

Detective Jose Riojas III, #2585
San Antonio Police Department
San Antonio, Texas

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

CITY OF
SAN ANTONIO HR
APR 6 '18 11:01AM

AGREED SUSPENSION

Commissioners and Detective Jose Riojas III:

WHEREAS, Detective Jose Riojas III, 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 26, 2018, with a one-day contemplated suspension; and

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

WHEREAS, Detective Riojas and his captain, Randall Smith, have agreed and Chief McManus has approved of settling this matter with a one-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Detective Riojas shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on May 3, 2018, and ending on May 3, 2018. Detective Riojas 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 Riojas 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 Riojas 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 Riojas has violated are as follows:

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.

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

LEGAL ADVISOR'S OFFICE
APR 06 2018
SAN ANTONIO POLICE DEPARTMENT

On or about February 3, 2018, Detective Jose Riojas III responded to a local middle school for a sexual assault report. Throughout the call, Detective Riojas used several different profane words when speaking with the juvenile victim and the school counselor. The language was found to be inappropriate given the context of the call.

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

AGREED TO BY:

[Signature]

WILLIAM P. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

MAR 30 2018

DATE

[Signature] #2585

DETECTIVE JOSE RIOJAS III, #2585
SAN ANTONIO POLICE DEPARTMENT

04/05/18

DATE

9:26a

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 the instant 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.

[Signature] #2585

DETECTIVE JOSE RIOJAS III, #2585
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] #3240

TIME: 0929 hrs

DATE: 04.05.18

[Signature] Campos 4010

TIME: 0929

DATE: 4.5.18

FILED on this the 6th day of April, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature]

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