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September 3, 2020 2:44
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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: September 3, 2020

SUBJECT: Temporary Suspension of Police Officer Ryan Seweryn #8593
Internal Affairs Control Numbers 2020-0362

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 Ryan Seweryn #8593 from duty as a City of Austin, Texas police officer for a period of Ten (10) days. The temporary suspension is effective beginning on September 3, 2020 and continuing through September 12, 2020

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

On or about March 24, 2020, APD Officer Ryan Seweryn, sent a text message image, commonly referred to as a “meme,” to officers on his shift. The image was an over ten-year-old booking photograph taken of an APD employee, who was seventeen years old at the time. Officer Seweryn had added captions above and below the photograph. One of the officers who received the “meme” informed a supervisor and expressed to the supervisor that they found the image and message to be inappropriate and disrespectful. On March 26, 2020, Sergeant Michael Joseph signed an internal complaint memorandum directing the APD Internal Affairs (IA) to conduct an Administrative Investigation to determine if any violation of Department Policy, Civil Service Rules, or State Law had been committed by Officer Seweryn.

IA interviewed several witnesses during their investigation, including Officer Seweryn. The investigation showed that Officer Seweryn’s actions caused embarrassment to at least one co-worker. Moreover, Officer Seweryn admitted that he violated the following APD General Orders: 900.3.4 Personal Conduct and 900.5 Responsibility to Coworkers. Officer Seweryn’s testimony further established that he did not access nor distribute the booking photograph for a legitimate law enforcement purpose, in violation of APD General Order 116.8 Privacy and Security of Records. Lastly, Officer Seweryn acknowledged that his use of the photograph was a failed attempt at “*humor*,” that was unprofessional and discourteous to his co-worker.

By these actions, Officer Seweryn 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 116.8: Security and Release of Records and Information: Privacy and Security of Records**

116.8 Privacy and Security of Records

Austin Police Department employees shall not access, view, distribute, or allow anyone else to access, view, or distribute any hard copy or electronic record, file, or report, except in accordance with Department orders and with a legitimate law enforcement or business purpose, or as otherwise permissible by law.

All reports including, but not limited to, initial, supplemental, follow-up, evidence and property reports, shall be maintained in a secure manner accessible only to authorized personnel.

➤ **Austin Police Department Policy 900.3.4: General Conduct and Responsibilities: Personal Conduct**

900.3.4 Personal Conduct

- (c) While on-duty or on the premises of City facilities, employees will not:
 - 1. Use loud, indecent, profane, harsh, derogatory language, or use belittling term in any communications.
 - 2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.
 - 3. Indulge in "horseplay."
 - 5. Post or display derogatory, offensive or lewd pictures which degrade or lower the self-esteem of fellow employees and would undermine the goal of professionalism within APD.

➤ **Austin Police Department Policy 900.5: General Conduct and Responsibilities: Responsibility to Coworkers**

900.5 Responsibility to Coworkers

Cooperation among employees of the Department is essential to effective law enforcement.

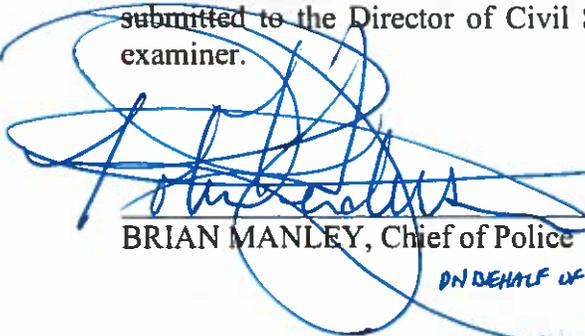
- (a) Employees are expected to treat each other with respect.
 - 1. Employees will be courteous and civil at all times in their relationships, perform their duties in a cooperative and supportive manner, and not threaten, display physical aggression toward, or use insolent or abusive language with one another.

Officer Seweryn 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, Officer Seweryn 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 Seweryn 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.


BRIAN MANLEY, Chief of Police

ON BEHALF OF CHIEF MANLEY

SEPT. 3, 2020
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.

 8593
Police Officer Ryan Seweryn #8593

9/3/2020
Date