



ICMS #: 2020-1506

November 3, 2020

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

“Mr. [REDACTED] posted a Facebook Live video to a group of Eanes ISD parents called Eanes Kids First. In the video, he openly spoke against me ([REDACTED], teacher at Westlake HS in Eanes ISD) while in uniform. Although he begins by stating that he's not on the clock and not representing APD, he's wearing the uniform and his intentions are quite clear. This is an overt abuse of power to speak out as a police officer against me publicly. In his video, he incorrectly states that "kids cannot spread the virus". I'm a high school teacher, and I don't teach "kids". I teacher 14 and 15 yo students and our campus houses 9th-12th grade, meaning some of our students are up to 19 years old - not children. He cites "anecdotal evidence" that kids don't spread the virus, but it is just that - truly anecdotal. He's also comparing apples and oranges. His job requires him to work physically in person - mine does not. Most of my 9th graders are capable of learning remotely and we have set up a robust remote program in our district, where all students have iPads and most families have Internet access. In a previous YouTube video, I encouraged Eanes ISD families to consider keeping their students remote, if possible, in effort to reduce the spread of the coronavirus. I also made it clear that the district should prioritize in-person learning for younger students and those with IEP/504 accommodations. I hope that [REDACTED] supervisor sees this complaint and he is reprimanded for his actions. I'm attaching a link to the [REDACTED] video [REDACTED] below.  
[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):**

**105.1 PURPOSE AND SCOPE – COMMUNITY POLICING**

The purpose of this general order is to identify the tenets of Community Policing, which serves as the basis for this Department's mission and guiding principles. Community Policing is beyond a philosophy, it is a practice. The Austin Police Department is committed to Community Policing which strives to build mutual respect, collaborative partnerships, fair and impartial policing, and procedurally just behavior with the community that we serve. The Department's goal is to have an understanding of the traditions, culture, and history of the neighborhoods in which they serve in order to develop proactive solutions to problems and increase overall trust in policing. Likewise, the Department is required to provide information and training to the community so community members gain an understanding of police practices and procedures, as well as an understanding of the traditions and culture of law enforcement.



### 301.1 PURPOSE AND SCOPE – RESPONSIBILITY TO THE COMMUNITY

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.

### 900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

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

### 972.2 POLICY – EMPLOYEE SPEECH, EXPRESSION, AND SOCIAL NETWORKING

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the orders and performance of this department. Due to the nature of the work and influence of this department, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Austin Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression. This policy is not intended to restrict employee speech that is protected by the First Amendment.

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.***