

CHAPTER 1-A

TRIBAL POLICE CANINE CODE

SISSETON- WAHPETON SIOUX TRIBE

S.W.S.T. Code
 Amendment
 New Addition
Judicial No.
05-07-97
Council No.
05-07-97

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**SISSETON-WAHPETON SIOUX TRIBE
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 Amendment
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1A-01-01 TITLE

1A-01-02 This Code shall be known and may be commonly cited as the Sisseton-Wahpeton Sioux Tribal Police Canine Code.

1A-02-01 DEFINITIONS

1A-02-02 Handler means the member of the Sisseton-Wahpeton Sioux Tribal Police that is trained and certified by the United States Police Canine Association to work with and care for a police dog. No other member of the Tribal Police or any other person may be a handler unless trained and certified by the USPCA.

1A-02-03 Police Dog means the canine selected for the Tribal Police Canine Patrol and that works with and is cared for by the Handler of the Tribal Police.

1A-02-04 Tribal Police means the Sisseton Wahpeton Sioux Tribal Police Department.

1A-02-05 USPCA means the United States Police Canine Association.

1A-03-01 FINDINGS

1A-03-02 Every year there are several burglaries, drug-related crimes, including fleeing or hiding criminals, and other crimes committed within the criminal jurisdiction of the Sisseton-Wahpeton Sioux Tribe. There are also some physical encounters between the Tribal Police and suspects and criminals. An additional effective means of searching, tracking, and apprehending can assist an efficient police force. A properly trained and cared for police dog can serve the Tribal Police in this regard.

1A-04-01 PURPOSE

1A-04-02 To assist the Tribal Police in tracking suspects fleeing on foot or hiding, to assist in a search for illegal drugs and to find lost or missing persons, a police dog shall be purchased, trained, and cared for by the Tribal Police to help improve these police duties.

1A-05-01 PURCHASE

1A-05-02 The Tribal Police are authorized to purchase one (1) police dog from a USPCA training facility. Before purchasing the police dog, the dog shall first have undergone a thorough examination by a duly licensed and certified veterinarian and found to be in good health.

1A-06-01 TRAINING

1A-06-02 The police dog and the designated Tribal Police handler shall enter, complete and pass a multi-purpose training program conducted by a USPCA certified training facility. Within two (2) years of successfully completing the USPCA multi-purpose training program, the handler and police dog may be required to enter, complete and pass a narcotics training program conducted by a USPCA certified training facility.

1A-06-03 The handler shall be responsible for the continual training of the police dog. Every year the police dog and handler shall be re-certified at a USPCA trial. On a daily basis, the handler is encouraged to train the police dog to ensure the dog's proper response to the handler's instructions. At a minimum, the handler and police dog shall average approximately sixteen (16) hours of retraining every month.

1A-07-01 CARE

1A-07-02 Kennel. A police dog shall be kenneled at the home of the handler. The dog shall be kenneled in one place, either inside or outside. The kennel shall consist of an insulated dog house (unless it is inside), approximately 4 feet by 7 feet, and attached to an outdoor kennel, approximately 4 feet by 7 feet, that is securely fenced-in, including the top. The kennel shall be locked when the police dog is in the kennel. The police dog shall never be deprived of food, water, or the proper shelter. If the outdoor temperatures fall below 10 (ten) degrees fahrenheit or a windchill factor of zero (0) degrees fahrenheit, the handler is required to take the police dog indoors. The Chief of Police shall inspect the kennel, at least four times a year, at unannounced times, and make notes regarding the security, health, and sanitary conditions. Should the handler move, the new kennel shall be inspected within one (1) week of the handler changing residence.

1A-07-03 Feeding. Water should be available to a Police Dog at all times. The holder shall offer a sufficient daily ration of high quality dog food on a regular basis.

- 1A-07-04 Grooming. Combing and brushing should be done daily. Bathing should be done as needed but not too frequently. Nails are to be cut if the dog is kept on soft ground. Cutting may not be necessary if the dog is kept on concrete or wears them down because of exercise or other activity on concrete.
- 1A-07-05 Friendship. While bad habits and over-aggression must be appropriately addressed by the handler, the handler must also be sure to establish a strong positive rapport with the dog. Show the dog when you are pleased with him and gain his confidence. Physically handle the dog in pleasant surroundings and when he or she is at ease. Slowly condition him to the point where you can put your hand in his mouth and handle his ears without his objection.
- 1A-07-06 Overheating. Serious injury can result to an overheated dog. Shade must be provided and direct sun exposure should be avoided when possible on hot days. The dog may be cooled down with water from the hose directed on the underside between the rear legs and trunk of the body. When the dog is very warm he will welcome this relief.
- 1A-07-07 Veterinary Care. A police dog shall receive regular care from a duly licensed and certified veterinarian. Such regular care shall consist of, at a minimum, bi-monthly examinations. Whenever a police dog is injured or appears to be injured the handler shall take the police dog to the veterinarian for a thorough examination.
- 1A-07-08 Treatment and Equipment Prohibited. The handler shall not use physical force against a police dog nor take any extreme or abusive correction or treatment of the police dog. The handler shall not use any spikes, pinch collars, electronic devices, whistles, ultra-sonic devices or related aids, unless specifically advocated by the USPCA. The handler may use leads, tracking ropes, tracking harness, choke chains or leather collars while involved in the track.
- 1A-07-09 Complaints regarding treatment of police dog. The Chief of Police shall receive and keep a record of all complaints received by Tribal Police regarding the care of a police dog, whether such complaint is regarding the housing, veterinarian care, the handler's treatment of the police dog or other reason. The Chief of Police may take corrective action against the handler. If the handler's treatment of the police dog is detrimental to the dog, the Chief of Police may obtain the consent of the Tribal Council in order to remove the dog from the handler.

1A-08-01 QUALIFICATIONS OF HANDLERS

1A-08-02 All handlers shall be selected from the Tribal Police, come from the upper one-third of the division's grading of proficiency, possess better than average ability to perform police related functions, and demonstrate the desire and commitment necessary to successfully handle and care for a police dog.

1A-09-01 REQUEST FOR USE OF POLICE DOG

1A-09-02 Requests for the immediate tactical utilization of the services of a police dog and handler, in accordance with the guidelines of this Code, may be made by any Tribal Police Officer. Such a request shall be made to the police radio dispatcher who shall direct the handler and police dog to be dispatched. Upon arrival of the handler at the scene, the situation shall be fully explained to the handler by the police officer making the request. The handler shall be responsible for determining whether the circumstances justify the use of a police dog and, if appropriate, the scope of utilizing the police dog.

1A-09-03 A police dog is authorized to be utilized by the handler of the Tribal Police in the following situations:

1. To protect officers and others from injury;
2. To effect the arrest or prevent the escape of anyone who has or is believed to have committed a felony when other means are unsuccessful or dangerous. The use of the police dog may be considered the use of force in this situation and should be treated accordingly;
3. To effect the arrest or prevent the escape of anyone who has or is believed to have committed a misdemeanor when other means are unsuccessful or dangerous. The use of the police dog may be considered the use of force in this situation and should be treated accordingly;
4. The handler is authorized to allow the police dog to defend itself when the police dog is being assaulted;
5. For tracking or searching for people, explosives, evidence or contraband, in accordance with the provisions of Section 04, Chapter 22, *Proceedings Before Trial*. The handler's use of the police dog for searches shall extend to and include all those

instances otherwise allowed by the laws of the Tribe,
notwithstanding the provisions of this Chapter 1A.

1A-09-04 In all circumstances, the least amount of physical force required of a police dog shall be used and the handler shall be responsible to instruct the police dog accordingly.

1A-10-01 **FORCE USED BY POLICE DOG**

1A-10-02 When force is used by a police dog (i) the suspect's injuries will be photographed; (ii) the suspect shall be taken to the nearest hospital for treatment; and (iii) within a reasonable amount of time the Chief of Police shall be notified and receive a written detailed description of the incident from the handler.

1A-11-01 **TRACKING**

1A-11-02 A police dog may be used to track lost or missing persons or suspects of a crime. The sooner a police dog arrives on the scene the better the chances of a successful track. The handler shall determine where the person was last seen; keep all persons, including the handler, away from the immediate location; obtain an accurate description of the person; ascertain the direction in which the person was traveling; and obtain as much other relevant information as possible.

1A-12-01 **BUILDING SEARCHES**

1A-12-02 A search of a building can best be accomplished by a police dog and handler and, if available, their assistance should be requested. The term "building" shall include, without limitation, a school building. If the assistance of a police dog and handler are utilized, the scene of a burglary or open building should not be entered. Secure the perimeter of the building and wait for the arrival of the police dog and handler. All searches conducted by the police dog, including building searches, must be conducted in accordance with the provisions of Section 04, Chapter 22, *Proceedings Before Trial*.

1A-13-01 **RECORDKEEPING**

The handler shall keep a detailed record of the force used and the apprehensions made in which a police dog actively participated. Specifically, the handler shall record every bite sustained by a suspect or criminal. The handler shall also keep weekly detailed records regarding the control she or he has over the police dog. A copy of such records shall

be given to the Chief of Police at the end of each month. The Chief of Police shall also keep all records pertaining to citizens complaints.

1A-14-01 REVIEW AND ADDITIONAL TRAINING

1A-14-02 At the end of each year the Chief of Police shall review the records of the police dog and determine the ratio of dog bites sustained according to the number of apprehensions in which the police dog actively participated in. If thirty (30) percent or more of the apprehensions result in a bite, during any given year, the police dog shall receive additional training at a program conducted by a USPCA certified training facility. The Chief of Police shall also review the force used in apprehending a suspect. If the Chief of Police determines that the police dog is using excessive force, the handler and police dog shall receive additional training at a program conducted by a USPCA certified training facility. The Chief of Police shall periodically review the citizens' complaints regarding the police dog and may require additional training at a program conducted by a USPCA certified training facility.

1A-15-01 PROTECTION OF CANINES

1A-15-02 It shall be a Class C misdemeanor for any person to willfully and maliciously taunt, torment, tease, beat, kick or strike a police dog. It shall also be a Class F misdemeanor for the proprietor, manager or employee of a theater, hotel, motel, restaurant or other place of entertainment, amusement, or accommodation to refuse, withhold from or deny the handler, due to the use of a police dog, any of the accommodations, advantages, facilities, or privileges of such establishment. It shall be a Class one (1) misdemeanor for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill the police dog. Quarantine of dogs as would be required by law shall not apply to a police dog when the police dog is under the direct supervision of the handler and is receiving routine veterinary care.

1A-16-01 CONSTRUCTION

1A-16-02 This Code shall be interpreted and applied in a manner consistent with all other Codes, Laws, Ordinances, Resolutions, and Regulations of the Sisseton-Wahpeton Sioux Tribe.

1A-17-01 AMENDMENT

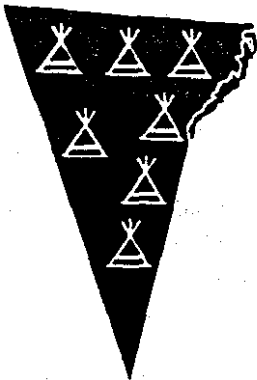
1A-17-02 This Code may be amended only upon an affirmative vote of a majority of the Tribal Council of the Sisseton-Wahpeton Sioux Tribe at a regular or specially held meeting of the Tribal Council.

1A-18-01 EFFECT OF HEADINGS

1A-18-02 Headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any portion of this Code.

1A-19-01 SEVERABILITY

1A-19-02 If any clause, sentence, paragraph, section, or part of this Code shall for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered.



Sisseton - Wahpeton Sioux Tribe

LAKE TRAVERSE RESERVATION

OLD AGENCY BOX 509 • AGENCY VILLAGE, SOUTH DAKOTA 57262-0509
PHONE: (605) 698-3911

TRIBAL COUNCIL RESOLUTION NO. SWST-97-080

Adopt Chapter 1-A Tribal Canine Code

WHEREAS, The Sisseton-Wahpeton Sioux Tribe is organized under a Constitution and By-Laws adopted by the members of the Tribe on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966; and,

WHEREAS, The Constitution and By-Laws mandates at ARTICLE VII, Section 1, that the Tribe shall be governed by the Tribal Council, and that the Tribal Council shall have the power to: (a) represent the Tribe in all negotiations with federal, state, and local governments; (c) to engage in any business that will further the economic development of the Tribe and its members and to use tribal funds or other resources for such purposes; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (g) to take actions by ordinance, resolution or otherwise which are reasonably necessary, through committees, boards, agents, or otherwise, to carry into effect the foregoing purposes; (h) to promote public health, education, charity and other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe; and, (i) to adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of the Tribal Affairs; and,

WHEREAS, The Judicial Committee presented the Final Draft of Chapter 1-A Tribal Police Canine Code to Tribal Council; and,

WHEREAS, The Judicial Committee presented other documents to assure Tribal Council that steps were taken by the Judicial Committee according to "Procedures to Create, Amend and Enact Tribal Codes of Law" as set by the Judicial Committee on October 17, 1995; and,

WHEREAS, Public Hearing Notice was set for December 18, 1996, rescheduled and advertised for January 17, 1997; and,

WHEREAS, Public Hearing Minutes were sent, with comments, to Bluedog, Olson & Small Law Office with documented revisions from Public Hearing; and,

WHEREAS, The Judicial Committee recommends the Final Draft be considered for final approval.

NOW THEREFORE BE IT RESOLVED, The Sisseton-Wahpeton Sioux Tribal Council hereby adopts Chapter 1-A Tribal Canine Code.

CERTIFICATION

We, the undersigned duly elected Secretary and Treasurer of the Sisseton-Wahpeton Sioux Tribal Council, do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council, which is composed of 10 members, (representing a total of 18 Tribal Council weighted votes) of whom 9, constituting a quorum, were present at a Tribal Council meeting, duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota, May 7, 1997, by a vote of 13 for, 0 opposed, 0 abstained, 3 absent from vote, 1 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 7th day of May, 1997.

Darrell Quinn Sr.
Darrell Quinn, Sr., Tribal Secretary
Sisseton-Wahpeton Sioux Tribe

ATTEST:

Floyd DeCoteau
Floyd DeCoteau, Tribal Treasurer
Sisseton-Wahpeton Sioux Tribe

cc: Original Copy to Judicial Committee



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