



ICMS #: 2020-0619

August 3, 2020

Complaint: Mr. [REDACTED] submitted an online complaint to the Office of Police Oversight stating the following:

“On the date of [REDACTED] in the [REDACTED] boat launch parking lot I had an interaction with officers that I feel needs to be reviewed and addressed by supervision. I will attempt to give details of the encounter, as well as the relevant events leading up to the interaction. I am requesting that a formal inquiry be undertaken including body camera video review for Officers [REDACTED] and their supervisor with who we addressed these issues onsite with directly. I was riding my motorcycle through the [REDACTED] [REDACTED] on my way to the [REDACTED] area. As I began to approach (solo) the [REDACTED] underpass I noticed a Police SUV on the road with its lights on. The officer [REDACTED] was not directly in sight of the vehicle as I approached. As I approached I noticed an officer who seemed to be directing traffic to go through the parking lot entry, of which I complied. Believing that there was perhaps an accident the officer was rerouting traffic around through I proceeded through the lot [REDACTED] directed. The parking lot had both an entry and an exit and the officers vehicle was on the road in front of the exit with a car length both in front and behind the vehicle. Cars were being directed on either side of the vehicle both towards the [REDACTED] entry and towards the other [REDACTED] direction of the boat launch further down the road in front of the officers car. This was being done by the officer himself I noted as i went through the large U-shaped parking lot. As I approached the exit of the parking lot the officer [REDACTED] was not at that time in sight directing the lot exit and I assume was helping to direct traffic behind his vehicle towards the parking lot entry. As I had seen the officer allowing vehicles to pass on either direction, both in front and behind his vehicle, I assumed both directions were acceptable routes and continued down the road in front of the officers car unimpeded or informed otherwise. I received [REDACTED] from the officer except to enter the [REDACTED] parking lot initially and had followed [REDACTED] around the parking lot towards the exit. I continued down the road about a 1/4 mile and out of sight of the underpass and initial detour. I was directed by another officer who was standing in the road to enter the parking lot of the boat rental and launch, of which I complied. The officer [REDACTED] approached and instructed me to park the vehicle. As I attempted to pull the 800 lb touring model motorcycle into a safe stopping position so that I could safely park and interact Officer [REDACTED] grabbed my right arm. He pulled my arm with two hands and wrenched down hard and it was a challenge to even keep the bike upright or under control. This is the hand that controls the throttle and it nearly caused me to wreck the bike into the parked car of which I was attempting to pull the bike in next to. The officer was extremely aggressive, irate, and screaming for identification. I attempted to inform him that I was trying to park the vehicle safely to comply. The bike is extremely heavy and for it to not fall over (even on kickstand) when parked it must be on flat surface or faced uphill. The exit to the boat launch U-shaped parking I was directed to enter is sloped downhill and is made of uneven gravel. I attempted to re orient the bike to dismount and provide I.D.. I was wearing a full



face mask and the motorcycle does have a loud exhaust system but I was clearly audible and communicative with the officer about attempting to safely park the vehicle so we could figure out what was going on. The motorcycle has high handlebars and is extremely unstable to maneuver on gravel surfaces, letting go of which in a non safe stop position will cause the bike to fall on me. I had almost fishtailed and high-sided the vehicle as I was navigating through the first parking lot ([REDACTED] detour) because of uneven gravel surfaces. I was attempting to avoid another unsafe parking lot navigation in order to safely stop the vehicle and provide identification. I had clearly communicated to the officer that I was attempting to park the vehicle in a safe manner to access identification. Officer [REDACTED] put myself, other park patrons, and himself in harms way nearly causing an accident by using unnecessary and overly aggressive force. When I parked the vehicle the officer continued [REDACTED] ng, rude, and aggress [REDACTED] sturing as I inquired as to why he had stopped n [REDACTED] st place. This was the first instance I had heard of anything out of traffic co [REDACTED]. The officer finally informed me he was detaining me for ignoring a barricade when several other officers showed up. I have the utmost respect for the law, traffic/safety protocol, and first responders who put their lives on the line to protect and serve. At this point it was the first I had heard that Officer [REDACTED] car was parked on the road to stop traffic from proceeding towards boat launch area where other officers were conducting a series of tows, for those that had parked along the side of the road. With no formal barricade structure erected o [REDACTED] nction from officers other th [REDACTED] b reroute through parking lot I believed I had been in compliance with the detour established. Officer [REDACTED] continued his negative tone and made several condescending remarks about my inquisitive attitude and even attire. I had entered the initial par [REDACTED] with an acquaintance (also on bike) who had been separated from myself in road traffic from cars exiting other lots along the mile long entry. I had assumed he had made it past the detour in the same manner but found he was also directed in the lot and had safely parked on the entry side of the boat launch. He also informed the officers that he had received no direction at the informal [REDACTED] Officer SUV road re-route. We [REDACTED] er when we had approached the "barricade" [REDACTED] parking lot detour and had been stopped separately at the boat launch. It is obvious the initial barricade route was not clear as we both had made similar inferences (separately) that the road was passable around the open lot exit and neither of us received any direction from Officer [REDACTED] otherwise. Had either of us been properly informed we would have complied as directed. No such direction was given and all requests and directions understood by officers in the second parking lot were immediately acknowledged and complied with. When Officer [REDACTED] showed up to the boat launch parking he was extremely short with myself and uninterested in gathering material facts of the situation at hand. He exclaimed" Take it up with the judge"and took our identifications from the officers we had given them to respectively. When we informed him of how he had given no direction to myself other than to enter the parking lot reroute, no direction at all to the other rider (who I was not with), and that I had exited through the parking lot as I believed was allowable and had been initially directed; he merely ignored the comments altogether refusing to discuss the situation that had led to the citations he



handed us. The supervisor of Officers [REDACTED] and [REDACTED] showed up shortly after. The supervisor was extremely cordial and respectful as we discussed the events that had transpired. He was understanding of how dangerous it is when bikes are not properly parked before dismount and was informed that Officer [REDACTED] had made it more difficult for myself to comply with his request. There were several other officers on scene who were all fine upstanding lawmen in terms of their interactions with myself and their conduct. The supervisor was informed that Officer [REDACTED] had used excessive force and was extremely rude, confrontational, and poor at using deescalation techniques to properly assess the situation. The supervisor was also informed that officer [REDACTED] had never given either rider signal that the car represented a direction of impasse. I was informed by him that he would be reviewing the body camera footage to discover the facts and overall conduct. I am writing in [REDACTED] sure that a formal [REDACTED] conducted not merely because I feel the officer [REDACTED] long in how they approached the situation. This effort is aimed at encouraging [REDACTED] officers receive the reprimand and training they need to conduct proper community relations through protocol instead of escalating minor traffic misunderstandings into major mishandled fiascoes. I felt I was accosted instead of protected by officers unwilling to listen to reason and were [REDACTED] interested in reprimand than producing beneficial results for peacekeeping. I would appreciate a follow up response and hope that situations like this can be handled better in the future.”

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 with [REDACTED] 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.

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

The City of Austin is committed to compliance with the American Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.



(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 terms 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.

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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 B classification. ██████████

