

**WSR 24-10-073
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed April 29, 2024, 2:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-19-049.

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

Hearing Location(s): On June 12, 2024, at 10:00 a.m., at the Washington State Criminal Justice Training Commission (WSCJTC), 19010 1st Avenue South, Commission Room, Burien, WA 98148.

Date of Intended Adoption: June 12, 2024.

Submit Written Comments to: Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, email lacey.ledford@cjtc.wa.gov, by June 12, 2024.

Assistance for Persons with Disabilities: Contact Lacey Ledford, phone 206-670-5813, email lacey.ledford@cjtc.wa.gov, by June 12, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revising WAC 139-05-242 and 139-10-222 to remove the 24-month suspension and replace it with an indefinite termination that may only be waived by the executive director or designee.

Reasons Supporting Proposal: The rule change will cause WSCJTC to require recruits removed from the academy due to an integrity violation to appeal to the executive director or designee for future reenrollment to WSCJTC basic training academies.

Statutory Authority for Adoption: RCW 43.101.080.

Statute Being Implemented: RCW 43.101.080.

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

Name of Agency Personnel Responsible for Drafting: Serena Anastasio, 19010 1st Avenue South, Burien, WA 98148, 206-758-1199; Implementation and Enforcement: Nadia Fiorini, 19010 1st Avenue South, Burien, WA 98148, 206-931-6492.

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

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

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

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

April 29, 2024
Lacey Ledford
Rules Coordinator

OTS-5364.1

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

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

No person may be readmitted to any basic law enforcement academy except as provided in this section.

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

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

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

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

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

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

~~(a) No person may be considered for such early readmission after an integrity violation dismissal unless a written request is made by the head of the agency employing the individual at the time of the request.~~

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

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

~~(5))~~ After the ineligibility period specified in subsection (3) of this section has passed, (~~or after an exception has been granted by the commission under subsection (4) of this section,~~) the person previously dismissed for (~~an integrity~~) a major violation may be readmitted to a subsequent academy session only if the ((conditions of subsection (2) of this section are satisfactorily met)) person's current employing agency head, or their designee, submits to the commission a written request for readmission of the person to the academy.

~~((6))~~ (5) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

OTS-5365.1

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

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

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

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

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

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

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

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

~~(a) No person may be considered for such early readmission after an integrity violation dismissal unless a written request is made by the head of the agency employing the individual at the time of the request.~~

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

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

~~(5))~~ After the ineligibility period specified in subsection (3) of this section has passed, (~~or after an exception has been granted by the commission under subsection (4) of this section,~~) the person previously dismissed for (~~an integrity~~) a major violation may be readmitted to a subsequent academy session only if the (~~conditions of subsection (2) of this section are satisfactorily met~~) person's current employing agency head, or their designee, submits to the commission a written request for readmission of the person to the academy.