

SENT VIA ELECTRONIC MAIL

May 16, 2025

Seattle Police Department
ATTN: Chief Shon Barnes
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Washington

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Re: *Unlawful Enforcement and Surveillance of the LGBTQIA2S+ Community at Denny Blaine Park*

Dear Chief Barnes,

We write to express our serious concern surrounding the recent actions of Seattle Police Department (SPD) officers targeting queer and transgender beachgoers at Denny Blaine Park, a historic gathering space for Seattle's LGBTQIA2S+ community.

On May 4, 2025, SPD officers incorrectly told beachgoers that public nudity was a crime in Seattle, commanded them to put clothes on, and trespassed a transgender woman who asserted her legal right to be naked in public. We are heartened by your agency's swift response to this incident, which included your explicit assurances to community members that being naked in public is not a crime.¹ Still, members of the LGBTQIA2S+ report that this incident is part of a larger pattern of enforcement actions that appear to target the queer and transgender community's legal use of Denny Blaine Park. As such, we request your dedication to protecting the LGBTQIA2S+ community by assuring that community members are able to use the park free of harassment and surveillance.

Denny Blaine Park has been a community gathering space for Seattle's LGBTQIA2S+ community for over 50 years. In addition to offering a safe space for queer and transgender people to gather publicly, the beach has also served as a place of celebration for queer and transgender bodies in a world that often views such bodies as abnormal, profane, and dangerous.² Unfortunately, in the last several years, this important refuge has come under attack by a small group of Seattle citizens seeking to ban public nudity

¹ Vivian McCall, *SDP Chief Tells Denny Blaine Beachgoers Legal Nudity Is Legal*, THE STRANGER, (May 8, 2025), <https://www.thestranger.com/news/2025/05/08/80047730/spd-chief-tells-denny-blaine-beachgoers-legal-nudity-is-legal>.

² See Angela Dwyer & Jace Valcore, *Policing Transgender People*, in TRANSGENER PEOPLE AND CRIMINAL JUSTICE. CRITICAL CRIMINOLOGICAL PERSPECTIVES 97, 97-125 (2023).

from Denny Blaine, effectively erasing this unique LGBTQIA2S+ community space. Underlying the rhetoric of this group is the assumption that queer and transgender bodies are inherently dangerous to the safety of the neighborhood, and especially to children. This harmful stereotype³ is part of the historically rooted false dichotomy fueling much of the anti-transgender hatred permeating around the country.⁴

In addition to lawsuits and failed lobbying attempts, this group has recently focused its efforts on increasing police and private surveillance of the LGBTQIA2S+ community at Denny Blaine Park. Community members report that the incident on May 4 is part of a larger pattern of police enforcement of legal public nudity at Denny Blaine, including incidents on April 2 and April 4.⁵ According to news reporting, during these incidents, SPD officers told community members that Denny Blaine Park has become an enforcement priority for SPD and repeatedly tried to restrict beachgoers' legal nudity.⁶

If true, this increased enforcement is deeply troubling, and we ask that your department immediately cease its increased surveillance of Denny Blaine Park and the LGBTQIA2S+ community. Public nudity is not a crime.⁷ The heightened police surveillance of the park is understandably seen by members of the queer and transgender community as a continuation of the violent legacy of policing queer and transgender people and spaces, especially under the guise of public decency.⁸

³ Christina Cabrera-Ayers, *Won't Somebody Think of the Children?*, GENDER JUSTICE PROJECT, (May 5, 2022), <https://genderjusticeproject.org/lgbtqia/wont-somebody-think-of-the-children>.

⁴ *Fact Sheet: Misleading Narratives About Transgender People and Restrooms, Locker Rooms, and Other Single-Sex Spaces*, GLAAD (May 4, 2025), <https://glaad.org/fact-sheet-misleading-narratives-about-transgender-people-and-restrooms-locker-rooms-and-other-single-sex-spaces/>.

⁵ Vivian McCall, *Seattle Police Trespassed a Trans Woman for Being Naked at a Queer Nude Beach*, THE STRANGER (May 5, 2025), <https://www.thestranger.com/news/2025/05/05/80043102/seattle-police-trespassed-a-trans-woman-for-being-naked-at-a-queer-nude-beach>.

⁶ *Id.*

⁷ *Seattle v. Johnson*, 58 Wn. App. 64, 791 P.2d 266 (1990) (holding that expressive nudity is constitutionally protected free speech).

⁸ Joey L. Mogul et al., *The Ghosts of Stonewall: Policing Gender, Policing Sex*, TRUTHOUT (July 8, 2015), <https://truthout.org/articles/the-ghosts-of-stonewall-policing-gender-policing-sex/>.

The ACLU of Washington supports the LGBTQIA2S+ community's demands in response to the increased policing of Denny Blaine Park. We request an immediate end to SPD's increased surveillance of Denny Blaine Park, assurances to community members that they will not be trespassed or otherwise punished for being legally naked at the park, and an explicit commitment that SPD will improve its training of officers surrounding the legality of public nudity in Seattle. We believe these demands support SPD in achieving its stated goal of bias free policing⁹ and its obligation to correctly uphold the law.¹⁰

We thank you for your urgent attention and action related to the concerns of the LGBTQIA2S+ community at Denny Blaine Park.

/s/ Adrien Leavitt

Adrien Leavitt, Staff Attorney

Marley Forest, Legal Intern

La Rond Baker, Legal Director

American Civil Liberties Union of Washington

CC: Thomas Kuffel, Civil Division Chief, Seattle City Attorney's Office

⁹ SEATTLE POLICE DEPARTMENT, BUREAU STANDARDS AND COMMITMENTS, <https://www.seattle.gov/police/about-us/professional-standards-bureau/bureau-standards-and-commitments#biasfreepolicing>.

¹⁰ SEATTLE POLICE DEPARTMENT POLICY MANUAL, MISSION STATEMENT AND PRIORITIES, <https://public.powerdms.com/Sea4550/documents/2053706>.