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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: January 17, 2020

SUBJECT: Temporary Suspension of Police Officer Julian Ogle #7787
Internal Affairs Control Numbers 2019-0530

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 Officer Julian Ogle #7787 from duty as a City of Austin, Texas police officer for a period of ten (10) days. The temporary suspension is effective beginning on January 18, 2020 and continuing through January 27, 2020.

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

On July 26, 2019, Officer Ogle met with attorneys from the Travis County District Attorney's Office to prepare for trial. During the meeting, Officer Ogle made a comment related to a judge's decision to allow certain defendants out of jail on personal recognizance bonds. The Assistant District Attorneys shared the comment that was made to them with other members of their office, which was then brought to the attention of the APD.

Thereafter, on July 31, 2019, APD Lieutenant Kenneth Hubbs signed an Internal Complaint Memorandum requesting Internal Affairs Division (IA) conduct an administrative investigation to determine if Department General Orders, Civil Service Rules, or State Law had been violated. Internal Affairs interviewed the two Assistant District Attorneys, who were present when the comment was made by Officer Ogle.

Specifically, one District Attorney recalled the comment that Officer Ogle made to be "*Too bad that this judge [Judge Tamara Needles] wasn't the one that was shot,*" while the other District Attorney recalled the comment to be "*Too bad it wasn't her [Judge Tamara Needles] that was shot instead of Judge Kocurek.*" Officer Ogle acknowledged to Internal Affairs that his comment were words to the effect of too bad Judge Tamara Needles was not shot, instead of Judge Kocurek.

Officer Ogle acknowledged to Internal Affairs that he was expressing his frustration in an admittedly inappropriate and unprofessional manner about the judge. Officer Ogle acknowledged he violated APD general orders 972.4 Prohibited Speech, Expression and Conduct along with 900.3.2 Acts Bringing Discredit Upon the Department.

By these actions, Officer Ogle 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.

➤ **Austin Police Department Policy 972.4: Employee Speech, Expression, and Social Networking: Prohibited Speech, Expression and Conduct**

972.4 Prohibited Speech, Expression and Conduct

To meet the Department's safety, performance, and public-trust needs, the following is prohibited:

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Austin Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Austin Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Austin Police Department or its employees.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Austin Police Department.

By copy of this memo, Officer Ogle 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 Ogle 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 Ogle 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 Ogle for promotion in accordance with APD General Order 919.

 3870 for
Chief
Manley

BRIAN MANLEY, Chief of Police

Date

1/17/2020

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.

 # 7787
Officer Julian Ogle #7787

Date 17 JAN 2020