CIVIL SERVICE COMMISSION MINUTES

October 21, 2026

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in person in room 400 (formally 402-A) at the County Administration Center; 1600 Pacific Hwy.; and via Videoconference/Teleconference.

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

Absent: Laura Bassett

Comprising a quorum of the Commission

Support Staff Present:

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

Approved
Civil Service Commission
November 4, 2026

SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
OCTOBER 21, 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

---

Notice pursuant to Government Code Section 54954.2.

CLOSED SESSION AGENDA

County Administration Center, Room 409 (formerly 458)

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

A. Commissioner McGovern: CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (GOV. CODE SEC. 54956.9(a)) James Cunningham, Esq., on behalf of **2026-003P**, Sheriff's Captain, and Nicole Saperstein, Esq., on behalf of **2026-008P** and **2026-009P**, Deputy Sheriffs, appealing the Citizens' Law Enforcement Review Board's sustained findings.

OPEN SESSION AGENDA

ORDER OF BUSINESS

A. **ROLL CALL**

Present: Coleman, McGovern, Montenegro, Rodriguez-Kennedy

Absent: Bassett

B. **ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:**

The Commission's Legal Advisor reported that no action was taken in Closed Session; Item A will be considered in the Open Session as Item #3.

C. **APPROVAL OF MINUTES:** Regular meeting of September 2, 2026.

Motion by Commissioner Montenegro to approve the minutes of the regular meeting of September 2, 2026; seconded by Commissioner McGovern. Motion passed with all in favor.

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

None.

E. **AGENDA ITEM DISCUSSION:**

There was one (1) request to pull agenda item #3.

F. **FORMATION OF CONSENT AGENDA**

Agenda item #3 and #4 are pulled for discussion. Therefore, agenda items 1, 2, 5a & 5b and 6 formed the Consent Agenda.

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

G. **DISCUSSION ITEMS**

Agenda items #3 and #4 are pulled for discussion.

AGENDA ITEMS

CONFIRMATION OF ASSIGNMENTS

1. Commissioner Bassett: David J. Lopez, Esq., on behalf of **2026-043P**, Deputy Sheriff, appealing the Citizens' Law Enforcement Review Board's sustained finding.

2. Commissioner Coleman: David J. Lopez, Esq., on behalf of **2026-044P**, Deputy Probation Officer, appealing the Citizens' Law Enforcement Review Board's sustained finding.

Items 1 and 2 Approved on Consent.

/ / /

/ / /

CITIZENS' LAW ENFORCEMENT REVIEW BOARD APPEALS

Findings

3. Commissioner McGovern: James Cunningham, Esq., on behalf of **2026-003P**, Sheriff's Captain, and Nicole Saperstein, Esq., on behalf of **2026-008P** and **2026-009P**, Deputy Sheriffs, appealing the Citizens' Law Enforcement Review Board's sustained findings.

James Cunningham, Esq., spoke with regards to his appellant (2026-003P). He stated that his client is an honored officer, who has been promoted to Captain since this incident. He stated that the captain's report was based on the information provided to him with regards to the incident. Mr. Cunningham asked that the Commission overturn the findings by CLERB as his client is not guilty. Following Mr. Cunningham's comments, Commissioner McGovern presented his findings and recommendations.

FINDINGS AND RECOMMENDATIONS:

Deputy 1 (2026-008P), Deputy 2 (2026-009P) (collectively referred to as "Deputies"), and Captain (2026-003P), who was a Lieutenant at the time of the incidents in this report, appealed the findings of the Citizens' Law Enforcement Review Board, ("CLERB"), in which it sustained allegations against the Deputies and Captain in the San Diego Sheriff's Office ("SDSO"). The Civil Service Commission appointed Commissioner Sam McGovern to hear the appeal and submit findings and a proposed decision to the Civil Service Commission. A hearing was held on July 27 and 28, 2026.

In the early morning hours in February of 2024, a call for medical aid was received at an apartment complex in Fallbrook. The reporting party, one of the daughters of Complainant 2 told the dispatcher handling the call that Complainant 2 had been drinking, was unconscious, and "might have alcohol poisoning." The daughter informed the dispatcher that Complainant 1, her brother, had been drinking with his mother and was uncooperative.

Both SDSO units and the local fire department, North County Fire Protection District ("NCFPD"), were dispatched to the location of the incident. As a result of reports of fighting, NCFPD personnel indicated that they will "stage" at the scene until the apartment was safe for them to enter.

Deputies 1 and 2 both arrived at the apartment where the incident occurred ("Apartment"). Upon entering the Apartment Deputy 1 found Complainant 1 and began questioning him about what was happening. Complainant 2 remained unconscious on the floor and Complainant 1 explained that his sisters were "overreacting," and that he was trying to prevent Complainant 2 from drowning if she vomited while on her back.

While being questioned by Deputy 1, Complainant 1 became resistant to Deputy 1's directive to keep his hands off his mother. Deputy 2 then stepped in to keep Complainant 1 from disobeying Deputy 1's order by reaching in to take hold of him, while at the same time informing Complainant 1 that he was "going into cuffs."

Complainant 1 then struggled with Deputies 1 and 2 for approximately one and one-half minutes as they attempted to place Complainant 1 in handcuffs behind his back, while Complainant 1 actively resisted. Deputy 1's body worn camera stopped recording during the struggle, and he turned it back on when it was over. Complainant 1 requested a "medic" 3-4 times, while Deputy 1 informed him "You will get a medic, sir, just give us a moment." Complainant 1 remained uncooperative as the deputies attempted to escort him out of the Apartment.

Complainant 1 requested to see medics on multiple occasions throughout his interactions with Deputies 1 and 2, and other deputies as well as NCFPD personnel while he was in the Apartment, on his way to a patrol vehicle and while in the patrol vehicle. Each time he was assured by those who heard him that he would be seen by a medic. On two occasions during the incident, Deputy 1 turned off the audio recording feature of his body worn camera.

Complainant 1 filed a complaint with CLERB alleging that Deputy 1 and Deputy 2 used excessive force in his arrest, and was refused medical treatment while in their custody. He also alleged in his complaint that Deputy 1 and Deputy 2 fabricated their reports of the incident by stating that he had been seen by a paramedic at the scene of the incident when he wasn't.

CLERB investigated the complaint of Complainant 1 and concluded that the following SDSO Policies were violated by Deputies 1 and 2:

1. *SDSO Addendum F*: Failure to provide medical aid.

2. *SDSO P&P Section 2.41*: Preparing inaccurate reports.
3. *SDSO P&P Section 6.13*: Failure to comply with the Department's BWC policy.

Additionally, Complainant 1's mother, Complainant 2, filed a separate complaint with the Department alleging that Deputy 1 (and another not a part of this appeal) falsely arrested her son, ignored pleas from his sisters that he suffered mental illnesses and should be hospitalized, not arrested, and that the deputies denied him medical care for an injured shoulder. Her complaint was investigated by Captain who concluded that her allegations were unfounded and included the statement that after his arrest Complainant 1 "was evaluated by medics on the scene." CLERB concluded that Captain violated the following SDSO Policy: *SDSO P&P Section 3.2*: Failure to conduct an investigation that was "fair, thorough, impartial."

Deputy 1 was one of the first of four deputies to initially arrive on scene at the Apartment. Deputy 1 assisted in the initial contact with Complainant 1; was involved in the efforts to, first, calm Complainant 1 and seek his cooperation to step away from his mother in order to allow medical personnel to examine and treat his mother; (along with Deputy 2) used force necessary to detain Complainant 1 and place him in handcuffs; removed Complainant 1 from the Apartment, placing him in the back seat of his patrol unit; (together with Deputy 3) transported Complainant 1 to the Vista Detention Facility ("VDF"); and processed the booking and jailing of Complainant 1 at VDF.

At one point, for a period of approximately one minute, Deputy 1 joined a group of deputies away from his patrol vehicle where Complainant 1 was being held and intentionally turned off the audio function of his body worn camera.

At another point, Deputy 1 left the presence of Complainant 1 when he walked away and met with another deputy, again turning off the audio portion of his body worn camera. He was away from Complainant 1 this second time for approximately three and one-half minutes.

The last period that Deputy 1 was not in the presence of Complainant 1 was approximately 11 minutes while he returned to the Apartment with Deputy 2 to interview Complainant 1's sisters for the purpose of completing their investigation.

Taken together, there was at least 15 minutes during the incident that Deputy 1 was not in the presence of Complainant 1 and would not know if medical personnel examined Complainant 1, as they told Complainant 1 they would.

The evidence supports a finding that Deputy 1 used proper and appropriate tactical efforts to de-escalate the initial contact with Complainant 1 and demonstrated courtesy and respect while seeking cooperation through de-escalation efforts and while using force to detain Complainant 1. Deputy 1 also verbally acknowledged Complainant 1's multiple, yet calm, requests for medical personnel on scene to attend to his claimed injuries by letting him know that somebody would see him after they provided emergency medical care to his overly intoxicated mother. More importantly, on at least one occasion Complainant 1 directly requested medical aid from one of the medics from NCFPD, who acknowledged his request by responding, "We will."

In his Officer Report, Deputy 1 incorrectly entered the following information, "[Complainant 1] was evaluated and cleared by North County Fire medics and was transported to VDF with no further incidents." Additionally, and consistent with his entry in his Officer Report, Deputy 1's "Use of Force Supplement" indicated that Complainant 1 was injured as a result of the use of force by Deputies 1 and 2, with "Complaint of pain to his right shoulder," and he was "[t]reated at scene."

There is no independent or reliable evidence that Complainant 1 ever received medical treatment from NCFPD medics at any time; therefore Deputy 1's Officer Report, and his Use of Force Supplement, both contain inaccurate information, as it relates to Complainant's medical treatment. Did Deputy 1 "knowingly," enter or cause to enter "false or improper information in these documents? Deputy 1 points to definitions of "knowingly," which would include the synonym, "deliberately."

Just as there is no independent or reliable evidence that Complainant 1 received medical treatment from NCFPD medics, there is no evidence that Deputy 1 knew that fact and deliberately included in his report false entries that such treatment was provided. It is more likely than not that Deputy 1 mistakenly believed that Complainant 1 was treated during one of the periods where he was absent conducting his investigation or speaking with other deputies. After all, the

NCFPD personnel were aware of Complainant 1's request for medical assistance, assuring him that they would get to him once they were able after addressing the more serious situation of his mother's severe inebriation and potential alcohol poisoning – the purpose for their response - and Deputies 1 and 2 were away from Complainant for 11 minutes while interviewing Complainant 1's sisters after Complainant 2 was removed from the Apartment.

This hearing officer finds it reasonable for Deputies 1 and 2 to believe that NCFPD medics stopped to assess Complainant 1 in their absence, knowing that Complainant 1 was constantly and loudly requesting a medical evaluation, and (in such a belief) unknowingly included the conclusion that he received medical treatment in their reports even though they did not witness such an event.

Deputy 1 admits that he muted his body worn camera twice, during the incident, without documenting "in writing" that he took these two actions while at the scene.

Sheriff's Policy & Procedure, section 6.131, regarding the use of body worn cameras, contains an area titled, "MUTING," which provides, in part, "Muting is generally discouraged; however, there are situations in which muting may be beneficial." One such situation is identified as "Tactical Considerations," i.e., "[w]hen specific law enforcement tactics are being discussed," the disclosure of which might "compromise . . . future law enforcement operations or jeopardize officer safety. The policy further provides that if a body worn camera is muted "it shall be documented in writing."

Deputy 1 testified that on the two occasions that he muted his body worn camera because he believed that it was acceptable under concept of "tactical considerations," as generally described in the policy, and that when discussing matters unrelated to an investigation muting is accepted by the Department. Regardless, there was no documentation (whether in his report or through the CAD system operated by dispatch) of Deputy 1's brief disabling of the audio portion of the camera, and it is clear that at all times when he was in contact with witnesses, suspects, victims, or other third parties, the audio feature was enabled and operating.

P&P section 6.131 is of recent vintage, having been adopted in May of 2023, and this incident occurred in February of

2024, slightly less than 9 months later. CLERB does not present any evidence that Deputies 1 and 2 had even received training in the use of body worn cameras, and P&P section 6.131, at the time of the incident. No inquiry was made through multiple SERF inquiries or cross examination at the hearing.

In appeals of CLERB's finding of "false reporting," or "misconduct," Civil Service Rule section 15.1.7 places the burden of proof on CLERB, by a preponderance of evidence, that the "[acts]. . . occurred *and did constitute improper conduct*." (Emphasis added.) Considering all the evidence presented CLERB met its burden to prove that the acts "occurred." However, CLERB has failed to prove that the acts of Deputy 1, in this case, "did constitute improper conduct." Nothing in the evidence produced by CLERB in this matter, taking into consideration contrary testimony and other evidence presented by Deputy 1, meets the burden that the acts or omissions (e.g., Deputy 1's assumption that NCFPD medics attended to Complainant 1, and muting the body worn camera was appropriate, although not reported in writing) was conduct undertaken to intentionally violate the policy, rather than inadvertent omissions.

Deputy 2 arrived on scene around the same time as Deputy 1 and was present during the incident leading to Complainant 1's arrest. The allegations of "misconduct," or "false reporting," sustained by CLERB, are similar to those made against Deputy 1 as described above, and the same analysis applies equally to Deputy 2. Just as with Deputy 1, this Hearing Officer finds that CLERB has failed to meet its burden that Deputy 2's actions, or omissions, "did constitute improper conduct."

Captain was assigned the task of investigating the complaint of Complainant 2, which was received two weeks after the incident. Taken at face value, the complaint from Complainant 2, who was so inebriated at the time that nearly everything recited by her in the complaint occurred, lacks veracity sufficient to meet an exception to the hearsay objection. Accordingly, the content in the complaint was not admitted for the proof of the matters asserted following Captain's objection.

Captain, after considering the various reports and body worn camera video recordings, relied on statements in the Officer Reports and Use of Force Supplements of Deputies 1 and 2, and

found no reasonable basis to support those two deputies committed any violations of Department policies.

This hearing officer finds it reasonable for Captain to believe that – given the medic's acknowledgement that he would be back to check on Complainant 1, and that the medics would have passed in close proximity to Complainant 1 – the NCFPD medics could very well have been capable of "assessing" Complainant 1's medical condition without the need to stop and examine him more thoroughly.

One important conclusion reached by this hearing officer is that Complainant 1's complaints – during the incident and thereafter – lacked credibility. Body worn camera video recordings do not support a finding that Complainant 1 was injured to the extent to require medical attention under P&P section 11.24 (Aftercare). The nature of Complainant 1's "injuries" did not, in the opinion of this hearing officer, establish that he required medical attention at the scene, and the conduct of Complainant 1 clearly reflects that there was no reasonable request for medical attention from Complainant 1.

Complainant 1 could be observed to be relaxed, without distress due to pain or displacement of his shoulder, even shrugging his shoulders without any limitation or expression of pain. In fact, Complainant 1 can be seen stretching his right arm well above his shoulder without restriction or limitation after entering the holding cell.

CLERB has failed to meet its burden to prove that Captain failed "to conduct a fair, thorough and impartial investigation."

Based on the findings set forth above, it is hereby recommended:

1. That the allegations sustained by CLERB in the Complaint against Deputy 1 referred to as CLERB Case #25-006 regarding failure to provide medical aid, writing inaccurate reports, and failure to comply with SDSO's BWC policy be deemed **Not Sustained**;

2. That the allegations sustained by CLERB in the Complaint against Deputy 2 referred to as CLERB Case #25-006 regarding failure to provide medical aid, writing inaccurate reports,

and failure to comply with SDSO's BWC policy be deemed **Not Sustained**; and

3. That the allegation sustained by CLERB in the Complaint against Captain referred to as CLERB Case #25-006 regarding failure to conduct a fair, thorough and impartial investigation be deemed **Unfounded**; and

4. 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.

Commissioner Rodriguez-Kennedy discussed that he was not approving the motion as he believed that appellants (2026-008P) and (2026-009P) were aware that their actions of muting their body worn camera (BWC) was against policy; even though there is no evidence that they had been trained on the policy. He iterated that the deputies were aware of the BWC policy, because they quoted part of the policy regarding "tactical consideration" to justify them muting their BWC, which is on page 5 of the policy. The policy also states that if they are to "mute" their BWC's then they should indicate why on the camara before muting and to put why in their report. Neither of these were done by the deputies in this case. Commissioner Rodriguez-Kennedy stated that there should be a ruling of "sustained" findings for this portion of the charges.

Commissioner McGovern stated that he did not find that the periods of camera muting were events which the policy requires to be recorded as the deputies were not in contact with the public, thus the muting requirement should not apply.

Motion passed with the majority of the Commission voting in favor.

Commissioner Coleman	**Yes**
Commissioner McGovern	**Yes**
Commissioner Montenegro	**Yes**
Commissioner Rodriguez-Kennedy	**No**

/ / /

SELECTION PROCESS

Appeal

4. **2026-045,** Supervising Human Services Specialist, appealing his non-selection for the classification of Program Specialist II in the Health and Human Services Agency.

RECOMMENDATION: Deny Request

Appellant (2026-045) stated that he has more concern now than when he originally filed the appeal. The staff report concludes that the selection process was fair, consistently applied and unbiased. He stated that it reached this conclusion without examining the recruitment specific methodology his petition asked to be reviewed. The conclusion rests on an assertion and not the underlining documents. His appeal is not based on a disagreement with the hiring decision; but whether the selection methodology represented to candidates and human resources was followed. The appellant would like a review of:

- The Recruitment Request
- The Referral Parameters
- The Panel Instruction and approved rating guide
- Each panelist score sheets and notes
- The record showing which candidate materials the panel reviewed.

The appellant stated that he just wanted to make sure the selection process was conducted the way it is represented to candidates and H.R.

Commission Montenegro asked if two (2) Performance Appraisals and a resume is requested used to assist departments in determining whether the employee would be a good candidate, and then the actual interview.

Alyssa Peralta, Sr. DHRO, for Health and Human Services Agency, represented the department. Ms. Peralta stated that "yes" those documents are requested from all candidates; however, they are not required for the position. The documents are viewed by the panelists after the interview if they have any further questions.

Commissioner Montenegro asked if the questions for all interviewees the same. Ms. Peralta stated "yes" that each candidate was asked the same nine (9) questions.

Commissioner Montenegro asked if the interview is done by a three-person panel. Ms. Peralta stated "yes" there is a three-person panel with nine (9) questions, worth up to five (5) points each.

Commissioner Montenegro asked if the nine (9) questions are given to the candidates 15 minutes before the interview to review. Ms. Peralta stated that this is correct.

Commissioner Montenegro asked the profession of the panelist for this interview. Ms. Peralta stated that all the panelists for this interview were Human Services Program Managers.

Motion by Commissioner Montenegro to approve staff's recommendation to deny appellant's requests; seconded by Commissioner McGovern. Motion did not pass:

Commissioner Coleman	**No**
Commissioner McGovern	**Yes**
Commissioner Montenegro	**Yes**
Commissioner Rodriguez-Kennedy	**No**

Motioned by Commissioner McGovern to table (i.e., postpone) this discussion until the next Civil Service Commission meeting as the vote would continue to remain tied at this hearing; seconded by Commissioner Rodriguez-Kennedy. Motion passed with all in favor.

Item has been tabled until the next Commission meeting on November 4, 2024.

EXTENSION OF TEMPORARY APPOINTMENTS

5. Health and Human Services Agency

   a. 13 Office Assistants: **2026-046, 2026-047, 2026-048, 2026-049, 2026-050, 2026-051, 2026-052, 2026-053, 2026-054, 2026-055, 2026-056, 2026-057,** and **2026-058**

   b. 6 Health Information Specialists II: **2026-059, 2026-060, 2026-061, 2026-062, 2026-063,** and **2026-064**

RECOMMENDATION: Ratify Items 5a & 5b

Ratified.

6. Department of Public Works

2 Hydrographic Instrument Technicians: **2026-065** and **2026-066**

RECOMMENDATION: Ratify

Ratified.

INFORMATION

7. **2026-001** withdrawing appeal of a Final Order of Removal and Charges from the Department of Purchasing and Contracting. (Commissioner Rodriguez-Kennedy)

8. **2026-030,** Candidate, withdrawing appeal of his non-selection for the classification of Account Clerk in the Health and Human Services Agency. (Commissioner McGovern)

Items 7 and 8 Approved on Consent.

ADJOURNED: **3:36 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.