

Officer Willie Hooten III, #0952
San Antonio Police Department
San Antonio, Texas

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2015 OCT 20 AM 11:36

LEGAL ADVISOR CFC
OCT 15 2015
CITY OF SAN ANTONIO
SAN ANTONIO, TEXAS

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

AGREED SUSPENSION

Commissioners and Officer Willie Hooten III:

WHEREAS, Officer Willie Hooten III, pursuant to Article XXVIII, 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 September 23, 2015, with a one-day contemplated suspension; and

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

WHEREAS, Officer Hooten and his captain, David Scepanski, have agreed and Chief McManus has approved of settling this matter with a one-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Hooten shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on October 21, 2015, and ending on October 21, 2015. Officer Hooten 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 Hooten 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 Hooten 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 Hooten has violated are as follows:

PROCEDURE 402 – DIFFERENTIAL POLICE RESPONSE (.02)
CALLS FOR SERVICE (CFS) REPORTING PROGRAM (D)
Dispositions, N-Code Numbers and Statements (25) N-Code 21:
Accident No Injury - Crashes not required to be reported under

GM Procedure 707, *Crash Investigation*. Should the driver(s) desire documentation of the crash, a computer generated report may be obtained via the Records Office. (1) Officers must keep a record of the driver's names and driver's license numbers of all individuals involved and the vehicle license number of all vehicles involved along with the required information listed in section .02c and any other pertinent information. Officers SHALL advise the reporting parties that a **CFS report** instead of a crash report will be prepared. As a reminder, this N-Code is only used for the following type of crashes, listed below, occurring on any street or highway that does not require a police investigation. In these situations, the responding officer will provide the drivers with TXDoT Form #CR-2 and advise them that they are responsible for filling out the report and submitting it to TXDoT within 10 days of the crash: (c) Crashes where drivers have valid driver's licenses and proof of insurance for the vehicles.

PROCEDURE 503 – OBTAINING AND EXECUTING ARREST WARRANTS (.01) INTRODUCTION (C) It is the duty of every officer to execute an arrest warrant in the manner provided by law, by the guidelines established in this procedure, and by adhering to each respective unit's standard operating procedures. An officer does not refuse to execute a valid warrant on other than legal grounds.

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

On or about September 3, 2015, at approximately 8:00 p.m., a call for service came out for a major accident at 1815 N. Foster Road. When Officer Willie Hooten III arrived at the scene of the accident, his research revealed that one of the drivers involved in the accident did not have a valid Texas drivers' license and was active on a Municipal Court warrant. Policy and Procedure dictates that Officer Hooten should have documented this incident on CRASH Form CR-3 and the Municipal Court warrant should have been verified. Officer Hooten failed to follow Policy and Procedure by placing an N-Code 21 on the incident.

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

Willie Hooten III #0952
 OFFICER WILLIE HOOTEN III, #0952
 SAN ANTONIO POLICE DEPARTMENT

OCT 12 2015
 DATE

10-14, 2015 1719
 DATE TIME

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On this 14th day of OCTOBER, 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 the instant 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.

Willie Hooten III #0952
OFFICER WILLIE HOOTEN III, #0952
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] #3254
[Signature] 3358

TIME: 1720 DATE: 10-14-15
TIME: 1721 DATE: 10-14-15

FILED on this the 20 day of October, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.

Alice D Ramirez
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

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