



ICMS #: 2020-1252

December 10, 2020

Complaint: The Office of Police Oversight received an online complaint from [REDACTED], complainant, alleging the following:

On [REDACTED] officer was called to [REDACTED] [REDACTED] said they felt threatened because [REDACTED] had a gun they said in truck. It was a pellet gun and he didn't aim at his windshield and everyone in [REDACTED] place was inside and he didn't have it pointed towards his windshield. I was standing outside of his truck. Arrested him anyway. They told my granddaughter who came in truck and me, I came in my car to this place to step to the side. We did and in the shade [REDACTED] came up to my granddaughter and said you have a phone in your hand and I can shoot you. I was standing next to her. Her phone was by her side, not in the air and I had my phone on me and he didn't say anything to me. Also, he grabbed her by her right arm, she had said both of them to him before this happened and she has PTSD from being sexually trafficked last year in [REDACTED]. She has PTSD bad. [REDACTED] had no right or reason to grab her or threaten to shoot her. This is the absolute truth. I would like a response to this and officer [REDACTED] came to scene when he heard I was going to file against [REDACTED] for what he had done and that he would check body cam. When can I see body cam? And I would like results ASAP. He could have caused great mental harm to my granddaughter for doing this. Unacceptable.

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):

202.1.4 DISPLAY OF FIREARMS

Firearms may be readied for use in situations where it is anticipated they may be required. Firearms shall not be displayed or pointed in a threatening or intimidating fashion unless it is objectively reasonable to believe there is a substantial risk that the situation may escalate to the point where deadly force would be permitted. Firearms shall be secured or re-holstered as soon as reasonably practicable when it is determined that deadly force is no longer necessary.

301.2 IMPARTIAL ATTITUDE AND COURTESY

- (b) Employees will be tactful in the performance of their duties, control their tempers, exercise patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.
- (c) Employees will make every effort to be courteous and respectful toward all persons.

900.1 PURPOSE AND SCOPE

It is the policy of the Austin Police Department that employees conduct themselves at all times in a manner that reflects the ethical standards consistent with APD written directives. This order



shall apply to all sworn and civilian members, including volunteer, part-time, auxiliary, and nonpaid civilians affiliated with the Department through a Department-sponsored program while under the direction of a Department employee.

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.

