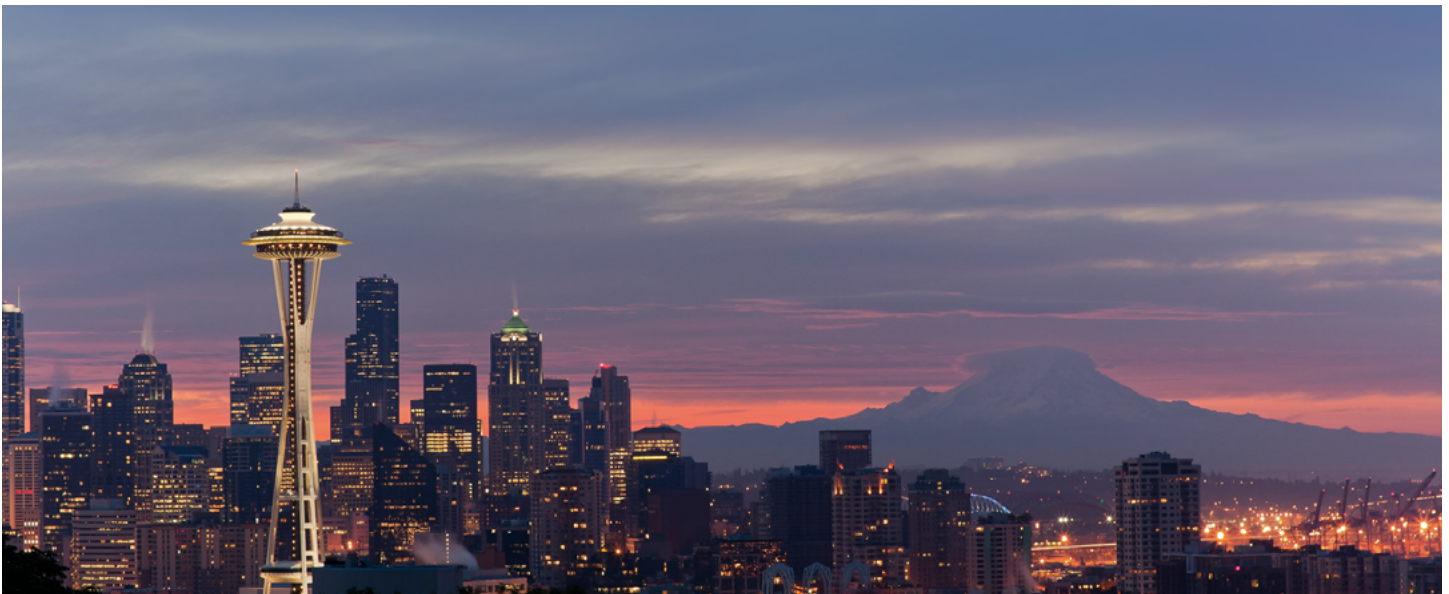




# Seattle Office of Inspector General

## Audit of SPD Patrol Canine Teams



Source: Dave Morrow, "Seattle Sunrise". Labeled for non-commercial reuse. [www.DaveMorrowPhotography.com](http://www.DaveMorrowPhotography.com)

### Summary of Findings

This audit addresses six findings that reflect systemic concerns within both the Canine Unit and senior SPD chain of command. Within the Canine Unit, OIG finds that insufficient supervisory oversight by the Unit sergeants and lieutenant created safety risks and negatively impacted Unit training and performance evaluation. OIG also finds that a core statistic used by the Unit is unreliable due to choices made in the categorization and aggregation of canine arrest statistics. Outside the Unit itself, OIG finds the revision of the canine policy bypassed established processes and created wide-spread confusion, affecting deployment patterns, oversight of canine use of force, and handler morale. Finally, OIG highlights concerns about delayed feedback to the canine unit as a byproduct of comprehensive processes for investigation and review of use of force, as well as a security vulnerability affecting the Canine Unit.

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## AUDIT SELECTION AND OBJECTIVE

The Office of Inspector General (OIG) scheduled this audit after observing the deliberations of the Seattle Police Department (SPD) Force Review Board on a series of canine bites. It was evident the patrol canine chain of command and the entities charged with overseeing uses of force within the department did not have a consistent interpretation of patrol canine policy and deployment criteria. Additionally, patrol canine tactics and operations appeared to be unfamiliar to SPD personnel outside of the unit itself.

Given the significant public concern and high liability potential of patrol canine deployments, OIG determined that an audit of adherence to policy and consideration of applicable best practices for policy development, training, deployment, and reporting within the patrol canine unit was appropriate.

## EXECUTIVE SUMMARY

This audit addresses six findings that reflect systemic concerns within both the Canine Unit and senior SPD chain of command. Within the Canine Unit, OIG finds that insufficient supervisory oversight by the Unit sergeants and lieutenant created safety risks and negatively impacted Unit training and performance evaluation. OIG also finds that a core statistic used by the Unit is unreliable due to choices made in the categorization and aggregation of canine arrest statistics. Outside the Unit itself, OIG finds the revision of the canine policy bypassed established processes and created wide-spread confusion, affecting deployment patterns, oversight of canine use of force, and handler morale. Finally, OIG highlights concerns about delayed feedback to the canine unit as a byproduct of comprehensive processes for investigation and review of use of force, as well as a security vulnerability affecting the Canine Unit.

The six findings are summarized here for ease of reference.

1. The Canine Unit sergeants and lieutenant did not address inadequate performance, creating potential safety risks for officers and members of the public.
2. Canine Unit supervisors did not provide sufficient supervisory support or oversight for several elements of handler instruction and assessment, including training, performance evaluation, and documentation review.
3. The Canine Unit bite ratio statistic is unreliable due to how the Unit counts and aggregates arrests with canine involvement. OIG also identified inconsistent descriptions of canine deployments across department record-keeping systems.

4. The development and implementation of the interim directive and revised canine policy created confusion throughout the department, impacting canine operations, oversight of canine use of force, and affecting handler morale.
5. The length of time required to conduct robust and thorough force investigation and review processes impedes prompt remediation of issues needing corrective action, and the time lag may negatively impact officer wellness.
6. A security vulnerability creates a potential risk to patrol canines and members of the public.

OIG would like to emphasize that, despite the serious nature of the issues described in this audit, OIG is not recommending canine operations be curtailed. OIG was impressed by the professionalism of the Unit and the dedication many handlers displayed in pursuing the best possible performance for their canines, including expenditure of personal funds on external training and equipment. It is clear from interviews and observation that Canine Unit personnel share a common goal of excellence in their unique field, and that they are invested in achieving that goal. However, as OIG identifies in this audit, there are core system weaknesses that affect the ability of the Unit to fulfill its potential and create risks for safety and oversight. If SPD addresses the identified concerns, the Canine Unit should be able to continue serving as an effective, specialized tool for the department.

OIG acknowledges the outstanding cooperation and participation demonstrated by Canine Unit personnel over the course of this audit. Staff granted hours of their time to answer OIG questions, welcomed OIG personnel to observe training sessions, and were honest and forthcoming in their evaluation of Unit strengths and weaknesses. OIG appreciates the willingness of Unit personnel to reflect on opportunities for improvement and to share their insights with audit staff.

## **BACKGROUND**

### **SPD Police Canine Functions**

SPD utilizes police canines for three distinct functions: patrol support, explosives detection, and electronic storage detection.<sup>1</sup> The scope of this audit addresses only the patrol support function.

The detection canines, while technically part of the SPD Canine Unit, are operationally based in their subject-area unit. For example, the electronic storage detection canine is based with the Internet Crimes Against Children unit. The detection canines participate in separate training activities and are not supervised by the same chain of command as the patrol canines. Further, OIG found no records of detection canines being involved in a use of force within the audit scope period. Given that the primary risks identified in this audit revolve around canine use of force, OIG did not include the detection function in the audit scope.

Patrol canines are the generalists of the SPD canine teams. The canines are used in a variety of different scenarios, including locating evidence, tracking fleeing suspects, and apprehending suspects. While patrol canines have been used as force deterrents – such as barking outside a building to encourage a voluntary exit – SPD has historically prohibited the use of patrol canines at mass demonstrations.

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<sup>1</sup> SPD previously deployed its own canines for narcotics detection but does not have its own in-house narcotics canine at the time of this report. The Narcotics Unit is working on acquiring approval to purchase an SPD narcotics canine.

## Patrol Canine Overview

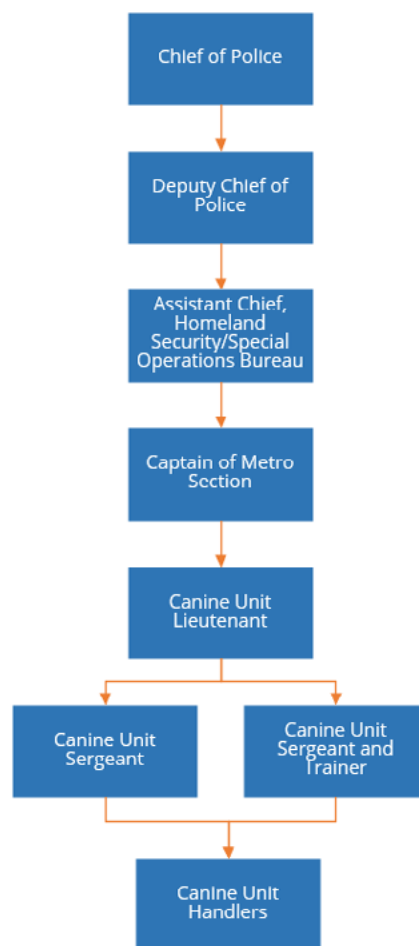
Some basic understanding of patrol canine operations is useful in fully understanding this report. This section provides an outline of key concepts, while more specific details are included in the relevant findings of the report.

## Unit Organization

The Canine Unit is housed within the SPD Special Operations Bureau.<sup>2</sup> The Unit itself consists of the handlers, two sergeants, and a lieutenant. The Canine Unit lieutenant reports to the captain of the Metro Section, who reports to an Assistant Chief. At the time of this report, there were eight patrol canine teams, with one additional team in training.<sup>3</sup> A simplified organizational chart is provided below.

The Canine Unit experienced several changes in command personnel over the course of the audit scope period. The Unit was managed by a sergeant until August 2015, when the first lieutenant was assigned. In October 2018, the first lieutenant was replaced with the second, and current, lieutenant. The Unit also experienced at least one change in captain, with the current captain being assigned in May 2019.

**Exhibit 1: Canine Unit Organizational Chart During Audit Scope Period**



Source: OIG summary of SPD organizational charts.

<sup>2</sup> During much of this audit, the Canine Unit was housed within the Homeland Security/Special Operations Bureau. This entity was split into two bureaus in early 2020, leaving the Unit in the Special Operations Bureau.

<sup>3</sup> A team consists of a handler and patrol canine.

## Tactics and Deployment Criteria

A patrol canine team “deploys” when the canine is taken out of the handler’s vehicle at a designated location. The canine may be used to search for a suspect, to provide a visual or auditory deterrent (e.g., barking outside a building), or apprehend a suspect. A “non-tactical” use of a patrol canine occurs when the suspect is already in custody or otherwise not expected to be present, and the canine is used to locate any additional evidence, such as a firearm discarded by a fleeing suspect.

Handlers are required by policy to give verbal warnings while deploying the canine or to have another officer give the warning. If the suspect surrenders at any point, they may be taken into custody without any force. If the handler thinks that the canine’s behavior indicates they are close to the suspect, the handler may instruct the canine to lie down while the handler attempts to convince the suspect to surrender.

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*SPD patrol canines are trained to bite and hold, unless given other instruction.*

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However, it is important to understand that the default training for SPD patrol canines is to bite a suspect once located, unless given a countermanding instruction by their handler such as a down or heel.<sup>4</sup> This means if a canine is tracking a suspect and encounters the suspect unexpectedly, such as around a blind corner, the canine may bite before the handler has an opportunity to give the “down” command.

Because of the risk of a bite, current SPD policy requires handlers to assume every deployment may end in a bite and factor this potential into every decision to deploy. A bite from a police canine while performing its police functions qualifies as a use of force, so officers must consider whether such force would be reasonable, necessary, and appropriate under the circumstances at hand. Per SPD policy, if a bite occurs, the handler must instruct the canine to release the bite as soon as it is safe to do so.<sup>5</sup> For example, other officers may have caught up to the canine and have control over the suspect.

A “direct apprehension” occurs when a handler orders a canine to pursue and bite a suspect to facilitate capture. SPD policy at the time of this report permitted direct apprehension only if the handler has a reasonable belief both that the person has committed a crime from a specified list and that the suspect poses an imminent threat of harm to others or is trying to flee.

SPD policy in effect at the time of this report permitted tactical deployment of patrol canines for the following crimes:

- Burglary, not including trespass with non-violent secondary crime
- Robbery, not including thefts that are accompanied by low level assaults
- Homicide
- Serious Assault
- Kidnapping

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<sup>4</sup> This tactic, known as “bite and hold”, is used by many police departments throughout the United States. “Circle and bark” is an alternative tactic that some departments use, which involves the canine barking at the suspect from a distance to gain compliance. OIG did not assess the merits of either approach, but rather analyzed whether use of SPD patrol canines conformed to criteria established by the department and applicable governing bodies.

<sup>5</sup> Patrol canine deployment is discussed in POL-8.300-Use of Force Tools within the SPD manual. Additional patrol canine requirements are found in POL-16.300-Patrol Canines. At the time of this report, both policies were last updated in September 2019.

- Arson with threat of harm to people
- Domestic violence felony crimes
- Serious sexual assault
- Drive-by shooting, not including unlawful discharge of a firearm
- Misdemeanor domestic violence assault
- Misdemeanor domestic violence order violations that are subject to mandatory arrest – violations shall involve the subject’s physical presence at the victim’s location or a threat of harm.
- Any other crime in which the subject is considered to be armed or there is a threat of harm to the public and an on-scene supervisor with the rank of sergeant or above gives approval.

OIG discusses the development of the current policy and related issues in [Finding 4](#).

SPD patrol canine teams respond to calls for service both within the City of Seattle and in other jurisdictions. Under current SPD policy, patrol canine teams are considered single officer units and must be accompanied by other officers to provide cover when they deploy, unless there are exigent circumstances present. This arrangement allows the handler to focus on the canine while other officers can manage the scene and limit outside interference. Additionally, using a cover officer ensures someone other than the handler can interact with the suspect. In short, patrol canine teams must collaborate and work with patrol officers to provide safe, effective service.

### **Force Investigation and Force Statistics**

Intentional canine bites are classified as a Type II use of force by SPD, at a minimum. More severe bites requiring stitches or other medical attention may be classified as Type III. All canine bites must be reviewed by the department’s Force Review Board<sup>6</sup> and, depending on severity, may be investigated by the Force Investigation Team rather than the unit chain of command.<sup>7</sup>

SPD reported the following statistics involving use of force by a patrol canine for the period 1/1/2014 – 6/30/2019:

- Type II Use of Force: 30
- Type III Use of Force: 3

Accidental canine bites are not classified as a use of force by SPD. Such bites may occur when a canine bites the wrong person, or if the canine bites without being on a track or being instructed to do so. Accidental bites are investigated by the department and the canine is removed from active duty during the process; however, these incidents are not reviewed by the Force Review Board.

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<sup>6</sup> OIG noted an exception to this rule. One Type III incident was referred directly to the Office of Police Accountability (OPA) for an investigation of potential misconduct and was not reviewed by the Board. OIG discussed this incident in a prior report (the Force Review Board Assessment) published in 2019. This report is available on the OIG website at [www.seattle.gov/oig/reports](http://www.seattle.gov/oig/reports).

<sup>7</sup> For more details on how SPD classifies and investigates force, readers may consult POL-8.400-Use of Force Reporting and Investigation within the SPD manual.



# FINDING ONE

## **The Canine Unit sergeants and lieutenant did not address inadequate performance, creating potential safety risks for officers and members of the public.**

The Canine Unit sergeants and lieutenant allowed two patrol canine teams to operate in the field for an extended period despite identified performance deficiencies that may have affected the teams' ability to safely conduct their duties.<sup>8</sup> The canines in question did not reliably engage with suspects, instead veering away or turning back to the handler. Inconsistent engagement may have placed the canines, handlers, and public at risk.

### **Minimum Safety Standards Exist to Ensure Reliable Performance**

Although police canines are intelligent and loyal partners that may become members of their handler's family, they are nevertheless tools used by SPD to accomplish specific tasks. If the tool does not work, or works unpredictably, both the operator and bystanders may be at risk. A core function of a patrol canine is location and apprehension of suspects. This is reflected in the Washington State Criminal Justice Training Commission (WSCJTC) certification standards for police canines, which set minimum standards of performance.

The WSCJTC standards require candidate teams to complete a series of tests, including basic obedience, protection, and control exercises that test the canine's ability to bite and release on command. The standards also include completion of scent exercises that require the canine to locate a "quarry officer" in a variety of different conditions. In this context, a quarry officer is an officer who volunteers to act as a suspect for training purposes. Candidates must score at least 70% to be certified, with the scent exercises being evaluated on a pass/fail basis.

While a canine that demonstrates uncontrolled aggression (e.g., biting without instruction) will not pass certification requirements, a canine that is unwilling to engage or confront suspects will also have difficulty achieving certification. For example, one required WSCJTC test is called "master protection," and requires the canine to take action to protect their handler who is being "attacked" by a quarry officer. The WSCJTC scent exercises also require the canine to find and alert the handler to hidden quarry officers based on scent trails. In most scent exercises, the quarry officer is not wearing protective equipment to provide a more accurate analysis whether the canine can locate a subject rather than simply react to a bite suit. If the canine does not alert the handler to the presence of the quarry officer, the canine will not pass the test.

The standards require that a patrol canine demonstrate appropriate engagement with a suspect, because a canine that is unwilling to do so is a potential safety hazard. If a patrol canine is being used to directly apprehend a dangerous suspect but the canine shies away from engaging with the suspect, the suspect may succeed in causing harm to those nearby. The officers attempting to apprehend the suspect may have to resort to a higher level of force, such as a firearm, to prevent or stop the suspect from harming someone else. Meanwhile, the canine may bite others in the confusion or may tangle officers in its lead, which can be up to thirty feet in length.

Similarly, if the canine fails to alert and the handler or cover officer(s) are surprised or ambushed by the suspect at close range, the police officers may be at risk of harm and need to use a higher level of force to protect themselves and gain control of the suspect.

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<sup>8</sup> The canines were deployed in the field for approximately 16 and 9 months.

A patrol canine that engages appropriately, on the other hand, may lessen the overall amount of force used. If the canine indicates that someone is hiding in a bush, for example, officers can attempt verbal de-escalation or use other tactics to persuade the person to surrender.

An unreliable police canine is akin to a malfunctioning Taser, or any other less-lethal use of force tool used by the police department. When force is necessary and appropriate, the tool should work consistently to lessen the need for more serious force.

### **Two Canines That Did Not Reliably Perform Remained In Service For a Significant Period of Time**

According to interviews with two external trainers and multiple Canine Unit handlers, two patrol canines with a demonstrated inability to reliably engage with suspects remained in service for an extended period. The Canine Unit sergeant was aware of the deficiency in performance for months but allowed the canines to remain in service. The Canine Unit lieutenant stated that although he made all final decisions regarding major canine performance issues, he relied on the sergeant to flag performance issues for his attention.

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*Canine Unit supervisors were given early warning from external trainers that the canines were not suited for police service.*

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The Canine Unit lieutenant and sergeant were given early feedback from well-regarded outside trainers that the canines exhibiting poor performance were not suited for police service.<sup>9</sup>

OIG interviewed a trainer from another agency who has participated in joint training sessions with the SPD Canine Unit. This trainer was invited by the then Canine Unit lieutenant to provide their opinion on one of the problematic canines soon after it had been acquired by SPD.<sup>10</sup> The trainer informed OIG that they advised the then Canine Unit lieutenant that the

canine was not a good fit for police service - that it was “not right” to put the canine into service, as the unwillingness to engage could create a safety risk. Per the external trainer, the former SPD lieutenant explained that the handler had formed a close bond with the canine and it would be a good “demonstration canine,” since it would not be too intimidating. The external trainer offered their opinion that, in actuality, a canine lacking confidence is more likely to have unintended bites or unwanted behavior than a confident canine because the insecure canine is more likely to become anxious in unfamiliar situations.

Another external trainer who has worked with the SPD Canine Unit on both a formal and informal basis told OIG they had informed the Canine Unit sergeant in charge of training that one of the two canines should not be on the street as early as eighteen months previously.<sup>11</sup>

In addition to the feedback provided by external trainers, OIG learned one of the canines in question failed its initial external certification attempt because the canine showed no interest in continuing after completing initial exercises.

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9 Per one of these trainers, canines who do not display sufficient “drive” for pursuing suspects are also not well-suited for other police work, such as detection. If the drive to complete the designated task is not present, the canine will not perform its job reliably, whether that is pursuing suspects or detecting substances.

10 Although the Unit has one lieutenant at any single point in time, it has had multiple lieutenants over the course of the audit scope period.

11 Over the course of the audit, it was evident that handlers work with external trainers and experts on a formal and informal basis and in a variety of contexts. Due to the proximity of Seattle to other jurisdictions, an individual handler may schedule a brief informal session with canine personnel from another jurisdiction if they are working nearby. Alternatively, an entire canine unit from another jurisdiction may visit Seattle for the express purpose of training in the unique Seattle environment (e.g., harbor). The Canine Unit has also, in the past, formally arranged with outside trainers or former handlers to come to Seattle and provide instruction to Unit staff. Finally, handlers may work with other trainers when attending conferences as a paid participant or volunteer.



OIG witnessed both canines fail to engage on multiple occasions during training exercises, including refusing to enter a darkened room that contained a quarry officer and running out of a room after sighting the quarry officer who was hiding there. On one occasion, the quarry officer was able to pull at one of the canine's paws and slap its muzzle without eliciting a bite response, all while the handler in question was encouraging the canine to bite. The Canine Unit sergeant in charge of training witnessed these incidents, which occurred over a three-month period, but allowed the canines to remain in service.

OIG described the observed behavior to a third external trainer, who is also a certified canine team evaluator for WSCJTC. The trainer stated if they had observed such behavior in a canine under their control, they would immediately remove it from duty until the issue was corrected, as the behavior presents a safety risk for officers.

Many of the current Canine Unit handlers expressed concern about the performance of the canines in question and the lack of action taken by the Unit training sergeant and lieutenant. One handler described the behavior to OIG as a "life safety" issue for the reasons previously described above. Although the handlers expressed these concerns to OIG, auditors also witnessed multiple handlers raising concerns to the training sergeant.

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*During one training, one of the canines allowed its handler to be 'assaulted' without taking action.*

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These performance issues manifested during an incident in late 2019 when one of the canines in question failed to engage a suspect in the field. While the canine was not removed from duty at the time, a senior SPD handler requested that an external trainer provide an informal assessment during a joint training exercise several weeks later.<sup>12</sup> OIG interviewed this trainer, who told OIG the canine not only refused to engage while the trainer was in the bite suit, but it also moved to

hide behind the handler when the trainer behaved aggressively. The canine allowed the external trainer to "assault" the handler by picking up and pushing the handler against a wall. The canine did not engage when the handler instructed the canine to bite. The canine then allowed the trainer (while still in a bite suit) to put the canine in heel and walk it out of the room, away from the handler. This occurred in the presence of the Canine Unit sergeant in charge of training.

The external trainer told OIG they informed the Canine Unit sergeant in charge of training that this behavior was "unacceptable" and the canine represented a "huge liability." The trainer stated that they would not feel comfortable sending a handler into the field with that canine. The trainer said multiple handlers from the SPD Canine Unit were present for this conversation. Despite this feedback, the canine in question remained in service.

Approximately three weeks later, in December 2019, the Canine Unit lieutenant met with the sergeant in charge of training and senior handlers within the Unit and agreed to remove both canines from patrol duty. One of the senior handlers in the meeting stated that it was the handlers who raised the issue of the two canines' performance in this meeting and expressed frustration the issue was not yet resolved.

The Canine Unit lieutenant informed OIG that one of the canines in question was deemed "not viable as a police dog" and was retired from the Unit in January 2020, while the other returned to active service in April 2020 after meeting internal remediation metrics. SPD management updated OIG that the second canine was again removed from service in May 2020 after additional performance issues. That canine will be retired from the Unit, as well.

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<sup>12</sup> By "senior handler", OIG is referring to one of three experienced handlers the Unit has informally tasked with providing additional training support to other handlers.

## Performance Issues May Have Persisted Due to Inadequate Testing and Lack of Adherence to Minimum Standards

The internal testing process may have contributed to performance issues because it was not conducted with the frequency required by the Unit manual, did not include adequate documentation, and did not reflect field conditions. Even withstanding the flaws in the testing process, the Canine Unit sergeants and lieutenant did not take action when confronted with clear indications that the two canines did not meet standards.

The Canine Unit manual requires each canine to pass internal testing similar to WSCJTC certification requirements on a quarterly basis or be removed from the field. However, the Canine Unit did not conduct these assessments according to the timelines prescribed by the Unit Manual, as discussed in more detail in [Finding 2](#). The last evaluation on record for one of the canines referenced in this finding was in June 2019.<sup>13</sup> If internal testing for minimum performance standards is not administered according to the schedule set by the Unit, the Unit lacks important benchmarking information that could aid in assessing and evaluating performance-related decisions.

Further, the records collected by the Canine Unit are not detailed enough to provide a comprehensive picture of canine performance over time. For example, the testing form does not require the assessor to note whether the canine completed the tests on the first attempt or whether it required remedial training or coaxing to complete the task. This limits the information available for review by senior decision-makers, such as the lieutenant and captain. An example of a test record is included in Exhibit 2, below.

A performance monitoring system requires not only assessment, but also sufficient criteria to determine whether the observed performance is acceptable. The problematic canines discussed in this finding passed the quarterly tests reviewed by OIG. However, the tests assess behavior in artificial conditions that may not translate to performance in field conditions. For example, testing whether a canine will pursue a running quarry officer in a bite suit (as outlined in the quarterly test in Exhibit 2) will not necessarily test whether that same canine will pursue a suspect in a dark room, or whether the canine will engage with a suspect who is acting aggressively towards the canine .

Once criteria are established, they must be adhered to. Based on the events described in this finding, the Canine Unit observed behavior that would fail the WSCJTC criteria on several occasions but did not take action to remove the canines from the field.<sup>14</sup> If the Canine Unit fails to adhere to minimum criteria, safety risks may persist. This can have the additional impact of weakening handler confidence in Unit leadership.

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<sup>13</sup> Based on documentation reviewed in March 2020.

<sup>14</sup> OIG received a further example to this effect. OIG was informed that a different handler felt their assigned canine was unsafe based on excessive aggression. OIG was told that it took extensive warnings by the handler and requests to the Canine Unit sergeants before the canine in question was retired.

## Exhibit 2: Quarterly Test Record



# Seattle Police Department Canine Unit



### Quarterly Testing Standards

### PATROL DOG GENERALIST

Canine Handlers must have the ability to control their dog and will be tested quarterly in Real-Life Scenarios. The test will be conducted both on lead and off lead. The testing will be observed by the Unit Sergeant and/or the Unit Commander. This test will be conducted without advanced notice and scored consistent with C.J.T.C. scoring guidelines. Teams who are not capable of demonstrating such control shall not be active in the field until the situation is rectified.

#### Stay and Hold without biting:

- The quarry will approach within 20 feet of the team's position. The Handler will down the dog and approach the quarry and conduct a pat-down search. The Handler will return to his dog. (failure occurs if the dog breaks and contacts the quarry.)
- Running call-off. The Handler gives a warning to the quarry as they take off running. The dog is sent and the quarry stops and surrenders. The Handler must be able to recall dog before contact is made. (a successful call-off must be demonstrated for successful completion of exercise.)

#### When the Dog is ordered to Bite:

Running Take. The Handler gives a warning to the quarry as they take off running. The dog is sent and must apprehend the quarry. The Handler must then out and recall the dog from the quarry without physically contacting the dog for release. (The dog must apprehend and cleanly out for successful completion of exercise.)

#### When the dog is ordered to release the Bite:

Dog is in a "down" position and the Handler conducts a pat down search on the quarry. The quarry then assaults the Handler and the dog reacts and "takes" the quarry. The Handler will then give a verbal "out" command and recall the dog. (Failure occurs if the dog fails to engage/contact the quarry or is unable to be recalled).

Handler: [REDACTED] Dog: [REDACTED]  PASS / FAIL (circle)

Evaluator: Sgt [REDACTED] Date: 5-30-2019 Time: 2200

Location: Park 9015 Annex

Comments: Good platz

Four hour per week in routine training verified. Yes) / No (circle)

Rev 03/19

Source: Documentation supplied by the Seattle Police Department.

## **New Canine Selection Practices May Signal Improved Adherence to Minimum Standards**

During the audit, a new handler joined the Unit and the Unit purchased a new canine for that handler. A senior handler was assigned to train the new handler, rather than the ordinary practice of coordinating training through a Unit sergeant. The senior handler noted that the new canine did not appear to be a good fit for police work, which was supported by an informal evaluation from an external trainer. Based on this feedback, the Unit chain of command agreed to return the canine to the vendor and acquire a replacement canine. Acknowledging and responding to performance concerns is a positive development within the Canine Unit.<sup>15</sup> Identifying and responding to these concerns at the outset is also beneficial as it avoids inefficient investment of time and resources.

### **Recommendations for Finding One**

**1. Promptly assess the performance of all patrol canine teams to determine (1) ability to meet minimum state patrol canine certification requirements and (2) to determine whether these skills translate to field proficiency.**

*OIG suggests SPD consider using an external expert to complete this assessment to enhance objectivity. Options could include certified canine evaluators from the Washington State Criminal Justice Training Commission and/or other trainers the Unit has consulted in the past.*

SPD concurred with this recommendation.

**2. Ensure quarterly testing requirements evaluate ability of the patrol canine teams to operate proficiently in the field and that documentation of testing is sufficient to reflect nuances of team performance. Failure to pass quarterly testing should be reported up the Canine Unit chain of command to a command level.**

SPD concurred with this recommendation.

A complete list of recommendations and more details concerning SPD's response can be found at the end of this audit report.

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<sup>15</sup> OIG did note that in the process of acquiring a replacement canine, handlers expended personal funds to facilitate the selection of the replacement canine.

## FINDING TWO

### **Canine Unit supervisors did not provide sufficient supervisory support or oversight for several elements of handler instruction and assessment, including training, performance evaluation, and documentation review.**

The previous finding discussed how the Canine Unit sergeants and lieutenant did not act when faced with specific performance deficiencies that may have created safety risks. The Canine Unit sergeants and lieutenant also did not provide ensure sufficient training for new handlers or facilitate formal in-service training for current handlers, did not adhere to internal performance assessment criteria, and did not adequately document review of training records.

#### **Part One: Handlers Reported Minimal Supervision During Initial Training and Feeling Unprepared for Initial Deployment**

The WSCJTC requires all first-time handlers to document at least 400 hours of training before attempting certification.<sup>16</sup> SPD, like other Pacific Northwest departments OIG researched for this audit, holds an initial training program for new handlers to learn necessary skills.<sup>17</sup> However, handlers provided consistent feedback to OIG that the initial training program lacked supervision and direction. Regular supervisory presence and participation at initial training can help to produce consistent results and behavior from patrol canine teams when they are in service.

Handlers stated the sergeant responsible for canine training made infrequent appearances at training sessions and was difficult to contact during the training process. Handlers also stated they sought additional training assistance through alternate channels, including the use of personal funds to pay external trainers. Some handlers reported developing successful mentoring relationships with senior and former handlers. However, reliance on personal networks of individual handlers is not a sufficient safeguard or substitute for standardized, Unit-based supervised training.

Handlers expressed frustration at the lack of guidance and one handler remarked they essentially trained their own canine absent formal SPD instruction. Another handler produced a spreadsheet estimating the Canine Unit training sergeant had been present during just 46% (286/626) of training hours in the handler's first eleven months of working with that canine.

For context, OIG consulted three other police and military canine units in the Pacific Northwest. All three agencies reported having a set curriculum and benchmarks for initial training, emphasizing the importance of standards by which to judge how well a new team is progressing and whether additional training is needed. Two of the agencies also conveyed that simply passing state certification is insufficient; handlers need training on street tactics and decision-making scenarios before deploying in a solo capacity. All three agencies described close, hands-on training provided by the unit trainer during the initial training period.

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<sup>16</sup> The Canine Unit recruits handlers from existing SPD personnel. Per the Unit manual, candidates must have completed their probationary period with SPD, have an excellent work record, and must have worked as a quarry officer for at least six continuous months.

<sup>17</sup> This initial training is sometimes referred to as the "dog school" by Canine Unit personnel.

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*One handler recounted struggling to get the canine to release its first bite in the field, having not been instructed that the training collar would not be sufficient.*

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At the time of the audit, four handlers were working with their first canine. Of those four, three reported they felt unprepared to initially deploy in the field, given the lack of exposure to canine-based decision-making scenarios during their initial training. Two of these handlers reported that during their first shift as a handler, they were the only canine team on duty to answer calls across the city. One handler recounted struggling to make the canine release from its first field deployment bite, as they had not been instructed that the collar used for training would not be sufficient for physically lifting an excited canine off a suspect. The handler acquired a different collar after the fact. However, this handler reported to OIG that other handlers

who had also received no instruction but had not experienced a field deployment bite were still using training collars in the field.

In addition to the potential safety issues described above, inadequate supervision during the initial canine school may lengthen the time before a new patrol canine team is ready for full deployment, which limits the Canine Unit's capacity to respond to calls for service. OIG noted that two SPD canines took eleven months to pass certification. For context, trainers at two other police canine programs in the Pacific Northwest estimated the average time to certify a canine was approximately ten weeks. The most recently certified canine in the SPD unit took approximately eleven weeks to complete the certification. However, this patrol canine team trained extensively with another jurisdiction prior to achieving certification, rather than completing the standard SPD training process.

#### *Recent Changes May Improve Initial Training Process*

Toward the end of the audit, the Canine Unit assigned a senior handler to train the newest handler, as discussed in [Finding 1](#). The senior handler informed OIG they had been working on a draft curriculum, which they provided to OIG for reference. The newest handler reported to OIG that they were working closely on training with the senior handler, and felt they had sufficient guidance and support.

### **Part Two: Formal in-service training for Unit personnel was infrequent before the audit and the current structure does not mitigate lack of supervisor involvement in training.**

On-going training with supervisor presence can provide consistent understanding of desired performance and mitigate the impact of more informal initial training. Supervisor presence at formal training can also provide performance information in the absence of attending each individual deployment. During a Unit-wide training session, a Unit supervisor or other individual charged with training duties can monitor and provide feedback on patrol canine team performance in real time. The other police jurisdictions OIG spoke with confirmed that formal group training is a valuable part of their training regimen and occurs anywhere from weekly to monthly, depending on the resources and availability of officers.

Per interviews with handlers and the Unit chain of command, the SPD Canine Unit had not been conducting regular group training prior to 2019. However, during the audit, the Unit leadership secured a change of duty hours that made group training more feasible to schedule. As part of this change, the Unit sergeants and lieutenant gave three senior handlers (the "training cadre") informal responsibility for unit training tasks. However, formal assignment of training duties did not appear to occur. OIG observed a group training in which the handler-trainers had not been briefed that they were supposed to conduct the scheduled training and had to develop scenarios



and a training plan on the fly. One of the training cadre informed OIG that some handlers refused to follow the training cadre's direction due to the cadre's lack of formal authority.

While senior handlers may have the requisite knowledge and interest to provide training for the Unit, such a program is less likely to fully benefit the Unit or produce desired results if it is not formalized and trainers are not vested with necessary authority to require adherence to training efforts.

### **Part Three: Lack of formal guidance resulted in inconsistent deployment tactics.**

Without either a set initial training curriculum or consistent on-going supervision by a trainer, handlers have developed inconsistent tactics for deployment that may create confusion during calls for service.

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*Auditors observed contradictory search tactics being taught to different groups, with no overall coordination by a unit supervisor.*

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For example, OIG observed a group training session focused on building search tactics in which two handlers each led a group through exercises on different floors of a building. The lead handlers taught contradictory building search tactics to each group. One handler required teams to search and clear each room along a hall,<sup>18</sup> while the other handler encouraged teams to pass uncleared rooms toward where the canine was tracking the quarry officer. The training sergeant, while present for the initial part of the session, did not brief the lead handlers in advance of the session that they would be providing the training and did not coordinate tactics between the two groups.

Lack of standardized unit tactics may create a safety concern during high risk calls for service. Patrol officers are not formally trained regarding canine tactics and are reliant on a combination of ad hoc experience and handler guidance to provide cover or otherwise assist during a patrol canine deployment. Handlers may have different preferences for how this assistance is given based on their canine – for example, having cover officers remain closer or farther away – but general deployment tactics could be standardized. Inconsistent tactics may lead to confusion and a disorganized response, especially when the handler has limited time to brief patrol on their desired tactic.

### **Part Four: Unit supervisors did not complete internal and external performance assessments as required by the department.**

Washington state law and the SPD Canine Unit manual require each patrol canine team to complete an external certification every two years.<sup>19</sup> The SPD manual additionally requires that each team is internally assessed on WSCJTC requirements for handler control and protection on a quarterly basis in the presence of a Unit sergeant.

Encouragingly, OIG review of documentation indicated all patrol canine teams active in July 2019 had a current external certification on file, and that the Canine Unit had completed its quarterly assessment requirements for the first two quarters of 2019.

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<sup>18</sup> To "clear" a room means to search and provide additional visual confirmation that there is no threat in the room, even if the canine does not alert or otherwise indicate that there is someone in the room.

<sup>19</sup> The Unit manual requires that the patrol canines certify to the Washington State Patrol Canine Association (WSPCA) standard. The WSPCA is an independent professional association that provides training to patrol canines throughout the state. However, since the manual was last updated, the WSCJTC instituted its own standards and mandated certification requirements which closely mirror that of the WSPCA. For the purposes of this audit, OIG counted either a WSPCA or WSCJTC certification as fulfilling Unit manual requirements.

However, OIG determined that based on the records provided by SPD, the external certifications were not consistently obtained throughout the full scope of the audit (1/1/2014 – 12/31/2020). Excluding teams that achieved an initial certification in the last two years, records provided by the Canine Unit indicate that 82% (9/11) of patrol canine teams active during the scope period did not meet the two-year certification requirement over the entire audit scope. The average stretch between certifications was six years, and the longest stretch was over nine years. External certification provides assurance that a patrol canine meets minimum standards, as certified by an objective professional.

The Canine Unit sergeants and lieutenants also did not consistently complete quarterly performance assessments of patrol canine teams throughout the audit scope, as OIG review determined that regular assessment only began in Q4 2018. Although OIG requested documentation of quarterly testing for the entire audit scope period, SPD provided no testing sheets were provided for Q3 2018, many testing sheets were missing for Q2 and Q1 2018, and provided no testing sheets for 2014 – 2017.

Consistent external and internal validation of patrol canine performance is critical to effectively manage the associated risk inherent to the unit. Without regular assessment, the Canine Unit is forgoing a major internal control designed to alert unit supervisors to performance deficiencies or concerns. Courts have recognized the importance of internal performance monitoring in police canine liability cases.<sup>20</sup>

OIG recognizes that the Canine Unit shifted to more frequent performance assessment over the course of the audit. However, OIG noted indications that the Canine Unit may not be maintaining this review schedule going forward, as noted in [Finding 1](#). Consistent adherence to review schedules is important for robust performance monitoring.

### **Part Five: Unit sergeants and lieutenants did not document review of individual training records and allowed data entry errors to persist.**

The WSCJTC provides guidance that handlers should train at least sixteen hours of each month with their canine. The Unit manual adds that each team is required to have at least sixty minutes per working shift of documented training, unless circumstances, such as an extremely busy shift, do not allow the training to occur. Handlers maintain their own training records in the Unit database.

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*Auditors observed minimal documentation of supervisor review of training records.*

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Based on training documentation provided by SPD, handler training records do not appear to be regularly reviewed or approved by a supervisor. OIG noted that there are 9910 unapproved training records in the Canine Unit record management system, spanning from 2015 - 2020. Although OIG observed indications of sporadic review in a random sample, these indications represent only 14% of months reviewed by OIG.<sup>21</sup> (OIG counted a month as having evidence of review by a supervisor if one record within the month was marked as approved.)

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<sup>20</sup> While not directly precedential, *Kerr v City of West Palm Beach* (875 F2d 1546) is an oft-cited case relating to police canines and the on-going need for training and performance monitoring.

<sup>21</sup> OIG reviewed a random sample of 75 observations from a population of 325, in which each observation was a month of training records generated by a specific handler. This sample size was developed to provide 85% confidence with a 10% margin of error.

In addition to lack of review documentation, OIG observed data entry errors indicating records were not reviewed or were otherwise allowed to remain with errors, including:

- training records lasting 0 minutes;
- training records for negative hours (typically occurring when a training spanned midnight and the handler did not properly record the dates, e.g., 3/1/2020 from 23:30 - 01:00); and
- duplicate records or records lasting more than 24 hours.

These errors affect the reliability of Unit training hours tracked for compliance with the Unit manual and WSCJTC guidance.

Without on-going monitoring of individual training records, the Canine Unit does not have robust information for the following elements:

1. Whether handlers are meeting minimum recommended training requirements as outlined by the WA Criminal Justice Training Center;
2. Whether individual training decisions made by handlers adequately identify and address performance issues specific to their canine; and
3. Whether handler and canine teams are performing effectively and safely.

## Summary of Finding Two

As discussed in detail above, Canine Unit supervisors did not provide sufficient supervisory support or oversight regarding many elements of handler instruction and assessment, including initial training, on-going training, performance assessment, and individual training records. OIG recognizes and acknowledges that the Unit has taken steps to remediate some of the identified issues, including conducting more timely assessments and shifting unit schedules to accommodate group training. These efforts are not insignificant and reflect commitment by the Unit sergeants and lieutenant to improving Unit supervision. However, OIG notes that several of these changes, including assigning a senior handler to provide instruction to the newest handler, appear to shift responsibilities to individual handlers rather than maintaining responsibility for those tasks by Unit supervisors.

Peer-led initiatives, though excellent for morale and capable of providing key expertise, are not a replacement for active supervisor participation in a chain of command-based organization. Officer trainers are not empowered to make personnel decisions or compel compliance with training or policy.

An additional factor affecting the quality of Unit supervision is that the Unit appears to have delegated all routine canine-related decisions and responsibilities to one of the two sergeants in the chain of command. That sergeant, while having a wealth of canine-related expertise, is not able to provide all the required supervision and oversight, as evidenced by the issues discussed in this finding. Although the lieutenant stated that he makes the final decision in determining whether to remove a patrol canine team for duty, the lieutenant did not have canine-related expertise prior to joining the Unit and is reliant on the aforementioned sergeant to bring issues to his attention. This creates a single point of failure, which is undesirable from a risk standpoint. Re-distributing unit training and oversight responsibilities such that (1) assigned tasks are manageable within individual workloads and (2) information about patrol canine team performance is more accessible by Unit leadership may reduce this concern. OIG noted that the current Unit manual, which was last updated in 2012, was written prior to incorporating a lieutenant into the Unit command structure. Accordingly, the manual does not delineate between sergeant and lieutenant responsibilities.

## Recommendations for Finding Two

### 3. Provide effective supervision and training of the Canine Unit, to include:

- Development of a comprehensive initial training program with set benchmarks and formal oversight by a Unit supervisor;
- Regular group training with a unit supervisor present; and
- Timely, documented review of training records.

SPD concurred with this recommendation.

### 4. If the Unit delegates training responsibility to handlers, the Unit should establish a formal handler training program and empower the designated handlers to develop curriculum and conduct trainings with the cooperation of Unit personnel.

*SPD may wish to consider augmenting internal training by contracting with an outside trainer.*

SPD concurred with this recommendation.

### 5. Require and enforce internal and external assessment of patrol canine teams in accordance with schedules established by the state and SPD. Failure of a patrol canine team to complete evaluation requirements should be grounds for removal from active duty status.

SPD concurred with this recommendation.

A complete list of recommendations and more details concerning SPD's response can be found at the end of this audit report.

## FINDING THREE

### **The Canine Unit bite ratio statistic is unreliable due to how the Unit counts and aggregates arrests with canine involvement. OIG also identified inconsistent descriptions of canine deployments across department record-keeping systems.**

The bite ratio of the Canine Unit is a metric commonly used as an indication of whether a police canine unit is using force appropriately. The United States Department of Justice (DOJ) has cited a bite ratio of 30% or higher as an indication that a unit may require additional oversight. The Canine Unit chain of command and others, including senior command, have touted the Unit's low bite ratio (reported as 3% in 2019) as an indication the Unit is operating in a safe and appropriate manner. However, the methodology used by the Unit to calculate the bite ratio does not appear to result in a reliable statistic.

The DOJ guidance provides that a bite ratio should be calculated as the number of bites over the number of apprehensions involving a police canine.<sup>22</sup> SPD uses this approximate formula, substituting "arrests" for apprehensions. However, methodology chosen by the Canine Unit for calculating the ratio relies on potentially overstated arrest numbers generated by handlers and counts deployments that do not meet the DOJ criteria for canine apprehensions, as discussed in more detail below.

<sup>22</sup> See U.S. Department of Justice, Civil Rights Division: Investigation of the New Orleans Police Department. 3/16/2011; U.S. Department of Justice, Civil Rights Division: "Re: Investigation of the Miami Police Department". 3/13/2003; and U.S. District Court for the Eastern District of Michigan, Southern Division. United States of America v. City of Detroit, Michigan and the Detroit Police Department. 6/12/2003.

## Deployment documentation potentially overstates canine involvement in arrests, affecting accurate bite ratio calculation.

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*Counting arrests without active canine involvement as 'canine-related' skews the bite ratio.*

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OIG review of deployment documentation found the Unit was counting cases as canine-related arrests when canines were not actively involved, and that the Unit was counting the same arrest events for multiple canines at the scene.

OIG reviewed all cases reported by the Canine Unit as involving multiple patrol canines occurring between 1/1/2018 and 12/31/2019. This yielded a test population of 24 cases.

However, OIG was able to find evidence indicating active canine involvement in only 68% of the reported arrests. In one of the cases, the handler themselves wrote that their involvement did not contribute to the arrest.

In a separate review of database records, OIG found incidents counted as arrests in which the canine did not appear to play any role, including:

- The team responding to the incident but not removing the canine from the vehicle;
- The team arriving after an arrest had been made or the evidence had been located; and
- No reference to the use of the canine in the handler's deployment notes.

OIG is not disputing that the Unit may want to track such events for reasons unrelated to the bite ratio. However, the specific decisions made by the Unit for the current method of recording and tracking deployments impacts the reliability of the bite ratio statistic used by the Unit to track the appropriateness of its use of force, and does not align with DOJ guidance.

The DOJ specifically states that a broad definition of "canine apprehension" is inappropriate to use while calculating a bite ratio. In 2003, in its investigation of the Miami Police Department, the DOJ wrote:

However, the [Miami Police Department] SOP governing the duties and responsibilities of canine handlers appears to count as a canine apprehension any time a subject: (a) is physically captured or located by the canine team; (b) surrenders because of the canine deployment; or (c) is arrested because of the presence of deterrence of the canine. We believe the standard articulated under (b) and (c) are vague, and could allow canine officers to count as a canine apprehension situations where the canine had only a peripheral role. This, in turn, could artificially lower the canine bite ratio by comparing the number of bites to a larger number of 'apprehensions' than can legitimately be counted as such. We recommend as a more appropriate standard that an apprehension be defined as any time the canine is deployed and plays a clear and well-documented role in the capture of a person. [...] the mere presence of the canine at the scene should not count toward either a deployment or an apprehension.<sup>23</sup>

Thus, arrests in which the patrol canine does not leave the car, for example, should not be counted when calculating the bite ratio. To include such arrests would result in an artificially large denominator and understate the actual bite ratio.

OIG was shown evidence that a Canine Unit sergeant was notified by handlers that some of the Unit arrest statistics included arrests with no canine involvement. However, no action was taken to resolve the issue over a three-month period reflected in the documentation shown to OIG. If the Canine Unit chain of command were consistently reviewing deployment documentation and enforcing common standards, it is reasonable to think that inconsistencies in arrest count criteria would not be acceptable.

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23 U.S. Department of Justice, "Re: Investigation of the Miami Police Department", p. 7.

## The aggregation of canine arrests both over and undercounts arrests, resulting in an unreliable denominator.

SPD introduces additional uncertainty to bite ratio statistics through its arrest aggregation methodology when calculating the bite ratio. OIG noted that the “arrests” statistic used to calculate the bite ratio and included in the Canine Unit year-end statistics is not the same as the total arrests as calculated from each individual deployment. According to the SPD analyst responsible for preparing the data, the summary arrest statistic is calculated using “successful” deployments, not number of arrests. The analyst confirmed that if a handler deployed and arrested three people, it would be counted as one arrest. If two handlers deployed and arrested one person, it would be counted as two arrests.

Thus, the “arrest” statistic used by SPD both under and over-counts actual arrests. The statistic does follow the “number of apprehensions” definition established by DOJ - but only if certain criteria are fulfilled:

1. In situations involving multiple handlers, each handler’s canine must play a role in the arrest; and
2. The deployment data must be reliable in terms of accurately reflecting active canine involvement in an arrest.

Given that OIG review found instances of counted arrests in which patrol canines did not play an active role, the bite ratio as calculated by SPD is unreliable.

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*The SPD bite ratio is not reliable, but OIG does not believe the actual ratio would be at a concerning threshold due to the low number of bites.*

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This notwithstanding, OIG emphasizes that the number of bites by the Canine Unit is low. Use of force statistics provided by SPD reflect thirty-three bites over a five-and-a-half-year period (1/1/2014 – 6/30/2019). Meanwhile, the statistics supplied by the Canine Unit denote 1022 canine handler deployments in 2018-2019 alone . Given the difference in magnitude between confirmed bites and reported canine deployments, OIG does not believe that the actual bite ratio would be near the DOJ threshold. However, the Unit and SPD should nevertheless develop a method of calculating the ratio that conforms with DOJ guidance .

## OIG also found discrepancies in documentation of arrests with canine involvement across two department systems of record.

Canine deployment information exists in two locations: the Canine Unit database, KANINE Visual Pro (KVP) and the SPD records management system, Mark43. KVP is used by handlers to log training hours and information about deployments for administrative purposes. Mark43 contains the official police record of calls for service and response data, including general offense reports, officer statements, and arrest reports. Information about canine deployments should be consistent in both databases. OIG noted that in its review, Mark43 reports and statements are generally made by the responding patrol officer(s), while canine handlers logged information about their deployments in KVP.



In a sample of cases, OIG noted multiple discrepancies between the description of events entered in Mark43 by patrol officers and those in KVP.<sup>24</sup> Canine activity was not always documented by the patrol officer writing the general offense report and handlers rarely filed supplemental reports documenting their work. As such, when relying on Mark43 data alone, the proportion of arrests with active canine involvement to arrests counted by the Canine Unit in unit statistics appears to be 10% (3/31) for the cases in the sample.

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*Auditors found that SPD record systems have conflicting versions of canine deployments.*

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It is understandable that the Canine Unit's specialized database would contain more detail about specific canine deployments than a patrol officer's report. However, when the official police report contains no reference to canine involvement for an incident that is simultaneously counted in Canine Unit arrest statistics, the discrepancy results in conflicting accounts of what occurred. Accurate data regarding canine usage is critical to any analysis of acceptable use of force, unit risk analysis efforts, and in explaining and defending SPD's canine program in a variety of forums.

OIG found limited evidence that the Canine Unit sergeants or lieutenant were reviewing individual deployment documentation within the KVP database. OIG acknowledges the possibility that the Canine Unit sergeants or lieutenant may be reviewing records without documentation of that review. For example, the current lieutenant reported to OIG that he reviews deployment and training records on a weekly basis. However, this lack of documentation limits the ability of the department to demonstrate proper unit supervision.<sup>25</sup>

OIG also notes that the introduction of Mark43 in 2019 resulted in changes to department workflows. One of the Canine Unit sergeants related that patrol sergeants often sign off on cases in Mark43 before he has a chance to review the information. Regular comparison of KVP records to documentation in Mark43 may have identified the discrepancies and ensured that a consistent account of canine involvement was reflected in both systems of record.

### **Recommendations for Finding 3**

#### **6. Establish written criteria for what arrests qualify as a canine-related apprehension across the Unit.**

SPD concurred with this recommendation.

#### **7. Revise the SPD bite ratio calculation such that it conforms with DOJ guidance.**

SPD concurred with this recommendation.

#### **8. Require and enforce supervisory review of canine deployment documentation to ensure documentation is appropriate, that the description of key events is aligned across department records, and that any reported arrests match Unit criteria for a canine-related apprehension.**

SPD concurred with this recommendation.

A complete list of recommendations and more details concerning SPD's response can be found at [the end of this audit report.](#)

<sup>24</sup> OIG reviewed all cases reported by the Canine Unit as involving multiple patrol canines that occurred between 1/1/2018 and 12/31/2019. This yielded a test population of 24 cases and 31 arrests reported by the Unit.

<sup>25</sup> The Department of Justice (DOJ) flagged an absence of thorough, documented review of canine deployments as a problem in the New Orleans Police Department Canine Unit in their 2011 review, which ultimately resulted in a request by DOJ to immediately suspend the use of canines for subject apprehension.

## FINDING FOUR

### **The development and implementation of the interim directive and revised canine policy created confusion throughout the department, impacting canine operations, oversight of canine use of force, and affecting handler morale.**

Beginning in August 2018, a series of use of force cases involving patrol canines triggered additional scrutiny of SPD canine policy by both the Force Review Board and the Monitor. Issues raised by Board discussion of a specific canine case in February 2019 motivated the Assistant Chief of Professional Standards to direct an emergent interim directive be written and issued “as soon as possible.” SPD then issued a revised policy in September 2019.

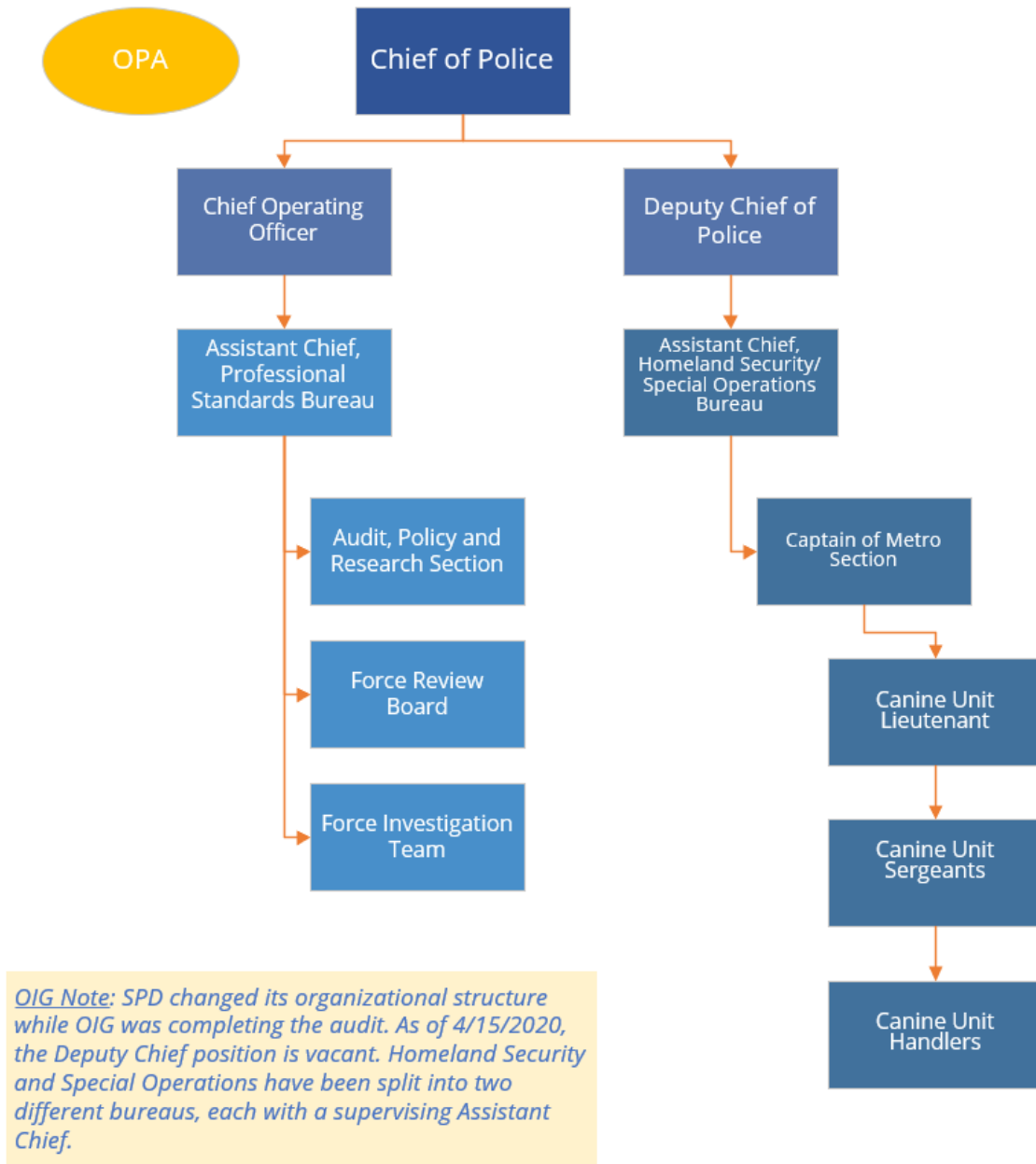
During the development of both the interim directive and the revised policy, a senior SPD official bypassed established departmental processes meant to ensure clarity and quality in policy development. The content of both documents resulted in confusion over basic definitions and deployment criteria, as well as of the absence of key clarifying information, such as whether an outstanding warrant for a suspect was a sufficient basis for a canine deployment.

Handlers decreased deployments out of concern they might incur unintended policy violations. Handlers also described severe impacts to morale due to the lack of clarity in the interim directive, inconsistent explanations provided by their chain of command, and concern for committing unintended violations of policy.

Use of force oversight was also affected, with OIG observing confusion by the Force Review Board about whether handler actions met the requirements of the directive and revised policy. OIG is also aware of at least one Office of Police Accountability (OPA) investigation that was affected by the confusion, compounded by conflicting interpretation and direction from different sources within the chain of command.

This finding references several different parts of SPD’s organizational structure. To aid the reader, OIG has included a simplified organizational chart in Exhibit 3 on the following page.

**Exhibit 3: SPD Organizational Chart –  
Relevant Chains of Command During Events Discussed in Finding 4**



Source: OIG summary of SPD organizational charts.

**The interim directive and revised canine policy were drafted by the former Deputy Chief of Police outside the normal policy development process.**

The former Deputy Chief drafted both the interim directive and the revised canine policy with minimal feedback or contribution by internal stakeholders. This bypassed the processes established by the department’s Audit, Policy and Research Section (APRS), which is charged with drafting and revising department policy. He explained that since he was already reviewing canine issues from the perspective of the consent decree and related increased scrutiny from the Monitor and the Assistant Chief over the Canine Unit was relatively new to his assignment, he wanted to provide additional support. Per the Deputy Chief, he consulted the Unit sergeant in charge of training, a specific handler, and the Unit lieutenant before issuing the interim directive.

Meanwhile, APRS staff informed OIG that they were tasked with working on revisions to the underlying policy after the interim directive was released. APRS staff stated they followed their standard processes of consulting subject matter experts and reviewing other policies for best practices before producing a draft for the Assistant Chief of Professional Standards to review. However, APRS staff reported that after they produced the draft, they were told that the former Deputy Chief would be involved in re-writing the draft. APRS staff informed OIG that they were not involved or consulted in the development of the re-written policy, but instead were provided with the final product with instructions to format it for release.

Before drafting the subsequent revised policy, the former Deputy Chief consulted another police chief but could not provide details. He also reviewed the model policy issued by the International Association of Chiefs of Police, as well as an older policy that the Monitor wrote for the Los Angeles Police Department. He also stated that he solicited feedback from the Assistant Chief of Professional Standards, the Assistant Chief of the bureau commanding the Canine Unit, and the captain and lieutenant of the Canine Unit, but did not recall if any feedback was incorporated. OIG received information from two of these individuals stating although they received copies of the draft, their feedback was either not incorporated or they were given insufficient time to provide feedback.

The Inspector General and the OPA Director were also asked to provide input regarding the revised policy after it had been submitted for approval to the court overseeing the consent decree. The Inspector General verbally provided general feedback on potential inconsistencies in interpretations and necessary clarifications.

The revised policy was approved by the federal court and implemented in September 2019. The Deputy Chief subsequently provided in-person briefings about the new policy to the Canine Unit, the Force Review Board, and the Force Investigation Team over a subsequent three-month period.

### **The interim directive caused confusion amongst handlers, members of the Canine chain of command, and the Force Review Board.**

Almost every person OIG spoke with regarding the interim directive acknowledged that the directive lacked clarity and that there was no clear interpretation of what actions were permissible. OIG observed a Force Review Board case in which the Board personnel struggled to come to a decision whether a canine deployment was within policy due to the lack of clarity in the directive.

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*The interim directive caused confusion at all levels and complicated internal review of force.*

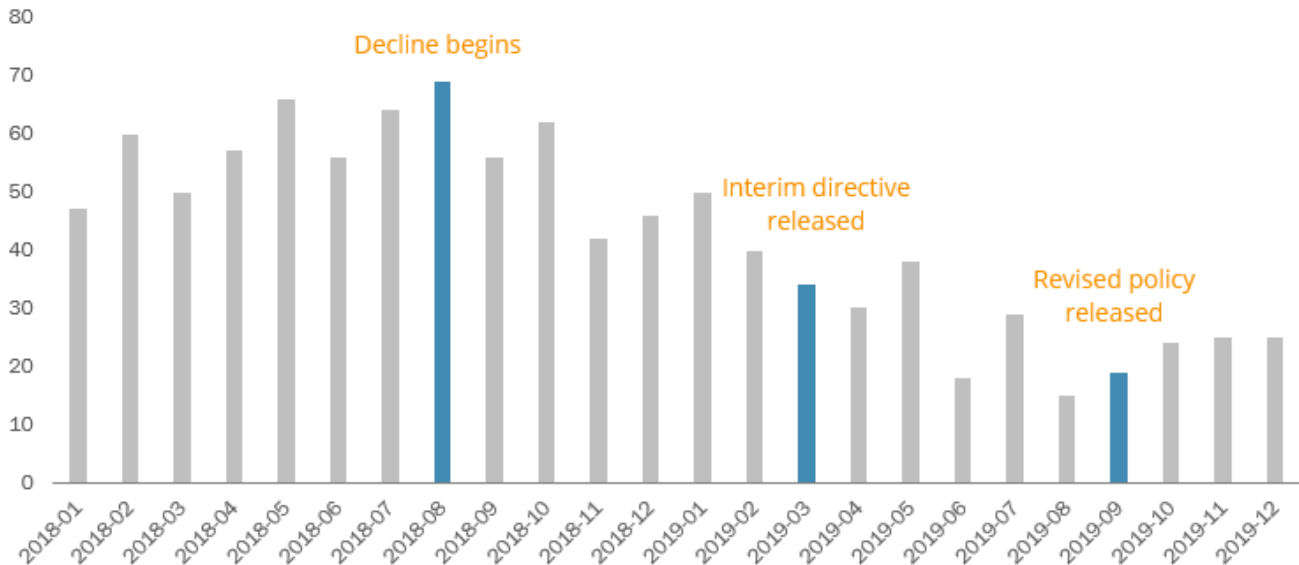
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For example, the directive distinguished between on-lead and off-lead deployments and provided guidance when each was permissible. However, the listed requirements for on-lead deployments appeared to be more restrictive than the criteria for off-leash deployments. This did not make sense to the Board, because they believed an off-leash deployment would present greater risk of a bite than an on-lead deployment. In an extended discussion, the Board ultimately determined that the criteria for an off-lead deployment (a “crime of violence”) was

too vague and could have applied to many different types of crimes, including those not permitted under the criteria for on-lead deployment, which was restricted to felony crimes. The Board also pointed out that a separate section of the directive appeared to indicate that canine use of force is authorized in misdemeanor cases, which also appeared to conflict with the criteria for an on-leash deployment.

Meanwhile, the handlers told OIG the interim directive was so unclear that handlers essentially ceased deploying with their canines, fearing they might incur an accidental policy violation. This reported drop in deployment patterns is observed in the data, but the start of the decline is actually in August 2018, after a noteworthy canine use of force incident occurred and was referred to the OPA. By April 2019, deployment was already well below 2018 numbers, but the decline continued with some fluctuation until the revised policy was released in September 2019. See Exhibit 4, below.

**Exhibit 4: Deployments Decline with Increased Scrutiny, Uncertainty over Deployment Criteria**



Source: Deployment data provided by SPD Canine Unit

A major cause of confusion was conflicting oral interpretations offered by the chain of command as a substitute for lack of clarity in the written policy. In particular, verbal explanations offered by the former Deputy Chief appeared to conflict with the directive, as well as the understanding of those below him in the chain of command. The conflicting interpretations and resulting advice affected the outcome of a use of force investigation and were cited by OPA, which wrote:

Multiple individuals (including the Deputy Chief) confirmed that, in a meeting concerning the Directive, the Deputy Chief relayed to the K9 Unit that the deployments – whether on or off lead – were permissible in misdemeanor DV cases. This instruction was contrary to the plain language of the Directive. Not all misdemeanor DV cases are crimes of violence and, as such, deploying in non-violent DV cases should have been clearly impermissible.

In OPA’s perspective, it is problematic that SPD command staff provided direction to K9 officers that, if followed, would result in violations of policy. This is particularly the case where it concerns K9 applications given the high-risk of serious injury and public concern regarding this type of force. OPA intends to relay these concerns directly to command staff and to ask that command staff avoid future ad hoc discussions that can sow uncertainty and cause for improper conduct.

Handlers indicated that the confusion over deployment criteria under the interim directive was demoralizing. They reported they felt they were forced to operate under a policy that potentially jeopardized their safety. For example, some handlers described choosing to not deploy with their canine in circumstances where they previously would have used the canine to reduce the risk of harm. However, under the unclear guidance provided in the interim directive, handlers were concerned about unintentionally violating policy and incurring a misconduct investigation, and so chose not to use their canine despite the potential increase in risk.

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*Handlers were demoralized by the interim directive and felt that it potentially jeopardized officer safety.*

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Handlers noted that even if the department stopped using canines in certain scenarios, officers still must respond to those calls. Without a canine, a building search or a search for a concealed or fleeing subject becomes a more dangerous task, per the handlers. Now an officer, rather than a canine team, would have to take on the task of entering situations where they could be potentially ambushed rather than having a more suitable tool at their disposal. While officers calculate such risks as part of their job, handlers felt that limiting the use of canine teams raised the chance of harm to the public and officers.

### **Conflicting interpretations continued with the release of the revised canine policy, and expectations may still be unclear.**

After the revised policy was released on 9/15/2019, the former Deputy Chief provided an overview of the policy and additional verbal explanations to the Canine Unit, Force Review Board, Force Review Unit, and Force Investigation Team.<sup>26</sup> Those verbal explanations were not entirely supported by the text of the policy, so disagreement and confusion over interpretations still exist. This may result in similar confusion in future use of force investigations and avoidable policy violations.

Much of the confusion about the new policy centers around a set list of crimes for which handlers are permitted to deploy, as the policy included criteria that could be interpreted subjectively. The verbal explanations provided when the policy was introduced included examples that shed insight into how the author of the policy meant it to be interpreted. However, these examples are not included in the policy itself, leaving room for varying interpretation and confusion.

The handlers repeatedly expressed to OIG that the verbal explanations about the requirements of the new policy were clear and they did not understand why their chain of command offered different interpretations. However, the captain and an Assistant Chief informed OIG that because the explanations went beyond the written text of the policy, they could not be certain that OPA, the Force Review Board, or a court would interpret the policy in the same way. Because of this, the captain and Assistant Chief encouraged the handlers to take a more conservative approach in interpreting the policy. An Assistant Chief told OIG that “a promise to have your back” will not suffice for OPA investigations, and that having an unclear policy is “not fair to handlers.” Another Assistant Chief told OIG that OPA investigations had already begun because handlers followed the verbal interpretation rather than the written wording, and that handlers should not be punished for “our failing” in writing an unclear policy.

When OIG asked the chain of command to provide their interpretation of deployable crimes, OIG still did not receive a clear answer in terms of actionable criteria. OIG also did not receive consistent responses when OIG asked the chain of command to distinguish between using a canine as a force deterrent and using it to intimidate, which is prohibited by the revised policy.<sup>27</sup> The senior members of the chain of command emphasized instead that handlers must use their discretion and be able to articulate the reasonableness, necessity, and proportionality of force as required by *Graham v Connor*.<sup>28</sup>

While handlers reported that they believe deployment criteria is much clearer under the revised policy than the interim directive, OIG is concerned that handlers referred to the verbal

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<sup>26</sup> OIG was present at the meetings with the Force Review Board, Force Review Unit, and Force Investigation Team.

<sup>27</sup> One member of the chain described intimidation as using a canine to scare a suspect and force a confession, while another described intimidation as having the canine near a suspect and asking it to bark.

<sup>28</sup> 490 U.S. 386 (1989).



explanations as the reason for clarity, rather than deriving clarity from the policy itself. In the absence of concrete, written criteria, handlers may commit to deployments that the Force Review Board or OPA deem to be outside policy. Further, OPA and the Force Review Board may have difficulty delivering feedback that contradicts interpretations offered by one of the most senior members of the department.

**The revised policy omits critical elements, which may impact deployment decisions and resulting force investigation and review.**

OIG compared the revised policy to the former policy and any subsequent guidance, verbal or otherwise, provided by SPD. Based on this analysis, OIG concluded that the revised policy omits several elements that would likely be relevant for clear guidance in the field and in a use of force investigation. See Table 1. OIG has included comments from members of the chain of command in the table.

**Table 1: Key Elements Omitted from Revised Policy**

Omitted Element	Subsequent Guidance (if available)
The revised policy includes a list of crimes for which handlers may automatically deploy but does not note whether an outstanding warrant for one of the listed crimes is sufficient grounds to deploy the canine.	The Deputy Chief stated that a warrant is not sufficient for canine deployment, and that the handler must obtain a sergeant’s permission to deploy.
The revised policy states if a crime is not on the aforementioned list, an on-scene sergeant may permit the handler to deploy. The policy does not address whether an acting sergeant has sufficient authority.	The Deputy Chief stated that an acting sergeant will not suffice, and that only a “hard-stripe” sergeant can grant the exception.
If an on-scene sergeant grants a handler permission to deploy, but the force is later deemed out of policy, the revised policy does not describe who is at fault (the sergeant or the handler).	The Deputy Chief stated that the policy violation should likely be entered for the sergeant, but the Assistant Chief of Professional Standards stated that the Force Review Board is still confused on this point.
The revised policy does not include a prohibition on using canines at mass demonstrations. The prior policy included this prohibition.	This issue has not been formally addressed by the department.
The revised policy did not include an exception for exigent circumstances in providing a verbal warning before deploying a patrol canine.	Per SPD management, a directive was issued adding the exception.

OIG also notes that patrol sergeants were not provided with detailed training on the revised policy, other than the department’s e-directive system, and thus lack access to verbal explanations. Patrol sergeants have several responsibilities under the revised policy, including the ability to authorize deployments for situations beyond those outlined in the policy. Lack of detailed training, coupled with the omitted portions of the policy, are likely to result in confusion surrounding proper coordination of patrol and canine operations.

## Summary of Finding Four

Senior chain of command provided SPD personnel with conflicting interpretations rather than firm criteria for canine operations. By relying on oral explanations instead of detailed policy, SPD did not provide handlers with clear expectations or requirements for deployment and, correspondingly has also not given actionable guidance to the Force Review Board and others charged with investigating and reviewing force. Consequently, handlers expressed fear of being subjected to OPA investigations when following what they believed to be policy, while the FRB may be unable to draw conclusions about whether the actions were within policy. Both outcomes do a disservice to the department's ongoing efforts and overall goal of maintaining vigorous and transparent oversight of use of force.<sup>29</sup>

### Finding 4 Recommendations

**9. Review and potentially revise the current canine policy to ensure the following: the written policy is clear to all personnel, contains no significant omissions, is not subject to conflicting interpretations, and is deconflicted with relevant law, other SPD policies, and the Canine Unit manual.**

*For example, the Audit, Policy and Research Section (APRS) could meet with stakeholder groups, including handlers, the Canine Unit chain of command, the Force Investigation Team, the Force Review Board, and OPA to identify any areas of persistent confusion or debate, and could deconflict the policy.*

SPD concurred with this recommendation.

**10. Provide training to SPD personnel on the new canine policy, focusing on deployment criteria and the conditions under which sergeants may grant exceptions.**

SPD concurred with this recommendation.

A complete list of recommendations and more details concerning SPD's response can be found at the end of this audit report.

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<sup>29</sup> As one handler related, if leadership fails to provide a clear path, then "every path is a failure."

## FINDING FIVE

### **The length of time required to conduct robust and thorough force investigation and review processes impedes prompt remediation of issues needing corrective action, and the time lag may negatively impact officer wellness.**

OIG determined there are extended time delays between a canine use of force incident and when a handler receives feedback whether the force was appropriate and consistent with policy. The delay is exacerbated for more serious injuries requiring investigation by the Force Investigation Team and cases involving OPA investigations. Delay in feedback, particularly for more critical cases, may create an unintended consequence of continuation of undesirable behavior during this period. Timely feedback and training can also benefit officer wellness by allowing handlers to course correct quickly, providing a level of certainty that their performance is not out of line with policy or otherwise improper.

Based on all 34 canine use of force incidents occurring between 1/1/2014 and 8/14/2019,<sup>30</sup> OIG calculated the following average feedback times:

- Average time from date of incident to date of review by the Force Review Board: 80 days<sup>31</sup>
- Average time from date of incident to conclusion of OPA investigation: 149 days
- Average time from date of incident to disciplinary decision if allegation sustained: 299 days<sup>32</sup>

Thorough investigations take time to complete, and the schedule of the Force Review Board limits the number of cases that can be heard each week. Moreover, the Board itself may initiate an OPA complaint as a product of its review, which prolongs the investigation period for handlers.

Extended delays, however necessary, result in handlers not receiving timely feedback on whether their decision-making, training, or interpretation of policy may be incorrect. This creates a serious risk that improper or undesirable conduct will be repeated by the same officer in the interim and limits opportunities to provide timely training.

Further, for the most serious cases, the Canine Unit is unable to conduct immediate debriefs amongst the Unit and apply lessons learned in a timely fashion. For important and valid reasons, officers are not permitted to discuss OPA cases while under investigation, and until late 2019, officers and their chain of command were not permitted to discuss Force Investigation Team cases while the Team was investigating.<sup>33</sup> The Force Investigation Team instituted the use of "FIT Actions" in 2020 to convey critical information to the chain of command more quickly. However, this tool had not yet been used for any canine or canine-handler related actions at time of this report, so OIG is unable to evaluate whether it would fully mitigate the timeliness issues.

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30 The original data request to SPD was for incidents between 1/1/2014 and 6/30/2019. OIG added an additional use of force incident to the list that occurred early in the audit. This data reflects use of force incidents in which a police canine was involved in the force. Other incidents exist in which handlers applied force but no canine was involved; OIG did not review these for the purposes of this exercise.

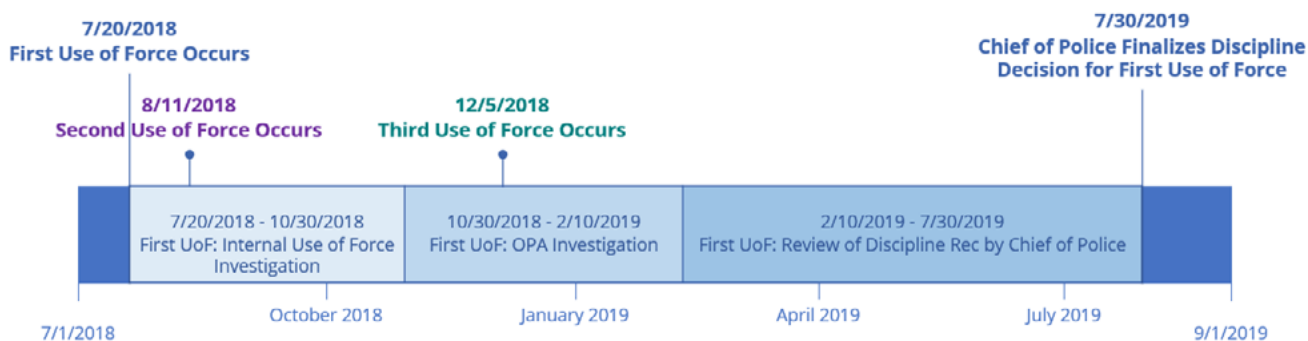
31 Note – this does not include time for the Force Review Board to consolidate their findings in a written report, which may take considerably longer. OIG reviewed one canine-related Force Review Board report in which the Board met in February 2019 but did not convey findings to the chain of command until April 2019.

32 There were three cases in this population. The times from date of incident to disciplinary decision were 254, 299, and 379. OIG notes that the 379 is an outlier and skews the average higher.

33 As discussed in the Background section, the Force Investigation Team is a separate unit that investigates the most serious uses of force within the department.

OIG reviewed the timelines for the three canine use of force incidents with sustained OPA investigations. The second and third incidents occurred before the OPA investigation of the first event concluded, so there was no opportunity for the resolution of the first incident to provide a warning or guidance for the subsequent incidents. In the first and third cases, the OPA investigation did not begin until the Force Review Board met, which prolonged the overall timelines. See Exhibit 5, below.

### Exhibit 5: Timeline of Investigations and Feedback



Source: use of force data provided by SPD; OPA and disciplinary information sourced by OIG from SPD databases.

The length of the investigations and attendant period of uncertainty affects officer wellness. This effect is exacerbated when coupled with uncertainty about whether they would be subjected to such an investigation when they believed they were following policy.

Robust and thorough use of force investigation is critical to ensuring force is used appropriately and any issues are corrected. Thorough investigation also reassures the public that SPD takes such issues seriously. However, investigation should not preclude timely feedback on issues that require immediate action.

### Finding 5 Recommendations

**11. Develop a mechanism to provide timely information to unit chain of command during use of force investigations about issues requiring prompt corrective action and establish ability to debrief and implement necessary corrections in an expedient manner.**

*While FIT Actions appear to be an improvement, the department should consider whether additional solutions would be beneficial for force investigations outside of the Force Investigation Team context.*

SPD concurred with this recommendation.

**12. Together with the Force Investigation Team and OPA, develop a process to allow timely unit-based debriefing or after-action meetings after significant force events in a manner that does not compromise use of force or administrative investigations.**

SPD concurred with this recommendation.

A complete list of recommendations and more details concerning SPD's response can be found at the end of this audit report.

## **FINDING SIX - MODIFIED FOR PUBLIC RELEASE**

### **A security vulnerability creates a potential risk to patrol canines and members of the public.**

OIG detailed a security vulnerability affecting both patrol canines and members of the public. Because this vulnerability cannot be immediately addressed by SPD, further details are not included in the public version of this report.

OIG also identified that SPD has not provided a reliable secure off-leash training environment for handlers. While handlers take precautions when working canines off-leash, it is still possible for a member of the public to accidentally enter the area, or for a canine to encounter traffic on the internal road or nearby street. By way of example, in January 2020, a member of the public was the unfortunate recipient of an accidental bite during a training exercise. This incident underscores the need for the Canine Unit to have a designated, reliable, secured training area.

While handlers reported using personal connections to train in private buildings and corporate campuses, this access is not universal or guaranteed. Having a consistent, secure space to train could reduce avoidable injuries to the public and improve Unit-wide training opportunities.

### **Finding 6 Recommendations**

#### **13. Not detailed in public report.**

SPD concurred with this recommendation.

#### **14. Evaluate whether the Canine Center location and training facilities meet current unit and departmental needs and remediate any deficiencies in a timely fashion.**

SPD concurred with this recommendation.

#### **15. Identify facilities and locations where the Canine Unit can conduct regular training in a secure environment.**

SPD concurred with this recommendation.

A complete list of recommendations and more details concerning SPD's response can be found at the end of this audit report.

## MATTER FOR CONSIDERATION

OIG notes that per Policy 8.300-POL 1 and 16.300, accidental canine bites are treated as accidental injuries and not investigated according to use of force reporting procedures. This accidental injury review process includes removing the canine from active duty, assessing the cause of the bite, and notifying the Canine Unit chain of command up to the Assistant Chief level. However, it does not conform with other SPD policies, such as accidental discharge of a firearm (8.400-POL 1, “unintentional discharges not resulting in injury are not considered force, but require the same notifications and are investigated as any firearm discharge.”)

OIG appreciates there are complexities involved in the investigation of an accidental canine bite. A police canine is both a tool and a living being that may take independent action from the handler, and an unintentional bite by a canine is not equivalent to a handler intentionally using force. OIG also notes that minor scratches or bites that may occur in a training environment, such as a canine puncturing the bite suit, are not comparable to a severe unintended bite to a member of the public. SPD management may wish to review the current accidental bite policies and ensure that they reflect an appropriate degree of nuance to respond to the degree and circumstance of injury at hand.

OIG notes that SPD is presently adjusting the way that accidental bites are reviewed, with the Force Investigation Team being tasked with reviewing an accidental bite that occurred in January 2020.



# RECOMMENDATIONS

**1. Promptly assess the performance of all patrol canine teams to determine (1) ability to meet minimum state patrol canine certification requirements and (2) to determine whether these skills translate to field proficiency.**

*OIG suggests SPD consider using an external expert to complete this assessment to enhance objectivity. Options could include certified canine evaluators from the Washington Criminal Justice Training Center and/or other trainers the Unit has consulted in the past.*

## Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: The Unit will facilitate and assess the performance of all canine patrol teams, either in-house or, if practicable, by utilizing Washington State Canine Police Association (WSPCA) certified evaluators.

**2. Ensure quarterly testing requirements evaluate ability of the patrol canine teams to operate proficiently in the field and that documentation of testing is sufficient to reflect nuances of team performance. Failure to pass quarterly testing should be reported up the Canine Unit chain of command to a command level.**

## Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: The Unit will ensure that quarterly certification is based upon WSPCA or Washington State Criminal Justice Training Commission (WSCJTC) standards. The requirement will be implemented in revised policy, currently under development and scheduled for publication Q4 2020. However, the Unit already has in place a process for removing canine teams from service if the team fails a quarterly test; the two dogs noted in the audit as failing to reliably engage, for example, have been removed.

## RECOMMENDATIONS

### 3. Provide effective supervision and training of the Canine Unit, to include:

- a. Development of a comprehensive initial training program with set benchmarks and formal oversight by a Unit supervisor;
- b. Regular group training with a unit supervisor present; and
- c. Timely, documented review of training records.

#### Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: (a) The Unit's lead trainer is presently creating a training manual, in collaboration with the Unit's training cadre, that will cover the Unit's training program. This manual will be reviewed and aligned with best practice by the Professional Standards Bureau in coordination with external certified trainers (WSPCA). (b) Under an already-implemented 4/10 schedule, Unit personnel overlap every Wednesday, allowing opportunity for all-Unit training sessions on the first and third Wednesday of every month. Sergeants will be present during this training. Full-group training is presently on hold due to COVID-19 distancing restrictions; however, the Unit is prepared to proceed as soon as restrictions are lifted. (c) Unit sergeants will review and approve all training records, which will be entered in an electronic database. The revised unit manual will set the frequency of this task.

### 4. If the Unit delegates training responsibility to handlers, the Unit should establish a formal handler training program and empower the designated handlers to develop curriculum and conduct trainings with the cooperation of Unit personnel.

*SPD may wish to consider augmenting internal training by contracting with an outside trainer.*

#### Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: The Unit's lead trainer is presently creating a training manual, in collaboration with the Unit's training cadre, that will cover the Unit's training program. This manual will be reviewed and aligned with best practice by the Professional Standards Bureau in coordination with external certified trainers (WSPCA). The process for training development and implementation will be formalized in the revised unit manual. The Unit will augment the training staff with certified external trainers as the budget allows.

## RECOMMENDATIONS

**5. Require and enforce internal and external assessment of patrol canine teams in accordance with schedules established by the state and SPD. Failure of a patrol canine team to complete evaluation requirements should be grounds for removal from active duty status.**

### Management Response

Concur     Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: In-house quarterly certifications are presently being conducted, and the Unit is ensuring that no canine team's state certification lapses. The Unit will ensure that the quarterly assessment schedule is articulated in the revised Unit manual.

**6. Establish written criteria for what arrests qualify as a canine-related apprehension across the Unit.**

### Management Response

Concur     Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: The Unit will establish written criteria for defining a canine-related apprehension, based upon definitions provided by the Department of Justice. These criteria will be included in the revised Unit manual.

**7. Revise the SPD bite ratio calculation such that it conforms with DOJ guidance.**

### Management Response

Concur     Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: The Unit will calculate the bite ratio consistent with DOJ guidance. In addition, SPD will explore, with internal analysts, the feasibility of refining data collection in a reporting database.

**8. Require and enforce supervisory review of canine deployment documentation to ensure documentation is appropriate, that the description of key events is aligned across department records, and that any reported arrests match Unit criteria for a canine-related apprehension.**

### Management Response

Concur     Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: Unit sergeants will be directed to review and approve, on regular basis, all deployment records and verify the information reported. This mandate and the schedule for review will be incorporated in the Unit manual.

## RECOMMENDATIONS

**9. Review and potentially revise the current canine policy to ensure the following: the written policy is clear to all personnel, contains no significant omissions, is not subject to conflicting interpretations, and is deconflicted with relevant law, other SPD policies, and the Canine Unit manual.**

*For example, the Audit, Policy and Research Section (APRS) could meet with stakeholder groups, including handlers, the Canine Unit chain of command, the Force Investigation Team, the Force Review Board, and OPA to identify any areas of persistent confusion or debate, and could deconflict the policy.*

### Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: A revised canine policy is under development through the APRS and will be published in conjunction with Title 8 revisions.

**10. Provide training to SPD personnel on the new canine policy, focusing on deployment criteria and the conditions under which sergeants may grant exceptions.**

### Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: The Unit will prepare an e-learning module to coincide with the new policy and a canine training digest. As part of this policy and training, exceptions to deployment criteria will be clarified for sergeants.

**11. Develop a mechanism to provide timely information to unit chain of command about issues requiring prompt corrective action and establish ability to debrief and implement necessary corrections in an expedient manner.**

*While FIT Actions appear to be an improvement, the department should consider whether additional solutions would be beneficial for force investigations outside of the FIT context.*

### Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: A mechanism for providing timely feedback from force investigations will be documented in the revised Unit policy. In addition, updated Administrative Lieutenant training provided by the FRB, and a recently implemented FRB action process, should remediate any deficiencies and delays.

## RECOMMENDATIONS

**12. Together with the Force Investigation Team and OPA, develop a process to allow timely unit-based debriefing or after-action meetings after significant force events in a manner that does not compromise use of force or administrative investigations.**

### Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: A mechanism for providing timely feedback from force investigations will be documented in the revised Unit policy. In addition, updated Administrative Lieutenant training provided by the FRB, and a recently implemented FRB action process, should remediate any deficiencies and delays. The Unit will coordinate with FIT and OPA in developing feedback processes.

**13. Not detailed in public report.**

### Management Response

Concur       Do Not Concur

**14. Evaluate whether the Canine Center location and training facilities meet current unit and departmental needs and remediate any deficiencies in a timely fashion.**

### Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Completed in part; TBD

Proposed Implementation Plan: In conjunction with the Department of Finance and Administrative Services, certain measures have been completed, including tree removal and enhanced fencing. Other measures have been identified and are under consideration.

**15. Identify facilities and locations where the Canine Unit can conduct regular training in a secure environment.**

### Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2020

Proposed Implementation Plan: The Unit continues to evaluate appropriate locations for training. Specific restrictions will be implemented in the revised Unit manual.

# MANAGEMENT RESPONSE



June 8, 2020

Inspector General Lisa Judge  
Office of the Inspector General

Re: Patrol Canine Audit

Dear Inspector General Judge:

Thank you for providing the Seattle Police Department opportunity to review and respond to the Office of the Inspector General's audit concerning SPD's patrol canine (or K9) unit. I appreciate the depth, detail, and objectivity of your auditors' work, and am pleased that the report expressly calls out the unit's collaboration with this audit and their overall professionalism and dedication to excellence. While the Department's formal responses to each of the OIG's audit findings and recommendations are included within the report itself, I write separately to expand on two specific points concerning the supervision of the unit and policy development.

As to the former, I want to highlight that during the review period a decision was made to split the one bureau that had consolidated special operations (including SWAT, K9, Harbor, Arson/Bombs, and Traffic) with homeland security operations into two separate bureaus, to allow for more focused attention by the direct chain of command. Additionally, personnel movements across the Department resulted in a change of leadership within the unit. As we note in our responses to the specific findings in the audit document itself, many of the issues your auditors identified were similarly recognized by new unit leadership and are already in the process of remediation. This is reassuring to me in two respects: one, it illustrates the importance of rotating personnel and the value of new eyes on operations; and two, it demonstrates the unit's initiative in critically self-assessing its own performance and identifying areas for improvement.

With regard to policy development, I acknowledge the disruption of process. This incident clearly illustrates the damage that can result when protocols are not adhered to. In that respect, this incident offered an important learning opportunity; having corrected course, I expect that we will look back on this incident as indeed strengthening our commitment to ensuring that policy development remains aligned with best and standard practice.

As you review our responses to the audit recommendations, I ask that you remain mindful of two points regarding the timing of implementation. We – like all City departments – are facing an uncertain, but certainly dire, budget situation for the foreseeable future. While we support both the engagement of outside resources and capital improvements to the canine facility, we are committed to being responsible stewards of City funds, and our determination of feasibility will in large part be driven by our budget situation. For that reason, where a recommendation calls for the expenditure of funds that are not currently budgeted, the noted date of Q4 2020 reflects a timeline for update as to feasibility, rather than completion. Additionally, in instances relating to policy and training, Q4

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# MANAGEMENT RESPONSE

Inspector General Judge  
June 8, 2020

2020 is designated as a date of final implementation in order to align with the anticipated publication of a revised unit manual and policy, but please note that many of the measures proposed to remediate issues raised in the audit have already been implemented or are well underway. In other words, the Q4 2020 date is intended to reflect the intended timeline for the manual in which these measures will be documented – not the (shorter) timeline for measures integrated therein.

Again, thank you for your work in this important area. We share a commitment to the continual improvement of this organization, acknowledging good work, and identifying areas where we can adjust practice to better serve our community. I appreciate your partnership in doing so.

Sincerely,



Carmen Best  
Chief of Police

Cc: Eric Greening, Assistant Chief, Special Operations  
Lesley Cordner, Assistant Chief, Professional Standards Bureau  
Rebecca Boatright, Executive Director of Legal Affairs

## OBJECTIVE

The objective of this audit was to examine adherence to policy and consideration of applicable best practices for policy development, training, deployment, and reporting within the Canine Unit.

## SCOPE

The audit scope was Canine Unit operations and deployments pertaining to patrol canines between 1/1/2014 and 12/31/2019.

## METHODOLOGY

To complete this audit, OIG:

- Contacted accountability partners including the Office of Police Accountability and the Community Police Commission for input during the audit initiation process;
- Interviewed former and current Unit personnel;
- Observed multiple Canine Unit group training exercises, meetings of the Force Review Board concerning canine-related uses of force, and trainings provided by the department concerning the revised policy on canine deployment;
- Assessed internal controls relating to oversight of operations, canine team performance, policies and training, canine health and maintenance, and fraud, waste and abuse, and identified deficiencies as described in this report's findings;
- Reviewed and analyzed department records relating to certification, evaluation, deployment, and training of patrol canines, as well as records relating to canine-related use of force;
- Compared the prior canine policy, the interim directive, and the current policy to identify areas of overlap and potential gaps;
- Interviewed personnel from other specialized SPD units for context regarding approaches to unit training and supervision;
- Interviewed senior SPD personnel concerning the development and implementation of the interim directive and revised canine policy;
- Researched applicable criteria including state certification requirements, department manuals, and prior patrol-canine related guidance issued by the Department of Justice; and
- Consulted with external experts to provide background and context.

## AUDIT STANDARDS

OIG conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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# Seattle Office of Inspector General

The Office of Inspector General for Public Safety (OIG) was established in 2017 via Ordinance 125315 to help ensure the fairness and integrity of the police system in its delivery of law enforcement services. OIG provides independent auditing of the management, practices, and policies of the Seattle Police Department and the Office of Police Accountability. Additionally, OIG oversees ongoing fidelity to organizational reforms implemented pursuant to the goals of the 2012 Consent Decree and Memorandum of Understanding.

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