

Officer Paul R. Ducate, #0163
San Antonio Police Department
San Antonio, Texas

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2015 JUL -9 AM 11:52

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

172011-11-00000000
JUL 08 2015
CITY OF SAN ANTONIO
SAN ANTONIO, TEXAS

AGREED SUSPENSION

Commissioners and Officer Paul R. Ducate:

WHEREAS, Officer Paul R. Ducate, 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 June 29, 2015, with a contemplated indefinite suspension; and

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

WHEREAS, Officer Ducate and Chief Treviño 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 Ducate shall be suspended without pay from the San Antonio Police Department for a period of thirty days, commencing on July 26, 2015, and ending on August 24, 2015. Officer Ducate 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 Ducate 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 Ducate 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 Ducate has violated are as follows:

RULE 4.07 - PROMPT RESPONSE TO ALL CALLS: Officers shall respond without delay to all calls for police service from citizens or other members. Immediately upon completion of the call, officers shall notify the dispatcher of their return to service.

RULE 4.13 - DUTY TO TAKE ACTION: Officers are charged with the responsibility to enforce local ordinances, state laws, and federal statutes, to preserve the peace, and to protect lives and property. All officers will take immediate action to prevent any obvious felony offense, or to arrest, if reasonably possible, any known felony offender, and to protect all persons and property from imminent harm.

PROCEDURE 403 - COMMUNICATIONS (.04) CALL ASSIGNMENT (F) An officer encountering an on-site call prior to its dispatch is expected to handle it, except at the dispatcher's discretion when the officer is on another assignment.

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

On or about Wednesday, January 28, 2015 Ms. [REDACTED] made contact with an officer near Patricia and Parliament and reported that her daughter had just been sexually assaulted. The officer was later discovered to be Officer Paul R. Ducate. She asked the officer to accompany her to her apartment, which was adjacent to their location, because the named suspect involved in the sexual assault was still there at her home. Despite repeated requests from Ms. [REDACTED] the officer failed to assist her and instead drove away and left her. Ms. [REDACTED] returned to her home and found the suspect was still there with her daughter. Other officers were dispatched and an arrest was subsequently made. Officer Ducate failed in his duty to take action by not promptly responding to a citizen's request for assistance during an in-progress felony offense.

Additionally, Officer Ducate never apprised the dispatcher, as he was required to do, about Ms. [REDACTED] request for immediate assistance for a felony in progress. And, Officer Ducate failed in his duty to promptly return to service upon completion of the earlier accident he handled. COBAN records indicate that he cleared the scene at 8:09 p.m. and failed to check back into service at any point thereafter until the end of his tour of duty at 9:12 p.m., and thus was not showing to the dispatcher as available for assignment to other calls.

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. Trevino
ANTHONY L. TREVENO, JR.
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

7/8/15
DATE

Paul Ducate
OFFICER PAUL R. DUCATE, #0163
SAN ANTONIO POLICE DEPARTMENT

7-8, 2015 1530
DATE TIME

On this 7 day of July, 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 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

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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.

Paul Ducate

OFFICER PAUL R. DUCATE, #0163
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

M. [Signature]

TIME: 1630

DATE: 7/8/15

[Signature]

TIME: 1630

DATE: 7-8-15

FILED on this the 9 day of July, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.

Alma Ramirez for

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

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