



OFFICE OF POLICE OVERSIGHT

NOTICE OF COMPLAINT

July 22, 2022

ICMS #: 2022-0594

On July 18, 2022, the OPO received an online complaint.

The complainant alleges: This complaint is against Black Male APD Officer [REDACTED] [#REDACTED] on [REDACTED] between [REDACTED], related to [REDACTED] complaint CaseID: [REDACTED]. . . On [REDACTED], between [REDACTED] the Black Male [REDACTED] bus driver operating Bus [REDACTED], running Route [REDACTED], wrongly, intentionally, and ILLEGALLY REFUSED TO STOP at Stop [REDACTED] [by [REDACTED], [REDACTED]] to wrongly, intentionally, and ILLEGALLY NOT board or transport me, [REDACTED], a Straight Christian Male Passenger, who was rightly standing at Stop [REDACTED] facing oncoming Bus # [REDACTED] and waving my arm up and down to signal my intention to board and ride. A few minutes later, I flagged down Black Male APD Officer [REDACTED] [#REDACTED] who was in his patrol car, heading east on [REDACTED], but stopped at a red light. Officer [REDACTED] [#REDACTED] rightly, promptly, and safely pulled into the [REDACTED] parking lot to hear me. On the public sidewalk abutting [REDACTED] [REDACTED], I told Black Male APD Officer [REDACTED] [#REDACTED] the Black Male CAP METRO bus driver operating Bus # [REDACTED] running Route [REDACTED] had just ILLEGALLY REFUSED TO STOP for me at Stop [REDACTED] to ILLEGALLY NOT board or transport me. Because Route [REDACTED] is circular and short, and driven only by that one criminal Black Male bus driver, I then told Officer [REDACTED] [#REDACTED] that because that criminal Black Male bus driver would be back around in that same Bus # [REDACTED] in about 15 minutes, I wanted Officer [REDACTED] [#REDACTED] to wait there for the return of that criminal Black Male CAP METRO bus driver to stop him and force him to board and transport me to FOLLOW THE LAW, to LAWFULLY ENFORCE MY CIVIL RIGHT to travel on public transportation, Constitutionally protected by the 14th Amendment. However, not only did Officer [REDACTED] [#REDACTED] refuse to do any of that, but he told me that [REDACTED] was PRIVATE, implying that he could NOT force [REDACTED] to board and transport me because a private enterprise could deny me service without just cause. However, the TRUTH is [REDACTED] is NOT private, per Texas law. Texas Transportation Code 451.001 legally defines [REDACTED] as a Metropolitan Rapid Transit Authority. Per Texas Transportation Code 451.052, [REDACTED] is a public political entity exercising public and essential governmental functions for public purposes



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that are matters of public necessity. Texas Transportation Code 451.052 also defines ██████ as a governmental unit whose operations are NOT proprietary functions for any purpose. Therefore, because “proprietary duties” means “Those duties of a municipality which are not strictly governmental duties” (Black’s Law Dictionary), ALL ██████ operations are governmental, meaning NONE of them are private. In addition, more than 75% of ██████ funding comes from Texas sales tax. Yet, when I respectfully corrected Officer ██████ [#█████] telling him that ██████ is a PUBLIC entity per Texas Transportation Code 451, he wasn’t hearing it. When I offered to show Officer ██████ [#█████] Texas Transportation Codes 451.001 and 451.052 in writing, which I had with me in hard copy in black and white, he wouldn’t look at it. Therefore, in effect, Black Male APD Officer ██████ [#█████] wrongly, blindly, and intentionally backed criminal Black Male ██████ bus driver ILLEGALLY discriminating against me, a Non-Black member of the public who Black Male APD Officer ██████ [#█████] swore to protect and serve. Though Black Male APD Officer ██████ [#█████] and Black Male ██████ bus driver are both public servants, per Texas Penal Code 1.07(a)(41)(A), neither were serving me, a Non-Black member of the public. Therefore, based on the evidence and law, Officer ██████ [#█████]’s unprofessional, unacceptable conduct against me engenders DISTRUST of APD – the EXACT OPPOSITE of what he should have said and done. Expect this episode to be called out publicly, on record, on TV. Therefore, immediately place this complaint in Officer ██████ [#█████]’s personnel file and keep it there for his next evaluation. Immediately coach, reprogram, and retrain Officer ██████ [#█████] to fix his upside-down mindset and correct his ass-backwards behavior moving forward. Thanks in advance for your anticipated prompt punitive and corrective actions in this matter. Respectfully, ██████

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.