

# PREDICATE QUESTIONS FOR K9 OFFICERS FOR CERTIFICATION AS AN EXPERT WITNESS

*Because few prosecutors are intimately familiar with K9 Team duties, responsibilities, training, and behavior; Predicate Questions will assist them in getting you certified in court as an expert witness. Here are some questions to use as an example to provide your Assistant Commonwealth Attorneys (ACA) with in order to assist them with asking the questions that will allow them to offer you to the Court as an expert witness. These are basic foundation questions to use as a guideline to develop specific questions for each specific case. Feel free to modify these questions for your Agency, your K9 Team, or your Court. It is highly recommended that you work with your ACA office to develop the questions that you are able to confidently answer during a trial. Your ACA office may wish to add to or delete from this list of questions. Good preparation wins cases, so don't wait until the day of trial to work with the ACA office.*

*Because terminology differs, often greatly, between different agencies, associations, training schools, K9 Teams, and areas of the country – ENSURE that you use YOUR terminology, not necessarily the terminology used herein. These questions are provided as a foundation guideline. Change terminology or training focus to fit the needs of your Team.*

## **PART I: PREDICATES TO ESTABLISH EXPERT QUALIFICATION**

### **GENERAL QUESTIONS:**

- Name and occupation?
  - ▶ How long have you been employed as a Police Officer?
- What job assignment are you currently assigned?
  - ▶ How long have you been assigned to the K9 unit?
  - ▶ How many dogs are in the unit?
  - ▶ What are their various functions?
- What training have you completed as a K9 handler?
- What are the functions of your K9?
  - ▶ Narcotics/Controlled Substances Detection?
  - ▶ Patrol Utility?
    - Area Searches
    - Criminal Apprehension
    - Aggression Control
    - Obedience & Agility
    - Building Searches
    - Article Searches
    - Human Scent Tracking
  - ▶ Explosives Detection?
- What did that training entail?
  - ▶ Lectures?
  - ▶ Practical experience?
  - ▶ Scenario training?
  - ▶ Peer reviews?
  - ▶ Understanding K9 responses?
  - ▶ K9 Legal issues and case law?
- When/Where did you receive that training?
  - ▶ How long was that training?
  - ▶ What sorts of subjects were covered in your handler training?

- Have you and your dog received additional training since the initial training?
  - ▶ How much? Where?
  - ▶ How often do you train with your dog?
- Does your training qualify you for mandatory training hours through Dept of Criminal Justice Services (DCJS)?
- Are you a member of any K-9 organizations?
  - ▶ What are the standards for membership?
- What is the function of your organization(s)?
  - ▶ Provide training standards
  - ▶ Conduct certification testing
  - ▶ Peer Reviews
  - ▶ Scenario-based training
  - ▶ K9 Seminars
  - ▶ Accreditations
- Did you receive a certification?
  - ▶ Do you have the certification with you?
  - ▶ How long is that valid?
- What are you required to do to maintain certification?
  - ▶ Attend regular training sessions?
    - Average hours per month?
  - ▶ Do you perform successfully on annual certification tests?
    - Obedience & Distance Control
    - Building Search
    - Aggression Control
    - Apprehension
    - Handler Protection
    - Gunfire Control
    - Tracking
    - Article Search
    - Agility
    - Open Area Search
    - Narcotics Detection
    - Explosives Detection
- Have you maintained that certification?
  - ▶ Have that with you?
  - ▶ How many times have you certified with your current K9?
- Is the certification for the Handler, the K9, or the Handler/K9 team?
  - ▶ Certification is for the Handler/K9 Team
    - When either the Handler or the K9 is replaced, a new team is formed and must be certified together as a single team.
- Who administers the certification testing?
  - ▶ Are scores or grades given?
- Have you trained any other K9 Teams?
  - ▶ If so, how many K9 Teams have you certified as a Trainer?

- What else do you do to remain current in your field?
  - ▶ Attend weekly retraining sessions?
  - ▶ Document all training sessions on training reports kept in training log?
  - ▶ Document all cases worked in a reports log?
- Have you ever been qualified as an expert in any court of law?

**DOG SPECIFIC QUESTIONS:**

- What is your dog's name?
  - ▶ What does it mean, and why was that name chosen?
  - ▶ Who chose the name of your dog?
- How old is your dog?
- What breed is your dog?
  - ▶ Why was this breed selected?
- Is your dog currently in good health?
  - ▶ Was your dog in good health on the date in question?
- In what language do you give commands to your dog?
  - ▶ Why does your dog not use English commands?
- How long has your dog been working?
- Have you been his only handler?
  - ▶ Why not?
- Have you handled other dogs?
- Has the dog had any problems during training?
  - ▶ If yes, what did you do to correct those problems?
- Do you use “single blind” testing
  - ▶ Where the type and location of the narcotic/controlled substance (or lack thereof) is unknown to the Handler but known to the evaluator.
  - ▶ Single blind certification insures that the Handler cannot “cue” the dog to the presence of a narcotic/controlled substance odor, as the Handler does not know the location (or lack thereof) of the substance.
- Do you use “double blind” testing
  - ▶ Where the location and type of narcotic/controlled substance (or lack thereof) is unknown to both the Handler and evaluator.
  - ▶ Double blind certification insures that neither the Handler nor other observers cannot “cue” the dog to the presence of a narcotic/controlled substance odor, as the Handler/observers do not know the location (or lack thereof) of the substance.
- How did he perform?
- Is your dog single or dual purpose?
  - ▶ Explain the difference?
    - Single Purpose is one training discipline
    - Dual Purpose is two training disciplines

- Under what conditions have you trained with your dog?
  - ▶ Day training
  - ▶ Night training
  - ▶ Warm weather training
  - ▶ Cold weather training
  - ▶ Rain/Wet weather training
- Why train in different conditions?
- Are distractions included in that training?
- What types of distractions are used?
  - ▶ Distracters, such as:
    - Cigars and cigarettes
    - Food/treats
    - Training pouches
    - Glassine bags
  - ▶ Masking Agents, such as:
    - Deodorizer sprays
    - Fragrance sprays
- Why use distractions or masking agents?
  - ▶ Ensures dog can function properly with various distractions, as similar conditions could be encountered on the streets
  - ▶ Distracters and masking agents ensure accuracy of the dog:
    - Demonstrates dog detects and indicates to the Odor of narcotics or controlled substances
    - Demonstrates that dog ignores odors of containers, smoking devices, and other items associated with narcotics and controlled substances that DO NOT contain odors

## **DOG'S OLFACTORY ABILITIES**

- How sensitive is a dog's nose?
  - ▶ Humans have approximately 5 million olfactory receptors
  - ▶ German Shepherds have approximately 220 million olfactory receptors
  - ▶ Bloodhounds have over 300 million olfactory receptors
- How many more times sensitive is a dog's nose than a human's?
  - ▶ The average dog's nose is over 44 times as sensitive
- What is lingering odor?
- What is residual or dead scent odor?
- When your dog gives a final response, can you tell whether he/she has found marijuana, meth, or some other particular drug?
- Why don't you teach your dog to give a distinct final response to different drugs?
- What a type of odors is your dog trained to detect?
  - ▶ Human scent?
  - ▶ Explosive Substances?

- ▶ Narcotics/Controlled Substances?
  - Marijuana
  - Hashish
  - Cocaine
  - Crack Cocaine
  - Methamphetamine
  - Heroin
  - Phenylcyclohexylpiperidine (PCP) [also known as Phencyclidine]
  - Oxycontin
  - Methylenedioxy-Methamphetamine (MDMA) [also known as Ecstasy]
- How was your dog trained to locate these odors?
- What is the process your dog does through to communicate that he/she has detected the odor?
- Explain the DIA acronym:
  - ▶ Explain Detection.
  - ▶ Explain Indication.
  - ▶ Explain Alert .
- Is your dog one that does a passive or aggressive alert?
  - ▶ Explain the difference.
- If trained in detecting different odors, does your dog communicate in the same way if the odor is something other than \_\_\_\_\_?
- How do you train a dog to communicate the detection of an odor?
  - ▶ Can your dog Detect on command?
  - ▶ Can your dog Indicate on command?
  - ▶ Can your dog Alert on command?
- What is a final response?
- Is there ever a time when a dog would not communicate a final response?
  - ▶ Explain.
- What happens after your dog detects, indicates, and alerts?
- Explain rewarding your dog and why.
- Do you reward the dog when it was wrong or did not perform properly?
  - ▶ Why not?
- Have you formed an opinion about your dog's reliability in finding and communicating the odor of \_\_\_\_\_?
  - ▶ What is the basis of your opinion?
- What is the statistical accuracy of your dog?
  - ▶ Number of successful searches vs. unsuccessful searches
  - ▶ Number of false positives vs. accurate positives
  - ▶ Describe his/her reaction to distractions
  - ▶ Number of searches under difficult conditions
  - ▶ Do you maintain records on this information?

- Has your dog ever communicated the odor of \_\_\_\_\_ only to find no drugs/explosives were there upon a search?
  - ▶ Is that a false positive?
  - ▶ How do you explain that?
- Explain residual odor/dead scent
- How do you tell from your dog's behavior is this is residual or dead scent?
- Has your dog ever communicated the presence of pseudo drugs?
- Do you use pseudo drugs in training?
  - ▶ Why/why not?

*(ACA) Offer witness as an expert in the training,  
Handling, body behavior, and interpreting K-9 responses.*

## **PART II: EXPERT OPINIONS (CASE SPECIFIC QUESTIONS)**

### **VEHICLE SEARCHES**

- How were you called to the scene?
  - ▶ At what time?
  - ▶ Who requested you to respond?
- What were you told by other officers?
  - ▶ What was the reason for the initial contact with the vehicle(s)?
  - ▶ Why/why not?
- Describe the scene layout and vehicle description(s).
- Explain airflow inside and outside a vehicle.
- How do you begin sniffing vehicles?
  - ▶ Does your dog have an idea that a sniff is ready to begin? Do you give your dog a command?
  - ▶ Do you normally conduct a Safety Check before searching?
  - ▶ Why/why not?
- Search of vehicle(s) - what happened?
  - ▶ Exterior Sniff?
  - ▶ Interior Sniff?
- Where did you start your dog in the sniff(s)?
- Was there anyone around you when you were sniffing with the dog?
- During the course of the sniff(s) was your dog ever distracted from his/her search?
  - ▶ Do you normally train for this type of distraction?
  - ▶ Why/why not?
- Described what was found in each area of the vehicle(s).
  - ▶ Did your dog DIA on each area?
- Did you or any of the other officers present, investigate the spots/locations where your dog DIA'ed?
- To your knowledge, what was the result/outcome of this/these DIA and the subsequent investigation(s)?

### **TRACKING/TRAILING CASES**

- How does your dog track/trail a suspect?
- Is your dog trained in scent discrimination?
  - ▶ When would this type of tracking/trailing be appropriate?
- What is your dog smelling when tracking/trailing?
  - ▶ Human scent?
  - ▶ Crushed vegetation?
- Can you tell if your dog is tracking people or animals?
  - ▶ What is the difference?
- Why were you called to the scene?
- How were you called to the scene?
  - ▶ At what time?
  - ▶ Who requested you to respond?

- What were you told by other officers?
  - ▶ What was the reason for the initial contact with the suspect?
  - ▶ Why/why not?
- Describe the scene layout.
- Where did you and your dog initially start tracking/trailing?
- Was there anyone around you and your dog during the track/trail?
- How do you know if your dog is tracking/trailing the correct suspect?
- During the course of the track/trail, was your dog ever distracted from tracking/trailing?
- What factors are considered prior to deploying your dog for a UOF during a track/trail?

### **USE OF FORCE (UOF)**

- Why were you called to the scene?
- How were you called to the scene?
  - ▶ At what time?
  - ▶ Who requested you to respond?
- What were you told by other officers?
  - ▶ What was the reason for the initial contact with the suspect?
  - ▶ Why/why not?
- Describe the scene layout.
- Where did you and your dog initially start?
- Was there anyone around you and your dog?
- During the course of the incident, was your dog ever distracted from its job functions?
- What factors are considered prior to deploying your dog for a UOF?
- What is a verbal warning?
  - ▶ Is that part of your protocol?
- Did you do that in this case?
  - ▶ How?
  - ▶ Please demonstrate
- Did you ascertain if anyone heard those warnings?
  - ▶ Why/why not?
  - ▶ Who?
- Circumstances when you would not give a warning?
  - ▶ Why/why not?
- Difference between bite/hold and bark/hold?
  - ▶ Can you explain?
  - ▶ What is your dog trained to do?
- Did your dog do that in this case?
- How does your dog communicate that a suspect is hiding?
  - ▶ Did he/she do that in this case?



- What is the protocol or General Order if someone is bitten by your dog?
  - ▶ Did you follow them?
  - ▶ Are you required to summon medical aid to the scene?
  - ▶ Did you photograph the injuries? Why/why not?
  - ▶ Are you required to document the bite? Why/why not?