

## Department of the Interior Law Enforcement Policy

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**Effective Date:** February 26, 2016

**Series:** Law Enforcement and Security

**Chapter 23:** Law Enforcement Canine Programs

**Originating Office:** Office of Law Enforcement and Security

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23.1 **Purpose.** This chapter establishes policy concerning the use of Police Canine Programs by law enforcement bureaus/offices of the Department of the Interior (Department/DOI).

23.2 **Scope.** This policy applies to all bureaus/offices of the Department.

23.3 **Authority.** This policy is issued pursuant to 112 DM 17 and 212 DM 17.

23.4 **Responsibilities.**

A. Director , Office of Law Enforcement and Security (OLES) is responsible for policy development, program guidance and oversight of the Department's law enforcement programs.

B. Bureau Directors of Law Enforcement (BDLE) are responsible for complying with this policy and for promulgating any counterpart policies or procedures as required by this chapter and the corresponding *Law Enforcement Handbook*.

23.5 **Policy.** Bureaus/offices may, through bureau/office policy or standard operating procedures, authorize law enforcement programs to use canine teams in the performance of their duties. All bureau/office policies authorizing police canine teams will meet the minimum standards of this policy and the corresponding *Law Enforcement Handbook*. Bureaus/offices using canines for other uses, e.g., search and rescue, wildlife inspection duties, etc. will develop separate policies for those specialties.

23.6 **Standards.** Bureaus/offices will establish and implement procedures that meet requirements specified in the *Law Enforcement Handbook*.

# Law Enforcement Handbook

## Chapter 23 – Law Enforcement Canine Programs

Date Issued: March 11, 2016

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**23.1 What does this chapter do?** This chapter provides standards for law enforcement canine programs to be followed by bureaus and offices with law enforcement responsibilities.

### **23.2 What organizational structure and responsibilities must a canine program have?**

Each bureau/office canine program must have an organizational structure with a clear supervisory chain of command for the canine teams in the field. Each bureau/office must identify one individual as a Canine Program Coordinator who will serve as a point of contact.

- (a) The selection criteria for a canine handler must be clearly established.
- (b) The selection criteria for a canine must be clearly established.
- (c) All canines are property of the bureau/office.
- (d) Canine handlers are responsible for the actions of their assigned canine at all times, both in the performance of their duties and during off-duty hours.
- (e) Bureau/office canines must not be left unsecured and unattended in any area to which the public has access.
- (f) Bureau/office procedures must provide guidance for subsequent use or reassignment of a canine if a canine handler is reassigned to another work unit, geographical area, or retires.

(g) The bureau/office must establish compensation policies implementing the Fair Labor Standards Act provisions and assuring that canine handlers are compensated for daily canine care outside of regular work hours.

**23.3 Who decides when canines are to be used?** Bureau/office guidelines and directives must specify who decides when canines are to be used.

(a) If the final use decision remains with the handler, the handler must evaluate each situation and determine if the use of a canine is appropriate.

(b) Canine handlers must reevaluate the threat throughout a canine use or apprehension.

**23.4 What requirements apply when a canine is used?**

(a) A canine handler should complete a written report for all canine uses.

(b) Canine uses resulting in a bite must be reported to the Interior Operations Center in accordance with the Serious Incident Reporting policy (446 DM 17). Reporting requirements include reporting of canine bites that involve non-DOI canine teams that are involved in a DOI incident.

**23.5 When should canines be used?**

(a) All decisions to use a canine must be consistent with *Graham v. Connor* (490 U.S. 386 (1989)), and include balancing:

- (1) The severity of the crime at issue;
- (2) Whether the suspect poses an immediate threat to the safety of others, and;
- (3) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

(b) A canine may be used to locate and apprehend a suspect if the canine handler has reasonable belief that the individual has either committed or is about to commit a serious offense and if any of the following conditions exist:

- (1) There is a reasonable belief that the individual poses an immediate threat of violence or serious harm to the public or an officer;
- (2) There is a need to locate a suspect that has fled the scene of a serious crime and the officer has reason to believe the person is hiding in a specific area;
- (3) There is a reasonable belief that the suspect is armed with a weapon; or
- (4) There is a need to assist in the arrest of, or to prevent the escape of, a serious or violent offender.

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

(d) A canine may be used in accordance with current law and Departmental policy to search persons, vehicles, buildings, bags, landscape and other articles deemed necessary.

(e) Canine use for non-law enforcement actions must be in accordance with bureau/office policy.

(g) A canine team may be used for crowd control in accordance with bureau/office policy.

(g) In situations not covered by this paragraph, a standard of objective reasonableness should be used when deciding to use a canine in view of the totality of the circumstances.

### **23.6 What are the requirements for canine release?**

(a) Before a canine release, the handler or another officer should give a clear release warning, taking into consideration factors such as language barriers, distance between officer and suspect, type of use (apprehension verses detection), and the probable location of the suspect. A reasonable amount of time should be given for the suspect to comply with commands before using the canine. The handler is not required to give a warning or wait if doing so would endanger the safety of the canine or officers.

(b) When using a canine, the handler should maintain visual contact with the animal except in emergency circumstances or where there is imminent danger of death or serious injury.

### **23.7 Can bureaus use canines as interagency resources?**

Bureaus/offices should establish policy and procedures, to include Memorandums of Understanding or Memorandums of Agreement as appropriate if canine teams will be used as interagency resources to operate outside of lands administered by the Department, or part of partner agency canine teams that are requested to assist with DOI incidents.

### **23.8 What happens when a canine bites or injures someone?**

When a canine is used and a bite occurs, the handler must take the actions in paragraph (a) of this section, and the investigating officer must take the actions in paragraph (b) of this section. If possible, the canine handler involved in the incident should not be the investigating officer for the bite investigation.

(a) The handler must:

(1) Remove the canine from the scene when it is safe to do so, taking into consideration the safety of the handler, other officers, all persons at the scene and whether the suspect has been controlled.

(2) Seek medical attention for the suspect.

(3) Comply with part 23.8 (b) when serving as the investigating officer; and,

(b) The investigating officer must:

(1) Take photographs of the subject's injuries immediately following medical treatment, or if the subject refuses medical treatment, and prior to release from the medical facility, and/or custody.

(2) When feasible, post treatment photographs should be taken prior to the application of bandages or other items that may obscure the injury.

- (3) Treat photographs as evidence and maintain the investigative report, canine handler report, and other evidence in accordance with bureau/office procedures; and
- (4) Document the identification of the attending physician, ask for a diagnosis and prognosis, and include this information in the investigative report.

### **23.9 How must handlers house and transport canines?**

(a) Bureaus/offices must ensure that canines are provided with appropriate housing both at the handler's place of residence and at temporary kennels, if required, at the office. Housing must provide security for the canine and appropriate safety such as shade, water, as well as heat and air conditioning if required.

(b) Vehicles used to transport canines must be clearly marked as canine units. Bureau/office policy may establish a written waiver process if marking a vehicle poses a threat to handler or canine safety.

(c) Vehicles used to transport canines must be outfitted in a manner that promotes the utmost safety of the animal. Vehicles should be equipped with a cage or built in kennel that allows a stable platform for the canine to stand, sit, and rest on. The cage or kennel should be purpose-built and allow enough room for the canine to stand up completely and be able to turn around. The vehicle should be equipped with a heat detection monitor and handler notification alert system. When operated in areas of extreme temperature variations, the vehicle should also be equipped with a supplemental heating/ventilation systems.

### **23.10 How should canines be cared for?**

(a) The canine handler must ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

(b) The bureau/office must require an annual medical examination and immunization update by a bureau or office approved veterinarian.

(c) The bureau/office must provide funding for all canine medical care and maintenance, food, housing and transportation for official duty requirements.

(d) In the event of a serious injury to a canine, bureaus/offices must in all cases make care and treatment decisions based on the best interests of the canine. All decisions involving significant medical care or euthanasia must be made by the BDLE, or their designee, in consultation with the canine handler.

**23.11 What certifications and training are required?** Before using a canine, canine handlers must successfully complete a bureau/office-approved canine certification course. Certification courses must comply with nationally accredited police canine training organizations and meet the requirements in this section.

(a) All certified canine teams must receive recertification training annually.

(b) All canine team certification training must be conducted by bureau/office approved instructors.

(c) Bureaus/offices must establish minimum training curriculums and maintain canine team certification and training records including the date, location, skills evaluated, and length of training.

(d) Canine team certification and re-certification training must include the following:

- (1) Canine team fundamentals (e.g., legal update, obedience, scent work, etc.);
- (2) Canine care (e.g., basic grooming, health care, first aid for canines, etc.);
- (3) Canine team bite response (e.g., medical treatment, photographs, investigation, etc.);
- (4) Canine team reporting requirements; and
- (5) Canine team use policies.

(e) Training aids such as drugs or explosives used by canine teams must be properly secured. Canine handlers must maintain chain of custody in accordance with bureau/ office policy.

(f) Canine team training should occur on a regular basis. At a minimum, canine teams should receive an average of 4 hours a week of training.

(h) Government time will be provided for training.

(h) If a canine team fails to certify as required by the bureau/office, the canine may not be used in that specialty until the requirements are met.

**23.12 What reports are required?** Bureaus/offices must document and maintain the following:

(a) A record of all canine unit uses, including uses of non-DOI canine teams at DOI incidents;

(b) A record of all canine and handler certification and training;

(c) A record of canine medical care;

(d) A record of all bite incidents; and

(e) A record of use of force incidents as required by 446 DM 17, *Serious Incident Reporting*. This is in addition to standard bureau/office use of force or incident reporting requirements.

**23.13 How and when are canines retired?**

(a) Bureau/office canine programs should establish that a canine may be retired from the program when:

(1) The canine is no longer needed for official purposes;

(2) The canine's temperament is incompatible with bureau/office guidelines for the type of work for which the canine is trained;

(3) The canine fails to achieve a passing score on the bureau/office certification program. Additional training and remediation is permitted, but bureaus should establish guidelines to determine when retirement is appropriate; or

(4) The canine can no longer perform the requirements for the certification due to age, sickness, or injury.

(b) The canine handler may provide information to assist in the decision making process concerning retiring a canine.

(c) Bureaus/offices must establish property transfer policies to officially transfer retired canines to the care of canine handlers or to other individuals who have experience handling canines. Transfer of retired canines to private ownership must be at no cost to the recipient.

**23.14 What terms do I need to know?** For the purpose of this chapter, the terms below are defined as follows:

(a) Canine: A canine trained and certified in duties such as patrol, tracking, narcotics, explosives detection, wildlife inspection, search and rescue, cadaver, or other detection duties in accordance with current law and Departmental policy.

(b) Canine Handler: An LEO certified by their agency to use a canine in the performance of official duties.

(c) Canine Team: A canine handler and their assigned canine.

(d) Canine Use: A law enforcement activity in which a canine team plays an active role in a law enforcement action.

(e) Law Enforcement Officer (LEO): A DOI LEO sworn and commissioned to enforce criminal statutes and authorized to carry firearms, execute and serve warrants, search, seize, make arrests, and perform other similar duties as authorized by law.

(f) Release Warning: A verbal announcement that a canine handler is about to release their canine and the suspect should surrender immediately.

**23.15 What laws are applicable to this handbook?** 40 USC 555 and 41 CFR 102-40.150 provide authority to donate government-owned canines that are no longer needed to individuals that have experience handling canines including their current or former handlers.