Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community including, but not limited to, locating individuals, contraband, explosive devices, and apprehending criminal offenders.

309.2 POLICY

It is the policy of the Fargo Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 DEFINITIONS

Serious Offense - Any felony involving physical force upon a person or the threat or use of a weapon, explosive, or incendiary device; burglary to any residential, garage, or commercial dwelling.

Totality of the Circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force or search.

309.4 ASSIGNMENT

Canine teams are primarily assigned to assist and supplement the Neighborhood Services Division (NSD) and the Criminal Investigations Division (CID)-Narcotics Unit, but may be called upon to assist other department teams or agencies in conformity with this policy.

309.5 CANINE COORDINATOR

The NSD Specialized Services Unit (SSU) Lieutenant shall serve as the Department Canine Coordinator and is directly responsible to the Neighborhood Services Division Commander. The Canine Coordinator may utilize select supervisors to assist with canine unit responsibilities, however, is ultimately responsible for overall unit functionality and readiness.

The responsibilities of the coordinator include, but are not limited to:

(a) Reviewing all canine use of force reports subsequent to review by the Professional Accountability Unit to identify training issues or other program needs.

(b) Management of controlled substance,explosive, and all other training aids.

(c) Maintaining liaison with the vendor kennel.

(d) Maintaining liaison with command staff and functional supervisors.

(e) Maintaining liaison with other agency canine coordinators.

(f) Maintaining accurate records to document canine activities and training to prepare an annual executive report to the Chief.

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(g) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(h) Scheduling all canine-related activities.

(i) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

309.6 REQUESTS FOR CANINE TEAMS

Sworn members are encouraged to request the use of a canine, as appropriate to the circumstances. Requests for a canine team in the field should be made through the dispatch center. The Narcotics Unit should primarily utilize their canine team to further narcotics investigations, but may be called out to assist other personnel as needed. The department recognizes there may be times when the Narcotics canine team is not available and pre-coordination with the NSD Shift Commander may be necessary.

309.6.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift Commander or the Narcotics Unit Sergeant depending on the type of canine request, and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports as required or directed.

309.6.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Canine Coordinator prior to making any resource commitment. The Canine Coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the Canine Coordinator.

309.7 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing, or is about to commit any serious offense, and any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

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(b) The suspect is physically resisting or threatening to resist arrest, and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers, or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances, as referenced in the Use of Force policy (300), be applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is about to commit a serious offense, the mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Commander. Absent a change in circumstances that present an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable. If the canine has apprehended the suspect with a secure bite, the handler should promptly command the canine to release the suspect once the threat no longer exists.

309.7.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and if present, the supervisor on-scene, should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect’s known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler’s responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to

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decline the use of the canine whenever he/she deems deployment is unsuitable or not within legal parameters. In the event of a conflict, the on-scene supervisor may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

309.7.2 WARNINGS AND ANNOUNCEMENTS

Unless there is an immediate risk of death or great bodily harm to officers or others, a clear audible warning announcing: "Fargo Police K-9--Come out now--or a dog will be used to find you and may bite you," shall be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify the announcement could be heard. If available, warnings given in other languages should be used as necessary.

In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

309.7.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor shall immediately be notified, and the injuries documented in a Use of Force (UOF) report (FPD 803). The UOF report shall be reviewed by the Canine Coordinator and forwarded to the Professional Accountability Unit. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries shall also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on or off-duty, shall be immediately reported to the on-duty Shift Commander. Unintended bites or injuries caused by a canine shall be documented in an administrative report and only included in the UOF report if the unintended bite occurred during an intentional release and apprehension.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual’s injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

309.8 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine’s suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

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(a) Absent a change in circumstances that present an immediate threat to officers, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

309.8.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

309.8.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search for narcotics in vehicles, buildings, bags and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine shall not be used to search a person for narcotics.

309.8.3 CANINE SNIFFS OF VEHICLES

A canine sniff of the exterior of a vehicle during a legal traffic stop may be conducted by a department canine officer as long as it does not unnecessarily prolong the stop (Illinois v. Cabales, USSC 2005). However, In order to ensure trust and transparency with the public, as well as the efficient use of our limited canine resources, officers should be judicious in the use of this approach.

A canine sniff may also be initiated based upon reasonable suspicion that the occupant(s) are involved in narcotics/drug possession, delivery, etc. type crimes. In this situation, the stop may be legally prolonged by the officer. The belief shall be based upon the totality of the circumstances during the stop and may be bolstered by the officers collective knowledge of the occupants or vehicle. The officer shall be able to articulate the reasonable suspicion to the satisfaction of the canine handler prior to conducting the sniff of the auto.

The following procedure shall be utilized to ensure officer safety and occupant control during any canine sniff of a vehicle:

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(a) The officer shall ensure they have appropriate assistance based on the number of occupants.

(b) Occupants shall be removed from the vehicle, but shall not be directed to leave purses or similar-sized personnel items in the vehicle. Larger bags (duffel/backpack) should remain in the vehicle.

(c) Place each occupant in a squad only if they consent to a search for weapons and contraband.

(d) In the event an occupant does not consent to a search for weapons and contraband, they shall not be placed in a squad, but shall remain within the control of an officer at a safe distance from the search.

(e) If the sniff is being conducted without reasonable suspicion, the initiating officer shall ensure that they continue with the traffic stop mission and once completed, end the stop and/or sniff absent an alert or other evidence of a crime.

In the event that a search of a vehicle is being conducted based upon an officer-detected odor of a controlled substance, the same process shall be followed to ensure safety.

309.8.4 EXPLOSIVES DETECTION

A canine trained in explosives detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags and other articles.

(b) Assisting in the search for explosives or explosive materials during a search warrant service.

(c) Obtaining a search warrant by using the explosives-detection trained canine in support of probable cause.

(d) General patrol of large venue events, airport, train station, etc.

(e) To support federal or state law enforcement or military entities in the securing and sweeping of special events or other events of national or statewide importance.

A explosives-detection trained canine shall not be used to search a person for explosive materials unless exigent circumstances exist.

309.9 HANDLER SELECTION

The minimum qualifications for a canine handler include:

(a) An officer who is currently off probation.

(b) Possess the ability to effectively and securely maintain a canine while off duty.

(c) Living within 30 minutes travel time from the Fargo City limits.

(d) Agreeing to be assigned to the position for a minimum of four years.

Canine handlers shall be required to transition their canine upon promotion to a higher rank unless the age of the canine makes this impractical.

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309.10 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine, and shall ensure the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler shall be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Fargo Police Department facility unless the handler has secured inside storage available at their residence.

(d) Handlers shall permit the Canine Coordinator to inspect police issued equipment kept at their residence as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Canine Coordinator as soon as possible.

(f) When off-duty, the canine handler shall ensure secure confinement of the canine as to avoid unintentional contact with the public.

(g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances shall the canine be lodged at another location unless approved by the Canine Coordinator and Division Commander.

(i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Canine Coordinator and the Shift Commander.

(j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Coordinator so that appropriate arrangements can be made with a department-approved kennel.

309.10.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

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309.11 HANDLER COMPENSATION

The canine handler shall be available for call-out as directed by the Canine Coordinator and may be eligible for additional pay pursuant to the Compensation policy (1019).

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of any agreement between the handler and the City (29 USC § 207).

309.12 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition shall be reported to the Division Commander of the assigned canine and the Canine Coordinator.

All medical attention shall be rendered by the Department approved canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained at the police department by the Canine Coordinator.

309.13 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards, or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards, or other recognized and approved certification standards established for their particular skills.

The Canine Coordinator, in coordination with the Training and Development Unit, shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Commander.

309.13.1 CONTINUED TRAINING

Each canine team shall be re-certified to a department-approved, current nationally recognized standard on an annual basis.

Canine handlers are encouraged to engage in additional training with approval of the Canine Coordinator.

To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

309.13.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably

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practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol or investigative duties, as applicable.

309.13.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

309.13.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with current applicable federal and state requirements. Alternatively, the Fargo Police Department may work with outside trainers with the applicable licenses or permits if approved by the Assistant Chief.

309.13.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (N.D.C.C. § 19-03.1-16; 21 USC § 823(f)).

The Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA). The Department must have a DEA Registration Certificate in order to request and receive narcotic training aids.

As an alternative, the Chief of Police or the Neighborhood Services Division Commander may allow controlled substances seized by the Fargo Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence and the case is closed.

The Neighborhood Services Division Commander shall provide the Evidence and Property Manager (EPM) with written authorization to include a detailed description of the controlled substance, illegal drugs, and/or other contraband requested by the Department's Canine Coordinator for canine training purposes. This practice is reserved for special circumstances and all controlled substances, illegal drugs, and/or other contraband shall be returned to the EPM no later than 48 hours after being issued to the canine handler from the EPM.

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

309.13.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples received from the DEA shall be weighed by the Canine Coordinator and confirmed by an officer independent of the canine

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program, prior to training use. The weight results shall be recorded and maintained by the Canine Coordinator.

(b) The Canine Coordinator will be responsible for re-packaging, re-quantifying, or otherwise separating all newly obtained DEA narcotics training aids for training purposes. The department receives limited quantities of any controlled substance from the DEA.

(c) The Canine Coordinator, with approval from the Neighborhood Services Division Commander, may re-package, re-quantify, or otherwise separate any controlled substance, illegal drug, and/or contraband from its original or previous form prior to providing it to the department's canine officers for canine training purposes, only if such alteration does not significantly compromise the integrity of the controlled substance, illegal drug, and/or contraband.

(d) Any person possessing controlled substance training samples pursuant to department authorization or DEA Registration Certificate shall maintain custody and control of the controlled substances, and shall keep records regarding any loss of, or damage to, those controlled substances. The loss of any controlled substances received from the DEA shall be immediately reported to the DEA and the Assistant Chief.

(e) All controlled substance training samples will be inspected, and weighed quarterly by the Canine Coordinator and another officer independent of the canine program. The results of the quarterly testing shall be recorded and documented by the Canine Coordinator, who shall forward a report to the Assistant Chief.

(f) When an authorized officer checks out and checks in a controlled substance training sample, all samples shall be weighed and documented by the authorized officer and confirmed by another officer independent of the canine program.

(g) All controlled substance training samples will be stored in a locked case at all times, except during training. The locked cases shall be secured in the back of the canine handler’s assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(h) Any unusable controlled substance training samples shall be destroyed in accordance with the department's evidence destruction procedures.

(i) All controlled substance training samples shall be returned to the dispensing agency upon their demand.

(j) In agreement with the DEA Registration Certificate, the DEA reserves the right to conduct an audit of all controlled substances it has provided to the Department, and inspect the department's storage facility and practices.

309.14 CANINE RETIREMENT

Upon the retirement of a department canine, the final disposition of the canine shall be at the discretion of the Chief of Police.The canine may be sold to the canine handler.In these circumstances the new owner assumes all rights, privileges and liabilities associated with the canine and any actions which occur after the transfer of ownership.

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309.15 REVISION DATE 08/15/2024

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