

# 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: June 23, 2010

SUBJECT: **Indefinite Suspension  
Gaudencio Saucedo  
Police Officer  
Employee  
Westside Division  
Issue #36612-2010**

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 as of the close of business on the date stated above, I have indefinitely suspended **Gaudencio Saucedo, Police Officer**.

**Gaudencio Saucedo, Police Officer**, has been indefinitely suspended for acts and conduct in violation of Rule V, Section 6, Subsections (b) and (k) of the City of Houston Police Officers' Civil Service Commission's (the "Commission") Rules Governing Members of the Houston Police Department (the "Department"), which reads 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."

Additionally, by his conduct, as detailed below, **Gaudencio Saucedo, Police Officer** has violated the Houston Police Department's General Orders. Compliance with the General Orders is required of all members of the Houston Police Department, and violation thereof is grounds for disciplinary action as provided in Rule V, Section 6, Subsection (k) of the Commission's Rules, quoted above.

The following facts served as a basis for the indefinite suspension of Officer Saucedo.

It is specified that, while assigned to the Westside Division, **Gaudencio Saucedo, Police Officer**, failed to comply with Houston Police Department rules and regulations regarding **Sound Judgment, Treatment of Prisoners, City Vehicle Accidents, and Use of Force**.

On April 23, 2010, the Department received in the mail a surveillance video taken on March 23, 2010, from a law firm in Dallas that represents a local business, Uncle Bob's Self Storage. The video captured the arrest of four burglary suspects at 12300 Wellington Park. The video served as the basis of a complaint by the Chief of Police regarding the use of excessive force against several Houston Police officers. Officer Saucedo was among those officers.

An Internal Affairs Division investigation revealed that, on or about, March 23, 2010, Officer Saucedo was involved in the investigation of several burglaries. Officers of the Westside Division Tactical Unit and Gang Unit observed several suspects in the act of committing a burglary of a residence. The four suspects left the scene of the burglary in a white pickup truck, followed by Houston Police units. The suspect vehicle stopped in the 12300 block of Wellington Park, and two suspects in the bed of the truck fled on foot. One of those suspects was Chad Holley, a juvenile. The video received by the Houston Police Department shows Mr. Holley running along a chain link fence in an attempt to evade arrest. Officer P. N. Bryan attempted to block Mr. Holley's escape by driving his police vehicle over a curb. (Officer Saucedo was a passenger/partner with Officer Bryan.) As a result, Officer Bryan's police vehicle struck a chain link fence, causing minor damage to both the vehicle and the fence belonging to Uncle Bob's Self Storage. Mr. Holley unsuccessfully attempted to hurdle the hood of the police vehicle, and he fell to the ground on the other side of the vehicle. The video clearly shows that Mr. Holley subsequently lay on the ground and placed his hands behind his head and neck area, in an obvious position of surrender.

Further investigation revealed that video evidence shows Officer Saucedo approached Mr. Holley and swiftly kicked Mr. Holley on the inside of one of his legs. Officer Saucedo's actions fell outside the scope of training within the Houston Police Department and are a clear violation of departmental policy, as his kick to Mr. Holley was unnecessary and excessive.

Officers are taught to administer pain compliance strikes to suspects when situations allow for them. Officer Saucedo's actions fell outside the boundaries of his training, and are made more egregious by the fact that Mr. Holley was lying on the ground with his hands behind his head. The force used by Officer Saucedo in this case is clearly excessive.

In his administrative statement, dated May 21, 2010, Officer Saucedo states, "I do recall seeing the suspect kicking his legs up and down as I approached, and I kicked the suspect one

time on the inside of one of his legs (I do not recall which one) to try to get the suspect to spread his legs and not kick upward." Further, Officer Saucedo failed to follow established procedure when he neglected to ensure that his use of force against Mr. Holley was properly documented in an incident report or a supplement report, as required by departmental policy.

With regard to the police vehicle striking the fence, Officer Saucedo states, "I spoke with my partner Bryan about the patrol car striking the chain link fence. Officer Philip Bryan and I checked the patrol cars [sic] front left bumper for damage. I did not notice any new damage from hitting the fence. We then looked at the fence and saw that it was intact. The only thing that we saw was a pole that was loose on the bottom." From these statements, it is clear that Officer Saucedo was aware that the police vehicle had struck the fence, but he failed to follow established procedure when he neglected to ensure the accident was properly reported per departmental guidelines, as required.

Officer Saucedo's decision to kick Mr. Holley to spread his legs demonstrates a severe lack of sound judgment. Police officers are faced every day with tense and volatile situations and must keep their emotions reined in. Failure to do so erodes the confidence the community has in the police department, and makes every police officer's job harder. Officer Saucedo's actions have brought discredit, reproach, and embarrassment to the department.

The General Orders violated by Officer Saucedo are as follows: General Order 200-08 - Conduct and Authority, 400-08 - City Vehicle Accidents, 500-20 - Treatment of Prisoners, Suspects, and Other Citizens, and 600-17 - Use of Force. Officer Saucedo was previously furnished copies of these General Orders.

It has been determined that, by his actions, **Gaudencio Saucedo, Police Officer**, 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).

**City Vehicle Accidents**, Order No. 400-08, dated March 12, 2002, states in part, but is not limited to:

**1 REPORTING REQUIREMENTS**

If the city vehicle accident occurs within the city limits of Houston, as soon as possible, the employee will notify the police dispatcher and an immediate supervisor that they have been involved in an accident.

**2 ACCIDENT INVESTIGATION**

**Fatality, Injury, or Property Damage Accidents**

The supervisor of the employee involved in the accident will be contacted as soon as possible, and if on duty will report to the scene. If the supervisor is not on duty or is not readily available, a designee may be sent to the scene.

A Traffic and Accident Division unit and supervisor will be assigned to investigate city vehicle accidents occurring inside the AIA if they involve:

- a. A police or fire department vehicle.
- b. Injury or property damage.

**Treatment of Prisoners, Suspects, and Other Citizens**, Order No. 500-20, dated September 5, 1996, states in part, but is not limited to:

**POLICY**

10:42 AM 02 SEP 2002

Employees of the Houston Police Department will treat all prisoners, suspects, and citizens in a humane and lawful manner.

1 **GUIDELINES**

Employees will avoid unnecessary physical contact with all prisoners, suspects, and other citizens. Unnecessary contact may include, but is not limited to, pushing, shoving, dragging, punching, kicking, etc.

Use of Force, Order No. 600-17, dated January 4, 2008, states in part, but is not limited to:

**POLICY**

When dealing with citizens, suspects, and prisoners, employees will limit their use of force and physical contact to only the amount reasonably necessary to protect themselves or others, to effect an arrest, or to bring an incident under control.

**DEFINITIONS**

*Bodily Injury.* An injury causing physical pain, illness, or any impairment of the function of any bodily member or organ.

1 **USE OF FORCE**

Employees who use force against any person must be able to state in detail the specific reasons for using force.

The circumstances justifying the initial use of force may change during the course of an event. It is the duty of all employees to constantly assess the situation and adjust the use of force accordingly.

5 **REPORTING AND DOCUMENTING USE OF FORCE BY AN EMPLOYEE**  
**Documentation**

Except as noted in General Order 200-16, section 2, *Outside City of Houston*, an incident report will always be completed when any of the following occur:


- Any form of force is used resulting in any type of bodily injury.

Incident reports will contain the following:

- c. The employee's specific reasons for using force.
- d. The part of the person's body receiving the strike, hit, spray, or injury.
- e. Location on the person's body of any known injury, even if the injury was not obtained as part of the incident.

In making my decision to indefinitely suspend Officer Saucedo, I considered his complete history with the Houston Police Department, both positive and negative. In addition, I considered what is in the best interest of the citizens of the City of Houston and Officer Saucedo's fellow officers. I also contemplated the severity of Officer Saucedo's conduct and the impact his actions have had and will continue to have on the relationship between the community and the police department. Additionally and pursuant to all applicable statutory and case law, on June 16, 2010, Officer Saucedo was given an opportunity to meet and explain the above events to me. After listening to Officer Saucedo and his attorney's comments and explanation, and weighing them against the evidence documented in the Internal Affairs investigation, I have decided that Officer Saucedo must be indefinitely suspended.

Officer Saucedo 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 to the Police Officers' Civil Service Commission, located at 611 Walker, 4<sup>th</sup> Floor, Houston, Texas 77002. Officer Saucedo is informed that pursuant to Section 143.1016 of the Texas Local Government Code, he may elect to appeal to an independent third party hearing examiner instead of to the Commission. If Officer Saucedo elects to appeal to an independent third party hearing examiner, he waives all rights of appeal to a district court except as provided by Subsection (j) of Section 143.1016 of the Texas Local Government Code.

  
Charles A. McClelland, Jr.  
Chief of Police

cam/adw/jri/bam

cc: Gaudencio Saucedo  
Police Officer  
MA/372A

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THE STATE OF TEXAS §

COUNTY OF HARRIS §

**RECEIPT OF LETTER OF INDEFINITE SUSPENSION**

This is to acknowledge that I, **Gaudencio Saucedo**, employee employed in the City of Houston Police Department as a Police Officer, have on this day received a copy of a letter of an **Indefinite 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 indefinite suspension and that I may appeal my suspension in accordance with all applicable provisions of TEX. LOC. GOV'T. CODE, Chapter 143. I have been further advised that I have fifteen (15) calendar days from the date shown on this receipt in which to appeal my indefinite suspension.

SIGNED this the 23 day of June, 2010.

  
Gaudencio Saucedo

  
WITNESS

Issue #36612-2010  
MA/372A

*Rec'd DAN*

06/23/10 08:11:00