

Officer Dallas G. Wyeth, #1328
San Antonio Police Department
San Antonio, Texas

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

ADVISOR CFC.
JAN 13 2015
SAN ANTONIO, TEXAS

AGREED SUSPENSION

Commissioners and Officer Dallas G. Wyeth:

WHEREAS, Officer Dallas G. Wyeth, 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 December 17, 2014, with a ten-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Wyeth was given an opportunity to rebut those charges being brought against him to Police Chief Anthony L. Treviño, Jr.; and

WHEREAS, said opportunity was exercised by Officer Wyeth; and

WHEREAS, Officer Wyeth and Chief Treviño 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 Officer Wyeth shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on January 28, 2015, and ending on January 30, 2015. Officer Wyeth 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.

Officer Wyeth 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 Officer Wyeth 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 Officer Wyeth has violated are as follows:

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RULE 3.26 - TREATMENT OF PRISONERS: Prisoners shall be protected in their legal rights, given humane treatment, and shall not be subjected to verbal abuse or unnecessary physical violence.

RULE 3.28 - RESPONSIBILITY TO KNOW LAWS AND PROCEDURES (A) LAWS AND ORDINANCES: Members shall learn and thoroughly understand the laws and ordinances which they are charged with enforcing. (B) WRITTEN DIRECTIVES: Members shall familiarize themselves with all written directives which are published by the department and which affect their assignment. (C) PENALTY FOR VIOLATIONS: Violation of any lawfully adopted departmental rule or regulation by any department employee who is subject to same shall be sufficient cause for suspension or termination in accordance with applicable law and Fire and Police Civil Service Commission procedure, irrespective of whether the rule or regulation is part of the originally promulgated rules and regulations, or is contained in a subsequent general or special order, directive, or other amendment to the rules. (D) LACK OF KNOWLEDGE: Lack of knowledge of such rules or regulations shall never be a defense to any disciplinary action if said rules or regulations have been disseminated or posted as set forth in the regulations and if the employee has had a reasonable opportunity to become familiar with the rules and regulations.

PROCEDURE 409 – MOBILE VIDEO RECORDING (.06) RECORDING (F) When recording video, officers will utilize their portable microphones on all activity which takes place outside their vehicle and will not mute the receiver microphone in presence of anyone when responding to a call or on self-initiated activity. Use of the mute function must be documented in the officer's report or CFS comment entry field. EXCEPTION: Use of the mute function for private conversations out of the auditory range of non-Department members does not require documentation.

PROCEDURE 501 – USE OF FORCE (.05) APPLICATION OF FORCE (B) Police officers finding it necessary to use force to achieve a lawful police objective shall use a reasonable amount of force to affect the objective. However, nothing in this procedure is interpreted to mean an officer must prolong any combat or struggle in order to satisfy any element of escalation rather than resort to a reasonable method that resolves the situation in the safest and most expedient fashion.

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

On or about July 9, 2014, Officer Dallas G. Wyeth arrested Ms. Yolanda Perez for failing to identify herself when requested by Officer Wyeth to do so. Actually, Officer Wyeth failed to understand the elements of Section 38.02 of the Texas Penal Code, and should not have arrested her for that offense.

Additionally, Officer Wyeth used excessive force against Ms. Perez when he placed Ms. Perez under arrest and grabbed her by the arm, handcuffed her and then dragged her through her place of business to his patrol vehicle, causing her arm to be bruised in the process.

While Ms. Perez was handcuffed in the back seat of his vehicle, Officer Wyeth subjected Ms. Perez to unnecessary verbal abuse when he commented to his cover officer at the scene that he was going to take her in "to teach her a lesson." Officer Wyeth then spoke to Ms. Perez in a condescending tone in front of her co-worker and her employer while she was in handcuffs prior to her release on the order of his Sergeant, stating to her, "What did you learn from this?" and "Why did I arrest you?"

Finally, Officer Wyeth failed to utilize his portable microphone on all activity which took place outside his vehicle, instead muting the microphone in the presence of the suspect and bystanders as he released Yolanda Perez from custody.

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

AGREED TO BY:

A. Trevino
ANTHONY L. TREVINO, JR.
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

DATE

1/13/15

Dallas G. Wyeth #1328
OFFICER DALLAS G. WYETH, #1328
SAN ANTONIO POLICE DEPARTMENT

DATE

TIME

1/13, 2015 9:09

On this 13 day of Jan, 2015, 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

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SAN ANTONIO POLICE DEPT

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.

Dallas G. Wyeth #1328
OFFICER DALLAS G. WYETH, #1328
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature]
[Signature]

TIME: 9:09 AM DATE: 1/13/15
TIME: 9:09 AM DATE: 1/13/2015

FILED on this the 13th day of January, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature]
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

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POLICE OFFICERS
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