

Detective Aaron Terrazas, #2007
San Antonio Police Department
San Antonio, Texas

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2016 OCT 17 AM 11:19

LEGAL ADVISOR'S OFFICE
OCT 17 2016
SAN ANTONIO POLICE DEPARTMENT

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

AGREED SUSPENSION

Commissioners and Detective Aaron Terrazas:

WHEREAS, Detective Aaron Terrazas, 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 17, 2016, with a fifteen-day contemplated suspension; and

WHEREAS, pursuant to said contract, Detective Terrazas 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 Detective Terrazas; and

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Detective Terrazas shall be suspended without pay from the San Antonio Police Department for a period of ten days, commencing on October 29, 2016, and ending on November 7, 2016. Detective Terrazas 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.

Detective Terrazas 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 Detective Terrazas 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 Detective Terrazas has violated are as follows:

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2015 OCT 17 AM 11:19

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.

RULE 4.03 - REQUIREMENT TO TAKE ACTION: On-duty members are required to take prompt and effective police action conforming to departmental policies with respect to violations of laws and ordinances and matters affecting public safety coming to their attention, or of which they have knowledge.

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.

PROCEDURE 313 - USE OF CITY VEHICLES (.04)
AUTHORIZED USE (B) Members transport only authorized persons in a city vehicle. (1) Authorized persons include on-duty members, prisoners, complainants, and witnesses; immediate family members may be transported if the city vehicle is being used in accordance with Section .07 of this procedure. (2) Approval to transport off-duty members or non-members must be received from the unit supervisor.

PROCEDURE 607 - IMPOUNDING VEHICLES (.10)
IMPOUNDED FOR TRAFFIC VIOLATIONS (A) Officers ticket and/or impound vehicles for any of the following traffic violations or court orders: (3) Uninsured Driver (a) Driver/occupants, if 17 years of age or older, have the option of: (1) Arranging for transportation of their choice. The officer should encourage and assist in making all reasonable attempts to arrange for this private transportation as the primary means of transport. Private transportation must be accomplished within the 30 minute wait-time allowed before towing; (2) If transportation is not accomplished within the thirty (30) minute wait time allowed before towing the officer shall transport the individual as outlined below: (3) Being taken to the nearest police substation or residence, which ever is closer; (a) Requesting the officer drop them off at another location, if closer than substation or residence; (4) Waiving Transportation - Released at the scene if safe to do so. (5) Officers shall document every incident where the driver/occupants refuse transportation by the officer using an Incident report. (b) Driver/occupants under 17 years of age have the option of: (1) Requesting a parent, legal guardian or custodian

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picks them up. The officer should encourage and assist in making all reasonable attempts to arrange for this private transportation as the primary means of transport. Private transportation must be accomplished within the 30 minute wait-time allowed before towing; (2) Being returned to the Youth Processing Office if unable to locate a parent, legal guardian, or custodian; (3) Being taken to their residence, if closer than the Youth Processing Office. (4) Waiving Transportation – Released at the scene if safe to do so, in accordance with GM Procedure 602, Juveniles. (5) Officers shall document every incident where the driver/occupants refuse transportation by the officer using an Incident Report. (c) Officers transporting any individuals, male or female, will request a time check and give their vehicle odometer reading to the dispatcher upon leaving the scene and upon arrival at their destination. (d) The contents of the vehicle being towed must be inventoried and documented using an Incident Report.

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

On or about July 21, 2016, at approximately 3:45 a.m., Detective Aaron Terrazas was dispatched to 3926 Highcliff Drive for a traffic violation. The keycard details on the computer in Detective Terrazas' patrol vehicle stated there was a vehicle blocking the caller's driveway. Upon his arrival, COBAN (dash cam) and Body Cam videos showed that Detective Terrazas contacted a male who was parked in a vehicle with the engine running and the radio on. When the male stepped out of the vehicle, he showed signs of intoxication. Detective Terrazas failed to conduct an investigation into the offense of Driving While Intoxicated, as he was required to do.

Detective Terrazas told the intoxicated male to drive his motor vehicle and pull the vehicle forward so as not to block the driveway. According to COBAN and Body Cam videos, Detective Terrazas asked the male driver why he was in the passenger seat when the driver was obviously observed in the driver's seat. Detective Terrazas was incorrect in his recorded statement to support his story of why he decided not to arrest the driver for Driving While Intoxicated.

Detective Terrazas advised the male to call his "buddy" to come pick him up and then left the location. Detective Terrazas did not use sound judgment when he left an intoxicated individual alone in a motor vehicle where the individual could have become a further danger to himself or others if he had driven the motor vehicle away.

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A short time later, Detective Terrazas received a call to ~~the~~ ^{the} location where he originally contacted the male asleep in the driver's seat. This time Detective Terrazas drove the male to his home and while en route, checked the male on his patrol vehicle's onboard computer for "wants and warrants." Those records showed the male had a suspended driver's license. Detective Terrazas took no action to follow up and determine whether the male should be cited or arrested for operating a motor vehicle with an invalid driver's license.

When Detective Terrazas drove the male home, he picked up a different male, and then drove him back to the location where the vehicle was parked without receiving permission from a supervisor. Detective Terrazas then allowed the second male to drive the vehicle away at 5:08 a.m., although he now knew the vehicle was not insured. Detective Terrazas should have impounded the vehicle, as required by SAPD procedure. Detective Terrazas then failed to immediately check back into service as also required by procedure, and failed to do so until 6:17 a.m., when his shift was ending.

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

10-10-16
DATE



DETECTIVE AARON TERRAZAS, #2007
SAN ANTONIO POLICE DEPARTMENT

10-12, 2016 2525
DATE TIME

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

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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.

DETECTIVE AARON TERRAZAS, #2007
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

TIME: 2251

DATE: 10-12-15

TIME: 2253

DATE: 10-12-15

FILED on this the 17th day of Oct., 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.

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