

Alamosa Police Department Disciplinary Action Form

1. Captain Ken Anderson
Name of Supervisor Initiating Action

2. Officer Ivan Garcia
Name of Employee against whom action is initiated

3. August 18, 2016 1929 hours
Date and Time of alleged violation

4. August 25, 2016
Date of Disciplinary Action Form being filled out

5. Brief Statement as to alleged violation:

I was contacted by Chief Oakes in regards to a concern he had with three APD patrol units traveling at a high rate of speed while running a code response. Chief Oakes advised me he was at the intersection of 6th Street and West Avenue when he observed the units turn southbound onto West Avenue at a high rate of speed. Chief Oakes told me he contacted the Colorado State Patrol dispatch in order to learn what type of call they were responding to. He was advised that the units were responding to 1700 State Avenue in reference to a male party with difficulty breathing. Chief Oakes had me review the in car video where it was discovered that you were driving 89 mph within a 35 mph zone. I was told to open an internal regarding a possible policy violation. I requested the dispatch logs and discovered that the dispatcher indicated "a male party with difficulty breathing" to the ambulance, however the officers received a call that "a female can't breath" at the same location. These were two different dispatchers and clearly different responses needed for each call.

6. Cite Police Department Rules and Regulations, Police Department Orders and City of Alamosa Rules and Regulations allegedly violated (Section, subsection, paragraph, line - if applicable):

Due to traffic conditions, time of day and location, Officer Garcia failed to proceed with due regard for the safety of all persons and property and is in violation of policy #315.2 Response to Calls. Conduct in Reckless Disregard Law and Legal Definition (Reckless disregard refers to a harmful act done intentionally or failure to do an act when the actor believes or has reason to believe that his / her conduct would lead a reasonable person to realize an unreasonable risk of harm to others and involves a good probability that substantial harm will result due to such conduct). The driver of an authorized emergency vehicle is not relieved from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

7. Type of Discipline (Verbal, written and/or suspension, termination or demotion):

Verbal / Written. OFF GARCIA HAS RECEIVED A DISCIPLINE FOR A MINOR CRASH INVOLVING A POLICE VEHICLE. ANY FUTURE VIOLATIONS OF THE DR AND OTHER POLICY COULD RESULT IN FURTHER DISCIPLINE FROM SUSPENSION UP TO TERMINATION. THIS DISCIPLINE SHALL REMAIN IN OFF GARCIA'S PERSONNEL FILE, MAINTAINED BY THE HR DEPARTMENT.

8. Type of Reprimand (verbal, written and / or suspension.)

Verbal / Written.

Juan Garcia #18

 Signature of Employee

9/01/16

 Date

To show receipt of all paperwork, i.e., Personnel Action Form, Disciplinary Action Form, reports, or letters, memos on investigation of incident.

9. I, _____, recommend/agree with the above discipline.

 (Signature of Immediate Supervisor) Date

10. I, _____, agree disagree with the above reprimand.

 (Signature of Division Commander) Date

11. I, *DWANE C. CAKES* agree disagree with the above reprimand. *AS AMENDED*

[Signature]

 (Signature of Chief of Police - if applicable) Date *09/07/16*

The Chief of Police having agreed to the recommendation for discipline action as stated above is forwarding this disciplinary action form and all relevant documentation to the City Manager for review. A copy of all information forwarded has been given to the officer.

12. Having conducted a pre-disciplinary hearing into the alleged violation, I find that the allegations are:
 sustained not sustained

Remarks:

13. Having sustained the allegations, I agree disagree with the recommended disciplinary action:

Remarks:

14.



(Signature of City Manager)

9-26-16
Date

Having sustained the allegation(s) as specified and approved the disciplinary action as specified, you are advised you have thirty (30) days to file an appeal to the Personnel Board through the City Manager. The Personnel Boards decision is final and binding on all parties.

Revised 09/16/2016
By: Chief Duane Oakes

Disciplinary Action Form

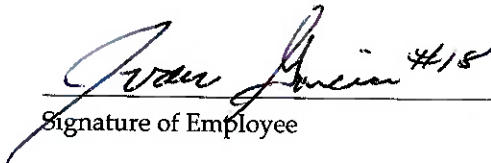
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7. Type of Discipline (Verbal, written and/or suspension, termination or demotion):

Written. Officer I. Garcia received a written discipline on June 12, 2015 for an incident when he was backing into a parking space and hit a parked car. There was no damage to either vehicle and the incident was minor in nature. Due to that discipline and this incident, this is a written discipline as well. Officer I. Garcia needs to be advised that any future violations of this or any other policy may result in further discipline taken from suspension up to termination. This discipline is to remain in Officer I Garcia's personnel file that is maintained by the HR Department. /-----/

8. Type of Reprimand (verbal, written and /or suspension.)

Written


Signature of Employee

9/21/16
Date

To show receipt of all paperwork, i.e., Personnel Action Form, Disciplinary Action Form, reports, or letters, memos on investigation of incident.

9. I,  Joey Spangler, recommend/agree with the above discipline.


(Signature of Immediate Supervisor)

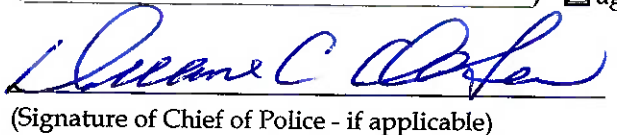
9-21-16
Date

10. I,  Samuel Maestas, agree disagree with the above reprimand.


(Signature of Division Commander)

09-21-16
Date

11. I, Duane C. Oakes, agree disagree with the above reprimand.


(Signature of Chief of Police - if applicable)

September 16, 2016
Date

The Chief of Police having agreed to the recommendation for discipline action as stated above is forwarding this disciplinary action form and all relevant documentation to the City Manager for review. A copy of all information forwarded has been given to the officer.