



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0822

August 13, 2021

Complaint: The complainant alleges:

“3 police officers showed up to my house. 2 of them did not identify themselves or allowed me to take down their number. Officer [REDACTED]. They showed up with son who had already previously called the police in me for “kidnapping” my grandkids. My grandkids were brought to my house on [REDACTED] and they did not want to go back to their dads. CPS got involved with the first call and [REDACTED] said that I would be their temporary guardian since they did not want to leave. Case # [REDACTED] and new case [REDACTED]. That in the event of the police being called, that i would just show them the information given to me back [REDACTED]. When officer [REDACTED] arrived at my house demanding the kids to leave I told him what I was told. Showed him the case numbers and the case workers card and he said that it was just a business card with nothing on it and that the kids needed to leave and be with their dad. To which I said if the kids want to leave they may. I called the kids to the door and they told the police that they didn’t want to leave that they felt safe at my house. They ran to lock themselves in their room. Officer [REDACTED] asked to enter and speak to them. I called to the kids again and then walked with the officer to their room. He then told them that they had to leave and that their dad was outside. The kids responded that they didn’t want to leave because their dad drained too much and that they had them babysit their younger siblings. Officer then exits my house, that they were going to call CPS. I had my friend on speaker who was translating for me. They kept repeating that the card was just a business card. And I kept telling my friend to tell them that CPS came on [REDACTED] and that they spoke to me. At this point officer [REDACTED] turned and yelled and said I know what you are talking about, officer [REDACTED] was the first one that came out and sent CPS out. Another officer was called who spoke Spanish. I kept my friend on speaker. I explained to him the situation and he went back to speak to the other officers. Officer [REDACTED], went to speak to my son and he said he wants to take them and I said if the kids want to leave. The 3 officers entered my house with my son. They went to their room and officer [REDACTED] knocked on their door and told the kids that he wanted to talk to them. The kids open the door and officer [REDACTED] said enters the room closes the door, NO ADULT SUPERVISION and without my consent. He was in their about 10 minutes when he walks back and my grandkids are crying. One of them was so scared he urinated on himself. I started recording at this point, my son starts making lies up. Officer [REDACTED] is still in the room, I beg them to stop traumatizing the kids. They forced my grandkids out of my house, they were crying badly. The Hispanic officer said that they were doing what



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the law stated and that they couldn't do anything about it. When this happened, I told them that if anything happened to my grandkids it was their responsibility. That CPS had told me that the police couldn't force the kids to leave if they didn't want too. I am scared for my grandkids, their step mother is violent and has a criminal record. My son is an alcoholic who isn't being responsible and putting his children's well being before anything. My son hasn't let my grandkids reach out to me, I'm worried for their safety. I am not happy with how these officers handled this situation. They were rude, mean and very disrespectful towards the situation especially since it involved kids. I felt discriminated by officer [REDACTED] because I did not speak English. The situation caused me to have a panic attack and I ended up at the hospital."

This notice of formal 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.

Recommended Administrative Policies to Review (to include but not limited to):

301.1 PURPOSE AND SCOPE

All persons deserve protection by fair and impartial law enforcement and should be able to expect similar police response to their behavior wherever it occurs. Employees will serve the public through direction, counseling, assistance, and protection of life and property. Employees will be held accountable for the manner in which they exercise the authority of their office or position. Employees will respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.

301.2 IMPARTIAL ATTITUDE AND COURTESY

Employees shall provide equal and fair protection of all rights under local, state, and federal law for all members of the community. Law enforcement will be conducted in an impartial and equitable manner.

In an effort to create an organizational culture that is inclusive and nondiscriminatory, employees shall act professionally, treat all persons fairly and equally, and strive to interact with the community in a positive manner. Employees will perform all duties objectively and without regard to personal feelings, animosities, friendships, financial status, occupation or employment status, sex, disability status, housing status, mental health or ability, citizenship, language, national origin, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity, gender



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expression, ethnicity, or social or ethnic background. Employees will endeavor to understand and respect cultural, national, racial, religious, physical, mental, and other differences.

404.2 POLICY

The Austin Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, officers of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, officers will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

404.3 GENERAL CONSIDERATIONS

When appropriate, officers handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Officers must not become personally involved in disputes and shall at all times remain impartial.

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

The OPO recommends this complaint receive a B classification.