

Seattle Police Department

Directive

Effective Date: 12/09/21

Directive Number 21-00030

Interim Policy Use of Patrol Canines

This interim policy is intended to clarify certain portions of 8.300-POL-1 Use of Patrol Canines.

These adjustments include:

- Definition and guidance on Canine Deployment
- Definition and guidance on Direct Apprehension
- Guidance on off-lead canine searches

Please read the attached policy.
Questions may be directed to the Policy Unit
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8.300–POL–1 Use of Force – Use of Patrol Canines

1. The Prompt and Proper Utilization of a Trained Canine Team Can Be a Valuable Resource in Law Enforcement

- When properly used with strict handler control, a canine team increases the degree of safety to persons within a contained search area, enhances individual officer safety, increases the likelihood of subject apprehension, and may reduce the amount of time necessary to conduct a search.
- At the same time, handlers will make all reasonable efforts to avoid unnecessary and unnecessarily injurious bites.
- All canine uses of force will be objectively reasonable, necessary, and proportional.

2. The Following Terms are Defined According to this Policy:

Canine Apprehension: When the canine is deployed and has a clear and defined role in the capture or surrender of a person. A surrender is based on statements or actions made by the individual during or after the arrest. The mere presence of the canine at the scene of an arrest, where the canine had no active role in the arrest, is not a canine apprehension.

Canine Bite: Physical contact, initiated by the canine, between the canine's teeth and a person or animal. This contact does not need to result in broken or punctured skin to be a bite.

Canine Bite Ratio: The number of canine apprehensions accomplished by means of a canine bite divided by the total number of canine apprehensions (both with and without a bite).

Non-Tactical Use of Canine: The use of a canine to find evidence or articles or to conduct an evidentiary confirmation track. See Manual Section 16.300 Patrol Canines for further guidance.

On Lead: Deployment of a canine with a leash attached to the collar or harness and the handler has positive control of the leash.

Off Lead: Deployment of a canine with no leash attached or when a leash is attached, and the handler does not have positive control of the leash.

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~~**Canine Deployment:** Use of a canine on or off lead to search for a subject, to apprehend a subject, or for officer safety.~~

Canine Deployment Use of a canine to search for a subject, to apprehend a subject, or for officer protection. Canine deployments shall be conducted on-lead except as provided in Section 6 of this policy.

Canine Handler or Canine Officer: A sworn member of the Department who has been trained by the requirements of the Department's canine program.

Canine Team: The combination of a Canine Handler and that Handler's assigned police dog working in tandem.

~~**Direct Apprehension:** When a handler commands their dog to bite and hold an individual that the handler has in sight.~~

Direct Apprehension: The seizure of the suspect by biting upon a command from the handler to do so. This differs from the Search or Track cues in which a bite may be implied. Directed apprehensions may be performed on or off-lead as circumstances warrant, pursuant to Section 6 of this policy.

Canine Search: Use of a canine to search for a subject. There are two types of Canine Searches:

- **Tracking Search:** A handler deploys a dog to locate a subject who has fled a crime scene. Done on and off lead.
- **Contained Search:** Search for a subject in a contained area, i.e. Building or fenced lot, where a subject is reasonably expected to be hiding. Done on and off lead.

Canine Use of Force: Canine bite or injury caused by physical contact between a canine and a subject that occurs:

- During a Canine Search, or
- During a Direct Apprehension.

Accidental Canine Bite or Injury: Canine bite or injury caused by physical contact with a canine that occurs:

- When the handler has given no command to search or apprehend; or

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- When the handler gives the command to search or apprehend a subject, but the canine engages the wrong person.
- See 16.300 Patrol Canines for more information

Containment: The establishment of a visual perimeter intended to curtail a subject's escape from a defined search area or structure. Containment requires at least two officers positioned at diagonally opposite corners of the search area but is far more effective with at least four officers.

Evidentiary Confirmation Track: A track to establish an evidentiary link between a crime scene or place where a suspect was last seen and where a possible suspect is being detained by officers. A canine use of force is not anticipated as the subject in question is under control of officers and will not be physically contacted by the police dog.

Evidentiary Confirmation tracks may be used only for one of the crimes listed in 8.300-POL-1(3).

Surrender: Statements or actions made by the subject during or after the arrest evidencing compliance.

3. Canine Deployments Will Be Limited to the Following Situations Where Probable Cause or a Valid Arrest Warrant Exists for Any of the Below Listed Crimes:

Felony Crimes:

- Completed burglary offenses, not including trespass with non-violent secondary crime
- Robbery, not including thefts that are accompanied by low level assaults
- Homicide
- Serious assault
- Kidnapping
- Arson with threat of harm to people
- Domestic violence felony crimes
- Serious sexual assault

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- Drive by shooting, not including unlawful discharge of a firearm

Misdemeanor Crimes:

- Domestic Violence Assault
- Domestic Violence Order Violations that are subject to mandatory arrest—violations will involve the subject's physical presence at the victim's location or a threat of harm

Approval by a supervisor is needed for all other crimes where there is a reasonable belief that the subject is armed with a firearm or weapon capable of causing substantial bodily harm, great bodily harm or death; or the subject poses an imminent threat of harm to the public.

4. Canine Deployments are prohibited for the following:

- Administrative warrants, e.g. Department of Corrections warrants, absent a new offense as outlined in 8.300-POL-1(3)
- To apprehend anyone suspected to be under the influence of drugs or alcohol or who appears to be in behavioral crisis absent an offense as outlined in 8.300-POL-1(3).
- Demonstration management and or crowd control situations.

5. Canine Handlers Will Obtain a Briefing of the Incident Prior to Deploying Their Canine

Canine officers may gather information from on-scene officers in-person, by phone or via police radio or MDT while en route to the call.

A briefing will include, if applicable:

- A description of the facts and circumstances that establish probable cause to apprehend the subject or reasonable suspicion to detain the subject;
- A detailed description of the wanted subject, if available;
- The subject's actual or perceived age (i.e. whether the subject is or may be a juvenile). The subject's perceived age will be determined by gathering as much information as possible from officers and/or witnesses who observed the subject's physical characteristics height, weight, etc.);

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- Behavior or information indicating whether the subject poses imminent threat or violence to others;
- The severity of the crime;
- Whether the subject is known or believed to be armed;
- Whether there is reason to believe the subject may not speak or understand English or may have a hearing impairment;
- Known potential danger to the public and/or other officers at the scene if the canine is released;
- The degree of resistance or threatened resistance communicated or shown by the subject;
- The potential for escape or flight if the canine is not utilized;
- The level of pedestrian foot traffic; and
- Whether the area perimeter is secure.

Canine officers will coordinate with on scene officers and develop a plan as to how they will safely track (i.e. cover officer, shutting down vehicle traffic, etc.) as well as an arrest plan if a subject is located unless exigent circumstances exist.

6. Off-Lead Canine Searches May be Suitable Under Certain Circumstances:

- ~~- Off lead deployment may be appropriate for searches of commercial buildings where there is the possibility of subjects hiding inside, including attics, basements, and crawl spaces.~~
- ~~- Off lead deployment may be appropriate for searches of shopping centers, malls or other large structures where staffing commitments and search time will be extensive.~~
- ~~- Off lead deployment at a school building may be appropriate if the subjects are adults and the incident involves significant theft, such as computers and other valuable equipment.~~
- To optimize officers' ability to effectively leverage Time, Distance, Angles, and Shielding, off-lead deployment may be appropriate when:
 - Searching for suspects believed to be armed with a firearm or other potentially deadly weapon;

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- Searching for suspects hiding inside a building or structure, in a confined or hazardous-to-access space (e.g., attics, basements, or interior crawl spaces);
 - Searching large structures where traversing large, open, spaces; or contending with high-ground, presents significant added risk to officers;
 - The environment presents a tangling hazard which would require the handler or other officers to shorten distance between themselves and the dog, constrain the angles from which they approach unknown territory, or enter open and uncontrolled space to free the dog from a tangle. Examples of such environments would be dense brush, buildings with open stud framing (remodeling or new construction), or cluttered spaces.
- Canine searches of residences are discouraged whenever there is risk of a bite to innocent persons. Before conducting a search of a residence, the handler will make every effort to ensure the safety of any residents that might be present.
 - Residential searches will be conducted on short lead unless the handler can determine that there are no residents at home. This can be done through contacts with victims, witnesses, neighbors, responsible parties, and officers on the scene.
 - The presence of uncontained animals in a residence to be searched will normally preclude the use of canines unless the animals can be removed or contained. In cases where it can be done safely, an on-lead search can be done in the presence of uncontained animals.

7. A Canine Team is Viewed as a Single Officer Unit and Will Perform Under that Premise When Making Decisions Regarding Contact of Subjects. A Canine Handler May Use a Canine for Officer Safety

Use of a canine may be reasonable to provide additional safety for officers when needed.

The canine will not be used solely for intimidation or coercion.

8. Canine Officers May Use Direct Apprehension to Physically Apprehend a Subject

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Direct apprehension will be used only when the canine officer has probable cause that the subject has committed one of the crimes listed in 8.300-POL-1(3), or there is a valid arrest warrant for the subject for one of the crimes listed in 8.300-POL-1(3)and

- The canine officer reasonably believes that the subject poses an imminent threat of harm to the officers or others; or
- The subject is trying to escape, such as by immediate flight from a crime against person(s) with aggravating factors (e.g., crime involved a firearm or the suspect is reasonably believed to be in possession of a firearm or other potentially deadly weapon, etc.).

A direct apprehension will not be used to apprehend a subject fleeing from the scene of a Burglary 2nd Degree offense or wanted solely for a Burglary 2nd Degree offense, unless the canine officer reasonably believes that the subject poses an imminent threat of harm to the officers or others.

9. Canines Will Not Be Used to Apprehend Subjects Perceived to Be Juveniles Except for the Crimes Listed in 8.300-POL-1(3)

In the case of known or possible juvenile subjects, special consideration will be given to the subject's age and propensity for violence, and officers will explore alternatives to the deployment of a canine.

10. Police Canines Will Not Be Used as a Pain Compliance Technique

11. Canine Deployment Announcements for Canine Searches

- Prior to a deploying a canine, a verbal announcement will be made and repeated attempts to notify persons within the area of the intent to utilize a canine team and to afford subjects the opportunity to surrender to the police. The announcement will say that there are police officers in the area and that a trained police canine will be released and may bite individuals who do not surrender.

Exception: A verbal announcement is not required if giving the warning would compromise the safety of the canine officer or others. In such circumstances, the canine officer will document his/her reason(s) for believing his/her safety

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would have been compromised in his/her use of force statement and or canine deployment record.

- When feasible, the announcement will be given by patrol car PA system or amplified by other means.
- The announcement will be clear, loud and audible to all individuals who may be affected by the operation. Where there is a reasonable belief that the subject speaks a language other than English, an officer or other individual fluent in that language will be summoned to the scene if available and the exigency of the situation permits.
- A reasonable amount of time will be allowed between announcement and deployment for the subject to respond and others to seek safety.
- Officers assigned to containment will confirm hearing the canine announcements prior to initiating a search.
- A verbal warning will be repeated as the search proceeds and the canine team reaches a different floor, or parts of the building or other area where the initial announcement may not have been heard.
- If feasible, other officers will be in a location opposite from where the announcements are made to verify that it can be heard.

12. Canine Deployment Announcements for Direct Apprehension

Prior to a deploying a canine for a direct apprehension, a verbal announcement will be made in an effort to generate compliance, when feasible. **When a verbal announcement is not made, the infeasibility factors must be clearly articulated in the canine handler's statement or report.**

The announcement will include the officer's authority (Police K-9), a request for the subject to surrender and the consequence for not surrendering (the police dog may bite the subject).

Exception: A verbal announcement is not required if giving the warning would compromise the safety of the canine officer or others. In such circumstances, the canine officer will document his/her reason(s) for believing his/her safety would have been compromised in his/her use of force statement and or canine deployment record.

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13. When Feasible, Canine Officers Will Attempt Alternative Tactics Prior to a Direct Apprehension

When the location of a subject in hiding has been determined, handlers will not command the canine to do a direct apprehension if alternative tactics are safe and feasible. Such alternatives may include: identifying as a police officer, ordering the subject to come out of hiding and warning that a police dog will be released and they may be bitten if they do not voluntarily comply, and then waiting a reasonable amount of time for them to comply, or using a lower level of force.

14. When Safe and Feasible, Canine Handlers Will Make All Reasonable Efforts to Keep the Police Canine in Sight

Canine handlers will remain within a working distance of their police dog to ensure they can read their canine's body language and that the police canine obeys verbal commands.

15. Releasing the Bite

- Should a bite occur, the handler will, as rapidly as possible, determine if the subject is armed and call off the dog at the "first possible moment" the canine can be safely released.
- When deciding to order the dog to release, particular attention will be given to the perceived threat or actual resistance presented by the subject. Handlers will continue to factor into their call-off decision that the average person will struggle if being seized or confronted by a canine. This struggling, alone, will not be cause for not calling off the canine.

16. After a Canine Use of Force or Accidental Canine Bite or Injury, Officers Will Render Appropriate Medical Aid Within Their Training as Soon as Reasonably Possible

See 8.200 (7)

17. The Canine Will Be Secured as Soon as it Becomes Safe and Feasible

At a minimum, the canine will be secured once the subject has been apprehended and no longer reasonably presents a threat, or risk of escape.

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Exception: Canines may remain unsecured if there are additional outstanding subjects, the canine is needed to conduct an evidentiary confirmation track or find evidence, or the canine presence assists in the protection of officers or others.

18. Whenever a Canine is Deployed, Whether Force is Used or Not, the Canine Handler Will Document the Deployment

Canine Deployment records are maintained by the Canine Unit.

19. A Canine Use of Force Will Be Reported, Investigated, and Reviewed Consistent with Sections 8.400 and 8.500

See 8.400 and 8.500 for guidance.

- Each canine bite or injury will be separately documented in the use of force report.
- The handler will document, in their use of force report, the duration and reason for the duration of the canine's bite on the subject.

20. An Accidental Canine Bite or Injury is Not a Use of Force, But It Will Be Reported Separately per 16.300 PRO - 1 Accidental Canine Bite or Injury

In the event of an accidental canine bite or injury, canine handlers will follow accidental injury procedures, not use of force reporting procedures. The supervisor will screen the incident with FIT.