



ICMS #: 2021-0140

Today Date: March 5, 2021

**Complaint:** Complainant, [REDACTED], submitted an online complaint to the Office of Police Oversight stating the following:

“My name is [REDACTED] and I am an attorney her in Austin. I represent [REDACTED] [REDACTED] who was arrested for DWI on [REDACTED]. The officer [REDACTED] who arrested [REDACTED] knowingly made multiple false and outright fraudulent statements under oath in his affidavit for warrant of arrest detention. He lied about Ms. [REDACTED] not taking any medication, even though he documented it in the general offense report and you can hear her tell him on the body camera about taking medication. He lied about the smell of alcohol because the blood test results came back "below the level of quantitation". He lied about her having blood shot eyes. (watch the body camera video and see the attached screen shot). He lied about her "swaying" and "staggering". He lied about her "swaying" in the one-legged stand, even though she does it perfectly for 30 seconds. He lied about her weighing 125 pounds even though you can hear her tell him she weighed 140 on the video and he listed 140 in the general offense report. He lied about her appearing drowsy (watch the body camera video). In short he committed aggravated perjury when he falsified and embellished his probable cause affidavit in order to effectuate, not only an arrest, but a subsequent search warrant for her blood. This is NOT the first time I have run across officer [REDACTED] and his willingness to perjure himself. Look back at the arrest of [REDACTED] That criminal charge was also dismissed, but the evidence that is apparent on the video and the subsequent evidence revealed by the blood work substantiate that Officer [REDACTED] is more than willing to perjure himself in order to effectuate an arrest. How could he possibly detect a "strong odor of alcohol" when [REDACTED] blood analysis came back "below the level of quantitation"? Where on the video does [REDACTED] "stagger" or "sway"? If you watch the dash camera videos of Office [REDACTED] transporting [REDACTED] to the jail and to the hospital and back you can also see that he does not believe that the traffic laws apply to him and he rolls through one stop sign after another. [REDACTED] willingness to lie under oath is a disgrace to the uniform he wears and I do NOT he is worthy to call himself a police officer.”

*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):**

**402.2 INCIDENT REPORTING**

A well-written report can help make a case just as easily as a poorly written report can ruin a case. Employees have the responsibility to write clear, factual, and complete reports.

**402.2.4 REPORT WRITING**

(b) Employees shall not suppress, conceal or distort the facts of any reported incident,



nor shall any employee make a false report orally or in writing.

**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.

**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.

(d) Employees will not use any improper or dishonest means to affect the outcome of any official test, process, or procedure.

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

***The OPO recommends that this allegation receive an A classification.***

