



ICMS #: 2021-0265

April 30, 2021

Complaint: [REDACTED] submitted an online complaint to the Office of Police Oversight alleging:

“I was pulled over by the officer and he asked me if I was in a hurry. I said that I just wanted to get home to rest because I wasn't feeling well. My friend/roommate was in the passenger seat and immediately asked if he could go inside the hotel we were next to to use the restroom. The officer allowed him without any questioning. After my roommate exited the car, I proceeded to grab my phone and notified the officer that I'd like to video this interaction. As I brought my phone up from the center console in order to put it on my dashboard, the officer said no and shoved himself into my vehicle through the window and knocked over my phone followed by pulling me out of the vehicle with unnecessary aggression. I did not resist anything from the officer from fear of being further aggression. I wanted to film the interaction simply because I couldn't see whether the officer had a body cam on. I am hoping all of his vehicle dash camera filmed this to the very least. Leading up to my arrest for an alleged DWI, I was aggressively and unnecessarily grabbed by my arms and put on the floor by the officer, causing me to be left with a scar on my left elbow and two bruises on my left arm. This unnecessary aggression continued after arriving to the station, even though I repeatedly told the officer that I did not consent to him grabbing my arm with such force and that I would comply with following him as long as he let go. I was already in handcuffs this whole time and did not resist any of his orders. I racially identify as Hispanic/Latino. My roommate in the passenger seat is Caucasian male. The name of the officer is [REDACTED] My roommate was able to film part of the interaction after he came out from using the restroom.”

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):

200.2.1 ASSESSMENT AND DE-ESCALATION

As officers arrive on the scene, observe conditions, and interact with the persons there, they should continue to gather additional relevant information and facts. These assessments, along with reasonable inferences help to develop an understanding of the totality of the circumstances of the incident.

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.



301.2 IMPARTIAL ATTITUDE AND COURTESY

Employees shall provide equal and fair protection of all rights under local, state, and federal law for all members of the community. Law enforcement will be conducted in an impartial and equitable manner. In an effort to create an organizational culture that is inclusive and nondiscriminatory, employees shall act professionally, treat all persons fairly and equally, and strive to interact with the community in a positive manner. Employees will perform all duties objectively and without regard to personal feelings, animosities, friendships, financial status, occupation or employment status, sex, disability status, housing status, mental health or ability, citizenship, language, national origin, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity, gender expression, ethnicity, or social or ethnic background. Employees will endeavor to understand and respect cultural, national, racial, religious, physical, mental, and other differences.

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.

302.2 INTERACTION WITH COMMUNITY

(c) As long as the photographing or recording takes place in a setting at which the individual has a legal right to be present and does not interfere with an officer's safety or lawful duties, officer's shall not inform or instruct people that photographing or recording of police officers, police activity or individuals who are the subject of police action (such as a Terry stop or an arrest) is not allowed; requires a permit; or requires the officer's consent. Additionally, officers shall not:

1. Order that person to cease such activity;
2. Demand that person's identification;
3. Demand that the person state a reason why he or she is taking photographs or recording;
4. Detain that person;
5. Intentionally block or obstruct cameras or recording devices; or
6. In any way threaten, intimidate or otherwise discourage an individual from recording officer's enforcement activities.

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.