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MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Joya Hayes, Director of Civil Service

FROM: Joseph Chacon, Interim Chief of Police

DATE: September 8, 2021

SUBJECT: Temporary Suspension of Police Officer Brandon Edwards #8113
Internal Affairs Control Numbers 2021-0298

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 Brandon Edwards #8113 from duty as a City of Austin, Texas police officer for a period of six (6) days. The temporary suspension is effective beginning on September 9, 2021 and continuing through September 15, 2021.

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

On November 16, 2020, the Austin Police Department (APD) Internal Affairs Division (IAD) received a Notice of Formal Complaint (NFC) from the Office of Police Oversight (OPO), which was submitted on behalf of a civilian complainant. The complaint alleged that several APD officers, including Officer Brandon Edwards, may have treated the complainant in a way that conflicted with APD policy. This NFC was assigned case number 2020-1610 and was assigned to an IAD sergeant for investigation.¹

On March 18, 2021, Officer Edwards was ordered by the IAD, on behalf of the Chief of Police, to submit to a subject officer interview for IAD case number 2020-1610. During this interview with IAD, Officer Edwards became accusatory, and displayed a disrespectful tone and demeanor toward the IAD sergeants tasked with interviewing him. Rather than answer questions, he began asking questions and accused IAD and OPO of being on a “*witch hunt.*” This prompted an IAD lieutenant to enter the interview room and instruct Officer Edwards to allow the sergeants to continue the interview without further disruption.

Officer Edwards was also challenging and argumentative to the lieutenant, in addition to the other IAD staff. Officer Edwards’ behavior on March 18, 2021, led to a new NFC filed by his chain of command and the initiation of IAD case number 2021-0298.

On June 3, 2021, Officer Edwards acknowledged that he should have behaved differently on March 18, 2021. Officer Edwards elaborated that he was “*upset*” and that he allowed his “*frustrated*” state of mind, due to the complaint levied against him, to cause him to misdirect his “*frustrations*” towards IAD and OPO staff.

Officer Edwards further acknowledged that he compounded matters by speaking over the lieutenant and interrupting him repeatedly while the lieutenant was instructing him to complete the required interview. Moreover, in a dialogue with another IAD sergeant and outside of the interview room, during a break on March 18, 2021, Officer Edwards complained and referred to the IAD lieutenant as “*the guy*” that used derogatory language towards him. On June 3, 2021, Officer Edwards acknowledged in a subsequent interview with IAD that the lieutenant did not use any derogatory language towards him and that his misstatement about the lieutenant was in part due to his agitated state of mind.

At the conclusion of his June 3, 2021 interview, Officer Edwards did not directly acknowledge that he violated any policy, but he reiterated that he mishandled the entire situation due to being “*upset*” and his “*very frustrated*” state of mind. Below are a few of those quotes:

- *“I was very upset and frustrated...I wasn’t trying to be disrespectful or cut him off - or anything like that. I was, was trying to be heard, but I could definitely see like how - you know when I listened back to it and reviewing it that it - it does - you know- I do cut him off and - and that certainly wasn’t my intent to - to cut him off.*”

¹ Officer Edwards was exonerated of any wrongdoing regarding the complaint filed in 2020-1610.

My intent being in that frustrated state was - to receive some answers to my questions. Cause- I had questions and I was frustrated."

- *"...my frustration mixed in with - with being very upset kinda closed me off - of being receptive to what Lieutenant...was trying to tell me. And my intention was never to be insubordinate and - I mean I could certainly, I could certainly see why the interviewers might have thought I was being difficult without knowing - without me knowing the stuff that they knew they might have been thinking..."*
- *"I could see how it would have - it would appear or seem that I was a little challenging. But that certainly wasn't my intention to be challenging."*

By these actions, Officer Edwards 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 110.4.4: Organizational Structure and Responsibility: Insubordination**

110.4.4 Insubordination

Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.

By copy of this memo, Officer Edwards 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 Edwards 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

