

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING DECEMBER 12, 1972

Continuation of the hearing was called to order by President Joseph Yew at 1:30 p.m. in the Personnel Department Examination and Conference Room.

Present: Members Alexander, Street, Woods, Yew.

Absent: Member Reynoso.

HEARING OF PETITION FOR REINSTATEMENT FOLLOWING RESIGNATION

Gary Noblett, former Patrolman (continuation from 11/28/72 and 12/5/72)

As before, each witness was sworn in by Secretary Danielson prior to his giving testimony.

Lt. William McKenzie was called by Mr. Liebert. Deputy City Attorney Brown questioned Lt. McKenzie concerning his acquaintance with and knowledge of Gary Noblett. Lt. McKenzie presented to the Board his memorandum to Chief Kinney dated December 7, 1972, which explained the reasons for his writing an evaluation letter for Officer Noblett at the time of Officer Noblett's resignation from the Police Department (City Exhibit #8).

Mr. Ray Dehner, former Chief of Police of the Sacramento Police Department, was sworn in. Chief Dehner described the events which took place from the time he first became aware of the suspected use of narcotics by police officers to the time of the resignations of Officers Moore and Noya. He stated that Gary Noblett, together with Chief of Detectives Jack Kearns and Sergeant Arthur Stanley, was to investigate the case. Chief Dehner stated that Officer Noblett indicated to him that he did not want to testify if and when evidence was obtained, and it was agreed that the investigation would be held in the strictest confidence and Officer Noblett's name would not be revealed.

When purchase of marijuana was actually made and evidence was in hand, Chief Dehner, Chief Kearns, and Sgt. Stanley decided that, because the witness was unwilling to testify, the case could not be submitted to the District Attorney's office. It was decided to request Officers Moore and Noya to resign in order to get the two officers off the streets as soon as possible.

Concerning the missing tape recordings and reports, Chief Dehner stated that the Fargo Unit recording made during the undercover investigation by Officer Noblett was not discernible and that he did receive several reports from Lt. Robbie Waters and from Officer Noblett which he kept in his personal confidential file. He further stated that at the time of his own resignation, approximately ten months later, he had discarded the recording and the reports because he felt that there was no further use for them.

Chief Dehner stated that he had made a commitment to Officer Noblett that Officer Noblett's name would never be revealed and, therefore, no attempt had been made to clear his name. Chief Dehner also stated that Mr. Noblett had never approached him with the request to inform the Police Department of his undercover work and to clear the air for him.

Deputy Chief Jack Kearns was sworn in. Questions were asked of Chief Kearns regarding his participation in the undercover investigation. Chief Kearns described the activities which took place during the investigation which resulted in the subsequent resignations of Officers Moore and Noya. Chief Kearns stated that he was told that Officer Noblett's name was not to be revealed; that Sgt. Stanley, Officer Noblett, and himself were to conduct the investigation, and Officer Noblett was to remain anonymous. Chief Kearns stated that Officer Noblett had not requested him to assist in clearing his name.

Sgt. James Tinker was called to testify on the care of the Fargo Unit equipment and to relate the effectiveness of the Fargo Unit.

Sgt. Arthur Stanley was called by Mr. Liebert to testify on his participation in the undercover investigation. Sgt. Stanley stated that he had 24 years of service in the Police Department and is currently in charge of the Narcotics Unit. Sgt. Stanley explained to the Board that buys must be made prior to making an arrest, and, although evidence was in hand, with Officer Noblett being an unwilling witness, the City did not have a case to take to the District Attorney. St. Stanley stated that he was not approached by Gary Noblett concerning assistance in clearing Mr. Noblett's name.

Lt. Robbie Waters was sworn in by the Secretary and questioned by Mr. Liebert. Lt. Waters reported on how he first heard about the suspected use of narcotics by police officers when Officer Noblett had confided this information to him; that he had reported this to the then Police Chief Dehner; that Chief Dehner then requested Officer Noblett to do undercover work in the investigation. Lt. Waters also told of the rumors which prevailed following the resignations of the two officers.

Mr. Richard Noya was then called by Attorney Liebert and sworn in by the Secretary. Mr. Noya related to the Board his acquaintance with Gary Noblett and the ensuing activities which took place at the Moore-Noya house. Mr. Noya denied selling marijuana or other drugs to Officer Noblett.

Police Chief William J. Kinney was sworn in. Chief Kinney reported that he was the Deputy Chief in charge of the Headquarters Division at the time of this incident. He was not involved except for the paper work upon the resignations of Officers Moore and Noya. Chief Kinney also touched on the complaints received by the Police Department from Officer Noblett's neighbors concerning loud disturbances at Officer Noblett's house and on the hair issue concerning Officer Noblett when he returned to work with his hair longer than recommended for police officers following his leave due to an injury sustained in 1971. Following Officer Noblett's resignation, a letter of recommendation was written by Chief Guthrie for Chief Kinney's signature, about which Chief Kinney was questioned by Attorneys Virga and Long. Board member Woods requested Chief Kinney to express his specific reason for not recommending the reinstatement of Mr. Noblett as Patrolman.

Prior to the witnesses being excused, questions were directed to them, respectively, by appellant's co-counsel, Attorney Brown, and Board members.

Duane Wilson, Police Science instructor at City College, appeared to rebut the allegation that he had given grades to Gary Noblett without Mr. Noblett's attending classes.

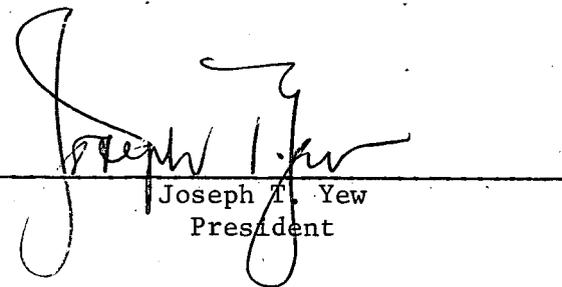
John Smith, employed by Sacramento County Public Defender's Office, was called by Attorney Virga to testify concerning the lie detector test given by him to Gary Noblett. Attorney Liebert objected to the introduction of new evidence, and the Board upheld this objection. The Board members stated that sufficient evidence and information had already been introduced for them to arrive at a decision. Mr. Smith was then excused.

Closing arguments were presented by Attorney John Virga and by Attorney John Liebert. The Board then took the matter under submission for final consideration at a later date.

The hearing was concluded and the meeting was adjourned at 2:30 a.m., December 13, 1972.



William F. Danielson
Secretary



Joseph T. Yew
President