



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## K9 Use

Eff. Date 09/18/2023

### Purpose

The purpose of this standard operating procedure (SOP) is to outline the duties, responsibilities, and parameters for utilization and deployment of the Madison Police Department (MPD) K9 team. Subject to the provision of this SOP, MPD K9s trained in patrol applications may be utilized for area searches, building searches, tracking, evidence searches, narcotics detection, bomb detection, subject apprehensions, K9 handler protection, and community presentations.

The K9 handler is, at all times, responsible for the control of their dog. If there is a dispute in the field on the manner in which a K9 team is to be used and this SOP does not provide guidance, the immediate decision will be made by the K9 handler. The Chief of Police, or their designee, ultimately determines how and when all K9 teams will be utilized.

The function of MPD's K9 unit is to provide K9 support and service to MPD and, at times, to other jurisdictions. MPD K9s are trained in narcotics detention, explosive detection, and patrol functions, including apprehensions, building searches, tracking, area searches, and article searches.

### Definitions

K9:	A trained police service dog used for law enforcement purposes
K9 handler:	An MPD officer assigned to use a K9 in the course of their duties
K9 team:	A K9 handler and their K9
Patrol K9:	A K9 trained in patrol functions, including tracking, building/area searches, apprehensions, K9 handler protection, and article searches
Single purpose K9:	A K9 trained for detection purposes, to include explosives and narcotics. May be trained in location tracking/trailing purposes
Dual purpose K9:	A K9 trained to perform both patrol and detection functions
Deployment:	Any directed use of the K9 to perform a trained function
Capital K9:	The City of Madison Police K9 and Equine Partners, Inc. (Capital K9s) is a non-profit 501(c)3, volunteer-run organization which exists to support the expansion and maintenance of the City of Madison Police Department K9 Unit and to educate the community about the value and effectiveness of using dogs in police work.

### Duties and Responsibilities

The Executive Captain of Operations:

- 1) Has overall supervisory responsibility for the K9 unit
- 2) Reviews all instances when a K9 is involved in causing injury and ensures proper written documentation of the incident
- 3) Works with the K9 sergeant to develop unit goals
- 4) Annually audits the K9 unit narcotic training aids storage closet

The K9 Sergeant:

- 1) Reports directly to the Executive Captain of Operations
- 2) Functions as the liaison on all matters pertaining to the K9 unit
- 3) Serves as the direct supervisor to all K9 handlers
- 4) Participates in the selection process for new K9 handlers
- 5) Provides guidance and professional development to K9 handlers
- 6) Coordinates K9 unit training for K9 teams and other department members
- 7) Maintains records on K9 use, training, certification(s), and any on-duty or off-duty injuries caused by K9
- 8) Maintains and oversees the care and maintenance of training equipment
- 9) Maintains narcotic training aids for the K9 unit use and conducts regular audits of the training aids in conjunction with the Executive Captain of Operations
- 10) Completes and disseminates a quarterly and yearly statistical report to the Executive Captain and Assistant Chief of Operations
- 11) Ensures all K9 handlers are completing the proper documentation regarding K9 use
- 12) Functions as the liaison between MPD and Capital K9s
- 13) Annually reviews and updates the K9 handler manual
- 14) While on-duty, responds as the supervisor to complete the responsibilities of the Field Supervisor as outlined in the SOP "Use of Force Data Collection and Review"

## K9 Use of Force Considerations

Utilization of a K9 as a use of force -while not considered deadly force- constitutes a high level of force that should be reserved for situations justifying the response. Both the intentional deployment of a K9 for apprehension and an off-lead search are considered K9 use of force. The primary goal of a K9 deployment as a use of force is to impede a subject.

When deciding whether or not to utilize a K9, K9 handlers will consider the following factors:

- 1) **The existence of alternative means of control** – how effective are the other use of force tools or techniques to gain control of the subject? A primary consideration is the need to deploy force from a safe distance, particularly against a subject against whom other use of force tools/techniques cannot be deployed (i.e., subject behind cover, in a dwelling, etc.). The appropriateness of other use of force tools/techniques is also a consideration (i.e., reactionary gap, etc.).
- 2) **The severity of the offense** – K9s should not be deployed against subject who have committed minor offenses. K9 deployment against a subject who has committed a misdemeanor offense may be warranted under some circumstances (ex: where the subject poses a significant risk to officers or to the public). In general, K9 apprehension deployments will be reserved for utilization against felony suspects. K9s should not be deployed to apprehend non-criminal subjects (ex: suicidal subjects) unless the K9 handler reasonably believes that the deployment is necessary to prevent the subject from causing death or great bodily harm to themselves, or to prevent the subject from causing harm to officers or the public.
- 3) **Whether the subject poses a significant threat to the safety of officers or the public** – K9s should not be deployed unless the subject poses a significant threat to the safety of officers or the public. Circumstances to be considered as part of this evaluation include the size, strength, and weaponry (if any) of the subject, as well as the environment in which the incident is occurring (ex: are members of the public exposed to danger?).
- 4) **Whether the subject is actively resisting arrest or attempting to evade arrest by flight** – K9s will not be deployed against subjects displaying only passive resistance, nor will they be deployed against subjects who are handcuffed. K9s are intended to provide a means to apprehend violent/assaultive/possibly armed subjects when no other reasonable means exist to attain immediate control of the subject.
- 5) **Potential risk of a K9 deployment to uninvolved individuals or officers** – K9s will not be deployed if doing so would create an unreasonable risk to uninvolved individuals or officers. This applies in the context of an open area deployment and to off-lead searches. Prior to

utilization of a K9 for a building search, K9 handlers should take reasonable steps to verify that no uninvolved parties are present in the building.

## K9 Deployment

K9s may be used as an application of force under the following circumstances:

- 1) To assist in the arrest of or prevent the escape of subjects who pose a **significant threat to the safety of officers or the public**;
- 2) To conduct building or area searches for subjects who are reasonably believed to be a significant **threat to the safety of officers or the public**;
- 3) To overcome violent or assaultive behavior or its threat, if the officer reasonably believes that the subject poses an articulable significant threat of harm to officers or others and that a lesser degree of force would be insufficient or impractical;
- 4) To control a subject to prevent them from harming themselves or others, if a lesser degree of force would be insufficient or impractical;
- 5) To apprehend subjects who are concealed and who officer(s) can **reasonably articulate pose a significant threat to the safety of officers or the public**.

K9s shall not be utilized or deployed:

- 1) Primarily as a method of pain compliance;
- 2) To determine a subject's life status; or
- 3) For the purpose of crowd control or crowd management.

## K9 Verbal Announcements

- 1) When feasible while deploying a K9 to apprehend a subject, the K9 handler will make a verbal warning to the subject.
- 2) When feasible, if there is a reasonable belief that a subject speaks a language other than English, an officer or other individual fluent in that language should be requested to issue verbal warnings.
- 3) When feasible and before commencing a search of a building, the K9 handler or other appropriate personnel will make three loud verbal announcements. The announcement shall include information that there are police officers on the premise and that a trained police K9 will be released and may bite if the subject does not surrender.
- 4) When feasible, a reasonable amount of time shall be allowed for the subject to respond. The warning shall be repeated whenever a K9 team approaches an area where the prior announcements may not have reached.
- 5) When apprehending subjects, the K9 shall be directed to disengage as soon as the subject is subdued and under control.

## Assisting Outside Agencies

All outside agency requests for on-duty MPD K9 teams to assist must be approved by the MPD Officer in Charge (OIC) or an MPD supervisor subject to these guidelines:

- 1) The nature of the service requested
- 2) MPD staffing levels and workload at the time of the request
- 3) Any possible adverse effect an honored request would have on MPD's ability to provide services to the residents of Madison
- 4) K9 handlers may respond to assist other agencies without prior approval if it would be impractical to obtain prior approval
- 5) Approval for pre-planned enforcement activity outside of the City of Madison must be granted by the K9 Sergeant or by the Executive Captain of Operations.

MPD K9 teams shall, at all times, act in accordance with MPD policy and procedure. Upon arrival at the scene, the K9 handler has the ultimate decision as to whether or not the K9 is to be used for a specific assignment.

K9 teams should not be called out while off duty to assist outside agencies unless authorized by the OIC, K9 Sergeant, or Executive Captain of Operations.

## **K9 Use**

- 1) K9s will not be used to sniff people
- 2) Any place or object may be sniffed by a K9 pursuant to a search warrant or with the valid consent of someone with sufficient authority (over the place or object) to grant consent; officers will not ask for consent to search in the immediate presence of a K9
- 3) Except in exigent circumstances, MPD officers will not conduct interviews of subjects or individuals in the immediate presence of a K9
- 4) A positive alert by a K9 constitutes probable cause and may be used to justify a search (if appropriate) or to seek a search warrant
- 5) When a K9 team has been requested to sniff a package, vehicle, door, locker, or other item, the item suspected of containing narcotics should remain unknown to the K9 handler prior to the sniff when possible
- 6) When requesting a K9 team to sniff a moveable item such as a package, the item suspected of containing narcotics should not be placed with other similar items prior to the sniff when possible

## **K9 Squad Use and Care**

Each K9 handler will be assigned a permanent K9 squad primarily designed for K9 duty. The K9 handlers are authorized to maintain their assigned squads at their respective residences while off duty.

- 1) Routine maintenance shall be arranged by the K9 handlers upon request from City of Madison Fleet Services.
- 2) Assigned K9 squads are for official use only and may not be used for personal use.
- 3) Any K9 handler leaving an unattended squad running must ensure that the squad doors are locked.
- 4) No personal or permanent modifications are to be made to any K9 squad without the authorization of the Executive Captain of Operations.
- 5) The provisions of APM 2-13 apply to K9 vehicles.
- 6) Arrestees shall not be transported in the same vehicle with a K9 unless immediate transport is essential for safety or security reasons.

## **K9 Use and Care**

- 1) MPD K9s shall not be used for breeding, participation in shows, exhibitions, or other on or off-duty employment unless authorized by the Executive Captain of Operations.
- 2) K9 handlers shall maintain their K9 both on and off duty in a safe and controlled manner.
- 3) The K9 program shall provide K9 handlers with proper exterior housing for their K9 if needed, and the K9 handler should conduct periodic inspections to ensure that the housing is properly maintained.
- 4) K9 handlers are personally responsible for the daily care, housing, and feeding of their K9 to include:
  - a. Maintenance and cleaning of the K9's kennel and yard area;
  - b. Providing adequate food and water;
  - c. Grooming as needed;
  - d. Providing adequate and appropriate exercise; and
  - e. Providing medical attention as needed

- 5) Where the K9 handler is unable to perform these duties due to injury, illness, or leave:
  - a. Another K9 handler may be assigned to temporarily care for the K9,
  - b. The K9 may be housed in a department approved kennel, or
  - c. The K9 Sergeant or their designee may temporarily care for the K9.
- 6) K9 handlers shall not permit anyone to pet, hug, or otherwise physically engage their K9 without their prior permission and only under the K9 handler's immediate supervision. Should an individual express a desire to do so, the K9 handler should inform the individual that police K9s are serious working dogs and that they can be dangerous if improperly approached.
- 7) A K9 may not be deployed off duty for any law enforcement purpose, unless exigent circumstances exist.
- 8) The K9 handler shall ensure that no individual taunts or teases the K9.
- 9) No MPD personnel shall attempt to handle or in any way give the K9 orders, unless given direct permission or instruction to do by the K9 handler.
- 10) Veterinary care of the K9 includes, but is not limited to, the following:
  - a. The K9 handler is responsible for ensuring routine veterinary care is provided to their respective K9.
  - b. In the event that a K9 is injured, the injury will immediately be reported to a K9 supervisor.
  - c. Prior approval shall be received from the K9 supervisor to obtain veterinary care for the injury when possible.
  - d. Depending on the severity of the injury, the K9 shall either be treated by their designated veterinarian or transported to an emergency medical facility for treatment. If the K9 team is out of the area of the City of Madison, the K9 handler may use the nearest available veterinarian.
- 11) A K9 handler may apply to take possession of their K9 when:
  - a. The K9 is retired from duty or relieved from duty due to injury, or
  - b. The K9 handler is transferred, promoted, or retires, and the decision is made not to retain the K9 for another K9 handler.

### **Injury Caused by a K9 – On-Duty**

Whenever a K9 has bitten, scratched, or otherwise injured a subject while on-duty, whether intentional or unintentional, the K9 handler shall:

- 1) Assess and evaluate the subject or individual for injury and facilitate medical care from a qualified medical professional;
- 2) Immediately notify the OIC and K9 Sergeant;
- 3) Request the K9 Sergeant to respond to the scene; if the K9 Sergeant is unavailable, request an on-duty field supervisor to respond;
- 4) Obtain a signed authorization for release of medical information from the injured person, if possible;
- 5) Document the incident in a written report as soon as possible;
- 6) Document the incident in PackTrack to be reviewed by the K9 Sergeant and Executive Captain of Operations; and
- 7) Follow all other procedures as outlined in the "Use of Force Data Collection" SOP.

### **Injury Caused by a K9 – Off-Duty**

Whenever a K9 has bitten, scratched, or otherwise injured an individual while off-duty, whether intentional or unintentional, the K9 handler shall:

- 1) Immediately notify the OIC and K9 sergeant; if immediate contact with the OIC and K9 Sergeant does not occur, the K9 handler will continue to attempt contact with chain of command until a supervisor is reached.
- 2) Complete written documentation of the incident to be reviewed by the K9 Sergeant.

## K9 Team Qualifications and Training

New K9 handlers must complete a prescribed K9 training course and successfully meet all course requirements. All K9s must certify annually through a national certification organization as approved by the K9 Sergeant. Failure to participate in or qualify in initial or annual training certification will result in de-certification from the team. Noncertified K9 teams will not be deployed.

All certified K9 teams will participate in regular trainings to maintain proficiency in basic skills and ensure continued effective performance. The K9 Sergeant is responsible for ensuring that each K9 team receives adequate training and maintains appropriate certifications.

## Record Keeping

- 1) The K9 handler will complete a police report each time their K9 is deployed.
- 2) The K9 handler will maintain an up-to-date training log and record all training activities, to include narrative evaluations. All pertinent documentation shall be logged in PackTrack.
- 3) The K9 Sergeant will review the training logs on a regular basis.
- 4) The K9 handler will maintain an updated resume for the K9 team to include training, awards, certifications, and yearly statistics.
- 5) The K9 Sergeant will compile the K9 unit statistics on a semi-annual basis.
- 6) The K9 handler will ensure records are kept of all veterinary expenses and procedures.

## K9 Unit Narcotic Training Aids

The K9 unit may maintain possession of various types and quantities of narcotics for use as training aids. Some of these training aids are obtained from the Drug Enforcement Administration (DEA); the K9 Sergeant will maintain a registration number with the DEA to facilitate the acquisition of these aids.

The Executive Captain of Operations ultimately oversees the K9 unit narcotic training aids. The K9 Sergeant is responsible for determining the unit's need for narcotic training aids and for rotating the training aids to maintain freshness and purity of the aids. Training aids obtained from the DEA that are no longer needed will be disposed of as follows:

- 1) The K9 Sergeant will complete form DEA-41, listing the substance, quantity, and number of containers.
- 2) The narcotic training aids will be entered into the MPD property system- with a new MPD case number and property tag. The K9 Sergeant will complete an MPD report documenting this process.
- 3) The Police Property Supervisor and a witness will sign the DEA-41 form once destruction occurs and return the form to the K9 Sergeant.
- 4) The K9 Sergeant will return a copy of the DEA-41 form to the DEA and will submit one to MPD Records (associated with the MPD case number obtained for property tagging).

The K9 unit will store narcotic training aids in secure storage. Access to these safes will be limited to the K9 Sergeant, Executive Captain of Operations, and any MPD personnel who can operate as the Officer in Charge. Temporary access may be provided to the K9 handler if needed, as granted by the K9 Sergeant or Executive Captain of Operations.

Narcotic training aids will be checked out by the K9 handler and observed by the individual who granted access to the secure storage. K9 handlers are responsible for logging the checking in and out of the training aids and a witness must sign the log.

The K9 Sergeant will conduct a quarterly inventory of the K9 unit's narcotic training aids. The inventory will be forwarded to the Executive Captain of Operations and Professional Standards and Internal Affairs.

## Request for Public Demonstrations

All public requests for a MPD K9 team demonstration must be approved by the K9 Sergeant. K9 handlers will not perform apprehension demonstrations to the public unless authorized to do so by the K9 Sergeant or Executive Captain of Operations.

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