

Officer Juan M. Delgado, #0190
San Antonio Police Department
San Antonio, Texas

RECEIVED
CITY OF SAN ANTONIO
LEGAL ADVISOR'S OFFICE

2016 FEB 24 AM 9:53

LEGAL ADVISOR'S OFFICE
FEB 23 2016
SAN ANTONIO POLICE DEPARTMENT

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

Commissioners and Officer Juan M. Delgado:

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 Juan M. Delgado 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 Delgado 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 Delgado 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 Delgado has violated are as follows:

RULE 3.03 - OBEY LAWFUL ORDERS: Members shall promptly and willingly obey all lawful orders and directions given by supervisory officers and shall comply with instructions given by the police dispatcher. (A) **INSUBORDINATION:** Defying the authority of any supervisory officer by obvious disrespect, disputing orders, failure and/or deliberate refusal to obey any lawful order given by them shall be deemed insubordination.

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-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.

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

On or about September 4, 2015, Officer Juan M. Delgado posted a photograph on his Facebook Page, accessible to the public, that brought discredit and reproach on himself and the San Antonio Police Department. The post depicts Officer Delgado in a night-time setting apparently pointing a firearm at a home while dressed in his San Antonio

Police Department patrol uniform. The caption on the photo reads, "ONE WEEK THEY LOVE ME NEXT WEEK THEY HATE ME. BOTH WEEKS I GOT PAID..."

On or about September 9, 2015, Officer Juan M. Delgado made comments regarding the Public Post of a photograph on his Facebook Page (with the caption on the photo that read, "ONE WEEK THEY LOVE ME NEXT WEEK THEY HATE ME. BOTH WEEKS I GOT PAID...") that brought discredit and reproach on himself and the San Antonio Police Department. The comments were between Officer Delgado and other SAPD officers and are duplicated below to show context:

Bernardo Torres Except that week u were suspended.
September 4 at 11:17am

Mario Moreno Wow!!
September 4 at 11:25am

Juan Delgado Lmfao... Dick (Bernardo Torres)... You know I thought bout that the two weeks I was Laying out on he beach in Hawaii for two weeks ...

September 4 at 11:51am

Bernardo Torres Hahaha good times
September 4 at 12:08pm

Ron Saymyname Graul They have free porn on the internet nowadays man. No need to look in Windows.

September 4 at 12:44pm

Eddie Beltran This is the stupidest shit I've ever seend!
September 9 at 10:07am

Rich Jaimes Somebody has to go there ..I'll feel free .. Who paid you when you were fired !! Eeeeeeeee gatcho

September 9 at 11:28am

Juan Delgado The same mutha fuckers that paid me when I was in Hawaii for two weeks bitch....

September 9 at 11:49am

On or about November 3, 2015, Officer Juan M. Delgado responded to a major accident located at the 6600 block of NW Loop 410. While sitting in his patrol vehicle blocking lanes of traffic, Officer Delgado was advised by Sergeant Mark Hubbard to "Get out and direct traffic." Officer Delgado responded, "For what? Run traffic for what?" The conversation escalated when Officer Delgado took it upon himself to exit his vehicle and approach Sergeant Hubbard in an intimidating manner.

2016 FEB 24 AM 9:53

RECEIVED
OFFICE OF SAN ANTONIO
POLICE DEPARTMENT
PROPERTY

Sergeant Hubbard reported Officer Delgado said, "If you have something to say...Don't yell at me like I'm some kid!" In addition, Officer Delgado put his right hand on Sergeant Hubbard's chest during the confrontation. Sergeant Hubbard forewarned Officer Delgado to remove his hand and when Officer Delgado did not comply, Sergeant Hubbard responded by pushing Officer Delgado's hand away. Officer Delgado's act of aggression and demeanor toward a supervisory officer, in the presence of fellow officers and potential public onlookers, brought discredit and reproach upon himself and the San Antonio Police Department.


On or about November 6, 2015, Officer Juan Delgado was placed on Administrative Duty via an Interoffice Correspondence. The Interoffice Correspondence was addressed to Officer Delgado through his chain of command and was issued by Deputy Chief Jeff Humphrey. The Interoffice Correspondence directed Officer Delgado to begin reporting for duty with the Research and Planning Unit and it prohibited him from engaging in any off-duty or outside employment. Officer Delgado continued to work an off-duty job after being placed on Administrative Duty and worked on the following dates:

Nov. 8, 2015	Nov. 24, 2015	Dec. 8, 2015
Nov. 10, 2015	Nov. 25, 2015	Dec. 9, 2015
Nov. 11, 2015	Nov. 29, 2015	Dec. 13, 2015
Nov. 15, 2015	Dec. 6, 2015	Dec. 15, 2015
Nov. 22, 2015	Dec. 7, 2015	

Officer Delgado failed to obey a lawful order by continuing to work an off-duty job after being directed not to do so.

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.

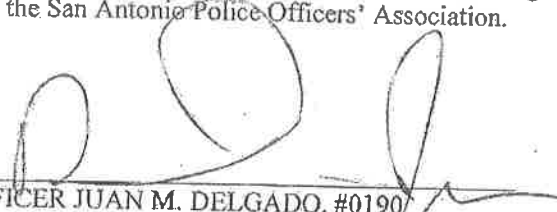

WILLIAM P. MCMANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

FEB 23 2016
DATE

On this 23 day of Feb, 2016, 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

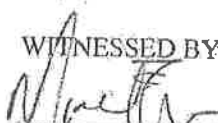
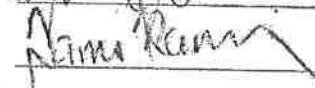
RECEIVED
CITY OF SAN ANTONIO
POLICE DEPARTMENT
2016 FEB 24 AM 9:53

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.


OFFICER JUAN M. DELGADO, #0190
SAN ANTONIO POLICE DEPARTMENT

2/23/, 2016
DATE TIME

WITNESSED BY:

 DATE: 2/23/16 TIME: 1550 hrs
 DATE: 02/23/2016 TIME: 1550 hours

FILED on this the 24 day of February, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

RECEIVED
CITY OF SAN ANTONIO
FIRE FIGHTERS' AND
POLICE OFFICERS' C.S.C.
2016 FEB 24 AM 9:53