

Officer Luis M. Torres, #1512
San Antonio Police Department
San Antonio, Texas

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

AGREED SUSPENSION

Commissioners and Officer Luis M. Torres:

WHEREAS, Officer Luis M. Torres, 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 September 15, 2018, with an eight-day contemplated suspension; and

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

WHEREAS, Officer Torres and Chief McManus have agreed to reduce the discipline in this matter to a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Torres shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on October 18, 2018, and ending on October 20, 2018. Upon successful completion of one year, from the date of the signing of this document, without an allegation of similar misconduct which is subsequently sustained, and upon application by Officer Torres within two weeks of such date, and approval by the Chief of Police, two days' pay and benefits will be returned to Officer Torres. Officer Torres 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 Torres 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 Torres and grounds for suspension are as follows:

- (12) Violation of an applicable fire or police department rule or special order.

LEGAL ADVISOR'S OFFICE

SEP 24 2018

SAN ANTONIO POLICE DEPARTMENT

CITY OF

SAN ANTONIO HR

SEP26 '18 10:21AM

The Rules and Regulations and Procedures of the San Antonio Police Department which Officer Torres has violated are as follows:

RULE 3.18 - CITY EQUIPMENT/PROPERTY (E) WASTE OR CONVERSION: Members shall not willfully waste or convert to their own use any city owned supplies, equipment, or services.


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

The Administration of the San Antonio Police Department alleges that on February 4, 2018, Officer Luis M. Torres, #1512 (EPB) made a request to on-duty SAPD personnel to go by 9106 Valley Bend to check if a black Honda Civic was parked at his girlfriend's residence. It was also discovered during the investigation that on February 8, 2018 and February 11, 2018, Officer Torres used his city computer to run a query on two individuals that were associates of his girlfriend. These requests were not related to any official police business assigned to Officer Torres. The Administration alleges Officer Torres willfully converted City services and equipment to his own use. The first constructive knowledge of this was on April 12, 2018.

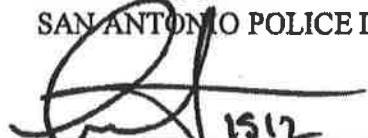
This agreement may not be introduced into evidence, or used for any purpose in any legal proceeding, arbitration, or grievance hearing before a court, arbitrator, panel or any commission as evidence of disparate treatment, nor as evidence relating to the appropriateness of any disciplinary suspension imposed on any SAPD officer other than Officer Luis M. Torres.

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

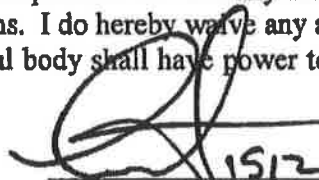

DATE


1512
OFFICER LUIS M. TORRES, #1512
SAN ANTONIO POLICE DEPARTMENT

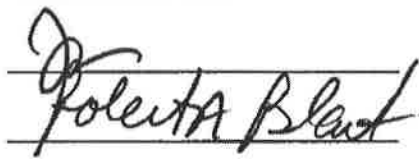
09/24, 2018 1524
DATE TIME

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 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.


1512
OFFICER LUIS M. TORRES, #1512
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:


TIME: 1524 DATE: 9-24-18
TIME: 1525 DATE: 9-24-18

FILED on this the 26th day of Sept., 2018, with the Fire
Fighters' and Police Officers' Civil Service Commission.


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

CITY OF SAN ANTONIO
NOTICE OF SUSPENSION

CITY OF

SAN ANTONIO HR


SEP26 '18 10:21AM

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Luis M. Torres, #1512

UNIT OF ASSIGNMENT: EPB

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
	09	24	18	10	18	18	10	20	18

NARRATIVE REMARKS: Agreed Three-Day Suspension

AUTHORITY: Written Order of the Chief of Police


EMPLOYEE

09/24/18
DATE


DEPARTMENT HEAD

9/24/18
DATE

LEGAL ADVISOR'S OFFICE

SEP 24 2018

SAN ANTONIO POLICE DEPARTMENT

LEAVE FORFEITURE FOR SUSPENSION REQUEST

CITY OF
SAN ANTONIO HR
SEP26 '18 10:21 AM

To: Chief of Police

From: Luis M. Torres 1512
Officer's Name Badge Number


Date: 09/24/18

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

TYPE OR PRINT ONLY- Use Ink

I, Luis M. Torres (Print Name), hereby agree to the 3 day disciplinary suspension received on September 24, 2018 and request to forfeit leave time in lieu of serving the disciplinary suspension.

Type of leave forfeited: Vacation
 Compensatory Time
 Holiday
 Bonus Day


1512
Officer's Signature
09/24/18
Date

Request Denied/Approved.

W.P. Williams 9/24/18
Chief of Police Date

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

LEGAL ADVISOR'S OFFICE
SEP 24 2018

SAN ANTONIO POLICE DEPARTMENT

San Antonio Police Department
SAPD Form 61-LF (06/05)