



ICMS #: 2020-1240

October 20, 2020

Complaint: The Office of Police Oversight received a complaint from [REDACTED] stating as follows:

“My wife [REDACTED] and I [REDACTED] report the unlawful assault and battery on [REDACTED] by Austin Police Department officers on [REDACTED] in our home at [REDACTED]. This whole incident is an example of what the national police reform movement is saying: the police are about controlling, not helping the public. This was a crisis created by the police officers’ misconduct during the response to our home.

As a result of APD’s assault on our home, battery of my wife, and inhumane detention of [REDACTED], our lives have been turned upside down and virtually destroyed. [REDACTED] is a good woman who is now suffering from PTSD symptoms as a result of this assault on her body and personal freedom in our home. She no longer feels safe in her own home.

Around [REDACTED], [REDACTED] and his partner arrived at [REDACTED]. The first thing the police did upon me [REDACTED] opening the front door was to order me out of my home and then to physically grab [REDACTED]. [REDACTED] partner pulled [REDACTED] out of our home and handcuffed her after violently forcing her down to the ground in the threshold of our front door. Against her pleas of pain and protest he dragged her to the patrol car. A third officer assisted [REDACTED] partner in violently tackling her to the asphalt, throwing her into the car, and slamming the door. It was sunny and 94 degrees and the car was hot with no air conditioning and the handcuffs were chafing [REDACTED] sprained left wrist.

Only then did [REDACTED] begin to ask me what was going on. But the damage was already done as [REDACTED] anxiety, ADHD and past history of domestic trauma all welled up after she was beaten, shackled, and locked up in a hot patrol car with no air conditioning.

In the course of the police assault and restraint, [REDACTED] shoulder was twisted by an officer, her sprained wrist further injured, she was forced to the ground in front of our front door and yet again on the asphalt outside the patrol car and then dragged to the ambulance.

The arrival of a Mental Health team police was ineffective as they, too, could not separate police brutality from care for the human being to whom they were responding, just like all the other involved police officers. They completed the disaster of this assault and battery by imposing an emergency detention order on an innocent person.

[REDACTED] after about two and one half hours, was transported in police custody to the [REDACTED] where she was double-shackled and forcibly sedated. After eighteen hours of detention, she was released at [REDACTED] after being evaluated by a internet psychiatrist from [REDACTED]!!!!.

[REDACTED] is an innocent person who was understandably terrified and distraught over the police officers’ abuse to her body and the loss of her personal freedom. She was manhandled, shackled, confined and removed from her own home. She believes and wants to report this incident as an assault and battery by all the police officers involved.

I [REDACTED] explained to the police the stress [REDACTED] was under from her grad school work and that confining her was causing her distress. I told the police she was not a threat to me, the public or herself. She told them repeatedly that they were hurting her, that she could not



breath, and that she needed to go back inside of her home to work. She protested repeatedly the pain in the shoulder from the use of force and the continuous injury to her sprained left wrist from the handcuffs, all of which were part of the assault on her person leaving bruises all over both arms. Additionally, the officers caused scrapes and cuts to her elbows, knees and ankles from the pavement and from being barefoot throughout the entire incident. [REDACTED] also has a bruised and sore right knee from it apparently being wrenched while being manhandled. The bruises from the officers' handprint were all over her.

Despite absolutely no crime or real emergency, none of this stopped the APD, including the mental health unit, from their use of force. [REDACTED] hurt no one, committed no crime and ended up bruised and traumatized from a police assault that put her against her will in a hospital ER during the Austin Covid-19 pandemic.

Please investigate this incident for the police assault and abusive m[REDACTED] of police authority that it was.”

This notice of for [REDACTED] pl [REDACTED] Internal Affairs to initiate [REDACTED] investigation in order to determine if the employee con [REDACTED] in compliance of APD policy, Civil Service Rules, and Municipal Civil Service Ru [REDACTED] [REDACTED] [REDACTED]

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 insub[REDACTED] in whether done in or out of the supervisor's presence.

110.4.3 OBEDIENCE TO ORDERS

The Department is an organization with a clearly defined hierarchy of authority. This is necessary because obedience of a superior's lawful command is essential for the safe and prompt performance of law enforcement operations. This section also applies to orders received by an employee in the field training program from a Field Training Officer (FTO).

200.2 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance. Nothing in this de-escalation policy requires an officer to place themselves in harm's way to attempt to de-escalate a situation. Recognizing that circumstances may rapidly change, officers may need to abandon de-escalation efforts after they have commenced. Understanding that no policy can realistically predict every situation an officer might encounter, the Department recognizes that each officer must be entrusted with well-reasoned discretion in determining the reasonable deescalation techniques to use in a situation. This de-escalation policy is intended to complement, not replace or supersede, other portions of the APD Policy Manual or specific officer training that addresses de-escalation.



200.2.1 ASSESSMENT AND DE-ESCALATION

As officers arrive on the scene, observe conditions, and interact with the persons there, they should continue to gather additional relevant information and facts. These assessments, along with reasonable inferences help to develop an understanding of the totality of the circumstances of the incident.

200.3 RESPONSE TO RESISTANCE

While the type and extent of force may vary, it is the policy of this department that officers use only that amount of objectively reasonable force which appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this order.

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 render service with integrity 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 used for law enforcement purposes.

321.1 PURPOSE AND SCOPE

Department values mandate that persons taken into custody will not be abused, and the individual rights of prisoners must be protected at all times. Until arrested persons are accepted at the booking facility, their care and custody shall be the responsibility of the arresting/transporting officers.

445.4.2 PEACE OFFICER EMERGENCY DETENTION

(a) The authority to apprehend a person by using the Peace Officer's Emergency Detention (POED) is granted under the Tex. Health and Safety Code § 573.001. This type of custody is protective rather than criminal in nature and does not constitute an arrest. A POED may be used when:

1. The officer has reason to believe, and does believe, that the person is mentally ill; and
2. Because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and
3. The officer believes that there is not sufficient time to obtain a warrant before taking the person into custody.



900.3.4 PERSONAL CONDUCT

(c) While on-duty or on the premises of City facilities, employees will not:

1. Use loud, indecent, profane, harsh, derogatory language, or use belittling term in any communications.

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.

