

**Date:** October 20, 2022

**To:** Gabriel Davis, CCA Director

**From:** Joseph Vesper, CCA Investigator

**Subject:** **CCA Case No. 22141 - Review of Improper Seizure by Dustin Peters**

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CCA completed an investigation of CCA Complaint No. 22141 by Dustin Peters, M/W/32, alleging Improper Seizure against Officer Troy Wesley, #PO056, M/B/44. This memorandum is intended to convey the conclusions resulting from that investigation and the basis for those conclusions. This memorandum does not purport to summarize all evidence uncovered during the course of the investigation, nor is it intended to summarize the entirety of CCA's file on this matter.

Complainant alleged that on Wednesday, June 29, 2022 at 04:00 AM at 2112 Sinton Ave, Officer Wesley stopped Mr. Peters, a stringer (freelance videographer/photographer/journalist), at the scene of a fire. The officer told him not to get closer to the fire and Mr. Peters did not think he had to follow the uniformed officer's orders to stay back because he was trying to get some good shots of the scene. Mr. Peters proceeded closer, was briefly detained by the officer, and then released.

CCA interviewed Mr. Peters, Officer Wesley, and Sergeant Andrew Snape, #S0097, M/W/37. CCA also reviewed relevant body worn camera (BWC) recordings, computer aided dispatch (CAD) records, relevant police records.

BWC footage, and statements provided by Mr. Peters and Officer Wesley provided no evidence to support the complainant's assertion that he was improperly detained. Sergeant Snape's statements corroborated the subject officer's version of what occurred.

Credible evidence, specifically, relevant BWC footage, proves that while Officer Wesley did not improperly detain Mr. Peters, he nevertheless was detained. Despite this action taken, it appears to have been taken within the laws of the United States, and the bounds of CPD policy and procedure.

"Public places, such as streets, sidewalks and parks are considered public forums historically associated with the free exercise of speech. However, the government may enforce reasonable regulations as to time, place, and manner of expression, even though it may not impose an outright ban." *United States v. Grace* (1983), 461 U.S. 169.

CPD Procedure Manual §18.122 (L) (1), Media Requests, states, "in the event of a dispute over where media representatives are entitled to position themselves, media personnel should be referred to the incident Officer in Charge (OIC)." Furthermore, "Neither traditional (e.g., major broadcast network) nor non-traditional (e.g., individual with a camera) media representatives have special rights under the law and are entitled to the same access to scenes as any member of the public." In addition, CPD Procedure Manual §12.554, Investigatory Stops, maintains that when an officer has reasonable suspicion to believe a citizen is committing a crime, the officer may forcibly stop and detain the citizen briefly. In other words, CPD Procedure Manual §12.554 and §18.122

and cases such as *United States v. Grace*, permit the conduct that occurred. The evidence gathered establishes the following:

- Officer Wesley arrived at the scene of a house fire and guarded an inner perimeter near a residential building for safety purposes.
- Mr. Peters attempted to gain access to this inner perimeter when he claimed he was associated with the press as a stringer. Mr. Peters failed to supply any credentials and Officer Wesley had reasonable suspicion to stop Mr. Peters from entering an active scene.
- Sergeant Andrew Snape (the incident's Officer In Charge/ OIC) took it upon himself to verify that the scene was safe, before granting Mr. Peters permission to enter the active scene and film.
- Officer Wesley stayed with Mr. Peters and Mr. Peters attempted to walk past Officer Wesley to the fire scene, despite Officer Wesley's commands to stop. At this point Officer Wesley believed he had probable cause to arrest Mr. Peters for Disorderly Conduct if not Obstruction.
- Officer Wesley handcuffed Mr. Peters and emplaced Mr. Peters into the back of his police cruiser.
- Sergeant Snape came back to the cruiser, after he ascertained that the scene was safe, talked to Officer Wesley, and the two decided to release Mr. Peters. Officer Wesley unhandcuffed Mr. Peters and Sergeant Snape gave him formal permission to continue closer to the scene, so that he could film.
- The actions taken by Officer Wesley were reasonably necessary to control an active scene, there was a dispute over the location of media filming, and Officer Wesley protected the inner perimeter while Sergeant Snape, the OIC, verified that the scene was safe before granting Mr. Peters entry. CPD policy and US law gave Officer Wesley the latitude to stop and ultimately detain Mr. Peters for a brief time as Mr. Peters attempted enter the active scene area.

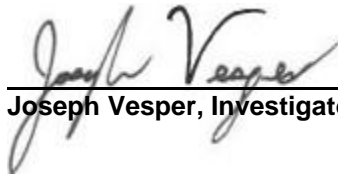
Therefore, the actions of the subject officer were consistent with CPD policy, procedure, and training.

**Findings:**

Based on my investigation and review of the evidence uncovered, I recommend the following findings for your endorsement (findings are defined in the attachment to this memorandum):

**Original Allegations**

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Seizure	Troy Wesley	Dustin Peters	Exonerated

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Joseph Vesper, Investigator

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Gabriel Davis, Director