

Title 139 WAC

CRIMINAL JUSTICE TRAINING COMMISSION

Chapters

- 139-01** General administration.
- 139-05** Law enforcement.
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- 139-15** Public attorneys and coroners.
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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 139-04 PUBLIC RECORDS AND ORGANIZATIONAL DESCRIPTION

- 139-04-010 Description of central and field organization. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-04-020 Public records available. [Order 6, § 139-04-020, filed 8/15/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

Chapter 139-08 PRACTICE AND PROCEDURE RULES

- 139-08-005 "Commission" defined. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 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 Repealed by 85-08-011 (Order 2-A), filed 3/27/85.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 Repealed by 85-08-011 (Order 2-A), filed 3/27/85.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 Repealed by 85-08-011 (Order 2-A), filed 3/27/85.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).
- 139-08-040 Appearance and practice before commission—Appearance by former employee of board or former member of attorney general's staff. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-050 Computation of time. [Order 2, § 139-08-050, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. 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).
- 139-08-070 Service of process—By whom served. [Order 2, § 139-08-070, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-080 Service of process—Upon whom served. [Order 2, § 139-08-080, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

- 139-08-090 Service of process—Service upon parties. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-100 Service of process—Method of service. [Order 2, § 139-08-100, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-110 Service of process—When service complete. [Order 2, § 139-08-110, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-120 Service of process—Filing with agency. [Order 2, § 139-08-120, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-130 Subpoenas—Where provided by law—Form. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-140 Subpoenas—Issuance to parties. [Order 2, § 139-08-140, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-150 Subpoenas—Service. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-160 Subpoenas—Fees. [Order 2, § 139-08-160, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-170 Subpoenas—Proof of service. [Order 2, § 139-08-170, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-180 Subpoenas—Quashing. [Order 2, § 139-08-180, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-190 Subpoenas—Enforcement. [Order 2, § 139-08-190, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-200 Subpoenas—Geographical scope. [Order 2, § 139-08-200, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-210 Depositions and interrogatories in contested cases—Right to take. [Order 2, § 139-08-210, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-220 Depositions and interrogatories in contested cases—Scope. [Order 2, § 139-08-220, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-230 Depositions and interrogatories in contested cases—Officer before whom taken. [Order 2, § 139-08-230, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-240 Depositions and interrogatories in contested cases—Authorization. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-250 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Order 2, § 139-08-250, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B),

- filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-260 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Order 2, § 139-08-260, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-270 Depositions and interrogatories in contested cases—Recordation. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-280 Depositions and interrogatories in contested cases—Signing attestation and return. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-290 Depositions and interrogatories in contested cases—Use and effect. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-300 Depositions and interrogatories in contested cases—Fees of officers and deponents. [Order 2, § 139-08-300, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-310 Depositions upon interrogatories—Submission of interrogatories. [Order 2, § 139-08-310, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-320 Depositions upon interrogatories—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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-330 Depositions upon interrogatories—Attestation and return. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-340 Depositions upon interrogatories—Provisions of deposition rule. [Order 2, § 139-08-340, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-350 Official notice—Matters of law. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-360 Official notice—Material facts. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-370 Presumptions. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-380 Stipulations and admissions of record. [Order 2, § 139-08-380, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. 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).
- 139-08-500 Rules of evidence—Admissibility criteria. [Order 2, § 139-08-500, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. 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).
- 139-08-520 Petitions for rule making, amendment or repeal—Who may petition. [Order 2, § 139-08-520, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-530 Petitions for rule making, amendment or repeal—Requirements. [Order 2, § 139-08-530, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-540 Petitions for rule making, amendment or repeal—Agency must consider. [Order 2, § 139-08-540, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-550 Petitions for rule making, amendment or repeal—Notice of disposition. [Order 2, § 139-08-550, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-560 Declaratory rulings. [Order 2, § 139-08-560, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-570 Forms. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-08-600 Appeal. [Statutory Authority: RCW 43.101.080(2), 85-08-011 (Order 2-A), § 139-08-600, filed 3/27/85.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

**Chapter 139-14
REQUIREMENT OF
BASIC LAW ENFORCEMENT TRAINING**

- 139-14-010 Requirement of basic law enforcement training. [Statutory Authority: RCW 43.101.080, 83-07-046 (Order 14-B), § 139-14-010, filed 3/18/83; 81-14-026 (Order 14A), § 139-14-010, filed 6/25/81. Statutory Authority: RCW 43.101.010, 43.101.200 and 43.101.210, 78-02-037 (Order 14), § 139-14-010, filed 1/17/78.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

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| | Chapter 139-16 BASIC LAW ENFORCEMENT SCHOOL CURRICULUM | | |
| 139-16-010 | Basic law enforcement curriculum. [Statutory Authority: RCW 43.101.080(10). 78-02-033 (Order 3-B), § 139-16-010, filed 1/17/78; Order 3-A, § 139-16-010, filed 1/4/77; Order 3, § 139-16-010, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-16-020 | Requirement of basic corrections training. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-210. |
| | Chapter 139-18 PHYSICAL REQUIREMENTS FOR ADMISSION TO ACADEMIES | | |
| 139-18-010 | Physical requirements for admission to basic law enforcement academies. [Statutory Authority: RCW 43.101.080(8). 78-02-034 (Order 12-B), § 139-18-010, filed 1/17/78; Order 12-A, § 139-18-010, filed 3/29/77.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-36-030 | Requirements of basic corrections academy. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-030, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-220. |
| | Chapter 139-20 ACKNOWLEDGMENT OF PRIOR BASIC TRAINING | | |
| 139-20-010 | Procedure for acknowledgment of prior basic training and issuance of certificate of equivalent basic training. [Statutory Authority: RCW 43.101.080(10). 78-02-035 (Order 4-B), § 139-20-010, filed 1/17/78; Order 4A, § 139-20-010, filed 8/15/75; Order 4, § 139-20-010, filed 1/22/75.] Repealed by 83-07-044 (Order 4-C), filed 3/18/83. Statutory Authority: RCW 43.101.080. | 139-36-031 | Basic corrections officers academy curriculum. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-230. |
| 139-20-020 | Basic law enforcement equivalency certification. [Statutory Authority: RCW 43.101.080. 83-07-045 (Order 4-D), § 139-20-020, filed 3/18/83.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-36-032 | Basic correctional services academy curriculum. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-032, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-235. |
| | Chapter 139-22 REQUIREMENTS OF CERTIFICATION FOR BASIC LAW ENFORCEMENT TRAINING | | |
| 139-22-010 | Requirements of basic law enforcement academy. [Statutory Authority: RCW 43.101.080(8). 78-02-036 (Order 13-B), § 139-22-010, filed 1/17/78; Order 7407, § 139-22-010, filed 3/29/77.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-36-033 | Juvenile security workers academy curriculum. [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.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-240. |
| 139-22-020 | Admission and participation requirements for basic law enforcement academy attendee. [Statutory Authority: RCW 43.101.080(2). 85-21-074 (Order 19), § 139-22-020, filed 10/21/85.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 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. |
| | Chapter 139-24 CERTIFICATION OF INSTRUCTORS | | |
| 139-24-010 | Certification of instructors. [Order 5, § 139-24-010, filed 1/22/75.] Repealed by 81-04-014 (Order 5A), filed 1/29/81. Statutory Authority: RCW 43.101.080(8). | 139-36-040 | Requirement of first- and second-level corrections supervisory training. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-040, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-310. |
| | Chapter 139-28 LAW ENFORCEMENT TRAINING | | |
| 139-28-010 | Goals of board on law enforcement training standards and education. [Order 7-A, § 139-28-010, filed 1/4/77; Order 7, § 139-28-010, filed 9/23/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-36-041 | First- and second-level supervision curriculum—Corrections. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-041, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-320. |
| | Chapter 139-32 PROSECUTOR TRAINING | | |
| 139-32-010 | Prosecutor, public defender, and municipal attorney training. [Statutory Authority: RCW 43.101.080(2). 81-14-049 (Order 8A), § 139-32-010, filed 6/30/81; Order 8, § 139-32-010, filed 9/23/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-15-110. | 139-36-050 | Requirement of middle-management corrections training. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-050, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-410. |
| | Chapter 139-36 CORRECTIONAL TRAINING | | |
| 139-36-010 | Standards of board on correctional training standards and education. [Order 9, § 139-36-010, filed 9/23/75.] Repealed by 82-07-051 (Order 9A), filed 3/19/82. Statutory Authority: RCW 43.101.080(2). | 139-36-051 | Middle-management curriculum—Corrections. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-051, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-420. |
| | | 139-36-060 | Requirement of executive management corrections training. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-060, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-510. |
| | | 139-36-061 | Executive management curriculum—Corrections. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-061, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-520. |

Chapter 139-40

OPERATING POLICY—COMMISSION—BOARDS

- 139-40-010 Operating policy of Washington state criminal justice training commission and boards on training standards and education. [Order 10, § 139-40-010, filed 9/23/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

Chapter 139-44

JUDICIAL TRAINING STANDARDS AND EDUCATION—GOALS OF BOARD

- 139-44-010 Goals of board on judicial training standards and education. [Order 11, § 319-44-010 (codified as WAC 139-44-010), filed 7/2/76.] Repealed by 81-21-044 (Order 11A), filed 10/16/81. Statutory Authority: RCW 43.101.080(8).

Chapter 139-50

FIRE MARSHAL TRAINING

- 139-50-010 Requirement of training for fire marshals. [Statutory Authority: RCW 43.101.080(2). 82-07-053 (Order 16), § 139-50-010, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-50-020 Requirements of training for police dog handler. [Statutory Authority: RCW 43.101.080. 82-21-062 (Order 17), § 139-50-020, filed 10/20/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-50-030 Requirement of training for agriculture officers. [Statutory Authority: RCW 43.101.080. 84-13-052 (Order 18), § 139-50-030, filed 6/19/84.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

Chapter 139-01 WAC

GENERAL ADMINISTRATION

WAC

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WAC 139-01-100 Description of central and field organization. The Washington state criminal justice training commission consists of the executive director, his/her staff, and twelve commissioners. Recommendations for training pursuant to commission adopted goals and standards may be approved by the executive director of the commission. Other 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). 86-19-021 (Order 1-B), § 139-01-100, filed 9/10/86.]

WAC 139-01-110 Public records available. The commission's records, made public and accessible by the provisions of RCW 42.17.250 through 42.17.340, shall be made available for inspection and copying at the commission's central office, upon request received by the executive director.

The commission is statutorily empowered to adopt necessary rules. A copy of rules concerning only the internal management of the adoptor and not affecting private rights or procedures available to the public shall be maintained at the commission's central office and shall be made public pursuant to the aforesaid procedures relating to commission records. Adopted substantive and procedural rules of general applicability, statements of general policy, interpretations of general applicability, and each amendment, revision or repeal thereof, shall be included in the Washington Administrative Code.

[Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-110, filed 9/10/86.]

WAC 139-01-210 Operating policy of Washington state criminal justice training commission. (1) The Washington state criminal justice training commission shall approve annual training schedules and budgets and may adopt standards and/or goals for criminal justice personnel and disciplines within its purview.

(2) The executive director of the commission may approve training programs or activity not included within an approved annual training schedule if he/she determines that sufficient resources exist and such program or activity is consistent and identifiable with an adopted standard or goal of the commission.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-210, filed 9/10/86.]

WAC 139-01-310 "Commission" defined. As used in this chapter "commission" means the Washington state criminal justice training commission.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-310, filed 9/10/86.]

WAC 139-01-320 Appearance and practice before commission—Appearance by 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), 86-19-021 (Order 1-B), § 139-01-320, filed 9/10/86.]

WAC 139-01-330 Computation of time. In computing any period of time prescribed or allowed by the commission or a hearing committee of said commission rules, by order of the commission or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-330, filed 9/10/86.]

WAC 139-01-410 Service of process—By whom served. The commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-410, filed 9/10/86.]

WAC 139-01-415 Service of process—Upon whom served. All papers served by the commission or any party

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shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-415, filed 9/10/86.]

WAC 139-01-420 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), 86-19-021 (Order 1-B), § 139-01-420, filed 9/10/86.]

WAC 139-01-425 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-425, filed 9/10/86.]

WAC 139-01-430 Service of process—When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-430, filed 9/10/86.]

WAC 139-01-435 Service of process—Filing with agency. Papers required to be filed with the involved agency shall be deemed filed upon actual receipt by said agency at the place specified in its rules accompanied by proof of service upon parties required to be served.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-435, filed 9/10/86.]

WAC 139-01-440 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), 86-19-021 (Order 1-B), § 139-01-440, filed 9/10/86.]

WAC 139-01-445 Subpoenas—Issuance to parties. Upon application of counsel or other representative authorized to practice before the agency for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The executive director may issue subpoenas to parties not so represented

upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-445, filed 9/10/86.]

WAC 139-01-450 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), 86-19-021 (Order 1-B), § 139-01-450, filed 9/10/86.]

WAC 139-01-455 Subpoenas—Fees. Witnesses summoned before the commission shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-455, filed 9/10/86.]

WAC 139-01-460 Subpoenas—Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the department or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the department, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-460, filed 9/10/86.]

WAC 139-01-465 Subpoenas—Quashing. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the commission or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-465, filed 9/10/86.]

WAC 139-01-470 Subpoenas—Enforcement. Upon application and for good cause shown the commission will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-470, filed 9/10/86.]

WAC 139-01-475 Subpoenas—Geographical scope. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-475, filed 9/10/86.]

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WAC 139-01-510 Depositions and interrogatories in contested cases—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application, or petition. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-510, filed 9/10/86.]

WAC 139-01-515 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-515, filed 9/10/86.]

WAC 139-01-520 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, deposition shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the commission or agreed upon by the parties by stipulation in writing filed with the commission. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any consul of a party, or who is financially interested in the proceeding.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-520, filed 9/10/86.]

WAC 139-01-525 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), 86-19-021 (Order 1-B), § 139-01-525, filed 9/10/86.]

WAC 139-01-530 Depositions and interrogatories in contested cases—Protection of parties and deponents.

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After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the commission or its designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the commission, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents, or information enclosed in sealed envelopes to be opened as directed by the commission, or the commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the commission or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the commission. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-530, filed 9/10/86.]

WAC 139-01-535 Depositions and interrogatories in contested cases—Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-535, filed 9/10/86.]

WAC 139-01-540 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

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the officer upon the deposition. All objections by any party not so made are waived.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-540, filed 9/10/86.]

WAC 139-01-545 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), 86-19-021 (Order 1-B), § 139-01-545, filed 9/10/86.]

WAC 139-01-550 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), 86-19-021 (Order 1-B), § 139-01-550, filed 9/10/86.]

WAC 139-01-555 Depositions and interrogatories in contested cases—Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which

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fees shall be paid by the party at whose instance the depositions are taken.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-555, filed 9/10/86.]

WAC 139-01-560 Depositions upon interrogatories—Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-560, filed 9/10/86.]

WAC 139-01-565 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), 86-19-021 (Order 1-B), § 139-01-565, filed 9/10/86.]

WAC 139-01-570 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), 86-19-021 (Order 1-B), § 139-01-570, filed 9/10/86.]

WAC 139-01-575 Depositions upon interrogatories—Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-575, filed 9/10/86.]

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WAC 139-01-610 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), 86-19-021 (Order 1-B), § 139-01-610, filed 9/10/86.]

WAC 139-01-615 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;

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(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). 86-19-021 (Order 1-B), § 139-01-615, filed 9/10/86.]

WAC 139-01-620 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, eluded, 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). 86-19-021 (Order 1-B), § 139-01-620, filed 9/10/86.]

(1999 Ed.)

WAC 139-01-625 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the party or parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing committee or the commission that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-625, filed 9/10/86.]

WAC 139-01-630 Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

[Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-630, filed 9/10/86.]

WAC 139-01-710 Petitions for rule making, amendment or repeal—Who may petition. Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

[Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-710, filed 9/10/86.]

WAC 139-01-715 Petitions for rule making, amendment or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

[Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-715, filed 9/10/86.]

[Title 139 WAC—p. 9]

WAC 139-01-720 Petitions for rule making, amendment or repeal—Agency must consider. All petitions shall be considered by the commission and the commission may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

[Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-720, filed 9/10/86.]

WAC 139-01-725 Petitions for rule making, amendment or repeal—Notice of disposition. The commission shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

[Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-725, filed 9/10/86.]

WAC 139-01-730 Declaratory rulings. As prescribed by RCW 34.04.080 any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within a reasonable time the commission shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for an oral hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission and of the issues involved.

If a hearing as provided in subsection (3) of this section is conducted, the agency shall within a reasonable time:

- (a) Issue a binding declaratory rule; or
- (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued.

[Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-730, filed 9/10/86.]

WAC 139-01-735 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.

[Title 139 WAC—p. 10]

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). 86-19-021 (Order 1-B), § 139-01-735, filed 9/10/86.]

WAC 139-01-810 Review and appeal of action. (1) Unless otherwise provided in this title, student dismissal for academic or disciplinary reasons 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. This section shall not apply to a request for a variance or exemption pursuant to WAC 139-01-820.

(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) 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; and

(e) 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.

(3) A request for review must be mailed to or personally served upon the director of the commission within thirty days of the date of written communication of commission staff action. "Mailing" for purposes of this regulation means posting in the United States mail, properly addressed, postage prepaid.

(4) A requesting party may notify the director of the commission within seven days of filing the request for a hearing that the requesting party chooses to first meet with the executive director and ask him or her to informally review the staff action. The executive director will conduct such informal review within thirty days of such request for informal review or within such additional period as is agreed to between the requesting party and the executive director. If the executive director then affirms staff action, or if the requesting party elects to forgo this informal review step, the matter will proceed to a formal hearing by an administrative law judge from the state office of administrative hearings. The administrative law judge will:

- (a) Schedule and conduct an adjudicative proceeding under chapter 34.05 RCW; and
- (b) Issue an initial decision of the commission in the matter.

The commission staff or the requesting party may then pursue review by the commission subject to the time limits and any other jurisdictional requirements of chapter 34.05 RCW and of this section.

(1999 Ed.)

(5) A petition for review of the initial decision must be filed with the commission within thirty days of mailing of the initial decision to the parties. Extensions of the time for filing petitions for review may be granted for good cause shown in the discretion of the chairperson of the commission on timely written request of a party. The petition for review shall set forth in detail the grounds for review, and the party filing the petition shall be deemed to have waived all objections or claims of irregularities not specifically set forth therein. At the next succeeding regularly scheduled meeting of the commission at which review can practicably be conducted, the commission shall consider the whole record, or such portions of it as are cited by the parties. The commission shall afford the parties an opportunity to present written argument, and may, as a matter of discretion, allow oral argument. Thereafter, a final decision shall be entered within thirty days of the meeting, either finally disposing of the action or remanding the matter for further proceedings before the initial reviewer.

[Statutory Authority: RCW 43.101.080(2), 96-08-008, § 139-01-810, filed 3/22/96, effective 4/22/96; 86-19-021 (Order 1-B), § 139-01-810, filed 9/10/86.]

WAC 139-01-820 Request for exemption or variance.

(1) Requests for exemption or variance from the commission's regulations may be pursued only under this section.

(2) A request for exemption or variance may be made only by the head of a law enforcement agency on behalf of an employee or employees directly affected by the regulation. Where a request for an exemption or variance is on behalf of a chief of police, such request shall be made by the appointing authority. Requests for exemption or variance shall be for mitigation only and shall not raise questions of law or of fact. Such requests shall be submitted in writing to the director of the commission and shall include, where applicable:

(a) The particular regulation from which exemption or variance is sought;

(b) The nature of the exemption or variance which is sought;

(c) The mitigating factors favoring exemption or variance in the particular case;

(d) The name and mailing address of the requesting party and any person who will personally appear in support of the requesting party, including legal counsel;

(e) A statement that the person signing the request has read it and that to the best of his or her knowledge or information and belief the contents thereof are true.

(3) Upon receipt of a request for exemption or variance which satisfies the requirements of subsection (2) of this section, the director shall schedule the request for full consideration at the next commission meeting. If it is determined by the chairman that circumstances justify expedited review, the chairman may schedule a special meeting for the sole purpose of effecting review. After full consideration of the matter, the commission shall deny the request, grant the request or provide alternative mitigating relief.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-820, filed 9/10/86.]

(1999 Ed.)

Chapter 139-05 WAC LAW ENFORCEMENT

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 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). |
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WAC 139-05-200 Requirement of basic law enforcement training. (1) All full-time commissioned law enforcement employees of a city, county, or political subdivision of the state of Washington, except officers of the Washington state patrol, unless otherwise exempted by the Washington state criminal justice training commission, shall as a condition of continued employment successfully complete a 440-hour basic law enforcement academy sponsored or conducted by the commission, or obtain a certificate of equivalent basic training from the commission. This requirement of basic law enforcement training shall be met within the initial fifteen-month period of law enforcement employment, unless otherwise extended by the commission. Provided, that aforementioned personnel hired on or after January 1, 1990, shall commence basic training during the first six months of employment unless otherwise extended by the commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) of this section shall include:

(a) Individuals holding the office of sheriff of any county on September 1, 1979;

(b) Auxiliary and reserve personnel; and

(c) Commissioned personnel[.];

(i) Who have been granted an administrative exemption by the commission, provided that the initial grant and continuing effect of such exemption shall be governed by the following:

(A) No police chief or sheriff of any agency with ten or fewer full-time patrol officers shall be eligible to receive such exemption;

(B) Any request for such exemption shall be submitted to the commission on approved form and, in any instance wherein the requestor is a police chief, such request shall be cosigned by requestor's appointing authority;

(C) Any individual receiving such exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but shall limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;

(D) Any approved administrative exemption shall remain in effect for the duration of the exemptee's term of service within the position upon which such exemption is based or until the nature of exemptee's primary duties and responsibilities change from administrative to general enforcement; and

(E) Any approved administrative exemption may be revoked by the commission at any time [and] upon its finding that the conditions of such exemption are not being met or the basis for such exemption no longer exists;

(ii) Whose initial date of full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978; or

(iii) Who have been certified in accordance with the requirement of subsection (1) of this section, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of twenty-four month[s] duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, except the Washington state patrol, shall immediately notify the commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency on or after January 1, 1978. Such notification shall be maintained by the commission and shall be utilized by the commission for the subsequent scheduling, notification and enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of noncompliance, by the commission, on approved form, to:

- (a) The individual in noncompliance;
- (b) The head of his/her agency;
- (c) The civil service commission having jurisdiction of such agency;
- (d) The judges and clerks of the municipal, district, and superior courts in which said agency is located;
- (e) The state auditor's office; and
- (f) Any other agency or individual, as determined by the commission.

[Statutory Authority: RCW 43.101.080(2), 89-13-024 (Order 14D), § 139-05-200, filed 6/13/89; 87-19-104 (Order 14-D), § 139-05-200, filed 9/18/87; 86-19-021 (Order 1-B), § 139-05-200, 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 139-05-210 Basic law enforcement equivalency certification. (1) A certificate of equivalent basic law enforcement training shall be issued only to applicants who successfully complete the equivalency process as required by the Washington state criminal justice training commission. For this purpose, the term "process" shall include all documentation and prerequisites set forth in subsection (6) of this section, and successful completion of all knowledge and skills requirements within the basic equivalency academy. A certificate of equivalent basic law enforcement training shall be recognized in the same manner as the certificate of completion of the basic law enforcement academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to regular, full-time, commissioned enforcement officers who otherwise are eligible to attend the basic law enforcement academy, and who have attained basic certification through completion of a basic training program in this or another state. For this purpose, the term "basic training program" shall not include any military or reserve training program, or any federal training program not otherwise approved by a majority of the law enforcement representatives within the commission membership.

(3) Effective January 1, 1987, the participation of any eligible and approved applicant for a certificate of equivalent basic law enforcement training shall be effected within, and limited to, the first available session of the basic equivalency academy following such applicant's date of hire; provided that no applicant shall be required to attend a session of the basic equivalency academy which is conducted within the initial sixty days of the employment for which certification is requested.

It shall be the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner and as necessary to ensure that the participation provided by this section is effected.

The participation of any applicant in any session of the basic equivalency academy not otherwise provided herein shall require the approval of the commission.

(4) In those instances wherein an applicant has attended more than one basic training program, eligibility for participation in the basic equivalency process shall not be approved if such applicant, for whatever reason, failed to successfully complete the most recent of such programs attended.

(5) The decision to request an officer's participation within the equivalency process shall be discretionary with the head of the officer's employing agency, who shall advise the commission of that decision by appropriate notation upon the hiring notification submitted to the commission for such officer. Upon receipt of such notification, the commission shall provide to such agency head all necessary forms and information required for the processing of a request for a certificate of equivalent basic training.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency shall submit to the commission the following documentation as a precondition of participation within such process:

- (a) A copy of applicant's current and valid Washington state driver's license;
- (b) A copy of applicant's current and valid basic first-aid card;
- (c) A statement of applicant's health and physical condition by an examining physician;
- (d) A record of applicant's firearms qualification;
- (e) A liability release agreement by the applicant; and
- (f) A criminal records check regarding such applicant.

(7) If such training has not been completed previously, the applicant shall be required to complete the commission's twenty-four-hour emergency vehicle operation course, as scheduled by the commission.

(8) Upon completion of the equivalency process and review and evaluation of applicant's performances therein, the 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; or
- (c) Require completion of the basic law enforcement academy.

(9) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the commission if it determines that sufficient justification exists for such action.

Additionally, any action or determination by the commission staff regarding a requestor or applicant for equivalency certification shall, upon written request of the involved individual or agency, be reviewed by the executive director of the training commission.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-05-210, filed 9/10/86.]

WAC 139-05-220 Backgrounding requirement for admission to basic law enforcement academy. 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 training commission.

(1999 Ed.)

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-05-220, filed 9/10/86.]

WAC 139-05-230 Physical requirements for admission to basic law enforcement academy. Each successful applicant for admission to a basic law enforcement academy sponsored or conducted by the Washington state criminal justice training commission shall 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 commencing on or after July 1, 1992, shall, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the training commission.

For this purpose, each academy applicant shall be evaluated in the assessment areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the training commission. Such evaluation shall be based upon performance ratings which are normed to the general population and appropriately adjusted for consideration of the age and gender of the applicant.

Failure to demonstrate a requisite level of fitness within each assessment area will result in ineligibility for academy admissions and/or attendance.

[Statutory Authority: RCW 43.101.080(2), 91-14-011, § 139-05-230, filed 6/24/91, effective 7/25/91; 91-01-043, § 139-05-230, filed 12/12/90, effective 7/1/91; 89-13-023 (Order 12C), § 139-05-230, filed 6/13/89; 86-19-021 (Order 1-B), § 139-05-230, filed 9/10/86.]

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.

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(c) Department 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 reviewed 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 ineffec-

tual 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 139-05-810 Basic training requirement for reserve officers. (1) For the purposes herein:

(a) "Reserve officer" includes any law enforcement officer who does not serve as a law enforcement officer of this state on a full-time basis, but who, when called by such agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state; and

(b) "Field assignment" includes any period of active service wherein the assigned officer is expected to take routine and/or special enforcement actions, independently or otherwise, in the same manner and capacity as a full-time officer with such assignment.

(2) For the purposes of the Washington Mutual Aid Peace Officers Powers Act, chapter 10.93 RCW, every individual who is commissioned as a specially commissioned peace officer in this state on or after January 1, 1989, shall obtain a basic reserve certificate as a precondition of his/her exercise of authority pursuant to such act; provided that, any individual possessing a basic reserve certificate issued to him/her by the training commission prior to January 1, 1989, shall be deemed to have met this requirement.

(3) A basic reserve certificate shall be issued by the training commission to any individual who successfully completes:

(a) A basic course of instruction for reserve officers as prescribed and required by the training commission; and

(b) A comprehensive certification examination developed and administered by the training commission.

(4) Requirements of section 3 above may be waived in whole or in part as determined by the training commission and based upon an evaluation of an applicant's experience and training accomplishments. A request for such waiver must be submitted to the training commission on approved form by the applicant's agency head and, if approved, may result in direct issuance of a basic reserve certificate or issuance of such certificate upon successful completion of specific training requirements prescribed by the training commission.

[Statutory Authority: RCW 43.101.080(2), 88-20-022 (Order 20), § 139-05-810, filed 9/28/88.]

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.]

WAC 139-05-915 Requirements of training for police dog handler. (1) For purposes herein:

(a) "Dog handler" means any commissioned law enforcement officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a police dog within a law enforcement patrol or investigative assignment; and

(b) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, for the purpose of developing the trainee's competency in the care, control, and utilization of a police dog.

(2) A dog handler shall, as a precondition of such assignment, successfully complete the basic law enforcement academy program, or otherwise comply with the basic training requirement prescribed by WAC 139-14-010 of the training commission.

(3) Prior to, or within the first six months of such assignment, a dog handler shall successfully complete training according to the nature and purpose of utilization of the police dog for which such handler is responsible. Categories of utilization and concomitant training standards are prescribed as follows:

(a) Generalist. A dog handler who is responsible for the routine and regular utilization of a police dog within general patrol or investigative activities, shall successfully complete at least three hundred ninety hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police K-9;

(ii) Legal and liability aspects, including applicable department policies;

- (iii) Public relations;
 (iv) Care and maintenance;
 (v) Obedience and control;
 (vi) Tracking;
 (vii) Trailing;
 (viii) Area searching;
 (ix) Building searching;
 (x) Evidence searching;
 (xi) Pursuit/holding; and
 (xii) Master protection.

(b) General detection. A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of specific substances, excluding explosives, shall successfully complete at least one hundred eighty hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police K-9;
 (ii) Legal and liability aspects, including applicable department policies;
 (iii) Public relations;
 (iv) Care and maintenance;
 (v) Obedience and control;
 (vi) Area searching;
 (vii) Building searching;
 (viii) Evidence searching; and
 (ix) Detection of specific substances.

(c) Explosives detection. A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of explosive substances and devices, shall successfully complete at least three hundred ninety hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police K-9;
 (ii) Legal and liability aspects, including applicable department policies;
 (iii) Public relations;
 (iv) Care and maintenance;
 (v) Obedience and control;
 (vi) Area searching;
 (vii) Building searching;
 (viii) Evidence searching; and
 (iv) Detection of explosives.

(d) Master protection. A dog handler who is responsible for the routine and regular utilization of a police dog solely for self-protection and assistance in hostile or potentially hostile situations, shall successfully complete at least one hundred eighty hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police K-9;
 (ii) Legal and liability aspects, including applicable department policies;
 (iii) Public relations;
 (iv) Care and maintenance;
 (v) Obedience and control;
 (vi) Pursuit/holding; and
 (vii) Master protection.

(4) Any dog handler whose initial date of assigned responsibility for K-9 utilization precedes January 1, 1983,

shall meet the applicable training standard as above prescribed. For this purpose, training completed by such handler prior to January 1, 1983, shall be recognized and considered as training completed pursuant to such standard. If such training is less than, or does not include, that prescribed, the additional training required shall be completed prior to July 1, 1983.

(5) It shall be the responsibility of the local agency to ensure both program and personnel compliance with the above standards, as applicable, and the maintenance of training records necessary for the substantiation of such compliance. Such compliance shall constitute compliance required by RCW 4.24.410 and 9A.76.200 and for purposes of the immunity and penal provisions therein.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-05-915, filed 9/10/86.]

WAC 139-05-920 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 - eight hours;

(b) Evidence law - two hours;

(c) Criminal investigation - eight hours;

(d) Effective interviewing and interrogation - four hours;

(e) Communication skills - six hours;

(f) Criminal law - four hours;

(g) Officer safety and basic patrol procedures - four hours;

(h) Use of deadly force - four 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 twelve 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, 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(2), 86-19-021 (Order 1-B), § 139-05-920, filed 9/10/86.]

(1999 Ed.)

WAC 139-05-925 Requirement of training for railroad special agents. (1) For the purpose of this regulation, the term "special agent" means any individual appointed by the governor of the state of Washington under the provisions of RCW 81.60.010 through 81.60.060.

(2) As a precondition of any exercise of police powers to enforce the laws of this state, special agents shall:

(a) Possess the Washington state criminal justice training commission's basic certificate, or in the alternative, successfully complete, or have previously completed, a training program of at least two hundred and forty hours which shall include:

| | | |
|--------|-------------------------------------|--------------------|
| (i) | Administration | 15 hours |
| (ii) | Introduction to criminal justice | 5 hours |
| (iii) | Law and procedure | 40 hours |
| (iv) | Community relations | 8 hours |
| (v) | Patrol skills and procedures | 34 hours |
| (vi) | Investigative skills and procedures | 108 hours |
| (vii) | Defensive tactics | 20 hours |
| (viii) | Departmental policy and procedures | 2 hours |
| (ix) | Railroad operation and procedures | 4 hours |
| (x) | Use of force | 4 hours |
| (xi) | Firearms qualification | <u>as required</u> |

Total: 240 hours

(b) Notwithstanding date of hire, successfully complete the following training, at least annually, in addition to any other in-service training program otherwise required by the special agent's employing agency:

| | | |
|-------|------------------------|-----------------|
| (i) | First aid | 8 hours |
| (ii) | CPR | 4 hours |
| (iii) | Firearms qualification | 24 hours |
| (iv) | Legal update | 4 hours |
| (v) | SAC training | <u>24 hours</u> |

Total: 64 hours

(3) It shall be the responsibility of the special agent's employing agency to effect and ensure personnel compliance herein, and provide necessary records and information upon request of the training commission to which the employing agency shall be accountable for purpose of compliance.

[Statutory Authority: RCW 43.101.080(2), 90-07-012, § 139-05-925, filed 3/13/90, effective 4/13/90.]

WAC 139-05-930 Certification/decertification of D.A.R.E. officer. (1) No individual shall deliver, present, or otherwise provide the drug abuse resistance education (D.A.R.E.) curriculum or program within any public or private school of this state unless such individual is a certified D.A.R.E. officer. For this purpose, the term "certified D.A.R.E. officer" means any individual who:

(a) Is engaged in regular, full-time commissioned employment with a general enforcement agency of this state;

(b) Has complied and remains in compliance with the basic training requirements of RCW 43.101.200;

(c) Has been selected or appointed as a D.A.R.E. officer candidate by his or her agency head, and such selection or

appointment is based upon a process which evaluates appearance, commitment, integrity, communications skills, and ability to establish rapport with preteen and teenage students;

(d) Has successfully completed a basic 80-hour "D.A.R.E. officer" training program approved by the Washington state criminal justice training commission; and

(e) Remains in certified status and in good standing as a D.A.R.E. officer.

(2) Any D.A.R.E. officer of this state may be decertified by the training commission through the suspension or revocation of his or her certification for one or more of the following reasons:

(a) Failure to personally provide or conduct one full D.A.R.E. curriculum within any 24-month period;

(b) Use of any controlled substance or unprescribed drug in violation of any statute, ordinance, or departmental directive;

(c) Intemperate use of alcohol;

(d) Commission of any crime;

(e) Public or private conduct which brings, or can reasonably be expected to bring, discredit, ridicule, embarrassment, or other negative effect to the D.A.R.E. program;

(f) Knowingly involving himself or herself with any program or activity, including fundraising effort or activity, which falsely or fraudulently purports to be D.A.R.E. or D.A.R.E. related; or

(g) Knowingly violating any rule, regulation, or requirement established by D.A.R.E. America or the training commission for the purpose of ensuring program uniformity, program integrity, or vendor or copyright control.

(3) Any D.A.R.E. officer's certificate may be suspended or revoked for cause by the training commission's executive director or his or her designee. Appeal therefrom may be taken to the commission in accordance with WAC 139-01-810.

[Statutory Authority: RCW 43.101.080(2), 91-01-042, § 139-05-930, filed 12/12/90, effective 1/12/91.]

Chapter 139-10 WAC CORRECTIONS

WAC

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|------------|---|
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| 139-10-212 | Physical requirements for admission to basic corrections academies. |
| 139-10-215 | Corrections officer academy equivalency certification. |
| 139-10-220 | Requirements of basic corrections academy. |
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| 139-10-230 | Basic corrections officers academy curriculum. |
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| 139-10-320 | First-level and second-level corrections supervision curriculum. |
| 139-10-410 | Requirement of middle-management corrections training. |
| 139-10-420 | Middle-management curriculum—Corrections. |
| 139-10-510 | Requirement of executive management corrections training. |
| 139-10-520 | Corrections executive management curriculum. |

WAC 139-10-210 Requirement of basic corrections training. As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city,

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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. 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 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) Adult 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, community corrections officers, probation counselors, institution counselors, and psychiatric social workers.

(c) 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 and parole counselors and juvenile rehabilitation counselors.

(d) Juvenile security workers academy. All employees responsible for the care, custody, and safety of youth in county juvenile court detention centers. Representative job class includes, but is not limited to, juvenile detention workers.

(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.

An agency may elect to forgo completely any 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 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, 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, 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,

(1999 Ed.)

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 officer academy sponsored or conducted by the Washington state criminal justice training commission shall 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 commencing on or after July 1, 1992, shall, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the training commission.

For this purpose, each academy applicant shall be evaluated in the assessment areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the Training Commission. Such evaluation shall be based upon performance ratings which are normed to the general population and appropriately adjusted for consideration of age and gender of the applicant.

Failure to demonstrate a requisite level of fitness within each assessment area will result in ineligibility for academy admissions and/or attendance.

[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 Corrections officer 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 training commission basic corrections officer 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 obtained certification through successful completion of an accepted corrections basic training program in this or another state. 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 on the approved form signed by the chief executive officer of the requesting agency and shall include:

(a) 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;

(1999 Ed.)

(c) Copies of current and valid basic cardio-pulmonary resuscitation 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 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 determines 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.

[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[.]; 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.]

WAC 139-10-230 Basic corrections officers academy curriculum. The basic corrections officers academy curriculum of the Washington state criminal justice training commission, effective January 1, 1988, shall be one hundred sixty instructional hours in length and shall include the following subject matter:

- (1) Core skills[:]
 - (a) Observation skills[; and]
 - (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[; and]
 - (e) Problem solving[.]
 - (f) Report writing
 - (g) Avoiding inmate manipulation
 - (h) Booking and classification
 - (i) Fingerprinting
- (3) Related skills[:]
 - (a) Stress management[; and]
 - (b) Physical fitness[.]
 - (c) Professionalism
 - (d) Human relations/cultural awareness
 - (e) Self-leadership.

[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.]

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 139-10-235 Basic adult services academy curriculum. The basic adult correctional services academy curriculum of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include the following subject matter:

- (1) Core skills[:]
 - (a) Assessment[:]
 - (b) Motivation[:]
 - (c) Goal setting/action planning[:]
 - (d) Monitoring and intervention[: and]
- (2) Key skills[:]
 - (a) Interpersonal skills[:]
 - (b) Interviewing[:]
 - (c) Classification[:]
 - (d) Supervision and discipline[:]
 - (e) Offense prevention[: and]
- (3) Related skills[:]
 - (a) Dealing with aggressive and resistive behavior[:]
 - (b) Ethnic competency[:]
 - (c) Legal issues[: and]
 - (d) Report writing[.]
 - (e) Counseling techniques
 - (f) Managing information.

[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.]

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 139-10-237 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 the following subject matter:

- (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

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- (e) Counseling techniques
- (f) Skill training
- (g) Teamwork.

[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 security workers academy curriculum. The basic juvenile security workers academy curriculum of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include the following subject matter:

- (1) Core skills[:]
 - (a) Observation skills[:]
 - (b) Interpersonal skills[: and]
 - (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[: and]
 - (e) Report writing[.]
 - (f) Skills training
 - (g) Reception and classification
- (3) Related skills[:]
 - (a) Professionalism[:]
 - (b) Physical fitness[:]
 - (c) Stress management[: and].

[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.]

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 139-10-310 Requirement of corrections supervisory training. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time first-level or second-level supervisory position on or after January 1, 1982, shall successfully complete, prior to or within six months after such promotion or appointment, unless otherwise extended or waived by the commission; the commission's first-level and second-level supervision course, or other training deemed the equivalent by the corrections training manager of the commission.

(2) It shall be the responsibility of the employing agency, in consultation with the corrections training manager, to determine which of its employees should attend the first-level and second-level [supervisors] course. In general, first-level supervision positions are defined as positions above operational level for the direct supervision of nonsupervisory personnel. Second-level supervisors are defined as those persons who supervise first-level supervisors. Representative job classes include sergeants, lieutenants, district supervisors,

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classification and community corrections officer supervisors, cottage supervisors, and unit supervisors.

(3) 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 to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his [or her] employing agency, any action affecting such trainee's status or compliance with the above requirement for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

[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.]

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 139-10-320 First-level and second-level corrections supervision curriculum. The first-level and second-level corrections supervision curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include the following subject matter:

- (1) Role of the supervisor[.]
- (2) Advanced oral and written communication[.]
- (3) Team building[.]
- (4) Goal setting[.]
- (5) Work planning/time management[.]
- (6) Scheduling and delegating[.]
- (7) On-the-job training[.]
- (8) Performance monitoring[.]
- (9) Employee selection[.]
- (10) Employee performance appraisal[.]
- (11) Handling incompetent and difficult staff and preventing grievances[.]
- (12) Handling criticism from staff[.]
- (13) Preventing and handling staff burnout[.]
- (14) Leading meetings[.]

[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.]

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 139-10-410 Requirement of middle-management corrections training. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time middle-management position on or after January 1, 1982, shall successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the commission, the commission's corrections

middle-management course or other middle-management training deemed the equivalent thereof by the corrections training manager.

(2) It shall be the responsibility of the employing agency to determine which of its employees should attend the middle-management course. In general, middle managers shall be defined as those persons in the organization who manage and develop programs and who are responsible for the smooth functioning of work groups supervised by first-level and second-level supervisors. Representative job classes include regional administrators, central office staff, captains, associate superintendents, district administrators, and unit program directors.

(3) 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 to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his [or her] employing agency, any action affecting such trainee's status or compliance with the middle-management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

[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.]

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 139-10-420 Middle-management curriculum—Corrections. The middle-management curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include the following subject matter:

- (1) Teamwork.
- (2) Internal consulting.
- (3) Budgeting.
- (4) Program development.
- (5) Program evaluation.
- (6) Procedures development.
- (7) Motivation and bureaucracy.
- (8) Procedure writing.
- (9) Managing by systems.

[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.]

WAC 139-10-510 Requirement of executive management corrections training. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county, or political subdivision of the state of Washington, promoted or appointed to a full-time executive management position on or after January 1, 1982, shall successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the commission, the commission's corrections executive management course or other executive

management training deemed the equivalent thereof by the corrections training manager of the commission.

(2) It shall be the responsibility of the employing agency to determine which of its employees should attend the executive management course. In general, executive managers are defined as superintendents of large correctional institutions and jails, central office directors, deputy directors and assistant directors, and juvenile court directors in large jurisdictions.

(3) 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 to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his [or her] employing agency, any action affecting such trainee's status or compliance with the executive management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

[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.]

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 139-10-520 Corrections executive management curriculum. The corrections executive management curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include the following subject matter:

- (1) Team building and organizational goal setting[.]
- (2) Long-range planning[.]
- (3) Your public image[.]
- (4) Creating momentum for organizational change[.]
- (5) Organizational communication[.]
- (6) Organizational leadership[.]
- (7) Policy development[.]
- (8) Executive self-care[.]
- (9) Managing with limited resources[.]
- (10) Executive career ladder and power base[.]
- (11) Program effectiveness research[.]
- (12) Quality control[.]
- (13) View of the executive[.]
- (14) Training systems[.]
- (15) Futures planning[.]

[Statutory Authority: RCW 43.101.080(2), 87-19-106 (Order 15-E), § 139-10-520, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-520, filed 9/10/86. Formerly WAC 139-36-061.]

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.

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Chapter 139-15 WAC

PUBLIC ATTORNEYS AND CORONERS

WAC

139-15-110 Prosecutor, public defender, and municipal attorney training.

WAC 139-15-110 Prosecutor, public defender, and municipal attorney training. The Washington state criminal justice training commission shall, within the fiscal resources available, develop and annually conduct the following types of training:

(1) Basic orientation training for attorneys whose responsibility is prosecuting of criminal, juvenile, and traffic offenses and for attorneys whose primary responsibility is defense of such offenses; and

(2) Advanced training for county prosecutors, municipal attorneys, attorneys engaged primarily in the defense of persons charged with offenses, and their attendant support staffs.

Additionally, the commission may develop, publish, or distribute training materials and manuals for county prosecutors, municipal attorneys, and attorneys engaged primarily in the defense of persons charged with offenses.

For purposes herein, the term "attorneys who are engaged primarily in the defense of persons charged with offenses" shall be limited to attorneys who expend at least fifty percent of their employment in the provision of criminal defense services and who are:

(a) Staff attorneys of any not-for-profit organization which has as its primary function the provision of criminal defense services;

(b) Attorneys who provide such services pursuant to a contractual agreement with any public entity; or

(c) Attorneys employed by any duly constituted public defender district.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-15-110, filed 9/10/86. Formerly WAC 139-32-010.]

Chapter 139-25 WAC

CAREER-LEVEL CERTIFICATION

WAC

139-25-110 Career-level certification for law enforcement and corrections personnel.

WAC 139-25-110 Career-level certification for law enforcement and corrections personnel. (1) For purposes herein:

(a) The term "first-level supervisory position" means a position above operational level for which commensurate pay is authorized and is occupied by an individual who, in the upward chain of command, principally is responsible for the direct supervision of nonsupervisory employees of an agency or is subject to assignment of such responsibilities;

(b) The term "middle-management position" means a position between a first-level supervisory position and an executive position and for which commensurate pay is authorized and is occupied by an individual who, in the upward chain of command, principally is responsible for the direct supervision of supervisory employees of an agency and/or command duties;

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(c) The term "executive position" means the head of an agency or those individuals occupying positions designated as executive positions by the agency head.

(2) Any law enforcement officer or corrections employee successfully completing the training requirements specified in hereinafter shall be eligible to apply to the Washington state criminal justice training commission for issuance of the certification for which such requirements are prescribed. Such certification is intended to acknowledge the recipient's accomplishment of training and experience responsive to the specific functions and responsibilities of a first-level supervisory, midmanagement, or executive position. It is not intended to supplant an effective promotional or selection process or preclude consideration of a broad scope of qualifying factors within such process.

(3) The minimum requirements of supervisory certification are set forth as follows:

(a) Possession of a basic law enforcement or corrections certificate or basic equivalency certificate of the training commission or basic certificate of the Washington state patrol; and

(b) At least three years of regular and full-time law enforcement or corrections service in a patrol, line, or non-supervisory position; and

(c) Satisfactory completion of a probationary period made applicable by the employing agency to a first-level supervisory position or, in the absence of such period, satisfactory performance throughout the initial six months of service in such position; and

(d) Successful completion of the first-level or first- and second-level supervision course of the training commission; and

(e) Successful completion of at least 72 additional training hours intended or approved for the first-level supervisory position.

(4) The minimum requirements for midmanagement certification are set forth as follows:

(a) At least two years of full-time and regular service in a first-level supervisory position; and

(b) Satisfactory completion of a probationary period made applicable by the employing agency to a midmanagement position or, in the absence of such period, satisfactory performance throughout the initial six months of service within such position; and

(c) Possession of the supervisory certificate of the training commission; and

(d) Successful completion of a midmanagement course of the training commission; and

(e) Successful completion of at least 72 additional training hours intended or approved for the midmanagement position.

(5) The minimum requirements for executive certification are set forth as follows:

(a) At least two years of full-time and regular service in a midmanagement position; and

(b) Possession of the midmanagement certificate of the training commission; and

(c) Successful completion of the small agency administration or introduction to executive management course of the training commission; and

(d) Successful completion of the Law Enforcement Command College or executive management course of the training commission; and

(e) Successful completion of at least 72 additional training hours intended or approved for the executive position.

(6) Any application for certification provided herein shall be submitted in writing on approved form to the executive director of the training commission or his/her designee.

(7) Education and training programs successfully completed by the applicant and not sponsored or otherwise approved by the training commission may be considered in any determination of satisfaction of training requirements prescribed herein. Such determinations and any other determinations relating to equivalent or alternative training shall be made by the executive director of the training commission or his/her designee.

(8) Any requests for exception to or variance within any provision or requirements set forth herein may be submitted in writing by the individual seeking certification to the executive director or his/her designee, who shall have dispositive authority in the matter.

[Statutory Authority: RCW 43.101.080(2), 88-20-023 (Order 21), § 139-25-110, filed 9/28/88.]

Chapter 139-30 WAC

FIREARMS CERTIFICATION—SECURITY GUARDS

WAC

| | |
|------------|--|
| 139-30-005 | Firearms certification—Definitions. |
| 139-30-010 | Firearms certification—Licensing requirement. |
| 139-30-015 | Firearms certification—Application. |
| 139-30-020 | Firearms certification—Requirements. |
| 139-30-025 | Firearms certification—Expiration and renewal. |

WAC 139-30-005 Firearms certification—Definitions. (1) Words and terms used in WAC 139-30-005 through 139-30-025 shall have the same meaning as under chapter 18.170 RCW, unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private security guard company.

(3) "Principal partner" means a partner who exercises operational control over a private security guard company.

(4) "Department" means Washington state department of licensing.

(5) "Commission" means Washington state criminal justice training commission.

[Statutory Authority: RCW 43.101.080(2), 92-02-040, § 139-30-005, filed 12/24/91, effective 1/24/92.]

WAC 139-30-010 Firearms certification—Licensing requirement. (1) Any licensed private security guard desiring to be licensed as an armed private security guard by the department shall, as a precondition of being licensed as an armed private security guard, obtain a firearms certificate from the commission.

(2) An application for armed license must be submitted to the department within 90 days following issuance of a firearms certificate by the commission. If application is not submitted within that time period, the firearms certificate will be

deemed lapsed by the commission and shall not serve as the basis for an armed license.

[Statutory Authority: RCW 43.101.080(2), 92-02-040, § 139-30-010, filed 12/24/91, effective 1/24/92.]

WAC 139-30-015 Firearms certification—Application. (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, or a principal corporate officer, of the licensed private security company employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private security guard license.

(d) Be accompanied by payment of a processing fee of thirty dollars.

(2) After receipt and review of an application, the commission will provide written notification within ten business days to the requesting company regarding applicant's eligibility to obtain and possess a firearms certificate.

[Statutory Authority: RCW 43.101.080(2), 92-02-040, § 139-30-015, filed 12/24/91, effective 1/24/92.]

WAC 139-30-020 Firearms certification—Requirements. (1) A firearms certificate will be issued to any eligible applicant who has satisfactorily completed an approved program of at least eight hours of instruction and testing prescribed by the commission for this purpose and conducted by a certified instructor. Such program shall include:

(a) Classroom instruction which, through established learning objectives, addresses:

(i) Legal issues regarding the use of deadly force;

(ii) Decision making regarding the use of deadly force;

(iii) Safe firearms handling; and

(iv) Basic tactics in the use of deadly force.

(b) A written examination based upon the aforementioned learning objectives;

(c) A skills test wherein the applicant is required to demonstrate satisfactory proficiency in safe firearms handling; and

(d) A range qualification course wherein an applicant is required to demonstrate requisite proficiency with the specific firearm provided to applicant by applicant's employing company.

(2) A firearms certificate shall be issued in the name of each successful applicant and forwarded to the respective employing company.

[Statutory Authority: RCW 43.101.080(2), 92-02-040, § 139-30-020, filed 12/24/91, effective 1/24/92.]

WAC 139-30-025 Firearms certification—Expiration and renewal. (1) Any firearms certificate issued by the commission shall expire on the expiration date of any armed security guard license issued by the department.

(2) Renewal of any active armed license shall require firearms recertification within the three-month period pre-

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ceding expiration of the license. Recertification is valid until expiration of the renewed armed license.

(3) If firearms recertification is not completed on or before the expiration of the armed license, the licensee is not eligible for firearms recertification, but instead must meet full requirements for firearms certification.

(4) Firearms recertification shall require:

(a) Submission of an application to the commission on a form provided by the commission;

(b) Payment of a fee of twenty dollars to the commission; and

(c) Satisfactory completion of an approved program of at least four hours of instruction and testing prescribed by the commission for firearms recertification purposes and conducted by a certified instructor.

[Statutory Authority: RCW 43.101.080(2), 92-02-040, § 139-30-025, filed 12/24/91, effective 1/24/92.]

Chapter 139-35 WAC

FIREARMS CERTIFICATION—PRIVATE DETECTIVES

WAC

| | |
|------------|--|
| 139-35-005 | Firearms certification—Definitions. |
| 139-35-010 | Firearms certification—Licensing requirement. |
| 139-35-015 | Firearms certification—Application. |
| 139-35-020 | Firearms certification—Requirements. |
| 139-35-025 | Firearms certification—Expiration and renewal. |

WAC 139-35-005 Firearms certification—Definitions. (1) Words and terms used in WAC 139-35-005 through 139-35-025 shall have the same meaning as under chapter 18.165 RCW, unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private detective agency.

(3) "Principal partner" means a partner who exercises operational control over a private detective agency.

(4) "Department" means Washington state department of licensing.

(5) "Commission" means Washington state criminal justice training commission.

[Statutory Authority: RCW 43.101.080(2), 92-02-041, § 139-35-005, filed 12/24/91, effective 1/24/92.]

WAC 139-35-010 Firearms certification—Licensing requirement. (1) Any licensed private detective desiring to be licensed as an armed private detective by the department shall, as a precondition of being licensed as an armed private detective, obtain a firearms certificate from the commission.

(2) An application for armed license must be submitted to the department within 90 days following issuance of a firearms certificate by the commission. If application is not submitted within that time period, the firearms certificate will be deemed lapsed by the commission and shall not serve as the basis for an armed license.

[Statutory Authority: RCW 43.101.080(2), 92-02-041, § 139-35-010, filed 12/24/91, effective 1/24/92.]

WAC 139-35-015 Firearms certification—Application. (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, principal corporate officer, or designated agent of the licensed private detective agency employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private detective license.

(d) Be accompanied by payment of a processing fee of thirty dollars.

(2) After receipt and review of an application, the commission will provide written notification within ten days to the requesting agency regarding applicant's eligibility to obtain and possess a firearms certificate.

[Statutory Authority: RCW 43.101.080(2), 92-02-041, § 139-35-015, filed 12/24/91, effective 1/24/92.]

WAC 139-35-020 Firearms certification—Requirements. (1) A firearms certificate will be issued to any eligible applicant who has satisfactorily completed an approved program of at least eight hours of instruction and testing prescribed by the commission for this purpose and conducted by a certified instructor. Such program shall include:

(a) Classroom instruction which, through established learning objectives, addresses:

(i) Legal issues regarding the use of deadly force;

(ii) Decision making regarding the use of deadly force;

(iii) Safe firearms handling; and

(iv) Basic tactics in the use of deadly force.

(b) A written examination based upon the aforementioned learning objectives;

(c) A skills test wherein the applicant is required to demonstrate satisfactory proficiency in safe firearms handling; and

(d) A range qualification course wherein an applicant is required to demonstrate requisite proficiency with the specific firearm provided to applicant by applicant's employing agency.

(2) A firearms certificate shall be issued in the name of each successful applicant and forwarded to the respective employing agency.

[Statutory Authority: RCW 43.101.080(2), 92-02-041, § 139-35-020, filed 12/24/91, effective 1/24/92.]

WAC 139-35-025 Firearms certification—Expiration and renewal. (1) Any firearms certificate issued by the commission shall expire on the expiration date of any armed private detective license issued by the department.

(2) Renewal of any active armed license shall require firearms recertification within the three-month period preceding expiration of the license. Recertification is valid until expiration of the renewed armed license.

(3) If firearms recertification is not completed on or before the expiration of the armed license, the licensee is not eligible for firearms recertification, but instead must meet full requirements for firearms certification.

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(4) Firearms recertification shall require:

(a) Submission of an application to the commission on a form provided by the commission;

(b) Payment of a fee of twenty dollars to the commission; and

(c) Satisfactory completion of an approved program of at least four hours of instruction and testing prescribed by the commission for firearms recertification purposes and conducted by a certified instructor.

[Statutory Authority: RCW 43.101.080(2), 92-02-041, § 139-35-025, filed 12/24/91, effective 1/24/92.]

Chapter 139-37 WAC**FIREARMS CERTIFICATION—INSTRUCTORS—RECORDS****WAC**

139-37-005

Firearms certification—Certified instructors.

139-37-010

Firearms certification—Records.

WAC 139-37-005 Firearms certification—Certified instructors. (1) For the purposes of chapters 139-30 and 139-35 WAC, "certified instructor" means any individual who:

(a) Applies for instructor certification to the commission on a form prescribed by the commission for such purpose; and

(b) Pays an administrative fee of twenty-five dollars; and

(c) Satisfactorily completes an instructor orientation course regarding the requirements of instruction and testing for firearms certification of private security guards and private detectives; and

(i) Documents satisfactory completion of a firearms instructor course approved by the commission; or

(ii) Satisfactorily completes a firearms instructor course conducted by the commission; and

(d) Meets one of the following:

(i) Is currently employed as a full-time commissioned law enforcement officer; or

(ii) Is currently licensed as a private security guard or private detective; or

(iii) Submits a set of fingerprints to the commission for the purposes of background investigation; and

(e) Has not been convicted of a gross misdemeanor or felony; and has not been convicted of a misdemeanor involving the use or threatened use of a firearm; and has not committed any act involving moral turpitude, dishonesty, or corruption, whether the act constitutes a crime or not.

(2) A certified instructor is authorized to conduct an approved program of instruction and testing for firearms certification of private security guards and private detectives. The certified instructor shall not be considered an employee, agent, contractor, or representative of the commission.

(3) The commission may monitor and review the program of instruction and testing conducted by a certified instructor for the purpose of determining compliance with the commission's program materials and standards.

(4) Certified instructor status may be revoked by the commission for cause, including, but not limited to:

(a) Misrepresentation of facts on the initial application for instructor certification; or

(b) Conviction of a gross misdemeanor or felony; or conviction of a misdemeanor involving the use or threatened use of a firearm; or the commission of any act involving moral turpitude, dishonesty, or corruption, whether the act constitutes a crime or not; or

(c) Failure to conduct the armed private guard or armed private detective firearms certification/recertification program as prescribed by the commission; or

(d) Falsification of any documentation or score relating to the firearms certification/recertification program; or

(e) Unsafe firearms handling during the firearms certification/recertification process.

(5) The commission may require periodic instructor update training at its discretion, but no more frequently than once a year.

[Statutory Authority: RCW 43.101.080(2), 92-02-042, § 139-37-005, filed 12/24/91, effective 1/24/92.]

WAC 139-37-010 Firearms certification—Records.

(1) A master record of firearms certificate issuances by the commission to private security guards and private detectives shall be maintained by the commission.

(2) A master record of certified instructors for purposes of chapters 139-30 and 139-35 WAC shall be maintained by the commission.

(3) The aforementioned records shall be accessible by any individual, organization, private security company, or private detective agency making written inquiry to the commission at its administrative offices, P.O. Box 0905, Olympia WA 98504-0905.

[Statutory Authority: RCW 43.101.080(2), 92-02-042, § 139-37-010, filed 12/24/91, effective 1/24/92.]