

**WSR 24-16-092
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed August 1, 2024, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-13-022.

Title of Rule and Other Identifying Information: Readmission to the basic law enforcement and corrections academies.

Hearing Location(s): On September 11, 2024, at 10:00 a.m., at the Washington State Criminal Justice Training Commission (WSCJTC), 19010 1st Avenue South, Commission Room, Burien, WA 98148.

Date of Intended Adoption: September 11, 2024.

Submit Written Comments to: Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, email lacey.ledford@cjtc.wa.gov, by September 11, 2024.

Assistance for Persons with Disabilities: Contact Lacey Ledford, phone 206-670-5813, email lacey.ledford@cjtc.wa.gov, by September 11, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revising WAC 139-05-242 and 139-10-222 to clarify the eligibility and process for readmission and to implement additional restrictive measures for readmission into the academy after a dismissal due to a major rule violation. Removal of the 24-month suspension and replacement with 60-month for major violations.

Reasons Supporting Proposal: The rule change will require agencies who wish to hire a recruit previously removed from the academy due to any major violation to appeal to the executive director, or designee, for future reenrollment to WSCJTC basic training academies. This process provides an added layer of accountability in making sure recruits are fit to attend the academy.

Statutory Authority for Adoption: RCW 43.101.080.

Statute Being Implemented: RCW 43.101.080.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Nadia Fiorini, 19010 1st Avenue South, Burien, WA 98148, 206-931-6492.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

August 1, 2024
Lacey Ledford
Rules Coordinator

OTS-5364.3

AMENDATORY SECTION (Amending WSR 23-01-086, filed 12/16/22, effective 1/16/23)

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

No person may be readmitted to any basic law enforcement academy except as provided in this section and in accordance with WAC 139-06-130.

(1) Any request for readmission must be made and submitted by the individual's employing agency head, or designee, in accordance with commission policies and procedures.

(2) Any individual whose academy enrollment was terminated for academic failure, skills deficiency, disciplinary reasons other than those specified in subsection (3) of this section, or who had voluntarily withdrawn for any reason, may be readmitted to a subsequent academy session only if ~~((~~

~~(a) The individual's)) the individual meets all the academy admission requirements and their current employing agency head, or their designee, submits ((to the commission a written request for readmission of the individual to the academy; and~~

~~(b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission specified by the executive director, or designee, have been met)) a new registration for admission into the academy.~~

(3) Any person ~~((whose academy enrollment was terminated)) who was dismissed from an academy for ((an integrity)) a major violation including, but not limited to: Cheating, the making of materially false or misleading statements, harassment, discrimination, the commission of a ((crime)) misdemeanor or felony, regardless of conviction, or other ((violation)) misconduct contained in RCW 43.101.105 will be ineligible for readmission to any subsequent academy within ((24)) 60 months from the date of dismissal regardless of employer or employment status.~~

(4) ~~((An exception to the ineligibility period specified in subsection (3) of this section may be granted at the sole discretion of the commission executive director, or designee, based upon mitigating circumstances.~~

~~(a) 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.~~

~~(b) Requests for early readmission must follow applicable commission policies and procedures to be considered.~~

~~(c) The executive director's, or designee's, decision under this subsection shall be subject to review only for abuse of discretion.~~

~~(5)) After the ineligibility period specified in subsection (3) of this section has passed, ((or after an exception has been granted by the commission under subsection (4) of this section, the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only the conditions of subsection (2) of this section are satisfactorily met.~~

~~(6)) an agency head, or their designee, must make a written request for readmission, which requires the submission of an application to the executive director that includes:~~

(a) The name of the individual who was dismissed, the date and reason for the dismissal, and the reason for the request for readmission; and

(b) A statement from the individual who was previously dismissed describing any relevant or professional growth since the dismissal.

(5) If the executive director, or designee, conditionally grants the application, the individual's agency must submit the full results of the individual's completed background check, psychological examination, and polygraph examination to the commission staff responsible for the certification investigations.

(6) After the conditional granting of the application and review of the full background, psychological examination and polygraph examination, the executive director, or designee, will issue a decision on the request in writing and the reasons for the decision, if denied.

(7) Where a request for readmission to the academy is denied, a second request may only be submitted 24 months after the denial. If a second request is denied, no further requests may be filed regardless of the individual's employer or employment status.

(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.

OTS-5365.3

AMENDATORY SECTION (Amending WSR 22-19-038, filed 9/14/22, effective 10/15/22)

WAC 139-10-222 Readmission to basic corrections academies. No person may be readmitted to any basic corrections academy except as provided in this section and in accordance with WAC 139-06-130.

(1) Any request for readmission must be made and submitted by the individual's employing agency head, or designee, in accordance with commission policies and procedures.

(2) Any individual whose academy enrollment was terminated for academic failure, skills deficiency, disciplinary reasons other than those specified in subsection (3) of this section, or who had voluntarily withdrawn for any reason, may be readmitted to a subsequent academy session only if(÷

~~(a) The individual's))~~ the individual meets all the academy admission requirements and their current employing agency head, or their designee, submits ((to the commission a written request for readmission of the individual to the academy; and

~~(b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission specified by the commission executive director, or designee, have been met))~~ a new registration for admission into the academy.

(3) Any person ((whose academy enrollment was terminated)) who was dismissed from an academy for ((an integrity)) a major violation including, but not limited to: Cheating, the making of materially false or misleading statements, harassment, discrimination, the commission of a ((crime)) misdemeanor or felony, regardless of conviction, or other ((violation)) misconduct contained in RCW 43.101.105 will be ineligible for readmission to any subsequent academy within

((24)) 60 months from the date of dismissal regardless of employer or employment status.

~~(4) ((An exception to the ineligibility period specified in subsection (3) of this section may be granted at the sole discretion of the commission executive director, or designee, based upon mitigating circumstances.~~

~~(a) 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.~~

~~(b) Requests for early readmission must follow applicable commission policies and procedures to be considered.~~

~~(c) The executive director's, or designee's, decision under this subsection shall be subject to review only for abuse of discretion.~~

~~(5)) After the ineligibility period specified in subsection (3) of this section has passed, ((or after an exception has been granted by the commission under subsection (4) of this section, the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if the conditions of subsection (2) of this section are satisfactorily met)) an agency head, or their designee, must make a written request for readmission, which requires the submission of an application to the executive director that includes:~~

(a) The name of the individual who was dismissed, the date and reason for the dismissal, and the reason for the request for readmission; and

(b) A statement from the individual who was previously dismissed describing any relevant or professional growth since the dismissal.

(5) If the executive director, or designee, conditionally grants the application, the individual's agency must submit the full results of the individual's completed background check, psychological examination, and polygraph examination to the commission staff responsible for the certification investigations.

(6) After the conditional granting of the application and review of the full background, psychological examination and polygraph examination, the executive director, or designee, will issue a decision on the request in writing and the reasons for the decision, if denied.

(7) Where a request for readmission to the academy is denied, a second request may only be submitted 24 months after the denial. If a second request is denied, no further requests may be filed regardless of the individual's employer or employment status.