

correctional institutions is to provide, at a minimum, a degree of care which is designed to reasonably respond to an inmate's serious medical and dental needs. The considerations of proper medical/dental procedure, time and available resources are material in defining what is a reasonable response in any particular situation. More than the minimum level of care may be provided when such additional care comports with proper medical practice and is reasonably affordable from the department's resources. Serious medical needs are those which, if not responded to, will

(1) Cause or allow to continue significant or debilitating pain; or

(2) Cause significant deterioration of the inmate's medical condition during the period of his incarceration. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-011, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-011.]

**WAC 137-91-021 Medical/dental services.** The medical/dental treatment program operated by the department of corrections shall include the following services:

(1) Regular environmental health inspections and, where appropriate, recommendations.

(2) Initial examination when the inmate enters the adult correctional system. This examination shall include:

(a) A medical history;

(b) A physical examination, including funduscopy and ocular tonometry for residents over forty years of age, rectal examination as indicated, and other examinations as indicated;

(c) A chest film as indicated;

(d) Serology;

(e) Blood count;

(f) Urinalysis;

(g) Electrocardiogram as indicated;

(h) Visual and auditory acuity;

(i) Dental examination;

(j) For female residents, gonorrhea culture and Pap smear as indicated.

(3) Immunizations as indicated.

(4) Evaluation of capacity for work and recreation.

(5) Period consultations, examinations and treatment as required for the medical and dental maintenance of each inmate in accordance with the policy discussed at WAC 137-91-011. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-021, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-021.]

**WAC 137-91-050 Use of allied health professionals.** Allied health professionals may be used in the medical and dental health programs at each institution. When operating under the supervision of a licensed physician or dentist, an allied health professional may conduct initial screening, treat minor illnesses, and do related tasks. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-050,

filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-050.]

**WAC 137-91-060 Records.** Medical and dental records shall be maintained at the institution in which an inmate is housed. Upon the transfer of an inmate between state institutions, that inmate's medical and dental records shall be transferred along with the inmate. Records shall include all items of material interest to medical personnel and shall include

(1) Detailed reports of admission medical evaluation and recommendations;

(2) Progress notes regarding continuing health status including illnesses, hospitalizations, surgery, results of consultations and examinations, reports of tests done, and immunizations;

(3) Reports made by outside consultants. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-060, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-060.]

**WAC 137-91-070 Supplemental care.** Any inmate may, at his or her own expense, obtain medical or dental care additional to that mandated by the provisions of this chapter: *Provided*, That a doctor or dentist in the department's employ certifies that the proposal for supplemental treatment comports with sound medical or dental practice. The time and place of the performance of the supplemental care are subject to the convenience of the prison's custody staff. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-070, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-070.]

## Title 139 WAC CRIMINAL JUSTICE TRAINING COMMISSION

### Chapters

139-04	<b>Public records and organizational description.</b>
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### Chapter 139-04 WAC

#### PUBLIC RECORDS AND ORGANIZATIONAL DESCRIPTION

#### WAC

139-04-010 Description of central and field organization.

**WAC 139-04-010 Description of central and field organization.** The Washington state criminal justice

training commission consists of staff, twelve commissioners, the board on law enforcement training standards and education, the board on prosecutor training standards and education, and the board on correctional training standards and education. The primary responsibility of the boards is the recommendation to the commission of training standards, goals, programs, and budget for criminal justice personnel within their specific purview. Recommendations for training pursuant to commission adopted goals and standards may be approved by the executive director of the commission. Other board 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 office of the commission is located on the campus of St. Martin's College, Olympia, Washington. 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, Seattle, Washington, serves as the commission's primary training site. Other training is conducted locally, regionally, or at centralized locations state-wide, as determined by staff. [Statutory Authority: RCW 43.101.080(2). 85-08-010 (Order 6-B), § 139-04-010, filed 3/27/85. Statutory Authority: RCW 42.17.250. 78-02-032 (Order 6-A), § 139-04-010, filed 1/17/78; Order 6, § 139-04-010, filed 8/15/75.]

### Chapter 139-08 WAC PRACTICE AND PROCEDURE RULES

#### WAC

139-08-005	"Commission" defined.
139-08-010	Repealed.
139-08-020	Repealed.
139-08-030	Repealed.
139-08-040	Appearance and practice before commission—Appearance by former employee of board or former member of attorney general's staff.
139-08-060	Repealed.
139-08-090	Service of process—Service upon parties.
139-08-130	Subpoenas—Where provided by law—Form.
139-08-150	Subpoenas—Service.
139-08-240	Depositions and interrogatories in contested cases—Authorization.
139-08-270	Depositions and interrogatories in contested cases—Recordation.
139-08-280	Depositions and interrogatories in contested cases—Signing attestation and return.
139-08-290	Depositions and interrogatories in contested cases—Use and effect.
139-08-320	Depositions upon interrogatories—Interrogation.
139-08-330	Depositions upon interrogatories—Attestation and return.
139-08-350	Official notice—Matters of law.
139-08-360	Official notice—Material facts.
139-08-370	Presumptions.
139-08-390	Repealed.
139-08-400	Repealed.
139-08-410	Repealed.
139-08-420	Repealed.

139-08-430	Repealed.
139-08-440	Repealed.
139-08-450	Repealed.
139-08-460	Repealed.
139-08-470	Repealed.
139-08-480	Repealed.
139-08-490	Repealed.
139-08-510	Repealed.
139-08-570	Forms.
139-08-600	Appeal.

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

139-08-010	Appearance and practice before commission—Who may appear. [Order 2, § 139-08-010, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-020	Appearance and practice before commission—Solicitation of business unethical. [Order 2, § 139-08-020, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-030	Appearance and practice before commission—Standards of ethical conduct. [Order 2, § 139-08-030, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-060	Notice and opportunity for hearing in contested cases. [Order 2, § 139-08-060, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-390	Form and content of decisions in contested cases. [Order 2, § 139-08-390, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-400	Definition of issues before hearing. [Order 2, § 139-08-400, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-410	Prehearing conference rule—Authorized. [Order 2, § 139-08-410, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-420	Prehearing conference rule—Record of conference action. [Order 2, § 139-08-420, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-430	Submission of documentary evidence in advance. [Order 2, § 139-08-430, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-440	Excerpts from documentary evidence. [Order 2, § 139-08-440, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-450	Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Order 2, § 139-08-450, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-460	Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Order 2, § 139-08-460, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-470	Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Order 2, § 139-08-470, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
139-08-480	Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 139-08-450 or 139-08-460. [Order 2, § 139-08-480, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).

- 139-08-490 Continuances. [Order 2, § 139-08-490, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).
- 139-08-510 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Order 2, § 139-08-510, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2).

**WAC 139-08-005 "Commission" defined.** As used in this chapter "commission" means the Washington state criminal justice training commission and, where applicable, the board on law enforcement training standards and education, the board on prosecutor training standards and education, and the board on correctional training standards and education. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-005, filed 3/27/85; Order 2, § 139-08-005, filed 1/22/75.]

**WAC 139-08-010 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-030 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-040 Appearance and practice before commission—Appearance by former employee of board or former member of attorney general's staff.** No member of the attorney general's staff assigned to represent the commission or a hearing committee of said commission may at any time after severing employment with the attorney general appear, except with the written permission of the commission, in a representative capacity on behalf of other parties in a formal proceeding wherein the staff member previously took an active part in the investigation as a representative of the commission or a hearing committee of said commission. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-040, filed 3/27/85; Order 2, § 139-08-040, filed 1/22/75.]

**WAC 139-08-060 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-090 Service of process—Service upon parties.** The final order, and any other paper required to be served by the commission upon a party, shall be served upon such party or upon the agent designated by the party or by law to receive service of such papers, and a copy shall be furnished to counsel of record. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-090, filed 3/27/85; Order 2, § 139-08-090, filed 1/22/75.]

**WAC 139-08-130 Subpoenas—Where provided by law—Form.** Every subpoena shall state the name of the commission and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books,

documents or things under such person's control at a specified time and place. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-130, filed 3/27/85; Order 2, § 139-08-130, filed 1/22/75.]

**WAC 139-08-150 Subpoenas—Service.** Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering on demand the fees for one day's attendance and the mileage allowed by law. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-150, filed 3/27/85; Order 2, § 139-08-150, filed 1/22/75.]

**WAC 139-08-240 Depositions and interrogatories in contested cases—Authorization.** A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the commission and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-240, filed 3/27/85; Order 2, § 139-08-240, filed 1/22/75.]

**WAC 139-08-270 Depositions and interrogatories in contested cases—Recordation.** The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under the officer's direction and in the officer's presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-270, filed 3/27/85; Order 2, § 139-08-270, filed 1/22/75.]

**WAC 139-08-280 Depositions and interrogatories in contested cases—Signing attestation and return.** (1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition

shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the commission holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the commission, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-280, filed 3/27/85; Order 2, § 139-08-280, filed 1/22/75.]

**WAC 139-08-290 Depositions and interrogatories in contested cases—Use and effect.** Subject to ruling by the hearing officer upon objections, a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness the party's witness by taking the other party's deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by the party or any other party. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-290, filed 3/27/85; Order 2, § 139-08-290, filed 1/22/75.]

**WAC 139-08-320 Depositions upon interrogatories—Interrogation.** Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 139-08-230 the officer taking the same, after duly swearing the deponent, shall read to the deponent seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-320, filed 3/27/85; Order 2, § 139-08-320, filed 1/22/75.]

**WAC 139-08-330 Depositions upon interrogatories—Attestation and return.** The officer before whom interrogatories are verified or answered shall (1) certify

under official signature and seal that the deponent was duly sworn, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither the officer nor the stenographer is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with attestation to the commission, or its designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-330, filed 3/27/85; Order 2, § 139-08-330, filed 1/22/75.]

**WAC 139-08-350 Official notice—Matters of law.** The commission, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The United States Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Commission organization.** The commission organization, administration, officers, personnel, official publications, and practitioners before its bar. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-350, filed 3/27/85; Order 2, § 139-08-350, filed 1/22/75.]

**WAC 139-08-360 Official notice—Material facts.** The commission may officially notice:

(1) **Commission proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the commission;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the commission as a body of experts,

within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the commission may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the commission rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer or the commission may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the commission or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-360, filed 3/27/85; Order 2, § 139-08-360, filed 1/22/75.]

**WAC 139-08-370 Presumptions.** Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the commission, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail

matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly a matter of self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, eloiigned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-370, filed 3/27/85; Order 2, § 139-08-370, filed 1/22/75.]

**WAC 139-08-390 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-400 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-410 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-420 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-430 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-440 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-450 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-460 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-470 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-480 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-490 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-510 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-08-570 Forms.** Any interested person petitioning the commission for a declaratory ruling pursuant to RCW 34.04.080 shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington state criminal justice training commission." On the left side of page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by the petitioner's attorney. The original and two legible copies of the petition shall be filed with the commission. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-570, filed 3/27/85; Order 2, § 139-08-570, filed 1/22/75.]

**WAC 139-08-600 Appeal.** (1) Any action which directly and adversely effects an individual's interest under this title or chapter 43.101 RCW 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. If such action was taken by a commission employee or representative, the review shall be considered by the board on training standards and education having primary responsibility in the matter as determined by the executive director of the commission. If such responsibility cannot be determined, or if the action for which review is requested was initiated by, or originated with, any board, the review shall be made by the commission only.

(2) 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) Whether review is to be effected in executive or public session, provided that, approval and/or conduct of

any executive session shall be subject to applicable provisions of this state's open public meetings act (chapter 42.30 RCW);

(e) 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;

(f) 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;

(g) The signature by the requesting party and/or the party's authorized representative; and

(h) A copy of any document or other written material which will be offered by the requesting party.

(3) Upon receipt of a request for review which satisfies the requirements of subsection (2) of this section, the executive director shall schedule the review for full consideration at the next meeting of the responsible board or the commission, as provided in subsection (1) of this section. If the executive director determines that exigent and attendant circumstances exist, such director may, in his/her discretion, schedule a special meeting of a board or, where applicable, of the commission, for the sole purpose of effecting review.

(4) Whenever sitting as a reviewing body, a board or the commission may consider any information or testimony determined by its chairperson to be relevant to full consideration of the matter for which review is requested. At least five days prior to the review proceeding, commission staff shall provide to the individual requesting review, a complete listing of those individuals who are expected to provide testimony, and a copy of any document or other written material which will be offered; provided that additional witnesses and written materials may be offered at the time of the proceeding by staff or the requesting party if there is a showing of good cause for the failure to provide prior notice of such additional evidence and witnesses. Each review proceeding, whether conducted in executive or public session, shall be recorded electronically. Thereafter such recording shall be transcribed in writing if requested by a party or if directed by the commission, board or staff.

(5) After full consideration of the matter, the reviewing body shall affirm, rescind, or modify the action for which review is requested. In any instance wherein a board sits as the reviewing body, appeal of such determination may be taken to the training commission at its next meeting following receipt by the executive director of a written appeal from the involved individual or the head of such individual's employing agency. In considering such appeal, the commission shall not be bound by any previous action or determination and may take any action it deems necessary and appropriate to the matter. The commission may consider only the record of the matter consisting of the transcript of the review proceeding and any written materials considered by the reviewing board, as well as any information requested or deemed relevant by the commission chairperson. A complete copy of such record shall be provided to the appellant at least five days prior to its consideration by the

commission. Additional written materials may be submitted at the time of the appeal proceeding by staff or the requesting party if there is a showing of good cause for the failure to provide prior notice of such additional written evidence. Oral arguments by the appellant or the appellant's representative shall be allowed, subject to time limitations set by the chairperson of the commission. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-600, filed 3/27/85.]

### Chapter 139-22 WAC

#### REQUIREMENTS OF CERTIFICATION FOR BASIC LAW ENFORCEMENT TRAINING

##### WAC

139-22-020 Admission and participation requirements for basic law enforcement academy attendee.

**WAC 139-22-020 Admission and participation requirements for basic law enforcement academy attendee.** 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 search of state and national criminal history records information regarding its applicant through the submission of 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 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 board on law enforcement training standards and education. [Statutory Authority: RCW 43.101.080(2). 85-21-074 (Order 19), § 139-22-020, filed 10/21/85.]

### Chapter 139-36 WAC CORRECTIONAL TRAINING

##### WAC

139-36-020 Requirement of basic corrections training.  
139-36-031 Basic corrections officers academy curriculum.  
139-36-033 Juvenile security workers academy curriculum.  
139-36-034 Repealed.

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

139-36-034 Basic juvenile detention workers academy curriculum. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-034, filed 3/19/82.] Repealed by 84-21-018 (Order 15A), filed 10/8/84, effective 7/1/85. Statutory Authority: RCW 43.101.220.

**WAC 139-36-020 Requirement of basic corrections training.** (Effective July 1, 1985.) 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; provided, that those persons hired on or after January 1, 1982, and prior to July 1, 1982, shall complete the required basic training before January 1, 1983. 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 [prescribed] [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 facilities. Representative job classifications include, but are not limited to, jailers and correctional officers.

(b) Correctional 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, juvenile and adult probation and parole officers, institution counselors, and psychiatric social workers.

(c) Juvenile security workers academy. All employees responsible for the care, custody, and safety of youth in county juvenile court detention centers, state institutions,



camps and group homes. Representative job classes include, but are not limited to, juvenile detention workers, group life counselors, and cottage parents.

(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.

(3) Failure to comply with the above requirements of the board on correctional training standards and education 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, the board on corrections standards, 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. [Statutory Authority: RCW 43.101.220. 84-21-018 (Order 15A), § 139-36-020, filed 10/8/84, effective 7/1/85. Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-020, filed 3/19/82.]

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 139-36-031 Basic corrections officers academy curriculum.** The basic corrections officers academy of the Washington state criminal justice training commission shall be 80 instructional hours in length and shall include the following subject matter:

- (1) The system
  - (a) Practical law for corrections officers
  - (b) Problem solving
- (2) Supervision and care of inmates
  - (a) Supervising inmates
  - (b) Health and mental health care
  - (c) Discipline of inmates
  - (d) Professionalism
  - (e) Dealing with aggressive behavior
- (3) Safety and security
  - (a) Security management
  - (b) Proper use of force
  - (4) Communication skills
    - (a) Incident report writing
    - (b) Listening
    - (c) Interpersonal skills
    - (5) Personal development
      - (a) Stress management
      - (b) Physical fitness.

[Statutory Authority: RCW 43.101.080(2). 85-21-073 (Order 15C), § 139-36-031, filed 10/21/85. Statutory Authority: RCW 43.101.220. 84-21-018 (Order 15A), § 139-36-031, filed 10/8/84, effective 7/1/85. Statutory

Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-031, filed 3/19/82.]

**WAC 139-36-033 Juvenile security workers academy curriculum.** (Effective July 1, 1985.) The juvenile security workers academy curriculum of the Washington state criminal justice training commission shall be 80 instructional hours in length and shall include the following subject matter:

- (1) The system
  - (a) Overview of the juvenile justice system
  - (b) Legal rights of incarcerated youth
  - (c) Reception and classification
- (2) Supervision and care
  - (a) Dealing with aggression
  - (b) First aid/CPR
  - (c) [Disciplining youth]
  - (d) Health and mental health care
  - (e) Supervision of youth
- (3) Program techniques
  - (a) Listening skills
  - (b) Interpersonal skills
  - (c) Observation skills
  - (d) Group dynamics
- (4) Security
  - (a) Incident report writing
  - (b) Proper use of physical force
  - (c) Safety and security
  - (5) Personal development
    - (a) Physical fitness
    - (b) Stress management.

[Statutory Authority: RCW 43.101.220. 84-21-018 (Order 15A), § 139-36-033, filed 10/8/84, effective 7/1/85. Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-033, filed 3/19/82.]

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 139-36-034 Repealed.** See Disposition Table at beginning of this chapter.

## Chapter 139-50 WAC FIRE MARSHAL TRAINING

WAC  
139-50-030 Requirement of training for agriculture officers.

**WAC 139-50-030 Requirement of training for agriculture officers.** (1) For purposes of this regulation, the term "agriculture officer" means any individual appointed by the state director of agriculture to enforce those laws relating to commission merchants, livestock identification, and livestock brand registration and inspection.

(2) As a precondition of any exercise of authority generally vested in a peace officer, an agriculture officer



shall successfully complete training which shall include, but is not limited to:

- (a) Criminal procedures, to include the legal system, search and seizure, laws of arrest, and constitutional law – 8 hours;
- (b) Evidence law – 2 hours;
- (c) Criminal investigation – 8 hours;
- (d) Effective interviewing and interrogation – 4 hours;
- (e) Communication skills – 6 hours;
- (f) Criminal law – 4 hours;
- (g) Officer safety and basic patrol procedures – 4 hours;
- (h) Use of deadly force – 4 hours.

(3) As a precondition of any authorization to carry a firearm during the performance of duties, an authorized agriculture officer shall have successfully qualified in the firearms course which is incorporated by the basic law enforcement academy program of the Washington state criminal justice training commission, or is otherwise approved by the training commission. Such qualification shall be effected annually, or within a period of 12 months preceding the aforementioned firearms authorization.

(4) It shall be the responsibility of the state director of agriculture to effect and ensure personnel compliance herein and to provide necessary records and information upon the request of the training commission's board on law enforcement training standards and education, to which said director shall be accountable for purposes of such compliance. Additionally, any equivalency process or official recognition of equivalent training or experience in determining an agriculture officer's compliance herein shall be within the prerogative and authorities of such director. [Statutory Authority: RCW 43.101.080. 84-13-052 (Order 18), § 139-50-030, filed 6/19/84.]

**Title 140 WAC**

**STATE CONVENTION AND TRADE CENTER**

**Chapters**

- 140-08** Washington state convention and trade center--SEPA guidelines.
- 140-09** Washington state convention and trade center--SEPA guidelines.

**Chapter 140-08 WAC**

**WASHINGTON STATE CONVENTION AND TRADE CENTER--SEPA GUIDELINES**

WAC

140-08-010 through 140-08-110 Repealed.

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

- 140-08-010 Purpose. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-010, filed 2/28/83.] Repealed by 85-03-004

- 140-08-020 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW. Later promulgation, see chapter 140-09 WAC. Policies. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-020, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-030 Adoption by reference. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-030, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-040 Additional definitions. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-040, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-050 Designation of official to perform consulted agency responsibilities for the corporation. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-050, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43-21C RCW.
- 140-08-060 Designation of responsible official. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-060, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43-21C RCW.
- 140-08-070 SEPA public information center. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-070, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43-21C RCW.
- 140-08-080 Responsibility of corporation—Public information. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-080, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-090 Notice/statute of limitations. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-090, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-100 Severability. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-100, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-110 Compliance. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-110, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.

**WAC 140-08-010 through 140-08-110 Repealed.**  
See Disposition Table at beginning of this chapter.

**Chapter 140-09 WAC**

**WASHINGTON STATE CONVENTION AND TRADE CENTER--SEPA GUIDELINES**

WAC

**PART ONE – AUTHORITY**

- 140-09-010 Authority.

**PART TWO – GENERAL REQUIREMENTS**

- 140-09-020 Purpose of this part and adoption by reference.
- 140-09-030 Additional definitions.