

Officer Elizabeth J. Montoya, #1731
San Antonio Police Department
San Antonio, Texas

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

Commissioners and Officer Elizabeth J. Montoya:

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 Officer Elizabeth J. Montoya from paid duty with the San Antonio Police Department for a period of ten calendar days, commencing on January 16, 2019, and ending on January 25, 2019.

Officer Montoya 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 Officer Montoya 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 Officer Montoya has violated are as follows:

RULE 3.04 - Responsibility to Serve the Public (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.

PROCEDURE 410 - BODY WORN CAMERAS (.06) RECORDING (F) Officers shall not stop or mute a recording during a public encounter or assigned CFS, except for the following reasons. (1) Officers may stop and/or mute: (a) Encounters with undercover officers or confidential informants; (b) Personal relief or break.

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

On August 20, 2018, at approximately 11:32 p.m., Officer Elizabeth J. Montoya contacted several vagrants that were sleeping in the parking lot of a convenience store located at 311 N. Zarzamora Street. The incident resulted in the arrest of one of the vagrants for Resisting Arrest. Upon reviewing the Body Worn Cameras of the officers involved in the incident, it was discovered that Officer Montoya brought reproach and/or discredit on herself and the department when she used profane language toward the individuals involved in the incident. When Officer Montoya contacted one of the vagrants, she said to him "pick up all your fucking trash...I don't want to fucking hear it...I'll fucking taze you..."

Upon reviewing the above described incident, it was further discovered that while still assigned to the call for service, Officer Montoya stopped her Body Worn Camera while not in an encounter with undercover officers or confidential informants or personal relief or break.

A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

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

140102019
DATE

I hereby acknowledge receipt of the original of the foregoing ten-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.

Elizabeth J. Montoya
OFFICER ELIZABETH J. MONTOYA, #1731
SAN ANTONIO POLICE DEPARTMENT

1/16/19 1047
DATE TIME

WITNESSED BY

[Signature] 4000 DATE: 1-16-19 TIME: 1049
[Signature] 4007 DATE: 1-16-19 TIME: 1050

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

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