

Detective Daniel J. Pue, #2584  
San Antonio Police Department  
San Antonio, Texas

JUL 2 19 2019 PM  
CITY OF  
SAN ANTONIO HR

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

Commissioners and Detective Daniel J. Pue:

Under and by virtue of the authority vested in me by Title 5, Subtitle A, Chapter 143 of the Local Government Code, V.T.C.S., said chapter entitled "Municipal Civil Service", I do hereby suspend Detective Daniel J. Pue from paid duty with the San Antonio Police Department, indefinitely, without pay, from his position as an officer of the San Antonio Police Department, effective immediately.

Detective Pue 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 rule violated by Detective Pue and ground for suspension is as follows:

- (12) Violation of an applicable fire or police department rule or special order.

The Rules and Regulations of the San Antonio Police Department which Detective Pue 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.

**RULE 3.11 - USE OF INTOXICANTS (B) INTOXICATION:** Members shall not, at any time, be intoxicated while on-duty. Members shall not be intoxicated while in public view. No member, while off-duty, shall drink intoxicating beverages to an extent which renders them unfit to report for duty.

LEGAL ADVISOR'S OFFICE  
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SAN ANTONIO POLICE DEPARTMENT

RULE 3.18 - CITY EQUIPMENT/PROPERTY (E) WASTE OR CONVERSION: Members shall not willfully waste or convert to their own use any city owned supplies, equipment, or services.

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

On January 7, 2019, at approximately 2:00 a.m., while off duty, Detective Daniel J. Pue took Ms. Melissa Aelvoet's mobile phone without her consent after forcing his way into her apartment located at 10809 Westwood Loop, #421, San Antonio, Texas. Further, during the above described incident on January 7, 2019, at approximately 2:00 a.m., while off duty, Detective Pue forced his way into Ms. Aelvoet's apartment at 10809 Westwood Loop, #421, San Antonio, Texas, by kicking in the front door. A criminal investigation determined the apartment door was damaged and had to be repaired by apartment maintenance staff. These incidents were handled under SAPD case number SAPD19056277.

On January 7, 2019, at approximately 9:02 a.m., Bexar County Sheriff's Office Deputies responded to [REDACTED] which is the home of Detective Daniel Pue, #2584 (FRO). While off duty, Detective Pue was involved in a physical altercation with Melissa Aelvoet, with whom it was determined he had been having a continuous romantic relationship.

When the first deputy arrived to the above referenced incident, he commanded Detective Pue to come to him. The Deputy's official report stated Detective Pue's response was, "No!" and then Detective Pue closed the door. The Deputy had to force entry into Detective Pue's residence to detain him. This incident was handled under Bexar County case number 2019-BCSO-000606.

Upon being interviewed on video by a Bexar County Investigator after being detained and read his Miranda Rights, Detective Pue stated he did not strike Ms. Aelvoet and there was no physical altercation or violence. It was discovered during the course of the criminal investigation, a 911 call from a witness to Bexar County Dispatch detailed Detective Pue was assaulting Ms. Aelvoet in the front yard of his home. The administrative investigation revealed Ms. Aelvoet stated to a San Antonio Police Department supervisor that Detective Pue assaulted her because she was

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cheating on him. Ms. Aelvoet made an outcry to a relative that Detective Pue assaulted her on the day in question. Furthermore, Ms. Aelvoet also reported to an SAPD Internal Affairs Investigator there had been an altercation between her and Detective Pue on the date of the reported incident. Detective Pue was not truthful when giving his statement to the Bexar County Investigator in which he maintained there was no physical altercation or violence between the female and himself. This incident was handled under Bexar County case number 2019-BCSO-000606.

Upon being interviewed by a Bexar County Investigator after being detained and read his Miranda Rights, Detective Pue stated their romantic relationship ended "two years ago." During the course of the criminal investigation, when Detective Pue was interviewed by an SAPD Integrity Detail Detective, Detective Pue admitted on audio he was untruthful with the BCSO Investigator by stating, "Because I was hoping with everything that was going on right there, that I was going to be released anyways, and I knew everything being said and everything there is public information, and I didn't want my [REDACTED] knowing things had continued, on this path with her." Detective Pue was not truthful when giving his statement to the Bexar County Investigator when he maintained the relationship between Ms. Aelvoet and himself had ended. This incident was handled under Bexar County case number 2019-BCSO-000606.

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Subsequent to the call, Detective Pue was subsequently placed under arrest for Assault-Family Violence and booked into the Bexar County Jail. Detective Pue's actions did not conform to the ordinary and reasonable rules of good conduct and behavior and brought reproach and discredit to himself and the San Antonio Police Department when he was arrested and booked into the Bexar County Jail for Assault-Family Violence. This incident was handled under Bexar County case number 2019-BCSO-000606.

The Administrative investigation into the above cited incident revealed that the first responding deputy who detained Detective Pue stated to San Antonio Police Department Supervisors Detective Pue smelled like he had been drinking. Detective Pue's [REDACTED] advised his immediate supervisor on the morning of his arrest Detective Pue "appeared to be passed out due to drinking, and he had slobber and bile on his shirt from drinking too much." The Administration of the San Antonio Police Department alleges Detective Pue consumed alcoholic beverages to the

extent which rendered him unfit to report for duty. This incident was handled under Bexar County case number 2019-BCSO-000606.

Reported conversations with Detective Pue's supervisor and an SAPD Integrity Detail Detective investigating the above referenced incident revealed Detective Pue told varying stories about how Ms. Aelvoet's mobile phone came into his possession. This incident was also handled under Bexar County case number 2019-BCSO-000606.

It was further discovered that Detective Pue used his city issued mobile phone to communicate with Ms. Aelvoet. Detective Pue used a city iPhone, Serial # [REDACTED] for personal use on January 7, 2019 when sending the text message, "Enjoy ur life" and "U wanted to fuck other people. There u go. Bye." This incident was also handled under Bexar County case number 2019-BCSO-000606.

During the course of the administrative investigation, it was also discovered Detective Pue used city computer equipment to attempt to obtain protected information for a non-police purpose. Detective Pue made several NCIC/TCIC inquiries for his own use by using a City of San Antonio computer system on Ms. Aelvoet for a non-law enforcement purpose on the dates of December 1, 2018, at 12:35 a.m. and 12:36 a.m. from computer terminal [REDACTED] and on December 18, 2018, at 10:35 p.m. from computer terminal [REDACTED]. This incident was handled under SAPD case number SAPD19056277.

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

Following separation from the Department, the training requirements to maintain an officer's peace officer's license for the current training cycle and unit are that officer's responsibility. An officer should refer to the TCOLE website <http://www.tcole.texas.gov/content/training-requirements> for further information and to establish a TCOLE account to review current training records.

*W.P. McManus*

WILLIAM P. MCMANUS, CHIEF OF POLICE  
SAN ANTONIO POLICE DEPARTMENT

*07/2/19*  
DATE

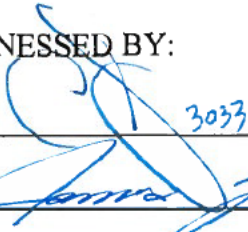

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I hereby acknowledge receipt of the original of the foregoing indefinite suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of this suspension during which to file a written appeal of this suspension 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 Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association.

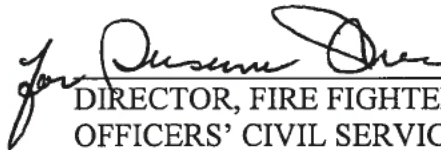
  
\_\_\_\_\_  
DETECTIVE DANIEL J. PUE, #2584  
SAN ANTONIO POLICE DEPARTMENT

7/2/19      12:14  
DATE                      TIME

WITNESSED BY:

 3033      DATE: 7/2/19      TIME: 1244  
 4033      DATE: 7/2/19      TIME: 1245

FILED on this the 2 day of July, 2019, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

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CITY OF  
SAN ANTONIO HR

# Combined Law Enforcement Associations of Texas

*"Strength  Justice  Unity"*

## FACSIMILE TRANSMITTAL SHEET

July 9, 2019

PLEASE DELIVER TO: Ms. Renee Frieda, Director  
 Firefighters' and Police Officers'  
 Civil Service Commission

FAX NUMBER: 210-207-7997

FROM: Tanner K. Barnes, Staff Attorney

OPERATOR: Joyce López, Legal Services Coordinator

TOTAL PAGES: 8 (Including Cover Page)

COMMENTS: Appeal of Det. Daniel J. Pue  
 (Indefinite Suspension)

Request for Arbitration

(ORIGINAL EMAILED: [renee.frieda@sanantonio.gov](mailto:renee.frieda@sanantonio.gov) 7/9/2019)

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South Texas Office \* 1939 N. E. Loop 410 \* Suite 210 \* San Antonio, TX 78217 \* 210/826-1899 \* Fax: 210/826-2299

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## COMBINED LAW ENFORCEMENT ASSOCIATIONS OF TEXAS

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[www.cleat.org](http://www.cleat.org)

July 9, 2019

(Via email: [renee.frieda@sanantonio.gov](mailto:renee.frieda@sanantonio.gov) & facsimile transmission 207-7997)

Renee Frieda, Director  
Firefighters' and Police Officers'  
Civil Service Commission  
City of San Antonio  
Riverview Towers Building  
111 Soledad, Suite 123  
San Antonio, TX 78205

**In Re: Det. Daniel J. Pue, #2584  
San Antonio Police Department  
Appeal – Indefinite Suspension  
Request for Arbitration**

Dear Ms. Frieda:

On July 2, 2019, Det. Pue was notified that he was being suspended from paid duty with the San Antonio Police Department for an indefinite period effective immediately.

Det. Pue, by and through his Attorney of Record, Tanner K. Barnes, requests Arbitration on the disciplinary action taken against him. Pursuant to Chapter 143 of the Local Government Code and the provisions of the current Collective Bargaining Agreement between the City of San Antonio and the San Antonio Police Officers' Association, we request a list from the American Arbitration Association of seven (7) neutral hearing examiners from the State of Texas.

Det. Pue denies the allegations contained in the disciplinary suspension order. He denies violating Subsection C of Rule XIII, of the San Antonio Fire Fighters' and Police Officers' Civil Service Commission; Rule (12) Violation of an applicable fire or police department rule or special order; Rule 3.02-Truthfulness of Members; Rule 3.04-Responsibility to Service the Public (C) Conduct and Behavior; Rule 3.11-Use of Intoxicants (B) Intoxication and Rule 3.18-City Equipment/Property (E) Waste of Conversion of the Rules and Regulations of City of San Antonio Police Department.

Ms. Renee Frieda, Director  
Fire Fighters' and Police Officers'  
Civil Service Commission  
Appeal Letter - page 2

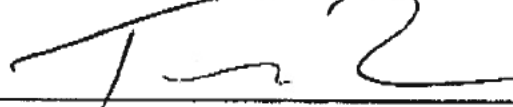
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Det. Pue, specifically and generally, singularly and plurally, denies the truth of the charges and allegations against him. The charges are legally insufficient to support the position of any penalty or punishment and legally insufficient to support a conclusion that the Appellant was guilty as charged in the charging instrument.

He requests a full, fair and impartial hearing and requests discovery of any exculpatory evidence. He requests lost pay and benefits. Additionally, Det. Pue asserts herein that the punishment is clearly excessive considering all the mitigating circumstances.

Respectfully submitted,

*Combined Law Enforcement Associations of Texas, Inc.*



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By: Tanner K. Barnes  
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210-826-1899  
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REPRESENTING DET. DANIEL J. PUE

cc:  
Det. Daniel J. Pue  
File