

**San Antonio Police Department
Internal Affairs Unit
Investigation Report**

Unit Case: IA2018-0778

Date of Incident: July 14, 2018 Date Received: September 4, 2018 Date Expires: January 9, 2019

Attention: () Internal Affairs File () Officer's Division Commander
() Complaint and Administrative Review Board () CARB Chairman

Respondent Officer: Tim Garcia #0296 (CFB)

Complainant: The Administration

Synopsis: This is a Formal Investigation of alleged non-criminal misconduct by Officer Tim Garcia #0296 (CFB). The alleged non-criminal misconduct occurred while Officer Garcia was on duty on a call for service at 849 East Commerce Street (refer to SAPD Case 18148141). A Formal Investigation was conducted as per **SAPD General Manual Rules and Regulations, Section 4.15 Responsibility for Internal Investigations, Subsection (A)**, which resulted in the below listed allegation.

Allegation #1: On Saturday, July 14, 2018, at approximately 1045 hours on-duty SAPD Officer Tim Garcia #0296 (CFB) was dispatched to a call for service at 849 East Commerce Street (River Center Mall). Officer Garcia arrested Mr. Dewaxne Robinson for Criminal Trespassing. After handcuffing Mr. Robinson, Officer Garcia can be heard on his body worn camera engaging in an unnecessary verbal exchange with Mr. Robinson making the following comments:

- *"I will put your ass in jail."*
- *"I agree. It is bullshit."*
- *"I listened to all your stupid shit for five minutes."*
- *"Do you know what's bullshit? It's the way you were raised."*
- *"Yeah you are fucked up."*
- *"Fuck you too" "Hey, hey, here look, this is the police, this is the police telling you fuck you. How do you like that?"*
- *"Nigga?" Then asks "Do I look like your Nigga?"*
- *"Say it right, put an R at the end" "Don't call me Nigga, I aint your Nigga"*
- *"For being a fucked up Nigga."*
- *"I think you fucked up your life."*

The Administration alleges that Officer Garcia's verbal exchange did not conform to the ordinary and reasonable rules of good conduct and behavior and/or brought reproach and discredit to himself or the San Antonio Police Department. The incident was handled under SAPD case 18148111.

Internal Affairs Investigator: Sgt. Thomas Maurice # 3231

Date: October 5, 2018

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This conduct may be a violation of the San Antonio Police Department's General Manual:
Rule and Regulation 3.04, Responsibility to Serve the Public,
Subsection C., Conduct and Behavior

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-duty 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.

Allegation #2: On Saturday, July 14, 2018, at approximately 1045 hours on-duty SAPD Officer Tim Garcia #0296 (CFB) arrested Mr. Dewaxne Robinson during a call for service at 849 East Commerce Street (the River Center Mall). After handcuffing Mr. Robinson, body worn camera depicts Officer Garcia holding Mr. Robinson in an arm lock with his expandable baton (ASP). Mr. Robinson appears to be in compliance with Officer Garcia and replies "Yeah, whatever." Officer Garcia responds by twisting his ASP causing pain to Mr. Robinson. The Administration alleges the act of applying the additional force of twisting Mr. Robinson's arm after the verbal response "Yeah, whatever" from Mr. Robinson was unnecessary. This incident was handled under SAPD case 18148141.

This conduct could be a violation of San Antonio Police Department General Manual:
SECTION 200-Rule & Regulations
SUBSECTION 3.00 INDIVIDUAL RESPONSIBILITIES

3.26. Treatment of Prisoners (Physical Force). Prisoners shall be protected in their legal rights, given humane treatment, and shall not be subjected to verbal abuse or **unnecessary physical violence.**

Documentation of Investigation:

1. Formal Complaint Notice (dated September 20, 2018).....Captain Timothy A. Vaughan
2. SAPD Blue Team Report (dated August 10, 2018).....Sergeant Sebastian Jerrytone
3. Incident Detail Report (dated July 14, 2018).....Visi-Net Browser
4. SAPD Incident Report (dated July 14, 2018).....Officer Tim Garcia
5. SAPD Information Report (dated July 14, 2018).....Sergeant Sebastian Jerrytone
6. SAPD 200-OR (no date).....Officer Tim Garcia
7. Patrol Activity Sheet (dated September 5, 2018).....Sergeant Thomas Maurice
8. I.A. Non Respondent Officer's Report (dated September 18, 2018).....Officer Robert Gonzales
9. Patrol Activity Sheet (dated September 18, 2018).....Sergeant Thomas Maurice
10. Interoffice Correspondence (dated September 14, 2018).....Sergeant Thomas Maurice

Internal Affairs Investigator: Sgt. Thomas Maurice # 3231

Date: October 5, 2018


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11. Media Envelope*Containing:*

- 1 CD of Body Camera (Off. Garcia, Gonzales, Sgt. Jerrytone) Sergeant Thomas Maurice
 1 CD Security Interviews..... Sergeant Thomas Maurice
 12. Garrity Warning (dated October 9, 2018)..... Sergeant Thomas Maurice
 13. SAPD I.A. Commitment Form (dated October 9, 2018)..... Sergeant Thomas Maurice
 14. Allegation Sheets (dated October 9, 2018)..... Sergeant Thomas Maurice
 15. SAPD I.A. Receipt for Documents Viewed (dated October 9, 2018) Sergeant Thomas Maurice
 16. SAPD Officer's Response Report (dated October 9, 2018) Officer Tim Garcia

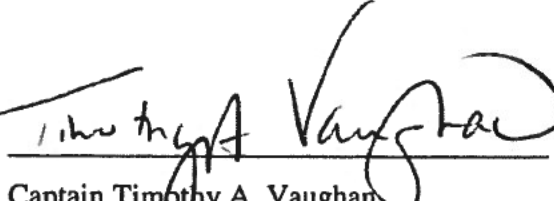
Conclusion/Recommendation: Based on the above listed statements, officers' reports, and information, I respectfully submit this Formal Investigation to be presented to the Complaint and Administrative Review Board for their review and recommendation.

 #3231
 Sergeant Thomas Maurice
 Internal Affairs Investigator

10-15-18
 Date


 Lieutenant Michael Mosley
 Internal Affairs Unit Director

10-15-18
 Date


 Captain Timothy A. Vaughan
 Professional Standards Section Commander

10/15/18
 Date

Internal Affairs Investigator: Sgt. Thomas Maurice # 3231

Date: October 5, 2018

SAN ANTONIO POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT
INTEROFFICE CORRESPONDENCE

TO: Officer Tim Garcia #0296 (CFB)

FROM: Captain Timothy A. Vaughan, Professional Standards Section Commander

COPIES: Patrol South Division Commander
Central Patrol Section Commander
Lieutenant Michael Mosley, Internal Affairs Unit Director

DATE: September 20, 2018

Formal Complaint Notice

A Formal Complaint has been filed against you regarding an incident that occurred on July 14, 2018 at 849 East Commerce Street (River Center Mall), San Antonio, Texas. The Internal Affairs Unit received information or documentation during an investigation of a complaint that has resulted in the allegation(s) of:

R&R 3.04(C) – Responsibility to Serve the Public; Conduct and Behavior
R&R 3.26 – Treatment of Prisoners

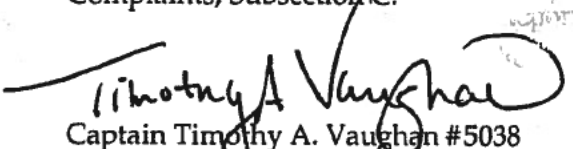
The allegation(s) may violate the Rules, Regulations or Procedures of the Department. The Internal Affairs Unit will conduct a thorough and objective investigation of the allegation(s) made against you. Please refer to the following case or file numbers in connection with this incident:

IA2018-0778
SAPD18148141

For an understanding of your contractual rights, relative to this investigation, please refer to the COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF SAN ANTONIO, TEXAS AND THE SAN ANTONIO POLICE OFFICERS' ASSOCIATION (October 1, 2016), Article 28 (Disciplinary Actions) Section 15 and Article 29 (Internal Security Interview Procedure) Section 2. Internal Affairs Investigations.

For an understanding of your responsibilities, relative to this investigation, please refer to the San Antonio Police Department General Manual, RULE and REGULATION 3.27, GIVING INFORMATION IN INTERNAL INVESTIGATIONS: A. DUTY TO GIVE INFORMATION and B. GARRITY WARNING.

Please be advised that an Internal Affairs investigator will contact you regarding the aforementioned complaint. You may be eligible to request the expedited disciplinary track. Please refer to Procedure 303, Disciplinary Procedures, Section .05, Formal Complaints, Subsection C.


Captain Timothy A. Vaughan #5038
Professional Standards Section Commander

DOCUMENT # 1

Formal IA No: IA2018-0778 Received: Aug 10, 2018

Case No: 18148141

Classification/Sub-classification: Administrative Violations / Conduct and Behavior

Involved citizen:

Dewaxne Robinson

Role: Arrested Person

Charges against citizen in relation to the incident:

PC 30.05 Criminal Trespass

Linked address(s):

Home Address: 4331 Roland Avenue San Antonio TX 78222

Officers involved:

Officer Tim R Garcia [0296]

Officer current info:

Bureau: Operations
Division: Patrol South
Section: Central Patrol

Snapshot - Officer information at time of incident:

PIN: 5386
Role: Respondent
Bureau: Operations
Division: Patrol South
Section: Central Patrol
Unit: Downtown Bike
Office Assignment: CFB
Rank/title: Officer
Age: 49 Years of employment: 10 Years with unit: 8
Off duty: Off duty employed:

Allegations:

R&R 3.04 (C) Responsibility to Serve the Public; Conduct and Behavior
< Open allegation - no finding >

Officer Robert J Gonzales [0744]

Officer current info:

Bureau: Operations
Division: Patrol South
Section: Central Patrol

Snapshot - Officer information at time of incident:

PIN: 5487
Role: Assisting Officer
Bureau: Operations
Division: Patrol South
Section: Central Patrol
Unit: Downtown Bike

Office Assignment: CEP
 Rank/title: Officer
 Age: 42 Years of employment: 17 Years with unit:
 Off duty: Off duty employed:

Summary:

On 08/10/18, Dewaxne Robinson went to the Bike Patrol office and stated that he wanted to make a complaint on two officers who arrested him for criminal trespass. Robinson started to tell me his account of what happened. He went on for several minutes and his statement was erratic and inconsistent. He appeared to [REDACTED] I asked him what he wanted done, and he told me that he wanted to file a complaint because the officers used too much force on him and they pushed his face into the ground. He was not sure of the badge numbers of the officers or when the incident happened. Upon researching Robinson, I was able to find the incident he was talking about. The officers who made the arrest were Officer T. Garcia #0296 and Officer R. Gonzales #744. Upon reviewing the BWC footage, I did not see anything that amounted to excessive force by either officer. However, Robinson was being uncooperative and acting belligerent. I did observe Officer Garcia use vulgar language in a manner that was unnecessary. Officer Garcia used the words "Fuck", in several variations, and the word "nigga", after Robinson was handcuffed. I also observed that he did not use the word in a racist manner, or direct it at anyone. He merely repeated the word after Robinson said it out loud several times. I spoke to Officer Garcia and had him provide a written statement on SAPD Form 200-OR regarding the incident. Officer Garcia said he understood that his language was inappropriate. He explained that he let Robinson's actions get to him, and he agreed that his choice of words were unnecessary. Officer Garcia assured me that he will choose his words more carefully in the future and he will practice greater restraint when it comes to uncooperative and belligerent individuals. Based on officer Garcia's understanding that the language he used was unprofessional and unnecessary and his determination to correct his actions, I feel that a written reprimand is appropriate punishment for this incident.

Investigative tasks:

Due dt	Done dt	Type
Oct 19, 2018		45 day Summary Due
Assigned To: Sergeant Thomas Maurice		
Oct 11, 2018		90 day Investigative Report Due
Assigned To: Sergeant Thomas Maurice		
Nov 10, 2018		60 days until case expires
Assigned To: Sergeant Thomas Maurice		
Jan 9, 2019		Case Expires
Assigned To: Sergeant Thomas Maurice		

When/where:

Date/time occurred: Jul 14 2018 10:45

2110

Incident location: 849 Commerce Street East 383 San Antonio TX 78205 Precinct:
Home Address: 4331 Roland Avenue San Antonio TX 78222
County: Council District 1

Linked files:

Officer Responses:

Officer T Garcia #0296 200-OR (pdf)

Reports:

18148141 Criminal Trespass Offense Report (pdf)
18169788 Information Report (pdf)

Status/assignment information:

Status: Active Priority: Formal Case

Opened: 08/31/2018 Assigned: 09/04/2018 Due: 02/05/2019

Completed:

Disposition:

Unit assigned: Internal Affairs
Handled at field/unit level: No
Investigator assign: Sergeant Thomas Maurice
Supervisor assign: Lieutenant Michael Mosley
Source of information: Citizen

Organizational component(s):

Bureau: Operations
Division: Patrol South
Section: Central Patrol
Unit: Downtown Bike
Office Assignment: CFB

BlueTeam chain routings

Aug 19, 2018 23:53: Sent from Sergeant Sebastian J Jerrytone [3254] to Berrigan, David R Lieutenant [4022]

Instructions:

for your approval

Reviewed by Lieutenant David R Berrigan [4022] on Aug 21, 2018 at 21:43

Decision: Approved

Reviewer comment:

After viewing Off. Garcia's BWC I was disappointed with the way he let the AP agitate him. Sgt. Garcia was very unprofessional with his use of profanity and slang word "nigga". The AP directed Off. Garcia's vocabulary, which was totally uncalled for. I saw no procedural violations with the use of force. I

talked to Off. Garcia and discussed this incident with him and he agreed that he did act unprofessionally and the language he used was the only language that the AP understood and acknowledged.

Off. Garcia is a senior Officer on bike patrol and I concur with Sgt. Jerrytone's recommendation that a Letter of Reprimand for this incident will remind Off. Garcia that this will not be tolerated anywhere on the department.

Aug 21, 2018 21:43: Sent from Lieutenant David R Berrigan [4022] to Lopez, Ricky D Lieutenant [4064]

Instructions:

For Review

Reviewed by Lieutenant Ricky D Lopez [4064] on Aug 22, 2018 at 12:43

Decision: Approved

Reviewer comment:

I concur with the SGT and LT. Officer Garcia's responses to the actor were not necessary to achieving a police objective. This was also a very public venue. While Officer Garcia did not lose his cool with the actor, the repetition of words, even by the actor did not lend themselves to good de-escalation practices. I concur with the supervisor recommendation of written reprimand for the unnecessary language.

CC(s) of this routing were sent to the following:

Aug 22, 2018 12:43: Sent from Lieutenant Ricky D Lopez [4064] to Muro, Anthony R Deputy Chief [6004]

Instructions:

See comments. Concur with supervisors. Recommend WR.

Reviewed by Deputy Chief Anthony R Muro [6004] on Aug 27, 2018 at 16:18

Decision: Approved
See Comments

Reviewer comment:

I do not concur with a W/R...after reviewing the BWC video, Officer Garcia engaged in unnecessary banter with the AP even acknowledging that he is telling the AP "Fuck you" on camera, very unprofessional behavior- forward to Internal Affairs for formal investigation

CC(s) of this routing were sent to the following:

Entered via BlueTeam by: Sergeant Sebastian J Jerrytone [3254] on Aug 17, 2018 at 22:38

Incident Detail Report

Data Source: Data Warehouse
Incident Status: Closed
Incident number: SAPD-2018-0789722
Incident Date: 7/14/2018 10:21:53
Last Updated: 9/21/2018 16:28:38

Incident Information

Incident Type:	Routine	Alarm Level:	
Priority:	05	Problem:	Disturbance
Determinant:		Agency:	SAPD
Base Response#:		Jurisdiction:	SAPD
Confirmation#:		Division:	CENTRAL
Taken By:	SALAZAR, CHRISTY M	Battalion:	CENTRAL
Response Area:	2110	Response Plan:	2110 Routine
Disposition:	C18-CLR AFR RPT-OTHER	Command Ch:	
Cancel Reason:		Primary TAC:	
Incident Status:	Closed	Secondary TAC:	
Certification:		Delay Reason (if any):	
Longitude:	98485050	Latitude:	29424705

Incident Location

Location Name:	macys	County:	BEXAR
Address:	849 E Commerce St	Location Type:	Other High Occupancy
Apartment:		Cross Street:	ALAMO PLAZA/RIVER WALK
Building:		Map Reference:	616F5
City, State, Zip:	SAN ANTONIO TX 78205		

Supplemental Information - Person

PERSON 1

Name:	robinson dewaxne	Race:	Black
Gender:	Male	OLS:	

Call Receipt

Caller Name:	mail sec	Call Back Phone:	
Method Received:	Non Emergency	Caller Location:	same
Caller Type:	Yes		

Time Stamps

Description	Date	Time	User	Elapsed Times	Description	Time
Phone Pickup	7/14/2018	10:19:57				
1st Key Stroke	7/14/2018	10:19:58			Received to In Queue	00:00:04
In Waiting Queue	7/14/2018	10:21:57			Call Taking	00:00:05
Call Taking Complete	7/14/2018	10:21:58	SALAZAR, CHRISTY M		In Queue to 1st Assign	00:02:32
1st Unit Assigned	7/14/2018	10:24:29			Call Received to 1st Assign	00:04:32
1st Unit Enroute					Assigned to 1st Enroute	
1st Unit Arrived	7/14/2018	10:26:11			Enroute to 1st Arrived	
Closed	7/14/2018	12:33:57	VisiNetMobileInterface		Incident Duration	02:14:00

Resources Assigned

Unit	Flag	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
2581	Y	10:24:29	C18-CLR AFR RPT- OTHER			10:26:11			12:33:57			
2529	N	10:39:58		10:40:05		10:51:25			11:07:17			
2503	N	10:50:17							11:02:25			
2508	N	10:50:22							11:01:39			

Personnel Assigned

Unit	Name
2581	GARCIA, TIM R [REDACTED] GONZALES, ROBERT J [REDACTED]
2529	MEJIA, NATHAN [REDACTED]
2503	THOMAS, PATRICK OSHELLE [REDACTED]
2508	JOHNSON, AVERY P [REDACTED]

Pre-Scheduled Information

No Pre-Scheduled Information

Transports

No Transports Information

DOCUMENT # 3

Transport Legs

No Transports Information

Comments

Date	Time	User	Type	Conf.	Comments
7/14/2018	10:00:43		Response		[Appended, 10:25:29] near Macy's on fashion....c states that im wearing grey shirt, dk colored shorts, back pack mid 20's is refusing to leave unauthorized area...c states that security is waiting with im.
7/14/2018	10:21:58		Response		macys fashion level between primarily purple and american eagle 2nd call said male is becoming aggressive with sec and patrons
7/14/2018	10:25:29		Response		LINK: [SAPD-2018-0789648] to [SAPD-2018-0789722] because [SAPD-2018-0789648] appends to [SAPD-2018-0789722]
7/14/2018	10:37:01		Response		Requested Case Number(s) issued for SAPD: SAPD18148141 requested by 2581.
7/14/2018	12:33:57	2581	Response		** THIS CALL HAS BEEN GIVEN A DISPOSITION BY THE HANDLING OFFICER **

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Radio	Activity	Location	Log Entry	User
7/14/2018	10:21:54		Incident Priority Change		Incident priority changed from <none> to 05	
7/14/2018	10:21:58		Attachment Added		2017 Criminal Trespass added by Premise Record AMCRIVERCE	System
7/14/2018	10:22:54		Read Incident		Incident 507 was Marked as Read.	
7/14/2018	10:22:54		Read Comment		Comment for Incident 507 was Marked as Read.	
7/14/2018	10:24:29	2581	DISP	849 E Commerce St [macys]		
7/14/2018	10:24:37	2581	Route Deviation	LOSOYA COLLEGE ST	Unit 2581 deviated from original driving directions route	Mobile1
7/14/2018	10:25:29		Append Incident		Dispatcher Appended [SAPD-2018-0789648] to this incident	
7/14/2018	10:25:29		Link Incident		LINK: [SAPD-2018-0789648] to [SAPD-2018-0789722] because [SAPD-2018-0789648] appends to [SAPD-2018-0789722]	
7/14/2018	10:25:32		UserAction		User clicked Exit/Save	
7/14/2018	10:26:11	2581	ONSCENE	849 E Commerce St		VisiNET
7/14/2018	10:39:58	2529	DISP	849 E Commerce St [macys]		
7/14/2018	10:40:05	2529	RESP	849 E Commerce St [macys]	Responding From = BROADWAY\PEACOCK ALLEY	VisiNET
7/14/2018	10:40:28	2529	Route Deviation	E HOUSTON ST\LOSOYA	Unit 2529 deviated from original driving directions route	Mobile1
7/14/2018	10:50:17	2503	DISP	849 E Commerce St [macys]		
7/14/2018	10:50:22	2508	DISP	849 E Commerce St [macys]		
7/14/2018	10:51:25	2529	ONSCENE	849 E Commerce St	Unit speed at the time of status change : 00.81	VisiNET
7/14/2018	10:51:56		Read Comment		Comment for Incident 507 was Marked as Read.	
7/14/2018	10:52:11		UserAction		User clicked Exit/Save	
7/14/2018	10:58:28		UserAction		User clicked Exit/Save	
7/14/2018	11:01:23		Supplemental Information	849 E Commerce St	Supplemental Person record 3639540 - was added for dewaxine robinson	DMOBINTPD05MSOS
7/14/2018	11:01:39	2508	AVAIL	849 E Commerce St [macys]		
7/14/2018	11:02:25	2503	AVAIL	849 E Commerce St [macys]		

7/14/2018 11:07:17	2529	AVAIL	849 E Commerce St	VNMINT
7/14/2018 12:33:57	2581	AVAIL	[macys] 849 E Commerce St	VisiNET
7/14/2018 12:33:57		Response Closed	macys	Response Disposition: C18-CLR AFR RPT-OTHER Comment for Incident 507 was Marked as Read. User clicked Exit/Save
9/21/2018 10:23:29		Read Comment		
9/21/2018 10:23:59		UserAction		

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
7/14/2018	10:20:03	Address	(Blank)	849 e commerce	New Entry	Response_Master_Incident	D90000251305	
7/14/2018	10:20:04	Jurisdiction		SAPD	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:20:04	Division		CENTRAL	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:20:04	Battalion		CENTRAL	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:20:04	Response_Area		2110	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:20:04	ResponsePlanType0		0	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:20:04	Address	849 e commerce	849 E COMMERCE ST	Premise Verified	Response_Master_Incident	D90000251305	
7/14/2018	10:20:04	City		SAN ANTONIO	Updated City	Response_Master_Incident	D90000251305	
7/14/2018	10:20:04	Latitude	0	29424705	Premise Verified	Response_Master_Incident	D90000251305	
7/14/2018	10:20:04	Longitude	0	98485050	Premise Verified	Response_Master_Incident	D90000251305	
7/14/2018	10:20:57	Caller_Name		mail sec	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:01	Call_Back_Phone			(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:03	Caller_Location_Name		same	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:30	Location_Name		macys	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:32	Apartment	800		(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:51	Caller_Type		Yes	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:51	MethodOfCallRcvd		E911	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:53	MethodOfCallRcvd	E911	Non Emergency	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:54	Problem		Disturbance	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:54	Response_Plan		2110 Routine	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:54	DispatchLevel		Default Police	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:54	ResponsePlanType0		1	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:54	Priority_Description		05		Response_Master_Incident	D90000251305	
7/14/2018	10:21:54	Priority_Number	0	5		Response_Master_Incident	D90000251305	
7/14/2018	10:21:54	Incident_Type		Routine	(Response Viewer)	Response_Master_Incident	D90000251305	
7/14/2018	10:21:58	Pickup_Map_Info		616F5		Response_Transports	D90000251305	
7/14/2018	10:21:58	Map_Info		616F5		Response_Master_Incident	D90000251305	
7/14/2018	10:21:58	ACCESS CODE		NA	Polygon Lookup	Response_User_Data_Field	D90000251305	
7/14/2018	10:22:54	Read Caller	False	True	(Response Viewer)	Response_Master_Incident	D90000251464	
7/14/2018	10:22:54	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	D90000251464	
7/14/2018	10:51:56	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	D90000200043	
9/21/2018	10:23:29	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	D90000251505	

Viewer)

Custom Time Stamps
No Custom Time Stamps

Custom Data Fields

Description
 PSAP

COUNCIL DISTRICT
ACCESS CODE

Data
 SAN ANTONIO: 210-
 207-7273
 1
 NA

User

Attachments

Description

Date

2017 Criminal Trespass

5/26/2017 14:05:13

2017 CRIMINAL TRESPASS

1/24/2017 14:33:24

2017 CRIMINAL TRESPASS

1/25/2017 12:59:15

SHOPS AT RIVERCENTER Site Map

3/24/2017 11:58:11

POLICE REPORT



San Antonio Police Department

Offense Case # SAPD18148141	Incident Type POLICE REPORT	CFS Number SAPD-2018-0789722
Primary Offense CRIMINAL TRESPASS-PRIVATE PROP		Page 1 of 3
Date / Time Occurred 7/14/2018 10:45 to 7/14/2018 10:45		Date / Time Reported 7/14/2018 11:04

Situation Found Disturbance	Incident To Arrest	849 E COMMERCE ST	#
Hate Crime	Damage Value	CLEARED BY ADULT ARREST	

Elements of the Incident

☐ Confidential
 ☐ Domestic Violence
 ☐ Drive by Shooting
 ☐ Gang Related
 ☐ High Profile
 ☐ Juvenile Related
 ☐ Video Surveillance Available
 ☐ Video Surveillance Received

Street Address 849 E COMMERCE ST			
Unit No 383	City SAN ANTONIO	State Texas	Zip 78205
Floor No	District 2110		

<input type="checkbox"/> Notified Detective	Detective Name	Detective Unit Type	
<input type="checkbox"/> Notified Supervisor	Supervisor Name	Supervisor Unit Type	
<input type="checkbox"/> Notified Medical Examiner	Medical Examiner Name	Medical Examiner	
<input type="checkbox"/> Notified Crisis Response Team	Crisis Response Name		
<input type="checkbox"/> Priority Notification	Priority Name		
<input type="checkbox"/> Notified Victim	Explanation		
<input type="checkbox"/> CSI Requested	CSI Name	CSI Unit Type	CSI #
<input type="checkbox"/> SOLO	Reporting Officer GARCIA, TIM	Employee Number	
Badge # 0298	Assignment Patrol Division		

<input checked="" type="checkbox"/> Primary Offense	Report Offense CRIMINAL TRESPASS-PRIVATE PROP
UCR Category 570701	Adopted Complaint
Premise	Circumstances
Other/Unknown	UNARMED
Weapon Brand	Weapon Model
Criminal Activity 1 NONE	Criminal Activity 2 CA2 - ARREST
	NONE

SUSPECT	<input checked="" type="checkbox"/> Known		
Last Name	First Name	Middle Name	Suffix
ROBINSON	DEWAXNE	KENNETH	
Race	Sex	SSN	Date of Birth
BLACK	Male		23
Height	Weight	Age Range	to
6'01"	200		
Preferred	Home Phone	Cell Phone	Email Address

Street Address 4331 ROLAND AVE		Unit Type
Unit No	City SAN ANTONIO	State Texas
Zip 78222	Building No	Floor No
Employer	Occupation	

Street Address		Unit Type
Unit No	City SAN ANTONIO	State Texas
Zip	Building No	Floor No

DOCUMENT #

4



Offense Case #	Incident Type	CFS Number
SAPD18148141	POLICE REPORT	SAPD-2018-0789722
Primary Offense		
CRIMINAL TRESPASS-PRIVATE PROP		Page 2 of 3
Date / Time Occurred		Date / Time Reported
7/14/2018 10:45 to 7/14/2018 10:45		7/14/2018 11:04

7/14/2018 10:45		7/14/2018 10:45		7/14/2018 11:04	
<div> <div>White Phone</div> <div>Hours of Employment to</div> <div>Hair Color Black</div> <div>Hair Length Ear Top</div> <div> <input type="checkbox"/> Glasses </div> <div>Eye Color Brown</div> </div>					
<div> <div>Build</div> <div>Facial Hair</div> <div>Facial Hair Color</div> <div>Voice</div> <div>Complexion</div> </div>					
GRUFF OR HARSH VOICE					
<div> <div>Ethnicity Non-Hispanic</div> <div>Marital Status</div> <div>Demolition Anny</div> <div>Hand Preference</div> </div>					
<div> <div>Shoe</div> <div>Jacket</div> </div>					
<div> <div>Pants</div> <div>Shoes</div> </div>					
<div> <div>Hat</div> </div>					
<div> <div>Traffic Stop</div> <div>Was Suspect Driving Car</div> <div>Race Known Prior to Stop</div> <div>Reason for Stop</div> </div>					
<div> <div> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <div> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <div> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> </div>					
<div> <div>Location of Stop</div> <div>Conversation or Evidence</div> <div>Race BLACK</div> <div>Ethnicity Non-Hispanic</div> </div>					
<div> <div> <div> <div>Traffic Stop</div> <div>Was Suspect Driving Car</div> <div>Race Known Prior to Stop</div> <div>Reason for Stop</div> </div> <div> <div>Location of Stop</div> <div>Conversation or Evidence</div> <div>Race BLACK</div> <div>Ethnicity Non-Hispanic</div> </div> </div> </div>					

ARREST									
Arrest Action		Disposition		Offense Location			Arrest Location		
Probable Cause		Booked - Adult							
Arrest Date/Time		Agency Issuing Warrant			Warrant Number			<input checked="" type="checkbox"/> Arrested on Scene	
7/14/2018 11 05									
Arrest Address									
Street Address								Unit Type	
849 E COMMERCE ST									
Unit No	City		State		Zip	Building No		Floor No	
393	SAN ANTONIO		Texas		78205				
Test Given		Test Date/Time		Test Results		Test Administered By			
Test Given		Test Date/Time		Test Results		Test Administered By			
Arrestee was armed with						Multiple Arrest			
Arresting Officer					Transporting Officer				
GARCIA TIM					MEJIA, NATHAN				
Arrestee Drug Use									
<input type="checkbox"/> Amphetamine		<input type="checkbox"/> Cocaine		<input type="checkbox"/> Heroin		<input type="checkbox"/> Methamphetamine		<input type="checkbox"/> Synthetic Narcotic	
<input type="checkbox"/> Barbituate		<input type="checkbox"/> Hallucinogen		<input type="checkbox"/> Marijuana		<input type="checkbox"/> Opium		<input type="checkbox"/> Unknown	

Associated Charges		
Charge	Penal Code	Counts
CRIMINAL TRESPASS-PRIVATE PROP		1

AP1 was advised several times by security to leave the mall. AP1 refused to leave. Mall security was in full uniform and acting within their authority.

OTHER PERSON		Person Type			
REPORTING PERSON					
Last Name		First Name		Middle Name	Suffix
ANDREDE		FRANCISCO			
Race	Sex	SSN	Date of Birth	Age	Age Range
WHITE	Male			35	30
Weight	Height	Driver's License #	DL State		
			TX		
Preferred		Ce			
Street Address		Other Person Home Address			
Unit No	City	State	Zip	Building No	Floor No
	SAN ANTONIO	Texas			

POLICE REPORT



San Antonio Police Department

Offense Case # SAPD18148141	Incident Type POLICE REPORT	CFS Number SAPD-2018-0789722
Primary Offense CRIMINAL TRESPASS-PRIVATE PROP		Page 3 of 3
Date / Time Occurred 7/14/2018 10 45 to 7/14/2018 10 45		Date / Time Reported 7/14/2018 11 04

<input type="checkbox"/> Student	RIVER CENTER MALL		Occupation SECURITY	
Street Address 849 E COMMERCE ST			Unit Type	
Unit No 383	City SAN ANTONIO	State Texas	Zip 78205	Floor No
Mark Photo	Hours of Employment	Details	Hair Color Brown	Hair Length Ear Top
Eye Color Brown	Build Medium	Facial Hair	Voice MEDIUM TALKER	Complexion
Ethnicity Hispanic	Demeanor Calm			

Narrative Legend

AP1 = ROBINSON, DEWAXNE KENNETH
RP1 = ANDREDE, FRANCISCO

Narrative Information

Officer Gonzales #744 and I responded to a call for a disturbance at river center mall. Upon arrival, We found AP1 with several mall security officers standing around him. I began speaking to AP1 and asked him about the situation. AP1 told me that he was in the mall and asked to leave by security. AP1 questioned security and finally moved however, he refused to leave the mall. He was asked repeatedly by security to leave and continued to refuse. AP1 stated he got upset that security would not leave him alone. He then requested security call the police but by that time, we were already called. Security officers at the scene told us that AP1 was getting aggressive and confrontational with mall patrons as they were walking by. They stated he was using vulgar language at them and threatening patrons as they passed.

I asked AP1 if he would leave the property now that we were on the scene. AP1 stated he didn't understand why he had to leave. I advised him that the mall was for customers of the mall and security had the right to protect their customers (the shop owners) by keeping the area clear of people loitering. He refused to understand the rational behind the explanation. AP1 refused again to leave. I then asked AP1 for his ID so I could check his criminal background. At that point AP1 was being legally detained. AP1 removed his ID from his wallet but refused to hand it to me. He continued to question the contact. At that point we could see him changing posture and begin to take an aggressive stance. Officer Gonzales #744 then grabbed AP1 by the arm. AP1 immediately began to tense up and pull away. I then took a hold of AP1's other arm and we attempted to handcuff AP1 in order to calm him down and prevent any violence. AP1 then began to resist and pull away even more. We struggled with him for a couple of seconds but finally got him into handcuffs without incident. He was placed under arrest for criminal trespass of private property. He was secured and the bike patrol transport wagon was called. We then walked him out of the mall and put him in the wagon.

AP1 was found to be clear of any outstanding warrants but showed to have other criminal trespass warnings in the city. He was given another criminal trespass warning by mall security and advised not to return. He stated he would return once he got out of jail though. He was transported to the city magistrates office and released into their custody without incident. His wallet was kept with him but his large hiking backpack was put in the SAPD property room under tag # 1299778.

POLICE REPORT



San Antonio Police Department

Offense Case # SAPD18189785	Incident Type POLICE REPORT	CFS Number SAPD-2018-0911935
Primary Offense INFORMATION REPORT		Page 1 of 2
Date / Time Occurred 7/14/2018 10 45 to 7/14/2018 10 45		Date / Time Reported 8/10/2018 23 24

Situation Found Information Hate Crime	Type Of Search None	Location Given By Dispatcher 416 E COMMERCE ST
Arson	Damage Value	Clearance

Elements of the Incident

☐ Video
 ☐ Domestic Violence
 ☐ Drive by Shooting
 ☐ Gang Related
 ☐ High Profile
 ☐ Juvenile Related
 ☐ Video Surveillance Available
 ☐ Video Surveillance Received

Street Address 416 E COMMERCE ST		Unit Type
Unit No	City SAN ANTONIO	State Texas
Floor No	Zip 78205	Building No
District 2110		

<input type="checkbox"/> Notified Detective	Detective Name	Detective Unit Type	Detective Badge #
<input type="checkbox"/> Notified Supervisor	Supervisor Name	Supervisor Unit Type	Supervisor Badge #
<input type="checkbox"/> Notified Medical Examiner	Medical Examiner Name	Medical Examiner Unit Type	Medical Examiner Badge #
<input type="checkbox"/> Notified Crisis Response Team	Crisis Response Name		
<input type="checkbox"/> Priority Notification	Priority Name		
<input type="checkbox"/> Notified Victim	Explanation		
<input type="checkbox"/> CSI Requested	CSI Name	CSI Unit Type	CSI Badge #
<input type="checkbox"/> BOLO	Reporting Officer JERRY TONE, SEBASTIAN	Employee Number	
Badge # 3254	Assignment Patrol Division		

<input checked="" type="checkbox"/> Primary Offense	Report Offense INFORMATION REPORT
UCR Category 000025	Attempted Completed
Premise Commercial/Office Building	Circumstances
Weapon Brand	Weapon Model
	Weapon Color
Criminal Activity 1 NONE	Criminal Activity 2 NONE
	Criminal Activity 3 NONE

OTHER PERSON	Person Type REPORTING PERSON
Last Name ROBINSON	First Name DEWAXNE
	Middle Name KENNETH
Race BLACK	Sex Male
Weight 175	Height 6 01"
Age 23	Age Range to
Place of Birth SAN ANTONIO	Driver's License #
Home Phone	Cell Phone
Email Address	

Street Address 4331 ROLAND AVE		Unit Type
Unit No	City SAN ANTONIO	State Texas
Zip 78222	Building No	Floor No
<input type="checkbox"/> Student	Employer PREMIERE HIGH SCHOOL	Occupation

Street Address 502 E RAMSEY RD		Unit Type
Unit No	City SAN ANTONIO	State Texas
Zip 78216	Building No	Floor No

DOCUMENT # 5

POLICE REPORT



San Antonio Police Department

Offense Case # SAPD18169788	Incident Type POLICE REPORT	CFS Number SAPD-2018-0911935
Primary Offense INFORMATION REPORT		Page 2 of 2
Date / Time Occurred 7/14/2018 10 45 to 7/14/2018 10 45		Date / Time Reported 8/10/2018 23 24

Work Phone	Hours of Employment to		Hair Color Black	Hair Length Ear Top	<input type="checkbox"/> Glasses
Eye Color Brown	Build Light	Facial Hair Unshaven	Voice LOW VOICE TALKER	Complexion Dark	
Ethnicity Non-Hispanic	Demographic				

Narrative Legend

RP1 = ROBINSON, DEWAXNE KENNETH

Narrative Information

While working Bike Patrol as the sergeant on duty, I was contacted by (RP1). He told me that he wanted to make a complaint on the officers who arrested him on the listed date and time. (RP1) told me that he did not have a phone number, but he provided me with his email address. I informed (RP1) that I would investigate the situation. BWC available.

SAN ANTONIO POLICE DEPARTMENT

Officer's Response to a Complaint

Complainant's Name (Last, First, MI) Robinson, Dewaxne K	SAPD Case Number SAPD18148141
---	----------------------------------

Garrity Warning

It is my understanding that this report is made for administrative internal police department purposes only, and will not be used against me in a criminal investigation. This report is made by me after being ordered to do so by a lawful supervisory officer. It is my understanding that by refusing to obey an order to write this report, I can be disciplined for insubordination, and that the punishment for insubordination can include termination of employment. This report is made pursuant to such order, and the potential discipline that can result from failure to obey that order.

On 7-14-18 Officer R Gonzales #744 and I were working overtime on Commerce St. We responded to a call for a disturbance at Rivercenter Mall. I was wearing my BWC throughout the entire incident. We arrested Mr Dewaxne Kenneth Robinson for criminal trespassing at the mall. As the video shows, Mr Robinson was argumentative and non-compliant. During the commission of the arrest, Mr Robinson used the words "Nigga" and "Fuck" several times. After demonstrating a great amount of restraint, I used similar language as a means of communicating my point. I repeated some of his language in order to speak at a vernacular he would understand. In retrospect, I was wrong and should have refrained from stooping to his level. At one point, I made reference to being DNA tested and being a certain percentage of African. I usually take offense to such language and I don't stand for it. I did not use the word in a derogatory manner or use it in reference to anyone at the scene. Nobody has complained of the language either.

While walking Mr. Robinson out of the mall and to the paddy wagon, I utilized my ASP baton as a come along as taught in the police academy and in Mobile Field Force Team training. He already demonstrated a degree of [REDACTED] and a propensity for being difficult. I also used the technique due to Mr. Robinson being half my age and larger than me. This technique allows the officer to maintain control of the prisoner thus mitigating the possibility of injury to the officer or prisoner.

Submit Completed Report to Supervisory Officer

Print Officer's Name TIM R GARCIA	Date Submitted
Officer's Signature and Badge Number T.R.G. #296	

[Home](#) | [Change Office](#) | [Search Officer](#) |



Work Info

Recognition

Assignment

Activity

Equip/Skill

Accident

Inspection

History

Email:

Print Info

Sec Officers

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DOCUMENT # 7

**San Antonio Police Department
Internal Affairs Unit
Non-Respondent Officer's Report**

I/A Formal Case Number: IA2018-0778
SAPD Case Number: 18-148141

Place of Occurrence		District of Occurrence	Type of Complaint
849 East Commerce Street, S.A. TX.		2110	Administrative
Complainant's Name (Last, First, MI)		Address	Phone Number
The Administration		800 Dolorosa Street	207-7365
Day of Occurrence	Date and Time of Occurrence	Date and Time Reported	How Reported
Saturday	July 14, 2018 10:45	July 14, 2018 10:45	Person

TYPE OR PRINT ONLY

Details:

I was called to Internal Affairs and asked to provide information on a call for service complaint that occurred on July 14th, 2018 at 849 East Commerce Street (The River Center Mall).

1. Did you complete any reports in regards to the above mentioned incident?


Answer: No

2. Did Sergeant Maurice provide you with any documentation that you authored and/or Body Cam Video of the above mentioned incident?

Answer: yes

3. Did you hear the language between Officer Tim Garcia #0296 (CFB) and Mr. Dewaxne Robinson? Please answer "YES" or "NO". If your answer is "YES", please detail what was said and was any the language used Officer Garcia appropriate?

Answer: At the time of the call, I heard minimal langaguge between officer Garcia and Mr. Dewaxne. However, I did not pay attention to the words spoken between them since I was speaking with the disptacher and bike patrol officer working the desk at the bike office. My ear piece sits in my left ear and I was away from Officer Gracia and Mr. Dewaxne as they spoke together. After reviewing Body-Cam, it shows me positioned with my left ear, which holds my ear piece, facing their direction and I was attempting to hear a clear transmission from our dispatcher and bike officer.

Officer's Printed Name	Signature and Badge Number	Date Submitted
Off. Robert Gonzales #0744	 #0744	09-18-18

**San Antonio Police Department
Internal Affairs Unit
Non-Respondent Officer's Report
(Supplement Sheet)**

I A Formal Case Number: 1A2018-0778

Once my body worn camera video was reviewed on a desk top, I could faintly hear Officer Garcia's conversation with Mr. Dewaxne which I did hear the words "Fuck You".

But I didn't hear it at the time of our call.

4. Please detail any force you used in order to affect the arrest of Mr. Dewaxne Robinson both before and after arrest.

Answer: Forced used by Officer Garcia and I included grabbing a hold of Mr. Dewaxne's arms and placing them behind his back to complete an affective arrest with handcuffs. Mr. Robinson was tensing up as we were trying to handcuff him. Outside I crossed his legs and held them down since he was agitated.

5. Do you believe the force you used in arresting Mr. Robinson was reasonable and necessary?

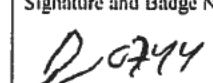
Answer: The force provided by officer Garcia and I was necessary inside the mall to prevent an affect arrest and to avoid any injuries that may have occurred with any weapons used.

After watching my body worn camera video, I could hear officer Garcia applying pressure with his issued alternate weapon, "ASP". I don't recall officer Garcia using the "ASP" in a rough maner, other than him using it to assist and control of Mr. Dewaxne as we walked him out of the mall.

Only until I observed the video on the desk top computer, I could hear Mr. Dewaxne yelp in pain, due to pressure being applied to Mr. Dewaxne's body.

6. Please detail any force you witnessed Officer Tim Garcia use before and after arresting Mr. Robinson.

Answer: The only force used was the force used to put Mr. Robinson in handcuffs. Outside he was assisted to be seated on the ground after he refused to allow me to search his shoes prior to transport. Once on the ground he continued to resist, so Officer Garcia placed him on his staomach with the assistance of his ASP. I do not recall any other force used by Officer Garcia against Mr. Dewaxne until video was shown to me.

Officer's Printed Name	Signature and Badge Number	Date Submitted
Off. Robert Gonzales #0744	 0744	09-18-18

**San Antonio Police Department
Internal Affairs Unit
Non-Respondent Officer's Report
(Supplement Sheet)**

I A. Formal Case Number: IA2018-0778

7. Do you believe the force Officer Garcia used before and after arresting Mr. Robinson was reasonable and necessary?

Answer: I believe force that was used after observing the video was necessary to keep control of Mr. Dewaxne since he was resisting arrest/transportation.

8. Do you have any additional pertinent information regarding this Internal Affairs Investigation? Answer "Yes" or "No." If your answer is "Yes," provide that information at this time.

Answer: No

9. Is there any other person who you feel Sergeant Maurice should interview in regards to this investigation? Answer "Yes" or "No." If "Yes," identify this person and state the importance of his/her direct observations.

Answer: No

10. Do you understand that if you become aware of any additional information relevant to this investigation you should notify Sergeant Maurice so that it can be thoroughly investigated?

Answer: Yes


11. Are you aware of General Manual Procedure 303.09 A. which states: Officers shall not discuss details of any complaint with persons outside of the disciplinary process?

Answer: Yes

Procedure 303- Disciplinary Procedures

.09 COMPLAINT INVESTIGATION RESPONSIBILITIES

A. Each individual officer must realize and accept the responsibility of confidentiality in order to avoid compromising the integrity of the disciplinary process. Officers shall not discuss details of any complaint with persons outside of the disciplinary process

Officer's Printed Name	Signature and Badge Number	Date Submitted
Off. Robert Gonzales #0744	 0744	09-18-18

**INTERNAL AFFAIRS
INTEROFFICE CORRESPONDENCE**

TO : Capt. Timothy A. Vaughan

FROM : Sgt. Thomas Maurice

CC : Lt. Michael Mosley, Sgt. Timothy Brooks, File

DATE : 09-14-2018

SUBJ : Body-Cam Video of Officer Tim Garcia #0296 (CFB)

The following is a brief review of the Body-Cam video of a call for service conducted by Officer Tim Garcia #0296 while working Central Foot Patrol "B" shift. The incident took place at the River Center Mall located at 849 East Commerce Street on July 14, 2018.

The times listed were taken from the progress bar and do not reflect time of day.
The video itself should be reviewed in its entirety.

- 0:29 Off. Garcia arrives at mall and unmutes body-cam.
- 2:19-5:02 Interaction between Officer Garcia, Mall Security and Mr. Dewaxne Robinson begins. Mr. Robinson explains his interaction with Mall Security
- 5:02-05:35 Officer Garcia attempts to explain to Mr. Robinson that he needed to leave the Mall as the security requested. Mr. Robinson becomes argumentative with Officer Garcia.
- 5:35 Officer Garcia states *"I will put your ass in jail"*.
- 06:19 Officer Garcia asks Mr. Robinson for his I.D.
- 06:33 after Mr. Robinson refuses to provide his I.D., Off. Garcia states to Mr. Robinson *"Look, I'm going to ask you to do something, I'm going to tell you to do something then I'm going to make you do something."*
- 06:40 Officer Gonzales begins to handcuff Mr. Robinson and Officer Garcia assists.
- 06:48 Officer Garcia informs Mr. Robinson that he is under an arrest.
- 07:09 Mr. Robinson is placed in handcuffs and seated on the floor
- 07:47 Officer Garcia states *"I agree. It is bullshit."*
- 08:03 Officer Garcia states *"I listened to all your stupid shit for five minutes."*
- 08:51 Officer Garcia states *"Do you know what's bullshit? It's the way you were raised."*
- 09:00 Officer Garcia states *"Yeah you are fucked up."* (Three times)
- 10:00-10:29 Officer Garcia banter with Mr. Robinson.
- 11:07 Officer Garcia states *"Fuck you too"* *"Hey, hey, here look, this is the police, this is the police telling you fuck you. How do you like that?"*
- 11:23 Officer Garcia states *"On Camera. I'll say it."*
- 11:36 Officer Garcia repeats Mr. Robinson, States *"Nigger?"* Then asks *"Do I look like your Nigger?"*
- 11:53 Officer Garcia states *"Say it right, put an R at the end"* *"Don't call me Nigga, I aint your Nigga"*

<p style="text-align: center;">INTERNAL AFFAIRS INTEROFFICE CORRESPONDENCE</p>
--

- 12:42 Mr. Robinson asked why he was going to jail. Officer Garcia replies "*For being a fucked up Nigga.*"
- 14:00 Mr. Robinson is assisted up from the ground. Officer Garcia extends his baton and uses it as a leverage to escort Mr. Robinson from the mall.
- 14:39 Officer Garcia states "*I think you fucked up your life.*"
- 16:35 Officer Garcia, Officer Gonzales and Mr. Robinson exit the mall.
- 17:46 Officer Gonzales reaches down to remove Mr. Robinson's shoes of and Mr. Robinson begins to struggle. Mr. Robinson is escorted to the ground.
- 18:54 As Mr. Robinson continues to curse, Officer Garcia twists him around with his ASP, and Mr. Robinson is face down on the cement. Officer Garcia's ASP, is used to hold Mr. Robinson in place.
- 19:12 Mr. Robinson tells Officer Garcia words to the effect Alright dude, I'm sorry man shit, I'm good. Officer Garcia holds him in place and asks him "*Good? No, are you really good, we need to make sure you are good.*"
- 19:50 (Allegation 2) Mr. Robinson appears to be in agreement with Officer Garcia but then answers with "*Yeah, whatever.*" Officer Garcia then twists his ASP causing pain to Mr. Robinson.
- 20:35 Officer Garcia releases the tension of his ASP.
- 21:05 an unknown person walking by takes a photograph of the two Officers holding Mr. Robinson to the ground.
- 22:36 S.A.P.D. Wagon arrives and Mr. Robinson is escorted to his feet and placed in the wagon.
- 23:16 Officers Mute their Body Cam.
- 24:40 unmuted
- 24:51 tape ends

The Body-Cam video of Officer Gonzales depicts the same event captured by Officer Garcia's Body-Cam. Officer Mejia's Body-Cam did not provide any additional footage related to the complaint made by Mr. Robinson. Sergeant Sebastian Jerrytone #3254 (CFB) Body-Cam captured the complaint made by Mr. Robinson on August 10, 2018.

Garrity Warning Sheet

San Antonio Police Department
General Manual
Section 200
Rules and Regulations
(Effective Date 07-24-2015)

SECTION 3.00 INDIVIDUAL RESPONSIBILITIES

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

3.27 GIVING INFORMATION IN INTERNAL INVESTIGATIONS:

A. DUTY TO GIVE INFORMATION: A member shall, when requested, answer questions, render statements, or surrender material relevant to a Professional Standards Section investigation.

B. GARRITY WARNING: Any member who is the subject of a Professional Standards Section investigation gives a written report, provided they are advised:

1. The report is for departmental purposes only;
2. The report will not be used against them in any subsequent criminal investigation or prosecution; and
3. Should they fail to give a written report, a lawful order to do so will be given, and failure to follow such an order will result in disciplinary action.

San Antonio Police Department
General Manual
Procedure 303
Disciplinary Procedures
(Effective Date 07-06-2016)

.10 COMPLAINT INTERVIEWS

C. A sworn member of the Internal Affairs Unit holding the rank of sergeant or above, when conducting a complaint interview with a sworn member, may request, or order if necessary, a sworn member of any rank to:

1. Submit a written report;
2. Answer interrogatories;
3. Provide physical evidence; or
4. Otherwise cooperate in any manner with Internal Affairs Unit personnel during an investigation.

I have read and I understand the above Rules and Procedures

Tim R. Garcia
Officer's Printed Name

[Signature]
Officer's Signature

16-09-18
Date

DOCUMENT # 12



SAN ANTONIO POLICE DEPARTMENT
Office of the Chief
Internal Affairs Unit



The Internal Affairs Unit is responsible for investigating complaints against officers and performs administrative reviews of police incidents to determine whether policy, training, equipment, or disciplinary issues should be addressed. I have been assigned to review your case and due to the nature of this responsibility, I am personally making a commitment to you that I will in good faith, and with objectivity, meet this responsibility in accordance with the department's regulations, mission and guiding principles.

Further, you should expect me to:

1. Maintain the integrity of the investigative process to the absolute best of my abilities and in the interests of this department; yourself, and the community;
2. Treat you in a courteous and professional manner;
3. Be responsive to your concerns or questions in a timely and consistent manner;
4. Ensure that this process remains free from personal or outside influences;
5. Be knowledgeable, timely, and ethical in my work responsibilities.

Investigator

10-09-18
Date

Integrity • Respect • Compassion • Fairness

DOCUMENT # 13

**San Antonio Police Department
Internal Affairs Unit
Allegation Sheet**

Complainant's Name: The Administration

Responding Officer: Officer Tim Garcia #0296 (CFB)

Internal Affairs Investigator: Sergeant Thomas Maurice #3231 (CIA)

I.A. Formal Case Number: IA2018-0778

During an investigation of a complaint filed by the Administration, it has been determined that you are now a respondent in this case. This memorandum is to inform you of the specific allegation(s) against you, and that Sergeant Thomas Maurice is the assigned investigator. The findings of this investigation will be forwarded to the Complaint and Administrative Review Board for a review and recommendation. A written response is required from you regarding the following allegation(s).

Allegation #1: On Saturday, July 14, 2018, at approximately 1045 hours on-duty SAPD Officer Tim Garcia #0296 (CFB) was dispatched to a call for service at 849 East Commerce Street (River Center Mall). Officer Garcia arrested Mr. Dewaxne Robinson for Criminal Trespassing. After handcuffing Mr. Robinson, Officer Garcia can be heard on his body worn camera engaging in an unnecessary verbal exchange with Mr. Robinson making the following comments:

- "I will put your ass in jail."
- "I agree. It is bullshit."
- "I listened to all your stupid shit for five minutes."
- "Do you know what's bullshit? It's the way you were raised."
- "Yeah you are fucked up."
- "Fuck you too" "Hey, hey, here look, this is the police, this is the police telling you fuck you. How do you like that?"
- "Nigga?" Then asks "Do I look like your Nigga?"
- "Say it right, put an R at the end" "Don't call me Nigga, I aint your Nigga"
- "For being a fucked up Nigga."
- "I think you fucked up your life."

The Administration alleges that Officer Garcia's verbal exchange did not conform to the ordinary and reasonable rules of good conduct and behavior and/or brought reproach and discredit to himself or the San Antonio Police Department. This incident was handled under SAPD case 18148141.


**This conduct may be a violation of the San Antonio Police Department's General Manual:
Rule and Regulation 3.04, Responsibility to Serve the Public,
Subsection C., Conduct and Behavior**


TM
10-09-18

DOCUMENT # 14

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-duty 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.


Respondent's Signature
6296 10-09-18
Badge No. Date


Investigator's Signature
3231 10-09-18
Badge No. Date

**San Antonio Police Department
Internal Affairs Unit
Allegation Sheet**

Complainant's Name: The Administration

Responding Officer: Officer Tim Garcia #0296 (CFB)

Internal Affairs Investigator: Sergeant Thomas Maurice #3231 (CIA)

I.A. Formal Case Number: IA2018-0778

During an investigation of a complaint filed by the Administration, it has been determined that you are now a respondent in this case. This memorandum is to inform you of the specific allegation(s) against you, and that Sergeant Thomas Maurice is the assigned investigator. The findings of this investigation will be forwarded to the Complaint and Administrative Review Board for a review and recommendation. A written response is required from you regarding the following allegation(s).

Allegation #2: On Saturday, July 14, 2018, at approximately 1045 hours on-duty SAPD Officer Tim Garcia #0296 (CFB) arrested Mr. Dewaxne Robinson during a call for service at 849 East Commerce Street (the River Center Mall). After handcuffing Mr. Robinson, body worn camera depicts Officer Garcia holding Mr. Robinson in an arm lock with his expandable baton (ASP). Mr. Robinson appears to be in compliance with Officer Garcia and replies "Yeah, whatever." Officer Garcia responds by twisting his ASP causing pain to Mr. Robinson. The Administration alleges the act of applying the additional force of twisting Mr. Robinson's arm after the verbal response "Yeah, whatever" from Mr. Robinson was unnecessary. This incident was handled under SAPD case 18148141.

**This conduct could be a violation of San Antonio Police Department General Manual:
SECTION 200-Rule & Regulations
SUBSECTION 3.00 INDIVIDUAL RESPONSIBILITIES**

3.26; Treatment of Prisoners (Physical Force). Prisoners shall be protected in their legal rights, given humane treatment, and shall not be subjected to verbal abuse or **unnecessary physical violence**.


Respondent's Signature

0296 10-09-18
Badge No. Date


Investigator's Signature

3231 10-09-18
Badge No. Date

**SAN ANTONIO POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT
RECEIPT OF DOCUMENTS VIEWED**

In accordance to the Collective Bargaining Agreement, Article 28 Subsection 1 (C) provides for review of certain documents at the time a respondent officer is providing a response to allegations presented to him by the Internal Affairs Unit.

Garcia, Tim
Officer's Name (Last, First, MI)
CFB
Unit Assignment

0296
Badge No./Rank
207-7764
Work Telephone

The following list of documents was viewed by the respondent officer prior to responding to the allegation (s):

<u>Title of Document</u>	<u>Prepared By</u>	<u>Date of Document</u>
1. Formal Complaint Notice (dated September 20, 2018)	Captain Timothy A. Vaughan	
2. SAPD Blue Team Report (dated August 10, 2018)	Sergeant Sebastian Jerrytone	
3. Incident Detail Report (dated July 14, 2018)	Visi-Net Browser	
4. SAPD Incident Report (dated July 14, 2018)	Officer Tim Garcia	
5. SAPD Information Report (dated July 14, 2018)	Sergeant Sebastian Jerrytone	
6. SAPD 200-OR (no date)	Officer Tim Garcia	
7. Patrol Activity Sheet (dated September 5, 2018)	Sergeant Thomas Maurice	
8. I.A. Non Respondent Officer's Report (dated September 18, 2018)	Officer Robert Gonzales	
9. Patrol Activity Sheet (dated September 18, 2018)	Sergeant Thomas Maurice	
10. Interoffice Correspondence (dated September 14, 2018)	Sergeant Thomas Maurice	
11. Media Envelope		
Containing: 1 CD of Body Camera (Off. Garcia, Gonzales, Sgt. Jerrytone)	Sergeant Thomas Maurice	
1 CD Security Interviews	Sergeant Thomas Maurice	
12. Garrity Warning		
13. Allegation Sheets	Sergeant Thomas Maurice	
14. SAPD I.A. Commitment Form	Sergeant Thomas Maurice	

The respondent officer's signature provides proof of the documents viewed and that a copy of this receipt form was provided at this time.

Respondent Officer: _____

Signature

Date: _____

10-09-18

Internal Affairs Investigator: _____

Signature

#3231

Date: _____

10-09-18

**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report**

Formal Case Number: IA2018-0778
SAPD Case Number: SAPD18148141

Place of Occurrence		District of Occurrence	Type of Complaint
849 East Commerce Street, San Antonio, Tx.		2110	Formal
Complainant's Name (Last, First, MI)		Address	Phone Number
The Administration		800 Dolorosa, San Antonio, Tx. 78207	207-7365
Day of Occurrence	Date and Time of Occurrence	Date and Time Reported	How Reported
Saturday	July 14, 2018 1019	July 14, 2018	Administration

TYPE OR PRINT ONLY

It is my understanding that this report is made for administrative internal police department purposes only, and will not be used against me in a criminal investigation. This report is made by me after being requested to do so by a lawful supervisory officer. It is my understanding that by refusing to obey an order to write this report, I can be disciplined for insubordination, and for failing to cooperate with an administrative internal police department investigation, and punishment for such departmental rules violations can include termination of employment. This report is made pursuant to such order, and the potential discipline that can result from failure to obey that order.

Question # 1: Have you read the Sworn Statement or the Allegation Sheet in connection with this Internal Affairs Investigation? Do you understand it?

Answer: Yes.

Answer: Yes.

Question # 2: Have you read Rule 3.02, Truthfulness of Members, of the San Antonio Police Department General Manual? Do you understand it?

Answer: Yes.

Answer: Yes.

Question # 3: Are you recording this interview with Internal Affairs Sergeant Thomas Maurice? Please answer "Yes" or "No." If your answer is "Yes," have you notified Sergeant Maurice that you are recording this interview? Please answer "Yes" or "No."

Answer: No.

Question # 4: Is your attorney or a representative of the Association (SAPOA) present with you during this interview? Answer "Yes" or "No." If your answer is "Yes," identify by name the attorney or representative of the Association (SAPOA).

Answer: Yes. CLEAT attorney Morris Munoz.

Officer's Printed Name	Officer's Signature and Badge Number	Date Submitted
Officer Tim Garcia #0296 (CFB)	 #296	10/09/18

**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)**

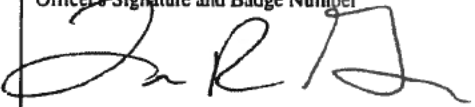
I.A. Formal Case Number: IA2018-0778

Question # 5: Have you read the Internal Affairs Allegation that you violated Rule & Regulation 3.04.C Conduct and Behavior? (Refer to Allegation #1 alleging the unnecessary verbal exchange with Mr. Robinson.)

Answer: Yes.

Please write a detailed response to this allegation.

Answer: On 7-14-18 Officer R. Gonzales #744 and I were working overtime on Commerce St. We responded to a call for a disturbance at Rivercenter Mall. We arrested Mr. Dewaxne Kenneth Robinson for criminal trespassing at the mall. Mr. Robinson was argumentative and non-compliant. Prior to the commission of the arrest I made several attempts to explain in clear language to Mr. Robinson that he needed to leave when told by mall security. I kept explaining and emphasized that if they (security) don't want you here, then you have to leave. Mr. Robinson became argumentative with me when I continuously explain that he needed to leave. He was not getting the point that he needed to leave. I thought that if I spoke to him in a similar vernacular he would understand, I told him "I will put your ass in jail." I continued to explain to him that if they don't want you here you have to leave. It appeared that he finally understood what I was saying. Once I asked him for his ID, he began to question why we were asking for his ID. He began to be argumentative and did not give me his ID. Officer Gonzales placed his hands on Mr. Robinson's right arm and immediately Mr. Robinson tensed up. As we attempted to handcuff Mr. Robinson, a brief struggle ensued and we were able to place Mr. Robinson in handcuffs. As I was gathering information pertinent to the report, Mr. Robinson being boisterous. He continued this behavior using colorful language such as "fuck" several times. After demonstrating a great amount of restraint, I used similar language as a means of communicating my point. I repeated some of his language in order to speak a vernacular he would understand. For example, he was saying things like y'all got me fucked up (he repeated this several times) and I would respond with "Yeah you are fucked up". Officer Gonzales was explaining to Mr. Robinson why he was in handcuffs, he continued to be argumentative saying that is bullshit. At this point I was caught up in his banter and would repeat his language. In retrospect, I was wrong and should have refrained from stooping to his level.

Officer's Printed Name	Officer's Signature and Badge Number	Date Submitted
Officer Tim Garcia #0296 (CFB)	 #296	10/09/18

**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)**

I.A. Formal Case Number: IA2018-0778

Question # 6: (Refer to Allegation #1) When Mr. Robinson asked you why he was being arrested, why did you state to him *"For being a fucked up nigga."*?

Answer: Prior to my response, Mr. Robinson said twice "y'all got me fucked up" and then asked twice "why am I going to jail" and continued with "for what, for what, for what". Again I got frustrated and responded, using his words, "for being a fucked up nigga". In retrospect, I was wrong and should have refrained from stooping to his level.

Question # 7: (Refer to Allegation #1) Please explain why you told Mr. Robinson *"Say it right, put an R at the end" "Don't call me Nigga, I aint your Nigga"*.


Answer: While I was gathering information for the report, Mr. Robinson kept being boisterous. At one point, he referred to me as "Nigga" and to make sure I heard him correctly, I responded to him "Nigga? Do I look like your nigga". Mr. Robinson said "yeah I called you a mother fucking nigger." That's when I said to him that's right, put an "R" at the end. I continued to tell him "don't call me Nigga, I aint your Nigga" because I was frustrated with him. I usually take offense to such language and I don't stand for it. I did not use the word in a derogatory manner or use it in reference to anyone at the scene nor is this word or any form of this word is used in my everyday vocabulary. I was merely repeating Mr. Robinson's words.

Question # 8: Have you read the Internal Affairs Allegation that you violated Rule & Regulation 3.26 Treatment of Prisoners (referring to allegation #2 the additional force you applied to Mr. Robinson after his verbal response of *"Yeah, whatever."*)?

Answer: Yes.

Please write a detailed response to this allegation.

Answer: As we were getting ready to walk Mr. Robinson through the mall, I utilized my ASP baton as a come along as taught in the police academy and in Mobile Field Force Team training. He already demonstrated a

Officer's Printed Name	Officer's Signature and Badge Number	Date Submitted
Officer Tim Garcia #0296 (CFB)	 #296	10/09/18

**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)**

I.A. Formal Case Number: IA2018-0778

degree of [REDACTED] and a propensity of being difficult. I also used the technique due to Mr. Robinson being half my age and larger than me. This technique allows the officer to maintain control of the prisoner thus mitigating the possibility of injury to the officer or prisoner. While walking Mr. Robinson through Macy's he stated "man I'll slap the shit out of your bitch ass". We continued to walk Mr. Robinson out of the mall and waited for the paddy wagon to arrive. Officer Gonzales was completing his search incident to arrest. To ensure there was no contraband in Mr. Robinson's socks and shoes, Officer Gonzales attempted to remove move Mr. Robinson's shoes. Mr. Robinson tensed up and was put on the ground. At the point where Mr. Robinson says "fuck you, you hoe ass bitch" he tensed up and I used the ASP as leverage for control and placed him on his stomach. I explained to Mr. Robinson if you relax, I relax. I advised him, "if you're good, I'm good, if you react, I react, do you understand". What you cannot see on the video is Mr. Robinson tensing against me when he states "yeah whatever". This caused me to apply additional force on the ASP to gain compliance. I backed off once compliance was obtained. I again explained to him, "you react, I react."

Question # 9: Do you have any additional pertinent information regarding this Internal Affairs Investigation? Answer "Yes" or "No." If your answer is "Yes," provide that information at this time.

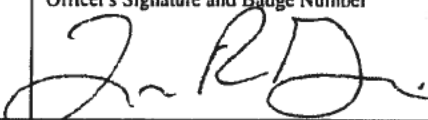
Answer: No.

Question # 10: Is there any other person who you feel Sergeant Maurice should interview in regards to this investigation? Answer "Yes" or "No." If "Yes," Identify this person and state the importance of his/her direct observations.

Answer: No.

Question # 11: Do you understand that if you become aware of any additional information relevant to this investigation that you should notify Sergeant Maurice so that it can be thoroughly investigated?

Answer: Yes.

Officer's Printed Name	Officer's Signature and Badge Number	Date Submitted
Officer Tim Garcia #0296 (CFB)	 #296	10/09/18

**San Antonio Police Department
Internal Affairs Unit
Officer's Response Report
(Supplement Sheet)**

I.A. Formal Case Number: IA2018-0778


Question # 12: Are you aware of General Manual Procedure 303.09 A., and that you shall not discuss details of any complaint with persons outside of the disciplinary process?

Answer: Yes.

Procedure 303- Disciplinary Procedures

.09 COMPLAINT INVESTIGATION RESPONSIBILITIES

A. Each individual officer must realize and accept the responsibility of confidentiality in order to avoid compromising the integrity of the disciplinary process. Officers shall not discuss details of any complaint with persons outside of the disciplinary process.

Officer's Printed Name	Officer's Signature and Badge Number	Date Submitted
Officer Tim Garcia #0296 (CFB)	 #296	10/09/18

Officer Tim R. Garcia, #0296
San Antonio Police Department
San Antonio, Texas

0778

JAN 8 '19 10:24AM
CITY OF
SAN ANTONIO HR

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

RECEIVED

JAN 08 2019

BY: _____

Commissioners and Officer Tim R. Garcia:

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 Tim R. Garcia from paid duty with the San Antonio Police Department, indefinitely, without pay, from his position as an officer of the San Antonio Police Department, effective immediately.

Officer Garcia 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 Garcia 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 Garcia 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.

RULE 3.26 - TREATMENT OF PRISONERS: Prisoners shall be protected in their legal rights, given humane treatment, and shall not be subjected to verbal abuse or unnecessary physical violence.

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

On July 14, 2018, at approximately 10:45 a.m., on-duty San Antonio Police Department (hereinafter "SAPD") Officer Tim R. Garcia was dispatched to a call for service at 849 East Commerce Street (River Center Mall). At that location, Officer Garcia and his partner detained a male for possible Criminal Trespassing among other possible infractions. After handcuffing the male, Officer Garcia can be heard on his body worn camera engaging in an unnecessary, unwarranted, profane and racially charged verbal exchange with the male, in public view. His conduct did not conform to the ordinary and reasonable rules of good conduct and behavior and brought reproach and discredit to himself and the San Antonio Police Department.

LEGAL ADVISOR'S OFFICE

JAN 08 2019

SAN ANTONIO POLICE DEPARTMENT

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

Following separation from the Department, the training requirements to maintain an officer's peace officer's license for the current training cycle and unit are that officer's responsibility. An officer should refer to the TCOLE website <http://www.tcole.texas.gov/content/training-requirements> for further information and to establish a TCOLE account to review current training records.


WILLIAM P. MC MANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

JAN 07 2019

DATE

I hereby acknowledge receipt of the original of the foregoing indefinite 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.

 #296
OFFICER TIM R. GARCIA, #0296
SAN ANTONIO POLICE DEPARTMENT

1-7-19

DATE

1512

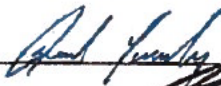
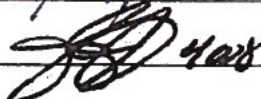
TIME

JAN 8 '19 10:24AM

CITY OF

WITNESSED BY:

SAN ANTONIO HR

 DATE: 1-7-19 TIME: 1512
 DATE: 1-7-19 TIME: 1512

FILED on this the 08 day of January, 2019, with the Fire Fighters' and Police Officers' Civil Service Commission.


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


**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Tim R. Garcia, #0296

UNIT OF ASSIGNMENT: CFB

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
	01	07	19	01	08	19			

NARRATIVE REMARKS: Indefinite Suspension

AUTHORITY: Written Order of the Chief of Police

JAN 8 '19 10:24AM

CITY OF

SAN ANTONIO HR

 #296
EMPLOYEE

1-7-19
DATE


DEPARTMENT HEAD

JAN 07 2019
DATE

LEGAL ADVISOR'S OFFICE
JAN 08 2019
SAN ANTONIO POLICE DEPARTMENT

INTEROFFICE MEMO

January 2, 2019

TO:

Captain T. Vaughan

COPIES TO:

**Assistant Chief J. Flavin
Deputy Chief A. Muro
Lieutenant J. Massiatte
Sergeant T. Brooks
Legal Advisor
File**

SUBJECT:

Officer Off. Tim Garcia #0296 (CFB)
Case No. IA2018-0778

The following action will be implemented:

- ☒ Upheld.
- ☐ Agreed Suspension of _____ day(s). Rule(s)/Procedure(s) _____
- ☐ Reduced from _____ days to _____ days.
- ☐ Reduced to a Written Reprimand.
- ☐ Reduced to Written Counseling.
- ☐ Returned for Further Investigation.
- ☐ Rule(s)/Procedure(s) _____ Overturned and ruled Inconclusive.
- ☐ Rule(s)/Procedure(s) _____ Overturned and ruled Unfounded.
- ☐ Rule(s)/Procedure(s) _____ Removed.
- ☐ Overturned and ruled Non-Chargeable (Send copy to Traffic Investigation)
- ☐ Overturned and ruled Inconclusive/Unfounded
- ☐ Rule Change: _____
- ☐ Amend factual basis as follows: _____


William P. McMahon
Chief of Police

WPM:jme

DATE: DECEMBER 6, 2018
ATTENTION: OFFICER TIM R. GARCIA, #0296
SUBJECT: CONTEMPLATED DISCIPLINARY SUSPENSION

LEGAL ADVISOR'S OFFICE
DEC 13 2018
SAN ANTONIO POLICE DEPARTMENT

It is contemplated that you will receive an indefinite suspension authorized under the Fire Fighters' and Police Officers' Civil Service Commission Rule XIII(C) for violations of police department rules and/or special orders.

The first police department rule and/or special order in which you have violated is as follows:

San Antonio Police Department General Manual; Section 200 – Rules and Regulations; Section 3.04 – Responsibility to Serve the Public; Subsection C – Conduct and Behavior

3.04(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.

RECEIVED

DEC 14 2018

BY: _____

The factual basis for the first violation is as follows:

On July 14, 2018, at approximately 10:45 a.m., on-duty San Antonio Police Department (hereinafter "SAPD") Officer Tim R. Garcia was dispatched to a call for service at 849 East Commerce Street (River Center Mall). At that location, Officer Garcia and his partner detained a male for possible Criminal Trespassing among other possible infractions. After handcuffing the male, Officer Garcia can be heard on his body worn camera engaging in an unnecessary, unwarranted, profane and racially charged verbal exchange with the male, in public view. His conduct did not conform to the ordinary and reasonable rules of good conduct and behavior and brought reproach and discredit to himself and the San Antonio Police Department.

The second police department rule and/or special order in which you have violated is as follows:

SAPD General Manual General Manual; Section 200 – Rules and Regulations; Section 3.26 – Treatment of Prisoners

3.26: Prisoners shall be protected in their legal rights, given humane treatment, and shall not be subjected to verbal abuse or unnecessary physical violence.

The factual basis for the second violation is as follows:

On July 14, 2018, at approximately 10:45 a.m., on-duty SAPD Officer Tim R. Garcia was dispatched to a call for service at 849 East Commerce Street (River Center Mall). At that location, Officer Garcia and his partner detained a male for possible Criminal Trespassing among other possible infractions. After handcuffing the male, body worn camera depicts Officer Garcia holding the male in an arm lock with his expandable baton (ASP). At approximately minute 19:45 – 20:00 on Officer Garcia's Body Worn Camera footage, while the male appeared to be subdued and restrained, the male responded to a question from Officer Garcia with, "yeah, whatever." Officer Garcia responded by twisting his ASP, causing the male to call out in pain. Officer Garcia's act of twisting his ASP was inhumane and constituted unnecessary physical violence.

Please be advised that (a) these charges may be rebutted to the Chief either orally or in writing within seven calendar days; and (b) officers suspended up to a maximum of forty-five working days may, at the Chief's discretion, serve such suspension by forfeiting accumulated compensatory vacation time, bonus time, or holiday leave equal to the suspension.

Please acknowledge receipt of the original of this report.

WPM

DEC 07 2018

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

DATE

Tim R. Garcia
OFFICER TIM R. GARCIA, #0296

12-11-18
DATE

WITNESSED BY:

[Signature] #4022

DATE: *12-11-18* TIME: *1813*

Phillip Mosek #3259

DATE: *12-11-18* TIME: *1813*