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MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Joya Hayes, Director of Civil Service
FROM: Joseph Chacon, Interim Chief of Police
DATE: September 9, 2021
SUBJECT: Temporary Suspension of Police Corporal Richard Parslow #6478
Internal Affairs Control Number 2021-0295

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 **Nine (9) days**. The temporary suspension is effective beginning on **September 10, 2021** and continuing through **September 18, 2021**.

I took this action because Corporal 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.

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The following are the specific acts committed by Corporal Parslow in violation of Rule 10:

On March 20, 2021, while off-duty and driving his personal vehicle, Corporal Richard Parslow #6478 was involved in a crash with a VIA Metro bus in San Antonio, Texas. Prior to the crash, Cpl. Parslow pulled alongside the bus and displayed an offensive gesture by extending his middle finger at the bus [driver]. After the crash, he approached the driver's side of the bus and made contact with the driver. Cpl. Parslow then used a raised voice and profane language, and he demanded the bus driver's license.

Unprompted, Cpl. Parslow also identified himself as an off-duty police officer and displayed his Austin Police Department-issued badge. The bus driver can be heard on video repeatedly telling Cpl. Parslow to "*relax*" and Cpl. Parslow can also be heard cursing. Cpl. Parslow even began arguing with a passenger on the bus. The bus driver stated that he was intimidated by Cpl. Parslow's behavior, so he closed his bus window until local law enforcement officials arrived.

A San Antonio Police Officer (SAPO) who arrived on the scene can be heard on his Body Worn Camera (BWC) advising Cpl. Parslow that the VIA bus driver said that Cpl. Parslow came at him aggressively. Cpl. Parslow agreed that he did. Cpl. Parslow went on to say that he behaved in that manner because he was mad. Cpl. Parslow then told the SAPO, "*I did cuss him out, if he says I cussed him, I absolutely did.*" Cpl. Parslow then went on to say that he asked for the bus driver's license, but corrected himself and said, "*Well, more demanded...*"

At some point during their dialogue, the SAPO politely told Cpl. Parslow his voice was a "*little elevated.*" Moreover, unprompted, Cpl. Parslow again displayed his badge and identified himself as an APD officer to other individuals, including a VIA Metro PD Sergeant, and the responding SAPO. In the immediate aftermath of this event, the local law enforcement officials can be heard, amongst themselves on video, expressing their shock or surprise at Cpl. Parslow's behavior.¹

Ultimately, local law enforcement officials determined that the VIA Metro bus driver was at fault in the crash.

On March 22, 2021, the Office of Police Oversight (OPO) received an external complaint from the VIA Metro bus driver. The complaint stated in part that Cpl. Parslow, who identified himself as an APD officer, exhibited "*hostile and intimidating behavior*" towards him. On April 7, 2021, the OPO generated a Notice of Formal Complaint requesting Internal Affairs (IA) initiate an investigation to determine if Cpl. Parslow's conduct violated APD policy, Civil Service Rules, and Municipal Civil Service Rules.

¹ Cpl. Parslow was shown this dialogue by IA during his July 27, 2021 interview.

Complainant/VIA Metro bus driver's IA Interview

On May 19, 2021, IA interviewed the complainant: the VIA Metro bus driver. The complainant specifically recalled Cpl. Parslow verbally *"going at me and profanity laced."* He went on to say that he *"felt a little bit intimidated by him"* because he was *"I guess outta control."* The complainant explained he advised his dispatcher what was currently going on and that Cpl. Parslow was claiming to be a police officer. While doing this, he said that he told Cpl. Parslow, *"You need to calm down, you're a police officer and you should know better."* He continued to explain that he ended up closing the driver's window and *"securing the doors to prevent any kind by entry."*

IA asked the complainant if Cpl. Parslow made any demands of him or directed him to do anything. The complainant stated, *"He wanted me to - surrender my driver's license to him. And I told him, 'That is not how it works. We do not surrender driver's licenses to anyone other than, you know, local police department for their own report purposes.'"*

IA asked the complainant his opinion on how Cpl. Parslow's actions reflected on the law enforcement community or the Austin Police Department. He replied:

"He scared the shit outta me. I mean, like, you know, like, I'm an old man. I'm 47 years old, you know, and I have three cops in my family. And - and because I was in the military I speak a paramilitary language. I've never had an experience like that with a police officer for lack of a better term lose his shit. You know, I - I never had that interaction. That was like the first time I was surprised. I mean, you know, they - they maintain. They're supposed to maintain a stoic calm and that guy was just, uh, he was outta hand."

The complainant's concerns were similar to those he expressed to the SAPO who arrived to conduct a crash investigation. As detailed in the previous section, the BWC footage records show the various expressions of shock or surprise at Cpl. Parslow's behavior.

Corporal Parslow's IA Interview

During his July 27, 2021 interview with IA, Cpl. Parslow acknowledged the video evidence that shows he displayed an offensive gesture by extending his middle finger at the bus [driver]. IA investigators also asked him to explain his initial approach to the bus after the crash. He replied, *"I was really mad, like I said."* Cpl. Parslow went on to say, *"I remember, like I said, usin' profanity, cussing him out, tryin' - getting the dri- wanting the driver's license..."* *"Uh even after reviewing the video I couldn't hear anything other than the cussing..."* and *"I have no problem owning I cussed the guy up and down. I have no problem owning that I showed my badge."*

In spite of these admissions, Cpl. Parslow denied violating any APD policy, including the Impartial Attitude and Courtesy policy and the Acts Bringing Discredit policy, in part because he was off-duty and with loved ones. He failed to maintain an impartial attitude and remain courteous. While Cpl. Parslow was off duty, his conduct is sanctionable because, unprompted, he chose to identify himself as an APD officer and displayed his badge. Once he identified himself, various witnesses expressed their surprise as to how

he conducted himself, while at least one witness conveyed that they were surprised “an officer” would act in such a manner. Moreover, the fact that he displayed his badge and identified himself as an APD officer could lead a reasonable person to conclude that he was acting in an official capacity. APD’s Impartial Attitude and Courtesy policy requires that:

- Employees will treat all persons with dignity, will be courteous and respectful toward all persons, showing consideration for the welfare of all persons with whom they interact.
- Employees will not use indecent or profane language or gestures while interacting with, or in the vicinity of, members of the community.

In spite of his denial, Cpl. Parslow’s admissions also establish that he violated the acts bringing discredit policy. He repeatedly stated to IA “*if I was officially on duty, no, it was not a good representation [of APD].*” He also acknowledged to IA that “*If I was on duty they’d be very poor,*” in regards to his actions being a poor representation of an APD supervisor. However, he adamantly maintained that he did not violate the acts bringing discredit policy, even though policy specifically outlines:

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.

While he never came around to acknowledge that he violated APD policy, in spite of IA’s attempts to point out the above-mentioned language outlined in policy, Cpl. Parslow did offer the following revealing quotes:

“So again I would’ve absolutely handled it differently having all this hindsight and knowledge.”

“...after some thought I do recognize and clarify that showing my badge does represent me as an Austin Police officer. After I’ve had some moments to think about it and you are correct.”

“Again I’d just like to reiterate like I said before, I understand my actions were not - not okay. There’s no, like I said when we - you asked what I would’ve done differently, there’s definitely things I would’ve done differently. - I would’ve - I still probably would’ve cussed him out but I wouldn’t have showed him my badge or anything like that. I would’ve just been like, “Hey, we called the police,” like I told you and just go back to my car. And like you see on other videos like a normal citizen does, get on with their insurance and do the insurance, whatever we need to do.”

Cpl. Parslow also pontificated in this instance what he did was a “*dumb decision*” and his “*emotions*” were “*high.*”

By these actions, Corporal 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 Policy 301.1: Responsibility to the Community: Scope and Purpose**

301.1 Scope and Purpose

All persons deserve protection by fair and impartial law enforcement and should be able to expect similar police response to their behavior wherever it occurs. Employees will serve the public through direction, counseling, assistance, and protection of life and property. Employees will be held accountable for the manner in which they exercise the authority of their office or position. Employees will respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.

➤ **Austin Police Department Policy 301.2: Responsibility to the Community: Impartial Attitude and Courtesy**

301.2 Impartial Attitude and Courtesy

Employees shall provide equal and fair protection of all rights under local, state, and federal law for all members of the community. Law enforcement will be conducted in an impartial and equitable manner.

In an effort to create an organizational culture that is inclusive and nondiscriminatory, employees shall act professionally, treat all persons fairly and equally, and strive to interact with the community in a positive manner. Employees will perform all duties objectively and without regard to personal feelings, animosities, friendships, financial status, occupation or employment status, sex, disability status, housing status, mental health or ability, citizenship, language, national origin, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity, gender expression, ethnicity, or social or ethnic background. Employees will endeavor to understand and respect cultural, national, racial, religious, physical, mental, and other differences.

- (a) Employees will not express or otherwise manifest any prejudice concerning any of the categories or characteristics listed in this section in a context or manner that would cause a reasonable person to question the employee's fairness or impartiality related to the performance of their duties.
 1. Employees will respect the rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.

2. The use of remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature to or about any person or group of persons is strictly prohibited.
- (b) Employees will be tactful in the performance of their duties, control their tempers, exercise patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.
 - (c) Employees will treat all persons with dignity, will be courteous and respectful toward all persons, showing consideration for the welfare of all persons with whom they interact.
 - (d) Employees will not ridicule, mock, taunt, embarrass, humiliate, belittle, or shame any person, nor do anything that might incite that person to violence.
 - (e) Employees will not use indecent or profane language or gestures while interacting with, or in the vicinity of, members of the community.
 - (f) Officers shall not encourage, condone, or ignore any of the behaviors described in subsections (a)-(e).

➤ **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

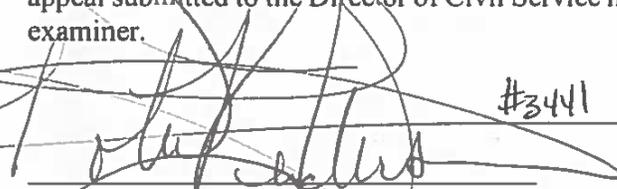
Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

- (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.
- (c) Employees will not engage in any activity in which there is a potential for conflict of interest or the appearance of a conflict of interest with the lawful duties of the employee.
 1. "Conflict of interest" includes any activity which would tend to influence a decision, create a bias or prejudice, or create a gain or loss for any person or agency which would favor one side or the other in conflict with the employee's official duties, or which conflicts with the accomplishment of the Department's mission or goals.

Corporal Parslow is advised that this suspension may be considered by the Chief of Police in a future promotional decision pursuant to General Order 919.

By copy of this memo, Corporal Parslow 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, Corporal Parslow 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.


#3441
JOSEPH CHACON, Interim Chief of Police
ROBIN J. HENDERSON #3441 ON BEHALF OF CHIEF CHACON

SEPT. 9, 2021
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.


6478
Police Corporal Richard Parslow #6478

9/9/21
Date