

Officer Senovio G. Elizondo III, #1548  
San Antonio Police Department  
San Antonio, Texas

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

DEC 14 '18 10:49AM  
CITY OF  
SAN ANTONIO HR

### **AGREED SUSPENSION**

Commissioners and Officer Senovio G. Elizondo III:

**WHEREAS**, Officer Senovio G. Elizondo III, 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 November 22, 2018, with two ten-day contemplated suspensions; and

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

**WHEREAS**, Officer Elizondo and Chief McManus have agreed to combine and reduce these disciplines in these matters to one ten-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Elizondo shall be suspended without pay from the San Antonio Police Department for a period of four days, commencing on January 7, 2019, and ending on January 10, 2019. The remaining six days of Officer Elizondo's ten-day suspension shall be held in abeyance for a period of one year. Officer Elizondo shall serve the remaining six days if he has an allegation of similar misconduct which is subsequently sustained within one year from the date of July 25, 2018. If Officer Elizondo does not receive any subsequent sustained allegations for similar conduct within that one year period, the remaining six days will be vacated. Officer Elizondo 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 Elizondo 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 Elizondo 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 Elizondo has violated are as follows:

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SAN ANTONIO POLICE DEPARTMENT

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.

RULE 4.05 - AVAILABILITY WHEN ON-DUTY: No member while on-duty shall conceal himself, except for some police purpose. Members shall keep themselves immediately and readily available at all times when on-duty.

RULE 3.01 - ABIDE BY LAWS AND DEPARTMENTAL ORDERS: (A) LAWS, ORDERS, RULES, REGULATIONS, AND PROCEDURES: Members shall abide by the laws of the United States and the State of Texas, ordinances of the City of San Antonio, and the departmental orders, rules, regulations, and procedures of the San Antonio Police Department.

PROCEDURE 410 – BODY WORN CAMERAS (.16) USE OF BWC OFF-DUTY (A) Officers working Off-Duty Employment or Outside Employment, with an approved off-duty employment permit as an extension of police services, shall utilize their BWCs in accordance with this procedure. However, Officers shall not utilize their BWC equipment while working NSA assignments.

PROCEDURE 905 - OFF-DUTY AND OUTSIDE EMPLOYMENT (.05) OUTSIDE EMPLOYMENT (E) ACCEPTABLE FORMS OF OUTSIDE EMPLOYMENT - EXTENSION OF POLICE SERVICE (2) Rendering security for any outside employer; provided, (c) Officers shall wear a regulation uniform for all outside employment. Officers may be permitted to work in plain or soft/tactical clothes in limited circumstances provided sufficient written justification is provided in the drop-down text box explaining the plain or soft/tactical clothes duties. Exceptions will be handled on a case-by-case basis through the Office of the Chief of Police.

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

On June 27, 2018, Officer Senovio G. Elizondo III, #1548 (PPT) created a Call For Service (CFS) number SAPD-2018-0716250 for a traffic stop at 9:11 p.m. and remained unavailable for service until 9:25 p.m., at which time he requested a dinner break. The Administration of the San Antonio Police Department alleges Officer Elizondo created this Call For Service to avoid receiving additional calls because he was scheduled to get off five (5) hours early on this date. The Administration further alleges by creating the Call For Service, Officer Elizondo failed to keep himself

immediately and readily available when on duty. This incident was handled under CFS SAPD-2018-0716250.

On June 27, 2018, Officer Senovio G. Elizondo III, #1548 (PPT) created a Call For Service (CFS) number SAPD-2018-0716250 for a traffic stop at 9:11 p.m. and remained unavailable for service until 9:25 p.m., at which time he requested a dinner break. In his 200-OR to his immediate supervisor, Officer Elizondo wrote, "My reason for no footage was because I left early 5 hours CT and used the restroom, and to prevent from getting dispatched I created the traffic CFS#." The Administration alleges Officer Elizondo failed to use sound judgment by creating the CFS number to avoid additional calls for service.

During the month of July 2018, Officer Senovio G. Elizondo III, #1548 (PPT) duty hours were 5:00 p.m. to 3:00 a.m. According to Unit 7261T status history logs for several assigned shifts, Officer Elizondo took more than the two authorized fifteen (15) minute coffee breaks on eight (8) shifts in July (July 4<sup>th</sup>, 5<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, and 25<sup>th</sup>) of 2018. The Administration alleges Officer Elizondo violated San Antonio Police Department Patrol Division's Standard Operating Procedure 108.01(A)(2)-Roll Call/Shift Change Procedures listing the roll call schedules for each patrol shift which states "Patrol Officers on the Patrol 'T' Shift shall work from 5:00 p.m. to 3:00 a.m. with thirty (30) minutes for lunch and two fifteen (15) minute coffee breaks.

On July 25, 2018, Officer Senovio G. Elizondo III, #1548 (PPT), while on duty, created a Call For Service (CFS) number SAPD-2018-0840905 for a Criminal Trespass Warning at 10:44 p.m. for 10950 Biering Road (the address of his off-duty apartment security job). Officer Elizondo has no Body Worn Camera (BWC) video to account for the actions taken regarding the CFS that he created. The Administration of the San Antonio Police Department alleges Officer Elizondo failed to utilize his BWC while working outside employment in accordance with SAPD Procedure 410.16. This case is in reference to CFS SAPD-2018-0840905.

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On July 25, 2018, Officer Senovio G. Elizondo III, #1548 (PPT), created a Call For Service (CFS) number SAPD-2018-0840905 for a Criminal Trespass Warning that occurred at 10:44 p.m. at 10950 Biering Road (the address of his off-duty apartment security job). The investigation revealed that off-duty Officer Elizondo responded to a call at his apartment complex and was not wearing a regulation uniform when he contacted the subject of the call and issued her a Criminal Trespass Warning. The Administration of the San Antonio Police Department alleges Officer Elizondo failed to wear a regulation uniform while engaged in outside employment. This case is in reference to CFS SAPD-2018-0840905.

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

DEC 07 2018

DATE

Senovio G. Elizondo III #1548  
OFFICER SENOVIO G. ELIZONDO III, #1548  
SAN ANTONIO POLICE DEPARTMENT

12/13/18 1720  
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.

Senovio G. Elizondo III #1548  
OFFICER SENOVIO G. ELIZONDO III, #1548  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature]  
4072

TIME: 1720 DATE: 12/13/18

TIME: 1720 DATE: 12/13/18

FILED on this the 14 day of December, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

DEC 14 '18 10:50AM  
CITY OF  
SAN ANTONIO HR

**CITY OF SAN ANTONIO  
NOTICE OF SUSPENSION**

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

EMPLOYEE NAME: Officer Senovio G. Elizondo III, #1548

UNIT OF ASSIGNMENT: PPT

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
[REDACTED]	12	07	18	01	07	19	01	10	19

NARRATIVE REMARKS: Agreed Four-Day Suspension

AUTHORITY: Written Order of the Chief of Police

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*S. Elizondo III #1548*  
EMPLOYEE

12/13/18  
DATE

*W. P. Williams*  
DEPARTMENT HEAD

DEC 07 2018  
DATE

LEGAL ADVISOR'S OFFICE

DEC 14 2018

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