

DEC 13 2019

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MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Joya Hayes, Director of Civil Service

FROM: Brian Manley, Chief of Police

DATE: December 12, 2019

SUBJECT: Agreed Temporary Suspension of Police Officer Jason Goodman #4042
Internal Affairs Control Number 2019-0906

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 agreed to temporarily suspended Police Officer Jason Goodman #4042 from duty as a police officer for a period of thirty (30) days. The agreed temporary suspension is effective beginning on December 13, 2019 and continuing through January 11, 2020.

I took this action because 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 specific acts committed by Officer Goodman in violation of Rule 10:

On May 22, 2019, Officer Jason Goodman responded to a Check Welfare call as a Crisis Intervention Team (CIT) officer. Upon arrival, Officer Goodman was advised by the property manager that a resident was displaying erratic behavior, including putting a belt around his neck and saying to other residents, "Bye." Officer Goodman then spoke to the resident at the front door of his unit for 42 seconds and determined he did not meet the criteria for an Emergency Detention. Officer Goodman's supervisors reviewed this minimal interaction and ensuing events and referred this matter to Internal Affairs for investigation.

Internal Affairs asked Officer Goodman if he believed he spent enough time speaking to the identified resident to evaluate his mental health status like he was trained. Officer Goodman took full responsibility for his inactions and acknowledged he did not. Officer Goodman went on to say his inadequate evaluation was a violation of APD's Mental Health Response General Order. Moreover, Officer Goodman elaborated that he also violated APD's Neglect of Duty General Order for his "[F]ailure to take appropriate action on the occasion of crime, disorder [sic], investigation or other condition deserving police attention."

By these actions, Officer Goodman violated Rule 10.03(L) by violating the following rules and regulations of the Austin Police Department:

➤ **Austin Police Department Policy 900.4.3: General Conduct and Responsibilities: Neglect of Duty**

900.4.3 Neglect of Duty

Employees will satisfactorily perform their duties. Examples of unsatisfactory performance include, but are not limited to:

- (c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.

➤ **Austin Police Department Policy 445.4.2: Mental Health Response: Peace Officer Emergency Detention**

445.4.2 Peace Officer Emergency Detention

- (a) The authority to apprehend a person by using the Peace Officer's Emergency Detention (POED) is granted under the Tex. Health and Safety Code § 573.001. This type of custody is protective rather than criminal in nature and does not constitute an arrest. A POED may be used when:

1. The officer has reason to believe, and does believe, that the person is mentally ill; and
2. Because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and

3. The officer believes that there is not sufficient time to obtain a warrant before taking the person into custody.
- (b) An employee encountering a person who needs to be assessed for a possible POED shall contact an on-duty CIT officer.
1. The responding CIT officer shall be responsible for:
 - (a) Conducting an assessment to determine whether the person should be handled as an Emergency Detention;
 - (b) Providing transportation to the appropriate mental health facility or furnishing referral information;
 1. The CIT officer may transport the Emergency Detention or have a non CIT officer transport the Emergency Detention after completing all paperwork and advising where the subject is to be taken.
 - (c) Preparing all required documentation.
 2. If it is determined that the person does not meet the criteria for a POED, the initial officer may:
 - (a) Request a response from the Expanded Mobile Crisis Outreach Team (EMCOT), (refer to 445.6)
 - (b) Release the person, if no criminal violation has been committed;
 - (c) Use other available referral services or release options; or
 - (d) Place the person in jail, provided the officer has legal authority to do so.

In addition to this agreed temporary suspension, Officer Goodman agrees to the following terms and conditions:

1. Officer Goodman shall attend any and all training specified by his chain of command.
2. Officer Goodman shall be evaluated by one of APDs Staff Psychologists and the contents of that evaluation will be shared with his chain of command.
3. If the APD Staff Psychologist recommends a program of counseling, Officer Goodman must successfully complete that program of counseling (it is expected that any program of counseling will last for at least twelve months but that is for the qualified professional to determine).
4. The program of counseling will be completed on Officer Goodman's off duty time, unless the Chief approves the use of accrued vacation leave.
5. Officer Goodman shall be responsible for paying all costs of the program of counseling that are not covered by his health insurance plan.
6. If Officer Goodman fails to successfully complete the program of counseling, the Chief may, at his sole discretion, indefinitely suspend him without right

of appeal to the Civil Service Commission, to an Independent Third Party Hearing Examiner, to District Court, and Officer Goodman may not file a grievance under Article 20 of the Meet and Confer Agreement.

7. If this evaluation and/or the program of counseling raises a question whether Officer Goodman is sufficiently mentally or physically fit to continue his duties as a police officer, it could trigger the fitness for duty process set forth in Texas Local Government Code Chapter 143.081.
8. Officer Goodman agrees to a probationary period of one (1) year, with the additional requirement that if, during the probationary period, he commits the same or a similar act of misconduct for which he is being suspended (the determination whether an act is the same or similar is solely within the purview of the Chief of Police and is not subject to review by the Civil Service Commission, an Independent Third Party Hearing Examiner, or District Court), he will be indefinitely suspended without the right to appeal that suspension to the Civil Service Commission, an Independent Third Party Hearing Examiner, to District Court, and he may not file a grievance under Article 20 of the Meet and Confer Agreement. The one (1) year period begins on the day Officer Goodman returns to duty after completing his agreed suspension. Should Officer Goodman commit the same or similar violation outside the one (1) year period, he will be indefinitely suspended but retains the right to appeal that suspension.
9. Officer Goodman understands that this temporary suspension may be taken into consideration in the Chief's determination whether a valid reason exists to bypass him for a future promotion in accordance with APD Policy 919.11.
10. Officer Goodman acknowledges that he had the opportunity to discuss this agreed suspension and additional terms and conditions set forth herein with a representative of his choosing prior to signing his acceptance where indicated below.

By signing this Agreed Discipline, Officer Goodman understands and agrees that I am forgoing my right to indefinitely suspend him for the conduct described above and that by agreeing to the suspension, Officer Goodman waives all right to appeal to this agreed suspension and the additional terms and conditions to the Civil Service Commission, to an Independent Third Party Hearing Examiner, to District Court, and he may not file a grievance under Article 20 of the Meet and Confer Agreement.


BRIAN MANLEY, Chief of Police

12-12-19
Date

TO WHOM IT MAY CONCERN:

I acknowledge receipt of the above and foregoing memorandum of agreed temporary suspension and I understand that by entering into this disciplinary agreement the Chief forgoes his right to indefinitely suspend me for the conduct described above and that by agreeing to the suspension, I have no right to appeal this disciplinary action to the Civil Service Commission, to an Independent Third Party Hearing Examiner, to District Court, and I may not file a grievance under Article 20 of the Meet and Confer Agreement.

Jan Gooden 4042
Police Officer Jason Goodman # 4042

12-12-19
Date