



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 14, 2025

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

CASE NUMBER: 2025OPA-0069

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	Not Sustained - Unfounded (Expedited)
# 2	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	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	Not Sustained - Unfounded (Expedited)
# 2	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:

The named employees (NE#1 and NE#2) responded to a 76 gas station, where a dispute occurred between a man armed with a knife and a man armed with a gun. The named employees detained the Complainant, who they believed to be the man armed with a gun, near the gas station. The Complainant alleged that the named employees applied unauthorized force by aiming their firearms at him and unlawfully detained him.

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 April 4, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA's investigation included reviewing the OPA complaint, computer-aided dispatch (CAD) call report, body-worn video (BWV), in-car video (ICV), and incident report. OPA also interviewed the Complainant.



According to records from CAD, BWV, ICV, and the incident report, SPD officers, including the named employees, responded to a 911 call concerning a dispute between two individuals—one armed with a knife and the other armed with a gun. The individual with the gun was identified as the suspect. As NE#2 drove to the scene with lights and sirens activated, with NE#1 in the passenger seat, dispatch broadcasted the suspect as a Black male and the suspect vehicle as a white BMW SUV located near a 76 gas station. Dispatch also broadcasted the suspect being present with his mother. The named employees located what they believed to be the suspect vehicle near the gas station. The named employees exited their patrol vehicle, with NE#1 armed with a rifle and NE#2 armed with a 40mm less-lethal launcher. NE#1 ordered the occupants of a white BMW SUV to exit with their hands raised, and the occupants complied. The driver, who did not appear to be Black, was the Complainant and the passenger was his girlfriend.



ICV captured the Complainant and his girlfriend exiting a white BMW SUV near a 76 gas station. NE#2 is on the left, while NE#1 is on the right.

NE#1 held his rifle in the low-ready position and never aimed it at either the Complainant or his girlfriend. The named employees were redirected to the 76 gas station, where the 911 caller (the individual armed with a knife) identified the suspect armed with the gun near a gas pump. The named employees then investigated the disturbance.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainant alleged that the named employees applied unauthorized force by aiming their firearms at 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(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 any force during this incident. NE#1 held his rifle in the low-ready position, meaning it was aimed toward the ground near the Complainant. Even if NE#1 had aimed his rifle directly at the Complainant, which would have constituted type I force under SPD policy, such act would have been objectively reasonable, necessary, and proportional based on the information reported to the police. However, NE#1 did not aim his rifle at the Complainant. NE#2 was armed with a 40mm less-lethal launcher and did not aim it at the Complainant at any time. Even if NE#2 had done so, such act would not have constituted reportable force.

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

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

Named Employee #1 – Allegation #2

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 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 had reasonable suspicion to detain the Complainant based on the information reported to the police. Although the Complainant did not appear to be Black, other facts elevated the contact to a *Terry stop*. Dispatch specifically broadcasted a white BMW SUV near a 76 gas station as the suspect vehicle, with the suspect being present with his mother. The Complainant's vehicle (a white BMW SUV), its location (beside the 76 gas station), and its occupants (the Complainant and his girlfriend) matched the information dispatch broadcasted. The detainment was brief, and the reasonable suspicion was immediately dispelled when the 911 caller redirected the named employees' attention to the actual suspect, who was located near a gas pump.

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

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

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

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

Named Employee #2 – Allegation #2

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

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