



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

- 2024OPA-0159 / 2025COMP-0003

Topic

Employee Speech and Media Communications

Summary

- It was alleged that the named employee (NE) violated policy by speaking with the media about their allegations of sexual harassment and discrimination at SPD.

Analysis

- SPD's Public Information policy broadly prohibits employees from releasing "information" to the media except as authorized by the Chief or policy.¹
- The Public Information policy does not define the circumstances under which employee media communications are protected by law, nor does the policy provide SPD employees with any guidance or clarification that SPD policy respects these protections, as is done in other policies.²
- Federal and State law create explicit protections for public employees expressing themselves publicly to the media in certain contexts and delineates when public employers may discipline for public speech.³
- OPA reviewed policies from comparable cities.⁴ Two Washington departments provided clearer guidance:

¹ SPD Policy 1.110 – Public Information.

² Compare with SPD Policy 5.001 – Standards and Duties (stating SPD has no "intent to interfere with or constrain the freedoms, privacy, and liberties of employees") and SPD Policy 5.125-POL-2 – Employee Personal Use of Social Media (recognizing the important role of social media in the personal lives of SPD employees).

³ See, e.g., *Pickering v. Board of Education*, 391 U.S. 563 (1968), *Connick v. Myers*, 461 U.S. 138 (1983), and *Garcetti v. Ceballos*, 547 U.S. 410 (2006). See also *Ohlson v. Brady*, 9 F.4th 1156 (9th Cir. 2021) and RCW 41.06.250(2).

⁴ Portland, San Francisco, San Diego, Sacramento, Los Angeles, Spokane, and Denver.



- Bellingham⁵ and Spokane⁶ policies carefully outline employees speaking with the media and addresses the need to balance the employees' rights against the department's need to exercise control over employee expression. Their policies also provide guidance on the types of speech that would be particularly concerning to the department.

Recommendations

- SPD should revise their Public Information policy to provide officers with guidance concerning their first amendment rights and interaction with the media, including outlining examples of restricted speech.

I appreciate your consideration and look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie Glenn".

Bonnie Glenn
Interim Director, Office of Police Accountability

⁵ Bellingham Police Department. Policy 1030. Employee Speech, Expression and Social Networking. Revised 03/06/2018. Made available by Washington Association of Sheriffs and Police Chief at, <https://waspc.memberclicks.net/assets/docs/bellingham%20pd%20employee%20speech%20policy.pdf>

⁶ Spokane Police Department. Policy Manual. Policy 1060. Employee Speech, Expression and Social Networking. Revised 07/19/2021. Available at <https://static.spokanecity.org/documents/police/accountability/police-policy-manual-2021-07-19.pdf>