



February 4, 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-0403 / 2021COMP-0012

Topic

- Enforcement Towards Media

Summary

- The complainant, a member of the media, alleged he was improperly arrested for failure to disperse while SPD cleared the Capitol Hill Occupied Protest.

Analysis

- Officers cleared out Cal Anderson park pursuant to Mayor Durkan's Executive Order to close the park and enforce the closure. The Incident Action Plan (IAP) further instructed officers to arrest those who failed to leave the area. It did not grant an exemption to members of the media.
- The complainant and the named employee (NE) interacted while the complainant was standing on the opposite side of the police tape but still within the park. The NE gave the complainant multiple directions to move to the sidewalk. The complainant contended he was a member of international media and therefore could be in the park. He was placed under arrest.
- SPD does not have any policies governing law enforcement action taken towards members of the media.

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