

MONTPELIER POLICE DEPARTMENT

Police Service Dogs	Related Policies: Response to Resistance/Use of Force, Crowd Control
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes:	
CALEA Standard:	
Date Implemented: January 28, 2022	Updated: April 14, 2023 Review Date:

I. Purpose and Scope: The purpose of this policy is to outline mandates relating to the use of police service dogs in the law enforcement operations: to provide guidelines for the management and tactical deployment of patrol canines.

II. Policy:

It is the policy of the Montpelier Police Department (MPD) to utilize patrol canines as a valuable supplement to police resources, due to their superior senses of smell and hearing and their physical capabilities. Utilization of canines requires adherence to procedures that properly control their use-of-force potential and channel their specialized capabilities into legally acceptable crime prevention and control activities. As such, it is extremely important that any canine acquired by the department is thoroughly trained and successful in patrol functions so that the canine can be confidently and predictably handled in highly stressful situations.

III. Definitions

- A.** Canine Team: An officer/handler and their assigned police canine.
- B.** Canine Apprehension: Gaining control and custody of a suspect that is the direct result or clearly due to the deployment of a canine.
- C.** Canine Deployment: Use of a canine for purposes of finding, apprehending, containing, or controlling a suspect or for other purposes as authorized for canine use by MPD. Mere presence of a canine at a crime or incident scene does not constitute a deployment.
- D.** Contact: In the context of this policy, the location of a suspect by a canine, biting or barking at a suspect for purposes of apprehension, or the presence of a canine in close proximity to a suspect sufficient to effect compliance.

Guidelines for the use of canines

A canine may be used to locate and apprehend a suspect if the canine handler

MONTPELIER POLICE DEPARTMENT

reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

- A. There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- B. The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- C. The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.
- D. It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend an individual.

PREPARATION FOR UTILIZING CANINE

Prior to the use of a canine to search or apprehend an individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to the following:

- A. The individual's age or estimate thereof.
- B. The nature of the suspected offense
- C. Any potential danger to the public and/or other officers at the scene if the canine is released.
- D. The degree of resistance or threatened resistance, if any, the subject has shown.
- E. The potential for escape or flight if the police dog is not utilized.
- F. The potential for injury to officers or the public caused by the suspect if the police dog is not utilized.

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. The decision to deploy the dog shall remain with the handler; however, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

MONTPELIER POLICE DEPARTMENT

WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practical, shall first advise the on-scene supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in the incident report whether or not a verbal warning was given and, if none was given, the reasons why.

USE OF NARCOTIC-DETENTION CANINES

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

- A. To assist in the search for narcotics during a search warrant service
- B. To obtain a search warrant by using the detection canine in support of probable cause
- C. To search vehicles, buildings, bags, and any other articles deemed necessary.
- D. A narcotic-detection canine will not be used to search a person for narcotics.

GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the canine handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

- A. Absent a change in circumstances which presents an immediate threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that the canine will not bite or otherwise injure the individual, if located
- B. Unless otherwise directed by a supervisor, assisting personnel should take direction from the canine handler in order to minimize interference with the canine.
- C. Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practical.

MONTPELIER POLICE DEPARTMENT

REPORTING CANINE USE, BITES, AND INJURIES

A permanent record of all canine-related activities shall be maintained by the canine handler, and shall consist of, but not be limited to, the following:

- A. Montpelier Police Department case number, date, time, location, and officer (or outside agency) requesting service. This information will be recorded for all successful finds, searches, or apprehensions, as well as those ending as clear, unfounded or “negative results”.
- B. A brief description of the canine services provided (i.e., building search, tracking, evidence retrieval or officer safety).
- C. Name, date of birth, etc. of any person (if any) taken into custody or located by the canine, or description of any evidence located or seized.
- D. Records of canine demonstrations shall include: the date and location of the demonstration, the person and/or organization requesting the demonstration and officer acting as decoy, the number and general age group of members of the audience, and any special considerations necessary.

Records of the biting of any human by a police dog:

- A. The canine handler shall immediately report in writing to the Deputy Chief of Police and Chief of Police via the canine unit supervisor fully and completely the biting of a human by his dog. A Montpelier Police Department Incident Report (VALCOUR) shall be completed, and a “Use of Force Report” (VALCOUR) will be completed for any apprehension resulting in injury or death to any person. Photographs shall be taken of any wound inflicted upon a human by the canine as soon as possible after the injury is inflicted, but AFTER the wound has been cleaned and checked by medical personnel. These photographs shall be attached to the incident report.
- B. Any person bitten by a police canine shall be given the opportunity to receive medical treatment. An ambulance shall be summoned for the person who has been bitten and, if medical treatment is refused, that person shall sign a form acknowledging his refusal to receive medical treatment. A copy of this refusal shall be attached to the incident report.
- C. A police dog who has bitten a person may remain in service subject to the following:
 - (1) The canine shall have received annual immunization for rabies.
 - (2) The handler shall prepare the required incident report as described in this standard. The handler shall be responsible for observing the dog for ten (10) days after the bite occurred and shall have the dog examined by

MONTPELIER POLICE DEPARTMENT

a veterinarian at the end of the 10-day period. If signs of rabies develop during the 10-day period, the head (of the canine) shall be sent for examination to the Public Health Laboratory, Department of Health and Human Services.

(3) The police dog shall be limited to law enforcement duties during the 10-day period (no demonstrations, etc.).

(4) Authorized by the Chief of Police or Designee

REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the canine unit supervisor. Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

REQUEST FOR USE IF CANINE TEAMS

Personnel within the Montpelier Police Department are encouraged to freely solicit the use of the canine team while they (canine team) are on duty. Requests for the canine team from outside of the Montpelier Police Department shall go through the on-duty supervisor. When the canine team is not on duty, requests for team will go through the on-duty supervisor.

REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

A supervisor must approve all requests for canine assistance from outside agencies subject to the following provisions:

- A. Canine teams shall not be used beyond the boundaries of the City of Montpelier to perform any assignment which is not consistent with this policy.
- B. Upon arrival at the scene, the canine handler has the ultimate decision as to whether or not the canine is to be used for a specific assignment.
- C. Canine teams shall not be called out while off duty or used outside the boundaries of the city of Montpelier unless authorized by the on-duty supervisor.

REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the canine unit supervisor prior to making any commitment. Handlers shall not demonstrate any apprehension work to

MONTPELIER POLICE DEPARTMENT

the public unless authorized to do so by the canine unit supervisor.

SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handlers:

- A. Montpelier Police Department officer (currently off probation)
- B. Reside in an adequately equipped, single family, residence.
- C. Live within 30 minutes travel time from the Montpelier Police Department limits
- D. Agree to be assigned to the position for a minimum of three years.

CANINE HANDLER RESPONSIBILITIES

AVAILABILITY

The handler should be available for call-out under conditions specified by the canine unit supervisor.

CARE FOR THE CANINE AND EQUIPMENT

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

- A. Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- B. The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- C. When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be left available and accessible to the Department in needed.
- D. Handlers shall permit the canine unit supervisor to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.
- E. Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be report to the Canine unit supervisor as soon as possible.
- F. When off duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home,

MONTPELIER POLICE DEPARTMENT

the gate shall be secured with a lock. When off duty, canines may be let out of their kennels while under the direct control of their handlers.

- G. The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- H. Under no circumstances will the canine be lodge at another location unless approved by the canine unit supervisor
- I. When off duty, handler shall not involve their canines in any activity or conduct unless approved in advance by the canine unit supervisor.
- J. Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine.

CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- A. Canines shall not be left unattended in any area to which the public may have access.
- B. When the canine unit is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended unit remains inhabitable for the canine.

HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall consist of 3.5 hours of paid time per week. The handler's schedule may be adjusted so that these 3.5 hours do not result in overtime.

MEDICAL CARE OF THE CANINE

The designated canine veterinarian, Onion River Animal Hospital, Berlin, Vermont

NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the canine handler.

Any indication that a canine is not in good physical condition shall be reported to the

MONTPELIER POLICE DEPARTMENT

canine unit supervisor as soon as practical.

The canine veterinarian shall maintain all records of medical treatment.

EMERGENCY MEDICAL CARE

The designated emergency medical treatment center (BEV) or canine veterinarian shall render emergency medical treatment. The handler shall notify the canine unit supervisor as soon as practicable when emergency medical care is required.

Any emergency will be handled by the closest available emergency service as determined by the canine handler.

TRAINING

- A. The officer should when time permits, during each tour of duty, train with his dog for thirty (30) minutes.
- B. The canine team should attend a minimum two (8 -10 hour) training days per month. The canine handler in accordance with any outside Police Agencies that are hosting and providing such training days shall schedule this mandatory training. A written report detailing the training conducted, and any other pertinent information related to the training day, shall be completed and maintained by the canine handler.

ANNUAL CERTIFICATION

- A. Canine handlers must complete one or more nationally recognized canine training standards (USPCA, NAPWDA, etc.). It is encouraged for handlers to receive certification training annually or as close to annually as reasonably possible.
- B. A report of certification shall be completed and maintained by the canine handler. This report shall include date and location of testing, type of certification or testing, final score, and individual awards.
- C. If at any time the canine team shall compete in a regionally or nationally sanctioned field trial or certification test, a copy of the results of that testing shall be filed and maintained by the canine handler.

FAILURE TO SUCCESSFULLY COMPLETE CERTIFICATION

A dog team failing annual canine certification in any capacity shall not be deployed in the field until that certification is achieved, I.E If a canine team fails certification in patrol they

MONTPELIER POLICE DEPARTMENT

may still deployed for drugs and vice versa.

TRAINING RECORDS

The canine handler shall maintain all canine training records.

CANINE UNIT SUPERVISOR RESPONSIBILITIES

The canine unit supervisor shall be appointed by the Chief of Police and shall supervise the canine Program. The canine unit supervisor is directly responsible to the Deputy Chief of Police. The canine unit supervisor shall be responsible for, but not limited to, the following:

- A. Review all canine related incident reports to ensure compliance with policy and to identify training issues and other needs of the program.
- B. Recommend and oversee the procurement of needed equipment and services for the unit.
- C. Be responsible for scheduling all canine related activities.
- D. Ensure the canine team is scheduled for continuous training to maximize the capabilities of the team.

CONTROLLED SUBSTANCES TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug-detecting dogs.

State and Federal laws permit that the Drug Enforcement Administration and the Chief of Police may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

- A. To any duly authorized officer or civilian drug detection canine trainers working under the direction of a law enforcement agency
- B. Provided the controlled substances are no longer needed as criminal evidence.
- C. Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorized the recipient to possess controlled substances while providing canine drug detection training.

PROCEDURES

MONTPELIER POLICE DEPARTMENT

Due to the responsibilities and liabilities involved with possession readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

- A. All necessary controlled substance training samples shall be acquired from the Montpelier Police Department's evidence officer or from outside Police Agencies authorized by their policies and procedures to provide controlled substance training samples. All controlled substance training samples belonging to Montpelier Police Department shall be weighed and tested prior to dispensing to the canine handler.
- B. The weight and test results shall be recorded and maintained by this department.
- C. Any person receiving controlled substance training samples pursuant to this policy shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- D. All controlled substance training samples will be inspected, weighted, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine handler, canine unit supervisor and evidence officer with a copy forwarded to the dispensing agency.
- E. All controlled substance training samples will be stored in locked container at all times, except during training. The locked container shall be secured in the trunk of the canine handler's assigned patrol unit or stored in a locked evidence locker. There are no exceptions to this procedure.
- F. The canine unit supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

IMMUNITY

Under this policy, all duly authorized officers, while providing canine drug detection training, in performance of their official duties, and any person working under their immediate direction, supervision, or instruction, are immune from prosecution.

K9 Uniform and modifications

1. No uniform or equipment modifications can be done without the approval of the Chief of Police or their designee. Any requests for modification or special uniforms must be done in writing.

MONTPELIER POLICE DEPARTMENT