

Officer Carlos Asebedo, Jr., #1091
San Antonio Police Department
San Antonio, Texas

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

LEGAL ADVISOR CFC
SEP 30 2015
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

AGREED SUSPENSION

Commissioners and Officer Carlos Asebedo, Jr.:

WHEREAS, Officer Carlos Asebedo, Jr., 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 18, 2015, with an eight-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Asebedo 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 Asebedo; and

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Asebedo shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on October 13, 2015, and ending on October 15, 2015. Officer Asebedo 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 Asebedo 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 Asebedo 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 Asebedo has violated are as follows:

PROCEDURE 512 – ELECTRONIC CONTROL DEVICES (.09)
ECD DEPLOYMENT (O) ECDs shall not be utilized in the following circumstances: (9) Against frail persons of any age.

PROCEDURE 620 – VEHICLE PURSUITS AND STOP
TECHNIQUES (.08) OPERATION OF EMERGENCY

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VEHICLES IN VEHICLE PURSUITS (B) The following situations determine when a vehicle pursuit will not be initiated and when a vehicle pursuit may be continued. (1) Situations where officers will not engage in a vehicle pursuit: (a) Vehicle pursuits are not authorized for traffic infractions, ordinance violations, non-violent misdemeanors (not involving the use of firearms), and non-violent felonies.

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

On or about May 6, 2015, Officer Carlos Asebedo, Jr., while operating his assigned patrol vehicle, was involved in an unauthorized pursuit of an ATV after attempting to conduct a traffic stop at SW Loop 410 access road and Demya.

Officer Asebedo failed to follow SAPD procedure when he deployed his city-issued Electronic Control Device (ECD) against the 14-year-old subject running away from the officer as he was attempting to arrest him.

Officer Asebedo's incident report reads, "I knew that AP1 was very young in age and I felt that he had a sensitive body structure when I took him down to the ground. Because of this I reframed (*sic*) from using any intermediate weapons like my RCB or Pepper Spray."

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

AGREED TO BY:


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

9/28/15
DATE


OFFICER CARLOS ASEBEDO, JR., #1091
SAN ANTONIO POLICE DEPARTMENT

9.29.15, 2015/520
DATE TIME

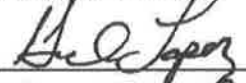
On this 29th day of September, 2015, I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of this suspension during which to file a written appeal of this suspension with the Personnel 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

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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.

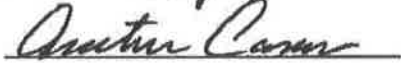

OFFICER CARLOS ASEBEDO, JR., #1091
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:



TIME: 1527

DATE: 9/20/15



TIME: 1522

DATE: 9/29/15

FILED on this the 1st October day of October, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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