



ICMS #: 2021-0295

April 7, 2021

Complaint: Mr. [REDACTED], complainant, submitted an online complaint to the Office of Police Oversight stating the following:

“On [REDACTED] 1, at or about [REDACTED], I was involved in a minor fender bender with a [REDACTED] [REDACTED]), on the corner of [REDACTED] [REDACTED] and [REDACTED]. I was the driver of a city bus (public servant) with VIA Metropolitan Transit Authority attempting to make a left turn on the outside (right lane) onto the far outside lane (right) to make an eventual right turn further down the street - a necessary maneuver due to traffic and afforded t by local police traffic control. [REDACTED] was in the left lane attempting to make a left turn into the inner lane (left); however, [REDACTED] entered my lane by making a wide turn, which resulted in making contact with his pickup truck. The end result was paint transfer between vehicles. As required by law and company policy, I stopped my vehicle and made contact with the dispatcher, transit police and supervisor. [REDACTED], jumped out of his vehicle, approached the drivers side (my side), began shouting expletives and flashed his Austin Police Department badge at me - at the time his agency affiliation was unknown. He demanded that I give him my drivers license and I explained to him that this process does not involve that step. Due to his behavior and attempts to intimidate, I reminded him that if he truly was a police officer then he needed to stay calm and let the process unfold, which he should know. He continued to attempt intimidating me and I had to close my window, lock the doors and disengage with him until local police officers arrived. In the process, he staed his a child was injured and I did request EMS to attend to his passenger. As the event evolved, A transit Police officer and EMS, appeared. His child was not hurt and again he flashed his badge at both first responders. Due to [REDACTED] behavior he was told by the transit officer he needed to tone it down and reminded [REDACTED] that this isn't his city and that is not how "we" do things. Eventually, A San Antonio Police Officer appeared and [REDACTED] did the same action as stated in the previous entry. Again, he was told by the SA police officer that he is off duty in another city and that isn't how "we" do things. He was also reminded that he needed to tone it down. In the final phase, A VIA Metropolitan Transit Authority Supervisor appeared and attempted to gain information to generate an accident report. [REDACTED], once again, while still "amped" up, flashed his badge at the supervisor and dismissed him - impeding an investigation. The supervisor had no choice but to disengage and allow the present Law Enforcement officials to handle [REDACTED]. Damage to vehicles and knowledge of [REDACTED] affiliation was not obtained until after his departure due his hostile and intimidating behavior. It was then discovered he was an off-duty Austin Police Officer in San Antonio acting in some kind of official capacity, at least from his standpoint, intimidating a public servant in an attempt to submit to his will. A formal incident was generated with VIA Metropolitan Transit Authority - Video and Witness statements accompanied.”



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):

301.2 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.

364.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged, particularly when officers are outside their jurisdiction. Reporting to the appropriate law enforcement agency and safe monitoring of suspected criminal activity is favored.

364.4.2 INCIDENTS OF PERSONAL INTEREST

Unless there is an exigent circumstance, employees shall refrain from handling police incidents of personal interest (e.g., family or neighbor disputes). When practicable, employees should report the matter to 9-1-1 so that an on-duty officer can respond.

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

900.3.5 USE OF BADGE OF OFFICE OR AFFILIATION WITH THE DEPARTMENT

(a) Employees will not intentionally use their affiliation with the Department to influence another into offering a gift, gratuity, free or discounted service, reward, or special consideration.

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.