



NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-1068

November 29, 2021

Complaint: The complainant alleges:

“I, ([REDACTED] [REDACTED] along with my friends [REDACTED] [REDACTED] and [REDACTED] [REDACTED] were on our way back home when we saw two police cars stopped at the [REDACTED] [REDACTED]. There we saw our housemate [REDACTED] who was filming the officers in question who had detained [REDACTED] with badge numbers [REDACTED] and [REDACTED] (police vehicles [REDACTED] and [REDACTED] respectively). [REDACTED] informed us that they had detained [REDACTED] unlawfully and without reason. We asked the officers why [REDACTED] was being detained and they refused to give us an answer. We also believe [REDACTED] himself did not even know why he was being detained. We are all familiar with [REDACTED] as we have seen him around before, but we have never had any issues with him. The store owner of [REDACTED] also know him and are on good terms with [REDACTED] as well. The officers proceeded to ask questions like “ do you work here([REDACTED]) , “do you know the owners”, etc. My friends and I were too far away to hear any of [REDACTED] responses. The officers threatened to arrest us if we got too close, so we kept our distance. As my friends and I were by-standing the situation, [REDACTED] [REDACTED] [REDACTED] (came to assist us with by standing and filming. Later an older gentleman who also lived in the neighborhood came to assist. He mentioned that he has also seen [REDACTED] around but he never bothers anyone. The officers then searched [REDACTED] and arrested him. Before leaving they told us that the [REDACTED] next door had broken windows and they saw [REDACTED] as a suspect. The windows were broken, but they were already boarded up. But I have to note that this incident with [REDACTED] occurred on [REDACTED], where the [REDACTED] wasn't even open. Meaning that if the windows were broken and boarded up, that would have to occur prior to [REDACTED] It was clear that the windows were not broken that [REDACTED] and that the officers were looking for a reason to arrest [REDACTED] Namely because he just happened to be in the area.”

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.



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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.

302.2 INTERACTION WITH COMMUNITY

(c) As long as the photographing or recording takes place in a setting at which the individual has a legal right to be present and does not interfere with an officer's safety or lawful duties, officer's shall not inform or instruct people that photographing or recording of police officers, police activity or individuals who are the subject of police action (such as a Terry stop or an arrest) is not allowed; requires a permit; or requires the officer's consent. Additionally, officers shall not:

1. Order that person to cease such activity;
2. Demand that person's identification;
3. Demand that the person state a reason why they are taking photographs or recording;
4. Detain that person;
5. Intentionally block or obstruct cameras or recording devices; or
6. In any way threaten, intimidate or otherwise discourage an individual from recording officer's enforcement activities.



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308.3 MISDEMEANOR CITATION USE

Officers shall issue misdemeanor citations as permitted by this order.

(a) On-duty officers who decide to take enforcement action on a subject who commits a citation eligible misdemeanor offense shall, except as otherwise permitted by this Order, issue a citation when all considerations outlined in this order have been met, and no disqualifying circumstances exist.

(b) Officers shall select the least intrusive or severe method when considering issuing a citation in lieu of arrest, which will:

1. Stop existing criminal conduct; a subject's criminal history should not be a determining factor.
2. Remove the imminent threat of violence or criminal conduct.
3. Prevent persons from endangering themselves or others.

(c) Supervisor approval is required to make a custody arrest in lieu of a citation for eligible offenses.

(d) If an arrest is made in lieu of a citation for an eligible offense, the following must be documented in the offense report:

1. Approving supervisor's name and employee number.
2. Reason for the arrest in lieu of citation

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.