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Civil Service Office

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MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Joya Hayes, Director of Civil Service

FROM: Brian Manley, Chief of Police

DATE: March 5, 2020

SUBJECT: Temporary Suspension of Police Officer William Norrell #4958
Internal Affairs Control Number 2019-0951

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 temporarily suspended Police Officer William Norrell # 4958 from duty as a police officer for the City of Austin, Texas for a period of four (4) days. The temporary suspension is effective beginning on March 6, 2020 and continuing through March 9, 2020.

I took this action because Officer Norrell 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 specific acts committed by Officer Norrell in violation of Rule 10:

Sergeant Craig Fox described a pattern of behavior he observed with Officer Norrell (and others) concerning the lack of response to calls-for-service in the early morning hours. The pattern would consist of Officer Norrell not responding to crashes from the time he reported for duty until approximately 10 or 11 AM. This prompted Sergeant Fox to send the following text message to Officer Norrell and two other officers on September 11, 2019, after he observed their lack of response for a request for assistance with a priority collision

"I don't know where or what you guys where [sic] doing but that is unacceptable to not back up Zack on a hot shot crash on i35. All three of you have a habit of not piping up on the radio. That's going to come To a stop!!!!!"

Approximately 13 minutes later, Officer Norrell responded with the following insubordinate response:

"I don't know what you're talking about Sarg, but MY radio was damn near all the way up, and I didn't hear a [REDACTED] thing about a crash...We were eating a quick lunch at Mighty Fine when Zach called Q and gave him a heads up that a HS crash had just come out on the radio, and gave us the location...As soon as he did that, we were balls to the wall on our way back to him up, as always..I'm absolutely offended and taken back by your comments indicating that I don't pipe up for calls, because I SURE AS HELL DO!!. It was simply a case of interference or whatever..."

Not only was this response insubordinate towards Sergeant Fox, the other officers were copied on it which undermines Sergeant Fox's authority. After the text message, Officer Norrell had a phone conversation with Sergeant Fox during which Officer Norrell was argumentative the entire time and his language was laden with curse words. Sergeant Fox believed Officer Norrell was being disrespectful during the phone call and continued to challenge his authority. During his Internal Affairs interview, Officer Norrell acknowledged that his behavior violated General Order 110.4.4 – Insubordination.

By these actions, Officer Norrell violated Rule 10.03(L) by violating the following rules and regulations of the Austin Police Department:

➤ **Austin Police Department General Order 110.4.4: Insubordination**

110.4.4 INSUBORDINATION Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.

Officer Norrell is advised that this suspension may be considered by the Chief of Police in a future promotional decision pursuant to General Order 919.

By copy of this memo, Officer Norrell 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 Norrell 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.

Cuds. Eric Nierse 2433 for Asst Chief Robin Henderson 3-5-20
Robin Henderson, Assistant Chief of Police _____ 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) calendar 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.

Will Norrell #4958 _____ *3-15-20* _____
Officer William Norrell #4958 Date