

Legal terror and the police dog

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In Johnstown, Pennsylvania, in 2001 an off-duty police officer spotted Antonio Chatman, who was known by this officer as having a warrant for a misdemeanour. Soon other officers, including a K-9 unit, arrived on the scene. Chatman attempted to flee but a police dog pursued and apprehended him, which is to say the trained dog seized the man's body with his teeth. Witnessing the incident, Chatman's friend stated: 'Blood was dripping off his face, blood was all over his clothes, and he was drifting in and out of consciousness.' The traumatized Chatman received multiple wounds, some leaving permanent scars. Police maintained they gave several warnings that a dog would be released if Chatman did not stop running, although Chatman countered by filing a lawsuit claiming he received no warning and the violence was excessive since he was attacked while standing on top of a trash dumpster so as to avoid being bitten. But a jury deliberating for 90 minutes thought otherwise, relieving the police of any wrongdoing. A police attorney placed blame on the 'decision' to flee, stating that 'Antonio Chatman was the cause of his injuries' since 'Chatman could have and should have decided not to run'.¹

This is but one example of many that lays bare the legal terror enacted as police power that sustains capitalist order. If 'every law has a hold on the body' with its related prosthetics such as batons, handcuffs, court rooms and prisons,² then the patrol dog animalizes the force of law. In a 2011 issue of this journal, Mark Neocleous points to the reluctance of critical theory to explore the 'political meaning' of what could generally be called the security dog. More specifically, Neocleous's concern is the political meaning of the *sniffer dog*, the canines trained to sniff out contraband such as drugs and explosives in the always coupled drug and terror wars.³ Rejecting the ocular-centrism of Surveillance Studies and the liberalism of civil liberties, Neocleous's project shows the importance of olfaction as a 'political vehicle', drawing a link between the sniffer dog, the use of smell to construct and govern otherness and the deodorizing efforts of urban policing. The sniffer dog adds to this history the use of olfaction as a very specific state technology, providing a more extensive means of ordering the social by extending and enhancing the search capacities of state agents.

Like Neocleous, I want to understand the police dog as not simply a 'crime fighter', but a potent 'technology of state power' that takes us 'straight to the heart of the state's role in the permanent reinvention of bourgeois order'.⁴ Rather than critiquing the police K-9 through what he calls the *smell of power*, we might find it useful to engage the *teeth of power*, or the state's deployment of police dogs to violently seize flesh deemed threatening to order, primarily the flesh of surplus bodies. Neocleous is certainly aware of the violent animus trained into police dogs, especially the quintessential security dogs – 'German Shepherds' – but he does quickly suggest that the

potential bodily violence and fear produced by security K-9s are less interesting than the politics of smell, claiming that 'it is the power to smell rather than the power to scare that is important'. Perhaps. Yet a critique of the snarling police dog, as opposed to the sniffer, not only helps unearth the importance of repression and fear in fabricating order, but starkly reveals the predatory animus of liberal order.

Teeth of power

If ferocious dogs have long been symbolic of legal rituals,⁵ then images of pearly white, beastly fangs have been central to this imaginary. Elias Canetti noted how in both human and non-human animals the teeth are 'The most striking natural instrument of power' and might be 'the very first manifestation of order and one so striking that it almost shouts for recognition'. He surmises that teeth likely influenced the development of stone weapons, and later the sword, and even the structure of military formations. Teeth as a metaphor for sovereign power and Leviathan have a long history, as attested in the Book of Job, verse 41, 'who can open the doors of his face? Round about his teeth is terror.' It is also worth recalling that a common way of describing the force of law is often to equate the law with 'teeth' or a 'bite' – 'the law has teeth' – or similarly how 'the law doesn't have a bite', due to having 'no teeth'. The figurative powers of teeth, then, point towards the ways terror, law and animal monstrosity undergird the sovereign principle of order.

As a 'threat to the world outside', the violence of teeth, for Canetti, becomes most 'visible whenever the mouth opens, which is often'.⁶ Therefore the teeth of power are at once a power to order through the act of devouring whatever or whoever exists external to the conventions of social order. In the first volume of *Sovereign and the Beast*, Derrida suggests that a 'lexicon of devourment' plays a central role in the coupling/decoupling of the sovereign and the beast. The struggle between beast and sovereign is often the struggle over who will devour the other. This is to say that the sovereign fear of being devoured by beasts calls forth the sovereign's own appetite, its own cravings for devouring the beast which threatens to upend 'good order'. As Derrida states,

It's about mouth, teeth, tongue, and the violent rush to bite, engulf, swallow the other, to take the other into oneself too, to kill it or mourn it. Might sovereignty be devouring? Might its force, its power, its greatest force, its absolute potency be, in essence and always in the last instance, a power of devourment?⁷

The coupling of devourment and the beast of police power crystallized most blatantly in 1980 in the USA when the National Crime Prevention Council (NCPC) introduced the now famous anthropomorphic cartoon character McGruff the Crime Dog as the new face of their 'anti-crime' campaign. English-speaking and standing on two legs instead of four while wearing a brownish trench coat, this bloodhound symbolically bestializes the police body while commanding citizens to 'Take a bite out of crime!' Here law-abiders are recast, interpellated, as something beastly as they are commanded to metaphorically bite what we can only assume is a 'crimanimal' – half human criminal, half beastly brute. Yet we shouldn't get too wrapped up with the more dramatic lexicon of devourment and miss the crucial point that this political imaginary is ultimately a means of speaking to the sovereign problem of administering capitalist order by policing disorder. In this sense, the beast and sovereign are first and foremost a language of (in)security and (dis)order and are not innocent, as they do political work by insidiously normalizing relations of domination.

If liberal sovereignty has long spoken of itself as a divine beast that devours its bestial enemies, the living, breathing creature of the security dog identifies this animus within the material foundations of state power. Indeed, 'taking a biting out of crime' finds its most living expression in the literal form of a snarling dog. To

understand this interplay of beast and sovereign in the neoliberal present, it must be situated within the predatory animus of capitalist order: class war. The ‘teeth of the law’, then, is not only a metaphor for sovereign monstrosity, but an actual practice of state power that threatens and often realizes the ripping and devouring of flesh.

Eating the poor

The teeth of power – trained dogs as instruments of organized coercion and blood-letting – reveal themselves in the historical records of some of the worst instances of modern state violence. ‘Dogs of conquest’ helped inaugurate the modern era as Columbus and then the conquistadors deployed large mastiffs to hunt, torture and actually feed off the flesh of the indigenous, and bloodhounds were deployed to hunt slaves in the Caribbean and American South. And there are other notable examples: the guard dogs used in Nazi concentration camps, prisoner-of-war camps and the Gulag, down to the lesser-known US project of training dogs to smell the blood of Japanese soldiers so that the dogs might then be unleashed to hunt Japanese soldiers en masse.⁸ We can also recall the important role police dogs played in enforcing the racial economies of the Jim Crow south and apartheid in South Africa. Most recently, the 2004 torture archive of the Abu Ghraib prison spectacle documented images of snarling dogs terrorizing Iraqi detainees, a practice which has its domestic application in the ‘cell extractions’ within US prisons.⁹

If the liberal state seeks to make its own acts of violence appear rational, measured and proportional, then the beastly figure of the security dog threatens to expose this liberal ideology as mystification, since the horrifying power of the state K-9 gains its political force from its own beastly, snarling identity. Renewed interest in the politics of state violence, especially of ‘torture’, has raised important critiques of Foucault’s popular argument on the gradual disappearance of spectacular torture while being supplanted by diffuse disciplinary techniques. As Poulantzas pointed out long ago,¹⁰ Foucault’s own narrative tends to minimize the importance of repression and outright violence in the administration of order, serving to erase violence from the political field. Other commentators have usefully shown that official wounding has in no way disappeared, and instead has been a central analytic and practice of state power – and nowhere is this more prescient than police power and its repressive configurations. Yet within the genealogy of modern torture, several commentators have pointed to the changing nature of torture, specifically a move from grotesque acts of violence to a violence that seeks to ‘leave no marks’, as torture has become altered into a violence that is more ‘clean’ and ‘stealthy’, whether spatially hidden or as ‘softer’ forms of bodily pain such as sensory deprivation and stress positions. In terms of police, relevant here is the rise of ‘less lethal’ weaponry such as stun guns and plastic and bean bag bullets.¹¹ But this is where a consideration of the security dog is instructive, as its power is premised on the ripping of human skin, bluntly demonstrating the bloody materiality of state repression.

The teeth of power are most commonly enacted, rationalized and normalized as the political technology known as ‘police K-9 units’.¹² Although sniffing out drugs and bombs is one of the primary functions of the contemporary police dog, the pervasive image of the police K-9 as primarily a ‘detection dog’ in the War on Drugs often serves to obscure the ways in which the dog is simultaneously deployed for violence – a viciousness that is not unlike the violence that snarled its teeth in Abu Ghraib, the Gulags or apartheid. As ‘the organizer of repression and physical violence’,¹³ law inscribes police K-9 violence by providing it with official justifications and limits. The legal determination of the ‘reasonableness’ or ‘excessiveness’ of a particular bite, and hence the culpability of the officer or agency, is governed by the more general parameters of ‘use of force’, namely the severity of crime, immediacy of the threat,

and the suspects evasion or resistance to arrest. Even though this animalization of violence has proven fatal in some instances, under US law patrol dogs are not generally considered 'deadly force'. If the snarling dog manifests the state as a wild savagery, this legal architecture claims to 'tame the beast', constructing animalized repression as measured and rational.

When the bloody teeth of the law are made visible in the popular imaginary, it is often due to 'spectacular events': a trained dog bites an unsuspecting innocent person or child, photojournalists capture dogs attacking peaceful protesters, or officers let a dog 'stay on' the victim for 'too long' or unleash dogs on handcuffed suspects. This animalization of state violence should in no way be grasped as 'exceptional', as the trained attack remains primarily a ritualized, normalized and concealed practice of authorized bloodletting. Yet, as spectacles, this violence often comes to *represent* the 'exceptional', usually under the frame of 'police brutality' said to exist outside the 'normal' workings of police power, only coming into visibility as an aberration. There is, however, nothing particularly special or unique about Chatman's case that opened this article – his plight is but one of countless other examples of the routine animalization of legal terror where flesh has been punctured, ripped, often permanently disfigured, by the snarling police dog. There are no national databases that specifically track incidents of police dog bites, but there is good reason to believe that this animalized violence is a near daily occurrence in the United States and other liberal democracies. To take one recent example from a location not popularly known for its police violence (at least to those removed from the daily realities of police repression): in British Columbia, Canada, police dog bites are the leading cause of injury by municipal police, with a bite happening on average every other day. In addition, in 2010 and 2011, the police dogs of the Royal Canadian Mounted Police (RCMP) produced 175 and 131 bites, respectively.¹⁴

What emerges here is police power as cynegetic power. To devour presupposes some form of pursuit and capture of prey, and it has long been the poor, dispossessed and 'racial others' that have been hunted and devoured with the most consistency and fervour. If police, according to Chamayou, is a 'hunting institution' that enacts relations of domination,¹⁵ specifically class war, then there is no better figure that clarifies the cynegetic animus of police than the patrol dog. Through the routine practice of hunting 'enemies of order' – in reality the threat of surplus populations racially codified as 'criminal' – the sovereign beast sniffs out, pursues and all too often seizes hold of fleeing, hiding or unruly suspects who threaten 'public safety' and private property, portending to literally devour the flesh of the dispossessed. In the United States, it has long been known that the overwhelming majority of police dog attacks happen in what officials call 'hot spots' or 'high crime areas' – official code licensing the surplus space of the 'ghetto' as a police hunting ground. For instance, in October of 2013, the Police Assessment Resource Center (PARC) reported that over the last nine years almost all of the people bitten by the Los Angeles County Sheriff Department's police dogs were black and Latino. The five jurisdictions with the most bites, PARC reports, are 'less affluent areas with minority populations' such as Compton, South LA and Lakewood, while the 'more affluent' areas, such as La Crescenta, Malibu and West Hollywood, represented only 2 per cent of police dog bites. The report pointed out that 89 per cent of the bites between 2004 and 2012 were against individuals from both demographics, with Latinos bitten 323 times while blacks were bitten 155 times. Of course, these findings were not all that surprising to critical observers, especially considering that in 1990 the same department came under similar scrutiny. In a five-year period during the late 1980s, 80 per cent of the recorded 272 people bitten were 'racial minorities' and 268 were unarmed. Most famously, the Christopher Commission, spawned from the brutal beating of Rodney King, found that it was primarily poor blacks and Latinos who had been attacked by LAPD police dogs.

To the extent that large aggressive dogs signify masculine power, the security dog also ordains a peculiar gendering of police power. This animalized masculinity is naturalized not only by the fact that most K-9 handlers are men, but also through cultural logics that posit 'natural' differences between male and female canines. For instance, the tendency of the K-9 industry, at least in the USA, is to primarily use male dogs for patrol work. The thought is that female dogs are often thought to be 'too small' and to lack the 'right temperament' (aggression) for patrolling city streets. It has also been surmised that the female 'heat cycle' is cumbersome, causing the feminine dog to be 'moody' and inconsistent and distracting in training.¹⁶ Hence insecurity is best secured, so this logic goes, through the 'natural aggressiveness' of male dogs. These gendered logics circumscribe the legal terror of K-9's as masculine domination, naturalizing police machismo.

In the name of security and order, or necessity and self-preservation, the teeth of power register what Taussig calls 'terror as usual'.¹⁷ To borrow a phrase from Jonathan Swift's satire, the police K-9 threatens to 'eat the poor', and, for that matter, anyone else out of place – whoever stands in as the figure of disorder at any given moment. This animalized violence is a potently devastating, if often overlooked and normalized, mutilating technology: medical research on dog bites finds that the bodily wounds produced by trained police dogs (as opposed to household pets) are the most damaging, often causing permanent disfigurement and long-term health problems, with many victims requiring several surgeries and often prosthetic devices.¹⁸ Indeed, the dogs are trained in such a way as to make their bites more than naturally powerful. Unlike a bite from a household pet, the police dog frequently bites its prey multiple times and more likely in the victim's head, neck and chest, requiring more hospital visits and medical operations. Indeed, the bite from a police dog can present longer-lasting effects than wounds from firearms, and can be just as bloody and mutilating, if not more so. There is something particularly grotesque of the typical flesh wound created through sharp teeth – the body disfigured in the most bloody and primordial of ways. Here the sovereign power to devour is starkly illuminated as the opposite of metaphor.¹⁹ For authorities, images of ghastly flesh wounds threaten to counter their own claims that this violence is rational and 'civilized'; hence K-9 officers have been encouraged to 'clean up' the victim's wound in order to 'sanitize' the image for evidentiary purposes.²⁰

The barbarism of the security dog, then, is one of many 'contact zones' where state power inscribes a 'corporeal grounding' and 'sensual life' upon embodied subjects.²¹ Indeed, there is something haunting about the police dog, often inducing 'nightmares of seeing dogs' long after the attack. In one incident in California, a 15-year-old boy, Trevon Robinson, suffered over twenty puncture wounds on his arm, leg and side. Speaking of the attack, Robinson articulated the psycho-politics of this peculiar form of state violence: 'I said, "Please, please get the dog off me." I was crying... Sometimes I have a dream of a dog attacking me... I wake up and my heart is beating so fast I can't go back to sleep.'²² One victim of a police dog in the UK states that 'I thought I was going to die, I've never been so terrified in my life... The pain was so bad and blood was spurting out. The dog had clamped onto my leg and was actually dragging me along the road with its teeth... The policeman was screaming at the dog to pull off, but it wouldn't. Then he rammed his baton into its jaws and twisted its head off my leg. But the dog ripped a massive chunk out of my calf at the same time.'²³ A 17-year-old girl who was bitten by a police dog in the eastern part of the USA stated: 'I was scared to death. I thought it was going to rip me apart.'²⁴

The terror of the police dog, then, reveals the tangible ways state power haunts social and psychic space through an animality that pursues and threatens to devour the flesh of its prey. As one defence attorney remarks, attacks from police dogs are

productive of distinct horrors: 'I think letting an animal attack a human being is qualitatively different than other kinds of brutality. People who are being attacked by an animal have the fear of being eaten. They think they are being eaten alive.'²⁵ Effectively adding to the police lexicon of devourment, and adding insult to injury, Los Angeles police officers were once reported to have called black subjects 'dog biscuits'.²⁶ This animality of police power is normalized and insidious, colonizing the quotidian, whether as McGruff the Crime Dog or the loosing of dogs to literally hunt the poor.

Notes

1. Mike Faher, 'Police-dog Bite Lawsuit Begins', *Tribune Democrat*, 14 November, www.tribune-democrat.com/local/x519119674/Police-dog-bite-lawsuit-begins. See also Mike Faher, 'Jurors Clear Police Dog', *Tribune Democrat*, 18 November, www.tribune-democrat.com/local/x519119804/Jurors-clear-police-dog.
2. Michel de Certeau, *The Practice of Everyday Life*, trans. Steven F. Rendall, University of California Press, Berkeley, Los Angeles and London, 1988, p. 139.
3. Mark Neocleous, 'The Smell of Power: A Contribution to the Critique of the Sniffer Dog', *Radical Philosophy* 167, May/June 2011, pp. 9–14.
4. *Ibid.*, pp. 10–11.
5. Colin Dayan, *The Law is a White Dog: How Legal Rituals Make and Unmake Persons*, Princeton University Press, Princeton NJ and Oxford, 2011.
6. Elias Canetti, *Crowds and Power*, Farrar, Straus & Giroux, New York, 1960, pp. 207, 209.
7. Jacques Derrida, *The Beast and the Sovereign*, vol. 1, trans. Geoffrey Bennington, University of Chicago Press, Chicago and London, 2009, p. 23.
8. PBS, 'War Dog Letter', *History Detectives*, season 7, episode 1, www.pbs.org/opb/historydetectives/investigation/war-dog-letter.
9. On a general history of dogs and social control, see J. Robert Lilly and Michael B. Puckett, 'Social Control and Dogs: A Sociohistorical Analysis', *Crime and Delinquency*, vol. 43, no. 2, 1997, pp. 123–47. On dogs of conquest, see John and Jeannette Varner, *Dogs of Conquest*, University of Oklahoma Press, Norman OK, 1983. On slave dogs, see Sara E. Johnson, "'You Should Give them Blacks to Eat": Waging Inter-American Wars of Torture and Terror', *American Quarterly*, vol. 61, no. 1, 2009, pp. 65–92. On guard dogs and Nazis, see Robert Tindol, 'The Best Friend of the Murderers: Guard Dogs and the Nazi Holocaust', in Ryan Hediger, ed., *Animals and War: Studies of Europe and North America*, Brill, Leiden, 2012, pp. 105–21. On dogs at Abu Ghraib, see Anne Norton, 'On the Uses of Dogs: Abu Ghraib and the American Soul', in Austin Sarat, Carleen R. Basler and Thomas L. Dumm, eds, *Performances of Violence*, University of Massachusetts Press, Amherst, 2011, pp. 98–117.
10. Nicos Poulantzas, *State, Power, Socialism*, Verso, London and New York, 2000, pp. 77–81.
11. Darius Rejali, *Torture and Democracy*, Princeton University Press, Princeton NJ and Oxford, 2009.
12. Today most large police departments in North America and Europe maintain K-9 units consisting of ten or more dogs, and thousands of smaller agencies also maintain units of various sizes, supported by an industry consisting of conferences, magazines, training schools and various training aides such as leashes, bite suits and videos.
13. Poulantzas, *States, Power, Socialism*, p. 82.
14. See Pivot Legal Society, 'Moving to Minimum Force: Police Dogs and Public Safety in British Columbia', 2014, www.pivotlegal.org.
15. Grégoire Chamayou, *Manhunts: A Philosophical History*, trans. Steven Rendall, Princeton University Press, Princeton NJ and Oxford, 2012; 'The Manhunt Doctrine', *Radical Philosophy* 169, September/October 2011, pp. 2–6.
16. See, for instance, the conversation on this listserv: www.germanshepherds.com/forum/police-k-9/142874-most-police-dogs-male.html.
17. Mick Taussig, 'Terror as Usual: Walter Benjamin's Theory of History as a State of Siege', *Social Text* 23, 1989, pp. 3–20.
18. The police horse is another example of the animalization of police power. Technically the horse can bite, but this is not necessarily part of its police function. Yet police horses share with patrol dogs the ability to frighten and terrorize.
19. See, for instance, Peter C. Meade, 'Police and Domestic Dog Bite Injuries: What Are the Differences? What Are the Implications about Police Dog Use?', *Injury Extra* 37, 2006, pp. 395–401.
20. This was advocated by a police official speaking at a military and working dog conference that the author attended.
21. Uli Linke, 'Contact Zones: Rethinking the Sensual Life of the State', *Anthropological Theory*, vol. 6, no. 2, 2006, pp. 205–25.
22. Beth Barrett and David Parish, 'Questions of Police Brutality by Police Dogs Raised', *The Time-News*, 22 December 1990.
23. Website on police dogs and repression, www.ericquire.com/articles/dogs/leo60127.htm.
24. Ruben Castaneda, 'FBI Investigating Pr. George's Canine Unit', *Washington Post*, 4 April 1999, www.washingtonpost.com/wp-srv/local/daily/april99/dogs4pp.htm.
25. Barrett and Parish, 'Questions of Police Brutality by Police Dogs Raised'.
26. 33rd Semiannual Report of Special Counsel, Police Assessment Resource Centre (PARC), September 2013, p.12, www.parc.info/client_files/LASD/33rd%20Semiannual%20Report.pdf.

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