

MONTGOMERY COUNTY SHERIFF’S OFFICE
POLICY AND PROCEDURES
GENERAL ORDER

SUBJECT: Canines

Number: 420

DATE EFFECTIVE: October 25, 2024

Review Date: Annually

APPROVED: Pete Herron, Sheriff

I. PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

II. POLICY

It is the policy of the Montgomery County Sheriff’s Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

III. ASSIGNMENT

Canine teams will be assigned to the Patrol Division and to the extent possible should not be assigned as a primary Deputy to any zone, area or assignment given during the normal Patrol tour of duty. Canine teams shall remain a secondary unit to any of the above mentioned but may at the discretion of the Shift Supervisor or Patrol Captain be assigned in any manner based on the current operational needs of the Sheriff’s Office.

Upon the approval of the Shift Supervisor the canine team may assist any Law Enforcement Agency in this county. If a request for the use of the canine comes from outside the County the canine team shall notify the Shift Supervisor who in return shall make the request known to the Patrol Captain.

IV. CANINE COORDINATOR

The Canine Coordinator shall be appointed by and directly responsible to the Patrol Captain or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- A. Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

- B. Maintaining a liaison with the vendor kennel.
- C. Maintaining a liaison with command staff and functional supervisors.
- D. Maintaining a liaison with other agency Canine Coordinators.
- E. Maintaining accurate records to document canine activities.
- F. Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- G. Scheduling all canine-related activities.
- H. Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

V. REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from Sheriff's Office units outside of the Patrol Division shall be reviewed by the requesting division's supervisor.

OUTSIDE AGENCY REQUEST

- A. Canine teams shall not be used for any assignment that is not consistent with this policy.
- B. The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- C. Calling out off-duty canine teams is discouraged.
- D. It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- E. It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Canine Coordinator prior to making any resource commitment. The Canine Coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the Canine Coordinator.

VI. APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- A. There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.
- B. The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- C. The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Supervisor. Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- A. The nature and seriousness of the suspected offense.
- B. Whether violence or weapons were used or are anticipated.
- C. The degree of resistance or threatened resistance, if any, the suspect has shown.
- D. The suspect's known or perceived age.
- E. The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- F. Any potential danger to the public and/or other deputies at the scene if the canine is released.
- G. The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine.

REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified, and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on or off-duty, shall be promptly reported to the Canine Coordinator. Unintended bites or injuries caused by a canine should be documented in an incident report not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current Sheriff's Office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

The Canine Coordinator should immediately notify the local health director of bites by any Sheriff's Office canine. The notice shall include the name and address of the person bitten and identify the Sheriff's Office as the owner of the animal. A canine is exempt from confinement and may perform official duties upon submission of proof that the canine has been vaccinated for rabies, in compliance with state law. (N.C.G.S. § 130A-196)

VII. NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- A. Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- B. Unless otherwise directed by a supervisor, assisting members should take directions from the handler in order to minimize interference with the canine.

- C. Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- D. Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- A. The search of vehicles, buildings, bags, and other articles.
- B. Assisting in the search for narcotics during a search warrant service.
- C. Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

VIII. HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- A. Minimum of two years' patrol experience and successfully completed the patrol field training program.
- B. Must be proactive in current position and recommended by direct supervisor.
- C. Living within 30 minutes travel time from the Montgomery County limits.
- D. Agreeing to be assigned to the position for a minimum of four years.

IX. HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- A. Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- B. The handler shall maintain all Sheriff's Office equipment under his/her control in a clean and serviceable condition.
- C. Handlers shall permit the Canine Coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- D. Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Canine Coordinator as soon as possible.

- E. When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- F. The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- G. Under no circumstances will the canine be lodged at another location unless approved by the Canine Coordinator or Shift Supervisor.
- H. When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Canine Coordinator or Shift Supervisor.
- I. Whenever a canine handler is off duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Coordinator so that appropriate arrangements can be made.
- J. In the event a handler becomes medically unable to perform his/her regular duties, is medically ordered to perform light duty, either temporary or long term, the handler must notify the Canine Coordinator immediately to secure canine care with a capable handler.

CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- A. A canine shall not be left unattended in any area to which the public may have access.
- B. When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

X. HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the Canine Coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA) (29 USC § 207).

XI. CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the Canine Coordinator or Shift Supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

XII. TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The Canine Coordinator shall be responsible for scheduling periodic training for all Sheriff's Office members in order to familiarize them with how to conduct themselves in the presence of Sheriff Office canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the Canine Coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the Canine Coordinator or Shift Supervisor.

CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- A. Canine teams should participate in/receive 16 hours of training per month, or an accumulated 192 hours annually, unless a justifiable exception is approved and documented by the Canine Coordinator.
- B. Canine handlers are encouraged to engage in additional training with approval of the Canine Coordinator.
- C. To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Sheriff's Office.

FAILURE TO SUCCESSFULLY COMPLETE CERTIFICATION/REQUIRED TRAINING

Any canine team failing to graduate or obtain certification, or recertification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification or recertification, the canine handler shall be temporarily reassigned to regular patrol duties.

Failure to attend maintenance training without approved justification may result in suspension as a canine handler pending make-up training. Continued failure to attend maintenance training may result in expulsion from Canine Unit. Suspension/expulsion from the Canine Unit is considered an administrative action to be taken in the best interest of the canine, county, and monetary program investment. These administrative actions shall not be taken without the express approval of the Sheriff and shall not be considered disciplinary actions.

TRAINING/DEPLOYMENT RECORDS

All canine training records and deployments shall be maintained in the canine handler's PACKTRACK database.

TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using, or transporting controlled substances for canine training purposes must comply with federal and state requirements. Alternatively, the Montgomery County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21USC § 823(g); N.C.G.S. § 90-102.1; 10A NCAC 26E.0111)

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Montgomery County Sheriff's Office to be possessed by the member of a narcotics-detection canine trainer who is working under the direction of this Sheriff's Office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- A. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer and after training.
- B. The weight and test results shall be recorded and maintained by this Sheriff's Office.
- C. Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- D. All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the Canine Coordinator with a copy forwarded to the dispensing agency.
- E. All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are NO exceptions to this procedure.
- F. The Canine Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

- G. Any unusable controlled substance training samples shall be returned to the Evidence and Property Control Division or to the dispensing agency.
- H. All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.