



NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0981

October 4, 2021

Complaint: The complainant alleges: Mental Health Officers arrived after being called on a resident, [REDACTED], who was reported to have a knife and making worrying statements. This resident is deaf and has an Intellectual/Developmental Disability. Officers did not arrive with an interpreter and did not listen to me (his case manager) when i attempted to speak with them about resident's disabilities and need for a CDI and ASL interpreter. They instead attempted to communicate via whiteboard and said that he was pretending not to understand what they were saying, even after I assured them that communicating in this way was extremely difficult for him. Resident's rights under the ADA were encroached upon, and the one staff person who could assist in this issue was ignored and asked to leave.

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):

200.2.1 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.

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.



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301.2 IMPARTIAL ATTITUDE AND COURTESY

Employees shall provide equal and fair protection of all rights under local, state, and federal law for all members of the community. Law enforcement will be conducted in an impartial and equitable manner.

In an effort to create an organizational culture that is inclusive and nondiscriminatory, employees shall act professionally, treat all persons fairly and equally, and strive to interact with the community in a positive manner. Employees will perform all duties objectively and without regard to personal feelings, animosities, friendships, financial status, occupation or employment status, sex, disability status, housing status, mental health or ability, citizenship, language, national origin, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity, gender expression, ethnicity, or social or ethnic background. Employees will endeavor to understand and respect cultural, national, racial, religious, physical, mental, and other differences

318.2 GENERAL POLICY

(b) Officers will explain the reason for the contact and the purpose of anticipated police action, when practicable.

(c) Officers will act with as much restraint and courtesy toward persons interviewed, detained or arrested as is possible under the circumstances.

321.2.1 RESTRAINT GUIDELINES

(a) Suspects being arrested and transported in police vehicles shall be handcuffed or otherwise restrained as described below

445.3 CIT OFFICER REFERRALS

Officers receiving a mental health request for assistance from a complainant will refer the individual to an on-duty CIT officer or the CIT Unit. An incident report will be completed as outlined in this order.

609.3 INTERPRETERS & OTHER COMMUNICATION FACILITATION SERVICES FOR THOSE WHO ARE DEAF OR HARD OF HEARING

Qualified interpreters and other communication facilitation services for those who are deaf or hard of hearing are available at all hours. Instructions for obtaining their services are available through APD Communications, the Booking Desk, Centralized Investigations and Municipal Court.

The City of Austin is committed to compliance with the American Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.



OFFICE OF POLICE OVERSIGHT

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When choosing what type of interpretation, auxiliary aids, or other communication facilitation services to use or provide, employees should give primary consideration to the request made by the person who is deaf or hard of hearing.

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.

900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

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.