



OFFICE OF POLICE OVERSIGHT

NOTICE OF COMPLAINT

November 18, 2022

ICMS #: 2022-1030

On November 14, 2022, the OPO received a phone complaint.

The complainant alleges: He was riding his bike south on [REDACTED] and there were a lot of people because of the festival. As he approached a corner there was a man in front of him who looked like a transient and was smoking marijuana. The complainant tried to go around him, but the person made it difficult for him to pass. The complainant got off his bike and the man turned and yelled at him and kicked his bike. The complainant fell over. He stood up and called the man a name. The man then punched him in the head. He began to reach for his cell phone to call the police when he heard someone yelling. The person yelling was a motorcycle officer who claimed he saw the whole thing. The complainant explained what happened and told the officer he wanted to file charges. The officer went over to talk to the other person. There were witnesses that said the complainant did not do anything. The officer came over and said he saw the man kick the bike and it seemed like the complainant pushed him. The complainant told the officer he did not touch the man, that the man punched him in the head, and that he wanted to file charges because he assaulted him twice and which is a class misdemeanor. The officer said he was going to write a report and turn it over to a detective who would contact him and decide if charges would be filed. The officer gave his name as [REDACTED], but he did not interview any of the witnesses. He questioned if the man would be arrested and the officer basically made him leave. A couple of days later he got an e-mail from Officer [REDACTED] stating it was a class A misdemeanor which is only a fine. The e-mail also stated that since he did not have any marks on him, they would not charge it any higher. The complainant is a lawyer, and he knows the statutory limits. He is 64 and a half years old and touching him is a felony. He is furious about the incident. He is a citizen; he pays his taxes, and he is entitled to be protected from being assaulted. He wants to file a complaint and pursue whatever he can against Officer [REDACTED] and others who are responsible. He spoke to another officer who was supposed to call him back, but he never did. Nothing was done to protect him. Case# [REDACTED]



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This notice of 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.