

**THE BILL BLACKWOOD  
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS**

**Developing a K-9 unit for the Pearland Police Department**

A Policy Research Project  
Submitted in Partial Fulfillment  
of the Requirements for the Professional Designation  
Graduate, Management Institute

by

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September, 2000

## **ABSTRACT**

Canine programs are currently in use by police agencies in practically every civilized country. Their job description varies depending largely upon geographical, political, and cultural problems associated with the respective countries. America became known for the use of dogs in bite work and crowd control, a change in the governmental and police department leadership necessitated a different approach to the training and working of the dogs. (Ellis, 1990)

As a whole, law enforcement provides careful training to its dog and handler teams. State, regional, and national organizations set rigorous standards for certification and management. These requirements usually produce very effective narcotics detection teams, who show extraordinary accuracy during both training scenarios and actual situations.

The narcotic's detection dog has been a vital element in fighting the war on drugs. Canine alerts have resulted in countless seizures of illegal narcotics. Without them, fighting the tide of narcotics trafficking would be seemingly impossible.

Utilizing a trained Police Canine in narcotics detection would not only increase the number of arrests ( and seizures) related to narcotics' use and trafficking, it would provide a great deterrent effect. Using a cooperative effort with the school district, this Police Canine Team could be used to check lockers for illicit drugs, reducing the number of these drugs in the schools. Some police agencies have successfully reduced drug possession in high schools by regular random locker and parking lot sniffs. Carefully planned, this practice may be an effective public relations tool to build school and community support for an agency's K-9 program. (Emmett, 1999)

Combine this with the number of drug arrests off of traffic stops and the department would have the capability to' greatly reduce the amount of drugs both in the schools and on our streets. (Nichols, 1998)

## TABLE OF CONTENTS

Introduction	1
Historical Context	3
Legal Context	4
Theoretical Context	5
Review of Literature of Practice	6
Discussion of Relevant Issues	9
Conclusion / Recommendations	13

## INTRODUCTION

Canines are one of the fastest growing tools for police to use in the fight against crime. Canines can be used in narcotics detection, bomb detection, tracking and searching. Police administrators who are responsible for the effectiveness of their departments in combating crime in their communities need solutions. One of these solutions is forming a K-9 unit. (Hess, 1998)

Every department is unique. The work load, types of crime, cities versus rural area, sleeping community versus a large municipality. No matter what type of community you work in, a k-9 can be effective. (Yarnall 1999)

This research will illustrate to city administration and the Chief of Police the history of K-9's, the case law of the k-9 unit, and the necessity of a k-9 in our department. Previous administration's have been reluctant to start this program because of liability and budget restraints. Case law reflects that if a department adheres to its training and policies the lawsuits are minimal, although no department is immune.

Current seizure monies and grants will help keep the initial cost to a minimum. Seizures will help keep the program running. The City of Pearl and is a major thoroughfare for drug trafficking from Mexico to Houston, State Hwy. 288 and Hwy. 35 run directly through Pearland and are links to Corpus Christi and Brownsville. In 1997 over 800lbs of marijuana was seized in one traffic stop on Hwy. 35. A K-9 unit could help identify some of the drug trafficking through our area. Additionally, a K-9 team can also be utilized within the school district. Frequent visits to area high schools could help curb drug possession in our schools, and harden the target against trafficking.

The sources of information used in this research paper includes a paper written by Pearland Police Officer Kevin Nichols. Officer Nichols previously wrote a project describing the training requirements and cost analysis of a K-9 unit. Other sources include Internet Web Sites, previous projects through L.E.M.I., and various books on the topic.

The intent of this research is to not only show that a K-9 team is needed in our department as an effective tool on the "war on drugs," but also as a community policing tool. People want to know what the police are doing to keep our community safe. Citizens have come to expect a certain type of lifestyle. Although Pearland is not the "small town" it used to be, the citizens that live there all their lives have come to expect certain police services. The "newcomers" from the Houston area move to Pearland because of those same small town values. A start to this program would include one specialized dog. This dog would work the streets along with our narcotic's unit. It would also be utilized in our schools doing cursory locker sniffs.

The intended outcome of this study is to develop plans to use the funds recovered from this K-9 to pay for a second unit. This unit would be trained for searching and tracking. This research will assist the Pearland Police Department continue to lead the way in professional policing.

## HISTORICAL CONTEXT

The existence of patrol dogs in the United States has been relatively short. A few units were conceived in the late 1950's with larger agencies adopting their usage in the early and mid-sixties. Their primary purpose was simply to "bite" especially in crowd control situations during the "civil rights" and "Vietnam protest" era. Many remember seeing the front page of their newspaper of the German Shepherd straining at the end of the lead, about to make a lunch out of a black civil rights activist. Birmingham did more irreparable harm and brought more discredit to existing and future canine programs in this country than anyone could imagine. To this day, that image, along with current law suits weigh heavily on the minds of governmental and law enforcement administrators. evaluating the concept of a canine unit (Ellis, 1990).

The early seventies brought about a gradual change in the usage of the patrol dog along with a more professional approach to the training by professional trainers. These people knew that the dogs were able to perform specialized functions which could be attributes to law enforcement. They adopted philosophies and techniques in use by the Europeans and dog sporting clubs and applied these to a multipurpose patrol dog. Now, instead of just an intimidation effect, there existed another "1:001" to be used to combat crime. The dog(s) became capable of conducting building searches, tracking, article and evidence recovery, area searches, officer protection, and crowd control. The term "dual purpose" came into vogue with the addition of narcotic or explosive detection added to the patrol dog's many capabilities (Ellis, 1990).

The use of a police canine for narcotic's detections is one of the most popular used today. You can have a single purpose or dual purpose dog. A single purpose dog is just trained for narcotics, while a dual purpose is also trained for patrol work (Slauik, 1994).

## LEGAL CONTEXT

A number of lawsuits are filed each year over use of a police dog, these suits generally are dismissed in the early stages of litigation, before an expensive trial. Even when a department's K-9 unit is successfully sued, the damages are typically insignificant in comparison to the damages paid in a single traffic collision with a police vehicle or a verdict for sexual harassment by a supervisor. For a department to be sued under the Federal Civil Rights act (section 1983), the plaintiff must show that the defendant **intentionally** violated the plaintiff's rights. Therefore an injury that occurred due to **negligence** is not, by definition, a violation of anyone's Civil Rights. In *Andrade vs. City of Burlingame*, the court ruled that "negligent conduct is not sufficient to support a constitutional violation pursuant to section 1983" ( Wallentine, 1998).

A strong Public Relations program would be helpful in the event of a civil law suit. Video tapes of the canine playing with children, as well as documented public relations visits to children's groups such as Boy Scouts and Brownies, would help show a jury that the dog is not a "vicious mauler." The police dog in the back seat of a patrol car is a good ice breaker for those you serve. Get out of the car and meet the people, introduce the dog to the public. Those are the people sitting in the jury box (Ferland, 1995).

Finally, keep a log. This log should include initial selection criteria and basic training of handler and canine, in-service deployments and apprehensions, veterinary care, justified and accidental bites, corrective and adjustment training, supervisory inspection of training and deployment, and public relations appearances. Make sure this log is kept on file at the department, along with a copy for your personal file.

## THEORETICAL CONTEXT

Two important aspects to consider in developing a K-9 team are to have one multipurpose dog, or a couple of speciality dogs? According to the USPCA, (United States Police Canine Association), they are split on the training philosophies of specializing dogs versus training them for all aspects of police work. Many smaller agencies train their K -9 for dual purposes, street patrol, plus narcotics search, tracking, or explosive detection. Middletown, Ohio Police Department expressed the opposing view. They feel the specialty dog is a little sharper than a dual trained dog. They believe it's easier to work with a nonaggressive dog for narcotics. If they go through a school or office it doesn't get distracted by the people as a patrol dog might.

"The most effective K-9 units seem to share some characteristics: (1) full support by administration; (2) adequate funding committed to training; (3) selection of the best dogs and handlers; (4) use of K-9 teams as specialized units, rather than general utility units" (Whitworth, 1996).

Since previous administration has been reluctant to have a K-9 because of liability, starting the department out with a nonaggressive dog and specifically train it for narcotics would be the best choice for our program. It can serve as a division in of itself, working with narcotics officers, officers on the street, and in community services. The department can work its way into developing a professional program and get a "feel" for a K-9 team. Keeping the records on training, and actual street work would be a good way to slowly develop our program, and get the community accustomed to our department having this type of law enforcement capability.



## REVIEW OF LITERATURE OF PRACTICE

Dogs used in narcotic detection must have the ability to retrieve and follow odors, be active and trainable. The handlers must possess certain psychological characteristics and must receive specialized training. One training program based in Texas is, Law Enforcement Training Seminars (LETS), they also train all over the country (Benson, 1991).

Training starts in the classroom where such topics as characteristics, philosophies, first aid, grooming, and behaviors are covered. Then it moves onto hands on techniques such as obedience, agility course, evidence recovery, and tracking (Clingan, 1995).

The selection of the handler is as important as the selection of the dog. One of the most important considerations is the position has to be voluntary! The officer has to be completely devoted to the dog and program in order for it to become a success. Do not select the officer who applies for every division or specialized unit in the department. The officer selected must commit himself/herself for several years. There are several attributes to look for in handler selection. (1) a fenced in yard is required, (2) if renting a house written permission from the landlord is required, (3) above average personal hygiene with regards to living conditions. If an officer doesn't care about himself, he will not care for the animal, (4) if married, the spouse must be in agreement, (5) the selected officer needs to be a "first class" officer in regards to street-sense, commonsense, and experience, (6) a minimum of sustained complaints of excessive force, (7) health and physical capability, you may want to establish a physical fitness test (8) public speaking ability, (9) compatibility between the handler and dog. You can't have a timid officer with an aggressive dog, and (10) high determined and self-motivating officer (Ellis, 1990).

The single area which causes the downfall or demise of most canine units is the lack of effective and ongoing maintenance or in-service training after the unit is in operation. The more capabilities the dog is trained for, the more time should be allotted for in-service training. For a K-9 to be successful, the initial training of the dog and handler must be properly administered. Questions that should be asked before committing to a particular training site should be; (1) Names of other law enforcement agencies whom they have dealt with. Also, check with departments in the vicinity of the facility to see if they have utilized them and if not, why?; (2) determine if a training course or familiarization period is included with the price of the dog; (3) is the facility current in teaching all of the laws governing police dogs such as; "search and seizure," "probable cause," "use of force," "liability," etc., or are they just "dog trainers" who have limited knowledge of what is legally required of a police service dog? ; (4) is a maintenance training program available? (5) do they have a return policy should the dog not live up to all the expectations that you paid for? If not, scratch them off the list! ; (6) do they give you a written guarantee and a veterinarian's certificate that the animal is in good health and is free of hip dysplasia at the time of purchase?

A review of other departments Standard Operating Procedure for their K -9 division revealed the following: They require the officer has at least five (5) year's experience in uniform, and he/she must make a three (3) year commitment to the program. One of the qualities they are looking for in the interview is enthusiasm toward the program. An unmotivated officer will produce an unmotivated K-9. Criteria for the K-9 are dependant upon its assignment. A Patrol Duty Canine must be between one and two years old, at least 27 inches high at the shoulder and no less than 70lbs and no more than 100lbs. The narcotic's K-9 can be between one and three years old, at least 20 inches high at the shoulder, and at least 50 lbs. Both must appear healthy and active and must be

approved by the canine supervisor and training staff (HPD, 1997).

One contrast found was the research indicating the K-9 should be able to detect methaqualone. Houston does not train their K -9's for that particular narcotic, however, they do train for methamphetamine, which the research did not mention. Houston also mentioned crack cocaine that other research did not (HPD, 1997).

Another important point in the Houston S.O.P. brought to my attention, that I never recovered in my research, was the use of the narcotics out of the crime lab for training purposes. After reviewing the S. O.P. I realized there is a tremendous amount of accountability associated with this type of training. This is another reason why the officers involved should have the highest degree of integrity and moral turpitude.

One of the measures taken to protect the integrity of the program is the installation of safes for the narcotic's officers, each is assigned there own safe, and they must be located in a secure location. Training officers will weigh the narcotics, which they refer to as training aids, when retrieving from the safe and will weigh the narcotics prior to returning them to the safe. All narcotics must be secure in the safe when not being used for training, and training officers are not permitted to loan or let other handlers use the narcotics for training or display. Any discrepancy in weight or damage to packaging will be directed to the canine supervisor immediately. All damaged packages will be replaced by the crime lab, and any lost or loss of narcotics will require an offense report. Testing of the narcotics training aids will be done semiannually by the crime lab, and all narcotics will be weighed prior to checking out or returning to the crime lab. All narcotics will be inventoried monthly by weight by the canine supervisor. These practices are of the utmost importance and should be developed into Standard Operating Procedure.

## DISCUSSION OF RELEVANT ISSUES

The Pearland Police Department cannot operate to its full potential without a successful K-9 program. If we follow the basic guidelines and slowly develop our program we can become a model for other agencies. We need to make sure our selection of the dog is from a reputable agency. I am going to suggest we purchase a German Shepard for narcotics detection, from all the research this breed seems to be the top choice (Chapman, 1990).

What is as equally important is the selection of the officer. This officer will be the first in our departments history and will be used extensively in community policing efforts. The officer will need to meet all the requirements stated earlier, and most importantly he or she must have a positive attitude, about the program, the department, and the community.

The selection of the team will not mean anything without the proper training. Both the initial training and the in-service training will need to be maintained and documented. This is for liability and effectiveness. These records will be called to court in the event of a lawsuit. The team must train twice a week to maintain a proper working alliance between K-9 and officer (Henderson, 1990).

Training records are the foundation that the team will build its credibility upon. They should reflect date time, location, weather, type of training, duration of training, masking odors utilized, proofing odors, training aids, quantity of training aids, environmental conditions, and narrative (Hulfers, 1996).

From an administrative point of view, there are certain areas of concern arising out of the use of K-9's. First, since the police canine is a one-officer animal, when the officer is off sick or on vacation the dog is also out of commission. If the Officer/handler is promoted out of a dog handler rank, the lengthy process of adapting the dog to a new handler must commence. Also, since canine

officers and their dogs are highly sought after as speakers and to provide demonstrations, acting in that capacity diverts them from regular duty; and needs for regular training are also time consuming (Stitt, 1991).

One of the constraints to the program is compensating the officer. On April 1, 1986, the Supreme Court rendered their "Garcia" decision which had a major impact on law enforcement. In short, it stated that an agency must pay an appropriate sum of money for any work performed which the officer had never been compensated for in the past. Though this decision went into effect long after April 1, 1986, it was retroactive from that date. As it applied to "canine handlers," this Federal law required that agencies reimburse handlers for all the time spent for stand-by time, care and feeding of the dog when off-duty, and for the time after the dog was placed into the patrol vehicle prior too actually going on duty (Ellis, 1990).

To compensate there are several suggestions; (1) salary rate adjustment, (2) adjusting the hours of work, ex., the handler works seven and a half hours instead of eight allowing the half hour for care and feeding, (3) paying the handler for a half hour per day on his day off, this can be done at the regular rate or overtime depending on the agency.

Another constraint is the initial cost of the dog and training. The cost to purchase a K-9 will be approximately seven thousand dollars. This would include the purchase of a narcotics detection dog and the training. You must also consider veterinarian bills, approximately two-hundred dollars per year, construct a kennel, about five hundred dollars, and some miscellaneous items from a pet store, two to three hundred dollars (Henderson, 1990).

Most dogs trained for narcotics are trained to locate the following: marijuana, hashish, cocaine, heroin, and methaqualone. Once the dog located the drug, he will dig and scratch the area.

K-9's have been trained to locate substances inside or outside a holding compartment. Narcotics work demands a dog that is highly motivated and can work rapidly. This K-9 will alert positively to the exact location of narcotics concealment. Locating narcotics depends on three things; (1) the size of the area to be searched, (2) the amount of substance present, (3) and the length of time the substance has been hidden (McEnturff, 1991).

If you have a dog that is trained to do one task it will perform more proficiently. The benefit of having a narcotic's dog are not only the arrests, but the amount money that Can be seized. This could lead to seizing vehicles, which can be used in the narcotic's task force. A dog in Miami sniffed out \$63,000,000 worth of drugs in two years, and helped convicted twenty drug dealers. During the fiscal year of 1989 K-9 teams led to the seizure of more than \$108,000,000 in narcotics' and \$1,000,000 in cash (Chapman, 1990).

Of course we cannot expect this type of record in a small town municipality, but between school searches, traffic stops, and being used in the narcotics task force the potential for success is greatly anticipated.

One of the biggest concerns is the area of civil liability. No program should be attempted without sound legal advice prior to implementation. Smaller agencies, such as Pearland, need their municipal legal counsel to take a good look at the new policies concerning the unit.

Another issue to discuss is "reliability." Row is that figured? If your dog sniffs 100 cars, and he alerts too 10 of them and in 7 drugs were found than he is 70% reliable. NO! K-9's are trained to alert to order of narcotics. If there are no narcotics then it will not alert. It is compared to a smoke detector. Just because it's not going off does not mean it's not working. It is working, and so is the

K-9. You have to be careful when explaining this in terms of reliability (Foster, 1999).

As long as police dogs are properly cared for and not abused, and as long as they are trained, handled and deployed by ethical, professional law enforcement personnel, the benefits of using canines in law enforcement should far exceed the cost.

## CONCLUSION / RECOMMENDATIONS

The escalation of the "war on drugs" insures a lasting partnership between law enforcement and the drug detection canine. The narcotic's detection dog has been an essential tool in fighting the war on drugs. Canine alerts have resulted in countless seizures of illegal narcotics. Without them, fighting narcotics trafficking would be significantly more difficult.

The department should determine whether or not it needs its own unit or can secure dogs on loan on an "as needed" basis from a nearby agency. (Fulton, 1992) Speaking with shift supervisors and narcotic's detectives it was found that help from other agencies was rare. They are usually needed late at night or on weekends. Officers are usually busy with there own departments or off-duty.

Law enforcement provides careful training to its dog and handler teams. State, regional, and national organizations set rigorous standards for certification and management. These requirements usually produce very effective narcotics detection teams, who show extraordinary accuracy during both training and in real life. If the Pearland Police Department is lacking in any area, it would be the pro-active enforcement a K-9 unit can provide. If we follow the criteria set out in this research we can properly establish and maintain a successful program.

First and foremost a General Order must be developed, which will serve as a working guideline for the department and officers to follow. Second, we must carefully select a proper handler, as this will be the foundation of the unit. Third, it is imperative the initial training and continued in-service training is from a reputable agency. The team can only be as good as its training. If the training is deficient, your team will be deficient. Forth, is the record keeping. This is essential



for liability. Next, continue professional and documented training. Make sure they are handled and deployed by ethical, professional law enforcement personnel, along with being cared for and not abused, then the benefits of using canines in the department will exceed the costs.

All K-9 officers will have take home vehicles for obvious reasons. This is not an issue with the department as a take home fleet program already exists.

Departmental statistics show that within the past two years there have been over three hundred (300) drug arrests from traffic stops. Most of these have occurred in the State Hwy. 288 area. This does not include the 800lbs of marijuana seized from a traffic stop in 1997. A canine unit will either deter trafficking through the city, or will assist in more arrests and seizures. Either way it is a positive effect. This will be an avenue not yet explored by the department, and the possibilities are endless.

This unit will have to be a division in of itself They would work in patrol, community services, and assist with the narcotics detectives. Current seizure funds and outside grant money will be enough to implement the program. The funds recovered from this team can be used to help start a second unit. This unit can be trained in the areas of tracking and searching.

Starting the narcotics unit first will allow the city to slowly get used to the idea of having a K-9 in our community. By not having an "attack" dog, the program will be easily accepted. A unit such as this can also be a very strong tool in community oriented policing. Dogs are a big attraction, what better way for a child to meet an officer then to have a common denominator like a dog.

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