



ICMS #: 2020-0601

May 15, 2020

Complaint: Ms. [REDACTED], complainant, submitted an online complaint to the Office of Police Oversight alleging the following:

“In the [REDACTED] I was an applicant for the Austin Police Department Regular Cadet Academy scheduled to begin in [REDACTED]. Following review of my application I was accepted to proceed with Phase I testing. Following successful completion of Phase I testing on [REDACTED], I was met by Background Investigating Officer [REDACTED]. At that time, he made, what I believe were, inappropriate and biased comments about any future APD polygraph test completed on my behalf. Moving forward with the background investigation which took place over the course of several months [REDACTED] [REDACTED], I was informed of my disqualification via e-mail on [REDACTED], [REDACTED]. Following this, I contacted Officer [REDACTED] via telephone to inquire the reasoning behind my disqualification as that was not included in the e-mail communication. During the telephone conversation, I was informed that my disqualification was based on the lack of life experience and my age. Upon review of the Austin Police Department General Orders, Officer [REDACTED] violated policy 914.2 under section 914.3.1 Discrimination which additionally falls under a violation of federal, state, and local laws regarding equal employment opportunities. Furthermore, I took it upon myself to file an open records request on [REDACTED] in efforts to retrieve my completed applicant file. Following submission of my open records request, I received a majority of the requested files several months later. Upon full review of pertinent application files, to include the formal disqualification memorandum submitted by Investigative Officer [REDACTED], I discovered further inconsistencies with the terms of my disqualification. Under the APD General Orders, Officer [REDACTED] violated policy 900.3 General Conduct, section 900.3.1 Honesty, via multiple acts of omission which misrepresented facts of responses contained in reference questionnaires. This violation subsequently warranted in defamation and an unjust three year disqualification. There were further inconsistencies with the memorandum and entire background investigation process which demonstrate that my cadet application investigation was conducted on the basis of discrimination and was not thoroughly and/or appropriately executed. **Additional Side Note (Separate from Above): I have supporting documents that can be turned in should they be required at a later date/time. (cannot upload on IA section)”

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):

914.2 POLICY – EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION

The Austin Police Department is committed to providing a work environment that is free of discrimination, harassment, sexual harassment, and retaliation and that ensures equal employment opportunities for all employees. Discrimination, harassment, sexual harassment, and retaliation based on a protected class, in any form, as defined in federal, state, or local law, will not be tolerated. Protected classes include race, color, religion, creed, sex, gender, pregnancy status, genetic information, sexual orientation, gender identity, national origin, ethnicity, age, disability, and veteran status or other legally protected class.

Every employee is responsible for maintaining a professional environment free of discrimination, harassment, sexual harassment, and retaliation, and for bringing to the City's attention conduct that interferes with providing a work environment free of discrimination, harassment, sexual harassment, and retaliation.

Findings of discrimination, harassment, sexual harassment, or retaliation against an employee may result in discipline up to and including discharge or indefinite suspension.

914.3.1 DISCRIMINATION

Discrimination is the unequal or different treatment of an individual in any employment and/or personnel action based on a protected class, as per section 914.2. The Department will recruit, hire, train, compensate, discipline, provide benefits, and promote without regard to a protected class. The Department will employ positive business and personnel practices designed to ensure equal employment opportunity.

900.3.1 HONESTY

Honesty is of the utmost importance in the police profession. Employees are expected to be truthful at all times in the performance of their duties.

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.

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

The OPO declines to make a recommendation.