

ANDRÉ JACQUE

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P.O. Box 8952
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TO: Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: Rep. André Jacque

DATE: March 2, 2017

RE: Assembly Bill 58

Chairman Spiros and colleagues,

Thank you for the opportunity to testify before you today as the author of Assembly Bill 58. I introduced this common sense legislation with Sen. Cowles at the suggestion of Green Bay Police Lieutenant Matt Van Egeren in order to repeal an unnecessary and costly mandate on Wisconsin law enforcement and enhance public safety.

State law presently requires properly immunized law enforcement canines who protect our communities to be confined and subjected to multiple veterinary examinations following a biting incident. Wisconsin law enforcement agencies are bearing the cost of three veterinary exams and the lost time of the sworn officers they partner with during the exams for every K-9 bite, taking an invaluable, highly-trained asset away from the entire department and the community.

As in at least 19 other states, our proposal would remove the veterinary testing mandate while still requiring rabies vaccination certification and behavioral monitoring of the dog, thus allowing the K-9 unit to continue fulfilling its mission to help solve crime and keep our communities safe. The very similar language found in statutes of several of these states is attached to my testimony.

This bi-partisan legislation has been formally endorsed by numerous law enforcement agencies and organizations, including:

- Wisconsin Chiefs of Police Association
- Wisconsin Professional Police Association
- Badger State Sheriffs Association
- Wisconsin Sheriffs and Deputy Sheriffs Association
- Wisconsin Law Enforcement Canine Handler Association
- Wisconsin State Lodge of the Fraternal Order of Police
- Wisconsin Troopers Association

- Madison Police Department

- Green Bay Police Department
- Manitowoc Police Department
- Appleton Police Department K9 Unit
- Milwaukee County Sheriff's Office K-9 unit

I have attached letters of support from several of these groups to my testimony, and am pleased to be joined today by Green Bay Police K9 Unit Lieutenants Matt Van Egeren and Mike Sobieck and Oconto County Sheriff's Deputy Todd Skarban, who leads the Wisconsin Law Enforcement Canine Handler Association.

Thank you for your time and consideration of Assembly Bill 58.

STANDING COMMITTEES:

Natural Resources & Energy, Chair
Transportation & Veterans Affairs

ROBERT L. COWLES

Wisconsin State Senator
2nd Senate District

JOINT COMMITTEES

Audit Committee, Co-Chair
Information Policy and Technology

**Assembly Committee on Criminal Justice and Public Safety
March 2, 2017 Public Hearing
AB 58 Testimony**

Thank you Chairman Spiros and Committee Members for allowing me to speak today on Assembly Bill 58 (AB58). This proposal responds to challenges that arise when a Law Enforcement K-9 Officers bites while in the line of duty.

Under current law, when a K-9 Officer bites while in the line of duty, the K-9 Officer does not have to be quarantined for the normal 10 day period while being observed by a veterinarian 3 times. However, the K-9 Officer has restricted duties while they are on duty and must be confined while not on duty during the time they are being examined by a veterinarian, or as some may say, is put on desk duty.

AB 58 eliminates the veterinarian observation visits and confinement of the K-9 Officer. The bill allows for the law enforcement agency and handler to have the K-9 Officer examined by a veterinarian if the K-9 Officer exhibits any abnormal behavior after the biting incident and are required to contact the local health department.

This bill is limited to bites that only occur while the K-9 Officer is working in the line of duty. K-9 Officers are still required to have current rabies vaccinations and certificates. This bill will allow our law enforcement agencies around the state keep their K-9 Officers out in the communities keeping us safe and performing the many duties they alone are capable of performing.

Thank you once again for allowing me to testify today.



Wisconsin State Lodge *Fraternal Order of Police*



Don Kapla – President
dkapla455@policeone.com

Will Pflum - Secretary
ironwill37@centurytel.net

The Honorable Andre Jacque
House of Representatives
North State Capitol
P.O. Box 8952
Madison, WI 53709

Dear Representative Jacque,

I am writing this letter reference concerns with the current Wisconsin State Statue 95.21 (4) (d). This statue refers to the quarantine of an animal that has bit a person and the exceptions for law enforcement K-9's. It has been brought to our attention that with the way the current statue is written Wisconsin Law Enforcement Agencies are bearing the cost of three veterinarian exams and time paid to the handlers during the exams for every K-9 bite. This can be an expensive part of a police agencies limited budget and during the exams it takes an invaluable tool away from the officers on the road. On behalf of the Wisconsin State Fraternal Order of Police, we support Lieutenant VanEgeren's proposed changes to the statue. The changes will still allow for monitoring of the K-9 to protect the public's interest while also saving law enforcement agencies across the state the required expenses that are currently being paid.

Sincerely,

Andy Opperman
Vice President
WI State Fraternal Order of Police



Madison Police Department

Michael C. Koval, Chief of Police

City-County Building
211 S. Carroll Street
Madison, Wisconsin 53703
Phone: (608) 266-4022
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police@cityofmadison.com
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January 28, 2016

Dear Representative Jacquẽ~

Our Department was recently contacted by Lieutenant Matt VanEgeren of the Green Bay Police Department regarding a change he is proposing to Wisconsin State Statute 95.21(4)(d) which deals with the quarantine of a dog that has bit a person and the exception for law enforcement canines. I am writing in support of Lt. VanEgeren's proposal.

The City of Madison Police Department's K9 Unit currently consists of seven dual-purpose canines, all of which are trained to apprehend suspects. Our unit regularly responds to over 1,000 calls for service annually in Madison and the surrounding communities. Our canines are key assets in combating and solving crime, as well as helping keep our officers and the community safe.

I echo Lt. VanEgeren's sentiment regarding the challenging financial climate. Our unit is fully funded by a non-profit organization which pays for everything from the purchase of a new canine, the squads and veterinary care. The non-profit has limited funding and faces the constant challenge of raising money in this environment.

Because of this tremendous investment and their value, our canines have regular wellness checkups (seen at least twice a year). Their health is regularly monitored by their handlers and treating veterinarians. Our veterinarians meet annually to review our recommended care guidelines to ensure our dogs are receiving the best care possible. All of our canines are required to be current on all of their shots and immunizations, including rabies and their medical records are easily accessible.

In summary, requiring three additional veterinary visits after a bite apprehension seems to be an unnecessary requirement for such well-cared for assets. The time away from being able to assist our patrol functions in addition to the added expense seems unnecessary. Please do not hesitate to contact me if you have questions or need additional information.

Respectfully~

Chief Michael C. Koval

To Whom It May Concern,

I am the supervisor and current handler for the Milwaukee County Sheriff's Office K9 Unit . I am writing this in support of Lt. VanEgeren's proposal to amend the current "K9 Quarantine" state statute as it applies to law enforcement. As a supervisor of a large unit (17 dogs), I am familiar with the expenses incurred for veterinary visits and the problems created when canines are taken out of service. I know my agency (as I believe with most others) is very mindful of the importance of regularly scheduled vet visits and up to date vaccinations, so much so that it is included in our agencies K9 policy. We as handlers and law enforcement officers take great care to ensure our K9 partners are fully and properly prepared to help protect the public. My wish is to see that continue without unnecessary hindrances.

Detective Joel Streicher

Milwaukee County Sheriff's Office K9 Unit

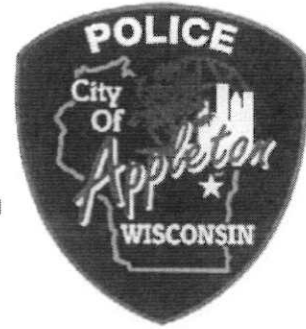
821 W. State St. Milwaukee, WI. 53233

joel.streicher@milwaukeecountywi.gov

(414) 278-4788

Appleton Police Department

I



The Honorable Andre Jacque
January 6, 2016
House of Representatives
North State Capitol
P.O. Box 8952
Madison, WI 53709

Dear Representative Jacque,

I am the supervisor of the K-9 unit for the Appleton Police Department. Our K-9 unit consists of three canine teams. The K-9 unit is an invaluable part of patrol operations and has paid off immensely by the safe resolution of many incidents, identification of illegal narcotics, and numerous public demonstrations. Our K-9 unit has been funded primarily through private donations. In 2015, the K9 unit's budget was increased to accommodate the additional cost of our third dog which was donated by the Green Bay Packers charitable foundation. I am writing you in support of Lt. VanEgeren's proposal to modify the statutory language of Wisconsin § 95.21(4)(d) which deals with the quarantine of an animal that has bit a person and the exceptions for law enforcement dogs.

I ask that you please consider sponsoring a bill to amend the state statute to:

(d) Exception for law enforcement dogs.

1. In this paragraph, "law enforcement agency" has the meaning given in s. 165.83(1)(b)

2. The quarantine requirement in par. (a) does not apply to a dog that is used by a law enforcement agency and that bites a person while the dog is performing law enforcement functions if the dog is immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. ~~The law enforcement agency shall have the dog examined by a veterinarian on the day of the incident or the next day, on the 10th day after the incident, and on one intervening day. The law enforcement agency shall ensure that the dog is confined when not performing law enforcement functions until the 3rd examination has been performed.~~ The law enforcement dog may continue to perform its duties for the law enforcement agency. The law enforcement agency shall make the dog available for examination at any reasonable time and shall notify the local health department if the dog exhibits any abnormal behavior.

By wording the statute this way the public will still be protected from a police K-9 should it contract the rabies virus. It would also save police departments across

the state a substantial amount of money while not taking the K-9 and their handlers away from their policing duties.

Sincerely,

Lieutenant Gary Lewis
K9 Unit Coordinator
Appleton Police Department



CITY OF MANITOWOC

WISCONSIN, USA
www.manitowoc.org

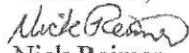


The Honorable Andre Jacque
House of Representatives
North State Capitol
P.O. Box 8952
Madison, WI 53709

January 13, 2016

Dear Representative Jacque,

I am the supervisor of the K-9 unit for the Manitowoc Police Department. Our K-9 unit consists of two K-9 and their handlers. I am in full support of Green Bay PD Lt. Matt VanEgeren's proposal on getting Wisconsin § 95.21(4)(d) amended. This statute deals with the quarantine of an animal that has bitten a person and the exceptions for law enforcement dogs. The purpose of the amendment is so that police K-9 would not have to be quarantined or have the three veterinarian exams after biting a person while on duty. I will not repeat all the reasoning that Lt. VanEgeren points out again, but I want you to know that I support the amendment and the reasons behind it.

Thank You,

Nick Reimer
Chief of Police
Manitowoc Police Department





**SCOTT R. PARKS
SHERIFF**

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The Honorable Andre Jacque
House of Representatives
North State Capitol
P.O. Box 8952
Madison, WI 53709

February 2, 2016

Dear Representative Jacque,

I am the Detective Lieutenant and the K9 Unit Supervisor for the Marathon County Sheriff's Department. The Sheriff's Department consists of three K9's and their handlers and we will be adding a fourth K9/handler very soon.

As stated in the letter written by Lieutenant VanEgeren of the Green Bay Police Department, the current legal requirements placed on our service dogs has both a financial impact as well as a time commitment that takes away from our K9's available duty time.

The money spent on these three veterinarian checks does have an impact on our K9 Unit funds and is an unnecessary expense. These dogs, by policy are required to be current on their vaccinations to include rabies as there is a likelihood of them being involved in a bite scenario.

I support the letter and suggested changes to state statute 95.21(4)(d) that Lieutenant VanEgeren is recommending. I ask that you please consider sponsoring a bill to amend this statute.

Sincerely,

William B. Millhausen
Lieutenant
Marathon County Sheriff's Department



COLUMBIA COUNTY

Sheriff's Office

Sheriff's Office 608-742-4166 Jail 608-742-6476

FAX: Sheriff's Office 608-742-0598 Jail / Dispatch Center 608-742-5225

E-MAIL: Dennis.Richards@co.columbia.wi.us

WEBSITE: www.co.columbia.wi.us

January 22nd, 2016

Attn: Andre Jacque
House of Representatives
North State Capitol
P.O. Box 8952
Madison, WI 53709

Representative Andre Jacque,

I assist in supervising the Columbia County Sheriff's Office K9 Unit where we have 2 multi-purpose K9's. Our large, rural County of approximately 56,000 citizens is patrolled at times by 3-4 Deputies. Our K9's and their handlers are utilized for several types of deployments. Like many law enforcement agencies; our demand is high, budgets are tight, and appropriate staffing is vital.

I have reviewed Wisconsin § 95.21(4)(d) finding that it will be time-consuming and a financial hardship on our agency. We fundraise and take donations along with budgeted money, but 3 veterinarian exams and time expended by our agency and the K9 handlers would be very difficult.

I have personally reviewed Green Bay Lieutenant Matt VanEgeren's request that the state statute be amended to read differently and agree with his ideas. It would be important through routine veterinarian exams that each K9 obtain the appropriate rabies vaccinations.

If you have any questions, please feel free to contact us.

Much Appreciated,

Mike Haverley
Detective Sergeant
Columbia County Sheriff's Office
Columbia County Drug Education and Enforcement Task Force
Columbia County K9 Unit
711 E. Cook Street
P.O. Box 132
Portage, WI 53901
Office 608.742.4166

cc: Columbia County Sheriff's Office Detective Lieutenant Roger Brandner

Hi Lieutenant VanEgeren,

I am responding to your email in favor of the new K9 law amendment proposal. At times, I work for our K9 unit and other K9 agencies as a decoy for training purposes. While acting as a decoy, I have sustained live bites, one incident requiring stitches. I understand the importance training is for K9's and handlers, I also understand the process that needs to take place after a live bite during training. This process includes filling out a dog bite form and having the K9 quarantined. This process also needs to be completed after a bite from a K9 deployment.

Having the K9 quarantined for 10 days, takes this resource away from our department and adds an additional burden to the handler. This quarantine creates veterinarian exam cost taking money away from the training budget. Our handlers providing excellent care to their K9's, having all routine shots including rabies vaccination. Since K9 handlers are with their K9's night and day, the handlers are constantly monitoring the wellbeing of their K9's.

Once again I am in favor and encourage legislation to look closely at this new K9 law amendment proposal.

Thank you ,

Lieutenant

Erich Zwicker

Village of Holmen Police Department

119 Wall St. W., Holmen WI. 54636

608-526-4212

Matt,

I am very much in support for an amendment to the current WI State Statute that would exempt Law Enforcement canines from having to be examined by a vet. While we are not charged for any of our vet care, the time and inconvenience alone is costly. The handlers are obviously very professional and monitor their dogs to the highest degree.

Let me know if you need another Representative contact.

Barry

Captain Barry S. Waddell

Criminal Investigations Bureau

K9 Unit Supervisor

West Allis Police Department

West Allis, WI 53227

414-302-8073

Cell- 414-331-1612

bwaddell@westalliswi.gov

Examples of other states with Law Enforcement K9 Dog Bite statutes similar to AB 58:

CALIFORNIA

§ 121685. Law enforcement agency dogs; quarantine after biting people; availability for examination; notice of abnormal behavior

Notwithstanding any other provision of this chapter, a dog used by any state, county, city, or city and county law enforcement agency shall not be quarantined after biting any person if the bite occurred while the dog was being used for any law enforcement purpose. The law enforcement agency shall make the dog available for examination at any reasonable time. The law enforcement agency shall notify the local health officer if the dog exhibits any abnormal behavior. (Added by Stats.1995, c. 415 (S.B.1360), § 7.)

ILLINOIS

ANIMALS

(510 ILCS 5/) Animal Control Act. (b) When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler. (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

CONNECTICUT

https://www.cga.ct.gov/current/pub/chap_435.htm#sec_22-358

Any dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this subsection when such dog is under the direct supervision, care and control of an assigned police officer, is currently vaccinated and is subject to routine veterinary care. Any guide dog owned or in the custody and control of a blind person or a person with a mobility impairment is exempt from the provisions of this subsection when such guide dog is under the direct supervision, care and control of such person, is currently vaccinated and is subject to routine veterinary care.

UTAH

76-9-306. Police service animals -- Causing injury or interfering with handler -- Penalties.

- (4) A police service animal is exempt from quarantine or other animal control ordinances if it bites any person while under proper police supervision or routine veterinary care. The law enforcement agency and the animal's handler shall make the animal available for examination at any reasonable time and shall notify the local health officer if the animal exhibits any abnormal behavior.

TEXAS

Sec. 826.048. EXEMPTION FROM QUARANTINE REQUIREMENT FOR POLICE SERVICE ANIMALS. (a) In this section, "handler or rider" and "police service animal" have the meanings assigned by Section 38.151, Penal Code.

(b) A police service animal is exempt from the quarantine requirement of this subchapter if the animal bites a person while the animal is under routine veterinary care or while the animal is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If after biting the person the animal exhibits any abnormal behavior, the law enforcement agency and the animal's handler or rider shall make the animal available within a reasonable time for testing by the local health authority. Added by Acts 2001, 77th Leg., ch. 979, Sec. 2, eff. Sept. 1, 2001.

FLORIDA

767.16 Bite by a police or service dog; exemption from quarantine.—Any dog that is owned, or the service of which is employed, by a law enforcement agency, or any dog that is used as a service dog for blind, hearing impaired, or disabled persons, and that bites another animal or human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.

History.—s. 1, ch. 91-228.

ARIZONA

Title 11. Counties. Chapter 7. Intergovernmental Operations. Article 6. Animal Control.

J. This section does not apply to a dog that is used by any federal, state, county, city or town law enforcement agency and that bites any person if the bite occurs while the dog is under

proper law enforcement supervision and the care of a licensed veterinarian, except that the law enforcement agency shall notify the county enforcement agent if the dog exhibits any abnormal behavior and make the dog available for examination at any reasonable time.

PENNSYLVANIA

Section 602. DOGS USED FOR LAW ENFORCEMENT (d) Quarantine of Certain Dogs Not Required - Quarantine of dogs as required by law shall not apply to dogs owned by any municipal or State police department or agency when such dogs are under the direct supervision and care of a police officer and subject to routine veterinary care.