



ICMS #: 2019-1235

January 8, 2020

Complaint: APD officers may have violated Austin Police Department (APD) policy during a call and subsequent investigation related to a check welfare incident that occurred on [REDACTED] involving a subject, [REDACTED], who officers discovered walking on and around [REDACTED].

This notice of formal complaint is a request for Internal Affairs to conduct an investigation in order to determine if the employee conduct is within compliance of APD policy, Civil Service Rules, and Municipal Civil Service Rules.

Additional information: The Office of Police Oversight (OPO) is the complainant. This complaint stems from an anonymous complaint that the Office of Police Oversight received, which stated as follows:

"I witnessed multiple APD officers shooting an unarmed man of color on [REDACTED] [REDACTED]. It was south of [REDACTED] but before [REDACTED]. Also, I haven't seen any information in the media and I would like to know the condition of the gentlemen shot. I feel like this information should be shared."

Recommended Administrative Policies to Review (to include but not limited to):

303.3.1 WHEN DEPARTMENT ISSUED BWC SYSTEM USE IS REQUIRED

This section is not intended to describe every possible situation where the system may be used. In some circumstances it may not be possible to capture images of an 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. The BWC should only be activated for law enforcement purposes.

211.7.1 SUPERVISOR RESPONSIBILITIES IN LEVEL 2 FORCE INCIDENTS

Level 2 force incident inquiries are conducted by the designated inquiry supervisor. A supervisor shall respond to the scene of all Level 2 force incidents unless a hostile crowd or other conditions make such a response impracticable. In such incidents, an alternate safe location shall be designated by the supervisor.

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.