

Officer Gabriel M. Villareal, #1390  
San Antonio Police Department  
San Antonio, Texas

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LEGAL ADVISOR OFFICE  
APR 12 2010  
CITY OF SAN ANTONIO, TEXAS

Fire Fighters' and Police Officers' Civil Service Commission  
119 Plaza de Armas, Suite 260  
San Antonio, Texas 78204

Commissioners and Officer Gabriel M. Villareal:

Under and by virtue of the authority vested in me by Title 5, Subtitle A, Chapter 143 of the Local Government Code, V.T.C.S., said chapter entitled "Municipal Civil Service", I do hereby suspend Officer Gabriel M. Villareal from paid duty with the San Antonio Police Department, indefinitely, without pay, from his position as an officer of the San Antonio Police Department effective immediately.

Officer Villareal has violated Subsection C of Rule XIII of the City of San Antonio Fire Fighters' and Police Officers' Civil Service Commission Rules, said rules having been adopted on February 23, 1998, and thereafter from time to time amended, by the Fire Fighters' and Police Officers' Civil Service Commission as the Civil Service Rules for the Fire and Police Departments of the City of San Antonio. The particular civil service rule violated by Officer Villareal and ground for suspension is as follows:

- (12) Violation of an applicable fire or police department rule or special order.

The Rules and Regulations of the San Antonio Police Department which Officer Villareal has violated are as follows:

**RULE 3.02 - TRUTHFULNESS OF MEMBERS:** Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

**RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC: (C) CONDUCT AND BEHAVIOR:** Members, whether on-duty 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 on themselves or the department.

**RULE 3.18 - CITY EQUIPMENT/PROPERTY: (E) WASTE OR CONVERSION:** Members shall not willfully waste or convert to their own use any city owned supplies, equipment, or services.

**PROCEDURE 402 - DIFFERENTIAL POLICE RESPONSE (.03) N-CODE REPORTING PROCEDURE FOR FIELD OFFICER (A)** On any call which would require an officer with

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report responsibility to submit an incident report, the officer is relieved of the responsibility for submitting an incident report if the actions taken by the officer consist entirely of one of the N-Code number statements. If the situation or condition is not entirely covered by an N-Code number statement, the officer must submit a written report covering the incident. (B) If the incident is one covered by an N-Code number statement, the officer with report responsibility shall either assign the appropriate N-Code using the MDI/Laptop, or may opt to write a report covering the incident. (C) In situations covered by N-Codes 1, 2, or 3, the officer, prior to N-Coding the call, will: (1) Request the information channel dispatcher to call back the telephone number listed for the complainant; and (2) Write a report if a complainant is located or if there is any indication or evidence that an incident has taken place and the situation is not covered by another appropriate N-Code (i.e. N-Code 13, 16, etc.). (D) In situations covered by N-Code 10, the officer will obtain the original SAPD case number for the previously handled call and write a supplemental report. (E) The N-Code number is the officer's official report of an incident. All departmental rules, regulations, and procedures concerning reports are applicable to the N-Code Reporting Program. (1) Whenever N-Codes are used, where the complainant may want to have some documentation of the call, the computer generates a brief automatic report, which includes a case number. (2) The officer shall provide this case number when requested and advise the complainant that the report will be available at the Records Office. (F) N-Codes 13, 16 and 17 require that a brief justification be entered either by the officer or by the dispatcher to differentiate the calls. The justification cannot exceed 134 characters (letters, numbers, and spaces only – no punctuation allowed). (1) The following is an example of an MDI/Laptop entry for an N-Code 13: 24.13.called for defective cell phone between Jack Smith 03 22 1979 and Sprint Mgr Jesse Jones explained that this is a civil matter <press CODES key> (2) The following is an example of an MDI/Laptop entry for a N-Code 16 (Assist the public): 24.16.changed flat tire <press CODES key> (3) The following is an example of an MDI/Laptop entry for an N-Code 17: 24.17.chased one red cow back into fenced area <press CODES key> (G) N-Codes 5, 10 and 18 require that the case number under which the incident was originally handled be entered. (1) The following is an example of an MDI/Laptop entry for a N-Code 18 where a second officer was dispatched to an accident already being handled: 24.18.03123456 <press CODES key> (H) -Code 31 requires the license plate or VIN of the abandoned vehicle be entered. Other notes about the vehicle may also be entered, but they cannot exceed 134 characters. (1) The

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following are examples of MDI/Laptop entries for an N-Code 31: 24.31.abc123 <press CODES key> or 24.31.abc123 red Chevy truck with 2 flat tires and expired inspection facing oncoming traffic <press CODES key> (I) If an officer spends more than one (1) hour on a call, the call may not be N-Coded, and the officer must write a report covering the incident. The one (1) hour time-period starts from the time dispatched and ends when the officer returns to service from the call.

**PROCEDURE 403 – COMMUNICATIONS (.05) RADIO TRANSMISSIONS (C)** All voice and data transmissions conducted on any police frequency shall be directly related to police business. Personal messages of an emergency nature may be relayed with the authorization of a supervisor.

**PROCEDURE 918 – HARASSMENT/DISCRIMINATION IN THE WORKPLACE (.04) PROHIBITED ACTIVITIES (C)** Officers shall not circulate written or graphic materials which ridicule, belittle, or embarrass any person on the basis of sex, age, race, national origin, ancestry, citizenship, religion, disability, or sexual orientation.

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

1. On or about December 12, 2009, Officer Gabriel M. Villareal brought reproach and discredit on himself and the San Antonio Police Department when he sought out and obtained personal information on a female named [REDACTED], which was readily available to him by virtue of his employment as a San Antonio Police Officer. Officer Villareal met [REDACTED] the night before while off duty and shopping with his family. [REDACTED] works at a retail establishment which Officer Villareal and his family patronized. Officer Villareal then paid [REDACTED] an unannounced and unsolicited visit at her home at [REDACTED] when he knocked on her door and intentionally fabricated a story of a "911 hang-up" call to initiate personal contact with [REDACTED]. There is no record of any such "911 hang-up" call to [REDACTED] residence on this date and time.
2. On or about December 11, 2009, Officer Gabriel M. Villareal met [REDACTED] while he was off duty and she was at her place of employment, "The Art of Shaving." On Saturday, December 12, 2009, Officer Villareal used his Mobile Data Terminal (MDT) in marked SAPD Vehicle #7275 to perform numerous queries on [REDACTED] in order to learn her address, date of birth, and cellular telephone number, and used this information to locate and

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contact [REDACTED] On or about December 13, 2009, at approximately 6:44 a.m., and again on or about December 14, 2009 at approximately 9:02 a.m., Officer Villareal used two other SAPD Mobile Data Terminals to run inquiries on the call history of [REDACTED] cellular telephone, as well as calls for police service to her residence.

3. On or about Saturday, December 12, 2009, Officer Gabriel M. Villareal, while assigned to SAPD case number 9-0932868 at 8507 McCullough, quickly handled the call and departed the scene within four minutes of his arrival. He then held the call open while he drove to [REDACTED] where he visited [REDACTED] Officer Villareal then left her residence and parked at another location to conduct further research on [REDACTED] prior residences, [REDACTED] father, and on [REDACTED] Officer Villareal spent a total of one hour and twenty minutes, 9:01 a.m. to 10:21 a.m., assigned to the call, and then assigned an N-Code 16 to the call through the MDT in his assigned patrol vehicle although N-Codes cannot be used to report calls taking more than one hour to resolve from the time of dispatch.
4. On or about November 25, 2009, Officer Gabriel M. Villareal, while at or near the "Cracker Barrel" restaurant at 11030 IH 10 West, used his MDT in marked SAPD Vehicle #7374 to run the registration of a 2006 Mercedes Benz automobile owned and operated by [REDACTED] Officer Villareal then sent the registration via MDT to SAPD Officer [REDACTED] Officer Villareal and Officer [REDACTED] then engaged in an inappropriate series of MDT messages, during which they discussed [REDACTED] personal physical attributes, her breasts and her attractiveness.
5. On or about November 25, 2009, Officer Gabriel M. Villareal, having earlier run the registration on a 2006 Mercedes Benz owned and operated by [REDACTED] used the information gained from that registration to run checks of [REDACTED] home address, calls for police service to her residence, Social Security Number, Municipal Court files, and Master Name File. These checks were merely an attempt to gain further personal information on [REDACTED] and were not related to any official police investigations or calls for service.
6. On or about November 25, 2009, Officer Gabriel M. Villareal ran a registration check on a 2009 Lexus owned by [REDACTED] In doing so, it was shown that Officer Villareal had previously run the vehicle's registration on at least two other

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occasions. In addition, Officer Villareal used his Mobile Data Terminal to research calls for police service for [REDACTED] home address. Such queries were not related to any official police business assigned to Officer Villareal on this date. Lastly, on October 19, 2009, the Administration alleges that Officer Villareal suggested to Officer [REDACTED] that they "go knock," when referring to her address.

7. Officer Gabriel M. Villareal also brought reproach and discredit on himself and the San Antonio Police Department when he performed several queries concerning a female acquaintance named [REDACTED]. On or about October 28, 2009, Officer Villareal unnecessarily performed a TCIC (Texas Crime Information Center) inquiry of [REDACTED] vehicle and past calls for service involving [REDACTED]. On December 7, 2009, it is alleged that Officer Villareal unnecessarily performed a Wanted/TCIC inquiry on [REDACTED] and researched her criminal history. [REDACTED] is an apartment manager in Officer Villareal's patrol district. The queries concerning [REDACTED] were not done as part of any official police business and were strictly of a personal nature. When contacted as part of this administrative investigation, [REDACTED] stated that she is embarrassed by Officer Villareal's actions.

8. On or about October 27, 2009, Officer Gabriel M. Villareal and Officer [REDACTED] engaged in a conversation via Mobile Data Terminal (MDT) about [REDACTED]. [REDACTED] is an apartment manager in a complex located within Officer Villareal's patrol district. The MDT transmissions made reference to [REDACTED] attire, and her appearance from "the neck down," and both officers referred to [REDACTED] by nicknames for her breasts. On or about November 17, 2009, Officer Gabriel M. Villareal engaged Officer [REDACTED] in an extended conversation via MDT about two females who reside at [REDACTED]. The conversation centered on the personal appearance of one of the females, her attire, her place of employment, what kind of vehicle she drives, her resemblance to her sister, and a comment is passed back and forth about whether Officer Villareal "Knocked" or "Knocked it out," referring to having sex. On or about November 30, 2009, Officer Gabriel M. Villareal engaged in an exchange of MDT messages with Officer [REDACTED] about a female SAPD officer. During this exchange, Officer Villareal made an inappropriate comment about inviting the female officer to a "clothing optional" shift party. On December 12, 2009, at approximately 1015 hours, Officer Villareal engaged in an exchange of MDT messages with Officer [REDACTED]. The exchange lasted approximately twenty-seven minutes and

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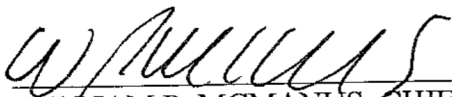
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contained several inappropriate sexually suggestive phrases discussing sex acts and genitalia in graphic terms. On or about December 15, 2009, Officer Villareal and Officer [REDACTED] exchanged a series of MDT messages about where to eat. During the exchange, Officer Villareal and Officer [REDACTED] made inappropriate sexual references to "eating" four separate female officers for lunch and dessert. None of these MDT transmissions were related to any police business.

9. On or about November 30, 2009, Officer Gabriel M. Villareal engaged in an exchange of MDT messages with Officer [REDACTED] about a female SAPD officer. During this exchange, it is alleged that Officer Villareal made an inappropriate comment about inviting the female officer to a "clothing optional" shift party. On or about December 15, 2009, Officer Villareal and Officer [REDACTED] exchanged a series of MDT messages about where to eat. During the exchange, Officer Villareal and Officer [REDACTED] made inappropriate sexual references to "eating" four separate female officers for lunch and dessert.
10. On or about February 22, 2010, Officer Gabriel M. Villareal reported to the Internal Affairs office to respond to several allegations stemming from a December 12, 2009 incident at [REDACTED]. In Officer Villareal's Response Report, dated February 22, 2010, he admitted to having given false information about a 911 call to the original complainant, [REDACTED] on December 12, 2009. When asked to detail the conversation between the complainant and himself, Officer Villareal wrote, "I told her that there were a lot of 911 calls coming from this location, [REDACTED] but I didn't mean her apartment, I meant the whole complex." There were, in fact no 911 calls in the complex that day, and Villareal's statement to [REDACTED] was untruthful.

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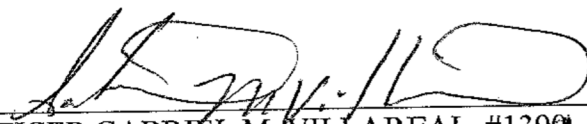
A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

  
WILLIAM P. MCMANUS, CHIEF OF POLICE  
SAN ANTONIO POLICE DEPARTMENT

APR 12 2010  
DATE

I hereby acknowledge receipt of the original of the foregoing indefinite suspension. I acknowledge having received notification that I have ten days from the date of receipt of the

instant suspension during which to file a written appeal of this suspension with the Personnel Director of the City of San Antonio requesting either arbitration or the hearing of my appeal by the Fire Fighters' and Police Officers' Civil Service Commission. I acknowledge that I have been informed that if I appeal to a hearing examiner/arbitrator, I waive all rights to appeal to a district court except as provided by subsection 143.057(j) of the Texas Local Government Code. I also acknowledge that I have been informed that my right to appeal the decision of a hearing examiner/arbitrator to district court pursuant to section 143.057 of the Texas Local Government Code may have been modified by the provisions of article 27 of the Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association.

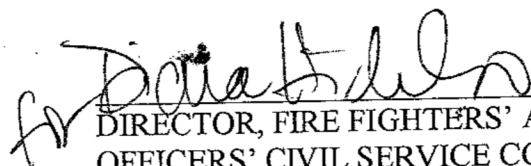
  
OFFICER GABRIEL M. VILLAREAL, #1390  
SAN ANTONIO POLICE DEPARTMENT

4-12, 2010 1430  
DATE TIME

WITNESSED BY:

Sgt. [Signature] DATE: 4/12/10 TIME: 1430  
[Signature] 3130 DATE: 4/12/10 TIME: 1430

FILED on this the 12th day of April, 2010, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

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