



8/14/19

Director Andrew Myerberg
Office of Police Accountability
PO Box 34986
Seattle, WA 98124-4986

Dear Director Myerberg,

Please see the below Management Action Recommendation response.

Case Numbers

- 2018OPA-0783 (2019COMP-0014)
- 2018OPA-1037 (2019COMP-0020)
- 2018OPA-0172 (2019COMP-0021)

Topic

- Canine Deployment

Summary

- The three Management actions all pertain to Canine deployments and the policies that govern when and how officers deploy canines. In each, it was alleged that employee violated SPD Policy 8.300-POL-1 Use of Force – Canine Deployment when officers caused their canines to bite subjects. OPA believed that the policy could be violated by *Graham v. Connor* and was not consistent with caselaw. Additionally, OPA asserted that based on interviews, it appeared that practice and training did not align with policy.

OPA Recommendations

- Revise SPD Policy 8.300-POL-1 to be more consistent with caselaw, clarifying that a fleeing subject does not, by itself, provide a justification to use a canine. (18-0783)
- Ensure the “handler supplemental report” is completed when appropriate. If the Department does not wish to use this report, remove reference to it from policy and instead provide guidance on where and how that information should be captured. (18-0783)
- Amend policy to make it consistent with current practice and training as well as with the practicalities surrounding off-leash deployment. (18-1037)
- 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. (18-1037)
- Edit policy to ensure consistency with law, and update the canine unit manual to comply with policy. (18-0172)
- Audit canine training to confirm that it accurately represents and communicate the requirements of policy. Audits should be ongoing until the Department is confident that the unit is compliant with the revised policy. (18-0172)

Action Taken:

- The Canine Unit has been the subject of several management actions. In response to concerns over the previous canine policy a new one was developed. The new policy was created with technical

assistance from the Monitoring Team. The Policy addresses many of the items include in the management actions. The new policy has been approved by the Monitoring Team, the Department of Justice, the City Attorney's Office and the Seattle Police Department. Once the policy has been approved by the federal court it will be implemented. Upon implementation, the Canine Unit Manual will be updated to reflect the new policy. The new policy specifically address the following issues raised in the management actions:

- It prohibits officers from using a canine for pain compliance
- It provides definitions for direct apprehension and tracking
- It lists the specific crimes that handlers are allowed to deploy their canines for
- Property crime in and of themselves are not crime canines will track/bite for
- In addition to Policy revisions, the following steps are being taken:
 - The Office of the Inspector General is conducting an audit of the canine unit
 - The Canine Unit will undergo a review of the new policy, conducted by the Deputy Chief
 - The Canine Unit manual is being rewritten
 - Officers assigned to the Canine Unit are attending external training (13 handlers currently)
 - The Canine Unit will undergo full unit training on deployments

Final Disposition:

- Fully Implemented

Thank you for your consideration of this matter. Please don't hesitate to contact me if you have further questions.

Sincerely,



Marc Garth Green
Deputy Chief of Police