



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 18, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2025OPA-0064

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Training Referral
# 2	5.140 – Bias-Free Policing, 5.140-POL-5. Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing	Not Sustained - Unfounded
# 3	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	Not Sustained - Lawful and Proper (Expedited)

#### Named Employee #2

Allegation(s):		Director's Findings
# 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	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:

On March 3, 2025, the named employees (NE#1 and NE#2) responded to an assault incident involving an altercation between three juvenile males (Suspect #1, Suspect #2, and Victim #1). Suspect #1 reportedly pistol-whipped Victim #1, after which Suspect #1 and Suspect #2 reportedly kicked Victim #1. The named employees detained Community Member #1 (CM#1), who resembled Suspect #1. The Complainant, CM#1's mother, alleged that the named employees unlawfully detained CM#1. OPA also alleged that NE#1 unlawfully searched CM#1 and failed to request a supervisor when CM#1 claimed racist treatment.

### ADMINISTRATIVE NOTE:

The Terry stop allegations against the named employees were 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 with respect to those allegations. As such, OPA did not interview NE#2 in this case. On April 4, 2025, OIG certified OPA's expedited investigation as thorough, timely, and objective.



The remaining allegations against NE#1 underwent a full investigation. On July 14, 2025, OIG certified OPA's full investigation as thorough, timely, and objective.

**SUMMARY OF INVESTIGATION:**

OPA's investigation included reviewing the OPA complaint, computer-aided dispatch (CAD) call report, incident report, and body-worn video (BWV). OPA also interviewed the Complainant, NE#1, and Witness Supervisor #1 (WS#1) (a sergeant).

**A. OPA Complaint**

On March 3, 2025, the Complainant called OPA, saying CM#1 was heading home from school when WS#1 arrested CM#1 but later released him because WS#1 had arrested the wrong person.

**B. Computer-Aided Dispatch (CAD) Call Report and Incident Report**

On March 3, 2025, at 12:04 PM, CAD call remarks noted, "4 MIN[UTE]S AGO, [REPORTING PARTY'S BOYFRIEND ASSAULTED]. SUSP[ECT]S PUNCHED AND STOMPED MALE VIC[TIM], SUSP[ECT] TOOK OUT A GUN AND HIT VIC[TIM]."

According to a witness officer's incident report, the reporting party, her boyfriend (Victim #1), and high school staff reported that Suspect #1 pistol-whipped Victim #1 multiple times, after which Suspect #1 and Suspect #2 kicked Victim #1 while he was on the ground. Suspect #2 also reportedly drew a black pistol and brandished it at people.

**C. Body-Worn Video (BWV)**

BWV captured the named employees responding to a high school. While the named employees were in their patrol vehicles, dispatch communicated the following suspect descriptions:

	<b>Suspect #1</b>	<b>Suspect #2</b>
<b>Race</b>	Black	White
<b>Sex</b>	Male	Male
<b>Height</b>	5 feet 9 inches	5 feet 5 inches
<b>Age</b>	15	14
<b>Build</b>	Slim	Medium
<b>Attire</b>	Dark blue sweatshirt and dark sweatpants	Red and black sweatsuit

NE#2 asked dispatch whether Suspect #1 had yellow dye in his hair, to which an officer positively confirmed. NE#2 then radioed visual confirmation of CM#1, whom she believed to be Suspect #1. NE#1 approached CM#1 near a high school. CM#1 was a slim Black male, appeared to be around 15 years old, wore dark attire, and had a patch of yellow dye in his dark hair. NE#1 asked CM#1 to remove his hands from his pockets, told him he matched Suspect #1's physical description, and handcuffed him. CM#1 denied being Suspect #1. NE#2 arrived and told CM#1 he matched Suspect #1's physical description. NE#1 explained to CM#1 that the handcuffs were for safety concerns. The named employees



then frisked<sup>1</sup> CM#1 did not find a firearm. CM#1 denied having any knowledge about the assault or being present at the scene of the assault. WS#1 arrived and commented that the named employees had the correct suspect. NE#1 said a witness to the assault would arrive to either confirm or deny whether CM#1 was Suspect #1, to which CM#1 replied, "What the fuck? That's racist, man," and claimed the situation was "overdramatic."

The named employees escorted CM#1 to the front of a patrol vehicle. There, NE#1 began searching CM#1, who asked, "How many times do you got to search?" NE#1 replied, "I got to make sure, man." NE#1 removed a pack of gum from CM#1 and placed it on the hood of the patrol vehicle. NE#1 then felt CM#1's legs and asked whether CM#1 had "inside pockets." CM#1 replied affirmatively and consented to NE#1 searching them. NE#1 then removed nerf gun darts from CM#1 and placed them on the hood. After the witness to the assault arrived and dismissed CM#1 as Suspect #1, NE#1 uncuffed CM#1. NE#2 apologized to CM#1 but remarked that he "perfectly" matched Suspect #1's physical description. WS#1 explained the reason for the detainment and handed CM#1 a business card.

#### **D. OPA Interviews**

On March 7, 2025, OPA interviewed the Complainant. She said CM#1 had been unlawfully detained, claiming that Suspect #1's physical features did not match CM#1's physical features. Specifically, she said Suspect #1's height did not match CM#1's height.

On April 29, 2025, OPA interviewed NE#1. NE#1 said he had probable cause to arrest CM#1 for assault upon contact. NE#1 believed CM#1 was Suspect #1, especially since he had heard over radio and from WS#1 that he had the correct suspect. NE#1 claimed he did not hear CM#1 say, "That's racist, man," as NE#1 claimed to be focused on the radio. NE#1 said he would have notified WS#1 had he heard that statement. NE#1 also noted the ambiguity of that statement. NE#1 said he searched CM#1 incident to arrest in front of a patrol vehicle after establishing probable cause, which was later dispelled when a witness dismissed CM#1 as Suspect #1.

On May 20, 2025, OPA interviewed WS#1. WS#1 expressed 99.9 percent certainty that the named employees had the correct suspect based on CM#1's physical features matching Suspect #1's physical features, including a distinctive blond patch of hair, the timing of the crime, and a surveillance video capturing Suspect #1, who WS#1 claimed bore a striking resemblance to CM#1. However, WS#1 believed the named employees were only at a *Terry* stop upon contacting CM#1. WS#1 said he was unaware of any complaint about bias-based policing.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 – Allegation #1**

##### ***6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies***

OPA alleged that NE#1 unlawfully searched CM#1.

Officers are prohibited from searching without a valid search warrant unless a specific exception applies. SPD Policy 6.180(1).

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<sup>1</sup> The purpose and scope of a frisk is to discover weapons or other items which pose a danger to the officer or those nearby. SPD Policy 6.180-POL-5. Generally, the frisk will be limited to a pat-down of outer clothing. *Id.*



NE#1 explained that he performed a search incident to arrest, as he believed he had probable cause to arrest CM#1 upon contact. On the other hand, WS#1 believed NE#1 reached a *Terry* level upon contact. OPA agrees that NE#1 had, at the very least, reasonable suspicion to detain CM#1. OPA also finds that NE#1 arguably had probable cause to arrest CM#1 upon contact, even without the show-up. CM#1's physical features were a nearly perfect match to those of Suspect #1, including a distinctive patch of blond hair, which strongly indicated CM#1's identity as Suspect #1. Furthermore, CM#1 was near the crime scene at the time the crime occurred. NE#1's confidence in his probable cause determination was likely bolstered when WS#1 commented that the named employees had the correct suspect. Probable cause only required a reasonable belief that CM#1 was indeed Suspect #1 based on the facts and circumstances known to NE#1. It did not need to be conclusive of guilt, nor did it need to exclude the possibility of innocence. All that was required was probable cause to believe they had Suspect #1, considering the totality of the evidence.

With that said, NE#1 did not treat CM#1 as if he had been arrested. NE#1 neither advised CM#1 that he was under arrest, nor did he provide CM#1 with his *Miranda* warnings. Rather, NE#1 treated the contact as a *Terry* stop while waiting for the witness to arrive for a show-up. Had NE#1 executed a proper arrest, a search incident to arrest might have been valid, even though NE#1's probable cause dissipated after the witness dismissed CM#1 as Suspect #1. Ultimately, OPA finds that the overall circumstances of NE#1's actions did not constitute willful misconduct since he likely had probable cause to arrest and search CM#1 incident to arrest. Under these circumstances, OPA believes NE#1 could benefit from additional training and counseling.

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

- **Required Training:** NE#1's chain of command should discuss OPA's findings with him, review SPD Policy 6.180(1) with him, and provide any other retraining and counseling it deems necessary. This retraining and counseling should include a discussion about the importance of informing subjects whether they are being detained or under arrest. Any retraining and counseling should be documented and maintained in Blue Team.

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

#### **Named Employee #1 – Allegation #2**

#### ***5.140 – Bias-Free Policing, 5.140-POL-5. Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing***

OPA alleged that NE#1 failed to request a supervisor when CM#1 claimed racist treatment.

If a person alleges bias-based policing, the employee shall call a supervisor to the scene to review the circumstances and determine an appropriate course of action. SPD Policy 5.140-POL-5. An allegation of bias-based policing occurs whenever, from the perspective of a reasonable officer, a person complains that he or she had received different treatment from an officer because of any discernible personal characteristic. *Id.*

CM#1 was captured on BWV stating, "That's racist, man." Whether NE#1 was obligated to request a supervisor solely based on this statement was not evident for the following reasons. First, NE#1 claimed to have not heard CM#1's statement, which appeared to have been corroborated by BWV, as NE#1 did not respond to CM#1's statement. Second, even if NE#1 had heard it, the statement did not appear to be accusatory toward NE#1. CM#1's statement was made after NE#1's comment about a show-up. Thus, CM#1's statement might have referred to either the situation



or the show-up as being racist, rather than NE#1 being racist. Third, because WS#1 was nearby, it would not have been difficult for NE#1 to call upon WS#1 to investigate CM#1's bias claim. This reinforces NE#1's claim that he did not hear CM#1's statement. Fourth, CM#1 had the opportunity to elaborate on any claims of racial bias with WS#2 after being uncuffed, yet he chose not to do so. Therefore, based on an elevated standard of review, OPA finds NE#1 did not willfully fail to report an allegation of bias.

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

Recommended Finding: **Not Sustained – Unfounded**

**Named Employee #1 – Allegation #3**

***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 the named employees unlawfully detained CM#1.

*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 had reasonable suspicion to detain CM#1 due to physical features resembling those of Suspect #1, who was reportedly a Black slender male, about 5 feet 9 inches tall, aged 15, and wearing dark clothing. Furthermore, CM#1 and Suspect #1 shared a distinctive, uncommon feature—a patch of blond hair. CM#1 was also found near the crime scene. The totality of these facts established a well-founded suspicion that CM#1 was Suspect #1, even though the named employees were ultimately mistaken.

Accordingly, OPA recommends that 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, and 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 #3, OPA recommends that this allegation be Not Sustained – Lawful and Proper (Expedited).

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