



ICMS #: 2021-0101

March 5, 2020

Complaint: Complainant, [REDACTED], alleges that an APD vehicle drove onto her property, damaging the grass and sidewalk, and drove away without speaking to complainant.

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):

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

346.6 CRASHES AND DAMAGE TO APD CITY VEHICLES; CRASHES INVOLVING CITY OF AUSTIN VEHICLES OPERATING AS AN EMERGENCY VEHICLE (EMS, FIRE, OTHER OPERATING CODE TWO OR THREE)

(b) A supervisor shall be notified of all crashes involving APD vehicles and vehicles operating in an emergency capacity.

(e) Supervisors will determine if the incident meets the criteria for a crash or "damage to city vehicle".

400.2.1 CODE 3 (EMERGENCY OPERATION)

Code 3 is used to describe the operation of a vehicle while the emergency lights and siren are activated.

(a) When operating Code 3, officers may:

1. Exceed the speed limit but must regulate their speed so as not to endanger life or property.
2. Proceed with caution through traffic signals and stop signs after slowing and, if necessary, stopping to ensure the intersection is safe/clear.

(d) Emergency Operation Exemptions.

This section does not relieve an officer from the duty to operate an authorized emergency vehicle with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others.

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.