

# **Ashe County Sheriff's Office**

## **Policy Manual**

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### **Policy Title: CANINE USE AND HANDLING**

#### **POLICY:**

The Ashe County Sheriff's Office recognizes that the uses of well-trained multipurpose canines are accepted practices for law enforcement. Canines are effective aids to law enforcement, and perform a variety of functions including: drug detection, patrol activities, and enhancing community relations through canine demonstrations.

#### **DEFINITIONS:**

**CANINE:** For the purpose of this policy the term Canine shall be defined as: a patrol canine or single purpose canine such as, but not limited to, a narcotics canine.

**GOALS:** The goals of the Ashe County Sheriff's Office canine program are, but not limited to;

- A. To increase the agencies effectiveness in detecting illegal drugs, and dangerous contraband.
- B. To increase officer safety through utilization of canines for building searches and tracking fleeing suspects.
- C. To provide additional avenues for enhanced community relationships through controlled demonstration, search and rescue, and other patrol activities.

#### **PROCEDURES:**

- I. The Program Coordinator:
  - A. The Canine Program will be coordinated through the Chief Deputy. Areas of direct responsibility include, but limited to, the scheduling and supervision of training, handler selection, and the management of canine assignments during special operations.
  - B. The Chief Deputy shall maintain the performance of each K-9 team by reviewing all training and use reports.

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### **II. Selection of Canine Handler:**

A. Canine handlers will be selected based on his/her suitability as a handler, and not on the candidate's rank or duty assignment within the agency. The handlers must be willing to work irregular hours and be available on an on call basis, as needed. Deputies interested in this position must meet the following requirements:

1. Candidates must have at least one (1) year of patrol experience to be a canine handler.
2. The candidate shall not have any sustained excessive force complaints.
3. Ashe County Sheriff's Office expects an officer's commitment For the estimated eight (8) to ten (10) year life span that a canine is estimated to have.
4. Candidates must have a safe and secure place to kennel the canine.
5. The officer and his/her family must be willing to accept the canine as a member of the family and have a residence and yard of adequate size for keeping the canine.
6. If a candidate is renting or resides on someone else's property then written permission must be obtained before kenneling an Ashe County Sheriff's Office Canine on the property.
7. Handlers must be in good physical condition and able to lift and carry a full grown canine weighting approximately eighty (80) pounds or more.
8. Candidates must be skilled in observation and attention to detail and have the ability to work as a team member.
9. A candidate must have demonstrated willingness to accept responsibility and make sound decisions.
10. Candidates must successfully complete the handler's course and all training as prescribe and set forth by Ashe County Sheriff's Office.

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#### **III. Records and Maintenance of Canine and Equipment :**

A. Canine handlers will maintain all records pertaining to the utilization and training of the canine as well as submit to the K-9 supervisor all training and use reports; including but not limited to training, use, and the end of month canine reports.

1. Care of Canine is as follows:
  - a. The general care and maintenance of the canine is the responsibility of the handler.
  - b. Grooming and general care will be performed on a daily basis.
  - c. The canine's diet and feeding will be consistent with the recommendations of the veterinarian approved by Ashe County Sheriff's Office.
  - d. Handlers will insure canine receives proper medical care in the event of injury or illness.
  - e. Teasing or agitating the canine by other officers or public is prohibited. Teasing or agitating the canine will only be done by the canine handler and only performed as part of a training exercise.
  - f. All canine demonstrations must be scheduled and approved through the Ashe County Sheriff's Office. All demonstrations will be performed on lead.
  - g. Handlers will not permit anyone to pet the canine without close supervision and prior permission.
  - h. Handlers will not permit anyone to feed the canine other than the canine's family, handler, or any approved personnel.
  - i. No other officer will be allowed to give commands to the canine.



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- j. Canine handlers may request to take possession of the canine when it is time to retire or relieve the canine from duty. The decision of allowing the handlers to take possession of the canine will be made by the Sheriff in conjunction with the Ashe County Commissioners approval and disposition.
- k. The vehicle assigned to a canine handler will be clearly marked to inform the public so they will know that the vehicle is occupied by a canine, unless the handler is issued an unmarked vehicle or canine is in a tactical type vehicle.
- l. The canine vehicle will have an approved kennel with locking doors.
- m. When the canine handler is away from his/her vehicle, they will make sure that the doors and windows are secure. The handler will check on the wellbeing of the canine at least every thirty (30) minutes or more often in extreme cold or heat.
- n. Canine vehicle should be equipped with operable air conditioner and heater. The vehicle may have tinted windows to reduce stress and make sure the canine is comfortable.
- o. On days such as court or regularly scheduled training, the canine should be kenneled at the handler's residence until duties are completed and the canine can be retrieved.
- p. All canine vehicles will remain clean and disinfected inside and out with the appropriate disinfectants approved by the veterinarian to ensure safety of the canine.
- q. All canine equipment will be kept clean and inspected by the canine supervisor for wear and tear and be replaced when needed.

#### **IV. Use of Narcotics for Training:**

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A. The use of narcotics is essential for proper canine training exercises. Real narcotics of various weights allow the canine's to maintain a high degree of proficiency during a deployment for a narcotic sniff. It is recognized that using narcotics for canine training needs to be an intensely supervised program with several checks and balances to protect the integrity of the Ashe County Sheriff's Office canine handlers and the canines. The following guidelines are established to accomplish this necessary goal.

1. Narcotics Use and Control for Canine Training:
  - a. All narcotics will be obtained through a DEA permit or by the canine supervisor from the agency's evidence Technician. These narcotics will be from adjudicated Cases with a judge's order
  - b. The narcotics will be weighted and packaged by an evidence technician, the Lieutenant of Investigation, and with the canine supervisor being present. The type of narcotic and weight will be logged on the canine's narcotics log. The Lieutenant of Investigation, or his/her approved designee shall retain a copy of the log.
  - c. The narcotic will be kept in a proper container to prevent odor contamination. This is done in a manner approved by the sheriff.
  - d. Access to the storage area will be limited to the canine supervisor and the canine handlers.
  - e. When using narcotics for canine training the canine handler will remove the narcotics from storage. The canine handlers will conduct the training and immediately upon completion of the training the narcotics will be returned to the storage area. It is expected there may be some slight loss of narcotic weight over a period of time due to the deterioration of the substance. If at any time any of the training narcotics become lost or stolen the handler will immediately notify the canine supervisor, the Lieutenant of Investigation, and the Sheriff. An investigation will be conducted and if the narcotics were obtained from the DEA the proper forms to notify the DEA will be submitted.

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- f. The Sheriff or his designee, and the Lieutenant of Investigation, may inspect the storage of the narcotics at any time.
    - g. Once narcotics are no longer useful for training they will be returned back to the evidence technician for proper disposal, and noted on the narcotics log sheet.
- V. Training of the Ashe County Sheriff's Office Canines:
  - A. Canine training will be conducted to the standards set forth by the Ashe County Sheriff's Office, which exceeds those standards set forth by the North Carolina Sheriff's Association and the North Carolina Association of Police Chiefs.
    - 1. Required Canine Training:
      - a. Each canine team will conduct a minimum of four (4) hours of training during a two (2) week rotation.
      - b. Canine schools and seminars are encouraged, and will be applied for and approved or denied through the chain of command.
- VI. Canine Utilization:
  - A. Canines will be available on an "on-call basis" twenty four (24) hours a day. They will be available to conduct narcotics or dangerous contraband sniffs.
    - 1. Canine Call Outs:
      - a. The call out of a canine unit will require the approval of the Chief Deputy, Captain, or Lieutenant.
      - b. Canine handlers are responsible for whether a situation justifies the use of the canine and the appropriate tactical measures taken.
      - c. A canine shall not be deployed on calls for the purpose of intimidation. Example: loud party calls, domestic calls, civil disputes, trespassing calls, prowler calls, fight calls and etc.



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#### **VII. Narcotics and Dangerous Contraband Detection:**

A. The use of canines in a narcotics or dangerous contraband detection is authorized in the following situations and under the following conditions:

1. All road side exploratory sniffs will be conducted on lead. If a building or residence is being sniffed for narcotics it may be conducted off lead as long as the scene has been secured.
2. The canine handler will maintain records that document the use and proficiency of canines in a narcotics and/or contraband detection. These documents will be available to officers seeking to apply for a search warrant.
3. Random exploratory sniffs of luggage, packages, storage bins, and or other inanimate objects may be conducted in public facilities.
4. Exploratory sniffs of this type will be whenever possible, and with prior knowledge and consent of the facility manager.
5. Exploratory sniffs will be conducted without interference, annoyance to the public, or interruption of the facilities operation.
6. Canine sniffs conducted in areas restricted to the public, such as baggage staging areas may be conducted only with reasonable suspicion or probable cause exists to believe that specific items contain illegal narcotics or dangerous contraband. This will also be conducted at the request/consent of the facility manager.
7. Officers may detain pieces of luggage or related items briefly for the purpose of requesting a canine sniff if reasonable suspicion exists, but may not delay the items so long as to cause an unnecessary delay to the owner of the property.
8. When a narcotics canine indicates a positive alert on luggage or any related items in these circumstances a search warrant must be applied for or consent must be given before the item is opened, unless exigent circumstances exist.
9. If an officer request a canine sniff of a vehicle the requesting officer should make sure the driver has turned off the engine and

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the key is placed on the roof of the vehicle. The handler shall make the determination as to ask the occupants to exit the vehicle or stay inside. If the occupants are going to be inside the vehicle the handler shall ask the occupants to shut their doors and roll up the windows.

10. Officers should not at any time attempt to help the canine team with the initial sniff, or at any time open doors, boxes, or other items in the vehicle. Handlers are trained and responsible for looking for hazards that may be present during the sniff.
11. Officers requesting canine assistance for a vehicle sniff should be watching and observing the suspects, and providing security for the handler and canine.
12. The use of a detection canine in public schools is permitted after the canine handler secures the consent of the school official in control of the premises. In the event of a bomb threat an explosive detection canine will be used. All students will be removed from the immediate area prior to employment of the canine. The handler should take adequate steps to isolate the canine from students or other persons who might be injured by the canine.
13. The canine may be used to sniff the exterior of automobiles upon school grounds. If the canine alerts on an automobile, the handler may:
  - a. Make a warrantless search of the vehicle pursuant the automobile exception; or
  - b. Advise the appropriate school official of the alert and its significance, thus allowing the school official to search the vehicle at his/her discretion.
14. The canine may be used to sniff school lockers. If the canine alerts on a locker, the handler may:
  - a. Secure a search warrant based on the canine's alert and then search the locker pursuant to that warrant; or
  - b. Advise the school official of the canine's alert and its significance, thus allowing the school official to search the locker at his/her discretion.



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15. Without suspicion, the canine may be used to sniff unattended personal property such as book bags and purses. Without suspicion, the handler will not separate any person from his/her belongings to facilitate a canine sniff. If the canine alerts on personal property, the handler may:
- a. Secure a search warrant based on the canine's alert and then search the personal property pursuant to that warrant;  
or
  - b. Advise the school official of the canine's alert and its significance, thus allowing the school official to search the personal property at his/her discretion.
16. Upon reasonable suspicion that personal property contains contraband, the handler may separate a person from his/her personal property and may briefly detain that personal property for a sniff by the canine. If possible, the sniff by the canine should be carried out immediately. Personal property so detained should not normally be held for more than Twenty (20) minutes. If the canine alerts on personal property, the handler may:
- a. Secure a search warrant based on the canine's alert and then search the personal property pursuant to that warrant;  
or
  - b. Advise the school official of the canine's alert and its significance, thus allowing the school official to search the personal property at his/her discretion.
17. Under no circumstances will an Ashe County Canine be used to sniff a student, nor any other person.
18. Detection canines may sniff vehicles during a valid traffic stop. A canine may be used for an exterior "free air" sniff with or without the operators consent during a traffic stop. This must be conducted in an exploratory manner on a highway or public vehicular area. Unless the canine alerts the operator and the occupants of the vehicle must not be detained longer than necessary to conclude the business associated with the initial stop. This includes valid "check points/checking stations", where the vehicle has been detained

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Further for a criminal offense or further investigation of a criminal offense. Canines are not allowed to sniff vehicles that are waiting in line during "check points/checking stations".

19. If a canine handler has initiated the traffic stop he must have reasonable suspicion, probable cause or consent to detain the vehicle longer to conduct an exterior sniff.
20. A canine will not be used to conduct a sniff of a vehicle that has already been searched by officers. This is because any scent cone that may have developed inside the vehicle would have been destroyed during the initial search. The handler has the authority to refuse to utilize a canine for a sniff if the handler feels that the area has been contaminated prior to the sniff.
21. Canine sniffs will not be conducted on the curtilage of a dwelling, inside a residence, or in open field portions of a private premise, or common areas of a residential house, unless the occupants in charge have given consent, a search warrant has been issued, or exigent circumstances and/or probable cause exists to support a lawful warrantless search of the residence.
22. Subject to the restriction elsewhere in this policy. A canine sniff that does not intrude into an area, container, or vehicle where an individual has a recognized expectation of privacy can be conducted at any time. Canine sniffs in a public place, vehicle, or on a premise with the consent of occupant(s) in charge can be conducted at any time.

#### **VIII. Safety of Canines:**

- A. The safety of the Ashe County Sheriff's Office canines is of utmost importance. According to North Carolina General Statute 14-163.1(d) it is a class 2 misdemeanor to taunt or tease a law enforcement animal; North Carolina General Statute 14-163.1 (c) it is a class 1 misdemeanor to cause or attempt to cause harm to a law enforcement animal; North Carolina General Statute 14-163.1(b) it is a class I felony to cause or attempt to cause serious harm to a law enforcement agency animal; North Carolina General Statute 14-163.1(a1) it is a class H felony to kill a law enforcement animal.
- B. Canine Safety and Handlers Responsibility:



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1. Any damages incurred by a canine due to handler negligence are the responsibility of the handler and may result in the loss of the handler rank and/or canine.
2. Before any deployment of the canine the handler shall check for hazards that might exist, as this will help protect the canine.
3. No violent offenders or disturbed mental subjects should be transported in a canine vehicle due to the natural protection that a canine has for its handler. This could cause a traffic accident, be dangerous for the suspect, public, officer, or canine.
4. Canines should only be deployed to guard against imminent loss of life or serious bodily injury to the public, the handler, or other officers.
5. Known clandestine drug labs will not be sniffed whether they are in a building, residence, or a vehicle. Canines will not be requested by other agencies or private citizen to conduct a sniff of a building, residence, or vehicle to determine if a clandestine lab has been present. If while in the deployment of a canine sniff it is discovered that there is an active clandestine lab the canine will be evacuated immediately. All canine equipment used will be cleaned and the canine washed down. The pads of the canines feet will be washed thoroughly as well and the handler will monitor the canine for any adverse effects.
6. The Ashe Animal Clinic is the "first line" veterinarian used by Ashe County Sheriff's Office. In an emergency or if Ashe Animal Clinic is closed another vet may be used. All canines will receive their required shots and have a routine examination as recommended by the veterinarian. If the canine is not social to other people, the canine shall be muzzled and the handler present during examinations.
7. In the event of serious injury or death the handler is to take the canine to the veterinarian's office or the animal urgent care, and contact the canine supervisor as soon as possible.
8. In the event that a handler is injured or unable to secure the canine the canine supervisor or another handler shall be contacted to secure and care for the canine.
9. No Canine owned by the Ashe County Sheriff's Office shall be kept or kenneled where the public can access the canine.



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### IX. Mutual Aid:

A. Any outside agency needing the assistance of an Ashe County Sheriff's Office canine shall request canine assistance from Ashe County Sheriff's Office via PIN message. Procedures for making such request are as follows.

#### 1. Canine Mutual Aid Request:

a. Any law enforcement agency inside of Ashe County may request canine assistance through mutual aid. The request shall be made to the Canine Handler and the shift supervisor. It is the responsibility of the canine handler to determine if the situation justifies canine deployment and the appropriate tactical measure taken.

b. Any law enforcement agency outside of Ashe County may request canine assistance through mutual aid with the proper electronic message request. These requests must be made through the Sheriff, Chief Deputy, or Captain only. The request must be approved before the canine can leave the county.

c. Any agency that request canine assistance from Ashe County Sheriff's Office must follow this policy. Any deviation from the policy and the canine deployment will be terminated.

### X. Compensation of Canine Handlers and Ashe County:

A. All Ashe County Sheriff's Office canine handlers will be compensated for the care and maintenance of his/her assigned canine. Compensation procedures are as follows:

1. Ashe County shall compensate the handler for the care of his/her assigned canine. Each handler shall earn one (1) hour pay at regular hourly rate time each day of non-scheduled working days. On working days, the handler shall be allowed one (1) hour during his/her shift for the care and maintenance of the canine and shall adjust his/her schedule so that the officer works one (1) hour less on his assigned working days.
2. If a handler is off duty and is called out for canine assistance he/she shall be compensated by comp time based on the Ashe

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County policy regarding comp time compensation, and/or through any drug fund grant monies which Ashe County Sheriff's Office has obtained. The Sheriff shall make that decision as deemed necessary.

3. If an offender is convicted of taunting or teasing an Ashe County Sheriff's Office canine, killing or seriously injuring an Ashe County Sheriff's Office canine the offender shall be required to compensate the Ashe County Sheriff's Office for any medical cost that has incurred to restore the canine back to its original working condition. If the canine is killed or seriously injured the offender shall be required to compensate the Ashe County Sheriff's Office for the purchase of a replacement canine.

### **XI. Ashe County Sheriff's Office Canine Proficiency and Standards:**

- A. Canines and handlers for the Ashe County Sheriff's Office will be proficient in their duties and adhere to the standards set forth in this policy.
  1. Canines will be tested for contraband detection and social behavior skills.
  2. Narcotics detection canines must be either passive alert.
  3. Explosive detection canine are passive alert only.
  4. If a canine has become unfit for duty due to illness, lack of training, or loss of social skills recommendation shall be made to the Sheriff or his designee for continued training, retirement, or replacement of the canine.
  5. If a canine handler is negligent or performs any grossly negligent act that could put the Ashe County Sheriff's Office canine program in jeopardy or fails to attend the required training, recommendation shall be made to the Sheriff or his designee for remedial training or dismissal of the handler.

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