



ICMS #: 2020-0254

April 6, 2020

Complaint: Complainant, Ms. [REDACTED], alleges that Austin Police Department (APD) officers may have violated APD policy during an interaction with her. In particular, she alleges APD did nothing to help her. She states:

“I was in an altercation, assaulted by a man. Police didn’t arrest him, said they need witnesses. Police witnessed him assaulting me; they had to pull him off of me. I have welts and bruises. They didn’t take any pictures. They told me there was nothing they could do; I couldn’t press charges.”

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):

301.1 PURPOSE AND SCOPE

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 are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

304.3.2 WHEN DMAV USE IS REQUIRED

This order is not intended to describe every possible situation where the system may be used. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera however the audio portion can be valuable evidence and is subject to the same activation requirements.

401.2 INITIAL RESPONSE AND INVESTIGATION

(c) The primary officer shall make a preliminary determination if a crime has been committed.



401.4.1 CRIME SCENE PROCESSING AND EVIDENCE COLLECTION

Employees will ensure that items identified as evidence are not tampered with in any way prior to being photographed and collected.

401.5 SECURE AND IDENTIFY WITNESSES

Officers should attempt to locate any witnesses to an offense when warranted by the seriousness of the case.

402.2 INCIDENT REPORTING

A well-written report can help make a case just as easily as a poorly written report can ruin a case. Employees have the responsibility to write clear, factual, and complete reports.

402.2.2 REPORT WRITING

(a) All reports shall accurately reflect:

1. The identity of the persons involved.
2. All pertinent information seen, heard, or assimilated by any other sense.
3. Any action(s) taken.
4. Any property which the employee takes possession of, clearly documenting the:
 - (a) Events that led up to the taking possession of the property
 - (b) Purpose for taking the property
 - (c) Identification of the property by name and/or description
 - (d) Location where the property was taken
 - (e) Complete identifiers, as available, for anyone who may claim ownership of the property.

900.1.1 RESPONSIBILITY TO KNOW AND COMPLY

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

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 A classification.