

Officer Justin M. Garcia, #0279
San Antonio Police Department
San Antonio, Texas

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

JUN 12 '19 1:43PM
CITY OF
SAN ANTONIO HR

AGREED SUSPENSION

Commissioners and Officer Justin M. Garcia:

WHEREAS, Officer Justin 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 May 17, 2019, with a one-day contemplated suspension; and

WHEREAS, Officer Garcia and his captain, Carlos Garcia, Jr., 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 Garcia shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on June 21, 2019, and ending on June 21, 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 512 – ELECTRONIC CONTROL DEVICES (.10)
FIRST AID PROCEDURES (B) EMS is requested, as soon as possible, to all scenes where a subject has received an electrical charge from an ECD.

PROCEDURE 601 – PRISONERS (.12) PRISONERS' PROPERTY (A)
The arresting officer is responsible for all personal property belonging to a prisoner. Officers should use all available resources to document a prisoner's property, such as photographs, in-car video and BWC, in an effort to create both a visual and audio inventory.

PROCEDURE 606 – IMPOUNDING PROPERTY (.06) MEMBERS
RESPONSIBILITIES WHEN IMPOUNDING PROPERTY (B) When

LEGAL ADVISOR'S OFFICE

JUN 11 2019

SAN ANTONIO POLICE DEPARTMENT

impounding property into the Property Room, members will: (1) Complete SAPD Form #113, Receipt for Property, in triplicate, for any property received or confiscated from an individual. SAPD Form #113 is routed as follows: (a) Original to Records Office; (b) A copy to the person from whom the property is taken; and (c) A copy to the appropriate investigative follow-up unit. (2) Members attach a copy of a report to the property tag and forward a copy to the appropriate follow-up unit. (3) Refer to GM Procedure 607, Impounding Vehicles, for disposition of personal property found in locked vehicles or when impounding vehicles for failure to provide "Proof of Financial Responsibility" (lack of insurance). (4) Send a report to the Medical Examiner's Office for any impounded evidence requiring tests. (5) UEDIs/Crime Scene Unit Investigators will place evidence which is wet or damp with body fluids in the Drying Room, avoiding cross contamination with other evidence (IAW with Patrol/CSI SOP). Officers below the rank of Detective-Investigator impounding this same type of evidence will mark the evidence with biohazard stickers and place it in a locker. (6) Place hypodermic needles in protective containers. (7) Place perishable items in the refrigerator. (8) Fixed blade knives must be covered in cardboard and taped prior to packaging. (9) Currency will be impounded in a "Currency Evidence Bag" with denominations, extensions, total amount and officer's signature noted. The bag will remain sealed from time of impound to final disposition. Property room personnel will NOT verify count. (10) All BIO-HAZ material must be marked with stickers provided.

JUN12 '19 1:43PM

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

On or about March 24, 2019, Officer Justin M. Garcia responded to a disturbance with a gun call. During the call, it was brought to Officer Garcia's attention that one of the parties involved, AP, had possibly been tased. Despite AP mentioning that he might need EMS, Officer Garcia did not request EMS to the scene. Furthermore, after arresting the AP, Officer Garcia placed AP's cellphone on top of a patrol car while a search was conducted. Officer Garcia failed to retrieve the phone and it was damaged as the patrol car drove away. Lastly, Officer Garcia did not issue the AP a property receipt for his handgun, which had been seized and placed into the property room.

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

AGREED TO BY:

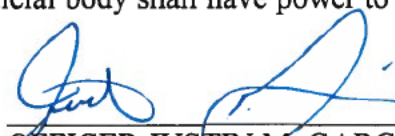

WILLIAM P. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

06-04-19
DATE


OFFICER JUSTIN M. GARCIA, #0279
SAN ANTONIO POLICE DEPARTMENT

6/8/19 1707
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.

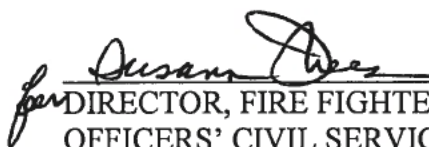


OFFICER JUSTIN M. GARCIA, #0279
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

<u>S Hernandez #3294</u>	TIME: <u>1200</u>	DATE: <u>6/8/19</u>
<u>Alyona Campos 4010</u>	TIME: <u>1709</u>	DATE: <u>6.8.19</u>

FILED on this the 12 day of June, 2019, with the Fire Fighters' and Police Officers' Civil Service Commission.



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

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