



ICMS #: 2021-0179

March 12, 2021

**Complaint:** Complainant, [REDACTED], alleges: Wellness check after leaving [REDACTED]. Cut my hand with a knife. APD showed up. I walked away. Was pursued. Shot with bean bag rounds. Thrown in cop car. Administered ketamine. Arrested and charged with Aggravated Assault Public Servant x 2. I had every right to refuse interaction with APD because I was not under arrest and due to previous police encounters involving mental health and their lack of training. It was alleged that I "threatened" police with the knife. This did not take place. I was unarmed after discharging the knife and I was still threatened with an actual firearm and was shot 2 more times which broke my hand. Then I was administered Ketamine for undisclosed reasons while restrained with no resistance or violence.

*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):**

**200.2 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS**

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance.

**200.3 RESPONSE TO RESISTANCE**

While the type and extent of force may vary, it is the policy of this department that officers use only that amount of objectively reasonable force which appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this order.

**200.3.1 DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE**

Any interpretation of objective reasonableness about the amount of force that reasonably appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving, and the amount of time available to evaluate and respond to changing circumstances may influence their decisions. The question is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting him.

**202.1.1 FIREARM DISCHARGE SITUATIONS - POLICY**

It is the policy of this department to resort to the use of a firearm when it reasonably appears to be necessary under the circumstances.

**202.1.4 DISPLAY OF FIREARMS**

Firearms may be readied for use in situations where it is anticipated they may be required. Firearms shall not be displayed or pointed in a threatening or intimidating fashion unless it is objectively reasonable to believe there is a substantial risk that the situation may escalate to the point where deadly force would be permitted. Firearms shall be secured or re-holstered as soon as reasonably practicable when it is determined that deadly force is no longer necessary.



#### 206.5.2 VERBAL WARNINGS

A verbal announcement of the intended use of the kinetic energy projectile should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

(c) When the less lethal kinetic energy projectile is deployed on scene, the officer carrying the weapon shall announce over the air as soon as practicable that the less lethal shotgun/40mm weapon was deployed and be acknowledged by the dispatcher.

#### 206.5.4 ADDITIONAL DEPLOYMENT CONSIDERATIONS

(a) Before discharging projectiles, the officer should consider the following factors:

1. The subject's capability to pose an imminent threat to the safety of officers or others.
3. The credibility of the subject's threat as evaluated by the officers present, and the subject's physical capacity/capability to carry out the threat.
4. The availability of other force options and their possible effectiveness.

#### 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.

#### 306.3.1 SEARCH PROTOCOL

Nothing in this order supersedes officer safety tactics.

- (a) Officers will conduct person searches with dignity and courtesy.
- (b) Officers will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practicable.

445.2 INCIDENTS REQUIRING A CIT OFFICER (a) If the incident is an emergency involving a person in mental health crisis, a CIT officer will be dispatched as the primary responding officer. If a CIT officer is not available, any patrol officer will be dispatched immediately, and a CIT officer will respond as soon as possible.

#### 800.2 PROPERTY AND EQUIPMENT ACCOUNTABILITY - GENERAL POLICY

For purposes of this order, Department property is synonymous with City property.

- (a) Willful damage to City property by an employee is prohibited.
- (b) Negligent or incorrect use of City property is prohibited.
- (c) Employees are responsible for the ordinary care and cleaning of City equipment in their custody and control and will maintain it in the best possible condition.

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

***The OPO recommends that this allegation receive an A classification.***