



ICMS #: 2021-0266

April 30, 2021

Complaint: [REDACTED] complainant, submitted an online complaint to the Office of Police Oversight alleging the following:

"I called for a mental health officer as my granddaughter who has been diagnosed with several mental illnesses had again gotten out of hand. Two young officers arrived first, one named [REDACTED] and the other officer's name escapes me. I told them both that I am a [REDACTED] [REDACTED] and then described the events that had occurred. As I was restraining my Granddaughter I was slightly scratched on my inner right arm. There were red marks and it did hurt when this occurred. The officers went upstairs and talked to [REDACTED]. Shortly they came and told me that State Law required them to arrest [REDACTED] as this is a Family Violence matter. I said that is not the case and was told well that is what our supervisor said. I then asked to see the supervisor. [REDACTED] arrived and stated the same thing, state law requires an arrest in this situation. I challenged him on this point and he then asked me how long I have been out of [REDACTED]. I said about 10 years. [REDACTED] then said in front of my wife and his rookies, " well you need to brush up on the law cause it has changed." I found this rude and disrespectful . As I persisted he then backed off and said APD Policy required an arrest. I said that APD has been to this location for the same situation and [REDACTED] was subjected to a POED and not charged. [REDACTED] then said he would have to look into that as that should have not happened. My Wife then asked to see the policy and [REDACTED] showed it to her. It said an arrest could be avoided if a MHO agreed the subject met criteria to be subjected to a POED. I learned this and again said where is the MHO? The MHO arrived and from the moment he entered the residence it seemed as his mind had been made up for him. I explained that [REDACTED] suffers from DID and Borderline Personality Disorder within the different personalities. He went up and spoke with [REDACTED] for a few minutes and came back down and told me she did not meet criteria for POED> She simply acted on impulse. Uncontrolled impulsive behavior is a symptom of BPD and DID. This night it drove her to start a physical altercation with a man TWICE her size and with LE use of force training. Can you say... DANGER TO HERSELF AND/OR OTHERS????? It seemed to me [REDACTED] mind was made up before he arrived and he cared little for anything I had to say. He showed me a section of CCP (5.04(a)) that says "And make Lawful Arrests." at the end of a paragraph saying that was the state law requiring the arrest of [REDACTED]. the Family Violence Act did not disable officer discretion in misdemeanor offences. If APD policy requires an arrest here then I can only say this policy need be re-evaluated. On four other occasions we have called APD for assistance with [REDACTED] and on each of those instances I shared with responding officers the information I shared this night. On all other instances, one other that included [REDACTED] assaulting me, she was subjected to a POED. The officers who responded those times were professional, courteous and respectful of my own experience and training. In fact [REDACTED] and his partner were the same on this night. [REDACTED] was the one that had an issue with my questioning the actions taken. I found him dismissive and discourteous and persistent in attempting to justify an position he could not. What kind of leadership is this? Furthermore [REDACTED] and his partner agreed with me that an arrest in



this situation was not the best outcome for [REDACTED]. To add insult to injury, once [REDACTED] was arrested, the officers all left the scene without providing me the case number of the incident. I had to call 311 and work through that mess to get the case number. I was the victim in this and was not given the information required by CCP 5.04(c).”

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):

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.

110.4.4 INSUBORDINATION

Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.

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.