

Officer Robert Vargas, Jr., #0712
San Antonio Police Department
San Antonio, Texas

LEGAL ADVISOR OFC.
FEB 06 2015
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

Commissioners and Officer Robert Vargas, Jr.:

WHEREAS, Officer Robert Vargas, Jr., 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 January 21, 2015, 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 Anthony L. Treviño, Jr.; and

WHEREAS, said opportunity was exercised by Officer Vargas; and

WHEREAS, Officer Vargas and his captain, Laura Andersen, have agreed and Chief Treviño 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 February 24, 2015, and ending on February 24, 2015. 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 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. **(G) MAINTENANCE OF COMPETENCY:** Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

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RULE 4.02 - ALERTNESS REQUIRED OF MEMBERS: Members shall at all times be attentive to their duties and by their alertness and observation, and demonstrate their interest in their work.

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

On or about January 3, 2015, the Robbery Task Force went to 3629 Medical Drive to set up surveillance on an aggravated robbery suspect. They had walked an arrest warrant on the suspect and were trying to locate him. When they arrived at the location, they found that the front door had been broken in. Thinking that someone had already arrested the suspect, the Robbery Task Force contacted Bexar County and was then notified by Bexar County that SAPD had been at the location earlier in the morning and had transported the suspect to Haven for Hope. The Robbery Task Force then went to Haven for Hope and arrested the suspect for the warrant. While there, they spoke with a security guard and they were told the suspect was brought to the location by an SAPD officer and that they had found a large bong in the suspect's bag as they were admitting him into the location.

The officer was Officer Robert Vargas, Jr., who described in his 200 OR how he handled the call and how he felt that taking the suspect to Haven for Hope was the best solution to his problem. He admitted that he never thought about running the suspect and that he didn't search the suspect's bags prior to placing them in his trunk. Officer Vargas stated that he was only thinking about helping the suspect find a place to stay while he was handling the call and never thought of running the suspect for warrants. The manner in which Officer Vargas handled this call is questionable and dangerous, and could have resulted in him or other officers being injured.

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

AGREED TO BY:

A. Treviño
ANTHONY L. TREVIÑO, JR.
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

2/6/15
DATE


R. Vargas 0712
OFFICER ROBERT VARGAS, JR., #0712
SAN ANTONIO POLICE DEPARTMENT

2-6, 2015
DATE TIME



On this 6 day of FEBRUARY, 2015, 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

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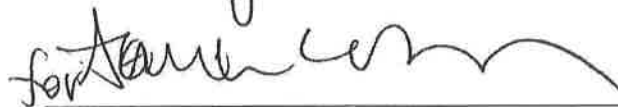
informed that if I appeal to a hearing examiner/arbitrator, I waive all rights to appeal to a district court except as provided by subsection 143.057(j) of the Texas Local Government Code. I also acknowledge that I have been informed that my right to appeal the decision of a hearing examiner/arbitrator 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 ROBERT VARGAS, JR., #0712
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 WSR TIME: 1301 DATE: 020615
 3230 TIME: 1301 DATE: 2-6-15

FILED on this the 12th day of February, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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