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City of Austin

2018 MAY 25 AM 10:47

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: May 23, 2018

SUBJECT: Temporary Suspension of Police Officer Angela Racine-Johnson #5162
Internal Affairs Control Numbers 2018-0353

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 Police Officer Angela Racine-Johnson #5162 from duty as a City of Austin, Texas police officer for a period of two (2) days. The temporary suspension is effective beginning on May 29, 2018 and continuing through May 30, 2018

I took this action because Officer Racine-Johnson 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 Racine-Johnson in violation of Rule 10:

On April 13, 2018, Officer Angela Racine-Johnson, while on duty and driving a city vehicle was involved in a crash in the 5200 block of East Cesar Chavez. This was her third preventable crash within the last three calendar years. Officer Racine-Johnson accepted full responsibility for this preventable crash. Officer Racine-Johnson is also placed on notice that these preventable crashes need to cease or she will be subject to further disciplinary action, up to and including indefinite suspension.

By these actions, Officer Racine-Johnson 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 804.2: Department Vehicles: General Operation of Department Vehicles**

804.2 General Operation of Department Vehicles

- (a) Employees will operate Department vehicles in a careful and prudent manner within the guidelines of the law and Department General Orders. Unsafe or negligent driving is prohibited.
 - 1. Vehicles will be operated in such a manner and at a rate of speed that the driver, by use of ordinary care, can avoid colliding with another vehicle, object, or person.
 - 2. Employees will wear a seatbelt in the front or back seat while operating or riding inside of a Department vehicle unless there is an operational, tactical, or medical need to be unsecured.

By copy of this memo, Officer Racine-Johnson 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, Officer Racine-Johnson is hereby advised that such section provides for an appeal to an independent third party hearing examiner. 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 2184
BRIAN MANLEY, Interim Chief of Police

5-23-18
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) 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.

Angela Racine Johnson #5162
Police Officer Angela Racine-Johnson #5162

5/23/2018
Date