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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, Interim Director of Civil Service

FROM: Art Acevedo, Chief of Police

DATE: July 26, 2016

SUBJECT: Indefinite Suspension of Police Officer Charles Watkins #7116
Internal Affairs Control Number 2016-0176; 2015-1129

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 Charles Watkins #7116 from duty as a police officer for the City of Austin, Texas, effective July 26, 2016.

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

On December 18, 2015 an Internal Affairs complaint was filed against Officer Charles Watkins #7116 for an allegation of sexual harassment against a female officer. Upon the onset of the investigation Officer Watkins and the female officer were both given Do Not Discuss orders. Officer Watkins not only violated the Do Not Discuss order by discussing the case with the female officer on more than one occasion, but he admittedly violated the Do Not Discuss orders by discussing the case with another witness in the investigation.

Officer Watkins admittedly colluded with the female officer prior to their Internal Affairs interviews by mutually agreeing not to reveal that they had previously been involved in an extramarital affair. Officer Watkins and the female officer then purposefully misled Internal Affairs during their Internal Affairs interviews. Officer Watkins and the female officer also de-briefed each other during the Internal Affairs investigative process.

Officer Watkins also attempted to interfere with the investigative process by trying to convince the independent witness to mislead Internal Affairs about his prior relationship with the female officer. The independent witness did not oblige Officer Watkins' request. The revelation by the independent witness to Internal Affairs compelled Officer Watkins and the female officer to admit the truth and reveal their misleading statements in their initial interviews and mutually agreed upon intent to deceive Internal Affairs. As a result of their misleading statements, department resources and time were wasted during the investigative process.

Ultimately after a lengthy investigation the evidence did not support a finding of a violation of the sexual harassment policy. However, the premeditated plan to deceive Internal Affairs and the dishonest and or misleading actions taken by Officer Watkins violate the very core of our departmental values and qualify as Brady material. The purpose of a Do Not Discuss order is to preserve the integrity of the investigative process. Officer Watkins' multiple violations of the Do Not Discuss Orders to himself and the other officers were egregious in nature as they were blatant attempts to obstruct and divert the very purpose of the orders.

By these actions, Officer Watkins 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 900.3.1(a)(c): General Conduct and Responsibilities: Honesty**

900.3.1 Honesty

Honesty is of the utmost importance in the police profession. Employees are expected to be truthful at all times in the performance of their duties.

- (a) Employees will speak the truth at all times and reflect the truth in all reports and written communications. Any statement or omission

of pertinent or material information which intentionally misrepresents facts or misleads others through an official statement will be considered a false official statement. The following are examples of an "official statement":

1. Documents prepared by an officer in connection with their official duties, including but not limited to incident reports or supplements, sworn affidavits, and citations.
2. Verbal or written statements made by an officer in connection with their official duties to:
 - (a) An investigator conducting an administrative or criminal investigation of the officer or another person's conduct.
 - (c) Employees will not attempt to conceal, divert, or mitigate their true culpability in a situation, nor will they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.
 - (d) Employees will not use any improper or dishonest means to affect the outcome of any official test, process, or procedure.

➤ **Austin Police Department Policy 110.4.4: Organizational Structure and Responsibility: Insubordination**

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: Administrative Investigations: Cooperating with Assigned Investigators**

902.4.1 Cooperating with Assigned Investigators

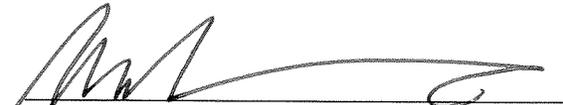
- (a) Employees will cooperate with any assigned investigator as if they were addressing the Chief. Employees who fail or refuse to cooperate with an assigned investigator will be subject to disciplinary action, up to and including indefinite suspension.
- (b) Honesty is of the utmost importance in the police profession. Employees are expected to be truthful at all times during

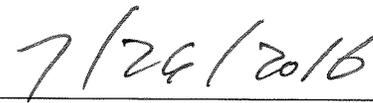
interviews with investigators as outlined in Policy 900 (General Conduct).

1. Employees who are found to have given a false official statement are subject to indefinite suspension as outlined in the Discipline Matrix ("Dishonesty - False Official Statements").
2. There may be cases where officers have not been truthful but the dishonesty does not constitute a false official statement. In those situations, the Chief shall consider each case on a fact specific basis and may decide that corrective action other than indefinite suspension is warranted as outlined in the Discipline Matrix ("Neglect of Duty - Misleading Statements").

By copy of this memo, Officer Watkins 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.

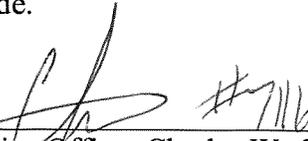
By copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Officer Watkins is hereby advised that such section and the Agreement Between the City of Austin and the Austin Police Association provide for an appeal to an independent third party hearing examiner, in accordance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


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.



Police Officer Charles Watkins #7116

7/26/16

Date