



ICMS #: 2020-0208

May 11, 2020

**Complaint:** Mr. [REDACTED], complainant, alleges that Austin Police Department (APD) Detective [REDACTED] may have violated APD policy, stating that he “did not do his job.” After conducting a preliminary review of the complaint, the Office of Police Oversight (OPO) identified potential policy violations involving additional APD officers.

*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):**

**301.2 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.

**318.5.1 MIRANDA WARNING**

(a) Officers will administer the Miranda Warning to a subject during a custodial interview/

interrogation when questioning begins to focus on the person stopped, becoming accusatory regarding a specific offense.

(b) The Miranda Warning will be recorded by audio/video recording (e.g., in-car Mobile Audio Video Recording system, Body-Worn Cameras) using the following process:

1. Read the Miranda card to the subject in its entirety; and
2. Ensure the subject acknowledges, understands, and voluntarily waives his rights by:

(a) Write the officer's name and the date, time, and incident number on the face of the card; and

(b) If practical, request the subject to initial next to each Miranda right and sign the card. If the subject has verbally acknowledged understanding and waiving his rights but does not sign the card, the interview/interrogation may still continue.

**401.4 CRIME SCENE MANAGEMENT**

(c) The primary officer or designee has the following responsibilities when a crime scene is present which requires processing:

1. Initiate a *Crime Scene Security Log* (PD0175) to record the name and time of all persons entering, or assigned to, the crime scene. Upon completion, the form



shall be given to the primary Investigative Unit.

2. Setup an initial perimeter around the crime scene with crime scene tape. The scene should be large enough to include potential evidence.
3. Determine if additional inner/outer perimeter(s) need to be setup. These may be used to create a space for media or the public, as a safety measure for officers, or to further protect the crime scene from contamination.
4. Protect items of apparent evidentiary value and ensure the scene is processed accordingly.

#### 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.

#### 900.3.4 PERSONAL CONDUCT

(c) While on-duty or on the premises of City facilities, employees will not:

1. Use loud, indecent, profane, harsh, derogatory language, or use belittling term in any communications.
2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

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.**