

**The Bill Blackwood**  
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**State Certification for Police Patrol K-9 Units**

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## **Abstract**

It has been shown that the use of canine units in law enforcement significantly empowers a departments ability to lower crime rates and fight crime more effectively. Yet they are only as effective as their training and the training of their handlers. Currently the state of Texas has no legislated mandates for the training and certification of Police Patrol K-9 units. Many states have implemented regulations and standards that govern the use and training of the police canine unit and it is recommended that Texas develop and maintain state certification for the canine officer/handler and the dog. This will insure a professional standard that will lessen liability for the department and increase the efficiency of the canine in the practice of law enforcement.

## **Introduction**

Presently the state of Texas does not have any regulations, standards of training, or specifications that regulate police working canines as many other states now have in place. Law enforcement departments throughout the state train their police canines in many different ways. This lack of standards opens departments using working canines to civil liability because this deficiency can result in injuries to suspects, the public, and other officers. In addition the absence of regulations and standards can result in a decrease of the canine's ability to effectively work in law enforcement. This paper proposes a program for state certification and mandatory standards for the police working canine, their handlers, and trainer within the state of Texas.

Within this report will be the examination of the level of standards and training needed for both the canine and the handler and the liability involved with a lack of those standards. The state approved certification and mandatory training would provide more effective performance and a reduction of liability. This would ultimately bring all canine units within the state up to a more efficient tool in law enforcement.

## **Historical/Legal Context**

The use of police canines began as long ago as 1906 and continued through World War II, however, many attempts utilizing these dogs failed largely because it was not then known how to properly train or use the canines. Police canines on patrol act primarily as a deterrent against street crime through the psychological impact of their mere presence. Additionally because of their superior sense of smell and hearing and their potential aggressiveness, the trained law enforcement canine is an extremely valuable supplement to police manpower. One of the most obvious strengths in utilizing the patrol canine is the

dog's ability to outrun virtually any human. However, their effectiveness depends largely on procedures that properly control their use of force potential and channels their specialized capabilities into legally acceptable crime prevention.

Consequently having substandard training can result in great liability to a department. The lawsuit will be against the handler, the sergeant, captain, or chief and the deep pockets of the city. If the handler does not utilize the dog properly or has not had competent training on the utilization and uses his canine in an improper way it could be deemed excessive force. If the handler does not have justification for the use of a canine, he/she would surely not have justification for a bite. All police officers began their career by attending a police academy and received the basics of the profession. It ultimately makes sense that the canine, as an officer, should receive training as well. One must also consider the handler, because to give a trained dog to an untrained handler and expect him/her to make the transition from street patrolman to K-9 handler in two weeks or ten easy lessons is inconceivable as well. The police canine is imprinted through training and that imprinting will determine whether or not the unit becomes an asset or a liability to the law enforcement agency.

In order to avoid liability the use of police canines must be governed by the three-part test enunciated by the Supreme Court: "whenever a police K-9 is used, the handler must consider the severity of the crime; whether the suspect poses an immediate threat to the officer or others; and whether the suspect is actively resisting arrest or attempting to evade arrest by flight." A fourth consideration should be the age of the suspect. If the canine deployment meets all these requirements, then the use of force should be judged to be reasonable. The canine handler must also be sure that his dog is called off at the

earliest opportunity in order to minimize injury to a suspect. This means that as soon as an officer can see the suspect's hands and realizes that the suspect is no longer a threat the dog should be immediately called off and the other officers allowed to take the person into custody without further use of force.

In the suit of Marley v. City of Allentown (1991) the plaintiff won his case regarding a violation of his civil right and use of deadly force. This case involved a traffic violator who was stopped by police officers for driving with an expired registration. The violator ran from his car and tried to evade arrest. A police officer sent his canine to apprehend him. The traffic violator was bitten by the dog. The judge instructed the jurors that the use of a police dog on a misdemeanor could be considered deadly force. There was also testimony from the plaintiff that he attempted to surrender before the canine was allowed to bite him. The jury sided in favor of the plaintiff against the police officer. A new trial was requested, but the judge denied the motion citing that the use of a police service dog to bite a suspected misdemeanor was not objectively reasonable and could be considered deadly force by a jury. This case teaches agencies that use of the canine in misdemeanor cases is not advisable.

On the other hand the courts have upheld the use of the police canine citing they do not constitute deadly force. In Robinette v. Barnes, (1988), the court of appeals held that a bite and hold police service dog could be used constitutionally to determine the location of a suspect who was hiding in a dark building at night. In this case, the handler repeatedly shouted warnings to the suspect that he must surrender or else the dog would be used. There was no response from the suspect and the handler allowed the dog to search the building. The dog found the suspect hiding underneath the car and was only

able to grab hold of the suspect's neck. The suspect later died from those wounds. The summary stated that the use of the dog could make it more likely that the officers could apprehend suspects without the risks attendant to the use of firearms in the darkness, thereby enhancing the safety of the officers, bystanders, and the suspect.

### **Review of Practice**

Canines can be used in a variety of areas within law enforcement such as narcotics detection, bomb detection, tracking, arson detection, and as patrol dogs. All of these areas require extensive training and retraining. It should be noted that whenever a city has a canine unit, a significant drop in the crime rate is reported (Revering, 1996). Several agencies within Galveston and Harris County utilize police canines. In the city of Houston the dogs are used as bomb and narcotic detection as well as patrol. Galveston county has five agencies that use their k-9s for both narcotics and patrol with Friendswood having only a narcotic detection canine.

Most initial training requires about 14 weeks of instruction. Many departments adhere to the International Association of Chiefs of Police (IACP) Law Enforcement Canine Model Policy when setting up their unit. The Canine Team is defined as an officer handler and his assigned police canine. The applicants for the unit must have at least three years of uniform patrol experience with satisfactory work performance, a willingness to remain with the unit for at least five years, the willingness and ability to care for the animal, a strong desire to work with canines and train them, and the ability to pass a physical fitness test related to the duties of the canine handler. In Sample Guidelines for the Use of Police Service Dogs written by Bruce Praet (2001), he goes further in specifying that the applicant should also live in an adequately fenced, single-family

residence with minimum five foot high fence with locking gates, have a garage that will accommodate a police service dog unit which can be secured, and live within thirty minutes travel time from the Anytown city limits

According to IACP model all departmental canines must meet established department certification requirements and the handlers must successfully complete the canine training course and the handlers are required to demonstrate on a regular basis their acquired abilities. The handler is key to having a successful canine unit. The dog only reacts as he is trained, and because he cannot reason, does not make the mistakes that occur in human logic. Consequently, there are no dog mistakes, only handler mistakes. The handler must be right in every decision. He must recognize the dog as a weapon and treat him as such. This description of the handler lends itself to several traits applicants should have: temper control, patience, self-discipline, maturity, and neatness.

There are a variety of training methods and the one chosen largely depends on the specific dog being trained. Understanding animal behavior can direct one in knowing which method or methods will obtain the best results. The training methods most widely used are:

- 1) Positive reinforcement - praise, completion and resolution of the drive
- 2) Compulsion - negative corrections, verbal or through equipment
- 3) Inducement - balls, kongs, food etc..

The first few days are spent in the classroom covering the topics of drives, characteristics, philosophies, first aid, grooming, and student demeanor. Then the areas of training are outlined. They are:

- A) obedience or controllability

- B) agility or confidence course
- C) article search or evidence recovery
- D) box search or suspect search in a building
- E) tracking and scouting
- F) bite work in prey and defense
- G) criminal apprehension and protection and control
- H) tactical deployment

Training can be completed at a much faster pace if one is using methods that do not interrupt the natural drive of the dog. The early stages of the training are very short with many rewards and as the sessions are lengthened the training will move towards compulsion. It is essential that the trainer and handler focus on animal behavior to get optimal results.

### **Relevant Issues**

Policy and procedures for police canines should be incorporated into mandatory standards. It is essential that the policy be very clear and cover all aspects of the police canine team. It is also important to note that most of the vicarious liability comes down to the question of written policy. Are there regulations and policy in place that uphold the highest standards for a canine unit? All policies should establish guidelines for the police canines that promotes an atmosphere of service and safety.

The objectives of the policy should be to:

1. Deter crime
2. Patrol high crime areas



3. Reduce manpower and time conducting suspect searches

4. Have good public relations between the unit and the community

Within that policy it should be clear as to the standards of selection and training of both the dog and the handler, the guidelines for their performance of duty, and the responsibility of the handler as well as the responsibility of the handler's supervisor. It is proposed that the following training course be implemented in which the patrol canine team will have to demonstrate proficiency in order to obtain certification:

I. Obedience	50 hours
II. Evidence Search	40 hours
III. Area search	40 hours
IV. Building search	40 hours
V. Tracking	100 hours
VI. Aggression and Criminal apprehension	150 hours

The responsibility of developing and maintaining the mandatory standards of training and certification should be placed under the control of the Texas Commission on Law Enforcement and Education. The Commission would oversee the licensing and certification of the school's trainers and the examiners in the program as well. Once trainers are certified they would then oversee the training programs within their police departments. An independent judge will certify the canines and their handlers. The state will hold two certifications a year in different parts of the state. If a canine does not pass the first attempt at certification they will have the opportunity to try again at the second certification event. The canine handlers must re-certify once a year to maintain their

license. A final step would be to appoint an advisory committee from the different regions of the state in order to develop a final draft which could be used for proposed legislation.

### **Conclusion**

Police working canines are of great value to law enforcement in the State of Texas. They are reliable, effective, and powerful aides to the department and investigative tasks of the police officer as long as the proper procedures and training are in place. Currently the state of Texas has no state recognized standards for the training and certification of these officers. A good canine team is the result of high standards and mandatory regulations regarding the trainers, handlers, and departments who utilize these dogs. It is imperative that the state mandate such standards to increase efficiency and lower liability for each department. A clear policy on the selection and training of both the dog and the handler must be in place. Certification participants must log 420 hours in different training areas and must be recertified as decided by the TCLEOSE. Schools that train and certify these K-9 units must also be under supervision by this agency. We need state legislation mandating the use of these standards and regulations to insure that all departments are getting the most proficient use out their unit and to reduce the liability risk for departments and the community.

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