



OFFICE OF POLICE OVERSIGHT

NOTICE OF COMPLAINT

March 10, 2023

ICMS #: 2023-0207

On March 10, 2023, the OPO received an online complaint.

The complainant alleges: I never understood how it felt to be racially profiled until I seen it with my own eyes [REDACTED] at the [REDACTED]. My boyfriend, [REDACTED] was retrieving his luggage when approached by some Caucasian men dressed in regular clothing. They insinuated he smelled like weed so they wanted to check his luggage. At this point they hadn't identified themselves. Of course, as a black man who doesn't have a good history with the Austin Police Department and have multiple friends that were killed FOR NO REASON by them, he immediately got defensive. Once they finally let him know what their intent was, they were asked by my boyfriend if he was being detained. They responded no so he kept proceeding to the pick up area where I was located. I called my boyfriend and when he picked up, I heard the commotion over the phone. I left my vehicle in a hurry and ran over to the scene when there were multiple Caucasian men dressed in regular clothes on top of him. He was begging and pleading to loosen the handcuffs because they were so tight and cutting off his circulation. I asked one of the police what is the issue and he explained to me that he, himself seen him coming from outside and he smelled like weed. Which isn't possible because he had just retained his luggage and was walking outside to get in the car with me. I also showed this same man a copy of his flight ticket to prove he wasn't coming from outside and just got off a plane. The Caucasian men proceeded to pick him up off the ground and take him back into the airport when they stopped in the hallway between the sliding doors. They pinned him up against the wall in the walkway and this is where I seen the dog had been brought out and an APD officer dressed in uniform became present. One of the persons dressed in regular clothes explained to me that the dog barked at his bag initially which made them approach him but the dog wasn't brought out until after I was on the scene and it didn't even go near his bag previously. My boyfriend repeatedly asked what was he being detained for with no consistent answer. He and I both kept telling them to search the bag with confidence there was nothing in the bag but was told they need a search warrant. That isn't true because if a police has probable cause or if the dog smells something a warrant or subpoena isn't needed. He was taken back outside where they stood him in the door of a police car for a long duration of time while they figured out what they would charge him with. My



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boyfriend overheard conversations from the police on confusion of what the charge would actually be. Yes, he was belligerent but who wouldn't be when you are being held against your will! I was asked by multiple officers to assist in helping calm him down but never given the opportunity to speak with him successfully. As they were standing in front of him, they kept whispering slurs to him which would cause him to react. These officers used excessive force by slamming him on the ground, pinning him up against the wall, detaining him without reason when my boyfriend is only 143lbs and they clearly outnumbered and outweighed him. It was explained to me by these undercover officers that there have been multiple cases of drug trafficking in the airport. I guess my boyfriend fit the description of a "dealer". African American, wearing a puffy coat, with gold on. I asked repeatedly for the officers name and badge information and was told "It would be in the report" when that they are required to provide that information when asked. I later received a call from Sergeant [REDACTED] who provide me with 2 case numbers and was told by him he really didn't know what was going on but reviewing everything. He was on the scene the entire time with a handheld camera so I'm not sure how he didn't know what was happening. Witnesses provided there support and information to me to vouch that he was wrongfully being done. He is currently being detained for a Class A misdemeanor of Resisting Arrest with no other charges pending. A person can only resist arrest if they are being charged with another offense. He was never read his Miranda rights. The case numbers I have are [REDACTED]. Videos and pictures can be provided upon request as they are too large to send.

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.