



Seattle Office of Police Accountability

May 29, 2019

Chief Carmen Best
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

Case Number

- 2018OPA-0783

Topic

- Canine Deployment

Summary

- It was alleged that the Named Employee violated *SPD Policy 8.300-POL-1 Use of Force – Canine Deployment* when he caused his canine to bite two subjects.

Analysis

- *SPD Policy 8.300-POL-1* directs that a canine may only be used as a force tactic when objectively reasonable. The policy also provides guidance as to when canine bites must be released.
- A plausible reading of the policy could yield the conclusion that a misdemeanor subject who posed no possible threat to an officer, or even a subject fleeing after committing a citable offense, could be subjected to a canine bite. However, OPA has found no caselaw that would allow for a suspect believed to have merely committed a citable offense to be bitten by a canine.

Recommendation(s)

- Revise *SPD Policy 8.300-POL-1* to be more consistent with caselaw, clarifying that a fleeing subject does not, by itself, provide a justification to use a canine.
- Ensure the “handler supplemental report” is completed when appropriate. If the Department does not wish to use this report, remove reference to it from policy and instead provide guidance on where and how that information should be captured.

Thank you for your consideration of this matter. I look forward to your response.

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability