

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

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

SAN ANTONIO HR
CITY OF
JUL23 '19 10:45AM

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 June 26, 2019, with a five-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 Chief McManus have agreed to reduce the discipline in this matter to a one-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 one day, commencing on July 30, 2019, and ending on July 30, 2019. 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 3.17 – OUTSIDE EMPLOYMENT (A) PERMISSION REQUIRED: Members of the Department shall not engage in any outside employment, nor own, operate, or have any financial interest in any business activity without the approval of the Chief of Police.

RULE 3.23 – RESTRICTIONS ON ACTIVITIES WHILE SICK, INJURED, OR ON LIMITED-DUTY (C) LIMITED OR LIGHT-DUTY STATUS: Members on limited-duty or light-duty status shall not engage in any off-duty employment or work

LEGAL ADVISOR'S OFFICE
JUL 19 2019
SAN ANTONIO POLICE DEPARTMENT

any overtime for the city. The overtime restriction on limited-duty may be waived during an emergency.

RULE 4.06 – ON-DUTY ACTIVITIES: Members shall not devote any of their on-duty time to any activity other than that which relates to their duty assignment. Members shall not enter places of amusement while on-duty, except for police purposes. Members shall not remain at any one place longer than is necessary to accomplish a police objective.

PROCEDURE 905 – OFF-DUTY AND OUTSIDE EMPLOYMENT (.05) OUTSIDE EMPLOYMENT (G) PROHIBITED FORMS OF OUTSIDE EMPLOYMENT (6) Employment with or by any agency or in any business enterprise which investigates the domestic affairs of citizens for purposes of a civil nature or which may be controversial in nature.

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

Detective Peter L. Sweeney, #2237 (ICE) acted as a private investigator for purposes of a civil nature regarding a civil divorce, from January 26, 2019 to February 1, 2019, at the Chateau Dijon Townhomes located at 7707 Broadway, San Antonio, Texas and 827 West Malley, San Antonio, Texas. Detective Sweeney devoted a portion of his on-duty time to a personal activity that did not relate to his duty assignment and was not for a police purpose when he went to Chateau Dijon Townhomes located at 7707 Broadway, San Antonio, Texas on January 31, 2019 at approximately 2:00 a.m. in a private investigator capacity.

Further, Detective Sweeney participated in outside employment without proper authorization from January 26, 2019 to February 1, 2019 at the Chateau Dijon Townhomes located at 7707 Broadway, San Antonio, Texas and 827 West Malley, San Antonio, Texas.

Further, a review of departmental records indicates Detective Sweeney was assigned to a Limited-Duty Assignment from November 30, 2018 to February 4, 2019, during which time he participated in the above activities.

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

WILLIAM P. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT
Peter L. Sweeney

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

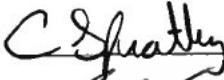

JUL 18 2019

DATE
7/18/19 1431
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 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.


DETECTIVE PETER D. SWEENEY, #2237
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 TIME: 1431 DATE: 07-18-19
 TIME: 1430 DATE: 07-18-19

FILED on this the 23rd day of July, 2019, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

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