



# Seattle Office of Police Accountability

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June 11, 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

- 2018OPA-1037

## Topic

- Canine Deployment

## Summary

It was alleged that Named Employees violated policy upon causing a canine to bite the subject, and it appears that canine deployment practice and training do not align with policy.

## Analysis

- SPD Policy 8.300-POL-1(7)(c) requires that officers receive approval from an immediate supervisor before a canine is deployed off-leash. Based on OPA interviews, it appears that practice and training do not align with policy
- *SPD Policy 8.400-POL-1(3)* instructs that a sergeant screen uses of force with the Force Investigation Team (FIT) for injuries rising to the level of great and substantial bodily harm to allow that unit to decide whether to respond to the scene and take over the investigation. The Named Employee failed to screen the incident with FIT. OPA believes that failure stemmed from a lack of clarity concerning when an injury constitutes great and substantial bodily harm.
- OPA is concerned that the canine unit chain of command may approve officer use of force without undergoing a critical review and analysis. This is particularly concerning given that canine force application has been deemed a “severe” use of force by the Ninth Circuit. It also appears to OPA that the canine unit chain of command consistently asserts that officer actions were consistent with training. However, deficient training cannot be used to defend actions that are contrary to law and policy.

## Recommendation(s)

- Amend policy to make it consistent with current practice and training as well as with the practicalities surrounding off-leash deployment. (*Note: OPA made a similar recommendation in 2018OPA-0783.*)
- Clarify policy and/or provide additional training guidance to supervisors concerning what types of injuries rise to the level of great and substantial bodily harm. One way this could be accomplished is to have FIT develop a force screening matrix that could be shared with supervisors. Engage in a robust analysis of canine application caselaw, Department canine policy as a force tool, and Department canine training and whether this training is consistent with law and Department expectations of officer conduct.



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

Sincerely,

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Andrew Myerberg  
Director, Office of Police Accountability