



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 1 of 14

- I. Purpose
- II. Definitions
- III. Coordination of Canine Program
- IV. Care and Inspection of PSD and Equipment
- V. Canine Unit Duties and Responsibilities
- VI. Patrol Procedures
- VII. Training
- VIII. Records and Reports
- IX. The Police Canine as an Instrumentality of Force
- X. Retirement

### I. PURPOSE

The purpose of this policy is to provide the Carrboro Police Department with an established set of guidelines for the proper use, care, handling, and maintenance of the Patrol Service Dog.

### II. DEFINITIONS

- A. PSD: Patrol Service Dog
- B. Handler: A Carrboro Police Officer Assigned to a Canine Team.
- C. Canine Unit: All police dogs and handlers.
- D. Canine Team: One PSD and one handler trained to work together.
- E. Clear Threat to Officer Safety: A significant, articulable threat, posed by a suspect, to the safety of the Handler or another officer.
- F. Recorded: May be written or through communications as circumstances allow.
- G. Violent Felony: Any felony involving the use or threatened use of violence or weapons.
- H. Violent Felon: Any person whom officers have probable cause to believe has committed a violent felony as defined above.



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 2 of 14

### III. COORDINATION OF CANINE PROGRAM

The Canine Program shall be coordinated by a Police Department Captain (the "Coordinator"). Areas of direct responsibility shall include the scheduling and supervision of in-service training, handler selection, the management of the canine program, and review and oversight of all canine uses of force.

### IV. CARE AND INSPECTION OF PSD AND EQUIPMENT

#### A. Patrol Service Dog

1. In the event of injury or illness, the handler shall ensure that the PSD receives proper and prompt medical attention. This medical care shall be provided by a veterinarian with whom the Department shall contract. Contracting for these veterinary services shall be the responsibility of the Coordinator. In the event of an emergency requiring immediate veterinary attention, the handler may utilize any available animal hospital or veterinarian.
2. Medical examinations shall be conducted as needed or under the general medical maintenance schedule recommended by the Department's veterinarian.
3. The Coordinator shall immediately be advised by the handler of any injuries or illnesses the PSD incurs.

#### B. Canine Vehicle

1. The canine handler is responsible for the cleanliness and maintenance of his assigned canine vehicle.
2. A first aid kit for the PSD shall be kept in the vehicle at all times.
3. The Coordinator shall conduct inspections of the vehicle at his discretion.
4. If an assigned canine vehicle is taken out of service, the PSD shall be transported in an available patrol vehicle with the canine placed in a



# Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 3 of 14

portable kennel. A second option shall be the sharing of the other available canine vehicles.

C. **Home Kennel**

Commented [WH1]: fix formatting

1. The PSD shall be housed at the handler's residence to ensure proper care and supervision. As a condition of being assigned as a handler, each handler must agree to house his canine at his residence.
2. The PSD shall be housed in an appropriate kennel.
3. The handler shall ensure that the kennel is maintained in a clean, habitable condition.
4. The premises and kennel of the officers who serve as handlers are subject to unannounced and periodic inspections to ensure the dog is healthy and properly fed, kenneled, and exercised. Inspections may be conducted at the discretion of the Coordinator.

## V. CANINE UNIT DUTIES AND RESPONSIBILITIES

A. Tracking Operations of Lost Persons and Suspects

1. Canine Teams may be called upon to search for lost persons and suspects.
2. On-scene personnel shall interview witnesses to determine the last known location and possible destinations of the lost persons or suspects.
3. On-scene personnel shall keep the area of the last known sighting clear of all persons to protect the area from being contaminated.
4. The canine handler shall evaluate all available information and determine if the use of the PSD is appropriate. The decision as to whether to utilize the canine to track a lost person or suspect shall be at the sole discretion of the handler.
5. If available, a cover officer shall accompany the canine team when



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 4 of 14

tracking suspects. All other officers shall remain out of the immediate area to avoid contaminating the area.

6. No bite-trained or aggression-trained canine will be used, on or off lead, to track a person who is not suspected of a crime. In the event that a person who is not suspected of a crime is in imminent deadly peril, the Chief or his designee may direct that such a track be conducted. Any such track shall be conducted on a short lead. All tracking of lost persons by non-bite-trained canines must be conducted with the canine on-lead.
7. All tracking of suspects must be conducted on-leash unless:
  - a. The suspect poses a clear threat to officer safety as defined above; or
  - b. There is probable cause to believe that the suspect has committed a violent felony.
8. All uses of canine force shall be generally governed by the principles set forth in the addendum at the end of this Chapter, "The Police Canine as an Instrumentality of Force."

### B. Building Searches

1. When circumstances indicate that an unauthorized person(s) may be hiding in a building or similar structure, the investigating officer shall establish an adequate perimeter around the building.
2. The investigating officer may call the canine unit to assist in a search of the building.
3. The canine handler shall evaluate all available information and determine if the use of the PSD is appropriate. The decision as to whether to utilize the canine shall be at the sole discretion of the handler.
4. If an on-leash search is conducted, the handler may request additional officers to accompany him into the building. Additional officers shall not



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 5 of 14

be utilized in a building where the PSD has been released off-leash.

5. No PSD shall be released into a building without prior warnings being given to the possible occupants.
6. The PSD shall not be released off-leash into a structure to search unless:
  - a. A suspect inside the structure poses a clear threat to officer safety as defined above; or
  - b. There is probable cause that a suspect inside the structure has committed a violent felony.
7. In no event shall a PSD be released off-leash into a structure under circumstances which pose an unreasonable threat of danger to the public.
8. All uses of canine force shall be generally governed by the principles set forth in the addendum at the end of this Chapter, "The Police Canine as an Instrumentality of Force."

C. Evidence Searches

1. A canine team may be utilized to locate evidence if there is reason to believe that a suspect has discarded evidence in flight or attempted to hide it in a field, wooded area, or other open area.
2. The on-scene officer shall remain present and keep others away from the area to prevent contamination.
3. The canine handler shall evaluate all available information and determine if the use of the PSD is appropriate. The decision as to whether to utilize the canine shall be at the sole discretion of the handler.

D. Narcotics Searches



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 6 of 14

1. The investigating officer may request the assistance of a canine team in locating narcotics.
  2. If a request is made for the assistance of a canine team to search for illegal narcotics, the handler should be given as much advance notice as possible as to the location of the search and the type of narcotics which are expected to be present.
  3. The PSD may be used to sniff vehicles, buildings, parcels, or other areas deemed necessary and as allowed by law. The PSD shall not be used to sniff or search persons for any reason.
- E. Crowd Control
1. The PSD shall not be utilized for crowd control at the scene of peaceful demonstrations, civil disorders, or riot situations.
  2. The above shall not prevent the canine team from being assigned as a back-up unit at a disturbance call. However, the PSD shall not be used to control any such disturbance without the express permission of the Chief or his designee.
- F. Handler Protection
1. The PSD may be deployed to protect the handler or other persons whose safety is seriously jeopardized by other persons present.
  2. If the PSD is deployed for handler protection, the PSD should remain under direct control of the handler.
  3. Prior to a defensive deployment of the PSD, the handler shall give a loud verbal warning of such deployment, unless the handler is presented with a clear and imminent threat to his safety such that a warning is impracticable.
  4. All uses of canine force shall be generally governed by the principles set forth in the addendum at the end of this Chapter, "The Police Canine as an Instrumentality of Force."



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 7 of 14

### G. Suspect Apprehension

1. A PSD may be deployed off-leash to apprehend a fleeing suspect in two circumstances:
  - a. The fleeing suspect poses a clear threat to officer safety as defined above (for example, by hiding in a wooded area or structure and refusing to surrender after adequate warnings); or
  - b. Fleeing violent felons.

NOTE: Absent the presence of one or both of the above conditions, mere flight from pursuing officer(s) shall not serve as good cause for a canine apprehension.
2. Prior to the use of a PSD to search for or apprehend any individual, the canine handler shall carefully consider all pertinent information reasonably available at the time. This information shall include, but is not limited to:
  - a. The individual's age or estimate thereof;
  - b. The nature of the suspected offense involved;
  - c. Any potential danger to any other police officer who may attempt to intervene or assist with the apprehension; and
  - d. Any potential danger to the public which may result from the release of a PSD.
3. The handler shall give a loud verbal warning prior to releasing the PSD to seize a fleeing suspect unless that suspect poses a clear and imminent threat to the handler's safety such that a warning is not practicable.
4. All uses of canine force shall be generally governed by the principles set forth in the addendum at the end of this Chapter, "The Police



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 8 of 14

Canine as an Instrumentality of Force.”

### H. Dog Bites and Injuries Caused by the Patrol Service Dog

In all instances where a PSD bites, injures a person, or causes significant injury to property, the following shall apply:

1. The handler shall have proper medical attention provided to any injured person, including, where appropriate, transportation to a hospital emergency room;
2. The handler shall photograph any physical injury inflicted by his assigned PSD. These photographs shall be maintained as a part of the respective “Canine Deployment Form” and shall be reviewed by the Coordinator;
3. The handler shall notify his immediate supervisor who shall in turn contact the Coordinator at the first possible opportunity;
4. The handler shall properly document the incident and injuries on the “Canine Deployment Form,” which shall be submitted to the Coordinator;
5. The Coordinator shall have the responsibility for reviewing each “Canine Deployment Form” to ensure compliance with this policy; and
6. The handler and involved officers shall make no statements related to liability or fault in the incident to anyone other than authorized Town officials.

### I. Public Relations

All requests for public appearances by the canine teams shall be handled through the office of the Coordinator. No PSD shall be used in any public demonstration without the Coordinator’s permission.

### J. Officer Conduct





## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 9 of 14

1. All officers shall avoid horseplay with the PSD, feeding the PSD, or reaching into a canine vehicle with the PSD present.
2. The handler's permission shall be obtained prior to making any physical contact with a PSD.

### K. Assisting Other Agencies

1. Requests for the use of an on-duty canine team by other law enforcement agencies must be approved by the on-duty supervisors.
2. A canine team may not be utilized outside the Carrboro town limits unless requested by a supervisor of the agency requiring such aid. Any such utilization shall be in compliance with a valid mutual aid agreement.
3. Request for the use of an off-duty canine team by another law enforcement agency must be approved by a Carrboro Police Department Captain or the Chief of Police, and shall be allowed only in compliance with a valid mutual aid agreement.

### L. Utilization of the Patrol Service Dog

1. The handler is authorized to decide all questions of tactical use of their PSD in all circumstances.
2. The handler may decline requests or terminate assistance at any time circumstances indicate that such is in the best interest of the PSD or the Department.
3. The handler must comply with all written policies and lawful orders regarding the use of canines, but the handler is authorized to refuse to perform any requested canine assignment if the request violates Departmental policy, or would unduly threaten the wellbeing of the PSD, or is inappropriate for any reason.

## VI. PATROL PROCEDURES



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 10 of 14

### A. Duty Assignments

1. Canine teams may be assigned an area.
2. The canine team shall respond to crimes in progress, vehicle and foot pursuits, burglaries/alarms where building searches shall be conducted, and calls for assistance for the canine team.
3. Efforts should be made to prevent canine handlers from becoming involved in assignments that shall last for more than one hour (i.e. commitments, extensive traffic direction, conducting major traffic accident investigations).
4. Canine units shall not be used to transport arrestees or escorts. Ride-alongs shall be up to the discretion of the handler, but shall only be allowed with due consideration of the safety of the ride- along.

### B. Work Schedules

1. The normal duty day for the canine teams shall consist of twelve-hour shifts. In addition, the handlers shall receive one hour each working day of the pay cycle which shall be used for the maintenance and upkeep of the canine program. This one hour for maintenance shall be included in the regular twelve hour work shift.
2. The actual times that the canine teams work shall be up to the discretion of the Coordinator and shall take into consideration FSLA requirements.
3. Emergency staffing needs may supersede the regular work hours noted in subsection (1) above.

### C. Call-back Procedures

1. If a canine team is not on-duty, the immediate supervisor of the requesting officer shall evaluate the circumstances surrounding the incident and determine if a canine team is warranted.



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 11 of 14

2. When calling back an off-duty canine team, the handler should be paged with a follow-up call to his residence to ensure prompt notification.
3. The on-call Captain must be notified any time the handler is called back to duty.

### VII. TRAINING

#### A. Pre-Service

Prior to entering service, each PSD and handler shall receive appropriate pre-service training, at a location and in a format approved by the Coordinator.

#### B. In-service

1. Each PSD shall receive a minimum of 16 hours of in-service training per calendar month.
2. Part of the PSD in-service training shall consist of eight hours of training with a qualified trainer each pay cycle.
3. In addition, whenever possible, the handler shall take thirty minutes during each duty day to conduct a training exercise.

#### C. Training Records

1. Each handler shall maintain complete, up-to-date records of pre-service and in-service training undertaken by the canine team.
2. The Coordinator shall review the training records of each canine team on a quarterly basis to ensure compliance with this policy.
3. In addition, the Coordinator shall review the "bite ratio" (the ratio of apprehensions to bites) of each canine team on a quarterly basis. The performance of any canine team with a bite ratio exceeding 10% shall be reviewed by the Coordinator and the Chief or the Chief's designee to determine whether remedial training is necessary.



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 12 of 14

### D. Training Narcotics

Narcotics needed by the handler for training purposes shall be obtained from the Drug Enforcement Administration (DEA) through the DEA Canine Program. The Patrol Commander or his designee shall represent the Department and coordinate with appropriate DEA officials. The Department shall follow all guidelines set forth by the DEA concerning acquisition, utilization, storage, and disposition of all narcotics obtained from the DEA for canine training purposes.

### E. Certifications

Each canine team shall be certified in each use in which the PSD is employed by a national police canine certification body. Each team shall be periodically recertified as recommended by this national certification body. The K-9 Coordinator will maintain each K-9 team's certification records and periodically review them as necessary.

## VIII. RECORDS AND REPORTS

### A. Each handler shall maintain a folder containing all pertinent documentation concerning:

1. Health and care of the PSD;
2. Training exercises as noted at Section VII(B) above; and
3. Cases involving any field use of the PSD, to include apprehensions, tracking, and narcotics detection.

### B. Reports shall be filed any time:

1. The canine team is utilized for any incident; or
2. The PSD bites a person or another animal.

### C. Reports concerning bites shall be forwarded by the next working day to the



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 13 of 14

Coordinator. It shall be the responsibility of the Coordinator to review each such report to ensure compliance with this policy.

### IX. THE POLICE CANINE AS AN INSTRUMENTALITY OF FORCE

All lawful uses of force by law enforcement officers must be objectively reasonable. As a general rule, an objectively reasonable use of force is one which is proportional to the officer's need to use force. While it is now settled that the use of a properly trained and deployed police canine does not constitute deadly force, such a deployment is a significant use of force. For such a significant use of force to be objectively reasonable, the corresponding justification for that use of force must be significant. In the context of the use of police canines, there are two such justifications:

- A. **Officer Safety Threats:** A canine may be lawfully deployed (released off- lead to seize a suspect by biting) in circumstances in which the suspect poses a clear threat to officer safety. For example, an armed person, suspected of a violent crime, flees from officers at night, hides in a densely wooded area, and refuses to come out after being ordered to do so. Note that this justification applies regardless of whether the person is suspected of a felony or a misdemeanor, as the deployment is based on a threat to the officer's safety, rather than on a threat to the public's safety.
  
- B. **Threats to the Public:** In some circumstances, the canine is deployed not because the suspect poses any imminent threat to officer safety, but solely to prevent the escape of a fleeing suspect. In this circumstance, the justification for the deployment is not the officer's safety, but the public safety. As noted above, canine force is significant force, and requires significant justification, which in this case must be determined from the crime for which the person is being pursued. A misdemeanor is not a sufficient justification for this type of deployment. Some courts allow these "fleeing suspect" deployments for any felony, while others limit these deployments to violent felonies (a felony in which the suspect has injured a person, or who shown the clear ability and willingness to do so). Given the potential for civil liability, the better practice would be to confine these "fleeing suspect" deployments to those suspected of a violent felony. Note that if the fleeing suspect poses a clear threat to officer safety, the deployment question is better analyzed under (A) discussed above. Note also that these deployment restrictions do not prevent the use of the canine to track the suspect (on-lead), or the use of the canine for officer protection once



## Carrboro Police Department



<b>Subject:</b> Chapter 22: PATROL SERVICE DOG POLICY		<b>Number:</b> X. Subsections
<b>Issued:</b> 07-02-18	<b>Revised:</b> N/A	<b>Pages:</b> 14 of 14

the suspect is found.

### **X. RETIREMENT**

When a PSD becomes unable to perform its duties because of advanced age, injury, illness or other cause, the PSD shall be retired from service. The Chief of Police or designee will recommend to the Town Manager where the PSD will go and the Manager will make the final decision.