

FISH AND WILDLIFE SERVICE
REFUGE LAW ENFORCEMENT

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OVERVIEW

1.1 What is the purpose of this chapter? This chapter establishes:

- A. Policy for Division of Refuge Law Enforcement (DRLE) use of canine teams, and
- B. The *National Canine Unit Manual* as a guidance document that Federal Wildlife Officers (FWO) who handle canines must use.

1.2 What is the scope of this chapter? This chapter applies to all U.S. Fish and Wildlife Service (Service) personnel who work with canines assigned to DRLE.

1.3 What is the authority for this chapter? The authority for this chapter is 446 DM, Law Enforcement.

1.4 What terms do you need to know to understand this chapter?

A. Canine Unit: A group of FWOs and their respective canines. FWOs are those law enforcement officers performing work for the National Wildlife Refuge System (NWRS). They are sworn and commissioned to enforce criminal statutes and authorized to carry firearms, execute and serve warrants, search, seize, make arrests, and perform such duties as authorized by law.

B. Federal Wildlife Canine: A law enforcement canine assigned to DRLE that is trained and certified in duties such as patrol, tracking, and detection in accordance with current law and Departmental policy.

C. Federal Wildlife Canine Deployment: A law enforcement activity in which a canine team is on scene and plays an active role in a law enforcement action

D. Federal Wildlife Canine Team: The FWO canine handler and his/her assigned canine.

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E. Federal Wildlife Canine Apprehension: Any law enforcement activity in which a Federal Wildlife Canine is on scene and plays a role in the capture of a suspect.

F. Law Enforcement Action: Activities FWOs perform as part of their duty, but not including training.

G. National Canine Coordinator: An active DRLE canine handler who is the point of contact for DRLE canine issues. See the *National Canine Unit Manual*, section 1.4 for more information.

H. National Wildlife Canine Advisory Council: A council comprised of the Deputy Chief – DRLE, the National Canine Coordinator, a Regional Chief – DRLE, and a senior member of NWRS management with experience managing canine teams. This team provides support and direction for policy development related to the use of canines.

I. Release Warning: A verbal announcement that a canine handler is about to release his/her canine, and that the suspect should surrender immediately.

1.5 What do DRLE’s Federal Wildlife Canines and canine teams do for the Service? Federal Wildlife Canines provide FWOs with a unique skill set that may include the following general law enforcement functions:

- A. Searching for illegally taken, dead, or injured wildlife;
- B. Detecting controlled substances, evidence, and other contraband;
- C. Controlling or apprehending criminal suspects (see section 1.11); and
- D. Performing other functions in the interest of protecting human life, personal property, and natural resources.

1.6 Who is responsible for the DRLE canine program? See Table 1-1.

Table 1-1: Responsibilities for the DRLE canine program	
These employees . . .	Are responsible for . . .
A. The Director	Authorizing the use of canine teams by ensuring that Service policy is in place to regulate and guide the activity.
B. The Chief – NWRS	Coordinating with the Regional Directors to ensure that FWOs and their supervisors comply with this policy.
C. The Chief – DRLE	<p>(1) Appointing a National Canine Coordinator;</p> <p>(2) Working with the Chief – Office of Law Enforcement, to ensure agents in the Professional Responsibility Unit receive the proper training and equipment to investigate complaints resulting from DRLE canine use; and</p> <p>(3) Reviewing training records biannually with the National Canine Coordinator.</p>
D. The Chief – DRLE Branch of Operations	<p>(1) Serving as the program manager for the DRLE canine program, and</p> <p>(2) Working with the National Canine Coordinator to ensure that</p>

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Table 1-1: Responsibilities for the DRLE canine program	
These employees . . .	Are responsible for . . .
	Service policies and procedures are adequate for the management of the program.
E. DRLE National Canine Coordinator	<p>(1) Coordinating the program and providing expert advice to management and field personnel,</p> <p>(2) Reviewing training records and usage reports from DRLE canine teams,</p> <p>(3) Advising the Branch of Refuge Law Enforcement Training on issues related to canines, and</p> <p>(4) Maintaining a list of Service-authorized canine training and Service-designated canine instructors.</p>
F. Regional Directors	Authorizing the use of DRLE canine teams in the Regions and ensuring there's policy in place to regulate and guide the activity.
G. Regional Chiefs – NWRS	Ensuring that any Regional or field station canine policies or standard operating procedures are consistent with this policy and the accompanying <i>National Canine Unit Manual</i> .
H. Regional Chiefs – DRLE	<p>(1) Working with the National Canine Coordinator when evaluating training, maintenance logs, and the overall performance and proficiency of the DRLE canine teams in their Regions; and</p> <p>(2) Managing the DRLE canine program at the Regional level.</p>
I. Supervisors	<p>(1) Ensuring that FWO canine handlers they supervise receive appropriate training (see section 1.9),</p> <p>(2) Ensuring that DRLE canines have a property number and are tracked in the personal property management system (PPMS), and</p> <p>(3) Ensuring compliance with this policy at the local level.</p>
J. Federal Wildlife Zone Officer	<p>(1) Coordinating activities and operations,</p> <p>(2) Advising FWO canine handlers on reporting requirements, and</p> <p>(3) Assisting with or managing post-deployment incidents.</p>
K. Federal Wildlife Canine Officer	Carrying out duties as assigned in compliance with Service policy and the <i>National Canine Unit Manual</i> .

OWNERSHIP

1.7 Who owns the canine? The Service owns all canines DRLE uses. The FWO does not personally own the canine. See the *National Canine Unit Manual*, section 3.3 for information on retiring canines.

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QUALIFICATIONS, TRAINING, AND STANDARDS

1.8 What are the requirements for assigning FWO canine handlers? FWOs can request assignment as a canine handler by sending a request through their supervisor and the Regional Chief – DRLE to the National Canine Coordinator. When a supervisor wants to recommend an officer for this duty, he/she should consider overall patrol experience, productivity, reliability, judgment, maturity, patience, interpersonal skills, and physical condition. You can find a more detailed explanation of the requirements for FWO handler duty in the *National Canine Unit Manual*, section 2.2.1.

1.9 What are the requirements for DRLE canine team certification and training?

A. Before an FWO can deploy (see section 1.11) or otherwise use a canine for law enforcement activities, he/she must have successfully completed a Service-approved canine certification course.

B. Certification courses must:

- (1) Comply with a nationally-recognized police canine training organization or meet industry standards,
- (2) Meet the requirements in the *National Canine Unit Manual*, section 2.2.3, and
- (3) Have the approval of the Chief – DRLE at Headquarters.

1.10 What are the requirements for a canine vehicle and the FWO handler's uniform?

A. Vehicle: The vehicle the FWO uses to transport a canine must be of the same type as those we describe in in 451 FW 1, NWRS Law Enforcement Vehicle Standardization and Marking, or other existing Service policy.

(1) In addition to the standard Class A marking requirements, canine handlers' vehicles may display the words, "CAUTION K9 UNIT," in two lines with non-reflective, 2¼ - inch (Helvetica medium font) "badge gold" letters centered on the rear doors of the vehicle, and on the upper left side of the tailgate/rear doors.

(2) "CAUTION" must be in line with the rear door handles, with "K9 UNIT" spaced below and centered on the word "CAUTION." The canine's name may be displayed in 1½ - inch "badge gold" script lettering centered just below the rear door window. Rear windows must be dark tinted. If a canine handler uses a pickup truck equipped with a camper shell, it should be treated the same as a sport utility vehicle (SUV). See the *National Canine Unit Manual* for more detailed information.

B. Uniforms: See the *National Canine Unit Manual*, section 2.3.1 for information about FWO canine handler uniforms.

DEPLOYMENT AND BITES

1.11 When can an FWO deploy a canine? Following are the deployment parameters:

A. All decisions to deploy a canine must be consistent with *Graham v. Connor* (490 U.S. 386 (1989)), and include balancing:

- (1) The severity of the crime at hand,
- (2) Whether the suspect poses an immediate threat to the safety of the officer or others, and

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(3) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

B. Before deploying the canine, the FWO must:

(1) Give a clear release warning, taking into consideration such factors as language barriers, distance, type of deployment (apprehension versus detection), and probable location of the suspect; and

(2) Allow a reasonable amount of time for the suspect to comply with commands.

C. The FWO does not have to give this warning if it may endanger the safety of the canine, officer, or others.

D. Except in exigent circumstances or where there is imminent danger of death or serious injury, the FWO should ensure that he/she can continue to see the canine when deployed.

E. An FWO may NOT use a canine team for crowd control.

F. An FWO may deploy a canine to locate and apprehend a suspect if he/she believes that the individual has either committed or is about to commit a serious offense, and in any one of the following situations:

(1) The officer believes that the individual poses an immediate threat of violence or serious harm to the public or an officer;

(2) The canine is needed to search for and locate suspects who have fled the scene of a serious crime or to locate evidence of a crime when the officer believes the person is hiding or the evidence has been abandoned in a specific area;

(3) The canine is needed to assist in the arrest of suspects when the suspect is known to be armed with a weapon; or

(4) The canine is needed to assist in the arrest of, or to prevent the escape of, serious or violent offenders.

G. DRLE recognizes that situations may come up that don't fall within the provisions in this policy, but may still compel deployment. In such cases, the FWO must use his/her best judgment and consider the totality of the circumstances.

H. Unless an FWO reasonably believes that an individual has committed or is about to commit a serious criminal offense, mere flight from a pursuing officer is not cause for deploying a canine to apprehend someone.

I. FWOs may use canines in accordance with law and Departmental policy to search vehicles, buildings, bags, outdoor areas, and other articles when he/she believes it is necessary to further an investigation or protect the public or trust resources.

1.12 What has to happen if a canine bites someone?

A. Bites not related to training: The FWO handling the canine must report any bite that occurs in a non-training environment in accordance with the serious incident reporting requirements in 054 FW 1 and 446 DM 17. The FWO must ensure that his/her direct supervisor and Federal Wildlife Zone Officer are contacted immediately once the scene is safe. The Regional Chief – DRLE and the National Canine Coordinator must be informed as soon as practical.

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(1) If a canine bites someone when it's deployed, the FWO handler must call off the canine when it can be safely removed, taking into consideration the safety of the handler, other officers, and anyone else at the scene, and whether the suspect has been controlled.

(2) Whenever there's an injury or a complaint of an injury related to the deployment of a canine, the FWO handling the canine must ensure the following takes place:

(a) Anyone who needs immediate medical attention gets it.

(b) The FWO must document reported injuries, including color photographs of the injuries at the time of the incident or as soon as possible after.

(c) The canine involved in the bite should be removed from the scene as soon as practical. If possible, the FWO involved in the deployment should not be the investigating officer for the bite investigation.

(d) The investigating officer should take photographs (in addition to those taken by the FWO handler at the time of the incident). When practical, he/she should take photographs after the individual receives medical attention, but before the application of bandages. Treat photographs as evidence. Maintain the investigative report, canine handler report, and evidence in accordance with Service, Regional, or office reporting procedures.

(e) The investigating officer must document the attending physician's contact information, as well as ask for a diagnosis and prognosis of the sustained injuries. The officer should include that information in the investigative report.

B. Bites during training: An FWO handler must report injuries or bites that occur while training to his/her direct supervisor and Federal Wildlife Zone Officer immediately once the scene is safe. The Regional Chief – DRLE, and the National Canine Coordinator must be informed as soon as practical.

(1) The FWO handler must prepare a detailed report about the incident within 48 hours, and send it to the National Canine Coordinator, through his/her supervisor and Regional Chief – DRLE.

(2) After receiving the report, the National Canine Coordinator will conduct an after action training review that also involves the Deputy Chief – DRLE, the FWO handler's supervisor, and the Regional Chief – DRLE. The team will determine if the FWO handler violated policy and identify any mitigating factors that might have been present during the training. The team must put their findings in a memorandum, which they send to the Chief – DRLE at Headquarters.

(3) The Chief – DRLE at Headquarters decides whether to send the incident to the Professional Responsibility Unit for a Board of Review investigation or Administrative Inquiry.

/sgd/ James W. Kurth
DEPUTY DIRECTOR

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