



ICMS #: 2021-0162

March 15, 2021

Complaint: Complainant alleges: My son [REDACTED] was walking his dog like he does every day at approximately [REDACTED] this evening directly in front of his residence ([REDACTED] [REDACTED]).

As he was walking down the sidewalk, he noticed two or three police cars behind him that seemed to be slowly trailing him. [REDACTED] had just seen a couple skate boarders pass him and he thought the policemen were possibly surveilling them. Just a second or two later he heard one of the police cars revving up the engine on their car and the car came speeding up to him and the officer jumped out with his gun drawn, screaming at [REDACTED] to get on the ground. Of course [REDACTED] complied, while trying to control his Australian Shepherd.

The officer held his gun on [REDACTED] the entire time and after a few moments got [REDACTED] off the ground and searched him for a weapon. Of course there was no weapon on him.

Supposedly someone had called in to report that there was someone in the area pointing a gun at people and the officer stated that [REDACTED] matched the description of the perpetrator. Except, the perpetrator reportedly had on a blue baseball cap- [REDACTED] had on a grey/red/blue beanie and the perpetrator had on a brown jacket- [REDACTED] had on a green jacket. The perpetrator wasn't walking a dog- [REDACTED] was. This was info the officer shared with [REDACTED]. After the officer let [REDACTED] get up and go on his way, one of the apartment employees who supposedly saw the perpetrator point the gun at people came out to [REDACTED] and told him he witnessed what happened and that [REDACTED] didn't come closing to matching the description of the person and that they had also told the Austin police which direction and street the person was on and [REDACTED] wasn't anywhere near that spot.

Interestingly enough, [REDACTED] asked the officer if he was safe to continue his walk with his dog and the officer stated, "yessir, you should be just fine," Seriously? They threw my son on the ground while holding a pistol in his face because there was a dangerous person in the neighborhood but then tell [REDACTED] that there are no safety concerns. That's unacceptable. Seems like if there was someone with a gun in the area, they should have escorted [REDACTED] up to his apartment to ensure his safety.

Moreover, the officer didn't apologize for the misunderstanding and what could have been a deadly situation. He basically told [REDACTED] to go on about his business.

My son has never once been in trouble. He is the most compliant, respectful person that one would ever meet. My family has always supported police officers and I personally came to the aid of a Houston policeman years ago who was in a dangerous situation. My family and I will continue to support the police but this was uncalled for. This is how innocent people get killed.



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):

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.

402.5 REPORTING THE ACTIVE TARGETING OF A FIREARM AT A PERSON

By the nature of their duties, officers may be required by general orders and training to point their firearm, including impact munitions, and actively target at a person. This section does not create an additional requirement for officers to initiate an incident report; however, officers that actively target their firearm at a person shall properly document the incident as outlined below.

402.5.1 OFFICER RESPONSIBILITIES

- (a) Employees shall immediately notify and brief their supervisor. If their supervisor is unavailable, another field supervisor shall be notified.
- (b) Employees shall adhere to the following documentation guidelines:
 - 1. FO Card or Electronic Street Check
 - (a) When a report is not otherwise required for the incident, complete an FO card or electronic street check to document that a firearm was actively targeted at a person and the details of the incident.
 - 2. Reports and Supplements
 - (a) Add a study notation to the report to document that a firearm was actively targeted at a person or notify their supervisor the notation needs to be added.
 - (b) Document the details of the incident in the narrative of an incident report or supplement.

402.5.2 SUPERVISOR RESPONSIBILITIES

- (a) Supervisors shall review the employee's incident report, supplement, FO card or electronic street check when notified of an incident involving an officer actively targeting a firearm at a person. Incomplete or inadequate documentation shall be returned for correction.
- (b) Supervisors will forward a memorandum up the chain-of-command if a safety, general order, training, equipment, tactical, or other specific issue is identified.
- (c) Supervisors shall adhere to the following documentation guidelines:
 - 1. FO Card
 - (a) Legibly sign the FO Card with the supervisors name and employee number that reviewed the incident.



2. Electronic Street Check

- (a) Add a supplement using the electronic street check incident number to document that the employee made a supervisor notification and the incident was reviewed.

3. Reports and Supplements

- (a) Add a study notation, if not already added, to document that an officer's firearm was actively targeted at a person.
- (b) Add a case note to the incident report to document that the employee made a supervisor notification and the incident was reviewed.

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.