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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: January 20, 2021

SUBJECT: Temporary Suspension of Police Officer Jonathan Dranguet #8895
Internal Affairs Control Numbers 2020-1550

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 Dranguet #8895 from duty as a City of Austin, Texas police officer for a period of SIX (6) days. The temporary suspension is effective beginning on January 21, 2021 and continuing through January 26, 2021.

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

The Initial Call:

On July 25, 2020, Officer Dranguet was working as a uniformed patrol officer for the Austin Police Department (APD). He was operating a marked APD patrol vehicle equipped with emergency lights and sirens.

On that day, at approximately 3:00 p.m., Officer Dranguet responded to assist other APD officers in locating a suspect who had fled from an attempted burglary at a residence on Stratford Drive, in Austin, Texas. The call text advised that the suspect had fired a handgun at or near the residence.

Officer Dranguet was one of several officers helping to establish a perimeter to stop the suspect from escaping. As Officer Dranguet was driving around the perimeter he saw a white pickup truck pulling a trailer approach him on the other side of the street. Initially, he did not think anything was unusual. However, soon thereafter Officer Dranguet saw two men run after him saying: "*He stole our vehicle!*"

The First Pursuit:

Believing that the burglary suspect was driving the white pickup truck, Officer Dranguet turned around, relayed the information regarding the white truck over the radio, found the suspect vehicle, and initiated a pursuit of the vehicle when it failed to pull over. The pursuit began when the suspect's vehicle turned southbound onto Mopac. The pursuit is captured by the DMAV in Officer Dranguet's patrol unit. Officer Dranguet's body-worn camera also recorded video during the pursuit. In addition, the radio traffic relating to the pursuit was recorded.

Officer Dranguet gave appropriate notification that he was initiating a pursuit and Sergeant Ignal gave permission for the pursuit to proceed. At some point during the pursuit an APD helicopter—Air 1—joined the pursuit and tracked the suspect vehicle. The Air1 unit recorded video of the pursuit.

During his interview with the Austin Police Department's Internal Affairs Division (IAD), Officer Dranguet described the white pickup's driving as "*Aggressive – very aggressive.*" He noted that the trailer being pulled by the white pickup was full of lawn equipment and it was creating large dust clouds as it bounced around on the highway. He also noted that the suspect/driver was intentionally colliding with other vehicles on the roadway.

Despite making these observations, Ofc. Dranguet failed to notify dispatch of these collisions or the potential dangers caused by the trailer and its contents. When asked why he failed to do so, Officer Dranguet admitted that he was focused on the pursuit and had "*tunnel vision.*" Officer Dranguet also failed to consider permitting Air 1 to take over the pursuit. Officer Dranguet acknowledged to IAD that permitting Air 1 to take over would have been the safer tactic.

As the pursuit continued, the suspect (now driving on Highway 290) crossed over the highway and began travelling in the wrong direction, against opposing traffic. Despite the obvious dangers, Officer Dranguet continued the pursuit by going through intersections and eventually travelling in the opposite direction of traffic as well. Although Officer Dranguet took steps to clear the intersections (using horns and his emergency lights and sirens), he later acknowledged that continuing the pursuit was dangerous. Indeed, Officer Dranguet acknowledged to IAD that the fleeing vehicle was reaching speeds of approximately 100 mph.

Officer Dranguet himself crossed over the highway and drove on the shoulder towards oncoming traffic. He continued in this fashion for approximately a minute at speeds of 90-95 mph. When questioned by IAD, Officer Dranguet acknowledged that his driving was very hazardous because he was *“going high speeds on the wrong side of a high speed roadway.”* He also acknowledged that driving in the wrong direction of a divided highway violated APD General Orders. Officer Dranguet only stopped this dangerous pursuit when Sgt. Ignal terminated the pursuit. Officer Dranguet admitted to IAD that he failed to consider the obvious dangers caused by the pursuit (e.g., high speeds, intentional collisions caused by the suspect with uninvolved motorists, and travelling on the wrong side of a divided highway), that he was aware Air1 was available to continue the pursuit, and that he should have ended the pursuit himself before it endangered the public.

The Second Pursuit:

After Sgt. Ignal terminated the pursuit, Officer Dranguet continued to follow updates given by Air1 over the radio. Hearing an update that the suspect vehicle had been seen in a convenience store parking lot, Officer Dranguet proceeded to the location with the intent to perform a high-risk traffic stop due to the fact that the driver was believed to be armed, had committed serious crimes, and had shown reckless disregard for others.

As Officer Dranguet was preparing to conduct a stop, the vehicle sped away again. Without permission, Officer Dranguet began another pursuit. Unsure if he had permission to continue the pursuit, Officer Dranguet turned off his emergency lights and sirens, but continued to follow the vehicle. By his own admission, he disobeyed traffic laws while taking this action and acknowledged this posed a hazard to other motorists because *“I don’t have my emergency lights and sirens on so they [other motorists] didn’t have proper warning.”*

Soon thereafter, Officer Dranguet obtained permission to reengage the pursuit and activated his lights and sirens. The pursuit ended when the driver crashed into a tree on South Congress. The driver was arrested and a handgun was located in the vehicle. The driver was charged with several serious felony offenses.

Conclusion:

Officer Dranguet's interview with IAD demonstrates that he allowed his better judgment to be compromised by his desire to stop an armed and dangerous fleeing felon. APD officers are tasked with protecting the public by stopping crime when it occurs, but they do not serve the goal of protecting the community when they engage in hazardous vehicle pursuits that could easily cause death or serious bodily injury to innocent motorists or pedestrians. In short, Officer Dranguet's "tunnel vision" caused him to lose sight of the fact that discretion is often the better part of valor.

Officer Dranguet acknowledged throughout his interview with IAD that his decisions endangered the public, he should have communicated better with the pursuit supervisor, he could have relied on alternative, less dangerous, means to track the suspect (such as relying on Air1), and he violated APD General Orders related to vehicle pursuits. The fact that Officer Dranguet has taken responsibility for his actions demonstrates to me that he will learn from this experience and improve in the future. Moreover, I also considered the fact that Officer Dranguet was pursuing an armed and dangerous person, driving a stolen vehicle, whose identity was unknown. These factors may justify vehicle pursuits in many cases, but not under the circumstances experienced in this incident.

After balancing the seriousness of Officer Dranguet's violations, his acceptance of responsibility, and the totality of the circumstances he experienced during the incident, it is my judgment that a suspension is appropriate.

By these actions, Officer Dranguet 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 214.3.2: Vehicle Pursuit: Factors to Consider Before Initiating a Pursuit**
- **214.3.2 Factors to Consider Before Initiating a Pursuit**

With the exception of the specified restrictions on vehicle pursuits listed in this order, officers are authorized to initiate a pursuit when it is reasonable to believe that a subject is attempting to evade arrest or detention by fleeing in a vehicle.

- (a) The following factors will be considered both individually and collectively when deciding whether to initiate or continue a pursuit:
 1. Seriousness of the known or reasonably suspected crime and its relationship to community safety.
 2. The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.

3. Apparent nature of the fleeing subject (e.g., whether the subject represents a serious threat to public safety).
4. Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
5. The identity of the subject has been verified and there is comparatively minimal risk in allowing the subject to be apprehended at a later time.
6. Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
7. Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
8. Weather, traffic, and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the subject's escape.
9. Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
10. Vehicle speeds.
11. Other subjects in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
12. Availability of other resources such as aircraft assistance.

➤ **Austin Police Department Policy 214.3.3: Vehicles Pursuits: When to Terminate a Pursuit**

214.3.3 When to Terminate a Pursuit

Pursuits should be discontinued whenever the totality of objective circumstances known, or which reasonably ought to be known, to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the subject's escape. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to motorists, themselves, and the public when electing to continue a pursuit. This section shall not be construed to authorize a pursuit that is expressly prohibited as outlined in the Restrictions on Vehicle Pursuits section of this order.

- (a) The factors listed in this order on when to initiate a pursuit are expressly included herein and shall also apply to the decision to discontinue a pursuit. In addition to those factors listed, the

following should also be considered in deciding whether to terminate a pursuit:

1. Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
2. Pursued vehicle's location is no longer definitely known.
3. Officers shall discontinue the pursuit when they become aware their vehicle has developed a mechanical malfunction. This includes, but is not limited to:
 - (a) Any engine warning light activates on the dash (e.g., brake, ABS, or check engine lights).
 - (b) Audible warning tones.
 - (c) Physical damage that affects the performance, maneuverability, or functioning of the vehicle.
4. Hazards to uninvolved bystanders or motorists.
5. If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
6. Directed by a supervisor.
7. Pursuit speeds:
 - (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
 - (b) Pursuit speeds have exceeded the driving ability of the officer.
 - (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

➤ **Austin Police Department Policy 214.3.4: Vehicles Pursuits: Pursuit Driving Considerations and Restrictions**

214.3.4 Pursuit Driving Considerations and Restrictions

The decision to use specific driving tactics requires the same assessment of factors to be considered concerning pursuit initiation and termination. The following driving tactics apply to units involved in a pursuit:

- (a) Officers will space themselves from other involved vehicles, in consideration of their driving skills and vehicle performance capabilities, so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle and other police units.

- (b) Officers should not attempt to pass other units in a pursuit unless the situation indicates otherwise or requested to do so by the primary unit or control supervisor.
- (c) In the event that the pursued vehicle drives the wrong way on a roadway, the following tactics should be used:
 - 1. Request Air Support assistance.
 - 2. If a divided roadway, maintain visual contact with the pursued vehicle by paralleling on the correct side.
 - 3. Request other units to watch for exits available to the vehicle.
- (d) Officers will not pursue a vehicle driving the wrong way on a:
 - 1. Highway or Freeway,
 - 2. Highway or Freeway frontage / service roads, or
 - 3. any roadways that are:
 - (a) directly connected to highway/freeway entry or exit ramps, or
 - (b) adjacent to or running parallel to a highway or freeway.
- (e) Officers have an obligation to drive with a due regard for the safety of lives and property. Driving the wrong way on a roadway does not necessarily protect the officer from the consequences of a disregard for traffic and/or legal restrictions.

By copy of this memo, Officer Dranguet 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, Officer Dranguet 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.

[Signature]
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BRIAN MANLEY, Chief of Police
FOR CHIEF MANLEY

1-20-2021
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.

Jonathan Dranguet 8895
Police Officer Jonathan Dranguet #8895

1/20/21
Date