



NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0745

July 20, 2021

Complaint: The complainant alleges his son was questioned by Detective [REDACTED] without parental consent or legal representation after the complainant had verbally and electronically told him [REDACTED] that he was not to speak to the child without their presence. Complainant alleges his son was taken to the [REDACTED] to give a swab sample for DNA testing and was taken by Detective [REDACTED] where he interrogated the child without parents being around, the Detective accused the child of being guilty of a crime by telling the minor he did it and this has not played out in court yet. The complainant alleges that he received a call recently from the Detective saying that APD has a warrant now out for the minor even though there hasn't been any condemning evidence. The complainant alleges his son was traumatized by the officer and this is unethical how his son is being treated and harassed.

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):

317.2.3 REQUIRED PARENT NOTIFICATION

In contrast to detention situations, the law requires that a child's parent/guardian be promptly notified when the child is in police custody.

317.5.2 WORKING WITH PARENTS

A child's parent or guardian has personal legal responsibility for the child's welfare and behavior. The Department recognizes this responsibility and police officers will work with parents as closely as possible in interviewing children.

317.5.4 GENERAL GUIDELINES FOR INTERROGATING JUVENILES

- (a) Interrogations: An interrogation is the questioning of a juvenile who is suspected of a status or criminal offense.
 3. Custodial Interrogations: The Miranda warning administered by a magistrate must precede all custodial confessions. Prior to conducting a custodial interrogation of a juveniles, employees will confer with the juvenile and parents or guardians to explain agency and juvenile justice system procedures. The custodial interrogation of a juvenile may take place in two types of situations; the exact procedures to be followed vary depending on the situation.



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403.4 STATEMENTS AND CONFESSIONS

The purpose or objective of a statement or confession is to take lawful and accurate statements that corroborate the elements and details of an incident. In doing so, investigators and supervisors will be cognizant of such factors as the mental and intellectual abilities of the subject being interviewed and the duration of the interview itself. Written and oral statements or confessions should not be utilized as the sole basis for the filing of charges; any statement or confession should be corroborated by other legally obtained evidence or verified in an appropriate manner.

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.