



ICMS #: 2020-0101

May 4, 2020

**Complaint:** Mr. [REDACTED], complainant, alleges that Austin Police Department (APD) officers may have violated APD policy during an interaction with him. Mr. [REDACTED] alleges that Officer [REDACTED] was “dipping” in uniform and spitting on the ground in front of him. In addition, he alleges that officers “just laughed” when a civilian made a threat on him. Mr. [REDACTED] further alleges that officers were “stealing tents from homeless people” and that they “laugh about it,” adding that they are “very abusive to homeless people,” and there is “not enough supervision.” Mr. [REDACTED] also listed Officers [REDACTED], [REDACTED], and [REDACTED] in his complaint.

*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):**

**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 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 are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

**900.3.4 PERSONAL CONDUCT**

(c) While on-duty or on the premises of City facilities, employees will not:

1. Use loud, indecent, profane, harsh, derogatory language, or use belittling term in any communications.
2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

**900.1.1 RESPONSIBILITY TO KNOW AND COMPLY**

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.



#### 900.2 REQUIRED REPORTING OF VIOLATIONS

Employees have an obligation and responsibility to report all facts or credible information they know regarding any criminal activity by other employees or any breach of APD written directives.

#### 900.4.1 DISCRETION AND REQUIREMENT TO TAKE ACTION

Sworn employees are charged with the responsibility to enforce the law, preserve the peace, and to protect lives and property.

#### 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.

#### 946.2 POLICY

(a) Employees shall not use tobacco products (e.g., cigarettes, chewing tobacco, electronic cigarettes) while engaged in official police business with the public or in any City building or City vehicle.

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

**The OPO recommends that this allegation receive an A classification.**