



ICMS #: 2020-1581

November 13, 2020

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

“During my encounter with Officer [REDACTED], he refused to put on a mask, despite the fact that I had one on and my two young daughters were in the backseat of my car - one of whom had her window rolled down. When he approached my car I asked him if he could put on a mask and he said he couldn’t because he was wearing a helmet. Masks are currently mandated in Austin and he was closer than six feet from me and my children. Therefore, he put all of us at serious risk simply because he didn’t want to wear a mask.”

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.

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.