



MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Mark Washington, Director of Civil Service

FROM: Art Acevedo, Chief of Police

DATE: March 20, 2012

SUBJECT: Temporary Suspension of Detective William Blackman #2414
Internal Affairs Control Number #2011-1328

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 Detective William Blackman #2414 from duty as a City of Austin, Texas police officer for a period of five (5) days. The agreed temporary suspension is effective beginning on March 21, 2012, and continuing through March 25, 2012.

I took this action because Detective Blackman 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 Detective Blackman in violation of Rule 10:

On November 20, 2011, at approximately 11:40 p.m., Detective Blackman was observed exhibiting signs of intoxication by alcohol in the parking lot of the BJ's Restaurant located at 10515 N. Mopac Expressway. During his interview with Internal Affairs, Detective Blackman admitted that his conduct violated Austin Police Department policy.

By these actions, Detective Blackman 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.

In addition to this temporary suspension:

1. Detective Blackman is required to be evaluated by a qualified professional designated by the Chief of Police. Should this professional recommend a program of [REDACTED] Detective Blackman must successfully complete that program of [REDACTED] as determined by the professional administering the program. If Detective Blackman fails to comply with this evaluation and/or successfully complete the program of [REDACTED] Detective Blackman may be indefinitely suspended.
2. Detective Blackman is hereby put on notice that should he commit another act of misconduct involving alcohol-related behavior, he will be subject to progressively severe discipline, up to and including indefinite suspension.

By copy of this memo, Detective Blackman 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, Detective Blackman 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

3/20/2012
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.

W. Blackman #2414
Detective William Blackman #2414

3-20-12
Date