



ICMS #: 2021-0190

March 15, 2021

**Complaint:** Complainant, [REDACTED], alleges: During the recent disastrous storm that impacted Cedar Park and Austin on [REDACTED], I was in need of both heat and food. I left Cedar Park and proceeded to the [REDACTED]. I had been advised by others in the Cedar Park area this was the only grocery store open. I had some food, but it was all frozen and therefore I had to buy some items that did not need to be cooked. Due to lack of electricity I had to find gas first, then food. Each stop to find gas required long waits. No hotels in the area had any power on, as I continued checking on my drive in from Cedar Park. No convenience or any other type of businesses were open. I was not able to obtain information about shelter was forthcoming on the radio. I reached the [REDACTED] which was operating with limited hours and many people were in line there. I bought what I could and left at [REDACTED]. Storm conditions had worsened and so I went to the nearby [REDACTED] Hotel to seek shelter and see if I could check in, as I could see they had generator electricity running. I went to the front desk to see if any rooms were available and was told that their system was not online at that time, so I went to the lobby to wait to see if the system came back online, and to also call and see if other hotels had available rooms. I continued to check in with the front desk but was told their system continued to remain offline. The lobby was very cold, but much warmer than outside. Hours passed by. I attempted to buy dinner in the restaurant but was told without a room number I couldn't purchase food. Many of the guests were in the lobby until about midnight. At that point I must have dozed off. At about [REDACTED] I was awakened by someone with a flashlight who did not identify himself. The lobby was nearly pitch black ( I had taken photos earlier). A man demanded to know if I was a guest of the hotel. I replied I had been waiting to check into the hotel all evening and was continuing to wait. He then asked me my name, which I told him. Inexplicably, he reached out and attempted to restrain me. He had absolutely no provocation, verbal or otherwise. The lobby was nearly pitch black and I was very frightened, escaped and ran to the front desk very alarmed I had been assaulted and seeking help. I told the blond woman at the front desk that the man had just assaulted. She replied by saying I was "trespassing". She was extremely hostile to me. She was a different manager than the one I had been dealing with earlier in the evening. I don't remember whether she or I requested the police be called, I think it was me as I was terrified and confused about what was going on. The escalation of the situation by these two people during an emergency had me off guard and I was hoping the police would help straighten things out. I had all my ID, credit cards, and was well dressed and obviously not a homeless or vagrant person. I was shocked that someone attacked me. I called my friend and told her what had happened. She could not help me as they could not get out of their driveway and then my phone finally went dead. I sat quietly in the lobby waiting for the police and sometime later two officers arrived, Officer [REDACTED] and Officer [REDACTED]. [REDACTED] had a very immediate and hostile attitude towards me. They split up Officer [REDACTED] coming over to where I had been sitting and asking me what happened. I would like to state that this officer was completely professional in his job performance at all times. I told Officer [REDACTED] why I was there, what happened and that I wanted to press assault charges against the man, who I assumed was a security guard, and whose name I heard called [REDACTED]. Then I was informed that [REDACTED] wanted to press assault charges against me. After interviewing both parties and conferring



with each other I was told I had to leave the hotel. I was very worried that leaving the hotel at that time into the storm was a life-threatening event and asked why I had to leave when I had done nothing but sit quietly in the lobby waiting for a room all evening during a disastrous storm. I was told it was the law so I complied, and Officer [REDACTED] walked me to my vehicle, parked in a nearby handicapped space ( I am disabled, and 64 years old). I asked him why the staff and [REDACTED] were so hostile to me and he replied he thought they had a problem with homeless people. I tried to start my vehicle and the battery was dead. I think it was at this point we walked back to the squad car. Officer [REDACTED] was sitting in there writing up the report, acting very agitated and talking to himself. I was told that they could not give me a jump start. I was very frightened by this time as nothing, absolutely nothing anywhere was open and we were obviously in an emergency life threatening situation. I went back to my SUV with no other choice. I spent the night freezing in my vehicle, feet and hands going numb hoping I wouldn't die. I tried not to sleep. When morning came I looked for vehicles moving around that might be able to give me a jump start. None were around except a couple of trucks with the hotel, but no drivers were in the vehicles. Therefore, I had no choice but to go back into the front desk and ask for the police to be called again, as the same manager immediately accused me of trespassing again. By this time guests of the hotel were up in the lobby, whereas the night before there had been no witnesses and so I went and sat nearby a group of them. I was extremely cold and shaking. The same two officers arrived again. Immediately Officer [REDACTED] approached and was extremely hostile and threatening to me, stating something to the effect "You again! If it was up to me I'd slap you in handcuffs right now and take you down ( to jail?) but they have told us not to bring in any more people". He also made a comment as to why I didn't have any friends who could help me out (the whole city had been immobilized). I had been sitting there quietly while he berated me in front of the guests who were watching, and by the looks on their faces, quite shocked. I told him at this point I felt he was bullying me. One of the guests replied she felt sorry for me. Meanwhile, Officer [REDACTED] approached the manager, who obviously was beginning to realize that now, in front of witnesses, she might not be looking so good, and they had a discussion about whether one of the employees could give me a jump start so I could just leave. This was extremely helpful and the obvious solution to the problem, not threatening to arrest me. He and I waited at the front. He also inquired how I was feeling and suggested perhaps I should go to the hospital. I told him I would drive myself there as I didn't want the [REDACTED] to create more issues by towing my vehicle. He helped me with the jumper cables and gave me the incident information and [REDACTED] badge number. I then left. I think this report speaks volumes about many issues and procedures which need reform during a disaster. Officer [REDACTED] aggravated an already bad situation by treating me at all times like a criminal and not a victim whose life was in danger during a storm. Officer [REDACTED] comprehended the situation, but his hands were tied by having no options to help me. I have worked several disasters myself and have never seen an officer so out of control as [REDACTED] was, and do not think this man is fit for his job. I am currently still recovering from effects of this situation on my health and have been on antibiotics and unable to write this until now, [REDACTED]. I hope to receive some sort of follow up to this incident as officer [REDACTED] said he was sending me a warrant in the mail.



*This notice of formal complaint is a request for Internal Affairs to initiate an investigation in order 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 RESPONSIBILITY TO COMMUNITY - 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.

**301.3 CUSTOMER SERVICE AND COMMUNITY RELATIONS**

APD constantly works to establish direct contacts with the community we serve. Without grassroots community support, successful enforcement of many laws may be difficult, if not impossible. Community involvement can be an effective means of eliciting public support, can serve to identify problems in the making, and may foster cooperative efforts in resolving community issues. Input from the community can also help ensure that agency general orders accurately reflect the needs of the community

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

***The OPO recommends that this allegation receive a B classification.***