



# OFFICE OF POLICE OVERSIGHT

## NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-0558

June 21, 2021

**Complaint:** The complainant alleges: Her car broke down near the [REDACTED] exit by [REDACTED] area and she immediately called her tow truck company to come out and pick up her car, however a hero driver was dispatched and pulled up wanting to move her car even though it was not in an unsafe area. She told him she already had called her towing company to pull it to where she needed it and that the area he was trying to move her to was unsafe to where other cars could possibly hit her not seeing her until too late. The hero driver remained persistent with her and told her if she didn't let him push her car out the way he was going to call the police and get it towed on his own. As the hero driver walked off to call the police her tow truck driver was pulling up for her car. The officer that was dispatched after the hero driver called the police came and was very rude and discourteous to her by letting her know that if it was him that had come first he would've had her car pushed off the road whether she gave her permission or not. She didn't understand why he came to just threaten her instead of helping to resolve the situation between her and the hero driver.

*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.

#### 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



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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.

### 402.2 INCIDENT REPORTING

A well-written report can help make a case just as easily as a poorly written report can ruin a case. Employees have the responsibility to write clear, factual, and complete reports.

### 303.3 (1) DEPARTMENT ISSUED BODY WORN CAMERA

Employees assigned to the units below are required to power on the device at the beginning of their tour of duty and not power the device off until the end of that tour of duty.

#### (a) Patrol

#### 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.

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.***