



OFFICE OF POLICE OVERSIGHT

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COMPLAINT HOTLINE: 512-972-20PO

June 25, 2024

TO: Robin Henderson, Interim Chief, Austin Police Department
FROM: Gail McCant, Director, Office of Police Oversight
SUBJECT: Officer Leonard Hobbs, AP5643
Case Number: 2024-0175
Reference: OPO's Disciplinary Recommendation

Dear Chief Henderson,

On February 26, 2024, Austin Police Department's (APD) Internal Affairs Division (IAD) initiated an investigation on Officer Leonard Hobbs, AP5643 for violating their General Orders Sexual Harassment, Harassment and Responsibility to Know and Comply Policies. The IAD Investigation revealed that on February 22, 2024, Officer [REDACTED] was seated in the back of the Frank 300 show-up room. Officer Hobbs, who is assigned to the Frank 100's entered the show-up room at the end of his shift to place his body worn cam (BWC) in the docking station that is located at the back of the room. Officer Hobbs then approached Officer [REDACTED] from behind and without Officer [REDACTED] consent, placed his hands on shoulders thanked and kissed her on her head. Officer [REDACTED] immediately informed her Chain of Command that she was offended by Officer Hobbs touching and kissing her.

On June 4, 2024, IAD interviewed Officer Hobbs regarding Officer [REDACTED] complaint. IAD asked Officer Hobbs to describe the incident between himself and Officer [REDACTED]. Officer Hobbs said that in February 2024 Officer [REDACTED] had handle a situation that involved a female whom he had multiple service calls to and interactions with due to his position as a Crisis Intervention Team (CIT) Officer. Officer Hobbs stated the female refused service for treatment each time. Officer [REDACTED] subsequent responded to a service call involving the female who was armed with a knife and successfully talked her into surrendering the knife to officers. Officer [REDACTED] was able to place an emergency detention on the female so she could receive the necessary treatment.

Officer Hobbs during his IAD interview described the February 22, 2024, incident between Officer Hobbs and Officer [REDACTED] as follows:

"The way I am, I'm going to tell you, you did a great job. I'm very passionate about that, especially the younger officers because they need to know that they're doing a good job"



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because you don't always get told you're doing a great job. So that afternoon, I went to put my camera up and everybody's going to show up in there and they're talking. And I - I kind of leaned down towards her, put my hands on her shoulder and I said, "Great job. You did a great job. You got her. You got her. You got her help. You got a great job. Awesome. Awesome." And then when I went to get up I just I kissed her on the head instinctually because that's what I do with my friends and family. I did that and got up. I put the camera up and I - so if her seat is right here in the last row and the - the video cameras are behind us, there's probably about four maybe five feet between, where you would sit and the camera. So I got up and then went past her. Uh, put the camera up and then I started to walk out. I got about 10 feet from her, maybe 12 feet and she said, "Dude, that wasn't cool. Don't ever do that again." And I just looked at her and just froze. I - I'm like, I - I don't know what I do."

Officer Hobbs's acknowledged during the IAD interview that he made unwanted physical contact with Officer ██████ by kissing her on the head. Officer ██████ response and comments demonstrate that she was offended by Officer Hobbs physical contact with her.

APD's General Orders, Sexual Harassment, Chapter 900, Section 914.3.3. Harassment Section 914.3.2 and Responsibility to Know and Comply Section 900.1.1 reads:

Chapter 900, Section 914.3.3, Sexual Harassment reads:

(a) Sexual harassment is any unwelcome sex or gender-based comments and/or conduct that occurs when:

- 1. Submission to such conduct is made either openly or by implication a term or condition of an individual's employment;*
- 2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that person; or*
- 3. Such conduct unreasonably interferes with the individual's work performance or creates an intimidating, hostile, or offensive working environment.*

Chapter 900, Section 914.3.2, Harassment reads:

(a) Harassment is unwelcome verbal or physical conduct toward an individual or a group because of a protected class. Harassment can create a hostile work environment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities. Examples of prohibited conduct that constitute harassment include, but are not limited to:



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1. Use of epithets, innuendos, names, comments, foul language or slurs because of an individual's protected class;
2. Jokes, pranks or other banter, including stereotyping based on a protected class; or,
3. Distribution, display, viewing, downloading or discussion of any written or graphic material, including online content, voicemail, e-mail, text-messages, calendars, posters and cartoons, that are sexually suggestive or show hostility toward an individual or group based on a protected class.

(b) Employees shall not engage in conduct which could reasonably create a hostile work environment at any time while on duty or on City premises, or even if not on duty, but participating in any work-related setting outside the workplace, such as traveling on City business or attending professional conferences

Chapter 900, Section 900.1.1, Responsibility to Know and Comply reads:

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

(a) Employees will maintain a working knowledge and comply with the laws, ordinances, statutes, regulations, and APD written directives which pertain to their assigned duties.

(b) Employees who do not understand their assigned duties or responsibilities will read the relevant directives and guidelines and will consult their immediate supervisor for clarification and explanation.

(c) A lack of knowledge of an APD written directive is not a defense to disciplinary action.

Based on OPO's participation in IAD's Internal Investigation of Officer Hobbs, review of IAD's investigative summary, and evidence, that Officer Hobbs did engage in unwanted physical contact with Officer ██████ in violation of APD's General Orders regarding Sexual Harassment, Harassment and Responsibility to Know and Comply policy. OPO recommends APD impose discipline in accordance with APD's Disciplinary Matrix for the aforementioned General Orders violations that Officer Hobbs Chain of Command sustained.

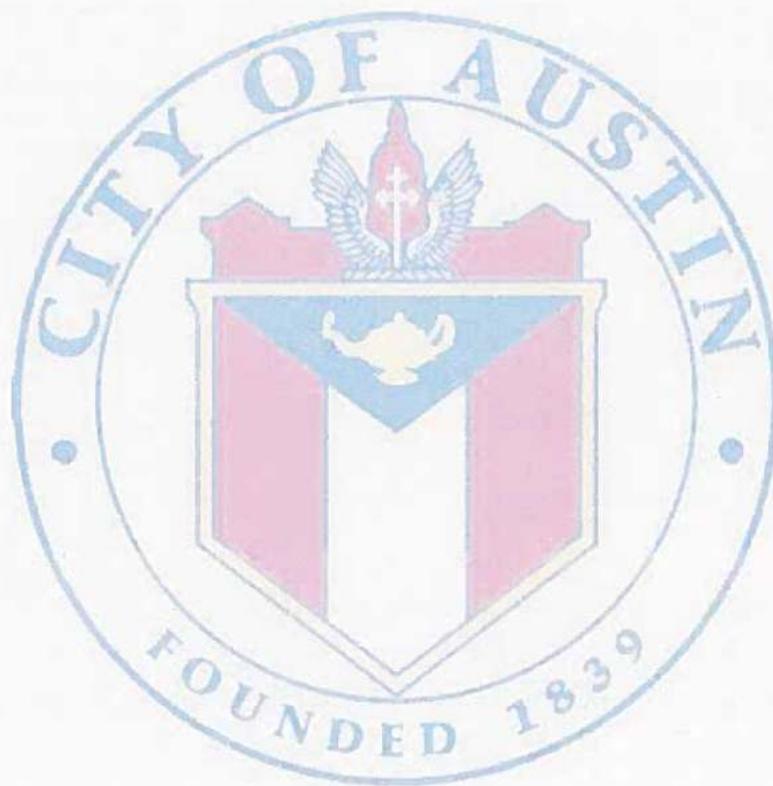
Regards,

Gail McCant
Director
Office of Police Oversight



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