

CANINE USE

- AUTHORITY:** Administrative Directive
- RESCINDS:** Procedure Manual Item 2-1-013, dated 07/09/19
- FORMS:** K-9 Investigative Report **(Attachment)**
- PURPOSE:** To provide guidelines in coordinating and scheduling the use of the Probation Department's Narcotic Detection Canine (K-9) and Handler for search activities. To enhance the safety and efficiency of deputized staff when performing search and seizure activities.

I. GENERAL INFORMATION

- A. Probation Officers conduct search and seizure activities of offenders on supervision when ordered by the Court as a condition of supervision. Because narcotic offenders have sophisticated methods of concealing contraband, the utilization of a trained narcotic detecting canine can decrease search time by a significant amount and increase the likelihood of locating concealed contraband.
- B. There are unique circumstances and requirements surrounding utilization and care of the canine as indicated in the following list:
1. According to *Place v. US* (1983), a canine sniff is not a search. As such, a canine sniff by itself does not infringe upon a person's expectation of privacy and therefore does not invoke an individual's 4th Amendment protection from unreasonable search and seizure. Although Probation K-9 teams typically work with DPOs in the field who enforce search and seizure conditions of supervision, K-9 teams may not need a search and seizure condition, warrant or other exception to 4th amendment protections in order to conduct a sniff. For the purpose of this PMI, the term "sniff" is used to designate a canine's attempt to locate the odor of contraband and may or may not entail a legal search under the 4th amendment."
 2. The K-9 Handler is familiar with the canine's capability and personality and should be consulted for logistics of the sniff, including duration of each sniff and number of sniffs possible.
 3. Request for the canine should be made 24 hours in advance if possible to accommodate the canine's feeding and resting schedule.
 4. If there are animals in the areas to be searched, this should be mentioned to the K-9 Handler, as it can be a major distraction and/or safety issue for the K-9 Team.
 5. Sudden physical movements toward the K-9 Handler can provoke the canine into a trained protective response, and therefore, should be avoided.

6. Canine deployments shall only be conducted when safe and as determined by the K-9 Handler. If a search is determined to be unsafe, the K-9 Handler has the discretion to not deploy the canine and will advise the requesting entity and canine team supervisor as to the reasoning.
7. The K-9 Handler is responsible to ensure the appropriate number of personnel are present to safely conduct a canine sniff, as well as identify a cover officer to assist the K-9 team during a sniff.

II. PROCEDURE

- A. Any Probation deputized staff may request a canine sniff of an offender's residence or property under the offender's control provided the offender has an active search order.
- B. Prior to the scheduling of a sniff, the requesting staff member is responsible to verify that a valid search and seizure Court Order is in effect.
- C. Requests for sniffs should be pre-scheduled whenever possible.
 1. Pre-scheduling a sniff can be accomplished by calling or e-mailing the K-9 Handler directly.
 2. If the K-9 Handler is not available to receive the direct call, the requesting staff should leave a message denoting the date, time, and location when they wish the sniff to be accomplished. The K-9 Handler will review the availability of the canine for that time and date and respond back to the requesting party as soon as possible.
 3. Although pre-scheduled sniffs are preferred, immediate sniffs can be accomplished by calling the K-9 Handler on her/his cellular phone or via dispatch. Upon receipt of a sniff request, the K-9 Handler will respond to the requestor as soon as possible.
- D. In planning for the canine sniff, the K-9 Handler shall make an assessment as to whether case dynamics require a police presence or additional armed deputies under other Department policy or procedure.
- E. Probation facility search requests will be initiated by staff designated by the Director of each facility. Probation facility canine sniffs will require approval by the respective Facility Director or designee who will coordinate any other personnel, tactical or logistic requirements.
- F. Canine Searches
 1. The residence or area to be searched must be secured prior to the entry of the canine.
 - a. The K-9 Handler will check for any potential hazards to the K-9 Team prior to beginning the canine sniff.

- b. In order to ensure the most effective canine sniff, it is preferred that staff not search the area prior to the canine sniff.
2. Any specific areas where the canine detects the odor of illegal drugs will be pointed out by the K-9 Handler to the requesting party. The involvement of the K-9 Team in the search will be complete upon this notification.
3. It will be the requesting probation staff member's responsibility to search for, record and take control of any contraband that is seized.
4. The requesting probation staff member will also be responsible for making any follow-up casework decisions in search matters regardless of whether or not contraband is found.
5. The K-9 Handler will complete a written report for the person requesting canine assistance.

REFERENCES:

Procedure:	2-1-010	Disposition of Evidence and Contraband
Policies:	D-5 D-7	Arrests/Temporary Detentions Search and Seizure

Attachment

K. Moore

APPROVED BY:



**ORANGE COUNTY PROBATION DEPARTMENT
SPECIAL ENFORCEMENT UNIT**

CANINE INVESTIGATIVE REPORT

K-9 Report #:

K-9 Team:

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Number of Searches:

Narrative attached:

Search Date:	Type:	Requesting Unit: SEU
Case Agent:		Agency:
Assisting Agency:		DR#:
		Arrests:

Subject	DOB/A#	Address:	Status:

Vehicle Information:

Plate	Make	Model	Year	Color	VIN or Comments

Currency	Amount	Comments
NA		

Area Searched	Alert #	Location of Alert	Narcotic Contraband Found

Notes: