

Chief and mayor battle over officer

Mustange Ridge Police chief sues city

Updated: Tuesday, 09 Jun 2009, 6:50 PM CDT
Published : Tuesday, 09 Jun 2009, 4:30 PM CDT

- Carla Castano (http://www.kxan.com/dpp/news/news_team/Carla_Castano)

AUSTIN (KXAN) - When the Mustang Ridge police chief, Chief Pastrano, caught one of his officers in a lie, he tried to fire him.

However, according to the chief, he is now on administrative leave because of it.

According to whistleblower lawsuit filed by Pastrano, it started when an attorney defending a man arrested for DWI filed a public information request looking into the background of Mustang Ridge officer John Bennett, who had written the ticket.

"It came to [Pastrano's] attention that an officer employed for him had lied on an application, which is a sworn application that amounts to perjury," said Lynn Peach, Pastrano's attorney.

Pastrano went to Mayor Alfred Vallejo asking to fire Bennett because Bennett claimed on his application that he had never been fired in the past, which was not true. Pastrano says Vallejo put him on administrative leave instead of allowing him to fire Bennett.

Bennett is one of the top ticket writers in the police department, and 42 percent of the city's revenue comes from tickets and fines - a fact Peach says may have led the mayor to protect him.

"When a public official finds wrongdoing of another public official and reports it to a particular employee based on that report, and he is suspended or receives any type of adverse personnel action, then that is a clear violation of Whistleblowers' Act," said Chevo Pastrano Jr.

The chief's attorneys said the least of the city's concerns should be the whistleblower lawsuit, because now Officer Bennett's honesty is being questioned.

"It calls into jeopardy any stop he has ever made, any arrest he has ever made, and ... prosecuting attorneys are going to have to look at at any cases he's worked," said Peach.

The City's attorney, Rick Morrison, sent this statement regarding the lawsuit: "The City of Mustang Ridge is in the process of investigating the facts alleged in the lawsuit filed by Chief Pastrano, and we are not yet able to comment on the lawsuit... the City will answer and defend the suit, and is confident that it has acted in compliance with the law."

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