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## MEMORANDUM

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

**TO:** Susan Sinz, Director of Civil Service

**FROM:** Lisa Davis, Chief of Police

**DATE:** December 18, 2024

**SUBJECT:** Indefinite Suspension of Police Officer Christopher Tomlin #9122  
Internal Affairs Control Number 2024-0884

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 Christopher Tomlin #9122 from duty as a City of Austin, Texas police officer effective December 18, 2024.

I took this action because Officer Tomlin 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.

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The following are the specific acts committed by Ofc. Tomlin in violation of Rule 10:

On the evening of July 4, 2024, Ofc. Christopher Tomlin #9122 was assigned to the Downtown Area Command (DTAC) when he responded to a leaving the scene crash (LTS) (APD Case # 241861607) at the intersection of Red River Street and Cesar Chavez Street. The crash involved a motor vehicle and an electric scooter. The scooter was operated by [REDACTED], who sustained injuries in the crash. Ofc. Tomlin was not responsible for follow-up investigation of the LTS crash in the days after the crash. Nonetheless, while the crash was still an open investigation, Ofc. Tomlin began communicating via work and personal mobile phone with [REDACTED], the involved party of the LTS.

In late August and early September, [REDACTED] brought to the APD's attention that Ofc. Tomlin had multiple inappropriate conversations with her via text messages. She claimed he initially communicated with her on his APD department issued mobile phone before transitioning to his personal mobile phone number. It was later undisputed by Ofc. Tomlin that these communications took place while APD was actively investigating the LTS. [REDACTED] also provided APD with some of their text exchanges.

The final text message Ofc. Tomlin sent [REDACTED] from his personal mobile phone was:

*"Imma be real with u. I had no idea you were gonna text me back the next day. When I opened up the ambulance door and saw you there, I was fucking floored by how beautiful you were, those eyes and beautiful features that you possess. I was amazed."*

Ofc. Tomlin completed this text message by saying:

*"So I was definitely opened to chillin with u if it ever got to that point."*

This message prompted [REDACTED] to block Ofc. Tomlin's personal mobile phone number sometime on or after July 6, 2024. On August 16, 2024, [REDACTED] was notified by her attorney that she was deemed to be at fault in the July 4, 2024, crash. This prompted [REDACTED] to text Ofc. Tomlin on his APD department issued mobile phone and address her concerns about her being found at fault in the crash. Ofc. Tomlin reached out to the HALO unit, who verified to him that there was video evidence which appeared to show that [REDACTED] was at fault in the crash. Thus, when Ofc. Tomlin responded to [REDACTED] he was unable to alleviate her concerns. Thereafter, [REDACTED] complained about the negative findings against her and Ofc. Tomlin's conduct.

On October 9, 2024, Ofc. Tomlin's Commander signed a complaint memorandum requesting the Internal Affairs Division (IA) conduct an administrative investigation to determine if APD General Orders, Civil Service Rules, or state law had been violated.

IA reviewed the following APD General Orders (GOs) in relation to this investigation:

- APD Policy/GO<sup>1</sup> 900.3.2 – Acts Bringing Discredit Upon the Department

<sup>1</sup> Policy and General Order (GO) are used interchangeably at APD and throughout this document.

- APD Policy/GO 900.3.3 – Prohibited Associations
- APD Policy/GO 1004.6 – Prohibited Uses

IA reviewed text messages provided by [REDACTED]. They also interviewed [REDACTED] and Ofc. Tomlin during their investigation.

#### [REDACTED] (October 19, 2024) IA interview

From the onset of her IA interview, [REDACTED] expressed “My main complaint was about the police report being all the discrepancies on the report.” When IA asked about Ofc. Tomlin’s inappropriate behavior, [REDACTED] explained, “That was kind of small compared to the other complaint.” She did express to IA that she perceived that blocking Ofc. Tomlin may have played a part in the negative finding against her in the crash. It is important to note that the IA investigation showed that Ofc. Tomlin had no involvement in finding that [REDACTED] was at fault in the crash. Video evidence from a high activity location observation (HALO) camera discovered by the assigned investigator showed that [REDACTED] did not have the right-of-way as she entered the intersection when the other involved vehicle had a green light. That video evidence was the deciding factor in determining that [REDACTED] was at fault.<sup>2</sup>

[REDACTED] recounted that on the night of July 4, 2024, she was being treated in the back of an ambulance when she was interviewed by Ofc. Tomlin after the crash. Ofc. Tomlin requested her phone number to give her follow up information regarding the crash. Ofc. Tomlin sent a picture of his computer screen which displayed the case number as well as the insurance information of the LTS vehicle. [REDACTED] explained to IA the next day after the crash, that she did not understand the information Ofc. Tomlin had sent her, so she texted Ofc. Tomlin for clarification. [REDACTED] told IA that Ofc. Tomlin then provided clarifying information about the LTS case on his department issued mobile phone .

[REDACTED] then began to describe to IA conduct on the part of Ofc. Tomlin that is explicitly prohibited by APD General Orders (GOs). [REDACTED] explained that Ofc. Tomlin then communicated to her from his personal phone. His initial text message read as follows:

*“Hey this is Chris the Officer you were texting I’m replying back to u on my personal phone. That other number is my city phone.”*

*“Lol is this little scooter incident going to scare you into driving your car at night now?”*

The communication between Ofc. Tomlin and [REDACTED] transitioned from her LTS incident to multiple unrelated topics. As was evident from text messages that she provided, [REDACTED] confirmed Ofc. Tomlin asked her about various personal topics, including music, her favorite restaurants, where she was born, where she liked to travel, where he had traveled, whether she was of “mixed” ethnicity, her grandmother’s health, and about his own personal life. He also sent her heart emojis, told her on one or more occasion that he wanted

<sup>2</sup> APD still had an open investigation on July 10, 2024, including investigating the driver who left the scene. The case was suspended as APD still has not discerned the driver of the vehicle that left the scene.

to see her again, including offering to come watch her play piano and/or meet her at a restaurant to escort her home, while he was on duty nearby. He also provided her information about an unrelated APD investigation, and commented on her physical beauty and attributes, amongst other topics.

Once he built a rapport with [REDACTED], Ofc. Tomlin sent the following text messages. [REDACTED] confirmed these last messages prompted her to block his number:

*"That's cool. I'm mad I can't watch, I really want to see you play [the piano]."*

Followed by:

*"Imma be real with u. I had no idea you were gonna text me back the next day. When I opened up the ambulance door and saw you there, I was fucking floored by how beautiful you were, those eyes and beautiful features that you possess. I was amazed."*

*"So I was definitely opened to chillin with u if it ever got to that point."*

The entirety of her communication with Ofc. Tomlin, led [REDACTED] to making the following concerning statements to IA, including that she felt "preyed" upon by him:

- *"I just think the conversation just continued on for too long. Like, if I had gone long periods of time without replying, he may send another message or, um, he may, like, apologize for not replying."*
- *"Just asking, like, what - what I'm eating or, like drinking or, um, asking if I returned home was a red flag. Um, when I did return home, just o- like, sort of overly checking in."*
- *"he followed up with...I'm not too far from you, I could stop by, um, and I had declined that that was when I was eating at Flower Child and I think I had like sort of politely said, 'Oh I'm walking home.' And he had said, uh, you know, 'I would really like to see you.' Like, he knew that I had gone to play the piano, um, and he had said like 'I'd really like to see you play maybe the next time you go.' Um, so I think those were just too much too - it was just too many comments."*
- *"I texted him and I said 'I was in a state of shock.' And so he called to clarify the text. I never called him."*
- *"Then he texted me from his personal phone number and said this is my personal number. Uh, from then it had been a few days of conversation that sort of got off track of the case."*
- *"I thought texting me in general from your personal number was unprofessional."*
- *"I thought it was unusual getting a message from an officer from a personal phone"*

number. I have never been in an incident where I was - I would needed to follow up, um, about, like, my safety about the case, you know, I didn't know what was going on and I felt that the whole continuing the conversation, asking like personal questions or, um, being flirtatious like just crossed the line, um, I didn't quite know what to do since my case was still open and I - I felt that I didn't - I just didn't know how to navigate it but it just felt off."

- "Um, yeah. After I notified my 95-year-old grandma, she had a [REDACTED] that night and I rushed to Illinois, uh, while I was still in pain, and, um, he was aware of that because I - he was communicating with me and I just felt like at that point I - I wish he would have just, like, kept it about the case. Um, but he had asked me about my grandma. And I think that at that point, I was, like, very sensitive, uh, and feeling very guilty about informing her. Uh, and so, uh, I don't even know what your question was."
- "Um, and so I think that was just kind of preyed on. Um, so I do think very early on like looking back on it now it was - it just escalated, you know."
- "The last message he had sent, which was along the lines of like, 'when I opened the ambulance door and I saw, uh, how gorgeous you were and everything' ... just flirting. Um, that made me very uncomfortable. So, um, I had decided to block him."

These series of answers prompted IA to follow up by asking [REDACTED]

**IA:** Okay. And has this changed your opinion of the Austin Police Department?

[REDACTED] Yeah.

[REDACTED] elaborated by stating it has changed her opinion of all police officers and that:

- "Well, I'm just nervous that even saying this, like, since he knows where I live, I'm just nervous of the aftermath. So I didn't even - I really didn't even want to, um, go into detail about the about the text messages. I just wanted to provide feedback 'cause I don't - I don't want, um, to feel scared."
- "I've never been there in my life and so I just don't know, uh, what to trust, uh, moving forward."

[REDACTED] also recounted how Ofc. Tomlin communicated with her about a deceased veteran who suffered from PTSD. This was clearly unrelated to her crash. Ofc. Tomlin even offered to provide [REDACTED] more detail in the below text message:

"You have nothing to worry about. The dude shot himself in the head. He was a retired military veteran suffering from PTSD. He actually lived in one of the

*Rainey Street apartments. The wild thing is, he did that shit at, like, 4:00 pm in broad daylight, right on the trail. I can give you all the details, I was first on scene. Dude was already dead as fuck when we found him."*

With respect to this exchange, [REDACTED] knew this information should not have been sent to her, as she told IA:

*"I don't know if you're supposed to disclose like that it was a veteran who blew his brains out."*

Separately, Ofc. Tomlin also gave [REDACTED] the impression that APD's law enforcement partners "beat the shit" out of prisoners when she told IA:

[REDACTED] *I just don't think it had anything to do with my case. I - I don't - I don't think knowing about people committing suicide or he said one other thing was about, um, how he had to take somebody in and then the correctional officers beat the shit out of him and, um, I don't think that has anything to do with my well-being. It actually made me even more scared. Um, I - and I don't have an answer. I've never experienced anything like that in my life. So I don't have any answer for why he would do that.*

Also, within their text exchange Ofc. Tomlin showed a willingness to look up the crash report related to the LTS collision to let [REDACTED] know what the other officer wrote in the report, rather than refer her to the officer that wrote the report.

In the days after the crash, Ofc. Tomlin also asked [REDACTED] personal questions like "[W]hen is she getting back in town?" and "Where are you sore at?". Ofc. Tomlin later confirmed that he started to become aware of personal things about [REDACTED] including her interests and "favorite restaurant".

#### **Ofc. Tomlin's (November 18, 2024) IA interview**

Ofc. Tomlin was asked by IA to describe in detail the contact and all the interactions he had with [REDACTED] starting from the incident on July 4, 2024, until the date of his interview. Ofc. Tomlin responded:

*"On July 4, I responded to a crash in which she was involved in. It was a crash leaving the scene, the other driver left the scene after hitting her with a vehicle. I provided information to her on the scene. After that we engaged in a text message conversation for a few days after. And after that there was nothing other than, a text message she sent about a month after our co-conversation. We have no contact at all now and haven't for 5 months or 6 months."*

Ofc. Tomlin confirmed that he determined and documented that [REDACTED] was the victim of the LTS crash on July 4, 2024. Ofc. Tomlin was asked by IA if he believed the LTS crash was an open investigation. Ofc. Tomlin replied: "The LTS aspect of it, sure. Yes."

Ofc. Tomlin was asked how [REDACTED] had access to his department issued mobile phone. Ofc. Tomlin explained he provided a screen shot with the other driver's information to her cell phone. Ofc. Tomlin was then asked the reason he sent [REDACTED] the following text from his department issued cell phone; *"Hey, just wanted to let you know the reports should be uploaded tomorrow."* Ofc. Tomlin recalled:

*"She - the next day she's the one that called me, I believe, or texted me. I'm sorry, she texted me a long passage about questions she had from the crash, I think it was. So, at that point is when I called her and I just explained or answered whatever questions that she had about the crash. At the - after that phone call, we continued to text throughout the day."*

On July 5, 2024, [REDACTED] sent Ofc. Tomlin a text message to his department issued mobile phone stating *"I'm very grateful."* Ofc. Tomlin was asked by IA why he responded to [REDACTED] text with a heart emoji. Ofc. Tomlin replied: *"With a heart necessarily, I - I - I don't - um, just to let her know that I was happy to help her or I'm glad that she was okay with the help that she received."* Ofc. Tomlin was then asked if he typically sent heart emojis to victims or witnesses. Ofc. Tomlin stated: *"I have not before."* Ofc. Tomlin was asked why he did so this time. He replied: *"No - no particular reason. No, sir."*

Ofc. Tomlin was then asked if he ever texted [REDACTED] from his personal phone as well as who initiated the contact. Ofc. Tomlin recalled:

*"Yes, she - after a long conversation on the city phone we started a conversation on my personal phone. I would say that I did only because our - the conversations that we had on the work phone were just more so about work and personal stuff about just like her, like, life and lifestyle as far as what she does at work or playing music. So, at that point, I thought it would be - it was a lapse of judgment on my end that, that type of conversation whether it be about music and things like that should not be on the work phone 'cause it wasn't work related."*

Ofc. Tomlin was asked about his intent when he gave [REDACTED] his personal cell phone number. Ofc. Tomlin explained it was just a friendly conversation over the phone which was not work related. Ofc. Tomlin added he did not know how many times he texted [REDACTED] on his personal phone but he knew the conversation started on July 5, 2024, and only lasted a few days within that week.

Ofc. Tomlin was asked if [REDACTED] ever gave him the impression the conversations via text or even over the phone, outside of her incident, were welcomed by her. He responded:

*"I would say, yes. We talked about a broad spectrum of things as far as even going back to music and her playing instruments and where she works and some of the interests that she has as far as artists. So, we were just having back and forth conversations about stuff like that."*

When confronted by IA, Ofc. Tomlin acknowledged he sent the following messages to [REDACTED]

*"When I opened up the ambulance door and saw you there, I was fucking floored by how beautiful you were, those eyes and those beautiful features that you possess, I was amazed."*

*"So I was definitely opened to chillin with u if it ever got to that point."*

Ofc. Tomlin was also asked about the following text message he sent [REDACTED]

*"You have nothing to worry about. The dude shot himself in the head. He was a retired military veteran suffering from PTSD. He actually lived in one of the Rainey Street apartments. The wild thing is, he did that shit at, like, 4:00 pm in broad daylight, right on the trail. I can give you all the details, I was first on scene. Dude was already dead as fuck when we found him."*

Ofc. Tomlin was asked if these texts were appropriate to send. He admitted they were not.

Ofc. Tomlin was then asked about the original GOs under consideration by his Chain of Command. He admitted to violating GO 900.3.3 Prohibited Associations, stating:

*"Yes, no matter, uh, what, uh, the case may be, I deeply understand that the policy of not even creating any types of friendships with- any, you know, suspect, victim or anybody that you might come in contact with that's a subject of a call."*

Ofc. Tomlin also admitted to violating GO 903.2 Acts Bringing Discredit Upon the Department, stating: *"Based on the potential of there being possible conflict of interest sure. Yes sir."*

Ofc. Tomlin also admitted to violating GO 1004.6 Prohibited Uses, stating:

*"Yes. I would say this, I violated the policy, sir. Going back to the policy, I can see how it would be perceived that texting someone of that association from my work phone would be unprofessional."*

Ofc. Tomlin was asked by IA if he had the opportunity to do this again would he do things differently. He responded in part:

*"I'm here to absolutely just, you know, say that I completely understand the issues and - and some of the mistakes that I made in this call. I haven't stopped thinking about it... I would do a lot of things different and I'm deeply apologetic for how this went down and I'm appreciative of you guys being here for the process as well, so, it's never gonna happen again."*

## **Notice of Sustained Allegations (NOSA)**

The Chain of Command notified Ofc. Tomlin in a NOSA issued to him on December 9, 2024, that he was being sustained for the original GOs that he admitted to violating during his IA interview:

- APD Policy/GO 900.3.2 – Acts Bringing Discredit Upon the Department
- APD Policy/GO 900.3.3 – Prohibited Associations
- APD Policy/GO 1004.6 – Prohibited Uses

The Chain of Command also notified Ofc. Tomlin in the NOSA that he violated the following additional GOs:

- APD Policy/GO 900.3.1–Honesty
- APD Policy/GO 902.4.1–Cooperating with Assigned Investigators

The NOSA specifically identified the five different exchanges Ofc. Tomlin had with IA where he violated the two above-mentioned GOs after multiple different chances. The NOSA states as follows:

*"In your November 18, 2024, IA interview, your Chain of Command concluded that the following responses (in the following exchanges) were not completely truthful, not accurate, were misleading, not credible, and/or were attempts by you to conceal, divert, and/or mitigate from your true culpability in this case:"*

### **Exchange # 1**

**IA:** *Okay. So what was your intent for giving her your cell phone - your personal Cell phone number?*

**Tomlin:** *It was just a - a friendly conversation that was on the phone. There was no, oh, no intent past just the conversation being not work-related.*

### **Exchange # 2**

**IA:** *Okay. And what was the purpose of you sending her the following text message. "When I opened up the ambulance door and saw you there, I was fucking floored by how beautiful you were, those eyes and beautiful features that you possess. I was amazed."*

**Tomlin:** *She was upset. The - we were talking about her injuries, and honestly it was the only intent in that was to - to talk about how the - the scar, the - the stitches weren't gonna change her appearance. That was the only intent and that type - that message there was no - there's no other intent at all in that. It was a compliment given.*

**IA:** *And do you consider this to be flirtatious in nature?*

**Tomlin:** *Um, I didn't - I didn't mean it to be, but I can't - I don't know what the other perception would - would be of it.*

**Exchange # 3**

**IA:** *What was your intent or reasoning why you told her that you were not far from her and that you could stop by?*

**Tomlin:** *Oh, just to say hello, 'cause I work in that area, sir. That's in my area. That - that was the only intent in that.*

**IA:** *Okay. And what did you mean by, "I would really like to see you."*

**Tomlin:** *Uh, a- at that point, like, we'd only had friendly conversation up until that point. So it was literally just in a friendly manner, that's it. There was no other intent in that. And I didn't recall that, to be honest, but that - that would be the only intent.*

**Exchange # 4**

**IA:** *What did you mean when you told [REDACTED] you were "definitely open to chilling with her if it ever got to that point"?*

**Tomlin:** *That - that, uh, friendship like, we had, uh, at that point, started texting back and forth. Just, uh, was kind of a friend - uh, friendly thing. And that's the intent was just friendship- wise .*

**IA:** *And is that why you texted her from your personal phone?*

**Tomlin:** *Is that - that was not my initial intent in texting her from my personal phone. No, sir.*

**IA:** *Did you - did the interaction over time lead you to believe that you could pursue a romantic relationship with her?*

**Tomlin:** *No, sir.*

**Exchange # 5**

**IA:** *Did [REDACTED] block you from texting her or calling her?*

**Tomlin:** *Not that I know of. I wouldn't have - w- we - I never texted her after - I don't know what that date was, but I've never texted her or called her, so I don't know why she would have blocked me. Then she reached out to me, so.*

**IA:** *What was the reason why you stopped the communication? Is there a reason why?*

**Tomlin:** *I didn't - like, I don't know if there's a reason, I just - uh, it got to a certain point, uh, I didn't really feel like texting her, to be honest.*

It is important to note that every APD employee is trained and repeatedly reminded about the importance of GO Honesty 900.3.1, which specifically states and mandates in part that:

- (a) Employees will speak the truth at all times...Any statement or omission of pertinent or material information which intentionally misrepresents facts or misleads others through an official statement will be considered a false official statement.
- (c) Employees will not attempt to conceal, divert, or mitigate their true culpability in a situation, nor will they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.

(emphasis added)

Whereas GO 902.4.1 Cooperating with Assigned Investigators is equally as important. It mandates and states in part:

- a) Employees will cooperate with any assigned investigator as if they were addressing the Chief. Employees who fail or refuse to cooperate with an assigned investigator will be subject to disciplinary action, up to and including indefinite suspension.
- b) Honesty is of the utmost importance in the police profession. Employees are expected to be truthful at all times during interviews with investigators as outlined in General Order 900 (General Conduct and Responsibilities).
  - 1. Employees who are found to have given a false official statement are subject to indefinite suspension as outlined in the Discipline Matrix ("Dishonesty - False Official Statements").

(emphasis added)

### **Conclusions of the Chain of Command before the DRH**

In spite of his denials to IA's questions, members of Ofc. Tomlin's Chain of Command expressed to me through the NOSA and/or before his Disciplinary Review Hearing (DRH) that their individual and/or collective review of the evidence caused them to conclude, by the preponderance of the evidence that:

- Ofc. Tomlin's physical attraction to [REDACTED] caused him to seek a dating, sexual, and/or romantic relationship with her.
- Ofc. Tomlin's intent was to flirt with [REDACTED]
- Ofc. Tomlin did flirt with [REDACTED]
- Ofc. Tomlin's last text message was to express to her his intent to seek a dating, romantic and/or sexual relationship with [REDACTED]
- Ofc. Tomlin more likely than not realized after [REDACTED] stopped responding to his text messages that his communication with her was unwelcome.
- Ofc. Tomlin was not the one who ended the dialogue with [REDACTED] because he was disinterested.

Despite the evidence contained in his text exchanges with [REDACTED], Ofc. Tomlin never admitted to any of the above to IA, and instead chose to try to mislead, and/or mitigate his true culpability in this situation during his IA interview. Ofc. Tomlin repeatedly denied pursuing a dating, romantic, and/or sexual relationship with [REDACTED] claiming, among other things, that his intent was limited to trying to uplift the spirits of a member of the public when it came to her physical appearance from scars she sustained during a crash. Ofc. Tomlin also was adamant to IA on more than one occasion that he was seeking nothing more than a friendship with [REDACTED]. Ultimately, as you will see in the conclusion of this memorandum, Ofc. Tomlin contradicted these assertions in his DRH by explaining his intent was beyond the limitations he expressed to IA and more consistent with the Chain of Command's above-mentioned conclusions as to the extent of his true culpability. Ofc. Tomlin also explained some of his conscious and/or intentional motivation at the time of his IA interview for not admitting to and/or mitigating his intent and culpability during his IA interview.

Of further significance, going into the DRH, the Chain of Command expressed to me that they unanimously concluded that Ofc. Tomlin violated GO 900.3.3 Prohibited Associations, and that his actions brought discredit to APD, in violation of GO 900.3.2 Acts Bringing Discredit upon the Department. They expressed that they appreciated the fact that Ofc. Tomlin admitted to violating GOs, but they were also troubled and disappointed by his egregious conduct in this case by pursuing an external social relationship when GOs prohibit it.

### **Conclusion (after the DRH)**

Ultimately, I concluded that Ofc. Tomlin should be sustained for violating the following APD GO's:

- APD Policy/GO 900.3.2 – Acts Bringing Discredit Upon the Department
- APD Policy/GO 900.3.3 – Prohibited Associations
- APD Policy/GO 1004.6 – Prohibited Uses
- APD Policy/GO 902.4.1 – Cooperating with Assigned Investigators

By sustaining these GOs, Ofc. Tomlin gives me a multitude of individual and/or collective reasons to indefinitely suspend him. It is important to note that I would have made the

decision to indefinitely suspend Ofc. Tomlin for solely violating GO 900.3.3 Prohibited Associations, which he acknowledged violating. That GO could not be more explicit as its title and the text both state the type of relationship that Ofc. Tomlin sought was strictly "*prohibited*." This violation is a breach of trust to all of the people in the Austin community, particularly people who are in vulnerable positions due to their being crime victims or involved in an accident. Ofc. Tomlin's actions in this matter were inconsistent with APD ICARE values and the standard of excellence that I promised to uphold within the Austin Police Department.

Ofc. Tomlin's decision to surreptitiously copy [REDACTED] mobile phone number from his department-issued mobile phone to his personal mobile phone, and to begin texting her from his personal mobile phone, is egregious. His decision to seek a romantic, dating, and/or sexual relationship with [REDACTED] while her case was still under investigation, is abhorrent, reprehensible, and a breach of trust to the oath that he took as an APD officer.<sup>3</sup>

It was also troubling to me as Chief of Police to have a citizen [REDACTED] tell IA that she felt "*preyed*" upon by Ofc. Tomlin as he knew she was going through multiple traumatic events in her life (her recent LTS crash and her grandmother's heart attack).

Ofc. Tomlin's actions not only violate multiple APD GOs, but his actions bring significant discredit to APD in violation of GO 900.3.2, Acts Bringing Discredit Upon the Department. Moreover, Ofc. Tomlin made disparaging remarks about a deceased veteran, including revealing that the deceased veteran had PTSD, seemingly as a way to endear himself to [REDACTED]. He even offered to give her greater detail about the call, while clearly giving no consideration to the decedent and the decedent's soon to be grieving family. Additionally, Ofc. Tomlin left [REDACTED] with the impression that APD's law enforcement partners "*beat the shit*" out of a prisoner, as he stood idly by. This statement brings discredit to all of law enforcement and/or hurts APD's relationships as Ofc. Tomlin spread a false rumor about another agency. These individual and/or collective actions bring further discredit to APD and demonstrate to me that Ofc. Tomlin is not fit, mature, nor empathetic enough to represent APD and this community.

I also want to note that I made the decision not to sustain Ofc. Tomlin for GO 900.3.1 Honesty, in part because he finally acknowledged during his DRH that he was "*flirting*" with [REDACTED]. Ofc. Tomlin also acknowledged in his DRH that he was pursuing a romantic, a dating, and/or sexual relationship with [REDACTED]. He also admitted that if [REDACTED] had expressed an interest, this could have built up into a sexual relationship. Ofc. Tomlin then stated his conscious and intentional motivation at that time of his IA interview for withholding making these specific admissions during the IA interview was motivated in part by the fact that he is in a longstanding relationship with someone whom he shares a family with. I appreciate his candor to me and the Chain of Command during the DRH.

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<sup>3</sup> While it had no influence on my decision, it was brought to my attention that the most recent officers who violated GO 900.3.3 Prohibited Associations either resigned in lieu of termination or the decision was made to indefinitely suspend by the last APD Chief's of Police.

However, while I appreciate that Ofc. Tomlin ultimately told the complete unmitigated truth in the DRH; he should have done so—and in fact was obligated to do so—in his IA interview. So, while I am declining to sustain him for Honesty GO 900.3.1, Ofc. Tomlin's testimony to IA in this matter, nonetheless, violates the letter and the spirit of multiple APD GOs, including GO 902.4.1 Cooperating with Assigned Investigators. Before any substantive question was asked of him, Ofc. Tomlin had the opportunity to begin his interview by stating the complete truth, as if he were addressing me, the Chief of Police, as delineated by GOs. He was also given multiple additional opportunities by IA to acknowledge his true intent and not try to mitigate his true culpability. Thus, even if Ofc. Tomlin had not been sustained for GO 900.3.3 Prohibited Associations, the stand-alone violation of GO 902.4.1 Cooperating with Assigned Investigators would have resulted in my decision to indefinitely suspend him.

Moreover, while I did not sustain Ofc. Tomlin for GO 900.3.1 Honesty since he told the complete truth during his DRH, the surrounding evidence shows that Ofc. Tomlin was not completely credible or completely truthful during his IA interviews. This lack of credibility and complete candor cuts at the core of his own integrity. Therefore, the facts and circumstances of this case must be shared with members of the criminal justice system as this qualifies as Brady (*Brady vs. Maryland*, 373 U.S. 83 (1963)) and Michael Morton Act material that must be disclosed to prosecuting attorneys. Moreover, his conduct in this case compromises his credibility to testify in the future. This makes him unfit to serve as a police officer, which also leaves me with no choice but to indefinitely suspend him.

Separate and apart from the cooperating with investigator violation, I believe I would be doing a disservice to the members of the greater Austin community if I retained Ofc. Tomlin, as I cannot confidently trust him moving forward to answer a call for service involving young women.

While I appreciate that Ofc. Tomlin expressed remorse, has a limited disciplinary history<sup>4</sup> and stated that he would not do this again, I have no reason to confidently trust his word for a multitude of reasons. First of all, Ofc. Tomlin did not self-disclose or self-report this indiscretion. Ofc. Tomlin only admitted to violations because he could not deny the facts in front of him. Moreover, Ofc. Tomlin's answers to IA were not credible, as described in this memorandum.

However, the main reason I cannot trust Ofc. Tomlin is very simple. Ofc. Tomlin's intolerable actions in this case were already prohibited by GOs and that fact did not stop him. Therefore, his assurance that he will not do this again is not something I, as Chief of Police, can confidently rely on. The only way I can assuredly protect the community and the Department moving forward is to indefinitely suspend Ofc. Tomlin. Moreover, if I retained Ofc. Tomlin, I would send the wrong message to his peers that this type of behavior is somewhat tolerable by APD, when it is clearly not.

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<sup>4</sup> Ofc. Tomlin has been with the department for less than 5 years. His only discipline was a written reprimand for violating APD Policy/GO 900.4 Requirements of Duty in IAD-2023-0628. In that case, rather than performing his DTAC responsibilities, Ofc. Tomlin participated in a North Metro Tactical briefing and operation for several hours without notifying or receiving approval from his supervisor.

In sum, Ofc. Tomlin's admission that he violated the GO 900.3.3 Prohibited Associations, confirmed to me that he tried to take advantage of his position as a police officer to initiate a romantic relationship with [REDACTED] a victim in an open investigation. It bears repeating, that fact alone is intolerable and grounds for his indefinite suspension. I would be remiss in my duties and responsibilities to protect the members of this community if I allowed Ofc. Tomlin—in light of his actions and/or omissions in this case—to continue to be bestowed the power to serve members of the greater Austin community as a police officer. Therefore, after careful deliberation and consideration of all of these factors, I have made the decision to indefinitely suspend Ofc. Tomlin, effective immediately.

By these actions, Officer Tomlin 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 900.3.3(a): General Conduct and Responsibilities: Prohibited Associations**

**900.3.3(a) 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(a)(c): General Conduct and Responsibilities: Acts Bringing Discredit Upon the Department**

**900.3.2(a)(c) 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.
- (c) Employees will not engage in any activity in which there is a potential for conflict of interest or the appearance of a conflict of interest with the lawful duties of the employee.
  - 1. "Conflict of interest" includes any activity which would tend to influence a decision, create a bias or prejudice, or create a gain or loss for any person or agency which would favor one side or the other in conflict with the employee's official duties,

or which conflicts with the accomplishment of the Department's mission or goals.

➤ **Austin Police Department Policy 1004.6(c): Department Owned Cell Phones: Prohibited Uses**

**1004.6(c) Prohibited Uses**

Employees shall adhere to all guidelines outlined in GO 1000.3.1 Prohibited Uses of Department Technology in addition to the following:

- (c) The cell phone shall not be used to take or send inappropriate photographic or video images, emails, or texts unless they can be clearly linked to official police business.

➤ **Austin Police Department Policy 902.4.1: Administrative Investigations: Cooperating with Assigned Investigators**

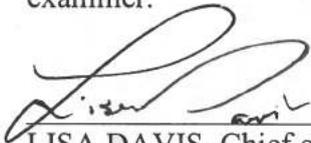
**902.4.1 Cooperating with Assigned Investigators**

- (a) Employees will cooperate with any assigned investigator as if they were addressing the Chief of Police. Employees who fail or refuse to cooperate with an assigned investigator will be subject to disciplinary action, up to and including indefinite suspension.
- (b) Honesty is of the utmost importance in the police profession. Employees are expected to be truthful at all times during interviews with investigators as outlined in General Order 900 (General Conduct and Responsibilities).
  1. Employees who are found to have given a false official statement are subject to indefinite suspension as outlined in the Discipline Matrix ("Dishonesty - False Official Statements").
  2. There may be cases where officers have not been truthful but the dishonesty does not constitute a false official statement. In those situations, the Chief of Police shall consider each case on a fact specific basis and may decide that corrective action other than indefinite suspension is warranted as outlined in the Discipline Matrix ("Neglect of Duty - Misleading Statements").

By copy of this memo, Ofc. Tomlin 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.

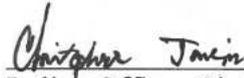
By copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Ofc. Tomlin is hereby advised that such section and the Agreement Between the City of Austin and the Austin Police Association provide for an appeal to an independent third-party hearing examiner, in accordance 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.

  
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LISA DAVIS, Chief of Police

12.18.24  
\_\_\_\_\_  
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.

  
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Police Officer Christopher Tomlin #9122

12/18/24  
\_\_\_\_\_  
Date