



# OFFICE OF POLICE OVERSIGHT

## NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-1060

December 3, 2021

**Complaint:** The complainant alleges:

“My name is [REDACTED]. I had a severe case of choking/impeding breath committed against me by [REDACTED]. I had horrible fingernail cuts, literally rips down the side of my neck bleeding. The wounds are still bleeding 30 days later from the infection. Also he sicked his red more(?) pit bull on me while he was attacking me. There should be plenty of available video from the [REDACTED] and [REDACTED] there at [REDACTED] at [REDACTED]. [REDACTED] probably has videos of this attack also.

This happened around the [REDACTED] but not 100% sure of the date. A female officer was there and think her name was [REDACTED] also two other officers. I'm sure she made a report on this. Another officer showed up and was the one who would do nothing.

I need a detective or someone from internal affairs to come by here, preferable internal affairs because this could be tied to another incident. There should be excellent video here at [REDACTED] of my wounds. When you see them think you will be appalled! Tried filing charges here but Deputy/Jailer said they could not do it here and must contact you this way. Please HELP Me!! I think you will agree my wounds are as bad as any you have ever seen. Do not know what I can add at this point so hope to hear from you soon.

*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):**

**418.2.1 ARREST REQUIREMENT FOR ASSAULTIVE OFFENSES**

(a) Officers are required to make an arrest for incidents involving family violence when:

1. An assault has occurred that resulted in a minimum of bodily injury or complaint of pain; or where an officer can articulate facts from which a reasonable person could infer that the victim would have felt pain due to:



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- (a) The manner in which the suspect made contact with the victim, or
  - (b) the nature of observable physical marks on the suspect's body allegedly caused by the suspect's contact with the victim, and
2. The suspect is still on-scene; and
  3. The assault meets the definition of "family violence" or "dating violence."
- (b) If both parties have been assaulted, officers shall make reasonable efforts to identify the primary aggressor. Arrests of both parties should be avoided unless warranted.
1. If officers at the scene cannot determine the primary aggressor, an on-duty supervisor shall be contacted to make the determination.
  2. If the on-duty supervisor cannot determine the primary aggressor and there is adequate and articulable probable cause to believe that each person contributed to the violence, supervisors may authorize officers to make multiple arrests.
    - (a) Officers shall write probable cause affidavits for each of the arrests and direct file the charges.
    - (b) The name of the supervisor authorizing a multiple arrest situation shall be included in the incident report.
- (c) Officers shall not use mediation at the scene as a substitute for appropriate reporting and enforcement action when physical violence has taken place.
- (d) Officers shall arrest for assault by threat or assault by contact if no physical violence has occurred that resulted in bodily injury, but circumstances reasonably show that further violence is likely to happen. Supervisor approval is required when the arrest is made from inside a residence.
- (e) Supervisors may authorize an exception to an arrest if there are articulable facts that lead a reasonable person to believe the alleged suspect was acting in self-defense. The facts leading to the decision for an exception shall be fully documented in the incident report, along with the name of the supervisor approving the exception.
- (f) In felony incidents involving family violence the on-call investigator from the Domestic Violence Unit shall be contacted by a supervisor when:



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(a) Serious or life-threatening injuries are sustained, regardless of whether an arrest is made; or

(b) A crime scene is complex and may require a response and/or the assistance of a unit detective (ex. search warrant, high profile cases, etc.).

Notification simply due to a felony offense occurring or a felony arrest being made is not required. Should an officer or supervisor determine or feel that a notification to the Domestic Violence Unit in these situations is necessary, such notification should be made via email at [family.violence@austintexas.gov](mailto:family.violence@austintexas.gov).

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.***