



NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0614

June 22, 2021

Complaint: The complainant alleges: A yesterday evening he went to a taco stand on [REDACTED], and when was trying to order a white woman begin asking telling him "oh you have Ebola", he told the lady to move away from him and she continued with ranting and flicked him on his forehead. The taco stand owner told the complainant the woman had been there for a while and asked her if she could leave. After completing his order, the complainant went to sit down while waiting and the woman decided to come to him and continue her harassment, she then hit him with a glass Coca-Cola bottle on his leg 2x. The complainant then called 911 about the incident because he didn't want to defend himself and get into trouble. Two officers ([REDACTED] & [REDACTED]) came out and did not arrest the woman because complainant stated white privilege and also the officer stated that because they didn't see it happen they couldn't arrest her, they instead kept telling the woman if she left they would allow her to do so. The complainant asked to speak to a supervisor since he didn't feel like they were giving him any help stating that if he was the aggressor it would've been completely different because he is a Mexican man. Sergeant [REDACTED] then came out and also supported the other officers in not arresting the woman. Complainant states this is not right and would be completely different for any minority or person with a past background. He stated he was trying to do the right thing instead of using his own self-defense toward the woman off and the officers who are supposed to protect everyone did not do that, instead he felt they allowed her being a white woman to go and doesn't even know if they took her in or not. He wanted to file charges against her and wasn't given that option. The complainant recorded moments from the incident.

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. 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,

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OFFICE OF POLICE OVERSIGHT

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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.

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.