



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0998

November 5, 2021

Complaint: Complainant alleges he is a member of Austin American statesman and was taking pictures of posters and officers threatened to arrest him. Complainant alleges officer [REDACTED] was screaming at him for filming even though he had his credentials around his neck. Complainant alleges officers were threatening to arrest him for holding a camera at him.

Complainant provided additional information about the incident: "Ok yes, they threatened and tried to arrest me, but not other media present, twice. And I think the female officers' name that was starting the incident, that was yelling at me and selectively enforcing laws was [REDACTED]. But ya'll have the records. I'll go with whatever spelling you come up with. This is an ongoing issue that these officers have continually threatened and falsely arrested me multiple times for. Filming is not a crime. Police interference, abuse, retaliation and harassment are crimes. Charge these officers now. Also [REDACTED] and other abusive bad cops were involved. 6 of them. "

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):

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



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

303.3 DEPARTMENT ISSUED BODY WORN CAMERA

BWC equipment is to be used primarily by uniformed personnel as authorized per assignment by the Department and must be used unless otherwise authorized by a Commander or above.

(d) Employees shall ensure that their BWC equipment has adequate battery charge and storage space to complete their regular tour of duty.

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.

(a) All units responding to a scene shall activate their department issued BWC equipment when they:

(b) Examples of when the department issued BWC system must be activated include, but are not limited to:

6. Any contact that becomes adversarial in an incident that would not otherwise require recording.

900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

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.