

# ***POLICIES, PROCEDURES, AND RULES***

<b>Subject:</b> 41.2.17 Canines	<b>Effective Date:</b> October 23, 2020
<b>Reference:</b> 41.2.8; 84.1.1	<b>Version:</b> 2
<b>CALEA:</b> 41.1.5	<b>No. Pages:</b> 8

## **I. PURPOSE**

The purpose of this directive is to establish procedures to provide guidelines for the management and use of police canines in field operations.

## **II. POLICY**

Because of a superior sense of smell, hearing and the ability for a canine to be used to protect officers and our citizens, the trained law enforcement canine is a valuable asset to a police agency. However, utilization of canines requires adherence to procedures, which properly control their use of force potential and channel their specialized capabilities into legally acceptable crime prevention and control activities.

## **III. Procedures**

### **A. Canine Unit Utilization [CALEA 41.1.5 a.]**

1. A Canine Team is defined as an officer handler and an assigned police canine. Canine teams are available on a twenty-four-hour basis for incidents such as, but not limited to:

- a. Conduct building searches for offenders.
- b. Assist in the arrest or to prevent the escape of offenders.
- c. Protect officers or others from death or serious bodily injury.
- d. Area searches to locate suspects or lost/missing persons.
- e. Detection of hidden instruments or evidence of a crime.
- f. Establish probable cause for use in obtaining search warrants.
- g. Assist with the execution of a search warrant to locate evidence or provide perimeter containment of a building during the service of a warrant.
- h. Community relations and/or policing demonstrations.

2. The scenarios listed below will be considered appropriate scenarios for Canine Teams response. Canine Teams should not however be used to respond to minor complaints. Types of responses not on this list must have the approval of a supervisor:

- a. All burglary in progress calls

- b. Felony crimes or misdemeanor crimes of violence where the suspect has fled on foot.
- c. Alarm calls
- d. Prowler calls
- e. Calls where the presence of a canine may deter an attack on police officers
- f. Narcotic calls if necessary

3. Police canines will only be used for criminal apprehensions when there is reason to believe the officer may encounter resistance from the suspect, or to locate a suspect attempting to elude capture.

4. Police canine units are prohibited from initiating, engaging in and/or following vehicle pursuits unless authorized by a supervisor. (Chapter 41)

5. Canine handlers are responsible for determining whether a situation justifies canine use and the appropriate tactical measures that should be taken:

- a. Other than on routine traffic stops, canine team assistance shall be requested from Patrol Officers or Detectives through the immediate supervisor on duty.
- b. The canine is the responsibility of the handler and will not be permitted to roam at will.

## **B. Canine Use of Force [CALEA 41.1.5 f]**

1. Use of specially trained police canines for law enforcement responsibilities in the apprehension of suspects constitutes a real or implied use of force. In this as in other cases, officers may only use that degree of force that reasonably appears necessary to apprehend or secure a suspect as governed by the department's use of force policy.

2. In all instances where a canine is deployed, the canine incident shall be documented. Whenever a canine bites an individual, whether or not in the line of duty, the handler shall:

- a. Notify an on-duty supervisor who will, if possible, respond to the scene.
- b. Obtain medical treatment for the person at an authorized medical facility; medical personnel should examine the affected area irrespective of the perceived seriousness of the bite or injury. Such medical treatment can be denied by the bite victim but only after having been taken to an authorized medical facility.
- c. Take color photographs of the affected area if possible, prior to medical treatment.
- d. Complete a K-9 activity report and a use of force report whenever there has been an allegation that a canine has bitten or otherwise injured an individual. The reports must detail the circumstances surrounding the incident, the identity of the individual involved and any witnesses and the extent of injuries, if any. The original report shall be filed in accordance with departmental use of force policy.
- e. A diagram of the suspect should be used to show the location of injuries to the suspect.

## **C. Building Searches**

1. A use of departmental canines is for locating suspects in buildings or related structures where officers would be confronted with unnecessary risk. The following procedures shall be used, if possible, to conduct searches:

- a. The patrol personnel will secure the building perimeter.
- b. When a canine building search is anticipated, a preliminary search by officers should not be conducted, as this may interfere with the canine's ability to discriminate scents.
- c. An additional officer should be assigned to provide assistance and cover for safety of the canine team during the building search. The assisting officer should take caution to not interfere with the search and keep other officers informed as to the status of the search.

2. The on-scene supervisor or officers shall also take the following steps in preparation for the canine search:

- a. Evacuate all tenants, workers or others from the facility, and
- b. If possible, request that all air conditioning, heating or other air-blowing systems be shut off so there will be no interference with the canine's scenting ability.
- c. Upon entrance to the building, all exits should be secured, and communications limited.
- d. The canine should be unleashed during a building search unless there is an imminent risk of injury to innocent persons within the facility.
- e. The canine should not be used to search facilities that contain substances potentially harmful to the animal without due caution.
- f. Before commencing the search, the handler or other appropriate personnel shall, in English and Spanish, when possible, loudly announce the statement that there are Police Officers on the premises and a trained Police Canine will be released if the individual does not surrender. A reasonable amount of time shall be allowed for the suspect to respond. This warning shall be repeated frequently.
- g. When apprehending suspects in these or related circumstances, canines shall be commanded to disengage as soon as the suspect is subdued or readily complies with officer directions.
- h. Arrestee shall not be transported in the same vehicle with law enforcement canine unless alternative transportation is not available and immediate transport is essential for safety or security reasons.

#### **D. Crowd Control**

1. Canine teams may be used for crowd control upon approval of the Shift Supervisor to protect life or property during a riot or other major unauthorized gathering that cannot be controlled by other means. In these situations, canines shall:

- a. Be short leashed at all times unless no other means are available to protect an individual from serious injury; and
- b. Not initiate any offensive action, unless to guard against substantial property damage, imminent loss of life or serious bodily injury.

**E. Drug Detection:** Use of police canines in a drug detection capacity is authorized in the following situations and conditions as allowed by law:

1. The K-9 Supervisor or his designee shall maintain records that document the use and the proficiency of individual canines in drug detection. This documentation shall be readily available to canine officers and others who may need it when seeking warrants.

2. Random exploratory sniffing of luggage, packages or other inanimate objects may be conducted in public facilities such as airports, train stations, bus stations, as authorized by a supervisor:

- a. Exploratory sniffing in these facilities shall be confined solely to those areas open to the general public and, whenever possible, with advance knowledge and consent of the appropriate facility manager.
- b. Exploratory sniffing shall be conducted without interference or annoyance to the public or interruption of facility operations.

3. Canine sniffs conducted in areas restricted to the public, such as baggage staging areas may be conducted with proper notification and approval from the appropriate facility representative.

4. Officers may detain specific checked luggage or related items for the purposes of requesting a canine sniff if reasonable suspicion exists.

5. The use of canines in public schools is permitted when:

- a. The school's principal or designated authority requests or approves the use of the canines.
- b. The search is limited to inanimate objects in public areas and the exterior of student lockers unless reasonable suspicion exists to gain admission to lockers and related areas.

6. Sniffs of the exterior of residences, either individual dwellings or the common areas of multiple unit dwellings, must comply with state and federal law.

7. Canines may be used to sniff motor vehicles when:

- a. Reasonable suspicion exists to believe the operator or passengers are in possession of illegal narcotics; or
- b. During a vehicle stop, the canine is used to sniff the vehicle's exterior in an exploratory manner. Unless the canine alerts to the vehicle, the operator may not be detained longer than necessary.
- c. All attempts should be made to discourage the canine from entering the vehicle unless an indication is made to the presence of narcotics.

8. An exception to these search procedures exists when the canine is utilized during execution of search warrants.

**F. Tracking:** Police canines are available to track missing persons or suspects, or to locate evidence that the officer has reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:

1. When officers are pursuing suspects and contact with the suspect is lost, the officer, prior to summoning a canine then shall:

- a. Stop and pinpoint the location where the suspect was last seen,
- b. Avoid vehicle or foot movement in the area where the suspect or subject was last seen.

2. An additional officer should be assigned to provide assistance and cover for safety of the canine team during the track. The assisting officer should take caution to not interfere with the track and keep other officers informed as to the status of the track.

3. Canines used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.

4. Canine teams should not be used to locate small children unless there is a reasonable suspicion of foul play or a belief that serious bodily harm or death will occur if the child is not located immediately. Where the use of a canine is deemed necessary, the risks of injury to the subject shall be explained to the parents or next of kin.

5. On scene personnel shall:

- a. Secure the perimeter of the area to be searched.
- b. Secure the integrity of the area to be searched by keeping all persons out of the area.

### **G. Request from other agency**

1. Request for the assistance of a canine unit from other police agencies shall be directed to the supervisor on duty. If the supervisor dispatches a canine team outside the city limits, a supervisor will accompany the team and the Patrol Captain shall be notified.

2. The requesting police agency shall provide as much of the following information as possible:

- a. Type of incident and circumstances
- b. Time and location of the incident
- c. Weather and ground conditions
- d. Type of area and terrain
- e. Any prior search by personnel or other canine unit
- f. Knowledge of available witnesses
- g. Pending Charges
- h. Information of any violence or weapons

3. The police agency requesting canine assistance shall be responsible for securing and protecting the area or item to be searched until the arrival of the canine unit.

4. The canine handler will decide the type of search to be conducted and shall be the only person to direct the actions of the canine when on an assignment.

5. The canine handler will complete an incident report after providing requested assistance and forward a K-9 Activity Report, or any other required reports, to the supervisor to be reviewed and compiled for statistical purposes.

### **H. Financial Responsibility**

1. The Fayetteville Police Department will assume certain financial responsibilities involving the care and use of canines such as, but not limited to:

- a. Necessary medical expenses
- b. Grooming items and other supplies including food
- c. Licensing and or national, regional or local costs associated with certifications
- d. Necessary handling and training as well as equipment
- e. Other material needed to facilitate the operation of the canine unit
- f. Training of the handler and canine as needed
- g. Necessary insurance coverage for the canines and handlers
- h. Boarding expenses if needed

### **I. Canine Kennel / Equipment [CALEA 41.1.5 e.]**

1. The kennel will be constructed at city expense. It will be built to department specifications.
2. The canine handler must have at a minimum the following facilities at their residence to house the canine:
  - a. A fenced yard at least eight feet by sixteen with a six-foot tall fence in good condition that will prevent escape including a locking gate
  - b. The facilities must be inspected and approved by the canine supervisor prior to housing the canine
  - c. Any deviation from the above requirements must be accompanied by a written permission from the Chief of Police
3. Only department owned, or department approved equipment shall be used in handling and care for the police canine. Equipment will be requisitioned and purchased through approved department procedures. The handler shall maintain, in operational readiness, all necessary equipment required to properly control and/or handle the canine at all times. These items shall be in the handler's possession or stored inside the police vehicle whenever the canine is in service.

### **J. Ownership**

1. The Fayetteville Police Department will furnish the canine and will retain ownership of it.
2. A canine handler may apply to take possession of a canine where:
  - a. The canine is retired from duty or relieved due to injury.
  - b. The handler is transferred, promoted or retires, and a decision is made not to retrain the canine with another handler as determined by the Chief of Police.
3. These exceptions release the Fayetteville Police Department from further financial responsibility for the canine.

### **K. Canine Unit certification, qualifications and training [CALEA 41.1.5 b.]**

1. The canine team must successfully complete a national canine certification course.

- a. The canine will be trained with a success rate consistent with certification requirements of the certifying association in all types of drug and patrol search techniques and under various weather conditions and times of day. Emphasis should be placed on the search of vehicles and buildings for the detection of marijuana, cocaine, methamphetamine and heroin. Proof will be provided that the canine handler and canine are certified by a national certifying agency.
- b. The canine will be required to re-certify annually and must meet the required standards set by a national certifying agency or as determined by the Chief of Police.
- c. Training aids issued to the canine handlers will be in accordance to the guidelines outlined in the Property Management section (Chapter 84). Training Aids are the responsibility of the canine handler while checked out to that handler. [CALEA 41.1.5 c]
  - During each training scenario, each training aid will be numbered, and its placement documented in the handlers training notes. At the conclusion of the training scenario, an inventory of all training aids will be made to ensure all aids are properly recovered.
  - Training aids will be stored in the canine handler's Police Department locker in an approved locked case when not in use.
  - The handler may carry the training aids only while on duty.
  - The handler will immediately report any damage or loss of the training aid to the on-duty supervisor.
  - The on-duty supervisor will immediately notify the canine supervisor and the Patrol Captain.
  - The Patrol Captain will cause a complaint to be filed with the Office of Professional Standards.

2. Applications for the police canine unit are open to all sworn personnel of the Police Department who meet the following qualifications:

- a. Have at least one year of uniform patrol experience with satisfactory work performance.
- b. Possess a willingness to commit themselves to the unit for a minimum of a 3-year period.
- c. Possess willingness (together with family members) to care for and house the canine at the officer's residence with a secure outdoor area for the canine that conforms to department requirements.
- d. Possess a strong desire to work with canines and willingness to care for and train the animal.
- e. Possess the ability to pass the departmental physical fitness and agility tests.

3. All departmental canines must meet established departmental certification requirements.

4. New canine handlers must complete the prescribed Canine training course and successfully meet all course requirements.

5. Canine handlers are required to demonstrate acquired abilities to the canine division supervisor on a periodic basis as requested.

**L. Canine use and care [CALEA 41.1.4 d.]**

1. Police canines shall not be used for breeding, participation in shows or field trials.
2. Police canines may be used in demonstrations and exhibitions as required by the department in the official capacity of a canine team.
3. Canine handlers are personally responsible for the daily care and feeding of the canine to include:
  - a. Maintenance and cleaning of the kennel and yard area where the canine is housed.
  - b. Provision of food, water and general diet maintenance as prescribed by an authorized veterinarian.
  - c. Grooming as required by weather, working conditions or other factors.
  - d. Daily exercise
  - e. General medical attention and maintenance of health care records.
4. Where the handler is unable to perform these and related duties due to illness, injury or leave:
  - a. Another canine handler may be assigned to temporarily care for the canine.
  - b. A member of the handler's family may care for the canine if approved by the canine division supervisor.
5. Handlers may, at their discretion, allow members of the public to pet the canine. Handlers must be aware of the need to control the canine and the public and must protect both the public and the canine from incidents that could arise at these times. The handler has the discretion to allow or prohibit public contact with the canine as individual circumstances dictate but must be aware that they are responsible for the canine's actions.