Officer Michael D. Aguilar, #1090 San Antonio Police Department San Antonio, Texas

Fire Fighters' and Police Officers' Civil Service Commission 5 DEP 111 Soledad, Suite 123 San Antonio, Texas 78205



AGREED SUSPENSION

Commissioners and Officer Michael D. Aguilar:

WHEREAS, Officer Michael D. Aguilar, 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 July 21, 2015, with a contemplated indefinite suspension; and

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

WHEREAS, Officer Aguilar and Chief Treviño 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 Aguilar shall be suspended without pay from the San Antonio Police Department for a period of five days, commencing on September 1, 2015, and ending on September 5, 2015. Officer Aguilar waives any rights to appeal this Agreed Suspension and agrees no administrative or judicial body shall have power to review this Agreed Suspension or after the terms of this agreement.

Officer Aguilar 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 Aguilar 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 Aguilar has violated are as follows:

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 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 7, 2015, at about 2:30 a.m., Ms. Korina Salinas called the San Antonio Police Department to report that a person drove into a tree at 13839 Chittim Woods, and stated the driver was possibly "DWL" Officer Michael D. Aguilar and another officer were dispatched to the location and contacted Ms. Salinas and the driver of the vehicle, Mr. Benjamin Pedraza. According to Ms. Salinas, COBAN videos and the circumstances of the crash, there were reasons to believe Mr. Pedraza was intoxicated, and Officer Aguilar did not take the appropriate actions to investigate the offense of Driving While Intoxicated and possibly arrest Mr. Pedraza.

On or about February 7, 2015, at about 2:30 a.m., Ms. Korina Salinas called the San Antonio Police Department to report that a person drove into a tree at 13839 Chittim Woods, and stated the driver was possibly "DWL" Officer Michael D. Aguilar and another officer were dispatched to the location and contacted Ms. Salinas and the driver of the vehicle, Mr. Benjamin Pedraza. According to Ms. Salinas, she asked Officer Aguilar if the driver was going to be given a sobriety test and Officer Aguilar told her he had already performed one. Ms. Salinas alleged Officer Aguilar was not truthful when he told her a sobriety test had been performed on the driver.

On or about February 7, 2015, at about 2:30 a.m., Ms. Korina Salinas called the San Antonio Police Department to report that a person drove into a tree at 13839 Chittim Woods, and stated the driver was possibly "DWI." Officer Michael D. Aguilar and another officer were dispatched to the location and contacted Ms. Salinas and the driver of the vehicle, Mr. Benjamin Pedraza. Officer Aguilar did not utilize his COBAN unit's audio during his contact with and transport of Mr. Pedraza to another location.

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