



# OFFICE OF POLICE OVERSIGHT

## NOTICE OF COMPLAINT

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September 23, 2022

ICMS #: 2022-0826

On September 19, 2022, the OPO received an online complaint.

**The complainant alleges:** I am filing this complaint in respect to Incident No. [REDACTED]. I initially made an online report on [REDACTED] (telephone harassment). On [REDACTED], Detective [REDACTED] scheduled an appointment for me to meet with him on [REDACTED] at the [REDACTED] located at [REDACTED]. He had already emailed me a template for me to prepare a sworn statement of facts so that it could be signed and notarized the day of my appointment. I had spoken with Detective [REDACTED] by phone on [REDACTED]. He informed me that he had 15 pending cases and that he had not yet read the statement I emailed him the prior [REDACTED]). While I do think that Detective [REDACTED] reviewed the documents I submitted via Axon in respect to my case, I am concerned with how I was spoken to by a fellow detective who joined in on my appointment with Detective [REDACTED]. I unfortunately do not recall the name or badge number of this detective. Detective [REDACTED] did tell me that my interview was recorded before I began speaking. Prior to my appointment, I had already submitted a high volume of information relating to my situation. Because the situation is so intricate, I don't think a single appointment would have been sufficient to effectively cover what was going on between myself and the two suspects in this pending case. That is why I submitted all information that I thought was relevant to Detective [REDACTED] via Axon, and that is why I prepared a sworn statement that was 9-10 pages in length. The detective accompanying Detective [REDACTED] admitted that he was not at all familiar with this case and had not even looked at any of the evidence I submitted. However, he continued to ask me questions in a way that was belittling. I remembered being asked questions including: What is [NAME OF SUSPECT]'s relation to [NAME OF OTHER SUSPECT]? Why did you not go to [SUSPECT's] supervisor instead of filing a bar complaint? Are these people [SUSPECTS] attorneys? Why would they do something [ACTS CONSTITUTING TELEPHONE HARASSMENT] that would put their license on the line? Why would they do something to get themselves disbarred? When I tried to explain the particularities of this situation, the detective closed his eyes and made faces. At one point it seemed he was trying not to laugh because he wasn't taking me



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seriously. It is a very unusual situation, and not something that could be fully explained in a single in-person appointment. A detective would need to look at what I submitted prior to actually asking me questions about the situation. I told him that I did not think I should have to repeat what I already brought to Detective [REDACTED] attention through my previous submissions, as well as my statement. This detective also discounted my concerns on the basis that the suspects are licensed attorneys. Detective [REDACTED] hardly spoke during my interview. When we discussed the possibility of a search warrant issued to the phone providers of the suspects, this detective adamantly told me that search warrants are not issued. However, I do know that this is not true. There have been cases filed for misdemeanor harassment in Travis County where a search warrant was issued and it was determined through the search warrant that the defendant was making unwanted communications by dialing \*67 so that caller ID shows up as "NO CALLER ID" (also circumventing any block placed on their number). I insisted that I could show this detective the case I found where a search warrant was issued (Cause Number [REDACTED]). This detective immediately said, "But not for harassment." He also said that if it was, it wouldn't have been for this year. This case where a search warrant was issued was indeed for harassment. The search warrant was obtained on [REDACTED] and the harassment case was filed on [REDACTED]. I followed up with Detective [REDACTED] ([REDACTED]) and emailed him the Affidavit for Warrant for Arrest and Detention. I told him that this was the case I was referring to during my interview this morning. The other detective (not Detective [REDACTED]) informed me that everything I submitted would be routed to a county prosecutor, who would make the situation on whether the case should go forward. While I understand that police may not think that they have sufficient probable cause to go forward, I am upset that my appointment was scheduled almost 3 weeks in advance, and that another detective sat in and questioned me without any familiarity with my file or the facts of this case. I am also concerned that this detective asserted to me that search warrants aren't obtained for harassment, when existing records for current, pending cases suggest otherwise. I understand that the circumstances behind my initial complaint to APD are unusual compared to other harassment cases. But atypical circumstances do not justify this detective's expressions and communications to me during my appointment. I should not have to repeat my account of events over and over, particularly when I've already provided this information to law enforcement. It was also unnecessary for this detective to insinuate that the fact that the suspects are attorneys makes my claims less credible. While I cannot pinpoint exactly why these people are acting in the way that they are, I cited possibilities and provided relevant documentation. Licensed attorneys are just as capable of violating the law as anyone else, and complaints about



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concerning behaviors shouldn't be disregarded based on a suspect's occupation and the perceived prestige that surrounds it.

*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.*