

211. USE OF POLICE CANINE



RICHFIELD POLICE DEPARTMENT POLICY

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NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this Policy is to outline those procedures regarding the utilization and maintenance of the Richfield Police Department's Canine Unit.

II. POLICY

The use of the canine requires adherence to procedures that properly control their specialized capabilities into legally acceptable crime prevention and control activities.

It is the policy of the Richfield Police Department that police service canine's primary purpose is to support officers in an officer safety capacity and as locating tools. This capacity is primarily done in assisting officers with building searches, tracking persons, locating evidence or contraband, or by aiding in the apprehension of suspects when justified under Minnesota Statue [609.06](#), which authorizes the use of force and Department Policy #201 "Use of Force."

III. DEFINITIONS

CANINE TEAM: An officer handler (canine handler) and their assigned police canine.

POSITIVE CONTROL: The ability of a canine handler to maintain control of the canine at a distance as is reasonably possible during canine operations. This may be accomplished through verbal commands, extended leads, a remote training collar/electric collar or a combination of any of these three techniques.

REMOTE TRAINING COLLAR/ELECTRONIC COLLAR: A dog collar that typically delivers mild electronic stimulation, vibration or sound upon receiving a signal from a remote transmitter and is used to condition a canine to respond to commands, especially at a distance.

IV. PROCEDURE

CANINE OPERATIONS

The primary purpose of the canine team is to serve as a backup for the patrol officer and as a support unit to the patrol function. The canine team can be most effectively utilized in specific situations in which they have been trained and conditioned. Currently, the police canines are primarily used to assist in the location and apprehension of felony suspects:

- Who pose an immediate threat to the safety of officers.
- Who are attempting to evade arrest by flight.
- Who are involved in a crime of violence.

The decision to use the canine in an event is based on sound training principles which ensure confident, disciplined, and competent canine teams. The protection of officers who are under assault is considered one of the primary responsibilities of the canine team. The handler is therefore to be guided by this basic principle when making the decision to utilize the canine.

In situations where there is a doubt as to the use of the canine (i.e., should the dog be brought out of the squad) the best course of action for the canine officer is to confer with a supervisor at the scene to communicate, share ideas and opinions with the supervisor. The goal is to make the most informed decision resulting in the most effective use of canine resource.

CANINE SUPERVISION

The Patrol Section Lieutenant or designated supervisor shall oversee the operations of the Patrol canine teams. The Investigative Section Lieutenant or designated supervisor shall oversee the operations of the Investigative canine teams, including overall handler supervision; Coordinating activities with other divisions and other law enforcement agencies; Public Relations; Veterinary service; Equipment and supplies for the canine teams.

On-duty supervisors shall be responsible for the normal duty activities of both the Patrol and Investigative canine teams, to include; Consultation, when practical, with the canine handlers prior to directing the tactical use of canine teams; When the need for a canine team is anticipated, a duty supervisor should respond to the scene to coordinate perimeter coverage by field units, and other tactical considerations; Whenever the use of a police canine causes injury to a person, including members of this Department, the duty supervisor shall evaluate the need for medical attention and ensure that the required incident reports are submitted.

The canine team is available at all times when on duty and on an as-needed basis when off duty. However, when the canine team is off duty, it will be up to the on duty supervisor to determine whether or not to contact the team.

The primary mission of the canine team is to search buildings, conduct area searches, track persons, apprehend criminal suspects, and to locate evidence or contraband.

The canine team will be under the supervision of the on duty supervisor when called to utilize their services. However, the operational aspect of the canine shall be the responsibility of the handler alone. The handler shall be informed as to what services are being requested and shall make the determination as to the operational proceedings.

The police canine shall not be handled or given commands by anyone other than the assigned handler.

Canine team assistance can be requested directly by patrol officers unless the canine team is off duty. Then the on-duty supervisor shall authorize the callout.

Requests by outside agencies for the canine team need approval by the duty Sergeant. This approval applies to both on and off duty requests.

CANINE "USE OF FORCE"

A police dog used to apprehend is best understood as an instrumentality of force, to be judged according to the rules that apply to police use of force, MN Statute [609.06](#).

As applied to police dogs, a canine apprehension is justifiable and lawful use of force if the threat to officers and/or public is significant. The need for force must be sufficient to justify the canine apprehension. The circumstances of the event confronting the officer determine whether the use of force was lawful or unlawful.

Generally, the use of the canine in an apprehension involves felony suspects but it is the circumstances of an event that determines the use of the canine not the classification of the crime involved.

In misdemeanor cases or when suspects flee on foot from officers and the reason for fleeing at the moment may be unknown, where an offense (other than fleeing on foot) has yet to be determined, the canine handler may deploy the canine, on lead, with the understanding that the canine ~~crime~~ is to be used as a tool for locating evidence or suspects that do not currently meet the canine use of force criteria. The canine is not a use of force option given the above circumstance. However, during the

initial investigation by officers on scene, information or evidence may be revealed that determine the reason(s) the suspect fled. (E.g., felony warrants, locating weapons, determining a specific violent crime). As circumstances develop during the search, the canine is a use of force option only when the totality of the circumstances meets the canine use of force criteria.

CANINE ANNOUNCEMENTS

When the use of a canine is justified in the apprehension of a suspect, the canine officer shall give the verbal warning as described in US District Court *Kuha v. City of Minnetonka*;

- 1) Announce Authority (Richfield Police Officer)
- 2) Request for a Peaceful Surrender (Come out with your hands up or Stop, I'll release the canine)
- 3) Consequences of Resisting (If you don't surrender, you may be bitten).

Ample time must be given for the suspect to surrender. Only if there is no response from the suspect will the canine be released. The canine handler or someone designated by the canine handler are the only people to issue said announcement. The canine announcements should be made while progressing through the search area to ensure the warning is heard. Canine announcements shall be documented in the canine handler's police report. In those situations where known facts indicate that tactics and/or public safety may be compromised by a warning, the canine officer shall decide or recommend that no announcement be made. For those searches that the announcement is not made, the facts supporting the decision shall be included in the canine handler's police report. This exception is designated for, but not limited to, incidents of a critical nature.

CANINE ENGAGEMENTS AND TASERS

Officers should not deploy the ECD (Taser) while a police canine is engaged in an apprehension of a suspect or while the canine is attempting to take hold of a suspect. A canine suffering shock from an ECD (Taser) would result in the canine receiving what is termed, "inadvertent correction." Inadvertent correction is where the canine believes they are being corrected for physically apprehending or attempting to engage a suspect. The inadvertent correction may severely affect the future performance of the canine.

CANINE ENGAGEMENTS AND INJURIES

The function of the Department canine team is primarily used to support officers in an officer safety capacity and locating tool. At times, the canine may turn into a "Force Option." Whenever the canine has been used as a "Force Option," the following procedures shall be followed:

- 1) Obtain medical treatment for the person. Medical personnel should examine the affected area irrespective of the perceived seriousness of the bite or injury.
- 2) Summon a supervisor to the scene.
- 3) Take digital photographs of the affected area following medical treatment.
- 4) Complete a police report, *along with a Special Incident Review*, detailing the circumstances whenever it has been alleged that a canine has bitten or otherwise injured an individual. The report must detail the handler's announcement, identity of the person involved and any witnesses, the extent of injuries if known, and measures taken in response to the incident.
- 5) An official Department police report for documentation of any incident in which a canine was used takes precedence over any other "unofficial" documentation. (e.g., canine logs, K9 Tracker, etc.)

PATROL CANINE TEAM UTILIZATION

Except in exigent circumstances, or where there is imminent danger of death or serious injury, the canines should be kept within positive control of the canine handler while searching and on other deployments.

While conducting searches for suspected offenders, a canine team should not deploy without a cover officer(s). The canine handler has primary responsibility for directing the activities of search operations. The canine handler and assisting officers shall make a reasonable effort to ensure that there are no innocent people in the areas in which the canine team will be deployed. During a search for suspects, as soon as the handler sees behavioral changes in the canine that indicate the canine is actively working human odor and indicating that the person may be nearby, the handler should

restrain the canine, and if available, move to a position of cover and make additional warnings to the person to surrender.

Containment is the backbone of all successful canine applications. Therefore, it is critical that officers responding to a potential canine call consider the following: Containing the area, maintaining high visibility, keeping the scene "scent pure," and be patient.

- 1) Building Searches: Where the search of such by officers would create an unnecessary risk and there is good reason to believe a suspect or evidence is present, the canine should be used before the area is contaminated by officers or citizens.

General rules for deployment in building searches: Secure the area and do not let civilians into the search area until after the search is completed and the canine handler specifically declares the area "Clear for Entry." Back-up officers should enter the search area only with the canine handler's consent. Cover officer(s) will be assigned by the canine handler for all suspect searches. The purpose of the cover officer(s) is to protect the canine handler while the canine handler directs the search by the canine. Cover officer(s) should never enter areas that have not been searched by the canine. If approached by the canine during the search, remain still until the canine passes by.

- 2) Tracking: Tracking and area searches for suspects that have fled from the scene of a crime and are actively engaged in efforts to elude capture. Canines are also available to search for other individuals who are lost/missing, suicidal or sick.

General rules for deployment in tracking searches: Officers should bear in mind that factors affect scent conditions. Find out from witnesses where the suspect was last seen and the last known direction of travel. Keep the start point "scent pure." Do not let anyone walk near the starting point. If the suspect fled from a vehicle, stay away from the area until the canine team indicates that it is clear to enter.

- 3) Contraband or Narcotics searches: Canines may be used to detect contraband and/or narcotics after the canine team has completed the appropriate certified training requirements.

General rules for deployment in contraband or narcotic searches: Minimize human contamination and build a strong foundation of probable cause or reasonable suspicion for the search.

- 4) Crowd Control: As a general rule, canines are not used for crowd control or because a group of people have formed. More specifically, canines are not utilized to move groups of people in civil disturbances, peaceful demonstrations, crowd control formation, or labor strikes. Exception to the rule is for officer and/or citizen safety.

General Rules for deployment in Crowd Control are: Utilization for crowd control is not authorized unless used in a defensive action to affect the rescue of officers or other persons from a violent or potentially violent crowd. The on-scene supervisor requests the canine team and shall assume authority and responsibility for all canine teams deployed. Canines shall be leashed at all times unless no other means are available to protect an individual from serious bodily harm. Canines should always be used in conjunction with other Department members in a coordinated effort.

- 5) Aggression: This aggression/apprehension refers to a canine handler intentionally releasing or directing a canine to apprehend a criminal suspect. The canines are trained to apprehend only upon the command of the canine handler. In the event the canine handler is assaulted, the canine will respond by attacking the handler's assailant. The canine is trained to respond in the event the canine is attacked or threatened with attack.

- 6) Tactical Deployment: Where a tactical deployment is justified by RPD policy, the tactical measures used should be at the discretion of the canine handler and should be objectively reasonable.

- 7) Confined Space Deployment: A canine should not be deployed into a confined space to apprehend a suspect unless:

- a) De-escalation efforts have failed and,
- b) Less lethal force options have failed or are unavailable and,
- c) The canine is deployed under positive control.

INVESTIGATIVE CANINE TEAM UTILIZATION

The primary mission of the investigative canine is to detect the presence of concealed narcotics and shall not be deployed in a use of force situation, unless in the opinion of the handler, is to prevent serious physical injury or death to another person.

The investigative canine shall not be used for crowd control, building searches, tracking, or any other function it is not specifically trained for. The investigative canine shall not be used for intimidation or to threaten a suspect or arrested person. A "Use of Force" form shall be prepared and submitted anytime a canine engages a person in the above manner.

If the investigative canine would happen to engage an individual, the handler shall follow the same procedures previously mentioned under: "Canine Engagements and Injuries."

INJURED CANINE HANDLER

In the event a canine handler is down or injured, assisting officers will follow these procedures: Call the handler, if he/she can, the handler will call the canine. If possible, try to call the canine into the rear of an open canine vehicle. Attempt to get another handler at the scene as soon as possible. If all of the above have failed, notify one of the members of the handler's family or someone the canine knows very well.

ASSIGNMENT OF OFFICERS

To be eligible for an assignment, an officer must:

- Have completed 1 year of service with the Richfield Police Department.
- Meet satisfactory performance standards established for their regular duty assignment.

Selection Process

- Eligible officer(s) need to submit a "Professional Development Assignment Request Form" to their immediate supervisor detailing their interest, qualifications and the assignment's applicability to their career goals and objectives.
- Immediate supervisor(s) must submit a recommendation/non-recommendation letter for the officer regarding the assignment.
- The Chief of Police has the unilateral right to make, change, create or eliminate assignments. The Chief of Police has sole discretion on determination of appointment including length of appointment and/or reappointment of the officer.

Assignment Duration

Officers assigned as the Canine Officer are not subject to a specific time period; however, the following factors will be considered throughout the duration of the assignment:

- Officer's performance/evaluations.
- The needs of the Department.
- The Police Chief's discretion.

HANDLER QUALIFICATIONS AND TRAINING

- 1) Officers being considered for assignment as a canine handler must have.
 - A willingness to serve as a canine handler for at least a three-year period.
 - A willingness (together with family members) to care for and house the canine at the officer's residence with a secure outdoor area that meets Department approval.
 - A strong desire to work with canines and a willingness to care for and train the animal.
 - A willingness to train with the canine on a regular basis to assure a high degree of teamwork and performance capabilities.
 - A willingness to be called out while off duty on occasion.
 - A demonstrated ability to work without direct supervision and good supervisor/employee relations.
 - Willingness to adjust their schedule and participate in community events.
- 2) The canine handler shall be responsible for assuring that the canine receives regular training to assure retention of its capabilities in all required areas.
- 3) Both Patrol and Investigations canine handlers will document all training and deployments in the K9 Tracker program authorized by the Department. All handlers must maintain a monthly average of 12 to 16 training hours each month.
- 4) All organized training and recertification must be pre-approved by a Command Staff member.
- 5) All organized training and recertification certificates must be given to the training coordinator.

- 6) Canine teams shall attend at least one re-certification course each year.
- 7) Before the K-9 team is allowed to assume patrol, they must successfully complete a certified Basic Canine Handler Course. After the successful completion of the basic handler school, new K-9 teams will be allowed to work for a period of up to 18 months. All canine teams shall then be evaluated and certified yearly for proficiency by a canine association or third party evaluator from outside the agency.
- 8) Narcotics and explosive K-9 teams shall be certified prior to being deployed for narcotics and explosive detection. Each team will then be certified yearly by a canine association or third-party evaluator from outside of the agency.
- 9) Canine handlers shall report any problems or deficiencies they are having with their assigned canine through the chain of command to the Deputy Chief. The Deputy Chief will then schedule the canine team for appropriate remedial training.
- 10) All training and deployments will be documented by the canine handler in files kept by the Department.

CANINE: DRUG TRAINING, STORAGE, AND DISPOSAL

The purpose of this section is to provide guidance related to the storage, transport, and documentation of drugs/narcotics supplies by the Drug Enforcement Administration (DEA). Drugs will be used in the continued training of drug detection canines with the Richfield Police Department.

Training

The Richfield Police Department has an ongoing training program for its drug detection canines to ensure quality performance and reliability in court. Detection training is conducted on a regular basis and in various areas supervised by the canine handler. Controlled substances will be used as training aides in a controlled environment to challenge the drug detection canine in the recognition of drug odor(s). If the canine is drug detector trained, the canine unit shall be certified each year by a canine association or 3rd party evaluator.

Storage

For the purposes of maintaining the ability to train for drug detector certifications, the department will maintain a current license to acquire/possess drugs through the U.S. Drug Enforcement Administration.

The drugs will be stored in a locked drug safe within the evidence processing garage/bay of the Richfield Police Department. The evidence processing garage/bay is a room secured by an electronic door access system. The drugs will be transported to training sites in a marked Richfield Police Department patrol vehicle in a locked transport case. The drugs will be returned to the designated, locked drug safe at the end of each training session. The drugs will not be stored in the canine handler's patrol vehicle other than during the training session.

An inventory of controlled substances will be secured at the Richfield Police Department and access to these controlled substances will be limited to handlers of drug detector canines and the canine sergeant. A log will be maintained to record the transfer of drugs into and from the secure storage areas. The log will include the handler's name, type of drugs being checked out, amount of drugs being checked out, the purpose the drug will be used for, the date/time checked out, and the date/time checked in.

The canine sergeant will be responsible for conducting quarterly inspections of the controlled substance inventory and logs. The canine sergeant will also be responsible for completing any DEA-required inventories and/or audits.

Disposal

The destruction of controlled substances, and affiliated reporting requirements, shall conform with applicable federal (see 21 U.S.C. 821, 822, 823, 827, 828, 871(b), and 958) and state law.

Controlled substance destruction shall be witnessed by two sworn officers: the canine sergeant and a property room custodian. In any instance where the drugs are determined to be missing or otherwise

unaccounted for, facts shall be immediately reported to the patrol division lieutenant who will in turn notify the Chief of Police as soon as practical.

CANINE ADMINISTRATIVE PROCEDURES

Work Schedule

- The canine handler position is considered a special work assignment.
- The Patrol canine team will be assigned a work schedule as determined by the Patrol Section Lieutenant or designated supervisor.
- The Investigative canine team will be assigned a work schedule as determined by the Investigative Section Lieutenant or designated supervisor.

Report Writing Procedures

No portion of this section shall conflict with established report writing policies. Police reports prepared by the canine handler shall be submitted in the same manner as other Department personnel.

Canine handlers must record all training and deployments in compliance with Department recording procedures.

Canine Use and Care

- 1) Police canines shall be used for exhibitions, shows, demonstrations and other community engagement events.
- 2) Police canines will be expected to participate in numerous community events throughout the year.
- 3) Handlers shall not use canines for personal gain.
- 4) Canine handlers are personally responsible for the daily care and feeding of their animal to include maintenance and cleaning of the kennel and yard area where the canine is housed. Provision of food, water, and general diet maintenance. Grooming daily, or more often as required by weather, working conditions or other factors. Daily exercise. General medical attention and maintenance of health care records.
- 5) Where the handler is unable to perform these and other related duties due to illness, injury or leave:
Another officer may be assigned to temporarily care for the dog. The canine may be housed in a kennel approved by the Department.
- 6) Teasing, agitating, or rough housing with a police canine or in the presence of a police canine is strictly prohibited unless performed as part of a training exercise.
- 7) Nobody other than the canine handler should retrieve anything from within the K-9 vehicle when the canine is in the vehicle unless the canine is secured in the backseat cage with the cage door closed.
- 8) A properly equipped canine vehicle will be issued to the handler for his/her use. Handlers are responsible for ensuring their vehicles are properly maintained.
- 9) All equipment determined by the certified trainer to be necessary to carry out their duties shall be kept in the canine vehicle for their use.

Compensation

Canine handlers shall be compensated for their commitment to the care, housing and handling of the dog in a manner that complies with the FLSA and as set forth in the agreement between the handler and the City.

If the canine handler must be called out during his/her off duty hours, he shall be deemed to be working overtime and shall receive overtime compensation per the labor contract between L.E.L.S. and the City.

Canine Retirement

- 1) A police canine shall be retired when he/she is no longer suitable for duty, or the handler is transferred, promoted, retires, or when the Department decides not to continue the canine program.

- 2) When the Department determines to retire a police canine from service or the canine handler is reassigned from the canine team, the Department has the following options for disposal of the canine.
 - a) Reassign the police canine to another canine handler.
 - b) Transfer ownership of the canine to the handler or another person or organization.
 - c) If deemed medically necessary, dispose of the canine in a humane manner.

The canine is the property of the Richfield Police Department. The Chief of Police, or their designee will make the final decision regarding what happens to any Richfield Police Department canines.

If it is determined to transfer ownership of the canine, the Department will not be responsible for any costs, liability, responsibility, care maintenance or any other duties associated with the retired canine. No warranty or performance expectations concerning the canine are expressed or implied, and the canine is transferred to the new owner "as is."

By Order Of:



Chief of Police

