

**DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DELAWARE COUNCIL ON POLICE TRAINING**

Statutory Authority: 11 Delaware Code, Sections 8402 & 8404(a)(14) (11 **Del.C.** §§8402, 8404(a)(14))

FINAL

ORDER

802 COPT K-9 Training Standards and Requirements

NATURE OF THE PROCEEDINGS

At 22 **DE Reg.** 453 (December 1, 2018), The Council on Police Training (COPT), pursuant to 11 **Del.C.** §8404(a)(14) and in accordance with 29 **Del.C.** §10115, published notice of intent to adopt regulations that seek to establish basic training and qualification standards for police K-9 teams. At the same time, the COPT submitted a Regulatory Flexibility Analysis and Impact Statement for this proposed revised regulation, as required by 29 **Del.C.** Ch. 104. The COPT solicited written comments from the public for thirty (30) days as mandated by 29 **Del.C.** §10118(a).

SUMMARY OF EVIDENCE

In accordance with law, public notice regarding the proposed revised regulation was published in the Delaware *Register of Regulations*. The public comment period was open from December 1, 2018 through December 31, 2018. During this period, the COPT did not receive any written responses.

FINDINGS OF FACT

The public was given the required notice of the Council's intention to adopt the proposed revised regulation and was given opportunity to submit comments. The required Regulatory Flexibility Analysis and Impact Statement for this proposed revised regulation was submitted. No written responses were received during the comment period. Thus, the COPT finds that the proposed revised regulations should be adopted as submitted with the technical corrections identified by the COPT.

EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the COPT pursuant to 11 **Del.C.** §8404(a)(14). The effective date of this Order shall be ten (10) days from the date this Order is published in the Delaware *Register of Regulations*.

ORDER

NOW THEREFORE, under the statutory authority and for the reasons set forth above, the Council on Police Training does hereby ORDER this 16th day of April, 2019 that the regulations be, and that they hereby are, adopted to be enacted as set forth below.

IT IS SO ORDERED, this 16th day of April 2019.

COUNCIL ON POLICE TRAINING

Robert M. Coupe, Secretary, Department of Safety
and Homeland Security, Chair

Robert J. Irwin,
Proxy for Attorney General Kathy Jennings

Susan Bunting, Secretary,
Department of Education

Cecilia Ashe, Proxy for Chief of Police
Wilmington Police Department

Diane Smith, Captain, Proxy for Colonel Vaughn Bond, Jr., Chief of New Castle County Police Department

Chris Jones, Sergeant, Proxy for Chief of Police
Newark Police Department

Robert Hudson, Major, Delaware State Police,
Proxy for Superintendent of State Police

Marvin Mailey, Chief of Police,
Dover Police Department

Robin R. Christiansen, Mayor,
City of Dover, Kent County

Jeffrey Horvath, Proxy for Delaware Police Chiefs'
Council

802 COPT K-9 Training Standards and Requirements

1.0 Intent and Purpose

To establish basic training and qualification standards for police K-9 teams and K-9 specialty teams that include performance objectives for the police officer handler and the police officer-police dog teams.

2.0 Definitions

As used in this regulation:

"Agility Training" means training during which the police dog must surmount or overcome obstacles, such as walls and tunnels, which are likely to be confronted in the performance of duty.

"In-Service Training" means training conducted by a K-9 trainer or Supervising K-9 trainer to maintain skills that must be performed during re-evaluation.

"K-9 Patrol Team" means a team consisting of a police officer handler and police dog used in law enforcement for routine patrol work, such as building searches, area searches article searches, tracking, and criminal apprehension.

"K-9 Specialty Team" means a team consisting of a police officer handler and **[police]** specialty dog used in law enforcement specifically for scent work, detection or tracking work. Specialty teams are used for narcotics detection, **[arson]** accelerant detection, **[wildlife,]** explosive detection, tracking, article searches, or cadaver detection.

"K-9 Team" means a team comprised of the police officer handler and the police dog.

"K-9 Trainer" means a trainer is qualified to conduct basic and in-service training for police officer handler-police dog teams and must meet the qualification requirements set forth herein.

"Law Enforcement Agency" means any police force or organization functioning within this state or any other state which has by statute or ordinance the responsibility of detecting crime and enforcing the criminal or penal laws of this state or any other state.

"Law Enforcement Officer" means any COPT certified employee of a law enforcement agency (not including a civilian employee), any member of a fire department or force who is assigned to **[an arson a fire]** investigation unit.

"Police Dog" means a dog that has been trained by a Supervising K-9 trainer or K-9 trainer and is handled by a police officer handler in the performance of his/her duties used for law enforcement purposes or any law enforcement related activities.

"Police Officer Handler" means a COPT certified law enforcement officer who officially utilizes a police dog in the course of assigned duties and responsibilities.

"Police Specialty Dog (single purpose dog)" means a police dog used specifically for specialty work or specialized scent work such as detection and tracking in law enforcement, that is, narcotics detection, **[arson]** accelerant detection, **[wildlife,]** explosive detection, tracking, article searches, or cadaver detection.

"Supervising K-9 Trainer" means K-9 trainers that conduct basic and in-service K-9 training and qualifying exercises. They are responsible for supervising K-9 handlers who assist with any K-9 training, and for certifying qualified prospective handlers as K-9 trainers. Supervising K-9 trainers must meet the qualification requirements set forth herein.

3.0 K-9 Training Standards and Qualification Requirements

3.1 All law enforcement agencies with a K-9 program for COPT certified officers will establish clearly written policies and procedures that are consistent with the K-9 standards as approved by the COPT.

3.2 All Police Officer K-9 handlers will be trained under the same standards and curriculum for Basic training and qualification, in-service training and re-evaluation as approved by the COPT.

3.3 Instructors for K-9 trainers must meet the following:

3.3.1 Satisfactory completion of COPT K-9 training or K-9 training equivalent to the basic training and qualification as approved by the COPT;

3.3.2 Five (5) years of experience as a police dog handler;

3.3.3 Must be a full-time law enforcement officer assigned to trainer's duties by his/her employing law enforcement agency;

- 3.3.4 Satisfactory completion of a Certified Instructor Course approved by COPT or an equivalent course; and
 - 3.3.5 Experience assisting a Supervising K-9 Trainer in the delivery of one or more basic K-9 training courses satisfying the requirements as adopted by the COPT or courses having substantially equivalent requirements, during which a minimum of five (5) K-9 teams were successfully trained and qualified. The prospective trainer must have been present for and assisted with the majority of training time.
- 3.4 Supervising K-9 Trainers must meet the following:
- 3.4.1 Satisfactory completion of COPT K-9 patrol training or K-9 patrol training equivalent to the training as approved by the COPT;
 - 3.4.2 Must be a full-time law enforcement officer assigned to trainer duties by his/her employing law enforcement agency;
 - 3.4.3 Satisfactory completion of a Certified Instructor Course approved by COPT or an equivalent course;
 - 3.4.4 Seven (7) years of experience as a police dog handler or trainer;
 - 3.4.5 Must have experience in conducting a minimum of two (2) basic K-9 training courses satisfying the requirements as adopted by the COPT (with the exception of those areas of instruction appropriately conducted by qualified specialists) or a course having substantially equivalent requirements, thereby successfully training and qualifying a minimum of ten (10) K-9 teams;
 - 3.4.6 A Supervising Patrol K-9 Trainer is responsible for all documentation and certification of prospective trainers. He/she must document the time the prospective trainer committed to the class training, the number of dogs trained, the areas of training, and what involvement the prospective trainer had with the class. Weekly evaluations recommending goals and objectives, as well as documentation of accomplishments are required; and
 - 3.4.7 All records pertaining to the certification of K-9 patrol trainers must be maintained by the Supervising K-9 Patrol Trainer for a period of no less than two (2) years, and by the newly certified K-9 patrol trainer for the duration of his/her career.
- [3.5 K-9 specialty teams with non-apprehension, non-narcotics and non-explosive K-9's may be exempt from the requirements of subsections 3.3 and 3.4 provided that those K-9 specialty teams train similar to a national standard. Such programs under the State of Delaware Natural Resources Police Fish and Wildlife and the Fire Marshal's Office shall be presented to and approved by the COPT annually and documented in the Annual COPT Survey.]**
- [3.5.6] Training, Qualification and Re-evaluation Records**
- [3.5.13.6.1]** Complete records should reflect all K-9 training, qualification and re-evaluation activities, as well as the performance and proficiency of the police officer handler, police K-9 patrol team, or K-9 specialty team during such activities.
 - [3.5.23.6.2]** Copies of all training course schedules, curricula and lesson plans must be maintained along with the records of individual trainees.
- [3.63.7] Training Site or Facility Requirements.** The training site or facility should provide the environment necessary to conduct all aspects of the training as approved by the COPT, including appropriate simulation exercises. The area used must be adequate to accommodate an agility **[training]** course as well as various types of searches.