

Officer Oscar R. Perez, #0458
San Antonio Police Department
San Antonio, Texas

Fire Fighters' and Police Officers' Civil Service Commission
111 Soledad, Suite 123
San Antonio, Texas 78205

LEGAL ADVISOR CFC
OCT 15 2014
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

AGREED SUSPENSION

Commissioners and Officer Oscar R. Perez:

WHEREAS, Officer Oscar R. Perez, pursuant to Article XXVII, Section 2 of the Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association, was served on September 12, 2014, with a contemplated indefinite suspension; and

WHEREAS, pursuant to said contract, Officer Perez was given an opportunity to rebut those charges being brought against him to Police Chief William P. McManus; and

WHEREAS, said opportunity was exercised by Officer Perez; and

WHEREAS, Officer Perez and Chief McManus have agreed to reduce the discipline in this matter to a forty-five-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Perez shall be suspended without pay from the San Antonio Police Department for a period of forty-five days, commencing on October 30, 2014, and ending on December 13, 2014. Officer Perez waives any rights to appeal this Agreed Suspension and agrees no administrative or judicial body shall have power to review this Agreed Suspension or alter the terms of this agreement.

Officer Perez has violated Subsection C of Rule XIII of the City of San Antonio Fire Fighters' and Police Officers' Civil Service Commission Rules, said rules having been adopted on February 23, 1998, and thereafter from time to time amended, by the Fire Fighters' and Police Officers' Civil Service Commission as the Civil Service Rules for the Fire and Police Departments of the City of San Antonio. The particular civil service rules violated by Officer Perez and grounds for suspension are as follows:

- (12) Violation of an applicable fire or police department rule or special order.

The Rules and Regulations and Procedures of the San Antonio Police Department which Officer Perez has violated are as follows:

RULE 3.03 - OBEY LAWFUL ORDERS: Members shall obey all lawful orders and directions given by supervisory officers and shall comply with instructions given by the police dispatcher. Such obedience shall be prompt and willing. (A) **INSUBORDINATION:** Defying the authority of any supervisory officer by obvious disrespect, disputing his orders, or failure or deliberate refusal to obey any lawful order given by him shall be deemed insubordination.

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RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC: Members shall serve the public through direction, counseling, assistance, and protection of life and property. Members shall also respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment. (C) CONDUCT AND BEHAVIOR: Members, on-duty or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.

The factual basis for the instant disciplinary suspension is as follows:


On or about February 11, 2014, Officer Oscar R. Perez signed and acknowledged a written No Contact order directing him not to contact or communicate with his next door neighbor, Milton Alvarado or his wife in any manner unless the contact was unintentional and unavoidable. The order stemmed from previous complaints against Officer Perez of inappropriate behavior, which were at that time under investigation by the Department.

On April 26, 2014, at about 3:00 p.m., Officer Perez engaged in a verbal altercation with Milton Alvarado in front of their two homes for approximately 15 minutes, until police officers arrived and Mr. Alvarado ran into his home. During the altercation, Officer Perez used extensive profanity and insults toward Mr. Alvarado and made no apparent effort to end the altercation. A video of the altercation shows Officer Perez leaving [redacted] exposed to a heated argument between himself and Mr. Alvarado, who was armed with a pistol, encouraging him to aim the gun and further antagonizing him with profane insults.


Officer Perez failed to use sound judgment in exposing [redacted] to a man armed with a pistol. His actions in arguing with Mr. Alvarado in public and engaging in a profane exchange of words brought reproach and discredit on himself and SAPD. Officer Perez was also directly insubordinate, in violation of a direct order to avoid contact with Mr. Alvarado.

A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

AGREED TO BY:


WILLIAM P. MCMANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

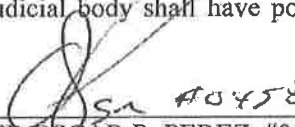
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DATE


OFFICER OSCAR R. PEREZ, #0458
SAN ANTONIO POLICE DEPARTMENT

10-10-2014 1250
DATE TIME

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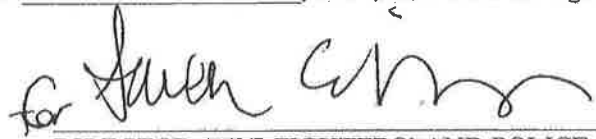
On this 10 day of October, 2014, I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of this suspension during which to file a written appeal of this suspension with the Personnel Director of the City of San Antonio requesting either arbitration or the hearing of my appeal by the Fire Fighters' and Police Officers' Civil Service Commission. I acknowledge that I have been informed that if I appeal to a hearing examiner/arbitrator, I waive all rights to appeal to a district court except as provided by subsection 143.057(j) of the Texas Local Government Code. I also acknowledge that I have been informed that my right to appeal the decision of a hearing examiner/arbitrator to district court pursuant to section 143.057 of the Texas Local Government Code may have been modified by the provisions of article 28 of the current Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association. I further acknowledge that in light of my entry into this Agreed Suspension, I shall have no right to appeal said suspension nor will any administrative or judicial body have power to review same or alter its terms. I do hereby waive any and all rights to appeal said suspension and no administrative or judicial body shall have power to review same or alter its terms.


OFFICER OSCAR R. PEREZ, #0458
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

C Spatley 3136 TIME: 12:52 DATE: 10-10-14
A Keegan #3090 TIME: 12:52 DATE: 10-10-14

FILED on this the 16th day of October, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.


DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

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