

STEVEN COLLOTON ON POLICE DOGS

Highlights:

- Steven Colloton dissented from a ruling that using police dogs to bite and hold suspects without any warning was unconstitutional.

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COLLOTON DISSENTED FROM A RULING THAT USING POLICE DOGS TO BITE AND HOLD SUSPECTS WITHOUT ANY WARNING WAS UNCONSTITUTIONAL

In Szabla v. City of Brooklyn Park, A Man Sleeping In A Public Park Was Bitten By A Police Dog With No Warning. According to Police1, “Officers responded to a traffic accident in which a single vehicle had driven into a tree. When officers arrived, they found the car unoccupied and requested that a K-9 respond to assist in trying to locate the driver. When the K-9 handler arrived, he saw a screwdriver and other property inside the vehicle. The K-9 handler believed the screwdriver was possibly used to commit a burglary and the property in the vehicle was stolen. The K-9 handler used a 15-foot leash and began a track for the driver through a park. No K-9 announcements were ever given. The K-9 led officers to a shelter inside the park. The K-9 then entered the shelter and bit Szabla, who was asleep. Szabla slept in the shelter because the park was across the street from a temporary employment service that hires day laborers. Szabla was an innocent person and not related to the traffic accident.” [Police1, [9/5/13](#)]

A Court Ruled That The Defendant’s Fourth Amendment Rights Were Violated And A Warning About The Police Dog Must Be Given. According to Police1, “The court addressed the need for a canine warning announcement that would give a suspect the opportunity for peaceful surrender. The court concluded that a jury could properly find it unreasonable to use a police dog trained in the bite-and-hold method to track and bite a suspect, without first giving the suspect a warning and opportunity for peaceful surrender. The court further stated that at the time of this event (August 2000), case law specifying that not giving a warning to a suspect was unreasonable under the Fourth Amendment has not been clearly established.” [Police1, [9/5/13](#)]

Colloton Dissented In Part, Writing That There Was Insufficient Evidence That The City’s Policy On Police Dogs Were Inadequate. According to Colloton in United States Court of Appeals for the Eighth Circuit, “In this case, the district court, noting that Szabla's apprehension was an isolated incident, properly concluded that there is insufficient evidence to support a claim of inadequate training against the City, and the court does not suggest otherwise. There is likewise insufficient evidence to show an official policy to use police dogs to bite and hold suspects without warning. Therefore, I would affirm the judgment of the district court.” [CaseText, [3/18/05](#)]