

CIVIL SERVICE COMMISSION MINUTES

MAY 6, 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: Laura Bassett
P. Kay Coleman
Sam McGovern
Joe O. Montenegro

Absent: Will Rodriguez-Kennedy

Comprising a quorum of the Commission

Support Staff Present:

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

Approved
Civil Service Commission
July 1, 2026

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
MEETING MINUTES
MAY 6, 2026**

- 1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation
- 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 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 McGovern: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(B)) Miguel A. Peñalosa Jr., Esq. on behalf of **2025-029P**, Deputy Probation Officer, appealing a Final Order of Removal and Charges from the Probation Department.

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (GOV. CODE SEC. 54957(b)) Title: Executive Officer

OPEN SESSION AGENDA

ORDER OF BUSINESS

A. **ROLL CALL**

Present: Bassett, Coleman, McGovern, Montenegro,

Absent: Rodriguez-Kennedy

B. **APPROVAL OF MINUTES:** Regular meeting of March 4, 2026.

Motion by Commissioner Bassett to approve the minutes of the regular meeting of March 4, 2026; seconded by Commissioner Montenegro.

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

Two (2) individuals requested to speak:

1. Paloma Serna, mother of Elisa Serna who died in custody on 11/11/2019 at Las Colinas County Jail, addressed the Commission. She stated that she is with Saving Lives in Custody California and North County Equity and Justice Coalition. She is here to learn more about this Commission and how it serves to hold those accountable. Ms. Serna stated that there were 10 in-custody deaths last year in County Jails. She stated that officers and prison staff are now receiving "Compassion Training" and being taught to take simple vitals. In addition, she requested that officers be held accountable and not returned to duty.
2. Yusef Miller, with North County Equity and Justice Coalition and Saving Lives in Custody California, thanked the Commission for being here to help evaluate the appeals and helping with transparency and accountability.

D. **AGENDA ITEM DISCUSSION:**

Items #9 and #10 have been pulled for discussion by the departments.

E. **FORMATION OF CONSENT AGENDA**

Agenda items 8, 9, and 10 have been pulled for discussion. Therefore, agenda items 1-7 and 11-14 formed the Consent Agenda.

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

F. **DISCUSSION ITEMS**

Items 8, 9, & 10 have been pulled for discussion.

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AGENDA ITEMS

CONFIRMATION OF ASSIGNMENTS

1. Commissioner Rodriguez-Kennedy: David J. Lopez, Esq. on behalf of **2026-007P**, Deputy Sheriff, appealing the Citizens' Law Enforcement Review Board's sustained finding.
2. Commissioner McGovern: Miguel A. Peñalosa Jr., on behalf of **2026-008P** and **2026-009P**, Deputy Sheriffs, appealing the Citizens' Law Enforcement Review Board's sustained finding.
3. Commissioner Montenegro: Chad Edwards, Esq. on behalf of **2026-010**, former Associate Accountant, alleging discrimination by the Department of Parks & Recreation.
4. Commissioner McGovern: David J. Lopez, Esq. on behalf of **2026-011P**, Deputy Sheriff-Detentions/Court Services, appealing the Citizens' Law Enforcement Review Board's sustained finding.
5. Commissioner Rodriguez-Kennedy: **2026-012**, former Procurement Contracting Officer, alleging discrimination by the Department of Purchasing and Contracting.
6. Commissioner Bassett: Rico J. Dominguez, Esq., on behalf of **2026-013P**, Deputy Sheriff, appealing an Order of Suspension, Reassignment and Charges from the Sheriff's Office.
7. Commissioner Coleman: **2026-014P**, former Deputy Sheriff Cadet, alleging discrimination by the Sheriff's Office.

Items 1-7 Approved on Consent

DISCIPLINE

Findings

8. Commissioner McGovern: Miguel A. Peñalosa Jr., Esq. on behalf of **2025-029P**, Deputy Probation Officer, appealing a Final Order of Removal and Charges from the Probation Department.

FINDINGS AND RECOMMENDATIONS:

2025-029P ("Employee") appealed a Final Order of Removal and Charges removing her from the position of Deputy Probation Officer in the Probation Department ("Department") was

presented to the Civil Service Commission. The Commission appointed, Commissioner Sam McGovern, to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, a hearing was held on April 7, 2026.

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

The Employee was working as Shift Leader during the P.M. shift in Unit Echo at the East Mesa Juvenile Detention Facility ("Facility") on September 24, 2024. Deputy Probation Officers ("DPOs") 1, 2, 3, and 4, and Supervising Probation Officer ("SPO") 1, were present in (or close to) the day room of Unit Echo, engaged in providing dinner to the juveniles in that unit.

One of the youths in Unit Echo ("YOUTH"), did not initially leave his room for dinner but, after the Employee spoke with him, he joined others in the day room. After obtaining his meal he sat down at a table with three other youths. Shortly thereafter DPO 1 walked to his table and sought his signature on a Voluntary Separation Form ("VSF" or "Form"). The VSF is used when a youth decides to not participate in any programming, including free time recreation - typically by staying in their room. YOUTH did not join others during free recreation time earlier in the day and DPO 1 was asking that he acknowledge his voluntary separation from that activity earlier in the day.

At the time that DPO 1 asked for his signature YOUTH was starting his dinner, which included either a chili dog or Sloppy Joe, in either event, where the food included chili. YOUTH was uncooperative and proceeded to first act like he was signing the Form, then wiped chili sauce from his hand onto the Form, wiped his face with the Form, then set the soiled Form on the corner of his table. DPO 1 left to obtain a signature on a different form from another youth, then returned, picked up the Form, and walked behind the counter to the staff desk, setting both forms down.

Prior to DPO 1's retrieval of the Form the Employee was stationed behind the counter of the staff desk with her back to the day room floor. She moved away from behind the desk and counter to address some other matter when DPO 1 collected the Form from YOUTH and walked behind the counter. YOUTH then

stood up and walked about in the day room. DPO 1 then made a call, and when the Employee returned to the day room, to the front of the staff desk counter, she handed the phone to the Employee. After a brief conversation on the phone, during which DPO 1 showed the soiled Form to the Employee, the Employee looked around for YOUTH, finished her telephone call, and spoke with DPO 1, who explained what YOUTH had done to the Form.

The Employee then located YOUTH, who was walking about the day room, still holding the remainder of his dinner, and gave him the command to "take it up" (i.e., go to his room). YOUTH walked back toward his table, and stopped to talk with the Employee, then disregarded the Employee's command to take it up by sitting back down in his chair at the table with his back to the Employee.

After YOUTH returned to his table, and sat down, he continued to ignore commands to go to his room for approximately 10 seconds. Approximately 8 seconds after he turned to face the Employee, DPO 1 returned to join the Employee in their combined efforts to gain his compliance and return to his room. This discussion continued for approximately 12 seconds when YOUTH abruptly turns his back on the Employee and DPO 1, continuing to ignore their commands. He then turns around in his chair to speak with the Employee, arguing with the Employee and continuing to resist returning to his room, and telling her, "I'm not taking shit up," and some other statements of refusal.

Approximately 7 seconds later the Employee then calls out a command for all the youths to "take it up" to return to their rooms. DPO 1 then moves away from the table to YOUTH's room and opens it up for him to enter. YOUTH remains seated and ten seconds later the Employee observes YOUTH sliding some of his food (i.e., the "object") to another youth to hold for him. The Employee, who was positioned behind YOUTH with a partially obscured viewpoint of what was taking place immediately in front of YOUTH's body, observes the exchange and takes four steps toward YOUTH with the last step being right next to him in his chair. While she was stepping toward YOUTH, he grabs the object that he had just slipped to the other youth, and the Employee asks for the object from him. YOUTH then slips the object into his waistband and the Employee calls, "cover," to the youths and grabs YOUTH by his right shoulder and then shortly after by his hair. DPO 2 arrives as the Employee's "cover" officer and reaches toward

YOUTH's torso as he turns, and Employee pulls him out of his chair by his hair. The Employee and DPO 2 then attempt to gain control of YOUTH and take him to the ground.

During their struggle with YOUTH the Employee's left hand and arm became braced around YOUTH's torso underneath his arm with his hands gripping the Employee's left hand, which (Employee confirmed) is her dominant hand. YOUTH held onto her arm with his left arm held tightly against his body and grasped the Employee's left hand tightly during the struggle. The Employee repeatedly gave verbal commands to YOUTH to let go of her hand and attempted to pull it free, without immediate success. She also kept other responding officers aware of her inability to release YOUTH, even when responding officers tried to relieve her during the struggle.

During the struggle DPO 1 also gave the "cover" command to those youths remaining in the day room, before rushing in to assist in the struggle with YOUTH.

YOUTH was actively resisting the Employee and the other officers from the initial contact (while seated) and throughout the struggle, until he was finally controlled and handcuffed, a period of approximately two minutes and ten seconds. During this time the Employee delivered a total of 12 closed fist strikes to YOUTH's head, neck and shoulder, and 10 knee strikes to YOUTH's back and torso, in an effort to gain control and to get YOUTH to release her left arm hand. No strikes were delivered after the Employee was able to free herself from YOUTH's grip.

Following the incident the Employee was required to prepare an incident report. Because of her injuries to her left arm and hand, and because of DPO 2's injuries to the side of her face, the two of them were told to first go to Concentra urgent care for treatment. While they were gone CCTV video recordings showing the activity in Unit Echo, including the incident involving YOUTH, were accessed and recorded for review by those officers involved.

Both the Employee and DPO 2 initially watched the CCTV video recordings upon their return from urgent care. The CCTV recordings were only allowed to be watched in the Watch Commander's office.

The Employee initiated the preparation of an incident report late in her shift on September 4th. To provide a complete

report she reviewed the CCTV video recordings at least one more time. During one of these viewings the Employee used her personal mobile phone to record what she was viewing.

On or about September 5, 2024, the Employee and DPO 2 were communicating by texts using their personal mobile phones. Because she was also involved in the incident DPO 2 was required to supplement the incident report to be written by the Employee with an "addendum." At some point DPO 2 was informed that the Employee had a copy of the CCTV video recording on her personal phone, and she asked Employee to send the video to her. The Employee complied but cautioned DPO 2 with the admonition, "DO NOT tell anyone we have it."

Cause I: The evidence supports a violation of Civil Service Rule 7.2(m) regarding conduct unbecoming, in that on September 4, 2024, while on duty during the P.M. shift in the day room at Unit Echo of the East Mesa Juvenile Detention Facility, the Employee initiated a struggle with YOUTH by closing the gap to the seated youth, making contact with her hand on his shoulder then back, grabbed his hair with both hands, and used his hair as part of the officers' efforts to pull YOUTH to the floor in an effort to gain compliance with her commands and overcome his resistance.

The evidence further supports that when in her struggle with YOUTH the Employee delivered a total of 12 closed fist strikes to YOUTH's head, neck and shoulder, and a total of 10 knee strikes to YOUTH's back, ribs and other points on his torso in efforts to gain control of the struggle and free his grasp of her left arm and hand. However, the closed fist strikes were all delivered by the Employee's non-dominant hand with the last seven of the twelve closed fist strikes occurring while YOUTH was pinning Employee's left arm and grasping her left hand. During this time YOUTH called for the Employee to "hit [him] harder." The Employee did not deliver any force after she was freed from YOUTH's grip.

The use of force was determined to be unreasonable by the Department, but none of the Department's witnesses *testifying at the hearing* had personally interviewed the Employee. The opinion of the only individual involved in the investigation who did personally interview the Employee was introduced only through a report, which denies this hearing officer a sufficient opportunity to fully understand how that individual arrived at his opinion. Other than testimony from DPO 2, the Department's testifying witnesses arrived at their

opinions through the review of video footage and/or reports by other personnel. While video provides important evidence, it is only one perspective.

The Employee and other personnel who worked with the Employee and testified at the hearing were well aware of YOUTH's history while at the Facility, how he had assaulted and intimidated other youths and officers, and how it was known that he had even been found in possession of sharpened objects in the Facility that could be used as weapons.

The Department charged the Employee with utilizing "inappropriate/excessive force," and while the Department met its burden to show that force was used in an inappropriate manner at times (i.e., grabbing YOUTH's hair and/or "closing the gap" between herself and YOUTH) and in a way that was not consistent with training, the Department did not meet its burden to satisfactorily prove that the entirety of her use of force was objectively unreasonable in light of the facts and circumstances at the time the force was used by the Employee.

The Employee's evidence demonstrated that YOUTH was known to the personnel who worked with him to be strong, unpredictable, and potentially dangerous. The Employee, with knowledge that YOUTH had previously obtained objects in the Facility that could be used as weapons, observed him passing items at a table and then concealing an object in his pants. While review of the video footage shows that it was most likely food, the Employee was not in a position to be able to determine what had been concealed in his pants. The Employee made a decision to take quick action and introduce a level of force by pushing YOUTH toward the cover position. The decision ultimately led to a bad situation where multiple personnel were necessary to overcome YOUTH's resistance.

Using hindsight, the Department proved that parts of the overall incident were conducted contrary to policy, but this hearing officer cannot find that it was unreasonable for the Employee, with the knowledge she had at the time, to decide it was necessary to take immediate action to prevent YOUTH from harming others in the vicinity. Thus, the Employee is guilty of conduct unbecoming of an officer or employee of the County, under Civil Service Rule 7.2 (m) for using force in a manner not prescribed by policy and/or training, but notably doing so in what must be acknowledged as a situation a

reasonable officer in the Employee's position would find to be dangerous and warranting action.

The second half of this Cause relates to the Employee's admitted violation of Policy 801.5.6(c), when she used her own personal cell phone to record the CCTV footage while in the Watch Commander's office and then sent it by text message to DPO 2 one or two days following the incident.

Cause II: The evidence supports a violation of Civil Service Rule 7.2(r) regarding failure of good behavior, in that the same actions described in Cause I, above, support a violation of Rule 7.2(r). Juveniles under the control and custody of the Department must be treated with greater care, respect, and patience while at the same time demonstrating the need to follow commands. By "closing the gap," and not being patient by awaiting the clearance of the room by other youths, the Employee created a situation of danger of injury to YOUTH, other youths in the day room, herself, and fellow officers.

Once the struggle started, however, clearly YOUTH responded violently and aggressively against the Employee, DPOs 1, 2, and 3, as well as those other officers responding to the incident, and the Employee's strikes and kicks during their efforts to control YOUTH were justified under the circumstances.

Cause III: The evidence does not support a violation of Civil Service Rule 7.2(s) regarding acts incompatible with and/or inimical to the public service as it pertains to the physical altercation that occurred here. While the Department demonstrated that the result of the Employee's decision to engage YOUTH ran afoul of policy and training in certain ways, this hearing officer finds that a reasonable officer would have come to the same decision in using force under the facts and circumstances existing at that time (i.e., when assaulting the Employee through pinning her arm and tightly grasping her hand to the point of causing pain). Further, this hearing officer cannot find that it is inappropriate for an officer to use force to free him or herself from the grip of an assailant. As such, the Employee's actions during the altercation are not incompatible with and/or inimical to the public service.

However, the Employee's surreptitious recording of the CCTV footage on her personal cell phone, then sharing the same with DPO 2, was in violation with policies that are intended

to ensure that confidential juvenile records are not susceptible to unlawful release, whether intentional or unintentional. The Department sufficiently demonstrated the gravity of the Employee's actions here. While there was no evidence that the recording was circulated to anyone who would not have otherwise been able to view the video on a Department device, such actions are inimical to the public service.

Although the findings of the Department are generally sustained in most of the charges brought by the Department against the Employee there are mitigating factors that must be considered.

Primarily, with respect to the confrontation with YOUTH, some actions surrounding the struggle with YOUTH are found to be in violation of policies, but once the struggle began it is difficult to consider the final seven closed fist strikes, and the final eight knee kicks as unreasonable under the circumstances. YOUTH's resistance, swinging of his own fists, kicking, and refusing to cover, as well as pinning the Employee's arm and hand tightly in what can be considered more aggressive than defensive on the part of YOUTH, justify the amount of force used during the struggle. The fact that these strikes occurred while the Employee was unable to free herself from the grip of the juvenile must be considered.

With respect to the inappropriate sharing of the CCTV video the Employee admitted that it was inappropriate - not only to record it in the first place but to share it with DPO 2. Her excuse about recording it was that she needed to review the recording more than simply the first two times in the Watch Commander's office to promptly and efficiently prepare an accurate incident report.

This explanation does not mitigate her failure of good behavior, and the Employee knew that taking that action was in violation of Department policies. This violation is aggravated by her knowledge that her conduct was in violation of policies when texting it to DPO 2 with the admonition, "DO NOT tell anyone we have it."

Taking all mitigating and aggravating factors into consideration this hearing officer believes that termination is too harsh of a punishment. The Employee, however, must be disciplined such that future violations of Department policies do not happen, and that she understands that each and every policy is important in the operations of the

Department. This hearing officer believes a ninety (90) calendar day suspension, the longest suspension allowable by the Civil Service Rules, is appropriate.

Based on the findings and conclusions set forth above, it is hereby recommended that the Final Order of Removal and Charges be modified to a ninety (90) calendar day suspension; and that the Employee be awarded back pay, benefits, and interest from the date of removal to the date of this decision minus wages attributable to the ninety (90) calendar day 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.

Motion by Commissioner McGovern to approve the decision; seconded by Commissioner Montenegro. Motion passed with all in favor.

REQUEST TO SEAL PERFORMANCE APPRAISAL

9. **2026-015**, Staff Nurse, Health and Human Services Agency, requesting the sealing of a performance appraisal covering the period September 20, 2024, to December 20, 2024, and another appraisal covering the period December 21, 2024, to April 2, 2025.

RECOMMENDATION: Deny Request

Employee 2026-015 stated she felt that her performance appraisal (PR) was biased and that it did not reflect her overall job description or the job she was hired to do. It was noted there were no appeals requested for the first Midterm-PR by the employee and this appeal to seal both PRs was presented before the Final-PR was completed.

The department Human Resources Office, Contance Tillman, noted that the PRs were not negative towards the employee and that the employee did not receive any below standard ratings on this PR; nor were the PRs submitted to employee grievously late.

Motion by Commissioner Montenegro to accept staff's recommendation not to seal employee's Performance Appraisal; seconded by Commissioner Bassett. Motion passed with all in favor.

SELECTION PROCESS

Appeal

10. **2026-016**, Legal Support Assistant II, Office of the District Attorney, appealing her non-selection for the classification of Administrative Analyst I in the Office of the District Attorney.

RECOMMENDATION: Deny Request

2026-016, ("Appellant") is currently a Legal Support Assistant II with the District Attorney's Office. She applied for the position of Administrative Analyst I in the District Attorney's Office ("Department"). She was interviewed and tested for a position in the Grants division only and not in Fiscal/Budget/Travel, for which she feels she has more experience and which she conveyed to the Department that she had an interest in that area. Appellant states that nothing on her resume showed she had experience with grants, but her resume instead showed she had "extensive experience working with travel and expense reimbursement, and budget management."

The department stated that due to the large number of applicants (558 candidates) not everyone was able to be interviewed for the available positions. The Travel unit chose not to interview the Appellant due to "job-related qualifications" and was not based on any discriminatory factors. Therefore, the Department requests that Appellants Petition to Appeal Selection process be denied.

Motion by Commissioner McGovern to approve staff's recommendation to deny request; seconded by Commissioner Bassett. Motion passed with all in favor.

Findings

11. **2026-017**, Applicant, appealing the Department of Human Resources' removal of their name from the employment list for 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.

EXTENSION OF TEMPORARY APPOINTMENTS

12. Health and Human Services Agency

2 Administrative Analyst Is: **2026-018** and **2026-019**

RECOMMENDATION: Ratify

Ratified

INFORMATION

13. **2025-039**, former Stock Clerk, withdrawing their appeal of an Order of Termination and Charges from the Sheriff's Office. (Commissioner McGovern)

14. Rico J. Dominguez, Esq. on behalf of **2025-044P**, Deputy Sheriff, withdrawing their appeal of an Order of Immediate Suspension from the Sheriff's Office. (Commissioner Coleman)

ADJOURNED: **4:08 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.