

Issued Date: December 9, 2025

From: Director Bonnie Glenn
Office of Police Accountability



Case Number: 2025OPA-0160

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1: 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing**
Finding: Not Sustained - Unfounded
 2. **Allegation #2: 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional**
Finding: Not Sustained - Unfounded
 3. **Allegation #3: 6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion**
Finding: Not Sustained - Management Action
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Named Employee #2

1. **Allegation #1: 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing**
Finding: Not Sustained - Unfounded
 2. **Allegation #2: 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional**
Finding: Not Sustained - Unfounded
 3. **Allegation #3: 6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion**
Finding: Not Sustained - Management Action
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Named Employee #3

- 1. Allegation #1:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing
Finding: Not Sustained - Unfounded
 - 2. Allegation #2:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional
Finding: Not Sustained - Unfounded
 - 3. Allegation #3:** 6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion
Finding: Not Sustained - Management Action
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Named Employee #4

- 1. Allegation #1:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing
Finding: Not Sustained - Unfounded
 - 2. Allegation #2:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional
Finding: Not Sustained - Unfounded
 - 3. Allegation #3:** 6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion
Finding: Not Sustained - Management Action
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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:

Named Employee #1 (NE#1) conducted directed patrol at Denny Blaine Park in response to nudity complaints and instructed nude community members who were sunbathing to wear clothes. Named Employee #2 (NE#2), a sergeant, arrived and approved NE#1's actions. Named Employee #3 (NE#3) and Named Employee #4 (NE#4)—both lieutenants—authorized enforcement against indecent exposure at the park. Multiple complainants alleged that the named employees misunderstood the law on indecent exposure, unlawfully detained and trespassed a community member from the park, and took enforcement action based on bias against gender identity and sexual orientation.

Administrative Note:

OPA became aware that an involved community member may have been inadvertently misgendered in the original DCM. OPA amended this DCM to eliminate this inaccuracy. OPA did not intend to misgender and apologizes for any impact.

On September 26, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

OPA's investigation included reviewing the OPA complaints, computer-aided dispatch call report, body-worn video (BWV), incident report, news articles, email correspondence, and interview statements from the complainants and named employees.

A. OPA Complaints and Complainant Interviews

On May 4, 5, 6, 8, and 28, 2025, multiple complainants submitted OPA complaints. On May 19 and 20, 2025, OPA interviewed three complainants. NE#2 also submitted an OPA complaint via Blue Team. In summary, the complainants voiced dissatisfaction over the named employees' enforcement against nudity at Denny Blaine Park, arguing that nudity itself did not violate the law, especially in a park known for public nudity. They alleged that the named employees misunderstood the law on indecent exposure, unlawfully detained and trespassed a community member from the park, and took enforcement action based on bias against gender identity and sexual orientation.

B. Body-Worn Video (BWV)

BWV captured the following:

On May 4, 2025, NE#1 visited Denny Blaine Park, where she instructed multiple nude community members who were sunbathing to wear clothes, as she explained that nudity was prohibited. NE#1 also told them that although enforcement against nudity had not occurred in the past, SPD was now enforcing against it due to increasing complaints from the public. Several community members responded by arguing that nudity was permitted in any park in Seattle. They pointed out that this park was known for nudity and cited the Solstice bike ride, an event permitting nude cyclists. One community member mentioned *City of Seattle v. Johnson*, a case he claimed legalized public nudity. NE#1 insisted that if someone were to come to the park and express offense at the nudity, she would be authorized to arrest nude community members who refused to dress. NE#1 clarified that her presence was not in response to a specific call but rather an order to conduct directed patrol in response to complaints regarding nudity at the park.

NE#2 arrived and reiterated NE#1's explanations regarding SPD's enforcement against nudity. NE#2 explained that public nudity violated the law. The community members countered by arguing that the law protected their right to be nude, so long as they did not masturbate,

defecate, urinate, or engage in sexual activity. NE#2 acknowledged the inconsistency in enforcing the law against indecent exposure but explained that he had previously arrested community members for public nudity. NE#2 also explained that while this issue was a low priority for officers, SPD's chain of command instructed officers to address public nudity whenever it was encountered. NE#2 advised them to contact the Seattle City Council and the mayor's office for clarification on the indecent exposure law. NE#2 emphasized his intent to simply warn community members about their nudity, issue trespass notices if they refused to wear clothing, and proceed with an arrest only if they refused to leave the park.

NE#1 cautioned one community member that the community member could be arrested for instructing nude community members to disregard NE#1's order to wear clothing—an act NE#1 considered to be obstruction. NE#1 later approached a nude community member who was sunbathing and refused to wear clothing, despite receiving several warnings from NE#1. As a result, NE#1 trespassed this community member for one week. The community member then left the park.

C. Laws

In *City of Seattle v. Johnson*, 58 Wn. App. 64, 791 P.2d 266 (1990), Division I of the Washington State Court of Appeals declared Seattle Municipal Code (SMC) 12A.10.070, a statute criminalizing lewd conduct, unconstitutionally vague and overbroad. It held that the Washington State Constitution protected nude expression, not nude conduct, and permitted nude expression be subjected to reasonable time, place, and manner regulation. It declared the lewd conduct ordinance unconstitutional because it encompassed "protected nude expression." Consequently, the City of Seattle repealed its lewd conduct ordinance in 1994.

The SMC lacks its own indecent exposure ordinance. However, SMC 12A.09.020 adopted the state's indecent exposure statute, Revised Code of Washington (RCW) 9A.88.010, which states the following:

A person is guilty of indecent exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not indecent exposure.

The lewd conduct ordinance¹ analyzed by Division I of the Washington State Court of Appeals was worded differently compared to the state's indecent exposure statute.

¹ SMC 12A.10.070(B) formerly stated, "A person is guilty of lewd conduct if he/she intentionally performs any lewd act in a public place or at a place and under circumstances where such act could be observed by any member of the public, knowing that such conduct is likely to cause reasonable affront or alarm." A "lewd act" was defined as an exposure of one's genitals or female breasts; the touching, caressing, or fondling of the genitals or female breasts; or sexual conduct. Former SMC 12A.10.070A.

D. OPA Interviews

Named Employee #1 and Named Employee #2

On August 14, 2025, OPA interviewed NE#1 and NE#2 separately. Their statements captured on BWV were consistent with their statements during their OPA interview. They provided the following consistent statements:

They said their chain of command—NE#3 and NE#4—instructed them to conduct directed patrols to address nudity in several parks in response to numerous calls regarding nudity and lewd conduct over a significant period. They said their plan was to instruct nude community members to wear clothing, temporarily trespass them from the park if they refused, and execute arrests if they refused to leave. They said they were enforcing the indecent exposure statute in good faith, as ordered by their chain of command, and believed the community members, by merely being nude, violated the indecent exposure statute because many people, including residents, felt reasonably affronted or alarmed enough to call 911. NE#2 said he tried to explain the complicated history of the city's enforcement against public nudity and believed the indecent exposure statute was subjective, depending on who felt affronted or alarmed by the nudity. They denied engaging in biased-based policing or targeting community members based on gender identity or sexual orientation. NE#1 clarified that she only detained one community member who had refused to comply with her instructions to wear clothing, thereby violating the indecent exposure statute.

Named Employee #4

On September 15, 2025, OPA interviewed NE#4. NE#4 said he was the East Precinct's acting captain. NE#4 said the precinct had been receiving numerous calls from community members regarding nudity and lewd conduct at Denny Blaine Park, prompting a conversation with NE#3 about implementing directed patrols. NE#4 described directed patrols as having "eyes" on the park due to ongoing litigation between Denny Blaine Park and the City of Seattle. NE#4 said he ordered directed patrols in response to the increased call volume related to this specific park, instead of bias against gender identity or sexual orientation. NE#4 denied ordering officers to enforce against mere nudity, as he did not consider it to be unlawful. NE#4 said although he told NE#3 that he only wanted enforcement against lewd conduct, NE#3 told him after the incident that NE#3 instructed officers to enforce against public nudity in addition to lewd conduct. NE#4 said NE#3 accepted responsibility for this unintended miscommunication. NE#4 said NE#2 mentioned that he believed he found an SMC prohibiting public nudity but later realized it was actually the Snohomish Municipal Code. NE#4 believed NE#1 executed a *Terry* detainment in good faith.

Named Employee #3

On September 17, 2025, OPA interviewed NE#3. NE#3 agreed with NE#4's recollection regarding NE#4's order to enforce only against lewd conduct, rather than mere nudity. NE#3 said he had instructed officers to enforce against indecent exposure, as he understood it to be

unlawful and enforceable if a victim was present. NE#3 clarified his understanding of the indecent exposure statute, believing there was no distinction between mere nudity and nudity causing affront or alarm. NE#3 believed the statute would be violated if a victim felt offended by mere nudity. NE#3 said he thought the orders were aimed at educating nude community members and instructing them to wear clothing. NE#3 cited a statement from SPD's general counsel, which he claimed suggested that a prosecution for indecent exposure requires a witness complainant willing to testify in court and the offender's awareness of conduct knowingly creating alarm and offense to others. NE#3 also said the statement suggested that Washington courts have determined that the crime was completed when the inappropriate exhibition occurred in the presence of another, without regard to that person's reaction or whether that person even observed the exposed genitalia. NE#3 said although officers were not expected to enforce against nudity during the Solstice bike ride, Denny Blaine Park was not comparable since it is not designated as a clothing optional or nudist park. NE#3 maintained that enforcement orders were in response to the call volume related to Denny Blaine Park, not bias against gender identity or sexual orientation.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The complainants alleged that the named employees took enforcement action based on bias against gender identity and sexual orientation.

Biased policing means the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws, as well as other discernible personal characteristics of an individual. SPD Policy 5.140-POL. It includes different treatment based on gender identity or sexual orientation. See *id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning discernible personal characteristics. See SPD Policy 5.140-POL-2.

The named employees consistently told OPA that their enforcement decisions were based on numerous complaints from the public regarding nudity at Denny Blaine Park. They sought to address these complaints. The named employees, acting in good faith, believed the indecent exposure statute permitted them to enforce against public nudity, as they repeatedly cited the numerous complaints from the public as evidence of conduct causing "reasonable affront or alarm." Based on their belief, NE#1 and NE#2 visited the park, educated the nude community members about what they believed the law prohibited, and sought to attain voluntary compliance. Their orders were communicated to all nude community members, regardless of their gender identity, sexual orientation, or other discernible personal characteristics. As such, there was no evidence of bias.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

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

The complainants alleged that the named employees harassed or intimidated the community members.

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.* Employees will avoid unnecessary escalation of events, even if those events do not end in reportable uses of force. *Id.* Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any derogatory, contemptuous, or disrespectful language toward anyone. *Id.*

NE#1 and NE#2 were professional toward the community members they encountered at Denny Blaine Park. Their interaction included explaining the situation to the community members, listening to their concerns, and treating them with dignity and respect. There was no indication that they harassed or intimidated anyone. NE#3 and NE#4 did not respond to the park or interact with any of the community members.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #3

6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion

The complainants alleged that the named employees misunderstood the law on indecent exposure, leading to the unlawful detainment and trespass of a community member from the park.

Terry stops are seizures of an individual and, as such, must be based on reasonable suspicion to be lawful. SPD Policy 6.220-POL-2(1). A *Terry* stop is a brief, minimally intrusive seizure of a subject based on reasonable articulable suspicion to investigate possible criminal activity. SPD Policy 6.220-POL-1. Reasonable suspicion means specific, objective, articulable facts, which, taken together with rational inferences, would create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging, or is about to engage in criminal conduct. *Id.* The reasonableness of a *Terry* stop is based on the totality of the circumstances, the officer’s training and experience, and what the officer knew before the stop. *Id.* While information

learned during the stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, it cannot justify the original stop. *Id.*

NE#1 arguably lacked reasonable suspicion to detain—and subsequently trespass—the nude community member for refusing to wear clothing. Based on the indecent exposure statute, mere nudity does not provide sufficient grounds for a person’s detainment unless the person knows that “such conduct is likely to cause reasonable affront or alarm.” See RCW 9A.88.010. There was no indication that the community member’s conduct at the time caused reasonable affront or alarm. Nevertheless, NE#1 and NE#2—with NE#3’s approval—were enforcing a law they believed allowed them to arrest an individual for mere nudity. Contrarily, NE#4 sought enforcement only against lewd conduct. While NE#1 probably lacked reasonable suspicion to detain the nude community member under these specific circumstances, OPA finds that NE#1 and NE#2 were acting in good faith based on their interpretation of the indecent exposure statute and their chain of command’s approval.

Overall, this investigation revealed the uncertainty and confusion regarding enforcement standards on the indecent exposure statute, even within the chain of command. This led to the issuance of orders that might have lacked legal validity. Community members highlighted the apparent inconsistency in SPD’s decision to enforce against public nudity at Denny Blaine Park while refraining from enforcement at the Solstice bike ride. NE#2 even acknowledged the complicated history of the city’s enforcement against public nudity. Given SPD’s track record of inconsistent enforcement against public nudity, the public remains uninformed about what behaviors are acceptable or unacceptable. Moreover, questionable detentions or arrests for indecent exposure are likely to persist and encounter challenges without clearer enforcement standards. Consequently, OPA recommends a management action, urging SPD to establish clear enforcement standards governing indecent exposure. These standards should clarify SPD’s interpretation of the indecent exposure statute and the criteria that SPD officers will consider when taking enforcement action.

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

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

Named Employee #2 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #2

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

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #3

6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion

For the reasons articulated in Named Employee #1 – Allegation #3, OPA recommends that this allegation be Not Sustained – Management Action.

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

Named Employee #3 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #3 – Allegation #2

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

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #3 – Allegation #3

6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion

For the reasons articulated in Named Employee #1 – Allegation #3, OPA recommends that this allegation be Not Sustained – Management Action.

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

Named Employee #4 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #4 – Allegation #2

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

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #4 – Allegation #3

6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion

For the reasons articulated in Named Employee #1 – Allegation #3, OPA recommends that this allegation be Not Sustained – Management Action.

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