

Sergeant Steve S. Almanza, #3066
San Antonio Police Department
San Antonio, Texas

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CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT

2015 OCT 13 PM 12:54

LEGAL ADVISOR OFC.
OCT 09 2015
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

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

AGREED SUSPENSION

Commissioners and Sergeant Steve S. Almanza:

WHEREAS, Sergeant Steve S. Almanza, 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 September 17, 2015, with a three-day contemplated suspension; and

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

WHEREAS, Sergeant Almanza and Chief Treviño have agreed the discipline in this matter shall be a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Sergeant Almanza shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on October 13, 2015, and ending on October 15, 2015. Sergeant Almanza 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 Almanza 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 Almanza 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 Almanza has violated are as follows:

RULE 3.01 - ABIDE BY LAWS AND DEPARTMENTAL ORDERS (A) LAWS, ORDERS, RULES, REGULATIONS, AND PROCEDURES: Members shall abide by the laws of the United States and the State of Texas, ordinances of the City of San

Antonio, and the departmental orders, rules, regulations and procedures of the San Antonio Police Department.

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

On or about May 06, 2015, Ms. Flor Morales arrived at the West Patrol Substation located at 7000 Culebra to dispute an SAPD accident report written following a multi-car collision in which Ms. Morales was involved. Ms. Morales felt that the investigating officer had failed to accurately document the accounts of the persons involved in the collision and the condition of the vehicles.

Sergeant Steve S. Almanza was informed of the accident and notified of photographs taken by Ms. Morales that would conflict with the accident report. Sergeant Almanza refused to look at the photographs of the accident and of her vehicle. Sergeant Almanza failed to conduct a thorough investigation and review evidence to determine if an error of fact had occurred.

This conduct violated San Antonio Police Department Patrol Section Standard Operating Procedure 206.00 *PRTS- Report Review and Accountability Corrected Reports* section 11 (A) (1), (2), and (3): "Supervisors: Hear disputes between citizens and reporting officers when a conflict exist(s) over the correctness of a report, investigate the dispute and determine if an error of fact or omission exists, and instructs the officer to correct the report if an error of fact or omission is discovered in accordance with G.M. 401.12 (Offense/Incident Reports)."

Ms. Morales' statement was not correctly taken at the scene. And afterward, an officer assigned to translate for Ms. Morales failed to speak with her in Spanish, her native language, leading to further miscommunication. Sergeant Almanza should have recognized these deficiencies in the investigation. He should have fully investigated the incident and ordered that its shortcomings be corrected.

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

AGREED TO BY:


ANTHONY L. TREVIÑO, JR.
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

DATE

9/30/15


SERGEANT STEVE S. ALMANZA, #3066
SAN ANTONIO POLICE DEPARTMENT

DATE

10/6, 2015 1720
TIME

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On this 6 day of October, 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.

Steve Almanza
SERGEANT STEVE S. ALMANZA, #3066
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature]
4066
[Signature]
#3061

TIME: 5:20pm DATE: 10-6-15
TIME: 5:21PM DATE: 10-06-15

FILED on this the 13th day of October, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.

Yvette Rami For
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION