

Ombudsman review of drug detection dogs

A report on a two-year review by the Ombudsman of the use of drug detection dogs by NSW Police was tabled in Parliament today.

The Ombudsman has recommended extensive reforms to improve the effectiveness of drug detection dogs in policing operations.

However, the report questions whether laws enabling police to use drug detection dogs in public places should be retained at all.

'The Police Powers (Drug Detection Dogs) Act 2001 was introduced to help police detect and prosecute drug suppliers,' said the Ombudsman, Bruce Barbour. **'This is a complex and challenging task. Despite the best efforts of police, the evidence suggests that there is little value in trying to identify drug dealers by screening people with drug detection dogs in public places.'**

'I am particularly concerned about whether drug detection dog indications are accurate,' said Mr Barbour. **'The purpose of police using drug detection dogs is to identify people currently in possession of prohibited drugs. However, our review found that almost three quarters of people who were indicated by drug detection dogs and searched, were not found to be carrying drugs.'**

The report also canvasses concerns about the effectiveness of drug detection dog operations. Most persons who were found to be carrying drugs had very small amounts of cannabis for personal use. Only 19 people from more than 10,000 indicated were successfully prosecuted for 'drug supply' offences, and only three of them received custodial sentences. This was despite an investment of many hundreds of thousands of dollars in the drug detection dog program.

'There are situations where drug detection dogs can help police to target drug suppliers. This includes using the dogs in executing search warrants on private premises or to find drugs at airports and ports. However, I have significant reservations whether the use of drug detection dogs by police officers in public places will ever effectively target drug suppliers,' said the Ombudsman.

A brief summary of facts and figures is outlined overleaf. Full details of the review are contained in the report.

Copies of the Ombudsman's report are available at: www.ombo.nsw.gov.au

FACTS AND FIGURES

The Ombudsman reviewed the use of drug detection dogs for two years, during which police conducted 470 operations in public places such as railway stations (62.9% of operations), licensed premises (20.8%), streets and CBD areas (11.7%), and dance parties (2.4%).

- A total of 17 drug detection dogs made 10,211 indications. (An indication is where the drug detection dog signals to its handler that it has detected the scent of a prohibited drug.) The 10,211 indications represent only a small fraction of people screened by the dogs. Most people indicated were searched by police.
- Of the 10,211 indications, 2,664 (26%) resulted in one or more prohibited drugs being located on the person searched. No drugs were located in almost three-quarters of the mainly public searches conducted by police.
- Police records indicate that 4,456 of the 7,497 (59%) persons searched without drugs being located made some admission of prior drug contact. These admissions included previous drug use (usually cannabis), or being around others who were consuming drugs (usually cannabis). In some instances admissions of previous drug use dated back years, months and weeks. Admissions of recent drug use were also common. Searches in which no drugs are located, but some admission is made, do not reflect the accuracy of the drug detection dogs given that their purpose is to identify persons currently in possession of prohibited drugs [see paragraph 8.2 of the report for more details.]
- The rate of finding drugs varied between the 17 drug detection dogs utilised during the two-year review period, ranging from of 7% (of all indications by the particular dog) to 56%. Six dogs had a rate higher than the overall average of 26%. However, 11 of the 17 dogs utilised during the review had a rate lower than 26% [see paragraph 8.4].
- By far the most commonly detected drug was cannabis, which was located on 2,233 occasions (approximately 84% of all incidents where one or more drugs were found). Generally the amounts of cannabis located were very small, with half of all detections weighing 1.61 grams or less. Almost two-thirds of incidents where cannabis was found resulted in police issuing a cannabis caution.
- Others drugs located during the two-year review period included: ecstasy – located on 226 occasions (8.5% of all incidents where one or more drugs were found); meth/amphetamine – located on 205 occasions (7.7%); cocaine – located on 17 occasions; and heroin – located on 14 occasions.
- 19 persons were successfully prosecuted for supplying ecstasy and/or meth/amphetamine during the review period. Three of the successful supply prosecutions resulted in custodial sentences to be served by way of periodic detention [see paragraph 13.6 for details on penalties imposed].
- A majority of persons successfully prosecuted for supply were carrying the drugs for their friends or partners at entertainment events such as dance parties [see paragraph 13.7].
- Police created more than 8,300 records of searches on their computerised policing system. Most of these records were linked to the searched person's profile. The practice of creating permanent 'intelligence' records for searches where no drugs were found was of concern given the potential for these records to prejudice future contact with police [see Chapter 11].
- There is anecdotal evidence to suggest that drug detection dog operations may have encouraged persons, albeit unintentionally, to engage in risky drug taking practices [see Chapter 15].
- The review attracted unprecedented community interest. Over 50 written complaints were received and 57 submissions were made in response to the discussion paper.
- There is little evidence to suggest the use of drug detection dogs in public places had a deterrent effect on drug dealing, led to a reduction in drug use, decreased drug-related crime, or enhanced perceptions of public safety. Nor did it appear that the use of drug detection dogs was a cost-effective tool to target drug suppliers [see Chapter 16].