



ICMS #: 2020-1147

September 17, 2020

Complaint: [REDACTED], complainant, filed an online complaint with the Office of Police Oversight stating the following:

“A post on the [REDACTED] shows and claims officers not wearing masks until Austin residents began recording them. Given the post was made five hours ago (approximately [REDACTED] CST), I'd give the officers a slight benefit of the doubt in that the notification for mandatory masks was made on 07/03/20 that I'm aware, but there's no excuse that there are some officers clearly wearing masks and others that defiantly are not. Much like the post below reads how are the people of this city warned of a \$250 fine but not the police? I want to know what immediate steps, if any, you as an oversight committee can take how this can be addressed with the rising numbers of Covid-19. I will also be reaching out to the Austin City Council and the mayor with the same inquiry. We are coming off heated protests across the state of Texas and the country, and yet it appears that the process to positively reform police is affectively being opposed by the police. Add this to the list of reasons communities do not trust the police. Actions like this will result in that distrust continuing long into the future. Do something. [REDACTED] [REDACTED] Post: [https://\[REDACTED\]](https://[REDACTED]) [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.

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.