

Reduced to 1.5 days 10-8-15 9/25



Susan Pamerleau  
Sheriff  
Bexar County, Texas

### NOTICE OF PROPOSED SUSPENSION

**TO:** Deputy Pete Serna, Badge #1962, Empl.# 33918, Detention  
**DATE:** September 9, 2015

You are hereby notified that the Bexar County Sheriff's Office is proposing to suspend you for Five (5) Days from the position of Detention Deputy.

You have violated the Bexar County Sheriff's Civil Service Rules, said rules having been adopted on March 14, 1985 and thereafter from time to time amended by the Bexar County Sheriff's Civil Service Commission. The particular Civil Service Rules violated by you are as follows:

#### **Bexar County Sheriff's Office Civil Service Rules Chapter IX, section 9.02:**

##### **Chapter X, Section 9.02:**

- J. Poor Job Performance**
- K. Physical or verbal abuse of a person in custody of the Sheriff's Office.**
- M. Violation of any statute, Civil Service Rule or regulation**
- O. Conduct or action that would seriously impair job effectiveness**

You have violated the following Bexar County Sheriff's Office Policies and Procedures:

#### **2.09 ETHICS**

The Texas Commission on Law Enforcement Officer Standards and Education (TCOLE), as the official licensing agency of the State of Texas concerning peace officers, has issued a standard in the form of a Code of Ethics. This same Code of Ethics is hereby adopted by the BCSO as the standard for all sheriff's deputies within the Sheriff's Office to emulate and follow. It is set forth as follows:

#### **BEXAR COUNTY SHERIFF'S OFFICE CODE OF ETHICS**

As a Bexar County sheriff's deputy, my fundamental duty is to serve mankind; safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice. I will keep my private life unsullied as an example to all; maintain

courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of the Sheriff's Office. Whatever I see or hear of a confidential nature or what is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of duty. I will not act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith and I accept it as a public trusts to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

#### **5.01 GENERAL DISCHARGE OF DUTIES**

All employees shall discharge their duties in a professional manner in accordance with Texas and Federal Laws and Rules, and with this Manual. Therefore, it shall be the duty of each employee to be thoroughly familiar with such.

#### **5.02 PERFORMANCE OF DUTIES**

A. All employees of the Sheriff's Office shall render their services to the County of Bexar with loyalty, enthusiasm, discretion and courage. They shall also obey the various ordinances of the cities located within the State of Texas, as well as the laws of the State itself, not only during their duty hours, but also during their time away from county employment. During the performance of their assigned duties, an employee shall carry out their assigned duties in a manner designed to represent the Sheriff's Office in the best possible way.

B. An employee shall not:

1. Display reluctance on their part to properly perform their duty;
2. Act in a manner which would tend to bring discredit upon themselves or the Sheriff's Office as a whole;
3. Fail to assume the necessary responsibility; or
4. Fail to exercise diligence, proper demeanor, intelligence, and interest in the pursuit of their duties.

C. All employees are expected to perform all duties placed upon them by competent authority within the Sheriff's Office. The chain of command is described in this Manual, with the ultimate authority resting with the Sheriff.

D. When employees are acting together, they are expected to openly support each other as one Sheriff's Office, assist one another, and take necessary steps to insure that each is protected from harm.

#### **5.24 CONDUCT UNBECOMING AN OFFICER**

A Deputy Sheriff shall always conduct himself/herself in a manner which reflects most favorably on the Sheriff's Office, whether in a duty or off-duty status. Unbecoming conduct includes unjustified behavior which brings the Sheriff's Office into disrepute, discredits a member of the Sheriff's Office, impairs the operation of the Sheriff's Office, or has an adverse effect on the Sheriff's Office.

#### **5.45 BRINGING DISCREDIT**

No employee of the Sheriff's Office shall act or behave publicly or privately in such a manner as to bring discredit, distrust, or a lack of esteem upon themselves personally as a peace officer or corrections officer, or upon the Sheriff's Office as a whole.

**In addition, you have violated the Detention Policy and Procedures:**

#### **Chapter 8: Safety and Emergency Procedures-BC 800.06.05-UTILIZATION OF ELECTRONIC CONTROL DEVICES**

**C. ECD Restrictions:** There are certain ECD restrictions and exceptions when an officer **SHALL NOT** use a ECD even when the inmate displays all the behaviors described above to include when:

6. An inmate is verbally disruptive, resistant but non-combative or in restraints and possess no real immediate physical threat to themselves, others or staff.

#### **Chapter 9: Security & Control-BC 900.13-USE OF FORCE**

**II. PURPOSE:** The purpose of this policy is to provide guidelines to ensure detention officers and employees of the BCADC use the appropriate level of force necessary in the performance of their duties. So officers and employees have an understanding of the amount and degree of force which is reasonable and necessary, under the totality of the circumstances to perform a specific duty. The officer or employee should assess the situation with which option or level of UOF that is necessary in order to de-escalate the situation and bring it under control in a safe, prudent, and reasonable manner. The officer and employee shall use the minimum amount of force necessary to accomplish lawful objectives.

**E. Excessive Force:** Force an officer or employee uses against an inmate in a situation in which the use of force is justified, but, which goes beyond that force necessary to control the situation which continues after the inmate(s) complies or is restrained.

**The factual basis for the disciplinary action is as follows:** On or about March 15, 2015, at approximately 1330 hours, you were involved in a verbal altercation with Inmate Jaime Flores SID 838560 in Unit BC. During the verbal altercation, you deployed your Taser in the probe mode on Inmate Flores. A code two was initiated and the SERT Team responded and were able to restrain the inmate in handcuffs and leg irons. You than removed the probes from Inmate Flores abdominal area and state in your report that while SERT was placing the inmate in the wheelchair to be transported to medical, the inmate began to resist and was placed on the ground facing down by the SERT Team. While the inmate was on the ground facing down, in full restraints and with two SERT deputies on each side of the inmate, you stepped in and deployed your Taser a second time in the probe mode to inmate Flores thereby utilizing excessive and unjustified force against Inmate Flores by deviating from policy and procedures and training. Your behavior in utilizing excessive and unnecessary force against an inmate places the Bexar County Sheriff's Office in a liable situation and will not be tolerated.

**Corrective action required:** In the future, you will conduct yourself in a professional manner and will only use that amount and degree of force which is reasonably and necessary under the circumstance to perform a specific duty, specifically utilizing an electronic Control Device against an inmate in restraints that does not possess a real immediate physical threat to themselves, others or staff. Be advised that persistence in the behavior, which resulted in this Notice of Proposed Suspension, may result in a more serious disciplinary action, which may include dismissal from the Sheriff's Office.

**Persons with knowledge of these incidents:**

Deputy Chief Raul S. Banasco, Jail Administrator  
Deputy Chief Henry Reyes, Assistant Jail Administrator  
Sgt. Yvonne Vann, Professional Standards and Integrity Division  
Captain Timothy Walston Badge #1300, Special Operations  
Sergeant Michael Jarzombek Special Operations  
Corporal Mercedes Holguin, Badge #1017, Detention  
Corporal Jesse Arias Badge #1029, SERT Deputy  
Corporal Andres Pulido, Badge #1982, SERT Deputy  
Deputy Joseph Garza, Badge #3057, SERT Deputy  
Deputy Eric Espino, Badge #1664, SERT Deputy  
Deputy Joseph Rodriguez, Badge #1417, SERT Deputy  
Deputy Pete Serna, Badge #1962, SERT Deputy

You are further advised that you may grieve this Notice of Proposed Suspension, in writing, to the undersigned within five business (5) days of the receipt of this document. Send copies of your grievance to: 1) Civil Service Commission at 211 S. Flores, San Antonio, Texas, 78204; 2)

Human Resources, Bexar County Sheriff's Office. Any further information regarding your Civil Service rights may be obtained at the Civil Service Office by calling (210) 335-0728.

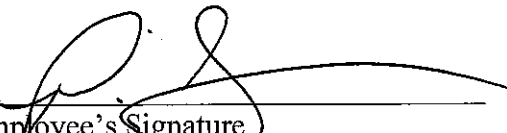


Deputy Chief Raul S. Banasco  
Jail Administrator

cc: 1) Original -Human Resource file 2) Employee 3) Administrative file

The foregoing Notice of Proposed Suspension was served upon Deputy Pete Serna on \_\_\_\_\_ day of September 2015.

By:  -  
Server's Signature

  
Employee's Signature