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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:** Mark Washington, Director of Civil Service

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

**DATE:** January 26, 2015

**SUBJECT:** Agreed Temporary Suspension of Police Officer Richard Will # 4932  
Internal Affairs Control Number 2014-0668

Pursuant to the provisions of Article 18, Section 3, of the Agreement between the City of Austin and the Austin Police Department effective October 1, 2013, and pursuant to Chapter 143 of the Texas Local Government Code, and the Rules of Procedure for the Firefighters', Police Officers' and Emergency Medical Service Personnel's Civil Service Commission, I have agreed to temporarily suspend Police Officer Richard Will # 4932 from duty as a police officer of the City of Austin, Texas for a period of sixty ( 60) days. The agreed temporary suspension is effective beginning on January 27, 2015, and continuing through March 27, 2015.

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

On July 31, 2014, Officer Will as interviewed by Internal Affairs as a witness in an ongoing investigation. During that interview Officer Will failed to cooperate with the investigators as required by Department policy.

By these actions, Officer Will 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 902.4.1(a)(b)(1)(2): Administrative Investigations – Cooperating with Assigned Investigators**

902.4.1 Cooperating With Assigned Investigators

(a) Employees will cooperate with any assigned investigator as if they were addressing the Chief. Employees who fail or refuse to cooperate with an assigned investigator will be subject to disciplinary action, up to and including indefinite suspension.

(b) Honesty is of the utmost importance in the police profession. Employees are expected to be truthful at all times during interviews with investigators as outlined in Policy 900 (General Conduct).

1. Employees who are found to have given a false official statement are subject to indefinite suspension as outlined in the Discipline Matrix ("Dishonesty - False Official Statements").

2. There may be cases where officers have not been truthful but the dishonesty does not constitute a false official statement. In those situations, the Chief shall consider each case on a fact specific basis and may decide that corrective action other than indefinite suspension is warranted as outlined in the Discipline Matrix ("Neglect of Duty - Misleading Statements").

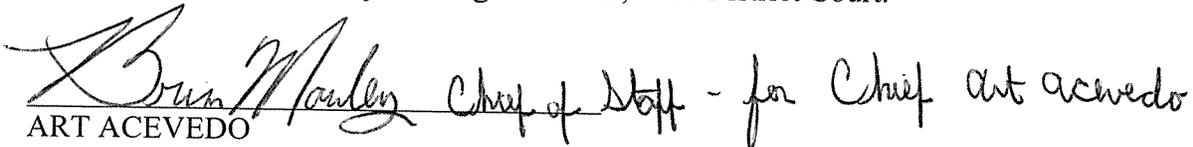
In addition to this agreed temporary suspension, Officer Will agrees to the following terms and conditions:

1. Officer Will 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, as determined by me, 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 Will returns to duty after completing his agreed suspension. Should Officer Will commit the same or similar violation outside the one year period, he will be indefinitely suspended but retains the right of appl.
2. Officer Will 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, the Family and Medical leave Act, the Fair Labor Standards Act, 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 incident, and any actions taken as a result of that incident, including but not limited to, the negotiation and execution of this agreed temporary suspension.

3. Officer Will 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.

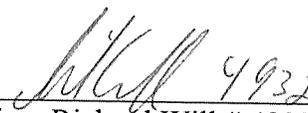
By signing this Agreed Discipline, Officer Will understands and agrees that I am forgoing my right to indefinitely suspend him for the conduct described above and that by agreeing to the suspension, Officer Will waives all right to appeal to this disciplinary action, including the additional terms and conditions, to the Civil Service Commission, to an Independent Third Party Hearing Examiner, or to District Court.

  
ART ACEVEDO  
Chief of Police

1-26-15  
Date

TO WHOM IT MAY CONCERN:

I acknowledge receipt of the above and foregoing memorandum of agreed temporary suspension and I understand that by entering into this disciplinary agreement the Chief forgoes his right to indefinitely suspend me for the conduct described above and that by agreeing to the suspension, I have no right to appeal this disciplinary action, as well as the additional terms and conditions, to the Civil Service Commission, to the District Court, or to an Independent Third Party Hearing Examiner.

  
Police Officer Richard Will # 4932

1-26-15  
Date