# POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **CANINE PROCEDURES** NUMBER: 6.27
ISSUED: 08/12/2024
EFFECTIVE: 08/12/2024

SCOPE: All Sworn Personnel
DISTRIBUTION: Policy & Procedure Manual

☐ RESCINDS
☐ AMENDS

REFERENCE: Rodriguez V. United States, 575 U.S 348 (2015)

WILEAG 5TH EDITION
STANDARDS: N/A

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INDEX AS: Canine
Canine Unit

PURPOSE: The purpose of this Policy & Procedure is to provide guidelines to members of the Sturgeon Bay Police Department regarding the procedures when a Canine Unit may be requested and what responsibilities apply to members of the Department when a Canine Unit arrives and helps.

This Policy & Procedure consists of the following numbered sections:


I. POLICY

II. DEFINITIONS

III. PROCEDURES


## I. POLICY

The Sturgeon Bay Police Department recognizes that the use of any Department's Canine Unit in the performance of their duty, may, depending upon the circumstances, be considered as the use of force. In situations where Canines are utilized to neutralize assaults, apprehend fleeing criminals, overcome resistance to arrests, and defend persons or other situations that may be considered as a use of force, the following shall apply:

Supervisors of the Department shall use the criteria outlined in this Policy & Procedure to determine when to request a Canine Unit.

Members of the Department shall adhere to Department policy regarding their conduct and responsibilities whenever a Canine Unit responds to assist the Department.

## II. DEFINITIONS

A. CANINE UNIT: An extension of patrol including handler/dog, Unit Supervisor, and support personnel as designated.

B. CANINE HANDLER: An officer trained in the tactical application of the canine.

## III. PROCEDURES

### A. Canine Unit Responsibilities

1. Assist in the prevention and detection of a crime.

2. Assist in searches (i.e., building searches, evidence searches, tracking suspects, lost/missing people, and narcotics).

3. Protection of officers and citizens when they are in imminent or specific danger.

4. Crowd control (other than peaceful).

5. The Canine Unit shall not be called for “loose dog” or “found dog” calls or those that present the possibility of the handler transferring disease or parasites to the Department canine.

### B. Supervisor Responsibilities

1. The on-duty Supervisor in charge will confer with the handler of a requested Canine Unit on the feasibility of utilizing the Canine Unit and will assume responsibility for that decision.

2. The Supervisor shall ensure that proper chain of authority is used for deployment.

3. The Supervisor in charge will determine whether it is necessary for an off-duty call-in of a Canine Unit and will fully explain the situation that requires a call-in.

C. Officer/Personnel Guidelines

Other than within the parameters of formal or scheduled canine training, Department members shall not tease, mistreat, or agitate any Department canine.

The following are general rules of behavior when in the presence of a Canine:

1. Department members shall not direct any command to the canine unless so directed by the handler.

2. Department members shall not attempt to entice a canine to disobey its handler, unless so instructed by the handler in training.

3. Department members shall not enter any vehicle occupied by a canine unless so directed by the handler.

4. Department members shall be observant of open windows in the canine squad.

5. Department members shall not attempt to touch, handle, pet or feed the canine without permission of the handler.

6. Department members should not stand between the canine and its handler, and if possible, between the means of egress and the handler.

7. Department members shall not agitate the canine, even in fun, as the canine may misinterpret such conduct and cause it to become aggressive.

8. Department members shall discourage others from agitating the canine.

9. Department members shall not bring other animals near the canine without the permission of the handler.

10. Department members shall not engage in simulated acts of aggression/ behavior with the canine handler when the canine is present unless instructed to do so by the handler during a training exercise.

11. Department members shall not unholster sidearms or check handcuffs in the presence of the canine, except in emergencies, or with the approval of the handler.

12. During traffic stops, cover officers should not walk close to the canine vehicle while the window is down.

D. Patrol Officer Responsibilities

Generally, a patrol officer will make the initial request to the on-duty Supervisor for the canine.

When the Canine Unit is deployed, all officers present at the scene shall comply with the order of the Canine Officer so that the canine can be utilized efficiently, effectively, and with little interruption.

1. Patrol Officers who are present at a scene where the Canine Unit is deployed or will be deployed shall adhere to the following:

    a) Prior to the execution of a search of a building or open area, the initial officers shall contain the area to the extent possible to prevent the escape of the suspect(s) and maintain the perimeter until notified that the search has been concluded.

    b) When a search for narcotics is requested, officers should refrain from entering the scene to prevent contamination of the scent.

        (1) The success of the Canine Team effort may depend on the dog's ability to pick up a scent. When requesting the Canine Team, it is, therefore, imperative that officers refrain from walking about the scene or handling objects/evidence at the scene.

    c) When a search is in progress, officers shall refrain from unnecessary conversation and shall not enter the search area unless directed by the Canine Handler or Supervisor to do so.

        (1) In building searches, the presence of a number of police officers inside the building will provide the dog with many confusing scents and hinder the possibility of a successful apprehension.

    d) If an officer is requested by the Canine Handler to accompany a search, that officer shall follow the instructions given by the Canine Handler.

        (1) Officers who are requested to assist with the search by the canine handler shall take a position to the rear of the handler and shall carefully follow all instructions provided by the handler.

    e) Once the canine has been unleashed, other officers shall not attempt to take a person into custody until the canine has been called off.

    f) If an officer comes between a fleeing suspect and the canine, that officer should stand as motionless as possible and make no overt movements.

    g) In the case of a fleeing suspect, the pursuing officer should not contaminate the area where the suspect was last seen, preserving the scent for the canine to attempt the tracking of the suspect.

2. Officers shall arrest any person who intentionally hurts or attempts to hurt a Department Canine or interfere with the legal performance of duty. (NOTE: 1989 Act 223 amending Wis. SS. 951.095(1). See 951.18(2m) for penalties.

   a) This subsection also applies to other animals on the scene of a canine call. If an officer or supervisor on the scene feels that a canine is needed at a scene and another animal (dog) is threatening the safe, effective performance of the Police Canine, then the following applies:

      (1) Advise the property owner/animal owner to secure their animal.

      (2) After an appropriate warning period, the property owner/animal owner may be arrested.

      (3) If (sub 1) and (sub 2) are not successful, the said animal may be disposed of with the permission of the supervisor.

3. The following rules shall apply to those officers requesting the use of the Canine Unit for Narcotic searches:

   a) Vehicles

      (1) Upon arrival of the Canine Unit, advise the Handler of all information that would aid in the search. Do not advise the narcotic location, if known, unless it is located where it is in plain view. This includes under the seat.

      RODRIGUEZ v. UNITED STATES, 575 U.S. 348 (2015) limits how long an officer can hold/remain on a traffic stop because it makes clear that a stop must be only as long as the purpose for which the stop was initially conducted. When an officer uses a stop to conduct further investigation for which they may not have reasonable suspicion, they then violate the Fourth Amendment.

      If officer thinks he/she will need a K-9, he/she should call on radio right away and continue normal traffic stop duties, paperwork etc. In some cases, if violator is known drug user/seller, the officer may be able to have a K-9 unit traveling towards the officer before the initial stop is made to make arrival time much quicker.

      (2) To limit the contamination, refrain from searching prior to the canine arrival.

      (3) If the need for a canine is determined during hand searching, stop searching and close the doors. Leave all items in place.

(4) If contraband or other items are in a location hazardous to the canine or its handler, notify that handler upon arrival. (This includes narcotics, as they are dangerous to the canine, or other items such as needles, razors, or broken glass.)

(5) Upon arrival of the Canine Unit, advise the handler of all information that would aid in the search. Do not advise of the narcotic location, if known, unless it is located where the canine could get it. This includes under the seat.

b) Residences

(1) Limit the contamination by refraining from hand searching prior to the Canine Unit arrival.

(2) Have residents move into one section of the house or apartment.

(3) Ask residents to secure any other animals in the bathroom. This will ensure the safety of both the canine and the civilian animals.

(4) If any hazards are seen, advise the handler upon his/her arrival.

(5) The handler will have one officer follow during the search to mark where indications/interests are noted. This will decrease search time and serve as proof if the handler forgets to search a specific area.

E. Crowd Control

The Canine Unit is not authorized for Civil Disturbance situations. The Canine Unit is authorized for crowd control under the following circumstances:

1. Only a supervisor may request the assignment of a canine team on standby basis in a situation where it is indicated that the team may be required to control a large, disorderly crowd that is likely to cause personal injury and/or substantial property damage or loss.

2. Only supervisors will make the decision to actively utilize canine teams in crowd control situations that cannot be contained by regular police methods.

a) Upon arrival, the Shift Supervisor and canine team will confer regarding the placement of the teams to exercise a psychological deterrent on the crowd and/or actively deploy for crowd control.

b) When actively used for crowd control, the canine will be leashed at all times.

F. Mutual Aid Requests

Mutual Aid requests must be made for any Department's Canine Unit to respond.

1. Mutual Aid requests will be authorized by a Shift Supervisor dependent upon the circumstances regarding the incident where canine assistance is needed.

2. When providing mutual aid, the Canine Unit will function within the guidelines of their Department's Policies and Procedures.

    a) Mutual Aid communities are: Any local agency with a canine available.

        (1) Mutual Aid requests made when the Canine Unit is on duty will be authorized by the Shift Supervisor.

        (2) When the Canine Unit is out of service (off duty), authorization for call up will be through the Shift Commander.

        (3) The Department shall defend, hold harmless, and indemnify the requested agency and their Canine Unit in the event any claim is made against the City of Sturgeon Bay.

    b) The K-9 Unit Handler shall prepare a written report furnishing complete information relative to:

(1) The requesting agency's name, including the officer in charge making the request.

(2) The reason for the request (circumstances involved).

(3) Action taken by the Canine Unit.

(4) The result of the action/assistance provided.

G. Use of Force

1. The use of force is a recognized tool in law enforcement. Due to its deterrent effect and its use in making or affecting arrests, the use of a Canine Unit may fall between actual hands-on physical confrontation and the use of an impact weapon.

2. In situations where a canine is used or could be used, the Canine Handler shall announce the canine's presence and his/her intended directions to the canine

in the event that non-compliance with an officer's order is a factor in apprehending a suspect or an arrest.

a) Building Searches – Canine warnings must be given.

b) During an arrest situation, the Canine Handler shall verbally warn the suspect that the canine will use force if an attack occurs against the handler.

3. The Canine Unit shall be governed by prescribed training and certification and this policy/procedure shall not deviate from same.

4. In all cases where the Canine Unit is involved with a subject being physically apprehended by a Canine (not threatened physical apprehension), a Use of Force Report will be completed along with the following:

a) For those persons in police custody, at a minimum, an ambulance will be dispatched to the scene.

(1) The wound will be described, in writing, by the responding emergency medical personnel.

b) For those persons not in police custody, at a minimum, an ambulance will be dispatched to the scene.

(1) The wound will be described, in writing, by the responding emergency medical personnel.

(2) If the injured person refuses treatment, he/she is to be advised to seek medical attention.

c) In all cases where an injured person is transported to a hospital, the officer will attempt to obtain a medical records' release form signed by the injured party. The Canine Handler will be responsible for submitting a Physical Apprehension Report to the Canine Unit Supervisor regarding the incident, and a Use of Force Report.

5. In all cases where an apprehension is made, a Canine Apprehension Report will be completed by the Canine Handler and submitted to their Canine Unit Supervisor.

H. Apprehension Use of Force

When the use of force is justified, the following standards must be met:

1. When given an apprehension command to catch a fleeing suspect and the suspect exhibits definite surrender behavior, the canine will be recalled by the handler.

   NOTE: This cannot be expected of the canine once within 20 feet of the suspect. The canine needs a margin to recognize and react to the surrender.

2. When force is used and the suspect is no longer a threat or has exhibited a willingness to cooperate with officers, the Canine Handler shall have the ability to stop the canine from using force immediately.

3. The Canine Handler shall be able to control the canine in a manner that will allow the suspect into custody.

Clinton Henry
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 01/04/2021