

Officer Eliseo Zavala, #1625
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 OFC
SEP 02 2014
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

Commissioners and Officer Eliseo Zavala:

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 Zavala from paid duty with the San Antonio Police Department for a period of three calendar days, commencing on September 17, 2014, and ending on September 19, 2014.

Officer Zavala 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 Zavala 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 Zavala has violated are as follows:

PROCEDURE 503 – OBTAINING AND EXECUTING ARREST WARRANTS (.06) VERIFICATION OF WARRANT INFORMATION (B) Class C Misdemeanor Arrest Warrants (2) Should there be probable cause to believe there is an outstanding class C misdemeanor arrest warrant; the person detained for verification of the warrant is held at the place of contact until the warrant is confirmed active either by MDT message from the issuing agency or verbally by the Communications Unit dispatcher. If the class C misdemeanor arrest warrant is confirmed, the person is then returned to the City of San Antonio Detention Center.

PROCEDURE 506 – TRAFFIC LAW ENFORCEMENT (.08) SPECIAL TRAFFIC ENFORCEMENT POLICIES AND PROCEDURES (F) Drivers with No Valid Driver's License (1) Drivers found to be operating motor vehicles without valid driver's licenses are arrested for the offense, except: (a) When the officer verifies the identity of the driver, utilizing an approved form of ID listed below, the officer may issue a traffic citation (instead of booking the individual) for violation of the Transportation Code, Chapter 521.025, *License to be Carried and Exhibited on Demand*: (1) State issued ID card; (2) United States Passport; (3) United States Military ID; (4) Foreign Passport; (5) Foreign Military ID; or (6) Consular ID. (b) If a person does not have a valid driver's

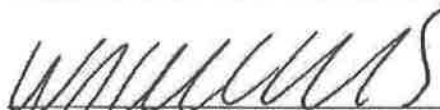
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license but does have evidence of financial responsibility on the vehicle: (1) If there is a passenger in the vehicle with a valid driver's license, the person with the valid driver's license will be allowed to remove the vehicle; (2) The driver will be allowed thirty (30) minutes (from the time the traffic stop initiated) to arrange for another driver with a valid driver's license to remove the vehicle; (3) If a licensed driver is not available within the allotted thirty (30) minute time frame, the vehicle will be impounded; (4) Failure to provide evidence of financial responsibility provides the officer authority to impound the vehicle. (TTC 601.051 – 601.124) (c) When verification of a valid driver's license is inhibited due to a computer problem and the person's identity is established, the person is issued a traffic citation; or (d) When a recently expired driver's license, not suspended, canceled, or revoked, is presented or found to exist for the driver, the person is issued a traffic citation.

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

On or about March 23, 2014 at about 8:55 p.m., Officer Eliseo Zavala conducted a traffic stop near the intersection of West Malone and the southbound access road to IH-35 South. The vehicle he stopped was occupied by Mr. Mitchell Gloria. When asked for his driver's license, Mr. Gloria stated he did not have one. A computer check revealed that Mr. Gloria's driver's license was suspended [REDACTED]. The computer check also revealed that Mr. Gloria had two active Municipal Court Warrants out for his arrest. Mr. Gloria had no identification on him at all. Mr. Gloria was issued a warning ticket by Officer Zavala and was allowed to drive away in the vehicle even though it was not registered to him. SAPD Procedure required that Officer Zavala arrest Mr. Gloria because he did not present a driver's license or any other type of acceptable identification, but Officer Zavala failed to do so. SAPD Procedure also required that Officer Zavala verify that the warrants for Mr. Gloria were active and to arrest Mr. Gloria for the outstanding warrants, but he failed to do so.

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


WILLIAM P. MCMANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

AUG 28 2014
DATE

On this 29 day of August, 2014, I hereby acknowledge receipt of the original of the foregoing three-day 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

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

Eliseo Zavala #1625
OFFICER ELISEO ZAVALA, #1625
SAN ANTONIO POLICE DEPARTMENT

August 29, 2014 1526
DATE TIME

WITNESSED BY:

[Signature] DATE: 8-29-14 TIME: 1523
O.D. [Signature] 4020 DATE: 11 TIME: 11

FILED on this the 3rd day of September, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

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