

DISCIPLINARY ACTIONS

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NOV 20 PM 12:48

NOV 16 2014
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

Officer Virgilo Gonzalez, #1553
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 Virgilo Gonzalez:

WHEREAS, Officer Virgilo Gonzalez, 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 27, 2014, with a fifteen-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Gonzalez was given an opportunity to rebut those charges being brought against him to Police Chief William P. McManus; and

WHEREAS, said opportunity was exercised by Officer Gonzalez; and

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Gonzalez shall be suspended without pay from the San Antonio Police Department for a period of five days, commencing on December 1, 2014, and ending on December 5, 2014. Officer Gonzalez 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 Gonzalez 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 Gonzalez 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 Gonzalez has violated are as follows:

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PROCEDURE 501 – USE OF FORCE (.05) APPLICATION OF FORCE (B) Police officers finding it necessary to use force to achieve a lawful police objective shall use a reasonable amount of force to affect the objective. However, nothing in this procedure is interpreted to mean an officer must prolong any combat or struggle in order to satisfy any element of escalation rather than resort to a reasonable method that resolves the situation in the safest and most expedient fashion.

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

On or about May 20, 2014, on-duty SAPD Officer Virgilo Gonzalez hit and kicked Mr. Rogelio Carlos with his hands and feet in the head and body while forcing Mr. Carlos to the ground, which caused Mr. Carlos pain. Officer Gonzalez was in full uniform actively searching for a suspect who had a Felony Assault Family Violence 2nd Warrant and may have been in possession of a firearm. Mr. Carlos was in the area of the search on foot but was not the suspect and had not attempted to flee from Officer Gonzalez, but was confronted as possibly being the suspect in question. Mr. Carlos was detained, handcuffed, and ultimately released.

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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: [Signature] NOV 13 2014
WILLIAM P. MCMANUS, CHIEF OF POLICE DATE
SAN ANTONIO POLICE DEPARTMENT

[Signature] #1553 NOV 14, 2014 1600
OFFICER VIRGILO GONZALEZ, #1553 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

On this 14 day of NOV, 2014, 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

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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.

Virgilo Gonzalez #1553
OFFICER VIRGILO GONZALEZ, #1553
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] 4023 TIME: 1600 DATE: 11-14-14
[Signature] 5215 TIME: 1600 DATE: 11-14-14

FILED on this the 20 day of November, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature]
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

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