

ORDINANCE NO. 2011-05

**AN ORDINANCE REINSTATING THE CANINE (K-9)
OPERATIONS PROVISION INTO THE EMPLOYEE HANDBOOK;
AND DECLARING AN EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF CLINTON, ARKANSAS:**

Section 1: The Canine (K-9) Operations provision previously a part of the Employee Handbook and later deleted are hereby reinstated as before.

Section 2: The possession, use and sale of illegal drugs within the City constitutes a public menace which threatens both citizens and property of the City; THEREFORE, an emergency is hereby declared to exist and this ordinance, being necessary for the immediate preservation of the public, health, safety, and welfare, shall be in full force and effect from and after its passage and approval.

PASSED:

September 8, 2011

ATTEST:


Merl Eoff
Merl Eoff, Recorder/Treasurer CMC

Roger Rorie
Roger Rorie, Mayor

CLINTON POLICE DEPARTMENT

POLICY & PROCEDURE MANUAL

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SECTION 13.

CANINE (K-9) OPERATIONS

POLICY: Because of a superior sense of smell and hearing and potential aggressiveness, the trained law enforcement canine is a valuable supplement to law enforcement 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. The legal advisor to the Chief of Police shall review all rules, regulations, policies, and procedures relating to K-9 operations and make changes necessary for compliance with existing criminal and civil liability law.

ADMINISTRATION AND MANAGEMENT

- a. The K-9 unit will be supervised by an officer who will be responsible for maintaining and assuring the accuracy and completeness of procurement, health, operational reports and training records relating to the K-9 operation.
- b. Operational reports will be prepared by the handler in all situations where K-9 intervention is necessary. Copies of all incident, offense and supplemental reports will be submitted to the supervisor for creation of a file for statistical analysis.
- c. The supervisor will research state of the art training procedures for the K-9 and handler, prepare a scheduled re-training program to be provided at regular intervals, select an approved training site and submit recommendations to the Chief of Police for approval.
- d. The K-9 shall be obtained from a kennel or other supplier who has a verifiable record of satisfactory performance in providing dogs and training to other law enforcement agencies.
- e. Any K-9 that is approved for purchase by the department shall, prior to acceptance, have a certificate or letter of good health issued by a licensed veterinarian authorized to conduct examinations and certify the physical and emotional (temperamental) condition of an animal that is to be utilized in public service as a police working dog.
 - (1) Each K-9 owned or controlled by the department shall annually receive an examination by a qualified Veterinarian to determine the K-9's suitability for retention by the department. A K-9 may have a fitness for duty examination at it anytime is determined necessary.
 - (2) The type, quantity of food and feeding schedule shall be provided, and the K-9 handler shall be responsible for complying with recommendations of the Veterinarian.
 - (3) The Veterinarian shall provide guidance and direction in the construction, cleaning and sanitary requirements for the housing of the K-9 when off duty.
 - (4) At any time the K-9 is kept in a kennel the supervisor shall personally inspect, or arrange for a Veterinarian to routinely inspect the kennel for compliance with established outside temperature, food, watering and sanitation conditions that will ensure a clean, healthy off duty environment for the K-9.

- f. No dog that has been trained as a "guard dog" (one that will attack on detection of intrusion, or will attack a human being without command) will be acceptable for utilization by this agency.
- g. Any dog owned or controlled by the department that exhibits any tendency of loss of control, or when unprovoked, attacks or bites another person, or in the opinion of the legal counsel or the Chief of Police creates a public or individual liability, or poses a threat to an individual or public safety shall be removed from law enforcement service and disposed of in a manner acceptable to the county.

OPERATIONAL PROCEDURES:

- a. Should any question arise from this portion of this document it shall be resolved in a manner that complies with the department policy relating to the K-9 Unit. The operational procedures are designed as instructions or directions for the establishment and operation of the K-9 Unit and may be subject to change by the Chief of Police.
- b. Any changes of these instructions or directions will be recommended by the supervisor of the K-9 Unit and submitted to the Chief of Police for approval. Upon approval, the Chief of Police will direct that the changes be made in this section of the Department Policy Manual.
- c. Any act performed by a trained handler using a Department K-9 in the performance of duty may, depending upon the circumstances, be considered as the use of physical or deadly force.
- d. Under no circumstances shall a K-9 handler command the dog to use more force than is necessary to enforce the law, or to protect himself, the dog or other person from the loss of life or the threat of serious physical injury.
- e. There are different degrees of force that may be justified according to the conditions then existing. The force necessary to prevent the loss of life is normally not required in other circumstances.

REQUEST FOR K-9 SERVICES:

- a. A K-9 team shall consist of one (1) handler and one (1) dog that have met the minimum training requirements as established by the Chief of Police.
- b. When on duty any certified law enforcement officer may request the assistance of a K-9 team. Approval or disapproval of the request shall be determined by the on duty supervisor.
- c. When off duty and on call any certified law enforcement officer may request the assistance of a K-9 team through the senior on duty officer. Approval or disapproval of the request shall be determined by the Chief of Police.
- d. When on duty or off duty and on call should assistance be requested by another law enforcement agency, approval shall be given to other jurisdictions who have entered into a mutual aid agreement with the County. The only exception is, approval may be authorized for other jurisdictions who have written approval from the Chief of Police to provide this service without a mutual aid agreement.

TYPES OF APPLICATIONS:

- a. Each police dog handler shall be trained in the tactical application of his dog prior to being placed in an operational status. Dog handler should assist in formulating plans of action for effective K-9 use. Based upon the immediate circumstances of a situation, examples of situations in which K-9 teams might properly be used are:
 - (1) building searches

- (2) tracking of suspects
- (3) clearing open areas
- (4) evidence searches
- (5) chase and subdue suspects fleeing the scene
- (6) crowd control
- (7) lost persons

OPERATIONAL PROCEDURES:

- a. **Building Search** - When an incident occurs where a K-9 may be used for searching a building, responding officers must be aware that, generally, when a building has been closed for the night, the odors in the building tend to dissipate. When a person enters the building or opens a door or window, this allows a draft or wind to enter and disturbs the suspect odor trail and spoiling the scene. When the responding officer believes an unauthorized person is in a building, his responsibility is to secure the building, permitting no one to enter, and to call a K-9 team, which will enter and search the building.
- b. **Tracking** - When an incident occurs where a K-9 team may be used for tracking a suspect, the responding officer shall make certain that no person enters the area used by the suspect to make his departure. Since the subject's odor will be predominant, the entire scene must be free of other contamination. If material has been dropped by the fleeing suspect, such material and the area surrounding it must not be disturbed because the dog may detect the suspect's odor from the material. In tracking situations, the responding officer should immediately contact the complainant. The contact should be made in a manner that least disturbs or contaminates the scene. Back up units should not respond to the scene, but position themselves around the perimeter of the incident so the suspect cannot leave the area.

The purpose of the back up unit is to observe the general area to see anyone leaving. Generally speaking, dogs are capable of picking up a scent several hours after the suspect has left the area if the scene has not been contaminated by another person.

Weather has a definite effect on tracking ability. Humid early morning hours, with no wind offer ideal tracking conditions. Tracking on paved streets is difficult because of the odor of the pavement itself. Dogs are capable of picking up a scent of a suspect from a personal item the suspect dropped as long as 24 hours after the incident if the dropped article has not been contaminated or picked up by another person. Wind of twenty miles per hour or more makes tracking difficult as does a heavy rain. A light rainfall frequently provides ideal tracking conditions. Curious onlookers and unnecessary officers should not congregate where K-9 units are to be used. Responding officers should make every effort to:

- (1) keep noise and confusion to a minimum at any scene, for it is not desirable to have activity which excites or distracts the dog.
- (2) When the resident has a pet at the scene, tactfully request the owner to get the pet completely away from the area.
- (3) Do not follow or get close to a dog that is working, unless specifically requested by the handler.

K-9 TEAM RELATIONSHIP TO THE GENERAL LAW ENFORCEMENT FUNCTION:

- a. The K-9 Unit's objective is, when requested, to assist and support all divisions within the department.
 - (1) Arrests made or evidence located as the result of a request for a K-9 team assistance will be considered to have been accomplished by the requesting officer.

- (2) In those instances when a K-9 team responds as a back up unit, the handler will be responsible for completing a supplemental report, documenting actions taken by the K-9 team.

b. K-9 team self-initiated patrol activity:

- (1) The K-9 Unit will be responsible for taking appropriate law enforcement action when offenses are committed in the presence of the officer, and the K-9 Officer will be responsible for completion of the necessary reports.

c. RULES FOR UTILIZATION OF A K-9 TEAM:

- RULE 1. To control a crowd only when necessary to prevent death or injury to innocent persons, or to prevent assaults on law enforcement officers.
- RULE 2. To apprehend persons under the influence of intoxicating liquor or drugs only when another offense is involved.
- RULE 3. To apprehend mentally disturbed persons only when a crime is involved.
- RULE 4. May be used in response to any approved request for protective, crime prevention or law enforcement services.
- RULE 5. To search for lost children (persons) only when, in the judgment of the supervisor, there are extenuating circumstances surrounding the disappearance; example:
- (a) evidence of foul play,
 - (b) reason to believe that harm will be suffered by the child (person) if he/she is not located.

d. GENERAL RULES FOR DEPARTMENT PERSONNEL:

- RULE 1. Personnel shall pet a K-9 only in the presence and with the permission of its handler.
- RULE 2. Personnel shall not hug a police work dog, or lean closely to the dog's head when petting the dog.
- RULE 3. Under no circumstances will department personnel tease or act aggressively toward a K-9.
- RULE 4. Officers will comply with the directions of the dog handler when the K-9 team is involved in a specific problem and it is necessary for a handler to direct officers in a K-9 related tactical situation.
- RULE 5. Except in emergency circumstances, or with prior approval of an assigned dog handler, personnel other than dog handler shall not give commands to a K-9.

POLICE K-9 TEAM SPECIFICATIONS:

a. Obedience

The K-9 should respond to the obedience commands of its handler as a control feature rather than as a competitive exercise.

b. Agility

The K-9 shall be trained to overcome operational obstacles that may be occur on the job.

c. Scent Work

This is one of the K-9's function. He is used as an investigative tool and should be trained to locate people by scent.

- (1) The dog should search the inside of a building and detect the presence of any person or persons hiding inside.
- (2) The dog should track in reasonable environments a track of 400 yards that is 20 to 60 minutes old.

d. Protection

The K-9 should be trained to protect its handler and to stop a fleeing suspect by biting. The police dog should release its hold on the suspect on a spoken command from its handler.

e. Certification

Before a department's K-9 Unit (dog and handler) can be placed on an "operational status" certain requirements must be met in order to insure that the dog is certified to be competent and properly handled. The K-9 and handler shall be re-certified annually or as necessary by a qualified and certified K-9 police dog trainer. Should a K-9 team not be certified as suitable for "operational status", the Unit shall cease operation until certification is approved by the Chief of Police. The primary reason for such a decision would be behavior on the part of the K-9 that places himself, his handler, or the public in jeopardy.

- f. The K-9 team shall be required to train at least sixteen (16) hours, and no more than twenty four (24) hours per month in addition to the annual re-certification.

PROCEDURES FOR K-9 TEAMS:

- a. A K-9 Unit shall be capable of accomplishing the following:

- (1) Tracking: Location of missing persons (civilian or criminal) in either rural or in-city environments.
- (2) Crime prevention patrol of high crime areas.
- (3) Building searches and apprehension of criminals.
- (4) Crowd control when authorized by department policy.
- (5) Pursuit, apprehension, and guarding fleeing criminals or felony suspects.
- (6) Support officers in combative situations.
- (7) Protection of the public and law enforcement officers from threat of physical injury.
- (8) Detection of lost or hidden articles or evidence, illegal narcotics and explosives.

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- (9) Crime prevention programs for civic, social and school groups.

K-9 OFFICER'S DUTIES:

- a. Crime preventive patrolling.
- b. Field and building searches.
- c. Assist in the apprehension or prevent the escape of persons who officers believe has committed a crime.
- d. Assist in the apprehension of persons suspected of a crime when all other efforts to apprehend or prevent escape have failed.
- e. Assist other officers of the department as necessary.
- f. Assist outside agencies and officers when authorized.
- g. Decide on tactical employment of the dog and the team's ability to accomplish a given assignment.
- h. Determine the need for additional officers at the scene of a K-9 operation.

OFFICERS AT THE SCENE (OTHER THAN K-9):

- a. When a K-9 Unit is requested, officers on the scene will comply with the following procedure:
 - (1) Secure the scene until K-9 Unit arrives.
 - (2) Prevent contamination of the crime scene (physical presence or chemical) that will adversely affect the scent necessary for tracking, building search or narcotics detection.
 - (3) Upon arrival at a "burglary in progress" scene do not enter the building until directed by the on site supervisor.
 - (4) Assist the K-9 Unit only as requested the K-9 officer or directed by a supervisor.
 - (5) Keep distracting noise to a minimum.
 - (6) Do not permit excessive talking while K-9 team is working.
 - (7) During the hours of darkness reduce all illumination when the K-9 team is operational.
 - (8) Officers will not permit ANYONE within a K-9 operating area without the consent and approval of the officer.

THE FOLLOWING PROCEDURES WILL BE EXERCISED WHEN K-9 TEAMS ARE FUNCTIONAL:

- a. Building Searches:
 - (1) When a suspected burglary has been determined, the officer at the scene may request the use of the K-9 team.
 - (2) The first officer on the scene will secure the area as quickly as possible, and if necessary, request additional units to assist in securing the area. The purpose of securing the area is to prevent anyone from entering or leaving the scene, and to observe all points of possible escape in an attempt to apprehend a suspect fleeing from the scene.

- (3) When the K-9 team arrives, the officer in charge will brief the team on the situation, paying particular attention to the location of exits, concealed areas and movement. If the K-9 supervisor is not on the scene, the K-9 officer will make the final decision on the use of the dog.
- (4) The K-9 team will enter the building in accordance with guidelines approved by the Chief of Police and allow the dog to search the area prior to entering and attempts will be made to warn the suspect(s) that K-9 team will be used if force is necessary.
- (5) Officers on the outside of a building will not enter the scene of operation while the K-9 team is working unless specifically requested by the K-9 handler. Officers will secure all possible avenues of escape and eliminate as much noise as possible in order not to distract the K-9
- (6) If the suspect is apprehended by the K-9 team, the handler will request assistance from other officers if needed. All apprehended suspects will be turned over to the first responding officer for prosecution unless otherwise directed by the on site supervisor.
- (7) Upon completion of the search and apprehension (if made) the K-9 team will return to normal patrol duty.

TRACKING:

- a. When the need for a K-9 team is established, officers will request assistance.
- b. When waiting for the K-9 team to arrive, officers will protect the area, permitting no one to touch, pick up or move any materials which may be used by the K-9 team. Once touched, the material becomes contaminated with the scent of the person touching the material, and may confuse the dog and cause the tracking effort to be ineffective. The dog will pick up the freshest scent available.
- c. When the K-9 team arrives, the officer in charge will brief the team on the situation, paying particular attention to the location of exits, concealed areas and movement. If the K-9 supervisor is not on the scene, the K-9 officer will make the final decision on the use of the dog.
- d. If a stolen or abandoned vehicle is involved, the responding officers will not permit anyone, including other officers to get closer than ten (10) feet to the vehicle. This will prevent contamination of the area.

NARCOTICS SEARCHES:

- a. The K-9 team, if available, will be utilized in all drug and narcotic searches.
- b. All outside areas and buildings that are to be searched for drugs should be cleared of all persons and animals prior to the arrival of the K-9 team. Efforts shall be made to leave the scene exactly as it was left by the perpetrators. Officers should not attempt to do a physical or visual search prior to the arrival of the K-9 team. Narcotics that are in plain view, or substances that may be harmful to the K-9 shall be shown to the K-9 officer upon his arrival. Under no circumstances should the area be physically searched prior to the dog's search and contaminated.
- c. When the K-9 team arrives, the on site supervisor will brief the K-9 team on the situation, identifying the location of exits, concealed areas and movement. The K-9 officer will make the final decision on the use of the dog.

DOG BITES:

In the unlikely event a person should be bitten by the K-9, the K-9 officer will file all required reports. A copy of the report shall be submitted to the supervisor for approval, and the supervisor will assure the accuracy of the report and submit the report to the Chief of Police.

INJURY TO K-9:

Should a K-9 be injured as a result of line of duty work, the K-9 officer shall take the K-9 to the department approved Veterinarian for examination and a determination of fitness for duty. The K-9 officer is responsible for the health, and safety of the K-9.

INJURY TO HANDLER:

In the unlikely event that the K-9 officer is injured, the following procedure will be followed:

- a. DO NOT, UNDER ANY CIRCUMSTANCES, approach the K-9 that is protecting the K-9 officer or attempt to assist the officer unless it is apparent that the failure to respond to the officer would result in death or be detrimental to the his health or safety.
- b. Officers will request medical assistance for the injured K-9 officer immediately.
- c. Attempt to get handler to control the dog.
- d. If at all possible, attempt to get another handler to remove the dog or control his actions.
- e. If all other efforts to respond to the emergency needs of the officer fail, contact the Department Veterinarian and attempt to tranquilize the dog. If those efforts are unsuccessful, and the officer is in imminent danger of losing his life or compounding an existing injury, the K-9 should be neutralized. If shot, one correctly placed round shall be used in order to reduce the possibility of the K-9 being made to suffer for doing what he is trained to do...protecting his handler.
This may seem to be a bit cold and heartless, but always remember this:

"A K-9 CAN BE REPLACED ... a K-9 OFFICER CANNOT"

SUPERVISORY PERSONNEL:

- a. A K-9 supervisor will be assigned to control the K-9 unit within the organization. His responsibility is to provide:
 - (1) Liaison with command elements.
 - (2) Make decisions on the deployment of K-9 team.
 - (3) Supervise the K-9 team.
 - (4) Establish and maintain a good working relationship between the K-9 team and other law enforcement personnel and other law enforcement agencies.
 - (5) Assist Chief of Police in implementing K-9 policies and directives.
 - (6) The K-9 supervisor should provide support and direct assistance to K-9 training, provide for man-power and training aids for the K-9 team to maintain proficiency.

REQUIREMENTS FOR A DEPARTMENT K-9 OFFICER:

- a. Have a minimum of two years of full time law enforcement experience.
- b. Comply with the physical requirements for the position of K-9 Officer, as defined in the Performance Standards for the Patrol Officer.