

AGREED SUSPENSION

CITY OF

SAN ANTONIO HR

FEB11 '19 11:01AM

WHEREAS, San Antonio Police Department Officer Roger Sanchez, #0359 (“Officer Sanchez”) was served with a Contemplated Indefinite Suspension on or about December 10, 2018 concerning San Antonio Police Department Internal Affairs (“IA”) Unit case number 2018-0863; and

WHEREAS, pursuant to Article 28, Section 15 of the Collective Bargaining Agreement between the City of San Antonio, Texas and The San Antonio Police Officers’ Association, authorized by City of San Antonio Ordinance 2016-09-01-0639, Officer Sanchez and the San Antonio Police Department (“SAPD”) have agreed to waive the normal investigative track through Internal Affairs and submit to the expedited disciplinary track option for IA Case Numbers 2018-1146 and 2018-1150; and

WHEREAS, Officer Sanchez acknowledges violating one or multiple San Antonio Police Department (“SAPD”) rules and/or special orders as set forth in more detail below; and

WHEREAS, Officer Sanchez was eligible to, and did in fact, meet with the Chief of Police regarding the Contemplated Indefinite Suspension for IA Case Number 2018-0863; and

WHEREAS, Officer Sanchez was eligible to, but waived his right to meet with the Chief of Police pursuant to his choice to elect the expedited disciplinary tract for IA Case Numbers 2018-1146 and 2018-1150; and

WHEREAS, Officer Sanchez has been employed as a Police Officer with SAPD since 1982 and has thirty-six years of employment with SAPD as of the making of this Agreement; and

WHEREAS, Police Chief William P. McManus and Officer Sanchez have agreed to a resolution of the discipline in this matter;

NOW THEREFORE:

FOR AND IN CONSIDERATION OF THE AGREEMENTS CONTAINED HEREIN:

SECTION 1. Officer Sanchez agrees that he has violated Rule XIII(C)(12) 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) and multiple violations of SAPD rules and/or special orders.

The first violation concerns the following police department rule and/or special order:

LEGAL ADVISOR'S OFFICE

FEB 08 2019

SAN ANTONIO POLICE DEPARTMENT

San Antonio Police Department General Manual Procedure 410 – Body Worn Cameras; Section .06 (D) (2) – Recording:

410.06 (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):

2. Upon reception of or response to CFS, whether dispatched or not

The factual basis for that violation is as follows:

During the course of a quarterly review of the body worn camera database, Sergeant Daniel Gonzales discovered that Officer Roger Sanchez failed to initiate his body worn camera (hereinafter "BWC") on an unacceptable number of calls for service that he responded to. From July 2, 2018 through September 20, 2018, Officer Sanchez was assigned to approximately 245 calls for service. For the approximately 245 calls for service, Officer Sanchez had approximately 116 missing BWC videos.

The second violation concerns the following police department rule and/or special order:

San Antonio Police Department General Manual Procedure 409 – Mobile Video Recording; Section .06 – Recording; (A):

409.06 (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.

The factual basis for that violation is as follows:

During a quarterly review into the Mobile Video Recording (hereinafter "MVR") database, Sergeant Amy Morris discovered that Officer Roger Sanchez failed to initiate his MVR technology on an unacceptable number of calls for service that he responded to. From July 2, 2018 through September 20, 2018, Officer Sanchez was assigned to approximately 245 calls for service. For the approximately 245 calls for service, Officer Sanchez failed to initiate his MVR device for each call for service as required.

The third violation concerns the following police department rule and/or special order:

San Antonio Police Department General Manual: Rules and Regulations Section 3.03 Obey Lawful Orders, (A) Insubordination:

3.03 Obey Lawful Orders: Members shall promptly and willingly obey all lawful orders and directions given by supervisory officers and shall comply with instructions given by the police dispatcher.

- A. INSUBORDINATION: Defying the authority of any supervisory officer by obvious disrespect, disputing orders, failure and/or deliberate refusal to obey any lawful order given by them shall be deemed insubordination.

The factual basis for that violation is as follows:

In March of 2018, Sergeant Manuel Perez instructed Officer Sanchez, his subordinate, to comply with the San Antonio Police Department's General Manual Procedures on BWC and MVR after it was discovered that Officer Sanchez failed to initiate his BWC and MVR devices on multiple calls for service that he responded to. On September 11, 2018, Sergeant Daniel Gonzalez issued a Field Counseling to Officer Roger Sanchez, his subordinate, for failure to comply with the San Antonio Police Department's General Manual Procedures on BWC. During a subsequent review of the BWC and MVR databases from September 11, 2018 through September 20, 2018, Officer Sanchez was assigned to approximately 51 calls for service. For the approximately 51 calls for service, Officer Sanchez had 18 missing BWC videos and 51 missing MVR videos.

The fourth violation concerns the following police department rule and/or special order:

SAPD General Manual Rules and Regulations Section 4.07 Attentiveness to Duties – Prompt Response to All Calls:

Officers shall respond without delay to all calls for police service from citizens or other members. Immediately upon completion of the call, officers shall notify the dispatcher of their return to service.

The factual basis for that violation is as follows:

On November 19, 2018 at 1358 hours, Officer Sanchez was dispatched to a call for a shoplifter at the Walmart store located at 2100 SE Loop 410. Officer Sanchez' Body Worn Camera indicated he completed his investigation with Walmart loss prevention personnel at 1437 hours; however, he did not notify the dispatcher of his return to service until 1528 hours. The Administration alleges that Officer Sanchez failed to notify the dispatcher of his return to service immediately upon completion of the call.

The fifth violation concerns the following police department rule and/or special order:

SAPD General Manual Procedure 701.03 – Physical Evidence

C. Physical evidence must be properly preserved, recorded, and collected for it to be of use in discovering the facts of a crime.

The factual basis for that violation is as follows:

On November 19, 2018 at 1358 hours, Officer Sanchez was dispatched to a call for a shoplifter at the Walmart store located at 2100 SE Loop 410. Loss prevention personnel notified Officer Sanchez the suspect in the case had left her purse behind when she fled the location. Officer Sanchez did not review the contents of the purse or collect the purse as evidence in the theft. Officer Sanchez failed to collect physical evidence and secure the item in the Property Room.

The sixth violation concerns the following police department rule and/or special order:

SAPD General Manual Procedure 409 – Mobile Video Recording; Section .06 – Recording

A. All Officers shall begin recording the following events upon receipt of call and continue recording until it is concluded;

1. DWI stops;
2. Code 1 calls;
3. Code 2 calls;
4. Code 3 calls;
5. Self-initiated stops;
6. Vehicle pursuits; and
7. Vehicle crashes

The factual basis for that violation is as follows:

On November 19, 2018 at 1358 hours, Officer Sanchez was dispatched to a call for a shoplifter at the Walmart store located at 2100 SE Loop 410. During a review of the call, it was discovered that Officer Sanchez did not

start a Mobile Video Recording until 1430 hours, 32 minutes after the call was assigned. Officer Sanchez failed to begin recording on his Mobile Video recording device upon receipt of a call and continue recording until it is concluded.

The seventh violation concerns the following police department rule and/or special order:

San Antonio Police Department General Manual: Rules and Regulations
Section 4.13 – Duty to take Action:

Officers are charged with the responsibility to enforce local ordinances, state laws, and federal statutes, to preserve the peace, and to protect lives and property. All officers will take immediate action to prevent any obvious felony offense, or to arrest, if reasonably possible, any known felony offender, and to protect all persons and property from imminent harm.

The factual basis for that violation is as follows:

On November 6, 2018, around 1653 hours, Officer Roger Sanchez was dispatched as the handling officer to 4457 Meeks Ave in San Antonio, Texas, behind the Post Office for a female yelling for help. The suspect was located, handcuffed, and detained by the cover officer before contacting the victim. When Officer Sanchez arrived, the cover officer determined the female was the victim of a Family Violence incident. An Administrative investigation into the incident revealed the suspect was currently on probation for Assault-Family Violence-2nd Offense, which is a felony, for assaulting the same victim on April 26, 2017. Officer Sanchez failed to take proper action by not arresting the suspect for the felony offense of Family Violence. Further, Officer Sanchez did not contact his supervisor for guidance.

The eighth violation concerns the following police department rule and/or special order:

San Antonio Police Department General Manual Procedure 313 – Use of
City Vehicles:

.04 AUTHORIZED USE

- B. Members transport only authorized persons in a city vehicle.
- 2. Approval to transport off-duty members or non-members must be received from the unit supervisor.

The factual basis for that violation is as follows:

On November 6, 2018, around 1653 hours, Officer Sanchez was dispatched as the handling officer to 4457 Meeks Ave in San Antonio,

Texas, behind the Post Office for a female yelling for help. When he arrived, his cover officer had already determined the female was the victim of Family Violence and had the suspect detained. Officer Sanchez ultimately removed the handcuffs from the suspect and dropped him off in a parking lot at the intersection of Fair Ave and S. New Braunfels. Officer Sanchez did not get supervisory approval to transport the suspect in a city vehicle.

The ninth violation concerns the following police department rule and/or special order:

San Antonio Police Department General Manual 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.

2. Code 1 Calls

The factual basis for that violation is as follows:

On November 6, 2018, around 1653 hours, Officer Sanchez was dispatched as the handling officer to 4457 Meeks Ave in San Antonio, Texas, behind the Post Office for a female yelling for help. Officer Sanchez activated the COBAN in-car camera system approximately six minutes after being assigned and acknowledging the call he was dispatched to. However, Officer Sanchez did not begin recording on his COBAN in-car camera system upon his receipt of the call for service.

The tenth violation concerns the following police department rule and/or special order:

San Antonio Police Department General Manual 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):

2. Upon reception of or response to CFS, whether dispatched or not

The factual basis for that violation is as follows:

On November 6, 2018, around 1653 hours, Officer Sanchez was dispatched as the handling officer to 4457 Meeks Ave in San Antonio,

Texas, behind the Post Office for a female yelling for help. Officer Sanchez activated his Body Worn Camera after arriving at the call and interacting with the parties involved. Officer Sanchez activated his Body Worn Camera at approximately 1711 hours, approximately 19 minutes after his reception of and response to a Call For Service he was dispatched to.

The eleventh violation concerns the following police department rule and/or special order:

SAPD General Manual Procedure 503 - Obtaining and Executing Arrest Warrants, .06 Verification of Warrant Information, Subsection (B) (2), Class C Misdemeanor Arrest Warrants:

2. Should there be probable cause to believe there is an outstanding class C misdemeanor arrest warrant; the person detained for verification of the warrant is held at the place of contact until the warrant is confirmed active either by MDT message from the issuing agency or verbally by the Communications Unit dispatcher. If the class C misdemeanor arrest warrant is confirmed, the person is then returned to the City of San Antonio Detention Center.

The factual basis for that violation is as follows:

On November 6, 2018, around 1653 hours, Officer Sanchez was dispatched as the handling officer to 4457 Meeks Ave in San Antonio, Texas, behind the Post Office for a female yelling for help. An Administrative investigation of the incident revealed at 23:10:53 hours on the date in question Officer Sanchez conducted a criminal history query on his laptop for Christopher Villarreal which showed an active Municipal Court warrant for his arrest. Officer Sanchez did not verify the Class C Misdemeanor arrest warrant and take the wanted person to the Magistrate's Office.

The twelfth violation concerns the following police department rule and/or special order:

SAPD General Manual Procedure 604 Family Disturbances/Violence, .06 UNIT/OFFICER RESPONSIBILITIES REGARDING ADULT VICTIMS OF FAMILY VIOLENCE, Subsection (A) (10) Patrol Division Officers:

10. If the victim has visible injuries, check with the dispatcher to see if a Crime Scene Unit investigator/UEDI is available. If a Crime Scene Unit investigator is available, wait until the Crime Scene Unit investigator is completed with the collection of any evidence, including taking pictures of the victim and their injuries.

The factual basis for that violation is as follows:

On November 6, 2018, around 1653 hours, Officer Sanchez was dispatched as the handling officer to 4457 Meeks Ave in San Antonio, Texas, behind the Post Office for a female yelling for help. The suspect in the incident was located, handcuffed, and detained by the cover officer before contacting the victim. When Officer Sanchez arrived, the cover officer determined the female was the victim of a Family Violence incident. Officer Sanchez failed to have a Crime Scene Unit investigator or UEDI come to the scene and collect any evidence from the victim, to include taking photos of the victim and her injuries.

SECTION 2. Officer Sanchez agrees that he shall be suspended without pay from the San Antonio Police Department for a period of thirty (30) days, however in lieu of serving a thirty (30) day suspension, all parties have agreed that Officer Sanchez can and will surrender thirty (30) days of accrued leave time. Further, this Agreed Suspension is a compromise between Officer Sanchez and the San Antonio Police Department, and is factually unique from other agreed suspensions because Officer Sanchez acknowledges and agrees that he is retiring from the San Antonio Police Department on February 8, 2019. Should Officer Sanchez not retire from the San Antonio Police Department on February 8, 2019, both Officer Sanchez and the San Antonio Police Department agree and acknowledge that this Agreement will be revoked.

SECTION 3. This Agreement in no way limits the San Antonio Police Department's ability to discipline or terminate Officer Sanchez for any conduct, whether on-duty or off-duty, arising subsequent to the date of this Agreement. Nor does this Agreement in any way limit the San Antonio Police Department's right to use or make reference to any other prior discipline to justify a decision to discipline or terminate Officer Sanchez for any conduct arising during or subsequent to the execution of this Agreement.

SECTION 4. The filing of this Agreement with the Firefighters' and Police Officers' Civil Service Commission will notify them of this Agreement and the facts underlying this action and is agreed by Officer Sanchez and his attorney to meet the notice and filing requirements of Chapter 143 of the Local Government Code.

SECTION 5. IT IS FURTHER AGREED AND UNDERSTOOD THAT BY EXECUTION OF THIS AGREEMENT, OFFICER SANCHEZ DOES HEREBY RELINQUISH AND WAIVE ANY RIGHT TO APPEAL SAID SUSPENSION TO THE FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION, A THIRD-PARTY ARBITRATOR, THE DISTRICT COURT, OR ANY OTHER COURT HAVING COMPETENT JURISDICTION AND THAT THIS AGREEMENT IS INTENDED TO BE A FULL AND FINAL SETTLEMENT OF ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, WHETHER KNOWN OR UNKNOWN, WHETHER ASSERTED OR NOT HAVING YET BEEN ASSERTED, ARISING OUT OF THE AFORESAID SUSPENSION. OFFICER SANCHEZ FURTHER AGREES THAT HE WILL NOT CONTEST THIS AGREEMENT OR CONTEST THE VALIDITY OF THIS

AGREEMENT IN ANY PROCEEDING WHATSOEVER, INCLUDING, BUT NOT LIMITED TO, AN ADMINISTRATIVE PROCEEDING BEFORE THE SAN ANTONIO FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION, A PROCEEDING BEFORE AN ARBITRATOR OR HEARING EXAMINER, OR A PROCEEDING BEFORE A COURT OF LAW.

CITY OF

SAN ANTONIO HR

FEB11 '19 11:03AM

SECTION 6. OFFICER ROGER SANCHEZ FOR HIMSELF, HIS HEIRS, EXECUTORS, AND ASSIGNS, DOES HEREBY RELEASE, DISCHARGE, AND ACQUIT THE CITY OF SAN ANTONIO, TEXAS, ITS SUCCESSORS, ASSIGNS, OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES, HIS HEIRS, EXECUTORS, ASSIGNS, AGENTS, SERVANTS, AND EMPLOYEES, AND WILLIAM P. MCMANUS, HIS HEIRS, EXECUTORS, ASSIGNS, AGENTS, SERVANTS, AND EMPLOYEES FROM ANY AND ALL ACTIONS, CAUSES OF ACTION, INCLUDING THOSE ARISING OUT OF CHAPTER 554 OF THE TEXAS GOVERNMENT CODE, CLAIMS, OR DEMANDS FOR DAMAGES, COSTS, EXPENSES, COMPENSATION, OR CONSEQUENTIAL DAMAGES, KNOWN OR UNKNOWN, ASSERTED OR NOT, ARISING OUT OF THE AFORESAID SUSPENSION.

SECTION 7. Officer Sanchez acknowledges that he has relied upon his own judgment and that of his attorney in negotiating this Agreed Suspension and that he has carefully read the Agreement, that he knows and understands the contents of the Agreement, and that he is satisfied with the contents of the Agreement.

SECTION 8. SAPD, and Officer Sanchez agree that the terms of this Agreement are contractual and not mere recitals. SAPD and Officer Sanchez intend to be bound by the terms of this Agreement. This Agreement contains the entire agreement between SAPD and Officer Sanchez and supersedes any prior understandings between the parties relating to its subject matter. No oral understandings or agreements contrary to or in addition to the terms of this Agreement exist. This Agreement may be modified or amended only in writing signed by the SAPD and Officer Sanchez, or their authorized representatives.

AGREED TO BY: WPMMS FEB 07 2019

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

Roger F. Sanchez 0359 2-7, 2019 1807

OFFICER ROGER F. SANCHEZ, #0359 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 this suspension during which to file a written appeal of this suspension with the

Personnel Director of the City of San Antonio requesting either arbitration or the hearing of my appeal by the Fire Fighters' and Police Officers' Civil Service Commission. I acknowledge that I have been informed that if I appeal to a hearing examiner/arbitrator, I waive all rights to appeal to a district court except as provided by subsection 143.057(j) of the Texas Local Government Code. I also acknowledge that I have been informed that my right to appeal the decision of a hearing examiner/arbitrator to district court pursuant to section 143.057 of the Texas Local Government Code may have been modified by the provisions of article 28 of the current Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association. I further acknowledge that in light of my entry into this Agreed Suspension, I shall have no right to appeal said suspension nor will any administrative or judicial body have power to review same or alter its terms. I do hereby waive any and all rights to appeal said suspension and no administrative or judicial body shall have power to review same or alter its terms.

Roger F. Sanchez 0359
OFFICER ROGER F. SANCHEZ, #0359
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] TIME: 1809 DATE: 2-7-19
[Signature] 3292 TIME: 1810 DATE: 2-7-19

FILED on this the 11th day of Feb., 2019, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: ROGER F. SANCHEZ 0359
Officer's Name Badge Number

Date: 2-7-2019

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

TYPE OR PRINT ONLY - Use Ink

I, ROGER F. SANCHEZ (Print Name), hereby agree to the 30 day disciplinary suspension received on 02-07-2019 and request to forfeit leave time in lieu of serving the disciplinary suspension.

- Type of leave forfeited:
- Vacation
 - Compensatory Time
 - Holiday
 - Bonus Day (30)

Roger F. Sanchez
Officer's Signature

2-7-2019
Date

Request Denied/Approved.
W.P. Williams 02/08/19
Chief of Police Date

LEGAL ADVISOR'S OFFICE

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

FEB 08 2019

SAN ANTONIO POLICE DEPARTMENT