



## OFFICE OF POLICE OVERSIGHT

### NOTICE OF FORMAL COMPLAINT

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ICMS #: 2021-0853

August 12, 2021

**Complaint:** The OPO received an anonymous complaint alleging:

“??COP WATCH - ALERT - COP WATCH??

East Austin residents be on alert!

Officer [REDACTED]

Street Name: The Terminator

Badge [REDACTED]

Vehicle [REDACTED]

This officer is everything a black mother worries about. This officer is a racial profiler who looks for any reason to pull a black man over. \*Its called “hunting” in the department.\* He is aggressive and physical. He fights bound defenseless victims. Instead of restraining you, he will beat you with his baton, punch, kick and knee you. He’s a liar. He will make up “just cause” for his actions or “probable cause” for his searches.

He lurks and does his dirty work out of a parking lot of a closed school [REDACTED] where there are no cameras or lights. NOTE: Always follow your arrested friends/family to Travis County Jail.

Office of Police Oversight and APD Internal Affairs we’re coming. We will not stand for this treatment! [REDACTED], you need to do something about this menace to our society. We are NOT one Austin safer together.

If this is what protecting and serving looks like, we don’t want it and we don’t want him!

#BLM #BlackLivesMatter #BrownLivesMatter #EastAustinMatters #LivingWhileBlack #RacismIsReal #TerminateTheTerminator”

*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.*



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### **Recommended Administrative Policies to Review** *(to include but not limited to):*

#### 200.3.1 DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

Any interpretation of objective reasonableness about the amount of force that reasonably appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving, and the amount of time available to evaluate and respond to changing circumstances may influence their decisions. The question is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting them.

#### 328.2 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 service 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.

**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.***