



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0739

July 20, 2021

Complaint: The complainant alleges:

“My name is [REDACTED] and I am writing on the behalf of my 16 year old disabled son whom was a victim of police misconduct, to inform you of an incident that happened on [REDACTED] between [REDACTED], which I feel was handled in a negative and harmful manner.

On [REDACTED], my older son [REDACTED] (16) 6"3 and I were leaving when we were approached by an all black SUV (tactical team of some sort). My son [REDACTED] suffers from ADHD, Bi-polar Depression, and some learning disabilities. Although [REDACTED] is disabled with mental health problems, he is very loving, helpful and kind.

I rolled down my window immediately in order to speak with the officer on the driver side of the SUV. I was hoping that they were not going to wait until I was gone to pick up my younger son, [REDACTED] (14) 5"6 because I was leaving for a job I was hoping I was here when they all came. I had just spoken to [REDACTED] lawyer and his case manager maybe 20 minutes before the officers showed up, in which they informed me that there was a warrant and they warned me that they may be coming to pick him up. The warrant was so new that none of us had time to even wonder what was happening or what it was for.

The officer informed me that they were here for my younger son [REDACTED], another unit pulled up with two more officers. I said, "yes sir you guys knew I was about to pull off right?" I knew you guys were coming just didn't expect it to be while I wasn't home." At this point I am speaking with the officer on the driver side of the first unit and then my older son [REDACTED] gets out of the vehicle and slightly jogs towards the house with intentions on retrieving his younger brother [REDACTED]. I had just said to the officer yes sir, (in compliance) let me get him for you but the answering machine picked up. At this point, none of the four officers present said stay in the car, don't go into the house, do not get out of the car. Before I could say, I then immediately saw two officers (while yelling stop at the same time) attack my son to the ground. I am screaming at this point, "you have the wrong kid please get off him". My son was shocked and screaming himself with a mouth full of dirt, he was also kicked multiple times. He was squirming because his side hurt after being kicked and he was handcuffed while an officer held him down from his bottom half and one on his top half. I do not have the officers name because when I asked only one would say his name, [REDACTED]. They did not give him a chance to stop or respond to them. They struck him with such force, I was frightened and he startled and scared calling



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for me. They handled him so rough that the handcuff keys broke off into the first set of handcuffs and they had to call the fire department to cut them off of him, only to replace them. I was then told that my 16 year old was under arrest for resisting a search, I asked, "how?" Then later I asked what is he being charged with and they then said evading arrest and that he was going to jail. I was so nervous I couldn't press video correctly so I was only able to snap pictures of how they attacked him. Also, [REDACTED] kept telling me to move away from it and warned me that he had told me three times and that I was about to be arrested for non compliance. I had not heard him because of what was happening behind him was happening to my son and I could no longer see but only hear him crying for me.

At that moment, one officer had walked to the back of my building in which he came back with my younger son, [REDACTED] who was on the balcony upstairs. They placed [REDACTED] in the back of one of the SUV's in which he was in compliance with the officers.

Later that night, both of the boys were released to me and I was just told there would be a court date. My older son [REDACTED] has suffered some painful episodes and some vomiting one to two days after the incident. He was in pain and was taken to the hospital in which they said he suffered from back strains and leg strains. He gets scared when he sees all black SUV's, he thinks we are being followed and they are coming again to get him.

These types of incidents builds hate in the community especially between the kids its happening to and the officers. Things like this happening to an african american kid in front of other brown and black people is detrimental to their mentalities and well being. I made this statement to the supervisor that showed up and was told that they could not help that. I asked," is this the procedure for arresting a minor who has a monitor on his ankle, that you know his whereabouts, and can look at the gps and see where he is and has been, was there anyway possible you could have come a little quieter without all the drama because now I have kids looking at this happening and people pulling up and watching which really hurt because this was my minor, disabled, good son being drug through the dirt by the exact people we have to rely on for protection. I did not feel safe and did not feel this was handled with care. I thought officers jobs were to protect and serve FIRST. My sons and I defintiely feel safe or protected by the officers on the scene instead they chose to injure a 16 year disabled child who was not under arrest.

I feel this was wrong because he was not the person they came for, and in no circumstance should a officer hit a child.



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I respectfully request a thorough and professional investigation of police misconduct that hurt my 16 year old disabled son in which just by looking you can't see his disability until you proceed to have a conversation with him. I am requesting that someone contact me with a report of the results of this investigation.

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):

200.2 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance.

200.2.1 ASSESSMENT AND DE-ESCALATION

As officers arrive on the scene, observe conditions, and interact with the persons there, they should continue to gather additional relevant information and facts. These assessments, along with reasonable inferences help to develop an understanding of the totality of the circumstances of the incident.

200.3 RESPONSE TO RESISTANCE

While the type and extent of force may vary, it is the policy of this department that officers use only that amount of objectively reasonable force which appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this order.

200.3.1 DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

Any interpretation of objective reasonableness about the amount of force that reasonably appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving, and the amount of time available to evaluate and respond to changing circumstances may influence their decisions. The question is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting him.



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211.4 EMPLOYEE RESPONSIBILITIES FOR ALL FORCE LEVEL INCIDENTS

- (b) Involved employees shall request EMS as soon as practicable when a subject complains of injury, has visible injuries, or the circumstances indicate that an injury may have occurred. For purposes of this section "Injury" does not include TASER probe marks that are not in a sensitive area of the body. Officers will comply with section 208.5 in regards to post-TASER deployment medical treatment.

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.

Recommended Classification: *The OPO is permitted to make a preliminary recommendation on the classification of administrative cases.*

The OPO recommends this complaint receive an A classification.