



OFFICE OF INDEPENDENT REVIEW

**POLICY & TRAINING REVIEW,  
ORANGE COUNTY  
SHERIFF'S DEPARTMENT  
SEARCH & APPREHENSION K-9s**

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TABLE OF CONTENTS

I. INTRODUCTION ..... 1

    A. Incident Facts ..... 1

II. K-9 POLICY REVIEW ..... 2

    A. Orange County Sheriff’s Department Policy ..... 2

        1. K-9 Handler training requirements..... 2

        2. Use of other than K-9 designated facilities ..... 4

    B. Review of Policy From Other Sources..... 4

III. RECOMMENDATIONS ..... 5

## I. INTRODUCTION

On September 11, 2018, the Orange County (County) Board of Supervisors (Board) unanimously directed the Office of Independent Review (OIR) to “review the County’s K-9 training and building search policy including the Sheriff K-9 training policy and the County . . . building use policy.”<sup>1</sup> The Board directed the OIR to conduct the review in concert with the Risk Management/County Safety Officer, and to report in 90 days. This Board direction was issued after an Orange County Sheriff’s Department (OCSD or Department) search canine (K-9) accidentally bit a County employee.

### A. Incident Facts

On Wednesday August 29, 2018, OCSD K-9 unit deputies conducted a training exercise after work hours at a County-owned building on Fruit Street in Santa Ana.<sup>2</sup> The building housed County Public Works employees. The training exercise was a simulated building search for an outstanding suspect.

At one point the K-9 handler deputy entered the building and unleashed the dog. As the unleashed K-9 was searching the building, a male Public Works employee prepared to leave his office in the building, unaware of the K-9. The K-9 found the employee and attacked him, biting the man’s right arm “for about a minute” until he was stopped by [the K-9 handler].<sup>3</sup> The employee suffered “puncture wounds,” and was transported to Global Medical Hospital in Tustin.<sup>4</sup> The employee was later released after treatment. Following the incident, the OCSD immediately suspended all training at all buildings not owned or controlled by the OCSD.<sup>5</sup>

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<sup>1</sup> Board; *Agenda, Regular Meeting*; Sept. 11, 2018, supplemental agenda item S28C (approved 5-0), available at [http://cams.ocgov.com/Web\\_Publisher/agenda09\\_11\\_2018.htm](http://cams.ocgov.com/Web_Publisher/agenda09_11_2018.htm).

<sup>2</sup> Factual information in this section provided by Capt. Jason Park, Homeland Security Division, OCSD, except where otherwise noted.

<sup>3</sup> OC Public Works Incident Report, Aug. 29, 2018.

<sup>4</sup> *Ibid.*

<sup>5</sup> The OIR requested to attend a Critical Incident Review or to review Department reports related to the incident. The OCSD declined the request, as both refer to a continuing investigation containing confidential information.

## II. K-9 POLICY REVIEW

### A. OCSD Policy

To conduct the policy review, the OIR requested and received from the OCSD a copy of the K-9 policy.<sup>6</sup> The OIR noted, and OCSD confirmed, that the policy is constructed from a base policy provided by Lexipol, a private company that provides policies to law enforcement, corrections, and fire and rescue.<sup>7</sup> Lexipol asserts that their policies are built upon “legislation, case law, and best practices.”<sup>8</sup> Lexipol policies are used by over 3,100 customers in 35 states.<sup>9</sup> The OIR confirmed that many local agencies, including Anaheim, Santa Ana, Irvine, and Huntington Beach, use Lexipol policies.

The OIR noted that while the OCSD uses the Lexipol policy as a base for format, OCSD added content which more than doubled the length of the base version used by other agencies. The OCSD advised OIR that the additions reflect “the conscientious analysis and deliberation that goes into all of OCSD’s policies.” The OCSD policy applies to each of the five of types of K-9s used by the Department: search and rescue, explosive detection, custody operations detection, narcotics detection, and dual-purpose patrol.<sup>10</sup>

At the outset of OIR’s review, the OCSD advised that the K-9 policy was being revised. As of December 5, OCSD forwarded the completed policy revision to County Counsel for final review.<sup>11</sup>

#### 1. K-9 Handler training requirements

Regarding K-9 training, OCSD policy directs that K-9s shall be “trained and certified to meet appropriate industry standards.”<sup>12</sup> For initial training, the OCSD advised that all K-9 handlers attend an introductory 240-hour (six week) Basic Handler course provided by private vendor Adlerhorst International.<sup>13</sup> The OCSD described Adlerhorst as “the

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<sup>6</sup> OCSD Policy Manual, Policy 318, “*Canine Program*.” The OIR also contacted the County Probation department for policy review, however, the Probation K-9 is used only for narcotic searches and not to search and apprehend suspects.

<sup>7</sup> See <https://www.lexipol.com>.

<sup>8</sup> See <https://www.lexipol.com/industries/law-enforcement>.

<sup>9</sup> See <https://www.lexipol.com/about>.

<sup>10</sup> “Dual purpose” means the K-9 is trained both for narcotics and article searches, and suspect searches.

<sup>11</sup> Per the OCSD Constitutional Policing Advisor.

<sup>12</sup> Policy Manual, *supra* n.6, at 318.16, *Initial Canine Training*.

<sup>13</sup> See <https://adlerhorst.com/dog-training/patrol>. Adlerhorst is a privately-owned company that since 1975 has been obtaining, training, and providing service dogs, and handler training, to police agencies. Adlerhorst is located in Jurupa Valley, California.

preeminent academy for canine training on the west coast,” a characterization the OIR agrees with, based on prior contacts. The Adlerhorst basic course is an industry standard. Other agency K-9s trained at Adlerhorst include Santa Ana, Huntington Beach, Irvine, and Costa Mesa.<sup>14</sup>

The California Commission on Peace Officer Standards and Training (POST)<sup>15</sup> recommends that after completing initial K-9 training, “an in-service K-9 team [should] complete 16 hours of documented training monthly to maintain basic patrol and/or detection proficiency.”<sup>16</sup> The POST Guidelines also describe the competencies that a K-9 team should be able to perform to demonstrate fitness for field deployment, as evaluated by a POST-trained K-9 evaluator.<sup>17</sup> The OCSD advised that all K-9 handlers are POST certified and participate in various types of training, both in-house and through private vendors. The OCSD reported the monthly training average is 40 hours, exceeding the POST recommendation.<sup>18</sup>

The Board specifically directed the OIR to review the K-9 training policy. The OIR asked OCSD for any directive or guide that specifically addressed the content and procedures for K-9 training, and requested to view or obtain a copy of the training log for the August 29 incident. The OCSD declined to provide any specifics regarding training guides or details of specific incidents, as any such reports would contain tactical information. The OCSD confirmed that each K-9 handler’s training records are maintained in a digital training file on a Department server, as required by policy.<sup>19</sup>

On their own initiative, the Office of the Sheriff invited the OIR to attend a patrol K-9 training session. On November 28, the OIR attended the training session at an OCSD training facility. The OIR noted that the facility included several buildings resembling homes, apartments, and commercial areas, simulating buildings where actual K-9 searches might occur. The K-9 manager and supervisor provided detailed explanations regarding the training scenarios, the methods used to train K-9 and handler, and training aspects designed to maximize apprehension without a K-9 bite, wherever possible. The OIR noted that the K-9s, although displaying high-drive, were very

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<sup>14</sup> *Id.* at about-us/reference-list.

<sup>15</sup> POST was established by the California Legislature in 1959 to set minimum standards for selection and training, both initial and continuing, for all California law enforcement officers. See <https://post.ca.gov//About-Us>.

<sup>16</sup> POST, *POST Law Enforcement K-9 Guidelines*, Jan. 2014, pg. 1.

<sup>17</sup> *Id.*, pgs. 1-6.

<sup>18</sup> The OIR was not able to independently verify this information; the OCSD declined to provide access to training records as they contain confidential information.

<sup>19</sup> Policy Manual, *supra* n.6, at 318.16.3, *Canine Training Records*.

responsive to verbal commands of the K-9 handlers. In the OIR's experience, this responsiveness is not easy to achieve and represents a high level of training, and is a critical aspect of liability management.

## **2. Use of other than K-9 designated facilities**

Per the direction of the Board, the OIR met with the County Office of Risk Management (ORM). Due to the ORM's expertise in addressing risk management issues arising from building use, they are presenting a separate, companion report to the Board.<sup>20</sup>

Regarding the Board's direction to review building use policy in the context of K-9 training, the OIR requested from OCSD a list of facilities where K-9s generally train. The OCSD replied that K-9s train at multiple facilities, but declined to provide a list for tactical considerations.

The OIR also requested, for any sites not owned by OCSD, whether any type of use agreements were on file. The OCSD replied that for County-owned facilities, historically no use agreement has been employed as all are owned by the County. However, the OCSD recently coordinated with County CEO-Real Estate and developed a Plan of Cooperation, to promote organized and efficient use of two County-owned properties, for the purpose of conducting various law enforcement training, including K-9.

### **B. Review Of Policy From Other Sources**

The OIR also reviewed K-9 policy from both the Los Angeles Sheriff's Department (LASD) and the Los Angeles Police Department (LAPD). The OIR found the LASD policy to be detailed, but much of the policy concerned specifics about using the K-9 in coordination with the Special Weapons Team, which is where all LASD K-9 units are assigned. In regard to training, the LASD manual was comparable to the OCSD policy in detail and description.

The OIR found the LAPD policy to be considerable less detailed than OCSD. The LAPD advised the policy is currently being revised, as the last revision was in 2011.

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<sup>20</sup> County Executive Office Risk Management, *County Building Use Policy Review*, Dec. 10, 2018.

The OIR searched for canine policy or training information on the below websites, but located nothing:

- The International Association of Chiefs of Police.
- The California Police Chiefs Association.
- The California Peace Officers' Association.
- The Peace Officers Research Association of California.

Also, the OIR research identified two vendors who offer products for the digital entering and retention of K-9 records, including training records. The K9 Activity Tracking System (KATS) is a cloud-based "dynamic record keeping program," which can be "completely modified and adapted to any individual agency needs."<sup>21</sup> Sample forms on the KATS website suggest that the Fresno County Sheriff's Office (FCSO) uses the system. The FCSO K-9 Unit did not respond to OIR inquiries.

The Pack Track K-9 record keeping software is accessed via smartphone. By using a smartphone, Pack Track "captures deployment information in real time with the ability to photograph your seizures and add them to your records."<sup>22</sup> Pack Track confirmed to OIR that the San Diego County Sheriff's Department (SDCSD) uses the Pack Track system. The OIR contacted a sworn SDCSD manager who confirmed their use of Pack Track for over year, and reported high satisfaction. The manager advised that the smartphone app is easy to use, download of data is streamlined, creating reports from data is user-friendly, and systems costs are very reasonable.

### III. RECOMMENDATIONS

Based on this review, the OIR makes the below recommendations. Because the OIR has viewed only relevant OCSD documents not containing tactical or confidential information, these recommendations may not be more efficient or effective than current policies, directives, or practices.

1. The OCSD is encouraged to evaluate whether the Plan of Cooperation agreement developed for training at two County-owned facilities may be used for other County-owned facilities used for training, but not owned or controlled by OCSD.
2. As a "lesson learned" from the August 29 training incident, for K-9 building searches performed at locations other than designated K-9 training facilities, consider requiring documentation on the daily training record of:

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<sup>21</sup> See <https://www.katsplatinum.com/about>, product of Eden Consulting Group, Chestermere AL.

<sup>22</sup> See <https://packtrackapp.com/features>.

- advance email notice to affected personnel of the training date and time,
- physical signs and/or security personnel posted (could be Explorers) at entrances on the date of training, and
- loud verbal search warnings immediately prior to unleashing the K-9.

In each instance, information documenting the action taken might be captured simply by adding a checkbox to the training log, and a space to record the employee who performed each action. The record would provide useful information in the event of damage or injury that results in legal action.

3. As OCSD handler training records are digitally maintained, consider evaluating the use of digital vendor K-9 training records systems, including KATS and PackTrack. Both systems are accessible via smartphone and may facilitate the entering, storing, and manipulating of K-9 training data.

#### *Acknowledgements*

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