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MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Susan Sinz, Director of Civil Service

FROM: Lisa Davis, Chief of Police

DATE: June 4, 2025

SUBJECT: Temporary Suspension of Police Officer John Hattaway #7994
Internal Affairs Control Number 2024-1188

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 John Hattaway #7994 from duty as a City of Austin, Texas police officer for a period of ten (10) days. The temporary suspension is effective beginning on June 4, 2025, and continuing through June 14, 2025.

I took this action because Officer Hattaway 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 Officer Hattaway in violation of Rule 10:

On Saturday morning, November 23, 2024, Officer Hattaway was working an overtime assignment in downtown Austin on a marked APD motorcycle. A vehicle driven by a civilian motorist, Mr. T, and occupied by Mr. T his wife, Mrs. T, was traveling in the same area. The Texas Longhorns played the Kentucky Wildcats in football at 2:30PM on November 23, 2024, at Darryl K. Royal Texas Memorial Stadium, and downtown vehicular traffic was consistent with fans traveling to the stadium area for parking and events.

On November 23, 2024, at approximately 11:37am, Mr. T and Officer Hattaway were driving eastbound on 15th St: Mr. T was traveling in the left lane of traffic, Officer Hattaway was in the middle lane to Mr. T's right. Mr. T approached the traffic light at Guadalupe St and stopped his vehicle just past the crosswalk markings. Although the light was green, the traffic on the other side of the intersection was stopped, not allowing Mr. T to proceed without blocking the intersection.

As Officer Hattaway approached the intersection of 15th St. and Guadalupe St, a vehicle turned left from westbound 15th St. to southbound Guadalupe St. in front of Mr. T and entered the path of Officer Hattaway. As a reaction to the turning driver's failure to yield right of way, Officer Hattaway utilized emergency braking to avoid a collision and, in the process, stalled his motorcycle— during this time, Officer Hattaway yelled profanities which were audible by Mr. and Mrs. T through their closed windows.

Officer Hattaway stopped Mr. T in the 200 block of W. 16th St and issued him a warning citation for Dangerous Stopping on Roadway. Throughout his initial interaction with Mr. T, Officer Hattaway used unprofessional speech in the manner of cursing and yelling at Mr. T due to his perception of Mr. T's culpability in their near collision with the other seemingly at-fault motorist who was neither stopped nor cited.

More specifically, during his initial interaction with Mr. T, Officer Hattaway screamed, "*What the f*ck [expletive redacted] are you doin'? Do not do that. God damnit. What a fuckin' stupid bike.*" Mrs. T was in the front passenger seat of Mr. T's vehicle and witnessed the entire interaction. During this timeframe Officer Hattaway also stalled the motor on his motorcycle which ostensibly caused him further anger and frustration. Mr. T began to move with the flow of traffic; Officer Hattaway, after restarting his stalled motorcycle, caught up to Mr. T and initiated a traffic stop on his vehicle. While signaling Mr. T to pull over with your emergency lights and air horn, you again screamed at Mr. T to "[p]ull over."

Throughout his initial approach for the traffic stop and initial communications with Mr. T, Officer Hattaway's tone and attitude appeared to be agitated, and his speech was brusque. In his initial response, Mr. T nervously chuckled and unnecessarily apologized for the situation in an apparent attempt to calm Officer Hattaway down and bring calm to the situation after Officer Hattaway angrily explained the reason for the stop, to which Officer Hattaway replied aggressively. "*Is there - is there something funny about it?*" Mr. T replied in the negative, and Officer Hattaway continued: "*'Kay,*

why are you laughing?" Mr. T responded that "I didn't know what in the world what I did wrong, I got an F-bomb yelled at me."

It bears noting that IA previously investigated Officer Hattaway in 2023 for his driving-related conduct¹ after becoming aware of video of Officer Hattaway yelling at another motorist that was circulating online and eventually went viral, which resulted in his receiving a five (5) day suspension held in abeyance pending successful completion of Education Based Discipline (EBD) and counseling. Officer Hattaway successfully completed the mandated EBD, and the Department mitigated his 5-day suspension to a written reprimand.

The Officer of Police Oversight (OPO) received the following complaint from Mr. T:

"Please understand, I have never filed a complaint before. I respect the profession immensely. I am a retired public school administrator who has worked extensively with SROs in large and small districts in the area. My brother was a federal agent working for the FBI, NASA, and finally retiring as an agent from Homeland Security and the Department of Defense. I am currently an executive pastor.

Secondly, I only received a warning. I debated over filing a complaint, but I have decided through prayer and seeking counsel, I need to do it. I truly did not want to harm anyone's career or future, but I do need to speak up. Maybe the officer can receive some help. The violation date is 11/23/2024 at 11:37am. The ticket number is E17320374.

Officer Hattaway issued a warning for "dangerous stopping on road", court code 02710. This is incorrect. I did not debate this with him because of the unbelievable demeanor in which he engaged with me.

Quick explanation: (See attached map) I was in the left lane in bumper to bumper traffic on West 15th street heading east. The black dot on the map. This is on a UT Football game day versus Kentucky with a 2:30 kick off. Traffic is literally crawling and has been since crossing over Lamar Blvd. Traffic is extremely thick in this entire area. As I slowly approach the intersection of West 15th and Guadalupe Street, I do not place myself in the intersection for fear the light will turn red and I could get stuck blocking the intersection. I have always practiced this to make sure I have room on the other side of the intersection for my vehicle to be, once there is room I continue to move across the intersection. (If I am doing something incorrectly, please let me know. I feel like that if I was not able to clear the intersection when the light turns red, I could receive a violation for impeding traffic. Again, if I am wrong, please let me know.)

¹ IA Case # 2023-0752

While waiting for enough room for my vehicle to clear the intersection, a car heading west on West 15th wanted to turn left (south) on Guadalupe. Since I wasn't keeping that car from turning left, they proceeded their left turn across the intersection in front of any potential cars heading east in the other two lanes. Evidently, Officer Hattaway was in the middle lane heading east and almost hit the car pulling out in front of him or they almost hit him. I honestly did not see him. My wife and I never saw anything that looked like a potential wreck, but maybe there was.

Complaint: The first thing I do notice after the car makes its left on Guadalupe is banging on the outside of vehicle on my passenger side and yelling to the top of his lungs "WHAT THE FUCK ARE YOU DOING!" with a wild, red face look. The last thing I imagined is that it would be a peace officer. He yelled it again, screaming through the closed windows leaving no doubt what he was saying. I could not believe it was a peace officer. It was just my wife in the car with me. My blood pressure goes sky high because I did not appreciate the language, nor the manner in which he approached me, extremely unprofessional and super confusing. I did not feel like I had done anything remotely wrong and now I have a crazy person imposing himself on the left side of my vehicle in the middle of heavy traffic. I was legitimately confused.

I proceeded across the intersection and he got in behind me and turned his lights on. My original destination was to arrive at my tailgating spot at the Stephen F. Austin building across from the Bob Bullock Museum parking garage. Fortunately, that was the next left. I pulled onto Lavaca heading North and moved to the far right looking for the next side street to turn on. Again, this is slow, bumper to bumper crawling. For the second time he screamed at me again (not sure if he used profanity this time) to pullover into the bus lane on Lavaca. That is where I parked. He came up to my window with a 180 degree different demeanor introducing himself. Camera was on I am sure. My wife and I were actually very concerned at this moment.

Officer Hataway obviously had an emotional hiccup. He was scared. He alluded to a time when maybe he had been hit before. I was profusely apologetic if I put his life in jeopardy and did not mean to scare him by my driving. I felt as if I was being courteous and law abiding. He did give me a warning. I did not even begin to try to state my side of what I did for fear that I could escalate a situation that was already "off the charts" weird and concerning. Once he returned my DL and gave me the warning, I shook his hand and wished him safety.

My wife and I prayed for him and just let it go for the rest of the evening. On our way home, I asked my wife to make sure this was the Austin Police Department and had her look at the paper warning. She saw his name, and just out of curiosity googled it. Oh my word... He has had at least one other issue of major road rage in the past. He was off duty in Garland, Texas and was videoed cussing out a lady

driver for not letting him to oncoming traffic. The video went viral before anyone even knew he was a police officer. The Austin TV station picked up on it and reported on it. The police department was asked about the officer and what actions had been taken. Evidently, he was placed on desk duty. The report alluded there might have been another related incident that had happened as well prior to that incident.

Therefore, I felt the need to file a complaint. I hate to do that. My wife and I are very creditable. I am not trying to get out of a ticket. My conscience is making me write this. My wife is fearful of potential retaliation and does not want me to speak up. I feel I have to. Most likely, this would not have turned out well in my younger years. I do know a lot of people who would not have been able to stay calm as a raging crazy person is asking WHAT THE FUCK ARE YOU DOING! It is not a good reflection on the department or the profession. I had to speak up. I wished it would have never happened.

I am concerned for his safety and for others who might come in contact with him.”

The IA Investigation

On or about December 12, 2024, IA received an internal complaint. The complaint stated:

On November 23, 2024 at approximately 11:37 a.m., Officer Hattaway was working an overtime assignment in downtown Austin. While Officer Hattaway was travelling on his assigned Austin Police Motorcycle near the intersection of W. 15th Street and Guadalupe Street, Officer Hattaway had an interaction with another motorist where he used unprofessional speech. By his actions Officer Hattaway possibly violated Austin Police Department policy. The subject who had the encounter with Officer Hattaway contacted the Office of Police Oversight with his concerns, reference 2024-1188.

The foregoing prompted an IA investigation into the actions and conduct of Officer Hattaway during his interaction with Mr. and Mrs. T on November 23, 2024.

Mr. T's IA interview

On January 23, 2025, IA conducted an interview with Mr. T. In his statement to Internal Affairs investigators, Mr. T described Officer Hattaway as follows:

“He's physical, like, the physical part of the officer [Hattaway], um, red face, bulging veins in the neck, now that's the - when I first saw him... And, um, uh, the first time I saw him was just him in the - in our window, in the face of our window, screaming at us... 'What the fuck are you doing?'”

When the Internal Affairs investigator asked Mr. T how Officer Hattaway's approach to their interaction made him feel, he stated,

"Oh my goodness, I mean, first - first off, completely shocked... And so just someone screaming those - that language completely took me by surprise. Um, I actually, to be honest, thought it was, like, maybe a homeless person or something that had come up to our car and was just speaking crazy language to us. There was no rhyme or reason for the conversation to happen at all... So frightful, you know, I mean, adrenaline rush."

Mr. T went on to state the following about their initial interaction.

"He got in behind with his lights, wanting me to pull over... And then he was yelling again, real adamantly for me to pull over. And I didn't really think I had a safe place to pull over. It was a bus lane... And then all of a sudden when he walked up to the window, it was like a completely different person... Um, you know, my thought was, oh, now it's being recorded."

Mrs. T's IA Interview

On January 23, 2025, IA conducted an interview with Mrs. T. IA asked Mrs. T to describe Officer Hattaway. Mrs. T described what she experienced and stated Officer Hattaway was very angry and had a bulging blood vessel and shouted, *"What the fuck are you doing?"* Mrs. T told IA she began praying and didn't want this to blow up and wanted to be calm. She stated she prayed for them and for the officer and that he could calm down. Mrs. T stated the word she used to describe Officer Hattaway is "rage" when she first saw him. IA asked Mrs. T what her impression of Officer Hattaway was after the interaction.

Mrs. T: Something's wrong. Um, something's not right for him and, uh - because I've been stopped by police officers before and I've never experienced that in my life. And so, um, it just - I've - I've taught for 31 years and I was thinking of kids that struggle with anger and some of the things they've gone through, and I was trying to kinda think, maybe it's this, maybe it's that. I was trying to think what - what could've caused that much emotion in that small of a situation. So, um, that was where I was headed and then I did - I - I - what's - I Googled, you know, his name just to see, um, y- you know, has anybody else ever struggled with this? Is this - is this a one-off or, um, is this a one-day thing? And I - I did see the - uh, there was a video of a lady, um, in a car and he was in a car beside her a truck or - and that - it was a while back. So now I can't remember 'cause I just saw it that night. But, um, she didn't feel safe. She was like, "What are you doing?" And he was - and she said, "You've got kids with you." And I just remember that thinking, oh gosh, he's got kids. Oh, I hope they're okay. Um, just wanting good for the family, you know, more than anything, so. And just - and - and the reason why I'm here, is because I - I want - I want good for our community. I want good for the police department to - to keep their good name. So I can keep saying that about my - to my grandkids and, um -

and I - and him to get obvious help, uh, anybody can be redeemed so that's what I was thinking.

Officer Hattaway's IA Interview

On February 26, 2025, IA conducted an interview with Officer Hattaway. IA asked Officer Hattaway, in retrospect, how he felt about his actions and words he used. He replied as follows:

"In retrospect, I wish I hadn't used such strong language but, in the situation, it's incredibly difficult to control words when you see yourself almost going to the hospital. It - when you see - when you know other officers that have been hit by cars, when you've been hit by cars yourself, it's a very - very serious thing."

IA asked Officer Hattaway after he emergency braked, at whom was he yelling. He stated it was primarily Mr. T. IA asked Officer Hattaway who he would have stopped had both vehicles been in the same proximity. He stated both drivers, since they both committed violations that created an extremely hazardous situation. IA asked Officer Hattaway about his use of profanity towards Mr. T.

IA: Did you use profanities towards Mr.[T]?

HATTAWAY: Yes. I did.

IA: Do you think that would lead to a positive interaction or positive view?

HATTAWAY: In and of itself, I think it would tend to give someone a negative view. But when you look at the entire interaction, I think that's something that can easily be explained, and it doesn't necessarily mean that somebody's gonna have a negative view of the interaction.

Conclusion

I concur with the facts and conclusions in the NOSA and agree that Ofc. Hattaway should be sustained for and temporarily suspended for the serious APD General Orders (GO) violations contained in the NOSA, by at least the preponderance of the evidence. He should be temporarily suspended for a multitude of individual and/or collective reasons. Ofc. Hattaway's conduct during his interaction with Mr. & Mrs. T, including his use of profanity, discredited himself and the Austin Police Department.

I believe I would be doing a disservice to the members of the greater Austin community if I failed to temporarily suspend Ofc. Hattaway for at least ten days, as this is his second driving-related conduct disciplinary action involving his acting discourteously and aggressively towards members of the public in the same number of years, both instances bringing discredit to the Department. As an Assistant Chief, I take my responsibility to uphold and maintain the public trust of the community we serve extremely seriously.

While I appreciate that Ofc. Hattaway stated he would not engage in such conduct yet again, I have no reason to confidently trust this to occur for a multitude of reasons. First, Ofc. Hattaway did not self-disclose or self-report his interaction with Mr. & Mrs. T; rather we learned about this incident upon receiving Mr. T's complaint. Further, he claimed during his Disciplinary Meeting that he did not curse at Mr. T, and instead described his initial use of profanity as an "excited utterance."

Relatedly and significantly, I noted that Ofcr. Hattaway declined to take responsibility for any violation of Department policy, including GO 301.2: Impartial Attitude and Courtesy, which I interpreted as Ofcr. Hattaway effectively asserting the following regarding his interaction at issue with Mr. & Mrs. T, several of which are demonstrably inaccurate:

That he was "tactful in the performance of [his] duties," he "controlled [his] temper," "exercised patience and discretion", "did not engage in argumentative discussions", he "treated [Mr. & Mrs. T] with dignity", was "courteous and respectful toward [Mr. & Mrs. T]"; did not "belittle or shame them," and did "not use indecent or profane language or gestures while interacting with, or in the vicinity of, members of the community" and—given he was not injured, assaulted, nor experiencing any pain related thereto— that he "used professional language at all times."

In sum, I as Assistant Chief of Police would be remiss in my duties and responsibilities to protect the members of this community if I failed to take appropriate disciplinary action to correct Officer Hattaway's repeated conduct violations. Therefore, after careful deliberation and consideration of all of these factors, I have made the decision to temporarily suspend Ofc. Hattaway effective immediately for a period of ten (10) days.

By these actions, Officer Hattaway 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 301.2: Responsibility to the Community: Impartial Attitude and Courtesy**

301.2 Impartial Attitude and Courtesy

Employees shall provide equal and fair protection of all rights under local, state, and federal law for all members of the community. Law enforcement will be conducted in an impartial and equitable manner.

In an effort to create an organizational culture that is inclusive and nondiscriminatory, employees shall act professionally, treat all persons fairly and equally, and strive to interact with the community in a positive manner. Employees will perform all duties objectively and without regard to personal feelings, animosities, friendships, financial status, occupation or employment status, sex, disability status, housing status, mental health or ability, citizenship, language, national origin, creed, color, race, religion, age, political beliefs, sexual orientation,

gender identity, gender expression, ethnicity, or social or ethnic background. Employees will endeavor to understand and respect cultural, national, racial, religious, physical, mental, and other differences.

- (a) Employees will not express or otherwise manifest any prejudice concerning any of the categories or characteristics listed in this section in a context or manner that would cause a reasonable person to question the employee's fairness or impartiality related to the performance of their duties.
 - 1. Employees will respect the rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.
 - 2. The use of remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature to or about any person or group of persons is strictly prohibited.
- (b) Employees will be tactful in the performance of their duties, control their tempers, exercise patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.
- (c) Employees will treat all persons with dignity, will be courteous and respectful toward all persons, showing consideration for the welfare of all persons with whom they interact.
- (d) Employees will not ridicule, mock, taunt, embarrass, humiliate, belittle, or shame any person, nor do anything that might incite that person to violence.
- (e) Employees will not use indecent or profane language or gestures while interacting with, or in the vicinity of, members of the community. Officers are expected to use professional language at all times, however, there may be intense circumstances in which the use of profanity is an excited utterance and not intended to demean or humiliate. These circumstances will be reviewed on a case by case basis. Examples may include, but are not limited to, an officer being injured, assaulted, or is experiencing pain.
- (f) Officers shall not encourage, condone, or ignore any of the behaviors described in subsection (a)-(e).

➤ **Austin Police Department Policy 900.3.2: General Conduct and Responsibilities: Acts Bringing Discredit Upon the Department**

900.3.2 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.
- (b) Employees will refrain from being a party to any malicious gossip, rumor, report or activity, whether written or oral, that would tend to bring discredit to the Department or any member thereof.
 - 1. "Malicious gossip, rumor, report or activity" includes statements made with knowledge of their falsity or made without regard to whether the statements are true or false.
- (c) Employees will not engage in any activity in which there is a potential for conflict of interest or the appearance of a conflict of interest with the lawful duties of the employee.
 - 1. "Conflict of interest" includes any activity which would tend to influence a decision, create a bias or prejudice, or create a gain or loss for any person or agency which would favor one side or the other in conflict with the employee's official duties, or which conflicts with the accomplishment of the Department's mission or goals.
- (d) Employees will not congregate or loiter in any place or in any manner as to bring discredit to the Department.
 - 1. No more than four (4) officers, uniformed or plainclothes, who are identifiable as officers by the display of badges, police radios, insignias, or any articles of clothing identifying them as police officers, will congregate in a public place except when required by official police duties or as authorized by a supervisor.
 - 2. Except as necessary to perform assigned tasks or as authorized by a supervisor, the following restrictions apply to the number of marked APD police units parked in a parking lot or near a public place at any one time:
 - (a) No more than two (2) between the hours of 6:00 am and 10:00 pm, daily; or

- (b) No more than four (4) between the hours of 10:00 pm and 6:00 am, daily.

By copy of this memo, Officer Hattaway 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 Hattaway 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.

 5329 (FOR CHIEF LISA DAVIS) 6-4-25

MICHAEL CHANCELLOR, Assistant Chief of Police 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.

 7994

Police Officer John Hattaway #7994

6-4-25

Date