



## OFFICE OF POLICE OVERSIGHT

# NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-1109

November 29, 2021

**Complaint:** Complainant alleges he was shopping at [REDACTED], and they had a problem with his physical disability and wanted him to leave the store. Complainant alleges he explained his situation, but they still called the police. Complainant alleges Officers [REDACTED] and [REDACTED] show up on location. Complainant alleges he explained the letter of the law and how the American Disability Act protects his rights and the officers acknowledged but refused to acknowledge his disability was a disability. Complaint alleges he asked to speak to the officers' supervisor. Complainant alleges he talked to [REDACTED] corporate office, and they did not have a problem with him shopping at their store. Complainant alleges asked to speak to a supervisor and the officers had him go across the street to wait for supervisor. Complainant alleges Officer [REDACTED] was parked in a fire lane, so he asked him to move his vehicle because it was dangerous in case there was a fire. Complainant alleges the officer responded he was waiting for supervisor. Complainant alleges as he was walking away Officer [REDACTED] looked at him with disgust like he was doing something wrong. Complainant alleges when the corporal showed up and he did not acknowledge his complaint and did not listen to what he was telling him about what the officers had done. Complaint alleges the Corporal said there was nothing he could do because the officers were within their rights. Complaint alleges he asked to speak with his supervisor, and he said he would get his supervisor to come out and to just wait there and they left. Complainant alleges he waited for a long while, but no one ever showed up. Complaint alleges he asked for a police report, but they did not give him anything---but just left him there.

*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

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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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.

### 402.1.1 GENERAL GUIDELINES

Officers will not write an offense report when they are the victim of a crime. The victim officer will write a supplement. The offense report will be written by an officer who is not a victim.

An incident number will be assigned and all required fields completed during documentation anytime an employee observes or receives any information concerning the following, but not limited to:

### 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.



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(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.***