

Officer Serena Botello, #0540
San Antonio Police Department
San Antonio, Texas

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT

2014 SEP -3 PM 3:07

LEGAL ADVISOR OFFICE
SEP 03 2014
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 Serena Botello:

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 Serena Botello from paid duty with the San Antonio Police Department, indefinitely, without pay, from her position as an officer of the San Antonio Police Department, effective immediately.

Officer Botello 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 Botello 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 Botello has violated are as follows:

RULE 3.06 - RELATIONSHIPS WITH CO-WORKERS:
Members shall conduct themselves in such a manner so as to bring about the greatest harmony and cooperation among the various units of the department. (E) SUPPORT IN TIME OF DANGER:
Members shall act together and protect one another in time of danger or under circumstances where danger might reasonably be impending.

RULE 4.02 - ALERTNESS REQUIRED OF MEMBERS:
Members shall at all times be attentive to their duties and by their alertness and observation, and demonstrate their interest in their work.

RULE 4.06 - ON-DUTY ACTIVITIES: Members shall not devote any of their on-duty time to any activity other than that which relates to their duty assignment. Members shall not enter places of amusement while on-duty, except for police purposes. Members shall not remain at any one place longer than is necessary to accomplish a police objective.

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

On or about March 15, 2014, just after midnight, Officer Serena Botello was working routine patrol when a call for a Shooting-in-Progress was dispatched at 2822 Meadow River. At the time the call was being dispatched, Officer Botello was less than one mile away from the scene of the shooting yet she did not respond to the emergency situation and instead drove away from the scene in the opposite direction. Officer Botello's supervisor documented in his investigation her failure to respond to an emergency call in the district in which she had just been assigned to cover a call. Officer Botello was still present in that district and in fact she was passed by another patrol car responding to the emergency call as she drove away from the vicinity, making no attempt to respond to the Shooting-in-Progress.

In investigating where Officer Botello went rather than responding to the emergency call, it was determined by a review of AVL (GPS) records and questioning, that Officer Botello had, in fact, routinely devoted time in the recent past to activities not related to her duty assignment. On numerous occasions she had remained in one place longer than necessary to accomplish a police objective, in violation of Department rules:

1. According to AVL Records, on 3-21-2014, Officer Botello was at Richland Hills Drive and Edenbridge for a total of 2 hours and 26 minutes, from 12:12 AM – 2:38 AM.
2. According to AVL Records, on 3-21-2014, Officer Botello was at Richland Hills Drive and Edenbridge for a total of 1 hour and 5 minutes, from 7:45 PM – 8:50 PM.
3. According to AVL Records, on 3-22-2014, Officer Botello was at Culebra Road and N.W. Loop 410 access road for a total of 1 hour and 44 minutes, from 1:10 AM – 2:54 AM.
4. According to AVL Records, on 3-25-2014, Officer Botello was at Castleridge Drive and W. Military Drive for a total of 1 hour and 37 minutes, from 6:28 PM – 8:05 PM.
5. According to AVL Records, on 3-25-2014, Officer Botello was at Richland Hills Drive and Edenbridge for a total of 1 hour, from 8:47 PM – 9:47 PM.
6. According to AVL Records, on 3-25-2014, Officer Botello was at Westward Drive and Martinique for a total of 1 hour and 15 minutes, from 11:39 PM – 12:54 AM.

214 SEP -3 PM 3:07

OFFICE OF SAN ANTONIO
HUMAN RESOURCES DEPT

7. According to AVL Records, on 3-26-2014, Officer Botello was at Edenbridge and Richland Hills Drive for a total of 1 hour and 33 minutes, from 1:02 AM – 2:35 AM.
8. According to AVL Records, on 3-27-2014, Officer Botello was at Greyrock Drive and Callaghan Road for a total of 1 hour and 25 minutes, from 12:49 AM – 2:14 AM.
9. According to AVL Records, on 3-28-2014, Officer Botello was at Richland Hills Drive and Edenbridge for a total of 2 hours and 15 minutes, from 12:23 AM – 2:38 AM.
10. According to AVL Records, on 4-03-2014, Officer Botello was at S. Callaghan Road and Pvt Road at SAFD EMS Supply for a total of 1 hour and 58 minutes, from 12:37 AM – 2:35 AM.
11. According to AVL Records, on 4-04-2014, Officer Botello was at Richland Hills Drive and Edenbridge for a total of 1 hour and 1 minute, from 12:30 AM – 1:31 AM.
12. According to AVL Records, on 4-04-2014, Officer Botello was at Pvt Street Westover Marketplace and S.W. Loop 410 for a total of 56 minutes, from 1:32 AM – 2:28 AM.
13. According to AVL Records, on 4-12-2014, Officer Botello was at Culebra Road and N.W. Loop 410 access road for a total of 1 hour and 8 minutes, from 1:19 AM – 2:27 AM.
14. According to AVL Records, on 4-29-2014, Officer Botello was at Culebra Road and Canterbury Drive for a total of 1 hour and 24 minutes, from 11:57 PM – 1:21 AM.
15. According to AVL Records, on 4-30-2014, Officer Botello was at Culebra and Canterbury for a total of 57 minutes, from 1:42 AM – 2:39 AM.
16. According to AVL Records, on 5-01-2014, Officer Botello was at W. Commerce and Allsup for a total of 2 hours and 4 minutes, from 12:34 AM – 2:38 AM.
17. According to AVL Records, on 5-06-2014, Officer Botello was at Meadow Leaf and Meadow Way Drive for a total of 1 hour and 7 minutes, from 10:46 PM – 11:53 PM.
18. According to AVL Records, on 5-07-2014, Officer Botello was at West Military Drive and Highway 151 for a total of 1 hour and 1 minute, from 1:36 AM – 2:37 AM.

2014 SEP -3 PM 3:07

REC'D
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT

19. According to AVL Records, on 5-08-2014, Officer Botello was at West Commerce and Allsup for a total of 1 hour and 31 minutes, from 1:06 AM – 2:37 AM.
20. According to AVL Records, on 5-08-2014, Officer Botello was at Edenbridge and Richland Hills Drive for a total of 3 hours and 26 minutes, from 11:00 PM – 2:26 AM.
21. According to AVL Records, on 5-09-2014, Officer Botello was at Edenbridge and Richland Hills Drive for a total of 1 hour and 24 minutes, from 8:23 PM – 9:47 PM.
21. According to AVL Records, on 5-09-2014, Officer Botello was at Richland Hills Drive and De La Cruz Place for a total of 1 hour and 5 minutes, from 11:49 PM – 12:54 AM.
22. According to AVL Records, on 5-10-2014, Officer Botello was at Edenbridge and Richland Hills Drive for a total of 1 hour and 38 minutes, from 12:54 AM – 2:32 AM.
23. According to AVL Records, on 5-15-2014, Officer Botello was at West Commerce and Allsup for a total of 1 hour and 27 minutes, from 12:56 AM – 2:23 AM.

2014 SEP -3 PM 3:07
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT

In determining the appropriate punishment to assess herein, please be advised that consideration was given to Officer Botello's prior disciplinary record. Officer Botello received a 20-day suspension on December 14, 2012 and a 30-day suspension on December 14, 2012.

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

Following separation from the Department, the training requirements to maintain an officer's peace officer's license for the current training cycle and unit are that officer's responsibility. An officer should refer to the TCOLE website <http://www.tcole.texas.gov/content/training-requirements> for further information and to establish a TCOLE account to review current training records.


WILLIAM P. MCMANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

AUG 27 2014
DATE

On this 29th day of August, 2014, I hereby acknowledge receipt of the original of the foregoing indefinite 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 Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association.

Serena Botello
OFFICER SERENA BOTELLO, #0540
SAN ANTONIO POLICE DEPARTMENT

8/29/14, 2014 12:45
DATE TIME

WITNESSED BY:

Robert L. Foss #3261
R. Foss

DATE: 8/29/14 TIME: 12:45 pm

DATE: 08/29/14 TIME: 12:45 pm

FILED on this the 3 day of September, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.

Glen D. Remington for
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

RECEIVED
CITY OF SAN ANTONIO
FIRE FIGHTERS' AND
POLICE OFFICERS' CIVIL SERVICE
COMMISSION
2014 SEP -3 PM 3:07