

Officer Vidal R. Diaz, #0879
San Antonio Police Department
San Antonio, Texas

LEGAL ADVISOR OFC.
MAR 09 2015
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

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

Commissioners and Officer Vidal R. Diaz:

Under and by virtue of the authority vested in me by Title 5, Subtitle A, Chapter 143 of the Local Government Code, V.T.C.S., said chapter entitled "Municipal Civil Service", I do hereby suspend Officer Vidal R. Diaz from paid duty with the San Antonio Police Department, indefinitely, without pay, from his position as an officer of the San Antonio Police Department, effective immediately.

Officer Diaz 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 rule violated by Officer Diaz and ground for suspension is as follows:

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

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

RULE 3.02 - TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

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.

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

On or about Wednesday, August 7, 2013, Officer Vidal R. Diaz was on duty operating a San Antonio Police Department vehicle and in full SAPD uniform. At approximately 9:20 p.m. on that date, Officer Diaz initiated a traffic stop on a vehicle being driven by Mr. Christian Barrios in the area of Loop 410 and Evers Road.


This traffic stop was video-recorded using the police vehicle's COBAN (dash-cam) system. At the end of the encounter, Officer Diaz intentionally pressed his metal flashlight against the right side of Mr. Barrios' vehicle as Mr. Barrios drove away, causing damage to Mr. Barrios' vehicle.

After Mr. Barrios drove away from that location, Officer Diaz proceeded to initiate a second traffic stop on Mr. Barrios in the area of Loop 410 and San Pedro Avenue. This encounter was also video-recorded using the COBAN system. Officer Diaz was overheard making a comment to Mr. Barrios that Mr. Barrios had almost run over Officer Diaz' feet, and Mr. Barrios told Officer Diaz he damaged his vehicle with his flashlight. Officer Diaz told Mr. Barrios his equipment (on his Sam Browne utility belt) damaged Mr. Barrios' vehicle. Officer Diaz wrote an official report regarding this incident.

In that report, Officer Diaz stated regarding the first traffic stop, "As I continued to explain to Mr. Barrios, he began to move his gear shifter and he took off very fast. My natural reaction was to push away from the vehicle. While I pushed away I had my flashlight in my hand and contact was made with the listed vehicle. O1 continued at a high rate of speed Northbound on NW Loop 410." Officer Diaz was not truthful in his report when he wrote Mr. Barrios took off very fast and that he had pushed away from Mr. Barrios' vehicle.

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

Following separation from the Department, the training requirements to maintain an officer's peace officer's license for the current training cycle and unit are that officer's responsibility. An officer should refer to the TCOLE website <http://www.tcole.texas.gov/content/training-requirements> for further information and to establish a TCOLE account to review current training records.


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

3/9/15
DATE

On this 9 day of March, 2015, I hereby acknowledge receipt of the original of the foregoing indefinite 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

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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 Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association.

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OFFICER VIDAL R. DIAZ, #0879
SAN ANTONIO POLICE DEPARTMENT

9 Mar, 2015 1600
DATE TIME

WITNESSED BY:

[Signature]
[Signature]

DATE: 3-9-15 TIME: 1600

DATE: 3/9/15 TIME: 1600

FILED on this the 10 day of March, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature]
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

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