



## OFFICE OF POLICE OVERSIGHT

# NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-0750

July 20, 2021

**Complaint:** The complainant alleges she was driving down [REDACTED] where it turns into [REDACTED] and noticed an undercover squad of cars that had a maroon Impala pulled over on the side of the road. She alleges that she looked as they were searching the vehicle and noticed that Officer [REDACTED] had saw her on looking. She kept driving as she was on her way home, and realized she had a car with cop lights pulling her over. She pulled to the side and immediately realized it was Officer [REDACTED] # [REDACTED] that was pulling her over, he initially told her she had ran a stop sign in which the complainant told him she did not run through any stop signs, Officer [REDACTED] then asked her to step out of the car and handcuffed her while he searched her car. The complainant alleges he did not find anything in her car and alleges the officer lied stating he had seen her run a stop sign which she didn't just to have probable cause of searching her car. She alleges this is discrimination due to the type of car she drove stating it is stereotyped as a drug dealer car ('04 Buick Park Avenue). She alleges she hadn't committed any crimes and should be able to drive whatever car she chooses without having to worry about being discriminated against, she is a 47 year old grandmother and has had her car for many years.

*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.

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.



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### 318.3.1 HANDCUFFING DETAINEES

As a practice, officers should not handcuff lawfully detained individuals. However, situations may arise where it may be reasonable to handcuff a lawfully detained individual . . . Officers should weigh the safety interests of all involved individuals against unreasonable intrusion upon a detainee when deciding to place handcuffs on a detainee . . . If not documented in a report, officers will document their justification for handcuffing a detainee for a limited investigation, with a Street Check/Field Interview report.

### 328.2 POLICY

The Department strives to provide law enforcement services to our diverse community while respecting the racial, cultural, or other differences of those we serve. It is the policy and practice of the Department to provide law enforcement services and to enforce the law equally, fairly, and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

While the practice of racial or bias-based profiling is strictly prohibited, it is recognized that race or cultural differences may be legitimately considered by an officer in combination with other legitimate factors; to establish reasonable suspicion or probable cause (e.g., subject description is limited to a specific race or group), to establish relevant elements of a crime (e.g. exploitation of an elderly or disabled individual), or to gather evidence relevant to enhanced punishment due to offenses committed because of bias or prejudice.

### 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

### 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.
- (4). Any property which the employee takes possession of, clearly documenting the:
  - (a) events that led up to the taking possession of the property;



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- (b) purpose for taking the property; (c) identification of the property and/or description;
- (d) location where the property was taken;
- (e) complete identifiers, as available, for anyone who may claim ownership of the property.

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.***