

**NAME OF AGENCY:**

Council on Law Enforcement Education and Training (CLEET)

**TYPE OF DOCUMENT:**

Rule Impact Statement

**PROPOSED RULES:**

**CHAPTER 30. CDS DETECTOR DOG CERTIFICATION**

390:30-1-5 [AMENDED]

390:30-1-6 [AMENDED]

**SUMMARY:**

Amendment are non-substantial and necessary to update rules to reflect current licensing process. Amendment will allow CLEET to address minimum standards as required by 70 O.S. 3311(L)(2).

**AUTHORITY:**

Council on Law Enforcement Education and Training; 20 O. S., Section 1313.2, 70 O.S., Section 3311 (B)(9), 70 O.S., Section 3311(L)(2), and 70 O.S., Section 3311, et seq.

**CLASSES OF PERSONS AFFECTED:**

Peace officers and CDS canine teams.

**PERSONS WHO WILL BENEFIT:**

Peace officers and CDS canine teams.

**PROBABLE ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS OR**

**POLITICAL SUBDIVISIONS: (Listing of fees and justification)**

None. There are no fees associated with this change.

**PROBABLE COSTS AND BENEFITS TO THE AGENCY OR ANY OTHER AGENCY OF THE IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE; SOURCE OF REVENUE TO BE USED FOR IMPLEMENTATION AND ENFORCEMENT; AND ANTICIPATED EFFECT ON STATE REVENUES:**

None. There are no costs associated with this change and no additional monies are required for implementation.

**ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS OR ASSISTANCE REQUIRED TO IMPLEMENT OR ENFORCE RULE:**

None.

**ADVERSE EFFECT ON SMALL BUSINESSES AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**

None.

**MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS; ALTERNATIVES CONSIDERED:**

Not applicable.

**EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF PROPOSED RULE IS NOT IMPLEMENTED; NATURE OF RISK TO PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND EXTENT PROPOSED RULE WILL REDUCE THE RISK:**

No change.

**DETRIMENTAL EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF PROPOSED RULE IS NOT IMPLEMENTED:**

This proposed rule would not affect public health, safety or environment.

**DATE PREPARED:**

February 2, 2011.

### **390:30-1-5. Standards for certification**

~~(a) Based on demand and the availability of staff, CLEET or OBNDD will conduct certification trials at designated sites across the state.~~

~~(b)~~ (a) Testing for certification of CDS detector canine teams shall be conducted by qualified persons ~~agents~~ of the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD), and/or their designees, who have successfully completed an appropriate course of instruction, or who are currently certified in the training and handling of CDS Detector Dogs by the United State Custom Service.

~~(c)~~ (b) CLEET shall publish specific standards and guidelines governing the training and certification of canine teams. The standards and guidelines shall have the same effect as the rules published herein. Certification trials and testing criteria shall be consistent with the CLEET standards currently utilized developed for the certification of CDS detector dogs.

~~(d)~~ (c) CDS detector canine teams shall be certified only in the detection of controlled dangerous substances for which the dog passes the certification test.

~~(e)~~ (d) CLEET relies on the test reports of OBNDD or their designee conducting the test for the purpose of determining whether the canine team passed the certification test.

### **390:30-1-6. Application for certification**

(a) Any person, group, or organization, public or private, that utilized canine teams for the purposes of detecting controlled dangerous substances, as a public service or for private gain, shall be required to annually obtain CLEET certification for such canine teams. Certification as to the demonstration abilities of any such canine team shall be based on evaluation of the canine team's performance during field tests.

(b) Persons wishing to seek CLEET CDS detector canine team certification may receive an application and instructions by calling or making a written request to CLEET administrative offices.

(c) Applicants must submit the application and appropriate test fee to CLEET, ~~not less than fifteen (15) days prior to testing.~~

(d) All applications must be completely filled out and be accompanied by two (2) full-body, color photographs of the applicant canine team and any other information required by CLEET. The photographs shall include the full side-body of the dog and the face of the handler.

(e) Normally, no more than ten (10) applicant dogs shall be scheduled for testing on any date.

(f) Upon completion of CDS detector canine team testing, the owner/handler of each dog shall be informed as to the examiner's evaluation of the canine team's performance.

(g) Canine teams that fail to successfully complete the CDS detector tests in accordance with the required standards of performance may not be retested until sixty (60) days from the last attempt, and must submit the retest fee to CLEET prior to testing.

(h) Canine teams that successfully complete CDS Detections tests in accordance with the required standards of performance shall be notified in writing by CLEET.

(i) When CLEET has determined that all application procedures are fully complete; the applicant canine team has met all required performance standards; and the correct certification fee has been received, a CDS detector canine team certificate shall be issued by CLEET.

(j) Any time a certified CDS detector canine team is being employed or otherwise utilized in CDS detection activities, the CLEET CDS detector canine team certificate, or a copy thereof, shall be immediately available for inspection by any interested party.

- (k) CLEET CDS detector canine team certification shall remain effective for one (1) year from the date it was issued.
- (l) CDS detector canine teams shall be recertified annually. Application for renewal and the process of testing and performance evaluation shall be conducted in the same manner as the original certification. Application for recertification should be initiated not less than ~~fifteen (15)~~ thirty (30) days prior to the expiration date of the previous certificate.
- (m) All CDS detector canine team certifications that are not renewed shall be inactivated by CLEET. If a renewal of an expired certification is not initiated by the canine team within thirty (30) days from the expiration date of the certificate, the canine team shall be required to remit the full two hundred dollars (\$200.00) certification test fee to reinstate the certification status of the canine team concerned. Application and testing procedures in such cases shall be conducted in the same manner as an original certification.
- (n) When any canine team certified under these laws and rules will no longer be utilized in the performance of CDS detection activities, the owner of such dog or the handler shall notify CLEET in writing.
- (o) CDS detector canine teams owned by or used solely by a bona fide law enforcement agency for CDS detection activities in the service of the public shall be exempt from the certification fees herein, but shall be required to certify such canine teams annually in accordance with the laws and the rules of this section, unless such canine teams are certified annually by the United States Custom Service.