



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0867

August 24, 2021

Complaint: The complainant alleges: Hello. I called 911 at the [REDACTED] because the staff at this school lost my daughter, [REDACTED]. She is a 4 yo PRE-K student and doesn't speak English yet. She did not come back home from school at [REDACTED] pm. We try called to school but no one answered the phone. After 30 minutes around [REDACTED] pm, we finally understood where our daughter was. I Got into my vehicle and with the oldest daughter, [REDACTED] 13 yo, we went to the school to pick up [REDACTED]. But when we arrived and went inside the school (I was without a weapon but the gun was in a vehicle in the parking lot) (the person who opened the door for us was Assistant Principal [REDACTED]) I ask [REDACTED] to open the door and give my child. She said - NO. I ask her a second time, she answered - NO. After a couple of minutes, she goes inside and told my daughter she can go to me. [REDACTED] starts screaming and crying. Outside the glass door I try to calm down her. When she goes out [REDACTED] takes care of her. I told [REDACTED] I need to speak to her about what happened. She answers - NO and closes the door. At this moment I decide to call 911 and asking help with this situation. I explain to dispatch what happens, my name, where are I and that I have a gun in my vehicle. And I sit and wait for the PO. When I waited I heard someone from the office talk with the police and tell them a different story. When I saw a PO car I opened the door outside and waved my hands for the PO to come. They stop their vehicle went outside and immediately pulled a gun on me. I put my shirt up for the show to the PO I have no gun on me and put my hands on my head. Then PO comes to me and then detains me and escorts me to the police vehicle. And I tell my story. At this time my daughters [REDACTED] and [REDACTED] sit in the school. [REDACTED] saw how PO go to the teacher's room and talk with the personnel. They were laughing loudly about something. I think it is very funny then your daughter was missing for 30 minutes and no one knows where she is. After the PO return from school, they removed the handcuffs and told me to go to the park and sit on the bench. The PO starts talking about how I'm not legal to open carry on a school parking lot and if I continue to argue with him I will be arrested for a criminal charge. The PO told me I will meet with [REDACTED] the Director of Security from [REDACTED] and he tells me I'm trespassing and am not welcome at this place anymore. But they couldn't tell me what LAW I was breaking. At this moment I understand the police do not protect me like a parent who doesn't understand what happened with their daughter and why the school does not do anything to resolve this situation. [REDACTED]

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.

328.3.2 REQUIRED DOCUMENTATION

Every member of the Department is required to document and report to the Department any detention, frisk, search, nonconsensual stop and/or arrest of a person. Officers shall document the following information in the appropriate fields of an incident report, field release citation, warning, field observation card or electronic street check.

402.5 REPORTING THE ACTIVE TARGETING OF A FIREARM AT A PERSON

By the nature of their duties, officers may be required by general orders and training to point their firearm, including impact munitions, and actively target at a person. This section does not create an additional requirement for officers to initiate an incident report; however, officers that actively target their firearm at a person shall properly document the incident as outlined.

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.