



Officer Rudolph A. Garza, #0027
San Antonio Police Department
San Antonio, Texas

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

LEGAL ADVISOR OFC.
FEB 16 2015
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

AGREED SUSPENSION

Commissioners and Officer Rudolph A. Garza:

WHEREAS, Officer Rudolph A. Garza, 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 October 17, 2014 and on January 16, 2015, with contemplated indefinite suspensions; and

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

WHEREAS, Officer Garza and Chief Treviño have agreed to reduce the discipline in this matter to a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Garza shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on February 23, 2015, and ending on February 25, 2015. Upon successful completion of one year, from the date this suspension is signed, without an allegation of similar misconduct which is subsequently sustained, and upon application by Officer Garza within two weeks of such date, and approval by the Chief of Police, this suspension shall be reduced to a one-day suspension, and two days' pay and benefits will be returned to Officer Garza. Officer Garza does not admit he violated the rules of the Fire Fighters' and Police Officers' Civil Service Commission and of the San Antonio Police Department and does not admit, but agrees not to contest the truth of the facts stated in this suspension notice. Officer Garza 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 Garza 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 Garza and grounds for suspension are as follows:

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- (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 Garza 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.

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

On or about April 28, 2014, Officer Rudolph A. Garza responded to 4703 Lord Road for a Family Violence incident. While at the location, Officer Garza's partner found containers of marijuana belonging to Candice Garza. Officer Garza failed to take effective police action by allowing Ms. Garza to dispose of the marijuana and by failing to report the offense. Officer Garza failed to write an Offense Report as required when any drug/narcotic violation or assault offense is revealed during a preliminary investigation.

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

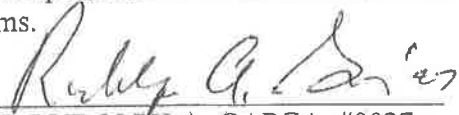
Rudolph A. Garza #0027
OFFICER RUDOLPH A. GARZA, #0027
SAN ANTONIO POLICE DEPARTMENT

2/11/15
DATE

02-11, 2015 1545
DATE TIME

On this 11th day of Feb, 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 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 RUDOLPH A. GARZA, #0027
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Jim Jones #3342

TIME: 1555

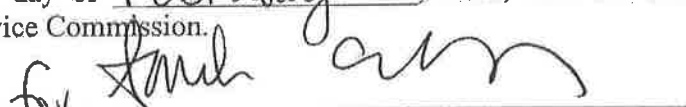
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Gayle [unclear] #3088

TIME: 1558

DATE: 2-11-15

FILED on this the 16th day of February, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.



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

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