Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Community Safety, Justice, & Reentry Committee

HB 1635

Brief Description: Limiting liability arising from the use of trained police dogs.

Sponsors: Representatives Mosbrucker, Walsh and Eslick.

Brief Summary of Bill

- Requires the Criminal Justice Training Commission (CJTC) to develop model standards for the training and certification of canine teams to detect fentanyl by December 1, 2024.

- Provides certain entities and their employees immunity from civil damages arising from the use of a canine to detect fentanyl, subject to specific conditions, beginning January 1, 2025.

Hearing Date: 2/6/23

Staff: Corey Patton (786-7388).

Background:

In 2021 the Legislature required the Criminal Justice Training Commission (CJTC) to convene a work group to develop a model policy for the training and use of canine teams. Canine teams working in Washington must be certified according to the CJTC's adopted standards, including knowledge of and compliance with the CJTC's model policy. The CJTC's model policy includes the following:
- canine certification training requirements;
- considerations of canine deployment;
- appropriate canine deployment;

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- strategies for minimizing law enforcement canine bites;
- circumstances where a canine handler should consider the use of tactics other than deploying a canine;
- prohibited use of a police canine;
- use of canines to apprehend suspects;
- agency canine team reporting protocols;
- circumstances that would warrant the decertification of canine teams; and
- circumstances where the use of voluntary canines and canine handlers may be appropriate.

Performance standards for certification vary depending on the canine team's intended use. For example, narcotics detection teams are subject to specific evaluations and performance testing with their assigned duty canine, including testing whether the canine is able to specifically pinpoint the odors of heroin, cocaine, and methamphetamine.

A law enforcement officer who has successfully completed training in police dog handling as prescribed by the CJTC and uses a police dog in the line of duty in good faith is immune from civil action for damages arising out of such use of the police dog. A "police dog" is a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

Summary of Bill:

By December 1, 2024, the Criminal Justice Training Commission (CJTC) must develop model standards for the training and certification of canine teams to detect fentanyl. When developing the model standards, the CJTC must consult with experts that train canines to imprint on controlled substances, law enforcement or correctional agencies that use canines to detect controlled substances, and experts on the training of canines for use by law enforcement.

Beginning January 1, 2025, a state or local government, law enforcement agency, or any employee of a state or local government or law enforcement agency is immune from civil damages arising from the use of a canine to detect fentanyl if:
- the canine is trained and certified pursuant to the CJTC's model standards;
- the canine is being handled by a peace officer acting within the scope of his or her employment or duties; and
- the damages do not arise from gross negligence or willful or wanton misconduct.

Appropriation: None.

Fiscal Note: Requested on January 31, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.