



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-1260

January 7, 2022

Complaint: The complainant alleges: Complainant reports her husband, [REDACTED] (DOB [REDACTED]) was arrested on [REDACTED] in [REDACTED] initially and again yesterday, [REDACTED] in [REDACTED]. Complainant reports some other woman is filing police reports against her husband [REDACTED] both times due to a warrant from APD. Ultimately, the complainant alleges her husband has been unfairly arrested and the investigating officers did not do any investigation. Complainant believes the lack of investigation is due to how her husband appears in race as non-white.

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):

301.2 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.

403.2 FOLLOW-UP INVESTIGATIONS

Follow-up investigations may include, but are not limited to:

- (a) Reviewing and analyzing preliminary reports.

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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- (b) Reviewing Department records and databases.
- (c) Seeking additional information from complainants, witnesses, neighbors, informants, officers and Department employees.
- (d) The incident may require contact with the victim(s) and witness(es) by the assigned personnel to obtain information not uncovered during the preliminary investigation.
- (e) Upon request and without jeopardizing case security, the assigned personnel or designee shall advise the victim(s) of the status of the case.
- (f) Conducting interviews and interrogations. Arranging for the dissemination of information, as appropriate.
- (g) Soliciting assistance and/or information from other Units within the Department and/ or outside law enforcement agencies.
- (h) Planning, organizing and conducting searches.
- (i) Collecting physical evidence.
- (j) Identifying and apprehending suspects.
- (k) Follow-up on emergency mobile phone request court orders and related paperwork within 48 hours of first request.
- (l) Checking suspects' criminal histories.
- (m) Determining the involvement of suspects in other crimes.
- (n) Reviewing the results of laboratory examinations.
- (o) Preparing cases for court presentation.
- (p) Assisting in the prosecution.
- (q) Documenting entry, modification, validation or cancelation of TCIC/NCIC records.

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.