

- (4) An offender placed in detention shall:
- (a) Be confined to an environment with healthful temperatures in cells substantially similar to those used for the general population;
  - (b) Be provided the same opportunities for personal hygiene as are available to the general population;
  - (c) Be afforded his/her rights to correspondence, reading, and legal representation;
  - (d) Be provided daily opportunity for at least one hour of exercise unless staffing, space, facility security, order and/or safety, or other similar circumstances make this unfeasible, in which cases such offender shall be allowed as much exercise as is feasible in the judgment of staff; *provided, however*, any limitations of exercise shall be approved in advance by a staff member with the rank of lieutenant or higher; and
  - (e) Be visited by a physician or designated health care personnel at least once per week.

[93-19-029, § 137-95-270, filed 9/7/93, effective 10/1/93.]

**WAC 137-95-280 Appeal to superintendent.** (1) An offender may appeal the decision of the hearing officer to the superintendent by filing a written request for review and his/her reasons therefor with the hearing officer within five days after receiving written notice of the decision of the hearing officer. The superintendent may, in his/her discretion, consider appeals filed beyond the five-day period.

(2) The superintendent shall act on the request within five working days of its receipt by affirming the decision of the hearing officer, stating his/her reasons therefor; reducing the severity of the sanctions imposed; vacating the judgment of the hearing officer, or remanding the matter for a new hearing. Any new hearing may not result in an increase of the severity of the sanctions originally imposed.

(3) Pending the decision of the superintendent, the sanctions shall not be imposed on the offender nor shall his/her custody be subject to change unless there are grounds for detention as provided in WAC 137-95-190 or if the superintendent has reason to believe that he/she is a substantial security risk.

(4) The offender shall promptly be notified of the decision of the superintendent.

[93-19-029, § 137-95-280, filed 9/7/93, effective 10/1/93.]

**WAC 137-95-290 Time limits.** The time limits contained in these rules shall not be deemed to be jurisdictional and failure to adhere to a particular time limit shall not be a bar to any procedure or action covered by these rules.

[93-19-029, § 137-95-290, filed 9/7/93, effective 10/1/93.]

**Title 139 WAC  
CRIMINAL JUSTICE TRAINING  
COMMISSION**

**Chapters**

- 139-05 Law enforcement.  
139-10 Corrections.**

**Chapter 139-05 WAC  
LAW ENFORCEMENT**

**WAC**

- |            |  |
|------------|--|
| 139-05-240 | Requirements of basic law enforcement academy. |
| 139-05-242 | Readmission to basic law enforcement academy.  |
| 139-05-250 | Basic law enforcement curriculum.              |
| 139-05-910 | Repealed.                                      |
| 139-05-912 | Requirement of training for fire marshals.     |

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

- |            |   |
|------------|---|
| 139-05-910 | Requirement of training for fire marshals. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-05-910, filed 9/10/86.] Repealed by 93-13-100, filed 6/21/93, effective 7/22/93. Statutory Authority: RCW 43.101.080(2). |
|------------|---|

**WAC 139-05-240 Requirements of basic law enforcement 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 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 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, 1978, may be allowed to audit the remainder of the academy upon a determination by the coordinator of law enforcement training that such audit would be beneficial to the trainee and have no adverse effect upon the other attendees.

(b) Physical performance. A standardized evaluation process shall be utilized by all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of physical performance of each trainee. Such process shall include the application of pass/fail grading to designated instructional objectives for physical performance and the availability of a retesting procedure. Failure to achieve a final grade of pass in physical training, including defensive tactics, shall preclude certification.

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

(2) Upon the written request of a trainee, or the head of a trainee's employing agency, any action affecting such trainee's status or eligibility for certification shall be re-

viewed pursuant to the procedural rules and regulations adopted by the commission.

[Statutory Authority: RCW 43.101.080(2). 93-13-098, § 139-05-240, filed 6/21/93, effective 7/22/93; 86-19-021 (Order 1-B), § 139-05-240, filed 9/10/86.]

Reviser's note: RCW 34.05.395 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 139-05-242 Readmission to basic law enforcement academy.** No person may be readmitted to the basic law enforcement training academy except as provided in this section.

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

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

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

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

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

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

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

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

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

this subsection shall be subject to further review only for abuse of discretion.

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

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

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

(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement or corrections trainee 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(2). 93-13-103, § 139-05-242, filed 6/21/93, effective 7/22/93.]

**WAC 139-05-250 Basic law enforcement curriculum.** The basic law enforcement curriculum of the Washington state criminal justice training commission shall consist of 440 hours, including the following subject areas:

- (1) Introduction to law enforcement[;]
- (a) Introduction to law enforcement[;]
- (b) The criminal justice system[;]
- (c) Police power and execution of authority[;]
- (d) Civil rights and civil liability[; and]
- (e) Police ethics[.]
- (f) Police use of force
- (g) Cultural awareness
- (h) Harassment in the workplace
- (i) Critical incident stress
- (j) Community policing
- (2) Criminal law[;]
- (a) Criminal law[; and]
- (b) Juvenile law[.]
- (3) Criminal procedures[;]
- (a) Constitutional law[;]
- (b) Probable cause[;]
- (c) Laws of arrest[;]
- (d) Search and seizure[;]
- (e) Interrogation, statements and confessions[; and]
- (f) Field interrogations and "stop and frisk[.]"
- (g) Domestic violence law
- (4) Patrol procedures[;]
- (a) Observation and perception[;]
- (b) Patrol procedures[;]
- (c) First aid/adult and juvenile CPR[;]
- (d) HIV/HBV awareness
- (e) Community relations[;]
- (f) Crime prevention[;]
- (g) Juvenile procedures[;]

- (h) Traffic stop[;]
- (i) Felony stop[;]
- (j) Field interview[;]
- (k) Building search[; and]
- (l) Gang awareness
- (m) K-9 application
- (n) Hazardous materials
- (o) ACCESS training
- (5) Communication skills[;]
- (a) General writing skills
- (b) Police report writing and notetaking[; and]
- (c) Oral communication[.]
- (6) Emergency vehicle operation course[.]
- (7) Human relations[;]
- (a) General theory[;]
- (b) Recognizing and handling abnormal behavior[;]
- (c) Oral and physical communication[;]
- (d) Handling stress[; and]
- (e) Family disturbance[.]
- (f) Victim/witness
- (g) Family violence
- (8) Traffic law[;]
- (a) Traffic law enforcement[;]
- (b) Impaired driving[; and]
- (c) Accident investigation[.]
- (d) Vehicle registration/licensing
- (e) Drivers' licensing
- (f) Dept. of licensing records
- (9) Firearms[.]
- (a) Fundamentals of Shooting
- (b) Safe weapon handling
- (c) Night/low light shooting
- (d) Range qualification
- (e) Firearms training simulator
- (10) Defensive tactics[.]
- (11) Criminal Investigation[.]
- (a) Crime scene search and protection[;]
- (b) Collection and preservation of evidence[;]
- (c) Interviews and interrogation techniques[;]
- (d) Crime scene protection/search/investigation[; and]
- (e) Testifying in court[.]
- (f) Fingerprinting
- (g) Child abuse
- (h) Sex crimes
- (i) Drug enforcement

[Statutory Authority: RCW 43.101.010(2). 93-13-097, § 139-05-250, filed 6/21/93, effective 7/22/93. Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-05-250, filed 9/10/86.]

**Reviser's note:** RCW 34.05.395 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 139-05-910 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 139-05-912 Requirement of training for fire marshals.** (1) The training prescribed herein shall constitute:

(a) The training requirement which must be met by deputy state fire marshals and resident fire marshals as a

precondition of any exercise of police powers granted to such personnel by RCW 48.48.060, and

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

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

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

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

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

- |       |                        |          |
|-------|------------------------|----------|
| (i)   | criminal investigation | 52 hours |
| (ii)  | criminal law           | 40 hours |
| (iii) | criminal procedures    | 42 hours |
| (iv)  | human relations        | 38 hours |
| (v)   | use of force           | 04 hours |

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

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

[Statutory Authority: RCW 43.101.080(2). 93-13-101, § 139-05-912, filed 6/21/93, effective 7/22/93.]

## Chapter 139-10 WAC CORRECTIONS

### WAC

139-10-220  
139-10-222

Requirements of basic corrections academy.  
Readmission to corrections academies.

**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[.] provided, that any applicant whose beginning date of continuous corrections [officer] employment precedes January 1, 1982, may be allowed to audit, in whole or in part, basic corrections [officer] training. In no instance shall certification be granted until successful completion of physical 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 assignment.

(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(2). 93-13-099, § 139-10-220, filed 6/21/93, effective 7/22/93; 87-19-105 (Order 15-D), § 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.]

**Reviser's note:** RCW 34.05.395 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 139-10-222 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.

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

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

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

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

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

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

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

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

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

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

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

(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement or corrections trainee 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(2). 93-07-119, § 139-10-222, filed 3/24/93, effective 4/24/93.]

## Title 173 WAC

### ECOLOGY, DEPARTMENT OF

#### Chapters

- 173-19 Shoreline Management Act of 1971—State master program.
- 173-50 Accreditation of environmental laboratories.
- 173-164 Water rate charges.
- 173-202 Washington forest practices rules and regulations to protect water quality.
- 173-205 Whole effluent toxicity testing and limits.