



OFFICE OF POLICE OVERSIGHT

NOTICE OF COMPLAINT

May 20, 2022

ICMS #: 2022-0398

On May 19, 2022, the OPO received an online complaint.

The complainant alleges: On [REDACTED] at ap [REDACTED], I was wrongfully pulled over by Austin Police Officers [REDACTED], Officer [REDACTED] and Officer [REDACTED] at GUN POINT BY OFFICERS. Ordered out of the vehicle that I was driving at GUN POINT; I immediately informed the Officers, that I was Physically and mentally Handicapped and that my walking cane was in the back seat, and I did not reach for it due being pulled over and ordered out of the vehicle at GUN POINT in the Dark, as APD is known for shooting people. I was denied access to my medical walking device for the entire time extending from [REDACTED] till booking in the Travis County Jail at approximately [REDACTED]. I was forced to stand the entire time without the use my Cane, in severe pain due to my existing physical and neurological ADA disabilities. Which was a clear violation of my Constitutional and Civil Rights as well as a clear violation of APD Policy and procedures, via the APD Chief's Policy Manual, code of ethics and procedures. I was asked to blow into the Officers PBT machine, as well as attempt a field sobriety test without the use of my medical device. In fact, I was intentionally exploited and paraded in front of the other Officers in Pain in a clear violation of my ADA rights, to gain an unfair advantage at the Arrest for DWI as I was pulled over for a non-related issue, following too closely, I believe is the legal term? The APD Policy Manual clearly states that violations of Civil rights and Discrimination will not be accepted by Officers. Furthermore, that Officers are not to attempt Field superiority test to people with physical disabilities. As you can clearly see from the Videos on the Officers as well as the Police vehicles I was instructed and forced to attempt the field superiority test. I also had conversations with the Officers pertaining to my Handicap Licensed plate, and I explained that it was my Father's Truck who had been buried that same day at his funeral and his plates were Disabled Veteran plates. And That my Vehicle plates have been Physically handicapped for several years, and that I know that information is in their systems. My Cane was actually listed in my Personal property at the Travis County Jail. That being said, serves as an admission by the Officer of the Physical impairment and acknowledgment of my ADA Handicap and Disability, and His intentional violation of my rights, APD policy and his intentional cause of pain and suffering to me, as well as a clear exploitation of my disabilities to gain an unfair advantage in his illegal



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and false arrest. As well as admission to the assault on a disabled and handicapped individual. Officer [REDACTED] sent false documentation to the Texas Department of Safety stating that I refused to give a breath sample, when in his own Police Report [REDACTED] clearly states that I gave a PTB breath sample despite its not admissible use as evidence in Court of 0.110. I was requested to give a second breath sample after I had been forced to stand and attempt the field sobriety test as well as be questioned and subjected to physical pain, as a direct result of denial to the access of my ADA medical device cane. I said clearly that I was not refusing to blow, however that I would give breath and blood at the police station, as my left leg was hurting badly. The submission of contradicting sworn statements and official Police Arrest Reports, makes by LAW both statements and the report TRUE and UNTRUE, so by LAW the evidence must be thrown out. As evidence and statements cannot be used in a Court of Law, if conflicting in any way. So, both Criminal case [REDACTED] [REDACTED] Travis County and Department of Public Safety ALR department Case# [REDACTED] by law should be dismissed, due to the intentional Falsification of Stated case facts of evidence by Officer [REDACTED]. Furthermore, my left Tibia bone fractured just 62 days later from this illegal arrest and violation of my constitutional and ADA Civil rights. According to my Orthopedic Doctor [REDACTED], who wrote a letter for me with his expert opinion, that an attempt at a field sobriety test would be impossible to take and or pass, without the use of my cane. I also have Doctors letters proving that I have triple nerve damage in my left leg, I have had over 5 surgeries to that left leg as well as RH nerve burning and spinal tap nerve blocks. The left leg Tibial Plateau Fracture on [REDACTED] [REDACTED] just 62 days later was documented by Dr [REDACTED] and he removed 20cc's of blood from inside of the knee. The MRI, preformed at ARA on [REDACTED] shows the fracture and damage, I feel was a direct result of the assault by Officer [REDACTED] on [REDACTED] [REDACTED] by weaking the fluid sac that insulated the Tibia and Fabia bones from direct contact with each other. I was simply walking across a parking lot with the use of my cane, when the bones hit each other and fractured my left leg Tibia bone. I went to the ER at [REDACTED] the next day on [REDACTED]. I was placed in a full brace from the Emergency Room visit, then later saw my Orthopedic specialist [REDACTED] at [REDACTED] [REDACTED], who drained the knee of blood and later reviewed my MRI results. I was placed on crutches for 6 weeks, no weight bearing on that leg. Our home was hit and totaled by the Tornado on [REDACTED] and was declared a disaster zone by the Texas Governor for [REDACTED] County. [REDACTED] We were forced to pack up and leave the home, to a hotel for a week then move into a rental home, as well as deal with the insurance companies etc. So that delayed my access to the internet among many other things, so that is why I am filing this complaint so late. However, an



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act GOD like a Tornado should suffice as an acceptable reason? I humbly request a full investigation, into this clear case of Police Abuse of power and of abuse of a Handicapped and Disabled citizen? Thank you for your time and attention, I will be happy to provide any and all supporting documents and photographs I just lack the computer skills to upload them to this complaint, if needed. I can send the documents by email one at a time or by mail or Fax, Have a wonderful Day.

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.