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MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Joya Hayes, Director of Civil Service

FROM: Joseph Chacon, Chief of Police

DATE: June 3, 2022

SUBJECT: Temporary Suspension of Police Sergeant Sandra Barnes #4141
Internal Affairs Control Number 2022-0242

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 Sergeant Sandra Barnes #4141 from duty as a City of Austin, Texas police officer for a period of ten (10) days. The temporary suspension is effective beginning on June 4, 2022 and continuing through June 13, 2022.

I took this action because Sgt. Barnes 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 Sgt. Barnes in violation of Rule 10:

On January 5, 2022, the Office of Police Oversight received an anonymous online complaint. The complainant alleged an APD detective “*had been stealing from the city for the last two years by working overtime at the city’s homeless hotels while he was supposed to be working from home.*”¹ The Austin Police Department’s (APD) Internal Affairs (IA) division conducted an administrative investigation into the detective’s work activities. The initial IA investigation revealed irregularities in the detective’s time sheets. As a result of the initial review, IA believed the detective’s conduct may have been criminal in nature. A referral was sent to the APD Special Investigative Unit (SIU) on February 10, 2022.²

During the course of their criminal investigation, SIU determined that the detective’s supervisor, Sgt. Sandra Barnes may have violated APD Policy/General Orders by failing to properly supervise the detective. Based upon SIU’s initial findings, SIU sent over a complaint to IA to investigate Sgt. Barnes.

In addition to the previously mentioned irregularities in the detective’s time sheets, the IA investigation showed some of the following undisputed facts:

- The detective in question was assigned 54 cases to investigate from October 1, 2021 – December 31, 2021.
- The detective suspended several cases (19) with no victim notification (at least 10) that were approved by Sgt. Barnes.
- The detective’s Overtime Log did not contain any electronic initials.
- The detective’s Timesheet starting from the week of November 21, 2021 – the week of December 26, 2021, did not have a supervisor’s signature.

Some of these facts prompted IA to ask Sgt. Barnes how sergeants monitored their detectives’ work while teleworking, eliciting the following response(s):

“They [sergeants] really weren’t. It was an honor system... We would just basically if we were getting complaints from citizens somebody wasn’t doing their job... I relied on the fact that I wasn’t getting phone calls from citizens that he wasn’t doing his job. And it’s been my experience that people not doing their jobs they will get those complaints and then that’s when I know I really gotta dig in deep on the particular, detective.”

IA then pointed out that the detective failed to notify at least 10 victims that their case had been suspended, and in which she “*approved*” the case being suspended. Sgt. Barnes, acknowledged, in retrospect, she should have more closely scrutinized these “*approvals*” and “*I was assuming he was making contact and I missed it*” and this was “*an oversight on my part.*” She elaborated:

“Looking back, I’d’ve been like, you [sic] calling them [victims]? And you’re just filling out this contact card and saying you didn’t contact them? Or - what’s going on? Or are you just in automatic mode? ‘Cause a lotta times, we get in

¹ The detective resigned while under criminal and administrative investigation.

² That investigation is currently still open as of this date (June 3, 2022)

automatic mode and we're checking the wrong thing... But yeah, you're right. - I messed up. I shoulda been like- you're calling these people, right? Uh, make sure and put that in there..."

Sgt. Barnes was also asked how often she checked the overtime logs for Region IV. Sgt. Barnes replied: "Never." She reiterated, "It was quite an oversight on my part." Sgt. Barnes acknowledged this lapse, although she had received a specific reminder from her Lieutenant to monitor overtime logs in an email dated February 17, 2021, with a subject line: "just wondering and need to know." The e-mail stated: "I need each of you to review timesheets versus overtime logs." Sgt. Barnes even explained her perception from this e-mail to be: "That some people were misbehaving." Sgt. Barnes, however, explained she neglected to follow this directive as: "I just had too much work on my plate and it got overlooked, eh, one of my tasks that needed to be done."

Ultimately, I considered the aforementioned facts, including Sgt. Barnes' acknowledgment that she should have done a better job of monitoring her subordinates, particularly the detective that prompted this investigation. I concurred with her Chain-of-Command's recommendation that she should be sustained for violating General Order 900.4.3 Neglect of Duty. Specifically, I agreed that Sgt. Barnes failed to properly monitor her assigned employee's overtime logs and time sheets as required. Moreover, Sgt. Barnes did not adequately monitor the detective's work product to ensure the detective conducted proper investigative follow-up. I also considered guidance from General Order 902.9.3, "Factors to Consider in Determining Discipline" to include, but not limited to: the nature and seriousness of the offense, and the expectations I would have of a supervisor.

By these actions, Sgt. Barnes 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 900.4.3: General Conduct and Responsibilities: Neglect of Duty**

900.4.3 Neglect of Duty

Employees will satisfactorily perform their duties. Examples of unsatisfactory performance include, but are not limited to:

- (a) Lack of knowledge of the application of laws required to be enforced.
- (b) Unwillingness or inability to perform assigned tasks.
- (c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.
- (d) Failure to respond to any call or to perform any police duties assigned to them by appropriate authorities.
- (e) Absence without approved leave.

- (f) Repeated poor evaluations.
- (g) Written record of repeated infractions of rules, regulations, directives or orders of the Department.
- (h) Failure to follow department standardized training and tactics when it was objectively reasonable to do so.

By copy of this memo, Sgt. Barnes 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, Sgt. Barnes 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.

By copy of this memo, Sgt. Barnes is hereby advised that this temporary suspension may be taken into consideration in my determination as to whether a valid reason may exist to bypass Sgt. Barnes for promotion in accordance with Austin Police Department Policy 919.

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 JOSEPH CHACON, Chief of Police *CHACON*

6/3/2022
 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.

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 Police Sergeant Sandra Barnes #4141

6.3.2022
 Date