

MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Joya Hayes, Director of Civil Service

FROM: Joseph Chacon, Chief of Police

DATE: October 11, 2021

SUBJECT: Temporary Suspension of Police Officer Luis Sanchez #6827
Internal Affairs Control Number 2021-0577

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 Luis Sanchez #6827 from duty as a City of Austin, Texas police officer for a period of Five (5) days. The temporary suspension is effective beginning on October 12, 2021 and continuing through October 16, 2021.

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

On April 17, 2021, Ofc. Luis Sanchez responded to a restaurant on Research Boulevard for a criminal trespass call for service. Ultimately, a Response to Resistance (R2R) ensued during this call and it was referred for review by the Austin Police Department's (APD's) Force Review Unit (FRU). The R2R was found to be within policy by the FRU. However, a review of Body Worn Camera (BWC) footage shows that Ofc. Sanchez gave the subject

of the call an ultimatum, which diminished the opportunity for de-escalation that could have prevented the R2R from taking place.

Moreover, Ofc. Sanchez wrote an incident report at the conclusion of this R2R that was inconsistent with APD General Orders. Therefore, on June 1, 2021, Ofc. Sanchez's Chain-of-Command sent a complaint to Internal Affairs (IA) to review his conduct in this incident and in the immediate aftermath.

The Incident

Specifically, when Ofc. Sanchez and another officer entered the restaurant, the subject could be heard exclaiming what sounded like profanity. Ofc. Sanchez stated to the subject, *"Woo, you're yelling already?"* Ofc. Sanchez approached the subject and said, *"Hey, what's your first name?"* The subject identified himself, to which Ofc. Sanchez replied, *"Check this out [subject's name], you're going to grab whatever stuff you brought in here with you and are going to walk out this door. Either you're going to go on your own or I'm going to slam you to the floor and take you out myself."*

The subject responded by questioning that statement and stated, *"Slam me to the fucking floor? Really?"* Ofc. Sanchez then told the subject, *"Let's go [subject's name] and let's make this easy."*

The subject then stood up from the chair he was sitting on, transitioned a to-go type cup [of coffee] from his right hand to his left hand and directly approached Ofc. Sanchez. Ofc. Sanchez then grabbed the subject's right arm and the R2R occurred. The R2R was short, as Ofc. Sanchez and the other officer were able to put the subject on the ground and place handcuffs on him and escort him out of the restaurant quickly.

The back-up officer expressed to IA that the R2R was prompted by the fact that they had concerns that *"I'm fixing to get hot coffee in my face. So, I try to grab his arm to not get hot coffee in my face. And the gentleman goes down to the ground. Put him in cuffs and escort him outside."* Nonetheless, both officers, including Ofc. Sanchez, agreed that Ofc. Sanchez's initial statements and approach, which occurred before the officers faced a threat from the subject, eliminated any chance of de-escalation. In fact, Ofc. Sanchez admitted, *"I kind of put myself [and my fellow officer] in a corner."* Ofc. Sanchez, further acknowledged that he violated APD General Order 200.2 (*De-escalation of Potential Force Encounters*) during this incident.

The Incident Report

Compounding matters, at the conclusion of the R2R, Ofc. Sanchez wrote an offense report of the incident in a manner that was not consistent with his training and APD General Order 402.2 (*Incident Reporting and Documentation*). Officer Sanchez cited his opinions and irrelevant facts throughout the report. His Chain-of-Command concluded that his report displayed an impartial attitude and diminished the integrity of the document.

By way of example, a specific excerpt of the report reads as follows:

His hair was dirty and greasy. His beard was unkept with slivers of gray which hinted at his age. His face looked worn, dark circles covered both eyes and he had a dried blood stain on his forehead. His clothes were dirty and disheveled. His overall appearance eerily reminding me of Charles Manson.

When confronted with this excerpt, Ofc. Sanchez acknowledged that this paragraph would be “offensive” in the eyes of the subject and inconsistent with his training and APD General Order 402.2. He also elaborated that he violated APD General Order 301.2 (*Impartial Attitude and Courtesy*) in his interaction with the subject and in how he wrote his report.

Sadly, Ofc. Sanchez explained that this was not an oversight, but he purposefully and unprofessionally wrote his report “as an author trying to paint a picture in a chapter in a book,” because he was “being hardheaded.” When asked to elaborate what prompted his frustrations, Ofc. Sanchez stated,

“I was upset, to be perfectly honest with you. I was upset. The situation itself was like not something I wanted to be done. Um, our Corporal, I love him to death. He’s a great guy but he kind of spoke to me, I guess, like I was a day one Private, so that kind of rubbed me the wrong way. So, he said, [‘I need you to write a detailed report.’] So, I thought to myself, okay. I will write you a detailed report.”

In sum, while Ofc. Sanchez accepted full responsibility for his actions, including admitting to each of the General Orders in this suspension memorandum, it is the Chain-of-Command’s expectation that he set aside his personal frustrations and maintain an impartial attitude and remain professional and courteous at all times in the performance of his duties and dealings with all people.

By these actions, Officer Sanchez 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 200.2: Response to Resistance: De-escalation of Potential Force Encounters**

200.2 De-escalation of Potential Force Encounters

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance.

Nothing in this de-escalation policy requires an officer to place themselves in harm’s way to attempt to de-escalate a situation. Recognizing that circumstances may rapidly change, officers may need to abandon de-escalation efforts after they have commenced. Understanding that no policy can realistically predict every situation an officer might encounter, the Department recognizes that each officer

must be entrusted with well-reasoned discretion in determining the reasonable de-escalation techniques to use in a situation. This de-escalation policy is intended to complement, not replace or supersede, other portions of the APD Policy Manual or specific officer training that addresses de-escalation.

➤ **Austin Police Department Policy 301.2: Responsibility to the Community: Impartial Attitude and Courtesy**

301.2 Impartial Attitude and Courtesy

Employees shall provide equal and fair protection of all rights under local, state, and federal law for all members of the community. Law enforcement will be conducted in an impartial and equitable manner.

In an effort to create an organizational culture that is inclusive and nondiscriminatory, employees shall act professionally, treat all persons fairly and equally, and strive to interact with the community in a positive manner. Employees will perform all duties objectively and without regard to personal feelings, animosities, friendships, financial status, occupation or employment status, sex, disability status, housing status, mental health or ability, citizenship, language, national origin, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity, gender expression, ethnicity, or social or ethnic background. Employees will endeavor to understand and respect cultural, national, racial, religious, physical, mental, and other differences.

- (a) Employees will not express or otherwise manifest any prejudice concerning any of the categories or characteristics listed in this section in a context or manner that would cause a reasonable person to question the employee's fairness or impartiality related to the performance of their duties.
 - 1. Employees will respect the rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.
 - 2. The use of remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature to or about any person or group of persons is strictly prohibited.
- (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 treat all persons with dignity, will be courteous and respectful toward all persons, showing consideration for the welfare of all persons with whom they interact.

- (d) Employees will not ridicule, mock, taunt, embarrass, humiliate, belittle, or shame any person, nor do anything that might incite that person to violence.
- (e) Employees will not use indecent or profane language or gestures while interacting with, or in the vicinity of, members of the community.
- (f) Officers shall not encourage, condone, or ignore any of the behaviors described in subsection (a)-(e).

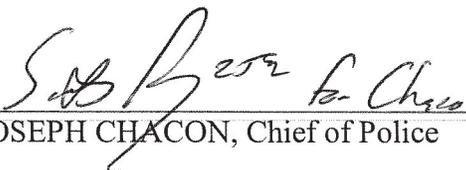
➤ **Austin Police Department Policy 402.2: Incident Reporting and Documentation: Incident Reporting**

402.2 Incident Reporting

A well-written report can help make a case just as easily as a poorly written report can ruin a case. Employees have the responsibility to write clear, factual, and complete reports.

By copy of this memo, Ofc. Sanchez 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, Ofc. Sanchez 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.


JOSEPH CHACON, Chief of Police

10-11-21
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) 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 Luis Sanchez #6827

10-11-21
Date