

Officer Michael Alvarez, #0008
San Antonio Police Department
San Antonio, Texas

2016 JUN 22 PM 1:40

LEGAL ADVISOR'S OFFICE
JUN 22 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 Michael Alvarez:

WHEREAS, Officer Michael Alvarez, 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 May 24, 2016, with a one-day contemplated suspension; and

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

WHEREAS, Officer Alvarez and his captain, John Saucedo, have agreed and Chief McManus has approved of settling this matter with a one-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Alvarez shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on June 25, 2016, and ending on June 25, 2016. Officer Alvarez 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 Alvarez 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 Alvarez 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 Alvarez has violated are as follows:

RULE 3.26 - TREATMENT OF PRISONERS: Prisoners shall be protected in their legal rights, given humane treatment, and shall not be subjected to verbal abuse or unnecessary physical violence.

PROCEDURE 601 - PRISONERS (.07) SECURITY OF PRISONERS - ESCAPE PREVENTION (F) If a prisoner escapes from an officer, the officer immediately notifies his supervisor and advises the Communications Unit of the description of the prisoner, the direction of travel, and the charges against the prisoner for broadcast to other field personnel.

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

On or about March 29, 2016, Officer Michael Alvarez was dispatched to Castroville Road and S.W. 25th Street for a vehicle that crashed into a pole. Both of the occupants of the vehicle were placed under arrest. While Officer Alvarez was in his patrol car using the computer, one of the prisoners escaped and fled on foot. Officer Alvarez later apprehended the escaped prisoner, but failed to notify his supervisor or the Communications Unit of the escape. Officer Alvarez used abusive language towards him, stating "Don't fucking act up," and "If you do anything else, you're going to the fucking hospital..."

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

JUN 10 2016
DATE



OFFICER MICHAEL ALVAREZ, #0008
SAN ANTONIO POLICE DEPARTMENT

6-13, 2016 2300
DATE TIME

On this 13th day of June, 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 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.


OFFICER MICHAEL ALVAREZ, #0008
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

O. Sot #3311 TIME: 2300 DATE: 6-13-16
L. Lopez #3061 TIME: 2300 DATE: 6-13-16

FILED on this the 22nd day of June, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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