

December 2, 2020

Interim Chief Adrian Diaz
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Diaz:

Please see the below Management Action Recommendation.

Case Number

- 2020OPA-0305 / 2020COMP-0013

Topic

- Surveillance

Summary

- It was alleged that the named employee (NE) used a personally owned drone to take aerial video of a suspect's home, and that this might constitute a violation of law.

Analysis

- A confidential informant (CI) provided information to the NE on a suspect in a criminal case. The NE attempted to write up a search warrant but was having difficulty locating and confirming the suspect's house. He then used a personally owned drone to record the outside of the suspect's home.
- The NE's supervisor became aware of the aerial photographs and told the NE he could not use them because it would be a violation of the Surveillance Ordinance. The NE stated he was unaware of the Surveillance Ordinance, which defines surveillance as "to observe or analyze the movements, behavior, or actions of identifiable individuals in a manner that is reasonably likely to raise concerns about civil liberties, freedom of speech or association, racial equity or social justice."
- The NE reasoned that he was observing the outside of a home, not searching for or trying to monitor identifiable individuals. He said that the purpose of the video was to give the Anti-Crime Team a tactical advantage during the service of the warrant.
- Detectives never ended up obtaining a search warrant and the suspect was not charged. The video was not used to investigate the case any further.
- OPA concludes that the clear intent of the Surveillance Ordinance is to prohibit the use of technologies by officers, such as drones, without prior approval, even if the specific facts of this case did not directly violate the Surveillance Ordinance.

Recommendation(s)

- Send out a reminder to all SPD employees concerning the parameters of the Surveillance Ordinance and what technologies are both approved for use and banned under its ambit.
- Create an e-learning or more in-depth training on the Surveillance Ordinance and make that training a requirement for all SPD employees to complete in 2021 (unless this has recently been done).

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



Seattle Office of
Police Accountability

Sincerely,

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Andrew Myerberg
Director, Office of Police Accountability