



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0701

July 20, 2021

Complaint: The complainant submitted an online complaint to the Office of Police Oversight alleging the following:

“I am a defense attorney. I have a client who has been incarcerated since [REDACTED] due to an insufficient police investigation. I was able to prove his innocence through my investigation. He is still being held by parole due to the original arrest by APD on said investigation. During his incarceration he contracted Covid in the jail and was also injured at the jail while working. I have documentation to prove his innocence and will gladly share this information. His charge was dismissed [REDACTED] due to lack of evidence and extremely deficient investigation. I have already sent the information I gained through my investigation to the detectives responsible for the investigation and my client's arrest. I have never received a response nor has the true guilty party (the victim in the case) been charged with anything. My client is [REDACTED] (his name was misspelled by the officers - so he is in [REDACTED] under [REDACTED]). [REDACTED] The investigation was for terroristic threat. The basis of the charge were a series of emails claimed by the victim, were sent by my client. The detectives never attempted to get the IP addresses for the emails. I was able to prove the IP addresses for the emails were accessed by the victim to generate the emails. This should be investigated. She needs to be charged and the detectives need to be reprimanded.”

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):

403.2 FOLLOW-UP INVESTIGATIONS Follow-up investigations may include, but are not limited to:

- (a) Reviewing and analyzing preliminary reports.
- (b) Reviewing Department records and databases.
- (c) Seeking additional information from complainants, witnesses, neighbors, informants, officers and Department employees.
- (d) The incident may require contact with the victim(s) and witness(es) by the assigned personnel to obtain information not uncovered during the preliminary investigation.
- (e) Upon request and without jeopardizing case security, the assigned personnel or designee shall advise the victim(s) of the status of the case.



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- (f) Conducting interviews and interrogations. Arranging for the dissemination of information, as appropriate.
- (g) Soliciting assistance and/or information from other Units within the Department and/ or outside law enforcement agencies.
- (h) Planning, organizing and conducting searches.
- (i) Collecting physical evidence.
- (j) Identifying and apprehending suspects.
- (k) Follow-up on emergency mobile phone request court orders and related paperwork within 48 hours of first request.
- (l) Checking suspects' criminal histories.
- (m) Determining the involvement of suspects in other crimes.
- (n) Reviewing the results of laboratory examinations.
- (o) Preparing cases for court presentation.
- (p) Assisting in the prosecution.
- (q) Documenting entry, modification, validation or cancelation of TCIC/NCIC records

900.4.3 NEGLECT OF DUTY

Employees will satisfactorily perform their duties.

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

The OPO recommends this complaint receive an A classification.