



ICMS #: 2021-0147

March 12, 2021

Complaint: Complainant alleges: APD Officer [REDACTED] (possible badge number, was not given one) # [REDACTED] falsely arrested me on a public intoxication charge. I suffer from a heart condition that can cause fainting and extreme confusion afterwards. I had fainted and was trying to recover from the episode when someone called the police. Officer [REDACTED] chose to handcuff me and then drag me, across my knees to the cop car. I was complying fully the entire time. He destroyed my knees, the skin is gone from one knee and they are severely bruised and bleeding. He was also grabbing my arms so hard that my wrists are severely swollen and bruised as well. I was taken to the ER and even after being confirmed that I was having a heart episode, and the ER did not diagnose any form of intoxication, I was still taken to jail and treated like a common criminal. I am a white collar tech worker who weighs about 100 lbs. I should never have been brutalized in this manner and the arrest was made under false pretenses to begin with. You should expect to hear from my lawyer soon. APD is an absolute joke of a police department and I am ashamed to say that I live in Austin after this experience.

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):

200.2 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance.

200.3 RESPONSE TO RESISTANCE

While the type and extent of force may vary, it is the policy of this department that officers use only that amount of objectively reasonable force which appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this order.

(a) Assessment shall be ongoing – As the circumstances of a situation change, the force necessary to affect a detention, arrest, search, or transportation of a subject or to protect officer or other persons from imminent harm may also change. Officers will therefore need to re-evaluate their determination of the appropriate response to resistance as circumstances change.

200.3.1 DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

Any interpretation of objective reasonableness about the amount of force that reasonably appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving, and the amount of time available to evaluate and respond to changing circumstances



may influence their decisions. The question is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting him.

900.4.1 DISCRETION AND REQUIREMENT TO TAKE ACTION

Sworn employees are charged with the responsibility to enforce the law, preserve the peace, and to protect lives and property.

(a) By itself, the mere fact that a minor violation of the law has occurred may not be sufficient reason to justify arrest. Laws generally serve as the tools officers use to protect residents' rights and to maintain peace in the community.

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 B classification.

