



## OFFICE OF POLICE OVERSIGHT

### NOTICE OF COMPLAINT

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July 1, 2022

ICMS #: 2022-0543

On June 28, 2022, the OPO received an emailed complaint.

**The complainant alleges:** Dear Farah C. Muscadin ,

You were brought into this newly formed office not because of a handful of complaints or a few manageable grievances. But because policing is changing, and some of the change we may want to see may have some systematic elements to that positive change.

To bring about the changes that the community wants to see in Austin's Police.

I would like to bring to light my experience applying to the Austin Police Department.

It has been bothering me for a bit.

In short: My experience of the process of applying at the Austin Police Department in [REDACTED] is a process that seems to garden individuals that can substantiate fabrications (lie with corroboration) while maintaining known biases from past decades that have been harmful to both the agency and the community. Dishonesty can be investigated, clever and substantiated dishonesty seems to be hireable, armed, and on the streets in some cases.

To Explain: We all do small acts from time to time that may or may not be strictly legal depending on what jurisdiction you are in, who is in office, who is enforcing such laws etc. My small act on one occasion was edible use of marijuana back in [REDACTED]. I wish I could enjoy it more not being in law enforcement at moment, but it tends to make me paranoid, so I tend to avoid it.

I applied to APD in [REDACTED] and answered honestly to that one use, was disqualified based on that prior edible marijuana use, and further disqualified until [REDACTED]. I understand that marijuana is NOT a legal drug in Texas. But it should be mentioned, there was no meeting with me to see if it was something I would want to do in the future or how severe it was, no questioning of who was with me, did I drive while trying marijuana, do I have friends or family that use it, just outright disqualification for two years.

The issue here is not marijuana, in [REDACTED] when commercially available edible marijuana in nearly half of states, a good portion of the pool of candidates can be reasoned might have tried marijuana within one or two years prior from the date of application to APD. So, you either lie, or don't get the job. It's just the way it is.



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The first lesson future officers may derive here, from their very first step is: a small lie nobody will find out about is a truth to everyone else. This is an inflection point, do we want officers that will fabricate when it's convenient and strait laced on paper, or officers that will tell the truth in an investigation (candidate hiring) even when it is damaging.

Maybe this is speculation, but I know if you were to take a survey of the community of Austin you would find that rare use of a drug before being hired, a drug many are demanding to be legal for habitual use would not be something people of Austin would find disqualifying in an APD candidate. What's far more disqualifying is dishonesty. Cameras are everywhere now, people see it, and lawsuits (as well as indictment) flow like rivers from officers like that.

This determination process is originated from a Journal of Applied Psychology study entitled "Prediction of Dysfunctional Job Behaviors Among Law Enforcement Officers" published in 1998 (see figure 1). Although there are some great findings in that report the law enforcement community has grown since this report. "Spitting out" occasional or rare marijuana users before they applied to be officers, is not grounded in a current understanding of our community and what is expected of police officers now. From 1984 to 1995 the year data was collected to publish this study, not one state had legal marijuana. Yet, it is one of the standing practices even today at APD for screening candidates to keep our community safe. - [REDACTED]

The Texas Legislative bodies did not pass the first lawful carrying of concealed weapons for civilians' law until 1995. It would be nearly the same to have a questionnaire that asked today, "Have you ever as a civilian not acting in any official capacity go in public with a concealed weapon on you in the last two years?", then disqualify based off any affirmative answer. Like I said, the issue is not marijuana. The issue is a hiring process that encourages dishonesty because the most common and honest answer among a pool of candidates, is one that gets a candidate disqualified for no cause of moral turpitude.

Respectfully,

[REDACTED]

***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.***