

LEGAL ADVISOR'S OFFICE

Detective Peter L. Sweeney, #2237  
San Antonio Police Department  
San Antonio, Texas

AUG 08 2017

SAN ANTONIO POLICE DEPARTMENT

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

**AGREED SUSPENSION**

Commissioners and Detective Peter L. Sweeney:

**WHEREAS**, Detective Peter L. Sweeney, 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 July 28, 2017, with a three-day contemplated suspension; and

**WHEREAS**, pursuant to said contract, Detective Sweeney 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 Detective Sweeney; and

**WHEREAS**, Detective Sweeney and his captain, Alex De La Garza, have agreed and Chief McManus has approved of settling this matter with a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Detective Sweeney shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on August 21, 2017, and ending on August 23, 2017. Detective Sweeney 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.

Detective Sweeney 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 Detective Sweeney 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 Detective Sweeney has violated are as follows:

**RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC (C) CONDUCT AND BEHAVIOR:** Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and

2017 AUG -08 10:00 AM

behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.

**RULE 3.06 - RELATIONSHIPS WITH CO-WORKERS (D) SUPPORTING FELLOW MEMBERS:** Members shall cooperate, support, and assist each other at every opportunity and shall not publicly criticize the work or the manner of performance of duty of any other member.

**RULE 3.28 - RESPONSIBILITY TO KNOW LAWS AND PROCEDURES (B) WRITTEN DIRECTIVES:** Members shall familiarize themselves with all written directives which are published by the department and which affect their assignment.

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

On or about May 13, 2017, Detective Peter L. Sweeney called Bexar County Assistant District Attorney prosecutor Mr. Lunan regarding case # SAPD17105207. Detective Sweeney was displeased with Detective Owens, Detective Carrillo, and Detective Fuentes and was critical of the methods they used to process evidence in said case. He expressed his concerns to Mr. Lunan, who told Detective Sweeney he was in no position to make decisions on resources and directed Detective Sweeney to Sergeant Robert Vara, Detective Sweeney's immediate supervisor.

On or about May 13, 2017, Detectives Owens, Fuentes, and Carrillo called Detective Peter L. Sweeney to 2185 S.W. Loop 410 to assist them in the recovery of a potential human trafficking victim. Once the victim was recovered and a crime scene was established, Detective Owens requested a CSI to process the scene. He also insisted on the victim being transported by patrol officers for a SANE exam. Detective Sweeney challenged Detective Owens's decision and told Mr. Lunan he did not feel bothering a CSI on a busy night was appropriate, and he did not want to wake up a SANE nurse to conduct an exam. Detective Sweeney felt it would be more advantageous to take photos on their phones and to transport the victim to the Bexar County Juvenile Detention Center and allow them to transport the victim for a SANE exam.

On or about May 13, 2017, Detective Peter L. Sweeney contacted Mr. Lunan for advice on interviewing an individual that was protected by the Fifth Amendment. Detective Sweeney failed to tell Mr. Lunan he was on speaker phone. Detective Sweeney also failed to mention he was standing next to the suspect and the conversation was no longer private. Due to Detective Sweeney's conduct and behavior, Mr. Lunan can no longer prosecute the case and is now a witness.

2017 AUG -8 AM 9:10

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

AGREED TO BY: WPM 08/01/17  
WILLIAM P. MCMANUS DATE  
CHIEF OF POLICE  
SAN ANTONIO POLICE DEPARTMENT

Peter Sweeney 8/7/17 2:10 PM  
DETECTIVE PETER L. SWEENEY, #2237 DATE TIME  
SAN ANTONIO POLICE DEPARTMENT

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.

Peter Sweeney  
DETECTIVE PETER L. SWEENEY, #2237  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:  
Sgt. David #3275 TIME: 2:10 p/m DATE: 8/7/17  
H. B. #4088 TIME: 2:10 pm DATE: 8/7/17

FILED on this the 8 day of August, 2017, with the Fire Fighters' and Police Officers' Civil Service Commission.

2017 Aug 8 AM 9:43

For Susan Day  
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

LEGAL ADVISOR'S OFFICE

AUG 08 2017

CITY OF SAN ANTONIO  
NOTICE OF SUSPENSION

SAN ANTONIO POLICE DEPARTMENT

**\*OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME\***

EMPLOYEE NAME: Detective Peter L. Sweeney, #2237

UNIT OF ASSIGNMENT: ICX

JOB CLASS NO. AND DEPARTMENT: 0603 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
██████████	07	31	17	08	21	17	08	23	17

NARRATIVE REMARKS: Agreed Three-Day Suspension

2017 Aug -8 PM 9:42

AUTHORITY: Written Order of the Chief of Police

Peter Sweeney  
EMPLOYEE

8/7/17  
DATE

WMMMM  
DEPARTMENT HEAD

08/01/17  
DATE

AUG 08 2017

SAN ANTONIO POLICE DEPARTMENT

# LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: Peter Sweeney # 2237  
Officer's Name Badge Number

Date: 8-7-2017

Copies to: Accounting, Budget and Personnel, Pension Board, File

TYPE OR PRINT ONLY- Use Ink

I, Peter Sweeney (Print Name), hereby agree to the 3 day disciplinary suspension received on 7/28/15 8/7/2017 and request to forfeit leave time in lieu of serving the disciplinary suspension.

Type of leave forfeited:

- Vacation 1 day P.D. #2237
- Compensatory Time 1 day
- Holiday 1 day
- Bonus Day

2017 Aug -8 AM 9:42

Peter Sweeney  
Officer's Signature

8/7/2017  
Date

Request Denied/Approved.

[Signature]

Chief of Police

8/7/17  
Date

The Chief of Police is not prohibited from denying this request.