



# Policy 1602

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*By Order of the Police Commissioner*

## POLICY

The purpose of this policy is to provide guidance on the use of canines for crime prevention and control activities. Due to the canines' physical abilities and superior sense of smell and hearing, the trained law enforcement canine is a valuable supplement to police personnel.

**While members must at all times comply with the minimum legal requirements governing the Use of Force, they must also comply with even stricter standards set forth by Departmental Policy.**

## CORE PRINCIPLES

**Sanctity of Human Life.** Members shall make every effort to preserve human life in all situations.

**Value and Worth of All Persons.** All human beings have equal value and worth and members shall respect and uphold the value and dignity of all persons at all times.

**Peaceful Resolutions.** Members shall avoid the Use of Force unless it is not possible to do so.

**De-Escalation.** Members shall use de-escalation techniques and tactics to reduce any threat or gain compliance to lawful commands without the Use of Force or with the lowest level of force possible (See Policy 1107, *De-Escalation*).

**Avoiding Escalation.** Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.

**Assessment.** Members shall continuously assess each situation and change the member's response as the circumstances change. Members may be justified in using force in one instance, but not justified in using force an instant later. This duty to assess includes the continuous assessment of circumstances before and after the member uses force.

**Use of Force: Reasonable, Necessary, and Proportional.** Members shall use only the force reasonable, necessary, and proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.

**Reporting Use of Force.** Each member who uses force, or observes another member or members use force, shall immediately notify their supervisor, and will accurately and completely report the Use of Force by the end of their tour of duty (See Policy 725, *Use of Force Reporting, Review, and Assessment*).

**Duty to Intervene.** Members shall intervene to prevent the abusive conduct or the use of excessive force by another member (See Policy 319, *Duty to Intervene*).

**Duty to Provide Medical Assistance.** After any Use of Force incident, members shall immediately render aid to any injured person consistent with the member's training and request medical assistance. If restrained, persons are not to be positioned facedown as it may cause positional asphyxia, and placing restrained persons on their back may lead to radial nerve damage to the wrists and forearms. Restrained persons are to be placed in a seated position or on their sides.

**Accountability.** Members shall be held accountable for uses of force that violate law or policy.

**Retaliatory Force.** Members are prohibited from using force against persons engaged in First Amendment protected activities or to punish persons for fleeing, resisting arrest or assaulting a member, or for any other punitive reason (See Policy 804, *First Amendment Protected Activity*).

## **DEFINITIONS**

**Bite** — A canine Bite refers to incidents of physical contact between a canine's teeth and a person. This physical contact does not need to result in broken or punctured skin to qualify as a Bite. Any canine inflicted injury shall be reported as a Level 2 Use of Force (See Policy 1115, *Use of Force*) provided it does not rise to a Level 3 Use of Force.

**Canine Apprehension** — Where articulated facts demonstrate that a canine played a clear role in the capture of a person. Instances of Canine Apprehension include when a person surrenders upon warning that a canine would be deployed.

**Canine Deployment** — Any situation, except one involving an on-leash article search only, in which a canine is brought to the scene and used in an attempt to locate or apprehend a suspect, whether or not a suspect is actually located or apprehended. This includes all instances in which a canine is removed from a canine transport system, or when a canine search is conducted in an effort to apprehend a suspect.

**Canine Handler** — BPD member trained and certified to utilize a trained and certified police canine to assist in a law enforcement function.

**Canine Transport Vehicle** — A pursuit-certified, police vehicle outfitted with a purpose-built metal canine transport system with a working heat alarm.

**Non-Tactical Use of Canine** — Use of a Departmental canine to search for evidence, narcotics, contraband, firearms, or explosives, to guard buildings or equipment, or to discover human remains.

**Preventative Patrol** — Walking or driving around an area to keep a lookout for potential problems in an effort to deter criminal behavior.

**Tactical Canine Deployment** — Use of a Departmental canine for a search to apprehend a suspect. Searches may only be authorized when the Canine Handler has probable cause and once found, the suspect would be subject to arrest.

**Trailing** — The following of the scent of a particular individual by a canine with the goal of locating that individual.

**Use of Force** — Any Use of Force or threat of force that falls within Level 1, Level 2, or Level 3 force as

defined in this policy regardless if these techniques make contact or result in visible injury.

## **GENERAL**

1. Police canines are a multi-functional asset that may be used in appropriate circumstances to assist BPD members in the search for criminal suspects, the detection and location of narcotics and/or explosives, firearms, and/or other evidence (e.g., cell phone, keys, etc.). Canine Deployment may also result in a Use of Force, and the Department requires adherence to this policy to govern potential canine Use of Force.
2. Canine teams are utilized for:
  - 2.1. Tactical Canine Deployment to assist in locating criminal suspect in hiding that poses an immediate threat to members or the public, that is displaying active resistance, and has fled to concealment. This may include assisting the searches of buildings, wooded areas, or other locations.
  - 2.2. Trailing assignments.
  - 2.3. Handler protection.
  - 2.4. Protecting members or others from death or serious injury.
  - 2.5. Non-Tactical Use of Canine, including:
    - 2.5.1. Locating controlled dangerous substances and firearms,
    - 2.5.2. Locating explosives,
    - 2.5.3. Locating other articles of evidence, and
    - 2.5.4. Safeguarding police equipment and designated facilities from damage/attack.
  - 2.6. Engaging in assignments not listed here with the approval of the canine team supervisor.
3. In order to use a canine for explosive sweeps, the Canine Unit supervisor shall be contacted prior to requesting canine services.
4. For suspicious packages, only the on-scene Bomb Tech shall call for a canine unit.

## **DIRECTIVES**

### **Procedure for Requesting a Canine**

5. Requests for canine assistance may be made at the scene of an incident by any member via the dispatcher.
6. Requests may also be made prior to a planned operation (e.g. explosive sweeps, search warrant,

etc.) by contacting the Canine Unit supervisor.

7. The Canine Unit supervisor or designee will assess each request and make a determination as to whether the request is necessary, justified, and feasible.
8. For Tactical Canine Deployment requests, the Canine Handler shall approve deployment based upon satisfaction of the following criteria:
  - 8.1. If probable cause for a search exists and, once found, the suspect will be arrested,
  - 8.2. If a perimeter around the search area has been established,
  - 8.3. The Canine Handler has been briefed as to the suspect's physical description and direction of travel, and
  - 8.4. All other information known about the subject and the area to be searched has been made known to the Canine Handler.
9. When a member of the Canine Unit believes that the use of the canine is unjustified or not feasible, they shall advise the ranking officer on the scene. A Canine Handler shall complete a Form 95 explaining the declination and forward it to the Tactical Commander.

## **Canine Deployment**

### Tactical Canine Deployment

10. Members must follow the legal and procedural requirements contained in Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*, Policy 1109, *Warrantless Searches*, and Policy 1007, *Search & Seizure Warrants* in determining whether and how to proceed with any search, including those involving canines.
11. Members shall make every effort to avoid human scent contamination of the area to be searched by eliminating the presence of unnecessary people, including other members.
12. Members on scene shall ensure the area/site to be searched is secured and cleared of all non-involved persons and that a perimeter has been established.
13. When the Canine Unit arrives on scene, members shall ensure the Canine Handler is thoroughly briefed on all known information, including whether the suspect is armed, has limited English proficiency, is deaf or hard of hearing, among other information.

### Apprehension by Canine

14. Departmental canines are trained and permitted to physically apprehend a suspect only on the command of their Canine Handler, to apprehend a fleeing suspect, or when the canine or Canine Handler are threatened with attack by a suspect.
15. The Canine Handler shall issue three (3) loud and clear warnings that a canine will be deployed and advise the subject to surrender. Each warning shall occur one (1) minute apart as to allow the suspect to voluntarily comply and surrender.

16. The Canine Handler should make every effort to remain within auditory or visual range of the canine.
  - 16.1. There may be instances (e.g., canine turns a corner, enters a different room, runs through tall vegetation, etc.) where the Canine Handler and canine will be out of auditory and visual range. Canine Handlers shall ensure these instances are as brief as practical.
17. The Canine Handler shall order the canine to release the subject once it is determined that control of the subject has been obtained, and further Tactical Canine Deployment would no longer be reasonable, necessary, and proportional. The duration of the Bite should be as short as possible.

### Canine Bites and Injuries

18. Tactical Canine Deployment may result in a Use of Force. Members shall only use the degree of force that is reasonable, necessary, and proportional to apprehend or secure a person (See Policy 1115, *Use of Force*).
19. Any canine inflicted injury to a person constitutes a Level 2 Use of Force, except those that would otherwise constitute a Level 3 Use of Force.
20. In the instance of a canine Bite or other complaint of canine-inflicted injury by a person, or the canine is alleged to have done so **in the line of duty**, the Canine Handler and their supervisor shall:
  - 20.1. Ensure proper medical attention is provided to the injured/complaining party.
  - 20.2. Request a medic to respond to the scene or transport the individual directly to the nearest hospital emergency room.
  - 20.3. Immediately notify the on-duty canine supervisor and the Communications Section.
  - 20.4. Ensure proper veterinarian attention is provided to the canine, if required.
  - 20.5. Submit Use of Force reporting consistent with Departmental policy (See Policy 725, *Use of Force Reporting, Review, and Assessment*). The Crime Scene Unit may digitally photograph all injuries.
  - 20.6. In an instance where the canine has bitten, scratched, or injured an individual inconsistent with canine training protocols, a supervisor will complete a BlueTeam entry, the Special Investigation Response Team (SIRT) shall be activated and the Public Integrity Bureau (PIB) shall be notified (See Policy 710, *Level 3 Use of Force Investigations/Special Investigation Response Team (SIRT)* and Policy 1115, *Use of Force*).
21. When a canine has bitten, scratched, or injured an individual, or is alleged to have done so **off-duty**, the Canine Handler shall:
  - 21.1. Ensure proper medical attention is provided to the injured/complaining party.
  - 21.2. Notify the appropriate law enforcement agency in the jurisdiction where the incident occurred.

- 21.3. Immediately notify the Canine Unit Commander. The Commander shall complete an administrative report which shall include witness statements and photographs of any injury.
- 21.4. Ensure proper veterinarian attention is provided to the canine, if required.
- 21.5. Submit an administrative report detailing the incident to the Canine Unit supervisor.
22. When a canine has bitten, scratched, or injured an individual **while in training**, the Training Sergeant/Head Trainer shall:
  - 22.1. Ensure proper medical attention is provided to the injured party;
  - 22.2. Ensure proper veterinarian attention is provided to the canine, if required.
  - 22.3. Submit an administrative report (including an Employee Incident Report) detailing the incident to the Canine Unit supervisor.

### Prohibited Use of Canines

23. Tactical Canine Deployment shall not be used to apprehend individuals under the influence of drugs and/or alcohol, persons with behavioral health disabilities or in behavioral health crisis, youth & children, visibly pregnant women, elderly persons, or other subjects who likely pose no immediate threat of serious injury to the member or others.
24. Tactical Canine Deployment is prohibited to apprehend subjects that pose only a danger to themselves, and do not meet the criteria in **Procedure for Requesting a Canine**.
25. Canines shall not be deployed for crowd control (e.g., for containment or dispersal) during civil disturbances/unrest, or to disperse a crowd from a street corner. Canines shall remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of crowds.
26. Canines shall not be utilized for a purpose for which they are not trained and certified.

### Canine Unit Applicant Selection

27. Applicants must have at least three years of Departmental service with three full years of uniformed patrol experience (See Policy 1705, *Transfer/Detail/Filling Vacancies*).
28. Applicants must have willingness (together with family members and/or housemates) to care for and house the canine.
29. Applicants must have the ability to pass designated physical fitness and agility tests related to the tasks of being a Canine Handler.
30. Applicants must have a desire to remain in the Canine Unit for a period of at least four years before requesting reassignment. Exceptions to this rule are promotions, medical reasons, disciplinary actions and other extenuating circumstances where the Commanding Officer of the Special Operations Section recommends transfer.

31. Approved applicants will be detailed to the Canine Unit pending successful completion of the training program.

#### **Canine Entrance Level Training/Re-Training**

32. Once approved for a detail, the applicant shall be provided with an appropriate canine.
33. New Canine Handlers must complete the prescribed canine training course and successfully meet all course requirements.
34. Evaluation of the member's performance while in training, as well as certification of the member and canine, shall be the responsibility of the Canine Unit Commander, the Canine Training Sergeant, and the Head Canine Trainer.
35. The Canine Training Sergeant shall maintain records that document the use and proficiency of individual canines in scent, obedience, and controlled aggression (if applicable). This documentation shall be readily available to Canine Handlers and others who may need it when seeking search warrants.
36. All BPD canines must meet established certification requirements which include annual pass or fail tests and monthly training days.

#### **REQUIRED ACTION**

##### **Canine and Handler Assignments**

37. Canine Handlers may be assigned to the Tactical Section Canine Unit, HIDTA., and SWAT.
38. All canines and Canine Handlers, regardless of assignment, must meet the same training standards and comply with the reporting requirements for canines and Canine Handlers assigned to the Canine Unit.
39. Canine Handlers are responsible for securing an appropriate Canine Transport Vehicle from their assignment of origin.
40. Canines shall only be transported in vehicles that have an installed canine transport system with heat alarm and proper external markings.
41. Canine Handlers shall inspect heat alarms prior to each shift. Canine Handlers shall never disable the heat alarms.
42. All canine training, training facilities, and canine support afforded to members of the Canine Unit shall be afforded to de-centralized BPD Canine Handlers.

##### **Canine Unit Supervisor**

43. Assess all requests for a canine, and approve deployment of canines based on the necessity, justification, and feasibility of the request.

44. Complete the review for Level 2 Use of Force involving canines and forward to the Canine Unit Commander, copying the Canine Training Sergeant.
45. Complete an administrative report including witness statements that details all incidents of **off-duty** canine-inflicted injury or complaint of injury. Submit report to the Canine Supervisor.
46. Submit an administrative report, including an Employee Incident Report, detailing all incidents of canine-inflicted injury or complaint of injury **during training** to the Canine Unit Commander.

### **Canine Care**

47. Canine Handlers are personally responsible for the daily care and overall welfare of their animal, to include maintenance and cleaning of living quarters, feeding, grooming, exercise, and medical attention and maintenance.
48. While at the Canine Training Facility or any off-site law enforcement facility, canines shall be housed in a suitable kennel, in a climate-controlled area.
  - 48.1. Canines shall not be left unattended indoors for more than 4 hours.
  - 48.2. Canines shall not be left unattended in a Canine Transport Vehicle for more than 20 minutes.
  - 48.3. Canine Handlers should be aware of extreme heat temperatures and avoid walking dogs on pavement during hot days.
49. In case of an injured canine, Canine Handlers shall immediately notify the Canine Supervisor, and document any veterinary services sought, and the outcome of a veterinary visit by the end of their tour of duty.
50. If a canine cannot work or is on light-duty, Canine Handlers shall notify the Canine Handler and the Canine Commander.

### **ASSOCIATED POLICIES**

- Policy 319, *Duty to Intervene*  
Policy 710, *Level 3 Use of Force Investigations / Special Investigation Response Team (SIRT)*  
Policy 725, *Use of Force Reporting, Review, and Assessment*  
Policy 804, *First Amendment Protected Activity*  
Policy 1007, *Search & Seizure Warrants*  
Policy 1107, *De-Escalation*  
Policy 1109, *Warrantless Searches*  
Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*  
Policy 1115, *Use of Force*  
Policy 1705, *Transfer/Detail/Filing Vacancies*

### **RESCISSION**

Remove from files and destroy Policy 1602, *Canine Procedures*, dated 24 November 2019.



**COMMUNICATION**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

DRAFT