

MINUTES OF CIVIL SERVICE BOARD  
CITY OF SACRAMENTO  
SPECIAL MEETING      JUNE 27, 1972

The Civil Service Board met in special session in the City Hall Council Chamber at 1:50 p.m. to hear the appeals of Officers Val R. Schiele and Ronald Shields from disciplinary action.

Present: Members Alexander, Woods, Yew.  
Absent: Members Reynoso, Street.

Members present were informed that the proceedings would be recorded on tape.

HEARING TO APPEAL DISCIPLINARY ACTION

Val R. Schiele, Patrolman

The letter of reprimand dated February 11, 1972, and request for hearing dated March 2, 1972, were read by Acting Secretary Dunbar Heins. Officer Schiele had requested a hearing to appeal his receipt of a letter of reprimand from Police Chief Kinney dated February 11, charging that Officer Schiele, on January 26, 1972, stopped a drunken driver, handcuffed the subject's hands behind his back, and before all reasonable efforts were made to place the subject into the police car, mace was used on the subject.

Those in attendance were: Val R. Schiele; Rodney A. Klein, his attorney; Police Chief William J. Kinney; Lt. Lee Dohm; Deputy City Attorney G. Richard Brown, representing the City; and Deputy City Attorney Thomas Haas, counsel for the Board.

Officer Val R. Schiele was sworn in, and questions were directed to him by his attorney, Rodney A. Klein. Officer Schiele stated that he had in fact arrested the subject for drunken driving and had handcuffed him. The subject became argumentative and refused to enter the police car. Attempt was made by Officer Schiele to get the subject into the police car, but being unsuccessful, the subject was maced. Request had not been made for the assistance of the officer in training who was with Officer Schiele at the time of the arrest.

Deputy City Attorney Brown then cross-examined Officer Schiele on aspects of the arrest made on January 26. Mr. Brown presented to the Board the following exhibits:

- Exhibit No. 1 Training Bulletin dated March 13, 1970,  
"Use of Chemical Mace"
- Exhibit No. 2 Sacramento Police Department "Officer Assault and  
Arrest Sheet" of Val Schiele

Police Chief Kinney was called to testify, and was duly sworn in. Chief Kinney described the procedures to be followed in the use of mace. He explained that mace is to be used only after all other precautions had been taken because of its unpleasantness. Chief Kinney then related procedures which could have been taken to effectively place the subject into the police car.

to get the officer's name and badge number but that payment should not be made to the officer. Thereupon, an investigation was conducted to determine whether the officer was a Sacramento Police Department officer and to ascertain whether an officer was collecting on bad checks.

(Due to a previous 5:00 p.m. reservation for the Council Chamber, the hearing was adjourned to Room 300 of the City Hall.)

Testimony was then heard from Police Chief Kinney after his being sworn in. Chief Kinney was questioned at length about the policies and procedures to be followed by the Check Detail. It was pointed out that a uniformed officer is never dispatched to collect on bad checks. Police Chief Kinney also informed the Board that the off-duty employment which had been approved for Officer Shields was for Traffic Control and not as Security Guard.

After cross-examination of Officer Shields and witnesses and questions by the Board, closing statements were given by both counsels.

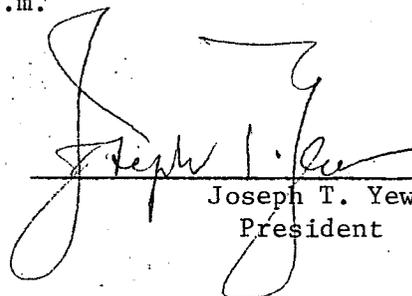
It was then moved, seconded, and carried to adjourn into closed session. (5:15 p.m.)

It was the unanimous decision of the Board that disciplinary action taken by Police Chief Kinney be upheld, but the penalty be reduced from a three-day suspension to a severe letter of reprimand. The Board further wished to make it clear that in no way did it condone such action by a policeman while on or off duty. Such action, in its opinion, discredits the City of Sacramento, the police force, and the officer involved.

The meeting was adjourned at 5:50 p.m.



Dunbar W. Heins  
Acting Secretary



Joseph T. Yew  
President

Lt. Lee Dohm was then sworn in. Testimony was given regarding his investigation of the arrest made by Officer Schiele on January 26. City's Exhibit No. 2, "Officer Assault and Arrest Sheet" of Officer Schiele was reviewed, which revealed instances where Officer Schiele had used mace. Lt. Dohm stated that consultation had been held with Officer Schiele on his involvement with resisting arrest cases.

After cross-examination of Officer Schiele and each of the witnesses, and after questions by the members of the Board, closing statements were given by Deputy City Attorney Brown and Attorney Rodney Klein.

It was moved, seconded, and carried to adjourn into closed session to consider the testimonies heard. (3:30 p.m.)

The meeting was reconvened at 3:55 p.m. It was the unanimous decision of the Board that the appeal of Officer Val R. Schiele be denied.

#### HEARING TO APPEAL DISCIPLINARY ACTION

Ronald Shields, Patrolman

Disciplinary letter dated March 9, 1972, and the request for hearing dated March 10, 1972, were read by the Acting Secretary.

Officer Ronald Shields had been suspended for a three-day period from March 14 through 16, 1972, as a penalty for having contacted a Mrs. Elliott regarding her bad check written in favor of Auction City while on duty, in uniform, and using City equipment. Officer Shields is employed by Auction City during his off-duty time.

Mr. Harold Hennessey, Manager of Auction City, was called upon to testify in behalf of Officer Shields and was sworn in. Mr. Hennessey stated that Officer Shields worked on Saturdays and Sundays as a Security Guard for the past two years. Mr. Hennessey stated that Officer Shields had investigated two bad checks which had been returned by the bank marked "Insufficient Funds", one of which was conducted by telephone and the other being the check in question. Mr. Hennessey reported that he was aware of the Check Detail in the City Police Department; however, due to the many bad checks which Auction City receives, referrals are not made to the Police Department, and attempts are made to collect by themselves.

Officer Shields was sworn in. His off-duty employment as Security Guard at Auction City consists of four hours on Saturdays and seven hours on Sundays, which, he stated, had the approval of the Police Chief. Officer Shields confirmed the fact that he had been on duty, in uniform, and had used City equipment when he contacted Mrs. Elliott regarding her check to Auction City. Officer Shields informed the Board that he had contacted Mrs. Elliott on the bad check as a matter of courtesy to Auction City although he knew that bad checks should be referred to the Police Department's Check Detail for processing.

Lt. Lee Dohm was then sworn in and testified that he had been contacted by Mrs. Elliott regarding the officer who had inquired about payment on the check she had written in favor of Auction City. Upon investigation, the Check Detail had no information about the check; therefore, Mrs. Elliott had been instructed.