

LEGAL ASPECTS OF LAW ENFORCEMENT CANINES

9441

(February 2002)

Under most circumstances the handler and canine will be moving freely among other persons and employees. However since the canine and handler are working as a team, the canine may react defensively to real or implied threats. In order to provide a safe working environment the following provisions are incorporated.

INJURY/INTERFERENCE WITH CANINE

9441.1

(February 2002)

The following California Penal Code sections impose penalties and/or fines for injuring or interfering with a canine under the direction of a peace officer.

California Penal Code Section 600(a): *“Any person who willfully and maliciously and with no legal justification ... produce(s) injury to any canine under the supervision of any peace officer in the discharge or attempted discharge of his or her duties is guilty of a public offense.”* [Sentence could be up to three years in state prison and/or \$2,000.00 fine.]

California Penal Code Section 600(b): *“Any person who willfully and maliciously and with no legal justification interferes with or obstructs any ...canine being used by any peace officer in the discharge of his or her duties is guilty of a public offense.”* [Sentence could be up to one year in county jail and/or \$1,000.00 fine.]

California Penal Code Section 600(e): *“In any case in which a defendant is convicted of a violation of this section, the defendant shall be ordered to make restitution to the agency owning the animal and employing the peace officer for any veterinary bills, replacement costs of the animal if it is disabled or killed, and the salary of the peace officer for the period of time his or her services are lost to the agency.”*

CANINE BITES

9441.2

(February 2002)

In the event of a bite by an accelerant detection canine, whether intentional or unintentional, the handler shall:

- Ensure medical aid treatment is provided as necessary;
- Take photographs of the injury;
- Notify his/her immediate supervisor as soon as possible;
- Complete necessary incident and investigation report forms within 24 hours.

California Health and Safety Code Section 1919.1 states: *“A canine used by any state law enforcement agency shall not be quarantined after biting any person if such bite occurred while the canine was being used for any law enforcement purpose. The law enforcement agency shall make the canine available for examination at any reasonable*

time. The law enforcement agency shall notify the local health officer if the canine exhibits any abnormal behavior.”

(see next section)

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(see Forms or Forms Samples)