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## MEMORANDUM

### **Austin Police Department Office of the Chief of Police**

**TO:** Joya Hayes, Director of Civil Service  
**FROM:** Brian Manley, Chief of Police  
**DATE:** June 17, 2019  
**SUBJECT:** Indefinite Suspension of Police Officer Jordan Wagstaff # 8229  
Internal Affairs Control Number 2019-0220

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 indefinitely suspended Police Officer Jordan Wagstaff #8229 from duty as a police officer for the City of Austin, Texas effective June 17, 2019.

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

Officer Wagstaff was commissioned as a police officer by the Austin Police Department on October 28, 2016. On December 18, 2018, Officer Wagstaff was assigned to the Charlie Sector but was working an overtime assignment in George Sector. At approximately 10:22 am, Officer Wagstaff responded to a stalking call at a gym, where he spoke with the female victim, who for privacy reasons shall be referred to as Ms. M. Ms. M is 27-years old. Officer

Wagstaff obtained information necessary to complete the report, including the identity of the suspect, which he obtained from sources including a harassment report made the prior day, and the suspect's Facebook and Instagram profile names, which he included in his report. For the purposes of this memorandum, the suspect shall be referred to as Mr. C. As he was clearing the call, Officer Wagstaff stated that Ms. M walked by his patrol car and he flagged her over to speak with him. This was the beginning of a series of repeated violations of APD policy by Officer Wagstaff, culminating in an external social/personal/sexual relationship with Ms. M, a vulnerable victim of a crime, which could jeopardize the criminal case against Mr. C.

With respect to his conversation with Ms. M, Officer Wagstaff provided the following account to Internal Affairs:

*"And so I kinda, like, waived her over and I was like, 'Listen, I can't really talk as comfortably when all these cameras are on stuff, but this is a very serious situation. Like, you need to take this seriously. Like, you can defend yourself. This is Texas, et cetera.' ...ya know, 'If you wanna go to the range and learn how to shoot, like, I'll be happy to take you, like, but you need to take this very seriously.' And so we exchanged, like, Facebook information, I think we added each other on Facebook right there. I don't really remember...but we started messaging on Facebook and set up a time to go to the range."*

Shortly after clearing the scene, Officer Wagstaff and Ms. M continued conversing, and as a result, began following each other on social media (Facebook). Officer Wagstaff and Ms. M exchanged cellular telephone numbers and began a text conversation. Through the course of a few days, Officer Wagstaff and Ms. M met socially and began an external social/personal/sexual relationship while her stalking case was active. As described in greater detail below, Officer Wagstaff violated multiple APD policies, including the Code of Conduct, which prohibits an officer from establishing an external social relationship with the victim of a crime while the case is being investigated by APD or prosecuted as a result of that investigation. His actions also demonstrate his failure to display an impartial attitude by allowing his personal feelings for the victim to influence his actions.

As noted below, even after being informed by a fellow officer that this relationship violated Department policy, and even after Officer Wagstaff told an Internal Affairs Sergeant that he didn't know this was a violation of policy but just thought it was "discouraged," he knowingly and deliberately chose to continue this relationship. The evidence leads me to conclude that Officer Wagstaff didn't care how a judge or jury would perceive his credibility and motives by engaging in an external social/personal/sexual relationship with the victim, which the District Attorney is likely going to have to disclose this behavior pursuant to the Michael Morton Act and Brady v. Maryland. I do not understand how Officer Wagstaff could believe it was appropriate to become involved in this relationship, and continue it, even after being told by a senior officer doing so was a violation of policy. The decision to continue this relationship after being told it violated policy by itself warrants an indefinite suspension because it shows a conscious and deliberate intent to violate policy without regard for the potential consequences on the active criminal investigation, the potential criminal prosecution of Mr. C, and the psychological well-being of the victim.

To say this is simply poor judgment is an understatement. This behavior violates the Canon of Police Ethics, Law Enforcement Code of Ethics, the Department's ICARE Values (Integrity, Courage, Accountable, Respect, Ethical), brings discredit upon the department, and jeopardizes the criminal investigation and potential prosecution. Although Officer Wagstaff accepted responsibility for his actions, an officer engaging in this behavior leaves me no option but to indefinitely suspend him to maintain the ethics and integrity of the Department and the criminal justice system.

The following are examples of the acts committed by Officer Wagstaff in violation of the APD policies and procedures cited in this memorandum (not intended to be an all-inclusive list of every act of misconduct):

**Improper Social/Personal Relationship with a Crime Victim:**

This improper external personal/social/intimate/sexual relationship, occurred while the stalking investigation was being investigated by APD and under review by the Travis County District Attorney's Office. This relationship included not only personal communications and sexual conduct, but other acts including but not limited to: 1) frequently staying with Ms. M at her residence and keeping clothing there; 2) meeting her at Best of the West Shooting Sports in Liberty Hill, TX on Saturday, December 22, 2018, and having dinner with her afterwards and going to a bar; 3) Ms. M accompanying him to another APD officer's wedding on January 7, 2019, and his posting of a photograph of them together on his Instagram page; 4) while off-duty, accompanying her to court hearings on February 1 & 15, 2019.

**Improperly Accessing Criminal Justice Records/Databases: (approximately 28 times)**

Officers, in connection with the performance of their official duties, are allowed to access to criminal justice related information. Other than taking the initial report, Officer Wagstaff had no official APD involvement in the stalking case. However, on multiple occasions, Officer Wagstaff accessed criminal justice records through the APD Versadex Records Management System, including information about the stalking report and the suspect. He accessed this information due to his personal relationship with Ms. M, not because of any official role he had in the investigation:

- December 19, 2018: Officer Wagstaff, while on-duty, conducted a Directed Patrol (DP) at Ms. M's gym from approximately 19:27 until 22:29. While on the DP, Officer Wagstaff accessed the following records via Versadex at the mentioned times:
  - *Stalking Report at 18:39, 21:51 and 21:52*
  - *Suspect Mr. C. at 21:57 and 22:24*
  
- December 23, 2018: Officer Wagstaff, while on-duty, accessed the following records via Versadex at the mentioned times:
  - *Stalking Report at 20:08*
  - *Suspect Mr. C. at 14:51, 14:52, 14:57, 20:08, and 20:12*

- Officer Wagstaff printed Mr. C's information at 14:57
- December 28, 2018: Officer Wagstaff, while on-duty, conducted a DP at Ms. M's gym from approximately 16:29 until 17:15. Officer Wagstaff and another officer were doubled-up this day. While on the DP, Officer Wagstaff accessed the following records via Versadex at the mentioned times:
  - *Stalking Report at 15:36*
- December 29, 2018: Officer Wagstaff, while on-duty, accessed the following records via Versadex at the mentioned times:
  - *Stalking Report at 18:42*
  - *Suspect Mr. C. at 18:41 and 23:15*
- January 4, 2019: Officer Wagstaff, while on-duty, conducted a DP at Ms. M's gym from approximately 17:05 until 17:36. Officer Wagstaff and another officer were doubled-up this day. While assigned to the DP, Officer Wagstaff accessed the following records via Versadex at the mentioned times:
  - *Stalking Report at 17:17*
  - *Suspect Mr. C at 17:17 and 17:18*
  - Officer Wagstaff additionally accessed the Stalking report at 14:01 and 14:13.

On December 28, 2018, Officer Wagstaff texted another officer asking her to check whether the suspect still lived at a specific address, despite admitting that there was an updated address "down on the border" between Henry and Frank Sectors. Given that Officer Wagstaff had no official duties in connection with this case, he should not have been involving other officers in this personal matter.

On January 17, 2019, a package was left in front of the gym. Ms. M contacted Detective Thomas, the Detective assigned the case, asking if APD could perform a "buccal swab" to obtain DNA. Officer Wagstaff admitted that he texted Ms. M and suggested she contact Detective Thomas to request a buccal swab on the items presumably left by the suspect. This is another example of Officer Wagstaff inappropriately asserting himself into the criminal investigation.

**The Use of a Department Social Media Account:**

Officer Wagstaff admitted that he used a secondary Facebook account to monitor the suspect and created the account while he was on Administrative Duty assigned to the Gang Unit. The account was a secondary, personal account Officer Wagstaff created to research gang members, to find criteria, and to document them. Officer Wagstaff stated he used the account for law enforcement purposes and did not use it as a personal account. The use of this FB account was another example of his failure to exhibit an impartial attitude.

Officer Wagstaff stated he sent a friend request to the suspect, who accepted his request. Officer Wagstaff stated he would periodically check the suspect's FB activity and he affirmed that he would keep Ms. M informed about the suspect's whereabouts and what he was doing.

Once again, Officer Wagstaff had no official involvement in the criminal investigation after taking the initial report. His actions described in this memorandum had the potential of jeopardizing the criminal investigation and prosecution of Mr. C. Any claim that Officer Wagstaff was doing this to assist in the criminal investigation is without merit as he hid his relationship from the Department and Detective Thomas. Furthermore, he did not document, keep Detective Thomas apprised of his actions, or provide him with any information he obtained about the suspect.

### **Improper Release of Criminal Justice Information:**

During the time they were dating, Officer Wagstaff provided Ms. M with information (the address) regarding the criminal case, even though he had no official involvement in the case after taking the initial report. For example, he told her the suspect's address and that he had other officers check addresses to see if the suspect lived there and based upon that information, he believed Mr. C was homeless.

On December 19, 2018, Officer Wagstaff met Ms. M's father at the gym. Ms. M's father asked Officer Wagstaff if there was an update on the case and he (Wagstaff) pulled up the report and told him a detective had been assigned, the detective had written an investigator's report, and showed him Mr. C's mug shot that was displayed on the police car's in-car computer screen. This was confidential criminal justice information that Officer Wagstaff was not authorized to share with her father and potentially, in addition to a violation of APD policy, could constitute a misuse of official information.

### **Failure to Devote Time and Attention to Duty:<sup>1</sup>**

Officers frequently conduct a Directed Patrol (DP) to address a specific situation. In this case, the gym was located in George Sector: Officer Wagstaff worked in Charlie Sector. On multiple occasions, while on-duty and without the knowledge and permission of his supervisor, Officer Wagstaff left his assigned area and put himself out on a DP at the gym. At no time did Officer Wagstaff notify the supervisors in George Sector that he was in their area of responsibility or advise them of the need for a DP at the gym. This conduct, among other violations, constitutes Neglect of Duty in that Officer Wagstaff failed to perform his assigned duties in Charlie Sector, and he failed to devote his time and attention to the business of the Department (these DP's were due to his personal relationship with Ms. M, not any duties he was assigned in connection with the criminal investigation):

- December 19, 2018: Officer Wagstaff, while on-duty, conducted a Directed Patrol (DP) at the gym from approximately 19:27 until 22:29.

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<sup>1</sup> This violation is not limited to Directed Patrols, but includes other acts including but not limited to accessing the police report on multiple occasions as described herein.

- December 24, 2018: Officer Wagstaff, while on-duty, conducted a DP at the gym from approximately 14:44 until 15:44.
- December 25, 2018: Officer Wagstaff, while on-duty, conducted a DP at the gym from approximately 17:22 until 17:33.
- December 27, 2018: Officer Wagstaff, while on-duty, conducted a DP at the gym from approximately 18:38 until 18:51.
- December 28, 2018: Officer Wagstaff, while on-duty, conducted a DP at the gym from approximately 16:29 until 17:15. Officer Wagstaff and another officer were doubled-up this day. While on the DP, Officer Wagstaff accessed the following records via Versadex at the mentioned times:
- December 30, 2018: Officer Wagstaff attended an event at the gym while off-duty. He initiated a DP, as the complainant, while at the gym.
- January 4, 2019: Officer Wagstaff, while on-duty, conducted a DP at the gym from approximately 17:05 until 17:36. Officer Wagstaff and another officer were doubled-up this day.
- Officer Wagstaff requested that other officers assigned to Charlie Sector leave their assigned areas to conduct a DP at the gym in George Sector.

On January 19, 2019, Officer Wagstaff was off-duty at the gym. He was there to attend a 9:00 am community workout session but remained there after the conclusion of the class in case the suspect showed up. The suspect rode by on his bicycle and Officer Wagstaff recognized him. Officer Wagstaff, while off-duty, not in uniform, and without a police radio, chased after the suspect in his personal vehicle. Ms. M notified an on-duty officer that was working overtime in the George 100's and conducting an authorized DP at the gym what was occurring. The suspect was taken into custody by the on-duty officer and arrested for an outstanding City of Austin Community Court Warrant (not a warrant for the stalking case). This is another example of Officer Wagstaff's inappropriate, personal involvement in this case.

#### **Inappropriate Text Messages:**

In his text messages with Ms. M, Officer Wagstaff made the following derogatory statements about the suspect, including the hope that he would kill himself:

**Wagstaff:** Of course he will...That fucking piece of shit.

**Wagstaff:** I hate this motherfucker

**Wagstaff:** Mmk...Did they say how long it will take to put it in place?...I possibly already asked you that, but I just want this motherfucker in jail as fast as possible.

In his text messages with Ms. M on January 18, 2019, Officer Wagstaff said the following:

**Wagstaff:** Your dad sent me the post where he's threatening to kill himself...Hopefully he does it...I have a few things I still have to do but I'm going to come over the gym as soon as I can.

**Wagstaff:** He's basically making excuses why he can't kill himself because he's a pussy.

In his text messages with Ms. M's father, Officer Wagstaff said the following:

**Wagstaff:** Hopefully he kills himself...I don't think he has the balls though...I have a few things I still have to do but I'm going to go over to the gym as soon as I can.

A police officer expressing the desire that a citizen kill himself is reprehensible and brings discredit upon the Austin Police Department, which is charged with protecting life, not encouraging its demise.

In his text messages with Ms. M's mother, Officer Wagstaff said the following:

*Mrs. M.: ...Thank you again and Mr. (suspect) is lucky you found him because I would have gone ape sh-t on him*

*Mrs. M.: Stay safe !*

*Wagstaff: He's lucky patrol officers with cameras were there when I found him.*

This comment is extremely disconcerting.

On December 28, 2018, after looking at a screenshot of Mr. C's FB page, Officer Wagstaff texted Ms. M:

*Wagstaff: I can think of some ways to ruin his life.*

### **Giving a Firearm to Ms. M:**

Officers must register with the Department all firearms they are going to carry on and off-duty. Officer Wagstaff admits he gave Ms. M one of his guns to carry to and from her work. Officer Wagstaff stated it was a Glock 43 9mm handgun. Officer Wagstaff stated it is a personally owned gun which he registered with the Department as a backup weapon. It was poor judgment for Officer Wagstaff to give Ms. M, a person that he knew was not competent

to use it in a safe manner (his purported reason for taking her to the range was so she could learn how to shoot to protect herself).<sup>2</sup>

### **Public Displays of Affection with the Victim of a Crime:**

Officer Wagstaff sent a text message to another officer wherein he admits he was “making out” with Ms. M at the gym while on-duty and conducting a DP there:

**Wagstaff:** A couple of the times that I’ve been doing directed patrol’s at the gym an unmarked Taurus has been nearby that’s not logged in anywhere

**Woods:** (blank text)

**Wagstaff:** I didn’t realize it was there tonight until we were making out just inside the door way of the gym and I look over my shoulder and see it....

In his IA interview, Officer Wagstaff stated:

**WRIGHT:** *When you were on the directed patrols, did you and Ms. M ever, publicly display affection?*

**WAGSTAFF:** *I would, you know, I’d give her a hug whenever I saw her...there was one time that we - we kissed for a little bit...when you say publicly though, I mean, it was, like, nobody was there. The gym was, like, it was - she was about to go home...so nobody was around, but yes.*

**WRIGHT:** *Would you describe it as making out?*

**WAGSTAFF:** *Yes.*

**WRIGHT:** *Is that what you were referencing to Officer (Woods) in that text exchange when you were texting him?*

**WAGSTAFF:** *Yes.*

On February 1 and 15, 2019, Officer Wagstaff accompanied Ms. M to protective order hearings at the Travis County Court Complex. Despite being off-duty and not in uniform, Officer Wagstaff displayed his APD badge in plain view. Officer Wagstaff, Ms. M, and her father waited in a back room with two APD Victim Services counselors and other victims that were waiting for their cases to go through. Officer Wagstaff was observed by one of the Victim Service Counselors doing the following:

*“Holding her hand, touching her leg, and displaying public affection and being supportive. I asked the assigned Victim Services counselor about those actions when waiting for court and she confirmed them being in a relationship and dating.”*

*“They were holding hands and shared the occasional kiss. I observed them sitting next to each other and reaching over to hold each other’s legs.”*

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<sup>2</sup> On or about January 22, 2019, Officer Wagstaff replaced this department registered weapon with a different one. That act does not change the fact he gave a deadly weapon to a person not qualified to competently use it.

*“As a new employee, I was not sure of the protocol behind showing public displays of affection to a victim in a case with the significant other identifying as a police officer. It made me a little uncomfortable, as I wasn’t sure whether or not his badge should be out and if his conduct was considered allowable.”*

When questioned by Internal Affairs, Officer Wagstaff admitted the following:

**WAGSTAFF:** *I held her hand. I might’ve given her a hug. I mean, not, like, any - yeah, not anything, like, over the top but...*

**WRIGHT:** *You think that was something you shoulda been doing at the time?*

**WAGSTAFF:** *Nope, probably shouldn’t have done that. Probably shouldn’t have gone to the hearing at all.*

Detective Thomas, who was assigned to the stalking case, conveyed to Internal Affairs the following conversation he had with the Victims Service Counselor regarding what she observed and her concern there was a potential conflict:

*“She felt that - she was asking my opinion if I thought that was a little strange or if that was appropriate. And, - she – (name omitted) felt like - it was, very clear to her that they were a couple with the holding of hands and – (name omitted) felt uncomfortable because there were other victims or witnesses that were also in the room.”*

The report from the Victim Services Counselor to Detective Thomas led him to begin to put together the pieces, to wit, that Officer Wagstaff was involved in a personal relationship with a crime victim. Detective Thomas sent an email to a Travis County Assistant District Attorney (ADA) addressing Officer Wagstaff’s presence at the court hearings and asked the DA her thoughts and if, *“...it presents an issue...”* The ADA called Detective Thomas after his email and according to him, she stated this activity needed to stop.

Detective Thomas stated that the ADA requested that he restrict access to the stalking case in Versadex to make sure Officer Wagstaff would not access the case or be involved in any part of the investigation, in any capacity. Sergeant Gross locked the case in Versadex, restricting access to it. It is embarrassing to the APD when an ADA asks that an officer be prohibiting from accessing a case because she is concerned that his personal relationship with a crime victim may have compromised her case.

After his phone conversation with the ADA, Detective Thomas notified his supervisor, Sergeant Jeff Gross, and advised him of the situation. Sergeant Gross directed Detective Thomas to contact Officer Wagstaff’s supervisor, Sergeant Chris Keen, and notify him as well. Detective Thomas emailed Sergeant Keen. Sergeant Keen met with Officer Wagstaff on February 25, 2019 and told him to stay out of the case and not to be involved in it any longer. Despite that order, Officer Wagstaff met with the ADA on March 1, 2019, without informing Sergeant Keen that the ADA was asking to meet with him about the case.

On March 1, 2019, Officer Wagstaff met with the ADA at her office. The ADA requested text messages between him and Ms. M, and mentioned she may subpoena his Facebook account. The ADA was concerned that Officer Wagstaff’s actions could have an effect on

the pending criminal case against Mr. C to the extent that she wanted to see their communications. Furthermore, Officer Wagstaff admitted that the ADA told him his dating Ms. M complicated the case. After meeting with the ADA, Officer Wagstaff spoke with his chain and an Internal Affairs Sergeant about producing the text messages because they contained private messages between him and Ms. M.

**Knowingly and Intentionally Continuing to Violate Department Policy by Maintaining an Inappropriate Relationship with a Crime Victim**

On February 25, 2019, Sergeant Keen told Officer Wagstaff to have no further involvement in the case. On March 1<sup>st</sup>, the ADA told Officer Wagstaff his relationship with Ms. M complicated her case. On March 3 or 4, 2019, Officer Wagstaff met with Corporal Jensen and Sergeant Keen about the ADA wanting text messages between him and Ms. M. After speaking with Sergeant Keen and Corporal Jensen, Officer Wagstaff then spoke with Officer Jason Cummins seeking his advice on how to proceed regarding his meeting with the ADA. It was at that time Officer Cummins informed Officer Wagstaff that his relationship with Ms. M was a violation of policy. Officer Cummins pulled up the relevant policy for Officer Wagstaff at the East Sub show-down room and Officer Wagstaff read the policy. According to Officer Cummins, Officer Wagstaff realized he had messed up and said something to the effect of, “this was probably gonna be kind of a big deal.” In addition, when it became apparent to Officer Woods that there was a romantic relationship between Officer Wagstaff and Ms. M, he told Officer Wagstaff “it was a horrible idea,” but according to Officer Woods, his warning did not appear to dissuade Officer Wagstaff. In addition, in a text conversation between Officer Wagstaff and Officer Wood, Wagstaff stated that on more than one occasion he saw an unmarked Ford Taurus parked near the gym and thought “probably IA” (Internal Affairs). Finally, after speaking with Officer Cummins, Officer Wagstaff contacted IA Sergeant David Nordstrom and stated he didn’t know this relationship violated policy, but rather, thought it was just “discouraged.” Despite these warnings, despite being told by Officer Cummins that the relationship violated policy, and despite reading the policy, Officer Wagstaff contemplated that since he had already violated policy, it was okay for him to continue the relationship with Ms. M. Internal Affairs had the following exchange with Officer Wagstaff:

**MOLLEUR:** *Once you became aware of that policy what did you do?*  
**WAGSTAFF:** *I don't think I did anything.*  
**WRIGHT:** *Did it concern you that you were aware there was a policy out there?*  
**WAGSTAFF:** *Oh, yes. Yes sir. I mean it concerned me but I - we- I had already broken the policy. I didn't think there was really anything to be done at that point.*  
**MOLLEUR:** *Did you continue the relationship with Miss M?*  
**WAGSTAFF:** *Yes sir.<sup>3</sup>*

<sup>3</sup> Ms. M claims their relationship began on January 22, 2019 and ended on February 22, 2019. Officer Wagstaff admitted it began as early as December 28, 2018, and continued into March 2019. Officer Wagstaff did not cease the relationship until given an explicit order to have no further contact with Ms. M. Text messages between Ms. M and Officer Wagstaff clearly show her intent to protect him and she said as much during her interview with Internal Affairs: “I mentioned one time to him, I’m gonna protect you.”

## **Taking Advantage of a Vulnerable Crime Victim**

Officer Wagstaff took advantage of a vulnerable crime victim. The following text messages between Officer Wagstaff and Ms. M, demonstrate the extent of her vulnerability and reliance upon him:

December 26, 2018:

*Ms. M: You're my hero.*

*Ms. M: Thank you*

*Wagstaff: Of course :)*

December 29, 2018:

*Wagstaff: It's not that I feel like I have to... It's that I care about you and I want you to be safe.*

*Ms. M: I don't know what I'd do without you.*

*Wagstaff: You would be ok... You're a pretty tough chick.*

*Wagstaff: I'm glad I'm here though. :)*

*Ms. M: I don't wanna think about what it would be like without you.*

January 18, 2019:

*Ms. M: I just wanna hold your fucking hand right now. My sister just sent me his stupid fucking recent posts.*

## **Policy Violation Admissions:**

During his second interview with Internal Affairs, Officer Wagstaff admitted that he violated the following APD policies:

- 116.7 Privacy and Security of Records
- 900.1.1 Responsibility to Know and Comply; to wit:
  - 2018 Patrol SOPs Section .05 A. 3. a.
- 900.3.2 (c) Acts Bringing Discredit Upon the Department
- 900.3.3 (a) Prohibited Associations

By these actions, Officer Wagstaff violated Civil Service Rule 10.03(L), by violating the following rules and regulations of the Austin Police Department, which he admitted to violating at his Dismissal Review Hearing on June 17, 2019:

- **Austin Police Department Policy 900.1.1: General Conduct and Responsibilities: Responsibility to Know and Comply**

### **900.1.1 Responsibility to Know and Comply**

The rules of conduct set forth in this policy 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.

➤ **Austin Police Department Policy 900.3.3: General Conduct and Responsibilities: Prohibited Associations**

**900.3.3 Prohibited Associations**

- (a) Employees will not establish an external social relationship with a known victim, a known witness, or a known suspect of a crime while such case is being investigated by this Department or prosecuted as a result of such an investigation.

➤ **Austin Police Department Policy 900.3.2: General Conduct and Responsibilities: Acts Bringing Discredit Upon the Department**

**900.3.2 Acts Bringing Discredit Upon the Department**

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

- (a) Employees will not commit any act which tends to destroy public confidence in, and respect for, the Department or which is prejudicial to the good order, efficiency, or discipline of the Department.

➤ **Austin Police Department Policy 301.02: Responsibility to the Community**

**301.2 Impartial Attitude and Courtesy**

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

➤ **Austin Police Department Policy 900.4: Requirements of Duty: Neglect of Duty**

**900.4 Requirements of Duty**

Employee conduct will always be consistent with the Department's values, vision, mission, and any supervisor's instructions.

- (a) Employees will remain alert and observant while on-duty and devote their time and attention to the business of the Department. Any exceptions require supervisor approval.

➤ **Austin Police Department Policy 116.7: Security and Release of Records and Information: Privacy and Security of Records**

**116.7 Privacy and Security of Records**

Austin Police Department employees shall not access, view, distribute, or allow anyone else to access, view, or distribute any hard copy or electronic record, file, or report, except in accordance with Department orders and with a legitimate law enforcement or business purpose, or as otherwise permissible by law.

All reports including, but not limited to, initial, supplemental, follow-up, evidence and property reports, shall be maintained in a secure manner accessible only to authorized personnel.

By copy of this memo, Officer Wagstaff is hereby advised of this indefinite 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 Wagstaff 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

6-17-19  
Date

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of indefinite 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.

 #8229  
\_\_\_\_\_  
Police Officer Jordan Wagstaff #8229

6-17-19  
\_\_\_\_\_  
Date