



## OFFICE OF POLICE OVERSIGHT

### NOTICE OF COMPLAINT

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March 24, 2023

ICMS #: 2023-0243

On March 24, 2023, the OPO received a phone complaint.

**The complainant alleges:** The complainant's nephew, [REDACTED], was the [REDACTED] homicide for the City of Austin this year. He was shot and killed in a drive-by shooting at his brother [REDACTED] residence. When officers arrived they just started questioning [REDACTED] -- did he have a gun, was this drug-related, and asked his name over and over again. He asked the officers if his brother was ok and told them that he had a light pulse. Officers did not administer CPR or other life-saving measures. Ms. [REDACTED] believes that if they had done so, her nephew would still be alive. She would have appreciated someone making an effort to save him.

[REDACTED] continued to ask officers if his brother was breathing and officers wouldn't tell him anything. [REDACTED] told them he had woken up, looked for his brother, and found him on the ground. Officers continued to interrogate [REDACTED] instead of performing life-saving measures for his brother, who lay dying.

The deceased's mother arrived and was on the phone with the complainant telling her what had happened. She was told that her son was in the ambulance. While she was telling this to the complainant, it flashed on KVUE news that her son was deceased. The family members, the mother and the brother, were present. Instead of this being told to them it was told to the media. The complainant was waiting to hear what hospital her nephew would be transported to. When she asked his mother she replied, "My son is dead." Several relatives saw the same news on KXAN and other networks. Why was this told to the media instead of the family members present on the scene?

Officers fingerprinted [REDACTED] on the scene. The complainant finds this offensive and unacceptable, stating that by fingerprinting him, you're basically saying that he had something to do with it. Her nephew was already traumatized by seeing his brother laying on the ground dying and being helpless to do anything to save him. Ms. [REDACTED] asked the lead detective on scene if officers had also fingerprinted the other 5 people who live in the house. A white vehicle was discussed at some point. Her nephew doesn't even own a bike, much less a car.



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The complainant arrived on scene. Someone from victim services came and handed out pink pamphlets but did not give anyone a representative's phone number.

The detective on scene asked the complainant for her brother's name and phone number. He is the deceased's father. The complainant explained that they would have to go through her to reach him, because he uses the same phone as her. Once she had said that, the detective acted as though she couldn't write anything further. Why would the detective not take down the information of the parent?

***This notice of 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.***