



F18 K-9 Evidence in the Courtroom

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Learning Overview: The goal of this presentation is to convey what constitutes defensible canine (K-9) training and deployment to non-K-9 experts. Attendees will learn about discovery materials in assessing a K-9, its handler, and the sniff(s), regardless of whether the case pertains to narcotics detection, trailing, or another K-9 discipline.

Impact on the Forensic Science Community: The impact of this presentation on the forensic science community is to improve understanding of a complex resource component of law enforcement and forensic investigation resource: the K-9 team.

The use of K-9s in law enforcement for the detection of illicit substances, human remains, crime scenes, and trailing (following the path of travel of an individual person) has a long history. Courts are generally of the opinion that K-9s are reliable. A properly trained K-9/handler team can provide valid, correct, accurate, and defensible information that informs an investigation. The K-9 belonging to an agency is administered as equipment and may be paired with multiple handlers over the course of its career. It is expected to perform reliably regardless of the capability, skill, training, or experience of its handler.

K-9/handler teams are not infallible, and it is generally accepted that K-9 teams are not perfect. How does an expert determine whether a sniff or a trail was reliable? What about the situation in which the K-9 is deployed to find evidence, such as a firearm or narcotics tossed during a pursuit, but none is located? Are all K-9 teams equal? This presentation will address these questions and others.

One role of the expert is to expose weaknesses in the K-9 team from initial training through pairing with a handler, maintenance training, certification, and deployment. Even when there are deficiencies in protocols, policy, and adherence to best practices or industry standards, canine evidence typically prevails in the courtroom.

There has long been a practice of minimal record keeping in the K-9 community with the belief that no fault can be found where no documentation exists. That archaic approach defies the direction and integrity of the forensic sciences today. There is no mystery as to how a reliable K-9 is trained, although pertinent information that is intended to support the reliability of the K-9 team is not conducted or maintained in a consistent, universally accepted manner. Every department has their own policy and there are as many standards as there are agencies and K-9 organizations. This creates opportunities for the expert to find fault and deficiencies within a department, within a unit, and with individual K-9 teams, where there may in fact be a rigorous practice employed, and the teams are truly reliable. As the K-9 community comes to embrace the science that supports proper training and thus produces an unmatched resource to forensic investigation, it will become increasingly difficult to discredit K-9 evidence. More importantly, the usefulness of K-9 evidence to an investigation will move toward meriting scientific support and away from being an art.

Canine, Best Practices, Probable Cause