

Issued Date: July 16, 2026

From: Deputy Director Nelson R. Leese (on behalf of Director Bonnie J. Glenn)¹
Office of Police Accountability 

Case Number: 2026OPA-011

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1: 6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion**
Finding: Sustained
 2. **Allegation #2: 6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 2. During a Terry Stop Officers Will Limit the Seizure to a Reasonable Scope**
Finding: Sustained
 3. **Allegation #3: 5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing**
Finding: Not Sustained - Inconclusive
 4. **Allegation #4: 8.200 - Using Force, 1. Use of Force: When Authorized**
Finding: Not Sustained - Lawful and Proper
 5. **Allegation #5: 16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 1. Notification of Recording**
Finding: Not Sustained - Training Referral
 - **Imposed Discipline: Written Reprimand**
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Named Employee #2

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

Finding: Not Sustained - Unfounded

2. **Allegation #2: 6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 2. During a Terry Stop Officers Will Limit the Seizure to a Reasonable Scope**

Finding: Not Sustained - Unfounded

3. **Allegation #3: 5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing**

Finding: Not Sustained - Unfounded

4. **Allegation #4: 8.200 - Using Force, 1. Use of Force: When Authorized**

Finding: Not Sustained - Lawful and Proper

5. **Allegation #5: 16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 1. Notification of Recording**

Finding: Not Sustained - Training Referral

Named Employee #3

1. **Allegation #1: 8.200 - Using Force, 1. Use of Force: When Authorized**

Finding: Not Sustained - Lawful and Proper

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 December 30, 2025, the named employees (NE#1 through NE#3) responded to a report of a gun threat and searched for the armed suspect at a QFC store. NE#1 and NE#2 detained the Complainant inside the store. Subsequently, the named employees used *de minimis* force² to handcuff the Complainant. The Complainant alleged that the named employees lacked reasonable suspicion to detain him, used excessive force to handcuff him, and contacted him based on his race. OPA also investigated whether NE#1 and NE#2 failed to provide recording advisements to the Complainant.

Administrative Note:

On June 2, 2026, 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), and incident and field contact reports. OPA also interviewed the Complainant, his friend (Community Member #1 or CM#1), and the named employees.

A. OPA Complaint and Interviews

On January 7, 2026, the Complainant filed an OPA complaint, alleging that the named employees “ran up” on him, “twisted” his arm, handcuffed him, and accused him of having a gun. He indicated that he was eventually released.

On January 20, 2026, OPA interviewed the Complainant. He said he wore a Mickey Mouse jacket on the day in question. He said he and his friend, CM#1, took an Uber to a QFC store and entered it. He said, shortly afterward, the named employees approached him, “twisted” him, pushed his head down below his knees, and handcuffed him. He said they told him that, based on a report, a man wearing a Mickey Mouse jacket had a gun. He said they searched him but did not find one, so they released him. He said they did not search CM#1, even though CM#1 carried a backpack. He alleged that the named employees used excessive force and contacted him based on his race.

On January 20, 2026, OPA interviewed CM#1. CM#1 corroborated the Complainant’s account. CM#1 added that the named employees pushed him (CM#1) against a counter and frisked him for weapons but did not check his backpack. CM#1 said the named employees did not explain the reason for not handcuffing him while they handcuffed the Complainant. CM#1 said the named employees released him and the Complainant after running their names for warrants.

B. The Incident

On December 30, 2025, at 2:31 PM, CAD call remarks noted, “GUN[.] 2 MIN[UTES] AGO, [REPORTING PARTY] SAW MALE WITH A GUN CHASE ANOTHER MALE ON A BICYCLE. NO OTHER [WEAPONS].”

CAD provided the following updates. At 2:34 PM, the reporting party advised that the male with the bicycle appeared to be filming with a camera. At 2:35 PM, the reporting party advised that a group of individuals, including one in a wheelchair, was watching the subjects. At 2:36 PM, the reporting party, who was driving, advised that the subjects were last seen near a grocery store. At 2:36 PM, a description of the male with the gun was provided, identifying him as a Black male in his twenties wearing a beanie hat, sunglasses, a brown and orange jacket, and blue jeans. At 2:37 PM, a description of the male with the bicycle was provided as: Black male in his twenties wearing a beanie hat, sunglasses, dark green jacket, and dark blue pants, and riding an orange bicycle.

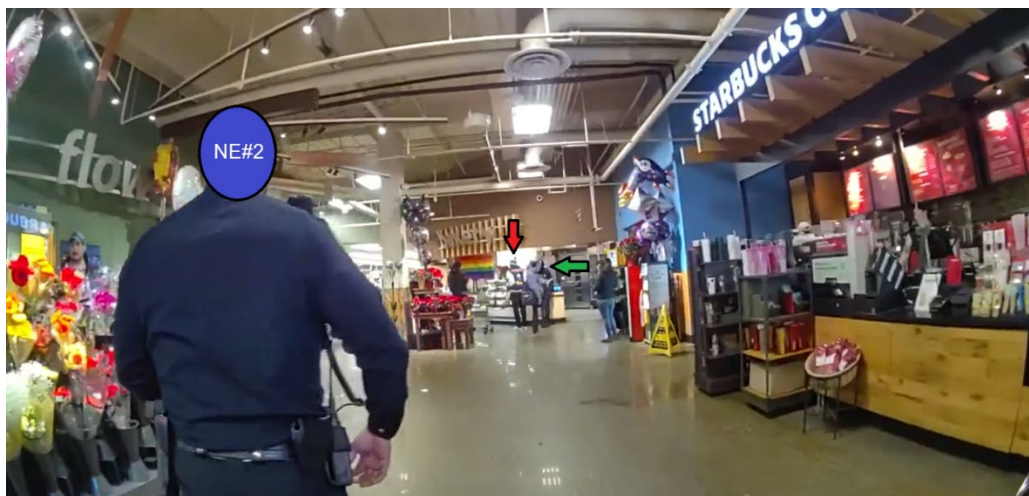
BWV captured NE#1 and NE#3 arriving at the side of a QFC store, where multiple community members were gathered, including two in wheelchairs. NE#3 asked whether someone was running around with a gun, to which two community members affirmed. One community member described the suspect as being “Cambodian.” One of the community members indicated with her finger down the street, away from the front entrance to the QFC.



Image from NE#1's BWV. NE#2 (blue circle) is speaking with several community members. One community member indicates to her left with her left pointer finger (circled in red).

NE#1 then began approaching the QFC store's entrance, where NE#2 was located.³ NE#1 told NE#2 that the armed suspect possibly entered the QFC store and appeared to be Cambodian. NE#1 specified that the suspect wore a "letterman-style jacket" and a "beanie" and entered with a "second guy."

NE#1 and NE#2 entered the QFC store while NE#3 remained outside. As soon as they entered, NE#1 told NE#2, "Oh, those two. Mickey Mouse jacket." NE#1 and NE#2 began approaching the Complainant and CM#1.



This image, taken from NE#1's BWV, shows NE#1 and NE#2 approaching the Complainant (indicated by the red arrow) and CM#1 (indicated by the green arrow). At this moment, a community member wearing a gray sweatshirt partially obstructed CM#1.

As they approached, NE#1 told NE#2 that the suspect might have been "videotaping." NE#1 announced, "Mickey Mouse, come talk to me."



This image, taken from NE#1's BWV, shows the Complainant (red) and CM#1 (green) as NE#1 and NE#2 approached. At this moment, NE#1 announced, "Mickey Mouse, come talk to me."

NE#1 instructed the Complainant to remove his hands from his pockets. The Complainant asked, "What'd I do?" NE#1 repeated his command, grabbed the Complainant's hands, and replied, "I got a call about a guy with a gun." NE#1 then began frisking the Complainant, who exclaimed, "[Racial slur]. Oh, 'cause I'm Black you come up to me! And I just got off the car!" The Complainant kept his hands inside his jacket pockets. NE#2 stated, "No," while NE#1 instructed, "Don't do that." NE#1 and NE#2 grabbed the Complainant's arms, prompting the Complainant to shout, "Get the fuck off me! Get the fuck off me before I – before I sue you guys!" NE#1 resumed frisking the Complainant, who declared, "I just came up here off the bus! Get the fuck off me!" After NE#1 completed the frisk without finding a gun, the Complainant turned to NE#1 and reiterated, "Get the fuck off me!" The Complainant attempted to pull his arm away from NE#1, but NE#1 moved the Complainant's left arm behind his back, during which the Complainant announced, "I don't have no gun. I just came up here." NE#2 advised the Complainant to relax and then moved the Complainant's right arm behind his back. As NE#1 was applying handcuffs, NE#3 quickly approached and bent the Complainant's upper body. After NE#1 applied handcuffs, NE#3 raised the Complainant's upper body back to a standing position.

The Complainant claimed that he had just arrived, and the officers "ran up" on him because he is Black. NE#1 responded, "It has nothing to do with it. Don't give me that bullshit." CM#1 stated that they had just exited an Uber, which the Complainant confirmed. NE#1 informed the Complainant that he was being detained. NE#1 frisked CM#1 and explained that there was a call concerning a man with a gun. CM#1 set his backpack on the ground, after which NE#3 also frisked CM#1 and cleared him. The named employees escorted the Complainant out of the QFC store. While escorting the Complainant from the store, NE#1 stated, "Now we're gonna run your name and all the other jazz." The Complainant insisted that NE#1 falsely accused him of having a gun because he is Black. NE#3 countered that officers must investigate gun threats, regardless of the suspect's race. The Complainant said he exited an Uber, entered the QFC store, and had an Uber receipt to prove it. NE#1 collected the Complainant's information, checked his information, and cleared him. NE#3 then uncuffed the Complainant.

C. OPA Interviews

1. Named Employee #1

On March 27, 2026, OPA interviewed NE#1. NE#1 said he reviewed his field contact report, but did not watch video, to prepare for his interview. NE#1 recalled the suspect description being a Black male wearing dark clothing and a beanie, although he was unable to recall other specific details. NE#1 indicated, "Nothing about it like stuck out to me," especially since this was a "pretty regular" call. NE#1 acknowledged, "I didn't review the call in detail." OPA asked whether a Mickey Mouse jacket was included in the suspect's description or whether the community members beside the QFC store reported such a detail. NE#1 denied having any recollection but thought he might have used the Mickey Mouse jacket as an identifier for NE#2. NE#1 said two Black males (the Complainant and CM#1) were near the front door when NE#1 and NE#3 arrived at the QFC store. NE#1 said a community member beside the QFC store reported that the armed suspect might be Cambodian, and then the community member performed an "over the shoulder head look," which indicated the Complainant and CM#1—both of whom had been behind NE#1. NE#1 clarified that the "head look," which he described as "unusual," was an indicator that he needed to engage the Complainant and CM#1.

NE#1 said he separated from NE#3 and joined NE#2 to brief him about the necessity to "check the guy with the beanie really quick for a firearm." NE#1 said his plan was to frisk the Complainant for weapons inside the QFC store. NE#1 said he was at a *Terry* stop upon contacting the Complainant. NE#1 said he dismissed CM#1 as a suspect because CM#1 was "super compliant" and "too tall compared to the initial broadcast." NE#1 said the Complainant, on the other hand, "matched the rough description" and needed to be frisked for weapons. NE#1 said the Complainant was intoxicated and smelled like marijuana. NE#1 said the Complainant backed away, raised his arms, and caused a commotion, so NE#1 handcuffed the Complainant for officer safety concerns, especially given the possibility that the Complainant might have a gun. NE#1 said he did not use any force during handcuffing because the Complainant was "pretty compliant."

NE#1 denied having any recollection of advising the Complainant that he was being recorded. NE#1 also denied having any previous contact with the Complainant.

2. Named Employee #2

On April 29, 2026, OPA interviewed NE#2, who identified himself as a lieutenant. NE#2 said he did not review any reports or video to prepare for his interview. NE#2 said he responded to the scene to support NE#1 and NE#3 due to the nature of the gun call. NE#2 said he did not have the suspect description. NE#2 said that after he arrived, NE#1 had already interviewed a witness and then informed NE#2 that the suspect was inside the QFC store. NE#2 recalled NE#1 providing him with a "vague" description of the suspect, but NE#2 was unable to recall the description during the interview. NE#2 said he relied upon NE#1, who had the description, so that NE#2 could assist NE#1 as they entered the QFC store. NE#2 believed that NE#1 had reasonable suspicion to detain the Complainant based on the information available to him at the time. NE#2 said he and NE#1 contacted the Complainant and CM#1 because NE#2 understood that they matched the descriptions. NE#2 said he and NE#1 handcuffed the Complainant, who was uncooperative, for officer and public safety concerns. NE#2 did not believe excessive force was used against the Complainant during handcuffing, as the Complainant was compliant. NE#2 denied having any recollection of advising the Complainant that he was being recorded but noted that the Complainant was "agitated" upon contact, making a recording advisement unfeasible at the time.

3. Named Employee #3

On March 27, 2026, OPA interviewed NE#3. NE#3 said he did not review any reports or video to prepare for his interview. NE#3 recalled the suspect description being a Black male wearing a blue jacket, with possibly a bicycle involved. NE#3 said a Black male and an individual with a bicycle were near the QFC store, which indicated to NE#3 that he might want to engage them. NE#3 said he spoke with the community members beside the QFC store and determined that none of them was the suspect. NE#3 said he entered the QFC store and saw the Complainant acting “belligerent.” NE#3 said NE#1 and NE#2 had nearly handcuffed the Complainant by the time NE#3 arrived. NE#3 said the Complainant was not fighting, so no force was being used against him. NE#3 said he merely lowered the Complainant’s head—a maneuver NE#3 described as *de minimis*—to better expose the Complainant’s arms for handcuffing. NE#3 expressed uncertainty about the reason for the Complainant’s detainment but understood that it was necessary for safety concerns.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

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 Complainant alleged that NE#1 lacked reasonable suspicion to detain him.

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 lacked reasonable suspicion to detain either the Complainant or CM#1. The CAD description identified the armed suspect as a Black male in his twenties wearing a beanie, sunglasses, a brown and orange jacket, and blue jeans. CAD also provided a second description, identifying the other individual as a Black male in his twenties wearing a beanie hat, sunglasses, a dark green jacket, and dark blue pants, while riding an orange bicycle. Notably, neither description mentioned a Mickey Mouse jacket. Upon arriving, NE#1 overheard a community member stating that the armed suspect was “Cambodian.” However, NE#1 did not seek clarification or attempt to reconcile the conflicting racial descriptions before entering the QFC store. NE#1 also relied heavily on what he described as an “over the shoulder head look” from the community member outside the store. According to NE#1, this “unusual” head movement pointed to the Complainant and CM#1 as the suspects. However, BWV did not capture this head movement. Even if the head movement occurred outside of BWV’s range, its significance could have been subjective and open to interpretation, as there was no accompanying explanation, nor did NE#1 attempt to verbally clarify the meaning of the movement. Moreover, since multiple community members were present in a busy location

during the afternoon, it would have been difficult to ascertain how such a “head look” could specifically identify the Complainant or CM#1 as a suspect.

Then, NE#1 informed NE#2 that the armed suspect was Cambodian, wore a letterman-style jacket and beanie, and might have entered the QFC store with another individual. While the CAD description included a beanie, it did not mention a letterman-style jacket. Immediately after entering the QFC store with NE#2, NE#1 spotted the Complainant and observed his distinctive Mickey Mouse jacket. This jacket was so unique that upon spotting the Complainant, NE#1 announced, “Mickey Mouse jacket” and contacted the Complainant in that manner (“Mickey Mouse, come talk to me”). Such a unique identifying feature of the armed suspect would have likely been reported to the police. However, no such description was provided. Even as NE#1 and NE#2 approached the Complainant, his clothing clearly did not match the suspect description. Although the Complainant wore a beanie (it was December 30) and was possibly Black, he did not wear sunglasses, a brown and orange jacket, or blue jeans. Similarly, CM#1 did not match the suspect description. Even if NE#1 mistakenly conflated the suspect description with the description of the other male with the bicycle, the description of the other male would not have matched either the Complainant or CM#1. Notably, neither the Complainant nor CM#1 appeared to be Cambodian—a Southeast Asian country—and the Complainant was visibly not in his twenties.⁴ Finally, neither the Complainant nor CM#1 had an orange bicycle when they were contacted, nor did NE#1 claim he saw either of the men with an orange bicycle before they entered the QFC.

NE#1’s own interview statements further undermined his reasonable suspicion determination. NE#1 admitted that he “didn’t review the call in detail” and that nothing about the description “stuck out” to him. In fact, NE#1 could only recall the suspect being described as a Black male wearing dark clothing and a beanie. NE#1 was also unable to recall the source of the Mickey Mouse detail but believed he had merely used it as an identifier for NE#2. Reasonable suspicion required specific, objective, and articulable facts linking the Complainant or CM#1 to the gun threat incident. Instead, NE#1’s “reasonable suspicion” rested on generalized characteristics of two Black males—one of whom wore a unique identifying feature—located near the reported location. Since neither the Complainant nor CM#1 sufficiently matched the reported descriptions, NE#1 lacked reasonable suspicion to detain either of them.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #2

6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 2. During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope

The Complainant alleged that NE#1 lacked reasonable suspicion to detain him in handcuffs.

Officers must limit a seizure to a reasonable scope. SPD Policy 6.220-POL-2(2). Actions indicating to a reasonable person that he or she is being arrested or indefinitely detained may convert a *Terry* stop into an arrest. *Id.* Still, policy specifies that the occurrence of any one of these actions, such as handcuffing, would not necessarily convert a *Terry* stop into an arrest. *Id.* Officers must have additional articulable justification for further limiting a person’s freedom during a *Terry* stop unless the reasons for the initial stop justify it. *Id.*

NE#1 impermissibly exceeded the scope of the *Terry* stop by handcuffing the Complainant and prolonging his detainment by taking him outside the QFC to run his information. First, NE#1 frisked the Complainant *prior* to placing him in handcuffs. The frisk did not uncover a firearm. Even if NE#1 had reasonable suspicion for the initial detention—which he did not—whatever subjective suspicion he still had was significantly diminished after he did not find a firearm on the Complainant. Second, even if NE#1 could have arguably justified handcuffing the Complainant due to his (understandably) agitated behavior or because CM#1 had not been frisked, there was no justification to prolong the detention, take him to another location (outside), and run the Complainant’s name.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #3

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

The Complainant alleged that NE#1 treated him differently due to his race.

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 race. *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.

There is insufficient evidence for OPA to conclude that NE#1 engaged in bias-based policing. On the one hand, CAD descriptions identified the two involved individuals as Black males. NE#1 was permitted to consider this as part of a specific suspect description under SPD policy. *See* SPD Policy 5.140-POL-3 (allowing officers to consider race in establishing reasonable suspicion or probable cause only when it is “part of a specific suspect description based on trustworthy and relevant information that links a specific person to a particular unlawful incident”). Also, NE#1 appeared motivated to hastily capture the armed suspect, subjectively believed the Complainant was involved, and did not stop or question another Black man who was also standing next to the Complainant. Finally, NE#1 stated that a community member indicated the Complainant and CM#1 with a “head look,” which motivated him to stop the two.

On the other, there was very little about the physical description of the involved individuals—other than gender and race—that matched the Complainant or CM#1. NE#1 also appeared to readily disregard, not observe, or not interrogate new information that indicated the Complainant and CM#1 were not the involved individuals, such as the identification of the suspect as “Cambodian” and the community member pointing away from the QFC. Nor did the absence of a firearm on the Complainant appear to alter NE#1’s belief that he had stopped the wrong individuals. Finally, while OPA cannot disprove that the “head look” occurred or, at least, was perceived by NE#1, OPA did not observe any proof in the BWV that it did occur and NE#1 did not confirm the meaning of the “look” with the present, cooperative community members. Given these factors, OPA cannot rule out that possibility that the Complainant and CM#1’s race did not impermissibly impact NE#1’s actions in this case.

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

Recommended Finding: **Not Sustained – Inconclusive**

Named Employee #1 – Allegation #4

8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized

The Complainant alleged that the named employees excessive force to handcuff him.

Sworn employees will only use objectively reasonable, necessary, and proportional force to the threat or urgency of the situation to achieve a law enforcement objective while protecting the life and safety of all people. SPD Policy 8.200-POL-1. Reasonableness must consider that sworn employees are often forced to make split-second decisions about the amount of force necessary in a particular situation in tense, uncertain, dynamic, and rapidly evolving circumstances. *Id.* The question is whether the sworn employee's actions were objectively reasonable considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Id.* Several factors should be weighed when evaluating reasonableness. *See id.* Force is necessary under the totality of the circumstances when there is no reasonably effective alternative to using physical or deadly force, and the type and amount of physical or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the sworn employee or others. SPD Policy 8.050. Proportional force must reflect the totality of circumstances of the situation, including the nature and immediacy of any threats posed to sworn employees and others. *Id.* Sworn employees must rely on training, experience, and their assessment of the situation to decide an appropriate level of force. *Id.*

The named employees did not use excessive force as alleged. In fact, they did not use any reportable force throughout their encounter with the Complainant. To the extent that they used *de minimis* force by grabbing the Complainant's arms, bending his upper body, and moving his arms behind his back, such force was objectively reasonable, necessary, and proportional. NE#1 believed the Complainant was an armed suspect who had escalated and attempted to pull away from NE#1 and NE#2, authorizing the named employees to use *de minimis* force to prevent his escape and facilitate handcuffing. Although the named employees lacked reasonable suspicion to detain the Complainant, they were authorized to use reasonable force to address his subsequent behavior to ensure their own safety and the safety of the store patrons. The Complainant did not express any pain throughout the handcuffing process. NE#1's inciting Fourth Amendment violation did not "transform a later, reasonable use of force into an unreasonable seizure." *Los Angeles County v. Mendez*, 581 U.S. 420, 422 (2017) (per curiam). Overall, the named employees' use of *de minimis* force against the Complainant was lawful and proper under 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 #1 – Allegation #5

16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 1. Notification of Recording

NE#1 and NE#2 allegedly failed to provide recording advisements to the Complainant.

Sworn employees will notify people that they are being recorded as soon as practical, and the notification will be on the recording. SPD Policy 16.090-POL-2(1).

Upon contacting the Complainant, neither NE#1 nor NE#2 advised him that he was being recorded. Neither NE#1 nor NE#2 provided this advisement at any other point during their encounter. On review of NE#1's and NE#2's records, OPA did not observe any prior sustained findings, training referrals, or supervisor actions concerning BWV notifications. Therefore, OPA issues a training referral on this issue and reminds NE#1 and NE#2 that future lapses may result in Sustained findings.

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

- **Required Training:** NE#1's and NE#2's chain of command should discuss OPA's findings with them, review SPD Policy 16.090-POL-2(1) with them, and provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented in Blue Team.

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

Named Employee #2 – Allegation #1

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 Complainant alleged that NE#2 lacked reasonable suspicion to detain him.

A preponderance of the evidence showed that NE#2 reasonably relied upon NE#1 in establishing reasonable suspicion before detaining the Complainant. When NE#1 thought he had reasonable suspicion, NE#2 trusted NE#1's judgment and followed NE#1's lead in detaining the Complainant. This was reasonable under the circumstances. Since NE#2 did not participate in NE#1's decision-making process regarding this detainment, OPA finds this allegation unfounded.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #2

6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 2. During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #3

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

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #4

8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized

For the reasons articulated in Named Employee #1 – Allegation #4, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #2 – Allegation #5

16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 1. Notification of Recording

For the reasons articulated in Named Employee #1 – Allegation #5, OPA recommends that this allegation be Not Sustained – Training Referral.

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

Named Employee #3 – Allegation #1

8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized

For the reasons articulated in Named Employee #1 – Allegation #4, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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

Footnote 1. The OPA Director may designate a civilian OPA Deputy Director to “perform such duties and have such powers as the OPA Director may prescribe and delegate.” Seattle Ordinance 125315, Council Bill 118969, subchapter I, section 3.29.100(B).

Footnote 2. *De minimis* force is an action meant to separate, guide, and/or control without using control techniques that are intended to, or are reasonably likely to, cause pain or injury. SPD Policy 8.050. Examples include, but are not limited to, using hands or equipment to stop, push back, separate, or escort, and using compliance holds without using sufficient force to cause pain. *Id.*

Footnote 3. As NE#1 walked away from NE#3, NE#3 stayed with the community members beside the QFC store. One community member informed NE#3 that the suspect had an orange bicycle and recorded them with a camera. When NE#3 asked about the suspect’s direction, two community members pointed in a direction away from the QFC store. This was the second time the female

community member indicated in that direction: one time while both NE#1 and NE#3 were present, the second time only in NE#3's presence.

Footnote 4. Based on the date of birth provided by the Complainant, he was about 48 years old.