

# Chapter 139-10 WAC

## CORRECTIONS

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- 139-10-540 Basic institutional corrections counselor academy curriculum. [Statutory Authority: RCW 43.101.080.05-13-077, § 139-10-540, filed 6/14/05, effective 7/15/05.] Repealed by 09-16-135, filed 8/5/09, effective 9/5/09. Statutory Authority: RCW 43.101.080.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 139-10-236 Work release academy curriculum. [Statutory Authority: RCW 43.101.080.00-17-017, § 139-10-236, filed 8/4/00, effective 9/4/00.] Repealed by 09-16-135, filed 8/5/09, effective 9/5/09. Statutory Authority: RCW 43.101.080.
- 139-10-310 Requirement of corrections supervisory training. [Statutory Authority: RCW 43.101.080.00-17-017, § 139-10-310, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-106 (Order 15-E), § 139-10-310, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-310, filed 9/10/86. Formerly WAC 139-36-040.] Repealed by 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW 43.101.080. Later promulgation, see RCW 43.101.350 and WAC 139-25-110.
- 139-10-320 First-level and second-level corrections supervision curriculum. [Statutory Authority: RCW 43.101.080.00-17-017, § 139-10-320, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-106 (Order 15-E), § 139-10-320, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-320, filed 9/10/86. Formerly WAC 139-36-041.] Repealed by 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW 43.101.080. Later promulgation, see RCW 43.101.350 and WAC 139-25-110.
- 139-10-410 Requirement of middle-management corrections training. [Statutory Authority: RCW 43.101.080.00-17-017, § 139-10-410, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-106 (Order 15-E), § 139-10-410, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-410, filed 9/10/86. Formerly WAC 139-36-050.] Repealed by 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW 43.101.080. Later promulgation, see RCW 43.101.350 and WAC 139-25-110.
- 139-10-420 Middle-management curriculum—Corrections. [Statutory Authority: RCW 43.101.080.00-17-017, § 139-10-420, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-10-420, filed 9/10/86. Formerly WAC 139-36-051.] Repealed by 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW 43.101.080. Later promulgation, see RCW 43.101.350 and WAC 139-25-110.
- 139-10-510 Requirement of executive management corrections training. [Statutory Authority: RCW 43.101.080.00-17-017, § 139-10-510, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-106 (Order 15-E), § 139-10-510, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-510, filed 9/10/86. Formerly WAC 139-36-060.] Repealed by 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW

**WAC 139-10-210 Requirement of basic corrections training.** As provided in RCW 43.101.220, all full-time corrections employees in the state of Washington with the exception of the Washington state department of corrections prison division or of any city, county, or political subdivision of the state of Washington must, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored, or conducted by the commission. The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections. This requirement to complete basic training must 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 must be submitted to the commission in writing as designated by its policies.

(1) Corrections personnel must 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 and detention facilities. Representative job classifications include, but are not limited to, custody and corrections officers.

(b) Misdemeanor probation/classification academy. All employees whose primary job function is the case management of offenders under county/city supervision, to include: Assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to adult probation officers.

(c) Community corrections officers academy and basic arrest, search, and seizure academy. All employees whose primary job function is the case management in the community of adult offenders under state department of corrections supervision, to include: Monitoring adjustment of offenders involved with in/outpatient treatment programs, counseling offenders and/or referring them for counseling or other resource/treatment programs, and making home/field visits pursuant to offender classification standards. Representative

job classifications include, but are not limited to, community corrections officers, community risk management specialists, hearings officers, and victim advocates.

(d) 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 counselors, case aides/assistants, trackers, juvenile drug court counselors, and community surveillance officers.

(e) Juvenile corrections officers academy. All employees responsible for the care, custody, and safety of youth in county facilities. Representative job classes include, but are not limited to, juvenile detention workers, juvenile corrections officers, and juvenile supervision officers.

(f) Juvenile residential counselors academy. All employees responsible for the case management, custody, safety, counseling, supervision, and application of researched based treatment interventions to youth committed to the care and supervision of the juvenile rehabilitation administration. Representative job classes include, but are not limited to, juvenile residential rehabilitation counselors, juvenile rehabilitation community counselors, juvenile rehabilitation counselor assistants, juvenile rehabilitation security officers, juvenile rehabilitation coordinators, and juvenile rehabilitation supervisors.

(2) It is 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 decline 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 will 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 chief executive of the local unit of government, and any other agency or individual determined by the commission.

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

[Statutory Authority: RCW 43.101.080. 09-16-135, § 139-10-210, filed 8/5/09, effective 9/5/09; 05-20-027, § 139-10-210, filed 9/28/05, effective 10/29/05; 04-13-071, § 139-10-210, filed 6/15/04, effective 7/16/04; 00-17-017, § 139-10-210, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.220. 95-08-036 and 95-09-070, § 139-10-210, filed 3/30/95 and 4/19/95, effective 4/30/95 and 5/20/95. Statutory Authority: RCW 43.101.080(2). 87-19-105 (Order 15-D), § 139-10-210, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-210, filed 9/10/86. Formerly WAC 139-36-020.]

**WAC 139-10-212 Physical requirements for admission to basic corrections academies.** Each successful applicant for admission to a basic corrections officers or juvenile corrections officers academy sponsored or conducted by the commission must 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 must, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the commission.

For this purpose, each academy applicant must be evaluated in the assessment areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the commission. Such evaluation will be based upon composite performance ratings in the overall assessment as established by the commission.

Failure to demonstrate a requisite level of fitness within the overall assessment will result in ineligibility for academy attendance and completion.

[Statutory Authority: RCW 43.101.080. 05-20-028, § 139-10-212, filed 9/28/05, effective 10/29/05; 00-17-017, § 139-10-212, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 91-14-010, § 139-10-212, filed 6/24/91, effective 7/25/91; 91-01-044, § 139-10-212, filed 12/12/90, effective 7/1/91.]

**WAC 139-10-215 Basic corrections 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 corrections 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 either:

(a) Obtained certification through successful completion of an accepted basic corrections training program in this or another state.

(b) Previously held certification in this state and incurred a break or interruption of corrections employment in excess of twenty-four months.

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 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 is determined that sufficient justification exists for such action. Any action or 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.

[Statutory Authority: RCW 43.101.080. 03-13-098, § 139-10-215, filed 6/17/03, effective 7/18/03; 00-17-017, § 139-10-215, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 91-01-041, § 139-10-215, filed 12/12/90, effective 1/12/91.]

**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 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. In no instance shall certification be granted until successful completion of physical fitness training, including defensive tactics, has been achieved.

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

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-220, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 93-13-099, § 139-10-220, filed 6/21/93, effective 7/22/93; 87-19-105 (Order 15-D),

(8/5/09)

§ 139-10-220, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-220, filed 9/10/86. Formerly WAC 139-36-030.]

**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 and include the availability of a retesting procedure.

(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 and include the availability of a retesting 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.

[Statutory Authority: RCW 43.101.080. 03-02-009, § 139-10-221, filed 12/20/02, effective 1/20/03; 00-17-017, § 139-10-221, filed 8/4/00, effective 9/4/00.]

**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 designee, is satisfied that any conditions to the individual's readmission previously specified by the agency director or 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 designee, is satisfied that any conditions to the individual's readmission previously specified by the director or 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 a crime 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 at the sole discretion of the 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 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 designee, is satisfied that any conditions to the individual's readmission specified by the agency director or 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.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-222, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 93-07-119, § 139-10-222, filed 3/24/93, effective 4/24/93.]

**WAC 139-10-230 Basic corrections officers academy curriculum.** The basic corrections officers academy curriculum of the Washington state criminal justice training commission, 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
  - (a) Observation skills
  - (b) Communication skills
  - (c) Security management
  - (d) Supervision of inmates
  - (e) Discipline of inmates
  - (f) Proper use of physical force
  - (g) Writing skills
- (2) Key skills
  - (a) Legal issues
  - (b) Dealing with aggressive behavior
  - (c) Dealing with medical problems
  - (d) Dealing with mental illness problems
  - (e) Problem solving
  - (f) Report writing
  - (g) Avoiding inmate manipulation
  - (h) Booking and classification
  - (i) Fingerprinting
- (3) Related skills
  - (a) Stress management
  - (b) Physical fitness
  - (c) Professionalism
  - (d) Human relations/cultural awareness
  - (e) Self-leadership.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-230, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-105 (Order 15-D), § 139-10-230, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-230, filed 9/10/86. Formerly WAC 139-36-031.]

**WAC 139-10-235 Basic misdemeanor probation/classification academy curriculum.** The basic misdemeanor probation/classification academy curriculum of the commission must be at least eighty instructional hours in length and will 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) Legal issues
  - (c) Report writing
  - (d) Counseling techniques
  - (e) Managing information.

[Statutory Authority: RCW 43.101.080. 05-13-079, § 139-10-235, filed 6/14/05, effective 7/15/05; 00-17-017, § 139-10-235, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-105 (Order 15-D),

§ 139-10-235, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-235, filed 9/10/86. Formerly WAC 139-36-032.]

**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.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-237, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2), 87-19-105 (Order 15-D), § 139-10-237, filed 9/18/87.]

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

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

[Statutory Authority: RCW 43.101.080. 05-01-110, § 139-10-240, filed 12/15/04, effective 1/15/05; 00-17-017, § 139-10-240, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2), 87-19-105 (Order 15-D), § 139-10-240, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-240, filed 9/10/86. Formerly WAC 139-36-033.]

(8/5/09)

**WAC 139-10-245 Basic juvenile residential counselor academy curriculum.** The basic juvenile residential counselor academy curriculum of the Washington state criminal justice training commission shall be at least eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
  - (a) Observation skills
  - (b) Interpersonal skills
  - (c) Security management
  - (d) Supervision of youth
  - (e) Discipline of youth
  - (f) Proper use of physical force
  - (g) Applying research based treatment
  - (h) Writing skills
- (2) Key skills
  - (a) Legal issues
  - (b) Dealing with aggressive behavior
  - (c) Handling medical problems
  - (d) Handling mental illness problems
  - (e) Skills training
- (3) Related skills
  - (a) Professionalism
  - (b) Stress management.

[Statutory Authority: RCW 43.101.080. 05-01-111, § 139-10-245, filed 12/15/04, effective 1/15/05.]

**WAC 139-10-530 Basic community corrections officers academy curriculum.** The basic community corrections officers academy curriculum of the commission must be at least eighty instructional hours in length and will 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
  - (e) Arrest and search procedures
- (2) Key skills
  - (a) Interpersonal skills
  - (b) Interviewing
  - (c) Classification
  - (d) Offense prevention
- (3) Related skills
  - (a) Dealing with aggressive and resistive behavior
  - (b) Legal issues
  - (c) Counseling techniques
  - (d) Managing information
  - (e) Security management.

[Statutory Authority: RCW 43.101.080. 06-02-004, § 139-10-530, filed 12/22/05, effective 1/22/06; 05-13-078, § 139-10-530, filed 6/14/05, effective 7/15/05.]

**WAC 139-10-550 Basic arrest, search, and seizure academy.** The basic arrest, search, and seizure academy curriculum of the commission will be the second required academy for certification as a community corrections officer. The length must be at least forty instructional hours in length and will include, but not be limited to, the following subject matter areas:

- (1) Core skills
  - (a) Arrest procedures
  - (b) Search procedures
  - (c) Field safety techniques
- (2) Key skills
  - (a) Verbal deescalation
  - (b) Home assessments
- (3) Related skills
  - (a) Dealing with aggressive and resistive behavior
  - (b) Legal issues
  - (c) Evidence procedures
  - (d) Personal safety
  - (e) Security management.

[Statutory Authority: RCW 43.101.080. 05-20-026, § 139-10-550, filed 9/28/05, effective 10/29/05.]