



ICMS #: 2020-1132

September 18, 2020

Complaint: Mr. [REDACTED] submitted a complaint by phone to the Office of Police Oversight alleging that in an interaction with two officers outside of [REDACTED], one officer swore at him, brandished his gun, was extremely intimidating, and was using excessive force. The other officer also swore at him, and when [REDACTED] voiced his concern about his partner, threw a paper and his driver's license at him. One officer did not identify himself and the other wrote his info on the paper that he threw at him. Officer [REDACTED] said that [REDACTED] was lucky that he wasn't arresting [REDACTED] for damaging the gallon of milk a store manager destroyed, and that [REDACTED] was lucky that the manager didn't kick the shit out of him.

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):

303.3.1 WHEN DEPARTMENT ISSUED BWC SYSTEM USE IS REQUIRED

This section is not intended to describe every possible situation where the system may be used. In some circumstances it may not be possible to capture images of an incident due to conditions or location of the camera, however the audio portion can be valuable evidence and is subject to the same activation requirements. The BWC should only be activated for law enforcement purposes.

402.1.1 GENERAL GUIDELINES

Officers will not write an offense report when they are the victim of a crime. The victim officer will write a supplement. The offense report will be written by an officer who is not a victim.

301.2 IMPARTIAL ATTITUDE AND COURTESY

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

900.3.4 PERSONAL CONDUCT

While on-duty or on the premises of City facilities, employees will not . . . ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

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 a B classification.

