



ICMS #: 2020-1511

December 10, 2020

Complaint: The Office of Police Oversight received a complaint from an anonymous caller alleging: In [REDACTED] two officers, an Officer [REDACTED] and Officer [REDACTED] arrived at the complainant's house looking for a dog. The dog was not at her house. The officer asked to come in her house and because of the officer's aggressive attitude she did not want them to come inside. Officer [REDACTED] grabbed the complainant's wrist very hard, pressing her watch into her wrist. The complainant screamed loudly. The officers would not let her reenter her home. She tried to enter another part of the home and Officer [REDACTED] grabbed her wrist as well. She ran inside and was very upset. She has photos of the swelling and bruising that occurred on her left wrist from the incident. She also has a ring video of parts of the incident. She feels traumatized by the experience. She complained directly to the police and felt they did not take it seriously. She does not think police should manhandle citizens this way.

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):

200.3.1 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.

200.3.2 USE OF FORCE TO AFFECT A DETENTION, AN ARREST OR TO CONDUCT A SEARCH

An officer is justified in using reasonable force when the officer reasonably believes the use of such force is immediately necessary (Tex. Penal Code § 9.51(a)):

- (a) To make or assist in a detention or an arrest, or to conduct a search that the officer reasonably believes is lawful;
- (b) To prevent or assist in preventing escape after an arrest, provided the officer reasonably believes the arrest or search is lawful; or
- (c) To make an arrest or conduct a search under a warrant that the officer reasonably believes is valid.

200.3.3 NOTICE OF AUTHORITY AND IDENTITY

If it is not already reasonably known by the subject to be searched or arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search and identify themselves as a peace officer before using force (Tex. Penal Code § 9.51(a)(2)).



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

211.5 DESIGNATION OF SUPERVISOR TO CONDUCT INQUIRY

The supervisor of the employee involved in the force incident shall typically be the primary supervisor conducting the force inquiry.

900.3.4 PERSONAL CONDUCT

(c) While on-duty or on the premises of City facilities, employees will not:

1. Use loud, indecent, profane, harsh, derogatory language, or use belittling term in any communications.

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.