

Sergeant Dale F. Sanders II, #3034
San Antonio Police Department
San Antonio, Texas

Fire Fighters' and Police Officers' Civil Service Commission
111 Soledad, Suite 123
San Antonio, Texas 78205

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20M APR 11 PM 2:03

AGREED SUSPENSION

Gentlemen and Sergeant Dale F. Sanders II:

WHEREAS, Sergeant Dale F. Sanders II, pursuant to Article XXVII, Section 2 of the Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association, was served on March 21, 2014, with a five-day contemplated suspension; and

WHEREAS, pursuant to said contract, Sergeant Sanders was given an opportunity to rebut those charges being brought against him to Police Chief William P. McManus; and

WHEREAS, said opportunity was exercised by Sergeant Sanders; and

WHEREAS, Sergeant Sanders and Chief McManus have agreed to reduce the discipline in this matter to a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Sergeant Sanders shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on April 30, 2014, and ending on May 2, 2014. Upon successful completion of one year, from the date this suspension is signed, without an allegation of similar misconduct which is subsequently sustained, and upon application by Sergeant Sanders and approval by the Chief of Police, this suspension shall be reduced to a two-day suspension, and one day's pay and benefits will be returned to Sergeant Sanders. Sergeant Sanders waives any rights to appeal this Agreed Suspension and agrees no administrative or judicial body shall have power to review this Agreed Suspension or alter the terms of this agreement.

Sergeant Sanders 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 rules violated by Sergeant Sanders and grounds for suspension are as follows:

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

The Rules and Regulations and Procedures of the San Antonio Police Department which Sergeant Sanders has violated are as follows:

RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC: Members shall serve the public through direction, counseling, assistance, and protection of life and property. Members shall also respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment. **(C) CONDUCT AND BEHAVIOR:** Members,

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.

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

On or about October 11, 2013, Sergeant Dale F. Sanders II exchanged a series of text messages with his subordinate, Officer Eloisa Mondragon that tended to bring reproach and discredit upon himself and the San Antonio Police Department. Sergeant Sanders made comments in reference to truthful written responses Officer Mondragon had been ordered to provide to the Internal Affairs Unit as a witness in a prior investigation.

In that statement which Officer Mondragon provided to Internal Affairs on July 23, 2013, she revealed that Sergeant Sanders had made a derogatory comment about another female officer, Misty Floyd, who had just been in a physical confrontation with a prisoner. Sergeant Sanders had stated to Officer Mondragon, "Well, go hold her (Floyd's) hand because she's probably crying." Sergeant Sanders became aware of Officer Mondragon's report on or about September 8, 2013, when he received a written counseling from his supervisors who investigated a Line Complaint of his conduct concerning Officer Floyd.

In the text messages Sergeant Sanders directed to Officer Mondragon on October 11, 2013, Sergeant Sanders inferred that Officer Mondragon should not have responded truthfully in her report to Internal Affairs.

The text messages Sergeant Sanders sent to Officer Mondragon were as follows:

- A text directing Officer Mondragon not make negative statements to Internal Affairs about him (Sanders), when he texted, "*No more comments to I.A. that I was rude.*"
- A text informing Officer Mondragon that her truthfulness in her required report to IA could have negative repercussions, when he texted, "*Comments like that hurt your career.*"
- A threatening text from Sergeant Sanders to Officer Mondragon, his subordinate that stated, "*There are plenty of examples around this place that some spvrs hold a grudge their entire career.*"
- A text suggesting that Officer Mondragon refrain from making such future comments as a condition of him making a favorable recommendation on her behalf to the commander of a specialized police unit within SAPD where he believed she wished to transfer, when he texted, "*... my good buddy is the capt in pop. I can put in a good word for you but you have to be nice to me.*"

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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.

AGREED TO BY: William P. McManus
WILLIAM P. MCMANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

APR 07 2014
DATE

Dale F. Sanders II
SERGEANT DALE F. SANDERS II, #3034
SAN ANTONIO POLICE DEPARTMENT

24/07, 2014
DATE TIME

On this 7th day of April, 2014, I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of this 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 28 of the current Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association. I further acknowledge that in light of my entry into this Agreed Suspension, I shall have no right to appeal said suspension nor will any administrative or judicial body have power to review same or alter its terms. I do hereby waive any and all rights to appeal said suspension and no administrative or judicial body shall have power to review same or alter its terms.

Dale F. Sanders II
SERGEANT DALE F. SANDERS II, #3034
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

James Lee 4066 TIME: 10:18am DATE: 04-07-14
TIME: _____ DATE: _____

FILED on this the 11th day of April, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.

for James Lee
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

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