

Exhibit A



POLICE DEPARTMENT

450 PECAN STREET • ABILENE, TEXAS 79602 • 325-676-6600 • FAX 325-676-6606

July 22, 2015

Officer Barry Bond
450 Pecan Street
Abilene, Texas 79602

NOTICE AND ORDER OF SUSPENSION

Officer Bond:

You are hereby notified that you are **suspended without pay** from the Abilene Police Department. Your suspension will commence on Sunday, July 26th at 8 am and continue through Tuesday, July 28th at 6 pm for a total of thirty (30) hours of lost pay.

You are suspended for violations of the City of Abilene Firefighter's & Police Officer's Local Civil Service Rules & Regulations, originally adopted on April 26, 1994 last revised, October 1, 2013, pursuant to *Tex. Local Gov't Code Ann.* §143.008.

You have elected to have your disciplinary suspension administered pursuant to the **Meet and Confer Agreement** between the City of Abilene and the Abilene Police Association ("Meet and Confer") effective October 1, 2014 and adopted pursuant to *Texas Local Government Code* §142, Subchapter B. In accordance with Article 7, Sec. 2 (a) of that Agreement, you may elect to forfeit vacation or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service for purposes of seniority, retirement or promotion. You may not accrue overtime during the work week you forfeit vacation or holiday time in lieu of suspension.

In the event you have received a disciplinary suspension within the preceding 24-month period, you may only forfeit vacation or holiday time with the Department head's (Chief of Police) permission. Further, you must agree that there is no right to appeal of the suspension before any administrative or judicial body, and sign a waiver of appeal.

The reason(s) for your **suspension**, specific civil service rule(s) you violated, and the specific act(s) constituting each violation are as follows:

I.

SPECIFIC CIVIL SERVICE RULES VIOLATED

The specific provisions of the Civil Service Rules, Section 51, "Cause for Removal or Suspension" that you violated are:

1. **Subsection (I): Violation of police department rule, special order, regulation or Operating Procedure.**

Listed below are the specific provisions of the "Rules and Regulations of the Police Department" that you violated which are civil service grounds for suspension under Subsection (I).

ABILENE POLICE DEPARTMENT OPERATING PROCEDURES

D-4: USE OF FORCE

Necessary and Reasonable Force (TBP 6.01)

An officer shall never use more force than is necessary and reasonable under the circumstances. "The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application. Its proper application requires careful attention to the facts and circumstances of each particular case (Rehnquist, *Graham v Connor*)". Officers must be aware their actions and response to resistance/aggression will be judged on an individual basis, considering the facts and circumstances confronting them at the time of the force application.

An officer shall never use force in response to mere verbal provocation or abusive language directed at the officer.

Carotid Restraint

The use of the Carotid Restraint (CR) should be considered as a last resort in the prevention of serious physical injury to an officer or another person. It is to be used only when other methods have failed or when circumstances prevent the officer from employing other control techniques. However, the CR is to be used only by those officers who have been properly trained in its use by instructors of the Department.

A. The CR will not be used:

1. For administrative reasons such as obtaining fingerprints, photographs, etc. or
2. When a suspect demonstrates passive resistance such as refusing to enter a police vehicle.

II.

FACTUAL BASIS SETTING OUT VIOLATION

Your acts constituting violations of the above referenced civil service and police department rules are as follows:

On February 19, 2015, while on duty as a School Resource Officer at the Jefferson Opportunity Center, you became involved in an altercation with a student at the beginning of the school day that ended with a use of force. That morning, you asked a 12 year old student where he was going, and asked him to stop. The student continued toward his homeroom class, ignoring your request. At that time, you reached out and grabbed the student by his hoodie. The student spun around and flung his arms up in an aggressive manner and stated, "Get your f---ing hands off me!" while trying to get loose from your hold on his clothing. At that point you took the student to the ground using a hip throw. Once on the ground you applied the Carotid Restraint to this student. By your admission, you used a total of three applications of the Carotid Restraint on the 12 year old student to gain compliance with your commands. You were able to handcuff the student once he became compliant.

III.

SUMMARY OF FACTS AND CIVIL SERVICE RULES VIOLATIONS

1. ***ABILENE POLICE DEPARTMENT OPERATING PROCEDURES
D-4: USE OF FORCE***

You attempted to detain a 12 year old student for a minor school rule infraction for which you have no authority to make an arrest. Therefore, your force option was limited to verbal commands. The arrest process should not have been started unless a crime had been committed or the student was a danger to himself or others.

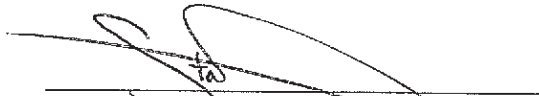
OP D-4 specifically states that an officer shall never use force in response to mere verbal provocation or abusive language directed at the officer. OP D-4 further states that the use of the Carotid Restraint (CR) should be considered as a last resort in the prevention of serious physical injury to an officer or another person. It is to be used only when other methods have failed or when circumstances prevent the officer from employing other control techniques. The CR *will not* be used for administrative reasons. This incident was clearly an administrative stop where the only appropriate use of force was verbal commands. The use of the CR to gain control of a 12 year old student was excessive.

You have elected to waive your right of appeal pursuant to Article 7, Sec. 2(a) of the Meet and Confer Agreement.

Consideration of Suspensions of Forty Hours or Less

Pursuant to Meet and Confer, this disciplinary suspension will not be considered for purposes of transfer, promotion, or discipline, except to show progressive discipline, after 24 months have passed unless this suspension is appealed.

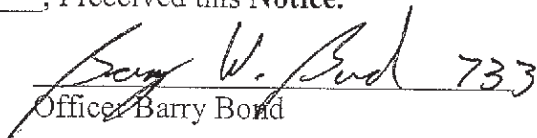
If there is no appeal and after 24 months have passed, the Civil Service Commission shall be notified in writing. A copy of the notification document shall be included in the Internal Affairs Division ("IAD") investigative file, and the Department shall enter a notation reflecting this. The parties agree that the Department and the Civil Service Commission will not alter, destroy, conceal, or remove, any documents related to the temporary suspension, including but not limited to the letter of temporary suspension that was filed with the Commission as required by TLGC 143.052(c), or the Professional Standards investigative file itself. The original suspension paperwork shall still be subject to open records request and as evidence to negate any civil liability claim.



Stan Standridge, Chief of Police
City of Abilene, Texas

Acknowledgment of Notice and Order of Suspension Without Pay

At 2:38 ~~am~~/p.m. on July 22, 2015, I received this Notice.



Officer Barry Bond 733

At 2:38 ~~am~~/p.m. on 7-22-2015, I personally delivered the Notice to Officer Barry Bond. He ~~REFUSED~~ / AGREED to sign the acknowledgment.



Stan Standridge, Chief of Police

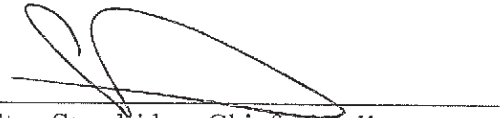
Civil Service Commission
City of Abilene, Texas

Re: Notice and Order of Suspension

Dear Civil Service Commissioners:

In accordance with the requirements of the City of Abilene Firefighters' & Police Officers' Local Civil Service Rules & Regulations ("Local Rules"), originally adopted on April 26, 1994 and last revised October 1, 2013 and *Texas Local Government Code Annotated*, §143.052, you are hereby advised that Officer Barry Bond has been SUSPENDED for the reasons set out on the attached Notice and Order of Suspension. A copy of this Notice and Order of Suspension was filed with Mr. Ronnie C. Kidd in his official capacity as Secretary and Director for the Civil Service Commission, on 7-23, 2015, at 8:00 am.

Sincerely,


Stan Standridge, Chief of Police
City of Abilene, Texas

SS/DS