

Detective Victoria M. Jimenez, #2583
San Antonio Police Department
San Antonio, Texas

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CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT
2017 JUN 22 11:16

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

Fire Fighters' and Police Officers' Civil Service Commission 1:16
111 Soledad, Suite 123
San Antonio, Texas 78205

AGREED SUSPENSION

Commissioners and Detective Victoria M. Jimenez:

WHEREAS, Detective Victoria M. Jimenez, 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 9, 2017, with a three-day contemplated suspension; and

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

WHEREAS, said opportunity was exercised by Detective Jimenez; and

WHEREAS, Detective Jimenez and her captain, Troy Torres, have agreed and Chief McManus has approved of settling this matter with a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Detective Jimenez shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on June 29, 2017, and ending on July 1, 2017. Detective Jimenez 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 Jimenez 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 Jimenez 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 Jimenez has violated are as follows:

RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC (B) COURTESY: Members shall at all times be courteous, kind, patient, and respectful in dealing with the public, and shall strive to merit the esteem of all law abiding citizens by an impartial discharge of their official duties. **(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 4.12 - OFFICIAL REPORTS (A) COMPLETION OF REPORTS: Members shall complete reports promptly, accurately, and in conformance with the reporting procedures of the department.

PROCEDURE 410 - BODY WORN CAMERAS (.06) Recording (D)
Officers shall begin recording the following events and continue recording until the event is concluded; (Any deviations will require a supervisor's approval and must be documented in the Officer's Video, report, or CFS comment entry field in accordance with Section .07 of this procedure): (1) Upon observation of suspicious or criminal behavior; (2) Upon reception of or response to CFS, whether dispatched or not; (3) Officer-initiated contacts: (a) Arrest, (b) Field Contacts, (c) Traffic/Pedestrian Stops, (d) Vehicle/Foot Pursuits.

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PROCEDURE 604 - FAMILY DISTURBANCES/VIOLENCE (.05)
GENERAL PROVISIONS (A) If an officer establishes probable cause to believe a person has committed an offense involving family violence, and the offense includes the use of a weapon, choking of the victim or the offender has a history of family violence, officers are to make a reasonable effort to arrest the offender without a warrant. This includes searching for him at locations he is known to frequent, in an effort to secure his warrantless arrest. This policy does not prohibit officers from making warrantless arrests, in other circumstances, where probable cause exists for the arrest of a family violence offender. If a question arises as to whether an arrest should be made, officers contact their supervisors for guidance.

PROCEDURE 604 - FAMILY DISTURBANCES/VIOLENCE (.06)
UNIT/OFFICER RESPONSIBILITIES REGARDING ADULT
VICTIMS OF FAMILY VIOLENCE (A) Patrol Division Officers:

(1) Make the scene of family violence calls and identify as early as possible any complainants, witnesses, and suspects to include in a family violence report; (2) The entire call should be captured on COBAN and Body Worn Camera's by all responding officers. (3) Use caution when approaching the scene and contacting the parties. Officers shall inquire into the presence or possession of firearms. Once the responding officer(s) is satisfied that a reported family violence scene is safe/secured, the officer: (a) Should determine if any person requires medical attention; (b) With the assistance of other officers, separate possible victims, witnesses, and suspects; (c) Should interview all parties to assess injuries, including those that may be concealed by clothing or otherwise not readily apparent; (d) With the explicit consent of the complainant, shall assess the potential for further violence or injury by completing the "Family Violence Threat Assessment" checklist (SAPD form 2089-TA). Depending on the victim's responses and the officer's professional judgment, the officer may encourage or recommend that the victim re-locate to a safe environment or may recommend other appropriate interventions. The officer should consult with on duty CRT, SVU, NCID, and/or the appropriate shelter provider for available social services or re-location options should the complainant decide to re-locate. (i) If a victim refuses, is unwilling, or is unable to provide responses to the "Family Violence Threat Assessment" checklist, the officer shall document the circumstances in his report and check "Refused" on the form. Victims of family violence should not feel compelled to provide responses to this questionnaire. (ii) If the victim(s) consents to respond to the "Family Violence Threat Assessment" checklist items, the handling officer completes the checklist, scores the responses and refers to the "Family Violence Threat Assessment Score &

Responses" continuum, which is located on the back of the checklist for guidance on what recommendations to make to the victim(s). If an officer calculates a score of 22.5 or greater, the officer shall call the Family Violence & Prevention Services office (AKA Battered Women's & Children's shelter) at 210.733.8810 and notify staff of the situation and ask for further guidance (in accordance with GM Proc. 601, Prisoners). (iii) The original "Family Violence Threat Assessment" checklist shall be submitted to the appropriate CRT office with a copy of the officer's report, whether or not the victim responded to the questionnaire. The officer should request of the victim to acknowledge consent or refusal to respond to the checklist by signing the checklist. No victim shall be compelled to sign the checklist if they do not wish to do so (in accordance with GM Proc. 601, Prisoners). (e) Should the victim/complainant refuse to re-locate upon recommendation, or refuse follow-up, shelter, or other social services, the officer shall document these details in his report, using direct quotes if necessary. (f) Shall not use mediation or encourage reconciliation at the scene as a substitute for appropriate reporting and enforcement action when physical violence has occurred. (g) Shall provide the victim/complainant with a completed "Notice to Adult Victims of Family Violence" and should always refer the victim/complainant to SVU, CRT, or the Family Violence & Prevention Services office before leaving the scene. (h) May transport an ambulatory victim(s) to CRT, SVU, NCID, a designated shelter, or an alternative safe location as circumstances dictate or if a victim requests to be transported to a shelter. (i) The Family Violence & Prevention Services office is available 24/7, and officers are encouraged, but not required to call 210-733-8810 when transporting victims of family violence to the shelter. The Family Violence & Prevention Services office provides services only for victims of family violence and officers shall not transport individuals for merely being homeless and/or in mental health crisis. (ii) All officers, when transporting victims, obtain a time check from the dispatcher upon leaving the scene, upon incurring any delays along the route, and upon arrival at the destination. In addition to time checks, officers furnish their vehicle odometer reading to the dispatcher upon leaving the scene and upon arrival at the destination. (iii) Juvenile victims are not transported in the same police vehicle as adult victims, unless they have a husband/wife, parent/child, brother/sister or other familial relationship. Male officers transporting female juvenile victims do so only with the help of a secondary officer riding in the same police vehicle. (4) If a firearm is found to be at the location and the suspect is out on bond for a family violence offense, determine if this is a violation of a court order or a condition of bond. The verification of the order can be done by contacting CRT, Special Victims Unit, or the Communications Unit Information Channel. (5) If a protective order is found on the suspect, determine if he is in possession of a firearm. (6) If a violation of law is found, make the appropriate arrest and all details of the violation shall be included in the required reports. (7) If a weapon is suspected of being used in a felony offense, refer to Procedure 701, Crime Scene Duties. (8) Place weapons taken as evidence in the property room as directed in GM Procedure 606, Impounding Property, if weapon is not suspected of being used in a felony offense. (9) Officers may seize firearms if there is a fear that the weapon will be used in a criminal act in the future. Officers must have the legal authority to seize firearms. Officers will refer to Procedure 502 regarding warrantless seizures. Officers should seek the guidance of

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their supervisor if further doubt exists. Officers should encourage the voluntary surrender of any firearm at the scene and impound the firearm(s) as personal property. (10) If the victim has visible injuries, check with the dispatcher to see if a Crime Scene Unit investigator/UEDI is available. If a Crime Scene Unit investigator is available, wait until the Crime Scene Unit investigator is completed with the collection of any evidence, including taking pictures of the victim and their injuries. (11) If a Crime Scene Unit investigator/UEDI is unavailable, advise the victim in order to file charges of assault bodily injury (family violence) against the suspect, they must report to the local substation at their earliest opportunity. Services to victims of family violence will be provided at substations seven (7) days a week, twenty-four (24) hours a day. (12) Check the suspect's criminal history to determine if a family violence felony offense or violation of condition of bond has been committed. (13) Transport complainants, suspects and witnesses to the follow up unit, when requested by the follow up unit or CRT staff. (14) Present warrants for arrest to the magistrate and properly log the warrants in with the Bexar County Sheriff's office, when instructed to do so by the follow up units. (15) Complete and file the appropriate report, and shall provide a hard copy of the report to the CRT Office where the reporting officer is assigned.

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

On or about March 31, 2017, Detective Victoria M. Jimenez was dispatched to 828 Dakota Street for an assault. On or about March 31, 2017, Mr. Epifanio Fontanez called the East substation and requested to speak with a supervisor in order to complain about Detective Victoria M. Jimenez's demeanor and the services she provided him. Mr. Fontanez stated he called the police because his adult son assaulted him during a family argument. Mr. Fontanez stated that Detective Jimenez's demeanor during the investigation was very rude, disrespectful and inconsiderate. Mr. Fontanez also stated he was not given a case number or advised on what he needed to do to file charges on his son. Mr. Fontanez felt like Detective Jimenez was not helping him and that she walked out of his house when he told her he was not signing papers (SAPD Form 2089-TA) he did not understand. Mr. Fontanez also stated that Detective Jimenez admonished him because he did not speak English.

A review of the Body Worn Cameras (BWC) video revealed Detective Jimenez failed to start her BWC until ten minutes after arriving on scene. Furthermore, the BWC depicts Mr. Fontanez was cooperative and did not display the demeanor that Detective Jimenez documented in her report. Mr. Fontanez's demeanor was reasonable considering the situation. Officer Sowell and Detective Jimenez arrived at the same time and Officer Sowell's BWC video depicts a cooperative victim. On the other hand, Detective Jimenez's demeanor and attitude toward Mr. Fontanez was inconsiderate and unprofessional. Detective Jimenez failed to explain the SAPD Form 2089-DA to Mr. Fontanez when he stated he does not read English. Detective Jimenez also demeaned Mr. Fontanez by telling him that he should be speaking English because he now lives in America. Furthermore, Detective Jimenez failed to seek a warrantless arrest and/or Felony Family Violence warrant on Mr. Fontanez's son.

Detective Jimenez was asked to justify her actions on SAPD Form 200 RECEIVED
OR. In summary, Detective Jimenez's response did not justify or SAN ANTONIO
articulate any reasonable reasons for her actions or behavior. Further HUMAN RESOURCES DEP
incidents such as this will result in more severe administrative or
disciplinary action. 2017 JUN 22 AM 11:16

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. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

05/23/17
DATE

Victoria M. Jimenez
DETECTIVE VICTORIA M. JIMENEZ, #2583
SAN ANTONIO POLICE DEPARTMENT

6:22:17 PM
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 the instant 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.

Victoria M. Jimenez
DETECTIVE VICTORIA M. JIMENEZ, #2583
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

J. Zorr 3357 TIME: 0629

DATE: 6/22/17

M. J. J. 3351 TIME: 0629

DATE: 6/22/17

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

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

**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 Victoria M. Jimenez, #2583

ACTIVITY NO. AND NAME: 17-02-05 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		05 22 17	06 29 17	07 01 17

NUMBER OF 32 DAYS	LAST PAY 35 INDIC	TYPE 36	REASON 37 39
30 03			022

NARRATIVE REMARKS: Agreed Three-Day Suspension

AUTHORITY: Written Order of the Chief of Police

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V Jimenez
EMPLOYEE

6-22-17
DATE

[Signature]
DEPARTMENT HEAD

CITY MANAGER

LEGAL ADVISOR'S OFFICE

JUN 22 2017

SAN ANTONIO POLICE DEPARTMENT

LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: Jimenez V 2883
Officer's Name Badge Number

Date: 6-22-17

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

TYPE OR PRINT ONLY - Use Ink

I, Victoria Jimenez, hereby agree to the 3 day disciplinary
(Print Name)

suspension received on 6-22-17 and request to forfeit leave time in lieu of serving the disciplinary suspension.

- Type of leave forfeited:
- Vacation
 - Compensatory Time
 - Holiday
 - Bonus Day

V. Jimenez 2883
Officer's Signature

6-22-17
Date

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Request Denied/Approved.

W. P. Williams
Chief of Police

06/22/17
Date

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