

**Municipal Court
City of Tulia, Texas
127 S.W. 2nd, Suite 300
P.O. Box 847
Tulia, Texas 79088**

In the name and by the authority of the State of Texas:

Oath of Office

I, Benjamin Rojas , do solemnly swear or affirm that I will faithfully execute the duties of the office of Police Officer, City of Tulia and of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.



Affiant

Sworn to and subscribed before me by affiant on this 11th day of April, 2022.



Michael T. Allison

Municipal Court Judge





Tulia Police Department

Unity, Honor, Integrity

201 N Maxwell Avenue, Tulia, Texas 79088

806-995-3555 Fax 806-995-2222

Brandon Franco Chief of Police



To: Chief Brandon Franco

From: Benjamin Rojas

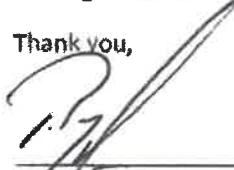
Re: Resignation Letter

This letter is being provided to you as a letter of resignation; effective two weeks from October 31, 2022.

I want to thank you; I was fortunate to have been given an opportunity to work with professionals at the Tulia Police Department, which includes, instructing me and allowing me the opportunity to grow and learn in becoming a successful police officer. Your guidance and support have equipped me with valuable skills and experience.

Please let me know how I can be of assistance during the transition period. I wish you and the department the very best moving forward. It has been an honor serving the great citizens of Tulia, Texas.

Thank you,



Benjamin Rojas
Patrolman
Tulia Police Department
806-995-3555
b.rojas@tullapd.org





U.S. Department of Transportation
Federal Highway Administration



CERTIFICATE OF TRAINING

Benjamin Rojas

has participated in

NHI Course No. FHWA-NHI-133119

**Safe and Effective Use of Law Enforcement Personnel in Work Zones -
WEB-BASED**

Hosted by: National Highway Institute

Location: *Web-Based Course*

Hours of Instruction: *2 hours*

Date: 8/27/2022

Thomas Harman

Thomas Harman, Director
National Highway Institute



Tulia Police Department

Unity, Honor, Integrity

201 N Maxwell Avenue, Tulia, Texas 79088

806-995-3555 Fax 806-995-2222

Brandon Franco Chief of Police



To: K. Solomon, Human Resources

From: Assistant Chief Paul Brown

Re: Officer Ben Rojas - Termination

Kristina,

On 11-11-2022 Officer Benjamin Rojas was terminated from the Tulia Police Department for inappropriate conduct and dishonesty. Officer Rojas was scheduled to work 80 hrs this pay-period. However, due to his termination, Officer Rojas only worked a total of 50 hrs. This pay-period will close out Officer Rojas' employment with The City of Tulia. He has turned in all equipment, badge and department identification.

Thank you,

Paul Brown
Assistant Chief of Police
Tulia Police Department
806-995-3555
p.brown@tuliapd.org

City of Tulia

Personnel Change of Status

Date: 11/15/2022

To: Personnel Director

Request is hereby submitted for a change of status as indicated for:



BEN ROJAS

Type of action:

- 1 Vacation
- 2 Sick Leave
- 3 Leave Without Pay
- 4 Holiday
- 5 Emergency Leave
- 6 Salary Increase
- 7 Salary Decrease
- 8 Promotion
- 9 Transfer

- 10 Demotion
- 11 Comp. Time
- 12 New Employee
- 13 Cell Phone Stipend
- 14 Translator Pay
- 15 Certificate Pay
- 16 Resigned
- 17 Terminated
- 17 Other

X

Department: **POLICE**

To: _____

Position: **PATROL**

To: _____

Rate: _____

To: _____

Effective Date: **11/14/2022**

Reason For

Action: **BEN WAS TERMINATED EFFECTIVE 11/14/2022. PLEASE PAY ANY**

AND ALL TIME OWED.

Approved



Tulia Police Department

GARRITY WARNING

You are required to respond to all questions asked of you in this administrative investigation. Further, you are required to assist investigators with any information they should request. If you fail or refuse to forthrightly answer any and all questions asked, you may be subject to disciplinary action up to and including termination from employment with City of Tulia Police Department.

However, in accordance with the United States Supreme Court's decision in *Garrity v. New Jersey*, 385 U.S. 493 (1967); your statement, as well as any information gained through your statement cannot be used against you in any criminal proceeding.

You are further ordered not to discuss this internal investigation with anyone other than your chain of command or attorney, including but not limited to witnesses or prospective witnesses. A violation of this order will be considered an act of insubordination, which could result in disciplinary action against you up to and including termination from employment with the City of Tulia Police Department.

Your signature below declares that you have read and understood this warning prior to the initiation of any investigatory interrogation.

Signed this 11 day of November, 2022



Officer's Signature

Benjamin Ryan

Officer's Printed Name



Investigator's Signature

T. Brown

Investigator's Printed Name



TULIA POLICE DEPARTMENT PROGRESSIVE DISCIPLINARY ACTION FORM

Officer Name: Benjamin Rojas ID # 732 Date: 11.9.2022

Supervisor Name: Ernesto Amaya ID# 731

Reason for Counseling:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Policy Violation | <input type="checkbox"/> Tardiness |
| <input checked="" type="checkbox"/> Citizen Complaint | <input type="checkbox"/> Report Writing |
| <input type="checkbox"/> Internal Complaint | <input type="checkbox"/> Insubordination |

Date of Counseling: 11/10/2022

Type of Counseling:

- | | |
|--|--|
| <input type="checkbox"/> Verbal Counseling | <input checked="" type="checkbox"/> Written Counseling |
|--|--|

Details of Complaint:

On 11-9-2022, I was notified by Sheriff Schmalzried of a complaint against a Tulia PD Officer. Sheriff Schmalzried informed me that he was on the way to Kress to speak with a complainant who was alleging that Officer Ben Rojas had sent two separate requests for nude photographs to a juvenile, who attends Kress High School. The initial concern was that Officer Rojas works in the school as a security officer through an agreement with KISD and Tulia Police Department. Officer Rojas also works as a substitute teacher for KISD. The primary concern however is the age of the student and in what context the messages were sent. ****SEE ATTACHED MEMO FOR FURTHER****

Recommendation for Improvement:

Officer Rojas must, if he wishes to continue a career in law enforcement, keep his personal life as clear and reputable as his professional life. All of Officer Rojas' disciplinary issues have been the result of problems emanating from his personal life. Second, we all make mistakes. However, in law enforcement it is crucial that we are 100% honest when confronted about those mistakes. It is also important that officers do not repeat the same behavior. I feel that Officer Rojas continues to make poor personal life choices that directly impact his credibility as a police officer. Although Officer Rojas eventually admitted to providing the vape pen in this investigation, initially he denied it. Not only did he deny providing the vape, Officer Rojas confirmed that he knew it was wrong and gave that as his reason for not providing the vape. Officer Rojas needs to do major personal integrity adjustments before he re-considers a career in law enforcement.



Tulia Police Department

Unity, Honor, Integrity

201 N Macawell Avenue, Tulia, Texas 79088

806-995-3555 Fax 806-995-2222

Brandon Franco Chief of Police



To: Chief Brandon Franco
From: Asst. Chief Paul Brown
Re: Officer Ben Rojas IA Complaint 22-03
11-10-2022

Continuation from Progressive Disciplinary Form:

Through Sheriff's Schmalzried's investigation, I learned that Officer Rojas began a Snapchat conversation with [REDACTED]. [REDACTED] is currently a senior at Kress High School and is 18 years of age. [REDACTED] states that she added Officer Rojas to her snap in late September after his request. Initially Officer Rojas told [REDACTED] that he and his [REDACTED] were having problems and looking to separate. Over time, Officer Rojas became flirtatious with [REDACTED] and in October of this year, sent a request to [REDACTED] for her to share nude photographs. [REDACTED] stated that she refused to send Officer Rojas nude pictures of herself. He then asked if she vaped. [REDACTED] does vape; however, is not of the legal age to purchase vapes. Officer Rojas asked [REDACTED] if he could purchase vapes for her. She stated yes, and asked how much they were, so she could give him the money or pay him back. Officer Rojas told her not to worry about the cost. According to [REDACTED] Officer Rojas provided her with the vape at school while he was substitute teaching.

A short time after the vape incident, Officer Rojas requested nude pictured from [REDACTED] a second time. [REDACTED] stated that she refused and deleted him from her account. She has since seen Officer Rojas at school events. However, other than saying hello in passing, Officer Rojas acts as if nothing ever happened. [REDACTED] was asked to describe Officer Rojas' Snap account profile. She described his avatar with red shirt, black hair, and sunglasses. [REDACTED] was not aware of Rojas' username. Having Officer Rojas on my snap account, I was able to confirm that his Avatar is exactly how [REDACTED] described and his username is texican732.

[REDACTED] told Sheriff Schmalzried that she did not tell anyone about Officer Rojas' conversation. [REDACTED] stated that her parents found out that she was vaping and made her delete Snap Chat account. When I inquired how this information got out, Sheriff Schmalzried informed me that he spoke to [REDACTED]. [REDACTED] is an adult and knows [REDACTED] mother. [REDACTED] had heard "through the grape vine" that a substitute teacher was having inappropriate communications with a student or students. [REDACTED] learned that the teacher was Ben Rojas and that he had possibly been having inappropriate communication with [REDACTED]. This is what lead [REDACTED] to contact [REDACTED] mother, and what led to the [REDACTED] contacting the Sheriff's Office. Sheriff Schmalzried will be meeting with [REDACTED] on 11-10-22 or 11-11-22 to gather additional information.

On 11-11-2022, I met with Officer Rojas and made him aware of the complaint that had been made against him. I then provided him with a Garrity Warnings. Rojas read over them and signed that he received the Garrity Warnings. Due to a previous issue with honesty, I made it clear to Officer Rojas that he needed to be 100% honest with me. Officer Rojas stated that he understood. I then told Officer Rojas that a complaint had been made that he requested nude photographs from a Kress High School student and purchased a vape for her. Officer Rojas stated that he never requested nudes. He then told me that he did not purchase a vape for [REDACTED] because he knew that he could get into



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Brandon Franco Chief of Police



big trouble for that. I then clarified this statement by asking why a student would make these accusations. Then confirmed with him that he did not purchase a vape or request nudes. Officer Rojas confirmed this.

Chief Franco was present during this interview. Chief Franco informed Officer Rojas that this case started with the potential of criminal charges. Chief Franco advised Officer Rojas that we were looking to have a polygraph administered through DPS / Texas Rangers. Shortly after this, Officer Rojas made the statement that "now that I am thinking about it" I did purchase a vape for [REDACTED] Officer Rojas told me that [REDACTED] had requested that he purchase a vape for her numerous times. He finally broke down and purchased the vape in hopes that she would stop asking.

I asked Officer Rojas if now that this specific incident was going to be public, would there be any other complaints coming out. He stated no. I then reaffirmed with Officer Rojas that he never requested nudes from [REDACTED] and to the best of his recollection only purchased a vape one time. He stated yes. I then had Officer Rojas provide a written statement giving his account of what happened. Officer Rojas provided me his written and signed statement. It will be included with this packet.

Based on previous documentation for violating Chapter three of department policy (officer Conduct) and for being dishonest, I do not feel that Officer Rojas can continue to represent the department in any manner. Purchasing a vape for a minor is a criminal offense. By Officer Rojas choosing to purchase the vape for [REDACTED] a minor under the age of 21, he has deteriorated the trust given to us by the public to conduct himself in a professional and legal manor. By Officer Rojas initially denying the purchase of the vape, after being cautioned about being dishonest, I felt that Officer Rojas is no longer credible. This will impact his standing with the County Attorney's Office, the Department, and the public. For these reasons, it is my recommendation that Officer Rojas be terminated from the Tulia Police Department immediately. Due to the reason behind my recommendation, I also recommend that Officer Rojas receive a dishonorable discharge for his TCOLE F-5 statement.

Thank you,

Paul Brown

Assistant Chief of Police



Tulia Police Department

Unity, Honor, Integrity

201 N Maxwell Avenue, Tulia, Texas 79038

806-995-3555 Fax 806-995-2222

Brandon Franco Chief of Police



To: Police Chief; Brandon Franco

From: Benjamin Rojas

Re:

I Benjamin Rojas, cannot recall for sure the exact date, I happened to be glancing through Snapchat and seen a name I thought I recognized. The name of the individual identified as [REDACTED] Mutual conversation began amongst us. I did express some personal issues that were occurring at home, I have made the comment of splitting up with my [REDACTED] made a comment about vaping at one point during the conversation, and I advised her it would be wrong of me if I provided this to her. After multiple times of her saying she needed nicotine, I made the decision to purchase the vape thinking if doing so I would not be asked again. I do not recall when I delivered the item to her, but I did not make any physical contact with her and remained in my vehicle. [REDACTED] has also made points as to her needing more nicotine and she ran out; I did not make another purchase for her. The conversation continued; It was brought to my attention that there was a comment made that I have requested nude photographs from [REDACTED] and I did not request any nude photographs of her. I have seen [REDACTED] at numerous sporting events in Kress and have said hello and went about my way. There have also been numerous times when I am walking alone and [REDACTED] attempts to trip me as I am walking, or punches me in the arm jokingly, while I am a spectator to the sporting event. I have stopped all communication before knowing about this incident and have unfriended and blocked her.

Thank you,

Benjamin Rojas

Brandon Franco
Chief of Police
Tulia Police Department
806-995-3555
b.franco@tuliapd.org

Activated SC account middle of September 2nd week of school
Sent Friend request to [REDACTED] around her birthday weekend

- Started out very basic - that lasted approx 1 1/2 weeks
- started telling her about family issues / not being happy.
- told this to [REDACTED] multiple times - more than once
- Became flirty w/ [REDACTED] (ie calling her cute, compliments...
 - tried to get her to flirt - she wouldn't respond
- He asked if she vaped - asked if you wanted a vape
- He delivered a white/purple vape to her after school when he had been sub teaching [REDACTED] offered to pay and he declined payment. - Didn't tell her what it cost.
- + Asked for nudes the second time - then she booted him from Snap. Unadded & blocked him
- Never offered alcohol & never asked for alcohol
- Saw him at football game last Friday - playing Springlake-Eucita - He said "Hi" - Never made physical contact w/ her.

Initially asked for nudes prior to giving her the vape.
She knows he wanted naked pictures but doesn't remember how he exactly asked for them. She told him "No"

Red shirt/dark hair/sunglasses - Avatar description.

Ben Rojas - was the name she was not aware of his Username.

His UN - Ben Rojas UN SC -

- texican732 PW -

Email -

Blocked around 2nd week of October -

No additional electronic communication after she blocked him

(Amy - 13mar)

Email -



Icloud Account



██████ didn't talk to anyone about the snaps that she received from Raia. No friends or adults -

- ██████ felt grossed out because he was an adult.
- "I just wanted to forget"
- Ben has been her sub twice in science/english while still snap chatting before he was blocked.
- Parents made her delete app for vaping.
- End of Sept./beginning of October for vape pen.
- Fellow students texted old phone # asking to buy the vape pen.

[REDACTED]

Beginning of October added on Snapchat:

- Asked for notes (x1)
- Asked for notes (x2)
- 18 year old female
- Had Snapchat for 1 1/2 months
-

[REDACTED]

UN-Snap-

+

+

[REDACTED]

[REDACTED] got phone call [REDACTED] about Ben having a situation w/ a student.

[REDACTED] called [REDACTED] 11-8-22 and said

Ben stated he messed up.



Tulia Police Department

Honor, Unity, Integrity

201 North Maxwell Avenue

Tulia, Texas 79088

806.995.3555 Fax 806.995.2222



October 6th, 2022

Asst. Chief Brown

I have received information regarding Officer Rojas. As you know Officer Rojas and I both substitute teach at Kress ISD. I have received information from school staff member and a student that Officer Rojas claims to be getting into situations at work that have some truth to it but when told by Officer Rojas, the story is embellished or exaggerated to seem like it was more exciting. For example, using force or making it seem as if the subject in question was "resisting," when the case they referred to was an agency assist and there was no force used. They also asked if we at the police department get enough sleep, this was regarding our schedule. The student stated that he heard Rojas mention that he did not get enough sleep due to working 48 hours. I advised the student that I get anywhere from 6-8 hours of sleep and that all our officers should be getting 8 hours of sleep. This type of information if interpreted incorrectly or relayed to the wrong person could reflect negatively on the Tulia Police Department. I do not believe it was Officer Rojas's intention to negatively impact the department however, advising the public of sleep issues could cause a negative public perception. If Officer Rojas has issues sleeping or feels as if he is not getting enough sleep time allocated during his 48-hour work cycle, we as supervisors will make sure he is given 8 hours off each 24-hour period.

Respectfully,

Garrett Golden
Patrol Sergeant
Tulia Police Department



Tulia Police Department Progressive Disciplinary Action Form

Date:	10-8-2022	Employee Name:	Benjamin Rojas	Date of Hire	4-16-2022
Department:	Police	Employee ID#:	732		
Supervisor:	Sgt. E. Amaya	Supervisor ID#:	731		

Action Taken

Date of Counseling: 10-8-2022

Verbal Counseling (For departmental use only, not to be included in Personnel Record)

Written Counseling (File will be kept in employee's department file for minimum time required by TCOLE)

Recommendation for suspension without pay (number of days will be documented in action taken block)

Recommendation for Termination

Reason for Counseling:

See attached Memo.

Recommendation for Improvement:

Action Taken:

Employee Comments/Remarks:

Employee note: Failure to improve conduct and/or further violation of policy will result in additional disciplinary action, up to and including discharge. Signing this counseling form does not indicate your agreement with this record but indicates that you have reviewed the content herein.

Employee Signature: *[Signature]* Date: 10/8/22

Supervisor Signature: *[Signature]* Date: 10-8-22

Chief of Police Signature: _____ Date: _____



Tulia Police Department Progressive Disciplinary Action Form

Date:	7-20-22	Employee Name:	Ben Rojas	Date of Hire	
Department:	Police	Employee ID#:	7732		
Supervisor:	E. Amaya	Supervisor ID#:	7731		

Action Taken

Date of Counseling: 7-20-2022

Verbal Counseling (For departmental use only, not to be included in Personnel Record)

Written Counseling (File will be kept in employee's department file for 6 months)

Recommendation for suspension without pay (number of days will be documented in action taken block)

Recommendation for Termination

Reason for Counseling:

On 7-19-2022, Officer Rojas called Asst. Chief Brown and requested to attend a mandatory training session on 7-20, rather than 7-19. Officer Rojas stated that his [redacted] had a meeting and he needed to watch [redacted] in speaking with Sgt. Amaya. I learned that Officer Rojas had requested time off to BBQ ribs. Sgt. Amaya had given permission for Officer Rojas to attend training on the 20th opposed to the 19th.

Recommendation for Improvement:

Integrity is paramount in the law enforcement profession. Even "little white" lies can be detrimental to an officer's career and credibility. Officer Rojas has been questioned previously regarding conduct. Now his answers are in question, and his credibility within the department is damaged. Officer Rojas will tell the truth in all circumstances.

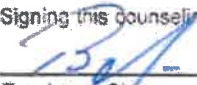

Action Taken:

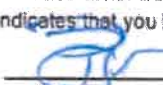
Officer Rojas will receive a letter of counseling. This letter will remain with the Assistant Chief, and not be placed into his personnel file. If Officer Rojas is found to be less than 100% truthful in the future, Assistant Chief Brown has informed Officer Rojas that his recommendation will be termination.

Employee Comments/Remarks:

I made a mistake and used poor judgement. I will learn from this and not repeat this action.

Employee note: Failure to improve conduct and/or further violation of policy will result in additional disciplinary action, up to and including discharge. Signing this counseling form does not indicate your agreement with this record but indicates that you have reviewed the content herein.


 Employee Signature _____ Date 7/21/22

 Supervisor _____ Date 7/21/2022


 Chief of Police Signature _____ Date 7-21-22