



## OFFICE OF POLICE OVERSIGHT

# NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-0986

October 8, 2021

**Complaint:** The complainant alleges: I was walking my dog at [REDACTED] in the middle of a crosswalk when 6 police cars ran the stop sign and accelerated towards me and drove around me within feet of my black dog at night. Absolutely no warning whatsoever. No sirens, horns or any sort of signal that I was in their way. They stopped at stolen car at [REDACTED] moments later around [REDACTED]. There was absolutely no reason to put me and my dog in danger for something as stupid as a stolen vehicle. My life is worth more than your stupid officers catching their guy. 4 cruisers and 2 quads. I had several people watch it happen, including one of my neighbors who met me several minutes later to ask if I was alright. I have never felt so unsafe while crossing the street. How is that legal? These officers, especially the ones on the quads which carelessly came so close to me deserve to be punished for this. If they were civilians they would never get away with these sort of self centered careless actions. I demand an apology. I strongly wanted to confront these officers but instead let them make their arrest but I'm sick of this behavior from the police.

*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):**

#### 214.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The primary purpose of this order is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this order is to minimize the potential for pursuit-related crashes. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a subject is generally not more important than the safety of the public and pursuing officers.



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### 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.

### 214.3.4 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.

### 214.4 PURSUIT GUIDELINES

Pursuit units shall be limited to four vehicles (three units and a control supervisor); however, a control supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely stop the pursuit and/or arrest the subject(s). All other officers will stay out of the pursuit but should remain alert to its progress and location.

#### 214.4.3 UNITS NOT INVOLVED IN A PURSUIT

- (a) There shall be no paralleling of a pursuit route by officers not authorized to be in a pursuit.
- (b) Officers not directly involved in the pursuit are authorized to proceed safely to controlled intersections ahead of the pursuit and use emergency equipment to warn vehicular and pedestrian traffic in an effort to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.
- (c) Non-pursuing personnel needed at the termination of a pursuit should respond in the appropriate manner based on the totality of the circumstances and type of assistance needed.

#### 214.4.5 PURSUITS INITIATED BY OTHER LAW ENFORCEMENT AGENCIES

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not participate in, join, or assume control of a pursuit initiated by another agency unless approved by a supervisor or the Watch Lieutenant. As soon as practicable, a supervisor or the Watch Lieutenant should review a request for assistance from another agency to determine if assistance will be provided.



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### 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.

### 400.1 PURPOSE AND SCOPE

The Department has a responsibility to protect life and property and to provide service to the residents of Austin. To fulfill this obligation it must provide an appropriate response to calls. Officers should be ever mindful that they have a responsibility to use ***caution, good judgment, and due care*** when operating vehicles in an emergency capacity to ensure the safety of motorists and pedestrians. This document describes the conditions under which an APD vehicle may be operated as an emergency vehicle.

### 804.2 GENERAL OPERATION OF DEPARTMENT VEHICLES

(a) Employees will operate Department vehicles in a careful and prudent manner within the guidelines of the law and Department General Orders. Unsafe or negligent driving is prohibited.

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.***