

Officer John J. Mendoza, #0691  
San Antonio Police Department  
San Antonio, Texas

CITY OF

SAN ANTONIO HR

NOV 08 '18 3:43PM

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

### AGREED SUSPENSION

Commissioners and Officer John J. Mendoza:

**WHEREAS**, Officer John J. Mendoza, 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 11, 2018, with a thirty-day contemplated suspension; and

**WHEREAS**, pursuant to said contract, Officer Mendoza 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 Mendoza; and

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Mendoza shall be suspended without pay from the San Antonio Police Department for a period of five days, commencing on December 3, 2018, and ending on December 7, 2018. Officer Mendoza 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 Mendoza 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 Mendoza 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 Mendoza has violated are as follows:

**RULE 4.13 - DUTY TO TAKE ACTION:** Officers are charged with the responsibility to enforce local ordinances, state laws, and federal statutes, to preserve the peace, and to protect lives and property. All officers will take immediate action to prevent any obvious felony offense, or to arrest, if reasonably possible, any

LEGAL ADVISOR'S OFFICE

NOV 08 2018

SAN ANTONIO POLICE DEPARTMENT

known felony offender, and to protect all persons and property from imminent harm.

PROCEDURE 303 – DISCIPLINARY PROCEDURES (.03) INCIDENTS INVOLVING OFFICERS (C) When handling a call for service or interacting with a member of the public and a member of that public, including but not limited to a complainant, witness, suspect, reporting person, etc., requests to speak to a supervisor, officers shall immediately contact and inform an on-duty supervisor of such request through the dispatcher. The supervisor may initially communicate with the requesting person over the telephone to determine whether the supervisor's presence is needed. The supervisor will record his/her actions in a written report. Incidents resulting in a complaint (line or formal) will be handled in accordance with this procedure.

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): (2) Upon reception of or response to CFS, whether dispatched or not.

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

On May 15, 2018, at approximately 4:49 p.m., Officer John J. Mendoza, #0691 (SPB) was at 737 W. Mayfield taking a report when it was brought to his attention that a small child was dangerously close to an open window several feet above the ground. Officer Mendoza remained inside of his vehicle and did not immediately act on the information provided to him by the complainant. The complainant alleges Officer Mendoza failed to take action to protect the child from harm. This case can be referred to SAPD-2018-0533443.

On May 15, 2018, at approximately 4:49 p.m., Officer John J. Mendoza, #0691 (SPB), while taking a report at 737 W. Mayfield was contacted by a citizen, Timothy Lombard, about a child being dangerously close to an open window. Mr. Lombard was not satisfied with Officer Mendoza's response and requested a supervisor to the location. The Administration alleges that Officer Mendoza failed to immediately contact and inform an on-duty supervisor of such request. This case can be referred to SAPD-2018-0533443.

On May 15, 2018, at approximately 4:26 p.m., Officer John J. Mendoza, #0691 (SPB) was dispatched to a call for service at 737 W. Mayfield. The Administration alleges that Officer Mendoza failed to initiate his body worn camera upon receiving the

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SAN ANTONIO HR

NOV 18 3:43PM

dispatched call for service. This case can be referred to SAPD-2018-0533443.

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NOV 18 3:44PM

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]*  
WILLIAM P. MCMANUS  
CHIEF OF POLICE  
SAN ANTONIO POLICE DEPARTMENT

NOV 02 2018

DATE

*[Signature]*  
OFFICER JOHN J. MENDOZA, #0691  
SAN ANTONIO POLICE DEPARTMENT

11/6/18, 2018 1700  
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.

*[Signature]*  
OFFICER JOHN J. MENDOZA, #0691  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

*[Signature]* #3362 TIME: 1700 DATE: 11-6-18  
*[Signature]* #4012 TIME: 1700 DATE: 11-6-18

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

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

CITY OF SAN ANTONIO  
NOTICE OF SUSPENSION

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NOV 08 '18 3:44PM

**\*OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME\***

EMPLOYEE NAME: Officer John J. Mendoza, #0691


UNIT OF ASSIGNMENT: SPB

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
	11	02	18	12	03	18	12	07	18

NARRATIVE REMARKS: Agreed Five-Day Suspension

AUTHORITY: Written Order of the Chief of Police

  
EMPLOYEE

11/6/18  
DATE

  
DEPARTMENT HEAD

DATE

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