

# **Steve Nicely (Defense K-9 Expert) Update**

Updated November 2012

**Steven Nicely** continues to be used throughout the U.S. in Court as a K-9 expert for the defense. **He has testified or opined in over ninety (90) cases.**

Nicely does very well on the witnesses stand when the prosecution does not at least consult with a K-9 expert, or better still, call their own K-9 expert to rebut him. Nicely rarely is successful when a K-9 expert calls him on his qualifications, bias and pseudo-science theories.

***Therefore, if Nicely, or any other defense K-9 expert, is brought into Court, law enforcement must have a K-9 expert in Court to rebut him.***

In addition, Nicely focuses on “cueing” and “Clever Hans”:

## **Cueing:**

Cueing is the process of giving the dog a hint or guiding suggestion as to where the target odor is. This is why “single blind” (where the result or answer is unknown to the handler) certification is imperative and essential. If the handler does not know the result or answer to the problem, such as in an actual K-9 field deployment or certification, then the handler cannot give the dog a hint or guiding suggestion. In other words, if the handler does not the answer to the deployment, it is *impossible* for him to cue the dog into the answer.

## **Clever Hans:**

Clever Hans was an Orlov Trotter horse that was claimed to have been able to perform arithmetic and other intellectual tasks. After a formal investigation in 1907, it was demonstrated that the horse was not actually performing these mental tasks, but was watching the reaction of his human observers. It was discovered this artifact in the research methodology, wherein the horse was responding directly to involuntary cues in the body language of the human trainer, who had the faculties to solve each problem. The trainer was entirely unaware that he was providing such cues.

This is another reason why “single blind” certification is essential. To combat Nicely, I suggest the following policy be documented in the K-9 team’s yearly (every 12 months) certification:

All certifications were conducted “single blind” (where the result is unknown to the handler). Single blind certification insures that the handler cannot “cue” the dog, as the handler does not know the result. In addition, “double blind” (where the result is unknown to both the handler and evaluator) certification was conducted periodically.

## **Handler beliefs affect scent detection dog outcomes**

**Steve Nicely relies upon the study released in January 2011 titled, “Handler beliefs affect scent detection dog outcomes”, written by Lisa Lit, Julie B. Schweitzer and Anita M. Oberbauer, researchers from U.C. Davis. It was published in the journal *Animal Cognition*.**

The study concluded, “In conclusion, these findings confirm that handler beliefs affect working dog outcomes, and human indication of scent location affects distribution of alerts more than dog interest in a particular location. These findings emphasize the importance of understanding both human and human–dog social cognitive factors in applied situations.”

Nicely summarizes the study as “In that study, 18 certified detector dogs produced 225 false responses. Although this study only tested 18 dog teams, it has revealed a serious problem with detector dogs. This problem has been recognized by those who follow and study behavioral science.”

The complete study may be viewed at:

<http://www.springerlink.com/content/j477277481125291/fulltext.html>