



ICMS: 2019-1190

Date of Complaint: 10/30/2019

Complaint:

Per an anonymous complaint received by the Office of Police Oversight (OPO) on October 30, 2019, Assistant Chief Justin Newsom may have violated Austin Police Department (APD) policy when he allegedly used racist language to describe African Americans. Assistant Chief Newsom may have also violated APD policy when he was allegedly involved in an incident of family violence with another city employee, [REDACTED].

The OPO recommends an independent investigation into the allegations listed in this Notice of Formal Complaint against Assistant Chief Newsom.

Additional Information: The anonymous complaint received by the OPO is quoted below:

“I have been advised allegedly that AC Newsom, on a continuous [*sic*] basis for at least the last decade, has used the word “nigger” to describe African Americans. I have been advised that AC Newsom, went to Chief Manley explaining that someone may have possession of text exchanges where he was using “nigger” in the conversation. Chief Manley asked if it was possible that someone did in fact have screenshots of these conversations and AC Newsome [*sic*] said yes. Allegedly everyone on the executive floor (to include officers, Assistant Chiefs, Chief of Staff and administrative staff) knew about this conversation between Chief Manley and AC Newsom. All Assistant Chiefs were made aware of AC Newsom using the extremely derogatory term “nigger” and failed to report it for investigation or review. •Specifically while advising President Obama landed in Austin AC Newsom stated “Negro one down”. •When describing Council woman Ora Houston AC Newsom stated “She is a dumb nigger but a nice lady” •When talking about Chief Dixon AC Newsom stated “Frank is a nigger but he is our nigger” •When on a Special Response Team deployment AC Newsom called Officer LaMarcus Wells and Officer Khaston Campbell “Stupid fucking niggers”. This was in front of other SRT personnel and SRT supervisors. It has also been alleged that AC Newsom was involved in a family violence altercation with [REDACTED], a current city employee. On one occurrence [*sic*] a Park Ranger had to step in to deal with the altercation. I ask that all of these allegations be investigated.”

Administrative Policies to Review:

301.2 Impartial Attitude and Courtesy

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.



- (a) Employees will not express or otherwise manifest any prejudice concerning race, religion, national origin, age, political affiliation, sex, or other personal characteristics in the performance of their duties.
 - 1. Employees will respect the rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.
 - 2. The use of racial or ethnic remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature to or about any person or group of persons is strictly prohibited.
- (b) Employees will be tactful in the performance of their duties, control their tempers, exercise patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.
- (c) Employees will make every effort to be courteous and respectful toward all persons.

328.2 Racial or Bias-Based Profiling Policy

The Department strives to provide law enforcement services to our diverse community while respecting the racial, cultural, or other differences of those we serve. It is the policy and practice of the Department to provide law enforcement services and to enforce the law equally, fairly, and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement services or the enforcement of the law.

While the practice of racial or bias-based profiling is strictly prohibited, it is recognized that race or cultural differences may be legitimately considered by an officer in combination with other legitimate factors; to establish reasonable suspicion or probable cause (e.g., subject description is limited to a specific race or group), to establish relevant elements of a crime (e.g. exploitation of an elderly or disabled individual), or to gather evidence relevant to enhanced punishment due to offenses committed because of bias or prejudice.

328.3 Member Responsibilities

Every member of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial or bias-based profiling to a supervisor.

900.3.2 Acts Bringing Discredit Upon the Department

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

- (a) Employees will not commit any act which tends to destroy public confidence in, and respect for, the Department or which is prejudicial to the good order, efficiency, or discipline of the Department.



900.3.4 Personal Conduct

(c) While on-duty or on the premises of City facilities, employees will not:

1. Use loud, indecent, profane, harsh, derogatory language, or use belittling term [*sic*] in any communication.
2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

900.5 Responsibility to Coworkers

Cooperation among employees of the Department is essential to effective law enforcement.

(a) Employees are expected to treat each other with respect.

1. Employees will be courteous and civil at all times in their relationships, perform their duties in a cooperative and supportive manner, and not threaten, display physical aggression toward, or use insolent or abusive language with one another.
2. Employees will address one another by proper use of rank or title when on-duty and in the presence of the public.

900.5.1 Supporting Fellow Employees

(c) Employees will not publicly criticize the work or the manner of performance of duty of any other employee.

914.3.1 Discrimination

(a) Discrimination is any act or omission of an act which would create a hostile work environment, or exclude any person from employment or promotional opportunities because of creed, color, national origin, sex, gender identity or gender expression, age, religion, veteran status, disability, or sexual orientation.

(c) Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters and actions that result in an employee being offended or insulted.

900.1.1 Responsibility to Know and Comply

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

- (a) Employees will maintain a working knowledge and comply with the laws, ordinances, statutes, regulations, and APD directives which pertain to their assigned duties.
- (b) Employees who do not understand their assigned duties or responsibilities will read the relevant directives and guidelines, and will consult their immediate supervisor for clarification and explanation.
- (c) A lack of knowledge of an APD written directive is not a defense to disciplinary action.



Recommended Classification:

The OPO is not recommending a classification as it is not applicable to Austin Police Department executive staff.