

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING JANUARY 27, 1976

The special meeting of the Civil Service Board was called to order by Acting President Ronald Wright at 2:25 p.m. in the Personnel Department Conference Room, 801 Ninth Street.

Present: Oreitha Eggleston-Hausey, Alba Kuchman, Ronald Wright, Jimmie Yee.
Absent: Wilfred Street.

HEARING TO APPEAL DISCIPLINARY ACTION (TERMINATION)

Robert D. Brill, Police Officer

Robert D. Brill, Police Officer, received a termination letter, effective April 24, 1975, from Chief of Police William J. Kinney dated April 23, 1975. The termination was based on violation of Civil Service Rules and Regulations 17.5(b) incompetency, (c) inefficiency, (e) insubordination, (o) discourteous treatment of the public or of other employees, (q) willful disobedience, and (v) any other failure of good behavior or acts either during or outside of duty hours which are incompatible with or inimical to the City service, or violation of any of the provisions of the City Charter or of these rules relating to conduct in office of persons in the classified service; Sacramento Police Department Rules and Regulations 31.14, Dereliction of Duty; 31.32, Respect between Rank; 32.26, Submission of Report; 32.42, Sleeping on Duty; 36.02, Impartial Attitudes by a Police Officer; 37.02, Police Action based on Legal Justification; and 37.22, Treatment of Prisoners; and conduct unbecoming an officer and misuse of City time.

By letter dated April 28, 1975, Robert D. Brill appealed the letter of termination.

Attorney Melvyn CoBen represented appellant Robert D. Brill; Deputy City Attorney Leliand Savage represented the City of Sacramento. Captain Michael O'Kane was present in an advisory capacity from the Sacramento Police Department.

Opening statements were made by Deputy City Attorney Leliand Savage and Attorney Melvyn CoBen.

Captain Jerry Finney, Sacramento Police Department, testified on behalf of the City of Sacramento during the entire time on this date.

The following exhibits were marked for identification only and submitted to the Board for reference. Both attorneys stipulated as to their contents.

EXHIBITS

DESCRIPTION

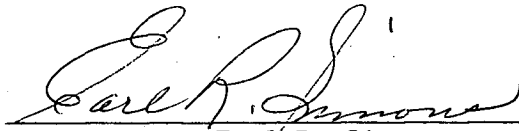
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| A | Letter of termination dated April 23, 1975, from Chief of Police William J. Kinney to Robert D. Brill, Police Officer, and the stipulation by both attorneys regarding the issues of the termination. |
| B | Penal Code 835a. Use of force to effect arrest, prevent escape, or overcome resistance. |

Margaret Kamada

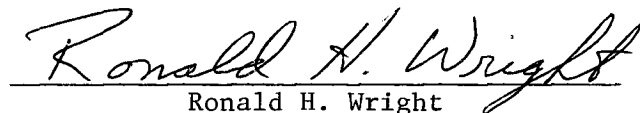
The following exhibits were submitted as evidence during the hearing:

| <u>CITY</u> <u>EXHIBIT</u> | <u>DESCRIPTION</u> |
|-------------------------------|--|
| #1 | Letter of suspension dated March 27, 1973, from Chief of Police William J. Kinney to Robert D. Brill, Police Officer. |
| #2 | Letter dated March 30, 1973, from Robert D. Brill, Police Officer, to Chief of Police William J. Kinney. |
| #3 - #8 | Rules and Regulations of the Sacramento Police Department as follows: 31.14, 31.32, 32.26, 32.42, 37.02, and 37.22. |
| #9 | Statement dated February 12, 1975, written by Robert D. Brill, Police Officer, as requested by Sergeant Youngblood of the Internal Investigation Section (IIS) about the Gerald Todd incident. |

Continuation of Mr. Brill's hearing will be held on February 3, 1976. The hearing on this date was adjourned at 6:30 p.m.



Earl R. Simons
Acting Secretary



Ronald H. Wright
Acting President