

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

The special meeting of the Civil Service Board was called to order by President Jimmie Yee at 1:35 p.m. in the Personnel Department Conference Room, 801 Ninth Street.

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

Absent: None.

NEW EXAMINATIONS ANNOUNCED

#1468	Events Supervisor
#1476	Building Inspector I (Electrical)
#1477	Building Inspector I (Plumbing)

It was moved by Mr. Yee, seconded by Mr. Wright, and passed by unanimous vote that the above-listed announcements be approved.

HEARING TO APPEAL DISCIPLINARY ACTION (SUSPENSION)

Wallace Groves, Police Officer

Deputy City Attorney Terence Brown represented the City of Sacramento; Attorney Dave Simmons represented the appellant, Police Officer Wallace Groves. Captain Michael O'Kane was present in an advisory capacity from the Sacramento Police Department. Deputy City Attorney Elizabeth Hassard Silver was the legal advisor to the Civil Service Board.

Police Officer Wallace Groves was charged with violating Sections 31.02 of the Departmental Rules and Regulations regarding professional conduct and responsibility and 32.22, Displaying of Firearms. These charges were a result of an incident which occurred at the Rattlesnake Dick's bar at 20th and L Streets, Sacramento, CA.

A stipulation regarding the facts of the case signed by Attorney Dave Simmons and Deputy City Attorney Terence Brown was submitted and read by the secretary. The reprimand letter dated March 3, 1976, was also read into the hearing.

Final arguments were presented by both attorneys. In Deputy City Attorney Brown's rebuttal to Attorney Simmons' final argument, he stated that Police Officer Groves had threatened the patrons at the bar. Attorney Simmons objected, and Mr. Street motioned that his statement be stricken from the record. Mr. Wright seconded the motion, and it was unanimously approved.

The Civil Service Board met in executive session at 2:15 p.m. and reconvened at 2:55 p.m. It was the decision of the Civil Service Board to deny the appeal of Police Officer Wallace Groves and to delete "(e) insubordination" from the letter of reprimand (second page, first paragraph, third line).

7/27/76

- 2 -

The meeting adjourned at 3:00 p.m.

*Tony Vasquez*  
\_\_\_\_\_  
Tony Vasquez  
Acting Secretary

*Jimmie R. Yee*  
\_\_\_\_\_  
Jimmie Yee  
President

*By Margaret Kamrar*

BEFORE THE CIVIL SERVICE BOARD OF  
THE CITY OF SACRAMENTO

In the Matter of the )  
Suspension of Police Officer ) FINDINGS AND CONCLUSIONS  
WALLACE GROVES )  
\_\_\_\_\_ )

The above entitled matter was heard on July 27, 1976, at 1:30 p.m., before the Civil Service Board of the City of Sacramento. Following the hearing, the Board convened in executive session, and by unanimous vote of its members made the following findings:

1. On the night of August 7, 1975, Officer Groves was drinking alcohol at Rattlesnake Dick's Bar at 20th and L Streets, Sacramento, California. During the events described herein, Officer Groves was intoxicated.

2. Officer Groves became involved in a verbal altercation with a female patron concerning money which Officer Groves believed he had placed on the bar, and which he believed was taken by the female patron.

3. The bartender attempted to mediate the dispute. Officer Groves then emptied the contents of his pockets on the bar. After emptying the contents of his pockets on the bar, Officer Groves drew a loaded 9 millimeter automatic pistol. The pistol was a Smith and Wesson Model 39 and was the private property of Officer Groves.

4. Officer Groves unloaded the automatic pistol by working the slide action. By using this method, each bullet was placed in the firing chamber and then individually ejected from the gun

1 and onto the bar.

2 The method used by Officer Groves was an improper and  
3 dangerous method of unloading the pistol. The proper method of  
4 unloading an automatic pistol is to release the magazine, removing  
5 all the bullets at one time, with the exception of the bullet in  
6 the firing chamber, which can be removed only by working the  
7 slide to extract it. This proper technique of unloading reduces  
8 the possibility of accidentally firing the pistol.

9 If Officer Groves had testified, he would have indicated  
10 that, to the best of his knowledge, the weapon's safety catch  
11 was on during the events described herein. If the safety catch  
12 was indeed on during these events, it would have been virtually  
13 impossible for Officer Groves to have accidentally fired the  
14 weapon.

15 5. The bartender and patrons were alarmed and intimidated  
16 by Officer Groves' actions in drawing the pistol and then unload-  
17 ing it by ejecting each bullet individually.

18 6. After Officer Groves unloaded the pistol, he slammed it  
19 down on the bar. The bartender hurriedly seized the pistol and  
20 concealed it under the bar. After the bartender got the pistol  
21 away from Officer Groves, an off duty deputy sheriff who was a  
22 patron in the bar, called the Sacramento Police Department.  
23 Officers of the Sacramento Police Department responded to the  
24 call and took Officer Groves home.

25 Based on these findings, the Board reached the following  
26 conclusions:

27 1. The letter of suspension from Chief Kinney to Officer  
28 Groves will be amended to delete "(e) insubordination" from line

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3 of the first paragraph of the second page.

2. Officer Groves' appeal is otherwise denied.

3. Officer Groves' actions violated Departmental Rules and Regulations, including, inter alia, Section 32.22, "Displaying of Firearms".

4. The disciplinary action was based on good cause, was not excessive, and the three day suspension is therefore sustained.

Dated: August 17, 1976

CIVIL SERVICE BOARD

By *James R. Yell*  
President

By *Alba Kuchman*  
Vice President

By *Orville Regester Hancey*  
Member

By *Ronald H. Wright*  
Member

By *Robert J. Street*  
Member