

CIVIL SERVICE COMMISSION MINUTES

April 2, 2025

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in-person in room 402-A at the County Administration Center; 1600 Pacific Hwy.; and via Videoconference/Teleconference.

Present:

Bryan J. Fletcher
A. Melissa Johnson
Will Rodriguez-Kennedy

Absent:

P. Kay Coleman

Comprising a quorum of the Commission

Support Staff Present:

Todd Adams, Executive Officer
Morgan Foley, Commission Legal Advisor.

Approved
Civil Service Commission
May 7, 2025

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
APRIL 2, 2025**

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters

2:30 p.m. OPEN SESSION: Attend in-person at the County
Administration Center, 1600 Pacific Highway, 4th
Floor, Room 402A, San Diego, California; or

Notice pursuant to Government Code Section 54954.2.

CLOSED SESSION AGENDA

County Administration Center, Room 458

Members of the public may be present at this location
to hear the announcement of the closed session agenda.

- A. Commissioner Fletcher: CONSIDERATION OF PUBLIC
EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(B)) Rico
J. Dominguez, Esq., on behalf of **2024-035P**, Deputy
Sheriff, appealing an Order of Termination and
Charges from the Sheriff's Office.

- B. Commissioner Fletcher: CONSIDERATION OF PUBLIC
EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(B)) Rico
J. Dominguez, Esq., on behalf of **2024-036P**, Deputy
Sheriff, appealing an Order of Termination and
Charges from the Sheriff's Office.

OPEN SESSION AGENDA

ORDER OF BUSINESS

A. **ROLL CALL**

Present: Fletcher, Johnson, Rodriguez-Kennedy

Absent: Coleman

B. **APPROVAL OF MINUTES:** Regular meeting of February 5, 2025.

**Motion by Commissioner Johnson to approve the
minutes of the regular meeting of February 5,**

2025; seconded by Commissioner Fletcher. Motion passed with all in favor.

C. NON-AGENDA PUBLIC COMMENT:

None.

D. AGENDA ITEM DISCUSSION:

David Lopez, Esq., attorney for appellant #2024-010P, requested to speak about item #9 on the agenda.

E. FORMATION OF CONSENT AGENDA

Item Nos. 7 & 8 were automatically pulled for discussion. Agenda item #9 was pulled by the Attorney for appellant #2025-010P.

Item No. 10 has been removed from the agenda.

Item Nos. 1-6 & 11 are available for approval on the Consent Agenda.

Motion by Commissioner Johnson to approve the Consent Agenda; seconded by Commissioner Fletcher. Motion passed with all in favor.

F. DISCUSSION ITEMS

Item Nos. 7, 8, & 9.

G. COMMISSIONERS AND STAFF REMARKS TO OUTGOING COMMISSIONER FLETCHER

It's with a heavy heart that this commission says farewell to Commissioner Bryan J. Fletcher. Commissioner Fletcher has served on this commission for the last five (5) years; and has been a pleasure to work with. Commissioner Fletcher received a plaque from the Commission and a Proclamation from Supervisor Monica Montgomery Steppe of District 4.

Supervisor Monica Montgomery Steppe has appointed Joe O. Montenegro as the new Commissioner for the district. Mr. Montenegro will be introduced to this body at our next scheduled meeting.

AGENDA ITEMS

CONFIRMATION OF ASSIGNMENTS

1. Commissioner Johnson: **2025-005**, former Criminalist I, appealing an Order of Termination and Charges from the Sheriff's Office

Confirmed.

2. Commissioner Rodriguez-Kennedy: Drew Alexis, Esq., on behalf of **2025-006**, alleging discrimination by the Office of County Counsel.

Confirmed.

3. Commissioner Coleman: Miguel Peñalosa, Esq., on behalf of **2025-007P**, Deputy Sheriff, appealing an Order of Immediate Suspension from the Sheriff's Office.

Confirmed.

4. Commissioner Johnson: **2025-008**, former Community Health Program Specialist, appealing a Final Order of Removal and Charges from the Department of Strategy and Community Engagement within the Health and Human Services Agency.

Confirmed.

5. Commissioner Rodriguez-Kennedy: **2024-064P**, former Deputy Sheriff, Detentions-Court Services, appealing of an Order of Termination and Charges from the Sheriff's Office. (Previously assigned to Commissioner Fletcher.)

Confirmed.

6. Commissioner Coleman: **2025-009P**, former Deputy Sheriff, appealing an Order of Termination and Charges from the Sheriff's Office.

Confirmed.

DISCIPLINE

Findings

7. Commissioner Fletcher: Rico J. Dominguez, Esq., on behalf of

2024-035P, Deputy Sheriff, appealing an Order of Termination and Charges from the Sheriff's Office.

FINDINGS AND RECOMMENDATIONS:

Appellant 2024-035P ("Employee") appealed an Order of Termination and Charges removing him from the position of Deputy Sheriff Detentions/Court Services in the Sheriff's Office ("Department"). The Commission appointed Commissioner Bryan J. Fletcher, to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, a hearing was held on February 27 and 28, 2025.

The causes of discipline were dishonesty, failure of good behavior, and acts incompatible with and/or inimical to the public service.

Employee had been employed as a Deputy Sheriff Detentions/Court Services for approximately five (5) years, and he was also designated a field training officer. The Employee was assigned to Team One on the 7th floor at the San Diego Central Jail ("SDCJ"). The 7th floor is identified as holding those incarcerated persons who require special treatment due to signs of mental illness, or are prone to demonstrate force against a deputy, or both, identified as "administrative separations" ("AdSeps").

On April 10, 2023, during his shift, the Employee was training Deputy 1, who was recently promoted to deputy sheriff following graduation from the Department's corrections academy. Deputy 1 was on approximately the seventh day of his Phase I training in corrections. As a Phase I deputy, Deputy 1 had only been a deputy sheriff in corrections for a period of no more than twelve days.

In the morning of April 10, 2023, an incarcerated person housed on the 7th floor, in Module 7D ("Module"), was scheduled for a court appearance. The incarcerated person ("IP") resisted efforts to cooperate, and it resulted in an "extraction," to remove him from his cell ("Cell 14"). At approximately 11:35 a.m., the IP returned from a court appearance and exited the elevator on the 7th Floor. He then went to the door to enter the 7th Floor and was allowed entry to the floor by Deputy 1 approximately one (1) minute later. The Employee accompanied Deputy 1 to the door and followed Deputy 1 and the IP as Deputy 1 escorted him toward the

Module. Both Deputy 1 and the Employee were donning light blue latex gloves.

During this short period of time, prior to entering the day room of the Module, the IP was steadily "chirping" or "chipping" at the Employee.

The Employee, Deputy 1, and the IP arrived at the staging door of the Module and passed through the door into the day room.

After hearing loud talking between the IP and the Employee from the time that the IP entered the 7th floor and as they walked to staging door to the Module, Deputy 2 joined the group at the staging door as "cover" deputy and enters the Module, joining the Employee, Deputy 1, and the IP.

While entering the Module the Employee accessed non-Department issued gloves and put them on over his latex gloves. During this time in the day room, Deputy 1 is controlling the IP with his hand on the IP's back and guides him, face forward, toward the wall, with the Employee and Deputy 2 watching. Deputy 1 then bends down to remove the leg shackles from the IP.

The leg shackles were removed by Deputy 1 and at the direction of the Employee (with the pointing of his right hand as he held the IP's back) Deputy 1 then leaves the module with the shackles. When he returned to the doorway, Deputy 1 receives another direction from the Employee (with the pointing of his right hand), and Deputy 1 re-enters the Module. At that point Deputy 1 begins to remove the shackles around the IP's waist.

During the period that Deputy 1 is removing the shackles from the IP the Employee has control of the IP by grasping the back collar of his shirt.

During the entire period that the Employee and the IP are in the Module, the IP is repeatedly turning his head from side to side, speaking to the Employee, Deputy 1, and Deputy 2.

The group then ascends the stairs to the second floor of the Module. The Employee has the IP controlled by grasping his left arm; Deputy 1 follows immediately behind them and to the right of the IP; and Deputy 2 follows the three of them on the left side of the stairs.

The group arrived at Cell 14 and opens the door. The Employee, still grasping the IP's left arm, directs him into Cell 14 and enters with him with Deputy 1 following behind them. Deputy 2 remained outside of the cell.

Approximately six seconds later the shadow of Deputy 1 disappears from the wall immediately inside the opening to Cell 14 and eight seconds after that, Deputy 2 enters the cell. Deputy 2 exits Cell 14 ten seconds later; followed by Deputy 1 three seconds after Deputy 2. Employee exits the cell eight seconds later.

During the time the Employee, Deputy 1, and Deputy 2 are inside the Cell 14, another incarcerated person in a cell three doors away from Cell 14 came to his window and looked out towards Cell 14. A second incarcerated person, in the fourth cell away from Cell 14, came to his window and also looked out.

After the Employee walked past this second cell, where an incarcerated person was at the window, he stopped, turned back, and paused at that cell door, then walked toward the stairs. Then, Deputy 2, followed by Deputy 1, with the Employee following them both, descended the stairs to leave the Module.

In the evening of April 12, 2023, Deputy 1 met with Deputy 3, at a Chipotle restaurant in Temecula. The two had been in a "mentoring" relationship, which started prior to Deputy 1's application to the SDSO Detentions Academy. Deputy 3 had previously encouraged Deputy 1 to work toward being a deputy sheriff. The relationship began as a result of Deputy 3's friendship with the father of Deputy 1's girlfriend, and the two of them would meet every three to five weeks.

At their meeting on April 12th, Deputy 3 noticed that something seemed to be troubling Deputy 1, and asked if there was anything wrong. Deputy 1 then described the incident involving the IP, the Employee, Deputy 2, and himself, on April 10, 2023. It was at that time Deputy 1 first stated to anybody else that he had witnessed the Employee use force against the IP when returning him to the cell in Module 7D.

Upon inquiry, Deputy 3 became aware that Deputy 1 had participated in the force used on the IP by entering the cell and grabbing IP's leg for a brief period. He also became aware that no reports of the use of force by the Employee and Deputy

1 were made by Deputy 1, and he knew of no reports made by the Employee before leaving work early. Deputy 3, as a "mandated reporter," then became responsible for reporting their conversation and Deputy 1's failure to report the use of force on the part of the Employee, Deputy 1, and Deputy 2.

Later that evening Deputy 3 called an IA sergeant that he knew, leaving a voicemail, then calling his sergeant to discuss what needs to happen. The two of them discussed whether this is something that could be delayed to the next day, but the IA sergeant returned his call that evening, initiating an investigation into the incident.

On April 12, 2023, at approximately 9:54 p.m., Detective 1 received a call from DIU Sergeant directing her to speak with the IP at the SDCJ relating to the possible use of force involving the IP that had not been reported.

The DIU investigation involved interviews conducted by Detective 1 and Detective 2. They interviewed Employee once; Deputy 1 twice; and Deputy 2 once. The same detectives also interviewed the IP at SDCJ once.

The statements made by Deputy 1 and the IP, in their interviews, both confirmed that on April 10, 2023, the Employee struck the IP on the back of his head at least 2 or 3 times while the three were in or at the door of Cell 14.

The statements of the Employee and Deputy 2 both confirmed that although there was ongoing "chirping" by IP, including calling the Employee "the n-word," and making inappropriate comments about his mother, the Employee did not respond with (or in the case of Deputy 2, he did not observe) any use of force against the IP.

Following its investigation the DIU the incident was handled by Internal Affairs Unit("IA").

IA received the DIU report, and the complaint was assigned to Sergeant 1 of IA for investigation on April 26, 2023. As a part of her investigation Sergeant 1 (A) conducted additional interviews of the Employee, Deputy 1, Deputy 2, and the IP; (B) reviewed the materials from the DIU investigation and report; (C) reviewed video recordings of activities in the Module on April 10, 2023; and (D) reviewed and considered such other matters as she deemed necessary to determine whether there was a preponderance of evidence to support a

finding that the Employee's conduct was in violation of Department Policy and Procedures sections 2.46 and 2.49. Following such consideration, Sergeant 1 determined that there was a preponderance of the evidence to sustain the complaint against the Employee.

Relatively soon after April 10, 2023, Deputy 1 was transferred to Vista Detention Facility ("VDF"). Deputy 1 resides in Temecula and the location of VDF is much closer to his home. Deputy 1 said that VDF was at the top of his "wish list," for assignments as it is closer to his home, but he did nothing more to initiate or control the transfer.

While at VDF, Deputy 1 was investigated for an act of dishonesty when he didn't show up for work on Memorial Day, although he knew he should've been there. Shortly after the investigation into this matter Deputy 1 was terminated prior to the end of his probation period.

The remaining facts to be determined are (1) whether the Employee direct Deputy 1 to remove both the leg chains and waist chains before escorting IP to Cell 14; (2) whether the Employee aggressively moved IP into Cell 14 for the purpose of responding to IP's continued and aggressive comments; (3) whether the Employee used force on IP in Cell 14 on April 10, 2023 and, if so, what force was used; and (4) whether the Employee shouted out to other incarcerated persons, when he paused and turned around at the top of the stairs, that IP "is a bitch."

Based on the preponderance of the evidence presented to the Hearing Officer, the following facts are found to be true:

1. On April 10, 2023, while serving as the training officer for Deputy 1, the Employee communicated to Deputy 1 that he was to remove both the leg chains and the waist chains before escorting IP to the cell. The Employee has stated that it is his practice to only remove the leg chains and leave the waist chains on until arriving at an incarcerated person's cell, but that Deputy 1, of his own volition, removed the waist chains, too. The Employee also stated, in his Internal Affairs interview, that he trains his trainees to take the chains off if not agitated but leave on if agitated.

Deputy 1 has stated that he was surprised by the Employee's directions to remove the waist chains at the bottom of the stairs as he was recently trained, at the Academy, to leave

the chains on until reaching the cell, then removing them through the door slot.

Assuming that Deputy 1 was committing an error by removing the chains of his own volition, there is no reasonable excuse for not stepping in and correcting him - even in front of the IP - when the chains are important for the security and safety of an incarcerated person as well as deputies escorting the incarcerated person. Whether corrections were made in the presence of an incarcerated person should not be a factor.

Even Deputy 2 stated that he doesn't practice removing the chains prematurely, again for the safety of the incarcerated person and the deputies conducting the escort.

2. The preponderance of the evidence supports a finding that the Employee was aggressive in placing IP into his cell. This aggressive behavior, coupled with the ongoing aggressive "chipping" between the two of them, was not useful in attempting to calm IP down while they were in the cell. On the contrary, due to the continued aggressive and loud comments exchanged for most of the time the two were together, it is reasonable that it would increase the aggressiveness of IP.

Employee's entry into Cell 14 was unnecessary and could only serve one of two purposes: either to demonstrate control over IP in his limited space, or to place the Employee out of sight from the many CCTV cameras throughout the Module. The Employee added another reason for entering an incarcerated person's cell and that was to look for contraband that the incarcerated person might have left out in plain view, not having the time to hide prohibited items. However, the Employee had earlier extracted IP from Cell 14 and does not explain how contraband would somehow appear during IP's trip to the courthouse. Setting aside this alternative reason for entering Cell 14, it is more likely than not that the Employee was intent on being outside the view of the CCTV cameras.

3. The preponderance of the evidence supports a finding that the Employee used force against IP while in Cell 14. Although the Employee argues otherwise, Deputy 1 has consistently stated that very shortly after IP and the Employee entered Cell 14, the Employee struck IP in the head 2 to 3 times. IP has consistently stated that he was struck by the Employee upon entering Cell 14 although he recalls many more than three strikes. His testimony at the hearing in

this matter was more realistic, although he estimated eight punches, not two or three.

What further supports this finding is that there is no evidence that IP and Deputy 1 had any further contact since April 10, 2023, and their statements and testimony each consistently assert that the Employee used force in Cell 14.

4. While perhaps less important that the finding that the Employee used force against IP, the contemporaneous shout to the module that IP "is a bitch," is further evidence that the Employee was still in a state of anger over the constant barrage of comments from IP that he couldn't control his emotions, even when outside IP's presence. The Employee has no recollection of shouting the statement, but Deputy 1 has consistently maintained that the expletive was shouted, even before having the benefit of the CCTV video, reflecting the Employee's abrupt turnaround and pointing while outside the door of a cell four doors away from Cell 14.

Employee is guilty of dishonesty by failing to respond truthfully and to the fullest extent of his knowledge, in the DIU investigation and the subsequent IA investigation.

Employee is guilty of failure of good behavior by using force when returning IP to Cell 14 in the Module on April 10, 2023.

Employee is guilty of acts incompatible with and/or inimical to the public service by such conduct, both in the use of unnecessary force, and failing to be truthful and forthright to the fullest extent of his knowledge of the events that transpired on April 10, 2023.

Based on the years of experience of the Employee, including a leadership role in training new deputies, the Employee should be well aware of his responsibilities as a San Diego County Sheriff's Deputy.

On April 10, 2023, the Employee failed to meet his obligations as a training officer of a Phase I deputy. His familiarity with the detention's environment and, in particular, the verbal and physical abuse that comes from the AdSep incarcerated persons, which is frequent and threatening, should have been of tremendous benefit to Deputy 1, who aspired to be a detentions deputy. Instead, he failed Deputy 1 and by such failure brought disrepute to his Team when others outside of Detentions became involved after Deputy 1

felt he had an obligation to speak out.

It is this Hearing Officer's recommendation not to overturn the Sheriff's decision, and to sustain the termination of the Employee.

Based on the findings and conclusions set forth above, it is hereby recommended that the Order of Termination and Charges be affirmed; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motioned by Commissioner Fletcher for approval of the decision by the Commission; seconded by Commissioner Johnson. Motion passed with all in favor.

8. Commissioner Fletcher: Rico J. Dominguez, Esq., on behalf of **2024-036P**, Deputy Sheriff, appealing an Order of Termination and Charges from the Sheriff's Office.

FINDINGS AND RECOMMENDATIONS:

Appellant 2024-036P ("Employee") appealed an Order of Termination and Charges removing him from the position of Deputy Sheriff Detentions/Court Services in the Sheriff's Office ("Department"). The Commission appointed Commissioner Bryan J. Fletcher, to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, a hearing was held on February 27 and 28, 2025.

The causes of discipline were dishonesty, incompetency, and acts incompatible with and/or inimical to the public service.

The underlying facts of this case are the same as the previous decision I just read. For the sake of brevity, I will not repeat them. However, in this recitation of facts, reference to "Employee" is too Appellant 2024-036P, reference to "Deputy 1" is too Appellant 2024-035P, and reference to "Deputy 2" is to Deputy 1 in the prior recitation.

The remaining facts to be determined are (1) whether the Employee observed Deputy 1 use force against IP while in Cell 14; (2) if so, did the Employee fail to intervene in the physical altercation between Deputy 1 (who is the Employee in the previous report) and IP; (3) did the Employee fail to

report use of force on the part of Deputy 1; and (4) was the Employee untruthful by failing to be fully forthcoming of his knowledge during his administrative interview.

Based on the preponderance of the evidence presented to the Hearing Officer, the following facts are found to be true:

1. On April 10, 2023, while working on the 7th floor of SDCJ, the Employee overheard a loud exchange of comments made between IP and Deputy 1 as they traversed from the Staging Back Tower to the door to Module 7. At that point, as the "cover" deputy on the 7th floor, the Employee joined Deputy 1, Deputy 2 (whom he knew was being trained by Deputy 1), and the IP inside the door to the Module, as IP was being readied for return to Cell 14.

2. Loud and aggressive comments and ramblings came from the IP nearly the entire time that he was present as IP was unshackled, moved up the stairs, and guided to Cell 14. The Employee also heard responses from Deputy 1 but could not recall what was said by either of them.

3. By the time that Deputy 1, Deputy 2, and IP entered Cell 14, the Employee was not in close enough proximity of the open cell door to observe any physical altercation involving IP, Deputy 1, or Deputy 2. Deputy 2 has testified, and the facts support, that when the Employee entered Cell 14 Deputy 1 and IP were not involved in any physical struggle, and there was no use of force while the Employee was in Cell 14, but there was continued yelling and arguing between Deputy 1 and IP. The Employee then interceded by tapping Deputy 1 on the shoulder and telling him to the effect, "Alright dude, we're good," then exited Cell 14, approximately 10 seconds after entering, with Deputy 2 exiting immediately thereafter.

4. After IP, Deputy 1, and Deputy 2 entered Cell 14, and for a period of not more than 6 seconds, the Employee was not in a position to observe activities occurring other than to hear the continued shouts exchanged between IP and Deputy 1. Over the next 7 seconds the Employee had a view into Cell 14, but due to the presence of three adults most of his view was obstructed by Deputy 2's body, and the left shoulder of Deputy 1. After that period of observation, the Employee entered Cell 14, tapping Deputy 1 on the shoulder and attempted to calm him down, assuring him that the arguing and encounter should end. Deputy 1 exited Cell 14 approximately

11 seconds after the Employee, and the Employee closed the door to Cell 14 approximately 3 seconds after Deputy 1 exited.

5. Statements and testimony of Deputy 2 are consistent that he entered Cell 14 once he observed Deputy 1 and IP in a physical struggle, which must have started immediately following their entry into the cell, just before Deputy 2 entered. There is no clear testimony from Deputy 2 just when he observed the three strikes to IP's head, but it is reasonable that these strikes came as Deputy 2 first entered and while he grabbed the IP's leg. This could have occurred during the first 6 seconds that Deputy 1 and IP entered, and the physical nature of the altercation ended before the Employee was outside the door to the cell.

6. Neither Deputy 1 nor Deputy 2 informed the Employee that the two of them were in a struggle with IP, and Deputy 1 used force in that struggle. As described in Paragraphs 4 and 5, above, statements made to investigators, and through the hearing on this matter, support the Employee's consistent responses that he never observed, nor was he aware of, the use of force that this Hearing Officer has already found occurred.

Employee is not guilty of dishonesty. The Department has failed to meet its burden of proving that the Employee observed Deputy 1's use of force in striking IP three times.

Employee is guilty of incompetency limited to the extent that he should have been more responsive to the conditions surrounding the handling of IP and should have been in a better position to intervene before use of force by Deputy 1 occurred.

Employee is guilty of acts incompatible with and/or inimical to the public service limited to a finding of incompetency as described in Cause II, above. This finding is mitigated by the fact that Deputy 1 and Deputy 2 were together in the transport of IP to Cell 14, and there had been no aggressive movements by IP during the process justifying earlier intervention, but the constant verbal abuse should have warned the Employee that such verbal abuse can reach a level where the recipient of the abuse might lash out.

The Employee was not found to be dishonest, and that Cause should not aggravate the contemplation of the level of

discipline based on Causes II and III.

As set forth herein, the Employee's failure to be in a better position to intervene before Deputy 1 used force, in the light of all the verbal abuse by IP and arguing between the two of them, requires some level of discipline less than termination.

Based on the findings and conclusions set forth above, I hereby recommend the following decision:

That the Order of Termination and Charges be overturned, but that the Employee shall be suspended, without pay, for a period of thirty (30) workdays; that Employee be awarded back pay, benefits, and interest from the date of removal to the date of this decision, minus wages attributable to the thirty (30) workday suspension, and minus any wages, benefits or other compensation Employee received from other employment, unemployment benefits or other assistance programs; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motioned by Commissioner Fletcher for approval of the decision by the Commission; seconded by Commissioner Johnson.

Motion passed on majority vote:

Commissioner Johnson	Yes
Commissioner Fletcher	Yes
Commissioner Rodriguez-Kennedy	No

Commissioner Rodriguez-Kennedy stated the supporting reasons for his dissent: This decision overturns the determination of the appointing authority, San Diego Sheriff Kelly Martinez, to terminate a deputy based on the charge that the deputy was guilty of dishonesty, incompetency, and acts incompatible with and/or inimical to the public service. The Sheriff's authority to do so and the Commission's authority to overturn are not in question.

The Commission has found that the deputy is not guilty of dishonesty; however, the Commission concurs with the Department that the deputy is guilty of incompetence and by extension, limited to the charge of incompetence, acts incompatible with and/or inimical to the public service. On

this basis, the Commission has overturned the termination in favor of a suspension for 30 days.

I concur with the majority on the finding that the deputy is not guilty of dishonesty. I further concur with the majority on the finding that the deputy is guilty of incompetence and by extension, limited to the charge of incompetence, acts incompatible with and/or inimical to the public service. However, Section 7.2 of the County Civil Service Rules states "Any of the following shall be deemed sufficient cause for reprimand, transfer, reduction in compensation, suspension, demotion or removal of any person." The first on the list is "(a) That the employee has been guilty of incompetence." Any one of the three charges faced by the deputy could constitute a removable offense.

The Sheriff, in her experience and wisdom, determined after considering all the facts in this matter that she wanted to terminate the employee because of the aforementioned charges. While the majority has found, and I concur, that the employee was not guilty of the first charge. It does not change the fact that the second and third charges are also offenses that could lead to the termination of an employee.

The majority has not found that there was any impropriety, any discrimination, any breach of due process, or any fault committed by the appointing authority. The sole reason that is given for any reduction in discipline is that the finding is "...mitigated by the fact that Deputy 1 and Deputy 2 were together in the transport of IP to Cell 14, and there had been no aggressive movements by IP during the process justifying earlier intervention..."

That justification is immediately contradicted by the following clause separated only by a comma and a very important "but" stating "...the constant verbal abuse should have warned the Employee that such verbal abuse can reach a level where the recipient of the abuse might lash out."

I do not find the mitigating factor proposed by the majority to be compelling enough to overturn the Order of Termination and Charges signed by Sheriff Martinez. A lack of vigilance while providing "cover" for deputies interacting with an IP where a violation of department policy was found to have occurred could have led to a much more serious situation. Someone could have gotten seriously hurt.

For these reasons, and with all due respect for my esteemed colleagues who constitute the majority in this decision, I dissent.

LIBERTY INTEREST

Appeal

9. David Lopez, Esq., on behalf of **2025-010P**, requesting a Rule IV Liberty Interest hearing regarding her failure on probation for the position of Deputy Probation Officer by the Probation Department.

David Lopez, Esq., stated that on the behalf of his client (2025-010P) he requested a Liberty Interest hearing based on allegations that are currently being investigated by the Sheriff's Office. He stated that it was not coincidental that his client received a noticed for investigation on December 7, 2025; and then a failure of probation on December 19, 2025, as she is being escorted from the building.

Mr. Lopez stated that the Probation Department is prolonging this investigation and if it was completed at the time of the probation failure, his client would have the opportunity to appeal the decision based on Civil Service Rule 4.2.5.

Shelly Frazier, Probation, spoke on the behalf of the department. Ms. Frazier stated that the current investigation of appellant (2025-010P) has no bearing on the appellant's failing probation; and therefore appellant's "Liberty Interest" request should be denied.

Ms. Frazier stated that if this investigation has no findings, then it will be a part of appellant's confidential file; however, if the findings are substantiated, then certain findings could be public.

Commissioner Johnson motioned to accept staff's recommendation not to accept the Liberty Interest request. Motion seconded by Commissioner Fletcher. Motion passed on majority vote:

Commissioner Johnson	Yes
Commissioner Fletcher	Abstain
Commissioner Rodriguez-Kennedy	Yes

SELECTION PROCESS

Appeal

10. **2025-011P**, applicant, requesting: 1) Accept late Petition to Appeal Selection Process; and 2) Conduct a Rule X Selection Process hearing regarding his non-selection for the classification of Deputy Sheriff-Lateral by the Sheriff's Office.

At appellant's request, item removed from the agenda; will be placed on May 7, 20205 agenda.

INFORMATION

11. Rico J. Dominguez, Esq., on behalf of **2024-009P**, Deputy Sheriff, withdrawing appeal of the Citizens' Law Enforcement Review Board's sustained finding. (Commissioner Coleman)

Withdrawn.

ADJOURNED: 3:48 p.m.

ASSISTANCE FOR THE DISABLED: Agendas and records are available in alternative formats upon request. Contact the Civil Service Commission office at (619)531-5751 with questions or to request a disability-related accommodation. Individuals requiring sign language interpreters should contact the Americans with Disabilities Coordinator at (619)531-4908. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 24 hours in advance of the meeting so that arrangements may be made. An area in the front of the room is designated for individuals requiring the use of wheelchair or other accessible devices.