



## NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-1046

November 29, 2021

**Complaint:** The complainant alleges: A female officer, Ofc. [REDACTED], made several things wrong in report (including address) and made judgmental comments when all she needed to do was write down the facts. Ofc. [REDACTED] made assumptions, like that complainant did not have an arm injury. Complainant has worked with the Travis County Sheriff's Office and made these reports, and this is not how you do it. Ofc. [REDACTED] is not a doctor and said Complainant was in shock, but Complainant says shock Complainant states she (Complainant) was in shock, which means you do not feel pain right away – Complainant is ex-EMT. Ofc. [REDACTED] did not list names of male officers that responded in report, just referenced that they talked to the Complainant's husband. Complainant said this was not the first time her husband has been abusive. Ofc. [REDACTED] assumed Complainant wanted husband to go to jail. The first time Complainant reported abuse, she was told any other thing like this, he would go to jail. In 2015, Complainant's husband picked her up and flung her across the room. Complainant went to her family doctor and has a report for that incident. Officers did not care to listen to background information. Husband is over 6' and Complainant is 5'3", and he is much heavier than her. Police report states Complainant got in his face but she was cornered in the kitchen and he hit her. "This is not right." Complainant's son is very worried about her and plans to sue the APD if something happens to her before the divorce goes through. "He said to tell y'all that." Complainant doesn't know where to get help. Complainant states her husband is "mentally losing it" and she has tried to get him tested but has been told that if he does not want to come in, he cannot be coerced. "Are y'all gonna wait until he kills me?" Complainant gave permission to talk to family doctor and access file from 2015. Complainant provided doctor's name. Complainant states her husband is a "sick man," and Complainant doesn't know where to turn. Complainant is 74 years old and husband is 77. Complainant wants the officer to go through re-testing because she didn't write the report correctly and put in her own judgement about the Complainant lying. Complainant put out arm defensively and it started burning while she was talking to Ofc. [REDACTED] there was a scratch on it, but Ofc. [REDACTED] didn't look at Complainant's arm after that. "That is totally inappropriate." Male officers did not even go in the house to see where it happened; Complainant was sitting across the street, waiting for police. Complainant wants Ofc. [REDACTED] to have more schooling on how to write reports.

*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.*



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

#### 418.2.1 ARREST REQUIREMENT FOR ASSAULTIVE OFFENSES

(a) Officers are required to make an arrest for incidents involving family violence when:

1. An assault has occurred that resulted in a minimum of bodily injury or complaint of pain; or where an officer can articulate facts from which a reasonable person could infer that the victim would have felt pain due to:

(c) Officers shall not use mediation at the scene as a substitute for appropriate reporting and enforcement action when physical violence has taken place.

#### 418.3.1 ASSAULT VICTIM STATEMENT

(a) An Assault Victim Statement (AVS) form shall be completed on every incident involving family violence, regardless of whether an arrest is made. This includes, but is not limited to, any assault offense involving family violence with the exception of assault by contact and assault by threat offenses.

(b) Officers shall advise victims of their right to obtain an emergency protective order (EPO) and ask them if they wish to file one. The required guidelines for filing an EPO are outlined later in this order.



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- (c) Victims of family violence are to be given the opportunity to complete the AVS and sign it.

### 418.3.2 VICTIM INFORMATION

- (a) Officers shall provide each adult present with a copy of the information pamphlet entitled Victim Assistance Information that includes the Notice to Adult Victims of Family Violence and write the incident number on the front page.
- (b) Victims should always be referred to Victim Services for counseling.
- (d) Victims with additional questions should be referred to the Family Violence Protection Team.

### 418.3.4 EVIDENCE COLLECTION AND PHOTOGRAPHS

Evidence and digital media shall be submitted as outlined in General Order 618 (Property and Evidence Collection Procedures).

- (a) All visible injuries on the victims and suspects, regardless of severity.
3. Victims whose injuries are not visible at the time of the incident shall be advised to contact the Investigative Unit in the event they become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.
- (b) The overall scene if there was a struggle or damage to property.

### 418.4 EMERGENCY PROTECTIVE ORDERS

Officers shall offer all victims of family violence the opportunity to file an EPO.

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.***