

MAR 22 2017

SAN ANTONIO POLICE DEPARTMENT

Detective Phillip Z. Wang, #2309
San Antonio Police Department
San Antonio, Texas

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

AGREED SUSPENSION

Commissioners and Detective Phillip Z. Wang:

WHEREAS, Detective Phillip Z. Wang, 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 March 13, 2017, with a ten-day contemplated suspension; and

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

WHEREAS, Detective Wang and Chief McManus have agreed to reduce the discipline in this matter to a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Detective Wang shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on April 9, 2017, and ending on April 11, 2017. Detective Wang 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 Wang 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 Wang 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 Wang has violated are as follows:

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RULE 3.26 - TREATMENT OF PRISONERS: Prisoners shall be protected in their legal rights, given humane treatment, not be subjected to verbal abuse or unnecessary physical violence. 2017 MAR 22 PM 1:50

PROCEDURE 501 – USE OF FORCE (.10) USE OF FORCE REPORT RESPONSIBILITIES (A) Officers shall complete SAPD Form #62-UOF, Use of Force Report, under the following circumstances: (2) Any force used by an officer which causes an individual to impact the ground/floor, object, or another person (e.g. a push, leg sweep, hip throw, etc.). This does not include those situations where a suspect is directed and voluntarily goes to their knees or assumes a prone position on the floor, prior to being handcuffed.

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

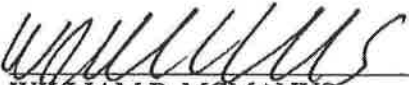
On or about September 28, 2016, at approximately 6:30 p.m., Detective Phillip Z. Wang mistreated Mr. Raymond McKinney. This mistreatment occurred while Mr. McKinney was a prisoner in police custody.

Detective Wang choked Mr. McKinney, causing pain to Mr. McKinney, a prisoner at the time of the incident. Pain occurred while Mr. McKinney was standing and after Mr. McKinney was taken to the ground.

It is further alleged Detective Wang failed to complete a Use of Force Report following the incident.

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

03/21/17
DATE




DETECTIVE PHILLIP Z. WANG, #2309
SAN ANTONIO POLICE DEPARTMENT

03-21-17, 2017 1347
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 PHILLIP Z. WANG, #2309
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Sgt V. Bell #4035 TIME: 1347 DATE: 03-21-17
J. Bell #5035 TIME: 1347 DATE: 03/21/17

FILED on this the 22nd day of March, 2017, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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