



CRIMINAL JUSTICE TRAINING COMMISSION MODEL POLICY



	Canine Model Policy	Revised: December 15, 2021
Authorizing Source: ESHB 1054		Applies to: Agencies with state certified canine handlers

I. PURPOSE:

- A. The purpose of this policy is to set best practices for canine handlers in Washington state pursuant to Chapter 320, Laws of 2021 (ESHB 1054). Making our communities safer, reducing violence, and preserving lives must be at the forefront of all law enforcement work, including the use of police canines.
1. The Washington State Criminal Justice Training Commission (WSCJTC) recognizes several requirements set forth in other recently enacted legislation and statute. “The legislature intends to address excessive force and discriminatory policing by establishing a requirement for law enforcement and community corrections officers to act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. Further, the legislature intends to address public safety concerns by limiting the use of deadly force to very narrow circumstances where there is an imminent threat of serious physical injury or death. It is the intent of the legislature that when practical, peace officers will use the least amount of physical force necessary to overcome actual resistance under the circumstances. It is the fundamental duty of law enforcement to preserve and protect all human life.” (Chapter 324, Laws of 2021, E2SHB 1310).

II. ESHB 1054 REQUIREMENTS

- A. The WSCJTC must convene a work group to develop a model policy for the training and use of canine teams. The WSCJTC must ensure that the work group is equally represented between community and law enforcement stakeholders, including certain representatives and interest groups. The model policy work group must consider:
1. training curriculum, including the history of race and policing;
 2. circumstances where the deployment of a canine may not be appropriate;
 3. circumstances where deployment of a canine on leash may be appropriate;
 4. strategies for reducing the overall rate of canine bites;
 5. circumstances where a canine handler should consider the use of tactics other than deploying a canine;
 6. explicitly prohibiting the use of canines for crowd control purposes;
 7. canine reporting protocols;

8. circumstances where the use of voluntary canines and canine handlers may be appropriate; and
9. identifying circumstances that would warrant the decertification of canine teams.

III. DEFINITIONS:

- A. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.
 1. Apprehension: A suspect surrenders or is otherwise brought into custody as the result of canine deployment. This may be because the canine was used as trained or because the suspect surrendered after becoming aware that the canine might be used.
 2. Bite to apprehension ratio: The number of canine apprehensions accomplished by means of a canine bite divided by the total number of canine apprehensions both with and without a bite.
 3. Canine bite: Physical contact between the canine's teeth and a person or animal. This contact does not need to result in broken or punctured skin to be a bite.
 4. Canine handler: Any fully commissioned Washington state certified peace officer, Washington state certified tribal police officer, or corrections officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a police canine within a law enforcement or corrections assignment.
 5. Canine team: A specific dog handler and a specific canine controlled by that officer in the capacity of a handler, formally assigned by the employing agency to work together in the performance of law enforcement or corrections duties. The handler and the canine will be considered a team and it will be the team that is certified; if one member of the team changes, a new team exists, and the new team will need to be certified.
 6. Cadaver dogs or Human remains detection (HRD) dogs: A dog trained to use its sense of smell to locate remains, typically human.
 7. Crowd control: Techniques used to address civil disturbances, to include a show of force, crowd containment, dispersal equipment and tactics, and preparations for multiple arrests. For the purposes of this policy, crowd control includes the following:
 - a. Civil Disturbance: A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.
 - b. Crowd Management: Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining lawful status through event planning, pre-event contact with event organizers, issuance of permits when applicable, information gathering, personnel training, and other means.
 - c. Demonstration: A lawful assembly of persons organized primarily to engage in free speech activity. These may be scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Lawful demonstrations can devolve into civil

disturbances that necessitate enforcement action. (Crowd Management Policy, IACP, April 2019)

8. Deployment: Taking a dog out of the car in anticipation of commanding it to perform a law enforcement function for which it has been trained.
9. De-escalation: Tactics, action, and communication methods used by officers to achieve the following objectives, when safe and feasible:
 - a. Manage the pace of an interaction;
 - b. Manage the distance between the officer and person involved;
 - c. Utilize shielding to protect the officer and others from an imminent threat; and
 - d. Engage in communication in order to increase options for resolving the incident and reduce the likelihood of injury to all parties involved.
10. On lead: Deployment of a canine with a leash attached to the collar or harness and the handler has positive control of the leash.
11. Off lead: Deployment of a canine with no leash attached or when a leash is attached, and the handler does not have positive control of the leash.
12. Disband of a canine team: The requested separation of a canine team by the WSCJTC. This can be requested at any time at the agency's discretion.
13. Unintended canine bite or injury: A canine bite or injury caused by physical contact with a canine that occurs:
 - a. when the handler has given no command to search or apprehend a subject; or
 - b. when the handler gives the command to search or apprehend a subject, but the canine engages the wrong person.
14. Serious injury: Applies to any injury, other than fatal, that results in one or more of the following:
 - a. severe lacerations resulting in exposure of underlying tissues, muscle, organs, and/or resulting in a significant loss of blood;
 - b. broken and/or distorted extremity;
 - c. crush injuries, suspected skull, chest or abdominal injury other than bruises and/or minor lacerations; and
 - d. unconsciousness when taken from the scene, and/or paralysis.
15. Totality of the circumstances: All facts known to the peace officer leading up to and at the time of the use of force and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.
16. Decertification of the canine team: Refers to the processes outlined in Revised Code of Washington (RCW) 43.101.105 for the denial, suspension, or revocation of peace and corrections officer certification.

IV. POLICY:

A. Canine Certification Training Requirements

1. Certification for canine teams will be limited to full-time, fully commissioned Washington state law enforcement and corrections officers whose certification is in good standing.

2. Per WSCJTC Policy (Chapter 6, Policy 10), canine handlers must fulfill different training requirements depending on their experience.
 - a. Experienced handlers must successfully complete a minimum of 200 hours of training as a team.
 - b. Inexperienced handlers must successfully complete a minimum of 400 hours of training; 200 of the 400 hours of training is with their assigned duty canine.
 - c. Training topics include (but are not limited to):
 - i. philosophies/theories of police canines;
 - ii. legal and liability aspects, including applicable state laws and department policies;
 - iii. public relations;
 - iv. care and maintenance;
 - v. handler protection;
 - vi. tracking/trailing, including area search, building search, evidence search, and pursuit and holding; and
 - vii. obedience control.
3. Per RCW 43.101.455 all Washington state law enforcement officers must receive violence de-escalation training including, but not limited to, training on the historical intersection of race and policing. Furthermore, Chapter 320, Laws of 2021 (ESHB 1054) mandates WSCJTC to consider training curriculum, including the history of race and policing when developing this model policy.

B. Considerations of Canine Deployment

1. Canine handlers must ensure any deployment of the canine must comply with the requirements of RCW 10.120.020, which
 - a. limits physical force to the following circumstances, to protect against criminal conduct where there is probable cause to make an arrest; effect an arrest; prevent an escape as defined under chapter 9A.76 RCW; or protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used; and
 - b. requires the handler to use reasonable care when determining whether to use physical force against another person, and when possible, exhaust available and appropriate de-escalation tactics prior to using any physical force.
2. As per the guidelines established by E2SHB 1310, handlers must evaluate the totality of circumstances to determine the necessity of canine deployment in any given scene.
 - a. There are several scenarios that a canine handler shall be cognizant of and consider before a decision is made to deploy their canine.
 - i. The following environmental considerations may make the deployment of a canine inappropriate:
 - (i) delay (response time, availability, containment availability)
 - (ii) weather
 - (iii) traffic

(iv) crowded areas

1. A police canine handler should not deploy a patrol dog off-lead when other uninvolved individuals are in the immediate area and the off-lead deployment would endanger the safety of these uninvolved individuals. If a canine is deployed in a crowded area, the handler shall explain their decision in the appropriate report.
- ii. Additional factors regarding the suspect shall be taken into consideration. Some possible considerations include, but are not limited to:
 - (i) identity known (usually DV or assault only)
 - (ii) adequate description
 - (iii) behaviors – pre, post, and during crime
 - (iv) age
 - (v) disability
 - (vi) known mental health issues/in crisis
 - (vii) language barrier
- iii. The safety of a scene shall be considered before deploying a canine. Some possible safety considerations include, but are not limited to:
 - (i) availability of cover officer(s)
 - (ii) establishment of containment
 - (iii) vehicular, pedestrian, and animal traffic
 - (iv) hazards (sharp debris, heights, etc.)
- iv. When off lead, canine handlers will remain within a working distance (within policy and training standards) of their canine.

C. Appropriate Canine Deployment(s)

1. Situations in which the deployment of a canine may be appropriate include:
 - a. tracking of suspects
 - b. potential off-lead deployment considerations
 - i. dangerousness of suspect (e.g., armed with firearm)
 - ii. hazards that may impact the safety of an officer and/or uninvolved bystanders include but are not limited to:
 - (i) active shooter
 - (ii) structural hazards
 - (iii) environmental constrictions
 - iii. tactical considerations (e.g., Time, Distance, and Shielding)
 - iv. direct apprehension
 - c. area or building searches
2. Handlers are responsible for their canines at all times and are accountable for any force that results from their use.
 - a. Handlers are responsible for their canines at all times, including when the canine is off lead. Any time a handler takes a canine off the lead, the handler must be sure that they would be justified in using physical force on a subject.

- b. A police canine handler shall maintain verbal control of the dog at all times when off lead (per training and policy standards).

D. Strategies for Minimizing Law Enforcement Canine Bites

1. There are several strategies a canine team shall use to attempt to minimize law enforcement canine bites.
 - a. All de-escalation tactics have been considered and exhausted as required per RCW 10.120.020 (2).
 - b. Deployments shall conform to the use of force standards of the agency and state law.
 - c. The canine team shall not operate outside of their trained discipline and ability.
 - d. Slow-and-deliberate tactics (e.g., Multiple Officer Building Search, Down-at-corners, Clear-Down-and-Move-Up, etc.).
 - e. Ongoing review of canine and handlers should be reviewed by canine training chain of command, to include annual review of use of force, training records, and canine health records.
 - f. Review/audit of deployment and canine use of force reports shall be conducted by agencies.

E. Circumstances Where a Canine Handler Should Consider the Use of Tactics Other Than Deploying a Canine

1. For any use of physical force, all officers shall follow RCW 9A.16.020 Use of force—When lawful as well as RCW 10.120.020.
2. Persons in crisis without an underlying deployable crime, or immediate risk to the public or officers.
3. Absent reasonable belief that an individual has committed or threatened to commit a criminal offense; mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend an individual.

F. Prohibited Use of a Police Canine

1. The use and deployment of police canine shall be explicitly prohibited under the following circumstances:
 - a. the use of canines for crowd control.

G. Use of Canines to Apprehend Suspects

1. The use of a canine to apprehend or seize an individual is a use of force. Special precautions are required to ensure that such force is not used unnecessarily or unreasonably. A canine should be deployed to apprehend or seize an individual only where:
 - a. less potentially injurious techniques are insufficient; or where the requirements to use physical force have been met, unless it would increase the risk of injury or escape, a clear, audible warning announcing that a canine will be used if the suspect does not surrender shall be made prior to releasing a canine. The handler should allow

reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal responses to the warning.

2. In the event of a canine bite or injury:
 - a. The canine handler or their designee shall:
 - i. request medical aid for the injured subject (required);
 - ii. render first aid within the handler's training;
 - iii. call a supervisor to the scene; or notify the designated supervisor if not on scene according to agency policy; and
 - iv. prepare an internal report (in compliance with use of force reporting requirements) and routes through the chain of command.
 - b. The responding supervisor or their designee:
 - i. ensures medical aid has been called;
 - ii. gathers witness information, if available; and
 - iii. pending written consent from the party(s) receiving aid, obtain a copy of the medical-aid report and takes photos of the injury before and after treatment for use of force reporting.
 - c. The use of force chain of command:
 - i. conducts an investigation of the incident to determine if a change in procedure or additional training is needed;
 - ii. reviews the incident and ensures the investigation is complete and there are no policy violations. If violations are found, follow agencies internal policy; and
 - iii. reviews the incident with the agency chain of command as per agency policy.
3. All accidental bites will result in the canine being removed from active service until the chain of command and the canine trainer have reviewed the incident, remedial training has been conducted (if warranted), and the canine team responded to training. The results should be documented in a training after action use of force report.

H. Agency Canine Team Reporting Protocols

1. The following reports are required for reporting on the use and deployment of all canine teams used for law enforcement purposes.
 - a. Police incident/crime reports;
 - i. Canine bite investigations; and
 - ii. Use-of-force investigation reports when canines are deployed when applicable.
 - b. Canine training logs including, but not limited to:
 - i. initial training; and
 - ii. maintenance training.
 - c. Canine deployment logs;
 - d. Use-of-force reviews reported to WSCJTC as required by law, which includes serious injury or death after the deployment of a canine;
 - e. Canine bite to apprehension ratio;
 - f. Record deployment and use of force on an annual basis.

I. Circumstances That Would Warrant the Decertification of Canine Teams

1. There are several circumstances that would warrant the decertification of canine teams:
 - a. an application of a canine as a tool of force or pain compliance in violation of law;
 - b. recurrent disobedient aggression by a canine that resists remedial training; and
 - c. recurrent violations of department policy in the application of a canine as a tool of force reoccurring unintended or inappropriate bites.
2. The head of the employing agency can request a canine team to be disbanded.
3. If an officer of a canine team leaves an agency for any reason, the canine team will be decertified.

J. Circumstances Where The Use Of Voluntary Canines and Canine Handlers May be Appropriate

1. Volunteer canines, including cadaver and human remains detection dogs, in Washington state shall be limited to search and rescue operations which come under the guidance of each county's emergency management department.

K. Conclusion

1. In writing this model policy, the WSCJTC considered relevant case law regarding police canines. These considerations guided staff and workgroup members in deciding which police canine tactics and practices were included in the policy. A copy of a compiled list of relevant case law shall be made available to anyone upon request.
2. The WSCJTC shall facilitate a review and update this model policy in consultation with the canine certification workgroup by July 1 of each year. The workgroup shall consist of both law enforcement and community members. The review will examine tactics, definitions, relevant statute referenced, and other elements of the policy. The goal of reviewing the policy will be to ensure the language contained herein is relevant and not out-of-date.