



MEMORANDUM

Austin Police Department *Office of the Chief of Police*

Human Resources Dept

2014 SEP 11 PM 3:37

City of Austin

Received

TO: Mark Washington, Director of Civil Service

FROM: Art Acevedo, Chief of Police

DATE: September 11, 2014

SUBJECT: Agreed Temporary Suspension of Police Officer Wallace Johnson # 6661
Internal Affairs Control Number 2014-0243

Pursuant to the provisions of Chapter 143 of the Texas Local Government Code, Section 143.052, and Rule 10, Rules of Procedure for the Firefighters', Police Officers' and Emergency Medical Service Personnel's Civil Service Commission, I have agreed to temporarily suspended Police Officer Wallace Johnson #6661 from duty as a police officer of the City of Austin, Texas, for a period of fifteen (15) days. The temporary suspension is effective beginning on September 12, 2014, and continuing through September 26, 2014.

I took this action because Officer Johnson 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 Johnson in violation of Rule 10:

On March 20, 2014, Officer Johnson was assigned to the south payment center when a man entered the facility and stated that he wanted to turn in a found purse. Officer Johnson was rude and discourteous to the man before reluctantly accepting the purse. Officer Johnson placed the purse in the bottom desk drawer and forgot about it until questioned regarding his interaction with the man. On March 26, 2014, another officer was asked to check the bottom desk drawer at the security desk for the purse, and located a small greenish colored handbag in the bottom drawer. The officer was instructed to take possession of the handbag and generate a Versadex report titled "Found Property." Photographs of the purse and contents were taken by this officer. The purse content was inventoried, documented and later tagged into evidence under a Found Property report. Inside the purse was a business card with the name of a woman, and a Versadex search revealed that she was a victim of a purse snatching. Officer Johnson was instructed to complete a supplement to the Found Property report detailing the circumstances on how he came into the possession of the purse, and the actions that he took upon receiving the property. Officer Johnson admitted that he failed to properly handle and document found property in violation of APD policies and procedures.

By these actions, Officer Johnson 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 301.2: Responsibility to Community: Impartial Attitude and Courtesy**

301.2 Impartial Attitude and Courtesy

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, or social or ethnic background.

- (a) Employees will not express or otherwise manifest any prejudice concerning race, religion, national origin, age, political affiliation, sex, or other personal characteristics in the performance of their duties.
 - 1. Employees will respect the rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.
 - 2. The use of racial or ethnic remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature to or about any person or group of persons is strictly prohibited.

- (b) Employees will be tactful in the performance of their duties, control their tempers, exercise patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.
- (c) Employees will make every effort to be courteous and respectful toward all persons.

➤ **Austin Police Department Policy 701.4: Property and Evidence Collection Procedures: Evidence Processing and Submission**

701.4 Evidence Processing and Submission

Employees will process and submit all property taken into their custody as expeditiously as possible while following established guidelines.

- (a) Employees seizing property will be responsible for properly marking it to make it readily identifiable in court.
 - 1. When evidence is marked, the mark shall be distinctive, but as small as practical; property will not be marked in a way that impairs its evidentiary value or reduces its monetary value.
 - 2. Evidence will not be marked for later identification when:
 - (a) It bears a serial number; or
 - (b) It can be identified through distinctive markings and recorded information.
- (b) Evidence that cannot be marked or identified by distinctive marking shall be packaged and sealed with a completed chain of custody label.
- (c) Before submitting property, personnel will complete the following:
 - 1. Enter each item into Versadex; and
 - 2. Print a bar code for each item to be submitted; and
 - 3. Complete any necessary chain of custody label(s); and
 - 4. Package the item in a way that protects it from damage and ensures the item's integrity as evidence; and

5. Attach the chain of custody label(s) to the item in an area that will reduce potential damage caused by the label. If the item can be placed in a bag, the chain of custody label should be placed on the outside of the bag.
- (d) Employees receiving evidence or property from another employee or agency will sign and notate the date and time on the chain of custody form.

➤ **Austin Police Department Policy 900.4.3: General Conduct and Responsibilities: Neglect of Duty**

900.4.3 Neglect of Duty

Employees will satisfactorily perform their duties. Examples of unsatisfactory performance include, but are not limited to:

- (a) Lack of knowledge of the application of laws required to be enforced.
- (b) Unwillingness or inability to perform assigned tasks.
- (c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.
- (d) Failure to respond to any call or to perform any police duties assigned to them by appropriate authorities.
- (e) Absence without approved leave.
- (f) Repeated poor evaluations.
- (g) Written record of repeated infractions of rules, regulations, directives or orders of the Department.
- (h) Failure to follow department standardized training and tactics when it was objectively reasonable to do so.

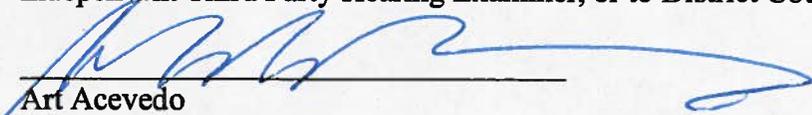
In addition to this agreed temporary suspension, Officer Johnson agrees to the following terms and conditions:

1. Officer Johnson understands and acknowledges that, pursuant to APD Policy 919, I may consider this agreed temporary suspension for a period of five (5) years in my determination as to whether a valid reason exists to bypass Officer Johnson

for a promotion, and Officer Johnson agrees to meet with me to discuss this issue prior to sitting for any promotional examination.

2. Officer Johnson agrees that he, and all others claiming under him named herein or not, fully discharge, release and waive any and all known or unknown claims or demands of any kind or nature whatsoever that he now has, or may have in the future, including without limitation, claims arising under any federal, state, or other governmental statute, regulation, or ordinance relating to employment discrimination, termination of employment, payment of wages or provision of benefits, Title VII of the Civil Rights Act of 1964, as amended, the Civil Rights Act of 1991, the Americans with Disabilities Act of 1990, as amended, the Family and Medical leave Act, the Fair Labor Standards Act, and the Texas Commission on Human Rights Act, against the City of Austin, the Austin Police Department, or their respective agents, servants and employees, arising from the above-referenced incident, and any actions taken as a result of this incident, including but not limited to, this agreed temporary suspension.
3. Officer Johnson had the opportunity to discuss this agreed temporary suspension, and the additional terms and conditions set forth herein with an attorney of his choice prior to signing his acceptance where indicated below.

By signing this agreed temporary suspension, Officer Johnson understands and agrees that he waives all right to appeal or challenge this disciplinary action, including the additional terms and conditions cited herein, to the Civil Service Commission, to an Independent Third Party Hearing Examiner, or to District Court.



Art Acevedo
Chief of Police

9/11/2014
Date

TO WHOM IT MAY CONCERN:

I acknowledge receipt of the above and foregoing memorandum of agreed temporary suspension and I understand that I have no right to appeal or challenge this disciplinary action or the additional terms and conditions cited herein, to the Civil Service Commission, to an Independent Third Party Hearing Examiner, or to District Court.



Police Officer Wallace Johnson # 6661

9/11/2014
Date