

CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

TO: Police Officers'
Civil Service Commission
Of the City of Houston

FROM: Charles A. McClelland, Jr.
Chief of Police

DATE: September 13, 2011

SUBJECT: **One-Day Temporary Suspension**
Robert M. Manzo
Police Captain
Employee # [REDACTED]
Eastside Division
Issue #39001-2011

In accordance with the provisions of the TEX. LOC. GOV'T. CODE, Chapter 143 (formerly Art. 1269m), commonly known as the Fire Fighters' and Police Officers' Civil Service Act, you are hereby advised that I have temporarily suspended **Robert M. Manzo, Police Captain**, for a period of one day unless I accept an offer for Positive Discipline under the terms of the 2011 MEET AND CONFER AGREEMENT, along with any and all amendments thereto, that was negotiated pursuant to the Meet & Confer provisions of Chapter 143, Subchapter J of the *Texas Local Government Code*.

This temporary suspension will be effective October 3, 2011.

Robert M. Manzo, Police Captain, has been temporarily suspended for acts and conduct in violation of Rule V, Section 6, Subsections (b) and (k) of the Police Officers' Civil Service Rules of the City of Houston, said Section and Subsection reading as follows:

"SECTION 6 - CAUSES FOR REMOVAL OR SUSPENSION

"No classified employee shall engage in, or be involved in, any one of the following acts or conduct and the same shall constitute cause for the disciplinary or indefinite suspension of a classified employee:

"(b) violations of a municipal charter provisions;

"(k) violation of an applicable police department rule or special order."

~~It is specified that, on or about April 13, 2011, while on duty and assigned to the Eastside Division, **Robert M. Manzo, Police Captain**, failed to comply with Houston Police Department rules and regulations regarding **CONDUCT AND AUTHORITY**.~~

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Investigation revealed that, on the above date, Sergeant R. Trejo was involved in an off-duty vehicle accident while operating his private vehicle. In the collision, Sergeant Trejo's vehicle struck a bus occupied only by the driver, Ms. T. Argueta. Captain Manzo arrived on the scene and assessed the situation. While on the scene, Captain Manzo was made aware that allegations had been made that alcohol may have been involved in the accident. In his administrative statement, dated April 29, 2011, Captain R. M. Manzo admits he was aware of this allegation and states, "I was only made aware that allegations of alcohol in the vehicle had been made when the TV camera crews asked if I cared to comment further."

Further investigation revealed that, later in the day, Captain Manzo's wife called him and told him that she had seen a news report that allegations had been made that alcohol had been involved. In his administrative statement, Captain Manzo addresses this and states, "My wife told me the bus driver had said the sergeant smelled of alcohol, was drunk, and had open containers of beer and wine in the truck." Captain Manzo further stated, "I also called the Public Affairs Division and, to the best of my recollection, spoke with Kese Smith. I informed Kese that the driver of the bus had alleged that Sergeant Trejo had open containers of alcohol in this truck, and that public information officers needed to be prepared to respond to media inquiries regarding this allegation."

Captain Manzo failed to use sound judgment and demonstrated inappropriate supervisory conduct when, after being made aware of allegations that alcohol may have been involved in the accident, he failed to ensure the information was promptly reported to the Internal Affairs Division for investigation. Captain Manzo's inaction deprived the department of the ability to gather evidence to either prove or disprove the allegations.

In statements made to the media while still on the scene, Captain Manzo asserted that alcohol was not a factor in the accident. Captain Manzo's statement was very premature and proved to be inaccurate. It has been determined that Sergeant Trejo's blood-alcohol content was .205%, more than twice the legal limit.

Further investigation revealed that officers from the Vehicular Crimes Division arrived on the scene. Captain Manzo failed to use sound judgment when he neglected to have them take over the investigation of Sergeant Trejo's accident. Instead, Captain Manzo allowed officers from his, and Sergeant Trejo's, division to conduct the investigation. When he learned that alcohol might possibly be a contributing factor in the accident, Captain Manzo should have directed the Vehicular Crimes Division to conduct the investigation.

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Captain Manzo further failed to use sound judgment in the handling of Sergeant Trejo's vehicle at the scene. By his own admission, Captain Manzo did not instruct anyone to conduct a thorough inventory of the vehicle. The vehicle was subsequently towed from the scene without a proper inventory being conducted.

Subsequent to his decision not to involve the Internal Affairs Division, and in light of the allegations that alcohol may have been involved in the accident, Captain Manzo should have either instructed one of his subordinates to attempt to determine if Sergeant Trejo had been drinking and whether signs of intoxication were present, or done so himself.

It has been determined that, by his actions, **Robert M. Manzo, Police Captain**, not only violated the Rules of the Civil Service Commission, to wit: Rule V, Section 6, Subsections (b) and (k), as quoted above, but that he also violated the following:

GENERAL ORDERS

Conduct and Authority, Order No. 200-08, dated September 28, 2005, states in part, but is not limited to:

1 CONDUCT AND BEHAVIOR

Sound Judgment

Employees' behavior will be limited to conduct which is reasonable and prudent. No employee will commit any act on-duty or off-duty in an official or private capacity that tends to bring reproach, discredit, or embarrassment to the department. Employees are expected to exercise sound judgment at all times.

3 OBEDIENCE TO LAWS AND RULES

Employees will abide by the laws of the jurisdiction they are in. Employees will also abide by the laws and rules of the various governmental entities that have jurisdiction over affairs in which the employees are engaged (e.g., Civil Service Commission and TCLEOSE).

8 SUPERVISORY CONDUCT

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Supervisors will actively enforce the law and the policies and procedures of the Houston Police Department. Supervisors will not permit or otherwise fail to prevent violations of the law or the rules, regulations, policies, and procedures of the Houston Police Department by any employee.

Supervisors who fail to take appropriate action when they are aware or should have been aware an employee was in violation of the law or department policy will be held accountable.

Supervisors will report violations of law and department policy to the employee's immediate supervisor without delay. If the employee is a subordinate of the supervisor, the remainder of the employee's chain of command will be notified, as required by General order 200-03, **Investigation of Employee Misconduct**.

Robert M. Manzo, Police Captain, is hereby reminded of his right to appeal my decision and is informed that he has 15 days after receipt of a copy of this memorandum within which to file a written appeal. Temporary suspensions of one or two days in length may be appealed only to the Police Officers' Civil Service Commission of the City of Houston in accordance with applicable provisions of the 2011 Meet and Confer Agreement. Temporary suspensions of three or more days in length may be appealed to the Police Officers' Civil Service Commission of the City of Houston or, pursuant to Section 143.1016 of TEX. LOC. GOV'T. CODE, to an independent hearing examiner instead of to the Commission. If Captain Manzo elects to appeal to a hearing examiner, he waives all rights of appeal to a district court except as provided by Subsection (j) of Section 143.1016. Captain Manzo is also instructed not to work any Extra Employment during the period of this temporary suspension, as outlined in General Order 300-14, as amended.



Charles A. McClelland, Jr.
Chief of Police

cam/adw

cc: Robert M. Manzo
Police Captain

2011 SEP 19 PM 3:03

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HOUSTON TEXAS
SEP 19 2011
3:03 PM

THE STATE OF TEXAS §

COUNTY OF HARRIS §

NOTICE OF TEMPORARY SUSPENSION


STATEMENT OF ACTION

This is to acknowledge that I, **Robert M. Manzo**, employee # [REDACTED], being a Police Captain 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 Charles A. McClelland, Jr., Chief of Police, to the Police Officers' Civil Service Commission of the City of Houston. By this letter, I am informed of the reasons for my **one-day temporary suspension**. Temporary suspensions of one or two days in length may be appealed only to the Police Officers' Civil Service Commission of the City of Houston in accordance with applicable provisions of the 2011 Meet and Confer Agreement. Temporary suspensions of three or more days in length may be appealed to the Police Officers' Civil Service Commission of the City of Houston or, pursuant to Section 143.1016 of TEX. LOC. GOV'T. CODE, to an independent hearing examiner instead of to the Commission. I have been further advised that I have **15 days** from the date shown on this notice in which to appeal my temporary suspension.

I am hereby advised that I am not to take any police action nor carry or wear any department issued equipment (i.e., badge, gun belt, hat shield, official identification, taser, uniform, etc.) during the period of this temporary suspension. This temporary suspension will begin on **October 3, 2011, at 0800 hours** and will end on **October 4, 2011, at 0800 hours**. In addition, I am hereby informed that I will not be allowed to work any **Extra Employment** during the time of this temporary suspension, as provided by **General Order 300-14, as amended**.

Additionally, I have been advised that **within five (5) days** from the date shown on this notice I may submit a written request to the Chief of Police to allow me to deduct time out of one of my cash valued PTO banks in lieu of serving this suspension. In the event that the Chief of Police elects to accept my offer, I will be allowed to work **Extra Employment** during the scheduled suspension dates and I waive all of my rights to appeal.

SIGNED this the 19 day of September, 2011. Time: 9:50 hours.

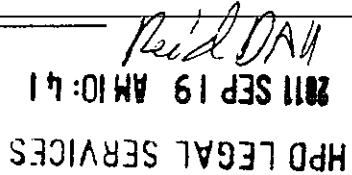


Robert M. Manzo



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2011 SEP 19 AM 10:41
HPD LEGAL SERVICES

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