



OFFICE OF POLICE OVERSIGHT

NOTICE OF COMPLAINT

September 2, 2022

ICMS #: 2022-0746

On September 1, 2022, the OPO received an online complaint.

The complainant alleges: My name is [REDACTED], and I am a Police Officer with the Austin Police Department, [REDACTED] Patrol Dayshift. I am submitting a formal complaint against my Chain of Command, LT [REDACTED] for violation of Austin Police Department General Order 900.2.2 Retaliation Prohibited, violation of General Order General Order 955.2.2 Flex Time, and unfair and impartial treatment. I have tried discussing my concerns with LT [REDACTED] via email and my last correspondence with LT [REDACTED] was on [REDACTED] when I replied to his email which was received on [REDACTED]. LT [REDACTED] and SGT [REDACTED] conducted show-up on [REDACTED] and informed the shift about our shortcomings, that “Shift Conflicts” are present, went over “[REDACTED] Rules for Assigned Districts”, and then reviewed General Order 900.5 Responsibility to Coworkers. We also went over shift expectations, where I took notes. Prior to this show-up, I voiced my concerns face-to-face and via MDC messages about shift issues on numerous occasions to Corporal [REDACTED] and SGT [REDACTED] on the following: 1. The unprofessional attitude and comments towards the public, and often towards other officers and leaders, by officers on our shift during show ups. When officers are becoming negative and plainly saying, “I don’t want to be here”, Leadership needs to address this type of attitude, try to find out what underlying issue is causing this and mentor officers to cope in a positive manner. It is very common to observe this type of behavior in the department. If you ask anyone, they will tell you that I mostly remain silent during show ups. 2. Officers putting themselves on Directed Patrol calls to avoid being sent to a call for service out of our sector. 3. Officer lingering on their calls for extended periods of time rather than going back into service. For example, Officers would stay Code 4, which means everything is ok, on a False Alarm call for over an hour. 4. Officer “cherry picking” calls of the same priority. For example, a Priority 2 Sex Crimes call holding for 6 hours and Priority 2 Alarm Burglar call holding for 20 minutes, Officers would not assign to the longer holding call. 5. Officers not immediately responding to calls they have been assigned to. For example, I responded to what turned out to be a Robbery by Assault where the victim’s car was taken by force, and my back-up took 23 minutes to arrive at my location. While working the call, I noticed the officer’s GPS remaining at the same location for an extended period of time prior to heading my way. I later google



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mapped the officer's originating location which stated it should have taken the officer approximately 11 minutes to arrive to my location. I informed my supervisor, SGT [REDACTED] was this officer specifically addressed...I have no idea. 6. Again, officers not immediately responding to a call when dispatched. This same officer was parked 4 minutes down the road from a Crash Urgent call and instead of immediately starting to the call, a note popped up in the call asking if there was an update from the Austin Fire Department which were on scene; Officers arrived on scene 12 minutes later. These are just two instances; I have brought this up time and time again. 7. Same officers consistently late to show up. 8. Monthly counseling not being conducted. Show up on [REDACTED] was led by SGT [REDACTED] and LT [REDACTED] where shift rules and expectations were given. At this show up we were told flexing out and working out on duty were no longer going to be authorized. Flexing out means an Officer who stays past his regular duty hours, overtime, is allowed to use the time he stayed late to get off early another day. After processing what occurred on [REDACTED], I sent LT [REDACTED] an email on [REDACTED], thanking him for reinforcing the department's standards and asked if flexing out and working out on duty applied to both shifts [REDACTED] under his supervision. LT [REDACTED] thanked me for the question and said, "The prescriptive plan was built specifically to the [REDACTED]. As the [REDACTED] have all of the shift conflict." LT [REDACTED] also said, "The [REDACTED] do not share the same problems. When the [REDACTED] performance improves then privileges can be added back to your shift." We have [REDACTED] officers work overtime with us consistently and I can say, through my observations, some [REDACTED] officers have the same substandard work habits. I responded to LT [REDACTED] in an email on [REDACTED] about my following concerns: 1. What specifically has been identified as "Shift Conflict" and what specific measures, documentation, follow-ups have been taken to address them? 2. Because of this "Shift Conflict", is it fair to establish a directive/standard where it appears to only affect one officer. For example, Sarge has opened it up to all officers to work out during our shift, however, I am the only one who has taken him up on that offer (have been doing it for over a year and for as long as you've been our LT). Initially, even though Sarge said we could work out and take our lunch as well, I recommended to only take one or the other and not double dip. 3. Policy states Flex Time is allowed but must be approved in advance by the employee's supervisor. I am concerned that you have categorized this as a privilege and have handed down a blanket directive to take away something from all of us when policy states we are allowed to use Flex Time. 4. In my experience, mass punishments (taking away privileges from everyone) are not effective and are contrary to a healthy work environment. If there are "Shift Conflicts", I believe those conflicts should be specifically identified, documented, and followed up on to ensure they have been resolved. 5. I also believe in fair and impartial



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treatment amongst officers and shifts and feel this directive/standard does not abide by that. LT [REDACTED] responded to my email on [REDACTED]. LT [REDACTED] reminded me of a point stressed during show-up on [REDACTED] and that was, “stay in their own lane.” I was also reminded by LT [REDACTED] this is not in my purview to be concerned with what measures, documentation, or follow-ups they are doing to correct the shift. I understand the complexities of leadership and how I am neither entitled nor privy to matters being handled by supervisors involving other officers’ shortcomings. What does concern me is that when I do bring up issues, and then see those issues continue, what is being done by leadership. My point to LT was to identify the specifics and preferably not penalize the entire shift. LT [REDACTED] addressed the flexing out and working out by stating: “I highlighted an important point in yellow that you seem to have overlooked. The Sergeant has the discretion to approve the measure in advance. Please do not overlook the responsibilities of the Supervisor or his Supervisor. We have elected to enforce policy. It is equally important to insure officers are in their districts and available to respond to calls for service. If an officer has to go outside of their district ([REDACTED] Sector) to eat lunch or download their equipment to work out, this does not place an officer in an optimal position to respond to emergency calls for service. I will not allow it at this time. End of discussion.” This again goes back to fair and impartial treatment amongst shifts. If policy states we can flex out, of course with supervisor approval, why would LT [REDACTED] enact a blanket directive that allows one shift to flex out and the other to not. And again, why would it be ok for one shift to workout, and not be at their optimal position to respond to emergency calls for service, and the other shift prohibited? I am not sure how often officers on my shift flex out, however, when I first came to this shift, I informed my supervisor that when it comes to staying late, I will always use my overtime to flex out if allowed. I also know that I am the only one who utilized the “work out time” while on duty. There may be one other officer that took advantage of it, but he does not work with us on a regular basis as he alters his normal work schedule. In General Order 900.4(a) Requirements of Duty, it reads, “Employees will maintain themselves in such a physical condition as to be able to handle the requirements of their assignment.” Why a leader would take away the opportunity for a proactive Patrol Officer to remain physically fit, especially seeing as how the Patrol Officer is the boots-on-ground troop who is the first contact with the community is complexing. With our day starting at [REDACTED], I personally find it hard to work out before shift; I leave my home at [REDACTED]. After a hard day of patrolling, I again find it personally difficult to muster up the energy to work out. I see working out during our shift as being a privilege, no doubt about that, I just wish leadership would see the proactiveness and dedication to remain physically fit as a positive and not something that should be taken away as a punishment for “Shift Conflicts.”



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I have informed SGT [REDACTED] and CPL [REDACTED] on multiple occasions my concerns known about our shift's shortcomings. I feel that even though we are instructed by our General Orders, 900.2(b) Required Reporting Violations, "Suspected General Order Violations 1. Employees will report any employee known or believed to be guilty of any violation of a rule, regulation, or order issued by the Department to their immediate supervisor", these issues I have brought to leadership has now labeled me as the one with "Shift Conflict." LT [REDACTED] also stated, "I respectfully disagree if you believe enforcing policy is ineffective, a punishment, or is contrary to a healthy work environment. Here at the Austin Police Department we will rely on our experience in supervision to guide corrective actions to fix the ailments on your shift. I cordially ask you to allow the Sergeant to do his job of managing the shift. He does not need recommendations from anyone on the [REDACTED] shift. Sergeant [REDACTED] needs everyone on the [REDACTED] to adhere to the shift expectations, sign the document that they acknowledge the expectations, and to "stay in their own lane." It is disheartening to read "Your shift", in LT [REDACTED] response and not "Our shift." It is also disheartening to read that my Sergeant does not need recommendations from anyone on the [REDACTED] shift; even though I recommended (via MDC message) to SGT [REDACTED] that, after he makes changes to the [REDACTED] Rules for Assigned Districts, he should have all of us sign the document and for him to keep it on file. If bringing up concerns about our shift is seen as not "staying in my own lane", I feel continued retaliatory behavior will come from my leadership by putting me under a microscope and scrutinizing my every move. Again, I believe LT [REDACTED] has violated the Austin Police Department General Orders as they relate to Flex Time, Retaliation and Fair and Impartial treatment. I believe me voicing my concerns with our department and shift has painted a target on my back where I am looked at and scrutinized more closely than my peers. I believe if Flex Time is authorized by our General Orders, we should have the option to do so and not be singled out as an entire shift, in advance, to prohibit us from using Flex Time. I believe treating one shift systemically different from another shift is unfair, shows favoritism, and does not show an impartial attitude from our leadership.

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.



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