



ICMS: 2019-0856

November 4, 2019

**Date of Complaint:** 08/20/2019

**Complaint:**

Per the Internal Affairs Complaint Contact Form, the complainant, [REDACTED], alleged that the Austin Police Department did not have the right to impound his vehicle.

**Additional Information:** The OPO conducted a preliminary review of the available information regarding this complaint. Officer [REDACTED] appeared to complete the inventory of Mr. [REDACTED] vehicle and Officer [REDACTED] appeared to complete the APD Wrecker/Impound Report. The OPO has determined that Officer [REDACTED] may have violated APD policy when he appeared to not include the results of the inventory in the APD Wrecker/Impound Report.

**Administrative Policies to Review:**

**350.4 Vehicle Inventory**

(a) In all incidents where a vehicle is impounded or moved, officers will make an inventory of the vehicle for damage and any items of personal property. Such an inventory is a car taking function intended to protect:

1. The owner's property while it remains in police custody.
2. The police against claims or disputes over lost or stolen property.

(b) The scope of the inventory will include:

1. The exterior for body damage.
2. Those places in a vehicle where a person ordinarily would store or leave items of personal property. Those areas can be but are not limited to:
  - (a) Passenger compartment.
  - (b) Trunk, console, glove box, an attached locked containers (e.g., toolbox) if the key is readily available.
  - (c) Open and closed containers.
3. The inventory will include contents of locked containers (e.g., briefcase, footlockers) if the key or combination is readily available. If the key is unavailable, containers/compartments may be opened with supervisor's approval.

(c) All vehicle damage and personal property located during an inventory of a vehicle will be listed on the APD Wrecker/Impound Report, including its description and location.

**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.

- (a) Employees will maintain a working knowledge and comply with the laws, ordinances, statutes, regulations, and APD directives which pertain to their assigned duties.



- (b) Employees who do not understand their assigned duties or responsibilities will read the relevant directives and guidelines, and will consult their immediate supervisor for clarification and explanation.
- (c) A lack of knowledge of an APD written directive is not a defense to disciplinary action.

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.***