

### **1.3.1 [A] Only Utilize the Force Necessary; K-9 Division**

#### **I. POLICY**

Because of their superior senses of smell and hearing and physical capabilities, the trained law enforcement canine is a valuable supplement to police manpower. However, utilization of canines requires adherence to procedures that properly control their use of force potential and that channel their specialized capabilities into legally acceptable crime prevention and control activities.

Only Johnstown Police certified working dogs and their handlers, operating within the policy directives and general orders of this department shall be utilized. Unless the canine and their handler are with another area law enforcement agency and are assisting the Johnstown Police Department in a bona fide mutual aid situation.

#### **II. PURPOSE**

This policy is to provide guidelines for the Johnstown Police Department's management and tactical deployment of canines for a variety of operation purposes.

#### **III. DEFINITIONS**

1. Canine Team: An officer/handler and his or her assigned police canine.

#### **IV. PROCEDURES**

##### **A. Team Qualifications**

1. Officers selected for the K-9 Division shall be individuals who have had satisfactory work performance.
2. They shall have a strong desire to work with canines and a willingness to care for and train the animal.
3. They shall have continuous training in order to have a thorough understanding of their duties in order to prevent mishandling.
4. The officer along with his/her family shall have a willingness to care for and house the canine at the officer's residence with a secure indoor and/or outdoor area for the canine.

### 1.3.1 [A] continued

5. Officer's will be in good physical condition, and able to perform rigorous police work relating to the tasks of canine handling.
6. The Chief of Police and the officer in charge of the canine handlers shall be responsible for selection of canine handlers in accordance with established departmental procedures.
7. Assignment to the K-9 Division will be the final decision of the Chief of Police.

#### B. Training

1. Canine team supervisor shall maintain records that document the proficiency of the handler and canine.
2. The canines shall meet established department certification requirements before being placed on duty.
3. Canines shall be trained only by qualified instructors.
  - a. Canines shall not be mistreated.
  - b. Proper equipment shall be used at all times
  - c. Safety measures shall be taken to prevent injury to personnel and canines.
4. New canine handlers must complete the prescribed canine training course and successfully meet all course requirements.
5. It is the duty of the canine supervisor to ensure that basic and in-service training and certification is conducted on a regular basis.
6. Canine handlers are required to demonstrate acquired abilities to the canine supervisor on a periodic basis per departmental training.
7. Eastern Police Association and other nationally known canine organizations that shall be approved by the Chief of Police.
  - a. Certification requirements shall be maintained.
  - b. Outside training shall have prior approval from the Canine Supervisor and Chief of Police.
8. Failure to participate in or qualify under established training standards will result in de-certification of the handler and canine. They shall not be deployed until re-certified.

#### C. Canine Utilization for Location/Apprehension of Suspects

1. The deployment of a police canine for the location and apprehension of a suspect is a use of force that must be consistent with the Johnstown Police Department's principles of escalation and de-escalation of force.

### 1.3.1 [A] continued

2. Decisions to deploy a canine shall be based upon one or more of the following criteria:
  - a. The severity of the crime.
  - b. Whether the suspect poses an immediate threat to the safety of officers or others.
  - c. Whether the suspect is attempting to evade arrest on a felony or violent misdemeanor warrant.
  - d. Suspects criminal history is known.
3. Canine teams are available on a 24-hour, on-call basis. Their use includes, but may not be limited to:
  - a. Conducting building searches for what are believed to be serious felonies or violent misdemeanor suspects in hiding.
  - b. Assisting in the arrest or prevention of the escape of violent offenders.
  - c. Protecting officers or others from death or serious injury.
  - d. Engaging in assignments not listed here with the approval of the Chief of Police and Canine Team Supervisor.
4. A canine team may be used to respond to minor complaint situations, but the canine should not be deployed unless escalation of the incident occurs according to the use of force continuum.
5. Canine team assistance may be requested from any officer through an immediate supervisor.
6. Canine teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcohol if no other crime is involved, nor the mentally disturbed if no other crime is involved unless:
  - a. The individual is a threat to the officers or civilians.
7. Where tactical deployment is justified by agency policy, the tactical measures used shall be at the discretion of the canine handler and must be objectively reasonable.
8. Police canines shall not normally be handled or given commands by anyone other than the assigned handler. Only under emergency conditions shall another handler command the canine.

#### D. Canine Bites and Injuries

Use of specially trained police canines for law enforcement responsibilities constitutes a real or implied use of force. In this as in other cases, officers may only use the degree of force that reasonably

### 1.3.1 [A] continued

appears necessary to apprehend or secure a suspect as governed by the department's use of force policy.

1. Whenever a canine has bitten or scratched an individual or has alleged to have done so, whether or not in the line of duty; the handler shall perform the following:
  - a. If no arrest is made, an offer will be made to the individual to provide medical care and treatment by a qualified medical professional.
  - b. If an arrest is made, the individual will be provided with medical attention in accordance with agency policy on transporting prisoners.
  - c. The handler shall take color photographs of the affected area when possible prior to and following medical treatment.
  - d. Prepare and submit a Suspect Resistance Report and K-9 Usage Report
2. Whenever a canine is deployed or a person is injured, a written report shall be made detailing the circumstances surrounding the incident.
  - a. The identity of the individual involved.
  - b. Any witnesses.
  - c. Extent of any injuries if known.
  - d. Measures taken in response to the incident.

#### E. Building Searches and Suspects in Hiding

A primary use of department canines is for locating suspects in buildings or related structures. These searches shall be governed by the following:

1. The building perimeter shall be secured by police personnel.
2. Whenever possible, the building's owner shall be contacted to determine whether there may be tenants or others in the building and to ascertain the building's layout.
3. When a canine building search is anticipated, a preliminary search by officers shall not be conducted, as this will interfere with the canine's ability to discriminate scents.
4. The on-scene supervisor shall also take the following steps when needed in preparation for the canine search:
  - a. Evacuate all tenants, workers or others from the facility.
  - b. Request that all air conditioning, heating or other air-blowing systems be shut off so as not to interfere with the canine's scent.

### 1.3.1 [A] continued

5. Upon entrance to the building, all exits should be secured and communications limited to that of a tactical nature.
6. The canine may be unleashed during a building search unless there is an imminent risk of injury to innocent persons within the facility.
  - a. Generally the canine should be released once a backup officer is available to work with the canine team.
7. The canine should not be used to search facilities that contain substances potentially harmful to the animal unless overriding risk to human life is present.
8. Before commencing the search, the handler or other appropriate personnel shall make an amplified announcement and repeat the statement. The announcement shall say “Johnstown Police Department; speak to me now or I will send the dog.”
  - a. A reasonable amount of time shall be allowed for the suspect to respond. This warning shall be repeated on each level of all multi-level structures.
  - b. Where there is a reasonable belief that the suspect speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and exigency of the situation permits.
9. When apprehending suspects the canine shall be commanded to disengage as soon as the suspect is subdued or readily complies with officer direction.
10. Arrestees shall not be transported in the same vehicle with a police canine unless alternative transportation is not available and immediate transport is essential for safety or security reasons.

#### F. Crowd Control

1. Canine teams may respond as backup, but may not deploy the dog for crowd control at peaceful demonstrations.
2. Canine teams may be used upon approval of the Johnstown Chief of Police or Captain of Police or designee to protect life or property during a riot or other major unlawful assembly after an order to disperse has been made. In these situations, canine shall:

### 1.3.1 [A] continued

- a. Be short leashed at all times to protect individuals from serious injury.
- b. Not initiate any offensive action, unless to guard against imminent loss of life, serious bodily injury or substantial property damage.

#### G. Canine Searches for Drugs or Explosive Devise

Without consent, canine searches [sniffs] for drugs or explosive devise are authorized only when there is no reasonable expectation of privacy in the item(s) to be searched. If not specifically addressed in the following guidelines, officers shall use the foregoing principle and the direction of their training to determine the permissible scope of canine searches.

1. Public Facilities and Places
  - a. Police canines may not be used to sniff luggage or related personal items in the physical possession of an individual in a public facility or place unless:
    - 1) There is reasonable suspicion that the personal possession contains illegal drugs or evidence of a crime (i.e. explosive devise)
    - 2) The time required to conduct the sniff is limited in duration.
  - b. Police canines may be used to sniff luggage or other personal affects of an individual on either a random or selective basis if the items are not in the possession of the owner. (i.e. conveyor belts)
  - c. Whenever possible, exploratory sniffing in public facilities should be conducted with the advance knowledge of the facilities supervisor. It should be conducted without interference or annoyance to the public or interruption of facility operations.
2. Canine searches of the exterior of residences – either individual dwellings or the common areas of multiple dwellings – are not permitted without a search warrant or as otherwise permitted by state or federal law unless:
  - a. Consent is given by the legal owner or occupant
  - b. Canine officers have a right to be there, i.e.; warrant service, incident.
3. The use of drug or explosive devise canines in schools is limited to situations where there is reasonable suspicion to believe that an explosive devise may be present or illegal drugs are being sold, possessed and/or consumed on the premises.

### 1.3.1 [A] continued

- a. When reasonably possible, the schools principal or designated authority should be contacted in advance of the search.
  - b. The canine search should be limited to inanimate objects where there is no reasonable expectation of privacy.
  - c. Exception: When at the request of school officials under their guidelines are permitted to schedule or summon a canine team to conduct searches on school property.
4. The use of drug or explosive devise canines on the Johnstown Housing Authority properties are limited to situations where there is reasonable suspicion to believe that an explosive devise may be present or illegal drugs are being sold, possessed and/or consumed on the premises.
  5. Canine drug sniffs of motor vehicles may be conducted when:
    - a. There is reasonable suspicion to believe that the operator or passengers are in possession of illegal drugs or an explosive devise.
    - b. The canine sniff is limited to the exterior of the vehicle.

#### H. Narcotic Currency Searches

1. Canines will be permitted to search currency to detect the odor of narcotics.
2. Currency searches will be conducted if there is reasonable suspicion that the seized currency was used in illegal drug activity.
3. No less than six packages will be used in the search.
4. Canine officer's will not know what package contains the seized currency.
5. A detailed report will be submitted by the officer describing the search including setting up the packages.

#### I. Tracking

Where trained police canines are available for tracking, they may be used with supervisory approval to track missing persons or criminal suspects or to locate evidence that the supervisor has reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:

1. When officers are pursuing suspects and contact with the suspect is lost, the officer, prior to summoning a canine team, shall:

### 1.3.1 [A] continued

- a. Stop and pinpoint the location where the suspect or missing person was last seen.
- b. Shut off engines of vehicles in the area if possible.
- c. Avoid vehicle or foot movement in the area where the suspect or missing person was last seen.
2. Canines used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.
3. On-scene supervisory personnel shall:
  - a. Secure the perimeter of the area to be searched.
  - b. Secure the integrity of the area to be searched by keeping all personnel out of the area.
  - c. Protect all items that will be used for scent from being handled.

#### J. Canine Use and Care

1. Police canines shall not be used for breeding, participation in shows, field trials, exhibitions or other demonstrations, or on- or off-duty employment unless authorized by the Chief of Police.
2. Officers shall maintain their canine both on and off duty in a safe and controlled manner. Police canines shall never be allowed to run loose unless engaged in agency authorized training or exercise.
3. The Johnstown Police Department shall provide canine officers with proper housing for their dog and will conduct periodic inspections to ensure that the housing is properly maintained.
4. Canine handlers are personally responsible for the daily care and feeding of their canine to include:
  - a. Maintenance and cleaning of the kennel and yard area where the canine is housed.
  - b. Provision of food, water and general diet maintenance as prescribed by the department's authorized veterinarian.
  - c. Grooming on a daily basis or more often as required by weather, working conditions or other factors.
  - d. Daily exercise.
  - e. General medical attention and maintenance of health care records.
5. Where the handler is unable to perform these and related duties due to illness, injury or leave.

### 1.3.1 [A] continued

- a. Another canine handler may be assigned to temporarily care for the canine.
- b. The canine may be housed in a departmentally approved kennel.
6. Teasing, agitating or roughhousing with a police canine is strictly prohibited unless performed as part of a training exercise.
7. Canine handlers shall not permit anyone to pet or hug their canine without their prior permission and immediate supervision.
  - a. Should a civilian express a desire to do so, he or she should be informed that police canines are serious working dogs and that they can be dangerous if improperly approached.
8. A canine handler may apply to take possession of his dog where:
  - a. The canine is retired from duty or relieved due to injury.
  - b. The handler is transferred or promoted or retires and a decision is made not to retrain the dog for another handler.

Effective:

Date: March 22, 2006

By Order Of:

Craig Foust  
Chief Of Police