



OFFICE OF POLICE OVERSIGHT

NOTICE OF FORMAL COMPLAINT

ICMS #: 2021-0726

July 20, 2021

Complaint: The complainant submitted an online complaint to the Office of Police Oversight alleging the following:

"Your police officer [REDACTED] with the badge number [REDACTED] randomly arrested me in a vain attempt to inflict extrajudicial harm to me. I was roller skating down [REDACTED] [REDACTED] after the police closed it. I was wearing headphones. Without any warning, I hear a man on a loudspeaker yelling at me "roller skater, get on the sidewalk". I look behind and see it was police. I felt startled and wondered why they were yelling and humiliating me like that in front of a large crowd. Then I attempted to get on the sidewalk, but couldn't because of loose gravel threatening and the heavy (very heavy) crowds of drunk people walking unpredictably. I turned around and rolled up to the driver-side window of the police car to ask if I could clear this block on the road (because it's significantly safer) then turning off on the sidewalk. The police officer driving (badge [REDACTED] then turned the car and tried to hit me with the car, this can be proven by the dashcam video. Before I could speak, he rolled down the window and began yelling at me, not talking to me, and even forwardly rationalized his verbal abuse by saying "I told you once, now I have to yell at you!". Granted, I hadn't yet had a chance to speak, and his order placed me in harm's way. It was urgent that I approach him for help. Due to the surprising yelling and humiliation on the loudspeaker, followed by the dangerous order I tried to obey, followed by being assaulted by his vehicle, followed by him yelling without me saying a word -- I suddenly felt very scared of the police. His demeanor was unprofessional, violent, verbally violent, and yelling dangerous commands to me. I did not say a word yet, but to cool my fear, I pulled out my phone and instantly began recording before continuing. Please cross-check everything from here with the video. He got out of his car and I finally said my first words, "I'm just trying to ask you..." and he interrupted me by saying "You're not trying to ask me". He seemed to believe that I was lying to him, despite having never spoken to me before in my life. His automatic assumption was, strangely, that I must have been lying. The conversation continued when I tried to say "What I'm saying is there's a bunch of drunk people on the sidewalk right now..." and he ignored my issue, saying that I must leave the empty roadway unquestioningly and skate (dangerously) on the sidewalk. He then started speaking while not allowing me to talk. He repeated his order, to which I said "You're putting me in a dangerous situation". He, again, ignored my fear, and I felt so scared. I did not know why he was doing this to me. This officer was out-of-line. I was already scared because of all the stuff he did before, now I'm felling worse. Without addressing any of my problems, he said if I don't go on the sidewalk (place myself in danger) then he'll arrest me.



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My next words were "Why are you unwilling to have a civil conversation?" his next words were "You're under arrest". He arrested me and I spent 2 days in jail. He turned off my phone. I asked him to turn on his body camera, to which he ignored me. It was very hot that day and I was skating hard. I sweated a lot. When I got to jail, I asked for some water. He said no, because "you're in jail, not a hotel". I was feeling faint from dehydration, but my concerns were ignored by him. I told him "I am innocent", to which he said "no you're not". I told him that "I'm innocent until proven guilty". Then he ignored me. I eventually asked the nurse for water, and she gave me some. This officer demonstrates cruelty and seems to take pleasure in the harm he causes others. He is far too quick to humiliation, embarrassment, yelling, and arresting one of the most civil people in the city of Austin. My reputation is clean. I'm a 30 year old computer programmer, multimillionaire, who speaks 4 languages and has multiple talents."

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, 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.



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303.3.3 WHEN DEPARTMENT ISSUED BWC SYSTEM DEACTIVATION IS AUTHORIZED
Once the BWC system is activated it shall remain on until the incident has concluded or until deactivation is permissible in accordance with this order.

304.3.2 WHEN DMAV USE IS REQUIRED

This order is not intended to describe every possible situation where the system may be used. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera however the audio portion can be valuable evidence and is subject to the same activation requirements.

804.2 GENERAL OPERATION OF DEPARTMENT VEHICLES

- (a) Employees will operate Department vehicles in a careful and prudent manner within the guidelines of the law and Department General Orders. Unsafe or negligent driving is prohibited.

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.