



## MEMORANDUM

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

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

**FROM:** Joseph Chacon, Chief of Police

**DATE:** June 6, 2022

**SUBJECT:** Agreed Suspension of Police Corporal Richard Parslow #6478  
Internal Affairs Control Number 2022-0009

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 Corporal Richard Parslow #6478 from duty as a City of Austin, Texas police officer for a period of sixty (60) days. The agreed temporary suspension is effective beginning on June 7, 2022, and continuing through August 5, 2022.

I took this action because Cpl. Parslow 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 Corporal Parslow in violation of Rule 10:

On March 14, 2021, Senior Police Officer (SPO) Richard Parslow was promoted to the rank of Corporal for the Austin Police Department (APD). On March 28, 2021, he was assigned to the South Patrol Bureau on the David 800s nightshift. His original Sergeant established expectations for Cpl. Parslow. The Sergeant conveyed his expectations to Cpl. Parslow in writing and verbally. Early on, his original Sergeant noticed Cpl. Parslow was not meeting the expectations relayed to him. The original Sergeant documented these shortcomings, in addition to counseling Cpl. Parslow several times. This included Cpl. Parslow being counseled for not responding as a backup officer on calls.

A new Sergeant replaced the original Sergeant as the supervisor for the David 800s in August 2021. During his time with David 800s, the new Sergeant also noticed and addressed similar conduct on the part of Cpl. Parslow. These repeated patterns were brought to the attention of Cpl. Parslow's upper Chain-of-Command (COC).

Most recently, the new Sergeant noted an incident which occurred on December 12, 2021. This incident involved a priority one<sup>1</sup>, "*Check Welfare Urgent*" call located at 3012 South Congress Avenue. At the time this call was being dispatched, Cpl. Parslow was located approximately one mile from 3012 South Congress Avenue and was clear<sup>2</sup> and available for calls. Another officer from the David 800s responded to the location as the primary officer. A second officer from outside the sector, located 4.9 miles away at 25<sup>th</sup> Street and Lamar Boulevard, responded as the backup officer. The new Sergeant, who heard the incident unfold over radio traffic, sent Cpl. Parslow a message requesting he back up the primary officer. Only after receiving the message did Cpl. Parslow respond to the incident.

Thereafter, on January 5, 2022, Cpl. Parslow's Lieutenant submitted a complaint memorandum requesting Internal Affairs (IA) conduct an investigation to determine if Cpl. Parslow violated Department General Orders (GO), Civil Service Rules, and/or state law.

The complaint included allegations that on December 12, 2021, in connection with APD Incident 21-3460280, Cpl. Parslow was in the area and failed to respond in a timely manner. Additional information outlined in the complaint alleged that Cpl. Parslow had previously been counseled for failing to respond as a backup officer in a timely manner on or about March 30, 2021, April 18, 2021, and September 1, 2021.<sup>3</sup>

In the early investigative phase, IA attempted to identify Cpl. Parslow's patrol vehicle and conducted a search of his Body Worn Camera (BWC) check at the beginning of his December 11-12, 2021, tour of duty. IA discovered Cpl. Parslow had not conducted a required beginning of tour of duty check (10-41) on that day nor the entire month of

---

<sup>1</sup> See page 3 for definitions of "priority" calls.

<sup>2</sup> "Clear" is an acknowledgment of receipt and acknowledgement of understanding a message.

<sup>3</sup> Although these are outside the 180-day deadline to impose a suspension, they show a pattern of behavior in failing to timely respond as a backup officer, rather than a single, isolated incident.

December. This information was forwarded to Cpl. Parslow's COC, who generated an additional complaint.

### **Relevant Definitions & General Orders (GO)/Standard Operating Procedures (SOP)**

- **Hot Shot (Priority 0)** calls are incidents involving physical harm or injury to a person or property and that is in progress and/or all parties are still on scene. Officers responding to these calls should do so by activating their police vehicle emergency lights and siren (Code 3). [APD G.O. 400.3.1]
- **Urgent (Priority 1)** calls are incidents involving physical harm or a perceived threat to any person or property, and that just occurred and/or suspects may still be in the area, and where a quick response may aid in apprehension. Officers responding to Priority 1 calls may do so by activating their police vehicle emergency lights and limited use of the siren (Code 2). [APD G.O. 400.3.1]
- **APD G.O. 400.4 Assignment of Calls:** "Hot Shot and Urgent calls require a two-officer response and are generally dispatched by Communications to the two closest available patrol officers. Officer safety and call priority shall be the primary considerations when dispatching officers. Additional officers may self-assign using the MDC, as necessary."
- **APD Corporal SOPs:** "In addition to the sergeant, corporals are expected to respond to any incident where it is important to preserve organizational accountability and supervision. Incidents of this nature can include, but are not limited to:
  - Incidents involving the loss of life or the threat of loss of life by violence
  - Incidents involving the serious injury of an officer or citizen.
  - Incidents and arrests which are high profile and/or may garner intense media attention or public protest
  - At all other times, corporals are expected to respond to priority calls for service when no other units are available.
  - Corporals shall respond to any call when requested.
  - Corporals should confer with their sergeant for specific directions and expectations."

### **The December 12, 2021, Incident**

The IAD investigation determined that on December 12, 2021, at 3:45am, Cpl. Parslow failed to make a call or respond as backup while he was available. On this occasion he was less than a mile away from a "Priority 1 Check Welfare Urgent" call at 3012 South Congress Avenue. APD Dispatch was required to find another officer from another Sector (4.9 miles away) to make the backup, while Cpl. Parslow failed to make the backup.

- Cpl. Parslow was the closest available officer. He was aware of the call, as he added "Attempted Suicide" at 3:48am (a female that was believed to have

overdosed/poisoning [ingestion]) and he later added "CLR" in the call history/CAD notes as he monitored from his patrol car.

- Specifically, at 3:49am, the call was upgraded to a "Check Welfare Urgent" after 911 received information that the female was "upset and talking about killing herself, took a bunch of meds." At that time, Cpl. Parslow added "CLR" to call history, indicating that he was clear on the "Priority 1" call as he monitored from his patrol car.
- At 3:50am, an officer was assigned to respond to the call by the David Sector Dispatcher. No units were available in Henry, George, and Frank. No other units were available at the time to back up the responding officer. Cpl. Parslow made no attempt to respond, as the David Sector dispatcher began to check the surrounding Sectors for a backup officer.
- At 3:51am, a Mounted Patrol Unit (MPU) assigned George Sector was assigned to back up the responding officer.
- At 3:52am, a Patrol Officer assigned to Baker Sector was assigned to the call to replace the MPU assigned to George Sector. Despite the Baker Sector officer responding from West 25<sup>th</sup> St. /Lamar Boulevard (4.9 miles away), Cpl. Parslow made no attempt to advise he was closer or that he was available to respond.
- The new Sergeant stated over the David Radio to send the Baker Sector officer back and that he would make the backup.
- At 3:54am, the new Sergeant sent Cpl. Parslow a CAD message to ask "are you tied up?" Cpl. Parslow replied "no." and then responded to the call.
- It was not until new Sergeant contacted Cpl. Parslow directly that Cpl. Parslow finally responded to the call at 3:54am.
- When Cpl. Parslow was asked by IA (during his April 26, 2022, interview) if he thought that the responding officer being on scene for a "Priority 1" call by herself presented an officer safety issue. Cpl. Parslow advised "I'm thinking possibly" and "Yes."

### **G.O. 303.3 Department Issued Body Worn Camera**

In relation to the complaint regarding Cpl. Parslow failing to conduct beginning tour of duty BWC checks, IA searched the Axon system for the year 2021. The search results showed Cpl. Parslow consistently conducted "10-41" checks in the months of January 2021, February 2021, and March 2021, over 60 working days. Cpl. Parslow's last "10-41" check was recorded on March 30, 2021, at 9:38pm. There were no other checks in the year 2021 after this date, including the entire month of December 2021.

### **Conclusion**

Regarding the above timeline, Cpl. Parslow's COC concluded that he violated multiple APD GOs on December 12, 2021. He engaged in this behavior in disregard of SOP's, counseling sessions, directives, and admonishments by multiple supervisors. I concur with the COC's recommendation that he be sustained for not adhering to multiple APD

SOP's along with violating GO's, 110.4.4 Insubordination, and multiple subsections of 900.4.3 Neglect of Duty, including but not limited to subsection (d) Failure to Respond to Calls. I also concurred with their recommendation that he be sustained for GO 303.3 Department Issued Body Worn Camera. I also concluded he violated GO 900.4 Requirements of Duty.

In deciding the level of discipline, I gave consideration to the fact that Cpl. Parslow's inaction on December 12, 2021, was inconsistent with the expectations that I and the City have of all employees, particularly ones in a supervisory capacity. In fact, Cpl. Parslow not only could and should have responded as the primary officer or as the backup officer, but he should have responded as the Corporal to "*demonstrate leadership and mentorship by responding to and taking lead on serious, complex, high priority, or violent calls,*" as spelled out in original Sergeant on March 29, 2021, expectations of him.

Additionally, in deciding the level of discipline, I gave consideration to the fact that Cpl. Parslow acknowledged at his Disciplinary Review Hearing (DRH) that he should have responded to the December 12, 2021, "*Priority call*" and his acknowledgement that he violated the BWC GO.

By these actions, Cpl. Parslow 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 Standard Operating Procedures**

**.01 STATEMENT OF PURPOSE**

Police officers are called upon to handle a wide array of community issues from traffic enforcement to homicide and domestic violence. Providing an effective police response to public concerns is a top priority and is deeply rooted in the history of our department. The inherent nature of the occupation feeds on unpredictable situations, which precludes any attempt to author a procedural catalogue that would be all-inclusive in scope. The requirement of our department to grow and change to maintain an exemplary level of service is paramount to the completion of a successful mission and to preserve community trust. This policy will apply to any APD officer working a patrol function (e.g., traffic stops).

➤ **Austin Police Department Policy 900.4 REQUIREMENTS OF DUTY**

**Employee conduct will always be consistent with the Department's values, vision, mission, and any supervisor's instructions.**

- (c) Employees will consider themselves available for duty in any emergency situation.
- (f) Employees are considered on-duty while on authorized breaks.

- (g) Employees will remain alert and observant while on-duty and devote their time and attention to the business of the Department. Any exceptions require supervisor approval.

➤ **Austin Police Department Standard Operating Procedures .05.G Personnel Duties, Authority and Responsibilities: G. Breaks**

- 2. Officers will not take a break during shift change or any period of high activity, unless approved by their sergeant.
- 6. When out of the patrol unit, officers will monitor their radio and will to calls when necessary.

➤ **Austin Police Department Standard Operating Procedures .05.A.2 Personnel Duties, Authority and Responsibilities: Primary Responsibilities**

**2. Corporal**

The Corporal responsibilities will include, but are not limited to:

- a. Corporals will exercise line command over the employees of their assigned unit in the absence of the sergeant due to leave, training, special assignment, or when the sergeant is not available (G.O. 110.2.6). Under this circumstance, the Corporal is responsible for all of the Sergeant activities listed above in .05 A 1 except:
  - i. Corporals may not function as a supervisor/sergeant:
    - 1. In Level 1 investigations (G.O. 211.5(e))
    - 2. For pursuits with the following circumstances (G.O. 214.5.3):
      - a. When initiated by a sergeant or above, or
    - 3. In LERE assignments (G.O. 949.3.2, 9494.7.2 (b)(3))
    - 4. In an Overtime assignment (G.O. 110.2.6(d))
    - 5. To complete annual employee evaluations (SSPRs) unless:
      - a. They are receiving higher class pay for an extended period, and
      - b. Only when authorized by their respective Lieutenant.
  - ii. When not in the role of acting sergeant:
    - 1. In addition to the sergeant, corporals are expected to respond to any incident where it is important to preserve organizational accountability and supervision. Incidents of this nature can include, but are not limited to:
    - 2. Incidents involving the loss of life or the threat of loss of life by violence
    - 3. Incidents involving the serious injury of an officer or citizen,
    - 4. Incidents and arrests which are high profile and/or may garner intense media attention or public protest

- iii. At all other times, corporals are expected to respond to priority calls for service when no other units are available
  - iv. Corporals shall respond to any call when requested.
  - v. Corporals should confer with their sergeant for specific directions and expectations.
- b. Corporals may be given limited supervisory authority to support the role of the sergeant and may perform tasks, inspections and duties as assigned by their supervisor to include, but not limited to:
- i. Conducting initial inquiries in R2R-Level 2 within chain of command (G.O. 211.5e)
  - ii. Conducting inquiries in R2R-Level 3 and 4 incident (G.O. 211.5(e)3)
  - iii. Verifying classification for DMAV (G.O. 304.4)
  - iv. Approving certain arrests (G.O. 110.2.6, 319.1.1 and Patrol SOP 05. q)
    - 1. Evading (Misdemeanor only)
    - 2. Where the officer is the victim and neither the officer nor the suspect have injuries requiring more than on-scene treatment
    - 3. Fail to ID
    - 4. Refusal to sign a ticket
    - 5. Multiple traffic only
    - 6. A full custody arrest meeting the requirement for a Class A or B Misdemeanor Citation release
  - v. Assume responsibility for pursuits when the Sergeant is not available (G.O. 214.5.3 and 215.4.3(b))
  - vi. Approving consent search when the Sergeant is not available (G.O. 306.5.1)
  - vii. Approving release of prisoners from hospital in specific situations (G.O. 321.4.2)
  - viii. Counseling subordinates on questions regarding incident documentation (G.O. 402.1.1)
  - ix. Conduct shift briefings trainings (G.O. 942.4.3)
  - x. Conduct investigations and complete the supervisor's packet for crashes involving officers (G.O. 346.6)
  - xi. Conduct Firearms investigations when it involves the humane destruction of an injured animal (G.O. 202.3.1)
  - xii. Review incident reports for completeness and maintain report queue as outlined for Patrol Case Management in Patrol SOPs (G.O. 402.2.7, Patrol SOP (E)(6))
  - xiii. Ensure obedience to Orders (G.O. 110.4.3)
  - xiv. Monitor incidents via MDC
  - xv. Download TASER discharge information (G.O. 208.4.6)
  - xvi. Inspect:
    - 1. Approved control devices (G.O. 206.2.3)
    - 2. TASER functionality (G.O. 208.7)
    - 3. TASER maintenance (G.O. 208.7.1)

4. Patrol vehicle audio/video (G.O. 303.3. and 304.4.)
  5. Employees
  6. Equipment
- xvii. Attend community meetings/events that occur during their shift and participate in community engagement efforts as call load permits.

➤ **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 900.4.3(d): General Conduct and Responsibilities: Neglect of Duty**

**900.4.3(d) Neglect of Duty**

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

- (a) Lack of knowledge of the application of laws required to be enforced.
- (b) Unwillingness or inability to perform assigned tasks.
- (c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.
- (d) Failure to respond to any call or to perform any police duties assigned to them by appropriate authorities.
- (f) Repeated poor evaluations.
- (g) Written record of repeated infractions of rules, regulations, directives or orders of the Department.
- (h) Failure to follow department standardized training and tactics when it was objectively reasonable to do so.

➤ **Austin Police Department Policy 303.3: Body Worn Camera System:  
Department Issued Body Worn Camera**

**303.3 Department Issued Body Worn Camera**

BWC equipment is to be used primarily by uniformed personnel as authorized per assignment by the Department and must be used unless otherwise authorized by a Commander or above.

- (b) Employees equipped with a Department issued BWC system must be trained in the operation of the equipment prior to its use. BWC equipment will be used in accordance with Department training and the BWC operations manual...
- (d) Employees shall ensure that their BWC equipment has adequate battery charge and storage space to complete their regular tour of duty.
  - 1. Employees assigned to the units below are required to power on the device at the beginning of their tour of duty and not power the device off until the end of that tour of duty.
    - (a) Patrol
  - 3. Employees not engaged in a law enforcement action shall power the device off or remove it from their body when using a restroom, locker room, changing room, or any other location where the employee has an expectation of privacy. Immediately upon exiting such a facility or room, the employee shall ensure the BWC equipment is powered back on and appropriately placed according to this order.
- (e) Employees shall test the BWC equipment at the commencement of their tour of duty and shall categorize the video as '10-41'.
- (f) The BWC equipment test shall consist of employees recording the following:
  - 1. Employee name;
  - 2. Employee number; and
  - 3. The current date and time.
- (g) Employees shall review the recording to verify the BWC microphone is operational, and the date and time is accurate.

In addition to this agreed temporary suspension, Cpl. Parslow agrees to the following terms and conditions:

1. Cpl. Parslow shall attend any training specified by his Chain-of-Command.
2. Cpl. Parslow 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, and to District Court. The one-year period begins on the day Cpl. Parslow returns to duty after completing his agreed suspension. Should Cpl. Parslow commit the same or similar violation outside the one-year period, he will be indefinitely suspended but retains the right to appeal that suspension.
3. Cpl. Parslow 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.
4. Cpl. Parslow agrees that he, and all others claiming under him named herein or not, fully discharge, release and waive any and all known or unknown claims or demands of any kind or nature whatsoever that he now has, or may have in the future, including without limitations, claims arising under any federal, state or other governmental statute, regulation, or ordinance relating to employment discrimination, termination of employment, payment of wages or provision of benefits, Title VII of the Civil Rights Act of 1964, as amended, the Civil Rights Act of 1991, the Americans with Disabilities Act of 1990, as amended, the Family and Medical Leave Act, the Fair Labor Standards Act, and the Texas Commission on Human Rights Act, against the City of Austin, the Austin Police Department, or their respective agents, servants and employees, arising from the above-referenced incident, and any actions taken as a result of that incident, including but not limited to, the negotiation and execution of this agreed temporary suspension.
5. Cpl. Parslow 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, Cpl. Parslow 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, Cpl. Parslow waives all right to appeal this agreed suspension and the additional terms and conditions to the Civil Service Commission, to an Independent Third-Party Hearing Examiner, and to District Court.

  
\_\_\_\_\_  
JOSEPH CHACON, Chief of Police

6/6/2022  
\_\_\_\_\_  
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, as well as the additional terms and conditions, to the Civil Service Commission, to an Independent Third-Party Hearing Examiner, and to District Court.

  
\_\_\_\_\_  
Police Corporal Richard Parslow #6478

6/6/2022  
\_\_\_\_\_  
Date