

LEGAL COUNSEL'S OFFICE
NOV 20 2018
SAN ANTONIO POLICE DEPARTMENT

Detective David Rodriguez, #2099
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 Detective David Rodriguez:

WHEREAS, Detective David Rodriguez, 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 October 15, 2018, with a one-day contemplated suspension; and

WHEREAS, Detective Rodriguez and his then captain, Tracy Powers, 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 Detective Rodriguez shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on December 3, 2018, and ending on December 3, 2018. Detective Rodriguez 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.

Detective Rodriguez 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 Detective Rodriguez 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 Detective Rodriguez has violated are as follows:

PROCEDURE 410 – BODY WORN CAMERAS (.06)
RECORDING (G) All stoppages and/or muting, other than administrative functions testing or accidental activation, of the BWC must be verbally documented—stating a specific reason—in

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SAN ANTONIO HR

the Officer's video, and report or CFS comment entry field in accordance with Section .07 of this procedure.

PROCEDURE 601 – PRISONERS (.06) SEARCHING OF PRISONERS (A) Officers are responsible for conducting a search, not to include a strip search or body cavity search, of prisoners to remove all weapons, dangerous objects, contraband, or evidence.

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

On or about June 20, 2018, at approximately 8:00 p.m., Detective David Rodriguez arrested an individual for several charges including outstanding warrants and possession of a controlled substance. At booking, a detention center intake officer discovered additional controlled substance contraband in the arrested person's pocket that had not been discovered by Detective Rodriguez during his search incident to arrest. Additionally, during the investigation into this General Manual violation, it was discovered that Detective David Rodriguez muted his body worn camera three times during the event without documenting the reasons for the muting, verbally in the video, and on the detective's report or CFS (call for service) comment entry field.

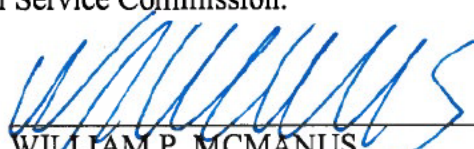
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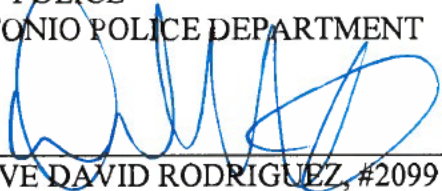
SAN ANTONIO HR

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

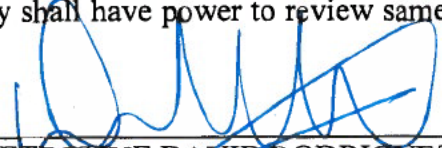
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DETECTIVE DAVID RODRIGUEZ, #2099
SAN ANTONIO POLICE DEPARTMENT

11/19/18 1492
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.


DETECTIVE DAVID RODRIGUEZ, #2099
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

R. G. Hoyle 3305
K. R. 3151

TIME: 1444 DATE: 11-19-18
TIME: 1444 DATE: 11-19-18

FILED on this the 21 day of November, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

for Susana Diaz
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

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CITY OF SAN ANTONIO
NOTICE OF SUSPENSION


LEGAL ADVISOR'S OFFICE
NOV 20 2018
SAN ANTONIO POLICE DEPARTMENT

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Detective David Rodriguez, #2099

UNIT OF ASSIGNMENT: FCN

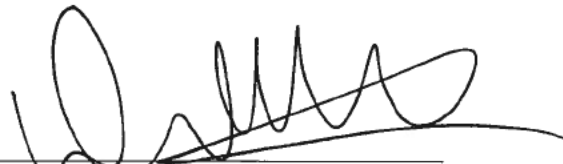
JOB CLASS NO. AND DEPARTMENT: 0603 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
	11	14	18	12	03	18	12	03	18


NARRATIVE REMARKS: Agreed One-Day Suspension

AUTHORITY: Written Order of the Chief of Police

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EMPLOYEE



DEPARTMENT HEAD

11/19/18
DATE

NOV 16 2018
DATE