



# OFFICE OF POLICE OVERSIGHT

## NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-0561

June 17, 2021

**Complaint:** The Office of Police Oversight received an online complaint alleging the following:

“On [REDACTED] APD came to my house located at [REDACTED]. My wife called 911 because I was acting out of normal character and wanted assistance to leave the house that night. I was taken to the hospital for observation but in the process ADP assaulted me . I have been going to doctor since this has happened and I am incurring bills from the assault. From MD appointments, physical therapy, and orthopedic specialists, X-Ray, MRI etc. The pain and discomfort is unbearable at times.”

*This notice of formal complaint is a request for Internal Affairs to initiate an investigation 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.

**211.2 DETERMINING THE CORRECT FORCE LEVEL**

Force levels are broken up into four types: Level 1, Level 2, Level 3, and Level 4. Each level is defined below by the response to resistance used in the incident. These levels are established for inquiry, reporting, and review purposes only. If there is uncertainty about which level to designate a particular incident then the higher level shall be used.



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### 303.3 DEPARTMENT ISSUED BODY WORN CAMERA

BWC equipment is to be used primarily by uniformed personnel as authorized per assignment by the Department and must be used unless otherwise authorized by a Commander or above.

- (b) Employees equipped with a Department issued BWC system must be trained in the operation of the equipment prior to its use. BWC equipment will be used in accordance with Department training and the BWC operations manual.
- (c) Unless otherwise authorized by the Chief of Police or his/her designee, BWC's will be worn consistent with the training and manufacturer's recommendations, in regards to fields of view and employee safety. Employees will adhere to the following dimensions for placement of the BWC:
  - 1. From the center of the sternum, no more than four inches to the right or left on the outermost layer of clothing such that the camera has an unobstructed view.
  - 2. No higher than four inches below the top button of the uniform shirt and no lower than six inches below the top button of the uniform shirt.

### 318.3.1 HANDCUFFING DETAINEES

- (c) Officers should weigh the safety interests of all involved individuals against unreasonable intrusion upon a detainee when deciding to place handcuffs on a detainee.
- (d) Unless arrested, handcuffing detainees at the scene of a search warrant should continue for only as long as is reasonably necessary to ensure the safety of officers and others.

### 318.6 FIELD PHOTOGRAPHS

- (a) Field photos should only be used for:
  - 2. Identification of a subject's condition (e.g., injuries, tattoos, evidence stains on clothing, jewelry, distinctive clothing/shoe patterns).

### 318.6.5 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices for compliance with Department General Orders. This is not to imply that supervisor approval is required before each photograph.

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

***The OPO recommends this complaint receive a B classification.***