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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:** Joya Hayes, Interim Director of Civil Service

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

**DATE:** April 5, 2016

**SUBJECT:** Indefinite Suspension of Police Officer Jerimy Helm #6453  
Internal Affairs Control Number 2015-0890

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 indefinitely suspended Police Officer Jerimy Helm #6453 from duty as a police officer for the City of Austin, Texas, effective April 5, 2016.

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

Tom Hayes is a conservation biologist and managed the Estate at 15600 Round Mountain Road in Leander, Texas, Travis County, and he conducted wildlife surveys for the executor of the property who lives in the state of New York.

On May 4, 2015, Texas Parks and Wildlife Department (TPWD) Game Warden Christopher Sanchez was requested by the executor of the Estate to investigate the possibility of unlawful activity occurring at the Estate. The concern was a fence being cut on the northern end of a 400 plus acre property with a game feeder and camera being placed on the property. The location of the feeder and camera were found on the estate and adjacent to the property owned by Officer Helm, which share a common fence line.

On May 9, 2015, Game Warden Sanchez investigated and confirmed a portion of the fence separating the properties had recently been removed. Moreover the Game Warden found the feeder as well as a game camera. He removed the game camera and later viewed the images from it. Review of the images included a white male, later identified as Officer Helm, entering onto the property on multiple occasions. One of the images showed Officer Helm erecting a feeder and another image showed Officer Helm entering the property wearing camouflage, carrying a shotgun and backpack.

On September 6, 2015, Game Warden Sanchez revisited the property and discovered the original fence line had been further altered. Cedar was removed on both sides of the property line, the feeder was swapped out with another feeder and a new game camera had been installed. The memory card from the new camera was seized by Game Warden Sanchez.

On October 10, 2015, Game Wardens Sanchez and Merez went to [REDACTED] the property of Officer Helm. The Game Wardens met with Officer Helm and inquired about the activity behind the home and Officer Helm offered the two a tour. When Game Warden Sanchez questioned Officer Helm about the presence of the feeder on the adjoining Estate property, Officer Helm stated he was "*pushing the limits*" and knew it was "*too far over there*".

On November 13, 2015, Game Warden Sanchez executed a search warrant on Officer Helm's property and seized multiple items related to the investigation. Among the many items seized was a GoPro camera. The GoPro camera was searched and a video created October 7, 2015, just three days prior to the game warden's visit, was observed and captured Officer Helm filming three other males entering onto the property of the Estate and retrieving a bloody arrow near the game feeder. Game Warden Sanchez advised this is the same feeder he observed on the Estate three days later. The video also shows the males tracked down a buck deer which had apparently been shot by the arrow while at the game feeder. Another video showed the shooting of a deer near a feeder which Game Warden Sanchez also advised is on the Estate property.

Officer Helm did not have the consent of the executor of the Estate to trespass on the

Estate's property, to tamper with, alter, or destroy the Estate's property (this includes but is not limited to removing any portion of the perimeter fence or clear any trees from the property), and did not have executors' consent to hunt on the Estate property or from an adjoining property onto the Estate property. In fact, Officer Helm was told by Mr. Hayes that the executor of the Estate would not allow hunting on the property.

Furthermore, the executor of the Estate told Internal Affairs that she was contacted via email twice in 2014 by Officer Helm who inquired about the possibility of hunting on the Estate. The first request was sent on January 28, 2014, and was a request for permission to access the property to hunt game. The second email was a request sent on August 7, 2014, inquiring about leasing the property. Both requests were denied.



By these actions, Officer Helm has brought discredit upon himself and the Austin Police Department.

On March 8, 2016, Game Warden Sanchez secured six arrest warrants for Officer Helm (five Class A Misdemeanor-Hunting Without Consent Parks and Wildlife Code § 61.022(b) and one State Jail Felony-Hunting Without Consent Parks and Wildlife Code § 61.022(c)). On March 11, 2016, Officer Helm was arrested on the six criminal charges.



The Austin Police Department did not discover this alleged criminal conduct until October 12, 2015. A complaint was filed with the Internal Affairs Division on November 18, 2015, by Assistant Chief Jessica Robledo requesting that an administrative investigation be conducted to determine if any violations of Department Policies, Civil Service Rules or State Laws were committed.

By these actions, Officer Helm 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 900.1.1: General Conduct and Responsibilities: Responsibility to Know and Comply**

**900.1.1 Responsibility to Know and Comply**

The rules of conduct set forth in this policy do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

- (a) Employees will maintain a working knowledge and comply with the laws, ordinances, statutes, regulations, and APD written directives which pertain to their assigned duties.

**To Wit:**

**Texas Parks & Wildlife Code: Chapter 61.022(a-c): Uniform Wildlife Regulatory Act:**

Sec. 61.022. TAKING WILDLIFE RESOURCES WITHOUT CONSENT OF LANDOWNER PROHIBITED. (a) No person may hunt or catch by any means or method or possess a wildlife resource at any time and at any place covered by this chapter unless the owner of the land, submerged land, or water, or the owner's agent, consents.

(b) Except as provided by Subsection (c), a person who violates Subsection (a) the first time commits an offense that is a Class A Parks and Wildlife Code misdemeanor and is punishable in addition by the revocation or suspension under Section 12.5015 of hunting and fishing licenses and permits.

(c) A person who violates Subsection (a) the first time by killing a desert bighorn sheep, pronghorn antelope, mule deer, or white-tailed deer commits an offense that is a Parks and Wildlife Code state jail felony and is punishable in addition by the revocation or suspension under Section 12.5015 of hunting and fishing licenses and permits.

➤ **Austin Police Department Policy 900.3.2: General Conduct and Responsibilities: Acts Bringing Discredit Upon the Department**

**900.3.2 Acts Bringing Discredit Upon the Department**

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

- (a) Employees will not commit any act which tends to destroy public confidence in, and respect for, the Department or which is

prejudicial to the good order, efficiency, or discipline of the Department.

By copy of this memo, Officer Helm is hereby advised of this indefinite suspension and that the suspension may be appealed to the Civil Service Commission by filing with the Director of Civil Service, within ten (10) calendar 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.

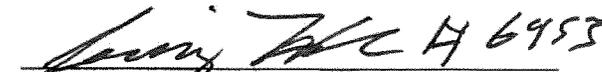
By copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Officer Helm is hereby advised that such section and the Agreement Between the City of Austin and the Austin Police Association provide for an appeal to an independent third party hearing examiner, in accordance 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.

  
ART ACEVEDO, Chief of Police

4/5/2016  
Date

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of indefinite 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.

  
Police Officer Jeremy Helm #6453

4/5/16  
Date