

A POLICE SERVICE DOG AS A MEANS OF COERCION

ABSTRACT: The use of animals in the execution of complex tasks by police officers and military units does not represent any novelty in the operational and legal sense. But, this topic has not been considered enough in professional and scientific circles, for which there should be found some space, especially if we take into account certain “news” in the legislative sense occurred at the international level. The basic hypothesis of this paper refers to the consideration of the issue of the use of a police service dog. Within the previously mentioned discussion, the focus of the work is grouped into two parts, namely the first part relates to the legislative provision of the use of police service dogs in terms of training and use, while the second one refers to their tactical application when performing complex tasks. In particular, it is considered the issue of legislative news and initiatives appeared in the American legislative system. Bearing in mind the increasingly dominant attitude of the world population on the topic of animal protection, there is to be expected that a similar topic will soon be raised in our country too. In this research, in addition to analysis, deduction and comparative scientific methods, the specialization method was also used. At the end of this research, in the concluding remarks, there was presented a review of the most significant parts of the work as well as specific conclusions arising from this overall research. Of course, the authors’ personal views were also included.

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1. Introductory considerations

Many animal lovers, especially dogs lovers, face the necessary need to socialize their pet or to teach it how to “behave” at certain times or in certain places. Precisely on the basis of the mentioned, it could be said that every dog owner becomes a trainer of his pet to a certain extent and intensity. Someone achieves results in this with more or less success, and of course there are quite a few opposite examples.

Practically, it could be said that most people do dog training in their own way and with some of their own modalities... with more rewards and less punishment, or vice versa or relatively proportional, and maybe in a some different way. What is certain is that in order to achieve the best results, it is necessary to consult experts or professional trainers, ie. dog trainer.

Dog training can be various, starting from some basic training that is used in a dog's daily life (civilian pet dogs), up to highly specialized training intended for hunting dogs, dogs in rescue units or for dogs used in special jobs in the army and the police.

In order for a dog to be able to tame any level of training, it is necessary that it has mental and physical healthy predispositions, that it has no hereditary diseases, that it has been properly raised starting from the monitoring of the state of health from the first day, regular vaccinations but also of course the development of all senses from the earliest period (still in the kennel).

Every dog needs socialization, especially after leaving the kennel, ie. after separation from the litter, which represents the period from the eighth to the ninth week of life. Early socialization is one of the most important, which means learning the basics, adapting to the environment, adapting to the eg. noise, crowds, other animals, other dogs...

According to cynology's accepted and adopted views, the period of six to twelve months is the optimal period for dog training because then certain bad habits can be effectively avoided. This does not mean that the training cannot be continued or started in a later period.

In this paper, the exclusive focus will be on considering issues related to official police dogs in terms of their importance in police work, specialist training of dogs and their use as a means of coercion, then the role and importance of the service dog's handler.

2. Certain legislative provisions relating to dogs in domestic legislation

The Animal Welfare Act (2009) which regulates the welfare of animals, the rights, obligations and responsibilities of legal and natural persons, i.e. entrepreneurs, for the welfare of animals, the treatment of animals and the protection of animals from abuse, the protection of the welfare of animals during deprivation of life, keeping, breeding, traffic, transportation, slaughtering and conducting experiments on animals, as well as other issues of importance for the protection of animal welfare, when it comes to the welfare of the Law refers to animals that can feel pain, suffering, fear and stress. Under the aforementioned, the same law foresees the following: 1) animals used for production purposes, 2) animals used for scientific research, biomedical and educational purposes, 3) animals used for exhibitions, competitions, performances and other forms of public display, 4) working animals and service animals, 5) pets, 6) abandoned and lost animals and 7) wild animals in captivity.

From the above, it can already be seen that the legislator makes a distinction between a service animal and a pet. Given that the focus of this paper is on (official) dogs, it is not necessary to further clarify beforehand.

Often people accept without question that every dog that is a so-called working dog or herding dog is able to complete the special training for protection work. This belief is, however, not true, and therefore we have to make careful choices when selecting dogs for this role. With a lot of perseverance, an experienced handler may achieve something with such a dog, but for the dog herself the training and work will mostly be a mental torment, and this will be expressed sooner or later in serious disorders. Therefore, there is an obligation and a great need to choose a quality service dog. The difference between a pet dog and a service dog is huge (Gerritsen & Haak, 2014).

Article 53 of Act Animal Welfare Act (2009) defines pets. According to this Law, the owner or keeper of a pet is obliged to provide the pet with care, care and housing, in accordance with the species, race, sex, age, as well as physical and biological specificities and needs in the behavior and health of the pet (Article 53, paragraph 1). Then, pets are marked and registered in accordance with the law regulating veterinary medicine. The owner, that is, the keeper of pets, is obliged to prevent pets from endangering people and the environment through proper handling and other measures and means (Article 55).

When it comes to the mentioned protection of animals, Article 7 is extremely precise about what is prohibited, but for the sake of brevity we will point to point 6 of the mentioned article, which states that it is forbidden to

use technical devices or other means that punish animals and its behavior is affected, including barbed collars or means of training or chasing with the use of electricity or chemical substances, except in the training of service dogs and we refer to point 9, which states that it is forbidden to incite an animal to people or other animals, except in the procedure training of service animals.

From the above, it can be seen that animal training is allowed, but that service animals have a longer status.

Article 4, point 48 of the same Law defines that, in the sense of the Law, a service animal is considered an animal that is trained and used to perform the work of certain state bodies and that it is about service horses and dogs.

Animal training is allowed as we have already indicated, which follows from the indicated text of the law itself. It is more specifically provided for in Article 10, which states that animal training is the training of service and working animals and pets and that animal training must be carried out in a manner appropriate to the species, breed and purpose of the animal.

At the end of this part, we would also like to refer to the Rulebook on the manner of keeping dogs that may pose a danger to the environment (2010), which prescribes the manner of keeping dogs that are kept as pets and that may pose a danger to the environment. This regulation provides in Article 2 that a dog that is kept as a pet, and that can pose a danger to the environment, any individual of that species that:

- 1) attacked a person without an obvious reason and caused bodily injury or death,
- 2) attacked another dog for no apparent reason and caused him serious bodily injury or death,
- 3) bred, that is, trained for dog fighting or found in an organized fight with another dog,
- 4) intended for the protection of property or as a body guard,
- 5) pit bull terrier breed or a mix of that breed, which does not come from controlled breeding,
- 6) Bull Terrier, Stafford Terrier, American Stafford Terrier and Mini Bull Terrier or a mixture of these breeds.

By the same rulebook (and the same article), everything mentioned does not apply to the service dog, which it clearly indicates.

Operational deployment of police dogs may place them at risk of harm this must be measured against the potential risk to human life if the dog were not to be so deployed. However, the welfare of police dogs is of paramount importance when considering all other aspects of their husbandry. To a large extent, the training of the service dog and certainly its handler is related to the aforementioned (Ingram, 2014).

3. Service dog training and dog handler training

The beginning of the training of a service dog begins with its selection. Selection can be viewed in a broader and narrower sense.

In a broader sense, selection implies the selection and selection of a breed of dog that has a predisposition for possible training for special needs and tasks that the dog will later perform. By this is meant the potential possibilities of successful training and execution of those tasks, but also the general psycho-physical characteristics of the specific breed.

In a narrower sense, selection implies the selection of a specific puppy or several puppies from one litter of the same breed. Special attention is paid to the physical features of the puppy, such as the anatomy of the head and jaw, especially if there is a scissor tooth if choosing a dog to be trained and trained as a guard dog, if it is a search dog, then attention is paid to the nasal mushroom well developed, the muzzle is wedge-shaped, it is shorter than the skull. It is desirable that the ratio of the length of the muzzle to the skull is 8.5:10 and that it continuously tapers from the feet to the nose mushroom and that the nose is flat (Cynological Association of Serbia, 2022).

Certainly, in addition to the above, the dog should meet the requirements of upcoming training and later work with its character in terms of obedience, intelligence, good memory, courage, etc.

The puppy is selected by a member of the unit, i.e. his future handler. When the dog handler assesses that the puppy has psycho-physical predispositions, the preparation and planning of dog training begins. When the circumstances allow it, the dog stays with the same handler who chose him during his service. This is of particular importance in creating strong bonds and trust between them, all with the goal of accurately executing orders.

It is interesting to mention that the handler of the service dog is on a voluntary basis, ie the police officer himself applies for the training of the handler of the service dog.

The training of service dogs includes basic training and auxiliary training, if necessary, while specialist training is planned and carried out according to the purpose of the dog within the unit in which it completes the task. It is important that the training is carried out in day and night, in different climatic and spatial conditions, all in order for the dog to get used to the conditions it may encounter when performing tasks in the field. Certainly, an integral part of the training is overcoming the obstacles that the dog goes through in the presence and guidance of its handler. The dog handler (trainer) must suppress the unwanted reactions of the dog, that is, encourage and strengthen the positive ones. As an example, we can cite the suppression of the instinct to bark in dogs that are used for attack (protection) so that they do not reveal the position of police officers. On the other hand, you should develop the habit of using different shelters, holes and similar places that an ordinary dog would instinctively want to avoid (Special units, 2015)

Training a service dog handler is no less a demanding task. The training provides the necessary conditions to standardize knowledge, skills and attitudes in the field of application of police powers, i.e. effective and efficient use of means of coercion-official dogs for searching for perpetrators of crimes, detection of explosive substances and intoxicants. Service dog handler can be police officers from the Service Dog Company, i.e. police officers who use service dogs in their scope to search for perpetrators of crimes, detect explosive substances and intoxicants (Ministry of the Interior, 2014).

The training has the following objectives: developing the ability to act and use a service dog in accordance with legal regulations when taking measures while performing regular jobs and activities; developing the ability to condition with a service dog, exercise obedience, habituation, defense and attack, track, detect and find explosive substances and intoxicants; developing the ability to carry out veterinary prevention and protection of the service dog; developing the ability to handle service dogs from acquisition to disposal; developing the ability to use an official dog to search for perpetrators of criminal acts, to detect explosive substances, and to detect the presence of intoxicants.

Within the training of service dog handlers, special attention is paid to the acquisition and adoption of new skills in the field of criminal use of service dogs; cynology; dog veterinary and first aid; anti-sabotage protection; recognition of intoxicants; obedience and habituation of the dog; defense and attack; track and trace and tracking dog training techniques; and detection and recovery of explosives and narcotics (Ministry of the Interior, 2014).

The dog's concentration is most effective for 15-20 minutes, and daily training is spread over 2 hours throughout the day. The basic training of a dog lasts from four months to a year.

Dogs are rewarded only during training and training. In real tasks, they are not rewarded because the conditions are not controlled and the degree of success of the completed task is not known. For example. the dog is looking for drugs, marks the bag from which the drugs were repackaged, and there are still traces on the field, i.e. the task has not yet been completed, and with the reward the dog can interpret that his work is finalized.

4. Tactical use and legislative regulation

A well-trained (trained) service dog is an exceptional help to police officers when performing tasks, especially those that, by their structure and expectations, represent complex tasks. Constant work and investment in the training of the

guide and the dog, especially in exercises and actions related to obedience, readiness, overcoming obstacles, overcoming an armed or unarmed person, finding and following a trail, detecting narcotics and explosives ensures a higher degree of reliability when preventing or discovering someone criminal act.

The Law on the Police of the Republic of Serbia (2018) stipulates that service dogs are a means of coercion (Article 105).

The issue of the service dog is defined more precisely in Article 116 as follows: the service dog can be used as a means of coercion in cases where: 1) the conditions for the use of physical force or the official baton are met, 2) the conditions for the use of firearms are met, 3) disturbed public order is established.

The same article also states that the use of a service dog is considered letting the dog towards the person and preventing the dogs from passing the person.

At the end of the mentioned article, it is also indicated that the service dog can be used: 1) with a protective basket and on a leash, 2) with a protective basket and without a leash, 3) without a protective basket and on a leash, 4) without a protective basket and without a leash.

The Rulebook on Police Powers (2022) more precisely regulates the use of service dogs at article 87.

According to the aforementioned rulebook, a service dog is a specially trained dog that, under the guidance and control of a police officer, can be used as a means of coercion.

As a means of coercion, a service dog can only be used under the supervision of a professionally trained police officer (service dog handler), in a way that will not cause citizens to be disturbed.

If the circumstances of the specific case allow it, the police officer will warn the person before using it that he will use the service dog against him as a means of coercion.

The service dog is released towards the person on a leash, with or without a protective basket, or without a leash, with or without a protective basket.

To prevent the passage of persons, the service dog is used on a leash with or without a protective basket.

The method of using the service dog in a specific case is determined by the service dog guide in accordance with the assessment.

When using a service dog, the police officer makes sure that the dog does not cause unnecessary bodily harm to the person it is being used against.

If a service dog is left without a guide while performing police work, another police officer will take the necessary measures to stop using the service dog as a means of coercion.

In the above-mentioned Rulebook on police powers, the previous provision for the use of a service dog, which was regulated by the Rulebook on technical features and methods of use of coercive means (2014), was integrated and expanded.

The Regulation on Special and Special Police Units (2020) additionally deals with the issue of service dogs.

This decree, in its part related to special equipment, means and weapons (Article 62), regulates the issue of equipment for police officers, equipment for service animals, special equipment for tools and weapons, and equipment for being in the field.

Article 62, paragraph 4, foresees group equipment for a company of service dog guides, namely: chain collars of various sizes, leather necklaces, ammo with the inscription police, various balls, drug scent kits, explosives and detection of counterfeit banknotes, protective baskets for dogs (different sizes and purposes), garabini stronger; dog conditioning strips with ams of various sizes, dedicated boxes for dogs, brush with mechanism; protective vest for a dog-JRM, protective vest for dogs – detection of explosive substances, gas mask, robot suit, marker suit, marker sleeve left, right marker sleeve, marker sleeve for puppies, marker stick, marker whip, double leashes, working, short leashes, jute import various, protective undergarment-kevlar etc. Then, special vehicles for the transport of the service dog and attached trailers for transport are provided.

The tactical use of hunting dogs, in addition to what already follows from the laws and regulations indicated so far, is most often in the search for fugitive perpetrators of criminal acts, regular and extraordinary counter diversionary inspections of sports halls, stadiums and all other public facilities, especially when it comes to anonymous reports that they have been planted bombs, securing public gatherings, etc.

In the end, it is necessary to point out the data that indicates that service dogs are engaged in more than 400 actions during the year (Radio Television of Serbia, 2022).

5. The use of service dogs in the United States police force

In terms of legal regulations, there are no drastic differences compared to domestic legislation. The use of the police service dog is clearly defined, as well as the tasks that can be assigned to it (Chapman, 1979).

The same is true with training, i.e. the training itself, which arises from the need to successfully perform police tasks, is almost identical to domestic

training, especially when international specializations and seminars of trainers and handlers of service dogs are taken into account.

There are differences, and we will definitely point out them below. Perhaps the biggest difference that follows is how an attack on a service dog is treated. By passing the Federal Law Enforcement Animal Protection Act, 1999, which was adopted in 1999. Amends the Federal criminal code to prohibit, and set penalties for, willfully and maliciously harming a police animal or attempting or conspiring to do so. Includes among such penalties a ten-year maximum term of imprisonment if the offense permanently disables or disfigures, or causes serious bodily injury to or the death of, the animal. Defines a “police animal” as a dog or horse employed by a Federal agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of criminal offenders.

It can also be added that in the state of Tennessee, at the beginning of 2022, a citizen’s initiative was submitted in which it was demanded that penalties for attacking a service dog or service animals be tightened. This initiative started as a result of the gunshot wounding of a service dog at the end of October 2021.

The new law says that those who knowingly, unlawfully harms a police dog, fire dog, search and rescue dog, service animal or police horse would now be charged with a Class B felony, which carries a sentence of eight to 30 years in prison, and up to a \$25,000 fine.

Anyone between the ages of 14 and 17 who kills or causes serious injury to one of those animals could also be tried as an adult.

Previously, killing a law enforcement service animal was treated as grand theft, a minimum Class E felony, which carries a one to six-year sentence and up to a \$3,000 fine. This initiative, and therefore the new law in the state of Tennessee, is symbolically named Joker’s Law, precisely after the wounded police service dog (Joker’s Law, 2022).

An additional difference that can be pointed out relates to the question of what happens after the retirement of a service dog. The current legislative regulation in the USA is almost no different from our domestic one. The handler of the service dog has the option of “adopting” it, and in the event that it does not happen for some reason, the dog will be adopted by another police officer or a civilian (which is extremely rare). An initiative that has been around for some time is about “retired” service dogs getting a pension.

An example of the aforementioned already exists in England in the Nottingham Police, where retired police officers have an annual “pension” of 500 pounds, which they receive for three years (Pleasance, 2022).

6. Conclusion

The use of animals in the execution of complex tasks by police officers does not represent any novelty in the operational and legal sense, but this topic has not been considered enough in professional and scientific circles.

The need to research this topic stems from the insufficient consideration of it on the one hand, while on the other hand, in recent years there have been certain changes in the legislative sense, mostly in Anglo-Saxon law, and these changes resulted from the citizens' initiative to increase the degree of protection of official police dogs from more reasons. Certainly one of the reasons is because they are animals (therefore, there is a logical need for their "legislative" protection), and there is certainly an attitude that police service dogs "risk their lives" when performing the tasks that are put before them, and which refer to the prevention and resolution of the most serious crimes.

In this research, some of the significant aspects of this problem were considered, primarily in domestic legislation.

At the very beginning, a general legislative position related to dogs as pets in the domestic legislation was pointed out, where significant differences were immediately pointed out in relation to the legislative provisions related to dogs as official police animals.

The special focus of the work was related to the training of police dogs and dog handlers, quality training and certainly teamwork of the aforementioned is the only way to successfully solve complex tactical police actions.

In domestic legislation, the police service dog is treated as a means of coercion, but it can be seen that within the framework of tactical application by the police and the actions in which it is carried out, they often have a different "legal status", and therefore, we are of the opinion that their use in the legislative sense should have been adapted to their factual application. As an example, it can be stated that an official police dog is often used as a search dog, or as a dog that detects explosives or drugs, which is certainly not a means of coercion. In this research, we will not indicate potential legal solutions and proposals, we leave that for the continuation of consideration of this issue in one of the following researches.

At the end of this paper, a review was made on the use of service dogs in the USA. In the paper itself, the initiatives that were initiated as well as the changes in the legislation that followed were pointed out. The importance of this part of the work refers not only to indicating the actualization of issues of importance for police service dogs in the USA, but also to raising awareness about it in domestic circles that are interested in this topic, which

will inevitably follow, bearing in mind the increasingly dominant attitude of the world's population on animal protection issues.

The paper indicated that an attack on a police service dog in the USA is treated as an attack on an official, for which a significant penalty was provided by the criminal code, which was tightened in terms of penal policy in 2022 due to initiatives. We are of the opinion that the legislator should consider the mentioned issue and the legislative solution.

Then there is a particularly interesting question about the attitude towards a police service dog that, due to age or health conditions, ceases to be used for the purposes of performing police tasks, that is, the attitude towards a dog after "retirement". In England, there is an example of former police service dogs having annual incomes that usually cover veterinary expenses. Perhaps such a possibility would be too big a step for the domestic legislation, bearing in mind all the economic conditions in Serbia, but in some moral sense it would certainly be desirable to consider this issue as well.

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POLICIJSKI SLUŽBENI PAS KAO SREDSTVO PRINUDE

REZIME: Upotreba životinja u izvršavanju kompleksnih zadataka od strane policijskih službenika i vojnih jedinica, ne predstavlja nikakvu novinu u operativnom i zakonskom smislu, ali ova tematika nije dovoljno razmatrana u stručnim i naučnim krugovima, za šta ima prostora posebno ako se uzmu u obzir pojedine „novine“ u zakonodavnom smislu koje su nastupile na međunarodnom nivou. Osnovna hipoteza ovog rada odnosi se na razmatranje pitanja upotrebe policijskog službenog psa. U okviru pomenutog razmatranja, fokus rada je grupisan u dve celine i to na onu koja

se odnosi na zakonodavno predviđanje upotrebe policijskog službenog psa u smislu obuke i upotrebe, dok se druga celina odnosi na njihovu taktičku primenu pri izvršavanju kompleksnih zadataka. Posebno se razmatra pitanje zakonodavnih novina i inicijativa koje su se pojavile u Američkom zakonodavnom sistemu, a imajući na umu sve dominantniji stav svetske populacije na temu zaštite životinja, za očekivati je da će se uskoro slična tema pokrenuti i kod nas. U ovom istraživanju pored analize, dedukcije i uporedne naučne metode, takođe je korištena i metoda specijalizacije. Na kraju ovog istraživanja u zaključnim razmatranjima iznet je osvrt na najznačajnije delove rada kao i na konkretne zaključke koji proizilaze iz ovog celokupnog istraživanja, a svakako izneti su i lični stavovi autora.

Ključne reči: policijski službeni pas, obuka psa i vodiča pasa, taktička upotreba, zakonska regulativa, sredstvo prinude.

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