



ICMS #: 2020-0018

January 28, 2020

**Complaint:** Complainant, [REDACTED], filed an online complaint alleging the following:

“The neighbors at my friend's apartment called on her and her boyfriend because of a domestic dispute. He hit her several times in the face, closed fist, until she bled from her mouth. He held her nose and mouth shut while he tried to trap her inside of her home. She could barely talk because her voice was gone from being suffocated for so long. When I got there to get her and her dog away from the very dangerous situation, the cops had finally arrived after having to be called twice. They were very rude and refused to remove him from her home based on a faulty law of eviction. This man has an ankle monitor and is on parole for very similar things. He also has a domestic violence charge against him for beating her before. He was extremely drunk and yelling horrible slurs and threatening to take all of her belongings from her home when she left. The cops made her leave with me and threatened to arrest her if she didn't leave HER OWN HOME while they decided to leave a drunk, dangerous felon in her home alone.”

*This notice of formal complaint is a request for Internal Affairs to conduct 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):**

**418.2.1 ARREST REQUIREMENT FOR ASSAULTIVE OFFENSES**

- (a) Officers are required to make an arrest for incidents involving family violence when:
1. An assault has occurred that resulted in a minimum of bodily injury or complaint of pain; or when an officer can articulate facts from which a reasonable person could infer that the victim would have felt pain due to:
    - (a) the manner in which the suspect made contact with the victim, or
    - (b) the nature of observable physical marks on the suspect's body allegedly caused by the suspect's contact with the victim, and
  2. The suspect is still on-scene; and
  3. The assault meets the definition of "family violence: or "dating violence."
- (d) Officers shall arrest for assault by threat or assault by contact if no physical violence has occurred that resulted in bodily injury, but circumstances reasonably show that further violence is likely to happen. Supervisor approval is required when the arrest is made from inside a residence.

**418.2.8 INTERFERENCE WITH EMERGENCY TELEPHONE CALL**

Interference with emergency telephone call has its own arrest authority (Tex. Code of Crim. Pro. art. 14.03(a)(5)) that is separate from the arrest authority for family violence.



900.1 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.**

