

Officer Jose Juarez, #1218  
San Antonio Police Department  
San Antonio, Texas

LEGAL ADVISOR CPO  
JUL 21 2014  
CITY ATTORNEY'S OFFICE  
SAN ANTONIO, TEXAS

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

### AGREED SUSPENSION

Gentlemen and Officer Jose Juarez:

**WHEREAS**, Officer Jose Juarez, 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 July 8, 2014, with a fifteen-day contemplated suspension; and

**WHEREAS**, pursuant to said contract, Officer Juarez 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 Juarez; and

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Juarez shall be suspended without pay from the San Antonio Police Department for a period of five days, commencing on August 4, 2014, and ending on August 8, 2014. Officer Juarez 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 Juarez 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 Juarez 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 Juarez has violated are as follows:

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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 January 24, 2014, SAPD officers were dispatched to BJ's Brewhouse restaurant located at 22410 US Hwy 281 North for a complaint from Mr. Shon Diaz. Mr. Diaz was complaining that he had been threatened by Officer Jose Juarez in a confrontation at the restaurant, which was partially captured on video. Mr. Diaz had learned that Officer Juarez had been involved in an affair with his (Mr. Diaz's) wife. Mr. Diaz then invited Officer Juarez's [REDACTED] to the restaurant to discuss the situation.

Apparently, Officer Juarez took a dim view of [REDACTED] and Mr. Diaz meeting up and went to the location and sat at the same table where Mr. Diaz and [REDACTED] were meeting. Officer Juarez wanted [REDACTED] to leave with him and told Mr. Diaz, "I'll fuck you up. Do you think I give a fuck, Bro? Jiu Jitsu ain't shit, Bro. I will fuck you up." Additionally, two days prior to the incident at the restaurant, Officer Juarez sent text messages to Mr. Diaz's wife threatening Mr. Diaz and saying that Mr. Diaz was lucky he (Officer Juarez) didn't "fuck him up."

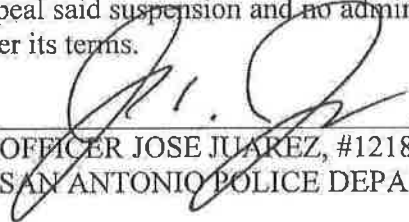
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A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

AGREED TO BY: WILLIAMS JUL 17 2014  
WILLIAM P. McMANUS, CHIEF OF POLICE DATE  
SAN ANTONIO POLICE DEPARTMENT

J. J. #1218 JUL 18, 2014 11:42 AM  
OFFICER JOSE JUAREZ, #1218 DATE TIME  
SAN ANTONIO POLICE DEPARTMENT


On this 18th day of July, 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.

 #1218  
OFFICER JOSE JUAREZ, #1218  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Karen M. Falke TIME: 11:44 am DATE: 7/18/14  
Craig Casella TIME: 11:44 am DATE: 7/18/14

FILED on this the 22nd day of July, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

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