



May 25, 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-0403 / 2021COMP-0012

Topic:

Summary of the Management Action:

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

Original Recommendation:

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.

Action Taken:

In the aftermath of protests in late May and early June 202 SPD made widespread changes to Policy 14.090 – Crowd Management, Intervention and Control. The revised policy addressed dealing with the media at large scale events. Included in the new policy is:

- Enhanced information on the definition of “Media” including the definition in RCW 5.68.101 as well as the following language
 - *“For purposes of this policy, the following are indications of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.”*
- Policy 14.090-POL-9 Media and Legal Observers outlines when members of the media may be arrested; how media should be treated during demonstrations, provides guidance on when force may be used on or in the vicinity of members of the media, and prohibits arrest of media for failure to disperse when they are acting in a professional capacity and not obstructing lawful efforts by officers.

- Policy 6.010 outlines the responsibilities when arresting a subject. Policy 6.010-5 Requires Sergeants to screen all arrests. Specifically, policy reads:
 - *"The sergeant shall screen the arrest in person if the person detained has been handcuffed by SPD, is injured or claiming injury, or has been the subject of a reportable use-of-force."*

SPD Considers this Management Action:

Fully Implemented

Please contact me if you have additional questions or concerns.

Sincerely,



Adrian Diaz
Chief of Police