

CARLOS LEÓN

June 30, 2021

Re: 1) APD Headquarters still being CLOSED to the public, in reality

2) APD Public Records still telling the public online, and on their invoices, that APD Headquarters is OPEN to the public, though it's NOT open, in reality

Dear Office of Police Oversight,

This complaint documents APD Headquarters, located at 715 E 8th Street, still being physically CLOSED to the public, though it should be physically OPEN to the public, per Texas Government Code 658.005 (a) saying "...Normal office hours of a state agency are from 8 a.m. to 5 p.m., Monday through Friday...The offices of a state agency shall remain open during the noon hour each working day with at least one person on duty to accept calls, receive visitors, or transact business."

Because the Covid-19 health threat has subsided so much Governor Abbott signed Executive Order 36, preventing any local governmental agency or official from requiring anyone to wear a facial covering (effective May 18, 2021), there is NO health excuse to NOT re-open APD Headquarters (at 715 E 8th Street) to the public from 8 AM - 5 PM, Monday – Friday, per Texas law.

In fact, multiple APD Public Records webpages FALSELY claim APD Headquarters (at 715 E 8th Street) is open, when, in reality, it's not:

Per <https://www.austintexas.gov/faq/how-do-i-obtain-police-report> ,

"...Reports can be purchased at the Main Police Headquarters, located at 715 E 8th Street. Reports are 10 cents a page and only the public portion is available for purchase from the report sales office. This is the same report that can be obtained from visiting the APD Incident Report Database. Report Sales new hours of operation are Monday through Friday, 8:30 a.m. - 4 p.m."

Per APD - Public Records Center – FAQs (page 3) at:

[https://apd-austintx.gov/vqa.us/WEBAPP/\\_rs/\(S\(vt3dfy5nsth0tkhawd3wopq4\)\)/FindAnswers.aspx](https://apd-austintx.gov/vqa.us/WEBAPP/_rs/(S(vt3dfy5nsth0tkhawd3wopq4))/FindAnswers.aspx)

"Question:

How do I pay for information provided to me?

Answer:

You will be provided an invoice outlining any charges associated with your request. You will be able to make your payment in person or by mailing your payment to the address included on the invoice. "

The invoice itself includes the following, in writing:

"If you agree to accept these charges, you may:

c. Bring check or money order payable to "City of Austin" to our office at 715 E. 8th Street."

When I recently tried to pay an invoice in person at APD Headquarters, located at 715 E 8th Street, on a business day (6/25/21) during business hours (about 11:00 AM), I was unable to do so because the building is still CLOSED TO THE PUBLIC.

Through the outside push button intercom I spoke with someone who identified himself as “Rodriguez.” He communicated there was NO way for me to pay in person at Main Police Headquarters, located at 715 E 8th Street, though the website and my invoice says I can. He also did NOT provide any in-person payment options, though I specifically asked him for such options. When I asked him when the building would reopen, he said to contact the City Manager and City Council.

After bringing all this up in writing with APD Public Records, and telling them that, “...because Texas Government Code 552.223 requires you to treat all requests for information uniformly without regard to the position or occupation of the requestor, if you fail to provide me a specific, viable in-person payment option, you are NOT uniformly treating my request for information,” I received the following email on 6/28/21:

“Mr. Carlos,

We can accept an in-person payment on a Monday or a Wednesday between the hours of 9:00 AM and 2:00 PM. We will need to know a specific timeframe, so that we can ensure someone is there to receive the payment.

Open Records”

Though the Open Records response provides me a partial, in-person opportunity to pay my Public Records invoice, I should NOT have to tell Open Records in advance when I will be there because they should be open to the public Monday – Friday, 8 AM – 5 PM, per Texas law... like how City Hall is open to the public.

Therefore, I respectfully request you follow-up ASAP with APD, City Council, City Manager Cronk, and Mayor Adler to re-open APD Headquarters (at 715 E 8th Street) ASAP to the public from 8 AM - 5 PM, Monday – Friday, per Texas law, to equitably serve ALL of us.

Thanks in advance for your anticipated assistance,

Carlos León

Submitted to the Austin Office of Police Oversight on 6/30/2021 at about 5:51 PM online-  
<https://forms.austin.gov/police-complain/confirmation>

Submitted to the Austin City Auditor on 6/30/21 at about 6:06 PM online -  
<https://cityofaustin.formstack.com/forms/index.php>

Submitted to Office of the Governor on 6/30/21 at about 6:45 PM