

POSITION SUMMARY

Drug detection dogs

THORNE HARBOUR HEALTH'S POSITION

Victoria Police should discontinue the use of drug detection dogs (also known as passive alert dogs or 'sniffer dogs'). Failing this, there should be an independent evaluation, with a view to discontinuing their use should they be found to be ineffective or harmful, as available evidence indicates they are.

RECOMMENDATIONS

1. Discontinue the use of drug detection dogs.
2. Failing this, act on the Parliament of Victoria's Law Reform, Road and Community Safety Committee's Inquiry into Drug Law Reform recommendation from 2018, and "commission an independent evaluation of the use of drug detection dogs at music festivals and other public spaces to determine their effectiveness in deterring the use and trafficking of illicit substances, and any unintended consequences or risk of harms resulting from this strategy."
3. Include a cost-benefit analysis of the use of drug detection dogs in the independent evaluation.
4. Conduct the independent evaluation with the view to discontinuing the use of drug detection dogs should they be found to be ineffective or harmful, as available evidence indicates they are.

BENEFITS

- Reduced harmful drug-taking behaviour.
- Budget savings likely worth several million dollars per annum.
- Improved relationships between LGBT communities and police.

BACKGROUND

- Lesbian, gay, bisexual, and trans and gender diverse (LGBT) people use drugs that are deemed to be illicit at significantly higher rates than the general population.
- The criminalisation of drug use negatively impacts the relationship between members of LGBT communities and police.
- Drug detection dogs incorrectly indicate that drugs are present the majority of the time.
- Evidence shows drug detection dogs do not deter drug use, and that their use increases harmful drug-related behaviour.
- A number of young Australians have died as a result of consuming all the drugs in their possession in response to the presence of police and drug detection dogs.
- The number of successful prosecutions triggered by drug searches is low.
- The Victorian Parliament's Law Reform, Road and Community Safety Committee has recommended an independent evaluation of Victoria Police's drug detection dogs program.
- Based on an interstate comparison, the cost of Victorian drug detection dogs is likely several million dollars per annum.

EVIDENCE BRIEF**Drug detection dogs**

KEY POINTS

- Drug detection dogs are used by Victoria Police and law enforcement in other states and territories to detect possession of drugs and deter their use and trafficking.
- Evidence indicates that drug detection dogs are ineffective both in detecting drugs and deterring drug use and trafficking, and that their use increases harmful drug-taking behaviour.
- In 60–80% of cases drug detection dogs indicate drugs are present none are found after invasive searching by police.
- Most people pursue harmful alternatives to avoid detection, including consuming all the drugs in their possession, and buying drugs inside venues.
- An independent evaluation of drug detection dogs used by Victoria Police was recommended by the Parliament of Victoria's Law Reform, Road and Community Safety Committee's 2018 Inquiry into Drug Law Reform.

BACKGROUND***Drug use in LGBTI communities***

Lesbian, gay, bisexual, and trans and gender diverse (LGBT) people use drugs that are deemed to be illicit at significantly higher rates than the general population.¹ There is lack of research about use by people who are intersex, and to some extent about use by people who are transgender.²

The criminalisation of drug use negatively impacts the relationship between members of LGBT communities and police, and can deter people from seeking help from police in relation to drug-related violence, leading to further harms.³

Why drug detection dogs are used

In Victoria, drug detection dogs are commonly used around large public events where there is a higher prevalence of drug use, such as nightclubs and music festivals, but are also used in the wider community such as at shopping centres. Drug detection dogs are intended to be used to detect the presence of an illicit substance on a person, which is then intended to be confirmed by a search. Drug detection dogs are also thought to act as a visual deterrent to those intending to carry and consume illicit substances at an event.

Drug detection dogs are unreliable

Drug detection dogs incorrectly indicate that drugs are present the majority of the time. False positives have been found to occur in 63%⁴ and 82%⁵ of cases in New South Wales and South Australia, respectively. This means that in the large majority of cases, drug detection dogs are causing police to 'pat down' and search the belongings of people who do not possess any drugs.

Few successful prosecutions

The number of successful prosecutions triggered by drug searches appears low. Victoria Police reported 330 arrests in 2017 from an unsupplied number of searches at 16 music festivals.⁶ In New South Wales in 2013, less than 3% of 17,800 drug searches resulted in successful prosecutions.⁷ In South Australia in the 2016/17 financial year, 2,366 drug searches only resulted in 365 (14.7%) arrests or reports, drug diversion notices or fines.⁸

Questionable deterrent effect and increased harms

In 2006, the NSW Ombudsman found no evidence that the use of drug detection dogs disrupted low-level street dealing in a sustained manner,⁹ and the supply and use of illicit substances continues to occur at events where drug detection dogs are deployed, suggesting they are not working to deter drug use or trafficking as intended. Not only is the deterrence effect of drug detection dogs questionable, they are known to increase drug-related harms.¹⁰

A recent survey of almost 2,000 Australian festival-goers indicated that almost all did not report being deterred from drug use by the expected presence of drug dogs.¹¹ Instead, a variety of alternative responses to avoid detection were reported, including concealing their drugs well, buying their drugs inside, taking less easily detected drugs and taking drugs before entering.¹² Of those who had drugs on their person when seeing a dog, 10% reported consuming drugs in response.¹³

Many of these responses can increase harm. A number of young Australians have died as a result of consuming all the drugs in their possession in response to the presence of police and drug detection dogs.¹⁴

People who have been searched (which can include strip searching) report having experienced some form of embodied emotional trauma, such as anxiety, humiliation, anger, frustration and shame. These effects can be compounded for people “whose marginalised identities render them already unduly suspect,”¹⁵ including some members of LGBTI communities.

Political developments

In 2016, due to the lack of evidence supporting the use of drug detection dogs, the Australian Senate passed a motion calling on all states to discontinue their use.¹⁶ In 2018, the Parliament of Victoria’s Law Reform, Road and Community Safety Committee’s Inquiry into Drug Law Reform found a lack of information regarding the prevalence, implementation, and effectiveness of drug detection dog operations in Victoria.¹⁷

The Committee also found that the number of arrests used by Victoria Police to determine effectiveness to be overly narrow.¹⁸ The Committee recommended an independent evaluation of drug detection dog operations in Victoria to determine if they are effectively deterring the use and trafficking of illicit substances, and whether they are resulting in any unintended consequences or risk of harm.¹⁹ Such an evaluation should also consider the cost-effectiveness of drug detection dogs.

CURRENT PRACTICE

Inter-state comparison and cost

Legislation in New South Wales restricts the use of drug detection dogs to authorised public spaces such as entertainment and sporting venues.²⁰ Victoria has no such restrictions. While the size of the drug detection dog program in Victoria is unknown, by way of comparison, the New South Wales Government spends an average of \$9.4 million per annum.²¹ Based on this, the cost of Victoria’s program is likely to be at least several million dollars per annum. The cost of Victorian drug detection dog operations should be made public and their cost effectiveness assessed as part of an independent evaluation.

CONCLUSION

Available evidence indicates that drug detection dogs incorrectly indicate that drugs are present the majority of the time, leading to invasive and sometimes traumatic searching of people who do not possess any drugs; that their use results in few prosecutions; and that rather than having a deterrent effect and reducing drug use and trafficking, drug detection dogs instead merely cause more dangerous drug taking behaviour and increase drug-related harms. The cost of Victoria’s program is unknown, but based on inter-state comparison is likely several million dollars per annum.

The use of drug detection dogs should be discontinued. At a minimum, given their unknown cost, legitimate questions about their effectiveness, and concerns about their harms, there is a need for an independent evaluation of Victoria’s drug detection dog program.

RECOMMENDATIONS

1. Discontinue the use of drug detection dogs.
2. Failing this, act on the Parliament of Victoria’s Law Reform, Road and Community Safety Committee’s Inquiry into Drug Law Reform recommendation, and “commission an independent evaluation of the use of drug detection dogs at music festivals and other public spaces to determine their effectiveness in deterring the use and trafficking of illicit substances, and any unintended consequences or risk of harms resulting from this strategy.”²² Also include a cost-benefit analysis of the use of drug detection dogs.
3. Include a cost-benefit analysis of the use of drug detection dogs in the independent evaluation.
4. Conduct the independent evaluation with the view to discontinuing the use of drug detection dogs should they be found to be ineffective or harmful, as available evidence indicates they are.

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