



ICMS #: 2021-0083

February 5, 2021

**Complaint:** The complainant, [REDACTED], alleges that he was put in a police car, driven across town, and dropped off in a location unknown to him. Complainant alleges the officer was rude, telling him, "You can find your own way home," and "You need to stay where you belong."

*This notice of formal complaint is a request for Internal Affairs to initiate an investigation in order 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):**

**301.2 IMPARTIAL ATTITUDE AND COURTESY**

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

**318.3 DETENTIONS**

Detentions are "seizures" under the Fourth Amendment. Officers may stop and question individuals when reasonable suspicion that the person may be involved in past, present or future criminal activity exists.

**318.3.1 HANDCUFFING DETAINEES**

(a) As a practice, officers should not handcuff lawfully detained individuals. However, situations may arise where it may be reasonable to handcuff a lawfully detained individual.

**437.2.3 TRESPASS IN PROGRESS - CONSENT WITHDRAWN**

In cases where a subject initially enters a property with consent but fails to leave when given notice to do so by the owner/agent, officers shall adhere to the following guidelines:

(a) Officers must witness:

1. The subject in/on the property; and
2. The owner/agent administer to the subject the notice to leave.

(b) If the subject does not leave, officers may make an arrest for criminal trespass.

(c) If the subject leaves, officers shall write a criminal trespass notice report as outlined in this order.

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

***The OPO recommends that this allegation receive a B classification.***