



14 FEB PM 4:00

MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Mark Washington, Director of Civil Service

FROM: Art Acevedo, Chief of Police

DATE: February 14, 2012

SUBJECT: Temporary Suspension of Corporal Steven Jones # 2766
Internal Affairs Control Number #2011-1018

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 Corporal Jones #2766 from duty as a City of Austin, Texas police officer for a period of ten (10) days. The temporary suspension is effective beginning on February 15, 2012, and continuing through February 24, 2012.

I took this action because Corporal Jones 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 Corporal Jones in violation of Rule 10:

On August, 31, 2011, Officer Michelle Gish responded to the termination point of a pursuit. Officer Gish began assisting EMS in securing an intoxicated and uncooperative female onto an EMS gurney. As Officer Gish was securing the female on the gurney, the female spit on Officer Gish and Officer Gish struck the female at least once in the head. Officer Gish was forcibly removed from the female by another officer and had to be restrained until she was calm enough for EMS to assist in rinsing off her face.

Internal Affairs began an investigation into the incident and noted the Response to Resistance inquiry may not have been thorough enough to form a conclusion regarding whether any policy violations had occurred.

Corporal Jones was a witness to the Response to Resistance incident involving Officer Gish. Yet Corporal Jones did not submit a supplement for this incident until told to do so by Sergeant Newsom. In his Internal Affairs interview, Corporal Jones admitted that he witnessed Officer Gish strike the suspect and stated that he forgot to submit a supplement for this incident. Additionally, Corporal Jones was responsible for reviewing the supplements in the queue and approved them despite the fact that the supplements were inaccurate and/or incomplete.

By these actions, Corporal Jones 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 211.4.1: Employee Responsibilities For All Force Level Incidents: Employee Reporting Guidelines For All Force Level Incidents**

211.4.1 Employee Reporting Guidelines For All Force Level Incidents

The following outlines the reporting guidelines for involved employees, employees that witness an incident and employees designated to assist at the scene of any response to resistance incident.

- (b) Supplements shall be completed by:
 - 2. Employees who witness a force incident.
 - 3. Employees assisting at the scene of a force incident.

- (e) A copy of the response to resistance incident report, any supplements, and any ancillary documents should be submitted to the reviewing supervisor prior to the end of the employee's tour of duty.

➤ **Austin Police Department Policy 402.2.5: Incident Reporting and Documentation: Supervisor Responsibilities**

402.2.5 Supervisor Responsibilities

- (a) All reports routed to a supervisor's queue shall be reviewed for compliance with Department policy. Reports that are incomplete or inadequate shall be returned for correction.
- (c) Supervisors receiving notification from Central Records or an Investigative Unit of a deficient report shall:
 1. Ensure that the responsible employee corrects the report.
 2. Take proper steps to ensure that deficiencies do not occur again (e.g., counseling, remedial training, increased monitoring and review).

By copy of this memo, Corporal Jones 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, Corporal Jones 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

2-14-2012
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.


Corporal Steven Jones # 2766

2/14/2012
Date