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Civil Service Office
July 20, 2020
3:59 p.m.



MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Joya Hayes, Director of Civil Service

FROM: Brian Manley, Chief of Police

DATE: July 20, 2020

SUBJECT: Temporary Suspension of Police Officer Draper Williams #7346
Internal Affairs Control Number 2020-0139

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 Draper Williams from duty as a police officer for the City of Austin, Texas for a period of four (4) days. The temporary suspension is effective beginning on July 21, 2020 and continuing through July 24, 2020.

I took this action because Officer Williams 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 specific acts committed by Officer Williams in violation of Rule 10:

On January 23, 2020, Officer Draper Williams was driving his patrol car eastbound in the 7500 block of East Ben White Boulevard. Officer Williams failed to stop his patrol car and struck the rear of a vehicle that had stopped amidst traffic in Officer Williams' lane of travel. The vehicle Officer Williams struck then collided with the vehicle directly in front of it. Officer Williams acknowledged he was at fault in the collision. Additionally, this is Officer Williams fourth violation of General Order 804.2 within a two-year period.

By these actions, Officer Williams violated Rule 10.03(L) by violating the following rules and regulations of the Austin Police Department:

➤ **Austin Police Department General Order 804.2: Department Vehicles: General Operations of Department Vehicles**

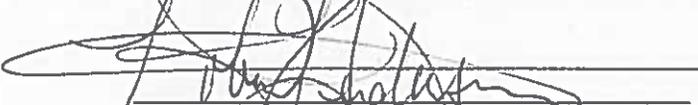
804.2 General Operations of Department Vehicles

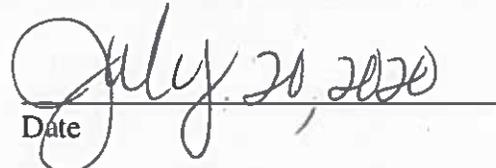
- (a) Employees will operate Department vehicles in a careful and prudent manner within the guidelines of the law and Department General Orders. Unsafe or negligent driving is prohibited.
 - 1. Vehicles will be operated in such a manner and at a rate of speed that the driver, by use of ordinary care, can avoid colliding with another vehicle, object, or person.
 - 2. Employees will wear a seatbelt in the front or back seat while operating or riding inside of a Department vehicle unless there is an operational, tactical, or medical need to be unsecured.
- (b) Department vehicles will be kept clean by utilizing car washes that are under City contract.
- (c) Employees will not use any type of Mobile Audio Video Recording system (MAV/DMAV) inside a Department vehicle unless the employee has been trained in its use.
- (d) The use of a Personal Communication Device (PCD), such as a mobile phone, PDA, or wireless two-way communication device while driving can cause unnecessary distractions and presents a negative image to the public.
 - 1. Employees operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to complete the call.
 - 2. Except in the case of an emergency, employees who are operating non-emergency vehicles will not use PCDs while driving unless it is specifically designed and configured to allow hands-free listening and talking. Such use should be restricted to business-related calls or calls of an urgent nature.

- (e) When a Department vehicle is unattended and out of sight of the operator:
1. The vehicle should be turned off and legally parked, when practical, and properly secured by locking the doors and ensuring the windows are rolled up; and
 2. Any firearm inside the vehicle will be locked/secured unless being readied for use.

By copy of this memo, Officer Williams 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 Williams 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


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.


Officer Draper Williams #7346


Date