



ICMS #: 2021-0051

April 7, 2021

**Complaint:** Ms. [REDACTED] submitted an online complaint to the Office of Police Oversight stating:

"I was at work, I was assaulted by a woman who physically hurt me, I went outside to look for a officer & the women was outside yelling at me. I went to tell the officer I needed to file charges and he yelled at me, I was walking back inside to grab my purses, as I was walking officer grabbed my arm, I moved my arm away he was extremely rough and handcuffed me, I asked what he was doing he said I was under arrest for resisting arrest, I told him what was I even being arrested for to begin with, he couldn't answer me, he walks me to his car and says I was being charged with public intoxication, NO SOBRIETY TEST NOTHING! I told him I was NOT INTOXICATED & he had the cuffs on to tight my wrist felt as if they were going to break, he didn't do anything about it, I asked to speak to another officer he said he was the one in charge, I was handcuffed and searched and then i asked if I was being arrested he said yes, I said NO ONE HAS READ ME MY RIGHTS! The officer read them to me finally and I was out in the back of a car. I was treated like the criminal when I was the one that was the victim, the person that assaulted me was not even arrested. I was violated & falsely accused. I was physically hurt by the assault then hurt by the cuffs and left red marks and bruises on my wrist. Officer [REDACTED] was the officer that did this to me. This happened [REDACTED] but it won't let me add the correct date."

*This notice of formal complaint is a request for Internal Affairs to initiate an investigation in order to determine if the employee conduct is within compliance of APD policy, Civil Service Rules, and Municipal Civil Service Rules.*

**Recommended Administrative Policies to Review (to include but not limited to):**

**301.2 IMPARTIAL ATTITUDE AND COURTESY**

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

**200.2 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS**

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance.

**200.2.1 ASSESSMENT AND DE-ESCALATION**

As officers arrive on the scene, observe conditions, and interact with the persons there, they should continue to gather additional relevant information and facts. These assessments, along with reasonable inferences help to develop an understanding of the totality of the circumstances of the incident.



### 200.3 RESPONSE TO RESISTANCE

Reporting Required – Any complaint by a subject that an officer caused pain or injury shall be treated as a response to resistance force incident, except complaints of minor discomfort from unresisted handcuffing.

#### 200.3.1 DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

Any interpretation of objective reasonableness about the amount of force that reasonably appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving, and the amount of time available to evaluate and respond to changing circumstances may influence their decisions. The question is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting him.

#### 200.3.3 NOTICE OF AUTHORITY AND IDENTITY

If it is not already reasonably known by the subject to be searched and arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search and identify themselves as a peace officer before using force.

### 200.5 REPORTING THE RESPONSE TO RESISTANCE

Any response to resistance by a member of this department shall be documented promptly, completely and accurately in an appropriate report as prescribed by General Order 211 (Response to Resistance Inquiry, Reporting, and Review).

#### 200.5.1 NOTIFICATION TO SUPERVISORS

Supervisor notification shall be made as soon as practicable following any force incident or allegation of force.

### 211.4 EMPLOYEE RESPONSIBILITIES FOR ALL FORCE LEVEL INCIDENTS

The following outlines the required responsibilities of involved employees, employees that witness an incident, and employees designated to assist at the scene of any response to resistance incident.

#### 902.2.3 EXTERNALLY INITIATED COMPLAINTS

Sworn employees receiving an alleged minor nature against complaint against an officer should request a supervisor to respond to the scene. If a supervisor is not available, or if the complainant is not able to wait for a supervisor, the officer shall obtain the citizens contact information and forward it to a supervisor. The supervisor may handle the complaint as outlined in the Initial Supervisor Responsibility section. Complaints of a serious nature require the immediate notification of an available supervisor. Serious complaints must be initially investigated by the rank of sergeant or above.



**206.4.2 CARRYING OF OLEORESIN CAPSICUM SPRAY**

Uniformed employees carrying the OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field employees may carry the OC spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

**303.3.3 WHEN DEPARTMENT ISSUED BWC SYSTEM IS AUTHORIZED**

Once the BWC system is activated it shall remain on until the incident has concluded or until deactivation is permissible in accordance with this order.

**900.4.3 NEGLIGENCE OF DUTY**

Employees will satisfactorily perform their duties.

**110.4.4 INSUBORDINATION**

Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.

Recommended Classification: *The OPO is permitted to make a preliminary recommendation on the classification of administrative cases.*

***The OPO recommends that this allegation receive an A classification.***