



## OFFICE OF POLICE OVERSIGHT

### NOTICE OF COMPLAINT

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January 6, 2023

ICMS #: 2023-0015

On January 6, 2023, the OPO received a phone complaint.

**The complainant alleges:** He was sitting in a lawn chair having beers with his cousin when officers approached him from behind, said, "Hey fellas," then pulled the complainant's hands from his pockets and cuffed him. They pulled him up by his cuffed hands, injuring his right shoulder. They told him they had a warrant for his arrest after putting him in handcuffs. The complainant knew that he did not have a warrant, was compliant, and sat there for about 20 minutes with them. During that time, police told him who the warrant was for. The complainant has seen that person and knows who he is. The complainant states that he asked officers, "Do I look fat?" because "I'm a very slim guy, and the guy they're looking for is taller and fatter than me. The only thing we have in common is we're brown." His shoulder has been killing him; he might have to go back for more medications for it. He says his heart was shattered because how can officers go up to someone who's innocent, a hard-working citizen, and just place them in handcuffs and harass them just because they're brown? He says he doesn't know how the law works, but he doesn't know how they can just go up to anybody based on their ethnicity when, if somebody has a warrant, the complainant is pretty sure they have pictures of the guy. The complainant states, "I am frequently around that area and it sucks that I had to go through this, you know, paying my taxes and everything. I gotta worry about, what if something bad would have happened, you know, my hands are in my pockets, I'm innocent, you know, cops in Austin shoot first and ask questions later. This could have gone totally wrong. I could have reacted badly, not knowing who's pulling my hands out of my pockets... They could have thought I had some kind of weapon, I could have been shot and here I am standing innocent and they're looking for somebody else."

***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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