

**CIVIL SERVICE COMMISSION MINUTES**

**January 7, 2026**

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: P. Kay Coleman  
Laura Bassett  
Sam McGovern  
Joe O. Montenegro  
Will Rodriguez-Kennedy

Absent: None

Comprising a quorum of the Commission

Support Staff Present:

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

**Approved**  
**Civil Service Commission**  
**February 4, 2026**

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION  
REGULAR MEETING MINUTES  
JANUARY 7, 2026**

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

2:42 p.m. OPEN SESSION: OPEN SESSION: Attend in-person at the County Administration Center, 1600 Pacific Highway, 4<sup>th</sup> Floor, Room 402A, San Diego, California, or via videoconference/teleconference

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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 Coleman: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(B)) Miguel Peñalosa, Esq., on behalf of **2025-007P**, Deputy Sheriff, appealing an Order of Immediate Suspension from the Sheriff's Office.

B. Commissioner Montenegro: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(B)) James J. Cunningham, Esq., on behalf of **2024-064P**, former Deputy Sheriff-Detentions/Court Services, appealing of an Order of Termination and Charges from the Sheriff's Office.

**OPEN SESSION AGENDA**

**ORDER OF BUSINESS**

A. **ROLL CALL**

**Present:** Coleman, Bassett, McGovern, Montenegro, Rodriguez-Kennedy

**Absent:** None

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

**Motion by Commissioner Coleman to approve the minutes of the regular meeting of November 5, 2025; seconded by Commissioner Montenegro.**

**All in favor.**

C. **NON-AGENDA PUBLIC COMMENT:**

**None.**

D. **AGENDA ITEM DISCUSSION:**

One request was made to pull agenda item #7.

E. **FORMATION OF CONSENT AGENDA**

**Note:** Agenda item #6 (2024-064P) was removed from this agenda and will be agendized at a later date.

Agenda items 1, 5, & 7 are pulled for discussion. Therefore, agenda items 2, 3, 4, 8 and 9 formed the Consent Agenda.

**Motion by Commissioner McGovern to approve the Consent Agenda; seconded by Commissioner Bassett. Motion passed with all in favor.**

F. **DISCUSSION ITEMS**

Agenda items 1, 5, & 7 are pulled for discussion.

#### **AGENDA ITEMS**

#### **ELECTIONS**

1. Election of President and Vice President of the Civil Service Commission for 2026.

**Motion by Commissioner Bassett to elect Commissioner P. Kay Coleman as President and Commissioner Joe O. Montenegro as Vice President of the 2026 Civil Service Commission. Motion seconded by Commissioner McGovern. Motion passed with all in favor.**

**CONFIRMATION OF ASSIGNMENTS**

2. Commissioner Montenegro: Miguel A. Peñalosa Jr., Esq. on behalf of **2025-038P**, Deputy Probation Officer, appealing a Final Order of Removal and Charges from the Probation Department.

**Approved on Consent.**

3. Commissioner McGovern: Jennifer Spirit, Sr. Advocacy Center Organizer, SEIU Local 221, on behalf of **2025-039**, former Stock Clerk, appealing a Final Order of Termination and Charges from the Sheriff's Office.

**Approved on Consent.**

**LATE APPEAL**

4. Jennifer Fox, President, San Diego Probation Officers Association, on behalf of **2025-042P**, former Deputy Probation Officer, appealing a Final Order of Removal and Charges from the Probation Department, which was filed 24-days late.

RECOMMENDATION: Accept late appeal and assign Commissioner Bassett to be the hearing officer.

**Approved on Consent.**

**DISCIPLINE**

**Findings**

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

**FINDINGS AND RECOMMENDATIONS:**

Appellant 2025-007P ("Employee") appealed an Order of Immediate Suspension suspending him, without pay, from the position of Deputy Sheriff in the Sheriff's Office ("Department"), which was presented to the Civil Service Commission. The Commission appointed Commissioner P. Kay Coleman to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, a hearing was held on October 17, 2025.

The causes of discipline were failure of good behavior and acts incompatible with and/or inimical to the public service. Additionally, Civil Service Rule 7.2.1(b) regarding whether emergency circumstances exist in which the immediate removal of the Employee is essential to avert harm to the County or to the public is relevant to this appeal.

At the beginning of the hearing the Employee, through his legal counsel, asserted his 5<sup>th</sup> Amendment right against self-incrimination, and indicated that he would not be testifying in this hearing. In fact, when called to testify by the Department the Employee did not answer any questions, again invoking his 5<sup>th</sup> Amendment right against self-incrimination. The Employee, however, did not object to the admission of all exhibits presented by both he and the Department. Accordingly, the undisputed facts are limited in scope as presented by the Department including such inferences as may be legally allowed, in the light of his 5<sup>th</sup> Amendment assertion.

On August 29, 2024, the Employee was working his assigned shift at the San Diego Central Courthouse located at 1100 Union Street, San Diego (the "Courthouse"). On that same date, an incarcerated person (the "IP"), was housed in the San Diego Central Jail. The IP had a scheduled court appearance on the 12<sup>th</sup> floor of the Courthouse. On the morning of August 29, 2024, the IP was transported to the Courthouse from the Central Jail and was placed into holding cell J4 in the basement holding cell area of the Courthouse, awaiting his hearing.

Following the hearing, at or around 11:54 a.m., while escorting the IP back to his holding cell, the Employee and the IP verbally argued about the force by which the Employee was exerting on the IP to increase the pace of his walking. At all times the IP was bound by leg chains and cross waist chains to restrict his movements.

While escorting the IP to his holding cell, the IP stopped to speak to another IP, and the Employee grabbed the back of the IP's shirt and forced the IP to turn away and continue walking along the corridor. The Employee used this control to walk at a faster pace than the IP felt was safe under the circumstances. As the two of them walked further through the corridors the IP repeatedly complained that he was going to trip or fall due to the Employee's grip and force used to

push the IP's back and shoulder moving him forward at a more deliberate pace.

Upon reaching holding cell J4, with the IP's legs still chained and his hands still cross waist chained, the Employee used both hands and pushed the IP forward further into the cell. The IP stumbled forward and fell, hitting his head forcefully on the wall in front of him (where a bench is located running the length of the cell) ("Wall 1"), then slumped to his right, the back of his head striking the wall perpendicular to Wall 1 ("Wall 2"). He was left lying on his right side, his head against Wall 2 and under the bench.

The result of the blows to the IP's head resulted in a serious injury to his head and neck. He was transported to the hospital where it was determined that he suffered from a posterior cervical compression. He ultimately underwent surgery to address the injury, requiring a fusion of his C2 and T1 vertebrae, resulting in a months-long hospitalization.

On January 30, 2025, a federal grand jury issued an indictment charging the Employee with two (2) criminal counts. The First Count charged him with a violation of Title 18, United States Code, § 242, alleging that the Employee deprived the IP of his Constitutional right to due process of law under the Fourteenth Amendment. The Second Count charged the Employee with making a false entry in his incident report with the intent of impeding, obstructing, and influencing the investigation and proper administration of the investigation.

On January 31, 2025, a Sheriff's Lieutenant ("Lieutenant") personally served on the Employee the Proposed Order of Immediate Suspension. The Lieutenant, reading from a prepared script, informed the Employee of the nature of the Proposed Order, and asked the Employee if he had any response to the Proposed Order. The Employee did not provide any response so the Lieutenant then served him with the Order of Immediate Suspension.

Employee is guilty of failure of good behavior in his transport of the IP from the court holding cell on the 12<sup>th</sup> Floor of the Courthouse to the holding cell J4, in the Courthouse basement, including shoving the shackled and leg restrained IP with unnecessary force inside the confines of holding cell J4 such that he suffered serious injury to his head and neck.

Employee is guilty of acts incompatible with and/or inimical to the public service in failing to provide the IP with respect and compassion and failed to provide the Department and the public with honesty in his reporting of the incident. Such conduct resulted in a very serious and public prosecution by the U.S. Attorney's Office alleging violations of the IP's rights guaranteed under the Fourteenth Amendment of the Constitution.

Finally, it is determined that the Sheriff's determination that emergency circumstances exist and that the Employee's immediate suspension is essential to avoid harm to the County or to the public was appropriate, and that the Department followed the necessary procedures to invoke Civil Service Rule 7.2.1(b).

Civil Service Rule 7.2.1(b) allows the Department to immediately impose discipline through removal if an emergency exists and the Department finds that it is necessary to avert harm to the County or to the public. Certainly, the federal indictment and subsequent prosecution by the United States government creates a serious enough situation to remove the Employee from his assignment until he is either adjudged innocent of the crimes with which he is charged or is convicted. Whether acquitted or convicted, the Department has reserved its right to make a final decision on any discipline.

Regardless, it is enough that this hearing officer finds that the Department has met its burden proving that the conduct of the Employee was such that the interim suspension without pay while the resolution of criminal charges remains pending is appropriate in order to avoid harm to the County and qualifies for the exception set forth in paragraph (b) of Section 7.2.1 of the County Civil Service Rules.

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

**Motion by Commissioner Coleman to approve the decision; seconded by Commissioner Rodriguez-Kennedy. Motion passed with all in favor.**

6. Commissioner Montenegro: James J. Cunningham, Esq., on behalf of **2024-064P**, former Deputy Sheriff-Detentions/Court Services, appealing of an Order of Termination and Charges from the Sheriff's Office.

**Item removed for this agenda.**

**REQUEST TO SEAL PERFORMANCE APPRAISAL**

7. **2025-040**, Animal Control Officer, Department of Animal Services, requesting the sealing of a performance appraisal covering the period April 4, 2024, to April 3, 2025.

RECOMMENDATION: Deny Request

Both the Appellant's attorney and the Department addressed the Commission. After this, there was a major discussion with regards to this appeal and the performance appraisal appeals process with the Commission seeking additional input from both the Appellant and the Department. Commissioner P. Kay Coleman made a recommendation to the Human Resources Department that they incorporate a form in the Performance Appraisal appeals process that will allow an employee to sign if they wish to continue the process without representation.

**Commissioner Rodriguez-Kennedy motioned that the performance appraisal be sealed, and a new appraisal done. Motion was not seconded; therefore, it did not carry.**

**Motion by Commissioner Bassett to approve staff's recommendation to deny request. Motion seconded by Commissioner Montenegro. Vote:**

<b>Commissioner Bassett:</b>	<b>Yes</b>
<b>Commissioner Coleman:</b>	<b>Yes</b>
<b>Commissioner McGovern:</b>	<b>Yes</b>
<b>Commissioner Montenegro:</b>	<b>Yes</b>
<b>Commissioner Rodriguez-Kennedy:</b>	<b>No</b>

**Motion passed with majority of the Commissioners voting in favor.**

8. **2025-041**, Administrative Analyst III, Health and Human Services Agency, requesting the sealing of a performance appraisal covering the period March 9, 2024, to November 7, 2024.

RECOMMENDATION: Deny Request

**Approved on Consent.**

**SELECTION PROCESS**

**Findings**

9. **2025-043**, Applicant, appealing the Department of Human Resources' removal of their name from the employment list for Deputy Sheriff Cadet and Deputy Sheriff Cadet-Detentions/Court Services.

RECOMMENDATION: Ratify. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2 and their name has been returned to the employment lists.

**Approved on Consent.**

ADJOURNED: **4:30 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.