

LEGAL ADVISOR'S OFFICE
APR 25 2016
SAN ANTONIO POLICE DEPARTMENT

Officer Daniel E. Zimmerman, #1685
San Antonio Police Department
San Antonio, Texas

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

AGREED SUSPENSION

Commissioners and Officer Daniel E. Zimmerman:

WHEREAS, Officer Daniel E. Zimmerman, 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 April 6, 2016, with a thirty-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Zimmerman 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 Officer Zimmerman; and

WHEREAS, Officer Zimmerman and Chief McManus have agreed that the discipline in this matter shall be a thirty-day suspension without pay; **NOW THEREFORE:**

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Zimmerman shall be suspended without pay from the San Antonio Police Department for a period of thirty days, commencing on May 13, 2016, and ending on June 11, 2016. Upon successful completion of one year, from the date this suspension is signed, without an allegation of similar misconduct which is subsequently sustained, and upon application by Officer Zimmerman within two weeks of such date, and approval by the Chief of Police, this suspension shall be reduced to a twenty-day suspension, and ten days' pay and benefits will be returned to Officer Zimmerman. Officer Zimmerman 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.

Officer Zimmerman 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 Officer Zimmerman and grounds for suspension are as follows:

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

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The Rules and Regulations and Procedures of the San Antonio Police Department which Officer Zimmerman has violated are as follows:

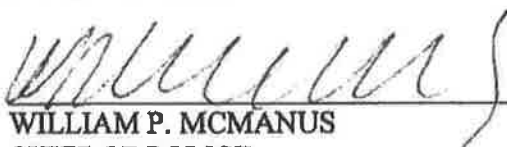
RULE 3.26 - TREATMENT OF PRISONERS: Prisoners shall be protected in their legal rights, given humane treatment, and shall not be subjected to verbal abuse or unnecessary physical violence.

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

On or about February 5, 2016, at approximately 2:13 a.m., Officer Daniel E. Zimmerman arrested Julian Guerrero for suspicion of Driving While Intoxicated. Mr. Guerrero refused to voluntarily provide a sample of his breath and/or blood so a search warrant was issued for a mandatory blood draw at the City Detention Center. Mr. Guerrero clasped his hands together and refused to allow his blood to be drawn. Officer Zimmerman chose not to employ intermediate measures in which he had been trained. Instead, he struck Mr. Guerrero on the side of his head several times to make him release his hands and submit to the blood draw. Under the circumstances, the force used by Officer Zimmerman was unreasonable and excessive.

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

APR 20 2016

DATE


OFFICER DANIEL E. ZIMMERMAN, #1685
SAN ANTONIO POLICE DEPARTMENT

Apr. 21, 2016 *ora*
DATE TIME

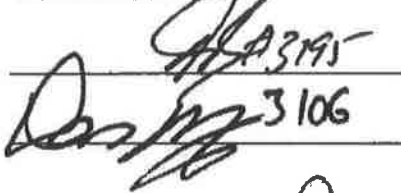
On this 21st day of April, 2016, I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of the instant suspension during which to file a written appeal of this suspension with the Personnel 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

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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.


OFFICER DANIEL E. ZIMMERMAN, #1685
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY


#163195
#3106

TIME: 0205

DATE: 4/21/16

TIME: 0205

DATE: 4-21-16

FILED on this the 26 day of April, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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