

Officer Zachary M. Gonzales, #0204
San Antonio Police Department
San Antonio, Texas

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LEGAL ADVISOR'S OFFICE
JUL 01 2016
SAN ANTONIO POLICE DEPARTMENT

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

AGREED SUSPENSION

Commissioners and Officer Zachary M. Gonzales:

WHEREAS, Officer Zachary M. Gonzales, 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 May 19, 2016, with a thirty-day contemplated suspension; and

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

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Gonzales shall be suspended without pay from the San Antonio Police Department for a period of ten days, commencing on July 14, 2016, and ending on July 23, 2016. Officer Gonzales 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 Gonzales 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 Gonzales 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 Gonzales has violated are as follows:

RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC:
Members shall serve the public through direction, counseling,

assistance, and protection of life and property. Members shall also respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment. (C) CONDUCT AND BEHAVIOR: Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.

RULE 4.09 - DUTY TO REPORT CRIMES: Members receiving or possessing facts or information relative to a criminal offense shall not conceal, ignore, distort, or retain such facts or information, and will report such facts. Members will have a continuing duty to report facts and information relative to criminal offenses until the criminal offense has been reported through proper channels.

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

During a criminal investigation of dating violence involving off-duty SAPD officer Zachary M. Gonzales, it was learned on or about January 7, 2016, that while he was with Alyssa Barrera, a woman he dated from 2011 to December 16, 2015, she possessed and smoked marijuana in his home. Officer Gonzales admitted he was aware Ms. Barrera smoked marijuana in his presence and at his home located at [REDACTED] in October or November 2015. Officer Gonzales is aware that possession of such items is illegal and contrary to Texas criminal law.

On January 7, 2016, Officer Gonzales provided consent to search his home and a pipe Ms. Barrera used to smoke marijuana was found in his home. Officer Gonzales was able to tell investigators where in his home the pipe was located. After terminating the dating relationship with Barrera on or about December 16, 2015, Officer Gonzales knowingly maintained care, custody, and control of this illegal marijuana paraphernalia in his home knowing that possession of such items is illegal and contrary to Texas criminal laws.

From October or November 2015, and continuing through Thursday, January 7, 2016, Officer Gonzales was aware that Ms. Michelle Espinosa supplied Alyssa Barrera with the marijuana that she periodically smoked at his home located at [REDACTED] and Officer Gonzales ignored this information concerning a specific narcotic offense and failed his duty to report such violations of the law as required.

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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.

JUN 27 2016

AGREED TO BY: William P. McManus
WILLIAM P. MCMANUS DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

Zachary M. Gonzales #204 June 30, 2016 1741
OFFICER ZACHARY M. GONZALES, #0204 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

On this 30 day of June, 2016, 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.

Zachary M. Gonzales #204
OFFICER ZACHARY M. GONZALES, #0204
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

John Foss TIME: 1740 DATE: 06/30/16
Sgt T. Agg #3022 TIME: 1740 DATE: 6-30-16

FILED on this the 5th day of July, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.

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