

Officer Felix Tijerina, #1653
San Antonio Police Department
San Antonio, Texas

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CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT I

2015 MAY 18 AM 11:06

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

LEGAL ADVISOR OFC.
MAY 15 2015
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

Commissioners and Officer Felix Tijerina:

Under and by virtue of the authority vested in me by Title 5, Subtitle A, Chapter 143 of the Local Government Code, V.T.C.S., said chapter entitled "Municipal Civil Service", I do hereby suspend Officer Felix Tijerina from paid duty with the San Antonio Police Department, indefinitely, without pay, from his position as an officer of the San Antonio Police Department, effective immediately.

Officer Tijerina 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 rule violated by Officer Tijerina and ground for suspension is as follows:

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

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

RULE 3.02 - TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth.

RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC: Members shall serve the public through direction, counseling, assistance, and protection of life and property. Members shall also respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment. (C) **CONDUCT AND BEHAVIOR:** Members, on-duty 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.

RULE 3.11 - USE OF INTOXICANTS (B) INTOXICATION: Members shall not at any time be intoxicated while on-duty. Members shall not be intoxicated while in public view. No member, while off-duty, shall drink intoxicating beverages to an extent which renders him unfit to report for duty.

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

1. On or about January 18, 2015, Officer Felix Tijerina was assigned to a half marathon race event at 7:00 a.m. Officer Tijerina failed to appear at roll call and was contacted by Sergeant Steven Markgraff by cell phone. Officer Tijerina told the sergeant he was having car trouble and was on his way in. Officer Tijerina reported to his assignment at approximately 8:20 a.m. but was noticed by Sergeant Richard Gonzalez not to be his normal self. Sergeant Gonzalez observed Officer Tijerina to be unsteady on his feet, swaying from side to side, with bloodshot eyes and slurred speech. Officer Tijerina was ordered to return to his substation and was ordered to undergo a test for the presence of Alcohol. Results of the urine sample given by Officer Tijerina showed that he had tested positive for Ethyl Glucuronide. The breath test given to Officer Tijerina showed a Blood Alcohol Concentration of .136 and .130 while on duty.

2. On or about February 11, 2015, at approximately 7:50 p.m., while off duty, Officer Felix Tijerina collided his personal 2007 Lincoln pickup truck with a parked 2007 Chevrolet Suburban in the parking lot of "Rick's Cabaret," a night club located at 5418 Brewster Street. Officer Tijerina proceeded to flee the scene after the collision. Security video captured at the scene depicts Officer Tijerina leaving the nightclub, entering his vehicle, then driving away, striking the parked Suburban. The valet attendant in the parking lot attempted to contact Officer Tijerina as he drove off, but Officer Tijerina failed to stop.

3. On or about February 11, 2015, off-duty S.A.P.D. officer Felix Tijerina, while at "Rick's Cabaret", a nightclub located at 5418 Brewster Street, ingested intoxicating beverages to the extent which rendered him unfit to report for duty.

4. On or about February 12, 2015, Officer Felix Tijerina was untruthful during a videotaped statement to Sergeant Scott Foulke of the SAPD Traffic Investigations Detail in response to his involvement in a private property hit and run accident when he denied damaging the Chevrolet Suburban in the parking lot of Rick's Cabaret, in the private property accident at 5418 Brewster Street. Officer Tijerina was again untruthful when he told SAPD investigator Detective Michael Moore that the damage to his vehicle was caused by him striking a light pole while in the Little Caesar's Pizza parking lot located on Nacogdoches Road.

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A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

Following separation from the Department, the training requirements to maintain an officer's peace officer's license for the current training cycle and unit are that officer's responsibility. An officer

should refer to the TCOLE website <http://www.tcole.texas.gov/content/training-requirements> for further information and to establish a TCOLE account to review current training records.

A. Treviño
ANTHONY L. TREVIÑO, JR., CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

5/15/15
DATE

On this 15 day of May, 2015, I hereby acknowledge receipt of the original of the foregoing indefinite 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 Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association.

Felix Tijerina
OFFICER FELIX TIJERINA, #1653
SAN ANTONIO POLICE DEPARTMENT

5:15, 2015
DATE TIME

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WITNESSED BY:
[Signature] 4015 DATE: 5-15-15 TIME: 1530
[Signature] 3272 DATE: 5.15.15 TIME: 1530

FILED on this the 18 day of May, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.

Gloria D. Ramirez
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION