

**2023 HOUSE JUDICIARY**

**HB 1428**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1428  
1/24/2023

Relating to law enforcement canine team certification
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Chairman Klemin opened the hearing on HB 1428 at 10:35 AM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

## **Discussion Topics:**

- Maintaining canine teams
- Team certification
- Canine fund raising
- 60-70 Teams in the state

Rep. Steiner: Introduced the bill. No written testimony

Sheriff Corey Lee, Stark County: #19368

Lyle Sinclair, Commander of the K-9 Unit. Bismarck ND Police: Testimony # 19375

Stephanie Dassinger Engebretson: Deputy Director, ND League of Cities. #19374

Hearing closed at 11:01 AM

*Delores Shimek, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1428  
1/31/2023

Relating to law enforcement canine team certification

Chairman Klemin opened the meeting on HB 1428 at 4:02 PM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

## Discussion Topics:

- Liability issues
- Committee Work

Representative Cory moved a Do Not Pass on HB 1428.

Representative Bahl seconded the motion.

Roll Call Vote:

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	N
Representative Bernie Satrom	Y
Representative Mary Schneider	N
Representative Lori VanWinkle	Y
Representative Steve Vetter	N

10-3-0 Motion carried on a Do not pass on HB 1428.

Representative Henderson carrier.

Meeting closed at 4:09 PM.

*Delores Shimek, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1428: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1428 was placed on the Eleventh order on the calendar.

**TESTIMONY**

**HB 1428**

# ***STARK COUNTY SHERIFF'S OFFICE***



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TELEPHONE 701.456.7610 | FACSIMILE 701.456.7692

**SHERIFF COREY LEE**

## **HB 1428 K-9 STATE STANDARD CERTIFICATION**

### **CHAIR / MEMBERS OF THE COMMITTEE**

**I'M STARK COUNTY SHERIFF COREY LEE AND I AM HERE IN SUPPORT OF HB 1428.**

**THIS BILL MAY SEEM A LITTLE FOREIGN TO SOME OF YOU BUT TO THOSE OF US IN THE K-9 INDUSTRY, THOSE OF US WHO HAVE OPERATED, TRAINED, AND CERTIFIED HUNDREDS OF K-9 TEAMS IN ADDITION TO OUR OWN, IT REALLY MAKES PERFECT SENSE.**

**I PERSONALLY HAVE BEEN INVOLVED IN THE K-9 INDUSTRY SINCE JANUARY OF 2007 WHEN I BEGAN WITH MY FIRST K-9 PARTNER. MY K-9 HANDLING CAREER ENDED IN 2020 HOWEVER I STILL CONTINUE TO HELP TRAIN AND CERTIFY TEAMS INCLUDING THE THREE K-9 TEAMS WITHIN OUR DEPARTMENT.**

**DURING MY CAREER I WAS FORTUNATE ENOUGH TO WORK WITH TWO SEPARATE K-9'S WITH A GOOD DEAL OF THAT TIME BEING IN THE MIDDLE OF THE OIL BOOM AND IN OIL BOOM COUNTRY. YOU CAN ABOUT IMAGINE THE VARIETY OF CALLS WE WERE EXPOSED TO AND THE EXPERIENCE WE GAINED DURING THOSE YEARS.**



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**SHERIFF COREY LEE**

## **HB 1428 K-9 STATE STANDARD CERTIFICATION**

**YOU MAY ASK WHY IMPLIMENT A STATE STANDARD CERTIFICATION?**

**WITHOUT A STATE STANDARD, I COULD CURRENTLY TAKE MY HUNTING DOG, CLAIM IT'S TRAINED FOR NARCOTIC DETECTION, AND HEAD OUT ON THE STREET AND BEGIN USING IT CIRCUMVENT THE 4<sup>TH</sup> AMENDMENT ON TRAFFIC STOPS AND IN OTHER SCENARIOS.**

**ON AN EVEN MORE FRIGHTENING NOTE, I COULD TAKE MY GERMAN SHEPHERD OUT OF THE BACKYARD, TRAIN IT TO BITE PEOPLE, THEN THROW IT IN THE BACK OF MY SQUAD CAR AND CLAIM IT'S A POLICE APPREHENSION DOG.**

**ADMITTEDLY THERE IS NOT A HUGE PROBLEM WITH THIS CURRENTLY IN THE STATE BUT THERE ARE KNOWN INSTANCES OF TEAMS OPERATING OUTSIDE OF THEIR**

**CERTIFICATIONS OR WITHOUT HOLDING A LEGITIMATE AND CURRENT CERTIFICATION AND UNFORTUNATELY THIS CAN CAUSE SIGNIFICANT ISSUES WITH OUR INDUSTRY AS A WHOLE, ESPECIALLY IN THE REALM OF CASE LAW BOTH WITHIN OUR STATE AS WELL AS IN THE 8<sup>TH</sup> CIRCUIT.**



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**SHERIFF COREY LEE**

## **HB 1428 K-9 STATE STANDARD CERTIFICATION**

**WITH THAT IN MIND HB 1428 IS A HOUSEKEEPING BILL THAT ESSENTIALLY HOLDS OUR K-9 TEAMS ACCOUNTABLE AT A STATE LEVEL. ACCOUNTABLE TO THEMSELVES, TO THEIR ADMINISTRATIONS, AND TO THOSE THAT THEY ARE SWORN TO PROTECT.**

**THIS RAISED ACCOUNTABILITY CAN AND LIKELY WILL HELP ELIMINATE COSTLY LITIGATION TO THE CITIES, COUNTIES, AND THE STATE. IT WILL HELP PROTECT US FROM POOR CASE LAW, AND MORE IMPORTANTLY IT HELP PROTECT OUR CITIZENS FROM UNREASONABLE AND ILLEGAL SEARCH AND SEIZURE SITUATIONS, TO INCLUDE UNREASOANBLE USES OF FORCE.**

**UNDER THIS BILL ALL OF THE K-9 TEAMS MAY STILL CERTIFY WITH ANY AND ALL OF THE CURRENT OR FUTURE VENDORS THAT THEY WISH TO USE, BUT THEY MUST ALSO CERTIFY AND EXHIBIT THEIR MINIMUM PROFICIENCY TO A STATE BOARD THAT IS RECOGNIZED BY THE NORTH DAKOTA ATTORNEY GENERALS OFFICE.**





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**SHERIFF COREY LEE**

## **HB 1428 K-9 STATE STANDARD CERTIFICATION**

IN ADDITION TO MY TIME AS A HANDLER, I WAS FORTUNATE ENOUGH TO AND I CONTINUE TO SPEND TIME AS A CERTIFYING OFFICIAL FOR MULTIPLE CERTIFYING ENTITIES THAT PROVIDE NATIONALLY RECOGNIZED K-9 TEAM CERTIFICATIONS.

DURING MY TIME IN THIS INDUSTRY I HAVE BOTH WITNESSED AND TESTED A VARIETY OF K-9 TEAMS, BOTH GOOD AND BAD. THIS BILL FOCUSES ON BOTH THE GOOD AND THE BAD AS IT PREVENTS THE TEAMS THAT ARE POTENTIALLY OPERATING IN A SUBSTANDARD FASHION FROM ADVERSLY AFFECTING THE TEAMS THAT ARE PUTTING IN THE TIME AND THE HARD WORK, IN AN ATTEMPT TO DO THINGS CORRECTLY AND ACCORDING TO THE STANDARDS OF OUR INDUSTRY.

AS IT STANDS TODAY, THE STATE OF NORTH DAKOTA DOES NOT HAVE A STANDARD IN REGARD TO THE USAGE OF THE POLICE K-9 TEAM. MANY OTHER STATES INCLUDING SOUTH DAKOTA, COLORADO, ARIZONA, FLORIDA, AND OTHERS CURRENTLY DO REQUIRE A STATE STANDARD.



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**SHERIFF COREY LEE**

## **HB 1428 K-9 STATE STANDARD CERTIFICATION**

**AS I FINISH UP HERE I WOULD ASK YOU ALL TO CONSIDER THIS. IN OUR STATE YOU NEED TO BE CERTIFIED OR LICENSED TO BE A BARBER, A BEAUTICIAN, A MASSAGE THERAPIST, AND A NUMBER OF OTHER THINGS. WE ARE SIMPLY ASKING TO DO THE SAME FOR THE K-9 TEAMS AT A STATE LEVEL. WE ARE ASKING THIS TO ASSURE WE ARE ALL PERFORMING TO AT LEAST THE MINIMUM STANDARDS OF OUR PROFESSION.**

**THIS MINIMUM STANDARD WILL HELP US PRESERVE THE INTEGRITY OF OUR INDUSTRY, HOLD US ALL THAT MUCH MORE ACCOUNTABLE, AND PROVIDE AN ADDED LAYER OF PROTECTION THAT I KNOW I AS AN ADMINISTRATOR WOULD GREATLY APPRECIATE.**

**THANK YOU!**

January 24, 2023  
House Judiciary Committee  
HB 1428  
Rep. Klemin, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities.

The Chiefs of Police appear today in opposition to HB 1428. The bill creates a required certification requirement for law enforcement canine teams. Under subsection 2 of the bill, the canine team must be "certified as a canine team by an association identified by the attorney general which specializes in canine training." Until very recently, the Chiefs of Police were not aware of such an association existing in the State of North Dakota. It is unclear what standards this association would use and what the cost would be for a canine team to be certified by this association.

When a police department decides to invest in adding a canine to its department, a lot of research is done to make sure the canine will meet the needs of the department. Additionally, a lot of work goes into making sure training and certifications are up to date. The police chiefs are acutely aware that if a non-reputably trained canine is selected or if certification and training is not kept current, there will be legal ramifications in terms of liability and evidence collected using the canines may not be admissible into court. This certification program would just be a duplication of work the police departments are already doing.

As an alternative to setting up a separate certification program, the Chiefs of Police suggest looking into requiring canine teams to register and file their certification documentation with the Attorney General's office.

Due to the several concerns with this bill, the Chiefs of Police request a Do Not Pass recommendation on HB 1428.

I am Lyle Sinclair.

The certifications for patrol and detection being recommended, are by industry standards at the entry level basic.

For the detection portion, the K9 is being tested in its ability to recognize the odors and the handler can recognize the K9's response to odor. For the patrol certification it is again industry standard **entry level** to work the street.

If the handler **cannot** do this, do we want them working their K9 on the street?

## **I DON'T**

I don't care who the departments use now to certify their teams. I suggest that the teams still do their current certifications and ALSO and a state standard. IF the current certification they use is valid, this will be easy. Currently there are numerous vendors that sell K9's, offer certifications around the country. It would be difficult at best to list all that are approved.

I would think it would be easier to have several certifications in the state, ran by a State approved entity of current/former K9 handlers from the state. This entity could then send a list to the Attorney Generals office quarterly.

This bill will not only help protect the citizens of North Dakota but also K9 teams of North Dakota will be better protected from bad case law.

What started this for me was I was contacted by a BCI agent I went to Law Enforcement Basic with. He was looking at an in-custody death where the subject was found by a police K9 who tracked the subject to his location then allegedly bit the subject. I should add this was in April between Devils Lake, Rugby and the Canadian border and the subject was hiding in a road ditch with freshly thawed snow water for two plus hours.

The BCI Agent was less than impressed with the reports to include not getting a Patrol Certificate from the handler, only a detection certificate. I had previously talked to this handler. The handler has asked how to get a "recall" on his dog as he wasn't trained on that where he went to school. He also wanted to come certify his dog with me. Long story short, it didn't work out with his schedule and mine and then he stopped reaching out to me. So, I was confident the handler didn't have a patrol certification while working the street with his K9.

When asked by the BCI agent what the state standard is for a K9 team, I swallowed hard and said there is no STATE standard. Each department sets their own standards on use, breed, vendor, etc. SO this is when I thought a State Standard would be a good idea.

I know several states have state standards for their K9 teams to include South Dakota, Ohio.

When I was at K9 instructor school in Pennsylvania there were numerous Ohio teams. Before the students left, they all were certified through NAPWDA (North American Police Work Dog Association). The Ohio teams also certified through OPWDA (Ohio Police Work Dog Association). The certifications were the same, so the judge was able to certify the teams for both entities.

Again, this is entry level certifications only.

I do not want to tell departments where to buy their K9's, what equipment they will need to buy, how much training time they need every month, which other certifications they need

**ONLY THAT THEY PASS A STATE STANDARD**

**A PASS/FAIL TEST**