



Marion County Sheriff's Office

Policy #4675.00

Subject: Canine (K9) Unit – Organization and Deployment

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ALL LAW ENFORCEMENT

I. PURPOSE: To use all possible means available to serve the public. The Agency maintains a Police Canine Unit (K-9) in furtherance of this policy.

II. SCOPE: This policy shall apply to all law enforcement

III. POLICY: Sheriff's canines have a multitude of applications, to include the purposes of apprehension

IV. PROCEDURE:

4675.00 CANINE (K-9) UNIT-ORGANIZATION AND DEPLOYMENT

A. It is the policy of the Marion County Sheriff's Office to use all possible means available to serve the public. The Agency maintains a Police Canine Unit (K-9) in furtherance of this policy.

4675.10 ORGANIZATION

A. The Sheriff's K-9 Unit shall be under the control of the Special Operations Division, within the Operational Support Bureau.

B. The K-9 Unit is supervised by the Captain of the Special Operations Division. General day-to-day supervision of the K-9 Unit is the responsibility of the K-9 Commander, who shall hold the rank of Sergeant or above.

C. The K-9 Unit handlers shall be qualified in canine law enforcement operations through specialized training and/or experience.

1. Each K-9 handler shall be responsible for maintaining performance and activity records for his/her respective canine in coordination with the K-9 Commander.

D. General and Staff Supervision

1. The on-duty K-9 Commander shall be responsible for general supervision of K-9 teams when on-duty.

2. When assigned to a specific detail, special detail, or function, Sheriff's K-9 teams shall operate under the supervision of the Incident Commander, or supervisor in charge of the detail to which they are deployed or assigned.

3. The K-9 Commander shall assign K-9 teams for off-duty assignments, which are outside the scope of on-duty obligations.

4675.20 SELECTION OF CANINE HANDLERS

A. Deputies wishing to apply for a position with the Canine Unit shall follow the procedures outlined below. When a vacancy occurs, a selection board will be convened at the direction of the Captain of the Special Operations Division.

B. Applicants will be considered based on the following criteria:

1. Results of background check, which will include attendance records, driving record, performance evaluations, commendations, reprimands, internal investigations, and so forth.

2. Education, training and special skills, such as training schools attended, prior experience in the field of police canines, and so forth.

3. Additional criteria considered will be the applicant's reason for seeking the position, his or her suitability for the position (whether or not he or she will be able to work with a dog and provide a suitable environment for the dog at the applicant's home), and how the applicant's selection would be beneficial to the canine unit.

C. Requirements

1. A candidate for selection must have completed a minimum of two (2) full years with the Marion County Sheriff's Office as a patrol deputy in the Operational Support Bureau which may be waived by the Chief based on situations of need, or where an applicant has considerable previous police canine experience.

2. The candidate must be capable of housing the Sheriff's canine in an approved kennel or crate at his or her residence, and have adequate space in adjacent areas for exercising the canine.

3. In the event that the candidate does not own his /her residential property or apartment the candidate must obtain written permission from the property owner approving the housing of the Sheriff's canine on the premises.

4. Any candidate selected for the position of canine handler will be required to remain in the Canine Unit for a minimum of three (3) years, unless involuntarily removed prior to that time.

a. Any handler voluntarily leaving the Canine Unit within three (3) years of appointment to the Unit may be required to reimburse the Agency for costs or portions of costs of training or other benefits or costs as set forth in the Sheriff's Office operations directives.

D. Selection of Canine Handler:

1. Deputies shall be advised of openings within the Canine Unit by way of Agency-wide announcement.

2. Interested candidates must submit a written request to the Operational Support Bureau Chief via the appropriate chain of command.

3. The K-9 Commander, Captain of the Special Operations Division, and/or other personnel from the Sheriff's Office will interview the candidate's family at their residence to ensure an adequate environment exists for the Sheriff's canine.

4. A physical eligibility/agility test will be conducted by the K-9 Commander or trainer for the candidates to evaluate a timed agility course, 2.5 mile run 23 minutes or less, and a minimum of 40 push-ups and 40 sit-ups (within a two minute time period for each).

5. The candidate(s) will demonstrate and complete the entire K-9 confidence course.

6. The candidate(s) will participate in and conduct apprehension work while acting as a decoy. The candidates will also be evaluated on their confidence as a decoy during apprehension training.

7. Other personnel, including supervisory personnel who can assist with information that would help the selection review board in reaching a decision may also be interviewed by the board.

8. The selection review board shall make recommendations for membership in the Canine Unit, subject to approval of the Operational Support Bureau Chief, the Chief Deputy, and the Sheriff.

9. Upon selection and acceptance by the requester, the requester must agree to abide by certain conditions of appointment to the Canine Unit, by signing the Marion County Sheriff's Office Canine Unit Agreement.

4675.30 LAW ENFORCEMENT K-9 APPLICATIONS

A. Ground scent trailing, or tracking, can be useful to locate suspects or lost persons believed to have recently left a known area on foot. It is necessary that the K-9 be able to distinguish a recent scent from the known area and not be confused by more recent scents from vehicles or responding deputies.

B. Sheriff's canines can be used effectively to search within perimetered areas for close pursuit of fleeing suspects when physical presence has been recent and the immediate area has not been contaminated by the presence of other persons or vehicles, and weather conditions do not otherwise impair wind scent. Canines can search areas in buildings for hidden suspects, who can be located by scent, and evidence items in a known area can be located.

C. Drugs, explosives, and cadaver searches can be conducted using specially trained and certified canines capable of detecting and reacting to the presence of drugs, explosives, and cadaver.

D. Pursuit and apprehension of fleeing suspects makes use of the canine's speed to overtake and stop fleeing suspects without the use of deadly force.

E. The canine unit has been designated to deploy with the Field Force(s).

F. Personal protection capabilities of the K-9 are most beneficial to the K-9 deputies who are frequently able to perform as two-man units. The canine is capable of guarding suspects while the suspects are being searched or questioned, and is capable of defending the K-9 deputy. The canine is trained to react based

upon the actions of the suspect or on command of the handler, and cannot be expected to use human judgment or reasoning.

G. It is the policy of the Marion County Sheriff's Office to utilize K-9s for the purposes of apprehension.

- (1) Felonies: A K-9 may be used for apprehension for a person based upon there being probable cause to arrest for a felony, including for any court order (including but not limited to arrest warrants, orders to revoke bond, and orders of commitment) to arrest a person for a felony.
- (2) Violent Misdemeanors: A K-9 handler is permitted to use a K-9 for apprehension for violent misdemeanors based upon there being probable cause to arrest for a violent misdemeanor, including for any court order (including but not limited to arrest warrants, orders to revoke bond, and orders of commitment) to arrest a person for a violent misdemeanor. A "violent misdemeanor" refers to any offense that involved the use or threat of violence against another individual, based on the elements of the statute or the offense as actually committed.
- (3) Non-violent Misdemeanors: A K-9 handler may be permitted to use a K-9 for apprehension for non-violent misdemeanors, including where probable cause exists to arrest for a non-violent misdemeanor or where a court order (including but not limited to arrest warrants, orders to revoke bond, and orders of commitment) exists to arrest a person for a non-violent misdemeanor. Prior to using a K-9 for an apprehension for a non-violent misdemeanor, the K-9 handler must obtain approval to utilize a K-9 for this purpose, unless the exigencies of a situation do not allow the K-9 handler to obtain this approval. Approval may be given by the watch commander, K-9 commander, or a member of the law enforcement bureau holding the rank of captain or above. The decision to utilize a K-9 for apprehension on a non-violent misdemeanor must take into account an evaluation of the factors set forth below. All incident reports, green team reports, and other documentation regarding a K-9 deployment for a non-violent misdemeanor shall include an articulation of the facts as it pertains to each factor:
 - a. The severity of the crime committed by the suspect:
 - i. Some non-violent misdemeanors may be more severe than others. Some examples of non-violent misdemeanors that are more severe but which may be "non-violent" include Violations of Domestic Violence Injunctions, Violations of Pretrial Release Conditions in Domestic Cases, Stalking, and Voyeurism.
 - b. Whether the suspect poses an immediate threat to the safety of the public of deputies:
 - i. This can take into account the totality of information known to the K-9 handler and fellow officers and includes, but is not limited to, consideration of whether a suspect is armed, a suspect's prior criminal history, and statements made and actions taken by the suspect.
 - c. Whether the suspect is actively attempting to resist arrest or to evade arrest by flight:
 - i. This should take into account all attempts to flee by the suspect or otherwise resist or evade arrest, including statements of intent, efforts

to hide or conceal themselves, or failure to follow directions to surrender. Although a K-9 handler should not deploy a K-9 when a suspect has actually surrendered, a K-9 handler is allowed to evaluate the credibility of a suspect's statement that they intend to surrender based on the totality of the circumstances.

d. The degree to which the use of the K-9 is necessary to safely affect an arrest:

- i. A K-9 handler may deploy a K-9 even where an arrest could be made without a K-9. However, it is contemplated that using a K-9 will allow an arrest to be made more safely, more quickly, and with decreased risk of harm to the public and deputies. A K-9 handler should be able to articulate why a K-9 was used to affect an arrest for a non-violent misdemeanor.

H. K-9s should not be used on juveniles whose identity is known, unless exigent circumstances exist concerning an immediate life threatening situation or a substantial risk to public safety.

I. Other guidelines that should be taken into consideration prior to K-9 utilization are the number of subjects that have fled the incident location, the direction of travel of all the subjects, and who has the appropriate criminal charges.

4675.40 CANINE OPERATIONAL PROCEDURES

A. K-9 teams will consist of trained handlers to work in tandem with a trained dog.

- 1.** These K-9 teams will patrol in specially modified and equipped vehicles designed for such duty and clearly marked with the words, "BEWARE OF DOG" upon the rear door area.

- 2.** Sheriff's K-9 teams shall be deployed at strategic times and locations that provide optimal response throughout Marion County, Florida.

- 3.** On-duty Sheriff's K-9 teams shall respond to crimes in progress within their assigned patrol area without specific dispatch, and shall assist patrol units in potentially violent situations.

- a.** The Watch Commander may establish the order of assignment priority when only one (1) K-9 team is available for multiple calls within a supervisory area.

- 4.** Tactical use and application of the K-9 teams shall be at the discretion of individual K-9 handlers, using their assigned canines when feasible.

- 5.** In all circumstances, the canine handler shall notify the dispatcher of his or her intent to respond to any specific event.

- 6.** In order for the canine program to function properly, canine teams shall not as a matter of course be assigned "Report Type Calls" unless absolutely necessary, and then only under the direct order of the K9 Commander, or Watch Commander. When calls for service are backlogged, K-9 teams can be assigned

calls to ease the load on the patrol officers, but should not be assigned as a primary unit to "Report Type" calls if possible.

7. The main duties of the canine team are searching buildings and areas, tracking, and the deterrence of crime.

B. When requested to apply a canine team to a specific problem, the handler shall first evaluate the situation to determine if, in fact, the use of a K-9 is feasible. In those events where the decision is made not to use the K-9, the handler will stand by to give other assistance until advised to secure.

1. The decision to apply the K-9 to a specific law enforcement operation shall be the responsibility of the on-duty Watch Commander.

2. All requests by other agencies to use the Sheriff's canine teams shall be coordinated by the K9 Commander, or higher authority, and the Watch Commander.

3. Due to the specific design of K-9 unit vehicles, canine teams should not be used to transport prisoners. A handler making an arrest shall request a second patrol unit for the purpose of transporting the prisoner(s).

C. It will be the responsibility of the K9 Commander to determine if a call-out situation exists when all K-9 Teams are off duty. Several guidelines to govern this responsibility are as follows:

1. Is there a reasonable expectation that the suspect is still in the immediate area and may be able to be captured?

2. Has the crime scene been adequately contained, has a perimeter been established?

3. What is the time lapse between the time the offense was committed and the anticipated arrival of the canine team?

D. Duties of Responding Patrol Units

1. In order to achieve maximum effective utilization of the K-9 team, patrol deputies should be aware of the following:

a. The decision to use a canine team should be made as soon as possible. This decision will be made by a K-9 handler. The first responding deputy arriving on the scene must evaluate the existing hazards, opportunity for immediate on-scene arrest of the criminal and relative need for the use of a canine and report this information as soon as possible.

b. It shall be the responsibility of the K-9 handler, on-duty patrol supervisor, or the first patrol deputy on the scene, to set up a perimeter around the area or building(s) to be searched, to ensure containment, and that all unauthorized person(s) are prohibited from entering the area. The first responding deputy shall prevent the contamination of air and/or ground scent unless precluded by need for medical assistance, immediate arrest, or other essential factors.

c. Deputies should maintain a perimeter of any area or building to be searched and those units assigned to a perimeter location will be moved accordingly with the progress of the canine team. When the K-9 team attempts the search for a suspect, a patrol deputy may be assigned to follow at a distance of ten (10) to twelve (12) feet to the rear of the team and off the track (in case the team must double back), to keep the team in view, watch for the suspect, and protect the team as the handler will be concentrating on the canine. This assignment will be at the discretion for the canine handler.

d. Deputies should avoid contaminating the search area prior to the completion of the K-9 team's search.

2. Use of a canine during an arrest will be classified as an application of force. Therefore, the K-9 should be used only when reasonably necessary to aid in effecting the arrest.

E. Protection of Handler/Deputy

1. Consideration of whether to use a K-9 should take into account the following factors:

a. Whether the suspect poses an immediate threat to the safety of the public or the deputies;

b. Whether the suspect is actively attempting to resist arrest or to evade arrest by flight;

c. The degree to which the use of a K-9 is necessary to safely effect an arrest.

2. When a K-9 handler uses a K-9 for apprehension, he/she should document and articulate the facts relating to each of the above factors and any other facts relevant to establish why the use of a K-9 was reasonable under the circumstances. All factors do not have to be present to justify use of a K-9 provided that the use of the K-9 was justified under the totality of the circumstances.

3. So as not to interfere with the training and work phases of the canine, it is important that the patrol deputy not:

a. Reach into a canine vehicle while a K-9 is inside.

b. Agitate a K-9 at any time.

c. Attempt to feed a K-9.

d. Conduct horseplay or other disruptive activity in the presence of a canine.

F. Duties of the Communications Section

1. When a situation develops which requires the use of a K-9 team(s), dispatch shall send adequate units to set up a perimeter as approved by the patrol supervisor. The dispatcher shall attempt to keep the party calling on the telephone so that additional information can be obtained while units are responding to the area, and to gather full details of the incident so that the K-9 team(s) will have up-to-date information as they proceed into the area.

2. Once the perimeter has been set, it must be determined if the party calling is in any danger. If not, they should be advised by dispatch to stay where they are, and that units are awaiting the arrival of the Sheriff's Office K-9 Unit.

3. Upon arrival of the K-9 team, the radio traffic should be cleared for emergency traffic when requested by the canine handler. Direction of any suspect's flight and description should be updated at all times.

4675.50 GUIDELINES FOR EMERGENCY SITUATIONS

A. Should a medical emergency occur to either a K-9 or the handler during a tour of duty, the following guidelines should be followed:

B. Every effort must be taken to save the life of the K-9 should it become injured, or to prevent the unnecessary destruction of the K-9 should the handler become injured or incapacitated.

C. If the K-9 becomes injured, but the handler is not:

1. The handler has been specially trained and equipped with a K-9 first aid kit and can provide all emergency care possible for the K-9 on the scene. When necessary the handler will notify the Communications Center to call an approved veterinarian.

D. If the handler is injured, but the K-9 is not, the K-9 may not allow anyone to attend to the handler. Should this occur, try the following:

1. Try to rouse the handler and have him/her secure the K-9. Call another handler immediately. He or she will know how the situation can be remedied, or call the K-9 Commander.

2. If the K-9 vehicle door is open and the K-9 is standing over the handler, send someone to the rear windshield of the vehicle and have that person call the K-9. As the K-9 goes into that area slide, the cage door closed, this will contain the K-9, and assistance can be rendered.

3. If these procedures do not work, attempt to open all the doors on the vehicle and allow the K-9 to escape. Be careful for personnel and other's safety. Animal Control may be of some assistance with a capture pole.

4. When all attempts have been exhausted and human life is threatened, destruction of the K-9 may be necessary, attempt to wound rather than kill, and be aware K-9s react differently to gunfire and may not be immediately incapacitated. Ensure this is a last resort.

4675.60 BUILDING SEARCHES

A. During building searches, the perimeter will be secured by patrol units. If possible, the owner of the building or premises should be contacted to determine if anyone has permission to be in or on the building or premises, or if anyone may be working unusual hours. The owner should also be able to allow the canine team easier access to the building interior.

4675.70 TRACKING

A. During tracking situations, it will be the responsibility of the patrol units to secure the perimeter while the canine team proceeds with the track. The K-9 handler will keep the perimeter units updated with his or her location and the direction of the track by radio communications, to allow the perimeter units to move accordingly in an effort to keep the perimeter secure and possibly "flush" the suspect out of one of the perimeter units. The perimeter units will remain at their assigned positions, unless advised by the canine team working the incident or by the incident supervisor.

1. Patrol units will not enter the track area on foot, as this could cause contamination of a tracking area and provide a greater opportunity for the suspect to elude capture. If the tracking area becomes contaminated for any reason, this information should be forwarded to the canine team immediately.

B. During an area search, a larger perimeter will be secured by patrol units while the K-9 team proceeds through the area. The K-9 handler will keep the perimeter units advised of the team's location by radio communications, to allow the perimeter units to move accordingly and in an effort to keep the perimeter secure.

1. Patrol units should remain inside their vehicles unless instructed otherwise.

4675.75 ADMINISTRATIVE SEARCHES AT PUBLIC SCHOOLS

A. This policy governs K-9 usage during administrative searches at public schools.

1. Other K-9 usage, including usage based upon probable cause or reasonable suspicion, or as part of a criminal investigation, is not governed by this policy.

B. "Administrative searches" are warrantless and suspicionless searches that are lawful provided they are done in accordance with the Fourth Amendment. The Fourth Amendment requirements for administrative searches include a neutral plan for execution (which may include a randomization of places to be searched), a compelling governmental need, the absence of less restrictive alternatives, and in a setting where persons have reduced privacy rights.

C. Marion County Public Schools (MCPS) has an administrative search policy that permits administrative searches of the grounds and facilities of public schools, students, and students' property to locate firearms, ammunition, and controlled substances. The MCPS administrative search policy is attached to this Policy.

D. Firearm detection K-9s and drug detection K-9s may be used to aid in conducting administrative searches at Marion County Public Schools. The use of K-9s must be consistent with and may not exceed that which is permitted by the administrative search policy of Marion County Public Schools.

E. An alert by a firearms detection K-9 to a vehicle belonging to an employee of Marion County Public Schools, while that vehicle is located on school grounds, does not provide justification for a search of that vehicle.

4675.80 PUBLIC RELATIONS EXHIBITIONS

A. K-9 demonstrations and public exhibition requests shall be directed to and coordinated through the K-9 Unit Commander.

B. All feasible effort shall be made to accommodate public exhibition requests.

4675.90 USE OF CANINE FOR BREEDING.

A. A Marion County Sheriff's Office K-9 will not be used intentionally for breeding, of any sort, or used for profit while owned by the Sheriff's Office.

B. If a Sheriff's Office K-9 accidentally breeds with a civilian canine and the female becomes pregnant, the K9 handler will notify his/her K9 Commander immediately.

4675.95 K-9 RECORDS AND DOCUMENTATION

A. The K9 handler will not, at any time, distribute materials, including records, documentation or other paperwork relating to the Sheriff's Office canine (K9), unless:

1. The materials have been previously approved for release or distribution;
2. The materials have been specifically ordered to be produced pursuant to a court order;
3. The materials have been requested by the State Attorney's Office; or
4. The materials are responsive to a public records request. Materials should not be released pursuant to a public records request unless all confidential or exempt information has been redacted.

B. The Staff Attorneys may be consulted to aid in determining:

1. Whether court orders to release records may be challenged;
2. Whether the records to be released fall within the scope of a court order;
3. Whether release of records to the State Attorney's Office would result in the release of confidential/exempt information and whether the production of records may be more narrowly tailored to satisfy their needs while also maintaining the confidentiality of records; and
4. Whether K-9 materials are confidential or exempt from disclosure pursuant to public records requests.

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