

Sergeant Robert R. Martinez, #3323
San Antonio Police Department
San Antonio, Texas

JAN3 '19 11:05AM

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

CITY OF

SAN ANTONIO HR

Commissioners and Sergeant Robert R. Martinez:

Under and by virtue of the authority vested in me by Title 5, Subtitle A, Chapter 143 of the Local Government Code, V.T.C.S., said chapter entitled "Municipal Civil Service", I do hereby suspend Sergeant Robert R. Martinez from paid duty with the San Antonio Police Department for a period of thirty calendar days, commencing on January 22, 2019, and ending on February 20, 2019.

Sergeant Martinez 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 rule violated by Sergeant Martinez and ground for suspension is as follows:

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

The Rules and Regulations of the San Antonio Police Department which Sergeant Martinez has violated are as follows:

RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC: Members shall serve the public through direction, counseling, assistance, and protection of life and property. Members shall also respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment. **(C) CONDUCT AND BEHAVIOR:** Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.

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

On September 13, 2018, at approximately 3:30 a.m., off-duty Sergeant Robert R. Martinez, #3323 (SPB) went to the scene of a major accident involving his [REDACTED] that was being investigated by the Selma Police Department in the 14800 block of IH 35 North. The Administration alleges Sergeant Martinez failed to use sound judgment when he used his position as a sergeant with the San Antonio Police Department to enter the scene of an active traffic investigation where a [REDACTED] was being detained and investigated for suspicion of Driving While Intoxicated (DWI). Additionally, Sergeant Martinez' actions prevented the Selma Police Officers from completing their investigation in a more timely manner, which exposed them to further risk of harm from traffic on a major interstate roadway. Refer to Selma Case #18-13888.

LEGAL ADVISOR'S OFFICE

DEC 20 2018

SAN ANTONIO POLICE DEPARTMENT

Further, in the same incident, the Administration alleges Sergeant Martinez' actions did not conform to the ordinary and reasonable rules of good conduct and behavior and/or brought reproach and discredit on himself and the San Antonio Police Department when he interfered in an active police investigation of Driving While Intoxicated being conducted by officers from the Selma Police Department. According to the officers on scene, Sergeant Martinez was heard "coaching" his [REDACTED] to seek medical treatment even after being medically cleared by EMS. Additionally, Sergeant Martinez is seen in Selma PD Body Worn Camera (BWC) demanding how his [REDACTED] was to be transported and by whom. Sergeant Martinez is seen in the BWC footage using his own "cell phone" to capture actions on scene in what was perceived as an effort to intimidate the Selma officers. Refer to Selma Case #18-13888.

Finally, on September 13, 2018 at approximately 4:00 a.m., off-duty Sergeant Robert R. Martinez, #3323 (SPB) went to Northeast Methodist Hospital located at 12412 Judson Road where his [REDACTED] had been transported for medical clearance and blood draw for suspicion of Driving While Intoxicated. According to ER Registered Nurse (RN) [REDACTED] Sergeant Martinez was very irate, telling the Selma Police Officer (Castillo) not to talk to his [REDACTED] or to him. RN [REDACTED] stated Sergeant Martinez' tone grew ugly and that he got loud with the Selma Officers. Both RN [REDACTED] and Officer Castillo reported they believed Sergeant Martinez was interfering with the investigation by directing his [REDACTED] actions and his disruptive attitude while at the hospital. The Administration alleges Sergeant Martinez' actions did not conform to the ordinary and reasonable rules of good conduct and behavior and/or brought reproach and discredit on himself and the San Antonio Police Department when he interjected himself into the investigation at the hospital and by his comments and actions towards Selma Police Officer Castillo viewed by RN [REDACTED] Refer to Selma Case #18-13888.

JAN 3 '19 11:05AM
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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.

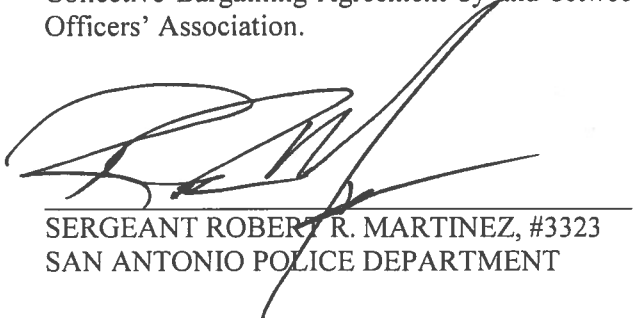
DEC 18 2018

 WILLIAM P. MCMANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

DATE

I hereby acknowledge receipt of the original of the foregoing thirty-day 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 Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association.


SERGEANT ROBERT R. MARTINEZ, #3323
SAN ANTONIO POLICE DEPARTMENT

12/19/2018 1620
DATE TIME

WITNESSED BY:

Heery Lechman #3362 DATE: 12-19-18 TIME: 1620
Don #4012 DATE: 12-19-18 TIME: 1620

FILED on this the 03 day of January, 2019, with the Fire Fighters' and Police Officers' Civil Service Commission.

for Susan Dues
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

I DENY THE CHARGES.
I RESERVE THE RIGHT TO APPEAL
SIGNATURE ONLY ACKNOWLEDGES RECEIPT.
RM #3323

JAN3 '19 11:05AM

CITY OF

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**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Sergeant Robert R. Martinez, #3323

UNIT OF ASSIGNMENT: SPB

JOB CLASS NO. AND TITLE: 0604 Police

<u>SAP NUMBER</u>	<u>TRANS. DATE</u>			<u>BEGIN DATE</u>			<u>END DATE</u>		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
	12	18	18	01	22	19	02	20	19

NARRATIVE REMARKS: Thirty-Day Suspension

JAN3 '19 11:06AM

CITY OF
SAN ANTONIO HR

AUTHORITY: Written Order of the Chief of Police


EMPLOYEE

12/19/2018
DATE


DEPARTMENT HEAD

DEC 18 2018
DATE

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