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Canine Searches in Public School



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ABSTRACT

Every day, parents send their child to an educational institution that is supposed to be a safe haven, a place free from violence. What once was a safe haven has evolved to a gamble on whether or not their child's school is safe from a school shooting, violence, and other violent crimes. Law enforcement agencies must take proactive initiatives to ensure the safety of students, staffs, and the communities that they serve. As a result, law enforcement agencies should deploy canine units to conduct canine searches in public schools to provide a safe learning environment for students and stakeholders.

Canine searches are proactive measures that bring positive dividends to a law enforcement agencies, both short and long term. School administrators benefit from canine searches that allow collaboration with their local law enforcement agency to combat, deter, and decrease school violence at their campuses. This collaboration can have positive community relations for external and internal stakeholders in the community.

However, there are potential negative consequences associated with canine searches. There are legalities associated with law enforcement agency deploying canine searches in school. In addition, there are opponents that resent canine searches in school due to the perception that minority children are targeted. Law enforcement can combat these negative perceptions associated with canine searches by having a clear policy, guidelines, and procedures. Furthermore, law enforcement agency must be knowledgeable on the limitations, functions, and purposes of a canine search.

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INTRODUCTION

The present security climate of school campuses and communities around them are evolving at a rapid pace. This evolution has altered the role of school campuses for internal and external stakeholders. As a result, school campuses involve more opportunities of large group collaborations for many purposes, such as learning, business relationships, and recreations. Therefore, law enforcement's role in achieving and ensuring safety for these events has changed dramatically.

There have been several significant incidents that occurred on school campuses that refined the role of law enforcement. From the time period from 2000 to 2013, there have been a total of 160 incidents where mass casualties occurred and the majority of the incidents occurred in educational environments (Blair & Schweit, 2014). Columbine, Sandy Hook, Santa Monica College, and Virginia Tech are just a few incidents that transformed the methods of how law enforcement agencies perform their duties. These incidents all involved mass casualties and a declaration that safety can no longer be taken for granted.

From these incidents, several lessons have been learned. Perhaps the most important lesson is that a reasonable expectation of being safe and secure was thought to be guaranteed; however, we know that proved to not be the case. Law enforcement agencies are continuing to discover new and innovative methods to ensure and provide a sense of security. As a result, law enforcement agencies should deploy canine units to conduct canine searches in public schools to provide a safe learning environment for students and stakeholders.

When people see a bald eagle, they see the symbolic meaning relevant to the United States. Similar to this, when a people see a police canine, they see the meaning of law enforcement: trust, dedication, and honor. In this modern age of law enforcement, law enforcement leaders are looking to mend, mitigate, and manage their limited resources while providing exceptional services to the community they serve. The majority of the communities that law enforcement serves involve educational institutions.

Educational institutions have played an integral part of a law enforcement role in promoting peace within the community they served. These institutions are places where every citizen grow, learn, mentor and essentially form their foundation to be positive citizens for their community. By ensuring the safety of the education institutions in their community, law enforcement agencies are defending the foundation where future leaders are grown. The task of ensuring safety, require law enforcement agencies to take every proactive response needed.

Police canine are a valuable tool for law enforcement agencies to deploy in school environments to locate illegal contrabands and weapons. This will deter, detect, and reduce criminal activities in the school environment. Canine units are also effective in combating school violence and are a form of community policing. Not only are police canine searches effective in the deterrence of school violence and increased community policing, they build relationship. They are the thin blue line option to expand the line to include members of the education environment.

POSITION

Law enforcement utilization of police canine to conduct searches is one way of combating school violence. Historically, school environment has been viewed as a safe haven for parents to send their children to learn and grow to be productive members of society. However, this safe haven has been shattered due to the number of school violence incidents that have occurred in recent years.

During the 2015-2016 school years, approximately 39% of schools in the United States reported incidents where weapons were involved and 25% where drugs were involved (Diliberti, Jackson, & Kemp, 2017). These statistics only provide a glimpse on what the students, teachers, and staff are facing only a daily basis. These statistics are gathered based on what is reported and does not include everything that occurred on campus.

Therefore, law enforcement agencies need collaborate with school districts to provide law enforcement presence and reduce the number of crimes on campus. A safe learning environment will be achieved with the collaboration and cooperation between law enforcement agencies and school district administrators. School districts across the United States have implemented programs to combat school violence. With the purpose of reducing school violence, several school districts have implemented canine search programs designed to combat school violence (Grubb, Burke, & Owen, 2015). Police canines can be trained in narcotics and explosive detection, making them suitable in deterring, detecting, and reducing the numbers of illegal substances on campus.

In correlation of school violence, drugs offenses are often associated with it. According to Citizens Commission on Human Rights (n.d.), in recent school related shootings, individuals who committed them were on some type of illegal or prescriptions drugs. Therefore, random canine searches on school campuses provide law enforcement the opportunity to reduce the number of drug incidents on campus. Canine random searches are quick, effective, and minimize the impact on student education.

In 2009, Sachem High School North in New York had drug problems where every month, a student was caught with marijuana. School administrators decided to utilize police canines to conduct searches, and after one visit, no other students had been found with any illegal drugs (Schweber, 2009). The effectiveness of traditional methods, such as drug resistance training education or other drug related programs, diminished due to evolving culture of youth. While school administrators use other drug deterrence programs, the traditional method of drug education on school campuses is no longer effective in reducing the number of drug incidents on campuses (Robinson, 2017).

Law enforcement agencies have an opportunity while conducting canine searches to respond, learn, and adapt to the need of each school district. As a result, canine searches are a form of community policing and allow law enforcement leaders to have an open dialogue with internal and external members of the education communities. These internal members include students, teachers, and school administration, while external members include parents, civic associations, and other business professionals.

In 2016, the Omaha Police Department conducted canine searches in an Omaha school district, which was a directly related to various parent surveys (Duffy, 2016).

Canine searches create an open dialogue with students and faculty to find the root of the problem, rather than just the surface (Duffy, 2016). Once a police canine positively alerts on a student's belonging, the dialogue begins between the canine handlers and the student. The dialogue allows the canine handlers to gauge the problem on hand and develop relationships to combat them.

Canine searches are invaluable in developing relationships between policing and the education environment. There are numerous opportunities to open a dialogue with the internal and external members of the education communities. Productively, canine searches provide the opportunity to form a nurturing environment among student and staff (Moroney, 2014). The relationships built on the canine searches among students, teachers, and staff allow law enforcement agencies an accurate depiction to the incident on hand. Based on the situation on hand, law enforcement leaders can determine a response by working with students, parents, and faculty. The response is specific and tailored to the needs of the parties involved.

Canine handlers and their canine presence on school campuses can be an ice breaker for students who are afraid of police officers. Individuals who see a canine officer often ask the handler the kind of dog. This is especially true in elementary school settings, where young children have their ideology of law enforcement shaped. In addition, this allows a solid positive interaction that will be strengthened over the years.

COUNTER ARGUMENTS

Law enforcement agencies conducting canine searches in school settings facing many hindrances, one being canine searches are illegal and violate the fourth amendment. The fourth amendment of the United States constitution prevents

government officials from conducting unreasonable searches and seizures. Canine searches are illegal because they violate the student right to privacy and result in unreasonable searches and seizures.

Opposition of this argument involved internal and external members of school environment which include parents, school board members, legal counsel, and other individuals associated with school environment. Opponents believe that student have a right to privacy and canine searches are conducted to intimidate students to gather intelligence. Furthermore, opponents believe that canine searches are not welcome in school settings as they are stigmas for schools.

Canine searches are based on suspicion of wrong doing and when canine alert, student are subjected to invasive search and intense questions by law enforcement officials (Sullivan, 2011). The invasive search and intense questions are conducted to validate the canine alerts that are not based on probable cause. In 2006, Nine Miles Fall School District suspended their canine searches due to the overwhelming low accuracy of the canine alerts and the searches that result in it (American Civil Liberties Union, 2006). Furthermore, in 2008, a school district in Connecticut suspended their canine searches due to several students being illegally searched due to canine alerts (De La Torres, 2008). Opponents utilize these examples to provide awareness that canine searches are ineffective.

However, there have been several court cases that ruled that canine searches are legal and do not violate the fourth admendment. In the court case of Horton vs. Goose Creek Independent School district, the use of police canine is constitutional, as a canine sniff of lockers and parked vehicle is not a "search" (Batterson, 2010). This is the

fundamental court case that allows law enforcement the legal ground to conduct canine searches in schools. Law enforcement agencies must be able to educate internal and external stakeholders on the difference of a search and sniff. If a canine conducts a sniff on a student's belonging and alerts to it, a search is conducted by a law enforcement officer since the canine alert is a probable cause.

In addition, in a court case that involved a Central High School student, the United States Eighth District ruled that schools can utilize police canine to conduct random canine searches (Boehm, 2013). Random canine searches remove the personal bias or targeted individual out of the equation. Based on what the canine sniffs, the canine recognizes the odor that he is trained to detect and notifies his canine handler.

Another obstacle law enforcement agencies need to address is that canine searches target specific groups of people, specifically minority. Opponents of this argument suggest that there is a school to prison pipeline for minority students due to a zero-tolerance policy. A zero-tolerance policy has been adopted by several school districts across the United States, which was a result of recent school shootings throughout the years (Rocque, 2013). The outcome of the zero-tolerance policy result in automatic suspension or expulsion for drug or weapon related offenses.

Minority students suffered more consequences such as expulsions, suspension, and prison time for drug violations than their counterparts (Heitzeg, 2014).

In addition, a law enforcement officer presence in a school setting has some overwhelming influences on the criminalization of minority students (Merkwae, 2015). Law enforcement officers who work within school settings collaborate with school

administration when law enforcement action is taken. A canine search might not produce any narcotics on a student's possession; however, the student will face discipline from school administration.

This argument is very substantial for the application of canine searches in schools; however, there are a number of protocols that, once put in place, eliminate this opposition point of view. Police canine are well trained service dogs that go to demanding training with their handler in order to be certified to conduct searches. The strenuous training that canine handlers and their canine partners go through helps eliminate errors out in the field. The certification process requires the canine handlers and their partners to demonstrate competency in odor recognition. The certification reduces the number of false alerts and increases the reliability of the canine. Prior to canine handlers and their canine partners reporting to duty, they must obtain certification. Two of the most recognized certifications for canine handlers in the field of narcotics is National Narcotics Detector Dog Association (NNDDA) and in the field of explosives is Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The ATF National Odor Recognition Testing Standard (NORT) is one of the most prestigious certifications a canine handler can have (ATF, 2016).

In the modern day of school based law enforcement, there is a movement toward restorative justice that reduces the number of students that are disciplined for various school infractions, including drugs. In the Houston Independent School District, the district adopted a "first time offender" program for student who are charged with a drug offense for the first time (Downing, 2017). Restorative justice involves the collaboration of law enforcement agencies and school administrator to alter school punishment to be

more reflective of the infraction (Long, 2016). Dallas Independent School District adopted restorative justice programs and saw dramatic effects. In one school year, school administrators saw a reduction of school suspensions by approximately 70% (Long, 2016).

RECOMMENDATION

Law enforcement agencies should deploy canine units to conduct canine searches in public schools to provide a safe learning environment for students and stakeholders. Canine searches in public schools are vital in ensuring a safe learning environment for internal and external stakeholders. Canine searches assist in reducing and combating school violence by reducing the numbers of drugs or weapons offenses on school campus. In addition, canine searches assist in building relationships with students and faculty. This form of community policing allows law enforcement agencies to adapt, adjust, and overcome any problems that arise in school based policing.

However, there is opposition of canine searches which includes canine searches being illegal and violating the fourth amendment. Court cases have ruled that canine searches in school settings are legal and do not violate the fourth amendment. Several court cases have ruled in favor of using canine searches in school setting.

Furthermore, the opposition includes that canine searches target minority students which cause minority students to be suspended or expelled from school. Canine handlers go to intensive training to be certified in order to be able to conduct canine searches. The two main certifications that a canine handler obtain are narcotics and explosive detection. The certification tests themselves are demanding and require the canine to pass several phases in order to be certified. Moreover, restorative justice

in school settings reduce the number students that are suspended and expelled. Restorative justice allows law enforcement and school administrators to reduce, educate, and mend any conflicts that arises. Several school districts have adopted restorative justice programs such as the Houston and Dallas Independent School Districts. The result from the implementation have decreased the number of students being suspended or expelled.

In order to have an effective canine search program, law enforcement agencies should have a strict canine policy manual or standard operating procedures. This will streamline the canine search program and allow no deviation to prevent any variables that might arise. It is vital that the canine search program includes several key points that address the opposition's concerns. These key points are canine random searches, requests by school administration, the location of the searches, student belongings, and consistency.

Canine searches must be random in order to reduce the stigma that a student is targeted due to information that from school administrators. Random searches prevent any students or individuals from being singled out and provide a baseline for the canine searches. This baseline will serve as the reliability of the canine alerts and the handler's interaction with students.

School administrators are custodian of the school building and loco parentis of all the student body. In addition, school administration has knowledge of the criminal activities on campus and the location of most traffic areas. The location of the searches will be dependent on the size of the school and the number of classrooms that exist. The classroom selected would have to be random and not pre-decided prior to the

canine handler's arrival. This will eliminate any potential biases that exist between school administration and the student body.

The students' belongings is either left in their locker or in the classroom, depending on school policy. When a canine search is conducted, no students should be within the vicinity of the search to eliminate any potential accidental bites and reduce the number of false alerts. Canines use their superior smelling abilities to sniff the free air; once canines recognize the order that they are to detect, they will change their behavior to alert their handler.

Consistency is crucial in defining the canine search; consistency is what will prevent a tremendous amount of liability on the agencies. Consistency allows the canine searches to be streamlined with no deviation. If deviation occurs, it will be on the canine handlers to address why the deviation occurred. By implementing all these important key concepts, a law enforcement agency can have an effective canine search program.

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