



ICMS #: 2021-0369

April 12, 2021

Complaint: Complainant, [REDACTED], alleges: There was a party for his son in his backyard. He got into an argument with one of his son's friends at the party in his backyard. His neighbor, [REDACTED], who had recently become an Austin police officer, came from the party she was attending into his backyard and was in the complainant's face yelling at him. After, she went into his house and started unloading his weapons. She was off duty, out of her jurisdiction, and she had been drinking. The Williamson County Sheriff's responded to the disturbance. The complainant went into his house to get his ID; then someone came out yelling that there were guns. He was tackled, held at gunpoint, and arrested for public intoxication inside his own home. He suffered an injury to his knee, and this has disrupted his last couple of months.

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):

364.2 OFF-DUTY LAW ENFORCEMENT ACTIONS - POLICY

Initiating law enforcement action while off-duty is generally discouraged, particularly when officers are outside their jurisdiction. Reporting to the appropriate law enforcement agency and safe monitoring of suspected criminal activity is favored.

(a) Officers should not attempt to initiate enforcement action when witnessing minor crimes; Officers are not expected to place themselves in unreasonable peril.

364.4.2 INCIDENTS OF PERSONAL INTEREST

Unless there is an exigent circumstance, employees shall refrain from handling police incidents of personal interest (e.g., family or neighbor disputes). When practicable, employees should report the matter to 9-1-1 so that an on-duty officer can respond.

364.5 REPORTING

(a) In addition to contacting the appropriate agency, any off-duty employee who engages in any law enforcement activity shall notify, as soon as practicable:

1. The employee's immediate supervisor if the supervisor is on-duty.
2. Any on-duty supervisor when the employee's immediate supervisor is off-duty.

(b) The notified supervisor shall determine whether a report should be filed by the employee.



301.2 IMPARTIAL ATTITUDE AND COURTESY

Employees shall provide equal and fair protection of all rights under local, state, and federal law for all members of the community. Law enforcement will be conducted in an impartial and equitable manner.

In an effort to create an organizational culture that is inclusive and nondiscriminatory, employees shall act professionally, treat all persons fairly and equally, and strive to interact with the community in a positive manner. Employees will perform all duties objectively and without regard to personal feelings, animosities, friendships, financial status, occupation or employment status, sex, disability status, housing status, mental health or ability, citizenship, language, national origin, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity, gender expression, ethnicity, or social or ethnic background. Employees will endeavor to understand and respect cultural, national, racial, religious, physical, mental, and other differences.

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.

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.