



ICMS #: 2020-0132

February 26, 2020

Complaint: Complainant, [REDACTED], filed the following online complaint against Austin Police Department (APD) officers.

“Saturday [REDACTED] [REDACTED] til around [REDACTED] Sitting in line at [REDACTED] two apd officers pulled into the parking lot. While exiting the parking lot APD hit their lights and we were pulled over into the Valero [REDACTED]. My boyfriend was removed from the vehicle in confusion and then an officer came up to me and asked me what my back seat passengers name was. I then answered [REDACTED] the officer asked where were we coming from and what were we doing. I was then removed my from vehicle and placed tightly in handcuffs and placed in the back of a cop car for over an hour without any explanation of why. The car was hot my handcuffs were tight no windows were cracked and the a/c was not on. I sat in that condition for over an hour and was never told why. The officer then let me out of the car told me to grab my bag and asked did i want my food that i ordered over a hour ago because my car was being towed. When i asked why my car was being towed i was told bosses orders. i still did not know the reason for the stop which resulted to my car being towed. No one answered what tow company my car was going to either. One of the officers handed me the money my boyfriend had in his pocket i took it and did not speak the officer prompted at me as if i was wrong for not thanking him for handing me money. I was highly upset calling around for a ride at 1 am to get from the gas station. I was left stranded at 1 am being a female far from home again at 1 am on a Friday night/ Saturday morning. While on the phone explaining my situation to the party i was on the phone with the officer told me to calm down i'm being dramatic. As if i didn't have a reason to be upset for being tightly handcuffed for over an hour in hot police vehicle. No one asked was i okay and did not care about the situation i was left in as they took my boyfriend for unrelated warrants. My Boyfriend was released the next day with no bail no charges and all warrants dismissed because the judge did not see the reason he was taken to jail any way. I was left with no money having to pay 260 dollars to get my car out of tow the next day. When released my boyfriend told me that [REDACTED] said we kidnapped [REDACTED] the back seat Caucasian passenger that asked us to pick her up from [REDACTED]. She was not being held against her will and was not being threatened or harmed. We had no knowledge of who or why anyone would think that. There was no struggle with her what so ever. The only reason [REDACTED] was int he car was because she had no destination once she got picked up but was more than able to get out and go with her free will. When cops searched [REDACTED] they found a switch blade on her and gave her a ride to wherever she went in the front seat. during the initial pull over [REDACTED] told me she stole her moms car earlier in the day so why wasn't she the one in handcuffs. Not once was my boyfriend or myself ever questioned about what was going on and why would someone think that she kidnapped. All the cops were Caucasian my boyfriend and myself are African American. and were made to sit in the back of a cop car for 1 hour i was left stranded at 1am at a gas station. While the one person that did any type of criminal activity was driven to a safe place. I felt racially profiled an innocent party no one was ever charged of kidnapping



because that never occurred. To me APD seen two black people in a car with one white girl and automatically thought we were in the wrong. Me and my boyfriend had the same exact story without a doubt we were giving her ride and stopped at whataburger so i can eat. Mind you during this time we were in whataburger line for around 10 minutes with the doors unlocked wouldn't a real kidnapped victim make a run for it when the vehicle is stopped? Wouldn't a real kidnapped victim scream for help in line while ordering food to whataburger employees. This is an injustice act. Why now am i writing about the situation because I felt like this story would go unheard and unnoticed until today i read in kxan and seen how the pull over rate for minorities is on a rise so APD's actions are going noticed. There are real problems going on in the rapidly expanding city of Austin so to stop and put someone through an emotional scarring time for doing no wrong is a terrible way to spend their time. I cried to know if I too was Caucasian how different that night would have been. Would I would have gotten a ride as well? Would my car still have been towed? Better yet, Would we have even been stopped and accused of kidnapping a free willed adult?"

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 PURPOSE AND SCOPE – RESPONSIBILITY TO THE COMMUNITY

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 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.

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.

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 terms in any communications.

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.

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.

