



## MEMORANDUM

### Austin Police Department *Office of the Chief of Police*

Human Resources Dept

2015 FEB 27 AM 8:19

City of Austin

Received

**TO:** Mark Washington, Director of Civil Service

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

**DATE:** February 26, 2015

**SUBJECT:** Temporary Suspension of Detective Pamela McBee #3657  
Internal Affairs Control Number 2014-0961

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 temporarily suspended Detective Pamela McBee #3657 from duty as a City of Austin, Texas police officer for a period of four (4) days. The temporary suspension is effective beginning on March 2, 2015 and continuing through March 5, 2015.

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

On October 30, 2014, Detective McBee was instructing the 128<sup>th</sup> cadet class at the Training Academy regarding family violence with the help of Detective Kristina Oldham. As part of her curriculum, Detective McBee showed a video about a family violence case. Detective Oldham informed Detective McBee, according to the cadet class president, the class had already seen the video during an earlier presentation by the victim services counselor, Lisa Girouard. When Detective McBee was told of this, she said aloud "That bitch!" in front of the entire cadet class. Detective McBee then sent two text messages to Ms. Girouard stating, "You showed fucking video" and "Big fucking problem." Detective McBee's conduct in the presence of the cadet class and her text messages to Ms. Girouard were unprofessional and unacceptable for a member of the Austin Police Department.

The next day Detective McBee and Ms. Girouard were back at the academy. There was a blue falcon bird in the back of the classroom that was understood by the class and Detective McBee to symbolize a cadet did something stupid or let your buddy down. Detective McBee motioned for the bird to be passed to her and she intended to give it to Ms. Girouard to embarrass and humiliate her in front of the cadet class. Detective McBee stated Ms. Girouard would not be offended by this but Ms. Girouard did not know the symbolism of being handed the bird which Detective McBee contends was intended as a joke. When Ms. Girouard found out what the bird symbolized she was humiliated, offended and upset that Detective McBee thought about embarrassing her in front of the class.

This is not the first time that Detective McBee's behavior towards others has been an issue. She has been counseled many times by her supervisors but that counseling has not changed her inappropriate behavior towards others.

By these actions, Detective McBee 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 900.3.4(c): General Conduct and Responsibilities: Personal Conduct**

**900.3.4 Personal Conduct**

- (c) While on-duty or on the premises of City facilities, employees will not:
  - 1. Use loud, indecent, profane, harsh, derogatory language, or use belittling term in any communications.
  - 2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

By copy of this memo, Detective McBee 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.

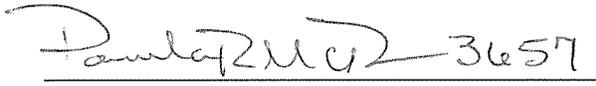
By copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Detective McBee is hereby advised that such section and the Agreement Between the City of Austin and the Austin Police Association provide for an appeal to an independent third party hearing examiner, in accordance 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

2-26-15  
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.

  
Police Detective Pamela McBee #3657

02-26-2015  
Date