



ICMS #: 2020-0355

April 6, 2020

Complaint: Mr. [REDACTED], complainant, alleges that Austin Police Department (APD) officers may have violated APD policy during a traffic stop. Mr. [REDACTED] alleges the following:

“I was driving when I saw the cop in the middle of the road between the lines, and I saw the limit, so I made sure I was driving the limit--65/60 miles. When I passed, I saw the lights on and I pulled over and he said ‘Why did you stop?’ and I said ‘I know the law in this country--you see an officer turn their lights on, you have to pull over.’ When he pulled me over I said, ‘Do you speak Spanish?’ and he said ‘Spanish people coming over here screwing everybody's life and screw everything around.’ I understand a little bit of English, but I couldn't record when he said that. I asked him for a Spanish officer to speak Spanish. I know the laws in this country, and I know he was being racist to me. He gave me a ticket of \$260 just because I asked to look for another officer to speak Spanish. And I didn't want to sign the ticket and the other officer who speaks Spanish said ‘Please, just sign the ticket or he can give you more tickets.’ And I think he got mad because I said I am a resident and I have legal status here.”

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):

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 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.



303.3.1 WHEN DEPARTMENT ISSUED BWC SYSTEM USE IS REQUIRED

This section is not intended to describe every possible situation where the system may be used. In some circumstances it may not be possible to capture images of an incident due to conditions or location of the camera, however the audio portion can be valuable evidence and is subject to the same activation requirements. The BWC should only be activated for law enforcement purposes.

304.3.2 WHEN DMAV USE IS REQUIRED

This order is not intended to describe every possible situation where the system may be used. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera however the audio portion can be valuable evidence and is subject to the same activation requirements.

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.

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 A classification.