

Sergeant Robert A. Brown, #3091
San Antonio Police Department
San Antonio, Texas

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2015 JUN 29 PM 1:02

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

LEGAL ADVISOR CFC
JUN 26 2015
CITY OF SAN ANTONIO
SAN ANTONIO, TEXAS

AGREED SUSPENSION

Commissioners and Sergeant Robert A. Brown:

WHEREAS, Sergeant Robert A. Brown, 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 June 19, 2015, with a contemplated indefinite suspension; and

WHEREAS, pursuant to said contract, Sergeant Brown 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 Sergeant Brown; and

WHEREAS, Sergeant Brown and Chief Treviño have agreed to reduce the discipline in this matter to a twenty-five-day suspension without pay; NOW THEREFORE:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Sergeant Brown shall be suspended without pay from the San Antonio Police Department for a period of twenty-five days, commencing on July 15, 2015, and ending on August 8, 2015. Sergeant Brown 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.

Sergeant Brown 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 Sergeant Brown 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 Sergeant Brown has violated are as follows:

RULE 2.01 - COMMAND/SUPERVISORY RESPONSIBILITIES
(A) MAINTAIN BOOKS AND RECORDS: Supervisory officers shall maintain all books, records, and reports under the supervisory officer's authority in conformity with the rules, regulations, and procedures of the department.

RULE 3.01 - ABIDE BY LAWS AND DEPARTMENTAL ORDERS (B) ORDERS, RULES, REGULATIONS, AND PROCEDURES: Members shall abide by the departmental orders, rules, regulations, and procedures of the San Antonio Police Department.

RULE 3.20 - NOTICE OF SICK LEAVE: Notice that a member is sick or injured and cannot report for duty will be made to his immediate supervisor.

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

1: Sergeant Robert A. Brown, the East Property Crimes supervisor, did not maintain the books and records under his authority in conformity with the Property Crimes Detail Standard Operating Procedure 109.01(E) & (F). A review of the East Property Crimes' pay sheets and Red Book ledger for the month of January, 2015 resulted in thirteen discrepancies. Of the thirteen discrepancies, four reflected officers being deducted time on the pay sheet submission to Accounting & Personnel with no recorded entry in the unit's Red Book ledger. An additional five entries reflected officers being entered in the Red Book ledger as taking time off, but the officers' leave was not reflected on the pay sheets, resulting in no time being deducted from the officers' leave bank. Also, the Red Book ledger recorded one officer entered as "suspended" for six days but the pay sheets did not reflect this status. Lastly, it is alleged that Sergeant Brown did not print and initiate daily worksheets for the month of January, 2015.

2: Sergeant Robert A. Brown, the East Property Crimes supervisor, did not distribute felony arrest cases to ensure their completion and filing with the District Attorney's Office within twenty days of the actor being arrested, in accordance with the Property Crimes Detail Standard Operating Procedure 201.01 (D). A review of the East Property Crimes' cases involving felony arrests was conducted for the month of January, 2015. Nine felony cases were identified in which an arrest was made and the case was not assigned to a detective in a timely manner. Of the nine identified cases, five were assigned on January 22, 2015, with the most recent arrest having taken place thirty-eight days prior to the case having been assigned. Two cases were assigned January 24, 2015, with one being assigned on the nineteenth day after the arrest took place and the other, thirty-eight days after the arrest was made. Two cases were assigned on February 11, 2015, where one arrest case had been made forty-two days prior and the second having taken place nineteen days after the arrest.


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3: Sergeant Robert Brown, the East Property Crimes supervisor, did not ensure that all incoming Property Crimes cases were screened based on solvability factors and assigned to a Property Crimes Detective in a timely manner in accordance with the Property Crimes Detail Standard Operating Procedures 201.02(A)1, 201.02(A)2, 201.02A(5), and 201.02A(7). A review of the East Property Crimes' screening and assignment of cases was conducted for the month of January, 2015. As a result, seventy-two cases were identified in the report management system that had not been assigned to an East Property Crimes Detective. Sixteen of the cases involved a theft of firearm, forty-eight cases identified a known actor or suspect, five cases provided license plate information, and three cases were burglaries in which the actor entered the habitation while the complainant was present.

4: Sergeant Robert A. Brown failed to provide proper notice to his immediate supervisor, Captain David Scepanski, that he would not be reporting for duty due to injury. On Friday, January 23, 2015, East Property Crimes Detective Matthew Paz sent an email to all Property Crimes supervisor and to the East Patrol Station Commander indicating Sergeant Brown, the East Property Crimes supervisor, would be out injured. Captain David Scepanski, the East Patrol Station Commander, prepared an interoffice correspondence indicating he personally called Sergeant Brown on Monday, January 26, 2015, to learn specifics of the injury. In addition, Captain Scepanski, Sergeant Brown's immediate supervisor, asked why Sergeant Brown had not provided notification when he was unable to report for duty. Captain Scepanski writes Sergeant Brown responded by saying "he thought he had." Captain Scepanski also writes he had previously provided Sergeant Brown with direction to provide him with notice when unable to report for duty or for requesting leave.

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

AGREED TO BY:

 ACTING CHIEF 06-26-2015
ANTHONY L. TREVIÑO, JR. GERALDINE J. SANCIN DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT


SERGEANT ROBERT A. BROWN, #3091 6-26, 2015 1435
SAN ANTONIO POLICE DEPARTMENT DATE TIME

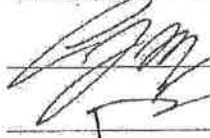

On this 26 day of June, 2015, I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of this suspension during which to file a written appeal of

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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.


SERGEANT ROBERT A. BROWN, #3091
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 5032 TIME: 1435 DATE: 6/26/15
 3160 TIME: 1435 DATE: 6/26/2015

FILED on this the 29 day of June, 2015, with the Fire
Fighters' and Police Officers' Civil Service Commission.


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

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