

Return to:

Travis County District Attorney's Office
 Special Prosecution Unit
 416 W. 11th Street, Suite 200
 Austin, Texas 78701



Austin Police Department
 Travis County Sheriff's Office
 Travis County District Attorney's Office
 (512) 854-9530
 FAX: 854-4810

REQUEST TO INVESTIGATE

This complaint form is provided to you with the understanding that this office may conduct investigations to determine if a firm or person is in violation of Penal Laws of the State of Texas. We strongly recommend that you consult with your own private attorney to determine your legal rights and civil remedies in this matter.

(PLEASE TYPE OR PRINT)

I. INFORMATION ABOUT THE PARTY OR FIRM COMPLAINED OF:

[Redacted] (Pflugerville Police Department Sgt)
 Full Name
 1611 E. Pfennig Ln, Pflugerville, TX 78660 [Redacted]
 Address (Street, City, State, Zip) Telephone

Race Sex Height Weight Hair Eyes D.O.B or Approximate Age

Driver's License # D.L. State Social Security Number

II. COMPLAINING PARTY AND WITNESS:

Alicia Lynn Fitzpatrick
 Your Full Name (and Company Name, if applicable)
 1611 E. Pfennig Ln, Pflugerville, TX 78660
 Address (Street, City, State, Zip)
 [Redacted] TX
 Telephone Numbers (Office & Home) D.O.B. Driver's License # D.L. State

WITNESS - Name

Austin Institute LLC [Redacted]
 Address and Telephone

WITNESS - Name

Address and Telephone

III. INFORMATION ABOUT ALLEGED OFFENSE:

Date of alleged offense: March 2020 - October 2020
 Where did the offense occur: Pflugerville Police Department
 What property was taken: N/A

Total value of property taken: N/A

What, if any, property have you recovered: N/A

What is the business and/or personal relationship between you and the party or firm complained of:

Both [REDACTED] and myself are sworn personnel
of the Pflugerville Police Department

Have you discussed this matter with the person or firm: _____ Their reply: A 4 month investigation
was conducted by the Austin Institute LLC; see attached

Did you sign a contract: NO If so, enclose a copy.

What other agencies have you reported this matter to: Pflugerville Police Department & City
of Pflugerville.

(PLEASE TYPE OR PRINT)

IV. FACT DESCRIPTION: (attach additional pages as needed)

Describe the exact nature of your complaint below and on additional sheets, if necessary. Please be complete. Include the name of the individual that you dealt with and dates. If possible, recite facts in the order in which they occurred. You must provide copies of all relevant documents (see attached list). Keep all originals in a safe place in the event they are needed for court purposes.

Attached is a lengthy investigative report conducted by The Austin Institute LLC (Hired by the City of Pflugerville). The investigation pertained to Hostile Work Environment, Gender Bias, Discrimination and Harassment. The findings of the investigation determined these things did occur. Additionally [REDACTED] was found to have lied during a formal interview. [REDACTED] is believed that [REDACTED] did abuse his position within the police department to cause harm to another, namely myself. There are additional concerns that the Pflugerville City Manager, [REDACTED] has abused her position of authority to intentionally obstruct the Chief of the Pflugerville Police Department, [REDACTED] from taking disciplinary action against

[redacted] and additional sworn personnel within the police department. It is believed that [redacted] intentionally hid this investigation and its findings from the city council and mayor evidenced by the fact that TMPA had to furnish the report to the aforementioned. It is strongly recommended and requested the public integrity unit look into this matter due to the positions of power both involved parties possess and their demonstrated integrity issues.

I certify that the information that I have furnished the District Attorney in this complaint is true and correct to the best of my knowledge and belief, and is furnished for the sole purpose of instituting a criminal prosecution where the investigation indicates criminal activity and not for the purpose of recovering personal property or any other thing of value. I authorize the District Attorney to use the information given in any manner that he deems necessary and proper. I further certify that I understand that the District Attorney's Office cannot give me legal advice or act as my attorney. I also understand that the completion of this form will not constitute the filing of criminal charges. I have not withheld any information pertinent to this complaint.

[redacted]

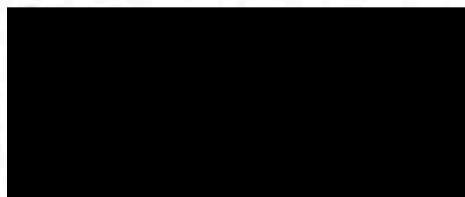
SIGNATURE OF COMPLAINANT

Alicia Fitzpatrick

PRINTED NAME OF COMPLAINANT

SUBSCRIBED AND SWORN TO before me this the 20th day of January, A.D., 2021.

(Seal)



[redacted]

Notary Public in and for the State of Texas
My Commission Expires: 10/17/22

On October 22, 2020 I, Alicia Fitzpatrick, a Peace Officer commissioned by the City of Pflugerville, filed a formal complaint with the City of Pflugerville alleging a hostile work environment, bias, and discrimination within the City of Pflugerville Police Department. I also filed an open records request through the City of Pflugerville requesting electronic communication containing my name and several other key phrases sent to or from [REDACTED] [REDACTED] a person currently holding the rank of Sergeant at the Pflugerville Police Department (Exhibit A). On November 06, 2020, notably 11 business days after submitting the request, I was notified that the information I requested was believed to be protected under the Texas Public Information Act (Exhibit B). On November 11, 2020 I received a copy of the brief filed by the law firm Denton Navarro Rocha Bernal & Zech citing the reasons the content of my open records request was considered protected under the Public Information Act, that the request and brief have been submitted to the Officer of the Attorney General (OAG), and that the OAG has 45 business days to respond (Exhibit C). Notably, January 26, 2021 marked the 45th business day since the brief was filed with the Office of the Attorney General and I have received no correspondence.

On November 05, 2020 The Austin Institute LLC, a third party consulting firm hired by the Pflugerville City Manager, [REDACTED] [REDACTED] began investigating the formal complaint I filed on October 22, 2020. The investigation concluded on or about December 20, 2020 and I was notified on January 04, 2021 that the investigative report had been submitted to the Chief of the Pflugerville Police Department, [REDACTED] [REDACTED] and to the City Manager of the City of Pflugerville, [REDACTED] [REDACTED]. The entire investigative report is attached (Exhibit D).

However, a summary of the finding are as follows: "Given the voluminous amount of evidence that supports a finding of Hostile Work Environment, Gender Bias, and Discrimination by Sgt. [REDACTED] [REDACTED] Sgt. [REDACTED] [REDACTED] Cpl. [REDACTED] [REDACTED] and Pflugerville Dispatcher [REDACTED] [REDACTED] in targeting Officer Fitzpatrick, undermining senior leadership, insubordination for disobeying direct orders to cease and desist from senior ranking officers, and lying to the Investigator hired by the City Manager, the blatant and egregious conduct of Sgt. [REDACTED] [REDACTED] must be addressed. Comparable misconduct, atrocious judgement, and behavior at such an unacceptable level has serious consequences in all police departments, and should not be tolerated by a Sergeant of the Pflugerville Police Department."

Ultimately, Sgt. [REDACTED] [REDACTED] Sgt. [REDACTED] [REDACTED] Cpl [REDACTED] [REDACTED] and Pflugerville Dispatcher [REDACTED] [REDACTED] were all found guilty of creating a hostile work environment and various disciplinary recommendations were made for all parties involved. **As of January 31, 2021 no disciplinary action has been taken by the City of Pflugerville against the aforementioned.**

Once Pflugerville City Manager [REDACTED] [REDACTED] received a copy of the report, she informed Chief [REDACTED] [REDACTED] who reportedly intended to take immediate disciplinary action as

recommended by the investigators, that she no longer had the authority to discipline officers in the Pflugerville Police Department. Since the day the investigative findings were submitted, [REDACTED] [REDACTED] has repeatedly abused her position as the City Manager to impede, obstruct, and interfere with any disciplinary measures that were attempted to be taken against Sgt. [REDACTED] [REDACTED] Sgt. [REDACTED] [REDACTED] Cpl. [REDACTED] [REDACTED] and Pflugerville Dispatcher [REDACTED] [REDACTED]

On January 20, 2021 I filed a Request to Investigate with the Public Integrity Unit of the Travis County District Attorney's office alleging Abuse of Official Capacity and Official Oppression by [REDACTED] [REDACTED] and [REDACTED] [REDACTED] and furnished the investigative findings of The Austin Institute LLC to the Travis County District Attorney's Office. I made clear mention that [REDACTED] [REDACTED] was found to have lied during a formal investigation, and that I had ethical concerns regarding the behavior of [REDACTED] [REDACTED] [REDACTED] [REDACTED] (Exhibit E).

On January 21, 2021 Sgt. [REDACTED] [REDACTED] an Investigator of the District Attorney's Special Prosecution Division acknowledged receipt of the Request to Investigate that was filed. Due to being a public employee and reporting criminal behavior to the District Attorney's Office to investigate, I became entitled to "Whistleblower Protections" in accordance with Texas Government Code 554.001 which prohibits an employer from suspending, terminating, or taking other adverse personnel action against an employee who reports a violation of law by the employer or other employee on this date.

On December 02, 2020 I was notified of a voluminous open records request filed by CLEAT Attorney [REDACTED] [REDACTED] who represents [REDACTED] [REDACTED] in this investigation, that was submitted on November 13, 2020. This Open Records Request sought a multitude of communications between myself and other employees of the City of Pflugerville, to include attempting to obtain my personal cell phone, and most notably "All Spillman CAD messages from or to Alicia Fitzpatrick [REDACTED] (Exhibit F). I was informed by The City of Pflugerville Records Supervisor [REDACTED] [REDACTED] that the records department would be submitting the information gathered from this open records request to the City of Pflugerville Attorney for review under the Public Information Act. Given the breadth of the request filed by Attorney A. [REDACTED] compared to the much more focused and narrow scope of the open records request I filed 22 days prior, and the litany of objections the Pflugerville City Attorney purported in their brief to the OAG's office as to why the information I requested should not be released due to the exceptions contained within the Public Information Act, a reasonable and prudent person would conclude that this request by Attorney A. [REDACTED] would be submitted to the same scrutiny and forwarded for a decision by the OAG's office. **It should be noted, that if a brief requesting suppression of governmental records in accordance with the exceptions outlined within the Texas Public Information**

Act is filed, the records in question do not become public records until the OAG has ruled whether or not they can be suppressed or if they must be furnished.

On January 28, 2021 I received an order to report to the Pflugerville Police Department briefing room at 1800 hours. Upon arrival to the briefing room, I noticed that myself and nearly every employee I am friends with at the Pflugerville Police Department, to include Sgt. [REDACTED] [REDACTED] and Sgt. [REDACTED] [REDACTED] were also present in the briefing room.

Pflugerville Police Department [REDACTED], Commander [REDACTED] [REDACTED] and Commander [REDACTED] [REDACTED] stated the reason we were all ordered to report was to receive disciplinary action. We were informed that we were receiving disciplinary action due to an open records request that was filed for "All Spillman CAD messages from or to Alicia Fitzpatrick [REDACTED]". It was further explained, that City Manager [REDACTED] [REDACTED] reviewed the content of the records furnished from Attorney A. [REDACTED] open records request filed on November 13, 2020 and part of the records requested contained approximately 900 pages of Spillman CAD messaging between myself and my coworkers in the room. We were informed that City Manager [REDACTED] [REDACTED] demanded immediate disciplinary action be taken against all of us for the content of the messages which were not represented to us as being nearly as offensive or outrageous as [REDACTED] [REDACTED] reported they were; [REDACTED] [REDACTED] reportedly initially requested termination of all of the involved officers. **We were furnished a "sampling of some of the messages" several days after we were instructed to sign the OCA complaint, but have yet to be provided a true and correct copy of the messaging in its totality.**

The details of the complaint were named as follows by Pflugerville Police Chief [REDACTED] [REDACTED] "On 01/26/2021, upon review of documents associated with a Public Information Request, City Manager [REDACTED] [REDACTED] notified me that officers (on what appeared to be Shift 3 patrol) were inappropriately using Spillman Instant Messaging (Exhibit G). It should be noted, that Patrol Shift 3, is the shift I work on. Myself and my peers were given an Officer Final Classification Agreement in relation to IAD Case # [REDACTED] with an allegation of "Acts Prohibited on Premises of Department 1.10.25" found as SUSTAINED (Exhibit H).

Pflugerville Police Department Policy 1.10.25 States the Following:

" Acts Prohibited on Premises of Department- while on duty, authorized breaks or on the premises of the Police Department no employee shall:

- .1 Conduct themselves in such a manner as to bring discredit upon themselves or the Department
- .2 Use loud, indecent, profane or harsh language
- .3 Address anyone in harsh, derogatory, or belittling terms
- .4 indulge in "horseplay"
- .5 Engage in card playing or any other game on duty or on the premises of the Police Department

.6 Read a newspaper, book, or a magazine in a public place unless such reading is about official duty

.7 Engage in watching TV or VCR unless duty related and out of the view of the public. Off duty employees are authorized to engage in watching TV or VCR at the Police Department

.8 Actively engage (read, listen, review, interact with) in the studying of materials that are not directly related to their job (ie. Reading of promotional textbooks, college courses, secondary employment material" (Exhibit I).

We were then instructed to sign the Officer Classification Agreement, accepting responsibility for our actions, and that an Internal Affairs allegation of SUSTAINED would be placed in our personnel files. The disciplinary action taken against personnel at the rank of "officer" was a written reprimand and SUSTAINED finding for violating department policy in our personnel files. The employees at rank of "Sergeant," namely Sergeant [REDACTED] and Sergeant [REDACTED] were disciplined with two days suspension without pay and a SUSTAINED finding for violating department policy placed in their personnel files.

Due to the aforementioned, submitted exhibits, and totality of the circumstances contained herein, it is believed that the City of Pflugerville City Manager [REDACTED] did then and there commit the offense of Misuse of Official Information, a third degree felony, as outlined in Texas Penal Code 39.06 (a)(b)(1)(2). This belief is evidenced by the fact that [REDACTED] in her capacity as a City Manager, is a public servant, and in reliance on information she has access to by virtue of her office of employment and that has not been made public, namely the open records request filed by Attorney A. [REDACTED] requesting "All Spillman CAD messages from or to Alicia Fitzpatrick [REDACTED] did then use the information she obtained to harm another, namely myself, Pflugerville Police Department Officer Alicia Fitzpatrick, in accordance with Texas Penal Code ANN. 1.07(a)(25) which defines "harm" as "anything reasonably regarded as loss, disadvantage, or injury including harm to another person in whose welfare the person affected is interested." It is further believed that clear and direct retaliation against a named victim of a substantiated claim of a Hostile Work Environment and formal "whistleblower" in a criminal complaint against an employer is not considered to be a "governmental purpose."

It is further believed that due to the aforementioned, Pflugerville City Manager [REDACTED] did then and there commit the offense of Official Oppression, a Class A Misdemeanor, as outlined in Texas Penal Code 39.03(a)(1) namely by being a public servant acting under the color of her office and employment, and intentionally subjecting another to mistreatment, namely myself, Pflugerville Police Department Officer Alicia Fitzpatrick, evidenced by her demand that the Chief of Police, [REDACTED] take immediate disciplinary action against the victim named in a substantiated investigation finding of Hostile Work Environment, Gender Bias, and Discrimination as well as all of the employees who are associated with the victim and/or provided testimony during the formal investigation that corroborated the allegations that conduct

constituting and creating a Hostile Work Environment, Gender Bias, and Discrimination did occur.

It is further believed that contained in the findings of the Investigative Report submitted by the Austin Institute LLC are probable cause that Pflugerville Police Department Sergeant [REDACTED] did then and there commit the offense of Official Oppression, a Class A Misdemeanor, as outlined in Texas Penal Code 39.03(a)(1) namely by being a public servant acting under the color of his office and employment, and intentionally subjecting another to mistreatment, namely myself, Pflugerville Police Department Officer Alicia Fitzpatrick, evidenced by the findings that the direct actions of Pflugerville Police Department Sergeant [REDACTED] created a Hostile Work Environment, which by definition causes harm to another in accordance with the elements of the offense of Official Oppression as outlined in Texas Penal Code 39.03(a)(1).

It is further believed that contained in the findings of the Investigative Report submitted by the Austin Institute LLC are probable cause that Pflugerville Police Department Sergeant [REDACTED] did then and there commit the offense of Abuse of Official Capacity, a Class A Misdemeanor, as outlined in Texas Penal Code 39.02(a)(1) by way of being a public servant with the rank of Sergeant at the Pflugerville Police Department, and by intentionally abusing his rank within the Pflugerville Police Department and privilege that accompanies said rank, by intentionally and knowingly misusing property belonging to the City of Pflugerville, namely the Watchguard Bodyworn and Dash Mounted Camera Systems, to conduct an inordinate amount of unsolicited reviews of Bodyworn and Dash Mounted Camera footage of Pflugerville Police Department Officer Alicia Fitzpatrick, and using the content of the videos to lodge multiple frivolous internal affairs complaints against Pflugerville Police Department Officer Alicia Fitzpatrick, thereby creating a substantiated hostile work environment and by mere definition alone, did then and there intentionally and knowingly cause harm to another by directly misusing government property.