



ICMS: 2019-0856

November 4, 2019

**Date of Complaint:** 08/20/2019

**Complaint:**

Per the Internal Affairs Complaint Contact Form, the complainant, [REDACTED] alleged that the Austin Police Department (APD) did not have the right to impound his vehicle.

**Additional Information:** The OPO conducted a preliminary review of the available information regarding this complaint. The OPO has determined that Officer [REDACTED] may have violated APD policy when he closed the car door in Mr. [REDACTED] face more than once after Mr. [REDACTED] asked to speak with a supervisor. Officer [REDACTED] may have also violated APD policy when he did not appear to document the contents of Mr. [REDACTED] vehicle during what appeared to be an inventory of the vehicle. Additionally, Officer [REDACTED] may have violated policy when it appeared that he did not ensure that the items he located during his inventory of Mr. [REDACTED] vehicle were included in the APD Wrecker/Impound Report.

**Administrative Policies to Review:**

**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 equitable 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.

- (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.

**350.4 Vehicle Inventory**

(a) In all incidents where a vehicle is impounded or moved, officers will make an inventory of the vehicle for damage and any items of personal property. Such an inventory is a care taking function intended to protect:

- 1. The owner's property while it remains in police custody.
- 2. The police against claims or disputes over lost or stolen property.

(b) The scope of the inventory will include:

- 1. The exterior for body damage.
- 2. Those places in a vehicle where a person ordinarily would store or leave items of personal property. Those areas can be but are not limited to:
  - (a) Passenger compartment.



- (b) Trunk, console, glove box, an attached locked containers (e.g., toolbox) if the key is readily available.
- (c) Open and closed containers.
- 3. The inventory will include contents of locked containers (e.g., briefcase, footlockers) if the key or combination is readily available. If the key is unavailable, containers/compartments may be opened with supervisor's approval.
- (c) All vehicle damage and personal property located during an inventory of a vehicle will be listed on the APD Wrecker/Impound Report, including its description and location.

### **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.

- (a) Employees will maintain a working knowledge and comply with the laws, ordinances, statutes, regulations, and APD directives which pertain to their assigned duties.
- (b) Employees who do not understand their assigned duties or responsibilities will read the relevant directives and guidelines, and will consult their immediate supervisor for clarification and explanation.
- (c) A lack of knowledge of an APD written directive is not a defense to disciplinary action.

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.***