



## **MEMORANDUM**

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

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

**FROM:** Joseph Chacon, Interim Chief of Police

**DATE:** April 28, 2021

**SUBJECT:** Temporary Suspension of Police Officer Jeremy Bohannon #7285  
Internal Affairs Control Numbers 2020-1808

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 Jeremy Bohannon #7285 from duty as a City of Austin, Texas police officer for a period of SEVEN (7) days. The temporary suspension is effective beginning on April 29, 2021 and continuing through May 5, 2021.

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

**Officer Bohannon's Appearance in a Music Video:**

On November 1, 2020, Officer Bohannon, while off-duty, participated as an actor in a music video by a local Austin musician. Officer Bohannon portrayed a police officer in the music video. He appeared in the video wearing a hat with the word "Police" displayed in large letters, a vest with the word "Police," and a police-style duty belt with a firearm and Taser visible. The breast badge on the vest was obscured with black tape and Officer Bohannon's nose and mouth were covered by a mask.

The song playing in the video includes lyrics that glorify or condone violence.

Officer Bohannon was featured in two scenes in the video. In both of these scenes, he depicts a uniformed police officer taking police action against members of the public. The actions taken by Officer Bohannon in the video are not consistent with how the Austin Police Department trains its officers.

The video was posted to Instagram and other sites on or about November 11, 2020. The video has been viewed more than 1,000 times on Instagram and more than 3,000 times on YouTube.

**Complaint and Internal Affairs Investigation:**

The Office of Police Oversight (OPO) received an anonymous complaint regarding Bohannon's appearance in the video. On December 16, 2020, the OPO forwarded a formal complaint to APD. There were also internal complaints regarding Officer Bohannon's appearance in the video. The Internal Affairs Division (IA) opened an investigation.

As part its investigation, IA obtained a copy of the music video. It also obtained, from Officer Bohannon, text messages that Officer Bohannon exchanged with people involved in making the music video.

Through his work with the Police Athletic League, Officer Bohannon had a previous relationship with the producer of the video, D.S. (a person whose identity is known to Officer Bohannon). D.S. contacted Officer Bohannon asking Officer Bohannon to appear in his son's music video and portray a police officer. According to Officer Bohannon, he agreed to participate in the video after listening to 15 to 20 seconds of the song. Officer Bohannon said that D.S. told him the song included expletives, but that an edited version of the song would be posted with the video. Officer Bohannon did not receive any compensation for appearing in the video and told investigators, "*I was literally just there helping some kids out.*" Officer Bohannon also indicated that he hoped his participation in the video could help open a dialogue between police and the community.

The initial version of the video posted online included credits that named Officer Bohannon. When Officer Bohannon learned that his name was in the credits, he asked D.S. to edit the video to remove his name from the credits.

Officer Bohannon admitted to IA that he wore his APD-issued duty belt, firearm, and Taser while he appeared in the video. Officer Bohannon did not have permission from the Chief to appear in the video with these items.

Officer Bohannon told IA that he did not act in the video the way that he would act as an on-duty police officer. Officer Bohannon admitted that he depicted “*an officer that may be unethical or maybe [holds] ill will towards somebody else, not rising to the [level] of...you know brutality of hitting or...being excessive.*” Officer Bohannon acknowledged that acting in this manner in the video “*definitely was not beneficial*” and was actually “*harmful*” to the relationship between the Police Department and the community. Specifically, Officer Bohannon told IA that for people who recognize him in the video, “*it’s detrimental if somebody thinks that’s the way I feel or other people feel about that situation.*”

Officer Bohannon also acknowledged that his appearance in the video undermined working relationships he had within the Department. Specifically, when asked about the impact that his appearance in the video had on other members of the Department, Officer Bohannon stated:

*I feel like between officers, I feel like I’ve lost trust with, you know, I’m sure I’ve lost trust with a lot of people...And so that’s one thing that I regret, and so I understand that people are disappointed. I understand that there may [be] people who won’t want to work with me anymore. And so I think that effect that I’ve seen, is something that I regret probably the most, you know, because I love this depart - I love the people I work with, um, I’ve never had a negative experience in this department personally. And so, you know, going through this, I know that it’s had a major effect, um, on a lot of officers and, you know, if that’s the one thing if I could take anything back, it would be, you know, that or at least making sure there was more context, um, and thinking about the bigger picture before participating.*

Officer Bohannon also admitted that other officers were “*upset, you know, friends disappointed and, you know, people stopped talking to me...*”

When asked by IA whether he believed that he violated General Order 900.3.2 (Acts Bringing Discredit Upon the Department) by appearing in the music video, Officer Bohannon answered in the affirmative. Officer Bohannon expressed regret over his participation in the video and assured that he would not repeat the missteps he made in this situation.

By these actions, Officer Bohannon 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 801.6(d): Equipment and Uniform Regulations: Political Activities, Endorsements, and Advertisements**

**801.6(d) Political Activities, Endorsements, and Advertisements**

Unless specifically authorized by the Chief of Police, Austin Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, a photograph as an employee of the Austin Police Department in order to:

- (d) Appear in any commercial, social or non-profit publication, or any motion picture, film, video, public broadcast or on any website.

➤ **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.

By copy of this memo, Officer Bohannon 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 Bohannon 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.

  
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JOSEPH CHACON, Interim Chief of Police

4/28/2021  
\_\_\_\_\_  
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) 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.

  
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Police Officer Jeremy Bohannon #7285

4/28/21  
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Date