

Officer Frederick J. Grataski, Jr., #0766  
San Antonio Police Department  
San Antonio, Texas

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

2016 MAY 25 PM 1:02

LEGAL ADVISOR'S OFFICE  
MAY 25 2016  
SAN ANTONIO POLICE DEPARTMENT

### AGREED SUSPENSION

Commissioners and Officer Frederick J. Grataski, Jr.:

**WHEREAS**, Officer Frederick J. Grataski, 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 21, 2015, with a contemplated indefinite suspension; and

**WHEREAS**, pursuant to said contract, Officer Grataski 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 Grataski; and

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Grataski shall be suspended without pay from the San Antonio Police Department for a period of thirty days, commencing on June 20, 2016, and ending on July 19, 2016. Officer Grataski 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 Grataski 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 Grataski 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 Grataski 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. (C) **CONDUCT AND BEHAVIOR:** Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and

shall not commit any act tending to bring reproach or discredit on themselves or the department.

PROCEDURE 409 - MOBILE VIDEO RECORDING (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.

2016 MAY 25 PM 1:02

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

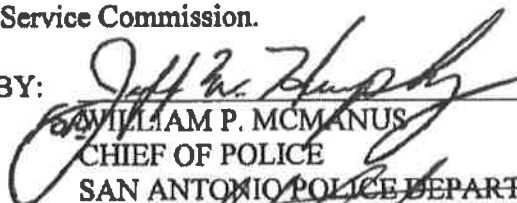
On or about April 7, 2015, while conducting a traffic stop at Martin Luther King and Brooksdale and subsequently making a narcotics arrest, Officer Frederick J. Grataski, Jr. was inaccurate in his documentation (booking slip and narcotics property tag) concerning where the narcotics were discovered and who had possession of the narcotics. As a result of actions taken by Officer Grataski and documented during the traffic stop, the District Attorney's Office forwarded information to the Chief of Police to be reviewed for investigation of possible administrative and criminal misconduct.

Officer Grataski had assisted in the arrest and booking of the driver, Mr. Juan Martinez, for possession of narcotics (marijuana), some of which was actually discovered in the possession of the passenger, Ms. Miriam Aquino. Officer Grataski brought discredit and reproach on himself and the San Antonio Police Department by participating in a scheme to hide Ms. Aquino's possession of some of the drugs.

Additionally, while conducting the traffic stop at Martin Luther King and Brooksdale and subsequently making the narcotics arrest, Officer Grataski muted his COBAN microphone several times during the traffic stop while in the presence of the subjects of the traffic stop in violation of SAPD policy and failed to document this action in violation of SAPD COBAN Procedure.

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

5-24-16  
DATE

  
OFFICER FREDERICK J. GRATASKI, JR.,  
#0766  
SAN ANTONIO POLICE DEPARTMENT

24 May, 2016 1347  
DATE TIME

On this 24 day of May, 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.

  
OFFICER FREDERICK J. GRATASKI, JR., #0766  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 3163

TIME: 1347

DATE: 5/24/16

 3173

TIME: 1347

DATE: 5-24-16

FILED on this the 25 day of May, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.

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