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Civil Service Office

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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: October 23, 2019

SUBJECT: Agreed Temporary Suspension of Police Officer Jonathan Pax #7623
Internal Affairs Control Numbers 2018-0497

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 Jonathan Pax #7623 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 October 26, 2019 and continuing through December 24, 2019.

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

On March 15, 2018, Officer Jonathan Pax, while on duty, responded to a "shots fired" call in east Austin. Upon arrival, Officer Pax became involved in an argumentative interaction with two female citizens. Afterwards, Officer Pax made inappropriate comments regarding various racial and cultural demographic areas of the city. Specifically, Officer Pax spoke with another officer about his belief that different communities within Austin respond/interact differently to police activity in their neighborhoods. His comments do not reflect the values of the Austin Police Department and work against our commitment to building stronger relationships with our entire community. Officer Pax's chain of command initiated an investigation into the incident. During his Internal Affairs interview, Officer Pax accepted responsibility for his actions by admitting he was not tactful in the performance of his duty, did not exercise patience, and was not courteous or respectful in accordance with his training and APD policy.

By these actions, Officer Pax 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 301.2: Responsibility to the Community: Impartial Attitude and Courtesy**

301.2 Impartial Attitude and Courtesy

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

- (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 make every effort to be courteous and respectful toward all persons.

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

1. Officer Pax shall attend any training specified by his chain of command.
2. Officer Pax 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 Officer Pax returns to duty after completing his agreed suspension. Should Officer Pax 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. Officer Pax 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. Officer Pax 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.

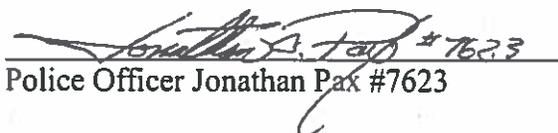
By signing this Agreed Discipline, Officer Pax understands and agrees that I am forgoing my right to indefinitely suspend him for the conduct described above and that by agreeing to the suspension, Officer Pax waives all right to appeal to this agreed suspension and the additional terms and conditions to the Civil Service Commission, to an Independent Third Party Hearing Examiner, and to District Court.


BRIAN MANLEY, Chief of Police

10-23-19
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, 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 Officer Jonathan Pax #7623

10/23/19
Date