

Officer Jacob E. Garcia, #0175
San Antonio Police Department
San Antonio, Texas

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LEGAL ADVISOR C.F.O.
JUN 04 2015
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

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

AGREED SUSPENSION

Commissioners and Officer Jacob E. Garcia:

WHEREAS, Officer Jacob E. Garcia, pursuant to Article XXVII, 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 April 23, 2015, with a three-day contemplated suspension; and

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

WHEREAS, Officer Garcia and his captain, David Scepanski, have agreed and Chief Treviño has approved of settling this matter with a three-day suspension without pay; **NOW THEREFORE:**

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Garcia shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on June 4, 2015, and ending on June 6, 2015. Officer Garcia 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 Garcia 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 Garcia 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 Garcia has violated are as follows:

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PROCEDURE 620 - VEHICLE PURSUITS AND STOP TECHNIQUES (.08) OPERATION OF EMERGENCY 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. (b) For the purpose of this procedure, fleeing from an officer is not considered a violent felony; therefore, vehicle pursuits are NOT authorized based on the fact that the vehicle is fleeing; and (c) The individuals fleeing are suspects only and the actual crime has not been determined.

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

On or about March 6, 2015, Officer Jacob E. Garcia participated in an unauthorized pursuit which exceeded the speed limit. The excessive speeds were not reported to the dispatcher and the facts of the traffic stop at 510 Hood which led to the pursuit did not permit Officer Garcia to engage in a pursuit at all.

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

AGREED TO BY: A. Treviño 5/14/15
ANTHONY L. TREVIÑO, JR. DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

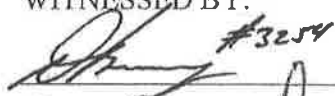
[Signature] #175 6/3/15, 2015 11:36
OFFICER JACOB E. GARCIA, #0175 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

On this 3rd day of JUNE, 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 the instant 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.

 #175
OFFICER JACOB E. GARCIA #0175
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 #3254
R. Bernal 3087


TIME: 1630

DATE: 06-03-15

TIME: 1640

DATE: 06.03.15

FILED on this the 5th day of June, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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