



# Seattle Office of Police Accountability

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January 18, 2019

Chief Carmen Best  
Seattle Police Department  
PO Box 34986  
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

**Case Number**

- 2018OPA-0250

**Topic**

- Terry Template

**Summary**

- The Named Employee conducted a Terry stop, but failed to document it using a Terry Template, as required by *SPD Policy 6.220 (10) – Voluntary Contacts, Terry Stops & Detentions*.

**Analysis**

- The Named Employee claimed that completing a Terry Template was unnecessary because she had probable cause to arrest; however, the Named Employee did not actually arrest the subject.
- The Seattle Municipal Code requires that all Terry stops be reported and itemizes the information that must be documented. SPD policy also requires that Terry stops be documented in a Terry Template.

**Recommendation(s)**

- OPA previously recommended that SPD Policy 6.220 (10) be modified to state that when officers perform a Terry stop, a Terry template is always required (SMC 14.11.060(C)), regardless of whether officers have probable cause to arrest at the time of the Terry stop.
- SPD declined to accept the entirety of OPA's recommendation, creating the following exemption from the requirement of a Terry Template: "Detentions based on probable cause do not require a Terry Template, but require the officer to document the stop via a GO report..."
- In its response to OPA's initial Management Action, SPD referenced a "PC stop," which it asserted did not fall under *Terry v. Ohio*. OPA disagrees with this analysis and sees no distinction between a stop based on reasonable suspicion versus probable cause where a detention is effectuated and not an arrest. OPA is also unaware of any caselaw defining the contours of a "probable cause stop."
- Ultimately, it is within the Department's discretion to choose not to adopt this recommendation; however, OPA would like to set up a meeting to discuss this more fully.

Thank you for your consideration of this matter. I look forward to your response.

Sincerely,

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Andrew Myerberg



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Director, Office of Police Accountability