



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-1183

December 8, 2021

Complaint: This is related to OPO case #2021-0997. While responding to the call, APD officers may have failed to complete an Assault Victim Statement (AVS). APD officers may also have failed to provide the victim with information regarding his rights and victim resources. As a result, officers may have violated APD policy. The OPO is the complainant.

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):

418.2.3 (d) FAMILY VIOLENCE INVOLVING MENTAL ILLNESS

If there is reason to believe a suspect that is still on-scene suffers from a mental illness, an on-duty patrol officer that is a certified Crisis Intervention Team (CIT) officer shall be requested to the scene.

(d) This section does not:

1. Remove the requirement to complete an Assault Victim Statement (AVS) and make any applicable notifications as outlined in this order.

418.3.1 ASSAULT VICTIM STATEMENT

(a) An Assault Victim Statement (AVS) form shall be completed on every incident involving family violence, regardless of whether an arrest is made. This includes, but is not limited to, any assault offense involving family violence with the exception of assault by contact and assault by threat offenses.

(b) Officers shall advise victims of their right to obtain an emergency protective order (EPO) and ask them if they wish to file one. The required guidelines for filing an EPO are outlined later in this order.

(c) Victims of family violence are to be given the opportunity to complete the AVS and sign it.



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418.3.2 VICTIM INFORMATION

- (a) Officers shall provide each adult present with a copy of the information pamphlet entitled Victim Assistance Information that includes the Notice to Adult Victims of Family Violence and write the incident number on the front page.
- (b) Victims should always be referred to Victim Services for counseling.
- (c) Victims and offenders should be told that assault charges on family violence arrests may be filed even if the victim does not wish charges to be filed

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.