



December 9, 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-0326 / 2020COMP-0015

**Topic**

- Recording Demonstrations on BWV

**Summary**

- Multiple complainants alleged a widespread failure by SPD to record Body Worn Video (BWV) when contacting and taking enforcement action toward protesters following the murder of George Floyd in Minneapolis, and that this was purposed to conceal numerous acts of misconduct.

**Analysis**

- The City passed the Intelligence Ordinance in 1979, which prohibits the recording or photographing of peaceful protests for law enforcement purposes. (*See* SMC Chapter 14.12.)
- When SPD adopted a BWV pilot program in 2015, advocacy groups and City Council raised concerns that police recording of demonstrations could infringe on free speech. The resulting SPD Policy 16.090-POL-1 prohibited the recording of protests, except when an officer believed criminal conduct was occurring. The policy was backed by the ACLU, CPC, the DOJ, and the Federal Monitor.
- OPA commenced this investigation on June 1, 2020 after receiving multiple related complaints about the lack of police recording over the first weekend of protests. On June 10, 2020, Mayor Durkan issued an executive order directing SPD officers to record BWV during demonstrations.
- Revised [SPD Policy 16.090-POL-1\(g\)](#) requires that “Employees who have been issued BWV cameras and who have been assigned to work demonstrations where they will have contact with the public will record with body-worn video during demonstrations when they have public contact.”
- OPA found that the SPD policy in place at the time of the early summer demonstrations prohibited recording of many of the incidents that complainants alleged should have been videotaped.

**Recommendation(s)**

- Review the revised BWV policy in consultation with City stakeholders and community groups to discuss the benefit of recording the entirety of law enforcement responses to demonstrations versus taking a more targeted approach that could serve to ensure transparency while upholding privacy and constitutional protections.



**Seattle Office of  
Police Accountability**

---

- Encourage City Council to revisit SMC Chapter 14.12 and pass changes to make it consistent with the expansive nature of SPD's current BWV policy.

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

Sincerely,

*AM*

Andrew Myerberg  
Director, Office of Police Accountability