

Detective Bernard A. Costa, #2107
San Antonio Police Department
San Antonio, Texas

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

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT

2017 JUN 22 AM 11:17

LEGAL ADVISOR'S OFFICE
JUN 22 2017

SAN ANTONIO POLICE DEPARTMENT

AGREED SUSPENSION

Commissioners and Detective Bernard A. Costa:

WHEREAS, Detective Bernard A. Costa, 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 June 4, 2017, with a forty-two-day contemplated suspension; and

WHEREAS, pursuant to said contract, Detective Costa 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 Detective Costa; and

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Detective Costa shall be suspended without pay from the San Antonio Police Department for a period of twenty days, commencing on July 2, 2017, and ending on July 21, 2017. Upon successful completion of one year, from the date this suspension is signed, without an allegation of similar misconduct which is subsequently sustained, and upon application by Detective Costa within two weeks of such date, and approval by the Chief of Police, ten days' pay and benefits will be returned to Detective Costa. Detective Costa 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.

Detective Costa 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 Detective Costa 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 Detective Costa has violated are as follows:

RULE 4.07 - PROMPT RESPONSE TO ALL CALLS: Officers shall respond without delay to all calls for police service from citizens or other members. Immediately upon completion of the call, officers shall notify the dispatcher of their return to service.

PROCEDURE 401 - OFFENSE/INCIDENT/SUPPLEMENTAL REPORTS
(.04) THE PRELIMINARY INVESTIGATION: The Offense Report is prepared and submitted when the preliminary investigation reveals any of

the following: (A) An offense classified as a Class B misdemeanor or higher (refer to the Texas Penal Code or GM Procedure 708, Follow-Up Units)

PROCEDURE 410 - BODY WORN CAMERAS (.06) RECORDING (C) AM 11:17
Officers shall use the recording to gather pertinent information for composing reports, training, and investigatory purposes.

PROCEDURE 701 - CRIME SCENE DUTIES: (.03) PHYSICAL EVIDENCE (C) Physical evidence must be properly preserved, recorded, and collected for it to be of use in discovering the facts of a crime.

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

On or about January 1, 2017, UEDI Detective Bernard A. Costa was dispatched to a call for an Assault Report, CFS SAPD-2017-0003941, at Metropolitan Hospital at 1310 McCullough.

While responding to the call, UEDI Costa failed to utilize his Body Worn Camera. A search of Body Worn Camera retention revealed footage of calls before and after the Assault Report call.

Further, UEDI Costa failed to take photographs, obtain information, or collect any physical evidence regarding the Assault call to which he was assigned.

Further, UEDI Costa failed to complete an Offense report as prescribed by SAPD procedure. Instead the call was N-Coded by UEDI Costa.

Further, following the call described above, UEDI Costa took a personal telephone call; and UEDI Costa drove to a secluded area, not finishing the above call until more than an hour and a half after arriving at Metropolitan Hospital.

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

AGREED TO BY:

William P. McManus
WILLIAM P. MC MANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

06/20/17
DATE

B. Costa #2107
DETECTIVE BERNARD A. COSTA, #2107
SAN ANTONIO POLICE DEPARTMENT

6/21/17 1920
DATE TIME

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.

[Signature]

DETECTIVE BERNARD A. COSTA, #2107
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Dee Jones 3034 TIME: *1920* DATE: *06212017*
mt jay 13366 TIME: *1920* DATE: *06-21-17*

FILED on this the *22nd* day of *June*, 2017, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature]

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

RECEIVED
OFFICE OF SAN ANTONIO
HUMAN RESOURCES DEPT.
2017 JUN 22 AM 11:17

**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**

LEGAL ADVISOR'S OFFICE
JUN 22 2017
SAN ANTONIO POLICE DEPARTMENT

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Detective Bernard A. Costa, #2107

ACTIVITY NO. AND NAME: 17-02-02 Police

JOB CLASS NO. AND TITLE: 0603 Police

| TRANS NO/TYPE | SOCIAL SECURITY NUMBER | TRANS DATE | BEGIN DATE | END DATE |
|------------------|---------------------------|----------------------|----------------------|----------------------|
| 1 4 | 5 | 14 16 18 MO DA YR | 20 22 24 MO DA YR | 26 28 30 MO DA YR |
| P50 3 | | 06 13 17 | 07 02 17 | 07 21 17 |

| NUMBER OF 32 DAYS | LAST PAY 35 INDIC | TYPE 36 | REASON 37 39 |
|----------------------|----------------------|------------|-----------------|
| 30 20 | | | 022 |

NARRATIVE REMARKS: Agreed Twenty-Day Suspension

AUTHORITY: Written Order of the Chief of Police

B. Costa
EMPLOYEE

6/22/17
DATE

W. Williams
DEPARTMENT HEAD

CITY MANAGER

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT
2017 JUN 22 AM 11:17

LEGAL ADVISOR'S OFFICE

JUN 22 2017

SAN ANTONIO POLICE DEPARTMENT

LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: DET. B. COSTA
Officer's Name

207
Badge Number

Date: 6/21/17

Copies to: Accounting, Budget and Personnel, Pension Board, File

TYPE OR PRINT ONLY - Use Ink

I, B. Costa, hereby agree to the 20 day disciplinary
(Print Name)
suspension received on 6/21/17 and request to forfeit leave time in lieu of
serving the disciplinary suspension.

Type of leave forfeited: ☐ Vacation
☒ Compensatory Time
☐ Holiday
☐ Bonus Day

B. Costa 207
Officer's Signature

6/21/17
Date

RECEIVED
UNIT OF SAN ANTONIO
HUMAN RESOURCES DEPT
2017 JUN 22 AM 11:17

Request Denied/Approved

[Signature]
Chief of Police

06/20/17
Date

The Chief of Police is not prohibited from denying this request.