



ICMS #: 2020-0552

July 17, 2020

Complaint: The Office of Police Oversight received an online complaint from [REDACTED] stating as follows:

“On [REDACTED] at [REDACTED] on [REDACTED], I [REDACTED], was waiting on the bus stop by [REDACTED] side of the street, across the street near [REDACTED], Mr [REDACTED], was smoking crack on the bus stop, after a while, Mr [REDACTED] came to my side of the street on bus stop, begin to smoke crack near me, so I Mr [REDACTED] went to the other side of the street, after a few minutes, Mr [REDACTED] followed me to the same side again, this happened 3 times crossing back and forth across the street, so I went to phone an call 911, since it was a none emergency, the dispatch told Mr [REDACTED] to call 311, so I call 311, an they gave me information to narcotics, while I was on the phone, Mr [REDACTED] heard me talking about his dope smoking, after I got off phone, I went over to the [REDACTED] dumpster to get the pizza that they put out, when they leave, when I came back toward my [REDACTED], Mr [REDACTED] as [REDACTED] did I call police, I stated yes, an they gave me narcotics number, I continued walking toward my [REDACTED] apt so I stop at the [REDACTED] bus stop in front of my [REDACTED] to eat some pizza, after about ten minutes, Mr [REDACTED] started running toward me with one hand in the middle of his pants, I jump up, an Mr [REDACTED] charge right in my face, with his hand still in his [REDACTED] pants, so I immediately got my phone and call police, an told them Mr [REDACTED] had a gun, which we on the blk have know his nephew to display with Mr [REDACTED], so I was fearful, moving back as Mr [REDACTED] kept charging toward me, shouting threats, about, coming to my apt to get me, an how he should bus me in the face now, as I continue to talk to dispatcher on the phone, so I ran away from him looking for police to arrive toward [REDACTED], when police start coming, Mr [REDACTED] started walking away toward the grass on the side of the [REDACTED], I yelled to police as they arrived, Mr [REDACTED] was starting to [REDACTED] in, police called him back, police split us up to talk to us, as two police officers was starting to ask me what happened, officer [REDACTED] can up saying, don't curse at me Mr [REDACTED], when I heard officer [REDACTED] say that, it was like he was in charge, so I said I didn't want to talk to him, could I talk to a sergeant or other officer, so officer [REDACTED], went to talk to Mr [REDACTED] instead, as I was telling the other officer [REDACTED], the same as Mr [REDACTED] is telling this report, it sound like the officer with officer [REDACTED] started attacking me with misunderstanding about why I was not in my apt at this time of morning, how he did not understanding cause [REDACTED] Pizza close at [REDACTED], an officer [REDACTED] WAS ASKING ME, HAVE I BEEN SMOKING DOPE, OR DRINKING BEER, I TOLD OFFICER [REDACTED], NO SMOKING, AN DRANK A LITTLE BEER AROUND [REDACTED], SO THE OTHER OFFICER STILL DIDN'T UNDERSTAND WHY I WAS NOT IN MY APT, INSTEAD OF OUTSIDE FOR 4 HOURS WAITING ON PIZZA, [REDACTED] DON'T GIVE OUT LEFT OVER PIZZA TO THE DOOR AT [REDACTED], NO MORE, THEY WAIT UNTIL THEY LEAVE, AT [REDACTED] THEN SET 10 OR LESS BOXES OF PIZZA IN THE TRASH, BUT THE PIZZA STILL BE IN THE BOX, AFTER I EXPLAINED THAT, THEY ASK ME DID I WANT TO FILE CHARGES ON MR [REDACTED] FOR THREATS, I MR [REDACTED] SAID YES, WHILE



I WAS WAITING FOR OFFICER [REDACTED] TO GIVE ME THE POLICE REPORT NUMBER, OFFICER [REDACTED] ASKED ME, DID I SPIT ON MR [REDACTED], I REPLIED NO, THATS A LIE, THEY GAVE ME THE REPORT NUMBER SO I COULD FILE A CLASS C OFFICER [REDACTED] SAID, THEN THE OTHER OFFICER TOLD ME TO GO INSIDE, NOW, THRU ALL THIS QUESTIONS, WHY DID THEY OVER LOOK MR [REDACTED] SCARED THE FEAR IN ME WHEN HE CHARGED TOLD ME, AN I STARTED RUNNING YELLING AT DISPATCHER TO HELP, ISN'T IT ASSAULT EVEN IF THERE IS NO ACTUAL CONTACT BUT A THREAT OF HARM AS MR [REDACTED] CHARGED TOWARD ME IN A VIOLENT STATE, CAUSE I CALL NARCOTICS, AN SEE OUT 6 TIMES I CALL THE POLICE FOR HELP OVER THE LAST EIGHT MONTHS, OFFICER [REDACTED] CAME AS THE OFFICER, THE FIRST THING HE ALWAYS SAYS IS MR [REDACTED] DON'T CURSE ME, AS IF THE OFFICER HAS THE RIGHT TO INTIMIDATE ME OR DEPRIVE ME OF MY LIBERTY BY ALWAYS REMEMBERING SOMETHING HE SAID I DID TO HIM, BUT I WAS CURSING MY WIFE, NOW SEPARATED, AS I TALKED TO OFFICER [REDACTED], I FEEL LIKE OFFICER [REDACTED] IS USING THAT TO STOP ME OF MY LEGAL RIGHTS, EVERYTIME OFFICER [REDACTED] COMES THE CURSING HAPPENED OVER 7 MONTHS AGO, AN ON TOP OF THAT, OFFICER [REDACTED] GAVE ME A POLICE REPORT THAT I DON'T SEE, APD CASE # [REDACTED], THE SAME AS OFFICER [REDACTED], GAVE ME A POLICE REPORT NUMBER [REDACTED] AT [REDACTED] THATS NOT THERE APD CASE [REDACTED]. BUT AFTER I CHECK ON LINE THE REPORT OFFICER [REDACTED] GAVE ME WAS FOR MR [REDACTED] BEING THE VICTIM, LIEING ON REPORT SAYING ASSAULT BY CONTACT, I MR [REDACTED] DID NO SUCH THING, MR [REDACTED] THOUGHT OFFICERS WAS TAKING HIM TO COURT, I DID IT ALL BY THE LAW AND I STILL FEEL LIKE I WAS NOT TREATED RIGHT CAUSE OFFICER [REDACTED] HAS SOMETHING AGAINST MR [REDACTED] TO THE POINT OFFICER [REDACTED] SCARES MR [REDACTED], OR ONE DAY MY LIFE MAY BE ON THE LINE AN ALL OFFICER [REDACTED] CAN FOCUS ON IS DON'T CURSE ME MR [REDACTED], PLEASE PLEASE LOOK INTO IT, AN MR [REDACTED] IS STILL COMING ON MY APT COMPLEX SMOKING CRACK ALL IN THE OPEN IN FRONT OF KIDS OR WHO EVER, I FEEL VERY HURT LIKE I CAN'T PROTECT MYSELF OR THE POLICE CAUSE OF OFFICER [REDACTED] INFLUENCE WHEN HE COMES TO THE SCENE.”

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):

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their functions based on established legal authority. This department does not tolerate abuse of law enforcement authority.

301.1 PURPOSE AND SCOPE

All persons deserve protection by fair and impartial law enforcement and should be able to expect similar police response to their behavior wherever it occurs. Employees will serve the public through direction, counseling, assistance, and protection of life and property. Employees will be held accountable for the manner in which they exercise the authority of their office or position. Employees will respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.

301.2 IMPARTIAL AND DECENT COURTESY

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

900.3.4 PERSONAL CONDUCT

(c) While on-duty or on the premises of City facilities, employees will not:

1. Use loud, profane, harsh, derogatory language, or use belittling terms in conversations.
2. Ridicule, mock, taunt, embarrass, or harass any person, nor do anything that might incite that person to violate any law.

900.1.1 RESPONSIBILITY TO KNOW AND COMPLY

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct activities; employees are required to know and comply with department policies, procedures, and written directives.

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.