



City of Seattle

Mayor Jenny A. Durkan

Office of the Mayor

City of Seattle

Jenny A. Durkan, Mayor

Executive Order 2020-07: Directing SPD Officers to Record Body-Worn Video During Protests

An Executive Order directing the Seattle Police Department to order officers who are assigned to work demonstrations to have their body-worn video cameras recording when they have public contact.

WHEREAS, on Monday, May 25, 2020 George Floyd, an African-American man, was killed at the hands of four police officers in Minneapolis, Minnesota while being arrested; and

WHEREAS, George Floyd's murder is the latest example of the racism that permeates every institution in our country and reminds us of the work we must still do to dismantle structural systemic racism; and

WHEREAS, since Friday, May 29, 2020 there have been daily rallies, protests and demonstrations in the Seattle area, across the nation and around the world in response to the killing of Mr. Floyd and America's legacy of racial and social injustice; and

WHEREAS, in my capacity as Mayor, I proclaimed that a civil emergency exists in the City of Seattle in the Mayoral Proclamation of Civil Emergency dated May 30, 2020, related to these mass protests; and

WHEREAS, over the last ten days, tens of thousands of Seattle residents and people in cities across King County have come together to raise their voices, share in their anger, outrage and grief and to demand justice; and

WHEREAS, even in the midst of a pandemic, peaceful demonstrators are marching to demand more from those in positions of power to address systemic racism as a public health crisis – affecting every aspect of a Black Americans life, and that the Black community is experiencing two pandemics – COVID-19 and racism; and

WHEREAS, people are protesting a culture that can use force before de-escalation, and they're protesting a government and a culture that perpetuates systemic inequities that impact people of color, particularly Black Americans; and

WHEREAS, the City supports every individual's lawful expression of First Amendment rights, including the freedom of speech, press, association, assembly, and religion and people are rightfully protesting how we can be better as a City and make real changes; and

WHEREAS, in 1979, the Seattle City Council unanimously passed Ordinance 108333 that restricts how the Seattle Police Department could collect, receive, transmit, and use information about an individual's sexual orientation, as well as information about the political and religious affiliations of individuals and organizations; and

WHEREAS, the ordinance became Chapter 14.12 of Seattle Municipal Code, Collection of Information for Law Enforcement Purposes and was recognized at the time as one of the first local ordinances to restrict the type of information collected by police departments; and

WHEREAS, a 2019 Seattle Office of Inspector General (OIG) Compliance Audit of Chapter 14.12 found that the requirements established in 1979 are outdated, and the Chapter does not address modern methods of distributing information, resulting in inconsistent practices by different units within SPD; and

WHEREAS, while the OIG Audit did not detect any violations of Chapter 14.12, the OIG identified several issues relating to the outdated language of the Chapter which prevent OIG from being able to determine whether SPD is in full compliance; and

WHEREAS, under Executive Order 2017-03, SPD has equipped all front-line police officers with body cameras, with the intended goal of enhancing public trust in the Seattle Police Department by providing greater transparency into officer-public interactions; and

WHEREAS, SPD Manual 16.090 states that officers will not record people lawfully exercising their freedom of speech, press, association, assembly, or religion unless they have probable cause to believe that criminal activity is occurring or when ordered to record by a supervisor; and

WHEREAS, the prohibition of recording people lawfully exercising their freedom of speech, press, association, assembly, or religion absent probable cause of criminal activity was specifically designed to protect these First Amendment rights; and

WHEREAS, the Body Worn Video policy raises complicated issues of privacy, accountability and public transparency and was crafted in careful consultation under the Consent Decree process with the federal Monitor, Department of Justice, Community Police Commission, and a group of stakeholders that included members of the King County Coalition Ending Gender-Based Violence, Somali Community Services of Seattle, Seattle Police Department, Mayor's Office, Seattle City Council, Seattle City Attorney, King County Sheriff's Office, King County Department of Public Defense, King County Executive, and experts in constitutional and municipal law; and

WHEREAS, the protests and demonstrations throughout Seattle in response to the killing of George Floyd, as well as Breonna Taylor, Manuel Ellis, and many other Black Americans and people of color, and also Seattle residents such as Charleena Lyles, Che Taylor, and John T. Williams, represent a clarion call for greater police accountability and institutional reform; and

WHEREAS, the Mayor's Office has recently received over 26,000 emails about the demonstrations, including numerous requests from protestors and Black-led organizations to have officers responding to the protests have body-worn video recording during the protests; and

WHEREAS, the prompt implementation of body-worn video recording is necessary to improve accountability and public confidence in SPD's on-going response to legally protected, First Amendment expression of free speech and assembly; and

WHEREAS, the direction under this Executive Order is not intended to infringe on people's lawful exercise of first amendment rights or create a chilling effect or used for surveillance purposes; instead the direction is in direct response to the recent events and the need to increase officer accountability and public transparency; and

WHEREAS, the Mayor requests the Seattle Police Department, under the auditing authority of the Office of Inspector General, to work on ensuring that any information captured during the recordings under this Executive Order is not used improperly to surveil or for purposes to collect information inconsistent with existing City laws; and

WHEREAS, the Mayor respectfully requests the City Council to work with City Attorney's Office to amend or make any updates necessary in light of recent events to SMC 14.12 that is consistent with the recommendations from the accountability partners and stakeholders regarding the use of body-worn cameras during mass protests; and

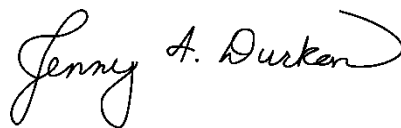
NOW, THEREFORE, I, Jenny A. Durkan, Mayor of Seattle, hereby order City departments to take the following action immediately and respectfully request the City Council and City Attorney's Office to constructively engage to ensure a legal, community-centered solution to when body worn cameras are used during demonstrations:

SECTION 1:

- A. Effective immediately, the Chief of Police will issue an interim policy change requiring Seattle Police Department (SPD) officers who are assigned to work demonstrations where they will have contact with the public, to have body-worn video recording during demonstrations; and
- B. Effective immediately, the City of Seattle's Police oversight entities – the Community Police Commission, Office of Police Accountability, and Office of Inspector General – are respectfully requested to immediately work with City Council and convene a stakeholder engagement process that invites: Black Lives Matter of Seattle-King County, ACLU of Washington, the King County Department of Public Defense, and any other organizations interested in participating in a civic engagement process to develop a recommendation on policy to submit to City Council regarding the use of body-worn cameras during demonstrations, and particularly the privacy and First Amendment concerns and Public Records Act ;
- C. The City Council and City Attorney's Office are respectfully requested to work on legislation that effectuates the recommendation received from accountability entities and the community on the appropriate use of body worn camera as a tool to increase officer accountability and transparency for crowd management and mass protests.

Inquiries by City departments and offices regarding this Executive Order should be directed to Mayor's Legal Counsel Michelle Chen, Office of the Mayor.

Dated this 8th day of June, 2020.

A handwritten signature in black ink that reads "Jenny A. Durkan". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jenny A. Durkan
Mayor of Seattle