

Officer Paul A. Armendariz, #1501
San Antonio Police Department
San Antonio, Texas

LEGAL ADVISORY
AUG 07 2015
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

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

Commissioners and Officer Paul A. Armendariz:

Under and by virtue of the authority vested in me by Title 5, Subtitle A, Chapter 143 of the Local Government Code, V.T.C.S., said chapter entitled "Municipal Civil Service", I do hereby suspend Officer Paul A. Armendariz from paid duty with the San Antonio Police Department for a period of three calendar days, commencing on August 23, 2015, and ending on August 25, 2015.

Officer Armendariz 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 rule violated by Officer Armendariz and ground for suspension is as follows:

- (12) Violation of an applicable fire or police department rule or special order.

The Rules and Regulations of the San Antonio Police Department which Officer Armendariz 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 3.18 - CITY EQUIPMENT/PROPERTY (C) SAFE OPERATION OF VEHICLES: City vehicles will be operated in a safe manner and in compliance with all traffic laws.

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.

2015 AUG - 7 AM 11:11

RECEIVED
CITY OF SAN ANTONIO
FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

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

On or about February 9, 2015, Officer Paul A. Armendariz, while driving to the reported location of a suspect on a stolen motorcycle, operated an unmarked city vehicle in an unsafe manner, by driving at unsafe operating speeds including a recorded speed of 107 mph.

On or about February 9, 2015, Officer Paul A. Armendariz, while driving to the reported location of a suspect on a stolen motorcycle, observed the suspect on the stolen motorcycle driving towards him northbound on N. Flores Street. While driving southbound on N. Flores Street, Officer Armendariz failed to exercise sound judgment when he veered over into the northbound lane in front of the oncoming motorcycle, and did not activate his emergency lights. The suspect on the motorcycle attempted to take evasive action by making a U-turn, which resulted in Officer Armendariz's police vehicle striking the motorcycle. The suspect on the motorcycle managed to maintain his balance and then revved the engine. Officer Armendariz responded by revving the engine of his police vehicle, striking the motorcycle, forcing it and the suspect to the ground.

On or about February 9, 2015, Officer Paul A. Armendariz, while driving to the reported location of a suspect on a stolen motorcycle and intercepting the suspect on N. Flores Street, was involved in a police vehicle accident. Officer Armendariz failed to activate the COBAN in his police vehicle for this incident, which self-activated as a result of the crash impact.

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


ANTHONY L. TREVIÑO, JR., CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

8/8/15
DATE

On this 6 day of August, 2015, I hereby acknowledge receipt of the original of the foregoing three-day 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

2015 AUG - 7 AM 11:12

RECEIVED
OFFICE OF SAN ANTONIO
HUMAN RESOURCES DEPT.

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 Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association.

Paul A. Armendariz 1501 6 August, 2015 1113
OFFICER PAUL A. ARMENDARIZ, #1501 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Josh M. H. DATE: 08/06/15 TIME: 1105
J. Barera 3169 DATE: 08-06-2015 TIME: 1107

FILED on this the 7th day of August, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.

Brandis Davis FOR
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

2015 AUG - 7 AM 11:12

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT.