



NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0497

May 17, 2021

Complaint: Complainant, [REDACTED], contacted the Office of Police Oversight alleging the following:

“Hi, I was about to move and tried to look up the address of the [REDACTED]. I looked online the SOR to see where he was located, as I am moving and do not want to be in the same vicinity, only to discover APD has not verified his address since [REDACTED]. The detective agreed he is out of compliance but has still not issued a warrant or attempted to locate him. I do not remember the detective's name. This would have never been caught by APD had I not looked to see if he registered. Please help me feel safe again in my own city. I am being punished for being the victim by the action of the police not caring to protect my safety or keep up with his probation. He is in violation of his probation and again, I am being punished for actually reporting the sexual assault by the lack of effort that is being put into locating him. I have attached images below if that helps at all to figure this out.”

“I had contacted the SOR in regard to [REDACTED]. My lease is about to expire and I wanted to make sure I did not move too close to his vicinity. I looked and he has not registered since [REDACTED] nor has his address been verified since [REDACTED]. The SOR reached out to APD. Detective [REDACTED] is in charge of this matter as [REDACTED] is out of compliance. Detective [REDACTED] has not taken any initiative to issue a warrant nor try and find him. I should not have had to find out he has not registered as the victim. Detective [REDACTED] has not done anything to help me. I am being penalized by the department for speaking out about being attacked and it is clear that detective [REDACTED] does not care about my safety or the safety of Austin.”

“Detective [REDACTED] finally called me back but has still not even looked into issuing an arrest for [REDACTED], who is out of compliance. He did not register as a sex offender and has not done so since [REDACTED]. I explained to Detective [REDACTED] that I needed to know where he resides because my lease is coming to an end and I don't want to live too close to where [REDACTED] resides. Detective [REDACTED] told me "he knew [REDACTED] wasn't at the last address he reported and that he didn't have the manpower or time to do anything about it". He then told me he believes he is residing at a house and asked me "why it mattered if I was looking at apartments". He proceeded to tell me "he doesn't have the manpower and he doesn't know what to tell me" multiple times. He stated "he would try and get around to issuing an arrest warrant sometime next week but the reality is that he wouldn't stay in jail long anyways and that APD is doing funky things and he didn't know what to tell me". His lack of effort into doing anything at all about this is absurd and his



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lack of compassion is disgusting. He is literally doing absolutely nothing in regard to this matter. It is truly disheartening that I put through myself through pressing the charges and living through it all over again to just be treated like trash. He treated me like no more than just a case number and I am more than just another case number in your files. I spoke to my DA in [REDACTED] and was told that he is breaking his probation by not complying. I would greatly appreciate it if somebody else would call me back. I deserve to feel safe in my own city. This call occurred at [REDACTED] on [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):

301.1 PURPOSE AND SCOPE – RESPONSIBILITY TO THE COMMUNITY

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 shall provide equal and fair protection of all rights under local, state, and federal law for all members of the community. Law enforcement will be conducted in an impartial and equitable manner.

In an effort to create an organizational culture that is inclusive and nondiscriminatory, employees shall act professionally, treat all persons fairly and equally, and strive to interact with the community in a positive manner. Employees will perform all duties objectively and without regard to personal feelings, animosities, friendships, financial status, occupation or employment status, sex, disability status, housing status, mental health or ability, citizenship, language, national origin, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity, gender expression, ethnicity, or social or ethnic background. Employees will endeavor to understand and respect cultural, national, racial, religious, physical, mental, and other differences.

900.4.3 NEGLECT OF DUTY

Employees will satisfactorily perform their duties.

The City of Austin is committed to compliance with the American Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.



OFFICE OF POLICE OVERSIGHT

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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.