



## MEMORANDUM

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

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City of Austin  
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Human Resources Dept

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

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

**DATE:** January 21, 2015

**SUBJECT:** Agreed Temporary Suspension of Police Officer William Henrichs #6659  
Internal Affairs Control Numbers 2014-0607; 2014-0798

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, Police Officers' and Emergency Medical Service Personnel's Civil Service Commission, I have agreed to temporarily suspend Police Officer William Henrichs #6659 from duty as a police officer of the City of Austin, Texas, for a period of sixteen (16) days. The agreed temporary suspension is effective beginning on February 7, 2015, and continuing through February 22, 2015.

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

On June 24, 2014, Officer Henrichs was dispatched to a disturbance call involving a payment dispute between roommates. Despite the fact that the dispute was purely a civil matter, Officer Henrichs drafted a contract for the involved parties that set out the amounts due and a deadline for payment. Officer Henrichs also signed the contract as a witness.

On September 14, 2014, Officer Henrichs responded to a call from a mother involving the possible sexual assault of her five year old daughter. Officer Henrichs took the lead in the investigation and questioned the mother regarding the assault. After interviewing the mother, Officer Henrichs directly questioned the child regarding the details of the assault.

By these actions, Officer Henrichs 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 420.2.1: Sexual Assault: Initial Interview with the Victim**

**420.2.1 Initial Interview with the Victim**

Officers shall adhere to the following guidelines when conducting an initial interview of a victim involved in a sexual assault.

- (c) Officers shall conduct the interview of the victim with dignity and respect, being mindful that the victim has experienced a traumatic event.
  - 1. Officers should make every attempt to maintain the victim's privacy and protect the integrity of the investigation.
  - 2. Officers should not interview a victim 12 years of age or younger; these interviews shall be done by an investigator from the appropriate Investigative Unit. However, if the victim made an "outcry" statement to an adult, the officer should identify and interview the adult, if possible.
  - 3. Officers will not ask a victim if they want to prosecute (the suspect / crime); this inquiry is premature.

➤ **Austin Police Department Policy 900.4: General Conduct and Responsibility: Requirements of Duty**

**900.4 Requirements of Duty**

Employee conduct will always be consistent with the Department's values, vision, mission, and any supervisor's instructions.

- (l) Employees will not service civil process or render assistance in civil cases except when:
  - 1. The City is a party; or
  - 2. There is a statutory duty to do so; or
  - 3. A court order requires assistance; or
  - 4. Authorized by a supervisor.

➤ **Austin Police Department Policy 900.4.3: General Conduct and Responsibility: 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.

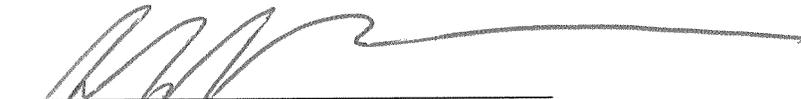
In addition to this agreed temporary suspension, Officer Henrichs agrees to the following terms and conditions:

1. Officer Henrichs must successfully complete a program of counseling with a qualified professional designated or approved by the Chief of Police. The failure to successfully complete the program of counseling as determined by the professional administering the program will be considered an act of insubordination for which Officer Henrichs agrees that he will be indefinitely suspended without the right to appeal that suspension to the Civil Service Commission, an Independent Third Party Hearing Examiner, or to District Court.
2. Officer Henrichs agrees to a probationary period of one (1) year, with the additional requirement that if, during that probationary period, he commits the same or a similar act of misconduct for which he is being suspended, he will be indefinitely suspended without the right to appeal that suspension to the Civil Service Commission, an Independent Third Party Hearing Examiner, or to District Court. The one year period begins on the day Officer Henrichs returns to duty after completing his sixteen day suspension.
3. Officer Henrichs agrees to waive any right that he may have under Chapter 143 of the Texas Local Government Code, Section 143.052 or the Meet and Confer Agreement to complain regarding the date of the suspension.
4. Officer Henrichs 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, 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 incidents, and any actions taken as a result of these incidents, including but not limited to, this agreed temporary suspension.
4. Officer Henrichs acknowledges that he had the opportunity to discuss this agreed 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 Henrichs understands and agrees that this temporary suspension may be taken into consideration in my determination as to

whether a valid reason may exist to bypass Officer Henrichs for promotion in accordance with Austin Police Department Policy 919.

By signing this agreed temporary suspension, Officer Henrichs understands and agrees that I am forgoing my right to indefinitely suspend him for the conduct described above and that by agreeing to the suspension, Officer Henrichs waives all right to appeal 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

1/21/2015  
\_\_\_\_\_  
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 this disciplinary action or the additional terms and conditions cited herein, to the Civil Service Commission, to the District Court, or to an Independent Third Party Hearing Examiner.

  
\_\_\_\_\_  
Police Officer William Henrichs #6659

01/21/15  
\_\_\_\_\_  
Date