



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-1122

November 29, 2021

Complaint: The complainant alleges:

This is Atty. [REDACTED] and at the request of [REDACTED]. I have attached [REDACTED] [REDACTED] redacted police report and autopsy report for your quick reference.

I have also attached the relevant Austin Police Dept General Orders/Police Manual. These orders outline the department's police procedure and were in effect at the time of [REDACTED] death on [REDACTED].

My private investigator has assisted the [REDACTED] family since [REDACTED].

He personally met with Lead Detective, [REDACTED], on [REDACTED].

He has reviewed the video surveillance evidence in the case and this consists of roughly 50 hotel surveillance videos in addition all relevant APD BWC/dash camera recording from the following officers/units:

Unit number : [REDACTED]
Dispatched: [REDACTED]
Officer 1 : [REDACTED] [REDACTED]
Officer 2 : [REDACTED]
Enroute : [REDACTED]
At scene: [REDACTED]
Cleared : [REDACTED]

Unit number : [REDACTED]
Dispatched: [REDACTED]
Officer 1 : [REDACTED]
Enroute : [REDACTED]
At scene: [REDACTED]
Cleared : [REDACTED]

Unit number : [REDACTED]
Dispatched: [REDACTED]
Officer 1 : [REDACTED]
Officer 2 : [REDACTED]
Enroute : [REDACTED]
At scene: [REDACTED]

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3. [REDACTED] is [REDACTED] estranged boyfriend. [REDACTED] rented the motel room where [REDACTED]. eventually succumbed. The two women in her traveling party were present inside the motel room with [REDACTED] and [REDACTED] when he succumbed. The women in that group were [REDACTED] friends and they both arrived and left the motel with [REDACTED] following [REDACTED] passing. [REDACTED] is [REDACTED] (the suspected shooter's) first cousin. Per [REDACTED], weeks after the incident, [REDACTED] confessed to shooting [REDACTED] to [REDACTED]. [REDACTED] then admitted [REDACTED] confession to [REDACTED]. [REDACTED] number is [REDACTED].

KEY POINT: We must point out the fact that APD never interviewed either [REDACTED] and [REDACTED]

On [REDACTED] my office had a telephone conversation with [REDACTED]

The following is a recap of my meeting notes:

[REDACTED] and [REDACTED] rented their motel room and the motel room adjacent to theirs (the one occupied by [REDACTED] and [REDACTED] that [REDACTED] eventually died in). Per [REDACTED] he was dating [REDACTED] on or about [REDACTED]. [REDACTED] is a [REDACTED] resident and [REDACTED] resides in [REDACTED].

On [REDACTED] at [REDACTED] [REDACTED] was accompanied by [REDACTED] and [REDACTED]. [REDACTED] [REDACTED] and [REDACTED] drove from [REDACTED] to [REDACTED] to pick [REDACTED] up and the foursome proceeded to a [REDACTED] in Austin where they met up with [REDACTED] and [REDACTED]. Per [REDACTED] [REDACTED] he did not know [REDACTED] or [REDACTED] prior to [REDACTED] and [REDACTED] was not present at the motel when the foursome arrived.

[REDACTED] and [REDACTED] attempted to book two rooms at that location for the foursome and [REDACTED] and [REDACTED] but we're unsuccessful, so they proceeded to the [REDACTED] along [REDACTED]. At [REDACTED] on [REDACTED] [REDACTED] and [REDACTED] were able to book two rooms for the foursome and [REDACTED] and [REDACTED]

Per [REDACTED], both he and [REDACTED] occupied the room adjacent to [REDACTED] and [REDACTED]. After both [REDACTED] and [REDACTED] checked into their room, [REDACTED] and [REDACTED] went to [REDACTED] and [REDACTED] room.

[REDACTED] and [REDACTED] decided to have sexual relations and [REDACTED] came back to [REDACTED] and [REDACTED] room.

Per [REDACTED], [REDACTED] may have stayed with them for 30-40 minutes and then she left.



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██████████ states he went to bed around ██████████ and at ██████████ on ██████████ he was awakened by a loud banging on his motel room door. ██████████ opened the door and when she did both ██████████ and ██████████ came into the room hysterically stating the "He just shot himself. He just shot himself."

██████████ went into ██████████ and ██████████ restroom and he overheard the sink being turned on.

After she exited the restroom, ██████████ went into the restroom he overheard the sink being turned on then as well.

Per ██████████ he then got out of the bed, looked out his door and observed police accompanied by an EMS (with a stretcher) heading towards ██████████ and ██████████ motel room.

Per ██████████, APD & EMS remained at the hotel from ██████████ through ██████████ on ██████████.

Per ██████████, both he and ██████████ check themselves out of the room on ██████████ at ██████████.

The pair then left Austin and ██████████ dropped ██████████ at his home in ██████████ and she went back to her home in ██████████.

It is unknown whether ██████████ drove ██████████ and/or ██████████ home.

Per ██████████, from ██████████ through ██████████ (from very strange reasons) both he and ██████████ became estranged and they did not speak to each other.

On or about ██████████, ██████████ decided to reach out to ██████████ and during their telephone call (which was not recorded) she confided that ██████████ (who is also ██████████ very close cousin) told her that he (meaning ██████████ shot ██████████ on ██████████, exited the room and returned to the room shortly thereafter to place the weapon in ██████████ hand, slightly before APD arrived on the scene.

Per ██████████ he has not spoken to ██████████ concerning her revelation and/or the events of ██████████ with her since their ██████████ telephone conversation.

Per ██████████ he has never spoken to APD about the events of ██████████ and he cannot confirm or deny whether ██████████ has.

██████████ states he never personally saw ██████████ on ██████████ or ██████████.

██████████ is amenable to cooperating with a police investigation or an independent investigation.



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4. [REDACTED] is a friend of [REDACTED] and [REDACTED]. It is believed that [REDACTED] may have admitted wrong doing to [REDACTED]. Upon information and belief, police never interviewed [REDACTED]. [REDACTED] phone number is [REDACTED].
5. [REDACTED] is the lead detective in the [REDACTED] criminal investigation. [REDACTED] contact information is [REDACTED] and [REDACTED].

The below hyperlink will direct you to an Austin American Statesman article involving Detective [REDACTED]:

[REDACTED]
[REDACTED]

6. [REDACTED] [REDACTED] is [REDACTED] [REDACTED] immediate supervisor. [REDACTED] informed me that following my review of the open records discovery he would be amenable to scheduling a meeting to further discuss my findings and conclusions. That meeting was never scheduled; however, [REDACTED] did express an interest in obliging my request. [REDACTED]' number is [REDACTED] and his email address is [REDACTED].

Due to [REDACTED] relentless, his efforts to have his son's police investigation reopened has generated some local press coverage.

The below hyperlinks will direct you to media coverage relating to [REDACTED] death and the family's pleas for reinvestigation:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

A [REDACTED] press conference was held at the APD Headquarters. Houston civil rights activist, [REDACTED], spoke on the family's behalf and what follows is a hyperlink that will direct you to the press conference as well as the accompanying press release:

[REDACTED] **PRESS CONFERENCE VIDEO AND PRESS RELEASE**

[REDACTED]



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NEWS CONFERENCE ALERT

[REDACTED]

[REDACTED]

JUSTICE FOR [REDACTED] FAMILY STILL SEEKING ANSWERS FROM AUSTIN POLICE DEPARTMENT

Parents and supporters want case reopened under an independent investigation

[REDACTED], a 19-year-old full of life and headed to college, died under suspicious circumstances this summer during a party at an Austin motel.

Austin Police Department officials say that a group of young people were playing Russian roulette when [REDACTED] died by suicide around [REDACTED] on [REDACTED]. That explanation doesn't square with hotel security video, witness statements and other information.

The [REDACTED] family and a groundswell of supporters believe [REDACTED] death was the result of foul play, followed by a botched investigation and, potentially, a cover up.

Activist [REDACTED] will join [REDACTED] parents, relatives and supporters for a # [REDACTED] news conference at [REDACTED] [REDACTED] outside [REDACTED].

"He was the only African American at the gathering of 20 to 30 people and the only one who ended up dead," [REDACTED] said. "This is especially disturbing during a year of international uprisings in support of Black lives and in protest of police misconduct. A federal investigation is in order."

[REDACTED] a star high school football player who excelled in multiple sports at [REDACTED] [REDACTED] was scheduled to begin college at [REDACTED] this fall.

His parents and loved ones, who now want an independent investigation, are pressing APD and other authorities to address inconsistencies. Specifically:

- Why aren't individuals who were present considered suspects in a homicide investigation?
- Why were there no interrogations of witnesses in a controlled environment?
- Why wasn't gunshot residue testing conducted on the hands of witnesses as well as clothing, sheets and furniture among other items?
- Why wasn't DNA testing conducted on witnesses, firearm(s), bullets, casings and clothing among other items?



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- Why was there no collection of evidence, specifically a red shirt from a witness named [REDACTED]
- Why was there no documentation of responding officers' first entry on the crime scene?
- Why was there no investigation of witness phone records, text messages or social media?
- Why weren't witnesses on the scene tested for drugs and alcohol?

I am asking you, on [REDACTED] behalf, to assist him in reopening the investigation into his son's death.

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.

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

301.1 PURPOSE AND SCOPE

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 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

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to understand and respect cultural, national, racial, religious, physical, mental, and other differences.

401.7 REPORTING RESPONSIBILITIES

- (b) When Investigative or Specialized Unit personnel (e.g., crime scene technician, crash investigator) respond to the scene and conduct the preliminary investigation, unit personnel shall be responsible for the completion of the initial report. All other responding officers will be responsible for completing supplemental reports as outlined in General Order 402 (Incident Reporting and Documentation)

403.1 PURPOSE AND SCOPE

Criminal investigations are a complex, multi-step process that require employees to be aware of, operate within and comply with federal, state, and local regulations so as not to prejudice the case or jeopardize the prosecution of the defendant. It is the policy of the Department to comply with the highest standards of legal and professional conduct when performing a criminal investigation. This order provides guidelines to ensure that criminal investigations are conducted under legal authorization using extraordinary safeguards to protect innocent persons from unauthorized invasions of privacy.

403.2 FOLLOW-UP INVESTIGATIONS

Follow-up investigations may include, but are not limited to:

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.

403.4 STATEMENTS AND CONFESSIONS

The purpose or objective of a statement or confession is to take lawful and accurate statements that corroborate the elements and details of an incident. In doing so, investigators and supervisors will be cognizant of such factors as the mental and intellectual abilities of the subject



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being interviewed and the duration of the interview itself. Written and oral statements or confessions should not be utilized as the sole basis for the filing of charges; any statement or confession should be corroborated by other legally obtained evidence or verified in an appropriate manner.

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

The OPO declines to make a classification recommendation.