



**ICMS:** 2019-0225

**Date of Complaint:** March 19, 2019

**Complaint:**

On March 10, 2019 complainant came into the Office of Police Oversight to file a formal complaint on Austin Police Department Officer [Redacted]. Complainant alleged APD officer came towards them in a menacing manner when they observed officer “blowing the clippings into the street” and that the officer then came towards the complainant’s house and asked “why is she taping him”.

**Additional information:**

A statement was recorded by OPO Complaint Specialist.

**The following is a written statement submitted by complainant:**

At approximately [Redacted] I observed Officer [Redacted] one of your officers blowing the debris from his lawn, trimmings, leaves etc. onto the street, the wind was high and it was blowing all over, onto neighbor’s car, my yard and sidewalk.

I have complained about other neighbors doing this including his friend across the street from where I live and sent off complaint recently to HOA along with pictures, I followed up with HOA and was told they sent the neighbor across the street a notice about doing this. I believe this was being done as retaliation when his friend told him about notice as he has done this on many occasions in the past. I decided to videotape [Redacted] to send it to the HOA as it is against rules to blow your debris onto streets and as a person of law enforcement he should know better. I believed that he observed me doing so and took his cell phone out of his pocket held it up in one hand and with a blower in the other hand starting to advance towards my direction in a threatening manner. I live adjacent to him. I became uneasy as I saw him advancing towards the front of my home in the direction where I was standing, I became afraid and stepped behind the brush, he then told me to not hide behind the brush, I replied this is my house and I pay the mortgage for it so I can do whatever I want in it. I also said I did not receive my home for free so I value it.

My hubby came out after hearing voices and told him he is going to Internal Affairs in the morning regarding him, to which [Redacted] replied: "that is fine", we then retreated inside of our home.

This is one of many incidents over the years of his irrational behavior not befitting a member of law enforcement - this includes numerous incidents of blowing debris onto streets, setting fireworks within city limits on despite HOA notices it is against the rules of HOA.

**Administrative Policy to Review:**

**900 General Conduct and Responsibilities**



### 900.3 GENERAL CONDUCT

This section contains the expectations and requirements of employee conduct, both on-duty and off-duty, and causes for disciplinary action due to employee misconduct. This is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient Department service.

#### 900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Since the conduct of personnel both on-duty and 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.

*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.*