



## OFFICE OF POLICE OVERSIGHT

# NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-0965

October 4, 2021

**Complaint:** The complainant alleges: The complainant saw a man, [REDACTED], being attacked by 2 other men. She ran to stop the fight and saw that the attacker didn't have any marks where he said [REDACTED] had hit him. [REDACTED] allegedly had over 20 injuries including a broken jaw and was bleeding. Complainant was assisting [REDACTED] on the ground when the police showed up. The complainant allegedly explained that [REDACTED] was in a mental health crisis and did not want an ambulance. The complainant had offered to take [REDACTED] to the hospital herself. The police said there had been an assault. Complainant allegedly explained that she saw the other person and there was no mark. One officer was helpful but the other, [REDACTED] "was just about authority". One officer allegedly pushed the complainant. She alleges the police wrote a false report. The complainant alleges that there is camera footage that showed him in mental health or drug crisis. 2 people fought him, he was trying to fight back. She says they took him to jail because he is Black. He is allegedly being charged with intoxication and bodily injury. The complainant alleges he did not cause bodily injury.

*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):**

#### 301.1 PURPOSE AND SCOPE

All persons deserve protection by fair and impartial law enforcement and should be able to expect similar police response to their behavior wherever it occurs. Employees will serve the public through direction, counseling, assistance, and protection of life and property. Employees will be held accountable for the manner in which they exercise the authority of their office or position. Employees will respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.



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### 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.

### 318.5.1 MIRANDA WARNING

(a) Officers will administer the Miranda Warning to a subject during a custodial interview/ interrogation when questioning begins to focus on the person stopped, becoming accusatory regarding a specific offense.

### 401.5 SECURE AND IDENTIFY WITNESSES

Officers should attempt to locate any witnesses to an offense when warranted by the seriousness of the case. Since potential witnesses to an incident may be lost or the integrity of statements compromised with the passage of time, officers should take reasonable steps to promptly coordinate the following tasks with on-scene personnel

### 402.2.4 REPORT WRITING

(b) Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

### 900.4.4 DUTY TO IDENTIFY

(c) Employees will provide the name and business telephone number of their immediate supervisor upon request by any person.



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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.***