

## **Part 8 - Use of force and Police dogs**

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# Summary

## Introduction

The use of force by constables (including dog handlers) or authorised officers is outlined in the chapter [Use of force](#) and must be read in conjunction with this chapter. The requirements of the 'Use of force' chapter and this part of the 'Police dogs' chapter must be complied with at all times.

This part of the 'New Zealand Police dogs' chapter provides instruction on the use and reporting of force (primarily dog bites) with Police dogs including:

- force used intentionally as a tactical option on a person
- force used unintentionally on a person.

It also provides instruction on the reporting of any other type of dog bite incident including:

- workplace accidents
- uncontrolled bites on innocent third parties
- dog bite incidents by Police dogs under the control of non-Police (e.g. foster homes)
- incidents of Police dogs attacking other dogs or stock.

## Definitions

Term	Definition
<b>Dog bite injury</b>	A 'dog bite injury' includes any injury resulting from a Police dog or an operational Police dog biting, or attempting to bite any person, but excluding any injury classified as a "serious dog bite".
<b>Non-injury dog bite</b>	A 'non-injury dog bite' can be inflicted by an operational Police dog or Police dog and includes any bite to a person, where there is no injury as a result of the bite.
<b>Other damage or injury</b>	<p>'Other damage or injury' caused by Police dogs includes:</p> <ul style="list-style-type: none"> <li>- any damage caused to non-Police property by a Police dog or operational Police dog regardless of whether the dog was on duty at the time; and/or</li> <li>- any injury to any animal caused by a Police dog or operational Police dog, whether or not the dog was on duty at the time.</li> </ul>
<b>Serious dog bite injury</b>	<p>A 'serious dog bite injury' includes any injury resulting from a Police dog or an operational Police dog, biting or attempting to bite any person, where one or more of the following result:</p> <ul style="list-style-type: none"> <li>- the victim requires admission to hospital</li> <li>- there is a likelihood that the victim may suffer from a permanent disability as a result of the bite or attempted bite</li> <li>- the victim has received multiple bite injuries or wounds</li> <li>- the victim has been bitten on the face, neck or groin</li> <li>- the victim has been bitten by more than one Police dog at the same time</li> <li>- the victim has suffered some other sort of serious injury directly resulting from the dog biting or attempting to bite.</li> </ul>

# Principles

## Decision to use force

The law sees little difference between dogs, when used as a means of force, and other methods and implements used by Police, for example firearms, TASER and batons (to name a few).

However, when used as a means of force, dogs can promote a much higher degree of fear in the recipient than other means of force. Dogs are presumed to be dangerous.

Police dogs are highly trained, disciplined animals. However, they are animals. While capable of independent action, they are not able to assess how much force is appropriate in a particular situation. When deployed to bite they will react according to training and instinct.

Every Police employee operating a Police dog must be thoroughly familiar with the '[Use of force](#)' chapter in the Police Manual and the use of force provisions in the Crimes Act 1961, specifically sections:

- [39](#) - Force used in executing process or arrest
- [40](#) - Preventing escape or rescue
- [41](#) - Prevention of suicide
- [42](#) - Preventing breach of the peace
- [44](#) - Suppression of riot by Police
- [48](#) - Self-defence and defence of another
- [62](#) - Excess of force.

Refer also to the Police Manual '[Use of force](#)' chapter reference to the Crimes Act sections 52, 53, 55, 56, 60 and other statutes authorising use of force.

The legal authority to use force is given to the handler, and the dog is the handler's instrument. Accordingly, the use of force involving a Police dog can only be justified if the use of force by the handler would be legally justified. In each situation the use of force must be carefully [considered](#).

For more guidance see the '[Use of force](#)' chapter in the Police Manual.

## Proximity

In all deployments of Police dogs handlers must be alert to circumstances that could cause a Police dog to contact or bite a person when not intended.

While Police dogs are trained to respond in self defence and to protect the handler if attacked, handlers must take reasonable steps to prevent or avoid reactive attacks and assaults by suspects that can be induced by the close proximity of a Police dog to a suspect or person.

When locating suspects or otherwise dealing with people when accompanied by a Police dog, dog handlers must take reasonable steps to ensure that their Police dog cannot initiate contact or bite that person unless commanded to do so.

Handlers must consider the proximity of the dog to any person and must take in to account the likely actions of a person in the given circumstances that could cause the dog to react by biting.

## **Environmental stimuli**

Police dogs are alert to respond to a wide variety of environmental and command stimuli, therefore, dog handlers must be constantly alert to the potential of an environmental stimulus initiating a behaviour or response in a dog that the handler does not intend to happen.

## **Medical treatment**

Everyone bitten or injured by a Police dog must be given appropriate medical attention.

## **Reporting**

All dog bites or injuries caused by Police dogs must be reported. See the '[Reporting dog bites or injury by Police dogs](#)' section for details.

## Factors to consider before using force

### Dog handler to make informed and considered decisions

The Tactical Options Framework is used to help officers make decisions regarding the use of force with Police dogs. Refer to the Police Manual chapter '[Use of force](#)' specifically the section entitled 'Tactical Options Framework'.

Dog handlers must consider all tactical options when considering the use of force. Just because you have a Police dog with you should not be the reason for using the dog as a means of force instead of a more appropriate option.

Consider that the use of force may be justified in these circumstances:

- to execute process or arrest
- in self-defence or in defence of another
- to overcome force used in resisting arrest
- to prevent a breach of the peace
- to prevent suicide
- to prevent an offence likely to cause immediate and serious injury to a person or damage to property.

As a Police employee operating a Police dog you are personally responsible for the use of force by the dog and therefore must:

- before releasing the dog, be satisfied that the use of force is justified in the circumstances
- unless it is not practical to do so, call on the person to desist
- ensure that the extent of the force used by the dog is kept to the minimum possible in the circumstances
- where time and circumstance permit, plan actions and communicate with other staff present. For example, you should not release the dog if the subject is being tasered, or has been tasered and probes are attached to the subject. (There is a risk of neuro-muscular incapacitation to the dog through the transfer of electrical current, and if it becomes tangled in wires, the dog's effectiveness is reduced and the probes could dislodge reducing the intended effectiveness of the Taser).

Ask yourself:

- Can I identify the suspect to the dog?
- Are there already sufficient members present and available to affect the arrest safely?
- Can or should the dog be used while on a lead and under physical control?
- Is there significant risk of injury to innocent bystanders which, in the circumstances, outweighs the need to use the dog?

**Note:** No dog handler should be ordered to release a dog for the purpose of apprehending a person without prior consultation.



There is a difference between a tactical order and an operational decision to deploy a dog. A commander (such as in the AOS) makes the tactical decision to use the dog based on the circumstances. The handler is responsible for the operational decision to deploy the dog in such a way that the commander's tactical aim is achieved.

## Police dogs as a tactical option

Police dogs are a less than lethal tactical option. Police dogs may be deployed as:

<b>Show force</b>	Presentation	Physical presence with a Police dog.
	Challenge	Warning a person that the dog will be used to search and locate or to bite.
	Guarding	Guarding a person or place.
	Searching	Searching for and barking at suspects.
<b>Use force</b>	Biting	Use of Police dog to bite a person to apprehend or overcome resistance.

### Method of deploying a Police dog to bite

Police dog handlers may deploy Police dogs to apprehend or bite people:

- while held on a lead and collar or chain
- while held on a tracking harness and or tracking line
- while deployed lead free
- while wearing handling equipment but not held by the handler.

### Challenge or warning

Before a Police dog is deployed to bite a person, the person must be warned or challenged to surrender, unless it is unsafe or impracticable to do so. The challenge must:

- identify you as a Police employee
- identify that you have a Police dog
- identify that a dog will be used to bite the suspect if s/he does not surrender to Police
- be of such a volume that it is reasonable to expect the person to hear it.

**Note:** In [AOS](#) or other critical situations a challenge may not be given if it is not practicable or would be dangerous to do so.

### Time to comply

Once challenged the person must be given reasonable time to comply, taking the particular circumstances into account.

### Suspect sighted by dog

Dog handlers should not release a dog to apprehend a suspect unless they are sure that the dog has sighted the suspect.

If on releasing the dog it is obvious or there is doubt that the dog does not have sight of or has lost sight of the suspect then the dog should be recalled or placed in a control position (down).

## Control of Police dogs

Police dog handlers must have control of their dog at all times during deployment.

Control means that the dog is under immediate physical or voice control and the dog responds to that control. Control includes:

- deploying the dog to bite
- recalling the dog once it has been deployed to bite
- stopping the dog from biting
- calling the dog back to the handler at any time.

If at any time the control of a Police dog does not meet the required standard the handler or supervisor must implement remedial action in accordance with '[Part 6 - Certification of Police dogs](#)' chapter.

## Example of warnings used with the deployment of Police dogs

Deployment	Police warning
Searching for suspects in buildings or open areas	<p><b>"Police! I have a Police dog. Come out or the dog will be used to find you."</b></p> <p><b>"Police Dog Handler! Come out or the dog will be used to find you."</b></p>
Deploying to apprehend (bite)	<b>"Police! Stop or the dog will bite you."</b>

## Preventing unintended dog bites

Except when intended as a use of force, dog handlers and other Police employees in control of a Police dog must prevent dogs biting people by handling, managing and caring for Police dogs in the manner directed by the '[New Zealand Police dogs](#)' chapter and relevant dog section training manuals.

## Pursuit and apprehension

### Third party injuries

If a Police dog is released to pursue a suspect, there is a risk to third parties being involved. You must be constantly alert to that risk and be capable of stopping the dog and recalling the dog back to you at any time.

### Out of sight

At any time that a dog loses sight of a suspect after the dog has been deployed to chase and apprehend you should:

- recall or down the dog
- regain control of the dog
- re-deploy the dog once the suspect is in sight again and it is safe to do so.

## Moving Police dogs from dog vans and vehicles

To ensure the safety of the public and the Police dog, Police dogs must be under the handler's control at all times. The risk of unintended contact with people (including dog bites) when transporting dogs is highest at the time the dog jumps out of a dog van.

### Control

Before taking a Police dog out of a vehicle the dog must be:

- on a lead and chain, or
- on a lead and collar, or
- held by the collar.

At the time that the dog is removed from the vehicle the handler must be alert to people who are around the vehicle and must prevent the dog coming in contact with them.

### Deployment

Police dogs should not be deployed directly from a vehicle lead free to track, pursue, or perform any other policing activity.

### Front flap

Except in an emergency Police dogs must not be deployed through the internal flap of a dog van via the driver's compartment.

Emergency situations include:

- where there is no other means of getting the dog out of the van
- getting the dog out of the van after an accident
- where there is a threat to the handler while still in the dog van, or, there is a threat to the handler if the handler had to get out of the van to deploy the dog.

## Tracking

Tracking occurs in a wide variety of environments and at all hours of the day and night. During tracking handlers must be alert to the possibility of unintended contact with members of the public and, also, the potential of contact with, or sudden location of, a suspect at any time. To prevent unintended contact and dog bites handlers should take particular care:

- when approaching corners
- tracking at night
- when other people are known to be or are likely to be in your vicinity.

In public places where it is likely that other people could be around a corner, on the path of or in the vicinity of a track, handlers should:

- reduce the tracking line to half or less, and
- keep their dog in view, and
- prevent unintended contact with people.

## Private property

On every occasion that a Police dog tracks onto or enters private property (in an urban environment or near buildings in a rural environment) the handler must manage the dog in a manner that anticipates coming across suspects or innocent third parties. This should include:

- reducing the length of the tracking line to half or less to ensure the dog can be stopped from coming into contact with any person, and
- keeping their dog in view, and
- preventing unintended contact with people.

## Control position

Handlers must be able to place Police dogs into immediate control positions while tracking including the 'down' or 'recall' to the handlers side.

## Locating people and suspects

Unintended contact with or bites on suspects or members of the public by Police dogs can occur because of the actions of:

- the suspect
- persons who the dog come across when tracking (who aren't the suspect)

- the dog
- the handler

or a combination of those listed above.

Dog handlers must take all reasonable steps to prevent unintended contact and bites.

## **Contact with suspects**

Police dogs must not be allowed to contact or bite suspects unless commanded to do so by the handler.

Handlers must be alert to the indications of their Police dog when patrolling, tracking or searching. From the time the dog indicates the possibility of the presence of a suspect or person, or locates a suspect, they must take immediate and appropriate action to prevent contact and/or dog initiated bites including:

- reducing the length of the tracking line ensure the dog can be stopped from coming into contact with any person that may be nearby
- recalling the dog to them
- downing the dog and going to the dog
- placing the dog on a lead and chain or lead and collar
- shortening their hold on the lead.

## **Building and area searches**

The deployment of Police dogs into buildings and open areas to locate suspects could result in non intended contact and bites of suspects.

## **Challenge**

Before a Police dog is deployed to search for a person (excluding Search and Rescue and AOS deployment) the handler must issue a warning or challenge for the person(s) to surrender.

Repeated challenges must be given when entering different parts of buildings or places where it is likely that the person(s) would not have heard the original challenge.

A reasonable time for a response to the challenge must be given before deploying the Police dog to search.

The challenge must include the identification of the handler as a Police employee and the fact that a dog will be deployed to bite if the suspect does not surrender to Police.

## **Control position**

Handlers must be able to place Police dogs into immediate control positions while searching including the 'down' or 'recall' to the handlers side.

## **Free searching out of sight**

Dogs trained to 'stand-off and bark' may be deployed to free search out of sight of the handler.

The handler must be ready to recall their dog at any time during a deployment, and must recall then re-deploy their dog whenever the dog goes out of sight and the handler is unaware of what the dog is doing.

Armed Offenders Squad (AOS) dogs should only be used to free search out of sight on an AOS operation.

## **Free searching in sight**

Dogs that are trained to search but do not have a 'stand off and bark' response can only be deployed to free search if the dog is kept in sight and is under immediate voice control.

## **Controlled search**

Whenever a handler has concerns regarding the safety of deploying a dog to free search they must place the dog on a lead or extended lead to conduct the search.

## **Armed Offenders Squad (AOS) and Search and Rescue (SAR)**

The deployment of Search and Rescue (SAR) and Tactical Armed Offenders (AOS) dogs to free search is governed by training best practice specifically relating to SAR and AOS dogs.

# Dog bites

## Injury and infection caused by dog bites

Dog bites are painful because of the bruising caused to the surrounding tissues. Dog bite injuries can include punctures, rips, tears scratches and bruising of varying degrees of severity.

The major problem with dog bites apart from the size of the injury is the high incidence of infection as a result of the bite. It is therefore important for all people who are bitten to receive appropriate medical treatment, or to be advised of the need for medical follow up (for tetanus and antibiotics if indicated).

It is also important to identify the full extent of injuries caused by dog bites to ensure that appropriate medical treatment is provided and to prevent accusations of injury that did not in fact occur.

## Identify people bitten

When a Police dog handler or employee in charge of a Police dog is aware that a Police dog has or may have come into physical contact with a person, they must take all reasonable steps to identify the person and ascertain whether the person has been bitten.

## Limiting dog bite injuries

The deployment of a Police dog to bite can cause a wide range of injuries ranging from bruising and scratches to puncture wounds and tears. Severity of the bite will also depend on the bite delivered by an individual dog, the number of bites inflicted and how long the dog bites for.

Dog bites can cause significant pain and panic reactions. Most people will react in some way to the dog biting them. While some suspects may deliberately fight and resist the dog, it is a natural reaction for people to physically resist being bitten and to respond verbally. It is therefore unrealistic to expect full compliance to instructions or a passive response from people while a dog is biting them.

The action of people resisting being bitten will also stimulate the dog to continue biting and handlers must take this into consideration when managing their dog.

## Removing a dog from a person

Handlers must stop their dog from biting as soon as possible after the dog has apprehended a suspect or bitten any person. The handler must use approved techniques that will achieve removal of the dog from the person in the quickest time.

The following two approved techniques can be used:

- **'Call off'** - handler commands his dog to 'leave' and dog releases immediately.
- **Release Tool (RT)** - all on-duty handlers **must** carry the release tool. It must be used in accordance with good practice to remove a dog immediately from a person. (The release tool works on a gag reflex and causes the dog no pain or injury)

**Caution:** A **'choke off'** (applying pressure to the dogs throat) - must **not** be used to remove a dog from a



person except in **exceptional circumstances** where 'call off' and/or the Release Tool are not effective. If a 'choke off' is used it **must be reported** to the handlers supervisor in writing.

## **Control**

Once 'called off', Police dogs must be placed under physical control (e.g. on a lead) as soon as possible and moved to a suitable distance from the suspect that:

- enables the handler to keep the suspect in custody and prevent escape
- prevents the dog from re-biting or delivering self initiated bites
- prevents the suspect from attempting to kick or hit the dog that would result in a re-bite.

## Medical treatment

People bitten or injured by Police dogs must be given appropriate medical care as soon as practicable.

### Medical attention at the scene

Following a dog bite incident dog handlers must:

- provide or direct other staff to provide immediate first aid as necessary in the circumstances
- call for a medical support to the scene if necessary (ambulance or other staff).

### General medical care

In the case of a major injury a person must be seen by a doctor or emergency department as soon as possible.

In the case of less serious injuries a person must be seen by a doctor, paramedic or health professional as soon as is practicable under the circumstances.

### Refusal of medical care

In all instances where medical care has been refused or declined the person must be advised that they should seek medical follow up because of the high risk of infection from dog bite injuries.

Record the refusal and advice given in your notebook and in any related report.

### Prisoners

Follow the procedures in the '[People in Police detention](#)' chapter for receipt and initial assessment of prisoners.

Note these points:

- Refusal of care for dog bites can only be given **by** the prisoner **to** a doctor, an Emergency Department, paramedic or health professional.
- The officer in charge of the prisoner should make a note book entry of the refusal and have that witnessed by either the prisoner, medical person or another officer. The refusal should be noted on the Tactical Options Report.
- In the case of very minor injuries such as scratches refusal can be made to the officer in charge of the prisoner, who should make a note book entry of the refusal and have that witnessed by either the prisoner, or another officer.

### People not in custody

Take reasonable steps to provide treatment and advise people to seek medical follow up.

If a person refuses treatment, make a note book entry of the refusal and have that witnessed by either the person, medical person or another officer.

In the case of a child or young person their parent or guardian must be informed as soon as possible and

they should be advised that they should seek medical assistance as soon as possible and every attempt should be made to provide that treatment.

# Reporting dog bites or injury by Police dogs

## All Police dog bite incidents must be reported

If a Police dog bites or injures any person the dog handler or Police employee responsible for that dog must submit a report to the OC dog section or dog section supervisor (where the OC is not the direct report) at the first opportunity.

## Exceptions

The reporting instructions above do not apply in these circumstances:

- Mouthing or very minor bites such as playful 'nips' in non operational or home environments where there is no injury, i.e. bites that are normally encountered when raising or training a dog, particularly with young puppies.
- Very minor bites and scratches caused to handlers or staff as a normal consequence of working or training a dog.

**Note:** If in doubt, report the incident.

## Dog bite reports

These tables detail the different dog bite reports and when what type of report is required.

Report	Description
Tactical Options Report (TOR)	Where in the execution of a duty a constable uses force on any person with a Police dog, regardless of whether or not that person has been arrested.
Dog Assignment Report	Submitted in conjunction with the <u>TOR</u> above.
Uncontrolled bite report	Submitted as a POL258. Where in the execution of a duty or when off duty a Police dog (including foster dogs) bites any person when the use of force was not intended.
Near miss report, or an incident report	For reporting training or deployment accidents involving any Police employee. A near miss report if there are no injuries, or an incident report if someone is injured. Both forms are accessed through My Police/SAP>My services>My safety info>Create an incident
Other bite reports	Submitted as a POL258 to report any other bite incident including Police dogs attacking other dogs (not Police dogs) or stock.

Dog bite incident	Report required
Use of force	Tactical Options Report and Dog Assignment Report
Uncontrolled bite	Police Report POL258
Training or deployment accident to Police employees	Near miss report if there are no injuries, or an incident report if someone is injured. Both forms are accessed through My Police/SAP>My services>My safety info>Create an incident
Other bite incidents	Police Report POL258

**Note:** TOR is not used for reporting uncontrolled (previously referred to as 'accidental') bites.

## Investigation or review of dog bite incidents

Where an investigation or review relating into a dog bite incident is conducted, the dog section supervisor or investigator must include a factual analysis of three key elements in that report, namely:

- How the dog team deployed
- How the handler managed / handled the dog during the deployment
- How the dog behaved.

The objective of an investigation or review is to:

- identify and report on the facts of the deployment
- identify failures in the deployment in the context of accepted practice and policy
- identify and resolve problems relating to the handling, training or deployment of Police dogs
- identify and resolve problems relating to the behaviour of Police dogs
- identify where training and or deployment practices can be improved
- identify good practices that may benefit general Police dog training or deployment
- identify that appropriate recognition has been given to handlers for their work
- provide organisation assurance on the management, training and deployment of Police dogs.

## **How the dog team deployed**

This includes a factual account of the mechanics of how the dog was deployed. It should include:

- pre deployment
- deployment
- resolution or post deployment.

The account must include what the handler did and said, what the dog did and the suspect/victims actions and words at each stage.

Where appropriate reference should be made to the Tactical Options Framework.

## **How the handler managed / handled the dog**

This includes a factual account of the deployment in comparison to approved training, policy and practice. Reference to that training, policy and practice must be made for each step of the deployment commenting as to whether it complied and if not why not and what the implications were as a result.

## **How the dog behaved**

The behaviour of the dog must be reported in the context of trained responses and canine behaviour. In essence you are reporting on why the dog did what it did. There must be no doubt as to why the dog behaved in the way it did.

Trained responses should discuss factual elements of what the dog is trained to do, how it responded because of that training and draw on known behaviour from training records, deployment and annual certifications.

The report must include the dog's response to commands given by the handler.

Canine behaviour must identify and describe the actual behaviour displayed by the dog. For example prey

drive, defence drive, territorial aggression, pain aggression. Where the exact behaviour is unknown or cannot be identified by the investigator they must consult with experienced staff including the Breeding Services Manager, Practice Leader: Dog Training, National Co-ordinator: Police Dogs or a recognised animal behaviourist at Massey University to identify behaviours.

Investigators should peer review findings relating to the behaviour of Police dogs in these investigations.

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