



ICMS #: 2021-0163

March 12, 2021

Complaint: The complainant, [REDACTED], alleges: I am making this complaint due to an incident that happened on [REDACTED] at or around [REDACTED] myself being one of the victims in this crime as well as my boyfriend we had been leaving the [REDACTED] when trying to exit an Austin Police officer came zooming in with his lights already on us not knowing what was going on we had never been spoken or addressed to by the officer not once did he say anything not even on his intercom so as we assumed we had been in his way so we tried to move and that's when I feared for my life the cop then starts ramming his vehicle into my car at one point I try and get out and he rams into the vehicle passenger side where I could have been seriously injured and not knowing what is the reason behind this madness so at that point we then did the only thing we could do not wanting to deal with this crazed officer in fear for our lives we then had to run through a fence fleeing the scene but after all this the officer did not pursue us never did we see backup of any kind but being that this is involving a police officer made the whole situation different so now my vehicle is damaged pretty bad not knowing how to go about dealing with this I contacted my attorney and was told to contact yall to make this complaint and then we would go from there.

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):

110.4.4 INSUBORDINATION

Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.

214.3.2 FACTORS TO CONSIDER BEFORE INITIATING A PURSUIT

With the exception of the specified restrictions on vehicle pursuits listed in this order, officers are authorized to initiate a pursuit when it is reasonable to believe that a subject is attempting to evade arrest or detention by fleeing in a vehicle.

214.3.3 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known, or which reasonably ought to be known, to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the subject's escape. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to motorists, themselves, and the public when electing to continue a pursuit. This section shall not be construed to authorize a pursuit that is expressly prohibited as outlined in the Restrictions on Vehicle Pursuits section of this order.



(a) The factors listed in this order on when to initiate a pursuit are expressly included herein and shall also apply to the decision to discontinue a pursuit. In addition to those factors listed, the following should also be considered in deciding whether to terminate a pursuit:

4. Hazards to uninvolved bystanders or motorists.

214.3.4 PURSUIT DRIVING CONSIDERATIONS AND RESTRICTIONS

The decision to use specific driving tactics requires the same assessment of factors to be considered concerning pursuit initiation and termination. The following driving tactics apply to units involved in a pursuit:

(a) Officers will space themselves from other involved vehicles, in consideration of their driving skills and vehicle performance capabilities, so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle and other police units.

214.6.4 LOW SPEED INTERVENTION

Other than an approved usage of PIT, police vehicles shall not be used to physically force a pursued vehicle off the roadway or to a stop, or to otherwise change its direction of travel or alter its speed unless:

- (a) The pursued vehicle is at a stop or near stop; and
- (b) The police vehicle is maneuvering at low speed; and
- (c) Doing so would reduce or eliminate the risk associated with the pursuit continuing.

Before engaging in such actions, officers must consider the unintended consequences of the low speed intervention and recognize that a better course of action may be to terminate the pursuit altogether.

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.

301.1 RESPONSIBILITY TO COMMUNITY - 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.

402.2 INCIDENT REPORTING

A well-written report can help make a case just as easily as a poorly written report can ruin a case. Employees have the responsibility to write clear, factual, and complete reports.



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.

