

Officer Edward Vargas, #1018
San Antonio Police Department
San Antonio, Texas

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CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT
2017 SEP 22 AM 10:45

LEGAL ADVISOR'S OFFICE

SEP 21 2017

SAN ANTONIO POLICE DEPARTMENT

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

AGREED SUSPENSION

Commissioners and Officer Edward Vargas:

WHEREAS, Officer Edward Vargas, pursuant to Article XXVIII, 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 1, 2017, with a one-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Vargas 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 Vargas; and

WHEREAS, Officer Vargas and his then captain, Vidal Resendez, have agreed and Chief McManus has approved of settling this matter with a one-day suspension without pay; **NOW THEREFORE:**

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Vargas shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on September 25, 2017, and ending on September 25, 2017. Officer Vargas 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 Vargas 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 Vargas 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 Vargas has violated are as follows:

RULE 4.07 - PROMPT RESPONSE TO ALL CALLS:
Officers shall respond without delay to all calls for police service from citizens or other members. Immediately upon completion of

the call, officers shall notify the dispatcher of their return to service.

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PROCEDURE 402 – DIFFERENTIAL POLICE RESPONSE
(.02) CALLS FOR SERVICE (CFS) REPORTING PROGRAM
(D) Dispositions, N-Code Numbers and Statements: C-CLR AFR/CRASH REPORT: This status is used to clear any incident where the officer has obtained a case number and is writing any type of report (accident, offense, supplement, etc.). CO1 CLR ONSITE ACTIVITY-NO RPT: This disposition is used to clear the officer of any onsite activity where they have NOT obtained a case number to write a report. This status will be used to clear from a field contact. CO2 CLR TRAFFIC STOP-NO RPT: This disposition is used to clear the officer after he has completed a traffic stop and has NOT obtained a case number to write a report. Officer shall add comments to either the Call Screen or within the disposition comments box, to include actions taken and citations issued. (17) N-Code 13: Disturbance/Miscellaneous - This N-code may be used for a variety of disturbances that are non-violent and where no criminal offense has occurred. Examples of these types of disputes would be civil disagreements, non-violent disturbances (i.e., family, neighbor, etc.) and other types of disturbance calls.

When writing the CFS report, officers shall include the required information as listed in section .02c and include any other pertinent data.

PROCEDURE 410 – BODY WORN CAMERAS (.13) VIDEO UPLOADS (A) Prior to the end of their duty day the officer will go to a designated docking station and upload the BWC DME. The DME will then be uploaded to the departments contract cloud based storage. (B) Special/Exigent Circumstance DME Uploading. (1) If Officers are involved in collisions and/or are otherwise unable to return to the substation, supervisors shall adhere to the following: (a) The notified supervisor or Patrol Supervisor shall coordinate the retrieval and upload of the BWC; (b) The Crime Scene Investigator Supervisor will then upload the BWC (if applicable); (c) Upon completion of the video upload, the BWC must be returned to the Officer's supervisor. (2) Critical Incidents (a) Upon the conclusion of a critical incident, all Officers will return to the appropriate facility in order to have all DME uploaded. The BWC device will not be returned to service until all DME has been removed and completion confirmation of upload has been received by the CSI supervisor or designee. (C) All video must be uploaded before the Officer's next assigned shift. No Officer is permitted to take a BWC home while it still contains video on it, unless authorized by the on duty Sergeant or in accordance with Section .16 of this procedure.

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

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On August 17, 2017, at 12:56 p.m., Officer Edward Vargas was assigned to a panhandler call at 1017 N. Main Avenue. Officer Vargas arrived at the location at 1:07 P.M., where he observed three homeless individuals loitering around the business. Officer Vargas contacted the individuals and told them to leave the location, failing to document the call properly. Officer Vargas was on the call for less than two minutes, as indicated in both Coban and body worn camera (BWC) video evidence. However, Officer Vargas failed to check back in for service and held the call until 1:52 p.m. On August 19, 2017, when Lieutenant Karen Falks attempted to locate Officer Vargas' BWC for the call, she discovered that Officer Vargas had failed to dock and upload any video evidence since August 15, 2017. In fact, Officer Vargas failed to dock and upload video evidence for five consecutive days. It was not until August 21, 2017, that Officer Vargas docked his BWC and allowed evidence to upload.

In addition, Officer Vargas took his body worn camera to his home on or about August 16, 2017, August 17, 2017, and August 18, 2017 without his on-duty sergeant's approval.

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

SEP 14 2017

DATE



OFFICER EDWARD VARGAS, #1018
SAN ANTONIO POLICE DEPARTMENT

DATE

TIME

9-19-17 1120

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 the instant 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

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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.

E. Vargas #1018
OFFICER EDWARD VARGAS, #1018
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] 7071 TIME: 1122 DATE: 9-19-17
[Signature] 3283 TIME: 1122 DATE: 9.19.17

FILED on this the 22 day of September, 2017, with the Fire Fighters' and Police Officers' Civil Service Commission.

FOR: Brandis Davis
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

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**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**


LEGAL ADVISOR'S OFFICE
SEP 21 2017
SAN ANTONIO POLICE DEPARTMENT

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Edward Vargas, #1018

UNIT OF ASSIGNMENT: SPA

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
	09	07	17	09	25	17	09	25	17

NARRATIVE REMARKS: Agreed One-Day Suspension

AUTHORITY: Written Order of the Chief of Police


EMPLOYEE

9-19-17
DATE


DEPARTMENT HEAD

SEP 14 2017
DATE

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SAN ANTONIO POLICE DEPARTMENT

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LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: Edward Vargas
Officer's Name

1018
Badge Number

Date: 9-19-17

Copies to: Accounting, Budget and Personnel, Pension Board, File

TYPE OR PRINT ONLY- Use Ink

I, Edward Vargas 1018, hereby agree to the 1 day disciplinary
(Print Name)

suspension received on 9-25-17 and request to forfeit leave time in lieu of
serving the disciplinary suspension.

Type of leave forfeited: ☒ Vacation
☐ Compensatory Time
☐ Holiday
☐ Bonus Day

Officer's Signature

9-19-17

Date

Request Denied/Approved

Chief of Police

Date

The Chief of Police is not prohibited from denying this request.