



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-1075

November 29, 2021

Complaint: The complainant alleges:

“Officers name [REDACTED]

Male Hispanic how tall don't know

2nd officer: Corporal [REDACTED]

Male Caucasian how tall? Don't know

Brief description of what happened?

Officer [REDACTED] and a 3rd officer who was a white female stopped me when I was on the median at [REDACTED]. He started asking me question. I told him I wanted a lawyer present before being asked or answering any questions.

My complaint:

The next words out of his mouth were your going to jail for resisting arrest. He lied and denied me my constitutional rights. When corporal [REDACTED] pulled up they both assaulted me instead of just arresting me. I'm alleging bias? because I tried filing a complaint on Officer [REDACTED] and other officers w/ Corp [REDACTED] He told me he wasn't filing a report on any officers.”

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):

301.2 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.

The City of Austin is committed to compliance with the American Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

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

318.5.1 MIRANDA WARNING

(a) Officers will administer the Miranda Warning to a subject during a custodial interview/interrogation when questioning begins to focus on the person stopped, becoming accusatory regarding a specific offense.

321.3.1 GENERAL GUIDELINES

(b) All prisoners shall be seatbelted and placed in an upright position while in a police vehicle.

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.