



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0465

May 17, 2021

Complaint: The Office of Police Oversight received an online complaint alleging the following:

“I am a survivor of sexual assault whose only legal option was to press Class C Misdemeanor assault charges against my assailant (as the new charge of "indecent contact" had been passed, but did not go into legal affect until a month later). Due to trauma (I have since been diagnosed with PTSD), I had a delay in reporting, but began the reporting process roughly two months before the statute of limitations ran out. Because I was incorrectly told by my detective, APD [REDACTED], that the statute of limitations requirements were met when I filed the report (as opposed to when charges are filed against him by the DA office which is actually the case), the deadline was missed by only days and charges were not file- EVEN WITH A WRITTEN CONFESSION by my assailant. The deadline could have been met easily if he had given me the correct information on the statute of limitations, and also if he had not delayed getting me the information that I needed (my assailant's address) to file charges with the DA's office. In fact, I could have filed the charges without that information, but because he had said I had already met the deadline, I didn't file the charges with the info that I had, didn't contact the DA's office to explain the situation to ensure the case would be processed before the deadline, and I didn't press Detective [REDACTED] to hurry up and get me my assailant's address. PLEASE NOTE, I have a screenshot of him erroneously informing me by email that the statute of limitations had been met when I filed my police report. PLEASE ALSO NOTE that I am additionally complaining that he never informed me of the Texas Victim's Compensation Fund, which could have potentially prevented me from receiving thousands if I had not been informed of it elsewhere. PLEASE ALSO NOTE that I am additionally complaining that I reached out to Detective [REDACTED] about this issue and he never wrote me back. PLEASE ALSO NOTE that completely blowing getting justice for a sexual assault in a case where there was literally a written confession is pretty in keeping with how exceptionally despicably survivors of sexual assault are treated by the police, and it was completely emotionally devastating for me and leaves me very unsafe.”

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.



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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.

403.3 CASE ASSIGNMENT AND RESPONSIBILITY

Generally, follow-up investigations shall be the responsibility of the Investigative Unit assigned to the case. Report routing to an Investigative Unit is an automated process that is controlled by the title code(s) used. Unit ownership of a title code is programmed into the current reporting system and updated as needed.

- (c) When assigned to a case for follow-up investigation, investigators shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to court personnel for the filing of criminal charges.

601.5 INFORMATION FOR ALL VICTIMS OF CRIME AND TRAUMATIC EVENTS

All Department personnel, including officers, are responsible for providing victims of crimes against persons and traumatic events with victim assistance information. This information is contained in the English (pink) and Spanish (yellow) brochures entitled "Victim Assistance Information". These brochures are provided to the Department by Victim Services personnel upon request.

900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

900.4.3 NEGLECT OF DUTY

Employees will satisfactorily perform their duties.

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.