



ICMS #: 2020-0065

February 26, 2020

Complaint: [REDACTED], complainant, alleges that Austin Police Department officers may have violated policy while responding to a traffic accident in which her daughter was involved. The complaint states as follows:

“My daughter was in an accident in my vehicle. Officer filed an accident report - but fails to document where vehicle 2 - ended up. Being that their vehicle and all debris from their vehicle was COMPLETELY on the West Bound lane of the intersection - it makes "Fault" a disputed fact. Speed should be considered - and how far she continued down the opposite side of the road after impact is an extremely important detail in determining that. I even asked the officers at the scene if she had been ticketed for speed, because if not the impact would have stayed in the intersection, but they said that was he said she said and that all of the relevant information was included in the report. However the report fails to include those detail, making it appear as though the vehicles collided on the Eastbound side of the intersection and stayed there. I took pictures of the intersection, the debris, and the end location of her vehicle for the insurance. But your police report carries more weight All debris and cleanup from the Kia was on the Westbound lanes and the KIA was towed from the Westbound lanes of the other side of the street. By failing to include this information in the report - he is unfairly biasing the fault determination because it appears as though they simply impacted mid-turn and the KIA did not go any further. In addition, while 3 officers battered my daughter with questions on scene, and one of them told her "he will fucking bring it back when he's done" in regards to - "can I have my id back". I find this language to be extremely unacceptable. And while my daughter might be partially at fault, the different way they treated her compared to the person in the other vehicle is unacceptable. I want the police report amended to include where the vehicles ended up after the crash, what direction they are facing etc. I will follow up through all available avenues of accountability. If it is necessary I will file to get the dashcam video of the incident as I suspect it will clear up any questions regarding vehicle locations.”

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):

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:
1. Arrive on-scene to any call for service;

346.3 CRASH INVESTIGATION

During crash investigations, officers should:

- (a) Identify and interview drivers and occupants.
- (b) Identify and interview any witnesses.
 1. Request all witnesses remain at the scene to speak with the Vehicular Homicide Unit, if applicable.
- (c) Provide the drivers involved with a Driver / Insurance Information Form (PD0023 / "Brown Form") to exchange information. Officers will ensure the forms are completely filled out with the correct information before the drivers exchange the forms.
- (d) Determine if any traffic violation(s) or crime(s) have occurred and take appropriate enforcement action.
- (e) Identify and protect items of apparent evidentiary value.
 1. Ensure property belonging to a crash victim is protected from theft or damage and removed to a place of safekeeping. Protection of the property may consist of securing the property in a vehicle, releasing it to a third party, or turning it into the property room for safekeeping.
- (f) Notify the dispatcher of any damage to the roadway, signs, or utilities.
- (g) Document the incident as necessary (e.g., insurance information, statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

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 a B classification.