



Seattle Office of Police Accountability

June 18, 2019

Chief Carmen Best
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

Case Number

- 2019OPA-0172

Topic

- Canine Deployment

Summary

- It was alleged that the Named Employee may have acted contrary to the canine policy when he caused his canine to bite the subject. This may have been due to deficiencies and inconsistencies between the canine policy, canine unit training, and canine unit manual.

Analysis

- A plausible reading of the policy could yield the conclusion that a misdemeanor subject who posed no demonstrable threat to an officer or even a subject fleeing after committing a citable offense could be subjected to a canine bite. OPA has found no caselaw that would allow for a suspect believed to have merely committed a citable offense to be bitten by a canine.
- The canine unit manual is more expansive than policy and provides guidance that could yield out of policy results.
- It is OPA's understanding that canines are trained to bite the located subject after effectuating a track, thus potentially violating the prerequisites of *SPD Policy 8.300* and creating an exception that abandons the rules set forth in the policy.
- While OPA had concerns that the bite in this case was inconsistent with policy and *Graham v. Connor*, OPA determined that the Named Employee's actions were directly in line with training.

Recommendation(s)

- Edit policy to ensure consistency with law, and update the canine unit manual to comply with policy. Consider the following modifications:
 - prohibiting officers from using a canine for pain compliance;
 - differentiating between direct apprehensions and tracking;
 - developing a separate policy for tracking outside of the use of force policy;
 - clarifying that a canine cannot be used against all escaping subjects, including those who have committed non-violent misdemeanors or citable offenses;
 - directing that a canine should not be used to bite individuals who are only suspected of property crime; and
 - instructing that restrictions on canine bites are equally applicable to bites occurring during, or as a result of, a track.



Seattle Office of Police Accountability

- Audit canine training to confirm that it accurately represents and communicates the requirements of policy. Audits should be ongoing until the Department is confident that the unit is compliant with the revised policy.
- OPA made related recommendations in cases 2018OPA-1037 and 2018OPA-0783, and it is OPA's understanding that SPD may have already been implemented some or all of the above recommendations.

Thank you for your consideration of this matter. I look forward to your response.

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability