

HOUSE BILL REPORT

HB 1558

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to the certification process and oversight mechanism for police service dog teams.

Brief Description: Creating a certification process and oversight mechanism for police service dog teams.

Sponsors: Representatives O'Brien, Ballasiotes, Lovick, Cooper, D. Schmidt, Carrell, Fisher, Keiser, Hurst, Murray, Ogden, Gombosky, Wood, Kagi, McIntire, Dickerson, Edwards and H. Sommers.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/7/01, 2/14/01 [DP].

Brief Summary of Bill

- Requires the Criminal Justice Training Commission to develop a minimum performance standard for each category of police service dogs and handlers, implement a certification process for police service dogs and handlers, and create the canine training standards board.
- Requires that every police service dog be identified with a microchip or by superior technology.
- Requires the commission to develop and manage a centralized database of information pertaining to all police service dogs used by Washington and local governmental agencies.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

Staff: Katy Freeman (786-7386).

Background:

Although there are no statutory minimum performance standards for police dogs or their handlers in Washington, there are some applicable rules in the Washington Administrative Code (WAC). The WAC requires police dog handlers to go through a specified course of training that corresponds with the type of dog they will be handling.

Under the WAC, however, there are no rules regarding the training a police dog must complete. Additionally, there is no process through which police dogs and their handlers are certified.

The Criminal Justice Training Commission (commission) was established in 1974 for the primary purpose of providing basic law enforcement training, corrections training, and educational programs for criminal justice personnel. The commission created the Board on Law Enforcement Training Standards and Education to review and recommend to the commission programs and standards for the training and education of law enforcement personnel.

The Public Disclosure Act requires public agencies to make public records available for public inspection. When documents are determined to be within the scope of the act, disclosure is required unless a specific statutory exemption is applicable.

Summary of Bill:

With limited exceptions, after March 1, 2003, a police service dog handler may not use a police service dog for law enforcement purposes unless the handler and the dog are certified as a team.

The commission is required to: (1) develop a minimum performance standard for each category of police service dog and handler; and (2) implement a process through which police service dogs and their handlers will be tested for certification. The commission must also establish minimum training hours for police service dogs and their handlers that must be completed prior to testing for certification.

Additionally, the commission must create the Canine Training Standards Board. The board, in consultation with the Board on Law Enforcement Training Standards and Education, must: (1) set minimum performance standards; and (2) develop model training and performance standards for police service dogs and their handlers. The board must also review disputes related to the certification of police service dog teams and make recommendations to the commission.

The Canine Training Standards Board includes persons experienced with patrol, detector, and tracking police service dogs and consists of representatives from various backgrounds, including:

- representatives of law enforcement agencies;
- representatives of nonprofit organizations;
- master trainers;
- a representative of the county legislative authority;
- a representative of the Association of Washington Cities;
- persons appointed by the Association of Washington Cities;
- persons appointed by the Association of Washington Counties; and
- a representative appointed by the Governor.

Generally, members are not compensated and receive only the customary reimbursement or allowance for expenses. However, a member of the public appointed to the board is eligible to receive compensation not to exceed \$50 for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group.

When a police service dog team is denied certification by the commission, a complaint may be filed by the handler against the commission. The complaint must be filed with the commission and referred to the commission's staff who will promptly investigate.

When the chairperson believes from the results of the investigation that a violation may have occurred which resulted in the denial of certification, a hearing may be held before an administrative law judge (ALJ). When the ALJ finds that the commission has wrongfully denied certification, he or she must require the commission to certify the police dog team. Moreover, when the ALJ finds that the commission correctly denied certification, he or she must dismiss the complaint. The parties may appeal a final order issued by the ALJ.

Every police service dog used by law enforcement or any other state or local governmental agency is required to be identified: (1) by a microchip; or (2) by superior technology as designated by the commission. Unless the dog is permanently retired from service, the microchip may only be removed for medical necessity.

Furthermore, the commission must develop and manage a centralized database of information pertaining to all police service dogs used by Washington and local governmental agencies. Specific information must be kept in the database with some exceptions, the commission must make this database available through a web page and accessible by entering a dog's identification number. Information pertaining to which police service dogs have bomb training is exempt from public inspection and copying under the Public Disclosure Act.

Appropriation: An appropriation is made for the fiscal year ending June 30, 2003, from the general fund to the Criminal Justice Training Commission for the purposes of this act.

Fiscal Note: Available.

Effective Date: The bill takes effect on August 1, 2001.

Testimony For: Last year a Snohomish County police dog bit a person, the county was subsequently sued, and a nearly \$400,000 settlement was reached. As a result, a subcommittee was formed to work on the certification and training of police dog teams. Everyone on the subcommittee agreed that there needs to be a certification process and standards for the use of dogs in law enforcement. The standards are needed to increase professionalism and improve public safety. The canine training standards board was created because it is important to have a board with representatives who have canine law enforcement experience.

The training standards we currently have for police service dogs are strictly voluntary, and only 50 percent of the dog teams working in Washington are certified according to these standards. Moreover, the (WAC) has minimum training standards for handlers, but not for police dog teams. Dog teams need to be at a certain level in order to work together effectively and safely. A mismatched dog team creates increased liability. This bill would improve the safety of the public as well as the working conditions of the dog handlers.

A microchip will assist in tracking the police service dogs. There are dogs who do not work well in law enforcement. Currently, these dogs may be sold to one agency who finds that the dog is unsuitable for law enforcement work. This agency may give the dog back to the seller who then resells the dog to another agency, without disclosing that the dog was found unsuitable.

(With concerns) Counties support excellence and professionalism among police dogs and their handlers. However, they are concerned about the potential increase in costs resulting from the mandatory certification requirement.

Testimony Against: None.

Testified: (In support) Representative O'Brien, prime sponsor; Senator Costa; Tim Tieken, citizen; Michael Parsons, Criminal Justice Training Commission; and Steve Weigley, police dog handler/trainer, citizen.

(In support with concerns) Stacy Connole, Washington State Association of Counties.