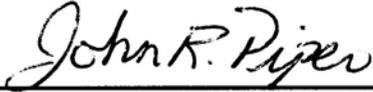




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This policy is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 2-4G		Effective Date January 2, 2020	Review Date December 31, 2021	Reviewing Division Administration
Subject POLICE CANINE		<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Amends <input type="checkbox"/> Replaces:		This policy shall apply to personnel assigned to the following divisions: <input type="checkbox"/> All Personnel <input checked="" type="checkbox"/> Patrol Division <input checked="" type="checkbox"/> Administration Division <input checked="" type="checkbox"/> Investigation Division
References VLEPSC CALEA				
 <hr/> Chief of Police or Designee		January 2, 2020 <hr/> Date		

I. PURPOSE

It is the purpose of this policy to provide guidelines for the management of Winchester Police Department canine teams and for use of the canine in field operations.

II. POLICY

It is the policy of the Winchester Police Department to use canine teams to complement the patrol and investigative functions of the Department. The trained law enforcement canine is a valuable supplement to police staffing. Utilization of the canine 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.

III. DEFINITIONS

A. Canine Handler:

An officer who is trained and certified in an approved basic canine school and is assigned to work with a specific patrol dog.

B. Canine Team

Officer handler and his or her assigned police dog.

C. Detector Team

A police canine and handler who have received specialized training in the detection of specific items such as drugs, explosives, fire accelerants, cadavers, etc.

D. Criminal Deployment

Use of a police canine by a handler to physically arrest a criminal suspect. This deployment may constitute a use of force, which by definition, is non-deadly in nature.

IV. RESPONSIBILITIES

A. Canine Handlers

1. Canine handlers will ensure the well being of their assigned canine and equipment. They shall immediately report to the canine supervisor any illness of, or injury to a canine, and any damage to assigned equipment.
2. Canine handlers will patrol assigned areas on foot or in vehicles. They will respond to calls for service when directed by the Emergency Communications Center (ECC), a supervisor, or their own initiative.
3. When not on an assigned call for service, canine handlers will stay active in conducting normal patrol duties.

B. Canine Supervisor

1. The canine supervisor shall supervise, assign, and train the department canine teams.
2. The canine supervisor shall maintain training files and lesson plans on canine teams and team trainings. The files must be continuously updated.
3. The canine supervisor shall conduct periodic inspections of canine handlers, canines, and canine equipment, and shall notify the Captain of the Patrol Division of any issues relating to the canine teams.
4. The canine supervisor shall make recommendations to the Chief of Police, through the chain of command, for the acquisition or retirement of canines.

V. PROCEDURES

A. Canine Utilization

1. Canine teams are available to conduct building searches for offenders in hiding, assist in the arrest or prevent the escape of serious or violent offenders, assist with felony warrant services, protect officers and/or others from death or serious injury, track suspects, locate lost or missing

persons or hidden instrumentalities and evidence of a crime, and detect the presence of concealed narcotics or explosives.

2. Canine handlers will determine whether a situation justifies canine use and the appropriate tactical measures that should be taken.
3. Canines will not be handled or given commands by anyone other than the assigned canine handler. Should the assigned canine handler be injured or otherwise unable to command the canine, a law enforcement officer and/or another canine handler will be contacted immediately for assistance.
4. Canine handlers will exercise extreme caution when deploying their canine in heavily congested areas.
5. Canine team assistance will be requested through the ECC. If no canine team is on duty, appropriate recall procedures shall be followed by the on-duty supervisor. Other jurisdictions can also be contacted to provide canine assistance if needed.
6. If another jurisdiction requests the assistance of a Department canine team, approval from the on-duty supervisor is required. The approving supervisor shall notify the Captain of the Patrol Division within a reasonable time that a Department canine team was requested and shall provide a brief summary of what occurred. In the event that a Department canine team is injured or is involved in a use of force incident, notification of the Captain of the Patrol Division shall be immediate.

B. Use of Force

1. Each canine handler is responsible for the proper use and control of their assigned police canine. The federal courts consider the utilization of the police service dog for apprehension to be the use of non-deadly force.
2. Prior to deploying a canine on an off-leash search or to apprehend a fleeing suspect, canine handlers will give a loud, clear, verbal warning of their intent to release the canine. The only exception to this will be if a canine handler has a reasonable belief that a warning will jeopardize the safety of the handler, a citizen, another officer, or the canine.
3. Canines may be used to apprehend suspects in felony and serious misdemeanors involving violence, where officer safety is a concern and there are no other means to make the timely apprehension of a suspect.
4. The canine handler will ensure the canine has properly targeted the suspect to be apprehended, prior to releasing the canine for an off-leash apprehension.
5. There are a number of factors that canine handlers must consider when evaluating the use of a patrol dog for apprehension:

- a. The severity of the alleged crime
 - b. Whether the suspect poses an immediate threat to the safety of law enforcement personnel or others, including whether the suspect is known to be or may be armed with any weapon or any other object that could be used to inflict serious physical injury.
 - c. The degree to which the suspect resists arrest or detention.
 - d. Any attempt by the suspect to evade arrest by flight or concealment.
6. When apprehending suspects in accordance with this order, canines will be commanded to disengage as soon as the suspect is subdued or readily complies with the canine handler or other officer's verbal commands.
 7. All personnel will cooperate with the canine handler to ensure the efficiency of the canine team and to minimize the risk of injury to or by the canine.
 8. When a canine has been deployed to apprehend a suspect, officers will not approach the suspect, canine, or canine handler until requested by the canine handler.
 9. Once a suspect has been controlled and/or contained by a canine team, the canine handler will relinquish the physical arrest activities (searching, handcuffing, etc.) to other officers present, if circumstances permit. This should prevent any unintentional injury to the suspect, due to the close proximity of the canine.

C. Building Searches for Suspects in Hiding

A primary use the canine is for locating suspects in buildings or other structures where a search by officers would create an unnecessary risk. Canine teams shall be utilized for these searches as dictated by risk, whenever reasonably available. These searches shall be governed by the following:

1. Officers will secure the building perimeter. Doors and/or windows will not be opened and no one shall be allowed to enter the building.
2. Whenever possible, the owner of the building should be contacted to determine whether there may be tenants or others in the building and to provide the building layout. An attempt should be made to contact persons inside the business or residence by telephone, if time and circumstances permit.
3. When a building search by a canine is anticipated, a preliminary search by officers should not be conducted, since it may interfere with the canine's ability to discriminate scents.
4. The on-scene supervisor will take the following steps in preparation for the canine search:

- a. Evacuate all tenants, workers, or others from the facility; and
 - b. If possible, request that all air conditioning, heating, or other air blowing systems be turned off to reduce interference with the canine's scenting ability.
5. If the possibility exists that innocent persons may be present in the building as indicated by circumstances such as the time of day, lack of forced entry, type of building, etc., the canine handler must take all reasonable precautions to ensure innocent occupants are not harmed. Once a secure perimeter has been established, a canine handler should make a loud, clear verbal announcement of the intent to search the building with a canine.
 6. Upon entrance to the building, all exits should be secured, and only tactical communications used. No persons should enter the building unless requested by the canine handler or until notified by the canine handler that the building is clear.
 7. The canine should be unleashed during the building search unless there is and imminent risk of injury to innocent persons within the building.
 8. Before beginning the building search, the canine handler will announce loudly and clearly that there are police officers on the premises and a trained police canine will be released unless the individual indicates his or her intention to surrender. A reasonable amount of time, approximately thirty (30) seconds, will be allowed for the suspect to respond. A second verbal warning shall be given with an approximate wait time of fifteen (15) seconds, prior to releasing the canine. This warning should be repeated on each level of all multilevel structures.

D. Crowd Control

1. Canine teams will not be used for crowd control at peaceful demonstrations, nor should they be considered as a primary response to civil disturbances unless dire circumstances exist.
2. Canine teams may be used for crowd control upon approval of the on-duty supervisor and in consultation with the canine handler. The purpose of canine use in crowd control efforts is to protect life or property during a riot or other major civil disturbance that cannot be controlled by other means. In these situations, canines will:
 - a. Be leashed at all times; and
 - b. Not initiate any offensive action, unless to guard against imminent loss of life or serious bodily injury.

E. Canine Detector Teams

1. Narcotic and article canine detector teams may be used to search for items they have been trained to detect. Detector team use is governed by current search and seizure case law.
2. Explosive detector teams may be used to search buildings, vehicles, cargo, baggage, packages, and open areas during threats, protection details, or other routine and general sweeps. They are not be used to assess, examine or clear items already identified as a suspected explosive item.

F. Tracking and Area Search

Canines are available to track missing persons or suspects, or to locate evidence officers have 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, officers shall:
 - a. Stop and identify the location where the suspect was last seen;
 - b. Turn off vehicle engines in the area if possible;
 - c. Prohibit or limit vehicle and foot traffic in the area where the suspect or subject was last seen; and
 - d. Do not touch any article or evidence that may have been dropped by the suspect.
2. Canine teams should not be used to search for anyone suspected to be under the influence of drugs or alcohol or suspected to be mentally ill, if no other crime is involved.
3. During canine team tracking and area search situations, the on-scene supervisor shall ensure that the perimeter of the areas to be searched are secure and shall keep all personnel out of the tracking and search area.

G. K-9 Training Aids (Narcotics)- Procedures for training with controlled substance

The handler conducts regular training as defined by the K-9 certification. The K-9 supervisor is responsible for maintaining of all paperwork associated with training narcotics used by the K-9 handlers.

1. Security and Storage

- a. All issued narcotic training aids will be stored in the designated safe located inside of the property and evidence room.

- b. When the items are removed for training purposes, they will be placed in a locker designated K-9 temporary locker, located in the evidence packaging area, for the K-9 handler to sign out the drugs and return them when training has ended.
- c. The items will be stored in the K-9 supervisor's vehicle or the vehicle of a designated K-9 handler in a locked box.
- d. Random inspections will be performed by the Captain of Administration bi-annually to ensure narcotics are accounted for and all packing is intact.
- e. All training narcotics will be given an evidence tracking number to be used when the items are removed for training purposes so dates and times can be recorded.

2. Issuance- Training Narcotics

- a. The K-9 supervisor or designated K-9 handler may request narcotics that have been seized and slated for destruction to be used as training narcotics.
- b. The Department's evidence clerk will complete the necessary paperwork for the Commonwealth Attorney's Office to review and sign off on.
- c. The K-9 supervisor will also follow the appropriate steps to obtain training drugs through the DEA accompanied by appropriate paperwork for the issuance of the narcotics. The K-9 supervisor is also to ensure the Board of Pharmacy criteria is met for processing, storage, and documentation.
- d. All training narcotics will be designated as such and given a unique tracking number.
- e. All narcotics will be logged by type and weight which will be recorded in the RMS along with a log book stored in the safe with the training narcotics. All narcotics will be sealed in tamper-proof packaging and initialed by the Captain of Administration, K-9 Supervisor or designated K-9 handler.
- f. The K-9 supervisor or designated K-9 handler will make a request for the training narcotics at least one week before they are needed. The evidence clerk will place the items in the designated temporary storage locker for the K-9 supervisor or designated K-9 handler to sign out. Once the training is complete the K-9 supervisor or designated K-9 handler will return the training narcotics to the designated temporary storage locker to be placed in the designated safe in the evidence room.

g. All training narcotics will be photographed before being placed into service to show the condition and type of packaging.

3. If a package is damaged or compromised during training these steps should be followed

a. Photograph the training aid in the location the damage occurred

b. Complete a memorandum detailing the circumstances that the damage occurred.

c. Any other law officer present will also complete a memorandum detailing the circumstances.

d. Collect and repackage the damaged narcotic training aid and discontinue further use.

e. Secure the compromised training aid in the temporary K-9 locker along with notification to the Department's evidence custodian.

f. All compromised narcotic packaging must be repaired and approved by the Captain of Administration before the items are returned to service.

g. If packaging needs to be changed for a training purpose, approval must be obtained from the Captain of Administration.

h. If narcotics need to be replaced due to age or condition, a request will be submitted for the destruction of the current narcotic. Documentation for replacement narcotics will be completed and submitted by the K-9 supervisor or designated K-9 handler to the appropriate individual.

H. Explosives Detector Canine Team Training

1. The explosives detector canine and handler will complete 16 hours of training per month.

2. Certification must be maintained yearly under the guidelines of the Virginia Police Work Dog Association.