



NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-1152

December 3, 2021

Complaint: The complainant alleges:

“Text and photos in Google doc since the photos did not copy and paste below.

[REDACTED] I found the APD General Orders on two [REDACTED] web pages and am unsure as to which applies to this complaint.

[REDACTED] 972.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS Unless specifically authorized by the Chief of Police, employees may not represent the Austin Police Department or identify themselves in any way as being affiliated with the Austin Police Department in order to do any of the following (Tex. Local Gov't Code § 556.004(c) and (d)): (a) Endorse, support, oppose or contradict any political campaign or initiative. (b) Endorse, support, oppose or contradict any social issue, cause or religion. (c) Endorse, support or oppose any product, service, company or other commercial entity. (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website. Additionally, when it can reasonably be construed that an employee, acting in his individual capacity or through some unofficial group or organization (e.g. bargaining group), is affiliated with this department the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Austin Police Department. Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purpose

[REDACTED] 801.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS Unless specifically authorized by the Chief of Police, Austin Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, a photograph as an employee of the Austin Police Department in order to: (a) Endorse, support, oppose or contradict any political campaign or initiative. (b) Endorse, support, oppose or contradict any social issue, cause or religion. (c) Endorse, support, or oppose any product, service, company or other commercial entity. (d) Appear in any commercial, social or non-profit publication, or any motion picture, film, video, public broadcast or on any website At 15 seconds into this video you will find an APD officer in



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uniform attending the [REDACTED] [REDACTED] [REDACTED] [REDACTED].
[REDACTED] This officer also appears
at the [REDACTED] speaking to Save Austin Now [REDACTED] [REDACTED].
[REDACTED]
[REDACTED] rom the Austin Bulldog, Officer [REDACTED] with
Save Austin Now [REDACTED] and Austin Police Association [REDACTED]
[REDACTED] at the [REDACTED] [REDACTED]. [REDACTED] [REDACTED]

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):

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.

801.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Austin Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, a photograph as an employee of the Austin Police Department in order to:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company or other commercial entity.



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(d) Appear in any commercial, social or non-profit publication, or any motion picture, film, video, public broadcast or on any website

972.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, employees may not represent the Austin Police Department or identify themselves in any way as being affiliated with the Austin Police Department in order to do any of the following (Tex. Local Gov't Code § 556.004(c) and (d)):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in their individual capacity or through some unofficial group or organization (e.g. bargaining group), is affiliated with this department the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Austin Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 U.S.C. § 1502)).

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.