

Officer Edward Vargas, #1018
San Antonio Police Department
San Antonio, Texas

CITY OF

SAN ANTONIO HR

MAY 8 '18 11:23AM

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

AGREED SUSPENSION

Commissioners and Officer Edward Vargas:

WHEREAS, Officer Edward Vargas, 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 April 13, 2018, with a one-day contemplated suspension; and

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

WHEREAS, Officer Vargas 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 Vargas shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on May 7, 2018, and ending on May 7, 2018. Officer Vargas 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 Vargas 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 Vargas 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 Vargas has violated are as follows:

LEGAL ADVISOR'S OFFICE

MAY 07 2018

SAN ANTONIO POLICE 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; (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.

PROCEDURE 512 – ELECTRONIC CONTROL DEVICES (.08)
PRE-OPERATIONAL CHECK OF THE ECD (A) A pre-operation check of the ECD will be conducted prior to going on duty. (1) The ECD resembles a pistol and it should be handled accordingly. (2) With the cartridge removed and the weapon pointed in a safe direction, the officer will perform a spark display of the ECD. (3) If the ECD fails to fire or fires slowly, ensure the batteries are fully charged and properly installed. If it doesn't work, contact your immediate supervisor, or the armory for replacement. (4) The officer will attach the cartridge and holster the weapon.

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

On or about March 26, 2018, Officer Edward Vargas was working an off-duty job in which he attempted to arrest a male for shoplifting. During this incident, Officer Vargas used his electronic control device (ECD). Officer Vargas failed to activate his department-issued body worn camera (BWC) prior to contacting the suspect. In addition, it was determined that Officer Vargas failed to spark test his ECD prior to going on duty that day.

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

AGREED TO BY: [Signature] APR 25 2018
WILLIAM P. MCMANUS / DATE
CHIEF OF POLICE

[Signature] 5/3/18 0912
OFFICER EDWARD VARGAS, #1018 / 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.

[Signature] 1018
OFFICER EDWARD VARGAS, #1018
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Alyssa Campos TIME: 0912 DATE: 5.3.18

[Signature] TIME: 9:12AM DATE: 5.3.18

FILED on this the 8th day of May, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature]
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION