



February 12, 2025

Chief Shon F. Barnes
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Barnes:

Please see the below Management Action Recommendation.

Case Number

- 2023OPA-0482 / 2025COMP-0002

Topic

- Time, Place, or Manner Restrictions

Summary

A named employee followed SPD policy and training that improperly restricted a protesting community member.

Analysis

- A community member shared an opposing viewpoint with a group of protestors and was asked to relocate across the street by a named employee. After refusing to move he was arrested for obstruction. The community member alleged the request to relocate, and his subsequent arrest, violated his freedom of speech.
- A prior OPA case involved the same protestor being forcibly relocated after a similar crowd confrontation.¹ The related court ruling found “restrictions on his speech were content-based heckler’s vetoes,” where officers curbed his speech once the audience’s hostile reaction manifested.²
- While officers sought to restrict the protestors speech in an effort to minimize violence and protect the protestor from harm, permissible time, place, or manner restrictions must: (1) be content-neutral, (2) be narrowly tailored to serve a significant governmental interest, and (3) leave open “ample alternative channels for communication of the information.”³
- OPA reviewed SPD training on time, place, or manner restrictions, which emphasized “the government can impose restrictions on time, place, and manner of peaceful assembly, provided that constitutional safeguards are met...” but the training did not explain the importance of content neutrality.⁴
- OPA researched policies from a list of comparable cities.
 - Chicago states the first amendment rights should be preserved, but acknowledges they are subject to reasonable time, place and manner restrictions. Their example is “persons expressing

¹ OPA Case 2022OPA-0203.

² 99 F.4th 514, 522-24 (9th Cir. 2024).

³ *Id.* at 522.

⁴ “Crowd Management and Special Events: Election Edition.” SPD Training. 2020.



views protected by the First Amendment on the public way are required to comply with the laws prohibiting physical obstruction of the movement of persons and vehicles on the public way or place and damage to public or private property.”⁵

- Sacramento recommends “implementing reasonable time, place, and manner restrictions to protect public safety. An example would be to separate two antagonistic groups for public safety but still allowing them to be in the same general area.” The separation would need to be content neutral, suggesting if one group was asked to relocate then so would the other.⁶

Recommendations

- SPD should revise its training on time, place, or manner restrictions to comply with the 9th Circuit’s holding in case: 99 F.4th 514, 522-24 (9th Cir. 2024).
 - Consider building examples of both heckler’s vetoes and authorized time, place, or manner restrictions into training.

I appreciate your consideration and look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Bonnie D. Glenn".

Bonnie Glenn
Interim Director, Office of Police Accountability

⁵ Chicago Police Department. [General Order G02-02](#). First Amendment Rights. Issue Date: 4/29/2022.

⁶ Sacramento Police Department. [First Amendment Assembly Manual](#). RM 532.11. Revised: 2/19/2022.