

Officer Gerald Rodriguez, #0740
San Antonio Police Department
San Antonio, Texas

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

LEGAL ADVISOR'S OFFICE
CITY OF
FEB 01 2018
SAN ANTONIO POLICE DEPARTMENT

SAN ANTONIO HR

FEB 1 '18 1:07PM

AGREED SUSPENSION

Commissioners and Officer Gerald Rodriguez:

WHEREAS, Officer Gerald Rodriguez, 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 January 26, 2018, with a one-day contemplated suspension; and

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

WHEREAS, Officer Rodriguez and his captain, Randall Smith, have agreed and Chief McManus has approved of settling this matter with a one-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Rodriguez shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on February 13, 2018, and ending on February 13, 2018. Officer Rodriguez 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 Rodriguez 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 Rodriguez 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 Rodriguez has violated are as follows:

CITY OF

SAN ANTONIO HR

FEB 19 10:07 PM

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. (4) During all prisoner or witness transports. If an officer arrives at a facility that is recorded, such as Public Safety Head Quarters (PSHQ) or the Magistrate's Office, the Officer may cease recording upon entering the facility or transferring custody of the prisoner/witness; (5) In instances where the Officer reasonably believes that the recording may provide evidence in criminal investigations; (6) Service of search or arrest warrants on the premises of a residence, business or building, if the Officer is assisting in such service of search or arrest warrants; and (7) Citizen-initiated contacts or flagged down requests for public safety services.

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

On or about December 4, 2017, Officer Gerald Rodriguez failed to activate his body worn camera (BWC) after being dispatched to a crash investigation, SAPD-17-1331232. A phone complaint was received concerning Officer Rodriguez's handling of the investigation and there was no BWC video available.

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 JAN 31 2018
 CHIEF OF POLICE DATE
 SAN ANTONIO POLICE DEPARTMENT


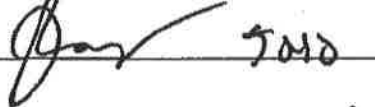
GERALD RODRIGUEZ 740 2-7-18 0904
 OFFICER GERALD RODRIGUEZ, #0740 DATE TIME
 SAN ANTONIO POLICE DEPARTMENT

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.


OFFICER GERALD RODRIGUEZ #0740
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 TIME: 9:10 DATE: 2-1-18
 TIME: 9:10 DATE: 2-1-18

FILED on this the 15th day of February, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

CITY OF
SAN ANTONIO HR
FEB1 '18 1:07PM

**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**


LEGAL ADVISOR'S OFFICE
FEB 01 2018
SAN ANTONIO POLICE DEPARTMENT

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Gerald Rodriguez, #0740

UNIT OF ASSIGNMENT: SPA

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
	01	29	18	02	13	18	02	13	18

NARRATIVE REMARKS: Agreed One-Day Suspension

AUTHORITY: Written Order of the Chief of Police


EMPLOYEE

2-1-18
DATE


DEPARTMENT HEAD

JAN 31 2018
DATE

CITY OF

SAN ANTONIO HR

FEB1 '18 1:07PM