



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 21, 2019

CASE NUMBER: 2019OPA-0105

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Lawful and Proper)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Training Referral)

Named Employee #2

Allegation(s):		Director's Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Lawful and Proper)

Named Employee #3

Allegation(s):		Director's Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Sustained
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Training Referral)
# 3	8.300 – POL –1 Use of Force – Canine Deployment 4. Police Canines Shall be Deployed as a Force Tactic Only When Objectively Reasonable	Not Sustained (Management Action)

Imposed Discipline

Suspension without Pay – 5 days, Disciplinary Transfer

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

It was alleged that the Named Employees subjected the Complainant to excessive force. It was specifically alleged that Named Employee #3 may have utilized his K-9 as a force tool in a manner that was not objectively reasonable. Lastly, it was alleged that Named Employee #1 and Named Employee #3 had an exchange after the uses of force that may have been unprofessional.

ADMINISTRATIVE NOTE:

This case was provided to the Office of Inspector General for Public Safety (OIG) for review and certification on May 7, 2019. As of the date of this Director's Certification Memo (DCM), approximately three weeks later, OPA has not received a certification or, for that matter, a request for additional investigation.

SMC 3.29.260(G) states the following: "If the OIG has not advised OPA of concerns with the investigation within ten days after being notified that an investigation has been preliminarily completed the OPA Director may certify the case and issue findings. In these instances, OIG is precluded from requiring further investigation." As discussed above, OPA



routed this case to the OIG and indicated that its investigation was complete on May 7. However, as of the date of this DCM and more than ten (10) days after the date of provision of the case to the OIG, the OIG has not responded to certify the case or to direct that additional investigation be completed. Accordingly, consistent with the SMC, I certify this investigation as thorough, objective, and timely and proceed to issue the recommended findings set forth herein.

SUMMARY OF INVESTIGATION:

Officers, including the Named Employees, were dispatched in response to a report of a suspect who was allegedly breaking windows of businesses with rocks. The CAD Call Report indicated that there were no reports of weapons seen. The CAD was updated to reflect that at least one of the broken windows was a new break.

The officers later located the suspect, who is referred to herein as the "Subject." Named Employee #3 (NE#3) was the first officer to contact the Subject. NE#3 was later joined at the scene by other officers, including Named Employee #1 (NE#1) and Named Employee #2 (NE#2). NE#3 went to his patrol vehicle to run the Subject's information and NE#1 stood by with the Subject. When NE#3 returned to where they were standing, NE#1 informed NE#3 that the Subject said that he was not going to jail. This statement by the Subject was captured on Body Worn Video (BWV). NE#2 frisked the Subject for weapons while NE#1 stood by. No weapons were recovered. The Subject remained in the vicinity of NE#1 and NE#2 for a period of time until they decided to place him into handcuffs. Each officer took hold of one of the Subject's arms. The Subject began to pull away from the officers in an attempt to resist being handcuffed. After struggling with him for a period of time, NE#1 and NE#2 took the Subject down to the ground. While on the ground, one of the Subject's hands was secured; however, the other was under his body. The Subject was not stationary and, while he did not appear to try to get up or to roll on his side, he continued to move around. NE#1 and NE#2 were on either side of the Subject's body. NE#1 punched him approximately four times in the side and NE#2 kneed him once in the side. At that time, NE#3 was in the vicinity of the Subject's feet. He used his K-9 to bite the Subject's leg and buttocks for a period of 37 seconds. During that time, NE#3 identified that he engaged in six separate takes of the Subject with the K-9. The officers were ultimately able to secure the Subject's other hand and place him into handcuffs. The officers verified that the Subject had a \$25,000 outstanding warrant.

This incident was reviewed by the Named Employees' chain of command and was deemed consistent with policy. This case later proceeded before the Force Review Board (FRB). After deliberating on this matter, the FRB found the force used by the Named Employees to be consistent with policy. Based on its evaluation of this matter and its potential disagreement with the conclusions of the FRB, OPA self-initiated this investigation to conduct its own inquiry to determine whether the force was within or contrary to policy. In addition, and after OPA self-initiated, the Assistant Chief of the Compliance Bureau, who was an observer at the FRB for this incident, noted her disagreement with conclusions of the FRB, as well as with its determination that the force was within policy. She further noted other shortcomings of the FRB's proceedings relating to this case and set forth action items to remedy these issues in the future. Lastly, the Assistant Chief noted that, as a result of this and other related cases evaluated by both the FRB and OPA, the Department generated a "emergent interim policy" to be utilized pending a re-working of the K-9 policy. That interim policy specifically precluded the use of a K-9 bite as a force deterrent and/or for pain compliance.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

8.200 - Using Force 1. Use of Force: When Authorized

NE#1 and NE#2 both used force on the Subject while he was on the ground. NE#1 punched the Subject four times in the side. NE#2 kneed the Subject once in the side.

SPD Policy 8.200(1) requires that force used by officers be reasonable, necessary and proportional. Whether force is reasonable depends “on the totality of the circumstances” known to the officers at the time of the force and must be balanced against “the rights of the subject, in light of the circumstances surrounding the event.” (SPD Policy 8.200(1).) The policy lists a number of factors that should be weighed when evaluating reasonableness. (*See id.*) Force is necessary where “no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose.” (*Id.*) Lastly, the force used must be proportional to the threat posed to the officer. (*Id.*)

NE#1 told OPA that he was aware that the Subject had previously used a rock to cause significant property damage. He further stated that he believed the Subject’s statement that he was not going back to jail indicated that the Subject could be willing to fight them and that it would not be a peaceful encounter. NE#1 said, that based on the Subject’s statements, he called for additional officers to respond to the scene and recommended to NE#3 that he have his K-9 unit at the ready. NE#1 recounted that, when he and NE#2 attempted to place the Subject into handcuffs, the Subject physically resisted and pulled away. NE#1 said that the Subject continued to resist while on the ground and prevented the officers from securing one of his hands. NE#1 reported that the hand was under the Subject’s body and that the Subject appeared to be reaching for something. NE#1 was concerned that he could possibly be reaching for a weapon. Based on this belief, NE#1 felt that force in the form of punches was appropriate to prevent the Subject from further reaching and to get control over the Subject’s hand. After using the force, the hand was controlled, and the Subject was handcuffed. NE#1 did not use any further force.

NE#2 stated that he frisked the Subject and that he did not feel anything that was identifiable as a weapon. However, NE#2 said that, in his experience, this did not conclusively mean that the Subject was unarmed. NE#2 noted that, while he was being detained, the Subject stated that he was not going back to jail. NE#2 found this statement worrisome and explained that this informed his decision to try to place the Subject into handcuffs. NE#2 stated that he felt this meant that the Subject might try to fight. When he attempted to grab the Subject’s arm in order to cuff him, the Subject pulled away and began resisting. NE#2 recounted that he and NE#1 then took the Subject down to the ground using a takedown. NE#2 stated that, while on the ground, the Subject was actively moving his hand towards his waistband. This was the case even though both NE#2 and NE#1 were trying to control and subdue him. NE#2 said that he had some concerns that the Subject could be reaching for a weapon. NE#2 explained that, due to the Subject’s active resistance and his reaching for his waistband, NE#2 kneed him once in his side. NE#2 stated that this force was successful in getting a hold of the Subject’s arm and handcuffing him. NE#2 did not use any further reportable force.

Based on OPA’s review of the BWV, as well as based on the statements by NE#1 and NE#2, the Subject was not a conventional turtled individual at the time of the force. While OPA has no evidence conclusively proving that the Subject was reaching for a weapon, his hand was moving at the time of the force and he was not complying with the



officers' commands. Moreover, his body was moving, including appearing to shift from side to side. Based on Department training, the positioning of the Subject's hand and body and his movement represented a potential threat that the officers were permitted to use force to address. The force used, a knee strikes and punches to the side, were consistent with training and was appropriate given the information available to the officers at the time. As such, I find that the force used by NE#1 and NE#2 was reasonable, necessary, and proportional under these circumstances. Significant to my decision is the fact that, once the Subject's hand was secured and the threat quelled, NE#1 and NE#2 ceased their force.

As such, I recommend that this allegation be Not Sustained – Lawful and Proper as against both NE#1 and NE#2.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

After the K-9 bite had been applied and after the Subject was handcuffed and in custody, BWV captured an interaction between NE#1 and NE#3. NE#3 said to NE#1: "First bite." They then high-fived. OPA alleged that this exchange may have been unprofessional.

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional at all times." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." (SPD Policy 5.001-POL-10.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (*Id.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

Both NE#1 and NE#3 denied that the statement and high-five were unprofessional. NE#1 contended that they were not taunting the Subject or celebrating that he got injured. NE#1 asserted that he and NE#3 were acknowledging that it was, in their opinion, a job well done. NE#3 similarly stated that they were not celebrating the use of force but were recognizing that it was a job well done. NE#3 told OPA that it was akin to winning a team sport and they were commending each other that "a violent person who was actively resisting...and fighting with us" was taken into custody "with minimal damage to him, and no damage to us."

OPA appreciates the descriptions of the purpose for their exchange that were proffered by NE#1 and NE#3. OPA further credits their claims that they were not celebrating the dog bite and/or the fact that the Subject was injured. However, simply stated, the exchange and the high-five looked bad. Contrary to what they said, it appeared from the BWV that they were celebrating the fact that the K-9 bit the Subject, as well as the fact that it was the K-9's first bite, not a job well done. Again, even if this was not their intent, their statements and actions could be perceived as undermining public trust and confidence in the Department.



For these reasons, and while I do not find that this exchange warrants a Sustained finding, I recommend that NE#1 and NE#3 receive the below Training Referral.

- **Training Referral:** The chain of command for NE#1 and NE#3 should discuss this matter with them and convey how, even if unintentional, it appeared that they were, in fact, celebrating the bite of the Subject by NE#3's K-9. NE#1 and NE#3 should be mindful of how this could undermine public trust and confidence. This retraining and associated counseling should be documented, and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #2 - Allegations #1

8.200 - Using Force 1. Use of Force: When Authorized

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #3 - Allegations #1

8.200 - Using Force 1. Use of Force: When Authorized

NE#3 used force when he caused his K-9 to bite the Subject's leg and buttocks for approximately 37 seconds. From OPA's review of the BWV and based on a reading of NE#3's use of force report, NE#3 appeared to direct the K-9 to engage in six distinct "takes" of the Subject.

In his use of force report generated after the incident, NE#3 provided the following rationale for why he chose to use this force: "My intention was to utilize [the K-9] to keep the suspect from getting to his feet and providing pain compliance to the suspect in order to get him to comply with our lawful orders to quit fighting and to quit resisting arrest." In his report, NE#3 stated that he believed this force was warranted based on the severity of the crime, an immediate threat of harm to officers and officers, and the subject's active attempts to resist arrest and prevent himself from being handcuffed. With regard to the severity of the crime, NE#3 referenced the fact that the Subject was destroying property with a rock and that he had a \$25,000 warrant for a similar offense. With regard to the safety concerns, NE#3 referenced the Subject's physical resistance, his wearing of bulky clothing that could potentially contain a weapon, and his reaching under his body with his unsecured hand.

At his OPA interview, NE#3 reiterated his reasoning for the bite. He stated that the force was reasonable based on the Subject's resistance and in order to control the Subject's legs. With regard to whether the force was necessary, NE#3 stated that it was to stop the Subject from reaching towards his waistband. He said that, at the time, he had no idea what the Subject was reaching for and that he believed that it could possibly be a weapon. NE#3 also contended that the force was necessary to ensure the safety of NE#1 and NE#2. NE#3 told OPA that he did not believe there were any reasonably effective alternatives to using the force that he applied. Lastly, NE#3 stated that the force was proportional. He discussed that his K-9 was not a "hard biter" and he referenced the layered clothing that the Subject was wearing. NE#3 explained his belief that the bite and the attendant pain from that force gave



the Subject “something to think of and deal with” and provided NE#1 and NE#2 with time to subdue the Subject. He stated that, had the Subject been turtled, he would not have utilized the K-9.

In the context of questions concerning whether the bite was consistent with the K-9 policy, NE#3 stated the following: the crime at issue was felony property damage; it was possible that the Subject was armed; the Subject could present a danger of serious physical harm if he got to his feet; and the Subject was trying to get to the point of active aggression. When asked to describe how the Subject was engaged in active aggression, NE#3 explained that the Subject was trying to get back to his feet and was trying to make distance between himself and the ground to gain access to something in his control. NE#3 said that he did not suspect that the Subject possessed a rock or brick at the time but told OPA that it was “highly possible” and that “it happens a lot with transients.” He told OPA that the Subject was initially trying to escape but, when he was taken down, he was trying to get back up and was potentially planning on escape or to assault the officers. NE#3 stated that he pulled the K-9 off when backing officers arrived at the scene. NE#3 noted that the Subject did not appear to be affected by the bite and NE#3 posited that this was because the K-9 did not bite him with significant force. NE#3 stated that this was the K-9’s first bite. NE#3 also told OPA that the Subject did not suffer any serious injuries as a result of the bite.

SPD Policy 8.200(1) requires that force used by officers be reasonable, necessary and proportional. Whether force is reasonable depends “on the totality of the circumstances” known to the officers at the time of the force and must be balanced against “the rights of the subject, in light of the circumstances surrounding the event.” (SPD Policy 8.200(1).) The policy lists a number of factors that should be weighed when evaluating reasonableness. (*See id.*) Force is necessary where “no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose.” (*Id.*) Lastly, the force used must be proportional to the threat posed to the officer. (*Id.*)

First, with regard to reasonableness, I find that the majority of the factors weigh in favor of a finding that the force was outside of policy.

- **Severity of the Offense:** At the time of the force, NE#3 knew that the Subject broke windows with a rock. The damage was believed to rise to the level of a felony. However, the Subject did not engage in a crime of violence against any individual and was not reported to be brandishing any weapons.
- **The Level of Threat or Resistance and the Conduct of the Subject:** It is undisputed that the Subject resisted the officers when they attempted to place him into handcuffs, and then resisted them again by putting his hand under his body and refusing to withdraw it. However, at that time, the Subject did not appear to be trying to get up. He did not raise onto his knees and he did not appear to roll onto his side at any point. While the officers posited that the Subject could have been reaching for a weapon, this does not seem to definitively be the case from a review of the BWV. Moreover, NE#3, himself, stated that, while it was possible that the Subject could be armed, he did not necessarily suspect that this was the case at the time.
- **Potential Threat to the Community:** There were no bystanders in the near vicinity at the time of the force. While NE#3 speculated that the Subject could possibly get up, escape, and/or cause injury to community members, the objective evidence – most notably the BWV – does not support a finding that there was any imminent threat to bystanders.



-
- **Potential of Injury to Bystanders and Officers:** As explained above, there was no actual risk of harm to bystanders. While there was the risk of potential of injury to the officers, this risk was relatively low given the number of officers surrounding the Subject, the fact that two officers were hands-on with the Subject at that time and were using strikes, the Subject's prone position, and the fact that the Subject had already been frisked for weapons with negative results.
 - **The Risk or Apparent Attempt by the Subject to Escape:** NE#3 stated that the Subject initially was attempting to escape when NE#1 and NE#2 were trying to handcuff him. NE#3 explained that, once the Subject was on the ground, he was attempting to get up, possibly to try to escape again. Based on OPA's review of the video, it is not apparent that the Subject was trying to get off of the ground or, for that matter, that he was actively attempting to escape.
 - **The Time Available to the Officer to Make a Decision:** From the point that the Subject began resisting arrest, NE#3 had just under ten seconds to determine whether or not to use his K-9. Moreover, once the Subject was on the ground and was being subdued, NE#3 continued to utilize his K-9 to bite the Subject for approximately 37 seconds. During that time, NE#3 made six independent decisions to use his K-9 to take the Subject. At each interval, NE#3 could have released his K-9 and used an alternate force tool.
 - **The Availability of Other Resources:** There were numerous other resources available to NE#3, including using lower levels of force. For example, NE#3 could have held the Subject's legs in order to control them, he could have placed his body weight onto the Subject's torso, or even struck the lower half of the Subject's body to ensure compliance.
 - **The Training and Experience of the Officer:** NE#3 has had substantial training on K-9 handling, the use of his K-9 as a force tool and concerning the use of force generally. OPA has seen no evidence that NE#3 was trained to use his K-9 as a pain compliance tool. Using a K-9 in that matter is not explicitly endorsed in Department policy or, for that matter, referenced at all within the policy in force at the time. Moreover, there is also no mention in the K-9 Unit Manual of using a K-9 as a pain compliance tool.
 - **The Subject's Proximity to or Access to Weapons:** While the Subject broke windows with a rock, potentially causing felony property damage, there was insufficient evidence supporting that he was armed at the time of the K-9 application. Notably, prior to the bite, the Subject was frisked by NE#2 and not found to have any weapons. While NE#3 stated that he did not necessarily trust a frisk performed by another officer and that he had limited experience working with NE#2, I find it compelling that NE#1, an officer that NE#3 worked with frequently, did not appear to have any concerns that the Subject was armed. Notably, after the frisk, the Subject was not immediately handcuffed and was allowed to sit by himself with his hands in ready access to a concealed weapon. Had there been a reasonable fear at the time that the Subject was armed, it follows that the officers would not have been so lax. Moreover, while NE#3 stated that it seemed that the Subject was trying to access something under his body, he confirmed that he did not necessarily suspect that the Subject was armed, even if this was a possibility.



While none of the above factors are by themselves determinative, they collectively weigh against a finding of reasonableness and support a determination that the force was outside of policy.

Necessary Factor

With regard to whether the force was necessary, OPA finds that there were other actions that NE#3 could have taken instead of utilizing his K-9. As discussed above, NE#3 could have held the Subject's legs in order to control them, he could have placed his body weight onto the Subject's torso, or even struck the lower half of the Subject's body to ensure compliance. These were more effective alternatives. Moreover, as discussed more fully above, the force actually used was not a reasonable degree of force, which also causes it to have been unnecessary.

Proportionality Factor

Lastly, with regard to the proportionality of the force, the force ultimately applied was not commensurate with the threat facing NE#3 or the other officers. Again, while the Subject could have been armed, any suspect could be and that does not, in and of itself, provide an independent basis to use a high level of force, such as a K-9 application. Moreover, while he had puffy clothing on, a frisk was performed that appeared to satisfy both NE#1 and NE#2 and that did not turn up any weapons.

OPA recognizes that the Subject was not passive at the time of the force; however, this did not warrant using a K-9 to bite his leg for 37 seconds. That force, and the injury it could have caused, did not align with the threat presented by the Subject. To that end, the fact that the Subject did not actually suffer a serious injury is immaterial. It remains that six directed takes of an individual's leg could have resulted in such harm. In addition, at the time of the force, there were two officers directly engaged with Subject and multiple others imminently on their way to the scene. NE#1 and NE#2 were holding the Subject down and using force through strikes. It was not proportional to use an ongoing K-9 application in addition to the knee strike and the punches utilized by the other Named Employees.

As the Ninth Circuit explained in *Smith v. City of Hemet*, 394 F.3d 689 (9th Cir. 2005), a K-9 bite is intermediate force and, in that respect, "is the most severe force authorized short of deadly force." Here, the level of force used and the attendant harm it could have caused outweighed the need to use that force and the risk posed by the Subject. Accordingly, I find that the force was not proportional under the facts of this case.

For the above reasons, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**



Named Employee #3 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

As discussed in the context of NE#1, I recommend that this allegation be Not Sustained, and I refer to the above Training Referral. (See Named Employee #1, Allegation #2.)

Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #3 - Allegation #3

8.300 – POL –1 Use of Force – Canine Deployment 4. Police Canines Shall be Deployed as a Force Tactic Only When Objectively Reasonable

SPD Policy 8.300-POL-2(4) directs that a K-9 may only be used as a force tactic when objectively reasonable. With regard to when such force is objectively reasonable, the policy provides the following guidance:

Canine handlers will only allow their canines to physically engage or bite a suspect if there is a reasonable belief or if it is known that the suspect is armed with a weapon or other instrumentality capable of producing death or significant physical injury or otherwise poses an imminent threat of death or serious physical injury to the handler or others or is engaged in active aggression or escaping

(SPD Policy 8.300-POL-2(4).) The policy also provides guidance as to when K-9 bites must be released. In this regard, the policy states the following: "Should a bite occur, the handler will as rapidly as possible determine if the suspect is armed and call off the dog at the first possible moment the canine can be safely released." (*Id.*) The policy further mandates that: "If the suspect is not armed, the handler shall order the canine immediately to release the bite." (*Id.*) Lastly, the policy instructs that: "When deciding to call off the dog, particular attention must be given to the perceived threat or actual resistance presented by the suspect" and that, given that an average person will struggle when being bitten, the struggling alone should not be viewed as "cause for not calling off the canine." (*Id.*)

As discussed above, I find that the K-9 application in this case was not consistent with the use of force policy as it was not reasonable, necessary, or proportional under the circumstances. For the same reasons, I find that the K-9 application also violated SPD Policy 8.300-POL-2(4); however, I decline to also sustain this allegation given that it is duplicative of Allegation #1. Instead, I address herein the use of a K-9 as a pain compliance tool.

At his OPA interview and in response to questions from his Guild Representative, NE#3 stated that there was no Department policy that prohibited him from using his K-9 as a pain compliance tool. He stated that he had done so "hundreds" of times and that he had never been told by anyone in at SPD that this practice was improper. NE#3 compared the use of a K-9 bite as pain compliance to a Taser application or the cross-face technique.

OPA agrees with NE#3 that the use of a K-9 as a pain compliance tool is not mentioned in SPD policy or, for that matter, in the K-9 Unit Manual. As such, at the time of this incident, this practice was neither precluded nor explicitly permitted by the Department. However, in the aftermath of this case, as well as due to several other K-9 applications that were evaluated by OPA, the Department reworked the sections of the SPD Policy Manual



concerning the use of K-9s as a force tool. Relevant to this case, the Department revised the policy to completely prohibit the use of a K-9 for the purpose of pain compliance. OPA finds this decision to be significant and a clear sign from the Department that it viewed this practice as problematic.

OPA agrees with the decision to prohibit the use of a K-9 as a force compliance tool. OPA is concerned that the benefit of doing so is well outweighed by the potential risk of serious injury from a sustained K-9 bite. OPA further feels that the risk of harm from such a bite well outweighs the injuries that could be caused by the use of a Taser in drive stun or the use of a cross-face. Moreover, it seems abundantly clear that a 37 second Taser application would be inconsistent with policy. There is no logical reason why this should not be the same finding for a K-9 bite of the same length, which could cause substantially more physical harm.

It is OPA's understanding that the Department is continuing to refine the K-9-related policies. OPA herein recommends that the Department maintain the prohibition on the use of a K-9 as a pain compliance tool and that the Department train its officers that such usage is impermissible.

Recommended Finding: **Not Sustained (Management Action)**