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From: Director Bonnie Glenn
Office of Police Accountability



Case Number: 2025OPA-0223

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest
Finding: Not Sustained - Training Referral
 - 2. Allegation #2:** 6.180 – Searches-General, 6.180-POL-6 Search Incident-to-Arrest/Custodial Search
Finding: Not Sustained - Training Referral
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Named Employee #2

- 1. Allegation #1: 5.001** – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy
Finding: Not Sustained - Management Action
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Named Employee #3

- 1. Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional
Finding: Not Sustained - Training Referral
 - 2. Allegation #2:** 5.100 – Operations Bureau Individual Responsibilities, I. Patrol Officers, A. Responsibilities, 2. Monitor and take appropriate action regarding criminal activity in assigned area
Finding: Not Sustained - Lawful and Proper
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Named Employee #4

- 1. Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

On June 7, 2025, three named employees (NE#1 through NE#3) responded to a disturbance at a pride event occurring at Volunteer Park, where event attendees reportedly assaulted the Complainant for expressing his religious beliefs and demanded his removal. Named Employee #4 (NE#4), a lieutenant, supervised SPD's response to the incident. The Complainant alleged that NE#2, with NE#4's approval, imposed an unlawful time, place, and manner (TPM) restriction on him and confined him to an area away from the permitted event in violation of his First Amendment rights; that NE#1 arrested him without probable cause and unlawfully searched him; and that NE#3 failed to prevent damage to his banner and investigate it after it was retrieved.

Administrative Note:

On October 29, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

OPA investigated this incident by reviewing the OPA complaint, computer-aided dispatch (CAD) call report, body-worn video (BWV), incident and field contact reports, and interview statements from the named employees. The Complainant declined OPA's request for an interview.

A. OPA Complaint

On June 8, 2025, the Complainant submitted an OPA complaint, providing the following account:

On June 7, 2025, the Complainant entered Volunteer Park, displayed a Christian banner, and moved freely within the park for about an hour until multiple event attendees approached him, demanded that he leave, and forcibly removed him from the park when he refused to comply. SPD officers arrived and told him that the event organizers controlled access to the park. Upon realizing that the officers would not assist him in reentering, the Complainant attempted to reenter on his own but was confronted by an event attendee who pushed him to the ground. The officers then imposed a TPM restriction on the Complainant, threatened to arrest him if he tried reentering the park, and instructed him to remain 250 feet away on the opposite side of the street. He tried reentering anyway, prompting the officers to handcuff him and escort him away while his banner was left unprotected, allowing the event attendees to destroy it. He alleged that he was unlawfully searched while detained. NE#2 released him but warned that he would be arrested if he tried reentering the

park. When his banner was returned to him, it was torn. He voiced frustration that this park had always been open to the public, yet he was denied entry and instructed to remain at an unfavorable location hundreds of feet away from the event attendees—his intended audience for his message—despite lacking a sound amplifier. He alleged that SPD failed to enforce his right to move freely within the park, imposed an unlawful TPM restriction on him, and failed to protect his property while in police custody.

B. Computer-Aided Dispatch Call Report and Body-Worn Video

On June 7, 2025, at 5:24 PM, CAD call remarks noted, “NEAR ENTRANCE, 1 MIN[UTE] AGO: 12 PERSONS WERE HITTING ONE PERSON, UNK[NOWN] WHY, UNK[NOWN] [WEAPONS].”

BWV captured the following:

NE#1, NE#3, and a backing officer arrived at the entrance of Volunteer Park, where traffic and event signage was displayed. The Complainant stood nearby while holding a banner. He told NE#1 that he did not want to press charges against the event attendees but requested the officers to escort him into the park. He said he wanted to move freely within the park and be left undisturbed so he could express his religious beliefs. Witness #1 told NE#3 that the event attendees tackled the Complainant and restrained him on the ground because they disliked his religious message. Witness #1 said the group dispersed when the officers arrived. Witness #2 told NE#3 that no physical altercation occurred. Witness #2 said the Complainant laid on the ground and feigned being assaulted. Witness #1 disputed Witness #2's observations. NE#1 and NE#3 conferred with one another and decided to decline the Complainant's request for an escort. NE#3 briefed NE#2, a sergeant, via radio and then spoke with three event organizers. Once this conversation ended, the officers returned to their patrol vehicles to depart.

The Complainant approached NE#1 and NE#3 and demanded access to the park, as a man had just obstructed his entry. NE#1 and NE#3 told the Complainant that he needed to resolve the matter with the event organizers. The Complainant then returned to the entrance and tried reentering while the officers were nearby. NE#3 called NE#2 and requested her presence at the scene, as the event attendees were shouting at the Complainant, who eventually fell with his banner. After ending the phone call, NE#3 told NE#1 and the backing officer that they would impose a TPM restriction on the Complainant by relocating him across the street.

NE#3, along with NE#1 and the backing officer, approached the Complainant near the entrance and instructed him to relocate across the street pursuant to a TPM restriction. He claimed that this violated *Meinecke v. City of Seattle* and his constitutional rights. He insisted that he had the right to be in a public park and threatened legal action if they removed him. NE#1 replied that a supervisor authorized the TPM restriction and was en route. The backing officer expressed concern that the Complainant's reentry could lead to injury. The Complainant countered that the officers had a duty to protect him if tensions escalated. He argued that he had the right to access the park, especially

since the event did not require an admission fee, yet the officers were preventing his reentry. NE#1 and the backing officer prevented the Complainant from reentering while awaiting NE#2's arrival.

NE#2 arrived and spoke with several event organizers—one of whom confirmed that this event was permitted. NE#2 said she would inform the Complainant that since this was a permitted event, and he did not intend to participate in it, the event organizers could trespass him. NE#2 said a TPM restriction was warranted to ensure everyone's safety. NE#2 then approached the Complainant and told him that this event was permitted and not open to the public, which he contested. He argued that the event was indeed open to the public and that access could not be restricted based on a person's religious beliefs. NE#2 instructed the Complainant to relocate 250 feet away from the event pursuant to a TPM restriction, which he characterized as a content-based restriction. NE#2 said she wanted to ensure everyone's safety and warned that he would be subject to an arrest for trespassing if he reentered the park. The Complainant stated, "Okay, I'm going in" and began approaching the entrance, prompting NE#2 to order his detainment. NE#1 handcuffed the Complainant and Mirandized him.

NE#1, NE#3, and the backing officer escorted the Complainant to the front of a patrol vehicle, while NE#2 screened the incident with a lieutenant via phone. The Complainant's banner was left on the ground near the entrance. NE#1 began searching the Complainant and placed his belongings on the hood of the patrol vehicle. NE#3 approached and told the Complainant that he was being detained, not arrested, prompting NE#1 to cease the search. The Complainant claimed that NE#1 had violated his Fourth Amendment rights by searching him without consent while he was not under arrest. NE#1 said he misunderstood the detainment. Meanwhile, an event attendee mentioned the Complainant's banner to NE#3, who observed several event attendees tearing it apart. With NE#2's prompting, NE#3 retrieved the torn banner from the event attendees.

NE#2 contacted the Complainant and specified his protest zone on the sidewalk where he could exercise his First Amendment rights pursuant to a TPM restriction. He contested the application of the TPM restriction, arguing that it constituted a content-based restriction since NE#2 was targeting one person in a public place. NE#2 warned the Complainant that he was subject to an arrest if he tried reentering the park. NE#1 uncuffed the Complainant, who voiced disappointment at the officers and frustration regarding his torn banner. NE#1 documented the property damage and photographed the torn banner. The officers then disengaged.

C. OPA Interviews

Named Employee #2

On September 18, 2025, OPA interviewed NE#2. NE#2 expressed a limited understanding of TPM restrictions, which began with a protest at Seattle City Hall in May 2025. NE#2 said the event was not permitted but open to the public. NE#2 said there were established protest zones and police resources allocated for the event, including an incident commander and an incident action plan. NE#2 believed the purposes of imposing TPM restrictions were to ensure public safety and everyone's ability to exercise their First Amendment rights. NE#2 contrasted the May 2025 protest

with the Volunteer Park event, noting the absence of an incident command and police resources allocated for this event. NE#2 said she later received guidance—originating from SPD’s general counsel—on TPM restrictions in August 2025. NE#2 said she had a limited understanding of *Meinecke v. City of Seattle* before she responded to Volunteer Park. NE#2 understood that TPM restrictions could be imposed for safety concerns, rather than to suppress speech based on content.

NE#2 said she was unaware of an event occurring at Volunteer Park until the situation escalated, generating 911 calls. NE#2 said this event was permitted but not ticketed. NE#2 believed she could trespass the Complainant for causing disturbances and to protect him from assault. NE#2 said she denied the Complainant’s request for a police escort, as doing so would not demonstrate content neutrality. NE#2 said she prohibited the Complainant’s reentry to de-escalate the situation and ensure public safety. NE#2 said she imposed a TPM restriction on the Complainant for safety concerns and designated a nearby location where he could still be seen and heard while exercising his First Amendment rights. NE#2 said she ordered the Complainant’s detainment for trespassing when he tried reentering the park. NE#2 said reading *Meinecke* on site would have been unreasonable due to the crowd’s hostility toward the Complainant, as well as the time, complexity, and difficulty involved in understanding legal prose. NE#2 said her supervisor provided her with the necessary information to act. NE#2 said she spoke with NE#4, who instructed her to release the Complainant but warn him that he would be arrested for obstruction if he reentered the park. NE#2 believed she made the best decision at the time, considering the information available to her and the limited resources at her disposal.

Named Employee #4

On September 25, 2025, OPA interviewed NE#4, who identified himself as the East Precinct’s acting captain on the incident date. NE#4 said he received training on TPM restrictions but was unaware of *Meinecke* and did not receive training on this case. NE#4 recalled receiving a screening question from NE#2. NE#4 said he screened the incident with another lieutenant who was familiar with demonstrations, and this lieutenant supported the imposition of a TPM restriction for safety concerns. NE#4 said he then authorized NE#2 to impose a TPM restriction on the Complainant. NE#4 said he aimed to maintain control over the situation while allowing all parties to safely exercise their First Amendment rights. NE#4 believed a police escort was impractical due to staffing issues and safety concerns. NE#4 noted that SPD commonly separates groups not to suppress any side’s First Amendment rights, but to ensure that these rights are exercised peacefully.

Named Employee #1

On October 2, 2025, OPA interviewed NE#1. NE#1 said he did not receive training on TPM restrictions. NE#1 said NE#2 ordered the Complainant to be handcuffed. NE#1 believed the Complainant was being arrested for trespassing at this point, especially since he tried reentering the park despite being ordered not to do so. NE#1 said he handcuffed the Complainant, escorted him to a nearby patrol vehicle, and searched him incident to arrest. NE#1 believed he had probable cause for trespassing, which justified the search incident to arrest. NE#1 said he later learned that the Complainant had been detained, not arrested.

Named Employee #3

On October 3, 2025, OPA interviewed NE#3. NE#3's statements were consistent with the evidence summarized above. NE#3 said she did not receive training on TPM restrictions or *Meinecke*. NE#3 said she saw a juvenile using a box cutter to tear the Complainant's banner, along with other juveniles who were also tearing it. NE#3 expressed her reluctance to escalate the situation or use force against juveniles for what she considered to be a minor property crime. NE#3 expressed concern that using force might anger the event attendees or cause a confrontation. NE#3 said she intended to retrieve the banner safely. NE#3 noted that there was little she could do at that point.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest

The Complainant alleged that NE#1 arrested him without probable cause.

Sworn employees must have probable cause that a subject committed a crime before executing an arrest. SPD Policy 6.010-POL-1. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy. Probable cause exists when the facts and circumstances within a sworn employee's knowledge sufficiently support a reasonable belief that an offense has been or is being committed. See *State v. Fricks*, 91 Wash.2d 391, 588 P.2d 1328 (1979); *State v. Gluck*, 83 Wash.2d 424, 426–27, 518 P.2d 703 (1974).

As elaborated in Named Employee #2 – Allegation #1, the officers, including NE#1, were unable to remove the Complainant from a public place under these circumstances. Therefore, NE#1 lacked probable cause to arrest the Complainant for committing a crime. However, NE#1's decision to arrest the Complainant was predicated on NE#2's order to detain the Complainant. NE#1 misinterpreted NE#2's order as an order to arrest, which was evident by NE#1 Mirandizing the Complainant and subsequently searching him incident to arrest. NE#1 seemingly did not hear NE#2 say, "Detainment.". Considering NE#1's effort to comply with what he believed to be a lawful order to arrest the Complainant. Once NE#1 realized he was only authorized to detain the Complainant he immediately released him. In review of the totality of the circumstances, OPA finds a potential, but not willful, policy violation that does not amount to serious misconduct. NE#1 should be retrained and counseled on the importance of verifying whether to arrest or detain an individual based on a supervisor's order.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Required Training:** NE#1's chain of command should discuss OPA's findings with him, review SPD Policy 6.010-POL-1 with him, and provide any other retraining and counseling

it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**

Named Employee #1 – Allegation #2

6.180 – Searches-General, 6.180-POL-6 Search Incident-to-Arrest/Custodial Search

The Complainant alleged that NE#1 unlawfully searched him.

Officers may, incident to a lawful arrest, search an arrestee’s person and the area within the arrestee’s immediate control. SPD Policy 6.180-POL-6.

NE#1 lacked a lawful basis to search the Complainant incident to arrest since he was not under arrest. As noted above, the search was predicated on NE#1’s mistaken belief that NE#2 ordered the Complainant to be arrested, not detained. Upon realizing his mistake, NE#1 ceased the search. For the same reasons articulated in Named Employee #1 – Allegation #1, In review of the totality of the circumstances, OPA finds a potential, but not willful, policy violation that does not amount to serious misconduct. A training referral is warranted for the same reasons.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Required Training:** NE#1’s chain of command should discuss OPA’s findings with him, review SPD Policy 6.180-POL-6 with him, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**

Named Employee #2 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

The Complainant alleged that NE#2, with NE#4’s approval, imposed an unlawful TPM restriction on him and confined him to an area away from the permitted event in violation of his First Amendment rights.

Employees must adhere to laws, city policy, and department policy. SPD Policy 5.001-POL-2. TPM restrictions must (1) be content neutral, (2) be narrowly tailored to serve a significant government interest, and (3) leave open ample alternative channels for communicating the speaker’s message. *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

NE#2's and NE#4's imposition of a TPM restriction on the Complainant under these circumstances was inconsistent with *Meinecke v. City of Seattle*, 99 F.4th 514 (9th Cir. 2024), because it constituted a heckler's veto. A heckler's veto is an impermissible content-based restriction on speech, where the speaker is silenced due to an anticipated disorderly or violent audience reaction. See *Brown v. Louisiana*, 383 U.S. 131, 133 n. 1 (1966); see also *Forsyth County v. Nationalist Movement*, 505 U.S. 123, 137 (1992). In *Meinecke*, the Ninth Circuit held that SPD infringed upon a street preacher's First Amendment rights by ordering his relocation due to the provocative nature of his message toward the protesters. It observed that the street preacher issued no threats, and there were no protesters arrested for physical altercations or threats of violence. It emphasized that the street preacher, like the protest participants, had the right to use public sidewalks and streets to express his views peacefully. It held that SPD's order, along with the street preacher's subsequent arrest for noncompliance, constituted an impermissible heckler's veto because it was a "content-based burden on [the street preacher's] expressive activity because [SPD] did so only in response to the actual and potential reaction of the audience."

Under *Meinecke*, a restriction on speech is justified only if the government demonstrates that it is narrowly tailored to serve a compelling state interest. If a less restrictive alternative would serve the government's purpose, the government must use that alternative. The Ninth Circuit identified the following less restrictive alternatives to achieve public safety: (1) SPD could have required the protesters to maintain distance from the street preacher; (2) SPD could have called for additional officers, which they did following the street preacher's arrest; (3) SPD could have erected a free speech barricade; (4) SPD could have warned the protesters that any physical altercation would result in the perpetrators' arrests; and (5) SPD could have arrested the individuals who ultimately assaulted the street preacher.

To avoid the heckler's veto, TPM restrictions should comply with the guidelines recommended by the Seattle City Attorney's Office. First, they should be part of a pre-existing plan. For planned events, including those that are open permitted, TPM restrictions should be documented in advance via, for example, an incident action report, communicated to the officers assigned to the event in a documented briefing, and established via protest and counter-protest zones that are within reasonable sight and sound of the protesters and counter protesters. Second, they should be universally applicable to all speakers regardless of the message. If SPD designates specific zones, TPM restrictions must be applicable to all speakers equally, such as requiring their speech to occur in their designated zones. These guidelines similarly apply to unplanned events. In circumstances where one speaker is speaking to a hostile crowd and public safety is at risk, SPD should establish a separation zone of a specified size, such as 20 feet, require the speaker and those nearest to the speaker to distance themselves until the separation is achieved, and inform all parties of their responsibility to maintain this separation. This First Amendment law applies even to permitted events, unless the event is associated with an exclusive use permit, such as a ticketed concert, a ticketed political event, or a wedding.

In this case, the pride event at Volunteer Park was permitted but open to the public. It was not associated with an exclusive use permit. Consequently, the Complainant was fully entitled to enter

the park and exercise his First Amendment rights there. There was no evidence suggesting that the Complainant had committed a crime, like making credible threats of violence or assaulting others, that would have justified police intervention. Instead, the event attendees demanded the Complainant's removal to facilitate a smoother pride event. At a minimum, the First Amendment prohibits this type of content-based restriction. If the event attendees sought to exercise their First Amendment rights at Volunteer Park, those with differing views, including the Complainant, were equally entitled to assemble and express their views in the same public place. Thus, NE#2's and NE#4's imposition of a TPM restriction on the Complainant under these circumstances was unlawful and contrary to *Meinecke*.

The facts in this case were remarkably similar to those in 2023OPA-0482, where an SPD lieutenant ordered the same Complainant, who was exercising his First Amendment rights in a public area, to relocate across the street pursuant to a TPM restriction. The lieutenant did so due to public safety concerns arising from the interaction between the Complainant and a hostile crowd. When the Complainant refused to relocate, he was arrested for obstruction. OPA similarly found that the lieutenant's imposition of a TPM restriction under those circumstances was inconsistent with *Meinecke* and, therefore, issued a Management Action Recommendation (MAR), urging SPD to incorporate *Meinecke* into training. On July 1, 2025, SPD responded to the MAR, indicating that TPM restrictions are "discussed during Commander's Training and through the establishment of protest zones during demonstration event planning to ensure there are no heckler vetoes." SPD also stated that the training curriculum discusses the "legal considerations" of TPM restrictions. Consequently, SPD considered the MAR to be fully implemented.

Nevertheless, OPA reissues another MAR in this case. The training being conducted at the commander level is evidently not reaching the patrol officers. All named employees told OPA that they did not receive training on *Meinecke*. NE#1, NE#2, and NE#3 also told OPA that they received either minimal or no training on TPM restrictions. Their effort to comply with First Amendment law by imposing what they believed to be a lawful TPM restriction in the manner that they did was ultimately misguided and infringed upon the Complainant's First Amendment rights as established under *Meinecke*. These circumstances are likely to recur, whether with the same Complainant or a different one, and officers who repeat this action will expose the Department to liability. In reissuing the same MAR, OPA strongly urges SPD to provide training to officers on First Amendment law post-*Meinecke*. *SPD should issue a published directive, special order, or training digest without delay.*

Accordingly, OPA recommends that this allegation be Not Sustained – Management Action.

Recommended Finding: **Not Sustained – Management Action**

Named Employee #3 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#3 failed to prevent damage to his banner.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.*

After the Complainant was handcuffed, NE#1 and a backing officer escorted him to a patrol vehicle. NE#3 followed, apparently failing to realize that the Complainant’s banner remained on the ground near multiple event attendees. Given their hostility toward the Complainant, the destruction of the banner by the event attendees would have been reasonably foreseeable. Although the circumstances did not suggest a deliberate abandonment, NE#3 was aware that the Complainant held a banner and would not have been able to hold it while handcuffed. Thus, it would have been prudent for NE#3 to take the banner with her since she was not directly involved with the Complainant’s detainment. OPA finds that NE#3’s oversight does not constitute serious misconduct but requires retraining. NE#3 should be retrained and counseled on the importance of safeguarding a subject’s property that is under police custody.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Required Training:** NE#3’s chain of command should discuss OPA’s findings with her, review SPD Policy 5.001-POL-10 with her, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**

Named Employee #3 – Allegation #2

5.100 – Operations Bureau Individual Responsibilities, I. Patrol Officers, A. Responsibilities, 2. Monitor and take appropriate action regarding criminal activity in assigned area

The Complainant alleged that NE#3 failed to investigate his torn banner after it was retrieved.

Patrol officers are responsible for monitoring and taking appropriate action regarding criminal activity in an assigned area. SPD Policy 5.100(I)(A)(2).

NE#3’s reasons for opting not to intervene while several event attendees were actively tearing the Complainant’s banner were reasonable under the circumstances. NE#3 sought to de-escalate the situation and was reluctant to use force against juveniles—one of whom was using a box cutter—for what she perceived as a minor property crime. OPA finds, in review of the totality of the circumstances, NE#3 used her discretion in a reasonable manner consistent with the mission of

the Department. Furthermore, NE#3's discretion was proportional to the severity of the public safety issue. Also, NE#3's failure to investigate the torn banner was somewhat mitigated by NE#1's investigation. OPA finds NE#3's action lawful and proper based on the totality of the circumstances.

Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained – Lawful and Proper**

Named Employee #4 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

For the reasons articulated in Named Employee #2 – Allegation #1, OPA recommends that this allegation be Not Sustained – Management Action.

Recommended Finding: **Not Sustained – Management Action**