

MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Susan Sinz, Director of Civil Service

FROM: Lisa Davis, Chief of Police

DATE: May 11, 2026

SUBJECT: Indefinite Suspension of Police Officer Phillip Sparkman #7795
Internal Affairs Control Number 2025-1049

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 Phillip Sparkman #7795 from duty as a City of Austin, Texas police officer effective May 11, 2026¹.

I took this action because Officer Sparkman 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

¹ Officer Sparkman is currently indefinitely suspended pursuant to a memorandum I issued to him on [December 13, 2024] for Internal Affairs Control Numbers 2024-0659 and 2024-1132. That case is still pending on appeal, as Ofc. Sparkman and his representatives abated the appeal until his criminal cases were completely adjudicated. That case stems from his arrest (and recently completed deferred adjudication) for Driving While Intoxicated (DWI) and Unauthorized Carrying of a Weapon (UCW) by the Round Rock Police Department in 2024 and the subsequent "missing persons" report APD filed with the Round Rock Police Department, when Officer Sparkman was AWOL, as it was later discovered he had traveled to Bogota, Colombia without authorization. Even though he was already indefinitely suspended, he is still an APD employee until the appeal is decided and is subject to the department's policies pursuant to established case law (See Walter B. Goode vs. The City of Houston et.al. 976 S.W.2d 822, (1998) Court of Appeals of Texas, Houston (1st Dist.), which was previously provided to Ofc. Sparkman's current attorney of record.

constitute cause for suspension of an employee from the classified service of the City:

H. Conduct prejudicial to good order; and

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 Ofc. Sparkman in violation of Rule 10:

I. Introduction

On May 21, 2025, at 12:09 a.m. the Round Rock Police Department (RRPD) received a 9-1-1 call and responded to a residence for a disturbance between two people. The complainant, identified as “CB,” told 9-1-1 call takers that her “romantic partner,” who was later identified as off-duty Austin Police Department (APD) Ofc. Phillip Sparkman refused to leave her residence. RRPD officers arrived on scene and located Ofc. Sparkman in the bedroom of the residence. Ms. CB advised responding RRPD officers that she was the sole leaseholder, and she re-affirmed her request to RRPD officers that she wanted Ofc. Sparkman to leave her residence.

Ms. CB advised responding RRPD officers that Ofc. Sparkman did not live at her residence, but he stayed at her residence for periods of time and maintained a different nearby residence. Ms. CB also expressed concern to the responding officers that Ofc. Sparkman would not listen to them (RRPD) and that he may return to the residence if and after he was directed to vacate it. RRPD officers then informed Ofc. Sparkman he was trespassing and requested that he leave Ms. CB’s residence. Ofc. Sparkman refused to leave after being directed to do so several times by the responding officers. Ultimately, RRPD officers took Ofc. Sparkman into custody, and he was placed under arrest for Criminal Trespass – Class A misdemeanor pursuant to Texas Penal Code section 30.05. RRPD had to use a “WRAP” restraint to carry Ofc. Sparkman out of the residence due to his noncompliance. A “WRAP” restraint is a full-body restraint system used by law enforcement and corrections to immobilize individuals, preventing kicking and self-harm.

II. Allegation and Associated Policies:

On May 22, 2025, then Assistant Chief Lee Rogers filed a complaint with Internal Affairs (IA), requesting an administrative investigation to determine if Ofc. Sparkman’s conduct complied with Department policy, Civil Service Rules, Municipal Service Rules, and State Law. IA reviewed the following APD General Orders (GOs) in relation to these allegations:

- APD Policy 900.1.1 Responsibility to Know and Comply to wit: Texas Penal Code 30.05 Criminal Trespass
- APD Policy 900.3.2 Acts Bringing Discredit Upon the Department

III. Investigative Actions:

IA reviewed the following files and documents:

- RRPD Report 25-0521-0001
- RRPD Body Worn Cameras 25-0521-0001
- Probable Cause Affidavit

IA conducted (or attempted to conduct) interviews with the following people:

- RRPD Officer T. F. #8962
- RRPD Officer J. O. #8356
- RRPD Officer J. J. #9214
- RRPD Officer M.S. #6171
- RRPD Officer V.H. #7633
- RRPD Officer B.M. #7638
- RRPD Officer J.N. #6551
- RRPD Sergeant A.D. #6275
- Ms. CB (**Attempted with no response**)
- APD Officer Phillip Sparkman

IV. Criminal Charges Dismissed

The Williamson County Attorney's (WCA) office later dismissed the Criminal Trespass charge against Ofc. Sparkman on or about April 21, 2026, at the request of the complaining witness. The State's motion to dismiss read in part as follows:

"STATE'S MOTION TO DISMISS:

Now comes the State of Texas by and through County Attorney Dee Hobbs, and, although **there being probable cause to arrest Defendant** in the above-styled cause, moves the Court to dismiss this case for the following reason(s):

At the request of the complaining witness."

Of note and as mentioned above, the basis for the dismissal **was not** due to a lack of:

"Probable cause to arrest" or

"Insufficient evidence to sustain a conviction."

V. Distinctions Between the Administrative Case and the Criminal Case

Before discussing my findings, it is important to note some of the legal and factual bases for my decisions in this matter and, in particular, to highlight the differences between administrative and criminal investigations/cases. My conclusions in this case are based

upon the indisputable evidence gathered by IA, including the Body Worn Camera (BWC) footage from this incident.

It is also noteworthy that, unlike in a Williamson County criminal case, the rules of evidence do not apply in an administrative appeal, pursuant to the City of Austin and the Austin Police Associations Meet and Confer Agreement and/or Chapter 143 of the Local Government Code. In fact, Article 17, Section 11, "*Procedures before Hearing Examiners*" of the Meet and Confer Agreement states:

"It is expressly agreed that that Police...hearings before a Hearing Examiners under 143.057 are informal administrative hearings and are not subject to discovery or evidentiary processes. Specifically, it is understood that neither the Texas Rules of Evidence nor the Texas Rules of Court apply to such hearings."

Moreover, the WCA could not compel Ofc. Sparkman to give a statement, nor are prosecutors availed of the lower burden of proof of preponderance of the evidence. The WCA determined they wanted victim cooperation, to prove beyond a reasonable doubt, the criminal charges against Ofc. Sparkman. This is unnecessary in an administrative case, as APD will be able to use all of the statements captured on the 9-1-1 call and/or BWC, including but not limited to those given by Ms. CB to RRPD officers. Also, even if the rules of evidence applied in an appeal before a hearing examiner, APD will be able to use Ms. CB's excited utterances and present sense impression statements during and in the immediate aftermath of the disturbance, which are both exceptions to the hearsay rule. Moreover, APD will be able to use the statements and experiences of the responding RRPD officers, in addition to Ofc. Sparkman's admission [pursuant to Garrity vs New Jersey 385 U.S. 493 (1967)] that he brought discredit to himself and/or APD through his conduct and actions.

Ofc. Sparkman's admissions in the IA investigation alone prove the conclusions made by me and the Chain of Command. In sum, the fact that there were no formal criminal charges has no bearing on this administrative case, pursuant to LGC 143.056 (f), which states:

"Acquittal or dismissal of an indictment or a complaint does not mean that a fire fighter or police officer has not violated civil service rules and does not negate the charges that may have been or may be brought against the fire fighter or police officer by the Department head."

VI. Unanimous Recommendation from the Chain of Command (COC) in the Notice of Sustained Allegation (NOSA)

The Chain of Command reviewed the IA investigation and made the following recommendation to me, Chief Lisa Davis. The NOSA states in part:

"Your Chain of Command has conducted a review of the investigation into the allegation(s) of misconduct that were made against you. Having reviewed the investigation, your Chain

of Command has made the following recommendations as to how your conduct violates the below listed General Orders (GOs):

900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Which states in part:

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.

On or about May 21, 2025, at approximately 12:09 a.m., the Round Rock Police Department (RRPD) received a 9-1-1 call and responded to a house, located at [in Round Rock, Texas], for a disturbance between two people. At this approximate date, time and location, you, Ofc. Phillip Sparkman were contacted by Round Rock Police Officers. During this interaction, you engaged in conduct that brought reproach, discredit, and/or embarrassment to the Austin Police Department and the City. This conduct included but is not limited to the following. You failed to comply with lawful orders given by Round Rock Police. You exhibited passive resistance when Round Rock Police officers attempted to and/or placed you under arrest. You communicated with Round Rock Police in an unprofessional manner, utilizing inappropriate language and/or in a confrontational tone.

During the incident, RRPD advised you that you were under arrest for criminal trespass, and to put your hands on your face. You responded, *“Shoot me then.”*

Ultimately, RRPD had to physically move you from the complainant’s bed and utilize a “WRAP” device to securely remove you from the residence. A “WRAP” restraint is a full-body restraint system used by law enforcement and corrections to immobilize individuals, preventing kicking and self-harm.

While being carried out of the residence, you stated, *“God damn. Why y’all blind me [unintelligible]. Why y’all blind me man. That’s fucked up. Damn, Y’all dirty man. Y’all dirty as fuck.”*

During your Internal Affairs interview, you stated that you believe Round Rock Police knew you were an Austin Police officer, due to your previous involvement with them, including their prior arrest of you [that resulted in your pending indefinite suspension for Failure to Know and Comply for DWI, Acts Bringing Discredit, Honesty General Order and AWL violations, amongst other violations in IAD case numbers 2024-0659 and 2024-1132]. You also identified yourself as a

police officer during this specific [May 21, 2025, criminal trespass arrest] incident stating, *"I'm a fuckin' officer too. I've been in this position."*

When asked during your IA interview if you believed you violated this policy, you stated, *"yes, I brought discredit on the department by not getting up out of the bed and walking to them."*

When asked during your IA interview if you violated APD Policy 900.1.1, Responsibility to Know and Comply, you responded *"Uh, I did for - for my safety. Yes, sir. I did - I did not comply when they asked me to come out and talk to them in the living room, and for the situation or for the reasoning I previously stated [Ofc. Sparkman advised IA earlier in this same interview that he refused to leave because he believed he was a lawful resident and could not be ordered to leave]. I understand I violated but I - I had to take my life into consideration too."*

In addition to you, in all, the eight (8) RRPD officers who were on scene during your arrest were interviewed by IA. All eight described you as non-compliant and belligerent.

During RRPD Ofc [F's] IA interview, he was asked if Ofc Sparkman committed any criminal offenses during the incident, in addition to criminal trespass he stated, *"I think there's, you know, some interference there as well with our - our job, based on the - the fact that we had to have a - a React team go in to deal with another police officer is, um, you know, not only less than professional, but also I think it checks the box for, you know, a lot of the interference of public duties."*

When asked if Ofc Sparkman met his expectations of how another officer should behave during this type of incident, he stated, *"No. Not in my experience. I mean, there's times, you know, where we do deal with, you know, other officers from other jurisdictions that have familiar issues. We go out and talk to them, and 90% of the time, you know, with them also doing their job. They're very cordial. They understand, you know, where we're going with questions and, you know, all this different stuff. Um, I think this is probably the first time that I've dealt with an officer that was, you know, way the other direction, and, um, you know, tried to use their position and their knowledge as a way to kind of detract from the incident, um, you know, using buzzwords and stuff. Like, he established residency, or he knew the law better than us, or, you know, I've never had that before, until that night, so."*

During RRPD Ofc [H's] IA interview, he stated he believed Ofc Sparkman had committed the criminal offense of criminal trespass. He further stated, Ofc Sparkman *"was yelling... argumentative and - and just refusing to exit the bedroom."*

During RRPD Ofc [J's] IA interview, she stated in her opinion Ofc Sparkman had committed the criminal offense of criminal trespass by refusing to leave the

residence. She stated that multiple commands were given during the incident and subsequent arrest, but Ofc Sparkman did not comply.

During RRPD Ofc [M's] IA interview, he stated that he believed Ofc Sparkman had committed criminal trespass by refusing to leave the residence. Ofc [M] said, *"a declaration of arrest was made. Um, he refused to comply."* Then, *"He was placed in custody for trespassing. Uh, when he was going to be escorted out of the room, he just lifted his legs and refused to exit the residence under his own power..."* Ofc [M] further stated, they *"then carried him out of the residence where he was received by EMS."*

When asked if Ofc Sparkman had committed any criminal offenses, in addition to criminal trespass, Ofc [M] stated, there *"could probably be an interference charge."*

In addition, Ofc [M] provided the following three distinct statements regarding this incident: *"he was most certainly uncooperative and adversarial"*; *"his noncompliance and his just adversarial nature, uh, was - yeah, it was unnecessary. I mean, that - that didn't have to go that way."*; and *"I mean, the commands given to exit bedroom, he didn't comply with any of those."*

During RRPD Ofc [N's] IA interview, he stated it was his understanding that Ofc Sparkman *"was in violation of criminal trespass."* Ofc [N] further stated, *"I remember him being, uh, pretty agitated, um, argumentative and ultimately ki- uh, condescending towards officers on scene"* and that *"he was u- using a, uh, loud tone, uh, at times even yelling at officers, using, uh, profanities, statements such as, fuck this, fuck that. Um, I believe he was chastising our police decisions. That's what ultimately led to, uh, him identifying himself as a police officer."*

During RRPD Ofc [O's] IA interview, he stated that he thought Ofc Sparkman had committed criminal trespass, and that resisting transport was considered, but ultimately not charged. Ofc [O] stated, *"he was verbally aggressive with me, and at some points, he was - I think the - the easiest way to put this is respectably uncooperative. He was nice to me at times, but he was not, uh, cooperative. He was, at some points, resisting."*

During RRPD Ofc [S]'s IA interview, he described Ofc. Sparkman as "uncooperative" during the incident. Ofc. [S] stated, *"he was ordered to stand up and - and walk. And, um, he refused by, you know, continuing to make his body limp."*

During RRPD Sgt. [D's] IA interview, she stated, *"he was ordered to stand up and - and walk. And, um, he refused by, you know, continuing to make his body limp."* She further stated, *"He was not cooperative. He was belligerent. Um, initially whenever they - they made contact and told him, hey, you need to leave the*

residence, you're no longer welcome. Um, and he said, "Come and get me." Um, our officers went in and took him out of the bed and placed him in handcuffs. He was screaming at the officers. Um, extremely belligerent. Um, disrespectful. He was just scream - screaming at the top of his lungs. Just very belligerent, um, the entire - the entire time we were in the home."

Sgt. [D] was asked by IA how she would feel if one of her officers acted in the manner [Ofc.] Sparkman did during the arrest. She responded, *"I would be extremely embarrassed. I would be angry and definitely disappointed. I would expect that they took accountability for their actions and that they were held to some standard."*

VII. Conclusion

I, Chief Lisa Davis, concur with the unanimous recommendation of Ofc. Sparkman's Chain of Command that he be sustained for Acts Bringing Discredit Upon the Department. In addition, I accept their unanimous recommendation that he be indefinitely suspended for that violation alone. It was troubling to me as Chief of Police to watch on BWC the way Ofc. Sparkman conducted himself, particularly towards members of another law enforcement agency. This is inconsistent with the APD values, General Orders, the law, APD and law enforcement code of ethics, and/or training. Additionally, it was embarrassing and troubling to read one member of another agency's negative assertions regarding an APD officer, let alone eight different members of the RRPD regarding Ofc. Sparkman's conduct.

I also note that I made the decision not to sustain Ofc. Sparkman for APD GO 900.1.1 Failure to Know and Comply, in part to not detract from the overwhelming evidence that he violated APD GO Acts Bringing Discredit Upon the Department.² The violation of APD GO Acts Bringing Discredit alone, without consideration of anything else, would have and did result in my decision to indefinitely suspend him. The Chain of Command and I considered the fact that Ofc. Sparkman believed and conveyed to RRPD officers that he was a lawful resident, however his conduct in response to RRPD officers was not justifiable, nor does it change my decision to indefinitely suspend him.

Even if he believed that he was lawfully present at the residence, it was improper for Ofc. Sparkman to refuse to cooperate with RRPD officers by, among other things, going limp and belligerently screaming. Once RRPD officers made their decision and conveyed that to Ofc. Sparkman he should have, as a member of the APD and a Texas peace officer, fully cooperated with the RRPD. Instead, he conducted himself in a manner that was embarrassing to himself and/or brought discredit to the APD. I fully agree with the RRPD officer who said she would be "angry" and "disappointed" if one of her subordinates behaved as Ofc. Sparkman did on that occasion. Ofc. Sparkman should have known that

² My conclusion in this letter in no way negates that fact that the preponderance of the evidence shows that Ofc. Sparkman violated the Criminal Trespass statute, Resisting Arrest statute, and/or interference with Public Duties statute by the preponderance of the evidence.

he would have every reasonable opportunity to challenge his arrest through the legal process. Instead, he let himself and APD down by becoming uncooperative and belligerent. This behavior is not acceptable.

In sum, it was improper for Ofc. Sparkman, as it would be for any other citizen, not to cooperate with the RRPD officers and/or resist their arrest, passive or otherwise, even if he/she believed their arrest was unlawful and/or believed they were improperly directed to vacate Ms. CB's residence. Once RRPD officers made their decision and conveyed that to Ofc. Sparkman, resisting arrest and/or not cooperating with RRPD officers was not the appropriate way to handle that matter on that day.

Moreover, while I would have indefinitely suspended Ofc. Sparkman solely for the above stated reasons without consideration of anything else, I also considered the fact that Ofc. Sparkman has been previously arrested by RRPD for DWI and Unauthorized Carrying of a Weapon (UCW). In that case, he entered into a deferred adjudication for DWI and was able to have his case dismissed on or about April 23, 2026, through the deferred adjudication process in a separate case investigated by RRPD in June of 2024 and prosecuted by the WCA's office. That matter was also investigated administratively by APD's IA, whereby I ultimately indefinitely suspended Ofc. Sparkman for his conduct (not the criminal conviction or deferred adjudication), including but not limited to the administrative violations of Failure to Know and Comply to wit: DWI, and Acts Bringing Discredit Upon APD amongst other violations by the preponderance of the evidence standard of proof. Similar to this current case, in the June 22, 2024, incident Ofc. Sparkman identified himself as an APD officer and was admonished by on-scene by officer(s) for not fully cooperating with their investigation. More importantly, even though the case was dismissed in that matter through the deferred adjudication process, the conduct for which Ofc. Sparkman was disciplined nonetheless occurred and Ofc. Sparkman was disciplined by me for that conduct, including but not limited to the discredit he brought to himself and/or APD in the eyes of the RRPD, the WCA's office, amongst others.

Moreover, a few months after his June 2024 arrest, Ofc. Sparkman went missing and failed to respond to APD IA investigators and his Chain of Command. APD filed a missing person's report with RRPD. After an extensive search was conducted, it was later confirmed that Ofc. Sparkman was in Bogota, Colombia on an unauthorized vacation. Ofc. Sparkman later admitted that he was absent without leave during this time. This too resulted in his pending indefinite suspension case and brought additional discredit to APD, as numerous others, including the RRPD, participated in the search for Ofc Sparkman.

Moreover, Ofc. Sparkman's conduct in this case adds to my inability to trust his decision-making skills and compromises his credibility and fitness to serve as an APD police officer, including any testimony he may have to give in the future. Moreover, if I retained Ofc. Sparkman, I would send the wrong message to the public and/or his peers that this type of behavior is somewhat tolerable by APD, when it is clearly not. Therefore, after careful deliberation and consideration of all of these factors, I have made the decision to indefinitely suspend Ofc. Sparkman, effective immediately.

By these actions, Ofc. Sparkman 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 900.3.2(a): General Conduct and Responsibilities: Acts Bringing Discredit Upon the Department**

900.3.2(a) 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.

By copy of this memo, Ofc. Sparkman 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. Sparkman 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.



LISA DAVIS, Chief of Police

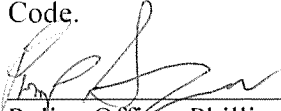
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0910

Date & time

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.



Police Officer Phillip Sparkman #7795

11-26 1021

Date & time