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MEMORANDUM

Austin Police Department Office of the Chief of Police

TO: Joya Hayes, Director of Civil Service

FROM: Brian Manley, Chief of Police

DATE: October 11, 2019

SUBJECT: Agreed Demotion of Police Sergeant Okkyun Sin # 5672
Internal Affairs Control Number 2019-0543

Pursuant to the provisions of Chapter 143 of the Texas Local Government Code, Section 143.054, and Rule 8, Rules of Procedure for the Firefighters', Police Officers' and Emergency Medical Service Personnel's Civil Service Commission, Sergeant Sin and I have agreed to a voluntary demotion two ranks, to the civil service classification of Police Officer. This demotion is effective today.

This double-demotion is based on Sergeant Sin violating 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.

This double-demotion is based on the following facts:

On Sunday, April 28, 2019, at approximately 5:11 P.M. Austin Police Department (APD) Baker Sector Officers were dispatched to a *Crash Hotshot* that involved multiple vehicles at 4801 Plaza on the Lake, Austin, Travis County, Texas. It was later reported a female was

trying to run away from her husband, who was driving a vehicle, and subsequently hit her with that vehicle. Prior to APD Officers arriving at the initial scene, the husband fled into a wooded area, and a coordinated search ensued. Shortly after, the husband was found in the wooded area by officers hiding in a brushy area. Both officers discharged their firearms, fatally wounding the husband. During this incident, Sergeant Sin admits that he failed to perform his duties in a satisfactory manner.

By these actions, Sergeant Sin 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 900.4.: Requirements of Duty**

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

(b) Employees will not exhibit cowardice or shirk their duty in case of danger.

(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.

**For clarification purposes, I am sustaining subpart (b) for Sergeant Sin shirking his duties in the case of danger, not for exhibiting cowardice in the case of danger.

➤ **Austin Police Department Policy 900.4.3: Neglect of Duty**

900.4.3 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.

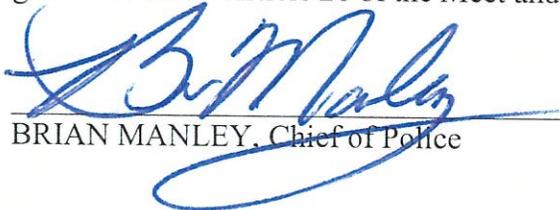
(c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.

In addition to a double-demotion to Police Officer, Sergeant Sin agrees to the following terms and conditions:

1. Sergeant Sin 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 demoted (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, to District Court, and he may not file a grievance under Article 20 of the Meet and Confer Agreement. The one-year period begins on the day Sergeant Sin's demotion is effective. Should Sergeant Sin commit the same or similar violation outside the one-year period, he will be indefinitely suspended but retains the right to appeal that suspension.

2. Sergeant Sin agrees that he may not sit for, and is not eligible to take, the Corporal/Detective promotional examination currently scheduled for January 9, 2020. While Sergeant Sin will be eligible to take a future promotional examination, he understands that this agreed demotion 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.
3. Sergeant Sin acknowledges that he had the opportunity to discuss this agreed double-demotion 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 double-demotion, Sergeant Sin understands and agrees that I am forgoing my right to indefinitely suspend him for the conduct described above and that by agreeing to this double-demotion, Sergeant Sin waives all right to appeal to this agreed double-demotion and the additional terms and conditions to the Civil Service Commission, to an Independent Third Party Hearing Examiner, to District Court, and he may not file a grievance under Article 20 of the Meet and Confer Agreement.



BRIAN MANLEY, Chief of Police

Date

10-11-19

TO WHOM IT MAY CONCERN:

I acknowledge receipt of the above and foregoing memorandum of agreed double-demotion and I understand that by entering into this disciplinary agreement, the Chief forgoes his right to indefinitely suspend me for the conduct described above. I further understand and agree that by agreeing to this double-demotion, I have no right to appeal this agreed double-demotion, as well as the additional terms and conditions, to the Civil Service Commission, to an Independent Third Party Hearing Examiner, to District Court, and I may not file a grievance under Article 20 of the Meet and Confer Agreement.


Police Sergeant Okkyun Sin # 5672

10-11-19
Date