



MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Joya Hayes, Director of Civil Service

FROM: Joseph Chacon, Chief of Police

DATE: April 4, 2023

SUBJECT: Non-Appealable Indefinite Suspension of Police Corporal
Richard Parslow #6478
Internal Affairs Control Number 2022-0980

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 issued this non-appealable indefinite suspension to Police Corporal Richard Parslow #6478, effective April 4, 2023.

I took this action because Cpl. Parslow 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 Cpl. Parslow in violation of Rule 10:

Hotshot Crash Call

On October 21, 2022, Cpl. Richard Parslow was on duty as a uniformed Austin Police Department (APD) officer performing the assigned tasks of an acting Sergeant. Cpl. Parslow completed his administrative duties for the evening, entered his patrol car, and proceeded to the area of Farrell Glen Drive and Zachery Drive. Global Positioning Satellite (GPS) records show that his vehicle remained in or around this location for about two hours and 50 minutes without moving. During this time, at approximately 19:00, a "Crash Hotshot" call came out. Two other police officers were dispatched to respond to the crash.

APD General Order 400.3.1 states: "A Crash Hotshot" call is an incident(s) involving physical harm or injury to a person or property and that is in progress and/or all involved parties are still on scene." In this case, the specific call text advised that *"there were multiple vehicles involved (up to five were reported), possibly an intoxicated driver, driver was unconscious."* It was also reported in the Computer Aided Dispatch (CAD) *"that the driver had hit the windshield."* The location of the crash was at or near the intersection of Ed Bluestein and Loyola Lane. According to Google Maps, Cpl. Parslow's vehicle was 1.4 miles away from this location and/or within four minutes of this scene.

The dispatched officers arrived at the crash scene seven minutes after being dispatched. This "Priority 0 call" ultimately required a response from eight marked patrol units with 11 officers. "Priority 0 calls" are defined in policy as *"incidents involving physical harm or injury to a person or property, and that is in progress and/or all involved parties are still on scene. Officers responding to Hot Shot calls should operate Code 3."* Officers responding to "Priority 0 calls" may do so by activating their emergency lights and siren (Code 3) pursuant to APD General Order (GO) 400.2.1.

Despite being closer than the dispatched officers, Cpl. Parslow made no attempt to respond. Accordingly, he made no effort to render first aid or life-saving measures to those injured in the crash or to apprehend or detain any suspected violators of the law. Additionally, Cpl. Parslow did not attempt to assist the other officers with potential crime scene management or traffic control, which is or can be an officer safety concern. Instead, as other officers responded from further away, Cpl. Parslow remained in his patrol car, stationary in the area of Farrell Glen Drive and Zachery Drive. Ultimately, his failure to immediately respond to this call and a subsequent, below mentioned "Shots Fired" call from the same evening were referred to Internal Affairs (IA) by his Chain-of-Command (COC) for investigation.

IA Investigation and COC Hotshot Crash Call Findings

When he was interviewed by IA, Cpl. Parslow was unable to offer a reasonable justification for his inaction to me (Chief Chacon) or his COC. Cpl. Parslow tried to defend his lack of response by claiming that he was monitoring the radio and Mobile Data Computer (MDC) to determine if his assistance was needed. Based upon the radio traffic and comments to the call, it was abundantly clear that more than two officers would be required to properly handle this incident. His COC also concluded, and so-advised Cpl. Parslow's in a Notice

of Sustained Allegation (NOSA) issued to him on March 17, 2023, that his inaction in this case was unacceptable. Cpl. Parslow's additional statement to IA that he was waiting for his subordinates to prompt him to respond was also deemed unacceptable by me and his COC, particularly in light of his years of experience, APD training and/or SOP's, and/or previous direction from multiple past and present APD supervisors. Since his promotion to Corporal on March 28, 2021, Cpl. Parslow had been repeatedly directed and counseled orally and in writing by multiple supervisors to be proactive and to respond to these types of calls and offer support and on-scene direction and supervision to patrol officers.

His COC further concluded that it was incumbent upon Cpl. Parslow to address the urgency of this call and lend assistance and/or direction. The first few minutes of this "Crash Hotshot" call involved reports of an unconscious subject who had hit the windshield. This CAD text should have initiated a response from Cpl. Parslow due to the potential or likelihood of serious injury to a citizen. In situations like this seconds and minutes can mean the difference between life and death, which certainly equates to urgency and/or an emergency. Moreover, officer response can ensure that any crime scene is not compromised or destroyed, prevent suspects from escaping, and help identify potential witnesses.

The COC also concluded that, given the large number of officers that responded and the seriousness of the initial reports from witnesses regarding one driver being unconscious and having hit the windshield, Cpl. Parslow should have responded because that is the duty of any APD officer as is stated in APD Patrol Operations Standard Operating Procedures (SOP) ".01 Statement of Purpose." Additionally, SOP ".05 Personnel Duties, Authority and Responsibilities 1. Sergeant and/or 2. Corporal" required Cpl. Parslow to exercise line command and respond to any incident where it is/was important to preserve organizational accountability and supervision. The SOP also states, "Incidents of this nature can include but are not limited to the following: 2. Incidents involving the serious injury of an officer or citizen." Despite these GO's and SOP's, Cpl. Parslow never responded to the scene and never even inquired if the officers needed or wanted his assistance.

Shots Fired Call

Thereafter, that same evening, approximately 30 minutes after the "Crash Hotshot" call, at about 19:31, a caller to emergency communications reported, "Shots Fired" incident at or near 6600 Ed Bluestein Blvd. in Austin, Texas. At this time, Cpl. Parslow was still in his parked vehicle at Farrell Glen Drive and Zackery Drive. By 19:31, he had been stationary, and in-service, for approximately three hours and four minutes. Google Maps indicated that he was 1.9 miles from this "Shots Fired" call, with an estimated travel time of seven minutes.

A night officer was the first officer on-scene with a response time of 58 seconds. Other Charlie (central east) sector officers responded and eventually arrived on-scene, while Cpl. Parslow was closer, stationary, and in-service, as the call text continued to update to include a more exact location of the shots fired incident, number of shots heard, a possible white

sedan suspect vehicle, and a description of a male walking around while wearing a black mask.

The initial officer on scene found a blood trail and cash on the ground at 19:44. While APD officers were following a blood trail, Cpl. Parslow still remained in-service and stationary despite being approximately 1.9 miles and/or seven minutes from this incident. At 19:45 emergency communications learned that a white sedan was dropping off a victim with a gunshot wound to Dell Children's Hospital with life threatening injuries. By this point, Cpl. Parslow had been stationary, and in-service at Farrell Glenn Drive and Zackery Drive for three hours and 20 minutes. At about this time, Lieutenant Maria Calagna #6104 sent him an MDC message telling him to respond to the call. According to CAD, it took Cpl. Parslow an additional five minutes and 54 seconds to respond to the scene of the shooting, finally arriving on-scene at 19:54. The Homicide Unit was eventually paged to the scene after the shooting victim was pronounced deceased at 20:27. This incident turned into a murder investigation with a very large crime scene at the apartment complex, a second crime scene at the hospital, and numerous witnesses.

This "Priority 3" call came out as a "Shots Fired," but was upgraded to a "Gun Hotshot – Priority 0" due to the suspect being seen. This call ultimately required a response from 12 marked patrol units with 16 officers, two Homicide Investigators, one Public Information Officer, three Crime Scene Specialists and one Crime Scene Supervisor.

IA Investigation and COC Shots Fired Call Findings

Similar to the "Crash Hotshot" call, when Cpl. Parslow was interviewed by IA, he was unable to offer a reasonable justification for his failure to immediately respond to the "Shots Fired" call to me or his COC. Cpl. Parslow yet again tried to defend his lack of response by claiming that he was monitoring the radio and Mobile Data Computer (MDC) to determine if his assistance was needed or that he was waiting to be prompted by his subordinates.

Given the large number of officers who responded and/or the seriousness of the progression in reports from witnesses, Cpl. Parslow should have responded without being prompted to do so because that is the duty of any APD officer as is stated in APD Patrol Operations SOP's ".01 Statement of Purpose." Additionally, SOP ".05 Personnel Duties, Authority and Responsibilities 1. Sergeant and 2. Corporal" requires and required Cpl. Parslow to "exercise line command and respond to any incident where it is important to preserve organizational accountability and supervision. Incidents of this nature can include but are not limited to the following: 1. Incidents involving the loss of life or the threat of loss of life by violence 2. Incidents involving the serious injury of an officer or citizen, 3. Incidents and arrests which are high profile and/or may garner intense media attention or public protest."

Moreover, the investigation showed that Cpl. Parslow had just received the latest of several directives and yet another reminder from Lt. Calagna on September 22, 2022, of her expectation of him to respond to calls, including but not limited to "Shots Fired Hotshot"

and “Crash Hotshot” calls. These same directives had also been given to him by several past sergeants as well as his current Sergeant, Alfonso Anderson #4892, who explained to him the importance of his presence at calls.

Despite his proximity to this call and the serious nature of the text, Cpl. Parslow remained stationary, and in-service, until Lt. Calagna ordered him to go to the scene. Even with officers on-scene radio transmitting out the description of a possible suspect vehicle, finding cash laying on the ground, and a blood trail, Cpl. Parslow and his vehicle remained stationary, just five minutes and 54 seconds from where this murder had transpired. Had Cpl. Parslow responded when the call came out, he may have been able to render life saving measures to the victim, apprehend the murder suspect, and/or take immediate control of the situation as a supervisor to ensure the safety of our officers, the crime scene, and the civilians in this apartment complex. In sum, his decision to not respond is not in line with prior counseling, prior discipline, his COC’s expectations, or with applicable Policies and SOP’s.

Conclusion

I agree with all of the above-mentioned conclusions made by Cpl. Parslow’s COC and referenced within the NOSA issued to him on March 17, 2023, including their conclusion in both incidents that he violated the following GO’s and SOP’s:

- 1) GO 900.1.1 Responsibility to Know and Comply
- 2) GO 900.4.3(b)(c)(d)(g) Neglect of Duty
- 3) SOP .01 STATEMENT OF PURPOSE
- 4) SOP 05 A.1 Personnel Duties; Sergeant
- 5) SOP 05 A.2 Personnel Duties; Corporal

Cpl. Parslow, like all employees, is required to know and comply with all APD policies, SOP’s, and written directives, amongst other requirements.

Cpl. Parslow’s wrongful acts and omissions in this case are almost identical to behavior that he has been disciplined for before. Specifically, on June 6, 2022, Cpl. Parslow was previously sustained for his failure to respond to calls, including but not limited to “Priority” calls, or “Crash Hotshot” calls and directives surrounding his inaction, and for his failure to comply with SOP’s, including but not limited to APD Corporal SOP’s in IAD case number 2022-0009 (see attached). His assertion that he was unfamiliar with the expectations contained within the SOPs in the 2022 case was deemed unacceptable by Executive Staff and his then COC. Accordingly, he was ordered to read all SOPs moving forward for whatever assignment he undertook and reminded that APD GO Responsibility to Know and Comply 900.1.1 mandates:

(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.

Just as in this current case, in the 2022 case, Cpl. Parslow was sustained for violating multiple policies, including APD GO 900.4.3 Neglect of Duty, which states: employees will satisfactorily perform their duties. Examples of unsatisfactory performance include, but are not limited to:

(b) Unwillingness or inability to perform assigned tasks.

(c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.

(d) Failure to respond to any call or to perform any police duties assigned to them by appropriate authority.

(g) Written record of repeated infraction of rules, regulations, directives, or orders of the Department.

The latter section was applicable in his 2022-0009 case as Cpl. Parslow had been repeatedly counseled and directed by multiple supervisors of the need for him to go to the scenes of "Priority" calls and/or "Crash Hotshot" calls. Some of the counseling sessions occurred on March 30, 2021, and April 18, 2021, by Sergeant Peter Kovach and on September 1, 2021, and December 12, 2021, by Sergeant Russell Weirich. However, Cpl. Parslow did not heed those different directives and he was ultimately suspended by me for sixty (60) days for his Neglect of Duty and failure to abide by numerous directives and/or SOPs, amongst other policy violations, in the 2022-0009 case. As stated in this memorandum, he has again repeated the same or similar behavior in this case.

In the 2022-0009 case, I decided to forgo my right to indefinitely suspend Cpl. Parslow, by entering into a Last Chance agreement with him, with the understanding that he would follow the directives of his supervisors, follow all APD SOP's that applied to him, including the need for him to respond to "Priority" calls and "Crash Hotshot" calls, amongst other expectations set for him by his COC. Moreover, the importance of the 2022 disciplinary case and/or previous counseling measures taken by a multitude of past and current supervisors and/or the Department's stance on progressive discipline, are factors that I consider as spelled out in GO 902.9.3 Factors to Consider in Determining Discipline.

APD also has a responsibility to protect life and property of its citizens and of all officers, including Cpl. Parslow's subordinates and peers, and to provide optimal service to the residents of Austin. This was noteworthy to me and Cpl. Parslow's current COC, especially

knowing he had been specifically counseled and disciplined for failing to respond to calls for service and for not providing backup to officers in a timely manner.

Of significant note, during Cpl. Parslow's previous Disciplinary Review Hearing, in IA case number 2022-0009, where he failed to respond to a "Check Welfare Urgent Attempted Suicide Priority 1" call, APD Chief of Staff Robin Henderson stated to Cpl. Parslow:

"I'm having difficulty with the fact officers are needing backups. And you're unavailable a mile away. And you're letting other units from other sectors come and respond to calls for service. And you agree as a supervisor. So expectations of taking care of your people, expectations of taking care of the community. You were in a position to potentially save somebody's life. And somebody had to call you . Or send a CAD message to let you know that you should actually respond to this call where somebody is in need of emergency assistance."

As part of this 60-day suspension, that I entered into with Cpl. Parslow I specifically advised him that if he repeated the same or similar behavior within the next year, that I would indefinitely suspend him, and he would have no right to appeal that suspension. The agreed to clause from the June 6, 2022, memorandum read as follows:

"Cpl. Parslow agrees to a probationary period of one (1) year, with the additional requirement that if, during the probationary period, he commits the same or a similar act of misconduct for which he is being suspended (the determination whether an act is the same or similar is solely within the purview of the Chief of Police and is not subject to review by the Civil Service Commission, an Independent Third Party Hearing Examiner, or District Court), he will be indefinitely suspended without the right to appeal that suspension to the Civil Service Commission, an Independent Third Party Hearing Examiner, and to District Court. The one-year period begins on the day Cpl. Parslow returns to duty after completing his agreed suspension. Should Cpl. Parslow commit the same or similar violation outside the one-year period, he will be indefinitely suspended but retains the right to appeal that suspension."

In sum, Cpl. Parslow did not heed the opportunity given to him in the "Last Chance Agreement" issued to him on June 6, 2022. In this current case, when asked if he violated policy, Cpl. Parslow responded: "no", further failing to take accountability for his failure to respond to calls and backups as required by policy and/or expectations spelled out by multiple supervisors including member(s) of Executive Staff. Therefore, Executive Staff, including myself, along with various COCs, including his current COC, have lost confidence in him and he leaves me with no choice but to indefinitely suspend him.¹

By these actions, Cpl. Parslow violated Rule 10.03(L) of the Civil Service Rules by violating the following rules and regulations of the Austin Police Department:

¹ Given his failure to comply with the terms of his Last Chance Agreement, either incident on its own is a violation of that Agreement and warrants the imposition of this non-appealable indefinite suspension.

➤ **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 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.

➤ **Austin Police Department Standard Operating Procedures**

.01 STATEMENT OF PURPOSE

Police officers are called upon to handle a wide array of community issues from traffic enforcement to homicide and domestic violence. Providing an effective police response to public concerns is a top priority and is deeply rooted in the history of our department. The inherent nature of the occupation feeds on unpredictable situations, which precludes any attempt to author a procedural catalogue that would be all-inclusive in scope. The requirement of our department to grow and change to maintain an exemplary level of service is paramount to the completion of a successful mission and to preserve community trust. This policy will apply to any APD officer working a patrol function (e.g., traffic stops).

➤ **Austin Police Department Standard Operating Procedures .05A Personnel Duties, Authority and Responsibilities: Primary Responsibilities**

A. Primary Responsibilities

1. Sergeant

The sergeant responsibilities will include, but are not limited to:

- a. Exercising line command (G.O. 110.2.5)

- i. Sergeants are expected to respond to any incident where it is important to preserve organizational accountability and supervision. Incidents of this nature can include, but are not limited to:
 - 1. Incidents involving the loss of life or the threat of loss of life by violence
 - 2. Incidents involving the serious injury of an officer or citizen,
 - 3. Incidents and arrests which are high profile and/or may garner intense media attention or public protest
 - 4. Incidents that require Special Investigations Unit and/or Internal Affairs notification
- b. Supervise and manage training according to the Field Training Officer Manual regarding development of trainee officers and their field training officers.
- c. Supervisor Accountability (G.O. 110.4.2)
 - i. Supervisors who delegate tasks to subordinate employees are ultimately accountable for ensuring the task is completed.
- d. Ensure patrol districts are adequately staffed. Sergeants may rotate personnel at their discretion.
- e. Ensuring obedience to Orders (G.O. 110.4.3)
- f. Review Subpoena Duces Tecum (G.O. 116.6)
- g. Download TASER discharge information (G.O. 208.4.6)
- h. Exercising control of vehicle pursuits (G.O. 214.5.3)
- i. Exercising control of foot pursuits (G.O. 215.4.3)
- j. Conduct patrol briefings (G.O. 300.2.3 and Patrol SOP .05(E)1)
- k. Make required notifications (Patrol SOP .05(E)(2))
- l. Review Paperwork (Patrol SOP .05(D)(2))
- m. General responsibilities (G.O. 305.5)
 - i. Monitor incidents via MDC
 - ii. Review CAD messages of subordinates
 - iii. Monitor and supervise the use of the radio to assist employees as needed. Supervisors are responsible for the radio conduct of their subordinates and should immediately correct improper radio procedures.
 - iv. Respond to any scene when requested
 - v. Inform and update the Watch Lieutenant of any significant call or critical issue
- n. Verify classification of DMAV (G.O. 304.4)
- o. Approve consent search (G.O. 306.5.2)
- p. Monitor photography of individuals, crime scenes, and juveniles (G.O. 318.6.5)
- q. Approve arrests (G.O. 319.1.1)

2. Corporal

The Corporal responsibilities will include, but are not limited to:

- a. Corporals will exercise line command over the employees of their assigned unit in the absence of the sergeant due to leave, training, special assignment, or when the sergeant is not available (G.O. 110.2.6). Under this circumstance, the Corporal is responsible for all of the Sergeant activities listed above in .05 A 1 except:
 - i. Corporals may not function as a supervisor/sergeant:
 - 1. In Level 1 investigations (G.O. 211.5(e))
 - 2. For pursuits with the following circumstances (G.O. 214.5.3):
 - a. When initiated by a sergeant or above, or
 - 3. In LERE assignments (G.O. 949.3.2, 9494.7.2 (b)(3))
 - 4. In an Overtime assignment (G.O. 110.2.6(d))
 - 5. To complete annual employee evaluations (SSPRs) unless:
 - a. They are receiving higher class pay for an extended period, and
 - b. Only when authorized by their respective Lieutenant.
 - ii. When not in the role of acting sergeant:
 - 1. In addition to the sergeant, corporals are expected to respond to any incident where it is important to preserve organizational accountability and supervision. Incidents of this nature can include, but are not limited to:
 - 2. Incidents involving the loss of life or the threat of loss of life by violence
 - 3. Incidents involving the serious injury of an officer or citizen,
 - 4. Incidents and arrests which are high profile and/or may garner intense media attention or public protest
 - iii. At all other times, corporals are expected to respond to priority calls for service when no other units are available
 - iv. Corporals shall respond to any call when requested.
 - v. Corporals should confer with their sergeant for specific directions and expectations.
- b. Corporals may be given limited supervisory authority to support the role of the sergeant and may perform tasks, inspections and duties as assigned by their supervisor to include, but not limited to:
 - i. Conducting initial inquiries in R2R-Level 2 within chain of command (G.O. 211.5(e))
 - ii. Conducting inquiries in R2R-Level 3 and 4 incident (G.O. 211.5(e)3)
 - iii. Verifying classification for DMAV (G.O. 304.4)
 - iv. Approving certain arrests (G.O. 110.2.6, 319.1.1 and Patrol SOP 05. q)
 - 1. Evading (Misdemeanor only)
 - 2. Where the officer is the victim and neither the officer nor the suspect have injuries requiring more than on-scene treatment
 - 3. Fail to ID
 - 4. Refusal to sign a ticket
 - 5. Multiple traffic only

- 6. A full custody arrest meeting the requirement for a Class A or B Misdemeanor Citation release
- v. Assume responsibility for pursuits when the Sergeant is not available (G.O. 214.5.3 and 215.4.3(b))
- vi. Approving consent search when the Sergeant is not available (G.O. 306.5.1)
- vii. Approving release of prisoners from hospital in specific situations (G.O. 321.4.2)
- viii. Counseling subordinates on questions regarding incident documentation (G.O. 402.1.1)
- ix. Conduct shift briefings trainings (G.O. 942.4.3)
- x. Conduct investigations and complete the supervisor's packet for crashes involving officers (G.O. 346.6)
- xi. Conduct Firearms investigations when it involves the humane destruction of an injured animal (G.O. 202.3.1)
- xii. Review incident reports for completeness and maintain report queue as outlined for Patrol Case Management in Patrol SOPs (G.O. 402.2.7, Patrol SOP (E)(6))
- xiii. Ensure obedience to Orders (G.O. 110.4.3)
- xiv. Monitor incidents via MDC
- xv. Download TASER discharge information (G.O. 208.4.6)
- xvi. Inspect:
 - 1. Approved control devices (G.O. 206.2.3)
 - 2. TASER functionality (G.O. 208.7)
 - 3. TASER maintenance (G.O. 208.7.1)
 - 4. Patrol vehicle audio/video (G.O. 303.3. and 304.4.)
 - 5. Employees
 - 6. Equipment
- xxvi. Attend community meetings/events that occur during their shift and participate in community engagement efforts as call load permits.

➤ **Austin Police Department Policy 900.4.3(b)(c)(d)(g): General Conduct and Responsibilities: Neglect of Duty**

900.4.3(b)(c)(d)(g) Neglect of Duty

Employees will satisfactorily perform their duties. Examples of unsatisfactory performance include, but are not limited to:

- (b) Unwillingness or inability to perform assigned tasks.
- (c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.
- (d) Failure to respond to any call or to perform any police duties assigned to them by appropriate authorities.

- (g) Written record of repeated infractions of rules, regulations, directives or orders of the Department.

Non-Appealable Indefinite Suspension:

Despite my agreement to forego my right to indefinitely suspend Cpl. Parslow in 2022, and despite my agreement to provide him with a "last chance" to demonstrate his ability to perform his duties and conduct himself both on-duty and off-duty in compliance with APD policies, Cpl. Parslow is once again before me, less than one year later, having committed the same or similar acts of misconduct in violation of APD policy and his probationary period.² Specifically, Cpl. Parslow engaged in conduct whereby he failed to know and/or comply with APD policy, including but not limited to various APD SOP's, the expectations set by his current COC or the fact that he neglected his duty, including but not limited to expectations that were spelled out for him by APD GO's, myself, the APD Chief of Staff, and/or his previous and current COCs, by failing to respond to certain calls for service.

Cpl. Parslow's repeated unwillingness or inability to conduct himself in a manner with the expectations set by me, policy, SOP's, and his COC in of itself would warrant his indefinite suspension. Additionally, similar to IA case number 2022-0009 Cpl. Parslow offered excuses and took little to no responsibility for his inaction and/or conduct.

Normally, by copy of this memo, Cpl. Parslow would be 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) calendar 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. Further, normally by copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Cpl. Parslow would be 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.

However, the appellate rights set forth above do not apply to Cpl. Parslow's indefinite suspension. As detailed above and in the attached memorandum, on June 6, 2022, in consideration of my foregoing my right to indefinitely suspend him, Cpl. Parslow— after having the opportunity to confer with is attorney and an Austin Police Association representative who were his representatives during his Dismissal Review Hearing— agreed

² In addition to IAD case number 2022-0009, on September 9, 2021, Cpl. Parslow also received a nine-day suspension in IAD case 2021-0295 for violating APD GO's Responsibility to the Community 301.1 and 301.2 and APD GO Acts Bringing Discredit Upon the Department 900.3.2.

to a sixty (60) day suspension and a probationary period of one (1) year with the additional requirement that if he committed the same or a similar act of misconduct during the probationary period, Cpl. Parslow agreed that he would be indefinitely suspended without the right to appeal.

Pursuant to my authority as the Chief of Police, I am exercising my right to enforce the mutually agreed upon terms and conditions of the sixty (60) day Agreed Suspension, specifically, the "last chance" provision. I have determined that the acts of Cpl. Parslow set forth in this memorandum are the same or similar acts of misconduct for which he was suspended in 2022. Therefore, in accordance with the terms and conditions he agreed to, Cpl. Parslow is hereby notified that he is being indefinitely suspended without the right to appeal to the Civil Service Commission, an Independent Third-Party Hearing Examiner or to District Court, and may not file a grievance under Article 20 of the Meet and Confer Agreement contesting this termination. Consequently, with no right of appeal, Cpl. Parslow's employment is terminated effective today, April 4, 2023.



JOSEPH CHACON, Chief of Police

4/4/2023

Date

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of non-appealable indefinite suspension.



Police Corporal Richard Parslow #6478

4/4/2023

Date

RECEIVED
CITY OF AUSTIN
CIVIL SERVICE OFFICE
JUNE 6, 2022
4:58 P.M.



MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Joya Hayes, Director of Civil Service

FROM: Joseph Chacon, Chief of Police

DATE: June 6, 2022

SUBJECT: Agreed Suspension of Police Corporal Richard Parslow #6478
Internal Affairs Control Number 2022-0009

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 Corporal Richard Parslow #6478 from duty as a City of Austin, Texas police officer for a period of sixty (60) days. The agreed temporary suspension is effective beginning on June 7, 2022, and continuing through August 5, 2022.

I took this action because Cpl. Parslow 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 Corporal Parslow in violation of Rule 10:

On March 14, 2021, Senior Police Officer (SPO) Richard Parslow was promoted to the rank of Corporal for the Austin Police Department (APD). On March 28, 2021, he was assigned to the South Patrol Bureau on the David 800s nightshift. His original Sergeant established expectations for Cpl. Parslow. The Sergeant conveyed his expectations to Cpl. Parslow in writing and verbally. Early on, his original Sergeant noticed Cpl. Parslow was not meeting the expectations relayed to him. The original Sergeant documented these shortcomings, in addition to counseling Cpl. Parslow several times. This included Cpl. Parslow being counseled for not responding as a backup officer on calls.

A new Sergeant replaced the original Sergeant as the supervisor for the David 800s in August 2021. During his time with David 800s, the new Sergeant also noticed and addressed similar conduct on the part of Cpl. Parslow. These repeated patterns were brought to the attention of Cpl. Parslow's upper Chain-of-Command (COC).

Most recently, the new Sergeant noted an incident which occurred on December 12, 2021. This incident involved a priority one¹, "*Check Welfare Urgent*" call located at 3012 South Congress Avenue. At the time this call was being dispatched, Cpl. Parslow was located approximately one mile from 3012 South Congress Avenue and was clear² and available for calls. Another officer from the David 800s responded to the location as the primary officer. A second officer from outside the sector, located 4.9 miles away at 25th Street and Lamar Boulevard, responded as the backup officer. The new Sergeant, who heard the incident unfold over radio traffic, sent Cpl. Parslow a message requesting he back up the primary officer. Only after receiving the message did Cpl. Parslow respond to the incident.

Thereafter, on January 5, 2022, Cpl. Parslow's Lieutenant submitted a complaint memorandum requesting Internal Affairs (IA) conduct an investigation to determine if Cpl. Parslow violated Department General Orders (GO), Civil Service Rules, and/or state law.

The complaint included allegations that on December 12, 2021, in connection with APD Incident 21-3460280, Cpl. Parslow was in the area and failed to respond in a timely manner. Additional information outlined in the complaint alleged that Cpl. Parslow had previously been counseled for failing to respond as a backup officer in a timely manner on or about March 30, 2021, April 18, 2021, and September 1, 2021.³

In the early investigative phase, IA attempted to identify Cpl. Parslow's patrol vehicle and conducted a search of his Body Worn Camera (BWC) check at the beginning of his December 11-12, 2021, tour of duty. IA discovered Cpl. Parslow had not conducted a required beginning of tour of duty check (10-41) on that day nor the entire month of

¹ See page 3 for definitions of "priority" calls.

² "Clear" is an acknowledgment of receipt and acknowledgement of understanding a message.

³ Although these are outside the 180-day deadline to impose a suspension, they show a pattern of behavior in failing to timely respond as a backup officer, rather than a single, isolated incident.

December. This information was forwarded to Cpl. Parslow's COC, who generated an additional complaint.

Relevant Definitions & General Orders (GO)/Standard Operating Procedures (SOP)

- **Hot Shot (Priority 0)** calls are incidents involving physical harm or injury to a person or property and that is in progress and/or all parties are still on scene. Officers responding to these calls should do so by activating their police vehicle emergency lights and siren (Code 3). [APD G.O. 400.3.1]
- **Urgent (Priority 1)** calls are incidents involving physical harm or a perceived threat to any person or property, and that just occurred and/or suspects may still be in the area, and where a quick response may aid in apprehension. Officers responding to Priority 1 calls may do so by activating their police vehicle emergency lights and limited use of the siren (Code 2). [APD G.O. 400.3.1]
- **APD G.O. 400.4 Assignment of Calls:** "Hot Shot and Urgent calls require a two-officer response and are generally dispatched by Communications to the two closest available patrol officers. Officer safety and call priority shall be the primary considerations when dispatching officers. Additional officers may self-assign using the MDC, as necessary."
- **APD Corporal SOPs:** "In addition to the sergeant, corporals are expected to respond to any incident where it is important to preserve organizational accountability and supervision. Incidents of this nature can include, but are not limited to:
 - Incidents involving the loss of life or the threat of loss of life by violence
 - Incidents involving the serious injury of an officer or citizen.
 - Incidents and arrests which are high profile and/or may garner intense media attention or public protest
 - At all other times, corporals are expected to respond to priority calls for service when no other units are available.
 - Corporals shall respond to any call when requested.
 - Corporals should confer with their sergeant for specific directions and expectations."

The December 12, 2021, Incident

The IAD investigation determined that on December 12, 2021, at 3:45am, Cpl. Parslow failed to make a call or respond as backup while he was available. On this occasion he was less than a mile away from a "Priority 1 Check Welfare Urgent" call at 3012 South Congress Avenue. APD Dispatch was required to find another officer from another Sector (4.9 miles away) to make the backup, while Cpl. Parslow failed to make the backup.

- Cpl. Parslow was the closest available officer. He was aware of the call, as he added "Attempted Suicide" at 3:48am (a female that was believed to have

overdosed/poisoning [ingestion]) and he later added "CLR" in the call history/CAD notes as he monitored from his patrol car.

- Specifically, at 3:49am, the call was upgraded to a "Check Welfare Urgent" after 911 received information that the female was "upset and talking about killing herself, took a bunch of meds." At that time, Cpl. Parslow added "CLR" to call history, indicating that he was clear on the "Priority 1" call as he monitored from his patrol car.
- At 3:50am, an officer was assigned to respond to the call by the David Sector Dispatcher. No units were available in Henry, George, and Frank. No other units were available at the time to back up the responding officer. Cpl. Parslow made no attempt to respond, as the David Sector dispatcher began to check the surrounding Sectors for a backup officer.
- At 3:51am, a Mounted Patrol Unit (MPU) assigned George Sector was assigned to back up the responding officer.
- At 3:52am, a Patrol Officer assigned to Baker Sector was assigned to the call to replace the MPU assigned to George Sector. Despite the Baker Sector officer responding from West 25th St. /Lamar Boulevard (4.9 miles away), Cpl. Parslow made no attempt to advise he was closer or that he was available to respond.
- The new Sergeant stated over the David Radio to send the Baker Sector officer back and that he would make the backup.
- At 3:54am, the new Sergeant sent Cpl. Parslow a CAD message to ask "are you tied up?" Cpl. Parslow replied "no." and then responded to the call.
- It was not until new Sergeant contacted Cpl. Parslow directly that Cpl. Parslow finally responded to the call at 3:54am.
- When Cpl. Parslow was asked by IA (during his April 26, 2022, interview) if he thought that the responding officer being on scene for a "Priority 1" call by herself presented an officer safety issue. Cpl. Parslow advised "I'm thinking possibly" and "Yes."

G.O. 303.3 Department Issued Body Worn Camera

In relation to the complaint regarding Cpl. Parslow failing to conduct beginning tour of duty BWC checks, IA searched the Axon system for the year 2021. The search results showed Cpl. Parslow consistently conducted "10-41" checks in the months of January 2021, February 2021, and March 2021, over 60 working days. Cpl. Parslow's last "10-41" check was recorded on March 30, 2021, at 9:38pm. There were no other checks in the year 2021 after this date, including the entire month of December 2021.

Conclusion

Regarding the above timeline, Cpl. Parslow's COC concluded that he violated multiple APD GOs on December 12, 2021. He engaged in this behavior in disregard of SOP's, counseling sessions, directives, and admonishments by multiple supervisors. I concur with the COC's recommendation that he be sustained for not adhering to multiple APD

SOP's along with violating GO's, 110.4.4 Insubordination, and multiple subsections of 900.4.3 Neglect of Duty, including but not limited to subsection (d) Failure to Respond to Calls. I also concurred with their recommendation that he be sustained for GO 303.3 Department Issued Body Worn Camera. I also concluded he violated GO 900.4 Requirements of Duty.

In deciding the level of discipline, I gave consideration to the fact that Cpl. Parslow's inaction on December 12, 2021, was inconsistent with the expectations that I and the City have of all employees, particularly ones in a supervisory capacity. In fact, Cpl. Parslow not only could and should have responded as the primary officer or as the backup officer, but he should have responded as the Corporal to "*demonstrate leadership and mentorship by responding to and taking lead on serious, complex, high priority, or violent calls,*" as spelled out in original Sergeant on March 29, 2021, expectations of him.

Additionally, in deciding the level of discipline, I gave consideration to the fact that Cpl. Parslow acknowledged at his Disciplinary Review Hearing (DRH) that he should have responded to the December 12, 2021, "*Priority call*" and his acknowledgement that he violated the BWC GO.

By these actions, Cpl. Parslow 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 Standard Operating Procedures**

.01 STATEMENT OF PURPOSE

Police officers are called upon to handle a wide array of community issues from traffic enforcement to homicide and domestic violence. Providing an effective police response to public concerns is a top priority and is deeply rooted in the history of our department. The inherent nature of the occupation feeds on unpredictable situations, which precludes any attempt to author a procedural catalogue that would be all-inclusive in scope. The requirement of our department to grow and change to maintain an exemplary level of service is paramount to the completion of a successful mission and to preserve community trust. This policy will apply to any APD officer working a patrol function (e.g., traffic stops).

➤ **Austin Police Department Policy 900.4 REQUIREMENTS OF DUTY**

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

- (c) Employees will consider themselves available for duty in any emergency situation.
- (f) Employees are considered on-duty while on authorized breaks.

- (g) 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 Standard Operating Procedures .05.G Personnel Duties, Authority and Responsibilities: G. Breaks**

- 2. Officers will not take a break during shift change or any period of high activity, unless approved by their sergeant.
- 6. When out of the patrol unit, officers will monitor their radio and will to calls when necessary.

➤ **Austin Police Department Standard Operating Procedures .05.A.2 Personnel Duties, Authority and Responsibilities: Primary Responsibilities**

2. Corporal

The Corporal responsibilities will include, but are not limited to:

- a. Corporals will exercise line command over the employees of their assigned unit in the absence of the sergeant due to leave, training, special assignment, or when the sergeant is not available (G.O. 110.2.6). Under this circumstance, the Corporal is responsible for all of the Sergeant activities listed above in .05 A 1 except:
 - i. Corporals may not function as a supervisor/sergeant:
 - 1. In Level I investigations (G.O. 211.5(e))
 - 2. For pursuits with the following circumstances (G.O. 214.5.3):
 - a. When initiated by a sergeant or above, or
 - 3. In LERE assignments (G.O. 949.3.2, 9494.7.2 (b)(3))
 - 4. In an Overtime assignment (G.O. 110.2.6(d))
 - 5. To complete annual employee evaluations (SSPRs) unless:
 - a. They are receiving higher class pay for an extended period, and
 - b. Only when authorized by their respective Lieutenant.
 - ii. When not in the role of acting sergeant:
 - 1. In addition to the sergeant, corporals are expected to respond to any incident where it is important to preserve organizational accountability and supervision. Incidents of this nature can include, but are not limited to:
 - 2. Incidents involving the loss of life or the threat of loss of life by violence
 - 3. Incidents involving the serious injury of an officer or citizen,
 - 4. Incidents and arrests which are high profile and/or may garner intense media attention or public protest

- iii. At all other times, corporals are expected to respond to priority calls for service when no other units are available
 - iv. Corporals shall respond to any call when requested.
 - v. Corporals should confer with their sergeant for specific directions and expectations.
- b. Corporals may be given limited supervisory authority to support the role of the sergeant and may perform tasks, inspections and duties as assigned by their supervisor to include, but not limited to:
- i. Conducting initial inquiries in R2R-Level 2 within chain of command (G.O. 211.5e)
 - ii. Conducting inquiries in R2R-Level 3 and 4 incident (G.O. 211.5(e)3)
 - iii. Verifying classification for DMAV (G.O. 304.4)
 - iv. Approving certain arrests (G.O. 110.2.6, 319.1.1 and Patrol SOP 05. q)
 - 1. Evading (Misdemeanor only)
 - 2. Where the officer is the victim and neither the officer nor the suspect have injuries requiring more than on-scene treatment
 - 3. Fail to ID
 - 4. Refusal to sign a ticket
 - 5. Multiple traffic only
 - 6. A full custody arrest meeting the requirement for a Class A or B Misdemeanor Citation release
 - v. Assume responsibility for pursuits when the Sergeant is not available (G.O. 214.5.3 and 215.4.3(b))
 - vi. Approving consent search when the Sergeant is not available (G.O. 306.5.1)
 - vii. Approving release of prisoners from hospital in specific situations (G.O. 321.4.2)
 - viii. Counseling subordinates on questions regarding incident documentation (G.O. 402.1.1)
 - ix. Conduct shift briefings trainings (G.O. 942.4.3)
 - x. Conduct investigations and complete the supervisor's packet for crashes involving officers (G.O. 346.6)
 - xi. Conduct Firearms investigations when it involves the humane destruction of an injured animal (G.O. 202.3.1)
 - xii. Review incident reports for completeness and maintain report queue as outlined for Patrol Case Management in Patrol SOPs (G.O. 402.2.7, Patrol SOP (E)(6))
 - xiii. Ensure obedience to Orders (G.O. 110.4.3)
 - xiv. Monitor incidents via MDC
 - xv. Download TASER discharge information (G.O. 208.4.6)
 - xvi. Inspect:
 - 1. Approved control devices (G.O. 206.2.3)
 - 2. TASER functionality (G.O. 208.7)
 - 3. TASER maintenance (G.O. 208.7.1)

4. Patrol vehicle audio/video (G.O. 303.3. and 304.4.)
5. Employees
6. Equipment
- xvii. Attend community meetings/events that occur during their shift and participate in community engagement efforts as call load permits.

➤ **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.

➤ **Austin Police Department Policy 900.4.3(d): General Conduct and Responsibilities: Neglect of Duty**

900.4.3(d) Neglect of Duty

Employees will satisfactorily perform their duties. Examples of unsatisfactory performance include, but are not limited to:

- (a) Lack of knowledge of the application of laws required to be enforced.
- (b) Unwillingness or inability to perform assigned tasks.
- (c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.
- (d) Failure to respond to any call or to perform any police duties assigned to them by appropriate authorities.
- (f) Repeated poor evaluations.
- (g) Written record of repeated infractions of rules, regulations, directives or orders of the Department.
- (h) Failure to follow department standardized training and tactics when it was objectively reasonable to do so.

➤ **Austin Police Department Policy 303.3: Body Worn Camera System:
Department Issued Body Worn Camera**

303.3 Department Issued Body Worn Camera

BWC equipment is to be used primarily by uniformed personnel as authorized per assignment by the Department and must be used unless otherwise authorized by a Commander or above.

- (b) Employees equipped with a Department issued BWC system must be trained in the operation of the equipment prior to its use. BWC equipment will be used in accordance with Department training and the BWC operations manual...
- (d) Employees shall ensure that their BWC equipment has adequate battery charge and storage space to complete their regular tour of duty.
 - 1. Employees assigned to the units below are required to power on the device at the beginning of their tour of duty and not power the device off until the end of that tour of duty.
 - (a) Patrol
 - 3. Employees not engaged in a law enforcement action shall power the device off or remove it from their body when using a restroom, locker room, changing room, or any other location where the employee has an expectation of privacy. Immediately upon exiting such a facility or room, the employee shall ensure the BWC equipment is powered back on and appropriately placed according to this order.
- (e) Employees shall test the BWC equipment at the commencement of their tour of duty and shall categorize the video as '10-41'.
- (f) The BWC equipment test shall consist of employees recording the following:
 - 1. Employee name;
 - 2. Employee number; and
 - 3. The current date and time.
- (g) Employees shall review the recording to verify the BWC microphone is operational, and the date and time is accurate.

In addition to this agreed temporary suspension, Cpl. Parslow agrees to the following terms and conditions:

1. Cpl. Parslow shall attend any training specified by his Chain-of-Command.
2. Cpl. Parslow agrees to a probationary period of one (1) year, with the additional requirement that if, during the probationary period, he commits the same or a similar act of misconduct for which he is being suspended (the determination whether an act is the same or similar is solely within the purview of the Chief of Police and is not subject to review by the Civil Service Commission, an Independent Third Party Hearing Examiner, or District Court), he will be indefinitely suspended without the right to appeal that suspension to the Civil Service Commission, an Independent Third Party Hearing Examiner, and to District Court. The one-year period begins on the day Cpl. Parslow returns to duty after completing his agreed suspension. Should Cpl. Parslow commit the same or similar violation outside the one-year period, he will be indefinitely suspended but retains the right to appeal that suspension.
3. Cpl. Parslow understands that this temporary suspension may be taken into consideration in the Chief's determination whether a valid reason exists to bypass him for a future promotion in accordance with APD Policy 919.11.
4. Cpl. Parslow agrees that he, and all others claiming under him named herein or not, fully discharge, release and waive any and all known or unknown claims or demands of any kind or nature whatsoever that he now has, or may have in the future, including without limitations, claims arising under any federal, state or other governmental statute, regulation, or ordinance relating to employment discrimination, termination of employment, payment of wages or provision of benefits, Title VII of the Civil Rights Act of 1964, as amended, the Civil Rights Act of 1991, the Americans with Disabilities Act of 1990, as amended, the Family and Medical Leave Act, the Fair Labor Standards Act, and the Texas Commission on Human Rights Act, against the City of Austin, the Austin Police Department, or their respective agents, servants and employees, arising from the above-referenced incident, and any actions taken as a result of that incident, including but not limited to, the negotiation and execution of this agreed temporary suspension.
5. Cpl. Parslow acknowledges that he had the opportunity to discuss this agreed suspension and additional terms and conditions set forth herein with a representative of his choosing prior to signing his acceptance where indicated below.

By signing this Agreed Discipline, Cpl. Parslow understands and agrees that I am forgoing my right to indefinitely suspend him for the conduct described above and that by agreeing to the suspension, Cpl. Parslow waives all right to appeal this agreed suspension and the additional terms and conditions to the Civil Service Commission, to an Independent Third-Party Hearing Examiner, and to District Court.



JOSEPH CHACON, Chief of Police

Date 6/6/2022

TO WHOM IT MAY CONCERN:

I acknowledge receipt of the above and foregoing memorandum of agreed temporary suspension and I understand that by entering into this disciplinary agreement the Chief forgoes his right to indefinitely suspend me for the conduct described above and that by agreeing to the suspension, I have no right to appeal this disciplinary action, as well as the additional terms and conditions, to the Civil Service Commission, to an Independent Third-Party Hearing Examiner, and to District Court.



Police Corporal Richard Parslow #6478

Date 6/6/2022