



## OFFICE OF POLICE OVERSIGHT

# NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-0700

July 20, 2021

**Complaint:** The complainant submitted an online complaint to the Office of Police Oversight alleging the following:

“I was helping move unhoused folx out of the [REDACTED] encampment by moving tents and other belongings at the instruction of the police. I was leaving [REDACTED] and walking to my car when suddenly a bicycle officer rode up beside me on my right. “Stop you need to stop” Confused and startled I asked why. “Because i fucking told you to” was his response. The officer came to a stop on his bicycle in front of me, effectively blocking my way. He yelled something that I can’t remember and I turned slightly to glance behind me to see what he was yelling about. I saw that two Unhoused folx I had been working with that day had also been making their way to the back of the building and were behind me, now surrounded by and followed by several police. Neither unhoused person was doing anything but walking. I saw a police officer push one of the unhoused men violently causing him to fall back against a bicycle rack. Next police officers seized an unhoused man directly behind me, slamming him on the ground. I instinctively went to the ground to try and protect him and was repeating over and over “he didn’t do anything we didn’t do anything”. I was hugging the man behind me as we both laid on the ground in an effort to shield him from officer blows or other potential violence. My hands were wrenched behind me and zip tied. The others were zip tied as well. I saw another officer push a man who was watching the violence unfold down to the ground. The three of us were moved to a nearby area and questioned and at this time I saw the man who had been pushed against the bikes had several lacerations on his back that were bleeding.”

*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.



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### 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.

#### 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.

### 211.4 EMPLOYEE RESPONSIBILITIES FOR ALL FORCE LEVEL INCIDENTS

The following outlines the required responsibilities of involved employees, employees that witness an incident, and employees designated to assist at the scene of any response to resistance incident. If a juvenile is in custody related to the incident, the juvenile should not be interviewed unless the juvenile has been brought before a magistrate.

- (a) Involved employees shall notify their supervisor as soon as practicable of any force incident or allegation of use of force.
- (b) Involved employees shall request EMS as soon as practicable when a subject complains of injury, has visible injuries, or the circumstances indicate that an injury may have occurred. For purposes of this section "Injury" does not include TASER probe marks that are not in a sensitive area of the body. Officers will comply with section 208.5 in regards to post-TASER deployment medical treatment.

#### 211.4.1 EMPLOYEE REPORTING GUIDELINES FOR ALL FORCE LEVEL INCIDENTS

The following outlines the reporting guidelines for involved employees, employees that witness an incident and employees designated to assist at the scene of any response to resistance incident.



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### 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.

### 402.2.4 REPORT WRITING

- (c) Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

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

***The OPO recommends this complaint receive an A classification.***