

LEGAL ADVISOR'S OFFICE

SEP 29 2017

SAN ANTONIO POLICE DEPARTMENT

Detective Mark A. Ballew, #2075
San Antonio Police Department
San Antonio, Texas

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

RECEIVED
CITY OF SAN ANTONIO
FIRE FIGHTERS' AND
POLICE OFFICERS' CIVIL
SERVICE COMMISSION
2017 OCT -3 AM 10:29

AGREED SUSPENSION

Commissioners and Detective Mark A. Ballew:

WHEREAS, Detective Mark A. Ballew, 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 8, 2017, with a thirty-two-day contemplated suspension; and

WHEREAS, pursuant to said contract, Detective Ballew 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 Ballew; and

WHEREAS, Detective Ballew and Chief McManus have agreed that the discipline in this matter shall be a thirty-day suspension. Further, Detective Ballew and Chief McManus have agreed that Detective Ballew will serve a five-day suspension as outlined below and that the remaining twenty-five days will be held in abeyance for a period of one year; **NOW THEREFORE**:

The undersigned parties hereby enter into this Agreed Suspension wherein it is provided that Detective Ballew shall be suspended for five days. Detective Ballew will be suspended without pay from the San Antonio Police Department for a period of five days, commencing on October 24, 2017, and ending on October 28, 2017. The remaining twenty-five days of Detective Ballew's suspension shall be held in abeyance for a period of one year. Detective Ballew shall serve the remaining twenty-five days if he is found to have committed any violations of similar misconduct which are subsequently sustained within twelve months from the date of September 14, 2017. Detective Ballew waives any right 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 Ballew 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 Ballew 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 Ballew has violated are as follows:

RULE 3.02 - TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

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

PROCEDURE 303 - DISCIPLINARY PROCEDURES (.03) INCIDENTS INVOLVING OFFICERS (A) Officers will immediately self-report to their immediate supervisor, verbally and in writing on SAPD Form 200-OR, any disturbances that they are involved in that require a law enforcement response, or have knowledge or become aware that their involvement in a disturbance has the potential to result in a law enforcement response or a complaint. If the officer's immediate supervisor is not available, the officer shall report his involvement in the disturbance, verbally and in writing to any on-duty supervisor. Any supervisor who received a self-report from an officer shall, submit a report and route his report along with the officer's report utilizing Blue Team, through their chain of command to Internal Affairs for an administrative review.

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

On or about June 18, 2017, around 10:30 p.m., Detective Mark A. Ballew, while off duty, was involved in a disturbance with his girlfriend, Jhoanna Peterson, during which she reported he assaulted her at his apartment located at [REDACTED]. A call for police response was made regarding the incident (re: SAPD-17134884). Additionally, during a conversation between Detective Ballew and Lieutenant Hightower, the ranking officer who responded to the assault call, Detective Ballew made comments regarding the handling of similar officer-involved calls and his past experiences with Ms. Peterson during which she allegedly assaulted him. Detective Ballew also stated that he was untruthful in his report to the apartment administration regarding how a window was damaged in his apartment. Detective Ballew claimed he was a victim of a burglary by an unknown actor to explain the damage done by Ms. Peterson.

On or about April 9, 2017, sometime around 2:00 a.m., Detective Mark A. Ballew, while off duty, was involved in a disturbance with his

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girlfriend, Jhoanna Peterson, in which he was assaulted at his apartment located at [REDACTED] and he failed to report the incident per procedure. Detective Ballew related to a fellow off-duty officer through phone text messages sent on April 9, 2017 at 3:20 a.m., "Dude she bit me hit the fuck out of me I had to hide from the cops now" and "She is puking in my sink refusing to leave this is fucked up." Additionally, a call for police response was made to the same apartment complex around Building 11 (re: SAPD-2017-0368790).

On or about April 9, 2017, Detective Mark A. Ballew, while off duty, reported to the administration of [REDACTED] apartment complex, where he resides and also works as a Courtesy Officer as an extension of his SAPD duties, that he was the victim of a burglary and subsequent damage to a window of his apartment. The Administration alleges Detective Ballew was untruthful in his account of this incident to the apartment administration. Detective Ballew admitted his girlfriend caused the damage to his apartment window in a recorded (Body Cam) video while speaking to Lieutenant Hightower on June 18, 2017 while discussing an unrelated incident on that date.

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
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

SEP 27 2017

DATE

M. A. Ballew #2075
DETECTIVE MARK A. BALLEW, #2075
SAN ANTONIO POLICE DEPARTMENT

09/27/2017 1448
DATE TIME

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

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INTERNAL SECURITY UNIT
SEP 27 2017

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.

M.A. Ballew #2075

DETECTIVE MARK A. BALLEW, #2075
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

REA 3307
ACE 3124

TIME: 1442 DATE: 9/27/2017

TIME: 1942 DATE: 9-27-2017

FILED on this the 3rd day of October, 2017, with the Fire Fighters' and Police Officers' Civil Service Commission.

for Susan Shea

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

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DIRECTOR OF SAN ANTONIO
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CITY OF SAN ANTONIO
NOTICE OF SUSPENSION


LEGAL ADVISOR'S OFFICE
SEP 29 2017
SAN ANTONIO POLICE DEPARTMENT

*OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Detective Mark A. Ballew, #2075

UNIT OF ASSIGNMENT: IFD

JOB CLASS NO. AND DEPARTMENT: 0603 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
	09	27	17	10	24	17	10	28	17

NARRATIVE REMARKS: Agreed Five-Day Suspension

AUTHORITY: Written Order of the Chief of Police

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M.A. Ballew #2075
EMPLOYEE
W. Williams
DEPARTMENT HEAD

09/27/2017
DATE
SEP 27 2017
DATE

LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: MARK BALLEW
Officer's Name

2095
Badge Number

Date: 09/27/2017

LEGAL ADVISOR'S OFFICE
SEP 29 2017
SAN ANTONIO POLICE DEPARTMENT

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

TYPE OR PRINT ONLY- Use Ink

I, MARK BALLEW, hereby agree to the 5 day disciplinary
(Print Name)
suspension received on SEPT 27 2017 and request to forfeit leave time in lieu of
serving the disciplinary suspension.

Type of leave forfeited: ☒ Vacation
☐ Compensatory Time
☐ Holiday
☐ Bonus Day

M.A. Ballew #2095
Officer's Signature

09/27/2017
Date

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Request Denied/Approved:

W.P. VILLAS
Chief of Police

09/29/17
Date

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