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City of Austin

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Human Resources Dept



## MEMORANDUM

### Austin Police Department *Office of the Chief of Police*

**TO:** Mark Washington, Director of Civil Service

**FROM:** Art Acevedo, Chief of Police

**DATE:** July 15, 2015

**SUBJECT:** Temporary Suspension of Police Officer Keith Allison #5140  
Internal Affairs Control Number 2015-0083

Pursuant to the provisions of Chapter 143 of the Texas Local Government Code, Section 143.052, and Rule 10, Rules of Procedure for the Firefighter's and Police Officers' Civil Service Commission, I have temporarily suspended Police Officer Keith Allison #5140 from duty as a City of Austin, Texas police officer for a period of three (3) days. The temporary suspension is effective beginning on July 16, 2015, and continuing through July 18, 2015.

I took this action because Officer Allison violated Civil Service Commission Rule 10.03, which sets forth the grounds for disciplinary suspensions of employees in the classified service, and states:

No employee of the classified service of the City of Austin shall engage in, or be involved in, any of the following acts or conduct, and the same shall constitute cause for suspension of an employee from the classified service of the City:

- L. Violation of any of the rules and regulations of the Fire Department or Police Department or of special orders, as applicable.

The following are the specific acts committed by Officer Allison in violation of Rule 10:

On January 22, 2015, Officer Allison, while on duty and driving a police unit, was involved in a single vehicle crash at or near South 1<sup>st</sup> and Blue Valley Drive causing the rim to the right tire to be bent. Upon identifying the damaged wheel, Officer Allison drove to a service station. Eighteen minutes after the crash and on the way to the city's service center, Officer Allison contacted his immediate supervisor.

In the last four months, Officer Allison was told on at least 3 separate occasions directing him to contact a supervisor from the scene of any crash or incident that could potentially be a crash. This was the fifth incident in the last year where he did not contact a supervisor from the scene of a crash and or collision.

By these actions, Officer Allison violated Rule 10.03(L) of the Civil Service Rules by violating the following rules and regulations of the Austin Police Department.

➤ **Austin Police Department Policy 110.4.3: Obedience to Orders**

The Department is an organization with a clearly defined hierarchy of authority. This is necessary because obedience of a superior's lawful command is essential for the safe and prompt performance of law enforcement operations.

c) Employees will promptly obey any lawful order from a supervisor of higher rank, regardless if the supervisor is outside of the employees' chain-of-command.

By copy of this memo, Officer Allison is hereby advised of this temporary suspension and that the suspension may be appealed to the Civil Service Commission by filing with the Director of Civil Service, within ten (10) days after receipt of a copy of this memo, a proper notice of appeal in accordance with Section 143.010 of the Texas Local Government Code.

By copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Officer Allison is hereby advised that such section and the Agreement Between the City of Austin and the Austin Police Association provide for an appeal to an independent third party hearing examiner, in accordance with the provisions of such Agreement. If appeal is made to a hearing examiner, all rights of appeal to a District Court are waived, except as provided by Subsection (j) of Section 143.057 of the Texas Local Government Code. That section states that the State District Court may hear appeals of an award of a hearing examiner only on the grounds that the arbitration panel was without jurisdiction or exceeded its jurisdiction, or that the order was procured by fraud, collusion or other unlawful means. In order to appeal to a hearing examiner, the original notice of appeal submitted to the Director of Civil Service must state that appeal is made to a hearing examiner.

By copy of this memo, Officer Allison is hereby advised that this temporary suspension may be taken into consideration in my determination as to whether a valid reason may exist to bypass Officer Williams for promotion in accordance with Austin Police Department Policy 919.

*Asst. Chief Patricia Robinson 1290*  
ART ACEVEDO, Chief of Police  
*for chief Acevedo*

7/15/15  
Date

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of temporary suspension and I have been advised that if I desire to appeal that I have ten (10) days from the date of this receipt to file written notice of appeal with the Director of Civil Service in accordance with the provisions of Chapter 143 of the Texas Local Government Code.

*Keith Allison #5140*  
Keith Allison #5140  
Police Officer Keith Allison #5140

7/15/15  
Date