



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0662

July 14, 2021

Complaint: Complainant alleges he was attacked by APD officers for filming them while they were having an interaction with one of his friends. Complainant alleges APD officers broke his phone and five ribs were broken as a result of them kneeling him in the side. Complainant also alleges APD officers knelt him in the head until he lost consciousness and he does not know how many tasers were used on him, but it felt like 3 – 4. Complainant alleges he woke up in the back of a cop car and could not breathe and started throwing up and requested medical aid. Complainant alleges the officer that took him in was very helpful (named [REDACTED]) and he took pictures of what the officers did to his back and ribs. Complainant alleges when he went to [REDACTED], he requested a Texas Marshal to file charges on the officers for what they did to him. Complainant alleges a really small guy in booking grabbed his wrist and fractured it. Complainant alleges after [REDACTED] pictures were taken, he requested medical aid and to go to the hospital because he could not breathe but he was denied medical attention and at that point a group of several officers fractured his left wrist again by twisting it to the point of no return. Complainant alleges he stayed in [REDACTED] for two days, which was infested with rats. Complainant is requesting a copy of the video evidence from [REDACTED] and all of officers involved. Complainant stated the Lawyer he has now is [REDACTED] and when he mentioned that a second group of guards in [REDACTED] grabbed his wrist and fractured it again twisted then over on top of his head. Complainant stated he would like to get the video evidence and would like to know who the sergeants were in [REDACTED] and all the officers that were involved in the APD incident down off [REDACTED]. Complainant stated this is not the first time this has happened to him not just by APD but with Travis County—this is probably the 3rd or 4th time.

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):

110.4.4 INSUBORDINATION

Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.



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200.2 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance.

200.2.1 ASSESSMENT AND DE-ESCALATION

As officers arrive on the scene, observe conditions, and interact with the persons there, they should continue to gather additional relevant information and facts. These assessments, along with reasonable inferences help to develop an understanding of the totality of the circumstances of the incident.

200.3 RESPONSE TO RESISTANCE

While the type and extent of force may vary, it is the policy of this department that officers use only that amount of objectively reasonable force which appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this order.

208.3 TASER DEVICE GUIDELINES - VERBAL WARNINGS

A verbal announcement of the intended use of the TASER Device shall precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

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.

303.3.1 WHEN DEPARTMENT ISSUED BWC SYSTEM USE IS REQUIRED

This section is not intended to describe every possible situation where the system may be used. In some circumstances it may not be possible to capture images of an incident due to conditions or



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location of the camera, however the audio portion can be valuable evidence and is subject to the same activation requirements. The BWC should only be activated for law enforcement purposes.

303.3.3 WHEN DEPARTMENT ISSUED BWC SYSTEM DEACTIVATION IS AUTHORIZED
Once the BWC system is activated it shall remain on until the incident has concluded or until deactivation is permissible in accordance with this order.

321.4.1 MEDICAL ATTENTION PRIOR TO BOOKING

(a) Officers shall either request EMS or transport a person to an appropriate medical facility when any of the following criteria are present:

350.4 VEHICLE INVENTORY

(d) All vehicle damage and personal property located during an inventory of a vehicle will be listed on the APD Wrecker/Impound Report, or documented using BWC by verbally narrating the observed damage to the vehicle, and inventory of contents, including property description and location.

Recommended Classification: *The OPO is permitted to make a preliminary recommendation on the classification of administrative cases.*

The OPO recommends this complaint receive an A classification.