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## WOULD YOU BET YOUR FREEDOM ON A DOG'S NOSE?

*Dog scent evidence comes under fire*



*By Julius (Jay) Wachtel.* “Jag” and “James Bond” are bloodhounds. They drool a lot but they’re nice dogs. And if you believe their caregiver, Fort Bend County (Texas) Deputy Sheriff [Keith Pikett](#), they’re also CSI specialists, with a sense of smell so keen and an intellect so refined that, far more than just following a scent, they can match suspects to crime scenes and accurately convey their findings.

Michael Buchanek knows these pooches only too well. One day in March 2006 the retired Texas sheriff’s captain answered his door. It was deputies from his old agency, armed with a search warrant. Buchanek’s neighbor Sally had been found strangled in a field five miles away, and Pikett’s dogs had supposedly followed a scent from the rope used by the killer to Buchanek’s home.

Using dogs to track scents is old news. Deputy Pikett and other practitioners of “scent lineups” go it one better. They set up cans in a field. One contains something of the suspect’s, say a shirt, while inside the rest are items belonging to others. Dogs are exposed to a scent from the crime scene and then walked around the cans to see if they alert.

Pikett had been running these tests throughout Texas, where his methods were considered good as gold. He did it this time and reported that, yes, a dog alerted on Buchanek’s can. Convinced that their former colleague was a killer, detectives

pressed him to come clean. But Buchanek *had* come clean. He didn't kill anyone and wasn't about to falsely confess.

Buchanek went through hell for five months. Luckily for him, police finally found the real murderer, who pled guilty. Victoria County Sheriff Michael O'Connor was unfazed. "We did the right thing, and the wrong person wasn't convicted."

A recent [report](#) describes Deputy Pikett's unusual career. A college graduate with an undergraduate degree in chemistry and a master's in sports science, Pikett became interested in bloodhounds. By the early 1990's he was volunteering their services to Texas law enforcement agencies, at first for tracking, then for scent lineups. Although he lacked training in dog handling, followed no protocols and made wild claims of accuracy (his dogs were wrong only once in thousands of trials; they could identify scents many years old) his testimony helped win many convictions. Fort Bend County soon swore him in as a deputy. When a 2002 Texas appeals court opinion declared Pikett a bonafide expert his star rose higher. A Houston citizens' group named Pikett officer of the year.

That niggling little misfire with Buchanek didn't slow him down. In 2007 [he helped Houston police](#) arrest Ronald Curtis for a series of burglaries, and Cedric Johnson and Curvis Bickham for a triple homicide. Curtis spent eight months in jail before the real perpetrator was caught. Johnson was incarcerated sixteen months before he was cleared; Bickham, eight.

Pikett's error-plagued sniff-a-thon continued. In early 2009 he gave Yoakum County authorities what they needed to arrest Calvin Miller for rape and robbery. When Miller was quickly cleared by DNA Pikett's reputation finally began to tumble. In June 2009 a judge in Pikett's own county ruled that his methods were unreliable. Bad news traveled fast, and everyone he wrongly fingered wound up suing Pikett and the agencies that used him.

Pikett isn't the only cop charlatan who's touted canines as ID machines. Pennsylvania trooper [John Preston](#) testified in more than 100 cases between 1981 and 1984. In 1981 he used a scent lineup to nail Florida murder suspect [William Dillon](#). One year later his dogs linked another Florida man, [Wilton Dedge](#) to a rape. Both were convicted at trial. Decades later DNA proved their innocence; by then Dillon had served 27 years, Dedge, 22.

As scent evidence became more popular technology stepped in. Manufactured in California, the [STU-100](#) "scent transfer unit" purports to suck human scent onto a gauze pad that dogs can sniff. This device was used in the investigation of [James Ochoa](#), arrested in a 2005 carjacking after a bloodhound followed a scent from the

vehicle to his home. Threatened with a long prison term, Ochoa pled guilty and got two years. Ten months later DNA proved that another person was the real culprit. Ochoa was released and awarded nearly \$600,000. The STU-100 figured in the 1998 arrest of Jeffrey Grant for rape (held four months, he was cleared by DNA and awarded \$1.7 million), and the 2003 arrest of Josh Connole for a string of arsons (held briefly, he settled for \$120,000 after the real perpetrator was caught.)

Trained canines *can* track scents and detect vapors emitted by drugs and explosives. When the proof is in the pudding -- one either finds dope or a bomb, or not -- false alerts (and they *do* happen) can't lead to a miscarriage of justice. But using a handler's interpretation of their dog's behavior as evidence is extremely risky. Lacking a scientific underpinning and validated performance standards, scent comparisons and lineups are nothing more than voodoo. Dogs aren't calibrated instruments. As living things they are subject to many influencers, yet unlike their handlers they can't be cross-examined. Could they have been affected by subtle, perhaps unintended cues from their handler? Might they simply have alerted in error?

In 2007, after spending two years locked up because he couldn't make bail, Riverside County (Calif.) resident [Michael Espalin](#) went on trial for setting twenty-one brushfires. The prosecution's principal witness, junior college biology instructor Lisa Harvey, testified that her bloodhound Dakota tracked a scent from a charred incendiary device to Espalin's home. Dakota also supposedly matched Espalin's scent to fire scene vapors collected with a STU-100. According to Harvey the dog could detect scents eight years old. "I don't know how [scent] stays around for eight years. I just know that it does."

Jurors didn't buy her testimony, hanging 9-3 for acquittal. Harvey wasn't used [at the second trial](#), and Espalin was found not guilty. Taking a cue from Deputy Pikett's victims, he's now [suing](#) both Harvey and the authorities. One can only imagine how deeply taxpayers will have to dig into their pockets this time.