



ICMS #: 2020-0419

April 23, 2020

**Complaint:** The Office of Police Oversight received an anonymous complaint alleging that an Austin Police Department (APD) officer may have violated policy during an interaction with an individual [REDACTED]. The complaint alleges, in part, that after self-quarantining/isolating for 14 days due to possible exposure to COVID-19, an individual went to [REDACTED] with a mask and gloves on. While there, the individual was reportedly encouraging people without masks and gloves to “take this seriously and be very careful,” using the individual’s own experience as an example. The complaint alleges that by the time the individual got to the pharmacy, they were approached by an officer who told them that they would have to leave the building. The complaint further alleges that when the individual asked the officer why, the officer did not respond and instead said again that the individual had to leave “right now.” The complaint alleges that the individual left immediately and called [REDACTED] later to talk to a manager, and that when they spoke to a manager, they were told that the officer asked them to leave because the manager had gotten complaints about them telling people that they had COVID-19. The complaint alleges that they never said anything like that, and that they “didn’t know there was a city ordinance that if you’re having a conversation about concerns, police officers can just ask you to leave like that.”

*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.

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.**

