

State of Washington

Washington State Criminal Justice Training Commission

(name of governing body)

(agency name, if applicable)

Resolution No. 4

Administrative Order No. 13-B

(1) Be it resolved by the Washington State Criminal Justice Training Commission acting at its meeting in Seattle, Washington, on December 15, 1977, (place) that it does promulgate and adopted the annexed rules relating to:

Amendatory Section: WAC 139-22-010, REQUIREMENTS OF ((CERTIFICATION FOR)) BASIC LAW ENFORCEMENT ((TRAINING)) ACADEMY.

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

This action is taken pursuant to Notice No. 7865 filed with the code reviser on 11/10/77^{14PW} Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

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

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

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

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

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

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

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

[X] (c) This rule is promulgated under the general rule-making authority of the Washington State Criminal Justice Training Commission

(agency)

as authorized in RCW 43.101.080 (8)

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

STATE OF WASHINGTON

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

APPROVED AND ADOPTED December 15, 1977

JAN 17 1978

CODE REVISER'S OFFICE

By James C. Scott Executive Director

Title

DOCKET # FILE # 1

WSR 78-02-036

STATEMENT OF RULE PURPOSE AND IMPLEMENTATION

RULE: Amendments to WAC 139-22-010, REQUIREMENTS OF CERTIFICATION FOR BASIC LAW ENFORCEMENT TRAINING.

AGENCY: Washington State Criminal Justice Training Commission.

GENERAL PURPOSE OF RULE: Generally, this rule has been adopted to implement the provisions of chapter 212, Laws of 1977, 1st ex. sess., and to amplify, clarify and amend the existing rule.

DESCRIPTION, SUMMARY, AND STATUTORY AUTHORITY FOR RULE:

This amendment adds a section to the existing rule, describing those instances in which an unsuccessful trainee may enroll in a subsequent basic academy, and clarifies the title of the rule. The statutory authority for adoption of this amendment is found in the Commission's RCW 43.101.080 (8).

RESPONSIBLE AGENCY PERSONNEL: The following personnel of the Washington State Criminal Justice Training Commission have responsibility for drafting, implementing, and enforcing this rule:

James C. Scott	Executive Director	Washington State Criminal Justice Training Commission Olympia, WA 98504 (206) 753-7450
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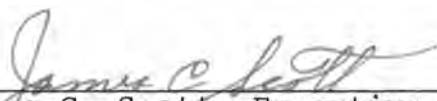
Garry E. Wegner	Law Enforcement Coordinator	Washington State Criminal Justice Training Commission Olympia, WA 98504
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PROPOSERS AND OPPOSERS: This rule was adopted by the Commission at its December 15, 1977 meeting, upon the recommendation of its Board on Law Enforcement Training Standards and Education. At no meeting of the Commission or the Board

whereat this rule was discussed or considered did anyone speak in opposition.

AGENCY COMMENTS: The Commission believes the amendments to this rule are necessary, reasonable, and self-explanatory.

Submitted in accordance with chapter 84, Laws of 1977, 1st ex. sess., this 16th day of January, 1978.


James C. Scott, Executive Director
Washington State Criminal Justice
Training Commission

AMENDATORY SECTION (Amending Order 13-A, filed 3/23/77)

WAC 139-22-010 REQUIREMENTS OF ((CERTIFICATION FOR)) BASIC LAW ENFORCEMENT ((TRAINING)) ACADEMY. 1. Each trainee in a basic law enforcement academy shall receive certification only upon full and successful completion of the academy process as prescribed by the ((Board on Law Enforcement Training Standards and Education)) Commission. The performance of each trainee shall be evaluated as follows:

a. Scholarship. A standardized examination process shall be utilized by all basic law enforcement academies sponsored or conducted by the Washington State Criminal Justice Training Commission, in evaluating the level of scholastic achievement of each trainee. Such process shall include the application of a designated minimum passing score to each subject area and the availability of a retesting procedure. Failure to achieve the required minimum passing score will result in termination of academy assignment; provided, that any unsuccessful trainee whose beginning date of continuous law enforcement employment precedes January 1, ((1977)) 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 ((Washington State Criminal Justice Training)) Commission, in evaluating the level of physical performance of each trainee. Such process shall include the application of pass/fail grading to designated instructional objectives for physical performance and the availability of a retesting procedure. Failure to achieve a final grade of pass in physical training, including defensive tactics, shall preclude certification. ((Failure to fully and actively participate in required physical activities during the academy process, for any reason, may result in termination of academy assignment.))

c. Deportment and conduct. Failure to maintain an exemplary standard of deportment and conduct or to adhere to all rules, regulations and policies of a basic law enforcement academy sponsored or conducted by the Commission may result in termination of academy assignment.

2. In the instance of termination or suspension of a trainee's academy assignment ((for any reason, nothing shall prevent the submission of such trainee's application to any subsequent basic academy, nor shall such termination serve as disqualification in or prejudice to the application process)) due to illness, injury, personal hardship, or good cause otherwise shown, the Commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part as determined by the Commission.

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

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

a. such trainee has been terminated by the employing agency and subsequently is re-hired by it, or

b. such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.

((3-)) 4. Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Law Enforcement Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the Commission pursuant to the procedural rules and regulations adopted by the Commission.