

Chapter 139-10 WAC CORRECTIONS

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

139-10-214	Termination of corrections personnel—Notification to commission. [Statutory Authority: RCW 43.101.080. WSR 18-13-061, § 139-10-214, filed 6/14/18, effective 7/15/18.] Repealed by WSR 22-19-038, filed 9/14/22, effective 10/15/22. Statutory Authority: RCW 43.101.080.
139-10-221	Scholastic performance requirements for basic corrections training. [Statutory Authority: RCW 43.101.080. WSR 03-02-009, § 139-10-221, filed 12/20/02, effective 1/20/03; WSR 00-17-017, § 139-10-221, filed 8/4/00, effective 9/4/00.] Repealed by WSR 22-19-038, filed 9/14/22, effective 10/15/22. Statutory Authority: RCW 43.101.080.
139-10-236	Work release academy curriculum. [Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-236, filed 8/4/00, effective 9/4/00.] Repealed by WSR 09-16-135, filed 8/5/09, effective 9/5/09. Statutory Authority: RCW 43.101.080.
139-10-310	Requirement of corrections supervisory training. [Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-310, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-106 (Order 15-E), § 139-10-310, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-310, filed 9/10/86. Formerly WAC 139-36-040.] Repealed by WSR 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW 43.101.080. Later promulgation, see RCW 43.101.350 and WAC 139-25-110.
139-10-320	First-level and second-level corrections supervision curriculum. [Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-320, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-106 (Order 15-E), § 139-10-320, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-320, filed 9/10/86. Formerly WAC 139-36-041.] Repealed by WSR 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW 43.101.080. Later promulgation, see RCW 43.101.350 and WAC 139-25-110.
139-10-410	Requirement of middle-management corrections training. [Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-410, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-106 (Order 15-E), § 139-10-410, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-410, filed 9/10/86. Formerly WAC 139-36-050.] Repealed by WSR 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW 43.101.080. Later promulgation, see RCW 43.101.350 and WAC 139-25-110.
139-10-420	Middle-management curriculum—Corrections. [Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-420, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-10-420, filed 9/10/86. Formerly WAC 139-36-051.] Repealed by WSR 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW 43.101.080. Later promulgation, see RCW 43.101.350 and WAC 139-25-110.
139-10-510	Requirement of executive management corrections training. [Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-510, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-106 (Order 15-E), § 139-10-510, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-510, filed 9/10/86. Formerly WAC 139-36-060.] Repealed by WSR 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW 43.101.080. Later promulgation, see RCW 43.101.350 and WAC 139-25-110.
139-10-520	Corrections executive management curriculum. [Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-10-520, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-106 (Order 15-E), § 139-10-520, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-520, filed 9/10/86. Formerly WAC 139-36-061.] Repealed by WSR 08-08-016, filed 3/19/08, effective 4/19/08. Statutory Authority: RCW 43.101.080. Later promulgation, see RCW 43.101.350 and WAC 139-25-110.
139-10-540	Basic institutional corrections counselor academy curriculum. [Statutory Authority: RCW 43.101.080. WSR 05-13-077, § 139-10-540, filed 6/14/05, effective 7/15/05.] Repealed by WSR 09-16-135, filed 8/5/09, effective 9/5/09. Statutory Authority: RCW 43.101.080.
139-10-550	Basic arrest, search, and seizure academy. [Statutory Authority: RCW 43.101.080. WSR 05-20-026, § 139-10-550, filed 9/28/05, effective 10/29/05.] Repealed by WSR 22-19-038, filed 9/14/22, effective 10/15/22. Statutory Authority: RCW 43.101.080.

WAC 139-10-210 Requirement of basic corrections training for correctional personnel. As a condition of continued employment, unless exempted by the commission, all correctional personnel, as de-

fined in RCW 43.101.010, with the exception of those employed by the Washington state department of corrections prison division, must commence training in a basic corrections academy within the initial six-month period of employment, unless otherwise extended or waived by the commission, and then successfully complete the training. The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections. Requests for extension or waiver of the basic training requirement must be submitted to the commission in writing as designated by commission policy and procedures.

(1) Correctional personnel must successfully complete the appropriate basic corrections academy according to job function as referred below:

(a) Corrections officers academy, as described in WAC 139-10-230.

(b) Misdemeanant probation counselors academy, as described in WAC 139-10-235.

(c) Community corrections officers academy and basic arrest, search, and seizure academy, as described in WAC 139-10-530.

(d) Juvenile services academy, as described in WAC 139-10-237.

(e) Juvenile corrections officers academy, as described in WAC 139-10-240.

(f) Juvenile rehabilitation academy, as described in WAC 139-10-245.

(2) Each agency employing correctional personnel, as defined in RCW 43.101.010, is responsible for full and complete compliance with the above training requirements. Additionally, each such agency must provide the commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees, as required by WAC 139-10-213.

[Statutory Authority: RCW 43.101.080. WSR 22-19-038, § 139-10-210, filed 9/14/22, effective 10/15/22; WSR 09-16-135, § 139-10-210, filed 8/5/09, effective 9/5/09; WSR 05-20-027, § 139-10-210, filed 9/28/05, effective 10/29/05; WSR 04-13-071, § 139-10-210, filed 6/15/04, effective 7/16/04; WSR 00-17-017, § 139-10-210, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.220. WSR 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). WSR 87-19-105 (Order 15-D), § 139-10-210, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-210, filed 9/10/86. Formerly WAC 139-36-020.]

WAC 139-10-211 Backgrounding requirement for admission to basic corrections officers academy. For the purposes of this chapter, it is the responsibility of each sponsoring or applying agency to conduct a complete criminal records check to include a search of state and national criminal history records information regarding its applicant through the submission of the applicant's fingerprints to an appropriate agency or agencies.

Each application for academy attendance must be accompanied by a written attestation by the applying agency that:

(1) The criminal records check has been completed; and

(2) There are no disqualifying convictions.

[Statutory Authority: RCW 43.101.080. WSR 18-13-058, § 139-10-211, filed 6/14/18, effective 7/15/18.]

WAC 139-10-212 Physical requirements for admission to basic corrections academies. (1) For admission to the corrections officers academy or juvenile corrections officers academy, each recruit must possess good health and physical capability to actively and fully participate in defensive tactics training and other required physical activities.

(2) In order to minimize risk of injury and maximize the benefit of such participation, each recruit in any academy session must, as a precondition of their academy admission, demonstrate a requisite level of physical fitness, as established by the commission.

For this purpose, each recruit must be evaluated in accordance with the policies and procedures established by the commission.

(3) Failure to demonstrate a requisite level of fitness will result in ineligibility for academy admission.

[Statutory Authority: RCW 43.101.080. WSR 22-19-038, § 139-10-212, filed 9/14/22, effective 10/15/22; WSR 05-20-028, § 139-10-212, filed 9/28/05, effective 10/29/05; WSR 00-17-017, § 139-10-212, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 91-14-010, § 139-10-212, filed 6/24/91, effective 7/25/91; WSR 91-01-044, § 139-10-212, filed 12/12/90, effective 7/1/91.]

WAC 139-10-213 Employment and separation of correctional personnel—Notification to commission. All counties and municipal corporations of the state of Washington, or any political subdivision thereof, shall notify the commission within 15 days by an approved form of each instance where correctional personnel begins continuing and regular employment with that agency and each instance where correctional personnel has been separated for any reason. Agencies employing corrections officers must give additional notices as specified in WAC 139-06-020.

[Statutory Authority: RCW 43.101.080. WSR 22-19-038, § 139-10-213, filed 9/14/22, effective 10/15/22; WSR 18-13-059, § 139-10-213, filed 6/14/18, effective 7/15/18.]

WAC 139-10-215 Equivalency process for corrections officers. The corrections officers equivalency academy process is provided in WAC 139-05-210.

[Statutory Authority: RCW 43.101.080. WSR 22-19-038, § 139-10-215, filed 9/14/22, effective 10/15/22; WSR 18-19-067, § 139-10-215, filed 9/17/18, effective 10/18/18; WSR 03-13-098, § 139-10-215, filed 6/17/03, effective 7/18/03; WSR 00-17-017, § 139-10-215, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 91-01-041, § 139-10-215, filed 12/12/90, effective 1/12/91.]

WAC 139-10-220 Completion requirements of basic corrections academies. Each recruit in a basic corrections academy will receive a diploma only upon full and successful completion of the academy as prescribed by the commission. The performance of each recruit shall be evaluated as follows:

(1) Academic performance.

(a) A standardized evaluation process will be utilized in all basic corrections academies sponsored or conducted by the commission in evaluating the level of scholastic achievement of each recruit.

(b) Such process shall include the application of a designated minimum passing score for written examinations and the availability of a retesting procedure.

(c) Failure to achieve the required minimum passing score will result in termination of academy enrollment.

(2) Practical skills.

(a) A standardized evaluation process will be utilized in all corrections officers academies and juvenile corrections officers academies sponsored or conducted by the commission in evaluating the level of skill proficiency of each recruit.

(b) Such process shall include the application of a designated minimum passing score of all skill proficiencies identified by the commission and the availability of a retesting procedure.

(c) Failure to achieve a final passing grade in each practical skills dimension will result in termination of academy enrollment.

(3) Conduct and participation.

(a) Each recruit will be required to participate fully in all academy classes and adhere to all rules, regulations, and policies of the commission.

(b) Failure to adhere to all rules, regulations and policies of the commission will result in termination of academy enrollment.

[Statutory Authority: RCW 43.101.080. WSR 22-19-038, § 139-10-220, filed 9/14/22, effective 10/15/22; WSR 00-17-017, § 139-10-220, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 93-13-099, § 139-10-220, filed 6/21/93, effective 7/22/93; WSR 87-19-105 (Order 15-D), § 139-10-220, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-220, filed 9/10/86. Formerly WAC 139-36-030.]

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 the individual meets all the academy admission requirements and their current employing agency head, or their designee, submits a new registration for admission into the academy.

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

readmission to any subsequent academy within 60 months from the date of dismissal regardless of employer or employment status.

(4) After the ineligibility period specified in subsection (3) of this section has passed, an agency head, or their designee, must make a written request for readmission, which requires the submission of an application to the executive director that includes:

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

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

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

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

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

[Statutory Authority: RCW 43.101.080. WSR 24-19-043, s 139-10-222, filed 9/11/24, effective 10/12/24; WSR 22-19-038, § 139-10-222, filed 9/14/22, effective 10/15/22; WSR 00-17-017, § 139-10-222, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 93-07-119, § 139-10-222, filed 3/24/93, effective 4/24/93.]

WAC 139-10-230 Corrections officers academy eligibility and curriculum. (1) All employees whose primary job function is to provide for the custody, safety, and security of adult prisoners in jails and detention facilities must complete the corrections officers academy. Representative job classifications include, but are not limited to, custody and corrections officers.

(2) The corrections officers academy curriculum shall be at least 10 full-time weeks in length and may include, but not be limited to, the following subject matter areas:

(a) Core skills:

(i) Observation skills;

(ii) Communication skills;

(iii) Security management;

(iv) Supervision of inmates;

(v) Discipline of inmates;

(vi) Use of force training consistent with permissible uses of force per RCW 43.101.490;

(vii) Writing skills;

(b) Key skills:

(i) Legal issues;

(ii) Dealing with aggressive behavior;

(iii) Dealing with medical problems;

(iv) Dealing with mental illness problems;

(v) Problem solving;

(vi) Report writing;

- (vii) Avoiding inmate manipulation;
- (viii) Booking and classification;
- (ix) Fingerprinting;
- (c) Related skills:
 - (i) Stress management;
 - (ii) Physical fitness;
 - (iii) Professionalism;
 - (iv) Human relations/cultural awareness;
 - (v) Historical intersection of race and corrections.

[Statutory Authority: RCW 43.101.080. WSR 23-01-086, § 139-10-230, filed 12/16/22, effective 1/16/23; WSR 22-19-038, § 139-10-230, filed 9/14/22, effective 10/15/22; WSR 00-17-017, § 139-10-230, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-105 (Order 15-D), § 139-10-230, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-230, filed 9/10/86. Formerly WAC 139-36-031.]

WAC 139-10-235 Misdemeanant probation counselors academy eligibility and curriculum. (1) All employees whose primary job function is the case management of adult offenders under county/city supervision, to include: Assessment, case planning, counseling, supervision, and monitoring must complete the misdemeanor probation counselors academy. Representative job classes include, but are not limited to, adult probation officers and counselors.

(2) The misdemeanor probation counselors academy curriculum shall be at least 80 instructional hours in length and may include, but not be limited to, the following subject matter areas:

- (a) Core skills
 - (i) Assessment
 - (ii) Motivation
 - (iii) Goal setting/action planning
 - (iv) Monitoring and intervention
- (b) Key skills
 - (i) Interpersonal skills
 - (ii) Interviewing
 - (iii) Classification
 - (iv) Supervision and discipline
 - (v) Offense prevention
- (c) Related skills
 - (i) Dealing with aggressive and resistive behavior
 - (ii) Legal issues
 - (iii) Report writing
 - (iv) Counseling techniques
 - (v) Managing information
 - (vi) Human relations/cultural awareness
 - (vii) Historical intersection of race and corrections.

[Statutory Authority: RCW 43.101.080. WSR 22-19-038, § 139-10-235, filed 9/14/22, effective 10/15/22; WSR 05-13-079, § 139-10-235, filed 6/14/05, effective 7/15/05; WSR 00-17-017, § 139-10-235, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-105 (Order 15-D), § 139-10-235, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-235, filed 9/10/86. Formerly WAC 139-36-032.]

WAC 139-10-237 Juvenile services academy eligibility and curriculum. (1) All employees whose primary job function is to assess, case plan, and/or manage, counsel, and/or monitor juvenile offenders must complete the juvenile services academy. Representative job classes include, but are not limited to, juvenile probation counselors, guardian ad litem, case aides/assistants, trackers, juvenile drug court counselors, and community surveillance officers.

(2) The juvenile services academy curriculum shall be at least 40 instructional hours in length and may include, but not be limited to, the following subject matter areas:

- (a) Core skills
 - (i) Observation skills
 - (ii) Writing skills
 - (iii) Interpersonal communication
 - (iv) Professionalism
 - (v) Legal authority
- (b) Key skills
 - (i) Juvenile law
 - (ii) Behavioral health issues
 - (iii) Personal safety
 - (iv) De-escalation
 - (v) Adolescent development
- (c) Related skills
 - (i) Trauma informed care
 - (ii) Stress management
 - (iii) Interviewing
 - (iv) Human relations/cultural awareness
 - (v) Historical intersection of race and corrections.

[Statutory Authority: RCW 43.101.080. WSR 22-19-038, § 139-10-237, filed 9/14/22, effective 10/15/22; WSR 00-17-017, § 139-10-237, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-105 (Order 15-D), § 139-10-237, filed 9/18/87.]

WAC 139-10-240 Juvenile corrections officers academy eligibility and curriculum. (1) All employees whose primary job function is the care, custody, and safety of juvenile offenders in county facilities must complete the juvenile corrections officers academy. Representative job classes include, but are not limited to, juvenile detention workers, juvenile corrections officers, and juvenile supervision officers.

(2) The juvenile corrections officers academy curriculum shall be at least 80 instructional hours in length and may include, but not be limited to, the following subject matter areas:

- (a) Core skills
 - (i) Observation skills
 - (ii) Interpersonal skills
 - (iii) Security management
 - (iv) Supervision of youth
 - (v) Discipline of youth
 - (vi) Proper use of physical force
- (b) Key skills
 - (i) Legal issues
 - (ii) Dealing with aggressive behavior
 - (iii) Handling medical problems
 - (iv) Handling mental illness problems

- (v) Report writing
- (vi) Skills training
- (vii) Reception and classification
- (c) Related skills
 - (i) Professionalism
 - (ii) Physical fitness
 - (iii) Stress management
 - (iv) Human relations/cultural awareness
 - (v) Historical intersection of race and corrections.

[Statutory Authority: RCW 43.101.080. WSR 22-19-038, § 139-10-240, filed 9/14/22, effective 10/15/22; WSR 05-01-110, § 139-10-240, filed 12/15/04, effective 1/15/05; WSR 00-17-017, § 139-10-240, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 87-19-105 (Order 15-D), § 139-10-240, filed 9/18/87; WSR 86-19-021 (Order 1-B), § 139-10-240, filed 9/10/86. Formerly WAC 139-36-033.]

WAC 139-10-245 Juvenile rehabilitation academy eligibility and curriculum. (1) All employees whose primary job function is the case management, custody, safety, counseling, supervision, and/or the application of treatment interventions to juvenile offenders committed to the care and supervision of the juvenile rehabilitation administration must complete the juvenile rehabilitation academy. Representative job classes include, but are not limited to, juvenile residential rehabilitation counselors, juvenile rehabilitation community counselors, juvenile rehabilitation counselor assistants, juvenile rehabilitation security officers, juvenile rehabilitation coordinators, and juvenile rehabilitation supervisors.

(2) The juvenile rehabilitation counselor academy curriculum shall be at least 80 instructional hours in length and may include, but not be limited to, the following subject matter areas:

- (a) Core skills
 - (i) Observation skills
 - (ii) Interpersonal skills
 - (iii) Security management
 - (iv) Supervision of youth
 - (v) Discipline of youth
 - (vi) Proper use of physical force
 - (vii) Applying research-based treatment
 - (viii) Writing skills
- (b) Key skills
 - (i) Legal issues
 - (ii) Dealing with aggressive behavior
 - (iii) Handling medical problems
 - (iv) Handling mental illness problems
 - (v) Skills training
- (c) Related skills
 - (i) Professionalism
 - (ii) Stress management
 - (iii) Human relations/cultural awareness
 - (iv) Historical intersection of race and corrections.

[Statutory Authority: RCW 43.101.080. WSR 22-19-038, § 139-10-245, filed 9/14/22, effective 10/15/22; WSR 05-01-111, § 139-10-245, filed 12/15/04, effective 1/15/05.]

WAC 139-10-530 Basic community corrections officers academy and basic arrest, search, and seizure academy eligibility and curriculums.

(1) All employees whose primary job function is the case management in the community of adult offenders under the state department of corrections supervision, to include: Monitoring adjustment of offenders involved with in/outpatient treatment programs, counseling offenders and/or referring them for counseling or other resource/treatment programs, and making home/field visits pursuant to offender classification standards must complete both the basic community corrections officers academy and the basic arrest, search, and seizure academy. Representative job classifications include, but are not limited to, community corrections officers, community risk management specialists, hearings officers, and victim advocates.

(2) The basic community corrections officers academy curriculum shall be at least 80 instructional hours in length and will include, but not be limited to, the following subject matter areas:

- (a) Core skills
 - (i) Assessment
 - (ii) Motivation
 - (iii) Goal setting/action planning
 - (iv) Monitoring and intervention
 - (v) Arrest and search procedures
- (b) Key skills
 - (i) Interpersonal skills
 - (ii) Interviewing
 - (iii) Classification
 - (iv) Offense prevention
- (c) Related skills
 - (i) Dealing with aggressive and resistive behavior
 - (ii) Legal issues
 - (iii) Counseling techniques
 - (iv) Managing information
 - (v) Security management.

(3) The basic arrest, search, and seizure academy curriculum shall be at least 40 instructional hours in length and will include, but not be limited to, the following subject matter areas:

- (a) Core skills
 - (i) Arrest procedures
 - (ii) Search procedures
 - (iii) Field safety techniques
- (b) Key skills
 - (i) Verbal de-escalation
 - (ii) Home assessments
- (c) Related skills
 - (i) Dealing with aggressive and resistive behavior
 - (ii) Legal issues
 - (iii) Evidence procedures
 - (iv) Personal safety
 - (v) Security management.

[Statutory Authority: RCW 43.101.080. WSR 22-19-038, § 139-10-530, filed 9/14/22, effective 10/15/22; WSR 06-02-004, § 139-10-530, filed 12/22/05, effective 1/22/06; WSR 05-13-078, § 139-10-530, filed 6/14/05, effective 7/15/05.]