

Officer Erik Rodriguez, #1476
San Antonio Police Department
San Antonio, Texas

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LEGAL ADVISOR'S OFFICE
JUL 19 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 Officer Erik Rodriguez:

WHEREAS, Officer Erik Rodriguez, 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 June 7, 2016, with a contemplated indefinite suspension; and

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

WHEREAS, Officer Rodriguez and Chief McManus have agreed to reduce the discipline in this matter to a forty-five-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 forty-five days, commencing on July 24, 2016, and ending on September 6, 2016. 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:

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.

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 402 - DIFFERENTIAL POLICE RESPONSE (.02) CALLS FOR SERVICE (CFS) REPORTING PROGRAM (D) Dispositions, N-Code Numbers and Statements: C-CLR AFR/CRASH REPORT: This status is used to clear any incident where the officer has obtained a case number and is writing any type of report (accident, offense, supplement, etc.). CO1 CLR ONSITE ACTIVITY-NO RPT: This disposition is used to clear the officer of any onsite activity where they have NOT obtained a case number to write a report. This status will be used to clear from a field contact. CO2 CLR TRAFFIC STOP-NO RPT: This disposition is used to clear the officer after he has completed a traffic stop and has NOT obtained a case number to write a report. Officer shall add comments to either the Call Screen or within the disposition comments box, to include actions taken and citations issued. (3) N-Code 3: No Complainant - Arrived at location, unable to locate a complainant - No evidence present which indicates an incident had taken place - Call back by dispatcher unsuccessful. Comment notes shall include the measures the officer took to locate a complainant or ascertain an offense did not take place. Not to be used on any self-generated On-Site Activity calls that are created by the handling officer. (20) N-Code 16: Assist the public - The officer provided some kind of minor assistance to the complainant for a non-criminal matter (i.e., changing a tire, giving directions, educating the public, etc.). Comments shall be added either in the disposition box or by adding comments to the call screen. *Officer was flagged down by motorist who needed assistance with their vehicle. The battery on vehicle had died. Motorist had jumper cables which were attached to patrol vehicle which allowed for their vehicle to be started. Motorist was able to leave location. No further action.* (25) N-Code 21: Accident No Injury - Crashes not required to be reported under GM Procedure 707, *Crash Investigation*. Should the driver(s) desire documentation of the crash, a computer generated report may be obtained via the Records Office. (2) Officers will list the following details of the accident and parties involved: (a) Name(s) and driver license number(s) of Driver(s) involved. (b)

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Race, Sex, and DOB. (c) Vehicle Information: Color, Make, Model, Year, and LP and/or VIN. (d) Name of Insurance Companies and phone number (Do not include Policy Number). (e) Vehicle damage rating.

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. (1) DWI stops; (2) Code 1 Calls; (3) Code 2 Calls; (4) Code 3 Calls; (5) Self initiated stops: (a) Arrest (b) Field contacts (c) Traffic stops (6) Vehicle pursuits; and (7) Vehicle crashes.

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

On or about February 22, 2016, at approximately 7:23 p.m., Officer Erik Rodriguez and another officer were dispatched to 123 N. San Horacio for a disturbance between a male and a female. After their arrival, the other officer interviewed the female's two young children, who told him they observed the male punching their mother and pulling her hair. COBAN videos from the video recording system in Officer Rodriguez's assigned patrol vehicle show the other officer advising Officer Rodriguez of the two young witnesses' accounts. Instead of investigating the incident and arresting the perpetrators as he should have, Officer Rodriguez N-Coded the call by placing an automatic computerized designation on the call and stated in his comments on the Incident Detail Report that the children said the male only pushed the female. Also, Officer Rodriguez did not state in his report that the male involved in the disturbance reported to Officer Rodriguez that a family member of the female came at him with a knife. Officer Rodriguez failed to include details in his official report of violent actions that were reported to him.

On or about February 29, 2016, at approximately 6:54 p.m., Officer Erik Rodriguez was dispatched to 210 Florencia for a report of a male in a wheelchair at the location who was "not supposed to be around children without notice." The male's name, description, and direction of flight were also given. Officer Rodriguez drove by the location but did not stop to contact the caller, nor did he check the name of the subject, where he would have discovered the subject was a registered sex offender. Officer Rodriguez then improperly N-Coded the call, which was an incorrect indication that he had tried to make contact with the complainant.

On or about February 21, 2016 and March 7, 2016, Officer Erik Rodriguez was dispatched to 2417 Castroville Road (February 21), 431 Southlawn Avenue (February 21), and 2347 Castroville Road

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(March 7) on calls for service. It was discovered that Officer Rodriguez provided courtesy rides in his patrol car to individuals contacted during each of these calls for service without first receiving permission to do so from a supervisor.

During the period between February 21, 2016 and March 6, 2016, Officer Erik Rodriguez was dispatched to 18 calls for service during which he failed to utilize his COBAN Mobile Video as required. These incidents were documented under SAPD case numbers SAPD-2016-0177225, SAPD-2016-0178192, SAPD-2016-0181034, SAPD-2016-0184166, SAPD-2016-0184571, SAPD-2016-0184908, SAPD-2016-0185211, SAPD-2016-0185515, SAPD-2016-0188039, SAPD-2016-0191809, SAPD-2016-0206591, SAPD-2016-0206816, SAPD-2016-0206904, SAPD-2016-0207469, SAPD-2016-0207624, SAPD-2016-0214197, SAPD-2016-0214668, SAPD-2016-0230368.

On or about February 25, 2016, Officer Erik Rodriguez was dispatched to NW 36th Street and Culebra Road for a minor accident. Officer Rodriguez placed an N-Code 21 – Accident No Injury on the call. Officer Rodriguez did not list the drivers' names, races, sex and DOB as required, listing only the insurance policy numbers of the drivers. Officer Rodriguez also did not write an adequate brief account of the incident and action taken as required.

During the period between February 21, 2016 and March 3, 2016, Officer Erik Rodriguez was dispatched to seven incidents in which he placed N-Codes on the calls without writing details in the comments section regarding his actions or other pertinent information.

Between February 22, 2016 and March 3, 2016, Officer Erik Rodriguez contacted 4 different individuals during either traffic stops or dispatched calls for service during which he failed to arrest those individuals for outstanding arrest warrants. These incidents were documented under SAPD case numbers SAPD-2016-0180693, SAPD-2016-0215628, SAPD-2016-0215781, and SAPD-2016-0215833.

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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 JUL 11 2016
WILLIAM P. MCMANUS DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT
Erik Rodriguez #1476 0718, 2016 1545
OFFICER ERIK RODRIGUEZ, #1476 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

On this 18th day of July, 2016, 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.

ERIK 1476

OFFICER ERIK RODRIGUEZ, #1476
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Shirley Hernandez 3324 TIME: 1545 DATE: 07/18/16
ALYSSA TIME: 1545 DATE: 07/18/16

FILED on this the 20th day of July, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

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