

Officer Ann M. Garcia, #0243
San Antonio Police Department
San Antonio, Texas

FEB 19 12:51 PM
CITY OF
SAN ANTONIO TX

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

AGREED SUSPENSION

Commissioners and Officer Ann M. Garcia:

WHEREAS, Officer Ann M. Garcia, 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 January 12, 2019, with a two-day contemplated suspension; and

WHEREAS, Officer Garcia and her captain, Randall Smith, have agreed and Chief McManus has approved of settling this matter with a two-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Garcia shall be suspended without pay from the San Antonio Police Department for a period of two days, commencing on February 19, 2019, and ending on February 20, 2019. Officer Garcia 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 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 rules violated by Officer Garcia 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 Garcia has violated are as follows:

PROCEDURE 409 – MOBILE VIDEO RECORDING (.06)
RECORDING (A) All officers shall begin recording the following events upon receipt of call and continue recording until it is concluded; any deviations will require a supervisor's approval and must be documented in the officer's report or CFS comment entry field. (1) DWI stops; (2) Code 1 Calls; (3) Code 2 Calls; (4) Code 3 Calls; (5) Self initiated stops: (a) Arrest (b) Field contacts (c) Traffic stops (6) Vehicle pursuits; and (7) Vehicle crashes.

LEGAL ADVISOR'S OFFICE

FEB 07 2019

SAN ANTONIO POLICE DEPARTMENT

PROCEDURE 410 - BODY WORN CAMERAS (.06)
RECORDING (D) Officers shall begin recording the following events and continue recording until the event is concluded; (Any deviations will require a supervisor's approval and must be documented in the Officer's video, report, or CFS comment entry field in accordance with Section .07 of this procedure): (1) Upon observation of suspicious or criminal behavior; (2) Upon reception of or response to CFS, whether dispatched or not; (3) Officer-initiated contacts: (a) Arrest, (b) Field Contacts, (c) Traffic/Pedestrian Stops, (d) Vehicle/Foot Pursuits; (4) During all prisoner or witness transports. If an officer arrives at a facility that is recorded, such as Public Safety Head Quarters (PSHQ) or the Magistrate's Office, the Officer may cease recording upon entering the facility or transferring custody of the prisoner/witness; (5) In instances where the Officer reasonably believes that the recording may provide evidence in criminal investigations; (6) Service of search or arrest warrants on the premises of a residence, business or building, if the Officer is assisting in such service of search or arrest warrants; and (7) Citizen-initiated contacts or flagged down requests for public safety services.

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

While investigating a motor vehicle crash which occurred on or about December 11, 2018 involving Officer Ann M. Garcia, it was discovered that Officer Garcia had not activated her body worn camera or her Coban video recording systems upon receiving and enroute to a call for service: SAPD-2018-1420050.

FEB7 '19 12:31PM

CITY OF

SAN ANTONIO HR

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

AGREED TO BY: WPM JAN 31 2019
WILLIAM P. MCMANUS DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

Ann M. Garcia 02 106 19
OFFICER ANN M. GARCIA, #0243 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

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 the instant 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.

Ann M. Garcia 0243
OFFICER ANN M. GARCIA, #0243
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] 3283 TIME: 1112 DATE: 2.6.19
[Signature] 4013 TIME: 1112 DATE: 2/6/19

FILED on this the 7 day of February, 2019, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

FEB7 '19 12:31PM

CITY OF
SAN ANTONIO HR

**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Ann M. Garcia, #0243

UNIT OF ASSIGNMENT: SPA

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]	01	31	19	02	19	19	02	20	19

NARRATIVE REMARKS: Agreed Two-Day Suspension

AUTHORITY: Written Order of the Chief of Police

FEB 7 '19 12:31PM

CITY OF

SAN ANTONIO HR

Ann M. Garcia
EMPLOYEE

02106119
DATE

HP WILLIAMS
DEPARTMENT HEAD

JAN 31 2019
DATE

LEGAL ADVISOR'S OFFICE

FEB 07 2019

SAN ANTONIO POLICE DEPARTMENT

LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: ANN GARCIA 243
Officer's Name Badge Number

Date: 02/06/19

Copies to: Accounting, Budget and Personnel, Pension Board, File

TYPE OR PRINT ONLY- Use Ink

I, Ann M. Garcia, hereby agree to the 2 day actual
Suspension will be served 2/19/19 - 2/20/19 and request to forfeit leave time in lieu of
serving the disciplinary suspension.

Type of leave forfeited:

- Vacation
- Compensatory Time
- Holiday
- Bonus Day

Ann M. Garcia 0243
Officer's Signature

02/06/19
Date

FEB 7 '19 12:32PM

CITY OF

SAN ANTONIO HR

Request Denied/Approved

[Signature]
Chief of Police

FEB 06 2019

The Chief of Police is not prohibited from denying this request.

LEGAL ADVISOR'S OFFICE
FEB 07 2019

SAN ANTONIO