



OFFICE OF POLICE OVERSIGHT

NOTICE OF COMPLAINT

September 2, 2022

ICMS #: 2022-0733

On August 29, 2022, the OPO received an online complaint.

The complainant alleges: While working security for [REDACTED] at [REDACTED]. I along with two of my other security guards found an individual trying to enter the property that has no trespassing signs posted all over. The individual has broken in before and we have footage of him breaking in and his face on camera. We then placed him under arrest (citizens arrest) Texas Code of Criminal Procedures 14.01a which is taught to us by [REDACTED]. We immediately call Austin Police and was told an officer would be in route. Per DPS PSB rule we are to not release some one from cuffs until authorities arrive. APD showed up at [REDACTED]. First arriving officer was a Female with badge number [REDACTED] I believe. She didn't really talk to any of us other then to aggressively tell us that we are not allowed to ever handcuff some one and to remove the cuff now. I do have body camera footage. Another officer showed up [REDACTED] and proceeded to be aggressive and state that "you know what y'all are allowed to do and not do right?" Telling me that we are not allowed to arrest anyone. when I told him yes we are under [REDACTED] rules that we are taught he walked away. They interviewed the individual and released him stating that we had no right to stop him and because we did he couldn't be trespassed. I am the owner of [REDACTED] and a Level 2 instructor. I have the Training handbook that is only sent out by [REDACTED]. Someone is wrong either APD needs to be trained on what security can do or [REDACTED] needs to be corrected by APD because they know more than the people who wrote the handbook. I understand you may be able to gain a copy of this hand book but I will copy and paste here the exact wording. I understand that APD and security does not have a great working relationship but I have been in security for years and in law enforcement. There are plenty of companies that don't follow the rules but I try my hardest to stand above and follow all rules that are laid out to me. When a officer what's to question what I have written in a training handbook from [REDACTED] I believe there is some training that needs to be done within y'all's department. One with attitude towards Security and the rules we follow. I believe both these officers should receive training on their attitudes and policies of Security so next time they are called out they don't release a person who is trespassing and has all the intentions to steal from the property again. From Level 2 training handbook The Texas Code of Criminal Procedures



OFFICE OF POLICE OVERSIGHT

NOTICE OF COMPLAINT

(14.01a) allows any person to make an arrest without a warrant under certain circumstances. Including: (1) When a felony is committed within the view of the person making the arrest. (Test Question # 15) (2) When an immediate breach of the peace is committed within the view of the person making the arrest. (3) Preventing consequences of theft. Although your normal responsibilities include protection, prevention, observation and reporting, there may be rare occasions when you consider it necessary to arrest. Every company in the Private Security Industry has different policies about when and if you should arrest. If you do not know your company's policies, find out what they are, and follow them! A security Officer's legal powers to arrest are the same as any private citizen and no greater. An arrest made by such a private party is commonly known as a "citizen's arrest." Texas Criminal procedure- Code and Rules, specifies the conditions under which you, a private citizen may make an arrest. A private person may arrest another person without a warrant when: The offense is committed within his presence or view and the offense is either: a. A misdemeanor against the public peace or b. A felony The Penal Code defines criminal offenses. This program will not attempt to cover all of them but it will cover many of the most common ones. The Penal Code classifies crimes into two categories: Misdemeanors, and Felonies. Misdemeanors are offenses that are punishable by; a fine and/ or term in the county jail. The following two conditions must exist in order for you to arrest a person on a misdemeanor charge: 1. The misdemeanor must be against the public peace; not all misdemeanors fit under this category; and 2. The misdemeanor must be committed within your presence or view. The following are common examples and are found in section 42.01 "Disorderly Conduct" in the Texas Penal Code: 1. Use of indecent, abusive, profane, or vulgar language or gesture in a public place to incite and immediate breach of the peace. 2. Creating, by chemical means, a noxious and unreasonable odor to incite an immediate breach of the peace. 3. Abuses or threatens a person in a public place in an obviously offensive manner. 4. Makes an unreasonable noise in a public place or near a private residence that he has no right to occupy. 5. Fights with another in a public place. 6. Enters on the property of another and for a lewd and unlawful purpose, looks into a dwelling on the property through any window or other opening in the dwelling. 7. Discharges a firearm in a public place other than a public road. 8. Discharges a firearm on or across a public road 9. Displays a firearm or other deadly weapon in a public place in a manner to cause alarm number six the individual admitted to - he went to the door to see if anyone was in the building.



OFFICE OF POLICE OVERSIGHT

NOTICE OF COMPLAINT

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.