

**Monitoring the
Queensland
Police Service**

The Queensland Police Dog Squad

A CMC review of complaints and bite incidents

CRIME AND
MISCONDUCT
COMMISSION



QUEENSLAND

November 2007

CMC vision:

To be a powerful agent for protecting Queenslanders from major crime and promoting a trustworthy public sector.

CMC mission:

To combat crime and improve public sector integrity.

Apart from any fair dealing for the purpose of private study, research, criticism or review, as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without permission. Inquiries should be made to the publisher, the Crime and Misconduct Commission.

ISBN 1 876986 48 4

© Crime and Misconduct Commission 2007

Crime and Misconduct Commission
140 Creek Street, Brisbane, Australia 4000
GPO Box 3123
Brisbane Qld 4001
Tel.: (07) 3360 6060
Fax: (07) 3360 6333
Email: mailbox@cmc.qld.gov.au

Contents

Acknowledgments	v
Terms and abbreviations	vi
Summary	vii
Chapter 1: Introduction	1
The use of police dogs	1
History of police dogs	2
Advantages and disadvantages of using police dogs	2
Background to this review	3
Chapter 2: The QPS Dog Squad	5
Management and organisation	5
Training	6
Use of police dogs to apprehend suspects	7
Legal and policy framework governing the use of police dogs	8
QPS policy on reporting police dog bites	8
Chapter 3: Review of complaints to the CMC	11
Methods used to analyse dog-bite complaints	11
Reporting of results	12
Results	13
Outcomes of complaints	13
Demographic profile of complainants	15
Multiple bites	16
Medical assistance	16
Reason for deployment	18
Charges laid	18
Handlers	21
Chapter 4: Review of QPS bite incidents	23
Methods used to analyse dog-bite incidents	23
Results	25
Bite trends for the Brisbane Dog Squad	26
Statewide dog-bite rates	26

Chapter 5: Conclusions and recommendations	29
Key improvements	29
Ongoing concerns	30
Crowd control	30
Monitoring of dog handlers	31
Reporting and data management	32
Concluding comments	34
References	35

Acknowledgments

The CMC acknowledges and thanks the officers from the Queensland Police Dog Squad who assisted with this research. In particular, Senior Sergeants Terry Cantwell, Pat Collins and John Casey (retired), and Sergeants Bruce McJannett, Frank Lanaro and Dean Hansen were extremely helpful to the research team. The continuous improvement of the Dog Squad is due in large part to professional officers such as these.

Thanks are also due to Superintendent Jim Casey and Inspector Steve Underwood of the Specialist Services Branch for providing important advice and assistance during the course of this research.

This report was written by Frances Gant, Louise Norman and Dr Gabi Hoffmann, with the support of Dennis Budz. Dr Hoffmann conducted the earlier reviews of QPS dog-bite incidents and complaints. The report was prepared for publication by the CMC's Communications Unit.

Terms and abbreviations

Glossary of terms

Find and bark or hold and bark: The name of the procedure whereby a police dog, when it locates a suspect, guards the suspect and barks. The dog is trained not to bite the suspect unless the suspect attacks or flees, or the dog is commanded to bite by the handler.

Find and bite or bite and hold: The name of the procedure whereby a police dog, when it locates a suspect, automatically bites the suspect to apprehend him or her, irrespective of what the suspect is doing. The police dog will hold the bite until commanded by the handler to release.

General purpose (GP) dogs: Mainly German Shepherds, trained to search for and track suspects and missing persons, search for evidence and apprehend suspects.

Handover: A situation in which a dog is deployed to track, search or patrol and the dog locates something (e.g. a person, property, drugs, firearms or explosives).

Speciality detection dogs: Usually Labradors, trained to find drugs, explosives and firearms, or human remains; they are not trained to apprehend suspects. Also known as 'passive dogs'.

Track: A search performed on the run, when the dog is specifically following a human scent, such as that of a person fleeing.

Use of force: Police officers are authorised to use such force as may be reasonably necessary to overcome someone resisting arrest; but they should use only the minimum amount of force necessary to resolve the incident. There are various use-of-force options, of which the use of a police dog is one.

Abbreviations

CJC	Criminal Justice Commission
CMC	Crime and Misconduct Commission
COMPASS	Complaints and Operations Management, Processing and Statistical System
PDRC	Police Dog Review Committee
PD12 report	QPS Dog Squad incident report
QPS	Queensland Police Service
SERT	Special Emergency Response Team

Summary

Historically, the use of police dogs has not been put under the same level of scrutiny as the use of other types of force by police, either in Queensland or in other jurisdictions. This is somewhat surprising, as the use of a dog to apprehend someone can result in significant injury.

This report provides an analysis of complaints to the Criminal Justice Commission (CJC) and the Crime and Misconduct Commission (CMC) about bites by Queensland Police Service (QPS) dogs over the eight-year period from 1999 to 2006.¹ To expand our understanding of the nature and extent of police dog deployments, it also presents an analysis of QPS bite incident data for 2005–06 and trend analysis of bite incidents specifically relating to the Brisbane Dog Squad for 2000–06.

Conducting research into police service methods of operations, police powers and the use of police powers by the QPS is a critically important aspect of the CMC's monitoring function. In this report we provide an example of how that function has been used to monitor one aspect of policing over time. CJC analysis of complaints about dog bites undertaken in 2000 led to advice to the QPS about potential improvements in policies and procedures for handling dogs. By analysing complaint trends since that time (the 2007 review), we then demonstrate improvements in the way dogs are now deployed by the QPS and reductions in complaints to the CMC about police dog bites.

The QPS Dog Squad

The QPS Dog Squad began in Brisbane in 1972. The QPS now has 58 General Purpose (GP) dog-handler teams throughout the state, and a number of other specialty detection dog teams. GP dogs are trained to search for and track suspects and missing persons, search for evidence and apprehend suspects.

The 2007 review

In 2000, staff in the Complaints area of the CJC identified an increase in complaints involving police dog bites. Between 1990 and 1998 the CJC received, on average, two complaints about police dog bites per year. In 1999, however, this number increased to 11, and then to 17 complaints between January and October 2000. To assess whether any factors had led to this increase, researchers in the Research and Prevention Division of the CJC undertook a comprehensive review of all complaints involving police dog bites between January 1999 and October 2000. As part of that review, CJC researchers also examined QPS policies and procedures governing the use of police dogs, to determine whether they reflected best practice. The key findings of the 2000 review were provided to the QPS, but a public report was not published at that stage.

¹ Note that, on 1 January 2002, the CJC and the Queensland Crime Commission (QCC) merged to form the CMC under the *Crime and Misconduct Act 2001*.

The review brought to light a number of concerns about the use of police dogs by QPS handlers. For example:

- » more than a quarter (29%) of complainants were juveniles
- » more than a quarter (29%) of complainants who had been bitten were not charged with any offence related to the incident
- » a quarter (25%) of complainants said that they were immediately bitten when located by the dog at the end of a search
- » more than a quarter (29%) of people who were bitten were subject to multiple bites, sometimes all over their body
- » in more than a third (36%) of cases the handler allegedly did not check for injury or offer medical assistance
- » two bite-related complaints (involving multiple victims) occurred when a police dog was used to disperse a crowd.

Analysis of dog-bite complaints

As part of our monitoring function, we conducted another review of dog-bite complaints in 2007. We included in this review all complaints about police dog bites to the CJC/CMC between 1999 and 2006 (78 complaints in total), including those reviewed in 2000 by the CJC.

Overall, we found that there has been a decrease in the number of complaints about police dog bites since the original review in 2000. We also found that:

- » almost all complainants (99%) were male, and about one-quarter (24%) were Indigenous
- » in 50 per cent of cases, police dogs were deployed to track or follow human scent; in 11 per cent of cases, they were used in what the CMC would term 'crowd control' situations
- » between 1999 and 2006 there was:
 - a marked decrease in complaints involving juveniles (from nine people in 1999–2000 to one person in 2005–06)
 - a decrease in the number of people who reported multiple dog bites (from 23 people in 1999–2000 to three people in 2005–06)
 - an increase in the percentage of victims who reported being offered medical assistance after being bitten by a police dog (from 55% in 1999–2000 to 100% in 2005–06)
 - an increase in the percentage of people charged with offences related to their suspected involvement in criminal activity (from 52% in 1999–2000 to 67% in 2005–06)
- » two dog handlers accounted for almost one-third of all complaints made to the CJC or the CMC.

Analysis of dog-bite incidents

Complaints about police dog bites provide only part of the picture. To enhance our understanding of police dog handling in Queensland, we also included in our 2007 review an examination of QPS records of reported police dog-bite incidents during the 2005–06 financial year. This provides a snapshot of actual bite incidents involving police dogs (as reported by their handlers), the rate of bite incidents across various dog squads, and the number of incidents involving particular handlers and dogs.

In 2005–06 there were 73 reported bite incidents. Given that the QPS has 58 GP teams, this represents an average of 1.3 reported bite incidents per GP team. This does not appear excessive. Forty-five per cent of handlers (26 handlers) and 50 per cent of police dogs (29 dogs) were involved in bite incidents.

As statewide data have only been collected by the QPS in recent years, it was not possible to conduct statewide time trend analyses. However, data about the Brisbane Dog Squad, the largest in the state, were available for 2000–06 and provide some indication of the trend in bite incidents for that squad. The number of recorded dog bites decreased from a peak average of 2.7 bite incidents per GP team in 2000 to a relatively stable level of between 1.2 and 1.5 incidents per GP team in subsequent years.²

Law enforcement agencies overseas use a range of data to evaluate dog squad performance, deployment tactics and changes to operational policy and procedures. The range of data currently collected by the QPS is limited. However, to provide some comparative context for the rate of QPS dog bites we used the available data to estimate the proportion of people bitten during dog-assisted apprehensions. We estimated that the QPS rate of bites was around 13 per cent (13 bite incidents for every 100 individuals located by a police dog). Overall, this does not appear excessive when compared with the police dog-bite ratio considered acceptable by courts in the US, where there has been considerable civil litigation over the past two decades.

Other issues

The research findings presented in this report show considerable improvement in the management of police dogs in Queensland and a reduction in dog-bite complaints to the CJC/CMC since 1999, some of which can be attributed to a range of initiatives introduced by the QPS since 2001. Nevertheless, there are some ongoing concerns:

- » It is not clear what constitutes a crowd for the purpose of policing, nor in which situations the use of a police dog in a crowd would be considered an appropriate use of force.
- » Compliance with the QPS incident reporting policy by police dog handlers appears to be inconsistent. While some police dog handlers appear to be reporting, as stipulated in the policy, ‘every incident where a police dog causes injury to a person, takes hold of, or comes into physical contact with a person’, other handlers appear to only be reporting actual dog bites. This raises issues about monitoring and managing bite incidents.

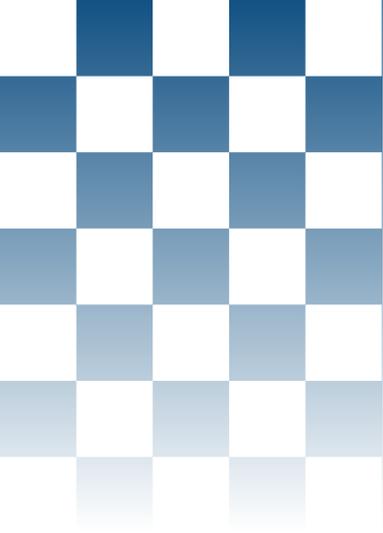
² The Brisbane Dog Squad did not start collecting records until March 2000; the data for 2000 therefore relate to the 10-month period between March and December 2000.

- » The data currently collected by dog squads do not enable the QPS to report on the types of deployment for police dogs, the number of bites that relate directly to particular jobs attended, or the outcomes of these deployments. Better data collection would facilitate better reporting of police dog performance and could also be used to assess the effectiveness of police dogs as an operational resource in different policing situations.
- » The calculation used by the QPS to estimate bite incident ratios is problematic, as it produces a ratio that is misleadingly low.

Recommendations

On the basis of the above findings, we make five recommendations for consideration by the QPS Dog Squad:

- 1 That the QPS define what it considers to be:**
 - a crowd control situation
 - a situation in which the presence and deployment of a police dog in a crowd situation would be justified.
- 2 That the QPS define what is meant by physical contact within the context of the incident reporting policy, and consider the extent to which different types of contact need to be reported, if at all.**
- 3 That the QPS differentiate between actual dog-bite incidents and other forms of contact on its summary data sheets.**
- 4 That the QPS specifically collect data on:**
 - the number of times dog-handler teams attend jobs
 - the number of times police dogs are deployed
 - the different types of deployment of police dogs
 - the number of people apprehended for each type of deployment
 - the subsequent number of people bitten for each type of deployment,**to help the QPS effectively monitor the work performance of their dogs and handlers.**
- 5 That the QPS reconsider its method of calculating the bite ratios of its dogs, to allow for more accurate analysis and greater comparability with the bite ratios of other law enforcement agencies.**



Chapter 1

Introduction

This chapter gives a brief overview of how police dogs are used by law enforcement agencies, considers some of the advantages and disadvantages of their use, and introduces the reviews of complaints and police dog-bite incidents by the CJC/CMC.

The use of police dogs

Police dogs throughout the world are generally trained to perform a similar range of important and potentially dangerous law enforcement tasks. For instance, they can be used to:

- » track suspects who have left the scene of a crime³
- » apprehend violent and armed offenders
- » find evidence that has been left behind
- » locate contraband such as drugs, explosives or firearms
- » track and/or search for missing persons or escapees
- » search buildings or enclosed areas
- » patrol or provide perimeter security
- » control crowds.

Some of these types of deployment can be regarded as ‘use of force’, with the potential to result in significant injury such as open wounds, bleeding and scarring.

The use of police dogs has not been subjected to the same scrutiny as other uses of force by police. Neither has it been the subject of much academic research. While there are many articles on dog training methods and on the role of police dogs, and anecdotal stories of police dog exploits, there is a dearth of literature on police dogs as a use of force. In fact, we could find only three studies relating to the use of police dogs by law

³ Tracking is the deployment of a dog to search specifically for human scent.

enforcement agencies, all of them from the US (Campbell, Berk & Fyfe 1998; Hickey & Hoffman 2003; Mesloh 2003).⁴

History of police dogs

There is evidence that European police services used dogs as early as the eighteenth century. In nineteenth-century Britain, pet dogs often accompanied police on their patrols, but it was not until the twentieth century that the British Home Office set up an experimental training school for dogs. By World War I, countries such as Belgium and Germany had formalised the training of dogs and started using them for specific ‘protection’ tasks such as guarding, tracking and searching; and in 1938 the first two specially trained Labradors were attached to the London Metropolitan Police (Metropolitan Police Service 2007).

The Royal Canadian Mounted Police began using police dogs in 1935. In 1937 they established a training program for dogs near Calgary, Alberta, and by 1999 had 108 police service dog teams working throughout the country (Royal Canadian Mounted Police 2006). Despite the existence of early dog programs in the South Orange, New Jersey and New York City police departments around 1907, the ‘modern era’ of police dog use in the US is considered to have begun in the 1950s (Dorriety 2005). Now, more than 50 years later, there are about 16 000 police dog teams in the US (Fleck 2007).

In Australia, the first police dog unit was set up and operated by the New South Wales Police Service between 1935 and 1953 (New South Wales Police 2004). After being disbanded in 1954, the dog unit was reintroduced in 1979 in response to a renewed need for police dog support.⁵

The QPS Dog Squad began in Brisbane in 1972 and now operates throughout the state; it is discussed further in Chapter 2.

Advantages and disadvantages of using police dogs

Dogs are very effective at detecting people, drugs and weapons because of their highly developed sense of smell; and their pace and strength make them useful for tracking and apprehending fleeing suspects. A well-trained dog can be deployed at a considerable distance from the suspect, which maximises the safety of the handler. Police dogs provide a good alternative to lethal use of force (i.e. firearms) when officers are dealing with violent and aggressive suspects. When used responsibly, they are also particularly effective as a ‘show of force’, whereby their mere presence can induce people to calm down and comply with police instructions, securing the safety of all involved. Unlike other police instruments of force, such as batons and handguns, a police dog cannot be used as a weapon against its handler by an offender or suspect.

4 In June 2006, the New South Wales Ombudsman released a review of the *Police Powers (Drug Detection Dogs) Act 2001*. The review examined the use of drug detection dogs by the NSW Police under the provisions of this Act. It did not examine use-of-force issues.

5 ‘Police Dog Squad’, *The Thin Blue Line — information section*, viewed 10 May 2007, <www.policensw.com>.

Despite the many advantages of using police dogs in dangerous situations, the use of a dog to apprehend someone by biting is a serious use of force and can result in significant injury. For instance, a US study on Los Angeles Police Department (LAPD) dog handlers found that, between June 1990 and July 1992, 37 per cent of suspects bitten by police dogs were admitted to hospital. Further, LAPD dog handlers (numbering between 13 and 15 in the years studied) were responsible for more hospitalising injuries than were all other police officers combined (Campbell, Berk & Fyfe 1998).⁶

It should be noted that during this period the LAPD had a ‘find and bite’ policy (see Glossary), having earlier abandoned the ‘find and bark’ policy because it was considered to be ineffective. However, after complaints about LAPD dogs being primarily used against minorities, and bad publicity, the LAPD changed back to the ‘find and bark’ policy (Wallentine 2007a).

Background to this review

In 2000, staff in the Complaints area of the CJC noticed that complaints involving police dog bites appeared to be increasing. The CJC responded by carrying out a review of complaints involving police dog bites, fulfilling its important function of monitoring the methods of operation of the QPS and its use of police powers.

There were two parts to the review. The first part analysed the spike in dog-bite complaints to the CJC between 1999 and 2000. The second part examined relevant QPS Dog Squad policies and procedures with a view to determining whether they reflected best practice.

The 2000 review found that an average of two police dog-bite complaints were reported to the CJC each year between 1990 and 1998. The number of complaints then increased substantially to 11 in 1999 and 17 between January and October 2000. Detailed examination of the 28 cases in that two-year period revealed that:

- » more than a quarter (29%) of complainants were juveniles
- » more than a quarter (29%) of complainants who were bitten were not charged with any offence relating to the incident
- » a quarter (25%) of complainants said they were immediately bitten when located by the dog at the end of a search
- » more than a quarter (29%) of those who were bitten had multiple bites, sometimes all over their body
- » in more than a third (36%) of complaints the handler allegedly did not check for injury or offer medical assistance

⁶ Campbell and co-workers also reported that survivors of police shootings in LA ‘typically have injuries less severe and less enduring’ than those suffered by the LAPD’s dog-bite victims. A class action lawsuit was brought against the LAPD in the early 1990s, alleging that LAPD handlers and dogs were improperly trained and deployed disproportionately against African Americans (Campbell, Berk & Fyfe 1998). This case was settled out of court in 1995 before it went to trial.

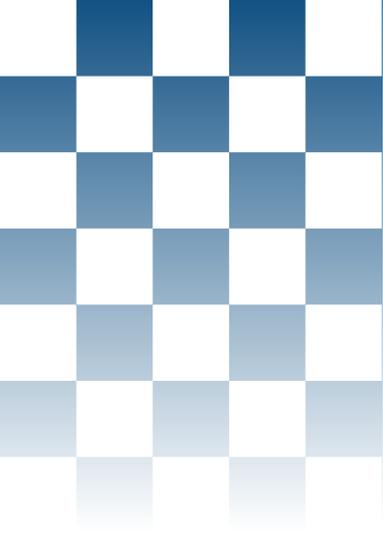
- » two bite-related complaints (involving multiple victims) occurred when a police dog was used to disperse a crowd.

The key findings of the review were handed to the QPS; however, a public report was not published.

Since 2000, the QPS has implemented a number of significant changes to the management and operation of the dog squad, particularly in relation to the way police dog handlers manage dog bites and report these incidents. For example, dog squad officers must specifically consider the appropriateness of the use of police dogs on juveniles; they have a duty of care to offer medical assistance to victims; and they are required to complete bite incident reports.

The issues emerging from the 2000 review provided a useful basis for the 2007 review of complaints — which was undertaken after continued monitoring by the CMC. In this review we analysed all dog-bite complaints received by the CJC and CMC between 1999 (when the spike occurred) and 2006 (the latest calendar year). We also expanded our focus beyond complaints data and examined all police dog-bite incidents reported by QPS dog handlers in 2005–06.

This report presents the results of the 2007 review and assesses whether the issues identified in 2000 have been addressed. The report also makes some recommendations to the QPS about monitoring and managing police dog bites. As well as fulfilling the CMC's monitoring function, this report contributes to addressing the shortfall in published research on police dog-bite incidents and complaints.



Chapter 2

The QPS Dog Squad

This chapter gives some background about the QPS Dog Squad, including how the squad is currently managed and organised. It also describes how dogs and handlers are trained and accredited, the ways in which police dogs are used, and the legal and policy framework governing their use.

The QPS Dog Squad began in Brisbane in 1972 and uses two types of dogs — General Purpose (GP) dogs (mainly German Shepherds) and specialty detection dogs (usually Labradors). GP dogs are trained to search for and track suspects and missing persons, search for evidence and apprehend suspects. Specialty detection dogs (also known as passive dogs) are used to find drugs, explosives or firearms, and human remains; they are not trained to apprehend suspects.

This report focuses on GP dogs only. Currently, the QPS has 58 GP dog-handler teams allocated to 15 separate dog squads throughout the state.⁷ Three of the GP dogs are also trained in the detection of human remains (cadaver dogs).

Management and organisation

The QPS has a regionalised structure of eight geographic areas supported by three centralised commands — Operations Support Command, State Crime Operations Command and Ethical Standards Command.⁸ Each region and command is administered by an Assistant Commissioner.

⁷ The dog squads are generally based within a police district. The exception is the Brisbane Dog Squad, which has responsibility for the Brisbane metropolitan area, incorporating two police regions — Metropolitan North and Metropolitan South. The remaining 14 dog squads are based in the following police districts: Bundaberg, Cairns, Gladstone, Gold Coast, Ipswich, Logan, Mackay, Mt Isa, Maryborough, Redcliffe, Rockhampton, Sunshine Coast, Toowoomba and Townsville.

⁸ The eight geographic regions are: Far Northern, Northern, Central, North Coast, Southern, South Eastern, Metropolitan North and Metropolitan South Regions. Within these eight regions are 29 police districts.

The Assistant Commissioners determine how police dog squads are used within their regions and commands. However, the Operations Support Command coordinates the dog squads generally, largely through the role of the State Coordinator, Police Dog Squads. The command also manages the Brisbane Dog Squad, which is the largest in the state (with 17 GP teams and 9 drug detection teams), and the Special Emergency Response Team (with two GP teams).

A Police Dog Review Committee, set up within Operations Support Command, oversees the use of dog squads, particularly in relation to operational functions, training, use of force, complaints against police handlers and bite incidents. The committee, which meets every two months, is chaired by the Superintendent, Specialist Services Branch. Other members of the committee are:

- » the State Coordinator, Queensland Police Dog Squads
- » the Officer in Charge, Brisbane Dog Squad
- » a regional police dog handler (on a rotational basis)
- » the Professional Practices Manager, Operations Support Command (who is responsible for coordinating and overseeing the management of complaints against police within the command)
- » an Inspector from Specialist Services Branch
- » a representative from the Queensland Police Union of Employees.

The committee has authority to examine matters and make recommendations relating to the QPS Dog Squad. The State Coordinator, Queensland Police Dog Squads, is the person on the committee responsible for reporting the committee's findings and recommendations. For instance, if there are complaints about police dog handlers, the committee examines them and the State Coordinator sets out any recommendations for managerial or disciplinary action in a report. This report is sent to the dog handler's District Officer or Branch Manager who decides whether to accept these recommendations.⁹ A copy of the report is also sent to the Ethical Standards Command. The QPS informs us that, to date, all recommendations made by the Police Dog Review Committee have been implemented.

Training

A canine recruit must pass a three-month training course to become a Queensland police dog. Each dog is teamed with a dog handler (a police officer) and works exclusively with that handler during a 14-week basic training course at the Oxley Training Complex in Brisbane. This course covers obedience, tracking, area searching, evidence searching and bite work. During the course, handlers are instructed and tested on the use of force as well as on their responsibilities as a police dog handler. At the conclusion of the training, a dog and its handler must pass an assessment before the

⁹ The report goes to the District Officer or Branch Manager, because this is the officer who has line control of individual police dog handlers. Line control for police dogs, on the other hand, rests with the State Coordinator, Queensland Police Dog Squads.

dog-and-handler team can work operationally. To be able to work unsupervised, the team must complete a further four weeks of on-the-job training.

Once accredited, all dog-and-handler teams must pass six-monthly performance assessments and undertake weekly maintenance training.

The QPS informs us that the QPS Dog Squad is currently developing a new training program to meet the requirements of the Australasian Police Professional Standards. This program will require police dog handlers to undertake additional (Level 2) training after 12 months of operational work. At the successful completion of further training after two years in the field, handlers will be awarded a Diploma of Police Dog Handling.

The average working life of a Queensland police dog is seven or eight years, with most dogs beginning formal training at 18 months of age and retiring when eight or nine years old. When off-duty, a police dog resides with its handler, and it is usually retained by the handler as a family pet when it retires.

Use of police dogs to apprehend suspects

Internationally, there are two recognised options for what a dog should do when it has located a suspect. The first is known as ‘find and bark’ or ‘hold and bark’. This means that the dog guards and barks at a located suspect, but does not bite unless the suspect attacks or flees, or the dog is commanded to bite by the handler. The idea is that the dog delays the suspect until the handler can take control and restrain the person. This method is associated with German dog sport training (known as *Schutzhund*) and is favoured by European law enforcement agencies (Eden 2004; Mesloh 2003, 2006).

The second option is termed ‘find and bite’ or ‘bite and hold’. In this case, the dog automatically bites the suspect to apprehend them, irrespective of what the suspect is doing, and holds the bite until commanded by the handler to release. This method of apprehension is most commonly used in the US and Canada. Mesloh (2003) estimates that about 60 per cent of US law enforcement agencies use this approach.

There is much discussion about the preferred type of apprehension (e.g. Dorriety 2005; Eden 1993, 2004; Mackenzie 1992; Mesloh 2003, 2006; Priest 2005). Some police departments use ‘find and bite’ in the belief that it will ensure the safety of their officers. Others insist on ‘find and bark’ because of liability concerns; however, more training would generally be required for a dog to find and bark whenever it located a suspect.

The QPS Dog Squad advised us that it does not teach either ‘find and bite’ or ‘find and bark’. In fact, the dog squad does not teach its dogs to do anything in particular once a suspect has been found, unless the suspect is concealed in an inaccessible place (e.g. hiding in a cupboard), in which case the dog is required to bark. A QPS dog may be commanded to ‘rouse’ or apprehend a suspect, possibly resulting in the suspect being bitten. For a QPS dog to pass its assessment, however, it must find a person at the end of a track without biting.

Legal and policy framework governing the use of police dogs

It is widely accepted in the literature, in policies governing the use of police dogs, and in operational policing, that using a dog to locate and apprehend suspects will sometimes result in someone getting bitten. What is not accepted, however, is a dog biting inappropriately or police officers using a dog to apply unnecessary force.

The use of police dogs is governed by legislation and police operational procedures. Generally, police officers in Queensland are permitted to use ‘reasonable necessary force’ when exercising any of the powers under the *Police Powers and Responsibilities Act 2000* (s. 614). Officers may also use reasonable necessary force (but not force that would be likely to cause grievous bodily harm or death) against individuals to prevent them from escaping custody (s. 615). In ‘critical situations’ the power of police extends to the right to use force likely to cause grievous bodily harm or death (s. 616); and, in situations where a police officer intends to enter a place to arrest or detain someone, to search, or to establish a crime scene, the officer may use force that is likely to cause damage to the place (s. 635). All of these conditions apply to the use of police dogs as a use of force.

The Criminal Code contains a number of powers and protections that are relevant to the use of police dogs. For example, section 246 states that an assault is unlawful unless justified or excused by law; and section 254 allows for the use of force to effect an arrest. Other pertinent sections include section 256 (police officer preventing escape from arrest), section 258 (preventing escape or rescue after arrest), section 271 (self-defence against provoked assault) and section 283 (excessive force).

There are also some QPS operational procedures and policies on the use of force that relate to the use of police dogs. These are set out in the Police Dog Squad Handbook. They incorporate some of the recommendations made in the CJC’s 2000 review.

QPS policy on reporting dog bites

In 2002 the QPS implemented a statewide incident reporting policy which covers, among other things, any bite by a police dog. Although the policy does not specifically define a dog-bite incident, it requires that ‘every incident where a police dog causes injury to a person, takes hold of, or comes into physical contact with any person’ be formally reported.¹⁰ The Police Dog Squad Handbook requires that, as soon as practicable after any bite incident, the handler:

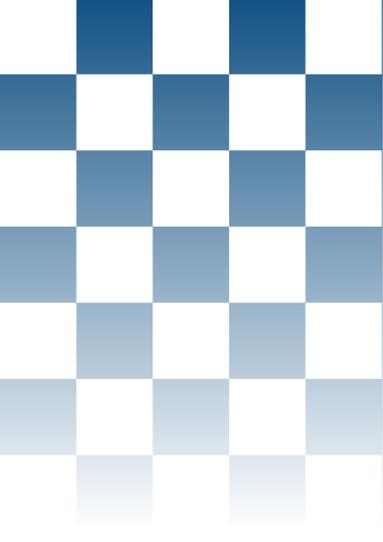
- » advise nominated regional managers, including the regional duty officer (generally a commissioned officer), the officer in charge of the squad, and the District Officer
- » send a computer-based Significant Event message to the State Coordinator, Queensland Police Dog Squads, and the Ethical Standards Command
- » complete a dog-bite incident report (known as a PD12 report).

¹⁰ Physical contact may also include scratching and nudging.

The handler must also send an electronic copy of the bite incident report to the State Coordinator within 48 hours, or on the next rostered shift, whichever is sooner. This must be followed up with a hard copy once the report has been reviewed by the handler's supervisor and District Officer (or supervising commissioned officer), and include any recommendations they make for action.

All bite incident reports are reviewed by the Police Dog Review Committee.

Although the incident reporting policy was drafted in 2000, the QPS Dog Squad has advised us that it did not take effect statewide until 2002 when the Police Dog Squad Handbook was ratified. Prior to this, dog squad handlers were only required to report incidents 'where a police dog caused injury to any person'.



Chapter 3

Review of complaints to the CMC

This chapter describes the review of police dog-bite complaints undertaken by the CMC in 2007 and assesses the extent to which the concerns raised in 2000 have been addressed.

Methods used to analyse dog-bite complaints

The 2007 review involved an analysis of all CJC and CMC complaints in which a person claimed to have been bitten by a police dog between 1999 and 2006. Cases for inclusion were selected primarily by searching the CMC's complaints database (COMPASS) for complaints that either were recorded as an allegation of 'assault using a police dog', or included 'dog' or 'bite' in the complaint précis.

This process yielded 83 files. Each file was then checked to ensure that:

- » the subject matter related to a complaint of a police dog bite
- » the dog bite was reported to have occurred between 1999 and 2006
- » there was some evidence to suggest that a dog bite did occur.

Five files did not meet these criteria,¹¹ leaving 78 complaints relating to police dog-bite incidents between 1999 and 2006.

Hard copies of the complaint files were sourced from the CMC's file registry. Complaint files routinely include the complainant's submission and, in some cases,

¹¹ Two files related to incidents that occurred before 1999, and three files did not relate to a complaint of a police dog bite.

transcripts of interviews, investigative reports, medical evidence and other information, such as QPS dog-bite incident reports (PD12 reports).¹²

We requested specific PD12 reports from the QPS in cases where there was no report on the complaint file.¹³ In fact, bite incident reports were available for only 37 per cent of complaint cases. There are various possible reasons for this:

- » As noted on page 9, incident reporting was not mandatory statewide until the Police Dog Squad Handbook was ratified in 2002. Although some individual police dog squads, including the Brisbane Dog Squad, had informal arrangements for reporting police dog bites before 2002, a standardised approach has been QPS policy for the past four or five years.
- » In some cases, although the Police Dog Review Committee (PDRC) database (see Chapter 4) indicated that there should be a corresponding PD12 report, the QPS Dog Squad was unable to locate a hard copy and provide it to the researchers. In some other cases, no bite incident was indicated on the PDRC database. This may have been because the QPS dog handler was not aware of a bite incident or did not agree that an incident had occurred.
- » Some PD12 reports could have gone astray or were not completed in the first place due to work demands, oversight or deliberate failure on the part of the handler.

Reporting of results

In view of the relatively small number of complaints, particularly between 2004 and 2006 (see Figure 1), we aggregated the data to formulate responses to the research questions about age of complainant, multiple bites, medical assistance and charges. Four two-year reporting periods were created: 1999–2000, 2001–02, 2003–04 and 2005–06. In some cases, data were missing for some of the issues examined, but at most this related to five cases at any one time. The small sample size has precluded significance testing.

12 It should be noted that the earlier CJC complaint files were generally more detailed, as most investigations were managed and undertaken by CJC staff. Under the principle of devolution, introduced by the *Crime and Misconduct Act 2001*, most complaints are now referred to the QPS to deal with, subject to monitoring by the CMC. As a result, depending on the level of monitoring required, detailed investigative reports are not necessarily available in all CMC files.

13 It is important to emphasise, however, that the 2007 review relied predominantly on information supplied by complainants to the CJC/CMC. QPS information was used only to fill gaps in the information, such as the age of the complainant, charges related to the incident, and the reason for deploying the police dog.

Results

Between 1999 and 2006, 78 dog-bite complaints were made to the CJC/CMC. Figure 1 shows the breakdown of complaints by year.

Figure 1. Police dog-bite complaints to the CJC/CMC, 1999–2006



Note: Percentages are of total number of complaints over the period.

The highest number of dog-bite complaints received in any one year (21) occurred in 2000 (26.9% of all police dog-bite complaints made to the CJC/CMC between 1999 and 2006). This was followed by 12 complaints (15.4%) in both 1999 and 2002. Since 2004, just six dog-bite complaints (7.7%) have been received by the CMC each year. Interestingly, just over half (51.3%) of all police dog-bite complaints between 1999 and 2006 occurred between 1999 and 2001.

Outcomes of complaints

Table 1 (next page) shows the outcomes of dog-bite complaints made to the CJC/CMC between 1999 and 2006. It must be noted that the outcome of a complaint is not a matter of whether a dog bite was found to have occurred. Rather, it indicates whether there is sufficient evidence to support a formal criminal or disciplinary charge against the handler. Generally, in the case of police dog bites, this is an allegation of assault using a police dog.

In the majority of cases (64%), complaints against police dog handlers were not substantiated. In other words, there was not sufficient evidence to establish improper conduct or misconduct on the part of the dog handler in relation to the use of the police dog.

Over 11 per cent of complaints were considered to be ‘interwoven’ with court matters (see Table 1, footnote b), while the CMC is awaiting outcome advice on 8 per cent of complaints.

Table 1. Outcome of dog-bite complaints, 1999–2006

Outcome	Number	Percentage
No further action ^a	7	9.0
Withdrawn	1	1.3
Substantiated	0	0.0
Not substantiated	50	64.1
Managerial/informal resolution	5	6.4
Interwoven with court ^b	9	11.5
Awaiting outcome advice	6	7.7
Total	78	100.0

Notes:

- a This generally relates to matters considered to be an unjustifiable use of resources under s. 46(2)(g) of the Crime and Misconduct Act. In most cases this is because the complaint cannot be productively investigated or otherwise dealt with for various reasons (e.g. the information given is not sufficiently detailed, there is an absence of any reliable evidence to corroborate the allegation, or there is a lapse of time between the alleged misconduct and the making of the complaint such as to impact upon the availability and reliability of any evidence).
- b A complaint is considered to be ‘interwoven’ with court proceedings when the complaint and charges against the complainant arise from the same incident. In that case the court is the appropriate place to determine the matter. The CMC or the QPS Ethical Standards Command will generally only consider the complaint after the conclusion of the court proceedings.

Generally, most complaints of assault — either using a police dog or by another use of force — are difficult to substantiate. Research has found that allegations of assault are among the most difficult matters to investigate and prove to the necessary legal standard; consequently, complaints of this type have a much lower substantiation rate than other types of complaints. The main reason is that these complaints rarely have any corroborating evidence, and rely on the word of the complainant (frequently someone with a criminal background or under the influence of alcohol) against the word of one or more police officers (Brereton & Burgess 1997). This finding applies across numerous jurisdictions.

When we looked at the circumstances that resulted in complainants being bitten by police dogs we found discrepancies between the versions of events put forward by the police handlers and by the complainants. Police generally claimed that the complainant decamped, moved suddenly, kicked out or assaulted the police dog, or that the police dog was defending the handler. People who were bitten by a police dog, however, claimed that they did not provoke the dog, that they were on the ground, or that the dog was ‘set’ upon them by being unleashed or allowed to bite. These differences highlight common difficulties faced by investigators when considering complaints against police.

One investigation included in our review did come to the conclusion that there was enough evidence to support disciplinary action for the dog handler involved. However, the process did not proceed because the dog handler retired on medical grounds before

the QPS could take disciplinary action. The outcome recorded, therefore, was ‘no further action’.

In a separate case, an investigation found sufficient evidence to support a formal disciplinary charge against a dog handler for failing to exercise a reasonable standard of care in controlling the dog. However, the convenor of the hearing concluded that the actions of the handler were not inappropriate or unreasonable in the circumstances.

Demographic profile of complainants

Gender

Of the 78 people who claimed to have been bitten by a police dog between 1999 and 2006, almost all (77, or 99%) were male. Only one female was bitten by a police dog after she was found hiding in bushland with her male companion.

Indigenous status

Approximately one-quarter (24%) of people bitten by police dogs were Indigenous people,¹⁴ with most of the other people being non-Indigenous (70%).¹⁵

Age

More than half (52%) of all people bitten by police dogs were aged between 17 and 25 years (see Figure 2, next page). One-fifth (20%) of dog-bite complainants were juveniles (i.e. 16 years and under).¹⁶

The 2000 review found that 29 per cent of dog-bite complainants between 1999 and 2000 were juveniles. In response to this finding, the CJC recommended that the QPS make changes to the Police Dog Squad Handbook, instructing handlers to carefully consider the appropriateness, or otherwise, of using dogs on juveniles. The QPS accepted this recommendation and amended the handbook.

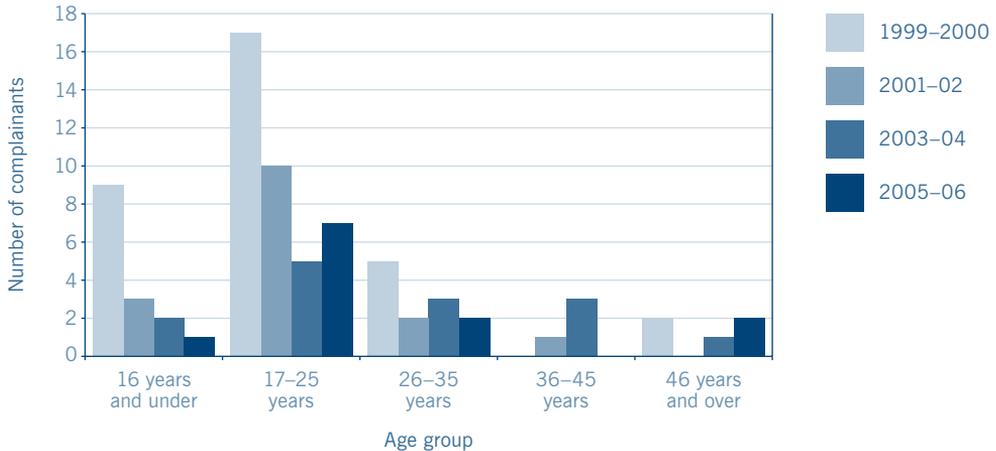
Between 1999 and 2006 there has been a marked decrease in complaints involving juveniles — from nine people in 1999–2000 to one person in 2005–06. In the most recent case, a 12-year-old boy was bitten by a police dog after decamping from the scene of an armed robbery.

14 This figure is similar to the proportion of Queensland prisoners who identify as Indigenous.

15 The Indigenous status of five complainants was not known, and in two cases information relating to Indigenous status was missing.

16 In some of the investigative reports it was acknowledged that the dog handler was not aware the offender was a juvenile, either because this information was not known or available at the time of the deployment, or because the handler could not tell the offender’s age from their appearance.

Figure 2. Age of dog-bite complainants, 1999–2006



Note: In three cases, information about the age of the respondent was missing. These cases were excluded from the analysis.

Multiple bites

Multiple bites are a serious concern for the QPS. Not only can multiple bites to the victim result in more injuries than are necessary; they can also be associated with training flaws. Police dogs are trained to take just one controlled hold of a person when apprehending. A multiple bite occurs when a police dog latches onto a person with an initial bite, releases, and then bites the person again.¹⁷ Figure 3 (facing page) shows the number of complainants who reported receiving multiple dog bites.

Overall, there has been a decrease in the number of people who reported being bitten multiple times. Three people reported multiple bites to their body in 2005–06, fewer than the 23 people who experienced multiple bites in 1999–2000. This equates to 25 per cent of complainants in 2005–06 receiving multiple bites, compared to nearly 70 per cent of complainants in 1999–2000.

Medical assistance

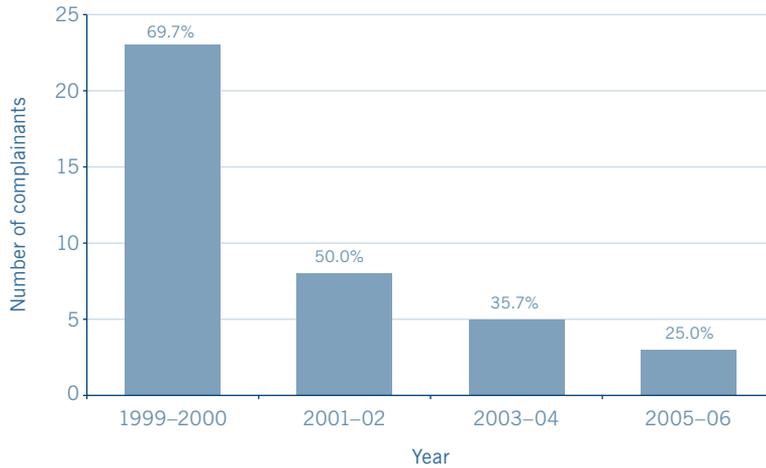
In the 2000 review, more than a third of complainants alleged that the dog handler neither checked for injury nor offered medical assistance after the complainant had been bitten by a police dog. The CJC made two recommendations to the QPS about the duty of care of police dog handlers, and these resulted in amendments to the Police Dog Squad Handbook. It is now mandatory, when a police dog comes into physical contact with a person, for dog squad officers to ascertain whether an injury occurred and, if so, to offer medical aid. In addition, handlers must make sure that, if a police dog has bitten a person and the dog handler is still involved in a pursuit or further incident, they advise another officer of the bite so that assistance can be given.

¹⁷ This is the definition used by the QPS. It differs, however, from the definition used in the unpublished 2000 review, which was bites to three separate locations on the body.

Between 1999 and 2006 there has been a commendable increase in the percentage of victims who reported being offered medical assistance after being bitten by a police dog — from 55 per cent in 1999–2000 to 100 per cent in 2005–06 (see Figure 4 below).

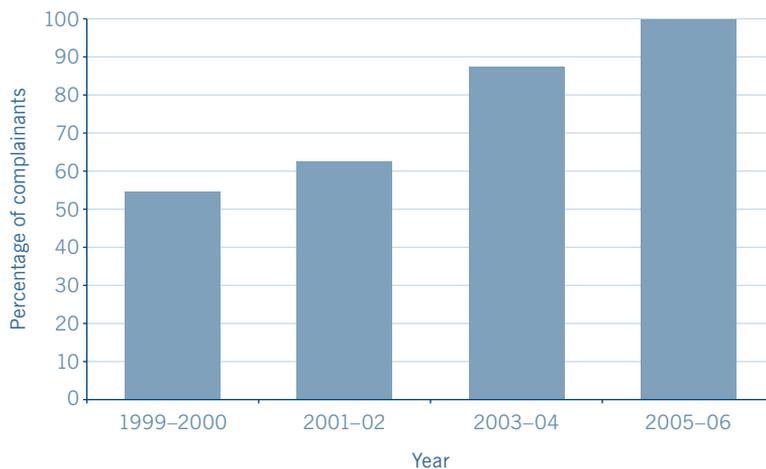
As might be expected, there was a corresponding increase in the proportion of people accepting medical assistance when it was offered by police.

Figure 3. Proportion of complainants who reported multiple dog bites, 1999–2006



Note: In three cases, information about the number of times the police dog bit the complainant was missing. These cases were excluded from the analysis.

Figure 4. Percentage of complainants who were offered medical assistance, 1999–2006



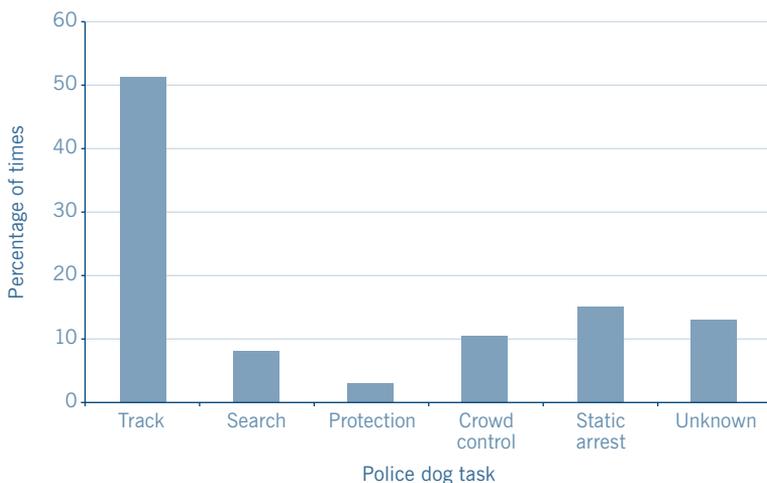
Note: In three cases, information about whether the complainant was offered medical assistance was missing. These cases were excluded from the analysis.

Reason for deployment

Police dogs are trained and deployed for a range of law enforcement tasks. Analysis of complaint files for the 1999–2006 period shows that, in half of all cases (50%), QPS dogs were deployed to track or follow human scent. In most cases, this was because a person left an area in an attempt to hide from or evade police. In 15 per cent of the files examined, police dogs were deployed to make static arrests (i.e. apprehend a person who may not have complied with police instructions to surrender). In another 13 per cent of cases it was not clear from the information available why the police dog had been deployed. In 11 per cent of cases, police dogs were used in what the CMC would term ‘crowd control’ situations (see Figure 5).

For the purpose of this research, we have used a commonsense interpretation of the term ‘crowd control’. We interpret it as referring to situations where dogs were used by police among groups of people, such as at private parties held on public or private premises, or at licensed premises. The Police Dog Squad Handbook does not define the term crowd control, and our definition may differ from what the QPS regards as crowd control. (This is discussed further in Chapter 4.) Some of the dog handlers appear to follow a definition similar to ours when completing their bite incident reports — noting that they deployed the police dog for crowd control or to disperse a crowd.

Figure 5. Reasons for deployment of police dogs, 1999–2006



Charges laid

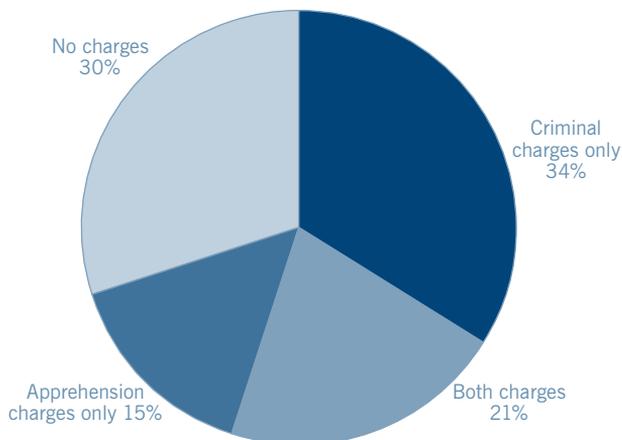
The 2000 review found that a high proportion of complainants who were bitten by a police dog were not charged with any offence. In these cases, questions naturally arose as to why the dog was deployed in the first place. We found that many deployments involved police attempting to apprehend a person reasonably suspected of involvement in a criminal offence; and other deployments involved crowd control or public order situations. It might be expected that some charges would eventuate from these deployments. Accordingly, this section examines the frequency with which charges were preferred against people who were bitten by a police dog, and the nature of any charges preferred.

In the 2007 review, we found that 30 per cent of complainants between 1999 and 2006 were not charged with any offence after the deployment of a police dog. Over this period, however, there has been a reported decrease in the percentage of people who were bitten by a police dog and not charged. Although between 1999 and 2000 about 40 per cent of complainants (12 people in total) had not been charged with any offence, by 2005–06 everyone who made a complaint about being bitten by a police dog (a total of 12 people) had been charged. In other words, the proportion of people not charged with an offence decreased between 1999 and 2006 from about 40 per cent to zero. Conversely, the proportion of people charged with an offence correspondingly increased over the period.

It is important to examine the types of charges made against complainants, to determine whether or not the increase in charges should be of concern. On the one hand, it could indicate that the deployments have been targeting people against whom the police have sufficient evidence to sustain a charge. On the other hand, it could be that the increase in charges reflects a net-widening effect as more of the charges arise from the deployment incident itself. For example, it could be argued that a person might not have been charged with any offence but for the deployment of a police dog — particularly if it was the arrest or apprehension situation alone, including the presence of the dog, that gave rise to the offence.

We were therefore interested in examining those offences arising largely from the encounter with the police dog (such as good order offences) and those offences of a more serious nature. For the purpose of the research, the types of charges were grouped into two categories: those arising from the apprehension itself (apprehension-related charges), and those arising from the person’s suspected involvement in criminal activity (criminal charges). In some cases both types of charges were laid. Figure 6 shows the proportions of complainants charged with different types of offences, and the proportion not charged, in the period 1999–2006.

Figure 6. Types of offences with which complainants had been charged after dog-bite incidents, 1999–2006



Note: In five cases, information about charges arising from the dog-bite incident was missing. These cases were excluded from the analysis.

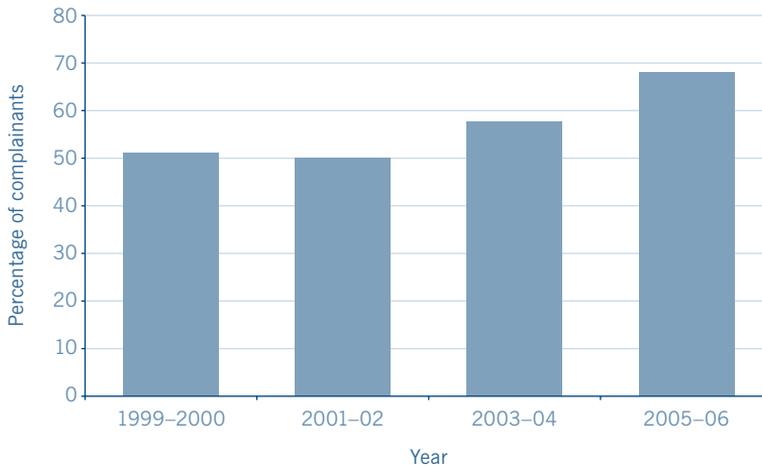
Overall, 70 per cent of dog-bite complainants between 1999 and 2006 were charged with an offence after being apprehended by police.

Criminal charges

Between 1999 and 2006, 55 per cent of complainants had been charged with criminal offences (made up of 34% charged with criminal offences only and 21% charged with both criminal offences and apprehension offences). Generally, these offences relate to the circumstances that led to the deployment of a police dog. For example, the person might be suspected of property offences (such as break and enter or wilful damage), driving offences (such as unlawful or dangerous driving), or interpersonal offences (such assault or grievous bodily harm).

Figure 7 shows the changing proportion of complainants charged with criminal offences over time, with an overall increase from 52 per cent (16 people) in 1999–2000 to 67 per cent (8 people) in 2005–06.

Figure 7. Percentages of complainants charged with offences related to suspected involvement in criminal activity, 1999–2006



Note: In five cases, information about charges arising from the dog-bite incident was missing. These cases were excluded from the analysis.

Our examination of the complaint files found no general trends in the specific offences with which people had been charged after a dog-bite incident. They ranged from graffiti-related offences and unlawful use of a motor vehicle to break and enter offences, armed robbery and rape.

Apprehension charges

Offences arising from the apprehension generally relate to the circumstances in which the suspect was found or restrained by police, and result from the interaction with the police officer or dog, or a failure to comply with police directions.

Between 1999 and 2006, 36 per cent of people who were bitten by a police dog were charged with offences arising from the apprehension (made up of 15% charged with

apprehension-related offences and 21% charged with both types of offences). The most common charges were ‘obstruct or assault police or police dog’ and ‘resist arrest’.

Fifteen per cent of complainants during this period were charged with offences arising from the arrest situation only. Although this proportion increased over the period, from 10 per cent in 1999–2000 to 33 per cent in 2005–06, this was only a slight increase in terms of numbers of people, from three to four complainants. This is a negligible change in real terms, particularly considering that the overall number of police dog-bite complaints decreased over time.

Handlers

The management and control of police dogs by their handlers is of fundamental importance. Control by the handler dictates the appropriate response by the dog to each situation. The handler, not the dog, decides whether to escalate or de-escalate the dog’s level of response (Eden 2004; Mesloh 2006; US Police Canine Association 2007; Wallentine 2007a). This is reinforced by both Australian and US case law.¹⁸

This principle was also recognised by the QPS in an amendment to the Police Dog Squad Handbook after the CJC’s 2000 review. The use-of-force guidelines now include a preamble that clearly states that police dogs are an instrument of force for which the dog handler is completely responsible (see Box 1, next page). For this reason, it is important to examine the extent to which individual dog handlers have been the subject of complaints made by people who have been bitten by a police dog.

Between 1999 and 2006, just two dog handlers accounted for almost one-third of all complaints made to the CJC/CMC, with one of them the subject of 18 per cent of complaints (14 complaints) and the other for 13 per cent (10 complaints). A third dog handler had 8 per cent of complaints (6 complaints) made against him, which is also disproportionately higher than those made against other QPS dog handlers. It would have been desirable to use workload data to conduct a more detailed analysis of these bite rates, but unfortunately the data were not available.

Although individual complaints against these handlers were not substantiated, the CMC and the QPS conducted further inquiries into the circumstances surrounding the dog-bite incidents, given the overall number of complaints. The purpose of these inquiries was to determine what, if any, managerial action should be taken, such as giving the police dog or handler further training, or increasing supervision. We subsequently referred the matter to the QPS, recommending managerial action in relation to one handler. The QPS has since informed us that both handlers have completed a tactical deployment course, which aims to reinforce the decision-making abilities of handlers, and expose police dogs to a range of different situations.

Currently, one handler is a member of a specialist QPS unit, while the other remains with the QPS Dog Squad. All QPS dog handlers are continually monitored by the Police Dog Review Committee.

¹⁸ e.g. *Tolmie v. State of Queensland* (1989) 10 Qld Lawyer Repts 166, and *Fikes v. Cleghorn*, 47 F.3d 1011 (9th Cir. 1995).

The analysis of complaints to the CMC demonstrates that, since the CJC's 2000 review, the QPS appears to have made some significant changes to the management and operation of the dog squad. This is most apparent when considering the use of police dogs to apprehend juveniles, the offer of medical assistance by police dog handlers, and the number of multiple bites reported by complainants.

Data about police dog bites provide only part of the picture, however. Some of the changes implemented by QPS include the way dog handlers themselves manage dog bites and report these incidents. These issues are discussed in the next chapter.

Box 1: Extract from QPS Police Dog Squad Handbook

from Chapter 8: 'Guidelines on use of force'

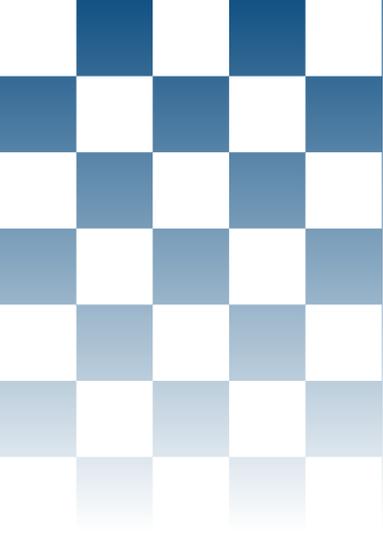
Police dogs are an instrument of force.

A police dog handler is responsible for the use and control of his/her dog.

The use of force involving a police dog can only be justified if the handler could be lawfully justified in using force in the circumstances. The handler has a duty of care to use and direct his/her dog in such a manner so as to prevent unnecessary injuries to persons and damage to property. In this sense, the police dog must be likened to an instrument which, if used negligently, could foreseeably cause injury or damage.

This responsibility involves reasonably anticipating situations where a police dog may behave aggressively (without necessarily having been commanded to do so), and taking appropriate action to prevent any unnecessary injury from occurring.

Police dogs are a valuable resource in policing. Valid complaints about the misuse or incorrect application of this resource seriously undermine the perceived value and effectiveness of the role of police dogs and their handlers.



Chapter 4

Review of QPS bite incidents

This chapter examines police data regarding bite incidents (reported by the handlers) and some trend analysis over time. It also discusses the concept of bite ratios, how they are calculated, and how they are used as a management tool.

Methods used to analyse dog-bite incidents

It was not possible to conduct a statewide analysis of police dog-bite incidents for the whole reference period (1999–2006) using QPS records because none of the available data sources covers the full reference period.¹⁹ This is mainly because mandatory reporting did not take effect statewide until 2002, when the Police Dog Squad Handbook was ratified. We therefore restricted the statewide analysis of dog-bite incidents to the 2005–06 financial year, when a standardised monthly statistical reporting system was implemented for all dog squads.

We were provided with three sources, maintained by the State Coordinator, Police Dog Squads, that can be used to provide an indication of the overall number of bites by QPS dogs. These include:

- » a workload and performance management summary spreadsheet, which gives summary totals across a range of categories for all 15 dog squads (this is based on the data collected by the Brisbane Dog Squad since 2000; the other 14 squads did not start collecting these data until July 2005)

¹⁹ The spreadsheet from the PDRC database includes entries from November 2004 only, and the bite incident summary spreadsheet contains sporadic entries for 2002 and 2003, with more consistent reporting since 2004.

- » the Police Dog Review Committee (PDRC) database, which gives summary data about bite incidents reviewed by the committee, including the outcome of reviews
- » a bite incident summary spreadsheet, which provides basic summary data about bite incident reports (PD12 reports) completed by dog handlers.

However, we identified a number of limitations with these data sources:

- » A review of available QPS records since 2002 indicated a number of discrepancies, including significant gaps in data. For example, we conducted manual searches of the QPS records in 2005 and 2007, and both times we found inconsistencies between the three data sources. For example, each spreadsheet gave a different incident report total for 2005–06, ranging from 59 to 73 incident reports.
- » There are inconsistencies between dog handlers in their reporting practices. For example, some complied with the ‘contact’ aspect of the incident reporting policy (see Chapter 2), whereas others reported only actual dog bites.

Despite these limitations, it is possible to estimate the number of dog-bite incidents for 2005–06 from the PDRC database, which the QPS considers to be the most accurate and reliable record.

Although longer-term trend data were not available from the QPS on a statewide basis, the Brisbane Dog Squad has been collecting a range of workload and other performance management data since March 2000. We were able to use these records to examine the trend in bite incidents in that particular squad from early 2000 to the end of 2006.

All dog squads started collecting the same range of data as the Brisbane Dog Squad collects in July 2005. This includes:

- » persons located by a police dog
- » handovers by a dog (persons, drugs, property, firearms and explosives)
- » total handovers (by dogs and/or handlers, of persons, drugs, property, firearms and explosives)
- » the number of tracks run by dog-handler teams.

These data, collected on a monthly basis, are used to develop the workload and performance management summary spreadsheet referred to above.

Generally speaking, the QPS records are not specific enough to permit comparisons either over time or with other agencies. This presents a problem for the QPS in monitoring its own dog-bite rates and the performance of dog-handler teams more generally over time. The issue is discussed further in Chapter 5.

Results

According to the PDRC database, 73 bite incidents were reported in 2005–06.²⁰ Given that there are 58 GP teams, this represents an average of 1.3 reported bite incidents per GP team in the year. On the face of it, this does not appear excessive.

It is important to restate that not all reported incidents may actually involve a bite from a police dog. As noted in the previous chapter, the current QPS incident reporting policy specifies that any physical contact by a police dog must be reported. It is possible, therefore, that some of the reported ‘bites’ may actually be other forms of contact from a police dog such as scratching or nudging. It was not possible to discern, from the available records for 2005–06, which reports related to a bite and which related to other types of physical contact.

It is worth noting, however, that as part of the CMC’s ongoing monitoring role, our staff had the opportunity in early 2005 to inspect bite incident records on-site at the office of the State Coordinator, Police Dog Squads. This inspection indicated that one particular handler appeared to be submitting an incident report whenever there was any contact between his dog and another person, whereas other handlers appeared to be submitting an incident report only when there was an actual bite. If this trend continued throughout 2005–06, the number of incident reports that did not relate to an actual bite incident would have been minimal.

The PDRC database records both the police dog and the handler involved in each incident, enabling a comparison of reported incidents across dogs and handlers.²¹ It shows that 45 per cent of dog handlers (26 handlers) and 50 per cent of police dogs (29 dogs) were involved in incidents in 2005–06. Conversely, approximately 55 per cent of police dog handlers and 50 per cent of police dogs were not involved in any reported bite incidents during this time.

Thirteen of the police dogs were involved in more than two reported incidents during the year, and one dog was involved in eight bite incident reports — the most for any police dog in that period. Another police dog was involved in seven bite incidents, and two were involved in six incidents each.

With respect to handlers, 11 were recorded as each being the subject of one bite incident report in 2005–06, and there were seven who each had two reports. In contrast, there was one dog handler with eight incident reports, and another with seven. Significantly, four handlers (or 15% of handlers involved in an incident) were responsible for 37 per cent of all recorded incidents in 2005–06, and seven (or 27% of handlers involved in a incident) were responsible for 58 per cent of recorded incidents.

20 This figure includes six accidental bites to police officers, two of which occurred during training exercises.

21 Although the dog-handler teams generally work together exclusively, the composition of some teams will change during the year for various reasons, including the retirement of a dog, sickness or injury to a dog or handler, or an inability to meet two-yearly accreditation standards.

Bite trends for the Brisbane Dog Squad

The Brisbane Dog Squad, which has 17 GP dog teams,²² has been keeping records on bite incidents since March 2000. As this is the most comprehensive information from all dog squads in the state, it has been used to examine the trend in bite incidents between March 2000 and December 2006 (see Table 2). To compare bite rates for the squad over time, the average number of bites per dog-handler team has also been calculated.²³

As the table shows, there were substantially more bites reported in 2000 (46 incidents) than in any other year, despite a shorter data collection period. In 2001 the frequency decreased by about 50 per cent (extrapolating the 2000 figure for a 12-month period), and has remained relatively stable since.

In terms of the average number of dog bites per dog-handler team, there was a peak of 2.7 in 2000, falling to between 1.2 and 1.5 per team between 2001 and 2006.

Table 2. Number of recorded bite incidents, Brisbane Dog Squad, 2000–06

	Year						
	2000	2001	2002	2003	2004	2005	2006
Recorded bite incidents	46	24	22	24	26	20	25
Average per team	2.7	1.4	1.3	1.4	1.5	1.2	1.5

Note: Recorded bite numbers for 2000 are for March to December only.

Statewide dog-bite rates

There are law enforcement agencies overseas that use a range of data to evaluate dog squad performance, deployment tactics and changes to operational policy and procedures (e.g. Campbell, Berk & Fyfe 1998; Hickey & Hoffman 2003; Mesloh 2003, 2006). Data on police dog deployments and their outcomes (including dog-assisted apprehensions), bite incidents, and information on injuries and medical treatment, all help these agencies calculate useful measures that can be compared over time and, in some cases, used to compare the dog squad performance of different agencies.

The measures include:

- » apprehension rates for tracks and other types of deployment (such as searches of areas and buildings)
- » bite rates per 100 dog-assisted apprehensions

22 The number of GP teams in the Brisbane Dog Squad (17 teams) has been stable throughout the period under review.

23 The Brisbane Dog Squad statistical summary sheets generally include workload data for the drug detection dog-handler teams, which are also part of the squad. No bites by drug detection dogs have been recorded; this is not surprising because, as previously noted, specialty detection dogs are not trained to apprehend suspects. The drug detection dogs have therefore been excluded from the calculations.

- » injury rates per 100 dog-assisted apprehensions
- » medical treatment rates per 100 dog-assisted apprehensions.

To provide some comparative context for the QPS dog-bite rate, Queensland data for 2005–06 were used to estimate the proportion of people bitten during dog-assisted apprehensions. The QPS calculates the bite rate of its dogs by dividing the number of bite incident reports (numerator) by the total number of handovers (denominator).²⁴ Using this formula, the QPS estimates that, in 2005–06, the rate of dog bites across the state was 2.1 bite incidents per 100 total handovers.

The QPS calculations are misleading, however, because they inflate the denominator. ‘Handovers’ include situations where dogs are deployed to locate property, drugs and firearms or explosive devices — not just people. In addition, the category ‘total handovers’ includes handovers by the handler as well as by the dog, so it includes situations where a suspect was apprehended by the handler without the dog ever being deployed. Consequently, ‘total handovers’ includes incidents where a dog would not come into contact with people and there is no possibility of a bite incident. Therefore using this figure inflates the denominator and produces a misleadingly low bite rate.²⁵

We prefer an alternative method of calculation, using ‘persons located by a police dog’ as the denominator. This more accurately reflects the level of contact between police dogs and the suspects they are deployed to apprehend, and is therefore a better way of determining the rate of bites per 100 dog-assisted apprehensions from the data currently collected by the QPS. It also provides a better comparison with the way in which bite rates are cited in the relevant overseas literature, although it is not directly comparable (see Chapter 5, p. 33).

Using this calculation,²⁶ we estimate that the Queensland dog-bite incident rate in 2005–06 was 13.2 per cent. That is, for every 100 people located by a police dog, 13 people were involved in bite incidents. Overall, this does not appear to be excessive, and is comparable with the police dog-bite ratio considered acceptable by courts in the US, where there has been considerable civil litigation over the past two decades.²⁷

24 It should be noted that the QPS Dog Squad calculates bite rates for internal risk management purposes only; the bite rates are not published.

25 It is likely that the numerator may also be inflated, given the QPS incident reporting policy that requires officers to report all types of contact. However, given the comments made on page 25, we suspect this inflation would be minimal compared to the inflation of the denominator.

26 Data from the PDRC database were used to determine the number of bite incidents (numerator) for 2005–06. As this database does not include workload data (such as the number of dog deployments or dog-assisted apprehensions), data for ‘persons located by a police dog’ (denominator) were obtained from the workload and performance management summary spreadsheet.

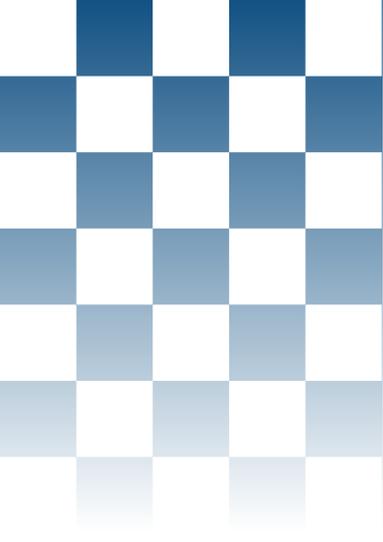
27 US courts have found that, on average, less than 30 per cent of apprehensions should result in a bite, and that canine units with an average bite ratio of 20 per cent or higher should be reviewed (US Police Canine Association 2007; Wallentine 2007b). Any insights provided by US case law need to be interpreted with caution in view of the different social, legal and operational policing environments of the US and Australia. However, in the absence of empirical or other independent guidance it does provide a useful indicator of standards in appropriate and reasonable police dog operations and deployment.

Using our method, we calculated that most dog squads had an incident rate of between 2.6 and 15.1 per cent in 2005–06, with three squads reporting no bite incidents. One dog squad, however, had a rate of 25 per cent (or one bite incident report for every four persons located by a dog), and another had the slightly higher rate of 25.9 per cent.²⁸ These rates are disproportionately higher than those of other Queensland dog squads, and may warrant more in-depth analysis and monitoring.²⁹

When used in conjunction with a range of workload and performance data, bite ratios can be particularly useful as part of an early warning and risk management system to identify police dogs and handlers who may require additional training, operational guidance or other managerial intervention. Bite ratios and other management information are also valuable in evaluating the effects of policy and procedural change, including changes in training systems and methods. Importantly, they can also be used to highlight good dog squad work, such as a low ratio of bites to apprehensions, or to show that an inappropriate bite is an isolated incident rather than a systemic problem (Hickey and Hoffman 2003). This is discussed further in Chapter 5, where we outline specific suggestions for improving the range and utility of operational data collected by the dog squads.

28 No data were available to calculate a bite incident rate for the dog-handler teams attached to the Special Emergency Response Team (SERT). SERT is generally deployed in high-risk situations, and police dogs can enable SERT officers to resolve these volatile situations with less-than-lethal force. Due to the operational circumstances in which SERT dogs are deployed, QPS advise that a higher than average rate of bites would be expected.

29 Workload data for individual dog handlers across Queensland were not available, so further analysis was not possible using the existing data.



Chapter 5

Conclusions and recommendations

This final chapter discusses some possible implications of the research findings and makes five recommendations for the QPS to consider.

Key improvements

The research results presented in this report show considerable improvement in the management of police dogs and dog-bite complaints over the study period.³⁰ In particular:

- » fewer juveniles have been bitten
- » fewer people received multiple bites
- » more people were offered medical assistance (by 2005–06, everyone who had been bitten was offered help)
- » more people who were bitten by police dogs were charged with offences relating to their suspected involvement in criminal activity.

It is important to acknowledge the significant work undertaken by the QPS since 2001 to improve the operation and management of the dog squad. First and foremost, the Police Dog Squad Handbook was developed, and ratified in 2002. This handbook — which replaced the first police dog handler’s training manual, written in the late 1970s — is a fully revised and comprehensive document, with more than 140 pages. It has 18 chapters and includes topics such as legislation, duties of dog handlers, testing and training of police dogs, use of force, assessment standards, and tracking.

³⁰ Information available to the research team suggests that the decrease in complaints against QPS dog handlers can be attributed, at least in part, to a change in QPS practice. We were told that, before 2001, QPS officers in some districts visited anyone who had been bitten by a police dog, as a duty of care, and asked them if they wanted to make a complaint against the dog handler. According to the QPS officer, this encouraged a greater number of complaints by bite victims. Subsequently, when the practice of visiting people who had been bitten ceased, the number of complaints declined.

Other key developments of the QPS Dog Squad include the following:

- » A **dog development centre**, a **puppy program** and a **breeding program** have been established, allowing a higher standard of dog to be bred and raised as police dogs. They also give dog handlers and the dogs themselves additional training opportunities, such as scenario-based training, which better equip dog-handler teams for operational police work.
- » **Nationally accredited training** is currently being developed, and will be delivered to dog-handler teams after they have been in the field for 12–18 months. This training will be tactical in nature, with the aim of enhancing the skills of both the handler and the dog.
- » Changes have been made in the **monitoring and management** of police dog bites. For example, all incidents are now reviewed by the Police Dog Review Committee to determine any training and policy issues. The committee also oversees complaint investigations and keeps the Ethical Standards Command informed about any investigations involving police dog handlers.
- » Improvements have been made to **dog-bite incident reporting procedures**, including greater compliance and consistency across the state.
- » Improvements have also been made to statewide **data collection, analysis and reporting of incidents** relating to the use of police dogs, including regular monitoring by the review committee.

Undoubtedly, these initiatives have improved the management of the QPS Dog Squad, and seem to have contributed to a reduction in complaints against QPS dog handlers. The QPS should be commended for these efforts.

Ongoing concerns

The 2007 review of dog-bite complaints raised some ongoing concerns relating to the use of police dogs and their management. The QPS Dog Squad is already aware of these concerns, and we have discussed them with members of the squad during the research process. We set them out here for the QPS Dog Squad to consider, and we make some recommendations.

Crowd control

During the 2007 review, the CMC researchers examined eight complaints relating to crowd control deployments. In other words, they were situations where large groups of people — generally at a party or other function — became rowdy or were considered a disturbance, and police dogs were used to disperse the crowd or move people on.

The Queensland Police Service Operational Procedures Manual (s. 2.23.6, ‘Investigative process’) specifies that dog handlers are only to use police dogs for crowd control where:

- » there is no doubt that all other means available to control the crowd have been exhausted

- » there is a real threat to the safety of police and other people.

However, our analysis of the complaint files, and discussions with QPS Dog Squad officers, revealed some ambiguities.

For example, it is not clear what actually constitutes a crowd for the purpose of policing; and it is not clear, particularly in those cases that the CMC researchers considered to be crowd control situations, whether the police used any other measures before deploying police dogs. Without such clarification, it is difficult to determine whether the use of a police dog was an appropriate use of force in the circumstances.

There is also some ambiguity about the role of police dogs in crowd control situations. The QPS Dog Squad has advised that the primary use of police dogs in such circumstances is to protect the police or the public when an officer is giving a direction, such as to move on, to a crowd. In other words, the QPS uses police dogs in crowd situations rather than for crowd control. This raises concerns about the presence of police dogs in crowds — particularly given the likelihood that people in crowd situations could be bitten — when it could possibly be a breach of QPS policy to have police dogs attend these situations in the first place. This is a risk management concern for the QPS.

Recommendation 1

That the QPS define what it considers to be:

- **a crowd control situation**
- **a situation in which the presence and deployment of a police dog in a crowd situation would be justified.**

Monitoring of dog handlers

The 2007 review found that a few dog handlers accounted for almost one-third of all complaints made during the eight-year evaluation period. Although we acknowledge that none of these complaints was substantiated to the necessary evidentiary standard, it is still a matter of concern that people who have been bitten in separate dog-bite incidents have complained about the style and manner of the same dog squad handlers. A similar concern arises in relation to the bite ratios of particular dog squads. Two police dog squads had estimated bite ratios of about 25 per cent (or one bite incident report for every four persons located by a dog), substantially higher figures than those estimated for other dog squads.

The large number of complaints against individual handlers and the bite ratios of some dog squads highlight potential problems with the performance of some police dogs and their training, or with the behaviour and attitude of some police handlers in using and controlling dogs. Either way, it would be desirable for the Police Dog Review Committee to give closer scrutiny to the dog-handler teams that are the subject of complaints or high bite rates.

It is possible that the trends in the figures result, at least in part, from some police dog handlers complying with the incident reporting policy more conscientiously than

others. Indeed, our examination of bite incident records in 2005 and 2007 revealed inconsistent compliance with the incident reporting policy. QPS policy requires that a bite incident report be completed in ‘every incident where a police dog causes injury to a person, takes hold of, or comes into physical contact with any person’. In other words, police dog handlers must report those instances when the police dog scratches, pushes or nudges a person, not only when it bites a person. As discussed in Chapter 4, some police dog handlers may only be reporting actual bites and not complying with the requirement to report all physical contact.

Unfortunately, the bite incident summary data from the QPS do not distinguish between actual dog bites and other physical contact, and it is therefore not possible to determine the number of reports that refer to bites only. Given this, it is plausible that some of the variance in estimated bite ratios between squads could be due to the different reporting practices of dog handlers rather than any real difference in the actual bite rates of police dog squads.

Thus it is clear that the ‘contact’ aspect of the incident reporting policy needs to be clarified, and that bites need to be distinguished from other types of contact for the purposes of statistical reporting.

Recommendation 2

That the QPS define what is meant by physical contact within the context of the incident reporting policy, and consider the extent to which different types of contact need to be reported, if at all.

If the QPS decides that all types of physical contact needs to be reported, consistent compliance with the policy must be actively encouraged, monitored and rewarded.

Recommendation 3

That the QPS differentiate between actual dog-bite incidents and other forms of contact on its summary data sheets.

Reporting and data management

Completing bite incident reports

As mentioned at the beginning of Chapter 3, QPS bite incident reports were available in only 37 per cent of cases resulting in a complaint against a dog handler between 1999 and 2006. Although it is important to acknowledge that the QPS policy on dog-bite incident reporting did not take full effect until 2002, there are still relatively few bite incident reports available from 2002 onwards. Specifically, only 53 per cent of complaints made to the CJC or CMC between 2002 and 2006 had a corresponding dog-bite incident report available to researchers for analysis. This is a concern, considering that these reports have been mandatory for over four years.

The QPS informs us that steps have been taken to improve the compliance of dog handlers in this regard. These include a directive from the Assistant Commissioner, Operations Support Command, reminding all handlers of QPS policy on bite incident reporting. We welcome this directive, and emphasise the importance of bite incident

reports in building QPS capacity to determine the number of dog bites and more accurately monitor the circumstances in which people are bitten. We encourage QPS Dog Squad managers to ensure that their officers comply with the Assistant Commissioner’s directive by completing bite incident reports and submitting them to the State Coordinator for review by the Police Dog Review Committee.

Collecting data

In addition to recording the number of dog-bite incident reports submitted by handlers, the QPS currently collects a range of information on the work performance of its police dogs. This can be loosely grouped into two categories:

- » ‘total jobs attended’ — the number of times a dog-handler team is called to a job or conducts specific types of searches (area/building, article, drug, explosives) and patrols (school, railway etc.)
- » ‘total handovers’ — the number of times a handler or police dog has located a person, drugs, property, firearms etc.

Unlike some overseas law enforcement agencies (see Hickey & Hoffman 2003; Mesloh 2003), the QPS does not link the two categories of data to report on the number of handovers or bites that relate to particular jobs attended or types of deployment. In other words, QPS data do not enable managers to determine:

- » the proportion of jobs attended by the dog squad that result in the deployment of a police dog
- » the proportion of police dog deployments that result in either an apprehension or a bite.

Information of this kind would not only facilitate better reporting of police dog performance, but it could also be used to assess the effectiveness of police dogs as an operational resource in different policing situations. In short, it would be a useful management tool. Box 2 below shows how the data could also be used to calculate a dog-bite ratio for each type of deployment.

Box 2: Bite ratio data collector (adapted from Mesloh 2006)

Jobs attended: —

	Number			
Track	— deployments	— apprehensions	— bites	— bite ratio
Area search	— deployments	— apprehensions	— bites	— bite ratio
Building search	— deployments	— apprehensions	— bites	— bite ratio
Static arrest	— deployments	— apprehensions	— bites	— bite ratio
Other	— deployments	— apprehensions	— bites	— bite ratio
Total	— deployments	— apprehensions	— bites	— bite ratio
<i>For example:</i>	50 deployments	30 apprehensions	3 bites	10% bite ratio

$$\text{(Bite ratio = } \frac{\text{no. bites}}{\text{no. apprehensions}} \times 100)$$

Recommendation 4

That the QPS specifically collect data on:

- the number of times dog-handler teams attend jobs
- the number of times police dogs are deployed
- the different types of deployment of police dogs
- the number of people apprehended for each type of deployment
- the subsequent number of people bitten for each type of deployment,

to help the QPS effectively monitor the work performance of their dogs and handlers.

Calculating bite ratios

As highlighted in Chapter 4, we are concerned about the calculation used by the QPS to estimate bite ratios, on the basis that it gives a ratio that is misleadingly low. The QPS divides the number of ‘bite incident reports’ by the ‘total number of handovers’. We would prefer the QPS to use a calculation dividing the number of ‘dog-assisted apprehensions’ by the number of ‘bites arising from those apprehensions’ to determine a bite ratio. We recommend that, at the very least, the QPS change the denominator used for calculating its bite ratio from ‘total handovers’ to ‘total persons located by a police dog’. This would yield a more accurate bite ratio and enable comparison of bite ratios with those of other jurisdictions.

Recommendation 5

That the QPS reconsider its method of calculating the bite ratios of its dogs, to allow for more accurate analysis and greater comparability with the bite ratios of other law enforcement agencies.

Concluding comments

The dog squad serves a very important function within the QPS, and dog-handler teams perform potentially dangerous work. In the great majority of incidents, nobody is bitten by a QPS dog. Since 2000, there has been considerable and clearly measurable improvement in the dog squad in a number of important areas, such as a major decrease in bites and complaints against police dog handlers. The QPS Dog Squad deserves to be commended for this.

However, this report does highlight some concerns for the QPS. Police dogs, as a serious use of force, may cause significant injuries to those who come into contact with them. Just like other uses of force by law enforcement agencies, police dogs are a potential source of risk for the QPS. For this reason the QPS must continue to consider ways to better monitor and manage the deployment of its dogs.

References

- Brereton, D & Burgess, M 1997, 'Complaints of assault against police: why are they so hard to substantiate and what should be done about it?', presentation at the Australian and New Zealand Society of Criminology, 12th Annual Conference, Brisbane, 8–11 July 1997.
- Campbell, A, Berk, RA & Fyfe, JJ 1998, 'Deployment of violence: the Los Angeles Police Department's use of dogs', *Evaluation Review*, vol. 22, no. 4, pp. 535–61.
- Department of the Premier and Cabinet 2006, *Queensland Criminal Justice System Bulletin 2004–05*, Queensland Government, Brisbane.
- Dorriety, JK 2005, 'Police service dogs in the use-of-force continuum', *Criminal Justice Policy Review*, vol. 16, no. 1, March 2005, pp. 88–98.
- Eden, RS 1993, *K-9 Officer's Manual*, Detselig Enterprises Ltd, Calgary, Alberta.
- Eden, RS 2004, *Handler control vs bark and hold apprehension techniques*, Eden Consulting Group, viewed 5 May 2006, <www.policek9.com>.
- Fleck, T 2007, *Patrol canine legal update and opinions: summary*, viewed 27 April 2007, <www.k9fleck.org>.
- Hickey, ER & Hoffman, PB 2003, 'To bite or not to bite: canine apprehensions in a large, suburban police department', *Journal of Criminal Justice*, vol. 31, pp. 147–54.
- Mackenzie, SA 1992, 'What to do after the find: the search for bark or bite options', *Police: the law officer's magazine*, vol. 16, December 1992, pp. 18 & 85.
- Mesloh, C 2003, 'An examination of police canine use of force in the state of Florida', PhD thesis, University of Central Florida, viewed 4 May 2006, <www.uspcak9.com>.
- Mesloh, C 2006, 'Barks or bites? The impact of training on police canine force outcomes', *Police Practice and Research*, vol. 7, no. 4, pp. 323–35.
- Metropolitan Police Service 2007, *The history of the Metropolitan Police Service: police dogs*, viewed 3 May 2007, <www.met.police.uk>.
- New South Wales Police 2004, *Recruitment & education: dog unit*, viewed 12 Nov 2006, <www.police.nsw.gov.au>.
- Priest, J 2005, *Van Bogardus claims dogs are deadly force*, viewed 4 May 2006, <www.policek9.com>.
- Queensland Police Service 2000, *Police Dog Squad handbook*, QPS, Brisbane.

- Queensland Police Service 2007, *Queensland Police Service operational procedures manual*, public copy, amendment issue 31, viewed 3 May 2007, <phoenix.qldpol/phoenix/operational_procedures/opm_public/opm/content.htm>.
- Royal Canadian Mounted Police 2006, *From Dale to Jack: police dogs of the RCMP*, viewed 12 November 2006, <www.rcmp-grc.gc.ca>.
- United States Police Canine Association 2007, *Patrol case law: the police dog as an instrumentality of force*, viewed 28 May 2007, <www.uspcak9.com>.
- Wallentine, KR 2007a, *Taking a bite out of crime — risk management for police canine programs*, viewed 26 September 2007, <www.policelink.com>.
- Wallentine, KR 2007b, *Canine use of force*, viewed 27 April 2007, <www.kenwallentine.com>.

