

Canines

308.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services to the community including, but not limited to locating missing or at risk individuals and apprehending criminal offenders.

308.2 POLICY

It is the policy of the Berkeley Police Department that a request for canine unit assistance from an outside agency only be used to effectively and reasonably carry out legitimate law enforcement objectives

Per the 1982 Berkeley City Council Resolution (51,408 NS), police use of canines from other law enforcement agencies is permitted upon approval of the City Manager (or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available) in the following circumstances:

- (a) To apprehend a suspect where there is a threat to human life, the suspect is reasonably believed to be armed with a deadly weapon and the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect; or
- (b) To locate missing persons; or
- (c) To locate crime scenes.

The use of canines in crowd control is explicitly prohibited.

308.3 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if:

- (a) The on-scene supervisor or Watch Commander reasonably believes that the individual has either committed, is committing or is threatening to commit any serious offense and
- (b) If 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 and the use of an objective reasonableness standard applied to the decision to use a canine

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, 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.

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In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, officers should confirm the handler secures the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and officers believe that the suspect no longer poses a threat, officers should request the handler, if not done already, command the canine to release the suspect.

308.4 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the on-scene supervisor 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 on-scene supervisor should make every reasonable effort to communicate with the canine handler 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 decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation 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.

308.5 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. Officers should allow a reasonable time for a suspect to surrender and should request the handler quiet the canine momentarily in order to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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

308.6 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified. 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 should also be included in any related incident or arrest report.

308.7 NON-APPREHENSION GUIDELINES

Properly trained canines may also 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 Watch Commander is responsible for determining a 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.

- (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.

308.8 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.