



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



August 20, 2024

Sharmaine Moseley, Executive Director
Sheriff Civilian Oversight Commission
World Trade Center
350 South Figueroa Street, Suite 288
Los Angeles, California 90071
Sent via Electronic Transmission

Dear Ms. Moseley:

CANINE DETAIL SERVICES PROGRAM

On August 13, 2024, the Civilian Oversight Commission's (COC) Use of Force Ad Hoc committee requested specific information on the Los Angeles County Sheriff's Department's (Department) Canine Detail Services program (Canine Program). The Department, with the assistance of its Special Operations Division, hereby provides the following information to the list of questions presented.

The questions presented by the COC are highlighted in bold, and are followed by the Department's response to each question:

1. **General background. Provide an overview of the LASD's canine services detail program that includes:**
 - A. **Number of canines currently in the program.**

There are 69 canines in the Department's Canine Program. Each canine specializes in one discipline, specifically: search and rescue, missing persons, explosive detection, chemical and biological detection, accelerant detection, suspect apprehension, gun detection, alcohol detection, or narcotics detection. Four canines are currently used for suspect apprehension.

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B. Program budget for the past three years.

There is no specific budget for the Canine Program. The program's budget is built into the overall Department's budget and that of the Special Enforcement Bureau (SEB).

C. How many teams (Deputy plus dog) exist?

The Department's Canine Program consists of 60 teams.

D. Where does the LASD acquire the canines for its program?

Various vendors are utilized, including Gold Coast K9 in Ventura County and Adlerhorst International in Riverside County.

E. What breed of dog is used in the LASD canine program?

The canine program utilizes several breeds of canines, including Belgian Malinois, Dutch Shepherd, Labrador, German Shepherd, and Patterdale Terrier.

2. Policies**A. What are LASD's current policies for the deployment of enforcement canines, particularly policies re when canines be used to assist in apprehensions.**

Please see attached Manual of Policy and Procedures, Section 5-09/265.10 "Special Enforcement Bureau Tactical Canine Deployment" (which is also available on the Department's website) and is electronically attached to the letter and labeled "Item 2A Canine Deployment Policy."

B. What policies exist for retiring canines that do not appropriately follow commands.

In these cases, the canines are taken out of service and returned to the originating vendor.

3. Data and Statistics**A. Does LASD track the Canine Services Detail canines' bite history?**

Yes, historical data for all canine bites are tracked and recorded.

B. What is the ratio of deployments to bites in the past three years?

The data indicates that 6.7 percent of canine deployments result in a bite.

C. Provide statistics for LASD canine dog bites annually over the last 3 years, by year.

2021: 430 deployments and 30 canine bites.

2022: 379 deployments and 30 canine bites.

2023: 382 deployments and 21 canine bites.

D. In what situations and for what purposes does the LASD use canine in its law enforcement mission?

The Department's canines are deployed for operations involving search and rescue, explosive detection, chemical and biological detection, accelerant detection, gun detection, narcotics detection, alcohol detection in Custody Division, missing person(s) searches, and dangerous suspect searches. Attached for your review is the Department's policy (described previously) and the Department's Special Enforcement Bureau's Canine Services Detail K-9 Manual (electronically labeled "Item 3E LASD SEB Canine Manual") which provides detailed information regarding the use of canines.

E. Describe the extent and level of training provided to both the canine and the assigned deputy handler? Provide a copy of the training course curriculum and/or training materials.

The Department's Special Enforcement Bureau's Canine Services Detail K-9 Manual (electronically labeled "Item 3E LASD SEB Canine Manual") is provided which provides the details on the level of training to both the canine and the assigned deputy handler (see Section III).

4. Provide a copy of any Summary Corrective Action Plan (SCAP) that LASD has developed to reduce the likelihood of previous canine incidents associated with the Canine Services Detail Operation.

There have not been any SCAPs produced for the Department's Canine Program. The Department has not had litigation issues in the past involving this issue. It is the Department's view that the policy and

manual require that the K-9 team operate with the highest levels of oversight and strictest deployment policies.

5. In addition to the above questions, the Commission requests LASD provide timeframes, to schedule a site visit for a demonstration and/or tour of the Canine Detail Services Program for Commissioners and staff which would provide the following:

- A. Show how canines are handled and trained.
- B. Observe how canines interact with people.
- C. Other areas as deemed appropriate.

Canine Services Detail has reserved Monday, September 9, 2024, at 2:00pm for your site visit and tour. I understand that this date was selected based on the availability of the commissioners, and that this is a mutually agreeable date for this meeting.

Should you have any concerns, please do not hesitate to contact me.

Sincerely,

ROBERT G. LUNA, SHERIFF


HOLLY FRANCISCO
ASSISTANT SHERIFF

Manual of Policy and Procedures : 5-09/265.10 - Special Enforcement Bureau Tactical
Canine Deployment

5-09/265.10 - Special Enforcement Bureau Tactical Canine Deployment

The Special Enforcement Bureau's Canine Services Detail is responsible for maintaining police service canines specifically trained to aid in the location and apprehension of outstanding suspects wanted in connection with crimes meeting deployment criteria under this section.

The prompt and proper utilization of a trained tactical canine team has proven to be a valuable resource in law enforcement. When properly used, a tactical canine team greatly increases the degree of safety to all persons (including suspects) within a contained search area, enhances officer safety, significantly increases the likelihood of suspect apprehension, and dramatically reduces the amount of time necessary to conduct a search.

Tactical canine search teams can be requested through the Sheriff's Communications Center (SCC) or the Special Enforcement Bureau (SEB) Desk 24 hours a day. The opportunity for a safe and successful search operation will be enhanced with a timely request, response, and deployment of a canine team.

The following situations reflect suitable activities for tactical canine deployments:

- Commercial and residential structure searches where there is the possibility of suspects hidden inside and wanted in connection with activity listed below under authorized deployment;
- Area searches for criminal suspects who are wanted in connection with activity listed below under authorized deployment;
- Capture of suspects who are armed, or believed to be armed, when less lethal forms of apprehension are appropriate;
- Specialized security assignments;
- Specialized saturation patrol;
- Unique tactical searches not previously described, with approval of the SEB unit commander or above.

Except in extreme emergencies, tactical canine teams are not to be utilized for crowd control situations.

Tactical canine deployments are authorized for and shall be limited to:

- Searches for armed suspects;
- Searches for suspects wanted for serious or violent felonies and/or where the circumstances of the situation would present a clear danger to the law enforcement personnel who would otherwise conduct a search without a canine;
 - Serious or violent felonies will include any offenses classified as Part I Crimes in the FBI's Uniform Crime Reporting Program, except those categorized under larceny-theft;
- It is not uncommon for suspects driving stolen vehicles to be utilizing the vehicle to facilitate involvement in other serious or violent felonies. However, absent additional information at the time of deployment, searches for suspects wanted only for motor vehicle theft shall be limited to those who are reasonably believed to be adults, and are reasonably believed to be the driver of a confirmed stolen vehicle. Known passengers, absent extenuating circumstances, should not be searched for with the use of a police service canine;

- Searches for known juvenile offenders shall be limited to those instances where the severity of the crime, the subject's age and propensity for violence, whether or not the subject is believed to be armed, or other critical factors would reasonably justify the use of a tactical canine search team. In these situations, an SEB supervisor of the permanent rank of lieutenant or above must first authorize the use of a canine;
- Searches for articles, including weapons, narcotics or other property, recently discarded by suspects wanted in connection with deployable crimes which may have value as evidence in a criminal case;
- Special Weapons Team activations and other activities as may be deemed appropriate by the SEB unit commander or his designee.

Station personnel requesting a tactical canine team are responsible for establishing an effective perimeter containment of the area to be searched. They are also responsible for ensuring the area is not contaminated by the scent from civilians or other law enforcement personnel. If a tactical canine team is requested, station personnel should generally refrain from searching prior to their arrival unless an exigency arises.

Most requests for a canine team will justify the use of a code 3 response. Canine personnel shall adhere to existing emergency driving policies when initiating a code 3 response.

In all instances, a supervisor from SEB, and/or a field supervisor from the concerned station, shall respond to the scene of the incident. In those instances where an SEB supervisor is not immediately present, field supervisors shall monitor the operation and ensure Department policy is adhered to.. However, unless exigent circumstances requiring an immediate deployment exist, the decision to make a tactical canine deployment must first be approved by an SEB supervisor. Generally, once approved, the canine handler will then dictate the search tactics to be utilized and coordinate the deployment of assisting personnel.

Consideration shall also be given to requesting additional tactical personnel from SEB. These deputies have trained and worked closely with canine teams and are more familiar with the tactics and responsibilities involved. The decision to deploy SEB personnel rather than station personnel on a search shall be at the discretion of the SEB supervisor.

All canine handlers and deputy personnel assisting in canine searches shall abide by the Department's use of force policies at all times. Deputy personnel shall evaluate each situation requiring a force application in light of the seriousness of the facts and circumstances.

Prior to deploying tactical canine teams, announcements shall be made. These announcements are intended to notify persons within the containment area of the intent to utilize a canine, and to afford suspect(s) the opportunity to surrender to law enforcement personnel. The announcements shall be clear and audible to all personnel at the operation and made in both English and Spanish. Radio car and helicopter public address systems, if available and equipped, will increase the likelihood that the canine announcements are heard and shall be utilized. Prior to deployment, the canine handler or incident command post shall ascertain from units on containment positions if the announcements were clear and audible. Any exception to this policy must be fully justified by conditions and circumstances inherent in a specific incident which create officer or public safety concerns exceeding those that may typically be associated with tactical canine deployment operations. Absent exigent circumstances, the decision to forego canine deployment announcements must be approved by an SEB supervisor of the permanent rank of lieutenant or above. The justification and circumstances shall also be documented in all subsequent reports.

Safety is of paramount concern. Canines are trained to protect their handlers and may react to perceived

threats. Personnel should not enter or reach inside canine vehicles when the canine is inside, nor approach canine handlers abruptly. During search operations, personnel should follow the instructions of the canine handler and avoid any action which might jeopardize the safety of those involved in the operation. When a suspect is located, the handler will advise when it is safe to approach and take a suspect into custody.

In situations where a canine finds and bites a suspect, the concerned canine handler will as rapidly as possible determine if the suspect is armed or a continuing threat. Keep in mind that when the resistance has been overcome or the threat abated, the de-escalation of force is the appropriate response.

The handler will remove the canine at the first possible moment the canine can safely be released. When deciding to remove the canine, particular attention must be given to the perceived threat or actual resistance presented by the suspect. Handlers will continue to factor into their decision that the average person will struggle if being seized or confronted by a canine. This struggling, alone, will not be cause for not removing the canine. Without exception, a reference to the estimated duration of the canine's contact with a suspect shall be included in the handler's supplemental report.

In instances where a canine bite occurs, the facts shall be reported by the concerned canine handler and search team members to the SEB supervisor, and an immediate follow-up investigation shall be conducted. In most instances, canine bites will be investigated by the SEB supervisor, with notification to the Internal Affairs Bureau (IAB) via memorandum. The highly specialized nature of tactical canine deployments, the expertise of the SEB supervisors, and the need for immediate and timely follow up will constitute compelling circumstances under the Department's force review procedures, which allow an SEB supervisor who may have been present and/or directed the deployment to conduct the investigation. However, in instances where canine bites result in hospitalization or any other mandatory notification circumstances occur in conjunction with the apprehension, the SEB supervisor will immediately consult with the on-call IAB lieutenant regarding the circumstances of the deployment and nature of the injuries. The IAB lieutenant will determine if an IAB Force/Shooting Response Team response is appropriate. If an IAB Force/Shooting Response Team responds to assume control of the investigation, the SEB supervisor shall remain and assist them, as needed.

Station personnel shall not describe canine bite incidents in their reports. However, they will make reference to the supplemental report(s) written by the canine handler in their reports. Photographs of any injuries which may have been inflicted by a Department canine shall be the responsibility of the SEB supervisor. Unless specifically directed by an SEB or IAB supervisor, station personnel shall not photograph or capture on video any part of the deployment, injuries, or follow-up investigation.

All canine bites will be reviewed by the Executive Force Review Committee. An additional level of oversight may be conducted by any entity designated with that responsibility by the Department.

Revised: 4/8/2018

Los Angeles County Sheriff's Department

Special Enforcement Bureau



Canine Services Detail

K-9 Manual

JIM McDONNELL, SHERIFF

Captain Jack W. Ewell
Special Enforcement Bureau
Updated 04-26-16

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SECTION I

Mission Statement

**The Mission of the Special Enforcement Bureau Canine
Services Detail is to support Department
Operations by providing invaluable assistance and expertise
to more safely and effectively search for outstanding suspects or evidence,
enhancing the Department's Tradition of Service
within our communities.**

INTRODUCTION

This is the official Manual of the Los Angeles County Sheriff's Department Special Enforcement Bureau Canine Services Detail.

The Canine Manual shall be prepared, maintained and distributed by members of the Special Enforcement Bureau (SEB) Canine Services Detail (CSD). Every member of the Canine Services Detail shall be responsible for being familiar with the contents of this Manual.

The purpose of the Canine Manual is to provide general guidelines for policy and procedures for all personnel assigned to the Canine Services Detail.

The Canine Manual is a consolidation of existing policies, practices, procedures, and Departmental Orders, as they relate to the Canine Services Detail.

The Canine Manual shall not be in conflict with the content of the Department "Manual of Policy and Procedures." In instances where a conflict may appear to exist between the Canine Manual and either the Department Manual or any existing statutes, the Department Manual and/or the statutes shall be controlling.

Any statements in this Manual found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining content.

References in this manual may be made utilizing acronyms and abbreviations, i.e. Canine Services Detail as CSD, Canine as K-9, and Special Enforcement Bureau as SEB, etc.

Policies and procedures in this Manual are intentionally written in either positive or negative language to achieve consistency in specific cases. Situations that arise wherein guidelines have not been established will require judgments predicated upon the circumstances and commensurate with authority and responsibility. Therefore, omissions are not to be construed as either permissive or prohibitive.

All personnel assigned either administratively or for training purposes to the Canine Services Detail shall receive access to the Canine Manual upon assignment to the detail.

All police service dogs assigned to the Special Enforcement Bureau Canine Services Detail are trained and certified in the Handler Control deployment method. For a more detailed explanation of this method, refer to Section IV of this manual.

Department policy states that the use of a K-9 which results in a suspect being bitten is a reportable use of force. Each such incident will be fully investigated and documented. Consistent with Department policy, when a K-9 bites a suspect, the actions of K-9 handlers and other involved Department personnel will be assessed from a standard of objective reasonableness, based upon controlling case law (currently the Supreme Court decision in Graham v. Connor, 490 U.S. 386 (Graham)).

Each member shall be responsible for being aware of any updates or changes to the Canine Manual whenever they are disseminated.

Supervisors shall verify that new employees assigned to the detail have access to the Canine Manual and that the employee has read it. The supervisor shall answer any questions that the employee may have concerning the contents of the Canine Manual.

Applicants to the Canine Services Detail who wish to use a copy of the Canine Manual for study purposes, etc. may do so by contacting a Canine Services Detail supervisor.

CANINE SERVICES DETAIL HISTORY and OVERVIEW

In 1979, the Los Angeles County Sheriff's Department (LASD) began using trained canines to supplement deputies in remote locations. The LASD K-9 unit's first two dogs were assigned to the resident deputies living alone in Gorman and on Catalina Island. These lone deputies had no other back-up, so the dogs were assigned as their partners. Eventually, more dogs were added as Southern California agencies realized the benefits these canine partners provided.

In 1980, the Special Enforcement Bureau (SEB) acquired two police service dogs in order to begin providing enhanced officer safety capabilities in support of search operations for outstanding suspects conducted by patrol personnel. These canines were also the first to be trained to work in conjunction with Special Weapons Team (SWAT) personnel.

Today, the SEB Canine Services Detail consists of 12 K-9 teams, along with supervisors and support staff. The Department is responsible for patrolling over 3,000 square miles and 4 million people, in 42 of the 88 cities, as well as all unincorporated areas of Los Angeles County. The Department also has responsibility for all County parks and buildings, all 9 Community College campuses and all Metro Rail and Bus lines. These functions are performed by 23 stations and dozens of support units located throughout the County. The Department services these areas of responsibility with approximately 9,000 sworn deputies and a similar number of civilian support staff. The SEB K-9 teams can support Department operations by locating both suspects and evidence, and respond to approximately 400-500 requests a year.

There are also always at least one or two SEB K-9 teams assigned to all SWAT operations, and SWAT operators are frequently used to accompany K-9 teams on searches for the most dangerous suspects. All K-9 handlers have graduated from the SEB SWAT School, which is POST (California Commission on Peace Officers Standards and Training) approved, and are required to successfully complete the SEB Physical Agility Test semi-annually. In addition, they must complete a six week, 240 hour, POST approved Basic Handler School, as well as an additional four to six week intensive in-house CSD training program, prior to being certified for active deployment.

Detail members pride themselves on their continuing education and are always looking for additional training both nationally and internationally. They constantly strive to stay on the cutting edge of the K-9 community and enjoy training with as many different K-9 units as possible. Their ultimate goal is to provide both our patrol deputies and SWAT operators with a very powerful tool to help locate and safely apprehend dangerous suspects who are hiding from them.

SECTION II

ORGANIZATION AND RESPONSIBILITIES

The Canine Services Detail is a centralized Sheriff's Department support unit assigned to the Special Enforcement Bureau. In addition to CSD, there are two other details assigned to the Bureau - the Special Enforcement Detail (SED), or SWAT; and the Emergency Services Detail (ESD), comprised of SWAT Paramedics, who also have responsibility for mountain and dive rescue/recovery operations. All three details regularly train together and are jointly deployed on all high-risk operations. CSD has twelve K-9 handlers assigned, supervised by one Lieutenant and three Sergeants.

The K-9 Detail generally works a 4-day/10-hour work schedule, with a regularly scheduled Bureau training day on Monday. Regular Day shift hours are 0600-1600. Regular PM shift hours are either 1600-0200 or 1800-0400. Regular Days Off (RDOs) are Tuesday, Wednesday, and Thursday or Friday, Saturday, and Sunday. K-9 handlers and sergeants typically rotate RDOs every two months. One sergeant is assigned to each PM shift and one to the weekday (Monday-Thursday) Day shift. There are two K-9 handlers assigned to each Day shift and four K-9 handlers to each PM shift. K-9 handlers are routinely called in early, or held over late, and shifts are adjusted based upon the needs of SEB. However, all Department time and scheduling rules apply.

All schedules may be changed or adjusted based upon the needs of the unit and/or the Department.

K-9 teams may be requested to respond throughout Los Angeles County to assist any LASD unit, or to provide mutual aid to outside agencies operating within the County. K-9 teams may also occasionally respond to assist operations occurring outside of Los Angeles County, with approval through the appropriate chain of command.

K-9 DETAIL SELECTION CRITERIA , DUTIES AND RESPONSIBILITIES

The information in this section is taken from the Department's Coveted Testing Unit.

CSD K-9 Handlers are designated as Bonus 1 Deputies under SEB Canine Deputy (PSN 542). The selection process for this position is administered by the LASD Bureau of Labor Relations and Compliance's Coveted Testing Unit. All minimum pre and post selection requirements can be found at the Coveted Testing Unit's website. K-9 Handlers *shall* have acceptable secure, off-street parking for their assigned patrol vehicle. They *shall* have a suitable place to kennel their dog.

CSD K-9 Handlers may be removed from the position in accordance with the Department's Coveted Positions exit process. Removal may be based upon voluntary relinquishment of the position, substandard performance, medical limitations, disciplinary action, or position status changes.

SEB CANINE DEPUTY (PSN 542) JOB DESCRIPTION (08-26-2011)

JOB SUMMARY

The purpose of the SEB Canine Deputy job is to support Los Angeles County Sheriff's Department patrol operations by assisting in the location and apprehension of potentially violent suspects and/or crucial evidence through the utilization of Department police service dogs. The majority of time is spent searching with the dog or training and caring for the dog. SEB Canine Deputies are responsible for the continuous training, housing, feeding, and care of Department dogs.

MINIMUM QUALIFICATIONS

Two years experience as a Patrol Deputy. Patrol Deputy is defined as the date of certification as competent as a Patrol Deputy, that is, completion of the Los Angeles County Sheriff's Department Phase VI Patrol Orientation Program. "Experience as a Patrol Deputy" means aggregate time in a patrol assignment after certification as a competent Patrol Deputy by virtue of a formally recorded completion of the LASD Phase VI Patrol Orientation Program. Time spent as a "Trainee" at a patrol station does not count toward satisfying the minimum requirement of patrol experience as a Patrol Deputy.

POST-APPOINTMENT REQUIREMENTS

1. Successful completion of the California Peace Officers Standards and Training Certified Los Angeles County Sheriff's Department SWT School (2 weeks in duration) within 6 months of appointment.
2. Successful completion of a California Peace Officers Standards and Training Certified Basic Handler Course (such as Adlerhorst Police K-9 Academy 6 week course) within one year of appointment.
3. Completion of the Los Angeles County Sheriff's Department SEB Tactical Canine Deployment Certification process within one year of appointment.
4. Successful completion of the California Peace Officers Standards and Training Certified SWT Training and Evaluation process (duration of up to 6 months).
5. Receive a passing score on the Special Enforcement Detail Physical Agility Test twice a year.

DUTY AREAS & JOB ACTIVITIES

*The duties and job activities described herein are things a handler assigned to SEB might be tasked with, depending upon the type of canine they are deploying with and or the current needs, directions or staffing of the unit. However, they are not tasks which **shall** be performed by handlers. For example, none of the tactical canines assigned to the unit that are trained and deployed in the Handler Control method would normally ever be used to search for lost children and adults, or to locate "victims" of crimes, or to conduct "routine" searches of custody facilities, etc.*

1. **Work with a police service dog to search a target area for at-large suspects, lost children and adults, dead bodies, and/or crucial evidence.**
 - Gather pertinent information about the area and situation by interviewing on-scene personnel and witnesses, and evaluating the area to be searched in order to develop an appropriate tactical plan.
 - Develop a tactical plan for searching a target area by determining the personnel and equipment needed to conduct a safe and thorough search.
 - Perform a search of an identified area on foot with a police service dog to locate and apprehend a suspect, victim, and/or evidence.
 - Critique a search operation with all involved personnel to identify problems or issues in order to improve future operations.
 - Conduct routine searches of custody facilities, stations, or other Los Angeles County Sheriff's Department buildings.

- Respond to hazardous searches and high risk situations in conjunction with the Special Enforcement Bureau team.

2. Educate and train the public and other Los Angeles County Sheriff's Department units on the SEB Canine Detail functions.

- Evaluate verbal or written requests for demonstrations and schedule or deny the requests.
- Conduct presentations and demonstrations to groups of citizens to educate the community on the duties and responsibilities of the SEB Canine Detail.
- Train Los Angeles County Sheriff's Department members on the policies regarding the abilities of police service dogs to ensure Department members are familiar with the proper uses of the SEB Canine Detail.
- Provide tactical advice to outside law enforcement agencies upon request.

3. Train police service dogs in the proper search techniques.

- Test a dog for suitability by using the various tests of the canine training staff to ensure the dog has the proper temperament, drives, and instincts to perform as a police service dog.
- Teach police service dogs to use all of their senses to locate a hidden suspect, victim, or evidence in an area or building by using skilled decoys with proper equipment.
- Train police service dogs to use their sense of smell to locate and retrieve hidden evidence.
- Train police service dogs to work in a tactical environment by teaching them to search in a methodical manner and to ignore common distractions to ensure the dogs can work in a real world environment.
- Teach a police service dog to be obedient to the handler at all times by using positive and negative reinforcement to ensure the handler has control of the dog at all times during a search.
- Train a police service dog how and when to bite a suspect to ensure the safety of the deputy, dog, and suspect during a search and apprehension.

4. Maintain one's physical capabilities.

- Participate in aerobic exercise to maintain cardiovascular endurance for better job performance during physically exhaustive searches.
- Participate in anaerobic exercise to maintain body strength to reduce the likelihood of on-the-job injuries.

5. Maintain assigned equipment (e.g., dog, radios, weapons, vehicle).

- Provide the proper care and maintenance (e.g., feeding, grooming) for a police service dog to promote the good health and longevity of the dog.
- Maintain all assigned equipment (e.g., radios, weapons, tactical equipment) in working order by inspecting, cleaning, and replacing equipment to ensure items function properly when needed.
- Maintain assigned vehicle by servicing and cleaning the vehicle as needed to ensure a safe and clean work environment for the handler and dog.

6. Complete administrative duties (e.g., written documentation).

- Properly document the training progress of the dog and handler to ensure both are properly trained.
- Complete the appropriate forms and reports that correctly document the activities of the SEB Canine Detail in order to maintain accurate records and statistics.
- Maintain weekly, monthly, and yearly statistics outlining individual activities (e.g., number of searches, number of finds, number of bites, racial breakdown of suspects, victims).

K-9 DETAIL SUPERVISORY RESPONSIBILITIES

Lieutenant

The *K-9 Detail Lieutenant* is responsible for the overall management of the K-9 Detail. He reports directly to the Captain of the Special Enforcement Bureau.

The K-9 Detail Lieutenant is also one of the three lieutenants assigned to SEB who have rotating team command responsibility for all SWAT activations.

CSD Sergeants report directly to the K-9 Detail Lieutenant.

Sergeants

CSD Sergeants responsibilities, in addition to their normal supervisory duties, include the following:

- Monitor Canine requests for service and deployments
- Respond to search requests
- Prior to any K-9 deployment, evaluate and approve K-9 deployment requests based upon Department policy
- Act as Liaison between CSD and other Department Regions, Divisions, Bureaus and Details
- Conduct follow-up investigation on all CSD bites and use of force incidents
- Responsible for keeping in-service and variance schedule
- Handle K-9 Detail inquiries by the public, news media and other agencies
- Respond to all outside agency requests for Canine Services
- Direct supervision of K-9 handlers
- Ensure K-9 handlers conduct proper training, care and grooming, and maintenance of their assigned dog
- Coordinate with SED teams when situation requires additional SEB personnel for high risk searches or barricades, etc.
- Ensure K-9 handlers complete and submit all required paperwork as necessary and in a timely manner, i.e. K-9 training logs, overtime slips, K-9 activation reports, supplemental reports, etc.
- Approve all supplemental reports generated by the use of force or canine bite
- Selection, evaluation, and approval of all K-9 equipment
- Assist as a search team member on K-9 searches
- Assist as needed by SED teams during call-outs and barricades

Training Sergeant

CSD Training Sergeant is also responsible for the following additional duties:

- Development, planning, and implementation of K-9 Detail Training Program
- Overall supervision of the K-9 Training Program
- Testing and selection of new dogs
- Coordination and certification of all K-9 teams
- Maintenance of K-9 training records
- Coordinates K-9 Training Program with the CSD Training Deputy
- Ensures all SEB training requirements are met as required by policy, unit order, etc.

Training Deputy

CSD K-9 Training Deputy is responsible for:

- Having extensive experience as a handler and an above average knowledge and ability to train dogs and K-9 handlers
- Implementation of K-9 Training Program as directed by CSD Training Sergeant
- Assist CSD Training Sergeant in testing and selection of new dogs
- Initial training and orientation of newly assigned K-9 handlers and dogs
- Coordinate ongoing maintenance training of the unit's dogs
- Coordinate problem solving and directed training of the unit's dogs if necessary
- Coordinate remedial and recertification training of dogs after extended absence from the field (handler IOD, etc.)
- Annual certification of all K-9 teams
- Coordinate training venues
- Coordinate recruitment and training of K-9 Helpers (Decoys/Agitators, etc.) and ensure safety of both dogs and Helpers
- Evaluation, selection and procurement of K-9 training equipment
- Assist outside police agencies with training requests
- Coordinates, instructs at, and manages K-9 Tactical Course
- Perform K-9 handler duties on a regular basis

SECTION III

SELECTION AND TRAINING OF SEB K-9'S

Selection of SEB Tactical Canines

Canine procurement is done using authorized police dog vendors. These vendors procure canines that have been previously trained, and in many cases titled, in one of several canine police or sport programs. The majority of these canines are from Europe. Utilizing titled or partially trained canines has a tremendous time and cost savings advantage.

The Canine Services Detail Training Staff will select and evaluate all potential canines. The selection process will include, but is not limited to, tests of bite work, searching, environmental issues, control work, and obedience. All members of the CSD will be allowed to participate and observe the selection process. CSD personnel may give their recommendations and comments pertaining to the acceptability of a canine during the selection process. The K-9 Training Deputy and K-9 handler whom the canine is being selected for will provide their recommendations on the canine's selection or non-selection to the K-9 Training Sergeant and CSD Lieutenant.

The final decision on selection/non-selection of a canine will be made by the CSD Training Sergeant and/or CSD Lieutenant.

Health Examinations of Canines Prior to Procurement

A visual examination will be made by the Canine Services Detail Training Staff at the time of the evaluation.

A physical examination will also be made by a professional veterinarian. This examination shall include X-Rays of the hips and body for obvious and disqualifying signs of dysplasia and other diseases (if not previously completed).

Initial Basic K-9 Training

K-9 handlers and canines newly assigned to the Special Enforcement Bureau Canine Services Detail attend a California POST certified Basic Handler Course. The Basic Handler course provides 240 hours of intensive training for law enforcement personnel in the handling, deployment and care of a Police Service Dog.

The course covers the following topics:

I. Theoretic Instruction

- History of the species canine.

- Chronological history of the use of dogs in Police Service.
- Canine behavior.
- How the dog learns.
- Training objectives and techniques.
- Theory and techniques to enhance agitator/helper skills
- Instruction in types and proper utilization of training equipment.
- Health, care and feeding of the Police Service Dog.
- Current case law and legal parameters involved in the use of a Police Service Dog.
- Preparation for court appearances.
- Preparing and maintaining training records.

II. Practical Instruction

- Safety during training.
- Understanding the Police Service Dog's abilities.
- Understanding the Police Service Dogs learning process.
- Guard and bark training done properly.
- Enhance alerts.
- Develop confrontational behavior.
- Accelerate transitional training.
- Reading, understanding and proper reaction to dogs alerts.
- Evidence search.
- Area search.
- Directed search.
- Building search.
- Proper use of all training equipment.
- Proper handling of surveillance, searches, arrest and transporting of suspects.

- Working with other Police Officers.
- Understanding the handler's responsibility to insure all deployments are done within policy.

K-9 handlers will normally complete the Basic Handler Course whenever they are assigned a newly procured canine.

If an experienced K-9 handler is assigned a canine and both have previously attended the Basic Handler Course, though not as a team, the requirement to attend the course again may be waived. However, the decision to forego the course will be made on a case by case basis, taking into account the experience levels of both the handler and the dog. The approval of in-house training only for certification of deployment will be a rare exception and will only be made with a consensus of the CSD training staff and the approval of the CSD Lieutenant.

If a K-9 handler is assigned a previously certified canine and the team does not attend the basic school as a team, the K-9 team will undergo a structured and documented training program as directed by the K-9 Detail Training Staff and shall still be required to pass CSD K-9 Certification as a team, prior to deployment.

Any deviation from the above shall be approved by the CSD Lieutenant.

Upon successful completion of the Basic Handler Course, all K-9 teams will undergo an extensive field training program directed by the CSD training staff. Canines assigned to SEB are tasked with working in many situations unique to the unit. These situations include, but are not limited to, barricaded suspect searches, assisting the Special Enforcement Detail (SED) on operations, assisting the Emergency Services Detail (ESD) on marine missions, working in a gas environment, and deploying from a helicopter. This training normally lasts from one to two months. Upon completion of the initial phase of this training, the K-9 team will successfully complete the CSD K-9 Certification prior to being deployed. Initially, the K-9 team will be certified for Limited Deployment, which will include most high-risk area searches, but not the highest risk area searches and/or barricaded suspect operations. The CSD training staff will conduct ongoing evaluation of the K-9 team during their initial deployments and will certify the K-9 team for Full Deployment on all tactical operations when a consensus is reached with the CSD training staff that the team is adequately trained and prepared to deploy in all situations. Due to variations in the experience levels of the handlers and the canines, the time necessary to achieve this level of competence cannot be mandatorily defined.

K-9 Maintenance Training

K-9 training does not stop upon the completion of a certification phase. Maintenance of K-9 training is of the utmost importance and is mandatory. Recurrent K-9 training is based upon the "Community Standard." The "Community Standard" recommends 16 hours a month (4 hours a week) of in house training, 8 hours a month of supervised training, and an annual re-certification (exceeding California POST standards).

The CSD has a dedicated training day each week. Training is directed and coordinated through the CSD training staff.

All canine K-9 handlers should train daily when on duty. Training is conducted as duties permit. This training is documented on the CSD Monthly Training Log. The Monthly Training Log is reviewed by the K-9 Training Sergeant on a monthly basis.

Training Conducted on Private Property

Continual training is paramount to our ability to maintain our skills at their highest levels in order to safely resolve these incidents. To avoid any confusion and/or unwarranted accusations, anytime a K-9 handler asks permission to use a private home, yard, garage, shed, etc. for any training scenarios with any of our personnel, a supervisor shall either record the clear consent of the property owner or other responsible adult party, or obtain written consent, or obtain both when appropriate, prior to conducting any such training (Refer to SEB Unit Order 2013-002).

K-9 Decoys (Helpers)

When conducting K-9 training, the Helper performs a very important role in training. An unskilled Helper can cause serious damage to the training of a canine if improper techniques or actions are used. An unskilled or untrained Helper may not understand the desired result of the training exercise and thus may act in a way when confronted by the canine which does not gain the desired result. Improper responses by a Helper can also cause serious, and sometimes, career ending injury to the canine.

Normally, all Helpers used for any regularly scheduled training of CSD canines shall successfully complete a certified agitator course (such as the 16-hour Agitator/Helper Seminar at Adlerhorst International) prior to performing as a Helper for any bite work. Any deviation of this requirement will require prior approval by the CSD Training Sergeant. Attendance of this seminar shall be at the Helpers own expense. However, this is not meant to preclude the occasional use of untrained volunteers in certain situations, such as public demonstrations or field exercises, at the discretion of the on-duty CSD supervisor.

Any unsafe or improper action by a Helper not assigned as a K-9 handler at SEB may be cause to remove them from training. This removal may be temporary or permanent dependent on the severity of the action. The CSD Training Sergeant shall make the decision to suspend or remove the Helper from training. The CSD Training Sergeant should be notified as soon as possible of any negative incidents.

Safety is paramount and a safety briefing must be held prior to any training scenario involving bite work. All safety equipment must be checked for serviceability prior to use. The CSD Training Deputy shall monitor the condition of all bite suits and safety equipment. Any equipment that is unsafe shall not be used until repaired.

CSD K-9 Team Evaluation and Certification

The legitimate and accredited certification of police service dogs is necessary to ensure that the canines are working properly according to established industry standards. In addition, this certification assists in minimizing liability associated with the use of police service canines.

The Special Enforcement Bureau's Canine Services Detail has developed a police service canine certification course. This certification course meets and/or exceeds the California POST standards for police service canine certification. Prior to being allowed to deploy in the field, all SEB canines are required to pass this certification course.

Each police service dog assigned to the Canine Services Detail may be called upon to perform critical tasks during incidents where the safety of law enforcement and the public depend primarily upon the performance of the police service dog and handler. It is from these critical incidents that the necessity arises to properly examine and test the police service dog and handler to ensure they are working as a properly trained canine team.

While some dogs may excel in some areas, they may lack in others. These scenarios and situations are designed to test the deployment worthiness of each individual canine, not to measure the abilities of one dog against another. The following is a list of situations and deployment scenarios that a police service dog assigned to the Canine Services Detail may encounter during the normal course of duty. Many of the scenarios and situations are designed toward the traditional deployment of a police service dog, while others test a dog's skill level and ability to perform in a tactical environment alongside members of the SED during SWAT deployments.

The following scenarios will test the handler's ability to control his/her police service dog during critical and stressful situations. They will test the police service dog's ability and willingness to search for, locate and positively alert to the presence of a hidden suspect. The scenarios will also measure the police service dog's ability and willingness to

engage and apprehend suspects in different physical positions and remain dedicated to the apprehension during various amounts of stress.

If a canine team fails to complete any one of the scenarios, they may be given the opportunity to repeat the scenario the same day. If the canine team fails to properly complete the scenario a second time, the team will be subjected to additional training and allowed to repeat the scenario a third time, after at least 24 hours has passed. If the canine fails to successfully complete the scenario after the third attempt, the canine will be required to receive additional structured training, conducted by the training staff, to correct the deficiency prior to an attempting the certification process at a later time.

The failure to complete any one of the scenarios will be cause to remediate the canine and handler through additional training, or removal from deployment status. This decision will be made by the Canine Services Detail Lieutenant. This decision will be made only after all reasonable attempts to correct the deficiencies with the canine team have been exhausted. It must be understood that real life experience(s) may affect the way a police dog performs. Often violent encounters with suspects may cause a police service dog to display behaviors in training that are not desirable. These real life encounters our canines have been subjected to over the course of their working careers will be taken into account when evaluating a canine's performance. These scenarios are designed to replicate past, as well as possible future, deployments. For purposes of this police service dog certification the terms "decoy" and "suspect" mean one in the same and may be used interchangeably.

The Canine Services Detail Police Service Dog Certification will be completed annually. Each member of the Canine Services Detail who is assigned a police service dog will be required to successfully complete the following scenarios at least once in a twelve month time period. (Canine Services Detail members who are assigned tracking or specialty dogs will not be required to complete this certification with such dogs.) K-9 teams that are not in service for an extended amount of time (i.e. I.O.D., light duty status, relieved of duty, etc.) may be required to complete all or part of the certification process again, even if it falls within the same twelve month period, prior to again being designated as deployable, at the discretion of the CSD Lieutenant.

Certification Scenarios

Basic Obedience - The handler will demonstrate the ability to perform on and off leash obedience. The on leash obedience shall consist of a heeling pattern that includes straight heeling at a normal, slow, and a fast pace in a straight line. The handler will also demonstrate a series of left and right turns both from a normal and a fast pace. Each time the handler arrives at the basic position the canine will assume a sitting or down position next to the handler. This same series of skills will be repeated off leash.

The handler will also demonstrate a down in motion out of fast pace heeling, followed by a recall to the heel position.

Directed apprehension and verbal out - The canine team will display the ability to apprehend a decoy and be verbally called off of the bite. The handler will stage approximately 20 feet away from the decoy. The handler will direct his/her canine to apprehend the decoy. The canine will, upon direction of the handler, run to and apprehend the decoy. The handler will approach the canine and decoy. During the approach the canine shall remain dedicated to the apprehension and ignore the handler's presence. The handler will remove the canine from the decoy using verbal commands only. The handler will then heel the canine away on leash.

Directed Apprehension with Call Off - The handler will demonstrate the ability to direct his/her canine to apprehend a decoy and call off the canine prior to the apprehension. The decoy will be approximately sixty yards away from the canine team. The handler will direct his/her canine to apprehend the decoy and release the dog to engage the decoy. After the canine runs a reasonable distance towards the decoy, the handler will recall his/her canine from the directed apprehension. The canine will return to the handler, be placed on leash and heeled away.

Standard Building Search - The canine team will demonstrate the ability to conduct a standard building search. The canine shall demonstrate the ability to maintain the surveillance position at the entrance of the building while the handler maintains a position of cover and issues several loud verbal canine announcements. At the direction of the canine handler the canine will be sent to search the interior of the building. During the search the handler will demonstrate the ability to recall his canine and redirect the canine to search a specific area either by verbal command or hand signals. Upon locating the decoy the canine will engage the decoy and sustain the engagement until the handler recalls the canine. If the decoy is inaccessible, the canine shall demonstrate a positive alert by barking. Once the handler locates the dog and decoy, he/she will demonstrate the ability to recall his/her dog (or out the dog if necessary) to a position of advantage. The evaluator(s) will decide when the decoy is to be hidden in a bite suit or to be hidden without any bite equipment so that the canine may search in a muzzle.

Area Search with Recall and Redirection - The canine team will demonstrate the ability to conduct a standard area search. The canine will demonstrate the ability to maintain the surveillance position while the canine handler issues several loud verbal canine announcements. At the direction of the canine handler the canine will be sent to search an outdoor area and locate a hidden decoy. During the search the canine handler shall demonstrate the ability to recall his/her canine and redirect the canine to search a specific area. This will be done by either verbal or hand signals, or a

combination of both. During the area search the canine should locate the decoy. Upon locating the decoy the canine will engage the decoy and sustain the engagement until the handler recalls the canine. If the decoy is inaccessible, the canine shall demonstrate a positive alert by barking. Once the handler locates the dog and decoy, he/she will demonstrate the ability to recall his/her dog (or out the dog if necessary) to a position of advantage. The evaluator(s) may choose if the decoy is to be hidden in a bite suit or hidden without any bite equipment so that the canine may search in a muzzle.

Tactical Movement with Simulated SWAT Team and Directed Apprehension - The handler and canine will display the ability to move tactically with members of a Special Weapons Team. The handler will display the ability to heel his/her canine on leash as members of a Special Weapons Team move with them. During this movement the canine may be subjected to encroachment by team members, including possibly being touched, either while moving as a team or while in the stationary position. During this scenario the canine will display neutrality to team members and remain obedient to his handler. At the conclusion of this scenario the canine will be sent to apprehend a decoy. The decoy will present him/herself in view of the team and canine. During the apprehension the team will approach the canine and decoy. As the team approaches, the canine will stay committed to the apprehension and should ignore the presence of the team. The canine will be removed from the decoy and heeled away.

Directed Apprehension on a Passive Suspect - The canine team will display the ability to apprehend a passive decoy who is not stimulating the canine. The handler will stage with a simulated arrest team and direct his/her canine to apprehend a passive decoy. The canine will, upon direction of the handler, run to and apprehend the decoy. At this time the handler will remain behind cover and staged with the arrest team. The decoy will remain passive during the initial moments of the apprehension and then will begin to respond to the canine's aggression. The handler and arrest team will approach the canine and decoy. During the approach the canine shall remain dedicated to the apprehension and ignore the arrest team's presence. The handler will remove the canine from the decoy and heel the canine away on leash. This exercise will be completed in muzzle and the decoy will be in a position other than standing.

Tactical Vehicle Extraction - The canine team will display the ability to apprehend a decoy who is barricaded inside of a vehicle. The canine handler will be staged, using a patrol car or armored vehicle (ARV) as cover. The patrol car/ARV will have the rotator lights and spot lights illuminating the suspect vehicle. The decoy will be inside a vehicle with the front windows down. The canine handler will issue several commands for the suspect to surrender. The decoy will refuse to obey the commands. The handler will direct his/her canine to apprehend the decoy inside the vehicle. The canine will immediately run to the suspect's vehicle and make entry into the vehicle through one of the open windows. The canine will engage the decoy. At this time, the canine handler

and arrest team will approach the vehicle. The canine will stay committed to the apprehension and ignore the presence of the arrest team. The canine handler shall order the suspect out of the vehicle and remove the canine from the decoy. The canine will then be heeled away on leash.

Tactical Movement While Under Gunfire and Directed Apprehension - The canine team will display the ability to move tactically on leash in the presence of gunfire. The canine team will move to a position of cover (blind #1). The canine handler will down his/her canine. At this time the decoy will fire one or more blanks. The handler will return fire from a blank gun. While the handler returns fire, the canine will maintain his down. After returning fire, the handler will heel his/her dog on leash to another position of cover (blind #2) and down the canine. At this time, the decoy will fire again at the canine team. The handler will return fire and then issue several commands for the suspect to surrender. The decoy will refuse to comply with the handler's directions. The handler will move to another position of cover (blind #3) and down the canine. The decoy will fire again at the canine team and the handler will return fire. The canine handler will then direct his canine to apprehend the decoy. As the canine is en route to apprehend the decoy, the decoy will fire at least one more blank at the canine team. The canine will continue his pursuit of the decoy and engage him/her. The handler will approach the canine and decoy and take control of the canine. The canine will be heeled away on leash. This scenario shall be performed while the canine is in a muzzle.

Insertion into Attic with Apprehension - The canine team will display the ability to locate and apprehend a suspect that is hidden in an attic. The canine handler will display the ability to insert his/her canine into an attic opening. The canine will, upon direction from the handler, begin to search the attic. The canine will locate and apprehend the decoy. The handler will enter the attic after the apprehension and remove his canine from the decoy. The handler will then display the ability to remove his/her canine from the attic space. This scenario will be completed in muzzle.

Insertion into Crawl Space with Apprehension - The canine team will display the ability to locate and apprehend a suspect that is hidden in a crawl space. The canine handler will approach the crawl space opening and down his/her canine. The handler will then issue several verbal canine announcements. The canine will, upon direction from the handler, enter the crawl space and search for the decoy. Upon locating the decoy, the canine will apprehend the decoy. The handler will either recall his/her canine out of the crawl space or remove the dog from the decoy and heel the canine away on leash.

NOTE: The use of electronic collars (e-collars) and similar devices are not allowed during the certification process. The dog may wear the e-collar or other equipment normally worn during actual deployments; however, the actual use of the device will result in a "Fail" rating for that scenario if used.

**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
SPECIAL ENFORCEMENT BUREAU
CANINE SERVICES DETAIL**

POLICE SERVICE DOG CERTIFICATION EVALUATION SHEET

DATE:

LOCATION:

CANINE SERVICES DETAIL TRAINING SERGEANT:

CANINE SERVICES TRAINING DEPUTY:

CANINE HANDLER:

POLICE SERVICE DOG:

OBEDIENCE: PASS FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

DIRECTED APPREHENSION AND VERBAL OUT: PASS FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

DIRECTED APPREHENSION WITH CALL OFF:

PASS

FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

BUILDING SEARCH:

PASS

FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

AREA SEARCH WITH REDIRECTION:

PASS

FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

TACTICAL MOVEMENT WITH SIMULATED SWAT TEAM:

PASS

FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

DIRECTED APPREHENSION ON PASSIVE SUSPECT

ARREST TEAM SCENARIO:

PASS

FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

TACTICAL VEHICLE EXTRACTION:

PASS

FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

TACTICAL MOVEMENT WHILE UNDER GUNFIRE

WITH DIRECTED APPREHENSION:

PASS

FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

INSERTION INTO ATTIC WITH APPREHENSION:

PASS

FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

INSERTION INTO CRAWL SPACE WITH APPREHENSION:

PASS

FAIL

COMMENTS:

TRAINING RECOMMENDATIONS:

SECTION IV

SEB HANDLER CONTROL DEPLOYMENT METHOD

The Canine Services Detail trains and deploys their K-9 teams using the Handler Control deployment method.

This deployment method provides a professional canine handler, combined with the innate abilities of a police service dog, the ability to more safely resolve high risk operations involving searches for dangerous suspects. These searches can include area searches, building searches and special weapons team applications.

Handler Control requires the police service dog to simultaneously work independent of, but under the control of, the canine handler. This is accomplished by the canine handler making use of the police service dog's inherent olfactory abilities and hunting instincts in combination with his own tactical decision making. Ideally, the exploitation of the police service dog's innate hunting and olfactory behaviors will often place time and distance between a canine handler and the suspect. This normally takes place when the police service dog locates or alerts to the presence of a suspect prior to the canine handler and search team finding him. This is accomplished by the handler directing the police service dog into areas where a suspect could be concealed and dictating what areas the dog searches. Once the dog is placed into an area chosen by the canine handler, the police service dog is allowed to search in a manner independent of the handler. As circumstances and events change from moment to moment, the canine handler always has the option of recalling the dog and/or re-directing him. Once the police service dog has searched an area, it is then physically cleared by a search team and rendered safe. The exploitation of a police service dog's innate abilities, combined with proper tactical decision making, is the hallmark of the Handler Control deployment method.

When properly trained and deployed, the use of a Handler Control police service dog can place time and distance between a suspect and the canine handler. This time and distance often provides a greater degree of safety for both the suspect and the canine handler. It is time and distance that prevents unplanned and often violent encounters between the canine handler and the suspect. The distance can be relatively short at times and at other times can involve greater distances. During high risk, close quarter searches, mere feet can be the difference between an unplanned shooting and the safe resolution of a violent and dangerous situation. Without the use of a Handler Control police service dog, many of these encounters could otherwise result in shootings, injuries, or death. The time and distance provided by the properly trained and handled police service dog allows the canine handler to locate a suspect and recall the police service dog. This can be done prior to the dog contacting the suspect. At this point, the canine handler can develop an impromptu plan of action used to safely take the suspect into custody. This plan of action can include coordination from a helicopter unit, use of

infrared locating devices, the deployment of less lethal munitions and light sound diversionary devices, and/or simply issuing verbal canine announcements. While this is an ideal resolution to a canine search, the contact between the suspect and a police service dog depends upon the operational environment and the threat presented by the suspect. These tactical options do not preclude that eventually the police service dog may be deployed and directed to apprehend the suspect if it is the safest method of detention and arrest.

When the Handler Control method of deployment is used, if the police service dog makes physical contact with a suspect while searching, there is the reasonable expectation the canine will apprehend the person by biting. If the police service dog locates a suspect but cannot make physical contact with him, he will alert his handler to the presence of the suspect by barking. It is often necessary that the canine handler will direct the police service dog to search an area out of his/her view. This is done by design and again exploits the police service dog's innate hunting behavior, thus allowing the canine to search and safely clear areas of threat prior to the canine handler and search team entering them. When the police service dog is directed to search an outdoor area out of the view of the handler, this is normally done in coordination with a helicopter unit. The observer above will audibly describe what the police service dog is doing and where it is going to the canine handler below. This coordinated effort and tactic is normally used when searching for a high risk suspect and the canine handler is faced with an environment that provides the suspect places of concealment and points of attack.

The dilemma of not recognizing an alert is diminished by properly training the police service dog to bark when encountering a non-accessible suspect. During the training of the Handler Control deployment method, the police service dog is trained to apprehend a suspect by biting. Through association and repetition, the only expected response the police service dog is trained to display when encountering a suspect is to bite them. Unlike a solely "guard and bark" trained police service dog, the canine is not given the choice of when to bite and when not to. A dog properly trained in the Handler Control deployment method is not given a choice of when to use force to effect an arrest. The decision to use force is given solely to the peace officer who is professionally trained and experienced in the training and deploying of police service dogs. This canine handler is familiar with relevant case law and agency deployment guidelines. It is the human component of the Handler Control canine team who determines search patterns, tactics, decisions and the outcome of the operation.

In essence, the police service dog, when deployed and trained under the Handler Control deployment method, is just one tactical tool in a host of options used to resolve high risk and often deadly tactical situations. This "tool" is under the control of the canine handler and it is the canine handler who decides when and where to deploy.

The labels ‘bark and hold’ or ‘guard and bark’ (hereafter Bark and Hold) are descriptions of a dog training technique commonly used in the training of both sporting dogs and police service dogs. For tactical purposes, a canine handler needs a police service dog that will engage and bite a suspect without his aid or support. The act of the police service dog biting is a small bi-product of the main goal of the canine team. The overall purpose of the canine team is to safely locate suspects. Although a small bi-product of the work, it is the act of biting that involves the most liability for a canine unit. By its own wording, the “bark and hold” technique appears to lessen liability and relieve the canine handler of responsibility.

However, the label Bark and Hold itself does not accurately describe the dog’s behavior when confronting a suspect during an actual search. This dog training technique requires the police service dog to locate a suspect that is physically accessible and then bark in a confrontational manner at the person, thereby “detaining” him. The police service dog is allowed to bite the suspect if the dog perceives a threat or the suspect attempts to flee. It is thus the police service dog that is allowed to decide when to use force and when not to.

Another argument for the Bark and Hold technique is that if the canine encounters someone other than a suspect, the chance biting of that person may be less likely to occur. However, this is not necessarily an accurate assessment of what may occur when a Bark and Hold trained dog encounters a random person, let alone a suspect hiding. Even a person with years of training and experience in handling police service dogs may not remain motionless when confronted by an aggressively barking police service dog. This is especially true when the confrontation takes place in a dark, and/or confined area.

It is important to note that all SEB K-9’s have a strong foundation in the Bark and Hold training technique, as it is utilized throughout their instruction during the Basic Handler Course. However, when used as a deployment method, the Bark and Hold training technique has not been shown to lower bite ratios or prevent physical injury to suspects. The Bark and Hold training technique also does not relieve a handler or law enforcement agency of civil liability resulting from the decisions and actions of their K-9.

Handler Control places decision making and even more responsibility on the canine handler. The decision to use force is not left to the police service dog. The decision to use force is placed squarely on the shoulders of the canine handler. This canine handler is a professionally trained peace officer who is versed in police service dog tactics and the use of force. It is the combination of both the professional peace officer and the properly trained police service dog that produces a sound and reliable canine team. It is this sound and reliable canine team that saves lives.

SPECIAL ENFORCEMENT BUREAU TACTICAL CANINE PRE- DEPLOYMENT CONSIDERATIONS

Deployment of all SEB K-9 Teams will be in strict compliance with all current Department policies (MPP 5-09/265.10), Unit Orders, and any related state or federal laws, or controlling court decisions.

SEB Tactical Canines will not be deployed based solely on the mere possibility that a crime may be occurring, or might have occurred.

Deputies must be able to reasonably articulate that a deployable crime is in fact occurring, or has in fact occurred, and that the suspect(s) wanted in connection with that crime can be identified by witnesses and/or deputies prior to deploying, absent exigent or extreme circumstances which can be articulated to otherwise justify the immediate deployment, for overriding officer and/or public safety concerns.

When deploying a canine into a contained area, deputies will make reasonable efforts to ensure that the area is clear of anyone not being searched for. This will include contacting residents/occupants of structures prior to deploying into the surrounding yards and areas to ascertain who may have access or authorization to be on the property. Prior to deploying inside a structure, deputies will make reasonable efforts to ensure that no person(s) are inside a location who have authorization to be inside, or who may be inside but not wanted in connection with a deployable crime. If necessary, this will normally include making contact with a responsible party who can provide this information to deputies, based upon their knowledge of the location and the details of who should, or could, have access. If deputies cannot reasonably ensure that no uninvolved parties may be inside, they should not deploy, absent exigent or extreme circumstances which can be articulated to otherwise justify the immediate deployment, for overriding officer and/or public safety concerns.

Recent case decisions with relevance to deployment considerations:

In 2013, the California Supreme Court held, in *Hayes v. County of San Diego* (57 Cal. 4th 622), that liability for negligence may arise from tactical conduct and decisions employed by law enforcement officers preceding a use of force when viewed as a part of the totality of circumstances. (See Appendix, Page 59 for case summary)

In 2016, the 9th Circuit Court of Appeals held in *Lowry v. the City of San Diego* (13-16541) that the deployment of a canine which has been trained to bite suspects is a “severe use of force.” (See Appendix, Page 61 for case summary)

SPECIAL ENFORCEMENT BUREAU TACTICAL CANINE DEPLOYMENT POLICY

MPP 5-09/265.05 (as of 5/5/14)

Requesting SEB K-9's

The Special Enforcement Bureau's Canine Services Detail is responsible for maintaining police service dogs specifically trained to aid in the location and apprehension of outstanding suspects wanted in connection with crimes meeting deployment criteria under this section.

The prompt and proper utilization of a trained tactical canine team has proven to be a valuable resource in law enforcement. When properly used, a tactical canine team greatly increases the degree of safety to all persons (including suspects) within a contained search area, enhances officer safety, significantly increases the likelihood of suspect apprehension, and dramatically reduces the amount of time necessary to conduct a search.

Tactical canine search teams can be requested through the Sheriff's Communication Center (SCC) or the Special Enforcement Bureau (SEB) Desk 24 hours a day. The opportunity for a safe and successful search operation will be enhanced with a timely request, response, and deployment of a canine team.

K-9 Search Criteria

The following situations reflect suitable activities for tactical canine deployments:

- commercial and residential structure searches where there is the possibility of suspects hidden inside and wanted in connection with activity listed below under authorized deployment;
- area searches for criminal suspects who are wanted in connection with activity listed below under authorized deployment;
- capture of suspects who are armed, or believed to be armed, when less lethal forms of apprehension are appropriate;
- specialized security assignments;
- specialized saturation patrol; and/or
- unique tactical searches not previously described, with approval of the SEB Unit Commander or above.

Except in extreme emergencies, tactical canine teams are not to be utilized for crowd control situations.

Tactical Canine deployments are authorized for and shall be limited to:

- searches for armed suspects;
- searches for suspects wanted for serious or violent felonies and/or where the

circumstances of the situation would present a clear danger to the law enforcement personnel who would otherwise conduct a search without a canine;

- serious or violent felonies will include any offenses classified as Part I Crimes in the FBI's Uniform Crime Reporting Program, except those categorized under Larceny-theft;
- it is not uncommon for suspects driving stolen vehicles to be utilizing the vehicle to facilitate involvement in other serious or violent felonies. However, absent additional information at the time of deployment, searches for suspects wanted only for motor vehicle theft shall be limited to those who are reasonably believed to be adults, and are reasonably believed to be the driver of a confirmed stolen vehicle. Known passengers, absent extenuating circumstances, should not be searched for with the use of a police service dog;
- searches for known juvenile offenders shall be limited to those instances where the severity of the crime, the subject's age and propensity for violence, whether or not the subject is believed to be armed, or other critical factors would reasonably justify the use of a tactical canine search team. In these situations, an SEB supervisor of the permanent rank of lieutenant or above must first authorize the use of a canine;
- searches for articles, including weapons, narcotics or other property, which may have value as evidence in a criminal case; and/or
- special Weapons Team activations and other activities as may be deemed appropriate by the SEB Unit Commander, or his designee.

Tactical K-9 Search Procedures

Station personnel requesting a tactical canine team are responsible for establishing an effective perimeter containment of the area to be searched. They are also responsible for ensuring the area is not contaminated by the scent from civilians or other law enforcement personnel. If a tactical canine team is requested, station personnel shall refrain from searching prior to their arrival, unless an exigency arises.

Most requests for a canine team will justify the use of a Code 3 response. Canine personnel shall adhere to existing emergency driving policies when initiating a Code 3 response.

In all instances, a supervisor from SEB, and/or a field supervisor from the concerned station, shall respond to the scene of the incident. In those instances where an SEB supervisor is not immediately present, field supervisors shall monitor the operation and ensure Department policy is adhered to. However, unless exigent circumstances requiring an immediate deployment exist, the decision to make a tactical canine deployment must first be approved by an SEB supervisor. Generally, once approved, the canine handler will then dictate the search tactics to be utilized and coordinate the deployment of assisting personnel.

Once it has been determined a K-9 search request meets deployment policy and a search is going to be conducted, the K-9 handler is responsible to develop a tactical

search plan. The plan shall identify the number of K-9 teams to be deployed, number of backup deputies needed, areas to be searched, and the strategy of the plan. The K-9 handler will obtain concurrence from the SEB supervisor prior to deployment.

Consideration shall also be given to requesting additional tactical personnel from SEB. These deputies have trained and worked closely with canine teams and are more familiar with the tactics and responsibilities involved. The decision to deploy SEB personnel rather than station personnel on a search shall be at the discretion of the SEB supervisor.

Use of Special Weapons Team Personnel

One of the preeminent responsibilities of SEB is to respond to department requests to apprehend violent criminals. This may involve a hostage situation, a barricaded suspect or an area search with K-9.

Whenever there is a K-9 request to respond to search for a suspect who possess superior weaponry, has assaulted a law enforcement officer with a firearm, has committed a violent felony with a firearm during the commission of a crime, or any person reasonably believed to have gained entry into a residence or business while attempting to elude apprehension, the K-9 handler or K-9 supervisor shall notify the duty Team Commander upon reasonably establishing the facts of the incident. The duty Team Commander will determine if members of the duty Special Weapons Team shall respond to assist K-9 on the search (Refer to SEB Unit Order 2012-001).

Use of Force Policies in Effect

All canine handlers and deputy personnel assisting in canine searches shall abide by the Department's use of force policies at all times. Deputy personnel shall evaluate each situation requiring a force application in light of the seriousness of the facts and circumstances.

Search Announcement and Warning

Prior to deploying tactical canine teams, announcements shall be made. These announcements are intended to notify persons within the containment area of the intent to utilize a canine, and to afford suspect(s) the opportunity to surrender to law enforcement personnel. The announcements shall be clear and audible to all inner containment personnel and made in both English and Spanish. Radio car and helicopter public address systems, if available and equipped, will increase the likelihood that the canine announcements are heard and shall be utilized. Prior to deployment, the canine handler or incident command post shall ascertain from units on containment positions if the announcements were clear and audible. Any exception to this policy must be fully justified by conditions and circumstances inherent in a specific incident which create officer or public safety concerns exceeding those that may typically be

associated with tactical canine deployment operations. Absent exigent circumstances, the decision to forego canine deployment announcements must be approved by an SEB supervisor of the permanent rank of lieutenant or above. The justification and circumstances shall also be documented in all subsequent reports.

Pre-Recorded Canine Deployment Announcements for Area Searches:

“Attention in the area. This is the Sheriff’s Department. We are searching for a felony suspect and are preparing to deploy a police dog. For your safety, please go inside your homes and stay inside until we leave the area, or give an “all clear.” I am now speaking to the individual who is hiding from the police. Give yourself up now to the nearest deputy or police officer and you will not be harmed. If you do not, a police dog will be used to find you. The dog will find you. When the dog finds you, you may be bitten. Come out now with your hands up. Surrender now to the nearest officer and you will not be harmed.”

Pre-Recorded Canine Deployment Announcements for Building Searches:

“Attention in the building. This is the Sheriff’s Department. We are about to use a police dog to search the building. Come out now and surrender to the nearest officer. If the dog is used to find you, you may be bitten. If you come out now, you will not be harmed.”

These pre-recorded announcements loop in English and Spanish and should be played for a period of time which would reasonably allow for a hiding person to be able to react, extricate themselves and surrender, if they wished to do so. If it can be reasonably ascertained that a suspect who is being sought does not speak English or Spanish, a reasonable effort should be made to locate someone who can assist with broadcasting announcements in the appropriate language, prior to deployment.

K-9 Contact and Reporting Procedures

Safety is of paramount concern. Canines are trained to protect their handlers and may react to perceived threats. Personnel should not enter or reach inside canine vehicles when the dog is inside, nor approach canine handlers abruptly. During search operations, personnel should follow the instructions of the canine handler and avoid any action which might jeopardize the safety of those involved in the operation. When a suspect is located, the handler will advise when it is safe to approach and take a suspect into custody.

In situations where a canine finds and bites a suspect, the concerned canine handler will as rapidly as possible determine if the suspect is armed or a continuing threat. Keep in mind that when the resistance has been overcome or the threat abated, the de-escalation of force is the appropriate response.

The handler will remove the dog at the first possible moment the canine can safely be released. When deciding to remove the dog, particular attention must be given to the perceived threat or actual resistance presented by the suspect. Handlers will continue to factor into their decision that the average person will struggle if being seized or confronted by a canine. This struggling, alone, will not be cause for not removing the canine. Without exception, a reference to the estimated duration of the canine's contact with a suspect shall be included in the handler's supplemental report.

In instances where a dog bite occurs, the facts shall be reported by the concerned canine handler and search team members to the SEB supervisor and an immediate follow-up investigation shall be conducted. In most instances, canine bites will be investigated by the SEB supervisor, with notification to the Internal Affairs Bureau (IAB) via memorandum. The highly specialized nature of tactical canine deployments, the expertise of the SEB supervisors, and the need for immediate and timely follow up will constitute compelling circumstances under the Department's force review procedures which allow an SEB supervisor who may have been present and/or directed the deployment to conduct the investigation. However, in instances where canine bites result in hospitalization or any other mandatory notification circumstances occur in conjunction with the apprehension, the SEB supervisor will immediately consult with the on-call IAB lieutenant regarding the circumstances of the deployment and nature of the injuries. The IAB lieutenant will determine if an IAB Force/Shooting Response Team response is appropriate. If an IAB Force/Shooting Response Team responds to assume control of the investigation, the SEB supervisor shall remain and assist them, as needed.

Station personnel shall not describe dog bite incidents in their reports. However, they will make reference to the supplemental report(s) written by the canine handler in their reports. Photographs of any injuries which may have been inflicted by a Department canine shall be the responsibility of the SEB supervisor. Unless specifically directed by an SEB or IAB supervisor, station personnel shall not photograph or capture on video any part of the deployment, injuries, or follow-up investigation.

All canine bites will be reviewed by the Executive Force Review Committee. An additional level of oversight may be conducted by any entity designated with that responsibility by the Department.

Non-Suspect Contact Reporting

K-9 handlers will immediately notify the SEB supervisor when a canine contact occurs and the person bitten is not a suspect, so that the supervisor can conduct a timely follow-up investigation. The K-9 handler will also ensure the injured person receives

appropriate medical attention. Any refusal of medical attention shall be documented. The facts shall be reported by involved personnel to the SEB supervisor, who will determine if supplemental reports and/or memos are required. The SEB supervisor will take photographs of all injuries and audio and/or video record interviews with the injured party and any other available civilian witnesses whenever possible. The SEB supervisor will make notifications to the CSD Lieutenant, SEB Commander, Risk Management Bureau, and any other entities, as necessary. If the incident involves a Department employee, it will be documented on currently approved Employee Injury Report and Investigation forms. In instances where a civilian is bitten, the investigation will be documented on a long form memo to the unit commander. If the incident involves potential negligence on the part of the Handler, the SEB supervisor will consult with the unit commander to determine if a separate administrative inquiry regarding the tactics or actions of the canine team is warranted.

Outside Agency Tactical Canine Deployment

Deployment and use of force policies of other departments can be quite different from our own. As such, the use of tactical canines from other law enforcement agencies, in support of a Sheriff's Department operation, should be avoided, except in extreme emergencies which clearly dictate the need for an immediate canine search. When exceptional circumstances dictate the need to utilize a canine team from another agency, the following procedures shall be adhered to:

- The unit commander, or their designee, from the station making the request, or a lieutenant from the Special Enforcement Bureau (SEB), must approve the deployment of other agency canines.
- The unit authorizing the deployment shall contact SEB and provide the details to the on-duty SEB canine supervisor.
- When a canine team from another agency is authorized and deployed, they shall be briefed and operate consistent with our Department's tactical canine deployment policy.
- In situations where outside agency canines are used and a bite occurs, Watch Commanders shall immediately notify SEB and request a canine supervisor. The SEB supervisor shall respond and conduct a follow-up investigation. Additionally, the canine handler from the outside agency shall provide a detailed written report explaining the events. (MPP 5-09/265.10)

Outside Agency Request for SEB Canines

Independent agency requests for tactical canine assistance from our Department may be handled by the city's pre-designated mutual aid Sheriff's station, or by requesting

assistance over any mutual aid frequency, or over Special Unit Dispatch, or through the SEB Desk. In all situations involving either the deployment of a Sheriff's canine in another jurisdiction, or in our jurisdiction for another agency, our Department's deployment policies shall apply. (MPP 5-09/265.15)

K-9 Demonstrations

CSD K-9 Handlers routinely perform K-9 demonstrations for other department units, schools, community groups, Red Ribbon Week events, and other various organizations. Though most requests are received through a formal request, it is not uncommon for the request to be made informally. K-9 demonstration requests should be forwarded to the CSD Lieutenant or a CSD Sergeant for approval when coming from a unit or organization outside of the Sheriff's Department. Requests from foreign countries, foreign law enforcement agencies, media or similar organizations should be routed through the Sheriff's Headquarters Bureau prior to approval.

K-9 handlers shall make every attempt to meet any demonstration obligation when possible. Calls for service or other SEB assignments shall take precedence over demonstrations.

K-9 handlers are a representative of the CSD unit as well as the Department and shall conduct themselves in a respectful manner. Uniform appearance shall be in accordance with department standards.

All bite work during demonstrations shall be conducted with safety as a priority. Trained Helpers, when available, should normally be used for any bite work conducted.

SECTION V

K-9 EQUIPMENT CARE AND MAINTENANCE

Issued Equipment

Canine equipment and vehicles are issued to each handler upon their assignment to the Canine Services Detail. The care and maintenance of the issued equipment shall be the responsibility of assigned personnel.

All equipment issued by SEB to K-9 handlers shall be returned upon the handler's transfer from SEB.

All personnel shall comply with existing Departmental Regulations as outlined in the Manual of Policy and Procedures as it pertains to vehicles and equipment.

Firearm Storage and Transportation

Storage, transportation and security of SEB firearms shall be in accordance with SEB Unit Order 2002-001 (See Appendix).

Vehicle Security

K-9 vehicles shall be parked in an off-street secure location during off-duty hours. K-9 vehicles will be kept clean and serviceable. Vehicles shall be free of excessive amounts of dirt, dog hair, etc.

K-9 HOUSING AND FEEDING

Kennels and Boarding

All K-9 handlers are required to provide a suitable housing location for their assigned canine. The kennel shall be located in an area that does not allow public contact with the canine.

Each handler will be issued an approved kennel and dog house for the secure housing of their assigned canine. The kennel must have a locking mechanism to prevent unauthorized access. The assigned canine shall be secured in the kennel anytime he is not under the direct supervision of the handler. Canines should be separated from all other animals at all times. The kennel must provide protection for the canine from inclement weather. The kennel shall be kept in a serviceable condition and cleaned regularly to provide a safe and sanitary environment for the canine.

All K-9 handlers are allocated 30 days boarding time per calendar year at a kennel of their choice with prior approval of a CSD Sergeant.

Kennel Inspection

A CSD supervisor shall conduct an annual inspection of all residential kennels. Any deficiencies or discrepancies shall be corrected immediately. The CSD Lieutenant shall be notified of any discrepancies not corrected. Impromptu inspections may be conducted at any time to ensure compliance with kennel maintenance and security.

Care and Grooming

K-9 handlers shall feed their canine daily. Canines shall be groomed and brushed as necessary. Canines shall be groomed to prevent matting of hair, overgrown toenails, and excessive shedding. Canine dental care shall be done as directed by veterinary personnel.

Each canine handler will be compensated with 3 hours of overtime on a weekly basis for the care and maintenance of their assigned patrol dog. K-9 handlers off IOD (Injured on Duty), or while kenneling a dog at a vendor, will not be compensated for care and maintenance of his assigned canine.

Each handler will be issued a Cal-Card credit card for use when purchasing dog food, kenneling, veterinary care, and K-9 equipment i.e. brushes, shampoo, leashes, etc. K-9 handlers will be required to sign an acknowledgement form indicating they agree to abide by the policies and procedures established in current Cal Card Fiscal Notices and will keep receipts for all purchases and complete the monthly expenditure forms as required. (Cal Card Requirements attached to Appendix in this Manual).

Flea Control

Each K-9 handler is entitled to have his/her home sprayed for fleas at increments to be determined by the Department. The vendor for this service will be chosen under the guidelines regulating various vendors. It shall be the handler's responsibility to contact the vendor and coordinate the spraying schedule.

Transporting K-9

Canines shall not be transported in any vehicle other than a department K-9 vehicle except in emergencies or with the approval of a CSD supervisor. Canines shall not be taken to locations while off-duty without prior approval from a CSD supervisor.

Breaking Canines During Shift

It is necessary to periodically allow the dog to get out of the car during the shift to take a break. This period of time allows the dog to unwind and to relieve itself. Whenever possible, the dog should be given a break in a secure area not open to the public. In those instances when that is not possible, the dog shall be kept on a leash to avoid the possibility of an accidental bite. (MPP 5-09/265.00)

Veterinary Care

All K-9 handlers are responsible to monitor the health of their assigned canine. K-9 Handlers are expected to ensure all vaccinations are kept up to date. All canines should receive an annual physical from a veterinarian.

In the event of a medical emergency, the canine shall be transported immediately to a veterinary hospital for treatment. When possible, the veterinary hospital should be contacted and advised of the nature of emergency and an estimated time of arrival. This will assist the hospital in being prepared to handle the emergency. A CSD Sergeant shall be notified as soon as possible.

Breeding of Canines

All CSD K-9 Handlers are generally prohibited from breeding any Los Angeles County Sheriff's Department canine. This restriction applies only to active-duty canines and exceptions will require approval of the CSD Training Sergeant or CSD Lieutenant.

SECTION VI

K-9 REPORTS AND FORMS

Supplemental Report (SH-R-77)

K-9 handlers shall prepare a supplemental report documenting any deployment of the canine where there is a canine bite or the K-9 team is responsible for the location and arrest of a suspect. The report may also be required to document the handler's actions as dictated by Department policy.

K-9 Activation Form

This form is completed after each K-9 deployment. The completed form is used to document statistical data and narrative of each completed K-9 deployment. This form is completed by the primary handler at each deployment.

Non-Deployment Activation Form

This form is completed anytime a K-9 unit is requested but does not deploy for any reason (i.e. deployment doesn't meet criteria, witness cannot identify suspect, etc.).

Monthly K-9 Training Log

This form is used to log all daily K-9 training conducted. This form is completed daily and submitted to the K-9 Training Sergeant at the end of each month. All K-9 handlers complete this form. All Monthly K-9 Training Logs shall be maintained on file by the Canine Services Detail.

Learning Management System Training In-Service

This form is used to document any supervised training such as firearms qualification (MPS), specialized training, and department mandated training. The LMS replaced the APIS system in 2014. The completed form is submitted to the SEB Training team.

K-9 Training Schedule

A monthly K-9 training schedule is completed and posted each month by the K-9 Training Deputy. The K-9 training staff determines the training topics based upon the needs of the unit.

K-9 Mentoring Worksheet

A mentor K-9 handler will be assigned for each newly assigned K-9 handler. The mentor K-9 handler will mentor the newly assigned K-9 handler and complete the checklist documenting the K-9 handler's understanding and competence of each noted task. The mentor K-9 handler should be an experienced K-9 training deputy. This form

is submitted by the mentor K-9 handler to the K-9 Training Sergeant when all tasks have been signed off.

Supervisors Report on Use of Force (SH-R-438P)

K-9 supervisors shall complete a report on the use of force in accordance with Department policy on any deployment where a suspect is bitten by a canine and the preliminary investigation is left under the control of CSD and not assumed by IAB. K-9 supervisors will use the standard SH-R-438P face pages and a modified version of the ensuing narrative, in accordance with established procedures currently approved by IAB and the EFRC. The narrative will include an overview of the incident, including the actions of the suspect(s) which justified the reasons for deployment, other options available, and the subsequent actions taken by the K-9 search team and any other Department personnel. The narrative will also include the references to bite duration and follow-up medical treatment, as required by Department policy.

The following subsections will also be included in the narrative:

- 1) Witnesses – locate and conduct recorded interviews with witnesses to the incident and/or who were in the area where canine deployment warning announcements were made.
- 2) Suspect Interview – recorded interviews conducted with the suspect in the field and/or at the medical facility where he/she is subsequently taken for treatment.
- 3) Allegations – any additional allegations of force or other potential policy violations alleged by the suspect or witnesses shall be addressed.
- 4) Conclusion – analysis of the totality of the circumstances and the force used in deciding whether the decision to deploy and the force used was believed to be objectively reasonable.

Additionally, in response to an audit conducted by Special Counsel to the Board of Supervisors, Merrick Bobb in October of 2013, the following definitions will apply when referencing the severity of any injuries sustained as a result of a canine bite:

1. Minor – canine rakes and/or punctures which are superficial and do not require continual pressure from a bandage, nor the application of any type of suture, to close the wound or stop any bleeding.
2. Moderate – canine rakes and/or punctures and/or lacerations which are moderately deep and require additional medical treatment and/or the application of any type of suture to close the wound or stop any bleeding.
3. Significant – canine rakes and/or punctures and/or lacerations resulting in skeletal fractures (with the exception of minor fractures of the nose, fingers or toes) or hospitalization.

Definitions

Canine Contact. A K-9 contact occurs whenever a deployed K-9 bites a suspect.

Directed Bite. A bite which occurs when a K-9 is specifically directed by the handler to immediately engage and bite a suspect when it is objectively reasonable to believe the suspect poses a risk to officers or the community which justifies the use of force, in accordance with Department use of force policies and established case law. The K-9 is used as an instrument of force in these situations, rather than as a locating tool.

Accidental Bite. A bite which occurs when someone was neither a target of a search, nor was the canine directed to bite by a handler. This can occur as a result of a failure of equipment, or if either the K-9 or K-9 handler did not perform to required standards.

Non-Suspect Bite. Occurs if a person wanted or suspected in other crimes is located and bitten by a deployed K-9, but the individual, who was hiding, for whatever reason, was not identified in connection with the original decision to deploy. In these instances the K-9 team performed to expectations.

Containment Intrusion. Occurs if a deployed K-9 bites someone other than a suspect who, for reason(s) other than eluding police, intrudes into the secured search area or was present prior to event, but for whatever reason(s) did not make himself / herself known. In these instances the K-9 team performed to expectations.

K-9 Deputy. A deputy assigned to the Special Enforcement Bureau's Canine Services Detail, who is assigned to handle a police service dog. The terms K-9 handler and K-9 deputy are synonymous.

K-9 Team. One K-9 handler and their field certified police service dog.

K-9 Search Team. A team comprised of the K-9 handler and an appropriate number of support personnel to tactically carry out the search objectives.

K-9 Helper. A person who assists with the training of the K-9 team by performing in the role of a suspect, decoy, agitator, civilian, etc. The terms "Helper" and "Decoy" are often used interchangeably.

APPENDIX

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

A Tradition of Service Since 1850

DATE: July 18, 2007

OFFICE CORRESPONDENCE

FILE NO.

FROM: WILLIAM J. McSWEENEY, CHIEF
 OFFICE OF HOMELAND SECURITY

TO: ERIC PARRA, CAPTAIN
 EMERGENCY OPERATIONS BUREAU

TOM SPENCER, CAPTAIN
 SPECIAL ENFORCEMENT BUREAU

SUBJECT: CAL-CARD PURCHASE GUIDELINES

Recently, the use of Cal-Cards to support Canine Teams was audited by County auditors. Their findings raised some concerns regarding purchases made by Canine Handlers to support Department owned animals. A revised Fiscal Notice was recently sent out, however, it did not provide detailed information as to what purchases are authorized. The following are guidelines when using the Department issued Cal-Cards to make purchases in support of the unit's working canines. These guidelines are necessary in order to insure that the Cal-Card remains a viable option for supporting a Canine Team.

The following items are authorized purchases for Deputy Sheriff Canine Handlers:

Dog Food: It is understood without explanation that food is essential for a dog's ability to function and work. Food and supplements such as; biscuits, vitamins, and dental chews commonly referred to as "Greenies" or other trade names, are authorized purchases. Any item of food purchased must be clearly indicated as canine or animal food on the purchase receipt or be able to be verified as such in the event of an audit.

Veterinarian Care and Medications: Medical care and associated medicines as recommended by a competent DVM are authorized service purchases. Routine medications such as heart worm prevention and flea and tick control methods are also covered. These medications are usually obtained from a veterinarian's office but can also be obtained from pet stores, feed and grain stores or internet vendors without a prescription.

CAL-CARD PURCHASE GUIDELINES

JULY 19, 2007

Grooming Services: Grooming services are included as authorized purchases utilizing the Cal-Card. These services are options for canine care. These services are an important part of the health of a canine. Competent and professional grooming services include bathing the dog, cleaning of the ears which reduces troublesome infections, nail trimmings, and anal gland extractions. Other than the general bathing, the services performed by a professional can reduce or eliminate injuries to the dogs. Grooming services are limited to two times per month for each dog.

Boarding: There are situations that can occur within the canine team that may require a handler to board their dog at a boarding facility. Handlers take vacations and time off that often times has them away from the home where care of the dog can't be arranged. Boarding the dog is a good way to insure proper care of a vital resource. The canine team will try to accommodate and care for a dog when a handler is out of town. However, for weekends or long weekends the logistical issues of picking up a dog can prove to be time consuming and can remove a dog team and/or handler from field deployment. This service is an authorized purchase using the Cal-Card.

Equipment: Leashes, collars, rewards (dog toys), feeding pans, spill proof water bowls, training aids, and housing crates are authorized purchases using the CalCard.

Any item not listed above must be pre-approved by Office of Homeland Security Headquarters, Budget Unit, Pam Gardner or Marie Chin Chiu.

Any deviation from the authorized item may require handlers to reimburse the Department for those expenses.

All monthly approved Cal-Card logs and required receipts must be submitted to Headquarters, Budget Unit, by the 10th of each month.

Please brief each canine handler and have them sign and date the attached form and return to the Budget Unit.

If you have any questions, please contact Pam Gardner at (323) 981-5918.

WJM:pg

CAL-CARD CARDHOLDER AGREEMENT

LASD POLICY REGARDING PURCHASING CARD AND SIGNED ACKNOWLEDGMENT

As a condition for receiving a purchasing card, the employee must read the following information and verify understanding of the terms and conditions that have been established for this card.

I understand the Los Angeles County Sheriff's Department CAL-Card Purchasing Card (Number xxxx-xxxx-xxxx-xxxx) has been assigned to me voluntarily. I hereby acknowledge that I am responsible for the security of the card and for the appropriate use of this card for the Sheriff's Department purchases. I further understand that the use of this card is voluntary and not a condition of employment with the Sheriff's Department.

INITIAL

- _____ 1. This card may ONLY be used for official business and never for personal or other unauthorized purposes.
- _____ 2. This card will not be provided for use to any other person. I understand that the cardholder is the only individual authorized to use the card.
- _____ 3. The cardholder is responsible for the card's safekeeping. Fraudulent use of the card or lost/stolen cards must be reported immediately to U.S. Bank at 1-800-344-5696. A lost card requires a police report. Fraudulent use of the card must be reported immediately to the cardholder's Approving Official and Program Coordinator. In addition, a memorandum from the cardholder's Unit Commander and a copy of the U.S. Bank Statement of Fraud Form must be submitted to the Director, Fiscal Administration detailing the circumstances of the charges.
- _____ 4. Purchases must not be split to circumvent procurement policies. If the dollar amount of a transaction exceeds the established card limit, a requisition must be generated for processing through the Purchase Order system.
- _____ 5. It is the cardholder's responsibility to retain all receipts for each transaction. Upon receipt of the monthly US Bank Statement, each charge must be reconciled to the Monthly Cal-Card Transaction Log and submitted to the Division Budget Representative by the 5th of each month.
- _____ 6. Conflict of Interest - This card shall not be used for purchases where the cardholder, a relative or a friend have a personal or financial interest in the business of the vendor. The cardholder agrees to refer any questions as to the existence of a conflict of interest to the Program Coordinator, for necessary clarification.
- _____ 7. The cardholder will retain copies of all purchasing card transaction records and will, upon demand, make them available for inspection and audit.
- _____ 8. The cardholder will immediately notify the vendor to resolve any disputed charges. A "Statement of Questioned Item" form will be completed to support this reported discrepancy.
- _____ 9. Specific transaction limits that have been designated for this card are summarized below:

Single-Purchase Limit \$ \$1,000
Annual Limit \$ _____
- _____ 10. The cardholder understands that the card may be suspended or canceled if any terms of this agreement are violated or any other appropriate reason as determined by the Program Coordinator. If the cardholder transfers to another unit, changes, responsibility, or separates from service with the Sheriff's Department, the cardholder shall return the purchasing card to the Program Coordinator.

CONFIDENTIAL

I certify that I have received a copy of the Los Angeles County Sheriff's Department Policy Regarding Purchasing Card and Signed Acknowledgment and will abide by these established guidelines as an authorized Cardholder. I understand further, that this signed acknowledgment will be placed in my personnel file and that the failure to follow the Purchasing Card Cardholder Agreement is cause for disciplinary action, which may include termination.

AGREED TO BY:

<i>Employee Name (Print)</i>	<i>Employee #</i>	<i>Signature</i>	<i>Date</i>

ISSUED BY:

<i>Employee Name (Print)</i>	<i>Employee #</i>	<i>Signature</i>	<i>Date</i>

<p>Los Angeles County Sheriff's Department Fiscal Administration</p> <p><u>Fiscal Notice</u></p> <p>4700 Ramona Boulevard Monterey Park, CA 91754</p>	Fiscal Notice #124
	Supersedes Fiscal Notice #66
	Issue Date: March 8, 2013
	Distribution: All Chiefs, Unit Commanders, and Budget Representatives
	<p>For Information Contact: Fiscal Administration Manager (323) 981-5959 Assistant Director (323) 526-5312</p>

TO: ALL CONCERNED PERSONNEL

SUBJECT: CAL-Card PROGRAM

The CAL-Card Program has been in existence in the Sheriff's Department since 2002. It was established to provide a more efficient, cost-effective method of purchasing and paying for small dollar transactions. The program was designed to streamline a variety of processes, including petty cash, requisitions, and non-agreement type purchases. It is not intended to circumvent any existing purchasing policy, statute, or law; nor is it to be used to circumvent any County or Departmental procurement procedure or policy.

A. ISSUANCE GUIDELINES:

All requests for CAL-Cards must be submitted on the "CAL-Card Participant Request Form" (SHAD 691) from the Unit Commander level or above to the Director of Fiscal Administration and submitted through the Division Budget Representative. The request form must include:

- a written justification for the card
- its planned usage
- estimated annual expenditures
- funding source (i.e., unit code, object code, project code)

Upon acknowledgement by the Division Budget Representative, the request will be forwarded to the Director of Fiscal Administration for approval by the Assistant Division Director and Undersheriff.

B. UNIT COMMANDER'S RESPONSIBILITIES:

Unit Commander or designee

It is the Unit Commander's responsibility to:

- Review, approve, and send new CAL-Card requests to the Program Coordinator (Director of Fiscal Administration) or designee through the Division Budget Representative.
- Review, match, and approve the **ORIGINAL** Cardholder Bank Statement, Monthly Transaction Log, and Receipts for each assigned Cardholder; ensure that purchases are appropriate and reconciled (sign, date, and indicate unit code) and submit completed monthly package to the Division Budget Representative.
- Approve adjustments to purchase limits and forward to Fiscal Administration for the Undersheriff or Division Director's final approval.
- Request cancellation of assigned CAL-Card.
- **Cardholder's Unit Commander is responsible for obtaining credit cards from Cardholders who are leaving the Department, terminating County service, going out on extended leave, transferring to another Unit, or if the program/need is being terminated and notifying the Division Budget Representative.**

Late submittals: It is the Unit Commander's responsibility to ensure that the Cardholder submits a timely reconciliation each month without being prompted by the Accounts Payable Unit. Cardholders who are consistently late (e.g., two or more times) with monthly submittals or fail to submit **ORIGINAL** Cardholder Bank Statement, Monthly Transaction Log, and Receipts will face temporary suspension or permanent cancellation of their card **without prior notice**.

Unit Commanders and Cardholders are subject to independent review/monitoring by the Department's Internal Audit Section.

Ultimately, the Unit Commander is responsible for the appropriateness of CAL-Card expenditures.

C. DIVISION BUDGET REPRESENTATIVE'S RESPONSIBILITIES:

- Receive CAL-Card requests from Units and forward the original to Fiscal Administration, General Accounting Unit.
- Notify requestor of CAL-Card training and card issuance guidelines.
- Acknowledge receipt of the **ORIGINAL** Cardholder Bank Statement, Monthly Transaction Log, and Receipts. **Sign** and **date** the transaction log and forward to Accounts Payable by the 10th of the month.
- Monitor encumbrance balance for accuracy via the shared files at \\1-shq-04\SHAREDFILES\Fiscal Administration\CAL CARD.

D. CARDHOLDER RESPONSIBILITIES:

Cardholder: An individual that is designated by the Program Coordinator and Unit Commander to be a CAL-Card recipient and make Sheriff's Department purchases. The

Cardholder must be a **permanent** Sheriff's Department employee. To be eligible to receive a CAL-Card, written approval must be received from the Unit Commander for each Cardholder. (See attached CAL-Card Participant Request Form SHAD 691). The Cardholder must be trained in CAL-Card guidelines and must sign the CAL-Card Cardholder Agreement **PRIOR** to receiving the CAL-Card.

Roles/responsibilities include the following:

- Receive CAL-Card usage training (**MANDATORY**).
- Sign the CAL-Card Cardholder Agreement.
- Review the Cardholder Bank Statement, verify information is correct, identify any "questionable items," and attach all **ORIGINAL** receipts. **NOTE:** Cardholders are advised to tape smaller size receipts to an 8 ½ x 11 sheet of paper to avoid losing documentation, complete the Monthly Transaction Log, and forward completed package (i.e., **ORIGINAL** Cardholder Bank Statement, Monthly Transaction Log, and Receipts) to the Unit Commander on or before the 5th of the month following the Bank Statement date.
- If the Cardholder is unavailable to review their Bank Statement, then a supervisor shall compile and submit the package to the Unit Commander in a timely manner.
- Security of the card (including immediate reporting of lost/stolen card).
- Appropriate use of the card in accordance with Cal Card Cardholder Agreement.
- Immediately resolve all questionable items or disputes directly with the vendor and/or the U.S. Bank representative.
- If the purchase limit is reached and an emergency arises, a memo from the Cardholder's Unit Commander to Fiscal Administration's Director will be required prior to requesting the increase on the card.
- **Under no circumstances shall the cardholder allow anyone to use their card. Using someone else's card constitutes fraud and will be cause for disciplinary action up to and including cancellation of the card.**

Late submittals: Cardholders who are consistently late (e.g., two or more times) with monthly submittals or fail to submit **ORIGINAL** Cardholder Bank Statement, Monthly Transaction Log, and Receipts will face temporary suspension or permanent cancellation of their card **without prior notice**.

NOTE: The CAL-Card Participant Request Form and Monthly Transaction Log are located in Outlook under "All Forms" (Miscellaneous) and are also attached to this Fiscal Notice.

****Cardholders shall immediately report a lost or stolen CAL-Card to U.S. Bank Customer Service at 1-800-344-5696 and Fiscal Administration General Accounting at (323) 981-5959. In addition, the Unit Commander shall adhere to the Manual of Policy and Procedures Section 4-19/055.00 – Lost Credit Cards, Form SH-R-49.**

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service Since 1850

DATE: January 01, 2016

OFFICE CORRESPONDENCE

FILE:

FROM: JACK W. EWELL, CAPTAIN TO: ALL SEB PERSONNEL
SPECIAL ENFORCEMENT BUREAU

SUBJECT: **UNIT ORDER 2002- 002 (Updated 01-01-2016)**

SECURITY OF SEB VEHICLES AND FIREARMSPURPOSE:

The purpose of this Bureau Order is to establish procedures governing the storage, transportation and security of all vehicles and firearms assigned to the Special Enforcement Bureau. Additionally, this Bureau Order establishes tracking and accountability procedures.

SCOPE:

This order applies to all SEB personnel.

OVERVIEW:

One of the preeminent responsibilities of SEB is the duty to safeguard the vehicles assigned to our personnel, along with the array of specialized weapons and equipment. The loss or theft of sophisticated, precision equipment and firearms can have catastrophic consequences; therefore, exceptional care should be exercised to prevent their loss. SEB is tasked with responding to tactical emergencies throughout the County's 4,061 square miles on a 24 hour/7 day basis. In order to accomplish that mission, deputies are assigned take home vehicles in order to stage a wide variety of equipment and personnel throughout the county for more rapid and efficient emergency response. Because the SEB mission requires the frequent movement of vehicles and firearms, it is necessary to establish safeguards, as well as tracking and accountability procedures.

PROCEDURES:

The Department recognizes the value and necessity of immediate responses to tactical emergencies. In order to maintain the highest state of readiness, while ensuring the proper level of accountability, the following directives shall apply:

1. The SEB armorer is responsible for maintaining an accurate firearms inventory and tracking system. Only the armorer is authorized to assign a

UNIT ORDER 2002 - 01

SEB firearm. Firearms shall not be reassigned amongst the various SWT teams or individuals without the expressed approval of their immediate supervisor and SEB armorer.

2. All SEB firearms shall be stored in one of the facility's armories or inside of the alarmed SWT weapons truck. SEB deputies may also store/transport weapons in the locked trunks of SEB black and white radio cars or in the locked storage boxes of SEB SUV vehicles as required in order to perform their official duties. No specialized weapon should normally be placed in the passenger compartment of a vehicle and left unattended.
3. Deputies assigned individual SEB weapons are responsible for safeguarding them, refer to Care of County Property and Equipment (MPP 3-01/040.15). Deputies having individual firearms assigned to them must confirm their whereabouts each day that they are on duty. Any firearm that is discovered missing must be brought to the immediate attention of an SEB lieutenant.
4. The SED sergeant in charge of the on duty SWT team is responsible for ensuring that a complete weapons inventory of the SWT weapons truck is performed at the beginning of his/her shift. The inventory shall verify that all permanently assigned SWT truck weapons are accounted for.
5. SED sergeants will be responsible for conducting a weekly inventory of all SEB firearms assigned to his/her team and team members. The results of the firearms inventory will be recorded on the Team Weekly Activity Report. Any firearm that is discovered missing must be brought to the immediate attention of an SEB lieutenant.
6. Due to their 24/7 tactical response obligation, SEB deputies are assigned county vehicles and permitted to take SEB firearms home.
7. All SEB deputies should normally utilize their assigned SEB vehicle when taking weapons home. Reasonable precautions should be taken at all times to safeguard weapons from unauthorized access and/or theft while they are parked at a residence. If they cannot be reasonably secured in the vehicle, they may be stored in a secure location inside the home.
8. When members of SEB take an assigned vehicle home, they may leave the vehicle unattended after fulfilling the above requirements. Deputies are not required to stay home with the vehicle.
9. SEB weapons should normally not be transported in personal vehicles without prior authorization from a supervisor.

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10. Deputies are reminded that all sworn Department members must comply with Penal Code sections 12035 PC & 12036 - Criminal storage of firearms & failure to prevent removal of firearm from premises by child.
11. All firearms that have been designated/converted into training weapons such as weapons with SIMS kits, blank firing systems, or any other training weapon that was once a commercially manufactured, serialized, firearm, shall be secured in the same manner as any SEB duty weapon.

Los Angeles County Sheriff's Department

TRAINING BUREAU NEWSLETTER



Advanced Officer Training Unit, (562) 946-7828

VOLUME 14 NUMBER 02

DATE: June 18, 2014

HAYES V. COUNTY OF SAN DIEGO

On August 19, 2013, the California Supreme Court held, in *Hayes v. County of San Diego* 57 Cal. 4th 622, that liability for negligence may arise from tactical conduct and decisions employed by law enforcement officers preceding the use of deadly force when viewed as a part of the totality of circumstances.

Discussion

This decision is a result of a request from the United States Court of Appeals for the Ninth Circuit to the California Supreme Court to decide a matter of state law. The California Supreme Court stated the issue as “whether under California negligence law, liability can arise from tactical conduct and decisions employed by law enforcement preceding the use of deadly force.” The Supreme Court’s decision is that “such liability can arise if the tactical conduct and decisions leading up to the use of deadly force show, as part of the totality of circumstances, that the use of deadly force was unreasonable.”

The Supreme Court noted the long-established principle of California negligence law that the reasonableness of a peace officer’s conduct must be determined in light of the totality of circumstances. The Court further noted that, “although preshooting conduct is included in the totality of circumstances, we do not want to suggest that a particular preshooting protocol is always required. Law enforcement personnel have a degree of discretion as to how they choose to address a particular situation” and “as long as an officer’s conduct falls within the range of conduct that is reasonable under the circumstances, there is no requirement that he or she chooses the ‘most reasonable’ action of the conduct that is least likely to cause harm and at the same time the most likely to result in the successful apprehension of a violent suspect, in order to avoid liability for negligence.”

Conclusion

In its *Hayes* decision, the California Supreme Court held that law enforcement officers have a duty to act reasonably in their tactical conduct preceding a use of force, and that a law enforcement officer’s tactical conduct and decisions preceding the use of deadly force are relevant considerations under California law in determining whether the use of deadly force gives rise to negligence liability. Such liability can arise, for example, if the tactical conduct and decisions show, as part of the totality of circumstances, that the use of deadly force was unreasonable.

It should be noted that there is a difference between federal constitutional liability (for excessive force) and state tort liability (for negligence). As noted by the California Supreme Court in its Hayes decision, liability is broader under California tort law than under federal constitutional law, which focuses on the reasonableness of the force at the time it is used. The Hayes decision did not, however, change the Graham objectively reasonable standard. It re-affirmed that the standard for adjudging the reasonableness of officer conduct during or leading up to a use of force, including when evaluating a state law negligence claim, remains the Graham objectively reasonable standard enunciated under federal case law (“the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight”).

Bottom line: Law enforcement officers need to be aware that their tactical conduct and decisions leading up to their use of force may be considered as part of the totality of circumstances for determining liability for negligence under California state law.

Department members are reminded that your tactics leading up to the use of force, as well as your use of force, must be reasonable. If not, you could be disciplined for violating Department policy with respect to Performance to Standards and/or Unreasonable Force.

Questions regarding the content of this Training Bureau Newsletter may be directed to the Field Operations Training Unit at: tb_fotu@lasd.org or (562) 946-7828.

AGS:JLS:js

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Telephone: (714) 446-1400 ** Fax: (714) 446-1448 ** Website: www.Jones-Mayer.com**CLIENT ALERT MEMORANDUM**

To: All Sheriffs & Chiefs of Police

From: Martin J. Mayer, Esq.

NINTH CIRCUIT U.S. COURT OF APPEALS HOLD THAT**USE OF K-9 IS “SEVERE” USE OF FORCE**

On April 1, 2016, the Ninth Circuit U. S. Court of Appeals, in a 2 – 1 decision, held that summary judgment for the City was improper when “a reasonable jury could find that police officers responding to [a burglar alarm in an office building] used excessive force when they deliberately unleashed a police dog that they knew might well ‘rip [the] face off’ any individual who might be present in the office.”

Summary judgment is granted when there are no material facts in dispute and the only issue is the application of the law.

Facts

In early 2010, Lowry was employed at the Tenzing Corporation in San Diego. On February 11, 2010 she went out with friends after work and consumed five drinks over four and a half hours. Rather than go home after she stopped at her office, she decided to stay, falling asleep on the couch. During the night she went to the restroom and triggered the silent alarm. At around 11:00

p.m., the San Diego Police Department (SDPD) was alerted to a burglar alarm being activated at the office building. They responded, saw no signs of forced entry, saw an open door, but did not know if anyone was inside.

Before entering they shouted warnings that they were the San Diego Police and would release a K-9, which might bite, if no one came forward. Ultimately, hearing no response, Sergeant Nulton released Bak, followed the dog into the office, gave no further warnings, and did not keep track of the dog’s location once she was let off the lead.

Eventually, Sergeant Nulton made his way into the office where Lowry was sleeping. The Sergeant “spotted a person under a blanket on the couch. At that moment, Bak jumped on top of Lowry. The two struggled momentarily before Sergeant Nulton called Bak off. Bak responded immediately, returning to Sergeant Nulton’s side.”

“Lowry emerged from her skirmish with Bak with a large gash on her lip that was bleeding profusely. As hospital staff would later inform Lowry, Bak had almost completely bitten through her lip. Shortly after the incident, Sergeant Nulton told Lowry, ‘I just can’t believe that’s the only damage. You’re very lucky. She could have ripped your face off.’”

“The SDPD trains its police dogs to enter a building, find a person, bite them, and hold that bite until a police officer arrives and removes the dog. Moreover, as Sergeant Nulton stated in his deposition, police dogs are not trained to differentiate between ‘a young child asleep or . . . a burglar standing in the kitchen with a butcher knife,’ and will simply bite the first person they find.”

“Generally, the decision of whether to conduct a canine search on or off lead is left to the officer’s discretion. However, the SDPD’s Canine Unit Operations Manual provides that residential searches ‘should normally be conducted on-lead unless the handler can reasonably determine there are no residents or animals in the home.’”

Lowry filed suit against the City under 42 U.S.C. Section 1983, alleging a violation of her fourth amendment rights and the District Court granted summary judgment for the City and Lowry appealed. “In the absence of material factual disputes, the objective reasonableness of a police officer’s conduct is ‘a pure question of law.’ Where the objective reasonableness of an officer’s conduct turns on disputed issues of material fact, however, it is ‘a question of fact best resolved by a jury.’”

Lowry asserts a single cause of action against the City, seeking to hold the municipality liable for her injuries under *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978). Specifically, Lowry alleges that the City’s

‘bite and hold’ policy caused the police to use excessive force against her. In order to prevail on a *Monell* claim, Lowry ‘must demonstrate first that h[er] seizure by [Bak] was unconstitutional and second that the City was responsible for that constitutional wrong.’”

Court’s Decision

The Court analyzed Lowry’s *Monell* claim by reviewing the use of force to determine whether or not it was “objectively reasonable” or “excessive” under the circumstances. “In deciding whether or not a particular use of force is reasonable, we employ the familiar test set forth by the Supreme Court in *Graham v. Connor*. Under *Graham*, we balance ‘the nature and quality of the intrusion on the individual’s fourth amendment interests against the countervailing governmental interests at stake.’”

“First, we must assess the severity of the intrusion on the individual’s fourth amendment rights by evaluating the type and amount of force inflicted. Second, we evaluate the government’s interest in the use of force. Finally, we balance the gravity of the intrusion on the individual against the government’s need for that intrusion.”

We have repeatedly held that deploying a police dog to effectuate an arrest is a ‘severe’ use of force. See *Smith v. City of Hemet*, 394 F.3d 689, 701–02 (9th Cir. 2005) (en banc) (noting that use of a police dog is ‘the most severe force authorized short of deadly force’).

The Court then notes that, “Notwithstanding our precedents, the District Court found the force used against Lowry to be ‘moderate,’ because Bak’s encounter with Lowry was ‘very quick’ and because Lowry’s injuries were ‘slight.’”

However, “the District Court failed to consider the type of force employed. Our precedents, as well as the Supreme Court’s, make clear that, in evaluating the severity of the intrusion on a plaintiff’s fourth amendment rights, we must assess not only the amount of force used (and the severity of the resulting injury), but also type of force used and the potential harm it may cause.”

The Court notes that “in this case we must not rely on the plaintiff’s ‘luck’ that she only ended up bleeding profusely from a cut lip rather than having her whole face ‘ripped off’ to excuse the conduct that the officer himself recognized could well have resulted in a far more egregious injury.”

The Court stated that the City’s countervailing interests are determined by three factors: “(1) the severity of the crime at issue, (2) whether the suspect posed an immediate threat to the safety of the officers or others, and (3) whether the suspect was actively resisting arrest or attempting to evade arrest by flight.”

In addition, “we must examine the totality of the circumstances and consider whatever specific factors may be appropriate in a particular case, whether or not listed in *Graham*.”

The Court concluded that “a reasonable jury could find that Lowry did not pose a threat to their safety or to others, she was asleep on the couch and did not engage in any threatening behavior.” Furthermore, “(i)t is undisputed that Lowry did not physically resist arrest, ‘did not attack the officers’ or anyone else, and did not attempt to flee from the officers.”

Finally, “(t)urning to the final *Graham* factor, we conclude that the severity of the crime at issue – burglary – weighs only slightly in the City’s favor. Burglary is not an inherently dangerous crime. Although

burglaries *can* be dangerous . . . the Supreme Court has explicitly held that ‘the fact that an unarmed suspect has broken into a dwelling at night does not automatically mean [s]he is physically dangerous.’”

In fact, the Court points out, “under California law, burglary of uninhabited premises – like an office building – is second degree burglary, a crime that may be punished either as a felony or as a misdemeanor.”

“(I)n order to prevail on a §1983 claim against a City, a plaintiff must prove that the constitutional injury was inflicted pursuant to City policy, regulation, custom, or usage. City policy ‘causes’ an injury where it is ‘the moving force’ behind the constitutional violation, or where ‘the City itself is the wrongdoer.’”

The Court held that in this case, “there is no dispute that the City’s bite-and-hold policy was the ‘moving force’ behind Lowry’s constitutional injury. The City admitted as much in its Amended Answer to Lowry’s First Amended Complaint “

HOW THIS AFFECTS YOUR AGENCY

The Court of Appeal held that summary judgment was not justified under these circumstances and that a jury needed to hear the case to determine the facts in dispute.

The Court did *not* hold that the use of the K-9 was always excessive force, but it did hold that the use of the K-9 is “severe force.” The Court also concluded that, under the circumstances of this case, a reasonable jury could interpret the facts and circumstances as not justifying the use of that level of force.

The Court stated that a reasonable juror could reach the conclusion that “the officers, responding to a routine alarm and not faced

with a burglar who already had engaged in threatening behavior, or who had attempted to evade arrest, or who had committed an inherently dangerous crime, unleashed a police dog that the officers believed was likely to rip a person's face off, even if she were an innocent employee of a business who had fallen asleep in her office late at night. It is the jury's role to decide which of these or other inferences should be drawn from the facts in the record."

It is also not inconceivable that a jury could find the circumstances justified such force, however, summary judgment should not have been granted. The issue confronting individual agencies is whether or not they will be able to articulate facts which justify such significant use of force.

It is imperative to receive advice and guidance from your agency's legal counsel when applying new law or interpreting a case decision.

As always, if you wish to discuss this case in greater detail, please feel free to contact me at (714) 446 – 1400 or via email at mjm@jones-mayer.com.

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