

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING OCTOBER 14, 1975

The special meeting of the Civil Service Board was called to order by President Wilfred Street at 1:55 p.m. in the Personnel Department Conference Room, 801 Ninth Street.

Present: Wilfred Street, Ronald Wright, Jimmie Yee
Absent: Alba Kuchman, Marion Woods

CLOSED HEARING TO APPEAL DISCIPLINARY ACTION (Continuation from 6/24/75)
Ricky Jones, Police Officer

In attendance were Board members, Street, Wright, and Yee; appellant, Ricky C. Jones; appellant's attorney, David P. Simmons; and Deputy City Attorney Leliand Savage, representing the Sacramento Police Department. Police Captain Michael O'Kane was present as a resource person from the Police Department. Deputy City Attorney Tom Haas was present as a legal advisor for the Civil Service Board.

Ricky C. Jones, Police Officer, received a 10-day suspension letter dated April 8, 1975. Mr. Jones contends that he did not violate Section 38.08 of the Sacramento Police Department Rules and Regulations and further contends that factual basis upon which the disciplinary action is based does not warrant a 10-day suspension. The 10-day suspension was effective April 9, 1975, to and including April 22, 1975.

Attorney David Simmons requested to dismiss the hearing on the basis the disciplinary action taken was unconstitutional. Attorney Simmons cited the Skelly vs. State Personnel Board case (September, 1975) in which an employee was terminated, appealed termination, and his appeal was upheld on the basis he should have been given notice, a chance to review the material, and be allowed to respond to the disciplining authority. Attorney Simmons stated that this case would apply to disciplinary actions such as a 10-day suspension and that since Mr. Jones was not afforded a full hearing before his suspension, the hearing should be dismissed.

After argument by Attorney Savage and discussion by the Board members, a motion was made by Mr. Yee, seconded by Mr. Wright and carried by a unanimous vote to deny Attorney Simmons's request for dismissal.

Mr. William Danielson reported that Board Member Marion Woods would not be available until after 5:00 p.m., but would be willing to listen to the tapes. Motion was made by Mr. Wright, seconded by Mr. Yee and carried by a unanimous vote that Mr. Woods be allowed to listen to the tapes and participate in the findings if he so desired.

Ricky C. Jones was called by Attorney Simmons to testify and was sworn in by the Secretary.

Mr. Jones testified as to his background with the Sacramento Police Department, including that he had had no previous training in the area of using and protecting informants. Mr. Jones related the events of December 4, 1975. He stated that he did not deliberately misstate testimony during the preliminary hearing, that he did not know how to protect his informants.

During the preliminary hearing, when it was revealed that there was an informant, the presiding judge asked Deputy District Attorney Thomas Minder if he wished to confer with Mr. Jones. Mr. Minder stated that he did not. Mr. Jones then felt the only way in which to protect his informant was to testify in the manner in which he did.

After being questioned by Attorney Savage and by Board members, Mr. Jones was excused.

Mr. Thomas G. Minder was called to testify by Attorney Savage. After being questioned by the Board members, Mr. Minder was excused.

Police Sergeant Peter Reedy, Court Liaison Officer, was called to testify by Attorney Simmons and was sworn in by the Secretary. Sergeant Reedy testified that he had received many complaints against Mr. Minder for not reviewing officers' testimony and for becoming irate with officers for being a few minutes late. Sergeant Reedy was excused after being questioned by Attorney Savage and by the Board members.

Captain Jerry Finney was sworn in by the Secretary, questioned by the Board members as to the training given to officers in the area of developing and protecting informants, and excused.

Closing statements were made by Attorney Simmons and Attorney Savage.

The following exhibits were marked for identification and submitted for evidence during the hearing:

CITY
EXHIBITS

DESCRIPTION

#4 Police Department Rule 38.08, Testifying In Court

APPELLANT
EXHIBITS

DESCRIPTION

#1 April 8, 1975, Letter from Chief of Police William J. Kinney to Police Officer Ricky C. Jones

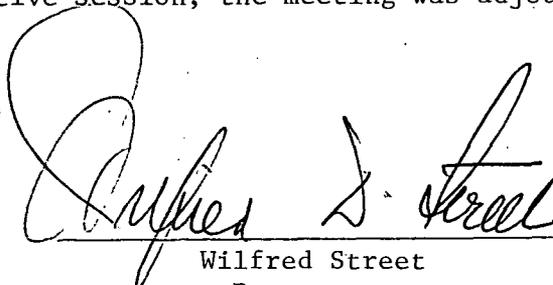
#2 Portion (Page 18) of transcript of Officer Jones' testimony during the preliminary hearing on January 28, 1975.

#3 Sacramento Police Department Offense/Casualty Report filed by Ricky C. Jones of incident of December 4, 1974

After the Board members met in executive session, the meeting was adjourned at 5:15 p.m.



Tom Holland
Acting Secretary



Wilfred Street
President