



## OFFICE OF POLICE OVERSIGHT

### NOTICE OF COMPLAINT

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September 16, 2022

ICMS #: 2022-0789

On September 12, 2022, the OPO received an online complaint.

**The complainant alleges:** I write this to the attention of the Office of the Police Oversight. So much has gone on in the last 6 months for me to continue to remain silent, even though my name and reputation has been destroyed and called into question because I told the truth about a supervisor during an investigation. I have been involved in an investigation for the past 6 months regarding a DTAC patrol shift, specifically the George 100's patrol shift. The investigation has come to a conclusion with what I and many other officers feel is unjust and a clear slap in the face to Officers who conduct themselves in a manner becoming of a Police Officer. I was hoping the chain of command within the Austin Police Department, specifically Chief Chicon and his executive staff would have take appropriate action and levy the proper discipline to Cpl Brian Yarger badge number 6499, for his actions in making the patrol shift of the George 100's a hostile work environment. Cpl Brian Yarger was constantly displaying negative behavior, border line racist comments, coupled with his authoritarian management style specifically towards subordinates, when he would be very disrespectful and rude, but most of all, how he treats less fortune citizens of Austin Texas. Unfortunately, the Austin Police Department has failed once again to hold its Officers, especially Supervisors accountable for their actions. Day in and day out for several weeks and months prior to Officer Jimenez returning to duty, I had to sit in show up and show down listening to Cpl Yarger complain, and mock Officer Jimenez along with several other female officers, specially Cpl Susana Sanchez in Charlie sector. A few examples of Cpl Brian Yargers inappropriate and down right racial remarks are listed below: •Cpl Yarger stated to our patrol shift when Officer Jimenez would be late to work "She's probably drunk", "She's probably hung over", "She's worthless." "She is a Worthless Cunt" " she's probably pasted out next to a ghetto stranger" " she was out last night slutting it up" "She's doing the walk of shame out of some girls apartment, trying to get to work" " no duty, no work, fucking lazy entitled Cunt" Cpl Brian Yarger routinely made open comments in show up about Officer Jiminez being worthless and always playing here "cards". Cpl Brian Yargers meaning behind the comment "cards" was Officer Jimenez was Homosexual, Hispanic, and a Female. Cpl Brian Yarger said numerous times in the George 100's patrol office, "Vanessa doesn't even know what she is"- meaning



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---

Homosexual or Straight. Cpl Brian Yarger routinely stated out loud that the department (meaning APD) would allow Officer Jimenez to get away with her actions because she's a female that "has Cards", again meaning a Lesbian, Hispanic and a Female. Cpl Brian Yarger stated since Officer Jimenez has "three cards" and he is a white male with tattoos, APD would "hammer" him harder on discipline. Cpl Brian Yarger said the same thing about Cpl Sanchez, stating to Officers openly "She (meaning Susana Sanchez) walks around here acting like she's running the show telling officers and supervisors how to do their jobs, when she is another one that doesn't know what she is-meaning gay or straight". It was very apparent from all of Cpl Brian Yarger's comments and statements whether in show up or at protests, he has authority issues, issues with women, and issues with Homosexuals. I have heard throughout my time on the George 100's, before being removed from the shift, Cpl Brian Yarger demean, ridicule, and make jokes about previous supervisors, IA investigators, and the Chief of Police. Even going as far as calling Chief Chicon a spineless yes man, who is a puppet for the city council. During the time Officer Jimenez was out with her no duty, I overheard conversations where Sgt Sellers told Cpl Brian Yarger after show ups, he has to "tone it down when talking openly about Officers, specifically Officer Jimenez. Telling Cpl Brian Yarger he can't say the things he's saying to the group, he's a supervisor. During his time as the Cpl of the George 100's, Cpl Brian Yarger has carried himself in a manner unbecoming of a supervisor, in his behavior, his comments about subordinates, his treatment of subordinates, his interactions with subordinates and other supervisors, but most of all, his comments about the public. On numerous occasions I overheard Cpl Brian Yarger state to subordinates "look at this pink hair hippy fuck", or "I don't know why these women are protesting about abortion, "no one wants to fuck them", or "here is an idea don't get pregnant by a bad daddy who isn't going to be around", "stop spreading your legs and this can all be avoided", "Black Lives movement is a scam", "Black Lives Matter, then stop shooting each other hommies", "I bet Adler will lead the Gay Pride Parade hand in hand with that cock sucker Greg", "The city council can eat a big dick, especially that fat cunt Farah." These are just a few of the numerous negative things Cpl Brian Yarger says out loud on a daily basis. Before certain protests, Cpl Brian Yarger, who is one of the supervisors in charge of APD's BPOT (Bicycle Public Order Team) would say he looks forward to beating up "commies" "time beat some ass" "talk shit and see what happens." These are just a few examples of how Cpl Brian Yarger conducts himself while representing the Austin Police Department and the citizens of Austin Texas during protests. I was hoping the Austin Police Department would take appropriate action and show they are being progressive and showing our department and the community of Austin Texas, that Officers are held accountable, held to a higher



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standard, but this isn't the case. Cpl Brian Yarger recently received a 10 day suspension for his actions, Chief Chicon allowed Cpl Yarger to use 5 paid vacation days out of the 10 day suspension. So essentially Cpl Yarger received a 5 day suspension without pay for his violations, and Chief Chicon did not remove Cpl Brian Yarger from the promotional list for Sgt. So in a few month Cpl Brian Yarger will be promoted to the rank of Sgt, which shows me and the Austin community, APD does not and will not hold its supervisors accountable for their destructive behavior towards citizens and subordinates. This was an opportunity for Chief Chicon and the executive staff to show the citizens of Austin Texas and the Officers of APD they will not tolerate destructive behavior from its Supervisors towards the citizens and subordinates within the Austin Police Department. Cpl Brian Yarger has a lengthy history with Internal Affairs for incidents ranging from numerous uses of force to rudeness, with plenty of incidents in between. He has received numerous days off in the past but nothing is done to stop his destructive behavior. Cpl Brian Yargers' behavior and wanted disregard for policy has caused other Officers to receive numerous days off as well. Which should show Chief Chicon and his executive staff, Cpl Brian Yarger causes other Officers to engage in destructive and improper behavior. This should also show the command staff when Cpl Brian Yarger becomes a Sgt and leader of a patrol shift, he will be teaching young minded, impressionable officers his inappropriate, destructive, policy violating ways. He's rude, sarcastic and condescending towards community members while working on the street, he is extremely quick to use force on someone when force isn't always immediately necessary, he scoffs at the idea of trying to de-escalate the situation with his words. I write this to the Office Of The Police Oversight, specifically Farah Muscadin, requesting your much needed assistance to help the citizens of Austin Texas, the good hardworking, community first Police Officers of APD and conduct an investigation into why the Austin Police Department will not hold Cpl Brian Yarger accountable for his actions. Cpl Brian Yarger received such light discipline for actions that clearly violate APD's code of ethics and moral standards, and brings discredit to the Austin Police Department. Why the command staff believes Cpl Brian Yarger is fit to continue supervising Officers when he has clearly shown he should not be in charge. Why, after all Cpl Brian Yarger has done throughout his carrier, not just in the DTAC division, the Command Staff feels Cpl Brian Yarger is fit to become a Sgt in the Austin Police Department and lead. Cpl Brian Yargers destructive behavior and leadership style is not what Officer within APD or citizens of Austin Texas want. We want progressive thinking, hard working, community first Officers, not a reckless man exerting excessive authority just because he carry's a Police Badge. Please help the citizens of Austin Texas and the true Officers of the Austin Police Department achieve the goal of becoming what



## OFFICE OF POLICE OVERSIGHT

### NOTICE OF COMPLAINT

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the community needs. The Austin Police Department can not grow towards success if Officers, especially supervisors are not held accountable. If something isn't done, then Cpl Brian Yarger will promote to Sgt and mold the minds of the newer generation of Police Officer. Please, Office of Police Oversight and Farah Muscadin investigate why Cpl Brian Yarger is still allowed to be a reckless supervisor and why he is not held accountable for his actions.

***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.***