



ICMS #: 2020-0581

August 4, 2020

Complaint: Mr. [REDACTED] submitted a complaint by phone to the Office of Police Oversight stating that the officer who stopped him treated him like a criminal and was racist towards him. Mr. [REDACTED] further stated that the officer took his car, but didn't give him a ticket. Mr. [REDACTED] alleged that the officer treated him like a criminal even though he has a clean record, that he was put in the back of a patrol car, and wasn't treated well.

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):

110.4.4 INSUBORDINATION

Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.

306.9 FRISK (PAT-DOWN) FOR WEAPONS

A frisk is a mere pat-down of the outer clothing, area, vehicle or container to which a detained person may have immediate access. The purpose of a limited weapons frisk after an investigatory stop is not to discover crime, but to allow the officer to pursue the investigation without fear of violence. An officer does not need to be absolutely certain that an individual is armed; the issue is whether a reasonably person would justifiably believe that he or others were in danger.

350.2.2 DRIVING A NON-CITY VEHICLE

Non-City vehicles should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of traffic or to comply with posted signs.

350.3.1 AUTHORIZED IMPOUNDS

The following are situations/circumstances for which a vehicle may be impounded . . . When there is articulable probable cause to believe that the vehicle: (1) is the instrument fruit, or evidence of a crime; or (2) contains an instrument fruit or evidence of a crime; or (3) other means of effecting the gathering or security of evidence at the immediate location of the vehicle is not readily available.



350.3.2 IMPOUND PROCEDURES

Anytime a vehicle is actually impounded or moved, officers will . . . complete an incident report entitled Impounded/Moved Vehicle identifying the vehicle location, time, registered owner, wrecker service, and show justification for the impound.

350.3.3 HOLDS ON IMPOUNDED VEHICLES

A hold may be placed on an impounded vehicle when (1) the vehicle was involved in a criminal incident and it is necessary to establish the identity of the person who will attempt to claim the vehicle; (2) there is a need to secure the vehicle for evidentiary reasons (e.g., homicide, stolen property, a vehicular fatality, vehicle to be forfeited).

350.4 VEHICLE INVENTORY

In all incidents where a vehicle is impounded or moved, officers will make an inventory of the vehicle for damage and any items of personal property. Such an inventory is a care taking function intended to protect (1) the owner's property while it remains in police custody; (2) the police against claims or disputes over lost or stolen property.

900.1.1 RESPONSIBILITY TO KNOW AND COMPLY

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

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.