

Officer Sergio Villanueva, #1744
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 Sergio Villanueva:

WHEREAS, Officer Sergio Villanueva, 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 17, 2018, with a one-day contemplated suspension; and

WHEREAS, Officer Villanueva and his captain, Miles Earwood, 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 Villanueva shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on October 22, 2018, and ending on October 22, 2018. Officer Villanueva 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 Villanueva 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 Villanueva 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 Villanueva has violated are as follows:

PROCEDURE 409 - MOBILE VIDEO RECORDING (.06)
RECORDING (A) All officers shall begin recording the following events upon receipt of call and continue recording until it is concluded; any deviations will require a supervisor's approval and must be documented in the officer's report or CFS comment entry

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OCT 05 2018
OCT 9 '18 9:09 AM
SAN ANTONIO POLICE DEPARTMENT

field. (5) Self initiated stops: (a) Arrest (b) Field contacts (c) Traffic stops.

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.

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

On or about July 18, 2018, Officer Sergio Villanueva, along with Officer James L. Quintanilla, attempted to initiate a traffic stop on a suspect vehicle that was driving erratically. When the vehicle did not stop, Officer Villanueva deactivated his Body Worn Camera and the vehicle COBAN. Officer Villanueva did not reactivate either camera until a suspect had been arrested and placed in the back of his patrol vehicle.

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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:


WILLIAM P. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

OCT 03 2018
DATE


OFFICER SERGIO VILLANUEVA, #1744
SAN ANTONIO POLICE DEPARTMENT

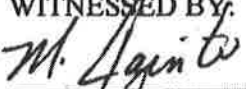
10-3-2018 1814
DATE TIME

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.

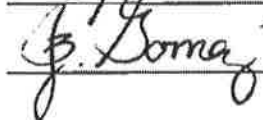

OFFICER SERGIO VILLANUEVA, #1744
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 #3392

TIME: 1815

DATE: 10-03-18

 #4025

TIME: 1815

DATE: 10-03-18

FILED on this the 9th day of October, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

SAN ANTONIO HR

CITY OF
OCT 9 '18 9:19AM


**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Sergio Villanueva, #1744

UNIT OF ASSIGNMENT: SCU

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER	<u>TRANS DATE</u>			<u>BEGIN DATE</u>			<u>END DATE</u>		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
	10	03	18	10	22	18	10	22	18

NARRATIVE REMARKS: Agreed One-Day Suspension

AUTHORITY: Written Order of the Chief of Police

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EMPLOYEE



DEPARTMENT HEAD

10-3-2018

DATE

OCT 03 2018

DATE

LEGAL ADVISOR'S OFFICE
OCT 05 2018
SAN ANTONIO POLICE DEPARTMENT

LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: Sergio Villanueva 1744
Officer's Name Badge Number

Date: 10-3-2018

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

TYPE OR PRINT ONLY- Use Ink

I, Sergio Villanueva, hereby agree to the 1 day disciplinary
(Print Name)
suspension received on October 3 2018 and request to forfeit leave time in lieu of
serving the disciplinary suspension.

Type of leave forfeited:

<input checked="" type="checkbox"/>	Vacation
<input type="checkbox"/>	Compensatory Time
<input type="checkbox"/>	Holiday
<input type="checkbox"/>	Bonus Day

Sy Vill
Officer's Signature

10-22-2018
Date 3

SAN ANTONIO HR

CITY OF

OCT9 '18 9:28AM

Request Denied/Approved.

WPM
Chief of Police

10/06/18
Date

LEGAL ADVISOR'S OFFICE

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

OCT 05 2018

SAN ANTONIO POLICE DEPARTMENT