



# **The San Antonio Police Officers Association**

## **No Confidence Vote After Action Report**

**April 5, 2016**

San Antonio Police Officers' Association

**NO CONFIDENCE**

Vote held March 14, 2016 through March 23, 2016

Results:

**1,944 OF 2,164 members voted (90%)**

**97% VOTED NO CONFIDENCE IN POLICE CHIEF MCMANUS**

The Members of the San Antonio Police Officers' Association (SAPOA) serve every day with pride and dignity. They have sworn an oath to the citizens of San Antonio and will not jeopardize the quality of service with this vote of **No Confidence in Chief McManus**. In fact, we want to clearly state to the community, and to the San Antonio City Council, that we will NEVER waver in our commitment to protect and serve our City.

The results of this vote reflect the fact that an overwhelming majority of members believe Chief McManus is incapable of leading the San Antonio Police Department (SAPD). We believe this because he has lost the trust of those he was chosen to lead.

Respectfully,

**Michael F. Helle**  
President

**Dean Fischer**  
Vice President

**Rob Grajeda**  
Treasurer

**Mike Despres**  
Secretary

**James Foster**  
Parliamentarian

**Arthur Lindley**  
Sergeant at Arms

The San Antonio Police Officers' Association Executive Board, along with its membership, conducted the No Confidence vote from March 14, 2016 through March 23, 2016. The vote was intended to quantify the opposition to the leadership of Police Chief William McManus. The vote clearly demonstrates the membership has lost total faith in William McManus's ability to lead the San Antonio Police Department (SAPD).

The basis for this vote includes, but is not limited to, the following key areas:

1. As City Manager Sheryl Sculley systematically attempted to dismantle the San Antonio Police Department, Chief McManus stood by and said nothing. We lay the overall blame for this at the hands of the City Manager as she holds the sole responsibility for the re-hiring, managing, and training of Chief McManus.
2. Chief McManus failed to stand up for his officers, their morale, and their safety when multiple cadet classes were cancelled and manpower reduced. Chief McManus did not react appropriately to the major staffing and morale issues of the SAPD and he failed to keep the best interest of his police officers a top priority.
3. Chief McManus has clearly demonstrated an unwillingness to support Officer John Lee and his on site Detectives in a recent Use of Force incident. This lack of support has permeated every corner of the SAPD and broke a sacred bond of trust between police officers and their leader.
4. Chief McManus has created an environment in which every officer performing their duties will be held to a standard that lacks clarity and consistency and his attempts to implement controversial law enforcement recommendations that have been roundly dismissed as dangerous by Chiefs of Police across the country, ultimately endangers the lives of all police officers and citizens.

Before we begin a detailed description of the No Confidence vote, it is important to address the City leadership attack on the vote and the ongoing media narrative intended to question the credibility and legitimacy of the vote.

1. **This vote was demanded by the Membership of SAPOA.** Based on the downward spiral of morale, manpower, and the total lack of support, the Membership had reached a boiling point and the vote was necessary to quantify their anger and dissatisfaction with the direction and leadership of the Department. This was not a "top-down" Membership vote. It was a call to action by the rank and file and the leadership of SAPOA answered the call and delivered the vote.
2. **The vote was conducted by an independent, 3<sup>rd</sup> party, professional elections administrator.** The vote was conducted by secret ballot and no Member of the SAPOA has any idea how any officer voted. This anonymity helped create a trustworthy and honest environment for officers to speak through their vote without fear of retribution.
3. **Absolutely no coercion or strong arm tactics were utilized to force votes.** The City Manager, the Chief of Police, and a few members of the City Council, have taken the easy route of claiming the vote was strong armed due to a series of emails sent to encourage participation. This is incredibly shortsighted and frankly, ridiculous to believe grown men and women law enforcement officials would be

susceptible to coercion based on bolded, all caps emails. Police officers encounter life and death situations every day they are on the job. To infer that emails coerce them is comical and demonstrates just how much the City is in denial.

4. **The vote has been called “illegitimate” by the Chief of Police.** How can any leader outright dismiss the voice of his employees? Since the No Confidence vote, Chief McManus has spent more time engaging the business community and his core group of supporters than he has **ANY** member of the SAPD. He has failed to address the issues with his rank and file and his own reaction to begin a media tour instead of a listening tour with his troops shows you just where his priorities lie.
5. **The turnout for the vote was overwhelming.** With 90% of SAPOA members voting, how can you call the vote “illegitimate?” City leadership is ignoring the voice of over 1,900 police officers. Their actions demonstrate a core desire to demean the vote and its results, instead of asking the hard leadership questions of themselves. Such as, is the morale of department suffering, and if so why? How do our officers really feel about their jobs? And, is there anything we can do to build a better environment for our police officers to trust their leadership?
6. **This is NOT about contract negotiations.** Again, this is an easy attack line for a City leadership that wants to ignore rank and file members and assign blame on others instead of taking a hard look at themselves first. The ongoing lawsuit initiated by City Manager Sheryl Sculley is a component of the anger and resentment police officers feel about their careers, the Department, and the City management. However, it is one of many issues degrading morale. It does matter that police officers are being sued by the City Manager and her legal team. However, this vote is not intended to be used as a bargaining chip. It is intended to highlight just how far this department has fallen under the leadership of City Manager Sheryl Sculley and Police Chief William McManus.

The following items detail the core reasons for the No Confidence vote.

### **City Manager Sheryl Sculley is Destroying the SAPD**

Chief McManus was re-hired and tasked with leading the San Antonio Police Department under the direction of City Manager Sheryl Sculley. It goes without saying the City Manager controls all aspects of City government. Over the last few years, the City Manager has attempted to systematically dismantle the Police Department and destroy the very fabric of what it means to be a police officer in the best Police Department in the State of Texas.

We do not consider Chief McManus to be a true leader that will stand for doing the right things for the citizens of San Antonio and their police officers, at all times, regardless of possible personal consequences. In fact, he has lost all credibility when it comes to police officers believing he will support them in critical situations. We stand firm in our belief that Chief McManus will protect his job and loyalty to the City Manager as his first priority.

As the final authority, City Manager Sheryl Sculley shares responsibility for this No Confidence vote. She alone re-hired Chief McManus, she is his ultimate supervisor, and she sets his goals and holds him accountable. City Manager Sheryl Sculley has failed the SAPD and the City of San Antonio.

### **Failure to Address Staffing and Morale Issues**

Under the direction of the City Manager, three (3) police cadet classes were canceled in 2013 and 2014. The elimination of these cadet classes started a downward spiral in staffing numbers that directly attributed to the morale crisis the SAPD is currently facing. As of the drafting of this After Action Report, the San Antonio Police Department is understaffed by 228 police officers. This is equivalent to having one entire substation un-staffed! SAPD currently has 2,157 sworn officers on duty out of 2385 authorized positions. **STAFFING IS AT A MISSION CRITICAL LEVEL.** Any further deterioration of manpower leads to increasing response times, undue officer stress, and only places the public's safety at greater risk.

Prior to his retirement and departure from public service in July of 2014, Chief McManus failed to address the impact of the cancellation of cadet classes on service levels and department morale. He stood by and was complicit with the City Manager's attempts to downsize the SAPD. His failure to speak up and defend manpower requirements, highlights his lack of support for the rank and file officers who should be able to trust the Chief will support their needs and provide the proper staffing to ensure the safety and well being of the Department. Not only did he fail to support his officers, the Chief failed to support the interests of the community. One can argue that this is being manifested in the current crime wave we are experiencing.

Morale suffers when organizations downsize staffing while increasing workload. In law enforcement, the downsizing places officers lives in jeopardy. There simply are not enough police officers to do the job and the more a police officer faces overtime and increased danger, the greater the odds they will be faced with a critical decision making process that will threaten their safety, and/or their life.

Police officers embrace the challenge of law enforcement and know very well the risks inherent with their line of work. However, they do so with the understanding that City leadership and their Police Chief will provide the resources, training, and manpower to ensure their safety and the communities' safety to the highest possible levels. Failure to adequately staff the SAPD is a violation of trust and support. It is an abdication of a core responsibility of the Police Chief and should be a core tenet of the employer-employee relationship. Silence while SAPD manpower decreased is an unforgivable offense.

Here are key facts regarding manpower statistics:

1. When Chief McManus and the City Manager recognized a manpower shortage, their first inclination was to lower application standards to increase the applicant pool.

For instance, applicants were allowed to have a history of narcotics use (cocaine and marijuana) and polygraph standards were lowered to allow for passage of more potential applicants.

2. City leadership also attempted to offer, for the first time in the history of the SAPD, a “modified” police academy for applicants to transfer from other nationwide departments. Absolutely, ZERO applicants have accepted the offer. Its obvious why. No police officer wants to join the SAPD when they are faced with manpower shortages and a stunning lack of support from City leadership and their Police Chief. It’s embarrassing that City leadership cannot encourage enough applicants to come to San Antonio. The City even offered significant signing bonuses and they are still unable to convince enough people to choose the SAPD.
3. There is a difference between authorized and actual police officer “boots on the ground.” When City leadership speaks, they refer to authorized positions only. The Chief of Police does this as well. It is false information intended to lead the public to believe the Department is fully staffed, when in fact, there is a manpower crisis.
4. The City Manager, her spokesperson, and the Chief of Police are quick to point out ongoing cadet classes will fill the manpower shortage in the Department. **THIS IS AN OUTRIGHT LIE AND AN INTENTIONAL DECEPTION PERPETRATED BY CITY LEADERSHIP.** The facts are very simple, we do not have enough cadets to cover the attrition rate of the Department, let alone the growth of our community. SAPD averages the loss of between 45 and 50 police officers through attrition per year. **In the past fiscal year 2015, we saw an astounding attrition of 81 police officers.** As the data clearly demonstrates, the minimal numbers of inbound cadets will not reverse the manpower crisis. In fact, the Department ends the year with more officers leaving than new officers graduating the Academy. **FOR THE CURRENT FISCAL YEAR 2016, WE HAVE ALREADY LOST 69 POLICE OFFICERS TO RETIREMENT.** The SAPD is on target to exceed well over 100 police officers leaving the Department this year alone. They are leaving for many reasons, but a common thread of maltreatment, lack of City support, the threat of lost benefits, and the ongoing disrespect of law enforcement is core to nearly every retirement.
5. San Antonio is severely understaffed in comparison to other municipalities in the State of Texas. SAPD officers are doing more with less and the lack of manpower is placing officers lives in jeopardy and putting the public’s safety at risk. The only reason the SAPD maintains coverage is the overwhelming amounts of overtime being worked by police officers across the City. Since the start of fiscal year 2016, the City of San Antonio has already spent \$1.7 million on overtime. If officers fail to work this overtime, there will not be enough police officers on the street and District rotations will not be filled. Further, the City Manager may find it convenient to later publish in the local paper that the highest paid City employees are police officers, but she will fail to mention that the pay includes mandatory overtime.

The morale of the San Antonio Police Department is near catastrophic levels. Officers and civilian staff alike at the police department are spread dangerously thin with an ever increasing workload, underappreciated by their leadership, and ignored by the City Manager. This vote is a direct response to a situation that is years in the making. No

one single issue is to blame for the deterioration of morale and officer well-being. It is a culmination of multiple events and a working environment created by City leadership who are determined to cut costs and correct budgetary issues brought about because of their lack of focus on core city services.

### **Lack of Support for Staff as Evidence by the Officer John Lee Case**

The lack of support is most easily identified in the handling of the officer involved shooting case of Officer John Lee. Chief McManus's actions clearly demonstrate he engaged the investigation of the shooting from a biased and "politically correct" position. Chief McManus has not offered an unbiased or professional assessment of the investigation. From day one, he has acted on the belief Officer Lee was guilty of poor judgment and he should be terminated. This completely disregarded due process, which should have been afforded to Officer Lee based on his record of exemplary service to the SAPD.

Chief McManus failed to communicate his decision to terminate Officer Lee, with any level of clarity, to Officer Lee or to any SAPD officer. In fact, Chief McManus spent more time dealing with the media and poisoning the community against Officer Lee. In one obvious case of subversion, Chief McManus went before the Express-News Editorial Board and discussed the merits of his own personal investigation PRIOR to any conversation with Officer Lee. Nothing is more egregious than chasing the media with investigative findings prior to discussing the process and status with your own police officer. Chief McManus sacrificed all credibility with police officers when he chose the media over his own Department.

Furthermore, Chief McManus held roundtables with police officers from every shift in the SAPD to discuss Officer Lee's case, again without having any contact or communication with Officer Lee first. In his first and only meeting, Chief McManus attempted to justify his findings of termination to Officer Lee's peers. In the process of this meeting, Chief McManus divulged he took crime scene photos with his personal cell phone to use in his own personal investigation of Officer Lee. This is a direct violation of Department policy as Chief McManus should not have utilized his personal phone to photograph any crime scene. Additionally, Chief McManus failed to disclose this evidence to the investigative team or to Officer Lee's attorney, and kept crime scene information on his personal phone for nearly a month. **IF ANY OTHER POLICE OFFICER WOULD HAVE PHOTOGRAPHED A CRIME SCENE WITH THEIR PERSONAL CELL PHONE, AND WITHHELD THE EVIDENCE, THEY WOULD HAVE BEEN PUNISHED IMMEDIATELY, PLACED ON ADMINISTRATIVE DUTY, INVESTIGATED, AND POSSIBLY CRIMINALLY CHARGED. CHIEF MCMANUS FURTHER ERODED TRUST BY ASSIGNING HIS SUBORDINATES TO CONDUCT THE "INVESTIGATION" OF THIS MISHANDLING OF CRIME SCENE EVIDENCE.** This preferential treatment by the City Manager and by Chief McManus further eroded any trust police officers have in the judgment of the Police Chief. The Chief has proven that the rules do not apply to him, and Sheryl Sculley has demonstrated her lack of leadership by not holding the Chief accountable.

Chief McManus stated Officer Lee may be terminated for a “lack of sound judgment” in the tactical placement of himself and his cruiser upon his arrival on scene. This “lack of sound judgment” does not warrant termination and has never been a standard by which any Police Chief has contemplated termination of any officer in the SAPD prior to this officer involved shooting. Chief McManus is obviously putting political correctness above fairness and due process for his employees.

In addition, Chief McManus punished two Detectives who were in charge of the operation that resulted in Officer Lee arriving on scene. Chief McManus levied punishment on both Detectives that was well beyond any previous level of discipline for the violations they were accused of committing. Specifically, they were punished for not wearing a bulletproof vest. For that, they were offered suspension up to 45 days and/or reassignment. That is an unprecedented punishment for a violation not identified as a standard in Department procedures. The progressive model of discipline that the Chief is always espousing fell by the wayside. Chief McManus was also quoted as saying “*this situation is so screwed up you are not leaving here unscathed*” for the Use of Force incident. Those words clearly show the Police Chief is more concerned with community perception than fair treatment and due process for his police officers.

The fact Chief McManus reversed his decision does not lessen his actions. In fact, it further destroyed the bonds of trust between the rank and file and their Police Chief. The Police Chief went so far as to lobby his police officers via email and video presentation, but only succeeded in further destroying his relationship with the rank and file.

The case of Officer Lee is so egregious that it has resulted in a total loss of respect and trust in Chief McManus.

### **Implementation of Questionable Policing Tactics**

Nationwide we are faced with challenges to law enforcement from multiple directions. The national climate of anti-police rhetoric permeates our political and civil discourse in nearly every community in the country. As a result, many believe there should be a concerted effort to rein in the actions of police officers through additional oversight and policies that inhibit their ability to perform their duties.

Law enforcement is a split second, on the spot, life or death decision making process for anyone wearing a badge. It is through the training and professional aptitude of our police officers that the community remains protected and secure. Any attempt to circumvent officer decision making and discretion with onerous regulations or procedures that limit the implementation of training only serves to place a police officer in greater danger. The community must rethink placing more value on the safety and life of the criminal, than the law enforcement officer and the citizens they protect.

In San Antonio, we have been very fortunate to avoid much of the national issues facing police departments across the country. The SAPD has been at the forefront of hiring, training, and law enforcement for decades. Unfortunately, the last few years have seen an erosion of manpower and morale that is jeopardizing the safety of our community. Furthermore, lowering hiring standards to address manpower shortages is not the answer and this practice will manifest in possible police corruption and misconduct in the future.

There is a concerted effort by certain local elected officials to categorize the SAPD as a Department incapable of change and growth in the name of public safety. SAPD officers are always in favor of common sense and well founded reform and training when needed to correct widely agreed upon problems; but the Chief has failed to communicate effectively what this reform entails and has yet to layout a training program to achieve this reform. Merely mentioning that SAPD is going to follow the guidelines offered by think-tanks like the Police Executive Research Forum (PERF) and programs like 21<sup>st</sup> Century Policing is not substantive reform.

These elected officials are “crying wolf” in the name of their own personal political gain and have absolutely no idea what it takes to keep our community safe. In fact, their own ignorance is creating a self-fulfilling prophecy. They want to enact stringent policies and procedures based on what is happening elsewhere in the country. In doing so, we are seeing a reduction in manpower and a rising level of criminal activity across the City.

Chief McManus has joined this group of elected officials and the City Manager in tying the hands of law enforcement and jeopardizing public safety. They do so by using recommendations and “guiding principles” established by the Obama Administration and the Justice Department. Furthermore, these policies have been adopted and distributed by the Police Executive Research Forum (PERF), a Washington D.C. think tank, as the new methodology for “21<sup>st</sup> Century Policing.”

Here are key facts about PERF:

1. PERF and their recommendations have been roundly dismissed by police departments, police chiefs, and unions, across the country.
2. PERF and their “30 Guiding Principles” begin from a position that law enforcement is out of control across our Nation. It starts from a premise that law enforcement officers are untrustworthy and potentially racist, thoughtless machines.
3. PERF spends more time on the lives, rights, and emotions of the criminal, while leaving out the safety and emotional protection of our police officers and the citizens they serve. It fails to reference any protections for police officers against wrongful accusations from the media or public.
4. PERF is a Washington think tank comprised mainly of academics and advocacy groups. It lacks credibility without the involvement of significant numbers of current police officers from the street, who are doing the tough day to day work of law enforcement.

5. PERF brings a Washington style, advocacy group mentality, to a conversation that is best left to the men and women on the ground in their communities.

Chief McManus has taken PERF recommendations, and without the input or recommendations from his own Department, began direct implementation of these principles that jeopardize the safety and decision making of the SAPD. This has not been followed-up by any training. His appeal to political correctness and media bias has clouded his judgment. His push to implement PERF for the sake of his own professional career growth and reputation has cost him the respect and trust of his police officers.

Here are concrete examples of where the community can see where Chief McManus has implemented PERF recommendations that jeopardize the safety of police officers and the public:

1. As mentioned above, Chief McManus initially attempted to punish Officer John Lee for shooting a wanted felon. In doing so, he held Officer Lee to a higher standard than found in the Supreme Court Case *Graham v. Connor*. PERF, in *Guiding Principle Policy 2*, specifically calls for Departments to adopt policies that **EXCEED** *Graham v. Connor*. His rush to judgment for political correctness began with the PERF mentality guiding his decision making. Once the Chief began to investigate and follow the trail of evidence he backtracked his decision. This public “flip-flop” damaged the credibility of the department, the investigative process, and the Chief’s own credibility.
2. *Guiding Principle 3* of PERF calls for a test of proportionality based on how the general public would view the use of force action. Again, Chief McManus applied this Guiding Principle in attempting to punish Officer Lee for what he described as a “lawful but awful” shooting (“lawful but awful” is PERF terminology). Frankly, the general public should not be the sole determining factor in use of force situations. The general public is not accustomed to violence in law enforcement. It is never a pretty encounter. It is difficult and often times challenging to understand the parameters of implementing force. When civilians attempt to sit in judgment of a use of force situation, it is a completely foreign transaction for them to understand and they do not have a frame of reference to test proportionality of force.
3. Chief McManus has practically and effectively banned chases, *both vehicle and in many circumstances, on foot pursuits*, and shooting at vehicles is strictly prohibited. Imagine a common scenario where an SAPD officer arrives on the scene of a burglary call. He or she sees multiple suspects running out the back door of the home at night. Today’s SAPD policies and procedures essentially **PROHIBIT** the officer from engaging in a pursuit of those suspects on foot, based on the ambiguous “sound judgment” philosophy. If those suspects jumped into a vehicle, SAPD policy **PROHIBITS** a vehicle pursuit of the suspects. If that vehicle is used as a weapon, an SAPD officer would be **PROHIBITED** from shooting at the vehicle. These are direct policies of the SAPD obtained from the recommendations of PERF. The suspects in the scenario mentioned above may very well be escaping a crime scene where a potential deadly crime occurred, but the inability of the officer to engage in a

chase would allow the suspects to escape. Chief McManus has implemented these PERF policies and in the process placed a greater value on the life and safety of the criminal at the expense of officer duty and community safety.

4. Current policies are now, on a daily basis, allowing known and wanted felons to go free from apprehension, when they otherwise would have been regularly apprehended. This is NOT a hypothetical scenario and is regularly being documented in official police reports. These current policies are in direct conflict with the Police Officer's duties under the Texas Code of Criminal Procedures, specifically, article 15.01 as an example.

These are just a few points of implementation that tie the hands of police officers. Much of what PERF recommends and Chief McManus has implemented is subjected to the "sound judgment" measurement. Police officers across this Nation are struggling with the specific metrics of accountability in "sound judgment". It is causing hesitation and slows reaction time when making decisions in the field. Any police officer will tell you hesitation places lives in danger. No police officer should have to consider how the general public would feel about their use of force to subdue a suspect prior to taking action.

The rules of engagement have changed for police officers in the SAPD. They are no longer protectors and they cannot engage without layers of process and procedure inhibiting their training and actions. PERF is removed from reality and it has a utopian view of law enforcement. It isn't realistic. Its unattainable and jeopardizes community safety.

It is deceiving to say that law enforcement has not evolved. Law enforcement has continually evolved over decades to meet the challenges of public safety. In fact, it is much wiser to believe the best practices are those honed in the field, with the participation of rank and file police officers. The SAPD has done this in their own way over the span of decades. PERF is a national problem. It is the wrong solution to issues that most police departments readily embrace in their training. That issue is obvious to all law enforcement professionals: **they must grow and adapt, in their training and policies, to a changing world and a changing criminal element. But that change must come from progressive and visionary leaders who solicit agency input and participation, not from pamphlets and programs written in broad generalities.**

Unfortunately, PERF begins from a standpoint of racial bias and the assumption a police officer doesn't know what they are doing. They do not need PERF to help them do their jobs. In fact, PERF is the problem, not a solution.

## **The Next Steps and Saving the San Antonio Police Department**

The No Confidence vote on Police Chief McManus was the result of actions and policies enacted over years. This vote cannot be traced to any one item or action. In fact, some issues are not the result of direct action by Chief McManus, but a result of the abdication of his responsibilities and duty to protect his police officers. The Chief stood by silently while the Department began crumbling from within and his inaction was a choice, not ignorance.

In fact, this vote is the culmination of many issues:

1. Manpower shortages, directly attributable to City Manager Sheryl Sculley.
2. Overtime and exhaustion.
3. Degradation of morale.
4. PERF and the implementation of policies that endanger the lives of police officers.
5. Lack of support for rank and file officers, directly attributable to the Chief's actions.
6. The punishment of Officer John Lee and two Detectives on scene.
7. The lawsuit against police officers enacted by City Manager Sheryl Sculley.
8. The lack of respect for police officers from the San Antonio City Council.
9. Creation of "style over substance" programs, like the Leadership Initiative, that resulted in nothing despite significant financial and time investments.
10. Technology failures that have cost millions yet remain ineffective (RMS, limited abilities of COBAN, officer check-in program).
11. Lack of a formal mentorship and substantive promotional preparation process.
12. Non-existent succession plans.
13. Questionable hires authorized personally by Chief McManus who he then had to terminate (Steve Gaffigan, Karen Huebner for example).

SAPOA has to be about more than just complaints. We understand that and are committed to ensuring we are part of the solutions to repair the damage done to the Department and its police officers.

SAPOA is convening a working group to craft a detailed plan that highlights actionable steps to correct or mitigate the issues identified in this report. The working group will consist of police officers from across the Department, community leaders, and SAPOA leadership.

We must work together to fix these issues and save our beloved Department. Every police officer who has worn, or is wearing, the badge of the SAPD is heartbroken over the current state of their family and the Department. We love San Antonio. We love the SAPD. We are committed to the community regardless of the state of our current employment.

Under no circumstances will the men and women of the SAPD leave our community behind or in danger. It is our solemn promise and duty to protect each member of our community and we will not fail you.