

OFFICE OF CHIEF OF POLICE  
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 16 Oct 14

SUBJECT: Revised DGO K-9, DEPARTMENT CANINE PROGRAM (01 Aug 06)

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The purpose of this revision is to update policy consistent with the revision of DGO K-3, USE OF FORCE and industry best practices.

Training Bulletin V-G, USE OF POLICE CANINES, has been incorporated in to DGO K-9 and is hereby cancelled.

Based on the incorporation of TB V-G and the length of the other revisions, the Special Operations Section will provide line-up training on the policy revision to Patrol personnel. Supervisors and Commanders outside of Patrol are encouraged to send their personnel to one of the training dates (see 14 Oct 14 email from Lt. Joshi.) Overtime is not authorized to attend the training. Additionally, the training will be available on PowerDMS.

Patrol Canines should not be deployed until the training has been completed on 31 Oct 14. However, Patrol canines may be deployed prior to 31 Oct 14 under exigent circumstances (e.g., blue alert, barricaded armed suspect, etc.) or by Watch Commanders and supervisors who have received the training and understand the policy.

The following is a brief summary of the substantive changes to DGO K-9. The training and this summary shall not take the place of the review and understanding of the entire document:

- Forcible Violent Crime definition (Part II, A)

The forcible violent crime definition mirrors that of DGO J-4, PURSUIT DRIVING

- Deployment criteria (Part III, A, 2, a-d)
  - a. To search for and assist in the apprehension of criminal suspects when there is reasonable suspicion to believe they committed a *forcible violent crime*, burglary or a weapon-related offense.
  - b. To pursue and apprehend criminal suspects who are attempting to actively evade arrest, providing the suspect meets the criteria listed in Part III, A, 2, a, above;
  - c. To provide protection to canine handlers if they are attacked by a suspect;
  - d. Police Canines shall not be deployed to search for and assist in the apprehension of:

- 1) Persons suspected of less serious crimes;
- 2) Suspects who are known or should reasonably be known to be less than 15 years of age;
- 3) Suspects known or should reasonably be known to be more than 70 years of age; or
- 4) Pregnant women.

**Exception:** A commander may authorize deployments on these suspects when there are specific, articulable facts that indicate the suspect poses an immediate threat of loss of life or serious bodily injury to officers or others.

- New definition- Unintentional Bite (Part II, J, 1-3)

#### Unintentional Bite

A canine Bite, on a subject, which occurs under one or more of the following circumstances, is an Unintentional Bite:

1. Without being given a deployment command by the Canine Handler;
2. The subject bitten is not the intended target of the deployment; or
3. During any non-law enforcement action.

Unintentional Bites are not a reportable use of force. Unintentional Bites on members or employees participating in authorized training do not require reporting as specified in Part III, A, 7, c, 1-4.

- Use of Force Investigations (Part III, A, 7)

#### 7. Use of Force Investigations

- a. Canine use of force incidents shall be reported and investigated in accordance with DGO K-4, REPORTING AND INVESTIGATING THE USE OF FORCE.
  - 1) A canine deployment in which a suspect is located by the canine but no bite occurs shall be reported as a Level 4 Use of Force.
  - 2) A canine deployment in which a bite occurs shall be reported and investigated as a Level 2 Use of Force.
  - 3) A canine deployment in which the suspect is located by a means other than the canine, or when no suspect is located, is not a reportable use of force.
- b. Supervisors in charge of the search for a criminal suspect that results in a use of force shall not conduct the use of force investigation.

- c. Unintentional Bites are not reportable uses of force.
- 1) Unintentional bites, regardless of whether they occur when the Canine Team is on or off duty, shall be investigated by an uninvolved supervisor.
  - 2) The investigating supervisor shall take all of the applicable investigative steps outlined in DGO M-3, COMPLAINTS AGAINST DEPARTMENT PERSONNEL OR PROCEDURE, for a Preliminary Inquiry.
  - 3) The investigation shall be documented on a Complaint Memorandum and forwarded to IAD through the SOS Commander.
  - 4) Even though an Unintentional Bite is not a reportable uses of force, canine handlers may be held accountable for an Unintentional Bite by their canine.

The circumstances of each incident shall be individually evaluated to determine if negligence is indicated.

Personnel shall acknowledge receipt, review, and understanding of this directive in accordance with the provisions of DGO A-1, DEPARTMENTAL PUBLICATIONS.

By order of



Sean Whent  
Chief of Police

Date Signed: \_\_\_\_\_



DEPARTMENTAL  
GENERAL  
ORDER

K-9

Index as:

Department Canine  
Program;  
Use of Force Reporting

Effective Date:  
16 Oct 14

Evaluation Coordinator:  
SOD Commander

Evaluation Due Date:  
16 Apr 15

Automatic Revision Cycle:  
3 Years

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### DEPARTMENT CANINE PROGRAM

The purpose of this order is to set forth policies and procedures for the Department Canine Program and the deployment of Police Canines. This order includes policy and procedures for patrol canines and narcotic detection canines.

The Department seeks to employ all moral, legal and ethical methods to accomplish its primary mission of ensuring the safety of its community and police officers. The law enforcement industry has recognized that the appropriate deployment of police canines enhances the safety of citizens and officers by increasing an agency's ability to capture criminals and locate items of evidence.

A dog bite is an intermediate use of force that may inflict serious injury. Therefore, this policy only allows Patrol Canine deployments for violent forcible crimes, burglary and weapons related offenses.

The United States Supreme Court ruled in *Graham v. Connor*<sup>1</sup> that force must be analyzed under the Fourth Amendment's objective reasonableness test. The application of this test requires an analysis of the totality of circumstances, including these factors to determine if the seizure is reasonable:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of law enforcement officers or others; and
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight<sup>2</sup>.

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<sup>1</sup> 490 U.S. 386 (1989)

<sup>2</sup> "Flight" includes the act of evading arrest by hiding.

**I. MISSION**

The mission of the Department Canine Program is to train, maintain and deploy Canine Teams to search for and locate criminal suspects and evidence in order to safeguard our community and police officers.

**II. DEFINITIONS**

**A. Violent Forcible Crime**

For purposes of this policy, a Violent Forcible Crime is defined as the commission or attempted commission of:

1. Murder;
2. Manslaughter;
3. Mayhem;
4. Kidnapping;
5. Robbery;
6. Carjacking;
7. Arson to an inhabited structure, inhabited property or that causes great bodily injury;
8. Explode or ignite a destructive device or any explosive causing bodily injury or death;
9. Use or possession of a weapon of mass destruction;
10. Use of a firearm in the commission of a felony;
11. Assault with a deadly weapon, firearm;
12. Assault with a deadly weapon, other than a firearm;
13. Aggravated Battery; and
14. Any of the following sexual assaults committed against a person's will by means of force, violence, duress, menace, fear of immediate and unlawful bodily injury on the person or another, or in concert:

- a. Rape;
- b. Sodomy;
- c. Oral Copulation;
- d. Lewd Act on a Child under the age of 14;
- e. Sexual penetration

B. Canine Program

The Canine Program is the Department's system for acquiring, equipping and training canine handlers and canines to safely search for and locate criminal suspects and evidence.

C. Patrol Canine

A canine that is specifically trained and deployed to search for, locate and assist in the apprehension of criminal suspects. The Patrol Canine is certified by a Peace Officer Standards and Training (POST) certified canine evaluator as meeting current voluntary POST canine standards. A Patrol Canine may also be cross-trained in the tracking method and narcotics detection.

D. Narcotics Detection Canine

A canine that is specifically and exclusively trained and deployed to search for and locate controlled substances. The Narcotics Detection Canine is certified by a Peace Officer Standards and Training (POST) certified canine evaluator as meeting current voluntary POST canine standards.

E. Dual Purpose Canine

A canine that is trained and deployed primarily as a Patrol Canine, and has the additional capability to search for and locate controlled substances. The Dual Purpose Canine is certified in the manner described for both a Patrol Canine and a Narcotics Detection Canine. The deployment of a Dual Purpose Canine is regulated by this policy based upon the purpose for which it is being deployed (i.e. as a Patrol Canine or as a Narcotics Detection Canine).

F. Tracking Method

A technique by which a canine uses ground scent to search for and locate criminal suspects.

G. Canine Team

A Canine Handler paired with an assigned Patrol or Narcotics Detection Canine.

H. Patrol Canine Deployment

The utilization of a Canine Team to:

1. Assist in the apprehension of a criminal suspect;
2. Search for and locate a criminal suspect; or
3. To bite a criminal suspect.

I. Bite

A Bite is the closing of a canine's mouth on the clothing or skin of a subject.

J. Unintentional Bite

A canine Bite, on a subject, which occurs under one or more of the following circumstances, is an Unintentional Bite:

1. Without being given a deployment command by the Canine Handler;
2. The subject bitten is not the intended target of the deployment; or
3. During any non-law enforcement action.

Unintentional Bites are not a reportable use of force. Unintentional Bites on members or employees participating in authorized training do not require reporting as specified in Part III, A, 7, c, 1-4.

K. Bite Ratio

A ratio calculated as the number of instances in which a bite occurred divided by the total number of instances where a suspect was located by the canine. This ratio excludes instances in which the suspect was never located or contacted and Unintentional Bites.

**III. DEPLOYMENT**

A. Patrol Canines

1. Purpose

- a. The primary purpose of Patrol Canine deployments is to search for, locate and assist in the apprehension of criminal suspects.
- b. In instances when the criminal suspect's location is known or reasonably known, canine handlers may also deploy their canines directly as a use of force (by biting.)

2. Deployment Criteria

A canine deployment in which the canine bites the clothing or skin or otherwise injures a suspected criminal suspect is considered a seizure and a use of force. Therefore, a canine deployment must be objectively reasonable given the totality of the circumstances and comply with the *Graham v. Connor* reasonableness standard. The Department authorizes the deployment of Patrol Canines under the following circumstances:

- a. To search for and assist in the apprehension of criminal suspects when there is reasonable suspicion to believe they committed a forcible violent crime, burglary or a weapon-related offense.
- b. To pursue and apprehend criminal suspects who are attempting to actively evade arrest, providing the suspect meets the criteria listed in Part III, A, 2, a, above;
- c. To provide protection to canine handlers if they are attacked by a suspect;



- d. Police Canines shall not be deployed to search for and assist in the apprehension of:
  - 1) Persons suspected of less serious crimes;
  - 2) Suspects who are known or should reasonably be known to be less than 15 years of age;
  - 3) Suspects known or should reasonably be known to be more than 70 years of age; or
  - 4) Pregnant women.

**Exception:** A commander may authorize deployments on these suspects when there are specific, articulable facts that indicate the suspect poses an immediate threat of loss of life or serious bodily injury to officers or others.

3. Procedures for Requesting a Deployment

- a. Any police officer may request the deployment of a Patrol Canine in circumstances where a canine's use would enhance officer safety;
- b. A supervisor or commander shall authorize all deployments of Patrol Canines in accordance with deployment criteria listed in III, A, 2, a, above.

**Exception:** When time-sensitive circumstances require a canine handler to immediately deploy their canine for the purposes of ensuring public safety (e.g. to pursue and apprehend criminals actively evading arrest, or to protect the canine handler from an attack); and

- c. A supervisor or commander shall respond to the scene prior to the deployment of a Patrol Canine, unless exigent circumstances to deploy exist which prevents such response.

4. Pre-Deployment Warning Announcements

- a. A Patrol Canine Warning Announcement shall be made prior to releasing the canine in a search for a criminal suspect and as often as reasonably necessary during the course of the search.

Absent exigent circumstances, after making the announcement, the Canine Handler shall allow a reasonable and sufficient amount of time before releasing the canine to:

- 1) Allow the suspect time to surrender;
  - 2) Allow citizens time to move to a place of safety; and
  - 3) Allow officers time to employ tactics for officer safety and to gain a tactical advantage.
- b. The canine handler shall ensure that a Patrol Canine Warning Announcement is given as follows:
- “This is the Oakland Police Department Canine Unit. Give yourself up before I release the dog. The dog will find you and the dog may bite you. When the dog finds you, do not move or attempt to run because the dog will bite you. Residents, stay inside your homes.”**
- c. Officers may modify this warning announcement as necessary; however, any modification to this announcement shall not be so significant that a reasonable person would not understand that:
- 1) The police are present;
  - 2) A canine will be deployed;
  - 3) They have an opportunity to surrender; and
  - 4) They may be bitten.
- d. A Patrol Canine may only be deployed without providing the Patrol Canine Warning Announcement **during a Tactical Team activation**. Only the Incident or Tactical Team Commander may authorize the deployment when circumstances indicate the warning or repeated warning announcement may jeopardize the safety of citizens or officers. Any omission of the warning announcement shall be documented in the appropriate report.
- e. The warning announcement shall be made, in English, in a loud and clear voice or over a public address system, when appropriate (i.e., considering time of day, search area, building configuration, atmospheric conditions, and geographic location.)

If there is information that the subject or residents in the affected area understand a language other than English, a reasonable attempt shall be made to summon a police officer qualified to translate the warning announcement in that language.

- f. The Patrol Canine Warning Announcement shall be captured on a recorded radio channel or a PDRD.
- g. The criminal suspect shall be afforded a reasonable and sufficient amount of time to submit to lawful authority prior to deployment of a canine unless circumstances indicate an opportunity to submit poses an imminent threat to the safety of citizens or officers.

5. Actions During Deployment

- a. The field supervisor is responsible for assembling a search and arrest team to support the canine handler during the deployment. The supervisor, in coordination with the canine handler, shall devise and brief the search and arrest team on the plan to search for, locate and arrest the criminal suspect.

The plan shall minimally consist of the following:

- 1) The duties and responsibilities of each arrest team member, which include but are not limited to:
  - a) Close cover;
  - b) Lethal cover;
  - c) Less lethal cover; and
  - d) Handcuffing;
- 2) The planned route of the search;
- 3) Actions upon locating the criminal suspect; and
- 4) Contingency plans.

- b. The supervisor shall take a position on the search and arrest team as the team leader to ensure both tactically sound search techniques are employed and that only reasonable force is used in taking the criminal suspect into custody.
- c. All search and arrest team members shall activate their PDRD at the beginning of any canine deployment. Members on the search and arrest team shall not deactivate their PDRDs until one or more of the following occurs:
  - 1) The conclusion of the deployment unless directed by the incident supervisor or commander (e.g., during a rest or break period in the search, to discuss tactical information away from the search area, etc.);
  - 2) The member is relieved and at a location where they are not likely to have interaction or a chance encounter with the suspect; or
  - 3) The circumstances meet the criteria for deactivation as specified in DGO I-15.1, PORTABLE VIDEO MANAGEMENT SYSTEM.

After a member deactivates their PDRD, it is their responsibility to ensure they reactivate their PDRD should the circumstances require it.

- d. Canine handlers shall closely monitor and maintain reasonable control of their canine during the deployment.
  - 1) Once the canine locates a criminal suspect, and depending on the suspect's location and actions, the canine may bark, make physical contact with the suspect, or bite the suspect.
  - 2) Upon locating a criminal suspect, the canine handler or other search team members shall verbally challenge and give instructions to the suspect unless doing so would increase the danger to the canine handler or the search team. If a challenge and/or instructions were not provided, Canine Handlers shall document the reason in their report.



- 2) A canine deployment in which a bite occurs shall be reported and investigated as a Level 2 Use of Force.
    - 3) A canine deployment in which the suspect is located by a means other than the canine, or when no suspect is located, is not a reportable use of force.
  - b. Supervisors in charge of the search for a criminal suspect that results in a use of force shall not conduct the use of force investigation.
  - c. Unintentional Bites are not reportable uses of force.
    - 1) Unintentional bites, regardless of whether they occur when the Canine Team is on or off duty, shall be investigated by an uninvolved supervisor.
    - 2) The investigating supervisor shall take all of the applicable investigative steps outlined in DGO M-3, COMPLAINTS AGAINST DEPARTMENT PERSONNEL OR PROCEDURE, for a Preliminary Inquiry.
    - 3) The investigation shall be documented on a Complaint Memorandum and forwarded to IAD through the SOS Commander.
    - 4) Even though an Unintentional Bite is not a reportable uses of force, canine handlers may be held accountable for an Unintentional Bite by their canine. The circumstances of each incident shall be individually evaluated to determine if negligence is indicated.
8. Crowd Control and Crowd Management
  - a. Canines shall not be used for crowd control, crowd containment or crowd dispersal.

Under exigent circumstances and when time does not permit placing the canine in a kennel at a Department Facility, Canine Handlers may respond to assist in crowd control operations. When this occurs, Canine Handlers shall not remove their canine from the police vehicle.

- b. When considering staffing needs for Crowd Control and Crowd Management Operations, commanders shall:
  - 1) Weigh the officer safety benefits of leaving the Patrol Canine Team in their standard Patrol function versus using the Canine Handler in the Crowd Control and Crowd Management Operation; and
  - 2) Consider the expected length of the operation and the Canine Handler's expected availability, if used in operation, to check on the well-being of their canine.

B. Narcotics Detection Canines

1. Deployment Criteria

The Department authorizes the deployment of Narcotics Detection Canines under the following circumstances:

- a. To search vehicles, buildings, bags and any other articles deemed appropriate in accordance with current law for the purpose of locating controlled substances; or
- b. To establish the basis for searches, with or without a warrant, as defined by current law.

2. Procedures for Requesting a Deployment

- a. Any police officer may request the deployment of a Narcotics Detection Canine. Specific authorization for deployment is not required, unless specified below;
- b. Prior to the deployment of a Narcotics Detection Canine, a supervisor or command officer shall be notified;
- c. A command officer shall approve all requests for deployment of a Narcotic Detection Canine to assist at an occupied school, juvenile recreation facility, school related activity, day-care facility, hospital, church or to assist any outside agency; and
- d. Narcotic Detection Canines shall not be used to search for controlled substances or other evidence upon the person of any individual.

3. Deployment Reports

- a. Following all Narcotics Detection Canine Deployments, the canine handler shall complete a Canine Deployment Record (TF-3268b) and submit this report to the Canine Program Coordinator by the end of their work shift.
- b. Following all Narcotics Detection Canine Deployments, the canine handler shall place an appropriate entry in their log book by the end of their work shift.

4. Unintentional Bites

Unintentional bites by Narcotics Detection Canines, or Dual Purpose Canines working in a Narcotics Detection capacity, shall be investigated and reported in accordance with same procedures detailed for Patrol Canines (see Part III, A, 7, c.)

**IV. RESPONSIBILITIES**

A. SOS Commander

The SOS Commander is responsible for:

1. Providing command supervision for the Department Canine Program;
2. Establishing and approving all Canine Program policies and procedures;
3. Submitting all monthly reports on Canine Program statistics and deployments through the chain of command to the Chief of Police;
4. Collecting and submitting performance data from the Canine Program to the Support Operations Division (SOD) Commander for inclusion into the Department's Annual Report; and
5. Approving all public service presentation requests.

B. Canine Program Supervisor

The Canine Program Supervisor is responsible for:

1. Managing the procurement of canines for the Canine Program;



2. Managing the selection process for the Canine Coordinator and Canine Handlers;
3. Identifying and procuring equipment needs for the Canine Program;
4. Developing, maintaining and updating Canine Program Policies and Procedures;
5. Overseeing the Canine Program's training management system, to include planning, scheduling, resourcing and records maintenance, and attend all Canine Program training sessions, as practical;
6. If requested, attend Force Review Boards (FRB) or Executive Force Review Boards (EFRB) related to canine use of force incidents;
7. Collecting and maintaining all Canine-related statistical data;
8. Completing monthly reports on Canine Program statistics and deployments, to include analysis and recommendations related to policy, training and risk management, and submit these reports to the SOS Commander by the 7th day of each month covering the data for the previous month;
9. Conducting a review of patrol canine handlers whose bite ratios exceed 20% during any six (6) month period and taking corrective measures, when appropriate;
10. Reviewing all canine-related use of force reports and associated Personal Digital Recording Device (PDRD) recordings to ensure canine deployments were conducted in accordance with Department policy and procedures.
11. Provide input to use of force investigators relating to canine policy and procedures, compliance and training points;
12. Conducting periodic, in-field observations of Canine Handlers' patrol deployments to ensure they are in accordance with canine policy and procedures. Observations shall be entered in the Personnel Assessment System (PAS) Supervisory Notes File (SNF), as appropriate;
13. Conducting quarterly meetings/training with all Patrol supervisors, as necessary;

14. When required, providing instruction during Continuing Professional Training (CPT) and Commanders Retreats on the following topics:
  - a. Canine Program policies;
  - b. Canine deployment methods and tactics;
  - c. Supervisor and commander responsibilities during canine deployments;
  - d. Current canine statistical data; and
  - e. Canine-related case law;
15. When required, making recommendations for the decertification of a canine handler or canine when any of the circumstances enumerated in Part IX, below, exist.

C. Canine Program Coordinator

The Canine Program Coordinator is responsible for:

1. Screening and recommending the selection of canines for the Canine Program;
2. Serving as the Department SME on Canine matters;
3. Serving as the primary trainer for all in-house Department canine training and developing weekly training plans that maintain the proficiency of all Canine Teams;
4. Developing specific written Canine Team training plans for:
  - a. The initial certification of new Canine Teams;
  - b. The re-certification of Canine Teams that have been decertified; and
  - c. Training specified by a FRB or EFRB.

All training plans will be filed and maintained with the Canine Program;

5. Conducting remedial Canine Team training in instances where a team's performance during field deployments does not meet acceptable standards, including all circumstances related to Unintentional Bites;
6. Completing any training recommended by a FRB or EFRB and submitting a Training Memorandum to the Training Section within 60 days of receipt of the task or as specified by the FRB or EFRB Chairperson;
7. Coordinating for, and attending all, semi-annual Canine Handler POST certifications;
8. Collecting all canine-related statistical data and providing this data to the Canine Program Supervisor on a monthly basis by the 3rd day of each month covering the data for the previous month;
9. Conducting periodic, in-field audits of Canine Handlers' patrol deployments to ensure they are in accordance with canine policy and procedures; and
10. When required, make recommendations for the decertification of a canine handler or canine when any of the circumstances enumerated in Part IX, below, exist.

D. Canine Handlers

Canine Handlers are responsible for:

1. Care, maintenance and supervision of their assigned canine, both on- and off-duty, to include safe and secure housing when away from Department facilities, as well as safe and secure transportation when moving the canine to and from the Department;
2. Attending all scheduled in-house canine training;
3. Successfully passing all semi-annual POST certifications;
4. Maintaining a working knowledge of applicable statutes, case law and policies regarding the use of canines in their respective disciplines;
5. Coordinating with, and making recommendations to, field supervisors and commanders concerning the in-field deployment and tactics for their assigned canines;

6. Conducting canine deployments in accordance with all Department policies and procedures; and
7. Ensuring the feeding, grooming, housing and overall maintenance of their assigned canines, as detailed in Canine Program Policies and Procedures.

E. Patrol/Field Supervisors

Patrol/Field Supervisors are responsible for:

1. Providing close and consistent supervision of their assigned Canine Handlers, if assigned;
2. Responding to the scene of any canine deployment;
3. Authorizing canine deployments in accordance with the provisions of this policy.

In the event OPD Canine Teams are unavailable, supervisors may request and authorize the use of an outside agency Canine Team in a manner consistent with this policy.

4. Supervising canine deployments to ensure they are conducted within Department policy and that only reasonable force is employed in the arrest of criminal suspects.

F. Communications Section

The Communications Section is responsible for:

1. Documenting all requests for canine deployments that go unfulfilled and forwarding such documentation daily, via email, to the Canine Program Supervisor and Coordinator;
2. Documenting all requests for canine deployments that go unfulfilled by OPD, but are filled by an outside agency and forward such documentation daily, via email, to the Canine Program Supervisor and Coordinator. The name of the agency that fulfills the request shall be included in the documentation; and
3. Include the Canine Program Supervisor on the Use of Force Log email distribution list.

G. Bureau of Field Operations Administration (BFO Admin) Division

BFO Admin Force Board Coordinator shall forward a copy of any canine-related FRB and EFRB reports to the Canine Program Supervisor and Coordinator within seven (7) days of receipt.

H. Internal Affairs Division (IAD)

The IAD is responsible for:

1. Sending copies of any Complaint Notifications involving a canine handler to the Canine Program Supervisor and the SOS Commander;
2. Ensuring IAD investigators seek the input of the Canine Coordinator and Canine Program Supervisor, when conducting any investigation related to canine uses of force; and

I. PAS Administration Unit

The PAS Administration Unit shall provide the Canine Program Supervisor and the SOS Commander with PAS access to all canine handlers.

**V. CANINE PROGRAM ASSIGNMENTS**

A. Staffing

1. Canine Program Supervisor

The Canine Program Supervisor shall be a Sergeant of Police, assigned to the Special Operations Section (SOS) and supervised by the SOS Commander.

2. Canine Program Coordinator

The Canine Program Coordinator serves as the primary canine trainer and canine Subject Matter Expert (SME) for the Department. The Canine Program Coordinator shall be a Police Officer, a canine handler, assigned to the SOS and supervised by the Canine Program Supervisor.

3. Canine Handlers

All Canine Handlers shall be a Police Officer.

- a. The Canine Program is authorized a staffing of twelve (12) Patrol Canine Handlers (with assigned canines).

Patrol Canine Handlers shall be assigned to Patrol squads and be supervised by Patrol Sergeants.

- b. The Canine Program is additionally authorized a staffing of up to four (4) Narcotics-only Detection Canine Handlers (with assigned canines). Narcotics-only Detection Canine Handlers may be assigned to any organizational unit and shall be supervised by the assigned unit's supervisor.

**B. Draw Procedures and Caps**

**1. Patrol Canine Handlers**

Patrol Canine Handlers shall draw their assignments in Patrol based on their seniority within the Canine Program. Vacation time shall be drawn based on their Department seniority per the OPOA MOU. Patrol Canine Handlers are subject to a ten (10) year cap, with extensions as authorized by the Chief of Police to meet the functional needs of the Department.

**2. Narcotics-only Detection Canine Handlers**

Narcotics-only Detection Canine Handlers are subject to the transfer policy cap of their respective organizational units; however, they may continue to maintain their canines in accordance with the ten (10) year cap, with extensions as authorized by the Chief of Police to meet the functional needs of the Department.

**3. Canine Program Supervisor and Canine Program Coordinator**

The Canine Program Supervisor and Canine Program Coordinator positions are subject to a maximum five (5) year cap, with extensions as authorized in DGO B-4, PERSONNEL ASSIGNMENTS, SELECTION PROCESSES AND TRANSFERS.

**VI. PUBLIC APPEARANCES**

- A. The Department encourages the participation of canines in public service presentations and appearances in order to build close and positive relationships with our community. Public appearances are intended solely for the purpose of public education and good will and are not considered a canine deployment.
- B. Public service appearance requests shall be forwarded through the Canine Program Supervisor to the SOS Commander for approval.

- C. Canine handlers shall complete and submit a Public Appearance Report (TF-3225) to the Canine Program Supervisor after participating in public service presentation no later than the end of their scheduled work week.

## **VII. HANDLER SELECTION**

- A. Canine Program Supervisor and Canine Program Coordinator are responsible for conducting all aspects of the Canine Handler selection process. The selection process for Canine Handlers shall be in accordance with DGO B-4. The Canine Program Supervisor shall maintain a copy of all transfer requests submitted for use in the selection process.
- B. The following criteria are minimum requirements for prospective Canine handlers:
  - 1. Full-time Police Officer with a minimum of three years of patrol duty experience in Oakland;
  - 2. Maintain an overall “Fully Effective” performance evaluation for the previous two years;
  - 3. Exhibit the ability to work independently with minimal supervision;
  - 4. Exhibit the ability to maintain a calm, professional demeanor during stressful situations;
  - 5. Exhibit the ability to communicate professionally with the public;
  - 6. Exhibit the ability to render effective testimony in court;
  - 7. Exhibit proficiency in report writing and record keeping skills;
  - 8. Exhibit the ability to employ sound tactics in a field environment;
  - 9. Have adequate facilities at their residence to house a police canine;
  - 10. Exhibit no record of excessive or abusive use of sick time;
  - 11. Not have an excessive number of use of force incidents for a period of two (2) years preceding selection. “Excessive” shall not merely be defined by a number, but rather by the totality of circumstances that led to the use of force. Analysis of the circumstances should minimally include:
    - a. Officer’s assignment;

- b. Type of force used;
  - c. Number of persons authorized to use that force;
  - d. Duration between incidents; and
  - e. Nature of incident;
12. Not have an excessive number of Internal Affairs Division (IAD) “Not Sustained” or “Sustained” findings for a period of two (2) years preceding selection.
- Any “Sustained” findings for a period of two (2) years preceding selection shall be reviewed to determine if cause exists to disqualify the member from the selection process.
- C. The selection process for all canine handlers shall include the following:
1. Work history matrix;
  2. Written Test;
  3. Practical Test;
  4. Oral Interview; and
  5. Shooting and physical fitness proficiency test.
- D. Following the selection process, candidates shall be ranked in order of their overall score. A list of qualified candidates shall be submitted through channels to the Chief of Police who shall approve assignments to the Canine Program.

## **VIII. CANINE PROGRAM TRAINING**

- A. The Canine Program Supervisor is overall responsible for the Canine Program training management. All training shall be planned, coordinated, resourced and documented in accordance with Canine Program Policies and Procedures Manual.
- B. The Canine Program Coordinator is responsible for all Canine Program training, and serves as the primary trainer for all program training.
- C. Canine Teams shall participate in annual forty (40) hour canine specific CPT, as well as weekly five (5) hour canine program training.



- D. Supervisors shall afford Canine Handlers a minimum of one (1) hour each work shift to conduct individual training with their canines.
- E. All Canine Teams shall conduct CA POST canine certifications on a semi-annual basis.
- F. Canine Handlers and their canine shall not receive training or instruction from trainers from outside the Department without the authorization of the SOS Commander.

#### **IX. HANDLER DECERTIFICATION/REMOVAL FROM PROGRAM**

- A. The Chief of Police may remove canine handlers from the program as necessary. The Canine Program Supervisor or Canine Program Coordinator may request a member be removed from the program by submitting a recommendation in writing through their chain of command to the Chief of Police.
- B. If a canine handler is promoted, they shall be decertified as a handler. The handler's canine shall be retired, placed with a new handler or other appropriate plans made, at the direction of the SOS Commander.
- C. A canine handler may also be considered for decertification and removal from the Canine Program under any of the following circumstances:
  - 1. An overall "Unacceptable" or "Needs Improvement" performance appraisal;
  - 2. Failure to certify on two consecutive occasions;
  - 3. An established pattern of failure to attend unit training sessions;
  - 4. Failure to progress in training as documented by the Canine Program Coordinator;
  - 5. Any documented mistreatment, neglect, or improper use of the canine;
  - 6. Failure to satisfactorily complete a physical fitness and shooting proficiency evaluation and subsequent remediation;
  - 7. Failure to maintain proper training or deployment records;

8. Exhibition of a pattern of unsafe tactics during actual deployments as documented by the Canine Program Supervisor, Canine Program Coordinator, a FRB or an EFRB, when appropriate;
  9. An unjustifiable high bite ratio that cannot be corrected by training, as determined by the Canine Program Supervisor, Canine Program Coordinator, a FRB or an EFRB, as appropriate; or
  10. Any "Sustained" Class I finding.
- D. The Canine Program Supervisor shall notify the SOS Commander of any Canine Handler meeting any of the criteria specified in Part IX, C of this order. The Canine Program Supervisor, Canine Program Coordinator and the SOS Commander shall determine if remedial training would rectify the problem or if the handler should be removed from the program immediately.

If it is determined the Canine Handler should be removed from the program immediately, the SOS Commander shall forward a memorandum to the SOD Commander detailing the circumstances and recommendation for the decertification and removal of the Canine Handler from the program.

- E. In the event remedial training is prescribed, the Canine Program Coordinator shall schedule the appropriate training with the Canine Handler and canine. The Canine Program Coordinator shall notify the SOS Commander or designee when the remedial training has been satisfactorily completed, and the Canine Handler shall be retained in the program.

If remedial training has not been satisfactorily completed, the Coordinator shall notify the SOS Commander who shall forward a memorandum to the SOD Commander, detailing the remedial training prescribed, the failure to satisfactorily complete the training and recommendation for decertification and removal from the program.

- F. Notwithstanding the above considerations for decertification, a Patrol Canine Handler and their canine shall immediately be decertified whenever a FRB or an EFRB determines their Level 2 UOF (canine bite only) is out of compliance with policy.

In such circumstances the Canine Program Supervisor, Canine Program Coordinator and the SOS Commander shall determine if remedial training would rectify the problem or if the handler should be removed from the program permanently.

In the event remedial training is prescribed, the provisions of Section IX, E above applies, with the exception that the authority to re-certify the Patrol Canine Handler and their canine shall be retained at the SOD Commander level.

**X. CANINE PROGRAM STATISTICS**

- A. The Canine Program Coordinator shall be responsible for collecting and organizing the Canine Program statistics listed below and shall forward them to the Canine Program Supervisor on a monthly basis.
- B. The Canine Program Supervisor shall prepare a monthly report on Canine Program statistics and deployments, to include analysis and recommendations related to policy, training and risk assessment. The Canine Program Supervisor shall submit this report SOS Commander by the 7<sup>th</sup> day of each month covering the data for the previous month.
- C. The Canine Program shall minimally capture, document and track the following statistical data:
  - 1. Number of certified Canine Teams;
  - 2. Number of non-certified Canine Teams;
  - 3. Number of canine deployment requests fulfilled by OPD, by type (e.g. building searches, yard searches, prevention through presence, security checks, narcotics detection, Tactical Operations Team support, etc.);
  - 4. Number of canine deployment requests fulfilled by outside agencies (with name of agency);
  - 5. Number of canine deployment requests that were unfulfilled;
  - 6. Number outside agency requests fulfilled by OPD, by type;
  - 7. Total number of canine deployments;
  - 8. Number of patrol canine searches in which the suspect is located;
  - 9. Number of patrol canine searches in which the suspect is not located;
  - 10. Number of times a suspect is located during a patrol canine search and a bite occurs;

11. Number of times a suspect is located during a patrol canine search and a bite does not occur;
12. Patrol canine bite ratios;
13. Number of narcotics detection canine searches in which the narcotics are located;
14. Number of narcotics detection canine searches in which the narcotics are not located;
15. Amount of narcotics recovered;
16. Number of Unintentional Bites, on duty;
17. Number of Unintentional Bites, off duty;
18. Number of canine-related Internal Affairs complaints;
19. Number of canine-related Internal Affairs complaints resulting in a "Sustained" finding;
20. Number of public service appearances; and
21. Number of training hours conducted (both scheduled program training and individual handler training.)

By Order of



Sean C. Whent  
Chief of Police

Date Signed: \_\_\_\_\_