



## MEMORANDUM

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

RECEIVED  
Civil Service Office

MAR 12 2020

11:35 am

**TO:** Joya Hayes, Director of Civil Service

**FROM:** Brian Manley, Chief of Police

**DATE:** March 12, 2020

**SUBJECT:** Temporary Suspension of Police Officer Christopher Frierson #4578  
Internal Affairs Control Number 2019-1119

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 Officer Christopher Frierson #4578 from duty as a police officer for the City of Austin, Texas for a period of 2 ( 2 ) days. The temporary suspension is effective beginning on March 13, 2020, and continuing through March 14, 2020.

I took this action because Officer Frierson violated Civil Service Commission Rule 10.03, which sets forth the grounds for disciplinary suspensions of employees in the classified service, and states:

No employee of the classified service of the City of Austin shall engage in, or be involved in, any of the following acts or conduct, and the same shall constitute cause for suspension of an employee from the classified service of the City:

- L. Violation of any of the rules and regulations of the Fire Department or Police Department or of special orders, as applicable.

The following are specific acts committed by Officer Frierson in violation of Rule 10:

On September 20, 2019, Officer Frierson, who was assigned to Motors, was recorded on his Body Worn Camera using profane language with another officer that was directed towards/referring to his Sergeant. The language included the "F" word and the word "M--- F-----." In his memorandum to the Chief dated November 27, 2019, Officer Frierson admitted that:

*"Admittedly and without question, my choice of words on the day in question were unprofessional, discourteous and embarrassing..."*

The use of profanity while on-duty, whether directed towards a citizen, a co-worker, or a supervisor, or no-one, is unacceptable, unprofessional, and will not be tolerated.

By these actions, Officer Frierson violated Rule 10.03(L) by violating the following rules and regulations of the Austin Police Department:

➤ **Austin Police Department General Order 900.3.4: Personal Conduct**

**900.3.4 PERSONAL CONDUCT**

(c) While on-duty or on the premises of City facilities, employees will not:

1. Use loud, indecent, profane, harsh, derogatory language, or use belittling term in any communications.

Officer Frierson is advised that this suspension may be considered by the Chief of Police in a future promotional decision pursuant to General Order 919.

By copy of this memo, Officer Frierson is hereby advised of this temporary suspension and that the suspension may be appealed to the Civil Service Commission by filing with the Director of Civil Service, within ten (10) days after receipt of a copy of this memo, a proper notice of appeal in accordance with Section 143.010 of the Texas Local Government Code.

By copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Officer Frierson 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.

In addition, since this suspension is for three (3) days or less, Officer Frierson is advised of the following provision in Article 18, Section 1, of the Meet and Confer Agreement:

ARTICLE 18  
DISCIPLINARY ACTIONS, DEMOTIONS & APPEALS

Section 1. Suspensions of Three (3) Days or Less

a) Appealable and Non-Appealable Suspensions

It is understood that most Officers will make some errors during their career involving rule violations, including those who are good, professional Police Officers. The parties agree that short disciplinary suspensions are for the purpose of reinforcing the need for compliance with Departmental standards and not necessarily as punishment.

The parties agree that when an Officer is suspended for 1, 2, or 3 days, the Officer may choose one of two methods of dealing with the suspensions as listed below:

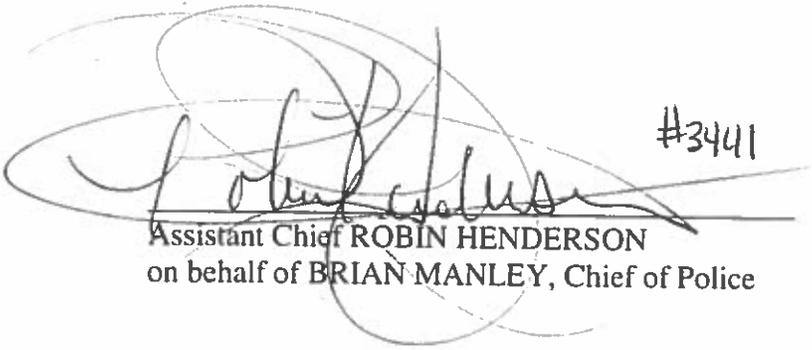
- (1) Suspensions that may not be appealed. The Officer may choose to use vacation or holiday time to serve the suspension with no loss of paid salary and no break in service for purposes of seniority, retirement, promotion, or any other purpose. The Officer must agree that there is no right to appeal if this method of suspension is chosen.
- (2) Suspensions that may be appealed. The Officer may appeal the suspension to a Hearing Examiner or the Civil Service Commission. If the Officer chooses to appeal the suspension, the Hearing Examiner or Civil Service Commission's authority is limited to ruling on whether or not the charges against the Officer are true or not true. If the Hearing Examiner or Civil Service Commission finds the charges to be true, there is no authority to mitigate the punishment. If the Hearing Examiner or Civil Service Commission finds the charges to be not true, the Officer shall be fully reinstated with no loss of pay or benefit.

b) Hearing Costs on Appealable Suspensions

In the event that an Officer appeals a 1, 2 or 3 day suspension to a Hearing Examiner, it is agreed that the party that loses the hearing shall be responsible for all costs of the Hearing Examiner, including travel and lodging if necessary.

To facilitate such payment on the part of the Officer, he/she shall submit, at the time of appeal, a signed payroll deduction agreement that if the Hearing Examiner rules in favor of the CITY he/she authorizes up to one hundred dollars (\$100.00) per month to be deducted from his/her regular pay until such time as what would usually be the CITY's portion of the Hearing Examiner's costs have been satisfied.

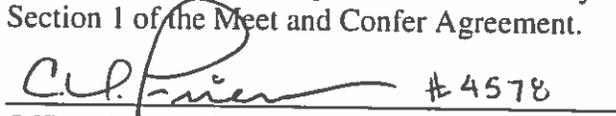
(c) The Department will continue to promote programs that emphasize counseling and training for policy violations described by the Chief to be minor in nature and for which the Chief believes the behavior can be corrected through training and counseling.

 #3441  
Assistant Chief ROBIN HENDERSON  
on behalf of BRIAN MANLEY, Chief of Police

03/12/20  
Date

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of temporary 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. I also acknowledge and understand my rights and responsibilities under Article 18, Section 1 of the Meet and Confer Agreement.

 #4578  
Officer Christopher Frierson #4578

03/12/2020  
Date