



# OFFICE OF POLICE OVERSIGHT

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## Office of Police Oversight Formal Complaints: June 1 to June 10, 2020

Between May 29<sup>th</sup>, 2020 and June 10, 2020, The Office of Police Oversight was contacted 895 times regarding complaints against the Austin Police Department.

- 107 by online form
- 387 by phone
- 401 by email

Of these, the Office of Police Oversight is recommending 227 complaints for formal investigation by the Internal Affairs division of the Austin Police Department. The 227 formal complaints are representative of 606 individuals who contacted the Office of Police Oversight to file a complaint.

Due to the sheer volume of these complaints, the Office of Police Oversight has compiled complaints by date.

- June 1, 2020: 35
- June 2, 2020: 45
- June 3, 2020: 44
- June 4, 2020: 33
- June 5, 2020: 26
- June 8, 2020: 13
- June 9, 2020: 21
- June 10, 2020: 10

Complaints are redacted to remove personal or identifying information. If you have any questions, please email [policeoversight@austintexas.gov](mailto:policeoversight@austintexas.gov).



ICMS #: 2020-0974

June 10, 2020

**Complaint:** The Office of Police Oversight received the following email from 252 complainants stating the following:

“I am writing to demand an investigation be opened into firing the officers involved with shooting [REDACTED]. [REDACTED] was receiving medical help from a professional at protest when officers shot him in the head along with the medic that was administering help. The officers involved in this incident need to be held accountable immediately and taken off the streets of Austin. This requires action now.

Here is a link to a video of the incident and below are posts from the medic on site recounting her direct experience:

https://[REDACTED]



ICMS #: 2020-0972

June 10, 2020

**Complaint:** The Office of Police Oversight received an anonymous online complaint stating the following:

“APD used entirely unnecessary force, as well as "less" (eye roll) lethal weapons on a peaceful crowd of protestors i was in sunday afternoon. Firing chemical weapons that hurt the lungs during a pandemic is absolutely disgraceful.”



ICMS #: 2020-0971

June 10, 2020

**Complaint:** The Office of Police Oversight received an anonymous online complaint stating the following:

“Officers dispatched by bus to [REDACTED] to meet protestors heading [REDACTED] on [REDACTED] on [REDACTED] between [REDACTED] used excessive force. Policed particularly used less-lethal ammunition in a lethal manner, firing a foam bullet from less than 12 feet away directly at a protestor that resulted in the need for limb-saving surgery. After protestors backed up and retreated [REDACTED], police marched forward, spraying pepper spray at any that remained and who had struggled to retreat due to the need for medical attention. The young man who was shot directly in the arm with a less-lethal projectile was [REDACTED] and there is definitely a need for an investigation on why less-lethal projectiles would be shot from such a short distance, given the injuries they can cause and their intended use to NOT be fired directly at individuals from a specific distance.”



ICMS #: 2020-0970

June 10, 2020

**Complaint:** [REDACTED], complainant, emailed the Office of Police Oversight stating the following:

“It seems "less-lethal munition” is a name that gives the user an a false sense to release rounds with less consequences to the human being that is the target. It can't be "less lethal" if it's fired at close range.

Please abolish the name and idea of "less-lethal munition".

Police need to be trained to withstand water bottles being thrown at them without reacting with physical violence. Yes, it's terrible to have a water bottle thrown at you. It's terrible to withstand someone physical attack. Please equip the APD with training in compassion, training in patience. We need you to be super heros. We need our police to be more courageous, benevolent, strong and wise than ever. How can we train them for this so that more people are not met with excessive force.

How do we abolish exccessive force?”



ICMS #: 2020-0964

June 10, 2020

**Complaint:** Ms. [REDACTED], complainant, emailed the Office of Police Oversight stating the following:

“This is an example of excessive use of force from the Austin Police Department. That protestor was standing still, hands in his pocket, posing no threat. And he was sprayed at point-blank range. Needless, senseless use of force.

You absolutely have to act on this type of behavior. This will not be tolerated. Please do your job and ensure that this sort of bullying is never tolerated.”



ICMS #: 2020-0962

June 10, 2020

**Complaint:** The Office of Police Oversight received the following email from the 131 signed complainants listed below:

“Dear Austin’s Elected Officials and Leaders,

A message from [REDACTED]’s Classmates:

[REDACTED] Levi Ayala, who is starting his junior year this upcoming fall in KIPP Austin Brave High School, is just like any other teenagers. He recently turned 16 on May 26th and was excited to begin working at Jersey Mikes. With the money he earned, he wanted to save up to buy his first car, all alone without the help of others. He always [REDACTED] about wanting to drive his car all around Austin playing his favorite music - DJ Screw, Dr .Octagon, Eminem, Pink Floyd and The Killers. [REDACTED] is the student and classmate that truly stands out from everyone else. Since middle school, he was known to be a free thinker. Always opinionated, independent, extremely intelligent. He loved to have discussions with teachers whenever his beliefs were different from the ones our teachers had. That is the [REDACTED] we know, the [REDACTED] we grew up with and love. A person, not just a name appearing on TV and social media. He is a friend and classmate, a person who has feelings, opinions, and rights just like everyone else in this country. [REDACTED] is a victim of police brutality in Austin, Texas.

Anger, frustration and disbelief. These were only 3 of the many emotions we felt when we found out our fellow classmate was now one of the many people who have gotten injured for being present at what was supposed to be a “peaceful protest.” Many people, his classmates like us included, have yet to process their emotions about the whole situation. We feel powerless. There is no justification for harming someone who was not acting violent. Why does this senseless violence by the police continue? Why can’t people be compassionate towards people of color? They’re just fighting for their right to LIVE. Is that so bad? It is no secret people of color have been seen as “threats” to the police force for many years, but especially now, many people of color claim to be scared to step out of their homes because they will not come back due to the increase of police brutality. There are parents teaching their children of color what to do in case they encounter a police officer. They are told to keep their hands in eyesight and not to run. But why should any kid be told they have to protect themselves from the police? The police force is supposed to be here to “protect and serve us,” but it feels as if they are against us, their community. Everybody has the freedom of expression, the right to peaceful assembly, and the ability to petition the government, but many people in the Austin community and nationwide prefer to remain silent and stay away from protests, due to numerous incidents like [REDACTED]. [REDACTED] was glad to be working, happy to be independent, like any other 16 year old would be. Like us. Like your sons, daughters, nephews, nieces, or grandchildren. He wasn’t even protesting, yet he still got shot. He was observing the crowd. He was not a threat to an officer’s safety, yet they shot him. This is unjustifiable. This is police brutality, one of the many diseases in America. We just hoped it would



never reach our community, but it did. And what difference would it make if he was protesting? Would he still have been a target? This was a peaceful protest.

Throughout the last couple of days, we have seen our nation confront the issue of police brutality, flooding social media and the news. Like many Americans, however, it's hard to understand the effect of police brutality until it touches your own community. The majority of us were not affected until [REDACTED] became a victim of it. We want justice for [REDACTED], and responsibility to be taken fairly and collectively. As a community, we have compiled a list of actions to seek justice. First, the officer, or officers, who shot [REDACTED] must be held accountable for their actions. In order to hold officers accountable, we believe APD should terminate their role as an officer, and the District Attorney's office should press appropriate charges. Secondly, moving forward, for the sake of the community, using weapons such as: bean bags, projectiles, or rubber bullets, should be eliminated. If this protocol was already in place, people like [REDACTED], who are standing innocently, away from the crowd, would have never been brutally injured. Lastly, we hope that police officers are trained to attend to public safety, rather than police with violent authority. If the Austin Police Department wants reform, they must no longer act as paramilitary enforcers, instead they must seek to help and heal. It is painful for us to keep seeing our peers seriously injured, then left unattended.

[REDACTED] [REDACTED]

As students, as community members, and as humans, we demand responsibility for these inhumane actions. The goal of our propositions in the letter are for [REDACTED] and students like us not to be fearful in the presence of police officers. [REDACTED] story was one of the many regarding police brutality, and we want to bring progress to all affected and demand change. We, the community, demand and expect that police officers keep us safe instead of harming innocent people. We are tired of seeing our peers be brutally injured by officers, who claim to be protecting us. If you, our leaders, don't make those changes, who will?"



ICMS #: 2020-0959

June 10, 2020

**Complaint:** Ms. [REDACTED], complainant, emailed the Office of Police Oversight stating the following:

“I am extremely concerned by the recent violence exhibited by Austin police toward peaceful protesters. Rubber bullets should NEVER be used on citizens, and pepper-spraying protesters is not appropriate. This type of response is indicative of a larger problematic culture within Austin PD. Going forward, I expect that Police Oversight will make recommendations to the City Manager and APD regarding 1) enacting AND ENFORCING deescalation trainings and policies, and 2) revising their approach toward protesters. I expect better from the capitol city.”



ICMS #: 2020-0958

June 10, 2020

**Complaint:** Mr. [REDACTED], complainant, emailed the Office of Police Oversight stating the following:

“I can’t imagine how busy you are and appreciate your time during this dual crisis.

Firstly, I’d like to acknowledge the extreme difficulties that police officers face on a daily basis. Their job is most challenging, especially during these tumultuous times and I have the utmost respect for law enforcement agents who uphold moral and ethical standards for the greater good of all citizens.

The reason I am contacting you is in regard to the incident that took place in April involving Officer [REDACTED].

What is being done to ensure the investigation surrounding Mike Ramos’s death? Is there a third party investigating along with Texas Rangers and Internal Affairs? How can we ensure the unbiased in their analysis and untarnished evidence? Why is he still working while the investigation was underway?

I’d also like to bring up the most recent events surrounding the BLM protest this week. There are numerous examples of police using excessive force on peaceful protesters from countless sources. From headshots with rubber bullets and bean bags to using mace on a man at point-blank range who had his hands in his pockets posing no threat to the officers.

What can be done when the guilty parties have their identities hidden?

How much training do officers receive for handling rubber bullets? Are headshots recommended or are they trained properly – to bounce the bullets off the ground as they were intended to be used?

What is being done to the officers responsible for injuring citizens that were merely practicing their 1st Amendment rights?

Why shouldn’t I vote to allocate funding away from the police department when they pose more threat than a benefit for the city.

Austin is better than this.”



ICMS #: 2020-0950

June 10, 2020

**Complaint:** Mr. [REDACTED], complainant, emailed the Office of Police Oversight stating the following:

“Like many Austinites and Americans, I am a strong believer in what has been going on the last couple of weeks since the murder of George Floyd. Like so many others, I have been scrolling social media, reading stories of joy and hope for the fight against police brutality. Alas, I read a very disturbing post the other day from one of our fellow community members regarding an Officer [REDACTED].

This citizen posted a pic of him smugly standing in the battalion line assigned to regulating the peaceful protests in Austin. The poster then goes on to tell one of the most horrific stories of this deplorable human being and how he maced/sprayed the poster and two other women standing on either side of her, one of which was an 14-year-old girl. She describes his smile as he watched them writhe in pain, wondering why someone who has sworn to protect people and PROTECT the right to protest peacefully by the Constitution, would do such a thing.

Why has he not been fired already? Is it not obvious to you all that these types of men and women are the reason we are all here in the first place? My guess is that he is a bully on the force and has been for quite some time.

Fire this man. I am going to post this note to Facebook, as well, in hopes that something is actually going to be done about this jackass.”



ICMS #: 2020-0953

June 10, 2020

**Complaint:** The Office of Police Oversight received an anonymous complaint about [REDACTED] stating that it is completely uncalled for what happened to him. The use of so-called non-lethal force against an innocent bystander is unacceptable. The person who fired that shot needs to be put to justice. The complainant additionally shared that they are a critical care provider working hard so that people, including the police, don't get sick with COVID. The complainant further stated that it would be easy for the police to join hands with the protesters and listen to what they're saying.



ICMS #: 2020-0950

June 10, 2020

**Complaint:** Mr. [REDACTED], complainant, emailed the Office of Police Oversight stating the following:

“Like many Austinites and Americans, I am a strong believer in what has been going on the last couple of weeks since the murder of George Floyd. Like so many others, I have been scrolling social media, reading stories of joy and hope for the fight against police brutality. Alas, I read a very disturbing post the other day from one of our fellow community members regarding an Officer [REDACTED].

This citizen posted a pic of him smugly standing in the battalion line assigned to regulating the peaceful protests in Austin. The poster then goes on to tell one of the most horrific stories of this deplorable human being and how he maced/sprayed the poster and two other women standing on either side of her, one of which was an 14-year-old girl. She describes his smile as he watched them writhe in pain, wondering why someone who has sworn to protect people and PROTECT the right to protest peacefully by the Constitution, would do such a thing.

Why has he not been fired already? Is it not obvious to you all that these types of men and women are the reason we are all here in the first place? My guess is that he is a bully on the force and has been for quite some time.

Fire this man. I am going to post this note to Facebook, as well, in hopes that something is actually going to be done about this jackass.”



**Complaint:** *This notice of formal complaint is a request for Internal Affairs to initiate an investigation in order 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):**

**105 PURPOSE AND SCOPE – COMMUNITY POLICING**

The purpose of this general order is to identify the tenets of Community Policing, which serves as the basis for this Department's mission and guiding principles. Community Policing is beyond a philosophy, it is a practice. The Austin Police Department is committed to Community Policing which strives to build mutual respect, collaborative partnerships, fair and impartial policing, and procedurally just behavior with the community that we serve. The Department's goal is to have an understanding of the traditions, culture, and history of the neighborhoods in which they serve in order to develop proactive solutions to problems and increase overall trust in policing. Likewise, the Department is required to provide information and training to the community so community members gain an understanding of police practices and procedures, as well as an understanding of the traditions and culture of law enforcement.

**200.2 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS**

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance. Nothing in this de-escalation policy requires an officer to place themselves in harm's way to attempt to de-escalate a situation. Recognizing that circumstances may rapidly change, officers may need to abandon de-escalation efforts after they have commenced. Understanding that no policy can realistically predict every situation an officer might encounter, the Department recognizes that each officer must be entrusted with well-reasoned discretion in determining the reasonable de-escalation techniques to use in a situation. This de-escalation policy is intended to complement, not replace or supersede, other portions of the APD Policy Manual or specific officer training that addresses de-escalation.

**200.2.1 ASSESMENT AND DE-ESCALATION**

As officers arrive on the scene, observe conditions, and interact with the persons there, they should continue to gather additional relevant information and facts. These assessments, along with reasonable inferences help to develop an understanding of the totality of the circumstances of the incident.

**200.3 RESPONSE TO RESISTANCE**

While the type and extent of force may vary, it is the policy of this department that officers use only that amount of objectively reasonable force which appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this order.

**200.3.1 DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE**



Any interpretation of objective reasonableness about the amount of force that reasonably appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving, and the amount of time available to evaluate and respond to changing circumstances may influence their decisions. The question is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting him.

#### 206.4 CHEMICAL AGENT GUIDELINES

Chemical agents are devices used to minimize the potential for injury to employees, offenders, or other subjects. They should be used only in situations where such force reasonably appears necessary.

##### 206.4.3 TREATMENT FOR CHEMICAL AGENT EXPOSURE

Subjects who have been affected by the use of chemical agents should be afforded means of cleansing the affected areas as soon as practicable. Those subjects who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

##### 206.5.5 SHOT PLACEMENT AND DEPLOYMENT DISTANCES

Officers should generally follow their training instructions regarding minimum deployment distances and target areas. The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death.

The head and neck should not be intentionally targeted, however any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death to officers or others.

#### 300.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Tex. Penal Code § 42.03 (Obstructing Highway or Other Passageway), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.



### 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 are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

### 301.3 CUSTOMER SERVICE AND COMMUNITY RELATIONS

APD constantly works to establish direct contacts with the community we serve. Without grassroots community support, successful enforcement of many laws may be difficult, if not impossible. Community involvement can be an effective means of eliciting public support, can serve to identify problems in the making, and may foster cooperative efforts in resolving community issues. Input from the community can also help ensure that agency general orders accurately reflect the needs of the community.

### 302.1 PURPOSE AND SCOPE – PUBLIC RECORDING OF OFFICIAL ACTS

The Austin Police Department recognizes that members of the general public have a First Amendment right to video record, photograph, and/or audio record APD officers while they are conducting official business or while acting in an official capacity in any public space, unless such recordings interfere with police activity.

### 326.1 PURPOSE AND SCOPE – NEWS AND MEDIA RELATIONS

The purpose of this order is to seek a balance between permitting the free flow of information to the public and the media while protecting both the prosecution's case and the rights of the accused from possible prejudicial publicity. Public information and positive media relations are an integral part of the operation of any public service agency and APD is no exception. Most citizens have little contact with law enforcement and their opinions of the police are often formed by our Department's portrayal in the media. The release of public information and maintenance of good media relations is a crucial element of APD's mission. Employees must maintain a good rapport with the public and the media and deal with them in a courteous manner. The media has a legitimate function in our society and the public trust of the police can be enhanced through media relations.

APD is committed to informing the community and members of the news media of events that are handled by, or involve, the Department. Employees will cooperate fully in meeting the relevant information needs of the public and the news media. Every reasonable effort should be



made to obtain requested information, so long as the release of that information conforms to federal and state laws, and follows established Department guidelines.

### 328.1 PURPOSE AND SCOPE – RACIAL OR BIAS-BASED PROFILING

This order provides guidance to department members and establishes appropriate controls to ensure that members of the Austin Police Department do not engage in racial or bias-based profiling or violate any related laws while serving the community.

### 328.2 POLICY – RACIAL OR BIAS-BASED PROFILING

The Department strives to provide law enforcement services to our diverse community while respecting the racial, cultural, or other differences of those we serve. It is the policy and practice of the Department to provide law enforcement services and to enforce the law equally, fairly, and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

While the practice of racial or bias-based profiling is strictly prohibited, it is recognized that race or cultural differences may be legitimately considered by an officer in combination with other legitimate factors; to establish reasonable suspicion or probable cause (e.g., subject description is limited to a specific race or group), to establish relevant elements of a crime (e.g. exploitation of an elderly or disabled individual), or to gather evidence relevant to enhanced punishment due to offenses committed because of bias or prejudice.

### 900.1.1 RESPONSIBILITY TO KNOW AND COMPLY

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

### 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.

### 900.3.4 PERSONAL CONDUCT

- (c) While on-duty or on the premises of City facilities, employees will not:
2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

Recommended Classification: *The OPO is permitted to make a preliminary recommendation on the classification of administrative cases.*

***The OPO recommends that this allegation receive an A classification.***