

Legal Notes : Legal Updates



Q. Does the apprehension made by/with the help of a tracker K9 stands valid in a court of law as evidence?

(By Sh. Mahendra M. Hegde, Deputy Comdt, CRPF Dog Breeding & Training Centre, Taralu)

Q. What is the legality of usage of PSKs in crowd control in India?

(By Sh. S.R. Arun Kumar, Asst. Comdt, CRPF Dog Breeding & Training Centre, Taralu)

Editor Both the questions mentioned above are correlated hence the elaboration is attempted collectively. The introduction of Police Service K9s into policing in our country actively began largely to combat crime during the 1970s when facilities were established in the form of NTCDC at Tekanpur Gwalior to train and prepare PSKs for the Police Forces. Before this, there was only the Army's Breeding and Training facility at Meerut which was producing Military Working Dogs. Initially, these were used by police officers to track fugitives, and for explosive detection. Subsequently, changing social attitudes towards drugs and their control led to the use of PSKs to detect drugs. Many other CAPFs and State Police also began to train K9s to detect bombs, narcotics and criminal investigations.

Today, PSKs are utilized by state police and federal agencies nationwide for a variety of purposes in criminal investigations, from tracking/trailing, and human scent discrimination, to substance detection. Such evidence is

admissible in a majority of jurisdictions to not only establish probable cause (e.g., in the case of drug detection), but also to identify the perpetrator of a crime (e.g., in the case of human scent discrimination). This evidence, however, may be challenged in court. It is important therefore to establish to the court the reliability of the PSK team.

When such evidence is also relied upon in part to prove the identity of the perpetrator, there must be other evidence to support the accuracy of the identification. The corroborating evidence need not be evidence which independently links the person to the crime. The evidence should be sufficient if it supports the accuracy of the scent discrimination. As a general rule, each K9's ability and reliability is required to be shown on a case-by-case basis. This ability is a fact which, like other facts, may be proven by expert testimony. This testimony should come from the K9 handler or trainer, or another qualified expert, who is sufficiently acquainted with the K9, the K9's training, ability and

other indicators of reliability. If such person is able to demonstrate specialized expertise in the area of training, tracking or detection, or the operational performance of his or her K9, he or she is qualified as an expert to state an opinion as to the ability of the particular K9 in question to perform the targeted task.

A lot of countries where the subject has grown exponentially as an important forensic evidence, struggled initially on this front however over a period of time, with intervention of various courts of law, guidelines were framed. In our country, the subject is still at nascent stage, so as to say, till recently there was no model or laid down frequency at which proficiency of a PSK must be assessed. However, subject is getting due attention and the K9 practices are being fast formalised to bring in uniformity in instructions and understanding. Further, guidelines are also under preparation specifically to ensure that testimony of PSK team become admissible in the court of law as a dependable forensic evidence.