if the person requesting disclosure acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the commission. This section shall not be construed to prevent the commission from accommodating a person by use of the mails in the disclosure process.

NEW SECTION

WAC 139-02-090 Disclosure procedure. (1) The public disclosure officer shall review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the public disclosure officer shall ensure full disclosure.

(3) If the file does contain materials exempt from disclosure, the public disclosure officer shall deny disclosure of those exempt portions of the file, and shall, at the time of the denial, in writing, clearly specify the reasons for the denial of disclosure, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption or reason applies. The remaining, nonexempt materials shall be fully disclosed.

NEW SECTION

WAC 139-02-100 Qualifications on nondisclosure. (1) To the extent that nondisclosable information can be deleted from the specific records sought, the remainder of the records shall be disclosable.

(2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

(3) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of the superior court enforcing a subpoena in accordance with the provisions of RCW 42.17.310(3), or an order of the office of hearings enforcing a subpoena.

WAC 139-02-110 Records index. (1) The commission finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records because of the complexity and diversity of its operations and the resulting volume of manuals, correspondence, reports, surveys, staff studies, and other materials.

(2) The commission will make available for public disclosure all indices which may at a future time be developed for agency use.

Chapter 139-03 WAC

PROCEDURES

NEW SECTION

WAC 139-03-010 Adoption of model rules of procedure. In those contested cases, declaratory proceedings, and requests for rule making in which the commission has authority to conduct hearings, practice and procedure shall be in accordance with the model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended. The model rules hereby adopted are found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and the procedural rules adopted in this title, the procedural rules adopted in this title shall govern.

NEW SECTION

WAC 139-03-020 Review and appeal of action. (1) Except as otherwise provided in this section or in WAC 139-03-030, a person aggrieved by a commission "action" as defined under the Administrative Procedure Act may appeal that action by filing a notice of appeal to the commission on an appeal form provided by the commission. Notice of appeal forms are available from the commission at the following address: 621 Woodland Square Loop, P.O. Box 40905, Olympia, WA 98504. This section shall not apply to a request for a variance or exemption pursuant to WAC 139-03-030.

(2) Unless otherwise provided in this title, student dismissal for academic or disciplinary reasons 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.

(3) 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.

(4) A request for review must be mailed to or personally served upon the director of the commission within thirty days of the date of written communication of commission staff action. "Mailing" for purposes of this regulation means posting in the United States mail, properly addressed, postage prepaid.

(5) A requesting party may notify the director of the commission within seven days of filing the request for a hearing that the requesting party chooses to first meet with the executive director and ask him or her to informally review the staff action. The executive director will conduct such informal review within thirty days of such request for informal review or within such additional period as is agreed to between the requesting party and the executive director. If the executive director then affirms staff action, or if the requesting party elects to forgo this informal review step, the matter will proceed to a formal hearing by an administrative law judge from the state office of administrative hearings. The administrative law judge will:

(a) Schedule and conduct an adjudicative proceeding under chapter 34.05 RCW; and

(b) Issue an initial decision of the commission in the matter.

The commission staff or the requesting party may then pursue review by the commission subject to the time limits and any other jurisdictional requirements of chapter 34.05 RCW and of this section.

(6) A petition for review of the initial decision must be filed with the commission within thirty days of mailing of the initial decision to the parties. Extensions of the time for filing petitions for review may be granted for good cause shown in the discretion of the chairperson of the commission on timely written request of a party. The petition for review shall set forth in detail the grounds for review, and the party filing the petition shall be deemed to have waived all objections or claims of irregularities not specifically set forth therein. At the next succeeding regularly scheduled meeting of the commission at which review can practicably be conducted, the commission shall consider the whole record, or such portions of it as are cited by the parties. The commission shall afford the parties an opportunity to present written argument, and may, as a matter of discretion, allow oral argument. Thereafter, a final decision shall be entered within thirty days of the meeting, either finally disposing of the action or remanding the matter for further proceedings before the initial reviewer.

NEW SECTION

WAC 139-03-030 Request for exemption, waiver, extension or variance. (1) Requests for exemption, waiver, extension or variance from the commission's regulations may be pursued only under this section.

(2) A request for exemption, waiver, extension or variance may be made only by the head of a law enforcement or corrections 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 under this section shall be for mitigation only and shall not raise questions of law or of fact. Such requests shall be submitted in writing to the executive director of the commission and shall include, where applicable:

- (a) The particular regulation from which exemption, waiver, extension or variance is sought;
- (b) The nature of the exemption, waiver, extension or variance which is sought;
- (c) The mitigating factors 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 under this section which satisfies the requirements of subsection (2) of this section, the executive director shall schedule the request for full consideration at the next commission meeting. If it is determined by the chair that circumstances justify expedited review, the chair 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.

NEW SECTION

WAC 139-03-040 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, by manual, electronic, or other type of recording device.

NEW SECTION

WAC 139-03-050 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 139-03-060 Procedure for closing parts of hearings. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application in writing to the presiding officer. The request shall be made at least thirty days before the date of the hearing, except upon a showing of good cause for delay in making the request. If the other party opposes the request, a written response to the request shall be made within ten days of the request. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and shall state the reasons therefor in writing within twenty days of receiving the request. No recording devices or cameras are allowed in those parts of proceedings which the presiding officer has decided to close, except for the method of official recording selected by the presiding officer.

NEW SECTION

WAC 139-03-070 Burden and standard of proof. Unless otherwise provided by law, the appealing party has the burden of proof, and the standard of proof on all factual issues is preponderance of the evidence.

NEW SECTION

WAC 139-03-080 Petitions for stay of effectiveness. Disposition of a petition for stay of effectiveness of a final order shall be made by the chair of the commission or the chair's

designee.

AMENDATORY SECTION (Amending Order 14D, filed 6/13/89)

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))~~ six-month period of law enforcement employment, unless otherwise extended by the commission. ~~((Provided, that aforementioned personnel hired on or after January 1, 1990, shall commence basic training during the first six months of 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) 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))~~ commissioned officers shall be eligible to receive such exemption;

(B) Any request for such exemption shall be submitted to the commission on an approved form with a criminal records check completed by the Washington state patrol and, in any instance wherein the requestor is a police chief, such request shall be cosigned 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 ~~((and))~~ 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 full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978; 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(~~(~~ts~~)~~)s 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.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

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~~) forty 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.

(10) 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.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-05-220 Backgrounding requirement for admission to basic law enforcement academy. 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 complete criminal records check to include a search of state and national criminal history records information regarding its applicant through the submission of the 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~~) criminal records check 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.

AMENDATORY SECTION (Amending WSR 91-14-011, filed 6/24/91, effective 7/25/91)

WAC 139-05-230 Physical requirements for admission to basic law enforcement academy. 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 defensive tactics training and other required physical activities. In order to minimize risk of injury and maximize the benefit of such participation, each (~~trainee~~) recruit in any academy session (~~commencing on or after July 1, 1992,~~) shall, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the training commission.

For this purpose, each academy applicant shall be evaluated in the assessment areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the training commission. (~~Such evaluation shall be based upon performance ratings which are normed to the general population and appropriately adjusted for consideration of the age and gender of the applicant.~~)

Failure to demonstrate a requisite level of fitness (~~within each assessment area~~) will result in ineligibility for academy admissions and/or attendance.

WAC 139-05-240 Requirements of basic law enforcement academy.

(1) Each ((trainee)) recruit in a basic law enforcement academy shall receive ((certification)) a certificate of completion 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)) recruit 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~~)) Washington state criminal justice training commission, in evaluating the level of scholastic achievement of each ((trainee)) recruit. 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 passing grade ((~~of pass~~)) in physical training, including defensive tactics, shall preclude ((certification)) a certificate of completion.

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

WAC 139-05-242 Readmission to basic law enforcement academy.

No person may be readmitted to the basic law enforcement training academy except as provided in this section.

(1) Any request for readmission to any academy shall be made and submitted by the individual's employing or sponsoring agency.

(2) Any individual terminated from any academy for academic failure or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission of the individual to the academy program, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met.

(3) Any individual dismissed from any academy for disciplinary reasons other than those specified by section (4), below, may be readmitted to a subsequent academy program only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(4) Any person dismissed from any academy for an integrity violation, including but not limited to cheating, the making of materially false statements, or the commission of (~~(any)~~) a crime (~~(involving moral turpitude)~~), shall not be eligible for readmission to any subsequent academy within twenty-four months from the date of dismissal. Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.

(5) An exception to the ineligibility period specified in subsection (4) may be granted (~~(in)~~) at the sole discretion of the director, based upon mitigating circumstances. However, no person may be considered for such early readmission after an integrity violation dismissal unless a written request is made on his or her behalf by the head of the agency employing the individual at the time of the request. Such request may be granted by the director upon hearing the matter in a proceeding conducted in accordance with the applicable procedures of the commission. The director's decision under this subsection shall be subject to further review only for abuse of discretion.

(6) After the ineligibility period specified in subsection (4) has passed, or after an exception thereto has been granted by the commission under subsection (5), the person previously dismissed for an integrity violation may be readmitted to a subsequent

academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement (~~(or corrections trainee)~~) recruit or prospective (~~(trainee)~~) recruit may be disseminated without restriction between the commission staff and any employer or prospective employer.

(8) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

AMENDATORY SECTION (Amending WSR 93-13-097, filed 6/21/93, effective 7/22/93)

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)~~) include, but not be limited to, the following core subject areas with common threads of communications, community policing and police ethics:

- (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[.]~~
 - (f) ~~Police use of force~~
 - (g) ~~Cultural awareness~~
 - (h) ~~Harassment in the workplace~~
 - (i) ~~Critical incident stress~~
 - (j) ~~Community policing~~
- (2) ~~Criminal law[;]~~
 - (a) ~~Criminal law[; and]~~
 - (b) ~~Juvenile law[.]~~
- (3) ~~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[.]"~~
 - (g) ~~Domestic violence law~~

- ~~(4) Patrol procedures[,]~~
- ~~(a) Observation and perception[,]~~
- ~~(b) Patrol procedures[,]~~
- ~~(c) First aid/adult and juvenile CPR[,]~~
- ~~(d) HIV/HBV awareness~~
- ~~(e) Community relations[,]~~
- ~~(f) Crime prevention[,]~~
- ~~(g) Juvenile procedures[,]~~
- ~~(h) Traffic stop[,]~~
- ~~(i) Felony stop[,]~~
- ~~(j) Field interview[,]~~
- ~~(k) Building search[, and]~~
- ~~(l) Gang awareness~~
- ~~(m) K-9 application~~
- ~~(n) Hazardous materials~~
- ~~(o) ACCESS training~~
- ~~(5) Communication skills[,]~~
- ~~(a) General writing skills~~
- ~~(b) Police report writing and notetaking[, and]~~
- ~~(c) Oral communication[.]~~
- ~~(6) Emergency vehicle operation course[.]~~
- ~~(7) Human relations[,]~~
- ~~(a) General theory[,]~~
- ~~(b) Recognizing and handling abnormal behavior[,]~~
- ~~(c) Oral and physical communication[,]~~
- ~~(d) Handling stress[, and]~~
- ~~(e) Family disturbance[.]~~
- ~~(f) Victim/witness~~
- ~~(g) Family violence~~
- ~~(8) Traffic law[,]~~
- ~~(a) Traffic law enforcement[,]~~
- ~~(b) Impaired driving[, and]~~
- ~~(c) Accident investigation[.]~~
- ~~(d) Vehicle registration/licensing~~
- ~~(e) Drivers' licensing~~
- ~~(f) Dept. of licensing records~~
- ~~(9) Firearms[.]~~
- ~~(a) Fundamentals of Shooting~~
- ~~(b) Safe weapon handling~~
- ~~(c) Night/low light shooting~~
- ~~(d) Range qualification~~
- ~~(e) Firearms training simulator~~
- ~~(10) Defensive tactics[.]~~
- ~~(11) 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[, and]~~
- ~~(e) Testifying in court[.]~~
- ~~(f) Fingerprinting~~
- ~~(g) Child abuse~~
- ~~(h) Sex crimes~~
- ~~(i) Drug enforcement)) Introduction to law enforcement;~~

- (2) Criminal law;
- (3) Criminal procedures;
- (4) Patrol procedures;
- (5) Communication skills;
- (6) Emergency vehicle operation course;
- (7) Human relations;
- (8) Traffic law;
- (9) Firearms;
- (10) Defensive tactics; and
- (11) Criminal Investigation.

AMENDATORY SECTION (Amending Order 20, filed 9/28/88)

WAC 139-05-810 Basic training requirement for reserve officers. (1) For the purposes herein:

(a) "Reserve officer" includes any law enforcement officer who does not serve as a law enforcement officer of this state on a full-time basis, but who, when called by such agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state; and

(b) "Field assignment" includes any period of active service wherein the assigned officer is expected to take routine and/or special enforcement actions, independently or otherwise, in the same manner and capacity as a full-time officer with such assignment.

(2) For the purposes of the Washington Mutual Aid Peace Officers Powers Act, chapter 10.93 RCW, every individual who is commissioned as a specially commissioned peace officer in this state (~~on or after January 1, 1989~~), shall obtain a basic reserve certificate as a precondition of his/her exercise of authority pursuant to such act; provided that, any individual possessing a basic reserve certificate issued to him/her by the training commission prior to January 1, 1989, shall be deemed to have met this requirement.

(3) A basic reserve certificate shall be issued by the training commission to any individual who successfully completes:

(a) A basic course of instruction for reserve officers as prescribed and required by the training commission; and

(b) A comprehensive (~~certification~~) examination developed and administered by the training commission.

(4) Requirements of section 3 above may be waived in whole or in part as determined by the training commission and based upon an evaluation of an applicant's experience and training accomplishments. A request for such waiver must be submitted to the training commission on an approved form by the applicant's agency head and, if approved, may result in direct issuance of a basic reserve certificate or issuance of such certificate upon successful completion of specific training requirements prescribed

by the training commission.

AMENDATORY SECTION (Amending WSR 93-13-101, filed 6/21/93, effective 7/22/93)

WAC 139-05-912 Requirement of training for fire marshals.

(1) The training prescribed herein shall constitute:

(a) The training requirement which must be met by deputy state fire marshals and resident fire marshals as a precondition of any exercise of police powers granted to such personnel by RCW 48.48.060, and

(b) The training standard recommended by the criminal justice training commission for local agencies employing a training requirement (~~of~~) or prerequisite for the purpose of commissioning fire personnel.

(2) The training requirement herein prescribed for the purpose of RCW 48.48.060 shall be met by:

(a) Obtainment of the training commission's basic law enforcement certificate, or

(b) Obtainment of the training commission's basic law enforcement equivalency certificate, or

(c) Successful completion of a training program of at least one hundred and seventy-six hours, including:

- (i) Criminal investigation 52 hours
- (ii) Criminal law 40 hours
- (iii) Criminal procedures 42 hours
- (iv) Human relations 38 hours
- (v) Use of force 04 hours

(3) No authorization, expressed or implied, to carry a firearm in the performance of official duties may be granted to any deputy state fire marshal or resident fire marshal unless such personnel has successfully completed a basic firearms training program. Such program shall be at least forty hours in length and include instruction in firearms care, handling, and usage, and a range qualification course approved by the training commission. Thereafter such personnel shall successfully complete an eight-hour firearms requalification course approved by the training commission during each year in which authorization to carry a firearm is granted or remains in effect.

(4) It shall be the responsibility of the state fire marshal to effect and ensure personnel compliance herein, and to provide documentation of such compliance upon the request of the training commission.

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)~~) 139-05-200 and 139-05-210 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.))~~

AMENDATORY SECTION (Amending WSR 95-08-036 and 95-09-070, filed 3/30/95 and 4/19/95, effective 4/30/95 and 5/20/95)

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. 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~~) detention facilities. Representative job classifications include, but are not limited to, (~~jailers~~) custody and correctional officers.

(b) Adult 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, community corrections officers, adult probation counselors, institution counselors, and psychiatric social workers.

(c) Juvenile services academy. All employees working with juveniles 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 counselors (~~and~~), case aides/assistants, trackers, juvenile rehabilitation community counselors, juvenile drug court counselors, and community surveillance officers.

(d) Juvenile security workers academy. All employees responsible for the care, custody, and safety of youth in county and state juvenile (~~court detention centers~~) custody facilities. Representative job class includes, but is not limited to, juvenile detention workers, juvenile corrections officers, juvenile supervision officers, and juvenile rehabilitation residential counselors.

(e) Work release academy. All employees responsible for the safety, custody and care of adult offenders in a work release

facility. Representative job class includes, but is not limited to, work release officers and work release 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.

An agency may elect to forgo completely any basic academy training if such employee occupies a middle management or an executive position, as defined in WAC 139-10-410, 139-10-510, and 139-25-110.

(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, 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.

AMENDATORY SECTION (Amending WSR 91-14-010, filed 6/24/91, effective 7/25/91)

WAC 139-10-212 Physical requirements for admission to basic corrections academies. Each successful applicant for admission to a basic corrections officer or juvenile security workers 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 defensive tactics training and other required physical activities. In order to minimize risk of injury and maximize the benefit of such participation, each trainee in any academy session (~~((commencing on or after July 1, 1992,))~~) shall, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the training commission.

For this purpose, each academy applicant shall be evaluated in the assessment areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the Training Commission. Such evaluation shall be based upon composite performance ratings (~~((which are normed to the general population and appropriately adjusted for consideration of age and gender of the applicant))~~) in the overall assessment as established by the commission.

Failure to demonstrate a requisite level of fitness within ~~((each))~~ the overall assessment ~~((area))~~ will result in ineligibility for academy ~~((admissions and/or))~~ attendance and

completion.

AMENDATORY SECTION (Amending WSR 91-01-041, filed 12/12/90, effective 1/12/91)

WAC 139-10-215 Basic corrections ((officer)) academy equivalency certification. (1) A certificate of equivalent basic corrections training shall be issued only to corrections employees who successfully complete the equivalency process as required by the Washington state criminal justice training commission and shall be recognized in the same manner as the certificate of completion of a basic (~~(training commission basic)~~) corrections ((officer)) academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to regular, full-time custody and case management employees of publicly funded corrections agencies within this state who have obtained certification through successful completion of an accepted basic corrections ((~~basic~~)) training program in this or another state. The determination of program acceptability shall be the responsibility of the commission's executive director or his/her designee and shall be based upon a description and/or curriculum specifying subject areas and hourly allocation thereto.

(3) The decision to request an employee's participation within the equivalency process shall be discretionary with the chief executive officer of the employing agency. Such request shall be made to the commission ((~~on~~)) in the approved form, signed by the chief executive officer of the requesting agency and shall include:

(a) Documented certification of successful completion of a basic corrections training program accepted by the training commission for the purposes of equivalency participation pursuant to the provisions of section (2) above;

(b) Written curriculum detailing specific areas of training and hours of training in specific areas;

(c) Copies of current and valid basic cardiopulmonary resuscitation (CPR) card and current and valid basic or advanced first-aid card(s) taken within the past year;

(d) Statement of applicant's health and physical condition from a licensed physician giving clearance for participation in physical training and defensive tactics coursework.

(4) Following receipt and acceptance of the above by the training commission, the applicant may participate in the equivalency process which shall include written examinations of specific core material classes, practical testing in basic skill areas, and full participation in mock scenes.

(5) Upon completion of the examination process outlined in section (4) and evaluation of the applicant's performance, the training 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;

(c) Require completion of the appropriate basic corrections academy program.

(6) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the training commission if it (~~determines~~) is determined that sufficient justification exists for such action. Any action of determination by commission staff regarding a requestor or applicant for equivalency certification may, upon written request of the involved individual or agency, be appealed to the training commission executive director, or designee.

AMENDATORY SECTION (Amending WSR 93-13-099, filed 6/21/93, effective 7/22/93)

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 (~~Washington state criminal justice training~~) 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 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 fitness training, including defensive tactics, has been achieved.

(c) Department 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~~) enrollment.

(2) Upon the written request of a trainee, or the head of 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.

NEW SECTION

WAC 139-10-221 Scholastic performance requirements for basic corrections training. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the basic academy process as prescribed by the Washington state criminal justice training commission. The performance of each trainee shall be evaluated as follows:

(a) Scholastic achievement. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of scholastic achievement of each trainee. Such process shall include the application of a minimum passing score for written examinations in each academy, as determined by the rules of the commission. Retesting of each trainee shall be limited to one retest for each written examination.

(b) Skill proficiency. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of skill proficiency of each trainee. Such process shall include application of a minimum passing score of seventy percent for demonstration of all skill proficiencies identified by the commission. Retesting shall be limited to one retest for each identified skill proficiency testing procedure.

(c) Employing agencies will be notified of test results within twenty-four hours in the case of test failure. Agency authorization for retesting must occur before the retest examination is conducted. Subsequent failure of the retest will result in commission notification to the employing agency executive director, or designee, and removal of the affected trainee from the academy.

(2) In the event of retest failure, and subsequent academy removal, a letter of training attendance will be sent to the employing agency and a certificate of completion will not be awarded. The affected trainee will not be eligible for reentry into that same academy for a three-month period, if continually employed by the same agency.

Hours of successfully completed training will be recorded by the commission in the trainee's commission training record.

WAC 139-10-222 Readmission to corrections academies. No person may be readmitted to any corrections training academy except as provided in this section.

(1) Any request for readmission to any academy shall be made and submitted by the individual's employing or sponsoring agency chief executive officer, or designee.

(2) Any individual terminated from any academy for academic failure, skills deficiency or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency, or designee, submits to the commission a written request for readmission of the individual to the academy program, and

(b) The executive director of the commission, or (~~his or her~~) designee, is satisfied that any conditions to the individual's readmission previously specified by the agency director or (~~his or her~~) designee have been met.

(3) Any individual dismissed from any academy for disciplinary reasons other than those specified by section (4), below, may be readmitted to a subsequent academy program only if:

(a) The head of the individual's current employing agency, or designee, submits to the commission a written request for readmission, and

(b) The executive director of the commission, or (~~his or her~~) designee, is satisfied that any conditions to the individual's readmission previously specified by the director or (~~his or her~~) designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(4) Any person dismissed from any academy for an integrity violation, including but not limited to cheating, the making of materially false statements, or the commission of (~~any~~) a crime (~~involving moral turpitude,~~) shall not be eligible for readmission to any subsequent academy within twenty-four months from the date of dismissal. Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.

(5) An exception to the ineligibility period specified in subsection (4) may be granted (~~in~~) at the sole discretion of the (~~director~~) commission executive director or designee, based upon mitigating circumstances. However, no person may be considered for such early readmission after an integrity violation dismissal unless a written request is made (~~on his or her behalf~~) by the head of the agency employing the individual at the time of the request. Such request may be granted by the executive director upon hearing the matter in a proceeding conducted in accordance with the applicable procedures of the commission. The executive director's decision under this subsection shall be subject to

further review only for abuse of discretion.

(6) After the ineligibility period specified in subsection (4) has passed, or after an exception thereto has been granted by the commission under subsection (5), the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or (~~his or her~~) designee, is satisfied that any conditions to the individual's readmission specified by the agency director or (~~his or her~~) designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement or corrections trainee or prospective trainee may be disseminated without restriction between the commission staff and any employer or prospective employer.

(8) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-230 Basic corrections officers academy curriculum.

The basic corrections officers academy curriculum of the Washington state criminal justice training commission, (~~effective January 1, 1988~~) shall be one hundred sixty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills(~~(f, t)~~)
 - (a) Observation skills(~~(f, and t)~~)
 - (b) Communication skills(~~(f, t)~~)
 - (c) Security management
 - (d) Supervision of inmates
 - (e) Discipline of inmates
 - (f) Proper use of physical force
 - (g) Writing skills
- (2) Key skills(~~(f, t)~~)
 - (a) Legal issues(~~(f, t)~~)
 - (b) Dealing with aggressive behavior(~~(f, t)~~)
 - (c) Dealing with medical problems(~~(f, t)~~)
 - (d) Dealing with mental illness problems(~~(f, and t)~~)
 - (e) Problem solving(~~(f, t)~~)
 - (f) Report writing
 - (g) Avoiding inmate manipulation
 - (h) Booking and classification
 - (i) Fingerprinting

- (3) Related skills(~~(f, g)~~)
 - (a) Stress management(~~(f, and g)~~)
 - (b) Physical fitness(~~(f, g)~~)
 - (c) Professionalism
 - (d) Human relations/cultural awareness
 - (e) Self-leadership.

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-235 Basic adult services academy curriculum. The basic adult correctional services academy curriculum of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills(~~(f, g)~~)
 - (a) Assessment(~~(f, g)~~)
 - (b) Motivation(~~(f, g)~~)
 - (c) Goal setting/action planning(~~(f, g)~~)
 - (d) Monitoring and intervention(~~(f, and g)~~)
- (2) Key skills(~~(f, g)~~)
 - (a) Interpersonal skills(~~(f, g)~~)
 - (b) Interviewing(~~(f, g)~~)
 - (c) Classification(~~(f, g)~~)
 - (d) Supervision and discipline(~~(f, g)~~)
 - (e) Offense prevention(~~(f, and g)~~)
- (3) Related skills(~~(f, g)~~)
 - (a) Dealing with aggressive and resistive behavior(~~(f, g)~~)
 - (b) (~~(Ethnic competency f, g~~
 - ~~(c))~~ Legal issues(~~(f, and~~
 - ~~(d))~~ (c) Report writing(~~(f, g~~
 - ~~(e))~~ (d) Counseling techniques
 - (~~(f, g))~~ (e) Managing information.

NEW SECTION

WAC 139-10-236 Work release academy curriculum. The basic work release academy curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Observation skills
 - (b) Communication skills
 - (c) Security management

- (d) Offender behavior management
- (2) Key skills
 - (a) Report writing
 - (b) Personal safety
 - (c) Offender manipulation
 - (d) Professionalism
 - (e) Team building
- (3) Related skills
 - (a) Gang identification
 - (b) Substance abuse issues
 - (c) Self leadership
 - (d) Legal issues.

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-237 Basic juvenile services academy curriculum.

The basic juvenile services academy curriculum of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Assessment
 - (b) Motivation
 - (c) Goal setting/action planning
 - (d) Monitoring and intervention
- (2) Key skills
 - (a) Interpersonal skills
 - (b) Interviewing
 - (c) Classification
 - (d) Supervision and discipline
 - (e) Offense prevention
- (3) Related skills
 - (a) Dealing with aggressive and resistive behavior
 - (b) Ethnic competency
 - (c) Legal issues
 - (d) Report writing
 - (e) Counseling techniques
 - (f) Skill training
 - (g) Teamwork.

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-240 Basic juvenile security workers academy curriculum. The basic juvenile security workers academy curriculum of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills(~~(f,t)~~)
 - (a) Observation skills(~~(f,t)~~)
 - (b) Interpersonal skills(~~(f, and t)~~)
 - (c) Security management(~~(f,t)~~)
 - (d) Supervision of youth
 - (e) Discipline of youth
 - (f) Proper use of physical force
 - (g) Writing skills
- (2) Key skills(~~(f,t)~~)
 - (a) Legal issues(~~(f,t)~~)
 - (b) Dealing with aggressive behavior(~~(f,t)~~)
 - (c) Handling medical problems(~~(f,t)~~)
 - (d) Handling mental illness problems(~~(f, and t)~~)
 - (e) Report writing(~~(f,t)~~)
 - (f) Skills training
 - (g) Reception and classification
- (3) Related skills(~~(f,t)~~)
 - (a) Professionalism(~~(f,t)~~)
 - (b) Physical fitness(~~(f,t)~~)
 - (c) Stress management(~~(f, and t)~~).

AMENDATORY SECTION (Amending Order 15-E, filed 9/18/87)

WAC 139-10-310 Requirement of 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 successfully complete, prior to, or within six months after such promotion or appointment, unless otherwise extended or waived by the commission(~~(7)~~) the commission's first-level and second-level supervision course, or other training deemed the equivalent by (~~(the corrections training manager of)~~) the commission's executive director, or designee.

(2) It shall be the responsibility of the employing agency, in consultation with the commission corrections training manager, to determine which of its employees should attend the first-level and second-level (~~(f,supervisors)~~) supervisory 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 may include, but are not limited to, sergeants, lieutenants, district supervisors, classification and community corrections officer supervisors, cottage supervisors, and unit supervisors.

(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 [or her]~~) employing agency director, or designee, any action affecting such trainee's status or compliance with the above requirement for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

AMENDATORY SECTION (Amending Order 15-E, filed 9/18/87)

WAC 139-10-320 First-level and second-level corrections supervision curriculum. The first-level and second-level corrections supervision curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Role of the supervisor((+))
- (2) Advanced oral and written 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 and difficult staff and preventing grievances((+))
- (12) Handling criticism from staff((+))
- (13) Preventing and handling staff burnout((+))
- (14) Leading meetings((+))

AMENDATORY SECTION (Amending Order 15-E, filed 9/18/87)

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 successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the commission, the commission's corrections middle-management course or other middle-management training deemed the equivalent thereof by the (~~(corrections training manager)~~) commission executive director, or designee.

(2) It shall be the responsibility of the employing agency to determine which of its employees should attend the middle-management course. In general, middle managers shall be defined as those persons 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, district administrators, and 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 [or her])~~) employing agency director, any action affecting such trainee's status or compliance with the middle-management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

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, but not be limited to, the following subject matter areas:

- (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.

AMENDATORY SECTION (Amending Order 15-E, filed 9/18/87)

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 successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the commission, the commission's corrections executive management course or other executive management training deemed the equivalent thereof by the (~~(corrections training manager of the)~~) commission's executive director, or designee.

(2) It shall be the responsibility of the employing agency to determine which of its employees should attend the executive management 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 and deputy directors in large jurisdictions.

(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 [or her])~~) employing agency director, any action affecting such trainee's status or compliance with the executive management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

AMENDATORY SECTION (Amending Order 15-E, filed 9/18/87)

WAC 139-10-520 Corrections executive management curriculum. The corrections executive management curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Team building and organizational goal setting(~~(+)~~)

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

AMENDATORY SECTION (Amending Order 21, filed 9/28/88)

WAC 139-25-110 Career-level certification for law enforcement and corrections personnel. (1) For purposes herein:

(a) The term "first-level supervisory position" means a position above operational level for which commensurate pay is authorized and is occupied by an individual who, in the upward chain of command, principally is responsible for the direct supervision of nonsupervisory employees of an agency or is subject to assignment of such responsibilities;

(b) The term "middle-management position" means a position between a first-level supervisory position and an executive position and for which commensurate pay is authorized and is occupied by an individual who, in the upward chain of command, principally is responsible for the direct supervision of supervisory employees of an agency and/or command duties;

(c) The term "executive position" means the head of an agency or those individuals occupying positions designated as executive positions by the agency head.

(2) Any law enforcement officer or corrections employee successfully completing the training requirements specified (~~(in)~~) hereinafter shall be eligible to apply to the Washington state criminal justice training commission for issuance of the certification for which such requirements are prescribed. Such certification is intended to acknowledge the recipient's accomplishment of training and experience responsive to the specific functions and responsibilities of a first-level supervisory, (~~(midmanagement)~~) middle management, or executive position. It is not intended to supplant an effective promotional or selection process or preclude consideration of a broad scope of qualifying factors within such process.

(3) The minimum requirements of supervisory certification are set forth as follows:

(a) Possession of a basic law enforcement or corrections certificate or basic equivalency certificate of the training commission or basic certificate of the Washington state patrol; and

(b) At least three years of regular and full-time law enforcement or corrections service in a patrol, line, or nonsupervisory position; and

(c) Satisfactory completion of a probationary period made applicable by the employing agency to a first-level supervisory position or, in the absence of such period, satisfactory performance throughout the initial six months of service in such position; and

(d) Successful completion of the first(~~(-)~~) level or first(~~(-)~~) and second(~~(-)~~) level supervision course of the training commission; and

(e) Success. - completion of at least 72 additional elective training hours intended or approved for the first-level supervisory position.

(4) The minimum requirements for ((midmanagement)) middle management certification are set forth as follows:

(a) At least two years of full-time and regular service in a first-level supervisory position; and

(b) Satisfactory completion of a probationary period made applicable by the employing agency to a ((midmanagement)) middle management position or, in the absence of such period, satisfactory performance throughout the initial six months of service within such position; and

(c) Possession of the supervisory certificate of the training commission; and

(d) Successful completion of a ((midmanagement)) middle management course of the training commission; and

(e) Successful completion of at least 72 additional elective training hours intended or approved for the ((midmanagement)) middle management position.

(5) The minimum requirements for executive certification are set forth as follows:

(a) At least two years of full-time and regular service in a ((midmanagement)) middle management position; and

(b) Possession of the ((midmanagement)) middle management certificate of the training commission; and

(c) Successful completion of the ((small)) agency administration ((~~or introduction to~~)) and executive management core courses of the training commission; and

(d) ((~~Successful completion of the Law Enforcement Command College or executive management course of the training commission, and~~

~~(e)~~) Successful completion of at least 72 additional elective training hours intended or approved for the executive position.

(6) Any application for certification provided herein shall be submitted in writing on an approved form to the executive director of the training commission or ((his/her)) designee.

(7) Education and training programs successfully completed by the applicant and not sponsored or otherwise approved by the training commission may be considered in any determination of satisfaction of training requirements prescribed herein. Such determinations and any other determinations relating to equivalent or alternative training shall be made by the executive director of the training commission or ((his/her)) designee.

(8) Any requests for exception to or variance within any provision or requirements set forth herein may be submitted in writing by the individual seeking certification to the executive director or ((his/her)) designee, who shall have dispositive authority in the matter.