

Sergeant James M. Perdue, #3053
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
MAR 27 2018
SAN ANTONIO POLICE DEPARTMENT

CITY OF
SAN ANTONIO HR
MAR29 '18 11:22AM

AGREED SUSPENSION

Commissioners and Sergeant James M. Perdue:

WHEREAS, Sergeant James M. Perdue, 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 March 2, 2018, with a forty-five-day contemplated suspension; and

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

WHEREAS, Sergeant Perdue and Chief McManus have agreed that the discipline in this matter shall be a five-day suspension held in abeyance for a period of one year; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Sergeant Perdue shall be suspended without pay from the San Antonio Police Department for a period of five days. The five-day suspension of Sergeant Perdue shall be held in abeyance for a period of one year, after which time the suspension will be vacated. Sergeant Perdue shall serve the suspension if he is found to have committed any violations of similar misconduct which are subsequently sustained within one year of March 27, 2018. Sergeant Perdue 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 Perdue 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 Perdue 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 Perdue has violated are as follows:

**RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC (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.

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): (3) Officer-initiated contacts: (a) Arrest, (b) Field Contacts, (c) Traffic/Pedestrian Stops, (d) Vehicle/Foot Pursuits.

PROCEDURE 501 - USE OF FORCE (.11) OFFICER RESPONSIBILITIES (B) Each officer using force during an incident which requires them to complete SAPD Form #62-UOF, Use of Force Report, in accordance with Section .09 of this procedure shall: (1) Notify the supervisor of the type of force used and whether the prisoner received any type of injury as a result of the use of force.

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

On or about October 4, 2017, Sergeant James M. Perdue conducted a traffic stop in the 10100 block of San Pedro Avenue. During this stop, Sergeant Purdue requested cover. Prior to the arrival of a cover officer, the driver of the stopped vehicle fled on foot. Sergeant Purdue gave chase and apprehended the driver. When the cover officers arrived, Sergeant Perdue yelled, cursed and berated those officers. Additionally, Sergeant Perdue closed the door of a vehicle on an officer's leg and jabbed his finger into the chest of another patrol officer. Additionally, Sergeant Perdue stopped his body worn camera prior to the event concluding. Additionally, Sergeant Perdue did not advise another supervisor requested to the scene that he, Sergeant Perdue, had used force to apprehend the driver of the vehicle. This is despite Sergeant Perdue using enough force to complete a Use of Force Report.

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 MAR 27 2018
WILLIAM P. MCMANUS DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

JAMES M. PERDUE 3053 3-27-18 1:30 PM
SERGEANT JAMES M. PERDUE, #3053 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 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.


SERGEANT JAMES M. PERDUE, #3053
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

W.B. 4050 TIME: 1333 DATE: 3/27/2018
[Signature] # 3114 TIME: 1333 DATE: 3/27/2018

FILED on this the 29th day of March, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

CITY OF

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