



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-1585

Issued Date: 06/30/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.220 (1) Voluntary Contacts, Terry Stops & Detentions: Terry Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful (Policy that was issued 08/01/2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 6.220 (10) Voluntary Contacts, Terry Stops & Detentions: Officers Must Document All Terry Stops (Policy that was issued 08/01/2015)
OPA Finding	<b>Sustained</b>
Final Discipline	Oral Reprimand

#### **INCIDENT SYNOPSIS**

The Named Employee was responding to a request for assistance in looking for an assault suspect who had fled the area on foot. As the Named Employee drove into the area, he observed a subject, who was a close match to the description of the outstanding suspect, running across the street and appeared to be fleeing. The Named Employee detained the subject and quickly determined that he was not the correct suspect. The Named Employee apologized to the subject then left and responded immediately to the incident location.

## **COMPLAINT**

The complainant alleged that the Named Employee stopped a person, who matched the description of a suspect, for no reason.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint letter
2. Interview of the complainant
3. Interview of witnesses
4. Review of In-Car Video (ICV)
5. Search for and review of all relevant records and other evidence
6. Interview of SPD employees

## **ANALYSIS AND CONCLUSION**

The allegation was that the Named Employee did not have a lawful basis to stop and detain the juvenile subject. The preponderance of the evidence shows the Named Employee was responding to assist other officers searching for a felony suspect. Just a few minutes earlier, the suspect had fled on foot from a traffic stop only 0.2 of a mile (three city blocks) from where the Named Employee stopped the juvenile. In addition, a description of the fleeing suspect and his clothing was put out via police radio and the Named Employee heard that description being broadcast. When the Named Employee saw the juvenile jogging across the street, he noted that the juvenile was the same race and approximate age as the broadcast description, along with wearing the same color shirt as was described. Other features of the description (hair and pants) did not match what the Named Employee saw. Given the nearness in time and distance to the flight of the suspect, the jogging movement of the juvenile and his partial match with the suspect description, the OPA Director found there was sufficient articulable basis for the Named Employee to have reasonable suspicion the juvenile was the fleeing suspect. Under SPD policy, this gave the Named Employee authority to stop and detain the juvenile and investigate further. Within a few seconds, the Named Employee determined that the juvenile was not the person being sought and the Named Employee released him.

The Named Employee acknowledges he made a Terry Stop on the juvenile and very briefly detained him. He also admitted to OPA that he should have completed a "Terry Stop Template" as required by SPD policy and did not do so. The other evidence from the OPA investigation supports the conclusion that the Named Employee conducted a Terry Stop and did not complete the Template required by policy. The Named Employee had no reason, other than forgetfulness, for why he did not complete the required Template.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence supports that the Named Employee had authority to stop and detain the juvenile and investigate further. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Voluntary Contacts, Terry Stops & Detentions: Terry Stops are Seizures and Must Be Based on Reasonable Suspicion in Order to be Lawful.*

#### Allegation #2

The evidence supports that the Named Employee did not complete the required "Terry Stop Template." Therefore a **Sustained** was issued for *Voluntary Contacts, Terry Stops & Detentions: Officers Must Document All Terry Stops.*

Discipline imposed: Oral Reprimand

*NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.*