

Officer Melissa M. Colunga, #0095
San Antonio Police Department
San Antonio, Texas

MAY 19 10:40 AM

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 Melissa M. Colunga:

WHEREAS, Officer Melissa M. Colunga, 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 April 19, 2019, with an eight-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Colunga was given an opportunity to rebut those charges being brought against him to Police Chief William P. McManus; and

WHEREAS, said opportunity was exercised by Officer Colunga; and

WHEREAS, Officer Colunga and Chief McManus have agreed to reduce the discipline in this matter to a two-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Colunga shall be suspended without pay from the San Antonio Police Department for a period of two days, commencing on May 31, 2019, and ending on June 1, 2019. Officer Colunga 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 Colunga 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 Colunga 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 Colunga has violated are as follows:

RULE 4.07 – PROMPT RESPONSE TO ALL CALLS: Officers shall respond without delay to all calls for police service from

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citizens or other members. Immediately upon completion of the call, officers shall notify the dispatcher of their return to service.

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 | 6. Vehicle pursuits; |
| and | |
| a. Arrest | 7. Vehicle crashes. |
| b. Field contacts | |
| c. Traffic stops | |

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 the instant disciplinary suspension is as follows:

On December 11, 2018, at approximately 8:40 a.m., on-duty SAPD Officer Melissa M. Colunga was assigned and enroute to a call for service at IH 37 S. NB / S.E. Loop 410 EB. While enroute to accomplishing this call for service, which was a Code 1 call for service, Officer Colunga was involved in a traffic crash in the 10800 Block of S.E. Loop 410. The crash was not captured on Officer Colunga's Body Worn Camera because it was not activated upon her reception to the call for service. Officer Colunga failed to begin recording her response to this call, which was a Code 1 call for service, as required.

As an extension of the administrative review of Officer Colunga's accident on December 11, 2018, a 30-day period of Body Worn Camera (BWC) Logs were reviewed from November 11, 2018 to December 10, 2018. It was discovered during this review, Officer Colunga was assigned to 105 calls for service on 18 eight (8) hour shifts and failed to begin recording with her BWC upon reception to 40 of those calls for service for at least 10 minutes after being

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dispatched. Officer Colunga also failed to record five (5) calls in their entirety using her BWC. Officer Colunga failed to begin recording upon her reception of or response to 40 calls for service and failed to record her response until the event was concluded on 5 other calls for service. Further, Officer Colunga also failed to record 7 (seven) calls in their entirety using her COBAN. The Administration alleges Officer Colunga failed to begin recording upon receipt to 39 calls for service and failed to record her response until the event was concluded on 7 other calls for service. Finally, as part of that 30-day review, it was discovered that Officer Colunga was assigned on November 27, 2018, at 07:38:54 to a call for service at 3307 S.E. Military Drive. A review of AVL logs depict Officer Colunga remained at the location she was at for approximately 24 minutes after being dispatched to this call for service. The Administration alleges Officer Colunga failed to respond without delay to a police call for service.

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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
WILLIAM P. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

MAY 07 2019

DATE

M. Colunga #95
OFFICER MELISSA M. COLUNGA, #0095
SAN ANTONIO POLICE DEPARTMENT

5/7, 2019 1100
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 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.

M. Colunga # 95
OFFICER MELISSA M. COLUNGA, #0095
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature]
[Signature] 4008

TIME: 1100

DATE: 05/01/19

TIME: 1100

DATE: 05/01/19

FILED on this the 8 day of May, 2019, with the Fire
Fighters' and Police Officers' Civil Service Commission.

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

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**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Melissa M. Colunga, #0095

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
	05	07	19	05	31	19	06	01	19

NARRATIVE REMARKS: Agreed Two-Day Suspension

AUTHORITY: Written Order of the Chief of Police

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CITY OF

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M. Colunga
EMPLOYEE

5/7/19
DATE

W. P. Williams
DEPARTMENT HEAD

MAY 07 2019
DATE

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MAY 07 2019

SAN ANTONIO POLICE DEPARTMENT