



# Policy Revision Request

Requestor Name Jeremy Compton Emp # 4529

This revision applies to Existing Policy 03-28-24

If new, recommended section \_\_\_\_\_

This revision is necessary to comply with Best Practices

Whom does this revision affect? Department

This revision has an unbudgeted financial impact of \$ 0

## Brief reason for the revision:

To provide guidance on the existing process for handling external complaints until a Meet and Confer Agreement is reached.

**Document the changes or additions to the policy below. Please include the specific policy number. ~~Red strikethroughs~~ are used for deletions and blue underlined for text insertions. Please email completed forms to [APDPolicy@austintexas.gov](mailto:APDPolicy@austintexas.gov). Use this email for any related questions or issues for policy.**

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## 902.2 COMPLAINT ACCEPTANCE PROCESS

### 902.2.3 EXTERNALLY INITIATED COMPLAINTS

~~Under the Meet and Confer Agreement, the~~ The Office of Police Oversight (OPO) is a non-exclusive location for accepting administrative complaints of alleged officer misconduct from the public. Anonymous complaints received by the OPO will be classified as external complaints. Employees may be investigated based on anonymous complaints.

- (a) The following is a list of the most common avenues for initiation of written and verbal external complaints:
1. Complaint made directly to any department employee or supervisor, either in person, by mail or via phone.
  2. Complaint made through the OPO.
  3. Complaint made directly to IA.
- (b) All external complaints must meet the following documentation requirements and be processed accordingly:
1. Written complaints
    - (a) Complaints may be submitted from citizens outside the Department.
    - (b) Complaint letters received by any member of the Department (other than IA) shall be emailed, faxed, or personally delivered to IA.

2. Verbal complaints (in person or by telephone)
  - (a) Civilian employees receiving an alleged minor nature complaint against an officer should refer the citizen directly to the OPO.
  - (b) Sworn employees receiving an alleged minor policy violation complaint against an officer should request a supervisor to respond to the scene. Complaints of minor policy violations may include, but are not limited to, tobacco use, operation of police vehicles, equipment violations, and language use. If a supervisor is not available, or if the complainant is not able to wait for a supervisor, the officer shall obtain the citizens contact information and forward it to a supervisor. The supervisor shall handle the complaint as outlined in the Initial Supervisor Responsibility section.
3. Complaints of a serious nature require the immediate notification of an available supervisor. Employees shall make the required notification regardless of their personal opinions about the credibility of the allegations. Serious complaints must be initially investigated by the rank of sergeant or above.

(c) The following is a list of the four types of External Complaints:

1. Complainant is identified and provides a sworn written statement.
  - (a) Once received from OPO, IA will review and classify the complaint.
    1. Class A and B complaints that are not determined to be OFCA eligible will be investigated by Internal Affairs.
    2. OFCA eligible Class B's will be handled in accordance with APD Policy 902.6.4
    3. Class C and D complaints will be handled in accordance with APD Policy 902.3.1
  2. Complainant is identified, but does not provide a sworn written statement.
    - (a) Once received from OPO, IA will review and classify the complaint.
      1. Class A and B complaints that are not determined to be SR-MPV or OFCA eligible by IA will be forwarded to the appropriate Chain of Command. Once received, the COC will file an Internal Complaint Memo to IA. Not filing an internal complaint requires approval by the Chief of Police or designee.
      2. Class B complaints determined to be SR-MPV eligible by IA can be handled as follows:
        - (a) If the COC determines that the preponderance of the evidence supports a disposition of sustained AND no further investigation is needed, the SR-MPV process may be used
        - (b) In all other cases, the COC will file an Internal Complaint Memo to IA. Not filing an internal complaint requires approval by the Chief of Police or designee.
      3. OFCA eligible Class B's will be handled in accordance with APD Policy 902.6.4
      4. Class C and D complaints will be handled in accordance with APD Policy 902.3.1

3. Complainant provides a sworn written statement to IA sworn personnel at the OPO, but wishes to remain anonymous.
  - (a) Once IA obtains the sworn written statement, IA will review and classify the complaint.
  - (b) Class A and B complaints that are not determined to be OFCA eligible will be investigated by Internal Affairs.
  - (c) OFCA eligible Class B's will be handled in accordance with APD Policy 902.6.4
  - (d) Class C and D complaints will be handled in accordance with APD Policy 902.3.1
  
4. Anonymous complaint received by OPO with no identifying or contact information.
  - (a) Once received from OPO, IA will review and classify the complaint.
  - (b) Complaints determined by IA to be of a serious nature, typically Class A's, will be forwarded to the appropriate COC. Once received, the COC will file an Internal Complaint Memo to IA. Not filing an internal complaint requires approval by the Chief of Police or designee.
  - ~~(a)~~(c) Complaints determined by IA to be of a non-serious nature, typically Class B, C or D complaints will be closed as Information by IA.