

CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

TO: Police Officers'
Civil Service Commission
Of the City of Houston

FROM: Charles A. McClelland, Jr.
Chief of Police

DATE: September 13, 2011

SUBJECT: **One-Day Temporary Suspension
Andrew K. King
Police Lieutenant
Employee # [REDACTED]
Central Division
Issue #39001-2011**

In accordance with the provisions of the TEX. LOC. GOV'T. CODE, Chapter 143 (formerly Art. 1269m), commonly known as the Fire Fighters' and Police Officers' Civil Service Act, you are hereby advised that I have temporarily suspended **Andrew K. King, Police Lieutenant**, for a period of one day unless I accept an offer for Positive Discipline under the terms of the 2011 MEET AND CONFER AGREEMENT, along with any and all amendments thereto, that was negotiated pursuant to the Meet & Confer provisions of Chapter 143, Subchapter J of the *Texas Local Government Code*.

This temporary suspension will be effective October 6, 2011.

Andrew K. King, Police Lieutenant, has been temporarily suspended for acts and conduct in violation of Rule V, Section 6, Subsections (b) and (k) of the Police Officers' Civil Service Rules of the City of Houston, said Section and Subsection reading as follows:

"SECTION 6 - CAUSES FOR REMOVAL OR SUSPENSION

"No classified employee shall engage in, or be involved in, any one of the following acts or conduct and the same shall constitute cause for the disciplinary or indefinite suspension of a classified employee:

"(b) violations of a municipal charter provisions;

"(k) violation of an applicable police department rule or special order."

It is specified that, on or about April 13, 2011, while on duty and assigned to the Eastside Division, **Andrew K. King, Police Lieutenant**, failed to comply with Houston Police Department rules and regulations regarding cond.

Investigation revealed that, on the above date, Sergeant R. Trejo was involved in an off-duty vehicle accident while operating his private vehicle. In the collision, Sergeant Trejo's vehicle

SEARCHED
SERIALIZED
INDEXED
FILED
SEP 13 2011
HOUSTON
POLICE DEPARTMENT

struck a bus occupied only by the driver, Ms. T. Argueta. In addition to other officers from the Eastside Division, Lieutenant King arrived on the scene.

Investigation revealed that, while at the scene, Lieutenant King was aware of several wine bottles on the floorboard of Sergeant Trejo's vehicle and that an allegation had been made that alcohol may have been a factor in the accident. Lieutenant King failed to exercise appropriate supervisory conduct when he neglected to ensure that the wine, potential evidence, was properly tagged and secured in a manner consistent with department evidence handling policy and practice. Additionally, as a middle manager, Lieutenant King did not inquire further into the allegations made, nor did he follow-up at the hospital where Sergeant Trejo had been transported.

Lieutenant King failed to demonstrate appropriate supervisory conduct when he neglected to exercise any supervisory authority while at the scene.

It has been determined that, by his actions, **Andrew K. King, Police Lieutenant**, not only violated the Rules of the Civil Service Commission, to wit: Rule V, Section 6, Subsections (b) and (k), as quoted above, but that he also violated the following:

GENERAL ORDERS

Conduct and Authority, Order No. 200-08, dated September 28, 2005, states in part, but is not limited to:

1 CONDUCT AND BEHAVIOR

Sound Judgment

Employees' behavior will be limited to conduct which is reasonable and prudent. No employee will commit any act on-duty or off-duty in an official or private capacity that tends to bring reproach, discredit, or embarrassment to the department. Employees are expected to exercise sound judgment at all times.

3 OBEDIENCE TO LAWS AND RULES

Employees will abide by the laws of the jurisdiction they are in. Employees will also abide by the laws and rules of the various governmental entities that have jurisdiction over affairs in which the employees are engaged (e.g., Civil Service Commission and TCLEOSE).

SEP 20 2011 10:00 AM
HCC

Police Officers'
Civil Service Commission
Of the City of Houston

One-Day Temporary Suspension
Andrew K. King
Police Lieutenant
Employee # [REDACTED]


8 SUPERVISORY CONDUCT

Supervisors will actively enforce the law and the policies and procedures of the Houston Police Department. Supervisors will not permit or otherwise fail to prevent violations of the law or the rules, regulations, policies, and procedures of the Houston Police Department by any employee.

Supervisors who fail to take appropriate action when they are aware or should have been aware an employee was in violation of the law or department policy will be held accountable.

Supervisors will report violations of law and department policy to the employee's immediate supervisor without delay. If the employee is a subordinate of the supervisor, the remainder of the employee's chain of command will be notified, as required by General order 200-03, **Investigation of Employee Misconduct**.

Andrew K. King, Police Lieutenant, is hereby reminded of his right to appeal my decision and is informed that he has 15 days after receipt of a copy of this memorandum within which to file a written appeal. Temporary suspensions of one or two days in length may be appealed only to the Police Officers' Civil Service Commission of the City of Houston in accordance with applicable provisions of the 2011 Meet and Confer Agreement. Temporary suspensions of three or more days in length may be appealed to the Police Officers' Civil Service Commission of the City of Houston or, pursuant to Section 143.1016 of TEX. LOC. GOV'T. CODE, to an independent hearing examiner instead of to the Commission. If Lieutenant King elects to appeal to a hearing examiner, he waives all rights of appeal to a district court except as provided by Subsection (j) of Section 143.1016. Lieutenant King is also instructed not to work any Extra Employment during the period of this temporary suspension, as outlined in General Order 300-14, as amended.


Charles A. McClelland, Jr.
Chief of Police

cam/adw

cc: Andrew K. King
Police Lieutenant

2011 SEP 20 PM 3:27

SN/596A.

HOUSTON, TEXAS
SEP 20 2011

THE STATE OF TEXAS §
COUNTY OF HARRIS §

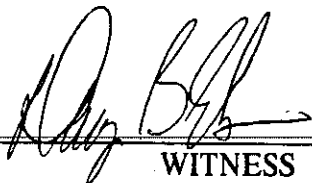
**NOTICE OF TEMPORARY SUSPENSION
STATEMENT OF ACTION**

This is to acknowledge that I, **Andrew K. King**, employee [REDACTED], being a Police Lieutenant in the police department of the City of Houston, have on this day received a copy of a letter of a **one-day temporary suspension** from Charles A. McClelland, Jr., Chief of Police, to the Police Officers' Civil Service Commission of the City of Houston. By this letter, I am informed of the reasons for my **one-day temporary suspension**. Temporary suspensions of one or two days in length may be appealed only to the Police Officers' Civil Service Commission of the City of Houston in accordance with applicable provisions of the 2011 Meet and Confer Agreement. Temporary suspensions of three or more days in length may be appealed to the Police Officers' Civil Service Commission of the City of Houston or, pursuant to Section 143.1016 of TEX. LOC. GOV'T. CODE, to an independent hearing examiner instead of to the Commission. I have been further advised that I have **15 days** from the date shown on this notice in which to appeal my temporary suspension.

I am hereby advised that I am not to take any police action nor carry or wear any department issued equipment (i.e., badge, gun belt, hat shield, official identification, taser, uniform, etc.) during the period of this temporary suspension. This temporary suspension will begin on October 6, 2011 at 1300 hours and will end on October 7, 2011 at 1300 hours. In addition, I am hereby informed that I will not be allowed to work any Extra Employment during the time of this temporary suspension, as provided by General Order 300-14, as amended.

Additionally, I have been advised that within five (5) days from the date shown on this notice I may submit a written request to the Chief of Police to allow me to deduct time out of one of my cash valued PTO banks in lieu of serving this suspension. In the event that the Chief of Police elects to accept my offer, I will be allowed to work Extra Employment during the scheduled suspension dates and I waive all of my rights to appeal.

SIGNED this the 19th day of September, 2011. Time: 1605 hours.


WITNESS


Andrew K. King

Issue #39001-2011
SN/596A

HPD LEGAL SERVICES
2011 SEP 20 AM 8:45

HOOUSTON TEXAS
SEP 20 2011