



ICMS #: 2021-0161

March 12, 2021

**Complaint:** The complainant, [REDACTED], alleges: My name is [REDACTED] I called 911 on [REDACTED] because my husband [REDACTED] was having a mental episode that he had been seeking help for due to the global pandemic . This pandemic has him out of work and has taken a toll on him and has been deteriorating since. I was afraid he was going to hurt himself that night and the Austin PD showed up to address my concerns. He was looked at by the EMS and taken by APD in a squad car to South Austin Medical Center. During this transportation he was injured by the officers and has seen a doctor and now is scheduled to see a specialist because of his injuries. This is a prime example of officers not being qualified or trained properly for dealing with instances like this. I am glad he was not shot or killed but he was severally injured on his left elbow that he has lost use of his left arm. He cant even carry a gallon of milk with his left arm. Doctor has inform us that he will probably never regain full use of this arm. He will be seeing a specialist but until then cortozone shots are required for pain and limited movement. We have put our house for sale because of the continued mis- treatment of the APD that I am afriad if he has another episode he will end up shot not only because of his condition but his color. I am requesting all video from the entire visit from all officers at [REDACTED] all the way until he got to the hospital. [REDACTED] is known as a police reformed activist in the city of austin and I am afraid maybe this is why he was injured during the call.

*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.

**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.



### 211.2 DETERMINING THE CORRECT FORCE LEVEL

Force levels are broken up into four types: Level 1, Level 2, Level 3, and Level 4. Each level is defined below by the response to resistance used in the incident. These levels are established for inquiry, reporting, and review purposes only. If there is uncertainty about which level to designate a particular incident then the higher level shall be used.

### 303.3 DEPARTMENT ISSUED BODY WORN CAMERA

BWC equipment is to be used primarily by uniformed personnel as authorized per assignment by the Department and must be used unless otherwise authorized by a Commander or above.

(b) Employees equipped with a Department issued BWC system must be trained in the operation of the equipment prior to its use. BWC equipment will be used in accordance with Department training and the BWC operations manual.

(c) Unless otherwise authorized by the Chief of Police or his/her designee, BWC's will be worn consistent with the training and manufacturer's recommendations, in regards to fields of view and employee safety. Employees will adhere to the following dimensions for placement of the BWC:

1. From the center of the sternum, no more than four inches to the right or left on the outermost layer of clothing such that the camera has an unobstructed view.
2. No higher than four inches below the top button of the uniform shirt and no lower than six inches below the top button of the uniform shirt.

### 318.3.1 HANDCUFFING DETAINEES

(c) Officers should weigh the safety interests of all involved individuals against unreasonable intrusion upon a detainee when deciding to place handcuffs on a detainee.

(d) Unless arrested, handcuffing detainees at the scene of a search warrant should continue for only as long as is reasonably necessary to ensure the safety of officers and others.

### 318.6 FIELD PHOTOGRAPHS

(a) Field photos should only be used for:

2. Identification of a subject's condition (e.g., injuries, tattoos, evidence stains on clothing, jewelry, distinctive clothing/shoe patterns).

### 318.6.5 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices for compliance with Department General Orders. This is not to imply that supervisor approval is required before each photograph.

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.***