



ICMS #: 2020-1388

December 10, 2020

Complaint: Complainant, Ms. [REDACTED] submitted a complaint by phone to the Office of Police Oversight on [REDACTED] alleging that her grandson was arrested by an [REDACTED] and that in the process he was tased, his arm was broken requiring surgery, and that his family was not contacted. She also believed that the involved officer may have had a personal issue with her grandson involving a relationship with a girl gone wrong.

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):

200.1.3 DUTY TO INTERCEDE

Any officer who observes another officer using force shall intercede to prevent further harm if the officer knows that the force being used is not objectively reasonable and the officer has a reasonable opportunity to prevent the harm. Such officers must also promptly report these observations to a supervisor.

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

While the type and extent of force may vary, it is the policy of this department that officers use only that amount of objectively reasonable force which appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this order.

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.

200.3.2 USE OF FORCE TO AFFECT A DETENTION, AN ARREST OR TO CONDUCT A SEARCH

An officer is justified in using reasonable force when the officer reasonably believes the use of such force is immediately necessary (Tex. Penal Code § 9.51(a)): (a) To make or assist in a detention or an arrest, or to conduct a search that the officer reasonably believes is lawful

200.3.3 NOTICE OF AUTHORITY AND IDENTITY

If it is not already reasonably known by the subject to be searched or 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 (Tex. Penal Code § 9.51(a)(2)).

208.3 VERBAL WARNINGS

A verbal announcement of the intended use of the TASER Device shall precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

208.4.3 SPECIAL DEPLOYMENT CONSIDERATIONS

(a) The use of the TASER Device should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the TASER Device.

208.4.5 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Only one officer shall deploy his TASER Device on an individual unless it is obvious the deployment was not effective.

215.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the subject with the risk and potential for injury to department personnel, the public, or the subject. Officers are expected to act reasonably based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a subject is rarely more important than the safety of the public and Department personnel.

215.2 DECISION TO PURSUE



Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in, or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

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.

321.1 PURPOSE AND SCOPE

Department values mandate that persons taken into custody will not be abused, and the individual rights of prisoners must be protected at all times. Until arrested persons are accepted at the booking facility, their care and custody shall be the responsibility of the arresting/transporting officers.

321.2.1 RESTRAINT GUIDELINES

(b) Officers shall not:

1. Use restraints to punish, display authority, or as a show of force.

321.3 TRANSPORTING ARRESTED PERSONS

The law imposes a duty of care on the transporting officer to protect prisoners from injury.

321.3.2 SPECIAL SITUATIONS

(c) Ill, Injured or Disabled Prisoners

1. Transporting of the ill, the injured, or prisoners with a disability should be done with the officer's safety and the physical comfort of the prisoner in mind. Circumstances may require that the arresting officer transport the prisoner by EMS, prisoner transport van, or by a specially designed vehicle that can be requested through City or commercial entities. At least one officer will ride with the prisoner in the EMS unit or other designated transport unit. A second officer will follow the prisoner transport vehicle in a police vehicle.

3. Ill or injured prisoners in custody of an officer should be restrained, if possible, to prevent escape or to prevent injury to officers or medical personnel. (a) The officer will consider the prisoner's special circumstances before applying any restraining device. (b) The prisoner should not be restrained in such a way that proper medical attention is prevented.

900.3 GENERAL CONDUCT



This section contains the expectations and requirements of employee conduct, both on-duty and off-duty, and causes for disciplinary action due to employee misconduct. This is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient Department service.

900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

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 and activities; employees are required to know and comply with all 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.