



Susan Pamerleau
Sheriff
Bexar County, Texas

ADMINISTRATIVE INVESTIGATION REPORT

Complainant	Reporting Person	PSI Case Number
Sheriff's Administration	Sgt. J. Baeza # 1199	2016-00126
Nature of Complaint	Date of Incident	Incident Location
Conduct Unbecoming Job Performance	March 6, 2016	15000 block US HWY 281S
Subject of Investigation	Badge Number	Employee No.
Michael Rodriguez	3143	19580
Date of Hire	Division Assigned	Date Inv. Assigned
05/31/2001	Training Academy	March 7, 2016
Approving Administrator:	Date:	Date Expires
<i>Lt R. Pelland</i>	05/02/2016	09/02/2016

THE FOLLOWING INVESTIGATIVE REPORT CONTAINS CONFIDENTIAL AND SENSITIVE INFORMATION. DISSEMINATION OF SAID INFORMATION WITHIN OR OUTSIDE OF THE AGENCY IS PROHIBITED EXCEPT THROUGH ESTABLISHED CHANNELS.

THIS REPORT CONTAINS THE RESULTS OF AN ADMINISTRATIVE INVESTIGATION. THE HEREIN CONTAINED FACT FINDINGS ARE BASED UPON PREPONDERANCE OF THE AVAILABLE EVIDENCE. NO RECOMMENDATIONS OR SUGGESTIONS OR DISCIPLINARY ACTION ARE INCLUDED. SUCH RECOMMENDATIONS ARE BEYOND THE JURISDICTIONAL SCOPE OF THE PROFESSIONAL STANDARDS AND INTEGRITY DIVISION AUTHORITY AS DEFINED BY AGENCY POLICY.

THE ONLY CONCLUSIONS CONTAINED WITHIN THIS REPORT ARE THOSE WHICH CAN BE LOGICALLY DEDUCTED FROM THE EVIDENCE. THE REVIEWING AUTHORITY IS NOT BOUND BY THE FINDINGS CONTAINED WITHIN THIS REPORT AND IS FREE TO DRAW HIS/HER OWN CONCLUSIONS.

FINDING(S):

Sheriff's Office Policy and Procedures

5.02 Performance of Duties - FOUNDED

All employees of the Sheriff's Office shall render their services to the County of Bexar with loyalty, enthusiasm, discretion and courage. They shall also obey the various ordinances of the cities located within the State of Texas, as well as the laws of the State itself, not only during their

duty hours, but also during their time away from county employment. During the performance of their assigned duties, an employee shall carry out their assigned duties in a manner designed to represent the Sheriff's Office in the best possible way. An employee shall not display reluctance on their part to properly perform their duty; Act in a manner which would tend to bring discredit upon themselves or the Sheriff's Office as a whole; Fail to exercise diligence, proper demeanor, intelligence, and interest in the pursuit of their duties.

Deputy Rodriguez failed to properly document all pertinent information in his crash report, failed to safeguard the detained person's property, and engaged in inappropriate conversation with the detained party. [REDACTED] has two prior offenses of Driving while intoxicated, and is currently on probation for the mentioned offense. Deputy Rodriguez indicated to me that he did not feel comfortable making a DWI arrest with the diabetic complications [REDACTED] complained of so instead he provided him with a courtesy ride to his residence. Deputy Rodriguez had [REDACTED] vehicle impounded and towed to Texas Towing at 222 Steves Ave. Deputy Rodriguez completed the vehicle inventory sheet, but did not document the items he removed from the vehicle as per policy. It is not out of the ordinary for patrolman to provide courtesy rides to the public. It is a common practice for safety reasons to notify the dispatcher that you are providing a courtesy ride, the location you're traveling to, and the starting odometer mileage, none of which were documented. Upon arrival to the location it is also customary to notify the dispatcher you have arrived to your destination, provide the address, and ending odometer mileage. Deputy Rodriguez failed to take any of the provided safety precautions while giving [REDACTED] a courtesy ride.

5.12 Duty to Report – FOUNDED

Every employee has an affirmative duty to properly report any information given in good faith by any citizen regarding matters which indicate the need for action by the Sheriff's Office.

Tony Lopez (witness to crash) notified dispatch of the crash and the possibility of the driver [REDACTED] being intoxicated. He remained at the crash scene until deputies arrived. While waiting for deputies Tony Lopez removed the keys from the vehicle [REDACTED] (complainant/detained person) was driving. Tony Lopez refused to allow [REDACTED] to have his keys back, because he believed he was intoxicated and he may try to leave the scene of the crash prior to the arrival of deputies. Deputy Rodriguez did not obtain a witness statement from Tony Lopez regarding the details of the crash or the reasons he believed [REDACTED] to be intoxicated. The crash report completed by Deputy Rodriguez does not indicate any suspicion of intoxicants.

5.13 False Information in Records – FOUNDED

No employee shall make a false official report concerning Sheriff's Office records, nor knowingly or willingly enter or cause to be entered in any Sheriff's Office books, records, or reports any inaccurate, false or improper information, material, matters, or otherwise.

After Sergeant Anthony Gonzales was notified of the allegations made by [REDACTED] he advised Deputy Rodriguez to include his notes on the keycard; however no official report was generated. In the notes on the keycard Deputy Rodriguez documents that [REDACTED] truck keys were inside his vehicle which had been towed to Texas Towing, when in fact they were not. Deputy Rodriguez did not have custody of the keys, and they were not inside the vehicle at Texas Towing. Deputy Rodriguez met with Tony Lopez (the witness to crash) at approximately 1430hrs

at the Shell station on Hwy 281 and Loop 1604 to retrieve [REDACTED] keys. Deputy Rodriguez then turned in the keys to Texas Towing the following day.

5.24 Conduct Unbecoming – FOUNDED

A Deputy Sheriff shall always conduct himself/herself in a manner which reflects most favorably on the Sheriff's Office, whether in a duty or off-duty status. Unbecoming conduct includes unjustified behavior which brings the Sheriff's Office into disrepute, discredits a member of the Sheriff's Office, impairs the operation of the Sheriff's Office, or has an adverse effect on the Sheriff's Office.

Deputy Rodriguez engaged in a sexually explicit conversation regarding propositions of sexual activity, and when asked if they could stop and pick up any females on the side of the road and take them back to [REDACTED] place to have sex with them; Deputy Rodriguez said "we could do that" and told [REDACTED] to keep his eyes out for any girls on the side of the road.

5.45 Brining Discredit - FOUNDED

No employee of the Sheriff's Office shall act or behave publicly or privately in such a manner as to bring discredit, distrust, or a lack of esteem upon themselves personally as a peace officer or corrections officer, or upon the Sheriff's Office as a whole.

Deputy Rodriguez displayed inappropriate conduct, and lack of judgment while engaging in, and agreeing to sexual conduct on duty with [REDACTED]. This type of conduct has an adverse effect on the Sheriff's Office.

5.53 Persons in Custody – FOUNDED

Employees of the Sheriff's Office shall not associate or fraternize with, perform favors for, engage the service of, or accept service or favors of any type from any person who is in custody of the Sheriff's Office or any law enforcement agency or corrections facility. The same applies also to family members, friends, and/or acquaintances of any persons in custody.

Deputy Rodriguez provided [REDACTED] with a courtesy ride to his residence, while doing so Deputy Rodriguez initiated a conversation that ended up being sexual in nature because of the comment he made "Dang you didn't get any and now your truck is being towed. You're having a really bad day". The conversation continued with sexual innuendoes and progressed to the point of [REDACTED] asking Deputy Rodriguez if he would let him feel it real quick at which time he physically reached for Deputy Rodriguez's groin area as he was holding his own groin. (Deputy Rodriguez at this time had opened the rear door of the patrol vehicle where [REDACTED] was sitting and was standing within arm's reach of him). Deputy Rodriguez reacted by stepping back and telling [REDACTED] "You can't do that kind of stuff right here". [REDACTED] was not officially "In Custody" at this time, however because he was being transported to a location by Deputy Rodriguez and did not have the ability to open the door and get out whenever he wanted; the "courtesy ride" could be misconstrued as "detained" or not at "free will", and could have an adverse effect on the sheriff's office.

20.06 Inventory of Impounded Vehicle

When a vehicle is impounded, the officer will complete the vehicle inventory form and document exterior body damage; interior damage; contents of the interior; contents of any container in the interior. The contents shall be examined carefully to determine if any items or papers are so

valuable as to require special protection; if the trunk and/or glove compartment are unlocked or if the officer has the keys in his/her custody, the trunk and/or glove compartment shall be inventoried. Otherwise, no inventory shall be made of those areas. Force shall not be used to break into the trunk or glove compartment, such as by breaking a lock or going through the back seat. Locked compartments which are not entered shall be noted on the inventory form. Under no circumstances will seats be removed or the vehicle dismantled in any way. Necessary steps shall be taken to protect valuable property in the vehicle. For example, all windows shall be rolled up, doors locked, and keys in the custody of the pound; items may be secured in the vehicle's trunk or in the property room, depending upon the nature and value of the article. If items are removed from the vehicle to provide additional protection, the disposition of such items shall be noted on the Inventory form, and the removed property shall be tagged and handled in accordance with CHAPTER Nineteen (Bexar County Policy and Procedures), Evidence Collection and Property Handling.

Deputy Rodriguez failed to document any damages to [REDACTED] vehicle on the inventory sheet; however he documented the vehicle was damaged on the crash report. On Deputy Rodriguez's Garrity statement, Deputy Rodriguez stated that he removed diabetic supplies and a phone charger from the vehicle, however did not document these items on the inventory sheet. The whereabouts of [REDACTED] vehicle keys was not documented on the inventory sheet.

Sheriff's Civil Service Rules

9.02

(J) Poor Job Performance- FOUNDED

(O) Conduct or action that would seriously impair job effectiveness - FOUNDED

(P) Conduct which has been proven to be detrimental or has an adverse affect on the Sheriff's Office - FOUNDED

DETAILS:

On March 7, 2016 I received information regarding a complaint that [REDACTED] wanted to file against Deputy Rodriguez. I contacted [REDACTED] via telephone and inquired about his complaint. [REDACTED] advised that Deputy Rodriguez had solicited sexual favors from him. I advised [REDACTED] I would need more information to file a complaint and that he would need to come into my office to file a formal complaint before I could interview the deputy.

[REDACTED] explained that he was "drunk", he said "I was drinking and driving" when he lost control of his vehicle. It was approximately ten o'clock in the morning and he was leaving a party where he had been consuming alcohol all night long. Deputy Rodriguez was the deputy that arrived at the location of the crash and was going to tow his vehicle. [REDACTED] said he was diabetic and needed his insulin, and Deputy Rodriguez retrieved it from his vehicle and allowed him to have it. [REDACTED] told me that Deputy Rodriguez provided him with a courtesy ride to his apartment; however

while en route to the apartments Deputy Rodriguez asked for sexual favors. Once again I explained to [REDACTED] that he would need to be more specific as to the type of comments that were made. [REDACTED] said Deputy Rodriguez asked if he could give him a "blow job", and asks him if he wanted to "fuck him". [REDACTED] says he told him no that he wasn't into that and then alleges Deputy Rodriguez asked if he would instead give the deputy a blow job or have anal intercourse with him. I asked [REDACTED] how this all ended he said the deputy opened the door for him as they were parked in the rear of his apartment complex and that he ran away. He advised he called 911 because the deputy continued to drive around the complex looking for him. I asked him if the cops arrived and he said they did.

At this time I explained to [REDACTED] that I would need a formal statement from him regarding this matter, he was hesitant and told me that he was scared because he was a deputy. [REDACTED] said he would let me know about filing the complaint. The following day I contacted him once again in an attempt to set an appointment for the statement. On or about March 10, 2016 I spoke to [REDACTED] again by phone he told me that he was scared to file a complaint on a "cop" he also said the deputy knows where he lives and he may have made a copy of his key. I inquired regarding the key, he said the deputy didn't give him his keys and kept them. I told [REDACTED] his keys were more than likely in his vehicle which was towed, he replied and said, "No he didn't turn them in until the following day". [REDACTED] attempted to pick up his vehicle from Texas Towing and was advised there were no keys, he called the following day and an employee advised the deputy had dropped off the keys to the vehicle.

I scheduled an appointment for [REDACTED] to come to the office and provide a statement however he did not show up. When I talk to him by phone he refused the complaint and advised he just wanted to forget about it. I began to investigate the information I was provided.

On March 6, 2016 at approximately 1023 Hrs. Deputy Rodriguez, Deputy Jones, and Deputy Prosser were en route to a report of a crash with a possible intoxicated driver. The keycard documents:

"minor crash was weaving in/out c took key intoxicated lost control and hit wire fence hm wearing flannel shirt jeans boots sb 281 suv wht bwc1258 c driving jeep grand Cherokee c is refusing to give keys to male c is arguing with male refusing to let him get keys/male is walking towards field -male is about mid 20's early 30's -unable to see male anymore - male told comp he was intoxicated and was falling almost went into traffic ran into field c cannot c male anymore - c will have flashers on male is going back to veh - c still has keys male appears aggressive - male is talking stated he is on probation Castillo, Roy

On the keycard with incident number BCSO-2016-0075677 Deputy Rodriguez was the first deputy to arrive at the location at 1034 Hrs. he detained the male identified as [REDACTED]. Deputy Rodriguez request medical to his the location of the crash to check [REDACTED] for diabetic complications. At 1059 the keycard documents a

medical refusal was signed. At 1122 it was noted on the keycard the tow truck had arrived on scene. The last entry on the keycard was at 1145 and noted "Minor".

I was able to locate three other Incident Detail Reports (keycards) from the same incident, two from SAPD and another BCSO keycard. The keycard SAPD-2016-0228946 was generated at 1210 hours stated the following in the comments section *"C states he was pulled over by an officer who c believes is a sheriff officer and had c's veh towed and c ticketed. C states the officer gave him a ride home in his own trk and is now soliciting sex from c/ c states male is still out there waiting and c by office calling police."*

At the end of the comments section at 1252 hours I notice that Deputy Rodriguez makes comments to the keycard. His comments read as follows: C involved in crash (2016-BCSO-010074) 3-16-16 1023 hrs. C was advised that his vehicle was going to be towed and requested his diabetic insulin and dispenser from his vehicle. I gave those items to C and asked him if he had everything he needed. C was provided courtesy ride to his residence where he asked me for his apartment keys. I advised C I did not have any property of his and he became upset because his keys were with his vehicle. C also made comments to neighbors that he was "pulled over and they towed my truck" (C was never pulled over). These comments were not made on the initial keycard by Deputy Rodriguez they were added at approximately 1252 hrs. after he had departed the location.

SAPD officer that made the location also made a note: **"Muted COBAN to speak with officers"**.

Keycard SAPD-2016 0228973 contains the following details: [REDACTED] BCSO...Truck...WHT...gry muscle shirt blu jean pants and boots.. c stated BCSO sheriff just towed his veh- asked c for sexual favor... c said no just drop me off right here.. because c ran from sheriff other male confirmed BCSO truck is looking for C ...c hiding by the office of the complex res of apt. 1809.

The information on the two above listed keycards were all linked together and some have the same comments. After reading the information listed on the keycards I contacted SAPD via email and requested copies of the officers that made the location COBAN as well as audio from the 911 calls that were placed by [REDACTED]. I also obtained Deputy Rodriguez's AVL record from his GPS system located within the patrol vehicle he was driving on March 6, 2016.

According to the AVL, Deputy Rodriguez left the location of US HWY 281 and S. Guest Rd. at 1145 hrs. he arrived at Chandler Rd/Poppet way around 1159Hrs. Chandler Rd. appears to be a dead end street that runs directly behind the [REDACTED] (the complex [REDACTED] lives at). The AVL shows Deputy Rodriguez at 0 miles per hour for approximately 5 minutes from 1204hrs to 1209hrs before he starts driving again. When he does start moving it appears that he circles around the complex at a slow rate of speed between 6 and 8 miles per hour, this is consistent with the allegations [REDACTED] made to me as well as SAPD dispatcher. [REDACTED] said Deputy Rodriguez continued to drive slowly around the complex looking for him after he ran away from the

vehicle. At 1229 hours Deputy Rodriguez is dispatched to another call and leaves the area.

When reviewing the 911 calls you can hear a male who identifies himself as [REDACTED] to the dispatcher, he tells her "I had a cop that had arrested me but now he's trying to fuck me and now he stalking me cause he let me go" the call taker replies, "what". He tells her, "yes I got pulled over my truck messed up and now he's like stalking me he a sheriff" she continues to get details and he says "I'm trying to hide" the call taker tries to clarify the information she has just been given and the male tells her "yeah he wanted sexual favors from me, but I'm not gonna do it, this is the same guy that had my car towed and whatever yall can look it up, I'm like hiding big time cause I don't know what he's gonna do to me if he finds me. The call taker asks him about the truck and asks if it was a sheriff. He describes the vehicle to her and then tells her "I'm not lying to you miss he's fucking looking for me whatever the fuck". While listening to the call you can tell that another person approaches and [REDACTED] begins telling him what happen, he asked if he had seen the Sheriff truck. He tells the male "I got pulled over right now and they towed my truck and this guy wants some sexual shit from me I'm trying to hid myself from this nigga, I don't know". He tells the other person "yeah I live down that way, yeah fuck this mother fucker". The call taker advised that she was going to send an SAPD officer to his location. [REDACTED] continues to talk to the other person at the location while 911 is still on the line, he tells him "I just left from a fucking party this guy pulled me over, got my shit towed he asking me so your what's up you wanna party you want me to suck your dick, I'm like what the fuck what the fuck he says Ill suck your dick, where you at? Like for a cop to take me to my fucking house" then he says "there he fucking is, he's looking at me" the call taker asks "he's looking at you" he says yes he just pulled up right now, and then says oh he's going straight. He tells the other person he was scared because he thought the deputy was going to be mad he got away from him and start messing with him. The call taker says she will send an officer out and the call disconnects. [REDACTED] calls back and gives another call taker the same details regarding the incident.

A call taker from San Antonio Police calls back and confirms the address, because [REDACTED] had provided several different addresses when he called 911. [REDACTED] tells the call taker he just left, I just talk to him he says they talked about the keys. She confirms the address and says an officer is on the way.

When SAPD officers arrive [REDACTED] begins to explain the details of the incident to them, upon hearing it is dealing with a Bexar County Sheriff Deputy the officer calls a supervisor and then notifies dispatch to have Deputy Rodriguez call him via telephone. The SAPD officer does receive a phone call from Deputy Rodriguez however the conversation is muted from the COBAN. I retrieved COBAN video from both SAPD officers that arrived at the location.

The COBAN video shows both officers arriving at the location and talking with [REDACTED] his story is consistent with that he gave to the call taker. He advised he was pulled over by a Sheriff Deputy who towed his truck and then asked him for sexual

favors while talking to the officers they observe a strong odor of alcoholic beverage omitting from his person, they ask him about it and he admits to them he is drunk and has been drinking overnight. The officers do have a conversation with him regarding him being diabetic and drinking while they await a county supervisor.

Sergeant Anthony Gonzales arrives on scene and is briefed by SAPD officers; once again the conversation on the COBAN is muted. Sergeant Gonzales briefly talks with [REDACTED] and advised him to call PSI to which he provided the number. Sergeant Gonzales does not let [REDACTED] provide him with the details of the allegation, only advises him to call PSI and file his complaint. Sergeant Gonzales then departs the location.

Sergeant Gonzales at the end of his shift generates a Supervisor report and advises of the situation that occurred the report is emailed to Captain Roach who replies to question if the AVL for Deputy Rodriguez was pulled to substantiate any part of the allegations.

In Sergeant Gonzales' supervisor report he briefly documents the details of the original call that Deputy Rodriguez was dispatched to and notes; "While en route, there was a discussion that the keys to the vehicle and subsequently the keys to the apartment were with the truck". Sergeant Gonzales stated that Deputy Rodriguez completed the crash report, towed the vehicle per policy and gave the driver [REDACTED] a ride from the crash to his apartment complex. (The crash report and inventory sheet were not completed as policy states). Sergeant Gonzales says Deputy Rodriguez dropped him off and departed, he does not mention checking the AVL to confirm or deny the allegations of Deputy Rodriguez staying in the area attempting to further contact [REDACTED]

Sergeant Gonzales says that he was notified after SAPD learned of the allegations being made by [REDACTED]. Sergeant Gonzales arrives at the location and spoke to [REDACTED] he claims Deputy Rodriguez dropped him off but then lingered in the area. Deputy Rodriguez then contacted [REDACTED] and asked him to perform oral sex on him and vice versus, according to [REDACTED]. Sergeant Gonzales noted that while [REDACTED] spoke he detected the odor of an alcoholic beverage on or about his person, despite a heavy crosswind. Sergeant Gonzales also noted that [REDACTED] allegedly suffered some type of diabetic attack at the crash. (Which he refused all medical treatment) to my knowledge no AVL was pulled by Sergeant Gonzales. (As of Friday April 29, 2016 Sergeant Gonzales is no longer employed with the Sheriff's office and is unavailable for an interview regarding this matter)

I obtained the SAPD report generated by SAPD Officer Butler Montrez # 0037. In his report Officer Butler says he was dispatched to the location and contacted [REDACTED] who stated that BCSO Rodriguez # 3143 had made sexual advances toward him after he was given a courtesy ride to the listed address on his report. Officer Butler contacted his supervisor who then contacted Bexar County Sheriff Office. Supervisor Sergeant Gonzales arrived and advised [REDACTED] to contact BCSO Internal Affairs to make complaint. Officer Butler notes that [REDACTED] had a very strong presence of alcohol on his breath and displayed slurred speech.

I retrieved a copy of the crash report generated by Deputy Rodriguez and noticed that although they appeared to be a witness at the scene of the crash he was not mentioned in the crash report, nor did he provide a witness statement. According to the details of the keycard the witness actually saw [REDACTED] crash, told dispatch he was possibly intoxicated and removed his keys because [REDACTED] was trying to leave the scene. Deputy Rodriguez also failed to mention the presence of alcohol possibly being a contributing factor to the crash, even though several other peace officers observed and noted the odor of alcoholic beverage on [REDACTED] breath and or person. The tow sheet for the vehicle that was impounded was not filled out correctly and did not note any damages to the vehicle, or items that had been removed. (Deputy Rodriguez notes in the keycard that he removed diabetic supplies from the vehicle and gave them to [REDACTED], he also notes that the keys to the vehicle were impounded with the vehicle; which was found later to be false).

Due to [REDACTED] (the complainant) being afraid to come in and file a formal complaint I advised Lt. Pollard (PSI) and Deputy Chief Longoria of the allegations that were being made. Although the complainant was uncooperative and would not come to sign a formal complaint, on March 29, 2016 Chief Deputy Longoria authorized a PSI Investigation be conducted.

The following day March 30, 2016 I went to Texas Towing in regards to the allegations regarding Deputy Rodriguez keeping [REDACTED] keys. I contacted Johnathan Montemayor who accepted the vehicle into Texas Towing on March 6, 2016. Johnathan provided me a statement regarding the intake of the vehicle, and paperwork (Call receipt and Impounded Vehicle Inspection card) as proof of the intake. I attempted to obtain video for the incident, however it was unavailable. The Vehicle Inspection Card I was provided contains a check list, the items checked off were flat bed, radio, battery, and vehicle locked. There was an option for keys in the vehicle however this option was scratched out. When I inquired as to why this option was scratched out Johnathan told me the vehicle was impounded with no keys (substantiating the allegations regarding the keys made by [REDACTED]).

Johnathan Montemayor provided a written statement, he stated the following: The day of 3/6/16 when the vehicle was impounded I marked on my impound sheet that I did not receive the keys with the vehicle. I believe the following day an officer came in and dropped off the keys to the [REDACTED]. When the owner of the vehicle came in to retrieve the vehicle he asked about his keys. When I told him the officer came in earlier in the day to drop them off, he was excited to know the keys were here.

On April 14, 2016 I issued an Order to Report for Deputy Rodriguez, scheduled for April 18, 2016 at 1:00 P.M. Deputy Rodriguez arrived on April 18, 2016 as scheduled. Deputy Rodriguez arrived without any representation. I made Deputy Rodriguez aware of his right to have an attorney or representation present while providing his Garrity statement, he waived his right. I went over the Order to Report, Order of Confidentiality and Notification of Allegations with Deputy Rodriguez to make sure he understood the allegations that were being brought against him. Deputy Rodriguez understood the

allegations and once again waived his right to representation. I interviewed Deputy Rodriguez regarding the allegations that were made; he admitted to me that he had violated Bexar County Policy and Procedures while dealing with [REDACTED]. At the beginning of the interview Deputy Rodriguez was not completely truthful with the information he provided me; however before typing his Garrity statement he gave what I believed to be a more accurate account of the details as they occurred.

In his Garrity Statement Deputy Rodriguez says he was dispatched to a crash at US HWY 281s and Guest Rd. upon arriving to the crash he made contact with the complainant (Tony Lopez) who was standing near his vehicle. Standing next to him was [REDACTED] the driver of the crashed vehicle. Deputy Rodriguez asked [REDACTED] how he wrecked his vehicle but was not sure how. [REDACTED] then stated he was diabetic and his blood sugar was high. Deputy Rodriguez escorted [REDACTED] to his patrol vehicle and placed him in the back seat. Deputy Rodriguez advised him he was going to call for an ambulance to check him out. Deputy Rodriguez turned on the Air Conditioning in the rear of his patrol vehicle and went to talk to Mr. Lopez to ascertain what he had witnessed. Mr. Lopez stated that while traveling northbound he observed [REDACTED] vehicle swerving between the lanes and then went off the roadway into the shoulder and wrecked into the fence line. Mr. Lopez stated that he believed [REDACTED] was intoxicated so he removed the keys from his vehicle and did not want to give them back. Mr. Lopez stated that [REDACTED] was becoming upset with him but he still did not want to release the keys to him in fear he would drive away before deputies arrived. Deputy Rodriguez gathered Mr. Lopez's information and released him from the scene (no witness statement was obtained). Deputy Jones and Prosser arrived at the scene of the crash to check if everything was alright; Deputy Prosser ran a check of [REDACTED] driver's license and advised Deputy Rodriguez he was clear.

Geronimo village FD and Acadian ambulance arrived to treat [REDACTED] after a short time Deputy Rodriguez was advised by medical that [REDACTED] blood sugar was high but it was not critical at that time. [REDACTED] signed a refusal for treatment at the scene. Deputy Rodriguez directed [REDACTED] to have a seat in the back seat of his patrol vehicle, and asked him if he had been drinking. [REDACTED] said he drank one beer earlier that morning. Deputy Rodriguez asked [REDACTED] where he was coming from and he told him that he was visiting a girlfriend and was on his way home. Medical personnel, Deputy Jones and Deputy Prosser left the location. Deputy Rodriguez advised [REDACTED] that his vehicle would be towed and asked if there was anyone he could call to pick him up.

Deputy Rodriguez states that even though [REDACTED] admitted to having a beer that same morning of the crash he did not feel comfortable pursuing an arrest for DWI due to his inexperience with diabetes, his blood sugar level and claim of medical complications. [REDACTED] advised Deputy Rodriguez that his cell phone was dead and he needed to get some phone numbers from it. Deputy Rodriguez asked him if he had a phone charger and he informed him it was inside the vehicle. Deputy Rodriguez went to the vehicle and removed the phone charger (not documented on the tow sheet) and plugged it into the patrol vehicle to charge. Deputy Rodriguez advised [REDACTED] that he was going to

inventory his vehicle and asked if there was any items that he need to have removed prior to the arrival of the tow truck.

██████████ advised Deputy Rodriguez that he needed his insulin and injection pen, he informed Deputy Rodriguez all the items were in the front seat of the vehicle. Deputy Rodriguez check the vehicle and removed the items requested (not noted on vehicle inventory sheet). Deputy Rodriguez again asked ██████████ if there was anything he needed out of the vehicle and he stated "no". While sitting in the patrol vehicle waiting for the tow truck Deputy Rodriguez and ██████████ began talking, Deputy Rodriguez asked if the address on his driver's license was correct and he stated "no, I live off Southcross" Deputy Rodriguez handed ██████████ his partially charged cell phone so that he could call someone to pick him up. ██████████ could not get anyone to answer the phone; Deputy Rodriguez asked if his girlfriend lived nearby. ██████████ explained that was not his girlfriend only a friend and he could not call her. He went on to explain to Deputy Rodriguez the girl was only his friend which he had driven to her house to have sex with her; however her brothers were there and he was not able to have sex with her because they are "Crazy". Deputy Rodriguez and ██████████ continued to talk and laugh as they waited for the tow truck. Deputy Rodriguez tells ██████████ "Dang you didn't get any and now your truck is being towed. You're really having a bad day".

██████████ laughed and agreed with Deputy Rodriguez's comment. Shortly after the arrival of the tow truck ██████████ stated that he was sexually frustrated and needed to "Get some". Deputy Rodriguez laughed and told ██████████ to wait until he got home so he could take care of himself. ██████████ laughed and asked Deputy Rodriguez if he was going to join him in his house, Deputy Rodriguez replied, "It depends on who else is there". Deputy Rodriguez handed ██████████ his phone and exited the vehicle to tend to the tow truck driver. It was at that time that Deputy Rodriguez realized that he did not have the keys to ██████████ vehicle and the original caller (Mr. Lopez) must still have them. (This statement was not consistent to the notes Deputy Rodriguez made on the keycard regarding the keys). Deputy Rodriguez stated that he called Mr. Lopez and provided him with his phone number so he could call at a time that was convenient so Deputy Rodriguez could retrieve the keys.

As Deputy Rodriguez returned to his patrol vehicle ██████████ showed him a picture on his phone of a topless female, he asked what Deputy Rodriguez thought about her and he replied, that she looked nice. ██████████ then asked Deputy Rodriguez if he had ever participated in a threesome, in which Deputy Rodriguez told him "yes" but he was too old for that stuff now. ██████████ told Deputy Rodriguez that he talked to his sister and she agreed to go and pick him up, she lived in Converse, Deputy Rodriguez asked ██████████ his address and figured it was quicker to drop him off at his residence instead of waiting for his sister to pick him up. Before departing the scene ██████████ advised Deputy Rodriguez that his tooth had fallen out and was in the back seat. He asked Deputy Rodriguez if he could open the door so he could exit the vehicle and better search for his tooth. Deputy Rodriguez walked around to the passenger side of the vehicle and opened the door, when he did this ██████████ was grabbing his groin area and with his left hand reached for Deputy Rodriguez's groin area with his right hand. Deputy Rodriguez

stepped back and told him "You can't do that kind of stuff right here". He had his head leaning back and asked Deputy Rodriguez to let him feel his groin area real quick. Deputy Rodriguez declined and advised his tooth was on the floor board. [REDACTED] leaned forward picked up his tooth from the floor of the patrol vehicle and placed it with the rest of his property.

As Deputy Rodriguez departed the scene [REDACTED] asked him if they could stop and pick up any females on the side of the road to take them back to his residence to have sex with them. Deputy Rodriguez told him they could do that and for him to keep his eyes out for any girls on the side of the road. [REDACTED] again asked Deputy Rodriguez if he had ever done anything sexual with a man, Deputy Rodriguez replied and told him yes but it was years ago when he was younger. Upon arrival at the apartment complex [REDACTED] directed Deputy Rodriguez towards the back of the building. Deputy Rodriguez parked near his apartment number and let [REDACTED] out of the vehicle. Upon exiting the vehicle Deputy Rodriguez advised [REDACTED] to make sure he had all of his property he asked Deputy Rodriguez for his keys and Deputy Rodriguez advised him the keys were in the vehicle (when in fact Mr. Lopez had the keys). [REDACTED] became upset and asked for his keys once again, Deputy Rodriguez advised he did not have the keys. [REDACTED] said "That's fucked up" how am I supposed to get inside my apartment. Deputy Rodriguez advised him to ask the apartment manager for an extra key; [REDACTED] walked towards his apartment door, threw his belongings on the floor and then walked towards the front of the complex. Deputy Rodriguez states that he circled the complex and remained in the area to make sure [REDACTED] was able to get into his apartment, and make sure he even resided at the address. Deputy Rodriguez saw [REDACTED] and waved for him to approach the vehicle, [REDACTED] did (substantiating what he advised dispatch) and he asked what he was doing. Deputy Rodriguez told him to get with the apartment manager for the key and [REDACTED] said he would. After Deputy Rodriguez observed [REDACTED] talking with someone in the complex he left.

While returning to his district Deputy Rodriguez saw a call on the computer screen for the same location where he had dropped off [REDACTED] he read the details and learned [REDACTED] was alleging Deputy Rodriguez had requested sexual favors from him. Deputy Rodriguez saw Sergeant Gonzales assigned to the call and telephoned him to give him the details of the incident. Sergeant Gonzales advised Deputy Rodriguez to enter a comment into the keycard indicating what he had told him. Deputy Rodriguez then received a message from dispatch asking him to phone SAPD Officer Butler, who was at the scene. Deputy Rodriguez advised the SAPD Officer that his supervisor Sergeant Gonzales was en route to the location to talk to [REDACTED]

Deputy Rodriguez met with Mr. Lopez around 1430 hours and retrieved [REDACTED] keys. Deputy Rodriguez returned to the substation and left for the evening. The next morning Sergeant Gonzales met with Deputy Rodriguez and advised he had spoken with [REDACTED] he advised him he needed to go downtown to file a formal complaint. The next day at the beginning of his shift Deputy Rodriguez took [REDACTED] keys to Texas Towing and turned them in.

Deputy Rodriguez says he received an email from a Sheriff's office employee and was informed that [REDACTED] was requesting contact regarding the keys. Deputy Rodriguez attempted to call him and had negative results. Deputy Rodriguez advised he has not had any contact with [REDACTED] since the day of the incident. This report will be forwarded to Chief Davis for review/action.



Susan Pamerleau
Sheriff
Bexar County, Texas

MEMORANDUM

TO: Mr. Tim Harding, Chairman
Mr. Tony Resendez, Commissioner
Mr. Juan Carlos Hernandez, Commissioner
Mr. Adam L. Leos, Human Resources Analyst

FROM: *Debra* Debra Nicholas, Chief Administrative Officer

DATE: June 24, 2016

RE: Michael Rodriguez vs. Susan L. Pamerleau, Sheriff
Case #16-SCSC-009/30 Day Suspension

FACT SUMMARY

In the interest of efficiency, due process, and fairness, the Bexar County Sheriff's Office has reviewed all the substantial evidence and has attempted to resolve this matter internally. The review revealed a policy violation has occurred and the disciplinary action imposed is warranted. We ask the Commission to weigh our interest in making its decision.

On or about March 6, 2016, Deputy Michael Rodriguez was dispatched to a crash at US HWY 281 South and Guest Rd. upon arriving at the scene, Deputy Rodriguez spoke to Mr. Tony Lopez who was a witness at the scene and had removed the keys from the driver involved in the crash who he suspected of driving while intoxicated. However, the crash report did not indicate any suspicion of intoxicants. Furthermore, Deputy Rodriguez failed to obtain a witness statement and take the keys from the witness prior to departing the scene. In addition, the keycard notes indicate that the keys were inside the vehicle thereby, knowingly or willingly entering or cause to be entered in any Sheriff's Office books, records, or reports any inaccurate, false or improper information.

After accessing the crash, Deputy Rodriguez placed [REDACTED], who was the individual involved in the crash, in the back seat of his patrol vehicle. After notifying the driver that his vehicle was being towed, Deputy Rodriguez proceeded to remove items from the crashed vehicle such as a phone charger, insulin and an injection pen. However, Deputy Rodriguez failed to document the items removed from the vehicle on the inventory sheet.

Deputy Rodriguez then engaged in an inappropriate conversation with [REDACTED] after [REDACTED] told the deputy that he had driven to a female's house to have sex but was unable to do so.

Deputy Rodriguez responded by stating *"dang you didn't get any and now your truck is being towed."* [REDACTED] told Deputy Rodriguez that he was sexually frustrated and the deputy responded by telling him *"wait until you get home so you can take care of yourself"*. [REDACTED] laughed and asked the deputy if he was going to join him in his house. Deputy Rodriguez continued with the inappropriate conversation by stating *"it depends on who else is there."*

According to Deputy Rodriguez, [REDACTED] told him that he had dropped his tooth and asked the deputy to open the back door so that he could look for his tooth. As Deputy Rodriguez opened the back door, Deputy Rodriguez states that [REDACTED] was grabbing his groin area with his left hand and reached towards the deputy's groin area with his right hand. Deputy Rodriguez responded by telling [REDACTED] *"you can't do that kind of stuff right here"*.

Deputy Rodriguez then decided that he would give [REDACTED] a courtesy ride to his residence. While in route to [REDACTED] residence, [REDACTED] asked Deputy Rodriguez sexual and explicit questions to include if he had ever had a *"threesome"* and has he ever been with a *"man"*. Deputy Rodriguez inadvertently allowed this inappropriate conversation to continue with a person of not at free will to exit his county vehicle and could be misconstrued as *"detained"* or not at *"free will"* by continuing to engage and responding while Deputy Rodriguez was on duty and in full uniform to [REDACTED] questions which were sexual in nature.

After arriving to [REDACTED] apartment complex, [REDACTED] ran and called 911 and claimed that Deputy Rodriguez had requested sexual favors and that he (Deputy Rodriguez) was looking for him by continuing to drive around the complex.

According to AVL, the deputy was at 0 miles per hour for approximately 5 minutes from 1204 hours to 1009 hour before he starts driving again. When his vehicle does

start to move, he drove in circles around the complex at a slow rate of speed (between 6 and 8 miles per hour) which is consistent to the 911 call(s) [REDACTED] made.

As a Deputy Sheriff, he is held to a higher standard and his behavior is undesirable and unacceptable and will not be tolerated by the Sheriff's Office.

Persons with knowledge of these incidents:

Deputy Chief Mike Davis, Training, Policy & Planning Division

Deputy Chief Joe Hamilton, Patrol Division

Sgt. Jennifer Baeza, Professional Standards and Integrity Division

Deputy Ebony Jones, Patrol Division

Deputy Dorian Prosser, Patrol Division

SAPD Officer Charlie Griffin, Badge #536

SAPD Officer Montrez Butler, Badge #37

Deputy Michael Rodriguez, Badge #3143

Tony Lopez, witness
[REDACTED]

We ask the Commission to uphold the Thirty (30) Day Suspension.

The Bexar County Sheriff's Office reserves the right to add to the list of persons who have knowledge of this incident for purposes of a Civil Service hearing, with appropriate notice to the appellant and/or representative, as well as any rebuttal witnesses which are necessitated by the testimony and evidence introduced on behalf of the appellant, to include any representative present at any hearing during the grievance process prior to this matter being filed with the Sheriff's Civil Service Commission.

All deadlines were met by both parties.



**BEXAR COUNTY
HUMAN RESOURCES**
211 S. FLORES STREET
SAN ANTONIO, TEXAS 78204-1012
HR MAIN #: (210) 335-2546 Web Site: www.bexar.org

TO: Sheriff Susan L. Pamerleau

FROM: Adam L. Leos, *AL*
Human Resources Analyst

DATE: June 16, 2016

SUBJECT: Department Response Form for Case #16-SCSC-009 Michael Rodriguez vs Susan L. Pamerleau, Sheriff

Attached is a copy of an appeal filed by Michael Rodriguez requesting a hearing before the Bexar County Sheriff's Civil Service Commission for a thirty (30) day suspension. Please complete the Department Response Form and return it to me within ten (10) business days from the date of receipt. After receipt of the Department Response Form, a hearing will be scheduled. If you have any questions, you may contact me at 335-0728.

A copy of the appeal has also been provided to the Civil Section of the District Attorney's Office. You will need to contact Ed Schweringer, Civil Division Chief, District Attorney's Office, or his administrative assistant, Frances Cortez, to find out the attorney assignment. Please forward a copy of the completed Department Response Form to them.

ALL

cc: Mr. Ed Schweringer, Civil Division Chief

Attachments



COMBINED LAW ENFORCEMENT ASSOCIATIONS OF TEXAS

RECEIVED

PLEASE RESPOND TO
THE OFFICE CHECKED

Headquarters

400 W. 14th St., Suite 100
Austin, TX 78701
512/495-9111
512/495-9101 FAX
502/232-2159 WATS

North Texas Office

904 Collier
Fort Worth, TX 76102
817/822-3543
817/822-9566 FAX
800/822-3281 WATS

South Texas Office

1230 N.E. Loop 410, Suite 210
San Antonio, TX 78217
210/826-1899
210/826-2299 FAX
800/752-5328 WATS

Houston Metro Office

9500 Westchase Freeway, Suite 307
Houston, TX 77062-2832
713/263-7060
713/263-7086 FAX
800/422-5328 WATS

West Texas Office

247 E. San Antonio, Suite 103
El Paso, TX 79901
915/533-4924
915/533-5117 FAX
800/322-9911 WATS

Central Band Office

3322 Leppard St.
Corpus Christi, TX 78409
361/883-3224
361/884-5557 FAX

Rio Grande Valley Office

1630 W. Chisum Blvd.
Edinburg, TX 78541
956/702-4442
956/223-2552 FAX

Panhandle Office

2201 University Ave., Suite B
Lubbock, TX 79410
806/472-0111
806/472-0115 FAX

Northwest Texas Office

2127 Baker St., Suite D
Mesquite, TX 75120
972/686-5820

Arkington Office

1501 West Park Hwy
Arkington, TX 76010

Turner Metro Office

6815 Westchase Blvd., Suite 115
Fort Worth, TX 76120

www.cleat.org

Notice of Disciplinary Action Grievance

JUN 16 2016

BEXAR COUNTY
CIVIL SERVICE COMMISSION

DATE: June 16, 2016

TO: Bexar County Sheriff's Civil Service Commission c/o Adam
Leos (Emailed to: adamleos@bexar.org and Faxed 6/16/2016)

FROM: Karl E. Brehm, Staff Attorney for the Combined Law
Enforcement Associations of Texas, Inc., representing Michael
Rodriguez

SUBJECT: Order of 30-Day Suspension / Disciplinary Action Grievance /
Request for Hearing

EMPLOYEE: Michael Rodriguez, #3143

EMPLOYEE'S IMMEDIATE SUPERVISOR: Sgt. Amerson

EMPLOYEE'S DIVISION SUPERVISOR: DC M. Davis

EMPLOYEE'S GRIEVANCE SYSTEM PROCEDURE COMPLETED: Yes

GRIEVANCE SYSTEM DECISION: Upheld

EMPLOYEE'S JOB TITLE: LE Deputy

EMPLOYEE'S DIVISION: East Patrol / A Shift

WITNESSES: To be provided

VIOLATIONS CITED IN THE ORDER OF SUSPENSION: Chapter IX,
Section 9.02 of the Bexar County Sheriff's Civil Service Commission Rules: I.-
Poor Job Performance and O.-Conduct or action that would seriously impair job
effectiveness and P.-Conduct which has proven to be detrimental or has an
adverse effect on the Sheriff's Office. Additionally, Bexar County Sheriff's
Office Policies and Procedures: 5.12-Duty to Report Information; 5.13-False
Information in Records; 5.24-Conduct Unbecoming an Officer; 5.45-Bringing
Discredit and 5.53-Persons in Custody.



Susan Pamerleau
Sheriff
Bexar County, Texas

RECEIVED

JUN 16 2016

BEXAR COUNTY
CIVIL SERVICE COMMISSIONRESPONSE TO GRIEVANCE

TO: Karl Brehm, Representative for
Deputy Michael Rodriguez, Badge #3143

DATE: June 10, 2016

On June 1, 2016, you were served with an Order of Thirty (30) Day Suspension. Through your attorney, you requested a hearing with Chief Deputy Manuel Longoria.

Accordingly, a hearing was scheduled for Thursday, June 9, 2016.

Present at the hearing were:

Manuel Longoria, Chief Deputy
Michael Rodriguez, Grievant
Karl Brehm, Representative
Maria Levine, HR Supervisor

After further review and consideration, I have decided to uphold the Order of Suspension. I am therefore proceeding with the Enactment of Suspension. You may grieve to the next level.

Please be advised that pursuant to the Bexar County Sheriff's Civil Service Rules you may appeal this decision to the Civil Service Commission by filing a written petition of appeal within ten (10) business days of receipt of this response.


Chief Deputy Manuel Longoria

Maria Levine, HR Supervisor sent this Response to Karl Brehm on the 10th day of June 2016. Please acknowledge receipt of said document and return by e-mail to mlevine@bexar.org or fax to 210-335-5083.

I acknowledge receipt of this document


Attorney Karl Brehm
For Michael Rodriguez

6-15-16
Date



Susan Pamerleau
Sheriff
Bexar County, Texas

RECEIVED

JUN 16 2016
BEXAR COUNTY
CIVIL SERVICE COMMISSION

ORDER OF SUSPENSION

TO: Karl Brehm representative for LE Deputy Michael A. Rodriguez
Badge #3143, Emp. #19580, Training Academy

DATE: June 1, 2016

You are hereby notified that the Bexar County Sheriff's Office is to suspending you for Thirty (30) Days from the position of Law Enforcement Deputy.

According to PSI Investigation #IA-2016-0126, you have violated the Bexar County Sheriff's Civil Service Rules, said rules having been adopted on March 14, 1985 and thereafter from time to time amended by the Bexar County Sheriff's Civil Service Commission. The particular Civil Service Rules violated by you are as follows:

Bexar County Sheriff's Office Civil Service Rules Chapter IX, section 9.02:

- J. Poor Job Performance
- G. Conduct or action that would seriously impair job effectiveness.
- P. Conduct which has proven to be detrimental or has an adverse effect on the Sheriff's Office.

In addition, you have violated the following Bexar County Sheriff's Office Policies and Procedures:

5.12 DUTY TO REPORT INFORMATION

Every employee has an affirmative duty to properly report any information given in good faith by any citizen regarding matters which indicate the need for action by the Sheriff's Office.

5.13 FALSE INFORMATION IN RECORDS

No employee shall make a false official report concerning Sheriff's Office records, nor knowingly or willingly enter or cause to be entered in any Sheriff's Office books, records, or reports any inaccurate, false or improper information, material, matters, or otherwise.

5.24 CONDUCT UNBECOMING AN OFFICER

A Deputy Sheriff shall always conduct himself/herself in a manner which reflects most favorably on the Sheriff's Office, whether in a duty or off-duty status. Unbecoming conduct includes unjustified behavior which brings the Sheriff's Office into disrepute, discredits a member of the Sheriff's Office, impairs the operation of the Sheriff's Office, or has an adverse effect on the Sheriff's Office.

5.45 BRINGING DISCREDIT

No employee of the Sheriff's Office shall act or behave publicly or privately in such a manner as to bring discredit, distrust, or a lack of esteem upon themselves personally as a peace officer or corrections officer, or upon the Sheriff's Office as a whole.

5.53 PERSONS IN CUSTODY

A. Employees of the Sheriff's Office shall not associate or fraternize with, perform favors for, engage the service of, or accept service or favors of any type from any person who is in custody of the Sheriff's Office or any law enforcement agency or corrections facility. The same applies also to family members, friends, and/or acquaintances of any persons in custody.

The factual basis for the disciplinary action is as follows: On or about March 6, 2016, you were dispatched to a crash at US HWY 281 South and Quast Rd. Upon arriving at the scene, you spoke to Mr. Tony Lopez who was a witness at the scene and had removed the keys from the driver involved in the crash who he suspected of driving while intoxicated. However, the crash report did not indicate any suspicion of intoxicants. Furthermore, you failed to obtain a witness statement and take the keys from the witness prior to departing the scene. In addition, in the keyboard notes, you indicate that the keys were inside the vehicle thereby, knowingly or willingly entering or cause to be entered in any Sheriff's Office books, records, or reports any inaccurate, false or improper information.

After accessing the crash, you placed [REDACTED], who was the individual involved in the crash, in the back seat of your patrol vehicle. After notifying the driver that his vehicle was being towed, you proceeded to remove items from the crashed vehicle such as a phone charger, insulin and an injection pen. However, you failed to document the items removed from the vehicle on the inventory sheet.

You then engaged in an inappropriate conversation with [REDACTED] who after [REDACTED] told you he had driven to a female's house to have sex but was unable to do so.

You responded by stating "Jung you didn't get any and now your truck is being towed." [REDACTED] told you that he was sexually frustrated and you responded by telling him "wait until you get home so you can take care of yourself". [REDACTED] laughed and asked you if you were going to join him in his house. You continued with the inappropriate conversation by stating "it depends on who else is there."

At this time, [REDACTED] told you he had dropped his tooth and asked you to open the back door so that he could look for his tooth. As you opened the back door, you state that [REDACTED] was grabbing his groin area with his left hand and reached towards your groin area with his right hand. You responded by telling [REDACTED] "you can't do that kind of stuff right here".

You then decided that you would give [REDACTED] a courtesy ride to his residence. While in route to [REDACTED]'s residence, [REDACTED] asked you sexual and explicit questions to include if you had ever had a "threesome" and have you ever been with a "man", you inadvertently allowed this inappropriate conversation to continue with a person of not at free will to exit your county vehicle and could be misconstrued as "detained" or not at "free will" by continuing to engage and responding while you were on duty and in full uniform to [REDACTED]'s questions which were sexual in nature.

[REDACTED] further asked if you "could pick up any females while on route to his residence to have sex with them." According to your report, you responded to [REDACTED] that you could do that and to "keep his eyes out for any girls on the side of the road".

After arriving to [REDACTED] apartment complex, you drove towards the rear of the complex. [REDACTED] asked you for his vehicle keys and you told him you did not have them and you opened the back door for him. According to [REDACTED], he ran and called 911 and claimed that you had requested sexual favors and that you were looking for him by continuing to drive around the complex. According to AVL, you were at 0 miles per hour for approximately 5 minutes from 1204 hours to 1009 hour before you start driving again. When your vehicle does start to move, you drive in circles around the complex at a slow rate of speed (between 6 and 8 miles per hour) which is consistent to the 911 call(s) [REDACTED] made.

As a Deputy Sheriff you are held to a higher standard and your behavior is undesirable and unacceptable and will not be tolerated by the Sheriff's Office.

Corrective Action Required: In the future, you will adhere to all the policies and procedures listed above. Be advised that you will conduct yourself in a professional manner on and off duty. Be further advised that you will not engage in sexually explicit conversations regarding propositions of sexual activity while on duty. You are to always conduct yourself in a manner which reflects most favorably on the Sheriff's Office, whether in a duty or off-duty status. Unacceptable behavior hinders professional working relationships because it generates mistrust among staff members, and supervisors lose the respect of fellow employees when such behavior is permitted.

Your performance will be closely monitored and persistence in the behavior, which resulted in this Order of Suspension, may result in more serious disciplinary action, which may include dismissal from the Sheriff's Office.

Persons with knowledge of these incidents:

Deputy Chief Mike Davis, Training, Policy & Planning Division

Deputy Chief Joe Hamilton, Patrol Division

Sgt. Jennifer Baeza, Professional Standards and Integrity Division

Deputy Ebony Jones, Patrol Division

Deputy Dorian Prosser, Patrol Division
SAPD Officer Charlie Griffin, Badge #536
SAPD Officer Montrez Butler, Badge #37
Deputy Michael Rodriguez, Badge #3143
Tony Lopez, witness
[REDACTED]

On Friday, May 27, 2016, a grievance hearing was held. Present at the hearing were the following:

Mike Davis, Deputy Chief
Michael Rodriguez, Grievant
Karl Brehm, Representative
Maria Levine, HR Supervisor

After reviewing your case further, I have decided to uphold the suspension. I am therefore, going forward with the Order of Suspension. You may grieve to the next level.

You are advised that you may grieve this Order of Suspension, in writing, to Chief Deputy Manuel Longoria. Your grievance, if submitted, must be received and time stamped by the Sheriff's Administration no later than the tenth (10th) business day following receipt of this document. Additionally, a copy of the grievance, if submitted, must be distributed to the Bexar County Sheriff's HR Office. If you have any questions regarding the Rules, or your rights under the Bexar County Sheriff's Civil Service Commission, you may contact the Civil Service Commission, at 210-335-0728.


Deputy Chief Mike Davis
Training, Policy & Planning Division

cc: 1) HR File 2) Section Supervisor

The Forgoing Document was faxed to Karl Brehm on the 1st day of June 2016. Please acknowledge receipt of said document and return by fax to 335-5083 or email to mlevine@bexar.org

Accepted:

Attorney Karl Brehm
For Michael Rodriguez

Date

Leos, Adam

From: Joyce Lopez <Joyce.Lopez@cleat.org>
Sent: Thursday, June 16, 2016 3:10 PM
To: Leos, Adam
Cc: Karl Brehm
Subject: Appeal - Deputy Michael Rodriguez (Order of 30-Day Susp.)
Attachments: Rodriguez Michael O30 CSC KB.pdf

Dear Adam,

We hereby file the attached appeal on behalf of Deputy Michael Rodriguez. Please let us know when you would like to schedule a civil service hearing for Deputy Rodriguez and his attorney Karl Brehm.

Thank you for your attention to this matter.

Joyce Lopez

Joyce Lopez | Legal Services Coordinator | CLEAT
1939 NE Loop 410, Suite 210 | San Antonio, TX | 78217
T: 210.826.1899 | F: 210.826.2299 | 800.752.5328 TX WATS
joyce.lopez@cleat.org | cleatusa@sbglobal.net

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6/16/2016 3:09 PM



Susan Pamerleau
Sheriff
Bexar County, Texas

NOTICE OF PROPOSED SUSPENSION

TO: **LE Deputy Michael A. Rodriguez, Badge #3143
Emp.#19580, Training Academy**

DATE: **May 18, 2016**

You are hereby notified that the Bexar County Sheriff's Office is proposing to suspend you for Thirty (30) Days from the position of Law Enforcement Deputy.

According to **PSI Investigation #IA-2016-0126**, you have violated the Bexar County Sheriff's Civil Service Rules, said rules having been adopted on March 14, 1985 and thereafter from time to time amended by the Bexar County Sheriff's Civil Service Commission. The particular Civil Service Rules violated by you are as follows:

Bexar County Sheriff's Office Civil Service Rules Chapter IX, section 9.02:

- J. Poor Job Performance
- O. Conduct or action that would seriously impair job effectiveness.
- P. Conduct which has proven to be detrimental or has an adverse effect on the Sheriff's Office.

In addition, you have violated the following Bexar County Sheriff's Office Policies and Procedures:

5.12 DUTY TO REPORT INFORMATION

Every employee has an affirmative duty to properly report any information given in good faith by any citizen regarding matters which indicate the need for action by the Sheriff's Office.

5.13 FALSE INFORMATION IN RECORDS

No employee shall make a false official report concerning Sheriff's Office records, nor knowingly or willingly enter or cause to be entered in any Sheriff's Office books, records, or reports any inaccurate, false or improper information, material, matters, or otherwise.

5.24 CONDUCT UNBECOMING AN OFFICER

A Deputy Sheriff shall always conduct himself/herself in a manner which reflects most favorably on the Sheriff's Office, whether in a duty or off-duty status. Unbecoming conduct includes unjustified behavior which brings the Sheriff's Office into disrepute, discredits a member of the Sheriff's Office, impairs the operation of the Sheriff's Office, or has an adverse effect on the Sheriff's Office.

5.45 BRINGING DISCREDIT

No employee of the Sheriff's Office shall act or behave publicly or privately in such a manner as to bring discredit, distrust, or a lack of esteem upon themselves personally as a peace officer or corrections officer, or upon the Sheriff's Office as a whole.

5.53 PERSONS IN CUSTODY

A. Employees of the Sheriff's Office shall not associate or fraternize with, perform favors for, engage the service of, or accept service or favors of any type from any person who is in custody of the Sheriff's Office or any law enforcement agency or corrections facility. The same applies also to family members, friends, and/or acquaintances of any persons in custody.

The factual basis for the disciplinary action is as follows: On or about March 6, 2016, you were dispatched to a crash at US HWY 281 South and Guest Rd. Upon arriving at the scene, you spoke to Mr. Tony Lopez who was a witness at the scene and had removed the keys from the driver involved in the crash who he suspected of driving while intoxicated. However, the crash report did not indicate any suspicion of intoxicants. Furthermore, you failed to obtain a witness statement and take the keys from the witness prior to departing the scene. In addition, in the keycard notes, you indicate that the keys were inside the vehicle thereby, knowingly or willingly entering or cause to be entered in any Sheriff's Office books, records, or reports any inaccurate, false or improper information.

After accessing the crash, you placed [REDACTED], who was the individual involved in the crash, in the back seat of your patrol vehicle. After notifying the driver that his vehicle was being towed, you proceeded to remove items from the crashed vehicle such as a phone charger, insulin and an injection pen. However, you failed to document the items removed from the vehicle on the inventory sheet.

You then engaged in an inappropriate conversation with [REDACTED] after [REDACTED] told you he had driven to a female's house to have sex but was unable to do so.

You responded by stating *"dang you didn't get any and now your truck is being towed."* [REDACTED] told you that he was sexually frustrated and you responded by telling him *"wait until you get home so you can take care of yourself"*. [REDACTED] laughed and asked you if you were going to join him in his house. You continued with the inappropriate conversation by stating *"it depends on who else is there."*

At this time, [REDACTED] told you he had dropped his tooth and asked you to open the back door so that he could look for his tooth. As you opened the back door, you state that [REDACTED] was grabbing his groin area with his left hand and reached towards your groin area with his right hand. You responded by telling [REDACTED] *"you can't do that kind of stuff right here"*.

You then decided that you would give [REDACTED] a courtesy ride to his residence. While in route to [REDACTED] residence, [REDACTED] asked you sexual and explicit questions to include if you had ever had a *"threesome"* and have you ever been with a *"man"*, you inadvertently allowed this inappropriate conversation to continue with a person of not at free will to exit your county vehicle and could be misconstrued as "detained" or not at "free will" by continuing to engage and responding while you were on duty and in full uniform to [REDACTED]'s questions which were sexual in nature.

[REDACTED] further asked if you *"could pick up any females while on route to his residence to have sex with them."* According to your report, you responded to [REDACTED] that you could do that and to *"keep his eyes out for any girls on the side of the road"*.

After arriving to [REDACTED] apartment complex, you drove towards the rear of the complex. [REDACTED] asked you for his vehicle keys and you told him you did not have them and you opened the back door for him. According to [REDACTED] he ran and called 911 and claimed that you had requested sexual favors and that you were looking for him by continuing to drive around the complex. According to AVL, you were at 0 miles per hour for approximately 5 minutes from 1204 hours to 1209 hour before you start driving again. When your vehicle does start to move, you drive in circles around the complex at a slow rate of speed (between 6 and 8 miles per hour) which is consistent to the 911 call(s) [REDACTED] made.

As a Deputy Sheriff you are held to a higher standard and your behavior is undesirable and unacceptable and will not be tolerated by the Sheriff's Office.

Corrective Action Required: In the future, you will adhere to all the policies and procedures listed above. Be advised that you will conduct yourself in a professional manner on and off duty. Be further advised that you will not engage in sexually explicit conversations regarding propositions of sexual activity while on duty. You are to always conduct yourself in a manner which reflects most favorably on the Sheriff's Office, whether in a duty or off-duty status. Unacceptable behavior hinders professional working relationships because it generates mistrust among staff members, and supervisors lose the respect of fellow employees when such behavior is permitted.

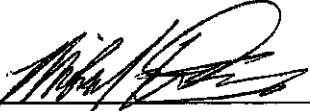
Your performance will be closely monitored and persistence in the behavior, which resulted in this Notice of Proposed Suspension, may result in more serious disciplinary action, which may include dismissal from the Sheriff's Office.

Persons with knowledge of these incidents:

Deputy Chief Mike Davis, Training, Policy & Planning Division
Deputy Chief Joe Hamilton, Patrol Division
Sgt. Jennifer Baeza, Professional Standards and Integrity Division
Deputy Ebony Jones, Patrol Division

Deputy Dorian Prosser, Patrol Division
SAPD Officer Charlie Griffin, Badge #536
SAPD Officer Montrez Butler, Badge #37
Deputy Michael Rodriguez, Badge #3143
Tony Lopez, witness
[REDACTED]

Be advised that pursuant to the Loudermill requirements, you may grieve this Notice of Proposed Suspension to the undersigned in person or in writing, to explain or countervail said specific charges. Your written response, if submitted, must be received and time stamped by ~~Detention~~ *Academy* Administration no later than the fifth (5th) business day following receipt of this document. If you have any questions on your Civil Service Rules and rights, you may call the Sheriff's Civil Service Commission at 210-335-0728.

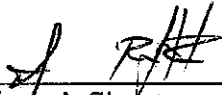


Deputy Chief Mike Davis
Training, Policy & Planning Division

The foregoing Notice of Proposed Suspension was served upon Michael Rodriguez, Badge #3143 on May 19, 2016.

By: _____

Server's Signature



Employee's Signature

1) Original -HR file 2) Employee 3) Administrative file