



# **UW-Madison Police Department**

## **Policy: 41.9**

**SUBJECT: CANINE UNIT**

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**STANDARD: CALEA 41.1.4-41.1.5**

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### **POLICY:**

The UW-Madison Police Department canines, purchased and owned by the Department, shall be utilized for explosive ordinance detection, narcotic detection, and tracking in an effort to increase the degree of safety to the community and to Department personnel.

### **DEFINITIONS:**

“Fair Labor Standards Act” is a federal law that guarantees a worker's right to be paid fairly. The FLSA defines the 40-hour workweek, sets out the federal minimum wage, states requirements for overtime and places restrictions on child labor.

### **PROCEDURE:**

#### **41.9.1 ADMINISTRATION OF CANINE UNIT**

- A. Canine handlers are supervised by their first line supervisor.
- B. The Canine Unit Commander shall be a Lieutenant or higher authority and is assigned the responsibility for the day-to-day operation, training, and certification of the canine teams. The Commander is responsible for budget oversight and the review of Unit training goals and achievements.

#### **41.9.2 PERSONNEL SELECTION PROCEDURES**

- A. When a vacancy exists, the position of canine handler is open to all sworn members of the Department who have successfully completed their probationary period. The applying officer(s) should write a letter of interest for the position to the Canine Unit Commander. Officers applying for the position must be able to show the following:
  - 1. A general knowledge and understanding of dogs.
  - 2. Qualified applicants must show a willing attitude to be a canine handler.
  - 3. Applicants must understand that there will be call-ins during non-duty time.
  - 4. Qualified applicants should be able to present a professional appearance.
  - 5. Qualified applicants need to be in good physical condition meeting the minimum job duties assigned to a canine handler.
  - 6. Qualified applicants need to be willing to allow the dog to live in their house and be a part of their family.
  - 7. Proper care must be given to the dog at home and work.
- B. Due to the nature of being a canine handler, the canine handler may be required to work during non-shift hours. This may include:
  - 1. Handlers should be willing to flex their schedule at the direction of the shift Sergeant or Unit Commander to attend training and work events.
  - 2. Handlers may request any shift.
  - 3. Handlers are issued a department cell phone as a condition of being a part of the canine unit. Carrying such cell phone shall not be considered compensable time under the FLSA.

- C. To compensate handlers for all compensable time outside normally scheduled work hours, including but not limited to the care, grooming, exercise, feeding and housing the canine at the handler's home, the Department shall pay handlers for an additional  $\frac{3}{4}$  of an hour (at the handlers' straight time hourly rate) per day. Time spent maintaining the Department's vehicle that cannot be accomplished on-duty is also covered by this payment. Handlers may kennel the dog at an approved facility at Department expense while the handler is on vacation. The use of a kennel at department expense must be pre-approved by the canine unit commander. Handlers shall not receive any extra pay for days in which the dog is kenneled. This provision for compensation was designed to meet requirements of the Fair Labor Standards Act.
- D. A Department vehicle shall be provided to each canine handler. The vehicle may be used by the handler to transport the dog to work, training or to receive veterinary care. The vehicle shall be properly equipped to meet the patrol function and the needs of the dog. The vehicle may be recalled due to departmental need. Personal use of the department vehicle is prohibited. The Department shall pay for equipment authorized by the Canine Unit Commander.

#### **41.9.3 OPERATION OF CANINE UNIT**

- A. Canine Unit handlers are responsible at all times for the appropriate use of their assigned Department canine. Canine Unit handlers shall act in accordance with state law, Department directives, training, and established guidelines. Canine handlers shall record in the form of an event ID each time their canine is deployed for use. Canine handlers shall maintain a training log and record all training activities.
- B. Depending on their qualifications, certification and experience a Canine Unit may be given the following assignments:
  - 1. Explosives/Ordinance Detection
  - 2. Tracking of suspects
  - 3. Locating missing persons
  - 4. Narcotic Detection
  - 5. Article search/evidence recovery
  - 6. Demonstrations and informational community programs
- C. Any police supervisor may call in the canine unit from off-duty status for urgent Department use. Non-urgent requests should be forwarded to the Canine Unit Commander for consideration. If the Unit Commander is unavailable, the Manager on Call should be contacted. A Department Canine Team may be called upon by other agencies for assistance. The following shall apply:
  - 1. For on duty requests, if the canine is available and the request seems to be within the capabilities of the canine team, a handler may elect to respond to a request for mutual aid that is received via the Department Communications Center.
  - 2. For off duty requests, supervisory approval is required before an off duty team is called into service. Teams should be called in from off duty status for urgent circumstances only. If a supervisor is not available the Manager on Call should be notified of the request.

#### **41.9.4 NARCOTICS & EXPLOSIVES DETECTION PROCEDURES**

- A. Canine handlers shall adhere to the following when utilizing the canine for detection in and around vehicles:
  - 1. The exterior of unoccupied vehicles may be sniffed as long as the vehicle is located in an area accessible to the public.
  - 2. The exterior of vehicles subject to a routine traffic stop (original reason for stop is a traffic, registration, vehicle or licensing offense) may be sniffed if there is an articulable reasonable suspicion to perform the sniff and if the sniff does not prolong the duration of the traffic stop (beyond the amount of time reasonable to conduct the traffic investigation).
  - 3. The interior of a vehicle may be sniffed when:
    - a. the owner or driver has provided consent in accordance with current case law; or,
    - b. a physical arrest has been made from the vehicle and if probable cause exists to believe that the vehicle contains evidence or contraband (including a positive alert by the K9 on the exterior of the vehicle).
    - c. All occupants of the vehicle must exit the vehicle prior to a K9 sniff of the interior of the vehicle.
- B. Canine handlers shall adhere to the following when utilizing the canine for drug or explosives detection in luggage / packages:

1. Luggage, packages or other personal items in the physical possession of an individual in a public place shall not be sniffed without consent or reasonable suspicion.
  2. The exterior of luggage, packages or other personal items may be sniffed if reasonable suspicion that the item contains contraband or evidence exists and:
    - a. The item is separated from the physical possession of an individual prior to the sniff.
    - b. The item is “detained” and sniffed within a reasonable amount of time.
  3. The exterior of luggage, packages or other personal items not in the possession of an individual may be sniffed on a random or selective basis (conveyor belts, common carriers, etc.).
- C. Canine handlers shall adhere to the following when utilizing the canine for drug or explosives detection in and around residences:
1. The interior of a dwelling may only be entered and sniffed pursuant to a search warrant, or with the valid consent of an owner/resident. A positive alert by a canine, by itself, does not justify entry without a warrant.
  2. The exterior of a private residence may only be sniffed by a K9 on the curtilage of the property with a valid search warrant or with valid consent of the owner/resident.
- D. A Department canine shall not be used to sniff people for narcotics or explosives.
- E. Notwithstanding the above guidelines, a place or object may be sniffed by a canine pursuant to a search warrant, or with the valid consent of someone with sufficient authority (over the place or object) to grant consent. Officers shall not ask for consent to search in the immediate presence of a K9.
- F. A positive alert by a Department narcotics canine constitutes probable cause and may be used to justify a search (if appropriate) or to seek a search warrant.
- G. A positive alert by a Department explosive detection canine does not necessarily constitute probable cause used to justify a search. Handlers will conduct appropriate safety assessments, consult with Explosive Ordinance Disposal experts, and determine a safe and legal course of action prior to conducting a search. This may include detaining individuals for questioning, obtaining a search warrant, and additional safety measures such as area/building evacuation.

#### **41.9.5 TRAINING AND TRAINING AIDS**

- A. During the initial training, the Department shall pay the costs for registration, transportation, lodging and meals for the handler to receive the training. The Canine Unit shall train periodically with other canine units during in-service training. Canine handlers shall attend and complete a certified training course with the canine on a yearly basis at a location approved by the Department.
- B. All formal training certificates shall be forwarded to the Training Sergeant and maintained in the Employee’s Training File.
- C. Explosive training aids, when not in use, shall be stored properly. Only canine handlers and canine supervisors will have access to the storage area. A quarterly inventory shall be conducted and reported to the Unit Commander. When training aids have reached their recommended expiration date, they shall be returned to the wholesaler or turned over to a qualified Explosive Ordinance Disposal team. The Unit shall be provided with new training aids to replace those which have been returned/disposed.
- D. Narcotic training aids, when not in use, shall be stored properly. Only canine handlers and canine supervisors shall have access to the storage area. A quarterly inventory shall be conducted and reported to the unit commander. When training aids reach their recommended expiration, they shall be destroyed. New training aids shall then be obtained from the Drug Enforcement Agency.. Narcotic training aids obtained from the UWPD Property Room shall be properly documented through the Records Management System and on the quarterly inventory provided to the Unit Commander.

#### **41.9.6 DEPARTMENT CANINE CARE**

- A. Only suitable canines shall be allowed in the Canine Unit. Dogs shall be selected based on their abilities and temperament. The dog shall receive all needed initial training and shall be certified on an annual basis.

- B. Canine handlers are responsible for the 24-hour care and maintenance of the animal. The Department shall incur all costs of veterinary care and licensing. All vaccinations for the dog shall be done on an annual basis. Documentation of all veterinary visits shall be provided to the Department. Documentation shall include:
  - 1. Rabies vaccination.
  - 2. Bordetella vaccination.
  - 3. Lyme Disease vaccination.
  - 4. Distemper vaccination.
  - 5. Heartworm Examination and medication.
  - 6. Fecal Examination.
  - 7. Flea/Tick medication.
  - 8. Dog license tag number.
- C. In the event a handler becomes injured and unable to work or care for the dog, the dog may be kenneled at an approved facility at the Department's expense. Handlers shall not receive extra pay while the dog is kenneled.
- D. Department canines shall be listed with University of Wisconsin-Madison Risk Management and shall be covered by both liability and damage insurance.
- E. A canine may be removed from a handler on a temporary or permanent basis for various reasons, including but not limited to injury, discipline, performance, lack of funds, promotion or at the discretion of the Chief of Police or designee.