



*Kern County Sheriff's Office*

**Policies and Procedures**

<b>TITLE:</b> CANINE UNIT PHILOSOPHY AND OVERSIGHT		<b>NO:</b> F-0900	
<b>APPROVED:</b> Donny Youngblood, Sheriff-Coroner			
<b>REFERENCE:</b> Penal Code 835a; DPPM F-0100, F-0200, F-0250, & P-0600, Government Code 7286 & 7286.5			
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**GUIDING PRINCIPLES**

In all uses of force, deputies shall adhere to the provisions and Guiding Principles outlined in DPPM F-0100 Use of Force – General and Deadly Force. This policy provides further guidelines regarding approved methods and devices available for the application of force.

**CANINE PHILOSOPHY**

The Kern County Sheriff's Office Canine Unit deploys its canines in a manner consistent with searching and locating subjects to be apprehended, rather than immediately resorting to employing force, except when exigent circumstances or an immediate threat is evident. The focus on handler control methodology as an overall philosophy is key to meeting these objectives.

Handler control method is the methodology employed by the department for both the canine and handler, which allows the handler to more effectively control the canine and influence how the canine is deployed. These canine policies provide specific guidance on when canine handlers may direct their canines to bite, the procedural requirements associated with canine activities, supervisory and management reviews, the training needed to regulate canine use of force potential, and ensure deployments align with acceptable activities within policy.

The handler control method places the decision to use force with the canine handler, instead of leaving the decision to use force with the canine. Ensuring the decision-making rests with the handler strengthens accountability of the handler for the canine's actions and allows the handler to control the canine more effectively.

When properly used with strict handler control, a canine team increases the degree of safety to persons within a contained search area, enhances individual officer safety, increases the likelihood of subject apprehension, may reduce the amount of time necessary to conduct a search, and potentially mitigates the need for force. Canines are also an effective, less-lethal tool for overcoming actual or threatened resistance consistent with intermediate force standards and reducing injuries to all parties involved.

Handlers shall comply with this policy and ensure all use of force involving canines is objectively reasonable and proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or physical threat of resistance.

## **STRUCTURE AND OVERSIGHT**

The Canine Unit operates within the Patrol Division. A canine team consists of one handler and one canine. The canine teams are cross-trained and serve in both patrol and detection roles.

The Canine Unit shall consist of a Sheriff’s Office Lieutenant who will be responsible for evaluating and assessing the performance of the unit. The Canine Lieutenant shall have a Canine Sergeant who will supervise and coordinate the activities of the Canine Unit. The Canine Sergeant shall be responsible for the supervision, oversight of canine handlers, and the day-to-day operations of the unit. All specific job duties for the Canine Unit Lieutenant and Canine Unit Sergeant are detailed in the Canine Unit Operations Manual.

The Canine Unit exists to assist the Sheriff in facilitating the functions of the Sheriff’s Office. This assistance is not limited to the division deploying such teams but exists to serve the needs of the Sheriff’s Office as a whole.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for an extended period of time. Canine teams should be primarily assigned to assist and supplement the Operations Bureau. If any deviation from this responsibility is necessary, it should **only** be approved by the Canine Sergeant, the Canine Lieutenant, or an on-duty Watch Lieutenant.

Any canine team with a detentions deputy as a handler shall be operated within the Lerdo Division. Those canine teams shall be only trained in detection and are governed by Detentions Bureau policies.

## **PROCEDURE A: SUPERVISORY RESPONSE**

All field supervisors and watch commanders shall be familiar with canine policies and use of force reporting requirements.

All canine use of force, as defined in this policy<sup>1</sup>, is a reportable use of force. This includes any complaint of injury by the subject or a complaint of misconduct. An uninvolved supervisor shall be summoned to the scene if feasible, in accordance with the use of force review policies. For further information, refer to DPPM F-0200.

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<sup>1</sup> See “Canine Use of Force” in the “Definitions” section of this policy.

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## **PROCEDURE B: REPORTING**

All Canine Unit handlers will centrally record and track all canine deployments, bites, apprehensions, surrenders, and all other canine activities for the month. These records will be utilized to assess the Canine Unit's proficiency.

### **Canine Use of Force – Bites & Apprehensions**

Following a canine apprehension, the involved handler and all other deputies who used or observed force shall complete a use of force report before the end of the shift. In addition to the information that must be included in all use of force reports, a canine handler's apprehension report shall include:

- a description of the contact between the canine and the subject, including contact with the subject's clothing;
- the duration of the canine's contact with a subject;
- the approximate distance of the canine from the handler at the time of apprehension;
- whether deployment was conducted on-lead/leash or off-lead/leash.

The handler and the Canine Sergeant reviewing the incident will follow the reporting procedure outlined in DPPM F-0200.

All canine use of force will be entered into the Use of Force Reporting System for statistical purposes and analysis, as well as an element of the Early Intervention System as outlined in DPPM F-0250. In addition to the quarterly audits described below, this will provide for an ongoing review of the performance of canine handlers to identify trends related to individual or systemic training and overall performance.

### **Canine Activities**

Each team's handler will enter all deployment records including all bites, apprehensions, surrenders, and searches into an internal database.

All records shall be completed within 30 days of the activity. Data entry delays must be approved by the Canine Unit Sergeant or Lieutenant.

## **PROCEDURE C: SUPERVISORY AND MANAGEMENT REVIEW**

### **Canine Use of Force - Bites & Apprehensions**

Unless personally involved in the incident, the Canine Sergeant shall evaluate each canine use of force for policy compliance and provide written documentation of this evaluation. If the Canine Sergeant is unavailable or was directly involved in the incident, this evaluation will be completed by another uninvolved Sergeant and/or Lieutenant selected by the Canine Lieutenant.

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Within 30 calendar days following a canine use of force, the Canine Lieutenant and the Patrol Division Commander will review the incident. The purpose of this review is to determine whether the use of the Sheriff's Office canine was appropriate and within policy.

#### Canine Activities

On a monthly basis, all other canine deployments shall be reviewed by the Canine Unit's Sergeant through the records tracking system to evaluate each canine deployment for compliance with policy. The Canine Sergeant shall provide a brief comment of whether the activity was within or outside of agency policy. The activity shall be signed by the Canine Sergeant and sent to the Canine Lieutenant. The Canine Lieutenant and Patrol Division Commander will maintain and use these records to analyze canine-related data monthly to assess the performance of individual canines, handlers, and the canine unit.

### **PROCEDURE D: PUBLISHING REQUIREMENTS**

#### Annual Reports

The Sheriff's Office shall continue to collect and maintain all records on canine training, deployment, apprehension, and bites, and analyze canine-related data to develop, consistent with best practices, training and operational recommendations for individual dogs, handlers, and the unit as a whole.

The Sheriff's Office publishes an annual Internal Affairs Report containing various statistics and information related to complaints. In addition, the Sheriff's Office also publishes a comprehensive annual report analyzing use of force and canine data statistics to identify significant trends and identify and correct deficiencies.

The Professional Standards Unit will include the following canine related information in the annual report to be published on the Department's internet website:

- The number of canine units in the agency.
- The number of deployments.
- The number of surrenders.
- The number of reportable uses of force involving a canine.

This report as well as others may be found on the Sheriff's Office transparency website:

<http://www.kernsheriff.org/transparency>.

### **PROCEDURE E: AUDITING**

The Professional Standards Unit shall conduct quarterly audits of all canine deployments, supervision, training, certification, documentation, and compliance with policy. These audits also

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serve as an additional opportunity for early intervention to identify trends related to individual or systemic training and overall performance. Early intervention is a non-disciplinary, proactive process intended to identify deficiencies to meet the needs of the Sheriff's Office's organizational standards.

## **PROCEDURE F: CANINE UNIT OPERATIONS MANUAL**

The Canine Unit Operations Manual details all procedures and job duties of the Canine Unit. The Canine Unit Lieutenant is responsible for revisions and maintenance of this manual. Any revisions to this manual shall be reviewed and approved by the Patrol Division Commander.

### **DEFINITIONS<sup>2</sup>**

- **ACCIDENTAL BITE OR INJURY** – Canine bite or injury caused by physical contact with a canine that occurs:
  - When the handler has given no command to search or apprehend; or
  - When the handler gives the command to search or apprehend a subject, but the canine engages the wrong person.
- **APPREHENSION** – When the canine is deployed and has a clear and defined role in the capture of a person through actual or attempted physical contact, other than a bite. This may include, but is not limited to knocking a subject down, attempting to bite, or subduing a subject while muzzled. This contact does not need to result in injury to be considered physical contact. The mere presence of the canine at the scene of an arrest, where the canine had no active role, is not a canine apprehension.
- **BITE** – Physical contact, initiated by the canine, between the canine's teeth and a person. This contact does not need to result in broken or punctured skin to be a bite.
- **BITE RATIO** – The number of canine use of force incidents involving a bite divided by the total number of canine deployments.
- **CANINE USE OF FORCE** – If the canine is deployed by the handler with the intent to use force and either makes physical contact or attempts to make physical contact, via a Bite or Apprehension, it is a Category 2 reportable use of force, unless the criteria for a Category 3 exists.
- **DEPLOYMENT** – Removal of the canine from the vehicle to perform a function in which the canine is trained for any legitimate law enforcement purpose. This includes use of a

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<sup>2</sup> For further use of force definitions, refer to DPPM F-0100.

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canine (on/off-lead) to search for subjects, to apprehend a subject, to aid in the surrender of a subject, or detain a subject. This also includes detection efforts such as narcotics and articles searches.

- **ON-LEAD/LEASH** – Deployment of a canine with the handler holding a leash attached to the collar/harness.
- **OFF-LEAD/LEASH** – Deployment of a canine with no leash attached to the collar/harness, or handler is not holding a leash is attached.
- **RESPONSE** – The following activities by a canine handler do not constitute a deployment: Serving as a backup without removing the canine, staging as a resource without removing the canine, allowing the canine a break, training the canine, or using the canine in a demonstration.
- **SURRENDER** – Any use of the canine that results in the surrender of a subject by the mere presence of the canine, without force being utilized. This can be based upon statements or actions made by the subject indicating they are complying. The mere presence of the canine at the scene of an arrest, where the canine had no active role in gaining compliance, is not a canine surrender.
- **SERIOUS FELONY** - Any crime listed in Penal Code 1192.7(c) and any of the following:
  - Burglaries of the second degree (PC 460), for searches of industrial, or other uninhabited buildings where:
    - There is the possibility of subjects hiding inside, including attics, basements, and crawl spaces.
    - There are other large structures where staffing commitments and search time will be extensive.
  - Domestic Violence (PC 273.5), involving the subject’s physical presence at the victim’s location or a threat of harm.
  - Stalking (PC 646.9), involving lesser included crime of PC 422 (See 1192.7).
  - Brandishing a deadly weapon or resisting arrest by force or violence (PC 417.8 or 69).
  - Stolen vehicles (VC 10851 or PC 496d), that are not civil in nature or embezzled.
  - Felony vehicle evading (Vehicle Code 2800.2)
- **VIOLENT FELONY** - Any crime listed in Penal Code 667.5(c) including but not limited to the following:
  - Murder, voluntary manslaughter, mayhem, rape, robbery, attempted murder, kidnapping, carjacking, and arson.
    - Note: This excludes Penal Code 261(a)(3) – rape accomplished by preventing a person from resisting by means of an intoxicating or anesthetic

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substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused. Such a crime only constitutes a violent felony, wherein it is pleaded and proved that the defendant caused the intoxication by administering a controlled substance to the victim without their consent and with the intent to sexually assault the victim.

### **LEVELS OF RESISTANCE DEFINITIONS**

- **COMPLIANT** - Subject offers no resistance.
- **PASSIVELY RESISTING** - Non-compliance with law enforcement directives during a detention or arrest, where the subject does not actively resist, but rather remains non-responsive. It encompasses behaviors such as:
  - Failure to comply with verbal commands.
  - Lack of physical cooperation or response.
- **ACTIVELY RESISTING / ACTIVE RESISTANCE** – Deliberate non-compliance with law enforcement’s attempt to make an arrest or a detention (ignoring verbal commands) through one of the following behaviors:
  - Attempting to evade capture through running, jogging, or fleeing **OR**
  - Hiding or taking a position of tactical advantage to wait for an opportune time to act with the intent of attacking an unsuspecting individual **OR**
  - Bracing, tensing, or other physically evasive movements to avoid or prevent being taken into or retained in custody **OR**
  - Assaultive acts such as punching, striking, kicking, biting, or any other act likely to cause bodily injury **OR**
  - Threatening violence with the present ability, opportunity, and apparent intent to carry out such acts **OR**
  - In the absence of one of the above, exhibiting any of the following during the commission of a serious or violent felony:
    - Refusal to obey verbal commands to surrender.
    - Verbal non-compliance.
    - Failure to remove hands from pockets when instructed.
    - Any other refusal to submit to law enforcement’s authority.
- **LIFE-THREATENING** - Any action likely to result in serious bodily injury or death of the deputy or another person.

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