



# OFFICE OF POLICE OVERSIGHT

## NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-0931

September 21, 2021

**Complaint:** Complainant alleges: he dropped his mother at the [REDACTED], and he was standing outside talking to a female security about an incident when the police pulled up. Complainant alleges officer [REDACTED] pointed a service pistol at him telling him to come here, so he walked toward the officer and the officer told him to put his hands up. Complainant alleges another officer (officer [REDACTED]) went around to the trunk of the police car and got a shot gun, pumped it, and pointed it at him. Complainant alleges Officer [REDACTED] could have killed him and the female that was standing there. Complainant alleges the officer said that they had a description of a black male in a white wife beater and khaki pants, and he had on khaki shorts. Complainant alleges with training they should be given a physical description and not just what the person has on. Complainant alleges he felt his life was in danger because when the officer pumped the shotgun, he was ready to kill.

*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):**

#### 301.1 PURPOSE AND SCOPE

All persons deserve protection by fair and impartial law enforcement and should be able to expect similar police response to their behavior wherever it occurs. Employees will serve the public through direction, counseling, assistance, and protection of life and property. Employees will be held accountable for the manner in which they exercise the authority of their office or position. Employees will respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.

#### 328.2 RACIAL OR BIAS-BASED PROFILING - POLICY

The Department strives to provide law enforcement services to our diverse community while respecting the racial, cultural, or other differences of those we serve. It is the policy and practice of the Department to provide law enforcement services and to enforce the law equally, fairly, and without discrimination toward any individual or group.



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Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

While the practice of racial or bias-based profiling is strictly prohibited, it is recognized that race or cultural differences may be legitimately considered by an officer in combination with other legitimate factors; to establish reasonable suspicion or probable cause (e.g., subject description is limited to a specific race or group), to establish relevant elements of a crime (e.g. exploitation of an elderly or disabled individual), or to gather evidence relevant to enhanced punishment due to offenses committed because of bias or prejudice.

### 402.5 REPORTING THE ACTIVE TARGETING OF A FIREARM AT A PERSON

By the nature of their duties, officers may be required by general orders and training to point their firearm, including impact munitions, and actively target at a person. This section does not create an additional requirement for officers to initiate an incident report; however, officers that actively target their firearm at a person shall properly document the incident as outlined below.

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.***