



ICMS #: 2020-0547

August 4, 2020

Complaint: Mr. [REDACTED] submitted a complaint to the Office of Police Oversight stating that he called 911 because his ex, whom he has a protective order against, was threatening to come over to Mr. [REDACTED]. He then called a second time because his ex was at that moment trying to come to his house. He called a third time when his ex came to his house and was trying to break down the door or come through the window. When he called the third time, he was told that officers had already responded earlier. Mr. [REDACTED] explained that the officers responded to his call that his ex was threatening to come over, but not this call where his ex actually came. No one came in response when his ex was actually at his house trying to break in despite the fact that he has a protective order against his ex. Mr. [REDACTED] states he had to fight his ex off himself. He further states that the police think it's all a joke and that six different officers have told him that they have a pool and have wagered on whether it would be Mr. [REDACTED] or his ex who would call next and whether it be Mr. [REDACTED] or his ex who would be arrested first. Mr. [REDACTED] feels he is the laughing stock of the Austin Police Department.

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):

419.3.2 ARREST GUIDELINES

Officers must carefully read a protective order prior to taking enforcement action to verify the details of the prohibited conduct and that the order is still in effect.

303.3.1 WHEN DEPARTMENT ISSUED BWC 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.

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.

900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Since the conduct of personnel both on-duty or off-duty may reflect 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.



900.3.2 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 terms in any communications.

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.

