



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 621 – K-9 Operations*

Office with Primary Responsibility:	TKD	Effective Date: Prior Revision Date:	December 1, 2024 N/A
Office(s) with Secondary Responsibilities:	TEC / TSO / TSU	Number of Pages:	5
Forms Referenced in Procedure:	None	Related Procedures:	None

### **.01 INTRODUCTION**

- A. This policy establishes guidelines and procedures for the use of police canines to assist in the location and apprehension of criminal suspects, as well as the utilization in locating illicit narcotics and other items of evidentiary value. It also establishes guidelines and procedures for other police personnel to provide an environment that is most conducive for the canine to work in, as well as apprehension and post-apprehension procedures.

### **.02 TERMINOLOGY** (For specific use within this procedure, see Glossary)

- Apprehension – In the context of this procedure, any event in which the use of an SAPD canine is directly responsible for the apprehension of a suspect.
- Canine/K-9 – A trained, single-purpose or dual-purpose canine utilized in police operations. The terms canine and K-9 are used interchangeably.
- Contact – In the context of this procedure, the biting of a suspect by an SAPD canine for the purpose of apprehension.
- Handler – An Officer assigned to the K-9 Detail and trained to handle a police canine.
- K-9 Deployment – The use of a police canine for purposes of locating, apprehending, containing, or controlling a suspect or for other purposes as authorized. The mere presence of a canine at an incident location does not constitute a deployment.
- K-9 Team – A Handler and their assigned canine.

### **.03 GENERAL PROVISIONS**

#### A. K-9 Team Utilization

1. K-9 Teams should make all reasonable attempts to remain available to respond to requests for assistance and should not be dispatched or self-dispatch to routine calls for service or crashes unless other officers are unavailable to respond, and injuries or dangerous situations necessitate the need for any available officers in proximity to respond. K-9 Teams should return to service once sufficient patrol or traffic resources are at the scene unless utilization of the canine becomes necessary.
2. K-9 Teams may not be used for off-duty employment assignments. Exceptions may be made for events sanctioned by the department or its governing jurisdiction that are scheduled through another SAPD unit or by the Off-Duty Employment Detail. Such exceptions must be approved by a K-9 Detail supervisor prior to the event.

#### B. Requesting a K-9 Team

1. K-9 Detail assistance may be requested by any sworn personnel or dispatcher. Officers shall request a K-9 Team through the dispatcher on their assigned channel. Dispatchers shall forward requisite information concerning the incident without delay to the K-9 Detail dispatcher, K-9 Detail supervisor, or available K-9 Handler.
2. K-9 Teams may be available on a 24-hour, on-call basis. Their use includes, but may not be limited to:
  - a. Conducting building and/or area searches for alleged armed or otherwise dangerous suspects in hiding.
  - b. Assisting in the arrest of or preventing the escape of dangerous offenders.



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- c. Protecting officers or others from death or serious injury.
- c. The locating of secreted, illicit narcotics within the scope the canine's training and certification.
- e. The locating of firearms, clothing, or other evidentiary items within the scope of the canine's training.
- f. Engaging in assignments not listed here with the approval of a K-9 Detail supervisor.

### C. K-9 Team Deployment

1. Where a canine deployment is justified and authorized, the decision to deploy and (if deployed) the tactical measures used shall be at the discretion of the K-9 Handler. The K-9 Handler shall also have authority to direct on-scene personnel to assist or to take other measures that will facilitate the canine's efficiency and effectiveness.
2. A K-9 Handler may be aware of certain limitations in a specific canine's abilities, training, or certification that are not known to others, which may prohibit the safe deployment of a K-9 Team in a specific situation. For this reason, the K-9 Handler on-scene shall have the final authority on whether to deploy the canine in a specific situation. This shall not be used by a K-9 Handler to refuse to deploy a K-9 Team in a situation which is within the scope of their abilities, training, and certification.
3. The decision to deploy a canine shall be based primarily upon (but not limited to) the following factors:
  - a. The severity of the crime.
  - b. Whether the suspect poses an immediate threat to the safety of the officers or others.
  - b. Whether the suspect is actively resisting arrest or attempting to evade arrest at the time.
  - a. The capabilities and scope of training of the specific canine on-scene, as known by the K-9 Handler.
  - b. e. Any known criminal history or barriers to communication of the suspect.
4. The mere deployment of a police canine for apprehension of a suspect is not considered a use of force. Any contact made to a suspect is considered a use of force and must be consistent with this agency's use of force policy.
  - a. K-9 Detail supervisors operate in an on-call capacity when off-duty. In the event of a contact, a K-9 Detail supervisor shall be notified and should respond to the scene for the use of force investigation and written reports. If no K-9 Detail supervisor is available, any available SOU supervisor should be called to the scene. If no K-9 or other SOU supervisor is available to respond, any supervisor may be called upon to complete the UOF investigation.

### D. K-9 Warning Announcement

1. At the outset of any deployment where the intent is to locate and apprehend a suspect, the K-9 Handler and/or other appropriate personnel shall make a canine warning announcement and repeat the announcement. The announcement should include the identification of a police canine presence, specific commands to the suspect and the results of non-compliance, similar to the following example:

**“San Antonio Police. A police K-9 is now being deployed. Respond now and show yourself or the dog will find you and may bite you.”**



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A reasonable amount of time shall be allowed for the suspect to respond. This warning shall be given before deploying on a building search and on each level of multilevel structures or when there are barriers present that may inhibit sound. The use of a vehicle PA system or helicopter/drone announcement is advisable to make the announcement, if available and feasible.

- a. Under certain circumstances, it is recognized that a K-9 warning announcement may be futile or dangerous to the handler, canine, or others. A K-9 Handler is not required to give a warning announcement if the following conditions exist:
  1. When the need to deploy a canine develops so suddenly under exigent circumstances that the handler does not have a reasonable opportunity or enough time to give a warning prior to deployment.
  2. The handler reasonably believes that a warning announcement will compromise the safety of the handler, the canine, other officers, the public, or the suspect.
- b. When a K-9 warning announcement is not given the handler shall record the reason(s) the announcement was not given in their report, when an apprehension or contact is made.

### E. Building Searches

1. A primary use of departmental canines is for locating suspects in buildings or related structures. These searches should be governed by the following:
  - a. Sworn personnel shall attempt to secure the building perimeter as quickly as possible.
  - b. Whenever reasonably possible, the building's owner or manager should be contacted to determine whether there may be tenants or others in the building and to ascertain the building's layout. The following should also be done, if possible and feasible:
    1. Evacuate all tenants, workers, or others from the facility.
    2. Request that all air conditioning, heating, or other ventilation systems be shut off so as not to interfere with the canine's ability to detect odor.
  - c. When a canine building search is anticipated, a preliminary search by officers should not be conducted as this will interfere with the canine's ability to differentiate between odors.
  - d. The handler shall determine the availability of at least two cover officers for assistance. The cover officer(s) must be familiar with or must be briefed on their responsibilities, to include:
    1. Positioning with the K-9 Team.
    2. Coverage responsibilities.
    3. Conducting the arrest, to include searching and handcuffing the suspect.
    4. Maintaining communications with perimeter personnel and dispatch.
  - e. Upon entering the building, all exits should be secured, and communications limited to that of a tactical nature.
  - f. The canine may be unleashed during a building search unless this would create an unreasonable risk of injury to innocent persons within the facility.



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- g. The canine should not be used to search areas that contain substances or hazards potentially harmful to the animal unless overriding risk to human life is present.
- h. Before deploying the canine, the handler and/or other appropriate personnel shall make a K-9 warning announcement as outlined above in GM 621.03.D.

### F. Area Searches

- 1. Another primary use of departmental canines is to locate criminal suspects or discarded evidence in an open area or outdoor environment. These searches should be governed by the following:
  - a. Sworn personnel shall attempt to secure the perimeter as quickly as possible.
  - b. Helicopter and/or drone support should be requested immediately, if available.
  - c. The exact location where the suspect was last seen should be relayed to the responding K-9 Team, as well as any other pertinent information.
  - d. When a canine area search is anticipated, searching by officers within the quadrant should not be conducted (or stopped if already begun) and vehicle engines in the area should be shut off, if possible, as this will interfere with the canine's ability to differentiate between odors.
  - e. The K-9 Handler shall determine the availability of at least two cover officers for assistance. The cover officer(s) must be familiar with or must be briefed on their responsibilities, to include:
    - 1. Positioning with the K-9 Team.
    - 2. Coverage responsibilities.
    - 3. Conducting the arrest, to include searching and handcuffing the suspect.
    - 4. Maintaining communications with perimeter personnel and dispatch.
  - f. Upon entering the quadrant to begin the search, communications should be limited to that of a tactical nature.
  - g. The canine should not be used to search areas that contain substances or hazards potentially harmful to the animal unless overriding risk to human life is present.
  - h. Before deploying the canine, the handler and/or other appropriate personnel shall make a K-9 warning announcement as outlined above in GM 621.03.D.

### G. Narcotics Searches

- 1. The K-9 Detail also utilizes canines that are certified in the use of detecting the odor of certain illicit narcotics. A certified K-9 Team can be used to locate hidden illicit narcotics and to develop probable cause in certain situations, however, the use of a K-9 Team is still governed by the limitations set forth by the 4<sup>th</sup> Amendment and current case law. Probable cause to conduct a search must be established by the officer prior to requesting K-9, the officer shall have a valid search warrant for the place or thing to be searched, or probable cause may be established by the canine under certain circumstances. Canines will not be used to search for narcotics located on someone's person.
- 2. Sworn personnel requesting a narcotics search should take the following actions:



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- a. Once the decision is made to request a canine search, any further searching should cease until a K-9 Team arrives.
- b. If possible, close doors and windows on both vehicle and building searches, turn off fans and air conditioners, and remove vehicle keys from the vehicle.
- c. Any dangerous objects already found (syringes, blades, etc.) that create a hazard for the canine shall be removed prior to the K-9 Team's arrival.
- d. Any narcotics or paraphernalia already found shall be removed prior to the K-9 Team's arrival.

### H. Crowd Control

1. K-9 Teams may respond for support, when appropriate, for any specific need of a K-9 Team that may arise but shall not be deployed for general crowd control purposes to suppress, disperse, or contain a crowd. Canines shall remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of the crowd. K-9 Handlers shall avoid inflammatory situations such as lawful assemblies, picket lines, protests, or riots, unless specifically requested by the Incident Commander or Special Operations Command for support.

### I. K-9 Use of Force

1. In staying consistent with GM 501 – Response to Resistance, officers may only use that degree of force that is objectively reasonable to apprehend or secure a suspect as governed by the standards in *Graham v. Connor*. The handler must take the following into consideration when deciding if contact with a suspect is appropriate:
  - a. The severity of the crime(s) at issue.
  - b. Whether the suspect poses an immediate threat to the safety of officers or others.
  - c. Whether the suspect is actively resisting or attempting to evade arrest by flight.
  - d. The totality of the circumstances known at the time.
2. When an intentional contact or accidental bite has occurred, a K-9 supervisor shall be notified as outlined above in GM 621.03.C.3. If medical care is needed, an officer other than the K-9 Handler shall provide transport and security of the suspect.
3. All applicable procedures apply to a canine use of force that would be applicable to any other use of force as outlined in GM 501 – Response to Resistance.