



NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0958

October 4, 2021

Complaint: Complainant alleges that there was a shooting and police chase near building 3 of their apartment complex. The complainant allegedly recorded the scene on their phone. The complainant's recording allegedly captures several individuals breaking into a building across from the complainant's residence. Complainant then called police. Later, complainant alleges that she was told to speak with an officer outside about her recording. The complainant allegedly spoke with a 5' 6" female officer with blonde hair. The complainant allegedly attempted to show the officer the videos the complainant recorded on her phone while the chase was still ongoing. Complainant said that she felt unsafe standing outside with the female officer and alleges that the female officer was not listening to her. Complainant then proposed to send the videos to the female officer, but the officer did not want to give the complainant their phone back. The female officer did not provide the complainant with the officer's name or email address to send the recordings. Complainant only has the phone number from which the officer called: [REDACTED]

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):

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

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.



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

to understand and respect cultural, national, racial, religious, physical, mental, and other differences.

302.2 INTERACTION WITH COMMUNITY

(f) Evidence on a Camera or Recording Device

1. If an officer has probable cause to believe that a camera or other recording device contains images or sounds that are evidence of criminal acts, the officer shall request that the person either:

(c) Where possible and practicable, and in the presence of the officer, voluntarily transmit the images or sound via electronic mail to the officer's official government electronic mail account.

401.4.1 CRIME SCENE PROCESSING AND EVIDENCE COLLECTION

(c) At all other crime scenes:

3. Employees will identify any possible sources of video or photos of the scene and determine if they may contain any pertinent evidence. Any information regarding sources of pertinent evidence shall be documented in the employee's supplement.

401.5 SECURE AND IDENTIFY WITNESSES

Officers should attempt to locate any witnesses to an offense when warranted by the seriousness of the case. Since potential witnesses to an incident may be lost or the integrity of statements compromised with the passage of time, officers should take reasonable steps to promptly coordinate the following tasks with on-scene personnel

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.