



ICMS #: 2020-0686

July 31, 2020

Complaint: The Office of Police Oversight received a phone complaint from Ms. [REDACTED] alleging that Austin Police, SWAT, and a helicopter came to her house looking for someone who had robbed something with a gun, but who doesn't even live there and who had run down the hallway. She states that a police officer called her and told her, her daughter, her grandchild, and her daughter's boyfriend to all come out one at a time. She states that it was embarrassing for them to be standing outside when they didn't even know what was going on. She states that she is 60 years old and bad arthritis in her back, and that she told police that she couldn't really come outside, but that the officer told her it was non-negotiable. Ms. [REDACTED] states that police didn't have a search warrant but that instead of telling them to go get one, she gave them permission to go in because she is too old to be standing outside waiting so long and she has a bad back. She states that police searched the apartment and didn't find anything, and when they were done they told her "sorry for the inconvenience." Ms. [REDACTED] states that the police ought to feel really bad for what they did, and that they made her so upset that she started shaking when she got back in the house, adding that she couldn't eat anything.

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):

110.4.3 OBEDIENCE TO ORDERS

The Department is an organization with a clearly defined hierarchy of authority. This is necessary because obedience of a superior's lawful command is essential for the safe and prompt performance of law enforcement operations. This section also applies to orders received by an employee in the field training program from a Field Training Officer (FTO).

110.4.4 INSUBORDINATION

Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.

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.

401.4 CRIME SCENE MANAGEMENT

(a) Officers arriving at a crime scene are often faced with the immediate need to search for and render aid to victims as well as determine if suspects are present and continue to pose a threat.

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.

900.3.4 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.
2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

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.