



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-1211

December 15, 2021

Complaint: The complainant alleges: 2 APD Officers on scene, 1 issuing tickets, the other one is throwing items away. Officer [REDACTED] with AP# [REDACTED] is the one throwing items away. Asked for a supervisor to respond to the scene and the officer refused, said he was on the phone with a supervisor and then hung up.

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):

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 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.

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.



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900.4.1 DISCRETION AND REQUIREMENT TO TAKE ACTION

Sworn employees are charged with the responsibility to enforce the law, preserve the peace, and to protect lives and property. (a) By itself, the mere fact that a minor violation of the law has occurred may not be sufficient reason to justify arrest. Laws generally serve as the tools officers use to protect residents' rights and to maintain peace in the community. (b) Officers will take immediate action, if reasonably possible, to prevent any obvious felony offense, arrest any known wanted felon they encounter, and protect all persons and property from imminent harm. (c) Officers assigned to Specialized Units or other special duty assignments are not relieved from taking enforcement action outside the scope of their specialized assignment when necessary. (d) Whether or not an officer should take immediate action to enforce any law depends on a number of things including, but not limited to, whether another more serious situation exists at the same time and needs to be addressed first. (e) When a law or general order does not provide clear guidance regarding a particular situation, employees will consult with their immediate supervisor for direction, when practicable.

900.4.4 DUTY TO IDENTIFY

(a) Unless doing so would jeopardize an undercover officer or a covert operation, employees will furnish the name and identification number of any employee, including themselves, to any person requesting such information regarding matters in which the employee was acting in an official capacity. Names of employees will be given in sufficient form to fully identify the employee. (b) Sworn employees taking police action while not in uniform will, as soon as possible, display their police badge or APD ID and state the purpose for taking police action. (c) Employees will provide the name and business telephone number of their immediate supervisor upon request by any person. (d) Officers and employees shall comply with their duty to identify as soon as it is reasonable to do so under the circumstances.

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.