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Civil Service Office

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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: November 15, 2019

SUBJECT: Temporary Suspension of Police Officer Eric Heinz #7071
Internal Affairs Control Number 2019-0760

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 Eric Heinz #7071 from duty as a City of Austin, Texas police officer for a period of five (5) days. The temporary suspension is effective beginning on November 16, 2019 and continuing through November 20, 2019.

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

On the morning of June 24, 2019, Officer Eric Heinz responded to a call for service on Cameron Road, in northeast Austin. During the call, Officer Heinz lawfully detained an identified suspect. During the detention, Officer Heinz and the suspect engaged in an unprofessional exchange, resulting in a complaint being filed with Internal Affairs.

The investigation showed that Officer Heinz conducted himself in a manner that was inconsistent with APD General Orders, training, and previous counseling he had received from supervisors. During the exchange, the suspect challenged Officer Heinz to a physical struggle, to which Officer Heinz responded in an unprofessional manner. The verbal sparring lasted a few minutes, did not escalate into anything physical, but did culminate in the arrival of Officer Heinz' supervisor to the scene.

Officer Heinz advised investigators, *"I obviously lost my cool and engaged [the suspect] in a back and forth banter that was unprofessional."* Officer Heinz took responsibility for his actions and admitted he was not tactful in the performance of his duty, did not exercise patience, and was not courteous and respectful, in accordance with training and policy.

Officer Heinz 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

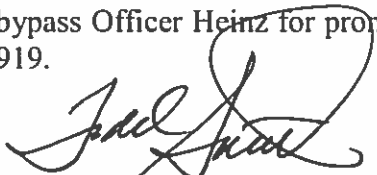
Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

- (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 make every effort to be courteous and respectful toward all persons.

By copy of this memo, Officer Heinz 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) calendar 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 Heinz is hereby advised that such provides for an appeal to an independent third-party hearing examiner. 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.

By copy of this memo, Officer Heinz is hereby advised that this temporary suspension may be taken into consideration in my determination as to whether a valid reason may exist to bypass Officer Heinz for promotion in accordance with Austin Police Department Policy 919.

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BRIAN MANLEY, Chief of Police

11/15/2019

Date

TODD SMITH Asst
Chief of Police

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.

 #7071

Police Officer Eric Heinz #7071

11/15/2019

Date