

Officer Terrance O. Gatson, #0241
San Antonio Police Department
San Antonio, Texas

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LEGAL ADVISOR OFFICE
AUG 26 2014
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

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

AGREED SUSPENSION

Commissioners and Officer Terrance O. Gatson:

WHEREAS, Officer Terrance O. Gatson, 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 August 19, 2014, with a twelve-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Gatson 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 Officer Gatson; and

WHEREAS, Officer Gatson 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 Officer Gatson shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on August 27, 2014, and ending on August 29, 2014. Officer Gatson 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 Gatson 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 Gatson 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 Gatson has violated are as follows:

RULE 4.13 - DUTY TO TAKE ACTION: Officers are charged with the responsibility to enforce local ordinances, state laws, and federal statutes, to preserve the peace, and to protect lives and property. All officers will take immediate action to prevent any obvious felony offense, or to arrest, if reasonably possible, any known felony offender, and to protect all persons and property from imminent harm.

PROCEDURE 402 – DIFFERENTIAL POLICE RESPONSE (.02) CALLS FOR SERVICE (CFS) REPORTING PROGRAM (D) Dispositions, N-Code Numbers and Statements (17) N-Code 13: Disturbance/Miscellaneous - This N-code may be used for a variety of disturbances that are nonviolent and where no criminal offense has occurred. Examples of these types of disputes would be civil disagreements, non-violent disturbances (i.e., family, neighbor, etc.) and other types of disturbance calls.

When writing the CFS report, officers shall include the required information as listed in section .02c and include any other pertinent data.

Comments can be written as presented below:

Contacted the parties and determined it is a civil matter (No legal jurisdiction in civil matters) – There was no breach of the peace or any criminal incident – No police action was taken beyond referral to civil resources like an attorney or small claims court (i.e., peaceful picking up of belongings).

Contacted the parties who are husband and wife - There was no breach of the peace or no criminal incident – No police action was taken beyond counseling the two parties and referrals to additional counseling services if needed in future disputes.

*C-James Smith WM [REDACTED] OI-Susan Doe WF [REDACTED]
Contacted C who stated that he had purchased a motorcycle from OI who failed to tell him that the engine would need to be overhauled in order to it continue to operate. C now wants OI to refund his money and take back the motorcycle. OI stated that he sold the motorcycle to C, "as is", and was not aware of any mechanical issues with the motorcycle when he sold it. Both parties were advised to contact attorneys and seek remedies in civil court.*

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

On or about March 14, 2014, Officer Terrance O. Gatson responded to a call for service regarding an incident between Ms. Pamela Salazar and her ex-boyfriend Bryant Rodriguez. Ms. Salazar reported that Mr. Rodriguez had taken her cell phone following an argument and that she had then taken his vehicle and was refusing to return it until he returned her phone. Officer Gatson incorrectly determined that the vehicle in question was community property and took no action to prevent Ms. Salazar from retaining control of the vehicle, stating that he could not take action regarding the theft due to it being a civil matter. Officer Gatson also declined to file a report over the theft of the phone.

The vehicle was later found, abandoned and severely damaged, possibly while in Ms. Salazar's possession. As a result of the statements Officer Gatson made to Ms. Salazar and his overall improper handling of this incident, the Bexar County District Attorney's Office declined to charge Ms. Salazar with Felony Theft. Additionally, after failing to take the required reports regarding this incident, Officer Gatson incorrectly closed out this call without a proper report, instead entering a computer notation placing an N-Code 13: Disturbance/Miscellaneous notation in the computer incorrectly indicating that no criminal offense had occurred and that the matter was merely a civil disagreement.

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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: WILLIAMS AUG 26 2014
WILLIAM P. MCMANUS, CHIEF OF POLICE DATE
SAN ANTONIO POLICE DEPARTMENT


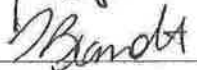
T. O. Gatson 8/26, 2014 1415
OFFICER TERRANCE O. GATSON, #0241 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

On this 26 day of August, 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.


OFFICER TERRANCE O. GATSON, #0241
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

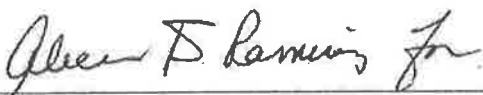
TIME: 1415

DATE: 8/26/14

TIME: 1415

DATE: 8-26-2014

FILED on this the 27 day of August, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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