



CRIMINAL JUSTICE TRAINING COMMISSION POLICY MANUAL



	Chapter 1, Policy 10 LETCSA, 24-Hour Audit & CIT Exemption, Waiver, Extension, or Variance	Revised: 4/6/2022
Authorizing Source: WAC 139-11-020 – LETCSA WAC 139-09-020 – CIT WAC 139-05-300 – In-service to include CIT WAC 139-03-030 – Requests for exemption, waiver, extension or variance.		Applies to: Relevant Staff

I. PURPOSE:

The Washington State Criminal Justice Training Commission (WSCJTC) may review requests from law enforcement agencies regarding exemptions, waivers, extensions, or variances for courses and programs per the applicable authorizing statute or regulation.

II. DEFINITIONS:

LETCSA – Law Enforcement Training and Community Safety Act.

CIT – Crisis Intervention Team.

Exemption – a request to be released from some requirement(s) to which others are subject.

Waiver – a decision by the WSCJTC not to apply all or part of a rule to an agency or person who is subject to the requirement(s).

Extension – an increase in length of time.

Variance – a decision by the WSCJTC to grant a modification to all or part of the requirements of a rule to an agency or person who is subject to the rule.

III. POLICY:

A. Law Enforcement Training and Community Safety Act (LETCSA)

1. Revised Code of Washington (RCW) 43.101.455 and Washington Administrative Code (WAC) 139-11 requires certified peace officers, both general authority and lateral, to complete minimum training requirements. The referenced statute and regulation concern LETCSA courses. The amount of training is contingent on the officer’s certification date. Per WAC 139-11-060, all incumbent peace officers are required to complete forty hours of LETCSA training every three years. An agency may request an exemption, waiver, extension, or variance for any certified peace officer from any requirement of chapter 139-11 WAC, per WAC 139-03-030.

B. 24-Hour In-Service Training to Include Two-Hour CIT Annual Training Requirement Exemption or Waiver

1. RCW 43.101.427, WAC 139-05-300 and 139-09-020 require certified peace and reserve officers to successfully pass the two-hour CIT annual course as part of the 24-hour

annual in-service training requirement. An agency may request an exemption or waiver for any certified peace or reserve officer from any requirement of WAC 139-05-300 (5):

(5) The WSCJTC Deputy Director may, on a case-by-case basis, grant exceptions for individuals with extenuating circumstances where the employing agency has made every reasonable effort to obtain training for the officer.

Agencies wishing to appeal any denials to the Commission may do so under WAC 139-03-030.

C. 24-Hour In-Service Training to Include Two-Hour CIT Annual Training Requirement Extension

1. If a certified peace officer has been on documented leave, they may request an extension to fulfill their required training hours per WAC 139-05-300 (4). A sheriff or chief may request a three-month extension of the requirement by doing so in writing to the Commission. Written requests must be received by December 1, of the calendar year in question. The three-month extension provides the individuals named until March 31, to complete the remaining mandated 24-hour and two-hour CIT annual training. Any training obtained during this three-month extension only counts towards the previous year being audited.

IV. REQUEST CRITERIA:

A. Agency requests will be evaluated and considered under one or more of the following criteria:

1. Extension, Exemption, or Waiver – military, sick, and/or administrative leave for a specific period of time delegated by the request the program pertains to
 - a. For LETCSA requests: the documented leave must be for a minimum of 18 cumulative months in any given three-year LETCSA training cycle. These requests must be submitted by September 1, during the third year of the applying officer's three-year LETCSA training cycle. If a LETCSA documented leave request is submitted after September 1, during the third year of the applying officer's three-year LETCSA training cycle, there is no guarantee that the request will be able to be presented at the next regularly scheduled Commission meeting.
 - b. For 24-hour in-service training requests (to include two-hour CIT annual training): waiver and exemption requests for documented leave from October to the end of the year, must request a waiver by December 1, of the calendar year in question.
 - i. Extensions for the 24-hour in-service and two-hour CIT annual training requirement must be submitted by December 1, of the calendar year in question.
2. Variance – Identical (LETCSA) course taken by the officer. To qualify for this request, the course must be created and delivered by the exact same organization or individual as the training offered by WSCJTC. This requirement is only applicable to LETCSA courses. The scope of this criterion is very narrow and specific. A request utilizing this criterion must be received by September 1, during the third year of the applying officer(s) three-year LETCSA training cycle. If any agency is unsure if their situation

qualifies to submit a request under this criterion, they should contact the LETCSA Program Manager.

3. Exemption – Extenuating circumstances where the employing agency has made every reasonable effort to obtain training for the officer. This request is an exception granted by the WSCJTC Deputy Director. Twenty-four-hour in-service and two-hour CIT annual training requirement(s) will only be reviewed for the period between October to the end of the calendar year. Appeals of the Deputy Director’s decision shall adhere to WAC 139-03-030.

V. REQUEST MATERIALS:

A. Exemption, Waiver, Extension Requests - If the request is for: military, sick, and/or administrative leave for any regulation, the following materials must be submitted:

1. A letter from the agency’s chief or sheriff on agency letterhead outlining:
 - a. the officer’s name and the dates of absence;
 - b. the type of request being submitted (exemption, waiver, extension);
 - c. an explanation pertaining to why the training could not be completed in the mandated timeframe; and
 - d. the specific program the request pertains to.
 - i. If you are submitting a LETCSA training request, the WSCJTC course name(s) must be included along with any course documentation relevant to the request.
 - ii. If you are submitting a 24-hour in-service or two-hour CIT annual training request for the three-month extension, the letter must include a detailed explanation of the efforts made by the employing agency to obtain training for the applying officer; and how the agency plans to make up the missed training by March 31.

B. LETCSA Variance Request - If requesting an identical course variance for a LETCSA course, the following materials must be submitted:

1. A letter from the agency’s chief or sheriff on agency letterhead outlining the course taken and an explanation pertaining to the details of the course including:
 - a. the officer’s name(s) and the dates taken;
 - b. the organization that developed or delivered the training;
 - c. the instructor(s); and
 - d. the WSCJTC LETCSA course relevant to the request.
2. A certificate of completion or documentation showing completion and a passing grade for the officer.
3. Any additional and available documentation related to the request, such as a course syllabus, or materials.

VI. COMMITTEE REVIEW PROCESS:

- A. When an agency submits a request for exemption, waiver, extension, or variance to the WSCJTC, a review process will be triggered that follows the requirements of the relevant WAC. Reviews are initiated once all requested materials have been received. It is imperative that all requested materials must be received by the specific due date required by the program and type of request.
- B. Before a preliminary internal committee review is conducted, the program Manager assigned to the request will:
 - 1. ensure all required materials are submitted;
 - 2. conduct any research related to the request if necessary; and
 - 3. coordinate a committee meeting to review and discuss submitted materials.
- C. The committee will evaluate submissions based on specific parameters outlined in rubric (Appendix A or B). A meeting must be scheduled by the Program Manager within two weeks of receiving a completed request. The initial review committee will consist of the following individuals with specified roles and responsibilities:
 - 1. Program Manager (overseeing the course relevant to the request):
 - a. During this stage of the review process, the Program Manager overseeing the course relevant to the request will present the committee with the submitted materials.
 - 2. Advanced Training Division (ATD) Manager:
 - a. The ATD Manager will ensure the committee members follow the required review process and, if necessary, delegate further tasks to any given committee member.
 - 3. Commission Auditor – Deputy Director:
 - a. During this stage of the review process, the Commission Auditor – Deputy Director will evaluate the submitted requested materials.
- D. The committee shall come to a consensus after reviewing the submitted materials for the request. The Program Manager will then complete rubric within three business days dependent on the committee's recommendation and forward it to either the Executive Director or the Deputy Director for approval depending on the requirements of the applicable WAC.
- E. An electronic or written decision will be documented and provided to the requesting agency for all completed reviews.

VII. LETCSA REVIEW PROCESS:

- A. If an agency is submitting a request for LETCSA exemption, waiver, extension, or variance under WAC 139-03-030, the Executive Director shall schedule the request for full consideration at the next Commission meeting. The Executive Director will review the committee's recommendation and the submitted supporting materials. If it is determined by the Chair that circumstances justify expedited review, the Commission Chair may schedule

a special meeting for the sole purpose of effecting review. After full consideration of the matter, the Commission shall deny, grant, or provide alternative mitigating relief. The applicant or a representative from the employing agency is not required to be present.

1. A written decision will be documented and provided electronically to the requesting agency for all completed reviews within 90 days.

VIII. APPEALS PROCESS:

A. 24-Hour In-Service and Two-Hour CIT Annual Training

1. Agencies wishing to appeal the Deputy Director’s decision may submit a request for exemption, waiver, or extension to the Commission under WAC 139-03-030. Upon receipt of a request for appeal under WAC 139-03-030 (2), the Executive Director shall schedule the request for full consideration at the next Commission meeting. If an appeal is submitted, the Executive Director will review the committee’s recommendation and Deputy Director’s decision along with the submitted supporting materials. The Executive Director will complete an additional rubric (Appendix B) to the Commission with their recommendation. If it is determined by the Chair that circumstances justify expedited review, the Chair may schedule a special meeting for the sole purpose of effecting review. After full consideration of the matter, the Commission shall deny, grant, or provide alternative mitigating relief. The applicant or a representative from the employing agency is not required to be present:

- a. A written decision will be documented and provided electronically to the requesting agency for all completed reviews within 30 days.

IX. OTHER CONSIDERATIONS – FORMULA FOR 24-HOUR IN-SERVICE TRAINING:

- A. If a certified peace or reserve officer is on documented leave for a period lasting longer than one month at any point during a calendar year, they may credit part and/or all of their 24-hour in-service training by utilizing a pro-rated formula of two hours of training per month multiplied by the number of months on leave.

1 month	2 hours
2 months	4 hours
3 months	6 hours
4 months	8 hours
5 months	10 hours
6 months	12 hours
7 months	14 hours
8 months	16 hours
9 months	18 hours
10 months	20 hours
11 months	22 hours
12 months	24 hours

When utilizing the pro-rated formula, the officer’s employing agency must keep a record of the total months on leave and the number of hours credited for the applicable auditing year. This does not need to be submitted to the WSCJTC.

If an officer has been on an extended leave of absence for part of the audit period and the agency is aware they will not be able to fulfill the required training hours, the officer's employing agency may request a waiver to the WSJCTC following the process outlined above. This request would only apply to the remaining training hours required after utilizing the pro-rated formula.

The formula does not apply for two-hour CIT annual training.