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LEGAL ADVISOR
AUG 03 2015
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

Officer Sean I. Graham, #0330
San Antonio Police Department
San Antonio, Texas

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

AGREED SUSPENSION

Commissioners and Officer Sean I. Graham:

WHEREAS, Officer Sean I. Graham, 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 23, 2015, with a five-day contemplated suspension; and

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

WHEREAS, Officer Graham 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 Graham shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on August 24, 2015, and ending on August 26, 2015. Officer Graham 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 Graham 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 Graham 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 Graham 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.

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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 "DWI." Officer Sean Graham 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 Graham did not take the appropriate actions to investigate the offense of Driving While Intoxicated and possibly arrest Mr. Pedraza.

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* 8/3/15
ANTHONY J. TREVIÑO, JR. DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

Sean Graham #0330 8,3, 2015 4:17
OFFICER SEAN I. GRAHAM, #0330 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

On this 3rd day of August, 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.

Sean Graham #0330
OFFICER SEAN I. GRAHAM, #0330
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Michael [Signature]
[Signature] 3160

TIME: 1615 HRS DATE: 08/03/15

TIME: 1615 DATE: 8/03/2015

FILED on this the 4 day of August, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.

Alice Ramirez for
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

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