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The use of drug detection dogs in Sydney, Australia

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Abstract

Introduction and Aims. At present there is little research into the use of drug detection dogs. The present study sought to explore the use of detection dogs in Sydney, Australia, utilising multiple data sources. ***Design and Methods.*** Data were taken from interviews with 100 regular ecstasy users and 20 key experts as part of the 2006 New South Wales arm of the Ecstasy and Related Drugs Reporting System, and secondary data sources. ***Results.*** The majority of regular ecstasy users reported taking some form of precaution if made aware that dogs would be at an event they were attending. A small proportion of the sample reported consuming their drugs when coming into contact with detection dogs. One group of key experts viewed the use of detection dogs as useful; one group disliked the use of detection dogs though cooperated with law enforcement when dogs were used; and one group considered that detection dogs contribute to greater harm. Secondary data sources further suggested that the use of detection dogs do not significantly assist police in identifying and apprehending drug suppliers. ***Discussion and Conclusions.*** The present study suggests that regular ecstasy users do not see detection dogs as an obstacle to their drug use. Future research is necessary to explore in greater depth the experiences that drug users have with detection dogs; the effect detection dogs may have on deterring drug consumption; whether encounters with detection dogs contribute to drug-related harm; and the cost–benefit analysis of this law enforcement exercise. [Dunn M, Degenhardt L. The use of drug detection dogs in Sydney, Australia. *Drug Alcohol Rev* 2009;28:658–662]

Key words: sniffer dog, detection dog, ecstasy, Australia.

Introduction

There is controversy in the media surrounding the use by law enforcement of drug detection dogs as a method of drug detection (e.g. [1,2]), yet only a small volume of literature investigating the efficacy of their use exists. The existing literature suggests that detection dogs may serve as a visual deterrent to drug dealers [3], but there has been little examination of whether they dissuade drug use.

In New South Wales (NSW), Australia, the *Police Powers (Drug Detection Dogs) Act 2001* (the 'Drug Dogs Act') was enacted in response to the dismissal of two drug charges against a man who had been found in possession of prohibited drugs during a drug detection dog operation [4]. It had been found that the actions of the detection dog constituted an illegal search. The Drug Dogs Act, as well as the *Police Powers (Drug Detection Dogs) Regulations 2002* (the 'Drug Dogs Regulation'), established the legislative scheme which conferred on police the power to use detection dogs, without a warrant, to '. . . assist in the identification of persons committing drug offences in certain public places . . .' [4]. Such places included licensed premises and public transport. It also allowed for the use of detection dogs by law enforcement with a warrant, where an authorised justice was satisfied that police had reasonable grounds for believing that drug offences were occurring in the locale specified in the warrant application. Detection dogs in NSW are trained to detect ' "cannabis and its derivatives, heroin, cocaine" and "amphetamines including ecstasy, ice, etc." ' (p. 45) [4]. Since December 2005, the *Law Enforcement (Powers and Responsibilities) Act* has replaced the Drug Dogs Act; for all intents and purposes, the provisions of the new act are identical to the old one.

Much of the knowledge regarding detection dogs is anecdotal. The purpose of the current paper is not to

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measure the effectiveness of detection dogs. Rather, it explores the use of detection dogs in Sydney, NSW, utilising multiple data sources. These data include: (i) interviews with regular ecstasy users (REU) in Sydney, Australia, conducted as part of the 2006 Ecstasy and Related Drugs Reporting System (EDRS); (ii) interviews with key experts (KE), who through the nature of their employment come into contact not only with this population of drug users but also potentially with detection dogs, also conducted as part of the 2006 EDRS; and (iii) secondary data sources examining the impact of the use of detection dogs. Specifically, the aims of the present study were to:

1. document the experiences of REU with detection dogs;
2. explore the experiences and perspectives of KE with detection dogs; and
3. review secondary data sources regarding the efficacy of detection dogs.

Methods

The EDRS is an ongoing monitoring system of ecstasy and related drug markets. It involves the collection and analysis of three data components, which the current paper makes use of: (i) a survey of current REU, who represent a sentinel population of ecstasy users likely to be aware of trends in illicit drug markets; (ii) interviews with KE—professionals and volunteers who work with, or have regular contact with, REU; and (iii) secondary indicator data sources, such as existing databases of customs seizures, police drug-related arrests and drug information telephone services.

Ecstasy user sample

Participants were recruited as part of the 2006 EDRS using a purposive sampling strategy [5], which included advertisements in entertainment street press, gay and lesbian newspapers, music and clothing stores and at university campuses. Interviewers' contacts and 'snowball' procedures [6] were also utilised. Potential participants contacted the researchers by telephone and were screened for eligibility. To meet entry criteria, participants had to be at least 17 years old (because of ethical constraints), have used ecstasy at least six times in the preceding 6 months and have been a resident of the capital city in which the interview took place, for the past year. The study was conducted in the capital cities of Australia's eight states and territories; however, only data concerning the REU cohort interviewed in Sydney are presented here.

Participants were administered a structured interview schedule based on a previous national study of ecstasy users [7]. The interview focused primarily on the preceding 6 months and assessed demographic characteristics; patterns of ecstasy and other drug use; the price, purity and availability of ecstasy and other drugs; self-reported criminal activity; risk behaviours; and general trends in ecstasy and related drug markets.

All information provided was confidential and anonymous, and the study involved a face-to-face interview of approximately 45 min duration. All respondents were volunteers who were reimbursed AU$30 for their participation. Interviews took place in varied locations negotiated with participants, and were conducted by interviewers trained in the administration of the interview schedule. The nature and purpose of the study was explained to participants and informed, written consent was obtained from all participants. Ethical approval to conduct the study was obtained from institutional ethics committees in each jurisdiction.

Key experts

Key experts were interviewed as part of the 2006 EDRS. The eligibility criterion for KE participation in the EDRS is regular contact with a range of REU in the preceding 6 months. Regular contact was defined as average weekly contact and/or contact with 10 or more REU throughout the past 6 months. KE were recruited either through professional networks of project staff or recommendations, and in some instances through 'cold calls'.

A total of 20 KE were interviewed; these KE represented a wide range of industries and services from various metropolitan regions of Sydney and provided information on the REU with whom they had had recent contact. The KE interviewed included entertainment venue medical officers, drug and alcohol counsellors, party promoters, law enforcement officers, health promotion workers, peer education workers, nightclub managers and drug dealers. Telephone interviews lasting approximately 45 min were conducted with the aid of a semistructured interview guide derived from a previous study of cocaine use [8]. Analysis of qualitative data from the KE surveys was conducted by categorising responses and performing content analysis to identify common themes. The relevance of the data was weighted according to the number of KE who endorsed them [9].

Secondary data sources

Two reports were identified pertaining to the use of drug detection dogs. These included the NSW Ombudsman's review of the *Police Powers (Drug Detection Dogs) Act 2001* and the NSW Council for Civil Liberties' (CCL) report on drug detection dog warrants.

NSW Ombudsman's review of the Police Powers (Drug Detection Dogs) Act 2001. The 'Drug Dogs Act' required the NSW Ombudsman to review the use of drug detection dogs for the first 2 years after commencement. The Ombudsman's report was submitted in June 2006 [4].

The NSW CCL's report on drug detection dog warrants. In May 2004 the NSW CCL examined all warrants issued by Newtown Local Court from the beginning of 2004 [10]. Such warrants were issued by an authorised justice when law enforcement wished to use drug detection dogs in any public place not covered by the then Drug Dogs Act 2001. Each application for a warrant and a report on the results of the execution of the warrant are available to the public from the Local Court that issues the warrant. The statistics presented are for operations where a warrant was necessary; as such, statistics were not available for operations where dogs were used in prescribed areas (that is, areas covered by the Act).

Results

REU sample

One hundred REU were interviewed in Sydney in 2006; the characteristics of this sample have been reported in detail elsewhere [11]. Briefly, 68% of the sample was male, with a mean age of 28 years (range 18–55 years); 72% had completed secondary education and 58% had completed either a trade or technical qualification or had completed tertiary education. Six per cent reported being previously incarcerated and 5% reported being in treatment for drug-related problems.

Participants were asked about their experiences with drug detection dogs. Two-thirds (64%; $n = 64$) of participants had seen sniffer dogs in the preceding 6 months on a median of two occasions (range 1–24). Of those who had seen sniffer dogs, the majority (89%; $n = 57$) reported that they took some precaution if they were made aware that the dogs would be at an event that they were attending. Half (51%; $n = 29$) of these reported that they concealed their drugs better; 23% ($n = 13$) consumed their drugs before attending the event; and 21% ($n = 12$) did not take drugs to the event. Other precautions included avoiding the area or location where the dogs were reported to be (11%; $n = 6$), carrying small amounts of drugs or only amounts for personal use (5%; $n = 3$), disposing of drugs (2%; $n = 1$) and purchasing drugs from a known source at the event (2%; $n = 1$).

Almost three-quarters (70%; $n = 45$) of those who had seen sniffer dogs in the past 6 months reported having had drugs on their person when they had seen the dogs. When participants were asked to report their reactions to seeing the dogs when they had drugs on them, 42% ($n = 19$) reported walking away, 42% ($n = 19$) reported acting calm, normal or not reacting in any way, 4% ($n = 2$) reported disposing of their drugs and 4% ($n = 2$) reported taking their drugs.

Participants were asked what their reactions would be if they saw sniffer dogs in the future if they were in possession of drugs. Almost two-fifths (37%; $n = 12$) of the sample reported that they would walk away or avoid the dogs, 26% ($n = 14$) reported that they would dispose of the drugs, 26% ($n = 14$) reported that they would act calm and 18% ($n = 10$) reported that they would consume the drugs they were in possession of.

KE interviews

Three distinct views emerged from the KE interviews regarding the use of drug detection dogs. One group of KE ($n = 5$) viewed detection dogs as useful, commenting that the majority of those who worked in entertainment venues, and those who frequented them, did not take issue with the use of detection dogs in these establishments. There was a second group of KE ($n = 6$) who, while acknowledging that they did not like the use of detection dogs and saw no purpose in their use, cooperated when law enforcement used the detection dogs in drug detection operations.

There was, however, a third group of KE ($n = 9$) who were of the opinion that detection dogs created greater harm, were ineffective and were used to project to the public a visual example that law enforcement was targeting drug use. Such KE, who worked as first-aid officers, volunteers and party promoters, believed that the use of drug detection dogs at entertainment venues unfairly targeted certain community groups, such as members of the gay/lesbian/bisexual/transgender (GLBT) community, as well as youth. The opinion was also taken that drug detection dogs were ineffective because they aided in the detection of people who had in their possession small amounts of drugs for personal use, rather than high-end drug suppliers and manufacturers. KE who worked in health were concerned with the use of detection dogs at entertainment venues because they believed that the dogs contributed to more drug-related harm. KE described witnessing patrons at entertainment venues consume quantities of drugs in one dose, which had originally been intended to be used over the course of several hours, in response to observing detection dogs. KE were concerned with the adverse reactions which could result.

NSW Ombudsman's reports

The NSW Ombudsman found that during the review period (February 2002 to February 2004), 17 detection

dogs made 10 211 indications; 9400 different individuals were indicated by a drug detection dog during the review period. Three-quarters of those body searches conducted because of a positive notification from detection dogs did not result in the location of prohibited drugs [4]. The most common drug found was cannabis, which was found in approximately 84% ($n = 2233$) of all incidents where one or more drugs were detected; this was followed by ecstasy (8.5%; $n = 226$) and meth/amphetamine (7.7%; $n = 205$) [4].

In 74.7% ($n = 7624$) of cases following searches, police took no formal action. In the instances where police did take action ($n = 2587$), 19 successful 'supply prohibited drug' prosecutions resulted from drug detection dog operations, and ecstasy was involved in 16 of these [either alone ($n = 6$), with meth/amphetamine ($n = 5$), with cannabis ($n = 4$) or with meth/amphetamine and cannabis ($n = 1$)]. Nine of the 19 successful prosecutions involved meth/amphetamine. No successful prosecutions for cocaine or heroin supply resulted from detection dog operations. The Ombudsman's report concluded that detection dogs 'do not significantly assist police in targeting drug suppliers' (p. viii).

NSW CCL report

The NSW CCL reviewed 10 warrants (over the period January to May 2004) which had been granted by the Registrar of Newtown Court. Not all of the reports of the warrants included statistics on the number of identifications by the detection dogs, the number of subsequent searches and the number of actual drug detections. One warrant showed that over a 2 day period, detection dogs identified 71 people who were subsequently searched by police and 14 were found to be in possession of drugs (i.e. a one in five success rate). Another warrant showed that over a 2 day period, detection dogs identified 25 people, of whom five were found to be in possession of drugs (i.e. a one in five success rate). A third warrant showed that on a 1 day period, nine searches resulted in three detections of drugs (i.e. a one in three success rate). Statistics for the use of detection dogs in areas where a warrant was not needed are not available [10]. The CCL report suggested that police were using detection dogs to target a methadone clinic situated in the locale, and that in two warrant applications the clinic was specifically mentioned as a reason for the application [10].

Discussion

The present study sought to review the use of drug detection dogs in Sydney. It has been argued that detection dogs serve as a visual deterrent to drug use. A proportion of the REU surveyed (21% of those who had seen detection dogs in the preceding 6 months) reported that they chose not to take drugs to an event when forewarned of the presence of detection dogs. Nonetheless, the majority who had seen detection dogs still reported that they took drugs to events, though taking some form of 'precaution' when doing so. Although only a small portion of the REU surveyed reported having consumed all of their drugs when they saw detection dogs, one-fifth reported that this would be their reaction in the future.

Some KE voiced concern that the use of dogs may displace users of ecstasy and related drugs from locales which may be considered 'safe' (e.g. nightclubs) to using drugs in private locations away from medical assistance or harm reduction measures. Research exploring patterns of drug use among primarily non-injecting drug users has found that drug consumption in private locations may be a marker for riskier drug use [12]. Policing practices which have been found to displace injecting drug users from public to more hidden drug consumption [13] may have the same effect with this population of REU. Future research might examine whether people change locations of drug use in response to the use of detection dogs.

One of the concerns from the KE interviewed was the perception that detection dogs were used to identify and prosecute people who *use* drugs, as opposed to those involved in the *supply* of drugs. Previous research into drug-purchasing patterns of REU has shown that they often do not purchase their drugs in 'street markets', but rather choose more private locations such as friends' homes [11,14], making dealers unlikely to be caught when detection dogs are used in public locations such as the street, train stations and outside entertainment venues.

The NSW Ombudsman's report cited NSW Police's claims that the dogs' accuracy is 70% [4]; however, the NSW Ombudsman's report suggested that, during the review period, only 26% of persons searched in a public place as a result of an indication were found in possession of prohibited drugs [4]. The NSW Ombudsman commented that 'While some level of searching without finding drugs might be an acceptable consequence of a policing strategy which otherwise delivers good results, it is unclear whether the current rate of drug finds is sufficient to justify the large numbers of people searched with no result' (p. 141).

The Ombudsman's report found that cannabis was the most commonly detected substance. The Ombudsman's report cited correspondence from NSW Police stating that 'The drug detection dogs are trained to detect "cannabis and its derivatives, heroin, cocaine" and "amphetamines including ecstasy, ice, etc." ' (p. 45). It is reasonable to expect more people to be found

in possession of cannabis given that it is the most commonly used illicit drug in the Australian general population [15].

Those in possession of drugs often either had small amounts and were issued with cautions (e.g. cannabis) or were in possession of amounts which could have resulted with being charged with supply of a prohibited substance but were not (e.g. ecstasy) [4]. It may be useful to explore the cost–benefit implications that result from the use of this law enforcement resource to detect users of illicit drugs.

Previous research [3] has suggested that detection dogs may serve as a deterrent to drug dealing though not necessarily to drug use. Although the Ombudsman's report noted the small number of successful 'supply prohibited drug' prosecutions that resulted from the use of detection dogs (nine out of 9400 individuals searched), it is possible that they serve to deter illicit drug use for some users. The REU in the current study are, by definition, actively engaged in the illicit drug market, which may explain why only a small proportion saw detection dogs as a deterrent to drug use. Future research might examine whether there may be a deterrent effect for such groups as those who do not engage in drug use or who are less frequent drug users.

Limitations

The study has several limitations. First, the small sample size of both REU and KE interviewed may limit the generalisability of the current findings, and caution should be used when interpreting the findings. Second, REU were not asked about any negative consequences they may have come into as a result of being in possession when observing detection dogs. While a small proportion of REU reported consuming drugs when coming into contact with detection dogs, and some KE indicated that they had observed this behaviour, it is unclear the extent to which they came into harm nor the severity of harm. Given the high risk for harm that stems from such practices, future research should investigate this in greater detail.

Conclusion

The present study suggests that REU do not see detection dogs as an obstacle to their drug use. Furthermore, evidence suggested that detection dogs primarily detect consumers rather than detecting drug suppliers. Future research is necessary to explore in greater depth the experiences that drug users have with detection dogs; the effect detection dogs may have on deterring drug consumption; whether encounters with detection dogs contribute to drug-related harm; the cost–benefit analysis of this law enforcement exercise; and whether the use of detection dogs contributes to changes in drug users' drug-purchasing and consumption patterns.

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