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<b>Effective Date: July 1997</b>	<b>Revision Date: June 2019</b>
<b>Amends/Supercedes: 1400.40/ July 2007</b>	<b>Approved by: Chief Kevin Higdon</b>
<b>Meets Accreditation Standard:</b>	<b>17.9</b>

## **Section 1300.30 Law Enforcement Canines**

The purpose of the Canine Unit (K-9) is to provide assistance to any member of the Shively Police Department in situations where canine capabilities are required.

The purpose of this policy is to outline mandates relating to the use of canines in the law enforcement operations.

The Shively Police Department (SPD) recognizes the value of law enforcement canines as a part of the overall police operation. Canines are used for several purposes. In cases where the canine may bite a suspect, the use constitutes a use of force and must meet the mandates of this department's policies on Response to Resistance (SOP 1000.50). The use of drug-detecting canines, in some instances may be deemed unreasonable. In recognizing the rights of citizens, the policy of this department is to ensure that canine use is balanced against the rights of all persons.

**Certification:** In all cases, the reliability of the law enforcement canine will be subject to challenge. Officers shall not rely upon a canine team that is not fully certified in order to justify a search. Officers shall not utilize a patrol canine that has not met certification standards.

### **Training**

Canine officers shall be chosen at the discretion of the Chief of Police. Officers must be physically fit and capable of performing all canine tasks. Canine teams will consist of the canine and the assigned handler. All Canine teams must complete departmentally approved training. Training for canine teams is ongoing and shall be accomplished through regular refresher training exercises as well as training during normal working hours.

Any canine handler noting a problem or deficiency in their canine's performance shall notify the Assistant Chief of Police. Remedial training shall be conducted upon determination of a deficiency in a canine team. Canines shall be removed from service during remedial training and only reinstated upon successful completion of the training.

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The Chief or Assistant Chief of Police shall suspend the use of any canine upon determination that the canine creates an unreasonable risk to the safety of the canine handler or others. Documentation of the problem shall be in writing and forwarded to the Assistant Chief of Police.

Any K-9 unit (dog and handler) used by the Shively Police Department shall be properly licensed and certified. Officers shall not use a canine, nor rely upon a canine and/or canine handler, that is not fully certified in order to justify a search.

Documentation: Trainers and handlers shall maintain training records and all other documentation of the canine's certification for drug-detection.

Training: All agency canines shall be trained in accordance with certification guidelines and shall continue regular in-service training.

### **Deployment of Canine Officers**

The patrol or specialized unit supervisor, or acting supervisor has the discretion to contact a K-9 unit to respond to a request for a search, relating to illegal narcotics, wanted persons or article searches. The K-9 handler will determine:

- Whether or not the canine can be used.
- How the canine can be used.
- How other officers should be deployed in order to minimize interference with the canine's activities and maximize security of the scene.

While any supervisor can negate utilization of the canine, only the canine officer determines how the canine is to be used at it pertains to the safety of the dog. Any utilization of a departmental canine shall mandate that a backup officer be present to accompany the canine officer.

Canine officers will only be called utilized to assist in the apprehension of suspects who have either committed a serious felony or when there is a reasonable suspicion that they have committed a serious felony. It will be the at the discretion of the handler to determine if the circumstances warrant the use of a canine for suspect tracking and/or apprehension.

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On scene personnel will attempt to gather all necessary information to assist the Canine unit upon arrival. This information may include, but not limited to:

- Names of persons in possession of vehicles or premises to be searched.
- Details of or nature of investigative contact.
- Areas that have been disturbed by personnel on scene.
- On scene personnel will attempt to obtain consent to search or search warrant prior to the arrival of the canine officer, if appropriate.
- Personnel will avoid disturbing or contaminating the search area as much as possible.

### **Canine Usage Guidelines**

The canine officer remains responsible for the dog and retains the authority to determine how and when the dog will be used. Prior to and during detector dog searches, officers should do the following, whenever reasonable and practical:

- Keep the canine on a lead when in the presence of other officers and/or civilians. When off lead, the canine shall be under the control of the canine handler at all times.
- Visually check the areas to be searched before allowing the canine to enter.
- Remove any unnecessary police and/or civilians from area to be searched.

The use of a drug –detecting canine for the purpose of sniffing an inanimate object, including the exterior of a vehicle, in a public place does not constitute a search for 4<sup>th</sup> amendment purposes. Officers do not need to establish reasonable suspicion to use a canine during a traffic stop for an exterior search of the vehicle. However, officers may not prolong the traffic stop for an unreasonable period of time awaiting arrival of a canine unless they have reasonable suspicion to believe that the vehicle contains contraband, the officer may reasonably detain the vehicle for the arrival of a canine. In cases where a certified canine alerts for narcotics in a vehicle, probable cause to believe that the vehicle contains narcotics has been established.

The use of a drug-detecting canine for the purposes of sniffing lockers in a school hallway does not constitute a search for 4<sup>th</sup> amendment purposes. The use of a canine at a school should be with the authorization of the Chief of Police, or designee working in cooperation with the local school authorities. In cases where a canine alerts on a locker, the canine officer shall notify school authorities that

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shall then be responsible for all further action. **Canines shall not be utilized to sniff students.**

In cases where a drug-detecting canine alerts on an inanimate object such as luggage, packages, etc, in a public place, officers shall obtain a search warrant to open the item unless consent can be obtained, exigent circumstances exist or the item(s) to be searched are contained in an occupied vehicle.

No canine officer shall use a canine in any way to coerce or intimidate any person. Canine teams shall not be used for crowd control unless authorized by the Chief of Police.

Off-Leash Canine Deployment Limitations (Searches and other instances where there is a significant risk of a canine bite to a suspect): These deployments are limited to searches of public and commercial buildings following an announcement in accord with this policy. Under exigent circumstances, a canine can be used or deployed off-leash in a residence, however, officer shall verify that no innocent third parties are at risk.

Announcements: Canine handlers shall give loud and clear announcement(s), appropriate for the particular deployment area at issue, indicating that a canine will be deployed and advising the suspect to surrender and remain still if approached by the canine. The handler shall allow a sufficient interval of time between the announcement and the deployment to allow the suspect to surrender.

Bites: Canine handlers shall not allow a canine to bite a suspect except where the suspect poses a risk of imminent danger to the handler, is actively resisting or escaping after committing a violent felony.

Calling off the Canine: In all cases where a canine is permitted to bite or apprehend a suspect by biting, the handler will call off the dog at the first possible moment that it is safe to do so, taking into account that the average person will struggle if being seized or confronted by a canine. Struggling alone does not justify allowing the canine to continue to hold the suspect.

Non-Resistant Subjects: Officer shall ensure that the canine does not bite a non-resistant subject.

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Medical Treatment: Whenever a canine-related injury occurs, immediate medical treatment shall be provided. If treatment requires an EMS response or transportation to an emergency room/hospital, on scene units will:

- Summon a supervisor to the scene.
- Examine the affected area to determine the seriousness of the injury or bite.
- Photograph the injury before and after treatment.
- Complete a response to resistance report in all cases where it is known or alleged that a canine has apprehended or otherwise injured an individual. This report shall detail the circumstances surrounding the incident, the identity of the individual involved and any witnesses, the nature and extent of the injury, and any measures taken in response to the event.
- Copies of all reports shall be completed before the end of the shift and forwarded up the chain of command to the assistant chief or his/her designee.
- The assistant chief shall track all canine deployments and apprehensions and calculate and track canine bite ratios on a monthly basis to assess the canine unit overall as well as individual teams.

## **Care of Canines**

All canine officers are responsible for the health and personal care of their assigned canines and will assure that the canine receives prompt and proper medical attention in the event of any injury or illness.

- The canine shall be kept clean and well-groomed at all times.
- The officer is responsible for administering all medication to his/her canine as prescribed by a veterinarian.
- Canine officers, who house their canine at their residence, shall ensure that the canine has proper food, medication, water and clean facilities.
- When a canine officer cannot keep the dog at his/her residence, the dog must be housed in a departmentally approved kennel.
- No canine should be transported in a patrol vehicle that is not specifically modified for the safety of the dog. If circumstances prevent the use of a modified vehicle, the dog may be transported in another vehicle.
- Canine handlers shall lock all doors to their patrol vehicle when leaving their vehicle and the canine unattended.
- Canine handlers shall be mindful of weather conditions and shall not leave their canine unattended for extended periods of time without a break.

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- In the event a canine is lost, the officer shall notify the on duty commanding officer immediately and take action to locate the dog without delay. A microchip shall be implanted into the canine with sufficient information to identify the canine as a department Canine to assist in the recovery of a lost dog. Information contained in the microchip shall be maintained at the Shively Animal Clinic, 2401 Dixie Highway, Shively, KY 40216.

### **Off Duty Employment**

Canine handlers engaged in department approved off-duty employment may have their canine with them in their police vehicle while they are working off-duty if the duty is vehicle based. This is for the purpose of expediting on-call responses. However, the use of canines during off-duty employment for tracking or apprehension of suspects is prohibited.

### **Assisting Other Law Enforcement Agencies**

Any agency requesting the use of a Shively Police authorized K-9 officer, shall make the request to the office of the Chief or Assistant Chief of Police. Prior approval must be granted before assisting outside agencies.

- When approved agencies request the use of a K-9 officer, the on-duty shift supervisor shall be contacted and made aware of request.
- The K-9 officer shall be responsible for reporting call out times. A run card shall be used to document all K-9 officer call outs.