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MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Susan Sinz, Director of Civil Service

FROM: Lisa Davis, Chief of Police

DATE: September 18, 2025¹

SUBJECT: Indefinite Suspension of Police Officer Benjamin Cochran #5900
Internal Affairs Control Number 2025-0093

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 indefinitely suspended Police Officer Benjamin Cochran #5900 from duty as a City of Austin, Texas police officer effective September 18, 2025.

I took this action because Officer Cochran 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:

¹ Although this suspension is effective more than 180 days after the date of the underlying date of the incident(s) and/or discovery of the criminally related incident(s), its imposition complies with the mandates of LGC 143.052 and two agreed to 30-day extensions (requested/agreed to on or about July 28, 2025, and on or about August 25, 2025, by Officer Cochran and/or his representatives) of the statutory 180-day deadline pursuant to Article 17, Section 8 (c), (d), or both of the October 29, 2024, Meet and Confer Agreement between the City of Austin and the Austin Police Association. APD has/had until October 11, 2025, to impose discipline.

- H. Conduct prejudicial to good order; and
- 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 Ofc. Cochran in violation of Rule 10:

I. Introduction and Factual Findings

On February 13, 2025, Internal Affairs (IA) received a formal complaint² from the Office of Police Oversight (OPO). The complainant, Ms. JM, alleged numerous allegations, including that on multiple occasions Ofc. Benjamin Cochran showed her APD Body Worn Camera (BWC) video(s) that he had saved to his mobile phone.

On May 28, 2025, Ms. JM confirmed with IA that the first time Ofc. Cochran showed her BWC video was September 2023 and the last time she recalled seeing a video from him was October 2024. When asked by IA what device was used to show her the videos, Ms. JM confirmed that Ofc. Cochran showed her using his personal mobile phone.

On June 16, 2025, IA served Ofc. Cochran with an *Order to Produce* data from his personal mobile phone. This data included BWC videos as well as APD Digital Mobile Audio Videos (DMAV) that was recorded on Ofc. Cochran's personal mobile phone. Ofc. Cochran turned over 30 BWC and DMAV videos along with text messaging data. The text messages indicated that Ofc. Cochran shared, referenced, and discussed these APD BWC and DMAV incidents with individual(s) with no affiliation with APD and with no authorization or law enforcement purpose to view the videos.

In fact, some of the text message data produced shows that Ofc. Cochran knew at the time that what he was doing was wrong. On or about October 2, 2023, one such exchange between Ofc. Cochran and Ms. JM about an incident he was involved in while he was still on-duty reads as follows:

Ofc. Cochran: *"I'll try to send the video if I can."*

Ofc. Cochran: *"If I send you the videos you promise to not share or show them to anybody one [sic]?"*

Ms. JM: *"I won't share or show to anyone."*

On July 9, 2025, during Ofc. Cochran's interview with IA, he was asked why he recorded BWC and DMAV video(s) on his mobile phone. Ofc. Cochran explained why, while also acknowledging he should not have done so when he responded:

² This memorandum will address the sustained violations. The allegations that were not sustained were not considered in the decision to impose the indefinite suspension.

"So with what we do, sometimes people get away with doing crimes. Some of it is I can look back on it sometimes and say, look, I made a difference, I did this, it was wrong, I shouldn't have done it."

Ofc. Cochran was also asked how he got the recordings onto his mobile phone. He stated:

"So with the DMAV, I would take my personal phone and hold it up to the screen on the - the computer, like, and record it. And then for the body-worn camera ones, I would put the - the city's issued cell phone, like, on my lap or on the table or something and then just hold in my personal phone and record it."

When IA asked for clarification on "computer," Ofc. Cochran stated:

"The MDT.³ Yes, sir."

Ofc. Cochran was asked, how many people he allowed to see the videos. His replies included:

"Uh, multiple people."

"Uh, my family and close friends."

"Uh, my dad, my sister, um, uh, another close friend of mine."

Ofc. Cochran was asked if he shared the videos in person or via text message. He stated:

"Both. Shared in person or sent via text."

When asked if any of these individuals were members of law enforcement, he stated:

"No, sir."

When asked what law enforcement purpose he had to show any of the videos, he stated:

"I had none."

During his IA interview, Ofc. Cochran agreed that there are approximately 30 incidents currently still recorded on his mobile phone. IA investigators were able to confirm that nearly 20 of those videos are BWC and the other 10 to 14 videos are DMAV. Ofc. Cochran also estimated that he has been recording videos since 2012. Ofc. Cochran confirmed to IA that he had likely shared all of the 30 videos on his phone with Ms. JM:

IA: *"How many videos, um, did you show [Ms. JM], do you know?"*

COCHRAN: *"Uh, I'm just gonna assume all of 'em. I - but I'm not gonna - it - I - I don't know how many."*

³ MDT is the Mobile Data Terminal (Computer) in an APD patrol vehicle.

During Ofc. Cochran's IA interview, he also confirmed that he had reviewed APD Policy⁴ 303.7.1— Copies of Body-Worn Camera Systems and Recordings. When asked if he believed that he violated this policy, Ofc. Cochran stated:

"100%. Yes, sir. Because I made unauthorized copies of, uh, the recordings and then shared them with people who were not law enforcement and who were not authorized to see those videos."

Ofc. Cochran also confirmed he had reviewed APD Policy 900.1.1 – Responsibility to Know and Comply. When asked if he believed that he violated this policy, he stated:

"So I violated the APD policy, um, with the body-worn camera."

Ofc. Cochran denied violating state law. He made this denial even though he admitted to violating General Orders that mirror or reference the state law. Indeed, APD General Order 116.4.7 specifically says that unauthorized release of BWC video is a Class A misdemeanor. The relevant state law (although it was recently recodified from the Occupations Code to the Code of Criminal Procedure) has been effective since September 1, 2015.⁵ The APD General Orders referencing this law have been in place since at least 2017, when APD adopted its body-worn camera program.

Officer Cochran knew he should not have been sharing the videos. Even if he did not know, all APD officers are required to Know and Comply with all Policy/General Orders, which have stated since 2017 that what Ofc. Cochran repeatedly did is/was a Class A misdemeanor. Failure to Know Policy/General Orders is not a defense to disciplinary action. Also, in addition to the mandate that all Officers Know and Comply with Policy/General Orders, APD has held department-wide training for all officers reminding officers that sharing or showing videos to family or friends is against policy and/or a Class A misdemeanor.

II. Chief's Concurrence with Chain of Command's (COC) Recommendations

Based on the evidence developed during the IAD investigation, Ofc. Cochran's Chain of Command (COC) recommended to me that I sustain violations of several General Orders. I concur with these recommendations.

In line with the COC's recommendations, I find that Ofc. Cochran violated the following General Orders:

⁴ APD Policy and General Orders (GO) are used interchangeably throughout this document and have the same meaning.

⁵ As of January 1, 2025, the law is found in the Texas Code of Criminal Procedure as opposed to the Texas Occupations Code. This is the current state of law which has gone unchanged since 2015.

APD General Order 116.4.7 Body Worn Camera Video⁶ which states in part:

Chapter 1701 of the Occupations Code outlines the requirements for releasing information recorded by body worn cameras including recordings as evidence. An officer or other employee commits an offense (Class A Misdemeanor) if the officer or employee releases a recording created with a body worn camera without the permission of the department.

APD General Order 303.6 REVIEW OF ALL CAMERA SYSTEM RECORDINGS⁷ which states in part:

- b) *Recordings may only be reviewed:*
 - 3) *By authorized persons for the purpose of reviewing evidence.*
- e) *Employees shall not obtain, attempt to obtain, or convert for their personal use or the unauthorized use of another person any information from Department video files or the confidential files of any other agency.*
- f) *Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., YouTube, Facebook).*

APD General Order 303.7.1 Copies of BWC System Recording⁸ which states in part:

BWC media recordings shall be used for official APD business only. This may include public information requests after the recording has been reviewed by the Department Legal Advisor and approved for release by the Department. Copies of BWC System Recordings will not be provided unless the person requesting the copy is authorized to view the recording and does not otherwise have access to view the recording using the BWC system. Personnel assigned to Special Investigations and Internal Affairs are authorized to create copies of BWC recordings as needed per their investigative process. When a copy is made, the person receiving the copy shall comply with records retention as outlined in General Orders.

APD General Order 900.1.1 Responsibility to Know and Comply⁹ which states in part:

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written

⁶ General Order/Policy 116.4.7 has been in place since 9-25-19 and is currently in place as of the writing of this memorandum. Before, GO 116.4.7 was known as GO 116.3.7 (valid from 4-26-17 to 9-24-19).

⁷ General Order/Policy 303.6 has been in place since 6-9-2019 and is currently in place as of the writing of this memorandum. Before GO 303.6 was known as GO 303.5 (valid from 5-11-16 to 6-19-19) and 303.4 (valid from 5-25-14 to 5-10-16).

⁸ General Order/Policy 303.7.1 has been in place since 11-28-2022 and is currently in place as of the writing of this memorandum. Before, GO 303.7.1 was known as GO 303.4.2 (valid from 9-8-2020 to 11-27-22), GO 303.4.3 (valid from 6-20-19 to 9-7-2020), and GO 303.3.3 (valid from 5-16-16 to 6-19-19).

⁹ This GO has been in place since 2014 to date and has remained in place and is currently in place as of the date of the writing of this memorandum.

directives.

(a) Employees will maintain a working knowledge and comply with the laws, ordinances, statutes, regulations, and APD written directives which pertain to their assigned duties.

(b) Employees who do not understand their assigned duties or responsibilities will read the relevant directives and guidelines, and will consult their immediate supervisor for clarification and explanation.

(c) A lack of knowledge of an APD written directive is not a defense to disciplinary action.

To wit: Texas Occupations Code - OCC § 1701.659. Offense (9/1/2015 to 12/31/2024)

(a) A peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency.

(b) An offense under this section is a **Class A misdemeanor**, and/or

To wit: Texas Code of Criminal Procedure Art. 2B.0110. OFFENSE. (1/1/2025 to date)

(a) A peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency.

(b) An offense under this article is a **Class A misdemeanor**.

III. Distinctions Between the Administrative Case and the Criminal Case

Unlike criminal prosecutors, in this administrative case APD is permitted to use Ofc. Cochran's compelled interview, as well as the items he was compelled to produce. *See Garrity vs. New Jersey* 385 U.S. 493 (1967). Thus, Ofc. Cochran's admissions in this case alone prove the conclusions made by me and the COC. My decision was further supported by the audio/video evidence in this matter. In sum, the fact that there are no formal criminal charges has no bearing on this administrative case, pursuant to Texas Local Government Code section 143.056 (f), which states:

Acquittal or dismissal of an indictment or a complaint does not mean that a fire fighter or police officer has not violated civil service rules and does not negate the charges that may have been or may be brought against the fire fighter or police officer by the Department head.

IV. Distinctions Between the 180-rule in a Criminal vs. Non-criminal Case

Typically matters that occurred more than 180 days from the date of the incident are not subject to discipline, with a very notable exception found in the Texas Local Government Code (TLGC). TLGC 143.052(h) states:

...The department head may not complain of an act that occurred earlier than the 180th day preceding the date the department head suspends the... police officer.

TLGC 143.052(h), however, also provides an exception (or an extended time frame) regarding acts that are “*related to criminal activity*.” The statutory 180-day clock for discipline on those matters does not begin on the date of occurrence, but rather, the clock begins on the date of discovery of those criminally related activities:

If the act is allegedly related to criminal activity including the violation of a federal, state, or local law for which the fire fighter or police officer is subject to a criminal penalty, the department head may not complain of an act that is discovered earlier than the 180th day preceding the date the department head suspends the fire fighter or police officer. The department head must allege that the act complained of is related to criminal activity.

Therefore, all the acts that are related to criminal activity discovered by APD on or about February 13, 2025, in this memorandum had a disciplinary deadline of no earlier than on or about August 12, 2025. This applies to all the allegations and GO violations in this memorandum, including but not limited to, anytime Ofc. Cochran shared or showed videos to Ms. JM, amongst others, in September 2023 to October 2024, since each incident was criminally related.

V. Conclusion

I concur with the COC’s recommendation in Ofc. Cochran’s Notice of Sustained Allegations that he violated the above-mentioned General Orders and State Law(s). The COC found:

Based upon the evidence, every time you copied the content and then shared this content by either allowing others to view footage on your electronic device and/or sending it to them electronically or via text message was a separate and distinct violation of General Orders and the law. You admittedly did so with members of your family, including your parent(s) and at least one sibling, a male friend or friends, girlfriend or ex-girlfriend(s). The preponderance of the evidence gathered during this investigation demonstrates that you committed numerous GO violations and Class A misdemeanors while on-duty, off-duty, or both.

Therefore, I, Chief Lisa Davis, have made the decision to indefinitely suspend Ofc. Cochran. While Ofc. Cochran has been an exemplary employee for 19 years, and accepted

responsibility for violating General Orders, any one of the Class A misdemeanor violations that Ofc. Cochran committed by at least the preponderance of the evidence would be grounds for his indefinite suspension. Moreover, by Ofc. Cochran's own admission, some of the conduct that makes up at least one element of the offense(s) that he committed occurred while he was on-duty. APD's disciplinary matrix, in APD GOs, specifies that an on-duty criminal offense will result in an indefinite suspension for a first-time offense.¹⁰

As spelled out in this suspension memorandum, Ofc. Cochran admitted to texting Ms. JM BWC videos or allowing Ms. JM to view the BWC videos on his phone approximately 20 times. Each of these acts constituted a Class A misdemeanor. In addition, Ofc. Cochran admitted that he showed or shared BWC videos with at least five other people as well. Each time he shared one of these videos without authorization from APD was also a separate offense. Thus, by his own admission(s), Ofc. Cochran has committed dozens of Class A misdemeanors, with the precise number depending on how many BWC videos he showed or shared with the other people he referred to showing and/or texting BWC videos.

Committing a Class A offense, regardless of whether it can be prosecuted or not, is intolerable. Officer Cochran not only violated state law, but he breached law enforcement standards, APD standards, General Orders, confidentiality standards, and the trust of the department, city, and the public. It is quite shocking to me that Ofc. Cochran stated he has engaged in this type of conduct since 2012, which would be 13 years of his 19-year career.¹¹ This case revealed to me that Ofc. Cochran has exhibited bad judgement since 2012 to date, and it just came to light.

While Ofc. Cochran claims to have shown these videos to showcase that he is making a difference to his family and friends, he did so, by committing crimes for nearly 10 years. He seemingly failed to recognize that the members of the public he was encountering, many including victims and arrestees, also have friends and family and they likely see these videos in a far different light than Ofc. Cochran and the people he shared the videos with.

Moreover, a few examples of the videos Ofc. Cochran shared include two different videos involving women who appeared to be experiencing a mental health crisis. Another video he shared involved a disturbance with children seen on the video. Those children were not blurred in the video shared by Ofc. Cochran. These are all people in a vulnerable state who did not consent to having these videos shared outside of sanctioned process.

Additional videos shared were of use of force incidents. In regard to a use of force incident that Ofc. Cochran was involved in he described the incident to Ms. JM in great detail and texted her a comment claiming it would have been a *"shit show because he is black."* He also jokingly stated in the text that *"I'm sure Travis County DA will likely throw it out. [as in dismiss the case]."* This type of comment is counter to APD's goal of cooperating with its law enforcement partners and not disparaging them.

¹⁰ See APD General 903; Specifically Discipline Matrix: 903.1 Purpose And Scope

¹¹ Ofc. Cochran admitted that he has shared or showed unauthorized DMAV footage with his family and friends over the years [since 2012], long before APD had BWC.

The full text message reads as follows:

"Guy parks his truck in a parking garage and goes to work. Comes back out and sees a suspect inside his truck going through everything. Guy first wants to confront suspect in his truck but then remembers he has a .38 revolver in the center console. Guy runs out and calls 911. We get there, clear the truck and clear the parking garage and the .38 is now missing. We get video footage from the security office of the suspect and start looking for him. About 45 min later we locate him at the park in front of the federal court house. Draw down on the guy and nearly almost shoot him cause he keeps reaching in his fucking pack back which we later find the revolver in. This would have been a shit show cause he's black. Luckily he surrendered and complied with commands and I was able to handcuff him. We then discovered 2 more stolen guns and 7 stolen passports in his backpack. I'm sure Travis County DA will throw it out."

IA asked Ofc. Cochran if he could see how this comment could be damaging to him and APD, and he acknowledged as much:

IA: *"All right. Is it possible, Officer Cochran, or, um, yes. Is it possible a defense attorney might cross-examine you on this comment alone and try to portray you as biased towards people - uh, towards members of the black community?"*

COCHRAN: *"It is possible. Yes, sir."*

Similarly, another comment that Ofc. Cochran made to Ms. JM that must be disclosed to surrounding area prosecutors is as follows:

"I know this sounds very gay, but it's important to me to stay in shape because I feel sexy then I want to have sex more and it's been proven that lower body fat produces higher testosterone which means I have a higher sex drive so when I gain a lot of weight it actually lowers my sex drive and I do not want that to happen especially with you."

Ofc. Cochran acknowledged that he could see how this comment could shed him and APD in a poor light:

COCHRAN: *"So I'm 45 years old, growing up, uh - uh, gay wasn't meant towards, like, a homosexual community. It wasn't meant as discriminatory, it meant soft, like, I'm sharing my feelings."*

IA: *"Mm-hm."*

COCHRAN: *"And that's the context of what I meant when I said that."*

IA: *In spite of your intentions, is it possible someone could view that comment as having a bias toward people in the community who are different than you, in this case, the gay community? "*

COCHRAN: "Yes, sir."

These comments, amongst others, and Ofc. Cochran's actions in freely sharing videos in this case are inconsistent with APD Canons of Police Ethics, APD Law Enforcement Code of Ethics, and APD ICARE Values, which are taught at the APD Police Academy and reinforced in APD continued education and training. Ofc. Cochran knew what he did was inconsistent with General Orders. His collective actions in this case are clearly conduct prejudicial to good order and could easily erode the public trust.

While I appreciate that Ofc. Cochran has a limited disciplinary history, has received numerous commendations, the fact that he expressed remorse, cooperated with investigators during this investigation, and stated that he would not do this again, I have no reason to confidently trust his word for a multitude of reasons. First of all, Ofc. Cochran did not self-disclose or self-report these indiscretions. Ofc. Cochran only admitted to violations because he could not deny the facts in front of him. However, the main reason I cannot trust Ofc. Cochran is very simple. Ofc. Cochran's intolerable actions in this case were already prohibited by GOs and the law, and those facts did not stop him.

The facts and circumstances of this case must also be shared with members of the criminal justice system as this qualifies as Brady (*Brady v. Maryland*, 373 U.S. 83 (1963)) Giglio (*Giglio v. United States*, 405 U.S. 150 (1972)) and Michael Morton Act material that must be disclosed to prosecuting attorneys. This is also required by APD General Order 910.7/910.7.1 Brady Material In Personnel Files. Moreover, it could compromise his credibility to testify in the future. This makes him unfit to serve as a police officer, which also leaves me with no choice but to indefinitely suspend him.

Moreover, if I retained Ofc. Cochran, I would send the wrong message to the Department and the community that this type of behavior, including repeated serious violations of State law, will not result in indefinite suspension. It bears repeating, a single Class A misdemeanor offense by a member of law enforcement should be intolerable for any law enforcement agency. Thus, I have made the careful and deliberate decision to indefinitely suspend Ofc. Cochran, effective immediately.

By these actions, Ofc. Cochran 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 116.4.7: Security and Release of Records and Information: Body Worn Camera Video**

116.4.7 Body Worn Camera Video

Chapter 1701 of the Texas Occupations Code outlines the requirements for releasing information recorded by body worn cameras including recordings as evidence. An officer or other employee commits an offense (Class A Misdemeanor) if the officer or employee releases a recording created with a body worn camera without the permission of the department.

(a) Recordings as evidence

1. Except as provided by Subsection (a)(2), a recording created with a body worn camera and documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and the longest retention period has been met.
2. The department may release to the public a recording described by Subsection (a)(1) if the Chief of Police or their designee determines that the release furthers a law enforcement purpose. At the request of the Chief of Police, the Internal Affairs Unit (IA) or the Special Investigations Unit (SIU) may grant temporary access to a video described in this section on Axon Evidence for the purpose of making a copy for public release. The person or persons to whom access was granted shall notify IA or SIU once they have completed making the copy. Copies shall be made within 7 days. IA or SIU will then update Axon Evidence™.

(b) Public Requests for Body Worn Camera Videos

1. When submitting a request for BWC video, a member of the public is required to provide the following information:
 - (a) The date and approximate time of the recording;
 - (b) The specific location where the recording occurred; and
 - (c) The name of one or more persons known to be a subject of the recording.
2. A failure to provide all of the information required by Subsection (b)(1) to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.
3. The department may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

4. A BWC recording is confidential and may not be released to the public if the recording was not required to be made under department orders and does not relate to a law enforcement purpose.

➤ **Austin Police Department Policy 303.6(b)(e)(f): Body-Worn and Vehicle Camera System: Review of All Camera System Recordings**

303.6(b)(e)(f) Review of All Camera System Recordings

- (b) Recordings may only be reviewed:
 1. By an employee to make sure the camera systems are operational
 2. By an employee to assist with writing a report, supplement, memorandum, or prior to making a required statement about the incident
 3. By authorized persons for the purpose of reviewing evidence
 4. Upon approval by the Chief of Police, by a person, or the person's authorized representative, who is depicted in a recording of an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer, but who is not a witness to the incident (Tex.Occ. Code § 1701.660)
 5. By a supervisor investigating a specific act of employee conduct
 6. By authorized Department personnel participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation
- (e) Employees shall not obtain, attempt to obtain, or convert for their personal use or the unauthorized use of another person any information from Department video files or the confidential files of any other agency.
- (f) Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., YouTube, Facebook).

➤ **Austin Police Department Policy 303.7.1: Body-Worn and Vehicle Camera System: Copies of BWC System Recordings**

303.7.1 Copies of BWC System Recordings

BWC media recordings shall be used for official APD business only. This may include public information requests after the recording has been reviewed by the Department Legal Advisor and approved for release by the Department. Copies of BWC System Recordings will not be provided unless the person requesting the

copy is authorized to view the recording and does not otherwise have access to view the recording using the BWC system. Personnel assigned to Special Investigations and Internal Affairs are authorized to create copies of BWC recordings as needed per their investigative process. When a copy is made, the person receiving the copy shall comply with records retention as outlined in General Orders.

➤ **Austin Police Department Policy 900.1.1: General Conduct and Responsibilities: Responsibility to Know and Comply**

9001.1 Responsibility to Know and Comply

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

- (a) Employees will maintain a working knowledge and comply with the laws, ordinances, statutes, regulations, and APD written directives which pertain to their assigned duties.
- (b) Employees who do not understand their assigned duties or responsibilities will read the relevant directives and guidelines, and will consult their immediate supervisor for clarification and explanation.
- (c) A lack of knowledge of an APD written directive is not a defense to disciplinary action.

To Wit:

Texas Occupations Code Section 1701.659: Offense (9/1/2015 to 12/31/2024)

- (a) A peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency.
- (b) An offense under Subsection is a Class A misdemeanor.

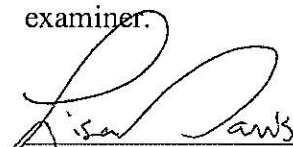
To Wit:

Texas Code of Criminal Procedure Art. 2B.0110: Offense (1/1/2025 to date)

- (a) A peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency.
- (b) An offense under Subsection is a Class A misdemeanor.

By copy of this memo, Officer Cochran is hereby advised of this indefinite 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 Cochran 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.



LISA DAVIS, Chief of Police

9.18.25

Date

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of indefinite 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.



Police Officer Benjamin Cochran #5900

09/18/25

Date