



OFFICE OF POLICE OVERSIGHT

AMENDED NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0342

May 25, 2021

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

“Officer stationed at [REDACTED] on [REDACTED] every Saturday (as he told me), was extremely rude and aggressive from the start of our interaction. I parked my car at [REDACTED] because I was (mistakenly) told by a supervisor at my employer, [REDACTED], that I could park there since on certain days employees are required to park outside of the restaurant's own parking lot when it gets really busy so as to leave space for customers to park. When I got out of my car, the officer got out of his vehicle and proceeded to rudely tell me I couldn't park there or he'd have my car towed. As I tried explaining the situation and what my supervisor at work next door had told me, he grew more aggressive and said I was lying. This went on for a few minutes as his tone grew more agitated. I took it upon myself to try to de-escalate the situation so I said I didn't want any trouble, and I would move the car, which helped a little, but still didn't change his demeanor in any major way. This whole situation seemed very unnecessary, as a simple, "Hey, you can't park here." would have been fine and even more ideal if he had explained to me that the reason I couldn't park there, and the reason he is stationed there is because the hotel is probably going to be [REDACTED]. Which is information I was unaware of since I just started working at [REDACTED], and one of my coworkers later made me aware of and said we weren't allowed to park there anymore. All this being said, I can only imagine what other situations can set this particular officer off, if someone half his size doing something as benign as mistakenly parking their car in a prohibited area could cause him to become overly aggressive and rude despite no belligerence on my part..”

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):

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.



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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.

303.3.1 WHEN DEPARTMENT ISSUED BWC SYSTEM USE IS REQUIRED

This section is not intended to describe every possible situation where the system may be used. In some circumstances it may not be possible to capture images of an incident due to conditions or location of the camera, however the audio portion can be valuable evidence and is subject to the same activation requirements. The BWC should only be activated for law enforcement purposes.

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.

In an effort to create an organizational culture that is inclusive and nondiscriminatory, employees shall act professionally, treat all persons fairly and equally, and strive to interact with the community in a positive manner. Employees will perform all duties objectively and without regard to personal feelings, animosities, friendships, financial status, occupation or employment status, sex, disability status, housing status, mental health or ability, citizenship, language, national origin, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity, gender expression, ethnicity, or social or ethnic background. Employees will endeavor to understand and respect cultural, national, racial, religious, physical, mental, and other differences.

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

The OPO recommends that this allegation receive a B classification.