



## MEMORANDUM

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

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City of Austin  
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Human Resources Dept

**TO:** Joya Hayes, Director of Civil Service

**FROM:** Brian Manley, Interim Chief of Police

**DATE:** April 14, 2017

**SUBJECT:** Temporary Suspension of Police Officer Christopher Williams #6839  
Internal Affairs Control Number 2016-1170

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 Christopher Williams #6839 from duty as a police officer for a period of fifteen (15) days. The suspension is effective beginning on April 16, 2017, and continuing through April 30, 2017.

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

On October 31, 2016, the Round Rock Police Department (RRPD) contacted the Austin Police Department (APD) Watch Commander's office to report a road rage incident involving Officer Christopher Williams and another driver. In the aftermath of the traffic dispute, Officer Williams admittedly followed the other vehicle to a private residence located in Round Rock. The driver of the other vehicle initially entered his home before exiting with a shotgun. Officer Williams and the driver of the other vehicle then engaged in a brief verbal confrontation after which Officer Williams drove to his own residence.

A short time later, the driver of the other vehicle called the RRPD and then arrived outside the gated entry to Officer Williams' neighborhood. A second verbal confrontation ensued, during which Officer Williams identified himself as a police officer, and advised the other driver he was criminally trespassing and needed to leave. After the other driver failed to comply, Officer Williams contacted the RRPD and continued the verbal exchange. The RRPD subsequently arrived at Officer Williams' residence and spoke to both parties, issuing each of them criminal trespass warnings for going to one another's residence.

Officer Williams acknowledged to Internal Affairs he should not have followed the other driver to his home, precipitating the confrontations. Officer Williams admitted his actions, including cursing at the other driver, brought discredit to the APD. Members of the RRPD also advised Internal Affairs that Officer Williams' actions brought discredit to the APD and or the entire police profession. Lastly and contrary to APD policy, Officer Williams stated he did not immediately notify his chain of command about this incident, and only addressed it once he was contacted by his chain of command.

By these actions, Officer Williams 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 364.4(a): Off-Duty Law Enforcement Action: Decision to Intervene**

Generally, off-duty officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

- (a) Officers should take into consideration the following factors when making a decision on whether or not to intervene:
  1. The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
  2. The inability to communicate with responding units.
  3. The lack of equipment, such as handcuffs, OC or baton.
  4. The lack of cover.
  5. The potential for increased risk to bystanders if the off-duty officer were to intervene.

6. Unfamiliarity with the surroundings.
7. The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

➤ **Austin Police Department Policy 900.3.2(a): General Conduct and Responsibilities: 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 908.4(b): Reporting of Employee Arrests and Police Involvement: Reporting Procedures**

- (b) Employees shall immediately report to their supervisor, with a follow-up memorandum through the chain-of-command to the Chief, of:
  1. Any arrests, criminal charges, and/or criminal court actions brought against the employee (to include the name of the arresting agency, a description of the nature of the charges, and the style, court and cause number of the charge or indictment, if any); or
  2. Anytime an employee is involved in an off-duty incident that results in a response from any law enforcement agency with the exception of traffic violations, minor collisions, and other minor calls for service where the employee is not considered to be a suspect (e.g. alarm calls, noise complaints); or
  3. Anytime an employee becomes the subject of a family violence protective order issued by a court of competent jurisdiction.

By copy of this memo, Officer Williams 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) 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 Williams 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.


By copy of this memo, Officer Williams is hereby advised that this temporary suspension may be taken into consideration in my determination as to whether a valid reason may exist to bypass Officer Williams for promotion in accordance with Austin Police Department Policy 919.

  
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BRIAN MANLEY, Interim Chief of Police

4-14-17  
\_\_\_\_\_  
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.

  
\_\_\_\_\_  
Police Officer Christopher Williams #6839

4-14-2017  
\_\_\_\_\_  
Date