



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-1003

October 27, 2021

Complaint: Complainant alleges she called 512-974-5210/APD investigation, to find out why an investigator did not show up on [REDACTED] when her son's body was found. Complainant alleges the medical examiner came and called APD [REDACTED] who was assigned to the case, for a second opinion because there was blood on the back of her son's head, but he did not show up. Complainant alleges she had to pick up her son's clothing. Complainant alleges APD just stood around and did not ask questions of the person who called it in. Complainant alleges she called and left a message for [REDACTED], Detective [REDACTED] supervisor, for more info and he did call back within a couple of days. Complainant alleges Officer [REDACTED] was condescending and talking down to her when she was trying to find out about evidence related to her son's case. Complainant alleges she asked Officer [REDACTED] to check to see why detective [REDACTED] did not show up to site, but he never did. Complainant alleges she called [REDACTED] with additional information. Complainant alleges the officer did not follow the protocol when a body is found and she asked why detective [REDACTED] did not show up, and officer [REDACTED] went into information about defunding of APD and told her the officer did not have to show up because it was not deemed a murder. Complainant alleges all the facts about her son's death were not know at that time. Complainant alleges APD officers need to be retrained, not make assumptions and follow the protocol when a body is found, and [REDACTED] agreed.

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.

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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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.

434.5 REPORTING GUIDELINES

Officers shall include the following information when an incident report is required:

- (a) Deceased persons information (e.g., name, DOB, race, sex).
- (b) How the body was discovered and by whom.
- (c) A description of the body and scene as it was found at the officers arrival.
- (d) Any alterations to the body or the scene made by the officer or any other person (e.g., EMS, AFD).
- (e) Time of death.
- (f) Name of physician who will sign the death certificate.
- (g) Name of witnesses.
- (h) Name and employee number of Homicide Investigator.
- (i) Name(s) of Medical Examiner's personnel.
- (j) Next of kin information.



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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.