



ICMS #: 2020-0589

July 17, 2020

Complaint: The Office of Police Oversight received an online complaint from [REDACTED] stating as follows:

“The staff at [REDACTED] were attempting to remove a resident. The person they were removing [REDACTED] threatened my life. He said he had a gun he was going to grab it. he then threatened personel [sic] with violence at the [REDACTED]. secondly, he then threatened to come back and "get all of us." [REDACTED] repoded [sic]. He did not take a statement from me and allowed [REDACTED] to come up and down from the room unsupervised and allowed [REDACTED] to try to intimidate me while I had to wait in the lobby because I was terrified to go back to my room. I am still terrified and have to move rooms due to the threats that he may come back. After they finally left I observed that someone had spit or thrown an unknown substance all of my door that appeared to be spit. The officer did not take me or the staff seriously after being threatened with physical violence several times.”

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):

303.3.3 WHEN DEPARTMENT ISSUED BWC SYSTEM DEACTIVATION IS AUTHORIZED

Once the BWC system is activated it shall remain on until the incident has concluded or until deactivation is permissible in accordance with this order.

(d) Employees may deactivate the audio portion by engaging the mute button on the body worn camera, for administrative reasons only, as follows:

2. After the purpose of audio deactivation has concluded, employees will reactivate the audio track

437.3.1 CRIMINAL TRESPASS NOTICE

When an officer witnesses a subject being given a trespass notice by an owner/agent, the officer shall document the incident by either writing a "Criminal Trespass Notice" incident report (title code 2730) or complete a Criminal Trespass Notice Incident Form (PD0040 or PD0040E). A subject does not need to be on the property at the time the notice is given in order for the notice to be valid. If the notice is to be temporary and the suspect leaves when told to do so by the owner/agent, the officer will title the report "Assist Complainant" and document that the notice was temporary and should not be considered a permanent (e.g., up to one year) notice.

(a) Criminal Trespass Notice Report

1. Use the offense title "Criminal Trespass Notice" (title code 2730).



2. Use the Trespass Notice template when writing the narrative.
3. The narrative should contain the following information:
 - (a) Location of occurrence.
 - (b) Date and time of occurrence.
 - (c) Witnesses to the incident.
 - (d) Type of notice issued (e.g. oral, written, posted sign).
 - (e) Name and identifying information on the owner/agent who issued notice.
 - (f) Reason the owner/agent wants to issue the notice.

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.