



PAWNEE COUNTY SHERIFF'S OFFICE  
 SHERIFF DARRIN VARNELL

<b>Police Service Dogs</b>	Related Policies: Response to Resistance Vehicle Searches
<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 The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard: <b>41.1.4, 1.3.6</b>	
Date Implemented:	Review Date:

I. **Purpose:** The purpose of this policy is to outline mandates relating to the use of Law Enforcement service dogs.

II. **Policy:** The Pawnee County Sheriff's Office recognizes the value of law enforcement service dogs as a part of the overall law enforcement operation. Canines are used for several purposes to include prevention and detection of crime, tracking persons (criminal and non-criminal), protecting Deputies and others, explosive detection, narcotic detection, cadaver detection, homeland security, community policing, and all other services as directed by this agency. In cases where the canine may bite a suspect, the use constitutes a use of force and must meet the mandates of this agency's policies on response to active resistance. The use of drug-detecting canines, in some instances may be deemed unreasonable. In recognizing the rights of citizens, the policy of The Pawnee County Sheriff's Office is to ensure that canine use is balanced against the rights of all persons.

All members of this agency, regardless of their assignment, may make requests for any type of canine service through the supervisor of the canine unit or his /her designee. This does not preclude the use of another agency's canine which is more readily available to provide service when delay may threaten public safety or in the case of narcotics detection delay may prolong the stop of the individual in such a way that the delay may be deemed unreasonable.

III. **Procedure:**

A. **General Operational Procedures:**

- a. Absent exigent circumstances, suspects shall not be transported to the station or to a jail in the canine vehicle. In extreme circumstances, a prisoner may be belted in the front passenger seat of the canine vehicle with their hands behind their back.

In such an exigent circumstance, the partition between the canine compartment and the front seat shall be closed during the transport.

- b. Handlers shall be available for re-call as determined by the Sheriff or his/her designee.
- c. Members who are selected for a position as a canine handler have the responsibility of caring for their assigned canine. During such handling and care:
  - i. All handlers are to ensure that the general health, hygiene, and care of their assigned canine is properly maintained and that periodic veterinary exams are provided in accordance with appropriate schedules.
  - ii. All handlers will groom their canines as needed.
  - iii. Handlers shall conduct daily physical examinations of their canine when practical to determine any injuries, health issues, ticks, or flea infestations.
  - iv. An agency supervisor, designated by the Sheriff, shall make periodic visits to the handler's home to inspect health, sanitation, and security conditions for the canine.
  - v. In cases of extended absence of the canine handler where the handler is unable to provide the basic care for the canine, another handler may be assigned to care for the canine. The canine may also be kenneled at a facility approved by the Sheriff or his designee.
  - vi. Any changes in the living status of the handler which may affect the health, welfare, safety or security of the canine or others coming into contact with the canine shall be reported to the supervisor responsible for oversight of the canine.

#### **B. Response to Requests for Canines:**

- a. Upon arrival at a request for service, the canine handler shall be responsible for determining if the circumstances of the event justify the use of a canine.
- b. The handler will make the final determination on the deployment of the canine. A supervisor responsible for the overall event may direct that a canine not be deployed, however the supervisor shall not order deployment where the handler determines that such deployment is inappropriate.
- c. A canine handler shall not knowingly deploy their canine beyond the capabilities of the canine team's (handler and dog) training and certification.

#### **C. Canine Deployment as Response to Resistance:**

- a. The use of a canine for purposes of apprehension is non-deadly force. Courts have determined that use of a canine does not create a substantial likelihood of causing death or serious bodily harm.
- b. Handlers should recognize that due to the distinct ability to recall the canine and terminate the apprehension command, there is the ability to de-escalate this type of force option.
- c. Handlers must recognize that all uses of force, including the use of a canine must be objectively reasonable under the circumstances. Under the law, as well as this agency's response to resistance policy, handlers must consider:

- i. The seriousness of the offense for which the subject is suspected at the time the canine is used;
  - ii. Whether the subject poses a physical threat to the Deputy or others and what degree of threat does the subject pose; and,
  - iii. Is the subject actively resisting or attempting to evade arrest by flight.
- d.** If a suspect surrenders or discontinues resistance the canine apprehension will be terminated.
- e.** A fleeing or hiding suspect creates a potentially dangerous circumstance for pursuing or searching Deputies since the suspect's intent is unknown. It may also be unknown as to whether or not the subject has access to weapons. Thus, use of a canine under these circumstances would normally be reasonable for:
- i. The protection of the handler
  - ii. Protection of the Deputies and others;
  - iii. Apprehension of a suspect who continues hiding after a warning or who continues to flee after a lawful show of authority to stop;
  - iv. An assault upon the canine.
- f. Canine Announcements:**
- i. Canine handlers must make an announcement prior to use of the canine in cases where it is foreseeable that the canine will bite the subject during the course of the apprehension.
  - ii. Announcement (search-suspect): "Police: You are under arrest. I have a trained police dog. Make yourself known and surrender. If you do not immediately make yourself known and surrender, I will release the dog. He will find you and bite you."
  - iii. Announcement (search-lost person): Alternative announcements may be used when dealing with a lost or missing person which include calling out the person's name and advising that the canine is looking for them.
  - iv. Warning (physical threat): When practical and feasible the Deputy shall warn: "Police stop resisting or I will release this police dog and he will bite you." The failure to use this exact language in rapidly evolving circumstances shall not be considered a violation of this policy.
  - v. Canine warning announcements shall be made in a loud and clear voice, by methods deemed appropriate for the circumstances by the handler. Such warning may be made by loud voice or by PA system depending on the circumstances with which the canine team is confronted.
  - vi. After giving the announcement in search cases, the handler shall wait a reasonable amount of time to allow the subject to peacefully surrender. The amount of time will vary depending on the search area as well as any articulable exigent circumstances that may exist at the time.

**D. Authorization, Deployment, and Uses of Law Enforcement Canines:**

**a. Criminal Apprehension:**

- i. Handlers must recognize that all uses of force, including the use of a canine must be objectively reasonable under the circumstances. Under the law, as well as this agency's response to resistance policy, handlers must consider:
  - (a) The seriousness of the offense for which the subject is suspected at the time the canine is used;
  - (b) Whether the subject poses a physical threat to the Deputy or others and what degree of threat does the subject pose; and,
  - (c) Is the subject actively resisting or attempting to evade arrest by flight.
- ii. If a suspect surrenders or discontinues resistance the canine apprehension will be terminated.
- iii. Criminal apprehension will generally be accomplished off-lead, but it may also be accomplished on-lead.
- iv. Warning (physical threat): When practical and feasible the Deputy shall warn: "Police stop resisting or I will release this police dog and he will bite you." The failure to use this exact language in rapidly evolving circumstances shall not be considered a violation of this policy.
- v. No one, other than the handler should interfere with the canine once the dog is committed to make the apprehension, unless specifically directed by the handler.
- vi. The handler shall continue to instruct the suspect to stop resisting during the canine apprehension.
- vii. As soon as practical following submission by the suspect, the handler shall command the canine to release the suspect or physically remove the canine from the suspect as tactics dictate. The canine will then be called to a watch position.
- viii. The canine handler will instruct the suspect that the failure to follow commands and remain submissive will result in the dog being released to accomplish the apprehension.
- ix. Where other Deputies are available, they may be summoned by the handler to handcuff and search the subject while the handler maintains a watch position with the canine. Where no Deputies are available, the canine Deputy may await arrival of backup or leave the canine off-lead in the watch position while the Deputy handcuffs and searches the subject. Such tactical determinations shall be made by the Deputy.
- x. Once the suspect is controlled and the scene secure, the handler will ensure that the subject is provided with medical care if any injury was sustained in the apprehension.

**b. Evidence Searches:**

- i. Canines may be utilized in an attempt to recover discarded items related to crime which may be needed as evidence for criminal prosecution;
- ii. In cases where a canine is to be utilized, first responding Deputies shall be instructed to immediately set up a perimeter around the area to be searched. Deputies should be instructed to stay out of the area so as to avoid cross-

contamination of the suspect's scent thereby diminishing the effectiveness of the canine;

- iii. First responders should be specifically instructed not to enter the area;
- iv. First responders shall exhaust all reasonable efforts to determine if innocent persons, including Deputies are within the area to be searched;
- v. All searches will be systematically conducted as determined by the handler.
- vi. The handler will decide if the search will be conducted on-lead or off-lead, based on the particular circumstances of the search.

**c. Building Searches:**

- i. Building searches may be conducted when it is believed that a suspect has gained unauthorized entry into a building or has fled into a structure for the purpose of concealment when the following two criteria are met:
  - (a) The Deputy(s) have probable cause to arrest the subject for a criminal offense;
  - (b) The use of a canine as force is objectively reasonable considering:
    - (i) The seriousness of the offense suspected at the time the canine is used;
    - (ii) Whether the subject poses a threat to the Deputy or others;
    - (iii) Is the subject actively resisting or attempting to evade arrest by flight.
- ii. In cases where a canine is to be utilized, first responding Deputies shall be instructed to immediately set up a perimeter which minimized the ability of the subject to escape but also keeps Deputies on the outside of the structure so as to avoid cross-contamination of the suspect's scent thereby diminishing the effectiveness of the canine;
- iii. First responders should be specifically instructed not to enter the structure;
- iv. First responders shall exhaust all reasonable efforts to determine if innocent persons, including Deputies are within the structure.
- v. Prior to use of the canine, the handler shall make an announcement: "Police: You are under arrest. I have a trained police dog. Make yourself known and surrender. If you do not immediately make yourself known and surrender, I will release the dog. He will find you and bite you."
- vi. The handler shall wait a reasonable amount of time, determined by the size of the building to allow innocent persons to exit and the opportunity for the suspect to peacefully surrender.
- vii. The handler shall give additional warning prior to commencing the search on each separate floor or unit when searching large structures such as office buildings or warehouses.
- viii. All searches will be systematically conducted as determined by the handler.
- ix. Searches will be conducted off-lead unless the safety of the canine would be jeopardized, and/or tactics would dictate otherwise as determined by the handler.

**d. Open Field Searches**

- i. Open field searches may be conducted when it is believed that a suspect has fled into a field or wooded area when the following two criteria are met:
  - (a) The Deputy(s) have probable cause to arrest the subject for a criminal offense;
  - (b) The use of a canine as force is objectively reasonable considering:
    - (i) The seriousness of the offense suspected at the time the canine is used;
    - (ii) Whether the subject poses a threat to the Deputy or others;
    - (iii) Is the subject actively resisting or attempting to evade arrest by flight.
- ii. In cases where a canine is to be utilized, first responding Deputies shall be instructed to immediately set up a perimeter which minimizes the ability of the subject to escape but also keeps Deputies on the outside of the area to be searched so as to avoid cross-contamination of the suspect's scent thereby diminishing the effectiveness of the canine;
- iii. First responders should be specifically instructed not to enter the area to be searched;
- iv. First responders shall exhaust all reasonable efforts to determine if innocent persons, including Deputies are within the area to be searched;
- v. Prior to use of the canine, the handler shall make an announcement: "Police: You are under arrest. I have a trained police dog. Make yourself known and surrender. If you do not immediately make yourself known and surrender, I will release the dog. He will find you and bite you."
- vi. The handler shall wait a reasonable amount of time, determined by the size of the area to allow innocent persons to exit the area and the opportunity for the suspect to peacefully surrender.
- vii. The handler shall give additional warnings as deemed appropriate by the handler considering the size of the area to be searched and the likelihood that a suspect would hear the prior warning. Handlers shall also consider ambient noise in the area which may limit the subject's ability to hear the warning.
- viii. All searches will be systematically conducted as determined by the handler.
- ix. Searches will be conducted off-lead unless the safety of the canine would be jeopardized, and/or tactics would dictate otherwise as determined by the handler.

**e. Tracking**

- i. Tracking is utilized in a multitude of law enforcement events including missing persons, suspects who have fled, lost children etc.
- ii. The initial responding Deputies shall be directed to immediately establish a perimeter.
- iii. First responders should be specifically instructed not to enter the area to be searched to avoid cross-contamination of scent which may diminish the effectiveness of the canine unless emergency circumstances dictate otherwise;
- iv. First responders shall exhaust all reasonable efforts to determine if innocent persons, including Deputies are within the area to be searched;

- v. Tracking shall be conducted on lead at a sufficient length to be determined by the canine's handler. The handler will also determine whether or not a back-up member Deputy will be utilized on the track based upon the particular circumstances of the event.
- vi. When tracking a suspect, the canine handler shall announce: "Police: You are under arrest. I have a trained police dog. Make yourself known and surrender. If you do not immediately make yourself known and surrender, I will release the dog. He will find you and bite you."
- vii. Alternative announcements may be used when dealing with a lost or missing person that include calling out the person's name and advising that the canine is looking for them.

**f. Tactical Deployment:**

- i. Canine teams may be used for purpose of tactical deployments in conjunction with a SWAT team or high risk operation. Canines use in these circumstances may include:
  - (a) Perimeter Control
  - (b) Target Disruption
  - (c) Other purposes designated by the incident commander with the agreement of the canine handler. The handler will make the final determination on the deployment of the canine. A supervisor responsible for the overall event may direct that a canine not be deployed, however the supervisor shall not order deployment where the handler determines that such deployment is inappropriate.
  - (d) In cases where the canine is likely to be used as force handlers and the incident commander shall consider:
    - (i) The use of a canine as force is objectively reasonable considering:
      - The seriousness of the offense suspected at the time the canine is used;
      - Whether the subject poses a threat to the Deputy or others;
      - Is the subject actively resisting or attempting to evade arrest by flight.

**g. Scent Searches:**

- i. To the extent that such specialized trained canines are available, canines may be used for conducting scent searches for such items as:
  - (a) Explosives
  - (b) Cadavers
  - (c) Narcotics
  - (d) Accelerants (Fires Cases)
- ii. All searches will be systematically conducted as determined by the handler.

- iii. The handler will decide if the search will be conducted on-lead or off-lead, based on the particular circumstances of the search.
- iv. Motor Vehicle Narcotics sniffs-These searches will be conducted in accordance with the provisions of this agency's motor vehicle search policy and the following:
  - (a) The handler shall determine that the area where the vehicle is located is safe for canine deployment taking into account the safety of the Deputies, the canine, the occupants of the vehicle and the motoring public.
  - (b) The handler shall ensure that all occupants are removed from the vehicle to a tactically safe location prior to the exterior narcotics sniff.
  - (c) The handler shall ensure that the canine is controlled during the sniff so as to ensure that the dog has no ability to obtain physical access to the interior of the vehicle.

**h. Public Disturbances:**

- i. The Deputy in charge of the canine unit or an incident commander may call for the canine team to respond to the scene of a civil disturbance, imminent civil disturbance, or other unruly public disturbances.
- ii. Where no emergency circumstance exists, the canine team will be staged outside the sight of those involved in the disturbance until a determination is made as to if the team will be deployed, and how the team will be deployed.
- iii. The responding team will determine how to deploy and utilize the team. A supervisor responsible for the overall event may direct that a canine not be deployed; however, the supervisor shall not order deployment where the handler determines that such deployment is inappropriate.
- iv. Canines shall not be used for crowd control or as a deterrent effect at the scene of a peaceful protest.

**i. Community Relations/Demonstrations:**

- i. All requests for canine demonstrations shall be directed to the Deputy in charge of the Canine Unit who shall then seek approval of the Sheriff or their designee (which may be the unit commander) for approval to conduct the demonstration.
- ii. Handlers conducting demonstrations shall ensure that their appearance as well as that of the canine and the equipment utilized reflects professionally upon the agency. The presentation must be professional and conducted in a manner which reflects the agency's professionalism.
- iii. Handlers shall maintain control of the canine at all times.
- iv. Audience participation shall be restricted, and any contact with the canine shall be at the discretion of the handler who is in the best position to know the canine's reaction to others. The audience shall be instructed that law enforcement canines are working dogs and can be dangerous due to their specialized training.
- v. Handlers shall not demonstrate force or criminal apprehension without express authorization from the Sheriff.



- vi. Handlers shall not roughhouse, tease, or agitate the canine unless such conduct has been expressly authorized by the Sheriff for purposes of the demonstration.

**E. Emergency Circumstances:**

- a. In a circumstance where the canine handler suffers a personal injury while on duty, the handler shall, if physically capable, request emergency medical assistance as needed, as well as the presence of necessary support Deputies and a supervisor. If physically able to do so, the handler shall ensure that his or her canine is properly attended and secured. If available, another handler shall be called to the scene to assist in securing the injured handler's canine. If another handler is not available, an Deputy or supervisor who is most familiar with the particular canine shall be called to the scene to assist in securing the canine.
- b. In the event that a handler sustains an incapacitating injury, the supervisor, or other available Deputy, shall ensure by all means necessary that the handler safely receives emergency medical treatment and transport to an appropriate medical facility. The supervisor, or where no supervisor is available, an Deputy will then take necessary steps to secure the handler's canine.
  - i. An unsecured canine and a seriously injured handler present an emergency that must be addressed with operational dispatch. In order to safely secure the canine, the supervisor, or where no supervisor is available an Deputy, who is most familiar with the particular canine shall respond to the scene and render assistance.
  - ii. If the canine is still in the handler's vehicle, and if the vehicle is operable, the supervisor should attempt to enter the vehicle, or seek another handler to enter the vehicle and close the partition between the front and rear seat if the partition is open and then transport the canine utilizing the handler's vehicle to a safe location.
  - iii. If the canine is not in the handler's vehicle and the vehicle is operable, the supervisor, another handler, or another Deputy may attempt to secure the canine by driving the handler's vehicle close to the canine and opening the rear door. This may prompt the canine to enter the rear of the vehicle as a matter of routine. In the event the canine enters the vehicle, the canine can then be transported to a safe location in the handler's vehicle.
  - iv. In extreme situations, the supervisor, another handler, or where neither is available, another Deputy may secure the canine by use of a snare pole or request the assistance of the closest animal control Deputy.

**F. Veterinary Care:** All non-emergency veterinary care shall be coordinated by the supervisor responsible for the canine unit through a pre-approved veterinary facility. In an emergency, an effort shall be made to bring the canine to the pre-approved facility, however where such an effort will jeopardize the life of the canine, the handler shall take steps necessary to get the canine to the most urgent facility

- a. All records of medical treatment shall be maintained by the canine handler and filed within an agency file, stored at the agency for such records.
- b. In the event that a canine is deemed unsafe, the team will be immediately taken out of service. As soon as operationally feasible, the canine shall be evaluated by

the pre-approved veterinary facility. If the canine is deemed no longer suitable for service the canine shall be retired.

**G. Certification and Training:**

- a. All canines and handlers assigned by The Pawnee County Sheriff's Office shall, at a minimum, meet all certification requirements as required by the State of Oklahoma.
- b. Training: All canines and handlers assigned by The Pawnee County Sheriff's Office shall, at a minimum, be trained in accordance with the training provided by the State of Oklahoma.

**H. Documentation of Canine Usage:**

- a. All canine deployments shall be document in agency reports of events. This shall include events where a suspect submits upon warning of the canine's presence.
- b. All canine usage related to response to resistance shall be the subject of a response to resistance report which includes all required documentation.