October 18, 2021

Director Andrew Myerberg
Office of Police Accountability
PO Box 34986
Seattle, WA 98124-4986

Dear Director Myerberg,

Please see the below Management Recommendation response

Case Numbers:
2020OPA-0484 / 2021COMP-0019

Topic:
Miranda Warnings

Summary of the Management Action:
It was alleged that officers did not read Miranda warning when arresting a protester. SPD policy requires that arrestees be read their Miranda warnings "as soon as practical" after being taken into custody. The complainant was not subjected to questioning during the custodial arrest and, as such, the failure to read Miranda warnings was a technical violation.

Original Recommendation:
Ensure that officers roles are clear in protest arrests so that Miranda warnings are read when required.

Action Taken:
Since this incident occurred SPD had revised Policy 14.010 Crowd Management, Intervention and Control to reflect "lessons learned" from the prolonged Protests of 2020. Included in the revisions, Incident Commanders have been provided additional guidance (i.e., CMIC Matrix) for the overall management of the event. In an optimal situation, subjects would be read their Miranda warning immediately upon being taken into custody. As a legal matter, Miranda rights attach upon interrogation; they do not attach upon arrest. As a policy matter (6.010), officers are required to advise all arrestees of their Miranda rights "as soon as practicable" upon taking them into custody, which is case and fact specific. As noted in the closed case summary, the chaotic nature of the demonstrations likely played into this omission. In addition to the revisions made to Policy 14.010, the Training Section is planning to address Miranda warnings in an upcoming Legal Digest in early 2022.

SPD Considers this Management Action:
Fully Implemented

Please contact me if you have additional questions or concerns.

Sincerely,

Adrian Z. Diaz
Chief of Police