



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0778

August 3, 2021

Complaint: The complainant alleges he was wrongly handled by officers in a situation and property was taken from him for no reason while his 1-year-old son was left in a hot car with no air conditioning, and it was over 100 degrees. Complainant alleged APD driving an unmarked car, illegally pulled him over for no reason as he was coming out of [REDACTED] on [REDACTED] [REDACTED]. Complainant alleges the officer came to his window and told him to roll down the back windows and he told him that all the windows would not roll down. Complainant alleges the officer told him his window tint was too dark and he could not see in the car. Complainant alleges he explained to the officer that he just got it done and the tint was legal. Complainant alleges the officer told him he had to run his plates to see if there were warrants. Complainant alleges he told the officer he did not have any warrants and he just got the plates today. Complainant alleges the officer came back and told him to turn the car off and get out and the officer handcuffed him. Complainant alleges the officer told him he was being detained because he had warrants and the car was reported stolen. Complainant alleges he told the officer he had everything he needed to show that the car was in his name. Complainant alleges another officer showed up and the officer on the told that officer they were not taking him to jail because the warrant was not confirmed. Complainant alleges while he was handcuffed for 30-40 minutes his son was still in the hot car with the car still turned off. Complaint alleges the officer told him he was sorry but there they had to take the car and gave him the detective number. Complainant alleges the officer told him the next time to be more compliant when dealing with that type of situation. Complainant alleges he feels he was wrongly abused by the police for no reason because he did everything right. Complainant alleges the officers did not care enough to turn the car on for his son because they wanted to profile him. Complainant alleges when the officer could not do anything to him, so they just took the car and let him go and what they did was not right. Complaint alleges the police case number is [REDACTED] out of city auto theft.

This notice of formal complaint is a request for Internal Affairs to initiate an investigation 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 shall provide equal and fair protection of all rights under local, state, and federal law for all members of the community. Law enforcement will be conducted in an impartial and equitable manner.



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

328.3.2 REQUIRED DOCUMENTATION

Every member of the Department is required to document and report to the Department any detention, frisk, search, nonconsensual stop and/or arrest of a person. Officers shall document the following information in the appropriate fields of an incident report, field release citation, warning, field observation card or electronic street check

350.3 IMPOUND GUIDELINES

The decision to impound may be made by any officer as long as the vehicle is in violation of any City ordinance related to traffic or parking, or constitutes a traffic hazard.

350.4 VEHICLE INVENTORY

(a) In all incidents where a vehicle is impounded, officers will conduct an inventory of the vehicle for damage and any items of personal property. In rare circumstances, an investigative unit may direct an on-scene officer not to conduct an inventory because the investigative unit determines that the inventory would unreasonably jeopardize the evidentiary/forensic integrity of the vehicle. The direction to not inventory should be documented using BWC and in the incident report.

402.2.4 REPORT WRITING

All reports shall accurately reflect:

- (1) the identity of the persons involved.
- (2) All pertinent information seen, heard, or assimilated by any other sense.
- (3) Any action(s) taken.

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

The OPO recommends this complaint receive a B classification.