



ICMS #: 2020-0279

May 4, 2020

**Complaint:** Mr. [REDACTED], complainant, alleges that Austin Police Department (APD) officers may have violated APD policy during a crash investigation. Mr. [REDACTED] alleges that “the police officer did not provide me with a police report and the other driver’s information. He was more concerned with giving me a citation for no licenses than handling other things.” Mr. [REDACTED] also alleges that the officer was rude.

*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):**

**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.

**301.2 IMPARTIAL ATTITUDE AND COURTESY**

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

**304.3.2 WHEN DMAV USE IS REQUIRED**

This order is not intended to describe every possible situation where the system may be used. In some circumstances it is not possible to capture images of the 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.

**346.3 CRASH INVESTIGATION**

During crash investigations, officers should:

- (a) Identify and interview drivers and occupants.
- (b) Identify and interview any witnesses.
  1. Request all witnesses remain at the scene to speak with the Vehicular Homicide Unit, if applicable.
- (c) Provide the drivers involved with a *Driver / Insurance Information Form* (PD0023 / "Brown Form") to exchange information. Officers will ensure the forms are completely



filled out with the correct information before the drivers exchange the forms.

(d) Determine if any traffic violation(s) or crime(s) have occurred and take appropriate enforcement action.

(e) Identify and protect items of apparent evidentiary value.

1. Ensure property belonging to a crash victim is protected from theft or damage and removed to a place of safekeeping. Protection of the property may consist of securing the property in a vehicle, releasing it to a third party, or turning it into the property room for safekeeping.

(f) Notify the dispatcher of any damage to the roadway, signs, or utilities.

(g) Document the incident as necessary (e.g., insurance information, statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

#### 900.1.1 RESPONSIBILITY TO KNOW AND COMPLY

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

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

**The OPO recommends that this allegation receive an A classification.**