

# Canines

Model Use of Force Policy

# The Policy

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## 1.1 – Key Concepts and Definitions

### A. Key Concepts:

1. Canines should be primarily used to search for contraband, explosives, and other crime scene evidence.
2. This Department also permits the use of canines to, in a limited set of circumstances, search for individuals and, in a very restricted set of circumstances, apprehend individuals that pose an imminent threat of harm to officers or others.

### B. Definitions:

1. **Available Information:** The information that was obtainable or accessible to an officer at the time of the officer's decision to use force. When an officer takes actions that hasten the need for force, the officer limits their ability to gather information that can lead to more accurate risk assessments, the consideration of a range of appropriate tactical options, and actions that can minimize or avoid the use of force altogether.
2. **Canine Search:** When an officer uses a canine to search for a person. There are two types of Canine Searches:
  - a) **Tracking Search:** When a canine handler deploys a dog to locate a person who has fled a crime scene. This may be done on- and off-lead.
  - b) **Contained Search:** When a canine handler deploys a dog to search within a contained area, i.e., a building or fenced lot, where a person is reasonably expected to be hiding. This may be done on- and off-lead.
3. **Canine Apprehension:** When officers deploy a canine that has a clear and defined role in the capture or surrender of a person. Statements or actions made by the person during or after the arrest provide the basis for determining whether the person has surrendered. The mere presence of a canine at the scene of an arrest, where the canine had no active role in the arrest, is not a Canine Apprehension.
4. **Direct Apprehension:** When a canine handler commands their dog to bite and hold a person that the handler has in sight.
5. **Lawful Objective:** Limited to one or more of the following objectives:
  - a) Conducting a lawful search;

- b) Preventing serious damage to property;
- c) Effecting a lawful arrest or detention;
- d) Gaining control of a combative individual;
- e) Preventing and/or terminating the commission of a crime;
- f) Intervening in a suicide or self-inflicted injury; and/or
- g) Defending an officer or another person from the physical acts of another.

6. **Necessary:** Force is necessary only if there are no other available non-force options or less-forceful options to achieve a lawful objective.

## 1.2 – Authorization and Standard for Canine Searches and Apprehensions

### A. Authorization for Canine Search

A canine handler may use a canine to search for a person, or for officer safety during a search for a person, only in the following circumstances:

1. The officer has probable cause that the person has committed one of the following offenses or a valid arrest warrant exists for that alleged conduct:

#### *Felony Offenses*

- Burglary, not including trespass with a non-violent secondary offense
- Robbery, not including thefts that are accompanied by a low-level assault
- Homicide
- Serious assault
- Kidnapping
- Arson with threat of harm to people
- Domestic violence offenses
- Serious sexual assault
- Drive-by shooting, not including unlawful discharge of a firearm

#### *Misdemeanor Offenses*

- Domestic violence assault
- Domestic violence order violations that are subject to mandatory arrest—violations must involve the person's physical presence at the victim's location or a threat of harm; or

2. A supervisor approves the use of a canine in a situation where the canine handler has a reasonable belief that the person is armed with a firearm or weapon capable of causing substantial bodily harm, great bodily harm, or death, or poses an imminent threat of harm to the public.

#### **B. Avoiding Physical Contact During Canine Search**

A canine handler must ensure their canine avoids making physical contact with a person during an authorized Canine Search, as opposed to certain authorized Canine Apprehensions where physical contact is anticipated, and, accordingly, must determine whether to proceed with the canine on-lead or off-lead.

#### **C. Authorization for Canine Apprehension**

A canine handler may use a canine to apprehend a person through a Direct Apprehension—commanding their dog to bite and hold a person—only when all the following conditions are met:

1. The officer has probable cause that the person has committed one of the above listed felony or misdemeanor offenses, or a valid arrest warrant exists for that alleged conduct; and
2. The person poses an imminent threat of harm to the officer or others; and
3. The officer has exhausted all alternative tactics that were safe and feasible. These alternatives may include identifying as a police officer, ordering the person to come out of hiding and warning the person that a police dog will be released, and they may be bitten if they do not voluntarily comply, and then waiting a reasonable amount of time for the person to comply, or using a lower level of force.

#### **D. Considerations for a Canine Deployment**

In deciding whether to deploy a canine for a Canine Search or a Canine Apprehension, officers should consider whether the totality of the following factors support the use of the canine:

- Severity of the suspected offense;
- Potential danger to bystanders if the canine is or is not deployed, including;
- Whether the person is known to be in possession of a weapon;
- Ability of the person to understand and comprehend verbal warnings;
- The person's known or perceived age;
- Mental health, and/or other disabilities; and
- Availability of less-lethal force options.

#### **E. Advance Briefing and Planning with On-Scene Officers**

Before deploying a canine, the handler must receive briefing about the incident from on-scene officers and should coordinate with those officers to develop a plan for the deployment.

#### **F. Verbal Announcement**

Before deploying a canine, the handler must make a verbal announcement and repeated attempts to notify people within the area of the intent to use a canine and to afford individuals the opportunity to surrender to police. For a Direct Apprehension, the announcement should explain the consequence of not surrendering (the canine may bite the person).

#### **G. Standard for Canine Searches and Apprehensions**

This policy has specific standards for the types of canine deployments:

1. *Canine Searches and Apprehensions.* Canines must be trained to use the “find and bark” method and handlers must use this method for Canine Searches and Canine Apprehensions. Canines must be trained to, upon locating a person, alert the handler and remain in the area until the handler arrives.
2. *Direct Apprehension:* Any deployment of a canine to make a Direct Apprehension, (the “bite and hold” method), must be limited to the minimum amount of force the handler believes is feasible to carry out a Lawful Objective, consistent with Available Information, and must be proportional to the totality of the circumstances.

#### **H. Residential Searches**

This policy discourages Canine Searches of residences whenever circumstances present a risk of a bite to bystanders. Before conducting a search of a residence, the handler must make every effort to ensure the safety of any bystanders that might be present. Searches must be conducted on a short leash, unless the handler determines that the home contains no residents. The presence of uncontained animals in a residence will normally restrict the use of canines unless the animals can be removed or contained.

#### **I. Prohibited and Restricted Uses**

Canines must not be:

- Used solely to intimidate or coerce, or for crowd management purposes.
- Used during routine calls or arrests, or be dispatched to misdemeanor calls, unless the suspected offense falls within the list of misdemeanor offenses above.
- Used against a restrained or handcuffed person, or an individual who complies with verbal commands.
- Used during the questioning of individuals or while transporting prisoners.
- Used to search the physical body of a person for narcotics and/or contraband.

- Deployed to apprehend a fleeing person unless the conditions above for a Canine Apprehension are met.
- Used as a pain compliance technique.
- Used for purposes for which the canine is not trained and certified.
- If officers believe that a person is under the influence of drugs or alcohol or has a mental illness, canines should not be deployed unless the person poses an imminent threat to the officer or others.

## 1.3 – Required Medical Aid and Assistance After Canine Bite

### A. Duty to Provide Medical Aid

In addition to the general duty to provide medical aid, an officer has the following specific duties when a canine bites a person:

1. *Releasing the canine's bite.* If a canine bites a person, the canine handler must, as rapidly as possible, determine if the person is armed and must have the canine disengage immediately upon the person being controlled or secured or otherwise complying with the officer's commands.
2. *Considering reflexive responses.* When determining whether the person is controlled, secured, or compliant, the handler should consider that persons confronted or apprehended by a canine will likely struggle, and struggling alone does not provide a basis for not causing the canine to disengage.
3. *Providing Medical Aid.* Officers must immediately summon EMS and immediately provide medical aid, to the best of their skill and training whenever there has been a canine use of force or an accidental canine bite or injury.

## 1.4 Post-Deployment Duties, Reporting, and Investigation

### A. Securing the Canine

1. *Securing Canine.* The handler must secure the canine as soon as it becomes safe and feasible. At a minimum, the handler must secure the canine once the person has been apprehended and no longer presents a risk to the safety of the officer or others.
2. *Exception.* Canines may remain unsecured if officers are continuing to search for other individuals, officers need the canine to search for evidence related to the suspected offense, or the canine's presence assists in the protection of officers or others.

### B. Reporting

Whenever a canine is deployed, regardless of whether a bite or injury occurs, the handler must:

1. Notify their supervisor;
2. Document the deployment and complete all required reports, including use of force reporting. Each canine bite or injury should be separately documented and the handler must document the duration and reason for the duration of the canine's bite;
3. Document all medical services rendered or provided;
4. Attempt to locate and identify witnesses and obtain statements;
5. Photograph the person who was subject to the force, including the location of any bites or other injuries, and other damage caused by the deployment of the canine.

### **C. Investigation and Review**

Whenever a canine is deployed, the handler's supervisor and the canine trainer must review all relevant reports, body camera footage, and photographs. The supervisor and trainer must then review these materials with the handler and provide feedback on the deployment.

## **1.5 – Canine Operations**

### **A. General Operations**

1. The department's canine unit [or team] should maintain a manual designed to ensure that canine handlers and canines receive sufficient training, ensuring that handlers can demonstrate the necessary control over their canines' actions.
2. Supervisors of the canine unit [or team] should have significant knowledge about canine operations.

### **B. Requirements for Canines**

All canines must complete the following requirements:

1. This Department's basic canine course or approved third-party course;
2. Re-certification on a quarterly basis; and
3. A minimum of 20 hours of monthly canine training.

### **C. Requirements for Handlers**

All handlers must complete the following requirements:

1. This Department's basic canine handlers course or approved third-party course;
2. Annual certification with the United States Police Canine Association or similar organization; and

3. A minimum of 20 hours of monthly handler training during work hours with a Department trainer or approved third-party trainer.