



WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

Susan L. Rahr, Executive Director

19010 1st Avenue South • Burien, WA 98148 • Phone: 206-835-7300 • www.cjtc.state.wa.us

November 8, 2016

TO: Staff, Commissioners, Board Members, and Stakeholders
FROM: Sonja Peterson, Rules Coordinator *Sonja Peterson*
SUBJECT: Public Hearing and Possible Permanent Adoption

Changes to WAC 139-05-915 are needed to establish guidelines in reference to canine training. Currently, canine team standards are established by WAC; if approved, the WSCJTC will establish and adopt canine team standards by policy.

Public Hearing and Action by the Commission: The WSCJTC will hold a public hearing on Wednesday, December 14, 2016, at 10 AM. The hearing will be held in room E-154 at the WSCJTC located at 19010 1st Avenue South, Burien, WA.

If adopted, the changes will be filed with the Code Reviser's Office and will become effective 31 days after filing.

Oral/written comments: Oral testimony to the full Commission will be limited. Please consider the following prior to any submission of written or oral testimony:

- Speakers will have three minutes to speak.
- If you would like to provide public testimony, notify Sonja Peterson (speterson@cjtc.state.wa.us) in writing by December 1, 2016. *Your testimony time cannot be given to another speaker.*
- Direct your comments to the Commission and the issues, not the other speakers or staff.
- Written comments must be sent to speterson@cjtc.state.wa.us by December 1, 2016.

Attachment: OTS-8227-2

WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certification of canine teams. ((1) Title and scope: These rules are intended to set minimum standards of performance for the certification of canine teams that are used for law enforcement or corrections purposes. This process is not related to nor does it have any effect upon the requirements for peace officer certification. Nothing in these rules is intended to limit the use of canine teams employed by other state or federal agencies for law enforcement purposes, or the use of volunteer canine teams where the handler is not a Washington peace officer or corrections officer.

(2) For purposes of this section, the following definitions will apply:

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

(b) "Canine team" means a specific officer and a specific canine controlled by that officer in the capacity of handler, formally assigned by the employing agency to work together in the performance of law enforcement or corrections duties.

(c) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, certified as an instructor with recognized expertise on canine subjects associated with the development of the trainee's competency in the care, control, and utilization of a police canine.

(d) "Evaluator" means a certified peace officer or corrections officer, who has a minimum of three years experience as a dog handler and is recognized as a trainer of canines by a professional organization of police and/or corrections dog handlers/trainers or by the handler's employing agency. The trainer must have trained a canine team in accordance with the training requirements of WAC 139-05-915, or be recognized by the commission as a certified instructor with expertise in canine training of a specific police canine subject for the purpose of testing and certifying dog handlers and canines to work as a canine team.

(3) A dog handler must, as a precondition of such assignment, successfully complete the basic law enforcement academy or basic corrections officer academy, or otherwise comply with the basic training requirement prescribed by WAC 139-05-200 and 139-05-210 of the commission.

(4) Prior to such assignment, a dog handler must successfully complete training according to the nature and purpose of utilization of the police canine for which such handler is responsible.

(a) A dog handler who is responsible for the routine and regular utilization of a police canine within general patrol or investigative activities, must successfully complete a minimum of four hundred hours of training, which will include, but not be limited to:

(i) Philosophies/theories of police canine;

(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 search;~~
- ~~(ix) Building search;~~
- ~~(x) Evidence search;~~
- ~~(xi) Pursuit and holding; and~~
- ~~(xii) Master protection.~~

~~(b) A dog handler who is responsible for the primary and specialized utilization of a police canine in the search for and detection of specific substances, excluding explosives, must successfully complete a minimum of two hundred hours of training, which will include, but not be limited to:~~

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

~~(c) A dog handler who is responsible for the primary and specialized utilization of a police canine in the search for and detection of explosive substances and devices, must successfully complete a minimum of four hundred hours of training, which will include, but not be limited to:~~

- ~~(i) Philosophies/theories of police canine;~~
- ~~(ii) Legal and liability aspects, including applicable department policies;~~
- ~~(iii) Public relations;~~
- ~~(iv) Care and maintenance;~~
- ~~(v) Obedience and control;~~
- ~~(vi) Area search;~~
- ~~(vii) Private and commercial conveyance search;~~
- ~~(viii) Building search;~~
- ~~(ix) Evidence search; and~~
- ~~(x) Detection of explosives.~~

~~(d) A dog handler who is responsible for the routine and regular utilization of a police canine solely for self protection and assistance in hostile or potentially hostile situations, must successfully complete at least two hundred hours of training, which will include, but not be limited to:~~

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

~~(5) The commission will develop and adopt a minimum performance standard for canine teams performing specific law enforcement or corrections functions. It is the handler's responsibility to keep their~~

canines under control at all times. Each handler must be able to make their canine perform to a level that is deemed acceptable by the commission in the category for the team's intended use as a condition of certification.

~~(6) Certification of canine teams:~~

~~(a) The handler and the canine will be considered as a team and it is the team who will be certified. If the canine or the handler changes, a new team exists and the team must be certified.~~

~~(b) A dog handler may not use a canine for police purposes unless the handler is certified to handle a specific canine for a specific purpose.~~

~~(c) In evaluating the proficiency of the canine team, the evaluators shall use the standards approved by the commission for that particular skill category. Performance will be rated on a pass/fail basis. The evaluator has the discretion to discontinue the testing if excessive time has been spent without results, or if there is a concern about safety issues involving the canine, handler, or equipment.~~

~~(d) The commission will certify a canine team who can successfully show proficiency, under scrutiny of a canine evaluator, in all of the areas in which the canine will be used:~~

~~(i) Patrol and investigation:~~

~~(A) Obedience;~~

~~(B) Protection and control;~~

~~(C) Area search;~~

~~(D) Building search; and~~

~~(E) Tracking.~~

~~(ii) Detection:~~

~~(A) Building search;~~

~~(B) Vehicle search;~~

~~(C) Exterior search; and~~

~~(D) Obedience.~~

~~(iii) Explosive detection:~~

~~(A) Obedience;~~

~~(B) Building search;~~

~~(C) Private and commercial conveyance search;~~

~~(D) Exterior search.~~

~~(iv) Master protection:~~

~~(A) Obedience;~~

~~(B) Protection and control.~~

~~(e) Each certification issued pursuant to these rules will remain valid as long as the composition and responsibility of the canine team does not change. A canine team's certification expires if the specific handler and canine, originally paired at the time of certification, cease to perform canine team functions together or if the function for which the team was certified changes. It is recommended that teams recertify on an annual basis.~~

~~(f) If the canine team fails any phase of an evaluation, the team must be reevaluated in that particular phase. Canine teams will be allowed three attempts to successfully pass the requirements of each phase during an evaluation. If the team does not pass by the third attempt, the team must be reevaluated in all phases at a different time to be scheduled by the evaluator and approved by the commission.~~

~~(7) Recordkeeping:~~

~~(a) Each agency is required to keep training, performance, and identification records on canines. The records must stay with the agency responsible for the canine team. The records will be made available for review in the event that the canine is sold or transfer-~~

~~red to another agency. The records will include, but not be limited to:~~

- ~~(i) Microchip number (if applicable);~~
- ~~(ii) Canine's name;~~
- ~~(iii) Breed;~~
- ~~(iv) Training records;~~
- ~~(v) Certification date;~~
- ~~(vi) Date acquired or purchased;~~
- ~~(vii) Source from which the canine was acquired;~~
- ~~(viii) Purpose, use, or assignment of canine;~~
- ~~(ix) Handler's name;~~
- ~~(x) The date and reason the canine was released from service; and~~
- ~~(xi) Copies of all incident reports in which use of the canine resulted in the use of force.~~

~~(b) These records must be retained for a period of one year from the date the canine is removed from active service unless a longer retention is required by statute or local ordinance.~~

~~(c) It is the responsibility of the handler to advise their employing agency of the fact that they have met the standards for canine certification. The proof of certification with the evaluator's signature along with a request for canine certification must be submitted to the commission by the employing agency. This will be considered as a request for certification. Upon verification that the minimum requirements have been met, the commission will issue certification to the canine team.~~

~~(8) It is recommended that a canine intended for use by a law enforcement or corrections agency, be positively identified by having a microchip medically inserted in the canine. Any canine that is sold by a vendor to a Washington state governmental agency for use as a law enforcement or corrections canine should be able to be identified by microchip placed in the canine at the vendor's expense prior to the canine being sold to the law enforcement or corrections agency.~~

~~Once the microchip has been inserted, it is recommended that it not be removed except for medical necessity. If it becomes necessary to remove the microchip, the reason for the removal must be documented and entered into the canine's training records and a new microchip inserted, if medically appropriate.)) Canine teams working in the state of Washington shall be certified to the adopted standards as set by criminal justice training commission (CJTC) policy. The standards shall be maintained by commission staff and readily available to stakeholders. These standards include the minimum performance standards for canine teams performing specific law enforcement or corrections functions. As a condition of certification, each handler must ensure that the canine performs to a level that is deemed acceptable by the commission in the category for the team's intended use.~~

~~An evaluator shall be a person who is recognized and appointed by the CJTC to perform the testing of the canine teams. The qualifications to become an evaluator relating to canine certification shall be outlined in the evaluation policy adopted by the CJTC.~~

~~In evaluating the proficiency of the canine team, evaluators shall use the standards approved by the commission for that particular discipline. Each certification issued pursuant to these rules will remain valid for twelve months, as long as the composition and responsibility of the canine team does not change. A canine team's certification shall automatically expire if the specific handler and canine, originally paired at the time of certification, cease to perform ca-~~

nine team functions together or if the function for which the team was certified changes.

This process is not related to, nor does it have any effect upon, the requirements for peace officer certification. Nothing in these rules is intended to limit the use of canine teams employed by other state or federal agencies for law enforcement purposes, or the use of volunteer canine teams where the handler is not a Washington peace officer or corrections officer.