



ICMS #: 2020-0595

June 26, 2020

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

“My mother and a friend were in Austin visiting. Two minor children (one is my niece) were with my mother and her friend at a hotel. I received a call from my niece's father that there my mother and her friend had been in an altercation. He informed me that he was on his way and asked if I could get up to the hotel. I happened to be with my brother just a few miles away. We immediately went to the hotel to check on my the two minor children. Approximately 3-5 minutes after arrival at the hotel, the police showed up on the scene. From the outset, the police made the situation worse, created a hostile environment, and ultimately ended up frightening the two minor children. My brother was attempting to explain to the first officer what was going on. My brother became frustrated with the officer and asked that he speak to me. For seemingly [REDACTED] reason, the officer told my brother he was not allowed to leave and placed him in handcuffs . At that point in time, I contemplated advising the officer that I was an attorney [REDACTED] had identified any reason to put my brother in handcuffs. However, the officer had created an unnecessarily charged environment and I feared similar repercussions. For that reason, I complied with the officer's demands, as I understood I was also not allowed to leave. Multiple other officers arrived on the scene as I spoke with the first officer. My niece's father also arrived and immediately explained who he was and why he was there. Once I was able to speak to the first officer more, it seemed (but was unclear) that my brother may have matched the description of a suspect. Having confirmed that he was not even on the property at the time of the alleged assault, he was released from handcuffs. Had the officer simply explained that he matched the suspect description (if this was true), then it would have drastically reduced the tension created by the unnecessary handcuffing of my brother. But this is where things really started to get bad. For a bit of background, I am attorney who routinely works with police officers. I find most to be professional. However, a few bad apples ruin the bunch, and on this night, there were a couple of extraordinarily unprofessional officers. It is my understanding that the entire event was recorded. I believe that a review of those recordings would likely reveal concerns with the behavior of multiple officers. That being said, the behavior of one particular officer warrants a complaint. To be honest, if this officer had not been on the scene that night, I would not have taken the time to make this complaint, but Officer [REDACTED] conduct was beyond the pale. Officer [REDACTED] conducted himself in a manner that should appall other police. It shocks me that he acted in the manner he did without any of the dozen or so officers that showed up on scene saying anything. He was harassing, belittling, and combative. I fear that if his behavior continues, he is creating a risk of harm to citizens, himself, and other officers. His combative approach led to a severe escalation at a time when the the situation seemed to be calming down. Furthermore, two minor girls were terrified in a room while being questioned by the police. They could hear officers (primarily if not exclusively [REDACTED]) yelling at their uncles and



father, who they had called because they were scared. Officer [REDACTED] was aggressive with both his words and his gestures. I was in legitimate fear the entire time I was "detained," and only felt comfortable once I was "allowed to leave." His behavior was completely unacceptable. I am glad to provide more details and welcome an investigation. If nothing else, I respectfully request that this complaint remain in Officer [REDACTED] file. Without better training, I truly fear he will either create or unnecessarily escalate a situation to such a degree that it poses a risk to himself and others. For example, when I attempted to calmly offer an explanation to the officers regarding the arrival of my niece's father, I was met with aggressive yelling and being told to shut my mouth and go down the hallway with my brother, who was being threatened with being put back in handcuffs. The entire ordeal was surreal. But more than that, it was completely unnecessary and preventable. A calm approach would have yielded the same result, would have reduced the tension, would have allowed for a quicker resolution, and would not have frightened two innocent minors. I know APD is better than this. I hope they take this opportunity to improve. I also hope APD spends some time working with Officer [REDACTED] on how to de-escalate a situation, rather than needlessly escalating them. Thank you for your time and attention to this matter. I look forward to hearing from you. [REDACTED]."

*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):**

**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 insubordination 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).

**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 respect the rights of individuals 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.

#### 303.3.3 WHEN DEPARTMENT ISSUED BWC SYSTEM DEACTIVATION IS AUTHORIZED

Once the BWC system is activated it shall remain on until the incident has concluded or until deactivation is permissible in accordance with this order.

#### 801.3 UNIFORM GUIDELINES

Sworn employees wear a uniform to be identified as the law enforcement authority in society. The uniform also serves to identify the we [REDACTED] emergency, crisis or other time of need. Some civilian employees also wear a uniform to be identified as part of a specific assignment (e.g., crime scene, victim services).

- (a) All sworn employees shall possess and maintain a serviceable uniform and the necessary equipment to perform uniformed field duty at all times.

#### 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.

#### 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.
  2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

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.**