




CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 21, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2024OPA-0349

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 - 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 - 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:

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to a domestic violence (DV) call involving a firearm. Two community members—Community Member #1 (CM#1) and CM#1's stepfather—were detained, with CM#1 being subsequently arrested. The Complainant alleged that the named employees unlawfully detained CM#1.

ADMINISTRATIVE NOTE:

This case was approved for an 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 9, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), incident and supplemental reports, and photographs. The Complainant did not respond to OPA's requests for an interview.

On August 12, 2024, NE#1 and NE#2 were dispatched to a Domestic Violence (DV) threats call. CAD call remarks noted that CM#1 was observed pointing a firearm at his sister while threatening to shoot her. BWV captured the named



employees responding to the incident location in a patrol vehicle. During transit, dispatch radioed that CM#1 had a history of making threats against law enforcement, including prior incidents of resisting arrest during handcuffing and attempts to access a firearm. Dispatch also radioed that CM#1 might be in the front yard of a residence. Upon arrival, the named employees noticed a vehicle attempting to depart. CM#1 was in the passenger's seat and his stepfather was in the driver's seat. The named employees, along with other officers, executed a high-risk vehicle stop. The occupants complied with the officers' commands, exited the vehicle, and were subsequently handcuffed. CM#1's stepfather was later released and consented to a search of his vehicle. Officers located a firearm, magazine, ammunition, ballistic armor, and narcotics—allegedly belonging to CM#1—inside the vehicle.¹

A witness officer's incident report stated that CM#1 was arrested for felony harassment, unlawfully possessing a firearm as a convicted felon, and violating the Uniform Controlled Substances Act.

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 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.

This allegation is unfounded. The named employees had adequate reasonable suspicion to detain CM#1, given the circumstances of the call and the suspect's prior history of making threats against the police. They were addressing a DV incident in which CM#1 allegedly pointed a firearm at his sister. Moreover, CM#1 reportedly resisted arrest before and attempted to access a firearm. Dispatch relayed that the suspect might be in the front yard. Upon their arrival, the named employees noticed a truck that appeared to be departing. The totality of these facts justified CM#1's detainment as the named employees investigated the incident.

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

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

¹ A backpack with copious amounts of drugs, a scale, and over \$8,000.00 in cash was also found in the vehicle.



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 – Lawful and Proper (Expedited).

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