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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: Joya Hayes, Director of Civil Service

FROM: Brian Manley, Interim Chief of Police

DATE: October 17, 2017

SUBJECT: Indefinite Suspension of Police Officer Roosevelt Granderson #6449
Internal Affairs Control Number 2017-0932

Pursuant to the provisions of Chapter 143 of the Texas Local Government Code, Section 143.052, and Rule 10, Rules of Procedure for the Firefighters', Police Officers' and Emergency Medical Service Personnel's Civil Service Commission, I have indefinitely suspended Police Officer Roosevelt Granderson #6449 from duty as a City of Austin, Texas police officer effective October 17, 2017.

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

On or about February 2, 2017, the Austin Police Department (APD) was apprised of an active criminal investigation against Officer Roosevelt Granderson's wife (Mrs. Selica Granderson) by the Texas Office of the Inspector General and the United States Attorney's Office. This investigation probed Mrs. Granderson allegedly defrauding the United States Social Security Administration of Supplemental Security Income Benefits (SSI).

The APD was also apprised that Officer Granderson became a suspect in the probe. Therefore, on February 16, 2017, Internal Affairs (IA) was directed to open an administrative inquiry (Case No 2017-0231) to explore Officer Granderson's possible involvement in a conspiracy to defraud the United States Social Security Administration. The investigation was also to explore whether Officer Granderson violated APD policy, including the requirement that officers obey all laws and not bring discredit upon the APD.

On June 20, 2017, Officer Granderson, his wife, and his mother-in-law were indicted by a Federal Grand Jury. Specifically, Mrs. Selica Granderson was alleged to have: Knowingly embezzled, stolen, purloined, and/or converted to her own use approximately \$183,260 in United States Social Security Administration funds which constituted (SSI) Benefits.

Officer Granderson was also indicted (and subsequently arrested at the Austin Bergstrom Airport) for "False Statement to a Department or Agency of the United States" in violation of Title 18 United States Code, Section 1001 (a) (2), and Misprision of Felony, a violation of Title 18 Section 4. Officer Granderson's indictment stemmed from his knowledge of the felony his wife was indicted for and his dishonesty to agents investigating the allegations.

On July 12, 2017, at 10:16 am, an IA Sergeant personally notified Officer Granderson and his initial attorney that he was scheduled for an IA interview on July 20, 2017, at 9:00 am. However, on July 19, 2017, at 1:10 pm, one of Officer Granderson's two attorneys e-mailed IA, indicating that Officer Granderson would not participate in the interview because of the pending criminal case, but would be willing to be interviewed after the criminal case was over.

Subsequently, on July 19, 2017, at 4:36 pm, IA Commander Jennifer Stephenson notified Officer Granderson and his attorneys via email that any compelled statements given to IA would be *Garrity* protected and could not be used against Officer Granderson in his pending criminal case. Commander Stephenson also notified Officer Granderson and his attorneys that Officer Granderson's failure to appear on July 20, 2017, would be considered insubordination. Commander Stephenson further informed Officer Granderson and his attorneys that Officer Granderson would be compensated for the time he spent in the IA interview.

Officer Granderson's initial attorney responded to Commander Stephenson's e-mail on July 19, 2017, at 6:42 pm, stating that Officer Granderson would appear for the July 20, 2017, interview and asked if the interview could be delayed until 10:30 am. IA agreed to delay the interview until the requested time, however, Officer Granderson and his attorney(s) failed to appear at IA on July 20, 2017.

The multiple orders (by the Sergeant and Commander on behalf of the Chief of Police) for Officer Granderson to appear at IA were lawful orders that Officer Granderson was required to obey. Officer Granderson's failure to appear for the July 20, 2017, interview constituted an act of insubordination and a failure to cooperate with the IA investigation.

As a result of his failure to appear, IA was directed to open an insubordination investigation (Case Number 2017-0932). On July 28, 2017, IA immediately notified Officer Granderson in person of this latest investigation and scheduled an interview with him for August 9, 2017, at 10:00 am to examine why he failed to appear for the July 20, 2017 interview. Additionally, on August 7, 2017, Officer Granderson's initial attorney accepted the IA electronic interview invitation for the August 9, 2017, interview. However, Officer Granderson and his attorney(s) again failed to appear at IA for this latest interview on August 9, 2017.

This was another lawful order that Officer Granderson was required to comply with, yet he failed to do so. As with the July 20, 2017 interview, the compelled statements that would have been made by Officer Granderson to investigators would have been *Garrity* protected. Officer Granderson's failure to appear for the August 9, 2017, interview amounted to a subsequent and distinct act of insubordination and failure to cooperate with IA.

The APD was and is obligated to insure the timely disposition of IA Case Number 2017-0231. The APD was and is entitled to continue the IA investigation into Case Number 2017-0231 to comport with the best interest of the APD, along with Officer Granderson's statutory and contractual rights. However, I was compelled to take different courses of actions due to Officer Granderson's willful insubordination and lack of cooperation, in spite of assurances by the department to comport with Officer Granderson's lawful rights.

Whether Officer Granderson committed any criminal act(s) stemming from the Federal investigation by a preponderance of the evidence or whether he is ultimately convicted, is irrelevant for the purpose of this suspension. Officer Granderson is not being suspended for the alleged criminal conduct, which currently remains under administrative investigation by the department (Case No 2017-0231).

His actions/inactions, however, purposefully violated my direct orders, which have prevented a complete investigation by IA into the merits of all of his potential criminal conduct. Refusing to, and failing to cooperate with the IA investigative process warrants an indefinite suspension per the APD disciplinary matrix. Moreover, multiple acts of insubordination also calls for an indefinite suspension per the APD disciplinary matrix. Therefore, Officer Granderson leaves me with no choice but to indefinitely suspend him, effective immediately.

By these actions, Officer Granderson 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 955.2 GENERAL ATTENDANCE GUIDELINES**

(a) Employees will not be absent from work without prior approval from an immediate supervisor.

➤ **AUSTIN POLICE DEPARTMENT POLICY 110.4.4: INSUBORDINATION**

Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.

➤ **AUSTIN POLICE DEPARTMENT POLICY 902.4.1: COOPERATING WITH 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.

By copy of this memo, Officer Granderson is hereby advised of this indefinite suspension and that the suspension may be appealed to the Civil Service Commission by filing with the Director of Civil Service, within ten (10) calendar 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, Officer Granderson 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.



BRIAN MANLEY, Interim Chief of Police

10-17-17

Date

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of indefinite suspension and I have been advised that if I desire to appeal that I have ten (10) calendar 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.

 #6449

Police Officer Roosevelt Granderson #6449

10/17/17

Date