



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-1074

November 29, 2021

Complaint: The complainant alleges:

1. Officer's name [REDACTED]

Hispanic male about 5'10"

There was also three other officers

I was at the [REDACTED] on [REDACTED]. I was sitting down talking to a friend of mine named [REDACTED]. Four officers pulled up.

My complaint

Two officers approached me. When [REDACTED] recognized me he physically grabbed me. After he grabbed me about a half second later the next officer grabbed me. They were physically assaulting me. I yelled what are you doing. He said I was going to jail for resisting arrest, and public intoxication. I did not even have alcohol on me.

This was captured on their body cam, and also their police vehicle. It was multiple officers.

Type of pain: my shoulder a little bit and my wrist. Also it added to the mental abuse because now I'm afraid of police officers.

I am alleging bias because he knows he was wrong for lying to me about having a blood search warrant on a previous occasion.

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):

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

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.



NOTICE OF FORMAL COMPLAINT

with reasonable inferences help to develop an understanding of the totality of the circumstances of the incident.

- (b) Use of De-escalation Techniques – Employing de-escalation techniques may involve securing additional resources, tactical repositioning, and employing verbal persuasion.

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 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, 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.

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.