

Officer Eric J. Woodard, #1643
San Antonio Police Department
San Antonio, Texas

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

AGREED SUSPENSION

Commissioners and Officer Eric J. Woodard:

WHEREAS, Officer Eric J. Woodard, 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 November 21, 2015, with a nine-day contemplated suspension; and

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

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Woodard shall be suspended without pay from the San Antonio Police Department for a period of five days, commencing on January 2, 2016, and ending on January 6, 2016. Upon successful completion of one year, from the date this suspension is signed, without an allegation of similar misconduct which is subsequently sustained, and upon application by Officer Woodard within two weeks of such date, and approval by the Chief of Police, this suspension shall be reduced to a one-day suspension, and four days' pay and benefits will be returned to Officer Woodard. Officer Woodard 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 Woodard 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 Woodard 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 Woodard has violated are as follows:

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.

PROCEDURE 409 – MOBILE VIDEO RECORDING (.06)
RECORDING (A) All officers shall begin recording the following events upon receipt of call and continue recording until it is concluded; any deviations will require a supervisor's approval and must be documented in the officer's report or CFS comment entry field. (F) When recording video, Officers will utilize their portable microphones on all activity which takes place outside their vehicle and will not mute the receiver microphone in presence of anyone while responding to a call or on self-initiated activity. Use of the mute function must be documented in the officer's report or CFS comment entry field. EXCEPTION: Use of the mute function for private conversations out of the auditory range of non-Department members does not require documentation.

PROCEDURE 609 – EMERGENCY VEHICLE RESPONSE AND FOOT PURSUITS (.07) RESPONDING TO EMERGENCY CALLS
(A) Authorization for Code-Two or Code-Three emergency response:
(1) Officers are authorized to make a Code-Two or Code-Three response only when assigned by the dispatcher or with verbal, on-air supervisory approval.

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

On or about June 1, 2015, Officer Eric J. Woodard was assigned to a disturbance call at 721 Castroville Road and failed to utilize his Mobile Recording Device to document the call.

Additionally, on that same date, Officer Woodard drove to a suspicious person call at 803 Castroville Road using his lights and disregarding traffic laws, without authorization to do so. During his involvement in the call, Officer Woodard searched a citizen's vehicle and during the search, property belonging to the citizen was displaced from the citizen's vehicle. Finally, while on that call, Officer Woodard muted the audio microphone of his Mobile Recording Device in the presence of others, in violation of Department policy.

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
WILLIAM P. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

DEC 03 2015
DATE

ERIC J. WOODARD
OFFICER ERIC J. WOODARD, #1643
SAN ANTONIO POLICE DEPARTMENT

12.3, 2015 1607
DATE TIME

2015 DEC. 7 PM 1:38

On this 3 day of December, 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 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.

Eric J. Woodard #1643
OFFICER ERIC J. WOODARD, #1643
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Capt. James Ramirez 304 TIME: 1608 hrs. DATE: 12/03/2015
Tom Bennett 3169 TIME: 1809⁷⁵ DATE: 12/03/2015

FILED on this the 07 day of December, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.

Dusan Pons For
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

2015 DEC 7 PM 1:38