



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 21, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0379

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.220 – Voluntary Contacts, Terry Stops & Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion	Not Sustained - Unfounded (Expedited)
# 2	5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion	Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	6.220 – Voluntary Contacts, Terry Stops & Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion	Not Sustained - Unfounded (Expedited)
# 2	5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion	Not Sustained - Lawful and Proper (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The named employees (NE#1 and NE#2) responded to a stolen vehicle call. The Complainant alleged that the named employees unlawfully detained him and did not assist him in locating his stolen vehicle.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.

On October 17, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the OPA complaint by reviewing the computer-aided dispatch (CAD) call report and body-worn video (BWV). The Complainant summarized the incident to OPA during a pre-intake screening, but did not respond to OPA's later requests for a formal interview.



On August 12, 2024, CAD call remarks indicated that the Complainant was following his stolen vehicle, despite being advised to stop. BWV captured the named employees contacting the Complainant at a gas station. The Complainant told responding officers that he said he stopped following his stolen vehicle when the suspect brandished what appeared to be a firearm from the window. He said the suspect drove 70 MPH to escape. NE#2 cautioned the Complainant against his actions and commented that SPD officers would not be able to pursue the vehicle. The Complainant asked about the assistance the named employees could provide. NE#2 replied that SPD officers were searching for the stolen vehicle. NE#1 handed a business card to the Complainant, after which he ended his interaction with the named employees.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainant alleged that the named employees unlawfully detained 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.

The named employees did not detain the Complainant. Instead, they interviewed him as a victim, not a suspect, about details for the reported stolen vehicle. They did not inform him that he was being detained, nor did they limit his movements in a manner that would imply he was detained. When the Complainant elected to end his interaction with the named employees, they did not prevent his departure.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained – Unfounded (Expedited)**

Named Employee #1 – Allegation #2

5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion

The Complainant alleged that the named employees failed to assist him in locating his stolen vehicle

Employees are authorized and expected to use discretion in a reasonable manner consistent with the department's mission and duties of their office and assignment. SPD Policy 5.001-POL-6. Discretion is proportional to the severity of the crime or public safety issue being addressed. *Id.*



The named employees responded to the Complainant's location, gathered relevant details regarding the incident, and advised him that SPD officers were searching for his stolen vehicle. NE#1 also handed him a business card. The named employees' use of discretion was reasonable, lawful, and proper under the circumstances.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained – Lawful and Proper (Expedited)**

Named Employee #2 – Allegation #1

6.220 – Voluntary Contacts, Terry Stops & Detentions, 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 #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained – Unfounded (Expedited)**

Named Employee #2 – Allegation #2

5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion

For the reasons articulated in Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained – Lawful and Proper (Expedited)**