

Officer Veronica J. Rodriguez, #1241
San Antonio Police Department
San Antonio, Texas

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LEGAL ADMINISTRATION
APR 15 2014
CITY ATTORNEY
SAN ANTONIO

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

AGREED SUSPENSION

Gentlemen and Officer Veronica J. Rodriguez:

WHEREAS, Officer Veronica J. Rodriguez, 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 March 31, 2014, with a one-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Rodriguez was given an opportunity to rebut those charges being brought against her to Police Chief William P. McManus; and

WHEREAS, said opportunity was exercised by Officer Rodriguez; and

WHEREAS, Officer Rodriguez and her captain, Anthony Maziek, 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 Rodriguez shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on May 9, 2014, and ending on May 9, 2014. Officer Rodriguez 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 Rodriguez 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 Rodriguez 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 Rodriguez has violated are as follows:

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PROCEDURE 601 - PRISONERS (.07) SECURITY OF PRISONERS - ESCAPE PREVENTION (E) While transporting prisoners, officers exercise caution and remain attentive, through observation of prisoners' actions and behavior, to prevent the escape of prisoners and for the prisoners' safety. Officers remain aware the security afforded by placing prisoners in police vehicles equipped with physical barriers is minimal and the escape of unattended prisoners is probable.

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

On or about March 17, 2014, Officer Veronica J. Rodriguez had a handcuffed prisoner in her custody, in the back seat of her patrol vehicle. The suspect had been arrested by auto theft detectives in connection with a vehicle theft case in the area of Culebra and North Elmendorf. Because the prisoner had complained about being too hot, Officer Rodriguez had started the vehicle and turned on the air conditioning. Officer Rodriguez then opened the window to the "cage" between the front and back seats of her patrol car to allow cool air to circulate into the back of the vehicle.

While the prisoner was in her custody, Officer Rodriguez failed to keep him under direct observation. As a result, the prisoner was able to remove his seatbelt, move his handcuffs to the front of his body, and climb through the open window in the cage. The suspect was then able to put the patrol car in drive before Officer Rodriguez was able to use her extra key to unlock the vehicle. The suspect drove away in the marked patrol vehicle and headed westbound on Culebra.

The stolen patrol car was later recovered, abandoned at the intersection of East Crockett and St. George. The handcuffed prisoner was not captured at the scene, but escaped on foot.

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 APR 07 2014
WILLIAM P. MCMANUS, CHIEF OF POLICE DATE
SAN ANTONIO POLICE DEPARTMENT
Veronica Rodriguez #1241 4/12, 2014
OFFICER VERONICA J. RODRIGUEZ, #1241 DATE TIME
SAN ANTONIO POLICE DEPARTMENT


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On this 12 day of April, 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 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 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 VERONICA J. RODRIGUEZ, #1241
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 3/29
B. C. ... 3063

TIME: 1324

DATE: 4-12-14

TIME: 1225

DATE: 04-12-14

FILED on this the 17th day of April, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.

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