



## NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-0948

September 21, 2021

**Complaint:** The complainant alleges: I was racial profiled. Me and my two friends were driving. I was the passenger. We were following our friends that was the car in-front of us when we passed an officer waiting to exit from the restaurant parking lot. Now I don't know what is reasoning for even looking up our plates we're because we literally did nothing wrong stopped at a stop light. The guy followed us swerving in and out the lane. We reach our destination and he pulls into the park as well then turns on his lights and almost Rams us as where trying to park then immediately draws his fire arm. And yells over the intercom put your hands up! Afraid for my life I ask why are we being pulled over what did we do he's yelling put your hands up my hands have been up. I'm still asking what did we do he got loud with me and my friends who we were following were recording because I asked them too. Asked the officer what did we do wrong he told them to go away my friend replied no I'm doing nothing wrong I'm parked here you are also boxing me in what did they do wrong he said I'll arrest you for interfering when we all were together so she was involved he began to say that the car was reported stolen. I said no way no way he says get an attitude with me. See what happens. I said what's going to happen you're going to shoot me for nothing? And I called him racist. Back up arrived about 5-8 cars deep shot guns drawn ar-15s pistols drawn they make me the passenger get out the car turn around and they "detain" me I'm asking the officers who were very nice by the way what did I do wrong and they said they don't know they don't even know why we were stopped about 7 min later the officer that stopped us yells get him out get him out it was a mistake the car came back as a stolen Chevy truck you cannot mistake a truck for an SUV ! I'm disabled I suffer from sickle cell anemia leukemia and extreme anxiety and PTSD my wrist and body were swollen. I keep having bad dreams about this night and what if something would've went more wrong and I lose my life for being a black man riding passenger. To this day I know not why we were even stopped what made him read our plates and not anyone else's and why this happen without those questions being answered I can only assume because I was black and wearing a durag he thought he could get lucky and find something on me. That's racial profiling. And I won't stand to have this not dealt with for I fear for the next person he dose it to it might not end as well.

*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.*

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.



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

#### 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.

#### 302.2 INTERACTION WITH COMMUNITY

(c) As long as the photographing or recording takes place in a setting at which the individual has a legal right to be present and does not interfere with an officer's safety or lawful duties, officer's shall not inform or instruct people that photographing or recording of police officers, police activity or individuals who are the subject of police action (such as a Terry stop or an arrest) is not allowed; requires a permit; or requires the officer's consent. Additionally, officers shall not:

1. Order that person to cease such activity;
2. Demand that person's identification;
3. Demand that the person state a reason why they are taking photographs or recording;
4. Detain that person;
5. Intentionally block or obstruct cameras or recording devices; or
6. In any way threaten, intimidate or otherwise discourage an individual from recording officer's enforcement activities.



## OFFICE OF POLICE OVERSIGHT

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#### 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.

#### 804.2 GENERAL OPERATION OF DEPARTMENT VEHICLES

(a) Employees will operate Department vehicles in a careful and prudent manner within the guidelines of the law and Department General Orders. Unsafe or negligent driving is prohibited.

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.***