



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-1275

January 7, 2022

Complaint: The complainant alleges: That on [REDACTED], the complainant was in their car with their family when they had an interaction with an APD officer. The complainant was on [REDACTED] and was taking a left onto [REDACTED]. After making the turn, the complainant alleges that a police vehicle was pulling out of a store and onto the service road. The complainant says that the traffic was slow at the time, but it seemed that the police officer assumed that traffic and the complainant would wait for the officer to complete their turn. After the officer completed their turn, the complainant alleges that the officer pulled beside the complainant's vehicle and began cussing the complainant out. The officer allegedly said "Fuck you" among other profanities. Later, the officer was behind the complainant's vehicle and the complainant assumes the officer was running their license plate. The complainant also alleges that at some point after the initial interaction with the officer, described above, the officer cussed the complainant out again farther down the road. The complaint also took a picture of the police vehicle. The complainant alleges that vehicle number [REDACTED] was involved in the incident and the officer was in uniform. Finally, the complainant mentioned that the officer was completely out of line, and this alleged incident does not represent APD well.

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):

804.2 GENERAL OPERATION OF DEPARTMENT VEHICLES

(a) Employees will operate Department vehicles in a careful and prudent manner within the guidelines of the law and Department General Orders. Unsafe or negligent driving is prohibited.

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,

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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.

- (a) Employees will not express or otherwise manifest any prejudice concerning any of the categories or characteristics listed in this section in a context or manner that would cause a reasonable person to question the employee's fairness or impartiality related to the performance of their duties.
 - 1. Employees will respect the rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.
 - 2. The use of remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature to or about any person or group of persons is strictly prohibited.
- (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 treat all persons with dignity, will be courteous and respectful toward all persons, showing consideration for the welfare of all persons with whom they interact.
- (d) Employees will not ridicule, mock, taunt, embarrass, humiliate, belittle, or shame any person, nor do anything that might incite that person to violence.
- (e) Employees will not use indecent or profane language or gestures while interacting with, or in the vicinity of, members of the community.

900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

- (a) Employees will not commit any act which tends to destroy public confidence in, and respect for, the Department or which is prejudicial to the good order, efficiency, or discipline of the Department.
- (c) Employees will not engage in any activity in which there is a potential for conflict of interest or the appearance of a conflict of interest with the lawful duties of the employee.
 - 1. "Conflict of interest" includes any activity which would tend to influence a decision, create a bias or prejudice, or create a gain or loss for any person or

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agency which would favor one side or the other in conflict with the employee's official duties, or which conflicts with the accomplishment of the Department's mission or goals.

972.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Department's safety, performance, and public-trust needs, the following is prohibited:

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Austin Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Austin Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Austin Police Department or its employees.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Austin Police Department.

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.