

Officer Santiago M. Vizcarra, #1275  
San Antonio Police Department  
San Antonio, Texas

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

### AGREED SUSPENSION

Commissioners and Officer Santiago M. Vizcarra:

**WHEREAS**, Officer Santiago M. Vizcarra, 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 18, 2019, with a one-day contemplated suspension; and

**WHEREAS**, Officer Vizcarra and his captain, Troy Torres, have agreed and Chief McManus has approved of settling this matter with a one-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Vizcarra shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on February 22, 2019, and ending on February 22, 2019. Officer Vizcarra 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 Vizcarra 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 Vizcarra 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 Vizcarra has violated are as follows:

PROCEDURE 707 - CRASH INVESTIGATION (.04)  
RESPONDING TO CRASHES (A) Responsibilities of first officer  
arriving at a crash scene: (6) Determine if the crash requires a  
police investigation or if it meets the criteria for the drivers to  
report it using TxDOT Form #CR-2: (a) The following types of

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crashes occurring on any street, highway or private property require a police investigation and the responding officer shall report the crash on the Web based TxDOT Crash Reporting and Analysis for Safer Highways, CRASH, Form #CR-3: (8) Crashes with any suspicion that alcohol or any drug may have been involved.

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

On or about December 19, 2018, Officer Santiago M. Vizcarra was dispatched to and given report responsibility for a two-vehicle crash where one party alleged a hit and run had occurred. Despite stating to the complainant that he suspected the other driver was under the influence of marijuana, Officer Vizcarra failed to investigate the crash as a possible Driving While intoxicated..

The facts of this investigation were brought to light after complainant called the East Substation to complain on Officer Vizcarra for not investigating the accident properly.

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

AGREED TO BY:

  
WILLIAM P. MCMANUS  
CHIEF OF POLICE  
SAN ANTONIO POLICE DEPARTMENT

FEB 06 2019  
DATE

  
OFFICER SANTIAGO M. VIZCARRA, #1275  
SAN ANTONIO POLICE DEPARTMENT

02/06/19 DWO  
DATE TIME

I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of 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.

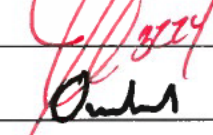

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 #1275  
OFFICER SANTIAGO M. VIZCARRA #1275  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 #1274  
TIME: 6:10 DATE: 2-8-19  
 #1273  
TIME: 6:10 DATE: 02.08.19

FILED on this the 11<sup>th</sup> day of Feb., 2019 <sup>4K</sup>, with the Fire  
Fighters' and Police Officers' Civil Service Commission.

 (for)  
DIRECTOR, FIRE FIGHTERS' AND POLICE  
OFFICERS' CIVIL SERVICE COMMISSION

**CITY OF SAN ANTONIO  
NOTICE OF SUSPENSION**

CITY OF


SAN ANTONIO HR  
FEB11 '19 10:58AM

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

EMPLOYEE NAME: Officer Santiago M. Vizcarra

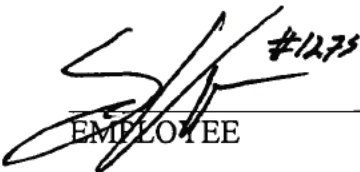
UNIT OF ASSIGNMENT: EPC


JOB CLASS NO. AND DEPARTMENT: 0600 Police


SAP NUMBER	A	TRANS DATE			BEGIN DATE			END DATE		
		MO	DA	YR	MO	DA	YR	MO	DA	YR
		02	05	19	02	22	19	02	22	19

NARRATIVE REMARKS: Agreed One-Day Suspension

AUTHORITY: Written Order of the Chief of Police

 #1275  
\_\_\_\_\_  
EMPLOYEE

  
\_\_\_\_\_  
DEPARTMENT HEAD



02/08/19  
\_\_\_\_\_  
DATE

FEB 06 2019  
\_\_\_\_\_  
DATE

LEGAL ADVISOR'S OFFICE

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SAN ANTONIO POLICE DEPARTMENT

## LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: Santiago Vizcarra  
Officer's Name1275  
Badge NumberDate: 02-08-19

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

TYPE OR PRINT ONLY- Use Ink

I, \_\_\_\_\_, hereby agree to the 1 day actual  
Suspension will be served \_\_\_\_\_ and request to forfeit leave time in lieu of  
serving the disciplinary suspension.

Type of leave forfeited:

- ☐ Vacation  
☒ Compensatory Time  
☐ Holiday  
☐ Bonus Day

*[Signature]* #1275  
Officer's Signature

02/08/19  
Date

Request Denied/Approved

*[Signature]*  
Chief of Police

02/08/19  
Date  
LEGAL ADVISOR'S OFFICE  
FEB 11 2019  
SAN ANTONIO POLICE DEPARTMENT

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