



# City of Seattle

Seattle Police Department

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July 30, 2019

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Seattle City Council  
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**RE: OPA Case No. 20180PA-1037**

Dear Mayor Durkan and Council President Harrell:

I am providing this written statement of disagreement with the recommended findings in OPA Case No. 20180PA-1037 as required by the Seattle Municipal Code. This case involves the use-of-force by an officer assigned to the Department's canine unit. After consideration, I am not following the recommendation of the OPA Director to sustain a finding that the officer<sup>1</sup> violated Department policy. The scope of the disagreement in this case is narrow; it involves an approximately thirty second period of time during which an officer permitted a canine to hold a suspect before ordering the canine to release the bite. The OPA Director concluded that the officer's original application of force – directing a canine to bite a fleeing robbery suspect – was reasonable under the circumstances but that the length he permitted the dog to maintain the bite

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<sup>1</sup> SMC 3.28.812 directs that this letter does not contain the name of the subject employee or any personal information.

was not. For reasons explained below, I find that, under the totality of the circumstances, this case is more appropriately concluded with a finding of Not Sustained – Training Referral.

### Factual Summary

On July 20, 2018, an off-duty police officer observed five men assaulting an older man during a potential attempted robbery. Two officers responded and arrested one of the involved assailants. Officers also located a second alleged assailant who was at a nearby school. When ordered by officers to stop, the suspect fled on foot. Multiple officers pursued the suspect, who continued to elude officers on foot and to defy orders to stop.

A K-9 officer was dispatched to assist in taking the fleeing suspect into custody. Other officers broadcast an update that the fleeing suspect was running through the local library. When the K-9 officer arrived at the library parking lot, he saw the suspect run into a field adjacent to the library. The K-9 officer parked, exited his patrol vehicle, and released his canine from the car. The officer and canine ran after the suspect and the officer instructed the canine to “take him.” The canine ran to the eluding suspect and bit and held onto the suspect’s arm. The suspect said, “I surrender” and “Sir, please, please!”. The K-9 officer informed other officers that the dog had the subject, advised of his location, and told the subject to move onto his stomach so that he could be handcuffed. The canine held a bite on the suspect for approximately thirty seconds. When another officer approached the K-9 officer and the suspect, the K-9 officer grabbed the dog’s collar and gave him the command to release the bite. The dog complied. The other officer then moved in to handcuff the suspect.

### The Use-of-Force Review

The full and careful review of any use of force is among the highest of the Department’s responsibilities to the community. The Department’s Force Review Board (FRB) is tasked with reviewing certain use-of-force incidents, including canine deployments. During its review of the case, the Board noted that “the police dog had control of the suspect’s arm for thirty-three seconds, which was potentially excessive given the circumstances.” The OPA Director initiated an OPA referral in conjunction with the Board in order to further review the case. I commend all involved for ensuring that this use of force was fully reviewed and evaluated.

During the review of this case, the involved officer’s chain of command stated that the officer’s actions were consistent with the training provided to the unit. Both the chain and the officer explained that officers were trained to physically remove a dog from a bite. A K-9 officer would generally direct the canine to hold a bite until another officer was present; once the other officer was on-site, that other officer would take over controlling the suspect while the K-9 officer physically took control of the dog’s collar and directed the canine to release the bite. A K-9 officer was not trained to call for a dog to release a bite absent a second officer being present. The officer in this case followed that training, permitting the dog to hold the bite for thirty-three seconds until another officer was in position to take control of the suspect. The officer’s chain of command confirmed that the officer’s actions were consistent with his training.

I appreciate that reasonable minds can differ as to whether this officer’s use of force – specifically, permitting the canine to hold the bite for more than thirty-seconds on an individual

under these circumstances – violated the Department’s use of force policies. Ultimately, I agree with the OPA Director that it did. I am also mindful, however, that officers are regularly called upon to manage often highly dynamic circumstances and that they must rely heavily on their training to do so. Here, because the officer acted consistently with very specific training on how to release a dog from a bite, I do not believe that a sustained finding is fair in this case. Instead, I believe it more appropriate to ensure that the unit, including its chain of command, is re-trained on this issue to ensure that K9 practices are consistent with the Department’s overall approach to the use of force.

Steps Taken to Review the Canine Policy

As a result of this case as well as other recent reviews of force involving canines, the Department has taken several steps to address the use of force by canines and any discrepancies in the Department’s policies and/or training. The Department has been actively working on revising the canine portion of the Department Manual. After concerns were raised by the Director of OPA and others, the Department’s Deputy Chief oversaw the drafting of an emergent interim policy. The Department also recently proposed a new Canine Policy, developed with technical assistance from the Department of Justice and Monitoring Team; that new policy is currently under review by OPA, the Monitoring Team and other partners. The proposed policy includes new, specific language governing when officers are to release a canine’s bite. In addition, consistent with the Inspector General’s 2019 work plan, the Office of Inspector General will also be conducting an audit of the Canine Unit.

In the time since this incident, thirteen canine handlers have been sent by the Department to outside best practices training. This includes the officer involved in this incident; he received specific training on verbal release of canines holding subjects. The Deputy Chief also met with members of the K-9 unit to reiterate the Department’s expectations on the use of canines as a force tool.

For the reasons set forth above, after full and careful analysis, I find that the officer’s actions are more appropriately addressed with a finding of Not Sustained (Training Referral). With full respect and appreciation to OPA and its thorough, fair investigation, I am changing the recommended Sustained finding accordingly.

Please let me know if you have additional questions.

Sincerely,



Carmen Best  
Chief of Police

cc: Sally Bagshaw, District 7  
Lisa Herbold, District 1  
Debora Juarez, District 5

Teresa Mosqueda, Position 8  
Mike O'Brien, District 6  
Abel Pacheco, District 4  
Kshama Sawant, District 3  
File