



MEMORANDUM

Austin Police Department *Office of the Chief of Police*

Received
City of Austin
2024 MAR 19 PM 3:16
Human Resources Dept

TO: Rebecca Kennedy, Interim Director of Civil Service

FROM: Robin J. Henderson, Interim Chief of Police

DATE: March 19, 2024

SUBJECT: Temporary Suspension of Police Officer William Clarkson #9385
Internal Affairs Control Number 2023-0906

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 William Clarkson #9385 from duty as a City of Austin, Texas police officer for a period of Seven (7) days. The temporary suspension is effective beginning on March 20, 2024 and continuing through March 27, 2024.

I took this action because Ofc. Clarkson 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 Ofc. Clarkson in violation of Rule 10:

On September 27, 2023, at 3:55 a.m., Ofc. William Clarkson responded to a “*suspicious person*” call in southeast Austin. The complainant advised the 9-1-1 call taker that an unknown male riding a bicycle attempted to take something from his balcony. At the 4:33 marker of Ofc. Clarkson’s Body Worn Camera (BWC) the complainant can be heard directing Ofc. Clarkson to a black backpack that was on the ground in front of the apartment door in the breezeway.

Thereafter, Ofc. Clarkson opened the backpack and removed a hammer and a medium-sized hand-held butane torch. He shined his flashlight inside the bag and moved it around to search for more contents. Ofc. Clarkson took possession of the backpack including its contents and walked out of the breezeway. He told the complainant that he would provide him a case number and write a report at the 6:07 marker of his BWC. Ofc. Clarkson then placed the backpack in the trunk of his patrol vehicle, and cleared the scene at 4:16 a.m.

Later that same day at 12:23 p.m., another officer responded to a 9-1-1 call at a business in southeast Austin. The business was near the apartment complex where Ofc. Clarkson had retrieved the backpack and its contents earlier that day. The complainant advised the 9-1-1 call taker the following:

“comp says at 4:58 this morning their [security] camera caught 2 ofers in 2 police cars... one ofcr grabbed a black bag out of the trunk and left it in front of the salon... it’s still there now...one car# was 8763, can’t see the other...comp says inside of the bag there is a used hammer, broken torch, lighter and a rope, etc.”

The early afternoon shift officer made contact with the complainant and took a report from her. The complainant described to the officer what was captured on security cameras:

“There’s two police officers parked right there. One gets out the car, he opens his trunk and just drops a black bag right there.”

The officer asked the complainant if the bag was left in the parking lot accidentally. She proceeded to show the officer security camera footage of the incident and stated:

“To me it looked like he opened up the trunk specifically just to put that down... We literally have a sign right there that says not to leave trash.”

The officer then asked the complainant if she wanted to file a complaint. She stated that she did and wanted to speak to a supervisor. She also told the responding officer:

“The items are really suspicious. It’s a hammer...It’s a blow torch and a lighter...I feel like if the propane thing is full and let’s say a car was not even paying attention and just driving in and hit it, I don’t know if that could be a potential fire hazard.”

The officer collected the backpack from the parking lot which contained a hammer, blow torch, kitchen knife, and a small lighter. While at the scene, the officer recorded a sign posted on the property, near where the backpack was left, that prohibited littering. The items were later submitted into evidence as found property.

The responding officer notified his Sergeant, who then spoke to the complainant. The complainant reiterated her complaint to the Sergeant, including:

“It was just left in the front so what if somebody would’ve ran over it and it could have cause an explosion... Or a random person came with ill-intent and grabbed the hammer and started hitting our stuff...Endless possibilities that we just don’t even know... And we have a sign that literally says no littering in the front.”

Using the information provided by the complainant, the Sergeant was able to discern that Ofc. Clarkson was the officer who disposed of the items in the parking lot. He notified Ofc. Clarkson’s Chain-of-Command (COC). Ofc. Clarkson’s Commander then filed the following Internal Complaint Memorandum:

“On 9/27/2023 at approximately 0400 hours, Ofc. Clarkson responded to a call [in southeast Austin]... During the call, Ofc. Clarkson was directed to property that was left in the breezeway near the stairs. Ofc. Clarkson took possession of the property and told the complainant he would write a report... Ofc. Clarkson left the scene and relocated [to parking lot of a business in southeast Austin]... Ofc. Clarkson removed the property and left it on the ground next to his patrol car.”

Ofc. Clarkson’s Commander requested Internal Affairs (IA) conduct an Administrative Investigation to determine if Ofc. Clarkson’s conduct complied with APD Policy, Civil Service Rules, Municipal Civil Service Rules, and State Law.

Internal Affairs Investigation

Upon receiving the complaint, IA conducted an investigation of this matter. IA was able to verify all of the abovementioned facts. Moreover, their investigation, including interviews, revealed that, until the complainant notified APD, no other APD officer (outside of Ofc. Clarkson) knew that Ofc. Clarkson had left the bag in the business’ parking lot.

During Ofc. Clarkson’s IA interview, IA asked him why he took possession of the backpack and placed it in the trunk of his patrol vehicle. Ofc. Clarkson stated, *“It was worrying the caller. It was making them feel uneasy, and so I- I seized it.”* Ofc. Clarkson then acknowledged that he did not submit the items into evidence and that he disposed them in the aforementioned business’ parking lot.

IA then asked Ofc. Clarkson to specify why he took this course of action. He stated:

“I walked to the trunk, opened it, removed the bag, and just placed it on the ground in the parking lot... In my opinion, the bag wasn’t evidence of any crime. The bag,

I couldn't submit it for safekeeping because we essentially didn't know who it belonged to, and so I- I just left it in the parking lot."

IA described all of the items found inside of the backpack (butane torch, small lighter, hammer, and a knife) and asked Ofc. Clarkson if he believed the items constituted a hazard to public safety. Ofc. Clarkson stated:

"I guess, in hindsight, theoretically, maybe... I mean, in and of itself a hammer isn't dangerous, but it could be used in a fashion that makes it dangerous."

IA asked Ofc. Clarkson if he believed it was safe to abandon the backpack and items in a high crime area. He stated:

"I mean, in hindsight- I wouldn't have left the bag there in the middle for anyone to- just anyone to walk up on. Sure... It was just a bad decision."

IA asked if Ofc. Clarkson if he violated **APD General Order 900.3.2 Acts Bringing Discredit Upon the Department** to which he replied, *"Yes. Obviously, my action raised enough concern with a business owner that they felt the necessity to report it."*

In sum, Ofc. Clarkson's COC and I [Chief Robin J. Henderson] agree with his admission that he violated APD General Order 900.3.2. We are embarrassed, disappointed, and surprised that he did not thoroughly search the bag, did not turn it into evidence or store it for safekeeping, and inexplicably abandoned the bag in a private parking lot. Notwithstanding his denial to IA, Ofc. Clarkson should have submitted the items into evidence pursuant to **APD General Order Property and Evidence Collection Procedure 618.4.2**. It is also baffling to us that it took hindsight for Ofc. Clarkson to recognize that his actions were outrageous, disconcerting, and unacceptable from the onset.

By these actions, Ofc. Clarkson 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 618.4.2: Property and Evidence Collection Procedures: Found Property**

618.4.2 Found Property

- (a) Employees will only seize items of abandoned or found property which:
 - 1. Are readily identifiable and traceable; or
 - 2. Are of value, such as money and jewelry; or
 - 3. Appear to have been involved in a criminal offense; or
 - 4. Constitute a hazard to the public safety; or
 - 5. May be offensive to public morals or sensitivities.

- (b) Employees will make a reasonable effort to return the property to the owner immediately when the owner of the property is known.
- (c) Employees will treat the property as though it was stolen if the facts and circumstances suggest that is the case.

➤ **Austin Police Department Policy 900.3.2: General Conduct and Responsibilities: Acts Bringing Discredit Upon the Department**

900.3.2 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.

By copy of this memo, Ofc. Clarkson 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, Ofc. Clarkson is hereby advised that such section provide 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.

By copy of this memo, Ofc. Clarkson 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 him for promotion in accordance with Austin Police Department Policy 919.


ROBIN J. HENDERSON, Interim Chief of Police


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.

 9385

Police Officer William Clarkson #9385

3/19/24

Date