

Detective John S. Bowers, #2108
San Antonio Police Department
San Antonio, Texas

CITY OF
SAN ANTONIO HR

JUN28 '18 10:47AM

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

AGREED SUSPENSION

Commissioners and Detective John S. Bowers:

WHEREAS, Detective John S. Bowers, 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 19, 2018, with a five-day contemplated suspension; and

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

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Detective Bowers shall be suspended without pay from the San Antonio Police Department for a period of two days. The two-day suspension of Detective Bowers shall be held in abeyance for a period of one year, after which time the suspension will be vacated. Detective Bowers shall serve the suspension if he is found to have committed any violations of similar misconduct which are subsequently sustained within one year of January 7, 2018. Detective Bowers 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 Bowers 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 Bowers 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 Bowers has violated are as follows:

RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC (B)
COURTESY: Members shall at all times be courteous, kind, patient, and respectful in dealing with the public, and shall strive to

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merit the esteem of all law abiding citizens by an impartial discharge of their official duties.

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.

PROCEDURE 410-BODY WORN CAMERAS; Section .06-RECORDING; Subsection (D)(2,3,7):

D. Officers shall begin recording the following events upon and continue recording until the event is concluded; (Any deviations will require a supervisor's approval and must be documented in the Officer's video, report, or CFS comment entry field in accordance with Section .07 of this procedure):

2. Upon reception of or response to CFS, whether dispatched or not;
3. Officer-initiated contacts;
 - a. Arrest,
 - b. Field Contacts,
 - c. Traffic/Pedestrian Stops,
 - d. Vehicle/Foot Pursuits;
7. Citizen-initiated contacts or flagged down requests for public safety services.

PROCEDURE 601-PRISONERS; Section .14-INJURED SICK PRISONERS; Subsection (A) (2), OFFICERS' RESPONSIBILITIES:

2. Prisoners exhibiting or complaining of minor injury or sickness not requiring immediate medical attention are transported by the arresting officer to the Downtown University Health Care Building located at 527 North Leona or University Hospital, 4502 Medical Drive. Should the arresting officer be involved with other duties, another officer is assigned to transport the prisoner. Note: Based on the proximity of the Detention Center to the Downtown University Healthcare Building, this is the primary facility for all minor injuries. If possible, have the dispatcher call 225-5481 ahead of time to confirm patient load.

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

On or about January 7, 2018, Detective John S. Bowers #2108 (IVC) was investigating a recovered stolen trailer at 1143 Westfall Ave. under SAPD 18004292. According to his 200-OR, Detective Bowers returned to his patrol vehicle to begin writing his report but remained on scene while the trailer owner waited for a private tow truck. Detective Bowers turned off his Body Worn Camera and his COBAN but was shortly thereafter involved in a confrontation/altercation with the residents at 1139 Westfall which

resulted in the response to the scene of an on-duty supervisor. Detective Bowers did resume recording on his Body Worn Camera but the entire episode was not captured on video in violation of procedure.

During the confrontation/altercation on or about January 7, 2018 at 1143 Westfall Ave., Detective Bowers became involved in a verbal altercation with several individuals who live near the location where the trailer was recovered. In the 200-OR, Detective Bowers admitted when civilian, Roxanne Bernal asked him if she needed to move her truck so it wouldn't get hit, Detective Bowers told her, "Don't worry, if she don't hit it I will." The situation devolved from that point and Detective Bowers is observed arguing with multiple individuals. In his 200-OR, Detective Bowers stated Denise Bernal asked him if he didn't like them because of their color, to which Detective Bowers responded, "What color are you?" It was further alleged by Denise Bernal that Detective Bowers "chest bumped" her during the altercation in public view. Detective Bowers was not courteous, kind, patient, or respectful in his interactions, and his actions in public view brought reproach and discredit to himself and the San Antonio Police Department.

Further, during the confrontation/altercation on or about January 7, 2018 at 1143 Westfall Ave., civilian Vanessa Howell began cursing at Detective Bowers and made obscene gestures at him with her middle fingers. Detective Bowers arrested Vanessa Howell for Disorderly Conduct, then walked her to his patrol vehicle. At approximately the 2:35 minute mark of Detective Bowers' Body Worn Camera video, Vanessa Howell tells Detective Bowers that she needs EMS. Detective Bowers did not call for EMS to make the scene and did not transport Vanessa Howell to the Downtown University Health Care Building or University Hospital in violation of procedure.

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

JUN 27 2018

DATE



DETECTIVE JOHN S. BOWERS, #2108
SAN ANTONIO POLICE DEPARTMENT

DATE

6-27-18 1201
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.

CITY OF
SAN ANTONIO HR

JUN28 '18 10:48AM

J. Bowers 2108
DETECTIVE JOHN S. BOWERS, #2108
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

C. Bowers 3191 TIME: 12:03 DATE: 6-27-2018
[Signature] #3114 TIME: 1203 DATE: 6/27/2018

FILED on this the 28th day of June, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature]
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

LEGAL ADVISOR'S OFFICE

JUN 27 2018

SAN ANTONIO POLICE DEPARTMENT