



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0541

June 4, 2021

Complaint: The Office of Police Oversight received an online complaint alleging the following:

“I’m driving on a highway near [REDACTED] this morning ([REDACTED]) and I see a police escort (two motorcycle escorts) and three black SUVs. I’m aware of them and aware of a highway merge coming up. It’s a bit rainy and the road is misty making things just a bit harder to see. I stay in my lane and all of a sudden the rear police escort is in my lane barely in front of me, just by a few feet. I slam on my breaks and change lanes to put space between us. He responds very angrily and with road rage. He turns on his siren and comes beside the car making hand signals and looking inside the car. He gets in front of my vehicle on the highway by just a foot or two and is turning his body backwards towards me, pointing at his lights and making hand signals and I’m sure yelling although I couldn’t hear it. He forces me to slow down to about 25 mph on the highway in the left lane. It seems like maybe he was pulling me over so I slow down more and he then comes back on the right side of the car and is leaning down and looking in the car continuing to point and make hand signals. I’m shocked and am not sure what to do and then he just drives off.”

This notice of formal complaint is a request for Internal Affairs to initiate an investigation 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):

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 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

The City of Austin is committed to compliance with the American Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.



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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.

804.2 GENERAL OPERATION OF DEPARTMENT VEHICLES

(a) Employees will operate Department vehicles in a careful and prudent manner within the guidelines of the law and Department General Orders. Unsafe or negligent driving is prohibited.

1. Vehicles will be operated in such a manner and at a rate of speed that the driver, by use of ordinary care, can avoid colliding with another vehicle, object, or person.

Recommended Classification: *The OPO is permitted to make a preliminary recommendation on the classification of administrative cases.*

The OPO recommends this complaint receive a B classification.