

12.140 CANINE OPERATIONS

Reference:

Procedure 12.175, Special Weapons and Tactics Unit
Procedure 12.300, Investigation of Bombs and Bomb Threats, Disposal of Dangerous War Souvenirs and Explosives
Procedure 12.525, Use of Quadrants and Canine Perimeters
Procedure 12.545, Use of Force
Procedure 12.905, Fingerprinting and Photographing of Juveniles
Procedure 19.105, Sick/Injured With Pay and Special Leaves
U.S. Supreme Court Decision, *Illinois v. Caballes*
U.S. Supreme Court Decision, *U.S. v. Ross*
Therapy K9 Program Standard Operating Procedure (SOP)

Purpose:

Inform personnel about Canine operations, policies and procedures. Familiarize personnel with the best tactical application of the Department's canine teams.

Educate supervisors on the appropriate uses of canine teams to ensure effective utilization and management in deployment situations.

Policy:

The **primary** use for Department canine teams is as a finding tool, and **not** as an apprehension nor as an extraction tool.

The Department may use canines for any appropriate situation requiring police action where their use will further the police mission. Handlers will maintain control of the canine to ensure the safety of the public.

Reducing the risk of injuring an innocent citizen is of paramount importance and should always be weighed against the benefit of deploying a canine team.

The handler will ensure the dog is secure in the police vehicle except when directly involved in a police function or the handler anticipates imminent use.

Canines will be kept on a lead in areas where the public has access and contact is probable, unless the animal is being used for a police purpose.

Except for training purposes, no teasing, petting, or feeding of the canines by police or civilian personnel is permitted without consent of the handler.

Canine teams will not be used in covert or undercover deployments.

Information:

The Cincinnati Police Department utilizes two types of canine teams:

- Dual Purpose Patrol/Narcotic (Drug) Detection
- Explosive Ordnance Detection (EOD)

Patrol Canine

Once a suspect is located, the handler shall restrain the canine and summon sufficient personnel and equipment to make the apprehension. Force, including a canine, is **never** to be used against a compliant subject who is submitting to arrest.

Do not enter a search area before the canine team arrives. Police canines can pick up the scent of a suspect for a reasonable time after he has fled provided there is no contamination of the scene.

Patrol canine teams will normally respond to all major crimes where their presence would aid in an arrest. Commanders may request canine teams for special or extended assignments through the Special Services Section where the canine handler is assigned.

Canines are not infallible. Their effectiveness depends largely upon the intelligent application of their capabilities. Police canines react instinctively to situations. Anyone making a sudden or threatening move toward the canine or handler risks the chance of the canine engaging and causing injury.

Narcotic Detection Canine

Narcotic detection canine teams are extremely effective when used within the boundaries set by the courts.

Obtain a search warrant or consent to search before using narcotic detection canines to sniff areas where defendants have the right to privacy; e.g., homes, places of residence.

An officer does not need reasonable suspicion for a dog to sniff the outside of an automobile during a traffic stop. However, a traffic stop can become unlawful if the officer prolongs the stop beyond the time reasonably required to issue a traffic citation.

When specific, articulable facts cause an officer to suspect illegal drug activity has occurred, is occurring, or is about to occur, then the car and occupants can be detained so that a narcotic detection canine can sniff the outside of the car.

If the narcotic canine alerts to contraband inside the car, probable cause now exists to search the entire vehicle and any containers within the passenger area without a search warrant.

A narcotic detection canine may sniff an area to gain probable cause for obtaining search warrants for private property in public places; e.g., lockers in bus terminals and schools (with permission of person in charge).

Explosive Ordnance Detection Canine

Explosive Ordnance Detection (EOD) canine teams can detect the odor of the most common explosive substances and can be useful in the following situations:

- Investigation of suspicious packages and bomb threats.
- Search for secondary devices if an explosive device has been located.
- Sweeping staging areas of critical incidents.
- Searching potential terrorist targets.
- Sweeping areas prior to large crowds (sporting events, political rally or any large scale public or private gathering).
- Dignitary Protection.

Procedure:

A. Use of the EOD Canine

1. An on-duty EOD canine team will be dispatched to **all** BOMB and THREAT calls for service.
 - a. If there is no EOD canine team on-duty, the on-scene supervisor will make the decision to request an EOD canine team and will organize a search of the premises.
 - 1) Emergency Communication Center (ECC) will contact a canine squad supervisor to authorize the request for a canine team recall.
2. The EOD canine handler will recommend the best tactical application and deployment of the canine to the on-scene supervisor.

B. Use of the Narcotic Detection Canine

1. The primary function of the narcotic detection canines will be to assist patrol. The canines are to be utilized to develop probable cause in compliance with search and seizure standards. Narcotic detection canines can detect the following substances:
 - a. Cocaine/Crack
 - b. Heroin
 - c. Hashish
 - d. Marijuana
 - e. Opium
 - f. Methamphetamine
 - g. Ecstasy

C. Use of the Patrol Canine

1. Canine teams may be requested to begin responding to a scene by any unit or dispatcher that believes canine assistance will be helpful.

2. The on-duty supervisor in charge of the scene will make the decision and must authorize canine team deployment for the search of a structure or the tracking of a suspect. The supervisor must respond to the scene to approve a canine deployment. The supervisor who authorized the canine deployment shall not conduct the investigation whenever force is used relating to the deployment of the canine.
3. If the canine handler and the authorizing supervisor's interpretation of the canine application conflict, the district/section commander or Night Inspector will be contacted for clarification and a final decision.
4. The canine handler will:
 - a. Ensure the canine is secure in the police vehicle except when directly involved in a police function or the handler anticipates imminent use.
 - b. Canines will be kept on lead in areas where the public has access and contact is a probability, unless the animal is being used for a police purpose.
 - c. The decision to deploy the canine on or off lead during a track will be the decision of the handler based on unit training and the circumstances of the situation.
5. If, while managing an incident, the investigating supervisor determines a canine team would be beneficial in assisting with an investigation, the supervisor will request a canine team to respond via Emergency Communications Center (ECC).
 - a. If no canine team is on-duty, the investigating supervisor may request a recall of a canine team.
 - b. ECC will contact a canine supervisor to authorize the request for a canine team recall.

D. Tracking

1. Ordinarily tracking is done with the canine on leash (difficult terrain and other obstacles may require the canine to be taken off leash for a time).
2. An on-scene supervisor may authorize deployment of the canine team to track a suspect if the following criteria are met:
 - a. The victim is on-scene and is willing to prosecute OR,
 - b. The offense is breaking and entering of a commercial building, business or residential burglary, and there is evidence of forced entry; AND attempts are being made to notify and request the building or business owner/representative respond to the scene; AND suspect escape, or loss of evidence, is likely to occur if the track is delayed.
 - c. The suspect's identity is not known, but can be identified by the victim or witnesses, or through additional investigation.

- d. The suspect is wanted for any of the following:
 - 1) A felony offense,
 - 2) A crime of violence, OR
 - 3) Is reasonably believed to be armed.
- 3. All canine tracks will be conducted with one cover officer.
 - a. All canine team deployments for a track will be conducted with one cover officer designated by an on-scene supervisor.
 - 1) The cover officer devotes their full attention to the canine and handler from a position of surveillance behind the canine team.
 - 2) The cover officer takes all commands from the canine handler and takes no action unless directed by the handler.
 - 3) The cover officer discourages hostile acts and escape of the suspect(s) by constituting an additional force presence.
 - 4) The cover officer becomes the contact officer once the suspect is located. The canine and handler then provide cover as the contact officer takes the suspect into custody.
 - 5) The cover officer should intervene with force only if it is necessary to protect the members of the canine team.
- 4. In some situations, canine teams may search for lost or missing persons. Before authorizing the use of a canine team, the supervisor must weigh the urgency of locating the person with the risk of the person being engaged by the canine.
- 5. Whenever a canine team is approved and deployed for tracking and searching for suspects, the handler will announce loudly and clearly that a canine will be deployed and that anyone should verbally call out and surrender. The handler **shall** wait a sufficient period of time between the announcement and the canine deployment to allow the suspect to surrender.
- 6. A canine announcement is NOT necessary under the following circumstances:
 - a. The suspect is reasonably believed to be armed.
 - b. It will present unnecessary danger to the officer or others.
- 7. Canine handlers will only intentionally allow their canines to engage a suspect by biting if the suspect poses a risk of imminent danger to the handler or others. Imminent danger means a suspect is armed with a weapon or other instrument capable of producing significant bodily injury.

8. In instances where a canine unintentionally engages a suspect by biting, the handler shall call the canine off at the first moment the canine can be safely released, taking into account that the average person will struggle if seized or confronted by a canine. Struggling alone will not preclude the release of the canine.

E. Building Searches

1. Off-lead deployments are permissible for searches of commercial buildings or instances in which the suspect is wanted for an offense of violence or is reasonably suspected to have a weapon. Handlers will employ the handler control method.
2. All building searches will be conducted with a cover officer.
 - a. All canine team deployments for a building search will be conducted with one cover designated by an on-scene supervisor.
 - 1) The cover officer devotes their full attention to the building search through a position of surveillance behind the canine team.
 - 2) The cover officer takes all commands from the canine handler and takes no action unless directed by the handler.
 - 3) The cover officer discourages hostile acts and escape of the suspect(s) by constituting an additional force presence.
 - 4) The cover officer becomes the contact officer once the suspect is located. The canine and handler then provide cover as the contact officer takes the suspect into custody.
 - 5) The cover officer should intervene with force only if it is necessary to protect the members of the canine team.
3. A canine team may be used to conduct a search of a commercial building or a residence. Whenever a canine team is deployed for the purpose of performing a building search, the handler will announce loudly and clearly that a canine will be deployed and that anyone inside should verbally and loudly surrender. The canine handler issuing the announcement **shall** wait a sufficient period of time between the announcement and the canine deployment to allow the suspect to surrender. If the building is large, the handler will repeat the announcement loudly and clearly as the search proceeds onto different floors or parts of the building where the initial announcement may not have been heard.
 - a. If a breaking and entering offense is discovered at a school, officers will investigate the nature and extent of the offense before requesting a canine unit. If there is any indication that the offense involves juveniles engaged in criminal mischief or criminal trespass, a canine unit shall **not** be considered.

- b. Canine units shall **not** be used to search a residence except when officers are able to interview the property owner, manager or reliable witness to verify there are no innocent persons or pets inside the location to be searched.
- c. Canine units shall **not** be used to conduct a building search on a Place Found Open (PFO) unless reasonable suspicion of a breaking and entering offense is present. If reasonable suspicion of a breaking and entering offense is present, a canine team may be used under the **building search guidelines above**.

F. Running Apprehension

- 1. A patrol canine team may be given permission from a supervisor in advance for the possibility of a running apprehension (e.g., high risk traffic stop, search warrant, SWAT Canine, arrest warrant for a dangerous felon). The justifying reason **shall** be noted in the Form 18C.
- 2. A Patrol Canine Handler may use their partner to make a running apprehension without prior approval of a supervisor when the following applies:
 - a. The suspect is fleeing or otherwise resisting arrest and is wanted for a felony crime of violence.
 - b. The handler does not have time to get approval and the situation requires immediate police action by the handler to avoid escape of the suspect or to protect innocent persons.
 - c. The area and conditions to deploy a running apprehension must be consistent with policy and procedure and the handler must be confident the release of his canine will **not** jeopardize innocent persons.

G. Article Searches

- 1. Canine teams can locate articles by alerting to the residual human scent adhering to the article.
 - a. A cover officer is not required for an Article Search.
- 2. Canine teams dispatched for evidence or property searches at a crime scene or incident will:
 - a. Meet with the on-scene supervisor regarding the property sought.
 - b. Announce loudly and clearly that a canine will be deployed and that anyone approached by the canine should surrender. The canine handler shall wait a sufficient period of time between the announcement and the canine deployment to allow anyone on the scene to surrender.
 - c. Refrain from using the canine to search for evidence in areas that present a danger to the team; including drug searches when chances of the canine ingesting or inhaling narcotics are high.

H. SWAT Assistance

1. When a suspect is believed to be armed **and** is contained within a set perimeter, the on-scene Officer in Charge (OIC) may request SWAT assist with a canine track under the following circumstances:
 - a. A police officer or firefighter has been shot, or shot at.
 - b. Homicides and/or Felonious Assaults involving a firearm.
 - c. The individual has been verified as armed, has a violent history, and has made serious threats against citizens or law enforcement.
 - d. Any canine track or building search where the on-scene OIC believes the circumstances and/or threat to law enforcement dictates the deployment of SWAT personnel.
2. The on-scene OIC may contact the SWAT Coordinator either directly or through ECC to request SWAT assistance.
 - a. On-duty SWAT personnel will be utilized whenever possible, including officers working Police Visibility Overtime (PVO).
 - b. If no on-duty SWAT officers are available, the SWAT Coordinator may initiate a limited recall.
 - 1) District personnel are responsible for setting up and maintaining perimeter containment.

I. Canine Deployments Outside City Limits

1. The use of the canine teams must follow Cincinnati Police Department policies and procedures.
2. Statutory limitations prohibit out of state requests for the services of Patrol Canines.
3. Explosive and Narcotic Canines may be released for use out of state.
 - a. Approval must be given by the OIC of the nearest district. If the Night Inspector is on duty, they will be notified by ECC.

J. Recalls

1. If a canine team is unavailable, a supervisor may recall a team by:
 - a. Requesting a team through ECC. ECC will contact a canine supervisor to authorize the request for a canine team recall.

K. Reporting

1. All canine deployments that do not result in a bite will be reported on a Form 18C. (Training and demonstrations are not considered deployments.)
 - a. The supervisor that authorized the deployment shall complete and enter a Form 18C into AXON Standards.

- 1) The supervisor need only enter the information regarding deployment of canine.
2. All canine deployments that result in a bite or use of force will be investigated, reported and entered into AXON Standards by a supervisor other than the supervisor authorizing the canine deployment.
 - a. The on-scene authorizing supervisor will contact a canine supervisor via ECC including if the bite occurred after the scheduled duty hours of the canine supervisor.
 - b. If the canine supervisor determines the investigation should be conducted by a relief supervisor, the authorizing supervisor will notify an on-duty supervisor where the canine bite took place to investigate the incident, if none are available, then a supervisor from the nearest district of occurrence (or closest district if outside the City) will respond to complete the investigation and report.
 - 1) The investigating supervisor shall complete and enter a Form 18C into AXON Standards.
3. All Explosive and Narcotic Canine deployments will be reported on a Form 18DD.
4. The Special Services Section will maintain a complete list of all canine deployments.
5. The Special Services Section commander will author a monthly and annual report for the Patrol Bureau with all pertinent statistical data including Patrol Canine bite ratios.
6. For a Therapy K9 bite refer to the Therapy K9 Program Standard Operating Procedure (SOP).
- L. Investigating Canine Bites
 1. Whenever a canine bite injury occurs, promptly render first aid to the injured person and summon medical assistance from CFD if required. Transport to a hospital if additional medical attention is necessary.
 2. The canine handler will promptly notify the on-scene supervisor that authorized the canine deployment.
 3. The on-scene authorizing supervisor will contact a canine supervisor via ECC including if the bite occurred after the scheduled duty hours of the canine supervisor.
 - a. The canine supervisor will make the determination, based on circumstances and the severity of the injuries, if the investigation will be conducted by a canine supervisor or a relief supervisor (e.g., serious physical injury, serious disfigurement, high profile incident, or unintentional bite).

4. If the canine supervisor determines the investigation should be conducted by a relief supervisor, the on-scene authorizing supervisor will notify another on-duty supervisor from the district where the canine bite took place to investigate the incident. If none are available, then a supervisor from the nearest district of occurrence (or closest district if outside the City) will respond to complete the investigation and report.
 5. The supervisor that approved the deployment shall be different than the investigating supervisor to ensure the objectivity of the investigation.
 6. While still on the scene, the investigating supervisor will notify a command officer using the following order:
 - a. District Commander
 - b. Night Inspector, if during the night hours
 - c. Duty Officer
 7. The investigating supervisor will thoroughly investigate and document the incident.
 - a. Photograph the injured person (face and full body), injuries, and the scene.
 - b. Obtain taped statements from the injured, canine handler, and all witnesses.
 8. Complete a Form 652, Release of Medical Record Information.
 - a. If the arrested refuses to sign the release, write "Refused" in the signature block.
 9. Interview the treating physician about the extent of the injuries.
 10. The canine handler will complete an Aided Case Report, in all cases of injury from canines.
 - a. When the Aided Case Report is completed for a police canine bite, it must be faxed to the Health Department's Technical Environmental Services office at 352-2915.
 - 1) The canine's name, as well as the handler's name, must be listed on the report.
 11. For a Therapy K9 bite refer to the Therapy K9 Program Standard Operating Procedure (SOP).
- M. Documenting a Patrol Canine Bite during an Apprehension
1. The investigating supervisor will prepare a Form 18C and follow Procedure 12.545, Use of Force.

2. A separate Form 18C should be completed when two or more persons are bitten during the same incident. Each Form 18C should be documented with different case numbers (example: 2015-100111 and 2015-100112).
- N. Documenting an Unintentional Canine Bite
1. The investigating supervisor will complete a Form 17 detailing the unintentional bite and their investigation. A copy will be faxed to Inspections Unit and Patrol Bureau. The original will be forwarded through the chain of command for review by the Special Services Section commander.
 2. The investigating supervisor will also complete a Form 91SP, Supervisory Investigation of Employee Injury, for injuries involving Police Department employees.
- O. Therapy K9 Program
1. Refer to the Therapy K9 Program Standard Operating Procedure (SOP).