



RULE-MAKING ORDER

R-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Washington State Criminal Justice Training Commission

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certification of canine teams. The changes are being made to clarify the standards that must be met for a canine team to become certified.

Citation of existing rules affected by this order:

Repealed:
Amended:
Suspended:

Statutory authority for adoption: RCW 43.101.080

Other authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-16-112 on 08/04/2004 (date).
Describe any changes other than editing from proposed to adopted version: N/A

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: December 8, 2004

NAME (TYPE OR PRINT)

Sharon M. Tolton

SIGNATURE

TITLE

Deputy Director

CODE REVISER USE ONLY

CODE REVISER USE ONLY
 STATE OF WASHINGTON
 FILE NO. _____
 1115
 05-01-114
 (AM) (PM)

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 03-07-100, filed 3/19/03, effective 4/19/03)

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 shall 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 ((dog)) 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((7)) 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 ((dog)) canine.

(d) "Evaluator" means a certified peace officer or corrections officer, who has a minimum of three years experience as a ((canine)) dog handler and is recognized as a trainer of canines by a professional organization of police and/or corrections ((canine)) 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 ((canine)) dog handlers and ((dogs)) canines to work as a canine team.

(3) A dog handler shall, as a precondition of such assignment, successfully complete the basic law enforcement academy ((program,)) 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 training commission.

(4) 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)) canine for which such handler is responsible.

(a) A dog handler who is responsible for the routine and regular utilization of a police ((dog)) canine within general patrol or investigative activities, shall successfully complete a minimum of four hundred hours of training, which shall 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 ((~~searching~~)) search;
- (ix) Building ((~~searching~~)) search;
- (x) Evidence ((~~searching~~)) 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 ((dog)) canine in the search for and detection of specific substances, excluding explosives, shall successfully complete a minimum of two hundred hours of training, which shall 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 ((~~searching~~)) search;
- (vii) Building ((~~searching~~)) search;
- (viii) Evidence ((~~searching~~)) search; ((~~and~~))
- (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 ((dog)) canine in the search for and detection of explosive substances and devices, shall successfully complete a minimum of ((two)) four hundred hours of training, which shall 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 ((~~searching~~)) search;
- (vii) Private and commercial conveyance search;
- (~~viii~~) Building ((~~searching~~)) search;
- ((~~viii~~)) (ix) Evidence ((~~searching~~)) search; and

~~((iv))~~ (x) Detection of explosives.

(d) A dog handler who is responsible for the routine and regular utilization of a police ~~((dog))~~ canine solely for self-protection and assistance in hostile or potentially hostile situations, shall successfully complete at least ~~((one hundred eighty))~~ two hundred hours of training, which shall 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 shall develop and adopt a minimum performance standard for canine teams performing specific law enforcement or corrections functions. It shall be the handler's responsibility to keep their canines under control at all times. Each handler must be able to make ~~((his/her))~~ 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 ~~((changes))~~ or the handler~~((s))~~ changes, a new team exists and the team ~~((will need to))~~ 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 shall be rated on a pass/fail basis. The evaluator shall have 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 shall certify a canine team who can successfully show proficiency, under scrutiny of a canine evaluator, in ~~((one or more))~~ all of the ~~((following))~~ areas ~~((of patrol and investigation/or detection-))~~ 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~~((s))~~ search;

(B) Vehicle~~((s))~~ search;

(C) Exterior search; and

(D) Obedience (~~(, and~~
~~(E) Building search~~)).

(iii) (~~(Expiration of certification:)~~) 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 shall remain valid as long as the composition and responsibility of the canine team does not change. A canine team's certification shall (~~lapse~~) expire 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.

~~((iv) Failure to pass certification:)) (f) If the canine team fails any phase of an evaluation, (~~he/she~~) 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 shall be reevaluated in all phases at a different time to be scheduled by the evaluator and approved by the commission.~~

~~((v) Appeal:)) (g) Any handler who believes there (~~have~~) has been improper procedures applied in the testing process, may file an appeal with the commission in writing. This appeal must be filed within thirty days of the last testing date pursuant to WAC 139-03-020.~~

(7) (~~(Agency required to keep records:)~~) Recordkeeping:

(a) Each agency shall be required to keep training (~~and~~), performance, and identification records on canines. The records must stay with the agency responsible for the canine team. The records shall be made available for review in the event that the canine is sold or transferred to another agency. The records shall include (~~(, at a minimum)~~), but not be limited to:

(i) Microchip number (if applicable);

(ii) Canine's name;

(iii) Breed;

(iv) Training (~~(received)~~) 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 shall be retained for a period of one year from the date the canine is removed from active service unless a

longer retention . . . required by statute or local ordinance.

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

(8) ~~((Canine recommended to be microchipped:~~

~~(a))~~ It is recommended that a canine intended ~~((to be used))~~ 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.

~~((b))~~ 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 ~~((dog's))~~ canine's training records~~((7))~~ and a new microchip inserted, if medically appropriate.