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Something Rotten at EMS

Hawley retirement shines light on systemic issues

BY CHASE HOFFBERGER, MARCH 9, 2018, NEWS

It's a shame **Austin-Travis County EMS** held confirmation of **James Hawley's** retirement until 4:57pm on a Friday. The assistant chief left amidst an investigation by the **Austin Police Department's Internal Affairs** unit into allegations of physical misconduct and harassment against two female colleagues, one of which never began in earnest because Hawley departed. He did so after being granted a leave of absence – as opposed to being placed on administrative leave, allowing him discretion to drain his accrued vacation and personal holiday time – and upon his retirement was showered with accolades via a staff memo from Chief **Ernie Rodriguez**.

This can be confirmed thanks to a package of documents delivered by the department's Public Information Office. The 28 files detail IA's investigation into a September 2017 incident in which Hawley used "threatening" and "confrontational" language toward a female medic over scheduling concerns, and used his physical size as an imposition on her (he stood in a doorway she was trying to exit and crumpled a piece of paper in front of her face); and two interviews by **Jeff Steele** of ATCEMS's **Office of Professional Conduct** investigating allegations that Hawley joined medics and cadets on a fitness drill in early January, rammed his head into a female medic's butt, and kept it there for what the medic said was two or three flights of stairs – reportedly as a way to encourage her to move faster.

APD IA typically handles administrative investigations of police officers, but took Hawley's case because his rank as an assistant chief put him over Steele and the OPC. IA issued Rodriguez a summary report of the first case on Feb. 21, two weeks after Hawley retired. The second investigation never produced any such thing because it was administratively closed upon Hawley's retirement; records show he never sat for a proper interview.

What Did the Chief Know?

Hawley's path to retirement was swift. The medic filed her complaint on Jan. 10. Rodriguez informed Hawley of plans to put him on administrative leave on Jan. 22, but on that same day Hawley requested Rodriguez grant him the leave of absence. That was fortified on Jan. 30, the same day Hawley filed an intent to retire (effective Feb. 28). Rodriguez drafted his memo to staff on Feb. 6; that got delivered the next day. Emails obtained indicate Rodriguez surveyed his administrative staff for a better photo of Hawley and more accomplishments to add to the memo. "Over the years he contributed much to ATCEMS and helped make us into a great EMS organization," Rodriguez wrote of his longtime executive. "I hope you will join me in celebrating completion of his long career."

Rodriguez declined comment on this episode, and the department only sort of addressed it via an official media statement on the two incidents, citing a commitment to "maintaining a culture of integrity throughout the department"

and a "safe, positive and productive environment for every employee." On Feb. 9 I asked Rodriguez to comment on the tone of the retirement letter, but he never responded to that, or any follow-up. The department provided no context, and has not answered questions about why Rodriguez granted Hawley a leave of absence.

Case by Case

Meanwhile, medics have spent the past month painting Hawley's reported behavior as anything but an outlier. The full history of his misconduct won't get probed via city officials now that he's retired, but it's worth noting that medics interviewed by IA said Hawley "communicates that way pretty commonly" and would often use his physical presence (he told IA he was 6'5") to intimidate medics. Members of the rank-and-file would refer to him as "**The Dictator**," one said. "He gets 4 to 6 inches away from your face and he'll tap you in your chest," said one. "And, you know, the running joke is it doesn't matter; he'll just talk louder and get closer until you quit."

There's no documented history of any administrative violations by members of ATCEMS's executive staff – no incident has brought an investigation since department personnel began operating under civil service in 2012; before that, medics operated according to right-to-work – and **ATCEMS Association** President **Tony Marquardthas** lamented the amount of discretion Rodriguez has to oversee and dictate the course of investigations into his tightest circle. (To quote departmental policy, "nothing" pertaining to internal investigations "restricts the powers vested in the EMS Chief as the decision maker in all disciplinary matters.") Medics are required to report any harassment that they see, even if it comes from a member of the executive staff, but what Rodriguez does with the complaint – who he taps to investigate it, or if he chooses to have someone investigate it at all – can vary case by case.

But there's a chance that may be changing: On Monday, the **Public Safety Commission** heard comment from ATCEMS, **Austin Police**, and **Austin Fire** about departmental policies for addressing workplace harassment by a member of the executive staff. Though each department's chief of staff pointed to certain policies (each quite different from one another, commissioners noted), they all conceded that implementation is a rarity; over the last five years across all three departments, only Hawley has been officially investigated for some form of professional harassment.

A member of the city's **Human Resources Department** told commissioners prior to the meeting that staff there is currently reviewing harassment policies and procedures, and anticipates an updated policy by the end of the month. PSC Chair **Rebecca Webber** said she plans to bring a recommendation to the body at its next meeting. "I'm not sure what all it will say," she said, "but it may include requesting that the departments *not* address cases on a case-by-case basis, but rather have solid procedures that the community, that the accused member of the executive team, that the people who have witnessed the behavior, that everyone can rely on and know how a case like this would be investigated."

She added plans to include a recommendation that such investigations not end when an executive staff member retires. "It's important to understand as much of the truth that we can about a situation like that; where someone is in a position of power over people."