



February 25, 2021

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-0477 / 2021COMP-0012

Topic

- Enforcement Towards Media

Summary

- The complainant alleged members of the media were targeted with pepper spray as SPD officers moved a large crowd of demonstrators on July 25, 2020.

Analysis

- A crowd of several thousand protesters gathered outside of the East Precinct. Members of the crowd caused damage to the precinct and attempted to set fire to the building. Incident command staff authorized the use of less lethal weapons to move the crowd away from the precinct. Officers deployed blast balls and used pepper spray on members of the crowd.
- One of the involved officers was found to have improperly pepper sprayed media observers who were complying with orders to move back. The officer denied being aware that the group consisted of members of the press.
- SPD Manual 5.160-POL states: [A] person not involved in an incident may remain in the vicinity of any stop, detention, arrest, or other incident occurring in a public place, and observe or record activity and express themselves [...] so long as the person's conduct and presence are otherwise lawful.
- OPA recently issued a Management Action in [2020OPA-0403](#) recommending that SPD develop a policy to set clear rules of engagement surrounding media. OPA renews its recommendation that all of the provisions it identified be included in the next iteration of SPD Policy 14.090, which will be completed later this year.

Recommendation(s)

- Develop a policy governing enforcement action against members of the media. This policy should:
 - Define media for purposes of the policy;
 - Discuss when members of the media may be arrested;
 - Explain how members of the media should be treated during demonstrations;
 - Provide guidance on when force may be used on or in the vicinity of members of the media;



- Require that prior to a reporter being taken into custody, approval for the arrest be screened by a supervisor;
- Direct that reporters are not to be arrested for failure to disperse or trespass when: acting in their official capacity; where they are not obstructing lawful efforts by officers to disperse a group; or where their ongoing presence does not pose a threat of harm to the officers or others.
- Reference media interaction within future IAPs for demonstration management.

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

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability