

78-13-81  
C. Johnson

# CITY 'OF' HOUSTON

INTER OFFICE CORRESPONDENCE

OCT 12 3 06 PM '81  
CIVIL SERVICE  
COMMISSION  
HOUSTON, TEXAS

To Firemen's and Policemen's  
Civil Service Commission  
of the City of Houston

FROM B. K. Johnson  
Chief of Police

DATE October 12, 1981

SUBJECT Five-Day Suspension -  
Adrian Garcia,  
Police Officer  
Employee Number [REDACTED]

In accordance with the provisions of Sec. 20, Acts 1947, 50th Legislature, Page 550, Chapter 325, as amended, commonly known as the Firemen's and Policemen's Civil Service Act, Article 1269-M, V.A.C.S., you are advised that I have suspended Adrian Garcia, Police Officer, for a period of five (5) DAYS. This suspension beginning October 15, 1981, and ending at the close of business on October 19, 1981.

Adrian Garcia, Police Officer, has been suspended for acts and conduct in violation of Rule XIII, Section VI, Subsections (d), (k), (o), and (r) of the Firemen's and Policemen's Civil Service Rules of the City of Houston, said Section and Subsections reading as follows:

"SECTION 6 - CAUSES OF DISMISSALS AND SUSPENSIONS

"No Fireman or Policeman shall engage in, or be involved in any one of the following acts or conduct and the same shall constitute cause for the removal from service or the suspension of a Fireman or Policeman:

"(d) That the employee has violated any of the provisions of the Charter of the City of Houston, or has violated any of the provisions of the Firemen's Civil Service Laws, or the rules and regulations of the Civil Service Commission, or the rules or special orders of the Fire and Police Departments;

"(k) That the employee has been guilty of any conduct unbecoming to an officer or employee of the City of Houston;

"(o) That the employee has been guilty of conduct which was prejudicial to good order of the Fire and Police Departments or the City of Houston;

"(r) That the employee has been wantonly careless or negligent in the care and handling of the property and equipment of the City of Houston."

It is specified that, on or about September 3, 1981, Adrian Garcia, Police Officer, Houston Police Department, failed to comply with Departmental rules and procedures regarding response to assigned calls and use of the Contraflow Lanes.

Investigation revealed that Adrian Garcia, Police Officer, while on duty, and driving Police Department Shop Number 5579, received a "Code II" call at 7702 North Shepherd, and that, while driving southbound in the 2600 Block of the North Freeway, attempted to make an illegal u-turn and to illegally enter the northbound Contraflow Lane, a restricted lane of traffic, and struck a bus operating properly in the Contraflow Lane.

It was revealed that Adrian Garcia, Police Officer, acted with disregard for the safety of his passenger, Police Officer Richard J. Guerrero, Employee Number 68559; the safety of other vehicles southbound on the freeway; the safety of vehicles properly using the Northbound Contraflow Lane; the safety of the vehicle he was driving, and his own personal safety.

As a result of this accident, the bus, a 1969 Silver Challenger, sustained damage estimated at \$1,500.00; the Police Vehicle, a 1980 Plymouth, sustained damage in excess of its value and was a total loss; Police Officer Guerrero suffered a fractured left leg, a fractured right ankle, and multiple abrasions, lacerations and contusions; and Police Officer Garcia suffered injuries to his face and left jaw.

It has been determined that, by his actions, Adrian Garcia, Police Officer, not only violated the Rules of the Civil Service Commission, but that he also violated the following Sections of the Houston Police Department Rules Manual and Administrative Notice dated June 20, 1980, regarding Use of Contraflow Lane:

Section 2/1.01 - Abide by Laws--Members of the Department shall abide by the laws of the United States and the State of Texas, and Ordinances of the City of Houston, the General Orders and Rules of Conduct of the City of Houston Police Department.

Section 2/2.01 - Conduct and Behavior--Members, whether on or off duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit upon themselves and the Department.

Firemen's and Policemen's  
Civil Service Commission  
of the City of Houston

Five-Day Suspension -  
Adrian Garcia,  
Police Officer  
Employee Number [REDACTED]


Page 3

ADMINISTRATIVE NOTICE, DATED June 20, 1980 - USE OF CONTRAFLOW LANE

There has been a number of occasions where officers are using the Contraflow lane for non emergency purposes. This should be discontinued immediately.

The only instances where police officers may use the Contraflow lane when it is in operation, would be in case of emergency where the officer would be running with red lights and siren.

Adrian Garcia, Police Officer, is informed by a copy of this letter of my action in the matter.

  
B. K. Johnson  
Chief of Police

BKJ:msf

cc: Adrian Garcia  
Police Officer

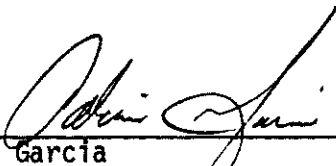
THE STATE OF TEXAS


COUNTY OF HARRIS

RECEIPT OF LETTER OF TEMPORARY SUSPENSION

This is to acknowledge that I, Adrian Garcia, Employee Number [REDACTED] being a Police Officer in the Police Department of the City of Houston, have on this day received a copy of a letter of a five-day temporary suspension from Chief B. K. Johnson to the Firemen's and Policemen's Civil Service Commission of the City of Houston. By virtue of this letter, I am informed of the reasons of my five-day suspension and that I have ten (10) days in which to appeal my suspension to the Firemen's and Policemen's Civil Service Commission.

SIGNED this the 13<sup>TH</sup> day of October, 1981.

  
\_\_\_\_\_  
Adrian Garcia  
Employee Number [REDACTED]

  
\_\_\_\_\_  
WITNESS

# CITY OF HOUSTON

## INTER OFFICE CORRESPONDENCE

TO: Fire Fighters' and Police Officers'  
Civil Service Commission  
of the City of Houston

FROM: Lee P. Brown  
Chief of Police

DATE: July 6, 1987

SUBJECT: Five-Day Suspension  
Adrian Garcia  
Police Officer  
Employee Number [REDACTED]

CIVIL SERVICE  
COMMISSION  
HOUSTON, TEXAS

19  
38 PM '87

In accordance with the provisions of TEX. REV. CIV. STAT. ANN., Article 269m, as amended, commonly known as the Fire Fighters' and Police Officers' Civil Service Act, you are hereby advised that I have suspended **Adrian Garcia, Police Officer**, for a period of **five (5) days** effective July 9, 1987 and ending at the close of business on July 13, 1987.

**Adrian Garcia, Police Officer**, has been suspended for acts and conduct in violation of Rule XIII, Section VI, Subsection (d), (f), (n), and (o) of the Fire Fighters' and Police Officers' Civil Service Rules of the City of Houston, said Section and Subsection reading as follows:

### "SECTION 6 - CAUSES OF DISMISSALS AND SUSPENSIONS

"No Fireman or Policeman shall engage in, or be involved in any one of the following acts or conduct, and the same shall constitute cause for the removal from service or the suspension of a Fireman or Policeman;

- "(d) That the employee has violated any of the provisions of the Charter of the City of Houston, or has violated any of the provisions of the Firemen's Civil Service Laws, or the rules and regulations of the Civil Service Commission, or the rules or special orders of the Fire and Police Departments;"
- "(f) That the employee has been guilty of incompetency or inefficiency in the performance of the duties of his position;"
- "(n) That the employee has been guilty of neglect of duty;"
- "(o) That the employee has been guilty of conduct which was prejudicial to good order of the Fire and Police Departments or the City of Houston;"

Fire Fighters' and Police Officers'  
Civil Service Commission  
of the City of Houston  
July 6, 1987

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Five-Day Suspension  
Adrian Garcia  
Police Officer  
Employee Number [REDACTED]

It is specified that, on or about November 19, 1986 while on duty and assigned to the Criminal Intelligence Division, **Adrian Garcia, Police Officer**, failed to comply with departmental rules and regulations regarding **control of evidence**.

Investigation revealed that on the above listed date, Officer Garcia, along with Officer L.E. Doreck assisted several agents from the Drug Enforcement Agency in the execution of arrest warrants being served on persons charged with narcotic offenses.

Further investigation revealed that Officer Garcia took custody of a clear plastic bag containing marijuana with the intention of submitting it to the Houston Police Department Crime Laboratory for destruction. However, Officer Garcia placed the bag of marijuana in his brief case and neglected to submit the marijuana and prepare an incident report detailing how he came into possession of the marijuana. Because of Officer Garcia's negligence the marijuana was not discovered in his briefcase until a month later.

It was also determined that Officer Garcia wrongfully maintained in his possession the driver's license of the arrested suspect, which was also found in the bag of marijuana.

Furthermore, it has also been determined that Officer Garcia has received other disciplinary action as follow:

- o Accident - Failure to yield right of way - October 15, 1981 - 5-day suspension.
- o Absent without leave - February 18, 1982 - 1-day suspension.
- o Accident - Improper use of brakes- February 26, 1985 - reprimand

It has been determined that, by his actions, **Adrian Garcia, Police Officer**, not only violated the Rules of the Civil Service Commission, to wit: Rule XIII, Section VI, Subsections (d), (f), (n), (o), as quoted above, but that he also violated the following Sections of the Houston Police Department Rules Manual and General Order:

Section 2/1.01 - **Abide by Laws** -- Members of the Department shall abide by the Laws of the United States and the State of Texas, and Ordinances of the City of Houston, and the General Orders and Rules of Conduct of the City of Houston Police Department.

Fire Fighters' and Police Officers'  
Civil Service Commission  
of the City of Houston  
July 6, 1987

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Five-Day Suspension  
Adrian Garcia  
Police Officer  
Employee Number [REDACTED]

- Section 2/4.01 - Members Always Subject to Duty -- Although certain hours are allotted for the performance of duty, members are held to be always on duty. They shall at all times respond to the lawful orders of superior officers and to the call of citizens in need of police assistance. The fact that they may be technically off duty shall not relieve them from the responsibility of taking prompt and proper police action, in any matter coming to their attention. Members shall at all times be attentive to their duties and by their alertness and observation, demonstrate their interest in their work.
- Section 2/4.17 - Completing Official Reports -- Members shall make reports promptly, accurately, and in conformance with specifications of the Department. Members shall make necessary reports before going off duty.
- Section 2/4.22 - Responsibility to Know Laws and Procedures -- Members shall learn and thoroughly understand the laws and ordinances they are charged with enforcing, and all orders and rules manuals published by the Department. They shall be especially well informed concerning the duties and procedures governing their specific assignments.

General Order 700-2, dated February 1, 1979

SUBJECT: EVIDENCE CONTROL

Section 1 - Narcotics Evidence

- 1.2 When the Crime Lab is closed narcotics evidence will be placed in lock box in Identification Division after it has been identified and the proper reports and forms required are completed.

General Order 700-13, dated May 26, 1982

SUBJECT: INVENTORY OF PRISONER'S PROPERTY

Section 1 All property, including vehicles, under the control of or in the custody of any prisoner arrested for any offense by an officer of the Houston Police Department will be searched and inventoried.

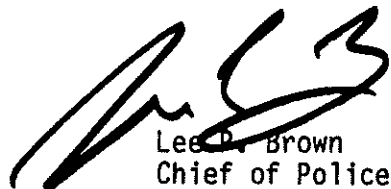
Fire Fighters' and Police Officers'  
Civil Service Commission  
of the City of Houston  
July 6, 1987

-4-

Five-Day Suspension  
Adrian Garcia  
Police Officer  
Employee Number [REDACTED]

- .2 - The list of inventoried property will be included in an official departmental record such as, an offense report, record of towed vehicle form (wrecker slip), or the prisoner's property envelope. If no departmental record is required, such an inventory list should be prepared and retained in the arresting officer personal records.
- 2.2 - Upon arrival at the booking facility, small items taken from the prisoner will be placed in the prisoner's property envelope. The property envelope will be properly marked with the prisoner's name (last, first, m.i.). The amount and description of items placed in the envelope shall be listed on the outside of the envelope. Any item which could be used as a weapon by the prisoner will not be left in his custody.

Adrian Garcia, Police Officer, is hereby reminded of his right to appeal my decision and is informed that he has ten (10) days after receipt of a copy of this memorandum within which to file a written appeal to the Fire Fighters' and Police Officers' Civil Service Commission of the City of Houston. Officer Garcia is informed that pursuant to Section 16c of Article 1269m, V.T.C.S., he may elect to appeal to an independent hearing examiner instead of to the Commission. If Officer Garcia elects to appeal to a hearing examiner, he waives all rights of appeal to a district court except as provided by Subsection (f) of Section 16c. Officer Garcia is also instructed not to work any Extra Employment during the period of this suspension, as outlined in General Order 300-14, as amended.

  
Lee P. Brown  
Chief of Police

LPB/pm

cc: Adrian Garcia  
Police Officer

VA/210

THE STATE OF TEXAS       §

COUNTY OF HARRIS       §

RECEIPT OF LETTER OF TEMPORARY SUSPENSION

This is to acknowledge that I, Adrian Garcia, Employee Number [REDACTED] being a Police Officer in the Police Department of the City of Houston, have on this day received a copy of a letter of a five-day temporary suspension from Chief Lee P. Brown to the Fire Fighters' and Police Officers' Civil Service Commission of the City of Houston. By this letter, I am informed of the reasons for my five-day suspension and that I may appeal my suspension in accordance with all applicable provisions of Article 1269m, TEX. REV. CIV. STAT. ANN., as amended. I have been further advised that I have ten (10) days from the date shown on this receipt in which to appeal my suspension. In addition, I am hereby informed that I will not be allowed to work any Extra Employment during the time of this suspension, as provided by General Order 300-14, as amended.

SIGNED this the 7 day of July, 1987.

Adrian Garcia  
Adrian Garcia

Set na Garcia  
WITNESS

Wst 2-16-82

# CITY OF HOUSTON

## INTER OFFICE CORRESPONDENCE

To

Firemen's and Policemen's  
Civil Service Commission  
of the City of Houston

FROM J. P. Bales  
Acting Chief of Police

DATE February 15, 1982

SUBJECT One-Day Suspension  
Adrian Garcia  
Police Officer  
Employee Number [REDACTED]

FEB 16 9 06 AM '82

CIVIL SERVICE  
COMMISSION  
HOUSTON, TEXAS

In accordance with the provisions of Sec. 20, Acts 1947, 50th Legislature, Page 550, Chapter 325, as amended, commonly known as the Firemen's and Policemen's Civil Service Act, Article 1269-M, V.A.C.S., you are advised that I have suspended Adrian Garcia, Police Officer, for a period of one (1) DAY, effective February 18, 1982.

Adrian Garcia, Police Officer, has been suspended for acts and conduct in violation of Rule XIII, Section VI, Subsections (d), (m), (n), and (o) of the Firemen's and Policemen's Civil Service Rules of the City of Houston, said Section and Subsections reading as follows:

"SECTION 6 - CAUSES OF DISMISSALS AND SUSPENSIONS

"No Fireman or Policeman shall engage in, or be involved in any one of the following acts or conduct and the same shall constitute cause for the removal from service or the suspension of a Fireman or Policeman:

"(d) That the employee has violated any of the provisions of the Charter of the City of Houston or has violated any of the provisions of the Firemen's Civil Service Laws, or the rules and regulations of the Civil Service Commission, or the rules or special orders of the Fire and Police Departments;

"(m) That the employee has violated any lawful and reasonable direction made and given by his superior officer, where such violation or failure to obey amounts to an act of insubordination or a breach of proper discipline, or resulted or reasonably might be expected to result in loss or injury to the City of Houston, to the public, or to the prisoners or wards of the City of Houston;

"(n) That the employee has been guilty of neglect of duty;

"(o) That the employee has been guilty of conduct which was prejudicial to good order of the Fire and Police Departments or the City of Houston."

Firemen's and Policemen's  
Civil Service Commission  
of the City of Houston

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One-Day Suspension  
Adrian Garcia  
Police Officer  
Employee Number [REDACTED]

February 15, 1982

It is specified that, on or about December 27, 1981. Adrian Garcia, Police Officer, Houston Police Department, failed to comply with Departmental rules regarding reporting for work and the following of orders.

Investigation revealed that Adrian Garcia, Police Officer, while assigned to the North Shepherd Division, failed to report for work as ordered by his supervisor, and absented himself from worked without leave. Adrian Garcia, Police Officer, has, in a memorandum dated January 20, 1982, acknowledged he failed to report for work on December 27, 1981, and did so contrary to direct orders.


It has been determined that, by his actions, Adrian Garcia, Police Officer, not only violated the Rules of the Civil Service Commission, but that he also violated the following Sections of the Houston Police Department Rules Manual:

Section 2/1.01 - Abide by Laws--Members of the Department shall abide by the Laws of the United States and the State of Texas, and Ordinances of the City of Houston, and the General Orders, and Rules of Conduct of the City of Houston Police Department.

Section 2/1.02 - Obey Lawful Orders--Members shall obey all lawful orders and directions given by superior officers, and shall obey the instructions given by police radio, regardless of the rank of the dispatcher. Such obedience shall be prompt and willing.

Section 2/4.04 - Reporting for Duty--Members unless otherwise directed shall report for duty or present themselves at daily roll call at the time and place specified. They shall be properly uniformed or dressed, and equipped.

Adrian Garcia, Police Officer, is informed by a copy of this letter of my action in the matter.

  
J. P. Bales  
Acting Chief of Police

JPB:lm

cc: Adrian Garcia  
Police Officer

THE STATE OF TEXAS §

COUNTY OF HARRIS §

RECEIPT OF LETTER OF TEMPORARY SUSPENSION

This is to acknowledge that I, Adrian Garcia, Employee Number [REDACTED] being a Police Officer in the Police Department of the City of Houston, have on this day received a copy of a letter of a one-day temporary suspension from J. P. Bales, Acting Chief of Police, to the Firemen's and Policemen's Civil Service Commission of the City of Houston. By virtue of this letter, I am informed of the reasons for my one-day suspension and that I have ten (10) days in which to appeal my suspension to the Firemen's and Policemen's Civil Service Commission.

SIGNED this the 18<sup>th</sup> day of February, 1982.

Adrian Garcia  
Adrian Garcia

C. V. Thompson, Sgt.  
WITNESS

CIVIL SERVICE  
COMMISSION  
HOUSTON, TEXAS

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P210

# CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

**TO:** T. G. Koby, Assistant Chief  
Field Operations Command

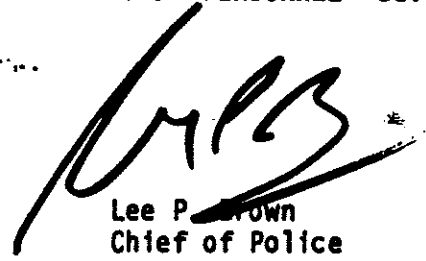
**FROM:** Lee P. Brown  
Chief of Police

**DATE:** March 8, 1989

**SUBJECT:** Written Reprimand  
Adrian Garcia  
Police Officer  
Employee Number [REDACTED]  
South Central Patrol Division

Please be advised that by the attached memorandum I am reprimanding Adrian Garcia, police officer, for his misconduct.

Please ensure that the attached ORIGINAL RECEIPT OF REPRIMAND is signed by the employee and immediately delivered to the PERSONNEL DIVISION, DISCIPLINARY ACTION UNIT.



Lee P. Brown  
Chief of Police

LPB/lm  
Attachment

VA/249W

89 MAR -9 10:58

HOUSTON POLICE DEPARTMENT

ENTERED  
BY 

# CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

TO:

Adrian Garcia  
Police Officer  
Employee Number [REDACTED]  
South Central Patrol Division

FROM:

Lee P. Brown  
Chief of Police

DATE:

March 8, 1989

VIA: T. G. Koby, Assistant Chief  
Field Operations Command

SUBJECT:

Written Reprimand

L. D. Sherman, Deputy Chief  
East Patrol Bureau

J. R. Jones, Captain  
South Central Patrol Division

It is specified that, on or about November 19, 1986, while on duty and assigned to the Criminal Intelligence Division, you failed to comply with Houston Police Department rules and regulations regarding CONTROL OF EVIDENCE.

Investigation revealed that, on the above listed date, you, along with Officer L. E. Dorek, assisted several agents from the Drug Enforcement Agency in the execution of arrest warrants being served on persons charged with narcotics offenses.

Further investigation revealed that you took custody of a clear plastic bag containing marijuana with the intention of submitting it to the Houston Police Department Crime Laboratory for destruction. However, you placed the bag of marijuana in your brief case and neglected to submit the marijuana and prepare an incident report detailing how you came into possession of the marijuana. Because of your negligence, the marijuana was not discovered in your brief case until a month later.

It has been determined that, by your actions, you have violated the following sections of the Houston Police Department Rules Manual and General Orders:

## HOUSTON POLICE DEPARTMENT RULES MANUAL

- Section(s) 2/1.01 - Abide by Laws
- 2/4.01 - Members Always Subject to Duty
- 2/4.17 - Completing Official Reports
- 2/4.22 - Responsibility to Know Laws and Procedures

## GENERAL ORDERS

- Order No. 700-2 - Evidence Control
  - Section 1 and 1.2
- Order No. 700-13 - Inventory of Prisoner's Property
  - Section 1, 2 and 2.2

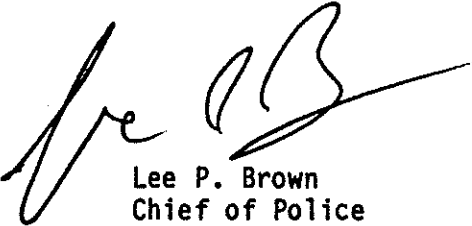
Adrian Garcia  
RE: Written Reprimand

-2-

March 8, 1989

Sufficient evidence exists to sustain a violation of the above rules and/or orders. Recommendation for a five-day suspension has also been made. Chapter 143 of the Texas Local Government Code, however, prevents the Department from issuing such suspension.

Consequently, you should consider this memorandum a reprimand regarding your misconduct, and notice that repetition of such actions will not be permitted.



Lee P. Brown  
Chief of Police

LPB/lm

VA/249W

RECEIPT OF REPRIMAND

This is to acknowledge that I, Adrian Garcia, employee number [REDACTED] being a police officer, in the police department of the City of Houston, have on this day received a letter concerning a WRITTEN REPRIMAND from Chief Lee P. Brown. By virtue of this letter, I am informed of the reasons for this Reprimand.

SIGNED this the 10<sup>th</sup> day of March, 1989.

Adrian Garcia  
Adrian Garcia

J. J. Eckhartz  
WITNESS

VA/249W

89 MAR 13 10:58

HOUSTON POLICE DEPARTMENT  
PER [REDACTED]