



ICMS #: 2020-1749

December 30, 2020

Complaint: The Complainant alleges: APD received a false report that I was suicidal with a gun [REDACTED]. They called me around [REDACTED] and asked if they could come by to pick up security camera video I had of a break in the week before. I told them I was at work until [REDACTED]. When I arrived home, four APD officers emerged from my neighbor's bushes and attacked me at gun and taser point. I was 100% compliant. But, they forced me to my knees (still at gun point) and ripped my arm back the way you pull a leg of a turkey. They tore my rotator cuff, labrel tendon and bicep tendon. It required major surgery with bills exceeding \$100k. I no longer have full use of my arm and I have metal in my shoulder now. Keep in mind, I had done NOTHING WRONG. They arrived all amped up and ready to kill me. Think about this; if I was having a mental crises, and running around suicidal with a gun, why did they wait six hours to intervene? If this was such a dangerous situation that they had to attack me at gun point, why weren't they concerned about my coworkers? And if they thought I was going to shoot myself, why was their plan to shoot me? It didn't stop there. I had no idea why they attacked me, I had done nothing wrong. I kept asking them what did I do. They refused to answer for about 30 min and then told me they had a call saying I was suicidal with a gun. I told them over and over I never said such a thing, and had no intentions to harm myself or others. They said "well someone thinks you are". They refused to release me. My girlfriend arrived for our dinner date while I was handcuffed in my driveway (1.5 hrs). They ran to her car and told her I was suicidal. she is ESL and had never been close to a cop. She was in shock and didn't know what suicidal meant. I called to her and said "I need help, please come over here". The cop blocked her from coming to me and told her she had to get inside my house. Question; Does it make sense to you that a suicidal guy running around with a gun goes to work and comes home for a dinner date? And, if I was having a mental crisis, shouldn't they try to bring a loved one to talk to me? The cops kept refusing to let me go, I asked over and over and over "what have I said, not said, done or not done that gives you any indication I'm a threat to myself or others?" Their only answer was "well someone thinks you are". They told me they called a mental health officer to come and "evaluate me" and she would decide what to do with me. I was handcuffed in my driveway for 1.5 hours in full view of my curious neighbors who now avoid me like I was a serial killer while we waited for the "Mental Health Officer". When she arrived, and before she got out of her car, she said to one of the officers; "I don't need to see him, you guys have been here for hours, everybody's crazy tonight" and then instructed them to detain me for 48 hours which turned out to be 61 hrs. I was then jumped by SIX APD officers and forced to my feet and dragged to a cruiser and thrown inside, kidnapped and taken to a mental hospital where I was held captive for 61 hours. I missed work for three days. While I was handcuffed, two APD officers entered my garage again with their guns drawn (they knew my house was empty and that I had just arrived) and searched my car - without a warrant! Another officer entered my home and searched my kitchen, living room and my bedroom - without a warrant! I have video of this attack from my security cameras and an audio recording of the first 10 min and a recording of the Mental Health Officer saying "I don't need to see him, everyone's crazy tonight" APD also violated the following Stater law: Texas" law for Emergency Detention (Title 7, subtitle C, Chapter 573, subchapter A, section 573.001 requires the following for emergency detention. APD did NOT fi Sec.A 573.001. APPREHENSION BY PEACE OFFICER



WITHOUT WARRANT. (a) A peace officer, without a warrant, may take a person into custody, regardless of the age of the person, if the officer: (1) has reason to believe and does believe that: (A) the person is a person with mental illness; and (B) because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and (2) believes that there is not sufficient time to obtain a warrant before taking the person into custody. (b) A substantial risk of serious harm to the person or others under Subsection (a)(1)(B) may be demonstrated by: (1) the person's behavior; or (2) evidence of severe emotional distress and deterioration in the person's mental condition to the extent that the person cannot remain at liberty. (c) The peace officer may form the belief that the person meets the criteria for apprehension: (1) from a representation of a credible person; or (2) on the basis of the conduct of the apprehended person or the circumstances under which the apprehended person is found. ALL these criteria MUST be met in order to detain someone. I did not meet any of the criteria!!!! I was unlawfully detained. Furthermore, under Health and Safety Code (Title 7, subtitle C, Chapter 573, subchapter A, section 573.002, Texas law requires the detaining officer to write up and file a Notification of Detention (see below) giving very specific reasons and observations in order to detain someone. APD did NOT fill out or file this notification! APD officers are guilty of violating Texas law and should be punished. Sec. 573.002. PEACE OFFICER'S NOTIFICATION OF DETENTION. (a) A peace officer shall immediately file with a facility a notification of detention after transporting a person to that facility in accordance with Section 573.001. Emergency medical services personnel of an emergency medical services provider who transport a person to a facility at the request of a peace officer made in accordance with a memorandum of understanding executed under Section 573.005 shall immediately file with the facility the notification of detention completed by the peace officer who made the request. (b) The notification of detention must contain: (1) a statement that the officer has reason to believe and does believe that the person evidences mental illness; (2) a statement that the officer has reason to believe and does believe that the person evidences a substantial risk of serious harm to the person or others; (3) a specific description of the risk of harm; (4) a statement that the officer has reason to believe and does believe that the risk of harm is imminent unless the person is immediately restrained; (5) a statement that the officer's beliefs are derived from specific recent behavior, overt acts, attempts, or threats that were observed by or reliably reported to the officer; (6) a detailed description of the specific behavior, acts, attempts, or threats; and (7) the name and relationship to the apprehended person of any person who reported or observed the behavior, acts, attempts, or threats. (c) The facility where the person is detained shall include in the detained person's clinical file the notification of detention described by this section. (d) The peace officer shall provide the notification of detention on the following form: Notification--Emergency Detention

Recommended Administrative Policies to Review (to include but not limited to):

303.3.1 WHEN DEPARTMENT ISSUED BWC SYSTEM USE IS REQUIRED

This section is not intended to describe every possible situation where the system may be used. In some circumstances it may not be possible to capture images of an incident due to conditions or location of the camera, however the audio portion can be valuable evidence and is subject to the same activation requirements. The BWC should only be activated for law enforcement purposes.



304.3.2 WHEN DMAV USE IS REQUIRED

This order is not intended to describe every possible situation where the system may be used. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera however the audio portion can be valuable evidence and is subject to the same activation requirements.

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.

