

NASDN GAZETTE

--North American Search Dog Network, June 2007--

2007 Fall Seminar

By Gloria Napier

NASDN's fall seminar will be held September 23 through 28 at Kings Domain in Oregonia, OH, about 15 miles north of Cincinnati. Kings Domain sits between the Little Miami River and Fort Ancient State Park in Warren County. The terrain is varied - wooded hills as well as flat grassy areas.

Continued on Page 4



Photo by Sandra Vernlund

2007 Spring "Mini" Seminar

What started out as a small weekend event grew into a very well attended, successful seminar. The April seminar in Little Falls, Minnesota ended up with 64 participants including a dozen instructors and several dedicated runners. It was a good few days. The facilities at Camp Ripley were fantastic. Many thanks to Karla Peterson and Chuck Lubowitz for their efforts to set this up.

Overall, the participant comments were very positive. Two common negative comments were the lack of nearby restrooms (we tried) and to much downtime. The downtime thing is a tough one. Most classes can only run one dog at a time. The dogs usually enjoy the rest between exercises more than the handlers. We do read these comments and try

to make improvements. A favorite comment from an anonymous participant began with, "I've learned something every time I come to a seminar" and ended, "Could we stay a few more days."

Continued on Page 3



Photo by Sherry Wright

Diane Stefanick and Mojo



Photo by Sherry Wright

Loretta Johnson and Ripley

Training, Certification and Reliability of Police Service Dogs

By Terry Fleck

I repeatedly get questions from canine handlers, supervisors and administrators regarding three issues with police service dogs: their training, certification and reliability.

Since approximately 70% to 80% of our canine industry is a cross trained dog, a patrol dog cross trained to detect contraband, I will analyze this question as it pertains to both patrol and contraband detector dogs.

Training:

The United States canine industry standard for canine maintenance training is a **minimum** of sixteen hours per month (four hours per week), on average. This standard was developed and is currently endorsed by the three largest United States police canine associations: USPCA (United States Police Canine Association), NAPWDA (North American Police Work Dog Association) and NPCA (National Police Canine Association).

If an agency elected to be below this minimum U.S. canine industry standard, and thus in violation with this standard, there is probable liability in two areas:

1. Vicarious liability for failure to train and failure to supervise;
2. Liability for being "deliberately indifferent" to the training needs of a specialized police unit, canine.

I have polled about 15,000 police dog handlers, supervisors and administrators throughout the U.S. since 1995. Almost 100% of our police canine industry is in compliance with the minimum U.S. standard for police canine maintenance training. That is significant, since it not only corroborates the standard, but also shows our industry follows it.

As far as case law to support this minimum standard, there is no case that specifically states the number of hours for police canine maintenance training. There are cases addressing vicarious liability for failure to train and failure to supervise and for being deliberately indifferent to training:

KERR V CITY OF WEST PALM BEACH

875 F. 2d 1546 (1989) U.S. Court of Appeals Eleventh Circuit

Several parties filed a class action suit against the City of West Palm Beach for suffering injuries as a result of apprehension by dogs in the city's canine unit.

The court threw out the class action suit, stating that the court must assess the reasonableness of the officers' actions in light of the essentially unique factual circumstances. The remaining two issues in question were:

- Did the department fail to adequately train the canine unit? (Negligent training)
- Did the department fail to adequately supervise the canine unit to ensure that both the misbehaved canines, and handlers who had exhibited poor judgment using canine force against minor misdemeanor suspects, all received corrective

training? (Negligent supervision)

The common element in both issues was **failure to train. The court concluded that police dogs must be subject to continual rigorous training in law enforcement techniques. Such training ensures that the dogs will continue to respond with alacrity to the commands of their handlers; without such training, the dogs' responsiveness to their handlers' commands will deteriorate, resulting in more frequent and more serious injuries to apprehended suspects than might otherwise occur.**

CITY OF CANTON, OHIO V HARRIS

489 US 378 (1989) U.S. Supreme Court

A municipality may be held liable for violation of rights, which violations result from a municipality's failure to adequately train its employees, only if that failure reflects a **"deliberate indifference"** on the part of the municipal policy.

The **"deliberate indifference"** standard:

Failure to train may be fairly said to represent a policy for which the municipality is responsible, and for which it may be held liable where injury results, if, in the light of the duties assigned to specific officers, the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that municipal policymakers can

reasonably be said to have been deliberately indifferent. (i.e. canine or any other specialty unit/individual.)

CERTIFICATION:

The United States canine industry standard for certification is **yearly** certification. This standard was developed and is currently endorsed by the three largest United States police canine associations: USPCA (United States Police Canine Association), NAPWDA (North American Police Work Dog Association) and NPCA (National Police Canine Association). This standard is also endorsed by the largest United States police canine contraband detector dog association, NNDDA (National Narcotic Detector Dog Association).

Federal case law dictates that a police dog **must** be trained, certified and reliable. Since the U.S. canine industry standard is yearly certification, if your agency is not certifying yearly, they would be negligent and out of compliance with the canine industry standard. There are legal ramifications for both a patrol and a contraband detector dog, if they are not within the canine industry standard, yearly certification.

I have polled about 15,000 police dog handlers, supervisors and administrators throughout the U.S. since 1995. About 95% of our police canine industry is in compliance with the minimum U.S. standard for police canine certification. That is significant, since it not only corroborates the standard, but also shows our industry follows it.

One Federal case stated the **minimum** requirements of patrol dog certification:

KERR V CITY OF WEST PALM BEACH

875 F. 2d 1546 (1989) U.S. Court of Appeals Eleventh Circuit

The handler must have complete control over the actions of his dog. With such control, the handler can recall and restrain the dog before a bite occurs. Alternately, the handler can quickly remove the dog from an apprehended suspect.

Therefore, patrol dogs' yearly certification should show a successful "verbal recall" and "verbal out".

There are numerous Federal cases that state the dog **must** be certified. Here is one example:

UNITED STATES v CEDANO-ARELLANO

(332 F. 3d 568 (2003) U.S. Court of Appeals Ninth Circuit

A drug detection dog's **training and certification** records are discoverable by the defense. These materials at issue are crucial to defendant's ability to assess dog's **reliability**, a very important issue in his defense, and to conduct effective cross-examination of dog's handler.

RELIABILITY:

This is the most recent area where our industry is being challenged in court. The U.S. Supreme Court touched on this issue in their recent decision regarding the use of contraband detector dogs:

ILLINOIS v CABALLES

125 S. Ct. 834 (2005) U.S. Supreme Court

Use of a well trained narcotics detection dog, one that does not expose noncontraband items that otherwise would remain hidden from public view, during lawful traffic stop does not violate the Fourth Amendment.

As far as other case law to support this reliability issue, there are numerous Federal cases that state the dog must be trained, certified and reliable.

SUMMARY:

As of today, there is no national or Federal standard addressing these three issues: training, certification and reliability. There is one national group that is currently working on national "best practice" guidelines on training, certification and reliability. That group is SWGDOG (the Scientific Working Group on Dog and Orthogonal detector Guidelines).

Until that national best practice guideline is developed, we as an industry rely upon existing national canine associations and Federal case law for guidance. In addition, several states have developed their own state guidelines. Those states that do not have guidelines should be in compliance with a national canine association, a regional canine association or another existing state guideline.

More information on this topic, including the cases to support these issues, may be obtained at my **Canine Legal Update and Opinions** website at www.k9fleck.org.

2007 Spring "Mini" cont.

One of the highpoints was a presentation by Jeff Hasse on the search for Jon Francis, a 24 year old hiker who was lost in a mountainous area of Idaho in July of 2006. The official search for Francis lasted several days. A private search, funded by the Francis family continues. Jeff drove up from Minneapolis and gave a detailed report on what had gone right and what had gone wrong in this very complicated search.



James Models Auction Items

Photo by Sandra Vernlund

Volunteer auctioneers James Jehner, Chuck Morris and Bob Thielen took charge of NASDN's auction on Sunday night. In addition to providing excellent entertainment, the auction raised about \$1000 to help fund future NASDN activities.

Fall 2008 Seminar

Jeannie Beroza has offered an excellent proposal for a seminar near Custer, South Dakota in the fall of 2008. This should be an excellent opportunity for NASDN to go somewhere we've never been. This is a fantastic part of the country. People might want to extend their visit by a few days to allow some time to see the area.

NASDN Committees

Much of the work of running NASDN is done by several committees. We should all appreciate the time and effort put in by the Chairs and members of these committees. If you have a little extra time and something to contribute, feel free to volunteer.

Grievance Committee - Robin Walker
Instructor Committee - Deb Stanton and
Dawn Sword
Merchandise Committee - Leisa Hochstetler
Seminar Committee - Gloria Napier

Deb's Gems

By Deb Stanton

To make ear cleaning more comfortable for your dog:

- 1) dampen a cotton ball with ear cleaner.
- 2) put the cotton ball in the microwave for about 3 seconds (find your microwaves comfort zone).
- 3) wipe out the ears with the now warm dampened cotton ball, (pouring cold ear cleaner into a dogs ear canal is very unpleasant for your dog).
- 4) reward the dog immediately.
- 5) if you are also treating a ear infection, you can warm the ear meds by putting the bottle in a cup of warm water to help make it run into the ear canal easier, and to make it more of a comfortable experience for your canine.
- 6) if you are treating the ears of a bloodhound, its very useful to pull up your ear meds in a tuberculin syringe, and gently place a little further into the ear canal, than your medication bottle would allow...nobody in the clinic that I work in has every been able to visualize Eugene's

ear drum. Treating his ears the conventional way would not allow medication to reach down where it should go.

Home Treatment of a Hot Spot:

A "hot spot" is an overgrowth of staph bacteria on the dogs skin. Our dogs and we always have staph bacteria resident on our bodies. Staph bacteria become a problem on dogs, when favorable conditions arise for it to go crazy. Hot spots are commonly seen in the summer months, when dogs swim a lot, or if it's hot and humid. It is thought that a small scrape on the skin serves the staph bacteria with an easy way to take hold. A hot spot can arise in 12 hrs or earlier, so you should be vigilant in checking your dog. Usually a course of antibiotics is highly effective. However there are things you can do to help things along if you cannot get to your vet.

- 1) wash the area with antibiotic soap to loosen up the crusty hair, leave it to soak while you proceed to step 2.
- 2) clip hair from around the sore first, you must make an area of healthy skin around the sore, the staph bacteria travels from hair shaft to hair shaft. so in order to slow it down, you must give it nothing to travel on.
- 3) Clip the hair off over the sore, you have done this last to prevent the clippers from dragging bacteria onto the healthy skin.
- 4) Wash again with antibiotic soap, leave it on for a few minutes and rinse and pat dry.

5) If you believe you have things under control, repeat the wash and rinse procedure 2-3 times daily.

6) Remember, hot spots can develop very quickly, and are often more extensive that they first appear and treatment with antibiotics is usually the best.

Fall Seminar

Continued from Page 1

A small creek also runs through the grounds.

The accommodations at Kings Domain are a combination of rustic cabins with bath houses located nearby as well as dormitory style housing located in the Conference Center Dorm. Plusher cabins that sleep six to ten people are available for an additional charge - these will be reserved on a first come basis.

There is a dining hall on the grounds where meals will be provided daily.

Classes will be offered for cadaver, airscenting, and mantrailing. Once again, Lisa Higgins, will be instructing the cadaver class. Lisa was the cadaver instructor at the April, 2006, NASDN seminar and did an excellent job; we're very excited to have her back again this year.

If anyone has any suggestions for evening presenters, or if a NASDN member has a program they would like to present to the membership in the evening, please contact Gloria Napier with the details.

More Information at www.nasdn.org

Copyrights are retained by the original authors.

Articles and letters to the editor may be sent to
JB30343@navix.net