

14 OCT PM 3:14



MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Mark Washington, Director of Civil Service

FROM: Art Acevedo, Chief of Police

DATE: October 14, 2013

SUBJECT: Agreed Temporary Suspension of Police Detective Lawrence Davis #5180
Internal Affairs Control Number 2013-0502

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 agreed to temporarily suspend Police Detective Lawrence Davis #5180 from duty as a City of Austin, Texas police officer for a period of ten (10) days. The agreed temporary suspension is effective beginning on October 15, 2013, and continuing through October 24, 2013.

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

Until ordered to remove the information, Detective Davis posted law enforcement sensitive information on his Facebook page without express authorization, including but not limited to, photographs of interrogations, photographs of crash scenes and BOLO composites. Additionally, Detective Davis' use of a City vehicle while on-call for the Austin Police Department did not reflect the professionalism required of employees of the Department.

By these actions, Detective Davis 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: General Conduct and Responsibilities: Purpose and Scope**

900.1 Purpose and Scope

It is the policy of the Austin Police Department that employees conduct themselves at all times in a manner that reflects the ethical standards consistent with APD written directives. This policy shall apply to all sworn and civilian members, including volunteer, part-time, auxiliary, and non-paid civilians affiliated with the Department through a Department-sponsored program while under the direction of a Department employee.

This policy is intended to guide employees in conducting themselves and their affairs, both on-duty and off-duty, in a manner that reflects the professionalism required of Department personnel. Furthermore, this policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability, nor shall it be construed to create or establish a higher standard of safety or care.

➤ **Austin Police Department Policy 900.3.2: General Conduct and Responsibilities: Acts Bringing Discredit Upon the Department**

900.3.2 Acts Bringing Discredit Upon the Department

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

- (a) Employees will not commit any act which tends to destroy public confidence in, and respect for, the Department or which is

prejudicial to the good order, efficiency, or discipline of the Department.

➤ **Austin Police Department Policy 972.4: Employee Speech, Expression, and Social Networking: Prohibited Speech, Expression and Conduct**

972.4 Prohibited Speech, Expression and Conduct

To meet the Department's safety, performance, and public-trust needs, the following is prohibited:

- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the expressed authorization of the Chief of Police or designee (Tex. Penal Code § 39.06(a)(1)).

In addition to this agreed temporary suspension, Detective Davis agrees to the following terms and conditions:

1. Detective Davis understands and acknowledges that, pursuant to APD Policy 919, I may consider this agreed temporary suspension for a period of five (5) years in my determination as to whether a valid reason exists to bypass Detective Davis for a promotion, and Detective Davis agrees to meet with me to discuss this issue prior to sitting for any promotional examination.
2. Detective Davis 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 incidents, and any actions taken as a result of these incidents, including but not limited to, this agreed temporary suspension.
3. Detective Davis had the opportunity to discuss this agreed temporary 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, Detective Davis understands and agrees that he waives all right to appeal or challenge 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

10-14-13
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 or challenge this disciplinary action or the additional terms and conditions cited herein, to the Civil Service Commission, to an Independent Third Party Hearing Examiner, or to District Court.


Police Detective Lawrence Davis #5180

10/14/13
Date