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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 8, 2019

SUBJECT: Agreed Suspension of Police Detective Douglas Drake # 3934
Internal Affairs Control Number 2019-0434

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 agreed to suspend Police Detective Douglas Drake # 3934 from duty as a police officer for the City of Austin, Texas, for a period of forty-five (45) days. The agreed suspension is effective beginning on October 9, 2019, and continuing through November 22, 2019.

I took this action because Detective Drake 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 Detective Drake in violation of Rule 10:

On April 2, 2019, Detective Drake was assigned to the Austin Police Department (APD) Vehicular Homicide Unit (VHU) and responded as the lead investigator to a double fatality collision in the 500 block of East Slaughter Lane, Austin, Texas. Between April 17, 2019, and April 30, 2019, while the collision was still an open investigation, Detective Drake engaged in inappropriate communications with [REDACTED] by phone and text.

By these actions, Detective Drake 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: 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.

In addition to this agreed temporary suspension, Detective Drake agrees to the following terms and conditions:

1. He agrees to a Last Chance Agreement with 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 suspended (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 Detective Drake returns to duty after completing his agreed suspension. Should Detective Drake 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. He understands that this agreed suspension 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. He acknowledges that he had the opportunity to discuss this agreed suspension 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 Discipline, Detective Drake understands and agrees that I am forgoing my right to indefinitely suspend him or recommend his demotion for the conduct described above and that by agreeing to the suspension, Detective Drake waives all right to appeal to this agreed suspension 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 10-8-19

TO WHOM IT MAY CONCERN:

I acknowledge receipt of the above and foregoing memorandum of agreed temporary suspension and I understand that by entering into this disciplinary agreement the Chief forgoes his right to indefinitely suspend me or recommend my demotion for the conduct described above and that by agreeing to the suspension, I have no right to appeal this disciplinary action, 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 Detective Douglas Drake # 3934

Date 10/8/19