

Dear Senators DARRINGTON, Richardson & Burkett, and  
Representatives CLARK, Leon Smith & Boe:

The Legislative Services Office, Research and Legislation, has received the enclosed  
rules of the Idaho State Police:

IDAPA 11.11.01 - Rules Of The Idaho Peace Officer Standards And  
Training Council - Docket No. 11-1101-0801.

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by  
the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice  
to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis  
from Legislative Services. The final date to call a meeting on the enclosed rules is no later than  
10-6-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42)  
days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting  
on the enclosed rules is 11-3-08.

\_\_\_\_\_The germane joint subcommittee may request a statement of economic impact with  
respect to a proposed rule by notifying Research and Legislation. There is no time limit on  
requesting this statement, and it may be requested whether or not a meeting on the proposed rule  
is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the  
address or FAX number indicated on the memorandum enclosed.

## MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

FROM: Katharine Gerrity, Principal Legislative Research Analyst

DATE: September 17, 2008

SUBJECT: Idaho State Police -

**IDAPA 11.11.01 - Rules Of The Idaho Peace Officer Standards And Training Council - Docket No. 11-1101-0801**

**IDAPA 11.11.01 - Rules Of The Idaho Peace Officer Standards And Training Council**

The Idaho State Police (ISP) submits notice of proposed rule at IDAPA 11.11.01 - Rules Of The Idaho Peace Officer Standards and Training Council. According to the agency, the rule modifies the requirements for canine evaluators, providing that letters of recommendation come from the agency administrator rather than Idaho POST-certified canine evaluators, requires an evaluator to evaluate a minimum of four dogs every two years in order to retain certification, increases the amount of training that canine teams must complete in order to be POST-certified, establishes requirements for becoming a POST-certified canine instructor, and removes the general subjects of detention, dispatch, and K-9 from the list of high liability subjects for master instructor certification. The agency notes that negotiated rulemaking was not conducted but that representatives of the affected parties were involved in the drafting and approval of the rule.

The rulemaking appears to be authorized pursuant to Section 19-5107, Idaho Code.

cc: Idaho State Police  
Jeffrey J. Black & Trish Christy

## IDAPA 11 - IDAHO STATE POLICE

### 11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-0801

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 19-5107, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Modifies the requirements for Canine Evaluators so a letter of recommendation comes from the agency administrator rather than an Idaho POST-certified canine evaluator, and requires an evaluator to evaluate a minimum of four dogs every two years in order to retain certification; increases the amount of training that canine teams must complete in order to be POST-certified; establishes the requirements for becoming a POST-certified canine instructor; and removes the general subjects of detention, dispatch, and K-9 from the list of high liability subjects for Master Instructor certification.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Trish Christy at (208) 884-7253.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 15th day of August, 2008.

Jeffrey J. Black  
Executive Director  
Idaho State Police/Peace Officer Standards and Training  
700 S. Stratford Dr.  
P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7251/(208) 884-7295

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-1101-0801

**210. CANINE EVALUATOR CERTIFICATION.**

**01. Purpose.** Canine Evaluator Certificates are established for the purpose of recognizing competence as an evaluator of police canine teams. (4-11-06)

**02. Certification.** The Council will certify applicants who meet the requirements set forth in this section and are deemed qualified by their training and experience to evaluate police canine teams. Certificates will be issued in the areas of Patrol, Tracking, Evidence Search, Controlled Substance Detection, and Explosive Substance Detection. The applicant must show training and experience in each area he is requesting certification in. Certificates will be issued to the agency head for award to the applicant. (4-11-06)

**03. Revocation.** Canine Evaluator certification may be revoked by the Council whenever a canine evaluator is deemed to be unqualified to continue evaluating police canine teams. Review of canine evaluator certification may be initiated upon the request of an agency head or other reliable source. Such review may also be initiated by the Council in the absence of external requests or complaints. (4-11-06)

**04. Eligibility.** To be eligible for the award of a Canine Evaluator Certificate, each applicant must meet the following POST requirements: (4-11-06)

**a.** Be a POST-certified or federally commissioned peace, detention, correction, or adult probation and parole officer who is actively involved in a law enforcement canine program; (4-11-06)

**b.** Have three (3) years of canine handler experience; (4-11-06)

**c.** Have three hundred ninety (390) hours of POST-certified or federally-approved canine-related training; (4-11-06)

**d.** Successfully complete the Idaho POST-certified Canine Evaluators course; (4-11-06)

**e.** Evaluate seven (7) dogs while under supervision of a current Idaho POST-certified canine evaluator; and (4-11-06)

**f.** Submit an Idaho POST Canine Evaluator Application Packet to POST Council, which must include: (4-11-06)

**i.** Transcripts, certificates, diplomas, or other documents that substantiate the applicant's education and training in the canine field; and (4-11-06)

**ii.** A letter of recommendation from ~~a current Idaho POST-certified canine evaluator~~ an administrator within the applicant's employing agency. (4-11-06)( )

**05. Retaining Certification.** To retain certification, a certified canine evaluator must evaluate a minimum of four (4) dogs every two (2) years. Any canine evaluator not satisfying this requirement must complete all requirements as set forth in Section 263 of these rules. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**213. GENERAL PROVISIONS.**

**01. Mandatory Certification.** A canine team must be Idaho-POST certified in order to perform their duties unless the team is POST-certified in another state or approved by the federal government, in which case they will have six (6) months from the date the canine is put into service in Idaho to obtain Idaho POST certification. The Council, for good cause and in writing, may grant additional time to complete POST certification. (4-11-06)

**02. Eligibility.** The canine handler must be an Idaho POST-certified peace, detention, correction, or adult probation and parole officer to be eligible for certification under these rules. (4-11-06)

**03. Notification of Canine Being Put Into Service.** Prior to a canine being put into service, the law enforcement agency head must submit written notification to the Council of such pending action unless the canine team is POST-certified in another state or approved by the federal government, in which case notification must be submitted within fifteen (15) days of the canine being put into service in Idaho. (4-11-06)

**04. Training.** (4-11-06)

**a.** A patrol canine handler must have completed ~~one two hundred sixty four~~ (~~#6240~~) hours of POST-approved canine handler training. The training must include, but not be limited to: (~~4-11-06~~)(\_\_\_\_)

i. Suspect search; (4-11-06)

ii. Apprehension; (4-11-06)

iii. Handler protection; (4-11-06)

iv. Obedience; and (4-11-06)

v. Agility. (4-11-06)

**b.** A tracking, evidence search, controlled substance detection, or explosive substance detection canine handler must have completed ~~eighty one hundred sixty~~ (~~#160~~) hours of POST-approved canine handler training. The training must include, but not be limited to: (~~4-11-06~~)(\_\_\_\_)

i. Obedience; and (4-11-06)

ii. Odor recognition specific to the area the canine team is seeking certification in. (4-11-06)

**c.** A tracking, evidence search, controlled substance detection, or explosive substance detection canine handler cross-trained as a patrol canine handler must have completed two hundred forty (240) hours of POST-approved canine handler training ~~as set forth in Subsections 213.04.a. and 213.04.b.~~ (~~4-11-06~~)(\_\_\_\_)

**05. Evaluation.** In evaluating the proficiency of the canine teams, the evaluators must use the standards approved by the POST Council for that particular skill category. Performance will be rated on a pass/fail basis. The evaluator will have the discretion to discontinue the testing if excessive time has been spent without results. The evaluator must not be the owner or handler of the canine being evaluated, and must not have a proprietary interest in the training of the canine team being evaluated. A POST Training Specialist must be notified of all canine certification testing. (4-11-06)

**06. Failed Evaluation.** If a canine team fails any portion of an evaluation, the entire evaluation is considered to be failed, and all skills must be repeated and successfully demonstrated during retesting. The canine team must wait at least twenty-four (24) hours before retesting, and they must be retested by the same evaluator that evaluated the failed test or his designee. (4-11-06)

**07. Areas of Certification.** The Council will certify a canine team which successfully demonstrates the handler's ability to control the canine, under the scrutiny of a canine evaluator, in addition to proficiency in one (1) or more of the following areas: (4-11-06)

**a.** Patrol; (3-30-01)

**b.** Tracking; (3-30-01)

**c.** Evidence search; (3-30-01)

- d. Controlled substance detection; or (3-30-01)
- e. Explosive substance detection. (3-30-01)

**08. Expiration of Certification.** Each certification issued pursuant to these rules will remain valid for fifteen (15) months. A canine team must be evaluated prior to their certification expiration date to maintain their certification. A canine team certification will lapse if the handler and canine cease to perform canine team functions together. (4-11-06)

**09. Appeal.** Any handler who believes there have been improper procedures applied in implementing the standards may file an appeal with the Idaho Peace Officer Standards and Training Academy in writing. This appeal must be filed within thirty (30) days of the testing date. (4-11-06)

**(BREAK IN CONTINUITY OF SECTIONS)**

**257. -- 2659. (RESERVED).**

**260. CANINE INSTRUCTOR CERTIFICATION.**

Canine Instructor Certificates are established for the purpose of recognizing competence as an instructor of canine subjects pertinent to law enforcement personnel. ( )

**261. REQUIREMENTS.**

In addition to the requirements set forth in Sections 251 and 252 of these rules, the requirements in Sections 261 and 262 are necessary for award of the canine instructor certificate: ( )

**01. Instructor Development Course.** The applicant must have satisfactorily completed an Instructor Development Course approved by the Council. ( )

**02. Canine Instructor School.** The applicant must have satisfactorily completed a Canine Instructor School approved by the Council. ( )

**03. Handler in Specific Discipline.** The applicant must have served a minimum of five (5) years as a handler in the specific discipline. ( )

**04. Annual Certifications.** The applicant must have a minimum of five (5) annual certifications in the specific discipline. ( )

**05. Canine Training.** The applicant must have received a minimum of six hundred eighty (680) hours of canine training. ( )

**06. Recommendation.** The applicant must be recommended for canine instructor certification by a selection committee comprised of a POST Training Specialist and two (2) POST-certified canine instructors. ( )

**262. PROCEDURES.**

**01. Application.** After meeting the requirements set out in Section 261 of these rules, the applicant must submit a completed Certified Instructor Packet to POST. ( )

**02. Maintain Certification.** To maintain certification, a POST-certified canine instructor must teach a minimum of forty (40) hours every two years in the specific discipline they are certified to teach. ( )

**263. EXPIRATION AND RENEWAL.**

- 01. Expiration.** Canine instructor certification will remain valid for a period of two (2) years. ( )
- 02. Notification.** At the end of the certification period, the POST Council will send notification to the instructor, provided the instructor still meets the qualifications for instructor certification. ( )
- 03. Requirements.** To renew the certification, the instructor must submit the following to POST Council: ( )
- a.** A teaching log indicating the instruction of at least forty (40) hours during the last certification period; and ( )
- b.** An updated lesson plan, if any changes have been made since it was last submitted. ( )
- 264. -- 265. (RESERVED).**

**266. MASTER INSTRUCTOR CERTIFICATION.**

Master Instructor Certificates are established for the purpose of recognizing competence as an instructor of instructors of law enforcement subjects and/or general subjects pertinent to law enforcement personnel, especially high liability subjects such as Arrest Techniques, ~~Detention, Dispatch,~~ DUI, Emergency Vehicle Operation, Firearms, Impact Weapons, Instructor Development, ~~K-9,~~ and Weapons Retention. (4-2-03)( )