

Officer Steven M. Garcia, #0168  
San Antonio Police Department  
San Antonio, Texas

MAR 19 '18 11:26AM  
CITY OF  
SAN ANTONIO HR

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

### AGREED SUSPENSION

Gentlemen and Officer Steven M. Garcia:

**WHEREAS**, Officer Steven M. Garcia, 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 February 9, 2018, with a thirty-day contemplated suspension; and

**WHEREAS**, pursuant to said contract, Officer Garcia 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 Garcia; and

**WHEREAS**, Officer Garcia and Chief McManus have agreed that the discipline in this matter shall be a twenty-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this Agreed Suspension wherein it is provided that Officer Garcia shall be suspended without pay from the San Antonio Police Department for a period of fifteen day, commencing on March 22, 2018, and ending on April 5, 2018. The remaining five days of Officer Garcia's twenty-day suspension shall be held in abeyance for a period of one year. Officer Garcia shall serve the remaining five days if he has an allegation of similar misconduct which is subsequently sustained within twelve months from the date of March 6, 2018. Officer Garcia 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 Garcia 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 Garcia 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 Garcia has violated are as follows:

LEGAL ADVISOR'S OFFICE

MAR 19 2018

SAN ANTONIO POLICE DEPARTMENT

**RULE 4.13 – DUTY TO TAKE ACTION:** Officers are charged with the responsibility to enforce local ordinances, state laws, and federal statutes, to preserve the peace, and to protect lives and property. All officers will take immediate action to prevent any obvious felony offense, or to arrest, if reasonably possible, any known felony offender, and to protect all persons and property from imminent harm.

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

On or about October 8, 2017, Officer Steven M. Garcia failed his responsibility to enforce local ordinances and state laws, to preserve the peace and to protect the life of an individual who was intoxicated to the point of being unresponsive. Despite observing obvious signs of the individual's intoxicated state, Officer Garcia failed to assist her and left her at the location (4429 Walzem Road). Officers were later dispatched a short distance away (4500 Walzem Road), in which the same individual had been struck and killed by a train. This incident is covered under SAPD CFS SAPD-2017-109971 and SAPD Case 17222620.

MAR19 '18 11:27AM

CITY OF

SAN ANTONIO HR

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, CHIEF OF POLICE  
SAN ANTONIO POLICE DEPARTMENT

MAR 12 2018

DATE



OFFICER STEVEN M. GARCIA, #0168  
SAN ANTONIO POLICE DEPARTMENT



3/15/17 2235  
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.

  
OFFICER STEVEN M. GARCIA, #0168  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

TIME: 2235 DATE: 3-15-18

TIME: 2235 DATE: 3-15-18

FILED on this the 19 day of March, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

MAR19 '18 11:

CITY OF

SAN ANTONIO HR


**CITY OF SAN ANTONIO  
NOTICE OF SUSPENSION**

**\*OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME\***

EMPLOYEE NAME: Officer Steven M. Garcia, #0168

UNIT OF ASSIGNMENT: EPC

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
	03	08	18	03	22	18	04	05	18

NARRATIVE REMARKS: Agreed Fifteen-Day Suspension

AUTHORITY: Written Order of the Chief of Police

MAR 19 '18 11:27AM  
CITY OF  
SAN ANTONIO HR

  
\_\_\_\_\_  
EMPLOYEE

3/15/18  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
DEPARTMENT HEAD

MAR 12 2018  
\_\_\_\_\_  
DATE

LEGAL ADVISOR'S OFFICE

MAR 19 2018

SAN ANTONIO POLICE DEPARTMENT

# LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: STEVEN GARCIA  
Officer's Name 0168  
Badge Number

Date: 3/15/18

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

TYPE OR PRINT ONLY- Use Ink

I, STEVEN GARCIA, hereby agree to the 15 day actual  
Suspension will be served \_\_\_\_\_ and request to forfeit leave time in lieu of  
serving the disciplinary suspension.

Type of leave forfeited:  
 Vacation  
 Compensatory Time  
 Holiday  
 Bonus Day

[Signature]  
Officer's Signature 0168

3/15/18  
Date

MAR19 '18 11:27AM  
CITY OF  
SAN ANTONIO HR

Request ~~Denied~~ Approved.

WPVULLS  
Chief of Police 03/19/18  
Date

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

LEGAL ADVISOR'S OFFICE

MAR 19 2018