



ICMS #: 2020-0222

May 7, 2020

Complaint: Ms. [REDACTED], complainant, alleges that Austin Police Department (APD) officers may have violated APD policy after pulling her over when their license plate readers showed that the vehicle she was driving was stolen. Ms. [REDACTED] alleges that she was told to walk backward toward the officers and when she was allowed to turn her head to see, she noticed that they were pointing guns at her. Ms. [REDACTED] states that she was terrified and didn't know what she had done, and that officers put her hands behind her back and put her in handcuffs, and that one officer told her, "Well, clearly this isn't a routine traffic stop." Ms. [REDACTED] states that she is doesn't understand why her plates would have come up as being stolen because they were new plates from the DMV, and that she was told by police later during this incident that the issue was due to a clerical error on the part of the DMV. Ms. [REDACTED] also alleges that Miranda rights weren't read to her. Ms. [REDACTED] states that her frustration was with the manner in which police pulled her over; she states that she doesn't think that it's appropriate to put guns on people who are cooperating, and that if a minor clerical error puts citizens at risk of being shot by police officers, that's problematic, and it's also problematic to use that level of force because she doesn't think that is keeping people safe.

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.

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.

402.5 REPORTING THE ACTIVE TARGETING OF A FIREARM AT A PERSON

By the nature of their duties, officers may be required by general orders and training to point their firearm, including impact munitions, and actively target at a person. This section does not create an additional requirement for officers to initiate an incident report; however, officers that actively target their firearm at a person shall properly document the incident as outlined below.

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.