

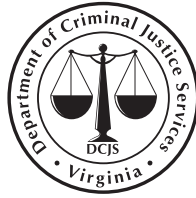
Blueprints for Change:  
Criminal Justice Policy  
Issues in Virginia



Virginia Department of Criminal Justice Services  
[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)

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The Department of Criminal Justice Services (DCJS) is the state criminal justice planning agency in Virginia and is responsible for administering state and federal funds dedicated to improving state and local criminal justice practices, preventing crime and delinquency, and ensuring services to crime victims.

In its role as a planning agency, the Department convened six policy sessions over a two day period in May, 2007. The facilitated sessions explored six different leading edge criminal justice issues, chosen by the Department. Each three-hour session brought together a multidisciplinary group of executive-level participants who were selected because of their knowledge of the issue and their ability to advance the discussion of public policy related to the issue.

The discussions in these sessions, and the recommendations that emerged, are recorded in these policy papers.

In publishing these papers, DCJS hopes that they will stimulate further discussions by state and local decision makers and will provide useful guidance for making substantive statutory change where necessary, as well as for decisions on funding, and policy and program development.

**The 2007 Blueprints for Change: Criminal Justice Policy Issues in Virginia documents are:**

**Canine Training and Law Enforcement**

**Data Mining and Regional Networks as an Investigative Tool: Administrative and Policy Considerations**

**Evidence-Based Practices in Community Corrections**

**Sexual Assault Policies in Virginia Law Enforcement Agencies**

**Using Technology to Guard Against Bias in Policing**

**Virginia's Response to the JJDP Act's Sight & Sound Separation Requirement**

**For additional information on these documents, please visit the  
Department of Criminal Justice Services website at: [www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)**



## Canine Training and Law Enforcement



In 2006, legislation was proposed before the Virginia General Assembly that would have required the Department of Criminal Justice Services (DCJS) to establish minimum compulsory standards for the certification of police canines used for the purposes of detection and patrol. Specifically, House Bill 1181 (2006) set forth performance requirements for police canines regarding the detection of narcotics or explosives. These requirements addressed the searching of vehicles, luggage, open areas and wooded areas. For narcotics detection, it established cocaine, heroin, marijuana and their derivatives as substances that must be located by canines for certification. For explosives certification, canines would have been required to detect black powder, smokeless powder, dynamite (nitroglycerine), PETN-based explosive, RDX-based explosive, TNT-based explosive, ammonium nitrate-based explosive and weapons. The bill also indicated patrol certification for police canines would include obedience, aggression control, building search and tracking performance standards.

In the 2007 General Assembly session, legislation was introduced (House Bill 3210) that eliminated the specific certification standards of the previous bill and simply sought to establish DCJS as the governing entity to develop minimum training and certification standards for all canines used by law enforcement agencies in the Commonwealth. It would also have required DCJS to establish a committee for the purpose of developing and periodically revising the associated certification and training requirements.

Although neither proposal was adopted, their introduction is indicative of a broader awareness of law enforcement's increasing reliance on canines to perform a variety of services and a desire to enhance their professionalism while promoting public safety. Additionally, work continues to occur at the national and international levels to improve the services provided by police canines. To that end, the Bureau of Alcohol, Tobacco and Firearms is currently partnering with professional associations, such as the United States Police Canine Association, the North American Police Work Dog Association, the International Police Work Dog Association and the National Police Canine Association to improve the performance and training standards for explosives canines. Information on this type of initiative can be found at [www.uspca9.com/pdf/atf\\_initiative.pdf](http://www.uspca9.com/pdf/atf_initiative.pdf).

Although there are no clear statistics available regarding the scope of canine use by law enforcement agencies in Virginia, it is clear they are employed by many agencies for many purposes. Participants at DCJS' 2007 *Blueprints for Change* policy meeting confirmed that police canines are used for routine patrol functions, such as searching buildings for suspects and searching for illegal substances or evidence. Additionally, it was noted that canines are used for more time sensitive issues, such as tracking wanted persons and locating missing persons. Meeting participants consistently indicated the public has a high expectation of police services in general and the introduction of canine resources must always complement this performance expectation.

As the use of canines in the law enforcement community has become more common, the public's expectation regarding their availability has also increased. That is to say, if a citizen is victimized and a canine could contribute to the resolution of the crime, it is expected a canine will be used and it will be used appropriately. However, canine resources can be expensive to develop and maintain. Additionally, keeping these resources available throughout all hours of police operation can be difficult. Therefore, neighboring agencies and agencies with concurrent jurisdictions sometimes develop service delivery agreements to

ensure canine resources are consistently available. Notwithstanding formal arrangements and continuous collaborative training exercises, canine services can vary significantly from agency to agency, resulting in unintended outcomes and unpredictable liabilities when resources are shared.

The use of canines in other areas related to law enforcement, such as detention and correctional facilities, has also received attention in the contemporary criminal justice community. Debates concerning the use of canines in these settings also bring up a number of policy issues, not unlike those faced by law enforcement professionals. Each of these policy considerations revolves around how canines can be used as a tool to enhance safety and security without detracting from it.

A number of legal decisions have been provided by various courts across the country concerning the use of canines in the law enforcement setting. In *ROBINETTE v BARNES*, 854 F. 2d 909, 6th Cir. (1988), a fleeing burglary suspect was killed by a police canine. In this case, the United States Court of Appeals in Tennessee found this use of force not to be unreasonable under the circumstances and stated the extensive training of both the animal and handler were significant factors in the ruling. Conversely, in *KERR v WEST PALM BEACH*, 875 F. 2d 1546 (11th Cir. 1989), the court found a misuse of police canine resources due in part to inadequate training that led to an excessive number of bites by canines. Although these decisions have been based on facts associated with the use of force by police, it is clear from these rulings that standards and training are important when considering the legality of law enforcement actions.

There are a number of credible professional associations that have established strong training curricula and have considerably enhanced the professionalism of police canines and their handlers across the nation. However, there is currently no state sanctioned source of information for canine handlers in the Commonwealth. There is also no clear guidance through the *Code of Virginia* or other controlling directive to govern the use, training or certification of police canines.

From the discussion that follows, it is clear that the use of canines within Virginia's criminal justice system is necessary and it is also obvious that the adherence to professional standards is important for ensuring the public's safety and reducing liability for law enforcement agencies and their employees.



## POLICY/RESEARCH QUESTIONS

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1. Is there a need to develop a central state repository for information and certification management of police canine services for all law enforcement agencies in the Commonwealth?
2. How can Virginia most effectively establish consistent standards for police canines that complement service delivery needs and promote public safety?
3. What policy provisions can be established to identify contemporary liability in the use of police canine services and limit the risk of litigation for police agencies and their staff?
4. How can the development of canine certification processes be employed to enhance the delivery of criminal justice services?



## DISCUSSION

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Maurice Joseph, President of the Virginia Police Working Dog Association and Investigator/Master Police Officer for the Norfolk Police Department, opened the *Blueprints for Change* workshop entitled *Canine Training and Law Enforcement* by providing an overview of the training of law enforcement canines and handlers in Virginia. This overview included evidence to indicate there is no realistic understanding of the

kinds and numbers of canines being used in the state. Furthermore, it was noted that canines are often inappropriately used on fire scenes, evidence searches and death investigations. These inappropriate uses of untrained or under-trained animals can result in the unnecessary judicial suppression of important evidence in criminal investigations and the loss of evidence during field activities. More importantly, loss of life can occur with the introduction of any unqualified law enforcement service and canines are no exception.

Investigator Joseph also discussed the importance of certification and training processes that recognize the canine handler and the canine as a team. He suggested that, too often, canine handlers and their canines are separated due to promotions, organizational realignments or other issues and there is an incorrect assumption that the canine can function with a new handler equally well. Participants in the meeting commented that law enforcement agencies are beginning to see value in leaving handlers and canines together, even if duties and responsibilities for the respective police officer change. This can sometimes create organization challenges, but it prevents the loss of expertise and the agency's investment in training.

Following the opening discussion, participants indicated better information on the status of canine use in the state is essential before governing policies can be developed. It was suggested that Virginia law enforcement needs to know how canines are being used, when they are being used and under what circumstances they are being used. The group also expressed interest in learning what issues are exposing the public, police officers and canines to risk. Additionally, participants thought it would be useful to clearly identify public expectations and service delivery demands concerning police canines.

Many of the participants indicated environment and topography differences are important to consider when developing training standards and these differences may also contribute significantly to the establishment of meaningful certification processes. That is to say, certifications and training standards may differ for rural and urban settings and a failure to recognize these differences may detract from the appropriateness of any certification process. Although this may require animals to specialize in specific work areas, it may also work to ensure handlers are clearly aware of the limitations of their assigned canines.

It was noted during the session that, although DCJS establishes minimum training standards in other areas of law enforcement, there is currently no documented record of the content or breadth of training required for a canine and its handler. Furthermore, there is no consistently recognized standard for in-service training for these specialized law enforcement practitioners. Participants indicated this issue is problematic, as under-trained canine teams detract from the overall professionalism of canine teams across the state. They can also contribute to unrealistic public expectations or a loss in public trust.

Participants also noted that qualifications for canines and their handlers need to be established. Many of the participants felt this was the key to moving the state forward regarding the development of service and performance standards for canines. Some suggested that, too often, under-qualified individuals provide training for large groups of canine handlers and the principles of adult learning and the incorporation of training objectives are not addressed. To that end, it was noted that strong leadership within the police canine field could contribute to resolving this issue and developing independent canine trainer standards could become the framework by which other performance standards are developed. Regardless of the development process, participants consistently indicated that high quality and consistent training is the key to professional canine service delivery.

During the discussion, three professional associations were identified as significantly contributing to police canine operations in the Commonwealth of Virginia. These associations are intensely involved in training and development opportunities for canines and handlers and they have also established a number of assessment criteria that determine the canine's effectiveness for specific service functions. The associations most commonly used by Virginia's law enforcement community are the Virginia Police Working Dog Association, the United States Police Canine Association and the North American Canine Association. While there

are similarities in the training strategies each organization endorses, there are differences as well. Furthermore, some law enforcement agencies, including the Virginia State Police, have their own training and qualification programs for their canine teams. The possibility of using a private organization as a framework for standardization in the Commonwealth was also discussed, but it was stressed that the standards applied by these entities may not always follow principles acceptable to Virginia. Generally, most concluded it would be best for DCJS to research, develop, maintain and apply police canine standards for the state.

Participants discussed the importance of visioning for the police canine community. Specifically, it was noted that a mission statement identifies “what level of service is expected from police canine units in Virginia and how it is accomplished.” Participants stated there should be a vision to guide canine team training that provides a future direction for law enforcement agency administrators. The combination of a professional vision and mission would provide significant direction for future legislation and would help to develop broad support from within law enforcement for the development of training mandates.

Transparency within police organizations has become increasingly important and participants noted this attribute should be true for canine training and standards as well. The established standards should always be accessible to the general public and the certifications acquired by canines and handlers should be available for inspection and review. It was also mentioned that any establishment of training standards and certification requirements should be sensitive to the concerns of all sizes of law enforcement agencies and their respective communities. That is to say, the standards and training requirements for canines should be reasonable and attainable without undue financial or other resource implications for agencies and their staff.

The establishment of model policy and canine program development guidance was also discussed as a meaningful tool for agencies. Participants indicated these too should be developed with recognition of the needs of all law enforcement agencies, regardless of size and structure. Several of the participants indicated they need specific guidance on how to develop canine programs, how to locate and purchase animals, where to conduct training exercises and how to integrate the existing standards of other professional associations, such as the Commission on Accreditation for Law Enforcement Agencies and the Virginia Law Enforcement Professional Standards Commission.



## CONCLUSIONS AND RECOMMENDATIONS

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1. The Department of Criminal Justice Services should conduct a study to determine the number and types of canines in use, the services currently being provided by canines and the current training being incorporated by police agencies. This work would provide a better understanding of what needs to be considered in the development of training and standards.
2. The Department of Criminal Justice Services should develop model policy or program development guidance for law enforcement agencies seeking to implement a canine function. The associated policies and program guidance should identify strategies for training and maintaining canine units and provide insight on credible canine vendors and appropriate procurement processes.
3. Police executives, canine practitioners and technical advisors should begin the process of developing a vision for law enforcement canine services in the Commonwealth. This would provide a basis by which to develop more applicable training requirements, certification programs and regulatory standards.
4. For the purposes of assessing canine skills for specific and general certifications, it should be recognized that the handler and canine must be certified as a team. This is an important factor in bringing consistency to the delivery of canine services within the field of law enforcement.



5. Research of established professional working dog associations and regulations of other states should be conducted to determine best practices for developing canine training and certification programs for the Commonwealth's law enforcement community.
6. Legal research to address contemporary issues impacting the use of force by police, with a specific emphasis on canine operations, should be conducted and considered in the development of any regulatory efforts.
7. Any proposed legislation relevant to this discussion should be monitored with the intent of ensuring it is sensitive to the needs of the Virginia law enforcement community and general public, while providing meaningful direction in a logistically reasonable manner.



## PARTICIPANTS

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